

# **8-10 BRIGHTON STREET CROYDON – DA 65/2011 (2011SYE058) - HOUSING FOR AGED PEOPLE OR PEOPLE WITH A DISABILITY (SEPP 5) - SUPPLEMENTARY REPORT ON AMENDED PLANS**

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## **Report to Joint Regional Planning Panel**

### **Amended Proposal – Submitted 18 October 2011**

The amended plans for DA 65/2011, as submitted on 18 October 2011, propose the construction of the third stage of the re-development of the former Western Suburbs Hospital site Housing for Aged People or People With a Disability pursuant to the provisions of SEPP5, and consists of:

- 2 x 2 storey, 2 x part 4/5/6 storey and 1 x part 2/3/4 storey buildings
- 101 dwellings – 11 x 1 bedroom, 53 x 2 bedroom, 37 x 3 bedroom
- 141 car spaces – 141 resident, 19 visitor, 6 staff, 1 ambulance and a mini-bus space
- Floor Area of 13,786m<sup>2</sup>
- Building heights with RL's as detailed
- Vehicle ingress/egress – a 2-way access to basement car park from Croydon Avenue. The Brighton Street driveway is an exit for residents of the development and 2-way for service and emergency vehicles.
- Landscaping and site works
- Removal of a number of existing trees

### **Background**

DA 65/2011 lodged in April 2011 for the construction of the third stage of the re-development of the former Western Suburbs Hospital site for seniors housing or people with a disability consisted of:

- 2 x 2 storey, 2 x part 4/6 storey and 1 x part 5/6 storey buildings
- 123 dwellings – 13 x 1 bedroom, 70 x 2 bedroom, 40 x 3 bedroom
- 155 car spaces – 140 within basement, 15 external spaces (for visitors, an ambulance and a minibus space)
- Floor Area of 15,163m<sup>2</sup>
- Building heights with RL's as detailed
- Vehicle ingress/egress – one each (two-way) on both Brighton Street and Croydon Avenue
- Landscaping and site works
- Removal of a number of existing trees

The Sydney East Region Joint Regional Planning Panel (JRPP) considered this development application, at its meeting held at Burwood Council on Wednesday 20 July 2011, and resolved as follows:

1. The Panel resolves by a majority of 4 to 1 (for: John Roseth, Mary Lynne Taylor, David Furlong and Sally Deans; against Henson Liang) to defer the determination of the application in order to allow the applicant to submit an amended proposal that reduces the impact on nearby dwellings, in particular on 25 Croydon Avenue, by:

- a. reducing the height of Block C by redistributing floor space across the site;
  - b. moving the position of the access driveways to be more centrally located on the site;
  - c. minimising the shadow impact on nearby dwellings; and
  - d. minimising the overlooking of nearby backyards.
2. The Panel is aware that the application is reasonably consistent with the Masterplan, as approved in 2004. It notes that the minor differences with the Masterplan are not the main reason for the impacts which are undesirable and to which the residents object. In the Panel's opinion, the Masterplan as approved in 2004 has unacceptable impacts. While the Masterplan has been approved, it has not been built and if it were varied, it would achieve a better result for the built environment.
3. The Panel accepts that the assessment report by the council's planning staff was properly on the basis that the proposal is consistent with the Masterplan.
4. Councillor Liang does not support the resolution to defer and would refuse the application because:
  - a. he is not satisfied with the process of the two previous stages and the lack of community consultation;
  - b. he is not satisfied with the overall design of the development as it is not consistent with the character of the area being one or two storey houses;
  - c. the design is unsatisfactory in terms of solar access to the neighbouring properties, overlooking and impact on the amenity of the community; and
  - d. the development is not in the best interest of the community.
5. The Panel requests the applicant to submit, on or before 19 August 2011, an amended proposal that responds to paragraph 1 of this resolution. The amended plans should be notified, for a period of 14 days, to the objectors who have made submissions. The Panel requests the Council's Planning Assessment Officer to prepare a supplementary report on the amended plans. Following receipt of this report, the Panel will determine the application at another public meeting.

### **Amended Proposal A – Submitted 19 August 2011**

The amended plans submitted on 19 August 2011 consist of:

- Building Blocks B and D (northern most buildings) are stepped part 4/5/6 storeys, in lieu of part 4/6 storeys.
- Building Block C (mid-southern building) reduced by 2 storeys to part 3/4 residential levels, in lieu of part 5/6 residential levels.
- Building Block A – 2 storeys along Croydon Avenue, relocated to the south so that it is now sited 7.5m north of No 25 Croydon Avenue to allow for a vehicle access and egress driveway between Blocks A and B

- Building Block E – 2 storeys along Brighton Street – no change.
- The vehicle driveway adjacent to No 25 Croydon Avenue has been re-located as stated above.
- The vehicle driveway adjacent to No 12 Brighton Street is retained, and utilised as an exit for resident cars, but two-way for service (garbage trucks and tradesman vehicles) and emergency vehicles.
- The external parking adjacent to the southern boundary has been removed, except for an ambulance bay, a minibus bay and 2 car bays for causal staff.
- A Floor Area of 13,960m<sup>2</sup> is proposed (a reduction of 1203 m<sup>2</sup>).
- 105 dwellings – 11 x 1 bedroom, 56 x 2 bedrooms, 38 x 3 bedrooms.
- 143 car parking spaces within the basement, 120 resident car spaces, 5 staff spaces, 18 visitor spaces.
- 4 external car spaces – 2 causal staff spaces, an ambulance and a minibus bay.
- A pedestrian walkway from Croydon Avenue is provided, linking with Brighton Street via the vehicle access.
- The Brighton Street driveway is located a minimum of 3m from the southern common boundary with No 12 Brighton Street.
- A landscaped area of 6,557m<sup>2</sup> (54.43% of site) is proposed, of which a Deep Soil Planting Area of 2,484m<sup>2</sup> (20.6% of site) is included.

### **JRPP Resolution – Item 1**

The resolution from the JRPP at its meeting stated in part:

1. *The applicant is to submit an amended proposal that reduces the impact on nearby dwellings, in particular on 25 Croydon Avenue, by:*
  - a. *reducing the height of Block C by redistributing floor space across the site;*
  - b. *moving the position of the access driveways to be more centrally located on the site;*
  - c. *minimising the shadow impact on nearby dwellings; and*
  - d. *minimising the overlooking of nearby backyards.*

The following comments are made in relation to the amended plans received on 19 August 2011:

2. **Reducing the height of Block C, by redistributing floor space across the site:**

The height of Block C was reduced by 2 storeys i.e. from a part 5/6 residential levels to part 3/4 residential levels. The floor area has not been redistributed elsewhere and resulted in a reduction in floor area of 1203 m<sup>2</sup>.

3. Moving the position of the access driveways to be more centrally located on the site:

The Croydon Avenue driveway has been relocated to the north, between Blocks A and B i.e. approximately 46m north of the common boundary with No 25 Croydon Avenue. This two-way access/egress provides access directly into the basement car park for staff, visitors and residents.

The Brighton Street driveway has not been relocated, and serves as a vehicle exit from the basement for residents, and 2-way for service (garbage and tradesperson) and emergency vehicles – ambulance and minibus purposes.

4. Minimising the shadow impact on nearby dwellings:

**Blocks B and D**

The two northern most residential buildings – Blocks B and D were amended from part 4 (street level)/6 storeys, to part 4 (street level) /5/6 storeys. The amendments attempt to reduce the bulk and scale of these buildings and also reduces the overshadowing of properties immediately to the west and east, across Brighton Street and Croydon Avenue in mid-winter. The mid-winter shadow diagrams indicate that there would be a shadow cast on the front yards of Nos. 25 & 27 Brighton St at 9am, however, the shadow is at the base of the front wall of the dwelling houses. The shadow then moves east, away from the dwellings and is completely removed from the properties by 10am.

The front yards of properties Nos. 16 & 18 Croydon St begin to have a shadow cast at approximately after 2.30pm. The dwellings would be in shadow after 3pm.

