

JRPP No:	2011SYE031
DA No:	15/2011
PROPOSED DEVELOPMENT:	42 Seniors Living Apartments and new Theological College. - 77-81 Shaftesbury Rd & 1 Clarence St Burwood
APPLICANT:	Cerno Management Pty Ltd
REPORT BY:	Brian Olsen – Burwood Council

Assessment Report and Recommendation

Applicant: Cerno Management Pty Ltd
Location: 77-81 Shaftesbury Road & 1 Clarence St, Burwood
Zoning: B4 Mixed Use – Burwood Town Centre
Cost: \$21,500,000

Proposal

The development consists of three main elements:

1. *Presbyterian Theological Centre* (partially combined with the existing heritage building), accommodating:

- Administrative offices
- Lecture rooms and classrooms
- Breakout spaces, including informal seating areas
- Dining room and associated kitchen facilities.

This will involve the following works:

- Demolition of the ground floor annex, the building's western elevation
- Addition of a two storey glazed link between the proposed college building and the heritage building
- New openings in the eastern wall at first floor level to allow access between the heritage building and new college building via a link bridge
- Internal renovation of the ground, first and attic floors to meet BCA requirements, including installation of a sprinkler system
- Refurbishment of the building's interior
- Refurbishment of the boundary picket fence and lich gate
- Construction of stepped access from the entrance to the new college building and the existing gardens.

2. *Presbyterian Theological Centre (PTC)* building comprising:

- Teaching facilities, library and classrooms in a four storey brick building to the west of the heritage building
 - ground level: large communal space with associated servery opening out to a new terrace towards Clarence Street
 - first floor level: meeting and activity rooms
 - second and third floor levels: library

3. *Seniors housing* comprising

- Part 4 and part 10 storey building providing 42 self care dwellings for a total of 100 beds (Seniors Living) in the northern part of the site fronting Clarence Street with community facilities at the lower level for use by the residents, and

car parking in two basement levels with access from Shaftesbury Road.

Parking is to be provided for 67 cars:

- 46, including 3 visitor spaces for the Seniors Living under the 4 and 10 storey building
- 15 spaces for a maximum of 53 students (increasing to 60 over 10 years) and 6 visitor spaces under the PTC building.

No change is proposed to the current hours of operation, which are:

- Monday & Thursday: 8.30am to 5.00pm
- Wednesday & Friday: 8.30am to 4.30pm
- Tuesday 8.30am to 9.00pm

The fundamental use of the site will remain the same, i.e., training pastors, church planters, deaconesses, missionaries and youth workers..

Background

Pre-DA advice was provided to the applicant on 22 September 2010 and 10 December 2010. The applicant responded with amended plans submitted on 24 November 2010 and 11 February 2011, which addressed matters raised in the letters, in particular:

- Modification of the building to comply with Council's development controls of height, Floor Space Ratio (FSR) and Building Height Planes (BHPs), including a reduction in height of the western wing of the Seniors Living building from 5 to 4 storeys
- Building setbacks increased, where possible
- Design changes to improve the relationship between the heritage building and the new college building.

Statutory Requirements

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

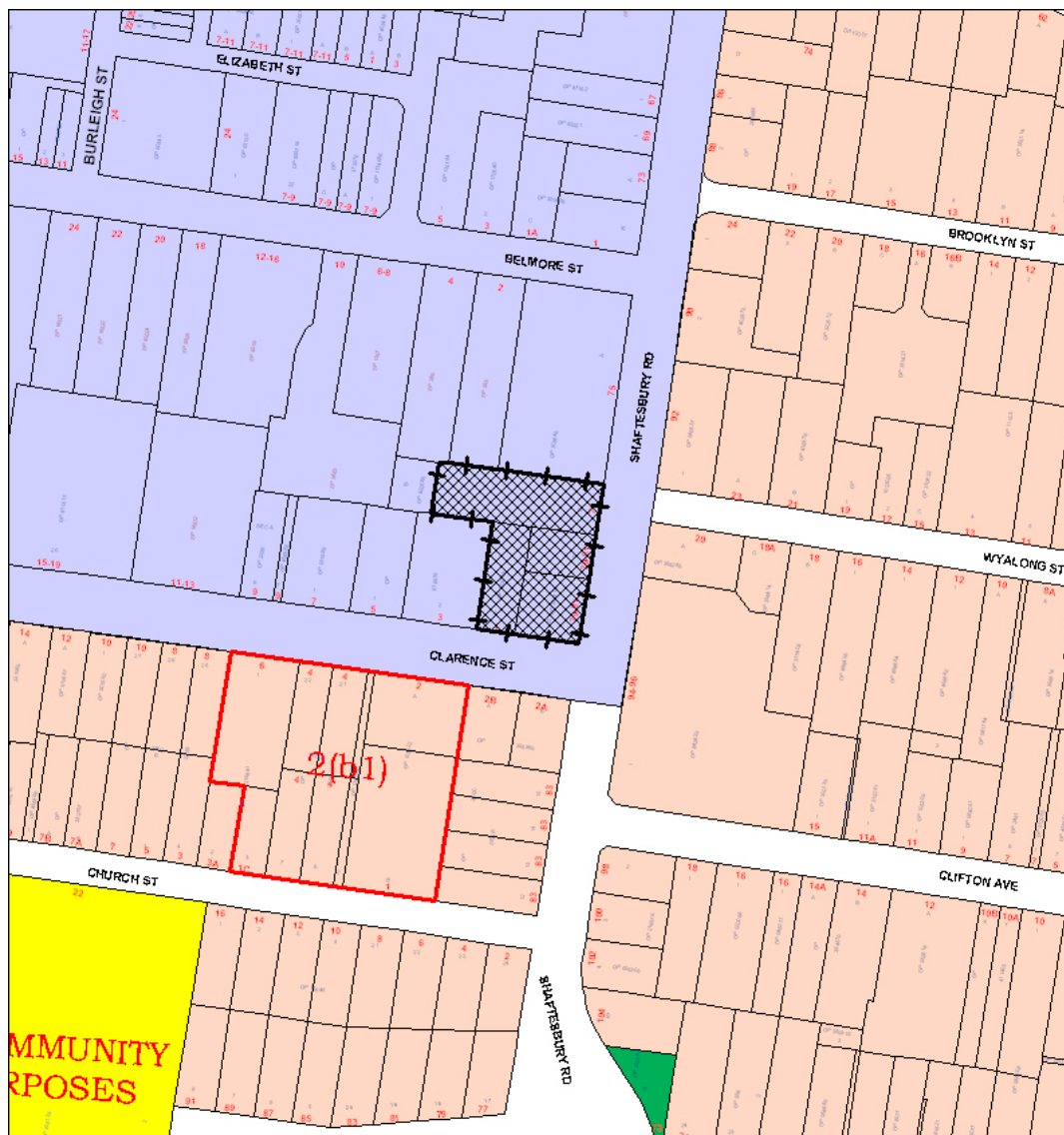
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) – SEPP (Seniors Living).
- State Environmental Planning Policy No. 65 – Design Quality of Residential Development – SEPP 65, and NSW Residential Flat Design Code - RFDC.
- The provisions of an environmental planning instrument – Burwood Local Environmental Plan (Burwood Town Centre) 2010 - BLEP 2010.
- The provisions of Development Control Plan (DCP) Part No. 36 (Burwood Town Centre) – DCP Pt 36.
- 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 site comprises an 'L' shaped parcel of land with an area of approximately 2800m² and street frontages of 31m to Clarence Street and 49m to Shaftesbury Road.

