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

**2017SCL060, No's 68-72 Railway Parade and 2-10 Oxford Street, Burwood**

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| **Report Author:** | Burwood City Council |
| **Date of Report:** | Original: 1 June 2018<br>Amended: 19 July 2017<br>(amended for solar access additional information – see page 6-8) |
| **Property Address:** | 68-72 Railway Parade and 2-10 Oxford Street, Burwood |
| **Proposal:** | Development Application No. 124/2017 – Demolition of existing structures and construction of a six to ten storey mixed use development comprising 124 apartments, one retail premises at ground floor, and three levels of basement car parking. |
| **Applicant:** | X-Sealant Pty Ltd |
| **Zone:** | R1 – General Residential – Burwood Local Environmental Plan (BLEP) 2012 |

## Executive Summary

A report on this application was considered by the Panel at its meeting on 3 July, 2018. The Panel resolved to defer the matter to enable the Applicant to submit additional information relating to potential overshadowing impacts (Please refer to Attachment 1). The Panel also specified that the additional information be provided to the representatives of the Burwood Public School's P & C which has occurred. **This report contains additional comments under the new sub-heading of *Supplementary Overshadowing Assessment – Burwood Public School* (pages 7-9) and under the sub-heading of *Issue 1 : Overshadowing of the adjoining school playgrounds* within Community Consultation (pages 41-43).**

Council in 2011 issued an approval for the construction of a 7 storey Residential Flat Building containing 34 units at No's 68A & 70 Railway Parade and 2 Oxford Street, Burwood.

Since that time the Applicant has acquired a number of adjoining properties to achieve a larger site and lodged a number of Development Applications culminating in the submission of the subject application.

The current application was submitted to Council in September 2017. Given the size and significance of the site, Council engaged urban design consultants GM Urban Design & Architecture (GMU) to assess the proposal on Council's behalf.

As a result of discussions involving the Applicant, GMU and Council staff the proposal was reshaped to address planning controls and community concerns.

Amended plans were submitted to Council on 27 April 2018. One of the key changes involved increasing the height of the building at the corner of Railway Parade and Oxford Street and reducing the height of the building at the southern part of the site adjoining Burwood Public School.

It is recommended that the Sydney Eastern City Planning Panel approve the application subject to conditions.

## Proposal

The proposal (as amended) is for demolition and construction of a six to ten storey mixed use development comprising 124 apartments, one retail premises at ground floor, and three levels of basement car parking. Details of the proposal are as follows:

- Built Form – The development comprises a single L-shaped building with a flat parapet roof, floor area of 10,238sqm and maximum height of 34.25m. The building is broken up into three primary components being a 10 storey tower presenting to the corner of Oxford Street and Railway Parade, an 8 storey component to the east fronting to Railway Parade and a 6 storey component to the south fronting to Oxford Street. The development includes three levels of basement car parking. Vertical circulation through the development is provided from a northern core and a southern core, both containing two lifts and stairs.

- Communal Open Space – The development provides three separate communal open space areas comprising a primary area located at ground level in the south-eastern corner of the site and two roof top terraces. The communal areas include areas of lawn, plantings, cooking facilities, decks, shade structures and seating.

- Vehicular Access and Parking – Vehicular access is proposed from a driveway to Oxford Street ramping down into three levels of basement car parking containing a total of 156 car spaces, 51 bicycle racks, bin storage rooms, and storage cages.

- Tree removal and Landscaping – Removal of all existing trees on site which are limited to a grouping of small and medium sized trees near the southern boundary. A new landscaped scheme including trees and shrubs are proposed across the full length of the boundaries and within the rooftop terraces.

- Staging – The plans nominate the northern portion of the site as Stage 1 and the southern portion as Stage 2. Stage 1 of the development aligns with the site of an existing (and most recent) development consent (DA-74/2015). Demolition, remediation and excavation works associated with DA-74/2015 were commenced on site in late 2016 and have not progressed any further. It is understood that Stage 1 of the subject proposal is generally consistent with the footprint of the two levels of basement approved under the previous consent. The subject application proposes a third level of basement car parking.

  It is noted that the proposed staging is not a staged development (referred to as 'concept proposals' in the Act) pursuant to division 4.4 of the *Environmental Planning and Assessment Act 1979* as it is a detailed proposal in itself and does not seek subsequent detailed development applications. Furthermore, the applicant has not requested the application be treated as a concept proposal.


**Figure 1. Ground Floor Plan (as amended) (Source: Alexandar Design Group, 2018)**


**Figure 2. West Elevation to Oxford Street (as amended) (Source: Alexandar Design Group, 2018)**

**Figure 3. North Elevation to Railway Parade (as amended) (Source: Alexandar Design Group, 2018)**

## History of Previous Applications

There are a number of previous development applications / consents of relevance relating to portions of the subject site as follows:

- DA-001/2011 – 68A-70 Railway Parade and 2 Oxford Street – Development Consent granted on 8 November 2011 for demolition and construction of a 7 storey Residential Flat Building (RFB). It is understood that this consent has not been physically commenced. The development site under this previous application is shown in **Figure 4**.

- DA-139/2014 – 68, 68A-70 Railway Parade and 2 Oxford Street – Lodged on 11 September 2014, this DA added 68 Railway Parade to the development site. The proposal was for demolition and construction of an 8 storey RFB. During the assessment process the corner isolated site at 72 Railway Parade was acquired and the DA was subsequently withdrawn. The development site under this previous application is shown in **Figure 5**.

- DA-74/2015 – 68-72 Railway Parade and 2-2A Oxford Street – Deferred Commencement Consent granted on 4 December 2015 by the Sydney East Joint Regional Planning Panel. The proposal incorporated the isolated corner site at 72 Railway Parade and was for demolition and construction of an 8 storey RFB comprising 87 apartments and two levels of basement car parking. The consent included a condition that required the dedication to Council of a 1 metre wide strip of land across the Railway Parade frontage for the purpose of footpath widening which is also proposed under the subject application. Development Consent was formally issued by Council on 20 April 2016. Demolition, remediation and excavation works were commenced in late 2016, however works have not progressed any further. The development site under this previous application is shown in **Figure 6**.

- DA-74/2015 – Section 96(2) application lodged with Council on 2 March 2017 to enlarge the basement and add a third level of basement to provide an additional 62 car spaces. The application was refused by the Sydney Eastern City Planning Panel on 10 August 2017 for reasons relating to surplus car parking resulting in a non-compliant FSR.

- Planning Proposal – 68-72 Railway Parade and 2-2A and 4-10 Oxford Street, Burwood – A Planning Proposal was lodged with Council in February 2017 across the full site that is the subject of the current application. The proposal sought to increase the maximum height from 26m to 58m and increase the maximum FSR from 3:1 to 5.45:1. Council refused the planning proposal on 25 July 2017. On 19 October 2017, a Rezoning Review Request was lodged with the Department of Planning & Environment in respect of the refused planning proposal. The review seeks to increase the maximum building height to part 36m, part 40m and part 46m and to increase FSR to 4.5:1. The Sydney Eastern City Planning Panel considered a report on this matter on 1 June 2018 and resolved not to support the Planning proposal.

**Figure 4. DA-001/2011 – 68A-70 Railway Parade and 2 Oxford Street**

**Figure 5. DA-139/2014 – 68, 68A-70 Railway Parade and 2 Oxford Street**

**Figure 6. DA-74/2015 – 68-72 Railway Parade and 2-2A Oxford Street**

## Current Application History

22.09.2017 — The subject development application was lodged with Council for demolition and construction of an eight storey mixed use development comprising 121 apartments, three retail premises at ground floor fronting Railway Parade, and three levels of basement car parking.

12.10.2017 – 02.11.2017 — The proposal was publicly notified and 25 submissions and one petition with 608 signatories were received, all of which contained objections to the proposal.

30.11.2017 — Council received an Urban Design Assessment Report from Council's consultants GMU. A number of issues were raised with regards to streetscape, bulk, façade articulation, height, overshadowing, solar access, cross ventilation, lobbies, waste management, and internal amenity. Based on the issues raised by GMU a request for additional information was sent to the applicant with the key amendments requested as follows:

- Transition in height to the Burwood Public School by shifting bulk to the north and creating a corner tower element with nil street setback;
- Consolidating two driveways into one and amalgamating the basement car parks of Stage 1 and Stage 2;
- Consolidate temporary waste bin collection areas into one;
- Creating a street wall with a secondary setback above;

- Improve slot width-to-depth ratios for snorkel bedrooms; and,
- Reduce depth of some apartments.

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| 21.12.2017 | Briefing meeting held with the Sydney Eastern City Planning Panel. The key issues discussed were the history of the site and application, the building height variation, general compliance with planning controls, Urban Design consultant issues, and public submissions. |
| January – April 2018 | Throughout January to April 2018, there were on-going discussions with the applicant regarding the issues raised by Council's Urban Design Consultant. A number of amended plan concept drawings were provided to Council for review and comment. |
| 27.04.2018 | Amended plans and documents were received. The amended development incorporated the height massing recommended by Council's Urban Design Consultants GMU which proposed a part 6, 8 and 10 storey development. The key amendments were the introduction of a 10 storey tower element to the corner frontage stepping down to an 8 storey component to the east and a 6 storey component to the south. Other key amendments included the amalgamation of the two stages of the basement with a single driveway access, improved presentation to Oxford Street, internalised temporary bin storage collection rooms, and improved widths of building indentations to allow better solar access and ventilation.<br><br>The amended plans and documents have been reviewed by Council's Urban Design Consultants GMU and Council staff and are considered to generally satisfy the key issues. The outstanding issues are considered to be minor and can be resolved via conditions of consent as discussed in the compliance assessment and notes within this report. |
| 03.07.2018 | A public meeting of the Sydney Eastern City Planning Panel was held at Burwood Council to consider the proposal. The Panel subsequently resolved to defer consideration of the matter for the reasons outlined below:<br><br>*During the meeting the applicant tabled diagrams showing the shadow impact of the development on the adjoining school. The Council's assessment planner indicated that he had not seen these diagrams before. Moreover, the tabled diagrams show the shadows for 10am, noon, 1, 2 and 3pm, but not for 10 and 11 am.*<br><br>*The diagrams should be amended to also show shadows for these times, as well as indicate grassed and paved areas of the school. Finally, the diagrams should also indicate the shadow that would be cast by the approved DA 74/2015.*<br><br>*Accordingly, the Panel requests the applicant to provide, by 13 July, 2018, shadow diagrams as indicated above. The Panel requests the Council Planner to provide the diagrams to the representative of the School's P&C, and to provide a supplementary report to the Panel by 27 July, 2018.*<br><br>*Folowing receipt of the Supplementary report the Panel will convene another public meeting*. |

12.07.2018 As request by the panel, the applicant submitted the additional shadow analysis to Council. These documents have been considered and a full assessment is provided below:

## Supplementary Overshadowing Assessment – Burwood Public School

In response to the Sydney Eastern City Planning Panel's (the Panel) requests for additional shadow analysis, the following documents were submitted to Council:

- Shadow diagrams – Showing the proposed shadows at hourly internals at June 21 and indicating soft and hard landscaped areas of the Burwood Public School;
- Overshadowing analysis – Diagrams indicating the amount of sunlight achieved at every point across the school playground at various times of the year;
- Shadow comparison to approved DA – Diagrammatic and numeric comparison of the shadows of the proposed development and the shadows of the approved development DA-74/2015;
- Landscape Impact Assessment – Report prepared by Geoscapes Landscape Architects and dated 9 July 2018, assessing the impact of the proposed shadows on the grass within the school playground.

*Proposed Shadows*

The submitted shadow diagrams indicate that the proposed development will cast shadows over a portion of the Burwood Public School playgrounds between 9am and 3pm in mid-winter. The portion of the playground affected will be mostly the western side adjacent to the development site and Oxford Street during the morning, then the eastern side to the north of the multi-purpose courts in the afternoon. The submitted analysis indicates that the proportion of the playground in shade will be between 6-15% in the morning and 22-43% in the afternoon.

*Planning framework to assess impact of shadows*

In considering overshadowing impacts on the school playgrounds, there are no specific numeric planning requirements that apply. In this instance, the impacts are assessed on a merit basis. Some typical solar access controls that are worthwhile taking into consideration for guidance purposes are Council's DCP requirement for at least 3 hours sunlight in mid-winter to residential dwellings / apartments, and requirements under the Apartment Design Guide (ADG) for at least 2 hours sunlight to 50% of the principal usable part of communal open spaces. This requirement under the ADG is considered to be particularly useful for the school playground as it indicates that sunlight must be achieved to a 50% portion of the 'principal' part of the outdoor space.

*Assessment of impact of shadows*

In the context of the school playground, it is considered that achieving sunlight to the most heavily used parts and during the most heavily used times of the day is paramount. The portions of the playground that are most likely to be heavily used are the central open grassed areas and the multi-purpose courts. The most heavily used times of day would be from 10.30am to 1.30pm when recess and lunch are typically held. During these times, the shadow diagrams indicate that the vast majority of the open grassed areas will receive

sunlight in mid-winter and the multi-purpose courts will be unaffected – see **Figure 7** below demonstrating this on the 1pm shadow diagram. This will ensure that during recess and lunch, at the worse time of year for sunlight, the majority of the principal usable parts of the playground will receive sunlight. Furthermore, the shadow impacts will be mostly limited to the northern/western part of the playground adjacent to the development site with the large southern portion including the multi-purpose courts being unaffected year-round.

It is also important to consider that proposed built form has sought to minimise shadows on the school playgrounds by lowering the height to six storeys adjacent to the school, where eight storeys would normally be permitted under the 26m height limit. Furthermore, the setbacks of the development from the southern boundaries adjoining the school are well in excess of planning requirements ranging from 4.5m to 22m (4.5m to 12m required).

Considering the proposed reduced height adjacent to the school and increased setbacks and the generally acceptable level of sunlight that the school playgrounds will maintain, on balance, the impact is considered acceptable.

