



Burwood ^{Inc.1874}

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

Attachments Excluded from Agenda
Burwood Local Planning Panel Meeting
Thursday, 27 March, 2025
6:00 PM

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Development Applications

DA4/25	Section 4.55(2) Modification to BD.2016.021 at 199 Burwood Road, Burwood.	
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Modified Conditions of Approval**FEES/BONDS TO BE PAID TO COUNCIL OR TO THE NOMINATED BODY
PRIOR TO ISSUING A CONSTRUCTION CERTIFICATE**

1. 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 Certifying Authority **prior to the issuing of a Construction Certificate.**
2. Building and Construction Industry Long Service Corporation levy \$13,965.00 \$16,976.00 (Payment to be made to Council, the Corporation or its Agent)
- ~~3. *The development being carried out in accordance with the plans and documentation submitted on 24/02/2016, except where amended by the conditions of consent*~~

(Condition 3 above has been DELETED by this Section 4.55 modification application, dated 27 March 2025).

- ~~4. *Section 4.55 Architectural plans (as amended) received by Council prepared by Urban Link Architecture dated 15/12/21, Drawing Nos:*~~

- ~~• *DA-0001, Issue C-D – Location Plan Cover Sheet.*~~
- ~~• *DA-0002, Issue C-D – Site Analysis*~~
- ~~• *DA-2000, Issue C-D – Basement*~~
- ~~• *DA-2001, Issue C-D – Ground Floor Plan*~~
- ~~• *DA-2002, Issue C-D – First Floor Plan Level 01*~~
- ~~• *DA-2003, Issue C-D – Second Floor Level 02*~~
- ~~• *DA-2004, Issue C-D – Third Floor Level 03*~~
- ~~• *DA-2005, Issue C-D – Roof Terrace*~~
- ~~• *DA-2006, Issue D – Pre & Post Adaptable/Liveable Units*~~
- ~~• *DA-2100, Issue C-D – Elevations*~~
- ~~• *DA-2200, Issue C-D – Sections*~~
- ~~• *DA-3000, Issue C-D – Shadow Studies*~~
- ~~• *DA-4001, Issue C-D – GFA Calculations*~~
- ~~• *DA-4003, Issue C-D – Schedule of Finishes.*~~

~~(Section 4.55 Application dated 20/6/22)~~

- ~~• *Landscape Plan prepared by Discount Landscape Plans (Drawing No. L/01, Revision A0 received by Council 24 February 2016 and dated 4/12/15 Proposed Landscape Plan – Roof L/01 Issue B dated 22/11/21 prepared by Discount Landscape Plans. (Section 4.55 Application dated 20/6/22)*~~
- ~~• *BASIX Certificate No. 699143M dated 22 February 2016 Revised BASIX Certificate No. 699143M_02 dated 04/12/21 prepared by Greenworld Architectural Drafting (Section 4.55 Application dated 20/6/22)*~~

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- ~~• Traffic and Parking Assessment Report, prepared by Varga Traffic Planning P/L, dated 12 January 2016 Ref: 15764.~~
- ~~• Geotechnical Desk Top Study: prepared by STS GeoEnvironmental P/L dated November 2015 and received by Council 2 February 2016.~~
- ~~• Section 4.55 Statement of Environmental Effects dated 6/12/21 prepared by Planning Ingenuity
(Section 4.55 Application dated 20/6/22)~~
- ~~• Stormwater Drawing No's. D01, D02, D03, D04 & D05 Issue A dated 26/11/21 prepared by United Consulting Engineers.
(Section 4.55 Application dated 20/6/22)~~
- ~~• Quantity Survey Report dated 01/22/21 prepared by Construction Consultants for Section 4.55 Application
(Section 4.55 Application dated 20/6/22)~~
- ~~• Accessibility Compliance Report for Section 4.55 Application Issue B dated 4/12/21 prepared by Access Link Consulting.
(Section 4.55 Application dated 20/6/22)~~

(Condition 4 above has been DELETED by this Section 4.55 modification application, dated 27 March 2025).

4. Section 4.55 Architectural plans) received by Council prepared by Urban Link Architecture dated 26/02/2025, Drawing Nos:

- DA-0001, Issue F – Location Plan Cover Sheet.
 - DA-0002, Issue F – Site Analysis
 - DA-2000, Issue F – Basement
 - DA-2001, Issue F – Ground Floor Plan
 - DA-2002, Issue F – First Floor Plan Level 01
 - DA-2003, Issue F – Second Floor Level 02
 - DA-2004, Issue F – Third Floor Level 03
 - DA-2005, Issue F – Roof Terrace
 - DA-2006, Issue F – Pre & Post Adaptable/Liveable Units
 - DA-2100, Issue F – Elevations
 - DA-2200, Issue F – Sections
 - DA-3000, Issue F – Shadow Studies
 - DA-4001, Issue F – GFA Calculations
 - DA-4003, Issue F – Schedule of Finishes.
- BASIX Certificate No. 1754281M, dated 04 July 2024, prepared by Gradwell Consulting

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- **Geotechnical Desk Top Study: prepared by STS GeoEnvironmental P/L dated November 2015 and received by Council 2 February 2016.**
- **Quantity Survey Report dated 01/22/21 prepared by Construction Consultants for Section 4.55 Application.**
- **Waste Management Plan – Mixed Use Development comprising 15 units 3 commercial, Applicant’s Name and Address: Urbanlink Architects**

(Condition 4 above has been ADDED by this Section 4.55 modification application, dated 27 March 2025).

FEES

5. Damage Deposit - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc) during building work \$31,500 (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.

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 Certifying Authority prior to the issuing of a Construction Certificate

PLANNING

6. Pursuant to Section 94A of the Environmental Planning and Assessment Act 1979 and the Section 94A Contributions Plan for Burwood Town Centre, the following monetary contribution towards public services and amenities is required:

Contribution Element		Contribution	
A levy of 4% of the cost of carrying out the development, where the cost calculated and agreed by Council is \$4,850,407.00		\$194,016.28	
Index Period	March 2022	CPI ₁	123.7

Office Use: T49

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

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

Contribution (at time of payment) = $C \times CPI_2$

CPI₁

Where:

- C: the original contributions amount as shown in the development consent;
- CPI₂ the Consumer Price Index: All Groups Index for Sydney, for the immediate past quarter (available from the Australian Bureau of Statistics at the time of payment)
- CPI₁ the Consumer Price Index: All Groups Index for Sydney, applied at the time of granting the development consent as shown on the development consent.