The site slopes to the north falling 4.24m from the southern boundary at Clarence Street to the north-west corner.

It currently accommodates a number of buildings which contain the existing theological college and ancillary residential accommodation. Existing facilities include an auditorium/chapel seating 150 persons, two lecture seminar rooms seating 46 and 32 persons, common areas, library, staff offices and interview room. This library of over 40,000 volumes is registered as a public library which is also available to the general public.

All buildings are to be demolished with the exception of the heritage building on 79-81 Shaftesbury Road.

Adjoining to the north along Shaftesbury Road and on the corner with Belmore Street are 2 RFBs (3 storey and a 4 storey) owned by the Salvation Army . Otherwise there are 3 storey residential flat buildings (RFBs) to the north, west and south. Diagonally opposite in Shaftesbury Road is the Burwood RSL Club, and opposite to the south and across Clarence Street and west across Shaftesbury Road are single dwelling houses. Shaftesbury Road is designed as a 'collector road' under the current road hierarchy.

Planning Assessment

The development has been assessed against the Seniors Living SEPP, NSW Residential Flat Design Code, SEPP 65 (Design Quality of Residential Development), Burwood Town Centre LEP 2010 and Burwood DCP Part 36, as follows:

	Required	Provided	Compliance
SEPP (Seniors Living)			
• Location & access to facilities	Access to shops, community & recreation and medical facilities	Within walking distance of BTC and handy public transport	Yes
• Accessibility	Compliance	Access report with recommendations	Yes, subject to recommendations of report being made conditions
• Site area	1000m ²	2800m ²	Yes
• Site frontage	20m	26m/60m – Clarence St/ Shaftesbury Rd	Yes
• Landscaped area	30% of site area	39.6%	Yes
• Deep soil zones	15% of site area	17%	Yes
• Solar access	70% of dwellings to receive 3 hours between 9am &	All dwellings will receive 3 hours between 9am &	Yes

<ul style="list-style-type: none"> Private open space for self-care housing Parking 	<p>3pm mid-winter</p> <p>15m² for ground floor 10m² for upper floor dwellings 0.5 spaces per bed (100 beds in 42 rooms) – 50</p>	<p>3pm mid-winter</p> <p>> 15m²</p> <p>10m² (+ or -)</p> <p>51</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>SEPP 65</p> <p><u>RFDC</u></p> <ul style="list-style-type: none"> Building separation <ul style="list-style-type: none"> building on property to <u>north</u> building on property to <u>west</u> 	<p>Design verification statement</p> <p><u>Up to 4 storeys</u> (12m high) - 12m between habitable rooms/balconies <u>5 to 8 storeys</u> (up to 25m) <u>9 storeys/over 25m high</u></p> <p><u>Up to 4 storeys</u> (12m high) - 9m between habitable rooms/balconies and non-habitable rooms <u>5 to 8 storeys</u> (up to 25m) - 12m between habitable rooms/balconies <u>9 storeys/over 25m high</u></p>	<p>Statement submitted</p> <p>11.0m</p> <p>N/A</p> <p>N/A</p> <p>9.3m</p> <p>10.358m (to west & 11.2m (to north)</p> <p>N/A</p>	<p>Yes</p> <p>No*</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>No*</p> <p>N/A</p>
<p>BTC LEP 2010</p> <ul style="list-style-type: none"> Height Lot size Floor Space Ratio (FSR) 	<p>30m</p> <p>500m²</p> <p>3.0:1</p>	<p>30m at highest point 2800m²</p> <p>2.4:1</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>DCP Pt 36</p> <ul style="list-style-type: none"> Building Height 	<p>Clarence St - 33°</p>	<p>Shown on plans to</p>	<p>Yes</p>

