PLANNING ASSESSMENT REPORT

TRIM No.: 16/9409

No. 13-17 Grosvenor Street and No.12-16 Boundary Street, Croydon – Demolition of existing structures and construction of an 8 storey residential flat development over 2 basement car parking levels – JRPP No. 2015 SYE 024 Burwood - Development Application 04/2015.

Applicant: Oceania Property Corporation, Croydon Pty Ltd
Location: Northern side of Grosvenor Street between Young and Webb Streets
Zoning: General Residential R1 pursuant to BLEP 2012
Cost: $24,479,400.00

Proposal

The development consists of the following:

- An 8 storey residential flat building, consisting of 89 apartments – 48x1 bedroom, 38x2 bedroom and 3x3x bedroom, over 2 basement car parking levels, with 109 car spaces.
- A total FSR of 2.88:1.
- A maximum building height of 25.94m (measured to the roof parapet).
- Vehicle access/egress into/from the basements is located on the eastern end of the Grosvenor Street frontage.

Background

8/1/2015 Application lodged for 8 storey development with 90 apartments and 104 car parking spaces.

30/1/2015 Public Notification to 12/3/15; Public Notice in Local Papers from 10/2/15 to 11/3/15. 42 individual submission and 2 petitions (138 names) received.

1/4/2015 JRPP Briefing meeting – Issues identified related to building form, separation, setbacks, provision of open space and deep soil planting, building configuration, façade treatment, provision of adaptable units, community facilities, short fall in off-street parking and inadequate waste disposal details.

7/4/2015 Applicant advised of above issues.

24/4/2015 Meeting held with applicant to discuss issues identified.

17/7/2015 Council's Urban Design consultant's report referred to applicant - Issues of bulk and scale, overshadowing of adjoining properties, building separation, quality of open space, unit sizes and layouts.

19/8/2015 Amended plans were submitted to address issued identified. The number of units were reduced from 90 to 89, 109 car spaces provided, increased western boundary setbacks, reconfiguration of the Grosvenor Street entry, provision of ground level open space, reconfiguration of landscaping, provision of bicycle storage spaces, and revision of façade treatment.

8/9/2015 Re-notification of amended plans to 30 September 2015. 8 submissions were received.

13/10/2015 Councils' Urban Design consultant's comments on the amended plans were referred to the applicant to address RFDC, a number of apartments sizes and mix, access to bicycle storage spaces, overshadowing, building separation, apartment layout, provision of roof top communal open space, natural ventilation, solar access within the development to a number of apartments, and solar access to No 9-11 Grosvenor St., located to the east of the site.

23/10/2015 Applicant submission is to address issues identified by Urban Design consultant.

3/12/2015 Applicant provides additional shadowing analysis with various proposed building heights along the Boundary St frontage, with regard to the solar access for the western end of No. 9-11 Grosvenor Street.

10/2/2016 Amendments to "step" the western wall adjacent to the driveway entry received, to avoid impact on the trees located on the adjoining property.

Statutory Requirements

Heads of Consideration

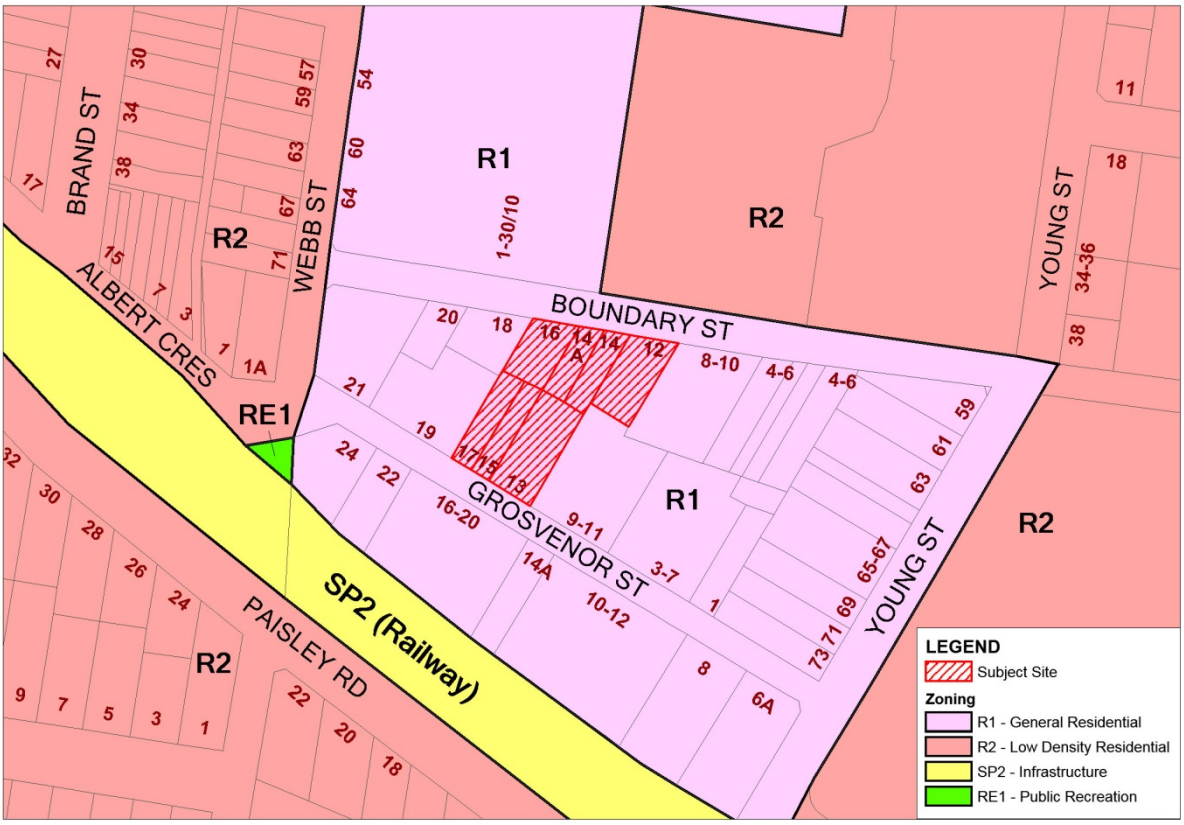
The application is assessed under the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, which includes:

- The provisions of an environmental planning instrument – Burwood Local Environmental Plan 2012(BLEP 2012).
- The provisions of the Burwood Development Control Plan (BDCP) 2013.
- The provisions of SEPP 65 – Design Quality of Residential Flat Buildings and NSW and Residential Flat Design Code (RFDC).
- The impact of the development in relation to:
  - The context and setting of the development
  - The impact of the natural and built environment
  - Shadowing of adjoining properties
  - Traffic impacts
  - Streetscape and urban design issues
  - Crime prevention through environmental design
- The suitability of the site for development
- The public interest
- Social and economic impact
- Submissions made under the Act and Regulations

The above matters are considered in the report.

Note: The RFDC is applicable as the application was lodged on 8/1/2015, prior to the Apartment Design Guide commencing on 17 July 2015.

Locality



Site and Surrounds

The "L" shaped site has an area of 2,304m², a 30.86m frontage to Grosvenor Street, a 48.495m frontage to Boundary Street, a western boundary length of 54.79m, and a stepped eastern boundary length of 72.95m, The Grosvenor Street properties consist of a 2 storey dwelling (No13), and a pair of single storey semi- detached dwellings (Nos 15 &17). The Boundary Street properties consist of 2 single storey dwellings (Nos 12 &16), and a pair of single storey semi-detached dwellings (Nos 14 &14A). The survey shows that the site is generally flat between the street frontages.

On the eastern boundary are residential flat buildings (RFB) – 3 storeys at No 9-11 Grosvenor Street, and 2-3 stores at No 8-10 Boundary Street. A 3 storey RFB is located on the western boundary (No 19 Grosvenor Street), and a pair of single storey dwellings at No 18 and 20 Boundary Street. Across Grosvenor Street (to the south, between the Railway line and the site) is a 5 storey RFB (No16-20), one storey dwellings at Nos 14A, 22 and 24 Grosvenor Street. No 22 and 24 Grosvenor Street have a current approval from the Land and Environment Court, for an 8 storey RFB, consisting of 40 units and a 2 basement car parking levels.

