DEVELOPMENT ASSESSMENT REPORT

DEVELOPMENT APPLICATION DA31/2013

BELMORE STREET, CONDER STREET AND WYNNE AVENUE, BURWOOD

CLIENT: BURWOOD CITY COUNCIL

PROJECT REF: 0150/12

DATE: 20 SEPTEMBER 2013

PLANNING INGENUITY

PLANNING INGENUITY PTY LTD P (02) 9531 2555 F (02) 9531 2599 E mail@planningingenuity.com.au W www.planningingenuity.com.au
CONSULTANT TOWN PLANNERS SUITE 1, 16-22 WILLOCK AVENUE, PO BOX 715 MIRANDA NSW 1490 | A.C.N. 095 430 952 | A.B.N. 48 095 430 952

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FIGURES

Property: **No.39-47 Belmore Street, 6-14 Conder Street and 11-19 Wynne Avenue, Burwood**
Lot 100 DP 1185255 being land bounded by Wynne Avenue, Belmore Street, Condor Street and Hornsey Street, Burwood

DA No: DA31/2013

Date Lodged: 15 March 2013

Cost of Work: $121,894,574.00

Owner: Kapau Holdings Pty Limited

Applicant: Kapau Holdings Pty Limited

PROPOSAL	Demolition of all existing structures, construction of mixed Use Development with 3 basement levels, retail floor space totalling 2,185m^2 and 3 residential towers (Building A containing 90 Serviced Apartments, Buildings B and C containing 332 residential units in total)
ZONE	Mixed Use – B4
IS THE PROPOSAL PERMISSIBLE WITHIN THE ZONE	Yes
IS THE PROPERTY A HERITAGE ITEM	Part of the site includes Heritage Item I8 in Schedule 5 to Burwood LEP
BCA CLASSIFICATION	2, 3, 5, 6 and 7a
NOTIFICATION	Neighbours: 25 March to 15 April 2013

EXECUTIVE SUMMARY

This report considers a proposal to construct a mixed use development with three (3) basement levels, a podium with retail and commercial floor space and three (3) residential towers. Residential Building A is to include 90 serviced apartments and ancillary office space and is 9 storeys in height above the podium level. Residential Building B includes 173 dwellings and is 18 storeys in height above the podium. Building C contains 160 units and is the same height as Building B. The site is described as Nos. 39-47 Belmore Street, Nos. 6-14 Conder Street and Nos. 11-19 Wynne Avenue, Burwood being Lot 100 in Deposited Plan 1185255.

Planning Ingenuity Pty Ltd has been engaged by Burwood Council to provide the Joint Regional Planning Panel (JRPP) with an independent town planning assessment of this application, including the preparation of this report. Planning Ingenuity Pty Ltd has been assisted in this process by GM Architects and Urban Designers (GMU) and McLaren Traffic Engineering to provide an independent assessment of the proposal in relation to urban design and traffic related matters.

From a town planning point of view the application is generally considered to be acceptable, subject to conditions of development consent. Non-compliances with floor space ratio (due to the distribution of floor space in a form contrary to the Middle Ring and Perimeter 'split' requirement) and height of Building A are considered reasonable and acceptable in the circumstances as analysed below. An Urban Design Assessment has concluded that the numeric non-compliances with building depth and length recommended by the Residential Flat Design Code do not result in internal amenity issues and do not detract from achieving a high quality of architecture and urban design which will make a positive contribution to the redevelopment of Burwood Town Centre.

The primary issue that remains unresolved based on the urban design assessment by GMU relates to the entrance design to Buildings B and C and the retail premises in Belmore Street. In essence, GMU is of a view that modifications should be made to the development scheme to provide for an individual entrance to Building B directly opening to Belmore Street, with the proposed combined entrance to Buildings B and C in Belmore Street being reduced in size and becoming an individual Building B entrance. Concern is raised by GMU that the current "entrance sequence" does not optimise safety and security or sense of address. The design also has flow on impacts to privacy of Unit B.G.09 which is adjacent to the entrance way. This matter has been discussed in detail with the applicant on several occasions and it has become evident that the issue is one of subjective design choice. That is, development yield is not increased by the applicant's current design option. GMU recommend that this form a deferred commencement condition.

As discussed in detail in the report, Planning Ingenuity is of the view that whilst the principles of SEPP 65 and the RFDC must undoubtedly be applied to assessment of the proposal, there is an absence of any specific design controls that are breached by the proposed entrance sequence. For these reasons, and given the subjectivity that is associated with assessment of this aspect of the proposal, Planning Ingenuity is of the view that the issues related to entrance sequence do not warrant refusal of the application and therefore do not warrant a deferred commencement condition that must be satisfied prior any development consent becoming active. Accordingly it is recommended that the application be approved subject to the draft conditions included in Annexure A.

Were the JRPP to form a different view in relation to this one aspect of the proposal, a deferred commencement condition could deal specifically with this aspect of the development. Such a condition would require a significant amount of design change to the ground floor entrance areas and retail layout however would not affect development yield in any significant way.

Assessment of traffic, heritage, stormwater and waste management, public works, BCA Compliance, accessibility and landscaping has determined that the proposal can be supported with appropriate conditions of development consent.

Issues raised in written submissions that are relevant to the assessment of the proposal have been considered in the assessment process and in some cases have been addressed in the design detail of the proposal and in other cases can be addressed through conditions of development consent.

Accordingly it is considered that the application can be granted development consent in accordance with the draft Conditions included in Annexure A.

BACKGROUND AND ASSESSMENT HISTORY

A fully compliant development scheme was presented to Council as Pre-DA Application 17/2012 and a pre-application meeting held on 4 February 2013.

Development Application DA31/2013 was lodged on 15 March 2013 and featured a proposal which included variations to floor space ratio and building height provisions of Burwood Local Environmental Plan 2012. The development application included architectural plans and elevations, architectural visualisation statements and three dimensional images, a model, an Architectural Design Report prepared by Kannfinch, and several reports prepared by specialist consultants.

Council engaged Planning Ingenuity, GM Urban Design and Architecture (GMU) and McLaren Traffic Engineering to undertake independent assessment of the development application on behalf of Council.

A letter dated 10 May 2013 requesting additional information was provided to the applicant and required attention be given to the following matters:

- The objectives for floor space ratio for "middle" and "perimeter" portions of the site;
- Treatment of the interface with the proposed public laneway adjacent to the northern boundary to ensure positive future integration of redeveloped land to the north;
- Matters relating to the retention and improvement of the former Masonic Temple;
- Traffic and Parking;
- Details identified in the Urban Design Review completed by GMU and dated May 2013;
- Arrangements for access for Buildings B and C and the treatment of ground level changes to the Wynne Avenue frontage;
- Additional information regarding future shadow impacts; and
- Treatments to address visual and acoustic privacy between public space and private open space surrounding Buildings B and C.

A copy of the letter dated 10 May, 2013 is included in Annexure B.

Subsequent design amendments have evolved throughout the assessment process with several meetings held to discuss revisions of the proposal and in particular the issues of floor space distribution, building height, overshadowing and design and location of individual building entries.

A final package of plans and supporting information was submitted to Council on 19 August 2013. The final proposal has been reviewed by consultants and all matters are considered to have been resolved and satisfactorily addressed with the exception of GMU's concerns in relation to the design and location of pedestrian entry and exit for Building B.

The Design Assessment Report by GMU with recommended conditions is included in Annexure C. McLaren Traffic Engineering has provided draft traffic conditions, should the application be approved and their report is included in Annexure D.

THE SUBJECT SITE

The subject site is bounded by Belmore Street to the south, Wynne Street to the east and Conder Street to the west. The site has street addresses of No. 39-47 Belmore Street, No.6-14 Conder Street and No.11-19 Wynne Street, Burwood and is legally known as Lot 100 in DP1185255. The site is a regular rectangular shape and has a total area of 10,150 m^2. An aerial photograph of the site is included in Figure 1.

The site currently contains areas used for car parking on the western and eastern edges both with bitumen sealed surfaces. These car parking areas are accessible to the public but are not operated as public car parks. The former Masonic Temple is located at No.47 Belmore Street and is a two storey brick and tile building listed as Heritage Item I8 to Burwood LEP 2012. Development Consent DA67/2013 has recently been granted for the use of the former Masonic Temple as a temporary display sales office. To the east of the former Temple is a brick and tile building used for 'Burwood Community Welfare Services' being a registered charity providing a neighbourhood centre and practical living and counselling support services to disadvantaged persons. Further east fronting Belmore Street are three storey residential flat buildings.

Adjoining the northern western corner of the site is the public laneway of Hornsey Lane currently 12.195m wide and approximately 40m long from Conder Street.

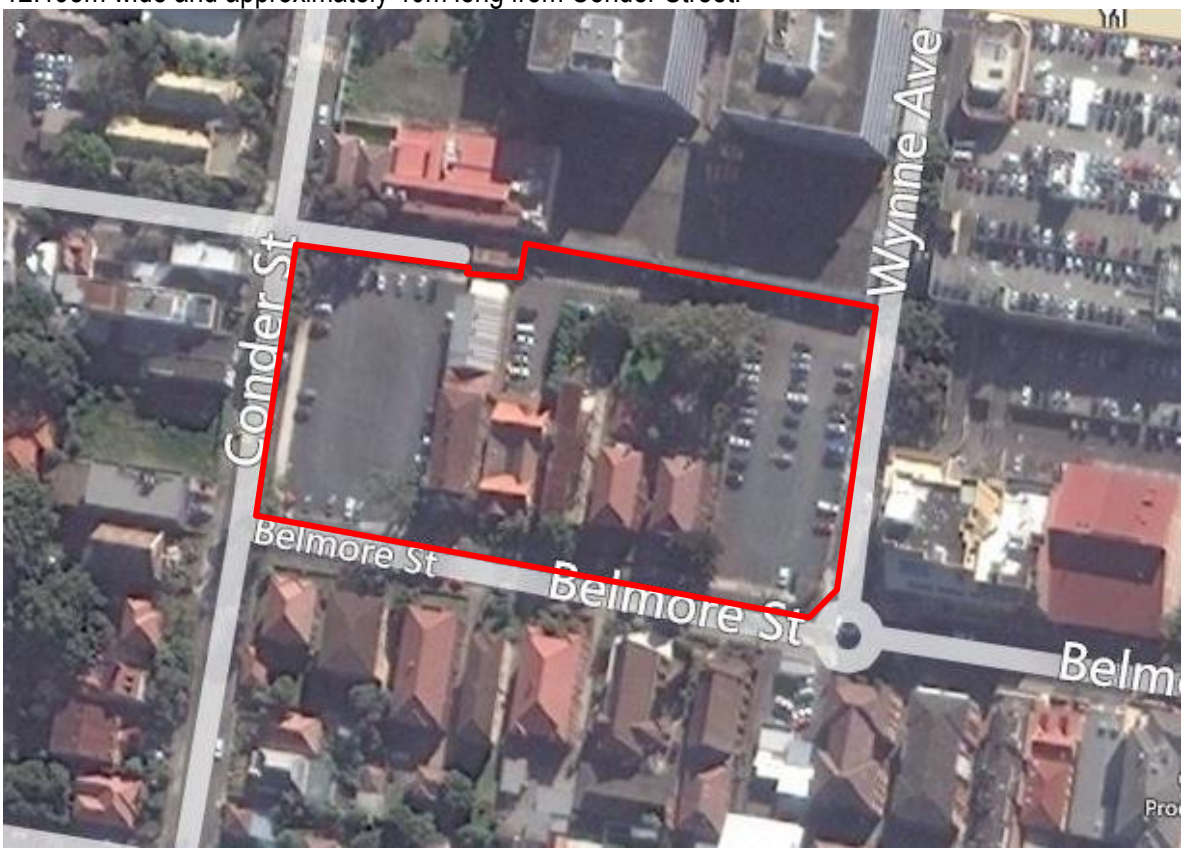


Figure 1: Site Location

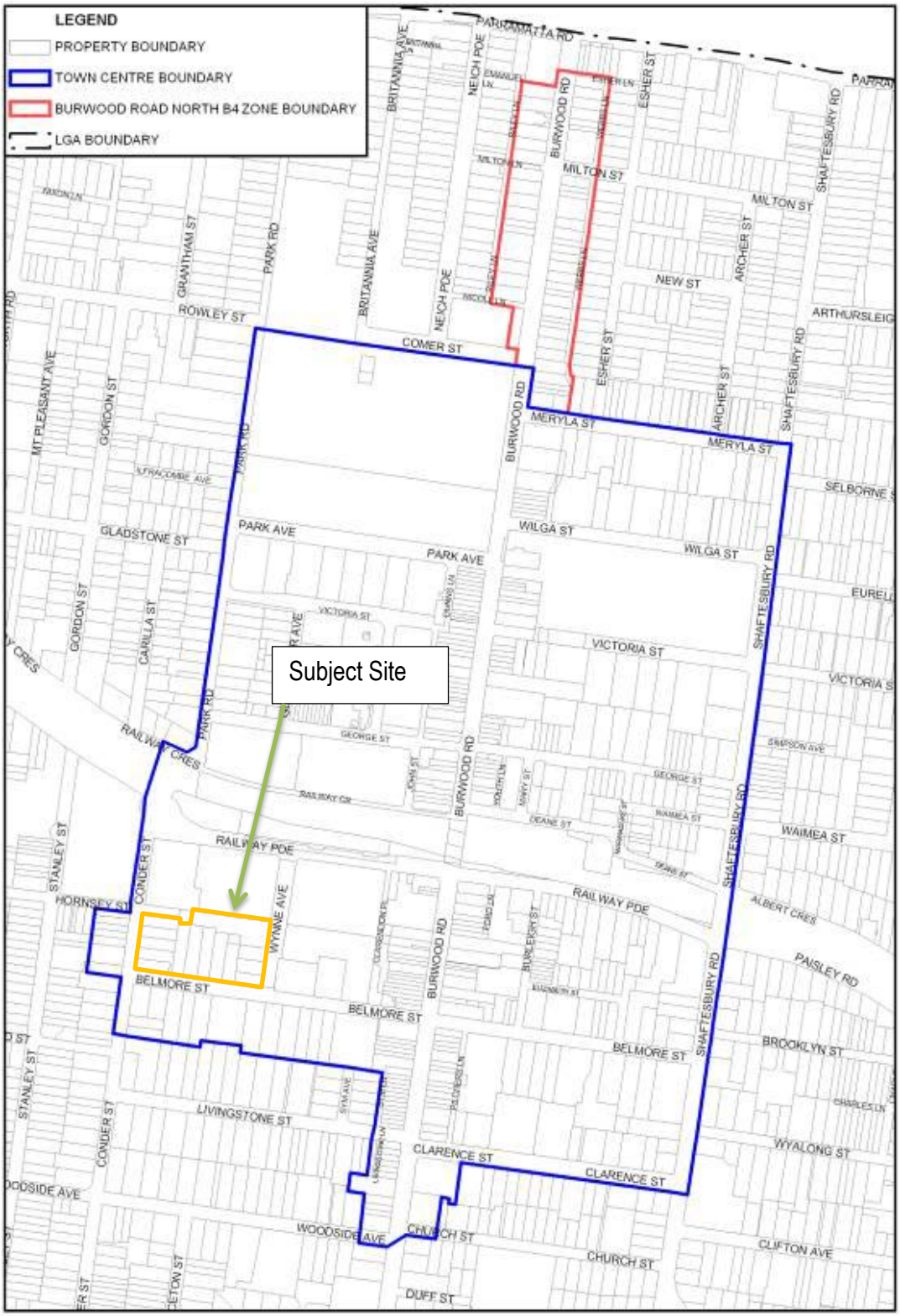


Figure 2: Location of subject site within Burwood Town Centre. ***Source: Burwood DCP***

SITE CONTEXT

The subject site is located in the south-western corner of Burwood Town Centre as shown in Figure 2. Burwood Railway Station is a minimum 300m walking distance to the north east. The site is in close proximity to a variety of established retail facilities within Burwood Town Centre and has safe, convenient and reasonably level walking distance to these facilities along formed footpaths. Public transport is available by bus and train and the site is within 30 minutes travelling time to Sydney CBD by private and public transport.

The western portion of the site, being an area of 2,586m^2, is within the "perimeter area" to the Burwood Town Centre as described in the Burwood DCP. The remaining 7,563m^2 of the site is within the "Middle Ring Area" of Burwood Town Centre (as shown in Figure 3). The Burwood Town Centre has been identified to undergo significant transformation to taller and more dense built form under the planning controls introduced with Burwood LEP 2012 and the Burwood DCP. The height and density controls aim to achieve a transition from the perimeter to the middle with height and density decreasing towards the perimeter so as to be compatible with lower scale development outside the town centre and to efficiently use the land in the centre.

To the south side of Belmore Street are two and three storey buildings predominantly residential flats, a church and church hall and a vehicle repair centre near the south east corner of the site. Further east along Belmore Street the buildings include mixed uses with lower floor commercial uses and residential flats above with building heights up to six (6) storeys. This area is identified as a 'Transition Area' under the Burwood DCP with a height limit of 15m.

East of the site at the intersection of Wynne Avenue and Belmore Street is No. 33-35 Belmore Street. On this site is a seven (7) storey mixed use development with retail uses at ground floor and residential uses above and basement car park. Adjoining this development is land the subject of Development Consent D89/2012 at No.27-31 Belmore Street. This application for a large scale, multi-storey mixed use development was approved by the Joint Regional Planning Panel on 28 March, 2013.

North of the subject site is a public laneway known as Hornsey Lane which extends from Conder Street. On the other side of the public laneway is the former Burwood Council Chambers building which is listed as Heritage Item I47 in Burwood LEP 2012. North west of the site is Burwood Primary School and west of the site in Conder Street are residential buildings of various sizes.

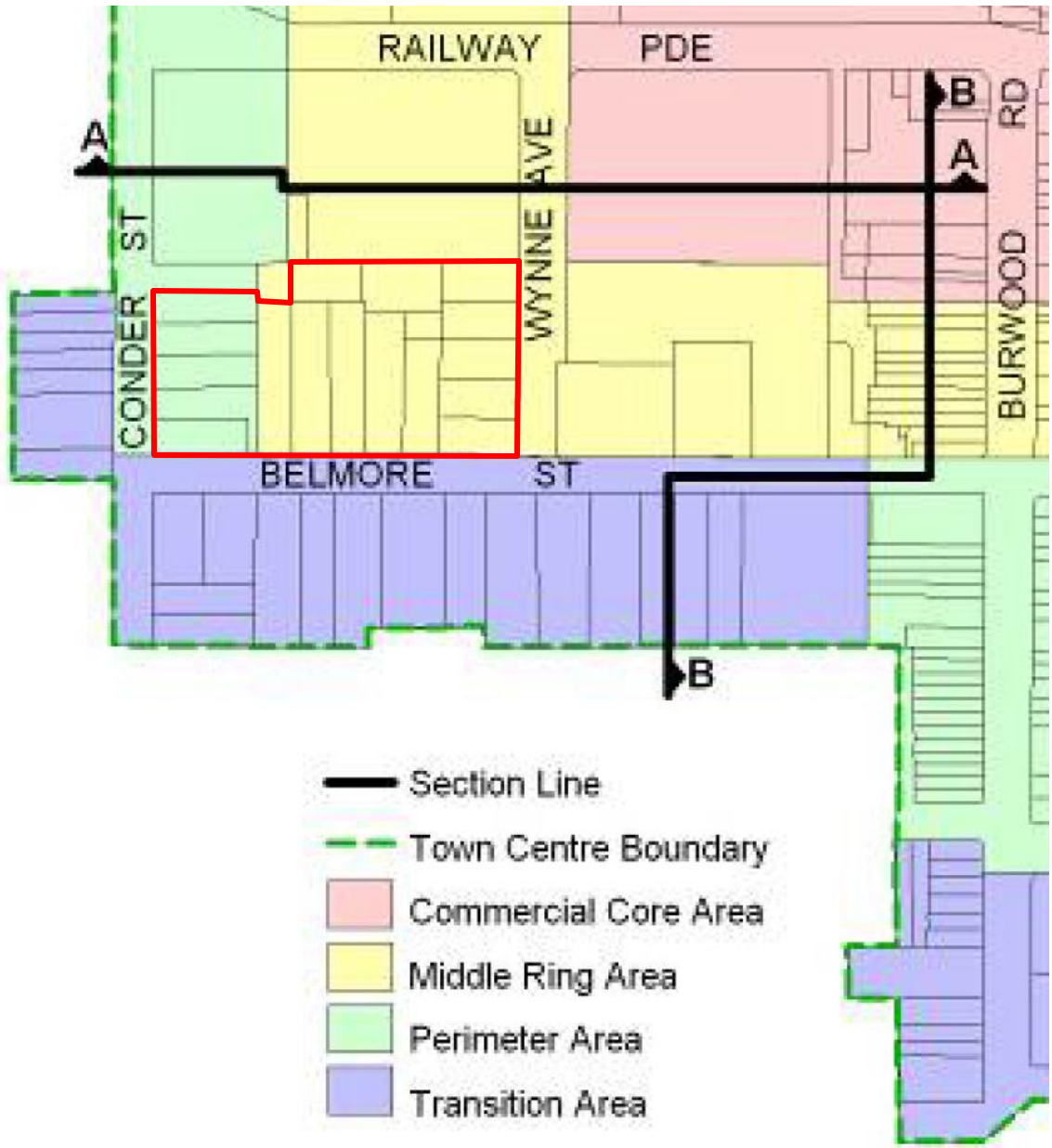


Figure 3: Portions of site within 'perimeter' and 'middle ring' areas. ***Source: Burwood DCP***

THE PROPOSAL

The proposed development involves demolition of existing buildings with the exception of the former Masonic Temple (partial demolition of modern rear additions to the former Temple was completed in accordance with DA275/2007). The new work is described as follows:

Basement B3

The lowest level of the building provides basement parking for cars, bicycles and motorcycles. There are 67 car spaces to be available to the serviced apartments and these are to be separated by security fencing from 162 residential car parking spaces, ten (10) motorcycle parking spaces and storage cages.

Access and egress to this level is available only via Basement B2 level from Conder Street.

Basement B2

This level of the basement includes 26 car parking spaces for the serviced apartments separated from the remainder of the interior space by a boom gate. There are to be 173 car parking spaces, five (5) motorcycle parking spaces, parking for bicycles and storage cages for residents. Specialised service rooms at this level include stormwater on-site detention, rainwater on-site re-use and pumping, fire services and exhaust / air circulation.

Access and egress to this level is available only from Conder Street.

Basement B1 / Lower Ground

The highest level of the 'basement' extends partly above existing ground level on the northern side due to the slope of the site. Access and egress to this level is only available from a combined entry and exit point in Wynne Street. This access / egress point is shared with a commercial loading dock and garbage servicing areas. More detailed commentary on the operation of the access point and loading dock are provided by Traffic Consultants McLaren Traffic Engineering in Annexure D.

All commercial occupants of the site are to use a retail garbage store room in the south east corner of the Basement B1 level. Commercial contracting arrangements are proposed for removal of commercial waste and recyclables from the site. A commercial contractor would be required to service the site using the loading dock accessed via Wynne Avenue.

Each of the towers A, B and C are to be provided with garbage chutes connected to three separate waste management rooms at Basement B1 level. The bin storage and servicing is to be organised by a contracted manager and bins are proposed to be moved to the kerbside for collection by Council's Waste Management Service.

