

JOINT REGIONAL PLANNING PANEL
Sydney East

JRPP No	2010SYE111
DA Number	2010/211
Local Government Area	Burwood Council
Proposed Development	Demolition of Buildings and Construction of a 16 Storey Mixed Commercial/Residential Development over basement parking for 90 vehicles
Street Address	11-15 Deane Street & 20 George Street, Burwood
Applicant/Owner	Urban Apartments Pty Ltd
Number of Submissions	8
Recommendation	Approval with Conditions
Report by	Rick Beers, Council Assessment Officer

Assessment Report and Recommendation

DEMOLITION OF 4 X 2-STOREY RESIDENTIAL FLAT BUILDINGS AND ASSOCIATED GARAGES, AND ERECTION OF A 16 STOREY MIXED COMMERCIAL/RESIDENTIAL BUILDING OVER 3½ BASEMENT PARKING LEVELS

REPORT BY ACTING DIRECTOR COMMUNITY PLANNING

Applicant: Urban Apartments Pty Ltd
Location: 11-15 Deane Street and 20 George Street, Burwood
Zoning: B4 Mixed Use
Cost: \$16,201,000

Proposal

Demolition of 4 x 2 storey residential flat buildings and associated garages, and erection of a 16 storey mixed use development comprising:

- 651m² of retail space at ground and lower ground levels, together with separate garbage collection rooms for commercial and residential;
- 4923m² of commercial space – levels 1 to 6;
- Gym and podium (communal open space of 188m²) – level 7;
- 36 residential apartments (14 x 1bed, 21 x 2bed and 1 x 3bed) on levels 8 to 16; and
- 3½ levels of basement parking for 91 cars and 16 bicycles, with access to ground floor loading dock via a 8.285m wide entry from Mary Street.

Height proposed is 62m above ground level and floor space ratio (FSR) is 6:1, comprising commercial (4:1) and residential (2:1).

Background

Pre-DA advice was provided to the applicant on 8 September 2010. The letter advised of non-compliance with the building separation criteria of the NSW Residential Flat Design Code, being zero instead of 9m to the property to the east (9 Deane Street), and 9m instead of 12m to the property to the north (18 George Street). In this respect Council advised that the building separation to the north may constrain future design options for 18 George Street and the zero setback to the property to the east may limit its future redevelopment opportunities.

The applicant has provided comments in this regard which are addressed in the Planning Assessment below.

In relation to the DA, Council engaged an independent urban design consultant (GMU) to review the proposed development. A copy of the consultant's report is attached. The opinion of the consultant was that the proposed building's general bulk, scale and massing are acceptable, that the proposed development's response to its context in transition with regard to massing and use is appropriate. However, the organisation and layout in particular of the residential tower and shared circulation needs to be revised to allow better separation between commercial and residential uses as well as more optimal solar access and natural

ventilation. Pedestrian access and entry from Deane Street requires a redesign to make use of awnings and bring pedestrian traffic into close proximity with shop fronts.

Therefore the consultant recommended that the applicant be required to address the issues outlined below. The applicant subsequently submitted amended plans and additional information to address these and detail issues on 25 February 2011. The issues raised by Council's consultant with town planning comments are set out below:

- Arrangement of core circulation to allow better separation and distinction between commercial and residential areas and paths of travel.

Comment

The applicant advised that 'it would be impractical to have two cores in terms of functionality, cost and available space'. Moreover, there is a common entry to separate commercial and residential foyers from a public open space to lifts which provide separate access to residential and commercial areas.

This is accepted.

- Provision of sufficient numbers of units with sun access in compliance with guidelines of the Residential Flat Design Code and arrangement to allow better natural ventilation.

Comment

The applicant advised that 'the 20% southern facing apartments is a problem common to residential towers that have a centrally located service core typical to each floor plate, where one or two apartments will always have a southern orientation'. This situation could be resolved by either deleting these units or dividing them between adjacent units with west or northern aspects, which would have major design implications. Council's consultant agrees but still maintains the stance *'that the configuration should be amended to comply with the 10% maximum for south facing single-aspect units since currently there is no other development that overshadows the proposal'*. Should the panel concur with this view, the application would need to be deferred to allow the opportunity for the applicant to amend his proposal. It is Council's view that a 20% exception is reasonable given the orientation and context of the site. Nevertheless, this option is provided for consideration.

As such, the non-compliance is acceptable.

- Arranging communal open spaces to provide a distinct and separate gathering area, drying space and with sufficient area to comply with the guidelines of the RFDC.

Comment

The applicant has advised that access to the communal space (on Level 7) has been redesigned so that it is accessed only by residents using a keycard from the residential foyer, Level 7 has a secure lift lobby where access to the communal area is again by keycard, and there is no direct access from the gymnasium to the communal open space. In addition, neither DCP Part 36 or the RFDC require outdoor drying space.

In these circumstances, access to communal space is satisfactory.

- Provision of real deep soil planting and better landscaping at ground level that does not obstruct pedestrian movement and enjoys sunlight to allow for lush plantings

Comment

See 'Planning Assessment' below.

- Provision of sufficient numbers of accessible and adaptable units offering flexibility for furniture layouts

Comment

See 'Planning Assessment' below.

- Attention to material and visual treatment of blank boundary walls likely to be visible for a long period of time

Comment

The applicant has advised that 'the large blank wall proposed on the boundary of 18 George street has been redesigned so that there is a pattern of different colour bands within the palette of materials already selected. Refer to DA 09'.

- Access from all retail areas to garbage and loading areas, as well as improved access to and visibility from the street for retail areas.

Comment

The applicant has advised that 'the retail space has been amended so that a passage is included that connects the space to the commercial garbage room behind.'

This is considered satisfactory, and further, amending the spaces in front of the retail premises along Deane Street to be paved areas and extending the awing over such will also improve access and visibility to these retail areas. A condition is recommended for similar treatment along George and Mary Streets.