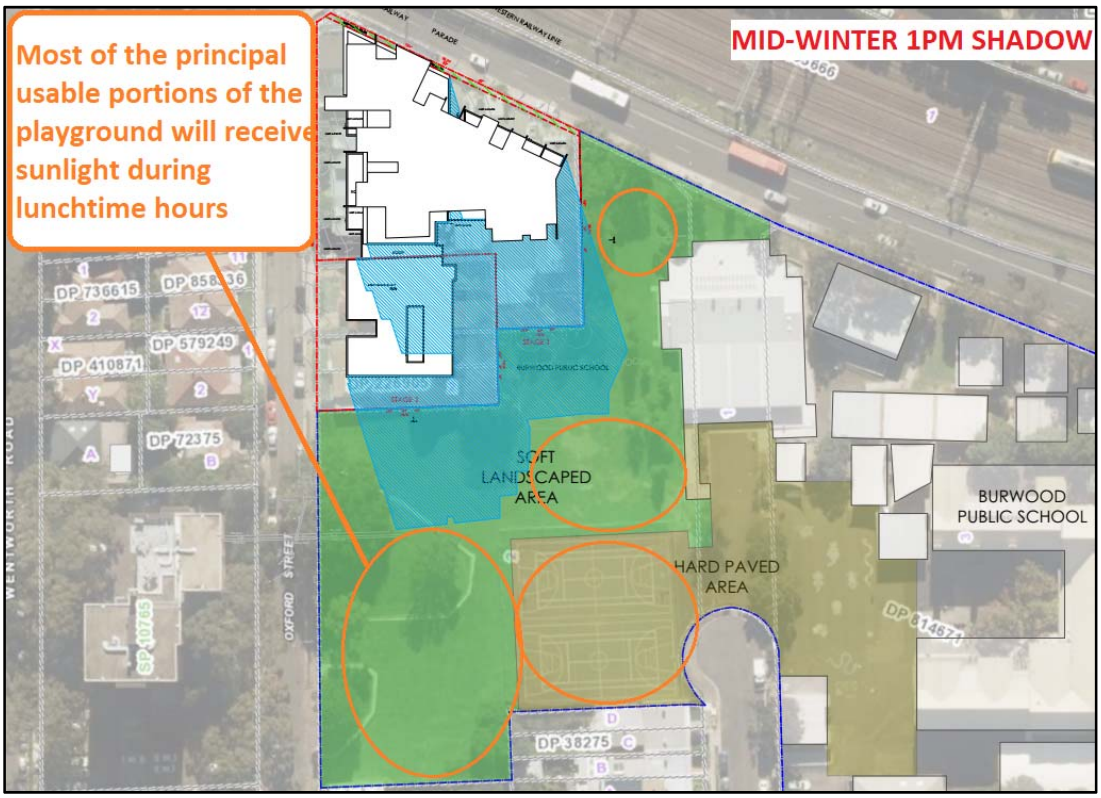



**Figure 7. Marked up 1pm mid-winter shadow diagram indicating that large portions of the principal areas of playground will receive sunlight during typical lunch time hours (Source: Alexander Design Group, 2018; Marked: James Arnold, 2018)**

## Site and Locality

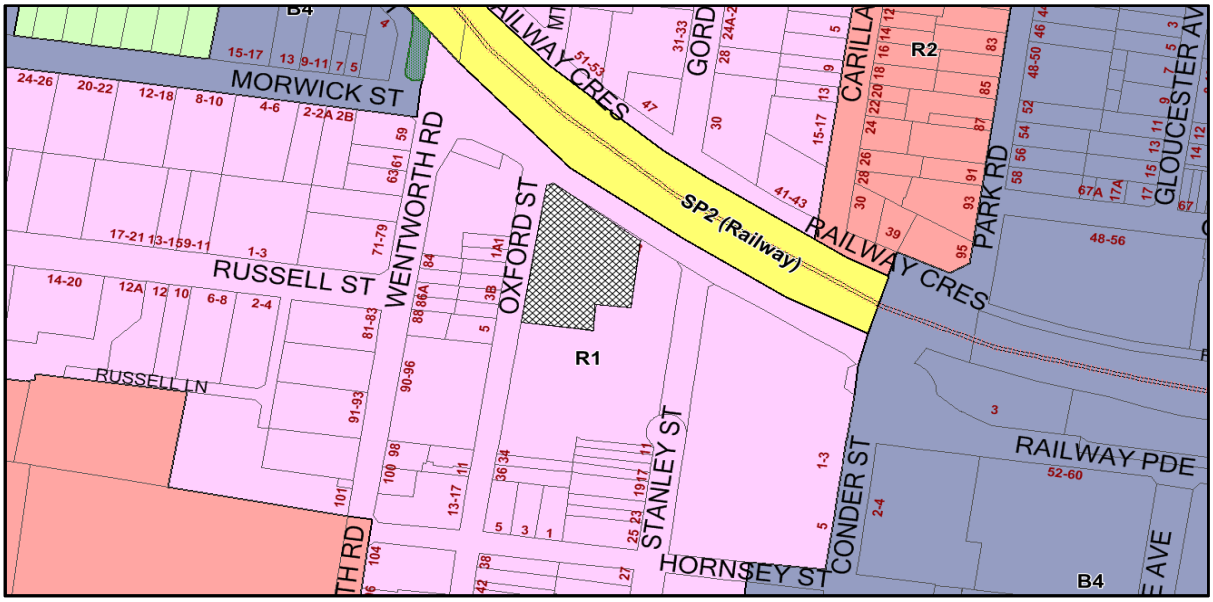



**Figure 8. Site locality and zoning map (Source: Burwood Council Mapping)**

The subject site is known as 68-72 Railway Parade and 2-10 Oxford Street Burwood, and comprises eight allotments which are detailed in the table below. The site is located at the corner of Railway Parade and Oxford Street and the Burwood Public School bounds the site to the east and south. Opposite the site to the north is the Western Railway Line and the site is approximately half way between Burwood Station and Strathfield Station. The site has a northern frontage to Railway Parade of 55.87m, a western frontage to Oxford Street of 79.13m, and an area of 3,413sqm. The site is zoned R1 General Residential.

| Address | Legal Description |
|---|---|
| 68 Railway Parade | Lot 1 DP 794978 |
| 68A Railway Parade | Lot 4 DP 1105410 |
| 70 Railway Parade | Lot 2 DP 591171 |
| 72 Railway Parade | Lot 1 DP 80269 |
| 2 Oxford Street | SP 39363 |
| 4-6 Oxford Street | SP 83675 |
| 8 Oxford Street | Lot 1 DP 226905 |
| 10 Oxford Street | Lot 2 DP 226905 |

The northern portion of the site has been cleared and excavation has commenced. These works are associated with a previous approval on site which is discussed under the 'History of Previous Applications' section of this report. The northern portion of the site previously comprised a car repair workshop, boarding house and townhouses. The southern portion of the site being 4-6, 8 and 10 Oxford Street contains a two storey dual occupancy and two

single storey semi-detached dwellings. There is a grouping of small and medium sized trees near the southern boundary in the backyard of 10 Oxford Street. The site falls approximately 4m from the north-east at Railway Parade to the south-west at Oxford Street.

The site is located within a residential area of mixed character comprising a variety of developments including dwelling houses, semis, townhouses, terraces and residential flat buildings. Building heights in the vicinity of the site area are typically one to three storeys with the exception of a residential flat building on the opposite side of Oxford Street which is nine storeys. Development in the area is mostly post war to 1980s developments with a few more recent developments. Architectural styles in the area are typically brick with pitched tiled roofs.

The properties surrounding the site are as follows:

- Bounding the site to the south and east – Burwood Public School – The playgrounds of the Burwood Public School immediately adjoin the site. The grounds include open maintained grassed areas, some boundary trees and shrubs, and outdoor multipurpose courts. The school buildings are to approximately 30-150m to the south-east, mostly fronting to Conder Street;
- Opposite on the western side of Oxford Street – There is a three storey 'walk-up' brick residential flat building located on the opposite corner of Oxford Street and Railway Parade, 74-82A Railway Parade. Development at 1 to 5 Oxford Street contain single storey semi-detached brick dwellings with hipped tiled roofs; and,
- Opposite on the northern side of Railway Parade – Western Railway Line.


**Figure 9. Cadastral map of the site (Source: maps.six.nsw.gov.au)**

**Figure 10. Aerial Image of the site (Source: maps.six.nsw.gov.au)**

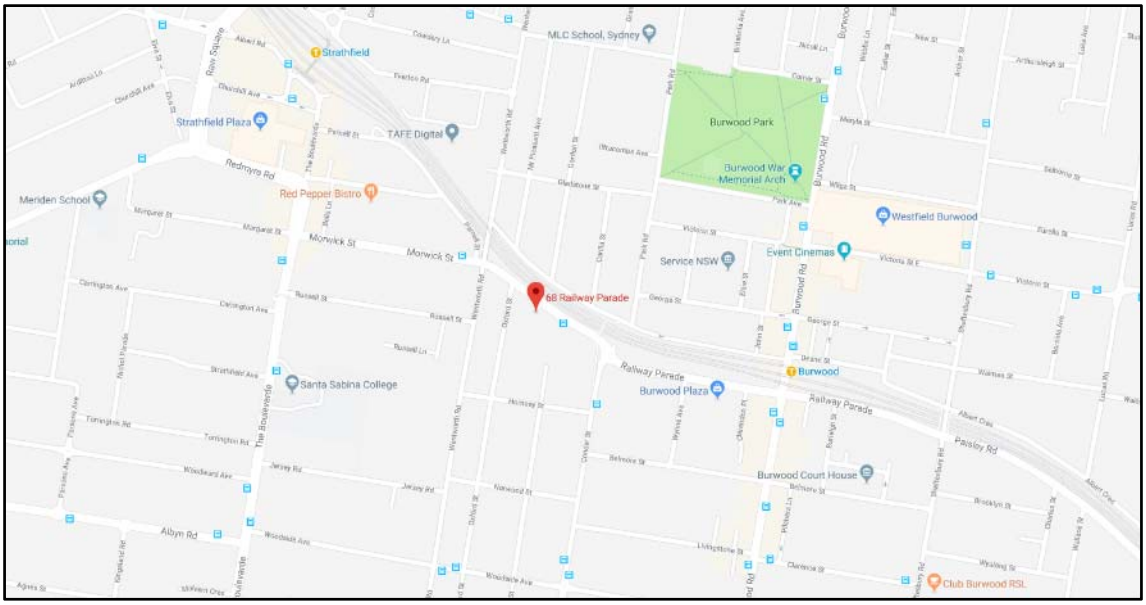



**Figure 11. Locality map (Source: maps.google.com.au)**

**Figure 12. Northern frontage of the site to Railway Parade looking north-west (Source: google.maps.com.au)**

**Figure 13. Corner of the site to Railway Parade and Oxford Street looking south-east (Source: google.maps.com.au)**

**Figure 14. Western frontage of the site to Oxford Street looking north (Source: google.maps.com.au)**

**Figure 15. Grounds of the Burwood Public School to the south of the site (site on left) (Source: google.maps.com.au)**

## Statutory Requirements

This section details the assessment of the application that has been undertaken in accordance with the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

## State Environmental Panning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 have been considered. A Site Validation Report was submitted with the application (prepared by EIA Australia, dated October 2016). This report is associated with remediation already undertaken across the majority of the site under a separate development consent (DA-74/2015) that relates to 68-72 Railway Parade and 2-2A Oxford Street (Stage 1 portion of the subject proposal). The report concludes that the site is suitable for the proposed residential land use.

The remaining portion of the site under the subject application includes the existing residential properties at 4-10 Oxford Street which were not part of the above-mentioned Site Validation Report. Although the likelihood of contamination on these sites is low given they have long been residential properties, the fact that the adjoining sites to the north previously contained contaminating uses such as a mechanical workshop, it is considered prudent to condition that site investigations are undertaken to ensure this remaining portion of the site is or will be made suitable for ongoing residential use. Council's Environmental Health Officer has reviewed the application including the Site Validation Report and no objections were raised subject to conditions.

Given the above, subject to conditions, the proposal is considered satisfactory with regard to the provisions of SEPP 55.

## State Environmental Planning Policy (Infrastructure) 2007

The site has a frontage to a classified road (Railway Parade) and is within 25m of a railway corridor (Western Railway Line). Therefore, the Infrastructure SEPP has been considered as follows:

- Clause 86 Excavation in, above, below or adjacent to rail corridors – This clause applies to the proposal as the development involves the penetration of ground to a depth of at least 2m and is on land within 25m of a rail corridor. Accordingly, the application was referred to Sydney Trains and in a letter dated 16 May, 2018 provided concurrence.

- Clause 87 Impact of rail noise or vibration on non-rail development – The site is opposite a railway corridor and considered likely to be affected by rail noise. An Acoustic Report was submitted which includes acoustic mitigation measures that will be required to be implemented ensuring the development will achieve compliance with the internal noise requirements.

- Clause 101 Development with a frontage to a classified road – The proposal has a frontage to a classified road being Railway Parade. All existing access points to the classified road are being removed and replaced with a single access point off Oxford Street. Council's Traffic Engineer has reviewed the proposal and raised no objection. Accordingly, any impact the proposal may have on the functioning of Railway Parade is considered to be minor and acceptable.

- Clause 102 Impact of road noise or vibration on non-road development – This clause is not applicable to the proposal as Railway Parade does not have a daily traffic volume of more than 40,000 vehicles.

- Clause 104 Traffic-generating development – This clause is applicable as the proposed vehicular access along Oxford Street is within 90m of Railway Parade which is a classified road and the development meets the relevant size or capacity to trigger Roads & Maritime Services (RMS) concurrence requirements as it has 75 or more dwellings. RMS provided concurrence to the most recent approval for part of the subject site (DC 74/2015) and the access arrangements to Oxford Street only have been maintained.

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

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

Accordingly, the proposal satisfies the provisions of SEPP BASIX.

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

The Vegetation SEPP has been taken into consideration in the assessment of the application. The Vegetation SEPP provides approval pathways for the removal of vegetation in non-rural areas and matters for consideration in the assessment of applications to remove vegetation.

The proposal includes the removal of all existing trees on site which is limited to a grouping of small to medium sized trees near the southern boundary. These removals are acceptable as a new landscape scheme is proposed with compliant deep soil and landscaped areas and substantial replacement plantings. The trees to be removed are not of any landscape or visual significance. The removals are supported by Council's Tree Management Officer.

Given the above, the proposal is considered to satisfy the provisions of the Vegetation SEPP.

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

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

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

The proposal has been assessed against the Design Quality Principles and the ADG. A summary of the assessment against the ADG is provided in the compliance table below and areas of non-compliance have been discussed within the notes below the table. Overall, the proposal is consistent with the Design Quality Principles and the objectives of the ADG, subject to conditions of consent.

