COUNCIL ASSESSMENT REPORT

Panel Reference	**PPS-2019ECI014**
DA Number	**DA26/2019**
LGA	**Burwood**
Proposed Development	**Demolition of the existing structures and the construction of a Part 9, Part 10 storey residential flat building containing 104 apartments, 3.5 levels of basement carpark accommodating 131 vehicles and associated site landscaping.**
Street Address	**15-19 Clarence Street, Burwood**
Applicant/Owner	Atlas Clarence Street Developments Pty Ltd
Date of DA lodgement	18 March 2019
Number of Submissions	**0**
Recommendation	**Approved Subject to Conditions**
Regional Development Criteria (Schedule 4A of the EP&A Act)	**Council DA over $40M**
List of all relevant s79C(1)(a) matters	• State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • Burwood Local Environmental Plan (BLEP) 2012 • Burwood Development Control Plan (BDCP) 2013 • The likely social, environmental and economic impacts of the development • The suitability of the site for the development • The Public Interest • Submissions made under the Act and Regulations
List all documents submitted with this report for the Panel's consideration	**Report** **DA documents uploaded previously through the Portal**
Report prepared by	**Emma Buttress-Grove / Senior Town Planner**
Report date	**3 February 2020**

Summary of s79C matters Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	**Not Applicable**
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? *e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*	**No**
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	**Not Applicable**
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)? *Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*	**No**

Conditions

Have draft conditions been provided to the applicant for comment? **No**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

(PPS-2019ECI014) DA.2019.026 – 15-19 Clarence Street, Burwood – Construction of a Part 9, Part 10 storey residential flat building containing 95 apartments, 3.5 levels of basement car parking accommodating 131 vehicles and associated site landscaping.

REPORT BY SENIOR TOWN PLANNER

Owner: Atlas Clarence Street Developments Pty Ltd
Applicant: Atlas Clarence Street Developments Pty Ltd
Location: 15-19 Clarence Street, Burwood
Zoning: B4 Mixed Use

Proposal

The application proposes the construction of a Part 9, Part 10 storey residential flat building containing 95 apartments, 3.5 levels of basement car parking accommodating 131 vehicles and associated site landscaping.

Regional Planning Panel Referral Criteria

The application is referred to the Regional Planning Panel as the proposal has a capital investment value over $30 million.

Locality

Figure 1: Aerial image of 15-19 Clarence Street, Burwood (Source: Six Maps).

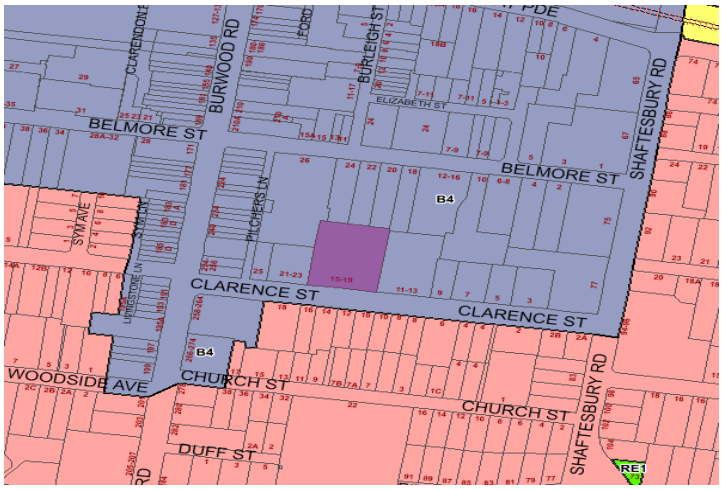


Figure 2: Cadastral/Zoning Map of 15-19 Clarence Street, Burwood (Source: MapInfo).

Subject Site

The subject site is known as 15-19 Clarence Street, Burwood and is legally described as Lot 20 in DP 611317. The site is located on the northern side of Clarence Street, Burwood between Shaftesbury Road to the east and Burwood Road to the west.

The site is a rectangular shaped allotment with a 40.155m frontage to Clarence Street, a depth of 63.31m on the western boundary, a depth of 62.75m on the eastern boundary, a rear boundary width of 50.29m and a total site area of 3,165sq.m.

The site has a fall of approximately 900mm from the east to the west, a fall of approximately 2.5m from the south (Clarence Street) to the north (rear of site) and a fall of approximately 3m diagonally across the site. The site contains existing vegetation including 2 street trees in the nature strip.

Situated on the site is an existing part 3 part 4 storey free standing residential flat building with basement car parking. The building is constructed around a central courtyard area (see Figure 1). Vehicular access to the site and basement parking is provided from Clarence Street (see Images 1 & 2 below)

Image 1:15-19 Clarence Street, Burwood (Courtesy: Google Maps)

Image 2:15-19 Clarence Street, Burwood (Courtesy: Google Maps)

Surrounding Development

Surrounding development is primarily residential in nature. Adjoining the site to the east is an existing three storey residential flat building with at-grade car parking known as No. 21 Clarence Street, further to the east is No. 25 Clarence Street which is a 2 storey residential flat building (see Image 3 below).

Image 3: No. 25 (left) and 21 Clarence Street, Burwood (Courtesy: Google Maps)

Adjoining the site to the west is a three storey residential flat building with at-grade car parking known as No. 11 Clarence Street (Image 4 below)

Image 4: No. 11 Clarence Street, Burwood (Courtesy: Google Maps)

Adjoining the site to the north are three properties, No. 20 Belmore Street containing a 4 storey residential flat building with basement car parking (see Image 5 below), No. 22 Belmore Street containing a 3 storey residential flat building with car parking at the rear, and No. 24 Belmore Street containing a 2 storey residential flat building with car parking at the rear (Images 6, 7 & 8 below).

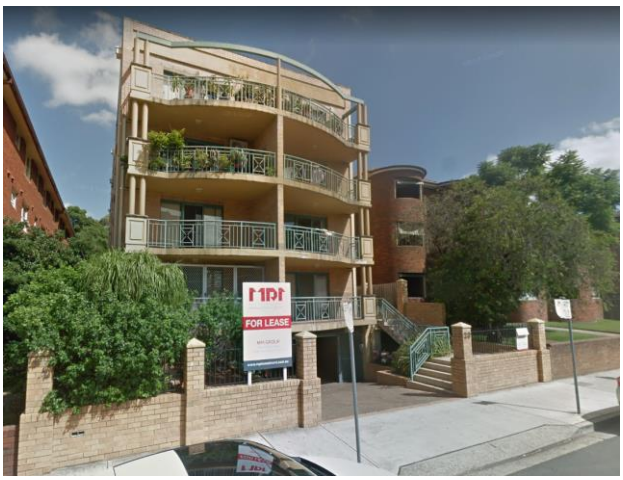


Image 5: No. 20 Belmore Street, Burwood (Courtesy: Google Maps)

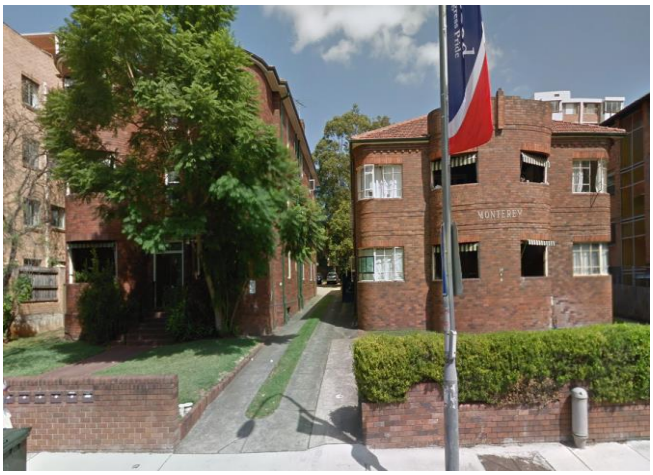


Image 6: No.'s 22 (left) and 24 Belmore Street, Burwood (Courtesy: Google Maps)

Nearby the site to the north-east is a part nine, part ten storey residential flat building with at-grade car parking known as No. 12-14 Belmore Street (see Image 7 below).

Image 7: No. 12-16 Belmore Street, Burwood (Courtesy: Google Maps)

To the south of the site on the opposite side of Clarence Street are single storey and two storey dwellings and a childcare centre at No. 12 Clarence Street (see Image 8 below). These properties are not located within the Burwood Town Centre precinct.

Image 8: No. 12 (left) Clarence Street (child-care centre) and No. 14 & 16 Clarence Street (Courtesy: Google Maps)

Development to the northern end of Clarence Street is currently undergoing transformation to higher density development consistent with its location within the Burwood Town Centre precinct.

DESCRIPTION OF DEVELOPMENT

The proposed amended development seeks consent for the demolition of existing site structures and the construction of a Part 9, Part 10 storey residential flat building containing 95 apartments, 3.5 levels of basement car parking accommodating 131 vehicles and associated site landscaping.

The specifics of the proposal are as follows:

- Basement Car Park Level 3
  Contains 37 car spaces, 3 store/plant rooms located in the north-eastern corner, north-western corner, and south-western corner, lift access and fire stair access.

- Basement Car Park Level 2
  Contains 34 car spaces (including 6 accessible spaces), 3 store/plant rooms located in the north-eastern corner, north-western corner, and south-western corner, lift access and fire stair access.

- Basement Car Park Level 1
  Contains 34 car spaces (includes 4 accessible spaces and 3 visitor spaces), a store/plant room located in the north-eastern corner, a fan room located in the north-western corner, a switch room located in the south-western corner, a mechanical plant rooms, lift access and fire stair access.

- Lower Ground Level
  Contains 1 x 2 bedroom unit, 1 x 2 bedroom + study unit, bicycle store room, garbage holding room, bulky goods room, 3 x garbage rooms, store room, loading area, services areas, car park containing 16 visitor parking spaces (includes 2 accessible spaces), and loading bay.

- Ground Floor Level
  Lobby area, entrance to basement car park (from Clarence Street) 4 x 2 bedroom units, 1 x 4 bedroom unit, internal communal open space (46sq.m), plant rooms, external communal open space areas with water features, lift access and fire stairs.

- Level 1
  4 x 1 bedroom units, 8 x 2 bedroom units, 1 x 3 bedroom unit, lift access and fire stairs.

- Level 2
  2 x 1 bedroom units, 11 x 2 bedroom units, lift access and fire stairs.

- Levels 3-5
  2 x 1 bedroom + study, 10 x 2 bedroom units, lift access and fire stairs.

- Level 6
  4 x 1 bedroom + study, 8 x 2 bedroom units, lift access and fire stairs.

- Level 7
  3 x 1 bedroom + study, 3 x 2 bedroom units, 2 x 3 bedroom units, lift access and fire stairs.

- Level 8
  1 x 2 bedroom unit and 3 x 3 bedroom units, lift access and fire stairs.

Proposed Apartment Mix
A mixture of 1, 2, 3 and 4 bedrooms are proposed as follows:

- 19 x 1 bedroom apartments;
- 69 x 2 bedroom apartments;
- 6 x 3 bedroom apartments; and,
- 1 x 4 bedroom apartment.

SITE HISTORY

The following applications/determinations are associated with the subject site.

Application No.	Description	Determination	Date
Pre DA PD.2018.021	Demolition of the existing residential flat building and the construction of a new Part 9, Part 10 storey residential flat building containing 102 apartments and 3.5 levels of basement car parking	PD Advice Issued	27 February 2019
DA 2019.072	Demolition of the existing building structures and tree removal.	Approved	1 October 2019

PRE-DEVELOPMENT APPLICATION

A Pre-Development Application No. PD.2018.021 was lodged with Council on 24 December 2018. The scheme presented to Council for the Pre DA was for the construction of a Part 9, Part 10 storey residential flat building containing 102 residential apartments, and a part 2 part 3 storey basement car park containing 110 car parking spaces and an on-site loading and unloading area.

