

Schedule 1 – Conditions of Consent

Conditions of Approval

- The development to be carried out in accordance with following plans and documentation submitted to Council on as set out in the table below, except where amended by the other conditions of this consent.

Document	Author	Date/Received
Architectural Plan Nos: DA-002; DA-003; DA-004; DA-101; DA-102; DA-103; DA-104; DA-105; DA-106; DA-107; DA-108; DA-109; DA-201; DA-202; DA-203; DA-204; DA-205; DA-206; DA-207; DA-208; DA-301; DA-302; DA-303; DA-901; DA-902; DA-1401; DA-1402; DA-1403; DA-1404; DA- 1405; DA-1406; DA-1407; DA-1408; DA-1409; DA- 1410; DA-1411	Urban Link Architects	07/06/22
Landscape Plan Nos: 101; 102; 103; 104; 501; 502	Site Image Landscape Architects	21/02/22
Stormwater Plan Nos: SW200; SW201; SW202; SW203; SW300; SW301; SW400; SW500	SGC Consulting Engineers	03/03/22
Accessibility Compliance Report	Access Link Consulting	03/03/22
Acoustic Report	Renzo Tonin & Associates	23/02/22
BASIX Certificate No. 1196162M_02	Greenworld Architectural Drafting	02/03/22
BCA Compliance Assessment Report	AED Group	20/07/21
Design Excellence Letter	Urban Link Architects	Undated
Design Verification Letter	Urban Link Architects	28/06/21
NatHERS Certificate No. 6216310	Greenworld Architectural Drafting	02/03/22
Natural Ventilation Statement	Windtech Consultants	02/02/22
Quantity Surveyors Cost Report	QPC&C	21/02/22
Response to Additional Information Request	Planning Ingenuity	04/03/22
Statement of Environmental Effects	Planning Ingenuity	25/06/21
Survey Plan	Veris Australia	18/03/21
Traffic and Parking Assessment	Varga Traffic Planning	30/05/22
Waste Management Plan	Dickens Solutions	03/06/22

- The fees and/or bonds shown in the Table of Fees, are to be paid to Council or another approved collection agency (the Long Service Levy Corporation and its agents and an approved insurer under the *Home Building Act 1989*) and suitable evidence of payment is to be provided to the Principal Certifier **prior to the issuing of a Construction Certificate**.

TABLE OF FEES

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

- Building and Construction Industry Long Service Corporation levy **\$103,508** (Payment to be made to Council, the Corporation or its Agent)
- Damage Deposit - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc.) during building work **\$40,600** (Payment to be made to Council as a bond prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation).

NOTE: This deposit is refundable if no damage occurs.

- Construction by the Applicant/Council the stormwater drainage works **\$76,980** (Payment to be made to Council as a bond) – Refer to conditions under 'Stormwater Drainage'
- A monetary bond or bank guarantee to the value of **\$2,000** is required to be lodged to Council to ensure the proper protection of the street trees. The trees will be inspected by Council at completion of the works and the bond released only if the trees are not damaged.
- Pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Section 7.12 Contributions Plan, the following monetary contribution towards public services and amenities is required:

Contribution Element			Contribution
A levy of 1% of the cost of carrying out the development, where the cost calculated and agreed by Council is \$28,393,415			\$283,934.15
Index Period	[March 2022]	CP ₁	[123.7]

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 Certifying Authority, **prior to the issuing of a Construction Certificate.**

Council may accept works in kind or other material public benefits in lieu of the contribution required by this condition subject to and in accordance with the requirements specified in the Section 7.12 Contributions Plan.

Note: The payment of a Section 7.12 contribution over an amount of \$5,000 may only be paid by Bank Cheque (i.e. personal or company cheques will not be accepted). Contributions of \$5,000 or less may be paid by cash, EFTPOS, cheque or credit card. Payments by credit card may be subject to a surcharge.

