



BURWOOD LOCAL PLANNING PANEL MEETING

MINUTES OF THE MEETING OF THE BURWOOD LOCAL PLANNING PANEL held at the THE CONFERENCE ROOM, LEVEL 1, 2 CONDER STREET, BURWOOD on Tuesday 6 August 2024 commencing at 6:01 PM.

Attendance

Kevin Hoffman, Chair
Brian Kirk
Michael Leavey
Claire Boskett

Ryan Cole, Director City Strategy
Jai Reid, Manager City Development
Robert Toohey, Executive Planner
Julian Sciarrone, Senior Town Planner
Michelle Butler, Manager Governance & Risk

Opening of meeting

The meeting opened at 6:01 pm

The Chair opened the meeting with Acknowledgement of Country.

Apologies

There were no apologies.

Declarations of Interest

There were no declarations of interests by Panel Members.

Address by the public on agenda items

Name	Item
Stephen Gouge	Item DA3/24 – 36-40 Parramatta Road, Croydon
Noura Yammine	Item DA 4/24 – 1-3 Lees Avenue, Croydon Park
Garry Chapman	Item DA 4/24 – 1-3 Lees Avenue, Croydon Park
Hayden Calvey	Item DA 4/24 – 1-3 Lees Avenue, Croydon Park
Karen Chow	Item DA6/24 – 118 Wentworth Road, Burwood

The Chair adjourned the public meeting at 7.09pm.

Development Applications

(Item DA3/24) DA.2023.101 - 36 - 40 Parramatta Road, Croydon - Demolition of all Existing Structures on the Site and Construction of a Four (4) Storey Storage Facility, Containing Six (6) Car Spaces, Two (2) Loading Spaces, and Car/Truck Manoeuvring Space on the Ground Floor, Office and Retail Space at the Ground Floor and Storage Units on Levels 1-3

File No: 24/22239

Owner: Perpetual Trustee Company Limited
Applicant: Martin Abell
Location: 36 – 40 Parramatta Road, Croydon
Zoning: E3 Productivity Support Zone

BLPP Referral Criteria

Pursuant to the Ministerial direction dated 30 June 2020, under Section 9.1 of the *Environmental Planning and Assessment Act 1979*, the DA is to be determined by the Burwood Local Planning Panel for the following reasons:

1. There are more than 10 unique submissions by way of objection in response to the public notification of the development application.

Original Proposal

Demolition of all existing structures on the site and construction of a five (5) storey storage facility, containing six (6) car spaces, two (2) loading spaces, and two (2) car/truck manoeuvring space on the ground floor, office and retail space at the ground floor and storage units on Levels 1-4, on land at No.36-40 Parramatta Road, Croydon.

Proposal

Demolition of all existing structures on the site, removal of twelve (12) trees, and construction of a three (3) storey storage facility (including mezzanine level), an undercover car parking containing six (6) car spaces, one (1) accessible space, and two (2) loading bays, office and retail space at the north-western corner of the ground floor and storage units on Level 1-2, including the mezzanine level on land at No.36-40 Parramatta Road, Croydon.

**LPP5/
24**

RESOLVED

The Panel determined to **APPROVE** the development application (DA.2023.101) pursuant the *Environmental Planning and Assessment Act 1979* subject to:

1. Renumbering the conditions sequentially.
2. Deletion of the conditions relating to residential development.
3. Including a condition for the screening of hydrants and services.
4. The following conditions:

Conditions of Approval

GENERAL

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

- Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Cover Sheet	12.06.2024	BN Architecture, Sheet No. A00.00, Revision B.
Title Sheet, Location Plan and Drawing List	12.06.2024	BN Architecture, Sheet No. A00.01, Revision B.
General Information	12.06.2024	BN Architecture, Sheet No. A00.03, Revision B.
Safety in Design Statement	12.06.2024	BN Architecture, Sheet No. A00.04, Revision B.
Site Analysis	12.06.2024	BN Architecture, Sheet No. A00.05, Revision B.
Existing and Demolition Site Plan	12.06.2024	BN Architecture, Sheet No. A01.01, Revision B.
Site/Roof Plan	12.06.2024	BN Architecture, Sheet No. A02.00, Revision B.
Ground Floor Plan	12.06.2024	BN Architecture, Sheet No. A02.01, Revision B.
Mezzanine Plan	12.06.2024	BN Architecture, Sheet No. A02.02, Revision B.
Level 1 Floor Plan	12.06.2024	BN Architecture, Sheet No. A02.03, Revision B.
Level 2 Floor Plan	12.06.2024	BN Architecture, Sheet No. A02.04, Revision B.
Elevations 1/2	12.06.2024	BN Architecture, Sheet No. A09.01, Revision B.
Elevations 2/2	12.06.2024	BN Architecture, Sheet No. A09.02, Revision B.
3D Perspectives	12.06.2024	BN Architecture, Sheet No. A09.50, Revision B.
3D Perspectives Height Plane	12.06.2024	BN Architecture, Sheet No. A10.51, Revision B.
Building Sections	12.06.2024	BN Architecture, Sheet No. A11.01, Revision B.
Signs & Display	12.06.2024	BN Architecture, Sheet No. A60.01, Revision B.
GFA Analysis	12.06.2024	BN Architecture, Sheet No. A100.21, Revision B.
Solar Study	12.06.2024	BN Architecture, Sheet No. A100.50, Revision B.
Solar Study	12.06.2024	BN Architecture, Sheet No. A100.51, Revision B.
Solar Study	12.06.2024	BN Architecture, Sheet No. A100.52, Revision B.
Solar Study – 8 Acton Street	12.06.2024	BN Architecture, Sheet No. A100.53, Revision B.
Solar Study – 8 Acton Street	12.06.2024	BN Architecture, Sheet No. A100.54, Revision B.
Solar Study – 8 Acton Street	12.06.2024	BN Architecture, Sheet No. A100.55, Revision B.

Noise Impact Assessment	12.06.2024	Building Services Engineers Acoustics, Project No. 20221180, Issue 4.
Fire Engineering Statement	3.08.2021	Minerva, Document Reference No. 23019-DA-001-C, Revision C.
Hardscape Plan	12.06.2024	Conzept Landscape Architects, Sheet 1, Revision C
Landscape Plan	3.08.2021	Conzept Landscape Architects, Sheet 2, Revision C
Detail + Specifications	6.08.2021	Conzept Landscape Architects, Sheet 3, Revision C
Transport Impact Assessment	12.06.2024	Stantec Pty Ltd, Project No. 300304521
Arborist Report	18.08.2023	Prepared by Arborlogix,
BCA Report	17.10.2023	Design Confidence, Reference No. P223_033-2 _BCA) RD
Civil Works Package	17.10.2023	AT&L Civil Engineers and Project Managers, Drawing No's: 22-1044-DAC100, 22-1044-DAC101, 22-1044-DAC102, 22-1044-DAC103, 22-1044-DAC110, 22-1044-DAC111, 22-1044-DAC112, 22-1044-DAC120, 22-1044-DAC121, 22-1044-DAC122, 22-1044-DAC130, 22-1044-DAC143, 22-1044-DAC144, 22-1044-DAC145, 22-1044-DAC146, 22-1044-DAC147, 22-1044-DAC150, 22-1044-DAC151, Revision B
Civil Report	17.10.2023	AT&L Civil Engineers and Project Managers
Cost Report	10.10.2023	MBM, Project No. 1430-0129.
Detailed Site Investigation Report	14.11.2023	Geosyntec Consultants, Revision 1.
Ecological Sustainable Design Report	6.12.2023	Aspire Sustainability Consulting, Reference No. P123004, Version 1.0
Emissions Report	1.12.2023	Aspire Sustainability Consulting, Document No. C3123004
Plan of Management	5.03.2023	Prepared by Storage King.
Preliminary Site Investigation Report	23.11.2023	Prepared by Geosyntec Consultants
Waste Management Plan	5.03.2024	Prepared by Storage King, Rubbish Disposal Policy.

2. **Inconsistency between documents.** In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.
3. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
4. **Support for neighbouring buildings.** If the development involves excavation

that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
5. **Hours of work.** No work being carried out other than between the hours of 7:00am – 6:00pm Mondays to Fridays and 7:00am – 4:00pm on Saturdays, with no work at all being carried out on Sundays and Public Holidays. Demolition, excavation and/or construction works that involve heavy machinery, noisy trades or the like are not permitted to be carried out from 1:00pm to 4:00pm on Saturdays.
6. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
7. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
8. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
9. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
10. **Service Alterations.** All services or utilities required to be altered in order to complete the development works are to be undertaken in accordance with the requirements of the relevant service provider (e.g. Telstra, Jemena, Ausgrid, etc), with all costs associated with this alteration to be borne by the applicant.
11. **Road Opening Permit.** In accordance with the requirements of the Roads Act, the applicant must obtain consent (*Road opening Permit*) from Council prior to any excavation being undertaken in the road reserve (this includes verge and public footpath areas). No works shall be carried out in the road reserve without this permit being paid and a copy kept on the site.
12. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
13. A HAZMAT survey be conducted for the existing buildings and shed on site prior to demolition.

ENGINEERING CONDITIONS

14. The following matters shall apply to the damage deposit listed in the Table of Fees:
 - (a) This deposit is refundable if no damage occurs. The Applicant must lodge in Council a 'Damage Deposit Refund Application' after an Occupation Certificate being submitted to the Council. 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 only carry out two inspections of the Council's footpath, kerb and gutter, 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.
15. The following matters shall apply to the stormwater deposit listed in the Table of Fees:
 - (a) The deposit is refundable after completion of stormwater works on Council's roadway as per Council engineer's satisfaction.
16. **Damage Deposit** - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc.) during building work **\$73,860** (Payment to be made to Council as a bond prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation).
17. **Security deposit** against proposed stormwater works on Council roadway including drainage connection to existing stormwater pit **\$7,872**.
18. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to the existing drainage system by TfNSW located on Parramatta Road in front of the property.
19. A detailed drainage design shall be submitted to the Principal Certifying Authority.
 - (a) The design and calculations shall indicate the details of the proposed method of stormwater disposal and shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Council's Stormwater Management Code.
 - (b) Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property.
 - (c) Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.

- (d) The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering. The Principal Certifying Authority is to be provided with a Compliance Certificate verifying that this condition has been complied with.
20. 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 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. The Principal Certifying Authority is to be provided with a Compliance Certificate verifying that this condition has been complied with.

21. 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. The Principal Certifying Authority is to be provided with a Compliance Certificate verifying that this condition has been complied with, **prior to the issuing of a Construction Certificate.**
22. 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.

23. The following matters shall apply for stormwater drainage connection to TfNSW Street stormwater system.
- (i) The stormwater design and all related drawings shall be forwarded to TfNSW Authority for their approval and endorsement.
 - (ii) Copies of stormwater plans endorsed and duly stamped by TfNSW shall be forwarded to Council.
 - (iii) All conditions by TfNSW for stormwater connections including any certification by design engineer, payment of bond etc. shall be strictly adhered to.
 - (iv) Any adjustment required for underground services shall be at the applicant's expense. The relevant authority's written consent for any adjustments or works affecting their services shall be obtained and submitted to the principal Certifying Authority, prior to construction commencing.

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

24. The southern boundary fences shall be constructed in materials that allow unobstructed passage of surface stormwater flows. Fencing details shall be submitted to Council or an Accredited Certifier - Civil Engineering. The Principal Certifying Authority is to be provided with a Compliance Certificate verifying that this condition has been complied with, **prior to the issuing of a Construction Certificate**.
25. 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:
 - (v) The holding tank for the pump shall be capable of storing runoff from a one hour, 1 in 100 year ARI storm event.
 - (vi) The pump system shall consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the lower of the allowable on site detention discharge rate, or the rate of inflow for the one-hour duration storm.
 - (vii) An overflow, flashing light and audible alarm are to be provided, to warn of pump failure.

- (viii) Full details of the holding tank, pump type, discharge rate and the delivery line size are to be documented.
- (ix) 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.
- (x) The capacity of the stilling sump and outlet pump shall be determined and verified by calculations which are to be documented.

Pumping system details shall be submitted to Council or an Accredited Certifier - Civil Engineering. The Principal Certifying Authority is to be provided with a Compliance Certificate verifying that this condition has been complied with.

26. 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.
 - (b) The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering. The Principal Certifying Authority is to be provided with a Compliance Certificate verifying that this condition has been complied with.
27. Temporary measures shall be provided during demolition, excavation and/or construction to prevent sediment and polluted waters discharging from the site.
- (a) 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.
 - (b) The erosion and sediment control plan is to be reviewed by Council or an Accredited Certifier - Civil Engineering. The Principal Certifying Authority is to be provided with a Compliance Certificate verifying that this condition has been complied with, prior to the issuing of a Construction Certificate or commencement of demolition.
28. Three copies of Public Domain Plan drawn at 1:100 scales shall be prepared and certified by a qualified civil engineer, landscape architect or urban designer and submitted to Council. The plan shall be updated as required by Council's design engineer prior to construction:
- (a) 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.
 - (b) The plan shall show the entire street frontage of the property for improvement e.g. footpath paving, kerb & gutter, nature strip, stormwater pit & lintel including mill & re-sheeting one lane (3m) width of the road pavement of the front street.
 - (c) The plan shall incorporate the standard specifications and details in accordance with the Public Works Elements Manual and Council's standard drawings and technical specifications.

