

<b>Property:</b>	Nos. 68, 68A, 70 & 72 Railway Parade and 2 Oxford Street Burwood
<b>Application:</b>	<b>DA 74/2015</b> - Demolition of existing industrial and residential buildings (including a boarding house) and erection of an 8 storey residential flat building comprising 87 apartments over 2 basement parking levels - <b>2015SYE094</b>
<b>Applicant:</b>	Portleigh Pty Ltd
<b>Location:</b>	Corner of Railway Parade (south side) and Oxford Street (east side) Burwood
<b>Zoning:</b>	R1 General Residential – <i>Burwood Local Environmental Plan (BLEP) 2012</i>

### **Proposal**

The application site comprises five allotments and has frontages to both Railway Parade and Oxford Street. The proposal is to demolish several existing buildings on the land and erect a new building comprising:

- Basement 2 containing 64 car parking spaces, storage spaces and vehicular and pedestrian access.
- Basement 1 containing 52 car parking spaces (including 16 for visitors), 24 bicycle parking spaces, storage spaces and vehicular and pedestrian access.
- Ground floor level containing 10 apartments (4 x 1 bedroom, 5 x 2 bedroom (2 with studies) and 1 x 3 bedroom), a community room, communal open space and the access driveway from Oxford Street. Pedestrian access to the ground floor apartments and to the lifts for access to the upper floors is provided from both streets.
- Levels 1 - 3 each containing 2 x 1 bedroom, 7 x 2 bedroom and 2 x 3 bedroom apartments.
- Levels 4 - 7 each containing 3 x 1 bedroom, 7 x 2 bedroom and 1 x 3 bedroom apartments.
- The flat concrete roof includes a plant room and lift over-run only; it is not proposed for use as communal open space.
- The 2 basement levels contain a total of 116 car parking spaces, 24 bicycle spaces and 87 storage spaces.
- The 8 residential levels contain a total of 87 residential apartments - 22 x 1 bedroom, 54 x 2 bedroom and 11 x 3 bedroom.

The development comprises a single building of contemporary appearance with articulated and modulated facades. It has in part a 0 m setback to Railway Parade and varied setbacks to the other street and the side/rear boundaries. At ground level the setback areas are used for pedestrian access, private open space for some apartments and unallocated landscaped areas. In the site's south-east corner a large consolidated communal open space area is provided.

### **Background**

The current Development Application (DA) No. 74/2015 was lodged on 25 May 2015. As well architectural, landscape and storm water concept plans it was accompanied by supporting documentation including a Statement of Environmental Effects (SEE), a Waste Management

Plan, building sustainability certification, an Acoustic Noise and Vibration Near Railway Lines Report, a Landscape Management Plan, a Phase 2 Environmental Assessment (Contamination) Report, a (site contamination) Remedial Action Plan, a Parking and Traffic Assessment Report, a Quantity Surveyor's Report, a SEPP 65 Design Verification Report, a Geotechnical Investigation Report, a Shoring Report, a BCA Capability Report and a Disability Access Report.

Given the cost of the development proposal in excess of \$20M the Sydney East Joint Regional Planning Panel (JRPP) is the consent authority for the application. Roads and Maritime Services (RMS) and Railcorp were forwarded documentation of the application and response/concurrence sought. Council also engaged an independent urban design consultant GM Urban Design & Architects (GMU) to provide advice to Council on this development.

The application was placed on public notification on 7 July 2015 closing on 4 August 2015 in accordance with the Burwood Development Control Plan (BDCP) 2013. To meet the requirements applying to applications to be determined by the JRPP, notice of the application was placed in the local newspaper. Sydney Water was also notified of the application.

GMU provided a Summary of Issues - Urban Design Assessment of the application on 28 August 2015. The applicant's architects were provided with GMU's advice and responded by letter of 2 September 2015. The applicant's response was forwarded to GMU and they provided further comment on 24 September 2015. This process has not led to preparation of amended plans or submission of additional documentation by the applicant.

Formal responses on the application were received from Sydney Water on 7 August 2015, the RMS on 17 September 2015 and Sydney Trains on 17 September 2015.

This report is based on the plans and details submitted with the application on 25 May 2015 and the outcomes of subsequent negotiations involving the applicant, Council and GMU. Previously DA 139/2014 was lodged with Council for a similar development on a smaller site (excluding No. 72 Railway Parade at the corner with Oxford Street). The current DA overcomes the concern with No. 72 being an isolated site for future development.

## **Statutory Requirements**

### **Heads of Consideration**

The Application is assessed under the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*, as amended Key planning instruments and considerations include:

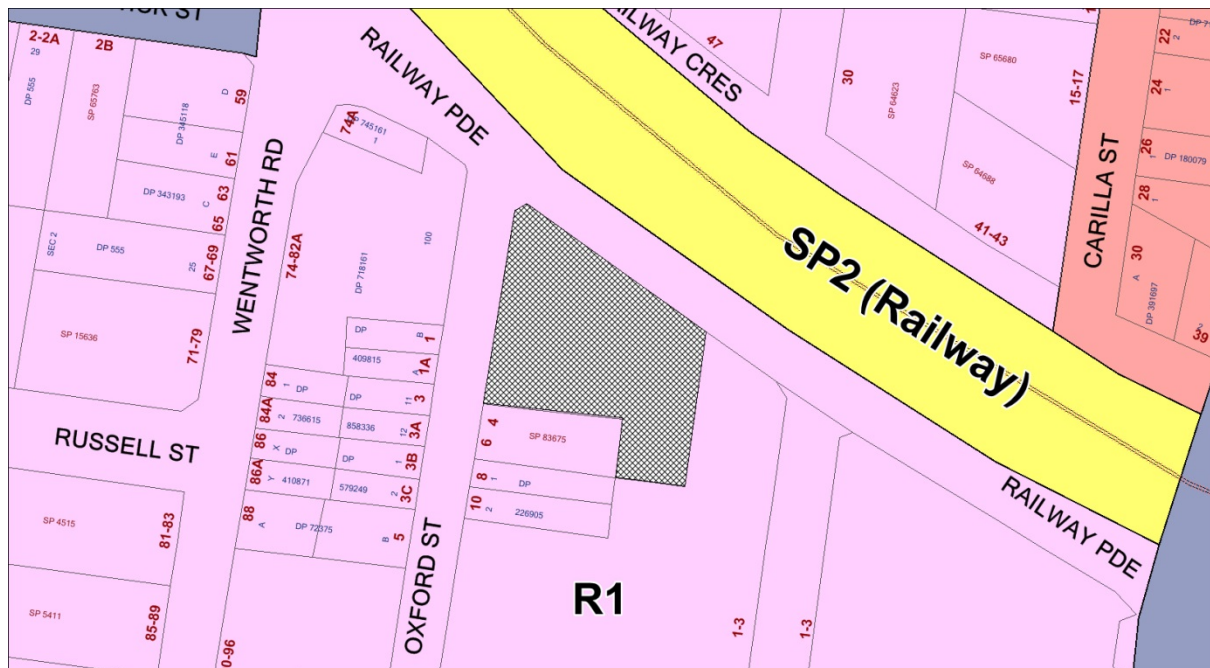
- The provisions of the Burwood Local Environmental Plan (BLEP) 2012
- State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Flat Development
- SEPP (Affordable Rental Housing) 2009
- SEPP (Infrastructure) 2007
- SEPP No. 55 - Remediation of Land
- The provisions of Burwood Development Control Plan – BDCP 2013
- The impact of the development in relation to:
  - The context and setting of the development
  - The impact on the natural built environment
  - Shadowing of adjoining properties

- Traffic impact
  - 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

These matters are considered in this Report.

## **Locality**

The site's location is indicated in Figure 1.



residential flat buildings of different scales. The Main Western Rail line is located on the northern side of Railway Parade opposite the site.

