

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSEC-12
<b>DA Number</b>	DA84/2019
<b>LGA</b>	Burwood
<b>Proposed Development</b>	Alterations & Additions to Enfield Aquatic Centre
<b>Street Address</b>	8A Portland St Enfield
<b>Applicant/Owner</b>	Burwood Council
<b>Date of DA lodgement</b>	30 August 2019
<b>Number of Submissions</b>	1
<b>Recommendation</b>	Approved Subject to Conditions
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	Council DA over \$5M
<b>List of all relevant s79C(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy (State &amp; Regional Development) 2011</li> <li>• Protection of the Environment Operations Act 1997</li> <li>• Burwood Local Environmental Plan (BLEP) 2012</li> <li>• Burwood Development Control Plan (BDGP) 2013</li> <li>• The likely social, environmental and economic impacts of the development</li> <li>• The suitability of the site for the development</li> <li>• The Public Interest</li> <li>• Submissions made under the Act and Regulations</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Architectural Plans</li> <li>• Statement of Environmental Effects</li> <li>• Heritage Impact Statement</li> <li>• Submission</li> </ul>
<b>Report prepared by</b>	GAT & Associates
<b>Report date</b>	29 November 2019

### 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?

**No**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

### Clause 4.6 Exceptions to development standards

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

**Not Applicable**

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

**No**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

### Conditions

Have draft conditions been provided to the applicant for comment?

**Yes**

*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*

# **DA.2019.084 – 8A PORTLAND STREET, ENFIELD – UPGRADING AND ALTERATION WORKS TO THE EXISTING ENFIELD AQUATIC CENTRE**

## **REPORT BY CONSULTANT TOWN PLANNER**

**Owner:** Burwood Council

**Applicant:** Facility Design Group Pty Ltd

**Location:** 8A Portland Street, Enfield

**Zoning:** RE1 Public Recreation Zone

### **Proposal**

This report provides an assessment of DA.2019.084 which seeks approval for the upgrading of, and alteration works to, the existing Enfield Aquatic Centre located at 8A Portland Street, Enfield.

The Enfield Aquatic Centre was formally known as the Enfield Olympic Swimming Pool, and the site is a listed local heritage item (I185).

The works involve minor demolition to old amenities and community rooms, construction of a new exercise and learn to swim pool, a modified splash pad, new two storey multi-purpose and amenities building, general refurbishment of the main entrance building, new plant room, landscaping, and a 77-space car park. The works will be staged.

A detailed description of the proposed works is provided below:

### **Stage 2**

Construction of a new learn to swim pool. The works will involve:

- Cutback a portion of the existing covered splashpad.
- Removal of the smaller splashpad plant.
- Construction of a new learn to swim pool building comprising an indoor warm water exercise and learn to swim pool; storeroom; change room; accessible toilet; and deck showers. The building will have solar photo voltaic roof panels and will be constructed of cement rendered concrete blocks with aluminium vertical battens and ventilation louvres.
- A temporary covered walkway link will be constructed between the learn to swim building and the existing 25 metre pool hall. A new heat pump enclosure and new learn to swim plant room will be constructed next to the existing plant and storerooms on the northern side of the existing 25 metre pool hall.

### **Stage 3**

- Re-construction of the car park to accommodate 77 car parking spaces (including 4 accessible spaces). The existing driveway crossing from Ann Street will be retained, and the existing driveway crossing from Shelley Street will be extended.
- A new entry and exit point will be provided along the eastern side of the existing pool hall building, providing access from the car park.

### **Stage 4**

- Removal of the shallow pool and shade structure located on the eastern side of the main entrance.
- Demolition of the existing shade sails and planter and removal of the demountable café on the northern side of the entrance building.
- Refurbishment of the primary entrance building, with a new entry foyer, staff rooms, two multi-purpose rooms, accessible toilet, administration, first aid, male and female amenities, kiosk, and a new lightweight transparent link to the new learn to swim pool and viewing area. An outdoor seating area will be provided for the new kiosk/café. A new roof will be provided over the lobby extension.

- A new first floor level is proposed to the north-eastern wing of the building which will comprise a staff training room with terrace, offices, accessible toilet, mechanical plant room, lift and stair access.
- Removal of the covered grass area on the southern side of the existing 50 metre outdoor pool. In its location will be a new concrete tiered seating area with shade sails.

#### **Ancillary works**

- Re-directed public path from Shelley Street to the main entrance.
- New substation kiosk and main switchboard along the Shelley Street frontage.
- Relocated pump room and fire hydrant booster along the Shelley Street frontage.
- The removal of eight (8) trees.

The purpose of this application is to upgrade the facilities provided at the Enfield Aquatic Centre. The proposal will maximise the use of the existing infrastructure provided on the site and increase the available sporting and community opportunities for the area.

#### **Regional Planning Panel Referral Criteria**

The application is referred to the Regional Planning Panel as the proposal was lodged on behalf of Burwood Council and has a capital investment value over \$5 million.

#### **Statutory Requirements**

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. 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (State & Regional Development) 2011
- Protection of the Environment Operations Act 1997
- Burwood Local Environmental Plan (BLEP) 2012
- Burwood Development Control Plan (BDGP) 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.

#### **Locality**

The site is located in Enfield and has two frontages; the primary frontage is to Portland Street (western boundary) and the secondary frontage is to Shelley Street (northern boundary). The site has a car park accessible from Shelley Street and Ann Street. The site forms part of a larger public recreation area extending from Shelley Street down to Mitchell Street and incorporates Henley Park playing fields and a playground.

Surrounding the site to the north, east and west are residential properties. The area primarily consists of one and two storey dwellings. The site is within walking distance of Enfield Public School to the north-west. The site has good access to the commercial areas located along Liverpool Road and within Burwood to the north.

The aerial map in Figure 1 shows the site context.

