

**Conditions of Approval – DA 2022.16 – 47A Wentworth Road Strathfield**

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

<b>Plans/Documents</b>	<b>Author</b>	<b>Dated/Received</b>
Architectural Plans – Cover Page Lower Ground Floor Plan – SPH-DA-P-LG/5 Ground Floor Plan – SPH-DA-P-G/5 Level 1 - SPH-DA-P-1/5 Level 2 - SPH-DA-P-2/5 Roof Level - SPH-DA-P-3/5 Elevation - SPH-DA-E1/5 Section - SPH-DA-S/5 Perspective SPH-DA-E2/5 Streetscape View 1- SPH-DA-E3/5 Streetscape View 2 - SPH-DA-E4/5 Fence Design - SPH-DA-GD-1/4 Window Privacy Screen - SPH-DA-GD-2/2 Window Privacy Screen - SPH-DA-GD-3/2 Shadow Diagram June Winter Solstice Existing - SPH-DA-SD-1/5 Shadow Diagram June Winter Solstice Proposal SPH-DA-SD-2/5 Shadow Diagram December Summer Solstice Existing SPH-DA-SD-3/5 Shadow Diagram December Summer Solstice Proposal SPH-DA-SD-4/5 Northern Elevation of Adjoining Property Solar Access Study Existing Winter Solstice - SPH-DA-SD-5/2 Northern Elevation of Adjoining Property Solar Access Study Proposal Winter Solstice - SPH-DA-SD-6/2 Site Plan - SPH-DA-SITE/5 Lower Ground GFA - SPH-DP-5/2 Ground Floor GFA - SPH-DP-2/2 Level 1 GFA – SPH-DP-3/2 Level 2 GFA – SPH-DP-4/2	HPI Architects and Health Facility Planners	Dated 21 September 2022

Windows Schedule & Legend SPH-DA-WN-1/1		
Survey Plans – Issue 1 Sheets 1-3	LTS	Dated 12 November 2021
Landscape Plan Sheets 1-23 Issue D	Arcadia	Dated 27 July 2022
Stormwater Drainage Plans C101-001 – A C101-101 – A C103-001 – A C103-201 – A C108-001 – A C108-301 – A C108-302 - A	ACOR Consultants Pty Ltd	Dated 25 February 2022
Revised Statement of Environmental Effects	Willowtree Planning	Dated 15 August 2022
Heritage Impact Assessment	NBRS Architecture Heritage	Dated 1 March 2022
Solar Access Summary Report	HPI Architects and Health Facility Planners	Dated 14 July 2022
Cost Estimate Report	M5 Property and Construction Advisors	Dated 22 February 2022
Crime Risk Assessment	NEAL Consulting Solutions	Dated 9 August 2022
Noise & Vibration Impact Assessment Addendum to Noise & Vibration Impact Assessment	Stantec	Dated 14 July 2022 Dated 14 September 2022
Waste Management Report	MRA Consulting Group	Dated 28 February 2022
Geotechnical Report	Douglas Partners	Dated February 2022
Report on Environmental Remediation Action Plan (Preliminary)	Oz Geos Geotechnical and Structural	Dated 9 August 2022

Structural Statement – Shoring to Adjacent Boundary Structural Statement – Shoring to Adjacent Boundary – Revision 02	ACOR Consultants	Dated 7 August 2022 Dated 14 September 2022
Traffic Impact Assessment  Traffic Statement Traffic Response to RFI	Traffix Traffic and Transport Planners	Dated March 2022  Dated 11 April 2022 Dated 13 September 2022
Arboricultural Development Impact Assessment Report	Birds Tree Consultancy	Dated 11 February 2022
Regulatory Compliance Report	Mckenzie Group	Dated 1 March 2022
Accessibility Review Report	ABE Consulting	Dated 2 March 2022
Neighbourhood Potential Concept Development Dwg. No.: SPH1-DA-CD-1 Revision 3	HPI Architects and Health Facility Planners	Received: 8 November 2022

## FEES

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

### TABLE OF FEES

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

- Building and Construction Industry Long Service Corporation levy **\$69,856.00(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 **\$25,100.00** (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.
- Pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Section 7.12 Contributions Plan for the Burwood Local Government Area (Excluding Burwood Town Centre), the following monetary contribution towards public services and amenities is required:

Contribution Element	Contribution
A levy of 1% for development outside of the Burwood Town Centre of the cost of carrying out the development, where the cost calculated and agreed by Council is <b>\$19,959,000.00</b>	<b>\$199,590.00</b>

Index Period	June 2022	CPI <sub>1</sub>	125.7
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Office Use: T56

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

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

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

Where:

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

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

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

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

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

Council may accept works in kind or other material public benefits in lieu of the contribution required by this condition subject to and in accordance with the requirements specified in the Section 7.12 Contributions Plan for the Burwood Local Government Area (Excluding Burwood Town Centre).