The Pre DA proposal was not greatly dissimilar to the current proposal however the number of apartments has been reduced from 102 to 95 under the current (Issue D) plans that form the basis of this report.

A 3D suggested perspective of the proposed development considered under the Pre DA is below in Image 9.

Image 9: Proposed Development (PD.2018.021) 3D Model Form: Courtesy 'KANNFINCH SK30 E'

On 27 February 2019, Council sent the Applicant an email containing a list of issues raised during the assessment of the Pre DA which included comments made by Council's Urban Design Consultant, GMU. These matters are listed and summarised below:

Urban Design Issues

- *Building Height*
- *Bulk and Scale*
- *Setbacks*
- *Ceiling Height*
- *Internal Amenity*
- *Communal Open Space (COS)*
- *Solar Access*
- *Natural Ventilation*
- *Deep Soil*
- *Parking*

Additional matters were also raised by Council's Tree Management Officer, Traffic Engineer, Development Engineer, and Environmental Health Officer. The applicant was therefore aware of the issues applicable to the proposed development that would require addressing as part of any future development application lodged with Council.

APPLICATION HISTORY

- Development Application was lodged with Council on 18 March 2019;
- The application was referred to the following internal Council departments on 21 March 2019:
    - Development Engineer;
    - Environmental Health;
    - Traffic Engineer;
    - Heritage Advisor;
    - Tree Management Officer;
    - Building Surveyor.
- The application underwent public exhibition for 14 days from 27 March 2019 until 19 April 2019;
- The application was referred to GMU Urban Design & Architects to undertake a peer review of the proposed development on 27 March 2019;
- The urban design review by GMU was provided to the applicant for consideration on 15 May 2019;
- Additional information letter sent to applicant on 3 June 2019 raising the following matters;
    - Urban design review comments;
    - Integrated Development – geotechnical groundwater information clarification;
    - Heritage assessment comments;
    - Stormwater drainage design comments.
- On 2 July 2019, amended plans were submitted to Council;
- On 11 July 2019, the amended plans were re-referred to GMU and internal Council departments for further review;
- On 30 October 2019 amended plans were received by Council;
- On 8 November 2019 a review of the amended plans was emailed to the applicant;
- On 19 November 2019 a meeting was held between the applicant and Council Officers to discuss outstanding issues with application;
- On 29 November 2019 amended plans were submitted to Council. These plans form the basis for this report.

STATUTORY PLANNING FRAMEWORK

The application is assessed under the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended, which include:

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Burwood Local Environmental Plan (LEP) 2012
- Burwood Development Control Plan (DCP) 2013
- The likely social, environmental and economic impacts of the development
- The suitability of the site for the development
- The Public Interest
- Submissions made under the Act and Regulations

These matters are considered in this report.

STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF CONTAMINATED LAND

This policy provides a framework for the assessment, management and remediation of contaminated land. Clause 7(1) of the Policy prevents Council from consenting to development unless:

a. *It has considered whether the land is contaminated, and*
b. *If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
c. *If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The site is not identified by Council or any other authority as being subject to or potentially subject to contamination, the site has a long history of residential land use which is demonstrated by the below satellite imagery from 1943 to present below (Figures 3 & 4 below). In this regard, further investigation is not considered to be warranted.

Figure 3: Present Day Aerial image of 15-19 Clarence Street, Burwood (Source: Six Maps).

Figure 4: c1943 Aerial image of 15-19 Clarence Street, Burwood (Source: Six Maps).

STATE ENVRIONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

The proposed amended development includes BASIX affected buildings. A compliant BASIX certificate was submitted with the DA, however the proposal has since been amended and as such a condition has been imposed requiring an amended BASIX to be submitted to Council for approved prior to a Construction Certificate being issued. In accordance with the Environmental Planning and Assessment Regulations 2000 the environmentally sustainable commitments within the amended BASIX certificate will be required to be fulfilled as a prescribed condition of consent.

Accordingly, subject to conditions, the proposal satisfies the provisions of SEPP BASIX.

STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

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

The amended development proposes the removal of nine (9) site trees, the retention of one (1) site tree and the protection of twelve (12) trees on adjoining properties. The amended development is accompanied by a comprehensive landscape design and planting scheme prepared by Arcadia Landscape Architecture proposes the following replacement (additional) tree planting across the site under the Planting Schedule Issue C dated 13 January 2020:

- Trees & Palms
    - 15 x '*Callistemon citrinis'* (Crimson Bottlebrush)
    - 4 x *'Corybia ficifolia 'Snowflake'* (Spotted Gum)
    - 4 x *'Elaeocarpus reticulatis'* (Blueberry Ash)
    - 28 x *'Waterhousia floribunda'* (Weeping Lilly Pilly)

The proposed landscaping scheme is considered to be consistent with the objectives of the SEPP. Council's Tree Management Officer has reviewed the amended plans including the Landscape Scheme and the Aboricultural Report prepared by Australia Tree Management and has raised no objection to the proposed tree removals, replacement planting and has provided conditions in relation to tree protection measures.

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

STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

SEPP 65 applies to the proposed development as it is characterised as a 'residential flat building' and is three or more storeys and contains four or more dwellings. Clause 28(2) stipulates that the consent authority is to take into consideration the advice of a design review panel (if any), the design quality principles, and the Apartment Design Guide (ADG).

Council does not have a design review panel; however the application was referred to an external Urban Design consultant (GMU) who reviewed various iterations of the proposal. The issues raised by GMU in their final review of the proposal are listed below and are considered to have been addressed in the amended plans received by Council on 29 November 2019 as discussed below:

Urban Design Consultant issues (summarised):

- ***Building Design and Articulation***
  The massing and scale of the current proposal appears to be excessive when compared to the exiting 'fine-grain' character of the stately homes to the south of Clarence Street. The lack of sufficient articulation adds to the monolithic appearance of the unrelieved elevation.The articulation provided is insufficient to break the bulky appearance of the elevation when viewed from Clarence Street.

- ***Site Landscaping and Deep Soil***
  The narrow communal open space provided and the reduction of the required ADG setbacks, which is predominantly hardscaped, will not support such mature landscaping and therefore, the proposal lacks sufficient green buffering to soften its appearance.

- ***Setbacks and Separation***
  The car park ramp needs to be encapsulated within the building envelope such that there is sufficient separation to the adjacent property for the provision of deep soil and planting. The applicant has shown mature trees been planted along the edge. However, it should be noted that the area provided has a width of approx. 2m, which might not be sufficient for the planting of mature trees, as shown in the model. The provision of trees along this 2m setback is for the purpose of concealing the inactive wall, which is inefficient from the goals of the controls, which aim at delivering well landscaped zones for the enhancement of the streetscape character.

- ***Communal Open Space***
  The provision of a separate COS on the lower ground level does not assist as it does not provide an improvement of the spaces for the occupants. As per ADG 3D-1, communal open space should be consolidated into a well designed, easily identified and usable area. The location of the communal space on the lower ground level would also add to the privacy as well as acoustic impacts for unit LG:01.

- ***Internal Amenity***
  - *Corridor Width*
    The approx. width of 1.7m for the corridors is compliant with the BCA. However, Council seeks compliance with the BDCP and hence the issue of non-compliance still persists.

- *Window locations to Units 1:08 and 1:09 and levels above*
  To avoid the issue of the building separation raised previously for units 1.08 and 1.09 and all units placed vertically above from level 1-7, the windows for the bedrooms have now been oriented to face east. This has resulted in a poor outlook for these rooms as they now face a blank wall rather than the courtyard. Instead of addressing and amending the issue of separation in a holistic way, the applicant has provided an inferior alternate solution.

- *Ceiling Height – Ground Floor Residential*
  The ceiling height of the ground floor residential is required to be minimum 3.3m (clear – finished floor to underside ceiling). Only 3.2m from floor to floor is proposed.

- ***Solar Access***
  Units positioned above 1:08 and 1:09 from level 4 and above achieve the required 2 hours of solar access as per ADG 4A-1. However, on detailed analysis of the sun eye diagrams provided, unit 1:13 and all units positioned vertically above do not meet the required hours of solar access. These units receive solar access from 9am. However, at 11am the amount of solar access to the living areas is negligible as per drawing DA61. As per ADG 4A-1, to maximise the benefits to residents of direct sunlight within living rooms and private open spaces, a minimum of 1sqm of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes.

Amended Plans received 29 November 2019, and **Applicant's response** to Urban Design Consultant Issues (summarised):

- **Building Design and Articulation**
  'The revised architectural plans (Issue D) have significantly reduced the bulk and scale of the proposal as it presents to Clarence Street by increasing the western setback of the front module from 4.5m to 9m and increasing the eastern setback of the front module from 4.5m to 9m. This results in a total frontage width of 32m which will significantly reduce the perceived bulk and scale from Clarence Street. Furthermore the design and layout of the apartments behind the front façade have been altered to introduce greater articulation via a combination of setbacks, balconies and floor area elements.

  Proposed perspective of development in original plans - below

Amended Perspective 29 November 2019 (Issue D) - below

The revised architectural plans (Issue D) will ensure the proposed development is considered to be entirely compatible with the scale envisaged by the planning controls. In this regard, the proposed development complies with the height and FSR development standards and provides setbacks that satisfy the numerical design criterial of the Apartment Design Guide (ADG) and Burwood Development Control Plan (BDCP) 2013. That is, the form of the building is anticipated by the controls and can be reasonably expected within the B4 Mixed-Use zoning or buildings within the Burwood Town Centre.

- **Site Landscaping and Deep Soil**

  The revised architectural plans include a separate sheet (DA55) that annotates the extent of ADG compliant deep soil (6m dimension), other deep soil landscaped area (that does not meet the minimum dimension) and total landscaped area. These separate diagrams indicate a significant increase in the quantum of landscaped areas for the site which is predominated facilitated through the increased setbacks for the front module of the revised architectural plans (Issue D). As such, the revised proposal now provides for 540sq.m (17%) of deep soil landscaped area with a minimum dimension of 6m which easily complies with the numerical design criteria of Part 3E-1 of the ADG (7%) and excludes any area for the easement to remove any doubt (refer to DA55).

  In addition, the revised architectural plans with the increased setbacks to the front module will significantly increase the landscaped area toward the street with a landscaped setback of 3m from the western boundary and 9m from the eastern boundary to ensure the building will sit within a landscaped setting when viewed from the street. In fact, the quantum of the prosed landscaping is significantly greater than that of the recently approved buildings at 1, 5, 7, and 9 Clarence Street.

  In terms of setbacks, the revised architectural plans (Issue D) have significantly increased the eastern and western elevation setbacks for the front module to permit increased landscaped area on the periphery of the site to ensure the building sits within a landscaped setting. This is a significant improvement on the previous scheme and is also a significant improvement on the landscaped character when compared with other recently approved buildings on the northern side of Clarence Street.

- **Setbacks and Separation**
  The revised architectural plans (Issue D) have significantly altered the design of the vehicular access adjacent to the western boundary by removing the encapsulated driveway structured (as previously recommended by GMU) and replaced this with a landscaped open pergola structure to remove the perceived bulk adjacent to the western boundary. In addition, the increase to the western (side) setback for the front module has allowed the driveway to be relocated a minimum of 3m from the western boundary (an increase from 2m in Issue C) to allow greater deep soil planting to buffer the subject site and No. 21 Clarence Street . The 3m landscape buffer is significantly greater than required by BDCP 2013 controls and represents improvement on the existing situation where no landscaping is present for the existing residential flat building.

