

DRAFT MODIFIED CONDITIONS OF CONSENT
S 4.55 (2) MODIFICATION APPLICATION NO. 2022.44

Conditions of Approval

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

SHEET NO.	SHEET NAME	REVISION
Architectural Plans by CHROFI		
DA-001	Site Analysis	B
DA-002	Site Plan	B
DA-102	Ground Floor Plan	B -D
DA-103	Lower Ground Floor Plan	B
DA-104	Basement 1	B
DA-105	Basement 2	B -D
DA-201	Elevations – Sheet 1	B -D
DA-202	Elevations – Sheet 2	B -D
DA-203	Elevations – Sheet 3	B -D
DA-301	Sections – Sheet 1	B D
DA-302	Sections – Sheet 2	B -D
DA-303	Sections – Sheet 3	B -D
DA-401	GFA Diagrams	B
DA-402	Signage Design Intent	B
DA-403	Materials and Finishes	B -D
DA-404	Shadow Diagrams	A -D
DA-900	3D Visualisation	B -D
DA-901	3D Visualisation	B -D
DA-902	3D Visualisation	B -D
DA-903	3D Visualisation	B -D
A-DA-904	3D Visualisation	D
A-DA-905	3D Visualisation	D
A-DA-906	3D Visualisation	D
Landscape Plans by Tyrrell Studio		

CS-L002	Legend	C
CS-L101	Demolition Plan	C
CS-L102	Tree Management Plan	C
CS-L110	Illustrated Landscape Plan	C
CS-L111	General Arrangement Plan	€ <i>Issue T01, dated 27/09/2024</i>
CS-L120	Grading Plan	C
CS-L130	Planting Schedule	€ <i>Issue T01, dated 27/09/2024</i>
LA.DD-2451	Planting Palette	<i>Issue T01, dated 27/09/2024</i>
LA.DD-3001	Detail Plan Library Plaza	<i>Issue T01, dated 27/09/2024</i>
LA.DD-3002	Detail Plan Garden Plaza	<i>Issue T01, dated 27/09/2024</i>
LA.DD-3401	Planting Detail Plan Library Plaza	<i>Issue T01, dated 27/09/2024</i>
LA.DD-3402	Planting Detail Plan Garden Plaza	<i>Issue T01, dated 27/09/2024</i>
CS-L201	Site Sections	B
CS-L202	Site Sections	A
CS-L203	Site Sections	A
CS-L204	Site Sections	A
CS-L300	Paving and Furniture Palette	A
CS-L301	Materials and Finishes Palette	B
CS-L302	Typical Planting Details	B
CS-L303	Typical Planting, Wall, Stair Details	B
CS-L304	Indicative Views	A
CS-L305	Indicative Views	A
	<ul style="list-style-type: none"> • Landscape Plans prepared by Tyrrell • Survey Plan prepared by Higgins Surveyors • Statement of Environmental Effects prepared by Mecone • Response to RFIs letter prepared by Mecone 	

	<ul style="list-style-type: none"> • Access Review prepared by Morris Goding Access Consulting • Access Report prepared by Philip Chun dated 27 September 2024 • Plan of Management (undated), • Acoustic Report prepared by RWDI • Acoustic Addendum Report prepared by RWDI Australia Pty Ltd dated 25 June 2024 • Arboricultural Impact Assessment prepared by Australis Tree Management • BCA Regulatory Compliance Report prepared by McKenzie Group • Carparking Compliance Assessment prepared by ptc • Carparking Letter and Plan prepared by ptc • Civil Stormwater Report and Civil Works Plans prepared by TTW • Construction and Demolition Waste Management Plan prepared by Elephants Foot • Conder St Flood Impact Assessment by TTW • CPTED Report prepared by Mecone • DCP Compliance Table prepared by Mecone • Design Excellence Responses prepared by CHROFI and Tyrrell Studio • Design Statement prepared by CHROFI and Tyrrell Studio • Detailed Site (Contamination) Investigation by Douglas Partners • Ecological Assessment prepared by SIA • ESD Report by Cundall • Fire Engineer's letter by Stantec • Green Star Strategy Report by Cundall • Heritage Impact Statement by Jackson-Stepowski • Interim Audit Advice #01 by Ian Swane & Associates • NABERS Energy Guide by Cundall • Operational Management Plan by Burwood Council • Operational Waste Management Plan by Elephant's Foot • Pre-DA Response by CHROFI and Tyrrell Studio • Preliminary (Site) Contamination Investigation BY Douglas Partners • Public Art Plan by Artscape • Remediation Action Plan by Douglas Partners • Section J Report by Cundall • Services and Utilities Report by IGS • Structural DA Report by TTW • Transport, Traffic and Parking Impact Assessment prepared by Road Delay Solutions • Traffic Addendum Report prepared by ptc. dated 17 April 2024 • Wind Impact Statement prepared by RWDI • Operational Waste Management Plan prepared by Elephants Foot dated 12 May 2024 • Heritage Impact Statement prepared by Jackson-Stepowski dated 20 February 2024 • Fire Engineering Compliance Letter prepared by E-LAB Consulting, dated 23 February 2024 • BCA Compliance Letter prepared by Philip Chun dated 23 February 2024. 	
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(Condition amended - DA 2022.44.2)

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

Development Not Approved

2. This development consent does not approve the following development, for which separate development consent or Complying Development Certificate (as appropriate) is to be obtained:
 - a. Construction of building identification signage / business identification signage;
 - b. Temporary events that require development consent (i.e. that are not exempt development or permitted without consent).