Statutory Requirements

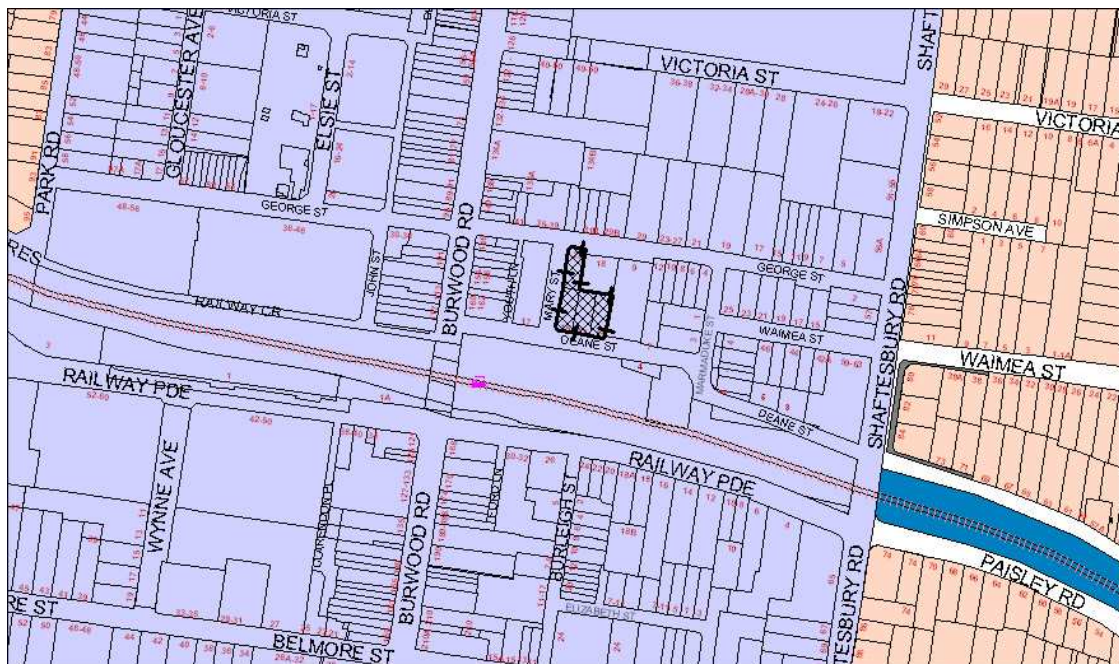
The application is assessed under the provisions of Section 79C of the Environmental Planning & Assessment Act, 1979, as amended, which includes:

- The provisions of an environmental planning instrument – Burwood Local Environmental Plan (Burwood Town Centre) 2010 (BLEP 2010);
- SEPP 65 and NSW Residential Flat Design Code (RFDC).
- The provisions of Development Control Plan (DCP) Part No. 36 (Burwood Town Centre);
- The impact of the development in relation to:
 - The context and setting of the development.
 - The impact on the natural and built environment.
 - Shadowing of adjoining properties.
 - Traffic and parking impacts.
 - Streetscape and urban design issues.
 - Crime prevention through environmental design.
- The suitability of the site for development.
- The public interest.
- Social and economic impact.
- Submissions made under the Act and Regulations.

Zoning

The site is zoned B4 Mixed Business under BLEP 2010 and the proposed development is permissible in the zone.

Map



Locality

The subject “L-shaped” site comprises four (4) properties, 3 having a frontage of 33.81m to Deane Street and one having a frontage of 10.67m to George Street. The site also occupies the east side of Mary Street with a frontage of 57.13m. The site area is 1440.8 m², with a fall of about 3.42m from the south-east corner of the site to the north-west corner.

There are 2 storey 1960's residential flat buildings (RFBs) on each of 11, 13, 15 Deane Street and 20 George Street, with associated garage outbuildings. To the east is a 5 storey commercial building occupied by St John Ambulance (NSW). A 2 storey 1960's RFB is adjacent at No.18 to the north, while the Police Youth Boys Club is opposite in Mary Street to the west. The railway is across Deane Street to the south.

Planning Assessment

Development Control Plan (DCP) Part No. 36 (Burwood Town Centre) and NSW Residential Flat Design Code

The development has been assessed against the provisions of DCP Part 36 – Burwood Town Centre and the NSW RFDC as follows:

DCP Part No. 36	Required	Provided	Compliance
• Building Height	Max 70m	60.68m	Yes
• Site isolation	Not isolate an allotment	Yes (minimum lot size of 500m ² achieved)	Yes (although amalgamation with 18 George St preferred)

<u>RFDC</u>		3m	Yes
• Front Setbacks	3m		
Deane St -		Zero	Yes
George/Mary Streets –	Zero		
• Secondary setbacks – all streets	6m above 15 metres in height	6m	Yes
• Building separation	<u>Up to 4 storeys</u> (12m high)		
- building on east boundary	- 6m between non-habitable rooms - 9m between habitable rooms/balconies and non-habitable rooms	Building on east boundary - Zero	No*
• Potential building on 18 George Street	- 12m between habitable rooms/balconies <u>5 to 8 storeys</u> (25m) - 9m between non-habitable rooms - 13m between habitable rooms/balconies and non-habitable rooms - 18m between habitable rooms/balconies <u>9 storeys and above (>25m)</u> - 12m between non-habitable rooms - 18m between habitable rooms/balconies and non-habitable rooms - 24m between habitable rooms/balconies	Potential building on 18 George Street - Zero up to 15m 6m – 15 to 25m 7.5m (balconies) and 9m/10m above 25m –	Yes No* No*

Mix required

• apartment mix	1 bed unit >50m ² 2 bed unit - 70 to 95m ² 3 bed - min 95m ²	14 x 1 bed 21 x 2bed and 1 x 3bed	Yes
• dwelling sizes	<18m	Yes	
	3.3 & 2.7m	Yes Yes	Yes
• building depth	60% of units	10 – 15m	Yes
• ceiling height	Accessible to 3 hours	3.6 & 3.0m	Yes
• natural ventilation		All units have ventilation	Yes
• solar access	1 bed 2m/8sqm 2 bed 2.5m/8sqm 3bed 2.5m/10sqm	20% only receive partial sunlight in mid winter	Satisfactory Yes
• private space	open 1 bed – 6 cubic m 2 bed – 8 cubic m 3 bed – 10 cub.m	Provision exceeds requirements	Yes
• storage	5% of units for disabled persons - 2	Provision equals or exceeds requirements	
• access mobility	10% to be adaptable units - 4	2 provided	Yes
	1 space per 1 & 2 bed units – 35	5 provided	
	1.5 spaces per 3 bed unit – 1.5		Yes
• parking	1 visitor space per 6 units – 6	36 (including 2 for disabled persons)	Yes

Commercial – 1 2	
space for 1 st 400m ² ,	Yes
then 1 space per	
120m ² - 39	6

Retail – 1 space for	39 (including 2	Yes
1 st 400m ² , then 1	for disabled	
space per 40m ² - 8	persons)	
		Yes

Total 90 –spaces		
(including 4 for	8 (incl. 1 for	Yes
disabled)	gym)	

Bicycle parking – as
per Austroads Guide

91 (including 4	Yes
for disabled	
persons)	

16 spaces	Yes
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Yes

SEPP 65 (in addition to
DCP Pt 36)

- | | | | |
|---------------|---|-------------------|--------------|
| • Deep soil | 25% (360.2m ²) | Nil | No** |
| Planting | | | |
| Communal open | 25-30% | 188m ² | No*** |
| space | (360.2 m ² to
432.2m ²) | | |

* Building Separation

In this regard, DCP Part 36 states that the provisions of the NSW Residential Flat Design Code (RFDC) apply and that the building separation requirements of the Code are to be shared equally.

