

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SCL060
DA Number	BD.2016.152
LGA	Burwood
Proposed Development	Part Demolition of existing structures and alterations and additions to the Existing Hotel consisting of commercial space and a 9 storey building at the rear containing hotel suites, 60 residential apartments above 3 levels of basement parking for 81 vehicles
Street Address	27-33 Everton Rd Strathfield – Strathfield Hotel
Applicant/Owner	ARC Architects/Mr Brian Whelan
Date of DA lodgement	6 November 2017
Number of Submissions	2
Recommendation	Deferred Commencement Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	N/A
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • BLEP 2012 • SEP 55 – Remediation of Land • SEPP 65 – Design Quality of Residential Apartment Development • SEPP Infrastructure 2007 • SEPP (Vegetation in Non-Rural Areas) 2017 • Burwood Development Control Plan • Apartment Design Guidelines
List all documents submitted with this report for the Panel's consideration	Docs submitted with Original Proposal – Amended Docs with the report Amended Plans Amended Parking Impact Assessment Amended Heritage Impact Assessment CI 4.6 Objection Relating to Height
Report prepared by	Burwood Council
Report date	22 November 2018

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **Not Applicable**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **No**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

PLANNING ASSESSMENT REPORT – SYDNEY EASTERN CITY PLANNING PANEL

2017SCL060, Nos. 27 - 33 Everton Road Strathfield – BD.2016.152

Report Author:	Burwood Council
Date of Report:	22 November 2018
Property Address:	Nos. 27 - 33 Everton Road Strathfield; frontage also to Cowdery Lane at rear
Proposal:	Development Application No. 152/2016 – part demolition, alterations, part refurbishment of and additions to existing hotel; demolition of drive-through liquor store and other buildings; construction of one commercial/retail unit, and construction of a new 9 storey building towards the rear of the site containing hotel suites and residential apartments, and associated access, parking in 3 basement levels containing 81 spaces, services, facilities and landscaping
Applicant:	ARC Architects
Zone:	B4 Mixed Use – Burwood Local Environmental Plan (BLEP) 2012

Executive Summary

The development application involves the retention of the existing heritage-listed hotel and construction of a 9 storey residential tower at the rear of the site. The application has required several iterations of plans and other documentation (in particular concerning heritage) to address and resolve identified concerns. In the main the residential building is consistent with the guidelines of the ADG and in particular the side boundary setbacks and building separation are considered satisfactory in the circumstances. Under the BLEP the proposal's relatively minor breach of the maximum building height is considered satisfactory. Detailed heritage assessment documentation has been provided and impacts are now considered acceptable subject to conditions. Public notification gave rise to only 2 submissions and no issues were raised that warranted refusal of the application or imposition of additional conditions. The concurrence of Sydney Trains was obtained under the Infrastructure SEPP. The application is recommended for development consent. This is a deferred commencement based on Sydney Trains' requirements.

Proposal

Details of the proposal are as follows:

- *Site and Existing Development.* The site is comprised of eight lots all (except one) extending from Everton Road through to Cowdery Lane. Most of the site contains the Whelans Strathfield Hotel fronting Everton Road with attached and out-buildings of the hotel located towards and on the Cowdery Lane frontage. Heritage Item I194 in the BLEP applies to the hotel on Nos. 27 - 31 Everton Road. The site's western-most lot (No. 33 Everton Road) is not included in the heritage listing and contains a one and two storey building on Everton Road and a single storey building on Cowdery Lane, the latter used as a liquor shop. A concrete driveway used as a drive-through for the liquor shop separates the building on No. 33 from the hotel buildings

- **Built Form.** The proposed development is comprised of the main three storey heritage hotel building which is to be mainly refurbished and partly demolished at its rear. Existing attached and out-buildings of the hotel are to be demolished and replaced with a new building extending from the retained rear sections of the hotel building through to the Cowdery Lane frontage and between the eastern and western boundaries of the site. The new building will contain floor space and facilities for the hotel at ground level, and new hotel suites on levels 1 and 2. Beginning on level 1 and rising to level 8, a residential tower containing a mix of studio, one, two and three bedroom apartments is located towards and on the Cowdery Lane frontage. In the site's south west corner, a single storey commercial/retail unit will be provided on Everton Road, with its roof top to be used as open space for the hotel rooms and suites
- **Development Orientation and Pedestrian Access.** The development is oriented to Everton Road which provides the public facades and all of the pedestrian access to the hotel, the residential apartments and the commercial/retail unit. On Cowdery Lane at ground level there is very limited pedestrian access to the hotel's plant rooms, garbage rooms, and kitchen and to the residential lobby
- **Vehicle Access and Parking.** All of the site excluding the area of the existing main hotel building will be excavated for three basement levels of car and bicycle parking, residential storage and means of access. At ground level the main driveway to the basement levels is provided off Cowdery Lane. A loading dock and access to waste (garbage) storage is located adjacent to the driveway. The 3 basement levels will contain 81 car parking spaces being 51 for residential occupants and 12 for visitors, 17 for hotel, 1 for retail) as well as 25 bicycle parking spaces
- **Development Components.** The hotel operation will in total comprise 12 customer rooms (2 with ensuites) in the existing hotel building (the same number of rooms as in the existing hotel) and a further 12 hotel suites in the new building. It will also include at ground level rooms or areas allocated to TAB/gaming, a lounge bar, kitchen and restaurant and an external beer garden; and at level 1 hotel garden areas on the roof of the commercial/retail unit floor space below. The tower building will be 60 apartments comprised of 24 x studios, 13 x 1 bedroom, 17 x 2 bedroom and 6 x 3 bedroom units.
- The proposal is a single integrated development and no staging is involved. There are no trees or other vegetation on the site

Current Application History

There are a no previous development applications / consents of direct relevance to the current application. The timeline of the new application is as follows.

04.11.2016 Development application 152/2016 was lodged on 4 November 2016. It was accompanied by architectural, engineering and landscaping plans. The supporting documentation addressing relevant matters included a Statement of Environmental Effects (SEE) and requests for approval of departures from building height and floor space ratio (FSR) development standards; acoustic, geotechnical and contamination assessment reports; BASIX, accessibility and BCA compliance reports; traffic and parking assessment; conservation management strategy and heritage impact assessment; design verification statement and Apartment Design Guide (ADG) compliance table; and waste management report.

14.12.2016 - 31.01.2017	The application was placed on public notification. Two submissions were received.
14.12.2016 - 01.02.2017	Council requested and received advice from its urban design consultants GMU. The main issues raised were: <ul style="list-style-type: none"> • The proposal's potential to create isolated site(s) on land to the west

	<p>fronting Everton Road and Mosely Street</p> <ul style="list-style-type: none"> • Built form issues including building height and FSR above the BLEP development standards, the bulk and continuous wall effect of the proposed residential tower and its lack of articulation, the tower design's lack of sympathy with the heritage building on the site and the treatment of the heritage item, and the inadequate blank wall on the western side of the tower • Setbacks and separation issues of the tower building to the east and west • Clarification required on provision of communal open space and deep soil zones • Internal layout and amenity issues related to consistency with guidelines in the ADG • Inadequate vehicle access and parking layout arrangements • Inadequate provision for waste management • Some missing and incorrect information <p>GMU's assessment was forwarded to the applicant on 23.02.2017.</p>
23.12.2016 - 31.05.2017	<p>The application was referred to Sydney Trains for concurrence under the <i>State Environmental Planning Policy (SEPP) Infrastructure 2007</i> due to its proximity to the rail corridor. Sydney Trains response provided concurrence on 31.05.2017 subject to a deferred commencement consent and conditions to be met before the final consent is issued. This advice was forwarded to the applicant on 02.06.2017.</p>
08.03.2107	<p>Council wrote to the applicant advising of substantial issues with heritage impacts, traffic and parking provision, stormwater engineering, and urban planning issues including non-compliance with the FSR development standard, and inadequacies in building access, safety and security. The main issues raised in the public notification submissions were also outlined namely adverse traffic and access impacts in Cowdery Lane, and potential adverse amenity impacts on the building to the north. Environmental and waste management comments advising consent conditions were forwarded to the applicant on 1 June 2017.</p>
13.07.2017	<p>The Sydney Central District Planning Panel was provided with a briefing on the development application.</p>
10.07.2017	<p>Planning consultants for the applicant lodged with Council a letter that addressed the matters raised in Council's 08.03.2017 letter and GMU's assessment. A meeting with Council and GMU was sought for further discussion and this took place on 26.07.18.</p>
29.08.2017	<p>Amended architectural plans and a covering letter were lodged by the applicant by email.</p>
22.09.18	<p>GMU provided the following main comments on the amended plans:</p> <ul style="list-style-type: none"> • Built form: The need for compliance with the maximum FSR is emphasized and the applicant should supply evidence of such; notwithstanding improvements made, architectural design concerns remain with the northern and southern facades; continued concerns with lack of street activation at ground level on Cowdery Lane; continued concerns with bland western wall treatment • Setbacks: This matter has been resolved for the tower on the eastern boundary (1.8-3 metres) and western boundary (part 0 metres) subject to acceptable treatments of blank walls by materials and finishes and articulation • Internal layout and amenity: segregation of lifts for the different development components and car park security separation has been

	<p>achieved but other matters of consistency with ADG guidelines remain</p> <ul style="list-style-type: none"> • Heritage: concerns remain about adverse impacts • Vehicle access and parking: commercial and residential bicycle parking remain unseparated <p>These comments were forwarded to the applicant on 26.09.17.</p>
28.09.17	<p>The assessment of the amended plans by Council's Heritage Advisor was provided to the applicant. The assessment acknowledged various design improvements but identified a wide range of concerns that had not been resolved. The main ones were exceedance of maximum FSR, unsympathetic design aspects of the residential tower, demolition of substantial sections of the existing hotel and lack of acceptable documentation.</p>
08.02.2018 - 15.03.2018 - 11.07.2018	<p>Due to the time elapsed Council wrote to the applicant requesting advice on the status of the application. The applicant confirmed that work on a new submission addressing the range of matters in Council's earlier comments was continuing, and it would be provided to Council on completion. The applicant by letter of 11.07.2018 advised of further delays.</p>
08.08.2018	<p>Amended and additional information was lodged by the applicant. These were: architectural plans revised in response to Council's design and heritage issues; a conservation management strategy and heritage impacts statement by a new consultant with a peer review by a different consultant; an updated traffic and parking impact assessment; and a structural report confirming that the proposed works can proceed without adverse impacts on the retained heritage building.</p> <p>Also previously identified stormwater drainage issues had been resolved with Council's development engineer.</p>
16.10.2018 - 25.10.2018	<p>Applicant advised of unresolved technical issues with basement car parking layout; the need to provide updated plans for all elevations demonstrating use of high quality external materials and finishes and presentation; the need for new information demonstrating compliance with the ADG for solar access and natural ventilation; the need for landscaping plans updated for current design of the development, and for updated shadow diagrams.</p> <p>Applicant also advised that heritage issues had been resolved subject to consent conditions.</p>
8.11.2018	<p>Final plans and details received dealing with the above matters. These are the subject of this report.</p>