To the north (across Boundary street) are 2 storey town houses, being part of the redevelopment of No 10 Webb Street - the brick pit and James Hardie box factory site, which consist of a pair of 8 storey RFB and 2-3 storey town houses/dwellings. Croydon Public school is located to the east of the Webb Street town houses.

Assessment

The site is zoned General Residential R1 pursuant to BLEP2012, and the proposal is assessed under the development standards and controls of BLEP 2012, BDCP 2013, SEPP 65 and the RFDC. The application was submitted prior to the commencement of the Apartment Design Guide on 17 July 2015.

Compliance Table

Development Standard/Control	Requirement/Permitted	Proposed	Compliance
<u>BLEP 2012</u>			
FSR	3.1 max	2.88:1	Yes
Building Height	26m	26m to roof planter boxes. 29m to lift overrun	Yes No (cl 4.6 variation acceptable)
Heritage	Only if in the vicinity of Conservation Area or H. Item	No heritage impact	Yes
Sulphate Salts	Class 5	No works required	Yes
<u>BDCP 2013</u>			
Building Setback Front (Street)	6m	Grosvenor St – 5.8m (6.01m to glass line) Boundary St – 5.8 (6.15m to glass line)	No (acceptable) No (acceptable)
West (Side Boundary)	Gr. FL.- 2m 1st FL – 3.5m 2nd FL – 5m + RFDC requirements 3rd FL – 6m + RFDC requirements 4th FL – 7m + RFDC requirements 5th FL- 8m + RFDC requirements 6th FL – 9m + RFDC requirements 7th FL- 10m + RFDC requirements	3.85-6.2m 3.85 -6.2m 3.85-6.2m 3.85-8.4m 3.85-8.4m 3.85-11.4m 3.85-11.4m 3.85-11.4m	Yes Yes Yes / No (See comments) (See comments) (See comments) (See comments) (See comments)

East (side boundary)	<u>Grosvenor Street</u> (south portion)		
	Gr. FL.- 2m	1.39m (basement entry)	No (Acceptable)
		7.4 – 8.82m	Yes
	1st FL – 3.5m	5.15-7.5m	Yes
	2nd FL – 5m	5.15-7.4m	Yes / No
	3rd FL – 6m + RFDC requirements		(See comments)
	4th FL – 7m + RFDC requirements	5.15-7.4m	(See comments)
	5th FL- 8m + RFDC requirements	5.15-7.4m	(See comments)
	6th FL – 9m + RFDC requirements	5.15-7.4m	(See comments)
	7th FL- 10m + RFDC requirements	5.15-7.4m	(See comments)
	<u>Boundary Street</u> (north portion)		
	Gr. FL.- 2m	4.2-7.6m	Yes
	1st FL – 3.5m	4.2-7.6m	Yes
	2nd FL – 5m	4.2-7.6m	Yes / No
	3rd FL – 6m + RFDC requirements	4.2-7.6m	Yes / No
	4th FL – 7m + RFDC requirements	4.2-7.6m	Yes / No
	5th FL- 8m + RFDC requirements	4.2-7.6m	Yes / No
	6th FL – 9m + RFDC requirements	7-12.5m	Yes / No
	7th FL- 10m + RFDC requirements	7-12.5m	Yes / No
East – (rear stepped boundary)	Gr. FL.- 2m	6-10.5m	Yes
	1st FL – 3.5m	6-10.5m	Yes
	2nd FL – 5m	6-10.5m	Yes
	3rd FL – 6m + RFDC requirements	6-10.5m	Yes
	4th FL – 7m + RFDC requirements	6-10.5m	No/Yes
	5th FL- 8m + RFDC requirements	6-10.5m	No/Yes
	6th FL – 9m + RFDC		No/ Yes

	requirements 7th FL- 10m + RFDC requirements	6-10.5m 6-12m	No/Yes (see comments)
Street Façade Length	Max.45m	21m & 36M	Yes
Articulation of side façades	Every 10m in length	West façade -13m East façade – 7m	Acceptable Yes
Minimum site frontage	20m	30.86m & 48.495M	Yes
Minimum site area	500m²	2,304m²	Yes
Roof Design	Minimise visual intrusiveness and use as open space	Satisfied & open space provided	Yes
Open Space	Private – Balconies for each dwelling with north aspect. Communal – Use of roof and min. 25% of site area, at least 2 hrs solar access	Provided 26% provided and roof used for communal open space. Solar access satisfied.	Yes Yes
Landscaping	10% of site area be deep soil planting. 25% of site be landscaped.	15% deep soil areas provided. 26.9% landscape area provided.	Yes Yes
Solar Access & Natural Ventilation	70% of living rooms receive 3 hrs of solar access in winter. Cross ventilation to apartments.	75% satisfy requirements. 68% complied with.	Yes Yes
Visual Privacy	Adequate building separation in accordance with RFDC.	Satisfied	Yes/ No (see comments)
Acoustic Amenity	Apartment layout be designed to reduce noise transmission, locates noise generating arears together, sound	Satisfied	Yes

	proofing units- Noise impact assessment report to be submitted		
Safety & Security	Access & entries appropriately located to ensure resident safety. Designed for casual surveillance and adequate lighting.	CCTV can be conditioned for the entries. Mail boxes to be located at entries for internal mail box access.	Yes
Facilities / Amenities Room	A resident amenity room is provided.	The amenity room 16.3m2 area to be enlarged to a min. of 30 m².	Yes/No (Include as a condition of consent)
Adaptable Housing	9 Adaptable units	10 provided	Yes
Car Parking	Resident: 92 Visitors: 18 Total: 110	92 residents and 17 visitors (109)	No (can be conditioned)
Bicycle storage	30	34	Yes
<u>RFDC</u>			
Building Separation	<u>West Boundary</u>		
	1-4sty: 12m- Hab. rooms 9m- Hab./non-Hab. rooms 6m –non-Hab. rooms	Gr. FL- 3.83-6.2m 1st FL- 3.85 -6.2m 2nd FL-3.85-6.2m 3rd FL- 3.85-8.4m	Yes / No Yes / No Yes / No Yes / No
	5-8 sty: 18m- Hab. rooms 13m Hab./non-Hab. rooms 9m –non-Hab. rooms	4th FL- 3.85-8.4m 5th FL- 3.85-11.4m 6th FL- 3.85-11.4m 7th FL- 3.85-11.4m	Adjoining Building 3 sty.
	<u>East Boundary</u>		
	1-4sty: 12m- Hab. rooms 9m- Hab./non-Hab. rooms 6m –non-Hab. rooms	Gr .FL- 1.39m & 7.4 – 8.82m 1st FL-5.15-7.5m 2nd FL- 5.15-7.4m 3rd FL- 5.15-7.4m	No (Acceptable) Yes Yes Yes

	5-8 sty: 18m- Hab. rooms 13m Hab./non-Hab. rooms 9m –non-Hab. rooms	4th FL- 5.15-7.4m 5th FL- 5.15-7.4m 6th FL- 5.15-7.4m 7th FL-5.15-7.4m	Adjoining Building 3 sty
Open Space	Private – Balconies for each dwelling with north aspect. Communal – Use of roof and min. 25% of site area, at least 2 hrs solar access	Satisfied	Yes
Solar Access & Natural Ventilation	70% of living rooms receive 3 hrs of solar access in winter. Cross ventilation to apartments.	Satisfied	Yes
Visual Privacy	Adequate building separation in accordance with RFDC.	Satisfied	Yes
Acoustic Amenity	Apartment layout be designed to reduce noise transmission, locates noise generating arears together, sound proofing units- Noise impact assessment report to be submitted	Satisfied	Yes
Safety & Security	Access & Entries appropriately located to ensure resident safety. Designed for casual surveillance and adequate lighting.	Satisfied	Yes
Bicycle storage	30	Satisfied	Yes
Dwelling Size	1br - 50 m² 2br - 70 m² 3br - 95 m²	51-56 m² 70-87 m² 90-100.7 m²	Yes Yes Satisfaction
Building Depth	18m	10-14m	Yes

Storage	1br - 6 m3 2br - 8 m3 3br - 10 m3	Satisfied Satisfied Satisfied	Yes Yes Satisfaction

The development generally satisfies the development standards and controls of BLEP 2012, BDCP 2013, SEPP 65 and the RFDC, with exception to the maximum building height, building setbacks from boundaries and the building separation requirements.