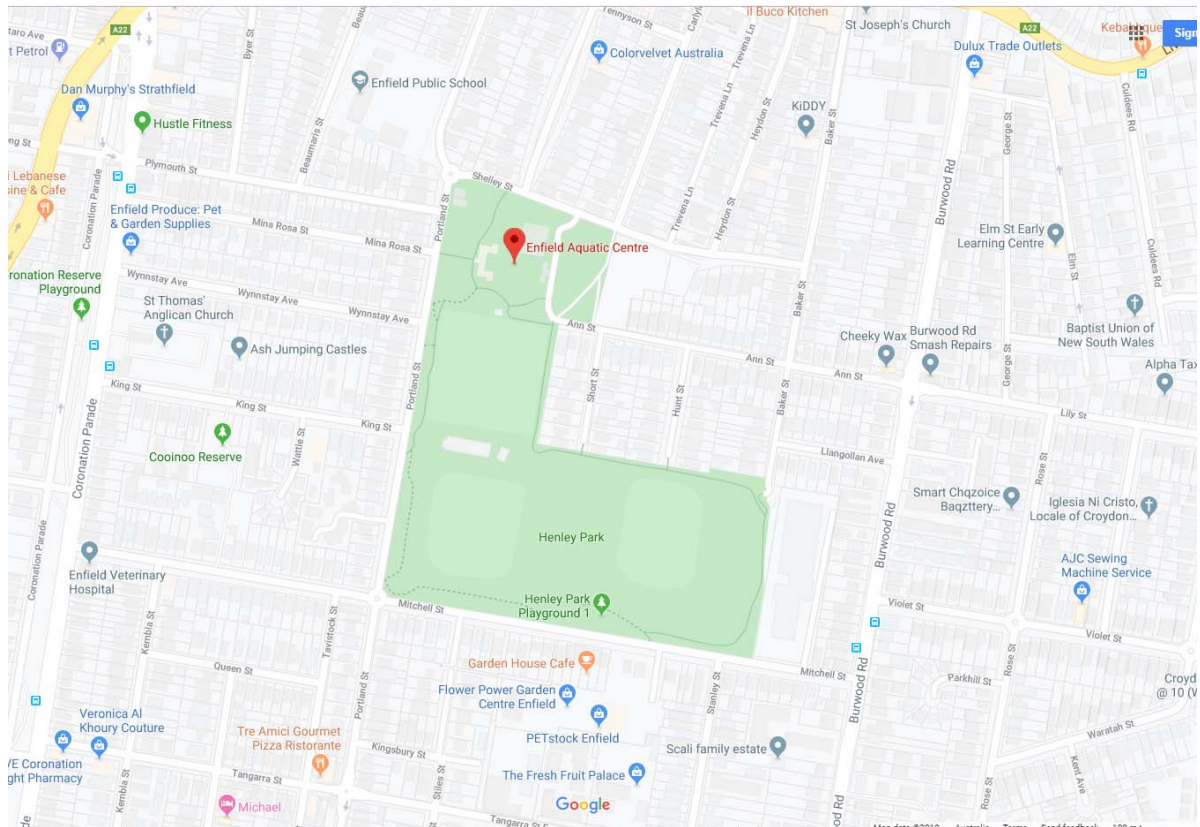


Figure 1 Site Context Map (Source: Google Maps 2019)

The site is zoned RE1 Public Recreation under the Burwood Local Environmental Plan 2012. Refer to Figure 2.

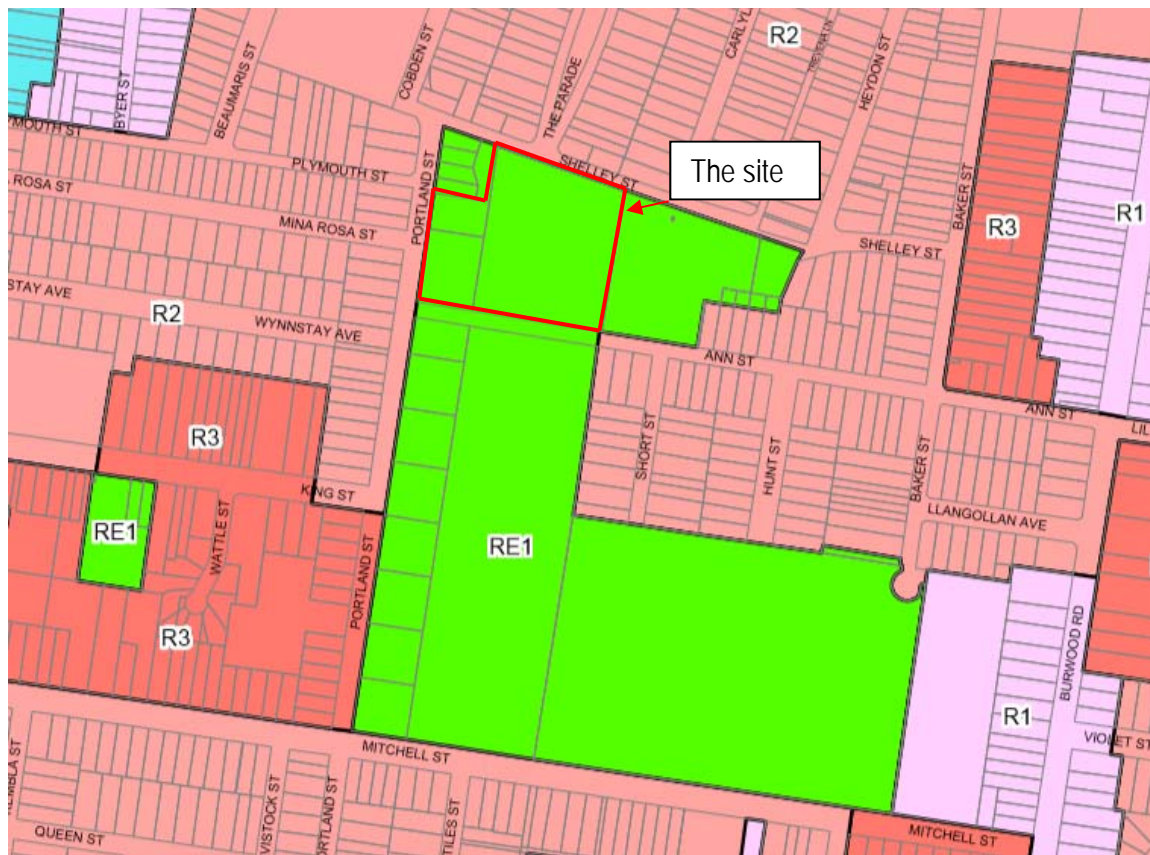


Figure 2 Land Zoning Map (Source: Burwood LEP 2012)

## **BACKGROUND**

The submission of this development application follows previous approvals issued for the Aquatic Centre. The previous applications include the following:

### **Previous Approvals**

<b>Application No.</b>	<b>Date of Approval</b>	<b>Development</b>
DA10.2018.143.1	Cancelled	Alterations and additions to Enfield Aquatic Centre. See comment below.
DA10.2017.96.1	Determination: Pending	Proposed solar panels to roof of Enfield Aquatic Centre
DA10.2016.183.1	08/03/2017 by Delegated Authority.	Amenities building
DA10.2016.183.2 (S96)	S96 Cancelled	
DA10.2012.131.1	07/11/20102 by Delegated Authority	Refurbishment and fitout of kiosk
DA10.2009.56.1	25/05/2009 by Delegated Authority	Additional entry and change room near indoor pool.

The most recent application, DA10.2018.143.1, was lodged at Council on 20 December 2018 and sought alterations and additions to the Aquatic Centre. The works proposed were similar to this current application. As part of the assessment of the 2018 application, GML Heritage were engaged by Council to undertake a heritage assessment and made recommendations for changes to mitigate the heritage impacts. Provided below is an excerpt of the preliminary heritage assessment provided by GML Heritage in April 2019 on DA2018.143:

*“The addition of the north wing of the Main Building should be amended to include the retention of the original external walls, hipped roof and projecting bay, which have a high level of heritage significance. The hipped roof form and symmetrical design of the Main Building should be retained within the amended design to avoid adverse heritage impacts.*

*Consideration should be given to locating some of the facilities currently proposed within the north wing within a pavilion style addition, clearly separated and set back from the Main Building.*

*The linking element between the Main Building and the proposed learn-to-swim building should be setback from the front façade of the Main Building to allow its original form to be visible from the Portland Street side of the complex. The linking element should also be constructed from lightweight and translucent materials.”*

In response to the issues raised by GML, DA2018.143 was withdrawn and a new DA (DA2019.084, being the application for which this assessment has been undertaken) was submitted to Council on 27 August 2019. The key amendments to the design as identified by GML in their Heritage Referral Memo to Burwood Council dated 24 October 2019 are listed as follows:

- *“The first-floor addition has been amended to retain the external form of the Main Building, including the hipped roof and symmetrical design.*
- *The linking element between the heritage building and the proposed learn-to-swim pool has been set back and appears more recessive. It is now proposed to be constructed with glass and lightweight materials.*
- *The size of the learn-to-swim pool and building has been extended by approximately 10 metres to the north.*
- *The two-storey multi-purpose facility has been set back further from the front of the Main Building by approximately 5 metres.”*



A detailed assessment of the current proposal has been undertaken by GML and will be further detailed in this assessment report.