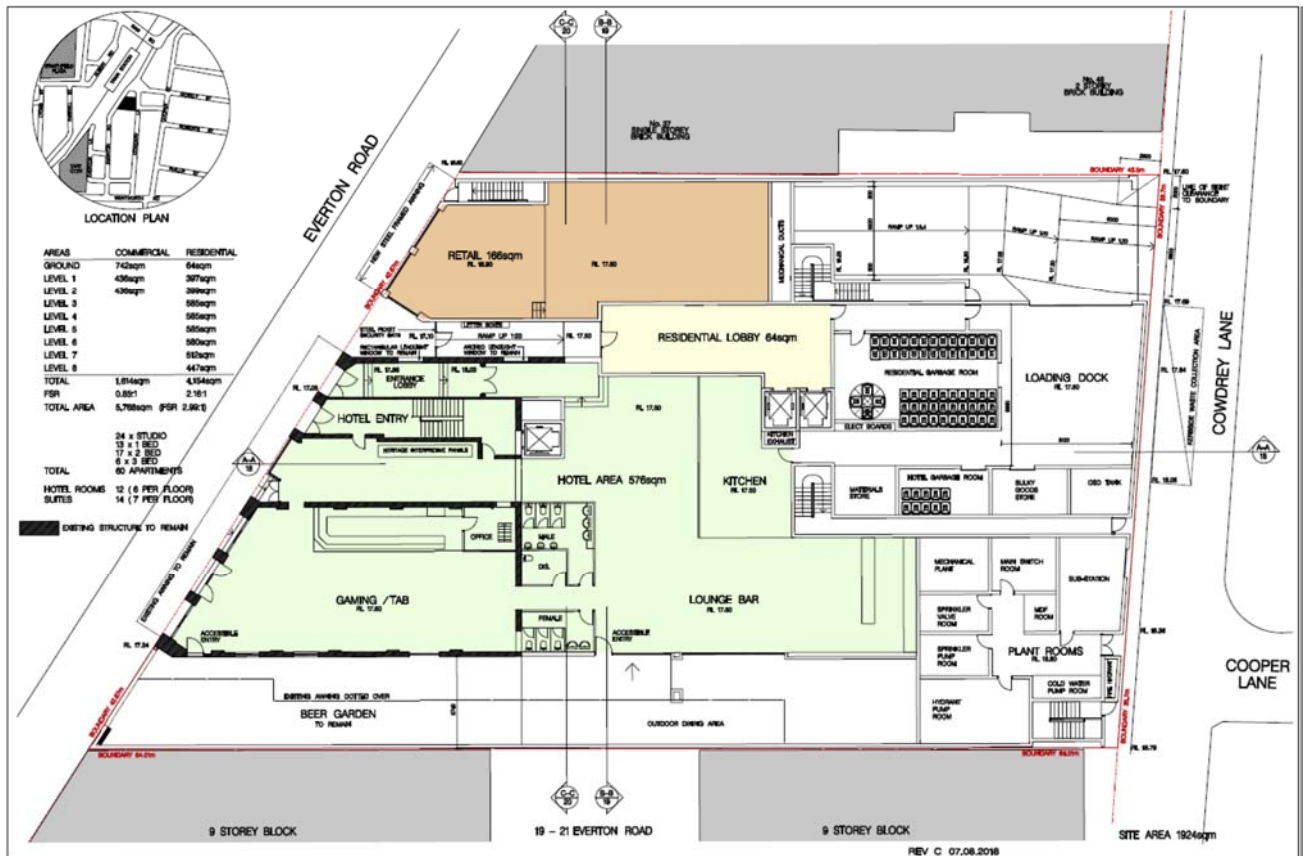


Figure 1 - Ground Level Plan (Revision C) - Source ARC Architects



Figure 2 - Level 3 Plan - Residential Tower (Revision C) - Source ARC Architects



Figure 3 - South (Everton Road) Elevation (Revision C) - Source ARC Architects



Figure 3 - North (Cowdery Lane) Elevation (Revision C) - Source ARC Architects

Site and Locality

The application site consists of 8 lots known as Nos. 27 - 33 Everton Road and comprised of Lots 26 - 30 DP 978482, Lots 1 & 2 DP 303721 and Lot 32 DP 920734, as shown in Figure 4.

The site has a primary southern boundary of 42.67 m fronting Everton Road and a northern boundary of 35.74 m fronting Cowdery Lane. The eastern boundary is 64.01 m and the western boundary 43.5 m. The site is trapezoidal in shape and has an area of 1924 sq m. The site rises about 2 m from south west to the north east.

The site is located in the section of the Strathfield Town Centre in Burwood LGA that is on the northern side of Strathfield Station. Land in the immediate vicinity has a commercial and residential character. To the west there are several shops and business premises up to and around the corner in Mosley Street. Immediately to the east, Nos. 19-25 Everton Road has a 9 storey mixed use building currently under construction. It will contain commercial floor space and apartments, and basement car parking accessed from Cowdery Lane. Further to the east existing lots mainly contain residential flat buildings of various scales.

To the north of the site, on the other side of Cowdery Lane, there is a nine storey residential apartment building known as Nos. 40-46 Mosley Street. To the south on the other side of Everton Road is the main western rail corridor and Strathfield Rail Station.

The site, its location and zoning are indicated in Figure 5.

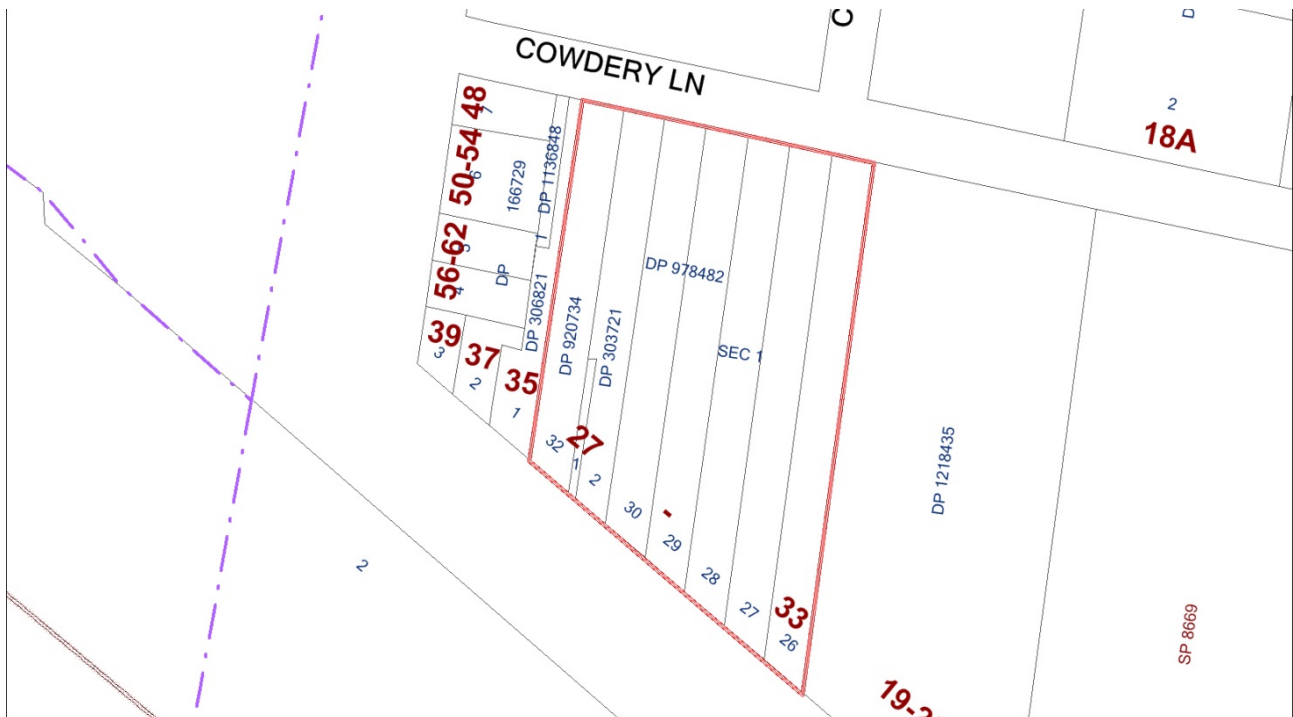


Figure 4 - Site Cadastre (Source - Council's Online Mapping)

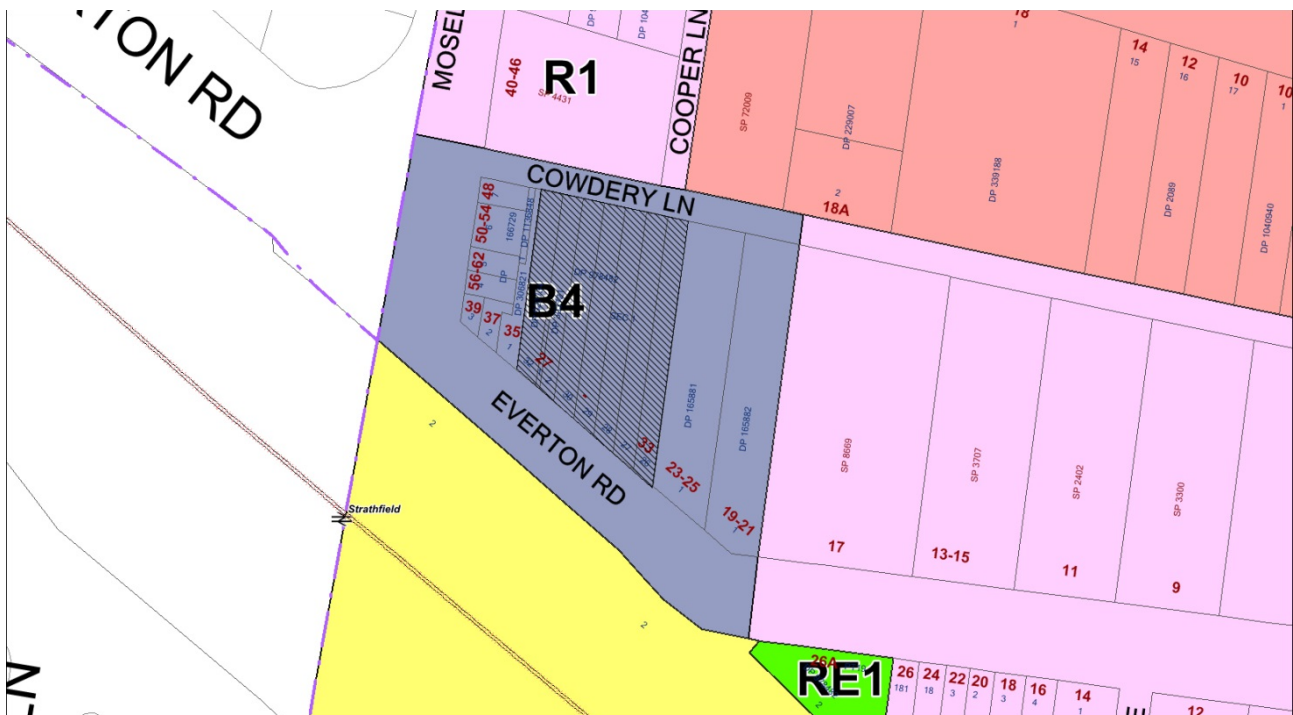


Figure 5 – Site location and zoning



Figure 6 - Cowdery Lane at rear of the hotel, looking west (Source Google Maps)

Statutory Requirements

This section details the assessment of the application that has been undertaken in accordance with the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* including the following environmental planning instruments and development control plan:

- *Burwood Local Environmental Plan (BLEP) 2012*
- *State Environmental Planning Policy (SEPP) (Infrastructure) 2007 - the Infrastructure SEPP*
- *SEPP No. 55 - Remediation of Land*
- *SEPP No. 65 - Design Quality of Residential Apartment Development (and the Apartment Design Guide (ADG))*
- *The Burwood Development Control Plan (BDGP) 2013 as amended*

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 have been considered. A report on Preliminary Contamination Investigation and Provisional Waste Classification was lodged with the original application. It assesses the potential for contamination of the site based on past and present site uses, to comment on the suitability of the site for the proposed redevelopment, and to recommend any further investigations, management or remediation required for the site. This is considered to serve the provisions of Clause 7(2) and (4) of SEPP 55.

The potential for contamination of the site was identified as resulting from contaminated fill associated with former demolition activities on the site or imported but uncontrolled fill; and the potential presence of hazardous building materials in current site buildings.

The report concluded that the site can be made suitable for the proposed development, subject to a detailed site (contamination) investigation (DSI) **following demolition**, and additional investigation and remediation in relation to any identified contaminated soils (such as the asbestos contaminated fill). The DSI should target the areas of potential contamination identified by the conceptual site model (CSM) in Section 6.1 of the report. Given the planned bulk basement excavation the DSI is likely to be essentially a waste classification to inform the off-site disposal of soils, as discussed below.

Given the age of the buildings the report recommended that a hazardous building material (HBM) survey be undertaken to identify HBM in existing buildings, and removal and clearance of the HBM prior to bulk demolition.

Completion of the DSI in accordance with the Contaminated Land Planning Guidelines can be made a condition of consent. This will meet the needs of Clause 7(3) of SEPP 55. The Manager

Environment & Health has provided other conditions addressing matters identified in the applicant's Preliminary Contamination Investigation and Provisional Waste Classification report.

State Environmental Planning Policy (Infrastructure) 2007

The site is in close proximity to the corridor Western Railway Line. Therefore, the Infrastructure SEPP has been considered as follows:

- *Clause 86 Excavation in, above, below or adjacent to rail corridors.* This clause applies to the proposal as the development involves the penetration of ground to a depth of at least 2m and is on land within 25m measured horizontally of the rail corridor. Accordingly, the application was referred to Sydney Trains and in a letter dated 31 May, 2017 concurrence was provided on the basis that consent if granted will be a deferred commencement consent and subject to a range of conditions.

The conditions require the applicant to prepare and lodge with Sydney Trains for approval and certification details relating to geotechnical engineering and structural design; construction methodology; acoustic impacts; electrolysis matters; lighting; risk assessment and safe work methodology. All of the specified matters have to be approved by Sydney Trains (and in some cases by Council) before the final consent is issued.

These matters are addressed in the recommendation and consent conditions.

- *Clause 87 Impact of rail noise or vibration on non-rail development.* As the site is opposite a railway corridor and the proposed development includes residential accommodation that may be adversely affected by rail noise or vibration, Clause 87 requires Council before determining the development application to take into account the Department of Planning's published guidelines (*Development Near Rail Corridors and Busy Roads*), and to satisfy itself that noise standards specified in the clause will be met.

An Acoustic Report was submitted with the original development application. It measured and assessed potential acoustic impacts and concluded that internal noise levels for the residential accommodation will comply with the applicable guidelines and Infrastructure SEPP standards provided the report's recommendations for construction of the residential apartments (concerning glazing, external doors, roof/ceiling construction, external walls and mechanical ventilation) are implemented. These matters can be dealt with by consent condition.