Building Height – Clause 4.6 BLEP 2012 Exceptions to development standards

The objectives of Clause 4.6 are:

a. To provide an appropriate degree of flexibility in applying certain development standards to a particular development.

b. To achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.6 of *BLEP 2012* identifies the planning requirements that need to be satisfied, where development consent may be granted to a development which contravenes a development standard of *BLEP 2012*. The consent can only be granted, if the consent authority has considered a written request from the Applicant, that seeks to justify the contravention of the development standard by demonstration that compliance with the standard is unreasonable or unnecessary, and that there are significant environmental planning grounds to justify contravening the development standard. The consent authority also needs to consider whether the development is in the public interest, that it is consistent with the objectives of the particular standard, in this case height (Clause 4.3) and consistent with objectives for development in the zone, and does not raise any matter of significance for state or regional environmental planning.

A summary of the applicant's submission in support of a variation to the maximum building height standard is as follows:

- The additional height due to the lift overrun structure would not have any impact on the solar access, privacy or amenity of adjoining properties.
- The additional height allows resident access to the roof communal open space which is supported by BDCP 2013 and the RFDC guidelines.
- The proposal does not exceed the maximum permissible amount of FSR for the site.
- The additional height provides a better outcome from an urban design view point of the roof and for future residents.
- The proposal is consistent with the objectives of the general Residential R1 zone of BLEP 2012.

It is considered that the proposal is consistent with the objectives of the General Residential R1 zone, in that it provides housing needs to the community in an accessible location without creating any adverse impacts. The clause 4.6 submission is considered to have demonstrated that the development is consistent with the objectives of Clause 4.3 of BLEP 2012 relating to height which are:

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

It is considered that strict compliance with the development compliance is unreasonable and unnecessary for the reasons given above, and the clause 4.6 objection is considered well founded. The additional height does not create any additional impacts upon the amenity of adjoining properties, and does not create a precedent due to the circumstances of this application. The variation would not raise any matter of significance for State or Regional Environmental Planning.

Building Setbacks – BDCP 2013

The compliance Table identifies the partial non-compliance with BDCP 2013 setback controls above the 3rd storey, from both east and west boundaries. BDCP 2013 does not distinguish between habitable and non-habitable rooms, although it makes reference to the RFDC separation controls from the 3rd floor level. The building separation issue under the RFDC is discussed following this section. On the eastern façade (Drawing No. D 0503) the infringing walls are located towards Grosvenor and Boundary Streets – a length of approximately 14m. These walls have a number of high light windows (high sill heights). The mid-section of the eastern façade consists of bedroom windows (3-off on each floor), which are also high light windows. The window details are shown on Drawing No. D 3015.

On the western façade, the proposed windows are similar to the eastern façade, although the mid-section is setback further from the boundary. Given the above details, objection is not raised to the non-compliance with BDCP 2013 side setbacks.

Where the eastern boundary "steps" for a length of 15.3m, it is treated, in this instance, as a "rear" boundary, and the building setbacks are similar to that for the side boundaries, under BDCP 2013. The access "open breeze way" is setback 6.27m from the 1st floor to the upper most level. The edge of the breeze way – balustrade edge, will have privacy screens. Objection is not raised to the proposed setback.

Building Separation - (RFDC)

The height of adjoining buildings vary from 1 storey to 3 storey, however, the sites are similarly zoned under BLEP 2012 and have similar development potential under BDCP 2013, as that which apply to the subject site. The BDCP 2013 also identifies a minimum of 50% of the RFDC building separation from the side boundaries, notwithstanding the location of the existing adjoining buildings, which have a varying side setbacks. Plan Drawing No 3015 shows the separation of the subject proposal from the likely future redevelopment of the adjoining properties. Whilst these separations identified are considered satisfactory, it is dependent on adjoining properties being redeveloped. As for the existing adjoining buildings, the compliance table shows partial compliance. Objection is not raised to the partial infringement in this instance.

Solar Access

The mid-winter shadow diagrams reveal that the north western end of the existing 3 storey residential flat building at No 9 -11 Grosvenor Street, receives limited solar access, due to its 3.5m set back from the common boundary. The proposal takes into consideration that should No 9-11 Grosvenor Street be redeveloped, the building setback would increase and the solar access would improve. The applicant has also generated shadow diagrams for a

number of scenarios i.e. if the proposal would reduce to 5, 6 and 7 storeys in height to compare the solar access to the north western end of No 9-11 Grosvenor Street. The diagrams show an improvement to the solar access with a 5 storey development along Boundary Street frontage, however, there is no improvement in the solar access, to the lower units.

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

The amended proposal is considered to be consistent with the SEPP 65 design principles and the RDFC as listed below. The applicant has provided a report addressing the SEPP 65 Design Quality Principles (Ref: SEPP 65 Design Quality Principles dated June 2013).

- Principle 1: Context
- Principle 2: Scale
- Principle 3: Built form
- Principle 4: Density
- Principle 5: Resource, energy and waste efficiency
- Principle 6: Landscape
- Principle 7: Amenity
- Principle 8: Safety and security
- Principle 9: Social dimensions
- Principle 10: Aesthetics

The proposed development is general in compliance with the development standards and controls of BLEP 2012 and BDCO 2013 with minor projection above the maximum height. The “L” shape development is due to the shape of the site and the applicant has preferred having one building, in lieu of two, as the two building option did not improve the surrounding amenity, nor have additional benefit to adjoining properties, notwithstanding that the development would have the largest building foot print, bulk and volume in the area.

Adequate landscaping is proposed and deep soil planting areas have adequate soil depth. The recessed resident entries from both streets need to be relocated closer to the front of the building, and mail boxes included at the entry for safety and security grounds. With regard to solar access, as noted under that heading, the north western end of No 9-11 Grosvenor Street will be impacted upon in mid-winter. The proposed finishes and colour scheme satisfy BDCP 2013 requirements. However, for privacy and overlooking reasons, the “perforated” metal privacy/solar screens would need to be replaced with the standard “louvered” form of screens.

Residential Flat Design Code (RFDC)

The RFDC is applicable since the application was submitted, prior to commencement of the Apartments Design Group (ADG), on the 17 July 2015.

The RFDC has a set of guidelines that provide benchmark for better practice in the planning and design of residential flat buildings. The RFDC supports the ten design quality principles in SEPP 65 and provides details on how to achieve these principles in development proposals. Detailed design controls within the RFDC are found within three distinct sections relating to local context, site design and building design, and these are addressed.

The proposal is generally consistent with the design guidelines contained within the RFDC,

with exception to the building separation as shown in the compliance table. The proposed separation would not have an adverse impact on the adjoining properties, which are subject to similar controls, except for the loss of solar access to the north western end of No 9-11 Grosvenor Street, in mid-winter.

Internal Referrals

Assets and Design Team - has no obligations to the proposed stormwater disposal design, subject to conditions.

Traffic and Transport Team - does not object to the proposal as it would not adversely impact on the local road system and the proposed design of the basement parking levels is considered satisfactory, subject to conditions.

Environmental Health Team - raises no objections to the proposal.

Tree Management Officer (TMO) - has no objections to the proposed landscaping of the site.

Community Consultation

Following lodgement of the original proposal, public notification of the proposal to 12/3/15 resulted in 42 individual submissions and 2 petitions with a total of 138 names, objecting to the proposal.

The amended proposal received on 19 August 2015 was renotified, and 8 submissions were received.

A summary of the objections and comments is as follows:

1. The area be rezoned for lower density and height in view of the surrounding low scale development, traffic congestion and heritage significance of the area.

