



Burwood Inc.1874

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NOTICE OF BURWOOD LOCAL PLANNING PANEL MEETING

The meeting of the Burwood Local Planning Panel will be held at the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 6 August 2024 at 6:00 PM to consider the matters contained in the attached Agenda.

Tommaso Briscese
General Manager

Agenda

For a Notice of Burwood Local Planning Panel Meeting of Burwood Council to be held in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 6 August 2024 commencing at 6.00pm.

Welcome to the meeting of the Burwood Local Planning Panel

I declare the Meeting opened at

1. Acknowledgement of Country

I would like to acknowledge the Wangal people of the Eora Nation who are the traditional custodians of this land. I would also like to pay respect to their elders, both past and present, and extend that respect to other First Nations People who may be present.

2. Introduction of Panel Members

3. Recording of Meeting

Members of the public are advised that Meetings of the Panel are audio recorded for the purpose of assisting with the preparation of Minutes and the recording of the public part of the meeting will be published on Council's website.

4. Explanation of how the panel will operate

The Panel has undertaken site investigations and we have before us reports provided by Burwood Council officers on the matters for consideration.

For each matter, the Council officer will briefly give an overview.

All members of the public who have registered to speak will have the opportunity to address the panel. I will invite you to speak and commence by stating your name and address or whom you represent.

After all speakers have been heard, the panel will adjourn to deliberate on the matter.

The Panel will make determinations on the matters before it. Each determination will include reasons for the determination, and all such details will be included in the official record of the meeting.

5. Apologies/Leave of Absences

6. Declarations of Interest by Panel Members

7. Chair introduction of Agenda Item

8. Council Officer Overview

9. Development Applications

(Item DA3/24)	DA.2023.101 - 36 - 40 Parramatta Road, Croydon - Demolition of all Existing Structures on the Site and Construction of a Four (4) Storey Storage Facility, Containing Six (6) Car Spaces, Two (2) Loading Spaces, and Car/Truck Manoeuvring Space on the Ground Floor, Office and Retail Space at the Ground Floor and Storage Units on Levels 1-3.....	4
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(Item DA4/24)	DA.2023.31 - Child care centre - 1-3 Lees Avenue Croydon Park.....	54
(Item DA6/24)	DA No. 2023/057. No.118 Wentworth Road, Burwood. Construction of a Five (5) Storey Residential Flat Building Containing 39 Residential Apartments and Two Levels of Basement Carparking for 80 Carspaces.....	93

Development Applications

(Item DA3/24) DA.2023.101 - 36 - 40 Parramatta Road, Croydon - Demolition of all Existing Structures on the Site and Construction of a Four (4) Storey Storage Facility, Containing Six (6) Car Spaces, Two (2) Loading Spaces, and Car/Truck Manoeuvring Space on the Ground Floor, Office and Retail Space at the Ground Floor and Storage Units on Levels 1-3

File No: 24/22239

Report by Senior Town Planner

Owner: Perpetual Trustee Company Limited
Applicant: Martin Abell
Location: 36 – 40 Parramatta Road, Croydon
Zoning: E3 Productivity Support Zone

BLPP Referral Criteria

Pursuant to the Ministerial direction dated 30 June 2020, under Section 9.1 of the *Environmental Planning and Assessment Act 1979*, the DA is to be determined by the Burwood Local Planning Panel for the following reasons:

1. There are more than 10 unique submissions by way of objection in response to the public notification of the development application.

Original Proposal

Demolition of all existing structures on the site and construction of a five (5) storey storage facility, containing six (6) car spaces, two (2) loading spaces, and two (2) car/truck manoeuvring space on the ground floor, office and retail space at the ground floor and storage units on Levels 1-4, on land at No.36-40 Parramatta Road, Croydon.

Proposal

Demolition of all existing structures on the site, removal of twelve (12) trees, and construction of a three (3) storey storage facility (including mezzanine level), an undercover car parking containing six (6) car spaces, one (1) accessible space, and two (2) loading bays, office and retail space at the north-western corner of the ground floor and storage units on Level 1-2, including the mezzanine level on land at No.36-40 Parramatta Road, Croydon.

The specifics of the proposal are as follows:

Demolition Plan

The proposal seeks to undertake demolition of all existing structures on the subject site, including the hardstand areas and front fence and removal of twelve (12) trees (Refer to **Figure 1** below).

