

**JOINT REGIONAL PLANNING PANEL
(SYDNEY EAST)**

JRPP No	JRPP Reference Number 2011SYE084
DA Number	DA108/2011
Local Government Area	Burwood
Proposed Development	Mixed commercial and residential development
Street Address	No 1-3 Belmore St & 67-73 Shaftesbury Rd Burwood
Applicant/Owner	Mosca Pserras Architects Pty Ltd
Number of Submissions	One(1)
Recommendation	Approval with Conditions
Report by	Brian Olsen, Manager Building & Development

NO 1-3 BELMORE STREET AND NO 67-73 SHAFTESBURY ROAD, BURWOOD - DA 108/2011 – PROPOSED MIXED COMMERCIAL AND RESIDENTIAL DEVELOPMENT - (JRPP NO: 2011SYE084)

File No: BD.2011.108

Applicant: Mosca Pserras Architects Pty Ltd
Location: North western corner at the intersection of Belmore Street and Shaftesbury Road
Zoning: Mixed Use B4 – Burwood Town Centre LEP 2010

Proposal

The subject DA 108/2011 consists of the following:

- Pt 5 and Pt 9 storey development over 2 basement car parking levels
- Total of 103 residential units – 12x1br, 77x2br, 14x3br
- A commercial suite – 378m²
- Residential Floor Area – 10,182m² (FSR 2.88:1)
Commercial Floor Area – 378m² (FSR 0.11:1)
- Total Floor Area – 10,560m² (FSR 2.99:1)
- Car Park 132 spaces – 1 commercial, 131 residential and disabled. Driveway is off Belmore Street.
- Other areas – Gymnasium, loading and unloading area, central court.

Background

On 30 September 2008 the Land and Environment Court granted consent to a Pt 5 and Pt 9 storey development (DA 261/2005) on the subject site, for a mixed commercial and residential development, consisting of 73 residential units, 5 commercial suites (563m²), 2 basement car parks (116 car spaces) with a total floor space ratio of 2.86:1. Vehicle access to the basements is from the western end of Belmore Street. The consent does not lapse until 30 September 2013.

The subject application DA108/2011 was submitted on 18 July 2011. A briefing meeting on the application was held at the JRPP Office on 14 September 2011.

Statutory Requirements

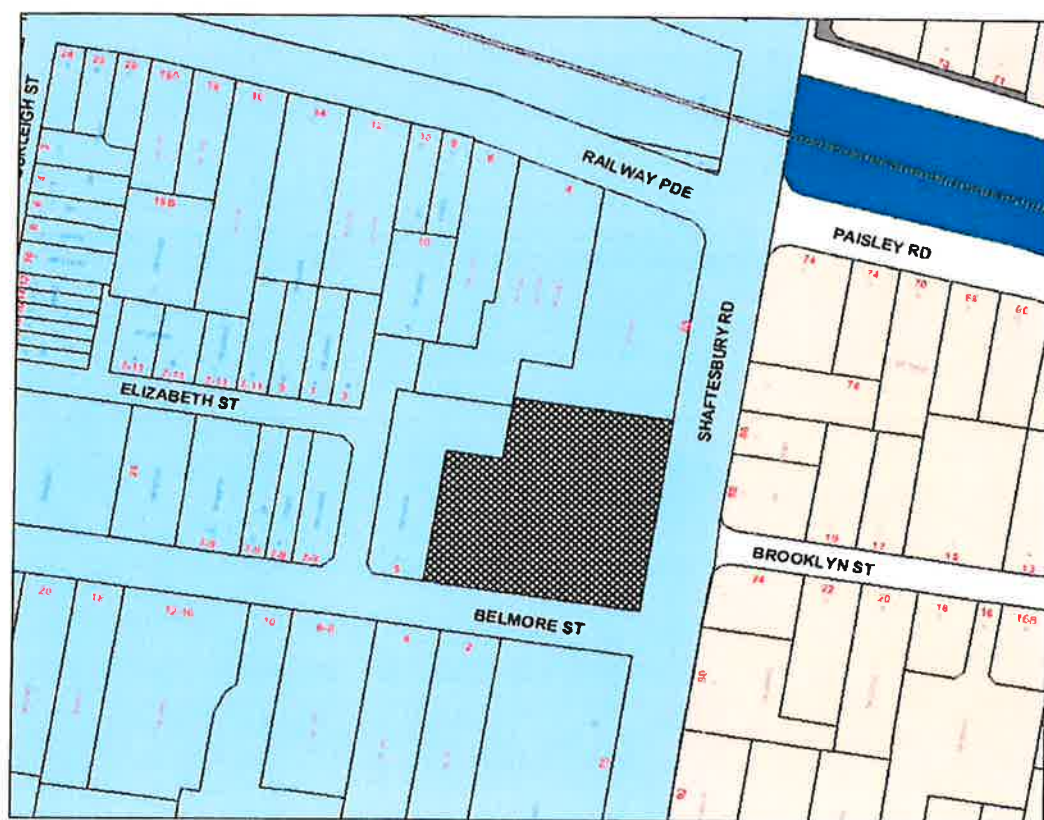
Heads of Consideration

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

- The provisions of an environmental planning instrument – Burwood Town Centre LEP 2010
- SEPP 65 – Design Quality of Residential Flat Buildings and the Residential Flat Design Code
- The provisions of Development Control Plans (DCP) Part 36 – Burwood Town Centre
- The impact of the development in relation to:
 - The context and setting of the development.
 - The impact on the natural and built environment.

- Shadowing of adjoining properties.
 - Traffic impacts.
 - Streetscape and urban design issues.
 - Crime prevention through environmental design.
- The suitability of the site for development.
 - The public interest.
 - Social and economic impact.
 - Submissions made under the Act and Regulations.

Locality



Site & Surrounding Area

The site has an area of 3,523m², a 62.636m Belmore Street frontage and 61.01m Shaftesbury Road frontage. The site is rectangular in shape with the north western corner "recessed" – 16.69mx19.09m.

From the intersection of Belmore Street and Shaftesbury Road, the site falls 0.5m to the west, 2.84m to the north and falls approximately 3m to the north western corner.

Nos 1A and 3 Belmore Street have two-storey buildings, formerly dwelling houses now used as commercial premises. Nos 67, 69 and 73 Shaftesbury Road and No 1 Belmore Street are two-storey residential flat buildings. The buildings are set back between 3m and 4.8m from Belmore Street and between 4.5m and 5.5m along Shaftesbury Road.

