

Conditions of Consent

DA.2021.44

42-60 Railway Parade Burwood

APPROVED DEVELOPMENT AND FEES

1. The development shall be carried out in accordance with the plans and documents as listed below and subject to all conditions that follow:

SHEET NO.	SHEET NAME	REVISION
AR-DA-00 COVER SHEETS		
AR-DA-0100	COVER SHEET	E
AR-DA-0101	DRAWING REGISTER + ZONING PLAN	E
AR-DA-11 DA & SITE OVERVIEW		
AR-DA-1100	_ 11 DA & SITE OVERVIEW	E
AR-DA-1101	AREA SCHEDULE	F
AR-DA-1102	UNIT MIX SCHEDULE	C
AR-DA-1103	LOCATION PLAN	C
AR-DA-1104	EXISTING SITE PLAN	C
AR-DA-1105	SITE ANALYSIS	C
AR-DA-1106	DEMOLITION PLAN	C
AR-DA-1107	PROPOSED SITE PLAN	E
AR-DA-1108	STREET ELEVATION (NORTH)	C
AR-DA-1109	STREET ELEVATION (SOUTH)	E
AR-DA-1110	SITE PHOTOS	C
AR-DA-21 FLOOR PLANS		
AR-DA-2100	_ 21 FLOOR PLANS	E
AR-DA-2101	PODIUM GROUND LEVEL PLAN	E
AR-DA-2102	PODIUM LEVEL 1 PLAN	E
AR-DA-2103	PODIUM LEVEL 2 PLAN	E
AR-DA-2104	RESIDENTIAL LEVEL 4 PLAN	E
AR-DA-2105	RESIDENTIAL LEVEL 7 PLAN	E
AR-DA-2106	RESIDENTIAL LEVEL 15 PLAN	E
AR-DA-2107	ROOF PLAN	E
AR-DA-2108	LOWER GROUND LEVEL PLAN	E

AR-DA-2109	BASEMENT B1 CARPARK PLAN - RETAIL	F
AR-DA-2110	BASEMENT B2 CARPARK PLAN - RETAIL	F
AR-DA-2111	BASEMENT B3 CARPARK PLAN - RETAIL, COMMERCIAL	F
AR-DA-2112	BASEMENT B4 CARPARK PLAN - RESIDENTIAL, VISITORS	F
AR-DA-2113	BASEMENT B5 CARPARK PLAN - RESIDENTIAL, VISITORS	F
AR-DA-2114	BASEMENT B6 CARPARK PLAN - RESIDENTIAL	F
AR-DA-2120	BASEMENT B7 CARPARK PLAN - RESIDENTIAL	F
AR-DA-22 FLOOR PLANS BLOCK 2		
AR-DA-2200	_ 22 FLOOR PLANS BLOCK 2	E
AR-DA-2201	PUBLIC DOMAIN - WYNNE AVENUE	E
AR-DA-2202	BLOCK 2 GROUND FLOOR	E
AR-DA-2203	BLOCK 2 PODIUM LEVEL 01	C
AR-DA-2204	BLOCK 2 PODIUM LEVEL 02	C
AR-DA-2205	BLOCK 2 LEVEL 03 - COMMERCIAL AND TRANSFER LEVEL	C
AR-DA-2206	BLOCK 2 LEVEL 04 - COMMERCIAL AND COMMUNAL OPEN SPACE	C
AR-DA-2207	TOWER D - LEVEL 05 (COMMERCIAL) LEVEL 06/07 COMMUNAL OPEN SPACE	C
AR-DA-2208	TOWER D - LEVELS 8-10 & 12	C
AR-DA-2209	TOWER D - LEVELS 11, 13-15, 19, 21, 23, 24 & 26-28	C
AR-DA-2210	TOWER D - LEVELS 16-18, 20, 22, 25 & 29	C
AR-DA-2211	TOWER D - LEVELS 30-32	C
AR-DA-2212	TOWER D - LEVEL 32 ATTIC, PLANT	C
AR-DA-2213	TOWER C - LEVELS 4-6	C
AR-DA-2214	TOWER C - LEVELS 7-12	C
AR-DA-2215	TOWER C - LEVELS 13-32	C
AR-DA-2216	TOWER C - LEVELS 33-37	C
AR-DA-2217	TOWER C - LEVELS 38, 39, 39 ATTIC & PLANT	C
AR-DA-2218	TOWER E - BASEMENT 3 & LEVELS 3-5	C
AR-DA-2219	TOWER E - LEVELS 6-10	C
AR-DA-2220	TOWER E - LEVEL 11 & ROOF PLAN	C
AR-DA-23 FLOOR PLANS BLOCK 1		
AR-DA-2300	_ 23 FLOOR PLANS BLOCK 1	E
AR-DA-2301	PUBLIC DOMAIN - WYNNE AVENUE	E

AR-DA-2302	BLOCK 1 GROUND FLOOR	E
AR-DA-2303	BLOCK 1 PODIUM LEVEL 01	E
AR-DA-2304	BLOCK 1 PODIUM LEVEL 02	E
AR-DA-2305	BLOCK 1 LEVEL 03 - TRANSFER LEVEL	E
AR-DA-2306	BLOCK 1 LEVEL 04	E
AR-DA-2307	TOWER B - LEVELS 4-7	C
AR-DA-2308	TOWER B - LEVELS 8-14	C
AR-DA-2309	TOWER B - LEVELS 15-18	C
AR-DA-2310	TOWER B - LEVELS 19-21	C
AR-DA-2311	TOWER B - LEVELS 21 ATTIC & PLANT	C
AR-DA-2312	TOWER A - LEVELS 5 -13	C
AR-DA-2313	TOWER A - LEVELS 14-36	C
AR-DA-2314	TOWER A - LEVELS 37-40	C
AR-DA-2315	TOWER A - LEVELS 41-42, PLANT & MEZZANINE	C
AR-DA-30 ELEVATIONS		
AR-DA-3000	_ 30 ELEVATIONS	E
AR-DA-3001	EAST ELEVATION	C
AR-DA-3002	NORTH ELEVATION	C
AR-DA-3003	WEST ELEVATION	C
AR-DA-3004	SOUTH ELEVATION	E
AR-DA-3005	WYNNE AVENUE EAST ELEVATION	C
AR-DA-3006	WYNNE AVENUE WEST ELEVATION	C
AR-DA-3007	BLOCK 1 PODIUM	C
AR-DA-3008	BLOCK 1 PODIUM	E
AR-DA-3009	BLOCK 1 PODIUM	C
AR-DA-3010	BLOCK 1 PODIUM	C
AR-DA-3011	BLOCK 2 PODIUM	C
AR-DA-3012	BLOCK 2 PODIUM	C
AR-DA-3013	BLOCK 2 PODIUM	C
AR-DA-3014	BLOCK 2 PODIUM	C
AR-DA-3015	TOWER A	E
AR-DA-3016	TOWER B	C
AR-DA-3017	TOWER C	C

AR-DA-3018	TOWER D	C
AR-DA-3019	TOWER E	C
AR-DA-40 SECTIONS		
AR-DA-4000	_ 40 SECTIONS	E
AR-DA-4001	GENERAL SECTIONS AA	E
AR-DA-4002	GENERAL SECTIONS BB	E
AR-DA-4003	GENERAL SECTIONS CC	E
AR-DA-4004	GENERAL SECTIONS DD	C
AR-DA-4005	GENERAL SECTIONS EE	C
AR-DA-4006	GENERAL SECTIONS FF	C
AR-DA-4007	GENERAL SECTIONS GG	E
AR-DA-4008	GENERAL SECTIONS HH	E
AR-DA-4009	GENERAL SECTIONS JJ	E
AR-DA-50 3D VIEWS		
AR-DA-5000	_ 50 3D VIEWS	C
AR-DA-5001	AERIAL VIEW - BURWOOD	D
AR-DA-5002	AERIAL VIEW - BURWOOD 02	D
AR-DA-5003	PUBLIC DOMAIN - CLARENDON PLACE	D
AR-DA-5004	PUBLIC DOMAIN - WYNNE PLACE	D
AR-DA-5005	AERIAL VIEW - WYNNE PLACE	D
AR-DA-5006	PUBLIC DOMAIN - BURWOOD LANE	D
AR-DA-5007	PUBLIC DOMAIN - WEST RAILWAY PARADE	D
AR-DA-5008	PUBLIC DOMAIN - LIBRARY PARK	D
AR-DA-5009	COMMUNAL OPEN SPACE - TOWER D POOL	D
AR-DA-5010	PUBLIC DOMAIN - CLARENDON PLACE	D
AR-DA-60 FINISHES		
AR-DA-6000	_ 60 FINISHES	C
AR-DA-6001	PODIUM FINISHES	C
AR-DA-6002	PODIUM FINISHES	C
AR-DA-6003	PODIUM FINISHES	C
AR-DA-6004	PODIUM FINISHES	C
AR-DA-6005	TOWER A FINISHES	C
AR-DA-6006	TOWER B FINISHES	C

