

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	<b>PPSSEC-105</b>
<b>DA Number</b>	<b>DA.2020.103</b>
<b>LGA</b>	<b>Burwood</b>
<b>Proposed Development</b>	<b>Six levels of basement carparking, public domain works, a part three storey, part four storey podium building containing a registered club, a variety of food and beverage outlets, commercial premises, function centre and indoor recreation facilities.</b>
<b>Street Address</b>	<b>2 George Street, Burwood</b>
<b>Applicant/Owner</b>	Club Burwood RSL Ltd
<b>Date of DA lodgement</b>	23 October 2020
<b>Number of Submissions</b>	<b>None (0)</b>
<b>Recommendation</b>	<b>Deferred Commencement Approval</b>
<b>Regional Development Criteria (Schedule 6 of SEPP (Planning Systems) 2021)</b>	<b>General Development over \$30M</b>
<b>List of all relevant 4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• Burwood Local Environmental Plan (BLEP) 2012</li> <li>• Burwood Development Control Plan (BDGP) 2013</li> <li>• The likely social, environmental and economic impacts of the development</li> <li>• The suitability of the site for the development</li> <li>• The Public Interest</li> <li>• Submissions made under the Act and Regulations</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<b>Report</b> <b>DA documents uploaded previously through the Portal</b>
<b>Report prepared by</b>	<b>Planning Ingenuity (Consultant Town Planner)</b>
<b>Report date</b>	<b>6 December 2022</b>

### Summary of s4.15 matters

**Yes**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

### Legislative clauses requiring consent authority satisfaction

**Yes**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

*e.g. Clause 4.6(4) of the relevant LEP*

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**Not Applicable**

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

**No**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

**Conditions**

Have draft conditions been provided to the applicant for comment?

**Yes**

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

**(PPSSEC-105) DA.2020.103 – 2 George Street, Burwood – Six levels of basement carparking, public domain works, a part three storey, part four storey podium building containing a registered club, a variety of food and beverage outlets, commercial premises, function centre and indoor recreation facilities.**

REPORT BY: Planning Ingenuity (Consultant Planner)

**Owner:** Club Burwood RSL Ltd  
**Applicant:** Club Burwood RSL Ltd  
**Location:** 2 George Street, Burwood  
**Zoning:** B4 Mixed Use

## **PROPOSAL**

The application is for a detailed development application for six levels of basement carparking, public domain works, a part three storey, part four storey podium building containing a registered club, a variety of food and beverage outlets, commercial premises, function centre and indoor recreation facilities.

## **REGIONAL PLANNING PANEL REFERRAL CRITERIA**

The application is referred to the Regional Planning Panel as the proposal has a capital investment value over \$30 million.

## **LOCALITY**



**Figure 1:** Aerial image of 2 George Street, Burwood (Source: Six Maps).

## **SUBJECT SITE**

The subject site is located within the Burwood Town Centre. The site is bounded by George Street to the north, Shaftesbury Road to the east, Deane Street to the south and Marmaduke Street to the west. The site includes the area of Waimea Street between Shaftesbury Road and Marmaduke Street, as well as the portion of Marmaduke Street directly to the west of the site.

The site is known as 2 George Street, Burwood, and is legally described as Lot 30 in DP1231727. The site is irregular in shape, with street frontages of approximately 123m along George Street, 112m along Shaftesbury Road, 114m along Deane Street, and 98m along Marmaduke Street. It has a total site area of 11,270m<sup>2</sup> (1.127ha). An aerial image of the site is highlighted in **Figure 1** above.

The site slopes towards the northwest, with a cross fall of approximately 5m from the southeast corner to the northwest corner.

A total of 64 trees are located on or directly adjacent to the site. This includes 58 trees located on the site, and 6 trees within nature strips located directly adjacent to the site.

The site currently contains a mixture of detached dwelling houses and two and three storey residential flat buildings (as shown in **Figures 2 to 7** below). The former Burwood Library at 2-4 Marmaduke Street is located in the south-western corner of the site.



**Figure 2** South-eastern corner of the site viewed from Shaftesbury Road and westward along Deane Street





**Figure 3** View westwards through the site along Waimea Street



**Figure 4** North-eastern corner of the site viewed from Shaftsbury Road and westwards along George Street



**Figure 5** North-western corner of the site viewed from the intersection of George and Marmaduke Streets



**Figure 6** View eastwards through the site along Waimea Street





**Figure 7** South-western corner of the site (former Burwood Library) viewed from Deane Street

### **SURROUNDING DEVELOPMENT**

The subject site is located in Burwood Town Centre as shown in **Figure 8** on the following page. Burwood Railway Station is approximately 250m walking distance to the southwest. The site is in close proximity to a variety of established retail facilities within Burwood Town Centre and is within safe, convenient, and mostly level walking distance to these facilities along formed footpaths. Public transport is available by bus and train and the site is within 30 minutes travelling time to Sydney CBD by private and public transport.

The Burwood Town Centre is undergoing significant transformation to taller and more dense built forms under the planning controls introduced with Burwood LEP 2012 and the Burwood DCP.



**Figure 8** Location of subject site within Burwood Town Centre (Source: Burwood DCP)

To the north of the site are a number of medium density residential buildings, and Westfield Burwood further to the north (see **Figures 9 and 10**). This includes No. 9 & 11 George Street which comprises of a two storey pair of Victorian semi-detached houses which are local heritage items (Item No. 156). Nos. 9-15 George Street has been approved on 13 February 2018 (DA.2016.98) for redevelopment for an 18 storey mixed use building over basement parking. The heritage listed buildings will be integrated into the design of the approved development.





**Figure 9** Existing development on the northern side of George Street



**Figure 10** Nos. 9 and 11 George Street located to the north of the site

To the east of the site on the opposite side of Shaftesbury Road are a number of low density residential uses that are located outside the Burwood Town Centre (see **Figure 11**).





**Figure 11** Low density residential development on the eastern side of Shaftsbury Road

To the south is the railway reservation (see **Figure 12**).



**Figure 12** View towards railway reservation and high density development on Railway Parade in the background

To the west is Burwood Railway Station and Burwood Town Centre, including shop top housing fronting Burwood Road and a number of large scale commercial and residential developments.



This includes a new development 23 storey mixed use development at Nos. 1-3 Marmaduke Street and 7 Deane Street (DA.136.2012), which is currently under construction (see **Figure 13**).



**Figure 13** Existing development at Nos. 1-3 Marmaduke Street and 7 Deane Street

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

The proposal seeks detailed consent for a development described as “*six levels of basement carparking, public domain works, a part three storey, part four storey podium building containing a registered club, a variety of food and beverage outlets, commercial premises, function centre and indoor recreation facilities*”.

The subject application follows approval granted for the site (**DA2017.85**) by the Sydney Eastern City Planning Panel on 25 February 2019 for a development described as “*Concept approval for a building envelope to facilitate a mixed use building comprising registered club, hotel accommodation, commercial premises, entertainment facilities, function centre and indoor recreation facility with basement parking for up to 1,250 car spaces*”.

DA2017.85 is currently the subject of a modification proposal (**DA2017.85.1**), which has been submitted concurrently with the subject application seeks to make amendments to the approved building envelope for the site following the acquisition of new land in the southeast corner of the site. The proposed modification includes the following changes:

- Amend the approved club building podium building envelope to reflect the new site area;
- Amend the approved orientation and height of the building envelope for the hotel tower above the podium with a maximum height of 96 metres (RL 119.00);
- Increase the maximum approved GFA on site from 37,173m<sup>2</sup> to 43,245m<sup>2</sup>; and
- Amend the location of traffic movements around the site and vehicle access points, by:



- Widening of Deane Street to enable two-way traffic between Shaftesbury Road and Marmaduke Street;
- Relocating the porte cochere and raised pedestrian zone to the corner of Marmaduke and Deane Streets; and
- Providing basement access via Shaftesbury Road and Deane Street.

The subject detailed DA relies on the amended building envelope under the proposed modification (DA2017.85.1) and therefore both applications are to be assessed and determined concurrently.

### Club Building DA

The subject detailed application proposes works to the “Club Building” as approved by modified Concept DA (DA2017.85.1), containing the podium level, basement levels, and associated public domain works.

In particular, the DA proposes the following:

- Demolition of all buildings and existing structures within the site;
- Removal of 64 nominated trees on or adjacent to the site;
- Construction of a part three-storey, part four storey building with variable setbacks to the boundaries of the site. Due to the slope of the site, the podium presents as three storeys to Shaftesbury Road, George and Deane Streets and four storeys to Marmaduke Street;
- Installation of skylights and photovoltaic cells to the podium roof;
- Landscaping works to the eastern side of the podium roof;
- Interim works to the western side of the podium roof to be replaced with final treatment and finishes on completion of the Hotel Tower (consent for the Hotel Tower to be obtained by a separate DA);
- Signage zones to all elevations;
- Six levels of basement carparking accessed via Shaftesbury Road and Deane Street and providing parking for 1,250 cars. Loading dock access is from Marmaduke Street;
- Public domain works including:
  - Removal of the existing pedestrian crossing on Shaftesbury Road and traffic calming devices in George and Deane Streets;
  - The partial widening of George Street and Shaftesbury Road;
  - Widening of Deane Street to accommodate two-way traffic between Shaftesbury Road and Marmaduke Street;
  - Intersection upgrades at the corner of Deane Street and Shaftesbury Avenue;
  - Construction of a pedestrian shared zone at the intersection of Deane and Marmaduke Streets;
  - Installation of a traffic control signal at the George Street and Shaftesbury Road intersection; and
  - New footpaths, seating, landscaping and public domain works around the site.
- Provision within the Club Building structure and roof to enable future construction of the Hotel Tower with car parking spaces and waste management areas within the basement allocated for the Club and Hotel uses, and provision of space for hotel lobby and lift shafts; and
- Land uses, including registered club, a variety of food and beverage outlets, commercial premises, function centre, indoor recreation facilities, microbrewery, and future hotel lobby.

Photomontages of the proposed podium level are provided at **Figures 14 to 20** below.



**Figure 14** Photomontage of proposed Shaftsbury Road elevation



**Figure 15** Photomontage of proposed corner on intersection of Shaftsbury Road and Deane Street



**Figure 16** Photomontage of proposed George Street elevation



**Figure 17** Photomontage of proposed corner on intersection of George Street and Marmaduke Street





**Figure 18** Photomontage of proposed Deane Street elevation



**Figure 19** Photomontage of proposed corner on intersection of Deane Street and Marmaduke Street



**Figure 20** Photomontage of proposed finish to Deane Street façade at street level

In summary, the development consists of:

Element	Total
Podium Height	16.9m-22.3m (excluding rooftop structures)
Gross Floor Area	28,136m <sup>2</sup>
Floor Space Ratio	2.5:1 (entire site)
Car Parking (1,250 spaces): <ul style="list-style-type: none"> <li>Club Building Patrons</li> <li>Club Buildings Staff</li> <li>Hotel (future use)</li> <li>Car Wash</li> <li>Car Share</li> </ul>	XX spaces XX spaces XX spaces XX spaces XX spaces
Accessible Car Parking (XX spaces): <ul style="list-style-type: none"> <li>Club Building Patrons</li> <li>Club Buildings Staff</li> <li>Hotel (future use)</li> <li>Car Wash</li> <li>Car Share</li> </ul>	XX spaces XX spaces XX spaces XX spaces XX spaces
Bicycle Parking (XX spaces): <ul style="list-style-type: none"> <li>Staff</li> <li>Visitor</li> <li>Hotel (future use)</li> </ul>	XX spaces XX spaces XX spaces

#### Voluntary Planning Agreement (VPA)

The proposal includes a public benefit offer through the form of a draft VPA which would provide material contributions to Council as public benefits with a total value of \$15,397,172. The public benefits are split into two categories. Those which would be provided by the Applicant as a public benefit and those which would be provided as works in kind by the Applicant and offset against Section 7.12 local infrastructure contributions.

The draft VPA has been placed on public exhibition between 5 August and 5 September 2022 and the terms of the draft VPA were endorsed by Council at a Meeting held on 27 September 2022. These terms include:

1. Construction of new portions of road in George Street and Shaftesbury Road
2. Dedication of land to Council totalling 391sqm for the purposes of new portions of public road in George Street and Shaftesbury Road
3. Construction of new portions of road on land fronting Marmaduke, George and Deane Streets
4. Dedication of land to Council totalling 154sqm fronting Marmaduke Street, 109sqm fronting George Street and 375sqm fronting Deane Street Burwood for the purposes of new portions of public road
5. Dedication of Marmaduke Street land to Council (subject to an easement for encroaching above ground level mechanical exhaust and an easement for bus parking) totalling 589sqm for the purposes of a public road
6. Installation of Multi-Function Light Poles on street frontages in the locations as detailed in the VPA
7. Installation of traffic control signals and associated road works at the corner of George Street and Shaftesbury Road Burwood
8. Resurfacing portions of George Street, Deane Street, Deane Street Pedestrian Zone, Marmaduke Street and Shaftesbury Road
9. Delivery of public domain works to all frontages comprising of footpath paving as detailed in the VPA
10. Installation of public art comprising of a water wall feature on Shaftesbury Road, a standalone sculpture on George Street and a suspended entry sculpture at Porte Cochere

#### Operational Details

A Plan of Management has been submitted with the application and outlines the proposed operational procedures for the Club Building, including opening hours for various parts of the building. It is noted that the development is estimated to support 300 staff in part- and full-time positions.

As illustrated in the architectural plans, the maximum capacity of the Club Building will be 6,214 persons.

The proposed hours of operation for the internal areas of the Club Building are as follows:



Function	Trading hours
Security personnel	24/7
Indoor Sports	9am-Midnight
Deane Street Café	6am-4pm
Shaftesbury Road Café	7am-10pm
Level 1 Bar	9am-4am
L1 Club Food Outlets	11am-1am
L1 Entertainment	11am-1am
Sports Viewing Bar	10am-4am (24/7 to cover major international sporting event)
Gaming	10am-4am
Gymnasium	24/7
Level 2 Buffet	6am-10.30pm
L2 Restaurants	11am- 11pm
Theatre	7am-1am
Level 3 Events	6am-1am
Showroom	7am-1am
Level 4 Restaurant	11am -10.30pm
L4 Café and Bar	7am-11pm (may be later on special events, such as New Year's Eve, Chinese New Year)

**Figure 21** Proposed internal operational hours

Proposed operational hours and maximum capacity of outdoor dining areas are provided below:

Outdoor Area	Operation Hours	Number of Patrons
L0 Café (Deane St)	6:00am to 4:00pm	20
L1 Café (Shaftesbury Rd)	7:00am to 10:00pm	40
L1 Food Outdoor Area (George St)	10:00am to 11:00pm	65
L2 Buffet Outdoor Dining (George St)	7:00am to 10:30pm	90
L2 Restaurant Outdoor Dining (George St)	11:00am to 11:00pm	80
L4 outdoor café / BBQ / Food Truck (George St)	7:00am to 11:00pm	200

**Figure 22** Proposed operation of outdoor dining areas

Proposed operational hours and maximum capacity of outdoor smoking areas is provided below:

Outdoor Area	Operation Hours	Number of Patrons
L1 George Street Smokers Terrace	10am-11pm	12
L1 Shaftesbury Road Smokers Terrace	10am-1am	10
L2 Marmaduke Smokers Terrace	8:30am-10:30pm	4
L2 Shaftesbury Road Smokers terrace	8am-11pm	10
L2 Deane Street Smokers Terrace	7am-1am	12
L2 Deane Street Club Employees Smokers Terrace	24 Hours	4
L3 Deane Street Smokers Terrace (x2)	7am-1am	15
L3 Shaftesbury Road Smoker Terrace	7am-12am	10

**Figure 23** Proposed operation of outdoor smoking areas

## **SITE HISTORY**

The following development application history is relevant to the subject application:

- **DA.2017.85** – approval granted by the Sydney Eastern City Planning Panel on 25 February 2019 for a development described as “*Concept approval for a building envelope to facilitate a mixed use building comprising registered club, hotel accommodation, commercial premises, entertainment facilities, function centre and indoor recreation facility with basement parking for up to 1,250 car spaces*”.

Several Pre-Development Application meetings were also held between the applicant and Council in 2020, prior to lodgement of the application.

