



**Burwood** <sup>Inc.1874</sup>

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

**Attachments Excluded from Agenda**  
**Burwood Local Planning Panel Meeting**  
**Tuesday, 29 October, 2024**  
**6:00 PM**

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**Conditions of Approval**

1. The development being carried out in accordance with the plans and documentation in the table below (stamped and approved by Council) except where amended by the conditions of approval:

- Development Plans as follows:

<b>Document</b>	<b>Author</b>	<b>Revision/Plan Number</b>	<b>Date</b>
Ground Floor Plan	Hill Thalys	C, DA 2.03	29/8/2024
Roof Plan	Hill Thalys	C, DA 2.04	29/8/2024
Elevations South	Hill Thalys	C, DA 4.03	29/8/2024
Demolition Site Plan	Hill Thalys	A, DA 1.10	09/4/2024
Site Plan	Hill Thalys	A, DA 1.11	09/4/2024
Basement Plan Lower	Hill Thalys	A, DA 2.01	09/4/2024
Basement Plan Upper	Hill Thalys	A, DA 2.02	09/4/2024
Section A	Hill Thalys	A, DA 3.00	09/4/2024
Section B	Hill Thalys	A, DA 3.01	09/4/2024
Section C	Hill Thalys	A, DA 3.02	09/4/2024
Elevations East	Hill Thalys	A, DA 4.00	09/4/2024
Elevations North	Hill Thalys	A, DA 4.01	09/4/2024
Elevations West	Hill Thalys	A, DA 4.02	09/4/2024
Schedule of External Finishes	Hill Thalys	A, DA 8.00	09/4/2024
Roof Floor Drainage Plan	United	1 of 4	22/3/2024
Ground Floor Drainage Plan	United	2 of 4	22/3/2024
Upper Basement Drainage Plan	United	3 of 4	22/3/2024
Lower Basement Drainage Plan	United	4 of 4	22/3/2024

- Landscape Plans as prepared by Melissa Wilson dated 28 March 2024
- Statement of Environmental Effects as prepared by GYDE, dated 17 October 2024
- Heritage Impact Statement as prepared by Weir Phillips dated April 2024
- Plan of Management as prepared by GYDE, dated 29 August 2024
- Acoustic Assessment Report as prepared by Anvas, Reference Number 2024-251, dated 28 August 2024
- Traffic Impact Assessment Report as prepared by Traffix, Reference Number 24.026r01v04, dated August 2024

2. In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

3. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
4. **Support for neighboring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - a) Protect and support the adjoining premises from possible damage from the excavation, and
  - b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
5. **Hours of work.** 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.
6. **Hoardings.**
  - a) A hoarding or fence must be erected between the work site and any adjoining public place.
  - b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
7. Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
8. All services or utilities required to be altered in order to complete the development works are to be undertaken in accordance with the requirements of the relevant service provider (e.g. Telstra, Jemena, Ausgrid, etc), with all costs associated with this alteration to be borne by the applicant.
9. In accordance with the requirements of the Roads Act, the applicant must obtain consent (Road opening Permit) from Council prior to any excavation being undertaken in the road reserve (this includes verge and public footpath areas). No works shall be carried out in the road reserve without this permit being paid and a copy kept on the site.
10. Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

## DEMOLITION CONDITIONS

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected. A Construction Certificate is not required for Demolition.

11. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
  - (a) Council must be notified of the following particulars:
    - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
    - (ii) The date the work is due to commence and the expected completion date
  - (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
  
12. **Excavation**
  - (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
  
  - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
  
13. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by Work Cover New South Wales.
  
14. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
  
15. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
  
16. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

**Imported fill**

17. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

**PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE**

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

18. 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**

- a. **Building and Construction Industry Long Service Corporation Levy \$12,307.00** (Payment to be made to Council, the Corporation or its Agent)
- b. **Damage Deposit** - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc.) during building work **\$36,921.00 (Payment to be made to Council as a bond prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation).**
- i. 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.
- ii. Council will carry out two inspections of the Council's footpath, kerb and gutter, stormwater drainage system and roadway, prior to works commencing and at the completion of all work covered by this consent. Council is aware that damage may be caused by individual contractors that culminate in the damage inspected at Council's final

inspection. The applicant is responsible for attributing any part of the damage to their individual contractors. Council will not refund any part of a damage deposit until the completion of the work covered by this consent.

iii. The applicant shall lodge an application to council for refund of damage deposit after obtaining an occupation certificate (OC). The OC must be formally submitted to Council prior to lodging the application for refund of damage deposit.

c. Pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Section 94A Contributions Plan for the Burwood Local Government Area (Excluding Burwood Town Centre), the following monetary contribution towards public services and amenities is required:

Contribution Element		Contribution	
A levy of 1% of the cost of carrying out the development, where the cost calculated and agreed by Council is \$5,936,986		<b>\$49,228.87</b>	
Index Period	July 2024	CPI <sub>1</sub>	137.7

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**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;

CPI<sub>2</sub>: The Consumer Price Index: All Groups Index for Sydney, for the immediate past quarter (available from the Australian Bureau of Statistics at the time of payment)

CPI<sub>1</sub>: 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 94A Contributions Plan for the Burwood Local Government Area (Excluding 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.

20. All fees, levies, bonds and/or contributions as required by this Determination Notice must be paid to relevant the authority/entity, **prior to the issuing of a Construction Certificate.**
21. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate.**
22. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate.**
23. **Sydney Water – Building Plan Approval.** The plans approved as part of the Construction Certificate 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 [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin) to apply.
24. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate.**
25. Prior to the issue of the Construction Certificate, a structural engineer is to provide details of how the existing dwellings at 2 and 4 Alexandra Street will be protected during excavation and construction of the basement carpark, and certify that the excavation can be accrued out without impacting the structural integrity or retained fabric of the dwellings.
26. A suitably qualified and experienced heritage architect is to be commissioned for the extent of the project, to ensure the works to the houses at 2 and 4 Alexandra Avenue are constructed in accordance with the consent and to advise on appropriate detailing to ensure the conservation of original fabric and



details. Written confirmation of the engagement of the heritage architect is to be provided with the Construction Certificate.

27. Prior to the issue of a Construction Certificate and prior to any demolition on site, a photographic recording of the existing dwelling-house shall be undertaken by a suitably qualified professional. The photographic recording shall be undertaken in accordance with the NSW Heritage Branch guidelines and submitted digitally to Burwood Council on a USB device or Archival Quality CD/DVD. The photographic recording shall include (but not be limited to) the exterior and interior of the dwelling-house, original internal and external features, and the context of the site. Satisfaction of this condition shall be confirmed upon written advice by Council.

#### **PRIOR TO COMMENCEMENT OF CONSTRUCTION**

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.
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28. **Notification – Prior to Commencement of Works:** 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 (81A) *Environmental Planning & Assessment Act 1979*)
29. **Site Sign**
- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
    - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
    - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
    - (iii) stating that unauthorised entry to the work site is prohibited.
  - (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
30. **Excavation adjacent to adjoining land**
- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the

































































































































































































































































































































































































































































































































