### **Subject Site**

The site known as 8A Portland Street, Enfield and includes three (3) allotments: Lots 2 & 3 in DP 1145069 and Lot 7305 in DP 1146569.

The site currently contains the Enfield Aquatic Centre. The built form mainly extends across Lot 7305. On the eastern side of the centre is an open car park accessed from Shelley Street to the north and Ann Street to the south. The main entry to the centre is from the Portland Street side of the site. A site location map is provided below in Figure 3, and photos of the site are provided in Figures 4 to 17 inclusive.



Figure 3 Site Location Map (Source: SIX Maps 2019)



Figure 4 The main entry building to Enfield Aquatic Centre.



Figure 5 The northern side of the main building, where the new learn to swim pool will be located.





Figure 6 The location of the new earn to swim building.



Figure 7 The rear of the main entry building and seating area adjacent to the outdoor pool.



Figure 8 The shallow pool immediately adjacent to the rear of the main entry will be removed. The entrance will be extended into this area.



Figure 9 The grassed seating area where new tiered seating will be provided.



Figure 10 The outdoor Olympic pool looking south-east.



Figure 11 The northern elevation of the indoor pool building where new plant rooms will be located.





Figure 12 The covered splash area, which will remain.



Figure 13 The car park and entry from Shelley Street.



Figure 14 The northern elevation of the main entry building. A new first floor level will be built above the flat roofed section.



Figure 15 The eastern side of the aquatic centre. A new accessible entrance will be located where the existing gates are.



Figure 16 The eastern elevation of the aquatic centre and car park.



Figure 17 The driveway access from Ann Street to the car park.

As stated, the site is part of a larger public recreation zone which extends from Shelley Street down to Mitchell Street and incorporates Henley Park playing fields and a playground.

The site is listed as a local heritage item under Council's Local Environmental Plan and was formerly known as the Enfield Olympic Swimming Pool. The pool was designed by Rudder and Grout architects in the Inter-War Georgian Revival style and was opened in November 1933. The pool contained springboards and a high diving tower; however, these have since been removed.



The site is located near another heritage listed property but is not considered to be within the vicinity of any heritage items (as stated in the Statement of Heritage Impacts report prepared by Colin Israel of Heritage Advice dated 22 August 2019). Refer to Figure 18.



Figure 18 Heritage Map (Source: Burwood LEP 2012)

## **SURROUNDING DEVELOPMENT**

The following photos show the site within the context of the larger public recreation area extending from Shelley Street down to Mitchell Street, incorporating Henley Park playing fields.



Figure 19 The open space located in front of the aquatic centre looking north-east.



Figure 21 The path leading to Shelley Street which will be redirected to accommodate the learn to swim building.



Figure 20 The open space in front of the aquatic centre looking south.



Figure 22 The path between Shelley Street and the pool entry which will be redirected.

Surrounding the site to the north, east and west are residential properties. The area primarily consists of one and two storey dwellings, as shown in the photos in Figures 23 to 25 inclusive. The site is within walking distance of Enfield Public School to the north-west and has good access to the commercial areas located along Liverpool Road and within Burwood to the north.



Figure 23 The residential properties adjoining the site on the corner of Shelley Street and Portland Street.



Figure 24 Residential properties to the north of the site along Shelley Street.



Figure 25 Residential properties to the north along The Parade.

## **STATUTORY PLANNING FRAMEWORK**

The proposed development is subject to the following Environmental Planning Instruments (EPIs), Development Control Plans (DCPs), Codes and Policies and Draft EPIs and DCPs:

- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development;



- State Environmental Planning Policy No. 55 – Remediation of Contaminated Land;
- State Environmental Planning Policy (State & Regional Development) 2011;
- Protection of the Environment Operations Act 1997;
- Burwood Local Environmental Plan 2012; and
- Burwood Development Control Plan 2013.

## **STATE ENVIRONMENTAL PLANNING POLICY NO 33 – HAZARDOUS AND OFFENSIVE DEVELOPMENT**

The Statement of Environmental Effects submitted by the applicant states that the provisions of SEPP 33 – Hazardous and Offensive Development do not apply to the proposed development. The SEE refers to a document titled “*Applying SEPP 33*” published by NSW Planning which contains Appendix 3 listing hazardous industries which may fall within SEPP 33. Appendix 3 does not list aquatic centres as a hazardous industry.

The commentary provided under SEPP 33 within the Statement of Environmental Effects goes on to address the provisions of the *Public Health Regulation 2012, Schedule 1: Requirements for public swimming pools and spa pools*. The aquatic centre will use bromine for disinfection in accordance with Schedule 1. The aquatic centre is required to comply with the Public Health Regulation as part of its operational procedures.

## **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 has been used for the purpose of a public swimming pool since 1933 and has not been subject to any known contaminating uses. The proposal will not result in any change to the ongoing recreational use of the site. The potential for contamination is considered to be low and no evidence of contamination has been previously detected.

## **STATE ENVIRONMENTAL PLANNING POLICY (STATE & REGIONAL DEVELOPMENT) 2011**

The proposed development is considered to be regionally significant development under Clause 7 of the SEPP as it has a capital investment value greater than \$5 million (\$8.625 million) and has been lodged on behalf of Burwood Council. It is for these reasons the proposed development is to be determined by the Sydney Eastern City Planning Panel.

## **PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997**

Schedule 1 of the Protection of the Environment Operations Act 1997 lists the activities that are scheduled activities for the purposes of this Act and require a license. The use of the site does not fall within an activity requiring a license under Schedule 1. The Statement of Environmental Effects prepared by Facility Design Group Architects states that the site does not fall within any current licenses for operations under the Act. Therefore, no further consideration under this Act is required.



## **BURWOOD LOCAL ENVIRONMENTAL PLAN 2012**

The Burwood Local Environmental Plan 2012 came into effect on 9 November 2012. The subject site is located in the **RE1 Public Recreation** zone under the Burwood Local Environmental Plan 2012. The land use table for the RE1 zone is as follows:

### ***“2 Permitted without consent***

*Environmental facilities; Environmental protection works; Roads*

### ***3 Permitted with consent***

*Aquaculture; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Emergency services facilities; Flood mitigation works; Function centres; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes*

### ***4 Prohibited***

*Any development not specified in item 2 or 3”*

The existing use of the site as the Enfield Aquatic Centre contains indoor and outdoor swimming pools, along with ancillary facilities such as training rooms, administration, offices and amenities. The use is defined as follows:

***recreation facility (indoor)*** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

***recreation facility (outdoor)*** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

The use is therefore permissible in the zone with consent.

The objectives for development in the RE1 Public Recreation zone are as follows:

### ***Objectives of zone***

- To enable land to be used for public open space or recreational purposes.*
- To provide a range of recreational settings and activities and compatible land uses.*
- To protect and enhance the natural environment for recreational purposes.*

The proposal meets the objectives of the zone as the development seeks to upgrade the existing recreational facility, providing a broader range of activities on the site. There will be a new warm water exercise and learn to swim pool along with new multi-purpose and staff training rooms. The site will continue to be used for recreational purposes, benefiting the public.

Burwood LEP 2012 also contains controls including some numerical development standards. A summary of the assessment of the application against the relevant planning controls within BLEP 2012 is shown in the following table.