Plane	Shaftesbury Rd - 36°	be fully contained 6m to Clarence St & Shaftesbury Rd	Yes
• Street front setbacks	6m to Clarence St & Shaftesbury Rd		Yes
• Building setbacks (equal to half bldg separation – see RFDC above)	Building on property to north – 6.0m Building on property to west (3 Clarence St) - 4.5m - 6.0m	3.75m & 5.0m 3.0m (minimum to south boundary) 3.0m (minimum to west boundary)	No* No* No*
• Communal open space	0.6m soil depth over 50% of area	Complying landscape plan prepared	Yes
• Apartment mix	Mix of dwellings	Mix of 1, 2 & 3 bed apartments	Yes
• Minimum dwellings sizes	1 bed – 50m ² 2 bed – 70m ² 3 bed – 95m ²	Minimums exceeded	Yes
• Building depth	18m – glass line to glass line	Buildings comply	Yes
• Ceiling height	3.3m – ground flr 2.7m – above grd	Generally 3m	Yes
• Private open Space	1 bed – 2m depth 2+ beds – 2.5m 1 & 2 beds - 8m ² 3+ beds – 10m ²	Partly	Yes*
• Parking for staff & students (tertiary)	1 space per 400m ² + 1 space per 80m ² of additional floor area – 1500m ² ; 14.75 (15) spaces	15 spaces	Yes

No* - Building separation / setbacks from boundaries

Comment

Building separation relative to the existing building at 75A Shaftesbury Road on the adjoining property to the north at 11m does not comply to a minor extent. However, the separation is not shared equally with these properties as the building setback is 3.75m rather than 6m, which may limit its development potential in the future should redevelopment be sought in the long term.

As this building to the north is a relatively new residential flat building, it is unlikely that it will be redeveloped in the foreseeable future.

Given that the proposed building is set back from 10.6m to 12m, the proposed setback/separation from this building is considered acceptable.

With respect to the 3 storey RFB on 2-4 Belmore Street adjoining to the north, there is currently a 2-3 storey building, originally erected as a squash court and subsequently converted to a library and lecture rooms, on the subject site with a setback of 1.2m. While the proposed setback of 5m is one metre less than the 6m required, it is a significant improvement over that existing and allows for screen planting. Accordingly, this setback is considered acceptable.

The west wing of the proposed development (Block B) is on that part of the subject site which adjoins 10 Belmore Street on which there is a 3 storey RFB. The building separation is 7.4m and the setback of the proposed building to the common boundary is 3.2m. The building separation should be 9m (between habitable rooms) and setbacks of 4.5m to the boundary. However, because there is only a secondary bedroom window facing west, and this is offset, this setback is considered acceptable.

The adjoining property to the west at 3 Clarence Street is a 3 storey RFB. The building separation between this and the subject proposal along the northern and eastern common boundaries, are 11.2m and 9.6m respectively. The separation to the north is slightly less than the 12m required. However, the setbacks are 3.0m (minimum) which means that most of the separation is on the adjoining property, thereby limiting its future development potential.

Given that only bedrooms to units in the proposed development and not living rooms face the building at 3 Clarence Street, and the existing building is set back about 1m, the northern building separation is considered acceptable.

The RFB at 3 Clarence Street comprises a building which increases in width the further back it is from the Clarence Street frontage. The building separation of this RFB from the proposed building is 10.9m at the front, decreasing to 9.6m from the common boundary with the proposed development, as the RFB widens. This is less than the desirable building separation of 12m.

Mindful that the proposed building steps back from Clarence Street in compliance with the building height plane, and subject to conditions that restrict overlooking from bedrooms and balconies, the less than required building separation from the RFB at 3 Clarence Street is considered acceptable. In addition, the balcony closest to the northeast corner of 3 Clarence Street at each floor is considered intrusive and would be recommended for deletion.

However, there is concern over the extent of overshadowing from the upper floors of the 10 storey building. In this regard it would be recommended that Levels 8 and 9 be set back a further 2 metres from the eastern boundary as well as alterations to the roof design to facilitate solar access.

Yes* - Private Open Space

Under DCP Part 36, private open space is required to be provided according to the following criteria:

- minimum depth of 2 m (up to 1 bedroom)
- minimum depth of 2.5m (2 or more bedrooms)
- minimum area of 8m² (1 & 2 bedrooms)
- minimum area of 10m² (3 bedrooms or larger)

Comment

In some units the balcony areas are marginally below 10m². However, this is outweighed by the ample amount of communal open space – both indoor and outdoor at ground level, and is considered acceptable.

SEPP 65 – Design Quality Principles

The applicant has addressed these Principles satisfactorily in the SEPP 65 Design Verification Statement and Compliance Table – Residential Flat Design Code by Architects Contempo submitted with the DA. A copy of this document is attached to this report. The applicant's discussion of the Principles and planning comment are as follows:

- Principle 1: Context

The surrounding built form is a mix of residential and commercial, infrastructure and community facilities. The proposal is in keeping with the current mix of uses on surrounding sites which include single to eight storey buildings, and the future desired character for the area

Comment

Agreed. The proposed development is considered to be in context with the B4 zoning and Town Centre context.

- Principle 2: Scale

The proposal complies with the 30m maximum height permissible and applicable Building Height Planes. The part 10 storey (Block A) is limited to the north-west section of the site due to site constraints and to limit potential overshadowing to surrounding development.

Comment

Agreed, although measures are recommended to improve solar access to 3 Clarence Street.

- Principle 3: Built form

The building masses are appropriately articulated by considered massing within the prescribed building height planes aiming to reduce bulk at a large scale and the use of detailed elements at a small scale.

Comment

Agreed, although a variation of material is recommended to reflect the heritage building. Further, vistas to the heritage building from Shaftesbury Road and Clarence Street are maintained through landscape setbacks and distinct separation of the heritage building from Block A.