PLANNING

8. The plans are to be amended in accordance with the conditions below. The amended plans are to be submitted to and approved by Council, **prior to the issue of a Construction Certificate:**
 - a. Frosted glazing is to be provided to the west-facing windows of Building B in lieu of clear glazing; and
 - b. A design solution to address condition 185 of this consent is to be provided. The design solution must prevent the throwing of objects onto the rail corridor and must not fully enclose any balcony (i.e. must not result in the creation of any additional gross floor area).
9. Samples and details of all external surface materials and finishes are to be submitted to Council for approval, **prior to the issuing of a Construction Certificate.**
10. 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.
11. A separate application shall be lodged for any proposed subdivision of the site. 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.
12. Lockable mail boxes shall be provided in a suitable location such that mail can be delivered by Australia Post and accessed by residents inside the secure lobby area. The mail boxes are to comply with the requirements of Australia Post. Details to be submitted **prior to the issue of a Construction Certificate** for above ground works.
13. Clothes drying areas or facilities shall be provided within an area of communal open space or provided within each residential unit. If provided on the balconies of individual units, the drying

facilities must be screened from exterior view, and be designed in such a way that they do not detract from the building's appearance from the public domain.

14. All doors leading from the exterior of the building to the residential lobby are to be security grade fixtures and are to be appropriately security keyed to ensure the personal safety and security of residents of the development. The main entrance doors from the street are to include an intercom system linked to residential apartment as necessary. Details on these matters are to be submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate** for above ground works.
15. The entrance driveway for access to the basement parking levels is to be provided with a security door with controlled access that ensures the personal safety and security of the residents and users of the building. Design and Materials for the door need to be integrated with the overall facade design. The driveway security door is to be linked to the intercom system for each apartment. Details on these matters are to be submitted to Principal Certifying Authority **prior to the issue of a Construction Certificate** for above ground works.
16. Access to and from the bin collection room is to be provided with a security door with controlled access that ensures the personal safety and security of the residents and users of the building. Design and Materials for the door need to be integrated with the overall facade design. Details are to be submitted to Principal Certifying Authority **prior to the issue of a Construction Certificate** for above ground works.
17. Adequate lighting is required to be provided for the following to ensure the safety and security of residents and users of the development to all access pathways leading to/from entrance and exit points of the buildings, bin collection points, external communal open space areas and driveways leading to the basement parking levels.

The installed lighting is to be of sufficient quality to ensure the effective operation of the CCTV system referred to in the following conditions. Details on all of these matters are to be submitted to Principal Certifying Authority **prior to the issue of a Construction Certificate** for above ground works.

18. CCTV cameras shall be installed for the building so that they can survey the residential entrances and all external and internal access path ways, and the vehicular entrance to the driveway to the parking levels. The CCTV system shall provide a quality image that can assist with the detection of crime and be used by the NSW Police in any investigation (preferably a quality digital system). CCTV system footage shall be retained for a period of no less than fourteen days and be available upon request by the NSW Police when required. Details are to be submitted to Council's satisfaction **prior to the issue of a Construction Certificate** for above ground works.
19. Provision of storage space in each unit and in the basement is to comply with the recommendations of the Apartment Design Guide. A schedule shall be submitted to the Principal Certifying Authority demonstrating compliance are to be submitted to Principal Certifying Authority **prior to the issue of a Construction Certificate** for above ground works.
20. Provision of accessible/adaptable residential apartments and accessible parking spaces is to comply with the applicable Australian Standards as indicated in Section 3.2.19 of the Burwood Development Control Plan 2013.
21. The Applicant is to consult with Ausgrid to determine the electrical supply need for the site including any requirement for an electricity substation **prior to the issuing of a Construction Certificate** and, if a site is required, it being situated adjacent to the street alignment, with the size and location of the area being in accordance with the requirements of this Council and

Energy Australia, and the land required being dedicated without cost as a public roadway, to enable Energy Australia to establish the substation. The Linen Plan being registered with the Land Titles Office **prior to the issue of an Occupation Certificate**.

22. All external lighting is to be designed and installed in a manner which prevents glare and/or spillage having an adverse impact on occupants of adjacent properties.
23. 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 applicants/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.
24. All hydrant booster pump and fire service equipment shall 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. Any booster room doors that front the street shall be flush with the frontage of the building and be designed of materials and colours that integrate with the building podium design. 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.
25. Apartment numbers shall be clearly identified within the development **prior to issue of the Occupation Certificate**.
26. The building name and street number (at least 150mm in height) of the development shall be clearly displayed at the entry outside the development, with suitable illumination for after-hours recognition, **prior to issue of the Occupation Certificate**.