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

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

Council may accept works in kind or other material public benefits in lieu of the contribution required by this condition subject to and in accordance with the requirements specified in the Section 94A Contributions Plan for Burwood Town Centre.

Note: The payment of a Section 94A contribution over an amount of \$5,000 may only be paid by Bank Cheque (i.e. personal or company cheques will not be accepted). Contributions of \$5,000 or less may be paid by cash, EFTPOS, cheque or credit card. Payments by credit card may be subject to a surcharge.

7.
 - (a) **Prior to the issue of an Occupation Certificate**, an easement (right of way) across No. 199 and No. 197-197A Burwood Road shall be altered to address the proposed vehicle access arrangements under BD 2018/133. Evidence of registration of the establishment/alterations to the modified easements shall be provided to Council accordingly **prior to release of any Occupation Certificate**.
 - (b) **Prior to the issue of an Occupation Certificate**, the applicant is to arrange with Council's Environmental and Health Section for the issue of the appropriate number of garbage and recycling bins any payment of the necessary fees to enable commencement of the waste and recycling service.
8. Glazed balcony balustrades shall be constructed of opaque materials in lieu of clear glazing.

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9. External gas water heaters are to be located in recessed enclosures within external walls and are to be located so as to be not visible from a public road or place or adjoining property. Similarly, air conditioning units and plant are to be located so as not to be visible from a public road or place or adjoining property.
10. A separate application shall be lodged for any proposed subdivision of the site. Such subdivision shall designate all car parking spaces attached to a lot with the exception of visitor parking which shall be designated as common property. No car parking spaces shall be created as a separate lot. The drainage system for the site including basement pit and pumps and on site detention shall be designated as common property.
11. Mail boxes shall be provided at the secure access doorway to the residential lobby, such that mail can be delivered by Australia Post from outside the security door, and accessed by residents inside the secure area. The mail boxes are to comply with the requirements of Australia Post. Details to be submitted and approved **prior to the issue of a Construction Certificate.**
12. Clothes drying areas or facilities shall be provided within an area of communal open space or provided within each residential unit. If provided on the balconies of individual units, the drying facilities must be screened from exterior view, and be designed in such a way that they do not detract from the building's appearance from the public domain.
13. The door of the residential entry foyer to the building from Woodside Avenue, the door from the residential lobby to the rear common open space area are to be security grade features and are to be appropriately security keyed to ensure the personal safety and security of residents of the development. At the main entry door from Woodside Avenue an intercom system linked to each apartment is to be included in these security arrangements. Details on these matters are to be submitted and approved **prior to the issue of a Construction Certificate.**
14. The entrance driveway for access to the basement parking level is to be provided with a security door that ensures the personal safety and security of the residents of the building. The driveway security door is to be linked to the intercom system for each apartment. Details on these matters are to be submitted and approved **prior to the issue of a Construction Certificate.**
15. CCTV cameras shall be installed at the building so that they can survey the pedestrian entrance walkway from Woodside Avenue, the residential lobby, the entrance to the rear communal open space area and the entrance at Liverpool Road to the driveway to the parking levels. The CCTV system shall provide a quality image that can assist with the detection of crime and be used by the NSW Police in any investigation (preferably a quality digital system). CCTV system footage shall be retained for a period of no less than fourteen days and be available upon request by the NSW Police when required. Details are to be submitted and approved **prior to the issue of a Construction Certificate.**

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16. Provision of storage space in each unit and in the basement is to comply with the recommendations of the Apartment Design Guide. A schedule shall be submitted to the Principal Certifying Authority demonstrating compliance and approved **prior to the issue of a Construction Certificate.**
15. Provision of accessible/adaptable residential apartments and accessible parking spaces is to comply with the applicable Australian Standards as indicated in Section 3.2.19 of the Burwood Development Control Plan 2013.
16. In the apartments that include areas designated as studies, such studies are not to be converted for use as additional bedrooms. This matter is to be checked and approved by the Principal Certifying Authority **prior to the issue of an Occupation Certificate.**

BUILDING

19. 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 Certifying Authority 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.
20. 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:

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- 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.

- 21. 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.
- 22. 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.
- 23. 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.
- 24. 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.

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

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- 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.

26. Your attention is directed to the following:

WARNING

The approved plans must be submitted to Sydney Water Tap in™ to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will then be approved, with suitable evidence being provided to the Principal Certifying Authority **prior to the issuing of a Construction Certificate.**

Please refer to the web site www.sydneywater.com.au for:

- Sydney Water Tap in™ details – see Plumbing, building and developing then Sydney Water Tap in™ and
- Technical guidelines - Building over and adjacent to pipe assets – see Plumbing, building and developing then Building plan approval,

or telephone 13 20 92.

Note:

The Principal Certifying Authority must ensure that they either:

- Receive the Sydney Water Tap in™ approval letter or
- Sight the Water Servicing Coordinator approval stamp **before the issue of any Construction Certificate.**

27. 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

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caused will be made good by Council at Council's restoration rates, at the builder's expense.

28. No materials are to be stored on Council's roads, footpaths or parks.
29. 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.
30. 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.
31. ***Hours of work shall be from 7:00am to 5:30pm 6.00pm Mondays to Fridays inclusive, and from 7:00am to 4:00pm 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.***

(Condition 31 above has been AMENDED by this Section 4.55 modification application, dated 27 March 2025).

32. 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 109C(1)(c) of the *Environmental Planning & Assessment Act 1979* has been issued.

(Vide Section 109M *Environmental Planning & Assessment Act 1979*)

33. The building works are to be inspected during construction by the Principal Certifying Authority or an appropriate Accredited Certifier authorised by the Principal Certifying Authority at the stages of construction listed in the following schedule. The Principal Certifying Authority must be satisfied that the construction satisfies the standards specified in the Building Code of Australia or in this approval before proceeding beyond the relevant stage of construction.

SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- * After the commencement of the excavation for, and before the placement of, the first footing;
- * Prior to covering 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.
34. An application for a Construction Certificate is to be made to Council or an Accredited Certifier. Council's "Construction Certificate Application" form is to be used where application is made to Council. Copies are available upon request. A Construction Certificate must be obtained **prior to the commencement of any building work.**
35. 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.
- Reason: To ensure that essential services such as electricity, gas, communications and water are not affected by excavation or construction works.
36. All building works being erected wholly within the boundaries of the property.
37. 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.
38. All plumbing and drainage work being carried out by licensed tradesmen and in accordance with the requirements of the Plumbing Code of Australia.
39. The floor of the wet areas being of a material impervious to moisture and graded and drained to the sewers of Sydney Water.
40. 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.
41. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

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42. 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.**
43. 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.**
44. 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.