There are a total of 103 car parking spaces to be available for uses ancillary to the commercial premises and for visitors at Basement B1 / Ground Floor level. Two (2) of these car spaces are for a 'shared car' arrangement. Motorcycle parking is to be available in undefined spaces at the western end of the parking area.

Customers and operators of commercial premises can enter and leave the car parking area via three (3) separate pedestrian movement points along the northern side of the car parking area and via a single retail lift at the southern side (Linking to Belmore Street). This retail lift is accessible.

Commercial premises are proposed on the northern and eastern perimeters of this Basement B1 / Lower Ground level. Fronting Wynne Avenue are two (2) commercial units.

Adjoining and parallel to the northern boundary is a strip of land 9.5m wide to be formed into a publicly accessible laneway to link from Wynne Avenue to Hornsey Lane. This land will be the subject of an easement for public use.

Seven (7) separate retail premises are proposed to front the publicly accessible laneway and Hornsey Lane with retail units ranging in size from approximately 50m^2 to 120m^2 floor area.

Fronting Conder Street is the combined entry and exit point to Basement B2 and B3 levels. This access point is to be controlled by a motorised security shutter. Also fronting Conder Street and adjacent to the vehicle entry / exit point is the reception area and foyer ancillary to the serviced apartments of Building A. There are also four (4) serviced apartments at ground floor level fronting Conder and Belmore Street. The apartments are 1 x bedsit, 1 x 1 bedroom and 2 x 2 bedroom configuration and each is to have a private open space area within the street setback area and planter beds and fencing to separate the courtyards from the footpath.

Other works proposed within the public footpath reserve at this level are:

- A reconstructed universally accessible footpath to Wynne Avenue;
- Planter beds and paving within the publicly accessible laneway adjacent to the northern boundary; and
- Planter beds, fencing and lighting within the Conder Street and Belmore Street footpaths.

Ground Level

To accommodate for the slope of the site, the development proposes to create a new "ground plane" which is, at the most, 1.2 metres above the highest existing ground level within the site (being the south west corner). The surface of the podium which is to become landscaped shared courtyards is between 1m and 3.4m higher than the footpath level to Belmore Street.

At the level of the Belmore Street frontage are seven (7) retail units. A 'retail lift' provides access to footpath level from the basement car park Level B1 for customers and business operators. A 'goods lift' is to be located in the south east corner of the site which can be used to move items from the loading dock to the Belmore Street footpath level.

A combined entry / exit point for residential Buildings B and C is proposed to be located between the retail shop fronts to Belmore Street.

At this level the serviced apartments Building A becomes a stand-alone tower. The apartments to the north have private courtyards contiguous with the podium level. This level features a variety of apartment sizes with some apartments capable of being separated by a common fire-rated door.

Residential Building B at this level features 3 x one-bedroom units and 5 x two-bedroom units. All units have private open space areas as courtyards. The entry and exit points for Building B are: via a central lift core linked to the basement, via a ramped corridor linked to the courtyard to the west and via a foyer linked to the courtyard to the east and then to Belmore Street to the south.

The courtyard between Buildings A and B is approximately 17 metres in east-west dimension and 30 metres north-south dimension. The courtyard is accessible from the serviced apartment Building A, the landscaped curtilage of the former Masonic Temple and the residential Building B.

Residential Building C at this level features 4 x one-bedroom units and 4 x two-bedroom units. Units on the western side of Building C have courtyards at podium surface levels and units on the eastern side have balconies set behind the roofs and parapet of the retail premises below.

The courtyard between Building B and C has approximate dimensions of 21m east-west and 38m north-south and will feature a variety of landscape treatments including paving, grassed areas and deep soil planter beds suitable to accommodate small canopy trees. The courtyard is accessible from a large foyer and a smaller access corridor in each of Buildings B and C.

Level 1

At this Level Buildings B and C become stand-alone towers with residential units above the retail premises fronting Belmore Street.

Levels 2 to 7

The floor plan of each building is repeated through these levels.

Level 8 and above

At these levels Building A has a reduced building length with an increased setback of 13m to the southern boundary (Building A is 9 levels above the podium).

Building B retains the same floor plan through levels 3 to 16 and features a reduced building length at the top two levels which are set back from the southern boundary by 24m.

From Level 8 through to the top level Building C has a reduced length with the setback to the southern boundary increased to 18m.

Former Masonic Temple

Internal works are proposed for the former Masonic Temple to provide commercial space at ground and first floor levels. Works to the building exterior are limited to restorative painting. New landscape works are to be undertaken surrounding the building including retaining and adding to existing low brick walls in the front setback to create planter beds and incorporate public seating in the forecourt area. A courtyard is to be formed at the rear of the building for use by the occupants of the building. A combination of stairs and ramps are to be constructed to both sides of the building to link the curtilage of the former Temple to the landscaped shared courtyard between Buildings A and B.

In summary the proposal will result in:

- A new publicly accessible laneway linking Wynne Avenue with Conder Street;
- Three levels of basement with capacity for parking of 535 cars;

- The two lower levels of the basement, stormwater and rainwater tanks are to be partly below the public laneway;
- One loading dock;
- One garbage servicing bay and three separate waste management rooms to be maintained by a building manager;
- 2,185m^2 of commercial floor space;
- 90 serviced apartments and office space ancillary to the serviced apartments;
- 332 residential units;
- Retention and restoration of the former Masonic Temple heritage item for use as commercial premises;
- Installation of signalised traffic control devices at the south west, south east and north east corners of the site;
- Traffic calming devices in Conder Street near the north west corner of the site to maintain a shared zone;
- A landscaped public laneway 6m wide along the northern boundary to link Hornsey Lane with Wynne Avenue; and
- Landscaping and paving throughout the common open space areas and along the public laneway on the northern edge of the site.

STATUTORY PLANNING FRAMEWORK

The proposed development is subject to the following Environmental Planning Instruments (EPIs), Development Control Plans (DCPs), Codes and Policies and Draft EPIs and DCPs:

- State Environmental Planning Policy No. 55 – Remediation of Contaminated Land;
- State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State & Regional Development) 2011;
- Burwood Local Environmental Plan 2012; and
- Burwood Development Control Plan.

State Environmental Planning Policy No 55 – Remediation of Contaminated Land

This policy provides a framework for the assessment, management and remediation of contaminated land. Clause 7(1) of the Policy prevents Council from consenting to development unless:

a. It has considered whether the land is contaminated, and
b. If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

c. If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The application submission included a Preliminary (Phase 1) Site Investigation Report prepared by Douglas Partners. This report concludes that *'the filling material should be disposed of at a landfill facility that is licensed to receive General Solid Waste (non-putrescible) "* and *"the ground water quality is not an impediment for the redevelopment of the site for residential purposes"* and demolition activities are to be undertaken in such a way as to avoid cross-contamination of the underlying soils with asbestos materials and lead-based paints.

These recommendations can be included as consent conditions, should approval be granted.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

Part 2 of the Policy sets out 'Design Quality Principles' and Clause 30(2) requires the consent authority, in determining a development application to take into consideration the design quality of the residential flat development when evaluated in accordance with these design quality principles.

A *Design Verification* has been submitted with the application and therefore the development application meets the requirements of Clause 50 of the EP&A Act.

Independent Urban Design Assessment by GMU, provided an assessment of compliance with SEPP 65 and the RFDC and is attached as Annexure C of this report.

The Urban Design Assessment Report concludes as follows:

> " *GMU considers the proposal as a great opportunity for a consolidated development on the site and we commend the Applicant for proactively seeking resolution to most of the issues discussed throughout the review process. A minor number of the issues pending can be resolved through conditions of consent listed above. However, GMU feel that the issue of the combined access sequence and the need to provide independent access to Tower B from Belmore Street is an issue that needs further exploration. It is our opinion that it cannot be adequately addressed through conditions of consent and that the proposal should be deferred to give the Applicant and Council's consultants the opportunity to resolve this final but fundamental issue. Therefore, we recommend this proposal for a deferred commencement with the view of finalising the entry sequence issue."*

Planning Ingenuity agrees that most of the design issues discussed in the Urban Design Assessment can be addressed as conditions of consent for minor amendments to the plans prior to the issue of a Construction Certificate. These conditions have been included in Annexure A.

Comments of the access sequence to the development warrant further discussion. The issue is summarised by GMU as follows:

> " ***Street Address*** *- One of the most significant issues about this development is with regards to address and access to residential lobbies to towers B and C. The amended drawings have addressed the issues of the lack of street address from Wynne Avenue with the introduction of a dedicated building entrance to the street as shown on drawing DA109/C. this is a positive outcome. However, the entry sequence from Belmore Street shows a combined entrance for towers B and C, where the*

lobby spaces are not visible from the street and the bank of elevators is not visible from the lobby. An outcome of this arrangement is a general decrease in safety and security to the whole complex where residents and visitors arriving from the street can gain access to the common grounds and to either tower directly from the street instead of entering directly to a dedicated lobby for each tower. A secondary outcome of this arrangement is the compromised privacy, noise impacts and decreased safety and security to unit B.G.09. The access ramp at RL 26.97 is only 0.23m below the actual level of the unit, which will have a high level of foot traffic right in front of the private open space for this unit leading to unwanted privacy and overlooking issues. These issues are directly in contrast with the 'best practice' recommendations of the RFDC.

The basic flaw of the entry sequence to these towers is that the difference in height from the street level along Belmore Street at RL26.12 is negotiated via a ramp and steps to the level of the lobbies at RL27.17 which is only a difference of 1.05m. A more skilful design would be to provide a dedicated lobby entrance for Building B facing Belmore Street straight in alignment with the elevator corridor. This option can be achieved without having to lower the parking levels. The proposal should present three distinct street addresses, one for each street to Wynne Avenue to the east, Belmore Street to the south and Conder Street to the west.

The area and overall presentation of the retail elevator next to the residential lobby entrance separated by a gate is less than desirable contributing to poor way-finding. A proper enclosed lobby for the retail lift needs to be provided instead of the proposed gate separating users after store hours.

***Residential Access** - Residents for tower B to be provided with dedicated entry lobby off Belmore Street for improved street address, legibility and increased 'sense of community'.*

Secondary entrance to the garden should be provided as 'convenience entrance' only with a reduced scale and width. A closed gate at all times with electronic key access to be provided for residential use only. Deliveries and visitors are to arrive through main lobby entrances only.

Mail boxes and address signs and intercoms/electronic keys to be relocated to the dedicated lobbies for each building- Tower B from Belmore Street and Tower C from Wynne Avenue.

The proposal needs to provide a proper enclosed glass lobby for the retail lift (between gridlines L and M, and grid 09) as the controls do not allow a lift to open directly to the public domain. A better configuration and reorientation of the lobby is required to separate visitors, users and residents during store and after hours."

The design changes sought by GMU can be summarised as follows:

- the lobby space for Residential Tower B to be visible from Belmore Street;
- the lift core for Building B to be visible from the lobby for Building B;
- the floor level of the lobby for Building B to be a similar level to the Belmore Street footpath (currently there is a difference in level of approximately 1.05m);
- the retail lift lobby and stairwell providing access for customers and proprietors of commercial premises to be physically separated from the residential-related pedestrians and to not open to the public domain; and
- improvements to the privacy and amenity for Unit B.G.09.

GMU intends the design alterations to separate residential pedestrians from commercial pedestrians to enhance security and a sense of place for residential users as well as to clarify legibility and way finding for commercial and residential pedestrians.

To achieve all of these outcomes would require a significant redesign of the entry/exit including changes to the layout of retail premises fronting Belmore Street and Unit B.G.09. Planning Ingenuity is however of the view that it is possible to achieve some of the intended outcomes with minor design changes that could be addressed by conditions of consent. These include the following:

- A separate lobby is to be provided for retail users and visitors moving from the basement car park to Belmore Street. This lobby shall enclose the stair well east of the fire control room and the retail lift in a shared lobby. The retail lift shall be reoriented to open to the north at the Belmore Street level. The lobby is to be separated from the residential entry to the east by glass to ensure all visitors can orientate themselves in relation to the adjoining residential lobby and to Belmore Street as they exit the stairs and lift at the Belmore Street level. The door opening to Belmore Street from the retail/visitor lobby shall be auto-opening so that people carrying items do not need to manually operate the door;
- The mailroom is to be relocated to the eastern side of the residential lobby in Belmore Street;
- Improvements to the privacy and amenity of Unit B.G.09 can be achieved with more substantial courtyard fencing and planting for visual and aural privacy; and
- That the entrance path of travel be modified at its northern end (adjacent to Unit B.G.09) so as to continue an alignment parallel to the external wall of that unit rather than angling back towards the unit. The additional area provided by doing this should be dedicated to landscaping to amplify screening and separation.

The fundamental issue that cannot be easily addressed by conditions for design changes is the provision of a new separate entrance on Belmore Street to link by line of sight with the residential lobby and lift bank of Building B with a floor level similar to the level of the footpath in Belmore Street. These modifications sought by GMU have been discussed several times, and in fact lead to the introduction of an entrance to Building C off Wynne Avenue. The applicant however maintains that the proposed combined residential entry for Buildings B and C is the best outcome for the development because the design:

- strongly defines and identifies the residential entry by the use of a projecting canopy and its generous width/scale and dimensions;
- provides a desirable residential identity by the use of high quality finishes, colour, landscaping and its exposure to natural light;
- contributes positively to the streetscape by the use of a projecting canopy and high quality finishes;
- orients the visitor and assists way finding through the use of colour to identify each building , signage and lighting;
- provides a direct physical and visual connection between the street and the entry foyers for both Buildings B and C from the communal courtyard;
- establishes a clear transition between the public domain and shared communal areas through the use of a decorative security entry screen and changes in materials and colours;
- provides convenient and secure mailbox facilities located immediately adjacent to the entry gallery;
- creates a strong sense of community and encourages resident interaction; and
- maximises the opportunity for residents to experience/enjoy the generous landscaped courtyard areas.

The applicant has provided images of the design theme that is intended for the entrance which demonstrates that the space will achieve the elements as detailed in the abovementioned points.

For these reasons, the applicant asserts that there is no conflict with an additional entry to Building C located on Wynne Avenue in regards to the above noted design outcomes and strongly disagrees that changes to the Belmore Street residential entry are warranted or that providing a separate entry to Building B would be beneficial.

Planning Ingenuity is of the view that whilst the principles of SEPP 65 and the RFDC must undoubtedly be applied to assessment of the proposal, there is an absence of any specific design controls that are breached by the proposed entrance sequence. As evidenced through extensive discussions with the applicant, this is a subjective design matter (based on objectives of SEPP 65 and the RFDC) that has no real bearing on economics of the development in terms of yield. The applicant simply argues that the proposal in its current form is a better solution.

For these reasons, particularly the subjectivity that is associated with this assessment, Planning Ingenuity is of the view that the issues related to entrance sequence do not warrant refusal of the application and therefore do not warrant a deferred commencement condition that must be satisfied prior any development consent becoming active.

Were the JRPP to form a different view in relation to this one aspect of the proposal, a deferred commencement condition could deal specifically with this aspect of the development. Such a condition would require a significant amount of design change to the ground floor entrance areas and retail layout however would not affect development yield in any significant way.

NSW Residential Flat Design Code

Clause 30 of SEPP 65 requires that in determining a development application, the consent authority consider the NSW Residential Flat Design Code. Given that Council's DCP largely defers to the RFDC for core built form controls, discussions of compliance with the RFDC is contained in the DCP section of this report. Compliance with the RFDC has also been examined in the Urban Design Assessment by GMU (refer to Annexure C).

The proposal is generally consistent with the RFDC with the exception of building depth and length. The evaluation by GMU concludes that numeric non-compliance with the requirements for building length and depth do not create issues for internal amenity of the proposed units and a variety of other design elements have been introduced to address bulk and scale to result in a development proposal that satisfactorily addresses the requirements of the RFDC.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

This Policy seeks to ensure that new development is designed to use less water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets, which are based on the NSW average benchmark. The Policy also sets minimum performance levels for the thermal comfort of a dwelling.

BASIX Certificates have been submitted for the development which demonstrate compliance with the requirements of the Policy.

State Environmental Planning Policy (Infrastructure) 2007

This policy requires Council to refer this application to the Roads and Maritime Services (RMS) for consideration due to the proposed amount of parking and commercial floor area. The concurrence of the RMS is not required but Clause 104 to the Infrastructure SEPP requires Council to give written notice of the application to the RMS and to consider any submission received within 21 days in response to this notification.

No formal referral response has been received from RMS to date. However, RMS indicated support for the proposal at a meeting of the Sydney Regional Development Advisory Committee on 3 April 2013 and conditions of consent can be included to ensure that all major traffic management measures are designed to the satisfaction of RMS and Council. Similar conditions to those applied to the development site on the opposite side of Wynne Avenue are required and are included in Annexure A.

Clause 104 to the Infrastructure SEPP also requires Council to consider the accessibility of the site for the efficient movement of people and freight, the opportunity for multi-purpose trips and the potential for reduced need for travel by private car.

The site is well serviced and accessible by a variety of modes of transport. It is within walking distance to established shops, services and facilities, the railway station and bus stops. New residents will have a variety of options for trips other than the use of a private car. The basement includes provision for two share car spaces. Mixed uses within the site represent further opportunities for new residents as well as residents of nearby properties to utilise the services potentially available from new retail premises.

State Environmental Planning Policy (State & Regional Development) 2011

The proposal is development nominated in Part 4 of this Policy, being development that has a capital investment value exceeding $20 million. Consequently the Joint Regional Planning Panel is the consent authority for this application.

Burwood Local Environmental Plan 2012

The Burwood Local Environmental Plan 2012 came into effect on 9 November 2012. It replaces (and consolidates) the Burwood Planning Scheme Ordinance (BPSO) and the Burwood Town Centre (BTC) LEP 2010.

The subject site is located within Zone B4 Mixed Use under the Burwood Local Environmental Plan 2012 and mixed use development is permissible with consent. The objectives for development in Zone B4 are as follows:

- *"To provide a mixture of compatible land uses; and*

- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling."*

The mix of land uses and the way in which those land uses are to be integrated with the site and surrounding development achieves the first objective. The proposal includes retail frontages to the majority of the ground floor interface with the public domain and provides public access to on-site car parking spaces. The site is highly accessible by a variety of public transport options and is within walking distance of Burwood Commercial Town Centre. Opportunities exist mainly for walking with sealed footpath pavements linking the site to the Town Centre and public transport nodes.

The proposal does not comply with the development standards in Burwood LEP 2012 for height of buildings and floor space ratio and these variations are examined below.

The site contains the heritage item I8 being the former Masonic Temple and in the vicinity of Saint James Church and Hall, located south of the site at No.46-48 Belmore Street. Clause 5.10 related to Heritage Conservation and has the following objectives that are relevant to the proposal.

"(a) to conserve the environmental heritage of Burwood,
(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views"

In accordance with the requirements of clause 5.10 a Statement of Heritage Impact prepared by NBRS & Partners and dated 7 March 2013 was submitted with the application. This Statement has been assessed by Council's Heritage Advisor and considered to be acceptable subject to conditions that have been included in the recommended conditions of development consent in Annexure A.

Clause 4.3 – Height of Buildings

Clause 4.3 to Burwood LEP 2012 and the Height of Buildings map define the building height controls for the site. The western part of the site in the Perimeter Area has a height limit of 30m and the eastern side of the site in the Middle Ring area is subject to a height limit of 60m. The proposal results in minor breaches of the height requirements as shown in Figures 4, 5 and 6.

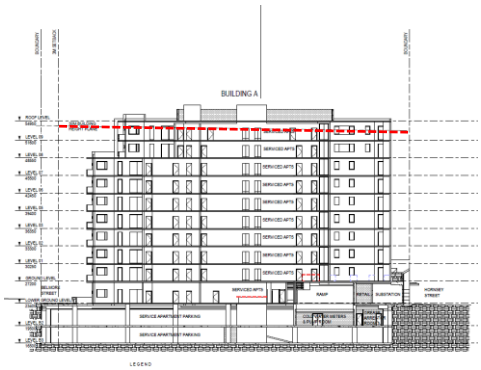


Figure 4: Building height line applied to Building A

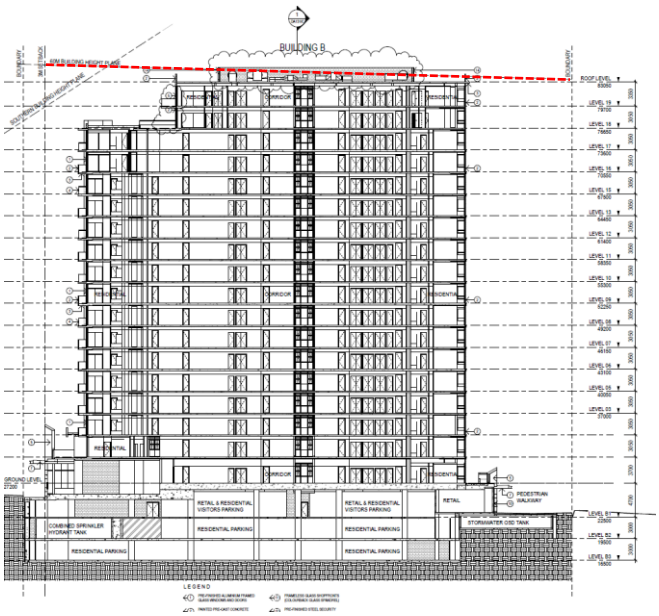


Figure 5: Building height line applied to Building B

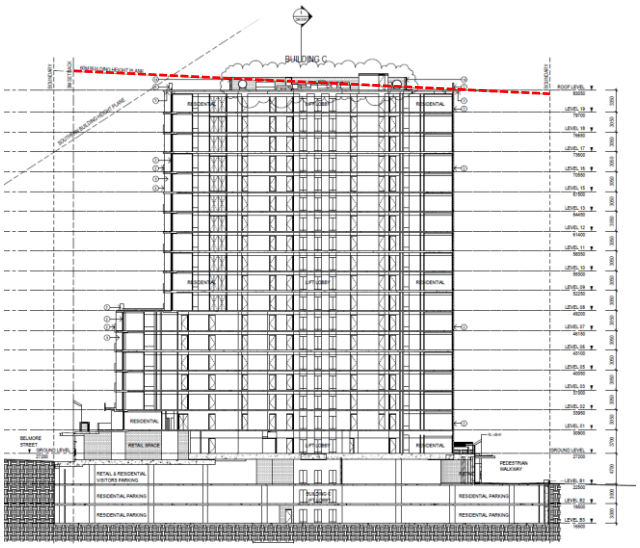


Figure 6: Building height line applied to Building C

The height lines applied to Buildings A, B and C are shown in Figures 4, 5 and 6 respectively as highlighted with a dashed red line. For Buildings B and C the height plane is breached in a minor way by architectural roof features and this is allowable in accordance with the provisions of Clause 5.6 to Burwood LEP which states:

> ***"5.6 Architectural roof features***
>
> *(1) The objectives of this clause are as follows:*
> *(a) to provide flexibility in building height limits where architectural roof features result in minor encroachments.*
> *(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.*
> *(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:*
> *(a) the architectural roof feature:*

(i) comprises a decorative element on the uppermost portion of a building, and
(ii) is not an advertising structure, and
(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
(iv) will cause minimal overshadowing, and
(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature."

In the case of Buildings B and C the architectural roof features comply with the requirements of Clause 5.6.