## **APPLICATION HISTORY**

- Development Application was lodged with Council on 23 October 2020;
- The application underwent public exhibition from 10 November 2020 until 4 December 2020;
- The application was referred to the following internal Council departments and external referrals on 16 November 2020:
  - Development Engineer;
  - Environmental Health;
  - Traffic Engineer;
  - Heritage Advisor;
  - Tree Management Officer;
  - Strategic Planner;
  - Public Art;
  - Water NSW;
  - Sydney Trains;
  - Ausgrid; and
  - Transport for NSW (formerly RMS).
- The application was referred to GMU Urban Design & Architects to undertake a peer review of the proposed development on 16 November 2020;
- Additional information letter sent to applicant on 8 March 2021 raising the following matters:
  - Urban design review comments;
  - Planning issues relating to Building Height Plane, podium height, building setbacks and articulation, and awnings;
  - Traffic comments;
  - Heritage comments;
  - Public art comments;
  - Sydney Train comments; and
  - Public benefit offer comments.
- On 23 March 2021, a briefing meeting was held with the Sydney Eastern City Planning Panel who generally concurred with the issues raised in the additional information letter;
- On 23 April 2021 a meeting was held with applicant and Council to discuss issues outlined in the abovementioned RFI;
- Amended DA documentation was lodged with Council on 20 May 2021. The amended documentation sought to address the issues outlined in the RFI letter and following discussions in the subsequent meeting between the applicant and Council. Due to the minor nature of the proposed amendments, no re-notification was required.
- On 16 June 2021 comments were received from GMU relating to the amended plans;
- On 21 October 2021, further clarification was sought in relation to the concept building envelope plans, with particular regard to the proposed podium height;
- Amended concept plans were submitted to Council on 18 November 2021. These plans form the basis for this report. Additional heritage consultant comments were also received on 26 November 2021;

- On 11 January 2022 an objection was received from TfNSW; and
- On 18 November 2022, final comments were received from TfNSW removing their objection to the proposal subject to conditions of consent.

## **STATUTORY PLANNING FRAMEWORK**

### **Concept Approval**

Concept proposal (**DA2017.85**) was granted approval on 25 February 2019 pursuant to Division 4.4 of the Environmental Planning and Assessment Act 1979. Section 4.24 of the Act states:

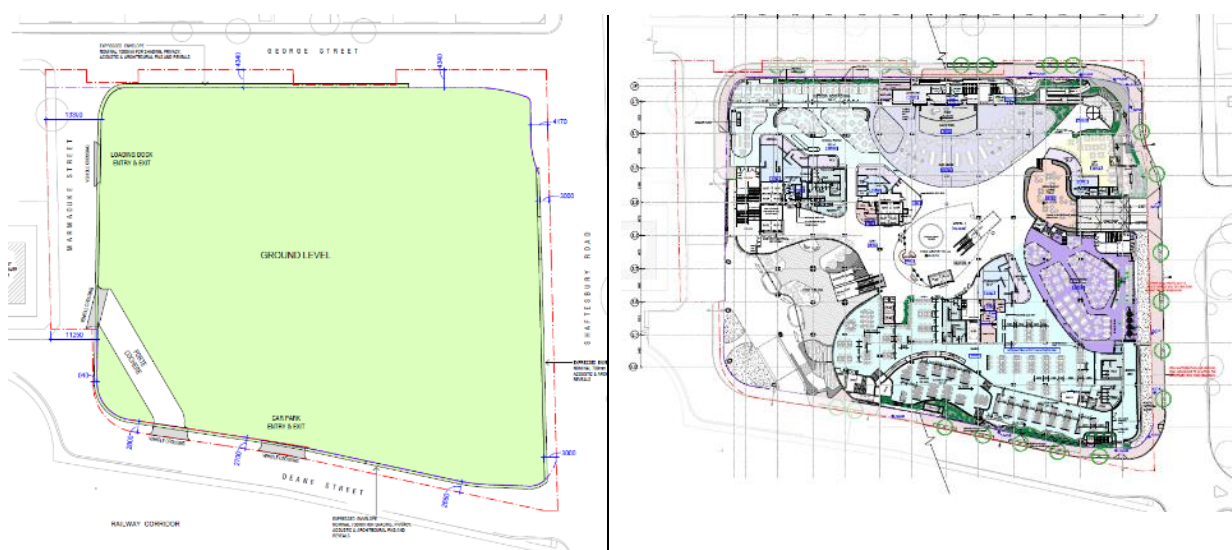
*“(2) While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.*

*(3) Subsection (2) does not prevent the modification in accordance with this Act of a consent granted on the determination of a concept development application.”*

As stated previously, a modification (**DA2017.85.1**) to the approved concept proposal was submitted and is being assessed concurrently with this subject development application. The modification has been recommended for approval, subject to conditions of consent. Therefore, pursuant to Section 4.24(2) of the Act, any further development application must be generally consistent with the terms of the approval of the concept proposal; and the terms of the concept proposal prevail over any environmental planning instrument (for example Burwood LEP 2012) and any development control plan (DCP) in the event of any inconsistency.

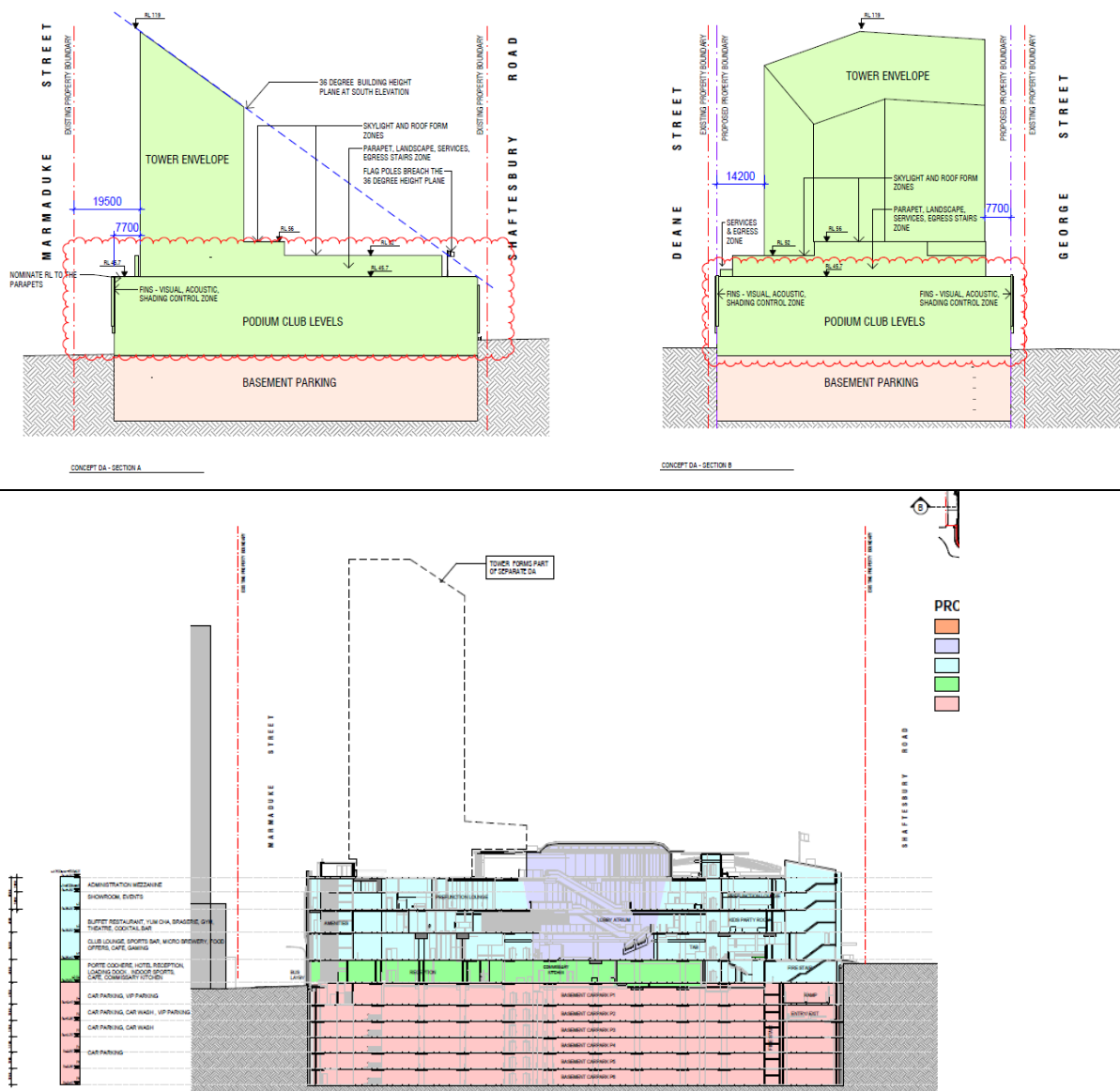
The fundamental guidance for assessment of the subject development application is consistency with the modified concept proposal.

The building layout, setbacks and heights are generally consistent with the modified concept proposal building envelope as outlined in **Figures 24 to 25** below.



**Figure 24** Modified concept and proposed building footprint





**Figure 25** Modified concept (top) and proposed building section (bottom)

Furthermore, the development application has been assessed as being consistent with the modified conditions of consent for the concept proposal.

Conditions	Comment
(1) APPROVED DEVELOPMENT	The DA is generally consistent with modified concept drawings.
(2) APPROVAL FOR CONCEPT DEVELOPMENT APPLICATION	The DA includes details of: (a) <i>Public Domain works along Deane Street, Marmaduke Street, Shaftesbury Road or George Street;</i> (b) <i>the precise quantum of floor space;</i> (c) <i>any demolition, construction, refurbishment and/or excavation,</i> as required by the modified concept proposal. Details of (f) <i>the layout and number of hotel rooms</i> will be dealt with under a separate DA to be submitted in the future.
(3) BUILDING ENVELOPES	The DA is consistent with the modified building envelopes under the modified concept proposal.

Conditions	Comment
(4) FLOOR SPACE RATIO	GFA plans are provided as part of the DA and include the precise FSR figure for the development – 28,136m <sup>2</sup> . This is broken down as 11,751m <sup>2</sup> (FSR – 2.36:1) in Zone “V” and 16,385m <sup>2</sup> (FSR – 2.6:1) in Zone “Y”.
(5) URBAN DESIGN PRINCIPLES	The Urban Design Principles have been addressed by the applicant (refer to discussion in the LEP section of this report).
(6) CONTAMINATION	A Detailed Site Investigation has been provided (refer to discussion further below in this report).
(7) PUBLIC DOMAIN PLAN	A Public Domain Plan has been provided with the DA.
(8) SYDNEY TRAINS	Various documents have been submitted to address this condition and Sydney Trains have been referred to as part of this assessment and raise no objection to the DA, subject to conditions (refer to response in “Consultation” section of this report).
(9) WATER NSW	The development is Integrated pursuant to the <i>Water Management Act</i> 2000. Water NSW have been referred to as part of this assessment and raise no objection to the DA, subject to conditions (refer to response in “Consultation” section of this report).
(10) LANDSCAPE PLAN	A detailed Landscape Plan has been submitted with the DA.
(11) HERITAGE	An updated Heritage Impact Statement and Heritage Interpretation Plan has been submitted with the DA.
(12) ACOUSTIC ASSESSMENT	An Acoustic Assessment has been submitted with the DA.
(13) WASTE MANAGEMENT	A Waste Management Plan has been submitted with the DA.

Further to the above, 7 urban design principles relating to the Podium/Street Wall Design were outlined as an Advisory Note under the modified concept approval. These principles have been addressed in the Architectural Design Statement prepared by Buchan. GMU have reviewed the amended design of the development and raised no objections relating to consistency with the urban design principles.

#### Section 4.15 Assessment

Further to demonstrating consistency with the modified concept proposal, the application requires assessment under the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

Several Statement Environmental Planning Policies (SEPPs) came into force in November 2021 and March 2022, which consolidated and repealed 45 SEPPs into 11 policies. However, as the subject application was lodged with Council prior to the implementation of these consolidated SEPPs, the savings and transitional provisions pursuant to Sections 5(6) and 30(2)(d) of the *Interpretation Act 1987* apply. These provisions mean that the repealed SEPPs remain applicable to the proposed development.

Therefore, in accordance with Section 4.15 of the EP&A Act, the application is assessed against the following:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- Burwood Local Environmental Plan (LEP) 2012
- Burwood Development Control Plan (DCP) 2013

- The likely social, environmental and economic impacts of the development
- The suitability of the site for the development
- The Public Interest
- Submissions made under the Act and Regulations

These matters are considered in this report.

### **STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021**

At the time of lodgement, the State and Regional Development SEPP 2007 was the relevant planning instrument. As of 1 March 2022, the Planning Systems SEPP 2021 is now the relevant SEPP. The proposal is development nominated in Part 4 of this Policy, being development that has a capital investment value exceeding \$30 million. As such, in accordance with Clause 20 of the SEPP and Section 2.15 of the Environmental Planning & Assessment Act, 1979 (EP&A Act), the proposed development must but determined by the Sydney Eastern City Planning Panel.

### **STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021**

At the time of lodgement, the Sydney Harbour Catchment Regional Environmental Plan 2005 and the Vegetation in Non-rural Areas SEPP 2017 were the relevant planning instrument. As of 1 March 2022, the Biodiversity and Conservation SEPP 2021 consolidates the previous plans and is now the relevant SEPP.

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of Chapter 6 in the above SEPP. Accordingly, the Sydney Harbour Catchment Planning Principles must be considered in the carrying out of development within the catchment.

The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development. The proposed development is consistent with the controls contained with the deemed SEPP.

Chapter 2 of the Biodiversity and Conservation SEPP 2021 works together with the Biodiversity Conservation Act 2016 and the Local Land Services Amendment Act 2016 to create a framework for the regulation of clearing of native vegetation in NSW.

A total of 64 trees are located on or directly adjacent to the site (see **Figure 26**). This includes 58 trees located on the site, and 6 trees within nature strips located directly adjacent to the site. Of these trees, 27 trees are identified as being of moderate to high retention value in the accompanying Arboricultural Impact Assessment prepared by Australis Tree Management.





Figure 26 Tree location plan

The proposal seeks consent for the removal of all 64 trees to accommodate the proposed development and public domain works, including road widening. To mitigate the loss of the trees on site, a landscaped concept plan has been submitted with the application. The proposed landscaping will include planting at street level (including street tree planting) as well as interim landscaping at podium roof level.

Council's Tree Management Officer has reviewed the Public Domain Plans and Landscape Plans prepared by Turf Design Studio and the Arboricultural Report prepared by Australis and has raised no objection to the proposed tree removal, subject to recommended conditions requiring the implementation of landscaping in accordance with the submitted Landscape Plans.

Given the above, the proposal is considered to satisfy the provisions of the SEPP.

#### **STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021**

At the time of lodgement SEPP No. 55 was the relevant planning instrument. As of 1 March 2022, the Resilience and Hazards SEPP 2021 is now the relevant SEPP. Chapter 4 of the SEPP provides a framework for the assessment, management and remediation of contaminated land. Clause 4.6(1) of the Policy prevents Council from consenting to development unless:

- a. *It has considered whether the land is contaminated, and*

- b. *If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- c. *If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Pursuant to Condition 6 of the modified concept proposal a Detailed Site (Contamination) Investigation (DSI) report dated September 2020 has been prepared by Douglas Partners and submitted with the application. The DSI concludes that:

*“Based on the scope of works undertaken and the results presented in this DSI, it is considered that significant risks to human health or the environment associated with soil and / or groundwater contamination are unlikely and that no site remediation appears to be required based on the available results.”*

The DSI has been reviewed by Council's Environmental Health officer, who has raised no objections, subject to conditions relating to the safe removal of hazardous building materials and asbestos, as well as processes for dealing with excavated materials and fill on the site. These have been included in conditions of consent.

Accordingly, the development satisfies the requirements of the SEPP.

## **STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021**

At the time of lodgement, the Infrastructure SEPP 2007 was the relevant planning instrument. As of 1 March 2022, the Transport and Infrastructure SEPP 2021 is now the relevant SEPP. The aim of this Policy is to facilitate the effective delivery of infrastructure across the State, including electricity, rail and road infrastructure. The following sections of the SEPP are applicable to the subject development:

### **Division 5, Subdivision 2 Development likely to affect an electricity transmission or distribution network**

Clause 47 of the SEPP requires a consent authority to seek comments from the relevant electricity supply authority about potential safety risks in relation to any DA which affects an electrical transmission or distribution network. An existing electricity substation is located in the south-eastern corner of the site and will be removed as part of the development. A new electricity substation is proposed as part of the DA, located at ground level in the northwest corner of the Club Building.

Ausgrid were referred to as part of the assessment of this application and have raised no objections subject to recommended conditions of consent.

### **Division 15, Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors—notification and other requirements**

Clause 98 of the SEPP applies to certain development adjacent to rail corridors. This includes development involving excavation within 25m (measured horizontally) of a rail corridor.