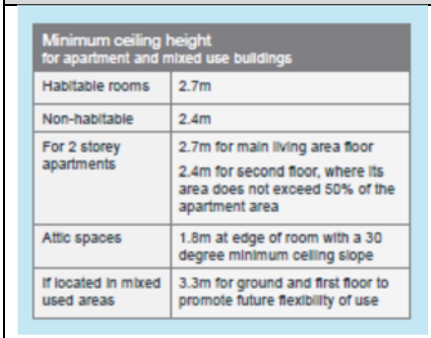
| Provision | Proposal | Compliance |
|---|---|---|
| **Part 3 – Siting the development** | | |
| **3D Communal and Public Open Space** | | |
| ***Design Criteria*** | | |
| 1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)). | **1,327m$^2$ (39%)** of communal open space across three areas being the main area at ground level to the rear, and two rooftop spaces. | Yes |
| 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter). | The proposal includes communal open space at the ground level at the rear of the site and within two rooftop terraces.<br>The principal usable portion of the ground level COS area is the lawn and BBQ area located in the rear south-eastern corner of the site. Shadow diagrams demonstrate this area will receive at least 50% direct sunlight for at least 2 hours in mid-winter.<br>The rooftop terrace COS areas will receive full solar access in mid-winter. | Yes |
| **3E Deep soil zones** | | |
| ***Design Criteria***<br>Deep soil zones are to meet the following minimum requirements. | | |

| Provision | Proposal | Compliance |
|---|---|---|
| 1. Deep soil zones are to meet the following minimum requirements:<br><br>Site area / Minimum dimensions / Deep soil zone (% of site area)<br>less than 650m² / - / 7%<br>650m² - 1,500m² / 3m<br>greater than 1,500m² / 6m<br>greater than 1,500m² with significant existing tree cover / 6m | Proposal includes **635sqm of deep soil area** which equates to 18.6% of site area. Only deep soil areas with minimum dimensions of 6m have been included. | Yes |
| **3F Visual privacy** | | |
| ***Design criteria*** | | |
| 1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:<br><br>Building height / Habitable rooms and balconies / Non-habitable rooms<br>up to 12m (4 storeys) / 6m / 3m<br>up to 25m (5-8 storeys) / 9m / 4.5m<br>over 25m (9+ storeys) / 12m / 6m | The separations provided all comply with ADG requirements. The smaller separations provided to the southern and eastern boundaries are compliant as blank walls are proposed with no habitable openings.<br><br>The facades at the rear with balconies and habitable windows are provided with separations of at least 6m up to 4 storeys and 9m from 5-8 storeys.<br><br>The following separations are proposed:<br><br><u>Southern side boundary (blank wall)</u><br><br>GF-L3: 4.3m-5.6m<br><br>L4-5: 6m-6.5m<br><br><u>Eastern side boundary (blank wall)</u><br><br>GF-L3: 2.9m-5m<br><br>L4-7: 2.9m-7.2m<br><br><u>Eastern rear boundary (habitable)</u><br><br>GF-L3: 6m<br><br>L4-5: 9m<br><br><u>Southern rear boundary (habitable)</u><br><br>GF-L7: +20m | Yes |
| Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2).<br><br>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring | Internal separation between the corner apartments in the elbow of the development are at least 5m. Appropriate privacy measures are incorporated into the design including balconies and windows not facing each other, blade walls, vertical fins, and angled privacy | Yes |

| Provision | Proposal | Compliance |
|---|---|---|
| properties. | louvres. No close or direct views are available between habitable rooms within the development.<br><br>It is noted a minor privacy issue has been identified for an apartment on Level 8 which has a bedroom window facing the eastern rooftop communal open space. A condition has been included to introduce privacy measures to the window such as louvres or a high-level sill. | **No – Condition see Note 1** |
| **3G Pedestrian access and entries** | | |
| **Objective 3G-1**<br><br>Building entries and pedestrian access connects to and addresses the public domain. | As noted the design of the ground floor includes the provision of direct access from the street. The entries are clearly identifiable form the public domain and clearly distinguishable from private areas. | Yes |
| **Objective 3G-2**<br><br>Access, entries and pathways are accessible and easy to identify. | The entries are considered to be easily identifiable, however the entry doors are considered too deeply inset which will create issues for safety and lack a sense of arrival for future residents. Conditions are included to create airlocks to the entrances such that the first entrance door will be closer to the street frontage. | **No – Condition see Note 2** |
| **3H Vehicle access** | | |
| **Objective 3H-1**<br><br>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes. | A single vehicular access point is proposed that is wide and clear from built form for 6m into the site. This will ensure clear sightlines are available. | Yes |
| **3J Bicycle and car parking** | | |
| ***Design Criteria*** | | |
| 1. For development in the following locations:<br><br>• on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or<br><br>• on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated | Site is within 800m walking distance from the entrance of the Burwood Railway Station. The RTA Guide to Traffic Generating Development car parking rates are less than the BDCP 2013 and therefore applicable.<br><br>The proposed development is | Yes |

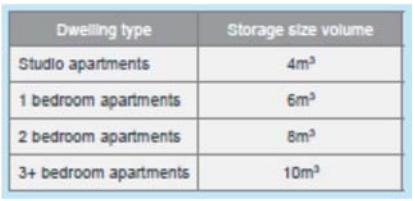
| Provision | Proposal | Compliance |
|---|---|---|
| regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.<br><br>The car parking needs for a development must be provided off street. | classified in the RTA guide as a 'high density residential flat building' as it contains 20 or more dwellings. The site is not within the CBD and therefore the sub-regional centre rates apply which are as follows:<br><br>▪ 0.6 spaces per 1 bedroom unit.<br>▪ 0.9 spaces per 2 bedroom unit.<br>▪ 1.40 spaces per 3 bedroom unit.<br>▪ 1 space per 5 units (visitor parking).<br><br><u>Requirement:</u><br><br>1 Bedroom – 40 x 0.6 = 24.0<br><br>2 Bedroom – 73 x 0.9 = 63.0<br><br>3 Bedroom – 11 x 1.4 = 15.0<br><br>Visitors – 124 / 5 = 25.0<br><br>Retail space = 2.0<br><br>**Total required = 127.0 spaces**<br><br>**Total Provided = 163 spaces (incl. 25 visitors spaces)**<br><br>**Note. The Applicant proposes to provide carparking in accordance with Council's DCP requirements which at 155 spaces is greater than the RTA figure of 127. This arrangement is acceptable. Refer to the commentary on carparking under the sub-heading Burwood DCP 2013 assessment.** | |
| **Objective 3J-2**<br><br>Parking and facilities are provided for other modes of transport. | **51 bicycle racks** provided in a secure room on B2 which is consistent with the requirements of the ADG and BDCP 2013. | Yes |
| **Part 4 – Designing the building** | | |
| **4A Solar and daylight access** | | |
| *Design Criteria* | | |
| 1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid - winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local | The proposed development is within the Sydney Metropolitan Area. The siting and location of the building has been designed to maximise eastern, western and northern aspects. The submitted solar studies indicate that 71% of | Yes |

| Provision | Proposal | Compliance |
|---|---|---|
| government areas. | the apartments will receive more than the required 2 hours solar access to living areas and private open space areas. | |
| 2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter. | The proposed development is within the Sydney Metropolitan Area and as such this is not applicable. | N/A |
| 3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter. | The submitted solar studies indicate that **14% of apartments** will receive no direct sunlight in mid-winter. | Yes |
| **4B Natural ventilation** | | |
| ***Design criteria*** | | |
| 1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. | The submitted cross ventilation plans indicate that **67% of the apartments cross ventilate**. | Yes |
| 2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line. | The maximum depth of cross-over and cross-through apartments is approximately 19m.<br>This is minor non-compliance by 1m is acceptable as there are only 5 cross-through apartments with 19m depths proposed within the entire development. Despite the extra depth, these apartments will have acceptable levels amenity as they have wider than compliant widths, compliant solar access, and will naturally cross ventilate. | **No – Acceptable** |
| **4C Ceiling heights** | | |
| ***Design criteria*** | | |
| 1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are: | **2.7m ceiling heights** are provided (including 3.1m floor-to-floor heights). | Yes |

| Provision | Proposal | Compliance |
|---|---|---|
|  <br>Minimum ceiling height for apartment and mixed use buildings<br>Habitable rooms: 2.7m<br>Non-habitable: 2.4m<br>For 2 storey apartments: 2.7m for main living area floor; 2.4m for second floor, where its area does not exceed 50% of the apartment area<br>Attic spaces: 1.8m at edge of room with a 30 degree minimum ceiling slope<br>If located in mixed used areas: 3.3m for ground and first floor to promote future flexibility of use<br><br>These minimums do not preclude higher ceilings if desired. | | |
| **4D Apartment size and layout** | | |
| ***Design criteria*** | | |
| Apartments are required to have the following minimum internal areas:<br><br>Studio: 35m²<br>1 bedroom: 50m²<br>2 bedroom: 70m²<br>3 bedroom: 90m²<br><br>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.<br><br>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each. | All apartments comply with minimum internal areas. | Yes |
| Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms. | All habitable rooms have windows to an external wall with a total glass area not less than 10% of the floor area of the room. | Yes |
| Habitable room depths are limited to a maximum of 2.5 x the ceiling height. | Habitable room depths are limited to a maximum of 2.5 x the ceiling height. | Yes |
| In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window. | All apartments have open plan layouts. The maximum depth does not exceed 8m from the external windows / glazed balcony doors. | Yes |
| **4D Apartment size and layout** | | |
| ***Design Criteria*** | | |

| Provision | Proposal | Compliance |
|---|---|---|
| Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space). | Minimum bedroom areas have been achieved. | Yes |
| Bedrooms have a minimum dimension of 3m (excluding wardrobe space). | Bedrooms have a minimum dimension of 3m excluding wardrobe space. | Yes |
| Living rooms or combined living/dining rooms have a minimum width of:<br>• 3.6m for studio and 1 bedroom apartments<br>• 4m for 2 and 3 bedroom apartments | All living rooms have a minimum dimension of 3.6m for 1 bedroom apartments and 4m for 2 and 3 bedroom apartments. | Yes |
| The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts. | The development includes a minority of cross through apartments which have widths of 4-4.2m which complies. | Yes |
| **4E Private open space and balconies** | | |
| ***Design Criteria*** | | |
| All apartments are required to have primary balconies as follows:<br>  <br>The minimum balcony depth to be counted as contributing to the balcony area is 1m. | All apartments meet and generally exceed the minimum area and dimension requirements for balconies. | Yes |
| For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m2 and a minimum depth of 3m. | The ground floor apartments have not been provided with private open space rather balconies are provided. This is non-compliance is generally not supported as discussed in Note 3. | **No – Condition see Note 3** |
| **4F Common circulation and spaces** | | |
| ***Design Criteria*** | | |
| The maximum number of apartments off a circulation core on a single level is eight. | Development includes two circulation cores, each with two lifts.<br>The northern core services 11 apartments on each of Levels 1 to | **No – Acceptable see Note 4** |

| Dwelling type | Minimum area | Minimum depth |
|---|---|---|
| Studio apartments | 4m² | - |
| 1 bedroom apartments | 8m² | 2m |
| 2 bedroom apartments | 10m² | 2m |
| 3+ bedroom apartments | 12m² | 2.4m |

| Provision | Proposal | Compliance |
|---|---|---|
| | 7 which does not comply.<br>The southern core services 5 apartments on each level which complies. | |
| For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40. | Tower component of development is 10 storeys and has two lifts servicing 99 apartments which equates to 49.5 apartments per lift which does not comply. | **No – Acceptable see Note 4** |
| **4G Storage** | | |
| ***Design criteria*** | | |
| In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:<br>  <br>At least 50% of the required storage is to be located within the apartment. | Each apartment is provided with compliant levels of internal storage and with basement storage cages for additional storage. Whilst not all internal storage areas are nominated for size, areas are provided that appear to be generous and basement storage is also provided. A condition is included to ensure minimum storage areas are provided both internally and externally. | Yes – Condition |
| **4H Acoustic privacy** | | |
| **Objective 4H-1**<br>Noise transfer is minimised through the siting of buildings and building layout. | Adequate building separation is provided from neighbouring buildings/adjacent uses. Window and door openings are generally orientated away from noise sources. Circulation areas and non-habitable rooms are located to buffer noise from external sources. The number of party walls (walls shared with other apartments) have been limited and will be appropriately insulated Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation are appropriately enclosed and located away from bedrooms. | Yes |
| **Objective 4H-2**<br>Noise impacts are mitigated within apartments through layout and acoustic treatments. | The proposed internal apartment layout separates noisy spaces from quiet spaces, by grouping rooms with similar noise requirements, | Yes |

| Dwelling type | Storage size volume |
|---|---|
| Studio apartments | 4m³ |
| 1 bedroom apartments | 6m³ |
| 2 bedroom apartments | 8m³ |
| 3+ bedroom apartments | 10m³ |

| Provision | Proposal | Compliance |
|---|---|---|
| | utilising doors to separate uses and locating wardrobes to act as sound buffers. | |
| **4J Noise and pollution** | | |
| **Objective 4J-1**<br>In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings. | The site is located opposite the western railway line. Acoustic mitigation measures will be required to be introduced to meet the internal noise requirements of SEPP Infrastructure. | Yes |
| **Objective 4J-2**<br>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission. | Proposed recessed balconies and balustrades are considered to contribute to the minimisation of noise transmission from and within the development. | Yes |
| **4K Apartment mix** | | |
| **Objective 4K-1**<br>A range of apartment types and sizes is provided to cater for different household types now and into the future. | The proposed development includes a mixture of 1,2 and 3 bedroom apartments. | Yes |
| **4L Ground floor apartments** | | |
| **Objective 4L-1**<br>Street frontage activity is maximised where ground floor apartments are located. | The ground floor apartments have not been provided with direct street entrances. This is considered important to ensure street frontage activity is maximised. | **No – Condition see Note 3** |
| **4M Facades** | | |
| **Objective 4M-1**<br>Building facades provide visual interest along the street while respecting the character of the local area. | The colour scheme and building materiality is generally supported as it breaks the building into components and has sufficient articulation and visual interest. It is noted however that Council's Urban Design Consultant has requested some changes to materiality and colours to improve the appearance. These minor amendments have been conditioned as discussed in Note 5. | **Yes – Condition see Note 5** |
| **4N Roof design** | | |

| Provision | Proposal | Compliance |
|---|---|---|
| **Objective 4N-1**<br>Roof treatments are integrated into the building design and positively respond to the street. | The proposed roof design relates to the street and is integrated with the building.<br>The roof design is proportionate to the overall building size, scale and form. | |
| **Objective 4N-2**<br>Opportunities to use roof space for residential accommodation and open space are maximised. | The proposal utilises the roof top for a communal open space area. | |
| **4O Landscape design** | | |
| **Objective 4O-1**<br>Landscape design is viable and sustainable. | It is considered that the proposed landscape design will be environmentally sustainable and will incorporate sustainable planting and has considered the tree and shrub selection, size at maturity and potential root growth. Council's Tree Management Officer has reviewed the Landscape Plan and raised no objections. | Yes |
| **4Q Universal design** | | |
| **Objective 4Q-1**<br>Universal design features are included in apartment design to promote flexible housing for all community members. | The submitted Accessibility Report indicates that the development includes at least **35 (30%) of apartments** with universal design features. | Yes |
| **4S Mixed use** | | |
| **Objective 4S-1**<br>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement. | The development includes a retail premises to the corner of Oxford Street and Railway Parade which is considered an appropriate location at a main corner and on a relatively busy road for pedestrians and traffic. | Yes |
| **4W Waste management** | | |
| **Objective 4W-1**<br>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents. | Adequately sized storage areas for rubbish bins have been located within basement bin storage rooms. The location on the first basement level will allow for convenient manoeuvring between storage and collection points.<br>An issue has been identified with the proposed temporary bin storage rooms at the ground level | **No – Condition see Note 9 within DCP Section** |

| Provision | Proposal | Compliance |
|---|---|---|
| | which are considered too small and inaccessible for convenient garbage collection. This issue is discussed in Note 9. | |

**Note 1 – Visual Privacy**

> ***ADG Objective 3F-2*** *Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.*

A minor privacy issue has been identified for one of the proposed apartments on Level 8. The apartment contains a bedroom which has a window immediately adjacent to and facing the eastern rooftop communal open space area. It is considered that the privacy of this bedroom will be compromised, and it is recommended that privacy measures are introduced to ensure this room will not be overlooked by users of the communal open space.

Another area of privacy concern is that clear glass balustrades are proposed to all the balconies in the development. These clear balustrades will not provide any screening of the balconies or the living areas from overlooking from the street. It is considered that the lower level balconies should incorporate opaque, solid or partially solid balustrades to improve the privacy of these apartments.

The following conditions have been included to resolve the above issues:

Condition – A privacy screen or a high-level window with minimum sill height of 1500mm above the floor level is to be introduced the eastern facing window of Bedroom 1 within the southern apartment on Level 8.

Condition – The balcony balustrades for apartments on the first four floors (Ground to Level 3) are to be opaque, solid or partially solid to improve the privacy of these spaces.