  Given that the front module of the building has been redesigned to have a 32m width, the provision of a driveway ramp that is encapsulated and centrally located within the building envelope would reduce the symmetry of the building, require the relocation of the entry, significantly alter the car parking layout and significantly alter the appearance of base levels as viewed from Clarence Street. There are no objectives of planning controls that require a driveway access to be centrally located and the provision of a driveway adjacent to the boundary is an accepted practice within the Burwood Town Centre.

  Officer comment: Council agrees with the applicant's submission that given the width of the site, and side boundary setbacks, encapsulation of the driveway is not specifically required in this instance.

- **Communal Open Space**
  The revised architectural plans (Issue D) have deleted the Communal Open Space (COS) to the rear of the site, including the indoor gym and replaced with an apartment and private open space. Despite the orientation to the north and the high level of amenity that would be achieved by an alternative area of COS, this element has been removed due to Council and GMU concerns regarding the quality of the space. The COS area has been reconfigured to provide a gym on the ground floor level to add further communal uses adjacent to the principal COS area. It is noted that the revised proposal will provide 30% (945sq.m) of COS which satisfied the requirements of Part 3D -1 of the ADG.

- **Internal Amenity**
  - Corridor Width
    The revised architectural plans (Issue D) provide 2m wide corridors throughout the proposed building which resolves this issue. The 2m wide corridors will have a high level of amenity with access to natural light and ventilation through windows in the corridor space. The proposal complies with the BDCP 2013.

  - Window locations to Units 1.08 and 1.09 and levels above
    The revised architectural plans (Issue D) will provide a corner window design for the bedrooms to apartments 1.08 and 1.09 (and those above) which includes directional louvered screens that leads the eye away from habitable room windows opposite but provide for natural light, ventilation and outlook to the COS and landscaping to the east. This is considered an appropriate response to

ensure no overlooking of habitable room windows is possible while maximising the amenity for internal occupants.

- Ceiling Height – Ground Floor Residential
  The revised architectural plans (Issue D) provide for a 3.3m floor to ceiling height for the ground level apartments to promote flexibility (refer to DA30). The proposal complies with the numerical requirements of 4C-1 of the ADG.

- **Solar Access**
  The revised architectural plans (Issue D) have resolved the solar access requirements to comply with the numerical design criteria under Part 4A-1 of the ADG.

The amended plans are considered to satisfy the issues raised by Council's Urban Design Consultant and in this regard, re-referral of the amended plans was not considered necessary. These amended plans (Issue D) form the basis of this assessment report.

Design Quality Principles

The amended proposal as detailed above has been assessed against the Design Quality Principles. The proposal is considered to be consistent with the Design Quality Principles and a 'Building Design Quality Principals Report' was submitted with the application prepared by Kann Finch Group dated March 2019, outlined in Table 1 below.

Table 1: Design Quality Principles and Applicant's Response

Principle	Comment	Consistency
Principle 1: Context Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.	**Applicant's response:** The project site is located at 15-19 Clarence St Burwood, within the Burwood LGA (Burwood Council). The site is situated on the perimeter of the mixed use area with the zoning transitioning to medium density uses on the opposite side of Clarence St to the south. The surrounding area is undergoing change with medium density residential developments proposed along Clarence St to the east and taller mixed use residential towers being developed to the north west towards the Burwood centre. The development has been designed to align with the desired future character of the area providing a fine grain, diverse and attractive development that is an inviting place to live and recreate. The proposed residential development at 15-19 Clarence St, contributes to the act of place- making in its immediate and wider contexts in a range of ways. These include: • Well-designed public open spaces that maximise the potential for enjoyment and connectivity for the residents to those things that lean towards self-sustainability as a community. • Well-designed private living spaces in reasonably compact context i.e. well-designed apartments in a density that	Yes

Principle	Comment	Consistency
	generates vitality. • Easy pedestrian access to Burwood train station and public transport hub with minimal reliance on private vehicles. • The opportunity of providing housing that caters for a range of ages and backgrounds. • Reinforcement of the existing street patterns and frontages. • Clear and legible street address. • High quality landscape design, including streetscape, ground level and landscape roof deck spaces. The proposed design sets a high quality residential standard in the context of urban renewal and redevelopment for the area. It is therefore a positive contributor to the future character which includes greater densities housed in multi-unit development.	
Principle 2: Scale Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.	**Applicant's response:** The area is one that is undergoing transformation with older medium density residential developments being redeveloped with new contemporary residential buildings providing improved amenity and living standards to future residents. The scale, form, siting and character of the proposed development is consistent with the council DCP controls which defines the future building block forms through building envelope, height and setback controls. The building form has been articulated to provide a strong and legible base, middle and top, with further articulation of the facades along the buildings length to eliminate long continuous facades particularly those that address the street frontages. The combination of the buildings articulation, as well as the manipulation of materials and elements, acts to break down the building forms into legible components which contribute to the 'fine grain' character that is desirable for the area.	Yes
Principle 3: Built Form Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and	**Applicant's response:** The development responds to the desirable attributes of the future built context through: • Uniform street alignments at the lower levels reinforcing street grid and creating a human scale at street level while setting back at the upper levels to provide a recessive top to the built form; • The use of a palette of durable materials and finishes, and the building's façade	Yes

Principle	Comment	Consistency
provides internal amenity and outlook	articulation further enrich the development. • The building form and façade has been articulated to respond to and frame the pedestrian entry point into the site at ground level, this has been achieved through the introduction of a double height space at ground level providing a clear and legible entry statement. • Masonry walls and detailing has been used for the base of the building providing a finer grain at street level while also referencing the use of masonry in the surrounding older housing stock. The mid-section of the building form has been detailed with a natural pallet off form concrete, timber type screen elements and prefinished metals while the upper setback building forms have been detailed in a darker recessive prefinished metal cladding. The building form is also responsive to existing site features such as a large mature eucalypt on the eastern boundary. The building form responds to the tree with the eastern building form opening up and providing suitable separation to the tree. This results in improved amenity and outlook for the future residents and existing surrounding developments. Communal areas have been located to the eastern side of the development with the large eucalypt being integrated into the design of these spaces resulting in a high quality landscaped outcome. The building's expression is clear and reflective of a response to its future surrounds and to each of the elevations orientation. Modulation of building envelopes occurs both horizontally and vertically in order to address the ground floor plane, upper floors and building top. Apartment amenity is achieved through maximising the design of well ventilated, north facing living and dining areas connected to covered balcony areas while maintaining appropriate separation and privacy from surrounding developments.	
Principle 4: Density Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).	**Applicant's response:** The proposed design is consistent with the council controls for GFA, height and setbacks. The density of the development is	Yes

Principle	Comment	Consistency
Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.	appropriate in the context of the site location with existing nearby infrastructure and public amenity all within walking distance. The scale and density of the proposed development will assist in stimulating the local business activities as well as providing a positive addition to the local area in terms of desirable apartment style living thus achieving the objective of providing increased densities that is needed to support the increased demand for housing. The residents of this development will be living in apartments that achieve a high degree of compliance with the SEPP 65 design principles, and will have excellent access to public transport, shopping, services and local recreation facilities. The proposed development has good internal amenity, minimises the impact on the amenity of the future surrounding development and will significantly enhance the image of the area.	
Principle 5: Resource, Energy and Water Efficiency Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.	**Applicant's response:** The apartments have been designed to address and maximise issues of energy and water efficiency. The key principals are; • The common lobbies have natural light and ventilation creating long-term energy savings. • 60% of apartments are naturally cross Ventilated • 71% of apartments receive a minimum of 2 hours solar access in mid-winter. • The design of the building envelope and sun-shading devices provide protection from solar gain in the warmer summer months. • Roof water is being captured and stored to be re-used for irrigation. • Water efficient fixtures and appliances provided. • Drought tolerant and indigenous landscape planting. • Compliance with BASIX. Refer to the attached BASIX report and SEPP 65 schedules for further details.	Yes
Principle 6: Landscape Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.	**Applicant's response:** The landscape design has been developed to create an integrated result that compliments the architecture, existing features of the site and future character of the area. The communal open spaces have been	Yes

Principle	Comment	Consistency
Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by coordinating water and soil management, solar access, microclimate, and tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character. Landscape design should optimise usability, privacy and social opportunity, equitable access and respect for neighbours' amenity and provide for practical establishment and long-term management.	designed for a range of uses in an attractive way that encourages the sense of community and ownership for the building residents. The development provides a number of spaces for the residents including BBQ facilities, places to gather and other quieter areas for relaxation. The landscape solution also responds to the existing features of the site with the integration of an existing large mature eucalypt located on the eastern boundary. This will provide improved amenity to the site and a unique outlook for the future residents. Landscape treatments on to the boundaries have been designed to enhance the development while also providing suitable levels of privacy through plant selection. Refer to the attached landscape plan and design statement prepared by Arcadia.	
Principle 7: Amenity Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility	**Applicant's response:** The design respects the principles and nominated outcomes targeted in the Residential Flat Code. Great care and time has been spent on the design of the apartment layouts to maximise the amenity of the occupants in terms of access to views / outlook while maintaining visual privacy from each other and adjoining existing / future development where possible. • Living areas designed to form part of the buildings outer façade, maximising access to sunlight and daylight. • All apartment habitable rooms have direct access to natural light. • Effectively 60% of all apartments are naturally ventilated. • All apartments have adequate storage provisions. Cupboards and storage areas are provided within the apartment (min 50% of the required storage) with each apartment provided with a storage cage located in the basement areas. Storage for residents' bicycles is provided in the secure bike room within the basement. • The dimensions of rooms and living spaces have been developed based on the relevant codes and guidelines. The apartment layouts are optimized and encourage comfortable living for the occupants. • Acoustic separation that is in accordance with or exceeds BCA requirements capable of being achieved. • The project will provide 10% adaptable apartments throughout the development.	Yes

Principle	Comment	Consistency
	• Access for all residents is provided to the communal open landscaped space having a range of spaces designed to cater for 'active' and 'passive' uses. Attention has been paid to visual privacy as follows: • All apartments have been designed such that bedroom and living areas of apartments minimise overlooking of adjoining properties through appropriate setbacks and orientation to the public domain. Amenity and privacy has been addressed and maintained through; • Providing appropriate building separation • Offsetting and/ or locating windows on an angle between apartments • Minimising and screening windows opposite habitable spaces • The implementation of screening devices or blades to control the orientation of outlook between apartments.	
Principle 8: Safety and Security Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.	**Applicant's response:** The siting, internal planning and design of the building ensures a high level of surveillance of the public domain. It presents a clear definition between public and private secured spaces and provides a high level of security to both private and public areas. This is primarily achieved through the high degree of street surveillance and activation along the frontage. The apartment lobbies and residential car park will operate on secured access. The car park access will operate with an access point to car park via card reader control (or similar) for residents. This coupled with appropriate lighting levels and highly visible access points optimise the safety and security of people using the development.	Yes
Principle 9: Social Dimensions Good design response to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs of the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community	**Applicant's response:** The proposed development addresses the market demand for the area in providing high quality apartments on a site located in close proximity to public transport, parks, retail and commercial facilities. The mix of apartments includes one, two and three bedroom apartments that provide an appropriate level of variety and will suit different domestic requirements, from single persons to couples and families. The proposal provides secure access and also encourages social interaction of tenants	

Principle	Comment	Consistency
	through common circulation areas and public open space	
Principle 10: Aesthetics Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.	**Applicant's response:** The design is contemporary and reflective of good apartment layouts, ESD and desired future character of apartment living in the area. As discussed under the 'Built Form' heading, the building's expression is an honest reflection of its uses with well-designed elevations to all facades. The building incorporates a variety of façade articulation devices including varying setbacks, combinations of recessed and expressed balconies, projections and screens. Colour and materials are also used as a means of developing the building composition and further emphasising the façade articulation. The quality aesthetics developed in this building will contribute the desired character of the area. Reference should be made to the architectural drawings and three dimensional representations for detail related to colour, texture and materials while further reference can be made to the landscape drawings indicating the palette of plant material.	Yes

