

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSEC-13
DA Number	DA.2019.086
LGA	Burwood
Proposed Development	Internal and external alterations to the building at 2-4 Conder Street Burwood which is currently used as Burwood Library and Community Hub, and the fitout and use of the ground floor, Level 1 and Level 2 of Building A at 8 Conder Street for use as office space by Burwood Council.
Street Address	2-8 Conder St Burwood
Applicant/Owner	Design Inc /Burwood Council
Date of DA lodgement	6 September 2019
Number of Submissions	Nil
Recommendation	Approval subject to Conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	Council Development with a Capital Investment Value over \$5M
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> Burwood Local Environmental Plan 2012 Burwood DCP Likely social, environmental and economic impacts of the development Suitability of the site for the development Submissions Public Interest
List all documents submitted with this report for the Panel's consideration	Documents forwarded to the Panel through the Portal
Report prepared by	GAT & Associates – Town Planners
Report date	21 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? **Yes**

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? **Yes**

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)? **Not Applicable**
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

(ITEM XX/XX) DA.2019.086 – 2-8 CONDOR STREET, BURWOOD – INTERNAL AND EXTERNAL ALTERATIONS TO BURWOOD LIBRARY AND COMMUNITY HUB FOR A CUSTOMER SERVICE CENTRE – FITOUT OF LEVELS 1 AND 2 OF BUILDING A FOR COUNCIL ADMINISTRATION OFFICES AND FUTURE USE OF THE GROUND LEVEL AS RETAIL OR COMMERCIAL SPACE

REPORT BY CONSULTANT TOWN PLANNER

Owner: Burwood Council and Anson City Developments 2 Australia Pty Ltd

Applicant: DesignInc Sydney Pty Ltd

Location: 2-4 Conder Street, Burwood (Owned by Burwood Council)

8 Conder Street, Burwood (Owned by Anson City Developments 2 Australia Pty Ltd)

Zoning: B4 Mixed Use Zone

Proposal

This report provides an assessment of DA.2019.086 which seeks approval for the works required to upgrade the community facilities offered to the general public and to provide new administration space for Burwood Council employees. The application proposes internal and external alterations to the building at 2-4 Conder Street which is currently used as Burwood Library and community hub, and the fitout and use of the ground floor, Level 1 and Level 2 of Building A at 8 Conder Street for use by Burwood Council.

The existing library building at 2-4 Conder Street, which is a heritage item, will continue to be used as a library and community hub, and will also contain a customer service centre and call centre, a Council meeting room, Councillor and Mayor's offices, meeting rooms, staff areas and amenities. External alterations are proposed to this building involving the enclosure of the existing north-west facing first floor balcony with frameless bifold glazing. This space will be used as an indoor garden/multi-function room and will be provided with skylights.

Building A, located on the southern side of the Library building at 8 Conder Street, is a 11-storey mixed use building currently under construction containing retail, commercial and residential floor area with basement car parking. This application seeks to fitout Levels 1 and 2 for use as Council administration offices. The ground floor will be leased by Burwood Council at a future date for retail purposes and will be subject to separate approvals.

A detailed description of the proposed works is provided below:

2-4 Conder Street

Ground Floor:

- Internal alterations to the existing building including demolition of sections of original walls;
- The removal of the internal fitout at ground floor level excluding the existing staircases, lift and some services;
- A new fitout to the library, and new configuration to the customer service centre, staff break room and call centre work area;
- The removal of non-original internal walls, partitions, flooring and doors;
- New partition walls, new glazed walls and new doors within the original 1887 Council building;
- New unisex bathroom within the new staff break room;
- New flooring and painting throughout the building;
- The retention of the existing floor at the original main entry to the building; and
- The removal of the existing 'tree' within the library space.

First Floor:

- The removal of the internal fitout including non-original partition walls, doors, flooring and joinery;
- A new internal library fitout, new offices and meeting rooms; and
- A new indoor garden/multi-function room to the north-western corner of the building, enclosing the existing balcony space with frameless bifold glazing, and skylights to the new balcony roof.

8 Conder Street (Building A)

Ground Floor:

- Council owned tenancy will be leased in the future for a commercial (retail) tenancy.

First Floor:

- Fitout of the first floor;
- Part of the first floor will be used for Council administration offices comprising general work areas, meeting rooms, storage areas and amenities;
- The remaining floor area will be used as a library and community centre comprising training and multi-function rooms, 3D printing and computer labs, a recording and music studio, physical and digital art gallery spaces, and an amphitheatre with indoor garden; and
- The first floor level will be connected to the library at 2-4 Conder Street by the existing link bridge (under construction) on the northern side of the building.

Second Floor:

- Fitout of the second floor for use as Council administration offices, comprising general work areas, meeting rooms, offices for senior management, breakout areas and amenities.

The Council offices will have access to 55 car parking spaces located within the B1/lower ground floor level, accessed from Wynne Avenue. The car spaces will be secured, with entry and exit points provided with automated sliding gates and a chain wire security fence enclosing the allocated spaces.

As will be further detailed in the “*Background*” section of this report, the development currently under construction at 8 Conder Street (which forms part of the site known as 39-47 Belmore Road) has a Voluntary Planning Agreement (VPA) applying to it. Ownership of the ground floor, Level 1 and Level 2 of Building A at 8 Conder Street, Burwood will transfer to Council ownership upon approval of the stratum subdivision application currently being considered by Council. The car parking on the site has been approved and no changes are proposed to the number of spaces or access.

The purpose of this application is to locate the library and customer service facilities of Burwood Council in one central location, to create a convenient public service to the residents, visitors and workers of Burwood. The proposal will provide new creative spaces, indoor and balcony gardens, a dedicated youth zone and improved spaces for children within a larger and more modern library. The new community spaces will provide greater opportunities for the public to experience art and hold events.

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. 55 (SEPP 55) – Remediation of Land
- State Environmental Planning Policy (State & Regional Development) 2011
- 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 at the western edge of the Burwood Town Centre, on the southern side of the railway line, as shown in Figure 1 below. The site is within approximately 300 metres of Burwood Railway Station, located to the north-east. The site is in close proximity to a wide range of commercial uses, including office and retail uses, as well as public transport in the form of trains and bus services along Burwood Road.