**Note 2 – Pedestrian entries**

> ***ADG Objective 3G-1*** *Building entries and pedestrian access connects to and addresses the public domain.*

The ground floor pedestrian entries to the building are considered to be easily identifiable and adequate in width, however the entry doors are considered too deeply inset into the building which will create safety issues and will lack a sense of arrival. Furthermore, amenities such as seating and post boxes have not been provided. These issues can be resolved by the provision of an 'airlock' in front of the proposed front doors. The following condition has been included to this effect:

Condition – 'Airlocks' are to be introduced to the main building entries from the street. This will require an additional door in front of the proposed front doors to create an entrance lobby. The revised entrances are to include amenities such as seating and post boxes.

**Note 3 – Ground floor apartment courtyards and direct street entries**

> ***ADG Part 4E-1 Design Criteria 2*** *For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m2 and a minimum depth of 3m.*

***ADG Part 4L-1 Design Guidance*** *Direct street access should be provided to ground floor apartments.*

The proposed ground floor apartments have not been provided with private open spaces or direct street entrances as stipulated in the above provisions. Instead, the ground floor apartments include standard balconies and are only able to be entered from within the building.

The proposed ground floor balconies and lack of street entrances are supported only for the apartments fronting to Railway Parade. This is because Railway Parade is a busy road and does not have a residential streetscape character. The proposed balconies with landscaping in front will ensure these apartments will be partially screened from the street.

The issue is with the ground floor apartments facing Oxford Street. Oxford Street is a relatively quiet residential street and as such opening the ground floor apartments up to this street is important to ensure the development creates street activity and integrates with the public domain. Accordingly, it is recommended that each of the ground floor apartments facing Oxford Street are provided with private open space (courtyards) instead of balconies and direct street entrances are introduced.

The following condition has been included to resolve this issue:

Condition – The ground floor apartments facing Oxford Street are to be provided with front private open space courtyards with a minimum area of 15sqm and minimum dimension of 3m. Entrances are to be provided direct from the street to the front courtyards and into the apartments. The entrance paths to the street are to minimise the loss of landscaping within the front setback via the provision of stepping stones or other similar treatment.

**Note 4 – Common circulation and spaces**

***ADG Part 4F Design Criteria 1*** *The maximum number of apartments off a circulation core on a single level is eight /* ***Design Criteria 2*** *For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.*

The development includes two circulation cores, each with two lifts. The northern core services 11 apartments on Levels 1 to 7 which exceeds the maximum of eight. Furthermore, the northern core is 10 storeys and has two lifts servicing 99 apartments which equates to 49.5 apartments per lift exceeding the maximum of 40. These non-compliances are considered acceptable for the following reasons:

- The circulation spaces are not a single long corridor, but rather have two axes resulting in the maximum distance of an apartment to a lift of 20m which is considered a convenient distance;

- Key areas of the corridors such as in front of the lifts and the ends have been widened to 2m to create a sense of space, amenity, and improved functionality;

- The corridors are open on the northern side which will provide natural light and ventilation improving the amenity of the space; and,

- The additional apartments on the lower levels within the northern core are partially offset with the upper levels 8 and 9 only having five apartments on each level.

**Note 5 – Façade materials and finishes**

***ADG Objective 4M-1*** *Building facades provide visual interest along the street while respecting the character of the local area.*

The proposed finishes and materials are generally supported as they are considered to break the building into components and create visual interest and perceived articulation. It is noted however that Council's Urban Design Consultants GMU have requested some minor amendments and additional details of materiality and finishes to ensure the development presents well to the street and the building components including the street wall and tower are properly expressed.

Specifically, the tower component of the building could benefit from the introduction of a thicker blade / pilaster between the 10 storey tower and the 8 storey part of the building to better express verticality and reduce the perceived bulk. The façade expressions are also considered to be monotonous and could benefit from the use of contrasting textures and complementary colours to differentiate the street wall from the rest of the elevation.

The following conditions have been included to resolve the above issues:

Condition – The materials and finishes are to be amended as per below and detailed façade sections are to be provided to and approved by Council prior to the issue of a Construction Certificate:

- Contrasting textures and complementary colours are to be introduced to further differentiate the street wall from the rest of the elevations,
- Precast textured and prefinished panels are to be utilised instead of the proposed areas of exposed concrete, and,
- The blade / pilaster between the 10 storey tower component and the 8 storey component of the building is to be increased in width to better express the verticality of the tower.

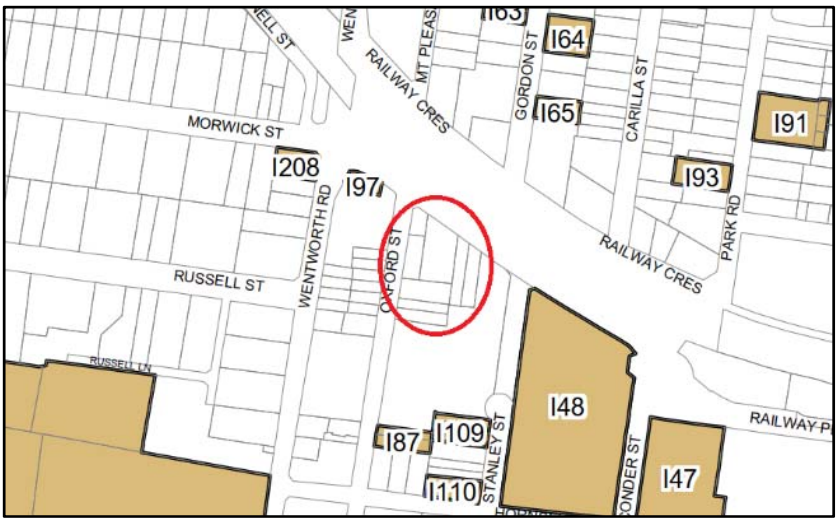
**Burwood Local Environmental Plan (BLEP) 2012**

An assessment of the application has been made against the provisions of BLEP 2012 as follows:

| Clause | Proposal | Compliance |
|---|---|---|
| **2.3 Zone objectives and Land Use Table**<br><br>R1 General Residential | The proposed land use is technically characterised as 'shop top housing' which is permitted with consent in the R1 zone.<br><br>The development only includes a single retail space located at ground floor fronting to the corner of Oxford Street and Railway Parade, however this is sufficient to characterise the whole development as shop top housing which is defined in the BLEP2012 as *one or more dwellings located above ground floor retail premises or business premises*.<br><br>The development is considered to satisfy the objectives of the zone as it will provide for the housing needs of the community including 124 | Yes |

| Clause | Proposal | Compliance |
|---|---|---|
| | apartments in various sizes and layouts and provides a retail premises to provide for the day to day needs of residents. | |
| **4.1 Minimum subdivision lot size**<br><br>Minimum 400sqm | No subdivision proposed. | N/A |
| **4.3 Height of Buildings**<br><br>Maximum 26m | The development has is a single building with three distinct components. The tower component of the building presents to the north-western corner of the site and will be 10 storeys. The Railway Parade component to the east of the tower will be 8 storeys, and the Oxford Street component to the south of the tower will be 6 storeys. The tower component and the Oxford Street component also have lift overruns above the main roof line, however the highest point of the building is the tower roof parapet.<br><br>**<u>Tower Component</u>**<br>**Maximum overall height: 34.25m**<br>Roof Parapet RL: 55.30m<br>EGL RL: 21.05m (lowest survey spot level beneath parapet)<br><br>Roof Level: 32.85m<br>Roof RL: 53.90m<br>EGL RL: 21.05m<br><br>**<u>Railway Parade Eastern Component</u>**<br>Maximum height: 26.61m<br>Roof Parapet RL: 48.70m<br>EGL RL: 22.09m<br><br>**<u>Oxford Street Southern Component</u>**<br>Maximum height: 20.90m<br>Roof Parapet RL: 40.90m<br>EGL RL: 20.00m | **No – 32% variation acceptable, see Note 6** |
| **4.4 Floor space ratio**<br><br>Maximum 3:1 | **FSR: 3:1**<br>GFA: 10,238sqm | Yes |

| Clause | Proposal | Compliance |
|---|---|---|
| | Site Area: 3,413sqm (survey) | |
| **4.4 Exceptions to Floor space ratio**<br><br>Dwelling house on land in Zone R2 Low Density Residential with a site area of more than 500 square metres is not to exceed 0.52:1. | N/A – Development is for shop top housing in R1 zone. | N/A |
| **5.1 Relevant acquisition authority**<br><br>Land reserved to be acquired for public purposes | N/A – The subject site is not identified on the Land Reservation Acquisition Maps. | N/A |
| **5.10 Heritage Conservation**<br><br>Various requirements for development of heritage items, heritage conservation area, or within the vicinity of heritage items. | The site is within the vicinity of the three heritage items listed below. The proposal will not have any significant adverse impacts on the heritage significance of the items as detailed in the comments below.<br>▪ I97 – Burwood Sewer Vent (State Significant) – 74A Railway Parade<br><br>Comment: The item is separated by over 70m from the site and within a different urban block. The primary views to the item are along Wentworth Road and Railway Crescent which will not be obstructed.<br>▪ I48 – Former School of Arts – 5 Conder Street<br><br>Comment: The item is separated by over 150m from the site and is on the other side of a crest. The heritage buildings themselves are primarily viewed from Conder Street and as such views to the item will not be obstructed by the proposal.<br>▪ I87 – Victorian Houses – 34, 36 and 50 Oxford Street<br><br>Comment: The item is separated by over 150m from the site and the primary views to the item along Oxford Street will not be obstructed. | Yes |

| Clause | Proposal | Compliance |
|---|---|---|
|  **Figure 16. BLEP2012 Heritage Map extract showing the site circled in red and nearby heritage items. (Source: Council Mapping / Marked: James Arnold)** | | |
| **6.1 Acid Sulfate Soils**<br><br>Various requirements depending on ASS class | The site is identified as Class 5 Acid Sulfate Soils. The subject site is not located within 500m of Class 1, 2, 3 and 4 land. Furthermore, a Geotechnical Report was submitted with the application which did not indicate the presence of ground water within the depth of excavation proposed and as such the development is unlikely to lower the water table.<br><br>Accordingly, an Acid Sulfate Soils Management Plan is not required. | Yes |
| **6.3 Active Street Frontages** | N/A – The subject site is not identified as requiring an Active Street Frontage. | N/A |

**Note 6 – Clause 4.6 request to vary height development standard**

Clause 4.6 provides a mechanism for development consent to be granted where a development contravenes a development standard. The clause stipulates that the consent authority must consider and be satisfied that a written request from the applicant justifies the contravention by demonstrating that compliance is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental grounds to justify the contravention. Furthermore, the consent authority must be satisfied that the development will be in the public interest because it is consistent with the objectives of the standard and the zone.

The proposal has been assessed as non-compliant with clause 4.3 'height of buildings' development standard of the Burwood Local Environmental Plan 2012. The clause stipulates that the height of a building on the site is not to exceed 26m and the proposed development reaches a maximum height of 34.25m which equates to a 32% variation. The nominated building height has been calculated by the Assessment Officer and is based on the submitted architectural plans and spot levels on the survey plan. There is a slight difference to the submitted clause 4.6 request which nominates the maximum height at 34.5m.

The development comprises a single building with three distinct components being a 10 storey tower presenting to the corner of Oxford Street and Railway Parade, an 8 storey component to the east fronting to Railway Parade and a 6 storey component to the south fronting to Oxford Street. The highest point of the building is 34.25m for the tower roof parapet. The eastern component has a roof parapet height slightly over the height limit at 26.61m and the southern component is well below the height limit at 20.90m.

In accordance with the requirements of clause 4.6, the applicant has submitted a written request to vary the height development standard. The request been considered against the requirements of clause 4.6 as detailed below. Clause 4.6 is considered to be satisfied and the variation to the development standard is supported.

*(3)(a) that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case,*

The Applicant's request is considered to satisfactorily demonstrate that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case. The key points are as follows:

- The height non-compliance is the result of amendments suggested by Council's urban design consultants GMU to shift the permitted bulk (ie. FSR) to the north-western corner of the site to create a corner tower. The purpose of this amendment was to allow the development to step down to the south where the site adjoins the Burwood Public School. The result is a building with three distinct components being a 10 storey tower presenting to the corner of Oxford Street and Railway Parade, an 8 storey component to the east fronting to Railway Parade and a 6 storey component to the south fronting to Oxford Street. This variation of heights across the site compares favourably to the blanket 8 storey height originally proposed as it improves the built form presentation and reduces impacts on the adjoining school;

- The primary height non-compliance for the tower component is located in the north-western corner of the site, which is the furthest point from the adjoining school. Shadow diagrams have been submitted which compare the compliant building height shadows (ie. blanket 8 storeys across the site) to the revised variation in height across the site. The shadow diagrams indicate less shadowing of the adjoining school and of the properties on the western side of Oxford Street which is an improved planning outcome;

- The submitted shadow diagrams indicate that the properties to be overshadowed by the development, being those on the western side of Oxford Street and the adjoining school, will receive a satisfactory level of sunlight. The residential properties on the western side of Oxford Street be overshadowed in the morning from approximately 9am to 10.30am and will be unaffected for the remainder of the day in mid-winter. The school playground areas which are located adjacent to the south and partially to the south-east of the site, will be partially overshadowed from midday to 3pm, leaving full morning sunlight and at least 50% of the playground unaffected in the afternoon in mid-winter. These levels of sunlight for adjoining properties is consistent with the 2 hour requirement under the Apartment Design Guide. Further detailed assessment of overshadowing of the school playgrounds is contained within the submissions section of this report;

- The variation in height proposed across the site, as compared to a blanket 8 storey compliant building height across the site, creates improved presentation of the development by reducing the overall perceived bulk and allows for a landmark corner tower to be created;

- The additional height will not lead to any additional privacy impacts as the non-compliant tower is located at the corner of the site which is the furthest point from adjoining sites. The apartments within the upper floors of the tower over the height limit, are orientated to the north over the railway line and to the west where there is over 30m horizontal separation to the residential properties on the opposite side of Oxford Street;

- The shifting of the built form to the north-western tower component results in fewer apartments being located in the southern portion of the site and therefore reduced overlooking of the adjoining school playground; and,

- The objectives of the height development standard are achieved despite non-compliance. Consistency with the objectives of the height development standard is detailed in the public interest section below.

*(3)(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

It is considered that the Applicant's request satisfactorily demonstrates that there are sufficient environmental planning grounds to justify the contravention. The key points are as follows

- The height non-compliance results in an improved planning outcome as compared to a compliant height across the site. This is demonstrated in the submitted shadow diagrams which indicate less overshadowing of the residential properties on the western side of Oxford Street and the adjoining school. The stepping down of height to the southern portion of the site allows for a less abrupt transition in height from the adjoining school playground which will result in an improved streetscape along Oxford Street. The variation in height across the site and the building components created by this, allow for a landmark tower to the prominent corner of Oxford Street and Railway Parade and will break up the permitted mass on site; and,

- A compliant building height across the site would be an inferior planning outcome as the bulk would be more concentrated within proximity to the adjoining school. The proposal shifts this bulk to the north-western corner of the site which allows for a more modest presentation to the school and a stepping down of bulk creating a smoother transition and less impacts.