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

## PLANNING

6. The subject site No. 47A Wentworth Road, Strathfield shall be amalgamated with the main hospital site at 3-5 Everton Road Strathfield. Evidence of such amalgamation shall be submitted to Council prior to the release of any Construction Certificate or any works being carried out on the site.
7. Any fencing within the site is not to exceed 1.8 metres from ground level (as measured after construction is complete) and shall comply with the provisions of Burwood DCP 2013.

8. No further signage is permitted to be installed or erected on the property other than the signage approved under this development consent.
9. Adequate lighting is required to be provided for the following to ensure the safety and security of residents and users of the development to all access pathways leading to/from entrance and exit points of the buildings, bin collection points, external communal open space areas and driveways leading to the basement parking levels. The installed lighting is to be of sufficient quality to ensure the effective operation of the CCTV system referred to in the following conditions. Details on all of these matters are to be submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate** for above ground works.
10. **Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be provided with details demonstrating that any lighting of the premises complies with Australian Standard AS4282:2019: Controls of Obtrusive Effects of Outdoor Lighting. External lighting must use sensor lighting.**
11. CCTV cameras shall be installed for the building so that they can survey the entrances and all external and internal access path ways, and the vehicular entrance to the driveway to ground level and basement car parking. The CCTV system shall provide a quality image that can assist with the detection of crime and be used by the NSW Police in any investigation (preferably a quality digital system). CCTV system footage shall be retained for a period of no less than fourteen days and be available upon request by the NSW Police when required. Details on all of these matters are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate for above ground works.
12. Compliance with the recommendations in Crime Risk Assessment Report prepared by NEAL Consulting Solutions dated 9 August 2022. Details to be shown on the plans **prior to the issue of the Construction Certificate**.
13. Compliance with the recommendations in the Accessibility Review Report prepared by ABE Consulting dated 2 March 2022. Details to be shown on the plans **prior to the issue of the Construction Certificate**.
14. **Photovoltaic (PV) panels are required to be installed on the roof of the new building. Details including the proposed location on roof and elevations in plan shall be provided to Council for approval prior to the issue of the Construction Certificate to ensure that there are no visual or reflective impacts upon adjoining properties or the heritage item at No. 45 Wentworth Road Strathfield.**

## HERITAGE

15. Strict compliance with the approved Colours, Finishes and Materials as shown on Plan No. SPH-DA-E1 prepared by HPI dated 29 July 2022 and received by Council on 17 August 2022.

## BUILDING

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

- 23. 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.
- 24. No materials are to be stored on Council's roads, footpaths, nature strips or parks.
- 25. 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.
- 26. 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.
- 27. 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.
- 28. 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*)
- 29. 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.

30. All building works being erected wholly within the boundaries of the property.
31. 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.
32. All plumbing and drainage work being carried out by licensed tradesmen and in accordance with the requirements of the Plumbing Code of Australia.
33. The floor of the wet areas being of a material impervious to moisture and graded and drained to the sewers of Sydney Water.
34. 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.
35. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
36. 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.**
37. 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.**
38.
  - a. 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."
  - b. 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.
39. 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.
40. 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*)
41. **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.

42. 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**.
43. 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.
44. Timber sizes and the framework in general are to conform with the requirements of Australian Standard AS 1684 "Residential timber-framed construction."
45. 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**.

46. 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**.
47. All materials used in the building must comply with early fire hazard criteria of Specification C1.10 of the Building Code of Australia.
48. 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.
49. 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.**

50. 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.**
51. 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.**
52. 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.**
53. 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 153 & Division 3 of the Environmental Planning & Assessment Regulation 2000)

54. 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.**

55. Engineering Design – Basement Excavation

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

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

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

#### **ADVISORY NOTES:**

- **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.

- **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.

- **Dial Before You Dig**

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](http://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.

## DEMOLITION

56. 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.
57. Demolition of the building is to be carried out in accordance with the requirements of Australian Standard AS 2601 – 2001, where applicable.
58. 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.
59. 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.
60. 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.
61. 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.
62. 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.

## ENVIRONMENTAL MANAGEMENT

### Environmental Management

**63. Hazardous Materials Survey**

Before demolition work commences, a Hazardous Materials Survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to council at least one week before demolition commences. Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information: a) the location of all hazardous material throughout the site b) a description of the hazardous material c) the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust d) an estimation of the quantity of each hazardous material by volume, number, surface area or weight e) a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials f) identification of the disposal sites to which the hazardous materials will be taken.