Development Standard	Requirement	Proposed	Compliance
Clause 4.3 – Height of Buildings	No height limit set for the RE1 zoned land	The proposal involves a new first floor level to the rear section of the existing main administration building. This results in a maximum two storey building on the site, which is considered appropriate given the scale of the indoor pool hall.	N/A
Clause 4.4 – Floor Space Ratio (FSR)	No maximum floor space ratio set for the RE1 zoned land	The proposed additions and new works are considered suitable for the site, as detailed within this assessment.	N/A
Clause 5.10 – Heritage conservation	Development consent is required for the demolition, moving or alteration of a heritage item.	Refer to the discussion on heritage provided below.	Yes
Clause 6.1 – Acid sulfate soils	Development should not disturb, expose or drain acid sulfate soils and cause environmental damage.	A Geotechnical Investigation has been undertaken by Asset Geotechnical Engineering Pty Ltd. Refer to the discussion below.	Yes

#### Clause 5.10 – Heritage Conservation

The property is listed as a local heritage item (I185) under Schedule 5 of the BLEP 2012. The significance of the property relates to the Enfield Olympic Swimming Pool containing an altered single storey Inter-War Georgian Revival Municipal Swimming Pool complex.

As stated within this assessment, a previous development application (DA10.2018.143.1) was lodged at Council on 20 December 2018 and sought alterations and additions to the Aquatic Centre. Included with this previous application was a Statement of Heritage Impact prepared by Colin Israel Heritage Advice. As the Council was the applicant, GML Heritage was engaged by Council to undertake an independent heritage review and subsequently made recommendations for changes to mitigate the heritage impacts. These changes related to the addition of the north wing of the Main Building to retain original walls, hipped roof and projecting bay; locating some of the facilities within a pavilion style addition clearly separated from the Main Building; and setting back the linking element between the Main Building and the proposed learn to swim building.

In response to the issues raised by GML, DA10.2018.143.1 was withdrawn and a new DA (DA10.2019.084.1) was submitted to Council on 27 August 2019. The key amendments to the design as identified by GML in their Heritage Referral Memo to Burwood Council dated 24 October 2019 are listed as follows:

- *“The first-floor addition has been amended to retain the external form of the Main Building, including the hipped roof and symmetrical design.*
- *The linking element between the heritage building and the proposed learn-to-swim pool has been set back and appears more recessive. It is now proposed to be constructed with glass and lightweight materials.*
- *The size of the learn-to-swim pool and building has been extended by approximately 10 metres to the north.*
- *The two-storey multi-purpose facility has been set back further from the front of the Main Building by approximately 5 metres.”*



A detailed assessment of the current proposal has been undertaken by GML and the following excerpt has been taken from their memo to Burwood Council dated 24 October 2019:

*“The new DA is considered to have adequately and appropriately addressed the concerns raised in the Preliminary Heritage Assessment of April 2019, as summarised below:*

- The addition has been amended to retain the external form of the original entrance building, including the hipped roof and symmetrical wings, which have a high level of heritage significance. The bulk of the proposed two storey multi-purpose building has been scaled back away from the heritage building and reads as a separate element.*
- The retention of the entire form of the heritage building including its roof has mitigated many of the adverse impacts of the previous design by minimising demolition of original fabric. This is also less of a permanent impact on the heritage building and allows the option to reverse the intervention in future.*
- The linking element between the heritage building and the proposed learn-to-swim pool has been set further back to appear more recessive. It is now proposed to be constructed with glass and lightweight materials which allows the heritage building to appear as an individual component. The perspective drawings show that the original form of the building is still visible from the Portland Street side of the complex which is a more positive outcome.*
- The increased setback of the first-floor addition has assisted in reducing the visual bulk of the second storey when viewed from the public domain.*

*In addition to these changes, the size of the proposed learn-to-swim pool and building has been increased and now extends approximately 10 metres further to the north of the site. This increase in size results in a minor increased impact on the heritage building and its wider setting. However, this impact is not considered to warrant a change to the design as the increase in size of the building would not cause any noticeable difference when viewing the complex from Portland Street.*

*The proposed development is now more aligned with the aims and guidelines of the BDCP and facilitates a better outcome for the heritage building.”*

In conclusion, GML finds that the proposal complies with Clause 5.10 of the BLEP and generally complies with the relevant heritage controls of the BDCP. GML recommends appropriate conditions be placed on the approval to reflect the recommendations of their assessment, which are included at the end of this report.

#### Clause 6.1 – Acid Sulfate Soils

Asset Geotechnical Engineering has prepared a Geotechnical Investigation and preliminary acid sulfate soil assessment for the proposed works. The investigation reveals the following:

- The testing undertaken for potential Acid Sulfate Soils indicates it is not present and an Acid Sulfate Soils management is not required for the proposed ground disturbances associated with the development. No further investigation or testing is required for Acid Sulfate Soils.
- Recommendations are made for the design and construction of the development. Refer to Sections 5.3 to 5.10, Section 6 and Section 7 of the report.

## **BURWOOD DEVELOPMENT CONTROL PLAN 2013**

The following provisions of Burwood DCP apply to the proposed development.

- **Part 5.8 Transport and Parking for Other Development**

Table 5 under Part 5.8 provides the parking rates for 'other development' within the RE1 Public Recreation Zone. Recreation facilities (outdoor) is determined case-by-case on the basis of a Transport, Traffic and Parking Impact Report and Management Plan prepared by the applicant.

Response:

A Traffic and Parking Assessment Report was prepared by Positive Traffic and submitted with the development application. The site currently has a car park which provides 20 car spaces, of which one space is accessible. There is a further accessible parking space located in a parallel parking arrangement on the eastern side of Portland Street, in front of the centre.

The report identifies that the front of the aquatic centre is located approximately 390 metres walking distance to existing bus stops in Coronation Parade near the intersection with Mina Rosa Street. These bus routes access the following routes:

- 415 – Campsie to Chiswick
- 450 – Strathfield to Hurstville
- 464 – Ashfield to Mortlake
- 466 – Ashfield to Cabarita Park

The report has assessed the potential traffic impacts of the proposed development in relation to the café, new learn to swim pool and staff, and concludes that the potential increase in traffic generated by the development would be minimal and would not impact on the surrounding road network.

In relation to parking, the parking demands of the centre have been based on an assessment of patronage data provided by Burwood Council. It is noted that the RTA guide to Traffic Generating Developments does not provide any parking rates for aquatic centres or the like. The report finds that there will be an increase in parking demand from the new learn to swim pool and the larger café. There is also a peak staff demand of 20 persons. The assessment estimates that the redeveloped aquatic centre would require:

- 30 spaces for the current operational demands, plus
- 12 spaces for the expanded learn to swim pool, plus
- 1 space for the café expansion, plus
- 16 staff spaces.
- **Therefore, the total parking demand has been calculated to be 59 parking spaces.**

The proposed development includes the expansion of the existing car park to accommodate a total of 77 spaces, including 4 accessible parking spaces. It is noted that the submitted architectural plans show 78 spaces, however this is a miscalculation. Therefore, the proposal is considered more than adequate to accommodate peak seasonal demands of the centre.

There is no change proposed to the location of the car park access driveways from Shelley Street and Ann Street.

The Traffic and Parking Assessment Report does recommend that a new accessible pram ramp to be installed in Portland Street to serve the existing accessible parking spaces along the eastern side of Portland Street. This recommendation is supported as will be discussed in the "Consultation" section of this assessment report.

