

PLANNING ASSESSMENT REPORT – SYDNEY CENTRAL PLANNING PANEL

2017SCL061 – 178, 194, 204 Parramatta Road, Croydon

Report Author:	James Arnold – Consultant Senior Town Planner
Date of Report:	27 March 2018
Property Address:	178, 194, 204 Parramatta Road, Croydon
Proposal:	Development Application No. 089/2017 – Construction of a four storey car showroom with basement workshop.
Applicant:	Urbis Pty Ltd
Zone:	B6 – Enterprise Corridor

Proposal

The proposal (as amended) is for the construction of a four storey car showroom with basement workshop. Details of the proposal are as follows:

- Land use – Ground and level 1 are to be used for vehicle display and retail sales areas. Level 2 and 3 are to be used for vehicle parking, storage, and office areas. The rooftop is to be used for car parking. The two levels of basement are to be used for vehicle repair and cleaning services.
- Built Form – The development comprises a single four storey building with a flat roof, floor area of 10,487sqm and maximum height of 16.01m. The building occupies the majority of the site being built to the eastern boundary and setback from Parramatta Road, Lucas Road and to the southern boundary. The main access and orientation of the building is to Lucas Road with an entrance driveway circulation zone and lobby. The core of the building contains a spiral vehicular ramp that provides vehicular access to the basement levels, each of the floors, and the rooftop. The loading and service areas are located on the southern side. The building façade is characterised by clear glazed curtain walling divided into a horizontal rectangular grid system.
- Signage – Four business identification signs and four way finding signs are proposed.
- Vehicular Access and Parking – Vehicular access is proposed from three crossovers to Lucas Road. The existing crossover to Parramatta Road is to be removed. A total of 271 car spaces are dispersed throughout the building and within the setback to Lucas Road. 36 work bays are proposed within the basement levels.
- Tree removal and Landscaping – Removal of 12 existing trees along the southern boundary is proposed. Landscaping of the public domain fronting the site, within the front setback to Parramatta Road and small pockets throughout the site.
- Employees – Approximately 100 employees.

▪ Hours of Operation –

Showroom

Monday – Wednesday, and,

Friday – Sunday: 7am – 7pm

Thursday: 7am – 9pm

Vehicular Maintenance Area (Work Bays)

Monday – Friday: 7am – 7pm

Saturday – Sunday: Closed



Figure 1. Photomontage from corner of Parramatta Road and Lucas Road (Source: Turner)

Background

07.07.2017 The subject development application was lodged. At the same time, an application (DA-088/2017) for the ‘early works’ associated with the subject development was lodged.

The early works application sought consent for demolition and site preparation works including basement piling – this application was subsequently approved on 10 October 2017 and then modified on 10 November 2017. The modification was to ensure the approved early works were amended to remain consistent with the amendments made to the subject proposal on 1 December 2017 (see below). A construction certificate has been issued for the early works DA and demolition works have begun on site.

13.07.2017 – The proposal was publicly notified and no submissions were received.
27.07.2017

October – A meeting was held with the applicant and a number of issues were raised
November including amenity impacts on the adjoining residential property and issues
2017 with the traffic assessment were raised.

01.12.2017 Amended plans were received. The key amendments were a significant internal redesign initiated by the applicant and the deletion of a level 1 terrace to respond to Council’s issue of privacy to the adjoining residential

property. Despite the significant internal redesign, the building envelope and sitting remained largely unaltered.

- 09.01.2018 Request for additional information to relocate crossover further away from Parramatta Road intersection and stormwater redesign. Additional information was also requested to allow for an accurate assessment of overshadowing, height, car parking within the setback, and rectification of inaccuracies in the GFA plans. The supporting documentation was also requested to be amended for consistency and assessment against the amended plans submitted to Council on 1 December 2017.
- 24.01.2018 Additional information received including further information to assess overshadowing, height, and GFA were submitted. Additionally, amended supporting documents were submitted being a traffic report, fire safety report, waste management plan, and stormwater plans. The overshadowing and height information submitted was not satisfactory and the stormwater plans were not supported.
- 31.01.2018 A meeting was held with the applicant (at the applicants request) discussing the additional information received and the stormwater issues. The additional information provided was confirmed as generally satisfactory with the exception of height and overshadowing information and the stormwater issues required further amendments.
- 02.02.2018 Additional information was received satisfying overshadowing and height requests.
- 26.02.2018 Throughout January and February there were ongoing discussions between Council's Development Engineer and the Project Engineer regarding the stormwater design. The issues related to the OSD size and location, upgrading of Council's drainage infrastructure in Lucas Road, and inter allotment drainage arrangements from adjoining 1-1A Cheltenham Road across the site to Lucas Road. On 26 February 2018, Council's Development Engineer provided a final set of conditions which include conditions to resolve this outstanding issues.
- 08.03.2018 Briefing meeting held with the Sydney Central Planning Panel. The key issues of building height and overshadowing of the adjoining townhouses to the south was discussed.
- 08.03.2018 Request for additional information to amend the design to improve solar access to the adjoining townhouses to the south.
- 21.03.2018 Amended Plans and information was received which improved solar access to the adjoining townhouses to the south to satisfactory level, providing at least 2 hours direct sunlight to each of the three townhouse living rooms at mid-winter. The improved solar access was achieved through the following amendments: removal of a metal roof awning to the southern elevation, modification of the level 3 plant area, relocation of a portion of the plant area to within the level 3 covered area, and modification of the rooftop parapets to transparent prefabricated balustrade. Due to the relocation of the plant, 2 car spaces within level 3 were deleted.

Site and Locality

The subject site is addressed as 178, 194, 204 Parramatta Road, Croydon, and comprises seven allotments which are detailed in the table below. The site is located on the southern side of Parramatta Road approximately 10km west of the Sydney CBD and 2km east of the entrance to the M4 Motorway. The site is on a corner with a primary northern frontage to Parramatta Road and a secondary western frontage to Lucas Road. The site has an area of 6,340.8sqm and is generally square in shape. The site is zoned B6 Enterprise Corridor and adjoins an R3 Medium Density Residential zone to the south.

Address	Legal Description
178 Parramatta Road	Lot 1 in DP 86033; Lot 100 & 101 in DP 850953
194 Parramatta Road	Lot A, B, C in DP 84812
204 Parramatta Road	Lot 1 in DP 86926

The subject site is currently vacant with the most recent uses being vehicle sales or hire premises for Nissan and Suzuki. The site contains a number of single storey buildings used previously used for car showrooms, receptions, office areas and workshops. To the front and rear of the site are large expanses of at-grade car parking, car storage, and manoeuvring areas. Vehicular access to the site is via a crossover to Parramatta Road and four crossovers to Lucas Road. The site has a cross fall of approximately 3 metres from east to west. The site is almost completely hard stand with vegetation limited to some small trees along the southern boundary.

The site is located within the B6 Enterprise Corridor zone which runs along Parramatta Road which contains a variety of mostly commercial uses and a typical one to four storey built form. The site backs on to a residential area characterised by one and two storey dwelling houses.

Development surrounding the site comprises the following:

- North – On the opposite side of Parramatta Road are a range of uses including car sales, a commercial complex including a chemist, stationary retailer, fast food premises, and service station, and Concord Oval.
- West – On the opposite side of Lucas Road is a building supplies hire shop and self-storage warehouse.
- East – Two sites adjoin the eastern boundary, at the front is 166-176 Parramatta Road, which contains a two storey building and warehouse which is used as a storage warehouse for a charity organisation. This building is built to the common boundary with the subject site.
 - Adjoining the rear portion of the eastern boundary is 1-1A Cheltenham Road which contains a single storey dwelling house which is understood to be vacant. The dwelling was previously used as part of the vehicle sales premises on the subject site for overflow car storage. This property is currently the subject of a planning proposal under assessment with Council. The planning proposal seeks to rezone the property from R3 to B6.



Figure 4. Primary northern frontage of the site to Parramatta Road (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 79C* of the *Environmental Planning and Assessment Act 1979*.

Part 4 Division 5 – Integrated Development

Section 91 of the Environmental Planning and Assessment Act 1979 defines integrated development as development that, in order for it to be carried out, required development consent and approvals under other Acts. The proposal constitutes integrated development as it required the following approvals under other Acts:

- Roads Act 1993 – s138 – The proposal includes the removal of a crossover to a classified road (Parramatta Road). The application was referred to RMS and in a letter dated 11 August 2017 no objection was raised, subject to conditions.
- Water Management Act 2000 – ss89, 90, 91 – The proposal includes excavation which is likely to intercept groundwater as indicated by the submitted Geotechnical Report. This will require approval for site dewatering from Water NSW. Water NSW was referred and in a letter dated 22 August 2017 raised no objection subject to General Terms of Approval.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 have been considered. A Detailed Site (Contamination) Investigation report was submitted with the application (prepared by Douglas Partners, dated June 2017). The site investigation included drilling of 21 test bores, installation of six groundwater monitoring wells, collection of soil and groundwater samples and laboratory analysis of the samples for various contaminants of concern. The report concludes that the site can be made suitable for the proposed development subject to the satisfaction of the following recommendations:

...Douglas Partners recommends the following be undertaken prior to demolition or construction:

- *A HAZMAT survey of existing buildings is completed prior to demolition;*
- *Construction site management plan and protocols, including a management process to minimise the potential for exposure to odours by site workers and at adjacent sites;*
- *Waste classification of the soils (including testing) to confirm classification prior to off-site disposal of materials in accordance with the NSW EPA Waste Classification Guidelines 2014; and*
- *An unexpected finds protocol is prepared and implemented*

Council's Environmental Health Officer has reviewed the application including the aforementioned contamination report. No objections were raised subject to conditions including a requirement for the recommendations of the contamination report to be implemented and evidence of implementation provided prior to the issue of an Occupation Certificate.