AR-DA-6007	TOWER C FINISHES	C
AR-DA-6008	TOWER D FINISHES	C
AR-DA-6009	TOWER E FINISHES	C
AR-DA-70 COMPLIANCE		
AR-DA-7000	_ 70 COMPLIANCE	E
AR-DA-7001	GFA AREAS BASEMENT + PODIUM	E
AR-DA-7002	GFA AREAS BASEMENT + PODIUM	E
AR-DA-7003	GFA AREAS TOWERS A & B	C
AR-DA-7004	GFA AREAS TOWERS C & D	C
AR-DA-7005	ADAPTABLE UNITS BLOCK A	C
AR-DA-7006	ADAPTABLE UNITS BLOCK A	C
AR-DA-7007	ADAPTABLE UNITS BLOCK B	C
AR-DA-7008	ADAPTABLE UNITS BLOCK B	C
AR-DA-7009	ADAPTABLE UNITS BLOCK C	C
AR-DA-7010	ADAPTABLE UNITS BLOCK D	C
AR-DA-7011	ADG - CROSS VENTILATION	C
AR-DA-7012	ADG - CROSS VENTILATION	C
AR-DA-7013	ADG - SUN EYE VIEW - 21 JUNE 9AM	C
AR-DA-7014	ADG - SUN EYE VIEW - 21 JUNE 10AM	C
AR-DA-7015	ADG - SUN EYE VIEW - 21 JUNE 11AM	C
AR-DA-7016	ADG - SUN EYE VIEW - 21 JUNE 12PM	C
AR-DA-7017	ADG - SUN EYE VIEW - 21 JUNE 1PM	C
AR-DA-7018	ADG - SUN EYE VIEW - 21 JUNE 2PM	C
AR-DA-7019	ADG - SUN EYE VIEW - 21 JUNE 3PM	C
AR-DA-7024	ADG COMPLIANCE PLANS	C
AR-DA-7025	ADG COMPLIANCE PLANS	C
AR-DA-7026	DCP COMPLIANCE	C
AR-DA-7027	COMMUNAL OPEN SPACE	C
AR-DA-7028	COMMUNAL OPEN SPACE - LEVEL 04	C
AR-DA-7029	COMMUNAL OPEN SPACE - LEVEL 07	C
AR-DA-7032	LAND ACQUISITION AND OR DEDICATION	C
AR-DA-80 SHADOW STUDIES		
AR-DA-8000	_ 80 SHADOW STUDIES	C

AR-DA-8001	SHADOW STUDIES - SUMMER SOLSTICE	C
AR-DA-8002	SHADOW STUDIES - SUMMER SOLSTICE	C
AR-DA-8003	SHADOW STUDIES - SUMMER SOLSTICE	C
AR-DA-8004	SHADOW STUDIES - SUMMER SOLSTICE	C
AR-DA-8005	SHADOW STUDIES - SUMMER SOLSTICE	C
AR-DA-8006	SHADOW STUDIES - SUMMER SOLSTICE	C
AR-DA-8007	SHADOW STUDIES - SUMMER SOLSTICE	C
AR-DA-8008	SHADOW STUDIES - SUMMER SOLSTICE	C
AR-DA-8009	SHADOW STUDIES - SUMMER SOLSTICE	C
AR-DA-8010	SHADOW STUDIES - SUMMER SOLSTICE	C
AR-DA-8011	SHADOW STUDIES - SUMMER SOLSTICE	C
AR-DA-8012	SHADOW STUDIES - SUMMER SOLSTICE	C
AR-DA-8013	SHADOW STUDIES - SUMMER SOLSTICE	C
OTHER PLANS AND REPORTS		
	Plan of Proposed Road Dedication over Lot 1 in DP 588368 prepared by LTS	A
	Landscape DA report by Turf Design Studio June 2022	

Amended Documentation lodged to Council through the NSW Planning Portal 24 June 2022.

2. In the event of any inconsistency between the conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

Development not approved

3. This development consent does not approve the following development, for which separate development consent or Complying Development Certificate (as appropriate) is to be obtained:
 - a. Demolition works within the adjoining property known as Emerald Square, as shown on drawing AR-DA-2117 Wynne Avenue (Retain & Demolition) Revision E, prepared by Cox Architects.
 - b. Any signage other than signage that is exempt development.
 - c. Fitout and specific use/operation of the retail and childcare centre tenancies.
4. This consent allows construction works to be broken into stages, as identified in the Voluntary Planning Agreement between Burwood Council, Burwood Tower Holdings Pty Ltd and Wynne Ave Property Pty Limited atf Wynne Ave Property Trust, as executed on 6 August 2020. Construction Certificates may also be issued in stages accordingly.

Fees

5. Pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Section 7.12 Contributions Plan for Burwood Town Centre, the following monetary contribution towards public services and amenities is required:

Contribution Element	Contribution
A levy of 4% of the cost of carrying out the development, where the cost calculated and agreed by Council is \$652,000,000.00	\$26,080,000.00

Index Period	September 2022	CPI ₁	128.6
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Office Use: T49

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

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

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

Where:

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

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

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

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

The contribution is to be paid to Council, or evidence that payment has been made is to be submitted to the Principal Certifier, prior to release of an Occupation Certificate for each stage of the development as set out in the staging schedules 4 & 5 of Voluntary Planning Agreement with Council dated 6 August 2020.

requirements specified in the Section 7.12 Contributions Plan for 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.

6. Stormwater Works bond for construction by the Applicant/Council the stormwater drainage works **\$364,000.00** – Refer to conditions under 'Stormwater Drainage'
7. Additional Development Application Fee **\$27,490.00**

(Payment to be made to Council)

Based on updated CIV Valuation of \$652,000,000.00

Fees to be paid prior to release of a Construction Certificate for the development and prior to any work commencing on site.

PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

8. Lockable mail boxes shall be provided at the secure access doorways to the residential lobby, and accessed by residents inside the secure area. The mail boxes are to comply with the requirements of Australia Post. Details to be submitted to the Principal Certifying Authority and Council and approved **prior to the issue of a Construction Certificate**.
9. The doors of the residential entry foyer to the building are to be security grade features and are to be appropriately security keyed to ensure the personal safety and security of residents of the development. An intercom system linked to each apartment is to be included in these security arrangements. Details on these matters are to be submitted and approved **prior to the issue of a Construction Certificate**.
10. Adequate lighting is required to be provided to building for all common areas to ensure the safety and security of residents. Details are to be submitted and approved **prior to the issue of a Construction Certificate**.
11. CCTV cameras shall be installed at the building so that they can survey the pedestrian entrances and walkways, entrance to the driveway to the parking levels, waste rooms, letter box area, lift lobbies, retail areas, public spaces, and lifts/elevators. 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 30 days and be available upon request by the NSW Police when required. Details are to be submitted and approved **prior to the issue of a Construction Certificate**.
12. All hydrant booster pump and fire service equipment shall to be provided in accordance with the Building Code of Australia and housed within an enclosed cupboard of a design and finish that enhances the streetscape. Details of these areas and the enclosures are to be assessed by an Accredited Fire Safety Engineer and shall comply with the performance requirements of the Building Code of Australia; shown on plans and submitted to the Principal Certifying Authority for approval **prior to release of a Construction Certificate** for the development.
13. Noise transmission and insulation ratings for building elements being in accordance with Part F5 of the Building Code of Australia. A wall in a building required to have an impact sound insulation rating to be of discontinuous construction in accordance with BCA Clause F5.3.

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

14. Basement Engineering Design – Structural adequacy

Engineering details shall be submitted to the Council **prior to the issuing of a Construction Certificate**:

- i. A report shall be prepared by a professional engineer **prior to the issuing of a Construction Certificate**, detailing the proposed methods of excavation, shoring or pile construction including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises due to building and excavation works. Any practices or procedures specified in the Engineer's Report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the Construction Certificate.