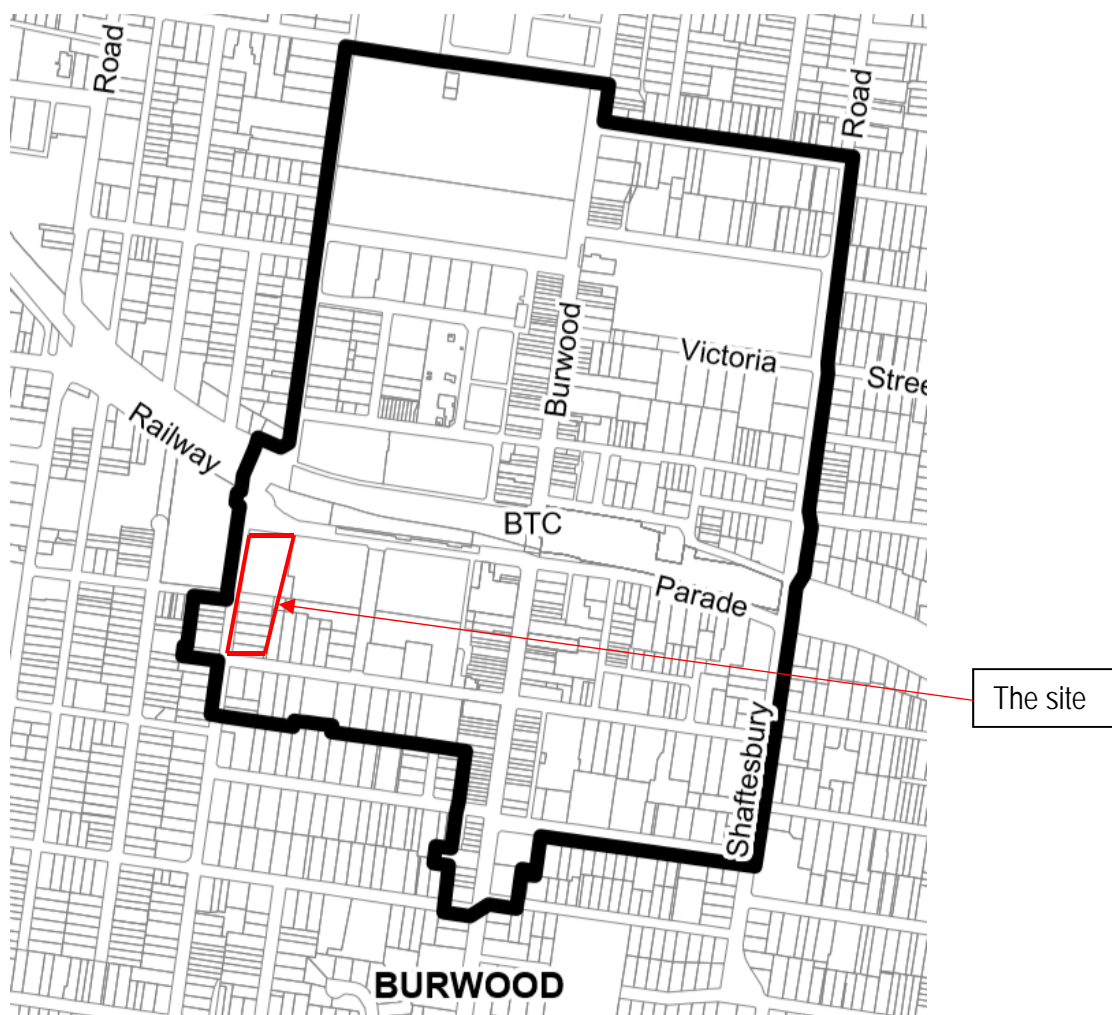


Figure 1 Source: Burwood LEP 2012 Burwood Town Centre Location Map - Sheet BTC_001

The site is zoned B4 Mixed Use under the Burwood Local Environmental Plan 2012. Refer to Figure 2.