Fees

3. 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 Accredited 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

4. Stormwater Works bond for construction by the Applicant/Council the stormwater drainage works **\$83,315** (Payment to be made to Council as a bond) to be refunded upon satisfactory completion of works.
5. Building and Construction Industry Long Service Corporation levy **\$62,424** (Payment to be made to Council, the Corporation or its Agent). This is based on 0.25% of the CIV of \$24,969,612.
6. Damage Deposit - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter etc) during building work **\$8,000** (Payment to be made to Council as a bond **prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation**).

NOTE: This deposit is refundable if no damage occurs.

PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

7. A Heritage Interpretation Plan shall be submitted to Council for approval **prior to the issue of a Construction Certificate**. The Plan shall include the content of the interpretation panels/media (including written text, historic images and graphic design), dimensions of the interpretation panels, materials of all components, and their location or placement. The Plan shall be prepared having regard to relevant NSW Heritage Office guidelines. Satisfaction of this condition shall be confirmed upon written advice by Council. Council acknowledges that approved changes to the Plan may occur post the issue of the Construction Certificate.
8. A Wayfinding Strategy shall be submitted to Council's Manager City Development for approval **prior to the issue of a Construction Certificate**. The Wayfinding Strategy shall address wayfinding for both pedestrians and vehicles.
9. The recommendations of the Crime Prevention Through Environmental Design Report prepared by Mecone (undated) and submitted with DA.2021.44 must be implemented during detailed design development and construction. The applicant shall submit evidence to Council that the recommendations have been implemented **prior to the issue of an Occupation Certificate**. If, prior to the commencement of construction, amendments to the development are required, the applicant shall submit these details to Council for approval **prior to the issue of a Construction Certificate**.
10. CCTV cameras shall be installed at the building so that they can survey the pedestrian entrances and walkways, entrance to the parking levels, waste rooms, lift lobbies, retail areas, public spaces, and lifts/elevators. The CCTV system shall provide a quality image that can assist with the detection of crime and be used by the NSW Police in any investigation (preferably a quality digital system). CCTV system footage shall be retained for a period of no less than 30 days and be available upon request by the NSW Police when required. Details are to be submitted and approved **prior to the issue of a Construction Certificate**.
11. A detailed Construction Management Plan shall be submitted to and approved by the Council's Manager, City Development **prior to the issue of a Construction Certificate**. The Construction Management Plan must include the control and management methods to be implemented in addressing the following issues during the demolition, excavation and construction phases of the project:
 - a. Noise and vibration control;
 - b. Dust and odour suppression and control;
 - c. Storm water control and discharge;
 - d. Erosion control;
 - e. Waste storage and recycling control;
 - f. Litter control
 - g. Construction material storage;
 - h. Truck cleaning methods on site so as to prevent spread of soil and like materials onto Council's roadways; and
 - i. Community Information program, communication procedures and feedback hotline.

12. A Construction Traffic Management Plan must be submitted to and approved by Council's Manager, City Development **prior to the commencement of demolition and excavation or issuing of any relevant 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 truck routes to and from the site;
- ii) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and all vehicles in the frontage roadways;
- iii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all vehicles on the site;
- iv) 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);
- v) Location of any proposed crane and concrete pump and truck standing areas on and off the site (which will require separate approval by Council);
- vi) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries; and
- vii) 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.

c) The Traffic Management Plan shall include consideration of minimizing potential traffic safety impacts on school children and parents using the nearby public school during pick up and drop off times

13. 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.

14. 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).

15. 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.

16. 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. 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**.

17. Noise transmission and insulation ratings for building elements being in accordance with Part F5 of the Building Code of Australia. A wall in a building required to have an impact sound insulation rating to be of discontinuous construction in accordance with BCA Clause F5.3.

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

18. Detailed materials and finishes shall be submitted for approval by Council in relation to the treatment of mechanical and fire equipment where visible from a public place. The details shall demonstrate that the equipment is aesthetically treated and well-integrated into the architectural features of the building.

19. Basement Engineering Design – Structural adequacy:

- a. Engineering details shall be submitted to the Accredited Certifier for approval **prior to the issuing of the relevant Construction Certificate**:
- b. A report shall be prepared by a professional engineer **prior to the issuing of the relevant 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; and
- c. A copy of the Engineer's Report is to be submitted to Council for noting only, even if the Council is not the Principal Certifying Authority.

20. Public Art: Prior to the issue of a Construction Certificate, a Detailed Public Art Plan for the site must be prepared by an appropriately qualified art curator/advisor/coordinator and approved by Council's Manager City Development. It must be based on the Public Art Plan prepared by Artscape dated May 2022, and must incorporate the following:

- a. The provision of multiple art pieces across the site;
- b. The new location for the existing public artwork within the Railway Parade road reserve, titled 'Awakenings' (if this artwork is to be relocated within the

- subject site);
- c. The provision of public art by a range of artists including indigenous, European and more recent migrants, with specific artists selected and a rationale for selecting those artists;
 - d. The proposed artworks, including their form, dimensions, materials, value, placement within the site, and timing for installation, and engineers' drawings;
 - e. Ongoing management and maintenance requirements; and
 - f. Deaccessioning agreements.

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

21. Mechanical ventilation/air conditioning details are to be submitted to the Accredited 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; and
- d. The air flow characteristics of the system.
- e. The operation of the plant shall satisfy 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* and any other relevant Australian Acoustic Standard.