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

15. **TfNSW condition: Prior to any Construction Certificate being issued**, the applicant shall obtain concurrence under section 138 (2) of the Roads Act 1993 from TfNSW. The proposed vehicle crossovers on Railway Parade shall be designed and constructed in accordance with AS2890.1 and AS2890.2 and Council's requirements as the relevant road authority.
16. **TfNSW Condition: Prior to the issuing of a Construction Certificate**, an application shall be made to TfNSW under section 87 (4) of the Roads Act 1993 to amend the layout of the existing TCS on Wynne Avenue (midway between Railway Parade and Belmore Street). 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 changes to the TCS on Wynne Avenue and associated civil works prior to commencing the signal and road works.
17. **Wynne Avenue public domain**: Wynne Avenue public domain design, midblock crossing and associated pavement treatments are to be resolved and endorsed by Council and Transport for NSW **prior to the issue of a Construction Certificate**.
18. **End of trip facilities**: The layout of the commercial bicycle parking and end of trip facilities shall be detailed with respect to the number of lockers, showers, toilets and change area(s) to be provided. This information shall be submitted to and approved by Council **prior to the issue of a Construction Certificate**.
19. **Green Travel Plan**: A Green/Workplace Travel Plan shall be submitted to and approved by the Council prior to the issue of a Construction Certificate. The Plan is to include promotion and encouragement initiatives to maximise usage of bicycle parking on the site.
20. **Public art: Prior to the issue of any 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 submitted to the Burwood Design Review Panel for consideration, and 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 Barbara Flynn dated June 2022, and must incorporate the following:

- a. The provision of multiple art pieces across the development site.
- b. 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.
- c. 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.
- d. The proposed artworks, including their form, dimensions, materials, value, placement within the site, and timing for installation, and engineers' drawings.
- e. Ongoing management and maintenance requirements.
- f. Deaccessioning agreements.

Public artwork must be installed to the Council's satisfaction **prior to the issue of any Occupation Certificate.**

21. Landscaping details to be submitted: The applicant is to submit full details of all tree and planting species selection to the Burwood Design Review Panel's satisfaction, **prior to the issue of a Construction Certificate.** The report should be scientific and evidence based, taking into account prevailing environmental conditions and access to sunlight in species selection. The report should be prepared in consultation with nursery providers and a suitably qualified horticulturist.

22. Design integrity: To ensure the architectural and urban design excellence of the development is retained through to detailed design:

- a. The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project.
- b. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project.
- c. Evidence of the design architect's commission is to be provided to the Council **prior to the release of the Construction Certificate.**
- d. Evidence of the design architect's ongoing engagement is to be provided to the Council **prior to the issue of the Occupation Certificate.**
- e. The design architect on the project (COX) is not to be changed without prior notice and written approval from Council, which approval is not to be unreasonably withheld.

23. **Adaptable dwellings and accessible car parking spaces:** The applicant must submit amended plans showing compliance with the following, **prior to the issue of a Construction Certificate:**

- a. At least 10% of dwellings must be provided as adaptable housing to Adaptable House Class A or B standard to cater for ageing in place and mobility impaired residents, in accordance with AS 4299: Adaptable Housing.
- b. At least one car parking space must be provided and allocated to each adaptable dwelling and the car parking space must be accessible in accordance with the provisions of AS 1428.2 to facilitate automatic vehicular wheelchair loading and unloading.
- c. One accessible visitor car parking space must be provided on site at the rate of one per each 60 dwellings or part of. The spaces must be accessible in

accordance with the provisions of AS 1428.2 to facilitate automatic vehicular wheelchair loading and unloading.

- d. The proposed adaptable dwelling provisions and accessible spaces shall be confirmed to Council's satisfaction and any departures from the DCP requirements (section 3.2.19) justified.

24. Mechanical ventilation/air conditioning details are to be submitted to the Principal Certifying Authority for approval **prior to the issuing of a Construction Certificate** and must include the following:-

- a. The location and size of proposed ductwork.
- b. The location of equipment.
- c. The performance characteristics of the proposed motor/s and fan/s.
- d. The air flow characteristics of the system.

At the completion of work a Certificate from an Accredited Certifier, Mechanical Engineer or other suitably qualified person, to the effect that the ventilation system has been installed and performs in accordance with the provisions of Part F4 of the Building Code of Australia, Australian Standard 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 Certifying Authority **prior to the issue of an Occupation Certificate**.

25. A detailed drainage design shall be submitted to the Principal Certifying Authority.

- a. The design and calculations shall indicate the details of the proposed method of stormwater disposal and shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Council's Stormwater Management Code.
- b. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property.
- c. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage
- d. The design and detailed drawings are to be reviewed by Council or an Accredited Certifier - Civil Engineering **prior to the issuing of a Construction Certificate**.

26. Details and calculations shall be prepared by a competent practicing Hydraulic/Civil Engineer.

They shall include:

- a. a catchment plan
- b. plans showing proposed and existing floor, ground and pavement levels to Australian Height Datum (AHD)
- c. details of pipelines/channels showing calculated flows, velocity, size, materials, grade, invert and surface levels

- d. details and dimensions of pits and drainage structures
- e. hydrologic and hydraulic calculations
- f. details of any services near to or affected by any proposed drainage line
- g. any calculations necessary to demonstrate the functioning of any proposed drainage facility is in accordance with Council's requirements
- h. the depth and location of any existing stormwater pipeline and/or channel being connected to shall be confirmed by the applicant on site. Certification of such is to be provided to Council prior to the release of the construction certificate

The details and calculations are to be reviewed by Council or an Accredited Certifier - Civil Engineering, **prior to the issuing of a Construction Certificate.**

27. The on-site detention (OSD) design shall address the following:

- a. The storage volume (SSR) and site discharge (PSD) shall be calculated in accordance with Burwood Council Stormwater Management Code, Clause 4.7
- b. The discharge control pit (DCP) shall be provided with designed orifices to control outflows for 2, 10 and 100 year ARI. Overflow weir/pipe shall be designed and provided to cater for emergency overflow situation.
- c. Adequate open grates and access shall be provided to the storage tank for cleaning and ventilation purposes. Step ladder shall be provided to the tank wall.
- d. The storage shall be relatively self-cleansing; the base has to have minimum 2% fall to the outlet.
- e. The invert level IL of the connecting stormwater pit shall be documented on the plan. Should the existing pit render unsuitable for pipe connection, new pit and lintel shall be built.
- f. The invert level of the tank outlet shall be above hydraulic grade line of downstream drainage system.

The revised drawing shall be reviewed by Council or an Accredited Certifier - Civil Engineering, **prior to the issuing of a Construction Certificate.**

28. A flood risk management and flood emergency evacuation report together with a flood evacuation plan shall be prepared by a suitably qualified hydraulic/ civil engineer and submitted to Council. Such documentation shall be submitted to Council for **approval prior to release of a Construction Certificate.**

29. In accordance with Council's draft flood study report, the land at 52-60 Railway Parade is flooding tagged properties, affected by overland flow and any new building habitable floor level (FFL) as well as the crest of the ramp to basement car park must be determined considering flood plain level, which is 1% AEP plus freeboard. The flood plain level (FPL) shall be obtained from the Council by lodging an application for 'Flood Inquiry Report'. **This shall be carried out Prior to Release of a Construction Certificate**

30. The basement levels of the proposed building shall be further protected considering PMF level inundation with the help of flood gate or similar devices. Detailed design of Flood protection barriers/gates shall be provided to Council **prior to release of Construction**

Certificate. Additional sump with designed pump out system shall be provided to cater for emergency intrusion of flood water in the basement.