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 and is adjacent to a classified road being Parramatta Road and therefore the Infrastructure SEPP has been considered.

- Clause 101 Development with a frontage to a classified road – The proposal seeks to remove the existing driveway to Parramatta Road with access to the site to be from three crossovers to Lucas Road. RMS and Council's Traffic Engineer have reviewed the proposal and raised no objection subject to standard conditions. Accordingly, any impact the proposal may have on the functioning of the Parramatta Road 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 the proposed commercial land use is not identified in the SEPP as being sensitive to road noise or vibration. Accordingly, no noise and vibration mitigation measures are required.
- Clause 104 Traffic-generating development – This clause is applicable as the proposal has a capacity for 200 or more vehicles. A Parking and Traffic Report (as amended) was submitted which indicates that the traffic generated can be accommodated within the existing road network and Lucas Road will remain within a Level of Service A category. Council's Traffic Engineer has reviewed the proposal and raised no objections subject to conditions. Accordingly, the proposed traffic generation is considered acceptable.

Burwood Local Environmental Plan (BLEP) 2012

Clause	Proposal	Compliance
2.3 Zone Objectives and Land Use Table –	The proposed development is considered to be characterised as:	Yes

Clause	Proposal	Compliance
B6 Enterprise Corridor	<ul style="list-style-type: none"> Vehicle sales or hire premises – Proposed sale of vehicles within the showroom. Vehicle body repair workshop – Proposed vehicle body repairs within workshop basement. Vehicle repair station – Proposed vehicle repairs within workshop basement. <p>These land uses are permitted with consent.</p> <p>The development is considered to satisfy the objectives of the zone as it is an employment use and has been assessed as being compatible with surrounding uses.</p>	
4.3 Height of Buildings – Maximum 15 m	<p>Maximum height: 16.01m</p> <p>Rooftop parapet RL: 24.10m</p> <p>EGL below RL: 8.09m</p> <p>Note 1 – Maximum height occurs at the rooftop parapet in the north-western corner.</p> <p>Note 2 – The applicant states in the Statement of Environmental Effects that the proposal reaches a maximum height of 16.5m. The height has been calculated by the assessment officer utilising the submitted roof plan overlaid on the survey. The maximum height calculated is 16.01m and not 16.5m.</p>	<p>No – Clause 4.6 request supported</p> <p>See Note 1</p>
4.4 Floor space ratio – Maximum 1.75:1	<p>FSR 1.65:1</p> <p>GFA: 10,487sqm</p> <p>Site Area: 6,340.8sqm</p> <p>Note – The applicant's GFA plans have been verified as accurate and in accordance with the definition of GFA.</p>	Yes
5.10 Heritage Conservation	The site does not contain a heritage item, is not within a heritage conservation area, and is not within the vicinity of a heritage item. Heritage provisions are not applicable to the proposal.	N/A
6.1 Acid Sulfate Soils	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. The submitted Geotechnical Report indicates that Acid Sulfate Soils is unlikely. Accordingly, no requirements for Acid Sulfate Soil management measures are warranted.	Yes

Note 1 – 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 15m and the proposed development reaches a maximum height of 16.1m. The applicant has submitted a written request to vary the height development standard. The request has been considered against the requirements of clause 4.6 as detailed below. The requirements of clause 4.6 are 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 additional height is located in the centre of the site and building. As a result, the additional building bulk will not be visible from the surrounding sites and public domain and the additional shadows will fall almost entirely within the site.
- The building height at the most prominent and sensitive parts of the site to the frontages and the southern interface with the adjoining residential zone, are well below the permitted 15m height limit. This lower height is capped off by a flat roof which cantilevers into the setbacks resulting in a perceived building height below 15m (**Figure 5**).
- The height non-compliance primarily occurs due to the 3-4m cross fall of the site. The design incorporates a step in the building height to match the slope, however portions of the rooftop still protrude over the height limit as the site falls away. Given the stepped design, the majority of the building is well under the height limit, with heights of approximately 12-13m to the Parramatta Road elevation and 14m to the Lucas Road elevation.
- 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.

The applicant's request is considered to satisfactorily demonstrate that there are sufficient environmental planning grounds to justify the contravention. The key points are as follows:

- The height non-compliance is located within the centre of the site, away from the boundaries and the edges of the building. The flat roof form, which is below the height limit across the site, cantilevers into the setbacks. These design measures ensure the portion of the building exceeding the 15m height limit are largely not visible from the public domain and adjoining sites. Further, the additional shadows from the portion of the building over the height limit have been verified as falling almost entirely within the site.
- The additional height in the centre of the site is off-set with lower heights to the elevations presenting to the frontages and to the adjoining residential area. These lower

heights in the order of 12-14m will result in improved presentation of the development to the public domain and a smoother transition to the adjoining residential zone.

- The portion of the building exceeding the height limit is for the rooftop car parking area and balustrades and lift overruns associated with this area (**Figure 6 & 7**). The rooftop car parking area is necessary to achieve a level of parking nearing compliance with the Burwood Development Control Plan providing 50 car spaces. Without the rooftop parking, the height non-compliance could be rectified, however the shortfall in car parking would be significantly greater. Given the lack of impacts associated with the additional height, the additional car parking on site is considered the preferred planning outcome.
- The proposal complies with the FSR development standard which indicates that the mass of the building is not unreasonable and the height non-compliance is merely a product of site and development specific factors such as the cross fall and the higher ceilings desirable for the proposed car showroom use.
- A compliant building envelope that maximised the height and minimized the setbacks throughout the site would be an inferior planning outcome as the bulk would be more concentrated to the frontages and adjoining residential. The proposal shifts this bulk to the centre of the site which allows for a more modest presentation to the streets and a stepped down bulk to the lower density residential zone.

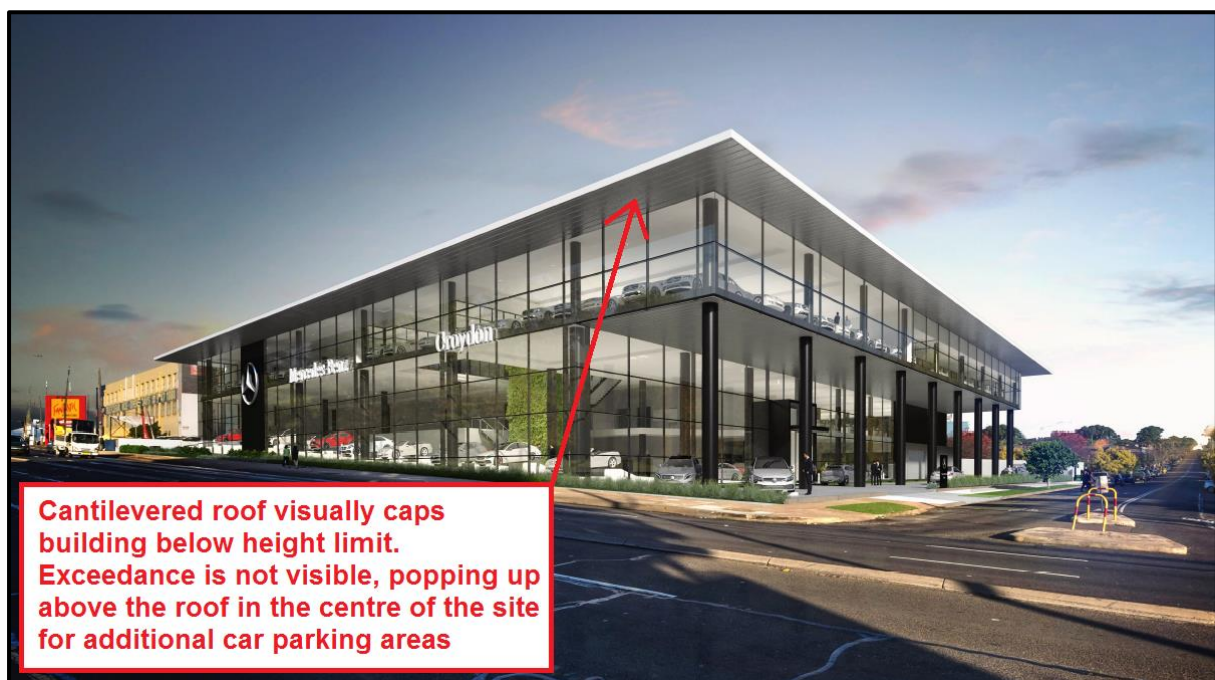


Figure 5. Marked photomontage demonstrating the cantilevered roof form which visually caps the building below the height limit (Source: Turner / Marked: James Arnold)