- Principle 4: Density

The B4 Mixed Use zoning of the site has an allowable Floor Space Ratio (FSR) of 3.0:1. A FSR of 2.4:1 is proposed.

Comment

Agreed. The site is proposed to be developed to 80% of its potential available under Burwood LEP 2010.

- Principle 5: Resource, energy and water efficiency

The proposed development has met the targets of the Building and Sustainability (BASIX) Certificate and has been provided a number of measures for sustainable design, such as collection and re-use of rainwater for grey water usage and the like.

Comment

Agreed.

- Principle 6: Landscape

The development is proposed to be extensively landscaped along the northern and south-eastern perimeter areas of the site.

Comment

Agreed, however there is minimal opportunity for screen landscaping along the common boundaries with 3 & 5 Clarence Street, due to narrow setbacks.

- Principle 7: Amenity

Amenity for future Senior Living residents is provided through appropriate room dimensions and shapes designed in accordance with Australian Standard accessibility codes, and provision of communal and recreation facilities. The site is close to bus and train services, shopping, clubs, etc. Units have a northern orientation, private balconies, good flow through ventilation and storage that provide a high level of amenity. Similarly other users of the site have access to lounge, recreational and outdoor courtyard areas.

Comment

Amenity for future residents and users of the site is good. Conditions are recommended to improve the amenity of residents on adjoining properties by limiting the impacts of overlooking and overshadowing

- Principle 8: Safety and security

Safety and security has been provided for residents by limiting public access by a singular entry point for both vehicular and pedestrian access and a 'resident only swipe card'. Similarly, the Theological Centre will have a single entry point monitored by reception. Further lighting of landscape spaces and main entry areas will be well lit to maximize personal security.

Comment

These arrangements are satisfactory.

- Principal 9: Social dimensions

The single entry point off Shaftesbury Road and the communal and recreational facilities near the main entry have been located and designed to encourage social interaction. The site is well located to provide easy access to neighbouring facilities such as Burwood RSL Club, Westfield Shopping Centre, cinemas, cafes/restaurants, other shopping retail outlets and medical services.

Comment

Agreed.

- Principle 10: Aesthetics

'The use of materials has been selected to provide a rich and enduring character which will enhance the ambience and significance of the site.'

Comment

The choice and colours of materials is generally satisfactory. However, it is considered that there should be a stronger link with a main colour/material of the heritage building. In this regard, the red brick could be suitable which could be achieved through re-cycling the bricks of the demolished buildings at 1 Clarence Street and 77 Shaftesbury Road.

NSW Residential Flat Design Code (RFDC)

The RFDC provide a number of parameters for achieving good design outcomes for residential flat development. Relevant parameters are discussed below.

1. Local context

- *Building envelope* is constrained by the need to retain the heritage dwelling on 79-81 Shaftesbury Road and Building Height Planes. In this situation varied articulation and setbacks assist in assimilating the proposal to its locality and future desired character.
- *Building height, depth and floor space ratio* are satisfactory.
- *Building separation, setbacks and side and rear setbacks* do not comply in several instances. However, given the constraints and circumstances of the application, and recommended conditions to address amenity concerns, they are considered acceptable (see above comments).

2. Site Design

- *Deep soil zones* – the code's parameter of 25% of the site is not achieved as only 15.4% is provided. However, with the addition of landscaped areas provided along property boundaries of the site, the level of soft landscape areas total approximately 25%. In this regard a condition is recommended that paving to the north of Blocks A & B, to the west and south of Block B and to the west of the PTC be made of porous material to assist rain water infiltration and water availability to plants on adjoining properties.
- *Fences and walls* are satisfactory except for the north-west corner of the site, the lowest point, where the top of the boundary fence/retaining wall at RL 35.5 is about 2.776m above natural ground level (NGL). This is due to the floor level of Block B being RL 34.0 at this point, or 1.276m above NGL (similar to the existing building). Lowering of the wall would necessitate a re-design of Block B and the car park levels below. This cannot be justified given that the south side of Block B, at most, is 250mm above NGL and satisfactory and there would be minimal benefit.
- *Landscape design* is acceptable but because of narrow setbacks to boundaries common with 3 & 5 Clarence Street, the landscaping has aesthetic value rather than acting as a screen.
- *Planting on structures* – because planting around Block B and to the north of Block A is over the car park, there is no deep soil for substantial trees. As such, a condition requiring a minimum depth of 500mm is recommended to support proposed landscaping in these locations.

3. Building Design

- *Apartment design, mix, balconies, ceiling heights, storage and the like are satisfactory.*
- *Acoustic privacy, daylight access (for residents) and natural ventilation are satisfactory and have been addressed above.*

Comment

The proposed development generally satisfies the principles espoused in SEPP 65 and meets most of the parameters of the NSW RFDC. Where there are shortcomings, these are considered justified in the circumstances, or having regard to the desired future character for the area, or addressed by recommended conditions.

Referrals

Roads & Traffic Authority (RTA)

The RTA raises no objections to the proposed development.

Manager Traffic and Parking

Council's Manager Traffic and Parking has advised that several parking spaces require amendment, bicycle parking be provided and a 50mm median be installed at the entrance to the car park to distinguish between entrance and exit lanes.

These requirements can be addressed by conditions.

Heritage Advisor

Council's Heritage Advisor raises no objections subject to conditions as recommended.

Senior Engineer

Council's Senior Engineer raised no objections subject to conditions as recommended.

Community Consultation

Twenty-three (23) submissions have been received in response to notification of the proposed development, 11 in favour of the development and 12 against. Of these, only 5 submissions were from adjacent properties or the immediate vicinity.