TRAFFIC

27. All owners, tenants and occupiers of this development are not eligible to participate in any existing or proposed Council on-street Permit parking schemes.
28. 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 at display apartments and 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**.
29. A total of 84 off-street car parking spaces must be provided on-site. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan.
30. 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. 68 residential parking spaces (including 8 mobility parking spaces).

- b. 14 residential visitor parking spaces (including 1 mobility parking space).
 - c. 2 retail parking spaces.
31. The loading docks must be located close to the entrance and away from other parking areas. The loading dock is required to accommodate a small rigid vehicle (SRV). The design, layout, signage, line marking, lighting and physical controls of the loading dock must comply with the minimum requirements of Australian Standard AS/NZS 2890.2 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan.
 32. 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. Entry and exit for vehicles using the loading dock must be in a forward direction. This does not apply to waste collection vehicles.
 33. 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.
 34. 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.
 35. 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.
 36. 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.
 37. 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'*.
 38. Of the required car parking spaces, at least nine 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.
 39. 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.
 40. Any proposals for alterations to the public road, involving traffic facilities and/or parking restrictions, excluding the construction of a vehicular crossing, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Traffic Committee prior to any work commencing on site.

41. 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 TfNSW Technical Directions.
42. 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.
43. 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.
44. 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.
45. 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)
46. 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 Boulevard, Coronation Parade, Liverpool Road and Georges River Road) are permitted to be used on re-entry into Burwood LGA.

47. 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

WASTE

48. All building work, construction and demolition activities are to be conducted in accordance with the approved Waste Management Plan
49. Upon disposal of any waste, the applicant is to compile and provide records of the disposal to the principal certifier, detailing the following:
- a. The contact details of the person(s) who removed the waste
 - b. The waste carrier vehicle registration
 - c. The date and time of waste collection
 - d. 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
 - e. The address of the disposal location(s) where the waste was taken
 - f. 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.

50. All operational and ongoing waste management is to be conducted in accordance with the approved Waste Management Plan, except where amended by any other conditions of this consent.
51. Waste collection will be undertaken by Council or its appointed contractor.
52. Waste collection will be provided by a Heavy Rigid Vehicle. The collection vehicle may reverse onto or off of the property in order to park at the designated collection area on the driveway apron.

53. Waste collection staff will enter the Waste Storage Area, wheel bins to the collection vehicle, and then return empty bins to the Waste Storage Area. All bins for collection must be presented in the Waste Storage Area and arranged neatly by the building manager for ease of access.
54. Access pathways for manual wheeling bins between storage areas and the collection vehicle parking location must be free of steps.
55. 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.
56. A waste cupboard or other storage area is to be provided within each dwelling which is of sufficient size to hold a single day's waste and to enable source separation of general waste, recyclables and compostable materials.
57. All waste shall be stored in the designated areas only.
58. 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.
59. Both residential and commercial garbage and recycling storage areas are to be:
 60. Supplied with both hot and cold water;
 61. Paved with impervious floor materials;
 62. Coved at the intersection of the floor and the walls;
 63. Graded and drained to a floor waste which is connected to the sewer in accordance with the requirements of Sydney Water;
 64. 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;
 65. Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.
66. Suitable signage is to be installed in each waste service room encouraging the separation of recyclables from the general waste stream.
67. 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.
68. Certification is to be provided by the installer of the chute system prior to the issue of an occupation certificate certifying that the Chute has been installed in accordance with the manufacturer's specification.
69. A Caretaker is to be appointed for the development who will have ongoing responsibility for the proper management of the waste and recycling services
70. 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

71. Access pathways for manual wheeling bins between storage areas and the collection vehicle parking location must be free of steps
72. There must be separate waste/recycling storage areas/rooms for the residential and commercial waste.
73. Commercial tenants must be discouraged (through signage and other means) from using the residential waste and recycling bins.
74. Prior to the issue of an Occupation Certificate, the applicant is to arrange with Council's Environment and Health Section the issue of the appropriate number of garbage and re-cycling bins for the residential portion of the development and payment of the necessary fees to enable commencement of the waste and recycling services.
75. The owner/occupier of the premises is to enter an agreement with registered waste company or provider for the regular collection of all commercial waste and recyclable material generated from the premises. A copy of the agreement is to be retained on site and produced to an authorized Council officer upon request.