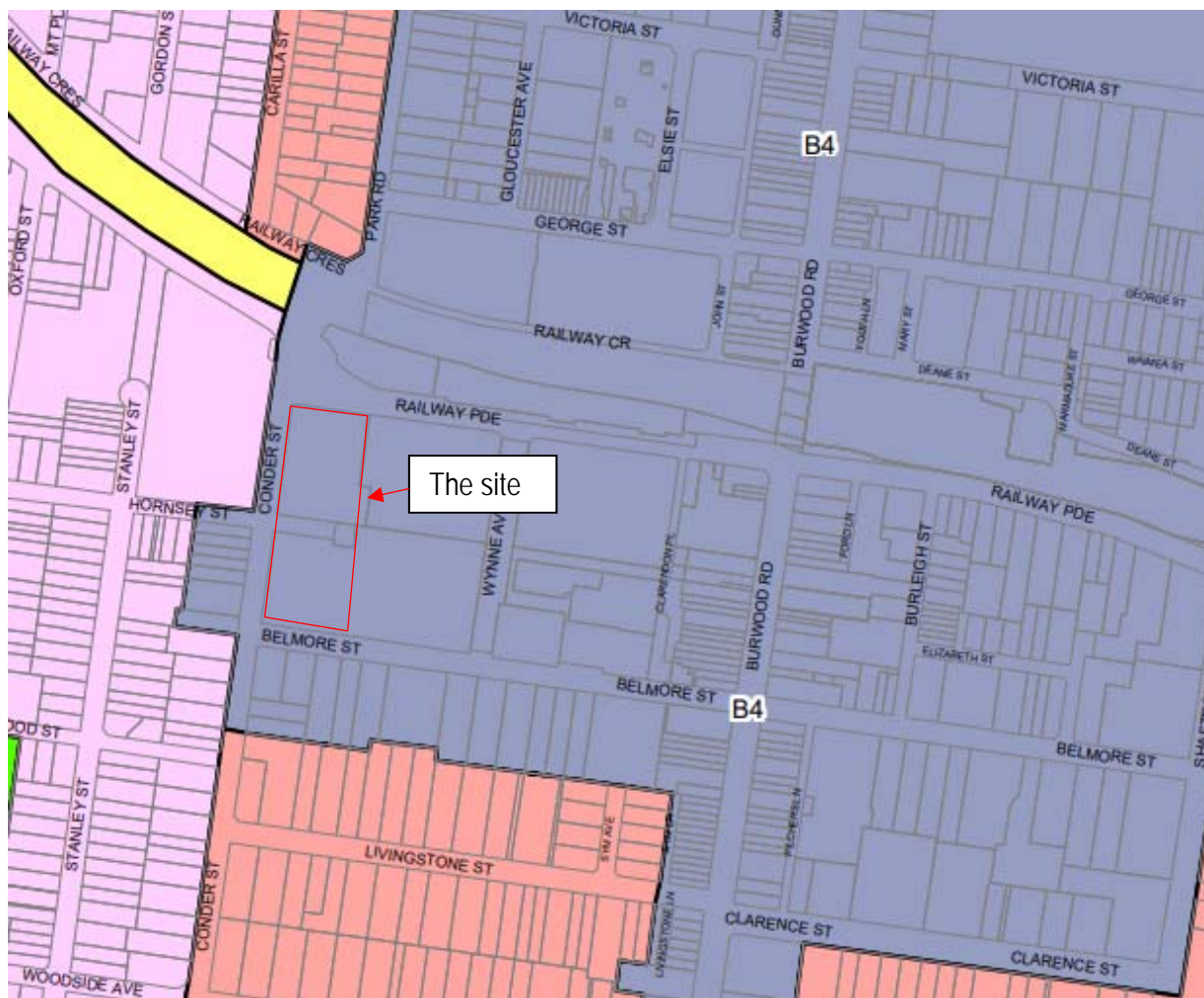


Figure 2 Source: Burwood Local Environmental Plan 2012 Land Zoning Map – Sheet LZN_001

Over the last few years, Burwood Town Centre has undergone a significant transformation in terms of development, and the area continues to do so. The high rise, mixed use developments that now exist in the B4 Mixed Use Zone is a result of the planning controls contained under the Burwood LEP 2012 and Burwood DCP.

BACKGROUND

The submission of this development application follows previous approvals issued for the site at 39-47 Belmore Street, Burwood (also known as 8 Conder Street). This site contains Building A and therefore these previous applications are relevant to the proposal. The previous applications include the following:

Previous Approvals

Application No.	Date of Approval	Development
BD31/2013 (DA10.2013.31.1)	02/10/2013 by the Sydney East Joint Regional Planning Panel (JRPP)	Demolition of all structures except for the former Masonic Temple, and construction of a mixed use development containing ground floor retail premises totalling 2,185m ² , three (3) towers being Building A at 10 storeys and containing 90 serviced apartments, and Buildings B & C being 19 storeys and containing 332 apartments and 530 basement parking spaces.
DA10.2013.31.2	02/09/2014 by Delegated Authority	S96 Modification: the provision of an additional (fourth) basement parking level and adjustment to approved parking layout.

Application No.	Date of Approval	Development
DA10.2013.31.3	04/09/2014 by Delegated Authority	S96 Modification: changes to the basement and ground floor approved plans to comply with Conditions 1, 4 & 8 of DA10.2013.31.1.
DA10.2013.31.4	18/03/2015 by Delegated Authority	S96 Modification: changes to the forecourt works proposed for the Former Masonic Temple.
DA10.2013.31.5	24/08/2015 by Delegated Authority	S96 Modification: changes to Building C, the description of the development, adjustment to approved plans and modification to planning condition 1 of DA10.2013.31.1.
DA10.2013.31.6	09/06/2016 by Delegated Authority	S96 Modification: changes to the floor layout of Building B to increase the number of apartments by 19 x 1-bedroom apartments and add 60 car parking spaces within a fourth basement level plus minor adjustments to the façade of Building B.
BD193/2015 (DA10.2015.193.1)	20/11/2016 by the JRPP	Mixed Use Development comprising four (4) level basement with capacity for 688 parking spaces, sixteen (16) commercial tenancies, Building A (11 storeys containing office floor space of 4,036m ² and 88 apartments), Building B (22 storeys containing 218 apartments) and Building C (19 storeys containing 184 apartments), alterations and re-use of the former Masonic Temple, landscaping and dedication of a publicly accessible through link between Hornsey Lane and Wynne Avenue.
DA10.2015.193.2	12/05/2017 by Delegated Authority	S96 Modification: modification of Building A of the approved development – Internal alterations to B2, B1/Lower Ground, Levels 1 & 11 (roof) extension of plant room to Building A, Alterations to Ground & Level 1 of Buildings B & C.
DA10.2015.193.3	14/05/2018 by Delegated Authority	S96 Modification: Modification of Condition 110 – Hours of Work.
DA10.2015.193.4	25/10/2018 by the JRPP	S4.55(2) (formerly known as S96(2) Modification): amalgamate a small parcel of land bounded by the development site and to allow for the construction of 2 additional levels on Building B to accommodate 8 extra residential units.

As part of DA10.2015.193.1, the applicant entered into a Voluntary Planning Agreement (VPA) with Burwood Council. The VPA provided for the applicant to dedicate to Council 3,962m² of office space plus 55 council car parking spaces and a stratum subdivision of these areas, and to construct a linking bridge between the proposed building and the Burwood Library and Community Hub. In exchange, the applicant would achieve additional development on the site, a higher proportion of residential development, and an offset of Section 94A developer contribution charges. The VPA was considered by Council at its meeting of 24 May 2016 (Item 28/16) where it was resolved to support the VPA. The works to be dedicated to Council was considered to represent an on-going public benefit to the Burwood Local Government Area.

The lodgement of this current application (DA2019.086) follows on from the previous approvals and the VPA. This application seeks to relocate the offices of Burwood Council from its current premises, into Levels 1 and 2 of Building A, being the 3,962m² of office space dedicated by the applicant of the VPA. The relocation of Council's offices to Building A has been in consideration for a number of years and is acknowledged in the previous planning reports prepared for DA10.2015.193.1 and subsequent modifications. The 55 parking spaces allocated to the Council commercial floor area was approved under DA10.2015.193.1 and the VPA.

This current application (DA2019.086) does not seek to alter the external built form of Building A or change the approved car parking on the site. The works proposed do not alter

the approved internal floor layouts in terms of access points, circulation/lift/stairs, amenities (toilets), or services (garbage rooms, switch rooms, store rooms). The approved gross floor area of Building A will not change. Levels 1 and 2 will be fitout for the Council office space. The ground floor will not have any fitout works undertaken at this stage, as it will be leased out to a retail tenant in the future.