The photo in Figure 26 shows the location of the existing accessible space along Portland Street in front of the aquatic centre.



Figure 26 The accessible space along Portland Street.

- **Part 6.1: Preservation of Trees or Vegetation**

Approval is required for the removal of vegetation that is prescribed in the DCP.

Response:

An Arboricultural Impact Assessment Report has been prepared by Urban Arbor Pty Ltd and submitted with the development application. This report assesses the impact of the proposed development to all significant trees located inside the site or adjoining the site. Forty-nine trees have been identified and assessed.

The findings and recommendations of the Arboricultural Impact Assessment Report are summarised as follows:

- *Eight trees are recommended for removal to accommodate the development (trees 21, 22, 34, 35, 36, 40, 41 and 42). The location of the trees has been estimated in appendix 1.*
- *Five trees have been identified that will require tree sensitive construction methods, or further information is required to demonstrate that the trees can be retained in a viable condition. These trees are:*
  - *Tree 17: to minimise the impact to the tree, the proposed car parking area should be located on similar soil grades to the existing levels in the TPZ.*
  - *Tree 29: The proposed sub-station/main switchboard is located in the TPZ and SRZ, indicating that the stability and health of the tree will potentially be impacted. Further information is required to determine the impact of the tree. The extent of any proposed excavations required for the sub-station/main switchboard needs to be identified, including information in relation to any new services that will be required for the sub-station/main switchboard in the TPZ.*
  - *Tree 43, 44 and 46: To ensure that the tree is not impacted, the new footprint should be constructed above existing soil grades in the TPZ.*
- *All other trees assessed in this report can be retained in a viable condition.*

The trees proposed to be removed include Brush Box, Banaglow Pine and Weeping Bottlebrush and overall are not the most significant trees on site in terms of size.

Council's Tree Management Officer has assessed the Arboricultural Impact Assessment Report and has no objection to the removal of the eight (8) trees. The Tree Management Officer has also recommended that the tree protection measures identified in the Report must be implemented prior to commencement of works and remain in place and maintained until final



completion of the works. In addition, a landscape plan is required from the applicant which provides tree plantings to replace the lost canopy.

The recommendations made in the Arboricultural Impact Assessment Report and those from Council's Tree Management Officer will be included in the recommended conditions of consent.

- **Part 6.2: Waste Management**

A waste management plan is required for the demolition and construction works, and for the on-going use of the premises.

Response:

A Waste Management Plan has been prepared by Facility Design Group and submitted with this development application. This plan addresses the controls relating to demolition, construction, and on-going operation of the centre.

The current garbage collection regime will continue. Waste during operations will be managed using Otto style garbage bins. Waste collection schedules will be discussed with the waste contractor.

- **Part 6.3: Acid Sulfate Soils**

The site has Class 5 acid sulfate soils.

Response:

A Geotechnical Investigation Report has been prepared by Asset Geotechnical Engineering Pty Ltd and submitted with the development application. As stated previously, this investigation includes a preliminary acid sulfate soil assessment for the proposed works. The investigation reveals the following:

- The testing undertaken for potential Acid Sulfate Soils indicates it is not present and an Acid Sulfate Soils management is not required for the proposed ground disturbances associated with the development. No further investigation or testing is required for Acid Sulfate Soils.
- Recommendations are made for the design and construction of the development. Refer to Sections 5.3 to 5.10, Section 6 and Section 7 of the report.

These recommendations will be included in the recommended conditions of consent.

- **Part 6.5: Stormwater Management**

All works within the Burwood LGA are to incorporate stormwater drainage facilities to collect and convey stormwater runoff to Council's system in accordance with the Stormwater Management Code.

Response:

Stormwater plans have been prepared and submitted with the development application. An on-site detention tank will be provided in the car park area.

- **Part 6.6: Landscaping for Development**

Council's Landscaping Code, which is separate to the DCP, aims to provide guidelines for the preparation of landscape plans as an integral component of new development in Burwood.

Response:

Refer to the comments provided under Part 6.1: Preservation of Trees or Vegetation. The site contains a significant amount of existing vegetation, the majority of which is substantial and provides shading to the outdoor areas of the centre. Council's Tree Management Officer has recommended that the applicant be required to submit a landscape plan showing that five (5) new brush box trees will be planted to replace the lost canopy from the development.

- **Part 6.7: Energy Efficiency and Sustainability**

All non-residential development Class 5-9 will need to comply with the Building Code of Australia energy efficiency provisions.

Response:

An Energy Efficiency Evaluation Section J of the BCA 2016 Report has been prepared by Partners Energy and submitted with the development application. The assessment concludes that, subject to the measures recommended in Section 2 the development complies with Section J of the BCA 2016.

These recommendations will be included in the recommended conditions of consent.

## **CONSULTATION**

### Internal Referrals

- Traffic & Transport – the following comments were made by Council's Traffic Engineer:

*The proposed development is located within a RE1 Public Recreation Zone. A secondary pedestrian access is now provided adjacent to the car park.*

*For recreational facilities (outdoor) in a RE1 Public recreation zone the car parking rates applicable are as determined case-by-case on the basis of a Transport, Traffic and Parking Impact Report and Management Plan prepared by the applicant.*

*A traffic and parking assessment report has been carried out by Positive Traffic dated August 2019.*

*The report suggests that the proposed changes that will generate an additional parking demand are the additional 37m<sup>2</sup> of café and the expanded Learn to Swim pool. It also states that the EFT is estimated to increase from 15 to 20 staff at peak times (an increase of 5 staff). The additional parking demand is estimated as detailed below;*

- Café 1 space
- Expanded Learn to Swim 12 spaces
- Staff 4 spaces
- **Total additional parking demand 17 spaces**

*This parking estimate is considered to accurately reflect the potential additional parking demand.*

*The report estimates the overall parking demand for the redeveloped Enfield Pool including existing parking demand as follows;*

- Current operation demand 30 spaces

• Additional expanded Learn to Swim	12 spaces
• Café expansion	1 spaces
• Overall staff	16 spaces
• <b>Total parking demand</b>	<b>59 spaces</b>

*The existing parking demand as calculated in the traffic report is 37 patrons generating a parking demand for 30 spaces. This has been based on the 85%ile demand for patrons as surveyed at various times in 2018. This estimate of existing parking demand is considered to likely underestimate the parking demand as it assumes that no patrons that have entered the aquatic centre prior to the surveyed hour are still in the aquatic centre. In this regard, an alternate method of taking the parking demand as two hours of patronage in the aquatic centre at any given time would result in 68 patrons generating a current operation parking demand of 54 spaces.*

*On application of this alternate method to estimate the parking demand the overall estimated parking demand for the redeveloped site is 83 spaces which is 6 spaces less than what is provided in the proposed car park. Should this parking demand be realised these 6 spaces can be adequately accommodated in the surrounding on street parking.*

*In summary, it is estimated that the overall parking demand is in the range of 75 to 85 parking spaces. Noting that the parking capacity of the proposed car park is 77 spaces the proposed parking supply is considered adequate.*

*In regards to traffic, the additional traffic generation associated with the expansion is considered negligible and will have minimal impact on the surrounding road network.*

Council's Group Manager Assets & Infrastructure has also advised that the recommendation made by Positive Traffic in their traffic and parking assessment report for a new pram ramp to service the accessible spaces in Portland Street is supported. This will be conditioned.