31. The proposed development shall not impede the natural flow path of floodwater with the use of solid wall or similar obstructing devices and shall allow overland flow to pass through. In this regard A Flood Impact Assessment Report shall be prepared by suitably qualified practicing engineer to establish the increase in 1%AEP flood level caused by the proposed development and submitted to Council for approval **prior to release of a Construction Certificate.**
32. The applicant shall submit an updated Flood Impact Assessment that demonstrates compliance with Council's Stormwater Management Code, particularly clause 3.4 which states that development activities must not cause any adverse impact on adjoining or any other properties. In this regard, it is noted that Figure 14 of the Flood Impact Assessment prepared by TTW dated 14 June 2022 does not illustrate the full extent of afflux (flood impact) on land to the west of the subject site. The updated report must be submitted to and approved by Council **prior to the issuing of a Construction Certificate.**
33. Structural engineer's details prepared and certified by a practicing Structural Engineer for all reinforced concrete and structural members being submitted to the Principal Certifying Authority for approval **prior to the issuing of a Construction Certificate.**
34. Landscaping must be installed as per the 'Landscape DA Report' by Turf Design Studio, dated June 2022, and subject to points i to iii below shall be **satisfied prior to the issue of a Construction Certificate.**
 - i. The 'Landscape DA Report' by Turf Design Studio, dated June 2022, must be amended to include nominated container sizes of proposed plants in the planting schedule tables.
 - ii. The proposed species of *Ficus benjamina* and *Sapium sebiferum* for the public domain of Wynne Plaza must be changed to *Elaeocarpus eumundi* and *Pistacia chinensis*, respectively.
 - iii. The 'Landscape DA Report' must be amended to include details for the installation of City Green Strata Vault modular root cell units, or equivalent, under suspended pavements, for tree plantings within the public domain of Railway Parade, Wynne Plaza, Burwood Lane and Clarendon Place.
35. Detailed landscape plans, drawn to scale, by a landscape architect, must be submitted to and approved by Council **prior to the issue of a Construction Certificate.** The plans must include:
 - a. Location of proposed structures on the site including existing trees;
 - b. Details of planting on slab, earthworks including mounding and retaining walls and planter boxes (if applicable);
 - c. Details of soil depths and specification for landscape soil;
 - d. Details of proposed tree pits/bases, including grates;
 - e. Location, numbers and type of plant species, having regard to wind conditions and shade effects;
 - f. Details of planting procedure and maintenance;
 - g. Details of drainage and watering systems;
 - h. Details of balustrades and wind protection measures (where applicable).

36. A Landscape Management Plan shall be submitted to and approved by Council **prior to the issue of a Construction Certificate**. The Landscape Management Plan shall detail how all landscaping areas integrated into the building structures will be maintained. This will include access, ongoing maintenance, irrigation and replacement in the event of failure.

37. Water feature:

- a. The water feature within Wynne Place is to be designed in accordance with all relevant Australian Standards, and such that water shall not become stagnant. Water quality must be of a standard appropriate for its use, in accordance with the ANZECC Guidelines for Fresh and Marine Water Quality and relevant Australian Standards.
- b. Details of the water feature construction are to be submitted to Council for review and approval prior to the issue of a Construction Certificate.
- c. Prior to the issue of a Construction Certificate, a maintenance plan for the water feature is to be submitted to Council for approval. The maintenance plan must include proposed treatments for hardscape and water elements and must clearly address maintenance, operational and cost responsibilities for the feature between elements to be located on privately owned land and those to be located on publicly owned land.
- d. The approved maintenance plan must be complied with for as long as the water feature is in place.

38. The kerb alignment along Clarendon Place is to be set back 1m within the 3m wide land for dedication area shown on plan AR-DA-7032 dated 03/06/22 to allow for road widening of Clarendon Place. **Plans shall be amended prior to release of a Construction Certificate for the development.**

39. Pedestrian access points to the building including the car park shall be so designed so that shopping trolleys are not able to be taken outside the building by persons using the retail/commercial area. Details of achieving this are to be submitted to the Principal Certifying Authority and Council for approval **prior to release of a Construction Certificate for the development.**

40. Manufactures details and specifications for the installation, fire suppression and health and odour control measures for the garbage chute are to be submitted to the Principle Certifying Authority for approval **prior to the issue of the Construction Certificate.**

41. An Environmental Management Plan is to be submitted to Council for approval, **prior to the issue of a Construction Certificate**, detailing the control and management methods to be implemented in addressing the following issues during the demolition, excavation and construction phases of the project:

- a. Noise and vibration control
- b. Dust and odour suppression and control
- c. Storm water control and discharge
- d. Erosion control
- e. Waste storage and recycling control
- f. Litter control
- g. Construction material storage
- h. Truck cleaning methods on site so as to prevent spread of soil and like materials onto Council's roadways

42. 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.**
43. 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 Certifying Authority 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.
44. A final parking lay out plan shall be provided to Council for approval and shall clearly set out the parking for the residential and commercial areas being separated so that residential spaces shall not be accessed by patrons of the commercial/retail uses. **Details are to be submitted to Council prior to release of any Construction Certificate.**
45. The applicant shall prepare a Travel Demand Management Plan (TDMP) for review by Council, **prior to release of any Construction Certificate.** This TDMP can include, but not be limited to, the following:

- Decoupling parking spaces from the proposed residential apartments.
 - End of trip facilities for cyclists (employees).
46. The Design Responses specified in the Sustainability Report – Commercial & Retail - by Cundall, Revision C dated 10 June 2022 shall be implemented in the Construction Certificate details and Certification of the implementation of the measures shall be provided to the Certifying Authority **prior to release of a Construction Certificate for each stage of the development.**
 47. The reflectivity of glazing in the building shall be minimised in accordance with the Glazing & Reflectivity details contained in the Architectural Design Statement lodged with the development application. **These details shall be contained and clearly annotated on the Construction Certificate plans.**
 48. An NSW EPA-accredited Site Auditor must be engaged to review the post-demolition data gap closure investigation report and updated RAP. The Site Auditor must prepare an Interim Audit Advice (IAA) letter, or a Section B Site Audit Statement (SAS) confirming the remedial strategy documented in the updated RAP is acceptable, and the site can be made suitable for the proposed development by successful implementation of the updated RAP. The IAA/SAS must be submitted to the Principal Certifying Authority for approval **prior to the issuing of a Construction Certificate.**
 49. The recommendations contained in Section 4 of the Amended Acoustic Assessment from Wilkinson Murray dated 17 June 2022 shall be implemented within the development and all such recommendations shall be clearly **detailed on the Construction Certificate Plans.**

PRIOR TO RELEASE OF AN OCCUPATION CERTIFICATE

50. **Wynne Avenue (Lot 1 DP1135855): Prior to the issue of an Occupation Certificate,** the applicant is to effect the stratum subdivision of Wynne Avenue to enable the land below ground to be within a separate stratum to the above-ground surface of the land, to enable it to be strata subdivided for private use. The applicant is also to effect the subdivision of the above-ground level of Wynne Avenue to enable the part of Wynne Avenue shaded grey on the survey plan titled “PLAN OF DETAIL AND LEVELS OVER LOT 1 IN DP588368, LOT 16 IN DP832440 & LOT 1 IN DP1135855 AND LOT 15 IN DP 832440 KNOWN AS 42-50 & 52-58 RAILWAY PARADE, BURWOOD”, Revision D, prepared by LTS, to be leased in accordance with the Voluntary Planning Agreement.
51. **Public road:** The applicant is to effect the subdivision and closure of the part of the public road (Lot 3 DP588368) shaded blue on the survey plan titled “PLAN OF DETAIL AND LEVELS OVER LOT 1 IN DP588368, LOT 16 IN DP832440 & LOT 1 IN DP1135855 AND LOT 15 IN DP 832440 KNOWN AS 42-50 & 52-58 RAILWAY PARADE, BURWOOD”, Revision D, prepared by LTS, to enable the future stratum/strata subdivision and sale of land to be used for below-ground residential, commercial and retail purposes including private car parking, as proposed by this development application. The road closure and the stratum subdivision shall be carried out and registered with the Land Registry Services **prior to release of an Occupation Certificate for the development.**