With respect to the non-compliance for Building A the applicant has justified the variations to the height for Building A with the following explanation:

"Building A (Site A) exceeds the 30m height plane (measured along Conder Street) by between 0.9 and 1.6m …The building heights have been developed and modelled based on an analysis of the most effective built form outcome for the Town Centre utilising opportunities offered by the large consolidated site. It is noted that while the proposed design includes minor height non-compliances the overall design has been modelled to eliminate any adverse impacts in relation to the additional height. In particular, it is noted that the shadow profile of the proposed building is less than that generated by the permissible building envelope for the site."

It is agreed that the proposed setbacks of Building A assist in reducing the impacts of overshadowing and that the non-compliance with the building height standard does not result in additional shadow cast onto neighbouring properties.

The objectives for height controls in Clause 4.3 are:

"(a) to establish the maximum height of buildings to encourage medium density development in specified areas and maintain Burwood's low density character in other areas,
(b) to control the potentially adverse impacts of building height on adjoining areas"

The proposal complies with the objective of providing a development of increased density in an area nominated by Council's planning controls for redevelopment. The adverse effect of overshadowing has been adequately addressed. In addition, Building A complies with the relevant guidelines for separation and maintenance of privacy and amenity within the site and for adjoining and surrounding development. The visual impact on the streetscape has been reviewed by GMU and determined to be satisfactory. Overall Building A is considered to achieve the objectives for height control standards despite minor non-compliance with the 30m height standard.

Clause 4.4 Floor Space Ratio

Clause 4.4 to Burwood LEP 2012 applies a floor space ratio development standard to the subject site with the western portion of the site having a floor space ratio of 3:1 and the eastern part of the site having a maximum floor space ratio of 4.5:1.

The objectives for controlling floor space ratio are specified in Clause 4.4 as follows:

"(a) to enable development density and intensity of land use to achieve an appropriate urban form,
(b) to focus higher development density and intensity of land use in the inner part of the Burwood Town Centre and to provide a transition in development density and intensity of land use towards the edge of the Burwood Town Centre."

Clause 4.4A qualifies the abovementioned floor space ratios by limiting the proportion of total floor space dedicated to residential use in certain business zones to ensure residential use does not dominate non-residential development. The eastern part of the site which is part of the Middle Ring area of the Burwood Town Centre is within "Area 2"on the Floor Space Ratio map. In Area 2, Clause 4.4A limits the ratio of the gross floor area of any part of a building used for the purpose of residential accommodation to the site area to a maximum of 3.0:1.

The applicant has provided the following response to support the proposed floor space ratio in accordance with Clause 4.6 to Burwood LEP 2012.

The LEP Floor Space Ratio Map indicates that the eastern portion of the site has a permissible FSR of 3.0:1(the proposed FSR is 3.62:1). The western portion has a maximum FSR of 4.5:1(the proposed FSR is 4.29:1) with a maximum 3.0:1 residential use FSR. The allocation of the additional 0.62:1 FSR for the western part of the site (additional 1,603m2 of area) was offset against a reduction of 0.21:1 FSR for eastern part of the site (a reduction of 1,588m2 of area).

The design choice to distribute additional density, above the controls, to the western part of the site is a result of the opportunity to holistically develop the consolidated site bounded by Conder Street, Belmore Street and Wynne Ave.

It was considered that overshadowing represented the only significant potential impact of this reallocation of FSR. As requested we prepared additional shadow studies which represent the analysis of the overshadowing impact of the proposed building envelope against a theoretical 'complying' envelope. The diagrams indicate that the additional shadow impacts are minimal and are offset by reduced shadow impacts elsewhere for the development at different times of the day.

The urban form generated by the proposed development has been informed by Council's relevant LEP and DCP controls, the principles of SEPP65 and the RFDC. As a result, the proposed building forms on the subject site generally conform to the Council's vision for the site in relation to density and urban form.

In particular, the buildings provide a transition of development density and land use towards the edge of the Town Centre. The proposed non-compliance with the maximum residential use FSR requirements for the Middle Ring Area is a result of the opportunity to develop the large consolidated site that bridges over two 'Areas' of the LEP and DCP.

In conclusion, we believe that the above commentary and additional shadow studies demonstrate why the proposed design is contextually appropriate, achieves the objectives of the LEP in regards to FSR 'flexibility' and justifies the proposed distribution of FSR across the site.

The applicant prepared the images shown in Figures 7 and 8 to demonstrate the relative massing of floor space of the proposal compared to the potential massing of a compliant scheme. As can be

seen in Figure 7, the proposed buildings though larger than a compliant building form, are sited further northward. Figure 8 shows the proposed building is set back further from the minimum boundary setbacks particularly from the street boundary to the south (Belmore Street). Both of these factors reduce the shadow impacts to nearby properties and does enhance the overall presentation of the development as viewed from the surrounding street network and nearby properties.

Figure 7: Massing comparison image as viewed from south west

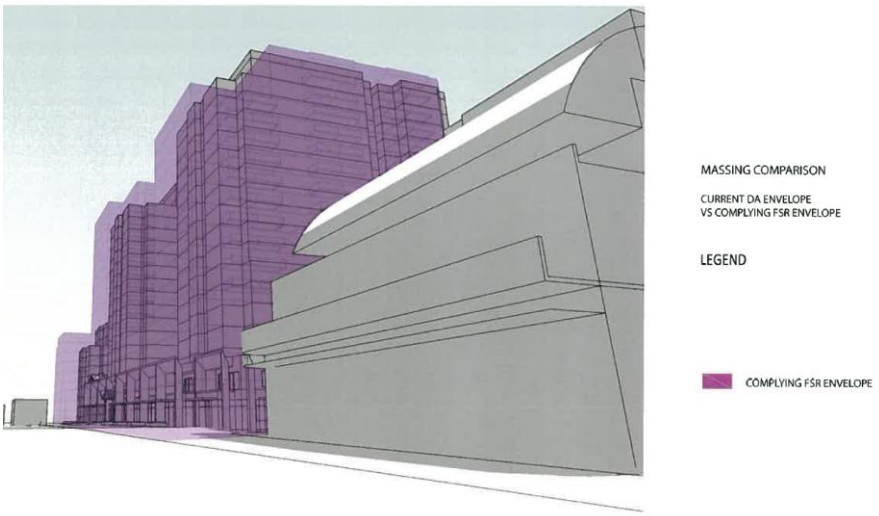


Figure 8: Massing comparison image as viewed from south east

As to the mix of residential floor space and commercial floor space, the ratio of residential gross floor area to commercial floor space complies with the required ratio of 3.0:1.

Along with building modulation and the incorporation of a variety of architectural elements to reduce the appearance of bulk and size, flexibility in the application of the floor space ratio controls is considered warranted in the circumstances. The development achieves a whollistic and consolidated development of the site (which has been consolidated by title) while addressing the intent of the control to achieve a transition in the density and intensity of development from higher densities closer to the Town Centre. The variation does not raise any matters of relevance to regional and State

planning strategies and is considered appropriate in accordance with the provisions of clause 4.6 to Burwood LEP 2012.

Burwood Development Control Plan

Burwood Development Control Plan (DCP) was adopted by Council on 12 February 2013 and came into effect on 1 March 2013. Compliance with the DCP controls that are relevant to the proposal is summarised in the following table:

TABLE 1: Burwood Development Control Plan			
Control	**Requirement**	**Proposed**	**Complies**
2.2 Site Analysis	To be submitted with Development Application	Included in Section 2 to the Architectural Design Report	Yes
2.3 Views and vistas	Identify significant views and vistas and demonstrate how they are to be improved and enhanced Encourage view sharing Have regard to high priority views and vistas identified in the DCP	View lines to be maintained through the site through spaces between Buildings A, B and C as well as along the streetscapes particularly the setback to Belmore Street which exceeds Council's requirements. The publicly accessible laneway adjacent to the northern boundary also establishes a view line.	Yes
2.4 Streetscapes	Identify streetscape characteristics Demonstrate how building design, location and landscaping will enhance and protect streetscapes	Streetscapes have been examined in the Architectural Design Report which supports an increased setback from Belmore Street. The Landscape Plan includes works within street setbacks and public footpath areas to all site perimeters	Yes
3.2.1 Design Excellence	Represent architectural design excellence by: - Form and external appearance to improve the quality and amenity of the public domain - building elements and finishes to reflect use and structure - Respond positively to the environmental context - Considering development potential for adjoining sites	The Design Excellence has been assessed by GMU (see Appendix C) and found to be satisfactory subject to design amendments which can be addressed as conditions of consent should the application be approved.	Yes
3.2.2 Materials and Finishes	Building exteriors to have high quality finishes Avoid extensive expanses of blank glass or solid walls Visually interesting treatments Conceal equipment and machinery from public view	Materials, colours and finishes proposed with the Development Application are considered to be satisfactory subject to additional information and a refined set of samples and annotated plans being submitted with the application for a Construction Certificate. Appropriate conditions can be imposed (see Annexure A)	Yes

TABLE 1: Burwood Development Control Plan			
Control	**Requirement**	**Proposed**	**Complies**
	Incorporate external lighting (avoid excessive light spillage) Translucent or opaque materials for balustrades Building entrances visible from the street Discourage painted finishes Walls to be articulated and designed for visual interest when viewed from the street Low maintenance and graffiti resistant materials used	Conditions can be imposed to require details of external lighting to be submitted with an application for a Construction Certificate for assessment by Council. Each building and each retail premises is provided with an entry that is visible from the adjoining street.	
3.2.3 Roofs and Roof Tops	Roof design to be integrated with the overall building and its role in the Burwood Town Centre skyline Roofs to respond to site orientation Service elements screened and integrated with the roof design Design to have regard to the view from the street, from adjacent development and as part of the skyline	The roof design has been assessed by GMU and determined to be satisfactory (see Annexure C).	Yes
3.2.4 Street-front Activities and Building Access	Security measures to be integrated with building design Ground floor development must: - promote quality non-residential activity in accordance with the zone - minimise the number of service doors - encourage visual interest with clear glazed windows, artwork and articulated architecture - provide access points to the public domain at no more than 20m intervals - provide at grade access points Provide separate, clearly identifiable entrances from the street for pedestrians and cars,	Conditions can be imposed for the details of all security screens, automated doors, service doors and the like to be included with the schedule and plans of colours, materials and finishes to be submitted with the application for a Construction Certificate. Non-residential uses are proposed to all street frontages at ground level. Vehicle entry/exit points are well separated from pedestrian entry/exit points.	Yes

TABLE 1: Burwood Development Control Plan			
Control	**Requirement**	**Proposed**	**Complies**
	residential and non-residential uses Building entrances must have a direct physical and visual connection to the street Residential components shall have a clear street address and a separate entry All commercial components must have a clear street address All mail boxes in accordance with requirements of Australia Post. Where located externally for residential buildings the mail boxes should be at right angles to the street boundary on either or both sides of the main access walkway.	Building entrances for Buildings A and C have direct physical and visual connection to Conder Street and Wynne Avenue respectively. The entry for Building B has a reasonably direct route and an open form design which allows for clear way finding subject to design amendments recommended in this report. All commercial premises address the adjoining public space. Conditions of consent can be imposed to ensure mail boxes comply.	
3.2.7 Residential Flat Buildings and Shop Top Housing	In the B4 Zone, a mixed development comprising three or more dwellings will be regarded as a residential flat building	Noted.	Noted.
3.2.8 Apartment Mix and Minimum Dwelling Sizes	Residential development in excess of 20 dwellings must provide a mix of dwellings containing 1, 2 or more bedrooms All residential developments must provide the following minimum apartment sizes: Studio 40m^2 One bedroom apartment 50m^2 Two bedroom apartment 70m^2 3+ bedroom apartment 95m^2	Mix of one, two and three bedroom units are provided. Complies.	Yes
3.2.9 Building depth	Refer to RFDC	RFDC Assessment by GMU supports the proposed building depth (see Annexure C).	Yes
3.2.10 Ceiling Height	Ground level 3.3m Residential floors above ground level 2.7m habitable rooms and 2.4m non-habitable rooms	Minimum 3.3m. Minimum 2.7m.	Yes
3.2.11 Natural Ventilation	Refer to RFDC	RFDC Assessment by GMU supports arrangements for natural ventilation subject to conditions for minor design amendments (see Annexures A and C).	Yes
3.2.12 Daylight Access	Refer to RFDC	RFDC Assessment by GMU supports design details for daylight access subject to conditions for minor design amendments (see	Yes

TABLE 1: Burwood Development Control Plan			
Control	**Requirement**	**Proposed**	**Complies**
		Annexures A and C).	
3.2.13 Visual and Acoustic Privacy	Maximise visual privacy between the development and adjacent sites Privacy provisions should not compromise natural light and air	RFDC Assessment by GMU supports the design details for privacy subject to conditions for minor design amendments (see Annexures A and C).	Yes
3.2.14 Private Open Space	All dwellings to have direct access to a primary area of private open space from the main living room Primary open space of dimensions to promote outdoor living suitable for outdoor table and chairs Minimum dimensions: 1 bedroom – minimum depth 2m and minimum area 8m^2 2 bedrooms – minimum depth 2.5m a minimum area 8m^2 3 or more bedrooms – minimum depth 2.5m and minimum area 10m^2 Private open space which responds to site conditions and integrated with the building design	All dwellings have private open space directly accessible from the main living room. Private open space areas are suitable for outdoor tables and chairs. Private open space provisions have been assessed by GMU and found to be acceptable subject to minor design changes to improve privacy and move storage spaces to unit interiors for some units (see Annexures A and C).	Yes with the exception of the minimum width dimension for balconies. See discussion below.
3.2.15 Lobbies and Internal Circulation	Entry lobbies to provide seating, mail delivery and collection and space for supervising personnel Lift lobbies to have natural ventilation and natural light Corridors to facilitate movement of furniture and people and have interest in surface materials and finishes with clearly identified apartment numbers Common area corridors minimum 2m wide Name and number of development clearly displayed at the entry and suitably illuminated	Buildings B and C both have lobbies of sufficient dimensions for seating and mail. All lift lobbies have natural light. Corridor lengths and dimensions have been assessed by GMU and determined to be satisfactory. Conditions can be imposed to ensure finished interior materials, unit numbering and building identification comply with the DCP requirements.	Yes
3.2.16 Storage for apartments	Refer to RFDC At least 50% of the storage area to be provided within the dwelling At least 25% of storage area accessible from active areas	Storage provisions have been assessed by GMU and determined to be satisfactory subject to minor design amendments to relocate some storage areas to the internal space of some units (see Annexures A and C).	Yes

TABLE 1: Burwood Development Control Plan			
Control	**Requirement**	**Proposed**	**Complies**
3.2.17 Safety and Security	Route between shared entrance and each dwelling to maximise safety including from car parking Comply with Burwood Community Crime Prevention and Safety Plan Clearly defined boundaries to distinguish between private and public space Facades at ground level shall be activated with after-hours uses so they are visible from public places Separate accesses for public and common areas Separate access for residents in mixed use developments Intercom systems at pedestrian and vehicle entrances or in lobbies Provide secured key or card access for residents Minimise concealment opportunities. No blind or dark alcoves near lifts and stairwells. Clear lines of sight on routes through the development. Appropriate illumination of common areas Security measures to be compatible with building design	Pedestrian movement paths considered safe subject to conditions for details of lighting, pavement marking and directional signage submitted with the Construction Certificate application. Site boundaries are to be clearly defined and a large proportion of the site perimeter is to be provided with activated commercial frontages and casual upper level surveillance. Public access points to be clearly separated from private accesses subject to design amendments for the access area in Belmore Street as discussed in this report and included in conditions of consent. A CPTED Statement submitted with the Development Application demonstrates that the development complies with the CPTED requirements.	Yes
3.2.18 Access and Mobility	Main entry accessible from the street footpath and common accesses in accordance with AS 1428: Design for Access and Mobility Safe and convenient access throughout the development, car parks and communal facilities Tactile indicators for changes in floor levels in the public domain	An Accessibility Report submitted with the Development Application demonstrates compliance and appropriate conditions can be imposed for final details to be submitted with the application for a Construction Certificate.	Yes

TABLE 1: Burwood Development Control Plan			
Control	**Requirement**	**Proposed**	**Complies**
	Minimum 10% of dwellings as Adaptable Housing Class A or B At least one car space for each accessible or adaptable dwelling to comply with AS1428.2 Development of 80+ dwellings accessible visitor car parking to be provided at the rate of one per each 60 dwellings or part thereof.		
3.2.19 Awnings	To be provided above the public domain in B4 Zone Awnings to cover the street setback and the access point to a building Awning to be between 3.2m and 5.5m from the finished ground level of the public domain Artificial lighting beneath awnings not to exceed 6m separation for face recognition Awnings set back a minimum 600mm from kerbline Awnings cut out to facilitate street trees and street lighting Regular maintenance for structural adequacy and weather protection	Awnings can be provided to comply with the requirements of the DCP subject to conditions of development consent for detailed awning design to be included in plans submitted with an application for a Construction Certificate.	Yes
3.3.2. Burwood Town Centre 3.3.2.1 Building Height Plane	Height of buildings not to exceed the building height plane	The proposal complies with the Building Height Plane and building height has been evaluated previously in this report.	Yes
3.3.2. Burwood Town Centre 3.3.2.3 Middle Ring	Podium Height 15m Street front setbacks - Belmore Street 3m - Wynne Avenue 0m Ground level setbacks to be finished at grade with Council's footpath and finishes and materials to match Council's Public Domain Requirements Secondary setbacks – the part of the development above 15m to be set back at least 6m from the	Podium height is a maximum of 10m. Belmore St 3m. Wynne Ave 0m Plans indicate ground surface levels of setback areas are to be integrated with the levels of the adjoining public footpath. Average secondary setback is 10m.	Yes

TABLE 1: Burwood Development Control Plan			
Control	**Requirement**	**Proposed**	**Complies**
	street front boundary Residential building separations refer to the RFDC Maximum length of any part of a building parallel to the street and above 15m in height is 45m and suitably articulated Communal open space accessible on podium level A minimum 50% of the communal open space to have minimum 600mm soil depth	 Building separation assessed by GMU and found to be satisfactory (see Annexure C). Building wall length has been assessed by GMU and found to be satisfactory (see Annexure C). Access to communal open space is available from main lobbies and smaller corridors in both Building B and C. The landscaping of the podium complies.	
3.3.2. Burwood Town Centre 3.3.2.2 Perimeter	Street setback requirements - Belmore Street (west) 6m - Conder Street - consistent with the heritage Item 47 in Schedule 5 to the LEP former Burwood Council office building Building separation refer to the requirements of the RFDC Where the ground floor uses are commercial, fencing of the street front setback is prohibited Existing mature trees to be retained wherever possible Where existing trees are removed they must be replaced at a ratio of two new trees for each tree removed. At least 50% of the street front setback must be provided as planting or soft landscaping Canopy trees to be provided at the rate of 1 per 30m2 of landscaped area within the street front setback	 Belmore St more than 6m Conder Street 9m Setbacks to both Belmore and Conder Streets have been addressed in the Statement of Heritage Impact and determined to be satisfactory with respect to the former Masonic Temple and Heritage Item I47. Building separation has been assessed by GMU and determined to be satisfactory. Commercial shop fronts do not have fencing between the shopfront and the public footpath. There are two mature eucalypts to be removed from the site and compensatory planting of canopy trees is indicated in the Landscape Plan submitted with the development application. Landscaping shall be in accordance with these requirements of the DCP subject to conditions of development consent to include these details in the Landscape Plans to be submitted with the application for a Construction	Yes

TABLE 1: Burwood Development Control Plan			
Control	**Requirement**	**Proposed**	**Complies**
	Development requiring a 6m setback form the street front boundary is to provide deep soil zones and trees selected from Council's Street Tree Management Strategy. Development set back from the street front boundary less than 6m is to provide trees as specified in the DCP	Certificate.	
3.7 Transport and Parking in Centres 3.7.2 Burwood Town Centre	(1) Resident on-site parking: 0.5 spaces per studio unit 1 space per 1 and 2 bedroom unit 1.5 space per 3 bedroom unit Requires: 37 x 1 bedroom units = 37 spaces 289 x 2 bedroom units = 289 spaces 6 x 3 bedroom units = 9 spaces TOTAL = 335 Visitor on-site parking: 1 space per 5 units Requires 66 spaces Retail in Zone B4 in Burwood Town Centre: 1 space per first 400m^2 1 space per 40m^2 above the first 400m^2 Requires 46 spaces Office space within former Masonic Temple: 1 space for first 400m^2 Requires 1 space Serviced apartments: 1 space per unit 2 spaces for employees 90 serviced apartments require 92 spaces. All parking associated with retail premises to be provided on site must: - Be open for public use during normal trading hours for premises on the site - Accessible and marked	Resident parking spaces = 335 spaces Visitor spaces = 56 spaces Retail parking = 46 spaces Office parking = 1 space Serviced apartments = 92 spaces Conditions of consent can be imposed to require these operational details to be submitted to Council's satisfaction prior to the issue of a Construction Certificate.	Complies with the exception of visitor spaces and this matter is dealt with in the Traffic Assessment (see Annexure D)

TABLE 1: Burwood Development Control Plan			
Control	**Requirement**	**Proposed**	**Complies**
	for public use with clear directional signage - Clear, signposted and safe access between parking and retail premises - Management of signage, fees, access permission and time limits are to be subject to Development Consent		
	All vehicles to be capable of entering and leaving the site in a forward direction.	Conditions of consent can be imposed to ensure compliance.	
	Vehicle access to be provided by secondary streets in preference to major roads	Accesses at Conder Street and Wynne Avenue are considered appropriate by the independent Traffic Assessment (see Annexure D).	
	Minimise vehicle crossings of footpaths	Limited to two combined entry/exit crossings.	
	No impacts on bus operations	No impact.	
	Openings must be screened with automatic closing doors	Security doors are to be provided.	
	Vehicle access to be separated from pedestrian access	Conditions of consent are recommended for further details on the separation of pedestrians and vehicles.	
	Major development to be accompanied by a Transport, Traffic and Parking Impact Assessment and Management Plans including a Travel Demand Management section	Traffic and Transport Impact Assessment was submitted with the application and independently assessed (see Annexure D).	
	Bicycle parking facilities in accordance with AS 2890.3	Bicycle parking facilities are provided and comply.	
	Loading and servicing areas to maintain and enhance the integrity of the streetscape	Loading and servicing bays are contained within the Basement Level B1.	
3.8 Heritage in Centres and Corridors	Heritage Impact Statement required Adaptive re-use to retain significant internal and external fabric	The Heritage Impact Assessment submitted with the development application has been assessed by Council's Heritage Officer and determined to be satisfactory subject to conditions of development consent (see	Yes

TABLE 1: Burwood Development Control Plan			
Control	**Requirement**	**Proposed**	**Complies**
	Retain appropriate setting for continued appreciation of integrity Ensure heritage item is not visually obscured or adversely altered Setbacks to achieve sight lines for significant buildings	Annexure A).	
3.9 Public Domain and Amenity 3.9.1 Public Domain – Burwood Town Centre	Conder Street public bus route Conder Street shared zone between Hornsey Lane and Railway Parade Hornsey Lane to be a public square / forecourt Pedestrian link between Wynne Ave and Hornsey Lane minimum 9m width, unobstructed and open to the sky unless awnings are cantilevered and extend over not more than 30% of the width, activated by entrances to adjoining land uses and in accordance with AS1428.1-2009 and landscaped in accordance with Council's Public Domain Plans Ground level with frontage to designated public squares and forecourts must provide active uses which address and define the edges of the forecourt and square and upper levels must allow for casual surveillance Access to public squares and forecourts suitable for people with a mobility impairment Squares and forecourts to be unobstructed by buildings, open to the sky and have direct linkages Existing pedestrian links maintained and enhanced Pedestrian links to have: - Interactive uses - casual surveillance - Minimal barriers - A width of at least 4.5m clear of obstruction and	Public bus route and shared zone in Conder Street maintained. Hornsey Lane retained. Pedestrian link to be created in accordance with the DCP requirements as included in conditions of consent (see Annexure A). Active commercial frontages are proposed to all site boundaries and casual surveillance is available from the upper levels of Buildings A, B and C. Appropriate conditions of consent can be imposed to ensure that pedestrian links and accesses to publicly accessible areas comply with the requirements of the DCP (see Annexure A).	Yes