The gross floor area of the Library Building will increase by 84m² through the enclosure of the existing north-west facing terrace. This area will be used as an indoor garden and multi-function room. This terrace will be enclosed with frameless bifold glazing with copper profile above, and the roof will be provided with three Velux electric skylights.

There is currently a Development Application being considered by Burwood Council for the stratum subdivision of the site at 39-47 Belmore Street, Burwood, which was lodged on 17 April 2019 (DA10.2019.33.1). That application seeks to subdivide the site into five Torrens Title Stratum Lots, based on the building uses (residential, retail, and commercial/Council). Proposed Lot 105 relates to the commercial floor areas on the ground floor, Level 1 and Level 2 and the associated 55 car parking spaces which were allocated to Council under the previous Development Applications and VPA. The application now being reported to the JRPP for the proposed works to the library and Building A is consistent with this stratum subdivision application.

Subject Site

The site known as 2-4 Conder Street, Burwood contains the Burwood Library and a car parking area for 56 vehicles, accessed from Conder Street. The Burwood Library building is two-storeys and includes the original single storey Burwood Council Chambers built in 1887. The building has had many modifications over the years, including a second storey added in 1952 as well as rear additions. The building is currently used for Burwood Library and contains staff offices and amenities, a call centre, library space and study rooms. The building does contain original architectural elements as detailed in the Statement of Heritage Impact prepared by Heritage 21 and submitted with the development application. These original architectural elements include “... *original timber doors and windows, architraves, timber staircase and balustrade, skirting, original internal walls, timber floor structure underneath existing carpet, and cornices.*” (Source: *Statement of Heritage Impact prepared by Heritage 21, page 19*).

To the south of the library building is a recently constructed mixed use development comprising three towers (referred to as Buildings A, B and C) at 39-47 Belmore Street. This development was approved in November 2016 under DA.2015.193 and includes retail, commercial and residential uses. The use of the first three floor levels of Building A (on the former site of 8 Conder Street) forms part of this current development application.

Located on the site at 47 Belmore Street is the Masonic Temple, which is a heritage item. No works are proposed to this building as part of this development proposal.

Adjoining the northern-western corner of the site, between the Library and Building A, is a public laneway known as Hornsey Lane. The public laneway is accessed from Conder Street and is 12.195m wide and approximately 50m long. As part of the previous approvals for 39-47 Conder Street and the subsequent VPA, a linking bridge is currently under construction between the first floor levels of Building A and the Burwood Library building. This creates a direct pedestrian link for Council staff between the two buildings.

A site location map is provided below in Figure 3.

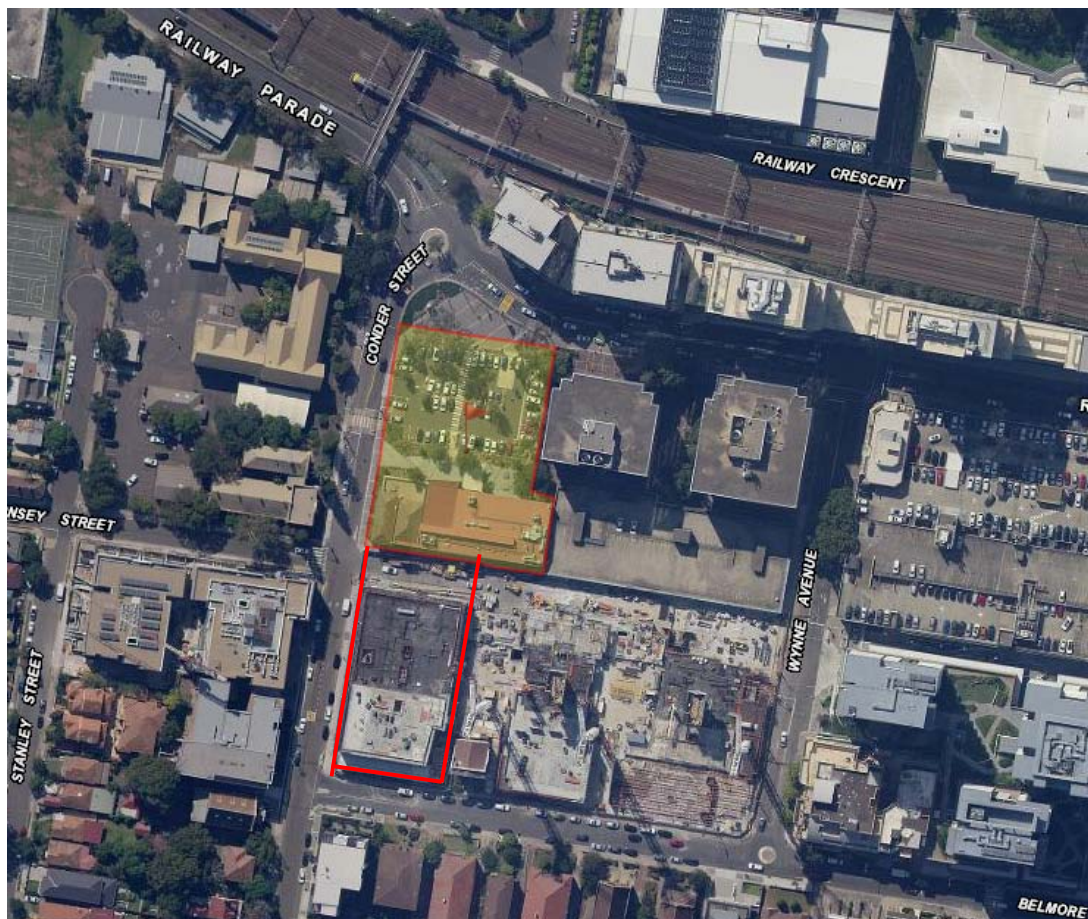


Figure 3 Site Location Map (Source: SixMaps 2019)