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

After treatment the following is to be carried out:-

- a. A durable notice must be permanently fixed to the building in a prominent location, such as the meter box, indicating:-
- (i) The method of protection.
 - (ii) The date of installation of the system.
 - (iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
 - (iv) The installer's or manufacturer's recommendation for the scope and frequency of future inspection for termite activity.
- b. Provide the Principal Certifying Authority with a Certificate which verifies that termite protection has been provided in accordance with Australian Standard AS 3660.1-2014. In the case of Reinforced Concrete Slab construction the Certificate is to verify that the protection incorporates both beneath slab (Part A) and slab penetrations (Part B) treatment.
46. A registered surveyor's certificate being submitted to the Principal Certifying Authority, **prior to the issue of an Occupation Certificate**, as follows:-

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- a. Before pouring of concrete slab on every level to indicate the height of the finished floor level and to show boundary clearances; and
 - b. On completion of the building to indicate the height of the finished floor levels, the height of the roof ridge/parapet and to show boundary clearances and areas of the site occupied by the building.
47. **Prior to the commencement of building work**, the following is to be carried out:-
- a. Submit to Council a "Notice of Intention to Commence Building Work and Appointment of a Principal Certifying Authority" form. Council's "Notice of Intention to Commence Building Work and Appointment of a Principal Certifying Authority" form is to be used where application is made to Council.
 - b. Ensure detailed plans and specifications of the building are endorsed with a Construction Certificate by Council or an Accredited Certifier. Council's "Construction Certificate Application" form is to be used where application is made to Council. Copies are available on request.

(Vide Section 81A *Environmental Planning & Assessment Act 1979*)

48. ***The building being known as No. "199" Burwood Road, Burwood and this number (at least 150mm in height) being clearly visible from the street and displayed on the site near to the residential lobby entrance and mailboxes, prior to the issuing of an Occupation Certificate.***

(Condition 48 above has been AMENDED by this Section 4.55 modification application, dated 27 March 2025).

49. A "Section 73 Compliance Certificate" under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

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

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

50. Structural engineer's details prepared and certified by a practicing Structural Engineer for all reinforced concrete and structural members being submitted to

the Principal Certifying Authority for approval **prior to the issuing of a Construction Certificate.**

51. 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.
52. Timber sizes and the framework in general are to conform to the requirements of Australian Standard AS 1684 "Residential timber-framed construction."
53. Mechanical ventilation/air conditioning details are to be submitted to the Principal Certifying Authority for approval **prior to the issuing of a Construction Certificate** and must include the following:-
 - a. The location and size of proposed ductwork.
 - b. The location of equipment.
 - c. The performance characteristics of the proposed motor/s and fan/s.
 - d. The air flow characteristics of the system.

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

54. 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.**
55. All materials used in the building must comply with early fire hazard criteria of Specification C1.10 of the Building Code of Australia.
56. Means of access and egress complying with Section D of the Building Code of Australia. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**

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57. The building being provided with both access and sanitary facilities (where required) for people with disabilities. The sanitary facilities are to be provided in accordance with F2.4 of the Building Code of Australia and are to comply with the requirements of Clause 10 of AS 1428.1-2009. Access is to be provided to and within the building so as to comply with all the requirements of Part D3 of the BCA and the relevant provisions of AS 1428.1-2009. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**
58. 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.
59. 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.**

60. 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

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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.**

61. 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.**
62. 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.**
63. A Fire Safety Certificate (copies available from Council) is to be given to the Principal Certifying Authority prior to applying for an Occupation Certificate or Interim 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 properly 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 New South Wales Fire and Rescue 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*)

64. 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.**

65. Engineering Design – Basement Excavation

The following engineering details or design documentation shall be submitted to the Principal Certifying Authority (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 Certifying Authority.

TRAFFIC and TRANSPORT

66. All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.
67. Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must **be permanently displayed and located** in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times **by the Owners Corporation**.
68. ***A minimum of 49 15 off-street car parking spaces must be provided on-site. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan.***

(Condition 68 above has been AMENDED by this Section 4.55 modification application, dated 27 March 2025).

69. ***The approved parking spaces must be allocated as detailed below. All spaces must be appropriately line-marked and labelled according to this requirement prior to the issue of an Occupation Certificate. If the development is to be strata subdivided, the car park layout must respect the required allocation:***
- (a) 45 11 residential parking spaces.***
(b) 3 visitor parking spaces.
(c) 1 retail parking spaces.

(Condition 69 above has been AMENDED by this Section 4.55 modification application, dated 27 March 2025).

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70. No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or trailers.
71. Visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors.
72. All visitor parking spaces must be grouped together, and located at the most convenient location to the car parking entrance. All spaces must be clearly marked 'visitor' prior to the issue of an Occupation Certificate. All signs must be maintained in good order at all times.
73. Where a boomgate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 6m clear of the property boundary, wired to all units. The intercom must comply with 'Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23'.
74. Of the required car parking spaces, at least 3 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.
75. Where a car park is serviced by lifts, accessible spaces for people with mobility impairment are to be located close to lifts. Where a car park is not serviced by lifts, accessible spaces for people with mobility impairment are to be located at ground level, or accessible to ground level by a continually accessible path of travel, preferably under cover.
76. The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities.
77. The site must be configured to allow a vehicle to be driven onto and off the site in a forward direction.
78. The following signs must be provided and maintained within the site at the point(s) of vehicle egress:
 - (a) Compelling drivers to STOP before proceeding onto the public way;

(b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway.

79. A system of traffic mirrors must be installed at the ends of any ramp(s), to indicate traffic movement on the ramp(s).
80. Solid walls immediately adjacent to the basement entry and exit must not exceed 0.6m in height for the first 2.5m within the boundary so as to ensure adequate sight lines for motorists and pedestrians.
81. The size of vehicles servicing the property must be a maximum length of 6.4m.
82. Any proposals for alterations to the public road, involving traffic and parking arrangements, 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.
83. All costs associated with the construction of any new road works including kerb and gutter, road pavement, 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.
84. 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.
85. A Construction Traffic Management Plan must be submitted and approved by Council **prior to the commencement of the works** associated with such activity or the Construction Certificate (whichever occurs first). 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 construction related vehicles in the frontage roadways.
 - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction 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) Details of vertical and horizontal material handling and deliveries.