The proposed development includes excavation of a basement with 6 levels that is within some 25m of the rail corridor located due south of the subject site. As such, the consent authority must give written notice of the application to the rail authority for the rail corridor, who must issue concurrence in respect of the development. Accordingly, Sydney Trains were referred to as part of the assessment of the application and have raised no objections to the development subject to recommended conditions of consent.

### **Division 17, Subdivision 2 Development in or adjacent to road corridors and road reservations**

The proposed development includes a car park with more than 200 parking spaces and is thus identified as traffic generating development pursuant to Schedule 3 of the SEPP. Accordingly, Clause 122 of the SEPP is applicable to the subject development and requires the consent authority to give written notice of the development to and take into account any comments received from Transport for NSW (TfNSW).

TfNSW were referred to as part of the assessment of the application and have raised no objection to the proposal subject to recommended conditions of consent. These include the following requirements:

- Application to be made to TfNSW under section 87 (4) of the *Roads Act 1993* for the traffic control signals to the intersection of George Street and Shaftesbury Road.
- Application to be made to TfNSW under the *Roads Transport Act* for proposed shared zone at the intersection of Deane Street and Marmaduke Street.
- Road Occupancy Licence to be obtained from Transport Management Centre for works that may impact traffic flows on surrounding classified road network during construction.

### **STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021**

At the time of lodgement, the Advertising and Signage SEPP (No. 64) was the relevant planning instrument. As of 1 March 2022, the Industry and Employment SEPP 2021 is now the relevant SEPP. Chapter 3 of the SEPP aims to ensure signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of a high-quality design and finish.

Clause 3.6 of the SEPP specifies that consent cannot be granted to signage unless the consent authority is satisfied that the proposed has been designed to satisfy the provisions of Schedule 5.

The proposed development seeks consent signage zones, which are located on all facades of the building and include club signs, wall static electronic advertising signs, under-awning retail signs, and tenant shopfront display signs.

It is noted that detailed signage will be subject of separate development application, as required by conditions of consent.

The applicant has provided an assessment of the proposed signage zones against the relevant provisions of Schedule 5 in the Industry and Employment SEPP. This assessment has been reviewed and it is considered that the proposed signage zones are acceptable and will not adversely impact the amenity of the locality. The proposed signage is therefore compliant with the requirements of the SEPP.

A full assessment against the SEPP provisions would be undertaken as part of any future detailed application for the signage.

### **BURWOOD LOCAL ENVIRONMENTAL PLAN 2012**


The Burwood Local Environmental Plan 2012 came into effect on 9 November 2012. Burwood LEP 2012 contains a number of controls including some numerical development standards which apply to the proposed development. A summary of the assessment of the application against the relevant planning controls within LEP 2012 is shown in Table 1 below.

**Table 1:** Assessment of the proposed development against Burwood LEP 2012

Clause	Assessment of Proposal	Compliance
<b>2.3 Zone objectives and Land Use Table</b>	The proposed development is best described as a mixed use development which comprises a registered club, commercial premises,	Yes



Clause	Assessment of Proposal	Compliance
B4 Mixed Use	<p>microbrewery (artisan food and drink industry), entertainment facilities, function centre and recreation facilities (indoor). These components are permissible with consent in the B4 zone.</p> <p>The objectives for development in Zone B4 are as follows:</p> <ul style="list-style-type: none"> <li>• “To provide a mixture of compatible land uses; and</li> <li>• To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.”</li> </ul> <p>The proposed development comprises a mixture of compatible land uses within a highly accessible location in Burwood Town Centre. The development is located in close proximity to Burwood Railway Station and will provide recreational and employment opportunities within walking distance of the station and other public transport options.</p>	
<b>4.1 Minimum subdivision lot size</b> <i>Minimum 500 square metres</i>	The proposal will amalgamate existing lots into one lot which will have a site area of 11,270m <sup>2</sup> .	Yes
<b>4.3 Height of Buildings</b> <i>Maximum 30 (east) metres and 60 metres (west)</i>	<p>The proposed Club Building will have a maximum height of between 16.9m-22.3m (excluding rooftop structures) and 28m to the top of the highest rooftop structure.</p>	Yes
<b>4.3A Building Height Plane</b> <i>Height is not to exceed the building height plane in “Area A”.</i> <i>BHP projects west from a starting height of 1m from the eastern side of Shaftesbury Road at 36 degrees across the site.</i>	<p>The site is located within “Area A” and therefore, Clause 4.3A applies to the development.</p> <p>The development complies with Clause 4.3A Building Height Plane.</p>	Yes
<b>4.4 Floor space ratio</b> <i>Maximum 3:1 (east) and 4.5:1 (west)</i>	<p>Based on the consolidated site area of 11,280m<sup>2</sup> a maximum of 43,245m<sup>2</sup> GFA is permitted across the site.</p> <p>The Club Building (excluding the hotel) proposes 28,136m<sup>2</sup> of GFA across the entire site area, providing an FSR of 2.5:1.</p>	Yes

Clause	Assessment of Proposal	Compliance
	<p>Due to the split FSR prescribed to the site, the proposal provides the following:</p> <ul style="list-style-type: none"> <li>• Eastern part – 11,751m<sup>2</sup> (2.36:1)</li> <li>• Western part – 16,385m<sup>2</sup> (2.6:1)</li> </ul>	
<p><b>5.1 Relevant acquisition authority</b></p> <p>Land reserved to be acquired for public purposes</p> 	<p>Land adjacent to George Street and Shaftesbury Road is identified as land to be acquired for the purposes of roads. The proposed development has been setback to facilitate the acquisition of this land. The applicant has indicated their intent to dedicate this land to Council as part of the DA, which will be secured by conditions of consent/VPA.</p>	Yes
<p><b>5.10 Heritage Conservation</b></p> <p>Various requirements for development of heritage items, heritage conservation area, or within the vicinity of heritage items.</p>	<p>The subject site does not contain a heritage item nor is it located within a heritage conservation area. However, the site is within the vicinity and visual catchment of items of environmental heritage, being:</p> <ul style="list-style-type: none"> <li>• Burwood Railway Station Group ("I68") - state heritage item; and</li> <li>• A pair of two terrace houses at Nos. 9 &amp; 11 George Street ("I56") – local heritage item.</li> </ul> <p>Pursuant to Condition 11 of the modified concept proposal, a Heritage Impact Statement (HIS), Heritage Interpretation Plan (HIP) and Archival Record (pertaining to the former Burwood Library) have been prepared by Urbis and submitted with the DA.</p> <p>Council's Heritage Advisor has reviewed the documentation and has found the proposal to be acceptable in respect of its impact on nearby heritage assets. Whilst it had been sought to further articulate the George Street façade to better protect the significance of the ornate Victorian terraces within the streetscape, it is acknowledged that the visual separation provided to these terraces to provide some visual relief from the façade. Accordingly, the proposed development is acceptable in respect of Clause 5.10.</p>	Yes
<p><b>6.1 Acid Sulfate Soils</b></p> <p>Various requirements depending on ASS class</p>	<p>The site is identified as Class 5 Acid Sulfate Soils. The subject site is not located within 500m of Class 1, 2, 3 and 4 land. Given the levels of the proposed basement are well above 0m AHD (approximately RL 3.15 AHD proposed for Basement Level 6), the water table is unlikely to be lowered.</p>	Yes

Clause	Assessment of Proposal	Compliance
	Further, the submitted Geotechnical Report state that the "1:25 000 Acid Sulfate Soils (ASS) Risk Map indicates that the site is located within an area of no known occurrence of ASS. The nearest mapped possible occurrence of ASS is over 800 m from the site, north of Parramatta Road".  Accordingly, an Acid Sulfate Soils Management Plan is not required.	
<b>6.3 Active Street Frontages</b>	N/A – The subject site is not identified as requiring an Active Street Frontage.	N/A
<b>6.5 Design Excellence in B2 and B4</b>	An Architectural Design Statement has been prepared by Buchan and addresses the design response of the proposed development. Refer to discussion below this table.	Yes

#### Clause 6.5 Design Excellence in Zones B2 and B4

Clause 6.5 of BLEP 2012 applies to the erection of a new building of 3 or more storeys on land in Zone B2 Local Centre or Zone B4 Mixed Use and the objective of the clause is to deliver the highest standard of architectural, landscape and urban design. Clause 6.5(3) provides:

*"(3) Development consent must not be granted for development to which this clause applies unless the consent authority is satisfied that the development exhibits design excellence."*

And subclause (4) sets out the matters which the consent authority must have regard to in deciding whether the development exhibits design excellence. These matters and a response are set out on the table below.

**Table 2: Design Excellence Provisions**

Clause	Response	Complies
a) whether a high standard of architectural, landscape and urban design has been achieved (including in the materials used and in detailing appropriate to the location, building type and surrounding buildings)	The proposal has been assessed by GMU and after undergoing several redesign iterations, the final plans have been found to achieve a high standard of urban design. Detailed landscape design will be secured by conditions of consent.	Yes
(b) whether the form and external appearance of the proposed building, and ground level detailing, will significantly improve the quality and amenity of the public domain,	The proposed development provides a form and external appearance which improves the quality and amenity of the surrounding public domain and the wider Burwood Town Centre.	Yes
(c) how any streetscape and heritage issues have been addressed,	The proposed development will provide an activated streetscape to all four frontages. Heritage issues are deemed to be appropriate as discussed in relation to Clause 5.10 of the BLEP 2012.	Yes
(d) whether the amenity of the surrounding area, including any view corridors, vistas or landmark locations, will be adversely affected,	The amenity of the surrounding area is not adversely affected by the proposed building. The proposal provides a superior urban design outcome and will not prejudice any view corridors, vistas or landmark locations.	Yes
(e) how traffic circulation and vehicular access will be addressed and whether the proposed development supports the provision of high quality pedestrian, cycle and service access,	The proposed vehicle accesses are provided in the most efficient location and enables pedestrian movements to be maintained on all other frontages.	Yes



Clause	Response	Complies
	A porte-cochere is proposed along the Deane Street / Marmaduke Street. Coaches are able to access this porte-cochere. Traffic signalling is proposed to the intersection of George Street and Shaftesbury Road, as well as a shared zone to the intersection of Deane Street and Marmaduke Street. This will enhance the pedestrian environment surrounding the site.	
(f) whether any adverse effect on pedestrian movement and experience will be avoided (and whether the public transport interchange as the focal point for pedestrian movement in the surrounding area will be reinforced and the ease of pedestrian access to and from that interchange will be facilitated),	The site is located within 250m walking distance from Burwood Train Station. The proposed development allows for widening of footpaths to Marmaduke Street, Deane Street and George Street. Public domain landscaping proposed illustrates that the surrounding public domain will be significantly enhanced by the proposal.	Yes
(g) whether the development supports an integrated land use mix in Zones B2 and B4, including a diversity of public open spaces at the ground level, as well as the roof and other levels of buildings,	The proposal supports a mix of hotel, retail and entertainment facilities. Street and rooftop activation is provided as part of the proposal.	Yes
(h) how the bulk, mass, modulation, separation, setback and height of buildings have been addressed and whether they are appropriate in the context of existing and proposed buildings,	As discussed throughout the report, the maximum height of the proposed building is appropriate in its context in relation to urban design requirements (scale, setbacks and modulation). Design principles have been adhered to as part of the application.	Yes
(i) whether a high standard of ecologically sustainable design (including low-energy or passive design) will be achieved and overshadowing, wind effects and reflectivity will be minimised.	The application is supported by an ESD Report, which outlines the sustainable design initiatives that will be incorporated into the development. These will be secured by conditions of consent.  In relation to overshadowing, the proposed development maintains a compliant level of solar access to surrounding residential properties in accordance with the Burwood DCP 2012. The overshadowing caused by the proposed development is predominantly over the Burwood Railway Station and surrounding roads.	Yes

### **BURWOOD DEVELOPMENT CONTROL PLAN 2013**

The Burwood Development Control Plan 2013 (BDCP) applies to the proposed development. A summary of the assessment of the application against the relevant planning controls and objectives within BDCP is shown in Table 3 below.

**Table 3: Assessment of the proposed development against Burwood DCP 2013**

Provision	Assessment of Proposal	Compliance
<b>Part 2 Site and Environmental Planning</b>		
<b>2.2 General Site Analysis</b> <ul style="list-style-type: none"> <li>To be provided with a Development Application.</li> </ul>	A site analysis has been prepared by Buchanan and accompanies the application.	Yes
<b>2.3 Views and Vistas</b> <ul style="list-style-type: none"> <li>Development applications must identify existing views and vistas significant to the proposal, assess the impacts of the development</li> </ul>	The proposed development adopts appropriate front, rear and side setbacks. The scale of the proposal is reasonably expected in light of the modified concept approval and the controls that apply to the site. As	Yes

Provision	Assessment of Proposal	Compliance
<p>and demonstrate how significant views and vistas area to be protected and enhanced;</p> <ul style="list-style-type: none"> <li>▪ Developments must have particular regard to high quality and priority views and vistas identified in other parts of this DCP, e.g. in relation to heritage items and heritage conservation areas.</li> </ul>	<p>such, it is not considered that the development will give rise to any unacceptable view impacts on adjoining properties or nearby public spaces.</p> <p>In terms of priority views, as set out in the HIS, the proposed development will not prejudice the setting of heritage items in the vicinity, including the setting of Burwood Railway Station Group and Nos. 7 &amp; 9 George Street.</p>	
<p><b>2.4 Streetscapes</b></p> <ul style="list-style-type: none"> <li>▪ Development Applications must identify streetscape characteristics, assess the impacts of the development and demonstrate how significant streetscape qualities are to be protected and enhanced;</li> <li>▪ Development Applications must demonstrate how building design, location and landscaping will encourage the protection and enhancements of streetscape;</li> <li>▪ Development must have particular regard to high quality streetscapes identified in other parts of this DCP e.g. in relation to heritage items and conservation areas</li> </ul>	<p>The appearance of the proposed building is considered to be compatible with the emerging character of the streetscape and wider Burwood Town Centre Precinct.</p> <p>The development includes extensive enhancement of the public domain surrounding the site, including the provision of landscaping and street trees.</p> <p>The development will not adversely impact on the setting of nearby heritage items, as discussed in the LEP compliance table above.</p>	Yes
<b>Part 3 Development in Centres and Corridors</b>		
<p><b>3.2.1 Building Design</b></p> <p>O1 To ensure that new buildings:</p> <ul style="list-style-type: none"> <li>▪ Represent architectural and urban design excellence.</li> <li>▪ Provide cohesive and visually interesting building appearance.</li> <li>▪ Respond to surrounding notable buildings and enhances the streetscape.</li> <li>▪ Integrate roof design with the building character and enhances the skyline.</li> <li>▪ Encourage rooftop gardens and planting on structures that enhance the quality and amenity of open space.</li> </ul>	<p>The proposal provides a cohesive and visually interesting building appearance that orientates to all street frontages with curved edges to accentuate the corners. The development engages with public realm and is activated on all elevations with windows, shopfronts, and entries. Main entries to the building are clearly legible. Building services, including substation and OSD integrated into design.</p> <p>The podium is articulated through a combination of varying materials, setbacks, vertical elements, landscaping, seating areas, signage, and public artwork and water features</p> <p>Extensive landscaping is proposed at podium level and street level to soften the appearance of the building and enhance the public domain.</p>	Yes
<p><b>3.2.2 Materials and Finishes</b></p> <p>O1 To ensure that the use of superior quality external materials and finishes:</p> <ul style="list-style-type: none"> <li>▪ Contributes to architectural and urban design excellence.</li> </ul>	<p>The proposed materials, modulation and façade design, ensure the street elevations are well articulated and will have a positive visual impact on the streetscape and is compatible with the character</p>	Yes