ENGINEERING

76. 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.
77. 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
78. 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.
79. 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.
80. The following matters shall apply to the damage deposit listed in the Table of Fees:
 - a. This deposit is refundable if no damage occurs. Any damage caused will be repaired at Council's restoration rates, at the applicant's expense. All or part of the deposit will be forfeited to cover damage to Council's property during the course of demolition and/or construction.
 - b. Council will carry out two inspections of the Council's footpath, kerb and gutter, stormwater drainage system and roadway, prior to works commencing and at the completion of all work covered by this consent. Council is aware that damage may be caused by individual contractors that culminate in the damage inspected at

Council's final inspection. The applicant is responsible for attributing any part of the damage to their individual contractors. Council will not refund any part of a damage deposit until the completion of the work covered by this consent.

81. The following matters apply to the construction of the proposed vehicular crossing.
 - a. A 6m wide vehicular crossing on Lyons Street shall be constructed by the Applicant/ Council at applicant's cost.
 - b. The vehicular crossing shall be 1m clear of any pits, lintels, poles and 2m clear of trees in the road reserve.
 - c. All redundant vehicular crossings on Lyons Street and Parnell Street shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
 - d. Internal driveway levels shall be designed and constructed to conform with existing road profiles such that vehicles are not damaged while accessing the property. Council footpath and road profiles will not be altered for this purpose.
82. The applicant shall have to prepare a longitudinal section of the proposed vehicular ramp access to basement car park, drawn at 1:25 natural scale. The longitudinal section shall be prepared by a competent practicing civil engineer in accordance with AS 2890.1.
83. The Erosion and Sediment Control Plan (ESCP) is to be prepared in accordance with the publication "Managing Urban Stormwater: Soils & Construction" (Landcom, 2004) and Supplement 10 of Council's Stormwater Management Code. All relevant erosion and sediment control measures identified in the ESCP must be implemented during and throughout the entire works to prevent sediment and polluted waters discharging from the site.
84. 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.
85. Vehicles removing demolished materials from the site shall access and depart from the site through Lyons Street and The Boulevarde. Vehicles involved in removing materials from the site shall be limited to an 8 tonne gross weight per axle.

Bulk Earthwork & Shoring

86. 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.
87. 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.
88. 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.
89. 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.

90. 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.
91. 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.

Installation of Temporary Ground Anchors

92. Should the applicant requires the use of temporary ground anchors to shore the bulk excavation within public roads an NPER Registered Structural Engineer's certificate along with certified plans showing the details and extent of work shall be submitted to Council for its record and Ground Anchor conditions shall be addressed by the Applicant.
93. The Applicant is required to obtain a 'Temporary Ground Anchor Permit' from Council for which an 'Application for Works on Council's Property' shall be lodged with Council. Subject to the application being approved by Council, the applicant shall pay Council calculated Anchor Fees and a 'Refundable Deposit' as required under Council's 'Fees and Charges 2020 – 2021'. Payment of the 'Refundable Deposit' shall be made in the form of Bank Guarantee.

NOTE: This deposit is refundable if no damage occurs.

94. 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.
95. The contractor shall be responsible to obtain permission from the neighbours of the adjoining properties prior to installation of anchors.
96. 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.
97. 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.
98. Council may unilaterally use the damage deposit for the demolition and removal of the shoring elements constructed within the public road including the repair/reconstruction of any other associated damage to Councils infrastructure, it be necessary due to non-compliance with these conditions.
99. 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.

100. All shoring including ground anchors are to be certified by a practicing professional structural engineer. Certification is required as follows:
- a. That the proposed shoring and anchor scheme is capable of supporting the public road, to be submitted prior to work commencing.
 - b. Certification that the shoring and anchor scheme has been adequately constructed, following installation.
 - c. 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.
101. 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.
102. All stockpiled shoring materials and equipment shall be kept solely within the private property and not obstruct the footpath or roadway at any time.
103. All earth and rock anchors shall be released before the completion of building work.