- vii) Any on-site parking area for employees, tradespersons and construction vehicles where possible.
- viii) 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.

86. 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 or the Construction Certificate (whichever occurs first)
- 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

DEMOLITION

87. Removal of any asbestos must be undertaken in compliance with the requirements of WorkCover. Refer to their publication "Your Guide to Working with Asbestos." Demolition of the building is to be carried out in accordance with the requirements of Australian Standard AS 2601 – 2001, where applicable.
88. ***Hours of demolition work shall be from 7:00am to ~~5:30pm~~ 6.00pm Mondays to Fridays inclusive, and from 7:00am to 4:00pm 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.***
- (Condition 88 above has been AMENDED by this Section 4.55 modification application, dated 27 March 2025).**
89. 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.
90. 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

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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.

91. All demolition and excavation materials are to be removed from the site or disposed of onsite using methods that comply with relevant environmental protection legislation.
92. When demolition of any existing building is involved, burning of any demolition materials on the site is prohibited.
93. Dilapidation surveys are to be carried out by a Practising Structural Engineer, which is to include a full photographic record of the exterior and interior of the buildings at the applicants/owners expense on all premises adjoining the site and the survey is to be submitted to Council and the adjoining land owners **prior to the commencement of any works**. A further dilapidation survey is also to be carried out and submitted to Council and the adjoining owners **prior to the issuing of an Occupation Certificate**. The dilapidation surveys shall be dated accordingly.

SUBDIVISION

94. A plan of consolidation to bring separate allotments into one lot under one Title being submitted to Council for approval and the issue of a Subdivision Certificate. The linen plan shall be registered by the Land Titles Office, **prior to the issuing of a Construction Certificate**.
95. 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 help either visit www.sydneywater.com.au > Plumbing, building and developing > Providers > Lists or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority **prior to release of the Linen Plan of Subdivision and/or the issuing of an Occupation Certificate** for the development.

HEALTH

96. An Environmental Management Plan is to be submitted to Council 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
97. A car wash area / bay is to be provided and be graded and drained to a waste water disposal system in accordance with the requirements of Sydney Water.
98. Mechanical ventilation and or air conditioning systems and equipment are to be designed and installed in locations that do not cause any noise nuisance or disturbance to near-by residential or commercial premises.
99. Separate development application(s) are to be submitted for the fit out of any part of the premises as a commercial use if required.
100. A waste cupboard or other storage area is to be provided within each dwelling which is of sufficient size to hold a single day's waste and to enable source separation of general waste, recyclables and compostable materials.
101. An area is to be nominated on the site to provide the capability for onsite communal composting. The location and design are to be in accordance with the controls set out on in Councils DCP – 6.2 Waste Management and Appendix 8.1.
102. Both residential and commercial garbage and recycling storage areas are to be:
- a. Supplied with both **hot and cold** water;
 - b. Paved with impervious floor materials;
 - c. Coved at the intersection of the floor and the walls;
 - d. Graded and drained to a floor waste which is connected to the sewer in accordance with the requirements of Sydney Water;
 - e. Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
 - f. Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.
 - g. Suitable signage is to be installed in each waste service room encouraging the separation of recyclables from the general waste stream.
103. A Caretaker is to be appointed for the development who will have ongoing responsibility for the proper management of the waste and recycling services.

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104. All waste collections are to be carried out from within the building (not from the kerb side). The caretaker is to wheel the waste and recycling bins to the nominated bin holding area for collection.
105. The applicant shall provide to Council a legally drafted agreement at their own expense in the form approved by Council which gives right of access and absolves Council and / or any of its waste collection contractors from any damage or injury that may arise from the onsite collection of waste and recyclables.
106. The vehicular access to the loading dock waste storage area is to be designed to allow for access into the collection bay by a fully laden waste and / or recycle collection vehicle.
107. Residential and commercial 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.

Note; Council reserves the right to issue a direction under the Protection of the Environment Operations Act to address any noise or other nuisance complaints.
108. Waste and recycling bins shall be kept clean and hygienic condition. Bins are to be washed regularly within the garbage storage room with any waste water being discharged to the sewer by way of a grated drain.
109. **Prior to the issue of the Occupation Certificate**, the applicant is to arrange with Council's Environment and Health Section the issue of the appropriate number of garbage and recycling bins and payment of the necessary fees to enable commencement of the waste and recycling service.

ENGINEERING

110. A detailed drainage design shall be submitted to the Principal Certifying Authority.
 - a. The design and calculations shall indicate the details of the proposed method of stormwater disposal and shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Council's Stormwater Management Code.
 - b. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property.

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- c. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.
 - d. The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering **prior to the issuing of a Construction Certificate.**
111. Details and calculations shall be prepared by a competent practicing Hydraulic/Civil Engineer. They shall include:
- a. a catchment plan
 - b. plans showing proposed and existing floor, ground and pavement levels to Australian Height Datum (AHD)
 - c. details of pipelines/channels showing calculated flows, velocity, size, materials, grade, invert and surface levels
 - d. details and dimensions of pits and drainage structures
 - e. hydrologic and hydraulic calculations
 - f. details of any services near to or affected by any proposed drainage line
 - g. any calculations necessary to demonstrate the functioning of any proposed drainage facility is in accordance with Council's requirements
 - h. the depth and location of any existing stormwater pipeline and/or channel being connected to shall be confirmed by the applicant on site. Certification of such is to be provided to Council **prior to the release of the construction certificate**

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

112. On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system.
- a. This storage shall be designed by a competent practicing Hydraulic/Civil Engineer in accordance with Council's Stormwater Management Code and submitted to the Principal Certifying Authority.
 - b. The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering, **prior to the issuing of a Construction Certificate.**
113. The stormwater works on the development property and connection to Council's stormwater system are to be inspected during construction by a competent

practicing hydraulic/civil engineer. The inspections are to be carried out at the stages of construction listed in the following schedule. A compliance Certificate verifying that the construction is in accordance with the approved design, this development consent and satisfies the relevant Australian Standard is to be submitted to the Principal Certifying Authority before proceeding beyond the relevant stage of construction.

SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- a. Following placement of pipe bedding material. Confirm trench/pipe location, adequacy of depth of cover, bedding material and depth.
 - b. Following joining of pipes and connection to Council's stormwater system.
 - c. For on-site detention systems:-
 - (i) Following set out of detention tank/area to confirm area and volume of storage.
 - (ii) Following placement of weep-holes, orifice and/or weir flow control, outlet screen and overflow provision.
 - d. Following backfilling. Confirm adequacy of backfilling material and compaction.
114. Following completion of all drainage works:-
- a. Works-as-executed plans, prepared and signed by a registered surveyor, shall be prepared. 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.
115. 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) *The overland surface flow path*
 - ii) *Finished pavement and ground levels*
 - iii) *Prevention of the erection of any structures or fencing*
 - iv) *On-site Stormwater Detention system*
 - v) *Pump and rising main system*
- b. The proprietor agrees to have the facilities inspected annually by a competent practicing Hydraulic/Civil Engineer.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean repair and maintain in good working order the facilities in or upon the said land; and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from failure of any component of the facilities.

The applicant shall bear all costs associated with the preparation of the 88E Instrument. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at the Land and 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.**

116. The pump system is only permitted for the drainage of the basement areas where the finished slab is below the ground level. The following conditions are to be satisfied:
- a. A pump and rising main design shall be submitted to the Principal Certifying Authority and shall satisfy the following conditions:
 - (i) The holding tank for the pump shall be capable of storing runoff from a one hour, 1 in 100 year ARI storm event.
 - (ii) The pump system shall consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the lower of the allowable on site detention

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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.**
 - c. 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.**
117. 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.
118. 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 Certifying Authority prior to carrying out the works. Please see Burwood Council's web site www.burwood.nsw.gov.au - Go to Development/Working on Footpaths or Roadways?/Works on Council Property (Application Form).
119. 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.

120. 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.
121. 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.
122. The following matters apply to the construction of the proposed vehicular crossing listed in the Table of Fees:
- a. A vehicular crossing 6 m wide to Woodside Avenue shall be constructed by the Applicant/Council at the applicant's cost.
 - b. The cost of any necessary adjustments to public utility services is not included, and shall be paid by the applicant to the relevant authority prior to Council commencing the work.
 - c. The driveway shall be 1m clear of any pits, lintels, poles and 2m clear of trees in the road reserve.
 - d. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
123. Internal driveway levels shall be designed and constructed to conform with existing footpath and road profiles such that vehicles are not damaged while accessing the property. Council footpath and road profiles will not be altered for this purpose.
124. Stormwater from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe to Council's street drainage system.
125. The applicant is to have prepared a longitudinal section of the proposed vehicular ramp access, drawn at 1:25 natural scale.
- a. The longitudinal section shall be prepared by a competent practicing civil engineer in accordance with AS 2890.1.

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- b. The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering **prior to the issuing of a Construction Certificate.**
- 126.
- a. Temporary measures shall be provided during demolition, excavation and/or construction to prevent sediment and polluted waters discharging from the site.
 - b. An erosion and sediment control plan showing such measures shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Supplement 10 of Council's Stormwater Management Code.
 - c. The erosion and sediment control plan is to be reviewed by Council or an Accredited Certifier - Civil Engineering **prior to the issuing of a Construction Certificate.**
127. 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.
128. Vehicles removing demolished materials from the site shall access and depart from the site through Woodside Avenue and The Boulevard. Vehicles involved in removing materials from the site shall be limited to an 8 tonne gross weight per axle.
129. All excavations and backfilling associated with the erection or demolition of a building shall be carried out in a safe and careful manner and in accordance with appropriate professional standards. All necessary piling, planking and strutting shall be of sufficient strength to retain the sides of excavations.
- A Compliance Certificate verifying the suitability of Structural details of proposed piling, shoring etc. are to be submitted to the Principal Certifying Authority **before commencement of excavation.**
130. All excavations associated with the erection or demolition of the building are to be properly guarded and protected to prevent them from being dangerous to life or property.
131. Where soil conditions require it:
- a. retaining walls must be provided so as to prevent soil movement;
and
 - b. adequate provision must be made for drainage.
132. If an excavation associated with the erection or demolition of a building extends below any level of the base of the footings of a building or other structure on an adjoining allotment of land, the person causing the excavation to be made:

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- a. must preserve and protect the building or other structure from damage and rectify any damage caused by any such excavation, and
 - c. if necessary, must underpin and support the building or other structure in an approved manner, and
 - d. must, at least 7 days before excavation below the level of the base of the footings of a building or other structure 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 that owner.
133. 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, public school and any other public place.

i.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. 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.

- ii.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.
- iii.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.
- iv.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.

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- v. 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.
 - vi. The On-Site-Detention (OSD) system shall be placed on the ground floor and top water level of the storage shall be 300mm lower than the habitable floor level. An emergency overflow weir shall be designed and incorporated with the OSD tank.
 - vii. The IFD Rainfall Data for OSD design shall be used for Burwood as mentioned in Supplement 3 of Stormwater Management Code.
 - viii. Steel RHS across footpath shall be maximum 75mm high to have adequate concrete cover on footpath and kerb.
134. Engineering drawings addressing the above issues shall be provided for Council's review even if Council is not selected as the PCA.

LANDSCAPING

135. Tree Protection
The existing cut-leaf plane tree (*Platanus 'Digitata'*) located within the public footpath, on Burwood Road, is required to be retained and protected in accordance with AS4970 (Protection of Trees on Development Sites, 2009).
136. The new awning on the Burwood Road frontage must be constructed to be sympathetic to the existing street tree allowing a 1 metre minimum clearance of the trunk. A monetary bond or bank guarantee to the value of \$2,000 is required to be paid to Council to ensure the proper protection of the tree for the duration of the works. The tree will be inspected by Council staff at the completion of the works and the bond released only if the tree is not damaged.
137. The plan of the proposed new Ø375mm RCP pipeline on Woodside Ave shall be further detailed with long section, cross section together with the position of any underground services that might be encountered along the line. A concrete encased pipe section shall be provided if the top cover on the pipe is less than 500mm.
- ~~138. Landscaping to be installed as per the Landscape Plan by Discount Landscape Plans (Drawing Number L/01, Revision B) dated 22.11.2021.~~
- (Condition 138 above has been DELETED by this Section 4.55 modification application, dated 27 March 2025).**
139. Landscaping to be completed **prior to the issuing of an Occupation Certificate.**

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

MISCELLANEOUS & ADDITIONAL CONDITIONS

141. This modified consent shall not impinge upon any right or entitlement of any surrounding property that has interest in the existing Right of Carriageway over the subject land.