- Zero setback/building separation to property on east boundary

There is a 5 storey building on the property to the east which has recently been purchased, refurbished and occupied by St John Ambulance NSW. It is therefore unlikely that this property will be re-developed in the short/medium term. Should it be re-developed in the longer term, it is large enough (1414m²) to re-develop in its own right with no openings on its

western common boundary with the subject land. Accordingly, a zero setback/building separation is acceptable in this situation.

- Setbacks/building separation to potential building on 18 George Street

The proposed building is generally set back 6m from the common boundary with 18 George Street. The setback/building separation of levels 5-7 to the potential building on 18 George Street at 6m, while less than the 9m minimum, is acceptable as these levels are commercial and would be opposite commercial levels in the potential building. There would therefore be little impact on the privacy or amenity of future residents.

Consistent with the RFDC, a building separation of 24m for buildings over 25m should be provided between buildings on adjoining properties, i.e., 12m setbacks from the common boundary. However, the subject development proposes 7.5m to balconies and 9m to the building proper. This may be acceptable if the future building on 18 George Street has no openings on its southern side. The applicant has included a theoretical section that shows how the separation could be achieved, but this limits the options for the owner of that property.

On balance, it would seem that any residential development on 18 George Street would seek to locate balconies and orient living areas to the front of the property to take advantage of the northerly aspect, meaning any overlooking of the rear or amenity impact would be minimal. In these circumstances the setbacks as proposed are considered acceptable.

The exception to this, however, is a balcony and unit located at the north-west corner of the residential tower at each level and the upper commercial levels which encroach to within 3.0m and 6m respectively. This is considered to be an excessive and inequitable encroachment and is recommended to be altered consistent with the setback for the residential section of the building.

****Deep Soil Planting**

Given that the site is in the retail core, provision of parking necessitates excavation to boundaries and provision of areas for deep soil planting would limit development potential, such provision is not considered essential. However, a condition is recommended requiring increased landscape areas.

*****Communal Open Space**

Landscaped area and gym totalling 188m² is proposed on Level 7, which is about half the desirable space. Together with the absence of deep soil planting, such provision is considered inadequate. Opportunities to increase this should be explored and a condition to this effect is recommended.

SEPP 65

The independent urban design consultant (GMU) engaged to assess the proposal did not raise any issues with respect to the principles of SEPP 65 listed below. The applicant addressed these satisfactorily in the Statement of Environmental Effects (SEE) submitted with the DA. A copy of the SEE is attached to this report, as is the report from Council's consultant.

- Principle 1: Context
- Principle 2: Scale
- Principle 3: Built form
- Principle 4: Density

- Principle 5: Resource, energy and water efficiency
- Principle 6: Landscape
- Principle 7: Amenity
- Principle 8: Safety and security
- Principle 9: Social dimensions
- Principle 10: Aesthetics

In respect of Principle 6, a condition requiring additional landscaped areas is recommended. Regarding Principle 10, replicating paving and awning of Deane Street along the George and Mary Street frontages is also recommended.

Community Consultation

Five (5) submissions have been received in response to notification of the proposed development, two from one property. The grounds of objection relate to:

- Increase pedestrian and vehicular (including heavy) traffic leading to unsafe and congested residential streets, particularly for the elderly, handicapped and children.

Comment

Burwood Town Centre LEP 2010 provides for increased residential and commercial/retail activity, particularly in the 'core' area. In conjunction with such development is provision through Council's Section 94 Contributions Plans (for 'Open Space, Community Facilities and Public Car Parking' and 'Road and Traffic Facilities') to upgrade Council's roads, infrastructure and facilities to maintain safety and amenity.

- Noise pollution

Comment

It is recognised that greater density generates increased activity which may increase noise. However, design of apartments in accordance with Building Code of Australia will minimise intrusion into their living areas, while providing a vibrant living environment.

- PCYC opposite in Mary Street raised concern regarding the possible closure of Mary Street or limitations on parking that will adversely affect the operation and income of the Club.

Comment

There is angle parking in Mary Street which would be affected by vehicles accessing the subject site, particularly large vehicles accessing the loading dock. However, by reverting the angle parking to parallel parking adjacent to the Club premises, loss of spaces would be minimised. Council's Manager Traffic and Transport has no objection to this change subject to the applicant bearing any costs of adjustment. This is a matter that would also need to be referred to Council's Traffic Committee for approval. Accordingly conditions are recommended for such referral and for the applicant to bear the cost of any adjustment of the parking.

- Poor design, lacks articulation of facades and inadequate setbacks which will unfairly restrict future development of the adjoining site (18 George Street)

Comment

Council's independent urban design consultant did not raise concerns with the design, which is considered acceptable. Further, setbacks are in accordance with Council's DCP Part 36. The issue of building separation is addressed in 'Planning Assessment' above.

- The adjoining site (18 George Street) is too small to be developed on its own and suggests amalgamation with the subject land would result in a better final development.

Comment

While it would be desirable for the subject site to be amalgamated with 18 George Street to achieve an improved concept, there is no obligation on the developer to do so as 18 George Street has sufficient area at 648m² in its own right to redevelop in accordance with Council's LEP and DCP. Further, the applicant has demonstrated that this site could be developed to its potential.

- Poor solar access to north-facing balconies due to their depth.

Comment

Because the balconies are north facing they provide good solar access during the midday period and good cover if there is rain. Accordingly, the balconies are considered acceptable.

- Lack of landscaping

Comment

It is agreed there is insufficient landscaping. Accordingly, a condition is recommended to increase the quantum of landscaping.

- Inarticulate form

Comment

The matter has been assessed by Council's Urban Design Consultant and the form is considered to have sufficient articulation.