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.

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 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.
31. 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.
32. 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.
33. The contractor shall strictly implement all erosion and sediment control 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 in regards to that.
34. 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.
35. 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.
36. 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.
37. 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.
38. The public utility(s) are to be relocated by the relevant service authority prior to the construction of the vehicle crossing. The applicant is responsible for all liaison

and co-ordination with the relevant utility authority. Council will only construct the vehicle crossing following completion of the utility(s) structure's relocation.

39. Should the applicant require the use of temporary ground anchors to shore the bulk excavation within public roads 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 the 'Refundable Deposit' as required under Council's Statement of Revenue Policy 2023 – 2024. **Payment of the 'Refundable Deposit' can be made in the form of a Bank Guarantee.**

NOTE: This deposit is refundable if no damage occurs.

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 the conditions relating to the Installation of Temporary Ground Anchors.

40. 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 and all shoring with the exception of the anchors have been removed to a depth of 2.5m, on completion following de-stressing of the anchors.
41. The stormwater works on the development property and connection to TfNSW 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.
- (d) Following set out of detention tank/area to confirm area and volume of storage.
- (e) Following placement of weep-holes, orifice and/or weir flow control, outlet

screen and overflow provision.

- (f) Following backfilling. Confirm adequacy of backfilling material and compaction.
42. All activities and works external to the site, or that affect public roads, are to be carried out in accordance with Council's Code for Activities Affecting Roads or any other Road Authority Approval and/or policy.
43. A road-opening permit and/or construction 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.
44. Spoil and building materials shall not be placed, stored or caused to fall within any public roadway or footpath. Waste containers shall be placed in accordance with Council's Code for Activities Affecting Roads. Council's fee shall be paid prior to the placement of the waste containers.
45. 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.
46. All demolition and excavation materials are to be removed from the site or disposed of on site using methods that comply with relevant environmental protection legislation.
47. Vehicles removing demolished materials from the site shall access and depart from the site through Burwood Road and Liverpool Road. Vehicles involved in removing materials from the site shall be limited to an 8 tonne gross weight.
48. Should the applicant require the use of temporary ground anchors to shore the bulk excavation within public roads an NPER Registered Structural Engineer's certificate along with certified plans showing the details and extent of work shall be submitted to Council for its record. The following conditions shall be addressed by the Applicant.
- (i) 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.
 - (ii) The contractor shall be responsible to obtain permission from the neighbours of the adjoining properties prior to installation of anchors.
 - (iii) 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.
- (iv) The anchors shall be installed in accordance with the manufacturer's instructions.
 - (v) 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.
 - (vi) 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.
 - (vii) 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.
 - (viii) All stockpiled shoring materials and equipment shall be kept solely within the private property and not obstruct the footpath or roadway at any time.
 - (ix) All earth and rock anchors shall be released before the completion of building work.
49. The applicant shall submit written evidence to the Principal Certifying Authority that a contract has been let for the regular maintenance of the pump system for a minimum period of 12 months. Information to be submitted to the Principal Certifying Authority.
50. 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 Compliance Certificate from a competent practicing hydraulic/civil engineer. The Compliance 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.
51. Habitable floor levels shall be a minimum of 150mm above the surrounding finished ground levels. Garage floor levels shall be a minimum of 100mm above the surrounding finished ground levels.

52. Grated drains shall be provided along the property boundary at the vehicular crossings and are to connect to the internal drainage system.

The Principal Certifying Authority is to be provided with a Compliance Certificate from a competent practicing hydraulic/civil engineer.

The Compliance Certificate shall state that the grated drains have been constructed in accordance with the approved plans and this consent condition as shown on the work-as-executed plans, prior to the issuing of an Occupation Certificate

53. 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) Erection of any structures or fencing along east property boundary line.
- 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) Erection of any structures or fencing along east property boundary line*
- 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 Titles Office. Evidence that the Instrument has been registered at the Land Titles Office shall be submitted to Council, prior to issuing of an Occupational Certificate.

54. The following matters apply to the construction of the proposed vehicular crossing.

- (a) A vehicular crossing 6m wide shall be constructed by Council/ applicant at the

applicant's cost.

- (b) The cost of any necessary adjustments to public utility services 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 tress in the road reserve.
- (d) Any redundant vehicular crossing shall be removed and replaced with kerb and gutter footpath at no cost to Council.

55. Public domain construction shall be undertaken and completed on two street frontages of the property on Parramatta Road and Action Street at applicant's cost in accordance with Public Domain Plans and specifications.

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

LANDSCAPING CONDITIONS

- 56. Landscaping must be installed as per the Landscape Plan sheet set by Conzept Landscape Architects, Revision C, dated 12 June 2024.
- 57. Landscaping must be completed **prior to the issuing of an Occupation Certificate.**
- 58. Landscaping must be maintained at all times following installation, including the replacement of any plants that are dead, damaged, unhealthy or stolen, with like for like.

TREE PROTECTION CONDITIONS

- 59. The three existing brush box street trees located on the nature strip in Acton Street must be retained and protected in accordance with AS4970-2009 (Protection of Trees on Development Sites). This includes the installation of a tree protection fence around all four sides of each tree, extending two metres either side of the trunks, parallel to the kerb, and to the full limits of the nature strip width.
- 60. The tree protection fences must be constructed of 1.8m high, chain link panels, braced together and held in place with concrete feet.
- 61. The tree protection fences must be installed **prior to the commencement of any work** and maintained in tact at all times **until the issue of an Occupation Certificate.**
- 62. An AQF Level 5 Project Arborist must be engaged to certify the 'Hold Points' listed in section 10.2 of the Arboricultural Impact Assessment report by Arborlogix, dated 18 September 2023.
- 63. No branch pruning or root cutting is permitted to any street trees without the specific written consent of Council.

64. In accordance with Council's Schedule of Fees and Charges, a monetary bond or bank guarantee to the value of **\$6,000** is required to be lodged to Council, **prior to the commencement of any work**, to ensure the proper protection of the street trees.
65. The street trees will be inspected by Council at completion of the works and the bond released only if there is no damage to any trees.

TRAFFIC CONDITIONS

66. A total of 8 proposed off-street car parking spaces. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 – 2004, AS/NZS 2890.6:2009 and AS 2890.2:2018- Off-Street commercial vehicle facilities.
67. 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. The car park layout must respect the required allocation:
 - (a) 5 commercial and users parking spaces.
68. Loading docks must be located close to the service entrance and away from other parking areas, and simultaneously and independently be able to service the following sized trucks detailed below:
 - (a) A minimum of two Medium Rigid Vehicles loading dock
69. Of the required car parking spaces, at least 1 proposed mobility parking space must be designed and provided for accessible car parking for people with mobility impairment in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking. 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.
70. Where a boomgate or barrier control is in place, the visitor space 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*'.
71. The site must be configured to allow a vehicle to be driven onto and off the site in a forward direction.
72. 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.
73. Solid walls immediately adjacent to the 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.

74. At all times car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.
75. 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.
76. 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.
77. 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.
78. A Construction Traffic Management Plan must be submitted and approved by Council prior to the commencement of demolition and excavation or issuing of the Construction Certificate (whichever occurs first). The Construction Traffic Management Plan must be complied with at all times. The following matters should be addressed in the plan (where applicable):
 - a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and 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.

79. 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 for works on Council's property.

80. 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).
81. Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity
 - i) Work zone.
 - ii) Temporary closure of roadway/footpath.
 - iii) Mobile crane or any standing plant
 - iv) Scaffolding/Hoardings (fencing on public land)
 - v) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc.
 - vi) Installation or replacement of private stormwater drain, utility service or water supply

DEMOLITION CONDITIONS

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

82. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
 - (a) Council must be notified of the following particulars:
 - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (ii) The date the work is due to commence and the expected completion date
 - (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
83. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
84. **Excavation**
 - (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
 - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.

85. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by Work Cover New South Wales.
86. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
87. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
88. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

Imported fill

89. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.
90. If the development results in surplus soil requiring offsite disposal, waste classification of the material will be required in accordance with *NSW EPA (2014) Waste Classification Guidelines, Part 1: Classifying Waste to facilitate the offsite disposal of the soils*.
91. Any material imported be appropriately certified as virgin excavated natural material (VENM), excavated natural material (ENM) or meet the requirements specified in the applicable Resource Recovery Orders and Exemptions (RRO/RRE) if recycled materials are used for the redevelopment.

PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

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

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

93. Building and Construction Industry Long Service Corporation Levy **\$24,620.85** (**Payment to be made to Council, the Corporation or its Agent**).
94. In accordance with Council's Schedule of Fees and Charges, a monetary bond or bank guarantee to the value of **\$6,000** is required to be lodged to Council, **prior to the commencement of any work**, to ensure the proper protection of the street trees.
95. **Security deposit** against proposed stormwater works on Council roadway including drainage connection to existing stormwater pit **\$7,872**.
96. **Damage Deposit** - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc.) during building work **\$73,860** (**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.

- 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.
97. **If Council is nominated as the Principal Certifying Authority (PCA)** an inspection fee is to be paid.

This fee is for inspections at the rate listed in Council's current Schedule of Fees and Charges. Any additional inspections, including re-inspections, shall be levied and paid to Council upon booking of an appointment at the rate listed in Council's current Schedule of Fees and Charges (**Payment to be made to Council**).

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

Contribution Element			Contribution
A levy of 1% of the cost of carrying out the development, where the cost calculated and agreed by Council is \$9,848,341 .			\$98,483.41
Index Period	March 2024	CPI ₁	137.7

Office Use: T49

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

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

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

Where:

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

CPI₂ the Consumer Price Index: All Groups Index for Sydney, for the immediate past quarter

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

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

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

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

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

99. All fees, levies, bonds and/or contributions as required by this Determination Notice must be paid to relevant the authority/entity, **prior to the issuing of a Construction Certificate.**
100. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate.**
101. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate.**
102. **Sydney Water – Building Plan Approval.** The plans approved as part of the Construction Certificate 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 www.sydneywater.com.au/tapin to apply.

103. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.

104. **Fire Safety.** The dwelling being equipped with a smoke alarm system as required by Part 3.7.5 of the Building Code of Australia – Volume Two.

Mains powered smoke alarms complying with Australian Standards AS 3786-2014 are to be installed at or near the ceiling in

- a. Any storey containing bedrooms
 - (i) Between each part containing bedrooms and the remainder and
 - (ii) Where bedrooms are served by a hallway, in that hallway, and
- b. Any other storey not containing bedrooms.

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**.

105. **Services and Fire Hydrant Enclosure**

Prior to the issue of a Construction Certificate for works above ground slab level, the Certifying Authority is to be provided with plans demonstrating that all Services (Gas meter, water meter & fire hydrant and sprinkler booster valves and the like) are enclosed in a manner that complements the building and in accordance with the requirements of EP1.3 & EP1.4 of the BCA.

(Reason: To ensure essential services are appropriately screened)

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

106. **Notification – Prior to Commencement of Works:** 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 Certifier” form. Council's “Notice of Intention to Commence Building Work and Appointment of a Principal Certifier” 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 6.6 (81A) *Environmental Planning & Assessment Act 1979*)

107. **Site Sign**

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
 - (i) showing the name, address and telephone number of the Principal

- Certifying Authority for the work,
- (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Two sections relating to residential building work deleted in line with panel approval.

108. Excavation adjacent to adjoining land

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An 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.

- 109. Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with Safework NSW requirements and be a minimum of 1.8m in height.

- 110. Dial Before You Dig.** A free national community service 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 an professional excavator, the potential for injury, personal liability and even death exists everyday. Obtaining accurate information about your work site significantly minimises these risks.

- 111. Toilet Facilities.** Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:

- a. Must be a standard flushing toilet, and
- b. Must be connected
 - (i) To a public sewer, or
 - (ii) To an approved chemical closet facility

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

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

112. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
113. **Noise from construction work.** All feasible and reasonable measures must be implemented to minimise the emission of noise from construction work.
114. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
115. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
116. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
(a) Fill is allowed under this consent;
(b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
(c) the material is reused only to the extent that fill is allowed by the consent.
117. **Construction materials.** All materials associated with construction must be retained within the site.
118. **Site Facilities**
The following facilities must be provided on the site:
(a) toilet facilities in accordance with Safework NSW requirements, at a ratio of one toilet per every 20 employees, and
(b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
119. **Site maintenance**
The applicant must ensure that:
(a) approved sediment and erosion control measures are installed and maintained during the construction period;
(b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
(c) the site is clear of waste and debris at the completion of the works.
120. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".
121. The fill material around BH07 where landscaping is proposed, with nickel concentrations exceeding the EIL, can be managed during construction by

removal and replacement with a suitable growing medium (fill in this location only extended to 0.3 m below ground level). It is recommended that this requirement is documented in a Soil Management Plan (SMP) or corresponding section of a Construction Environmental Management Plan (CEMP).

122. If groundwater is extracted during redevelopment works, additional sampling should be performed to determine the most appropriate disposal option.
123. A Construction Environmental Management Plan (CEMP) including an unexpected finds protocol (UFP) is to be implemented during construction to appropriately manage potential contamination issues during earthworks, if encountered.