Provision	Assessment of Proposal	Compliance
<ul style="list-style-type: none"> <li>Provides cohesive and visually interesting building appearance.</li> <li>Responds to surrounding notable buildings and enhances the streetscape.</li> <li>Provides longevity in external materials and finishes that are of superior quality.</li> </ul>	<p>of development envisaged in the Burwood Town Centre.</p> <p>The podium utilises a combination of masonry brickwork, stone, treated concrete, metal screening and louvres, and glazing. Overall, the materiality is compatible with the character existing and emerging buildings in Burwood Town Centre and will respect the heritage significance of nearby heritage items.</p>	
<p><b>3.2.3 Lighting and Signage</b></p> <p>O1 To ensure that that building lighting and signage:</p> <ul style="list-style-type: none"> <li>Contribute to architectural and urban design excellence.</li> <li>Provide cohesive and visually interesting building appearance.</li> </ul>	<p>A condition of consent is recommended specifying details of lighting to be provided to ensure consistency with the relevant BDCP provisions, including for public domain lighting.</p> <p>Signage zones are proposed, with further detailed signage design required as part of separate future applications.</p>	Yes, subject to condition.
<p><b>3.2.4 Street-Front Activities and Building Access</b></p> <p>O1 To encourage pedestrian safety, visual interest and activity at street level.</p> <p>O2 To promote street front activities, especially along streets of high pedestrian use.</p> <p>O3 To create building entrances that are safe and contribute positively to the streetscape and building façade design.</p> <p>P1 Where, as a result of the nature of the development, there are specific security requirements, security measures must form an integral part of the building design. Roller shutters are not permitted but retractable open security grilles may be considered.</p> <p>P2 Ground floor level development must:</p> <ul style="list-style-type: none"> <li>Promote quality non-residential activities in accordance with the zone.</li> <li>Minimise the number of service doors.</li> <li>Encourage visual interest on service doors with displays etc.</li> <li>Provide access points to and from the public domain at not more than 20 metre intervals.</li> <li>Provide at-grade access at entry points.</li> <li>Incorporate visually interesting streetscape frontages at ground level with attractive entries, clear</li> </ul>	<p>The proposal includes activation of all street frontages through the use of windows, entries and shopfronts. This will enhance passive surveillance around the site. All main entries to the building are clear and legible.</p> <p>Footpath widening, landscaping and public domain improvements proposed will enhance the safety and visual quality of the public domain surrounding the site.</p> <p>No roller shutters are proposed.</p> <p>The amended proposal includes additional activation to George Street through the use of small retail tenancy shopfronts.</p> <p>The southeast corner of the development includes well-designed landscaping details to soften this elevation and adequately screen smoking and poker machine areas within the building. The screening will still allow filtered views out towards the street to ensure that Deane Street is still activated at street level, in addition to activation from windows above street level.</p> <p>A range of features have been incorporated into the façade design to provide articulation and visual</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>



Provision	Assessment of Proposal	Compliance
glazed windows and window displays, artworks, articulated architecture and facade modulation.	interest. This includes landscaping, varying materiality and architectural detailing.	
P3 Separate and clearly identifiable entrances must be provided from the street for pedestrians and cars, and different uses (residential and non-residential).	The proposal includes various accesses for pedestrian and cars. These are legible and clearly separated from one another.	Yes
P4 Building entrances must have a direct physical and visual connection with the street.	All main building entrances have a direct connection to the street.	Yes
P5 Residential component of any development must have a clear street address and a separate entry.	N/A	N/A
P6 Outdoor dining is generally encouraged on the footpath of commercially active street frontages, subject to compliance with Council's Outdoor Eating Area Policy.	Outdoor dining is proposed to the Shaftesbury Road frontage and is consistent with Council's Outdoor Eating Area Policy.	Yes
P7 All commercial components must have a clear street address.	Small retail tenancies proposed within the building will have a clear street address.	Yes
P8 All mail box and postal facilities shall be incorporated into the building in accordance with the requirements of Australia Post. Mail boxes shall be sited and designed for attractive visual appearance and function, as well as to complement the architecture and environs.	This can be secured by conditions of consent.	Yes
P9 A locking device shall be installed to all mailboxes.	This can be secured by conditions of consent.	Yes
P10 Where the residential building has a zero or 3 metre front setback, the mailboxes shall be integrated into the front wall such that residents collect mail from a secured internal foyer. Please refer to Figures 1(a) and 1 (b).	N/A	N/A
P11 CCTV cameras shall be installed over any entrance points (including car parking entrance) for residential flat		

Provision	Assessment of Proposal	Compliance
buildings and major developments. The CCTV system shall provide a quality image that can assist with the detection of crime and be used by the NSW Police in any investigation (preferably a quality digital system). CCTV system footage shall be retained for a period of no less than fourteen days and be available upon request by the NSW Police when required.	This can be secured by conditions of consent.	Yes
<i>3.2.5 Subdivision and Car Parking Spaces</i>	N/A – no subdivision proposed.	N/A
<i>3.2.6 Site Isolation</i> P1 The creation of isolated sites is discouraged.	The proposal will not isolate any sites as the adjoining sites have sufficient size and dimensions for future redevelopment.	Yes
<i>3.2.11 Ceiling Height</i> P1 Development must provide the following minimum ceiling heights. Dimensions are expressed from finished floor levels to finished ceiling levels: <ul style="list-style-type: none"> <li>• Ground level of all development (commercial and residential): 3.3 metres.</li> <li>• Non-residential floors above ground level: 3.0 metres.</li> </ul>	The proposed development complies with the minimum ceiling heights, with all floors in the podium having ceiling heights in excess of 3.3m.	Yes
<i>3.2.14 Visual and Acoustic Privacy</i> O1 To provide adequate amenity.	The proposal is built to the street on all frontages. No objections to the proposal have been raised by Council's Environmental Health Officer in relation to noise from the proposed development.  Conditions of consent will restrict the hours of operation of the building and outdoor area capacities.	Yes
<i>3.2.16 Lobbies and Internal Circulation – All Development</i> O1 To provide communal spaces which contribute to the overall design, experience and performance of the development.	The proposal includes an extensive lobby area, which will provide a legible main entrance to the building. This lobby area is well ventilated and will receive excellent levels of natural light.	Yes
<i>3.2.18 Safety and Security</i> O1 To ensure development is safe and secure for occupant's visitors and other users at all times.	The applicant has provided a response to the CPTED principles incorporated into the design of the development. It is considered that the proposal performs well when assessed against these principles.	Yes
<i>3.2.19 Access and Mobility</i> O1 To ensure development is designed to facilitate access by the whole community including those with mobility impairment.	Equitable access is provided to the development, including main entry points and to all basement levels.	Yes  Yes

Provision	Assessment of Proposal	Compliance
<p>P1 The main entry of development must be designed and identified for use by persons with a mobility impairment.</p> <p>P2 The main entry must be accessible from the street footpath in accordance with Australian Standard (AS) 1428: Design for Access and Mobility.</p> <p>P3 Safe and convenient access must be provided in all development, car parks and communal facilities.</p> <p>P4 Compliance with AS 1428.1 is required with respect to access requirements on new building work.</p> <p>P5 Tactile indicators must be provided on the ground immediately adjacent to the approach and departure sides of any changes in floor levels in the public domain which incorporate a step, ramp, stepped ramp or the like in accordance with AS 1428.4.</p>	<p>Level access is provided to the main entrance lobby of the building.</p> <p>The proposal is capable of complying with AS 1428. This can be secured by conditions of consent.</p> <p>Safe and convenient access is provided throughout the development.</p> <p>This can be secured by conditions of consent.</p> <p>This can be secured by conditions of consent.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><i>3.2.20 Awnings and Associated Structures</i></p> <p><u>3.2.20.1 Awning Style - Attached to Buildings</u></p> <p>P1 Awnings must be provided above the public domain (i.e. footpath) for buildings built to the street front boundary, where awnings are part of the streetscape character.</p> <p>P2 Where development has a set back from the street boundary, and there is formal pedestrian access from that street, provision of an awning over the access to the building is encouraged.</p> <p>P3 New awnings must be of the traditional steel box design, in a straight form, supported from above, or cantilevered. Glass awnings may be considered where these do not adversely impact the streetscape consistency and visual continuity.</p> <p>P4 New awnings must be integrated and compatible with the adjacent</p>	<p>Awnings have been integrated into the design of the building at street level, where appropriate. It is not possible to provide a continuous awning around the site due to the slope of the site. The location and design of the awnings is considered to be appropriate for the locality.</p> <p>Awning are provided adjacent to the main entries to the building, including the small retail tenancies.</p> <p>The proposed awnings are not of traditional steel box design. However, the design of the awnings is in keeping with the contemporary design of the proposed building and is this supported in this instance.</p> <p>The proposed awnings are not located adjacent to any awnings on neighbouring sites.</p>	<p>Yes</p> <p>Yes</p> <p>No</p> <p>N/A</p>



Provision	Assessment of Proposal	Compliance
awnings that are consistent with this DCP.		
P5 Change in height of the awning is not permitted unless it steps down or up to follow the terrain/ level of the street.	The height of the proposed awnings is consistent in relation to the street levels throughout the development.	Yes
P6 Awning length must extend across the entire street front and connect with the adjoining awnings, except above vehicle entry points or service entrances.	Proposed awnings have been located in appropriate locations above entrances throughout the development and are thus not continuous for the whole development. This is considered appropriate given the scale of the development and slope of the site.	No
<u>3.2.20.2 Awning Dimensions - Attached to Buildings</u>		
P1 Awning height measured from the footpath to the underside of the awning must be a minimum of 3.2 metres and a maximum of 3.5 metres. If signs are incorporated under the awning, they must allow a minimum clearance of 2.6 metres above the footpath.	Some parts of the awnings exceed 3.5m in height. This is considered to be supportable given the size of the site and natural slope of the land.	No
P2 The height of the awning fascia must be between 0.4 metres and 0.6 metres.	The awnings have a fascia of 0.4m in height.	Yes
P3 Any change in the awning height to accommodate sloping streets must have a maximum step height of 0.6 metres.	The proposed awnings are not stepped.	Yes
P4 For footpaths that are wider than 3 metres, new awnings must be setback from the edge of the kerb by a minimum of 1.2 metres to avoid conflict with parked vehicles and street trees. For footpaths less than 3 metre wide, new awnings must be setback from the edge of the kerb by a minimum of 0.6 metres.	The proposed awnings are set away from the kerb.	Yes
P5 The awnings for corner buildings must be splayed have a consistent length and design and can be slightly higher from the footpath to define the corner. The maximum awning height between the footpath and the underside of the awning is 3.5 metres.	The proposed awnings follow the curve of the building at corners where they are proposed.	Yes
P6 Awnings must continue around buildings located on street corners.	Where they are proposed, awnings curve around the corner of the building.	Yes

Provision	Assessment of Proposal	Compliance
<p><u>3.2.20.3 Materials and Colours of Awnings - Attached to Buildings</u></p> <p>P1 Awnings, including their underside, must be constructed with high quality and low maintenance materials with simple detailing to reduce visual clutter.</p> <p>P4 Awnings must adopt a coordinated colour scheme that is compatible with the building. Multiple, bright, and rainbow colours are discouraged.</p>	<p>The proposed awnings are metal and thus will be low maintenance. They incorporate a simple design that will integrate into the facades of the building.</p> <p>The colour of the awnings is consistent with the design and materiality of the building.</p>	<p>Yes</p> <p>Yes</p>
<b>3.3 Area Based Controls – Burwood Town Centre and Burwood Road North</b>		
<b>3.3.1 Burwood Town Centre</b>		
<p><i>3.3.1 Burwood Town Centre</i></p> <p>P1 The height of buildings on land within the BTC is not to project above the BHP as identified in Clause 4.3A and on the map marked - "Building Height Plane Map in the BLEP 2012.</p>	<p>The proposed development has a maximum height that is below the BHP that affects the site.</p>	<p>Yes</p>
<b>3.3.2 Burwood Town Centre Areas – Commercial Core and Middle Ring Areas</b>		
<p><i>Podium Height</i></p> <p>P1 Development in the Commercial Core and Middle Ring Areas built to the street front must not have a podium height greater than 15 metres</p>	<p>The proposed podium exceeds 15m in height but is consistent with the concept approval and thus supportable in this instance.</p>	<p>No</p>
<p><i>Street Front Setbacks</i></p> <p>P1 Development must be built to the street front boundary except where a minimum of 3 metre, 6 metre or 8 metre setback is required.</p> <p>P2 Setback areas must be free of any projections or encroachments, except for approved awnings and at-grade landscaping.</p> <p>P3 All ground level setbacks are to be finished at-grade with Council's footpath and finished with materials to match Council's current public domain requirements.</p>	<p>The proposed street setbacks are consistent with those approved under the concept proposal and are therefore supportable. Extensive public domain enhancements are proposed as part of the development.</p>	<p>Yes</p>
<p><i>Secondary Setbacks</i></p> <p>P1 Where development in the Commercial Core and Middle Ring Areas exceed 15 metres in height, the part of the development above 15 metres must be set back a minimum of 6 metres from the street front boundary.</p> <p>P2 Setback areas must be free of any projections or encroachments, except</p>	<p>As above – setbacks are consistent with those approved under the concept proposal.</p>	<p>Yes</p>

Provision	Assessment of Proposal	Compliance
for lightweight balconies on the front façade.		
<i>Building Separation/Frontage Overview</i> P3 The maximum length in any direction of any part of a building parallel to the street above 15 metres in height is 45m. This portion of the building must be suitably articulated to alleviate building mass and improve building appearance.	The building exceeds 45m in length; however, includes extensive articulation of all facades to reduce the overall bulk of the development and provide visual relief at street level.	Yes
<i>Communal Open Space</i> P1 Podium areas must be made accessible as communal open space. P2 Landscaping must be provided in communal open space. A minimum 0.6 metre soil depth must be provided over 50% of the area to support planting or soft landscaping..	The podium is activated and provides outdoor dining opportunities. Landscaping is provided at podium level.	Yes Yes
<b>3.3.2 Burwood Town Centre Areas – Perimeter and Transition Areas</b>		
<i>Street Front Setbacks</i> P1 Development must be built in accordance with the street front setback requirements shown in Figure 10. Building setbacks from the street front are taken from the street boundary after any land acquisition required by BLEP 2012 has been completed.	The proposed street setbacks are consistent with the concept approval.	N/A
<i>Communal Open Space</i> P1 The street front setback areas must be provided as communal open space, except for circumstances referred to in Section 3.8.2 Treatment of Street front Setbacks. P2 Where the ground floor uses are commercial, fencing of the street front setback is prohibited. P4 Existing mature trees must be retained wherever possible. P5 Where existing trees are removed, they must be replaced at a ratio of two new trees for each tree removed. P6 At least 50% of the street front setback areas must be provided as planting or soft landscaping.	Proposed setbacks will be dedicated to the Council and thus publicly accessible. No fencing is proposed in front of main entrances or shopfronts. All trees are proposed to be removed from site, with new planting to within the public domain to mitigate the loss of existing trees. Soft landscaping is proposed to all street frontages, as outlined in the concept landscape plans.	Yes Yes Yes Yes
<b>Part 3.7 Transport and Parking in Centres and Corridors</b>		
<b>3.7.2 Burwood Town Centre and Strathfield Town Centre</b>		
3.7 <i>Transport and Parking in Centres</i> 3.7.2 <i>Burwood Town Centre</i>	The proposed development includes 1,250 car parking spaces, which is consistent with the concept approval.	Yes

Provision	Assessment of Proposal	Compliance
	<p>Notably, Council's DCP rate of 1 space per 5m<sup>2</sup> has not been applied to the proposal as it is considered to result in an excessive parking provision that does not reflect the demand, or align with the principle of encouraging forms of transport other than cars. The DCP rate may be applicable to smaller clubs in more isolated locations, however a review of a comparable club finds a lower parking rate, indicating that the DCP rate does not scale up well when applied to clubs with larger floor areas.</p> <p>The parking demand for the proposal was established based on the following principles:</p> <ul style="list-style-type: none"> <li>• Comparison with a similar Club, in terms of the service offering,</li> <li>• Adjustment to account for the colocation of the hotel,</li> <li>• Adjustment to account for the location of the site in the context of proximate public transport, an established commercial centre and the future increase in residents in close proximity to the Club resulting from the Growth Centres plan,</li> <li>• The restraint of parking to discourage car usage and to limit the impact on the local road network.</li> </ul> <p>Council and TfNSW Highways Engineers have assessed the proposal and are satisfied with the level of car parking provided on site.</p>	
<b>3.7.6 General Requirements in All Centres and Corridors – B1, B2, B4 and B6 Zones</b>		
<p><i>P5 Cycling</i></p> <p>Development of Commercial premises involving the construction of gross floor area in excess of 400 sqm or three dwellings must include facilities for parking of bicycles (racks and lockers) and showers/change rooms for use by bicycle riders.</p>	Bike parking and EOT are to be required as a deferred commencement condition.	Yes
<p><i>P6 Active Travel Demand Management</i></p> <p>Development that comprises Major Development must include a Travel Demand Management section in the Transport, Traffic and Parking Impact Report and Management Plan to accompany the DA.</p>	<p>The application is supported by a Traffic Impact Assessment and has been reviewed by Council and TfNSW Highways Engineers, who have raised no objections subject to conditions of consent.</p> <p>A Green Travel Plan will be secured by conditions of consent, to promote active travel for future users of the site.</p>	Yes
<b>3.8 Heritage in Centres and Corridors</b>		
<p>O3 To ensure that development located in the vicinity of a heritage item is designed and sited in a manner sympathetic to the significance of the heritage property and its setting.</p>	<p>As outlined in the LEP section of this report, Council's Heritage Advisor has assessed the development and found that the proposal is acceptable in terms of its impact on nearby heritage assets.</p>	Yes