142. ***A modified landscape plan (inclusive of specifications and details) prepared by a qualified landscape architect must be submitted for the rooftop communal open space. The plan must be prepared by a qualified landscape architect and incorporate a diverse range of plant species suitable for a rooftop garden and include perimeter plantings to enhance privacy and the amenity of the rooftop. The landscape plan must be submitted to the Principal Certifier, prior to the issue of a Construction Certificate.***

(Condition 142 above has been ADDED by this Section 4.55 modification application, dated 27 March 2025).

143. ***Ceiling fans be installed within all living rooms and bedrooms of the residential apartments where practicable.***

Reason: To increase the sustainability of the building and to achieve design excellence.

(Condition 143 above has been ADDED by this Section 4.55 modification application, dated 27 March 2025).

144. ***Accessibility Compliance Report, Issue B, dated 4/12/21 prepared by Access Link Consulting shall be amended to reflect the modified proposal, and be submitted to the Principal Certifier prior to the issue of a Construction Certificate.***

(Condition 144 above has been ADDED by this Section 4.55 modification application, dated 27 March 2025).

145. ***Stormwater Drawing No's. D01, D02, D03, D04 & D05 Issue A dated 26/11/21 prepared by United Consulting Engineers, shall be amended to reflect the modified proposal, and be submitted to the Principal Certifier prior to the issue of a Construction Certificate.***

(Condition 145 above has been ADDED by this Section 4.55 modification application, dated 27 March 2025).

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- 146. *The substation shall be appropriately screened and not be readily visible from the public domain. The screening shall incorporate artwork to enhance its appearance. Amended architectural plans complying with this requirement are to be submitted to the Principal Certifier, prior to the issue of a Construction Certificate.***

(Condition 146 above has been ADDED by this Section 4.55 modification application, dated 27 March 2025).

- 147. *Doors to the ground floor gas meter and fire hydrant/sprinkler/booster shall not open over the public domain. Amended architectural plans complying with this requirement are to be submitted to the Principal Certifier, prior to the issue of a Construction Certificate.***

(Condition 147 above has been ADDED by this Section 4.55 modification application, dated 27 March 2025).

- 148. *The external finish of the ground floor residential entry to Woodside Avenue shall be updated to visually distinguish its appearance from other ground floor doorways. Amended architectural plans complying with this requirement are to be submitted to the Principal Certifier, prior to the issue of a Construction Certificate.***

(Condition 148 above has been ADDED by this Section 4.55 modification application, dated 27 March 2025).

- 149. *No bins are to be stored on the street. An updated Waste Management Plan is to be submitted to Council for approval, prior to the issue of a Construction Certificate.***

(Condition 149 above has been ADDED by this Section 4.55 modification application, dated 27 March 2025).

- 150. *The east-facing door at rooftop communal open space level that is adjacent to the lift entrance is to be deleted, so that is not an enclosing wall. Amended architectural plans complying with this requirement are to be submitted to the Principal Certifier, prior to the issue of a Construction Certificate.***

(Condition 150 above has been ADDED by this Section 4.55 modification application, dated 27 March 2025).

END OF CONDITIONS

PROPOSED MIX USED DEVELOPMENT LOCATED AT @ 199A BURWOOD ROAD, COMPRISING OF 15 RESIDENTIAL UNITS WITH ASSOCIATED BASEMENT PARKING AND 3 COMMERCIAL SPACES FOR DEVELOPMENT APPLICATION

UNIT MIX				
LEVEL	1 BED	2 BED	3 BED	TOTAL
Ground	0	0	0	0
1	3	2	0	5
2	3	2	0	5
3	3	2	0	5
TOTAL	9	6	0	15
PERCENT	60%	40%	0%	100%

GFA CALC		
GFA TOTAL	APPROVED	PROPOSED
GROUND	187	184
1	325.5	326
2	324.5	326
3	324.5	326
TOTAL	1160.5m	1162m
SITE AREA	581.4	



UNIT CALCULATIONS										
LEVEL	UNIT NO	NO OF BEDS	FLOOR AREA SQM	BALCONY SQM	TOTAL SQM	STORAGE UNIT	SOLAR ACCESS	CROSS FLOW	SINGLE ORIENT	ADAPTABLE
GROUND	SHOP 1		59							
	SHOP 2		47							
	SHOP 3		59							
LEVEL 1	101	2	75	10	85	8	4	YES	YES	
	102	1	50	8	58	4	4	YES	NO	
	103	1	50	8	58	4	4	YES	NO	
	104	2	71	10	81	8	4	YES	YES	
	105	1	51	8	59	4	4	NO	YES	YES
LEVEL 2	201	2	75	10	85	8	4	YES	YES	
	202	1	50	8	58	4	4	YES	NO	
	203	1	50	8	58	4	4	YES	NO	
	204	2	71	10	81	8	4	YES	YES	
	205	1	51	8	59	4	4	NO	YES	YES
LEVEL 3	301	2	75	10	85	8	4	YES	YES	
	302	1	50	8	58	4	4	YES	NO	
	303	1	50	8	58	4	4	YES	NO	
	304	2	71	10	81	8	4	YES	YES	
	305	1	51	8	59	4	4	NO	YES	
TOTAL										0

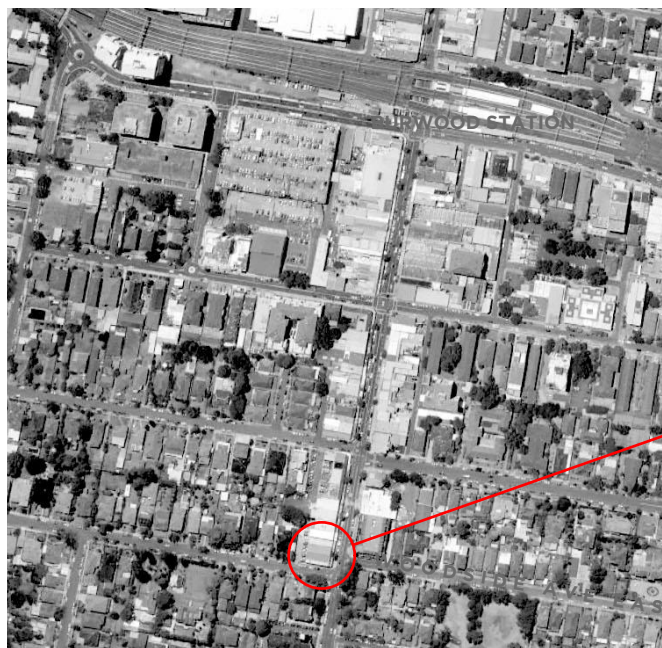
CALCULATION TABLE			
TOTAL SITE AREA	581.4 m		
CONTROL	MAX ALLOWABLE	APPROVED	PROPOSED
GROSS FLOOR AREA (GFA)	1162.8	1160.5	1162
FLOOR SPACE RATIO (FSR)	2:1	2	2
BUILDING HEIGHT	15m	15.735m	16.835m