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

124. **Fire Safety:** A single and complete *Fire Safety Certificate*, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the *Occupation Certificate*. Details of *critical stage* inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Council with the occupation certificate.
125. **Works as Executed:** 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.
126. **Registered Surveyors Certificate:** A Registered Surveyor's Certificate being submitted to the Principal Certifier, **prior to the issuing of an Occupation Certificate**, as follows:

- a) Before proceeding beyond ground floor height to show boundary clearances; and
- b) On completion of the building to indicate the heights of the finished floor levels and roof ridge level and to show boundary clearances and areas of the site occupied by the building.

127. **Identification Survey Report:** Prior to the issuing of an Occupation Certificate, A report by a registered surveyor must be submitted to the Principal Certifier verifying that the height of floor structures at each level, the height of external walls, the height of roof structures/roof eaves overhangs and that the external wall setbacks to the property boundaries all conform with the approved plans

OPERATIONAL CONDITIONS

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

128. **Noise limits.** Noise from the use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not exceed 5dB(A) above the background noise level when measured at any affected residence.
129. A sign be placed internally at the site exit, clearly visible upon departure, reminding clients and staff to be considerate of the surrounding community when leaving the site and to minimise the generation of any loud activities while in proximity to the site.
130. As a condition of the hire agreement, inform clients that they are required to turn off (not leave idling) motor vehicles during loading and unloading activity. Also, that no amplified music is to be played while on site.
131. Management must instigate a procedure to record and respond to all noise complaints they may receive. Discussions between the complainant and operator should be undertaken as quickly as possible, as cooperation can often resolve issues in a timelier manner. Records of complaints should include, as a minimum, the location of the complainant, the typical time of intrusion and nature of the complaint (noise/vibration/structure-borne/impulsive). The operator should investigate possible sources of complaint, for example by conducting representative testing and measurements. Additional noise mitigation and management measures may be required to reduce and manage the disturbance

Reasons for the decision

The Panel members inspected the development site and familiarised itself with the environment. The Panel heard from the Applicant and read all the objections.

The size of the proposal has been reduced considerably compared to the original design and minimises impacts to an acceptable level.

In reaching its decision, the Panel made changes for greater clarity.

Panel Members	
For	Against
Kevin Hoffman	
Brian Kirk	
Michael Leavey	
Claire Boskett	

(Item DA4/24) DA.2023.31 - Child care centre - 1-3 Lees Avenue Croydon Park

File No: 24/21652

Owner: Milad Semaan
Applicant: Aline Farah
Location: 1-3 Lees Avenue Croydon Park
Zoning: R2 – Low Density Residential

Proposal

The application proposes the amalgamation of 2 adjoining lots, demolition of all existing structures, tree removal and construction of a two storey centre-based child care facility for 67 children over a basement carpark and associated landscaping.

BLPP Referral Criteria

The application is referred to the Burwood Local Planning Panel by the Manager City Development as it is in the public interest to do so due to the nature of the application and contamination status.

**LPP6/
24**

RESOLVED

The Panel determined to **APPROVE** the development application (DA.2023.31) pursuant the *Environmental Planning and Assessment Act 1979*:

1. On the basis of a “Deferred Commencement Consent” subject to the requirements of Schedules A & B below.
2. The deferred commencement conditions below must be satisfied prior to the consent becoming operative.
3. Approval is subject to the Conditions being renumbered sequentially

SCHEDULE A –DEFERRED COMMENCEMENT CONDITIONS

The consent is not to operate until the following condition is satisfied, with 24 months of the date of this determination:

- 1) A site audit statement and a site audit report are to be prepared by an auditor accredited by the Environmental Protection Authority (EPA). The statement is to review the contaminated land consultant reports submitted with the application to ensure the methods and interpretation of the data are consistent with the *Managing Land Contamination – Planning Guidelines, the Guidelines for the NSW site auditor scheme* and the *Contaminated Land Management Act 1997*. The site audit statement is also to confirm the suitability and appropriateness of the plan of management.

- 2) The applicant is provided an updated traffic statement demonstrating the amended basement design is capable of complying with the applicable Australian Standards without impacting the road network and is to include an electronic indicator system for available car parking spaces.

Evidence that will sufficiently enable Council to be satisfied as to those matters identified in the deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6A) of the Environmental Planning and Assessment Act 1979. The consent will not operate until such time that the Council notified the Applicant in writing that deferred commencement consent conditions as indicated above, have been satisfied. Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of the written notification, subject to the conditions of consent, as detailed in Schedule B - Conditions of Consent.

SCHEDULE B – Operative consent conditions

Conditions of Approval

1. The development being carried out in accordance with the plans and documentation in the table below (stamped and approved by Council) except where amended by the conditions of approval:

Plans / Document	Author	Reference	Rev. / Issue	Drawing No.	Dated
Roof Plan	Noura Yammine		E	999301-0.2	June 2024
Campsie Sewerage Deviation	Sydney Water	Case no. 210445ww	24-0222	1/2	3.7.2024
General Notes	United Consulting Engineers		B	22MB9034/S101	27.6.2024
Footing Plan and Details	United Consulting Engineers		B	22MB9034/S201	27.6.2024
Footing Sections and Details. Sheet 2.	United Consulting Engineers		B	22MB9034/S202	27.6.2024
Sewer Sections and Details	United Consulting Engineers		B	22MB9034/S203	27.6.2024
Bulk Excavation Plan	United Consulting Engineers		B	22MB9034/S204	27.6.2024
Basement Slab Plan Sections and Details	United Consulting Engineers		B	22MB9034/S205	27.6.2024
Shoring Elevations and Details. Sheet 1.	United Consulting Engineers		B	22MB9034/S206	27.6.2024
Shoring Elevations and Details. Sheet 2.	United Consulting Engineers		B	22MB9034/S207	27.6.2024
Column Elevations. Sections and	United Consulting		B	22MB9034/S208	27.6.2024

Details.	Engineers				
Lift Elevations Sections and Details	United Consulting Engineers		B	22MB9034/S209	27.6.2024
Stair Elevations Sections and Details	United Consulting Engineers		B	22MB9034/S210	27.6.2024
[No title]	United Consulting Engineers		B	22MB9034/S211	27.6.2024
Ground Floor Slab Plan Sections and Details	United Consulting Engineers		B	22MB9034/S301	27.6.2024
Ground Floor Sections and Details. Sheet 2.	United Consulting Engineers		B	22MB9034/S302	27.6.2024
Ground Floor Sections and Details. Sheet 3.	United Consulting Engineers		B	22MB9034/S303	27.6.2024
Landscape Concept Plan	Vision Dynamics		C	23005 DA 1-2	19.6.2024
Landscape Concept Plan	Vision Dynamics		C	23005 DA 2-2	19.6.2024
Demolition Plan	Noura Yammine		E	999301– 0.1	June 2024
Roof Plan	Noura Yammine		E	999301– 0.2	June 2024
Basement Plan	Noura Yammine		E	999301– 1.1	June 2024
Site Plan / Site Analysis	Noura Yammine		E	999301– 1.2	June 2024
Floor Plans	Noura Yammine		E	999301– 1.3	June 2024
Elevations	Noura Yammine		E	999301– 2.0	June 2024
Sections, Driveway Section & Streetscape	Noura Yammine		E	999301– 2.1	June 2024
Wet Area Details	Noura Yammine		E	999301– 3.1	June 2024
Evaluation Plans	Noura Yammine		E	999301– 3.3	June 2024
Car Park Compliance Review – Concept Layout Basement	Stanbury Traffic Planning	22-247-01-V5		1/8	15.6.2024
Car Park Compliance Review – Swept Path Assessment Basement	Stanbury Traffic Planning	22-247-01-V5		2/8	15.6.2024
Car Park Compliance Review – Swept Path Assessment Basement	Stanbury Traffic Planning	22-247-01-V5		3/8	15.6.2024
Car Park Compliance Review – Swept Path Assessment Basement	Stanbury Traffic Planning	22-247-01-V5		4/8	15.6.2024
Car Park Compliance Review – Swept	Stanbury Traffic Planning	22-247-01-V5		5/8	15.6.2024

Path Assessment Basement					
Car Park Compliance Review – Swept Path Assessment Basement	Stanbury Traffic Planning	22-247-01-V5		6/8	15.6.2024
Car Park Compliance Review – Swept Path Assessment Basement	Stanbury Traffic Planning	22-247-01-V5		7/8	15.6.2024
Car Park Compliance Review – Swept Path Assessment Basement	Stanbury Traffic Planning	22-247-01-V5		8/8	15.6.2024
Roof and First Floor Drainage Plan	United Consulting Engineers	22MB9034/D01	B	1/4	3.6.2024
Ground Floor Drainage Plan	United Consulting Engineers	22MB9034/D02	B	2/4	3.6.2024
Basement Drainage Plan	United Consulting Engineers	22MB9034/D03	B	3/4	3.6.2024
Erosion and Sediment Control Plan	United Consulting Engineers	22MB9034/D04	B	4/4	3.6.2024
Flood Risk Management Report	Allied Consultants	03LEES-FR	A		03.10.2023
External Finishes Plan	Advanced Architecture & Construction	999301		Pages 1-2	March 2023
Response to Flood Level Enquiry	Burwood Council	CM 23/15293			30.03.2023
Hazardous Material Survey Report & Demolition Work Plan	Ivan Vukovic				10.03.2023
Waste Management Plan	Antouns Construction				5.4.2023
Waste Management Plans (WMP) report – Final Report	ESD Consultants		1		11.04.2023
Plan of Management – Centre-Based Child Care Facility 1-3 Lees Avenue, Croydon Park					14.04.2023
Parking & Traffic Impact Assessment – Proposed Child Care Centre Development	Stanbury Traffic Planning	22-247			April 2023
Preliminary Site Investigation	Geotechnical Consultants Australia	E2317-1			14.02.2023

Remedial Action Plan	Geo-Environmental Engineering	E23003CP-R02F	0		7.04.2023
Arboricultural Impact Assessment and Tree Management Plan	Horticultural Management Services		Version 1		22.12.2022
Stage 2 Detailed Site Contamination Investigation –	Geo-Environmental Engineering	E23003CP-R02F	0		29.03.2023
Childcare Centre Acoustic Assessment	Acoustic Logic	20230186.1 /0404A/R0/ ANP	0		4.4.2023
Development Application - Access Report	Vista Access Architects	23022			

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

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

- a. **Building and Construction Industry Long Service Corporation Levy \$6058.00** (Payment to be made to Council, the Corporation or its Agent)
- b. **Damage Deposit** - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc.) during building work **\$18,170 (Payment to be made to Council as a bond prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation).**
- c. **Stormwater Works bond** – for construction by the Applicant/Council the stormwater drainage works of **\$28,445** (Payment to be made to Council as a bond).
- d. **Pursuant to Section 7.12** of the *Environmental Planning and Assessment Act 1979* and the Section 94A Contributions Plan for the Burwood Local Government Area (Excluding Burwood Town Centre), the following monetary contribution towards public services and amenities is required:

Contribution Element		Contribution	
A levy of 1% of the cost of carrying out the development, where the cost calculated and agreed by Council is \$2,423,537.00		\$24,235.37	
Index Period	March 2024	CPI₁	137.7

Office Use: T56

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

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

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

Where:

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

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

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

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

The contribution is to be paid to Council, or evidence that payment has been made is to be submitted to the Principal Certifier, **prior to 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 the Burwood Local Government Area (Excluding Burwood Town Centre).

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

PLANNING

3. No approval is granted by this consent for any business identification signage associated with the site. Separate approval where required is to be sought.
4. The hours of operation being confined to between 7.00am and 6.00pm Monday to Friday only, without the further approval of Council. Maintenance and cleaning outside these hours is permitted subject to compliance with the *Protection of the Environment Operations Act 1997*.
5. The maximum number of persons working on the premises being limited to 10 persons, without further approval of Council.
6. The maximum number of children on the premises being limited to **67**, without further approval of Council based on the following age groups:
 - 0 - 2 years: 8 places;
 - 2 - 3 years: 20 places;
 - 3 - 4 years: 19 places; and

- 4 - 6 years: 44 places.

7. The outdoor play areas are not to exceed the maximum number of children as specified in the following table at any time:

Age group	Play area	No. children
0 - 2 years	Play Area 1	8
2 - 3 years	Play Area 2	20
3 - 4 years	Play Area 3	19
4 - 6 years	Play Area 4	44

8. The footpaths being kept clear of signs, fixtures and goods at all times.
9. Demolition or construction work including deliveries of materials, etc., which would result in footpaths and/or roads being blocked shall not be carried out on Saturdays.
10. No drying of clothing being permitted on balcony and patio areas which are visible from a public place.
11. The use of the Child Care Centre shall be carried out in accordance with the National Quality Framework and relevant service requirements.
12. No part of the subject premises or the adjoining street and footpath is to be used by spruikers or public address systems.
13. Any services or utilities required to be altered in order to complete the development works are to be undertaken in accordance with the requirements of the relevant service provider (e.g. Telstra, Sydney Water, Jemena, nbn, Ausgrid, etc.), with all costs associated with this alteration to be borne by the applicant/owner.
14. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining properties.

CONTAMINATION

15. The site is to be remediated and validated in accordance with the Remedial Action Plan titled "Remedial Action Plan (RAP) Proposed Childcare Centre 1-3 Lees Avenue, Croydon Park Report ID E23003CP-R02F" prepared for Milad Semaan dated 7 April 2023 Revision 0 prepared by Geo-Environmental Engineering. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council's Manager City Development, the Site Auditor and the Principal Certifier.