Comments

At the end of March 2015, Council considered a report on investigating the planning of the precinct, bounded by the Railway Line, Young Street, Boundary Street and Webb Street in which the subject development site is located. At the time the following matters were considered:

- The precinct was previously zoned Residential 2(C2) under Burwood Planning Scheme Ordinance, which permitted 8 storey developments, and was the highest density permitted in the residential zones in Burwood.
- A significant portion of the precinct has been redeveloped for 2-5 storey residential flat buildings.
- No 22-24 Grosvenor Street (DA for an 8 storey residential flat building) was before the Land and Environmental Court, which has since approved the application.
- The subject development and No 18-20 Boundary Street were lodged with Council.
- Croydon Public School and PLC school are located between the precinct and low density including heritage sites located towards the north east, ie heritage is not an issue in regard to development in the precinct.

- Any planning proposal to the Department of Planning for down grading of the development controls would need a “savings” clause for all development applications lodged, prior to an amendment to BLEP 2012, if agreed too.

Council deferred consideration of the matter, which is currently on-going.

2. The proposal is excessive in height, dwelling density, scale, is an over development of the site, is unsympathetic and incompatible with the amenity of the surrounding low scale development and village atmosphere of Croydon.

Comments

The proposal conforms to the development standards of BLEP 2012 and controls of BDCP 2013, with regard to its height, FSR (density) and designed outcome for this precinct of Burwood.

The development site is one of the largest in the precinct, however, the proposed height is the same as No 22-24 Grosvenor Street, which was approved by the Land and Environment Court in 2015. The proposal could not be compared with the low scale areas, and is not considered and over development of the site.

3. The development is incompatible with the existing streetscape.

Comment

The streetscape of Grosvenor Street is a mix of single storey dwellings and 3-5 storey residential flat buildings. The 2 single storey dwelling at No 22-24 Grosvenor Street (Northern End and Southern side of the street) has approval for a similar height building. The proposal is not considered incompatible with the Grosvenor Street streetscape.

Boundary Street has a mix of single storey dwellings, 2-3 storey residential flat buildings and 2 storey multi dwellings on the northern side of the street. A pair of 8 storey residential flat buildings are located further to the north, at the rear of the 2 storey multi dwellings. Whilst the proposal will be higher than other developments in Boundary Street, there are 8 storey developments in the area.

4. The proposal will have an adverse impact on the local one way streets by way of congestion and safety.

Comment

Grosvenor Street is one way towards the west, and Boundary Street is one way east, with parking on one side of the road. The one way streets facilitate traffic flow in the precinct. Whilst it is acknowledged that during the mornings and afternoons, when school children are dropped off and picked up, there will be some congestion which would impede the flow of traffic in the area, Council’s Traffic Team has noted that the traffic generated by the development would not have an adverse impact on the local street network.

The safety of school children and pedestrian is no different to other areas, where schools are located.

5. Loss of solar access to the residential units located on the north western portion of

No 9-11 Grosvenor Street

Comment

This issue is addressed under the heading “solar access”. These units would have limited solar access in mid-winter.

6. Loss of privacy due to overlooking by future residents.

Comment

The area currently has 2-5 storey residential flat buildings and the proposal would not alter this matter. The balconies would fitted with privacy and solar access screen to alleviate this concern.

7. There is inadequate green parks in the area to cater for the increase of residents to the area

Comment

Wangal and Blair Parks are located approximately 500m and 900m respectively to the north, along Webb Street and Royce Avenue.

8. The proposal would put a strain on the local infrastructure.

Comment

The Assets and Design Team (Development Engineering) has not raises objections to the proposal, with regard to the existing infrastructure – stormwater disposal etc. Other infrastructure – electricity, schools etc are beyond the scope of this report.

9. The vehicle entry into the basement will be a source of noise.

Comment

The applicant has submitted sketch drawing No. SK 201 & SK 207, to enclose the vehicle ramp entry area to alleviate the likely noise impact on the adjoining property. The enclosure is single storey in height and aligns with the front of the proposal on Grosvenor street, notwithstanding its setback between 1.39m – 3m from the side boundary. Objections are not raised to the proposed enclosure.

10. The proposal will result in the loss of a jacaranda tree on No 13 Grosvenor Street.

Comment

Council’s Tree Management Officer does not object to removal of the existing trees on site, subject to compliance with the landscape plans submitted.

11. There will be additional illegal garbage dumping

Comment

This is an ongoing issue for Council and is not an issue to support a refusal of the proposal.

Conclusion

The proposal in generally in compliance with the development standards of BLEP 2012, BDCO 2013, SEPP 65 and the RFDC, with exception to the maximum building height, building setbacks from the side boundaries and building separation. These issues including the solar access to adjoining properties are addressed with regard to the traffic generated and impact on the local road network.

The recommended conditions of approval are as follows:

Recommendations

A. That the statement under clause 4.6 of BLEP 2012, to vary to the maximum building height is considered satisfactory, well founded and consistent with the aims of BLEP 2012 and State Policy, that the application of the standard is unnecessary and unreasonable. Further, the variation does not raise any matter for State or Regional Environmental Planning.

B. That DA 04/2015, to demolish existing structures on the site, and construct an 8 storey residential flat building over basement car parking, at No 13-17 Grosvenor Street and Nos 12-16 Boundary Street, Croydon, be approved subject to the following conditions:

Conditions of Approval

(1) The development being carried out in accordance with the plans and documentation listed below, **except** where amended by the conditions of consent:

- Architectural Plans prepared by SJB Architects, Project No 5133, Drawings Nos:
  - D 0102, Revision 18 – Site Plan
  - D 0103, Revision 18 – Demolition and Retention Plan
  - D 0201, Revision 18 – Basement 02
  - D 0202, Revision 18 – Basement 01
  - D 0203, Revision 18 – Ground Floor
  - D 0204, Revision 18 – Level 01 Floor
  - D 0205, Revision 18 - Level 02 Floor
  - D 0206, Revision 18 – Level 03 Floor
  - D 0207, Revision 18 – Level 04 Floor
  - D 0208, Revision 18 - Level 05 Floor
  - D 0209, Revision 18 – Level 06 Floor
  - D 0210, Revision 18 – Level 07 Floor
  - D 0211, Revision 18 – Roof Plan
  - D 0221, Revision 18 – Adaptable Apartments
  - D 0222, Revision 18 – Adaptable Apartments
  - D 3015, Revision 18 – Window Screening Design

- D 0501, Revision 18– Grosvenor Street Elevation
- D 0502, Revision 18 – Boundary Street Elevation
- D 0503, Revision 18 – East Façade Elevation
- D 0504, Revision 18 – West Façade Elevation
- D 0511, Revision 18 – Boundary Street Materials/Finishes
- D 0512, Revision 18 – West Façade Materials/Finishes
- D 0513, Revision 18 – Grosvenor Street Materials/Finishes
- D 0601, Revision 18 – Sections – Sheet 1
- D 0602, Revision 18 – Sections – Sheet 2
- SK 201, ----- Amended Gr. Fl. Unit Areas, Driveway Enclosure
- SK 202, ----- Amended Level 1 Unit 1.01 Fl. Area & Windows
- SK 203, ----- Amended Level 2 to 4, Units 2.01, 3.01, 4.01 Fl. Areas
- SK 204, ----- Amended Level 5 Unit 5.01 Fl. Area
- SK 205, ----- Amended Level 6, Units 6.01 Fl. Area & Planter Box
- SK 206, ----- Amended Level 7, Units 7.01 & 7.06 Fl Areas
- SK 207, ----- Vehicle Ramp Enclosure-Section
- SK 208, 209, 210 ---- Western wall Recess - Vehicle Driveway,
- Ground Level, Basements 01 & 02

- Landscape Plans prepared by Black Beetle Pty. Ltd, Project N0. BB 1107, Drawing Nos. LP01/B, LP02/B & LP03/B, Issue B, dated 05/12/2014.

- Basic Certificate No. 593859M, dated 22 December 2014.

