

## **SUPPLEMENTARY PLANNING ASSESSMENT REPORT – SYDNEY EASTERN CITY PLANNING PANEL**

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

**Ref:18/49458**

<b>Report Author:</b>	Burwood Council
<b>Date of Report:</b>	20 December 2018
<b>Property Address:</b>	Nos. 27 - 33 Everton Road Strathfield; frontage also to Cowdery Lane at rear
<b>Proposal:</b>	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
<b>Applicant:</b>	ARC Architects
<b>Zone:</b>	B4 Mixed Use – Burwood Local Environmental Plan (BLEP) 2012

### **Background**

A report on this application was considered by the Sydney Eastern City Planning Panel at its meeting 6 December 2018 where the Panel resolved that the consideration of the application be deferred. The reasons for the deferral were to enable the applicant to submit a revised Clause 4.6 objection dealing with the variation of the building height and a new Clause 4.6 objection dealing with the variation of the FSR control unless compliance with the FSR control of 3:1 is achieved. The first objection is necessary because the submitted CI 4.6 objection dated from 2016 and the latest plans are dated 2018. The second objection is necessary because the applicant appears not to have included the garbage areas on the ground floor as part of the Gross Floor Area (GFA) calculation. In addition the Panel noted that the rooms in the hotel by definition may constitute serviced apartments. CI 4.4A(4) of Burwood Local Environmental Plan (BLEP) limits the FSR of serviced apartments in a development to 10% of the GFA. If the hotel floor space exceeds the 10% maximum then a further CI 4.6 objection is required for consideration.

The applicant has subsequently submitted an amended ground floor plan, a revised plan showing areas included in the GFA calculation, a revised CI 4.6 objection relating to height, a CI 4.6 objection relating to overall FSR and hotel portion of the GFA.

It is understood that the Panel had no other objections to the development and accordingly this supplementary report addresses the matters specified above.

## Assessment

### CI 4.6 Objection – Overall Floor Space Ratio & Serviced Apartment Floor Space Ratio

The additional documentation submitted states that the development has a total FSR of 3.04:1 which is made up of a commercial component of 0.85:1 and a residential component of 2.19:1. The maximum FSR permitted is 3:1 and therefore the variation sought is 1.3%. The hotel accommodation component (Serviced Apartment) is shown as 0.31:1 which exceeds the maximum of 10% (i.e.0.3:1) as set out in Clause 4.4A(4) by 2.9%. The residential component of 2.19:1 complies with the maximum permitted in this area of 2.3:1.

The applicant has submitted a detailed CI 4.6 objection that documents the legislative requirements for the consideration of a cl 4.6 objection and concludes in part that

*“the increase in GFA resulting from the provision of individual bathrooms on the first and second level maintains the existing number of hotel rooms and upgrades guest amenity to contemporary hotel accommodation standards and customer expectations.*

*There are sufficient environmental planning grounds to justify the non-compliances and the proposal is in the public interest because it is consistent with the objectives of the floor space ratio development standard and the provisions of BLEP 2012.*

*Further, in terms of consistency with the objectives of cl4.4 and 4.4A it is considered that strict adherence to the floor space ratio development standard to this particular development is not warranted and relaxing the standard would result in a better development that achieves a high level of amenity for future residents and visitors of the building and adjoining properties.”*

CI 4.6 of BLEP requires the consent authority to consider matters as set out in CI 4.6 (3) & (4) of BLEP 2012 prior to consent being granted for an application.