*(4)(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and objectives for development within the zone in which the development is proposed to be carried out.*

Despite the height variation, the proposal is considered to be consistent with the objectives of the height standard and the objectives of the R1 zone as follows:

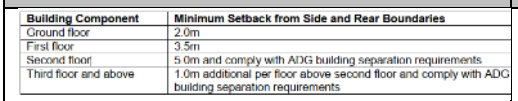
| **Objective** | **Proposal** |
|---|---|
| **Clause 4.3 Height of Buildings** | |
| (a) to establish the maximum height of buildings to encourage medium density development in specified areas and maintain Burwood's low-density character in other areas, | The proposed development is considered to be consistent with a medium density character with a compliant FSR and an appropriate response to the site context by shifting the bulk to the north-western street frontage corner. The prominence of the tower component is considered an appropriate urban design outcome given this is located at a corner and |

| | |
|---|---|
| | will create a landmark building. |
| (b) to control the potentially adverse impacts of building height on adjoining areas. | The additional height in the north-western corner of the site is offset with lower heights to the south which will result in improved presentation to the streets and reduced impacts and a smoother transition to the adjoining school. |
| **Zone R1 General Residential** | |
| To provide for the housing needs of the community. | The proposal is for primarily for residential apartments in a range of sizes and layouts which will provide for the housing needs of the community. |
| To provide for a variety of housing types and densities. | The proposal provides one, two and three bedroom apartments in a range of layouts and configurations which provides for housing diversity. |
| To enable other land uses that provide facilities or services to meet the day to day needs of residents. | The proposal includes a retail premises at ground floor on the corner of Oxford Street and Railway Parade which will provide a land use to support the day to day needs of residents. |

**Burwood Development Control Plan (BDCP) 2013**

An assessment of the application has been made against the provisions of BDCP.

| Provision | Proposal | Compliance |
|---|---|---|
| **Part 4.1 – Residential Flat Buildings in R1 Zone** | | |
| **4.1.2.1 Site Planning** | | |
| *Setbacks*<br><br>P2 The front setback of a building is to be a minimum of 6m | 6m front setbacks provided to Oxford Street and most of Railway Parade frontage.<br><br>The tower component of the building at the corner has a 1m setback along Railway Parade which is considered acceptable as this is a prominent corner and the reduced setback assists in defining the corner tower element of the development and also provides a direct street frontage and exposure for the ground floor retail premises. | **Yes, except portion of Railway Parade – Acceptable see Note 7** |
| P3 Side and rear setbacks must comply with the following numerical standards: | The proposed side and rear setbacks are as follows:<br>▪ Southern side: 5-6m<br>▪ Eastern side: 2.9-5m | Yes, except minor portion of eastern façade – Acceptable |

| Provision | Proposal | Compliance |
|---|---|---|
|  <br> | ▪ Rear: 7-20m<br><br>Side and rear setbacks comply with the exception of a very minor portion of the eastern façade of the eastern component of the building fronting to Railway Parade. There is a section of the façade that angles towards the boundary to a minimum setback of 2.9m. This is acceptable as it is only a non-compliance of 0.1m at ground floor where 3m is required. The remainder of the façade complies. The minor reduced setback is at ground floor and as such will not lead to privacy issues or overshadowing. | on merit |
| P4 Setback areas must be free of projections or encroachments, except for at-grade landscaping, to protect the amenity and privacy of adjoining properties and streetscape. | The fire egress in front of the retail premises is located within the front setback zone which is not supported as it will detract from the presentation of the development and breaks the front setback line to Oxford Street. A condition has been included to reconfigure this area of the development so the fire stairs land within the building, encapsulated within the footprint of the shop, with an egress door directly on the elevation. Furthermore, the condition requires the substation to be relocated to where the fire stairs are currently which will ensure the adjacent residential apartment will not be immediately adjacent to the substation. | **No – condition see Note 7** |
| *Length of Building Facades*<br><br>P5 The maximum frontage length of a building facing a street is 45 metres. | The building has a 51m frontage to Railway Parade and a 72m frontage to Oxford Street which does not comply. This is acceptable as the building is broken up into three distinct components via materials, finishes, building cuts and indentations, and differing setbacks. So whilst the building is technically long to the frontages, it will not be perceived at this length. Each component of the building is no more than 25m in length to the frontages and as such the frontage lengths are acceptable on merit. | **No – Acceptable see Note 8** |
| P6 The side façades of buildings are to include articulation elements at least every 10m. | Sufficient articulation and variation is provided on the facades at least every 10m. | Yes |
| P7 Breaks between buildings are to be aligned with streets, lanes or regional views where possible. | The breaks and indentations of the building appropriately respond to the streetscape. | Yes |

| Provision | Proposal | Compliance |
|---|---|---|
| *Minimum Site Frontage*<br><br>P8 A residential flat building shall not be erected on an allotment of land having a frontage of less than 20m | Frontage of 55m to Railway Parade and 77m to Oxford Street. | Yes |
| P9 Site consolidation is encouraged to promote efficient use of land. | Site comprises a number of allotments to be consolidated. | Yes |
| *Minimum Site Area*<br><br>P10 Any development with a height over 9m is generally required to have a minimum site area of 500 sqm. | Site area exceeds 500sqm. | Yes |
| *Site Isolation*<br><br>P11 The creation of isolated sites (i.e. with less than 20m frontage) is discouraged. Where an isolated site may result, the applicant for a development must demonstrate that negotiations between the owners of the property(s) commenced at an early stage that was prior to the lodgement of the Development Application. Where no satisfactory result is achieved, the Development Application must indicate that negotiations included genuine offers based on at least one recent independent valuation and included reasonable expenses likely to be incurred by the owners in the sale of the property(s) | No site isolation issue as the proposal incorporates all allotments between the Burwood Public School and the corner of Oxford Street and Railway Parade. | Yes |
| **4.1.2.2 Building Design** | | |
| *Building Facades*<br><br>P1 Each street façade must be articulated into smaller components using building elements (materials, floor slabs, balconies, window and door elements, roof forms and the like) at a scale or grain that reflects the use of the building and its components; its location relative to public domain elements; and has a clearly defined top, middle and bottom. | The building is broken up into three distinct components via materials, finishes, building cuts and indentations, and differing setbacks. | Yes |
| P2 The pedestrian entries to buildings shall be readily apparent from the street, and that part of buildings adjacent to the public street shall have living room or kitchen windows facing the street. | The pedestrian entries face the streets and are easily identifiable. The street frontage apartments have living areas and balconies that face the street. | Yes |

| Provision | Proposal | Compliance |
|---|---|---|
| *Roof Design and Rooftop Gardens* | | |
| P3 Integrate the design of the roof to the proposed built form and adjacent properties and reduce the bulk and scale through articulation. | The roof design is appropriately integrated into the building design and provides articulation through visually interesting parapets. | Yes |
| P4 The design of the roof should respond to the orientation of the site, minimise the visual intrusiveness of service elements and support the use of the roof for open space and for functions that improve the environmental sustainability of the building. | Roof design emphasises the tower component which creates visual interest and is an appropriate urban design response to the site. | Yes |
| P5 Residents shall have access to rooftop and podium gardens wherever possible. At least 50% of the roof area shall be vegetated with grasses, shrubs and trees. | Two rooftop communal areas are proposed with sufficient garden spaces. | Yes |
| P6 Planter boxes must be located at the perimeter of rooftop gardens to minimise overlooking of neighbouring dwellings. | The rooftop gardens are surrounded by planter boxes at the perimeter which will minimise overlooking and increase safety. | Yes |
| *Landscaping* | | |
| P10 A minimum of 10% of the site area is to be deep soil and have a minimum dimension of 4 metres. | Proposal includes 635sqm of deep soil area which equates to 18.6% of site area. Note only deep soil areas with minimum dimensions of 6m have been included as per ADG requirements. | Yes |
| P11 It is expected that 25% - 30% of the site be landscaped (inclusive of the deep soil zone). Landscaped area includes all pervious surfaces, open space at ground level and open space with a minimum dimension of 1 metre. | Approximately **1,025sqm or 30% landscaped area**. | Yes |
| *Visual Privacy* | | |
| P19 Provide adequate building separation in accordance with the building separation requirements in the ADG. | Refer to ADG compliance assessment. | Yes |
| *Acoustic Amenity* | | |
| P21 The internal layout of buildings is to be designed to reduce the effects of noise transmission through building materials and locating noise generating areas together. | The development is appropriately laid out such that noise sensitive areas are not located adjacent to highly active areas. | Yes |

| Provision | Proposal | Compliance |
|---|---|---|
| *Safety and Security*<br><br>P27 Buildings shall be designed to provide casual surveillance, have appropriate lighting, clearly defined territory and avoid concealed or blind spots. | The development is laid out such that living areas and balconies overlook the street and communal areas which provides for casual surveillance. Furthermore, concealed areas and blind spots are minimised through largely open design. | Yes |
| *Fences and Walls*<br><br>P29 The height (as measured from the public footpath side) of the front fencing must be:<br>• Not higher than 1.2m above ground level (existing), and with a maximum solid base component of 0.9m high.<br>• Not higher than 1.5m above ground level (existing) if the fence follows a sloping site and is stepped to accommodate the fall in the land, and with a maximum solid base component of 1m high. | No front fences proposed which is appropriate for a large residential apartment development and ensures the development integrates well into the streetscape. | Yes |
| *Facilities and Amenities*<br><br>P32 An amenities room (for meetings etc) is to be provided where the building has more than 15 residential units. The room shall have minimum dimensions of 4m and be available for the use of residents. | Amenities communal room provided at ground floor with minimum dimension of 5m. It is noted that a condition is included to relocate the amenities room to the roof top communal area which will allow for the adjacent bin storage room to be expanded and have sufficient space for bins for the entire development, rather than having two separate bin rooms which will be inconvenient for collection. | Yes |
| *Adaptable Housing*<br><br>P36 All development for residential flat buildings in the R1 zone must provide 10% of dwellings for adaptable housing to cater for ageing in place and/or mobility impaired residents.<br><br>P37 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 | Total of 124 apartments, 12 apartments required to be adaptable. 12 adaptable proposed which complies.<br><br>The submitted Accessibility Report indicates that at least one accessible car space have been allowed for the adaptable units. | Yes<br><br>Yes |

| Provision | Proposal | Compliance |
|---|---|---|
| and unloading. | | |
| *Car Parking and Ground Level*<br><br>P38 Basement car parking is to be located fully below natural ground level. However, where slope conditions necessitate protrusion above natural ground level, the protrusion is not to exceed 0.75 metres. Otherwise, it will be counted as floor area. | The building is appropriately stepped at the ground floor ensuring the basement car park does not protrude excessively. | Yes |
| **Part 4.6 Transport and Parking in Residential Development** | | |
| **P1** Basic parking requirement:<br><br>Development in the R1, R2 and R3 zones must provide parking spaces on site for each proposed land use in accordance with Table 4. All parking generated by the development is to be provided on site, including any visitors parking. Contributions in lieu of onsite provision of parking will not be accepted in residential zones. | Earlier in this report the required number of carparking spaces under the RTA Guide to Traffic Generating Developments as per the Apartment Design Guide provisions were calculated to be 127 spaces.<br><br>Under the provisions of Council DCP the proposed development generates a total of 157 spaces (Residents =130, Visitors = 25 and Retail = 2)<br><br>The application provides 163 spaces. The Applicant has requested to provide carparking in accordance with Council's DCP which requires the higher number of 157 spaces.<br><br>Given that the proposed number of 163 spaces exceeds Council's requirements by 6 spaces the application fully complies with Council's parking requirements. | Yes |
| **Part 6 Environmental Management** | | |
| 6.1 Preservation of Trees or Vegetation | Trees on site are limited to a small grouping near the southern boundary. These trees are proposed to be removed. These removals are acceptable as a new landscape scheme is proposed with a large amount of replacement plantings and the trees are not of any landscape or visual significance. The removals are also supported by Council's Tree Management Officer. | Yes |
| 6.2 Waste Management | Waste Management Plan submitted and forms part of conditions of consent. Temporary waste bin storage areas are separated into two and are not easily accessible from the street. Refer to Note 9 for discussion and conditions. | **No – Condition see Note 9** |

| Provision | Proposal | Compliance |
|---|---|---|
| 6.3 Acid Sulfate Soils | See BLEP2012 compliance table above. | Yes |
| 6.4 Flood Planning | Site is not flood affected. | N/A |
| 6.5 Stormwater Management | Council's Development Engineer has reviewed the stormwater plans and raised no objection subject to conditions. | Yes |
| 6.6 Landscaping | Council's Tree Management Officer has reviewed the proposed landscaping and raised no objections subject to conditions. | Yes |
| 6.7 Energy Efficiency and Sustainability | Compliant BASIX certificate submitted which will form part of consent. | Yes |

**Note 7 – Front setback of tower and fire stair encroachment**

> ***BDCP Section 4.1.2.1 P2*** *The front setback of a building is to be a minimum of 6m /* ***P4*** *Setbacks areas must be free of projections or encroachments*

The tower component of the building at the corner is built to the street alignment along Railway Parade where a 6m front setback is required under the BDCP. This front setback is considered acceptable as it assists in defining the corner tower element of the development creating a landmark and breaking up the mass of the development. It also provides the proposed retail space at the ground floor with a direct street frontage which will assist with exposure. Railway Parade also does not have a residential character with the railway corridor on the northern side and the school on the southern side, accordingly there is not an established front building line that will be broken by the proposal.

Council's Urban Design Consultants GMU have noted that there is a fire stair box that lands within the front setback area to Oxford Street which presents as an encroachment to the 6m front setback. The fire stairs at this location is not supported as it will form a solid and intrusive encroachment to the Oxford Street setback and will detract from the streetscape appearance of the development. Council's Urban Design Consultant has recommended that the fire stairs are reconfigured to land within the building and encapsulated within the footprint of the retail premises with an egress door on the elevation. With this area cleared, the substation will be able to be shifted where the fire stairs were which will ensure that the substation no longer is in front of an apartment. The following condition has been included to this effect:

Condition – The fire egress located within the Oxford Street setback is to be reconfigured such that it lands within the building, with an egress door on the elevation. The substation is to be shifted north into the place of the fire stairs so that it does not front to an apartment.

**Note 8 – Building frontage lengths**

> ***BDCP Section 4.1.2.1 P5*** *The maximum frontage length of a building facing a street is 45 metres.*

The proposed building has a 51m frontage length to Railway Parade and a 72m frontage length to Oxford Street. This does not comply however is acceptable as the building is broken up into three distinct components via materials, finishes, building cuts and

indentations, and differing setbacks. Whilst the building is technically long to the frontages, it will not be perceived at this length. Each component of the building presents at no more than 25m in length and as such the frontage lengths are acceptable on merit.

**Note 9 – Temporary waste bin collection area**

BDCP Part 6.2 and Appendix 8.1 provides controls and technical guidelines for managing waste within residential developments. For a development the size of the subject proposal, collection of bins on the street is not appropriate. The proposal as originally submitted included a temporary bin holding area immediately adjacent to Oxford Street. Whilst this area was appropriate from a functional perspective, it was not appropriate from a visual aesthetic perspective. The area would have been visually obtrusive in the streetscape and impacted the amenity ground floor apartments. As part of a request for additional information the applicant was requested to resolve this issue.

The amended proposal has deleted the bin area adjacent to the street and replaced it with two separate internal bin rooms at ground floor within Stage 1 (north) and Stage 2 (south). The revised arrangement is not supported as having two separate bin rooms will be inconvenient for transfer and collection of bins and the rooms provided are not easily accessible from the street.