Provision	Assessment of Proposal	Compliance
<p>6 Development in the vicinity of a heritage property must be designed to have regard to the heritage property's:</p> <ul style="list-style-type: none"> <li>• Scale and character.</li> <li>• Form and proportions.</li> <li>• Materials, colours and finishes.</li> <li>• Street alignment and established setbacks in the surrounding area.</li> </ul>		
<b>Part 3.9 Public Domain and Amenity</b>		
<p><i>3.9.5 Treatment of Street Front Setbacks</i></p> <p>P1 In the Commercial Core and Middle Ring Areas, where a street front setback of development is required, the setback area is to be treated and upgraded in a manner consistent with the requirements for the public domain immediately in front of the development. A right of pedestrian and vehicle movement by way of an easement in Council's favour in accordance with a Section 88B Instrument under the Conveyancing Act 1919 over the setback area is to be placed on the title of the land.</p> <p>P2 In the Perimeter and Transition Areas, where the development is for mixed use or non-residential purposes at street level, and the setback is 3m or more, the setback area is to be treated and upgraded in a manner consistent with the requirements for the public domain immediately in front of the development. A right of pedestrian and vehicle movement by way of an easement in Council's favour in accordance with a Section 88B Instrument under the Conveyancing Act 1919 over the setback area is to be placed on the title of the land.</p> <p>P3 Where a street front setback is required and the development is for non-residential purposes at ground level, the provision of cantilevered awnings over the setback area is encouraged.</p>	<p>Recommended conditions of consent will require the public domain within the front setback areas of the site to be constructed and upgraded in accordance with Council requirements. Appropriate easements are also recommended by conditions of consent.</p> <p>Compliant street setbacks are provided to all street frontages and are consistent with the concept approval. Appropriate right of way easements will be secured by conditions of consent</p> <p>Awnings are proposed at street level in appropriate areas adjacent to main entrances and shopfronts.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><i>3.9.6 Public Domain Finishes and Elements within Development</i></p> <p>P1 Appropriate lighting must be provided in publicly accessible areas of development.</p>	<p>Details of external lighting will be secured by recommended conditions of consent.</p>	<p>Yes</p>

Provision	Assessment of Proposal	Compliance
P2 Where publicly accessible areas are provided within a development, all elements including paving, street furniture, planting, fences, kerbs and drainage must be provided to a standard not less than would be required in Council's Public Works Elements Manual (Final Draft June 2006).	Public domain finishes will be confirmed prior to CC stage through the requirement for a detailed public domain plan, as per recommended conditions of consent.	Yes
<i>3.9.7 Solar Access to Burwood Park</i> P1 Development must not cast shadows over Burwood Park between 10.00am and 2.00pm on 21 June	The proposed development will not overshadow Burwood Park.	Yes
<i>3.9.9 Access and Mobility for the Public Domain</i> O1 To ensure the public domain is designed and constructed to facilitate access by the community including those with mobility impairment.	Detailed design of the public domain will be secured by conditions of consent, to ensure that equitable access is provided to all.	Yes
<b>6 Environmental Management</b>		
6.2 Waste Management	A Waste Management Plan has been submitted with the application and has been reviewed by Council's Environmental Health Officer, who has raised no objections. Its implementation will be secured by conditions of consent.	Yes
6.5 Stormwater Management	A Stormwater Management Plan has been submitted and reviewed by Council's Development Engineer, who has raised no objections subject to standard conditions of consent.	Yes
6.6 Landscaping for Development	A concept Landscape Plan has been submitted with the application and provides a suitable approach to the site and proposal. Detailed landscaping will be secured by conditions of consent.	Yes
6.7 Energy Efficiency and Sustainability	An ESD Report prepared by LCI (Australia) Pty Ltd has been submitted with the application and includes various sustainability recommendations at Section 2.3. These will be secured by conditions of consent.	Yes

### Public Art Strategy

Council adopted a Public Art Strategy on 30 October 2018. This strategy applies to development where the development cost is \$40 million or more. The development is accompanied by a QS Report, which estimates the cost of development at **\$230,620,401**. In this regard the Public Art Strategy applies to the proposed development.

Public art is being proposed within the development and is supported by a Public Art Plan prepared by Cultural Capital. This includes:

- A water wall feature on Shaftesbury Road;
- A standalone sculpture on George Street; and
- A suspended entry sculpture at Porte Cochere.

The proposed public art works are included in the terms of the draft VPA which was endorsed by Council on 27 September. This includes provisions that the final plans and designs to be formulated with the Council's Public Art Committee and that the public art is delivered prior to the final Occupation Certificate for development under the Concept Approval.

Per the endorsement, a condition of consent will require that the VPA is executed prior the issue of any Construction Certificate.

## **CONSULTATION**

### **Internal Referrals**

The application was referred to the following internal Council departments:

- Traffic Engineer; no objections, subject to conditions of consent.
- Heritage Advisor; acceptable.
- Development Engineer; no objections, subject to conditions of consent.
- Tree Management Officer; no objections, subject to conditions of consent.
- Health and Environmental Services; no objections, subject to conditions of consent.

### **External Referrals**

The following external referral comments were received:

- GMU (Urban Design); no objections.
- Transport for NSW; no objections, subject to conditions.
- Sydney Trains; no objections, subject to conditions.
- Water NSW; no objections, subject to conditions.

### **Neighbour notification**

The proposed development was placed on Public Notification from 10 November 2020 until 4 December 2020. No submissions were received in response to the notification of the plans.

Amendments made during the assessment of the application were minor commensurate to the scale of the proposal and thus were not deemed to warrant renotification of the application.

## **CONCLUSION**

The proposal (as amended) is for the construction of six levels of basement carparking, public domain works, a part three storey, part four storey podium building containing a registered club, a variety of food and beverage outlets, commercial premises, function centre and indoor recreation facilities at No. 2 George Street, Burwood.

The proposal is consistent with the relevant planning instruments including Burwood LEP 2012 and Burwood DCP 2013. The development is permissible in the B4 zone and complies with floor space ratio and the building height plane development standards.

The proposed design provides a high-quality landmark development in the context of urban renewal and redevelopment of Burwood Town Centre. The proposed development enhances street activation and provides significant public domain improvements surrounding the site. It has been designed to minimise adverse impacts on the amenity of neighbouring developments and will significantly enhance the appearance of the site and wider streetscape.

The development is located in an area with excellent access to public transport, shopping, services and local recreation facilities. The incorporation of extensive non-residential floor space in this highly accessible location with opportunities for outdoor dining will contribute to the vibrancy and vitality of the Burwood Town Centre, providing significant long-term employment opportunities in the area. Further, the proposed public domain works, including new traffic

signalling and shared zone adjacent the site will improve vehicle and pedestrian connectivity within Burwood Town Centre.

Given the above, the proposal is recommended for approval.

### **RECOMMENDATION**

That Development Application No. DA.2020.103 for six levels of basement carparking, public domain works, a part three storey, part four storey podium building containing a registered club, a variety of food and beverage outlets, commercial premises, function centre and indoor recreation facilities. at No. 2 George Street, Burwood be approved as a Deferred Commencement Approval, subject to the following:

### **DEFERRED COMMENCEMENT**

DC1. A Deferred Commencement Consent is granted, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act (EP&A Act) 1979, to Development Application DA 2020.103, subject to the following:

(a) **END OF TRIP FACILITIES**

End of trip facilities for employees shall be provided within the building, this shall include bicycle parking and shower and wash facilities. Specific details are to be provided to and approved by Council prior to the Consent commencing.

DC2. The Deferred Commencement Consent will lapse 12 months from date of issue.

DC3. Upon compliance with the Deferred Commencement Condition DC1, Council will issue a letter of notice that it is satisfied with the compliance, and will issue Development Consent DA.2020.103 (with conditions – Schedule 1) that is operable and commences from the date of issue of the consent.

The consent plans will be stamped and a copy provided to the applicant at the time the consent is issued.

DC4. The development consent will lapse in five years from the date of Council's written approval that the Deferred Commencement Condition DC1 has been satisfied, and the consent becomes operable.

### **SCHEDULE 1 – CONDITIONS OF CONSENT**

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

<b>Plans/Documents</b>	<b>Author</b>	<b>Dated/Received</b>
Architectural Plans – A-DA1-0000 – Cover Sheet – Revision D A-DA1-0105 – Demolition Plan – Revision E A-DA1-1000 – Site Plan- Ground Level Perimeter – Revision D	BUCHAN	Received: 24 November 2022



A-DA1-1001 – Site Plan – Ground Level Coloured – Revision B A-DA1-1002 – P6 - Basement Carpark – Revision E A-DA1-1003 – P5 - Basement Carpark – Revision E A-DA1-1004 – P4 - Basement Carpark – Revision E A-DA1-1005 – P3 - Basement Carpark - Revision E A-DA1-1006 – P2 - Basement Carpark - Revision E A-DA1-1007 – P1 - Basement Carpark - Revision F A-DA1-1008 – L00- Foyer and Dock - Revision F A-DA1-1009- L01 – Club Precinct - Revision F A-DA1-1010 – L01 – Mezzanine –Plant Room – Revision F A-DA1-1011- L02 –Food Precinct - Revision F A-DA1-1012- L03 – Events Level - Revision F A-DA1-1013 – L03 Mezzanine –Offices – Revision F A-DA1-1014 – L04 – Podium - Revision F A-DA1-1015 – L04 – Podium Roof – Revision D A-DA1-3001 – North Elevation - Revision E A-DA1-3002- East Elevation – Revision E A-DA1-3003- South Elevation – Revision E A-DA1-3004 – West Elevation – Revision E A-DA1-4001 – Section A – North-South – Revision B A-DA1-4002 – Section B- East-West – Revision B A-DA1-5000 – Building Height Plane – Revision A A-DA1-8000 – GFA Calculations – Revision B A-DA1-9000 – Shadow Study – Revision C		
Building Height Plane – BHP-01 – Issue A	Buchan	Dated: 16 April 2021
Detailed Site (whole) Survey Plan – Issue E	DS&P	Dated: 16 July 2020

Deane Street Survey – Issue G Railway Parade & Shaftesbury Road Intersection Survey – Issue G Shaftesbury Road and Simpson Avenue Intersection Survey – Issue G Elevation Survey – 63 Shaftesbury Road and 25 Waimea Street – Issue G		
Building Landscape DA Report	TURF Design Studio	Dated: September 2020
Civil Engineering Report & Stormwater Concept Plans C01 – Cover Sheet – P4 C10 – Erosion and Sediment Control Plan – P3 C11 – Erosion and Sediment Control Details Sheet – P3 C20 – Stormwater Management Plan –P6 C21 – Overall External Services Coordination Plan – P9 C22 – External Civil Roadworks Plan – P6 C30 – Details Sheet 1 – P3 C31 – Details Sheet 2 – P3 C32 – OSD Details Sheet Sketch – P2 C40 – Typical Sections Sheet 1 – P4 C50 – Porte Cochere Vehicle Clearance – P1 Hydraulic Services – L04 Podium	TTW	Dated: 3 September 2020
Statement of Environmental Effects	URBIS	Dated: 9 October 2020
Updated Public Art Strategy	Cultural Capital	Dated: March 2021 Received: May 2021
Aboricultural Impact Assessment	Australis Tree Management	Dated: September 2020
Heritage Impact Statement	URBIS	Dated: 7 September 2020
Heritage Interpretation Plan	URBIS	Dated: 21 August 2020
Traffic Impact Assessment	PTC	Dated: September 2020
Traffic Impact Assessment – Annexure	PTC	Dated: 17 March 2022
Construction Traffic Management Plan	PTC	Dated: September 2020
CIV Statement	MBM	Dated: 9 September 2020

CPTED Assessment	URBIS	Dated: 16 September 2020
Social Impact Assessment	URBIS	Dated: 9 October 2020
Plan of Management for Club Building	Burwood RSL	Dated: April 2021
Pedestrian Wind Report	Windtech	Dated: 17 September 2020
Building Code of Australia Assessment Report	McKenzie Group	Dated: 3 September 2020
Access Review	Morris Goding Access Consulting	Dated: 4 September 2020
Ecologically Sustainable Design Report	LCI	Dated: September 2020
External Reflected Glare Report	Inhabit Australasia Pty Ltd	Dated: 3 September 2020
Site Audit Report	Ramboll Australia Pty Ltd	Dated: 14 September 2020
Acoustics Report	Stantec	Dated: 14 September 2020
Detailed Site (Contamination) Investigation	Douglas Partners	Dated: September 2020
Construction Environmental Management Plan	Douglas Partners	Dated: September 2020
Geotechnical Investigation Report	Douglas Partners	Dated: June 2020
Excavation Methodology in Proximity to Railway Corridor – Revision 1	TTW	Dated: 19 March 2021
Fire Safety Strategy Report	Core Engineering Group	Dated: September 2020
DA Building Services Report	WEBB Australia	Dated: September 2020
Waste Management Plan	WSP	Dated: September 2020

## **FEES**

- 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 Certifier **prior to the issuing of a Construction Certificate.**

## **TABLE OF FEES**

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

3. Building and Construction Industry Long Service Corporation levy **\$807,171.00 (Payment to be made to Council, the Corporation or its Agent).**
4. Damage Deposit - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage, kerb and gutter, etc.) during building work **\$372,000** (Payment to be made to Council as a bond prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation).  
**Note: This deposit can be made as a form of Bank Guarantee.**
5. Construction by the Applicant/Council the stormwater drainage works **\$213,205** (Payment to be made to Council as a bond) – Reference being made to Stormwater Drainage Plans by TTW for proposed stormwater works including stormwater diversion and stormwater upgrade.
6. Pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Section 7.12 Contributions Plan for the Burwood Local Government Area (Excluding Burwood Town Centre), the following monetary contribution towards public services and amenities is required:

Contribution Element	Contribution
A levy of 4% for development inside the Burwood Town Centre of the cost of carrying out the development, where the cost calculated and agreed by Council is <b>\$230,620,401.00</b>	<b>\$9,224,816.04</b>

Index Period	Sept 2022	CPI <sub>1</sub>	128.60
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**The above contribution will be adjusted at the time of payment. Applicants are advised to contact Council for the adjusted amount immediately prior to arranging payment.**

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

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

Where:

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

CPI<sub>2</sub>: The Consumer Price Index: All Groups Index for Sydney, for the immediate past quarter (available from the Australian Bureau of Statistics at the time of payment), and

CPI<sub>1</sub>: The Consumer Price Index: All Groups Index for Sydney, applied at the time of granting the development consent as shown on the development consent.

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

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

Council may accept works in kind or other material public benefits in lieu of the contribution required by this condition subject to and in accordance with the requirements specified in



the Section 7.12 Contributions Plan for the Burwood Local Government Area (Excluding Burwood Town Centre).

**Note:** The payment of a Section 7.12 contribution over an amount of \$5,000.00 may only be paid by Bank Cheque (i.e. personal or company cheques will not be accepted). Contributions of \$5,000.00 or less may be paid by cash, EFTPOS, cheque or credit card. Payments by credit card may be subject to a surcharge.

## **TRANSPORT FOR NSW – GENERAL TERMS OF APPROVAL**

### **7. Approval under section 87 of the Roads Act 1993**

**Prior to the issuing of any construction certificate** for building structures on the subject site, an application shall be made to TfNSW under section 87 (4) of the Roads Act 1993 for TCS at the intersection of George Street and Shaftesbury Road. Subject to the section 87 (4) approval of TfNSW, the developer will be required to enter a Works Authorisation Deed (WAD) with the agency for the proposed TCS and associated civil works prior to commencing the signal and road works.