Any variations to the approved Remediation Action Plan shall be approved in writing by the Site Auditor and Council's Manager City Development prior to the commencement of such work.

16. **Prior to the issue of any Occupation Certificate**, a Site Validation Report is to be forwarded to Council's Manager City Development for written approval. The validation report is to be prepared by a suitably qualified environmental consultant with experience in land contamination and New South Wales EPA contaminated land legislation and guidelines including the *Contaminated Land Management Act 1997*. The report is to satisfactorily document the following:
- a. The extent of validation sampling, and the results of the validation testing;
 - b. That the remediation and validation of the site has been undertaken in accordance with Remedial Action Plan titled "Remedial Action Plan (RAP) Proposed Childcare Centre 1-3 Lees Avenue, Croydon Park Report ID E23003CP-R02F" prepared for Milad Semaan dated 7 April 2023 Revision 0 prepared by Geo-Environmental Engineering; and
 - c. That the site is suitable for the proposed use.

DEMOLITION

17. Any demolition work is to be carried out in accordance with the requirements of Australian Standard AS 2601 – 2001, where applicable.
18. Access to the site is to be restricted and the site is to be secured when demolition work is not in progress.
19. 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.
20. The applicant/demolisher/builder shall take all necessary precautions to adequately protect adjoining properties during demolition. This shall include the submission to the Principal Certifier of specific details of the protection to be employed **prior to any works commencing**.
21. 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.
22. A SafeWork NSW 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.
23. 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.

24. All asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations (Waste) Regulation*.
25. 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).
26. Written notice must be provided to Council and adjoining neighbours at least two working days prior to commencement of any works.

Such written notice is to include the following details:

- Date of asbestos removal; and
- Name, address contact details (including after hours contact telephone number) and SafeWork NSW licence number of the asbestos removal contractor.

Work is not to commence prior to the nominated date.

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

BUILDING

28. Toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:
 - a. Must be a standard flushing toilet; and
 - b. Must be connected:
 - i. To a public sewer; or
 - ii. An approved chemical closet facility.

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

29. All building work must be carried out in accordance with the provisions of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010 and the relevant Australian Standards.
30. 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 Certifier before excavating.
31. 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).

32. 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.

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

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

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

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

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

34. The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The [Tap in™](#) service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information

- water meter installations
 - pressure boosting and pump approvals
 - changes to an existing service or asset, e.g. relocating or moving an asset.
- Sydney Water's Tap in™ online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required.

35. 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.
36. No materials are to be stored on Council's roads, footpaths or parks.
37. 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.
38. The builder shall erect and maintain in good order all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary. A Principal Certifier sign should also be displayed in a prominent position at the front of the development site.
39. 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.
40. The building works are to be inspected during construction by the Principal Certifier (PC) or an appropriate Accredited Certifier authorised by the Principal Certifier. The Principal 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.
41. Dial Before You Dig is a free national community service designed to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential services we use everyday – electricity, gas, communications and water.

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

The Dial Before You Dig service is also designed to protect Australia's excavators. Whether you are a backyard renovator, an individual tradesman or a professional excavator, the potential for injury, personal liability and even death

exists everyday. Obtaining accurate information about your work site significantly minimises these risks.

42. All building works being erected wholly within the boundaries of the property.
43. 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.
44. 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.
45. The floor of the wet areas being of a material impervious to moisture and graded and drained to the sewers of Sydney Water.
46. Mechanical services are not to operate outside of the operational hours set within this consent.
47. 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.**
48. 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.**
49. 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; and
 - 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.
50. *Dividing Fences Act 1991* - Your attention is directed to any obligations or responsibilities under the *Dividing Fences Act 1991* in respect of adjoining property owner/s which may arise from this application. Any enquiries in this regard may be made to the Crown Lands Division on (02) 8836 5332.
51. No part of the front or side fencing including footings must encroach upon Council's footpath. Entrance gates must open within/into the property.
52. A registered surveyor's certificate being submitted to the Principal Certifier, **prior to the issue of an Occupation Certificate**, as follows:
- a. Before pouring of concrete slab on every level to indicate the height of the finished floor level and to show boundary clearances; and
 - b. On completion of the building to indicate the height of the finished floor levels, the height of the roof ridge/parapet and to show boundary clearances and areas of the site occupied by the building.
53. Prior to the commencement of any works, the following is to be carried out:
- a) Submit to Council a "Notice of Intention to Commence Building Work and Appointment of a Principal Certifier" via the NSW Planning Portal. The NSW Planning Portal is 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.
54. Structural engineer's details prepared and certified by a practicing Structural Engineer for all reinforced concrete and structural members being submitted to the Principal Certifier for approval **prior to the issuing of a Construction Certificate**.
55. The Principal Certifier **or** Structural Engineer is to also supervise the construction. All Certificates from the supervising Structural Engineer are to be submitted to the Principal Certifier before an Occupation Certificate is issued stating that all reinforced concrete and/or structural members have been erected in accordance with his/her requirements and the relevant SAA Codes.
56. Mechanical ventilation/air conditioning details are to be submitted to the Principal Certifier for approval **prior to the issuing of a Construction Certificate** and must include the following:-

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

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

57. 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 Certifier **prior to the issuing of an Occupation Certificate**.

58. 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**.
59. All materials used in the building must comply with early fire hazard criteria of Specification C1.10 of the Building Code of Australia.
60. Openings in floors, walls and shafts for services must comply with C3.12, C3.13 and C3.14 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**.
61. 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**.
62. 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.

63. 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:

- It is not bounded by a wall; and
- 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**.

64. Protection of openable windows 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**.
65. A Fire Safety Certificate (copies available from Council) is to be given to the Principal Certifier 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.
66. The childcare centre must be provided with appropriate facilities in accordance with Part F2.3 of the Building Code of Australia. 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**.
67. Engineering Design – Basement Excavation

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

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

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

68. 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 and Assessment Act 1979* has been issued.

ENGINEERING

69. 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.
70. A road-opening permit and/or construction 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. Application for Works on Council Property is available in **Burwood Council's web site** www.burwood.nsw.gov.au.
71. 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.
72. 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 barricades, warning signs and night warning lamps to ensure public safety. Pedestrian access across the footpath must be maintained at all times.

73. 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.
74. The following matters apply to the construction of the proposed new vehicular crossing:
- a. A 5.5m wide Council standard vehicular crossing to Lees Ave shall be constructed by the Applicant/Council at the applicant's cost.
 - b. The driveway shall be 1m clear of any pits, lintels, poles and 2m clear of trees in the road reserve.
 - c. All redundant vehicular crossings or part there of shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
75. 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.
76. 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.
 - b. The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering **prior to the issuing of a Construction Certificate.**
77. Temporary measures shall be provided during demolition, excavation and/or construction to prevent sediment and polluted waters discharging from the site. All relevant erosion and sediment control measures identified in the erosion and sediment control plan (ESCP) must be implemented during and throughout the entire works period.
78. 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.
79. **Bulk Earthwork & Shoring**

- a) No opening is to be made in any road or footpath, nor is any hoarding to be erected without the prior consent of Council. The builder is to obtain the relevant permit for which fees will be charged in accordance with Council's Schedule of Fees and Charges.
- b) The builder shall erect and maintain in good order all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary.
- c) Public roads to be kept clean and free of any material which may fall from vehicles or plant. Waste containers shall be placed in accordance with Council's Code for Activities Affecting Roads and are subject to the payment of appropriate fees.
- d) Heavy vehicles entering and leaving the site must only cross the footpath where it is adequately timbered and strapped. Pedestrian access across this footpath must be maintained in good order at all times during the excavation work.
- 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.

80. Installation of Temporary Ground Anchors

Should the applicant require the use of temporary ground anchors to shore the bulk excavation within public roads an NPER Registered Structural Engineer's certificate along with certified plans showing the details and extent of work shall be submitted to Council for its record. The following conditions shall be addressed by the Applicant.

- a) The Applicant is required to obtain a 'Temporary Ground Anchor Permit' from Council for which an 'Application for Works on Council's Property' shall be lodged with Council. Subject to the application being approved by Council, the

applicant shall pay Council calculated Anchor Fees and a 'Refundable Deposit' as required under Council's 'Fees and Charges 2022 – 2023. Payment of the 'Refundable Deposit' can be made in the form of a Bank Guarantee. *NOTE: This deposit is refundable if no damage occurs.*

- b) The contractor shall be responsible to obtain and submit to Council a written authority from all public utility authorities that they have no objection in regards to the installation of temporary ground anchors, prior to works commencing.
- c) The contractor shall be responsible to obtain permission from the neighbours of the adjoining properties prior to installation of anchors.
- d) The contractor shall be responsible for any injury or damage either to persons or property due to the presence or failure of the supporting structure on the public way and the contractor shall indemnify the Council against all claims that may arise from the installation of the supporting structure. In this regard the contractor shall provide written evidence of public liability insurance cover to the minimum value of \$20 million, with Council named in the insurance policy, prior to work commencing.
- e) The anchors shall be installed in accordance with the manufacturer's instructions. The construction of ground anchors shall be of a temporary nature only and a written undertaking shall be given that the ground anchors are temporary only and shall be de-stressed after final lateral supports are in place. The written undertaking is to be provided to Council, prior to work commencing.
- f) Council may unilaterally use the damage deposit for the demolition and removal of the shoring elements constructed within the public road including the repair/reconstruction of any other associated damage to Councils infrastructure, it be necessary due to non-compliance with these conditions.
- g) All shoring with the exception of the released temporary ground anchors shall be completely removed from the public road to a depth of 2.5m on completion. The void shall be backfilled by suitable materials and compacted.
- h) All shoring including ground anchors are to be certified by a practicing professional structural engineer. Certification is required as follows:
 - i. That the proposed shoring and anchor scheme is capable of supporting the public road, to be submitted prior to work commencing.
 - ii. Certification that the shoring and anchor scheme has been adequately constructed, following installation.
 - iii. Final certification that the anchors have been de-stressed following de-stressing of the anchors on completion of lateral supports. This is mandatory prior to release/refund of Anchor Bond.
- i) Council's footpath and roadway are to be kept safe for the passage of motorists and pedestrians at all times. Closure of any part of the public thoroughfare shall only be carried out with the approval of Council's Traffic Engineer.
- j) All stockpiled shoring materials and equipment shall be kept solely within the private property and not obstruct the footpath or roadway at any time.
- k) All earth and rock anchors shall be released before the completion of building

work.

81. **Stormwater Drainage:** The stormwater drainage plans prepared by United Consulting Engineers shall be revised to address the following:
- a. The storage capacity of On-Site Detention (OSD) provided is inadequate. Storage capacity (SSR) must be calculated in accordance with Section 4.7 of Council's Stormwater Management Code.
 - b. Property drainage connection to street kerb shall not be permitted. Connection shall be made to the nearest suitable Council's stormwater pit or pipeline. The following matters shall apply for stormwater drainage connection to a suitable Council's stormwater pit.
 - i) A new Council standard pit and 1.8m lintel shall be constructed on Lees Ave in front of the property for the property's stormwater to connect to. RCP Class 4 pipes shall be laid under road surface across the road connecting the new pit with Council's pit to the east at the corner of Lees Ave and Linthorn Ave
 - ii) Long section of the Ø375 mm pipe, details of the connecting pits together with the invert levels, surface levels etc. shall be provided. Minimum 500mm pipe cover shall be maintained under road surface at all times. Where the pipe cover is less than 500mm, the pipe shall be encased in concrete for which details of pipe encasement shall be shown on plan.
 - iii) The depth and location of all services within the area that would be affected by the connection of the stormwater pipe (i.e. gas, water, sewer, electricity, telephone, traffic lights etc.) shall be confirmed by the applicant on site and are to be included on the design drawings with their respective chainage and elevations (AHD). Any adjustment required will be at the applicant's expense. The stormwater works described above shall be constructed at applicant's expense. The stormwater bond as listed in the 'Table of Fees' shall be refunded after completion of the stormwater works described above as per Council's satisfaction.
82. 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 Certifier 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.

83. Following completion of all drainage works:-

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

84. 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) Prevention of the erection of any structures or fencing*
- iii) On-site Stormwater Detention system*
- iv) 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) Prevention of the erection of any structures or fencing*
 - iii) On-site Stormwater Detention system*
 - iv) 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 Registry Services. Evidence that the Instrument has been registered at the Land Registry Services shall be submitted to Council, **prior to issuing of an Occupation Certificate.**

85. Flooding and Overland Flow:

- a. In accordance with Council's Draft Flood Study Report, the properties at 1-3 Lees Ave Croydon Park are identified as affected by overland flow. The applicant shall build floor level (FFL) including the crest of ramp to basement car parking following flood planning level (FPL) provided by the Council which 300mm freeboard over 1% AEP flood level.
- b. **Prior to the issue of a construction certificate** a Flood Risk Management Report prepared by a qualified hydraulic/civil engineer demonstrating that the proposed development will not create flood hazard or risk to other adjoining properties as a result of flooding and stormwater runoff and that there is adequate protection for the building against the ingress of surface runoff. The Flood Risk Management Report is to be provided to the Accredited certifier.
- c. All building materials to be used below floodplain level shall be flood-compatible in order to avoid damage by floodwater inundation.
- d. Boundary fences shall be constructed in materials that allow unobstructed passage of surface stormwater flows. Fencing details shall be submitted to Council or an Accredited Certifier – Civil Engineering, **prior to the issuing of Construction Certificate.**

86. The property being traversed by Sydney Water sewer line; the proposed diversion of pipeline must be approved by Sydney Water. Copies of Sydney Water approved plans must be provided to Council and the Accredited certifier **prior to the issuing of Construction Certificate.**

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

- a. A pump and rising main design shall be submitted to the Principal Certifier and shall satisfy the following conditions:
 - (i) The holding tank for the pump shall be capable of storing runoff from a one hour, 1 in 100 year ARI storm event.
 - (ii) The pump system shall consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the lower of the allowable on site detention discharge rate, or the rate of inflow for the one hour duration storm.
 - (iii) An overflow, flashing light and audible alarm are to be provided, to warn of pump failure.
 - (iv) Full details of the holding tank, pump type, discharge rate and the delivery line size are to be documented.