To resolve this issue, there is scope to consolidate the bin rooms by expanding the northern bin room and deleting the southern bin room. The northern bin room can be expanded into the adjacent common room which can be relocated to the roof top communal space. The rooftop is considered a more desirable location for the common room as it will receive better solar access and natural ventilation as compared to this dark and poorly located ground floor space. To ensure the bin room facilitates easy transfer and collection of bins, the entry doors will also need to be rationalised and widened. This revised temporary bin storage room has been conditioned as below and the intended effect is illustrated in **Figure 17**.

Condition – The southern temporary waste bin storage room on the ground floor is to be deleted and the northern ground floor waste room expanded commensurately. The northern waste room is to be expanded into the adjacent common room and the entry area to the new room is to be rationalised to allow for wide and easy access for the transfer of bins in and out of the room. The common room is to be relocated to the rooftop communal area and is to have minimum dimensions of 4m. The space of the southern bin room may be incorporated into the adjacent apartment.

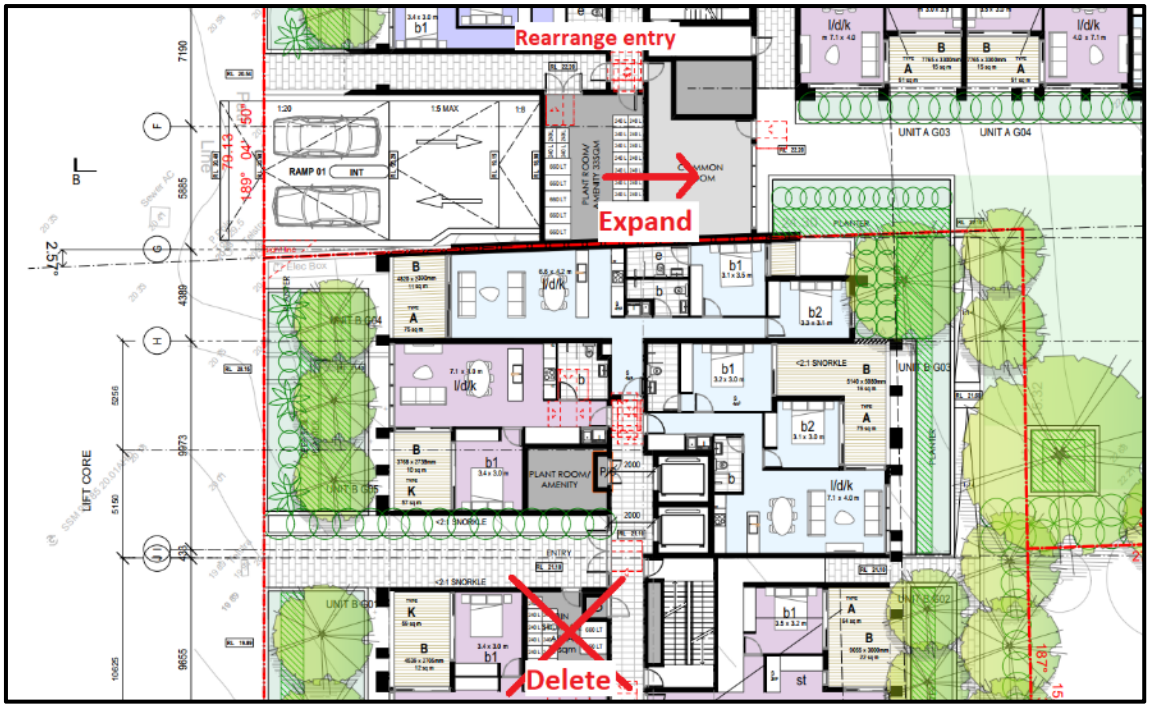



**Figure 17. Ground Floor Plan diagram showing the proposed condition to consolidate the two bin rooms and improve accessibility.**

## Community Consultation

The proposal was originally placed on public notification from 12 October 2017 to 2 November 2017. In response, 25 submissions and one petition with 608 signatories were received, all of which contained objections to the proposal. The submissions and petition mostly came from the parents of students attending the Burwood Public School and a considerable number were 'form' submissions which repeated the same issues. Six of the submissions did not provide any reasons for objection and as such did not raise any issues for consideration.

Amended plans were submitted on 27 April 2018 to address the various issues raised by Council during the assessment process. The amended plans were placed on public notification for the period 11 May 2018 to 25 May 2018. In response, 30 submissions and one petition (containing 60 signatures) were received, all of which contained objections to the proposed development.

The issues raised in the submissions and the petitions in response to the original and amended proposal have been taken into consideration and are discussed below.

**Issue 1: Overshadowing of the adjoining school playgrounds**

Comment: Refer to 'Supplementary Shadow Assessment' towards the beginning of this report for a full assessment of the overshadowing impact of the development on the adjoining school having consideration for the additional shadowing information that was submitted to Council following the Sydney Eastern Planning Panel meeting.

The issue of solar access to the adjoining playgrounds of the Burwood Public School has been considered extensively in the assessment of the proposed development. The proposal as originally lodged with Council provided a blanket 8 storey built form across the subject site. Whilst this built form was generally compliant with the 26m building height control (except the parapet to the corner element) and achieved the separations required under the

Apartment Design Guide, Council considered that a redistribution of the height towards the northern part of the site would minimise impacts including overshadowing on the adjoining school playgrounds. The original built form as viewed from Oxford Street is shown in **Figure 18**.

In response to Council's requests, the applicant submitted a significantly revised proposal which shifted the bulk and height of the development to the north of the site, allowing for a reduced built form of 6 storeys adjacent to the school in the south of the site. The amended built form as viewed from Oxford Street is shown in **Figure 19**. As part of the amended set of plans, overshadowing diagrams compare the shadows of the originally submitted proposal to the amended proposal. These diagrams indicate significant improvements for solar access to the adjoining playgrounds. It is estimated that at the worst time of year for solar access (June 22) that the adjoining playgrounds will receive direct sunlight to at least 50% of the space throughout the day between 9am and 3pm. During the key times of 11am to 1pm when the playgrounds will be most heavily utilised, the diagrams indicate shadowing to only a minor portion near the boundary with the site. The middle of the playground and the multi-purpose courts will be mostly unaffected during those hours. The primary portions of the playground are shown in **Figure 20**.

In considering the appropriateness of overshadowing impacts on the school playgrounds, there are no specific planning controls that are applicable. Accordingly, the impacts have been assessed on a merit basis. Having consideration for the impacts that would be anticipated from the development controls that apply to the subject site and the amendments to the built form that have been undertaken to minimise those impacts, the overshadowing impact is considered acceptable.

**Figure 18. West Elevation to Oxford Street (as lodged) (Source: Alexandar Design Group, 2017)**

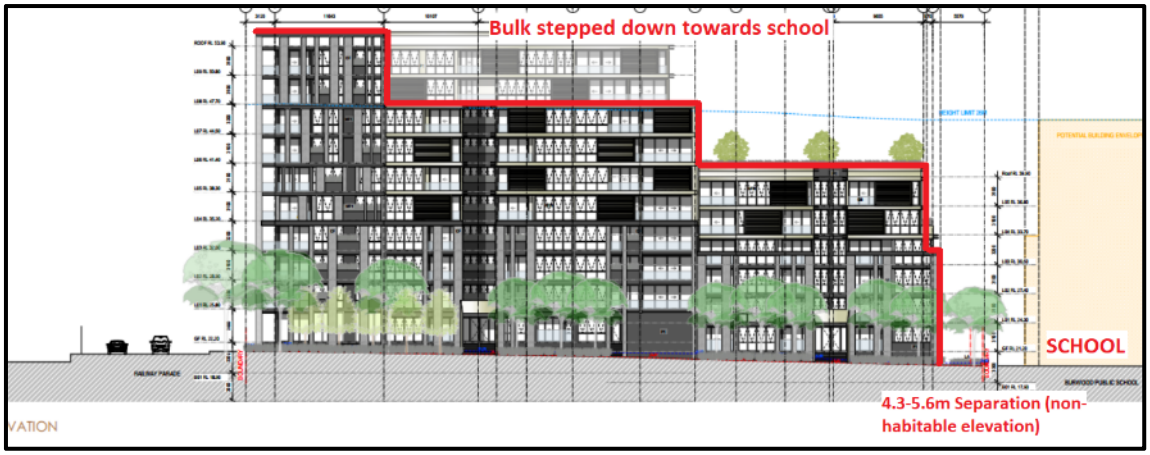



**Figure 19. Marked amended northern elevation showing the stepped down bulk to minimise impacts on adjoining school (Source: Alexandar Design Group, 2018 / Marked: James Arnold, 2018)**

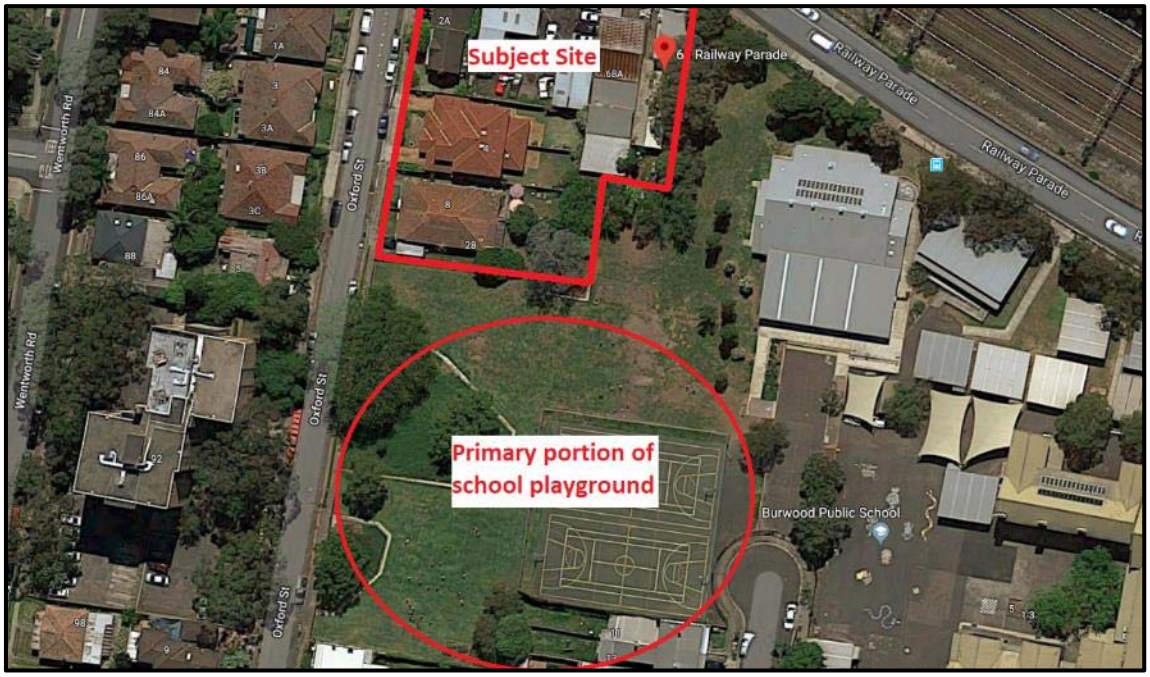



**Figure 20. Aerial image of the site and the adjoining school playgrounds. The primary portion of the playgrounds is identified (Source: maps.google.com.au / Marked: James Arnold, 2018)**

### Issue 2: Overlooking of the adjoining school playgrounds

Comment: The issue of privacy and potential overlooking from the development to the adjoining playgrounds of the Burwood Public School has also been considered extensively in the assessment of the proposed development. The proposal as originally lodged with Council provided a blanket 8 storey built form across the subject site. The proposal has been amended to shift the bulk of the development, and therefore the majority of apartments, to the northern portion of the site, away from the school playgrounds. The amended proposal now includes reduced bulk, in the form of a 6 storey element, to the southern portion adjacent to the school which has also minimised the amount of apartments within this portion of the site.

When considering privacy impacts, the applicable planning controls for this development are provided in the Apartment Design Guide. Privacy is primarily achieved via separation distances from apartments to the boundaries. The proposal complies and significantly exceeds the ADG requirements which stipulate a minimum 3m separation from non-

habitable openings to boundaries and 6m from habitable openings to boundaries. The habitable areas and separation distances from the apartments that face the school boundaries to the south and east are shown in **Figure 21**. As shown, the minimum distance is 6m for only six apartments in the southern portion of the building. The remaining apartments are separated by 10-22m from the boundary and any views to the main portion of the adjoining school playground are cross views and highly obstructed by the vertical fins proposed on the facades of the building.

Given the above, the proposal achieves and generally far exceeds the applicable privacy provisions. Overlooking from the development to the adjoining school playgrounds has been minimised as far as practical and as such is considered to be acceptable.

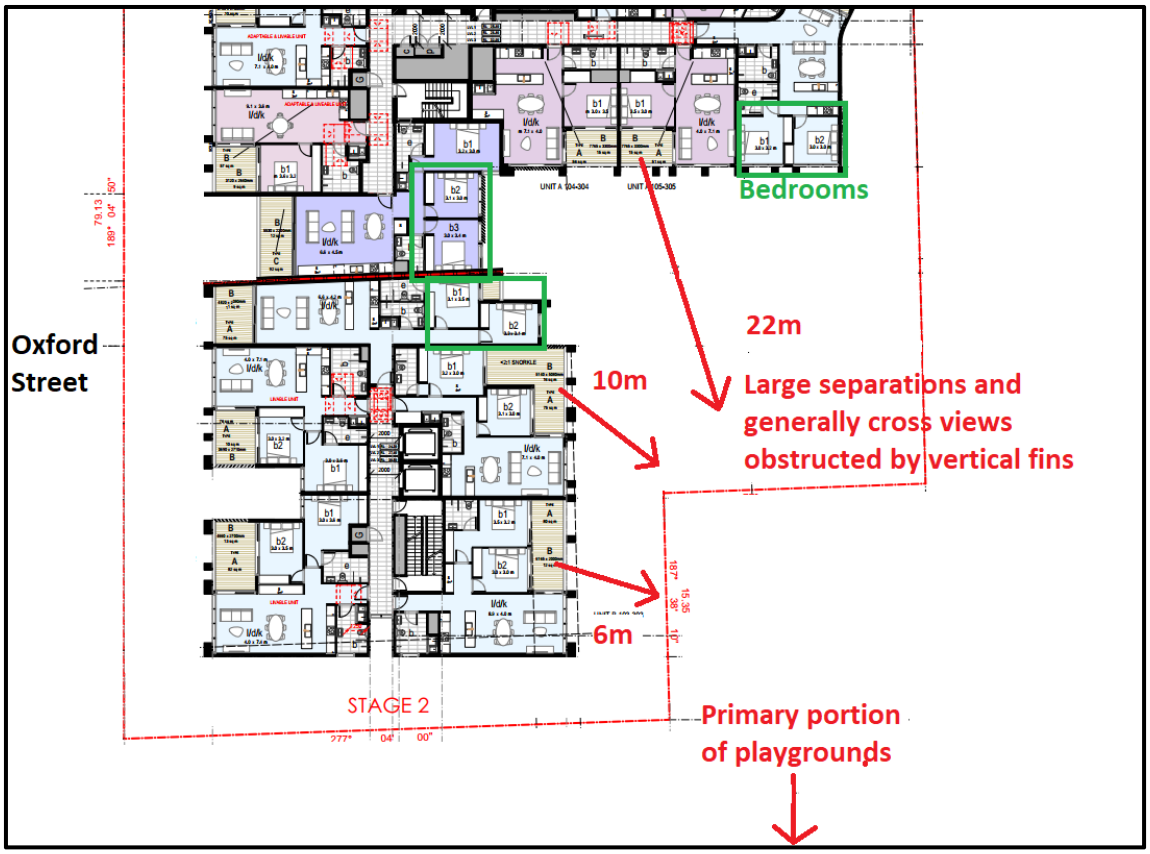



**Figure 21. Marked floor plan showing separation distances from habitable areas to boundaries and views to the main part of the playground will be cross views and obstructed by vertical fins (Source: Alexandar Design Group, 2018 / Marked: James Arnold, 2018)**

**Issue 3: Construction impacts such as dust and noise for the students of the adjoining school**

Comment: The recommended conditions of consent include a wide range of standard conditions of consent which are aimed at minimising the impacts of construction on adjoining sites.