TABLE 1: Burwood Development Control Plan			
Control	**Requirement**	**Proposed**	**Complies**
	where possible 6m width - signage at street entries indicating public accessibility and the name of the street with which it connects		
3.9.5 Treatment of Street Front Setbacks – Middle Ring	Street front setbacks to be treated consistent with the adjoining public domain and a right of pedestrian way and vehicle movement created by way of easement in accordance with Section 88B to the *Conveyancing Act 1919* placed on the title of the land Cantilevered awnings are encouraged over the setback area fronting non-residential uses to a maximum width of 3m	Appropriate conditions of consent can be imposed to achieve compliance with these requirements (see Annexure A).	Yes
3.9.5 Treatment of Street Front Setbacks - Perimeter	For mixed use and non-residential uses at street level where the setback is 3m or more the setback is to be treated consistent with the adjoining public domain and a right of pedestrian way and vehicle movement created by way of easement in accordance with Section 88B to the *Conveyancing Act 1919* placed on the title of the land Cantilevered awnings are encouraged over the setback area fronting non-residential uses to a maximum width of 3m	Appropriate conditions of consent can be imposed to achieve compliance with these requirements (see Annexure A).	Yes
3.9.6 Public Domain Finishes and Elements within Development	Lighting to be provided appropriate to the setting Publicly accessible areas provided with paving, street furniture, planting, fences, kerbs and drainage to a standard not less than Council's Public Works Elements Manual (June 2006)	Appropriate conditions of consent can be imposed to achieve compliance with these requirements (see Annexure A).	Yes
3.9.9 Access and Mobility for the Public Domain	The public domain immediately adjacent to any development must be upgraded to Council's standards at the applicant's cost Where the pedestrian way meets a public road and pedestrians are to cross the roadway, laybacks shall be provided in the kerb line of	Appropriate conditions of consent can be imposed to achieve compliance with these requirements (see Annexure A).	Yes

TABLE 1: Burwood Development Control Plan			
Control	**Requirement**	**Proposed**	**Complies**
	gradients suitable for people with a mobility impairment Tactile indicators in accordance with AS1428.4 are to be installed where there is a change of floor surface level		

The proposal complies with most of the relevant provisions of Burwood DCP. An exception is the building depth for all buildings as recommended in the RFDC and the numeric non-compliance with this requirement has been determined by GMU to be satisfactory as the proposed building dimensions are not detrimental to internal amenity and architectural treatments to the exterior of the buildings ameliorate visual impacts of bulk and mass. The proposal also demonstrates a minor non-compliance with the dimensions of balcony private open space areas in that the DCP requires a minimum width of 2.5m for private open space area ancillary to units of two or more bedrooms. The balconies are 2m wide. This is considered acceptable given that the total area of private open space for each unit exceeds Council's requirements for the majority of units.

Visitor parking has been allocated on the basis of 1 space per 6 residential units which was the requirement of the former Burwood DCP No.36 Burwood Town Centre. DCP 36 was replaced by Burwood DCP effective from 1 March 2013 and this development application was lodged on 15 March 2013. The independent review undertaken by McLaren Traffic Engineering concludes that the shortfall in visitor parking spaces is supported as the development proposes onsite parking substantially in excess of the Roads and Maritime Services (RMS) Guide to Traffic Generating Developments and the site has exception access to public transport.

Overshadowing

It is noted that Council's DCP does not include a control in relation to overshadowing, nor does the RFDC. To assess the potential impacts of overshadowing on properties on the southern side of Belmore Street and on No.33-35 Belmore Street, the applicant prepared a variety of shadow diagrams to make a comparison between the shadow to be cast by the proposal and the shadow potentially cast by schematic building forms which comply with controls for setbacks and building height. In the case of No.33-35 Belmore Street, the impacts of shadow from Development Consent DA89/2012 were also included.

GMU have made the following comment in relation to shadow impacts:

> *"a redistribution of the bulk does not result in a better built form outcome or a significant reduction of the overshadowing impacts. The shadow diagrams also demonstrate that units facing the western façade on No.33-35 Belmore Street are able to receive solar access prior to 1pm."*

Southern side of Belmore Street

The shadow diagrams submitted by the applicant indicate that properties on the southern side of Belmore Street between Conder Street and Wynne Avenue shall be subject to some degree of

overshadowing between 9.00am and 3.00pm mid winter but are largely unaffected for the majority of the year. The duration of overshadowing in midwinter still allows for a minimum 3 hours solar access for most of these properties as can be seen from the shadow diagrams in Figure 9 and the shadow cast by the proposal (shaded yellow) is not as extensive as that for a compliant building mass for Building C (outlined in red).

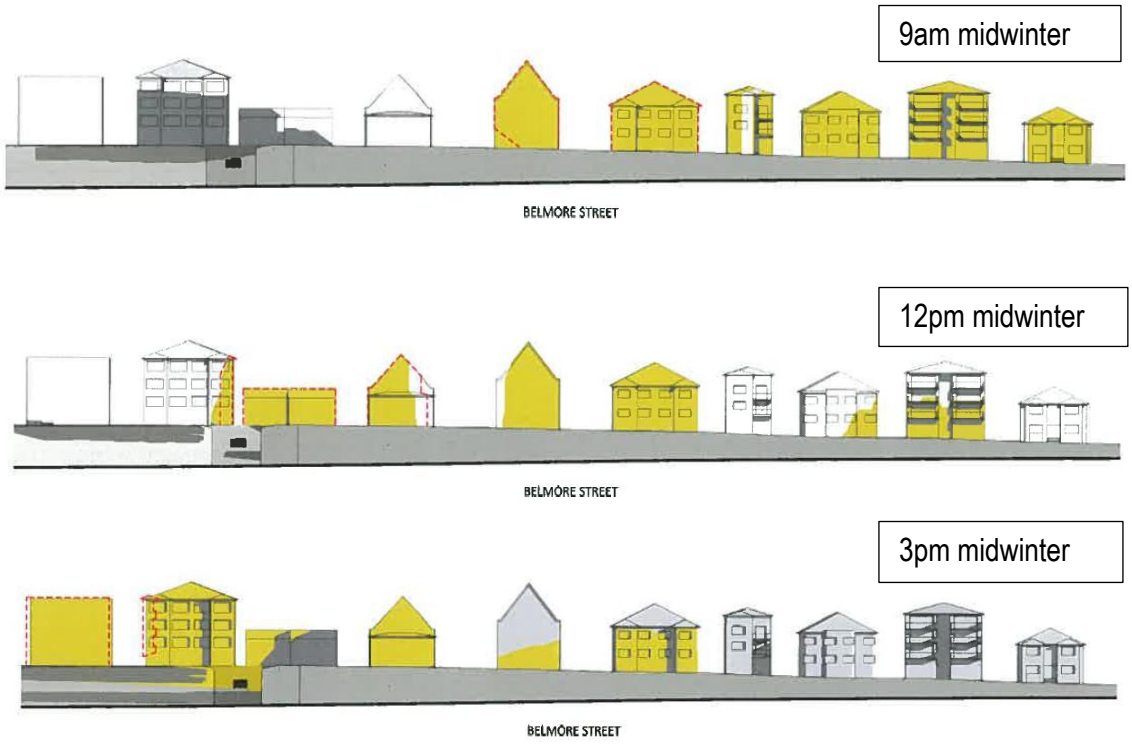


Figure 9: Shadow impacts on northern elevations of buildings in Belmore Street

No.33-35 Belmore Street

Similarly, shadow impacts of the proposal compared to a compliant building form for Building C have been demonstrated for No.33-35 Belmore Street and added to the shadow to be anticipated from the development of the site north of No.33-35 Belmore Street in accordance with Development Consent DA89/2012. The diagrams submitted by the applicant show that there are no midwinter impacts to No.33-35 Belmore Street prior to 1pm.

(i) Equinox Shadow

For the northern façade of No.33-35 Belmore Street, the shadow diagrams show the difference between the shadow of the proposal and a compliant building at the equinox is only evident between 1.40pm to 2.20pm. From 2.20pm the shadow of both proposed and compliant built forms affect the same parts of the northern façade and therefore shadowing impacts are not significantly worse. This is shown in Figure 10.

Figure 10 also shows that for the western façade from 1.40pm the shadow cast by the proposal adds shadow to some additional windows (as highlighted by arrows) in comparison to a compliant building mass. From 2.40pm the entire western façade would be overshadowed by both the proposal and a compliant building form.

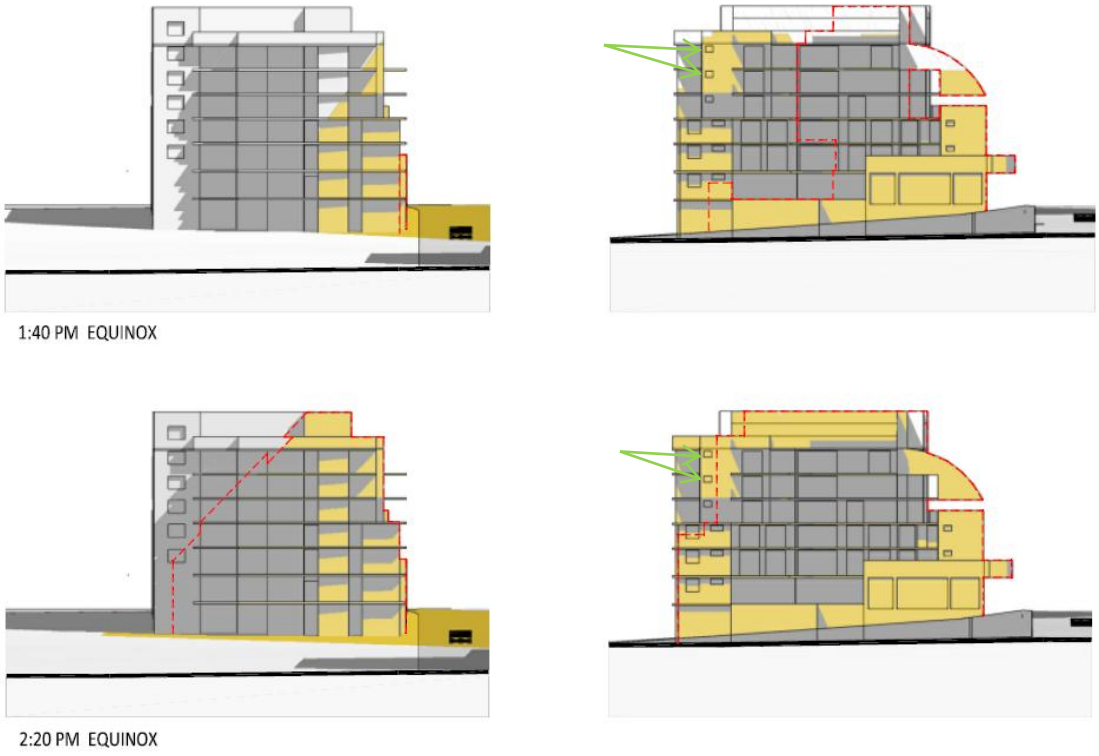


Figure 10: Shadow impacts on No.33-35 Belmore Street at equinox

(ii) Midwinter Shadow

Figure 11 shows the northern façade of No.33-35 Belmore is not significantly affected by additional shadow until after 2.00pm in midwinter. For the western façade two small windows and parts of two larger windows shall be affected (as highlighted by green arrows). The majority of windows are already subject to some shadowing cast internally by the building features of No.33-35 Belmore Street.

Figure 11: Shadow impacts on No.33-35 Belmore Street in midwinter

The applicant makes the following comments with respect to the potential shadow impacts on No.33-35 Belmore Street:

> *"the proposed development only has a shadow impact of any significance on the building on the corner of Wynne Avenue and Belmore Street (33 Belmore Street) in late afternoon during the equinox and winter solstice. Accordingly we have prepared detailed shadow studies at 20 minute intervals for the western and northern elevations of 33 Belmore Street from 1.00pm to 3.40pm.*
>
> *During both the equinox and winter solstice the shadow impact of the proposed development does not affect the western elevation of 33 Belmore Street until 1.20pm, the shadows progressively extend to fully cover the western façade by 2.40 pm; similarly shadow impacts on the northern façade commence around 1.20pm and extend to fully cover the that façade around 3.00pm. The shadow studies compare the proposed DA envelope with a 'modified' envelope for building C (with the upper levels relocated south) the difference between the extent of shadow is very minor. On the western façade the difference between the shadows during both the equinox and winter solstice is only of significance between 1.40 and 2.20pm and only affects a small group of widows on the north western corner of the upper floors. On the northern façade the difference in shadow impact is negligible during the equinox and up until 2.20pm during the winter solstice.*
>
> *It should be noted that 33 Belmore Street has deep balconies and substantial overhangs on the western and northern façades which already provide significant shading of the glazing on these façades; in our opinion the*

additional overshadowing created by the proposed development is very minor and the difference in shadow impact between the proposed and modified envelope in terms of extent and duration is only of significance for one hour of the day during the equinox and winter solstice.

We have also obtained copies of the shadow and daylight access studies prepared by AJ+C to assess the shadow impact of the recently approved B1 Burwood Square development (DA89/2012); the daylight access studies indicate that the apartments on the western side of 33 Belmore Street will receive 3 or more hours of sun access throughout the year including the winter solstice. "

The analysis by the applicant is supported. Overall the shadow to be cast by the proposal is considered reasonable for a high density residential environment. Of relevance, in the Land & Environment Court case *The Benevolent Society v Waverley Council [2010] NSWLEC 1082*, Senior Commissioner Moore commented that the protection of sunlight is made more difficult as densities increase and that the expectation to retain it in a dense urban environment should not be as strong.

In this respect it must be recognised that in light of Council's newly introduced Town Centre controls, the height and density proposed reflects the scale of built form anticipated and encouraged by Council and therefore in line with the above planning principle, the expectation that existing solar access would be fully protected is unrealistic.

CONSULTATION

Roads and Maritime Services (RMS)

The application was referred to RMS in accordance with SEPP (Infrastructure) 2007. Concurrence from RMS is not required by the SEPP but the Policy does require the consent authority to take into consideration any submission made by the RMS. The matter was considered by the Sydney Region Development Advisory Committee as it is classified as traffic generating development. To date, no formal response has been provided by RMS however at its meeting, the RMS Sydney Region indicated support for the proposal.

Conditions of development consent can be imposed to ensure that final design details for traffic management measures comply with the standards and requirements of both Council and the RMS.

Traffic - External Consultant

McLaren Traffic Engineering has been engaged by Burwood Council to provide traffic and parking consideration of the proposed development. Assessment comments from McLaren Traffic Engineering are included in Annexure D. The proposal is considered acceptable subject to conditions that can be imposed should the application be approved (see Annexure A).

Urban Design – External Consultant

GMU has completed Urban Design Assessments as referenced throughout this report and detailed comments are included in Annexure C.

Stormwater

The application was reviewed by Council's Stormwater Engineer and found to be acceptable subject to conditions as included in Annexure A.

Health

The application has been reviewed by Council's Health Officer and found to be acceptable subject to conditions as included in Annexure A.

Building

The application has been reviewed by Council's Building Surveyor and found to be acceptable subject to conditions as included in Annexure A.

Heritage

The application has been reviewed by Council's Heritage Officer and found to be acceptable subject to conditions as included in Annexure A.

Neighbour notification

The subject development application was notified under Council's Notification Policy. Four (4) submissions and one letter with a petition of 25 signatories were received in response to the notification. A summary of the issues raised in submissions that are relevant to the assessment process and planning assessment comment is provided below.

Issue: Concerns about finding alternative low cost rental accommodation when existing residential flats within the development site are demolished

Comment: The dwellings currently on the site do not meet the criteria for the application of State Environmental Planning Policy (Affordable Rental Housing) 2009. There are three residential flat buildings within the development site at present and the proposal is consistent with Council's strategic planning vision for this site for redevelopment to significantly higher densities. While the proposal does not specifically provide low cost rental accommodation it will contribute significantly to the overall supply of rental unit accommodation locally.

Issue: Increased traffic a risk to safety and amenity of local area including parents and children attending Burwood Primary School.

Comment: The development application including a Traffic Report has been assessed by McLaren Traffic Consulting and considered by the Sydney Region Development Advisory Committee which included representation by RMS. Both assessment processes deemed the proposed traffic management measures to be acceptable. Specific traffic control measures in the vicinity of the Burwood Primary School include signalised controls in Conder Street at the intersections with Belmore Street and Railway Parade and the maintenance of a shared zone along the Conder Street frontage of the school. These measures comply with the requirements of Burwood DCP and will

contribute to the controlled movement of vehicles and pedestrians for improved safety.

Issue: Request traffic control measures within the site to redistribute traffic more evenly within the local street network. Likelihood of increased traffic congestion.

Comment: The traffic arrangements and vehicle entry/exit arrangements have been independently assessed and found to be compatible with the efficient and safe movement of vehicles within the local road network (see Annexure D).

Issue: More details required regarding provisions for ensuring secure access to on-site parking.

Comment: The plans of the basement and onsite parking include gated controls at the entry/exit points as well as within the parking areas for secured access to residential parking and the separation of serviced apartment parking, visitor and commercial parking and resident parking. Specific details of the hours of availability of visitor and commercial parking, access controls, signposting and pavement marking, directional signage and management responsibilities for on-site parking can be submitted to Council for further assessment with an application for a Construction Certificate.

Issue: Concern that on-site parking spaces will be sub-let.

Comment: Conditions of consent can be imposed to address this matter.

Issue: Loss of public car parking for 196 cars currently available within the site.

Comment: There are areas within the site which are publicly accessible and have been used for car parking. However, these areas are not public car parks. A total of 47 car parking spaces are to be available within Basement Level B1 ancillary to the commercial and retail premises within the new development and 56 spaces are to be available at Level B1 for visitors to the residential premises. Conditions of development consent can be imposed for the applicant to provide details of the operation and management for all car parking spaces including methods for secure access, signage and pavement marking for use, hours of availability and the like to ensure that suitable access is provided to the publicly accessible spaces within the development site.

Issue: Additional dwellings exceed the capacity of local infrastructure (roads, public transport, footpaths and schools).

Comment: The potential impact on roads and footpaths has been evaluated by McLaren Traffic Consulting and determined to be compatible with the local road and footpath network subject to the proposed works in the public road and footpath reserves as per recommended conditions of consent. The accessibility to public transport is identified as one reason for increasing the density of development in Burwood Town Centre and the proposal appropriately responds to this opportunity. Increased patronage of public transport and increased demand for school enrollments are factors used by service providers to re-evaluate the capacity of services available. Therefore the growth in demand potentially created by the proposal has the potential to increase the capacity of local public transport, schools and other services and facilities.

Issue: Concern that Fire Safety measures are inadequate

Comment: Should the application be approved, conditions of consent will be imposed for full details of Fire Safety Requirements to be approved prior to the issue of a Construction Certificate.

Issue: High density residential development creates noise and air pollution which is detrimental to the amenity of local residents.

Comment: The new dwellings exceed the minimum boundary setback and separation requirements and will be well separated from neighbouring dwellings. Noise generated from new residential uses is expected to be compatible with the general level of noise typical of a site close to the town centre and undergoing redevelopment to a higher density. Air pollution as a result of increased vehicular traffic will not create conditions that would trigger the need for health impact assessment in accordance with the criteria specified in the NSW Department of Planning NSW *Guide for Development near Rail Corridors and Busy Roads*.

Issue: Non-compliance with density and height controls in Burwood LEP. 60m building height is not compatible with the scale of existing buildings in Belmore Street and does not provide a transition but instead is visually imposing. A maximum building height of 8 storeys is more appropriate for Belmore and Conder Streets.

Comment: As examined in this report, the non-compliance with Council's Building Height applies to Building A and the height of this building is considered acceptable given that the non-compliance will not result in overshadowing, overlooking or general loss of amenity for residential properties in Conder and Belmore Streets. The bulk, scale and overall architectural merit of the proposal has been assessed as appropriate for the site and its setting within the Burwood Town Centre.

Issue: The non-compliance with floor space ratio controls does not adequately address the intention of the planning provisions to provide a transition to less intense development at the perimeter of the town centre as serviced apartments are a more intense form of land use than dwellings.

Comment: The proposal complies with the land use mix controls for relative proportions of commercial and residential floor space throughout the site. The land use intensity of residential dwellings is similar in nature to serviced apartments. The number of beds per $100m^2$ of gross floor area (GFA) for the serviced apartments and the proposed units is roughly the same at 1.7 beds per $100m^2$ GFA. The serviced apartment Building A is located within the Perimeter Area of the site and is smaller in size than the residential towers and this reduced scale is considered to be a less intense land use in the Perimeter Area in comparison to the mixed uses on the Middle Ring area of the site.

Issue: The roof top lift wells and stairs have not been incorporated into the building design.

Comment: Roof top plant and equipment, lift overruns and the like are to be screened with parapets that feature dimensions and articulation compatible with the architectural features of each building design. These features have been independently assessed by GMU and determined to be satisfactory (see Annexure C).

Issue: The northern facade to Hornsey Street does not feature sufficient articulation and does not provide active street front uses.

Comment: Three (3) retail units are proposed to front the existing section of Hornsey Street and a further four (4) retail premises are to front the new public laneway to be created along the northern boundary of the site. The northern facade of Building A has been subject to independent architectural and urban design assessment and determined to be satisfactory.

Issue: There is no setback requirement to Hornsey Lane but the proposed setback is inadequate and detracts from the potential prominence of the Civic Square. Recommend a minimum 3m setback.

Comment: Works to upgrade the public footpath fronting the proposed retail premises in Hornsey Lane will increase the publicly accessible pedestrian space and enhance the interface between the site and the adjoining Civic Square.

Issue: Setback to Belmore Street required to be a minimum 3m and proposal has zero setback

Comment: The proposal complies with the setback requirements of the Burwood DCP which specifies a 3m setback for the retail premises along Belmore Street for the majority of the Belmoe Street frontage. Building A is set back from Belmore Street more than 6m.

Issue: Concern that Belmore Street will become narrower and whether onstreet parking will be available in Belmore Street.

Comment: The dimensions of Belmore Street will not change and current on street parking provisions are not proposed to change.

Issue: All residents of Belmore Street to be given a diagramatic report showing impacts of shadow cast by the proposal and permitted to make comment.

Comment: A shadow analysis was included in the Architectural Design Report and Statement of Environmental Effects submitted with the application and was available for viewing during the notification period. The shadow diagrams included shadow lines to be cast in midwinter at 9am, midday and 3pm for the proposal and for a comparative building mass defined by Burwood DCP. The diagrams demonstrated the shadow to be cast by the proposal was significantly less in midwinter than the mass defined by the building envelope of the DCP. Further examination of shadow impacts is provided earlier in this report.