- b. The applicant shall submit written evidence to the Principal Certifier that a contract has been let for the regular maintenance of the pumping system for a minimum period of 12 months. Information to be submitted to the Principal Certifier **prior to issuing of an Occupation Certificate**.

88. Public Domain - Construction

- a) Detailed public domain improvement, repair, reconstruction shall be undertaken at the property frontage on Lees Avenue and completed at applicant's cost.
- b) Three copies of Public Domain Plan drawn at 1:100 scales shall be prepared and certified by a qualified civil engineer, landscape architect or urban designer and submitted to Council. The plan shall be reviewed by Council's design engineer prior to construction.
- c) 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.
- d) The plan shall show the entire street frontage of the property for improvement e.g. footpath paving, kerb & gutter, pram ramps, bollards, service pits, stormwater pit & lintel including mill & re-sheet half width of the road pavement.
- e) The plan shall incorporate the standard specifications and details in accordance with the Public Works Elements Manual and Council's standard drawings and technical specifications.
- 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

89. All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.
90. A total of **17** 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. 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.
91. 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) 10 Staff Parking Spaces
 - (b) 7 Parents/ Visitor parking spaces.
92. Of the required car parking spaces, at least 1 must be designed and provided for accessible car parking for people with mobility impairment in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking. 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.
93. Any stacked parking spaces (maximum 2 spaces, nose to tail) must be designated (with appropriate signage) for staff parking only (not visitor parking).
94. The visitor parking space must be located at the most convenient location to the car parking entrance, in this instance the easternmost space adjacent to the two parking aisles. The space must be clearly marked 'visitor' prior to the issue of an Occupation Certificate. All signs must be maintained in good order at all times.
95. Where a boomgate or barrier control is in place, the visitor space 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'*.
96. The site must be configured to allow a vehicle to be driven onto and off the site in a forward direction.
97. 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.
98. 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.
99. At all times car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.
100. The proposed median strip with 'Left Turn Only' signage facing traffic exiting the site, 'No Right Turn' signage facing southbound traffic within Lees Avenue, 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.
101. 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.
102. 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.

103. A Construction Traffic Management Plan must be submitted and approved by Council prior to the commencement of demolition and excavation or issuing of the Construction Certificate (whichever occurs first). The Construction Traffic Management Plan must be complied with at all times. The following matters should be addressed in the plan (where applicable):

a) A plan view of the entire site and frontage roadways indicating:

- i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and 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.

104. 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 for works on Council's property.

105. 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).

106. Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity

- i) Work zone.
- ii) Temporary closure of roadway/footpath.
- iii) Mobile crane or any standing plant
- iv) Scaffolding/Hoardings (fencing on public land)
- v) Road works including vehicle crossing/kerb & guttering, footpath, stormwater

- provisions etc.
- vi) Installation or replacement of private stormwater drain, utility service or water supply

HEALTH

107. An Environmental Management Plan is to be submitted to Council, **prior to the issue of Construction Certificate**, detailing the control and management methods to be implemented in addressing the following issues during the construction and fit-out phases of the project:

- a. Noise and vibration control;
- b. Dust and odour suppression and control;
- c. Waste storage and recycling control;
- d. Litter control; and
- e. Construction material storage.

108. The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to “offensive noise” as defined under the provision of the Protection of the Environment Operation Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the received boundary

109. Any mechanical ventilation and or air conditioning systems and equipment are to be designed and installed in locations that do not cause a nuisance or disturbance to nearby residents.

110. The noise suppression and control measures of building elements are to comply with the recommendations Section 5.3 and 8 of the Childcare Centre Acoustic Assessment - Project ID 20230186.1; Document Reference: 20230186.1/0404A/RO/ANP, dated 04 April 2023 prepared by Acoustic Logic Pty Limited 98 145 324 714 in order to achieve the required noise reduction targets and levels as specified in the ‘NSW EPA Industrial Noise Policy’ – now replaced by the NSW EPA Noise Policy for Industry (2017) and the ‘Association of Australian Acoustical Consultants Guideline for Childcare Acoustic assessment, October 2013.

Note: Conformation of compliance with the acoustic report prepared by Acoustic Logic Pty Limited 98 145 324 714 is to be submitted the Principal Certifier prior to issuing of the Occupation Certificate.

111. **Prior to the issue of an Occupation Certificate**, certification is to be submitted to the Principal Certifier confirming that the recommendations of the Childcare Centre Acoustic Assessment - Project ID 20230186.1; Document Reference: 20230186.1/0404A/RO/ANP, dated 04 April 2023 have been implemented.

112. The premises (Child Care Facility) are to be operated and managed in accordance with the Plan of Management – Centre-Based Child Care Facility, 1 – 3 Lees Avenue Croydon Park as prepared by Planning Ingenuity Pty Ltd. dated 14 April 2023. All control measures and procedures nominated in the Plan of Management referred to in Condition 1 must be implemented. Any amendments to the Plan of Management must be submitted to Council’s Manager City Development for review and written approval.

Note: Council undertakes to provide a response within 28 days of receipt of any request.

113. **Emergency Site Contact.** A sign no larger than an A3 sheet must be erected on the building in prominent location that is clearly visible at the entrance to the site on the Lees Avenue frontage displaying contact details (including name, current mobile phone number and a valid email address) of the person nominated as the emergency site contact.

114. No nuisance is to be created or caused from the use or operation of the premises to nearby residents or commercial premises.

115. The fit out of the premises is to be in accordance with Australian Standard A.S. 4674-2004 for the Design, construction and fit-out of food premises, Food Act, 2003 and Food Regulation 2015.

Note: Copies of AS 4674-2004 may be obtained from Standards Australia Customer Service on phone 1300 65 46 46 or by visiting the website: www.standards.com.au

116. A lockable storage room or cabinet is to be provided at the premises for storage of cleaning chemicals, cleaning products and equipment.

Note: cleaning chemicals, products and equipment and any pest control chemicals are to be stored physically separated from areas of food, food preparation surfaces or food storage.

117. Provide a storage room or space within the food premises for the storage of dry goods.

118. Provide dry basket arrestors to all floor wastes within all food preparation or food handling areas.

119. All food preparation, handling and storage are to be carried out in accordance with provisions of the Food Act 2003, the Food Regulation 2015 and the Food Safety Standards.

Note: Copies of the Food Safety Standards Code (Australia) may be obtained by contacting the Food Standards Australia New Zealand Authority on Telephone: (02) 6271-2222, e-mail: info@foodstandards.gov.au or by visiting the website: www.foodstandards.gov.au

120. The applicant is to complete and submit, together with the relevant fee, Council's 'Application Form for Registration of Food Premises' prior to the issue of an Occupation Certificate.

121. The proposed kitchen / food preparation / food storage areas are to be fitted out in accordance with the requirements of AS 4674-2004 for the Design, construction and fit-out of food premises, Food Act, 2003, Food Regulation 2004 and the food Standards Code. Details of the proposed fit-out are to be submitted to the Principal Certifier for approval prior to the issue of a Construction Certificate.

Note: Copies of AS 4674-2004 may be obtained from Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website: www.standards.com.au

122. A Food Safety Supervisor (FSS) is to be appointed for the centre. Details of the name and current Certificate number of the FSS are to be submitted to Council prior to the commencement of operation of the child care centre.
123. All garbage and recycling material shall be stored in the designated garbage area, which includes provision for the storage of all putrescible waste and recyclable material emanating from the premises. Adequate natural or mechanical ventilation is required where bins are stored in an enclosed area and meet fire safety standards in accordance with the Building Code of Australia.
124. The 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*; and
 - f. Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.
125. Waste and recycling bins shall be kept in a clean and hygienic condition. Bins are to be washed regularly within the garbage storage room with any waste water being discharged to the sewer by way of the grated drain.
126. The occupier of the premises is to enter an agreement with registered waste company or provider for the regular collection of all waste and recyclable material generated from the premises. Waste must be collected between 10am and 3pm. A copy of the agreement is to be retained on site and produced to an authorised Council officer if requested.

TREE MANAGEMENT

127. Landscaping must be installed as per the Landscape Plan sheet set by Vision Dynamics, Issue C, dated 12 April 2023.
128. Landscaping must be completed **prior to the issuing of an Occupation Certificate**. Landscaping must be maintained at all times following installation, including replacement of any plants that are dead, damaged, unhealthy or stolen, with like for like.

Reasons for the decision

The Panel members inspected the development site and familiarised itself with the environment.

The panel considered the Council and the traffic reports and the objectors' concerns and heard from speakers on behalf of the applicant and objectors. The Panel noted the concerns relating to traffic and confirmed the application was referred to Council's Traffic Unit who raised no objection

to the proposal. Specifically, the Traffic Unit recommended a series of conditions of consent including a requirement for the minor traffic infrastructure to be considered and approved by the Local Traffic Committee post development consent. In regard to traffic and other concerns the Panel formed the opinion the proposed conditions with the clarifications made will control the development to acceptable levels and be suitable for approval.

Panel Members	
For	Against
Kevin Hoffman	
Brian Kirk	
Michael Leavey	
Claire Boskett	

(Item DA6/24) DA No. 2023/057. No.118 Wentworth Road, Burwood. Construction of a Five (5) Storey Residential Flat Building Containing 39 Residential Apartments and Two Levels of Basement Carparking for 80 Carspaces

File No: 24/30406

Owner: Mr Xiaoping Zhang
Applicant: Mr Xiaoping Zhang C/- Ecospective Property Pty Ltd
Location: 118 Wentworth Road, Burwood
Zoning: R1 General Residential – Burwood Local Environmental Plan (BLEP) 2012

Summary

The subject site originally consisted of six separate allotments known as No's 110-118A. Each of the properties contains a dwelling. The six properties were consolidated into one allotment in January, 2019 and the property is now known as 118 Wentworth Road, Burwood.

Council on 10 September, 2020 issued Development Consent No. 18/2018 in respect of the subject property for "*construction of a five storey Residential Flat Building comprising 57 apartments and two levels of basement parking for 77 vehicles*". The application was referred to the Burwood Local Planning Panel (BLPP) as the proposed development was subject to the provisions of *State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development*. The application also included variations to the 14m Maximum Building Height by up to 2.75m to the roof height and 6.81m to the top of the lift overrun. A Clause 4.6 Objection was submitted with the application and was supported by the BLPP at its meeting on 9 June, 2020.

The current application also proposes the construction of a five storey Residential Flat Building containing 12 townhouses and 27 apartments for an overall total of 39 apartments. Provision is proposed for two levels of basement carparking containing 80

carspaces. Similar to the original proposal the current application seeks to vary the Maximum Building Height by 2.75m to the level of the rooftop Communal Open Space and 6.7m to the top of the lift overrun. A Clause 4.6 Objection has also been lodged. Given that the application is still subject to the provisions of *State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development* the matter is again referred to the BLPP for consideration and approval.

The Application was referred to Council’s Design Review Panel at its meeting on 26 October, 2023 where a number of issues were identified which needed to be addressed. The Applicant submitted amended plans and additional information on 30 May, 2024 which responded to issues raised by the Design Review Panel.

As amended it is considered that the proposed development achieves compliance with all of the relevant “planning controls” contained in State Environmental Planning Policies, Apartment Design Guide, Burwood Local Environmental Plan 2012 & Burwood DCP 2013 with the exception of a variation to the maximum building height. The Applicant has endeavoured to design the proposed development generally in accordance within the building envelope supported for the previous Development Consent for the subject site being Consent No. 18/2018 issued on 10 September, 2020.

It is noted that the variation sought to the Maximum Building Height to the top of the rooftop level for both the original consent issued in 2020 and the current application is 2.75m for both. In terms of the lift overrun the original approval issued in 2020 allowed for a variation of 6.81m whereas the extent of the variation sought by the current application is 6.7m (ie 110mm less).

In view of the above it is recommended that the Burwood Local Planning Panel support the Clause 4.6 Objection to the Maximum Building Height of 14m and approve of DA No. 2023/057.