The locality has a mix of uses. A six-storey residential flat building is located immediately to the north, and a five-storey commercial office building located immediately to the west of the site. Developments to the south across Belmore Street

include 3 and 4 storey residential flat buildings. One and two storey dwelling houses, a bed and breakfast premises, and a Bible Learning Centre are located on the eastern side of Shaftesbury Road.

The western suburbs railway line is located approximately 80m to the north of the site. A five-storey commercial building is located immediately to the west of the site. The two-storey Burwood Law Court is further to the west.

Planning Assessment

The application is assessed under the development standards of Burwood Town Centre LEP 2010 – Mixed Uses B4 zoning, and the controls under Burwood DCP Pt 36 – Burwood Town Centre. The site is located partially within the Middle Ring Area (No 3 Belmore St.) and partially within the Perimeter Area (No 67-73 Shaftesbury Rd. & No 1 & 1A Belmore St.) under DCP Pt 36.

Development Standard	Permitted/required	Proposed	Compliance
<u>LEP 2010</u>			
Floor Space Ratio	Pt 3:1 and Pt 4.5:1 (Total 11,644m ²)	2.99:1 (Total 10,560m ²)	Yes
Building Height	Pt 30m & Pt 60m	Pt 28.3m & Pt 30m	Yes
Building Height Plane	Eastern side of Shaftesbury Road	Building Height Plane allowed for	Yes
Minimum Lot Size	500m ²	3,530m ²	Yes
Architectural Roof Features	Aesthetic contribution, create variety in skyline, promote design excellence.	Included in design of building	Yes
<u>DCP PT 36</u>			
Street Front Setback	Belmore Street – 3m Shaftesbury Road – 3m	3m 3m	Yes Yes
Communal Open Space	Landscape of 3m street front setback	Landscaped	Yes
Apartment Mix	Mix of 1, 2 & 3 bedroom units	12x1br, 77x2br, 14x3br	Yes
Apartment Size	1br – min. 50m ² 2br – min. 70m ² 3br – min. 95m ²	1br – min 56m ² 2br – min 76m ² 3br – min 143m ²	Yes Yes Yes
Building Depth	18m	Varies: 12m-20m	Yes/No (see comments)
Ceiling Height	Commercial – min. 3m Residential – min. 2.7m	3.3m 2.7m	Yes Yes
Building Setback	Northern Boundary: 4 storey – 6m 5 storey – 9m	6m-7m 6m-7m	Yes No (see comments)

Building Separation	North Western Boundary: 4 storey – 6m 5 storey – 9m	6m-7m 6.9m	Yes No (see comments)
	South Western Boundary (Middle Ring): 4 storey – 0m 5 – 8 storey - 0m	0m 3.5m	Yes Yes
	Between northern & southern blocks: 0 - 4 storey - 12m 5 storey - 18m	12m -14m 12m -14m	Yes No (see comments)
Private Open Space	1 & 2 br - 8m ² min. 3br - 10m ² min.	8.01m ² 20.6m ²	Yes Yes
Storage Areas	1br - 6m ³ (50% within unit)	2.6m ³	No (see comments)
	2br - 8m ³ (50% within unit)	2.6m ³	No (see comments)
	3br - 10m ³ (50% within unit)	6m ³ Private storage areas are provided within the basement car parking levels.	Yes
Safety & Security	Satisfy Crime Prevention & Safety Plan, clear sight lines of entry, lighting of common area.	Included in design	Yes
Access & Mobility	Access for people with mobility impairment, AS1428.1, AS1428.2 & AS1428.4. 2 accessible visitor car spaces.	10 accessible apartments & 12 car spaces provided	Yes
Energy Efficiency & Sustainability	Basix Certificate commercial complaint – 4.5 star NABERS	Basix Certificate ABSA Certificate & designed to achieve 4.5 star NABERS	Yes
Car Parking	1 & 2br units: 89 3br units: 21 1 commercial: 1 Residential; visitors: 17 Disabled visitors: 2 Total: 130	 132	 Yes
Bicycles	33	14	No (can be conditioned)

Building Depth

The Residential Flat Design Code (RFD Code) recommends a building depth of 18m. The proposed building depth along the Belmore Street frontage varies between 16m and 20m on the ground to level 3. A variation to the recommended depth is not opposed in this instance, given the kitchen, dining and living areas face north and have adequate solar access.

Setbacks from Boundaries

The setback of the proposal from its northern boundary complies to the 4th floor (6m minimum), however, the RFD Code recommends 9m on the 5th storey. The topmost 5th storey of the proposal has a northern setback between 6m and 7m ie only one storey infringes the recommended setback. Given that the adjoining building is setback approximately 4m from the common boundary with the proposal, the proposed setback of 5th storey is not opposed with installation of privacy screens on balcony edges.

The proposal is setback 6.9m from the north western boundary, with a bedroom and a living room, infringing the 9m setback, on the 5th floor. Given that only 2 rooms are not in compliant, this minor amount of floor area, is not considered significant, to warrant amendments to the design.

Separation of "Buildings"

The separation between the northern return of the building and the portion fronting Belmore Street of the development, varies between 12m-14m. The separation satisfies the RFD Code to the 4th storey, however, not the topmost 5th storey of the northern portion of the building. In view of the short northern return and that the infringement occurs for one floor only, this infringement is not opposed.

Storage Provision

The storage requirements are solely provided within the basement area, notwithstanding a 50% requirement to be within the residential unit. This matter could also be dealt with by way of a condition.

SEPP No 65 – Design Quality of Residential Flat Development

The applicant has addressed the Design Quality Principles satisfactorily in the Design Statement and SEPP 65 Report. A copy of the document is attached to this report. The applicant's discussions of the principles and planning comments are as follows:

1. *Principal 1: Context*

The applicant states that the design of the development is consistent with the desired future character of the area.

Comment

This statement is agreed with.

2. *Principle 2: Scale*

The proposed scale and bulk is consistent with the desired future scale for this location.

Comment

The comment is agreed with.

3. *Principle 3: Bulk Form*

The proposal is consistent with the required building alignments, height, design elements and the building height plane. The building reflects a high degree of design quality, and incorporates a variation in materials, textures and is considered of high aesthetic design.