Issue: Loss of light and space for Burwood Presbyterian Church

Comment: Shadow will affect the church premises during midwinter as examined earlier in this report. However, shadows cast by the proposal will not impact on the church for the majority of the year and is not unreasonable in the context and setting of a town centre undergoing higher density redevelopment.

Issue: Request construction work not overlap with hours of church services on Sundays and for funeral and wedding services

Comment: Standard conditions of development consent ensure no work is conducted on Sundays and Public Holidays. Works are to cease from 4pm on Saturdays which may allow wedding services to be conducted. Special arrangements for funeral services (which are unpredictable) cannot be accommodated in conditions of development consent.

Issue: Request an independent Dilapidation Report for the Presbyterian Church in Belmore Street prior to the commencement of construction.

Comment: Recommended conditions of development consent include the requirements for an Engineering and Geotechnical report from a suitably qualified person regarding excavation including methods for protection and preservation of buildings on adjacent land and in close proximity to the site boundaries. This report must be approved prior to the commencement of demolition works. These conditions shall be adequate to address the protection of neighbouring buildings during the demolition and construction processes.

Issue: Lack of dwelling variety and housing choice

Comment: The proposed mix of dwelling sizes complies with Council's requirements.

Issue: Serviced apartments compromise the objectives for the town centre of providing commercial activity and do not create job opportunities or active street frontages.

Comment: Serviced apartments are a form of *tourist and visitor accommodation* as defined in Burwood LEP and described as offering accommodation on a commercial basis. Therefore they are a commercial land use. Job opportunities are created through the regular maintenance and ongoing administration of the premises.

Issue: Limited front setbacks in Belmore Street obscure the facade of the former Masonic Temple.

Comment: The proposal has been assessed by Council's Heritage Officer and determined to be compatible with the heritage context and setting of the former Masonic Temple. Adequate separation and landscaped curtilage will be provided to the building to protect and enhance its presentation within the streetscape.

Issue: There is no guarantee as to the future sustainability of the former Masonic Temple. Retail use and public seating are recommended.

Comment: The building is proposed to be altered internally for commercial use and public seating will be incorporated with landscaping of the front setback.

Issue: Other heritage items in the vicinity are architecturally ignored.

Comment: The Statement of Heritage Impact submitted with the development application addresses the relevance of additional heritage items in the vicinity and the recommendations of the Statement

have been supported by Council's Heritage Officer.

Issue: Proposed driveway widths are dangerous and interrupt pedestrian movement

Comment: The driveway widths, sight distances and pedestrian movement paths have been addressed in the Traffic Report submitted with the development application and independently assessed by McLaren Traffic Consulting. The driveway crossings have been subject to modifications during the assessment process to improve the safe and efficient movement of vehicles and pedestrians and, subject to conditions of development consent, are supported.

Issue: Request two mature eucalypts in Belmore Street be retained.

Comment: Basement car parking is proposed to be constructed to all site boundaries and therefore retention of the existing trees is not possible. The landscape plan submitted with the application shows substantial new planting in the footpath reserve and throughout the development site and compensatory canopy trees are incorporated in new landscaping works.

Issue: Need for compliance with the requirements for area of communal open space.

Comment: The area of communal open space complies with the requirements of the Residential Flat Design Code in providing at least 25% of the site area as communal open space.

Issue: Overshadowing of public streets

Comment: The proposal will result in increased shadow cast onto Belmore, Conder and Wynne Streets. However, the retail premises proposed to front these streets will provide awnings to part of the publicly accessible footpath area which shall increase amenity for pedestrians. The proposal includes new landscaping, pavement and lighting for the public footpaths surrounding the perimeter of the site which shall also improve the aesthetics of the streets and amenity for pedestrians and local residents.

In summary the matters raised by submissions have been considered and resolved in the assessment process and, where appropriate can be addressed by conditions of development consent should the application be supported.

CONCLUSION

This application has been assessed having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979, the provisions of SEPP 55 (Remediation of Contaminated Land); SEPP 65 (Design Quality of Residential Flat Development), SEPP (Building Sustainability Index: BASIX) 2004, Burwood LEP 2012 and all relevant Council DCPs, Codes and Policies.

The proposed development is consistent with the objectives for building height and density of development envisaged by the controls that apply to the Burwood Town Centre and is generally considered to display a high quality of architectural design and internal amenity despite numeric non-compliances with the guidelines of the Residential Flat Design Code for building length.

The one primary design issue that remains relates to the entrance design to Buildings B and C. In essence, GMU is of a view that modifications should be made to the development scheme to provide for an individual entrance to Building B directly opening to Belmore Street, with the proposed combined entrance to Buildings B and C becoming being reduced in size and becoming an individual Building C entrance.

As discussed in detail in the report, Planning Ingenuity is of the view that whilst the principles of SEPP 65 and the RFDC must undoubtedly be applied to assessment of the proposal, there is an absence of any specific design controls that are breached by the proposed entrance sequence. For these reasons, and given the subjectivity that is associated with assessment of this aspect of the proposal, Planning Ingenuity is of the view that the issues related to entrance sequence do not warrant refusal of the application and therefore do not warrant a deferred commencement condition that must be satisfied prior any development consent becoming active. Accordingly it is recommended that the application be approved subject to the draft conditions included in Annexure A.

Were the JRPP to form a different view in relation to this one aspect of the proposal, a deferred commencement condition could deal specifically with this aspect of the development. Such a condition would require a significant amount of design change to the ground floor entrance areas and retail layout however would not affect development yield in any significant way.

It is recommended that the application can be granted development consent subject to the conditions contained in Annexure A.

ANNEXURE A

RECOMMENDED DRAFT CONDITIONS OF DEVELOPMENT CONSENT

DA31/2013

PLANNING INGENUITY

Draft Conditions
DA 31/2013
39-47 Belmore St, 6-14 Conder St & 11-19 Wynne Ave Burwood

APPROVED PLANS AND DOCUMENTS

(1) The development must be undertaken substantially in accordance with the details and specifications set out on the plans / drawings:

Plan Number	Reference	Prepared by	Date
Architectural Plans			
Cover Sheet	DA 101/C	Kannfinch Architects	19.07.13
Level B3	DA 107/C	Kannfinch Architects	19.07.13
Level B2	DA 108/C	Kannfinch Architects	19.07.13
Level B1 / Lower Ground	DA 109/C	Kannfinch Architects	19.07.13
Ground Level	DA110/C	Kannfinch Architects	19.07.13
Level 01	DA111/C	Kannfinch Architects	19.07.13
Level 02	DA112/C	Kannfinch Architects	19.07.13
Levels 03-07	DA113/C	Kannfinch Architects	19.07.13
Level 08	DA117/C	Kannfinch Architects	19.07.13
Level 09-15	DA118/C	Kannfinch Architects	19.07.13
Level 16-17	DA124/C	Kannfinch Architects	19.07.13
Level 18	DA126/C	Kannfinch Architects	19.07.13
Level 19	DA127/C	Kannfinch Architects	19.07.13
Level 20	DA128/C	Kannfinch Architects	19.07.13
Section 01 East/West Buildings A, B and C	DA131/C	Kannfinch Architects	19.07.13
North Elevation Buildings A, B and	DA132/C	Kannfinch Architects	19.07.13

C			
South Elevation Buildings A, B and C	DA133/C	Kannfinch Architects	19.07.13
West Elevation Building A	DA134/C	Kannfinch Architects	19.07.13
Section 02 North/South Building A	DA135/C	Kannfinch Architects	19.07.13
Section 03 East Elevation Building A	DA136/C	Kannfinch Architects	19.07.13
Section 04 West Elevation Building B	DA137/C	Kannfinch Architects	19.07.13
Section 05 North/South Building B	DA138/C	Kannfinch Architects	19.07.13
Section 06 East Elevation Building B	DA139/C	Kannfinch Architects	19.07.13
Section 07 West Elevation Building C	DA140/C	Kannfinch Architects	19.07.13
Section 08 North/South Building C	DA141/C	Kannfinch Architects	19.07.13
East Elevation Building C	DA142/C	Kannfinch Architects	19.07.13
Masonic Temple Plans and Elevations	DA143/A	Kannfinch Architects	19.07.13
Landscape Drawings			
Public Domain Landscape Concept	DA-1225-01	Sturt Associates Landscape Architects	25 February 2013
Private Open Space Landscape Concept	DA-1225-02	Sturt Associates Landscape Architects	25 February 2013
Landscape Sections Landscape Concept	DA-1225-03	Sturt Associates Landscape Architects	25 February 2013
Stormwater Drawings			
Cover Sheet	DA-H-100	Warren Smith and Partners P/L	February 2013
Level B3 Stormwater	DA-H-101	Warren Smith and Partners P/L	February 2013

Concept Plan			
Level B2 Stormwater Concept Plan	DA-H-102	Warren Smith and Partners P/L	February 2013
Level B1 Stormwater Concept Plan	DA-H-103	Warren Smith and Partners P/L	February 2013
Ground Level Stormwater Concept Plan	DA-H-104	Warren Smith and Partners P/L	February 2013
Level 01 Stormwater Concept Plan	DA-H-105	Warren Smith and Partners P/L	February 2013
Level 02-06 Stormwater Concept Plan	DA-H-106	Warren Smith and Partners P/L	February 2013
Level 07-08 Stormwater Concept Plan	DA-H-107	Warren Smith and Partners P/L	February 2013
Level 09-15 Stormwater Concept Plan	DA-H-108	Warren Smith and Partners P/L	February 2013
Level 16-19 Stormwater Concept Plan	DA-H-109	Warren Smith and Partners P/L	February 2013
Level 18 Roof Stormwater Concept Plan	DA-H-110	Warren Smith and Partners P/L	February 2013
Onsite Detention Tanks and Sections	DA-H-111	Warren Smith and Partners P/L	February 2013
Existing Survey Plan	C-03	SDG Land Development Solutions	9.02.210

And any details on the application form and on any supporting information receive with the application except as amended by the following conditions.

DESIGN CHANGES REQUIRED

The following design changes must be implemented and details of all design changes shall be indicated in the floor plans, elevations, sections and, where appropriate 3-D diagrams, submitted to Council for assessment and approval prior to the issue of a Construction Certificate.

(1) The lobby from Belmore Street which is currently shared between Building B and retail/visitor access is to be separated into two adjoining lobbies to achieve privacy and security and add a sense of identity exclusively related to each use.

A separate retail/visitor lobby is to be provided for retail users and visitors moving between the basement car park and Belmore Street. This lobby shall

enclose the stair well east of the fire control room and the retail lift in a shared lobby. The retail lift shall be reoriented to open to the north at the Belmore Street level. The lobby is to be separated from the residential entry to the east by glass walls for security and surveillance and to ensure all visitors can orientate themselves in relation to the adjoining residential lobby and to Belmore Street as they exit the stairs and lift at the Belmore Street level. The door opening to Belmore Street from the retail/visitor lobby shall be auto-opening so that people carrying items do not need to manually operate the door. Signage shall be provided at the basement level and at the Belmore Street frontage directing visitors and retail users of the access link between the parking area and Belmore Street.

Security gates/doors with intercom or electronic key access are to be located east of the door to the retail/visitor lobby described above and at the Belmore Street façade for secured entry/exit to Building B.

The mailroom for Building B is to be relocated to the eastern side of the residential lobby to Belmore Street.

The entrance path of travel within the Building B lobby from Belmore Street is to be modified at its northern end (adjacent to Unit B.G.09) so as to continue an alignment parallel to the external wall of that unit rather than angling back towards the unit. The additional area provided by doing this should be dedicated to landscaping to amplify screening and separation for Unit B.G.09.

(2) Private storage spaces within the private open space areas of units ALG 03, AG 09, A.1 09, A2 09 and the typical units on levels 03 to 09 all situated in the South West corner of Tower A are to be relocated to areas internal to each unit for improved amenity and security. These changes are required to improve the amenity, security and convenience for future occupants.

(3) All units are to be provided with the minimum secured storage requirements of $6m^3$, $8m^3$ and $10m^3$ for one, two and three or more bedroom units respectively where 50% of that storage space must be within each unit and in addition to kitchen cupboards and wardrobes. This amendment is necessary to achieve security and amenity for residents. Location and dimensions of all internal storage spaces for all units are to be indicated on the plans to Council's satisfaction prior to the issue of a Construction Certificate.

(4) The design and layout of Unit B.G.09 on ground level is to be amended to eliminate the 'gooseneck' configuration for the main bedroom and provide a wider opening to the eastern external wall. A shadow analysis is to be provided for this unit to demonstrate that a minimum of 3 hours of solar access is achieved for the habitable rooms in midwinter. The design of the canopy above the adjoining lobby area must allow for adequate solar access in this regard. Details of the layout and solar access for Unit B.G.09 are to be included with the plans submitted with the Construction Certificate to demonstrate compliance with this condition.

(5) The layout of the master bedrooms for units B1.11, B1.12, C1.11, C1.12 and C1.13 located on Level 1 and fronting Belmore Street shall not rely solely on 'gooseneck' window openings for the provision of natural light and ventilation as these openings are south facing and deeply recessed from the roof/slab above. The slab above shall be suitably recessed and/or skylights installed in the roof/slab over each opening. Details as to how this design change is to be implemented to Council's satisfaction shall be indicated in the plans submitted with the Construction Certificate.

(6) The internal walls defining the study areas in Units B.1.10 and C.1.15 are to be deleted to ensure this space is completely open to the living area of each unit to maximise light. Each study area is to be provided with built-in storage and desk space. Details of these changes are to be included in the plans submitted with the Construction Certificate for approval by Council.

(7) In order to improve privacy between habitable spaces and communal spaces the following amendments are to be indicated on the plans submitted with the Construction Certificate to the satisfaction of Council:

(i) windows in the former Masonic Temple facing Units A.G.08 and A.1.08 are to be fixed, non-openable and frosted or translucent to protect privacy to nearby units;

(ii) windows to bathrooms and storage areas directly opposite eachother and separated by 1.5m or less including those for Units C.1.07 and C.1.08 and for Units B.1.02 and B.1.03 and typical units at all levels directly above these units are to be high sill windows with frosted glass and only openable by a base hinge. Alternatively these windows could be staggered or only available to one side;

(iii) the north-facing kitchen window of Unit C.1.10 is to be fixed and frosted glass;

(iv) all courtyards to units with floor level RL23.40 in Tower A shall be provided with fences of minimum height 1.2m and a landscaped buffer along Belmore Street and Conder Street suitable to achieve privacy from the adjoining publc domain; and

(v) the courtyard to Unit B.G.08 is to be provided with a fence of minimum height 1.2m and a landscaped strip suitable to achieve privacy from the adjoining access ramp.

(8) An access corridor is to be provided connecting the rear of all retail premises fronting Belmore Street to the dedicated service lift in order that goods and waste can be moved to and from the appropriate locations in the basement for loading/unloading and waste management respectively without the need for movement of items along the public footpath. The door to this internal corridor which is visible from a public street is to be finished flush with the exernal wall or only slightly recessed to minimise its visibility from a public place. Details of this access corridor and the position of the door shall be

included in the plans submitted with the Construction Certificate to demonstrate compliance with this condition.

ADDITIONAL INFORMATION

The following additional information shall be submitted to Council for assessment and approval prior to the issue of a Construction Certificate.

(1) Full details of all materials, colours and finishes shall be submitted. These details shall be provided in the form of a sample board and correlated to annotated elevations to clearly indicate how they are to be applied to all exterior surfaces of the buildings, lobby areas and corridors, numbering of units, undersides of balconies and awnings, landscaped areas, retaining walls and any other new fixed structures within the site (including lighting, seating, paving, security doors, automated doors, pedestrian doors in external facades, and the like). Details of joint treatments shall be provided to demonstrate that all surfaces will be finished flush with each other where there is a change in materials and finishes on the same plane surface.

(2) A Lighting Plan for all external lighting and lighting of the lobby, common corridors and basement shall be submitted with the application for a Construction Certificate. The Lighting Plan shall include site plans, floor plans and elevations showing all lighting fixture types and locations, lux diagrams and plans of management for lighting operations (such as automatic timing, sensor operation and the like). Lighting is required for the underside of awnings to provide adequate security and safety for publicly accessible areas adjacent to shop fronts, for all points of pedestrian and vehicle access and egress and for common property.

(3) A Parking Management Plan shall be submitted with the application for a Construction Certificate. The Parking Management Plan shall provide details on the operational management of all parking spaces for residents, serviced apartments, visitors, commercial/retail users. These details are to include:

- means of security access (intercom, swipe card and the like) and the location of such control points;
- the physical controls to be implemented (bollards, security gates, signposting, linemarking and the like);
- accessibility of parking spaces and whether some spaces are to be accessible during specific hours and days;
- all directional and instructional signage for drivers and pedestrians;
- a clearly legible and safe path of travel for visitors and retail customers; and
- any other management responsibilities and restrictions proposed for the operation and use of car parking spaces (such as means of enforcing time limited spaces).

(4) DWG Cad files including input parameters for the design of the vehicle entry/exit to Wynne Avenue and particularly for the right turn entry and the left turn exit onto Wynne Avenue are to be submitted with the application for a Construction Certificate for approval by Council. This information is required to verify the

limiting vehicle dimensions. Signage will need to be posted accordingly at the entry/exit to Wynne Avenue and details of the location and wording of the signage is to be included with the information submitted with the application for the Construction Certificate. Two-way passing of other vehicles must be achievable adjacent to the loading dock and a minimum 5.5m kerb-to-kerb clearance on curves shall be provided.

(5) A Traffic Signal Management Plan shall be submitted with the application for a Construction Certificate for approval by Council and to the satisfaction of the Roads and Maritime Services. The Traffic Signal Management Plan shall include details of the estimated queue lengths associated with controlled intersections and the phasing, timing and green-time periods proposed to achieve queue lengths that do not impact on the operation of nearby intersections. SCATS coordination with the Railway Parade/Wynne Avenue to the north of the site is also to be demonstrated in the Traffic Signal Management Plan.

(6) A Waste Management Plan for all residential and commercial waste management is to be submitted with the application for a Construction Certificate for approval by Council. The Waste Management Plan shall include details as to how the Mobile Garbage Bins (MGBs) for all residential and commercial waste shall be moved within the site for collection and details of the timing and contractual arrangements for those collection events.

(7) A Service Dock Management Plan for all commercial premises is to be submitted with the application for a Construction Certificate for approval by Council. The Service Dock Management Plan is to include details of the arrival and departure times for delivery and service vehicles ancillary to the commercial premises (these times shall be focussed on non-peak commuter periods) and the servicing heights and dimension restrictions for vehicles using the servicing and loading facility.

(8) An easement for public access is to be created adjacent to the northern boundary and 9.5m wide linking Wynne Avenue to Hornsey Lane. The land is to be publicly accessible at all times and is to be landscaped and maintained in a manner suitable for universal access. The easement shall be created and registered on the Deposited Plan and identified in a Section 88B Instrument in accordance with the requirements of the *Conveyancing Act, 1919*. The Section 88B Instrument pertaining to the easement for public access is to nominate Burwood City Council as an interested party to the terms of the easement. The easement is to be registered with NSW Land and Property Information Systems prior to the issue of an Occupation Certificate for any building on the site (with the exception of the former Masonic temple).

(8) Easements for public access are to be created in accordance with the requirements of the *Conveyancing Act, 1919* for all street front setbacks adjoining the public domain. The terms of the easements are to permit a right of pedestrian way and vehicle movement. The Section 88B Instrument shall nominate Burwood City Council as an interested party to the terms of the easements. The easements are to be registered with NSW Land and Property

Information Systems prior to the issue of an Occupation Certificate for any building on the site (with the exception of the former Masonic temple).

(1) **TABLE OF FEES**

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

(2) Building and Construction Industry Long Service Corporation Levy **$426,631 (Payment to be made to Council, the Corporation or its Agent)**

(3) Damage Deposit - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc) during building work **$95800 (Payment to be made to Council as a bond prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation)**

NOTE: This deposit is refundable if no damage occurs.

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

This fee is for 60 inspections at the rate listed in Council's current Schedule of Fees and Charges. Any additional inspections, including re-inspections, shall be levied and paid to Council upon booking of an appointment at the rate listed in Council's current Schedule of Fees and Charges
(Payment to be made to Council).

PLANNING

(1) 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%** of the cost of carrying out the development, where the cost calculated and agreed by Council is **$121,874,574**	$ **4,875,078.28.00**

Index Period	June 2013	**CPI_1**	103.1

Office Use: T49

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

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

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

Where:

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

CPI_2 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_1 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.

(2) The building shall be set out by a Registered Surveyor and a copy of the set out shall be submitted to the Principal Certifying Authority **prior to the commencement of construction.**

(3) Obtain levels from Council's Engineer regarding footpath/roadway levels prior to the commencement of construction.

(4) No drying of clothing being permitted on balcony and patio areas which are visible from a public place.

(5) A separate Development Application being submitted for the display and/or erection of any advertising signs for this development. Such application is to include full details of the dimensions, mode of attachment and means of illumination (if any).

(6) A full Engineering/Geotechnical Report from an Accredited Certifier or other suitably qualified person regarding the excavation to be carried adjacent to the

eastern and western side, and southern rear boundaries with particular emphasis being provided on the protection and preservation of buildings on adjacent parcels of land which abut or are in close proximity to the common boundary shall be provided to and approved by the Principal Certifying Authority **prior to any demolition or site works commencing**.

(7) Dilapidation surveys are to be carried out by a Practicing Structural Engineer, which is to include a full photographic record of the exterior and interior of the buildings at the applicants/owners expense on all premises adjoining and to the north of the site being **2-4 Conder St Burwood** and **the multi level car park at 52-60 Railway Parade Burwood.** The survey is to be submitted to Council and the adjoining land owners **prior to the commencement of any works**. A further dilapidation survey is also to be carried out and submitted to Council and the adjoining owners **prior to the issuing of an Occupation Certificate**. The dilapidation surveys shall be dated accordingly.

(8) 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.

BUILDING

(1) 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**.

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

(3) 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 Act 1979*)

(4) 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.

Council's 'Occupation Certificate Application' (Form 12) is to be completed prior to final inspection of the building. Copies are available on request.

An application for an Occupation Certificate must be delivered by hand, sent by post or transmitted electronically but may not be sent by facsimile transmission. The application will not be approved by the Principal Certifying Authority until such time as:-

a. The building/s is suitable for use or occupation in accordance with its classification under the Building Code of Australia.

b. The building owner has submitted a Fire Safety Certificate to the Principal Certifying Authority.

(vide section 109M Environmental Planning & Assessment Amendment Act & clause 149 Environmental Planning & Assessment Regulation 2000)

(5) A "Section 73 Compliance Certificate" under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For assistance either visit www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

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

(6) 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.**

(7) 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, in particular:-

a. Access is to be provided from the allotment boundary at the point of entry from a road to the entrance floor.

b. Access is to be provided through the principal public entrance.

c. Suitable identification signs and/or symbols, as well as necessary directional signs, incorporating the symbol for access by disabled people, being provided to comply with Clause 14 of AS 1428.1-2009.

d. Attention is directed to Clause 7 of AS 1428.1-2009 in respect of the clear circulation space required to doorways.

e. Access is to be provided from any car parking space which is required to be provided by D3.5 of the BCA.

f. A car parking space required to be provided by D3.5 of the BCA, is to be identified, on the floor and behind the space, for use by disabled people and a series of signs are to be provided from the driveway entrance to indicate the location of the space.

g. Required stairways complying with the requirements of Clause 9 of AS 1428.1-2009.

h. The step at the front door being reduced to nil at the threshold by the provision of a short ramp (450 mm maximum length and 1:8 maximum gradient) to facilitate access for disabled people.

i. Tactile indicators in accordance with AS1428.4 are to be installed where there is a change of floor surface level

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**.