The submissions in support of the proposal cited reasons of:

- Staff and students say the additional space for the PTC is required to ease cramped conditions.
- Modernization will provide a purpose-built facility for use by the Church and the community, including a high quality library.
- The Seniors Living housing, being located in a town centre context will be close to a range of social and community facilities, and provide accommodation for elderly people within the local area.
- Positive impact of continuing Church and church-based education facility on the community.
- Retention of heritage building.
- Availability of library to general public.
- Provision of on site parking for staff and students.
- Proposal supports the growth of Burwood as a sub-regional centre.

Comment

The above points reflect the many advantages to future users of the facility, from church-goers to students, seniors living occupants, library users and heritage conservation. Retention of the Church and expansion of the education facility should also benefit the community, while the development is consistent with Burwood's role as a major centre in the Metro Strategy.

The grounds of objection relate to:

- Poor architectural and design quality.

Comment

Buildings in the area comprise a mix of styles of different ages, including single welling houses, heritage dwellings, 1970s and 1980s RFBs, the RSL and the current Theological centre. The proposed development reflects current urban design with good articulation, steps away from road frontages and landscape setbacks which accommodates and provides a comfortable setting for the heritage building on the site. As such, the design of the proposed development is considered acceptable and appropriate for the locality.

Building materials are acceptable subject to an improved relationship between the heritage item and proposed building that could be achieved with shared materials, such as the red brick replicated in the latter. A condition to this effect is recommended.

- No relation to existing streetscape on either Shaftesbury Road or Clarence Street.

Comment

No objection is raised from Council's heritage planner on this basis. Further, building setbacks to Shaftesbury Road and Clarence Street are complied with, as well as the Building Height Plane (BHP) from Shaftesbury Road. It is noted that Burwood RSL opposite and the Salvation Army development adjoining to the north do not reflect heritage items in the locality.

- No. 77 Shaftesbury Road not incorporated in design.

Comment

It would be onerous to require that 77 Shaftesbury Road or its façade be incorporated in the proposal, as it is not listed as a heritage item. Nevertheless, detailed recording of this building and that at 1 Clarence Street would be required as a condition of any approval.

- Out of scale with locality – too high, too large.

Comment

The proposed development is within the Height, Building Height Plane (BHP) and Floor Space Ratio (FSR) permitted for the location under Council's LEP 2010 and DCP Part 36, consistent with the desired future scale for the area. Further, the 10 storey building recedes from both street frontages so that its impact is lessened on properties opposite.

- The 10 storey building will overlook/overshadow properties in Clarence Street.

Comment

Overlooking from the 10 storey building can be addressed by conditions that delete or screen balconies, make windows to rooms highlight or similar measures which would be recommended. However, there would be overshadowing of the rear and east sides of the building on 3 Clarence Street from the 4 storey building to the north and 10 storey building to the east on 21 June (the winter solstice). This necessitates amendment of Levels 8 & 9 of the 10 storey building to set them further east to increase solar access.

- Impact on nearby heritage items/conservation areas of Burwood.

Comment

Although the development will be visible from surrounding properties including heritage items, it is considered that their significance will not be compromised

- Size, height, proximity and design of the development overpower the heritage building at 79-81 Shaftesbury Road.

Comment

The frontage landscape setbacks of the heritage dwelling to Shaftesbury Road and Clarence Street are to be retained and the new building set back 3.2m to the north and west. Given that the FSR is well below that permissible, the proposed scale of development and consideration of the heritage dwelling is acceptable.

- Greater separation of proposed building from 79-81 Shaftesbury Road required.

Comment

See above comment

- Additional traffic and congestion in Shaftesbury Road.

Comment

Council's Manager Traffic and Transport has raised no objection to the proposed development on parking or traffic grounds, other than some minor changes.

- Inadequate recording of 77 Shaftesbury Road and 1 Clarence Street.

Comment

See above comment

- Visual impact of and overlooking by bulky building to the rear of 3 Clarence Street.

Comment

See above comment

- Proposed development would compromise the future development of 3 and 5 Clarence Street.

Comment

While the properties at 3 & 5 Clarence have a lesser building separation from the subject development than desirable, these properties comprise a combined site area of 1760.57m² and a frontage of 45.71m. As such, there is flexibility to maximise development potential on the site, especially as a rear setback of about 13m would be required to comply with the maximum 30m height and BHP from Clarence Street, as set out in DCP Part 36. With recommended conditions to limit overlooking from the proposed development and improve solar access, the lesser building separation is consideration acceptable in the circumstances.

- Proposed development will create future amenity problems for 3 & 5 Clarence Street (which are in the one ownership) through setbacks of 1.7m, 1.9m and 2.2m from the proposed development to the common boundary.

Comment

The setbacks cited are those to lifts or fire stairs which do not have openings to the Clarence Street properties and thereby have minor impact on amenity in terms of proximity. Setbacks with openings to the south and west common boundaries are 3m and can be addressed by conditions to mitigate any overlooking concerns. Further, although the setbacks are less than desirable, the building separation exceeds 9m, and with the recommended conditions, is considered satisfactory.

- The NSW RFDC specifies 12m separation between buildings – this should be divided equally between the two properties.

Comment

Ideally this is the case. However, having regard to the merits and circumstances of the application and the ability of the Clarence Street properties to be developed to their potential, the inequality in splitting the building separation requirement is accepted.

- Lack of screen landscaping between the subject and adjoining Clarence Street properties.

Comment

Given the narrow setbacks to the common boundaries with the Clarence Street properties there is limited opportunity for landscape screening, although aesthetic planting is provided.

Accordingly, conditions to restrict overlooking as mentioned above are required to protect privacy of these properties.