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

22. A detailed drainage design and calculations shall be prepared by a competent practicing Hydraulic/Civil Engineer and shall provide the following:

- a. The design and calculations shall indicate the details of the proposed method of stormwater disposal and shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Council's Stormwater Management Code;
- b. Reasonable allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property;
- c. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage;
- d. plans showing proposed and existing floor, ground and pavement levels to Australian Height Datum (AHD);
- e. details of pipelines/channels showing calculated flows, velocity, size, materials, grade, invert and surface levels;

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

The design calculations and detailed drawings are to be approved by an Accredited Certifier - Civil Engineering **prior to the issuing of a Construction Certificate.**

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

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

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

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

25. The basement levels of the proposed building shall be further protected considering PMF level inundation with the help of flood gate or similar devices or other mitigation measures. Detailed design of flood protection barriers/gates/mitigation measures shall be approved by the Accredited Certifier **prior to release of a Construction Certificate.** Additional sump with designed pump out system shall be provided to cater for emergency intrusion of flood water in the basement.

27. The proposed development shall not impede the natural flow path of floodwater with the use of solid wall or similar obstructing devices and shall allow overland flow to pass through. In this regard a Flood Impact Assessment Report shall be prepared by suitably qualified practicing engineer to establish the increase in 1%AEP flood level caused by the proposed development and submitted to the Accredited Certifier for approval **prior to release of a Construction Certificate.**
28. The applicant shall submit an updated Flood Impact Assessment that demonstrates compliance with Council's Stormwater Management Code, particularly clause 3.4 which states that development activities must not cause any adverse impact on adjoining or any other properties. The updated report must be submitted to and approved by the Accredited Certifier **prior to the issuing of a Construction Certificate.**
29. Structural engineer's details prepared and certified by a practicing Structural Engineer for all reinforced concrete and structural members being submitted to the Accredited Certifier for approval **prior to the issuing of a Construction Certificate.**
30. Detailed landscape plans, drawn to scale, by a landscape architect, must be submitted to and approved by the Accredited Certifier **prior to the issue of a Construction Certificate.** The plans must include:
- a. Location of proposed structures on the site including existing trees;
 - b. Details of planting on slab, earthworks including mounding and retaining walls and planter boxes (if applicable);
 - c. Details of soil depths and specification for landscape soil;
 - d. Details of proposed tree pits/bases, including grates;
 - e. Location, numbers and type of plant species, having regard to wind conditions and shade effects;
 - f. Details of planting procedure and maintenance;
 - g. Details of drainage and watering systems; and
 - h. Details of balustrades and wind protection measures (where applicable).
31. A site-specific Landscape Management/Maintenance Plan must be submitted to and approved by the Accredited Certifier **prior to the issue of a Construction Certificate.** The Landscape Management/Maintenance Plan shall detail how all landscaped areas including turf will be maintained, particularly before, during and after high-usage events, and replaced in the event of failure.

32. Water feature:

- a. The water feature is to be designed in accordance with all relevant Australian Standards, and such that water shall not become stagnant. Water quality must be of a standard appropriate for its use, in accordance with the ANZECC Guidelines for Fresh and Marine Water Quality and relevant Australian Standards.
 - b. Details of the water feature construction are to be submitted to the Accredited Certifier for review and approval **prior to the issue of a Construction Certificate**.
 - c. **Prior to the issue of a Construction Certificate**, a management and maintenance plan for the water feature is to be submitted to Council for approval. The management and maintenance plan must include details of the operation and management of the water feature to manage noise impacts, proposed treatments for hardscape and water elements, and must clearly address maintenance, operational and cost responsibilities for the feature, as well as . The maintenance plan shall be submitted for the approval of the Manager City Development.
 - d. The approved management and maintenance plan must be complied with for as long as the water feature is in place.
33. The recommendations contained in the Acoustic Assessment, by RWDI (#2203505), 30 May 2022, Version B, shall be implemented within the development and all such recommendations shall be clearly **detailed on the Construction Certificate Plans**.
34. As recommended in the Acoustic Assessment referred to above, a detailed acoustic assessment of the mechanical equipment must be undertaken **prior to the issue of a Construction Certificate** and be designed to comply with the requirements of the Noise Policy for Industry. The assessment must include mitigation measures to minimize the impacts of noise on sensitive receivers.
35. 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/New Zealand Standard AS/NZS 1170 Part 1 – Structural design actions.

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.**

- 36. Balcony balustrades being a minimum height of 1m. 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.**
- 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. Details of outdoor lighting must be provided to and approved by the Council's Manager, City Development **prior to the issue of a Construction Certificate.** Outdoor lighting must be in accordance with the Burwood Development Control Plan and the relevant Australian Standards. Spill light shall be minimized and shall not create a nuisance to surrounding properties.