(8) No curtains, blinds or the like being used or erected in the balcony area.

(9) External gas water heaters and other service units for the apartments are to be located in recessed enclosures within external walls and are to be located so as not to be visible from a public place or road.

(10) 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.

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

(12) 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 Compliance Certificate verifying the suitability of structural details of proposed shoring are to be submitted to the Principal Certifying Authority before excavating.

(13) 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.

(14) 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 possible 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.

(15) 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. An application for an "A" or "B" Class hoarding must be lodged to and approved by Council and **all necessary fees paid** prior to erection or any work taking place on site.

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.

(16) Your attention is directed to the following:

WARNING

The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped and a copy is to be provided to the Principal Certifying Authority **prior to the issuing of a Construction Certificate**.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details – see Building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and Developing then Building and Renovatingor telephone 13 20 92.

(17) 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.

(18) No opening is to be made in any road or footpath, nor is any hoarding to be erected without the prior consent of Council. The builder is to obtain the relevant permit for which fees will be charged in accordance with Council's current Schedule of Fees and Charges.

(19) No materials are to be stored on Council's roads, footpaths or parks.

(20) The builder shall erect and maintain in good order all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary.

(21) Public roads are 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 Rubbish Skips Policy and are subject to the payment of appropriate fees.

(22) No work being carried out other than between the hours of 7:00am – 5:30pm Monday to Fridays and 7:00am – 4:00pm on Saturdays, with no work at all being carried out on Sundays and Public Holidays.

(23) Hours of work shall be from 7:00am to 5:30pm Mondays to Fridays inclusive, and from 7:00am to 4:00pm Saturdays. No work shall be carried out on Sundays or Public Holidays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.

(24) 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 Act 1979* has been issued.

(Vide Section 109M *Environmental Planning & Assessment Act 1979*)

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

SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- After excavation for, and prior to the pouring of, any footings;
- Prior to pouring any in-situ reinforced concrete building element;
- Prior to covering of the framework for any floor, wall, roof or other building element;
- Prior to covering waterproofing in any wet areas;
- Prior to covering any stormwater drainage connections; and
- After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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.

(26) An application for a Construction Certificate is to be made to Council or an Accredited Certifier. Council's "Construction Certificate Application" form 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 any building work**.

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

(28) The 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.

(29) 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 1288, Table 4.5, SAA Glass Installation Code (Human Impact Considerations).

(30) Safety glazing complying with B1.4 of the Building Code of Australia must be 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 1288 - Glass in Buildings - Selection and Installation.

Should an alternative method of complying with B1.4 of the Building Code of Australia be proposed, please submit details to the Council for approval prior to installation. Such details are to show compliance with the performance provisions under BP1.3 of the Building Code of Australia.

DEMOLITION

(1) Demolition of the building is to be carried out in accordance with the requirements of Australian Standard AS 2601 – 2001, where applicable.

(2) All material in the building which contains asbestos is to be removed in accordance with the guidelines of the WorkCover Authority and the requirements of the Environmental Protection Authority.

(3) Hours of demolition work shall be from 7:00am to 5:30pm Mondays to Fridays inclusive, and from 7:00am to 4:00pm Saturdays. No demolition work shall be carried out on Sundays or Public Holidays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.

(4) Access to the site is to be restricted and the site is to be secured when demolition work is not in progress or the site is otherwise occupied.

(5) The demolition site is to be provided with measures to mitigate against dust nuisances arising on adjoining sites and roadways. To achieve this, a fence or barrier is to be erected around the site. The construction may be steel mesh which is covered with a suitable filtering medium or such other construction

acceptable to Council. An effective program of watering the site is also required to be maintained.

(6) 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 commencement of demolition work**.

(7) 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.

(8) 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.

(9) Demolition activities are to be undertaken in such a way as to avoid cross-contamination of the underlying soils with asbestos materials and lead-based paints.

SUBDIVISION

(1) A separate application shall be lodged for any proposed subdivision of the site and/or the development. Any proposed subdivision shall designate all car parking spaces to individual lots. No car parking spaces shall be sub-let.

HEALTH

(1) Removal of any asbestos must be undertaken in compliance with the requirements of WorkCover. Refer to their publication "Your Guide to Working with Asbestos."

(2) Demolition sites that involve the removal of any asbestos must display a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm erected in a prominent visible location at the site to the satisfaction of Council Officers. The sign is to be erected prior to the commencement of demolition works and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility. This will ensure compliance with Clause 469 of the *Work Health and Safety Regulation 2011*.

(3) All asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations (Waste) Regulation 2005*.

(4) All asbestos laden waste must be disposed of at an approved waste disposal depot (Refer to the Office of Environment and Heritage or Waste Service NSW for details of sites).

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 at each basement car park level 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) All garbage shall be stored in the designated garbage area, which includes provision for the storage of all putrescible waste and recyclable material emanating from the premises. Adequate natural or mechanical ventilation is required where bins are stored in an enclosed area and meet fire safety standards in accordance with the Building Code of Australia.

(2) 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.

(3) 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.

(4) 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.

(5) Certification is to be provided by the installer of the chute system prior to the occupation of the building certifying that the chute has been installed in accordance with the manufacturer's specification.

(6) 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.

(7) 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.

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

(9) 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.

(10) 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.

(11) 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.

(12) 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.

(13) 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.

(14) Waste and recycling bins shall be kept in a clean and hygienic condition. Bins are to be washed regularly within the garbage storage room with any waste water being discharged to the sewer by way of the grated drain.

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

ENGINEERING

(1) Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to:-

a. The nearest appropriate Council drainage line

(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 **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 Australian Height Datum (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**, 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, **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.

d. 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 Certificate from a competent practicing hydraulic/civil engineer. The Certificate shall state that all stormwater drainage and related work has been constructed in accordance with the approved plans and consent conditions as shown on the work-as-executed plans, prior to the issuing of an Occupation Certificate.

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

The Principal Certifying Authority is to be provided with a Certificate from a competent practicing hydraulic/civil engineer. The Certificate shall state that the grated drains have been constructed in accordance with the approved plans and this consent condition as shown on the work-as-executed plans, **prior to the issuing of an Occupation Certificate.**

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

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

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

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

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

b. The proprietor 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 and Property Information office. Evidence that the Instrument has been registered at the Land and Property Information office shall be submitted to Council, **prior to issuing of an Occupation Certificate**.

(9) 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, **prior to the issuing of a Construction Certificate.**

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

(10) All activities and works external to the site, or that affect public roads, are to be carried out in accordance with Council's Policies including but not limited to the Code for Activities Affecting Roads, Rubbish Skips Policy, Work Zone Policy and Temporary Road Closure (Including Standing Plant) Policy.

(11) A road-opening permit shall be obtained for all works carried out on public or Council controlled lands. Restoration of landscaping, roads and paths shall be carried out by Council at the applicant's expense in accordance with Council's 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 $20 million, and shall provide proof of such cover to the Principal Certifying Authority prior to carrying out the works.

(12) Spoil and building materials shall not be placed, stored, thrown or caused to fall on any public roadway or footpath. Waste containers shall be placed in accordance with Council's Rubbish Skips Policy. Contact Council for a list of approved skip bin suppliers.

(13) 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.

(14) The following matters shall apply to the damage deposit listed in the Table of Fees:

a. This deposit is refundable if no damage occurs. Any damage caused will be repaired at Council's restoration rates, at the applicant's

expense. All or part of the deposit will be forfeited to cover damage to Council's property during the course of demolition and/or construction.

b. Council will carry out two inspections of the Council's footpath, kerb and gutter, stormwater drainage system and roadway, prior to works commencing and at the completion of all work covered by this consent. Council is aware that damage may be caused by individual contractors that culminate in the damage inspected at Council's final inspection. The applicant is responsible for attributing any part of the damage to their individual contractors. Council will not refund any part of a damage deposit until the completion of the work covered by this consent.

(15) The following matters apply to the construction of the proposed vehicular crossing listed in the Table of Fees:

a. A vehicular crossing 9m wide to Conder Street and 12m wide to Wynne Ave shall be constructed by the Applicant/Council at the applicant's cost.

b. The cost of any necessary adjustments to public utility services is not included, and shall be paid by the applicant to the relevant authority prior to Council commencing the work.

c. The driveway shall be 1m clear of any pits, lintels, poles and 2m clear of trees in the road reserve.

d. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.

(16) 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.

(17) The applicant is to have prepared a longitudinal section of the proposed vehicular ramp access, drawn at 1:25 natural scale.

a. The longitudinal section shall be prepared by a competent practicing civil engineer in accordance with AS 2890.1.

b. The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering **prior to the issuing of a Construction Certificate**.

(18)

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

b. 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.

c. The erosion and sediment control plan is to be reviewed by Council or an Accredited Certifier - Civil Engineering **prior to the issuing of a Construction Certificate.**

(19) All demolition and excavation materials are to be removed from the site or disposed off site using methods that comply with relevant environmental protection legislation.

(20) Vehicles removing demolished materials from the site shall access and depart from the site through Wynne Avenue/Railway Parade/Wentworth Road. Vehicles involved in removing materials from the site shall be limited to an 8 tonne gross weight per axle.

(21) Should the applicant require the use of temporary ground anchors within the public area outside the confines of the site to shore the bulk excavation, submission of an application to Council with full engineering details must be made prior to any such works being carried out.

(22) Publicly accessible areas are to be provided with paving, street furniture, planting, fences, kerbs and drainage to a standard not less than Council's Public Works Elements Manual (June 2006).

(23) The public domain immediately adjacent to any development must be upgraded to Council's standards at the applicant's cost.

(24) Where the pedestrian way meets a public road and pedestrians are to cross the roadway, laybacks shall be provided in the kerb line of gradients suitable for people with a mobility impairment.

TRAFFIC & PARKING

(1) Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must ***be permanently displayed and located*** in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times ***by the Owners Corporation***.

(2) <u>Basement Level 1</u>

- Car wash bay is not required on Basement Level 1 and any referencing should be removed.

- A bollard shall be placed and linemarking installed in area adjacent to retail lift on Basement Level 1 to prevent vehicles from parking in this area.

- Space adjacent to retail space on Basement Level 1 requires a bollard and linemarking to prevent vehicles parking and blocking access. The provision of the bollard and linemarking shall be carried out prior to release of Occupation Certificate for the development.

(3) Basement Level 3

- Space adjacent to stairwell in serviced apartment area on Basement Level 3 also requires a bollard and linemarking to prevent vehicles parking and blocking emergency access. The provision of the bollard and line marking shall be carried out prior to the issue of an Occupation Certificate for the development..
- Areas on either side of security fence (at the northern end) on Basement Level 3 require bollards to prevent people parking in this area.

NSW ROADS & MARITIME SERVICES (RMS) CONDITIONS

(1) The geometric layout of the signalised intersection shall be in accordance with RMS requirements. This includes the requirement for the proposed signalised intersection to consist of 2 lanes on all approaches and departures with their lengths to be in accordance with RMS requirements.

(2) In accordance with the RMS Traffic Signal Design Code, the developer is required to create an easement to allow RMS to locate traffic signal components on their (private) property The easement shall be submitted to RMS for approval and registered upon title prior to release of an Occupation Certificate for the development.

(3) Whether or not a marked foot crossing is provided across the signalised entrance to a private development, there must be a level of separation between the road and footpath through the construction of a barrier kerb and gutter. Kerb ramps must be provided in accordance with RMS requirements.

(4) In accordance with Austroads, splays (clear of obstructions) are required at the property line to ensure adequate visibility between vehicles on a driveway and pedestrians on the footpath.

(5) In accordance with RMS's Technical Direction for new traffic signals, signalised pedestrian crossings shall be provided on all legs of the proposed signalised intersection. In this regard, the existing raised zebra crossing on Wynne Avenue shall be removed and subsequently replaced with a signalised crossing, prior to the operational commencement of the signalised intersection.

(6) Full time No Stopping parking restrictions will be required along the full length of Wynne Avenue as part of the proposed signalised intersection. This will require either Council and/or the developer to undertake satisfactory

consultation with any affected resident and/or business (Note: This will also require referral and approval by Council's Local Traffic Committee).

(7) The existing driveway on the eastern side of Wynne Avenue, opposite the proposed access road, will need to either be removed or be catered for under signal control as part of the proposed signalised intersection. This will require consultation between Council, the developer and the owner of 27 Belmore St Burwood regarding the above options. RMS will not approve a Traffic Signal Plan that allows vehicles to turn uncontrolled within the middle of the proposed signalised intersection.

(8) The developer will be required to enter into a "Major Works Authorisation Deed" (WAD) with RMS for the abovementioned signal and civil works. In this regard the developer is required to submit detailed design plans and all relevant additional information, as may be required in the RMS's WAD documentation for assessment and final decision concerning the work. The detailed design plans submitted shall be in accordance with Austroads and RMS's requirements.

(9) As part of the abovementioned WAD process, the developer will be required to provide an upfront payment for the first ten (10) years of maintenance of the signal hardware.

(10) **Prior to the release of any Construction Certificate,** a concept geometric road design layout (illustrating all road design dimensions and swept paths etc) of the proposed signalised intersection overlayed on a survey plan accompanied with electronic copies of the intersection modelling, shall be submitted to and endorsed by RMS.

In addition, no Construction Certificate shall be released until such time that a traffic signal design plan, detailed civil road designs and unconditional bank guarantee (to be determined in consultation between the developer and RMS) for the proposed signalised intersection are lodged with RMS.

(11) No Occupation Certificate shall be released until such time that the signalised intersection on Wynne Avenue is fully constructed and operational.

(12) All utility relocation required as a result of the proposed signalised intersection shall be at full cost of the developer.

(13) All roadworks/regulatory signposting associated with the proposed development shall be at no cost to RMS.

(14) The layout of the proposed car parking areas and loading dock areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.

(15) All vehicles shall enter and leave the site in a forward direction.

(16) A Construction Traffic Management Plan detailing construction vehicle routes, hours of operation, number of trucks, access arrangements and traffic control shall be submitted to Council for approval **prior to issue of a Construction Certificate.**

HERITAGE

(1) The existing front fence pertaining to the former Masonic Temple site, comprising four piers with concrete capping and low brick wall running generally along the southern boundary and connecting the four piers, shall be retained. The fence shall be repaired using, where necessary, bricks salvaged from the demolished section of walls at the centre of the forecourt. Where reconstruction of the fence is required, the work shall observe the height, profile, design, materials and colour of the original fence.

(2) The awning over the front entrance of the former Masonic Temple building shall be repaired with "like for like" materials and retain the shape and size of the original awning.

(3) In respect to the former Masonic Temple building, the raised lettering stating "Masonic Temple" upon the frieze shall be retained and shall provide a painted colour which contrasts its background.

(4) In respect to the former Masonic Temple building, the lettering stating "Burwood Masonic Centre" upon the entrance awning may be removed or painted over.

(5) Existing timber windows pertaining to the former Masonic Temple building shall be repaired or replaced with "like for like" materials and in a manner which provides an identical design and profile.

(6) The former Masonic Temple building shall accommodate male and female toilet facilities to ensure its viability for future uses. Any structural change to the existing toilet facilities or installation of new toilet facilities shall be subject to the separate consent of Council.

(7) The window treatment, building materials and articulation of the northern elevation of the former Masonic Temple building shall be subject to the separate consent of Council.

(8) All work shall be undertaken in accordance with the Heritage Interpretation Plan and Schedule of Conservation Works prepared by NBRS & Partners, submitted to Council as part of DA/275/2007, except where variations are notified to Council and the consent or concurrence of Council is provided in writing.

(9) Interpretative signage pertaining to the former Masonic Temple, and the display of salvaged items from the Masonic Temple building, shall be set out within an Interpretation Strategy submitted to Council for approval by Council's Heritage

Advisor **prior to the issue of a Construction Certificate**. Satisfaction of this condition shall be confirmed upon written advice by Council.

(10) All interpretative signage shall comprise a professional graphic design, and be fixed or mounted on a solid and durable material.

(11) The checkerboard motif inlaid into the floor of the former Masonic Temple shall be replicated and/or interpreted within the paving treatment and/or landscape design of the residential communal open space at the centre of the development site, within the footprint of the demolished Masonic Temple building.

(12) All interpretative signage and displays shall be undertaken in accordance with the approved Interpretation Strategy **prior to the issue of any Subdivision Certificate or Occupation Certificate**.

(13) Any use of the former Masonic Temple building shall be subject to the separate approval of Council, except where such a use would satisfy exempt or complying development provisions.

(14) The provision of accessible ramps or access facilities for people with a disability affecting the former Masonic Temple building or its forecourt shall be subject to the separate consent of Council.

(15) All building and restoration work pertaining to the heritage item as outlined in the Schedule of Conservation Works or required by these conditions of consent shall be completed **prior to the issue of any Subdivision Certificate**.

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

(17) A report shall be prepared by a suitably qualified engineering professional in respect to the excavation and construction of the basement in the vicinity of the heritage-listed building. The report shall detail the manner of shoring and excavation to ensure the structural stability of the existing building. The report shall be submitted to the principal certifying authority **prior to the issue of a Construction Certificate** and work shall be carried out in accordance with the report's recommendations.

(18) All unpainted surfaces of the heritage item's exterior shall remain unpainted.

(19) Security bars or shutters shall not be fitted to the windows upon the heritage item exterior. Should security upgrading be required, security locks/devices shall be fitted to the building's interior.

(20) Hot water units, air conditioning units or other similar utility devices shall not be fitted to the heritage item's exterior without the separate consent of Council.

LANDSCAPING

(1) The pedestrian link between Wynne Avenue and Hornsey shall be designed in accordance with AS1428.1-2009 and landscaped in accordance with Council's Public Domain Plans.

(2) Canopy trees are to be provided at the rate of 1 per 30m2 of landscaped area within the street front setbacks.

(3) Where there is a minimum 6m setback from the street front boundary, site landscaping is to include deep soil zones and trees selected from Council's Street Tree Management Strategy. Where development set back from the street front boundary less than 6m, landscaping of the setback area is to include trees as specified in the Burwood DCP.

SEPARATE DEVELOPMENT APPLICATION FOR SIGNAGE

(1) A separate Development Application is to be submitted for a Signage Strategy. This Development Application shall provide details of all forms of signage proposed throughout the site including retail premises, directional signage and building identification. All signage is to follow a coordinated theme and be integrated with the architectural features, materials and finishes of the development.

ANNEXURE B

LETTER REQUESTING ADDITIONAL INFORMATION DATED 10 MAY 2013

PLANNING INGENUITY

Our Ref: 0150/12t1 10 May 2013

Kapau Holdings Pty Ltd
Level 6 285-287 George St
SYDNEY NSW 2000

Dear Sir/Madam,

RE: 39-47 BELMORE STREET, 6-14 CONDER STREET AND
11-19 WYNNE AVENUE BURWOOD (DA31/2013)
REQUEST FOR ADDITIONAL INFORMATION

Following a preliminary review of Development Application 31/2013 at the above address we have identified a number of issues. Whilst the development scheme has responded to several matters raised in pre-application discussion and in many respects has merit, there are several aspects of the proposal that are not supported in its current form. Additionally, there are certain matters that require the provision of further information to enable proper assessment.

1. Floor Space Ratio

Whilst in principle the approach to land use mix on the site is accepted, the Clause 4.6 response in response to the distribution of density on the site in no way responds to the strategic objectives for the transition in density across the Town Centre (and on the site). The justification rightly acknowledges that the FSR complies across the site and we agree that some transition in built form is provided from east to west. However, a design choice has been made to distribute additional density, above the controls, to the western part of the site and it is not demonstrated why in contextual built form terms this has been pursued. The justification notes that the variation results in "the most effective development outcome for the Town Centre" and that this design approach is "to achieve the most effective built form outcome for the site". These reasons must be advanced further in response to the objectives of the "split" FSR controls and the differing objectives for the "middle ring" and "perimeter" areas as designated under the DCP. We note that the pre-DA submission for this scheme complied with the FSR for each part of the site when viewed in isolation.

2. Pedestrian Link

The Landscape Plan submitted with the application presents several questions in relation to the future potential for development along the northern side of the lane and the treatment of this "edge" in the interim until redevelopment occurs. In terms of future development, it would appear that the planting arrangement with 4 narrow access points to the properties to the north will not necessarily achieve an active retail or commercial frontage over time. There would appear from Section H-H to be a suggestion that future development on that site would be set back from the boundary and the pedestrian path would be duplicated on the opposite side of the planter. Whilst we understand that this is conceptual as future development scenarios are unknown, this raises question of public domain design.

In the interim period, no detail has been provided of how the level changes to service areas of adjoining development to the north will be treated in terms of safety and aesthetics. This issue is also dealt with in the Urban Design Review.

3. Heritage

Heritage Assessment has been undertaken by Council's Heritage Advisor. We attach this referral response for your consideration.

4. Traffic and Parking

Preliminary independent traffic and parking assessment (attached) by McLaren Traffic Engineering has been carried out. We attach to this letter, traffic and parking comments in their entirety for your consideration.

5. Urban Design Review

Please refer to the attached Urban Design Assessment dated May 2013 prepared by GMU. There are a number of issues raised in this assessment that cross over with planning matters. In the interest of avoiding duplication of issues we do not repeat those concerns in this letter other than where they result in a variation to controls.

We confirm however that there are a number of fundamental issues in regards to building scale and bulk that stem from the building lengths and depths which in turn may result in flow-on effects such as overshadowing of residential development to the south.

In addition, our planning assessment concurs that the treatment of the Wynne Avenue frontage requires further consideration in terms of achieving an active, attractive, legible and pedestrian oriented environment.

Please refer to the attached Urban Design comments in their entirety for your consideration.

6. Burwood Development Control Plan 2012

DCP matters have largely been dealt with in the Urban Design Assessment by GMU. We concur with concerns raised in relation to the access arrangements for Buildings B and C and the treatment of the level change along the Wynne Avenue frontage at street level. Sections 2.4, 3.2.2 and 3.2.4 of the DCP are relevant in this regard.

7. Plan details

Please provide the following:

- Shadow diagrams in elevation showing impact of proposal on northern elevation of development on the southern side of Belmore Street. Council's DCP does not include quantitative controls relating to overshadowing and nor does the RFDC (as solar access provisions are stated in terms of how a development site performs rather than impacts on neighbours). As such, assessment of shadowing must be based on a qualitative approach taking into account existing and proposed solar impacts in light of Council's controls;

- Further consideration is required of privacy relationships (visual and acoustic) at the ground level interfaces between common and private areas. This is of particular concern around the proposed entrances to Building B and C (which have been dealt with further in the GMU report). Further, it would be beneficial that a cross-section is prepared for the typical relationship within one of the communal open space areas at the interface with ground level terraces.

8. Internal Referrals

We note that a number of internal referrals have not yet been completed and some additional issues may arise as a result of completion of review from specialist areas such as stormwater, building, landscaping and health.

There remain a number of fundamental issues in terms of the scale and form of the proposed development, in most part identified in the accompanying Urban Design Assessment. Our position is that general compliance with Council's DCP, which largely defers to the RFDC, will ensure a more appropriate building form, albeit adhering to the general principles of site layout that have been adopted in the proposal.