- Acoustic Report prepared by Acoustic Logic, dated 10/12/2014.

- Geotechnical Assessment Report prepared by JK Geotechnics, dated 20 October 2014.

- Preliminary site Investigation Report prepared by Aargus Pty Ltd

- Arboricultural Impact Assessment Report prepared by Earthscape Horticultural Services, dated December 2014.

- Waste Management Plan prepared by Elephants Foot, dated December 2014.

FEES

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

TABLE OF FEES

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

(2) Building and Construction Industry Long Service Corporation Levy **$85,677.00**
(Payment to be made to Council, the Corporation or its Agent)

(3) Damage Deposit - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc) during building work **$34,000.00**
(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) Construction and connection by the Applicant to Council's the stormwater drainage works **$38,700.00**
(Payment to be made to Council as a bond)

(5) Damage deposit for installation of ground anchors **$50,000.00**
(Payment to be made to Council as a bank guarantee)

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

Contribution Element	**Contribution**
A levy of 1% of the cost of carrying out the development, where the cost calculated and agreed by Council is $ 24,479,400.00	$ **244,794.00**

Index Period	December 2015	**CPI_1**	108.9

Office Use: T56

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 the Burwood Local Government Area (Excluding Burwood Town Centre).

Note: The payment of a Section 94A contribution over an amount of $5,000 may only be paid by Bank Cheque (i.e. personal or company cheques will not be accepted). Contributions of $5,000 or less may be paid by cash, EFTPOS, cheque or credit card. Payments by credit card may be subject to a surcharge.

PLANNING

(1) The development is to consists of the following:

- A total floor space ratio (FSR) of 2.88:1.
- 89 residential units – 48x1 br., 38x2br. & 3x3 br.
- 110 off-street car spaces within 2 basement levels - 92 resident spaces and 18 visitor spaces.
- A minimum of 30 bicycle storage spaces.

(2) The building height is limited to AHD(RL) 47.68 measured to the top of the roof parapet, AHD(RL) 50.27 measured to the top of the pergola structure, and AHD(RL) 51.68 measured to the top of the lift overrun structure.

(3) Nine (9) adaptable units are to be allowed for within the development, and 9 accessible car spaces shall be provided. Compliance with the Australian Standards (AS) for the design and layout of the units and car spaces.

(4) The amenity/facility room shall have a minimum floor area of $30m^{2,}$ provided for the use by residents/strata, and the room sign posted accordingly. The room shall have adequate lighting, ventilation and in a safe location. Plans are to be to amended and submitted to Council for approval, **prior to the issue of a Construction Certificate**.

(5) The ground level entry doors shall be relocated towards both street frontages, to align with the front wall. Plans shall be amended accordingly, **prior to the issue of a Construction Certificate.**

(6) Adequate night lighting is to be provided to the residential building entries for safety reasons. A CCTV system to Australian standards shall be provided for the building strata to maintain.

(7) The facades of the building are to have a variation in finishes and colour tones, as identified on the Materials/Finishes on Drawing Nos D 0511, 0512 & 0513, Revision B. Any changes to the proposed finishes would require approval from Council, prior to installation or application.

(8) Basement Levels 01 and 02 shall be amended to accommodate 110 off-street car parking spaces – 92 resident and 17 visitor spaces. 9 accessible car spaces are to be provided in accordance with the Australian Standards, with no obstructions of the driveways etc. There shall not be any spaces for "small" cars as identified, and there shall only be a maximum of 3 tandem spaces for the 3 bedroom units. The amended plans shall be submitted to Council for approval **prior to the issue of a Construction Certificate.**

(9) Any glass dividing privacy panel between adjacent and neighbouring balconies, shall be a minimum of 1.8m in height above the finished balcony floor, and be of obscured or translucent glazing.

(10) The perforated mental privacy/solar screens on the building facades, shall be replaced with vertical type metal louvres or similar.

(11) Safety and security night lighting being provided for the development with details being incorporated in the landscape plan.

(12) (a) All **external** balustrades are to have a minimum height of 1.2m measured from the balcony/terrace floor level for safety reasons. This height is to be complied with notwithstanding the minimum 1m height identified under the Building Code of Australia.

(b) All glass balcony balustrades shall be constructed of obscured or translucent glazing, and not clear or lightly tinted glass.

(c) Balconies are to have a hob on their outer edges, to prevent water dripping along the external edge(s) of the balconies, and are to be adequately drained. The drainage piping is to be concealed.

(13) The applicant is to consult with the Energy Authority to determine the need for an electricity substation **prior to the issuing of a Constriction Certificate** and, if a site is required, it being situated on the site adjacent to the street alignment, with the size and location of the area being in accordance with the requirements of this Council and Energy Australia, and the land required being dedicated without cost as a public roadway, to enable Energy Australia to establish the substation. The linen plan being submitted to Council for approval and issue of a Subdivision Certificate and being registered with the Land Titles Officer, **prior to the issue of an Occupation Certificate**.

(14) Demolition or construction work including deliveries of materials, etc, which would result in footpaths and/or roads being blocked, shall not be carried out on Saturdays.

(15) 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**.

(16) **Prior to the issuing of an Occupation Certificate** Council is to receive a payment of pro-rate fees for and receipt from Council of mobile garbage and recycling bins for the redevelopment.

(17) Any telecommunication or TV antennae, etc on the roof are to be located away from the outer edges of the building.

(18) All external services including air conditioning units, electrical or gas water heaters, meters, equipment, conduits, drainage and water pipes, are to be located in recessed enclosures within the external walls, and are not to be visible from the public domain area or road.

(19) All windows and sliding doors are to be provided with key operated locks as a crime prevention measure and for the security of future residents.

(20) All works are to be located within the subject boundaries.

(21) The extent of the balcony vertical privacy/solar screen louvers on the eastern northern and western elevations, shall be a minimum of 50% of the width of the balcony.

(22) The letter boxes for the residential units of the development shall be designed, located, and be an integral element of the relocated entry doors, such that access to the mail boxes for residents, is from within the access/lobby, for the safety of residents and security of mail.

(23) A car wash bay shall be provided in accordance with Sydney Water requirements. A visitor car space may double up for the car wash bay, which is to be line marked and identified in the Construction Certificate drawings.

(24) Sketch Plans Nos SK 201 to SK 210 for the increase in unit floor areas to satisfy the RFDC requirements, driveway entry enclosure to reduce vehicle noise, the recess to the western wall of the driveway entry, shall replace the corresponding design and details of Drawing Nos. D 0202 to D 0210, for these portions of the development.

(25) The width of the non-trafficable area/planter box area, on the north eastern corner of Level 6, shall be a minimum of 2m, measured from the edge of the building.

(26) The maximum height of the driveway entry enclosure is limited to 2.7m above the corresponding proposed ground level, and the roller shutter doors shall be relocated to the bottom of the ramp within the basement.

(27) The sill heights of the “high level” windows, and window screening details, shall be as shown on Drawing No 3015, Revision 18.

BUILDING

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

   a. Where work is carried out by a Principal Contractor:

      (i) written advice of the Principal Contractor's name and licence number, and

      (ii) a certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* to the effect that a person is the holder of an insurance contract issued for the purposes of that Part.

   OR

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

      (i) written advice of the person's name and Owner-Builder Permit number, or

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

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

   a. must be a standard flushing toilet, and
   b. must be connected:

      (i) to a public sewer, or
      (ii) to an approved chemical closet facility.

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

3. All excavations and backfilling associated with the erection or demolition of a building shall be carried out in a safe and careful manner and in accordance with appropriate professional standards. All necessary planking and strutting shall be of sufficient strength to retain the sides of excavations. A Certificate verifying the suitability of structural details for any proposed shoring is to be submitted to the Principal Certifying Authority before excavating.

4. All excavations associated with the erection or demolition of the building are to be properly guarded and protected to prevent them from being dangerous to life or property.

5. Where soil conditions require it:

a. retaining walls must be provided so as to prevent soil movement; and

b. adequate provision must be made for drainage.

6. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

a. must preserve and protect the building from damage, and

b. if necessary, must underpin and support the building in an approved manner, and

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

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

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

7. If the work involved in the erection or demolition of a building:

a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

b. building involves the enclosure of a public place.

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

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

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

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

8. Your attention is directed to the following:-

WARNING

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 Renovating

or telephone 13 20 92.

9. The builder is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property. Pedestrian access across the footpath must be maintained at all times. Any damage caused will be made good by Council at Council's restoration rates, at the builder's expense.

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

11. No 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.

12. 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.

13. Hours of work shall be from 7:00am to 5:30pm Mondays to Fridays inclusive, and from 7:00am to 1:00pm 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.

14. The approved structure shall not be used or occupied unless an Occupation Certificate (being a Final Certificate or an Interim Certificate) as referred to in section 109C(1)(c) of the *Environmental Planning & Assessment Act 1979* has been issued.

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

15. 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 the commencement of the excavation for, and before the placement of, the first footing;
- Prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building;
- 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.

16. 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**.

17. Dial Before You Dig is a free national community service designed to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential services we use everyday – electricity, gas, communications and water.

    Before you dig call "Dial Before You Dig" on 1100 (listen to the prompts) or register on line at www.1100.com.au for underground utility services information for any excavation areas.

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

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

18. All building works being erected wholly within the boundaries of the property.

19. All sanitary plumbing being concealed in suitably enclosed ducts. Such ducts are to be constructed internally (i.e. not on the outside face of an external wall) and are to be adequately sound-proofed.

20. All plumbing and drainage work being carried out by licensed tradesmen and in accordance with the requirements of the Plumbing Code of Australia.

21. The floor of the wet areas being of a material impervious to moisture and graded and drained to the sewers of Sydney Water.

22. The noise emitted by any air-conditioning equipment being inaudible in your neighbours' homes between 10:00pm and 7:00am weekdays and 10:00pm and 8:00am on weekends and public holidays. Council is to be consulted prior to the installation of any air-conditioning equipment.

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

24. Safety glazing complying with B1.4 of the Building Code of Australia used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with Australian Standard AS 1288–2006: Glass in Buildings - Selection and Installation. Details of the method of complying with this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.

25. Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with Australian Standard AS 1288-2006, Table 4.5 SAA Glass Installation Code (Human Impact Considerations) and B1.4 of the Building Code of Australia. Details of the method

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

26. Treatment for the protection of the building from subterranean termites must be carried out in accordance with Australian Standard AS 3660.1-2000 “Termite management - New building Work.”

If the method of protection is to be by way of a chemical barrier, it becomes the responsibility of the owner to maintain a suitable maintenance procedure in accordance with the manufacturer's requirements. Such responsibility is placed solely upon the owner.

After treatment the following is to be carried out:-

a. A durable notice must be permanently fixed to the building in a prominent location, such as the meter box, indicating:-

(i) The method of protection.
(ii) The date of installation of the system.
(iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
(iv) The installer's or manufacturer's recommendation for the scope and frequency of future inspection for termite activity.

b. Provide the Principal Certifying Authority with a Certificate which verifies that termite protection has been provided in accordance with Australian Standard AS 3660.1-2000. In the case of Reinforced Concrete Slab construction the Certificate is to verify that the protection incorporates both beneath slab (Part A) and slab penetrations (Part B) treatment.

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

27. *Dividing Fences Act 1991* - Your attention is directed to any obligations or responsibilities under the *Dividing Fences Act 1991* in respect of adjoining property owner/s which may arise from this application. Any enquiries in this regard may be made to the Crown Lands Division on (02) 8836 5332.

28. No part of the front fencing including footings must encroach upon Council's footpath. Entrance gates must open within/into the property.

29. A registered surveyor's certificate being submitted to the Principal Certifying Authority, prior to the issue of an Occupation Certificate, as follows:-

a. Before pouring of concrete slab on every level to indicate the height of the finished floor level and to show boundary clearances; and

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

30. 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*)

31. 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 help 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**.

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

33. 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.

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

35. Mechanical ventilation/air conditioning details are to be submitted to the Principal Certifying Authority for approval **prior to the issuing of a Construction Certificate** and must include the following:-

a. The location and size of proposed ductwork.

b. The location of equipment.

c. The performance characteristics of the proposed motor/s and fan/s.

d. The air flow characteristics of the system.

At the completion of work a Certificate from an Accredited Certifier, Mechanical Engineer or other suitably qualified person, to the effect that the ventilation system has been installed and performs in accordance with the provisions of Part F4 of the Building Code of Australia, Australian Standard AS 1668 "SAA Mechanical Ventilation and Air Conditioning Code", Part 1 and Part 2, Australian Standard AS 3666-1989 and the *Noise Control Act 1975*, must be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**.

36. 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**.

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

38. Means of access and egress complying with Section D of the Building Code of Australia. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**

39. The building being provided with both access and sanitary facilities (where required) for people with disabilities. The sanitary facilities are to be provided in accordance with F2.4 of the Building Code of Australia and are to comply with the requirements of Clause 10 of AS 1428.1-2009. Access is to be provided to and within the building so as to comply with all the requirements of Part D3 of the BCA and the relevant provisions of AS 1428.1-2009. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.

40. The *Commonwealth Disability Discrimination Act 1992* may apply to this particular proposal. Submissions and/or approval of the application does not imply or confer compliance with this Act. Applicants should satisfy themselves and make their inquiries to the Human Rights and Equal Opportunity Commission.

41. Continuous balustrades shall be provided along the side/s of any stairway or ramp, any corridor, hallway, balcony, access bridge or the like, any path of access to a building if:-

    a. It is not bounded by a wall; and

    b. The change in level is more than one (1) metre, or five (5) risers in the case of a stairway, from the floor or ground surface beneath;

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

    Balustrades shall prevent as far as practicable:

    a. Children climbing over or through it; and

    b. Persons accidentally falling from the floor; and

    c. Objects which might strike a person at a lower level falling from the floor surface.

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

Details of the method of satisfying these requirements must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.
Note: See Planning condition (12) with regard to the height of external balustrading.

42. The building being equipped with a smoke alarm system as required by Table E2.2a of the Building Code of Australia. The system is to satisfy the requirements of Specification E2.2a of the Building Code of Australia and in particular is to comply with the relevant parts of AS 3786-1993 and AS 1670.1-2004. Details of the method of complying with this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**

43. Protection of openable windows is to be in accordance with Part D2.24 of the Building Code of Australia. Details of the method of satisfying this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.

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

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

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

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

46. Engineering Design – Basement Excavation

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

(a) Documentary evidence prepared by a suitably qualified professional Geotechnical Engineer that confirms the suitability of the site for the proposed excavation and building, as well as certifying the suitability and adequacy of the proposed design and construction of the building for the site.

(b) A report shall be prepared by a professional engineer **prior to the issuing of a Construction Certificate**, detailing the proposed methods of excavation, shoring or pile construction including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises due to building and excavation works. Any practices or procedures specified in the Engineer's Report in relation to the avoidance or

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

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

DEMOLITION

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

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

(3) Hours of demolition work shall be from 7:00am to 5:30pm Mondays to Fridays inclusive, and from 7:00am to 1:00pm Saturdays. No demolition work shall be carried out on Sundays 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) All demolition and excavation materials are to be removed from the site or disposed of on site using methods that comply with relevant environmental protection legislation.

(7) When demolition of any existing building is involved, burning of any demolition materials on the site is prohibited.

(8) Dilapidation Surveys are to be carried out by a Practicing Structural Engineer, which is to include a full photographic record of the exterior and interior of the buildings at the applicants/owners expense on all premises adjoining the site (**i.e. Nos. 8-10 and 18 Boundary Street, Croydon and Nos. 9-11 and 19 Grosvenor Street, Croydon**) and the survey is to be submitted to Council and the adjoining land owners **prior to the commencement of any works**. A further Dilapidation Survey is also to be carried out and submitted to Council and the adjoining owners **prior to the issuing of an Occupation Certificate**. The Dilapidation Surveys shall be dated accordingly.