- Inadequate setbacks

Comment

See 'Planning Assessment' above.

- Inappropriate bulk and scale

Comment

The bulk and scale of the development is consistent with that envisaged for the Town Centre.

- Streetscape

Comment

Streetscape has been improved with the amended plans and will be further improved with conditions recommending extension of the paving and awnings proposed for Deane Street into Mary and George Street.

- St John Ambulance Australia (NSW) raise concerns that the proposed building will cause disruptions to communications to the greater western metropolitan area.

Comment

This is a matter that could be resolved by consideration of several options and negotiation between the parties. As this would be in the public interest, a condition is recommended that the parties liaise to ensure that adequate communication is maintained to the St John Ambulance (NSW) site.

Referrals

Roads & Traffic Authority (RTA)

Having considered the further Traffic and Parking Study submitted by the applicant, the RTA raises no objections to the proposed development subject to conditions, which are included in the recommendation.

RailCorp

RailCorp has advised of its requirements and sought amendments to the material submitted by the applicant, comprising a 'Basement Shoring Statement' and a 'Preliminary Geotechnical Investigation', copies attached. These required amendments are addressed by recommended conditions.

Manager Traffic and Parking

Council's Manager Traffic and Parking has advised that a Construction Management Plan is still required prior to the issuing of a Construction Certificate outlining:

- The approach/departure routes for vehicles
- Concrete truck queuing and other plant locations
- Work zones required
- Impact on existing street parking
- Pedestrian flow management.

A suitable condition is recommended.

Conclusion

The proposed development generally complies with Council's Town Centre LEP 2010, DCP Part 36 and SEPP 65/Residential Flat Design Code. The exception is a lesser building setback/separation to a potential building on the adjoining site to the north – 18 George Street. However, with minor adjustment to residential units in the north-west corner of the tower, this is considered acceptable. There are 20% of single-aspect apartments that are south facing, rather than a 'rule of thumb' 10% as per the RFDC. However, given the orientation, context of the site and location in the Commercial Core Area of the Town centre, the variation is considered reasonable and refusal on this issue alone could not be justified.

Council's independent urban design consultant has raised no significant issues with respect to design and context, other than the percentage of south-facing single-aspect apartments, with the proposed development being consistent with the desired character for the area.

Accordingly, subject to certain conditions to address certain aspects of public submissions and fine-tuning of design, approval is recommended.

Attachments

1. Statement of Environmental Effects, BASIX certificate, Survey Plan, Construction Management Plan and architectural plans DA01 to DA14 (as amended)
2. Letters from Olsson Associates Architects dated 17 Jan 2011, 24 Feb 2011 and 16 March 2011
3. Basement Shoring Statement by Structural Design Solutions dated 24.02.11
4. Preliminary Geotechnical Investigation by Asset Geotechnical dated 19.02.11
5. Traffic & Parking Study by McLaren Traffic Engineering dated 15.02.11
6. Submissions from residents and property owners.
7. Advice from RTA dated 14 March 2011.
8. Advice from RailCorp received 9 March 2011.
9. Preliminary Urban Design Assessment by GM Urban Design & Architecture dated January 2011 and advice dated 17 March 2011.

Recommendations

- A. That Development Application No. 2010.211 for Demolition of 4 x 2 storey residential flat buildings and associated garages, and erection of a 16 storey mixed use development comprising:
- 651m² of retail space at ground and lower ground levels, together with separate garbage collection rooms for commercial and residential;
 - 4923m² of commercial space – levels 1 to 6;
 - Gym and podium (communal open space of 188m²) – level 7;
 - 36 residential apartments (14 x 1bed, 21 x 2bed and 1 x 3bed) on levels 8 to 16; and
 - 3½ levels of basement parking for 91 cars and 16 bicycles, with access to ground floor loading dock via a 8.285m wide entry from Mary Street,
- be **APPROVED** subject to the following conditions:
- (1) The development being carried out in accordance with the plans submitted on 24/11/2010 as amended on 17.01.11 and 25.02.11, and documentation as follows:
- Statement of Environmental Effects by Caldines dated November 2010;
 - BASIX Certificate No. 335060M;
 - Plans: DA00 – cover sheet, issue B
DA01 – site plan, issue B
DA02 to DA07 – floor plans, issue C
DA08 & 09 – elevations, issue B
DA10 – sections, issue B
DA11 – sections, schedule of finishes and materials, issue B
 - Letters from Olsson & Associates Architects dated 17 Jan 2011 and 24 Feb 2011;
 - Basement Shoring Statement by Structural Design Solutions dated 24.02.11;
 - Preliminary Geotechnical Investigation by Asset Geotechnical dated 19.02.11; and

- Traffic & Parking Study by McLaren Traffic Engineering dated 15.02.11, except where amended by the conditions of consent.

FEES

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

TABLE OF FEES

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

- (2) Building and Construction Industry Long Service Corporation Levy
\$56,703.00
(Payment to be made to Council, the Corporation or its Agent)
- (3) Damage Deposit - security deposit against damage occurring to Council's assets (footpath, road, stormwater, kerb and gutter, etc) during building work
\$44,000
(Payment to be made to Council prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation)

NOTE: This deposit is refundable if no damage occurs.

- (4) The applicant shall pay Council **\$2000.00**, being the cost of adjustment of on street parking arrangements in Mary Street.
(Payment to be made to Council prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation).
- (5) Pursuant to Section 94A of the Environmental Planning and Assessment Act 1979 and the Section 94A Contributions Plan for Burwood Town Centre, the following monetary contribution towards public services and amenities is required:

Contribution Element	Contribution
A levy of 4 per cent of the cost of carrying out the development, where the cost calculated and agreed by Council is \$16,201,000	\$648,040.00

Index Period	Dec 2010	CPI ₁	173-1
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The above contribution will be adjusted at the time of payment. Applicants are advised to contact Council for the adjusted amount immediately prior to arranging payment.

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

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

Where:

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

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

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

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

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

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

Note: Credit cards and personal cheques are not accepted for the payment of Section 94A contributions.