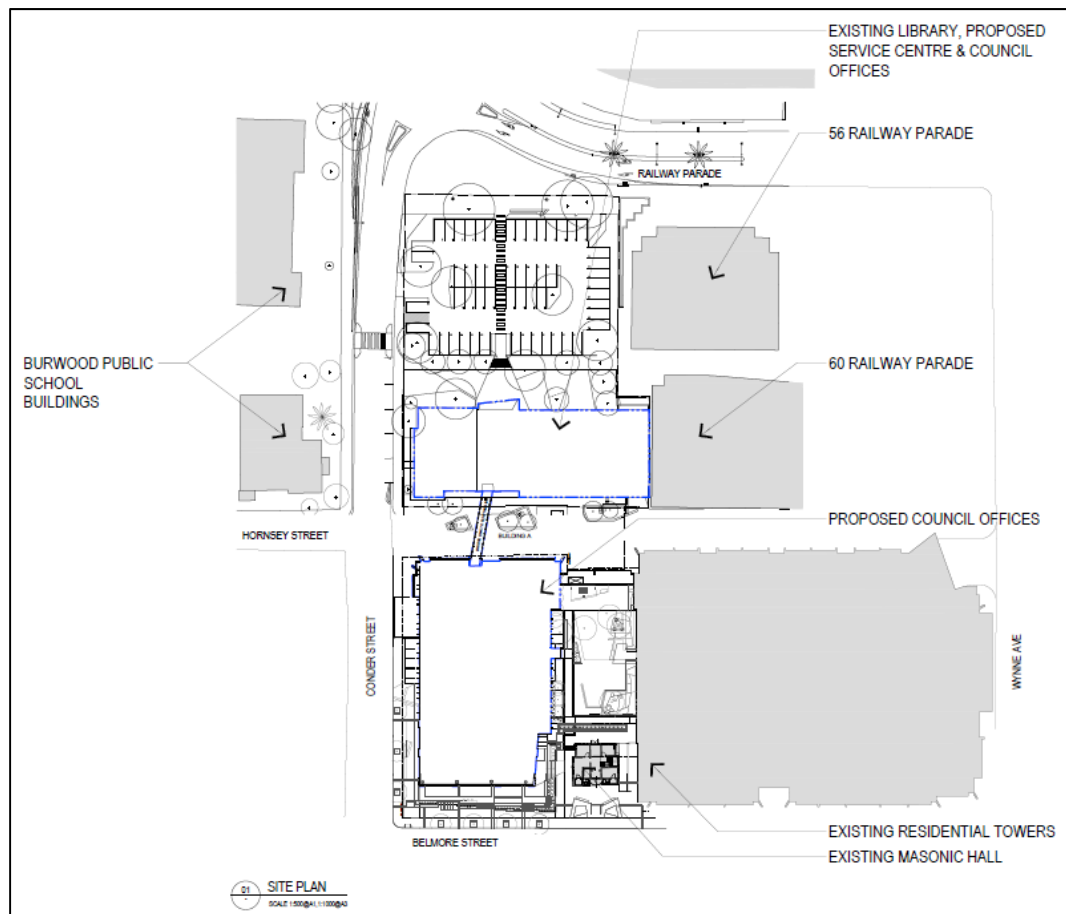


Figure 4 Site Plan, Drawing No. G-DA-01 prepared by DesignInc



Image 1: The existing Library building and public car park as viewed from Railway Parade.



Image 2: The existing Library building at 2-4 Conder St in the foreground, and the development at 39-47 Belmore St under construction.



Image 1: The Library building showing the outdoor terrace on Level 1, which is proposed to be enclosed.



Image 2: The entry into Burwood Library from the public car parking area.



Image 3: The rear of the Library building and the link bridge to Building A, currently under construction.



Image 4: The link bridge between the buildings under construction over the laneway.



Image 7: The link bridge as viewed from inside the Library on Level 1.



Image 8: The outdoor terrace on Level 1 of the Library, which is proposed to be enclosed.



Image 9:: The outdoor terrace on Level 1 of the Library, which is proposed to be enclosed.



Image 10: The ground floor, Level 1 and Level 2 of Building A which will be used by Council.



Image 11: Building A as viewed from Conder Street, looking north-east.

SURROUNDING DEVELOPMENT

The site is zoned B4 Mixed Use and is located on the southern side of the main south railway line, with Burwood station located approximately 300 metres to the north-east of the site. Located on the northern side of the library is a public car park and adjoining the site to the east are seven-storey commercial buildings. Located further to the east along Railway Parade is Burwood Plaza.

Burwood Public School is located on the western side of Conder Street. To the west and south of the site are residential properties, ranging from single storey dwellings to five storey flat buildings. The land located to the east of the site is commercial and retail in nature. The Burwood Presbyterian Church is located to the south-east of the site along Belmore Street and the Burwood Baptist Community Church is located to the south-west of the site along Conder Street.

The site is within walking distance of Burwood Road and the Burwood Town Centre, located to the east of the site.



Image 12: Burwood Public School



Image 13: Burwood Public School, and new residential flat development along the western side of Conder Street.



Image 14: The Masonic Temple Building which is located on the site of 39-47 Belmore Street.

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. 55 – Remediation of Contaminated Land;
- State Environmental Planning Policy (State & Regional Development) 2011;
- Burwood Local Environmental Plan 2012; and
- Burwood Development Control Plan 2013.

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 at 2-4 Conder Street contains Burwood Library, which operates from the original Burwood Council Chambers building constructed in 1887, and a public car park. This site is not identified by Council or any other authority as being subject to or potentially subject to contamination.

As previously stated, the site at 8 Conder Street (also referred to as 39-47 Belmore Street) has been subject to a major redevelopment for mixed use development. The redevelopment of this site was considered under DA.2015.193 and subsequent modifications. As part of that development application, an assessment of the site in regard to potential contamination issues was undertaken. The assessment report prepared for DA.2015.193 acknowledged an earlier approval for the site under Development Consent BD31/2013, which related to the demolition of all structures except the former Masonic Temple and construction of a mixed use development containing ground floor retail premises totalling 2,185m², three towers being Building A, Building B and Building C containing residential apartments and basement car parking. BD31/2013 included a Phase 1 investigation plan and identification and removal of demolition waste.