52. Apartment numbers shall be clearly identified within the development **prior to issue of any Occupation Certificate.**
53. The building name and street number (at least 150mm in height) of the development shall be clearly displayed at the residential entry of the development, with suitable illumination for after- hours recognition, details to be provided to the Certifying Authority **prior to issue of any Occupation Certificate.**
54. Installation of the approved Public Art (in accordance with the Public Arts Strategy) shall be completed for each stage of the development in accordance with the approved PAP and verified by an inspection by the Principal Certifying Authority (PCA) **prior to the issue of any Occupation Certificate.**
55. The building shall be sited by survey and a registered surveyor's certificate being submitted to the Principal Certifying Authority, **prior to the issue of an Occupation Certificate**, as follows:-
- a. Before pouring of concrete slab on every level to indicate the height of the finished floor level and to show boundary clearances; and
 - b. On completion of the 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.
56. **Wayfinding Strategy:** A vehicular wayfinding strategy (external and internal) shall be prepared in consultation with, and endorsed by, TfNSW and Council, **prior to the issue of an Occupation Certificate.**
57. Stratum subdivision: **Prior to the issue of any Occupation Certificate:**
- a. The land identified as 'Land for Acquisition' on Drawing No. AR-DA-7032 Revision C shall be stratum subdivided to enable the land above ground to be acquired by Council in accordance with clause 5.1A of the Burwood Local Environmental Plan 2012.
 - b. This land shall be transferred to Council at no cost to Council.
58. **Easement for access:** An easement shall be created in favour of Burwood Council to provide vehicular access to any future basement levels within the adjoining Lot 15 DP 832440, in the event that development application D.2022.44 is approved. This easement shall be created **prior to the issue of an Occupation Certificate.**
59. A "Section 73 Compliance Certificate" under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For assistance either visit www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority **prior to the issuing of an Occupation Certificate.**

60. Dedication of land: **Prior to the issue of any Occupation Certificate**, the land identified as 'Land for Dedication' and '4 Meter Land for Acquisition' on Drawing No. AR-DA-7032 Revision C shall be transferred to Council at no cost to Council.
61. Public access: **Prior to the issue of an Occupation Certificate for the development:**
- a. A documentary Right of Public Access is to be created and registered on the title of Lot 1 DP588368 and Lot 16 DP832440 that generally corresponds to the areas labelled "Publicly accessible open space" on drawing L-DA-17 Private/Public Access Plan on page 17 of the Landscape DA Report prepared by Turf Design Studio and dated September 2022, and is to be created appurtenant to Council in terms granting unrestricted rights for public pedestrian access in perpetuity. The draft Right of Public Access is to be approved by the Council's Manager City Development prior to registration.
 - b. A documentary Positive Covenant is to be created and registered on the title of Lot 1 DP588368 and Lot 16 DP832440 that generally corresponds to the areas labelled "Publicly accessible open space" on drawing L-DA-17 Private/Public Access Plan on page 17 of the Landscape DA Report prepared by Turf Design Studio and dated September 2022, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Right of Public Access, and is to require the maintenance of a \$20 million public indemnity insurance policy and is to require the maintenance, upkeep, repair and lighting of the Right of Public Access in accordance with Council's requirements and to the satisfaction of Council.
62. The recommendations of the Crime Risk Report prepared by GYDE Consulting dated April 2022 shall be implemented and carried out **prior to the release of an Occupation Certificate for each stage of the Development.**
63. **Prior to release of an Occupation Certificate for the development** the Applicant must submit a Validation Report following completion of remediation. The Validation Report must: (a) be prepared by a Certified Contaminated Land Consultant who is certified under one of the schemes endorsed by the NSW EPA; (b) be submitted to the Principal Certifying Authority for information within one month of the completion of remediation works; and (c) be prepared in accordance with the RAP, the NSW EPA Consultants Reporting on Contaminated Land (2020) guidelines, National Environmental Protection Measure (NEPM) 2013 and other guidelines made under the Contaminated Land Management Act 1997.
64. **Prior to release of an Occupation Certificate for the development** a NSW EPA accredited Site Auditor must be engaged to review the Validation Report, prepare Site Audit Report (SAR) and prepare Section A Site Audit Statement (SAS). The SAR and SAS must verify that the site is suitable for the intended land use and be provided to Principal Certifying Authority prior to issue of the Occupation Certificate. A copy of the SAS must also be provided to Council.
65. **Prior to the issue of an Occupation Certificate**, the applicant is to arrange with Council's Waste and Cleansing Team the issue of the appropriate number of bins for the residential portion of the development and payment of the necessary fees to enable commencement of the waste and recycling services. Alternative collection methods that

achieve best outcomes for ongoing waste management (such as waste compactors and hook lift vehicle collection) are to be assessed where possible within building clearances.

66. Certification is to be provided by the installer of the Garbage Chute system **prior to the issue of an Occupation Certificate** certifying that the Chute has been installed in accordance with the manufacturer's specification.

GENERAL PLANNING CONDITIONS

67. External gas water heaters are to be located in recessed enclosures within external walls and are to be located so as to be not visible from a public road or place or adjoining property. Similarly, air conditioning units and plant are to be located so as not to be visible from a public road or place or adjoining property.

68. Voluntary Planning Agreement:

- a. The Voluntary Planning Agreement between Burwood Council, Burwood Tower Holdings Pty Ltd and Wynne Ave Property Pty Limited atf Wynne Ave Property Trust, as executed on 6 August 2020, must be registered on the title of the land.
- b. The terms of the Voluntary Planning Agreement, shall be complied with.

69. **TfNSW Condition:** A Road Occupancy Licence (ROL) shall be obtained from Transport Management Centre for any works that may impact on traffic flows within Burwood CBD during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.js>

70. Strata subdivision – development consent: Any proposal for strata subdivision will require development consent and therefore the lodgement of a separate development application or complying development application, and subsequent approval from Council, or an accredited certifier, of the Strata Plan and issue of a Strata Certificate the *Strata Schemes (Freehold Development) Act 1973*. Such subdivision shall designate all car parking spaces attached to a lot with the exception of visitor parking which shall be designated as common property. No car parking spaces shall be created as a separate lot. The drainage system for the site including basement pit and pumps and on site detention shall be designated as common property.

71. Public access: The areas labelled “Managed Access” on the on drawing L-DA-17 Private/Public Access Plan on page 17 of the Landscape DA Report prepared by Turf Design Studio and dated September 2022, are to be accessible by the general public from at least 6am until 10pm daily.

72. Affordable housing:

- a. At least 5% of the dwellings within the development must be used for affordable housing (as defined in the *Environmental Planning and Assessment Act 1979*) for a period of at least 15 years from the date an Occupation Certificate is issued (the **affordable housing dwellings**).

- b. The affordable housing dwellings must be managed by a registered community housing provider, as defined in the *Community Housing Providers (Adoption of National Law) Act 2012*, section 13.
 - c. The applicant is to provide evidence to Council and the Registrar of Community Housing appointed under the *Community Housing Providers (Adoption of National Law) Act 2012*, section 10 of an agreement entered into with a registered community housing provider for the management of the affordable housing dwellings prior to the issue of an Occupation Certificate.
 - d. Notice of any change in the registered community housing provider who manages the affordable housing dwellings must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change.
 - e. The registered community housing provider who manages the affordable housing dwellings must apply the NSW Affordable Housing Guidelines published by the Department of Community and Justice and approved by the Minister for Families, Communities and Disability Services from time to time.
73. The use of any premises within the development that is food related, or a beautician, hairdresser, nail technician or the like or use that contains a skin penetration activity, shall be registered with Council and all required fees paid prior to such use commencing.
74. Access to Communal Open Space areas shall be provided to all residents of the development. In particular, the applicant shall detail how access to the Communal Open Space areas of Towers A & B, C & D are to be achieved by all residents and this shall be clearly identified on the relevant Construction Certificate drawings for that stage.
75. The hours of operation of the Commercial/Retail areas of the development shall generally be 6am to 12 midnight and a separate approval from Council is required for the extension of any these hours of operation. This includes general deliveries and waste management services unless such operations are addressed by any other legislation.
76. The General Terms of Approval (GTA) issued by WaterNSW in their concurrence letter dated 15 November 2022 does not constitute an approval under the Water Management Act 2000. **The development consent holder must apply to WaterNSW for a Water Supply Work approval after consent has been issued before the commencement of any work or activity on the site.**
77. Any works not contained on the subject site (demolition of ramps on Emerald Square) are not included in this consent and shall be subject to a separate application being lodged for consideration and a separate consent being issued.
78. The recommendations of the Amended Wayfinding & Signage Strategy prepared by Cox Architecture shall be implemented within the development.
79. Prior to the commencement of excavation/construction, the proposed further postdemolition data gap closure investigations outlined in Remediation Action Plan (RAP), dated 27 October 2021, prepared by EI Australia, must be conducted to determine the full nature and extent of the contamination and suitability of the proposed remediation approach. The results of the post-demolition data gap closure investigation must be presented in a report prepared in accordance with the NSW EPA Consultants Reporting on Contaminated Land 3 JKE job ref: E33561PD (2020) guidelines, National Environmental Protection Measure (NEPM) 2013 and other guidelines made under the Contaminated Land Management Act 1997.
80. The Remediation Action Plan (RAP), dated 27 October 2021, prepared by EI Australia,

must be updated following results of the post-demolition data gap closure investigation. Prior notice of Category 2 remediation work must be provided to Council at least 30 days prior to the commencement of remediation. The notice must be in accordance with Chapter 4, Clause 4.13 of State Environmental Planning Policy (Resilience and Hazards) 2021. Should any alternate remediation approach include the preparation of a Long-Term Management Plan (LTEMP), Council must be consulted as soon as possible and prior to issue of the Construction Certificate. Implementation of a strategy to 'cap and contain' contamination and implement a LTEMP will require modification of the development consent via a 4.55 Application under the EP&A Act.