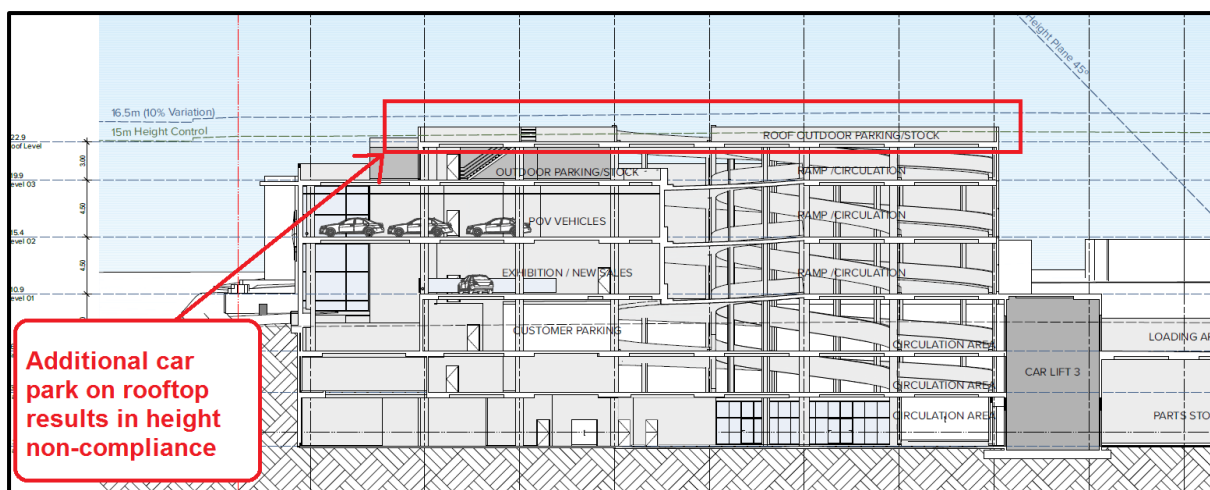


Figure 6. Marked section CC demonstrating the height non-compliance is the result of the rooftop car parking (Source: Turner / Marked: James Arnold)

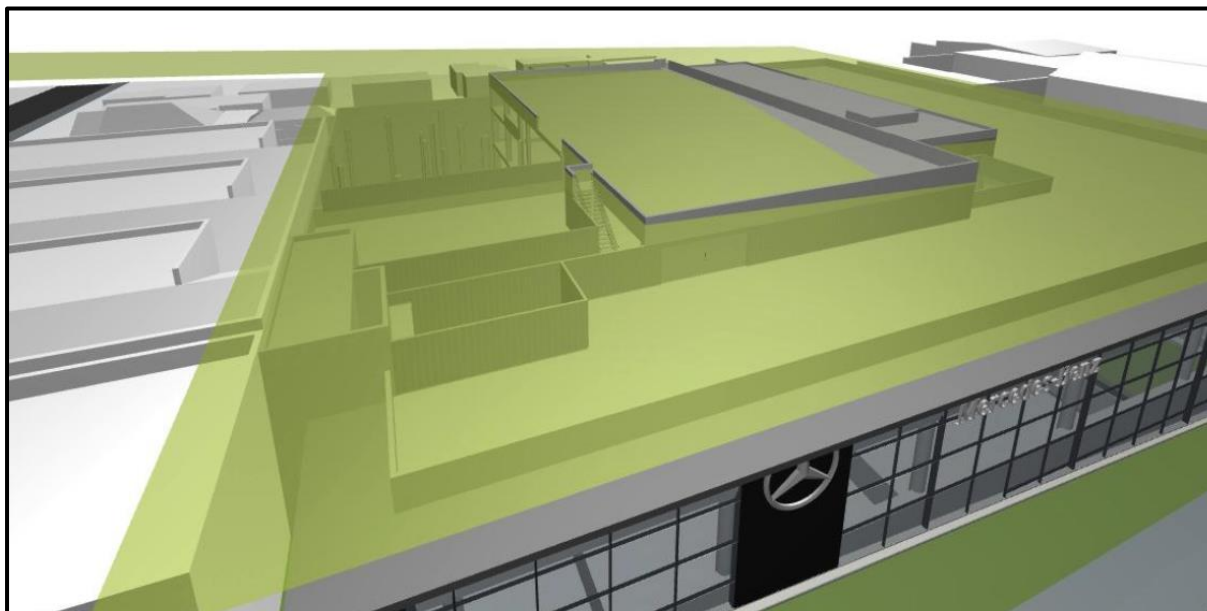


Figure 7. Height plane diagram indicating the portion of the building rooftop (grey) exceeding the 15m height plane (green plane) (Source: Turner)

(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 B6 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 a height of 3-4 stories presenting to the street frontages. Given the undulating nature of the site and the Parramatta

	Road corridor, and the site not being at a crest, the height of the building will not be prominent.
(b) to control the potentially adverse impacts of building height on adjoining areas.	The additional height in the centre of the site is off-set with lower heights of the elevations which present to the streets and to the adjoining residential area. These lower heights in the order of 12-14m will result in improved presentation of the development to the streets and reduced impacts and a smoother transition to the adjoining residential zone
Zone B6 Enterprise Corridor	
To promote businesses along main roads and to encourage a mix of compatible uses.	The proposal is for a commercial use being primarily for vehicle sales and repair which is permissible and considered compatible with the surrounding land uses including the adjoining residential to the south. This is facilitated by a design which creates a smooth transition to the residential zone with a large southern setback, and lowered building height to the south.
To provide a range of employment uses (including business, office, retail and light industrial uses).	The proposal is for an employment use which is anticipated to generate between 80 and 100 jobs once operational.
To maintain the economic strength of centres by limiting retailing activity.	The proposed uses fall under the umbrella term, retail premises, however are a separately defined retail uses which will not compete with the more general retailing in the centre of Burwood.
To provide for residential uses, but only as part of a mixed use development.	No residential uses are proposed which is considered desirable within the B6 zone.

Burwood Development Control Plan (BDCP) 2013

Provision	Proposal	Compliance
Part 3.2 – General Building Design Controls in Centres and Corridors		
3.2.1 Design Excellence P1 Building design must represent architectural design excellence in the following ways: <ul style="list-style-type: none"> The form and external appearance of any development should significantly improve the quality and amenity of the public domain. An appropriate composition of building elements, textures, materials and colours should reflect the use, internal design and structure of the 	The proposal is considered to exhibit design excellence as follows: <ul style="list-style-type: none"> The form and external appearance significantly improves the quality and amenity from existing. The existing site is an assortment of buildings with no architectural interest and dominated by hard stand car parking. The proposal introduces a coherent site design with glazed curtain wall exterior and a 	Yes

Provision	Proposal	Compliance
<p>development.</p> <ul style="list-style-type: none"> The development should respond positively to the environment and context. Appropriate consideration must be given to the existing or likely potential development of adjoining sites. 	<p>prominent cantilevered roof form.</p> <ul style="list-style-type: none"> The development responds to the sloping site being stepped down in height and transitions appropriately to the adjoining residential zone. The building envelope including setbacks and floor area is generally consistent with the controls which will ensure impacts on adjoining sites is minimal. 	
<p>3.2.2 Materials and Finishes</p> <p>P1 Building exteriors must be designed with regard to the following criteria:</p> <ul style="list-style-type: none"> Use of high quality finishes. Avoidance of extensive expanses of blank glass or solid walls. Encouragement of visually interesting building treatments. Integration of building elements to conceal from public view, areas and equipment such as aerials, antennae, clothes drying, instantaneous water heaters, washing machines, air conditioners, plant equipment or the like. Incorporation of external lighting where appropriate. Avoidance of excessive light spillage. Use of translucent or opaque materials for balustrades is encouraged. No clear glass balustrades will be permitted. 	<p>Materials and finishes are considered high quality with glazed curtain wall facades and portions of metal cladding. The glazed and metal grid finish will open the building out the streets making it highly visually permeable and creates visual interest. Service and plant areas are not prominent in the street and are appropriately screened.</p>	Yes
<p>3.2.3 Roof Design and Rooftop Gardens</p> <p>P1 Roof designs must have regard for, and be integrated into the overall design of the development and its role in the skyline of the centre or corridor.</p>	<p>Flat roof design cantilevers beyond building wall. This roof is considered a strong architectural element and is the focus of the building.</p>	Yes
<p>3.2.4 Street-Front Activities and Building Access</p> <p>P2 Ground floor level development must:</p> <ul style="list-style-type: none"> Promote quality non-residential activities in accordance with the zone. Minimise the number of service doors. Encourage visual interest on service doors with displays etc. Provide access points to and from the 	<p>The development is for the purpose of retail car sales and repairs. The development presents an active façade with visually permeable glazed curtain walling which will create visual interest and is consistent with the uses promoted within the zone.</p>	Yes