- Environment & Health – no objections, subject to recommended conditions of consent.
- Building – no objections, subject to recommended conditions of consent.
- Stormwater Engineer – no objections, subject to recommended conditions of consent.
- Tree Management Officer – the following comments were made by Council's Tree Management Officer:

#### **Tree Removal**

*Trees numbered 21, 22, 34, 35, 36, 40, 41 and 42 as identified in the Arboricultural Impact Assessment (AIA) Report, by Urban Arbor dated 15 August 2019, may be removed.*

#### **Tree Protection**

*All other trees identified in the AIA Report as requiring protection measures, must have tree protection measures implemented as per the recommendations of the AIA Report. Tree protection measures to be implemented **prior to commencement of any works** and must remain in place and maintained **until final completion of the works**.*

#### **Landscaping**

*A Landscape Plan is required to be submitted which provides tree plantings to replace the lost canopy from the development. At a minimum, this shall include five (5) brush box trees (*Lophostemon confertus*) planted from minimum container sizes*



*of 200 litres volume. The Landscape Plan must be prepared by a qualified Landscape Architect or Landscape Designer and must satisfy the objectives and requirements of Burwood Council's Landscaping Code and Development Control Plan.*

This will be included in the conditions of consent.

#### External Referrals

- Heritage – see the comments provided in the section addressing Clause 5.10: Heritage Conservation of Burwood Local Environmental Plan 2012.

#### Neighbour notification

The proposed development was placed on Public Notification between 11 September and 4 October 2019, in accordance with the Burwood DCP. One (1) submission was received. The following issues were raised in the submission:

**Issue 1:** *After school hours during the May and June months children are being dropped off and picked up from the swimming pool from the Ann Street car park and there is bedlam in the carpark and on the streets around Anne Street. Currently Ann Street is struggling to cope with the amount of traffic exiting from the car park. The extension of the car park will mean that Ann Street ceases to be a "local traffic" area and will become a main traffic thoroughfare.*

*Enfield is losing its parkland for a concrete car park.*

*I believe the Council is planning to demolish the two houses on the corner of Portland Street and why can't that space be used for a car park with direct access to the front of the swimming pool?*

#### Response:

The proposed works include extending the driveway crossover to Shelley Street and retaining the driveway crossover to Ann Street. The existing kerbs within the current car park will be removed and the parking area will be extended to the east to accommodate more parking bays. The car park extension will take up a portion of the existing open space on the eastern side of the aquatic centre. Overall, the open space area removed from the car park extension is not a significant amount when considering the overall size of this public recreation area. There is a net benefit from the car park extension as it will provide more parking on site, thereby reducing the demand for on-street parking.

In regards to the parking calculation, Council's traffic engineer has stated that the parking demand calculated within the traffic report is underestimated, however on application of an alternate method to estimate the parking demand, the overall estimated parking demand for the redeveloped site is 83 spaces which is 6 spaces less than what is provided in the proposed car park. In the event that this parking demand is realised these 6 spaces can be adequately accommodated in the surrounding on street parking. The parking provision for the development has therefore been considered satisfactory to meet the demands.

In terms of traffic, both the traffic report and Council's traffic engineer are of the opinion that the additional traffic generation associated with the expansion is considered negligible and will have minimal impact on the surrounding road network.

The redevelopment of the residential properties located on the corner of Portland Street and Shelley Street do not form part of this current application. In the event that these properties are redeveloped, then matters of consideration such as use of the land and parking will be considered at that time.

**Issue 2:** *What is Council planning to do to replace the existing large, old, native trees? What kind of shade is going to be provided in the car parking areas?*

Response:

As stated within this report, the existing old and mature trees will be retained. Out of the 49 trees identified and assessed within the Arboricultural Impact Assessment Report prepared by Urban Arbor, only eight (8) are proposed to be removed and these are brush box, palm and bottlebrush trees.

While the proposal does not include new vegetation to the car park area, shade will still be provided within the outdoor areas of the centre by the existing larger trees. In addition, Council's Tree Management Officer has recommended that a condition be included in the consent requiring the applicant to submit a landscape plan which provides tree plantings to replace the lost canopy from the development. At a minimum, this shall include five (5) brush box trees (*Lophostemon confertus*) planted from minimum container sizes of 200 litres volume.

**Issue 3:** *There are no plans to replace existing flowering bottle brush trees with any new flowering gum trees or any tree.*

Response:

As stated above, the development will require new planting to replace the trees being removed. At a minimum, this shall include five (5) brush box trees (*Lophostemon confertus*) planted from minimum container sizes of 200 litres volume.

**Issue 4:** *What plans do Council have to preserve the trees in Grant Park? Mature trees are being cut down and park lands are turning into concrete, heat generating car parks.*

Response:

As stated, only eight (8) of the 49 trees assessed will be removed and these trees are of lesser significance than the trees to be retained. The extension of the car park only directly results in the removal of one (1) tree (tree 21). New landscaping will be required to replace the trees being removed as a result of the proposed development. The retention and/or removal of other vegetation within the broader Grant Park area is not a consideration under this application, as the works proposed only relate to the Enfield Aquatic Centre site.

**CONCLUSION**

This application has been assessed having regard to the Heads of Consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, the provisions of the relevant SEPP's, Burwood LEP 2012 and all relevant Council DCPs, Codes and Policies.

The proposal generally complies with the Burwood LEP 2012 and Burwood DCP.

Accordingly, it is recommended that consent be granted to Development Application No. DA.2019.084, subject to conditions provided at Attachment 1.

## Recommended Conditions of Approval

### FEES

- (1) 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 Certifier **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

- (2) Building and Construction Industry Long Service Corporation Levy **\$40,250.00**  
**(Payment to be made to Council, the Corporation or its Agent)**
- (3) Damage Deposit - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc) during building work **\$29,000.00 (Payment to be made to Council as a bond prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation)**

NOTE: This deposit is refundable if no damage occurs.

- (4) Construction by the Applicant/Council the stormwater drainage works **\$2,000.00**  
**(Payment to be made to Council as a bond)**

### BUILDING

- (1) Prior to the commencement of building work, the following is to be carried out:-
  - a. Submit to Council a "Notice of Intention to Commence Building Work and Appointment of a Principal Certifier" form. Council's "Notice of Intention to Commence Building Work and Appointment of a Principal Certifier" form is to be used where application is made to Council.
  - b. Ensure detailed plans and specifications of the building are endorsed with a Construction Certificate by Council or an Accredited Certifier. Council's "Construction Certificate Application" form is to be used where application is made to Council. Copies are available on request.

(Vide Section 6.6 *Environmental Planning & Assessment Act 1979*)

- (2) Balcony balustrades being a minimum height of 1m. 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**.
- (3) 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/New Zealand Standard AS/NZS 1170 Part 1 – Structural design actions.

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**.