81. **Unidentified Contamination:** Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be immediately notified to Council and the Principal Certifying Authority in writing. A Section 4.55 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.
82. **Imported Fill Material:** Filling material must be limited to the following: 1. Virgin excavated natural material (VENM) 2. Excavated natural material (ENM) certified as such in accordance with Protection of the Environment Operations (Waste) Regulation 2014; and/or 3. Material subject to a Waste Exemption under Clause 91 and 92 Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW Environment Protection Authority as being "fit for purpose" with respect to the development subject of this application. Certificates proving that the material imported is ENM or VENM must be provided to the Principal Certifying Authority prior to filling. 4 JKE job ref: E33561PD Certificates are to be provided to Council officers if and when requested. Fill imported on to the site must be compatible with the existing soil characteristic for site drainage purposes.

DEMOLITION

83. Demolition of the building is to be carried out in accordance with the requirements of Australian Standard AS 2601 – 2001, where applicable.
84. Hours of demolition 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 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.
85. 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.
86. 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.
87. Dilapidation surveys are to be carried out by a Practising Structural Engineer, which is to include a full photographic record of the exterior and interior of the buildings at the 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.

88. Prior to any demolition commencing on site a detailed demolition plan shall be submitted to Council for approval clearly indicating the method of demolition, details of protection of the public in relation to dust control, noise mitigation, sedimentation, traffic control, removal of hazardous building waste on the site, truck access and details of proposed hoardings and site fencing.

Asbestos Removal

89. A WorkCover licensed contractor must undertake removal of more than 10 square metres of any bonded asbestos. Removal of any friable asbestos must only be undertaken by a contractor that holds a current friable asbestos removal licence.
90. 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.
91. Demolition sites that involve the removal of any asbestos must display a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm erected in a prominent visible location at the site to the satisfaction of Council Officers. The sign is to be erected **prior to the commencement of demolition works** and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility. This will ensure compliance with Clause 469 of the *Work Health and Safety Regulation 2011*.
92. All asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations (Waste) Regulation 2005*.
93. All asbestos laden waste must be disposed of at an approved waste disposal depot (Refer to the Office of Environment and Heritage or Waste Service NSW for details of sites).
94. All asbestos cement sheeting must be removed prior to the commencement of:
- a. Brick veneering or re-cladding of any building where the existing walls to be covered are clad with asbestos cement; OR
 - b. Construction work where the new work abuts existing asbestos cement sheeting and/or where existing asbestos cement sheeting is to be altered or demolished.

BUILDING

95. Toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:
- a. must be a standard flushing toilet, and
 - b. must be connected:

- i. to a public sewer, or
- ii. an approved chemical closet facility.

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

96. All building work must be carried out in accordance with the provisions of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010 and the relevant Australian Standards.

97. Any 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 Certifying Authority before excavating.

98. 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. The perimeter of the subject site shall be adequately fenced at all times from the commencement of any work on the site (including demolition/excavation). **All site fencing shall be subject to Council's Public Art Policy and shall be provided with Public Art in accordance with Council's Policy.**

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

- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b. building involves the enclosure of a public place.
- c. Work (either demolition or erection of a building) is proposed adjacent to a public foot way or area and public safety is at risk;

A hoarding or fence must be erected between the work site and the public place. Where the height of the work is 2 storeys or greater an overhead "B" Class hoarding must be provided. An application for such fencing or Hoarding shall be lodged to Council and the application approved and all necessary fees paid prior to the erection of any such hoarding or fence.

Any site fence or hoarding shall be subject to Council's Public Art Policy and public art shall be provided to the Hoarding or Fence as required under Council's relevant policy. Any hoarding or Fence located on Councils property will require a "Works on Council's Property application to be lodged, fees paid and approved prior to the installation of any such structures.

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

101. 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.
102. No materials are to be stored on Council's roads, footpaths or parks.
103. 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.
104. 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 Certifying Authority sign should also be displayed in a prominent position at the front of the development site.
105. 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.
106. When demolition of any existing building is involved, burning of any demolition materials on the site is prohibited. All waste materials to be removed from the site.
107. The approved structure shall not be used or occupied unless an Occupation Certificate (being a Final Certificate or an Interim Certificate) as referred to in section 6.4 of the *Environmental Planning & Assessment Act 1979* has been issued.
108. The building works are to be inspected **during construction** by the Principal Certifying Authority or an appropriate Accredited Certifier authorised by the Principal Certifying Authority at the stages of construction listed in the following schedule. The Principal Certifying Authority must be satisfied that the construction satisfies the standards specified in the Building Code of Australia or in this approval before proceeding beyond the relevant stage of construction.

SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- ★ After the commencement of the excavation for, and before the placement of, the first footing;
- ★ Prior to covering the junction of any internal fire-resisting construction bounding a [sole-occupancy unit](#), and any other building element required to resist internal fire spread, inspection of a minimum of 30% of [sole-occupancy units](#) on each storey of the building containing [sole-occupancy units](#), and
- ★ Prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building;
- ★ Prior to covering any stormwater drainage connections; and
- ★ After the building work has been completed and **prior to any Occupation Certificate** being issued in relation to the building.

109. 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**.

110. Dial Before You Dig is a free national community service designed to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential services we use everyday – electricity, gas, communications and water.

Before you dig call "Dial Before You Dig" on 1100 (listen to the prompts) or register on line at www.1100.com.au for underground utility services information for any excavation areas.

The Dial Before You Dig service is also designed to protect Australia's excavators. Whether you are a backyard renovator, an individual tradesman or a professional excavator, the potential for injury, personal liability and even death exists everyday. Obtaining accurate information about your work site significantly minimises these risks.

111. All building works being erected wholly within the boundaries of the property.

112. 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.

113. All plumbing and drainage work being carried out by licensed tradesmen and in accordance with the requirements of the Plumbing Code of Australia and regulations of Sydney Water.

114. 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.

115. 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.**

116. **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 Certifying Authority” form. Council's “Notice of Intention to Commence Building Work and Appointment of a Principal Certifying Authority” form is to be used where application is made to Council.
 - 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.
117. The Principal Certifying Authority **or** Structural Engineer is to also supervise the construction. All Certificates from the supervising Structural Engineer are to be submitted to the Principal Certifying Authority before an Occupation Certificate is issued stating that all reinforced concrete and/or structural members have been erected in accordance with his/her requirements and the relevant SAA Codes.
118. 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.
119. A road-opening permit shall be obtained for all works carried out on public or Council controlled lands. Restoration of landscaping, roads and paths shall be carried out by Council at the applicant's expense in accordance with Council's **Schedule of Fees and Charges**. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$20 million, and shall provide proof of such cover to the Principal Certifier prior to carrying out the works. Please see **Burwood Council's web site** www.burwood.nsw.gov.au - Go to Rates and Payments/ Works on Council Property/ Application for Works on Council Property
120. 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.
121. 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.
122. The following matters apply to the construction of the proposed vehicular crossings on Council's roadway.