SUBDIVISION

(1) A plan of consolidation to bring separate allotments into one allotment and submitted to Council for approval. The linen plan shall be registered by the Land Titles Office, **prior to the issuing of an Occupation Certificate**.

(2) Submission of a separate application for strata subdivision of the development.

(3) Submission of a Final Survey Plan of Subdivision to the Principal Certifying Authority in accordance with the requirements of the Land & Property Management Authority.

(4) All car spaces (with exception to the visitor space) shall be designated to a lot in any strata plan. Car spaces shall not be designated as separate lots.

(5) The visitor car space shall be designated as common property, line marked and identified accordingly.

(6) The OSD system including the OSD tank shall be designated on any future plan as common property.

ASBESTOS CEMENT

(1) A WorkCover licensed contractor must undertake removal of more than 10 square metres of any bonded asbestos. Removal of any friable asbestos must only be undertaken by a contractor that holds a current friable asbestos removal licence.

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

(3) 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*.

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

(5) 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).

(6) Written notice must be provided to Council and adjoining neighbours at least two working days prior to commencement of any works.

Such written notice is to include the following details:

- Date of asbestos removal; and
- Name, address contact details (including after hours contact telephone number) and WorkCover licence number of the asbestos removal contractor.

Work is not to commence prior to the nominated date.

(7) All asbestos cement sheeting must be removed prior to the commencement of:

a. Brick veneering or re-cladding of any building where the existing walls to be covered are clad with asbestos cement;

OR

b. Construction work where the new work abuts existing asbestos cement sheeting and/or where existing asbestos cement sheeting is to be altered or demolished.

HEALTH

Environmental Management:

1. An Environmental Management Plan is to be submitted to Council for approval, prior to the commencement of any works, detailing the control and management methods to be implemented in addressing the following issues during the demolition, excavation and construction phases of the project::

    - Noise and vibration control
    - Dust and odour suppression and control
    - Storm water control and discharge
    - Erosion control
    - Waste storage and recycling control
    - Litter control
    - Construction material storage
    - Truck cleaning methods on site so as to prevent spread of soil and like materials onto Council's roadways

2. A car wash area / bay is to be provided at the 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.

4. The construction of windows / sliders, doors, external walls and roofs are to be comply with the recommendations listed at Part 4.3 of the acoustic report as prepared by Acoustic Logic (Project 20141434.1 dated 10/12/2014).

5. A comfort ventilation system is to be provided that complies with the Building Code of Australia and Australian Standard A.S.1668 & A.S.3666 in order to achieve the necessary noise reductions as per the assessment and recommendations of the Acoustic Report. Details for the external mechanical ventilation systems are to be submitted to Council for approval prior to the issue of a Construction Certificate.

    Note: The comfort ventilation system is to be designed in accordance with the provisions of Australian Standard A.S. 1668.2 and the Building Code of Australia and be certified by a qualified practising mechanical engineer.

Waste Management:

1. A waste cupboard or other storage area is to be provided within each dwelling which is of sufficient size to hold a single day's waste and to enable source separation of general waste, recyclables and compostable materials.

2. All garbage shall be stored in the designated garbage areas, 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.

3. The waste and recycling bin storage rooms 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. 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.

5. 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.

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

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

8. All waste and recycling collections are to be carried out from Grosvenor Street frontage. The pathway to the footpath is to be graded so that it is free of any steps or obstructions.

9. 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.

10. 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) The Concept Stormwater Drainage plans prepared by Henry & Hymas Drawing Nos 14A92 DA C100, C101, C102, & C103, Revision 01, are **not approved** and shall be amended. In accordance with Council's Stormwater Management Code total property discharge shall be routed through the OSD (On-site Detention) system. The plans having one OSD at the S-W corner of the property, is not satisfactory as it does not serve the whole property. The amended plans shall be submitted for Council's approval**, prior to the issue of Construction Certificate.**

(2) The following issues shall also be addressed, **prior to the issue of a Construction Certificate:**

- The discharge control pits of the OSD system shall be designed to control outflow for all storm events from 2, to 100 years ARI. Detailed calculations shall be provided for variable orifices (at different levels) diameter.

- The applicant shall pay Council a stormwater works bond as listed in the Table of Fees for stormwater connection to Council's pits. The bond shall be refunded after completion of the stormwater connection works done to Council's satisfaction.

- Two new Council standard pits and lintels shall be constructed in both Boundary Street and Grosvenor Street outside the property boundary for the property's stormwater drainage to connect. From the new pits to the nearest Council's pit, pipe laid under road surface shall be 375mm in diameter reinforced concrete spigot and socket with rubber ring joints.

- Long section of the Ø375mm pipeline, cross section of pipe trench, details of the new pit and connecting pits together with the invert levels, surface levels etc. shall be provided. Minimum 500mm pipe cover shall be maintained under road surface at all times.

- The depth and location of all services within the area that would be affected by the construction of the stormwater pipe (i.e. gas, water, sewer, electricity, telephone, traffic lights etc.) shall be confirmed by the applicant on site and are to be included on the design drawings.

- Any adjustment required will be at the applicant's expense. The relevant authority's written consent for any adjustments or works affecting their services shall be obtained and submitted to the principal Certifying Authority, prior to construction commencing.

- The stormwater works described above shall be constructed at applicant's expense. The applicant shall pay Council a stormwater works bond as listed in the Table of Fees. The bond shall be refunded after completion of the stormwater works described above as per Council's satisfaction.

(3) A detailed drainage design shall be submitted to the Principal Certifying Authority.

a. The design and calculations shall indicate the details of the proposed method of stormwater disposal and shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Council's Stormwater Management Code.

b. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property.

c. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.

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

(4) Details and calculations shall be prepared by a competent practicing Hydraulic/Civil Engineer. They shall include:

a. a catchment plan

b. plans showing proposed and existing floor, ground and pavement levels to 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**.

(5) On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system.

a. This storage shall be designed by a competent practicing Hydraulic/Civil Engineer in accordance with Council's Stormwater Management Code and submitted to the Principal Certifying Authority.

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

(6) The following matters shall apply to the stormwater drainage works listed in the table of Fees.

a. The stormwater drainage works for stormwater connection to Council's drainage system consists of construction of stormwater pipeline to the corner of Webb Street.

i) A new Council standard pit and lintel shall be constructed in the street outside the property boundary for the property's stormwater to connect to. Pipes laid under road surface connecting to Council's pit shall be 375mm in diameter reinforced concrete spigot and socket with rubber ring joints.

ii) Long section of the Ø375mm pipeline, cross section of the pipe trench, details of the new pit and connecting pits together with the invert levels, surface levels etc. shall be provided. Minimum 500mm pipe cover shall be maintained under road surface at all times.

iii) The depth and location of all services within the area that would be affected by the construction of the stormwater pipe (i.e. gas, water, sewer, electricity, telephone, traffic lights etc.) shall be confirmed by the applicant on site and are to be included on the design drawings.

iv) Any adjustment required will be at the applicant's expense. The relevant authority's written consent for any adjustments or works affecting their services shall be obtained and submitted to the principal Certifying Authority, prior to construction commencing.

The stormwater works described above shall be constructed at applicant's expense. The applicant shall pay Council a stormwater works bond as listed in the Table of Fees. The bond shall be refunded after completion of the stormwater works described above as per Council's satisfaction

(7) 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.

(8) 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.

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

i) On-site Stormwater Detention system
ii) 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) On-site Stormwater Detention system
ii) *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**.

(8) 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**.

(9) 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 Works on Council's Road Reserve Assets Policy, Rubbish Skips Policy, Work Zone Policy and Temporary Road Closure (Including Standing Plant) Policy.

(10) 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 **Schedule of Fees and Charges**. 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. **Please see Burwood Council's web site www.burwood.nsw.gov.au - Go to Development/Working on Footpaths or Roadways?/Works on Council Property (Application Form)**.

(11) 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.

(12) 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.

(13) 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.

(14) 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.

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

(16) 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**.

(17)

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.

(18) 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.