The Development Application Assessment Report prepared for the (Former) Sydney Central Planning Panel in 2016 (reference: 2016SYE043 DA) makes the following statement:

“Development Application BD193/2015 includes the same supporting reports submitted with BD31/2013 being the Geotechnical Investigations Report (Reference No.73183 dated December 2012) and Phase 1 Contamination Assessment (Reference No.73183 dated December 2012) prepared by Douglas Partners. Both reports conclude that the site is suitable for the proposed works and that demolition and excavation are likely to remove any potential contaminants. Further, it states that site works will cover the entire site and eliminate any risk of exposure to humans and the environment. Conditions are recommended for both reports to be revised to account for the additional excavation works prior to the issue of a Construction Certificate. This is consistent with the intentions of the SEPP in ensuring that a site is suitable for its intended use.”

A Construction Certificate has been issued for the development at 39-47 Belmore Street and the development is nearing completion. Therefore, the contamination issues relating to the site have been addressed under the previous applications for the site. The use of the first three floor levels of Building A has no impact on the assessments previously undertaken under SEPP 55. Therefore it is considered that no further assessment is warranted.

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 (\$8,985,000.00) 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.

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 **B4 Mixed Use** zone under the Burwood Local Environmental Plan 2012. The existing library and community hub, and the proposed use of Council offices, are defined as follows:

“commercial premises means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.”

The sub-uses of commercial premises are then defined as:

“business premises means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.”

“office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.”

“retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

- (a) (Repealed)
 - (b) cellar door premises,
 - (c) food and drink premises,
 - (d) garden centres,
 - (e) hardware and building supplies,
 - (f) kiosks,
 - (g) landscaping material supplies,
 - (h) markets,
 - (i) plant nurseries,
 - (j) roadside stalls,
 - (k) rural supplies,
 - (l) shops,
 - (la) specialised retail premises,
 - (m) timber yards,
 - (n) vehicle sales or hire premises,
- but does not include highway service centres, service stations, industrial retail outlets or restricted premises.”

community facility means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
 - (b) used for the physical, social, cultural or intellectual development or welfare of the community,
- but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

The uses as Council office space for administration purposes, customer service centre, library and community hub fall under these definitions. The uses are therefore permissible in the zone with consent.

The future use of the ground floor for retail purposes will be subject to a separate application.

The objectives for development in the B4 Mixed Use zone are as follows:

“Objectives of zone

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

The proposal meets the objectives of the zone as the development seeks to retain and improve the library and community facilities and relocate the Council administration offices on a site that has excellent access to public facilities and services. The future use of the ground level as a retail tenancy also satisfies the objectives.

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 table below.

Development Standard	Requirement	Proposed	Compliance
Part 4.3 – Height of Buildings	Maximum building height of 30 metres	<p>The proposed enclosure of the first floor terrace of the Library building will not result in a change to the existing height of the building at 2-4 Conder Street. The building is two storeys and well below the maximum 30m height limit.</p> <p>There is no change to the height of Building A, and the proposal only involves the use of three floor levels.</p>	Yes
Part 4.4 – Floor Space Ratio (FSR)	Maximum FSR of 3:1	<p>The proposed works to the Library building will increase the GFA through the enclosure of the first floor terrace. The additional GFA is 84m². This results in the new total GFA of the Library to be 1135m². The site has an area of approximately 4216m². The new FSR of the site at 2-4 Conder St will be 0.27:1.</p> <p>There is no change to the GFA of Building A, and the proposal only involves the fitout and use of three floor levels.</p>	Yes

Clause 5.10 – Heritage Conservation

The property at 2-4 Conder Street is listed as a local heritage item (I47) under Schedule 5 of the BLEP 2012. The significance of the property relates to the 1887 building fronting Conder Street.

The property is also located within the vicinity of heritage items, including the Masonic Temple at 47 Belmore Street (I8), the Burwood Public School at 1-3 Conder Street (I46) and the former School of Arts at 5 Conder Street (I48).

A Statement of Heritage Impact prepared by Heritage 21 dated September 2019 was submitted with the Development Application. This report has been reviewed by an external heritage consultant, Perumal Murphy Alessi Heritage Consultants.

It is noted that the heritage report and independent review only relates to the Library building located at 2-4 Conder Street, as this is the heritage item.

Proved below is an excerpt of the comments provided by Perumal Murphy Alessi Heritage Consultants as part of their independent review:

“4.0 Assessment

Burwood LEP 2012 part 5.10

With regard to the BLEP 2012, the works are considered to be in accordance with (1) Objectives of part 5.10. A Statement of Heritage Impact was prepared as part of the DA.

Burwood DCP 2013

With regard to clauses, 2.3 View and Vistas, 2.4 Streetscapes and 3.2 General Building Design Controls in Centres and Corridors the contemporary design, form and detail of the addition (terrace infill) is generally supported.

However, with regard to 3.2.2 Materials and Finishes, the copper gutter material and finish is questioned. A recessive, non reflective finish is preferred, possibly in a darker, non reflective metal such as zinc or colour similar to the frame around the existing Library main entry to clearly relate to the later additions and not detract or dominate the historic rendered walls and details of the former Council Chambers building.

The existing building also Public School opposite and built context incorporate “matt” non reflective surfaces with areas of glass. The concern is that the copper will highlight the glass and contribute to the reflectivity.

With regard to 3.8 Heritage in Centres and Corridor to the proposed use and adaptation of the building is supported. The glazing has been setback, behind the parapet and overall height and simple form of the terrace infill is secondary to the historic form and details.

With regard to P8 and P9, there is some concern relating to the removal of much of the stone walls around the proposed Customer Service Centre on the ground floor. The use of ribs and retention of columns, ceiling bulkheads and interior details in some areas existing ceilings is a positive. Retention of more of the northern wall should be considered. The wall could also be used for an interpretation panel which should be incorporated in a public area in the building.

5.0 Conclusion & recommendations

In conclusion the works are generally supported. The building has previously undergone some change, however, the proposed uses, alterations and additions retain the building, its historic form and primary external details and remaining internal details.

The use of copper gutter finish to the first floor terrace infill is not supported and should be reconsidered.

The retention of more of the ground floor, original stone walls should also be considered.

The recommendations outlined in section 7.2 of the Statement of Heritage Impact report prepared by Heritage 21 are supported and should be implemented.