PLANNING

- (1) The plans are to be amended as follows, with details to be submitted for approval **prior to the issue of the Construction Certificate:**
 - The awning and paving treatment proposed for the Deane Street frontage is to be replicated along the Mary and George Street frontages,
 - Units 801, 901, 1001, 1101, 1201, 1301, 1401, 1501, commercial levels 4 to 6 and level 7 are to be altered so that no part of the balcony/floor area of these units/levels is within 7.5m of the southern common boundary with 18 George Street, and no part of these apartments is within 9.0m of the southern common boundary.
 - A minimum of 360.2m² landscape area is to be provided on the site to Council's satisfaction.
- (2) Use of the ground floor retail areas is to be the subject of a separate development consent.
- (3) A detailed landscape plan prepared in accordance with Council's Landscaping Code, prepared by a qualified landscape architect or practising landscape consultant and submitted to Council for consideration. The approved landscape plan shall incorporate the requirements of Planning Condition (1) and evidence of its approval is to be submitted to the Principal Certifying Authority, **prior to the issuing of a Construction Certificate.**
- (4) The landscaping of the site being carried out in accordance with the approved landscape plan prior to the issuing of an Occupation Certificate. The landscaping is to

be maintained at all times following its installation. Any trees planted as part of the approved landscape plan shall be of a super advanced stage with a minimum 75 litre container size. The trees shall not be altered or removed without the prior consent of Council being given in writing.

The landscaping is to be maintained for a minimum period of two (2) years from the date of the Occupation Certificate.

- (5) All service loading and unloading in relation to the use of the premises taking place wholly within the property.
- (6) Deliveries to the premises not being made from a public place or street.
- (7) A schedule and full scale plan/s, or samples and details of all external surface materials being submitted for Council's approval, **prior to the issuing of a Construction Certificate.** (Note: Schedule does not fully correlate with elevations).
- (8) Site testing being undertaken by an Accredited Certifier or other suitably qualified person to determine the impact (if any) of the development on television and/or radio reception to adjoining properties and the installation of any single booster/amplifier equipment deemed necessary to mitigate any such impact. Such work being carried out and the results submitted to the Principal Certifying Authority, **prior to the issuing of a Construction Certificate.**
- (9) No drying of clothing being permitted on balcony and patio areas which are visible from a public place.
- (10) A separate Development Application being submitted for the display and/or erection of any advertising signs or for the replacement of an existing advertising panel. Such application is to include full details of the dimensions, mode of attachment and means of illumination (if any).
- (11) A "Work as Executed" drainage plan is to be submitted for Council's approval prior to the issuing of either an Occupation Certificate or a Subdivision Certificate.
- (12) The applicant shall liaise with St John Ambulance (NSW) to ensure that adequate communication is maintained to the St John Ambulance (NSW) site.
- (13) Submission of a Demolition and Construction Management Plan **prior to the issuing of a Construction Certificate** outlining:
 - The approach/departure routes for vehicles
 - Concrete truck queuing and other plant locations
 - Work zones required
 - Impact on existing street parking
 - Pedestrian flow management
 - Traffic control.
- (14) The layout of the proposed car parking areas, loading dock/s and access driveway associated with the subject development (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths, loading bay dimensions and parking bay dimensions) shall be in accordance with AS2890.1-2004 and AS3890.2-2002 for large vehicles.

- (15) Measures (such as convex mirrors, flashing lights or sirens) shall be provided to resolve any safety concerns relating to potential conflict between cars entering and exiting the car park and trucks reversing into the loading dock with restricted sight distance, to Council's satisfaction.
- (16) Access to the loading dock shall be restricted to one (1) vehicle at a time.
- (17) Vehicles longer than 8.8m are prohibited from accessing the subject site.
- (18) A Loading Dock Management Plan (LDMP) shall be prepared to Council's satisfaction which shall implement appropriate measures to prevent more than one vehicle accessing the loading dock at any one time. The LDMP may also include measures to mitigate the safety concerns raised in Condition (15) above and shall be submitted to council for approval **prior to the release of the Occupation Certificate.**
- (19) The applicant shall bear the cost of any adjustment to on street parking in Mary Street, as determined by Council on the recommendation of its Traffic Committee.
- (20) Plans and/or details that satisfy RailCorp's requirements shall be submitted to the Principal Certifying Authority **prior to the issuing of a Construction Certificate.**
- (21) Provision of overhead hoarding "B" Class to the frontages of Deane, Mary and George Streets during construction.

A separate application shall be made to Council and required fees paid pursuant to Council's Schedule of Fees and Charges **prior to the issuing of a Construction Certificate.**

- (22) Details of the method of construction of the development, certified by a structural engineer, are to be provided **prior to the issue of a Construction Certificate** to ensure the structural integrity of the adjacent buildings will be maintained during construction.

BUILDING

- (1) Where residential building work (within the meaning of the Home Building Act 1989) is proposed to be carried out, either of the following is to be provided to the Principal Certifying Authority **prior to the issuing of a Construction Certificate:-**
 - a. Where work is carried out by a licensed tradesman or builder:
 - (i) written advice of the licensee's name and contractor 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-building:-

- (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.
- (2) 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.

- (3) 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 Certifying Authority before excavating.
- (4) 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.
- (5) 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.
- (6) 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.

(7) 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.

(8) Your attention is directed to the following:-

WARNING

Building plans which form part of a Construction Certificate, and are suitably endorsed, must be submitted to a Sydney Water, Quick Check agent or Customer Centre before the commencement of work.

For Quick Check agent details refer to the website www.sydneywater.com.au, see "Your Business" then 'Building & Developing' then 'Building and Renovating', or telephone 13 20 92.

The applicant will need to provide the following information:-

- a. The address of the property including House, Lot and Deposited Plan number.
- b. The name and address of the owner and the builder.
- c. The type of building, type of construction and the estimated cost.

The approved plans and application will be checked to determine whether the proposed works meets with the requirements of Sydney Water concerning:-

- a. Location of sanitary fixtures;
- b. Relationship of the building to water-mains, sewers and stormwater drains and/or easements; and if further requirements need to be met.

Plans will be appropriately stamped.

FAILURE TO SUBMIT THESE PLANS BEFORE COMMENCING WORK WILL RENDER THE OWNER LIABLE TO A PENALTY AND MAY RESULT IN THE DEMOLITION OF THE WORK AT THE BUILDER'S EXPENSE.

- (9) 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.
- (10) No materials are to be stored on Council's roads, footpaths or parks.
- (11) No work involving the use of mechanical plant and equipment being carried out other than between the hours of 7:00am – 5:30pm Monday to Fridays and 7:00am – 1:00pm on Saturdays, with no work at all being carried out on Sundays and Public Holidays.
- (12) Hours of construction work shall be from 7:00am to 5:30pm Mondays to Fridays inclusive, and from 7:00am to 1:00pm Saturdays. No construction work shall be carried out on Sundays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.
- (13) The approved structure shall not be used or occupied unless an Occupation Certificate (being a Final Certificate or an Interim Certificate) as referred to in section 109C(1)(c) of the Environmental Planning & Assessment Amendment Act has been issued.