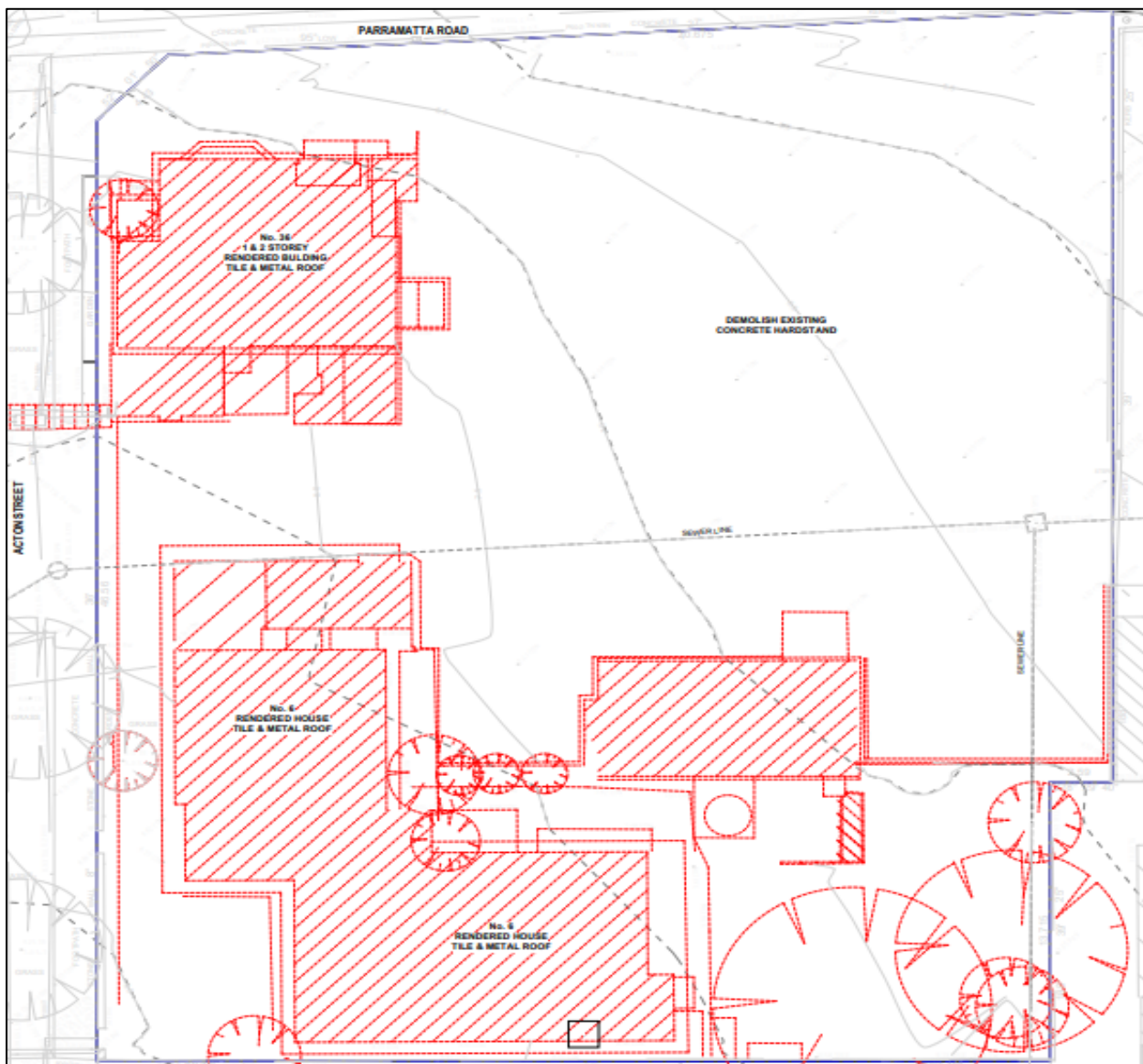


Figure 1 – Extract of applicants submitted Demolition Plan.
 (Source: BN Architecture)

Ground Floor Plan

The ground floor includes an office and retail space with amenities in the north-western corner. The waste room is located on the north boundary of the building adjacent to the cleaner’s room. The parking is available on the ground floor as an undercover parking area that includes five (5) car parking spaces, one (1) disabled car parking space and two (2) trailer or MRV bays which all have access to the loading area. The pump room is located adjacent to the stairwell.

The remainder of the ground floor is utilised by storage units which can be accessed by access corridors. The associated lift and stair access is provided on the ground floor to access the other levels.



Figure 6 – Extract of applicants submitted Landscape Plan
(Source: Concepts Landscape)

Site Access and Parking

Vehicle access to the site will be via the existing vehicle crossing on Acton Street. The existing crossover will be widened to accommodate for larger vehicles. The proposed undercover parking area includes five (5) car parking spaces, one (1) disabled car parking space and 2 trailer or MRV (medium rigid vehicle) bays which all have access to the loading area.

The proposed development includes a modification to the existing crossover on Acton Street on the western boundary of the site. This modification includes a carriageway width of approximately 7.9m and serves to enable the two-way vehicular circulation on the site and the permitted access for vehicles up to 8.8m (MRV's),

Built Form

The proposal includes a three (3) storey built form that is tapered on the southern rear boundary. The proposed development consists of a single building structure which has been designed in a contemporary style to respect the style, character and built form attributes within the immediate surroundings. (Refer to **Figure 7** and **Figure 8** below).