PRIOR TO RELEASE OF AN OCCUPATION CERTIFICATE

- 39. ***Prior to the issue of any Occupation Certificate, documentary evidence must be provided to the Principal Certifier to demonstrate that the four (4) allotments pertaining to Lot 15 DP 832440 (Part 2-4 Conder Street, Burwood), Lot 16 DP8324400 (Part 52-60 Railway Parade, Burwood), Part Railway Parade Road Reserve and Part Conder Street Road Reserve have been consolidated into a single allotment.***

(Condition inserted – DA 2022.44.2)

- 40. **Heritage Interpretation Plan:** The installation and completion of the heritage interpretation in accordance with the approved Heritage Interpretation Plan required to be submitted prior to the release of a Construction Certificate, shall be verified by an inspection by the Principal Certifier prior to the issue of any Occupation Certificate or Interim Occupation Certificate.
- 41. Installation of the approved Public Art (in accordance with the Public Art Plan) shall be completed for each stage of the development in accordance with the

approved PAP and verified by an inspection by the Accredited Certifier **prior to the issue of an Occupation Certificate.**

42. The building shall be sited by survey and a registered surveyor's certificate being submitted to the Accredited Certifier, **prior to the issue of an Occupation Certificate**, on completion of the building to indicate the height of the finished floor levels, the height of the roof ridge/parapet and to show boundary clearances and areas of the site occupied by the building.

43. **Wayfinding Strategy:** A vehicular wayfinding strategy (external and internal) shall be prepared in consultation with, and endorsed by Manager City Development **prior to the issue of an Occupation Certificate.**

44. **Vehicular and pedestrian access: Prior to the issue of any Occupation Certificate**, the following requirements must be met:

- a. A physical connection must be provided between the basement level 1 car park of the subject development, and the basement level 1 car park of the Burwood Place development approved under DA.2021.44.
- b. A "Right of Carriage Way" in the form of Schedule 8 of the Conveyancing Act 1919 must be registered over the site being land contained in Lot 16 DP832440 known as 52-60 Railway Parade, Burwood (servient tenement) in favour of Lot 15 DP 832440 known as 2-4 Conder Street, Burwood (dominant tenement). Such easement shall provide for members of the public generally to access by vehicle or on foot over such part or parts of the servient tenement to enable vehicles and persons on foot to have access through the car park, the aisles of the car park and access ramps to access to and from the car park on the dominant land generally as shown on the following architectural plans prepared by CHROFI and forming part of this consent: A-DA-104 Revision B (Basement 1), A-DA-105 Revision B (Basement 2), and A-DA-303 Revision B (Sections – Sheet 3).
- c. A "Right of foot way" in the form of Schedule 8 of the Conveyancing Act must be registered over the development site being land contained in Lot 16 DP832440 known as 52-60 Railway Parade, Burwood (servient tenement) in favour of Lot 15 DP 832440 known as 2-4 Conder Street, Burwood (dominant tenement). Such easement shall provide for members of the public generally to go, pass and repass on foot over the servient tenement; and
- d. Evidence of registration of both of the said easements in subclause (a) and (b) must be provided to the Council and the private certifying authority confirming registration of such easements on title to the land being the servient tenement and the dominant tenement prior to the issue of an occupation certificate on either site (whichever comes first); and
- e. Council provides to the private certifying authority for the development written confirmation of its satisfaction with the evidence substantiating the registration of such easements on title to the dominant and servient tenements.

- f. Prior to registering such easements on title drafts of the proposed easements and plans forming part of such easements must be provided to the Council for its confirmation.
45. A "Section 73 Compliance Certificate" under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

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

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

46. **Prior to release of the relevant Occupation Certificate for the development** the Applicant must submit a Validation Report following completion of remediation. The Validation Report must:
- (a) be prepared by a Certified Contaminated Land Consultant who is certified under one of the schemes endorsed by the NSW EPA;
 - (b) be submitted to the Principal Certifying Authority for information within three months of the completion of remediation works; and
 - (c) be prepared in accordance with the RAP, the NSW EPA Consultants Reporting on Contaminated Land (2020) guidelines, National Environmental Protection Measure (NEPM) 2013 and other guidelines made under the Contaminated Land Management Act 1997.
47. **Prior to release of an Occupation Certificate for the development** a NSW EPA accredited Site Auditor must be engaged to review the Validation Report, prepare Site Audit Report (SAR) and prepare Section A Site Audit Statement (SAS). The SAR and SAS must verify that the site is suitable for the intended land use and be provided to Principal Certifying Authority prior to issue of the Occupation Certificate. A copy of the SAS must also be provided to Council.

GENERAL PLANNING CONDITIONS

- ~~48. The development shall be operated in accordance with the Operational Management Plan for the Burwood Urban Park Arts and Cultural Centre prepared by Burwood Council and submitted with DA.2022.44, except as modified by these conditions of consent.~~

The development shall be operated in accordance with the Operational Management Plan for the Burwood Urban Park Arts and Cultural Centre prepared by Burwood Council (pages 1-12) and submitted with DA.2022.44, except as modified by these conditions of consent.

(Condition amended – DA 2022.44.2)

49. ~~The hours of operation of the café are restricted to:~~

- ~~a. 7am-10pm Monday to Saturday; and~~
- ~~b. 8am to 10pm Sunday and public holidays.~~

The approved hours of the food and drink premises is 24 hours a day, 7 days a week.