Existing development in the site's general vicinity reflects a wide variety of housing types and scales constructed over the last century and more. The general area is in transition consistent with the R1 General Residential zone and its development standards under the BLEP 2012. Similar development standards (allowing residential flat buildings up to 8 storeys height) applied under the preceding Burwood Planning Scheme Ordinance 1979.

## **Planning Assessment**

### **Development permissibility**

#### *BLEP 2012*

The R1 General Residential zone permits residential flat buildings with consent. This form of development is consistent with the aims of the R1 zone, in that it provides for the housing needs of the community and adds to the variety of housing types and densities in the locality.

The BLEP 2012 sets development standards of maximum building height (26 m) and maximum Floor Space Ratio (FSR) (3:1) in this part of the R1 zone.

No part of the site is designated in the BLEP for acquisition for any purpose. It is in a Level 5 area in the Acid Sulfate Soils map with no Level 4 land in the vicinity, indicating this is not a relevant matter for the proposed development. Flooding has not been identified as an issue for the site pursuant to BLEP 2012 Clause 6.2 Flood Planning.

The site does not contain any designated Heritage items nor is it located in a Heritage Conservation Area. There are Heritage items in the vicinity and potential impacts are assessed below.

#### *SEPP (Affordable Rental Housing) 2009 – the AHSEPP*

The AHSEPP is relevant in two respects.

**Firstly** No. 68 Railway Parade, part of the site, contains a dwelling that is registered and used as a boarding house. Its demolition for the development will cause a loss of existing boarding house accommodation. Part 3 of the AHSEPP concerns retention of existing affordable rental housing and it appears that the existing boarding house falls within its ambit. Therefore its demolition requires consent and the AHSEPP requires that consideration is given to a range of matters in determination of the application for demolition. These matters are addressed in detail below under the heading **Comments on AHSEPP**.

**Secondly**, in response to the loss of the boarding house accommodation, the application's SEE and the architectural plans propose that 9 specified 1 x bedroom apartments in the proposed development will be dedicated as new affordable rental housing. This is pursuant to Division 1 of Part 2 of the AHSEPP (In-fill Affordable Housing). The SEE states that Council is anticipated to impose appropriate conditions to ensure that the affordable units are provided and managed by a relevant housing provider for a minimum of 10 years.

Clause 10 of the AHSEPP permits in-fill affordable housing on the subject site because its R1 zoning under the BLEP 2012 permits several residential development forms including residential flat buildings. In addition the site does not contain a Heritage Item and is not in a Heritage Conservation Area (HCA).

Permissibility of the in-fill affordable housing also requires the site to be located in “accessible area” as defined in the AHSEPP. This requirement is met in this case because it is within “400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the *Passenger Transport Act 1990*) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.” (Clauses 4 and 10 of the AHSEPP.)

The development standards in Clause 14 of the AHSEPP (that if met cannot be used to refuse an application) are reviewed in the table below. Consent may still be granted if a standard is not met.

Division 1 of Part 2 of the AHSEPP (in particular Clause 17) requires the conditioning of any consent granted for the proposal to ensure the affordable housing is provided for a minimum period of 10 years and that it will be managed by a registered community housing provider. Both of these requirements are to be secured by a restriction registered on the title of the land. The definition of *affordable housing* in Clause 6 of the AHSEPP must be complied with also. These matters would be conditioned in the consent.

Clause 13 of the AHSEPP provides for a bonus maximum floor space ratio for the site if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20%. With 460.8 sq m total floor area the 9 affordable housing units account for only 6.6% of the gross floor area of the development. No bonus is available.

Clause 16 requires that SEPP No. 65 – Design Quality of Residential Flat Development apply to the proposed development as it is at least 3 storeys and contains at least 4 dwellings. SEPP 65 already applies and the relevant matters in the Residential Flat Design Code (RFDC) are addressed in the table and in the Comments section below.

As SEPP 65 applies consideration of the provisions of the *Seniors Living Policy: Urban Design Guidelines for Infill Development* before granting consent is not necessary under Clause 15.

Under Clause 16A of the AHSEPP Council is unable to consent to the proposed development unless it has taken into consideration whether the design of the development is compatible with the character of the local area. This matter is assessed under the heading **Comments on AHSEPP Matters** below.

### **Development standards and requirements**

<b>Issue</b>	<b>Requirement/standard</b>	<b>Proposal</b>	<b>Compliance</b>
<b>BLEP 2012</b>			
Building height	Maximum 26 m – Clause 4.3 and Building Height map	Maximum height is 26.9 m; lift over-run and plant room on roof causes breach; bulk of building complies	Minor Variation – Satisfactory Clause 4.6 variation request submitted - comments below
Floor space ratio	Maximum 3:1 – Clause 4.4 and Floor Space Ratio map	Based on 2293.29 site area & 6939.6 sq m gross floor area	No - Clause 4.6 variation

		FSR is 3.03: 1 - exceeds maximum of 3:1 by 59.7 sq m or 0.087%.	request submitted - comments below
<b>The AHSEPP Clause 14 – if met cannot be used as a reason for refusal</b>			
Site area	Min 450 sq m	2293.29 sq m	Yes
Landscaped area	Min 30% of site – 687 sq m (not a social housing provider)	697 sq m provided – 30.4%	Yes
Deep soil zones	<ul style="list-style-type: none"> <li>• Min 15% of site is deep soil zone</li> <li>• Min 3m dimension of deep soil zone</li> <li>• 2/3 of deep soil zone at rear of site “if practicable”</li> </ul>	239.8 sq m – 10.45%  Mostly in a large contiguous area exceeding 3 m dimensions  Bulk of deep soil zone is “at rear” – 88%	No – see comments  Yes  Yes
Solar access	Living rooms & private open spaces for at least 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter	Only 3 of the 9 affordable housing units have complying solar access	No but satisfactory – see comments below
Parking	At least 0.5 parking spaces provided for each 1 bedroom dwelling	All 9 affordable housing units are 1 x bedroom - one car parking space provided for each	Yes
Dwelling size	Each dwelling to have a gross floor area of at least 50 square metres (1 bedroom),	All 9 affordable housing units exceed 50 sq m floor area	Yes
Floor Space Ratio ( <b>Clause 13</b> )	Maximum FSR in BLEP 2012 applies. No bonus under AHSEPP as total floor area of affordable units is 6.6% of total gross floor area (20% minimum necessary for bonus)	Maximum FSR proposed is 3.03:1.	No - Clause 4.6 variation request submitted - comments below

### **BDCP 2013**

#### **Section 4.1 Residential Flat Buildings in the R1 zone**

Site frontage and isolation of other sites	Minimum 20 m frontage; avoid creation of isolated sites	Frontage is 55.87 m to Railway Parade, 48 m to Oxford Street. 2 lots to south in R1 zone total 30.6 m frontage and 1120 sq m total area - not an isolated site	Yes
Setbacks and building separation	Street front – 6 m minimum	Railway Pde: minimum 0 m (12.5 m of frontage - 22.4%) for full height near corner with Oxford St; balance of frontage has 6 m setback + 1.2 m above level 4. Oxford Street: 6 m minimum levels ground-4 + further 1.2 m	No but satisfactory – see comments below