Comment

The above comments are agreed with.

4. *Principle 4: Density*

The proposed density and floor space reflects the Burwood Town Centre LEP 2010 and DCP Part 36 Objectives, and reflects the desired future scale for the area.

Comment

Agreed.

5. *Principle 5: Aesthetics*

The development displays a high design aesthetic quality with its variation in height, use of materials and colour scheme.

Comment

Agreed

6. *Principle 6: Amenity*

The design has endeavoured to provide good amenity for the future residents.

Comment

This comment is agreed with, however, there are 11 south orientated units which do not receive solar access. This number represents 10.6% of the units, which is considered acceptable under the RFD Code guidelines.

7. *Principle 7: Resource, Energy & Water Efficiency*

The proposal does not recycle water, although energy and water efficient fixtures will be installed.

Comment

A recycling water system is recommended for watering of landscaped areas, and this can be dealt with by way of a condition. A Basix Certificate and a ABSA report has been submitted in support.

8. *Principle 8: Social Dimensions*

The develop optimises the housing provision to suit a social mix and needs of the neighbourhood.

Comment

Agreed. The proposal provided for a mix in unit sizes as well.

9. *Principle 9: Safety & Security*

The proposal has a number of entries, all of which face the street frontages. The entries are clearly visible from adjoining units, and considered satisfactory.

Comment

Agreed.

10. *Principle 10: Landscape*

The proposal provides for adequate landscaping along with street frontages, the northern boundary and internal courtyard.

Comment

The landscape provision on the street frontages are satisfactory. It is recommended that the roof top along Shaftesbury Rd portion of the building, be required to be landscaped and for passive recreation. A condition is included in the recommendation.

NSW Residential Flat Design Code (RFD Code)

The documentation under the RFD Code, identified compliances with the development guidelines of the code – building depth, setbacks from boundaries, floor space ratio, deep soil zones, landscape design, open space, orientation, building entry/safety, parking, visual privacy, apartment layout and size, apartment mix, building configuration, storage provision, acoustic privacy, daylight access, natural ventilation and building façade treatment.

The proposal principally satisfies the RFD Code guidelines, except for the minor infringements of the recommended guidelines regarding the building setbacks, building separation, depth of the building and provision of storage areas within the unit. Any visual privacy to adjoining developments on the northern boundary of the proposal can be overcome with provision of privacy screens to the edge of the balconies that face the northern boundary. A condition is included in the recommendation for installation of privacy screens.

Referrals

Assets and Design has no objections to the proposal, subject to standard conditions.

Council's Tree Management Officer (TMO) has raised no objections to the removal of the existing trees on the site and the proposed landscaping subject to a number of conditions on container sizes for the nominated plant species and size of plants. The public domain area will be landscaped by Council, in accordance with its public domain plans.

The Traffic and Transport Manager has advised that the intersection of Belmore Street and Shaftesbury Road is identified as a "Black Spot" and a round-about is necessary. This matter will be dealt with under the Section 94A Contributions and Council's works program. Traffic has also advised that swept paths of service vehicles up to an MRV are required to be submitted for assessment, and provision of bollards in front of lifts.

Council's Heritage Planner has raised no objections to the proposal

Road & Traffic Authority (RTA)

The RTA has no objections to the proposal, however, advises:

1. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.
2. All works associated with the development are to be at no cost to the RTA.

Item (1) is normally included as a standard Traffic condition of consent. A copy of the RTA correspondence is attached to the report.

Community Consultation

One submission was received following public notification of the application from 26 July to 18 Augusts 2011. A copy of the submission is attached, and a summary of the objections is as follows:

1. Belmore Street may not cope with the increase in traffic.

Comment:

A Traffic Report prepared by Colston Budd Hunt and Kafes Pty Ltd was submitted with the application, and concludes that the development would have a low traffic generation of 35 vehicles per hour two-way in peak periods, and that the surrounding road network will cater for this low traffic generation. Council's Traffic and Transport section does not disagree with this conclusion.

2. The ground level commercial area be for professional suites e.g. dental and the like.

Comment:

The LEP 2010 does not restrict the type of retail or commercial suites, within the Town Centre.

3. Allocation for clothes drying area is necessary.

Comment:

All dwellings have laundries which will be provided with a clothes washing machine, dryer and tubs. A separate clothes drying area is not provided. Part of the roof top can be utilised for this purpose, if considered necessary.

4. Consideration for a swimming pool, or gymnasium for children area are important.

Comment:

A landscaped podium and a gymnasium (level 1) are provided within the development. There is opportunity to use the roof over the Shaftesbury Rd portion of the building, for additional landscaping and passive recreation, for the future residents. A condition is included in the recommendations.

Conclusion

The proposal is of a scale and design which satisfies the objective of Burwood Town Centre LEP 2010 and the future character of the Town Centre. Subject to inclusion of a number of conditions in regard to privacy panels on balconies along the northern façade, requirement of a recycling stormwater system for watering of landscaped areas, and landscaping of the roof, the proposal is considered satisfactory, and recommended for approval.

Recommendations

That development Application No 108/2011 for demolition of existing buildings and erection of a part 5 and part 9 storey mixed commercial and residential development, consisting of 103 units (12x1br, 77x2br, 14x3br), a commercial suite (378m² floor area, a total floor space ratio of 3:1, over 2 basement car parking levels (132 car spaces – 1

commercial, 131 residential and disabled spaces (12)), subject to the following conditions:

Conditions of Approval

- (1) The development being carried out in accordance with the plans as follows, except where amended by the conditions of consent:

- Architectural plans prepared by Mosca Pserrars Pty Ltd:

Drawing No.	Plan	Issue	Dated
11030 AP01	Coversheet	A	16.05.2011
11030 AP02	Site Plan	C	16.05.2011
11030 AP03	Basement Plans	E	16.05.2011
11030 AP04	Ground & Level 1	E	16.05.2011
11030 AP05	Level 2 & Level 3	E	16.05.2011
11030 AP06	Level 4 & Level 5	E	16.05.2011
11030 AP07	Level 6 & Level 7	E	16.05.2011
11030 AP08	Level 8 & Roof	F	16.05.2011
11030 AP09	Elevations	D	16.05.2011
11030 AP010	Elevations	A	16.05.2011
11030 AP011	Sections	A	16.05.2011
11030 AP013	BH Plane	A	16.05.2011
11030 AP014	Adaptable Unit	A	16.05.2011

- Landscape Architects plans prepared by Framonte Jensen Pty Ltd Drawing No 627.01, 627.02, 627.03, Issue B, and dated 18.7.2011.
- Stormwater Drainage Concept Plans prepared by Niven Donnelly and Partners Pty Ltd, Drawing No 211039-H01, H02 and H03, Revision A, dated July 2011.
- Disability Access Report prepared by Cheung Access, dated 13 July 2011.
- Basix Certificate No 385944m, issued on 14 July 2011.
- Austgrid report dated 23 July 2011.