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

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

- (5) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (6) 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.
- (7) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - a. must preserve and protect the building from possible damage, and
  - b. if necessary, must underpin and support the building in an approved manner, and
  - c. must, at least 7 days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

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

### **WARNING**

#### **Utility Services**

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

#### **Building Plan Approval**

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

- (9) No work being carried out other than between the hours of 7:00am – 6:00pm Mondays to Fridays and 7:00am – 4:00pm on Saturdays, with no work at all being carried out on Sundays and Public Holidays. Demolition, excavation and/or construction works that involve heavy machinery, noisy trades or the like are **not permitted** to be carried out from 1:00pm to 4:00pm on Saturdays.
- (10) Hours of work shall be from 7:00am to 6:00pm Mondays to Fridays inclusive, and from 7:00am to 4:00pm on Saturdays. Demolition, excavation and/or construction works that involve heavy machinery, noisy trades or the like are **not permitted** to be carried out from 1:00pm to 4:00pm on Saturdays. No work shall be carried out on Sundays or Public Holidays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.
- (11) The approved structure shall not be used or occupied unless an Occupation Certificate as referred to in Section 6.4 (c) of the *Environmental Planning & Assessment Act 1979* has been issued.
- (Vide Section 6.9 *Environmental Planning & Assessment Act 1979*)
- (12) 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**.
- (13) Structural Engineer details prepared and certified by a practicing Structural Engineer for all reinforced concrete and structural members being submitted to the Principal Certifier for approval **prior to the issuing of a Construction Certificate**.

#### **DEMOLITION**

- (1) Demolition of the building is to be carried out in accordance with the requirements of Australian Standard AS 2601 – 2001, where applicable.
- (2) Hours of demolition work shall be from 7:00am to 6:00pm Mondays to Fridays inclusive, and from 7:00am to 4:00pm on Saturdays. Demolition works that involve heavy machinery, noisy trades or the like are **not permitted** to be carried out from 1:00pm to 4:00pm on Saturdays. No demolition work shall be carried out on Sundays or Public

Holidays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.

- (3) 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.
- (4) 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.

## HEALTH

- (1) 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.
- (2) 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.
- (3) 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*.
- (4) All asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations (Waste) Regulation 2005*.
- (5) 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).
- (6) Written notice must be provided to Council and adjoining neighbours at least two working days prior to commencement of any works.

Such written notice is to include the following details:

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

Work is not to commence prior to the nominated date.

## HERITAGE

- (1) The development shall be undertaken substantially in accordance with the details and recommendations set out in the Heritage Impact Statement, 8A Portland Street Enfield (DA2019.084), prepared by Colin Israel Heritage Advice, dated August 2019.



- (2) Prior to the issue of a Construction Certificate, a Schedule of Conservation Works is to be prepared. The schedule is to include details of how significant interior finishes within the Main Building shall be conserved including but not limited to the flooring and floor coverings, lighting and electrical fixtures, walls and surface finishes, tiles, signage, handrails and balustrades, ceilings, window and door hardware, and windows and doors. The Schedule is to be written by a suitably qualified heritage architect/consultant. Conservation works are to be implemented to the written approval of Council's Heritage Advisor prior to the issue of the Occupation Certificate.
- (3) A full archival photographic recording is to be undertaken of the heritage item – including the interiors, and with particular reference to the wading pool – prior to any works commencing on the site. The archival recording is to be in accordance with the requirements of:
  - The NSW Heritage Office publication How to Prepare Archival Records of Heritage Items, 1998; and
  - The Department of Planning's Recording Places of Cultural Significance, 1991.The record in digital form is to be submitted to Council and written approval of Council's Heritage Advisor should be submitted prior to any works commencing on site.
- (4) Written certification by a structural engineer that the Main Building is able to support the proposed works without loss of structural stability is to be provided with the Construction Certificate.
- (5) Prior to Stage 4 Works commencing, an interpretation plan must be prepared by an experienced heritage interpretation practitioner and submitted to the written satisfaction of Council. The interpretation plan shall be in accordance with the Heritage Council's Interpreting Heritage Places and Items Guidelines, 2005. Written approval from Council is to be provided to the Certifying Authority. The plan must make allowance for the display of any potential archaeology uncovered during the works, and interpret the multiple uses and history of the various heritage items and contributory buildings on the site in a way that is engaging, informative and readily accessible to the majority of visitors. The interpretation plan must be implemented, with written confirmation from the Council, prior to the issue of the Occupation Certificate.
- (6) A recognised heritage consultant is to prepare an 'induction document' that is to be read by all new site workers as part of their normal induction. Each worker is required to sign off stating they have read the document and will abide by the instructions.

## **TRAFFIC**

- (1) All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.
- (2) A total of 77 off-street car parking spaces must be provided on-site. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. 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.
- (3) 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 – 2018 Parking Facilities Part 2: Off-street commercial vehicle facilities'.

- (4) 'No Parking' signposting is to be installed along the circulation roadway and opposite sections of 90-degree angled parking where angled parking is only provided on one side of the parking aisle.
- (5) A 'Loading Zone' must be signposted for a 14-metre length on the western boundary of the car park in the indented section adjacent to the existing plant building.
- (6) A kerb ramp is to be constructed at the southern end of the car park to where the existing pathway through Henley Park intersects the car park to provide continuous access to the pool entrance.
- (7) A 1.8 metre pedestrian footpath is to be constructed along the length of the western edge of the accessible car space on the north western edge of the car park. This path must intersect the car park aisle south of the accessible car space and include a kerb ramp. This pedestrian path will provide a link between Shelley Street and the car park.
- (8) The footpath on the southern side of Shelley Street between the car park access and where it intersects the path through the park must be reconstructed.
- (9) An additional on street accessible parking space is to be provided on the eastern side of Portland Street south of the main entrance pedestrian footpath by extending the existing accessible parking zone from 14.4 metres to 17.7 metres.
- (10) All parking spaces must be signposted '90-degree Angle Parking Rear to Kerb'.
- (11) Car Park type speed humps must be installed at maximum 30 metre intervals throughout the car park.
- (12) Pavement arrows are to be marked throughout the car park.
- (13) 'No Entry' signs must be installed at the intersection of the car park circulation roadway and the one-way aisle at the southern end of the car park facing northbound and southbound traffic and accompanied by give way signs and line marking of the one-way exit lane.
- (14) Of the required car parking spaces, at least 4 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 minimum headroom of 2.5m and must be clearly marked and appropriately located as accessible parking for people with mobility impairment including two at the northern end and two in the middle of the car park in close proximity to the pedestrian access (Car spaces No. 14 and 16).
- (15) The site must be configured to allow a vehicle to be driven onto and off the site in a forward direction.
- (16) The following signs must be provided and maintained within the site at the point(s) of vehicle egress in Shelley Street and Anne Street:
  - (a) Compelling drivers to stop before proceeding onto the public way
  - (b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway.

- (17) Car park directional signposting is to be installed at the following locations;
- a) Portland Street/Shelley Street intersection facing northbound and southbound vehicles
  - b) Shelly Street at the car park access facing eastbound and westbound vehicles
  - c) Anne Street at the car park entrance facing westbound vehicles
  - d) Portland Street/Mina Rosa Street intersection facing northbound vehicles
- (18) All loading and unloading operations associated with servicing the site must be carried out within the confines of the Loading Zone.
- (19) At all times the Loading Zone, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.
- (20) 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.
- (21) 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.
- (22) 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.
- (23) 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.
- (24) 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.
- (25) 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).
- (26) Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity
- i) Work zone.
  - ii) Temporary closure of roadway/footpath.
  - iii) Mobile crane or any standing plant.
  - iv) Scaffolding/Hoardings (fencing on public land)
  - v) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc.
  - vi) Installation or replacement of private stormwater drain, utility service or water supply
- (27) A new accessible pram ramp should be installed on the eastern side of Portland Street to serve the accessible parking spaces provided on the street.