- Overlooking of properties in Belmore Street.

Comment

See above comment.

Conclusion

The proposed development is of nature, scale and design that is appropriate for the area and consistent with the desired future character for Burwood Town Centre.

There is non-compliance with respect to building setbacks/separation, particularly in relation to properties in Clarence Street. This is mitigated through the replacement of the existing squash court building by a seniors living building (west wing – Block B) with increased setbacks. Amenity can be further improved for these properties through recommended conditions and minor modifications. These will also address solar access to such properties.

The recommended conditions are considered to be sufficient to ensure an acceptable level of amenity and not limit their future development potential.

Accordingly, the development application is recommended for approval, subject to conditions.

Recommendations

- A. That Development Application No. 2011.015 for Demolition of three (3) separate existing buildings housing a theological centre, partial demolition of an existing heritage building, excavation of three (3) levels of basement car parking, construction of a part 4/part 10 storey building containing 42 Senior Living apartments and a new Theological College be APPROVED subject to the following conditions:
- (1) The development being carried out in accordance with architectural plans, ref. Job No. P0927, drawing Nos. A.01 to A25 (inclusive) and information submitted on 11 February 2011, as amended on 11 and 20 April 2011, together with the following material, except where amended by the conditions of consent, as follows:
- Statement of Environmental Effects by Urbis dated February 2011.
 - SEPP 65 Design Verification Statement and Compliance Table – Residential Flat Design Code by Architects Contempo received 11 February 2011.
 - BASIX certificate No. 359623M_02 dated 03 March 2011.
 - Survey Plan by William L Backhouse Pty Ltd, reference CH4458.001 & 002.
 - Waste Management Plan received 11 February 2011.
 - Photo-montages and
 - Shadow diagrams of summer and winter solstices received 11 February 2011, and existing shadows compared with winter solstice received 18 April 2011 by Contempo Architects.
 - Stormwater Concept plans by Cardno ITC received 29 April 2011.
 - Statement of Heritage Impact by Rappoport Pty Ltd dated February 2011.
 - Statement of Environmental Effects – Landscape Works dated 7 February 2011, Landscape Plan No. DA/L01 and Landscape plans received 15 April 2011.

- Arboricultural Assessment of Trees by Australian Tree Consultants Pty Ltd received 11 February 2011 and 20 April 2011 including addendum report dated 5 April 2011.
- Plan of Colours and external materials received 11 February 2011.
- Letter from Cerno Management dated 9 February 2011 re Nos. 2 - 4 Belmore Street, Burwood.
- Letter from Cardno ITC dated 07.02.2011 and report and plans re electrical services, dated February 2011 (ref. ITCE 1017).
- Transport report dated February 2011 and letter re Traffic Implications dated 9 February 2011, by Colston Budd Hunt & Kafes Pty Ltd.
- Access Review report by MGAC dated 7 February 2011.
- Preliminary Acoustic Review by Acoustic Logic dated 03/02/2011.
- Letter from Steve Watson & Partners re BCA compliance dated 9 February 2011.
- Letter from Scientific Fire Services (ref. Q11820111) dated 8 February 2011.
- Letter from PTC dated 1 April 2011.

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 **\$75,250.00**
(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 **\$56,500**
(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) Construction by Council of the proposed Vehicular Crossing and if applicable removal of existing redundant Vehicular Crossing **\$15,368**
(Payment to be made to Council)
- (5) **If Council is nominated as the Principal Certifying Authority (PCA)** an inspection fee is to be paid.

This fee is for 6 inspections and any additional inspections, including re-inspections, shall be levied and paid to Council upon booking of an appointment at the rate of \$105.00 (including GST) per half hour or part thereof. **\$630.00**
(Payment to be made to Council).

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

Contribution Element	Contribution
A levy of 4 per cent of the cost of carrying out the development, where the cost calculated and agreed by Council is \$21,500,000	\$860,000

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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 with the Construction Certificate:**

- Levels 8 and 9 of Block 'A' be set back a further 2 metres from the eastern boundary, the penthouse butterfly roof be amended to a low pitched roof and the plant room roof on the part 4 storey building (Block B) reversed in

slope to facilitate solar access to 3 & 5 Clarence Street.

- West facing windows to the ground floor 'recreational area', Level 1 learning rooms and Level 2 library and meeting room are to be of obscure/translucent glass, with any opening to be 1.5m above floor level.
- West facing windows to bedrooms of Block B are to be highlight or obscure/translucent glass.
- The balcony to the living unit at the south-west corner of each level of the residential component of Block 'A' shall be deleted.
- Bathroom, laundries and stairway windows on the south and west side of Block 'B', and those on the west side of Block 'A', are to be obscure/translucent glass.
- The balustrades of balconies are to be either solid or made of translucent/obscure glass.
- The materials of the new building shall incorporate at least one element of the heritage dwelling such as the roof or red brick colour, or one of its predominant materials (e.g., recycled red bricks from 1 Clarence Street/77 Shaftesbury Road).

(1) The visitor parking spaces being paved, line-marked and signposted and freely accessible for all visitors to the premises **prior to the issuing of an Occupation Certificate.**

(2) The minimum basement car park floor to ceiling height, measured clear of service lines and driveway entrance, being 2.15m.

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

(3) The hours of operation of the college being confined to:

- Monday & Thursday: 8.30am to 5.00pm
 - Wednesday & Friday: 8.30am to 4.30pm
 - Tuesday 8.30am to 9.00pm
- without further approval of Council.

(4) The maximum number of students on the premises being limited to 60, without further approval of Council.

(5) 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.

(6) All service loading and unloading in relation to the use of the premises taking place wholly within the property.