It is considered that the applicant’s submission has suitably addressed these matters and the submission made has merit and is supported. In particular the applicant’s written submission has:

- Justified that strict compliance is unreasonable or unnecessary given the little impact the loss of FSR will have on the building and is consistent with the FSR control objectives
- Justified that there are sufficient environmental planning grounds in that the increase in FSR is minor and will have little, if any, environmental impact, will have no increase in patron activity or additional staffing levels
- The applicant’s submission has adequately addressed the matters set out in CI 4.6 (3)
- That the submission has demonstrated that the proposal is consistent with the objectives of the B4 zone and is in the public interest

It is noted that the applicant’s submission has also included a request to vary the maximum FSR for the Hotel (Serviced Apartment) component (0.3:1) on the basis that hotel accommodation is a form of serviced apartment and both uses are included under the definition of tourist accommodation. Hotel accommodation and serviced apartments are both

included as forms of tourist accommodation however both uses are separately defined in BLEP 2012 and have distinct differences between the uses. The main difference in such uses is that serviced apartments are usually self-contained units while hotel and motel accommodation (which may include self - contained suites), usually are not self - contained (do not contain kitchens or laundry facilities). CI4.4A (4) of BLEP specifically relates to Serviced Apartments and was not intended to include any other form of tourist or visitor accommodation.

However in order to address the concerns raised by the Panel at the meeting on 6 December 2018 the applicant has lodged a CI 4.6 objection to the variation to maximum FSR standard of 10% or 0.3:1 for Serviced Apartments specified in CI 4.4A(4) of BLEP 2012. The variation sought in this instance is 2.9% (16.8m<sup>2</sup>) i.e. 0.31:1 in lieu of the maximum 0.3:1.

It is considered that the applicants CI 4.6 variation has addressed the requirements of CI 4.6 in relation to this standard and the applicant's written submission has:

- Justified that strict compliance is unreasonable or unnecessary in the circumstances given the little impact the loss of FSR will have on the building and is consistent with the FSR control objectives and will promote the upgrade of the facilities in the tourist accommodation
- Justified that there are sufficient environmental planning grounds in that the increase in FSR is minor and will have little, if any, environmental impact,
- The applicant's submission has adequately addressed the matters set out in CI 4.6 (3)
- That the submission has demonstrated that the proposal is consistent with the objectives of the B4 zone and is in the public interest

#### **CI 4.6 Objection – Height**

The development proposes a building height of 32.45m to the top of the lift motor room and the stairs serving the roof top communal open space. This exceeds the maximum building height of 30m as set out in the building height map referred to in CI 4.3 of BLEP by 2.45m or 8.2%. The parapet level of the roof top terrace is within the 30m height limitation and the height of the building proper is within the 30m height limit with the exception of the lift overrun and stair to the roof. The applicant has submitted a CI 4.6 objection to the height limitation that concludes

*The environmental impacts from the lift overrun and stair are minimal and there are sufficient environmental planning grounds to justify the minor variation. The proposal is in the public interest as it is consistent with the objectives of the zone and the development standard. The height variation stems from a lift motor room and stair that facilitates resident access to the terrace that provides amenity to the residents utilising the communal open space. Compliance with the development standard is considered both unreasonable and unnecessary in the circumstances and relaxing the standard would result in a better form of development.*

CI 4.6 of BLEP 2012 requires the consent authority to consider matters as set out in CI 4.6 (3) & (4) prior to consent being granted for an application.

It is considered that the applicant's submission has suitably addressed these matters and the submission made has merit and is supported. In particular the applicant's written submission has:

- Justified that strict compliance is unreasonable or unnecessary given the little impact the additional height increase contained in the lift overrun and stair will have on surrounding buildings and the proposed height contained to a comparatively small area of the development is consistent with the height control objectives
- Justified that there are sufficient environmental planning grounds in that the increase in height to a small area of the building is minor and will have little, if any, environmental impact
- The applicant's submission has adequately addressed the matters set out in Cl 4.6 (3)
- That the submission has demonstrated that the proposal is consistent with the objectives of the B4 zone and is in the public interest as it facilitates access to the quality communal open space area.

## Conclusion

Generally, the variations sought to the development standards are considered minor in nature, will contribute to a better planning outcome for the development and have little if any environmental impact and accordingly are supported. It is considered that the development should be supported in its present form and accordingly the development application should be approved. The report submitted to the Panel on 6 December 2018 is still relevant in respect of the general assessment of the development proposal and this report is to be read as an adjunct to the previous report.

**Note:** The Plan table in the recommended conditions has been upgraded to include the new plan numbers and the date of the individual plans. Otherwise the conditions remain unchanged from the original report and have been reproduced in this recommendation.