Stormwater Drainage

104. The stormwater drainage plans, drawing nos. SW201,202,203,300 all revision B - prepared by SGC Consulting Engineers shall be revised to address the following:
- a. The On-Site Detention (OSD) design must comply with the SSR and PSD requirements as per Burwood Council Stormwater Management Code, Clause 4.7.
 - b. The revised drawing shall be reviewed by Council or an Accredited Certifier - Civil Engineering, **prior to the issuing of the Construction Certificate.**
105. A new stormwater pit and lintel shall be constructed replacing the old pit in front of the property on Lyons Street for the purpose of stormwater connection. The stormwater plan shall be revised accordingly.
106. 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).
- a. 90% reduction in the post development Average Annual Gross Pollutant load (greater than 5mm)
 - b. 85% reduction in the post development Mean Annual Load of Total Suspended Solids (TSS)
 - c. 65% reduction in the post development Mean Annual Load of Total Phosphorus (TP)
 - d. 45% reduction in the post development Mean Annual Load of Total Nitrogen (TN)
 - e. 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

107. The proposed stormwater drainage diversion with shallow RC culvert is not satisfactory. The following matters shall apply for stormwater drainage diversion proposed to be built on Parnell Street. Revised drawings shall be submitted for Council's review **prior to the issuing of the Construction Certificate.**
- a. RCP Ø375 mm Class 4 pipes shall be laid under road surface connecting with Council's existing suitable pit.
 - b. The long section of the proposed Ø375 mm pipe shows inadequate (< 500mm) pipe cover near the corner of Cooper and Wentworth Street, not acceptable to Council. The applicant shall extend the proposed pipeline to Council's pit at Ch. 53.37. Where the connecting pit is not suitable, reconstruction of the pit has to be done at applicant's cost. Revised long section of pipe line shall be provided.
 - c. The depth and location of all services within the area that would be affected by the connection of the stormwater pipe (i.e. gas, water, sewer, electricity, telephone, traffic lights etc.) shall be confirmed by the applicant on site and shall be documented on the design drawings with their respective chainages and elevations (AHD). Any adjustment required will be at the applicant's expense. The stormwater works described above shall be constructed at applicant's expense. The stormwater bond as listed in the 'Table of Fees' shall be refunded after completion of the stormwater works described above as per Council's satisfaction.
108. The stormwater works on the development property and connection to Council's stormwater system are to be inspected during construction by a competent practicing hydraulic/civil engineer. The inspections are to be carried out at the stages of construction listed in the following schedule. A compliance Certificate verifying that the construction is in accordance with the approved design, this development consent and satisfies the relevant Australian Standard is to be submitted to the Principal Certifying Authority before proceeding beyond the relevant stage of construction.

SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

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

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

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

- (i) On-site Stormwater Detention system
- (ii) Pump and rising main system

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

111. The proprietor of the property agrees to be responsible for keeping clear and the maintenance of the facilities consisting of:

- (i) On-site Stormwater Detention system
- (ii) Pump and rising main system

- a. The proprietor agrees to have the facilities inspected annually by a competent practicing Hydraulic/Civil Engineer.
- b. 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.
- c. 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.

112. 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 Property Information office. Evidence that the Instrument has been registered at the Land and Property Information office shall be submitted to Council, **prior to issuing of an Occupation Certificate.**

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

- a. The pump and rising main design shall be submitted to the Principal Certifying Authority and shall satisfy the following conditions:
 - (i) The holding tank for the pump shall be capable of storing runoff from a one hour, 1 in 100 year ARI storm event.

- (ii) The pump system shall consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the lower of the allowable on site detention discharge rate, or the rate of inflow for the one hour duration storm.
 - (iii) An overflow, flashing light and audible alarm are to be provided, to warn of pump failure.
 - (iv) Full details of the holding tank, pump type, discharge rate and the delivery line size are to be documented.
- b. The applicant shall submit written evidence to the Principal Certifier that a contract has been let for the regular maintenance of the pumping system for a minimum period of 12 months. Information to be submitted to the Principal Certifying Authority **prior to issuing of an Occupation Certificate.**