**Issue 4: Increased traffic and car parking issues in the local area**

Comment: The proposed development complies with the applicable maximum Floor Space Ratio permitted on the site which indicates that the density of development is acceptable. Associated with this density will be additional traffic in the surrounding streets which is anticipated by the development controls for the site. The proposal also satisfies Council's car parking requirements.

Given the above, the additional traffic and additional demands on street parking as a result of the development are considered acceptable.

**Issue 5: School facilities inadequate and will require expansion in the future**

Comment: Several objections raised concern that the existing facilities of the Burwood Public School are inadequate and additional population in the area will further increase demands on the school. The school is not managed by Council and these issues are not a matter for consideration in the assessment of the subject proposal.

**Issue 6: Building height excessive**

Comment: The building height has been amended to ensure impacts on the adjoining sites are minimised. A full discussion of the proposed variation to the height development standard is contained within the Burwood LEP 2012 section of this report.

**Issue 7: Impact on expansion options for school**

Comment: The proposal as amended is considered to minimise impacts on the adjoining school as far as practical in the context of the zoning and development controls for the site.

## Referrals

| Referral Officer | Response |
|---|---|
| Roads and Maritime Services | SEPP Infrastructure Clause 104 Traffic-generating development applies to the proposal as vehicular access is proposed along Oxford Street within 90m of Railway Parade which is a classified road, and the development meets the relevant size or capacity to trigger RMS concurrence requirements as it has 75 or more dwellings. RMS provided concurrence to the most recent approval for part of the subject site (DC 74/2015) and the access arrangements to Oxford Street only have been maintained. |
| Sydney Trains | SEPP Infrastructure Clause 86 applies to the proposal as the development involves the penetration of ground to a depth of at least 2m and is on land within 25m of a rail corridor. Accordingly, the application was referred to Sydney Trains and in a letter dated 16 May, 2018 concurrence was provided. |
| Urban Design Consultant | Council's Urban Design Consultant provided comments throughout the assessment process. Overall, the final amended plans were generally consistent with the comments and recommended amendments. Some generally minor outstanding urban design issues have been conditioned which are discussed throughout this report. |
| Development Engineer | No objections, subject to conditions. |
| Environmental Health Officer | No objections, subject to conditions. |
| Traffic Engineer | No objections, subject to conditions. |

| | |
|---|---|
| Building Surveyor | No objections, subject to conditions. |
| Tree Management Officer | No objections, subject to conditions. |

## Conclusion

The proposal (as amended) is generally compliant with the key planning provisions contained within SEPP 65, ADG, BLEP 2012 and the BDCP 2013. The development is technically characterised as 'shop top housing' containing a retail premises at ground floor and residential apartments which are permitted uses in the R1 zone. The proposal complies with FSR and the proposed variation to the height limit is considered to result in an improved planning outcome as compared to a compliant scheme. The proposal also achieves compliance with the key ADG design criteria including separations, deep soil area, car parking, solar access, cross ventilation, private open space, communal open space, and apartment sizes and layouts.

The key issues raised in the submissions related to overshadowing and overlooking of the adjoining Burwood Public School. The amended proposal has sought to minimise those impacts as far as practical by shifting the built form away from the school to the north-western corner of the site and stepping down the bulk providing an appropriate transition to the school. Furthermore, separation distances far exceed the ADG and appropriate privacy measures are incorporated into the design.

Given the above, the proposal (as amended) is recommended for approval, subject to conditions.

## Recommendation

That the Sydney Eastern City Planning Panel **APPROVE** Development Application No. 124/2017, for demolition and construction of a six to ten storey mixed use development comprising 124 apartments, one retail premises at ground floor, and three levels of basement car parking, at 68-72 Railway Parade and 2-10 Oxford Street, Burwood, subject to the following conditions:

1) The development being carried out in accordance with the plans and documentation in the table below except where amended by the conditions of consent.

| **Plans / Document** | **Author** | **Plan No. / Issue** | **Dated** |
|---|---|---|---|
| Site / Roof Plan | Aleksandar Design Group | DA-02 / Issue B | 24/04/18 |
| Basement 3 & 2 | Aleksandar Design Group | DA-03 / Issue B | 24/04/18 |
| Basement 1 & Ground Floor Plan | Aleksandar Design Group | DA-04 / Issue B | 24/04/18 |
| Typical Levels 01-03 & 04-05 | Aleksandar Design Group | DA-05 / Issue B | 24/04/18 |

| | | | |
|---|---|---|---|
| Typical Levels 06-07 & 08-09 | Aleksandar Design Group | DA-06 / Issue B | 24/04/18 |
| North & West Elevation | Aleksandar Design Group | DA-07 / Issue B | 24/04/18 |
| South & East Elevation | Aleksandar Design Group | DA-08 / Issue B | 24/04/18 |
| Sections AA-BB | Aleksandar Design Group | DA-09 / Issue B | 24/04/18 |
| Calculations | Aleksandar Design Group | DA-10a / Issue B | 24/04/18 |
| Calculations | Aleksandar Design Group | DA-10b / Issue B | 24/04/18 |
| Schedule of Finishes | Aleksandar Design Group | DA-14 / Issue B | 24/04/18 |
| West Elevation | Aleksandar Design Group | DA-02 / Issue B | 24/04/18 |
| Landscape Plans | Geoscapes | LDA-00 – LDA-05 / Issue A | 24/04/18 |
| BASIX Certificate | Outsource Ideas P/L | 852190M_02 | 26/04/18 |
| Carpark, ramp and driveway certification | Motion | N1815792A / Version 1a | --/04/18 |
| Traffic and Parking Impact Report | Motion | N1815792A / Version 1a | --/04/18 |
| Stormwater Concept Design | SGC | SW101-SW401 / Revision B | 17/04/18 |
| Access Assessment Report | BCA Logic | 108453 | 08/09/17 |
| Environmental noise and rail noise and vibration assessment | Acoustic Noise and Vibration Solutions | 2017-435 | 13/11/17 |
| BCA Assessment Report | BCA Logic | 108453 | 08/09/17 |
| Capital Investment Value Report | Construction Consultants | - | 20/11/17 |
| Bearing Pressure Assessment Letter Report | EI Australia | - | 06/09/17 |
| Site Validation Report | EI Australia | E223029 AC | 17/10/16 |

| | | | |
|---|---|---|---|
| Waste Management Plan | Elephants Foot | - | 13/09/17 |
| Statement of Environmental Effects | Pacific Planning | - | --/04/18 |
| Clause 4.6 Request to Vary Height | Pacific Planning | - | --/04/18 |

## TABLE OF FEES

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

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**.

3) Building and Construction Industry Long Service Corporation levy = **$112,000.00**
**(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. **= $80,000.00**
**(Payment to be made to Council as a bond prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation)**

**NOTE: This deposit is refundable if no damage occurs.**

5) Ground Anchors Damage Deposit - security deposit against damages occurring to Council's roadway fronting the development along Railway Parade/ Oxford Street **= $50,000.00**
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.***

6) Construction of stormwater drainage works by the Applicant **= $178,000.00**
Refer to the works listed in Engineering Stormwater Condition No.4

**(Payment to be made to Council as a bond)**

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

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

**(Payment to be made to Council).**

8) 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 **$ 32,000,000** | **$ 320,000** |

| | | | |
|---|---|---|---|
| **Index Period** | Sept Quarter | **$CPI_1$** | 112.5 |

*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) = $\underline{C \times CPI_2}$
$CPI_1$

Where:
C: the original contributions amount as shown in the development consent;
$CPI_2$ the Consumer Price Index: All Groups Index for Sydney, for the immediate past quarter (available from the Australian Bureau of Statistics at the time of payment)
$CPI_1$ the Consumer Price Index: All Groups Index for Sydney applied at the time of granting the development consent as shown on the development consent.

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

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

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

**Note**: Credit cards and personal cheques are not accepted for the payment of Section 94A Contributions.

**PLANNING**

1) The applicant shall dedicate to Council, at no cost to Council, a 1 m wide strip of land across the Railway Parade frontage of the subject site for the purpose of footpath widening. The dedication shall be in accordance with the approved plans as referred to in Condition No.1 of this consent. The dedication of the land shall be registered with Land & Property Information (LPI) prior to the issue of an Occupation Certificate.

2) The plans are to be amended in accordance with the conditions below. The amended plans are to be submitted to and approved by Council, **prior to the issue of a Construction Certificate**:

a) A privacy screen or a high-level window with minimum sill height of 1500mm above the floor level is to be introduced the eastern facing window of Bedroom 1 within the southern apartment on Level 8.

b) The balcony balustrades for apartments on the first four floors (Ground to Level 3) are to be opaque, solid or partially solid to improve the privacy of these spaces.

c) 'Airlocks' are to be introduced to the main building entries from the street. This will require an additional door in front of the proposed front doors to create an entrance lobby. The revised entrances are to include amenities such as seating and post boxes.

d) The ground floor apartments facing Oxford Street are to be provided with front private open space courtyards with a minimum area of 15sqm and minimum dimension of 3m. Entrances are to be provided direct from the street to the front courtyards and into the apartments. The entrance paths to the street are to minimise the loss of landscaping within the front setback via the provision of stepping stones or other similar treatment.

e) The materials and finishes are to be amended as per below and detailed façade sections are to be provided to and approved by Council prior to the issue of a Construction Certificate:

i) Contrasting textures and complementary colours are to be introduced to further differentiate the street wall from the rest of the elevations,
ii) Precast textured and prefinished panels are to be utilised instead of the proposed areas of exposed concrete, and,
iii) The blade / pilaster between the 10 storey tower component and the 8 storey component of the building is to be increased in width to better express the verticality of the tower.

f) The fire egress located within the Oxford Street setback is to be reconfigured such that it lands within the building, with an egress door on the elevation. The substation is to be shifted north into the place of the fire stairs so that it does not front to an apartment.

g) The southern temporary waste bin storage room on the ground floor is to be deleted and the northern ground floor waste room expanded commensurately. The northern waste room is to be expanded into the adjacent common room and the entry area to the new room is to be rationalised to allow for wide and easy access for the transfer of bins in and out of the room. The common room is to be relocated to the rooftop communal area and is to have minimum dimensions of 4m. The space of the southern bin room may be incorporated into the adjacent apartment.

h) Plans are to show car parking spaces allocation to include at least 24 residential visitor's spaces, and 2 retail spaces.

i) In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided and shown on the plans, with at least 50% of the required storage to be located within apartments:

i) 1 Bedroom apartments – $6m^3$
ii) 2 Bedroom apartments – $8m^3$
iii) 3 Bedroom apartments –$10m^3$

3) The Part 6, 8 & 10 storey development shall contain 124 residential apartments (40 x 1 bedroom, 73 x 2 bedroom units and 11 x 3 bedroom units) and one retail space above three levels of basement car parking.

4) A minimum of 157 off street car parking spaces shall be provided as follows:

- Residential Apartments = 130
- Residential Visitor Spaces = 25
- Retail space = 2

**TOTAL No. of SPACES** = **157**

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

6) All visitor parking spaces shall be clearly signposted and line marked as available for public use.

7) 12 dwellings shall be provided as Adaptable Housing Class A or B standard to cater for ageing in place and mobility impaired residents, in accordance with Australian Standard (AS) 4299: adaptable Housing.

8) All external lighting shall be designed and installed in a manner which prevents glare and/or spillage adversely impacting on occupants of the building, residents of properties in the locality and/ or passing motorists.

9) Safety and security night lighting shall be provided for the development with such details being incorporated in the amended landscape plan to be submitted to Council for approval **prior to the issuing of a Construction Certificate.**

10) All external balustrades shall be of solid construction or of opaque glazing, and to have a minimum height of 1.2m measured from the ground/balcony/terrace floor level. This height is to be satisfied notwithstanding 1m height identified in the Building Code of Australia (BCA).

11) The applicant shall consult with Energy Australia to determine the need for an electrical supply isolation junction box within the front landscaped area and if such installation is required, it being setback at least 1m from the front or side boundary to enable adequate landscape planting to be provided to screen such installation. The location of such installation is to be shown on the landscaping plan for approval by Council and Energy Australia, **prior to the issuing of a Construction Certificate.**

12) All side boundary fences and any internal fences behind the building line shall have a maximum height of 1.8m above Finished Ground level or Floor level whichever the case may be.

13) Letterboxes for the proposed development shall be provided within the building, behind the entry door.

14) CCTV cameras (minimum quality to be Australian Standards) shall be installed to cover entry/ exit points of the building. The cameras are to be placed in appropriate areas including the foyer of the building next to the mailboxes.

15) Mechanical Clothes Dryers shall be provided in each of the 124 apartments.

16) All hydrant booster pump and fire service equipment shall to be provided in accordance with the Building Code of Australia 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 assessed by an Accredited Fire Safety Engineer and shall comply with the performance requirements of the Building Code of Australia; shown on plans and submitted to the Principal Certifying Authority for approval **prior to release of a Construction Certificate for the development.**

17) The retail space shown on the approved plan shall only be used for the purposes of a Neighbourhood shop which is defined as *premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day to day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.*

18) A Development Application shall be submitted to Council for approval in relation to any proposed use/tenancy of the retail space located on the ground floor of the development.

**SUBDIVISION**

(1) A separate Development Application shall be submitted to Council for any proposed subdivision of the development. Any such application shall designate car spaces to the respective allotments with visitor spaces being designated as common property. Car spaces shall not be designated as individual allotments within the proposed plan of subdivision.

**BUILDING**

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

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

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

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

OR

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

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

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

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

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

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

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

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

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

(5) Where soil conditions require it:

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

b. adequate provision must be made for drainage.

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

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

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

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

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

allotment of land being excavated or on the adjoining allotment of land.

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

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

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

b. building involves the enclosure of a public place.

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

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

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

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

(8) Your attention is directed to the following:

**WARNING**

**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 Certifier 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.

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

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

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

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

also be displayed in a prominent position at the front of the development site.

(13) Hours of work shall be from 7:00am to 6:00pm Mondays to Fridays inclusive, and from 7:00am to 4:00pm on Saturdays. Demolition, excavation and/or construction works that involve heavy machinery, noisy trades or the like are **not permitted** to be carried out from 1:00pm 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.

(14) The approved structure shall not be used or occupied unless an Occupation Certificate as referred to in Section 6.4 (c) of the *Environmental Planning & Assessment Act 1979* has been issued.