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

The proposed development includes BASIX affected buildings. A BASIX certificate has been submitted with the DA and in accordance with the Environmental Planning and Assessment Regulations 2000 the environmentally sustainable commitments within the certificate are required to be fulfilled as a condition of consent.

Accordingly, the proposal satisfies the provisions of the BASIX SEPP.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

There are no trees or other vegetation of any significance on the site. No further consideration is required under the Vegetation SEPP.

State Environmental Planning Policy (SEPP) No 65 – Design Quality of Residential Apartment Development

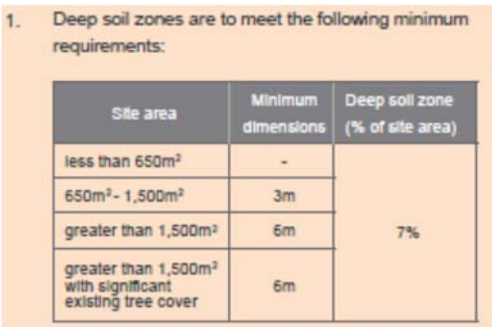
SEPP 65 applies to the proposed development as it comprises three or more storeys and contains four or more dwellings.

Clause 28(2) stipulates that development consent must not be granted if, in the opinion of the consent authority, the development does not demonstrate that adequate regard has been given to the Design Quality Principles and the objectives of the Apartment Design Guide (ADG).

The residential flat building component of the proposal has been assessed against the Design Quality Principles and the ADG. Parts 3 and 4 of the ADG are indicated for use in the assessment of development applications and those sub-parts with specific design criteria are addressed in the following summary table. Where necessary, matters of non-compliance are further discussed in the report.

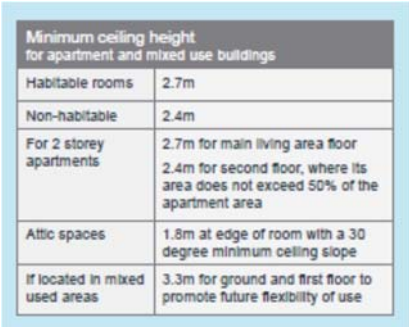
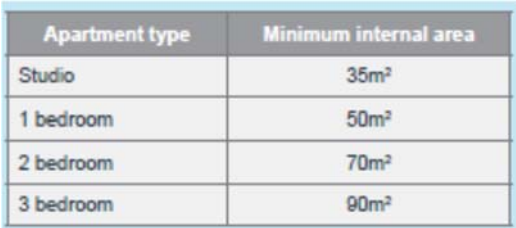
Overall, the proposal is consistent with the Design Quality Principles and the design criteria of the ADG, subject to satisfactory departures as indicated, and conditions of consent where necessary.

ADG Compliance Assessment

Provision	Proposal	Compliance
3D Communal and Public Open Space		
Design Criteria		
1. Communal open space (COS) has a minimum area equal to 25% of the site	A total of 518 square metres is designated as communal open space on level 8 and the roof top. This is 26.9% of the 1924 square metre site.	Yes
2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the COS for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).	The principal usable part of the COS is on the roof top. This area is not subject to any shadowing and is unlikely to in the future under the current height limits. It will receive full solar access in mid-winter, thereby exceeding the criterion.	Yes
3E Deep soil zones		
Design Criteria Deep soil zones are to meet the following minimum requirements. 	There is no deep soil zone area on the site.	Satisfactory - see comments below in Note 1
3F Visual privacy		
Design criteria		
1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:	The residential apartments do not meet these separation criteria on the western and eastern sides but are considered to be acceptable for the following reasons:	Satisfactory with conditions - see comments below in Note 2

Provision	Proposal	Compliance												
<table border="1"> <thead> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m		
Building height	Habitable rooms and balconies	Non-habitable rooms												
up to 12m (4 storeys)	6m	3m												
up to 25m (5-8 storeys)	9m	4.5m												
over 25m (9+ storeys)	12m	6m												
3G Pedestrian access and entries														
Objective 3G-1 Building entries and pedestrian access connects to and addresses the public domain.	The sole entry to the apartments is via the walkway off Everton Road that leads to the residential lobby. This is the optimum connection to the public domain which is fully activated in Everton Road by the hotel and proposed shop.	Yes												
Objective 3G-2 Access, entries and pathways are accessible and easy to identify.	The entry to the apartment's lobby is easily identifiable, however where the access walkway interfaces with the public domain on Everton Road, potential adverse issues need to be dealt with by conditions requiring improved lighting and security-controlled access.	Satisfactory with conditions												
3H Vehicle access														
Objective 3H-1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	All passenger vehicles using parking spaces required for the apartments will gain access via the driveway off Cowdery Lane. The lane also provides access for service vehicles serving the whole development. Cowdery Lane is not used for pedestrian access to the apartments or the hotel and generally is not a significant pedestrian thoroughfare. Vehicle-pedestrian conflicts are likely to be minimal and are addressed by conditions that have been provided by Council's Traffic Engineer	Yes with conditions												
3J Bicycle and car parking														
Design Criteria														
1. For development in the following locations: <ul style="list-style-type: none"> • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, 	Site is within 800m walking distance from the entrance of the Strathfield Railway Station. The RTA Guide to Traffic Generating Development car parking rates apply and compliance is achieved. The proposed development is	Yes												

Provision	Proposal	Compliance
<p>B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p>	<p>classified in the RTA guide as a 'high density residential flat building' as it contains 20 or more dwellings. The site is not within the Central Sydney and therefore the sub-regional centre rates apply which are as follows:</p> <ul style="list-style-type: none"> 0.6 spaces per 1 bedroom unit (and studio). 0.9 spaces per 2 bedroom unit. 1.40 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking). <p><u>Requirement:</u></p> <p>Studios & 1 Bedroom – $37 \times 0.6 = 22.0$</p> <p>2 Bedroom – $17 \times 0.9 = 15.0$</p> <p>3 Bedroom – $6 \times 1.4 = 8.0$</p> <p>Visitors – $60 / 5 = 12.0$</p> <p>Total required for apartments = 57.0 spaces</p> <p>Total Provided for apartments = 51 for residential occupants and 12 for residential visitors</p>	
<p>Objective 3J-2</p> <p>Parking and facilities are provided for other modes of transport.</p>	<p>26 bicycle parking spaces provided in a secure room on B1, 20 of these for residents in a secure room. Council's Traffic Engineer has confirmed this as satisfactory.</p>	<p>Yes</p>
Part 4 – Designing the building		
4A Solar and daylight access		
<i>Design Criteria</i>		
<p>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid - winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p>	<p>The building has been designed for the apartments to maximise southern and northern aspects with limited fenestration on the western and eastern facades. The updated plans received 8 November 2018 confirm that 81% of the apartments will receive more than the required 2 hours solar access to living areas and private open space areas.</p>	<p>Yes</p>
<p>3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.</p>	<p>The submitted solar studies indicate that 14% of apartments will receive no direct sunlight in mid-winter.</p>	<p>Yes</p>
4B Natural ventilation		
<i>Design criteria</i>		

Provision	Proposal	Compliance
1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	The submitted cross ventilation plans indicate that 60% of the apartments meet the natural ventilation guideline.	Yes
2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	The maximum depth of cross-over and cross-through apartments is approximately 18 m.	Yes
4C Ceiling heights		
Design criteria		
<p>1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p>  <p>These minimums do not preclude higher ceilings if desired.</p>	<p>2.7m ceiling heights are provided (including 3 m floor-to-floor heights). Non-habitable rooms are 2.7 m.</p> <p>3.3 m for first floor apartments is not appropriate as the location of and access to the apartments makes them unsuitable for other uses</p>	Yes
4D Apartment size and layout		
Design criteria		
<p>Apartments are required to have the following minimum internal areas:</p>  <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p>	All apartments comply with minimum internal areas.	Yes
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	All habitable rooms have windows to an external wall with a total glass area not less than 10% of the floor area of the room. This assessment is based on the applicant's advice.	Yes

Provision	Proposal	Compliance															
Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	All bedroom depths are limited to a maximum of 2.5 x the ceiling height. This assessment is based on the applicant's advice.	Yes															
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	All apartments have open plan layouts. The maximum depth does not exceed 8 metres from the external windows / glazed balcony doors. This assessment is based on the applicant's advice.	Yes															
4D Apartment size and layout																	
Design Criteria																	
Master bedrooms have a minimum area of 10 square metres and other bedrooms 9square metres (excluding wardrobe space).	Minimum bedroom areas have been achieved. This assessment is based on the applicant's advice.	Yes															
Bedrooms have a minimum dimension of 3 metres (excluding wardrobe space).	Minimum bedroom dimensions have been achieved. This assessment is based on the applicant's advice.	Yes															
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> 3.6 metres for studio and 1 bedroom apartments 4 metres for 2 and 3 bedroom apartments 	Minimum living area dimensions have been achieved. This assessment is based on the applicant's advice.	Yes															
The width of cross-over or cross-through apartments are at least 4 metres internally to avoid deep narrow apartment layouts.	Minimum width achieved. This assessment is based on the applicant's advice.	Yes															
4E Private open space and balconies																	
Design Criteria																	
<p>All apartments are required to have primary balconies as follows:</p> <table border="1"> <thead> <tr> <th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr> </thead> <tbody> <tr> <td>Studio apartments</td><td>4m²</td><td>-</td></tr> <tr> <td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr> <tr> <td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr> <tr> <td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	All apartments meet and in many cases exceed the minimum area and dimension requirements for balconies. This assessment is based on the applicant's advice.	Yes
Dwelling type	Minimum area	Minimum depth															
Studio apartments	4m ²	-															
1 bedroom apartments	8m ²	2m															
2 bedroom apartments	10m ²	2m															
3+ bedroom apartments	12m ²	2.4m															
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15 square metres and a minimum depth	There are no ground floor apartments but 6 may be regarded as located on a podium structure. These have terraces and private gardens that exceed the minimum	Yes															

Provision	Proposal	Compliance										
of 3 metres.	criteria.											
4F Common circulation and spaces												
Design Criteria												
The maximum number of apartments off a circulation core on a single level is eight.	Apartments have one circulation core, with two lifts. Levels 3-5 have 9 apartments but are served by 2 lifts.	Yes										
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Apartments are provided on 9 levels of the building.	N/A										
4G Storage												
Design criteria												
<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table> <p>At least 50% of the required storage is to be located within the apartment.</p>	Dwelling type	Storage size volume	Studio apartments	4m³	1 bedroom apartments	6m³	2 bedroom apartments	8m³	3+ bedroom apartments	10m³	Each apartment is provided with areas of internal storage and with basement storage cages for additional storage. Whilst not all internal storage areas are nominated for size, areas are provided that appear to be generous and basement storage is also provided. A condition is included to ensure minimum storage areas are provided both internally and externally.	Yes – Condition
Dwelling type	Storage size volume											
Studio apartments	4m³											
1 bedroom apartments	6m³											
2 bedroom apartments	8m³											
3+ bedroom apartments	10m³											
4H Acoustic privacy												
Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout.	The layout of the apartments is usual for this kind of building. Noise sources such as garage doors, driveways, service areas, plant rooms, building services and mechanical equipment are sited underneath the building and should not present any unusual noise impacts. The COS areas on level 8 and the roof top are unlikely to have noise impacts on apartments due to the design separation. To the north the separation of the adjoining apartment building exceeds criteria and adverse impacts are unlikely. On the eastern and western sides, the proposed setbacks and fenestration (see 3F above) will help minimise any adverse noise impacts. Noise impacts of the apartments on the hotel operation is expected to be negligible	Yes										

Provision	Proposal	Compliance
Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments.	The proposed internal apartment layout separates noisy spaces from quiet spaces, by grouping rooms with similar noise requirements, utilising doors to separate uses and locating wardrobes to act as sound buffers. This assessment is based on the applicant's advice.	Yes
4J Noise and pollution		
Objective 4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.	<p>The site is located opposite the main western railway line. An Acoustic Report is provided with the application. It assesses noise impacts from rail and traffic, residential apartments (air conditioning) and hotel activities against applicable standards. It concludes that noise emissions and impacts from outside the site will be satisfactory subject to the recommended acoustic treatments, design standards and operational parameters. These will be subject to condition.</p> <p>The main potential noise impact comes for south facing apartments on levels 3 and above where balconies and some windows to habitable rooms will overlook the hotel areas and the hotel gardens. The submitted Acoustic Assessment report does not appear to address this specifically, however the recommendations of the report to control noise impacts of the hotel operation generally will also greatly assist in managing noise impacts on the apartments in questions. These recommendations cover both the operation of the hotel and "beer gardens".and the construction standards of the apartments. They will be implemented by consent conditions.</p>	Yes - conditions required
Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	As above	Yes
4K Apartment mix		
Objective 4K-1 A range of apartment types and sizes is	The proposed development	