**Blocks A and C**

Block A was relocated and is 7.5m from the common boundary with 25 Croydon Avenue. A 2m wide landscaped strip and a boundary fence is proposed. The mid-winter diagrams indicate that Block A will cast a shadow on to the dwelling and rear yard of No 25 Croydon Avenue, beyond the boundary fence, between 9am and 10am in the morning, and after 2pm.

The height of Block C was reduced by 2 residential levels i.e. to part 3/4 residential levels. The location of Block C has not been altered. The mid-winter shadow diagrams indicate that approximately 20% of the rear yard of No 25 Croydon Avenue is in shadow at 12 noon. At 1pm, approximately 65% of the rear yard is in shadow, and at 2pm the whole rear yard is in shadow, which extends over the rear of the dwelling house roof. At 2pm, the rear yard of No 27 Croydon Avenue is in shadow.

No 12, 14 and 14A Brighton Street are now not affected by the shadow cast by Block C, in mid-winter.

The shadow diagrams for mid-summer, spring and autumn reveal that the development would not impact on adjacent properties.

5. Minimizing the overlooking of nearby backyards:

With Blocks B and D, the status quo has not been altered except for the additional setback/stepping of the building, to include a part 5/6 storeys. The

eastern units of Block B and western units of Block D, on the 5/6 storeys are located further from dwelling houses along Croydon Avenue and Brighton Street.

- Levels 1-4 are set back 5m from Croydon Ave (Block B) and 5.3m from Brighton St (Block D)
- Level 5 is set back 11.4m from Croydon Ave (Block B) and 11.7m from Brighton St (Block D)
- Level 6 is set back 25.6m from Croydon Ave (Block B) and 25.9m from Brighton St (Block D).

The applicant has submitted Plan No DA 300, dated 23/08/11 identifying privacy screening, window sill heights and obscured glazing, to ensure that adjacent properties to the south of Block C are not adversely impacted upon by overlooking. The reduction in height has partially alleviated the loss in privacy. The additional window screens, obscure glazing, projecting fin wall screens, the 3.2m setback/landscaped roof edge between the 3<sup>rd</sup> and 4<sup>th</sup> residential levels, 2m high window sills, together with plant screening on the southern boundary are considered sufficient to overcome this issue.

### **Amended Proposal B – Blocks A and C – Submitted 18 October 2011)**

Preliminary assessment of the amended plans submitted on 19 August 2011 revealed that the amenity impact – loss of solar access, to No 25 Croydon Avenue had not improved. The applicant was advised on 20 September 2011 of this matter and that the JRPP and Council expected an improvement to the amenity loss to No 25 Croydon Avenue. Amended Plans were received on 18 October 2011 and involves Blocks A and C as follows:

#### **1. Block A**

Block A is moved further north along Croydon Avenue, i.e. the setback from the northern boundary of No 25 Croydon Avenue is increased from 7.5m to 9.4m, to ensure there is no additional overshadowing of No 25 Croydon Avenue, in the mornings in mid winter.

#### **2. Block C**

The eastern end of Block C is reduced in height from part 3/4 storeys to part 2/3/4 storeys, to ensure that solar access to No 25 Croydon Avenue is not significantly affected between 9am and 2:30pm, in mid winter.

The shadow diagrams reveal that the rear yard of No 25 Croydon Avenue begins to receive the shadow of Block C from 2pm in mid-winter, and the rear is in shadow at 3pm – an improvement from the amended plans received on 19 August 2011.

#### **3. Dwelling Numbers and Floor Area**

Due to the reduction in height of Block C, the total number of dwellings has been reduced to 101 dwellings (11 x 1 bedroom, 53 x 2 bedroom, 37 x 3 bedroom) i.e. a reduction of 22 dwellings from the original proposal.

The floor area proposed is 13,786m<sup>2</sup>, ie a reduction of 1377 m<sup>2</sup> from the originally proposed 15,163m<sup>2</sup> which is within the approved Masterplan maximum floor area of 15,000m<sup>2</sup>. The applicant has not redistributed floor area removed from Blocks

B, C and D.

#### 4. Privacy Screening and Glazing

Drawing No DA 300C, dated October 2011, identifies proposed privacy screening and obscured glazing to ensure that the privacy of No 25 Croydon Avenue is not impacted upon. The screens and glazing of the eastern end of Block C is considered sufficient to overcome this issue.

The 1<sup>st</sup> floor level (southern elevation) of Block A is also to have screens and obscured glazing to ensure the privacy of No 25 Croydon Avenue is maintained. The screening of the rear balcony needs to be extended, similarly to the eastern end of Block C, and obscured glazing to windows to a height of 1.8m. This can be included as a condition in the recommendations. It is noted that the landscaped roof areas to the eastern end of block C, while being nominated as non trafficable and only subject to maintenance access, do have the potential to occasion loss of privacy to the adjoining property to the south at No. 25 Croydon Ave. Conditions can be included to reduce the amount of landscaped area to ensure there is minimal loss of privacy.

### **PLANNING ASSESSMENT**

The following table compares the amended proposal submitted on 18 October 2011 to the approved Masterplan, and original DA 65/2011 lodged in April 2011:

Parameters	Masterplan DA 279/2002 as modified	DA 65/2011 21 April 2011	DA 65/2011 Amended 18 October 2011
Maximum Floor Area	15,000m <sup>2</sup>	15,163m <sup>2</sup>	13,786m <sup>2</sup>
Floor Space Ratio	1.24:1	1.25:1	1.14:1
Dwelling Density	No requirement	123 dwellings (13x1br, 70x2br, 40x3br)	101 dwellings (11x1br, 53x2br, 37x3br)
Number of Building / storey's	2 x 2sty (Blocks A & E) 2 x Pt 4/6 Sty (Blocks B & D) 1 x Pt 5/6 Sty (Block C)	Same as Masterplan	2 x 2 sty (Blocks A & E) 2 x Pt 4/5/6 sty (Blocks B & D) 1 x Pt 2/3/4 sty (Block C)
Landscaped area/ Open Space (includes Deep Soil)	Not identified (SEPP No 5 – 35m <sup>2</sup> /dwelling)	6,197m <sup>2</sup> (51.4% of site) (4,305m <sup>2</sup> required under SEPP 5)	6,557m <sup>2</sup> (54.43% of site) (3,535m <sup>2</sup> required under SEPP 5)
Parking	198 available for this Stage (3)	155 (137 residential, 6 staff, 10 visitors, ambulance, minibus)	141 (114 residential, 6 staff, 19 visitors, ambulance, minibus)

### **NSW Health Concurrence**

Clause 9 of Burwood Planning Scheme Ordinance (BPSO) 1979, restricts the erection of buildings on special uses reserved land, except with the concurrence of statutory authority.

9. (4) A consent shall not be granted under this clause in relation to land reserved for special uses (other than special uses – parking), except with the concurrence of the statutory authority concerned.

The land is zoned Part Special Uses 5(a) (Hospital) and Part Reservation (3a) Special Use (Hospital) – BPSO 1979.

The NSW Health's concurrence has been received by Council.

### **Building Heights & Envelopes**

The maximum building heights for Blocks B and D are consistent with the maximum RL 44.5m height approved Masterplan DA 65/2002. There is a minor infringement of the buildings of 1.5m projection beyond the envelope on level 5 adjacent to the balcony. This infringement is considered minor and is acceptable.

The roof of the two storey Block A infringes the maximum height, due to the change from a flat roof to a pitched tiled roof. The relocation of Block A, further infringes the envelope, at the rear first floor portion, of the southern most dwelling (Unit No 3). The infringement is minor and acceptable.

Block C is within the approved Masterplan height and envelope. The semi-basement car park structure under Block C, is partially exposed on the southern elevation. This infringement is not considered significant, given the reduction in the number of storeys of Block C.

Block E infringes the height/envelope, as previous, due to the change from a flat roof, to a pitch roof. This infringement is considered minor.

### **Building Setbacks & Location**

The proposed setbacks and location of Blocks B, C, D and E from the corresponding boundaries, have not been altered, and are similar to the original proposal.