Public Domain - Construction

- 114. Detailed public domain improvement of the property frontages on Parnell Street and Lyons Street shall be undertaken and completed at applicant's cost in accordance with Burwood Council DCP and Public Works Element Manual (PWEM). This will include but not limited to mill and resheeting of top asphalt surface on Lyons Street, east to west property boundary.
- 115. Three copies of Public Domain Plan drawn at 1:100 scales shall be prepared and certified by a qualified civil engineer, landscape architect or urban designer and submitted to Council. The plan shall be reviewed by Council and be updated/ revised by the applicant as required by Council's design engineer.
- 116. The plan shall include all existing service authority assets on both the street frontages 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.
- 117. The plan shall show the entire street frontage of the property for improvement e.g. footpath paving, kerb & gutter, pram ramps, bollards, service pits, stormwater pit & lintel including mill & re-sheeting of the road pavement.
- 118. The plan shall incorporate the standard specifications and details in accordance with the Public Works Elements Manual and Council's standard drawings and technical specifications.
- 119. 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.

TREE MANAGEMENT

Landscaping

- 120. Landscaping to be installed as per the Landscape Plan sheet set by Site Image Landscape Architects (Drawing Numbers: 000, Issue F, dated 25.02.2022; 101, Issue F, dated 25.02.2022; 102, Issue D, dated 25.02.2022; 103, Issue D, dated 25.02.2022; 104, Issue D, dated 25.02.2022; 501, Issue A, dated 08.02.2021; and 502, Issue A, dated 08.02.2021).
- 121. Landscaping to be completed **prior to the issuing of an Occupation Certificate.**

122. Landscaping to be maintained at all times following installation, including replacement of any plants that are dead, damaged, unhealthy or stolen, with like for like.

Street Trees

123. Two (2) bottlebrush street trees (Tree numbers 4 & 5) located on the nature strip at the front of the site in Lyons Street must be retained and protected in accordance with AS4970 and the recommendations of the Arboricultural Impact Assessment (AIA) report by TALC dated 6 May 2021.
124. A project arborist (AQF Level 5) must be engaged by the applicant to oversee the installation of trunk and branch protection materials on Tree Numbers 4 & 5, as recommended in the AIA report.
125. The tree protection materials must be installed **prior to the commencement of any works including demolition** and must remain in place and maintained **until the issuing of an Occupation Certificate**.
126. No pruning of any street trees is permitted without the specific consent of Council.

BUILDING

127. Where residential building work (within the meaning of the *Home Building Act 1989*) is proposed to be carried out, either of the following is to be provided to the Principal Certifier **prior to the issuing of a Construction Certificate**:-
- a. Where work is carried out by a Principal Contractor:
- (i) written advice of the Principal Contractor's name and licence number, and
 - (ii) a certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 to the effect that a person is the holder of an insurance contract issued for the purposes of that Part.
- OR
- b. Where work is carried out by an owner-builder:-
- (i) written advice of the person's name and Owner-Builder Permit number, or
 - (ii) a signed declaration from the owner of the land that states the reasonable market cost of the labour and materials involved in the work is not high enough for the owner to need an Owner-Builder's Permit to do the work.
128. Toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:
- a. must be a standard flushing toilet, and
 - b. must be connected:
 - (i) to a public sewer, or
 - (ii) to an approved chemical closet facility.

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

129. All excavations and backfilling associated with the erection or demolition of a building shall be carried out in a safe and careful manner and in accordance with appropriate professional standards. All necessary planking and strutting shall be of sufficient strength to retain the sides of excavations. A Certificate verifying the suitability of structural details for any proposed shoring is to be submitted to the Principal Certifier before excavating.
130. 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.
131. Where soil conditions require it:
 - a. retaining walls must be provided so as to prevent soil movement; and
 - b. adequate provision must be made for drainage.
132. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - a. must preserve and protect the building from damage, and
 - b. if necessary, must underpin and support the building in an approved manner, and
 - c. must, at least 7 days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

133. If the work involved in the erection or demolition of a building:
 - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b. building involves the enclosure of a public place.

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

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

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

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

134. Your attention is directed to the following:

Utility Services

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

Building Plan Approval

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

135. 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.
136. No materials are to be stored on Council's roads, footpaths, nature strips or parks.
137. 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.
138. The builder shall erect and maintain in good order all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary. A Principal Certifier sign should also be displayed in a prominent position at the front of the development site.
139. Hours of work shall be from 7:00am to 6:00pm Mondays to Fridays inclusive, and from 7:00am to 4:00pm on Saturdays. Demolition, excavation and/or construction works that involve heavy machinery, noisy trades or the like are **not permitted** to be carried out from 1:00pm to 4:00pm on Saturdays. No 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.
140. The approved structure shall not be used or occupied unless an Occupation Certificate as referred to in Section 6.4 (c) of the *Environmental Planning & Assessment Act 1979* has been issued.