Apartment Design Guide (ADG)

As the proposed development contains a residential flat building of three or more storeys and four or more dwellings, the provisions of the Apartment Design Guide (ADG) are applicable. The ADG contains objectives, design criteria and design guidelines for residential apartment development. The development has been assessed against the relevant key design criteria within Parts 3 and 4 of the ADG in Table 2 below:

Table 2: Assessment of the proposed development against the ADG

Objective	Requirement	Proposed	Compliance
3D Communal Open Space	Communal open space has a minimum area equal to 25% of the site.	The site has an area of 3,165m^2. The proposed communal open space is located on ground level and comprises an area of 945m^2, being 30% of the site area.	Yes
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3pm on 21 June (mid-winter).	The principal usable area of the ground level communal open space area will receive solar access for a minimum of 2 hours between 9am and 3pm on 21 June in accordance with the requirement.	Yes
3E Deep Soil Zones	On sites with areas >1,500m^2, 15% of the site area is to be deep	The development proposes 17% (538sq.m) as deep soil planting with minimum dimensions of 6m.	Yes

Objective	Requirement	Proposed	Compliance
	soil with a minimum 6m dimension.	The total landscaped area for the site is 1,350sq.m (42% of the site area).	
3F Visual Privacy	The ADG prescribes minimum separation distances between buildings.	The revised proposal is setback 6-12m from the side and rear boundaries and satisfies the numerical requirements of the ADG.	Yes
4A Solar and Daylight Access	Living rooms and private open space areas of at least 70% of apartments receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter. A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	65 out of 95 or 70% of apartments receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter. 3% (3) apartments receive no direct light to the habitable areas in mid-winter.	Yes Yes
4B Natural Ventilation	At least 60% of apartments are naturally cross ventilated. Overall depth of a cross-over or cross-through apartment does not exceed 18m measured glass line to glass line.	63 of 95 or 66% of apartments are naturally cross ventilated. The proposed cross-through apartments have a maximum depth of 11m from glass line to glass line.	Yes Yes
4C Ceiling Heights	Habitable rooms: 2.7m. Non-habitable: 2.4m. If located in mixed use areas: 3.3m for ground and first floor to promote future flexibility of use.	All residential units achieve 2.7m floor to ceiling height. The ground floor and first floor levels are not proposed for commercial use but are located within the B4 – Mixed Use zone, where 3.3m floor to ceiling heights are required. The ground floor level provides 3.3m floor to ceiling heights, and the first floor provides 2.7m ceiling heights. Clarence Street is a predominately residential street with commercial premises that wrap around to Clarence Street from Burwood Road and Shaftsbury Road. The applicant contends in their original SEE (pg 28) that it "*is anticipated the provision of retail uses I this location would not be economically viable but less intense commercial premises such*	Yes Acceptable on merit

Objective	Requirement	Proposed	Compliance
		as offices of medical practises may be possible." The provision of 2.7m for the first floor level of the development is considered to be acceptable, the subject site is not identified on the Active Street frontages map under BLEP 2012, furthermore the development is considered to achieve the objective of the ceiling heights provision under the ADG which is to provide "*sufficient natural ventilation and daylight access"*.	
4D Apartment Size and Layout	Apartments are required to have the following minimum internal areas: Studios: 35m^2 1 bedroom: 50m^2 2 bedroom: 70m^2 3 bedroom: 90m^2	The proposed development consists of 1, 2, 3 & 4 bedroom units. The 1 bedroom units are between 54-61sq.m in size. The 2 bedroom units are between 76-102sq.m. The 3 bedroom units are between 99-116sq.m. The 1 x 4 bedroom unit is 125sq.m.	Yes
	The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m^2.	Additional bathrooms have been taken into account. All units are in excess of the minimum areas for apartment sizes under the ADG.	Yes
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.	Each habitable room has a window that complies with this requirement.	Yes
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8 metres from a window.	Open plan kitchen, living and dining areas are proposed for all apartments and have a maximum room depth of 8 metres from a window.	Yes
	Master bedrooms have a minimum area of 10m^2 and other bedrooms 9m^2 (excluding wardrobe space). Bedrooms are to have a minimum dimension of 3m.	Proposed master bedrooms have a minimum area of 10m^2 and other bedrooms 9m^2 (excluding wardrobe space). Bedrooms are to have a minimum dimension of 3m.	Yes

Objective	Requirement	Proposed	Compliance
	Living rooms or combined living/dining rooms have a minimum width of: 3.6m for studio and 1 bedroom apartments, 4m for 2 and 3 bedroom apartments. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	The proposed development complies with these requirements. Cross-through apartments have a minimum width of 4m.	Yes Yes
4E Private Open Space and Balconies	All apartments are required to have primary balconies as follows: Studios: $4m^2$ minimum area. 1 bedroom apartments: $8m^2$ minimum area, 2m minimum depth. 2 bedroom apartments: $10m^2$ minimum area, 2m minimum depth. 3+ bedroom apartments: $12m^2$ minimum area, 2.4m minimum depth. Ground level or podium apartments are to have a minimum POS area of 15sq.m and minimum depth of 3m.	All apartments are provided with primary balconies that comply with the minimum area and minimum depth as per the requirements. All ground level apartments have a minimum POS area of 20sq.m and a minimum depth of 4m.	Yes Yes
4F Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	The maximum number of units off a circulation core is 8. Two lift cores are provided for the development. The proposed building is Part 9, Part 10 storeys. Two lifts are proposed for every core.	Yes Yes
4G Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: Studio: $4m^3$ 1 bedroom: $6m^3$ 2 bedroom: $8m^3$ 3+ bedroom: $10m^3$	The development provides sufficient storage within apartments and within the basement per unit type and overall storage as required by ADG.	Yes

Objective	Requirement	Proposed	Compliance
	At least 50% of the required storage is to be located within the apartment.		
4K Apartment Mix	A variety of apartment types are provided.	A mixture of 1, 2, 3 and 4 bedrooms are proposed as follows: • 19 x 1 bedroom apartments; • 69 x 2 bedroom apartments; • 6 x 3 bedroom apartments; and, • 1 x 4 bedroom apartment.	Yes
4L Ground Floor Apartments	Direct street access should be provided to ground floor apartments. Solar access should be maximised through: • High ceilings and tall windows; • Trees and shrubs that allow solar access in winter and shade in summer	Direct street access is provided for those apartments lower ground level. The ceiling height between floors is 3.3m. Floor to ceiling windows are provided for the lower ground floor units to maximise solar access.	Yes Yes

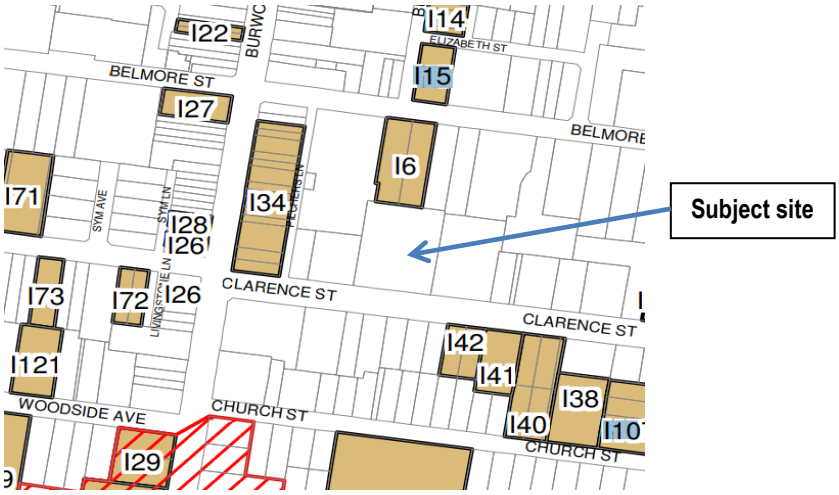
BURWOOD LOCAL ENVIRONMENTAL PLAN 2012

The Burwood Local Environmental Plan 2012 came into effect on 9 November 2012. Burwood LEP 2012 contains a number of controls including some numerical development standards which apply to the proposed development. A summary of the assessment of the application against the relevant planning controls within LEP 2012 is shown in Table 3 below.

Table 3: Assessment of the proposed development against Burwood LEP 2012

Clause	Assessment of Proposal	Compliance
2.3 Zone objectives and Land Use Table B4 Mixed Use	The proposed land use is characterised as a 'residential flat building' as it contains 3 or more dwellings (95 apartments) and does not meet the definition for multi dwelling housing as not all apartments are directly accessed from ground level nor does it meet the definition for attached dwellings as there is more than one dwelling proposed on the lot. ***Residential flat building*** *means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.* The proposed residential flat building is permitted with consent in the B4 zone. The development satisfies the objectives of the zone as it will provide 95 new apartments in various sizes and layouts replacing an existing aged three-storey 'walk-up' residential flat building. The development will maximise public transport patronage and encourage active transport as it will provide more dwellings within walking distance of the	Yes

Clause	Assessment of Proposal	Compliance
	Burwood Railway Station and the wide range of services and facilities within the Burwood Town Centre.	
4.1 Minimum subdivision lot size Minimum 400 square metre	No subdivision proposed.	N/A
4.3 Height of Buildings Maximum 30 metre	The proposed development complies with the maximum 30m height requirement.	Yes
4.3A Building Height Plane Height is not to exceed the building height plane. BHP projects from a starting height of 1m from the southern side of Clarence Street at 33 degrees across the site.	The development complies with Clause 4.3A Building Height Plane, refer to Section plans (DA 30, 30A, 30B, 31, & 31A).	Yes
4.4 Floor space ratio Maximum 3:1	The development proposes an FSR of 2.9:1 ▪ GFA: 9227m2 ▪ Site Area: 3165 m2 (per survey)	Yes
4.4 Exceptions to Floor space ratio Dwelling house on land in Zone R2 Low Density Residential with a site area of more than 500 square metres is not to exceed 0.5:1.	N/A – Development is for RFB in B4 zone.	N/A
5.1 Relevant acquisition authority Land reserved to be acquired for public purposes	N/A – The subject site is not identified on the Land Reservation Acquisition Maps.	N/A
5.10 Heritage Conservation Various requirements for development of heritage items, heritage conservation area, or within the vicinity of heritage items.	The site does not contain a heritage item and is not located in a Heritage Conservation Area (HCA). However the site is located within the vicinity of heritage items. Directly adjoining the north of the site is heritage item I6 – 'Orontes' and 'Monterey' being No. 22 & 24 Belmore Street, Burwood - being two interwar 2 & 3 storey residential flat buildings. To the south-east of the site is I42 – 'Cranbrook' being No. 8 Clarence Street, Burwood which is a substantial freestanding two storey brick federation period style dwelling. Further to the south-east of the site is I41 – 'Dobroyde' being No. 6 Clarence Street, Burwood which is a freestanding single storey face federation period and style brick dwelling. A Heritage Impact Statement (HIS) prepared by Weir Philips Heritage and Planning dated March 2019, was submitted with the application. The HIS concludes that: *'The existing building on the site is a c.1980's residential flat building. This building does not contribute to the*	Yes