Block A has been relocated, however, the setbacks and location are consistent with the Masterplan, as the length of the building was previously shortened.

### **Further consideration under SEPP No 5**

#### **Clause 13 – Building Height and Street Frontage**

Clause 13 (1) of SEPP 5 sets out that a consent authority must not consent to a development t application..... unless it complies with the standards specified in this clause:

(2) Where a development is proposed in a residential zone where residential flat buildings are not permitted that:

- a. The height of all buildings ... must be 8m or less
- b. A building that is adjacent to a boundary ... must not be more than 2 storeys in height.

*In this circumstance the land is not located within a residential zone and therefore Clause (2) does not apply.*

(3) The site frontage must be at least 15m wide”

The proposal is in compliance with subclause (3) as the site has a greater width than 15m.

### **Clause 14 – Standards which cannot be used as ground of refusal**

Clause 14 of SEPP No 5 states:

“The consent authority must not refuse consent to a development application under this Part on the grounds of:

- a. building height: if all proposed buildings are 8 metres or less in height;
- b. density and scale: if the density and scale of the buildings when expressed as a floor space ratio is
  - (i) 0.5:1 or less
- c. Landscaped area: if a minimum of 35m<sup>2</sup> of landscaped area per dwelling;
- d. Parking: if at least the following is provided:
  - (ii) In the case of dwellings at lease:
    - 0.5 car spaces for each bedroom where the development application is made by a person other than the Department of Housing or a local government or community housing provider
- e. Landscape areas: not less than the width of the site multiplied by 15% of the length of the site
- f. Private open space for in-fill housing: not less than 15m<sup>2</sup> per dwelling on the ground floor of multi-storey buildings... and a balcony with an area not less than 6m<sup>2</sup>...”

This clause provides that the consent authority cannot refuse the application if it meets the building height and other controls set out in this clause. In regard to the building height, density, and scale, the above controls (items a & b) exceed the controls specified in Clauses 14(a) and (b). This means that the consent authority could refuse this application based upon height, density and scale however the approved Masterplan D279/2002 and Section 96 Modification approved in June 2004 has approved a greater height, density and scale to that provided in Clauses 14 (a) & (b) of SEPP 5. The landscaped area (item c) is complied with as identified in the comparison Table. Item d requires 114 resident car spaces to be provided, which is complied with. The proposal provides for 25m<sup>2</sup> of private landscape area for the ground floor dwellings, and the minimum balcony area for each dwelling varies between 8.5m<sup>2</sup> to 19m<sup>2</sup>, which satisfies the minimum area required.

### **Heritage**

The amendments to the original DA plans, as recommended by JRPP, does not alter the relationship of the development to neighbouring conservation areas and heritage items, identified on page 16-18 of original report to the JRPP.

## **No 25 Croydon Avenue – Previous Use**

This property was occupied by the Department of Health and part of the site considered under the Masterplan DA 279/2002. The dwelling house was used as a community facility and housed the Canterbury Offices of the Sydney Home Nursing Service. It was stated in the Statement of Environmental Effects submitted with the Masterplan, that Sydney Nursing Home Service would vacate No 25 Croydon Avenue and move into the new Community Health Centre, after construction. This property was subsequently sold by the Department of Health.

Council received a copy of a letter dated 10 August 2011 from the Environmental Defenders Office Ltd that provides advice relating to the consistency of the development with the original Masterplan approval and that the original Masterplan approval may be modified by a condition imposed on a subsequent consent to modify the Masterplan. The letter also states that as the original development site included No. 25 Croydon Ave then any modification of the original Masterplan approval would need the consent of the land owner of No.25 Croydon Avenue. The fact that No.25 Croydon Avenue is not included as part of the site does not mean the development is inconsistent with the Masterplan. The amendments made are such that the application as now presented is not inconsistent with the Masterplan approval and the variations that are evident are considered minor only. As such there is now no need to provide a condition to modify the original Masterplan approval and therefore the consent from the owner of No. 25 Croydon Avenue is not required.

## **Further consideration under SEPP No 65**

The ten (10) principles of the design quality for residential flat development is given adequate consideration in the SEPP No 65 Design Report, prepared by Campbell Luscombe Architects Pty Ltd, dated 14 October 2011.

The improvements to the design of the development further addresses the SEPP No 5 principles as follows:

- a. An improvement to the scale, height and bulk of the multi-storey buildings so as to respond to the surrounding development.
- b. An increase in the landscape area and deep soil planting for the site.
- c. A reduction in the dwelling density from 123 to 101 dwellings.
- d. An improvement to the solar access for dwellings in Brighton St and Croydon Ave, in particular, to No 25 Croydon Ave.
- e. An improvement to the loss of amenity to No 25 Croydon Ave with the relocation of the Croydon Ave vehicular driveway, by way of noise, traffic movements and safety.
- f. An improvement to the privacy loss to No 25 Croydon Ave and to properties to the south in Brighton Street.

## **JRPP Resolution – Amended Proposal -18 October 2011**

1. Reduction in height of Block C:

Block C has been amended twice. The amended plans of 18 October 2011 lowered the eastern end from a part 5/6 storey building to part 2/3/ 4 storeys.

2. Relocating the access drive ways to be more centrally located on the site:

This item has been addressed under the amended plans submitted on 19 August 2011.

3. Minimising the shadow impact on nearby dwellings:

Blocks B & D – the amendments to these two buildings have been addressed under the amended plans submitted on 19 August 2011

Blocks A & C – Block A has been relocated further from the northern boundary of No 25 Croydon Avenue, i.e. from 7.4m to 9.4m to ensure there is no additional shadow cast on No 25 Croydon Avenue in mid-winter. The relocation is considered satisfactory.

The eastern end of Block C has been reduced in height, from part 5/6 storeys to part 2/3/4 storeys. The amendments are considered satisfactory in regard to the JRPP resolution of 20 July 2011.

4. Minimising the overlooking of nearby backyards:

Blocks B and D have been addressed under the amended plans submitted on 19 August 2011.

The first floor of Block A adjacent to 25 Croydon Avenue would require additional screening and use of translucent glazing on its southern elevation. This can be dealt with by means of a condition.

The amended plans of 18 October 2011 include a drawing no. DA300C dated October 2011, which identifies the proposed screening panels, landscaping and obscured glazing to ensure that 25 Croydon Avenue does not lose its privacy. The proposed manner of screening is considered acceptable.

## **Referrals**

1. Tree Management Officer (TMO):

Landscape plans LA01-LA05 (Revision B), LA06 (Revision A) and LA07 (Revisions A) be subject to the following amendments:

- a. The firewheel tree (*Stenocarpus sinuatus*) located on Council's nature strip, in close proximity to the proposed driveway, in Brighton Street, is to be removed and replaced with a Water Gum (*Tristaniopsis laurina*) tree, purchased in a minimum container size of 75L. The replacement Water Gum shall be planted at a minimum distance of 3m north of the driveway.
- b. The London Plane tree (*Platanus x hispanica*) located on Council's nature strip, in Croydon Avenue, near 25 Croydon Avenue is not supported for removal and shall be retained.

- c. The remaining three (3) trees located on Council's nature strip in Croydon Avenue shall be removed and replaced with four (4) x Lasiandra (*Tribouchina granulose* 'Alstonville') purchased in minimum container sized of 75L. The replacement Lasiandra trees shall be planted centrally within the nature strip at a spacing of minimum 8m centers (between trunks)
- d. All trees to be retained shall have tree protection measure implements, in according with the Australian Standard AS4970 (Protection of Trees on Development Sites, 2009)
- e. The application shall arrange all tree removal and replacement works to be carried out by suitably qualified persons at the applicant's cost.
- f. A monetary bond to value of \$3,395 (including GST) to ensure the tree planting and their establishment shall be paid to Council by the applicant and will be held by council for a period of two (2) years after the date of issue of an Occupation Certificate for the whole development.
- g. The proposed Coast Cottonwood trees located adjacent to the northern and rear boundary of No 25 Croydon Avenue are to be replaced with Crepe Myrtle Trees.
- h. The spotted Gum trees at the rear of No 25 Croydon Avenue are to be advanced trees.