(Vide Section 6.9 *Environmental Planning & Assessment Act 1979*)

141. An application for a Construction Certificate is to be made to Council or an Accredited Certifier. The NSW Planning Portal is to be used where application is made to Council. A Construction Certificate must be obtained **prior to the commencement of any building work**.
142. 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.

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

143. (All building works being erected wholly within the boundaries of the property.
144. 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.
145. All plumbing and drainage work being carried out by licensed tradesmen and in accordance with the requirements of the Plumbing Code of Australia.
146. The floor of the wet areas being of a material impervious to moisture and graded and drained to the sewers of Sydney Water.
147. 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.
148. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
149. 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.**
150. 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.**
151. Treatment for the protection of the building from subterranean termites must be carried out in accordance with Australian Standard AS 3660.1-2014 "Termite management - New building Work.

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

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

After treatment the following is to be carried out:-

- a. A durable notice must be permanently fixed to the building in a prominent location, such as the meter box, indicating:-
 - (i) The method of protection.

- (ii) The date of installation of the system.
- (iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
- (iv) The installer's or manufacturer's recommendation for the scope and frequency of future inspection for termite activity.

b. Provide the Principal Certifier with a Certificate which verifies that termite protection has been provided in accordance with Australian Standard AS 3660.1-2014. In the case of Reinforced Concrete Slab construction the Certificate is to verify that the protection incorporates both beneath slab (Part A) and slab penetrations (Part B) treatment.

152. *Dividing Fences Act 1991* - Your attention is directed to any obligations or responsibilities under the *Dividing Fences Act 1991* in respect of adjoining property owner/s which may arise from this application.

153. A Registered Surveyor's certificate being submitted to the Principal Certifier, **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/lift over run and to show boundary clearances and areas of the site occupied by the buildings.

154. Prior to the commencement of any works, the following is to be carried out: -

- a. Submit to Council a "Notice of Intention to Commence Building Work and Appointment of a Principal Certifier" via the NSW Planning Portal. The NSW Planning Portal is also 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. The NSW Planning Portal is to be used where application is made to Council.

(Vide Section 6.6 *Environmental Planning & Assessment Act 1979*)

155. The buildings being known as No. 3-7 Lyons Street and 18 Parnell Street, Strathfield and this number (at least 150mm in height) being clearly displayed on the site prior to the issuing of an Occupation Certificate.

156. **Utility Services**

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

Section 73 Compliance Certificate

A compliance certificate must be obtained from Sydney Water, under Section 73 of the *Sydney Water Act 1994*. Our assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to our mains. A Section 73 Compliance

Certificate must be completed **before an occupation certificate will be issued**. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC).

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

157. Structural engineer's details prepared and certified by a practicing Structural Engineer for all reinforced concrete and structural members being submitted to the Principal Certifier for approval **prior to the issuing of a Construction Certificate**.
158. The Principal Certifier **or** Structural Engineer is to also supervise the construction. All Certificates from the supervising Structural Engineer are to be submitted to the Principal Certifier before an Occupation Certificate is issued stating that all reinforced concrete and/or structural members have been erected in accordance with his/her requirements and the relevant SAA Codes.
159. Timber sizes and the framework in general are to conform with the requirements of Australian Standard AS 1684 "Residential timber-framed construction."
160. Mechanical ventilation/air conditioning details are to be submitted to the Principal Certifier for approval **prior to the issuing of a Construction Certificate** and must include the following:
 - 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 Certifier **prior to the issue of an Occupation Certificate**.

161. Fire Resistance Levels of all structural members, including external and internal walls, spandrels, external and internal columns, lift shafts and stair shafts, ventilation, pipe and like shafts, floors and roofs shall comply with the requirements of Specification C1.1 of the Building Code of Australia. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.
162. All materials used in the building must comply with early fire hazard criteria of Specification C1.10 of the Building Code of Australia.
163. Means of access and egress complying with Section D of the Building Code of Australia. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.
164. The *Commonwealth Disability Discrimination Act 1992* may apply to this particular proposal. Submissions and/or approval of the application does not imply or confer compliance with this

Act. Applicants should satisfy themselves and make their inquiries to the Human Rights and Equal Opportunity Commission.