(7) All ground level courtyards being enclosed with a wall or fence (minimum 1.5m, maximum height 1.8m) and all courtyard wall fencing, facing a common area, public place or road, being constructed in masonry similar to the type and colour to be used in the building or in other materials acceptable to the Council.

Samples of materials are to be submitted for Council's approval **prior to the issuing of a Construction Certificate.**

- (8) All services including electricity mains, telephone, water and sewerage are to be installed underground.
- (9) 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.
- (10) Samples and details of all external surface materials being submitted for Council's approval, **prior to the issuing of a Construction Certificate.**
- (11) 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.**
- (12) No drying of clothing being permitted on balcony and patio areas which are visible from a public place.
- (13) 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.
- (14) The noise emitted by the air-conditioning equipment being inaudible in your neighbours' homes between 10pm and 7am weekdays and 10pm and 8am on weekends and public holidays.
- (15) 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.
- (16) Submission of a Demolition and Construction Traffic Management Plan to Council's Manager Building & Development **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.
- (17) Compliance with the Commonwealth Disability Discrimination Act Access Code 2010 and the recommendations contained in the report of the Access Review by MGAC dated 7 February 2011.
- (18) Implementation of the potential acoustic treatments cited in the Preliminary Acoustic Review by Acoustic Logic dated 3 February 2011.
- (19) Paving to the north of Blocks A & B, to the west and south of Block B and to the west of the PTC shall be made of porous material to assist rainwater infiltration and water availability to plants on adjoining properties.

(20) A minimum soil depth of 500mm is to be provided in the landscape areas around Block B and to the north of Block A to support proposed landscaping.

HERITAGE

(1) All works set out in Appendix 1 to the Statement of Heritage Impact (prepared by Rappoport Pty Ltd, dated February 2011), including restoration of the lich gate and picket fence, shall be completed **prior to the issue of an Occupation Certificate**.

(2) A Geotechnical Report shall be prepared by a suitably qualified engineering professional which assesses the structural stability and long-term retention of the existing heritage house with reference to the works associated with the excavation and construction of the basement carpark. The report shall detail the manner of shoring and excavation to ensure the structural stability of the existing building. The report shall be submitted to Council for approval by Council's Heritage Advisor **prior to the issue of a Construction Certificate**. Satisfaction of this condition shall be confirmed upon written advice by Council.

(3) The shoring, excavation and methods of construction are to adhere to the technical recommendations set out in the Geotechnical Report referred to in Condition (2) above.

(4) Any structural damage which occurs to the existing heritage building during the undertaking of site preparation and construction work, shall be repaired and restored to a standard which would enable the occupation of the premises as a commercial premises **prior to the issue of an Occupation Certificate**.

(5) Any repair and/or replacement of external features upon the existing heritage house shall only be replaced by "like for like" elements, having the same material, profile, colour and finish of the original.

(6) Any new exterior brickwork or repair of existing brickwork pertaining to the western elevation (rear) of the heritage house shall be "made good" using bricks which match the colour and pattern of the existing bricks as far as possible.

(7) The slate roof upon the existing heritage house shall be retained.

(8) All unpainted surfaces upon the façade of the existing heritage house shall remain unpainted.

(9) Hot water and air conditioning unit/s shall not be fitted to the eastern or southern elevations of the exterior of the existing heritage house, nor anywhere on that building's exterior where the unit is fixed more than 2 metres in height above natural ground level.

(10) Security bars shall not be fitted to the windows on the existing heritage house. Should security upgrading be required, security locks/devices shall be fitted to the building's interior.

(11) A photographic recording of the exterior of the dwelling-houses at No. 77 Shaftesbury Road and 1 Clarence Street shall be undertaken by a suitably qualified professional prior to the demolition of built structures on site. The photographic recording shall be undertaken in accordance with the NSW Heritage Branch guidelines and two (2)

complete copies submitted to Burwood Council. The photographic recording shall include (but not be limited to) the exterior of the dwelling-house, and the context of the site.

Any boarding over window and door openings shall be removed for the duration of the photographic recording to provide clear recordings of the building form and materials. It is requested that any historical research or similar material not previously submitted to Council accompany the photographic recording in the interests of future historical reference. Satisfaction of this condition shall be confirmed upon written advice by Council's Strategic Planning Team.

TREES & LANDSCAPING

- (1) **Existing trees** required to be retained and protected throughout the construction process are located within 81 Shaftesbury Road and consist of:
- One (1) camphor laurel (*Cinnamomum camphora*) located on the south-eastern corner (Shaftesbury Rd & Clarence St).
 - One (1) jacaranda (*Jacaranda mimosifolia*) located immediately to the west of the above camphor laurel.
 - Two (2) petticoat palms (*Washingtonia robusta*) located on the eastern side of the heritage dwelling.

These four (4) trees are required to have tree protection measures implemented as detailed in Appendix 4 of the submitted Arborist's report by Australian Tree Consultants, received by Council on 11 February 2011.

- (2) All **existing trees** within the road reserve are required to be retained and protection measures implemented in accordance with the Australian Standard AS 4970-2009 (Protection of Trees on Development Sites), including 1.8m high chain link fencing installed around each trunk within the nature strips. These trees consist of:
- Two (2) box elder (*Acer negundo*) located in the nature strip of Shaftesbury Road.
 - Three (3) Queensland firewheel (*Stenocarpus sinuatus*) located in the nature strip of Clarence Street. It should be noted that all trees in Clarence Street are commemorative plantings.

- (3) No street-trees shall be removed and no new tree plantings shall be made in Council's road reserves.