FEES

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

TABLE OF FEES

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

- (1) Building and Construction Industry Long Service Corporation Levy **\$81,410.00**
(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

\$70,500.00

(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) Bond for connection to Council stormwater drainage works **\$3,500.00**
(Payment to be made to Council)

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

Contribution Element	Contribution
A levy of 4 per cent of the cost of carrying out the development, where the cost calculated and agreed by Council is \$20,975,000.00	\$ 839,000.00

Index Period	Dec 2010	CPI ₁	173.1
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The above contribution will be adjusted at the time of payment. Applicants are advised to contact Council for the adjusted amount immediately prior to arranging payment.

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

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

Where:

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

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

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

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

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

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

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

PLANNING

- (1) The maximum floor space ratio of the development is not to exceed 3:1.
- (2) The development is to consist of a commercial floor area of 378m², and 103 residential units (12x1br, 77x2br, 14x3br).
- (3) A stormwater harvesting and recycling system is to be incorporated, with a minimum capacity of 30,000 litres, for watering of the landscaped areas. The proposed system is to be submitted to Council for approval, **prior to the issue of a Construction Certificate.**
- (4) The roof of the uppermost level of the building along Shaftesbury Road is to be landscaped for future residents' use and passive recreation. Details of the landscaping are to be submitted to Council for approval, **prior to the issue of a Construction Certificate.** The landscaped roof is to have seating and lighting, without causing light spillage.
- (5) Provision of sliding vertical louvered privacy/solar protection screens to a minimum of 30% of the balcony length, along the northern façade of the building. Finishes to panels are to be non-reflective to avoid glare onto adjoining properties.
- (6) The development is to have a minimum number of car parking spaces of 130 spaces – 1 space of commercial, 89 spaces for 1br and 2br units, 21 spaces for 3br units, 19 visitor spaces. The residential spaces are to allow for 10 disabled spaces, and 2 disabled visitor spaces. The disabled spaces are to comply with AS 2890 – Parking Facilities (2009).
- (7) A total of 10 adaptable units are to be included in the development, as identified in the Architectural plans and Cheung Access Report, dated 13 July 2011.
- (8) Provision of storage areas for each apartment, in accordance with clause 2.3.10 Storage for Apartments, DCP Part 36. Plans are to be submitted to Council identifying compliance with this requirement.
- (9) All works are to be located within the site boundaries.
- (10) The maximum height of the building is not to exceed a maximum of AHD (RL) 59.900 (on the Belmore Street frontage) and 48.300 for the northern portion, measured from the top of the parapet to the natural ground level, vertically below. A survey is to be submitted to Council confirming compliance with this condition, **prior to the issue of an Occupation Certificate.**
- (11) 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 final finishes and colours are to be shown on the street(s), northern and western elevations, and submitted to and approved by Council, **prior to the issue of a Construction Certificate.**
- (12) 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.

- (13) Safety and security night lighting being provided for the development with details being incorporated in the landscape plan.
- (14) 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 be of solid construction.
- (15) A "Work as Executed" drainage plan is to be submitted for Council's approval **prior to the issuing of either a Final Occupation Certificate or a Subdivision Certificate.**
- (16) The roof is to be of non-reflective finish to reduce reflection and glare.
- (17) The applicant is to consult with the Energy Authority to determine the need for an electricity substation **prior to the issuing 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 to 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 an Occupation Certificate.**
- (18) 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.
- (19) The applicant shall take all necessary precautions to adequately protect adjoining properties during demolition. This shall include the submission to Council of specific details of the protection to be employed **prior to demolition commencing.**
- (20) **Prior to the issuing of an Occupation Certificate** Council is to receive a payment of pro-rata fees for and receipt from Council of mobile garbage and recycling bins for the development.
- (21) 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.
- (22) The driveway area from the Belmore Street frontage to the basement entry, is to be treated with a variation of paving for a visual break, with details of materials being submitted to Council for consideration, **prior to the issue of a Construction Certificate.**
- (23) Provision of two car wash bays suitably equipped with a tap, hose and drainage, to Sydney Water requirements.
- (24) 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 be visible from the public domain area or road. Details are to be provided in the Construction Certificate Plans.
- (25) All balconies are to have a hob on their outer edges, to prevent water dripping along the external edge(s) of the balconies, and are to be adequately drained.

- (26) All common boundary fencing is to be replaced where necessary, at the applicant's cost. Adjoining owner(s) be notified as required under the *Dividing Fences Act*.
- (27) The finished ground levels adjacent to the northern boundary and street frontages are to be at the existing natural ground levels.
- (28) 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.

LANDSCAPING

- (1) The landscaping plans are to be amended to include container sizes to each of the nominated plant species. The amended plans are to be submitted to Council for approval, **prior to the issue of a Construction Certificate**.
- (2) The proposed five (5) *Livistona australis* (cabbage palms) shown on the plans are to be supplied from ex-ground stock with minimum clear stem heights of 5 metres.
- (3) All other proposed trees shown on the plan shall be in minimum container sizes of 45 litres.
- (4) The shrub, perennials and ground covers shown on the plan may be of smaller container sizes as appropriate for their locations.
- (5) The trees on Council's verge are to be protected from the start of any site works, until completion and issue of a Occupation Certificate.

Prior to the commencement of work a one metre, eight hundred millimetre (1.8 metre) 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 areas of the drip line (outer edge of the canopy) of all trees. The fence shall not extend beyond the kerb/gutter and remain intact until all construction is completed.

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.

- (6) The landscaping of the site being carried out in accordance with the approved landscape plans prior to the issue of a Occupation Certificate. The landscaping is to be maintained for a minimum period of two (2) years from the date of the Occupation Certificate.