Provision	Proposal	Compliance
<p>public domain at not more than 20 metre intervals.</p> <ul style="list-style-type: none"> • Provide at-grade access at entry points. • Incorporate visually interesting streetscape frontages at ground level with attractive entries, clear glazed windows and window displays, artworks, articulated architecture and facade modulation. <p>P3 Separate and clearly identifiable entrances must be provided from the street for pedestrians and cars, and different uses (residential and non-residential).</p> <p>P5 Residential component of any development must have a clear street address and a separate entry.</p> <p>P12 CCTV cameras shall be installed over any entrance points (including car parking entrance) for residential flat buildings and major developments. The CCTV system shall provide a quality image that can assist with the detection of crime and be used by the NSW Police in any investigation (preferably a quality digital system). CCTV system footage shall be retained for a period of no less than fourteen days and be available upon request by the NSW Police when required.</p>	<p>Clear main entrance from Lucas Road. The customer driveways will be clear and sign posted and pedestrian access paths are clear and delineated from vehicles.</p> <p>No residential proposed.</p> <p>No details on CCTV submitted. To be conditioned.</p>	<p>Yes</p> <p>N/A</p> <p>Condition</p>
3.2.6 Site Isolation	The proposal will not isolate any sites as adjoining sites will not be unreasonably impacted and are of size and dimensions appropriate to accommodate development consistent with the planning controls.	Yes
3.2.7 Residential Flat Buildings and Shop Top Housing	No RFB or shop top proposed.	N/A
3.2.8 Apartment Mix and Minimum Dwelling Sizes	No apartments or dwellings proposed.	N/A
3.2.9 Minimum Site Area <p>P1 Any development outside a Centre with a height over 9m is generally required to have a minimum site area of 500 sqm.</p>	Proposal exceeds 9m in height and has a site area in excess of 500sqm.	Yes
3.2.10 Building Depth	Not relevant for commercial development.	N/A

Provision	Proposal	Compliance
3.2.11 Ceiling Height P1 Development must provide the following minimum ceiling heights. Dimensions are expressed from finished floor levels to finished ceiling levels: <ul style="list-style-type: none"> • Ground level of all development (commercial and residential): 3.3 metres. • Non-residential floors above ground level: 3.0 metres. • Residential floors above ground level: 2.7 metres for habitable rooms and 2.4 metres for non-habitable rooms. 	Approximately 4.2m ceiling heights proposed throughout.	Yes
3.2.12 Natural Ventilation	Not required for commercial development. The development will be mechanically ventilated.	N/A
3.2.13 Daylight Access	The development has glazed curtain wall facades which will allow for large amounts of natural light. The cantilevered roof will assist with sun shading in the warmer months.	Yes
3.2.14 Visual and Acoustic Privacy	<p>The development is oriented to the street frontages. The southern façade to the residential zone is mostly clad with only a minor area of glazing. This area of glazing is up high for the offices which is setback 15m from the boundary and at a height well above the adjoining residential properties. Accordingly, visual privacy impacts would be minimal.</p> <p>In regards to acoustic privacy, an Acoustic Report was submitted and a 2.2m acoustic wall is proposed near the southern boundary which will ensure the adjoining residential property complies with the relevant noise requirements.</p>	Yes
3.2.15 Private Open Space	Private open space not relevant to commercial development.	N/A
3.2.16 Lobbies and Internal Circulation – All Development	Lobby and service areas are well designed and clearly identifiable.	Yes
3.2.17 Storage for Apartments	No apartments proposed.	N/A
3.2.18 Safety and Security	The development is considered safe	Yes

Provision	Proposal	Compliance
3.6.5 Parramatta Road Secondary Setbacks P1 Where the building exceeds 9m in height that part of the building above 9m must be setback a minimum of 3m from the street front of Parramatta Road. P2 Secondary setbacks of buildings must be free of any projections or encroachments from any building, except for lightweight balconies.	Entire building height setback at least 3m from Parramatta Road. Secondary setback free of encroachments.	Yes Yes
3.6.6 Side Street Setbacks P1 There is no minimum or maximum setback to a side street. Part of the building may be built to the street front boundary for a maximum of 50% of the frontage to the side street. P2 Where a building exceeds 8m in height on a side street frontage, that part of the building above 8m must have a secondary setback of a minimum of 3m from the side street boundary. P3 Setback areas at ground level must be free of any encroachment or projection from any building with the exception of approved awning structures including shade sails that provide weather and sun protection. P4 Setback areas must include landscaping that improves the amenity of the site and the street frontage, and paving that facilitates pedestrian access to activities on the site. Primary setback areas cannot be used for the provision of car parking. P5 In the case of vehicle sale or hire premises only, the side street primary setback area may be used for the display of vehicles provided high quality fencing, vehicular access and parking, and clear pedestrian access are included in the development. P6 Buildings on corner sites are to be articulated to address each street frontage and are to define prominent corners.	13.5m Lucas Road (side street) setback. Secondary street setback 13.5m for full length of façade. Secondary setbacks are free of encroachments. Landscaping provided within Parramatta Road setback and along boundary to Lucas Road. The Lucas Road setback includes the primary vehicular circulation and access to the site and some customer car parking spaces. Side street setback not proposed to be utilised for display of vehicles. The building presents well to both street frontages with glazed curtain walling and articulation through the roof form and façade structural grids.	Yes Yes Yes No – Acceptable See Note 2 N/A Yes
3.6.7 Side and Rear Boundary Setbacks		

Provision	Proposal	Compliance
<p>P1 Buildings may be erected to the side boundary and must be erected to the side or rear boundary of a site that adjoins a residential zone, subject to P2 below.</p> <p>P2 For side and rear setbacks on boundaries adjoining a Residential zone, buildings are not to exceed a 45 degree height plane projected over the site and commencing 1.8m above the relevant site boundary.</p> <p>P3 For setbacks on boundaries separated from a Residential Zone by Wychbury Lane, Bennett Street, Esher Lane or Britannia Lane, buildings are not to exceed a 45 degree height plane projected over the site and commencing 1.8m above the relevant site boundary.</p>	<p>Building to be built to eastern side boundary with adjoining commercial building and setback from southern interface with residential zone.</p> <p>The proposed southern side setback complies with the 45 degree height plane which is demonstrated in a range of submitted plans. The southern setback proposed is 15m which the exception of the ground floor plant area which is setback 8.5m. Despite compliance, the adjoining residential multi dwelling housing development to the south will be heavily overshadowed in mid-winter. This is further discussed in Note 2.</p> <p>Site is not within these areas.</p>	<p>Yes</p> <p>Yes – Further discussion in Note 3</p> <p>N/A</p>
<p>3.6.8 Building Separation/Frontage</p> <p>P1 Any part of a building comprising shop top housing as defined in the BLEP 2012 is to comply with the building separation provisions of the ADG that supplements SEPP 65 – Design Quality of Residential Apartment Development</p> <p>P2 The maximum length in any direction of any part of a building parallel to the street above 9m in height is 30m. This portion of the building must be suitably articulated to alleviate building mass and improve building appearance.</p>	<p>Shop top housing not proposed.</p> <p>The length of the building above 9m in height facing Parramatta Road and Lucas Road is 35m and 31m, respectively which does not comply with the 30m maximum.</p>	<p>N/A</p> <p>No – Acceptable See Note 4</p>
<p>3.6.9 Location and Design of Shop Top Housing</p> <p>P1 The location of shop top housing within a development is to maximise views and vistas and reduce the risk of noise and air pollution for residents.</p> <p>P2 Measures such as double glazing of windows are encouraged to reduce the impact of noise on residents of shop top housing.</p>	<p>Shop top housing is not proposed.</p> <p>Shop top housing is not proposed.</p>	<p>N/A</p> <p>N/A</p>

Provision	Proposal	Compliance
<p>involving the construction of gross floor area in excess of 400 sqm or three dwellings must include facilities for parking of bicycles (racks and lockers) and showers/change rooms for use by bicycle riders.</p> <p>Vehicle Sales</p> <ul style="list-style-type: none"> 1 space per 750sqm employees 1 space per 1000sqm visitors <p>P6 Active Travel Demand Management</p>	<p>100 Employees = 25 spaces</p> <p>Visitors = 5 spaces</p> <p>Total = 30 spaces</p> <p><u>Proposed:</u></p> <p>30 spaces proposed within the ground floor. Change rooms and shower facilities provided for employees within basement.</p> <p>Sufficient bicycle parking and facilities provided to encourage active transport. Site is also on Parramatta Road which is a major public transport bus corridor.</p>	Yes
6 Environmental Management		
6.1 Preservation of Trees or Vegetation	Stand of small planted trees to be removed along southern boundary. This is acceptable as replacement planting is proposed along southern boundary.	Yes
6.2 Waste Management	Waste Management Plan submitted and forms part of conditions of consent.	Yes
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 proposed stormwater management and raised no objection subject to conditions.	Yes
6.6 Landscaping	Landscaping provided within Parramatta Road setback, along boundary to Lucas Road and along southern boundary. This is considered sufficient in the context.	Yes
6.7 Energy Efficiency and Sustainability	Compliance with BCA including Section J Energy Efficiency and Sustainability requirements will be required. Details would be provided at Construction Certificate stage.	Yes

Note 2 – Car parking within Lucas Road setback

Section 3.6.4 P4 Use of setback areas for car parking is discouraged.