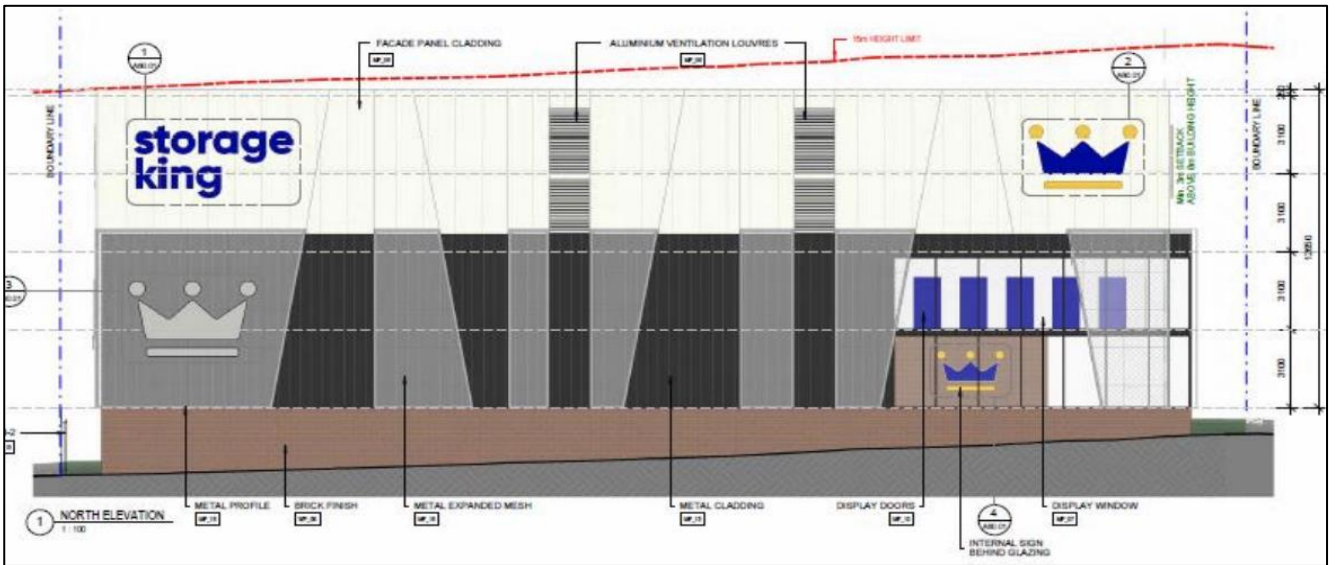


Figure 7 – Extract of applicants submitted Northern Elevation.
(Source: BN Architecture)

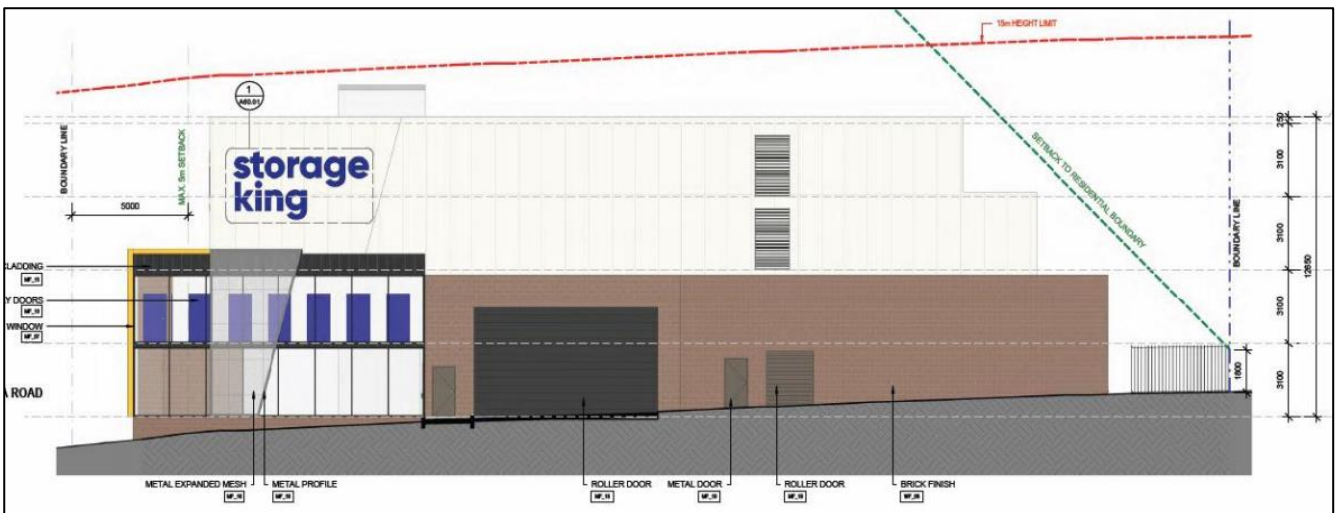


Figure 8 – Extract of applicants submitted Western Elevation.
(Source: BN Architecture)

Materials and Finishes

The proposal seeks to incorporate a contemporary mix of materials and finishes that incorporate natural colour tones that align and respect the surrounding properties and businesses. (Refer to **Figure 9** below).