BLPP Referral Criteria

The application is referred to the Burwood Local Planning Panel (BLPP) as the proposed development is subject to the provisions of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

	RESOLVED		REV No	DATE
LPP7/24	The Panel resolved to APPROVE the development application (DA.2023.057) pursuant to the <i>Environmental Planning and Assessment Act</i>	DRAWING DESCRIPTION		

<p>1979, subject to:</p> <ul style="list-style-type: none"> • The renumbering of the Conditions sequentially. • The addition of conditions 70 and 71 and delegation to the Manager City Development to negotiate on those conditions. • The addition of Condition 143 in regards to the provision of Electric Vehicle charging provisions in the building • The conditions of consent shown below: <ol style="list-style-type: none"> 1. The development to be carried out in accordance with following plans and documentation submitted to Council on as set out in the table below, except where amended by the other conditions of this consent. <p>PLANS PREPARED BY a+ DESIGN GROUP - ARCHITECTS</p>			
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	DRAWING No.			
DA 001		Drawing List	B	30/05/24
DA 002		Project Summary	B	30/05/24
DA 201		Basement 2 Floor Plan	B	30/05/24
DA 202		Basement 1 Floor Plan	B	30/05/24
DA 203		Ground Floor Plan	B	30/05/24
DA 204		Level 1 Floor Plan	B	30/05/24
DA 205		Level 2 Floor Plan	B	30/05/24
DA 206		Level 3 Floor Plan	B	30/05/24
DA 207		Penthouse	B	30/05/24
DA 208		Communal Roof Top	B	30/05/24
DA 209		Roof Plan	B	30/05/24
DA 301		North Elevation	B	30/05/24
DA 302		East Elevation	B	30/05/24
DA 303		South Elevation	B	30/05/24
DA 304		West Elevation	B	30/05/24
DA 401		Section A-A	B	30/05/24
DA 402		Section B-B	B	30/05/24
DA 403		Section C-C	B	30/05/24
DA 501		Schedule of Materials-View	B	30/05/24
DA 502		Schedule of Materials -Legend		30/05/24
DA 503		Concept Façade Detail	B	30/05/24
DA 504		Concept Façade Detail	B	30/05/24
DA 801		Adaptable Unit – Type 1	B	30/05/24
PLANS PREPARED BY a+ DESIGN GROUP LANDSCAPE ARCHITECTS				
	Drawing No.	Plan Title	Rev No.	Date
000-D		Landscape Coversheet	D	29/05/24
001-D		Plant Schedule	D	29/05

			/24
002-D	Landscape Area	D	29/05 /24
003-D	Deep Soil Area Diagram	D	29/05 /24
004-D	Landscape Area Diagram – (Upper Levels)	D	29/05 /24
100-D	Landscape Plan Ground Floor	D	29/05 /24
101-D	Landscape Plan Level 1	D	29/05 /24
102-D	Landscape Plan Level 2	D	29/05 /24
103-D	Landscape Plan Level 3	D	29/05 /24
104-D	Landscape Plan - Penthouse	D	29/05 /24
105-D	Landscape Plan – Communal Roof	D	29/05 /24
501-D	Landscape Details	D	29/05 /24
701-E	Landscape Elevation -North Elevation	E	29/05 /24
702-E	Landscape Elevation – East Elevation	E	29/05 /24
703-E	Landscape Elevation – South Elevation	E	29/05 /24
704-E	Landscape Elevation-West Elevation	E	29/05 /24

Acoustic Consultant’s Report prepared by Renzo Tonin & Associates dated 19/06/23

<p>2. 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 <i>Home Building Act 1989</i>) and suitable evidence of payment is to be provided to the Principal Certifying Authority prior to the issuing of a Construction Certificate.</p> <p>TABLE OF FEES</p> <p>FEES/BONDS TO BE PAID TO COUNCIL OR TO THE NOMINATED BODY PRIOR TO ISSUING A CONSTRUCTION CERTIFICATE</p> <p>3. Building and Construction Industry Long Service Corporation levy \$ 68,788.00 (Payment to be made to Council, the Corporation or its Agent)</p> <p>4. Damage Deposit - security deposit against damage occurring to Council's assets (footpath, road,</p>	<p>Contribution</p>
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<p>stormwater drainage system, kerb and gutter, etc) during building work \$206,364.00 (Payment to be made to Council as a bond prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation)</p> <p>NOTE: This deposit is refundable if no damage occurs.</p> <p>5. Stormwater Works bond for construction by the Applicant/Council of stormwater drainage works \$23,600 (Payment to be made to Council as a bond) – Refer to the conditions under the “Stormwater Drainage” section of this consent.</p> <p>6. Section 7.12 Contribution: \$275,153.00. (Payment to be made to Council).</p> <p>Note: the contribution amount will be adjusted at the time of payment. See Planning Condition 8 for more details.</p> <p>7. In accordance with Council’s Schedule of Fees and Charges a monetary bond/bank guarantee to the value of \$1,000 must be paid to Council, prior to the issue of a Construction Certificate relevant to the works for DA.2023.63, to ensure the proper protection of the street tree located on the eastern side of the property frontage. The tree will be inspected by Council at completion of the works and the bond released only if the tree is not damaged.</p> <p><u>PLANNING</u></p> <p>8. Pursuant to Section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Section 7.12 Contributions Plan for the Burwood Local Government Area the following monetary contribution towards public services and amenities is required:</p> <p>Contribution Element</p> <p>A levy of 1% of the cost of carrying out the development, where the cost calculated and agreed by Council is \$27,515,318</p>			
	\$275,155.00		
Index Period	Dec 2023	CP ₁	136.4

Office Use: T56

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

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

$$\text{Contribution (at time of payment)} = \frac{C \times CPI_2}{CPI_1}$$

Where:

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

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

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

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

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

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

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

9. Glazed balcony balustrades shall be constructed of opaque materials in lieu of clear glazing.
10. External gas water heaters are to be located in recessed enclosures within external walls and are to be located so as to be not visible from a public road or place or adjoining property. Similarly, air conditioning units and plant are to be located so as not to be visible from a public road or place or adjoining property.
11. A separate application shall be lodged for any proposed subdivision of the site. Such subdivision shall designate all car parking spaces attached to a lot with the exception of visitor parking, which shall be designated as common property. No car parking spaces shall be created as a separate lot. The drainage system for the site including basement pit and pumps and on site detention shall be designated as common property.
12. Lockable Mail boxes shall be provided which comply with the requirements of Australia Post. Details to be submitted **prior to the issue of a Construction Certificate** for above ground works.
13. Clothes drying facilities shall be provided within each residential unit. If clothes are placed on the balconies of individual units to dry, the drying facilities must be screened from exterior view, and be designed in such a way that they do not detract from the building's appearance from the public domain.
14. All doors leading from the exterior of the building to the residential apartment lobby are to be security grade fixtures and are to be appropriately security keyed to ensure the personal safety and security of residents of the development. The main entrance doors from the street are to include an intercom system linked to residential apartment as necessary. Details on these matters are to be submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate** for above ground works.
15. The entrance driveway for access to the basement parking levels is to be provided with a security door with controlled access that ensures the personal safety and security of the residents and users of the building. Design and Materials for the door need to be integrated with the overall facade design. The driveway security door is to be linked to the intercom

system for each apartment. Details on these matters are to be submitted to Principal Certifying Authority prior to the issue of a Construction Certificate for above ground works.

16. Access to and from the bin collection room is to be provided with a security door with controlled access that ensures the personal safety and security of the residents and users of the building. Design and Materials for the door need to be integrated with the overall facade design. Details are to be submitted to Principal Certifying Authority **prior to the issue of a Construction Certificate** for above ground works.
17. Adequate lighting is required to be provided for the following to ensure the safety and security of residents and users of the development to all access pathways leading to/from entrance and exit points of the buildings, bin collection points, external communal open space areas and driveways leading to the basement parking levels.

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

18. CCTV cameras shall be installed for the building so that they can survey the residential entrances and all external and internal access path ways, and the vehicular entrance to the driveway to the parking levels. The CCTV system shall provide a quality image that can assist with the detection of crime and be used by the NSW Police in any investigation (preferably a quality digital system). CCTV system footage shall be retained for a period of no less than fourteen days and be available upon request by the NSW Police when required. Details are to be submitted to Council's satisfaction **prior to the issue of a Construction Certificate** for above ground works.
19. Provision of storage space in each unit and in the basement is to comply with the provisions of Section 4G of the Apartment Design Guide. A schedule shall be submitted to the Principal Certifying Authority demonstrating compliance are to be submitted to Principal Certifying Authority prior to the issue of a Construction Certificate for above ground works. At least 50% of the required storage is to be located within the individual apartments.
20. Provision of accessible/adaptable residential apartments and accessible parking spaces is to comply with the applicable Australian Standards as indicated in Section 3.2.19 of the Burwood Development Control Plan 2013.
21. The Applicant is to consult with Ausgrid to determine the electrical supply need for the site including any requirement for an electricity substation **prior to the issuing of a Construction Certificate** and, if a site is required, it being situated adjacent to the street alignment, with the size and location of the area being in accordance with the requirements of this Council and Energy Australia, and the land required being dedicated without cost as a public roadway, to enable Energy Australia to establish the substation. The Linen Plan being registered with the Land Titles Office **prior to the issue of an Occupation Certificate**.
22. All external lighting is to be designed and installed in a manner which prevents glare and/or spillage having an adverse impact on occupants of adjacent properties.
23. Dilapidation surveys are to be carried out by a Practising Structural Engineer, which is to include a full photographic record of the exterior and interior of the buildings at the applicants/owners expense on all premises adjoining the site and the survey is to be submitted to Council and the adjoining land owners **prior to the commencement of any works**. A further dilapidation survey is also to be carried out and submitted to Council and the

adjoining owners **prior to the issuing of an Occupation Certificate**. The dilapidation surveys shall be dated accordingly.

24. All hydrant booster pump and fire service equipment shall be provided in accordance with the Building Code of Australia and housed within an enclosed cupboard of a design and finish that enhances the streetscape. Any booster room doors that front the street shall be flush with the frontage of the building and be designed of materials and colours that integrate with the building podium design. Details of these areas and the enclosures are to be assessed by an Accredited Fire Safety Engineer and shall comply with the performance requirements of the Building Code of Australia; shown on plans and submitted to the Principal Certifying Authority for approval along with the treatment details and location of the booster pump/fire service equipment prior to release of a Construction Certificate for the development.
25. A minimum of four (4) dwellings shall be provided as Adaptable Housing to Adaptable House Class A or B standard to cater for ageing in place and mobility impaired residents, in accordance with AS 4299: Adaptable Housing.
26. All recommendations contained in the Acoustic Consultant's report prepared by Renzo Tonin dated 19 June, 2023 shall be complied with.
27. All boundary fencing (fronting Wentworth Road & Oxford Street) shall comply with the requirements of Provision No.29 in Section 4 of Burwood Development Control Plan which specifies a maximum height of 1.2m above ground level (existing)

BUILDING

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

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

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

30. All excavations and backfilling associated with the erection or demolition of a building shall be carried out in a safe and careful manner and in accordance with appropriate professional standards. All necessary planking and strutting shall be of sufficient strength to retain the sides of excavations. A Certificate verifying the suitability of structural details for any proposed shoring is to be submitted to the Principal Certifier before excavating.
31. 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.
32. 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.
33. 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.

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

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

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

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

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

35. 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 Certifier as part of the Construction Certificate for the development must also be approved by Sydney Water **prior to demolition, 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. Any amendments to plans will require re-approval. Please go to <http://www.sydneywater.com.au/tapin> to apply.

36. 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.
37. No materials are to be stored on Council's roads, footpaths, nature strips or parks.
38. 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.
39. The builder shall erect and maintain in good order all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary. A Principal Certifier sign should also be displayed in a prominent position at the front of the development site.
40. 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.

This condition may be modified by an approval of an application to Council in accordance with Council's Out of Hours Construction Policy.

41. The approved structure shall not be used or occupied unless an Occupation Certificate as referred to in Section 6.4 (c) of the *Environmental Planning & Assessment Act 1979* has been issued.

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

42. An application for a Construction Certificate is to be made to Council or an Accredited Certifier. The NSW Planning Portal is to be used. A Construction Certificate must be obtained **prior to the commencement of any building work**.
43. Dial Before You Dig is a free national community service designed to prevent damage and

disruption to the vast pipe and cable networks which provides Australia with the essential services we use everyday – electricity, gas, communications and water.

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

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

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

44. All building works being erected wholly within the boundaries of the property.
45. 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.
46. All plumbing and drainage work being carried out by licensed tradesmen and in accordance with the requirements of the Plumbing Code of Australia.
47. The floor of the wet areas being of a material impervious to moisture and graded and drained to the sewers of Sydney Water.
48. 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.
49. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
50. Safety glazing complying with 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 1288–2021: 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.**
51. 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 1288-2021, Table 4.5 SAA Glass Installation Code (Human Impact Considerations) and 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.**
52. 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.

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

54. A Registered Surveyor's certificate being submitted to the Principal Certifier, **prior to the issue of an Occupation Certificate**, as follows: -

- a. Before pouring of concrete slab on every level to indicate the height of the finished floor level and to show boundary clearances; and
- b. On completion of the building to indicate the height of the finished floor levels, the height of the roof ridges/parapet/lift over run and to show boundary clearances and areas of the site occupied by the building.

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

- a. Submit to Council a "Notice of Intention to Commence Building Work and Appointment of a Principal Certifier" via the NSW Planning Portal. The NSW Planning Portal is to be used.
- b. Ensure detailed plans and specifications of the building are endorsed with a Construction Certificate by Council or an Accredited Certifier. The NSW Planning Portal is to be used.