The above matters can be dealt with by way of conditions.

## 2. Assets and Design

No objections to proposal, subject to previous recommended Engineering conditions.

## 3. Traffic & Transport

- a. The peak hour traffic of 25 vehicles would not have a significant impact on the existing road network.
- b. The traffic data undertaken by Council and with the two egress points (a 65:35 split is expected) – 174 vehicle trips in Croydon Avenue and 37 in Brighton Street) the increase is 3% in Croydon Avenue and 5% in Brighton Street.
- c. The car park layout complies with Australian Standards.
- d. The relocation of the vehicular crossing in Croydon Avenue is in line with the Masterplan, and is combined in the Porte Cochere entrance. The proposed ramp into the basement is set back and provides good visibility for vehicles exiting the car park.
- e. A speed hump is required for the exit into Croydon Avenue, and to be located on the ramp, 2m west of the level surface area.
- f. Speed humps are required adjacent to car spaces No 29, 45, and disabled space No 12.

- g. A small mountable median is to be installed at the entrance to the site from Croydon Avenue, to distinguish h between the egress and ingress lanes.
- h. Signage to Brighton Street vehicle crossing is to clearly indicate: “*NO ENTRY – EMERGENCY AND SERVICE VEHICLES EXCEPTED*”, With additional signage at the exit fo the basement car park indication “*NO ENTRY*”
- i. The Site Specific Management Plan, prepared by Grindley Construction (dated 17 October 2011) claims that access to the site for Stages 2-3 will be from Liverpool Road, turning right into Brighton Street. This movement is currently restricted via No Right Turn signage at Brighton Street, and therefore is not acceptable. A condition should be incorporated that **all construction vehicles access and egress the site via Croydon Avenue**,
- j. Croydon Avenue also has right turn restrictions from Liverpool Road between the hours of 6am – 10am Monday to Friday. This will restrict access to the site during these hours, therefore an alternate route to the site will be required.
- k. The Traffic Control Plan (Appendix B) shows site access adjacent to the southern boundary of the site. It is required that during excavation works this access point be relocated further north, away from neighboring residential properties. Following excavation, the **site access and egress may be returned to the southern boundary**.
- l. Following completion of the basement car park, all construction and staff vehicles associated with the site are to utilise this area for parking to reduce the impact on on-street parking.

The traffic recommendations can be included as conditions.

### **Community Consultation**

The amendments to DA 65/2011 were received on 19 August 2011 and in accordance with the JRPP’s resolution of 20 July 2011, all objectors to the original DA 65/2011 were advised of the amended plans, for 14 days and the closing date for submissions was 12 September 2011. Council received 44 submissions.

The applicant submitted further amended plans on 18 October 2011, to minimise the amenity impact on 25 Croydon Avenue, i.e. involves Block A and C only. No 25 and 27 Croydon Avenue were notified of the amended plans from 21 October to 1 November 2011. Council received 13 submissions subsequently.

A summary of the objections and planning comments is as follows:

1. 6 storey portions of the development:
  - Excessive scale, height, bulk and dwelling density
  - Not in character, context or in sympathy to Croydon
  - Inappropriate form of development
  - Not in harmony with heritage items an conservation areas
  - An overdevelopment of the site
  - Has an adverse, negative impact on the streetscape and surrounds

- Would have an adverse impact on adjacent properties
- Masterplan is no longer valid

#### **Comment**

The above issues have been partly addressed in the report to the JRPP meeting of 20 July 2011 particularly in relation to the Masterplan and otherwise addressed in this supplementary report. It is not intended to comment on whether the original Masterplan is valid or otherwise as it is not considered to be a criteria at set out in Section 79C of the Environmental Planning & Assessment Act 1979 for this development application.

2. Inconsistency with Masterplan 2002 – Blocks A, B, D and E breach the maximum envelopes of the Masterplan and the car parking of Block C is above ground.

#### **Comment**

The infringement to the Masterplan envelopes is addressed under the heading “Building Heights and Envelopes”. The infringements are not considered significant and do not make the development inconsistent with the Masterplan

3. Traffic and Car parking

- The Brighton Street driveway has not been relocated
- Increase in traffic in both streets – additional congestion
- Inadequate visitor parking provided leads to overflow onto streets
- Added congestion to intersections with Liverpool Road

#### **Comment**

The location of the Brighton Street driveway is discussed under the heading “JRPP Resolution – Amended Proposal B 18 October 2011”. Council’s Manager Traffic & Transport has advised that the expected impact on the local network, including Liverpool Road, is not significant. Further, 19 visitor spaces is considered adequate to service the development. The matter relating to the traffic at the Liverpool intersections has been previously addressed in the original report of 20 July 2011. Council’s Manager Traffic & Transport did not support the idea that the intersection would be adversely affected by the development.

4. Trees

- Existing trees along Brighton Street should be retained
- Advanced deciduous 2.5-3m high trees be planted along the southern boundary.

#### **Comment:**

The existing trees along Brighton Street are to be retained, except for two trees identified in the arborist report for removal. Council Tree Management Officer (TMO) has agreed to the removal of these trees. Trees along the southern boundary with No 25 Croydon Avenue can be dealt with by way of a condition.

5. Open Space

- Additional open space is require for the development

### **Comment**

The proposal amended landscaped open space area, which includes deep soil planting areas, is 6,557m<sup>2</sup> which represents 54.43% of the site. This compares with 6,197m<sup>2</sup> (51.4% of site) proposed under the original plans of 21 April 2011. The landscaped area required under SEPP No 5 is 35m<sup>2</sup> per dwelling i.e. a total of 3,535m<sup>2</sup> and is exceeded by the landscaping proposed.

#### **6. Privacy**

- Concerns with loss of privacy from 1<sup>st</sup> floor level of Block A adjacent to No 25 Croydon Avenue
- Loss of privacy to No 25 Croydon Avenue from eastern end of Block C.

### **Comment**

This matter is identified and addressed under the heading “Amended Proposal B – Blocks A & C, 18 October 2011” and DA Plan No 300C.

#### **7. Fencing**

- Details of fencing to Brighton Street, Croydon Avenue and southern boundary are not provided

### **Comment**

A standard condition that front (street) fencing details conform to Council's street frontage code and plans are to be submitted to Council for approval. A condition requiring an acoustic fence with a height of 1.8m along southern boundary and with landscape screening will be included in the recommended conditions.

#### **8. General Matters**

- Finishes to Blocks A & E not provided
- The pedestrian path treatment is not identified
- Advanced landscaping be provided and planted prior to completion of development
- The sale of the site to CHC is flawed.
- Misrepresentation of the development “as aged housing” which it is not
- Location of sub-station will add to noise inconvenience to adjoining residents

### **Comment**

The first three matters may be addressed by suitable conditions of consent if considered appropriate. In this regard it is considered that it is not appropriate to require the planting of any landscaping before construction work commences as it would be extremely difficult to be able to maintain such landscaping during the construction phase of the development. Normal practice is for landscaping to be completed at the end of the development when construction work has been completed. The fourth matter being the sale of the land is not a criteria for assessment pursuant to Section 79C of the Environmental Planning &

Assessment Act 1979 for this development application. The fifth matter is that the proposal is a development lodged pursuant to SEPP No 5 – Housing for Aged People or People with a Disability and conditions of consent can reinforce this aspect. The last matter relates to the electrical sub-station that has been relocated from 4m to 10m and from the southern boundary and 26m from the western rear boundary of No. 25 Croydon Avenue which is considered sufficient, given the landscaping between the sub-station and the boundary fences.

9. Notification of amended plans – 18 October 2011

- Inadequate number of properties identified and time given to the public to comment on the amendments of 18 October 2011.
- The notification is not as per JRPP resolution to all objectors.