Provision	Proposal	Compliance
provided to cater for different household types now and into the future.	includes a mixture of studio 1, 2 and 3 bedroom apartments.	Yes
4L Ground floor apartments		
Objective 4L-1 Street frontage activity is maximised where ground floor apartments are located.	There are no ground floor apartments.	N/A
4M Facades		
Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area.	The heritage-status hotel is being restored and treated on its main visible south and western façades to satisfy heritage requirements (subject to conditions). This will also maintain the existing character of the Everton Road streetscape. The northern and southern facades of the tower building provide ample articulation and modulation and are treated satisfactorily in regard to materials and finishes. The largely blank walls on the eastern and western facades are subject to a condition concerning improvement of the presentation of the proposed paneling on the upper levels, and the improvement of the west-facing podium wall which is likely to remain visible until the adjoining land is redeveloped. Council's Heritage Advisor has assessed the relationship of the heritage building and the new structures as satisfactory.	Yes - conditions - see comment below in Note 3
4N Roof design		
Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street.	The roof design of the heritage hotel is maintained and will have the same relationship to the street. The roof of the proposed single storey retail/commercial unit is integrated with the development by its use as part of the hotel garden. The roof of the tower building is appropriate and will display some landscaping that surrounds the roof top COS area.	Yes
Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximised.	The proposal utilises the roof top for COS.	Yes
4O Landscape design		

Provision	Proposal	Compliance
Objective 4O-1 Landscape design is viable and sustainable.	It is considered that the proposed landscape design and planting will be environmentally sustainable having regard to tree and shrub selection, size at maturity and potential root growth. Council's Tree Management Officer has reviewed the Landscape Plan and raised no objections.	Yes
4Q Universal design		
Objective 4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members.	The application advises that the apartments have been designed to provide a minimum 20% incorporating Livable Housing Guideline's silver level universal design features. Adaptable housing is provided with 10% of the dwellings being adaptable. These matters will also be dealt with by way of conditions.	Yes
4R Adaptive reuse		
New additions to existing buildings are contemporary and complementary, and enhance an area's identity and sense of place.	The hotel building is not being adapted for another use as its historical use is continuing. The relationship of the new development on the site has been assessed as satisfactory in terms of relationship to the retained and restored heritage building.	
4S Mixed use		
Objective 4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	The continuation of the hotel land use and its augmentation with additional suites, as well as the inclusion of a retail/commercial unit and the apartments will provide a mix of uses on the site that activate the street frontage and encourage pedestrian activity.	Yes
4W Waste management		
Objective 4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	All waste management for the site is to be dealt with in Cowdery Lane and not on Everton Road. The Manager Environment & Health has assessed the design and the Waste Management Plan lodged with the application. Subject to compliance with the Plan and conditions specified by the	Yes

Provision	Proposal	Compliance
	Manager Environment & Health the development is considered satisfactory.	

Note 1 - Deep Soil Zone

The absence of a deep soil planting area is common on sites in the B4 zone in Burwood LGA's highly urbanized Strathfield and Burwood town centres with mixed use development. In these locations (and in this case) the BDCP requires 0 metres front and side setbacks up to 11 metres in height. A 0 metres setback to the rear boundary is allowed. The latter is appropriate in this case given the laneway on the rear boundary and its use for access and facilities.

The absence of deep soil area on the site is balanced by the substantial areas of green space and planting within the development - the areas designated on Level 1 as Hotel Garden; the private gardens of the level 1 apartments; the eastern boundary planter box; and additional landscaped areas on Levels 7, 8 and the roof top. The landscape plans for levels 1 and the roof top indicate substantial plantings in these areas including 4-6 m trees. This arrangement is acknowledged as acceptable in the ADG.

Note 2 - Building Separation and Visual Privacy

Assessment of the application has had regard to these matters. While the separation of buildings on the site from adjoining and adjacent buildings (and potential future buildings) does not meet ADG criteria separation is considered adequate in the circumstances and visual privacy is protected.

Western side:

- Where the proposed building has a 0 metres boundary setback the apartments on that façade have no fenestration; all of the balconies on each level have screening on the common boundary; and the balcony on level 7 has landscaping adjacent to the common boundary
- The west facing fenestration on levels 3-7 are set back 4.25 metres and are high-set windows that will not enable visual privacy impacts on future on the land to the west
- The COS areas on level 7 and the roof top have adequate setbacks and surrounding landscaped planter boxes to manage potential visual impacts on future development on the land to the west
- The balcony on level 8 and the private garden on level 1 should include landscaped planting or screening to manage potential visual privacy impacts on future development on the land to the west. This requires conditions

Eastern side:

- Levels 1-8 have minimum setbacks of 1.8 - 3 metres
- On level 1 potential visual privacy impacts of the balcony and private garden near the common boundary are managed with landscaping
- The 2 balconies on level 2 and the balconies on levels 3-8 should be provided with additional screening to manage potential visual privacy impacts - condition
- The two windows to living areas on levels 1 & 2 should be provided with screening also - condition
- Apart from these windows there is no fenestration on the main western façade. On level 3 - 8 there are high-set windows at 3 metres setbacks which are unlikely to have adverse visual impacts on development to the east

Southern side:

No adverse visual impacts caused for or by the apartments in relation to other development on the site. While the south facing apartment balconies on levels 3-8 will overlook the hotel the only open areas will be the hotel gardens on level 1. These are public areas and there is not considered to be any visual intrusion on users of these area. The residential balconies will be 2 storeys above the hotel gardens and the apartments will not be subject to in-looking impacts

Northern side:

Separation of the residential tower from the apartment building on the other side of Cowdery Land exceeds the criterion and no adverse impacts are apparent

GMU Assessment

The land to the east of the subject site contains a nine storey building under construction and approaching completion. On the Everton Road frontage it has a 0 metre street setback and a three storey podium built to the boundary of the subject site with upper levels set back from the boundary. It is separated from the heritage hotel building by the hotel's beer garden. On the Cowdery Lane a similar arrangement applies, with a 0 metre set back of the podium from the common boundary.

The land to the west contains dated buildings that will at some time be redeveloped.

GMU's comments indicated that the proposed building's setback arrangements for the western boundary were acceptable if the applicant can demonstrate the western façade is well treated and the amenity of the proposed apartments and that of the adjacent properties is not affected. It is considered that this has been achieved subject to compliance with the updated material and finished plan and schedule. This can be implemented by consent condition.

Note 3 - Visual Interest



Figure 7 - Western Façade Materials and Finishes - Source ARC Architecture

The western façade of the tower building will be visible from streets to the west. The plans lodged on 8 November 2018 indicate surface materials and finishes of level 1 (in part) to level 8 of the western façade that are satisfactory although presentation of the pattern of the panels needs improvement to reduce the “checkerboard” appearance. However the part of the façade on level 1

and the ground floor (which form the podium of the building and have a 0 metre setback) are shown on the plan as “masonry wall”. This wall is likely to have long term visibility from the west pending redevelopment of the adjoining lots fronting Mosely Street. It should have a higher standard of presentation and this should be required by a consent condition.

On the eastern façade of the tower building the ground level has a 0 metre setback however it abuts a wall of the new building on the adjoining lot to the east. Above level 1 the eastern façade of the residential tower will have some extent of visibility and the same concern as above is relevant. A consent condition requiring improvement of the presentation of the pattern of the panels is appropriate to reduce the “checkerboard” appearance.

Burwood Local Environmental Plan 2012

Permissibility

The proposal is comprised as a number of activities and land uses in a mixed use development in the BLEP B4 Mixed Use zone

- The retail/commercial unit is permitted with consent as Commercial premises in the B4 zone.
- The hotel activities comprise a mix of hotel or motel accommodation (a type of tourist and visitor accommodation) and food and drink premises (a type of retail premises including a pub, restaurant or café). These are all permitted with consent in the B4 zone.
- A residential flat building is also permitted with consent in the B4 zone.

In addition these land uses are consistent with the objectives of the zone as they add to the mixture of compatible uses in an accessible location that will maximize public transport use and encourage walking and cycling.

It is noted that the application and its documentation do not contemplate or mention use of any of the floor space as a boarding house or as serviced apartments as defined in the BLEP. Both of these are permitted with consent in the B4 zone. Both of these would introduce a raft of additional considerations and it would be prudent for any development consent issued to specifically exclude these land uses.

Development Standards

There are no specific controls in the BLEP 2012 for the proposed land uses however the general development standards of maximum building height, maximum floor space ratio (FSR) and maximum residential FSR apply to the development. Compliance is assessed in the following table.

Development Standards

Issue	Requirement/standard	Proposal	Compliance
BLEP 2012 – whole development			
Building height	Maximum 30 m – Clause 4.3 and Building height map	Maximum height 32.9 m - main body of building complies	No - Clause 4.6 request lodged - see comment below
Floor space ratio (FSR)	Maximum 3:1 – Clause 4.4 and Floor Space Ratio map	1924 sq m site: maximum GFA 5772 sq m. Proposed total GFA of the whole development on the site: 5768 sq m. Proposed GFA - 3:1	Yes
Maximum residential accommodation FSR	Area 4 – maximum 2.3:1 – Clause 4.4A and Floor Space Ratio map	Only the apartments comprise residential accommodation; maximum 4425.5 sq m permitted. Proposed 4154 sq m has FSR of 2.16:1	Yes

Other BLEP Requirements

No part of the site is designated in the BLEP 2012 for acquisition for any purpose pursuant to Clause 5.1 of the BLEP.

The frontage of the site is designated as an Active Street Frontage pursuant to Clause 6.3 of the BLEP, necessitating consideration of this matter in assessment of the application. As already indicated, the continuation of the hotel activity on the site and the inclusion of the retail/commercial unit maximizes the development's provision of an active street frontage on the Everton Road frontage.

The site is within a Class 5 area in the Acid Sulfate Soils Map of the BLEP 2012, but not in close proximity to a Class 4 area in the BLEP. Potential acid sulfate soils impacts do not require further consideration under Clause 6.1 of the BLEP.

Flooding issues have not been identified in relation to the site that may be relevant under Clause 6.2 Flood Planning of the BLEP.

Clause 6.5 Design Excellence in Zones B2 and B4 applies to development involving the erection of a new building of 3 or more storeys and prevents Council from granting consent unless it is satisfied that the development exhibits design excellence. As the site is in the B4 zone, the criteria in Clause 6.5 have been assessed for the proposed development and comments are provided in the following table. In many cases assessment of the criteria relates to matters that have been the subject of comment elsewhere in this report.

Design Excellence Assessment

Criterion	Compliance
Architectural, landscape and urban design (including in the materials used and in detailing appropriate to the location, building type and surrounding buildings).	Yes - the design, detailing, external finishes and materials and landscaping are satisfactory subject to conditions and have an appropriate relationship to other buildings (subject to conditions).
Form and external appearance of the proposed building, and ground level detailing, will significantly improve the quality and amenity of the public domain.	Yes - the quality and amenity of the public domain will be improved generally and in particular compared to existing development.
Streetscape and heritage issues.	Yes - the proposal will add to the quality of the Everton Road streetscape and there are no adverse impacts on heritage items (subject to heritage conditions).
Amenity of the surrounding area, including any view corridors, vistas or landmark locations.	Yes - minimal adverse impacts. The vista and landmark location of the heritage-status hotel is maintained.
Traffic circulation and vehicular access will be addressed and whether the proposed development supports the provision of high quality pedestrian, cycle and service access.	Yes - car parking and cycling provision meets BDCP guidelines, no adverse traffic impacts identified based on the Assessment of Council's Traffic Engineer.
Pedestrian movement and experience.	Yes - satisfactory pedestrian movements for the development and easy access is available to public transport at Strathfield Station
Integrated land use mix including a diversity of public open spaces at the ground level, as well as the roof and other levels of buildings.	Yes - the proposal adds to housing choice, and meets common open space and landscaping guidelines including provision on roof top. Landscaping provision at ground level not an issue in this case.
Bulk, mass, modulation, separation, setback and height of buildings	Yes - these matters have been

and whether they are appropriate in the context of existing and proposed buildings.	assessed as satisfactory for the site, adjoining future development and the future streetscape (with conditions).
High standard of ecologically sustainable design (including low-energy or passive design) and minimised overshadowing, wind effects and reflectivity.	Yes - BASIX assessment provided, shadowing impacts assessed as satisfactory, no known adverse wind effects or reflectivity.

Heritage Assessment

Heritage Item I194 named as Whelan's Strathfield Hotel applies to most of the site - Nos. 27 - 31 Everton Road. The site's western-most lot (No. 33 Everton Road) is not included. The site is not in a Heritage Conservation Area (HCA). The nearest BLEP 2012 Heritage Items are at No. 18A Cooper Street (I192 - a 1950's house and garden), at its closest 34 m to the north-east; and at Nos. 16-18 Everton Road to the south east (I193 - 2 dwelling houses "Nevada" and "Glenayr"). In this context heritage impact assessments of the application are necessary under Clause 10 of the BLEP.

Pursuant to BLEP Clause 5.10 the proposed development has been subject to a thorough heritage impact assessment. Clause 5.10(2) requires in respect of a heritage item that development consent is obtained for any demolition, moving or alteration of the exterior (including, in the case of a building, making changes to its detail, fabric, finish or appearance), or the erection of a new building on the same land. Under subclause (4), before consent is granted the consent authority must consider the effect of the proposed development on the heritage significance of the item or area concerned. A heritage assessment may be required under sub-clause (5) and a conservation management plan under sub-clause (6).