165. Continuous balustrades shall be provided along the side/s of any stairway or ramp, any corridor, hallway, balcony, access bridge or the like, any path of access to a building if: -
- a. It is not bounded by a wall; and
 - b. The change in level is more than one (1) metre, or five (5) risers in the case of a stairway, from the floor or ground surface beneath;

except where specific exemptions are provided in the Building Code of Australia.

Balustrades shall prevent as far as practicable:

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

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

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

166. The building being equipped with a smoke alarm system as required by Table E2.2a of the Building Code of Australia. The system is to satisfy the requirements of Specification E2.2a of the Building Code of Australia and in particular is to comply with the relevant parts of AS 3786-2014 and AS 1670.1-2004. 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.**
167. Protection of openings (where required) is to be in accordance with Part C3.2 and C3.4 of the Building Code of Australia. 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.**
168. Protection of openable windows (where required) is to be in accordance with Part D2.24 of the Building Code of Australia. 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.**
169. A Fire Safety Certificate is to be given to the Principal Certifier prior to applying for an Occupation Certificate and thereafter once in every 12 month period an Annual Fire Safety Statement is to be given to Council. The certificate and statement attest to both the inspection of all essential fire safety measures by a suitably qualified person and to the regular maintenance of the fire safety measures. A copy of the Fire Safety Certificate and the Fire Safety Schedule are to be given to the Commissioner of Fire and Rescue NSW **by the building owner** and copies of these documents are to be prominently displayed in the building. Similarly copies of Annual Fire Safety Statements are also to be given to the Commissioner and displayed in the building.

(Vide Clause 84 & Part 11 of the *Environmental Planning & Assessment (Development Certification and Fire Safety) Regulation 2021*)

170. Noise transmission and insulation ratings for building elements being in accordance with Specification Part F5 of the Building Code of Australia.

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**.

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

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

172. **ADVISORY NOTE: Telecommunications infrastructure in new developments**

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

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

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

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

173. Removal of any asbestos must be undertaken in compliance with the requirements of the "Code of Practice on How to Safely Remove Asbestos" published by WorkCover NSW (Catalogue No. WC03561).
174. Demolition of the building is to be carried out in accordance with the requirements of Australian Standard AS 2601 – 2001, where applicable.
175. Hours of demolition work shall be from 7:00am to 6:00pm Mondays to Fridays inclusive, and from 7:00am to 4:00pm on Saturdays. Demolition works that involve heavy machinery, noisy trades or the like are **not permitted** to be carried out from 1:00pm to 4:00pm on Saturdays.

No demolition work shall be carried out on Sundays or Public Holidays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.

176. 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.
177. 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.
178. All demolition, excavation and construction materials are to be removed from the site or disposed of on-site using methods that comply with relevant environmental protection legislation. When demolition of any existing building is involved, burning of any demolition materials on the site is prohibited.
179. 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 applicants/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.

TRANSPORT FOR NSW

180. If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.
181. If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied
182. 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

183. 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.
184. 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.
185. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows, and other external features (e.g., roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of Sydney Trains (e.g., awning windows, louvres, enclosed balconies, window restrictors etc.) which prevent the throwing of objects onto the 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.
186. 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.
187. 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.
188. 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.
189. 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.
190. 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.

191. 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.
192. 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.
193. The Applicant is to ensure that the development incorporates appropriate anti-graffiti measures, to the satisfaction of Sydney Trains.
194. The Applicant/Developer shall not at any stage block the corridor access gate on Parnell Street and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.
195. No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
196. Prior to the issuing of a Construction Certificate, the following rail specific items are to be submitted to Sydney Trains for review and endorsement:
 - a. 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.

197. 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.
198. 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.
199. Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built 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 by 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
200. 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.

201. 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.
202. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
- a. oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - b. acts as the authorised representative of the Applicant; and
 - c. 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.
203. 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.
204. Where a condition of consent require 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