**Comment**

The resolution of the JRPP at its meeting 20 July 2011 related specifically to amendments that were to be submitted to Council by 19 August 2011. The resolution of the JRPP was fulfilled in this regard. The amendments received on 18 October 2011 involves a minor relocation of Block A and a reduction in storeys for the eastern end of Block C, to ensure that the amenity of 25 Croydon Avenue is not compromised. Two properties No's 25 and 27 Croydon Avenue were notified of the amended plans. As the amendments involved a reduction of impact it was considered that the amendments did not require re-notification pursuant to Clauses 7.5 & 7.10 of Burwood Consolidated Development Control Plan Part 6 – Notification of Development Applications, however it was decided that the above adjacent properties should be notified as the amendments mainly concern these two properties.

10. Loss of privacy to Croydon Avenue due to Kitchen Windows (Unit no 69-first floor Block C) and maintenance access to eastern end of landscaped roof areas.

**Comment**

These two kitchen windows align to the south of the rear boundary of No 25 Croydon Avenue. Obscured glazing is recommended to a height of 1.8m.

The eastern end of Block C is stepped and landscaped. The submission is concerned with maintenance access etc which will reduce the privacy to No 25 Croydon Avenue. These landscaped areas can either be reduced or deleted. The condition will be included to delete the landscaped area outside of Unit No 75 (level 1) reduced in area outside Unit No 82 (level 2) and deleted outside the lobby area (level 2).

11. Landscaping, drainage lines, construction Access (as it related to No 25 Croydon Avenue)

- a. The public path be relocated further from the boundary with No 25 Croydon Avenue – 4m from boundary.
- b. The proposed Coast Cottonwood trees on the northern and rear boundary with No 25 Croydon Avenue be replaced with Crepe Myrtles.
- c. The Spotted Gums at the rear of No 25 Croydon Avenue are super advanced.

- d. Drainage plans proposes a pipeline under the tree planting area adjacent to No 25 Croydon Avenue
- e. Likely location of construction access for Stage 1 will be adjacent to No 25 Croydon Avenue and noise vibration would be unacceptable.
- f. Dilapidation report is to be prepared prior to commencement of works and completion of works, at applicant's cost.
- g. Conflict of pedestrian access with vehicle driveway between Blocks A and B.
- h. Location of the site compound at the southern boundary (rear of No 25 Croydon Avenue) is not acceptable.

### **Comment**

Conditions can be included in the recommendation for items a, b, c and d. Item f is generally a standard condition (under "Building" conditions).

Council's Traffic and Transport Manager has made comments in regard to item e, g, and h under the heading "Referrals". The Manager recommends that all construction vehicle access and agrees the site via Croydon Avenue for the whole development. To reduce the impact on No 25 Croydon Ave, the site access/egress can be located to the north (away from the boundary with No 25 Croydon Avenue) during excavation, however, the access may return to the southern boundary following excavation. It is not considered practical to during construction to have all the access via the central driveway on Croydon Avenue particularly once the basement roof slab is constructed.

The "site compound" location proposed at the rear of No 25 Croydon Avenue and southern boundary is not acceptable and is to be relocated to the external parking area proposed, adjacent to Block C. A condition is included to enforce this matter.

Council's Manager Traffic & Transport is of the view that there will not be a conflict between pedestrian and vehicle access to the development on Croydon Avenue as there are adequate sightlines available for both pedestrians and vehicles entering and leaving the site. Measures are included in the recommended conditions to delineate entry and exit lanes and ensure speed reduction to further improve safety for residents and visitors.

### **Conclusion**

The amended proposal submitted on 18 October 2011 has addressed and given consideration to the issues raised by the JRPP, at its meeting held on 20 July 2011 and issues subsequently raised through the notification of the amended proposal. The amended plans are considered satisfactory and are supported accordingly.

### **Recommendation**

1. That Development Application 65/2011 that proposes the construction of 101 units for aged people or people with a disability pursuant to the provisions of SEPP 5 **be approved**, subject to the following conditions:

2. The development being carried out in accordance with the amended plans submitted on 18 October 2011 identified below, except where amended by the conditions of consent:
  - a. Architectural Drawing Nos 2010-0034 DA 1C to DA 19C, prepared by Campbell Luscombe Architects, dated April 2011, and Drawing No DA 300C dated October 2011.
  - b. Engineering Stormwater/Site works Drawing Nos 101561 CO 1 to CO 5, Revision P5, prepared by Taylor Thompson Whitting, dated 17 October 2011.
  - c. Landscape Plan Drawing Nos LA 01 to LA 07, Revision C, prepared by Taylor Brammer, dated March 2011.
  - d. BASIX Certificate No. 368644-02, issued 17 August 2011.
  - e. Access Report prepared by M. Relf, dated 18 April 2011 (amended 18 October 2011)
  - f. Acoustic Report prepared by Acoustic Studio, dated August 2011.

## **Fees**

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

1. Building and Construction Industry Long Service Corporation Levy **\$33,000.00**  
**(Payment to be made to Council, the Corporation or its Agent)**
2. Damage Deposit - security deposit against damage occurring to Council's assets (footpath, road, stormwater, kerb and gutter, etc) during building work **\$50,000.00**  
**(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.

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

This fee is for 40 inspections and any additional inspections, including re-inspections, shall be levied and paid to Council upon booking of an appointment at the rate listed in Council's current Schedule of Fees and Charges.  
**(Payment to be made to Council)**

4. Pursuant to Section 94 of the Environmental Planning and Assessment Act 1979

and the Section 94 Contributions Plan 2006 (Open Space, Community Facilities and Public Car Parking) and Section 94 Contributions Plan No. 1 (Road and Traffic Facilities), the following monetary contribution towards public services and amenities is required:

Contribution Element	Contribution
Open Space and Recreation (Acquisition & Embellishment New Open Space)	\$ 651,031.89
Open Space and Recreation (Embellishment Existing Open Space & New Fields)	\$ 173,074.72
Community Facilities	\$ 595,551.73
Plan Preparation and Administration	\$ 60,084.68
Road and Traffic Facilities	\$ 25,442.91
<b>Total</b>	<b>\$ 1,505,185.93</b>

<b>Index Period</b>	December 2010	<b>CPI<sub>1</sub></b>	173.1
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**The above contribution will be adjusted at the time of payment. Applicants are advised to contact Council for the adjusted amount immediately prior to arranging payment.**

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

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

Where:

- C: the original contributions amount as shown in the development consent;
- CPI<sub>2</sub> 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)
- CPI<sub>1</sub> the Consumer Price Index: All Groups Index for Sydney applied at the time of calculation 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 Section 94 Contributions Plan 2006, and the lodgment of an application for a modification of consent under Section 96 of the Environmental Planning and Assessment Act 1979.

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

1. Bond for Public Domain – Streetscape Improvements **\$150,000.00**  
**(Payment to be made to Council prior to the issue of a Construction Certificate and/or commencement of demolition/bulk excavation – Refer to**

**“Public Domain” conditions)**

2. Bond for Tree Removal/Replacement – Council street tree replacement of **\$3,395.00**  
**(Payment to Council for removal of Council’s trees at the grass verge prior to the issue of a Construction Certificate or demolition works – Refer to “Tree Removal/Protection condition.**

**Planning**

1. Samples and details of all external surface materials being submitted for Council's approval, **prior to the issuing of a Construction Certificate.**
2. No drying of clothing being permitted on balcony and patio areas which are visible from a public place.
3. 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.
4. Prior to commencement of any site works, all trees identified in the landscape plan and Council trees that are to be retained, shall be enclosed by protective fencing to prevent them from being damaged during the construction period.
5. The landscaping of the site being carried out in accordance with the approved landscape plan prior to the issuing of an Occupation Certificate. Any trees planted as part of the approved landscape plan shall be of a super advanced stage with a minimum 75 litre container size or as otherwise stated in these conditions. The trees shall not be altered or removed without the prior consent of Council being given in writing.

The landscaping is to be maintained at all times from the date of the Occupation Certificate.