The original application included a heritage impact assessment and a conservation management strategy. Council's Heritage Advisor raised substantial concerns including matters relating to demolition of part of the heritage hotel building, the bulk, mass and presentation of the proposed tower and its exceedance of the maximum FSR standard, lack of adequate heritage documentation, and internal and external design issues. These concerns were reiterated in the assessment of Council's urban design consultants.

The Heritage Advisor assessed the amended plans lodged on 29 August 2017. The assessment acknowledged various design improvements but identified a wide range of concerns that had not been resolved. The main ones were exceedance of maximum FSR, unsympathetic design aspects of the residential tower, demolition of substantial sections of the existing hotel and lack of acceptable documentation.

The amended and additional information was lodged by the applicant on 8 August 2018 included architectural plans revised in response to Council's design and heritage issues; and a new conservation management strategy and a new heritage impacts statement prepared by a different consultant with a peer review from another consultant.

The Heritage Advisor's assessment of the revised plans and new documentation is that they largely address the heritage matters previously raised, and the current proposal would provide a far more sympathetic development. In particular, the FSR has been reduced, and the design has been better resolved in response to the original heritage fabric. The proposed extent of demolition has been supported by two heritage consulting firms engaged by the applicant.

The assessment concluded that no objections should apply on heritage grounds subject to consent conditions. These are included in the recommendation.

Clause 4.6 Departure from a Development Standard

Clause 4.6 provides a mechanism for development consent to be granted where a proposal contravenes a development standard. The clause stipulates that the consent authority must consider and be satisfied that a written request from the applicant justifies the contravention by demonstrating that compliance is unreasonable or unnecessary in the circumstances of the case

and that there are sufficient environmental grounds to justify the contravention. Furthermore, the consent authority must be satisfied that the development will be in the public interest because it is consistent with the objectives of the standard and the zone.

The proposal is non-compliant with the clause 4.3 Height of buildings development standard which stipulates that the height of a building on the site is not to exceed 30 metres. The maximum height of the proposed development above ground level varies because of the slightly sloping site but the maximum is 32.5 metres. This has been calculated by the Assessment Officer on the basis of the most recent submitted architectural plans.

The maximum building height equates to a 9.6% departure from the development standard. It results from structures for the lift and stairs over-runs, and the pergola over the COS area, on the roof top. The bulk of the building including the parapet surrounding the roof area complies with the 30 metre limit.

The original development application included a written clause 4.6 request which nominated the maximum height at 32.45 metres which is more or less the same as the current proposal. The original 4.6 request is considered suitable for use as the basis of the assessment as there is only a minor difference between the two figures.

Compliance with the standard is unreasonable or unnecessary in the circumstances of the case

- The non-compliance results from structures that facilitate access to the roof top COS area. This is an essential provision in the development pursuant to the ADG and the only place this much area can be provided. The roof top COS area is encouraged by the BDCP and meets the ADG's criteria for solar access
- Notwithstanding the additional height, the bulk of the building complies with the limit. The overall development height is consistent with the desired future character of the Strathfield Town Centre and the B4 zone in which the land is located
- The structures exceeding the height limit are set well back from the boundaries of the site and unlikely to be visible from the street or the hotel building
- The structures do not impact on the heritage significance or context of the hotel building as a heritage item
- As assessed below the objectives of the height standard are achieved notwithstanding the departure from the limit, and the exceedance of the limit is less than 10%
- As such it would be unreasonable and unnecessary in the circumstances of the case to enforce compliance with the limit

Are there sufficient environmental planning grounds to justify contravening the standard?

- The above matters provide sufficient environmental planning grounds for approval of the departure from the development standard
- Notwithstanding the marginal non-compliance the development complies with the objectives of the zone and the development standard, as detailed below

Has the written request adequately addressed the matters in Sub-clause (3)?

As above the written request addresses the matters specified in Sub-clause 3(a) and (b).

Is the development in the public interest?

Despite the exceedance of the development standard the proposal is in the public interest because:

- It is consistent with the objectives of the maximum height development standard and the objectives of the B4 zone as shown in the following table:

Objective	Proposal
Clause 4.3 Height of Buildings	
(a) to establish the maximum height of buildings to encourage medium density development in specified areas and maintain Burwood's low-density character in other areas,	The proposal will result in a medium-high density residential and mixed use development as permitted by the B4 zone. It is in a highly accessible town centre location. Focusing such development in centres helps maintain the character of Burwood LGA's high quality low density residential areas.
(b) to control the potentially adverse impacts of building height on adjoining areas.	The bulk of the building including the parapets around the roof top comply with the height limit. The departure from the limit is less than 10% and the departing features are well set back from the site's boundaries. The additional height is unlikely to be perceivable from streets bordering the site. It will have minimal if any additional amenity impact on adjoining areas by way of further shadowing or overlooking. Much of the shadowing impact of the building before midday falls on Everton Road and the rail corridor. Post midday the west facing façade of the adjoining new building at 19-21 Everton Road receives shadowing however it has limited fenestration on that façade, being oriented mainly to look south and north.
Zone B4 Mixed Use	
To provide a mixture of compatible land uses.	The proposal is a mixed use development with the components designed for satisfactory compatibility. It maintains street activation in Everton Road, facilitates retention of an important heritage item and adds to housing choice.
To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.	The proposal mixes retail, hotel accommodation, food and drink premises and residential apartments in the highly accessible location of Strathfield Town Centre. As such it is highly capable of maximizing public transport use and encouraging walking and cycling.

- It is consistent with the aims of the BLEP 2012 in the following respects:
 - It encourages development of land according to its suitability for various purposes
 - It encourages provision of a range of housing types
 - It encourages growth in business and employment development
- It also supports achievement of the following objects of the Environmental Planning & Assessment Act 1979 as it:
 - Promotes the orderly and economic use and development of land,
 - Promotes the sustainable management of built and cultural heritage
 - Promote good design and amenity of the built environment

Burwood Development Control Plan 2013

The following table assesses the development's relationship to the BDCP's applicable guidelines, for matters that have not been the subject of comment already under the ADG and the BLEP 2012 or where additional comment is warranted.

BDCP Assessment Table

Section 3.2 General Building Design Controls in Centres and Corridors			
Minimum site area and site isolation	Minimum site area 500 sq m (outside BTC, over 9 m building height); isolated site formation discouraged	Adequate site area; lots adjoining to west have significant constraints on redevelopment due to size and dimensions. However if all lots between the site and Mosely Street are combined the total area and dimensions are adequate for redevelopment	Yes
Building access, safety and security	Security measures to form integral part of building; ground floor integrated with streetscape; appropriate mail box provision; casual surveillance to be provided by design	As indicated above the proposed development provides a high level of activation in Everton Road. There is a clear street address for the apartments' entrance and adequate access to residential lobby. A condition is appropriate to ensure adequate lighting is provided in the lobby and in the walkway to it from Everton Road. Safety and security will be required by conditions mandating security access to the lobby with connection to each apartment, and provision of CCTV cameras. The same will apply for access to the car park. Mail boxes are not indicated on the plan and these will be required by consent condition	Yes - conditions required
Shadowing	70% of residential living rooms and private open space to meet minimum sunlight standards, provide adequate natural ventilation (ADG requirements)	Plan provided 8 November 2018 indicating 81% of apartments comply with requirement	Yes
	Consider shadowing impacts on surrounding development	Updated plan confirms morning shadows of the proposed building will fall on Everton Road and the rail corridor. After midday shadows fall on the adjoining new building at 19-21 Everton Road, which is oriented to the south and north, and has limited west-facing fenestration	Yes
Lobbies and internal circulation	Lobbies must be designed for natural ventilation and natural lighting; common area corridors must be minimum of 2m width	The walk way connection Everton Road to the residential lobby is 2 metres wide; the lobby is 4.4 m wide and 64 sq m area in area. Internal corridors on the residential apartment floors are a minimum 1.5 m wide which is less than the guideline but considered adequate	Satisfactory
Awnings	Required for any development built to the street front boundary in the B4 zone	New street front awning 1 m depth indicated for new retail unit; existing one retained for hotel building and is acceptable in	Yes

		heritage terms	
Section 3.3.3 – Area Based Controls in Strathfield Town Centre			
Setbacks and podium height	<u>Everton Road</u> : street front – 0 m required; finished at grade with footpath; provide active street frontage	0 m setback for existing and proposed building; at grade; active street frontage provided by hotel and shop	Yes
	Podium height maximum 11 m Everton Road. Must enhance streetscape and have similar scale and bulk to match streetscape	Existing hotel façade to Everton Road providing main “podium” up to 15 m is consistent with retention of heritage and with the streetscape; new building on Everton Road is single storey only and consistent with context	Yes
	Secondary setbacks –above podium 6 m setback required; free of projections, encroachments	Residential tower has minimum 24 m setback to Everton Road	Yes
	<u>Side setback</u> : non-residential up to 11 m height must be built to boundary; residential levels to have regard to ADG	The east and west side setbacks of the residential tower have been assessed as satisfactory subject to conditions in the ADG section above	Yes
	<u>Rear setback</u> : as per sides except MAY be built to rear boundary even if laneway	On Everton Road the heritage-status hotel building is setback 5.74 metres from the side boundary; this area serves as the hotel's beer garden. On the site's western side the single storey building to be used as a commercial/retail unit has a 0 metre side setback which is satisfactory	Yes
	<u>Building separation</u> : is subject to assessment in the ADG section above	Ground level is built to the boundary. All other levels have minimum 6 m setback for full building height, up to 9 m	Yes
4.6 - Transport and parking in centres			
Retail/commercial	1 for first 400 sq m	1 required for 166 sq m	Yes
Hotel suites	1 per new suite	12 new suites require 12 spaces	Yes
Hotel existing		3 spaces	
Hotel floor area	2 spaces for employees	2 spaces	
Residential apartments	1 per apartment and 2 for employees	Studios 24 @ 0.5 each = 12 1 bedroom 13 @ 1 per unit = 13 2 bedroom 17 @ 1 per unit = 17 3 bedroom 6 @ 1.5 per unit = 9 Visitors 60 units @ 1 per 5 units = 12	Yes
TOTALS		TOTAL required 81 TOTAL provided 81 being 1 for retail, 17 for hotel, 51 for residential occupants and 12 for residential visitors	Yes

Referrals

Referral to	Response
Urban Design	Council's Urban Design Consultants GMU provided comments during the assessment process, most recently on the amended plans lodged on 29 August 2017. These comments are summarized under Current Application History above and assessment is provided in the report section dealing with the ADG. In broad terms the final amended plans have adequately resolved the outstanding urban design issues in GMU's comments, subject to conditions in some cases. No further advice from GMU was considered necessary on the final amended plans.
Development Engineering	No objections, subject to conditions. Initial issues with stormwater drainage resolved.
Environmental Health	No objections, subject to conditions dealing with environment, health and waste management matters and also potential site contamination matters.
Transport and Traffic Engineering	No objections, subject to conditions.
Building	No objections, subject to conditions.
Tree Management	No objections, landscaping plan endorsed.

Community Consultation

Soon after lodgment the application was placed on public notification from 14 December 2016 to 31 January 2017 in accordance with the guidelines of the BDCP. While there have been revisions to the original design the proposed development remains fundamentally the same and further notification has not been considered necessary.

Two submissions were received. The following matters were raised and comment is provided on each.

- The adverse impacts of increased traffic in Cowdery Lane, the narrow width of the Lane and its several blind corners, the lack of any footpath for pedestrians, the use of large trucks to access the loading dock via the Lane, and the lack of parking allocation for removalist trucks. Truck and all other access to the development should be retained from Everton Road.

Comment

Council's Traffic Engineer has raised no objections to the development based on the amendments to the car parking layout and access in the plans lodged on 8 November 2018. This is subject to conditions including several that concern traffic and pedestrian safety signage, a limit on the length of vehicles servicing the site, and controls on the design of walls near the rear boundary so as to ensure adequate sight lines for motorists and pedestrians. It is not appropriate to provide all vehicular access to the development from Everton Road as this would cause significantly greater disruption to vehicle and pedestrian movements on that street.

- The proposed building is too wide on the Cowdery Lane frontage and will adversely affect the temperature in the existing building to the north (across Cowdery Lane) by reflecting glare and blocking southerly wind.

Comment

Section 3.4.3.5 of the BDCP limits the width of a building parallel to the street to 45 metres and encourages a suitably articulated façade to alleviate building mass and improve building appearance. The façade width is about 34 metres only. The façade is adequately articulated and modulated and has an acceptable treatment in terms of materials and finishes, subject to conditions.

The potential building envelope on the site that is provided by the applicable zone, development standards and ADG/BDCP guidelines will at some point in the development cycle result in a building on the site similar in scale to the current proposal. This may have some effect on the flow of breezes from some directions but not others. Overall adverse impacts on the existing building at 40-46 Mosely Street are likely to be minimal given the building separation of around 20 metres.

The design of and the building materials used on the Cowdery Lane façade are consistent with contemporary design and construction. There is no evidence that glare reflected northwards from the façade is excessive or unusual compared to that which would be caused by other contemporary development, or that it will cause increased temperatures in the building to the north across Cowdery Lane. It is noted that the appearance of that building's southern façade indicates limited fenestration and no south facing balconies or doors.