	Side setbacks – 2 m ground floor; 3.5m 1 <sup>st</sup> floor; 5 m 2 <sup>nd</sup> floor + RFDC building separation; 3 <sup>rd</sup> floor and above + 1 m per floor + RFDC building separation	levels 4-8.  East side: ground to level 3 - 2.5 m minimum at corner then mostly 5 m; levels 4-7 up to 7 m setback. South side: minimum 4.5 m up to 9 m levels ground - 3. Increase to 6.5 m levels 4-7. Building approaches to 2.5 m at north-east corner of adjoining lot (4 - 6 Oxford Street)	East side satisfactory – see comments below on south side
Building design. Length of building facades. Roof design	Facing street - maximum 45 m Sides – articulation at least 10 m	On Railway Pde facade is 51 m long. However ample articulation and breaks at 12-18 m intervals are provided. All other facades have indented setbacks and ample articulation. The roof design is appropriate in the overall design context. Building design including materials and finishes is addressed under a separate heading below.	Yes
Private open space (POS)	All units to have outdoor POS or balconies accessible from living areas	All units have balconies or patios adjacent to living areas	Yes
Communal open space	Minimum 25% site area, 6m dimension, at least 50% unpaved.	Communal open space along southern and eastern boundaries and in south-east corner site protrusion. Total area 517.6 sq m or 22.5% of site. Limited narrow areas (2.2 m width) along southern boundary. Unpaved portion exceeds 50%.	Yes – area and dimensions accepted.
Landscaped area & deep soil Solar access and natural ventilation	Landscaped area minimum 25%; deep soil area minimum 10% Sunlight to living rooms and private open space of 70% of units; minimize shadow impact on neighbours; provide adequate natural ventilation	Landscaped area at 697.1 sq m (30%); deep soil area 239.8 sq m – 10.5% 66 units of 87 achieve adequate solar access - 76%. Inevitable shadow impacts on land to west, south and east. School open space to east impacted but great majority retains solar access	Yes  Yes - see comments below on shadowing
Visual and acoustic privacy	Minimise overlooking and limit noise transmission	Main potential visual privacy impact is overlooking from windows & balconies on south elevation to adjoining dwelling house & yard. Floor plate layout minimizes internal noise transmission; external noise impacts of the building will be	Yes – see comments below. Also see comment on rail and road noise and vibration

		consistent with housing style. Acoustic report assesses rail noise/ vibration impacts on the proposed development - conditions required	under the Infrastructure SEPP below
Safety and security	Design must provide safe and secure environment; entry to have sense of identity; casual surveillance	CPTED principles addressed in SEE. Clear street entry points to apartments. Secure access to parking levels and main building entries is proposed. Design provides casual surveillance of entries, common areas and public domain. Appropriate lighting & landscaping can be provided to improve security - condition	Yes - conditions required
Fences and walls	To be sympathetic with streetscape and comply with height limits	Details provided in SEE	Yes - conditions required
Facilities and amenities	Mail boxes to be provided at right-angle to street on entry; waste bins and storage to be provided; external clothes drying facility or within each unit	Community room included on ground floor. Mail boxes provided at main entry from Railway Pde; comprehensive waste system proposed; clothes drying within apartments	Yes - conditions required
Adaptable housing	10% of units required; also compliant parking	Adaptable car space indicated in basement; adaptable units shown on plans	Yes - conditions
<b>Section 4.6 – Transport and parking in residential development</b>			
Number of car parking spaces for all units; bicycle parking	1 car space per 1 or 2 bedroom unit; 2 per 3 bedroom or more. 22 x 1 bedroom + 54 x 2 bedroom units require 76 spaces; 11 x 3 bedrooms require 22 spaces. 87 units require 17 visitors spaces (1 per 5 units). TOTAL: 115 spaces required	116 car parking spaces provided (16 for visitors) and 24 bicycle spaces. Visitors spaces allocation need to be increased to 17. One visitor space needs to be relocated due to traffic risks. The small studies indicated in 2 of 1 x bedroom units do not impact on parking demand.	Yes

### **Comments on BLEP 2012 matters**

There are two non-compliances with the development standards in the BLEP 2012 - the maximum building height and the maximum FSR.

Clause 4.6 of the BLEP provides powers and procedures for consent authorities to consider and where appropriate grant consent to development even though the development would contravene a particular development standard. The objectives of this clause are to provide an appropriate degree of flexibility in applying development standards, and to deliver better outcomes for and from development. The provisions of Clause 4.6 may be applied to the development standards for maximum building height and maximum FSR.

For Council to consent to an exception to a development standard it must have considered a written request from the applicant that seeks to demonstrate that compliance is



unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify the departure. Consent cannot be granted unless Council is satisfied that these matters are adequately addressed and that the proposed development will be in the public interest because it is consistent with the objectives of the standard and the zone objectives.

The SEE includes request submitted under Clause 4.6 for both the maximum building height and the maximum FSR development standards.

#### *Maximum Building Height*

This request presents an adequate case that has regard to the objectives of the height limit standard in the BLEP in this location and the objectives of the R1 zone. It also addresses case law concerning variations to development standards, whether non-compliance is reasonable and necessary in the circumstances of the case, the planning grounds to justify the contravention, and the public interest. Based on the request, the following reasons support approval of the departure from the development standard.

- The numerical scale of the breach is small at 0.9 m which represents 3.46% of the 26 m height limit.
- The height non-compliant structure comprises a plant room and lift over-run that occupies a small area approximately in the centre of the building's roof. It is located a minimum of 13.5 m from the Railway Parade boundary, 18 m from the Oxford Street boundary, 17 m from the southern boundary and 24 m from the eastern boundary.
- The main structure of the building complies with the height limit. The building's presentation to the streets and neighbouring properties will not give an impression of excessive height and its bulk and scale are not increased.
- There will be no additional impacts on neighbouring properties or in the general vicinity in terms of overshadowing, overlooking or visual massing.
- The objectives of the development standard - to establish a maximum height that encourages medium density development while maintaining Burwood's low density character, and controlling the potential adverse impacts of building height on adjoining areas - are achieved notwithstanding the minor building height breach.
- Taking all of these factors into account, enforced compliance of the proposal with the maximum building height would be unreasonable or unnecessary in the circumstances of the case and would not serve any public interest. There are sufficient environmental planning grounds to justify the departure from the development standard. Approval of the departure from the development standard does not raise any matters of State or regional planning significance.

#### *Maximum FSR*

The case presented in this request has regard to the objectives of the maximum FSR in the BLEP in this location and the objectives of the R1 zone. It also addresses case law concerning departures from development standards, whether non-compliance is reasonable and necessary in the circumstances of the case, the planning grounds to justify the contravention, and the public interest.

The variation request in the SEE acknowledges that compliance could be achieved by removal of the south-facing wall in the amenities (communal) room so that it is an open structure, and by setting the doorway back into the corridor adjacent to this room. However the SEE rejects this option on the basis that a higher level of amenity is achieved under the proposed design which has an enclosed communal room.

Based on the request, the following assessment is made of the proposed departure from the development standard.

- It is acknowledged that any adverse impacts on neighbouring properties or in the general vicinity in terms of overshadowing, overlooking or visual massing as a result of the additional floor space will not be readily apparent.
- It is also acknowledged that there is no apparent inconsistency with the objectives of the development standard - to enable development density and intensity to achieve an appropriate urban form, and to control development in the Burwood Town Centre - resulting from the FSR breach.
- However the numerical scale of the breach at 59.7 sq m is significant as it amounts to one additional 1 x bedroom apartment.
- A substantial concession is already being made for the scale of the development by acceptance of the proposed building's 0 m setback to 22.4% of its frontage to an important road (Railway Parade), compared to the BDCP's guideline of 6 m minimum setback. While the 0 m setback is assessed as acceptable within the overall scheme of the development on this site (see below) it will result in a presentation to the street that is a departure from Council's guidelines for residential flat buildings in residential zones.
- The site has a large area (2,293.9 sq m) which does not face unusual constraints on its development that often arise for small sites.
- No convincing reasons are advanced to demonstrate that compliance with the FSR limit cannot be achieved; in fact the SEE acknowledges that it can. Apart from the proposed alterations to the community room, numerous opportunities exist in a development of this scale without impacting on the amenity of the development or the development capability of the site.
- Taking all of these factors into account, compliance of the proposal with the maximum building FSR is reasonable in the circumstances of the case, and there are insufficient environmental planning grounds to justify the departure from the development standard.
- It is noted that by letter of 2 September 2015 the applicant's architect has agreed to amend the plans to reduce the gross floor area by 60 sq m to achieve FSR compliance. This matter can be dealt with by consent condition. The proposed communal room is a significant part of this large development and the condition should ensure that the 60 sq m reduction is made by some other means.