- a. The vehicular crossings shall be constructed in accordance with Council's standards drawings and specifications.
 - b. The vehicular crossings shall be 1m clear of any pits, lintels, poles and 2m clear of trees in the road reserve.
 - c. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
123. Internal driveway (all exits & entries) 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.
124. The applicant is to have prepared a longitudinal sections of the proposed vehicular ramp accesses, drawn at 1:25 natural scale.
- a. The longitudinal section shall be prepared by competent practicing civil engineer in accordance with AS 2890.1.
 - b. The design is to be submitted for review by Council or an Accredited Certifier - Civil Engineering.
125. The builder must ensure that the proposed building materials are suitable to resist flood water inundation. All electrical services and mechanical sensitive equipment etc. that can be damaged by flood water, shall be adequately flood proofed and/or placed above the flood planning level.
126. Temporary measures shall be provided prior to the commencement of any demolition, excavation or construction works on the site to prevent sediment and polluted waters discharging from the site. In this regard an Erosion and Sediment Control Plan (ESCP) is to be prepared by a competent practicing hydraulic/civil engineer in accordance with the publication "Managing Urban Stormwater: Soils & Construction" (Landcom, 2004) and Supplement 10 of Council's Stormwater Management Code
127. All relevant erosion and sediment control measures identified in the ESCP must be implemented and maintained throughout the entire works period till completion. A qualified engineer shall be engaged for regular inspection, monitoring and reporting to the Principal Certifier in regards to satisfactorily functioning of sediment and erosion control system. Corrective actions must be undertaken immediately where and when necessary.
128. For deep underground excavation, the continuous dewatering system shall be equipped with proper sedimentation, filtration, water quality monitoring and testing prior to pumping out of the basement pit and disposal into Council's underground drainage system. Environmental audit shall be conducted periodically monitoring water quality control shall at excavation site. Reports shall be submitted to the Principal Certifier and copies to be provided for Council's record.

129. All demolition and excavation materials are to be removed from the site or disposed off-site using methods that comply with relevant environmental protection legislation.

130. Vehicles removing demolished materials from the site shall access and depart from the site through Railway Parade, Morwick Street and The Boulevarde. Vehicles involved in removing materials from the site shall be limited to an 8 tons' gross weight per axle.

131. Bulk Earthwork & Shoring

- a) 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.
- b) 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.
- c) 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.
- d) 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 ensuring public safety at all times.
- e) The contractor shall strictly implement all erosion and sediment control (ESCP) measures prior to the commencement of excavation. Such measures shall be inspected at site by a competent practicing hydraulic/civil engineer and the PCA shall be provided with a compliance certificate that all the ESCP measures have been implemented.
- f) 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.
- g) 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.
- h) 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.

132. **Installation of Temporary Ground Anchor**

For installation 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. The following conditions shall be addressed by the Applicant.

- a) 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 2022 – 2023'. Payment of the 'Refundable Deposit' can be made in the form of a Bank Guarantee.

NOTE: The 'Refundable Deposit' shall be released if no damage occurs.

- b) 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.
- c) The contractor shall be responsible to obtain permission from the neighbours of the adjoining properties prior to installation of anchors.
- d) 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.
- e) 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.
- f) Council may unilaterally use the damage deposit for the demolition and removal of the shoring elements constructed within the public road including the repair/reconstruction of any other associated damage to Councils infrastructure, if necessary due to non-compliance with these conditions.

- g) All shoring with the exception of the released temporary ground anchors shall be completely removed from the public road to a depth of 2.5m on completion. The void shall be backfilled by suitable materials and compacted.
- h) All shoring including ground anchors are to be certified by a practicing professional structural engineer. Certification is required as follows:
 - i. That the proposed shoring and anchor scheme is capable of supporting the public road, to be submitted prior to work commencing.
 - ii. Certification that the shoring and anchor scheme has been adequately constructed, following installation.
 - iii. Final certification that the anchors have been de-stressed following de-stressing of the anchors on completion of lateral supports. This is mandatory prior to release/refund of Anchor Bond.
- i) Council's footpath and roadway are to be kept safe for the passage of motorists and pedestrians at all times. Closure of any part of the public thoroughfare shall only be carried out with the approval of Council's Traffic Engineer.
- j) All stockpiled shoring materials and equipment shall be kept solely within the private property and not obstruct the footpath or roadway at any time.
- k) All earth and rock anchors shall be released before the completion of building work.

133. Water Quality Requirement: The following stormwater quality targets for post development shall be adopted in accordance with modeling guideline developed by Sydney Metropolitan Catchment Management Authority (CMA).

- 90% reduction in the post development Average Annual Gross Pollutant load (greater than 5mm)
- 85% reduction in the post development Mean Annual Load of Total Suspended Solids (TSS)
- 65% reduction in the post development Mean Annual Load of Total Phosphorus (TP)
- 45% reduction in the post development Mean Annual Load of Total Nitrogen (TN)

Water Quality requirements should be determined by modelling of the proposed development to meet the quality targets. Computer models like MUSIC (the Model for Urban Stormwater Improvement Conceptualisation) can be used to present default and proposed water quality parameters.

134. The following matters shall apply to work out the stormwater drainage bond listed in the table of Fees.

- i) The proposed new and replacement stormwater pits, lintels and pipelines in Wynne Ave and Railway Parade shall be as per the existing or larger in size, diameter, and capacities. Pipes laid under road surface connecting to Council's pit shall be RCP Class 4 whereas pits and lintels shall be cast-in-situ as per Council's standard drawings and details.

- ii) Long section of pipelines, 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.
- iii) The depth and location of any services within the area that would be affected by the excavation (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. Any adjustment required will be at the applicant's expense.

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

135. The stormwater works on Council's roadway, the development property and connection to Council's stormwater system are to be inspected during the entire 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.
136. 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 Certifying Authority is to be provided with a Certificate from a competent practicing hydraulic/civil engineer. The Certificate shall state that all stormwater drainage and related work has been constructed in accordance with the approved plans and consent conditions as shown on the work-as-executed plans, prior to the issuing of Occupation Certification.

137. 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) *Finished pavement and ground levels*
- iii) *Prevention of the erection of any structures or fencing*
- iv) *On-site Stormwater Detention system*
- v) *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) *Overland surface flow path*
 - ii) *Finished pavement and ground levels*
 - iii) *Prevention of the erection of any structures or fencing*
 - iv) *On-site Stormwater Detention system*
 - v) *Pump and rising main system*
- b. The proprietor agrees to have the facilities inspected annually by a competent practicing Hydraulic/Civil Engineer.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean repair and maintain in good working order the facilities in or upon the said land; and recover the costs of any such works from the proprietor.

- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from failure of any component of the facilities.

The applicant shall bear all costs associated with the preparation of the 88E Instrument. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at the Land and Registry Services (LRS). Evidence that the Instrument has been registered at the LRS shall be submitted to Council, **prior to issuing of an Occupation Certificate**

138. The pump system for the drainage of the basement areas shall satisfy the following conditions:

- a. Pumps and rising mains design shall be submitted to the Principal Certifying Authority and shall satisfy the following conditions:
 - (i) The holding tanks for the pump shall be capable of storing runoff from a one hour, 1 in 100 year ARI storm event.
 - (ii) Every pump system shall consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the lower of the allowable on site detention discharge rate, or the rate of inflow for the one hour duration storm.
 - (iii) An overflow, flashing light and audible alarm are to be provided, to warn of pump failure.
 - (iv) Full details of the holding tank, pump type, discharge rate and the delivery line size are to be documented.
 - (v) Any drainage disposal to the street gutter, from a pump system must have a stilling sump provided at the property line, and connected to the street gutter by a suitable gravity line.
 - (vi) The capacity of the stilling sump and outlet pump shall be determined and verified by calculations which are to be documented.
- b. Pumping system details shall be submitted to Council or an Accredited Certifier - Civil Engineering, **prior to the issuing of a Construction Certificate.**

PUBLIC DOMAIN CONDITIONS

139. **Public Domain Conditions**

- a) Extensive public domain improvement shall be undertaken and completed at applicant's cost encompassing entire street frontages on Railway Parade, Wynne Avenue, Clarendon Place, Unity Place, Belmore St vehicular discharge point and other areas adjacent to the buildings. Public domain plans shall be prepared with reference to Burwood Council DCP-35 and Public Works Element Manual, not exhaustive.
- b) Detailed public domain plans shall be prepared that extend to all frontages or works on Council land. They must be drawn at 1:100 scales, compatible for civil construction e.g. quantity surveying, tendering, supervising and quality control etc. shall be prepared and certified by a qualified civil engineer, landscape architect or urban designer and shall be submitted to and approved by Council **prior to the issue of a Construction Certificate**.
- c) The plan shall incorporate sectional details, technical specifications and Council's standard drawings and specifications. Cross sectional view of the proposed works at every 5m intervals and at every critical feature like pits or conflicting services, etc. shall be provided. The cross sections should cover the features extending from the road center line on one side to the property boundary on the other side. The view should include chainage, pits/pipe invert levels, existing & proposed road infrastructures surface levels, conflicting/non-conflicting services. The proposed works should comply with Council's all Standard Drawings from BSD 01 to BDS14, revision E
- d) 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.
- e) The plan shall show the entire street frontages of the properties for improvement e.g. footpath paving, kerb & gutter, pram ramps, bollards, service pits, stormwater pit & lintel including mill & re-sheeting of road pavement of the front streets.
- 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.