### **8. Speed Zone Changes**

**Prior to the release of any construction certificate** for the public domain works, an application shall be made to TfNSW under the Road Transport Act for the proposed shared zone at the intersection of Deane Street and Marmaduke Street. The shared zone shall be designed in accordance with TfNSW Technical Direction TTD 2016/001 – Design and implementation of shared zones including provision of parking. This Technical Direction can be found via [https://roads-waterways.transport.nsw.gov.au/trafficinformation/downloads/ttd\\_2016-001.pdf](https://roads-waterways.transport.nsw.gov.au/trafficinformation/downloads/ttd_2016-001.pdf)

### **9. General**

A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding classified road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.js>

## **SYDNEY TRAINS – GENERAL TERMS OF APPROVAL**

### **10. Prior to the issue of a Construction Certificate** the Applicant is to submit Sydney Trains for review, comment and written endorsement the following final version items in compliance with the ASA Standard - Airspace and External Developments (<https://www.transport.nsw.gov.au/industry/asset-managementbranch>):

- a) Final Geotechnical Investigation Report must be based on actual borehole testing conducted on the site closest to the rail corridor. provide/address the following:
  - i. Recommendations are made to control vibrations - the report needs to specify the measures taken to control vibration.
  - ii. Table 5 titled as "strength parameters". Clarification as to how "Ultimate Passive Earth Pressure" would help the shoring design is required.
- b) Final structural report/drawings that provide/address the following:
  - i. The assumed drainage of the basement, assumed surcharge loadings, short-term and long-term section moduli (EI) for the shoring wall, the assumed anchor capacities and configurations, and the use of the floor labs to provide permanent lateral support (propping) to the shoring walls.
  - ii. Notes on the structural drawings specifying the length of the rock anchors along Deane Street and requirement that these anchors do not encroach into rail land.

Rock anchors are also to take into account, and protect, the Sydney Trains underground cables in the Dean Street road reserve.

- iii. The temporary ground anchors as shown in the drawings are to have specific details about the inclination of each row and the minimum embedment past the point of the active zone.
  - iv. The distance from the excavated site along the proposed boundary at Deane street to the rail track centreline and rail corridor, as confirmed by the Registered Surveyor.
  - v. Consistent terminology to describe the Rock Class and type. For example, Class II or III Rock should be classed as Shale, Sandstone or Siltstone. The Douglas Partners Geotechnical Impact Report uses the terminology of Siltstone and Shale.
  - vi. Key aspects of the shoring wall analysis Geotechnical Impact Report and Numerical Analysis highlight the performance of the anchorage system including installation, testing and proof loading. These requirements need to be included in the structural drawings.
- c) Final Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
- d) Final Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and/or structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
- e) Final Geotechnical Impact Report and Numerical Analysis that provide/address the following:
- i. The possible large and potentially unstable rock wedge could be presented on the site based on geotechnical assessment - this must be included in risk register with adequate control measures.
  - ii. The information presented in Table 3 is not in-line with the anchors arrangement shown on the structure drawings - this would mean that the anchor design shown on the structure drawings has not been validated consequently it could potentially be a risk on rail corridor. The report needs to address this aspect.
  - iii. Cohesion of 1000kPa and Modulus of 600MPa were adopted for railway brick retaining wall, clarification is required as to how the brick wall nature (brick in layers with mortar) is considered in the assessment.
  - iv. The comments in Section 9 should include whether the results are met with the requirements of SPC207.
  - v. Geotechnical model for Section P3 appears not to be consistent with Geological section DD presented in Geotechnical Report.
  - vi. The impact of works on the overbridge on Shaftesbury Road needs to be assessed.

- f) If required by Sydney Trains, a Monitoring Plan (including instrumentation and the monitoring regime during excavation and construction phases for both track and retaining wall) in accordance with SPC 207.

Any conditions issued as part of Sydney Trains' endorsement of the above documents will also form part of the consent conditions that the Applicant/Developer is required to comply with. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation **prior to the issuing of the relevant Construction Certificate**.

11. The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council **prior to the issuing of a Construction Certificate**. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation **prior to the issuing of the relevant Construction Certificate**.
12. **Prior to the issue of a Construction Certificate** the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation **prior to the issuing of the relevant Construction Certificate**.
13. No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
14. Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.
15. Prior to the commencement of any works a Registered Surveyor shall peg-out the common property boundary between the development site and TAHE (Transport Asset Holding Entity) land and easements. A copy of the survey report indicating the location of pegs must be provided to Sydney Trains prior to the commencement of works.
16. **Prior to the issuing of a Construction Certificate**, the following rail specific items are to be submitted to Sydney Trains for review and endorsement:
  - Machinery to be used during excavation/construction.
  - Demolition, excavation and construction methodology and staging
17. The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.
18. **Prior to the issuing of a Construction Certificate** the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply

with all Sydney Trains' requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

19. No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
20. If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.
21. If required by Sydney Trains, **prior to the issue of the Occupation Certificate**, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied
22. No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
23. If required by Sydney Trains, **prior to the issue of a Construction Certificate** a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
24. Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
25. During all stages of the development the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
26. **Prior to the issue of a Construction Certificate**, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the



Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.

27. **Prior to the issue of a Construction Certificate**, the Applicant shall undertake a Dial Before You Dig search to establish the existence and location of any rail services. Persons performing the Dial Before You Dig search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.
28. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
  - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
  - acts as the authorised representative of the Applicant; and
  - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
29. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
30. Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the Sydney Trains External Interface Management team via email to [Central\\_Interface@transport.nsw.gov.au](mailto:Central_Interface@transport.nsw.gov.au).
31. If required, **prior to the issue of a Construction Certificate** the Applicant is to contact Sydney Trains External Interface Management team to determine the need for public liability insurance cover. If insurance cover is deemed necessary, this insurance must be for a sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor and rail infrastructure, and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains External Interface Management team to obtain the level of insurance required for this particular proposal. **Prior to issuing the Construction Certificate** the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains' written advice to the Applicant on the level of insurance required.
32. If required, **prior to the issue of a Construction Certificate** the Applicant is to contact Sydney Trains External Interface Management team to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. **Prior to issuing the Construction Certificate** the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
33. Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records **prior to the issuing of the applicable Construction Certificate or Occupation Certificate**.
34. Any conditions issued as part of Sydney Trains' approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

35. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

#### **WATER NSW – GENERAL TERMS OF APPROVAL**

36. Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
37. Before any construction certificate is issued for any excavation under the development consent, the applicant must:
- a) apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and
  - b) notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity.

##### **Advisory Note:**

- c) An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity.
  - d) A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
38. A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity.
- Advisory Notes:
- a) This approval is not a water access licence.
  - b) A water year commences on 1 July each year.
  - c) This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW.
  - d) Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
39. If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must:
- a) record water taken for which the exemption is claimed, and

- b) record the take of water not later than 24 hours after water is taken, and
  - c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and
  - d) keep the record for a period of 5 years, and
  - e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124:
    - i. not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or
    - ii. if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
40. All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
41. The design and construction of the building must prevent:
- a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation;
  - b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and
  - c) any elevated water table from rising to within 1.0 m below the natural ground surface.
42. Construction phase monitoring bore requirements GTA:
- a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW.
  - b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application.
  - c) The monitoring bores must be installed and maintained as required by the water supply work approval.
  - d) The monitoring bores must be protected from construction damage.
43. Construction Phase Monitoring programme and content:
- a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW):

- (i) Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW.
  - (ii) Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater;
  - (iii) Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW;
  - (iv) QA: Include details of quality assurance and control
  - (v) Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories.
- b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)

44.

- a) **Prior to the issuing of the occupation certificate**, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW.
- b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW):
  - i. All results from the Approved Monitoring Programme; and
  - ii. Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website.
- c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website [www.waternsw.com.au/customer-service/water](http://www.waternsw.com.au/customer-service/water) licensing/dewatering.

45. The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment.

Advisory note: Any application to increase the extraction limit should include the following:

- Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation
- Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions
- Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS))
- Laboratory test results for soil sampling testing for ASS
- If ASS, details of proposed management and treatment of soil and groundwater.

Testing and management should align with the NSW Acid Sulphate Soil Manual.

46. Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
47. This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition 46.

Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

## **PLANNING**

48. **Voluntary Planning Agreement (VPA)**

This consent is subject to a Voluntary Planning Agreement (VPA) with Council. The VPA shall be executed, and the monetary contribution paid to Council on or before the date of execution of the VPA, and prior to the commencement of any work on site including demolition, excavation or site works and **prior to the issue of any Construction Certificate** for the development.

49. **Public Art:**

- a) **Prior to the issue of the relevant Construction Certificate** for above ground works, a Detailed Public Art Plan for the site must be prepared by an appropriately qualified art curator/advisor/coordinator. It must be approved by Council's Manager City Development having regard to the Burwood Design Review Panel's feedback. The Detailed Public Art Plan must be based on the Preliminary Public Art Strategy prepared by Cultural Capital dated March 2021 submitted to Council in May 2021 and must incorporate the following:
- i. The provision of multiple art pieces across the development site;
  - ii. The provision of public art within the development site, within the publicly accessible private land and publicly-accessible through site links. The applicant may also enter into a mutual agreement with Council to provide the public artwork on public land;
  - iii. The provision of public art by a range of artists including indigenous, European and more recent migrants, with specific artists selected and a rationale for selecting those artists;
  - iv. The proposed artworks, including their form, dimensions, materials, value, placement within the site, and timing for installation, and engineers' drawings;
  - v. Ongoing management and maintenance requirements; and
  - vi. Deaccessioning agreements.
- b) The stakeholder group outlined in the governance structure of the updated Public Art Strategy shall include Council's Cultural Development Officer, Community Development.
- c) Public artwork must be installed to the Council's satisfaction **prior to the issue of any Occupation Certificate**.

50. **Signage**

- a) Signage "zones" for the development are approved under this consent.
- b) A Development Application shall be submitted to Council for the installation of signage including all Business Identification Signage, Signage for Vehicular and Pedestrian Wayfinding and any other related signage shall be included.
- c) The Development Application shall also include details of the signage text, colours, size, materials and proposed fixtures, and illumination details.
- d) Any illuminated signage must be accompanied by a Lighting Impact Assessment demonstrating compliance with:



- i. Chapter 3 – Advertising and Signage, State Environmental Planning Policy (Industry and Employment) 2021
  - ii. AS4282-2019 Control of the Obtrusive Effects of Outdoor Lighting,
  - iii. Chapter 5.6 Signage and Advertising contained in Burwood Development Control Plan 2013.
- 51. Green Travel Plan: A Green/Workplace Travel Plan shall be submitted to and approved by the Accredited Certifier **prior to the issue of the relevant Construction Certificate** for the above ground works. The Plan is to include promotion and encouragement initiatives to maximise usage of bicycle parking on the site.
- 52. Construction materials: **Prior to the issue of the relevant Construction Certificate for above ground works**, specification, details and examples of external materials and finishes (including walls, floors and soffits) to be included in tender documentation, must be approved by Council's City Manager Development. Such details must be consistent with the materials and finishes specified in Drawing Numbers AR-DA-60 FINISHES referred to in condition 1.
- 53. Electric vehicle charging:
  - a) The development shall provide twenty (20) electric vehicle (EV) spaces within the approved basement carpark. These spaces shall be installed as fast charging EV spaces. The location of the EV spaces within the approved basement car park shall be provided on plans **prior to the issue of the Construction Certificate**.
  - b) All EV car parking spaces shall have the necessary cabling and associated infrastructure installed. Installation of the necessary cabling shall be verified by the Accredited Certifier, **prior to the issuing of an Occupation Certificate**.
  - c) All car parking spaces within the approved basement carpark that will be used for hotel parking under a future Development Application for Stage 2 of this development being for the construction of the residential apartment tower shall have the necessary cabling and associated infrastructure installed to enable an electric vehicle (EV) charger to be installed. Installation of the necessary cabling shall be verified by the Accredited Certifier, **prior to the issuing of an Occupation Certificate**.
- 54. Adequate lighting is required to be provided for the following to ensure the safety and security of residents and users of the development to all access pathways leading to/from entrance and exit points of the buildings, bin collection points, external communal open space areas and driveways leading to the basement parking levels. The installed lighting is to be of sufficient quality to ensure the effective operation of the CCTV system referred to in the following conditions. Details on all of these matters are to be submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate** for above ground works.
- 55. CCTV cameras shall be installed for the building so that they can survey the entrances and all external and internal access path ways, and the vehicular entrances/exits to the driveway to ground level and basement car parking. The CCTV system shall provide a quality image that can assist with the detection of crime and be used by the NSW Police in any investigation (preferably a quality digital system). CCTV system footage shall be retained for a period of no less than fourteen days and be available upon request by the NSW Police when required. Details on all of these matters are to be submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate for above ground works**.
- 56. The outdoor areas of the club including outdoor dining, smoking and roof areas shall be operated at all times in accordance with the Plan of Management for the Club Building. The

use and operation of all outdoor areas shall not create any nuisance to surrounding residential properties.

57. Compliance with the recommendations in the:

- a) CPTED Assessment prepared by URBIS dated 16 September 2020.
- b) Access Review prepared by Morris Goding Access Consulting dated 4 September 2020.
- c) Acoustics Report prepared by STANTEC dated 14 September 2020.
- d) Pedestrian Wind Report prepared by Windtech dated 17 September 2020.

Details to be shown on the plans **prior to the issue of the Construction Certificate.**

## **BUILDING**

58. 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:

- must be a standard flushing toilet, and
- 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.

59. All excavations and backfilling associated with the erection or demolition of a building shall be carried out in a safe and careful manner and in accordance with appropriate professional standards. All necessary planking and strutting shall be of sufficient strength to retain the sides of excavations. A Certificate verifying the suitability of structural details for any proposed shoring is to be submitted to the Principal Certifier before excavating.

60. 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.

61. Where soil conditions require it:

- a. retaining walls must be provided so as to prevent soil movement; and
- b. adequate provision must be made for drainage.

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

- a. must preserve and protect the building from damage, and
- b. if necessary, must underpin and support the building in an approved manner, and
- c. must, at least 7 days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

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

- is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- building involves the enclosure of a public place.

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

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

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

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

64. Your attention is directed to the following:

### **WARNING**

#### Utility Services

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

#### Building Plan Approval

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

65. The builder is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property. Pedestrian access across the footpath must be maintained at all times. Any damage caused will be made good by Council at Council's restoration rates, at the builder's expense.
66. No materials are to be stored on Council's roads, footpaths, nature strips or parks.
67. No opening is to be made in any road or footpath, nor is any hoarding to be erected without the prior consent of Council. The builder is to obtain the relevant permit for which fees will be charged in accordance with Council's current Schedule of Fees and Charges.
68. The builder shall erect and maintain in good order all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary. A Principal Certifier sign should also be displayed in a prominent position at the front of the development site.
69. Hours of work shall be from 7:00am to 7:00pm Mondays to Fridays inclusive (during daylight savings period), 7:00am to 6:00pm Mondays to Fridays inclusive (outside daylight savings period) and from 7:00am to 4:00pm on Saturdays. No work shall be carried out on Sundays

or Public Holidays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.

70. The approved structure shall not be used or occupied unless an Occupation Certificate as referred to in Section 6.4 (c) of the Environmental Planning & Assessment Act 1979 has been issued.

(Vide Section 6.9 Environmental Planning & Assessment Act 1979)

71. An application for a Construction Certificate is to be made to Council or an Accredited Certifier. Council's "Construction Certificate Application" form is to be used where application is made to Council. Copies are available upon request. A Construction Certificate must be obtained prior to the commencement of any building work.
72. Dial Before You Dig is a free national community service designed to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential services we use everyday – electricity, gas, communications and water.
73. Before you dig call "Dial Before You Dig" on 1100 (listen to the prompts) or register on line at [www.1100.com.au](http://www.1100.com.au) for underground utility services information for any excavation areas.
74. The Dial Before You Dig service is also designed to protect Australia's excavators. Whether you are a backyard renovator, an individual tradesman or a professional excavator, the potential for injury, personal liability and even death exists everyday. Obtaining accurate information about your work site significantly minimises these risks.

Reason: To ensure that essential services such as electricity, gas, communications and water are not affected by excavation or construction works.

75. All building works being erected wholly within the boundaries of the property.
76. All sanitary plumbing being concealed in suitably enclosed ducts. Such ducts are to be constructed internally (i.e. not on the outside face of an external wall) and are to be adequately sound-proofed.
77. All plumbing and drainage work being carried out by licensed tradesmen and in accordance with the requirements of the Plumbing Code of Australia.
78. The floor of the wet areas being of a material impervious to moisture and graded and drained to the sewers of Sydney Water.
79. The noise emitted by any air-conditioning equipment being inaudible in your neighbours' homes between 10:00pm and 7:00am weekdays and 10:00pm and 8:00am on weekends and public holidays. Council is to be consulted prior to the installation of any air-conditioning equipment.
80. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
81. Safety glazing complying with B1.4 of the Building Code of Australia used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with Australian Standard AS 1288–2006: Glass in Buildings - Selection and Installation. Details of the method of complying with this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**

82. Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with Australian Standard AS 1288-2006, Table 4.5 SAA Glass Installation Code (Human Impact Considerations) and B1.4 of the Building Code of Australia. Details of the method of complying with this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**
83. Treatment for the protection of the building from subterranean termites must be carried out in accordance with Australian Standard AS 3660.1-2014 "Termite management - New building Work."