(19) Vehicles removing demolished materials from the site shall access and depart from the site through Young St/ Lang St/ Parramatta Rd and Webb St/ Cheltenham Rd/ Parramatta Rd. . Vehicles involved in removing materials from the site shall be limited to an 8 tonne gross weight per axle.

EXCAVATION BULK EARTHWORKS & SHOVING

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

(2) 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.

(3) Public roads to be kept clean and free of any material which may fall from vehicles or plant. Waste containers shall be placed in accordance with Council's Code for Activities Affecting Roads and are subject to the payment of appropriate fees.

(4) Heavy vehicles entering and leaving the site must only cross the footpath where it is adequately timbered and strapped. Pedestrian access across this footpath must be maintained in good order at all times during the excavation work.

(5) The contractor shall strictly implement all erosion and sediment control measures prior to the commencement of excavation. Such measures shall be inspected at site by a competent practicing hydraulic/civil engineer and the PCA shall be provided with a compliance certificate in regards to that.

(6) The Applicant shall prepare detailed survey reports of all existing service authority assets in and around the site of the proposed development that may be affected in any way by the proposed excavation. Surveys should include, but not be limited to, high and low voltage electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage assets, etc.

(7) The Applicant shall liaise with all relevant service authorities (including, but not limited to electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage) to develop final designs that satisfy all requirements of the service authority providers in respect of protection, termination or relocation of existing assets, temporary access and future permanent access for maintenance of assets.

(8) The Applicant shall prepare detailed method statements to demonstrate how the proposed excavation is to be conducted such that all relevant utility authority assets are protected and maintained throughout the construction stage of the development, or are relocated. Method statements are to be submitted to the relevant utility authorities for their written approval.

Conditions for the Installation of Temporary Ground Anchors:

i) Ground Anchors Damage Deposit - security deposit against damages occurring to Council's roadway fronting the development along Burwood Rd, Webbs Lane and Esher Lane is **$50,000.** The Applicant shall also comply with all other conditions stipulated in this conditional DA consent that apply to the protection of Council's public infrastructures. **Payment is to be made to Council in the form of a Bank Guarantee prior to the commencement of Installation of temporary ground anchors.**

NOTE: This deposit is refundable if no damage occurs.

ii) Should the applicant require the use of temporary ground anchors to shore the bulk excavation within the public road, an NPER Registered Structural Engineer's certificate along with certified plans showing the details and extent of work shall be submitted to Council for its record. The following conditions to be complied with:

a) The contractor shall be responsible to obtain and submit to Council a written authority from all public utility authorities that they have no objection in regards to the installation of temporary ground anchors, prior to works commencing.

b) The contractor shall be responsible for any injury or damage either to persons or property due to the presence or failure of the supporting structure on the public way

and the contractor shall indemnify the Council against all claims that may arise from the installation of the supporting structure. In this regard the contractor shall provide written evidence of public liability insurance cover to the minimum value of $20 million, with Council named in the insurance policy, prior to work commencing.

c) The anchors shall be installed in accordance with the manufacturer's instructions.

d) The construction of ground anchors shall be of a temporary nature only and a written undertaking shall be given that the ground anchors are temporary only and shall be de-stressed after final lateral supports are in place. The written undertaking is to be provided to Council, prior to work commencing.

e) Council may unilaterally use the damage deposit for the demolition and removal of the shoring elements constructed within the public road including the repair/reconstruction of any other associated damage to Councils infrastructure, it be necessary due to non-compliance with these conditions.

f) All shoring with the exception of the released temporary ground anchors shall be completely removed from the public road to a depth of 2.5m on completion. The void shall be backfilled by suitable materials and compacted.

g) All shoring including ground anchors are to be certified by a practicing professional structural engineer. Certification is required as follows:
   i) That the proposed shoring and anchor scheme is capable of supporting the public road, to be submitted prior to work commencing.
   ii) Certification that the shoring and anchor scheme has been adequately constructed, following installation.
   iii) Final certification that the anchors have been de-stressed and all shoring with the exception of the anchors have been removed to a depth of 2.5m, on completion following de-stressing of the anchors.

h) Council's footpath and roadway are to be kept safe for the passage of motorists and pedestrians at all times. Closure of any part of the public thoroughfare shall only be carried out with the approval of Council's Traffic Engineer.

i) All stockpiled shoring materials and equipment shall be kept solely within the private property and not obstruct the footpath or roadway at any time.

j) All earth and rock anchors shall be released before the completion of building work.

TRAFFIC

1. All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.

2. 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***.

3. A minimum of 110 off-street car parking spaces must be provided on-site. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

4. The approved parking spaces must be allocated as detailed below. All spaces must be appropriately line-marked and labelled according to this requirement prior to the issue of an Occupation Certificate or the use commencing, whichever is earlier. If the development is to be strata subdivided, the car park layout must respect the required allocation:

   (a) 92 residential parking spaces.
   (b) 18 visitor parking spaces.

5. No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, is to be used for the parking or storage of vehicles or trailers. The strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

6. Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata title comprising a single dwelling unit or commercial/retail tenancy, subject to the maximum parking limit applying. The stacked parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking).

7. Visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors.

8. All visitor parking spaces must be grouped together, and located at the most convenient location to the car parking entrance. All spaces must be clearly marked 'visitor' prior to the issue of an Occupation Certificate. All signs must be maintained in good order at all times.

9. Where a boomgate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 6m clear of the property boundary, wired to all units. The intercom must comply with '*Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23*'.

10. Of the required car parking spaces, at least 9 must be designed and provided for accessible car parking for people with mobility impairment in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking. Accessible car parking spaces must have minimum headroom of 2.2m and must be clearly marked and appropriately located as accessible parking for people with mobility impairment.

11. Where a car park is serviced by lifts, accessible spaces for people with mobility impairment are to be located close to lifts. Where a car park is not serviced by lifts, accessible spaces for people with mobility impairment are to be located at ground level, or accessible to ground level by a continually accessible path of travel, preferably under cover.

12. The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities.

13. The site must be configured to allow a vehicle to be driven onto and off the site in a forward direction.

14. The following signs must be provided and maintained within the site at the point(s) of vehicle egress:

    (a) Compelling drivers to stop before proceeding onto the public way

    (b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway; or compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

15. A system of traffic lights and/or mirrors must be installed at the ends of any single lane ramp(s), to indicate traffic movement on the ramp(s). This system must be detailed in the application for a Construction Certificate. Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry, and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway.

16. The access driveway for the site must not be closer than:

    (a) 10 metres from the kerb line of the nearest cross street/lane.

    (b) 20 metres from the kerb line of the nearest signalised cross street/lane.

    (c) 1 metre from the property boundary of the adjacent site.

    (d) 2 metres from any other driveway.

17. All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

18. At all times the car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

19. Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Sydney Traffic Committee prior to any work commencing on site.

20. All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance

with any relevant Australian Standards, Austroads Guides and RMS Technical Directions.

21. All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

22. Prior to the issue of a Construction Certificate, the applicant must prepare a **Construction Traffic Management Plan**. The following matters should be addressed in the plan (where applicable):

    a) A plan view of the entire site and frontage roadways indicating:

    i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
    ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
    iii) The proposed locations of work zones where it is not possible for loading/unloading to occur on the site in the frontage roadways (which will require separate approval by Council).
    iv) Location of any proposed crane and concrete pump and truck standing areas on and off the site (which will require separate approval by Council).
    v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
    vi) Details of vertical and horizontal material handling and deliveries.
    vii) Any on-site parking area for employees, tradespersons and construction vehicles where possible.
    viii) Traffic routes to and from the site from the closest atrial road in all directions.

    b) **Traffic control plan(s)** for the site must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual" and prepared by a suitably qualified person. The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

23. Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity or the Construction Certificate (whichever occurs first)

    i) Work zone.
    ii) Temporary closure of roadway/footpath.
    iii) Mobile crane or any standing plant
    iv) Scaffolding/Hoardings (fencing on public land)
    v) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc.
    vi) Installation or replacement of private stormwater drain, utility service or water supply