### *Heritage*

The closest Heritage Item (I97) a sewer vent at the corner of Railway Parade and Wentworth Road is unlikely to be adversely impacted by the proposal. Other Items (I48, I87 and I89) are located to the south and east of the site, on the other side of the Burwood Public School's open playground area. Direct impacts on these items are unlikely but there is some potential for the proposed development to cause visual impacts on these item.

Council's Heritage Advisor indicates that the potential visual impacts can be mitigated by ensuring retention of four trees within the school's ground adjacent to the development site's eastern boundary. The proposed development's basement parking structure will abut this boundary, however the trunks of the four trees have sufficient distance from the boundary/excavation (the closest is about 3.4m) such that will not be adversely impacted by excavation of the basement.

It is noted that the Tree Management Officer has not identified potential impacts on these trees as a concern for the development. A consent condition can ensure that the construction of the proposed development does not adversely impact on the trees. On this basis no objection is raised to the development on heritage grounds.

## **Comments on AHSEPP Matters**

### **In-fill Affordable Housing**

#### *Development Standards*

The development's inclusion of 9 affordable housing units triggers assessment under Division 1 of Part 2 of the AHSEPP. The development standard requirements of Clauses 13 and 14 have been assessed in the above Table and the following matters identified as warranting further comment. Council may still approve a development where a standard is not met.

The deep soil zone provision in the development is 10.45% compared to the 15% standard. In the main the deep soil zone is provided in a consolidated rectangular area at the rear of the site where it can be most effective for the growth of large trees. This landscaped area will benefit the residents of the development as well as providing screening of the development from the school grounds and the heritage items referred to above. The breach of this standard does not warrant refusal of the application.

In respect of solar access only 3 of the 9 designated affordable housing units in the development have living rooms and private open spaces that receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter, compared to the standard requiring access for at least 70 per cent of the dwellings. However this requirement of the AHSEPP is mainly applicable to the design of a development that comprises only or mostly affordable housing. In this case there are 9 affordable units in a complex of 87 apartments. Providing adequate solar access is a consideration for the whole complex and there is no basis for the affordable housing units to have priority over other units. The proposed provision of solar access for the affordable units is therefore considered satisfactory and breach of this standard does not warrant refusal of the application.

The proposed development breaches the applicable maximum FSR of the BLEP 2012 which also applies through AHSEPP Clause 13. This matter is addressed above. A consent condition is proposed to ensure compliance by the development with the maximum FSR.

#### *Local Area Character*

Clause 16A of the AHSEPP requires Council to consider whether the design of the development is compatible with the character of the local area before granting consent. This matter is most relevant where all or most of a development comprises affordable housing. With regard to design and streetscape compatibility, in this case the 9 affordable housing units in themselves do not raise any issues for the local area as they are small part of a large complex. With regard to the operational compatibility of the units, this would be appropriately managed within the Owners Corporation framework and the registered community housing provider that must manage the affordable units pursuant to Clause 17 of the AHSEPP.

### **Retention of Existing Affordable Housing**

Part 3 of the AHSEPP is triggered by the proposed development involving the demolition of an existing building at 68 Railway Parade that contains a registered boarding house that has operated continuously since before January 2000.

The demolition will cause a loss of existing boarding house accommodation and requires consent under the AHSEPP. In determination of the application for demolition consideration

must be given to the matters in subclause 2 of Clause 50 of the AHSEPP. The relevant matters and comment are provided as follows.

- (a) *whether there is likely to be a reduction in affordable housing on the land to which the application relates.*
- (b) *whether there is available sufficient comparable accommodation to satisfy the demand for such accommodation.*
- (e) *the extent to which the development contributes to any cumulative loss of affordable housing in the local government area.*

*Comment:* cessation of the existing boarding house will involve loss of its 9 registered boarding rooms. The SEE includes information indicating that the average vacancy rate in private rental accommodation for the Inner City (of which Burwood is part) as published monthly by the Real Estate Institute of New South Wales is less than 3 per cent in late 2014/early 2015. (This information is required under Subclause (3) and pursuant to subclause (2) (b).)

However the proposed inclusion of the 9 x 1 bedroom units will add to the availability of affordable housing in close proximity. In addition there has been substantial development of new boarding house accommodation in Burwood LGA (in or near both the Burwood and Strathfield Town Centres) in recent years. The amount of new accommodation being approved is well in excess of the loss of existing accommodation.

- (c) *whether the development is likely to cause adverse social and economic effects on the general community.*
- (d) *whether adequate arrangements have been made to assist the residents (if any) of the building likely to be displaced to find alternative comparable accommodation.*

*Comment:* Any adverse social or economic effects of the demolition should be reduced by provision of the new affordable units and by the development of other boarding houses. The SEE states that current boarding house residents are aware of the proposed development and will be given ample notice to facilitate relocation. This should be reinforced by consent condition, and it also should be a requirement that the developer engage with the Tenants Union, a local Tenants Advice and Advocacy Service or a similar service to provide current residents with assistance on relocations and to ensure any statutory obligations to existing residents are met.

- (f) *the structural soundness of the building, the extent to which the building complies with any relevant fire safety requirements and the estimated cost of carrying out work necessary to ensure the structural soundness of the building and the compliance of the building with the fire safety requirements.*
- (h) *... the financial viability of the continued use of the boarding house.*

*Comment:* The SEE states that the building is likely to require an upgrade and such is unlikely to be financially viable, but no further information is provided on the state of the building, its fire safety compliance or the cost involved in any upgrade, or on the financial viability of its continued use. Given the 9 affordable units proposed to be made available in the new development these matters are not considered to require further assessment.

- (g) *whether the imposition of a condition requiring the payment of a monetary contribution for the purposes of affordable housing would adequately mitigate the reduction of affordable housing resulting from the development.*

*Comment:* Pursuant to Subclause 51 of the AHSEPP, where Council is satisfied that the proposed development will or is likely to reduce the availability of affordable housing within

the area a condition may be imposed for a monetary contribution calculated in accordance with the Clause. Such a condition is not considered necessary or appropriate in this case because of the proposed inclusion of the 9 affordable housing units, and because Council has no established mechanism or arrangement to expend a one-off contribution effectively for the provision of additional affordable housing.

### **Comments on Infrastructure SEPP Matters**

#### *Road Infrastructure*

Division 17, Subdivision 2 of this Policy applies to development in or adjacent to road corridors. Railway Parade in this location is part of a Regional Road classified by the RMS.

Under Clause 101 Council must not grant consent to development on land that has a frontage to a classified road unless it is satisfied in respect of certain criteria. These are assessed as follows:

- Access to the development is provided from another road and not the classified road.
- The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the design of the development's vehicular access; by the nature, volume or frequency of vehicles using the classified road to gain access to the development; or by the emission of smoke or dust impacting on the road.
- The application's Acoustic Noise and Vibration Report has assessed the potential for the proposed development to be affected by noise and vibration. This report concluded that the development will meet the required road noise reduction levels provided it is carried out with the acoustic recommendations in the report.
- Impacts from emissions by vehicles using the classified road are expected to be consistent with existing approved development on similar classified roads.

Clause 102 does not apply as this section of Railway Parade carries less than 40,000 AADT and the Acoustic Noise and Vibration Report indicates road noise will not have a major impact on this development provided the recommendations are implemented.

Clause 104 of the Infrastructure SEE is triggered by the proposed development's classified road frontage and its inclusion of more than 75 dwellings. This clause requires referral of the application to the RMS, and consideration of the accessibility of the site and potential traffic safety, road congestion or parking implications.

By letter of 17 September 2015 the RMS has advised of its concurrence under Section 138 of the Roads Act 1993. This advice is assumed to satisfy the provisions of Clause 104 of the Infrastructure SEPP. No conditions are requested apart from compliance with relevant parking area standards.