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

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

After treatment the following is to be carried out:-

- a. A durable notice must be permanently fixed to the building in a prominent location, such as the meter box, indicating:-
    - i. The method of protection.
    - ii. The date of installation of the system.
    - iii. Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
    - iv. The installer's or manufacturer's recommendation for the scope and frequency of future inspection for termite activity.
  - b. Provide the Principal Certifier with a Certificate which verifies that termite protection has been provided in accordance with Australian Standard AS 3660.1-2014. In the case of Reinforced Concrete Slab construction the Certificate is to verify that the protection incorporates both beneath slab (Part A) and slab penetrations (Part B) treatment.
84. A Registered Surveyor's certificate being submitted to the Principal Certifier, **prior to the issue of an Occupation Certificate**, as follows:-
- c. Before pouring of concrete slab on every level to indicate the height of the finished floor level and to show boundary clearances; and
  - d. On completion of the building to indicate the height of the finished floor levels, the height of the roof ridge/parapet and to show boundary clearances and areas of the site occupied by the building.
85. Prior to the commencement of building work, the following is to be carried out:-
- a. Submit to Council a "Notice of Intention to Commence Building Work and Appointment of a Principal Certifier" form. Council's "Notice of Intention to Commence Building Work and Appointment of a Principal Certifier" form is to be used where application is made to Council.
  - b. Ensure detailed plans and specifications of the building are endorsed with a Construction Certificate by Council or an Accredited Certifier. Council's "Construction Certificate Application" form is to be used where application is made to Council. Copies are available on request.



(Vide Section 6.6 Environmental Planning & Assessment Act 1979)

86. Utility Services

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

Section 73 Compliance Certificate

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

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

87. Structural engineer's details prepared and certified by a practicing Structural Engineer for all reinforced concrete and structural members being submitted to the Principal Certifier for approval **prior to the issuing of a Construction Certificate**.
88. The Principal Certifier or Structural Engineer is to also supervise the construction. All Certificates from the supervising Structural Engineer are to be submitted to the Principal Certifier before an Occupation Certificate is issued stating that all reinforced concrete and/or structural members have been erected in accordance with his/her requirements and the relevant SAA Codes.
89. Mechanical ventilation/air conditioning details are to be submitted to the Principal Certifier for approval **prior to the issuing of a Construction Certificate** and must include the following:-
- The location and size of proposed ductwork.
  - The location of equipment.
  - The performance characteristics of the proposed motor/s and fan/s.
  - The air flow characteristics of the system.

At the completion of work a Certificate from an Accredited Certifier, Mechanical Engineer or other suitably qualified person, to the effect that the ventilation system has been installed and performs in accordance with the provisions of Part F4 of the Building Code of Australia, Australian Standard AS 1668 "SAA Mechanical Ventilation and Air Conditioning Code", Part 1 and Part 2, Australian Standard AS 3666-1989 and the Noise Control Act 1975, must be submitted to the Principal Certifier **prior to the issue of an Occupation Certificate**.

90. Fire Resistance Levels of all structural members, including external and internal walls, spandrels, external and internal columns, lift shafts and stair shafts, ventilation, pipe and like shafts, floors and roofs shall comply with the requirements of Specification C1.1 of the Building Code of Australia. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.

91. All materials used in the building must comply with early fire hazard criteria of Specification C1.10 of the Building Code of Australia.
92. Means of access and egress complying with Section D of the Building Code of Australia. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**
93. The building being provided with both access and sanitary facilities (where required) for people with disabilities. The sanitary facilities are to be provided in accordance with F2.4 of the Building Code of Australia and are to comply with the requirements of Clause 10 of AS 1428.1-2009. Access is to be provided to and within the building so as to comply with all the requirements of Part D3 of the BCA and the relevant provisions of AS 1428.1-2009. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**
94. The Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Submissions and/or approval of the application does not imply or confer compliance with this Act. Applicants should satisfy themselves and make their inquiries to the Human Rights and Equal Opportunity Commission.
95. Continuous balustrades shall be provided along the side/s of any stairway or ramp, any corridor, hallway, balcony, access bridge or the like, any path of access to a building if:-

It is not bounded by a wall; and

The change in level is more than one (1) metre, or five (5) risers in the case of a stairway, from the floor or ground surface beneath;

- a) except where specific exemptions are provided in the Building Code of Australia.
- b) Balustrades shall prevent as far as practicable:
- c) Children climbing over or through it; and
- d) Persons accidentally falling from the floor; and
- e) Objects which might strike a person at a lower level falling from the floor surface.

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

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

96. A Fire Safety Certificate (copies available from Council) is to be given to the Principal Certifier prior to applying for an Occupation Certificate and thereafter once in every 12 month period an Annual Fire Safety Statement is to be given to Council. The certificate and statement attest to both the inspection of all essential fire safety measures by a suitably qualified person and to the regular maintenance of the fire safety measures. A copy of the Fire Safety Certificate and the Fire Safety Schedule are to be given to the Commissioner of Fire and Rescue NSW by the building owner and copies of these documents are to be prominently displayed in the building. Similarly copies of Annual Fire Safety Statements are also to be given to the Commissioner and displayed in the building.

(Vide clause 153 & Division 3 of the Environmental Planning & Assessment Regulation 2000)

97. Engineering Design – Basement Excavation

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

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

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

**ADVISORY NOTE:**

Telecommunications infrastructure in new developments

Developers, home, property and business owners are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, developers, home, property and business owners need to contract a carrier to install telecommunications infrastructure in their new development. Individuals are free to choose which carrier they want to service their development.

For larger developments (100 lots or more) nbn is the infrastructure provider of last resort. This means nbn is obliged to service the development on commercially agreed terms if you apply to nbn.

Telstra is the infrastructure provider of last resort in smaller developments (less than 100 lots) until nbn publicly identifies an area as "ready for service" in its fixed line rollout region.

Developers, home, property and business owners are requested to apply at least six (6) months before the required date of service to ensure a connection is ready when residents move in.

**DEMOLITION**

98. Removal of any asbestos must be undertaken in compliance with the requirements of SafeWork NSW. Refer to their Code of Practice "How to Safely Remove Asbestos" dated September 2016.
99. Demolition of the building is to be carried out in accordance with the requirements of Australian Standard AS 2601 – 2001, where applicable.
100. Hours of demolition work shall be from 7:00am to 6:00pm Mondays to Fridays inclusive, and from 7:00am to 4:00pm on Saturdays. Demolition works that involve heavy machinery,

noisy trades or the like are not permitted to be carried out from 1:00pm to 4:00pm on Saturdays. No demolition work shall be carried out on Sundays or Public Holidays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.

101. Access to the site is to be restricted and the site is to be secured when demolition work is not in progress or the site is otherwise occupied.
102. The demolition site is to be provided with measures to mitigate against dust nuisances arising on adjoining sites and roadways. To achieve this, a fence or barrier is to be erected around the site. The construction may be steel mesh which is covered with a suitable filtering medium or such other construction acceptable to Council. An effective program of watering the site is also required to be maintained.
103. All demolition, excavation and construction materials are to be removed from the site or disposed of on-site using methods that comply with relevant environmental protection legislation. When demolition of any existing building is involved, burning of any demolition materials on the site is prohibited.
104. Dilapidation surveys are to be carried out by a Practicing Structural Engineer, which is to include a full photographic record of the exterior and interior of the buildings at the applicant's/owners expense on all premises adjoining the site and the survey is to be submitted to Council and the adjoining land owners prior to the commencement of any works. A further dilapidation survey is also to be carried out and submitted to Council and the adjoining owners **prior to the issuing of an Occupation Certificate**. The dilapidation surveys shall be dated accordingly.

## **ENVIRONMENTAL MANAGEMENT**

### **Site Contamination**

105. Prior to demolition of any building, a Hazardous Building Material survey is to be undertaken to identify any hazardous building materials that might be present and have them removed in accordance with Safework Australia standards and guidelines.
106. Following demolition of the structures, the ground surface is to be inspected by a suitably qualified environmental consultant and if signs of contamination are identified, they are investigated and remediated appropriately.
107. An Asbestos and Unexpected Finds Protocol (AUFPP) is to be developed for the site to outline procedures that are to be undertaken by construction workers, construction staff and site personnel in the case that suspected asbestos contamination, or other previously undiscovered contamination issues are encountered during excavation works. A copy of the AUFPP is to be submitted to Burwood Council.
108. Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified, transported, and disposed of in accordance with the Protection of the Environment Operations Act 1997 and NSW EPA requirements.
109. Any works relating to waste management (including material importation, classification, transport and disposal are to be documented by a suitably qualified environmental consultant in accordance with waste management requirements in Section 4.3.7 of the NSW EPA (2017) 'Guidelines for the NSW Auditor Scheme (3rd Edition)'
110. The placement of imported landscaping material and construction of pavements at the site perimeters is to be validated by a suitably environmental consultant

111. A Site Audit Statement is to be prepared by a NSW EPA Accredited Site Auditor reviewing the above information (Conditions 1-6) confirming that the site is suitable for the proposed use.

#### **Environmental Management:**

112. The demolition, excavation and construction of the development is to be carried in accordance with the 'Construction Environmental Management Plan - Club Burwood RSL Development, 2 George Street Burwood' as prepared by Douglas Partners (project 99652.01 dated September 2020).
113. The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the received boundary.
114. The construction of windows / sliders, doors, external walls and roofs and noise mitigating elements are to comply with the recommendations listed the Acoustic Report 'Club Burwood RSL - Club Building Development' prepared by Stantec Australia Pty Ltd (Ref: 45515 dated 14/09/2020)
115. The basement car wash area / bay is to be graded and drained to a waste water disposal system in accordance with the requirements of Sydney Water.

#### **Health**

116. All food preparation, handling and storage are to be carried out in accordance with provisions of the Food Act 2003, the Food Regulation 2010 and the Food Safety Standards.

Copies of the Food Safety Standards Code (Australia) may be obtained by contacting the Food Standards Australia New Zealand Authority on Telephone: (02) 6271-2222, e-mail: [info@foodstandards.gov.au](mailto:info@foodstandards.gov.au) or by visiting the website: [www.foodstandards.gov.au](http://www.foodstandards.gov.au)

117. The fit out of the kitchen and food preparation areas is to be in accordance with Australian Standard A.S. 4674-2004 for the Design, construction and fit-out of food premises, Food Act, 2003 and Food Regulation 2004. Plans and specifications of the proposed kitchen and food areas are to be submitted to Council for approval **prior to the issue of a Construction Certificate**

Note: Copies of AS 4674-2004 may be obtained from Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website: [www.standards.com.au](http://www.standards.com.au)

118. The applicant is to complete and submit, together with the relevant fee, Council's 'Application Form for Registration of Food Premises' **prior to the issue of an Occupation Certificate**.
119. A Food Safety Supervisor (FSS) is to be appointed for the business. Details of the name and current Certificate number of the FSS are to be submitted to Council **prior to the issue of an Occupation Certificate**.

#### **Waste Management:**

120. The waste management for the development including construction and demolition and ongoing operational waste management shall be carried out as specified in the Waste Management Plan prepared by WSP (project PS120155-20200910 – LG-Building DA, dated 10/09/2020)



121. The garbage and recycling storage areas are to be:

- Supplied with both hot and cold water;
- Paved with impervious floor materials;
- Coved at the intersection of the floor and the walls;
- Graded and drained to a floor waste which is connected to the sewer in accordance with the requirements of Sydney Water;
- Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
- Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

122. Suitable signage is to be installed in each waste service room encouraging the separation of recyclables from the general waste stream.

123. All waste collections are to be carried out from within the building (not from the kerb side).

124. Waste and recycling bins shall be kept clean and hygienic condition. Bins are to be washed regularly within the garbage storage room with any waste water being discharged to the sewer by way of a grated drain.

125. The owner/occupier of the premises is to enter an agreement with registered waste company or provider for the regular collection of all commercial waste and recyclable material generated from the premises. A copy of the agreement is to be retained on site and produced to an authorized Council officer upon request.

### **ENGINEERING – GENERAL**

126. All activities and works external to the site, or that affect public roads, are to be carried out in accordance with Council's Policies including but not limited to the Works on Council's Road Reserve Assets Policy, Rubbish Skips Policy, Work Zone Policy and Temporary Road Closure (Including Standing Plant) Policy.

127. Road-opening permit shall be obtained for all works carried out on public or Council controlled lands. Restoration of landscaping, roads and paths shall be carried out by Council at the applicant's expense in accordance with Council's **Schedule of Fees and Charges**. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$20 million, and shall provide proof of such cover to the Principal Certifier prior to carrying out the works. Please see **Burwood Council's web site** [www.burwood.nsw.gov.au](http://www.burwood.nsw.gov.au) - Go to Rates and Payments/ Works on Council Property/ Application for Works on Council Property.

128. Spoil and building materials shall not be placed, stored, thrown or caused to fall on any public roadway or footpath. Waste containers shall be placed in accordance with Council's Rubbish Skips Policy. Contact Council for a list of approved skip bin suppliers.

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

130. The following matters shall apply to the damage deposit listed in the Table of Fees:

- a) This deposit is refundable if no damage occurs. Any damage caused will be repaired at Council's restoration rates, at the applicant's expense. All or part of the deposit will

be forfeited to cover damage to Council's property during the course of demolition and/or construction.

- b) Council will carry out two inspections of the Council's footpath, kerb and gutter, stormwater drainage system and roadway, prior to works commencing and at the completion of all work covered by this consent. Council is aware that damage may be caused by individual contractors that culminate in the damage inspected at Council's final inspection. The applicant is responsible for attributing any part of the damage to their individual contractors. Council will not refund any part of a damage deposit until the completion of the work covered by this consent.
131. The applicant shall prepare a detailed dilapidation report of Council's existing infrastructure on all four streets and street frontages around the proposed building site. The report shall include but not limited to current condition of road pavement, footpath, kerb and gutter, stormwater pit & lintel, trees on the nature strips, service pits for electricity, gas, telecommunications, water and street lighting poles etc. The report shall also include a CCTV inspection of Council's existing underground drainage pipelines in Marmaduke Street and George Street. A copy of the dilapidation report shall be submitted to Council **prior to issue of Construction Certificate**.
132. The following matters apply to the construction of the proposed vehicular crossings.
- a) The vehicular crossings shall be constructed by the Applicant/Council at the applicant's cost.
  - b) The vehicular crossings shall be 1m clear of any pits, lintels, poles and 2m clear of trees in the road reserve.
133. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
134. Vehicles removing demolished materials from the site shall access and depart from the site through Shaftesbury Road and Parramatta Road. Vehicles involved in removing materials from the site shall be limited to an 8 tonne gross weight per axle.
135. Stormwater from all roof and paved surfaces shall be collected and discharged by means of gravity pipe to Council's suitable stormwater pit. Where the condition of the pit is not suitable as assessed by Council's engineer, the applicant shall reconstruct new pit and lintel and if required a new section RCP to the next suitable pit as per Council's standard.
136. Temporary measures, including the provision of a sedimentation basin (for sites greater than 2,500m<sup>2</sup>) and inlet controls at all existing pits, shall be provided during demolition, excavation and/ or construction to prevent sediment and polluted water discharging from the site.
- 137.
- a) An erosion and sediment control plan showing such measures shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Supplement 10 of Council's Stormwater Management Code.
  - b) The erosion and sediment control plan is to be reviewed by Council or an Accredited Certifier - Civil Engineering. The Principal Certifier is to be provided with a Compliance Certificate verifying that this condition has been complied with, **prior to the issuing of a Construction Certificate** or commencement of demolition.