CONTROL	MIN. REQUIRED	APPROVED	PROPOSED
SOLAR ACCESS	70%	11 UNITS	12 UNITS
CROSS VENTILATION	60%	9 UNITS	9 UNITS
SINGLE ORIENTED SOUTH FACING UNITS	10%	2 UNITS	0 UNITS
COMUNAL OPEN SPACE	25%	145 m2	349.15m2
LANDSCAPE	40%	207.36 m2	107 m2
DEEP SOIL	10%	58.14 m2	0

CAR PARKING				
CONTROL	UNITS	DCP RATES	RMS RATES	PROPOSED
1-1 SPACES / 1 BED UNIT	9	9	0.6/U	5.4
1-1 SPACES / 2 BED UNIT	6	6	0.9/U	5.4
2- SPACES / 3 BED UNIT	0	0	1.4/U	0
VISITOR = 1 SPACE / 5 UNITS	3	3		3
Total Residential			18	13.8
Commercial 1 space/400m ² plus 1 space per 40m ² additional to the first 400m ²	1	1		1
TOTAL				15

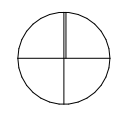
WASTE				
	MIN. REQUIRED			PROPOSED
GENERAL WASTE= 1BIN/2 UNITS	15	UNITS	7.5	BINS
RECYCLING= 1BIN/3 UNITS	15	UNITS	5	BINS
GREENWASTE=1 BIN/5 UNITS	15	UNITS	3	BINS
TOTAL RESIDENTIAL			15.5	
GENERAL WASTE= 50L/100SQM FLOOR AREA/DAY	1050	L/ WEEK	5	BINS
RECYCLING= 25L/100SQM FLOOR AREA/DAY	525	L/ WEEK	2	BINS
TOTAL COMMERCIAL	1575	L/ WEEK	7	BINS

AS APPROVED

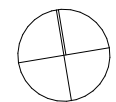
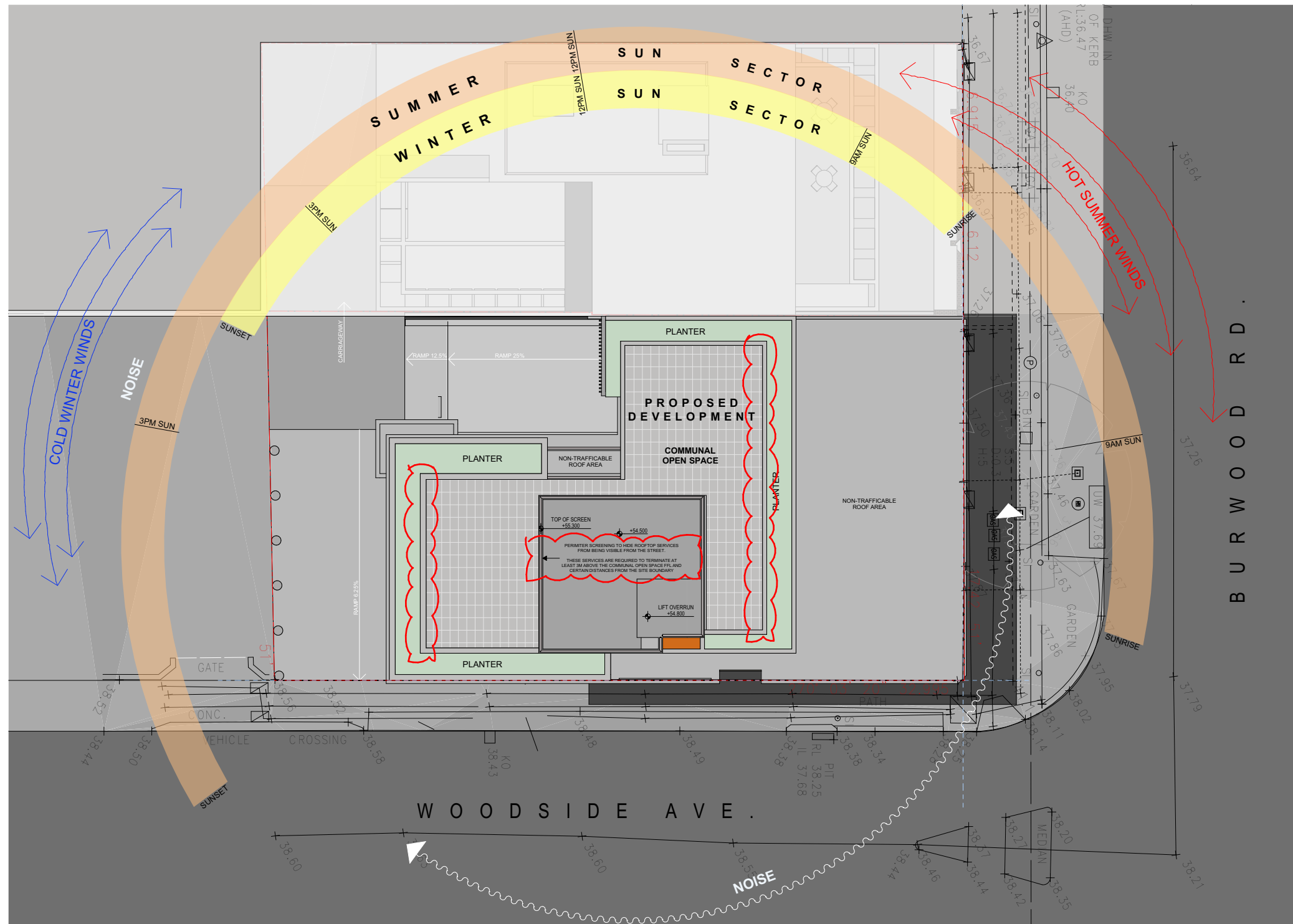