SYDNEY TRAINS CONDITIONS

- 140. 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.
- 141. 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.

142. The Applicant shall provide a Geotechnical Engineering report to Sydney Trains for review by Sydney Trains Geotechnical section prior to the commencement of works. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by Sydney Trains. The report shall include the potential impact of demolition and excavation, and demolition- and excavation-induced vibration in rail facilities, and loadings imposed on Sydney Trains Facilities by the development.
143. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. 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. Sydney Trains is a NSW Government agency Level Three - East, 36-46 George Street, Burwood NSW 2134 - PO Box 459 Burwood NSW 1805 Email DA_sydneytrains@transport.nsw.gov.au www.transport.nsw.gov.au/sydneytrains ABN 38 284 779 682
144. 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.
145. 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.
146. 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. • The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the railway corridor unless prior written approval has been obtained from Sydney Trains. • During all stages of the development the Applicant must take extreme care to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant. • Excess soil is not allowed to enter, be spread or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
147. The Applicant/Developer shall not at any stage block rail corridor access gate/s, and should make provision for easy and ongoing 24/7 access by rail vehicles, plant and

equipment to support maintenance and emergency activities. Sydney Trains is a NSW Government agency Level Three - East, 36-46 George Street, Burwood NSW 2134 - PO Box 459 Burwood NSW 1805 Email DA_sydneytrains@transport.nsw.gov.au www.transport.nsw.gov.au/sydneytrains ABN 38 284 779 682

148. 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. 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.
149. 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.
150. No work is permitted within the rail corridor, or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, or access into the rail corridor, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant.
151. Prior to the issuing of an Occupation Certificate the Applicant is to submit asbuilt drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into TAHE (Transport Asset Holding Entity) property or easements, unless agreed to be TAHE (Transport Asset Holding Entity). 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
152. 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.
153. 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. Sydney Trains is a NSW Government agency Level Three - East, 36-46 George Street, Burwood NSW 2134 - PO Box 459 Burwood NSW 1805 Email DA_sydneytrains@transport.nsw.gov.au www.transport.nsw.gov.au/sydneytrains ABN 38 284 779 682
154. 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.
155. 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.

156. Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains external party interface team. In this instance the relevant interface team is Central Interface and they can be contacted via email on Central_Interface@transport.nsw.gov.au. --
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LANDSCAPING AND TREE PROTECTION

157. All existing trees within the footprint of the proposed development must be removed, including the two tallowwood trees (*Eucalyptus microcorys*) located within the public footway of Wynne Avenue.
158. All trees adjacent to the site not approved for removal must be protected at all times during demolition and construction, in accordance with the recommendations of the Arboriculture Impact Assessment prepared by Australia Tree Management, dated 20 May 2022 (reference 20211754.3), unless removal of those trees is otherwise separately approved.
159. All landscaping must be completed prior to the issue of an Occupation Certificate.
160. Landscaping within the site must be maintained at all times following installation, including the replacement of any plants that are dead, damaged, diseased or stolen, with like for like.
161. A detailed Landscape Plan for all landscape areas integrated into the building structure (e.g Podium, upper storey landscape planting.). The plan shall include details of on-going maintenance, irrigation and replacement in the event of plant failure. The Plan shall be submitted to Council for approval prior to works commencing on the site.

TRAFFIC

162. All owners, tenants and occupiers of this development are not eligible to participate in any existing or proposed Council on-street Permit parking schemes.
163. Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must **be permanently displayed and located** in prominent places such as on all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times **by the Owners Corporation**.
164. A total of 1,757 off-street car parking spaces. 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.

165. 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) 759 residential parking spaces (including 22 mobility parking spaces).
 - (b) 151 residential visitor parking spaces.
 - (c) 125 commercial parking spaces (including 2 mobility parking spaces)..
 - (d) 656 retail parking spaces (including 10 mobility parking spaces).
 - (e) 32 Retail car wash parking spaces.
 - (f) 20 car share parking spaces.
 - (G) 14 child care centre spaces.
166. Courier spaces and loading docks must be located close to the service entrance and away from other parking areas.
167. No part of the common property, apart from the residential visitor vehicle spaces which are to be used only by residential visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or trailers.
168. Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata title comprising a single dwelling unit or commercial/retail tenancy, subject to the maximum parking limit applying. The stacked parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking).
169. Residential visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building residential visitors.
170. All residential visitor spaces must be clearly linemarked and signposted 'visitor' prior to the issue of an Occupation Certificate. All signs must be maintained in good order at all times.
171. Where a boomgate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 6m clear of the property boundary, wired to all units. The intercom must comply with '*Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23*'.

172. Of the required car parking spaces, at least 34 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.
173. 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.
174. A system of traffic lights and/or mirrors must be installed at the ends of any single lane ramp(s), to indicate traffic movement on the ramp(s). This system must be detailed in the application for a Construction Certificate. Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry, and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway.
175. 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.
176. 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.
177. 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.
178. Any proposals for alterations to the public road, involving changes to speed limits within the Wynne Avenue high pedestrian activity zone, traffic facilities and/or parking restrictions, excluding the construction of a vehicular crossing, must be designed in accordance with Transport for NSW Technical Directives and must be referred to and agreed to by the Traffic Committee and Council prior to any work commencing on site.
179. 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.

180. 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.
181. 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.
182. 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.
183. 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)
184. 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.
185. 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

Notes:

TfNSW notes that a 30km/h pedestrian thoroughfare is proposed in Wynne Avenue (between the Council car park traffic signals and Railway Parade) and Clarendon Place. As Council would be aware, the Agency is responsible for speed management along all public roads within the state of New South Wales. Any changes to speed limits within Burwood CBD will require an application to be submitted to the Agency for approval under the Road Transport (Safety and Traffic Management) Act. As part of this application an assessment will need to be undertaken in accordance with the NSW Speed Zone Guidelines.

WASTE MANAGEMENT

- 186. All building work, construction and demolition activities are to be conducted in accordance with the approved Waste Management Plan
- 187. During the Demolition/Construction phase of the development, upon disposal of any waste, the applicant is to compile and provide records of the disposal to the principal certifier, detailing the following:
 - The contact details of the person(s) who removed the waste
 - The waste carrier vehicle registration
 - The date and time of waste collection
 - A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
 - The address of the disposal location(s) where the waste was taken
 - The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.
- 188. All operational and ongoing waste management is to be conducted in accordance with the approved Waste Management Plan
- 189. All waste collection vehicle approaches are to provide for a minimum clearance height of 3.6m, including clearance of all roller door equipment, fittings and pipes
- 190. All waste shall be stored in the designated areas only.
- 191. Suitable signage is to be installed in each level of the chute waste service rooms encouraging the separation of recyclables from the general waste stream.
- 192. Both residential and commercial garbage and recycling storage areas are to be:
 - a. Supplied with both hot and cold water;
 - b. Paved with impervious floor materials;

- c. Coved at the intersection of the floor and the walls;
 - d. Graded and drained to a floor waste which is connected to the sewer in accordance with the requirements of Sydney Water;
 - e. 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;
 - f. Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.
 - g. Suitable signage is to be installed in each waste service room encouraging the separation of recyclables from the general waste stream.
193. A Caretaker is to be appointed for the development who will have ongoing responsibility for the proper management of the waste and recycling services
 194. Waste and recycling bins shall be kept in a 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 the grated drain
 195. Access pathways for manual wheeling bins between storage areas and the collection vehicle parking location must be free of steps
 196. There must be separate waste/recycling storage areas/rooms for the residential and commercial waste.
 197. Commercial tenants must be discouraged (through signage and other means) from using the residential waste and recycling bins.
 198. The owner's corporation is responsible for the ongoing maintenance, repair and replacement of equipment and facilities, such as chutes, carousels, bin compactors, and truck turntables purchased by the developer or owner's corporation.
 199. Vehicle turntables must have a manual override in case of malfunction
 200. A contingency plan for collection in case of vehicle turntable malfunction is to be prepared before the occupation certificate is issued and include the use of a manual system.