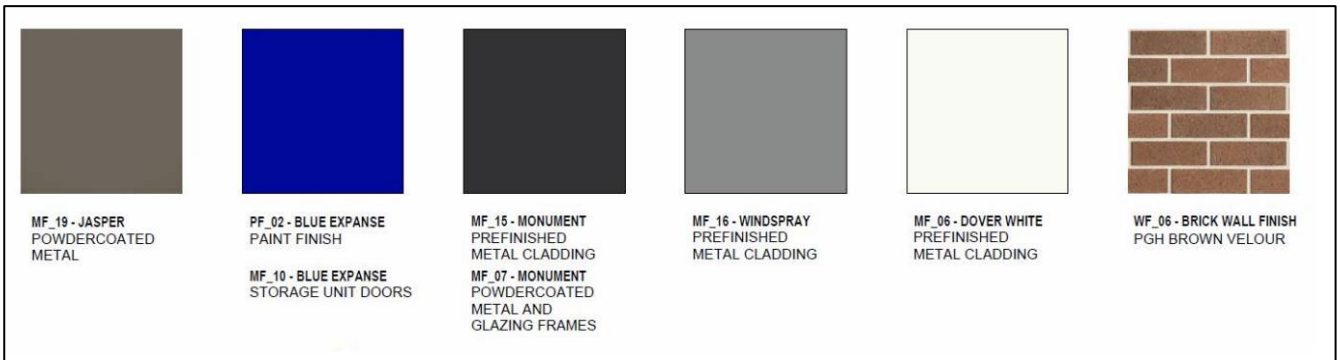


Figure 9 – Extract of applicants submitted Materials and Finishes Schedule.
(Source: BN Architecture)

Operational Management

The facility will operate and be open to access by customers 24 hours, 7 days a week for the entire year. The reception office will be open from 7am to 6pm, Monday to Sunday. There will be two employees, including a store manager, who will run the day to day operations of the facility.

Signage

There are seven business identification signs that are proposed on the north, east and west elevations. Details of each of the signs is provided within **Table 1** and **Figure 10** below:

Location	Type of Sign	Content	Dimensions	Illumination
S1-North	Flat mounted walls sign	'storage king'	5.875m (w) x 2.9m (h)	Internally illuminated
S1-West	Flat mounted wall sign	'storage king'	5.875m (w) x 2.9m (h)	Internally illuminated
S2-North	Flat mounted wall sign	Logo	4.0m (w) x 2.55m (h)	Internally illuminated
S2-East	Flat mounted wall sign	Logo	4.0m (w) x 2.55m (h)	Internally illuminated
S3-North	Flat mounted wall sign	Logo	4.7m (w) x 3.0m (h)	No illumination
S4-North	Flat mounted wall sign	Logo	2.475m (w) x 1.6m (h)	Internally illuminated
S5-East	Flat mounted wall sign	'The kings of storage moving and more'	11.650m (w) x 2.8m (h)	Internally illuminated