BUILDING

- (1) Where residential building work (within the meaning of the Home Building Act 1989) is proposed to be carried out, either of the following is to be provided to the Principal Certifying Authority **prior to the issuing of a Construction Certificate:-**

- a. Where work is carried out by a licensed tradesman or builder:

- (i) written advice of the licensee's name and contractor licence number, and
- (ii) a certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 to the effect that a person is the holder of an insurance contract issued for the purposes of that Part.

OR

b. Where work is carried out by an owner-building:-

- (i) written advice of the person's name and Owner-Builder Permit number, or
- (ii) a signed declaration from the owner of the land that states the reasonable market cost of the labour and materials involved in the work is not high enough for the owner to need an Owner-Builder's Permit to do the work.

(2) Toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:

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

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

- (3) All excavations and backfilling associated with the erection or demolition of a building shall be carried out in a safe and careful manner and in accordance with appropriate professional standards. All necessary planking and strutting shall be of sufficient strength to retain the sides of excavations. A Certificate verifying the suitability of structural details for any proposed shoring is to be submitted to the Principal Certifying Authority before excavating.
- (4) All excavations associated with the erection or demolition of the building are to be properly guarded and protected to prevent them from being dangerous to life or property.
- (5) Where soil conditions require it:
 - a. retaining walls must be provided so as to prevent soil movement; and
 - b. adequate provision must be made for drainage.
- (6) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - a. must preserve and protect the building from damage, and
 - b. if necessary, must underpin and support the building in an approved manner, and

- c. must, at least 7 days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Allotment of land includes a public road and any other public place.

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

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

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

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

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

- (8) 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.
- (9) No materials are to be stored on Council's roads, footpaths or parks.
- (10) 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.
- (11) No work involving the use of mechanical plant and equipment being carried out other than between the hours of 7:00am – 5:30pm Monday to Fridays and 7:00am – 1:00pm on Saturdays, with no work at all being carried out on Sundays and Public Holidays.
- (12) Hours of construction work shall be from 7:00am to 5:30pm Mondays to Fridays inclusive, and from 7:00am to 1:00pm Saturdays. No construction work shall be carried out on Sundays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.
- (13) The approved structure shall not be used or occupied unless an Occupation Certificate (being a Final Certificate or an Interim Certificate) as referred to in section 109C(1)(c) of the Environmental Planning & Assessment Amendment Act has been issued.

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

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

SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- * After excavation for, and prior to the pouring of, any footings;
 - * Prior to covering waterproofing in any wet areas;
 - * Prior to covering any stormwater drainage connections; and
 - * After the building work has been completed and prior to any occupation certificate being issued in relation to the building.
- (15) An application for a Construction Certificate is to be made to Council or an Accredited Certifier. Council's 'Construction Certificate Application' is to be used where application is made to Council. Copies are available upon request. A Construction Certificate must be obtained **prior to the commencement of building work.**
- (16) Dial Before You Dig is a free national community service designed to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential services we use everyday – electricity, gas, communication and water.

Before you dig call "Dial before you dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no/name, side of street and the distance to the nearest cross street) or register on line at www.dialbeforeyoudig.com.au for underground utility services information for any excavation areas.

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

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

- (17) All building works being erected wholly within the boundaries of the property.
- (18) All sanitary plumbing being concealed in suitably enclosed ducts. Such ducts are to be constructed internally (i.e. not on the outside face of an external wall) and are to be adequately sound-proofed.
- (19) The floor of the wet areas being of a material impervious to moisture and graded and drained to the sewers of Sydney Water.
- (20) All building work must be carried out in accordance with the provisions of the Building Code of Australia – Volume One.

- (21) 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.**
- (22) 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.**
- (23) 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.**

- (24) Dividing Fences Act - Your attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application. Any enquiries in this regard may be made to the Department of Lands on (02) 9228 6726.
- (25) A registered surveyor's certificate being submitted to the Principal Certifying Authority as follows:-
- a. Before pouring of concrete slab on every level to indicate the height of the finished floor level and to show boundary clearances; and

- b. On completion of the building to indicate the finished floor levels and height of the roof ridge and to show boundary clearances and areas of the site occupied by the building.

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

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

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

(27) Compliance with the provisions of the Construction Safety Act, 1912.

(28) 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.

- (29) 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**.
- (30) The Principal Certifying Authority or Structural Engineer is to also supervise the construction. All Certificates from the supervising Structural Engineer are to be submitted to the Principal Certifying Authority before an Occupation Certificate is issued stating that all reinforced concrete and/or structural members have been erected in accordance with his/her requirements and the relevant SAA Codes.
- (31) Timber sizes and the framework in general are to conform with the requirements of Australian Standard AS 1684 "Residential timber-framed construction."
- (32) Mechanical ventilation/air conditioning details are to be submitted to Council or the Accredited Certifier for approval **prior to the issuing of a Construction Certificate** and must include the following:-
 - a. The location and size of proposed ductwork;
 - b. The location of equipment;
 - c. The performance characteristics of the proposed motor/s and fan/s;
 - d. The air flow characteristics of the system.

At the completion of work a Certificate from an Accredited Certifier, Mechanical Engineer or other suitably qualified person, to the effect that the ventilation system has been installed and performs in accordance with the provisions of Part F4 of the Building Code of Australia, Australian Standard New Zealand Standard AS/NZS 1668 "The use of mechanical ventilation and air-conditioning in buildings", Part 1 and Part 2, Australian Standard New Zealand Standard AS/NZS 3666-2002 and the Noise Control Act, 1975, must be submitted to the Principal Certifying Authority before an Occupation Certificate is issued.