## ENVIRONMENTAL MANAGEMENT

- (1) An Environmental Management Plan is to be submitted to Council for approval, **prior to the issue of 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:
- Noise and vibration control
  - Dust and odour suppression and control
  - Storm water control and discharge
  - Erosion control
  - Waste storage and recycling control
  - Litter control
  - Construction material storage
  - Truck cleaning methods on site so as to prevent spread of soil and like materials onto Council's roadways
- (2) Any soils requiring removal from the site as part of the site excavation are to be classified in accordance with the '*Waste Classification Guidelines, Part 1: Classifying Waste*' NSW EPA (2014)
- (3) The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997. The sound level output shall not exceed 5 dB(A)

above the ambient background level at the received boundary.

- (4) The construction of building elements is to comply with the recommendations listed at Parts 7 of the Acoustic Report prepared by Noise and Sound Services (Report No. nss22962 - Final dated August 2019).
- (5) Any lighting of the premises shall be installed in accordance with *Australian Standard AS 4282: Control of the Obtrusive Effects of Outdoor Lighting* so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if Council considers there to be adverse effects on the amenity of the area.
- (6) The noise mitigation measures outlined in the Noise Impact Assessment Report prepared by Noise and Sound Services dated August 2019 are to be implemented.
- (7) The development is to be constructed in accordance with the Geotechnical Investigation prepared by Asset Geotechnical Engineering Pty Ltd dated 10 October 2018.

## FOOD SAFETY AND HEALTH

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

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

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

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

- (3) The applicant is to complete and submit, together with the relevant fee, Council's '*Application Form for Registration of Food Premises*' **prior to the issue of an Occupation Certificate**
- (4) A Food Safety Supervisor (FSS) is to be appointed for the business. Details of the name and current Certificate number of the FSS are to be submitted to Council prior to the issue of an Occupation Certificate.

## WASTE MANAGEMENT

- (1) Waste and recycling collections are to be carried out in a manner and at times which do not cause a noise nuisance to the immediate or nearby residents.

*Note;* Council reserves the right to issue a direction under the Protection of the Environment Operations Act to address any noise or other nuisance complaints.

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



- (3) The owner/occupier of the premises is to enter an agreement with registered waste company or provider for the regular collection of all commercial waste and recyclable material generated from the premises. A copy of the agreement is to be retained on site and produced to an authorized Council officer upon request.

## **TREE MANAGEMENT AND LANDSCAPING**

- (1) The recommendations listed in Schedule 10 of the Arboricultural Impact Assessment Report prepared by Urban Arbor Pty Ltd dated 15 August 2019 are to be implemented. In this regard, trees numbered 21, 22, 34, 35, 36, 40, 41 and 42 as identified in the Arboricultural Impact Assessment Report may be removed.

All other trees identified in the Arboricultural Impact Assessment Report as requiring protection measures, must have tree protection measures implemented as per the recommendations of the AIA Report. Tree protection measures to be implemented **prior to commencement of any works** and must remain in place and maintained **until final completion of the works**.

- (2) A Landscape Plan is required to be submitted **prior to the issue of an Occupation Certificate** which provides tree plantings to replace the lost canopy from the development. At a minimum, this shall include five (5) brush box trees (*Lophostemon confertus*) planted from minimum container sizes of 200 litres volume. The Landscape Plan must be prepared by a qualified Landscape Architect or Landscape Designer and must satisfy the objectives and requirements of Burwood Council's Landscaping Code and Development Control Plan.

## **ENGINEERING**

- (1) All activities and works external to the site, or that affect public roads, are to be carried out in accordance with Council's Code for Activities Affecting Roads
- (2) A road-opening permit shall be obtained for all works carried out in 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 restoration rates. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$10 million, and shall provide proof of such cover to the Principal Certifying Authority prior to carrying out the works.
- (3) Spoil and building materials shall not be placed, stored or caused to fall within any public roadway or footpath. Waste containers shall be placed in accordance with Council's Code for Activities Affecting Roads. Council's fee shall be paid prior to the placement of the waste containers.
- (4) The builder is to ensure footpaths and roads affected by construction works are kept safe and prevent any damage to Council property. The builder shall erect and maintain where necessary approved hoardings, barricades, warning signs and night warning lamps to ensure public safety. Pedestrian access across the footpath must be maintained at all times.
- (5) The following matters shall apply to the damage deposit listed in the Table of Fees:-
  - a. This deposit is refundable if no damage occurs. Any damage caused will be repaired at Council's restoration rates, at the applicant's expense. All or part of the deposit will be forfeited to cover damage to Council's property during the course of demolition and/or construction.

- b. Council will only carry out two inspections of the Council's footpath, kerb and gutter, 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 culminates in the damage inspected at Council's final inspection. The applicant is responsible for attributing any part of the damage to their individual contractors. Council will not refund any part of a damage deposit until the completion of the work covered by this consent.
- (6) The following matters apply to the construction of the proposed vehicular crossing.
- a. A vehicular crossing 6m wide to Shelley Street and Ann Street shall be constructed to Council's current Vehicular Crossing Policy and specifications at the applicant's cost. Where the applicant or their contractor wishes to carry out the construction, a Construction Permit must be obtained from Council and the related standard conditions and fees will apply.
- b. The driveway shall be 1m clear of any pits, lintels, poles and 2m clear of trees in the road reserve.
- c. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
- (7) Internal driveway levels shall be designed and constructed to conform with existing footpath and road profiles such that vehicles are not damaged while accessing the property. Council footpath and road profiles will not be altered for this purpose.
- (8) Stormwater from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe to Council's street drainage system.
- (9) Temporary measures shall be provided during demolition, excavation and/or construction to prevent sediment and polluted waters discharging from the site.
- (10) 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.
- (11) 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.
- (12) Vehicles transporting demolished, excavated and/or construction materials to and from the site shall access and depart from the site through Ann Street, Burwood Road and Liverpool Road. Vehicles involved in transporting materials shall be limited to an 8 tonne gross weight per axle.

## **ENGINEERING – STORMWATER**

- (1) A detailed drainage design shall be submitted to the Principal Certifying Authority.
- a. The design and calculations shall indicate the details of the proposed method of stormwater disposal and shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Council's Stormwater Management Code.
- b. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property.

- c. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.
  - d. The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering. The Principal Certifying Authority is to be provided with a Compliance Certificate verifying that this condition has been complied with, **prior to the issuing of a Construction Certificate.**
- (2) Details and calculations shall be prepared by a competent practicing hydraulic/civil engineer. They shall include:
- a. a catchment plan,
  - b. plans showing proposed and existing floor, ground and pavement levels to 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. The Principal Certifying Authority is to be provided with a Compliance Certificate verifying that this condition has been complied with, **prior to the issuing of a Construction Certificate.**

- (3) On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system.
- a. This storage shall be designed by a competent practicing hydraulic/civil engineer in accordance with Council's Stormwater Management Code and submitted to the Principal Certifying Authority.
  - b. The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering. The Principal Certifying Authority is to be provided with a Compliance Certificate verifying that this condition has been complied with, **prior to the issuing of a Construction Certificate.**
- (4) 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.
- (5) 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.
- (6) A Positive Covenant under section 88E of the *Conveyancing Act* shall be created on the title of the property(s) detailing the *On-site Stormwater Detention system* incorporated in the development. The wording of the Instrument shall include but not be limited to the following:
- a. The proprietor of the property agrees to be responsible for keeping clear and the maintenance of the facilities consisting of:
    - i) *On-site Stormwater Detention system*
  - 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.**

- (7) The applicant shall pay the contribution listed in the Table of Fees (\$2,000.00) for the stormwater connection to Council's pit.