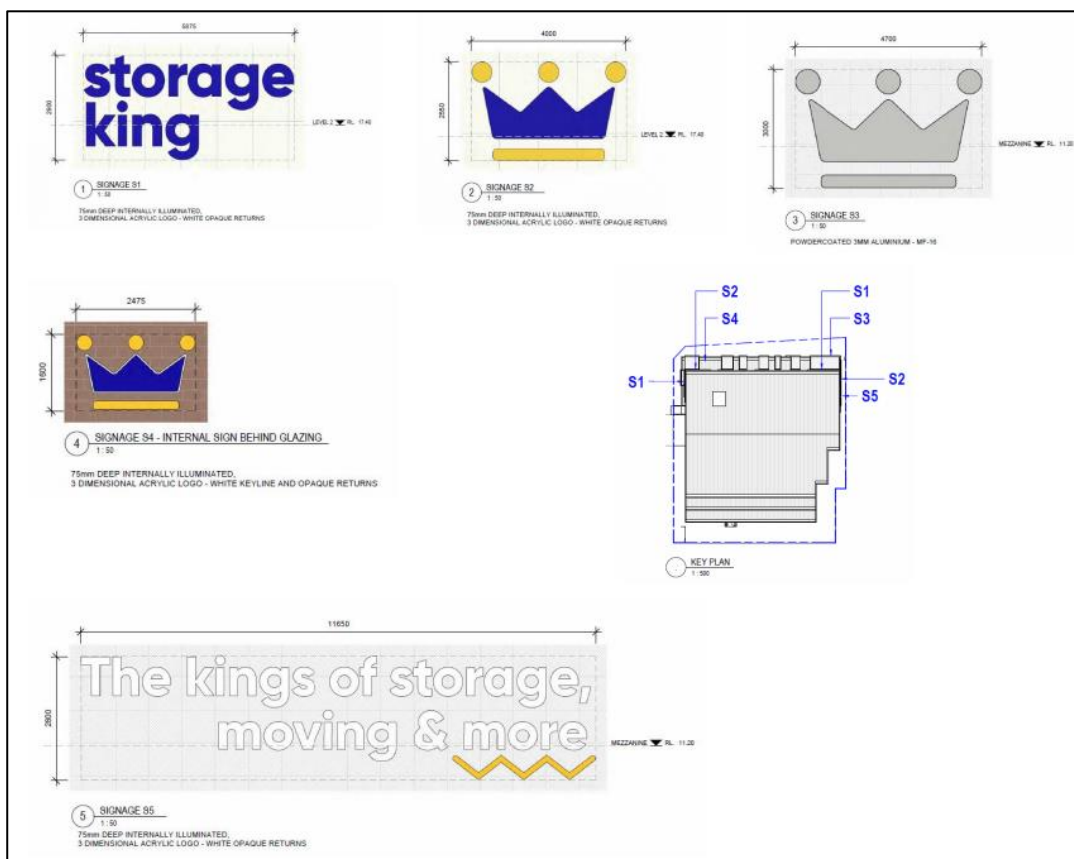


Figure 10 – Extract of the applicants submitted Signage Plan.
(Source: BN Architecture)

Background

Application History

There is no development application or pre-development application history relevant to the subject application.

Current Application History

On 19 December 2023, the development application (DA.2023.101) was lodged.

The application was referred to the following internal Council departments:

- Development Engineer;
- Traffic Engineer;
- Tree Management Officer.

The application was referred externally to the following:

- Transport NSW.

In accordance with the Burwood Community Participation Plan, the owners of surrounding properties were given notice of the application on 15 January 2024, with the notification period for submissions closing on 6 February 2024. In response to the public notification of the DA, fourteen (14) submissions were received, including one (1) signed petition objecting to the proposed development. Issues raised within the submissions, are detailed later within this report under Community Consultation.

On 29 February 2024, the application was referred to the Design Review Panel for comment, given the scale of the development and the associated breach of both the building height and floor space ratio development standards. The Design Review Panel advised of the following:

- Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) does not have a legal standing and cannot be used as an adequate justification for breaching the building height and floor space ratio development standards.
- The additional height would increase overshadowing, and thus would also be difficult to justify based on PRCUTS.
- The applicant was advised to also further consider the impact on the neighbour to the immediate south, with a further reduction in bulk and scale to reduce the impact on the southern adjoining property.
- Request for a podium typology by dropping the building height and stepping the building back.
- Request to provide larger trees for landscaping purposes.
- Request for a better built form that includes articulation and modulation to create visual relief.

On 3 May 2024, the applicant submitted draft plans for comment which had included changes based upon the commentary provided by the Design Review Panel on 6 February 2024.

On 15 May 2024, following a preliminary assessment of the DA, a request for information (RFI) was issued to the applicant indicating that the DA could not be supported when having regard to the following issues:

- Building Height – The proposed development included a maximum building height of 15m when measured from the top of the roof ridge to existing ground level directly beneath. The breach of the building height development standard was not supported.

The applicant was advised that the Clause 4.6 written variation request did not provide sufficient environmental planning grounds to justify the contravention, nor did the written request provide sufficient information to determine why compliance with development standard is unreasonable or unnecessary in the circumstances.

- Floor Space Ratio – The proposed development included an FSR of 2.29:1, which was an exceedance of 0.54:1, thus representing a significant 31% variation to the FSR control. The applicant was advised that the breach of the FSR standard was not supported.

Council acknowledged the submission of a Clause 4.6 written variation request. However, the applicant was advised that the Clause 4.6 written request relied solely on The Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) to justify the contravention of the floor space ratio development standard, and this was not supported.

- Solar Access – Given the overall bulk and scale of the proposed development, the applicant was advised that the proposal would result in overshadowing impacts to the adjoining low density residential properties to the immediate south of the subject site. The solar access impacts anticipated are also not supported.
- Traffic Engineer – Council's development engineer had requested that the parking spaces on the ground floor be allocated to the self-storage site be clearly marked for use by staff and users as part of any amended plans to be submitted.

Draft Plans

- Building Height – The draft plans were considered to be a vast improvement. However, the draft elevation drawings had depicted a small component of the building which breached the building height development standard. Council advised that the building height be lowered to comply.
- Bulk and Scale – Council advised the applicant that the proposal required a greater level of articulation, modulation and or fenestration to all elevations of the development to aid in reducing the overall visual impact on the adjoining properties to the immediate south, and the buildings relationship with those properties.

On 18 June 2024, the applicant submitted amended plans and documentation in response to Council's RFI letter. The amended plans were assessed, and all previous issues had been resolved. Specifically, the applicant had undertaken the following changes:

- The building height had been reduced to comply with the building height development standard.
- The gross floor area of the building had been reduced, and thus compliance was achieved with the floor space ratio development standard.
- The overall bulk and scale of the building was reduced, with a greater level of articulation applied to all elevations of the building, subsequently alleviating the associated solar access impacts to adjoining properties to the immediate south of the subject site.

In line with the changes undertaken by the applicant identified above, the application is now recommended for approval.