- (33) Fire Resistance Levels of all structural members, including external and internal walls, spandrels, external and internal columns, lift shafts and stair shafts, ventilation, pipe and like shafts, floors and roofs shall comply with the requirements of Specification C1.1 of the Building Code of Australia. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**
- (34) All materials used in the building must comply with early fire hazard criteria of Specification C1.10 of the Building Code of Australia.
- (35) Means of access and egress complying with Section D of the Building Code of Australia. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**
- (36) Every exit so located that its use may otherwise be obstructed by the parking of vehicles being provided with two bollards or another suitable barrier, to provide a clear space being a minimum of 1 metre wide leading to or from the exit door as required by Clause 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.**
- (37) The building being provided with both access and sanitary facilities for people with disabilities. The sanitary facilities are to be provided in accordance with F2.4 of the Building Code of Australia (BCA) and are to comply with the requirements of Clause 10 of AS 1428.1-2009. Access is to be provided to and within the building so as to comply with all the requirements of Part D3 of the BCA and the relevant provisions of AS 1428.1-2009. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**
- (38) The Commonwealth Disability Discrimination Act, 1992 may apply to this particular proposal. Submissions and/or approval of the application does not imply or confer compliance with this Act. Applicants should satisfy themselves and make their inquiries to the Human Rights and Equal Opportunity Commission.
- (39) Continuous balustrades shall be provided along the side/s of any stairway or ramp, any corridor, hallway, balcony, access bridge or the like, any path of access to a building if:-
 - a. It is not bounded by a wall; and
 - b. The change in level is more than one (1) metre, or five (5) risers in the case of a stairway, from the floor or ground surface beneath;

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

Balustrades shall prevent as far as practicable:

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

Balustrade heights and designs shall comply with Part D2.16 of the Building Code of Australia and Australian Standard AS/NZS 1170 Part 1 – Structural design actions. Height above nosings of stair treads, landing, corridors and the like shall generally be not less than 865mm.

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

- (40) The Class 2 portion of the building being equipped with a smoke alarm system as required by Table E2.2a of the Building Code of Australia.

Mains powered smoke alarms complying with AS 3786-1993 are to be installed at or near the ceiling in -

- a. any storey containing bedrooms –
 - (i) between each part containing bedrooms and the remainder; and
 - (ii) where bedrooms are served by a hallway; in that hallway; and
- b. any other storey not containing bedrooms, in egress paths; and
- c. in public corridors and other internal public spaces so that a sound pressure level of 85 dB(A) is provided at the door to each sole-occupancy unit.

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.**

- (41) 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)

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

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

(43) 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.

DEMOLITION

- (1) A separate Development Application being submitted to Council for the demolition of the existing buildings.

SUBDIVISION

- (1) A plan of consolidation to bring the separate allotments under one Title being submitted to Council for approval and the issue of a Subdivision Certificate. The linen plan shall be registered by the Land and Property Information Officer **prior to the issue of an Occupation Certificate**.
- (2) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through unauthorised Sydney Water Servicing Co-ordinator (for details see e-Developer at www.sydneywater.com.au or telephone 13 20 92. The Section 73 Certificate must be submitted to the Principal Certifying Authority (PCA) prior to the release of any Linen Plan of subdivision and/or Occupation certificate for the development.
- (3) A separate development application must be lodged with Council for any proposed strata subdivision of the development.

HEALTH

Environmental Management:

- (1) An Environmental Management Plan is to be submitted to Council for approval, prior to the commencement of any works, detailing the control and management

methods to be implemented in addressing the following issues during the demolition, excavation and construction phases of the project::

- Noise and vibration control
 - Dust and odour suppression and control
 - Storm water control and discharge
 - Erosion control
 - Waste storage and recycling control
 - Litter control
 - Construction material storage
 - Truck cleaning methods on site so as to prevent spread of soil and like materials onto Council's roadways
- (2) A car wash area/bay is to be provided and be graded and drained to a waste water disposal system in accordance with the requirements of Sydney Water.
 - (3) Mechanical ventilation and or air conditioning systems and equipment are to be designed and installed in locations that do not cause any noise nuisance or disturbance to near by residential or commercial premises. Details of the type of equipment locations and any noise attenuation treatment are to be submitted to Council for approval prior to the issue of the Construction Certificate.
 - (4) Separate development application(s) are to be submitted for the fit out of any part of the premises as a commercial use.

Waste Management:

- (1) A waste cupboard or other storage area is to be provided within each dwelling which is of sufficient size to hold a single day's waste and to enable source separation of general waste, recyclables and compostable materials.
- (2) A separate area is to be nominated on the site for the temporary storage of unwanted large bulky goods and items awaiting disposal either privately or through Councils clean up service.
- (3) An area is to be nominated on the site to provide the capability for onsite communal composting. The location and design are to be in accordance with the controls set out on p.20 of Council's Waste Management DCP No. 17.
- (4) Both residential and commercial garbage and recycling storage areas are to be:
 - a. Supplied with both **hot and cold** water;
 - b. Paved with impervious floor materials;
 - c. Coved at the intersection of the floor and the walls;
 - d. Graded and drained to a floor waste which is connected to the sewer in accordance with the requirements of Sydney Water;
 - e. Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
 - f. Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.
 - g. Suitable signage is to be installed in each waste service room encouraging the separation of recyclables from the general waste stream.
- (5) Manufacturer's details and specification for the waste chute are to be submitted to Council for approval prior to the issue of a Construction Certificate.

- (6) Certification is to be provided by the installer of the chute system prior to the occupation of the building certifying that the Chute has been installed in accordance with the manufacturer's specification.
- (7) The garbage chute room at each level is to be of sufficient size to accommodate sufficient mobile bins (MGB'S) / crates to store recyclable material generated over the entire period between collection days.
- (8) Manufactures details and specifications for the installation, fire suppression and health and odour control measures for the garbage chute are to be submitted to Council for approval prior to the issue of the Construction Certificate.
- (9) Suitable signage is to be installed in each level of the chute waste service rooms encouraging the separation of recyclables from the general waste stream.
- (10) A Caretaker is to be appointed for the development who will have ongoing responsibility for the proper management of the waste and recycling services
- (11) All waste collections are to be carried out from within the building (not from the kerb side). The caretaker is to wheel the waste and recycling bins to the nominated bin holding area for collection.
- (12) The applicant shall provide to Council a legally drafted agreement at their own expense in the form approved by Council which gives right of access and absolves Council and / or any of its waste collection contractors from any damage or injury that may arise from the onsite collection of waste and recyclables.
- (13) The vehicular access to the basement waste storage area is to be designed to allow for access including forward driving and reversing into the collection bay by a fully laden waste and / or recycle collection vehicle.
- (14) The building access road and loading dock is to be designed to enable a fully laden waste collection vehicle to be able to access the site and carry out collections within the building.
- (15) Residential and commercial waste and recycling collections are to be carried out in a manner and at times which do not cause a noise nuisance to the immediate or nearby residents.