(Condition amended – DA 2022.44.2)

50. All landscaping must be completed prior to the issue of an Occupation Certificate.
51. Landscaping within the site must be maintained at all times following installation, including the replacement of any plants that are dead, damaged, diseased or stolen, with like for like.
52. The recommendations of the Ecological Assessment prepared by SIA Ecological & Environmental Planning Pty Ltd dated 21 September 2022 shall be implemented in the development to minimize the impacts of removing Tree No. 3 on the Sulphur-crested cockatoo. Those recommendations state as follows:
- c. Remove Tree No.3 outside of the breeding season for this species (i.e. August to January).
 - d. Engage an appropriately qualified and experienced fauna handler to be present at the time the tree is removed.
 - e. Before felling the tree, tap along trunk using an excavator or loader or similar equipment to scare any birds out of the tree hollow and away from the tree. Repeat several times over an approximately 5 min period.
 - f. If removing the tree in stages, branches distant from the tree hollow should be removed first. This would further scare any birds present within the hollow and give them the opportunity to vacate the tree.
 - g. After the tree has been felled the fauna handler should check the tree hollow to ensure no birds are trapped or have become injured. Any birds found should be taken to WIRES for care if injured or if uninjured safely relocated to nearby habitat.
 - h. Install at least 3 artificial nest boxes containing a hollow and entrance of similar size to that in Tree No.3. These should be mounted at a similar height and orientation as the existing tree hollow. Ideally, one of the artificial hollows mounted would be the existing tree hollow with a minimum of 200mm of the tree trunk above and below. The artificial nest boxes should be mounted on large established trees (e.g. at

Burwood Park or similar).

53. The building must be designed to achieve a minimum 5 Star Green Star rating under the Design & As Built Green Building Council of Australia Rating Tool. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit details to the Certifying Authority demonstrating compliance with this requirement. Minor amendments to the detailed design required to adapt the building to achieve 5 Star Green Star certification may be submitted to and approved by the Council prior to the issue of a Construction Certificate. Any minor amendments to the detailed design must be demonstrably associated with the green star certification process.
54. Prior to the commencement of excavation, the proposed data gap investigation outlined in Remediation Action Plan (RAP), dated 2 December 2022, prepared by Douglas Partners, must be conducted to determine the full nature and extent of the contamination and suitability of the proposed remediation approach. The results of the data gap closure investigation must be presented in a report prepared in accordance with the NSW EPA Consultants Reporting on Contaminated Land (2020) guidelines, National Environmental Protection Measure (NEPM) 2013 and other guidelines made under the Contaminated Land Management Act 1997.
55. The Remediation Action Plan (RAP), dated 2 December 2022, prepared by Douglas Partners, must be updated following results of the data gap investigation. Prior notice of Category 2 remediation work must be provided to Council at least 30 days prior to the commencement of remediation. The notice must be in accordance with Chapter 4, Clause 4.13 of State Environmental Planning Policy (Resilience and Hazards) 2021. Should any alternate remediation approach include the preparation of a Long-Term Management Plan (LTEMP), Council must be consulted as soon as possible and prior to issue of the Construction Certificate. Implementation of a strategy to 'cap and contain' contamination and implement a LTEMP will require modification of the development consent via a 4.55 Application under the EP&A Act.
56. The RAP Review Findings made by the Site Auditor Ian Swane & Associates P/L in the Interim Audit Advice #01 dated 17 December 2022 must be implemented in all new/updated documentation and/or during remediation.
57. An NSW EPA-accredited Site Auditor must be engaged to review the data gap investigation report and updated RAP. The Site Auditor must prepare an Interim Audit Advice (IAA) letter, or a Section B Site Audit Statement (SAS) confirming the remedial strategy documented in the updated RAP is acceptable, and the site can be made suitable for the proposed development by successful implementation of the updated RAP. The IAA/SAS must be submitted to the Principal Certifying Authority for approval prior to the issuing of a Construction Certificate.
58. **Unidentified Contamination:** Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be

immediately notified to Council and the Principal Certifying Authority in writing. A Section 4.55 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

59. **Imported Fill Material:** Filling material must be limited to the following: 1. Virgin excavated natural material (VENM) 2. Excavated natural material (ENM) certified as such in accordance with Protection of the Environment Operations (Waste) Regulation 2014; and/or 3. Material subject to a Waste Exemption under Clause 91 and 92 Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW Environment Protection Authority as being “fit for purpose” with respect to the development subject of this application. Certificates proving that the material imported is ENM or VENM must be provided to the Principal Certifying Authority prior to filling. Certificates are to be provided to Council officers if and when requested. Fill imported on to the site must be compatible with the existing soil characteristic for site drainage purposes.
60. All publicly accessible elements of the development including paving, street furniture, planting, fences, kerbs and drainage must be provided to a standard not less than would be required in Council’s Public Works Elements Manual (Final Draft June 2006).
61. The use of any premises within the development that is food related shall be registered with Council and all required fees paid prior to such use commencing.
62. Natural Turf shall be used on the park areas with appropriate species selection to be used in high use areas. The natural turf shall not be replaced with artificial turf.
63. **The number of seats provided within the theatrette shall be restricted to 300.**
- (Condition inserted – DA 2022.44.2)*
64. **A portable customer service desk with a customer service representative shall be provided on site and be located in a conspicuous area near the theaterette at least one hour before each theatre show and/or event. The customer service representative shall attend to any enquiries, ticket changes, last minute ticket purchases etc.**

(Condition inserted – DA 2022.44.2)

DEMOLITION

65. Demolition of existing structures are to be carried out in accordance with the requirements of Australian Standard AS 2601 – 2001, where applicable.
66. Hours of demolition work shall be from 7:00am to 7:00pm Mondays to Fridays inclusive (during daylight savings period), 7:00am to 6:00pm Mondays to

Fridays inclusive (outside daylight savings period) and from 7:00am to 4:00pm on Saturdays. No demolition work shall be carried out on Sundays or Public Holidays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.

67. 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.
68. 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.
69. 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.
70. Prior to any demolition commencing on site a detailed demolition plan shall be submitted to Council for approval clearly indicating the method of demolition, details of protection of the public in relation to dust control, noise mitigation, sedimentation, traffic control, removal of hazardous building waste on the site, truck access and details of proposed hoardings and site fencing.