Conclusion

The proposed development is generally compliant with the statutory planning provisions of the applicable SEPPs and with the BLEP 2012. The request for approval of the proposed breach of the BLEP's maximum building height development standard has been assessed as acceptable. The assessment of the proposal against the ADG's guidelines indicates satisfactory compliance subject to conditions on some matters. The two important issues of side boundary setbacks, and treatment of the heritage hotel building and the relationship of the residential tower to the heritage building, have been resolved subject to conditions. The development is generally satisfactory relative to the BDCP's guidelines, subject to conditions.

Only two submissions were received in response to public notification and the issues raised do not present impediments to the development being granted consent. Vehicular access to the development from Cowdery Lane has been assessed by Council's Traffic Engineer as satisfactory. Sydney Trains has issued its concurrence under the Infrastructure SEPP to a deferred commencement consent subject to conditions.

Recommendation

A. That Development Application 156/2017 for Nos. 27-33 Everton Road Strathfield entailing part demolition, alterations, part refurbishment of and additions to the existing hotel; demolition of drive-through liquor store and other buildings; construction of one commercial/retail unit, and construction of a new 9 storey building towards the rear of the site containing hotel suites and residential apartments, and associated access, parking, services, facilities and landscaping be issued with a Deferred Commencement consent as follows:

1. **A Deferred Commencement Consent** is granted, pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act (EP&A Act) 1979*, to Development Application 152/2016, subject to the following Sydney Trains pre-conditions:

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

- i) Detailed Rail specific Geotechnical Engineering Report and Civil and Structural design plans that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by Sydney Trains. The report shall include the potential impact of demolition and excavation, and demolition and excavation-induced vibration in rail facilities, and loadings imposed on Sydney Trains facilities by the development.

- 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 rail corridor, 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 development with respect to Sydney Trains easement and rail corridor land.
- v) If required by Sydney Trains, an FE 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 to Council a copy of the approval/certification from Sydney Trains, with regard to the matters identified in item 1 (i) to (v) above.
- 3. The Deferred Commencement Consent will lapse 12 months from date of issue.

- B.**
 - a. Upon compliance with the pre-conditions in Item A, and Council has received the required approval/certification, Council will issue a letter of notice that it is satisfied with the compliance, and will issue Development Consent 152/2016 (with conditions) that is operable and commences from the date of issue of the consent. Please note that any conditions issued as part of Sydney Trains approval/certification of the above documents will be added to and form part of the consent conditions. The consent plans will be stamped and a copy provided to the applicant at the time the consent is issued.
 - 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 becomes operable.
 - c. The draft conditions (excluding any Sydney Trains conditions) that will be applied in consent 152/2016 are:

- (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 ARC Architects:

Plan Reference & Issue No:	Date of Plan
DA-00 Location Plan	Received 08.11.2018
DA-01 Issue D	Received 08.11.2018
DA-02 Issue D	Received 08.11.2018
DA-03 Issue D	Received 08.11.2018
DA-04 Issue C	Received 08.11.2018
DA-05 Issue C	Received 08.11.2018
DA-06 Issue C	Received 08.11.2018
DA-07 Issue C	Received 08.11.2018
DA-08 Issue C	Received 08.11.2018
DA-09 Issue C	Received 08.11.2018

DA-10 Issue C	Received 08.11.2018
DA-11 Issue C	Received 08.11.2018
DA-12 Issue C	Received 08.11.2018
DA-13 Issue C	Received 08.11.2018
DA-14 Issue C	Received 08.11.2018
DA-15 Issue C	Received 08.11.2018
DA-16 Issue C	Received 08.11.2018
DA-17 Issue C	Received 08.11.2018
DA-18 Issue C	Received 08.11.2018
DA-19 Issue C	Received 08.11.2018
DA-20 Issue C	Received 08.11.2018
DA-21 Issue C	Received 08.11.2018
DA-22 Issue C	Received 08.11.2018
DA-23 Finishes Schedule - South	Received 08.11.2018
DA-24 Finishes Schedule - North	Received 08.11.2018
DA - 25 Finishes Schedule - East & West	Received 08.11.2018
DA-26 Issue C	Received 08.11.2018
DA-27 Issue C	Received 08.11.2018
DA-28 Issue C	Received 08.11.2018

- Landscape Plan prepared by ARC Architects: LA-01 and 02 both Issue C and received on 8 November 2018.
- Engineering Stormwater Plans prepared by Henry and Hymas dated June 2016, all Revision 1: 16447_DA_C00; C100 C101; C102; C103; C200; C203; C250

FEES

- (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 \$82,566.00
(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 **\$65,000**
(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: **\$23,890.46 (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.

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

NOTE: This deposit is refundable if no damage occurs.

PLANNING

- (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 by Council is \$23,890,346		\$23,890.46	
Index Period	September 2018	CPI₁	114.7

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;

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

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

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

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

Council may accept works in kind or other material public benefits in lieu of the contribution required by this condition subject to and in accordance with the requirements specified in the Section 94A Contributions Plan for 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, any air conditioning units or other plant or services are to be located and screened 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 the access to the building for the residential apartments on Everton Road. The mail boxes are to comply with the requirements of Australia Post. The boxes are to be located so that mail can be placed in them by Australia Post from outside the secure areas of the residential and commercial lobbies, and collected from inside the secure areas. Details to be submitted and 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.
- (13) All doors providing access to and from the residential lobby are to be security grade fixtures and are to be appropriately security keyed to ensure the personal safety and security of residents of the development. The main entry security door is to include an intercom system linked to each apartment. Details on these matters are to be submitted and approved **prior to the issue of a Construction Certificate**.
- (14) The entrance driveway for access to the basement parking levels is to be provided with a security door with controlled access that ensures the personal safety and security of the residents and other users of the building. The driveway security door is to be linked to the intercom system for each residential apartment. Details on these matters are to be submitted and approved **prior to the issue of a Construction Certificate**.
- (15) Adequate lighting is required to be provided for the following to ensure the safety and security of residents and users of the development:
- At the entrance to the residential lobby on Everton Road, within the walkway leading to the residential lobby and in the residential lobby.
 - At the rear of the site including in the loading dock and the residential and hotel garbage rooms, and in passages leading to those rooms.

The installed lighting is to be of sufficient quality to ensure the effective operation of the CCTV system referred to in the following conditions. The installed lighting is to be sited and controlled so as not to cause nuisance to the residents of buildings located on the north side of Cowdery Lane. Details on all of these matters are to be submitted and approved **prior to the issue of a Construction Certificate**

- (16) CCTV cameras shall be installed for the building so that they can survey the main entrance to the residential lobby, and the vehicular entrance to the driveway to the parking levels. The CCTV system shall provide a quality image that can assist with the detection of crime and be used by the NSW Police in any investigation (a quality digital system). CCTV system footage shall be retained for a period of no less than fourteen days and be available upon request by the NSW Police when required. Details are to be submitted and approved **prior to the issue of a Construction Certificate**.

- (17) The provision of the security access system for the development is to afford the all residents of the development equivalent access to the Common Open Space area located on level 8 and the roof top of the development.
- (18) Provision of storage space in each unit and in the basement is to comply with the recommendations of the Apartment Design Guide. A schedule shall be submitted to the Principal Certifying Authority demonstrating compliance and approved **prior to the issue of a Construction Certificate**.
- (19) Provision of accessible/adaptable residential apartments and accessible parking spaces is to comply with the applicable Australian Standards as indicated in Section 3.2.19 of the Burwood Development Control Plan 2013.
- (20) To provide adequate visual privacy for the residential apartments, the following changes are to be made to the design of the building. Details are to be submitted and approved **prior to the issue of a Construction Certificate**.

Western side: the western side of the balcony on level 8 for apartment 8.02 and the western side of the private garden on level 1 for Studio 1.01 are to include landscaped planting or some other screening device to prevent in looking or overlooking in relation to development on the adjoining land

Eastern side: The eastern sides of the 2 balconies on level 2 and the eastern side of the balconies on levels 3-8 are to be provided with additional screening to prevent in looking or overlooking in relation to development on the adjoining land; and the two windows to living areas of apartments 1.06 and 2.07 on levels 1 & 2 are to be provided with suitable screening to prevent in looking or overlooking in relation to development on the adjoining land

- (21) An amendment to the Finishes Schedule plan DA-25 for the western and eastern facades of the residential tower building is to be prepared and approved **by Council prior to the issue of a Construction Certificate**. The plan is to clearly show:
- On the western façade, the podium wall of the ground level and level 1 that has a 0 metre setback is to be finished with pre-painted panels and/or through-colour textured panels arranged in an appropriate decorative pattern in place of plain concrete or painted render
 - On the western façade above the ground level and level 1 and on the eastern façade above the ground level the presentation of the pattern of panels is to be improved with a revised arrangement that has a reduced “checker board” appearance.
- (22) All hydrant booster pump and fire service equipment shall to be provided on one of the street frontages only, located at right angles to the street frontage and housed within an enclosed cupboard of a design and finish that enhances the streetscape. Details of these areas and the enclosures are to be submitted to Council for approval **prior to release of a Construction Certificate for the development**.

HERITAGE

(23) Brickwork

- The exterior brickwork pertaining to the new work shall match the colour and pattern of the existing face brick upon the heritage-listed Hotel as far as possible.
- Where the rear (northern) wall of the truncated Hotel is exposed to view – on account of the partial demolition of the rear section of the existing Hotel building – the rear wall shall be “made good” using face bricks which match the colour and pattern of the existing bricks as far as possible. The rear wall shall not be permitted to be covered (or otherwise obscured) by panelling, boards, sheeting, or similar material; nor shall the rear wall be rendered or painted.

- The face brickwork upon the retained portion of the existing Hotel shall not be rendered, bagged, painted or otherwise coated.

(24) Roof

- The existing roof tiles upon the retained portion of the Hotel building shall be retained in-situ, or where necessary due to poor physical condition, replaced with matching roof materials having the same colour, finish and profile as the existing.
- Where the rear (northern) roof section of the truncated Hotel is to be altered – on account of the partial demolition of the rear section of the existing Hotel building – the altered roof shall be “made good” using roof tiles and components which match the pitch, ridge height, tile colour and tile profile of the existing roof as far as possible. The altered Hotel roof shall observe a form as depicted on the approved Roof Plan. A metal roof covering shall only be permitted upon components of the retained Hotel building where the roof pitch would be less than 15 degrees.

(25) Treatment of Historic Hotel Building

- All existing window and door openings (including their joinery and component parts), fanlights, leadlight, wall tiling and stairs within the ground, first and second floor levels of the retained Hotel building pertaining to:
 - (a) the southern (front) elevation;
 - (b) the eastern elevation within 22 metres of the front boundary; and
 - (c) the western elevation within 13 metres of the front boundary;
 shall be retained in-situ. These components shall not be replaced or altered without the separate approval of Council. Any repair shall be with “like for like” materials, having the same material, profile, colour and style.
- The historic Hotel facade shall be painted, and the work completed **prior to the issue of any Occupation Certificate**. The paint scheme shall be undertaken in accordance with ‘Attachment D: External Colours Hotel Core Façade’ on pages 83 and 84 of the Conservation Management Strategy and Statement of Heritage Impacts, prepared by Colin Israel Heritage Advice, revised 2 August 2018. For the avoidance of doubt, the face brickwork upon the façade shall not be painted.
- In respect to the retained Hotel building, the raised lettering stating “Whelans Strathfield Hotel” shall be retained and shall provide a painted colour which contrasts its background.
- Doors and windows shall be salvaged from the demolished/altered portion of the Hotel building for re-use within the retained portion of the Hotel building as indicated within the documents prepared by Colin Israel Heritage Advice. The property owner is responsible for the careful salvage and safe storage of the door/window components. Should these door/window components be lost or damaged in the course of the development, the property owner shall engage suitably skilled craftspeople to reproduce or repair the original door/window components to their precise parameters for installation within the Hotel building as was envisaged by the approval.
- Security bars or shutters shall not be fitted to the windows on the retained Hotel building’s Everton Road façade. Should security upgrading be required, security locks/devices shall be fitted to the building’s interior.