It is to be noted, the final set of amended plans and documentation submitted on 18 June 2024 was re-notified to neighbours who had previously objected to the proposed development from 12 July 2024, with the notification period for submissions closing on 19 July 2024. In response, no submissions were received.

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 (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- Burwood Local Environmental Plan 2012 (BLEP 2012);
- Burwood Development Control Plan 2013 (BDCP 2013);
- The likely social, environmental and economic impacts of the development;
- The suitability of the site for the development;
- The public interest, and
- Submissions made under the Act and Regulations.

These matters are considered in this report.

Locality

The subject site is legally described as (Lot 1 in Deposited Plan 803490) and is known as No.36-40 Parramatta Road, Croydon. The subject site is a rectangular shaped allotment with an area of 2,175m². The site is currently vacant and fenced off and is primarily hardstand area with two ancillary buildings on the western edge of the site and one smaller ancillary building just south of the centre of the site. (Refer to **Figure 13** and **Figure 14** below) There is some established vegetation and grass in the southern portion of the site.

The site has a northern frontage to Parramatta Road and western frontage to Acton Street. Existing vehicle access to the site is via a driveway off Acton Street, in between the two buildings on the western edge of the site. The topography of the site generally slopes down from south to north, towards Parramatta Road. The subject site is located within the E3 Productivity Support Zone in accordance with the BLEP 2012. The subject site is also located directly adjacent to Parramatta Road which is a classified road. (Refer to **Figure 11** below).

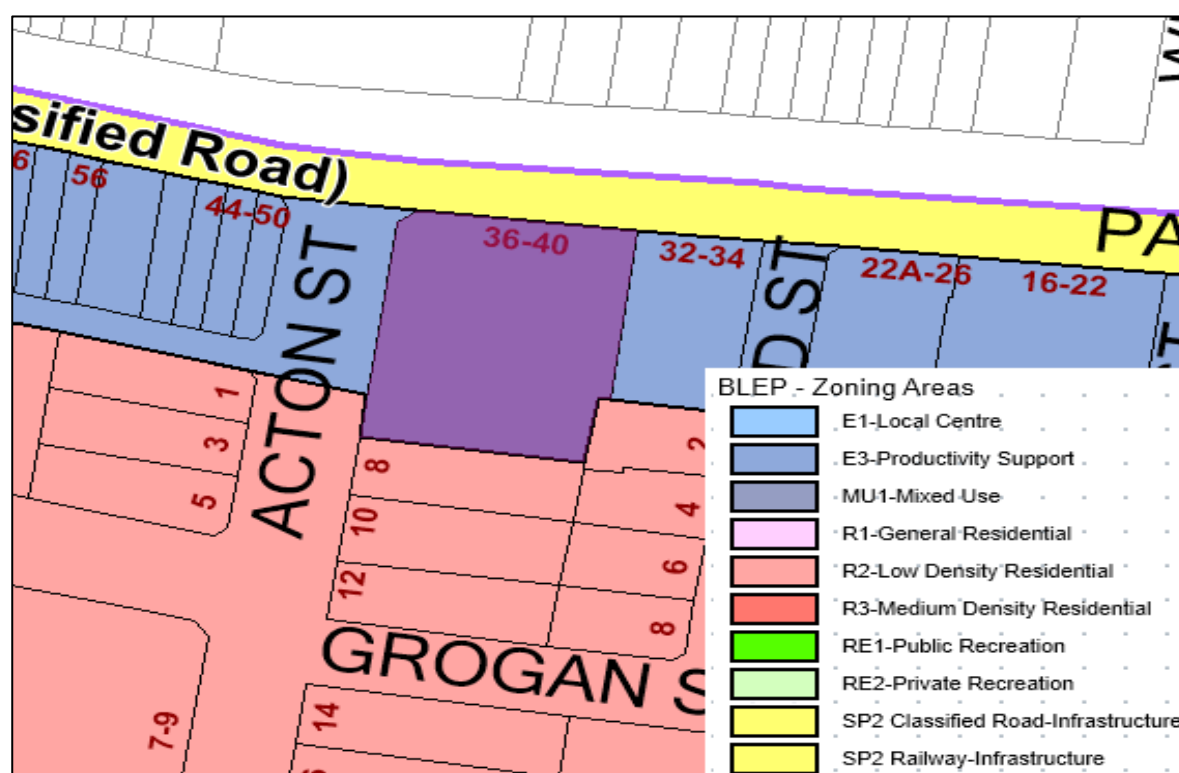


Figure 11 – Subject site located within the E3 Productivity Support Zone.

(Source: Council Maps)



Figure 12 – Aerial image of the subject site and surrounds.
(Source: Council Maps)



Figure 13 – Existing development on the site from the north-east corner on Parramatta Road.
(Source: Google Maps)



Figure 14 – Interface of site with adjacent residential development on Acton Street.
(Source: Google Maps)

Surrounding Development

There is generally established industrial and commercial businesses along either side of Parramatta Road in this locality. There is established residential development directly to the south of the site. On the opposite side of Acton Street, to the southwest is the Wychbury and Alexandra Avenues Heritage Conservation Area which is listed under Schedule 5 of the Burwood Local Environmental Plan 2012 as being of local heritage significance.