(Vide section 109M Environmental Planning & Assessment Amendment Act)

- (14) The building works are to be inspected during construction by Council or an appropriate Accredited Certifier at the stages of construction listed in the following schedule;

SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- After excavation for, and prior to the pouring of, any footings;
 - Prior to pouring any in-situ reinforced concrete building element;
 - Prior to covering of the framework for any floor, wall, roof or other building element;
 - Prior to covering waterproofing in any wet areas;
 - Prior to covering any stormwater drainage connections; and
 - After the building work has been completed and prior to any occupation certificate being issued in relation to the building.
- (15) An application for a Construction Certificate is to be made to Council or an Accredited Certifier. Council's 'Construction Certificate Application' is to be used where application is made to Council. Copies are available upon request. A Construction Certificate must be obtained **prior to the commencement of building work.**
- (16) 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, communication and water.

Before you dig call “Dial before you dig” on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no/name, side of street and the distance to the nearest cross street) or register on line at www.dialbeforeyoudig.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 back yard renovator, an individual tradesmen 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, communication and water are not affected by excavation or construction.

- (17) All building works being erected wholly within the boundaries of the property.
- (18) 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.
- (19) The floor of the wet areas being of a material impervious to moisture and graded and drained to the sewers of Sydney Water.
- (20) 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.**
- (21) 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.**
- (22) Treatment for the protection of the building from subterranean termites must be carried out in accordance with Australian Standard AS 3660.1-2000 “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.

After treatment the following is to be carried out:-

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

- (ii) The date of installation of the system.
 - (iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
 - (iv) The installer's or manufacturer's recommendation for the scope and frequency of future inspection for termite activity.
- b. Provide the Principal Certifying Authority with a Certificate which verifies that termite protection has been provided in accordance with Australian Standard AS 3660.1-2000. 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.

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

(23) Dividing Fences Act - Your attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application. Any enquiries in this regard may be made to the Department of Lands on (02) 9228 6726.

(24) A registered surveyor's certificate being submitted to the Principal Certifying Authority 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 roof, show boundary clearances and areas of the site occupied by the building.

(25) Prior to the commencement of building work, the following is to be carried out:-

- a. Submit to Council a "Notice of Intention to Commence Building Work and Appointment of a Principal Certifying Authority" form. Council's 'Notice of Intention to Commence Building Work and Appointment of a Principal Certifying Authority' form is to be used where application is made to Council.
- b. Ensure detailed plans and specifications of the building are endorsed with a Construction Certificate by Council or an Accredited Certifier. Council's "Construction Certificate Application" form is to be used where application is made to Council. Copies are available on request.

(Vide Section 81A Environmental Planning & Assessment Amendment Act)

(26) There shall not be any electricity supply power pole located within the front of the property. If for any reason an electricity supply connection cannot be made to the front of the building in accordance with NSW Service Installation Rules then it shall be necessary for an underground connection to be made to the property from the street supply pole or alternatively, the applicant may approach Council to modify the front elevation of the building to enable a connection in accordance with the NSW Service Installation Rules, to be made.

- (27) A 'Section 73 Compliance Certificate' must be obtained from Sydney Water. Following application for a 'Section 73 Compliance Certificate' a 'Notice of Requirements' will be provided by Sydney Water.

The 'Notice of Requirements' is to be obtained prior to the commencement of building work.

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

- (28) Structural engineer's details prepared and certified by a practicing Structural Engineer for all reinforced concrete and structural members being submitted to the Principal Certifying Authority for approval **prior to the issuing of a Construction Certificate.**

- (29) The Structural Engineer is to also supervise the construction. A Certificate from the supervising Structural Engineer is to be submitted to the Principal Certifying Authority before an Occupation Certificate is issued stating that all reinforced concrete and/or structural members have been erected in accordance with his/her requirements and the relevant SAA Codes.

- (30) Timber sizes and the framework in general are to conform with the requirements of Australian Standard AS 1684 "Residential timber framed construction."

- (31) All building work must be carried out in accordance with the provisions of the Building Code of Australia.

- (32) The building being erected in type A construction for a Class 2, 5, 6 and 7a building in accordance with the Building Code of Australia, Part C.

- (33) Fire Resistance Levels of all structural members, including external and internal walls, external and internal columns, 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.**

- (34) All materials used in the building must comply with early fire hazard criteria of Specification C1.10 and C1.10a of the Building Code of Australia.

- (35) Means of egress including access for people with disabilities 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.**

- (36) Mechanical ventilation/air conditioning details are to be submitted to Council or the Accredited Certifier for approval **prior to the issuing of a Construction Certificate** and must include the following:-

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

- 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 New Zealand Standard AS/NZS 1668 "The use of mechanical ventilation and air-conditioning in buildings", Part 1 and Part 2, Australian Standard New Zealand Standard AS/NZS 3666-2002 and the Noise Control Act, 1975, must be submitted to the Principal Certifying Authority before an Occupation Certificate is issued.

- (37) A Fire Safety Certificate (copies available from Council) is to be given to the Certifying Authority prior to applying for an Occupation Certificate or Interim Occupation Certificate and thereafter once in every 12 month period an Annual Fire Safety Statement is to be given to Council. The certificate and statement attest to both the inspection of all essential fire safety measures by a properly qualified person and to the regular maintenance of the fire safety measures. A copy of the Fire Safety Certificate and the Fire Safety Schedule are to be given to the Commissioner of New South Wales Fire Brigades **by the building owner** and copies of these documents are to be prominently displayed in the building. Similarly copies of Annual Fire Safety Statements are also to be given to the Commissioner and displayed in the building.

(Vide clause 153 & Division 3 of the Environmental Planning & Assessment Regulation 2000)

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

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

- (39) Provide a closet pan and washbasin in a compartment or room at or near ground level and accessible to employees without entering a sole-occupancy unit. Details of the method of achieving this must be noted on the plans **prior to the issuing of a Construction Certificate.**

- (40) Engineering Design – Basement Excavation

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

- (a) Documentary evidence prepared by a suitably qualified professional geotechnical engineer that confirms the suitability of the site for the proposed excavation and building, as well as certifying the suitability and adequacy of the proposed design and construction of the building for the site.
- (b) A report shall be prepared by a professional engineer **prior to the issuing of a Construction Certificate**, detailing the proposed methods of excavation, shoring or pile construction including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises due to building and excavation works. Any practices or procedures specified in the engineer's report in

relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the Construction Certificate.