We would be happy to meet and discuss the matters outlined in this letter with your representatives, Council, GMU and McLaren Traffic Engineering.

Regards,
Planning Ingenuity Pty Ltd

J. Mead

Jeff Mead
Director

ANNEXURE C

URBAN DESIGN ASSESSMENT

GM URBAN DESIGN AND ARCHITECTURE PTY LTD

PLANNING INGENUITY

Final
Urban Design Assessment

GMU Ref. 12097

Proposed Mixed Use Development at
Belmore Street, Conder St and Wynne Avenue, Burwood

September 2013

Contents

1.0 Introduction

GM Urban Design & Architecture (GMU) has been appointed by Burwood Council to undertake a SEPP 65 assessment and urban design review of the proposed mixed use development at Belmore Street, Conder Street and Wynne Avenue, Burwood. The site consists of 16 lots within an area of 1.0149 hectares. The site falls into two areas of the *Council's Town Centre map within* Burwood DCP. The western portion (Site A) with an area of 2586m² is within the 'Perimeter Area' and the eastern portion (Site B), which has an area of 7563m² falls within the 'Middle Ring Area'. Precinct A consists of 1 consolidated lot being Lot 100 DP 1185255.

The purpose of this report is to provide a final commentary on any outstanding issues remaining after the original evaluation of the proposal completed in May of this year and documented in GMU's report titled Preliminary Urban Design Assessment dated May 2013. Preliminary findings have been discussed with the Applicant and a series of design workshops have been held at Council's offices to resolve the issues in a collaborative environment. The remaining issues discussed within this report are presented as deferred conditions of consent for the benefit of Council's and or the JRPP.

1.1 Documents Previously Reviewed

In preparing this report, GMU originally reviewed the following documents describing the development proposal:

- Architectural drawings by KannFinch dated 08 March 2013 and received by Council on 03/15/2013
- Architectural Design Report & Statement of Environmental Effects by KannFinch dated 08 March, 2013 and received by Council on 22 March, 2013
- 10 Construction Management Report prepared by Carverstock Group dated March 2013 and received by Council on 22 March 2013
- Appendices by KannFinch dated 08 March, 2013 and received by Council on 22 March, 2013

GMU has reviewed the following controls relevant to the development proposal:

- Burwood Local Environmental Plan 2012 (LEP) – in force from 9 November 2012.
- Burwood Development Control Pan 2012 (DCP) – effective March 2013.
- SEPP 65 and the Residential Flat Design Code (RFDC).

GMU had initially completed a preliminary review of the pre-DA drawings submitted to Council in October 2012. GMU has also provided provisional comments on an amended set of pre-DA drawings sent via e-mail (Wed 2/13/2013 at 8:51 AM).

1.2 Additional Documents Reviewed

In addition to the documents listed above, GMU has reviewed the following additional documents describing amendments to original development proposal:

- Letter titled *Proposed mixed use development – Belmore Street, Conder Street & Wynne Avenue, Burwood (DA31/2013) Response to preliminary DA comments* –Executive Summary by KannFinch dated 19 June 2013
- Attachments 1, 3, 4, 7 by KannFinch dated 19/06/2013
- Letter titled *Proposed mixed use development – Belmore Street, Conder Street & Wynne Avenue, Burwood (DA31/2013) Response to preliminary DA comments* –Executive Summary by KannFinch dated 26 June 2013
- Updated Shadow Diagrams by KannFinch dated June 2013
- Updated Shadow Diagrams by KannFinch dated July 2013
- Burwood Grand Traffic Assessment by Transport and Traffic Planning Associates dated July 3 2013
- Wynne Avenue – Residential entry Option A and B diagram by KannFinch dated 26 of July 2013
- Marked Architectural drawings by KannFinch received via e-mail on 2 July 2013 6:12 PM
- Marked Architectural drawings by KannFinch received via e-mail on 4 July 2013 10:17 AM

- Additional photomontages by KannFinch received via e-mail on 5 July 2013 9:54 AM
- Amended architectural drawings by KannFinch dated 19 July 2013
- Entry sequence photomontages received via e-mail on 19 of August 2013 11:00 AM
- Materials board received by Council on 19 August 2013

2.0 Summary of Preliminary Issues Discussed

GMU's original assessment provided a commentary on the proposal's performance against the LEP, DCP and RFDC including the proposal's response to the local context, issues relating to building types and envelopes i.e. FSR, Height, Building Depth and length as well as separation and setbacks. The report also included a commentary with regards to Heritage, Overshadowing and site design. Issues of site design comprised street address, open space and landscape design, deep soil zones and fences and walls. The report also discussed site amenity which dealt with issues of safety, visual privacy and pedestrian and vehicular access to the site. A summary of the most salient issues is provided below:

2.1 Responses to the LEP

The proposed development's performance measured against the numerical controls of the LEP is as follows:

- The proposed building height projects beyond the maximum permitted height of 60m, where plant rooms and parts of the roof structure protrude beyond the height plane.
- The proposal complies with the combined maximum permitted FSR on both sites; however, it exceeds the residential FSR by 1.03:1 for Site B and the overall FSR for Site A by 0.62:1.

The use as a mixed use development is permitted within the B4 mixed use zone.

2.2 Responses to the DCP

From an initial review of the proposal, GMU has identified the following issues with regard to compliance with the DCP:

- The communal open space dedicated for residential use fails to meet the minimum required area as per RFDC.
- Use of glass balustrades
- Lack of interest in the roof design
- Lack of visual interest or absence of service gate
- Poor pedestrian entry sequence where entrances must have a clear street address and separate entry.
- Building depths exceed the requirements of the RFDC
- Elevations exceed the overall building length requirement of 45m

The proposal does not provide any north-south pedestrian links.

2.3 Responses to the RFDC

2.3.1 Building design & configuration

- Greater building depths than the recommended (18m) by the FRDC.
- The pedestrian way to the north needs to consider the existing access conditions for the property to the north.
- Increased overshadowing of the buildings to the south of Belmore Street and of 33-35 Belmore Street to the west especially the northern and western elevations.
- Poor overlooking and natural surveillance during day hours for units along the south elevations with the presence of bedrooms and balconies off bedrooms only.
- Insufficient deep soil zone. According to the Design Report, the proposal does not provide deep soil zone due to full site coverage.
- Overlooking issues from the communal open space and access ramp to the residential unit B.G.08 due to a lack of level difference and poor entry arrangement into the building complex.

- Residents for towers B and C share a common entry sequence into the complex which results in security issues and poor address to the street.
- Greater number of recommended units per level/per core at lower levels.
- Safety by design issues including larger number of residents per core per level and extremely long internal circulation corridors.
- Lack of proper enclosed lobby for the retail lift and better configuration of lobbies separating users and residents during store hours.
- No indication of a direct route between the retail tenancies along Belmore Street and the garbage store other than through the public domain and around the corner or through the retail lift.

2.3.2 Internal amenity

- The depth of some of the single aspect units exceeds the RFDC's recommended depth of 8m with the distance to the back of kitchen exceeding the distance of 8m from a window.
- The percentage of residential units achieving daylight access does not meet the RFDC's minimum requirements.
- Unknown performance of the proposed vegetation and their impacts on solar access into some residential units facing the communal gardens.
- Additional unnecessary overshadowing and privacy issues to Unit B.G.08.
- Unit C.G.05 is located directly above the entry to the basement car parking and servicing areas, with a bedroom directly above the opening for the garage.
- Units relying on 'goose neck' windows need to be redesigned.
- Storage areas within the private open spaces, which is strongly discouraged.
- The configuration of some study areas as enclosed spaces away from daylight access.
- Area of courtyards for garden level units.

2.3.3 Aesthetics

- The overall massing of the proposal and overwhelming scale.
- Residential towers B and C have facades beyond 50m in length resulting in unattractive long walls.
- Roof design lacks articulation in terms of difference in heights.
- Wide vehicular garage entrance along Wynne Avenue, which conflicts with the pedestrian walkway.
- Apparent overreliance on painted render.

2.4 Issues Resolved

A number of the issues listed above have been resolved thought a collaborative process between the Applicant and Council's independent consultants that included a number of meetings at Council's offices and through e-mail and telephone communications. The Applicant has provided a number of amended drawings and illustrative materials, which have allowed further evaluation of the issues. Some of the issues resolved through this process include the following:

Site and Context - The pedestrian way to the north has resolved and taken into account the existing and future access conditions for the property to the north.

Architectural Interest - Some of the original issues affecting the exterior expression such as the use of glass balustrades, absence of a service gate have been mitigated with a change in the configuration of the length of the balconies and the introduction of a gate at the entrance to the basement levels.

Built form and scale – One of the original concerns was with regards to the proposed building depths and overall length requirements beyond 45m, which led to a greater number of recommended units per level/per core at lower levels. GMU's original review pointed to the fact that depths for the eastern most towers B and C reached approx. 22m glass line to glass line at various locations along their footprint, which exceed the maximum RFDC recommended building depth. The building depth for the western tower reached 26 metres along various points of the floor plan, but this is a serviced apartment complex and therefore the RFDC 'rules of thumb' are not applicable.
The overall depths were thought to increase the overall bulk and scale of the building, but not necessarily create internal amenity issues. Therefore, changes to the proportion, length of balconies and the introduction of breaks along the facades of the building has helped to ameliorate the appearance of bulk and scale. The length of the corridors that contravene the controls is only limited to a reduce number of levels above 22m and these have access to natural light with centrally located cores, which is acceptable. Safety by design issues including larger internal circulation corridors have been addressed by the inclusion of natural light into each corridor, which helps legibility and provides improved amenity.

Overlooking and natural surveillance - The southern elevations with the presence of bedrooms and balconies off bedrooms only have been redesigned so that the corner units have living areas facing Conder Street and the side elevation. This has improved the level of natural surveillance to the street and the appearance of the building to have more articulation at the corner.

Access and Servicing - A direct route between the retail tenancies along Belmore Street and the garbage store has been improved with the inclusion of a dedicated service lift at the corner of Wynne and Conder Streets. A better access sequence will be discussed as part of the differed conditions of consent. The wide vehicular garage entrance along Wynne Avenue has been modified and potential pedestrian conflicts with the walkway have been mitigated by the addition of a low wall and landscape features. According to the architectural drawing DA109/C, a motorized security shutter has been added to conceal the opening to the basement and loading areas from any public place.

Internal Amenity - Storage areas within the private open spaces have almost all been eliminated, which is a good outcome except for a row of accessible units in tower A, which will be discussed as part of the deferred conditions of consent. The configuration of some study areas with enclosed spaces away from daylight access have all been modified and moved next to the external wall with a window with the exception of studies in units B.1.10 and C.1.15, Which will be discussed as part of the deferred conditions of consent. This is a positive outcome. Units relying on 'goose neck' windows in tower B have been modified with a cut out in the balcony slab and the inclusion of a step out balcony, which increases the potential for day light access to that space. This has been done for tower levels 1 -17. Unit B.G 09 in this configuration is still affected, which will be discussed as part of the deferred conditions of consent. A number of master bedrooms for units located on level one facing Belmore Street still rely on 'goose neck' windows for the provision of light and ventilation to the bed area. These will also be discussed as part of the deferred conditions of consent.

Overshadowing – GMU's original review discussed potential overshadowing of the buildings to the south of Belmore Street and of 33-35 Belmore Street to the west especially the northern and western elevations mainly during the afternoon hours after 3:00PM. The overshadowing would be mainly generated by towers B and C.

Amended shadow diagrams have been submitted and testing of alternative massing has been conducted to compare if a compliant building envelope (placed closer towards the northern boundary), will help to minimise overshadowing impacts to the built form and communal open spaces of the buildings south of Belmore Street and to 33-35 Belmore Road. The outcome of this testing showed that a redistribution of the bulk does not result in a better built form outcome or in a significant reduction of the overshadowing impacts. The shadow diagrams also demonstrate that units facing the western façade on 33-35 Belmore Street are able to receive solar access prior to 1pm. For an extended discussion of this issue, please refer to the Planning report by Planning Ingenuity.

Proposed external materials and finishes – The materials board provided by the Applicant (19 August 2013) shows a variety of robust materials and finishes along the lower levels facing the public domain. The palette of colours also shows a harmonious range of base colours for tower facades ranging from off white to dark greys, and accent colours including orange, red and sand/taupe (actual names of colours have not been provided). The materials also include prefinished composite aluminium panels and stone cladding for the external frames around the podium facades up to 3m above ground. There is a significant difference in the thickness of these materials and due to their level of exposure to the public domain a number of issues will be discussed as deferred conditions of consent. In general the materials palette is acceptable but some clarifications are needed, which will be discussed later in the report.

3.0 Outstanding Issues

3.1 General Design Issues

The following are a number of issues that can be dealt with as conditions for amendments to plans prior to the issue of the construction certificate:

Storage - Eliminate external storage shown within the private open space of the adaptable units located in the south western corner of tower A. Storage has to be relocated within the internal configuration of the unit accessible from a foyer or corridor in addition to kitchen cupboards and bedroom wardrobe space. The condition applies to units ALG 03, AG 09, A.1 09, A2 09, typical unit on levels 03-07 (same location above A209), A7 08 and typical units on levels 09-15.

General Storage - The provision of storage for residential units needs to comply with the minimum storage requirement of 6m³, 8m³ and 10m³ for one, two and three bedroom units respectively (where 50% of the storage must be within each unit not including kitchen cupboards and bedroom wardrobes).

Internal Amenity - Unit B.G 09 on ground level relies on a 'goose neck' configuration and it needs to be amended to provide a wider opening, especially in light of the large canopy above the entry forecourt which might prevent adequate levels of solar access for that unit. Solar calculations for that unit need to be provided to demonstrate 3 hours of solar access is achieved to all habitable areas.

The master bedrooms for units b1.12, B.1.11, C.1.13, C.1.12, C.1.11 located on level one facing Belmore Street still rely on 'goose neck' windows for the provision of light and ventilation to the bed area. This is thought to be a very poor outcome due to a number of reasons including the fact that these are south facing units, the windows are recessed deeply from the edge of the slab above and the width of the window and opening beyond it is approximately 1.2m. For this units, a recess in the slab immediately above is required or the introduction of a skylight from the non-trafficable slab above

Studies in units B.1.10 and C.1.15 present internalised study areas with partly enclosed walls. These spaces need to be completely open to the rest of the living space with built in storage and a desk.

Visual Privacy - The proposal as a whole has few privacy issues between future residents internally and with existing surrounding uses. There are a few minor instances where privacy issues exist between habitable spaces and communal areas and conditions of consent are provided to deal with these conditions:

- Windows of the retail facility housed within the retained portion of the former Masonic Lodge facing Units A.G.08 and A.1.08 are to be fixed and frosted or translucent to avoid any privacy issues to adjacent units.
- Bathroom and storage area windows directly across each other within less than 1.5m e.g. Units C.1.07 and C.1.08; or B1 02 and B1 03 (condition typical in all levels above level 01) are to be high level windows with frosted glass and only operable from the bottom hinge. Alternatively, they can be staggered or only available to one side especially as the bedroom windows are not really required for light and/or ventilation.
- Kitchen window (facing north) of unit C.1.10 to be fixed and frosted glass.

- Appropriate fence height (1.2m) and landscape buffering along Belmore Street on Tower A to prevent overlooking issues from the public domain located at RL24.15 to lower units at RL 23.40.
- Appropriate fence height (1.2m) and landscape buffering to unit B.G.08 to avoid unwanted privacy and overlooking issues as persons standing on the access ramp at RL 26.97 are only 0.23m below the actual level of the unit.

Access and Servicing - A direct route between the retail tenancies along Belmore Street and the garbage store has been improved with the inclusion of a dedicated service lift at the corner of Wynne and Conder Streets; however, access to the service lift lobby is still achieved through the public domain. As a differed condition of consent, the proposal will be required to provide an access corridor to connect the back of the retail tenancies to the lift in a similar way as shown in the diagram below. The door to the corridor visible from the corner of Belmore and Wynne Avenue is to be flushed with the wall or slightly indented so as to avoid being visible from the corner.

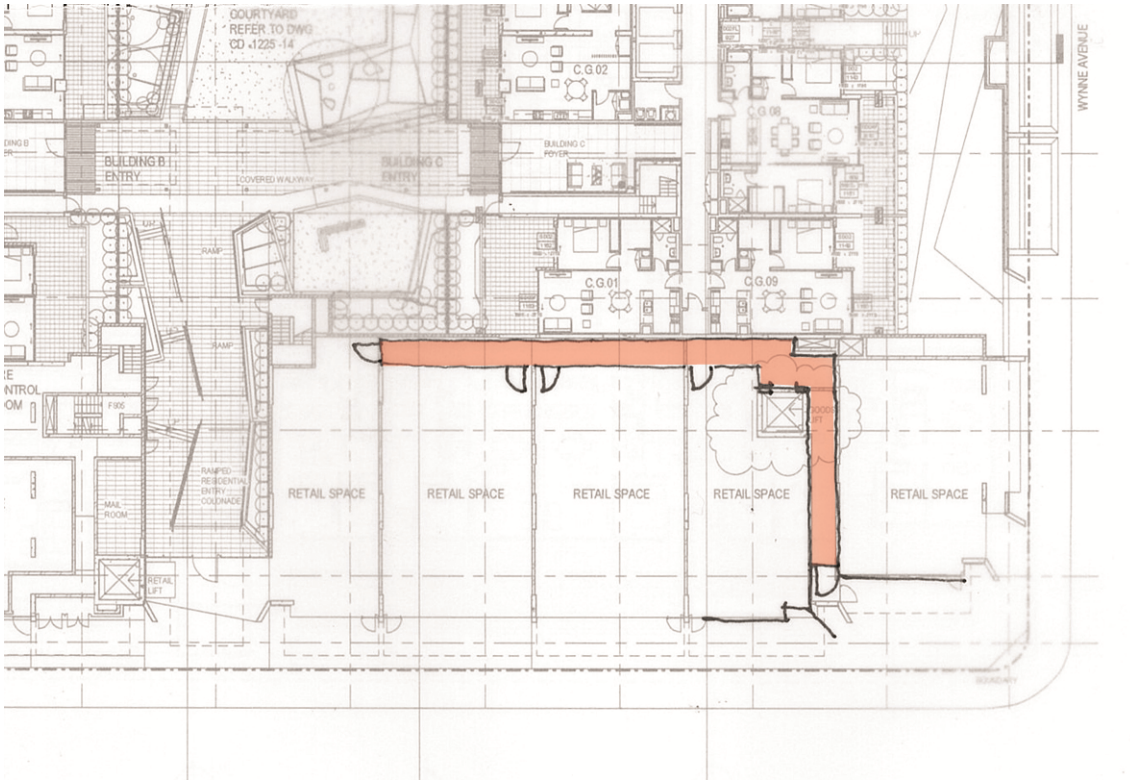


Diagram showing location of service corridor (adapted from DA110/C Courtesy of KannFinch)

Proposed External Finishes and Materials – The proposed materials for the external frame elements along the podium walls are discussed as having Stone Cladding up to 3m above ground floor and prefinished composite aluminium panels above that. The difference in thickness between these materials is 1.2 cm between material stone cladding (6b) and composite panel (5b) and almost 2cm between stone cladding (6a) and composite panel (5a). Details showing a flushed application and joint details are required.
Stone cladding will be required around and into the internal walls of the garage entry point up to two metres inside the mechanically operated shutter for a continuous and robust treatment of the basement entrance or alternative appropriate high quality design needs to be provided.

High quality or artistic motorised security shutter designs need to be provided for all car-parking entrances (example shown below):

Example of high quality or artistic security shutter design

Further clarification is sought with regards to the following issues:

- Both aluminium panels 5a and 5b are listed as materials to be applied to the frame elements along the podium wall. The elevation diagram calls out material 5a, but not 5b. Clarification is needed as to what and how large of an area each material is being used over, or if both materials are being used in combination or not.
- Item 7 in the finishes legend refers to Stone paving to residential lobbies. No material ample is provided with this number.
- Material sample no 11 is similar to material sample 6b; however, no label or callout indicates where the material is to be used.
- Additional elevations showing the proposed materials for the north and western elevations are required.
- Detail images of lobby entrances showing proposed materials for external elevations are required.
- Sample or image illustrating railing detail for glass balustrades as well as glass colour and level of translucency.
- Changes to the roof design are 'clouded' in drawings DA132/C, DA131/C and DA 128/C which show a larger increased area for the plant room with a prefinished aluminium louvre/panels (14) shown. However, no colour or material sample has been provided. This same treatment is shown for building A, but it has not been clouded and it is referred as painted reinforced concrete masonry. This same treatment is shown above the shop fronts along the northern elevation, but no colour scheme is been provided.
- Height of lift core above Building B seems to encroach above the 60m Building height plane. No actual RL or dimension describing the extent of the encroachment is provided.
- The underside of the balcony slabs is labelled as Painted reinforced concrete/masonry; however no indication of colour has been provided for any of this under balcony areas
- Metal sheet retail awnings are shown along the lower ground level shopfronts, but no details of the underside colour are provided.
- No details of the retail signage strategy are provided i.e. location, size and illumination.
- Metal sheet retail awning is described above the common entrance, however no colour scheme has been provided.

3.2 Deferred Commencement Issue

Due to the multifaceted nature of the following issue, the right outcome might be difficult to be achieved through conditions of consent; therefore, it is recommended as a deferred commencement issue to give the Applicant the appropriate time to resolve it.

Street Address - One of the most significant issues about this development is with regards to address and access to residential lobbies to towers B and C. The amended drawings have addressed the issues of the lack of street address from Wynne Avenue with the introduction of a dedicated building entrance to the street as shown on drawing DA109/C. this is a positive outcome. However, the entry sequence from Belmore Street shows a combined entrance for towers B and C, where the lobby spaces are not visible from the street and the bank of elevators is not visible from the lobby. An outcome of this arrangement is a general decrease in safety and security to the whole complex where residents and visitors arriving from the street can gain access to the common grounds and to either tower directly from the street instead of entering directly to a dedicated lobby for each tower. A secondary outcome of this arrangement is the compromised privacy, noise impacts and decreased safety and security to unit B.G.09. The access ramp at RL 26.97 is only 0.23m below the actual level of the unit, which will have a high level of foot traffic right in front of the private open space for this unit leading to unwanted privacy and overlooking issues. These issues are directly in contrast with the 'best practice' recommendations of the RFDC.

The basic flaw of the entry sequence to these towers is that the difference in height from the street level along Belmore Street at RL26.12 is negotiated via a ramp and steps to the level of the lobbies at RL27.17 which is only a difference of 1.05m. A more skilful design would be to provide a dedicated lobby entrance for Building B facing Belmore Street straight in alignment with the elevator corridor. This option can be achieved without having to lower the parking levels. The proposal should present three distinct street addresses, one for each street to Wynne Avenue to the east, Belmore Street to the south and Conder Street to the west.

The area and overall presentation of the retail elevator next to the residential lobby entrance separated by a gate is less than desirable contributing to poor way-finding. A proper enclosed lobby for the retail lift needs to be provided instead of the proposed gate separating users after store hours.

Residential Access - Residents for tower B to be provided with dedicated entry lobby off Belmore Street for improved street address, legibility and increased 'sense of community'.

Secondary entrance to the garden should be provided as 'convenience entrance' only with a reduced scale and width. A closed gate at all times with electronic key access to be provided for residential use only. Deliveries and visitors are to arrive through main lobby entrances only.