Clause	Assessment of Proposal	Compliance
	ability to understand the significance of nearby heritage items or their setting. *The proposed building is in line with Council's desired future character for this part of Burwood as expressed in their planning controls. As encouraged by Council controls for infill development the proposed new residential flat building is contemporary in form and detailing. It is appropriately aligned on its side and has been designed in a manner that manages its greater massing and scale than the heritage items. The roof is concealed, the front elevation broken by bays and recesses, the openings are vertically proportioned and appropriately aligned and the upper levels have increased setbacks. The proposed new building will be read within the changing context of Clarence Street which is dominated by the multistorey mixed use buildings fronting Clarence Street, Shaftsbury Road and Burwood Road at either end of the street. No significant view corridors to or from the nearby heritage items will be blocked.* *The proposed heritage items will remain visible from the public domain and will be able to read and understood as good examples of Federation period dwellings, shops, and interwar flat buildings.'* The application was referred to Council's Heritage Advisor, who reviewed the proposal and the HIS and has raised no objection to the development, subject to conditions of consent which have been imposed in the attached schedule.	
	 **Figure 5:**BLEP 2012 – Heritage Map.	
6.1 Acid Sulfate Soils Various requirements depending on ASS class	The site is identified as Class 5 Acid Sulfate Soils. The subject site is not located within 500m of Class 1, 2, 3 and 4 land. Given the levels of the proposed basement are well above 0m AHD, the water table is unlikely to be lowered. Accordingly, an Acid Sulfate Soils Management Plan is not required.	Yes
6.3 Active Street Frontages	N/A – The subject site is not identified as requiring an Active Street Frontage.	N/A

Clause	Assessment of Proposal	Compliance
6.5 Design Excellence in B2 and B4	Clause 6.5 of BLEP 2012 has been addressed in the addendum to the Statement of Environmental Effects which states (pg.35): • *A high standard or architectural design is achieved as demonstrated throughout this SEE and supporting documentation;* • *The streetscape contribution of the development is in harmony and compatible with the emerging character of the Burwood Town Centre which is undergoing rapid transformation to higher densities as envisaged by the relevant controls;* • *The proposed development is adequately setback from Clarence Street and the heritage items to the rear to reduce the visual impact of the proposal;* • *The amenity of the adjoining properties in terms of views, solar access, and privacy will not be significantly altered when set against the backdrop of the permissible building envelope controls;* • *The proposed basement levels cater for the required number of car parking spaces and will not significantly alter traffic generation for the locality;* • *The proposal will have no adverse impact on pedestrian movement, both during construction and its perpetuity;* • *The bulk, scale, separation , modulation and articulation of the revised proposal (Issue D) are considered to satisfy the requirements of BLEP, BDCP, and ADG for the reasons discussed throughout this SEE and in the supporting documents; and,* • *A high standard of ESD will be achieved in the building construction an in perpetuity.* In summary, the proposal as amended is considered to exhibit design excellence and achieves the requirements of this clause. As discussed in this report, the proposal is consistent with the Design Quality Principles of the ADG.	Yes

BURWOOD DEVELOPMENT CONTROL PLAN 2013

The Burwood Development Control Plan 2013 applies to the proposed development. A summary of the assessment of the application against the relevant planning controls and objectives within DCP 2013 is shown in Table 4 below.

Table 4: Assessment of the proposed development against Burwood DCP 2013

Provision	Assessment of Proposal	Compliance
Part 2 Site and Environmental Planning		
Views and Vistas ▪ Development applications must identify existing views and vistas significant to the proposal, assess the impacts of the development and demonstrate how significant	The proposed development adopts appropriate front, rear and side setbacks. The scale of the proposal is reasonably expected at the site and will not result in unacceptable view impacts from adjoining	Yes

Provision	Assessment of Proposal	Compliance
views and vistas area to be protected and enhanced; ▪ Developments must have particular regard to high quality and priority views and vistas identified in other parts of this DCP, e.g. In relation to heritage items and heritage conservation areas.	properties of nearby public spaces.	
Streetscapes ▪ Development Applications must identify streetscape characteristics, assess the impacts of the development and demonstrate how significant streetscape qualities are to be protected and enhanced; ▪ Development Applications must demonstrate how building design, location and landscaping will encourage the protection and enhancements of streetscape; ▪ Development must have particular regard to high quality streetscapes identified in other parts of this DCP e.g. in relation to heritage items and conservation areas	The appearance of the proposed building is considered to be compatible with the emerging character of the street, as envisaged by the relevant building envelope controls. The streetscape is undergoing, or expected to experience, significant transformation in terms of built form and urban context. In this regard, the proposal is consistent with the anticipated future character of the area and will therefore enhance the streetscape. Significant views of the heritage item on the neighbouring site to the north will be maintained as discussed in the Heritage Impact Statement.	Yes
Part 3 Development in Centres and Corridors		
Building Design O1 To ensure that new buildings: ▪ Represent architectural and urban design excellence. ▪ Provide cohesive and visually interesting building appearance. ▪ Respond to surrounding notable buildings and enhances the streetscape. ▪ Integrate roof design with the building character and enhances the skyline. ▪ Encourage rooftop gardens and planting on structures that enhance the quality and amenity of open space.	The building design has been significantly improved throughout the assessment process. The original design was considered boxy and unsympathetic to the form and character of the super block concept. The amended proposal has increased building setbacks and the 6 storey appearance to Clarence Street will be compatible with the emerging character of Clarence Street and consistent with the recently approved buildings at 5-9 Clarence Street.	Yes
Materials and Finishes O1 To ensure that the use of superior quality external materials and finishes:		Yes

Provision	Assessment of Proposal	Compliance
▪ Contributes to architectural and urban design excellence. ▪ Provides cohesive and visually interesting building appearance. ▪ Responds to surrounding notable buildings and enhances the streetscape. ▪ Provides longevity in external materials and finishes that are of superior quality.	The proposed materials, modulation and façade design, in combination with projecting street facing balconies ensure the street elevations are well articulated and will have a positive visual impact on the streetscape and is compatible with the character of development envisaged in the Burwood Town Centre. The heritage items to the north of the site comprise of face brick interwar buildings. The base of the proposed development will contain face brick and masonry to respect the heritage significance of the buildings without mimicking the design.	
Lighting and Signage O1 To ensure that that building lighting and signage: ▪ Contribute to architectural and urban design excellence. ▪ Provide cohesive and visually interesting building appearance.	Lighting and signage details have not been provided in these DA plans. A condition of consent specifying details of lighting to be provided to ensure consistency with these provisions.	Yes, subject to condition.
Street-Front Activities and Building Access	The development has a prominent front entry and has windows and balconies overlooking the street. The ground floor apartments are also provided with street entrances which will enhance street activity. Pedestrian and vehicular entry points area physically separated and clearly defined to avoid conflict between pedestrians and vehicles. Mail boxes are provided adjacent to the residential lobby entry on Clarence Street that is accessible for residents, tenants and Australia Post. The mail boxes will be visually and physically integrated with the proposal. CCTV cameras are proposed to be installed, including keyed pedestrian or vehicular entrances and a security plan and CTPED assessment has been submitted with the application.	Yes
Subdivision and Car Parking Spaces	N/A – no subdivision proposed.	N/A
Site Isolation	The proposal will not isolate any sites as the adjoining sites have sufficient size and frontage for redevelopment.	Yes
Apartment Mix and Minimum Dwelling Sizes P1 Residential development in excess of 20 dwellings must provide a mix of dwellings containing one, two or more bedrooms.	The proposal provides for 95 apartments containing a mixture of one, two and three bedroom apartments as follows:	Yes

Provision	Assessment of Proposal	Compliance
	19 x 1 bedroom; 69 x 2 bedroom; 6 x 3 bedroom and 1 x 4 bedroom.	
Minimum Site Area P1 Any development outside a Centre with a height over 9m is generally required to have a minimum site area of 500 square metre.	The subject site has an area of 3,165sq.m.	Yes
Access and Mobility P6 At least 10% of dwellings in a development must be provided as adaptable housing to Adaptable House Class A or B standard to cater for ageing in place and mobility impaired residents, in accordance with AS 4299: Adaptable Housing.	Adaptable housing: 10 out of 95 apartments (10.5%) are accessible.	Yes
P7 At least one car parking space must be provided and allocated to each dwelling required to be provided as accessible or adaptable housing under this Section and the car parking space must be accessible in accordance with the provisions of AS 1428.2 to facilitate automatic vehicular wheelchair loading and unloading.	Accessible car spaces: 10 accessible car spaces have been provided, which is one space per each accessible apartment.	Yes
P9 For development providing between 80 or more dwellings, one accessible visitor car parking space must be provided on site at the rate of one per each 60 dwellings or part of. The spaces must be accessible in accordance with the provisions of AS 1428.2 to facilitate automatic vehicular wheelchair loading and unloading.	Accessible visitor's car spaces: 2 spaces required, 2 spaces provided.	Yes
3.3 Area Based Controls – Burwood Town Centre and Burwood Road North		
3.3.2 Burwood Town Centre Areas – Perimeter and Transition Areas		
Street Front Setbacks P1 Development must be built in accordance with the street front setback requirements shown in Figure 10. Building setbacks from the street front are taken from the street boundary after any land acquisition required by BLEP 2012 has been completed.	Requirement: 6 metre Proposed: 6m to Clarence Street.	Yes
Secondary Setbacks Applicable for properties along Burwood Road	N/A – No secondary setback provisions for the subject site.	N/A
Side and Rear Setbacks ADG separations applicable	Refer to ADG separations. Proposal is consistent with the ADG objectives for	Yes

Provision	Assessment of Proposal	Compliance
	separation.	
Part 3.7 Transport and Parking in Centres and Corridors		
Basic parking requirement: Development in the B4 zone in the Burwood and Strathfield Town Centres must provide parking spaces on site for each proposed land use in accordance with Table 4. <u>Requirements:</u> *Residential Flat Buildings* Studio – 0.5 spaces One & Two Bedroom apartments – 1 space Three + bedroom apartments – 1.5 spaces Visitor: 1 space per 5 apartments	<u>Requirements:</u> One Bedroom – 19 x 1 = 19 Two Bedroom – 69 x 1 = 69 Three Bedroom – 6 x 1.5 = 9 Four Bedroom – 1 x 2 = 2 Visitors – 95 / 5 = 19 Required = 118 spaces Proposed = 121 spaces Note. The proposal seeks to provide car parking in excess of the RTA guide and complies with the car parking rates under Council's DCP. Car parking provision in accordance with the DCP rates is encouraged by Council and as such the surplus spaces have not been added to GFA calculations.	N/A

<u>Public Art Strategy</u>
Council adopted a Public Art Strategy on 30 October 2018. This strategy applies to development where the development cost is $40 million or more. The development is accompanied by a Cost Estimate Report prepared by Napier & Blakeley (Registered Quantity Surveyor) dated 1 March 2019, which estimates the cost of development at **$44,619,818.** In this regard the Public Art Strategy applies to the proposed development.

The applicant was requested to provide information relating to the provision of public art for the proposed development. On 29 November 2019, the applicant provided an addendum to the Statement of Environmental Effects prepared by Planning Ingenuity which addresses this as follows (pg.22):

> *'The revised architectural plans (Issue D) has set aside an areas within the front COS to be dedicated for public art, with a minimum 1% of the total value of development (up to $100,000.00). The form or type of the public art has not been determined at this stage but preliminary advice suggests that a sculpture would be most appropriate for the subject site and location.'*

In accordance with the provisions of the Public Art Strategy and to ensure that public art is installed within the development site prior to the occupation of the building the following conditions have been imposed upon the development in the attached schedule as follows:

PUBLIC ART STRATEGY

1. *The development shall provide public art within its publicly-accessible spaces, or spaces visible from the public domain (e.g. common areas in the front setback and integrated art upon walls).* ***The public art shall have a minimum value of $100,000*** *in accordance with Council's Public Art Strategy. A Public Art Plan (PAP) shall be submitted to Council for approval* ***prior to the issue of a Construction Certificate****. The PAP shall confirm the value of the artworks, their placement within the site, timing for installation, and ongoing management requirements, including the appointment of a Public Art Coordinator or Project Manager responsible for the planning, management and installation of the public art. Assessment of the PAP will*

be undertaken by Council's Public Art Reference Group, unless defunct. Satisfaction of this condition shall be confirmed upon written advice by Council.