6. An acoustic fence (masonry fence) with a height of 1.8m above existing natural ground level of the adjoining dwellings to the south shall be erected along the whole southern boundary of the site at the applicant's cost.
7. The substation is to be located a minimum distance of 10m from the southern common boundary.
8. Public pedestrian access is to be available along the path way, during daylight hours, to link Croydon Avenue with Brighton Street. The pathway is to be a minimum of 4m from the common boundary with No 25 Croydon Avenue.
9. A Management Plan shall be created and be in place to allow visitors access to the visitor car spaces. All visitor car spaces are to be clearly identified. Details are to be submitted to the Principal Certifying Authority prior to the issuing of an Occupation Certificate for the development.
10. The 6 staff parking spaces are to be designated and signposted accordingly.
11. Compliance with SEPP No 5-Housing for Older People or People with a Disability), including wheelchair access, security, accessible entry(s), minimum requirements for internal dwelling room sizes, corridor widths, provision of lift(s), surface finishes, door hardware, facilities and amenities, kitchen, bathroom,

laundry and garbage requirements.

12. A restriction as the user is to be registered against the title of the property, in accordance with Section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to the following:
  - a. Seniors or people who have a disability,
  - b. People who live within the same household with seniors or people who have a disability,
  - c. Staff employed to assist in the administration of and provision of services to occupants of the development.

Evidence of compliance with this condition is to be submitted to Council, **prior to the issue of an Occupation Certificate.**

13. Provision of a stormwater recycling system to service the landscaping of the development. The capacity of the tank is to be discussed with Council and be similar to the OSD tank. The proposed system is to be submitted to Council for approval, **prior to the issue of a Construction Certificate.**
14. Provision of privacy screens along the southern edges of balconies on the south-eastern corner of Block C, shown on Drawing No DA 300C, dated October 2011. Living room windows on the south-eastern corner of Block C (south elevation) are to have a sill height of 1.8m, or fixed windows on the south elevation with obscured glazing.
15. The first floor windows of Units 1 and 2, Block A on the southern elevation are to have glazing to a minimum height of 1.8m above the floor level. Privacy screens are to be provided to the southern elevation of Unit 1 rear balcony, similar to those of Block C, including spaces between the A.C. housing.
16. All windows and sliding doors are to be provided with key operated locks as a crime prevention measure and for the security of future residents.
17. All works are to be located within the site boundaries.
18. The maximum height of the roof(s) are not to exceed:
  - a. Blocks B, C and D – RL 44.50
  - b. Blocks B & D (4 storey portion) – RL 38.00
  - c. Block A – varies between RL 34.00 and 31.00
  - d. Block E – varies between RL 34.00 and 31.00
  - e. Block C – varies between RL 38.00 and 31.30
19. The development is to consists of 101 dwellings (11x1br, 53x2br, 37x3br) and a total floor area of 13,786m<sup>2</sup>.
20. The facades of the building are to be given a variation in finishes and colour tones to enhance the building, to Council's satisfaction. The finishes and colours are to be shown on the elevation and provided to and approved by Council, **prior**

**to the issue of a Construction Certificate.**

21. The exhaust ventilation system of the basement is to be an integral part of the building and is not to be located between the building and/or boundaries.
22. All windows and door openings to have a corbelled header and sill courses or, alternatively, have varying colours tone brick heads and sills. The brickwork colour tones are to be approved by Council, **prior to the issue of a Construction Certificate.**
23. Safety and security night lighting being provided for the development with such details incorporated in the amended landscape plans to be submitted to Council for approval, **prior to the issue of a Construction Certificate.**
24. All external balustrades are to have a minimum height of 1.2m measured from the balcony/terrace floor level. Balustrading is to consist of opaque glazing or of solid materials.
25. A “Work as Executed” drainage plan is to be submitted for Council’s approval, **prior to the issuing of a Final Occupation Certificate.**
26. Selected roof tiles are to be used for Blocks A and E, and details are to be submitted to Council’s Heritage Adviser prior to construction.
27. Street front fencing is to comply with the provision of DCP Part 38 Single Dwellings and Ancillary Structures - Fencing. The design and materials are to be submitted to Council for approval, **prior to the issue of a Construction Certificate.**
28. The applicant is to consult with Energy Australia to determine the need to an electricity substation **prior to the issue of a Construction Certificate** and, if a site is required, it being situated on the site adjacent to the street alignment, with the size and location of the area being in accordance with the requirements of this Council and Energy Australia, and the land required being dedicated without cost as a public roadway, to enable Energy Australia establish the substation. The linen plan being submitted to Council for approval and issue of a Subdivision Certificate and being registered with the Land Titles Office **prior to the issue of a Construction Certificate.**
29. 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.
30. Any telecommunication or TV antennae, etc on the roof are only to serve the subject development, and not be visible from the immediate public area around the development, and located away from the edges of the building.
31. The driveways, from the site boundaries to the basement entries are to be treated with a variation of paving for a visual break, with details of materials being submitted to Council for approval, **prior to the issue of a Construction Certificate.**
32. Provision of a car wash bay suitably equipped with a tap, hose and drainage, to Sydney Water requirements.
33. All external services including air conditioning units, electrical or gas water

heaters, meters, equipment, conduits, drainage and water pipes, are to be located in recessed enclosures within the external walls and are not to be visible from the public domain area or road. Details are to be provided, **prior to the issue of a Construction Certificate.**

34. All finished ground levels adjacent to the property boundaries are to be at the existing natural ground level.
35. Ten percent (10%) of the dwellings are to be “Adaptable dwellings” in accordance with clause 13A (2) (d) of SEPP No 5 – Housing for Older people or People with a Disability. Such units shall be fitted out in accordance with AS. 1428.1 – 2001 Design for Access & Mobility.
36. The proposed drainage lines adjacent to the northern boundary of No 25 Croydon Avenue is not to be located under the proposed tree planting area.
37. Details of the public path e.g. finishes material etc located to the south of the site, are to be submitted to Council for approval, prior to the issue of a Construction Certificate.
38. The roof landscaping of the eastern portion of Block C, as shown in Drawing No DA 8C, Level 2 Floor Plan, is to be amended as follows:
  - (a) The planter box adjacent to the lobby/fire stairs is to be deleted and replaced as a standard roof with no increase in height as shown on the amended drawing submitted to Council on 18 October 2011.
  - (b) The planter box, external to Unit 82, is to be reduced in width, to align with the southern wall of Unit 82, and replaced with a standard roof with no increase in height as shown on the amended drawing submitted to Council on 18 October 2011.
39. 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](http://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.
40. The “site compound” location proposed at the rear of No 25 Croydon Avenue and southern boundary shall be relocated to the vicinity of the external parking area proposed, adjacent to Block C as follows:
  - Clear of all existing trees (including drip lines and root protection zones) to the satisfaction of Council’s Tree Management Officer
  - A minimum of 15m from the western rear boundary of No. 25 Croydon Avenue

### **Tree Retention, Removal & Protection**

1. The existing trees identified in the Landscape Plans prepared by Taylor Brammer, dated 17 August 2011, and Council trees, identified in condition (6) below, are to be retained and protected.
2. Prior to the commencement of works a 1.8m high fence (chain mesh, roadside

barrier webbing or similar) shall be erected in accordance with the Australian Standard for the Protection of Trees on Development Sites (AS4970-2009) around the maximum possible area of the drip line (outer edge of the canopy) of the trees. The fence shall remain intact until all construction is completed.

3. Tree Preservation Zone (TPZ) fences shall be signposted to advise all people associated with the development (e.g. contractors, suppliers, developers, workers) and the general public of their purpose (e.g. Tree Protection Zone – No Admittance). Signs are to be maintained and remain throughout the construction period.
4. The above TPZ fences and signs shall be installed **prior to the issue of a Construction Certificate and/or commencement of demolition/bulk excavation.**
5. The following activities shall not take place within the TPZ:
  - a. Machine excavation including trenching
  - b. Excavation for silt fencing
  - c. Cultivation
  - d. Storage
  - e. Preparation of chemicals, including preparation of cement products
  - f. Parking of vehicles and plant
  - g. Refueling
  - h. Dumping of waste
  - i. Wash down and cleaning of equipment
  - j. Placement of fill
  - k. Lighting of fires
  - l. Soil level changes
  - m. Temporary or permanent installation of utilities
  - n. Physical damage to the tree

The applicant and/or contractor shall contact Council's Tree Management Officer (ph 9911 9911) if any variations to the above conditions are proposed.