**64. Supplementary Testing and Final Remediation Action Plan**

- a. **Prior to the issue of a construction certificate** the further investigations and actions recommended in the Preliminary Site Investigation, Douglas Partners February 2022, must be undertaken and a Final Remediation Action Plan prepared, or reviewed and approved, by an appropriately qualified and certified environmental consultant and provided to Council/PCA [Council to insert as appropriate]. The supplementary testing shall be carried out, and the Final Remediation Action Plan prepared in accordance with:
  - i. Council's Contaminated Land Policy,
  - ii. The guidelines in force under the Contaminated Land Management Act 1997.
  - iii. Relevant EPA Guidelines, in particular NSW OEH (2020) Guidelines for Consultants Reporting on Contaminated Sites, and
  - iv. National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013).
- b. The Final RAP must identify that the site can be made suitable for the proposed land use with the implementation of the RAP.
- c. The Final RAP must be prepared, or reviewed and approved by an appropriately qualified and certified environmental consultant, certified by one of the schemes identified in Section [INSERT RELEVANT SECTION] of Council's Contaminated Land Policy. The front cover of the report must include the details of the consultant's certification.

**65. Implementation of Remedial Action Plan**

- a. **Prior to the issue of a Construction Certificate**, the site must be remediated in accordance with:
  - i. The Final Remedial Action Plan referred to in Condition 64 –“Supplementary Testing and Final Remediation Plan”.
  - ii. Council's Contaminated Land Policy;
  - iii. State Environmental Planning Policy (Resilience and Hazards) 2021
  - iv. National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and
  - v. The guidelines in force under the Contaminated Land Management Act 1997.
- b. The applicant must engage an appropriately qualified and experienced supervising environmental consultant to supervise all aspects of site remediation and validation. The environmental consultant must supervise all aspects of the

remediation and validation works in accordance with the approved Remedial Action Plan.

- c. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to Council and the Principal Certifying Authority in writing.
- d. Any variations to the approved Remediation Action Plan must be prepared, or reviewed and approved by an appropriately qualified and certified environmental consultant, and submitted to Council prior to the commencement of such work.

**66. Survey of Contamination Containment Area**

- a. The contamination containment area must be delineated and surveyed by a Registered Surveyor and identified on a survey drawing.
- b. The survey drawing must be submitted to the satisfaction of the supervising environmental consultant and be included in the Validation Report, **prior to the issue of the Construction Certificate.**

**67. Prior to issue of the Occupation Certificate the proponent must submit a detailed Validation Report to Council and the Certifying Authority.**

- a. The Validation Report must be prepared, or reviewed and approved by an appropriately qualified and certified environmental consultant. The front cover of the report must include the details of the consultant's certification.
- b. The Validation Report must verify that the land is suitable for the proposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the Final Remediation Plan.

**68. Long Term Environmental Management Plan**

69. An Environmental Management Plan (EMP) is to be submitted to the PCA for approval, prior to the commencement of any works, detailing the control and management methods to be implemented in addressing the following issues during the demolition, excavation and construction phases of the project::

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

A copy of the EMP shall be provided to Council for its records.

70. The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provision of the Protection of

the Environment Operation Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the received boundary.

71. The development shall comply with the recommendations made in the Noise and Vibration Impact Assessment prepared by Stantec dated 14 July 2022 and Addendum dated 14 September 2022. Details indicating compliance with the Noise and Vibration Impact Assessment shall be provided on the plans **prior to the issue of the Construction Certificate.**

## **Health**

72. All medical practices and procedures are to be carried out in accordance with the requirement and approval of the NSW Health.
73. Storage and disposal of clinical waste is to be in accordance with the requirements of the Environment Protection Authority (EPA) of the Department of Planning Industry and Environment (NSW).
74. Where X-Ray equipment is installed or provided at the premises it shall be installed in accordance with the requirements of the Environment Protection Authority (EPA) of the Department of Planning Industry and Environment (NSW). A copy of the certificate of compliance and / or registration is to be provided to the Council.
75. Approved sharps containers are to be provided in each examination or treatment room and used for the disposal of used sharps. The applicant is to furnish to Council in writing the details of the company engaged to dispose of these sharps containers.
76. Any storage of chemicals is to be in accordance with the Occupational Health and Safety Act 2000, S 135A - Dangerous Good as administered by SafeWork (NSW).
77. Where any mechanical ventilation and or exhaust ventilation is provided it shall be installed in accordance with the requirements of Australian Standards A.S.1668 pt 1 & 2. A certificate of compliance is to be provided to Council upon completion and prior to occupancy.
78. The plant platform equipment, machinery, services etc shall not generate "offensive noise" as defined under the provisions of the Protection of the Environment Operation Act 1997. The sound level shall not exceed +5dB(A) above the ambient background level measured at the boundary of the nearest residential property.