2. *Installation of the approved Public Art (in accordance with the Public Arts Strategy) shall be completed in accordance with the approved PAP and verified by an inspection by the Principal Certifying Authority (PCA)* ***prior to the issue of any Occupation Certificate.***

CONSULTATION

Internal Referrals
The application was referred to the following internal Council departments:

- Traffic Engineer; no objections, subject to conditions of consent.
- Heritage Advisor; no objections, subject to conditions of consent.
- Development Engineer: no objections, subject to conditions of consent.
- Tree Management Officer; no objections, subject to conditions of consent.
- Health and Environmental Services; no objections, subject to conditions of consent.

Neighbour notification

The proposed development was placed on Public Notification from 27 March 2019 until 19 April 2019. No submissions were received in response to the notification of the plans.

The amended plans which are the subject of this report were received on 29 November 2019 underwent public exhibition from 18 December 2019 until 24 January 2020. No submissions were received in response to the notification of the plans.

CONCLUSION

The proposal (as amended) is for the construction of a Part 9, Part 10 storey residential flat building containing 95 apartments, 3.5 levels of basement car parking accommodating 131 vehicles and associated site landscaping at 15-19 Clarence Street, Burwood.

The proposal is consistent with the relevant planning instruments including SEPP 65, the Apartment Design Guide, Burwood LEP 2012 and Burwood DCP 2013. The development is permissible in the B4 zone and complies with floor space ratio, building height and the building height plane development standards.

The proposed design sets a high quality residential standard in the context of urban renewal and redevelopment for the area. The proposed development has good internal amenity, minimises the impact on the amenity of the future surrounding development and will significantly enhance the image of the area.

The proposed apartments will have high levels of amenity and are oriented appropriately enabling good solar access and cross ventilation and have excellent access to public transport, shopping, services and local recreation facilities.

Given the above, the proposal is recommended for approval.

RECOMMENDATION

That Development Application No. DA.2019.026 for the construction of a Part 9, Part 10 storey residential flat building containing 95 apartments, 3.5 levels of basement car parking accommodating 131 vehicles and associated site landscaping at 15-19 Clarence Street, Burwood be approved, subject to the following conditions.

Conditions of Consent

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.

Document	Author	Date/Received
Architectural Plan No's: DA00; DA02; DA03; DA09; DA10; DA11; DA12; DA13; DA14; DA15; DA16; DA17; DA18; DA19; DA20; DA30; DA30A; DA30B; DA31; DA31A; DA31B; DA35; DA35A; DA35B; DA36; DA36A; DA36B; DA40; DA46; DA47; DA48; DA50; DA55; DA56; DA60; DA61; DA62; DA63; DA65; DA70; DA75; DA80; DA90 "Issue D"	Kannfinch	Dated: 28 November 2019
Landscape Design Plan Set: Contents; Site Understanding; Landscape Design; Masterplan; Landscape Typologies; Design Elements; Section A & B; Elevation C; Materiality Inspiration; Landscape Calculations; Rooftop Planting Areas; Planting Strategy; Planting Palette; Plant Schedule Drawing No. 200; 201; 202; 203 Issue 'C'	Arcadia Landscape Architecture	Dated: 13 January 2020
Civil Works Project No S18409: Plan No's.: DA-C-0000; DA-C-0001; DA-C-0020; DA-C-0100; DA-C-0200; DA-C-0300; DA-C-0320; DA-C-0340; DA-C-0345; DA-C-0700; DA-C-0710 "Issue E"	BG & E	Dated: 25 November 2019
Statement of Environmental Effects Supplementary Statement of Environmental Effects	Planning Ingenuity	Dated: 14 March 2019 Dated: November 2019
Building Design Quality Principals	Kannfinch	Dated: November 2019
Quantity Surveyors Cost Estimate Report	Napier & Blakeley	Dated: 1 March 2019
Traffic Impact Assessment Addendum to Traffic Statement	Traffix Traffic and Transport Planners	Dated: March 2019 Dated: 26 November 2019
BASIX Certificate No. 1000214M_03	Victor Lin & Associates Pty Ltd	Dated: 2 December 2019
Heritage Impact Statement	Weir Philips Heritage and Planning	Dated: March 2019
DA Acoustic Assessment –	Acoustic Logic	Dated: 27 February 2019

Revision 1		
Aboricultural Impact Assessment	Australia Tree Management	Dated: 27 February 2019
BCA Assessment Report	BCA Logic	Dated: 5 March 2019
Geotechnical Assessment Report	EIAustralia	Dated: 19 February 2019

2. The fees and/or bonds shown in the Table of Fees, are to be paid to Council or another approved collection agency (the Long Service Levy Corporation and its agents and an approved insurer under the Home Building Act 1989) and suitable evidence of payment is to be provided to the Principal Certifying Authority **prior to the issuing of a Construction Certificate**.

TABLE OF FEES

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

3. Building and Construction Industry Long Service Corporation levy **$156,159.00** (Payment to be made to Council, the Corporation or its Agent)

4. Damage Deposit - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc.) during building work **$35,450.00 (Payment to be made to Council as a bond prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation).**

   NOTE: This deposit is refundable if no damage occurs.

5. Construction by the Applicant/Council the stormwater drainage works **$11,150.00 (Payment to be made to Council as a bond).**

6. A monetary bond/bank guarantee to the value of **$2,000.00** is required to be paid to Council to ensure the proper protection of the two street trees. **The monetary bond must be paid to Council prior to the issuing of a Construction Certificate.** The street trees will be inspected by Council at completion of the works and the bond released only if the trees are not damaged.

7. Pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Section 7.12 Contributions Plan, the following monetary contribution towards public services and amenities is required:

Contribution Element			**Contribution**
A levy of 4**%** of the cost of carrying out the development, where the cost calculated and agreed by Council is **$44,619,818**			**$1,784,792.72**
Index Period	Sept	**CPI_1**	116.5

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:

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

$$C \times \frac{CPI_2}{CPI_1}$$

Where:

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

CPI_2 the Consumer Price Index: All Groups Index for Sydney, for the immediate past quarter (available from the Australian Bureau of Statistics at the time of payment)

CPI_1 the Consumer Price Index: All Groups Index for Sydney, applied at the time of granting the development consent as shown on the development consent.

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

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

Council may accept works in kind or other material public benefits in lieu of the contribution required by this condition subject to and in accordance with the requirements specified in the Section 7.12 Contributions Plan.

Note: The payment of a Section 7.12 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.

PLANNING

8. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided for each apartment:

   a. 1 Bedroom – 6m3
   b. 2 Bedroom – 8m3
   c. 3 Bedroom – 10m3

   At least 50% of the required storage is to be located within the apartment. The remainder may be located within the basement.

9. The following amendments being made to the floor plan of Apartments listed below with details to be provided on plans **prior to the issue of the Construction Certificate:**

   a. Apartment LG:01 – (2 bedroom + study) internal wall of study adjacent to entry door to apartment be **deleted.**
   b. Apartment 7:07 – study room to be **deleted** and floor plan reconfigured to provide a more usable/functional floor area for the **1 bedroom apartment**. If a study is proposed this shall be provided in an un-enclosed space within the apartment.

10. Samples and details of all external surface materials and finishes are to be submitted to Council for approval, **prior to the issuing of a Construction Certificate**.

11. All external lighting is to be designed and installed in a manner which prevents glare and/or spillage having an adverse impact on occupants of adjacent properties.

12. All services including electricity mains, telephone, water and sewerage are to be installed underground.

13. Site testing being undertaken by an Accredited Certifier or other suitably qualified person to determine the impact (if any) of the development on television and/or radio reception to adjoining properties and the installation of any single booster/amplifier equipment deemed necessary to mitigate any such impact. Such work being carried out and the results submitted to the Principal Certifying Authority, **prior to the issuing of a Construction Certificate**.

14. Demolition or construction work including deliveries of materials, etc., which would result in footpaths and/or roads being blocked, shall not be carried out on Saturdays.

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

16. The applicant shall take all necessary precautions to adequately protect adjoining properties during demolition. This shall include the submission to Council of specific details of the protection to be employed prior to demolition commencing.

17. External gas water heaters are to be located in recessed enclosures within external walls and are to be located so as to be not visible from a public road or place or adjoining property. Similarly, air conditioning units and plant are to be located so as not to be visible from a public road or place or adjoining property.

18. A separate application shall be lodged for any proposed subdivision of the site. Such subdivision shall designate all car parking spaces attached to a lot with the exception of visitor parking which shall be designated as common property. No car parking spaces shall be created as a separate lot. The drainage system for the site including basement pit and pumps and on site detention shall be designated as common property.

19. Lockable mail boxes shall be provided at the secure access doorways to the residential lobby, such that mail can be delivered by Australia Post from outside the security door, and accessed by residents inside the secure area. The mail boxes are to comply with the requirements of Australia Post. Details to be submitted to the Principal Certifying Authority and approved **prior to the issue of a Construction Certificate**.

20. The doors of the residential entry foyer to the building are to be security grade features and are to be appropriately security keyed to ensure the personal safety and security of residents of the development. An intercom system linked to each apartment is to be included in these security arrangements. Details on these matters are to be submitted and approved **prior to the issue of a Construction Certificate**.

21. Adequate lighting is required to be provided for the length of the building for all common areas to ensure the safety and security of residents. Details are to be submitted and approved **prior to the issue of a Construction Certificate**.

22. CCTV cameras shall be installed at the building so that they can survey the pedestrian entrance walkway from Clarence Street, the entrance to the driveway to the parking levels, waste rooms, and letter box area. 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. Details are to be submitted and approved **prior to the issue of a Construction Certificate**.

23. All hydrant booster pump and fire service equipment shall to be provided in accordance with the Building Code of Australia and housed within an enclosed cupboard of a design and finish that enhances the streetscape. Details of these areas and the enclosures are to be assessed by an Accredited Fire Safety Engineer and shall comply with the performance requirements of the Building Code of Australia; shown on plans and submitted to the Principal Certifying Authority for approval **prior to release of a Construction Certificate** for the development.

24. Apartment numbers shall be clearly identified within the development **prior to issue of the Occupation Certificate**.

25. The building name and street number (at least 150mm in height) of the development shall be clearly displayed at the entry outside the development, with suitable illumination for after- hours recognition, **prior to issue of the Occupation Certificate**.

26.

Advisory Note:

Developers, home, property and business owners are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, developers, home, property and business owners need to contract a carrier to install telecommunications infrastructure in their new development. Individuals are free to choose which carrier they want to service their development.

For larger developments (100 lots or more) NBN is the infrastructure provider of last resort. This means NBN is obliged to service the development on commercially agreed terms if you apply to NBN.

Telstra is the infrastructure provider of last resort in smaller developments (less than 100 lots) until NBN publicly identifies an area as 'ready for service' in its fixed line rollout region.

Developers, home, property & business owners are requested to apply at least 6 months before the required date of service to ensure a connection is ready when residents move in.

STRATEGIC PLANNING & HERITAGE

27. Any area within 6 metres of the front boundary shall comprise communal space. For the avoidance of doubt, this area shall not be used or enclosed for private courtyards of individual apartment owners.

28. Any fence, wall, planter box or structure being less than 6 metres from the front boundary shall not exceed a height of 1000mm from existing ground level; with the exception of any wall/fence immediately surrounding the Electrical Substation or Fire Hydrant Booster which shall not exceed a height of 1800mm.