Asbestos Removal

71. A WorkCover licensed contractor must undertake removal of more than 10 square metres of any bonded asbestos. Removal of any friable asbestos must only be undertaken by a contractor that holds a current friable asbestos removal licence.
72. 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 December 2022.
73. Demolition sites that involve the removal of any asbestos must display a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm erected in a prominent visible location at the site to the satisfaction of Council Officers. The sign is to be erected **prior to the commencement of demolition works** and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility. This will ensure compliance with Clause 469 of the *Work Health and Safety Regulation 2011*.
74. All asbestos waste must be stored, transported and disposed of in compliance

with the Protection of the Environment Operations (Waste) Regulation 2005.

75. All asbestos laden waste must be disposed of at an approved waste disposal depot (Refer to the Office of Environment and Heritage or Waste Service NSW for details of sites).
76. All asbestos cement sheeting must be removed prior to the commencement of:
- a. Brick veneering or re-cladding of any building where the existing walls to be covered are clad with asbestos cement; OR
 - b. Construction work where the new work abuts existing asbestos cement sheeting and/or where existing asbestos cement sheeting is to be altered or demolished.

BUILDING

77. 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:
- c. must be a standard flushing toilet, and
 - d. must be connected:
 - i. to a public sewer, or
 - ii. an approved chemical closet facility.
- The toilet facilities are to be completed before any other work is commenced.

78. The development must be designed and constructed to provide access to and facilities for people with a disability in accordance with the provisions of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010 and Australian Standards AS 1428.1:2021. If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council prior to a Construction Certificate being issued.

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

80. All excavations associated with the erection or demolition of the building are to be properly guarded and protected to prevent them from being dangerous to life or property. The perimeter of the subject site shall be adequately fenced at all times from the commencement of any work on the site (including demolition/excavation). **All site fencing shall be subject to Council's Public Art Policy and shall be provided with Public Art in accordance with Council's Policy.**

81. 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;
- b. building involves the enclosure of a public place; and
- c. Work (either demolition or erection of a building) is proposed adjacent to a public foot way or area and public safety is at risk.

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

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

82. Your attention is directed to the following:

WARNING

Utility Services

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

Building Plan Approval

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

83. 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.

84. No materials are to be stored on Council's roads, footpaths or parks.

85. 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.

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. A Principal Certifying Authority sign should also be displayed in a prominent position at the front of the development site.
87. Hours of work shall be from 7:00am to 7:00pm Mondays to Fridays inclusive (during daylight savings period), 7:00am to 6:00pm Mondays to Fridays inclusive (outside daylight savings period) and from 7:00am to 4:00pm on Saturdays. No work shall be carried out on Sundays or Public Holidays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.
88. When demolition of any existing building is involved, burning of any demolition materials on the site is prohibited. All waste materials to be removed from the site.
89. The approved structure shall not be used or occupied unless an Occupation Certificate (being a Final Certificate or an Interim Certificate) as referred to in section 6.4 of the *Environmental Planning & Assessment Act 1979* has been issued.
90. The building works are to be inspected **during construction** by the Accredited Certifier at the stages of construction listed in the following schedule. The Accredited Certifier must be satisfied that the construction satisfies the standards specified in the Building Code of Australia or in this approval before proceeding beyond the relevant stage of construction.

SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- * After the commencement of the excavation for, and before the placement of, the first footing;
 - * Prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building;
 - * Prior to covering any stormwater drainage connections; and
 - * After the building work has been completed and **prior to any Occupation Certificate** being issued in relation to the building.
91. An application for a Construction Certificate is to be made to an Accredited Certifier. Council's "Construction Certificate Application" form is to be used where application is made to Council. Copies are available upon request. A Construction Certificate must be obtained **prior to the commencement of any building work**.

92. 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 every day – 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 every day. Obtaining accurate information about your work site significantly minimises these risks.

93. All building works being erected wholly within the boundaries of the property.
94. 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.
95. All plumbing and drainage work being carried out by licensed tradesmen and in accordance with the requirements of the Plumbing Code of Australia and regulations of Sydney Water.
96. The noise emitted by any air-conditioning equipment being (no greater than 5 dBA above background in your neighbours' homes between 10:00pm and 7:00am weekdays and 10:00pm and 8:00am on weekends and public holidays.
97. 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.**
98. **Prior to the commencement of building work**, the following is to be carried out:
- Submit to Council a “Notice of Intention to Commence Building Work and Appointment of a Principal Certifying Authority” form. Council's “Notice of Intention to Commence Building Work and Appointment of a Principal Certifying Authority” form is to be used where application is made to Council.
 - Ensure detailed plans and specifications of the building are endorsed with a Construction Certificate by Council or an Accredited Certifier. Council's “Construction Certificate Application” form is to be used where application is made to Council. Copies are available on request.