138. 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.
139. The applicant is to have prepared a longitudinal section of the proposed vehicular ramp access, drawn at 1:25 natural scale.
  - a) The longitudinal section shall be prepared by a competent practicing civil engineer in accordance with AS 2890.1.
  - b) The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering. The Principal Certifier is to be provided with a Compliance Certificate verifying that this condition has been complied with, **prior to the issuing of a Construction Certificate.**
140. The depth and location of all existing stormwater pits and pipes where a new connection is proposed, shall be confirmed by the applicant on site prior to commencement of construction.
141. The depth and location of all stormwater infrastructure recently constructed as part of adjacent developments are to be confirmed by the applicant on site and considered in the design coordination.
142. Existing stormwater infrastructure proposed to be made redundant and/or requiring diversion is to be clearly denoted on the drainage design drawings. Disturbed areas are to be made good and match existing levels/profile/finish following completion of works.
143. Stormwater pits proposed in the roadway, at the intersection of Shaftesbury Road and George Street and at the intersection of Deane Street and Marmaduke Street are to be kerb inlet pits along the adjacent kerb return to eliminate any safety risks associated with access and maintenance.
144. Stormwater pits proposed adjacent to kerb ramps are to be located upstream of the kerb ramp to eliminate impacts on pedestrian movements.
145. On-site stormwater detention storage shall be provided in conjunction with the proposed stormwater management system in accordance with Council's Stormwater Management Code. A minimum of two (2) access chambers are to be provided to the on-site detention tank for maintenance access. The discharge control pit (DCP) shall be designed to control outflows for all storm events from 2 to 100 year ARI.
146. The MUSIC model stormwater quality treatment train shall be amended to include details of any bypass from the site and shall be accounted for in the design. Filter basket inserts are to be provided in all grated inlet pits for capture of gross pollutants.
147. Grated drains shall be provided along the property boundary at the vehicular crossings and are to connect to the internal drainage system.
148. A rainwater tank including details and calculations is to be provided within the development to cater for the non- potable water demands, designed by a suitably competent practicing hydraulic/civil engineer in accordance with the relevant Council Codes and Policies.
149. Extent of roads proposed for reworking along Shaftesbury Road and Marmaduke Street are required to extend to a minimum width of one lane.
150. Pavement details for the proposed pavements, including shared zone pavement shall be designed by a competent practicing civil/ structural engineer in accordance with the relevant Council codes and TfNSW requirements. The pavement design is to be reviewed by Council

or an Accredited Certifier – Civil/ Structural Engineering. The Principal Certifier is to be provided with a Compliance Certificate verifying that this condition has been complied with, **prior to the issuing of a Construction Certificate.**

151. The existing pedestrian crossing along Shaftesbury Road (south of Waimea Street) is to be removed with pavement reinstated in accordance with TfNSW requirements.
152. The DRAINS model and MUSIC model of the proposed stormwater management plan are to be in accordance with Council's Stormwater Management Code and is to be provided to Council for review and approval.
153. The following matters shall apply for stormwater drainage connection to a suitable Council's stormwater pit
  - i) A new Council standard pit and 1.8m lintel shall be constructed on George Street in front of the property for the property's stormwater to connect to. RCP Class 4 pipes shall be laid under road surface connecting the new pit with Council's pit to the west
  - ii) Long section of the Ø375 mm pipe, details of the connecting pits together with the invert levels, surface levels etc. shall be provided. Minimum 500mm pipe cover shall be maintained under road surface at all times. Where the pipe cover is less than 500mm, the pipe shall be encased in concrete for which details of pipe encasement shall be shown on plan.
  - iii) The depth and location of all services within the area that would be affected by the connection of the stormwater pipe (i.e. gas, water, sewer, electricity, telephone, traffic lights etc.) shall be confirmed by the applicant on site and are to be included on the design drawings with their respective chainage and elevations (AHD). Any adjustment required will be at the applicant's expense.

The stormwater works including stormwater connection, stormwater diversion, stormwater upgrading etc. shall be constructed at applicant's expense. The stormwater bond as listed in the 'Table of Fees' shall be refunded after completion of the stormwater works described above as per Council's satisfaction.

154. The stormwater works on the development property and connection to Council's stormwater system are to be inspected during construction by a competent practicing hydraulic/civil engineer. The inspections are to be carried out at the stages of construction listed in the following schedule. A compliance Certificate verifying that the construction is in accordance with the approved design, this development consent and satisfies the relevant Australian Standard is to be submitted to the Principal Certifying Authority before proceeding beyond the relevant stage of construction.

#### SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- a. Following placement of pipe bedding material. Confirm trench/pipe location, adequacy of depth of cover, bedding material and depth.
- b. Following joining of pipes and connection to Council's stormwater system.
- c. For on-site detention systems:-
  - (i) Following set out of detention tank/area to confirm area and volume of storage.
  - (ii) Following placement of weep-holes, orifice and/or weir flow control, outlet screen and overflow provision.

- d. Following backfilling. Confirm adequacy of backfilling material and compaction.

155. Following completion of all drainage works:-

- a. Works-as-executed (WAE) plans, shall be prepared and signed by a registered surveyor. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels. These plans are to be reviewed by the competent practicing hydraulic/civil engineer that inspected the works during construction.
- b. The Principal Certifier is to be provided with a Certificate from a competent practicing hydraulic/civil engineer. The Certificate shall state that all stormwater drainage and related work has been constructed in accordance with the approved plans and consent conditions as shown on the work-as-executed plans, **prior to the issuing of an Occupation Certificate.**

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

- i) Overland surface flow path
- ii) On-site Stormwater Detention system
- iii) Pump and rising main system

incorporated in the development. The wording of the Instrument shall include but not be limited to the following:

- a. The proprietor of the property agrees to be responsible for keeping clear and the maintenance of the facilities consisting of:
  - i. The overland surface flow path
  - ii. On-site Stormwater Detention system
  - iii. Pump and rising main system
- b. The proprietor agrees to have the facilities inspected annually by a competent practicing Hydraulic/Civil Engineer.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean repair and maintain in good working order the facilities in or upon the said land; and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from failure of any component of the facilities.

The applicant shall bear all costs associated with the preparation of the 88E Instrument. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgment at the Land and Property Information office. Evidence that the Instrument has been registered at the Land and Property Information office shall be submitted to Council, **prior to issuing of an Occupation Certificate.**

157. The following conditions are to be satisfied for pump system for the drainage of the basement areas where the finished slab is below the ground level.

- a. A pump and rising main design shall be submitted to the Principal Certifying Authority and shall satisfy the following conditions:



- i. The holding tank for the pump shall be capable of storing runoff from a one hour, 1 in 100 year ARI storm event.
  - ii. The pump system shall consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the lower of the allowable on site detention discharge rate, or the rate of inflow for the one hour duration storm.
  - iii. An overflow, flashing light and audible alarm are to be provided, to warn of pump failure.
  - iv. Full details of the holding tank, pump type, discharge rate and the delivery line size are to be documented.
- b. The applicant shall submit written evidence to the Principal Certifying Authority that a contract has been let for the regular maintenance of the pumping system. Information to be submitted to the Principal Certifying Authority **prior to issuing of an Occupation Certificate.**

### **Bulk Earthwork & Shoring**

- 158. No opening is to be made in any road or footpath, nor is any hoarding to be erected without the prior consent of Council. The builder is to obtain the relevant permit for which fees will be charged in accordance with Council's Schedule of Fees and Charges.
- 159. The builder shall erect and maintain in good order all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary.
- 160. Public roads to be kept clean and free of any material which may fall from vehicles or plant. Waste containers shall be placed in accordance with Council's Code for Activities Affecting Roads and are subject to the payment of appropriate fees.
- 161. Heavy vehicles entering and leaving the site must only cross the footpath where it is adequately timbered and strapped. Pedestrian access across this footpath must be maintained in good order at all times during the excavation work.
- 162. The contractor shall strictly implement all erosion and sediment control (ESCP) measures prior to the commencement of excavation/demolition. Such measures shall be inspected at site by a competent practicing hydraulic/civil engineer and the PCA shall be provided with a compliance certificate that all the ESCP measures have been implemented.
- 163. An effective maintenance program of erosion and sediment controls (ESCP) should be established at site. Proper maintenance of erosion and sediment controls (ESCP) shall be undertaken especially after a storm event. The engineer should check the operation of all erosion and sediment controls each day and initiate repair or maintenance as required as development progresses.
- 164. The Applicant shall prepare detailed survey reports of all existing service authority assets in and around the site of the proposed development that may be affected in any way by the proposed excavation. Surveys should include, but not be limited to, high and low voltage electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage assets, etc.
- 165. The Applicant shall liaise with all relevant service authorities (including, but not limited to electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage) to develop final designs that satisfy all requirements of the service authority providers in

respect of protection, termination or relocation of existing assets, temporary access and future permanent access for maintenance of assets.

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

### **Installation of Temporary Ground Anchors**

Where the applicant requires the use of temporary ground anchors to shore the bulk excavation within public roads an NPER Registered Structural Engineer's certificate along with certified plans showing the details and extent of work shall be submitted to Council for its record. The following conditions shall be addressed by the Applicant.

167. The Applicant is required to obtain a 'Temporary Ground Anchor Permit' from Council for which an 'Application for Works on Council's Property' shall be lodged with Council. Subject to the application being approved by Council, the applicant shall pay Council calculated Anchor Fees and a 'Refundable Deposit' as required under Council's 'Fees and Charges 2020 – 2021'. Payment of the 'Refundable Deposit' shall be made in the form of a Bank Guarantee.

***NOTE: This deposit is refundable if no damage occurs.***

168. The contractor shall be responsible to obtain and submit to Council a written authority from all public utility authorities that they have no objection in regards to the installation of temporary ground anchors, prior to works commencing.
169. The contractor shall be responsible to obtain permission from the neighbours of the adjoining properties prior to installation of anchors.
170. The contractor shall be responsible for any injury or damage either to persons or property due to the presence or failure of the supporting structure on the public way and the contractor shall indemnify the Council against all claims that may arise from the installation of the supporting structure. In this regard the contractor shall provide written evidence of public liability insurance cover to the minimum value of \$20 million, with Council named in the insurance policy, prior to work commencing.
171. The anchors shall be installed in accordance with the manufacturer's instructions. The construction of ground anchors shall be of a temporary nature only and a written undertaking shall be given that the ground anchors are temporary only and shall be de-stressed after final lateral supports are in place. The written undertaking is to be provided to Council, prior to work commencing.
172. Council may unilaterally use the damage deposit for the demolition and removal of the shoring elements constructed within the public road including the repair/reconstruction of any other associated damage to Councils infrastructure, it be necessary due to non-compliance with these conditions.
173. All shoring with the exception of the released temporary ground anchors shall be completely removed from the public road to a depth of 2.5m on completion. The void shall be backfilled by suitable materials and compacted.
174. All shoring including ground anchors are to be certified by a practicing professional structural engineer. Certification is required as follows:
  - i. That the proposed shoring and anchor scheme is capable of supporting the public road, to be submitted prior to work commencing.

- ii. Certification that the shoring and anchor scheme has been adequately constructed, following installation.
  - iii. Final certification that the anchors have been de-stressed following de-stressing of the anchors on completion of lateral supports. This is mandatory prior to release/refund of Anchor Bond.
- 175. Council's footpath and roadway are to be kept safe for the passage of motorists and pedestrians at all times. Closure of any part of the public thoroughfare shall only be carried out with the approval of Council's Traffic Engineer.
- 176. All stockpiled shoring materials and equipment shall be kept solely within the private property and not obstruct the footpath or roadway at any time.
- 177. All earth and rock anchors shall be released before the completion of building work.

**178. Public Domain - Construction**

- a) Detailed public domain improvement shall be undertaken at all frontages of the property and to be completed at applicant's cost in accordance with Burwood Council DCP and Public Works Element Manual (PWEM)
- b) Three copies of Public Domain construction drawings including but not limited to plans, longitudinal sections, cross sections and details of construction inventories shall be prepared by a competent civil engineering consultant suitably experienced in public domain design and construction in urban environment and submitted to Council. A DWG 3D file or similar be provided for construction set-out of kerb and gutter in the public domain. All public domain will now require Point Coordinates Incl. Survey Control Points, Level Card and 3D Design Cad model (tin).
- c) The plan shall include all existing service authority assets on street frontage and in and around the areas as per the survey report. This should include, but not be limited to, high and low voltage electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage assets, etc.
- d) The plan shall show all surrounding street frontages of the property for improvement e.g. footpath paving, kerb & gutter, pram ramps, bollards, service pits, stormwater pit & lintel including mill & re-sheet of the road pavement as determined by Council's engineer.
- e) The plan shall incorporate the standard specifications and details in accordance with the Public Works Elements Manual and Council's standard drawings and technical specifications.
- f) The Applicant shall liaise with all relevant service authorities to satisfy all requirements of the service authority providers in respect of protection, termination or relocation of existing assets prior to construction. A written consent shall be required where a service authority asset will be affected.

**LANDSCAPING**

- 179. Existing trees to be retained and/or demolished in accordance with the recommendations within the Arboriculture Impact Assessment Report prepared by Australis Tree Management.
- 180. On-site Landscaping to be installed as per the Landscape Plan sheet set entitled 'Stage 1 Landscape DA Report' by Turf Design Studio (Dwg. Nos. L-DA-2 to L-DA-30, Issue A) dated September 2020.

181. A detailed Landscape Plan for the public domain is required to be submitted to Council for Stage 2 of the Development.
182. Landscaping for Stage 1 to be completed **prior to the issuing of an Occupation Certificate or Interim Occupation Certificate for that stage.**
183. Landscaping to be maintained at all times following installation. This includes replacement of any dead, damaged, stolen, or unhealthy plants with like for like.

## TRAFFIC

184. All owners, tenants and occupiers of this development are not eligible to participate in any existing or proposed Council on-street Permit parking schemes.
185. A total of 1,240 off-street car parking spaces 44 motorbike parking spaces and 36 bicycle parking spaces must be provided on-site. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 2015 Parking Facilities Part 3: Bicycle Parking Facilities.
186. The approved parking spaces must be allocated as detailed below. All spaces must be appropriately line-marked and labelled according to this **requirement prior to the issue of an Occupation Certificate**. If the development is to be strata subdivided, the car park layout must respect the required allocation:
  - (a) 206 hotel parking spaces.
  - (b) 990 club patron parking spaces.
  - (c) 40 club and hotel staff parking spaces.
  - (d) 4 car wash parking spaces.
187. Vehicular access to and from the site via Shaftesbury Road is to be restricted to left turn only. No Right Turn signage is to be installed and maintained for traffic exiting the site as well as for south bound traffic on Shaftesbury Road **prior to issuing of Occupation Certificate** with all costs to be borne by the development.
188. Of the required car parking spaces, at least 23 must be designed and provided for accessible car parking for people with mobility impairment in accordance with Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities. Accessible car parking spaces must have a minimum headroom of 2.5m and must be clearly marked and appropriately located as accessible parking for people with mobility impairment.
189. The following signs must be provided and maintained within the site at the point(s) of vehicle egress:
  - a. Regulatory "STOP" sign (R1-1) compelling drivers to stop before proceeding onto the footway
  - b. "Give Way to Pedestrians" sign compelling drivers to give way to pedestrians before crossing the footway.
190. Solid walls immediately adjacent to the basement entry and exit must not exceed 0.6m in height for the first 2.5m within the boundary so as to ensure adequate sight lines for motorists and pedestrians.

191. All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
192. At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.
193. Any proposals for alterations to the public road, involving traffic facilities and/or parking restrictions, excluding the construction of a vehicular crossing, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Traffic Committee prior to any work commencing on site.
194. All costs associated with the construction of any new road works including kerb and gutter, road pavement, street lighting, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with any relevant Australian Standards, Austroads Guides and RMS Technical Directions.
195. All costs associated with signposting for any kerbside parking restrictions and traffic management measures, including any relocation of parking meters, associated with the development shall be borne by the developer.
196. A Construction Traffic Management Plan must be submitted and approved by Council prior to the commencement of demolition and excavation or issuing of the Construction Certificate (whichever occurs first). The Construction Traffic Management Plan must be complied with at all times. The following matters should be addressed in the plan (where applicable):
  - a. A plan view of the entire site and frontage roadways indicating:
    - i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and all vehicles in the frontage roadways.
    - ii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all vehicles on the site.
    - iii. The proposed locations of work zones where it is not possible for loading/unloading to occur on the site in the frontage roadways (which will require separate approval by Council).
    - iv. Location of any proposed crane and concrete pump and truck standing areas on and off the site (which will require separate approval by Council).
    - v. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
    - vi. Traffic routes to and from the site from the closest arterial road in all directions.
  - b. Traffic control plan(s) for the site must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual" and prepared by a suitably qualified person. The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.
197. All works carried out in conjunction with the development including during the course of demolition, excavation and construction must be implemented in accordance with the approved Construction Traffic Management Plan (CTMP) and/or approved permits from Council or any other Road authority.
198. Heavy vehicles approaching, entering and exiting the site must approach, enter and exit the site in accordance with the approved route(s) as set out in the Construction Traffic Management Plan (CTMP).

199. All heavy vehicles must comply with the approved CTMP, once heavy vehicles have exited the Burwood LGA via the approved routes stated in the CTMP, only State Roads (Parramatta Road, The Boulevarde, Coronation Parade, Liverpool Road and Georges River Road) are permitted to be used on re-entry into Burwood LGA.
200. Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity
- i) Work zone.
  - ii) Temporary closure of roadway/footpath.
  - iii) Mobile crane or any standing plant
  - iv) Scaffolding/Hoardings (fencing on public land)
  - v) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc.
  - vi) Installation or replacement of private stormwater drain, utility service or water supply

END CONDITIONS