A copy of the engineer's report is to be submitted to Council, even if the Council is not the Principal Certifying Authority.

- (41) A master television antenna shall be installed within the roof of the building and provision made for connection to each flat prior to the issuing of an Occupation Certificate. Such installation is to be in strict compliance with Australian Standard 1417 Part 1 - Receiving Antenna for Radio and Television - Construction and Installation.
- (42) Approval for the positioning and dimensions of proposed mail boxes shall be obtained from Australia Post in conjunction with the requirements of Council.
- (43) Paved areas are to be graded and drained to the satisfaction of the Principal Certifying Authority.
- (44) External gas water heaters to units are to be located in recessed enclosures within external walls and are to be located so as not to be visible from a public place or road.

DEMOLITION

- (1) Removal of any asbestos must be undertaken in compliance with the requirements of WorkCover. Refer to their publication "Your Guide to Working with Asbestos."
- (2) Demolition of the building is to be carried out in accordance with the requirements of AS 2601 – 2001, where applicable.
- (3) Hours of demolition work shall be from 7:00am to 5:30pm Mondays to Fridays inclusive, and from 7:00am to 1:00pm Saturdays. No demolition work shall be carried out on Sundays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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 (i.e. 9 Deane Street, Burwood and 18 George Street, Burwood). 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 issue of an Occupation Certificate**. The dilapidation surveys shall be dated accordingly.

SUBDIVISION

- (1) A plan of consolidation to bring separate allotments into one lot under one Title being submitted to Council for approval and the issue of a Subdivision Certificate. The linen plan shall be registered by the Land and Property information Office, **prior to the issuing of an Occupation Certificate**.
- (2) The land shown as reserved for local road widening along George Street under the Burwood Local Environmental Plan (Burwood Town Centre) 2010 being dedicated free of charge to the Council for public road purposes. The subdivision plan being submitted to Council for approval and the issue of a Subdivision Certificate. The linen plan shall be registered by the Land and Property information Office **prior to the issuing of a Construction Certificate**.
- (3) A Section 73 Compliance Certificate under the Sydney Water Act, 1994 must be obtained. Application must be made through an authorized Sydney Water Servicing Coordinator (for details see e-Developer at www.sydneywater.com.au or telephone 13-20-92). The Section 73 Certificate must be submitted to the Principal Certifying Authority (PCA) **prior to the release of any Linen Plan of subdivision and/or Occupation Certificate** of the development.
- (4) A separate Development Application being lodged with Council prior to any proposed subdivision of the development.

ENVIRONMENT & HEALTH

- (1) An Environmental Management Plan is to be submitted to Council with the Development Application detailing the control and management methods to be implemented during the excavation and construction phases of the project, such as:
 - 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.
- (2) Provision of a car wash area / bay on each basement level of car parking is to be provided that is to be graded and drained to a waste water disposal system in accordance with the requirements of Sydney Water.
- (3) Mechanical ventilation and or air conditioning systems and equipment are to be designed and installed in locations that do not cause any noise nuisance or disturbance

to near by residential or commercial premises. Details of the type of equipment locations and any noise attenuation treatment are to be submitted to Council for approval prior to the issue of the Construction Certificate.

- (4) 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.
- (5) Separate development application(s) are to be submitted for the fit out of any part of the premises as a commercial food shop. As any such application shall comply with the requirements of AS 4671-2004 Design, construction and fit-out of food premises, Food Act 2003, Food Regulation 2010 and the food Standards Code.
- (6). To ensure that adequate provision is made for ventilation of the building all mechanical and / or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:
 - a. The Building Code of Australia,
 - b. AS 1668 Part 1 & 2 – 1991,
 - c. The Public Health Act – 1991
 - d. Public Health (Microbial Control) Regulation 2000,
 - e. Work Cover Authority,
 - f. AS 3666 –1989 Air Handling and water system of building microbial control
Part 1 - Design installation and commissioning
Part 2 - Operation and maintenance
Part 3 - Performance based maintenance of cooling water systems.

An application to register any regulated system installed must be made to Council prior to commissioning.

WASTE MANAGEMENT

(1) A Waste Management Plan, complying with the requirements of Burwood Council's Development Control Plan No. 17, is to be submitted to and approved by Council prior to the commencement of any works, including demolition, excavation and construction work. The Plan is to address waste management issues, with particular regard to the following:

- Demolition and excavation phase
- On site waste management during construction phase
- Ongoing waste management when facility operation

Demolition & Excavation:

- a. Estimated quantity and type of demolition and excavation material.
- b. Estimated quantities of demolition and excavation materials that are to be reused, recycled and stored onsite and offsite.
- c. Method, Company used and location for reused and recycled demolition materials.
- d. Method, Company used and disposal location for residual demolition material.
- e.

Construction General:

- a. Estimated quantities and type of construction materials to be generated.

- b. Estimated quantities of construction materials that are to be reused, recycled and stored onsite and offsite.
 - c. Method, Company used and disposal location for reused and recycled construction materials.
 - d. Method, Company used and disposal location for residual construction material.
 - e. How ongoing waste management for the proposed development will operate.
- (2) A chute system and or volume reduction equipment is to be provided and installed for dwellings in excess of three (3) storeys. The location and design is to be in accordance with the controls set out in Council's Waste Management DCP No. 17.
- (3) Access to the chute is to be provided at each residential level within an enclosed room which is to be of sufficient size to contain a 240 litre recycling bin or other suitable receptacles such as crates for holding dry recyclable material generated by the occupants of the dwellings over the entire period between collection days.
- Note: there shall be suitable signage installed in each of the chute waste service rooms encouraging the separation of recyclables from the general waste stream.
- (4) Manufacturer's details and specification for the chute system are to be submitted to Council for approval prior to the issue of a Construction Certificate.
- (5) Certification is to be provided by the installer of the chute system prior to the occupation of the building certifying that the Chute has been installed in accordance with the manufacturer's specification.
- (6) 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 Council for approval prior to the issue of the Construction Certificate.
- (7) Separate commercial and residential garbage rooms are to be provided at ground floor or basement level and be of size able to hold the required number of waste and recycling bins for the development. The garbage and recycling rooms shall be constructed in accordance with the following:
- a. Be provided with a hose tap connected to the water supply;
 - b. Supplied with both **hot and cold** water;
 - c. Provided with back flow prevention devices;
 - d. Paved with impervious floor materials;
 - e. Coved at the intersection of the floor and the walls;
 - f. Graded and drained to a floor waste which is connected to the sewer in accordance with the requirements of Sydney Water;
 - g. 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.
 - h. Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

Note: there shall be suitable signage installed in each of the waste service rooms (both residential and commercial) encouraging the separation of recyclables from the general waste stream.