The proposal includes nine car parking spaces within the setback area to Lucas Road which does not comply with the above control (**Figure 8**). This non-compliance is considered acceptable for the following reasons:

- The objectives of this control relates to achieving a high quality streetscape presentation, by ensuring car parking does not dominate frontages. The proposed car parking is minimal in the context of this large site and will not dominate the building which is prominent and the eye is drawn upwards to the strong roof form.
- The building façade is clear glazed curtain walling which creates a visually permeable building. This will ensure that significant visual interest is drawn to the building itself and not the few car spaces in front.
- A landscaping strip is proposed in front of the car spaces which will soften and screen the area from the street.
- The car parking is considered appropriate for the use of the site as it will provide a quickly accessible car space for short stay customers. This will ensure that not all customers will be required to enter the building car park and unnecessarily add to vehicular movements around the site.

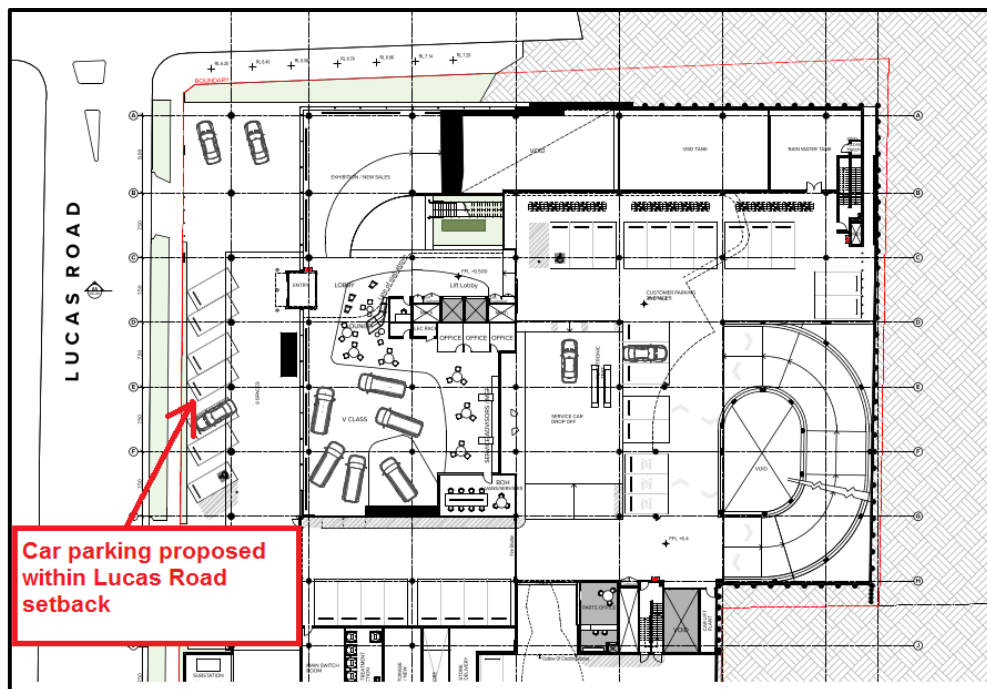


Figure 8. Marked ground floor plan indicating proposed car parking spaces within the Lucas Road setback (Source: Turner / Marked: James Arnold)

Note 3 – Overshadowing of adjoining residential property

Section 3.6.7 P2 For side and rear setbacks on boundaries adjoining a Residential zone, buildings are not to exceed a 45 degree height plane projected over the site and commencing 1.8m above the relevant site boundary.

The proposed southern side setback complies with the 45 degree height plane control to the southern boundary which is demonstrated in a range of plans, an example of which is provided in **Figure 9** below. The building setback from the southern boundary is 15m with

the exception of the ground floor plant area which is setback 8.5m. The purpose of this control in the context of the subject site is to provide residential areas adjoining the Parramatta Road B6 Enterprise Corridor zone sufficient solar access and appropriate transition of scale.

Despite compliance with this control, the first set of amended plans received in December 2017 significantly impacted the solar access to the adjoining residential property to the south, 12 Lucas Road. This property contains a townhouse development comprising three dwellings with private open space and living rooms facing the north. The 'view from the sun' diagrams submitted in response to a Council request for additional information indicated that in mid-winter between 9am and 3pm the living rooms and private open space would receive approximately the following levels of direct sunlight:

- 1/12 Lucas Road – 1 hour (2-3pm),
- 2 /12 Lucas Road – Nil,
- 3/12 Lucas Road – 2 hours (9-11am)

Under Part 4.3 of the Burwood Development Control Plan (BDCP) 2013, multi dwelling housing requires 3 hours direct sunlight in mid-winter to habitable rooms and private open space. Whilst this control is not applicable to the proposal, it is considered as importance guidance to determine appropriate solar access to the adjoining residential property. Accordingly, whilst compliance had been achieved with the solar access related 45 degree height plane control, there remained a significant overshadowing impact on 12 Lucas Road which was not supported. Accordingly, on 8 March 2018, the applicant was requested to amend the design to improve solar access to the townhouses at 12 Lucas Road.

Council received amended plans on 21 March 2018 which improved solar access to 12 Lucas Road through the following amendments: removal of a metal roof awning to the southern elevation, modification of the level 3 plant area, relocation of a portion of the plant area to within the level 3 covered area, and modification of the rooftop parapets to transparent prefabricated balustrade. Due to the relocation of the plant, 2 car spaces within level 3 were lost which is considered acceptable given the improvements to solar access that have been achieved.

Under the amended design, a satisfactory level of solar access is now provided to the adjoining property, with at least 2 hours direct sunlight to each of the three townhouse living rooms and private open spaces at mid-winter, with the exception of the private open space to the middle townhouse (Unit 2) which will not receive direct sunlight at ground level in mid-winter. The submitted solar studies indicate that at 1m above the ground level of the Unit 2 private open space, approximately 1 hour direct sunlight will be received. This is considered an acceptable outcome as direct sunlight at this level will benefit a seated or standing person in the courtyard and combined with the 2 hours direct sunlight to the adjacent living area, this dwelling will receive an acceptable amount of sunlight. Accordingly, the overshadowing impact of the development is supported.



Figure 10. Marked photomontage showing the building lengths above 9m height to Parramatta Road and Lucas Road (Source: Turner / Marked: James Arnold)

Note 5 – Car parking provision

The proposal generates an off-street car parking requirement for 316 spaces (refer to BDCP compliance table for calculations). The proposal includes a total of 271 spaces which does not comply with this control.

A Traffic and Parking Report was submitted with the application and amended during the assessment process. The report included a parking demand assessment for each of the components of the development including the workshop and sales. The assessment was based on surveys of a comparable Mercedes Benz sales and workshop facility in Alexandria, NSW. The demand assessment determined that the proposal would generate demand for 228 off-street car parking spaces. The proposal includes 271 to provide an additional level of assurance against potential overflow.

Council's Traffic Engineer has reviewed the proposal and this traffic report and made the following comment in relation to the car parking provision:

While the development's proposed off-street parking provisions do not satisfy the DCP the shortfall of parking is considered to be acceptable when compared against other similar sized show rooms.

Based on the above assessment, the car parking non-compliance is considered acceptable.

Community Consultation

The proposal was publicly notified from 13 July 2017 to 23 July 2017. In response, no submissions were received.

Referrals

Referral Officer	Response
Roads and Maritime Services (RMS)	Roads Act 1993 – s138 – The proposal includes the removal of a crossover to a classified road (Parramatta Road) which requires approval from RMS who advised in a letter dated 11 August 2017 that no objection was raised to the proposal subject to conditions.
Water NSW	Water Management Act 2000 – ss89, 90, 91 – The proposal includes excavation which is likely to intercept groundwater as indicated by the submitted Geotechnical Report. This will require approval for site dewatering from Water NSW. Water NSW was referred and in a letter dated 22 August 2017 raised no objection subject to General Terms of Approval.
Development Engineer	No objections, subject to conditions.
Traffic Engineer	No objections, subject to conditions.
Environmental Health Officer	No objections, subject to conditions.

Conclusion

The proposal (as amended) is generally compliant with the key planning provisions contained within the BLEP 2012 and the BDCP 2013. The development is characterised as a vehicle sales premises, vehicle body repair workshop and vehicle repair station which are permitted uses in the B6 zone and the proposal complies with FSR at 1.65:1 (max 1.75:1). The proposal exceeds the height limit for a minor portion of the roof which is supported primarily on the grounds that the portion of the building exceeding the limit is located in the centre of the site which ensures it will generally not be visible in the surrounding area and will have minimal impact on adjoining properties. A cantilevered flat roof also assists in screening the additional height and caps off the visible portion of the building below 15m height limit.

Recommendation

That Development Application No. 089/2017, for the construction of a four storey car showroom with basement workshop, be **APPROVED**, subject to the following conditions.