To the north of the subject site is Parramatta Road. Beyond Parramatta Road is a car sales yard at No. 159-169 Parramatta Road. (Refer to **Figure 15** below). Directly to the east of the site is a car sales yard at No.32-34 Parramatta Road, Croydon. (Refer to **Figure 16** below). Beyond the car sales yard is Alfred Street. Directly to the south of the site is low-density residential development, comprising of mainly one-two storey standalone dwellings. (Refer to **Figure 17** below). Directly to the west of the site is Acton Street. Beyond Acton Street is a Repco Auto Parts store located at No. 44-50 Parramatta Road Croydon. (Refer to **Figure 18** below).



Figure 15 – Car sales yard located to the north of the subject site across Parramatta Road.
(Source: Google Maps)



Figure 15 – Car sales yard located to the to the immediate east of the subject site
(Source: Google Maps)



Figure 15 – Dwelling houses located to the immediate south of the subject site.
(Source: Google Maps)



Figure 15 – Repco Auto Parts store located to the west of the subject site across Acton Street.
(Source: Google Maps)

Planning Assessment

State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of SEPP (Resilience and Hazards) 2021 are required to be considered for any development application. Consideration must be made if the land is suitable for the proposed development, if it is contaminated, if it is suitable for the proposed use, and/or if the contamination is required to be remediated before the land is used for that purpose.

Previous uses on the site consisted of a car sales yard and dental practise. The applicant submitted a detailed Site Investigation Report undertaken by Geosystem Consultants, dated 14 November 2023. The report concludes that the site is suitable for the proposed commercial/industrial development, subject to recommendations, which will be included as conditions of consent.

The existing long standing use of the property for commercial purposes within an established productivity support zone, continues the existing use of the property with the proposed new storage facility.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The Vegetation SEPP commenced on 25 August 2017 and replaced clause 5.9 of BLEP 2012, which related to the preservation of trees and vegetation. The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation.

The proposal seeks the removal of twelve (12) trees on the subject site. As part of the assessment of the subject DA, the proposal was referred to Council's Tree Management Officer for comment. In their latest referral response issued on 17 June 2024, no objections were raised, subject to the imposition of consent conditions.

State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021, Division 17 Roads and Traffic, aims to ensure that new development does not compromise the effect and ongoing operation and function of classified roads.

The subject site fronts Parramatta Road which is a classified state road with an arterial function under the management of Transport for NSW. As such, in accordance with Section 138 of the Roads Act 1993, concurrence is required by Transport for New South Wales.

As part of the assessment of the subject DA, the proposal was referred to Transport for NSW for comment. In their latest referral response issued on 17 January 2024, it was advised that the proposed development would not have a detrimental impact to the surrounding classified road network. As such, no objections were raised.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of the State Environmental Planning Policy (industry and Employment) 2021 applies to all signage that, under an environmental planning instrument, can be displayed with or without development consent and visible from any public place or reserve. The Industry and Employment SEPP defines signage as:

Pursuant to the definition, the proposed signage zones are for the purposes of 'business identification signs' and therefore the controls under Part 3.3 of the Industry and Employment SEPP do not apply. A signage assessment against Schedule 5 of the Industry and Employment SEPP is provided below:

State Environmental Planning Policy (Industry and Employment) 2021	Proposal	Compliance
Schedule 5 - Assessment Criteria		
1. Character of the area		
<ul style="list-style-type: none"> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<p>The existing and desired future character of the area is predominantly industrial and commercial uses along Parramatta Road. The proposed signs are of a size, design and scale which is suitable and appropriate for the character of the surrounding area.</p> <p>The proposal does not involve outdoor advertising.</p>	<p>Yes</p> <p>N/A</p>
2. Special Areas		
<ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	<p>The proposed storage facility is located within the vicinity of the Wychbury and Alexandra Avenues Heritage Conservation Area. However, the proposed signage will not detract from the amenity of visual quality of the heritage conservation area.</p> <p>The proposed signage zones will not detract from the amenity of visual quality of the area which is due to the substantial transformation of the Parramatta Road corridor. The proposed signage has been thoughtfully considered and will feature a high quality finish.</p>	<p>Yes</p>