6. Landscape plans LA01-LA05 (Revision B), LA06 (Revision A) and LA07 (Revisions A) be subject to the following amendments:
  - a. The firewheel tree (*Stenocarpus sinuatus*) located on Council's nature strip, in close proximity to the proposed driveway, in Brighton Street, is to be removed and replaced with a Water Gum (*Tristaniaopsis laurina*) tree, purchased in a minimum container size of 75L. The replacement Water Gum shall be planted at a minimum distance of 3m north of the driveway.

- b. The London Plane tree (*Platanus x hispanica*) located on Council's nature strip, in Croydon Avenue, near 25 Croydon Avenue is not supported for removal and shall be retained.
  - c. The remaining three (3) trees located on Council's nature strip in Croydon Avenue shall be removed and replaced with four (4) x Lasiandra (*Tribouchina granulose 'Alstonville'*) purchased in minimum container sized of 75L. The replacement Lasiandra trees shall be planted centrally within the nature strip at a spacing of minimum 8m centers (between trunks)
  - d. All trees to be retained shall have tree protection measure implements, in according with the Australian Standard AS4970 (Protection of Trees on Development Sites, 2009)
  - e. The application shall arrange all tree removal and replacement works to be carried out by suitably qualified persons at the applicant's cost.
  - f. A monetary bond to value of \$3,395 (including GST) to ensure the tree planting and their establishment shall be paid to Council by the applicant and will be held by council for a period of two (2) years after the date of issue of an Occupation Certificate for the whole development.
7. The proposed Coast Cottonwood trees located adjacent to the northern and rear boundary of No 25 Croydon Avenue are to be replaced with Crepe Myrtled Trees.
  8. The spotted Gum trees at the rear of No 25 Croydon Ave are to be super advanced trees with a minimum container size of 100 litres.

## **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) 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 building work must be carried out in accordance with the provisions of the Building Code of Australia. Details of the method of achieving this must be submitted to the Principal Certifying Authority **prior to the issuing of a Construction Certificate.**
4. 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.
5. 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.
6. 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.
7. 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.

8. 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.

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. The builder shall erect and maintain in good order all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary.
12. 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.
13. Hours of construction work including excavation 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.
14. 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)

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

## SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- after excavation for, and prior to the pouring of, any footings;
- prior to 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.

## SWIMMING POOLS

- The excavation prior to the placement of a fibreglass pool;
- Reinforcement and preliminary works prior to pouring of concrete; and
- Swimming pool fencing prior to filling the pool with water.

16. 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**.
17. 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](http://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.

18. All building works being erected wholly within the boundaries of the property.
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. 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 buildings to indicate the height of the roof/parapet, show boundary clearances and areas of the site occupied by the building.
24. 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)

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

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

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

26. 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.**
27. 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.
28. Fire Resistance Levels of all structural members, including external and internal walls, external and internal columns, ventilation, pipe and like shafts, floors and roofs shall comply with the requirements of Specification C1.1 of the Building Code of Australia. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**
29. All materials used in the building must comply with early fire hazard criteria of Specification C1.10 and C1.10a of the Building Code of Australia.
30. Means of egress complying with Section D of the Building Code of Australia. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**
31. Every exit so located that its use may otherwise be obstructed by the parking of vehicles being provided with two bollards or other suitable barrier, to provide a clear space of 1000mm wide leading to or from the exit door as required by Part D1.10 of the Building Code of Australia. Details of the method of achieving this must be noted on the plans **prior to the issuing of a Construction Certificate.**
32. Balcony balustrades are to comply with Part D2.16 of the Building Code of Australia. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**
33. Continuous balustrades shall be provided along the side/s of any stairway or ramp, any corridor, hallway, balcony, access bridge or the like, any path of

access to a building if:-

- a. It is not bounded by a wall; and
- b. The change in level is more than one (1) metre, or five (5) risers in the case of a stairway, from the floor or ground surface beneath;

except where specific exemptions are provided in the Building Code of Australia.

Balustrades shall prevent as far as practicable:

- a. Children climbing over or through it; and
- b. Persons accidentally falling from the floor; and
- c. Objects which might strike a person at a lower level falling from the floor surface.

Balustrade heights and designs shall comply with Part D2.16 of the Building Code of Australia and Australian Standard AS 1170.1-2002. Height above nosings of stair treads, landing, corridors and the like shall generally be not less than 865mm, except in the case of particular building regulations.

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

34. 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)

35. 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.**

36. Dilapidation surveys are to be carried out by a Practising Structural Engineer, which is to include a full photographic record of the exterior and interior of the buildings at the applicants/owners expense on all premises adjoining the site and the survey is to be submitted to Council and the adjoining land owners, **prior to the commencement of any works**. A further dilapidation survey is also to be carried out and submitted to Council and the adjoining owners **prior to the issuing of an Occupation Certificate**. The dilapidation surveys shall be dated accordingly.

## **Health**

1. An Environmental Management Plan is to be submitted to Council with the Development Application detailing the control and management methods to be implemented during the excavation and construction phases of the project, such as:
  - Noise and vibration control.
  - Dust and odour suppression and control.
  - Storm water control and discharge.
  - Erosion control.
  - Waste storage and recycling control.
  - Litter control.
  - Construction material storage.
  - Truck washing down and sedimentation control
2. 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.
3. 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.
4. 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
  - (i) Part 1 - Design installation and commissioning
  - (ii) Part 2 - Operation and maintenance
  - (iii) Part 3 - Performance based maintenance of cooling water systems.

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

### **Waste Management**

1. Each of the units is to be provided with a waste cupboard or other storage area which is of sufficient size to hold a single day's waste and to enable source separation of general waste, recyclables and compostable materials.
2. All garbage and recyclable materials emanating from the premises must be stored in the designated waste storage areas. The waste storage areas must be:
  - a. Provided with a hose tap connected to the water supply;
  - b. Supplied with both hot and cold water;
  - c. Paved with impervious floor materials;
  - d. Coved at the intersection of the floor and the walls;
  - e. Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water);
  - f. 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;

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.

3. The occupier of the premises is to enter an agreement with registered waste company or provider for the regular collection of all waste and recyclable material generated from the premises.

4. All waste and recyclables are to be collected from within the premises. Bins are not to be placed on Council footpaths for collection at any time.

### **Engineering – Stormwater**

1. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to Council's drainage system located at Croydon Avenue.
2. 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.**
3. Details and calculations shall be prepared by a competent practicing hydraulic/civil engineer. They shall include:
  - a. a catchment plan,
  - b. plans showing proposed and existing floor, ground and pavement levels to AHD,
  - c. details of pipelines/channels showing calculated flows, velocity, size, materials, grade, invert and surface levels,
  - d. details and dimensions of pits and drainage structures,
  - e. hydrologic and hydraulic calculations,
  - f. details of any services near to or affected by any proposed drainage line,
  - g. any calculations necessary to demonstrate the functioning of any proposed drainage facility is in accordance with Council's requirements.
  - h. The depth and location of any existing stormwater pipeline and/or channel being connected to shall be confirmed by the applicant on site. Certification of such is to be provided to Council prior to the release of the construction certificate.

The details and calculations are to be reviewed by Council or an Accredited

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

4. 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.**
5. 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.
  - g. Following backfilling. Confirm adequacy of backfilling material and compaction.
6. 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.

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

- Overland surface flow path
- Finished pavement and ground levels
- Prevention of the erection of any structures or fencing
- On-site Stormwater Detention 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
- 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.