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	Reference / Revision	Dated
Site Plan	Turner	DA-100-011 / Rev 06	19.03.18
Demolition Plan	Turner	DA-101-001 / Rev 03	20.06.17
Roof Level	Turner	DA-110-001 / Rev 17	19.03.18
Basement	Turner	DA-110-002 / Rev 16	14.11.17
Basement Mezzanine	Turner	DA-110-003 / Rev 16	14.11.17
Ground Level	Turner	DA-110-100 / Rev 15	14.11.17
Level 01	Turner	DA-110-110 / Rev 15	14.11.17
Level 02	Turner	DA-110-120 / Rev 16	14.11.17
Level 03	Turner	DA-110-130 / Rev 16	19.03.18
North Elevation	Turner	DA-250-001 / Rev 10	14.11.17
South Elevation	Turner	DA-250-201 / Rev 11	19.03.18
West Elevation	Turner	DA-250-301 / Rev 11	19.03.18
Section AA	Turner	DA-350-001 / Rev 11	14.11.17
Section BB	Turner	DA-350-101 / Rev 10	19.03.18
Section CC	Turner	DA-350-201 / Rev 09	14.11.17
Signage Plan	Turner	DA-810-001 / Rev 04	14.11.17
Landscape Plan	Site Image	DA-102 & DA-501 / Issue B	19.06.17
Stormwater Drainage Concept Plan	SCP	C3.50 / Rev B	20.06.17
Stormwater Concept Management Report	SCP	170029 / Issue B	20.06.17
Traffic and Parking Assessment	Parking and Traffic Consultants	T2-2032 / Issue 6	23.01.18
BCA & DDA Compliance Statement	Blackett Maguire Goldsmith	-	15.01.18
Fire Safety Engineering	Scientific Fire Services	190717 / Issue 1	24.01.18

Design Review			
Operational Waste Management Plan	Waste Audit	-	--.01.18
Detailed Cost Report	Turner & Townsend	-	08.06.17
Geotechnical Report	Douglas Partners	85862.00 / Rev 1	20.06.17
Detailed Site Contamination Investigation	Douglas Partners	85862.01 / Rev 0	20.06.17
Acoustic Report	Wood & Grieve Engineers	32809 / Rev 2	18.06.17
Statement of Environmental Effects	Urbis	SA6608	--.06.17

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 **\$162,925**
(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 **\$113,203 (Payment to be made to Council as a bond prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation)**

NOTE: This deposit is refundable if no damage occurs.

- 5) Section 94 Contributions: **\$465,500**

(Payment to be made to Council). Note: The contribution amount will be adjusted at the time of payment. See Planning Conditions for more details.

- 6) 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).**

PLANNING

- 7) Pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979* and the Section 94A Contributions Plan for 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 \$46,550,000			\$465,500
Index Period	Dec Qtr. 2017	CPI ₁	113.3

Office Use: T49

The above contribution will be adjusted at the time of payment. Applicants are advised to contact Council for the adjusted amount immediately prior to arranging payment.

The contribution will be adjusted in accordance with the following formula:

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

Where:

C: the original contributions amount as shown in the development consent;

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

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

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

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

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

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

- 8) The hours of operation are limited to the following:

Car Showroom

Monday – Wednesday, Friday – Sunday: 7am – 7pm

Thursday: 7am – 9pm

Vehicular Maintenance Area (Work Bays)

Monday – Friday: 7am – 7pm

Saturday – Sunday: Closed

BUILDING

- 9) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 10) 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.

- 11) Any excavations and backfilling associated with the erection or demolition of a building shall be carried out in a safe and careful manner and in accordance with appropriate professional standards. All necessary planking and strutting shall be of sufficient strength to retain the sides of excavations. A Certificate verifying the suitability of structural details for any proposed shoring is to be **submitted to the Principal Certifying Authority before excavating**.
- 12) 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.
- 13) 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.
- 14) 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.

- 15) 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.

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.

- 16) Your attention is directed to the following:

WARNING

The approved plans must be submitted to Sydney Water Tap inTM to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will then be approved, with suitable evidence being provided to the

Principal Certifying Authority **prior to the issuing of a Construction Certificate.**

Please refer to the web site www.sydneywater.com.au for:

- Sydney Water Tap inTM details – see Plumbing, building and developing then Sydney Water Tap inTM and
- Technical guidelines - Building over and adjacent to pipe assets – see Plumbing, building and developing then Building plan approval,

or telephone 13 20 92.

Note:

The Principal Certifying Authority must ensure that they either:

- Receive the Sydney Water Tap inTM approval letter or
- Sight the Water Servicing Coordinator approval stamp **before the issue of any Construction Certificate.**

- 17) Hours of work shall be from 7:00am to 7:00pm Mondays to Fridays inclusive (during daylight savings period), 7:00am to 6:00pm Mondays to Fridays inclusive (outside daylight savings period) and from 7:00am to 4:00pm on Saturdays. No work shall be carried out on Sundays or Public Holidays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.
- 18) When demolition of any existing building is involved, burning of any demolition materials on the site is prohibited. All waste materials to be removed from the site.
- 19) The approved structure shall not be used or occupied unless an Occupation Certificate (being a Final Certificate or an Interim Certificate) as referred to in section 109C(1)(c) of the *Environmental Planning & Assessment Act 1979* has been issued.
- 20) 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.**
- 21) 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.

- 22) All building works being erected wholly within the boundaries of the property.
- 23) 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.
- 24) 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.
- 25) A registered surveyor's certificate being submitted to the Principal Certifying Authority, **prior to the issue of an Occupation Certificate**, as follows:-

- a) Before pouring of concrete slab on every level to indicate the height of the finished floor level and to show boundary clearances; and
 - b) On completion of the building to indicate the height of the finished floor levels, the height of the roof ridge/parapet and to show boundary clearances and areas of the site occupied by the building.
- 26) **Prior to the commencement of building work**, the following is to be carried out:-
- a) Submit to Council a "Notice of Intention to Commence Building Work and Appointment of a Principal Certifying Authority" form. Council's "Notice of Intention to Commence Building Work and Appointment of a Principal Certifying Authority" form is to be used where application is made to Council.
 - b) Ensure detailed plans and specifications of the building are endorsed with a Construction Certificate by Council or an Accredited Certifier. Council's "Construction Certificate Application" form is to be used where application is made to Council. Copies are available on request.
- 27) A "Section 73 Compliance Certificate" under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.
- Application must be made through an authorised Water Servicing Coordinator. For assistance either visit www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.
- The Section 73 Certificate must be submitted to the Principal Certifying Authority **prior to the issuing of an Occupation Certificate**.
- 28) Structural engineer's details prepared and certified by a practicing Structural Engineer for all reinforced concrete and structural members being submitted to the Principal Certifying Authority for approval **prior to the issuing of a Construction Certificate**.
- 29) The Principal Certifying Authority **or** Structural Engineer is to also supervise the construction. All Certificates from the supervising Structural Engineer are to be submitted to the Principal Certifying Authority **before an Occupation Certificate is issued** stating that all reinforced concrete and/or structural members have been erected in accordance with his/her requirements and the relevant SAA Codes.
- 30) Mechanical ventilation/air conditioning details are to be submitted to the Principal Certifying Authority for approval **prior to the issuing of a Construction Certificate** and must include the following:-
- a) The location and size of proposed ductwork.
 - b) The location of equipment.
 - c) The performance characteristics of the proposed motor/s and fan/s.
 - d) The air flow characteristics of the system.

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

- 31) 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.
- 32) A Fire Safety Certificate (copies available from Council) is to be given to the Principal Certifying Authority **prior to applying for an Occupation Certificate or Interim Occupation Certificate** and thereafter once in every 12 month period an Annual Fire Safety Statement is to be given to Council. The certificate and statement attest to both the inspection of all essential fire safety measures by a properly qualified person and to the regular maintenance of the fire safety measures. A copy of the Fire Safety Certificate and the Fire Safety Schedule are to be given to the Commissioner of New South Wales Fire and Rescue by the building owner and copies of these documents are to be prominently displayed in the building. Similarly copies of Annual Fire Safety Statements are also to be given to the Commissioner and displayed in the building.
- 33) Engineering Design – Basement Excavation

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

- a) Documentary evidence prepared by a suitably qualified professional Geotechnical Engineer that confirms the suitability of the site for the proposed excavation and building, as well as certifying the suitability and adequacy of the proposed design and construction of the building for the site.
- b) A report shall be prepared by a professional engineer **prior to the issuing of a Construction Certificate**, detailing the proposed methods of excavation, shoring or pile construction including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises due to building and excavation works. Any practices or procedures specified in the Engineer's Report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the Construction Certificate.