29. The Electrical Substation and Fire Hydrant Booster located within the site's front setback (i.e. facing Clarence Street) shall each be sympathetically screened from public view through the use of utility cupboards, screens, walls, louvres or the like. The method of screening shall be contained wholly within the property boundary, and meet the requirements/standards of the relevant utility provider.

    a. An integrated landscaping design plan shall be provided for the screening of the Electrical Substation and Fire Hydrant Booster.
    b. Details of the proposed screening (i.e. design, dimensions, material, finish) shall be submitted to Council for approval **prior to the issue of a Construction**

Certificate. Satisfaction of this condition shall be confirmed upon written advice by Council.

c. Installation of the approved Electrical Substation and Fire Hydrant Booster screening shall be completed and verified by an inspection by the Principal Certifying Authority (PCA) **prior to the issue of any Occupation Certificate.**

30. The finish of the driveway and any pedestrian paths within the front setback shall be plain concrete, coloured concrete, pavers or stone. The driveway/path finish shall not be stencilled concrete.

31. Any replacement of the dividing fences pertaining to the shared boundary with 22 Belmore Street or 24 Belmore Street Burwood, shall provide timber or masonry fence materials. Sheet metal or metal panel fencing (e.g. Colorbond) will not be permitted. Any replacement fencing shall have the concurrence of adjoining property owners prior to installation. Any replacement fencing shall be constructed at the full cost of the owner/developer.

PUBLIC ART STRATEGY

32. The development shall provide public art within its publicly-accessible spaces, or spaces visible from the public domain (e.g. common areas in the front setback and integrated art upon walls). The public art shall have a minimum value of $100,000 in accordance with Council's Public Art Strategy. A Public Art Plan (PAP) shall be submitted to Council for approval **prior to the issue of a Construction Certificate**. The PAP shall confirm the value of the artworks, their placement within the site, timing for installation, and ongoing management requirements, including the appointment of a Public Art Coordinator or Project Manager responsible for the planning, management and installation of the public art. Assessment of the PAP will be undertaken by Council's Public Art Reference Group, unless defunct. Satisfaction of this condition shall be confirmed upon written advice by Council.

33. Installation of the approved Public Art (in accordance with the Public Arts Strategy) shall be completed in accordance with the approved PAP and verified by an inspection by the Principal Certifying Authority (PCA) **prior to the issue of any Occupation Certificate.**

BUILDING

34. 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. an approved chemical closet facility.

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

35. All building work must be carried out in accordance with the provisions of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010 and the relevant Australian Standards.

36. 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.

37. 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. The perimeter of the subject site shall be adequately fenced at all times from the commencement of any work on the site (including demolition/excavation).

38. If the work involved in the erection or demolition of a building:

    a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
    b. building involves the enclosure of a public place.

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

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

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

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

39. Your attention is directed to the following:

WARNING

Utility Services

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

Building Plan Approval

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

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

41. No materials are to be stored on Council's roads, footpaths or parks.

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

43. The builder shall erect and maintain in good order all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary. A Principal Certifying Authority sign should also be displayed in a prominent position at the front of the development site.

44. 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.

45. 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.

46. 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 6.4 of the *Environmental Planning & Assessment Act 1979* has been issued.

47. The building works are to be inspected **during construction** by the Principal Certifying Authority or an appropriate Accredited Certifier authorised by the Principal Certifying Authority at the stages of construction listed in the following schedule. The Principal Certifying Authority must be satisfied that the construction satisfies the standards specified in the Building Code of Australia or in this approval before proceeding beyond the relevant stage of construction.

SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- After the commencement of the excavation for, and before the placement of, the first footing;
- Prior to covering the junction of any internal fire-resisting construction bounding a sole-occupancy unit, and any other building element required to resist internal fire spread, inspection of a minimum of 30% of sole-occupancy units on each storey of the building containing sole-occupancy units, and
- Prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building;
- Prior to covering any stormwater drainage connections; and
- After the building work has been completed and **prior to any Occupation Certificate** being issued in relation to the building.

48. 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**.

49. 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.

50. All building works being erected wholly within the boundaries of the property.

51. 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.

52. All plumbing and drainage work being carried out by licensed tradesmen and in accordance with the requirements of the Plumbing Code of Australia and regulations of Sydney Water.

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

54. 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.

55. Safety glazing complying with B1.4 of the Building Code of Australia used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with Australian Standard AS 1288–2006: Glass in Buildings - Selection and Installation. Details of the method of complying with this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**

56. Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with Australian Standard AS 1288-2006, Table 4.5 SAA Glass Installation Code (Human Impact Considerations) and B1.4 of the Building Code of Australia. Details of the method of complying with this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.

57. Treatment for the protection of the building from subterranean termites must be carried out in accordance with Australian Standard AS 3660.1-2014 "Termite management - New building Work."

    If the method of protection is to be by way of a chemical barrier, it becomes the responsibility of the owner to maintain a suitable maintenance procedure in accordance with the manufacturer's requirements. Such responsibility is placed solely upon the owner.

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

    After treatment the following is to be carried out:-

    a. A durable notice must be permanently fixed to the building in a prominent location, such as the meter box, indicating:-

        i. The method of protection.
        ii. The date of installation of the system.
        iii. Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
        iv. The installer's or manufacturer's recommendation for the scope and frequency of future inspection for termite activity.

    b. Provide the Principal Certifying Authority with a Certificate which verifies that termite protection has been provided in accordance with Australian Standard AS 3660.1-2014. In the case of Reinforced Concrete Slab construction the Certificate is to verify that the protection incorporates both beneath slab (Part A) and slab penetrations (Part B) treatment.

58. 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.

59. **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.

60. 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**.

61. 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.

62. Mechanical ventilation/air conditioning details are to be submitted to the Principal Certifying Authority for approval **prior to the issuing of a Construction Certificate** and must include the following:-

    a. The location and size of proposed ductwork.
    b. The location of equipment.
    c. The performance characteristics of the proposed motor/s and fan/s.
    d. The air flow characteristics of the system.

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

63. 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.

64. Fire Resistance Levels of all structural members, including external and internal walls, spandrels, external and internal columns, lift shafts and stair shafts, ventilation, pipe and like shafts, floors and roofs shall comply with the requirements of Specification C1.1 of the Building Code of Australia. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.

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

66. Openings in floors, walls and shafts for services must comply with C3.12, C3.13 and C3.14 of the Building Code of Australia. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.

67. Means of access and egress complying with Section D of the Building Code of Australia. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**

68. Proposed development on the site to comply with all provisions of the Burwood Development Control Plan 2013 and the Disability (Access to Premises – Buildings) Standards 2010 for access and mobility including:

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

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

69. 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.

70. Continuous balustrades shall be provided along the side/s of any stairway or ramp, any

corridor, hallway, balcony, access bridge or the like, any path of access to a building if:-

a. It is not bounded by a wall; and
b. The change in level is more than one (1) metre, or five (5) risers in the case of a stairway, from the floor or ground surface beneath;

except where specific exemptions are provided in the Building Code of Australia.

Balustrades shall prevent as far as practicable:

a. Children climbing over or through it; and
b. Persons accidentally falling from the floor; and
c. Objects which might strike a person at a lower level falling from the floor surface.

Balustrade heights and designs shall comply with Part D2.16 of the Building Code of Australia and Australian Standard AS/NZS 1170 Part 1 – Structural design actions. Height above nosings of stair treads, landing, corridors and the like shall generally be not less than 865mm.

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

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

72. Protection of openings (where required) is to be in accordance with Part C3.2 and C3.4 of the Building Code of Australia. Details of the method of satisfying this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.

73. Protection of openable windows (where required) is to be in accordance with Part D2.24 of the Building Code of Australia. Details of the method of satisfying this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.

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

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

75. Noise transmission and insulation ratings for building elements being in accordance with Part F5 of the Building Code of Australia. A wall in a building required to have an impact sound insulation rating to be of discontinuous construction in accordance with BCA Clause F5.3.

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

76. Basement Engineering Design – Structural adequacy

Engineering details shall be submitted to the Council **prior to the issuing of a Construction Certificate**:

i. A report shall be prepared by a professional engineer **prior to the issuing of a Construction Certificate**, detailing the proposed methods of excavation, shoring or pile construction including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises due to building and excavation works. Any practices or procedures specified in the Engineer's Report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the Construction Certificate.

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

Demolition

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

78. Hours of demolition work shall be from 7:00am to 7:00pm Mondays to Fridays inclusive (during daylight savings period), 7:00am to 6:00pm Mondays to Fridays inclusive (outside daylight savings period) and from 7:00am to 4:00pm on Saturdays. No demolition work shall be carried out on Sundays or Public Holidays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.

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

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

Asbestos Removal

81. A WorkCover licensed contractor must undertake removal of more than 10 square metres of any bonded asbestos. Removal of any friable asbestos must only be undertaken by a contractor that holds a current friable asbestos removal licence.

82. Removal of any asbestos must be undertaken in compliance with the requirements of SafeWork NSW. Refer to their Code of Practice "How to Safely Remove Asbestos" dated September 2016.

83. Demolition sites that involve the removal of any asbestos must display a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm erected in a prominent visible location at the site to the satisfaction of Council Officers. The sign is to be erected **prior to**

the commencement of demolition works and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility. This will ensure compliance with Clause 469 of the *Work Health and Safety Regulation 2011*.

84. All asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations (Waste) Regulation 2005*.

85. All asbestos laden waste must be disposed of at an approved waste disposal depot (Refer to the Office of Environment and Heritage or Waste Service NSW for details of sites).

86. Written notice must be provided to Council and adjoining neighbours at least two working days prior to commencement of any works.

    Such written notice is to include the following details:

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

    Work is not to commence prior to the nominated date.

87. All asbestos cement sheeting must be removed prior to the commencement of:

    a. Brick veneering or re-cladding of any building where the existing walls to be covered are clad with asbestos cement; OR
    b. Construction work where the new work abuts existing asbestos cement sheeting and/or where existing asbestos cement sheeting is to be altered or demolished.

ENGINEERING - GENERAL

88. 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.

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

90. 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.

91. 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.

92. 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.

93. The following matters apply to the construction of the proposed vehicular crossing listed in the Table of Fees:

a. A vehicular crossing 6m wide to Clarence Street shall be constructed by the Applicant/Council at the applicant's cost.

b. The cost of any necessary adjustments to public utility services is not included, and shall be paid by the applicant to the relevant authority prior to Council commencing the work.

c. The driveway shall be 1m clear of any pits, lintels, poles and 2m clear of trees in the road reserve.

d. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.

94. 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.

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

96. 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**.

97.

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.

98. 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.

99. Vehicles transporting demolished, excavated and/or construction materials to and from the site shall access and depart from the site through Clarence Street, Shaftsbury Road and Parramatta Road. Vehicles involved in transporting materials shall be limited to an 8 tonne gross weight per axle.

ENGINEERING - STORMWATER

100. A detailed drainage design shall be submitted to the Principal Certifying Authority.

    a. The design and calculations shall indicate the details of the proposed method of stormwater disposal and shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Council's Stormwater Management Code.

    b. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property.

    c. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.

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

101. Details and calculations shall be prepared by a competent practicing Hydraulic/Civil Engineer. They shall include:

    a. a catchment plan;

    b. plans showing proposed and existing floor, ground and pavement levels to Australian Height Datum (AHD);

    c. details of pipelines/channels showing calculated flows, velocity, size, materials, grade, invert and surface levels;

    d. details and dimensions of pits and drainage structures;

    e. hydrologic and hydraulic calculations;

    f. details of any services near to or affected by any proposed drainage line;

    g. any calculations necessary to demonstrate the functioning of any proposed drainage facility is in accordance with Council's requirements;

    h. the depth and location of any existing stormwater pipeline and/or channel being connected to shall be confirmed by the applicant on site. Certification of such is to be provided to Council **prior to the release of the construction certificate**.

    The details and calculations are to be reviewed by Council or an Accredited Certifier - Civil Engineering, **prior to the issuing of a Construction Certificate**.