#### *Rail Infrastructure*

Division 15 Subdivision 2 of the AHSEPP concerns development in or adjacent to rail corridors. Clause 85 does not apply as the development site is not contiguous with the rail corridor.

Clause 86 does apply as the site is within 25 m (measured horizontally) of the main western rail corridor and excavation of more than 2 m depth is involved. As a result the application cannot be granted consent unless the concurrence of the rail authority is obtained and specified matters taken into account. Sydney Trains has been consulted and issued concurrence by letter of 17 September 2015. A deferred commencement condition is requested so that Sydney Trains is ensured of the opportunity to assess and approve various aspects of the development and impose other requirements as necessary before construction proceeds.

Clause 87 concerns the impact of rail noise and vibration on non-rail development including a building for residential use on land that is adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration. Specific noise impact standards must be met and published guidelines taken into account.

The aforementioned Acoustic Noise and Vibration report has assessed these matters. In respect of potential rail vibration it concludes impacts will be well within the low probability of adverse events. In respect of rail noise, the report concludes that implementation of the development as presented in the plans and specifications, and compliance with the acoustic recommendations in the report will enable the development to comply with the noise reduction levels in Section 87 (3) and the NSW Department of Planning publication "Development Near Rail Corridors and Busy Roads - Interim Guidelines".

### **Comments on SEPP No 55 Matters**

Under Clause 7 of SEPP 55 Council may not consent to development on land unless it considers the matter of contamination. If the land is contaminated Council must be satisfied that the land is suitable for the development in its contaminated state or that the necessary remediation will be carried out.

Potential site contamination was considered in previous development applications for smaller areas of the current site. Contamination is an issue because Nos. 68A - 70 Railway Parade have a long history of commercial/industrial uses and the previous investigations uncovered problems that required further action. On this basis the current DA is accompanied by an updated Phase 2 Environmental Assessment. It identifies elevated levels of chemicals contaminants on the site but concludes that remediation can be achieved. In this regard a Remedial Action Plan is also provided to Council.

The comments provided by the Manager Environment and Health (see below) confirm that the matter of site contamination can be dealt with by consent condition.

### **SEPP 65 - Design Quality of Residential Flat Development and the RFDC**

*State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Flat Development* has been substantially amended on 15 July 2015 and the *Residential Flat Design Code (RFDC)* has been replaced with an Apartment Design Guide. However the former SEPP and the RFDC continue to apply to and are used in the assessment of the application as they were in force when the development application was made.

The application includes a Design Verification Statement that addresses the 10 principles in SEPP 65. Compliance with the RFDC guidelines is included in the assessment of BDCP matters as necessary in the table above.

### **Comments on key BDCP matters**

#### *Boundary Setbacks and Building Separation*

The Railway Parade setback is compliant with the 6 m requirement along 78% of its 55.87 m frontage. Some 0 m setback along the western part of the frontage was included in previous approved designs that excluded the corner lot. With the inclusion of No. 72 in the development site the section of 0 m setback has been moved closer to the corner with Oxford Street. Allowing some of the proposed building to have a 0 m setback has been accepted in the urban design process for the current application. It reinforces the corner of the building and is consistent with the long-established built form on this part of the site.

The Oxford Street setbacks are compliant. The east-side setbacks are adequately compliant. There is no adjoining building to the east as the land forms part of the school playground and building separation is not a relevant issue.

The main concern with setbacks and building separation is on the southern boundary. Here the building adjoins existing residential development and there are issues of current and future building separation and overlooking. This is most prominent where the proposed building approaches to only 2.5 m from the boundary at the north-east corner of 2-4 Oxford Street and levels 1-7 have living room windows in this location overlooking to the south. This arrangement is not compliant with the BDCP and RFDC guidelines. GMU have recommended further privacy protection measures by way of additional screening with directional blades. These can be dealt with by consent condition.

Concerns were raised by GMU that windows on the southern elevation adjacent to the south-western corner of the proposed building may facilitate overlooking. The applicant's architect has agreed to the use of clerestory windows in this location and these are acceptable provided the sill height is a minimum of 1.8 m. This can be dealt with by consent condition.

GMU has requested an increase in the proposed driveway's 2.5 m setback from the boundary with 2-4 Oxford Street to 4 m and its encapsulation in the building to improve the streetscape and reduce adverse impacts on the adjoining property. The architects have agreed to the former but not the encapsulation. The increased setback should be required by consent condition however landscaping of the increased setback from the adjoining land should be sufficient without further changes to the building.

#### *Shadowing and Solar Access*

Concerns about overshadowing impacts on lots 4-6 and 8-10 Oxford Street currently and with future development have been raised. The applicant's architects indicate that some degree of impact is inevitable given the building envelopes established by the applicable controls and the adjoining sites will be redeveloped in a similar manner. This assessment is supported and no further consideration is required.

GMU have recommended reconfiguration of the balconies to units G10 - 710 to allow greater solar access to the living rooms. The applicant's architects have accepted this suggestion and it can be dealt with as a consent condition.

#### *Visual Privacy Issues and Apartment Layout*

GMU have identified improvements to the visual privacy of some apartments by use of privacy louvers and suggests changes to improve the layout of several of the apartments. Some of these are agreed by the applicant's architects and others are not. These are relatively minor matters can be dealt with by consent conditions as necessary.

#### *Building Design, Materials and Finishes*

The building design context provided by existing buildings in the vicinity is very limited and gives little guidance on the future evolution of the precinct's design character. A major transition to a substantially higher development density is underway, facilitated by market demand and the development capability provided by the BLEP's zoning and applicable development standards. There is ample room for different design approaches in this context.

The external appearance of the building is contemporary and distinctive. Its high degree of modulation and articulation particularly on the street elevations is appropriate for the site's

extensive frontages and main road location. The design adequately addresses the corner at the intersection of Railway Parade and Oxford Street.

The application includes a schedule of external finishes. These indicate that the main articulation elements of the building will be finished with painted render, and that the eastern and southern façades will include extensive areas of grey cast concrete and painted render.

There are no objections to the building's overall design appearance however it is critical that it is constructed with high quality materials and finishes. The street front facades of the building will have a high degree of visibility from Railway Parade and the rail corridor for the life of the building. The eastern façade adjacent to the school playground will also be highly visible from the transport routes and the southern façade will be visible from the adjoining dwellings and the school playground.

In this context it is considered necessary for the building to use a higher standard of materials than indicated in the plans, to ensure a long life span of high quality appearance and to reduce excessive plain areas. This should include use of pre-manufactured metal surfacing on the main articulation elements and use of textured through-colour manufactured concrete panels in place of the pre-cast grey concrete wall areas. A consent condition is appropriate to require submission of a revised schedule of external materials and finishes to Council and samples of the materials, for approval prior to the issue of a construction certificate.

### **Referrals**

The Manager Environment & Health has assessed the application and provided consent conditions dealing with environmental management and waste management, and cessation of operation of the existing boarding house. On the matter of land contamination the Remedial Action Plan must be submitted to Council for approval prior to the issue of a Construction Certificate.

The Manager Traffic & Transport has accepted the traffic and parking aspects of the proposal with some minor revision of the parking allocation and layout, and subject to other consent conditions.

The Senior Development Engineer has provided consent conditions. These include requirements for management of excavation, bulk earthworks and shoring.

Building conditions have been supplied.

The Tree Management Officer has raised concerns about insufficient detail on the submitted landscape plans. A condition is necessary to require these details to be submitted and approved prior to the issue of a Construction Certificate.

Sydney Water has raised no objection to the proposed development subject to standard conditions.

The RMS and Sydney Trains have issued concurrence to the proposed development and provided several consent conditions. The RMS suggested condition is already covered by Council's standard condition on parking area standards.

### **Community Consultation**

Public notification of the Application resulted in 1 submission being received. The issues raised in the submission with comment provided are as follows.



1. The building height is excessive. Three storeys would have been sufficient. The many new tall buildings are adversely changing the character of Burwood.