(Vide Section 6.9 *Environmental Planning & Assessment Act 1979*)

(15) 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**.

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

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

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

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

(17) All building works being erected wholly within the boundaries of the property.

(18) 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.

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

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

(21) 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.

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

(23) 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**.

(24) 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**.

(25) 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 Certifier 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.

(26) *Dividing Fences Act 1991* - Your attention is directed to any obligations or responsibilities under the *Dividing Fences Act 1991* in respect of adjoining property owner/s which may arise from this application.

(27) A registered surveyor's certificate being submitted to the Principal Certifier, **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.

(28) 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 Certifier” form. Council's “Notice of Intention to Commence Building Work and Appointment of a Principal Certifier” 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 6.6 *Environmental Planning & Assessment Act 1979*)

(29) **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.

**Section 73 Compliance Certificate**

A compliance certificate must be obtained from Sydney Water, under Section 73 of the *Sydney Water Act 1994*. Our assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to our mains. A Section 73 Compliance Certificate must be completed **before an occupation certificate will be issued**. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC).

Go to http://www.sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

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

(31) The Principal Certifier **or** Structural Engineer is to also supervise the construction. All Certificates from the supervising Structural Engineer are to be submitted to the Principal Certifier 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.

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

(33) Mechanical ventilation/air conditioning details are to be submitted to the Principal Certifier 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 Certifier **prior to the issue of an Occupation Certificate**.

(34) 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**.

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

(36) 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.**

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

(38) 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.

(39) 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**.

(40) The building being equipped with a smoke alarm system as required by Table E2.2a of the Building Code of Australia. The system is to satisfy the requirements of Specification E2.2a of the Building Code of Australia and in particular is to comply with the relevant parts of AS 3786-2014 and AS 1670.1-2004. Details of the method of complying with this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**

(41) 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**.

(42) 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**.

(43) A Fire Safety Certificate (copies available from Council) is to be given to the Principal Certifier prior to applying for an 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 suitably qualified person and to the regular maintenance of the fire safety measures. A copy of the Fire Safety Certificate and the Fire Safety Schedule are to be given to the Commissioner of Fire and Rescue NSW **by the building owner** and copies of these documents are to be prominently displayed in the building. Similarly copies of Annual Fire Safety Statements are also to be given to the Commissioner and displayed in the building.

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

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

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

(45) Engineering Design – Basement Excavation

The following engineering details or design documentation shall be submitted to the Principal Certifier (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 Certifier.**

**DEMOLITION**

(1) 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.

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

(3) Hours of demolition work shall be from 7:00am to 6:00pm Mondays to Fridays inclusive, and from 7:00am to 4:00pm on Saturdays. Demolition works that involve heavy machinery, noisy trades or the like are **not permitted** to be carried out from 1:00pm 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.

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

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

(6) All demolition, excavation and construction materials are to be removed from the site or disposed of on-site using methods that comply with relevant environmental protection legislation.

(7) When demolition of any existing building is involved, burning of any demolition

materials on the site is prohibited.

(8) Dilapidation Surveys are to be carried out by a Practicing Structural Engineer, which is to include a full photographic record of the exterior and interior of the buildings at the applicants/owners expense on all premises adjoining the site 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.

**ENGINEERING – EXCAVATION, BULK EARTHWORKS AND SHORING**

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

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

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

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

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

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

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

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

**ENGINEERING – INSTALLATION OF TEMPORARY GROUND ANCHORS**

1) Should the applicant requires the use of temporary ground anchors to shore the bulk excavation within public roads 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 shall be complied with by the Applicant.

   a) The Applicant is required to obtain a 'Temporary Ground Anchor Permit' from Council for which an 'Application for Works on Council's Property' shall be lodged with Council. Subject to the application being approved by Council, the applicant shall pay Council calculated Anchor Fees and the 'Refundable Deposit' as required under Council's Statement of Revenue Policy 2017 – 2018.
   ***Note:*** **Payment of the 'Refundable Deposit' shall be made in the form of a Bank Guarantee.** ***This deposit is refundable if no damage occurs*****.**

   b) 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.

   c) 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.

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

   e) 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.

   f) 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.

   g) 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.

   h) All shoring including ground anchors are to be certified by a practicing professional structural engineer. Certification is required as follows:

      i) That the proposed shoring and anchor scheme is capable of supporting the public road, to be submitted prior to work commencing.
      ii) Certification that the shoring and anchor scheme has been adequately constructed, following installation.
      iii) Final certification that the anchors have been de-stressed and all shoring with the exception of the anchors have been removed to a depth of 2.5m, on completion following de-stressing of the anchors.

   i) 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.

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

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

**ENGINEERING – PUBLIC DOMAIN PLAN**

1) The applicant shall submit to Council a detailed Public Domain Plan on all publicly accessible areas of the properties' frontages along Burwood Road and Woodside Avenue in accordance with Council's Standard Drawings & Public Works Element Manual.

**ENGINEERING - STORMWATER**

(1) 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.**

(2) 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**.

(3) 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.**

(4) The following matters shall apply to the stormwater drainage works referred to in the Table of Fees:

*i) A new kerb inlet pit and 1.8m lintel shall be built in front of the property to Council's specifications. From the new pit Ø375mm class 4 RCP pipeline shall be built under the street gutter to the suitable Council's pit at the corner of Oxford and Hornsey Street. Where the pit is not suitable, a new junction pit has to be built at the point of connection. Along the pipeline intermediate pits and lintels shall be built as per Council's standard.*

*ii) Long section of the Ø375mm pipeline, cross section of pipe trench, details of connecting pits together with the invert levels, surface levels etc. shall be provided. Pipe cover < 500mm under road surface shall be encased in mass concrete. Cross section of concrete encasement of pipe shall be provided.*

*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.*

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

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

*i) Overland surface flow path*
*ii) N/A*
*iii) Prevention of the erection of any structures or fencing*
*iv) On-site Stormwater Detention system*
*v) Pump and rising main system*

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

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

*i) The overland surface flow path*

*ii) N/A*

*iii) Prevention of the erection of any structures or fencing*

*iv) On-site Stormwater Detention system*

v) *Pump and rising main system*

b. The proprietor agrees to have the facilities inspected annually by a competent practicing Hydraulic/Civil Engineer.

c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean repair and maintain in good working order the facilities in or upon the said land; and recover the costs of any such works from the proprietor.

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

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

(8) The pump system is only permitted for the drainage of the basement areas where the finished slab is below the ground level. The following conditions are to be satisfied:

a. A pump and rising main design shall be submitted to the Principal Certifying Authority and shall satisfy the following conditions:

(i) The holding tank for the pump shall be capable of storing runoff from a one hour, 1 in 100 year ARI storm event.

(ii) The pump system shall consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the lower of the allowable on site detention discharge rate, or the rate of inflow for the one hour duration storm.

(iii) An overflow, flashing light and audible alarm are to be provided, to warn of pump failure.

(iv) Full details of the holding tank, pump type, discharge rate and the delivery line size are to be documented.

(v) Any drainage disposal to the street gutter, from a pump system must have a stilling sump provided at the property line, and connected to the street gutter by a suitable gravity line.

(vi) The capacity of the stilling sump and outlet pump shall be determined and verified by calculations which are to be documented.

b. Pumping system details shall be submitted to Council or an Accredited Certifier - Civil Engineering, **prior to the issuing of a Construction Certificate.**

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

(9) Reference is made to the stormwater drainage plans, dwg ref. no. 20160017-SW201 to SW205 and SW300 to SW302 Rev. – A, prepared by SGC Engineering. The plans are to address the following **prior to issuing Construction Certificate**.

a. The discharge control pits of OSD-1 and OSD-2 shall be designed to control outflow for all storm events from 2 to 100 ARI. The orifices and overflow weirs must be proportioned accordingly. Detailed calculations shall be provided.

b. Engineering drawings addressing the above issues shall be provided for Council's review.

**ENGINEERING - GENERAL**

(1) 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.

(2) A road-opening permit shall be obtained for all works carried out on public or Council controlled lands. Restoration of landscaping, roads and paths shall be carried out by Council at the applicant's expense in accordance with Council's **Schedule of Fees and Charges**. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of $20 million, and shall provide proof of such cover to the Principal Certifying Authority prior to carrying out the works. **Please see Burwood Council's web site www.burwood.nsw.gov.au - Go to Development/Working on Footpaths or Roadways?/Works on Council Property (Application Form)**.

(3) 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.

(4) 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.

(5) 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.

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

a. A vehicular crossing 6m wide to Oxford Street shall be constructed 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. In this regard the power pole and Telstra pit shall be relocated in order to construct the vehicular crossing.

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.

(7) 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 shall not ne altered for this purpose.

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

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

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

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

(9)

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

b. An erosion and sediment control plan showing such measures shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Supplement 10 of Council's Stormwater Management Code.

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

(10) All demolition, excavation and construction materials are to be removed from the site or disposed of on-site using methods that comply with relevant environmental protection legislation.

(11) Vehicles transporting demolished, excavated and/or construction materials to and from the site shall access and depart from the site through Railway Parade, Morwick Street and The Boulevarde. Vehicles involved in transporting materials shall be limited to an 8 tonne gross weight per axle.

(12) All excavations and backfilling associated with the erection or demolition of a building shall be carried out in a safe and careful manner and in accordance with appropriate professional standards. All necessary 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.

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

(14) 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.

(15) 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

c. if necessary, must underpin and support the building or other structure in an approved manner, and

d. 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.

(16) 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.

(17) 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.

(18) 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.

(19) 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.

(20) 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.

(21) 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.

(22) 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.

(23) 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.

(24) 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.

(25) 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:**

(26) Should the installation of temporary ground anchors be within the public road, an NPER Registered Structural Engineer’s certificate along with certified plans showing the details and extent of work shall be submitted to Council for its record. The following conditions to be complied with:

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

b) The contractor shall be responsible to obtain permission from the neighbors of the adjoining properties prior to installation of anchors.

c) 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.

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

e) 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.

f) 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.

g) 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.

h) All shoring including ground anchors are to be certified by a practicing professional structural engineer. Certification is required as follows:

    i) That the proposed shoring and anchor scheme is capable of supporting the public road, to be submitted prior to work commencing.

    ii) Certification that the shoring and anchor scheme has been adequately constructed, following installation.

    iii) Final certification that the anchors have been de-stressed and all shoring with the exception of the anchors have been removed to a depth of 2.5m, on completion following de-stressing of the anchors.

i) 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.

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

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

**TREE MANAGEMENT**

(1) The London plane tree located on the nature strip outside 2 Oxford Street shall be removed by the applicant at their expense. Street tree planting will be considered at completion of the development as part of the public domain works carried out by Council.

**HEALTH**

**Environmental Management:**

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

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

2. Mechanical ventilation and or air conditioning systems and equipment are to be designed and installed in locations that do not cause any noise nuisance or disturbance to near-by residential or commercial premises. Details of the type of equipment locations and any noise attenuation treatment are to be submitted to Council for approval prior to the issue of the Construction Certificate.

3. The construction of windows / sliders, doors, external walls and roofs are to be comply with the recommendations listed in 4.0 of the Acoustic Report (Ref:2017-431 dated 13 September 2017) prepared by Acoustic Noise and Vibration Solutions in order to achieve the required noise reduction targets and levels as required by Clause 102 of the State Environmental Planning Policy–(Infrastructure) 2007 and NSW Department of Planning's 'Development near Rail Corridors and Busy Roads – Interim Guideline'.

4. 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.

**Waste Management:**

1. The ongoing waste management for the development shall be carried out as specified in the Waste Management Plan prepared by Elephants Foot Recycling Solutions dated 19 September 2017.

2, Separate commercial and residential garbage and recycling storage rooms are to be provided.

3. The commercial and residential garbage and recycling storage areas are to be:

- Supplied with both **hot and cold** water;
- Paved with impervious floor materials;
- Coved at the intersection of the floor and the walls;
- Graded and drained to a floor waste which is connected to the sewer in accordance with the requirements of Sydney Water;
- Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
- Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.
- Suitable signage is to be installed in each waste service room encouraging the separation of recyclables from the general waste stream.

4. 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.

5. 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.

6. 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.

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

8 All waste and recycling collections are to be carried out from Oxford Street. A hard stand area of sufficient size is to be installed within the property at the Oxford Street frontage for the wheeling out and wheeling back of bins. The pathway to the footpath is to be graded so that it is free of any steps or obstructions.

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

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

11. A site contamination audit report from an Accredited Certifier or other suitably qualified Site Contamination Consultant shall be undertaken in relation to No's 4-10 (inclusive) Oxford Street, Burwood. The report shall be submitted to Council for approval and is required to include the following:

    a. Site Investigation procedures
    b. Types and levels of contaminants found, if any, on site
    c. A proposed Remedial Action Plan (RAP) in relation to the site contamination.

The report shall be in accordance with the Environment Protection Authority Guidelines and is to be submitted to Council for approval **prior to the issuing of a Construction Certificate.**

## TRAFFIC AND PARKING

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

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

3) A minimum of 157 off-street car parking spaces must be provided on-site. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan.

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

   (a) 130 residential parking spaces.
   (b) 25 visitor parking spaces
   (c) 2 retail spaces

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

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

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

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

9) Where a boomgate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 6m clear of the property boundary, wired to all units. The

intercom must comply with '*Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23*'.

10) Of the required car parking spaces, at least 10 must be designed and provided for accessible car parking for people with mobility impairment in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking. Accessible car parking spaces must have a minimum headroom of 2.5m and must be clearly marked and appropriately located as accessible parking for people with mobility impairment.

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

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

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

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

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

(b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway.

15) 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.

16) 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.

17) 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.

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

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

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

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

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

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

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

**SYDNEY TRAINS**

**A1.** All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:

- Geotechnical Report – Bearing Pressure Assessment Letter prepared by EI Australia dated 6 September 2017 (RefE23029.G09 Rev)
- Shoring Report (including Appendices) prepared by ACSES Engineers dated 13 March 2018 (Ref 120311.R01 Rev Final 1.8)

The Principal Certifying Authority is not to issue the Construction Certificate until the measures detailed in the documents approved/certified by Sydney Trains under this

Condition are incorporated into the construction drawings and specifications **prior to the issuing of the Construction Certificate** unless amended and subsequently endorsed by Sydney Trains in order to comply with the requirements of Condition A2. **Prior to the commencement of works** the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

**A2.** **Prior to the issuing of a Construction Certificate** the Applicant is to submit to Sydney Trains for review and endorsement the following items:

- Revised Shoring Report and structural plans/sections including shoring methodology related to Stage 2 works as shown on Architectural Plans
- Revised calculations for temporary shoring wall section to top of capping beam in accordance with AS 4678.

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. In the event that the above documentation requires the amended of the documentation provided in Condition A1 then the Construction Certificate shall be based on the amended documentation endorsed by Sydney Trains.

**A3.** 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.

**A4.** 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".

**A5.** 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.

**A6.** 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.

**A7.** 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.

**A8.** 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.

**A9.** 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. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to 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.

**A10.** 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.

**A11.** No rock anchors/bolts are to be installed into Sydney Trains property or easements.

**A12.** If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Engineering Management Interfaces to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

**A13.** If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

**A14.** Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

**A15.** Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.

**A16.** Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

**ATTACHMENTS**

1. Additional information regarding overshadowing impacts submitted by the Applicant on 13 July, 2018