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

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

ENGINEERING – 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 in Shaftesbury Road.
- (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.
- The details and calculations are to be reviewed by Council or an Accredited Certifier - Civil Engineering.
- (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.
- (5) The following matters shall apply to the Council stormwater works listed in the Table of Fees. The Council stormwater works consist of construction of a Council

standard stormwater pit and lintel (1.8m long) on Shaftesbury Road at the applicant's cost.

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

SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- a. Following placement of pipe bedding material. Confirm trench/pipe location, adequacy of depth of cover, bedding material and depth.
 - b. Following joining of pipes and connection to Council's stormwater system.
 - c. For on-site detention systems:-
 - (i) Following set out of detention tank/area to confirm area and volume of storage.
 - (ii) Following placement of weep-holes, orifice and/or weir flow control, outlet screen and overflow provision.
 - d. Following backfilling. Confirm adequacy of backfilling material and compaction.
- (7) Following completion of all drainage works:-
- a. Works-as-executed plans, prepared and signed by a registered surveyor, shall be prepared. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels. These plans are to be reviewed by the competent practicing hydraulic/civil engineer that inspected the works during construction.
 - b. The Principal Certifying Authority is to be provided with a Compliance Certificate from a competent practicing hydraulic/civil engineer. The Compliance Certificate shall state that all stormwater drainage and related work has been constructed in accordance with the approved plans and consent conditions as shown on the work-as-executed plans, prior to the issuing of an Occupation Certificate.
- (8) Habitable floor levels shall be a minimum of 150mm above the surrounding finished ground levels. Garage floor levels shall be a minimum of 100mm above the surrounding finished ground levels.
- (9) A Positive Covenant under section 88E of the Conveyancing Act shall be created on the title of the property(s) detailing the
- i) *Overland surface flow path*
 - ii) *Finished pavement and ground levels*
 - iii) *Prevention of the erection of any structures or fencing on overland surface flow path*
 - iv) *On-site Stormwater Detention system*

v) *Pump and rising main system*

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

- 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 on overland surface flow path*
 - iv) *On-site Stormwater Detention system*
 - v) *Pump and rising main system*
- b. The proprietor agrees to have the facilities inspected annually by a competent practicing hydraulic/civil engineer.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean repair and maintain in good working order the facilities in or upon the said land; and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from failure of any component of the facilities.

The applicant shall bear all costs associated with the preparation of the 88E Instrument. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at the Land Titles Office. Evidence that the Instrument has been registered at the Land Titles Office shall be submitted to Council, prior to issuing of an Occupational Certificate.

- (10) The north east and north western corner 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.**
- (11) The pump system is only permitted for the drainage of the basement areas where the finished slab is below the ground level. The following conditions are to be satisfied:-
 - a. A pump and rising main design shall be submitted to the Principal Certifying Authority and shall satisfy the following conditions:-
 - (i) The holding tank for the pump shall be capable of storing runoff from a one hour, 1 in 100 year ARI storm event.
 - (ii) The pump system shall consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the lower of the allowable on site detention discharge rate, or the rate of inflow for the one hour duration storm.
 - (iii) An overflow, flashing light and audible alarm are to be provided, to warn of pump failure.

- (iv) Full details of the holding tank, pump type, discharge rate and the delivery line size are to be documented.
- (v) Any drainage disposal to the street gutter, from a pump system must have a stilling sump provided at the property line, and connected to the street gutter by a suitable gravity line.
- (vi) The capacity of the stilling sump and outlet pump shall be determined and verified by calculations which are to be documented.
- b. Pumping system details shall be submitted to Council or an Accredited Certifier – Civil Engineering.
- c. The applicant shall submit written evidence to the Principal Certifying Authority that a contract has been let for the regular maintenance of the pump system for a minimum period of 12 months. Information to be submitted to the Principal Certifying Authority prior to issuing of an Occupation Certificate.

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) The following matters shall apply to the damage deposit listed in the Table of Fees:-
 - a. This deposit is refundable if no damage occurs. Any damage caused will be repaired at Council's restoration rates, at the applicant's expense. All or part of the deposit will be forfeited to cover damage to Council's property during the course of demolition and/or construction.
 - b. Council will only carry out two inspections of the Council's footpath, kerb and gutter, drainage system and roadway, prior to works commencing and at the completion of all work covered by this consent. Council is aware that damage may be caused by individual contractors that culminate in the damage inspected at Council's final inspection. The applicant is responsible for attributing any part of the damage to their individual contractors. Council will not refund any part of a damage deposit until the completion of the work covered by this consent.
- (4) The following matters apply to the construction of the proposed vehicular crossing.
 - a. A vehicular crossing 6m wide to Belmore Street shall be constructed to Council's current Vehicular Crossing Policy and specifications at the applicant's cost. Where the applicant or their contractor wishes to carry out

the construction, a Construction Permit must be obtained from Council and the related standard conditions and fees will apply.

- b. The driveway shall be 1m clear of any pits, lintels, poles and 2m clear of trees in the road reserve.
 - c. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
- (5) Internal driveway levels shall be designed and constructed to conform with existing footpath and road profiles such that vehicles are not damaged while accessing the property. Council footpath and road profiles will not be altered for this purpose.
 - (6) Stormwater from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe to Council's street drainage system.
 - (7) The applicant is to have prepared a longitudinal section of the proposed vehicular ramp access, drawn at 1:25 natural scale.
 - a. The longitudinal section shall be prepared by a competent practicing civil engineer in accordance with AS 2890.1.
 - b. The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering. The Principal Certifying Authority is to be provided with a Compliance Certificate verifying that this condition has been complied with, prior to the issuing of a Construction Certificate.
 - (8) Temporary measures shall be provided during demolition, excavation and/or construction to prevent sediment and polluted waters discharging from the site.
 - a. An erosion and sediment control plan showing such measures shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Supplement 10 of Council's Stormwater Management Code.
 - b. The erosion and sediment control plan is to be reviewed by Council or an Accredited Certifier - Civil Engineering.
 - (20) 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.
 - (21) Vehicles removing demolished materials from the site shall access and depart from the site through Shaftesbury Road and Parramatta Road. Vehicles involved in removing materials from the site shall be limited to an 8 tonne gross weight.

EXCAVATION:

- (1) All excavations and backfilling associated with the erection or demolition of the 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. The Principal Certifying Authority shall be provided with a Certificate from a suitably qualified structural engineer verifying the suitability of structural details of proposed shoring before excavation.