## **Waste Management**

79. All garbage and recycling material shall be stored in a designated garbage area, which includes provision for the storage of all putrescible waste and recyclable material emanating from the premises. Adequate natural or mechanical ventilation is required where bins are stored in an enclosed area and meet fire safety standards in accordance with the Building Code of Australia
80. 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.
81. The occupier of the premises is to enter an agreement with registered waste company or provider for the regular collection of all 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 if requested.

## **ENGINEERING – GENERAL**

82. 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.
83. 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](http://www.burwood.nsw.gov.au) - Go to Rates and Payments/ Works on Council Property/ Application for Works on Council Property
84. 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.
85. 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.
86. 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.
87. 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.
88. The following matters apply to the construction of the proposed vehicular crossings.
  - a. A 3m wide vehicular crossing on Wentworth Road and the same on Cowdery Lane shall be constructed by the applicant/ Council at applicant's cost.
  - b. The vehicular crossings shall be 1m clear of any pits, lintels, poles and 2m clear of trees in the road reserve.

- c. Any redundant crossing on Cowdery Lane 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.
89. 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.

### **Bulk Earthwork & Shoring**

90. 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.
91. 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.
92. Heavy vehicles entering and leaving the site must only cross the footpath where it is adequately timbered and strapped. Pedestrian access across footpath must be maintained in good order at all times during the excavation work.
93. 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.
94. 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.
95. 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.

### **Stormwater Drainage**

96. Stormwater from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe to Council's underground pipe drainage system.
97. Pump drainage shall be designed for the basement car park where the finished slab is below the ground level 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.
    - i. Pumping system details shall be submitted to Council or an Accredited Certifier - Civil Engineering, **prior to the issuing of a Construction Certificate.**
    - ii. The applicant shall submit written evidence to the Principal Certifying Authority that a contract has been let for the regular maintenance of the pumping system for a minimum period of 12 months. Information to be submitted to the Principal Certifying Authority **prior to issuing of an Occupation Certificate.**
98. The invert of Council's kerb inlet pit on Everton Road used for drainage connection shall be investigated and provided on plan to determine the flow condition. A submersed orifice flow condition shall not be supported by Council.
99. 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*

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

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

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

100. 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.

101. Following completion of all drainage works:-

- a. Works-as-executed (WAE) plans, prepared and signed by a registered surveyor, shall be submitted to Council. 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 an Occupation Certificate.

**102. An Erosion and Sediment Control Plan (ESCP) shall be submitted to Council prior to the issue of a Construction Certificate.** Temporary measures shall be provided during demolition, excavation and/or construction to prevent sediment and polluted waters discharging from the site. In this. All relevant erosion and sediment control measures identified in the ESCP must be implemented during and throughout the entire demolition and construction period.

103. Public Domain Plan shall be prepared and submitted to Council for Cowdery Lane improvement. The plan shall show the entire frontage of the property for improvement e.g. footpath, kerb & gutter, pram ramps etc. including mill & re-sheeting of the asphalt pavement as will be determined by Council engineer on final inspection prior to obtaining the Occupation Certificate.

104. The Applicant shall liaise with all relevant service authorities to satisfy all requirements of the service authority providers in respect of protection, termination or relocation of existing assets prior to construction. A written consent shall be required where a service authority asset will be affected.

## **LANDSCAPING**

105. The row of Lilly Pilly trees must be allowed to grow to heights of at least 4 metres, at which point they may be pruned and maintained as a hedge at that height.

106. Landscaping to be installed as per the Landscape Plan sheet set by Arcadia, Issue D, dated 27 July 2022.

107. Landscaping to be completed prior to the issuing of an Occupation Certificate or Interim Occupation Certificate.

108. Landscaping to be maintained at all times following installation. This includes replacement of any dead, damaged, stolen, or unhealthy plants with like for like.

## TRAFFIC

109. An additional 21 off street parking spaces must be provided on-site (providing a total of 73 off street parking spaces 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.
110. Courier spaces and loading docks must be located close to the service entrance and away from other parking areas, as detailed below:
  - a. A minimum of 1 Small Rigid Vehicle loading dock
111. Accessible car parking spaces 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.
112. 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.
113. 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.
114. 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.
115. 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.
116. 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.
117. 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.

118. 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.
119. 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.
120. 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)
121. 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.
122. Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity
- i) Work zone.
  - ii) Temporary closure of roadway/footpath.
  - iii) Mobile crane or any standing plant
  - iv) Scaffolding/Hoardings (fencing on public land)
  - v) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc.
  - vi) Installation or replacement of private stormwater drain, utility service or water supply

END CONDITIONS