*Comment:* The building complies with the height limit apart from a minor encroachment by a roof-top plant room and lift over-run. These will not be readily visible and will not cause adverse impacts such as additional over-shadowing or overlooking. The height limit in this precinct has been implemented through the BLEP 2012 which is based on an extensive community consultation process. The current height limit is the same as the 8 storey limit that applied under the preceding planning control, the Burwood Planning Scheme Ordinance 1979.

2. The building design/appearance is unattractive and obtrusive.

*Comment:* The design appearance is contemporary and distinctive. Council has obtained independent urban design advice in the assessment of the application. Consent conditions are proposed to ensure the use of high quality materials and finishes.

## **Conclusion**

The proposed development being the erection of an 8 storey residential flat building over basement parking, and demolition of existing buildings including an existing, operating boarding house, achieves adequate compliance with the requirements of the applicable planning instruments and the BDCP 2013. It is recommended for development consent subject to conditions.

## **Recommendation**

- A. That Development Application 74/2015 at 68, 68A, 70 & 72 Railway Parade Burwood that proposes demolition of existing industrial and residential buildings (including a boarding house) and erection of an 8 storey residential flat building comprising 87 apartments over 2 basement parking levels be issued with a Deferred Commencement consent as follows:

1. A Deferred Commencement Consent is granted, pursuant to Section 80(3) of the *Environmental Planning and Assessment Act (EP&A Act) 1979*, to Development Application 74/2015, subject to the following (Transport Sydney Trains) TST pre-conditions:

The applicant shall prepare and provide to Sydney Trains for approval/certification of the following items:

- i. Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
- ii. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
- iii. Cross sectional drawings showing the tunnel easement, tunnel location, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.

- iv. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and tunnel location.
- v. If required by Sydney Trains, a numeric analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

- 2. The applicant is required to submit a copy of the approval/certification from Sydney Trains, with regard to the matters identified in item 1 (a) to (e) above.
- 3. The Deferred Commencement Consent will lapse 12 months from date of issue.

**B.** a. Upon compliance with the pre-conditions in part A, Council has received the required approval/certification, Council will issue in writing that it is satisfied with the compliance, the approval/development consent 74/2014 shall be operable and commences from the date of Council's letter.

b. The development consent will lapse in five years from the date of Council's written approval, that the pre-conditions have been satisfied, and the consent is operable.

**C.** The conditions of development consent 74/2014, that will apply, following compliance with items A and B above, are as follows:

(1) The development is to be carried out in accordance with the following plans and documentation except as amended by other conditions of this consent:

- Architectural plans prepared by Tony Owens Partners and submitted to Council on 25 May 2015 as follows:
  - Site Plan A011 Revision B
  - Basement 2 Plan A100 Revision B
  - Basement 1 Plan A101 Revision B
  - Ground Floor Plan A102 Revision B
  - Levels 1-3 Plan A103 Revision B
  - Levels 4-7 Plan A104 Revision B
  - Roof Plan A105 Revision B
  - Section AA Plan A200 Revision B
  - Section BB Plan A201 Revision B
  - Ramp Section Plan A202 Revision B
  - Ramp Section 2 Plan A203 Revision B
  - West Elevation Plan A300 Revision B
  - North Elevation Plan A301 Revision B
  - South Elevation Plan A302 Revision B
  - East Elevation Plan A303 Revision B
- Architectural Drawing Set at A3 Size prepared by Tony Owens Partners and submitted to Council on 25 May 2015 in particular:
  - Demolition Plan A004 Revision B
  - Affordable Housing Plan A110 Revision B
  - Adaptable Units Plan A111 Revision B
  - Landscape Diagram Plan A400 Revision B

- Communal Open Space Diagram A401 Revision B
  - Deep Soil Diagram A402 Revision B
  - Waste Management Plan A410 Revision B
  - External Finishes Diagram A700 Revision B
  - Perspective Plan A800 and A801 Revision B
  - Stormwater Drainage/Sediment Control Plans 1459-S1/3, S2/3 and S3/3 all Revision E by John Romanous & Associates received by Council on 25 May 2015.
  - Landscape Works Site Plan, Landscape Management Plan and Plants and Finishes Details by Formed Gardens received by Council on 25 May 2015.
- (2) 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

- (3) Building and Construction Industry Long Service Corporation levy **\$73,974.00**  
**(Payment to be made to Council, the Corporation or its Agent)**
- (4) Damage Deposit - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc) during building work **\$60,000 (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.

- (5) Section 94A Contribution: **\$211,352.62 (Payment to be made to Council).**

Note: the contribution amount will be adjusted at the time of payment. **See Planning Condition 7** for more details.

## PLANNING

- (6) Compliance and implementation of the recommendations for the control and management of noise and vibrations contained in the report Acoustic Noise and Vibration Near Railway Lines by Acoustic Noise and Vibration Solutions P/L dated 14 August 2014 and Amended 18 May 2015, received by Council on 25 May 2015.
- (7) 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	<b>\$211,352.62</b>

by Council is <b>\$21,135,462.00</b>			
<b>Index Period</b>	Sept 2014	<b>CPI<sub>1</sub></b>	106.6

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:

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

Where:

- C: the original contributions amount as shown in the development consent;
- CPI<sub>2</sub> the Consumer Price Index: All Groups Index for Sydney, for the immediate past quarter (available from the Australian Bureau of Statistics at the time of payment)
- CPI<sub>1</sub> the Consumer Price Index: All Groups Index for Sydney, applied at the time of 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:** Credit cards and personal cheques are not accepted for the payment of Section 94A Contributions in excess of \$5,000.

- (8) Glazed balcony balustrades shall be constructed of opaque materials in lieu of clear glazing.
- (9) External gas water heaters are to be located in recessed enclosures within external walls and are to be located so as to be not visible from a public road or place or adjoining property. Similarly, air conditioning units and plant are to be located so as not to be visible from a public road or place or adjoining property.
- (10) A separate application shall be lodged for any proposed subdivision of the site. Such subdivision shall designate all car parking spaces attached to a lot with the exception of visitor parking which shall be designated as common property. No car parking spaces shall be created as a separate lot. The drainage system for the site including

basement pit and pumps and on site detention shall be designated as common property.

- (11) Mail boxes shall be provided at right angles to the street on either or both sides of the access walkways, details to be approved **prior to the issue of a Construction Certificate**.
- (12) Clothes drying areas or facilities shall be provided within an area of communal open space or provided within each residential unit. If provided on the balconies of individual units, the drying facilities must be screened from exterior view, and be designed in such a way that they do not detract from the building's appearance from the public domain. No drying of clothing is permitted on balcony and patio areas which are visible from a public place.
- (13) Dilapidation surveys are to be carried out by a Practising Structural Engineer, which is to include a full photographic record of the exterior and interior of the buildings at the applicants/owners expense on all premises adjoining the site and the survey is to be submitted to Council and the owners of adjoining land containing residential development **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.
- (14) (a) For 10 years from the date of the **issue of the Occupation Certificate**:
  - (i) the nine (9) nominated dwellings on the approved plans proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and
  - (ii) the accommodation that is used for affordable housing will be managed by a registered community housing provider.
  - (b) A restriction will be registered, before the date of the **issue of the Occupation Certificate**, against the title of the property on which development is to be carried out, in accordance with Section 88E of the *Conveyancing Act 1919*, that will ensure that the requirements of paragraph (a) are met.
  - (c) Evidence be submitted to Council, **prior to the or release of a Subdivision Certificate or any physical occupation of the building** that item (b) above has been complied with, and evidence that the nominated community housing provider has agreed to and accepted the undertaking for the 10 years identified in item (a).
- (15) In respect of Condition 14 provision of the affordable housing units must comply with the definition of *affordable housing* in Clause 6 of State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009 (the AHSEPP).
- (16) All windows and sliding doors are to be provided with key operated locks as a crime prevention measure and for the security of future residents.
- (17) All services including electricity mains, telephone, water and sewerage are to be installed underground.
- (18) All external lighting is to be designed and installed in a manner which prevents glare and/or spillage having an adverse impact on occupants of adjacent properties. Safety and security night lighting is to be provided for the development with details being

incorporated in the landscape plan, to be approved **prior to the issuing of an Occupation Certificate.**