Mail boxes and address signs and intercoms/electronic keys to be relocated to the dedicated lobbies for each building- Tower B from Belmore Street and Tower C from Wynne Avenue.
The proposal needs to provide a proper enclosed glass lobby for the retail lift (between gridlines L and M, and grid 09) as the controls do not allow a lift to open directly to the public domain. A better configuration and reorientation of the lobby is required to separate visitors, users and residents during store and after hours.

4.0 Final recommendation

GMU considers the proposal as a great opportunity for a consolidated development on the site and we commend the Applicant for proactively seeking resolution to most of the issues discussed throughout the review process. A minor number of the issues pending can be resolved through conditions of consent listed above. However, GMU feel that the issue of the combined access sequence and the need to provide independent access to Tower B from Belmore Street is an issue that needs further exploration. It is our opinion that it cannot be adequately addressed through conditions of consent and that the proposal should be deferred to give the Applicant and Council's consultants the opportunity to resolve this final but fundamental issue. Therefore, we recommend this proposal for a deferred commencement with the view of finalising the entry sequence issue.

ANNEXURE D

TRANSPORT, TRAFFIC, PARKING AND SERVICING ASSESSMENT

McLAREN TRAFFIC ENGINEERING

PLANNING INGENUITY

M^C LAREN TRAFFIC ENGINEERING
Transport Planning, Traffic Impact Assessments, Road Safety Audits, Expert Witness

Engineering Office:
7/720 Old Princes Hwy
Sutherland NSW 2232
PO Box 66
Sutherland NSW 1499
Ph 61-2-8355-2440

Email: mclarenc@ozemail.com.au
Mobile (0412) 949-578

Accounts Office:
7/720 Old Princes Hwy
Sutherland NSW 2232
PO Box 66
Sutherland NSW 1499
Ph 61-2-8355-2441

20th September 2013 2012/174.L01 CM/hc

Burwood Council
C/o Planning Ingenuity
PO Box 715
MIRANDA NSW 1490
Attention: Mr Jeff Mead
Dear Jeff,

TRANSPORT, TRAFFIC, PARKING & SERVICING DETAILED REVIEW REPORT PROPOSED BURWOOD SQUARE MIXED USE DEVELOPMENT AT BELMORE STREET, CONDER STREET & WYNNE AVENUE, BURWOOD

Reference is made to you request to provide a review on the submitted Traffic Impact Assessment (TIA) prepared by Transport & Traffic Planning titled *Burwood Square Proposed Mixed Use Development* (reference 12039) dated March 2013. Our review of the TIA and submitted plans (DA107-DA109 Issue A, March 2013 as prepared by KANNFINCH architects) are addressed in the relevant sub headings.

Proposal

It is our understanding that the proposed development consists of the following features:

- 332 Residential Apartments
  - 37 one bedroom units
  - 289 two bedroom units
  - 6 three bedroom units
- 90 Serviced Apartments
  - 16 one bedroom units
  - 74 two bedroom units
- A total of 2,185m^2 retail GFA
- A total of 180m^2 commercial GFA (Masonic Temple)

The following parking and access arrangements are proposed:

- A total of 530 parking spaces
  - 103 spaces accessed from Wynne Avenue
    - 46 retail spaces
    - 56 residential visitor spaces
    - 1 commercial space
  - 427 spaces accessed from Conder Street
    - 335 resident spaces
    - 92 serviced apartment spaces
- Loading dock for a 12.5m Heavy Rigid Vehicle (HRV) at Basement Level 1 accessed from Wynne Avenue.
- Access to Wynne Avenue is via signalised intersection (with Burwood Square Site C) with all movements permitted.
- Access to Conder St is via GIVEWAY control with one ingress lane and 2 egress lanes.

Parking

Section 4 of the TIA details the sites car parking requirement.

Reference is made to Burwood City Council DCP adopted 12th February 2013 an in effect 1st March 2013:

Residential Flat Building
0.5 spaces per studio or bed-sitter unit
1 space per 1 and 2 bedroom unit
1.5 spaces per 3 bedroom unit
1 visitor space per 5 units

Serviced Apartments
1 space per accommodation unit
2 spaces for employees

Commercial/Business premises
Commercial Core and Middle Ring Areas
1 space for the first 400m^2 or part thereof, plus
1 space per 120m^2 or part thereof additional to the first 400m^2

In Perimeter and Transition Areas
1 space for the first 400m^2 or part thereof, plus
1 space per 80m^2 or part thereof additional to the first 400m$^{2=}$

Retail
1 space for the first 400m^2 or part thereof, plus
1 space per 40m^2 or part thereof additional to the first 400m^2

Referring to **Annexure A**, the commercial premise is predominantly within the Perimeter Area of Burwood Town Centre. **Table 1** outlines the parking requirement as per the recently adopted DCP.

TABLE 1: 2013 DCP (CURRENT) PARKING REQUIREMENTS

Use	Scale	Rate	Requirement
Residential Apartments	37	1 per unit	37
	289	1 per unit	289
	6	1.5 per unit	9
	332	1 per 5 units	66
Serviced Apartments	90	1 per unit	90
	-	2 employee spaces	2
Commercial	180	1 per 400m^2 and 1 per 120m^2 thereafter	1
Retail business	2,185	1 per 400 and 1 per 80m^2 thereafter	46
Total	-	-	540

According to the required 540 parking spaces, the total 530 parking spaces proposed is a shortfall of 10 spaces.

During discussions with the applicant, it was agreed that the residential visitor parking is to be provided at 1 space per 6 dwellings due to the town centre location given dual use and after hours peak residential visitor demand. Therefore, for the 332 apartments, 55 visitor spaces are required. This reduces the parking required to 529 parking spaces which makes the parking provision of 530 parking spaces satisfactory, with a surplus of 1 space.

Reference is also made Burwood City Council DCP Part 36- Burwood Town Centre (currently superseded by the 1st March 2013 adopted DCP however needs to be considered when due consideration is given to the lodging date) which prescribes the following applicable parking rates for the site:

Residential Flat Building
0.5 spaces per studio of bed-sitter unit
1 space per 1 and 2 bedroom unit
1.5 spaces per 3 bedroom unit
1 visitor space per 6 units

Tourist and Visitor Accommodation
1 space per accommodation unit
2 spaces for employees

Retail Business
1 space for the first 400m^2 or part thereof, plus
1 space per 40m^2 or part thereof additional to the first 400m^2

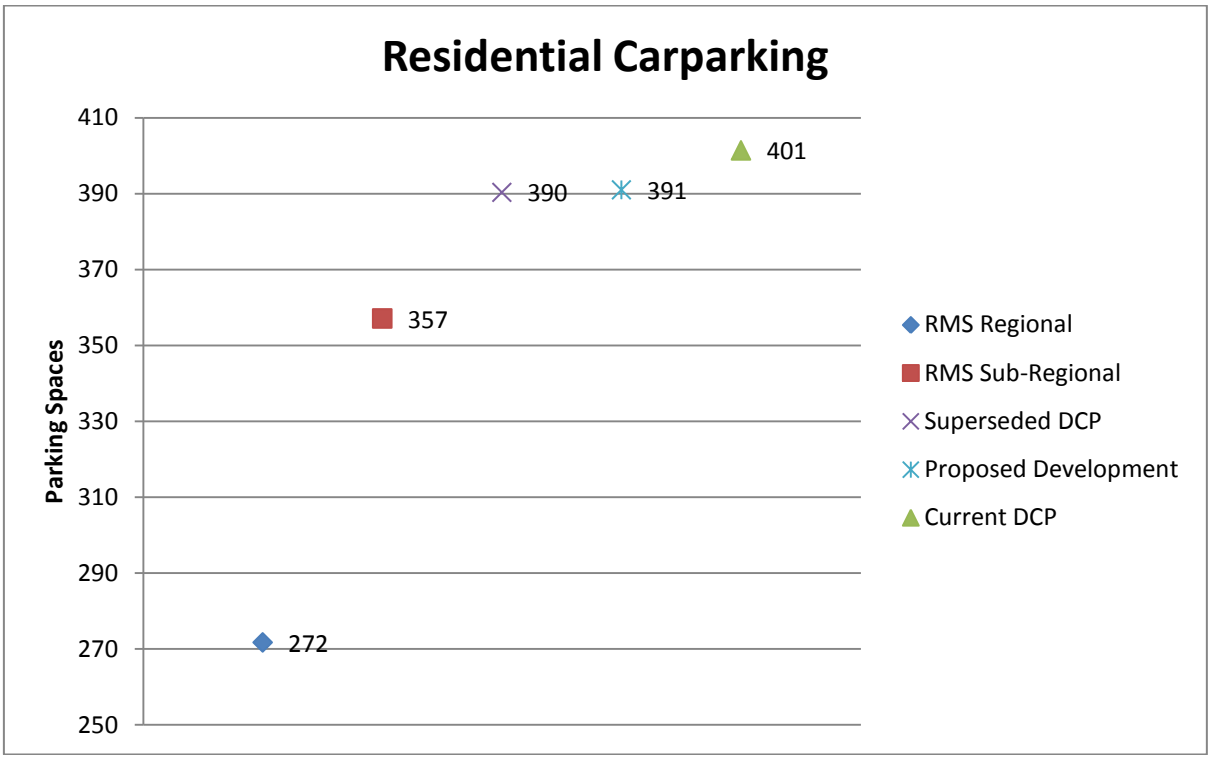
Commercial Business
Commercial Core and Middle Ring
1 space for the first 400m^2 or part thereof, plus
1 space per 120m^2 or part thereof additional to the first 400m^2

Perimeter and Transition Areas
1 space for the first 400m^2 or part thereof, plus
1 space per 80m^2 or part thereof additional to the first 400m^2

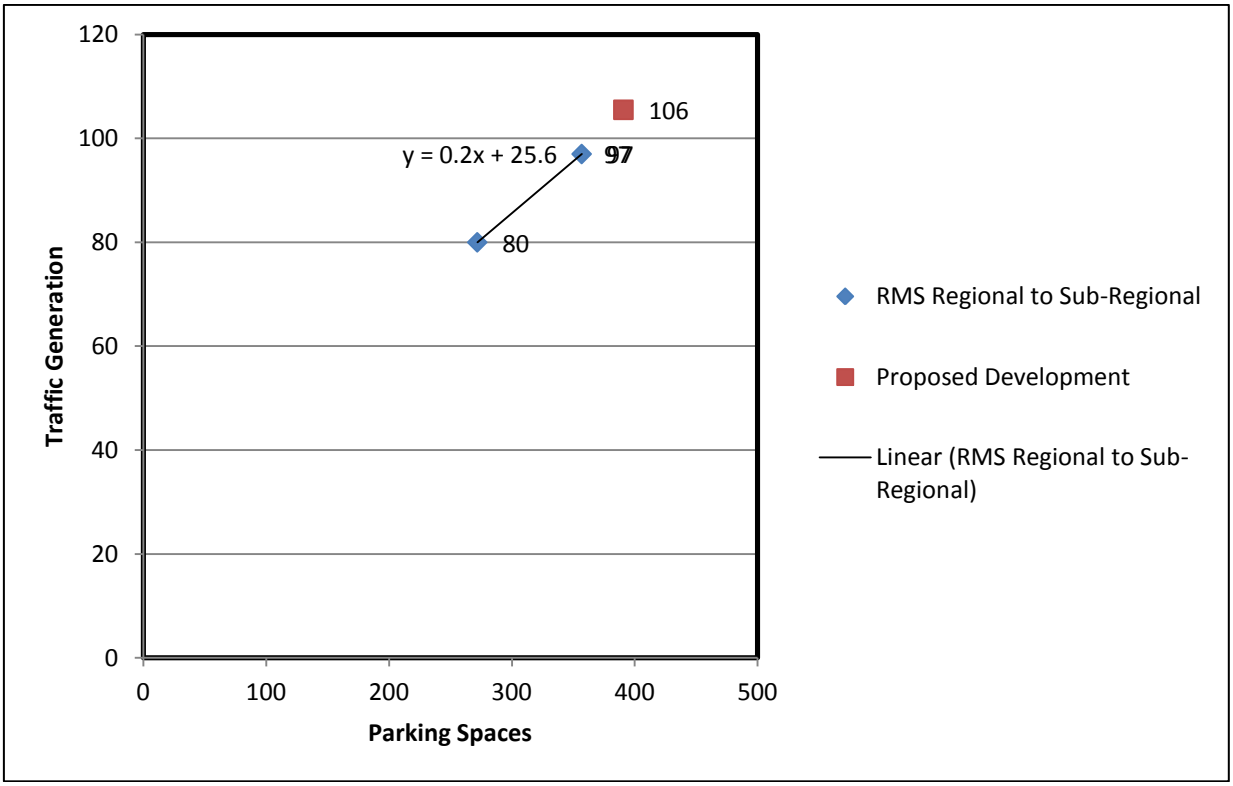
TABLE 2: DCP PART 36 (SUPERSEDED) PARKING REQUIREMENTS

Use	Scale	Rate	Requirement
Residential Apartments	37	1 per unit	37
	289	1 per unit	289
	6	1.5 per unit	9
	332	1 per 6 units	55
Serviced Apartments	90	1 per unit	90
	-	2 employee spaces	2
Commercial	180	1 per 400m^2 and 1 per 120m^2 thereafter	1
Retail business	2,185	1 per 400 and 1 per 80m^2 thereafter	46
Total	-	-	529

In line with the superseded DCP, the site requires a total of 529 parking spaces. The proposal of 530 parking spaces is a surplus of 1 space.



The proposed development provides some 34-119 parking spaces greater than the RMS requirement for Sub-Regional and Regional. The level of parking provided would result in a traffic generation level slightly higher by some 25 weekday trips than that prescribed in the RMS Guide. See below graph.



It is seen that for the same development assessed under the RMS Guide, the development will see some 25 additional trips due to the provision of up to 119 parking spaces above the

RMS guide (during weekend could see some 14 spaces above the weekend traffic generation prescribed). While the estimate has been derived from the difference in Regional and Sub-Regional locations, the subject site has exceptional access to public transport. Therefore the effect of providing parking to satisfy, or near satisfy Council's requirement will not result in an adverse number of trips above what has been assessed.

Servicing

Details of this provision are found in Section 7 of the TIA

One loading space is proposed on Basement Level 1 accessed from Wynne Avenue. The loading bay and turning apron has been designed based on the swept path assessment contained in Appendix F of the TIA. The swept paths appear to be correct however the input parameters of the path cannot be verified without the DWG Cad file. Additionally, the swept path has been tested for right turn entry and left turn exit onto Wynne Avenue. The left turn entry appears to be too narrow. The applicant is requested to verify the limiting vehicle dimension for the left turn entry and sign post accordingly.

The waste management plan submitted details that a cleaner/caretaker will transport 38 general waste bins weekly and 105 recycling bins fortnightly to the kerbside on Conder Street. This is likely to be moved using a motorized bin mover or the like. It is expected that due to the significant number of bins required to be placed on the kerb, there is a potential for loss of parking or insufficient space for the caretaker to store this amount of bins on the kerb for collection. It is suggested the residential collection may require numerous collection days (i.e. odd apartments serviced one day, even apartments serviced the next) to reduce the likely impact of kerb storage in Conder Street.

Traffic Generation

Section 6 of the TIA details the traffic generation applicable to the site.

The traffic generation for the residential apartments is drawn from the RMS Guide to Traffic Generation Developments October 2002. The rate of 0.24 trips per unit equates to 80 vehicle trips during the weekday peak hours. The adopted trip rate and traffic generation for the weekday peak is acceptable. The weekend vehicle trips has been based on 0.15 vehicle trips per unit however it is unclear where this rate has been derived. The weekend traffic generation is some 50 vehicle trips. This appears to be an acceptable level of weekend traffic generation.

The traffic generation of the serviced apartments has been based on similar surveys undertaken by TTPA however it is noted that no raw survey data has been provided to verify the results. The traffic generation attributed to the 90 service apartments is based on 0.2-0.1 trips per weekday/weekend respectively equating to 18 peak hour weekday trips and 10 weekend trips. Without the raw data for the TTPA surveys the weekday traffic generation should be based on 0.24 trips per unit for sensitivity. The weekend rate should follow the above adopted rate for the residential apartments.

Traffic generation for the retail component of the proposal is 100 vehicle trips during the weekday afternoon and 140 vehicle trips during the weekend midday peak period. The TIA does not detail how it concluded the traffic generation associated with the retail component. Approaching the retail component to operate similar to specialty stores in a supermarket is warranted, given the locality of the 'Civic Centre' and interaction with other surrounding commercial/retail businesses.

Adopting the RMS Guide trip rate of 5.6 trips per $100m^2$ for specialty stores equates to 122 vehicle trips during the weekday afternoon and the weekend would see 321 vehicle trips. However, the parking provision for the retail component is constrained and the equivalent

development as per the RMS Guide would require some 92 car parking spaces for the retail component. Taking into consideration the site provides 46 parking spaces, which is half the RMS requirement; the traffic generation would be some 61 vehicle trips on the weekday and 161 trips on the weekend.

The TIA assigns 40 vehicle trips associated with the residential visitor and commercial space. Notwithstanding our concern about the intended use of the commercial component, the traffic generation assigned to visitor and commercial is appropriate.

The table below summarises our review of the traffic generation associated with the subject site.

TABLE 3: TRAFFIC GENERATION COMPARISON

Component	McLaren Weekday	TTPA Weekday	McLaren Weekend	TTPA Weekend
Residential	80	80	50	50
Serviced Apartments	22	18	14	10
Retail	61	100	161	140
Residential Visitor	40	40	40	40
Total	**203 (228 when considering level of parking provided)**	**238**	**265 (279 when considering level of parking provided)**	**240**

Overall, the difference during the weekday and weekend is some -35 and +25 vehicle trips respectively (-10 and +39 when considering the level of parking provided in comparison to RMS requirements). Distributed over the two access driveways and considering the in/out split it is expected that no appreciable difference above what has already been assessed will occur on the surrounding road network.

Access

The proposed separated access arrangement off Wynne Avenue and Conder Street are sound transport planning outcomes.

However, attention is drawn to the length of queues experienced on Wynne Avenue both on the north and south approach. According to the SIDRA movement summaries, the queue lengths extend to and beyond nearby intersections. It is requested that the applicant assess varying phasing, cycle timing and green-time periods to reduce the queue length to a manageable level, as well as possible SCATS coordination with Railway Parade/Wynne Avenue to the north.

Car Park Compliance

The basement car parking shall be designed in accordance with AS2890.1:2004, AS2890.2:2002 & AS2890.6:2009 where applicable. From the scaled PDF plans submitted, the overall parking configuration appears to be compliant however this should form as a condition.

The design does need improved delineation for cars accessing the basement from Wynne Avenue. Appropriate line marking can achieve the correct travel direction and circulation flow.

Two-way passing adjacent to the loading dock must be achieved. A minimum of 5.5m measured from kerb-to-kerb and widened appropriately on curves shall be provided.

Plausible Conditions of Consent

Given the scale of the development, as per State Environmental Planning Policy (Infrastructure) 2007, referral to the RMS is required. However given the location of the development, concurrence isn't strictly binding and it is at the discretion of Council to implement RMS correspondence.

Therefore, it is envisaged that the following Condition is to be considered:

- Final traffic management details of the signalised intersection on Wynne Avenue are to be submitted to Council and Roads & Maritime Services satisfaction prior to the release of the construction certificate

As the site has numerous parking mixes (residential, serviced apartments, retail and commercial) there is a need for a parking allocation plan. The parking allocation plan should be submitted to Council's satisfaction prior to the release of the construction certificate. It is expected the allocation should be as follows:

- 335 residential
- 55 residential visitor
- 90 serviced apartment
- 2 serviced apartment staff
- 1 commercial
- 46 retail

Additionally, due to the mixed land uses and nature of loading/servicing for each use with particular regard to the residential collection on Conder Street, a detailed Management Plan should be submitted to Council's satisfaction prior to the release of the construction certificate. The management plan should clearly detail the length of kerb expected to be utilised in Conder Street and the potential loss of parking. The management plan may need to specify collection across numerous days for general and recyclable residential waste.

Conclusion

Overall, subject to recommendations outlined above, the proposed development is supportable on traffic and parking grounds.

If you require any further information or clarification please do not hesitate to contact the undersigned.

Yours faithfully,
M^CLAREN TRAFFIC ENGINEERING

Craig M^CLaren
Director
BE Civil. Graduate Diploma (Transport Eng) MAITPM MITE
RMS Accredited Level 3 Road Safety Auditor
RMS Accredited Traffic Control Auditor, Certifier & Planner (Orange Card)
Website: www.mclarentraffic.com.au

ANNEXURE A: EXTRACT FROM COUNCILS 2013 DCP

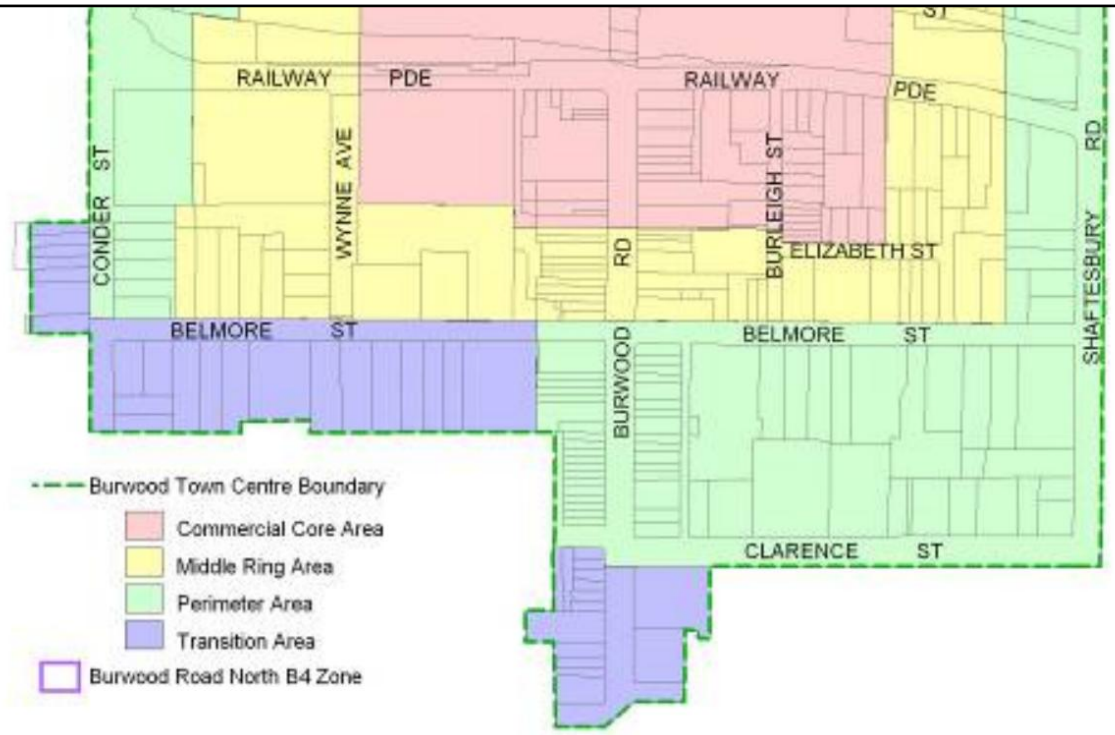


Figure 3: BTC Area Map Together with the Burwood Road North Area