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

- 34) Dilapidation surveys are to be carried out by a Practising Structural Engineer, which is to include a full photographic record of the exterior and interior of the buildings at the applicants/owners expense on all premises adjoining the site and the survey is to be submitted to Council and the 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 – STANDARD CONDITIONS

- 35) A detailed drainage study shall be prepared by a competent practicing hydraulic/civil engineer and submitted to the Principal Certifying Authority.
- a) The study shall demonstrate that the development has no adverse effects on adjoining properties as a result of flooding and stormwater runoff and that there is adequate protection for buildings against the ingress of surface runoff.
 - b) The drainage study is to be reviewed by Council or an Accredited Certifier - Civil Engineering **prior to the issuing of a Construction Certificate. Certified copies of drainage plans and design are to be provided to Council.**
- 36) 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.**
- 37) 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.**

- 38) 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.**
- 39) The following matters shall apply to the stormwater drainage works listed in the table of Fees.
 - a) The stormwater drainage works for stormwater connection to Council's drainage system consists of
 - i) A new Council standard pit and lintel shall be constructed in the street outside the property boundary for the property's stormwater to connect to. Pipes laid under road surface connecting to Council's pit shall be 375mm in diameter reinforced concrete spigot and socket with rubber ring joints.
 - ii) Long section of the Ø375mm pipeline, cross section of the pipe trench, details of the new pit and connecting pits together with the invert levels, surface levels etc. shall be provided. Minimum 500mm pipe cover shall be maintained under road surface at all times.
 - iii) The depth and location of all services within the area that would be affected by the construction of the stormwater pipe (i.e. gas, water, sewer, electricity, telephone, traffic lights etc.) shall be confirmed by the applicant on site and are to be included on the design drawings.
 - iv) Any adjustment required will be at the applicant's expense. The relevant authority's written consent for any adjustments or works affecting their services shall be obtained and submitted to the principal Certifying Authority, prior to construction commencing.

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

- 40) All building foundations shall be designed to ensure that no additional loads are

exerted on Council's drainage pipes and that the pipeline(s) can be maintained and/or replaced without affecting the structural stability of the proposed building(s). The design is to be certified by an Accredited Certifier - Structural Engineering, **prior to the issuing of a Construction Certificate.**

- 41) The stormwater works on the development property and connection to Council's stormwater system are to be inspected during construction by a competent practicing hydraulic/civil engineer. The inspections are to be carried out at the stages of construction listed in the following schedule. A compliance Certificate verifying that the construction is in accordance with the approved design, this development consent and satisfies the relevant Australian Standard is to be submitted to the Principal Certifying Authority **before proceeding beyond the relevant stage of construction.**

SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- a) Following placement of pipe bedding material. Confirm trench/pipe location, adequacy of depth of cover, bedding material and depth.
 - b) Following joining of pipes and connection to Council's stormwater system.
 - c) For on-site detention systems:-
 - i) Following set out of detention tank/area to confirm area and volume of storage.
 - ii) Following placement of weep-holes, orifice and/or weir flow control, outlet screen and overflow provision.
 - d) Following backfilling. Confirm adequacy of backfilling material and compaction.
- 42) Following completion of all drainage works:-
- a) Works-as-executed plans, prepared and signed by a registered surveyor, shall be prepared. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels. These plans are to be reviewed by the competent practicing hydraulic/civil engineer that inspected the works during construction.
 - b) The Principal Certifying Authority is to be provided with a Certificate from a competent practicing hydraulic/civil engineer. The Certificate shall state that all stormwater drainage and related work has been constructed in accordance with the approved plans and consent conditions as shown on the work-as-executed plans, **prior to the issuing of an Occupation Certificate.**
- 43) Habitable floor levels shall be a minimum of 150mm above the surrounding finished ground levels. Garage floor levels shall be a minimum of 100mm above the surrounding finished ground levels.
- 44) Grated drains shall be provided along the property boundary at the vehicular crossings and are to connect to the internal drainage system.

The Principal Certifying Authority is to be provided with a Certificate from a competent practicing hydraulic/civil engineer. The Certificate shall state that the grated drains

have been constructed in accordance with the approved plans and this consent condition as shown on the work-as-executed plans, **prior to the issuing of an Occupation Certificate.**

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

- a) On-site Stormwater Detention system
- b) Pump and rising main system
- c) Water Quality Treatment System

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

- d) The proprietor of the property agrees to be responsible for keeping clear and the maintenance of the facilities consisting of:
 - i) On-site Stormwater Detention system
 - ii) Pump and rising main system
 - iii) Water Quality Treatment System
- e) The proprietor agrees to have the facilities inspected annually by a competent practicing Hydraulic/Civil Engineer.
- f) 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.
- g) 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.**

- 46) 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.
- 47) 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).

- 48) 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.
- 49) 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.
- 50) 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.
- 51) The following matters apply to the construction of the proposed vehicular crossing listed in the Table of Fees:
- a) Three (3) numbers of vehicular crossing particularly; first 6m wide entry only towards northern frontage of Lucas Road, second 7.80m wide entry & exit vehicular crossing for customer use along Lucas Road and the third 6m wide entry & exit to Loading precinct along southern frontage of Lucas Road shall be constructed by the Applicant at the applicant's cost. The location of all the vehicular crossings must comply with Australian Standard AS/NZS 2890.1:2004 – Off-street car parking.
 - b) The cost of any necessary adjustments to public utility services shall be paid by the Applicant to the relevant authority prior to commencing the work.
 - c) The driveways 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.
- 52) Internal driveway levels shall be designed and constructed to conform with existing footpath and road profiles such that vehicles are not damaged while accessing the property. Council footpath and road profiles will not be altered for this purpose.
- 53) Stormwater from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe to Council's street drainage system.

- 54) 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.**
- 55)
- 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.**
- 56) 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.
- 57) Vehicles transporting demolished, excavated and/or construction materials to and from the site shall access and depart from the site through Lucas Road. Vehicles involved in transporting materials shall be limited to an 8 tonne gross weight per axle.
- 58) The following matters apply to the removal and replacement of a street tree(s) listed in the Table of Fees:-
- a) The removal and replacement of a street tree is approved to allow the construction of the vehicle crossing.
 - b) The size, species and location of the tree to be replaced is at Council's discretion.
 - c) The cost of any necessary service adjustments to public utility services is not included and shall be paid by the applicant to the relevant authority prior to Council commencing work.
- 59) The public utility(s) are to be relocated by the relevant service authority prior to the construction of the vehicle crossing. The applicant is responsible for all liaison and co-ordination with the relevant utility authority. Council will only permit to construct the vehicle crossing following completion of the utility(s) structure's relocation.

ENGINEERING – SPECIFIC CONDITIONS

- 60) The development proposal has proposed almost 100% of the site area to be impervious. Every effort shall be utilised to reduce such a huge impervious area with

the use of integrated water sensitive urban designs using raingardens, rainwater tanks, roof gardens, use of pervious pavers, increase in deep soil areas, etc.

- 61) No drainage bypass will be allowed. A second OSD shall be provided to capture entire surface runoff to drain to Lucas Road. Thus the volume of the existing OSD can be reduced as well. A soft copy of the DRAINS model shall be supplied to Council for a review.
- 62) A design report on DRAINS model shall be submitted documenting the following:
 - a) Rainfall data
 - b) Assumptions made in model
 - c) Sub catchment detail
 - d) Stage-Volume or Stage-Area values set in for OSD storage
 - e) Orifice sizing, weir parameters and overflow parameters
 - f) Appendix to the report with input and output exported from DRAINS model
- 63) Council's existing 225mm drainage pipeline on Lucas Road from the connecting pit to the next pit shall be upgraded to 375mm
- 64) Provision for the proposed drainage from the neighbouring property, Lot 1 DP 817488 shall be made by designing an independent OSD and creating an inter allotment drainage easement to Lucas Road. The drainage easement shall be used to discharge flow generated from the proposed development including any overland flow using 375mm diameter reinforced concrete pipe (RCP) with rubber ring joints through lot 100 DP 850953 to safely discharge into Council's underground drainage network at Lucas Road. Cost of creating the easement will be at the applicant's expense. Stormwater Plan must reflect the location and details of above mentioned drainage easement.
- 65) Water Quality Treatment measures being modelled in MUSIC, a design report to be prepared for the MUSIC model documenting the following:
 - a) Rainfall and evaporation inputs used in modelling
 - b) Schematic diagram showing modelling framework (treatment nodes, sub catchments, etc.)
 - c) Stormwater water quality parameters for MUSIC source nodes used (Log 10 values)
 - d) Rainfall runoff and soil parameters considered
 - e) Screenshots of properties of treatment devices used
 - f) Conclusion/summary of the design discussing the effectiveness of the treatment measures and recommendations

ENGINEERING – EXCAVATION, BULK EARTHWORKS AND SHORING

- 66) 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.

- 67) 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.
- 68) 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.
- 69) If an excavation associated with the erection or demolition of a building extends below any level of the base of the footings of a building or other structure on an adjoining allotment of land, the person causing the excavation to be made:
- a) must preserve and protect the building or other structure from damage and rectify any damage caused by any such excavation, and
 - b) if necessary, must underpin and support the building or other structure in an approved manner, and
 - c) must, at least 7 days before excavation below the level of the base of the footings of a building or other structure on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to that owner.

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

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

- 70) 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.

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.

- 71) 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.
- 72) 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.
- 73) 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.
- 74) 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.
- 75) 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.
- 76) 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.
- 77) 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.
- 78) 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:

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

NOTE: This deposit is refundable if no damage occurs.

- b) Should the applicant require the use of temporary ground anchors to shore the bulk excavation within the public road, an NPER Registered Structural Engineer's certificate along with certified plans showing the details and extent of work shall be submitted to Council for its record. The following conditions to be complied with:
- c) 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.
- d) 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.
- e) The anchors shall be installed in accordance with the manufacturer's instructions.
- f) 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.
- g) 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.
- h) 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.
- i) 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.
- j) 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.