- (19) The following changes to the plans to improve visual privacy, apartment layout, solar access, screening within the development, details to be submitted and approved **prior to the issuing of an Occupation Certificate:**
- The balconies of Apartments G10 - 710 are to be reconfigured to allow greater solar access to the living rooms of the apartments.
  - The balcony of Apartments 403-703 adjacent to bedrooms 1 and 2 is to be reconfigured so that Bedroom 1 has a Juliet balcony only and bedroom 2 has a full window, in order to prevent overlooking and in-looking of the living areas of Apartments 404-704.
  - In Apartment G09 the window to bedroom 2 is to be deleted and the window to bedroom 1 is to be a high level window with a minimum sill height of 1800 mm.
- (20) The windows on the southern elevation adjacent to the south-western corner of the proposed building to be clerestory windows only and are to have a sill height that is a minimum of 1.8 m.
- (21) The vehicular driveway from Oxford Street is to be set back a minimum of 4 m from the boundary with 2-4 Oxford Street to 4 m and the setback area is to be appropriately landscaped, details to be added to the Landscape Plan for the development and approved **prior to the issuing of an Occupation Certificate.**
- (22) The development at ground level is to comply with CPTED (Crime Prevention Through Environmental Design) principles including the provision of appropriate lighting, landscaping and surveillance cameras. Access to the basement car park is to be controlled by an appropriate security door. Access to the residential foyers is to have security controlled doors and include an intercom system for use by visitors to the apartments. Details of these matters are to be submitted and approved **prior to the issue of a Construction Certificate.**
- (23) Fences and walls provided within the development and along the boundaries of the development are to comply with Section 4.1.2.3 *Fences and Walls* P27 - P30 in the Burwood Development Control Plan 2013.
- (24) The gross floor area of the building (as defined in the Burwood Local Environmental Plan (BLEP) 2012) is to be reduced by 60 sq m to achieve compliance with the maximum Floor Space Ration (FSR) for the site of 3:1 as established in the BLEP 2012. The reduction in the gross floor area is not to involve any changes to the communal room on the ground floor of the building. Details are to be submitted and approved **prior to the issue of a Construction Certificate.**
- (25) The excavation and construction of the proposed basement adjacent to the eastern boundary of the development site is not to impact on or adversely affect any trees on the adjoining land that comprises part of the Burwood Public School site. Measures and to be put in place to protect the trees during the construction period, details to be submitted and approved **prior to the issue of a Construction Certificate.**
- (26) The residents of the existing boarding house at No. 68 Railway Parade that forms part of the development site are to be given ample notice (at least 4 weeks) of the closure of the boarding house to facilitate the relocation of the residents to alternative accommodation. In this regard the builder of the development is to engage with the Tenants Union, a local Tenants Advice and Advocacy Service or a similar service to

ensure that the residents of the boarding house are provided with assistance on finding alternative accommodation and relocation and to ensure any statutory obligations to existing residents are met.

- (27) The building is to use a higher standard of materials than indicated in the approved plans, to ensure a long life span of high quality appearance and to reduce excessive plain areas. In particular pre-manufactured metal surfacing is to be used on the main articulation elements of the building on all elevations and the pre-cast grey concrete wall areas indicated on the eastern and southern elevations are to be replaced by textured through-colour manufactured panels. Details including a revised schedule of external materials and finishes and samples of the proposed materials are to be submitted to Council for approval **prior to the issue of a construction certificate.**

## BUILDING

- (28) 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.

- (29) 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.

- (30) 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.

- (31) 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.
- (32) 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.
- (33) 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.

- (34) 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.

- (35) 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](http://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.

- (36) 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.
- (37) No materials are to be stored on Council's roads, footpaths or parks.
- (38) 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.
- (39) 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.
- (40) 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.
- (41) 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*)

- (42) 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.

(43) 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**.

(44) 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](http://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.

- (45) All building works being erected wholly within the boundaries of the property.
- (46) 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.
- (47) All plumbing and drainage work being carried out by licensed tradesmen and in accordance with the requirements of the Plumbing Code of Australia.
- (48) The floor of the wet areas being of a material impervious to moisture and graded and drained to the sewers of Sydney Water.
- (49) 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.
- (50) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (51) 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.**

- (52) 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.**
- (53) Treatment for the protection of the building from subterranean termites must be carried out in accordance with Australian Standard AS 3660.1-2014 "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 3660.1-2014. 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.**

- (54) *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.
- (55) No part of the front or side fencing including footings must encroach upon Council's footpath. Any entrance gates must open within/into the property.
- (56) 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.

(57) 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*)

(58) 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](http://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**.

(59) 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**.

(60) 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.

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

(62) 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.**

- (63) 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.**
- (64) All materials used in the building must comply with early fire hazard criteria of Specification C1.10 of the Building Code of Australia.
- (65) 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.**
- (66) 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.**
- (67) 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.
- (68) 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.**

- (69) 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 3786-2014 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.**
- (70) Protection of openings is to be in accordance with Part C3.2 and C3.4 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.**
- (71) 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.**
- (72) 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*)

- (73) 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.**

- (74) 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**

- (75) Removal of any asbestos must be undertaken in compliance with the requirements of WorkCover. Refer to their publication "Your Guide to Working with Asbestos."
- (76) Demolition of the building is to be carried out in accordance with the requirements of Australian Standard AS 2601 – 2001, where applicable.
- (77) 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.
- (78) 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.
- (79) 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.
- (80) 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.
- (81) When demolition of any existing building is involved, burning of any demolition materials on the site is prohibited.

## **HEALTH**

### ***Environmental Management:***

- (82) 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
- (83) A car wash area / bay is to be provided and be graded and drained to a waste water disposal system in accordance with the requirements of Sydney Water.
- (84) Mechanical ventilation and or air conditioning systems and equipment are to be designed and installed in locations that do not cause any noise nuisance or disturbance to near-by residential or commercial premises. Details of the type of equipment locations and any noise attenuation treatment are to be submitted to Council for approval prior to the issue of the Construction Certificate.
- (85) The construction of windows / sliders, doors, external walls and roofs are to be comply with the recommendations listed in 4.0 of the Acoustic Report (Ref:2014-371 dated 14 August 2014) prepared by Acoustic Noise and Vibration Solutions in order to achieve the required noise reduction targets and levels as required by Clause 102 of the State Environmental Planning Policy–(Infrastructure) 2007 and NSW Department of Planning's 'Development near Rail Corridors and Busy Roads – Interim Guideline'.

***Contaminated Land:***

- (86) Pursuant to the findings of the Detailed Site Investigation prepared by SMEC Testing (Project 17996/4470C) dated August 2014, a *Remediation Action Plan* (RAP) is to be developed and implemented to remediate the site. The Remediation Action Plan is to be submitted to Council for approval prior to the issue of a Construction Certificate.
- (87) A *Site Validation Report* confirming the site is suitable for the proposed use is to be submitted to Council for approval prior to the issuing of an Occupation Certificate.