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

56. The building being known as No. 118 Wentworth Road, Burwood and this number (at least 150mm in height) being clearly displayed on the site prior to the issuing of an Occupation Certificate.

57. **Utility Services**

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

Section 73 Compliance Certificate

A compliance certificate must be obtained from Sydney Water, under Section 73 of the *Sydney Water Act 1994*. Our assessment will determine the availability of water and wastewater

services, which may require extension, adjustment or connection to our mains. Make early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained **before an occupation or subdivision certificate will be issued**. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC).

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

58. Structural engineer's details prepared and certified by a practicing Structural Engineer for all reinforced concrete and structural members being submitted to the Principal Certifier for approval **prior to the issuing of a Construction Certificate**.
59. Timber sizes and the framework in general are to conform with the requirements of Australian Standard AS 1684 "Residential timber-framed construction."
60. Mechanical ventilation/air conditioning details are to be submitted to the Principal Certifier for approval **prior to the issuing of a Construction Certificate** and must include the following: -
 - a. The location and size of proposed ductwork.
 - b. The location of equipment.
 - c. The performance characteristics of the proposed motor/s and fan/s.
 - d. The air flow characteristics of the system.

At the completion of work a Certificate from an Accredited Certifier, Mechanical Engineer or other suitably qualified person, to the effect that the ventilation system has been installed and performs in accordance with the provisions of Part F6 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/NZS 3666.1-2011 and the *Protection of the Environment Operations Act 1997*, must be submitted to the Principal Certifier **prior to the issue of an Occupation Certificate**.

61. 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 5 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**.
62. All materials used in the building must comply with early fire hazard criteria of Specification 7 of the Building Code of Australia.
63. 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**.
64. 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.
65. 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 D3 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.**

66. The building being equipped with a smoke alarm system as required by Specification 20 of the Building Code of Australia. The system is to satisfy the requirements of Specification 20 of the Building Code of Australia and in particular is to comply with the relevant parts of AS 3786-2014 and AS 1670.1-2018. 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.**
67. Protection of openings (where required) is to be in accordance with Part C4D3 and C4D5 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.**
68. Protection of openable windows (where required) is to be in accordance with Part D3D29 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.**
69. A Fire Safety Certificate is to be given to the Principal Certifier prior to applying for an Occupation Certificate and thereafter once in every 12 month period an Annual Fire Safety Statement is to be given to Council. The certificate and statement attest to both the inspection of all essential fire safety measures by a suitably qualified person and to the regular maintenance of the fire safety measures. A copy of the Fire Safety Certificate and the Fire Safety Schedule are to be given to the Commissioner of Fire and Rescue NSW **by the building owner** and copies of these documents are to be prominently displayed in the building. Similarly copies of Annual Fire Safety Statements are also to be given to the Commissioner and displayed in the building.

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

70. **Apartment Noise Attenuation Design**

A qualified acoustical engineer with membership of the Association of Australasian Acoustical Consultants must certify that the building has been designed to minimise the noise intrusion from **any internal** or external noise source and when constructed achieve a 5 star rating under the Association of Australasian Acoustical Consultants Guideline for Apartment and Townhouse Acoustic rating Version 1.0. Details of compliance are to be submitted with the relevant plans for a Construction Certificate.

71. Apartment Noise Attenuation Construction

An AAAC 5 Star Certificate must be submitted by a qualified member of the Association of Australasian Acoustical Consultants **demonstrating that the construction of the internal party walls ensures that all sound between apartments**, sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems has sufficient acoustical attenuation. Details of compliance must be submitted to the Principal Certifying Authority before the issue of the relevant Occupation Certificate.

[Reason: *To comply with best practice standards for residential acoustic amenity*]

72. Engineering Design – Basement Excavation

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

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

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

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

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

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

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

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

DEMOLITION

74. 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.

75. Demolition of the building is to be carried out in accordance with the requirements of Australian Standard AS 2601 – 2001, where applicable.
76. 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.
77. 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.
78. 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.
79. All demolition, excavation and construction materials are to be removed from the site or disposed of on-site using methods that comply with relevant environmental protection legislation. When demolition of any existing building is involved, burning of any demolition materials on the site is prohibited.

HEALTH

Land Contamination

80. Any soils or materials requiring removal from the site as part of the site excavation are to be classified in accordance with the ‘*Waste Classification Guidelines, Part 1: Classifying Waste*’ NSW EPA (2014)

Environmental Management

81. 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
82. The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to “offensive noise” as defined under the provision of the Protection of the Environment Operation Act 1997. The sound level output shall not exceed 5 dB(A) above the

ambient background level at the received boundary.

83. Mechanical ventilation and or air conditioning systems and equipment are to be designed and installed in locations that do not cause any visual impacts from the public domain, noise nuisance or disturbance to near-by residential or commercial premises. Details of the type of equipment locations and any noise attenuation treatment are to be submitted to Principal Certifying Authority **prior to the issue of the Construction Certificate.**
84. The construction of windows / sliders, doors, external walls and roofs are to be comply with the recommendations listed in Part 5 of the Acoustic Assessment prepared by Acoustic, Vibration and Noise Pty Ltd (ref: 2019-096) dated 18 September 2019 in order to achieve the required noise reduction targets and levels as required by AS 2107 'Acoustics- Recommended Design Sound Levels and Reverberation Times' and Clause 102 of the SEPP. Certification as to the compliance of the acoustic treatments are to be submitted to the Principle Certifying Authority **prior to the issue of an Occupation Certificate.**

Waste Management

85. All building work, construction and demolition activities are to be conducted in accordance with the approved Waste Management Plan
86. 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.
87. All operational and ongoing waste management is to be conducted in accordance with the approved Waste Management Plan
88. 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.
89. All waste shall be stored in the designated areas only.
90. Suitable signage is to be installed in each level of the chute waste service rooms encouraging the separation of recyclables from the general waste stream.
91. 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.
92. Manufacturer's details and specifications for the installation, fire suppression and health and odour control measures for the garbage chute are to be submitted to the Principal Certifying Authority for approval **prior to the issue of the Construction Certificate**.
93. Certification is to be provided by the installer of the chute system prior to the issue of an occupation certificate certifying that the Chute has been installed in accordance with the manufacturer's specification.
94. A Caretaker is to be appointed for the development who will have ongoing responsibility for the proper management of the waste and recycling services
95. Waste and recycling bins shall be kept in a clean and hygienic condition. Bins are to be washed regularly within the garbage storage room with any waste water being discharged to the sewer by way of the grated drain
96. Access pathways for manual wheeling bins between storage areas and the collection vehicle parking location must be free of steps
97. Prior to the issue of an Occupation Certificate, the applicant is to arrange with Council's Waste & Cleansing Section the issue of the appropriate number of garbage and re-cycling bins for the residential portion of the development and payment of the necessary fees to enable commencement of the waste and recycling services.

ENGINEERING - GENERAL

98. 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.
99. A road-opening permit and/ or Construction 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
100. 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.
102. 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.

Previously numbered section 150 deleted from here

103. 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.
- c. The applicant shall lodge an application to Council for refund of damage deposit after obtaining an occupation certificate (OC). The OC must be formally submitted to Council prior to lodging the application for refund of damage deposit.

104. The following matters apply to the construction of the proposed vehicular crossing on Oxford Street:

The existing stormwater pits and lintel those are being affected by the proposed vehicular crossing construction shall be replaced and relocated by new pits and lintel. Refer to stormwater drainage Condition No. 25

- a. The driveway shall be 1m clear of any pits, lintels, poles and 2m clear of trees in the road reserve.
- b. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.

105. 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.

106. Stormwater from all roof and paved surfaces shall be collected and discharged by means of gravity pipe to Council's underground drainage system.

107. 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.
- b. The vehicular access must be separated on either side of the Sydney Water easement boundaries by placing separation joint in Concrete. Details of the joints shall be provided.

108. Temporary measures shall be provided during demolition, excavation and/or construction to prevent sediment and polluted waters discharging from the site.

- a. 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 prior to the commencement of any demolition, excavation or construction works at site. All relevant erosion and sediment control measures identified in the ESCP must be implemented during and throughout the entire demolition and construction period.

- b. The erosion and sediment control plan and measures shall be periodically monitored by a qualified hydraulic/civil engineer and to be reported to the principal Certifier. Any defects and discrepancies must be rectified and attended without any delay.

109. **Bulk Earthwork & Shoring**

- a) No opening is to be made in any road or footpath, nor is any hoarding to be erected without the prior consent of Council. The builder is to obtain the relevant permit for which fees will be charged in accordance with Council's Schedule of Fees and Charges.
- b) The builder shall erect and maintain in good order all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary.
- c) Public roads to be kept clean and free of any material which may fall from vehicles or plant. Waste containers shall be placed in accordance with Council's Code for Activities Affecting Roads and are subject to the payment of appropriate fees.
- d) Heavy vehicles entering and leaving the site must only cross the footpath where it is adequately timbered and strapped. Pedestrian access across this footpath must be maintained in good order at all times.
- e) The contractor shall strictly implement all erosion and sediment control (ESCP) measures prior to the commencement of demolition and/or 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.

110. **Installation of Temporary Ground Anchors**

Where the applicant requires the use of temporary ground anchors to shore the bulk excavation within public roads an NPER Registered Structural Engineer's certificate along with certified plans showing the details and extent of work shall be submitted to Council. The

following conditions shall be addressed by the Applicant.

- a) The Applicant is required to obtain a 'Temporary Ground Anchor Permit' from Council for which an 'Application for Works on Council's Property' shall be lodged in Council. Subject to the application being approved by Council, the applicant shall pay Council calculated Anchor Fees and the 'Refundable Deposit' as Anchor Bond, required under Council's Fees & Charges 2023-2024. Payment of the 'Refundable Deposit' can be made in the form of a Bank Guarantee.

Note: This deposit is refundable if no damage occurs.

- b) The contractor shall be responsible to obtain and submit to Council a written authority from all public utility authorities that they have no objection in regards to the installation of temporary ground anchors, prior to works commencing.
- c) The contractor shall be responsible to obtain permission from the neighbours of the adjoining properties prior to installation of anchors.
- d) The contractor shall be responsible for any injury or damage either to persons or property due to the presence or failure of the supporting structure on the public way and the contractor shall indemnify the Council against all claims that may arise from the installation of the supporting structure. In this regard the contractor shall provide written evidence of public liability insurance cover to the minimum value of \$20 million, with Council named in the insurance policy, prior to work commencing.
- e) The anchors shall be installed in accordance with the manufacturer's instructions.
- f) 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:
 - That the proposed shoring and anchor scheme is capable of supporting the public road, to be submitted prior to work commencing.
 - Certification that the shoring and anchor scheme has been adequately constructed, following installation.
 - Final certification that the anchors have been de-stressed and all shoring with the exception of the anchors have been removed to a depth of 2.5m, on completion following de-stressing of the anchors. This certificate is mandatory prior to release of the 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.

111. **Flooding, Stormwater Diversion:** Referenced 'Flood Risk Assessment Report' and stormwater drainage drawings by Stellen Consulting.

- a. The Applicant shall provide Council with written consents (confirmation) from the owners of the adjoining properties to the north for the proposed diversion of Sydney Water drainage culvert in and across their properties as mentioned in the plan.
- b. The new drainage easement for the new culvert diversion over Lot 100 DP 1248261 and Lot 2 DP 14074 shall be obtained in favour of Sydney Water. The conditions regarding the easements are as follows:
- i) The easement width shall be the width of the culvert plus 1.0m on either side of it, or as determined by Sydney Water.
 - ii) The cost for creating the easements will be at the applicant's expense.
 - iii) The easements shall be registered on the title of the relevant lots and lodged with Land and Registry Services (LRS). Proof of lodgement of the easements with the LRS shall be provided to the Principal Certifying Authority (PCA), **prior to issuing of the Construction Certificate.**
- c. The design of the stormwater diversion without any inspection pits on the bends and at the junctions of new culvert with the existing old section might create blockage and future maintenance problems. The applicant shall provide Council with Sydney Water's endorsement on the drawings and details of the junctions and bends as designed.
- d. Full construction details (structural and hydraulic) of all junction pits, kerb inlet pits, lintels, pipe lines, pipe trench, backfilling etc. shall be provided.
- e. The depth and location of all services within the area that would be affected by the construction of the new stormwater diversion (i.e. gas, water, sewer, electricity, telephone, traffic lights etc.) shall be confirmed by the applicant and shall be documented on the long section of the box culvert with their respective chainage, levels (RL - AHD), and sizes.
- f. Any adjustment of in-ground services required will be at the applicant's expense. The relevant authority's written consent for any adjustments or works affecting their services shall be obtained and submitted to the principal Certifying Authority, prior to excavation commencing.
- g. The applicant must comply with Sydney Water inspection regime at different stages of construction and on completion. Council shall be provided with Sydney Water final certificate on completion.
- h. Detailed drawings of the designed 500 cum flood storage (approx.) open sub floor area shall be provided. This includes, plan, cross sections with AHD RLs, open flow-through fencing details etc.
- i. The whole stormwater diversion works including new construction, tapping to the existing, connecting to the existing at the end etc. are to be inspected during construction by a competent practicing hydraulic/civil engineer. The inspections are to be carried out at stages of the construction listed in the following schedule. A Compliance Certificate verifying that the construction is in accordance with the approved design, this development consent and satisfying the relevant Australian Standard is to be submitted to the Principal Certifying Authority before proceeding beyond the relevant stages of construction.

SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION:

- Following placement of pipe bedding material. Confirm trench/pipe location, adequacy of depth of cover, bedding material and depth.
 - Following joining of the precast culvert sections, tapping to the existing and joining at the end and construction of cast-in-situ bends.
 - Following backfilling, confirm adequacy of backfilling material and compaction.
 - Photographs of construction stages up to completion shall be submitted for Council's record.
- j. Following completion of stormwater diversion construction
- Works-as-executed (WAE) plans shall be prepared. and signed by a registered surveyor. These plans shall include levels and location of all drainage structures and works, finished ground and pavement surface levels. These plans are to be reviewed by the competent practicing hydraulic/civil engineer that inspected the whole works during construction.
 - The engineer must confirm that the stormwater diversion works have been constructed in accordance with approved plans and consent conditions as shown on the WAE plans **prior to issuing of Occupation Certificate.**
 - Internal inspection of the stormwater culvert shall be carried out by Closed Circuit Television (CCTV) camera by an accredited company to determine the function ability of the completed work. The inspection report shall be submitted to Council **prior to issuing of Occupation Certificate.**

112. Sydney Water Approval

All of the final construction drawings of the stormwater deviation (Box Culvert) prepared by Acor Consultants P/L must be assessed by Sydney Water to satisfy Sydney Water's Asset Creation Process. The Applicant must also liaise with Sydney Water and fulfil the requirements related to Sydney Water sewer mains located within the development site. Copy of Sydney Water's final approvals shall be forwarded to Council. The applicant shall pay Sydney Water any bond required for the construction of the drainage diversion culvert as per Sydney Water Regulation.

113. The Applicant shall verify using the TUFLOW model prior to issue of Construction Certificate and upon completion (work as executed) that the works produce similar increases in the 1% AEP flood level as indicated in the final 'Flood Impact Assessment'

114. The Applicant must ensure and revise (if necessary) the building drawings as required in accordance with the Flood Assessment Report as follows.

- a. The habitable building ground floor level shall be fixed maintaining minimum 500mm freeboard over 1% AEP (100 year ARI) flood level. The surrounding basement wall shall be built impenetrable below the same flood plain level.
- b. The crest of the driveway ramp access to basement carpark access shall be raised to RL 17.55 AHD as appropriate to maintain the required 500mm freeboard on the top of FPL.
- c. The building shall be built on piers with a void between the basement lid and the underside of the ground floor slab to maintain 650m³ temporary floodplain storage capacity. The solid block or reinforced concrete wall across the flood storage area shall be removed or if necessary, sufficient flow-through passages shall be provided to facilitate overland flow.
- d. The building drawings prepared thus shall be endorsed by the hydraulic engineer. Erection of grille shall be provided around the building perimeter of the open area to protect entry under the building. Copies of building plans and sectional drawings shall be submitted to Council **prior to issue of Construction Certificate**

115. A Flood Risk Management Report together with an Emergency Flood Evacuation Plan shall be prepared by a qualified hydraulic/civil engineer which demonstrates that:
- 116.
- a. The development will not create flood hazard or risk to other adjoining properties as a result of flooding and stormwater runoff and that there is adequate protection for buildings against the ingress of surface runoff;
- 117.
- a. The development will not impede any obstruction to the natural flow path of floodwater with the use of solid wall or similar obstructing devices;
 - b. The proposed building structure and building materials are suitable to resist the flood water;
 - c. The development is sited in the optimum position to avoid floodwaters and allow flood preparedness. Emergency Plan must indicate sufficient flood warning locations placed around the buildings, details of warning plate to be installed across the building explaining occupants to undertake safety measures in an emergency situation.
 - d. All building equipment/items such as electricity and gas meters, air-conditioning units, hot water heater systems, which are sensitive to water damage should be located above the habitable floor level. Within the building, all power points and electrical switches should be located a minimum height of window sill. This is to prevent damage from flood events rarer than the 100 year ARI event.

Stormwater Drainage

118. A detailed drainage design shall be submitted to the Principal Certifying Authority.
- a. The design and calculations shall indicate the details of the proposed method of stormwater disposal and shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Council's Stormwater Management Code.
 - b. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property.
 - c. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.
 - d. The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering **prior to the issuing of a Construction Certificate.**
119. 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.

120. 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.**

121. The following Council's stormwater works shall apply to work out the stormwater drainage bond listed in the Table of Fees.

- i) Council's existing stormwater pits and lintels on Oxford Street being affected by the proposed construction shall be replaced by new pits and lintel at applicant's cost. In this regard the design of the new pits and lintel shall be done and certified by a qualified hydraulic/ civil engineer satisfying the current inlet capacities of the pits and lintels plus 20% extra. New pipe required to be laid under road surface connecting to Council's pits shall be minimum Ø375 mm RCP Class 4
- ii) Detailed drawings including long section of the RCP, details of the connecting pits together with the invert levels, surface levels etc. shall be provided. Minimum 500mm pipe cover shall be maintained under road surface at all times.

122. 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. 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.

123. 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 an Occupation Certificate.

124. Grated drain shall be designed and provided along the property boundary at the vehicular crossing and to be connected to the internal drainage system. Certificate from a competent practicing hydraulic/civil engineer shall state that the grated drain has been constructed in

accordance with the approved plan and this consent condition, to be shown on the work-as-executed plans prior to the issuing of an Occupation Certificate.

125. 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 and flow through fencing*
- ii) *Finished pavement and ground levels*
- iii) *Prevention of the erection of any structures or else on flow path*
- 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:

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

- a. *The overland surface flow path including flow through fencing*
- b. *Finished pavement and ground levels*
- c. *Prevention of the erection of any structures or else on flow path*
- d. *On-site Stormwater Detention system*
- e. *Pump and rising main system*

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

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

127. The boundary fences around the property shall be constructed in materials that allow unobstructed passage of overland stormwater flows. Fencing details shall be submitted to Council or an Accredited Certifier - Civil Engineering, **prior to the issuing of a Construction Certificate.**

128. For the pump drainage of the basement areas 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 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.**

129. Public Domain Conditions

- a) Detailed public domain improvement shall be undertaken at the property frontages on Oxford Street and Wentworth Road and to be completed at applicant's cost in accordance with Burwood Council DCP-35 and Public Works Element Manual and Council's standard drawings and specifications.
- b) Three copies of Public Domain Plan drawn at 1:100 scales shall be prepared and certified by a qualified civil engineer, landscape architect or urban designer and submitted to Council. The plan shall be further reviewed by Council's design engineer prior to construction.
- c) 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.
- d) The plan shall show the entire street frontage of the property for improvement e.g. new footpath paving, new kerb & gutter, pram ramps, bollards, service pits, stormwater pit & lintel including mill & re-sheeting of the Oxford Street road pavement. Any damages to the pavement structure other than wearing course shall be replaced to the full depth of pavement.
- e) The plan shall incorporate the standard specifications and details in accordance with the Public Works Elements Manual and Council's standard drawings and technical specifications.
- 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.

LANDSCAPING

130. No objection is raised to the proposed removal of all existing trees and vegetation within the site.

131. Landscaping must be installed as per the Landscape Plan sheet set by Site Image Landscape

Architects, Issue B, dated 1 June 2023.

132. Landscaping must be completed **prior to the issuing of an Occupation Certificate**.
133. Landscaping must be maintained at times following installation, including the replacement of any plants that are dead, damaged, diseased or stolen, with like for like.

Street Tree Protection

134. Five existing water gum (*Tristaniopsis laurina*) located on the nature strip of Wentworth Road must be retained and protected in accordance with the Australian Standard AS4970 (Protection of Trees on Development Sites, 2009). This includes the erection of a tree protection fence consisting of 1.8m chain wire panels supported by concrete feet, extending two metres north and two metres south of the trunk of each tree and to the full limits of the nature strip width, allowing continued pedestrian access on the public footpath.
135. The tree protection fences must be installed **prior to the commencement of any works including demolition** and to remain in place and maintained **until the issue of an Occupation Certificate**.
136. A monetary bond or bank guarantee to the value of **\$2,500** must be lodged to Council, **prior to the issue of a Construction Certificate**, to ensure the proper protection of the trees.
137. The street trees will be inspected by Council at completion of the works and the bond released only if the trees are not damaged.

TRAFFIC AND PARKING

138. All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.
139. 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**.
140. A total of 80 off-street car parking spaces, 1 car wash bay and 1 car share space, 18 bicycle 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. 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.
129. 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) 72 residential parking spaces.
 - (b) 8 Visitor parking Spaces
 - (c) 1 Car wash bay
 - (d) 1 Car share space
143. Provision for EV charging in accordance with the below requirements;
1. All residential car parking spaces must be 'EV-Ready'. An 'EV-Ready' car space requires

- the provision of a backbone cable tray and a dedicated spare 15A circuit within an EV Distribution Board enabling future installation of a smart EV charger and cabling to the EV Distribution Board.
2. Provide EV Distribution Boards of sufficient size to allow connection of all 'EV-Ready' car spaces.
 3. Locate EV Distribution board(s) so that no future 'EV-Ready' car space will require a cable run greater than 55m from the parking bay to an EV distribution board and, ensure that no cables will obstruct vehicular circulation aisles. The development shall provide cable trays, electrical cabinets, and conduits sufficient to accommodate the electric circuitry to each 'EV-Ready' and 'EV Equipped' car space.
 4. EV Distribution Boards are to be dedicated to EV charging that is capable of supplying not less than 50% of EV connections at full power (full power being each individual connection being provided with not less than 2kW power and preferably 7kW power) at any one time during off-peak periods, to minimize impacts to maximum demand loads. To deliver this, an EV Load Management System and an active suitably sized connection to the main switchboard is required.
 5. EV Load Management System is to be capable of:
 1. Reading real time current and energy from the EV chargers under management via ethernet connection;
 2. Determining, based on known installation parameters and real time data, the appropriate behaviour of each EV charger to minimise building peak power demand whilst ensuring electric vehicles connected are fully recharged;
 3. Scale for residents to engage an EV Load Management provider to provide additional smart chargers to residential car spots over time.
 4. Ensuring each multi-unit residential 'EV-Ready' car parking spaces be metered separately to their individual account as part of the 'EV-Ready' system.

The new substation to be erected on the site must have the electrical/load capacity to facilitate every residential space having an EV charging point.

144. No part of the common property, apart from the residential visitor vehicle spaces which are to be used only by residential visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or trailers.
145. Residential visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building residential visitors.
146. All residential visitor spaces must be clearly linemarked and signposted 'visitor' prior to the issue of an Occupation Certificate. All signs must be maintained in good order at all times
147. 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*'.
148. Of the required car parking spaces, at least 5 must be designed and provided for accessible car parking for people with mobility impairment in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking. 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. The required spaces are to be adjusted to provide direct access to lifts. The car park must respect the following allocation:

- (a) 4 Residential Spaces
- (b) 1 Visitor Space

149. The following signs must be provided and maintained within the site at the point(s) of vehicle egress:

- (a) Regulatory “STOP” sign (R1-1) compelling drivers to stop before proceeding onto the footway
- (b) “Give Way to Pedestrians” sign compelling drivers to give way to pedestrians before crossing the footway.

150. 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.

151. 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.

152. 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.

153. Any proposals for alterations to the public road, involving traffic facilities and/or parking restrictions, excluding the construction of a vehicular crossing, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Traffic Committee prior to issuing of Construction Certificate.

154. 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.

155. 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.

156. A Construction Traffic Management Plan must be submitted and approved by Council prior to the commencement of demolition and excavation or issuing of the Construction Certificate (whichever occurs first). The Construction Traffic Management Plan must be complied with at all times. The following matters should be addressed in the plan (where applicable):

- (a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and all vehicles in the frontage roadways.
 - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all vehicles on the site.
 - iii) The proposed locations of work zones where it is not possible for loading/unloading to occur on the site in the frontage roadways (which will require separate approval by Council).
 - iv) Location of any proposed crane and concrete pump and truck standing areas on and off the site (which will require separate approval by Council).
 - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.

- vi) Traffic routes to and from the site from the closest arterial road in all directions.
- (b) Traffic control plan(s) for the site must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual" and prepared by a suitably qualified person. The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.
157. 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.
158. 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)
159. 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.
160. Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity
- i) Work zone.
 - ii) Temporary closure of roadway/footpath.
 - iii) Mobile crane or any standing plant
 - iv) Scaffolding/Hoardings (fencing on public land)
 - v) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc.
 - vi) Installation or replacement of private stormwater drain, utility service or water supply

Reasons for the decision

The Panel members inspected the development site and familiarised itself with the environment. The Panel heard from the Applicant and read all the objection(s).

The applicant had made a written request pursuant to Section 4.6 of the *Burwood Local Environmental Plan 2012*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the maximum height standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out. The Panel considered the s.4.6 objection and determined to approve it, and with the proposed conditions as amended by the Panel there were no impacts sufficient to warrant refusal of the proposed development.

Panel Members	
For	Against
Kevin Hoffman	
Brian Kirk	

Panel Members	
Michael Leavey	
Claire Boskett	

The meeting closed at 8.21pm.