- k) All stockpiled shoring materials and equipment shall be kept solely within the private property and not obstruct the footpath or roadway at any time.
- l) All earth and rock anchors shall be released before the completion of building work.

ENGINEERING – PUBLIC DOMAIN PLAN

- 79) The applicant shall submit to Council a high quality Public Domain Plan on all publicly accessible areas at the properties along **Lucas Road** and **Parramatta Road** frontages in accordance with Council's Standard Drawings & Public Works Element Manual. The specifications of such public domain plans shall be as below:
- a) Plan view of proposed works at 1:100 or 1:200 scale. The plan view should show all the existing infrastructures like kerb & gutter, road centreline, footpath, property boundaries, service pits & lids, telegraph poles, traffic posts with signs, street furniture (if any), etc. Plan view should clearly show the proposed kerb & gutter, footpath and kerb ramp locations with appropriate labelling showing its type, dimension, inverts (gutter & stormwater grates/pits/outlets), chainages, traverse lines, etc. Plan should also show the affected infrastructure by the proposed works that needs restoration/replacement with appropriate dimensions.
 - b) Longitudinal view of the proposed kerb & gutter and/or stormwater pipe taken at invert of gutter at 1:100 (both Horizontal & Vertical) scale. This view should include chainages, existing ground level, design invert levels, slope of existing and proposed works and all the services conflicting/non-conflicting along the proposed area with their top & bottom depth, etc.
 - c) Cross Sectional view of the proposed works at 1:100 (both Horizontal & Vertical) scale taken at every 5m intervals and at every critical feature like pits or conflicting services, etc. The view should include chainages, offsets taken from a traverse line fixed with nails on road (offset must be at least 2.5m off from the proposed invert of gutter), pits/pipe invert levels, existing & proposed road infrastructures surface & levels, conflicting/non-conflicting services. The cross section should cover the features extending from at least road centreline on one side to the property boundary on the other side.
 - d) The proposed works must comply with attached Council's Standard Drawings BSD 01 Rev D – for Kerb & Gutter (Type 1), BSD 02 Rev D – For footpaths, BSD 04 Rev D – for Vehicular Crossing, BSD 07 Rev D – for Kerb Ramps, BSD 08 Rev D – for pavers, BSD 09 Rev D – Stormwater pits, BSD 14 Rev D – for Trench backfilling.
 - e) Offset nails must be established on the road along the proposed works with 2.5m off from the proposed invert of gutter at every 10m interval and at significant locations as required. Design drawings should include offset setout table with design invert of gutter levels up/down as reference to the offset nails. Alternatively, Council accepts design level setout based on MGA 94 Zone 56 Coordinate System and relative levels to Australian Height Datum. The coordinates must be tabulated on the drawing sheet along with the nearest SSM or benchmarks marked out.

HEALTH

- 80) 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::
- a) Noise and vibration control
 - b) Dust and odour suppression and control
 - c) Storm water control and discharge
 - d) Erosion control
 - e) Waste storage and recycling control
 - f) Litter control
 - g) Construction material storage
 - h) Truck cleaning methods on site so as to prevent spread of soil and like materials onto Council's roadways
- 81) The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the received boundary
- 82) 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.
- 83) The building is to incorporate the noise mitigation measures included in Part 6 of the acoustic report prepared by Wood & Grieve Engineers (Project 32809-Syd-N) dated 31 May 2017. Certification as to the compliance with the recommendations by the Consultant is to be submitted to Council **prior to the issue of an Occupation Certificate**
- 84) The site preparation and excavation is to be carried out in accordance with the Recommendations contained in Part 11. of the Detailed Site (Contamination) Investigation undertaken by Douglas Partners (Project 85862.01) dated June 2017. Certification as to the compliance with the recommendations by the Consultant is to be submitted to Council **prior to the issue of an Occupation Certificate**
- 85) Waste and recycling materials generated from the site are to be managed in accordance with the Operational Waste Management Plan prepared by Waste Audit and Consultancy Services – Mercedes Benz Croydon – dated June 2017.

TRAFFIC

- 86) A minimum of 260 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.
- 87) Courier spaces and loading docks must be located close to the service entrance and away from other parking areas, as detailed below:
- a) A minimum of 1 Medium Rigid Vehicle loading dock

- 88) Adequate space must be provided to allow manoeuvring and turning of the different sized vehicles. The design, layout, signage, line marking, lighting and physical controls for all service vehicles must comply with the minimum requirements of '*Australian Standard AS 2890.2 – 2002 Off-Street Parking Part 2: Commercial vehicle facilities*'.
- 89) 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.
- 90) All customer parking spaces must be grouped together, and located at the most convenient location to the car parking entrance. All spaces must be clearly marked 'Customer Parking' **prior to the issue of an Occupation Certificate**. All signs must be maintained in good order at all times.
- 91) The site must be configured to allow a vehicle to be driven onto and off the site in a forward direction.
- 92) 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.
- 93) 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.
- 94) At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.
- 95) The size of vehicles servicing the property must be a maximum length of 14.5 metres.
- 96) 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.
- 97) 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.
- 98) All costs associated with signposting for any kerbside parking restrictions and traffic management measures, including any relocation of parking meters, associated with the development shall be borne by the developer.
- 99) A Construction Traffic Management Plan must be submitted and approved by Council **prior to the commencement of demolition and excavation or issuing of the Construction Certificate** (whichever occurs first). The following matters should be addressed in the plan (where applicable):

- a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
 - iii) The proposed locations of work zones where it is not possible for loading/unloading to occur on the site in the frontage roadways (which will require separate approval by Council).
 - iv) Location of any proposed crane and concrete pump and truck standing areas on and off the site (which will require separate approval by Council).
 - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
 - vi) Details of vertical and horizontal material handling and deliveries.
 - vii) Any on-site parking area for employees, tradespersons and construction vehicles where possible.
 - viii) Traffic routes to and from the site from the closest arterial road in all directions.
 - b) Traffic control plan(s) for the site must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual" and prepared by a suitably qualified person. The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.
- 100) 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
- a) Work zone.
 - b) Temporary closure of roadway/footpath.
 - c) Mobile crane or any standing plant
 - d) Scaffolding/Hoardings (fencing on public land)
 - e) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc.
 - f) Installation or replacement of private stormwater drain, utility service or water supply
- 101) 'No Parking 7am-7pm Mon-Sun' signposting is to be installed at no expense to Council on the eastern side of Lucas Road extending from the northern boundary of the Loading Dock access driveway to the existing kerbside lane street tree planter box, a length of approximately 7.5 metres to provide satisfactory access for the 3 car carrier.
- 102) All 37 car parking spaces on the ground floor must be signposted 'Customer Parking Only'.
- 103) The 3 access points on Lucas Road must be adequately signposted detailing whether they are entry or exit or both and whether they are customer/staff/loading access points to limit any conflict and reduce confusion regarding access to the site by various users.
- 104) The maximum sized vehicle permitted to access the site is a 3 car carrier with a length

of 14.5 metres.

ROADS AND MARITIME SERVICES (RMS)

- 105) All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Parramatta Road boundary.

This property is within a broad area investigation for the proposed WestConnex M4 East Project (Homebush Bay Drive to Haberfield).

The contractor for this project has now been announced and the contractor's current design requirements for this project do not require this property. Please note, however, the detailed design for the project has not been finalised and accordingly land requirements may be subject to change.

For more information on the WestConnex project, please call 1300 660 248, email infowestconnex.com.au or visit the project website at www.westconnex.com.au.

- 106) The layout of the proposed basement car park area associated with the subject development should be in accordance with AS 2890.1 -2004 and A52890.6 2009;
- 107) Sight distances from the proposed vehicular crossings to vehicles on Lucas Road are to be in accordance with Austroads 'Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, Section 6.2 — Sight Distance and AS 2890. Vegetation and proposed landscaping must not hinder sight lines to and from the vehicular crossings to pedestrians, cyclists, and general traffic;
- 108) All vehicles are to enter and exit the site in a forward direction.
- 109) All vehicles are to wholly contained on site before being required to stop;
- 110) Bicycle parking associated with the subject development should be in accordance with AS 2890.3 (Bicycle Parking Facilities). Consideration should also be given to providing end-of-trip facilities within the commercial development to support and encourage active transport to the subject development;
- 111) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849

2114 or Email Suppiah.Thillai@rms.nsw.gov.au.

- 112) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

Project Engineer, External Works

Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.
Telephone 8849 2114

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work;

- 113) A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate;
- 114) Construction works zone will not be permitted on Parramatta Road;
- 115) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Parramatta Road during construction activities.

WATER NSW – GENERAL TERMS OF APPROVAL

- 116) A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.
- 117) An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. Please refer to checklist attached.
- 118) If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent

meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the Protection of the Environment Operations Act 1997 (NSW) may also be required.

- 119) WaterNSW prefers “tanking” (ie. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (eg. a drainage blanket behind the water-proof membrane).
- 120) If the basement is not “tanked”, the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access licence with a zero share component.