In addition it is recommended that an Interpretation Plan be prepared in accordance with NSW Heritage guidelines. The Plan should include information on the history, development and significance of the building and should seek to illustrate relevant historical plans, photographs and details. The Plan should also detail and make recommendations regarding the types, locations, colours, dimensions, fixings and text of interpretive devices that should be installed as part of this project."

Council's architect has received a copy of the review prepared by Perumal Murphy Alessi Heritage Consultants. In relation to the use of copper gutter finish to the first floor terrace infill, Council's architect has advised that an alternate finish can be used and a condition of consent is included asking that details of an alternate gutter finish be provided.

In relation to the retention of the ground floor original stone wall, Council's architect was advised that it would be recommended that more of the northern stone wall be retained. Council's architect has provided the following response:

"The wall extent and retention of, is something that does assist in the redevelopment of the internal space Noting we have been mindful to retain the 450mm nibs as required to ensure the existing building outline is maintained. If we are to further restrict demolition of these walls, the foyer & service centre design will simply not provide the internal flexibility and layout which is required. The entry foyer & service centre is a key aspect of the internal design of the community space. The demolition of these walls assist in accessibility which is a DDA requirement. Please note we have been mindful not remove walls unnecessarily and have in fact proposed to expose areas of original brick to further enhance the space and provide visual interest & promote conversation regarding the original heritage building which will be more visible following the proposed works. Please note the walls in question assist in movement, circulation, access to light & better suit the change management strategies being implemented in many commercial facilities which require space and openness to provide the best service.

We strongly feel that by retaining existing wall, which is plaster boarded and painted which does not clearly indicate the heritage nature of the building, be removed on the merits outlined above."

The advice from Perumal Murphy Alessi Heritage Consultants essentially recommended that more than two pillars be retained. This independent review proposed that the section of the wall between the two columns be retained as it was thought this would not affect the use of the customer service centre or seating behind. See the excerpt of plan no. *LB-LO-DA02 Library Ground Floor General Arrangement Plan* below plan for reference.

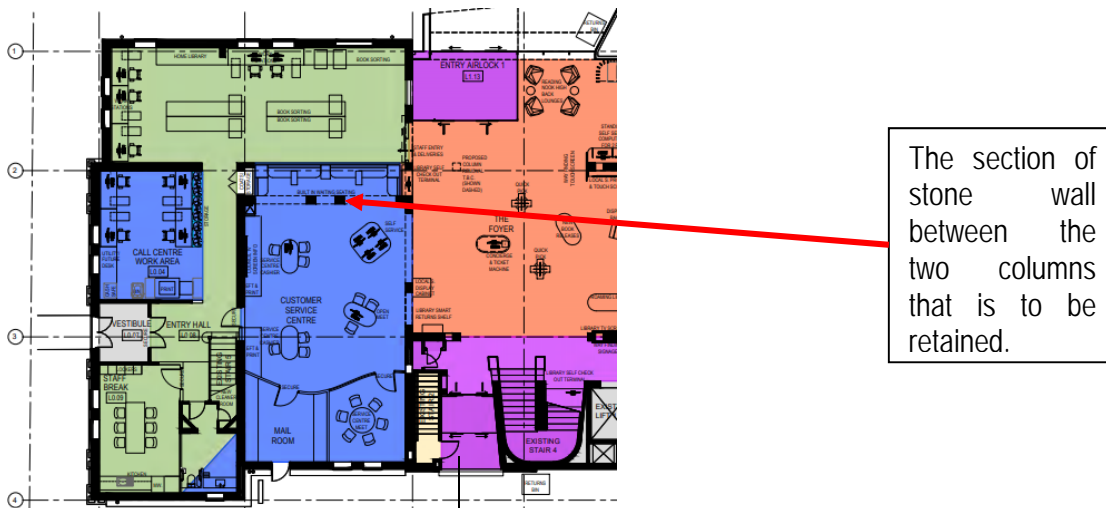


Figure 5 Plan no. LB-LO-DA02 Library Ground Floor General Arrangement Plan

However, in light of the response provided by Council's architect, it is now considered that the retention of the small section of wall between the two pillars will prove to be cumbersome in relation to circulation space and flexibility of layout. The requirement for the Interpretation Plan, which is included as a condition of consent, will assist in detailing the history, development and significance of the building and after consideration of the comments made by Council's architect, the design of the stone wall as proposed is considered appropriate.

BURWOOD DEVELOPMENT CONTROL PLAN 2013

Given the nature of works, it is considered that the proposed development is not contrary to the provisions of Burwood DCP.

The proposal will not alter the existing overall height or setbacks of the buildings.

In terms of parking, the existing public car park in front to the Library and the approved parking spaces in the basement levels of Buildings A, B and C at 39-47 Belmore Street will not be altered.

As previously stated, the applicant entered into a Voluntary Planning Agreement (VPA) with Burwood Council as part of DA10.2015.193.1. The VPA provided for the applicant to dedicate to Council 3,962m² of office space plus 55 council car parking spaces and a stratum subdivision of these areas, and to construct a linking bridge between the proposed building and the Burwood Library and Community Hub. The VPA was considered by Council at its meeting of 24 May 2016 (Item 28/16) where it was resolved to support the VPA. Therefore, the relocation of the Burwood Council offices was considered as part of the previous development applications and the VPA, and consequently 55 car parking spaces have been allocated to Council for this purpose.

There is currently a Development Application being considered by Burwood Council for the stratum subdivision of the site at 39-47 Belmore Street, Burwood, which was lodged on 17 April 2019 (DA10.2019.33.1). That application seeks to subdivide the site into five Torrens Title Stratum Lots, based on the building uses (residential, retail, and commercial/Council). Proposed Lot 105 relates to the commercial floor areas on the ground floor, Level 1 and Level 2 and the associated 55 car parking spaces which were allocated to Council under the previous Development Applications and VPA. The application now being reported to the JRPP for the proposed works to the library and Building A is consistent with this stratum subdivision application and it is considered that no further assessment of the parking provision is warranted.

A Section J Report prepared by Lucid Consulting Engineers Pty Ltd has been submitted with the application addressing the commercial and assembly (Class 5 and 9B) 'Indoor Garden Multi-Function Room' on the first floor level of the Library. This report is considered satisfactory.

CONSULTATION

Internal Referrals

Council's Traffic & Transport and Environment & Health teams have reviewed the application.

Traffic & Transport – no objection is raised to the proposal.