8. The northern boundary fences shall be constructed in materials that allow unobstructed passage of surface stormwater flows. Fencing details shall be submitted to Council or an Accredited Certifier - Civil Engineering. The Principal Certifying Authority is to be provided with a Compliance Certificate verifying that this condition has been complied with, **prior to the issuing of a Construction Certificate.**
9. The following conditions are in addition to the conditions marked on the pink referral to be address by the applicant **prior to issuing of the Construction Certificate.**

- a. The plan shall indicate all the downpipes from the buildings and their connection to the drainage system.
- b. Podium level (Level-2) drainage plan & detail has to be provided.
- c. Total runoff from the entire roof and paved areas shall be routed through the On-Site Detention Tank (OSD)
- d. Further details of the OSD in regards to its location, level etc are to be provided to ensure adequate accessibility for regular inspection and maintenance purpose.
- e. PVC and HDPE pipes will not be permitted in load bearing situation.
- f. The outflow control structure is to be designed to control variable outflow rate to ensure the full range of ARI protection occurs. This will require the OSD to incorporate a range of storage-discharge values for various ARIs.
- g. An electronic copy of the design (model) and calculations shall be submitted to Council.
- h. For purposes of quality control the consulting engineer shall be required to provide Council with a Certification Report of the stormwater design together with signed plans and calculation reports.

### **Engineering – General**

1. All activities and works external to the site, or that affect public roads, are to be carried out in accordance with Council's Code for Activities Affecting Roads.
2. A road-opening permit shall be obtained for all works carried out in public or Council controlled lands. Restoration of landscaping, roads and paths shall be carried out by Council at the applicant's expense in accordance with Council's restoration rates. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$10 million, and shall provide proof of such cover to the Principal Certifying Authority prior to carrying out the works.
3. 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.
4. 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.
5. 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.

6. The following matters apply to the construction of the proposed vehicular crossing.
  - a. Two vehicular crossings 7.5 m wide to Croydon Avenue and Brighton Street are to 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.
7. 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.
8. The applicant is to have prepared a longitudinal section of the proposed vehicular ramp access, drawn at 1:25 natural scale.
  - a. The longitudinal section shall be prepared by a competent practicing civil engineer in accordance with AS 2890.1.
  - b. The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering. The Principal Certifying Authority is to be provided with a Compliance Certificate verifying that this condition has been complied with, prior to the issuing of a Construction Certificate.
9. 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.**
10. 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.
11. Vehicles removing demolished materials from the site shall access and depart from the site through Croydon Avenue/Brighton Street and Liverpool Road.

Vehicles involved in removing materials from the site shall be limited to an 8 tonne gross weight.

### **Public Domain**

1. The total estimated value of “streetscape” improvements works in accordance with Part 35 of Burwood Consolidated Development Control Plan (hereafter briefly referred as DCP 35), within the intent of the Public Works Elements Manual, on Brighton Street (street category -4) and Croydon Ave (street category -4) frontages is **\$150,000** as specified in Fee condition 5 as follows:
  - a. Footpath Paving at Brighton St & Croydon Av frontages - (approx. 258 m<sup>2</sup>)
  - b. New Vehicular Crossings and Layback – 2 Nos.
  - c. New kerb & gutter at Brighton St & Croydon Av frontages - (approx. 170 lm)
  - d. Asphalt repair (500mm wide) at gutter lip & layback - (approx. 187 lm)
  - e. Nature strip, to lay and grow grass between kerb & footpath – (approx. 260 m<sup>2</sup>)

The Applicant shall lodge with Council a **bond or bank guarantee satisfactory to Council in the amount of \$150,000** for the above streetscape improvement works to be undertaken and completed by his own qualified contractors following the guidelines in Councils Public Works Elements Manual and to Council Engineer's satisfaction, **prior to the issuing of a Construction Certificate and/or commencement of demolition/ excavation.**

2. The Applicant shall prepare detailed survey reports of all existing service authority assets in the property and at the street frontages (footpath) of the proposed development. Surveys should include, but not be limited to, electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage assets, etc.
3. The Applicant shall liaise with all relevant service authorities to develop final designs that satisfy all requirements of the service authority providers in respect of protection, termination or relocation of existing assets. A written consent shall be required where a service authority asset will be affected.
4. 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.
5. Three copies of a detailed Public Domain Plan of both the Brighton Street and Croydon Ave frontages of the building including the footpath, driveways, kerb & gutter, nature strip etc. shall be prepared and certified by a qualified architect or landscape architect or urban designer and shall be submitted to Council for its records **prior to the issuing of a Construction Certificate.**
  - The Plan is to be drawn at 1:100 scales.
  - The plan shall show the entire layout, location, a long sections and cross sections including construction levels of the proposed footpath, vehicular crossing, street kerb & gutter and nature strips. The plan shall provide the

type and materials of all the proposed public works elements. All the existing and proposed landscaping features e.g. trees, plants etc. including utility poles, service pits, proposed stormwater pits etc. shall be indicated on the plan.

- The plan shall incorporate the standard specifications and details in accordance with DCP 35 and the Public Works Elements Manual and shall include technical specifications of the proposed works.

## **Traffic**

1. A minimum of 114 resident car spaces, 6 staff, 19 visitor spaces, 1 ambulance and 1 mini bus bay are to be provided – total 141.
2. Provision of convex mirrors at the basement car park entries to improve the angle of vision for residents.
3. All driveway ramp gradients are to comply with Burwood Council's DCP Pt. 22 – Car Parking.
4. The minimum head clearance for the basement and car spaces be 2.2m and with allowance for wheelchair (on car tops) headspace as per Australian Standards.
5. All visitor spaces, mini-bus bay and ambulance bay are to be clearly identified.
6. An intercom system be provided to allow visitors, tradesmen and delivery vehicles access to the parking area. The intercom system shall be located adjacent to the driveway .
7. A Construction Traffic Management Plan is to be submitted to Council for approval, prior to the commencement of any work (including demolition works) on the site, to ensure public safety and to avoid any traffic congestion and delay. All construction vehicles are to access and egress the site from Croydon Avenue for delivery and removal of material.
8. All reasonable measures be incorporated into the design of the exits to parking areas to minimise headlight glare to residents on Croydon Avenue and Brighton Street located opposite car park exit points where such measures are required.
9. Traffic and speed counts to be undertaken on both Brighton Street and Croydon Avenue before and 6 months after the development is constructed and occupied. Pending analysis of the data, traffic calming devices be installed on both streets. An undertaking is to be provided to Council, should it be reasonably demonstrated these works are necessitated.
10. A parking review of Croydon Avenue and Brighton Street be undertaken once the development is in operation (6 months), to qualify on street parking by visitors and staff. An undertaking be provided to Council, should a parking scheme need to be developed for the area.
11. Construction gates and entry be provided off Croydon Avenue only in a safe location as per Council's requirements. There shall be no construction access to the site from Brighton Street.
12. A speed hump is to be installed for the exit into Croydon Avenue, and located on

the ramp, 2m west of the level surface area.

13. Speed humps to be provided in the isle within the carpark, adjacent to spaces 29, 45 and disabled space 12. The height of the humps are to be a minimum 25mm and a maximum of 75mm.
14. A mountable median is to be installed at the entrance to the site from Croydon Avenue, to distinguish between the ingress and egress lanes. The median is to measure 1000mm wide, 1000mm long and 50mm high, and painted to be clearly visible to vehicles and pedestrians.
15. The vehicle crossing at Brighton Street is to be utilized as an exit only for residents and 2 way for service and emergency vehicles, including the mini bus.
16. Signage at the Brighton Street vehicle crossing is to clearly indicate “*NO ENTRY – EMERGENCY AND SERVICE VEHICLES EXCEPTED*” with additional signage at the exit of the basement carpark to state “*NO ENTRY*”
17. All construction vehicles associated with the whole development are to access and egress the site from Croydon Avenue.
18. During excavations of the site, the Croydon Avenue vehicular access/egress to the site is to be located between Blocks A and B, however, following completion of excavations, the vehicular access/egress may be relocated to the southern end of the site, as proposed in the Site Specific Management Plan, prepared by Grindley Construction.
19. Following completion of the basement carpark, all construction staff vehicles, associated with the site, are to utilise the basement car park for parking. The surrounding street network shall not be utilised for construction workers vehicles while the basement is available.