- (2) 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.
- (3) 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.
- (4) If an excavation associated with the erection or demolition of a building extends below any level of the base of the footings of a building or other structure on an adjoining allotment of land, the person causing the excavation to be made:
 - a. must preserve and protect the building or other structure from damage and rectify any damage caused by any such excavation, and
 - c. if necessary, must underpin and support the building or other structure in an approved manner, and
 - d. must, at least 7 days before excavation below the level of the base of the footings of a building or other structure on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to that owner.

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.

- (5) 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.

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

WARNING

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

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

The applicant will need to provide the following information:

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

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

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

Plans will be appropriately stamped.

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

- (7) 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.
- (8) No opening is to be made in any road or footpath, nor is any hoarding to be erected without the prior consent of Council. The builder is to obtain the relevant permit for which fees will be charged in accordance with Council's Schedule of Fees and Charges.
- (9) No materials are to be stored on Council's roads, footpaths or parks.
- (10) 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.
- (11) Public roads to be kept clean and free of any material which may fall from vehicles or plant. Waste containers shall be placed in accordance with Council's Code for Activities Affecting Roads and are subject to the payment of appropriate fees.
- (12) Heavy vehicles entering and leaving the site must only cross the footpath where it is adequately timbered and strapped. Pedestrian access across the footpath must be maintained in good order at all times during the excavation work.
- (13) No work involving the use of mechanical plant and equipment being carried out other than between the hours of 7am - 5.30pm Monday to Fridays and 7am - 1pm on Saturdays, with no work at all being carried out on Sundays and Public Holidays.

- (14) Hours of construction work shall be from 7am to 5.30pm Mondays to Fridays inclusive, and from 7am to 1pm 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.
- (15) When demolition of any existing building is involved, burning of any demolition materials on the site is prohibited. All waste materials to be removed from the site.

TRAFFIC

- (1) The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle length and parking bay dimensions) are to be in accordance with AS 2890.1-2004 as AS 2890.2-2002 for heavy vehicle usage.
- (2) Swept paths of service vehicles, up to medium ridge vehicles (MRV) within the loading area are to be submitted to Council for further assessment, **prior to the issue of a Construction Certificate**.
- (3) Areas adjacent to Lift B, on both basement levels, are to be line marked, to deter vehicles from parking and blocking pedestrian access.
- (4) Bollards are to be placed in front of Lift C, to protect pedestrians awaiting the lift from vehicles.
- (5) Provision of a bicycle storage room(s) for storage of 33 bicycles, and identified in the plans for Council's approval **prior to the issue of a Construction Certificate**. Council will consider alternate locations of bicycle storage areas. Details are to be provided to Council for approval, prior to the issue of a Construction Certificate.
- (6) An intercom system be installed to allow visitors access to basement parking.
- (7) Convex mirrors be installed in the loading area/driveways ramps to improve sight angles.
- (8) Minimum clear head height in the basement is to be 2.2m.
- (9) Submission of a Construction Traffic Management Plan to Council for approval, **prior to the issue of a Construction Certificate**, to address the following:
 - (a) All access to the site is to be from Belmore St, and not Shaftesbury Rd.
 - (b) All vehicles must enter and exit the site in a forward direction.
 - (c) Vehicles associated with the site are not to park along the Shaftesbury Rd frontage of the site.
 - (d) Loading and unloading of materials is not to take place in "No Stopping" or public parking areas.
 - (e) All vehicles must park as per the current street restrictions, unless a separate Work Zone application is made and approved, along the Belmore St frontage.

ATTACHMENTS

1. Copy of RTA correspondence of 26 August 2011-10-21
 2. Copy of submission received.
-

Our Reference:
Your Reference:
Contact:
Telephone

11M2019 Vol 1
BD 2011.108
Xi Lin
8849-2906



Transport
Roads & Traffic
Authority

Senior Town Planner
Burwood Council
PO Box 240
Burwood NSW 1805

Attention: Michael Sue

**MIXED COMMERCIAL AND RESIDENTIAL DEVELOPMENT
1-3 BELMORE STREET & 67-73 SHAFTESBURY ROAD, BURWOOD**

Dear Mr Sue,

I refer to your letter dated 28 July 2011 (Council Reference: BD 2011.108) with regard to the abovementioned development application (DA), which was referred to the Roads and Traffic Authority (RTA) for comment.

I wish to advise that the RTA has reviewed the application and raises no objection, as the proposed development will not have a significant traffic impact on the classified state road network.

However, the RTA provides the following advisory comments to Council for its consideration in the determination of the development application:

1. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be in accordance with AS 2890.1- 2004 and AS 2890.2 – 2002 for heavy vehicle usage.
2. All works associated with the development are to be at no cost to the RTA.

Any further inquiries in relation to this matter should be forwarded to the nominated Assistant Planner, Xi Lin on telephone 8849 2906 or facsimile 8849 2918.

Yours sincerely,

A handwritten signature in black ink, appearing to read "J Hall".

James Hall
Senior Land Use Planner
Transport Planning, Sydney Region

26 August 2011

Roads and Traffic Authority of New South Wales

LEVEL 11, 27-31 ARGYLE STREET PARRAMATTA NSW 2150
PO BOX 973 PARRAMATTA CBD NSW 2150 DX 28555
www.rta.nsw.gov.au | 13 22 13

Submission.

18 August 2011

43 Weldon Street
BURWOOD NSW 2134

BD. 2011. 108

Mr Michael Sue
Town Planner
Burwood Council
Suite 1, Level 2
1-17 Elsie Street
BURWOOD NSW 2134

for TPMS
File ✓

Dear Mr Sue

YOUR REF: BD 2011. 108

The attention to greening, two trees for one, soft landscaping grassed areas, set backs and heritage, pleased me greatly.

The building is stepped, which reduces the bulk.

MOTOR VEHICLES

How Belmore Street will cope with ingress and egress of vehicular traffic, I am not sure. Perhaps the Planners need to rethink this one.

THE GROUND FLOOR

I would like to see professional suites. My Dentist would certainly be interested in taking out a lease.

DATING AND NUMBERING

Year of construction, adding Architect's name.
Very large numbers.

DRYING AREAS

Space allocation for this purpose is important.

CHILDREN'S AREAS

Has consideration been given to this important factor.
Swimming pool and gym.

Yours sincerely


(Mrs) Ralene Paul-Furley