Environment & Health – no objections, subject to recommended conditions of consent.

Neighbour notification

The proposed development was not required to be placed on Public Notification, in accordance with Part 7.2.1 of the Burwood DCP which states that notification is not required for minor alterations/additions to commercial premises in Business Zones where the site does not adjoin residential zoned land.

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.

RECOMMENDATION

Development Application No. DA.2019.086, for internal and external alterations to the building at 2-4 Conder Street Burwood which is currently used as Burwood Library and Community Hub, and the fitout and use of the ground floor, Level 1 and Level 2 of Building A at 8 Conder Street for commercial office space use by Burwood Council, be **approved** subject to conditions set out below.

Special Conditions

Heritage

1. The recommendations outlined in section 7.2 of the Statement of Heritage Impact report prepared by Heritage 21 dated September 2019 are to be implemented.
2. An Interpretation Plan is to be prepared in accordance with NSW Heritage guidelines. The Plan should include information on the history, development and significance of the building and should seek to illustrate relevant historical plans, photographs and details. The Plan should also detail and make recommendations regarding the types, locations, colours, dimensions, fixings and text of interpretive devices that should be installed as part of this project. The Plan is to be submitted to Council prior to the issue of the Occupation Certificate.
3. The use of the copper gutter material and finish is not supported. This is to be replaced with a recessive, non-reflective finish, possibly in a darker, non-reflective metal such as zinc or a colour similar to the frame around the existing Library main entry to clearly relate to the later additions and not detract or dominate the historic rendered walls and

details of the former Council Chambers building. Details are to be submitted for the approval of Council prior to the issue of the Construction Certificate.

Environmental Management:

1. 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.

Health

1. Floors in all kitchens and food areas including tea points are to be constructed of materials which are impervious, non-slip and non-abrasive. The floor may be constructed out of timber, commercial vinyl, ceramic tiles or other materials as approved by Council. The floor is to be finished to a smooth even finish, graded and drained where necessary.
2. Hand wash basins are to be provided in all kitchens and food areas which are to be used for the sole purpose of washing hands. The hand wash basins are to be conveniently positioned, supplied with hot and cold water mixed through a common spout, together with liquid hand soap and single use (preferably disposable) hand towels.

Waste Management

1. All waste generation is to be managed in accordance with the provisions of the Waste Management Plan ‘Mixed Use Development – Belmore Street, Conder Street and Wynne Avenue Burwood’ prepared by Elephants Foot dated 16/12/15.
2. All waste generated within the premises shall be kept in suitable (purpose designed) waste bins with tight fitting lids. The bins are to be washed regularly and kept in a clean and hygienic condition.
3. The occupier of the premises is to enter an agreement with registered waste company or provider for the regular collection of all 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 if requested.

Standard Conditions

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 **\$31,447.00**
(Payment to be made to Council, the Corporation or its Agent)
3. Pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Section 7.12 Contributions Plan for Burwood Town Centre, 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 \$8,985,000.00	\$359,400.00

Index Period	September 2019	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:

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

Where:

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

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

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

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

The contribution is to be paid to Council, or evidence that payment has been made is to be submitted to the Principal Certifier, **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 for Burwood Town Centre.

Note: The payment of a Section 7.12 contribution over an amount of \$5,000.00 may only be paid by Bank Cheque (i.e. personal or company cheques will not be accepted). Contributions of \$5,000.00 or less may be paid by cash, EFTPOS, cheque or credit card. Payments by credit card may be subject to a surcharge.

PLANNING

4. The development being carried out in accordance with the plans and specifications submitted on 06/09/2019, except were amended by the conditions of consent.

BUILDING

5. Toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:
 - a. must be a standard flushing toilet, and
 - b. must be connected:
 - (i) to a public sewer, or
 - (ii) to an approved chemical closet facility.

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

6. 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.
7. No materials are to be stored on Council's roads, footpaths, nature strips or parks.
8. 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.
9. The builder shall erect and maintain in good order all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary. A Principal Certifier sign should also be displayed in a prominent position at the front of the development site.
10. 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.

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. All plumbing and drainage work being carried out by licensed tradesmen and in accordance with the requirements of the Plumbing Code of Australia.
14. The floor of the wet areas being of a material impervious to moisture and graded and drained to the sewers of Sydney Water.
15. 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.
16. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
17. Safety glazing being 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.**
18. 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*)

19. Structural engineer's 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**.

20. The Principal Certifier **or** Structural Engineer is to also supervise the construction. All Certificates from the supervising Structural Engineer are to be submitted to the Principal Certifier before an Occupation Certificate is issued stating that all reinforced concrete and/or structural members have been erected in accordance with his/her requirements and the relevant SAA Codes.
21. 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**.
22. All materials used in the building must comply with early fire hazard criteria of Specification C1.10 of the Building Code of Australia.
23. 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**.
24. The building being provided with both access and sanitary facilities (where required) for people with disabilities. The sanitary facilities are to be provided in accordance with F2.4 of the Building Code of Australia and are to comply with the requirements of Clause 10 of AS 1428.1-2009. Access is to be provided to and within the building so as to comply with all the requirements of Part D3 of the BCA and the relevant provisions of AS 1428.1-2009. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.
25. 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.
26. Mechanical ventilation/air conditioning details are to be submitted to the Principal Certifier for approval **prior to the issuing of a Construction Certificate** and must include the following:-
 - a. The location and size of proposed ductwork.
 - b. The location of equipment.
 - c. The performance characteristics of the proposed motor/s and fan/s.
 - d. The air flow characteristics of the system.

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

27. 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*)

28. **ADVISORY NOTE:**

Telecommunications infrastructure in new developments

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 and business owners are requested to apply at least six (6) months before the required date of service to ensure a connection is ready when residents move in.

DEMOLITION

29. 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.
30. Demolition of the building is to be carried out in accordance with the requirements of Australian Standard AS 2601 – 2001, where applicable.
31. 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.
32. 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.
33. 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.
34. 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. When demolition of any existing building is involved, burning of any demolition materials on the site is prohibited.

TRAFFIC

35. All Council parking spaces being located Basement Level 1/Lower Ground Floor and entry and exit to these spaces being via Wynne Avenue.
36. A total of 55 parking spaces being allocated to Council.