102. On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system.

    a. This storage shall be designed by a competent practicing Hydraulic/Civil Engineer in accordance with Council's Stormwater Management Code and submitted to the

Principal Certifying Authority.

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

103. The following matters shall apply to the stormwater drainage works listed in the table of Fees.

a. The stormwater drainage works for stormwater connection to Council's drainage system consists of the construction of 2 Nos. stormwater pits on Council's pipeline:

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

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

104. A drainage easement in favour of Council shall be obtained over Lot 20 DP 611317 traversed by the gravity drainage line connecting to Council's drainage system. The conditions regarding the easement are as follows:-

a. The cost of creating the easement will be at the applicant's expense;

b. For pipes less than 350mm diameter, the easement width shall be a minimum of 0.9m. Easements for larger diameter pipes shall be the pipe diameter plus 1.0m wide, with a minimum width of 2.4m;

c. The easement shall be registered on the title of the relevant lot(s) and lodged with the Land and Property Information. Proof of lodgement of the easement with the Land and Property Information shall be provided to the Principal Certifying Authority, **prior to the issuing of a Construction Certificate**.

105. 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.

106. 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**.

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

iv) On-site Stormwater Detention system
v) Pump and rising main system

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

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

iv) On-site Stormwater Detention system
v) Pump and rising main system

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

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

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

The applicant shall bear all costs associated with the preparation of the 88E Instrument.

The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at the Land and Property Information office. Evidence that the Instrument has been registered at the Land and Property Information office shall be submitted to Council, **prior to issuing of an Occupation Certificate.**

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

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

        i. The holding tank for the pump shall be capable of storing runoff from a one hour, 1 in 100 year ARI storm event;
        ii. The pump system shall consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the lower of the allowable on site detention discharge rate, or the rate of inflow for the one hour duration storm;
        iii. An overflow, flashing light and audible alarm are to be provided, to warn of pump failure;
        iv. Full details of the holding tank, pump type, discharge rate and the delivery line size are to be documented;
        v. Any drainage disposal to the street gutter, from a pump system must have a stilling sump provided at the property line, and connected to the street gutter by a suitable gravity line;
        vi. The capacity of the stilling sump and outlet pump shall be determined and verified by calculations which are to be documented.

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

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

ENGINEERING – PUBLIC DOMAIN

109. The detailed public domain improvement shall be undertaken and completed by the applicant in accordance with Burwood Council DCP-35 and Public Works Element Manual.

110. Three copies of Public Domain Plan drawn at 1:100 scales shall be prepared and certified by a qualified civil engineer, landscape architect or urban designer and submitted to Council. The plan shall be updated as required by Council's design engineer prior to construction.

111. The plan shall include all existing service authority assets on street frontage and in and around the areas as per the survey report. This should include, but not be limited to, high and low voltage electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage assets, etc.

112. The plan shall show the entire street frontage of the property for improvement e.g. footpath paving, kerb & gutter, pram ramps, bollards, service pits, stormwater pit & lintel including mill & re-sheet half width of the road pavement of the front street.

113. The plan shall incorporate the standard specifications and details in accordance with the Public Works Elements Manual and Council's standard drawings and technical

specifications.

114. The Applicant shall liaise with all relevant service authorities to satisfy all requirements of the service authority providers in respect of protection, termination or relocation of existing assets prior to construction. A written consent shall be required where a service authority asset will be affected.

ENGINEERING – BULK EXCAVATION, EARTHWORK AND SHORING

115. 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.

116. 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.

117. 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.

118. 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.

119. 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.

120. 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.

121. 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.

122. 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.

Installation of Temporary Ground Anchors

Should the applicant requires the use of temporary ground anchors to shore the bulk excavation within public roads an NPER Registered Structural Engineer's certificate along with certified plans showing the details and extent of work shall be submitted to Council for its record. The following conditions shall be complied with by the Applicant.

123. The Applicant is required to obtain a 'Temporary Ground Anchor Permit' from Council for which an 'Application for Works on Council's Property' shall be lodged with Council.

Subject to the application being approved by Council, the applicant shall pay Council calculated Anchor Fees and the 'Refundable Deposit' as required under Council's Statement of Revenue Policy 2018 – 2019. Payment of the 'Refundable Deposit' shall be made in the form of a Bank Guarantee.

NOTE: This deposit is refundable if no damage occurs.

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

125. The contractor shall be responsible to obtain permission from the neighbours of the adjoining properties prior to installation of anchors.

126. 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.

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

128. 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.

129. 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, if it be necessary due to non-compliance with these conditions.

    a. 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.

    b. 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.

    c. 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.

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

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

TREES

Tree Protection

130. Tree protection measures to be implemented as per the content of the Arboricultural Impact Assessment (AIA) report by Australis Tree Management, dated 27.2.19. Trees to be retained and protected include Tree number 9, Sydney blue gum, located on the site, Tree numbers 14, 15, 16 and 18 located on the rear adjoining property, Tree number 11 located on the eastern adjoining property, and Tree numbers 4 and 5 located on Council's nature strip. The layout of the tree protection fencing to be implemented as per the Tree Protection Plan in Appendix E of the AIA report. Tree protection fencing to consist of 1.8m high chain-link panels supported by concrete feet. All tree protection measures to be implemented prior the commencement of any construction work and must remain in place and maintained until the issuing of an Occupation Certificate.

131. An AQF Level 5 project Arborist is to be engaged to monitor points listed in section 7.3 of the AIA report and to certify hold points listed on page 25 of the AIA report.

Street Tree Bond

132. A monetary bond/bank guarantee to the value of $2,000 is required to be paid to Council to ensure the proper protection of the two street trees. The monetary bond must be paid to Council **prior to the issuing of a Construction Certificate.** The street trees will be inspected by Council at completion of the works and the bond released only if the trees are not damaged.

Landscaping

133. Landscaping to be installed as per the Landscape sheet set by Arcadia Landscape Architecture, received by Council on 14 January 2020. Landscaping to be completed **prior to the issuing of an Occupation Certificate.** Landscaping to be maintained at all times following installation. This includes replacement of dead, damaged, or unhealthy plants with like for like.

TRAFFIC

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

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

136. A total of 121 off-street car parking spaces and 56 bicycle parking spaces must be provided on-site. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities.

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

a. 102 residential parking spaces.
b. 19 visitor parking spaces.

138. A Parking Management Plan must be submitted and approved **prior to the issuing of an Occupation Certificate.** The plan must detail how visitors will be able to access all 19 visitor parking spaces, noting that 3 of these spaces will be located on Basement Level 1 whilst maintaining adequate security for resident parking spaces.

139. 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 one Medium Rigid Vehicle loading dock

140. 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'.

141. 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.

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

143. All visitor parking spaces must be grouped together, and located at the most convenient location to the car parking entrance. All spaces must be clearly marked ‘visitor’ **prior to the issue of an Occupation Certificate.** All signs must be maintained in good order at all times.

144. Where a boomgate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 6m clear of the property boundary, wired to all units. The intercom must comply with 'Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23'.

145. Of the required car parking spaces, at least 12 must be designed and provided for accessible car parking for people with mobility impairment in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking. Accessible car parking spaces must have a minimum headroom of 2.5m and must be clearly marked and appropriately located as accessible parking for people with mobility impairment.

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

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

148. 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.

149. Convex safety mirrors must be installed at either side of the intersection between the circulation roadway ramp and the Lower Ground Floor visitor parking area to indicate traffic movement on the ramp either entering the car park or leaving the loading dock. This system must be detailed in the application for a Construction Certificate.

150. Solid walls immediately adjacent to the basement entry and exit must not exceed 0.6m in height for the first 2.5m within the boundary so as to ensure adequate sight lines for motorists and pedestrians.

151. 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.

152. 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.

153. The size of vehicles servicing the property must be a maximum length of 8.8 metres with a maximum working height of 3.5 metres.

154. 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.

155. All costs associated with the construction of any new road works including kerb and gutter, road pavement, street lighting, 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.

156. 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.

157. A Construction Traffic Management Plan must be submitted and approved by Council prior to the commencement of demolition and excavation or issuing of the Construction Certificate (whichever occurs first). The Construction Traffic Management Plan must be complied with at all times. The following matters should be addressed in the plan (where applicable):

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

        i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
        ii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
        iii. The proposed locations of work zones where it is not possible for loading/unloading to occur on the site in the frontage roadways (which will require separate approval by Council).
        iv. Location of any proposed crane and concrete pump and truck standing areas on and off the site (which will require separate approval by Council).
        v. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.

vi. Details of vertical and horizontal material handling and deliveries.
vii. Any on-site parking area for employees, tradespersons and construction vehicles where possible.
viii. Traffic routes to and from the site from the closest arterial road in all directions.

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

158. All works carried out in conjunction with the development including during the course of demolition, excavation and construction must be implemented in accordance with the approved Construction Traffic Management Plan (CTMP) and/or approved permits for works on Council's property.

159. Heavy Vehicles approaching, entering and exiting the site must approach, enter and exit the site in accordance with the approved route(s) as set out in the Construction Traffic Management Plan (CTMP).

160. 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

HEALTH
Environmental Management

161. An Environmental Management Plan is to be submitted to Council for approval, prior to the issue of a Construction Certificate, 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

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

163. The construction of windows / sliders, doors, external walls and roofs are to be comply with the recommendations listed at Part 4.4 of the Acoustic Report prepared by Acoustic Logic (Project 20181781.1 dated 27 February 2019). Certification as to the compliance of the acoustic treatments are to be submitted to the Principle Certifying **Authority prior to the issue of an Occupation Certificate.**

164. A car wash area / bay is to be provided at the basement car park level and be graded and drained to a waste water disposal system in accordance with the requirements of Sydney Water.

Waste Management

165. Waste Management for the development is to be conducted in accordance with the Waste Management Plan prepared by Elephants Foot (Report No. SO100107 Revision C) dated 6 March 2019.

166. All garbage shall be stored in the designated garbage area, which includes provision for the storage of all putrescible waste and recyclable material emanating from the premises. Adequate natural or mechanical ventilation is required where bins are stored in an enclosed area and meet fire safety standards in accordance with the Building Code of Australia.

167. The garbage and recycling storage areas are to be:
    a. Supplied with both hot and cold water;
    b. Paved with impervious floor materials;
    c. Coved at the intersection of the floor and the walls;
    d. Graded and drained to a floor waste which is connected to the sewer in accordance with the requirements of Sydney Water;
    e. Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
    f. Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

168. A waste cupboard or other storage area is to be provided within each dwelling which is of sufficient size to hold a single day's waste and to enable source separation of general waste, recyclables and compostable materials.

169. The waste / recycling chute at each level is to be in a room of sufficient size to accommodate sufficient mobile bins (MGB'S) / crates to store recyclable material generated over the entire period between collection days.

170. Suitable signage is to be installed in each level of the chute waste service rooms encouraging the separation of recyclables from the general waste stream.

171. Certification is to be provided by the installer of the chute system to the Principle Certifying Authority certifying that the chute has been installed in accordance with the manufacturer's specification **prior to the issue of an occupation certificate.**

172. Waste Vehicle access – The loading dock used for waste collections is to be designed to allow for a heavy rigid vehicle to enter and exit the building in a forward direction into the loading dock for the purpose of waste and recycling collections

    or alternatively;

    a. A dedicated bin holding area is to be provided within and adjacent to the front

property boundary for the placement of bins on scheduled collection days. Details of the location of the bin holding area and any proposed screening is to be submitted to Council for approval **prior to the issue of a Construction Certificate.**

173. The applicant shall provide to Council a legally drafted agreement at their own expense in the form approved by Council which gives right of access and absolves Council and / or any of its waste collection contractors from any damage or injury that may arise from the onsite collection of waste and recyclables.

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

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

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