(26) Conservation Work Methods

- Work to the exterior and interior of the retained portion of the Hotel building, shall be undertaken under the guidance of a suitably qualified heritage professional. All work shall be undertaken in accordance with the Conservation Management Strategy, Statement of Heritage Impacts, and Revised Schedule of Conservation Works (including supporting documentation) prepared by Colin Israel Heritage Advice. The work shall be inspected by a qualified heritage professional from Colin Israel Heritage Advice, Architectural Projects or Burwood Council. That professional shall verify, in writing to Burwood Council, that all aspects of the approved Conservation Management Strategy, Statement of Heritage Impacts, and Revised Schedule of Conservation Works have been complied with, and the

work has been completed in line with heritage principles **prior to the issue of any Occupation Certificate or any Subdivision Certificate.**

- The shoring, excavation and methods of construction are to adhere to the technical findings, methods and recommendations set out in the Engineering/Geotechnical Report, prepared by Henry & Hymas Consulting Engineers, dated 6 July 2018.
- Any structural damage which occurs to the retained Hotel building during the undertaking of site preparation and construction work, shall be repaired and restored to a standard which would enable the occupation of the premises as commercial premises **prior to the issue of a Subdivision Certificate.**
- In the event of any accidental or deliberate damage to building fabric which has been identified for retention in the approved plans and heritage documentation, reconstruction shall be undertaken with salvaged material, to the original design, and all work completed to a high quality standard **prior to the issue of any Occupation Certificate.** This requirement does not in any way affect Council's powers to investigate breaches and impose orders and/or fines in respect to unauthorised work.
- Unless notated on the approved plans or otherwise approved by this consent, any alteration, repair and/or replacement of external features upon the retained portion of the Hotel building shall only be replaced by "like for like" elements, having the same material, profile, colour and finish of the original.
- No hydrant booster pump, firefighting equipment, electricity substation, rainwater tank, waste/bin storage, air conditioning unit, solar panel, hot water unit, satellite/communication dish, nor similar utility item shall be erected or installed on the Everton Road exterior of the retained portion of the Hotel building, nor where these items would be visible from the public footpath on Everton Road.
- The only fire door within the Everton Road elevation shall be limited to the western-most extremity of the site.

(27) Heritage Interpretation

- Interpretative signage pertaining to the heritage-listed Hotel building, shall be set out within an Interpretation Strategy submitted to Council for approval by Council's Heritage Advisor **prior to the issue of a Construction Certificate.** The interpretive signage/display shall have an area of at least 10 square metres. The written content, graphic design, layout and material details of the interpretive signage shall be provided in the Interpretation Strategy. It is expected that the interpretative signage shall comprise historical photos, and text describing the history, ownership, and earlier appearance of the property. Satisfaction of this condition shall be confirmed upon written advice by Council.
- All interpretative signage shall comprise a professional graphic design, and be fixed or mounted on a solid and durable material. The interpretative signage shall be predominately installed within the Hotel building's T.A.B. room as shown on the plan by Colin Israel Heritage Advice, submitted 8 August 2018.
- All interpretative signage and displays shall be undertaken in accordance with the approved Interpretation Strategy **prior to the issue of any Subdivision Certificate or Occupation Certificate.** The Principal Certifying Authority (PCA) shall verify, by undertaking an inspection, that the interpretive signage has been installed upon the premises prior to issuing the relevant Certificate. The interpretative signage shall be retained in place (and maintained as necessary) for a period of not less than 10 years.

(28) Building Upgrades

- The provision of any new balustrade, or alteration to the existing balustrades, upon the historic Hotel's Everton Road elevation shall be submitted to Council for approval by Council's Heritage Advisor **prior to the issue of a Construction Certificate.** The intention should be to retain original fabric as far as possible, and ensure that new work in as visually recessive as possible.

- The provision of any accessible ramps or access facilities for people with a disability affecting the retained portion of the historic Hotel building within:
 - 2 metres of the front (Everton Road) boundary; or
 - the 'Entrance Lobby' or 'Private Entrance' corridors;
- shall be submitted to Council for approval by Council's Heritage Advisor **prior to the issue of a Construction Certificate**.

(29) Signage

- All existing banners, advertisements and signage (including their supporting structures) which are located:
 - (a) above the level of the retained Hotel's ground floor awning, across all elevations of the existing Hotel; and
 - (b) upon the Hotel's western wall, within the area of the approved residential passage;
 shall be removed **prior to the issue of any Occupation Certificate**, with the exception of the raised lettering stating "Whelans Strathfield Hotel".
- The electric sign on the western elevation stating "Drive-In Bottle Sales" shall be salvaged and installed within the redevelopment's interior (for example, the Residential Lobby) as a component of heritage interpretation. The electric sign is not required to be in electrified working order. The electric sign may contribute to the 10 square metre requirement for interpretive signage/display.

(30) Residential Passage

- The approved passage from Everton Road to the residential lobby shall be uncovered. Any proposal for a roof covering or weather-protection of this space would be subject to the separate approval of the Council, having regard to the heritage significance of the western wall of the historic Hotel.
- Mailboxes shall not be fixed to the retained Hotel's western wall, nor obscure views of the same.
- The 'Steel Picket Security Gate' within the residential passage (as shown on the approved Ground Floor Plan) shall not exceed a height of 1.8 metres from finished ground level. The gate and adjoining fence components shall provide an "open-style" which maximises views through the gate/fence to the Hotel building and Residential Lobby entrance beyond.

BUILDING

- (31) 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 Certifier prior to the issuing of a Construction Certificate:

Where work is carried out by a Principal Contractor:

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

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

Where work is carried out by an Owner-Builder:

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

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.

- (32) 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.

- (33) All building work must be carried out in accordance with the provisions of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010 and the relevant Australian Standards.
- (34) 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.
- (35) 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.
- (36) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- a. must preserve and protect the building from possible damage, and
 - b. if necessary, must underpin and support the building in an approved manner, and
 - c. must, at least 7 days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

- (37) 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.

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

WARNING

Utility Services

Before Construction – apply early as building of water and sewer services can be time consuming or may impact on other parts of your development.

Building Plan Approval

The plans approved by Council or the Principal Certifying Authority as part of the Construction Certificate for the development must also be approved by Sydney Water **prior to excavation or construction works commencing**. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to <http://www.sydneywater.com.au/tapin> to apply.

- (39) 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.
- (40) No materials are to be stored on Council's roads, footpaths or parks.
- (41) 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.
- (42) 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. A Principal Certifying Authority sign should also be displayed in a prominent position at the front of the development site.
- (43) Hours of work shall be from 7:00am to 7:00pm Mondays to Fridays inclusive (during daylight savings period), 7:00am to 6:00pm Mondays to Fridays inclusive (outside daylight savings period) and from 7:00am to 4:00pm on 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.
- (44) When demolition of any existing building is involved, burning of any demolition materials on the site is prohibited. All waste materials to be removed from the site.
- (45) 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*)

- (46) 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 the junction of any internal fire-resisting construction bounding a sole-occupancy unit, and any other building element required to resist internal fire spread, inspection of a minimum of 30% of sole-occupancy units on each storey of the building containing sole-occupancy units, and
 - ✱ 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.
- (47) 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**.
- (48) Dial Before You Dig is a free national community service designed to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential services we use everyday – electricity, gas, communications and water.
- Before you dig call "Dial Before You Dig" on 1100 (listen to the prompts) or register on line at www.1100.com.au for underground utility services information for any excavation areas.
- The Dial Before You Dig service is also designed to protect Australia's excavators. Whether you are a backyard renovator, an individual tradesman or a professional excavator, the potential for injury, personal liability and even death exists everyday. Obtaining accurate information about your work site significantly minimises these risks.
- Reason: To ensure that essential services such as electricity, gas, communications and water are not affected by excavation or construction works.
- (49) 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.
- (50) All plumbing and drainage work being carried out by licensed tradesmen and in accordance with the requirements of the Plumbing Code of Australia and regulations of Sydney Water.
- (51) The floor of the wet areas being of a material impervious to moisture and graded and drained to the sewers of Sydney Water.
- (52) 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.
- (53) 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**.

- (54) 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**.
- (55) 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.

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

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.
- (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) 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**.
- (59) 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.
- (60) 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:-
- The location and size of proposed ductwork.
 - The location of equipment.
 - The performance characteristics of the proposed motor/s and fan/s.
 - 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**.

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

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

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

- (62) 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**.
- (63) All materials used in the building must comply with early fire hazard criteria of Specification C1.10 of the Building Code of Australia.
- (64) Openings in floors, walls and shafts for services must comply with C3.12, C3.13 and C3.14 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.
- (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) Proposed development on the site to comply with all provisions of the Burwood Development

Control Plan 2013, Building Code Australia and the Disability (Access to Premises – Buildings) Standards 2010 for access and mobility including:

- The main entry of development must be designed and identified for use by persons with a mobility impairment.
- The main entry must be accessible from the street footpath in accordance with Australian Standard (AS) 1428: Design for Access and Mobility.
- Safe and convenient access must be provided in all development, car parks and communal facilities.
- Compliance with AS 1428.1 is required with respect to access requirements on new building work, including the proposed common stairs and all building parts in the paths of travel from the main entry point required to be accessible to the entrance doorway of each sole-occupancy unit and to and within rooms or spaces for use in common by the residents located on each level served by the proposed lift.
- Tactile indicators must be provided on the ground immediately adjacent to the approach and departure sides of any changes in floor levels in the public domain which incorporate a step, ramp, stepped ramp or the like in accordance with AS 1428.4.
- At least 10% of dwellings in a development must be provided as adaptable housing to Adaptable House Class A or B standard to cater for ageing in place and mobility impaired residents, in accordance with AS 4299: Adaptable Housing.
- At least one car parking space must be provided and allocated to each dwelling required to be provided as accessible or adaptable housing under this Section and the car parking space must be accessible in accordance with the provisions of AS 1428.2 to facilitate automatic vehicular wheelchair loading and unloading.
- Carparking spaces for people with a disability to be provided for class 3, 5 and 6 building parts in accordance with Table D3.5 of BCA.
- For BCA building class 3 development providing 80 or more dwellings, additional accessible visitor car parking space must be provided on site which are accessible at the rate of one per each 60 dwellings or part thereof in line with Provision 9 of Burwood DCP Section 3.2.19.

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 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 (where required) 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 (where required) 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.

(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 Part F5 of the Building Code of Australia. A wall in a building required to have an impact sound insulation rating to be of discontinuous construction in accordance with BCA Clause F5.3.

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.

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

DEMOLITION

- (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 7:00pm Mondays to Fridays inclusive (**during daylight savings period**), 7:00am to 6:00pm Mondays to Fridays inclusive (**outside daylight savings period**) and from 7:00am to 4:00pm on 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.

ASBESTOS REMOVAL

- (80) A WorkCover licensed contractor must undertake removal of more than 10 square metres of any bonded asbestos. Removal of any friable asbestos must only be undertaken by a contractor that holds a current friable asbestos removal licence.
- (81) Removal of any asbestos must be undertaken in compliance with the requirements of SafeWork NSW. Refer to their Code of Practice “How to Safely Remove Asbestos” dated September 2016.
- (82) Demolition sites that involve the removal of any asbestos must display a standard commercially manufactured sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm erected in a prominent visible location at the site to the satisfaction of Council Officers. The sign is to be erected prior to the commencement of demolition works and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility. This will ensure compliance with Clause 469 of the *Work Health and Safety Regulation 2011*.
- (83) All asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations (Waste) Regulation 2005*.
- (84) All asbestos laden waste must be disposed of at an approved waste disposal depot (Refer to the Office of Environment and Heritage or Waste Service NSW for details of sites).
- (85) Written notice must be provided to Council and adjoining neighbours at least two working days prior to commencement of any works.

Such written notice is to include the following details:

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

Work is not to commence prior to the nominated date.

ENVIRONMENT & HEALTH

Environmental Management:

- (86) 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
- (87) The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the received boundary.
- (88) The operation of the licensed venue is to be managed in accordance with the recommendations contained in Part 8.1 of the Acoustic Assessment prepared by Acoustic Logic (ref:20160213.1/2604A/R1/MF) dated 26/04/16 in order to achieve the required reduced noise emissions as prescribed by the Office of Liquor, Gaming and Racing.
- (89) The construction of windows / sliders, doors, external walls and roofs are to be comply with the recommendations listed in Part 8.2 of the Acoustic Assessment prepared by Acoustic Logic (ref:20160213.1/2604A/R1/MF) dated 26/04/16 in order to achieve the required noise reduction targets and levels as required by Clause 102 of the State Environmental Planning Policy—(Infrastructure) 2008 and NSW Department of Planning's 'Development near Rail Corridors and Busy Roads – Interim Guideline'
- (90) 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 nearby 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.**
- (91) 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.

Health

- (92) All food preparation, handling and storage are to be carried out in accordance with provisions of the Food Act 2003, the Food Regulation 2010 and the Food Safety Standards.

Copies of the Food Safety Standards Code (Australia) may be obtained by contacting the Food Standards Australia New Zealand Authority on Telephone: (02) 6271-2222, e-mail: info@foodstandards.gov.au or by visiting the website: www.foodstandards.gov.au

- (93) The **fit out** of the kitchen is to be in accordance with Australian Standard A.S. 4674-2004 for the Design, construction and fit-out of food premises, Food Act, 2003 and Food Regulation 2004. Plans and specifications of the proposed kitchen and food areas are to be submitted to Council for approval **prior to the issue of a Construction Certificate**

Note: Copies of AS 4674-2004 may be obtained from Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website: www.standards.com.au

- (94) The applicant is to complete and submit, together with the relevant fee, Council's '[Application Form for Registration of Food Premises](#)' **prior to the issue of an Occupation Certificate**
- (95) A Food Safety Supervisor (FSS) is to be appointed for the business. Details of the name and current Certificate number of the FSS are to be submitted to Council prior to the issue of an Occupation Certificate.
- (96) The residential portion of the hotel is to be managed and operated in accordance with the *Local Government (General) Regulation 2005, Schedule 2 Part 1 - Standard for Places of Shared Accommodation*.