DRAWING INDEX		
Drawing N.	Name	Rev
DA-0001	COVER SHEET	F
DA-0002	SITE ANALYSIS	F
DA-2000	BASEMENT PLAN	F
DA-2001	GROUND FLOOR PLAN	F
DA-2002	LEVEL 01 PLAN	F
DA-2003	LEVEL 02 PLAN	F
DA-2004	LEVEL 03 PLAN	F
DA-2005	ROOF TERRACE	F
DA-2100	ELEVATIONS	F
DA-2200	SECTIONS	F
DA-3000	SHADOW STUDIES	F
DA-4001	GFA CALCULATION	F
DA-4002	FINISHES SCHEDULE	F

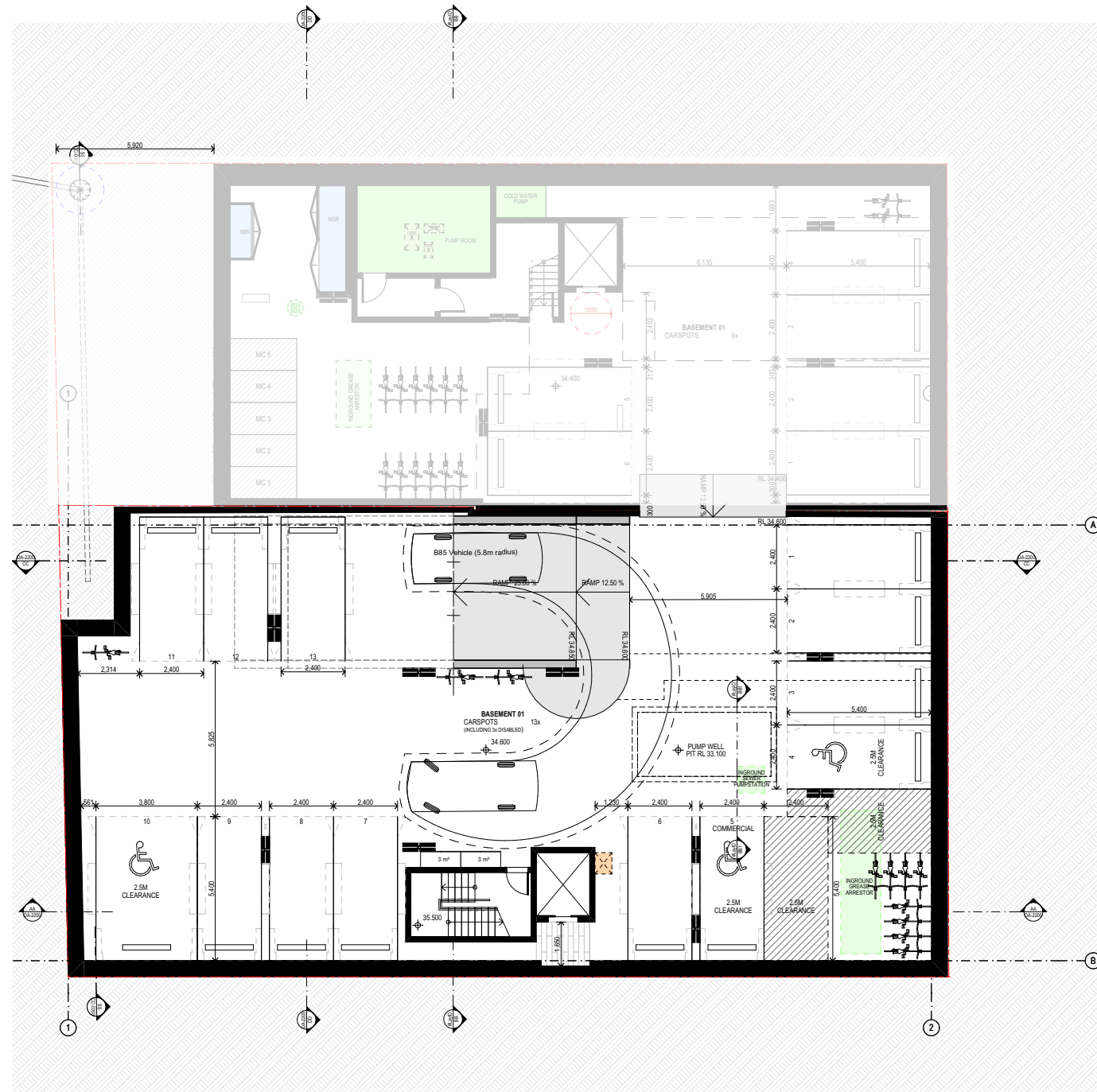
Issue	Amendment	Date	LEGEND
A	ISSUED FOR DA APPROVAL	05.01.16	BAL Balustrade to BCA requirements
B	DA AMENDMENTS	22.08.16	B Bins
C	DA AMENDMENTS	12.10.16	C Concrete - rendered + painted
D	S4.55 MODIFICATION	15.01.21	CF Cladding - fibre cement or prefinished metal
E	S4.55 MODIFICATION	26/02/2025	CF Concrete - natural
			CO Clotheslines
			DP Down pipe
			DSL Deep Soil Landscaping
			E Entrance
			G Gutter
			GFB Glazed face brick ref. to materials for colour
			HWU Hot Water Unit
			LA Landscape area to landscape architects design
			LB Letter boxes
			MR Metal roof sheeting (with min. R3 insulation)
			PB Planter box
			POS Private open space
			PS Privacy Screen
			RF Roof flashing
			RWT Rain Water Tank as per Basix
			SG Security gates
			SVR Services riser



CONTRACTOR TO CONFIRM ALL UNDERGROUND SERVICES BEFORE COMMENCING WORKS REGARDLESS OF INFORMATION PROVIDED HEREIN.



CONTRACTOR TO CONFIRM ALL UNDERGROUND SERVICES BEFORE COMMENCING WORKS REGARDLESS OF INFORMATION PROVIDED HEREIN.



BASEMENT 01
SCALE 1:200

Issue	Amendment	Date
A	ISSUED FOR DA APPROVAL	05.01.16
B	DA AMENDMENTS	22.08.16
C	DA AMENDMENTS	12.10.16
D	S4.55 MODIFICATION	15.01.21
E	S4.55 MODIFICATION	17/06/2024
F	S4.55 MODIFICATION	26/02/2025