***Boarding House (68 Railway Parade) –Cessation of Use:***

- (88) The Proprietor of the boarding must notify the Commissioner for Fair Trading of the cessation of use as a boarding house within 28 days of the cessation. This is a requirement of the NSW Boarding Houses Act 2012

***Waste Management:***

- (89) The ongoing waste management for the development shall be carried out as specified in the Waste Management Plan prepared by Elephants Foot Recycling Solutions dated May 2015.
- (90) 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.
- (91) The garbage and recycling storage area is to be:
- Supplied with both **hot and cold** water;
  - Paved with impervious floor materials;



- Coved at the intersection of the floor and the walls;
  - Graded and drained to a floor waste which is connected to the sewer in accordance with the requirements of Sydney Water;
  - 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;
  - Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.
  - Suitable signage is to be installed in each waste service room encouraging the separation of recyclables from the general waste stream.
- (92) 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.
- (93) 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.
- (94) 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.
- (95) A Caretaker is to be appointed for the development who will have ongoing responsibility for the proper management of the waste and recycling services
- (96) All waste and recycling collections are to be carried out from Oxford Street. A hard stand area of sufficient size is to be installed within the property at the Oxford Street frontage for the wheeling out and wheeling back of bins. The pathway to the footpath is to be graded so that it is free of any steps or obstructions.
- (97) 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.
- (98) 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

- (99) Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to:-
- a. *Council's drainage system located in Hornsey Street*
- (100) 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.**

(101) 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.**

(102) 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.**

(103) 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 approximately 160 m long 375 RCP along Oxford Street including 2 grated gully pits.
- 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

- (104) 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.

(105) 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.

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

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

(107) 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*

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.**

(108) 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.**
- (109) The following must be submitted to Council **prior to the issuance of Construction Certificate.**
- Stormwater Drainage Concept Plan (SDCP) must be submitted in accordance with Burwood Council stormwater management Code, Australian Rainfall & Runoff and relevant Australian Standards.
  - Sediment Control Plan must be prepared in accordance with the Managing Urban Stormwater (Soils and Construction) published by Landcom and complying with the requirements of the Environmental Protection Authority (EPA) and Protection of the Environment Operations Act 1997 (POEO Act 1997).
  - A plan showing excavation, bulk earthworks, shoring or ground anchoring design must be prepared and submitted to Council. The plan must be approved by Sydney Trains prior to submission to Council. The plan must also incorporate the management measures for groundwater & surface water during excavation.
- (110) 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.
- (111) 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](http://www.burwood.nsw.gov.au) - Go to Development/Working on Footpaths or Roadways?/Works on Council Property (Application Form).**

- (112) 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.
- (113) 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.
- (114) 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.
- (115) The following matters apply to the construction of the proposed vehicular crossing listed in the Table of Fees:
  - a. A vehicular crossing 6.m wide to Oxford Street shall be constructed by the Applicant/Council at the applicant's cost.
  - b. The cost of any necessary adjustments to public utility services is not included, and shall be paid by the applicant to the relevant authority prior to Council commencing the work.
  - c. The driveway shall be 1m clear of any pits, lintels, poles and 2m clear of trees in the road reserve.
  - d. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
- (116) 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.

- (117) Stormwater from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe to Council's street drainage system.
- (118) 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.**
- (119)
- a. Temporary measures shall be provided during demolition, excavation and/or construction to prevent sediment and polluted waters discharging from the site.
  - b. An erosion and sediment control plan showing such measures shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Supplement 10 of Council's Stormwater Management Code.
  - c. The erosion and sediment control plan is to be reviewed by Council or an Accredited Certifier - Civil Engineering **prior to the issuing of a Construction Certificate.**
- (120) 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.
- (121) Vehicles removing demolished materials from the site shall access and depart from the site through Oxford Street-Railway Parade-Wentworth Road. Vehicles involved in removing materials from the site shall be limited to an 8 tonne gross weight per axle.
- (122) The public utility(s) are to be relocated by the relevant service authority prior to the construction of the vehicle crossing. The applicant is responsible for all liaison and co-ordination with the relevant utility authority. Council will only permit to construct the vehicle crossing following completion of the utility(s) structure's relocation.

## **PUBLIC DOMAIN**

- (124) The detailed public domain improvement shall be undertaken and completed in accordance with Burwood Council DCP-35 and Public Works Element Manual.
- (125) The Applicant shall prepare detailed survey reports of all existing service authority assets at Railway Parade, Oxford Street and in and around the areas of the proposed development. Surveys should include, but not be limited to, high and low voltage electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage assets, etc.
- (126) The Applicant shall liaise with all relevant service authorities to satisfy all requirements of the service authority providers in respect of protection, termination or relocation of existing assets. A written consent shall be required where a service authority asset will be affected.
- (127) Three copies of a detailed Public Domain Plan drawn at 1:100 scales shall be prepared and certified by a qualified architect or landscape architect or urban

designer and shall be submitted to Council for its records **prior to the issuing of a Construction Certificate.**

- (128) The plan shall show the entire layout and the location, the existing and proposed construction levels, a long section and cross sections of footpath paving, kerb & gutter, pram ramps, bollards, service pits, stormwater pipes, pit & lintel.
- (129) The plan shall incorporate the standard specifications and details in accordance with the Public Works Elements Manual and shall include technical specifications of the proposed works.

## **EXCAVATION, BULK EARTHWORKS AND SHORING**

- (130) 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.
- (131) 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.
- (132) 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.
- (133) 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.
- (134) 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.
- (135) 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.
- (136) 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.
- (137) 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.
- (138) 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.

- (139) Should the applicant require the use of temporary ground anchors to shore the bulk excavation, submissions for the installation of the temporary ground anchors shall be required by Council and the following conditions shall apply.

**Conditions for the Installation of Temporary Ground Anchors:**

- (144) Ground Anchors Damage Deposit - security deposit against damages occurring to Council's roadway fronting the development along Railway Parade and Oxford Street 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.***

- (145) 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:
1. 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.
  2. 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.
  3. The anchors shall be installed in accordance with the manufacturer's instructions.
  4. 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.
  5. 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.
  6. 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.
  7. All shoring including ground anchors are to be certified by a practicing professional structural engineer. Certification is required as follows:

- a. That the proposed shoring and anchor scheme is capable of supporting the public road, to be submitted prior to work commencing.
  - b. Certification that the shoring and anchor scheme has been adequately constructed, following installation.
  - c. 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.
8. 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.
  9. All stockpiled shoring materials and equipment shall be kept solely within the private property and not obstruct the footpath or roadway at any time.
  10. All earth and rock anchors shall be released before the completion of building work.

## TRAFFIC AND PARKING

- (146) The number of visitor parking spaces is to be increased from 16 to 17. 1 space may be deleted from the provision of resident spaces for the apartments. Details to be submitted and approved **prior to the issue of a Construction Certificate**.
- (147) Visitor parking space 01 on basement level 1 should be relocated due to its proximity to the top of the ramp and potential for conflict with traffic. At least one of the visitor parking spaces should be designed as an accessible parking bay per Council's DCP requirements. Details to be submitted and approved **prior to the issue of a Construction Certificate**.
- (148) Wheel stoppers are to be provided for parking bays 45, 46 and 47 on basement level 1 to prevent vehicles from blocking access to the elevators.
- (149) All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.
- (150) 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**.
- (151) A minimum of 116 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.
- (152) 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. If the development is to be strata subdivided, the car park layout must respect the required allocation:

- (a) 98 residential parking spaces.
  - (b) 17 visitor parking spaces.
- (153) No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, 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.
- (154) 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).
- (155) 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.
- (156) All visitor parking spaces must be 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.
- (157) 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*'.
- (158) Of the required car parking spaces, at least 10 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 a minimum headroom of 2.5m and must be clearly marked and appropriately located as accessible parking for people with mobility impairment.
- (159) 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.
- (160) 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.
- (161) The site must be configured to allow a vehicle to be driven onto and off the site in a forward direction.

- (162) 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.
- (163) 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.
- (164) 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 Traffic Committee prior to any work commencing on site.
- (165) 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.
- (166) All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.
- (167) **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 arterial 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.

- (168) 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

## **SYDNEY TRAINS CONDITIONS**

- (169) If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- (170) An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- (171) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis RiSk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- (172) The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains.
- (173) The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (174) If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written

confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- (175) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- (176) If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.

## **TREE MANAGEMENT**

- (178) A revised Landscape Plan is to be prepared and submitted and approved by Council's Tree Management Officer indicating the nominated species of every tree represented on the plan, **prior to the issue of a Construction Certificate.**