## 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:

<b>Plan Reference &amp; Issue No:</b>	<b>Date of Plan</b>
DA-00 Location Plan	October 2016
DA-01 Issue D	29.10.2018
DA-02 Issue D	29.10.2018
DA-03 Issue D	29.10.2018
DA-04 Issue C	12.12.2018
DA-05 Issue C	7.8.2018
DA-06 Issue C	7.8.2018
DA-07 Issue C	7.8.2018
DA-08 Issue C	7.8.2018
DA-09 Issue C	7.8.2018
DA-10 Issue C	7.8.2018
DA-11 Issue C	7.8.2018
DA-12 Issue C	7.8.2018
DA-13 Issue C	7.8.2018
DA-14 Issue C	19.7.2018
DA-15 Issue C	19.7.2018
DA-16 Issue C	19.7.2018
DA-17 Issue C	19.7.2018
DA-18 Issue C	7.8.2018
DA-19 Issue C	7.8.2018
DA-20 Issue C	7.8.2018
DA-21 Issue C	25.10.18
DA-22 Issue C	25.10.18
DA-23 Finishes Schedule - South	October 2016
DA-24 Finishes Schedule - North	October 2016
DA - 25 Finishes Schedule - East & West	October 2016
DA-26 Issue C	25.10.2018
DA-27 Issue C	25.10.18
DA-28 Issue C	25.10.18
DA-29 Issued D – FSR Plan	6.12.2018

- 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	CPI <sub>1</sub>	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:

Contribution (at time of payment) =  $C \times CPI_2$

CPI<sub>1</sub>

Where:

- C: the original contributions amount as shown in the development consent;
- CPI<sub>2</sub> the Consumer Price Index: All Groups Index for Sydney, for the immediate past quarter (available from the Australian Bureau of Statistics at the time of payment)
- CPI<sub>1</sub> the Consumer Price Index: All Groups Index for Sydney, applied at the time of granting the development consent as shown on the development consent.

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

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

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

**Note:** Credit cards and personal cheques are not accepted for the payment of Section 94A Contributions in excess of \$5,000.

- (8) Glazed balcony balustrades shall be constructed of opaque materials in lieu of clear glazing.
- (9) External gas water heaters are to be located in recessed enclosures within external walls and are to be located so as to be not visible from a public road or place or adjoining property. Similarly, 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:
  - a. At the entrance to the residential lobby on Everton Road, within the walkway leading to the residential lobby and in the residential lobby.
  - b. 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 is 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](http://www.1100.com.au) for underground utility services information for any excavation areas.

The Dial Before You Dig service is also designed to protect Australia's excavators. Whether you are a backyard renovator, an individual tradesman or a professional



excavator, the potential for injury, personal liability and even death exists everyday. Obtaining accurate information about your work site significantly minimises these risks.

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

- (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:-
- a. The location and size of proposed ductwork.
  - b. The location of equipment.
  - c. The performance characteristics of the proposed motor/s and fan/s.

- d. The air flow characteristics of the system.

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

- (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](http://www.sydneywater.com.au) > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

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

- (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](mailto:info@foodstandards.gov.au) or by visiting the website: [www.foodstandards.gov.au](http://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](http://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:



- a. Supplied with both **hot and cold** water;
  - b. Paved with impervious floor materials;
  - c. Coved at the intersection of the floor and the walls;
  - d. Graded and drained to a floor waste which is connected to the sewer in accordance with the requirements of Sydney Water;
  - e. Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
  - f. Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.
  - g. Suitable signage is to be installed in each waste service room encouraging the separation of recyclables from the general waste stream.
- (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](http://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.
- The longitudinal section shall be prepared by a competent practicing civil engineer in accordance with AS 2890.1.
  - The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering **prior to the issuing of a Construction Certificate.**
- (135)
- Temporary measures shall be provided during demolition, excavation and/or construction to prevent sediment and polluted waters discharging from the site.
  - 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.
  - 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](http://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.