(8) All waste collections are to be carried out from within the building (not from the street or kerb side). The collection contractor is to wheel the bins out of the respective storage areas and return the bins immediately to the storage areas when the bins are emptied.

Note: the building access road and loading dock is to be designed to enable a fully laden waste collection vehicle to be able to access the site and carry out collections from within the building.

Bins are not to be placed out on the street or footpath for collection at any time.

- (9) A Caretaker is to be appointed for the development who will have ongoing responsibility for the proper management of the waste and recycling services.
- (10) The applicant and or the Body Corporate shall provide to Council a legal deed of indemnity which absolves Council and / or its appointed contractors of responsibility in relation to any damage or injury that may arise by entering the premises to provide a waste and recyclables collection service. The indemnity is to be in a form approved by Council's Solicitors and shall be prepared at the applicants and or Body Corporate expense.
- (11) Provision of a waste cupboard or other storage area 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.
- (12) A separate area is to be nominated on the site for the temporary storage of unwanted large bulky goods and items awaiting disposal either privately or through Councils clean up service.
- (13) An area is to be provided for the capability for onsite communal composting. The location and design is to be in accordance with the requirements of Councils Waste Management DCP No. 17.
- (14) Residential and commercial waste and recycling collections are to be carried out in a manner and at times which do not cause a noise nuisance to the immediate or nearby residents.

Note: Council reserves the right to issue a direction under the Protection of the Environment Operations Act to address any noise or other nuisance complaints.

(15) Prior to the issue of the Construction Certificate, the applicant is to arrange with Council's Environment and Health Section the issue of the appropriate number of garbage and recycling bins and payment of the necessary fees to enable commencement of the waste and recycling service.

ENGINEERING

- (1) 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.
- (2) A road-opening permit shall be obtained for all works carried out in 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 restoration rates.

The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$10 million, and shall provide proof of such cover to the Principal Certifying Authority prior to carrying out the works.

- (3) 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 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.
- (4) The following matters apply to the construction of the proposed vehicular crossing.
- a. A vehicular crossing 8 m wide to Mary Street shall be constructed to Council's current Vehicular Crossing Policy and specifications at the applicant's cost. Where the applicant or their contractor wishes to carry out the construction, a Construction Permit must be obtained from Council and the related standard conditions and fees will apply.
 - 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 shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
- (5) 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.
- (6) Stormwater from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe to Council's street drainage system.
- (7) 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, prior to the issuing of a Construction Certificate.
- (8) 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.**
- (9) Vehicles removing demolished materials from the site shall access and depart from the site through George Street & Shaftesbury Road. Vehicles involved in removing materials from the site shall be limited to an 8 tonne gross weight.
- (10) Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to:-

Council's drainage system located at the south west corner of Mary Street and George Street intersection. 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, **prior to the issuing of a Construction Certificate.**
- (11) 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, **prior to the issuing of a Construction Certificate.**

- (12) 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.**
- (13) The following matters shall apply to the Council stormwater works listed in the Table of Fees.
 - a. The Council stormwater works consist of construction of a pit, lintel and pipeline to Council's pit across Mary Street.
 - b. An engineering design and calculations prepared by a competent practicing hydraulic/civil engineer in accordance with Council's Stormwater management Code shall be submitted to the Principal Certifying Authority.
 - (i) The depth and location of all services within the area that would be affected by the construction of the stormwater pipe (ie. 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.
 - (ii) Any adjustments 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 construction commencing.
 - (iii) All pipes shall be 375mm diameter reinforced concrete spigot and socket with rubber ring joints. A Council standard pit shall be constructed in the street outside the property boundary for the property's stormwater to connect to. The stormwater works described above shall be constructed at the applicant's expense. The applicant shall pay the contribution listed in the Table of Fees for Council to construct the stormwater works described above.

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

SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- a. Following placement of pipe bedding material. Confirm trench/pipe location, adequacy of depth of cover, bedding material and depth.
 - b. Following joining of pipes and connection to Council's stormwater system.
 - c. For on-site detention systems:-
 - (i) Following set out of detention tank/area to confirm area and volume of storage.
 - (ii) Following placement of weep-holes, orifice and/or weir flow control, outlet screen and overflow provision.
 - d. Following backfilling. Confirm adequacy of backfilling material and compaction.
- (15) 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, prior to the issuing of an Occupation Certificate.
- (16) 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.
- (17) A Positive Covenant under section 88E of the Conveyancing Act shall be created on the title of the property(s) detailing the
- i) *Finished pavement and ground levels*
 - 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) *Finished pavement and ground levels*
 - 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 agree 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.

- (18) The pump system is only permitted for the drainage of the basement areas where the finished slab is below the ground level. The following conditions are to be satisfied:-
 - a. A pump and rising main design shall be submitted to the Principal Certifying Authority and shall satisfy the following conditions:-
 - (i) The holding tank for the pump shall be capable of storing runoff from a one hour, 1 in 100 year ARI storm event.
 - (ii) The pump system shall consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the lower of the allowable on site detention 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. 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.**
 - c. 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 prior to issuing of an Occupation Certificate.
- (19) 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.
 - (20) 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.
 - (21) 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.
 - (22) 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.
 - (23) When demolition of any existing building is involved, burning of any demolition materials on the site is prohibited. All waste materials to be removed from the site.

STORMWATER

- (24) The property stormwater drainage connection shall be made to Council's existing pit at the south-west corner of Mary Street and George Street intersection. For this purpose a drainage pit and lintel shall be constructed on Mary Street at the north-west corner of the property. A 375mm diameter RCP shall be laid across Mary Street to the mentioned pit at the other side of the street. The applicant shall provide Council with a detailed drawing of the new pit and pipeline to be laid for stormwater connection **prior to the issuing of Construction Certificate.**
- B. That persons who made submissions be advised of Council's decision.
 - C. That the RTA and RailCorp be forwarded a copy of the consent.
 - D. That the matter of angle parking in Mary Street be referred to Council's Traffic Committee for consideration to conversion to parallel parking.