Waste Management:

- (97) The waste management for the development shall be carried out as specified in the Waste Management Plan prepared by ARC Architects dated 17.10.16.
- (98) 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.
- (99) A separate area is to be provided within the development (minimum 15 square metres) for the temporary storage of unwanted large bulky house hold items (clean up material) awaiting disposal either privately or through Councils clean up service.
- (100) Both residential and commercial garbage and recycling storage areas are 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.
- (101) Manufacturers details and specifications for the installation, fire suppression and health and odour control measures for the garbage chute are to be submitted to Council for approval **prior to the issue of the Construction Certificate**.
- (102) Certification is to be provided by the installer of the chute system **prior to the issue of an Occupation Certificate** certifying that the Chute has been installed in accordance with the manufacturer's specification.
- (103) 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.

- (104) 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.
 - (105) A Caretaker is to be appointed for the development who will have ongoing responsibility for the proper management of the waste and recycling services
 - (106) All waste collections are to be carried out from within the building (not from the kerb side). The caretaker is to wheel the waste and recycling bins to the nominated bin holding area for collection.
 - (107) The applicant shall provide to Council a legally drafted agreement at their own expense in the form approved by Council which gives right of access and absolves Council and / or any of its waste collection contractors from any damage or injury that may arise from the onsite collection of waste and recyclables.
 - (108) The vehicular access to the basement waste storage area is to be designed to allow for access including forward driving and reversing into the collection bay by a fully laden waste and / or recycle collection vehicle.
 - (109) The building access road and loading dock is to be designed to enable a fully laden waste collection vehicle to be able to access the site and carry out collections within the building.
 - (110) Residential and commercial waste and recycling collections are to be carried out in a manner and at times which do not cause a noise nuisance to the immediate or nearby residents.
- Note;* Council reserves the right to issue a direction under the Protection of the Environment Operations Act to address any noise or other nuisance complaints.
- (111) Waste and recycling bins shall be kept 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 a grated drain.
 - (112) **Prior to the issue of an 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.

Land Contamination:

- (113) The recommendations in the Preliminary Contamination Investigation conducted by Douglas Partners (Report 85426.01.R.001.Rev0 dated April 2016) are to be complied with namely:
 - 1. A detailed Site Contamination Investigation (DSI) is to be conducted following demolition of the structures on the site. The DSI should target areas of potential contamination identified by the Conceptual Site Model in Section 6.1 of the report. The DSI is to detail any required remediation for identified contaminants such as asbestos identified in borehole 3B.
 - 2. A Hazardous Building Material survey is to be carried out by an accredited auditor to identify any hazardous building materials in the existing buildings. A plan of management is to be developed for the safe management and disposal of any identified materials.
 - 3. A *Site Validation Report* confirming that any contamination detected during excavation and construction works was properly disposed of and that the site is suitable for the proposed use is to be submitted to Council for approval **prior to the issuing of an occupation certificate**.

4. Any soils or materials requiring removal from the site as part of the site excavation are to be classified in accordance with the 'Waste Classification Guidelines, Part 1: Classifying Waste' NSW EPA (2014)

ENGINEERING

- (114) Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to:-
 - a. *The nearest appropriate Council drainage line*
- (115) 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.**
- (116) 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.**

- (117) 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.**
- (118) 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 stormwater pits with 2.4 m lintels and 3.75 mm dia RCP pipe along Cowdery Lane
 - 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.

- (119) All building foundations shall be designed to ensure that no additional loads are exerted on Council's drainage pipes and that the pipeline(s) can be maintained and/or replaced without affecting the structural stability of the proposed building(s). The design is to be certified by an Accredited Certifier - Structural Engineering, **prior to the issuing of a Construction Certificate.**
- (120) 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.

(121) 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.

(122) Habitable floor levels shall be a minimum of 150mm above the surrounding finished ground levels. Garage floor levels shall be a minimum of 100mm above the surrounding finished ground levels.

(123) 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.**

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

- i) *Prevention of the erection of any structures or fencing*
- ii) *On-site Stormwater Detention system*
- iii) *Pump and rising main system*

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

- a. The proprietor of the property agrees to be responsible for keeping clear and the maintenance of the facilities consisting of:
 - i) *On-site Stormwater Detention system*
 - ii) *Pump and rising main system*
- b. The proprietor agrees to have the facilities inspected annually by a competent practicing Hydraulic/Civil Engineer.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean repair and maintain in good working order the facilities in or upon the said land; and recover the costs of any such works from the proprietor.

- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from failure of any component of the facilities.

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

- (125) 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.**

- (126) 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.

- (127) 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 Certifier prior to carrying out the works. **Please see Burwood Council's web site www.burwood.nsw.gov.au - Go to Development/Working on Footpaths or Roadways?/Works on Council Property (Application Form).**

- (128) 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.
- (129) 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.
- (130) 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.
- (131) 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 Cowdery Lane 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.
- (132) 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.
- (133) Stormwater from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe to Council's street drainage system.
- (134) 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.**
- (135)

- 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.**
- (136) Vehicles transporting demolished, excavated and/or construction materials to and from the site shall access and depart from the site through Mosley Street, Cooper Street, Wentworth Road and Parramatta Road. Vehicles involved in transporting materials shall be limited to an 8 tonne gross weight per axle.
- (137) A complying sediment control plan must be submitted to Council for a review. The plan shall be prepared to comply with the requirements of the Environmental Protection Authority (EPA) and POEO Act 1997. A plan of the proposed sediment control measures will be required with the application. Where offsite disposal of excavated material will occur, a truck cleaning area will be required. The plan is to comply with the details given in Managing Urban Stormwater (Soils and Construction) published by Landcom (also called as "blue book") complying with the appropriate stormwater quality outcomes established by Department of Environment & Climate Change (DECC) NSW

EXCAVATION, BULK EARTHWORKS AND SHORING

- (138) 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 piling, planking and strutting shall be of sufficient strength to retain the sides of excavations.
- A Compliance Certificate verifying the suitability of Structural details of proposed piling, shoring etc. are to be submitted to the Principal Certifying Authority before commencement of excavation.
- (139) 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.
- (140) 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.
- (141) If an excavation associated with the erection or demolition of a building extends below any level of the base of the footings of a building or other structure on an adjoining allotment of land, the person causing the excavation to be made:
- a. must preserve and protect the building or other structure from damage and rectify any damage caused by any such excavation, and
 - b. if necessary, must underpin and support the building or other structure 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 or other structure on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to that owner.

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

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

(142) 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. 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.

(143) 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.

(144) 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.

(145) 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.

(146) 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.

(147) 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.

(148) 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.

(149) 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.

(150) 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.

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

WARNING

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

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

The applicant will need to provide the following information:

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

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

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

Plans will be appropriately stamped.

- (152) 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:

- (153) 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:
- (154) The contractor shall be responsible to obtain and submit to Council a written consent from all public utility authorities that they have no objection in regards to the installation of temporary ground anchors, prior to works commencing.
- (155) 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.
- (156) The anchors shall be installed in accordance with the manufacturer's instructions.
- (157) 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.

- (158) 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.
- (159) 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.
- (160) All shoring including ground anchors are to be certified by a practicing professional structural engineer. Certification is required as follows:
 - That the proposed shoring and anchor scheme is capable of supporting the public road, to be submitted prior to work commencing.
 - Certification that the shoring and anchor scheme has been adequately constructed, following installation.
 - 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.
- (161) 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.
- (162) All stockpiled shoring materials and equipment shall be kept solely within the private property and not obstruct the footpath or roadway at any time.
- (163) All earth and rock anchors shall be released before the completion of building work.

PUBLIC DOMAIN PLAN SUBMISSION

- (164) The applicant shall submit to Council a high quality Public Domain Plan on all publicly accessible areas at the properties along Everton Road and Cowdary Lane frontage in accordance with Council's Standard Drawings & Public Works Element Manual. The specifications of such public domain plans shall be as below:
 - i. Plan view of proposed works at 1:100 or 1:200 scale. The plan view should show all the existing infrastructures like kerb & gutter, road centreline, footpath, property boundaries, service pits & lids, telegraph poles, traffic posts with signs, street furniture (if any), etc. Plan view should clearly show the proposed kerb & gutter, footpath and kerb ramp locations with appropriate labelling showing its type, dimension, inverts (gutter & stormwater grates/pits/outlets), chainages, traverse lines, etc. Plan should also show the affected infrastructure by the proposed works that needs restoration/replacement with appropriate dimensions.
 - ii. Longitudinal view of the proposed kerb & gutter and/or stormwater pipe taken at invert of gutter at 1:100 (both Horizontal & Vertical) scale. This view should include chainages, existing ground level, design invert levels, slope of existing and proposed works and all the services conflicting/non-conflicting along the proposed area with their top & bottom depth, etc.
 - iii. Cross Sectional view of the proposed works at 1:100 (both Horizontal & Vertical) scale taken at every 5m intervals and at every critical feature like pits or conflicting services, etc. The view should include chainages, offsets taken from a traverse line fixed with nails on road (offset must be at least 2.5m off from the proposed invert of gutter), pits/pipe invert levels, existing & proposed road infrastructures surface & levels, conflicting/non-conflicting services. The cross section should cover the

features extending from at least road centreline on one side to the property boundary on the other side.

- iv. The proposed works must comply with attached Council's Standard Drawings BSD 01 Rev D – for Kerb & Gutter (Type 1), BSD 02 Rev D – For footpaths, BSD 04 Rev D – for Vehicular Crossing, BSD 07 Rev D – for Kerb Ramps, BSD 08 Rev D – for pavers, BSD 09 Rev D – Stormwater pits, BSD 14 Rev D – for Trench backfilling.
- v. Offset nails must be established on the road along the proposed works with 2.5m off from the proposed invert of gutter at every 10m interval and at significant locations as required. Design drawings should include offset setout table with design invert of gutter levels up/down as reference to the offset nails.

TRAFFIC AND TRANSPORT

- (165) All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.
- (166) 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**.
- (167) A minimum of 81 off-street car parking spaces and 25 bicycle parking spaces must be provided on-site. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The 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.
- (168) 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) 51 residential parking spaces.
 - (b) 12 residential visitor parking spaces.
 - (c) 17 hotel parking spaces.
 - (d) 1 retail parking spaces.
- (169) Courier spaces and loading docks must be located close to the service entrance and away from other parking areas, as detailed below:
 - (a) A minimum of 1 Small Rigid Vehicle loading dock
- (170) Adequate space must be provided to allow manoeuvring and turning of the different sized vehicles. The design, layout, signage, line marking, lighting and physical controls for all service vehicles must comply with the minimum requirements of 'Australian Standard AS 2890.2 – 2002 Off-Street Parking Part 2: Commercial vehicle facilities'.
- (171) 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.
- (172) 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.

- (173) All visitor parking spaces must be grouped together, and located at the most convenient location to the car parking entrance. All spaces must be clearly marked 'visitor' **prior to the issue of an Occupation Certificate**. All signs must be maintained in good order at all times.
- (174) 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*'.
- (175) Of the required car parking spaces, at least 9 must be designed and provided for accessible car parking for people with mobility impairment in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking. Accessible car parking spaces must have a minimum headroom of 2.5m and must be clearly marked and appropriately located as accessible parking for people with mobility impairment. The car park must respect the following allocation:
- (a) 6 accessible residential parking spaces.
 - (b) 1 accessible residential visitor parking spaces.
 - (c) 2 accessible hotel parking spaces.
- (176) 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.
- (177) The site must be configured to allow a vehicle to be driven onto and off the site in a forward direction.
- (178) 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.
- (179) A system of convex safety mirrors must be installed at the ends of ramps to indicate traffic movement on the ramps. This system must be detailed in the application for a Construction Certificate.
- (180) Solid walls immediately adjacent to the basement entry and exit must not exceed 0.6m in height for the first 2.5m within the boundary so as to ensure adequate sight lines for motorists and pedestrians.
- (181) 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.
- (182) At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.
- (183) The size of vehicles servicing the property must be a maximum length of 6.4 metres.
- (184) 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.

- (185) 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.
- (186) All costs associated with signposting for any kerbside parking restrictions and traffic management measures, including any relocation of parking meters, associated with the development shall be borne by the developer.
- (187) A Construction Traffic Management Plan must be submitted and approved by Council prior to the commencement of demolition and excavation or issuing of the Construction Certificate (whichever occurs first). The Construction Traffic Management Plan must be complied with at all times. 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.
- (188) All works carried out in conjunction with the development including during the course of demolition, excavation and construction must be implemented in accordance with the approved Construction Traffic Management Plan (CTMP) and/or approved permits for works on Council's property.
- (189) 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:
- 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

Operational Conditions

- (190) If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, 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.
- (191) 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".
- (192) **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.
- (193) 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. 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.
- (194) 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.
- (195) Unless advised by Sydney Trains in writing; all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
- (196) No rock anchors/bolts are to be installed into Everton Road, Strathfield.
- (197) 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.
- (198) 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.

- (199) Sydney Trains and Transport for NSW, and persons authorised by them for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- (200) **Prior to the issue of a Construction Certificate**, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.