99. The Principal Certifying Authority or Structural Engineer is to also supervise the construction. All Certificates from the supervising Structural Engineer are to be submitted to the Principal Certifying Authority before an Occupation Certificate is issued stating that all reinforced concrete and/or structural members have been erected in accordance with his/her requirements and the relevant SAA Codes.
100. 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.
101. 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
102. 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.
103. 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.
104. The builder must ensure that the proposed building materials are suitable to resist flood water inundation. All electrical services and mechanical sensitive equipment etc. that can be damaged by flood water, shall be adequately flood proofed and/or placed above the flood planning level.
105. Temporary measures shall be provided prior to the commencement of any demolition, excavation or construction works on the site to prevent sediment and polluted waters discharging from the site. In this regard an Erosion and Sediment Control Plan (ESCP) is to be prepared by a competent practicing hydraulic/civil engineer in accordance with the publication "Managing Urban Stormwater: Soils & Construction" (Landcom, 2004) and Supplement 10 of Council's Stormwater Management Code.
106. All relevant erosion and sediment control measures identified in the ESCP must be implemented and maintained throughout the entire works period till completion. A qualified engineer shall be engaged for regular inspection, monitoring and reporting to the Principal Certifier in regard to satisfactorily functioning of sediment and erosion control system. Corrective actions must be

undertaken immediately where and when necessary.

107. 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.

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

(Vide clause 84 and Part 11& Division 3 of the *Environmental Planning & Assessment (Development Certification & Fire Safety Regulation 2021)*)

109. 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.

110. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

111. Bulk Earthworks & Shoring

- a) No opening is to be made in any road or footpath, nor is any hoarding to be erected without the prior consent of Council. The builder is to obtain the relevant permit for which fees will be charged in accordance with Council's Schedule of Fees and Charges.
- b) The builder shall erect and maintain in good order all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary.
- c) Public roads to be kept clean and free of any material which may fall from vehicles or plant. Waste containers shall be placed in accordance with Council's Code for Activities Affecting Roads and are subject to the payment of appropriate fees.
- d) Heavy vehicles entering and leaving the site must only cross the footpath where it is adequately timbered and strapped. Pedestrian access across this footpath must be maintained in good order at all times during the excavation work ensuring public safety at all times.
- e) The contractor shall strictly implement all erosion and sediment control (ESCP) measures prior to the commencement of excavation. Such measures shall be inspected at site by a competent practicing hydraulic/civil engineer and the PCA shall be provided with a compliance certificate that all the ESCP measures have been implemented.
- f) The Applicant shall prepare detailed survey reports of all existing service authority assets in and around the site of the proposed development that may be affected in any way by the proposed excavation. Surveys should include, but not be limited to, high and low voltage electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage assets, etc.
- g) The Applicant shall liaise with all relevant service authorities (including, but not limited to electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage) to develop final designs that satisfy all requirements of the service authority providers in respect of protection, termination or relocation of existing assets, temporary access and future permanent access for maintenance of assets.
- h) The Applicant shall prepare detailed method statements to demonstrate how the proposed excavation is to be conducted such that all relevant utility authority assets are protected and maintained throughout the construction stage of the development, or are relocated. Method

statements are to be submitted to the relevant utility authorities for their written approval.

112. Installation of Temporary Ground Anchor

- a) For installation of temporary ground anchors to shore the bulk excavation within public roads an NPER Registered Structural Engineer's certificate along with certified plans showing the details and extent of work shall be submitted to Council. The following conditions shall be addressed by the Applicant.
- b) The Applicant is required to obtain a 'Temporary Ground Anchor Permit' from Council for which an 'Application for Works on Council's Property' shall be lodged with Council. Subject to the application being approved by Council, the applicant shall pay Council calculated Anchor Fees and a 'Refundable Deposit' as required under Council's 'Fees and Charges 2022 – 2023. Payment of the 'Refundable Deposit' can be made in the form of a Bank Guarantee or security bond.

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

- c) 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.
- d) The contractor shall be responsible to obtain permission from the owner of the land where the rock anchors are to be installed, prior to installation of anchors.
- e) 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.
- f) 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.
- g) 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.
- h) 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.

- i) All shoring including ground anchors are to be certified by a practicing professional structural engineer. Certification is required as follows:
 - i. That the proposed shoring and anchor scheme is capable of supporting the public road, to be submitted prior to work commencing.
 - ii. Certification that the shoring and anchor scheme has been adequately constructed, following installation.
 - iii. Final certification that the anchors have been de-stressed following de-stressing of the anchors on completion of lateral supports. This is mandatory prior to release/refund of Anchor Bond.
- j) 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.
- k) All stockpiled shoring materials and equipment shall be kept solely within the private property and not obstruct the footpath or roadway at any time.
- l) All earth and rock anchors shall be released before the completion of building work.

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

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

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

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

SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

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

115. Following completion of all drainage works:

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

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

- i) Overland surface flow path*
- ii) Finished pavement and ground levels*
- iii) Prevention of the erection of any structures or fencing*
- iv) On-site Stormwater Detention system*
- v) Pump and rising main system*

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

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

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

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

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

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

determined and verified by calculations which are to be documented.

- b. Pumping system details shall be submitted to Council or an Accredited Certifier - Civil Engineering, **prior to the issuing of a Construction Certificate.**