- (4) Attention is drawn to the existence of a Tree Preservation Order within the whole of the Burwood Council area which prohibits the ringbarking, cutting down, chopping, lopping, removing, injuring or willful destruction of any tree except with the written consent of Council. Written approval from Council to an application, signed by the owner, under Council's Tree Preservation Order is required before any tree is damaged, lopped or removed from any adjoining property.

BUILDING & DEMOLITION

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 Practicing 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. 3 and 5 Clarence Street, Burwood, 75 Shaftesbury Road, Burwood and 2, 4 and 10 Belmore 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.

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

SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- * After 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) No part of the front fencing including footings must encroach upon Council's footpath. Entrance gates must open within/into the property.
- (25) 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.
- (26) **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)

- (27) 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**.
- (28) 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.
- (29) All building work must be carried out in accordance with the provisions of the Building Code of Australia.

- (30) 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.

- (31) 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)

- (32) All plumbing and drainage work being carried out by licensed tradesmen and in accordance with the regulations of Sydney Water.
- (33) 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.
- (34) Approval for the positioning and dimensions of proposed mail boxes shall be obtained from Australia Post in conjunction with the requirements of Council.
- (35) Paved areas are to be graded and drained to the satisfaction of the Principal Certifying Authority.
- (36) 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.

(37) 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.

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) 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.
- (3) A separate development application must be lodged with Council for any proposed Strata subdivision of the development.

ENVIRONMENT & HEALTH

- (1) An Environmental Management Plan is to be submitted to the Principal Certifying Authority for approval, **prior to the commencement of any work** on the site, 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..
- (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

- (7) Management of waste during the demolition, excavation and construction stages is to be carried out in accordance with the accompanying Waste Management Plan dated 8 February 2011.

- (8) Access to the waste 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.

- (9) 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.**
- (10) 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.
- (11) 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.**
- (12) 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.

- (13) A hard stand area is to be provided within the property in a convenient location for the temporary storage of waste and recycling bins prior to collection. The area is to be screened from public view. Bins will be emptied from this area and returned to the same area.

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

- (14) A Caretaker is to be appointed for the development who will have ongoing responsibility for the proper management of the waste and recycling services.

- (15) 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.
 - (16) 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 Council's clean up service.
 - (17) 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 Council's Waste Management DCP No. 17.
 - (18) 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.
- (19) **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) A detailed drainage study shall be prepared by a competent practicing hydraulic/civil engineer and submitted to the Principal Certifying Authority.
 - a. The study shall demonstrate that the development has no adverse effects on adjoining properties as a result of flooding and stormwater runoff and that there is adequate protection for buildings against the ingress of surface runoff.
 - b. The drainage study 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.**
- (2) Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to:-
 - a. *The nearest appropriate Council drainage line*
- (3) 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.**
- (4) 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. 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.**

- (5) 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.**

- (6) 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.
- (7) 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.
- (8) 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.
- (9) A physical barrier (nominally 150mm high and wide) shall be constructed along the northern and eastern boundary, excepting at vehicular and pedestrian access points, to prevent surface runoff onto the road reserve.

The Principal Certifying Authority is to be provided with a Certificate from a competent practicing hydraulic/civil engineer. The Certificate shall state that the physical barrier has 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.**

- (10) 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 Certificate from a competent practicing hydraulic/civil engineer. The 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.**

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

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

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

- a. The proprietor of the property agrees to be responsible for keeping clear and the maintenance of the facilities consisting of:-
 - i) *The overland surface flow path*
 - ii) *Finished pavement and ground levels*
 - iii) *Prevention of the erection of any structures or fencing*
 - iv) *On-site Stormwater Detention system*
 - v) *Pump and rising main system*
- b. The proprietor 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.

- (12) 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.
- (13) 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.
- (14) 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.
- (15) 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. Contact Council for a list of approved skip bin suppliers.
- (16) 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.
- (17) 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.

(18) The following matters apply to the construction of the proposed vehicular crossing.

- a. A vehicular crossing 6m wide to Shaftesbury Road 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.

(19) 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.

(20) Stormwater from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe to Council's street drainage system.

(21) The applicant is to have prepared a longitudinal section of the proposed vehicular ramp access, drawn at 1:20 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.**

(22) 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.**
- (23) 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.
- (24) Vehicles removing demolished materials from the site shall access and depart from the site through Shaftesbury Road and Parramatta Road. Vehicles involved in removing materials from the site shall be limited to an 8 tonne gross weight.
- (25) Public utility/ies are to be relocated by the relevant service authority/ies 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/ies structure/s relocation.
- (26) A certified design long-section and cross-section prepared by suitably qualified Civil Engineer of the proposed 300dia pipe connecting into Council's stormwater pit, shall be submitted and drawn at a suitable scale. The designs shall demonstrate that the proposed 300dia pipe will not interfere with exiting utility services. The Applicant is required to demonstrate that Energy Australia's requirements have been met in relation to the connection of power to the dedicated Electrical Kiosk. In addition all stormwater connection works, or replacement of existing council stormwater pits and pipes that are damaged in the process of construction shall be constructed by the Applicant at the Applicants expense.
- (27) 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 development. Surveys should include, but not be limited to, high and low voltage electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage assets, etc.
- (28) 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. The Applicant shall prepare detailed method statements to demonstrate how the proposed development is to be constructed 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.
- (29) The Applicant shall provide written evidence to Council that liaison and dialogue with all relevant service authorities has resulted in agreement in principle to the Applicant's proposals prior to the issuing of a Construction Certificate.
- B. That the applicant be advised that the removal of trees from adjoining properties requires the lodgement of an application to remove trees under Council's Tree Preservation Order signed by the owner/s of such property.
- C. That persons who made submissions be advised of Council's decision.
- D. That the RTA be forwarded a copy of the consent.