118. Public Domain Conditions

- a) Public domain improvement shall be undertaken and completed at applicant's cost encompassing entire street frontages on Railway Parade and Conder Street (only to the extent where the development fronts the relevant space), Public domain plans shall be prepared with reference to Burwood Council DCP and Public Works Element Manual.
- b) Detailed public domain plans shall be prepared that extend to all frontages or works on Council land. They must be drawn at 1:100 scales, compatible for civil construction e.g. quantity surveying, tendering, supervising and quality control etc. shall be prepared and certified by a qualified civil engineer, landscape architect or urban designer and shall be submitted to and approved by Council **prior to the issue of a Construction Certificate.**
- c) The plan shall incorporate sectional details, technical specifications and Council's standard drawings and specifications. Cross sectional view of the proposed works at every 5m intervals and at every critical feature like pits or conflicting services, etc. shall be provided. The cross sections should cover the features extending from the road center line on one side to the property boundary on the other side. The view should include chainage, pits/pipe invert levels, existing & proposed road infrastructures surface levels, conflicting/non-conflicting services. The proposed works should comply with Council's all Standard Drawings from BSD 01 to BDS14, revision E
- d) The plan shall include all existing service authority assets on street frontage and in and around the areas as per the survey report. This should include, but not be limited to, high and low voltage electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage assets, etc.
- e) The plan shall show the entire street frontages of the properties for improvement e.g. footpath paving, kerb & gutter, pram ramps, bollards, service pits, stormwater pit & lintel including mill & re-sheeting of road pavement of the front streets.
- f) The Applicant shall liaise with all relevant service authorities to satisfy all requirements of the service authority providers in respect of protection, termination or relocation of existing assets prior to construction. A written consent shall be required where a service authority asset will be affected.

TRAFFIC

119. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of the following, where relevant:

- e. AS 2890.1 Part 1: Off-street car parking.
- f. AS 2890.2 Part 2: Off-street commercial vehicle facilities.
- g. AS 2890.3 Part 3: Bicycle parking facilities.
- h. AS 2890.6 Part 6: Off-street parking for people with disabilities.
- i. AS 1428.1: Design for access and mobility.
- j. AS 1735.12: Lifts, escalators and moving walks - Facilities for persons with disabilities.

Any non-compliances with the relevant standards shall be approved by Council prior to the issue of a Construction Certificate.

120. **TfNSW condition: Prior to the release of any Construction Certificate**, a 138 consent under the Roads Act shall be issued by the road authority (Burwood Council) for the new building and structures (part encroachment of Community and Cultural Centre building containing Café area, turf lawn area and some lower ground building elements) within the Railway Parade corridor.
121. **TfNSW condition:** A Road Occupancy Licence (ROL) should be obtained from the Transport Management Centre for any works that may impact on traffic flows on Railway Parade and any traffic control signals during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
122. **TfNSW condition:** Any special events held on the site including market days shall require the event organiser to undertake a Traffic and Transport Management Plan in accordance with the TfNSW Guide to Traffic and Transport Management for Special Events. A link to this Guide is provided below: <https://roads-waterways.transport.nsw.gov.au/documents/business-industry/event-management-guidelines/guide-traffic-transport-management-special-events.pdf>
123. **TfNSW condition:** TfNSW will provide concurrence to the proposed changes to stormwater drainage system on Railway Parade under s138 of the Roads Act, subject to the detailed design plans and hydraulic calculations of any changes to the stormwater drainage system being submitted to Council for approval as the relevant road authority.
124. **Relocation of existing 'School Zone' sign:** Approval of Burwood Council's Local Traffic Committee and/or any other relevant authority must be obtained to relocate the existing 'School Zone' sign on Railway Parade 2.2m south, and the sign must be relocated accordingly, **prior to the issue of an Occupation Certificate**.
125. Of the required car parking spaces, at least one (1) 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.

126. **Electric vehicle charging:** The proposed three (3) electric vehicle (EV) spaces within the basement parking, shall be installed as fast charging EV spaces.
127. 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.
128. 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.
129. 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.
130. 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.
131. 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) Temporary closure of roadway/footpath;
 - ii) Mobile crane or any standing plant;
 - iii) Scaffolding/Hoardings (fencing on public land);
 - iv) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc; and
 - v) Installation or replacement of private stormwater drain, utility service or water supply.

WASTE MANAGEMENT

132. All building work, construction and demolition activities are to be conducted in accordance with the approved Waste Management Plan.
133. During the Demolition/Construction phase of the development, upon disposal of any waste, the applicant is to compile and provide records of the disposal to the principal certifier, detailing the following:
 - The contact details of the person(s) who removed the waste

- The waste carrier vehicle registration
- The date and time of waste collection
- A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
- The address of the disposal location(s) where the waste was taken
- The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.

134. All waste generated by the uses in the Cultural Centre building shall be stored in the designated waste area in the basement only.
135. Garbage and recycling storage areas are to be:
 - a. Supplied with both hot and cold water;
 - b. Paved with impervious floor materials;
 - c. Coved at the intersection of the floor and the walls;
 - d. Graded and drained to a floor waste which is connected to the sewer in accordance with the requirements of Sydney Water;
 - e. Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
 - f. Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia; and
 - g. Separate bins are to be provided to ensure the separation of recyclables from the general waste stream.
136. Waste and recycling bins shall be kept in a clean and hygienic condition. Bins must not be overloaded and lids must always be closed. 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.
137. Access pathways for manual wheeling bins between storage areas and the collection vehicle parking location must be free of steps.
138. Waste and recycling collections are to be carried out in a manner and at times which do not cause a noise nuisance to the immediate or nearby residents.
139. 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 site. A copy of the agreement is to be retained on site and produced to an authorized Council officer upon request.

140. Bins shall be placed within the publicly access areas of the Urban Park at appropriate locations and in accordance with the recommendations made in the Operational Waste Management Plan prepared by Elephants Foot dated 30 May 2022.

AUSGRID REQUIREMENTS

- 140. *The developer shall comply with all requirements stipulated in the Ausgrid referral letter (undated) submitted for this Application (attached to this Consent).***

(Condition inserted – DA 2022.44.2)

End of Conditions

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