3. Views and Vistas		
<ul style="list-style-type: none"> • Does the proposal obscure or compromise important views. 	<p>No important views obscured or compromised.</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Does the proposal dominate the skyline and reduce the quality of vistas? 	<p>The proposed signage is located within the envelope of the existing building and does not protrude over the building. As such, they do not obscure existing important views or reduce the quality of existing vistas.</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Does the proposal respect the viewing rights of other advertisers. 	<p>The proposed signage and signage zones are not located near other advertising and thus respect the viewing rights of other advertisers.</p>	<p>Yes</p>
3. Streetscape Setting or Landscape		
<ul style="list-style-type: none"> • Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? 	<p>The scale, proportion and form of the proposed signage is appropriate as it is complementary with the bulk and scale of the built form of the proposed development. The signage does not protrude beyond the height or width of these structures, ensuring it is also of an appropriate scale, proportion, and form.</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Does the proposal contribute to the visual interest of the streetscape, setting or landscape? 	<p>The proposed signage contributes towards the visual interest of the building. The signage does not dominate the streetscape and will contribute to establishing the industrial character of the site</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Does the proposal reduce clutter by rationalising and simplifying existing advertising? 	<p>N/A</p>	<p>N/A</p>
<ul style="list-style-type: none"> • Does the proposal screen unsightliness? 	<p>The proposed signage does not screen unsightliness but acts as an opportunity to provide signage which is compatible in scale, materiality and finish to the proposed built form. The subject site is devoid of any significant vegetation.</p>	<p>Yes</p>

<ul style="list-style-type: none"> Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management? 	<p>The proposed signs will not protrude above the buildings, structures or tree canopies in the area or locality as it will be affixed and fully contained within the envelope of the building.</p> <p>The proposed signage will not require ongoing vegetation management.</p>	<p>Yes</p> <p>Yes</p>
<p>5. Site and Building</p>		
<ul style="list-style-type: none"> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<p>The scale and proportion of the signs are consistent and complementary to the character of the site and surroundings along the Parramatta Road Corridor, which are largely consistent with industrial and commercial uses</p> <p>The proposed signage is consistent with the design and features of the storage facility building.</p> <p>The proposed signs are designed to represent a key element of the proposed facades which will contribute towards the visual interest and opportunities for business identification.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>6. Associated devices and logos with advertisements and advertising structures</p>		
<ul style="list-style-type: none"> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	<p>The proposed signage involves the installation of internal illumination devices which will be secured onto the proposed storage facility</p>	<p>Yes</p>

7. Illumination		
<ul style="list-style-type: none"> • Would illumination result in unacceptable glare? 	<p>Minimal potential for unacceptable glare.</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Would illumination affect safety for pedestrians, vehicles or aircraft? 	<p>The proposed illuminated signage is of a height, scale and location where it is well separated from the public domain and is not at aircraft flight heights. The proposed illumination of the signs will not adversely affect the safety for pedestrians or vehicles.</p> <p>The proposed illumination is not considered to detract from the amenity of nearby residences or accommodation.</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Would illumination detract from the amenity of any residence or other form of accommodation? 	<p>Glare from the signage will be controlled to ensure that illumination does not adversely detract from the amenity of nearby residences. No signage is proposed on the southern elevation which faces the adjacent residential properties.</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Can the intensity of the illumination be adjusted, if necessary? 	<p>The proposed signage will be designed to cater for adjustable illumination.</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Is the illumination subject to a curfew? 	<p>The proposed signage will not be subject to a curfew.</p>	<p>N/A</p>
8. Safety		
<ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? 	<p>It is considered that the proposal would have minimal impact on road safety.</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Would the proposal reduce the safety for pedestrians or bicyclists? 	<p>It is considered that the proposal would have minimal impact on pedestrian and bicycle safety.</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	<p>The proposed signage will be attached to the proposed building, will not excessively protrude from the building and does not obscure sightlines from public areas.</p>	<p>Yes</p>

Burwood Local Environmental Plan 2012

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

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

Burwood LEP 2012	Proposal	Compliance																								
4.1 Minimum Subdivision Size																										
400m ²	No subdivision proposed.	N/A																								
4.1A(1) & (2) Minimum lot sizes for dual occupancies																										
Dual Oc (attached) – Zone R1 – 500m ² Dual Oc (attached) – Zone R2 – 500m ² Dual Oc (attached) – Zone R3 – 500m ² Dual Oc (detached) – Zone R1 – 600m ² Dual Oc (detached) – Zone R2 – 600m ² Dual Oc (detached) – Zone R3 – 600m ²	Demolition of all existing structures on the site, removal of twelve (12) trees, and construction of a three (3) storey storage facility (including mezzanine level), an undercover car parking containing six (6) car spaces, one (1) accessible space, and two (2) loading bays, office and retail space at the north-western corner of the ground floor and storage units on Level 1-2, including the mezzanine level on land at No.36-40 Parramatta Road, Croydon.	N/A																								
4.3(2) Height																										
15m	Roof RL (highest): RL:20.75 EGL (interpreted) RL:5.8 Max Height of proposed Development: 14.95m.	Yes																								
4.3A(2) Exceptions to height of buildings																										
Despite clause 4.3, the height of a building on land marked "Area A" on the Height of Buildings Map is not to exceed the building height plane for that land.	The subject site is not marked "Area A" on the height of buildings map.	N/A																								
<table border="1"> <thead> <tr> <th>Column 1</th> <th>Column 2</th> <th>Column 3</th> <th>Column 4</th> </tr> <tr> <th>BHP Line Symbol</th> <th>BHP Line Height</th> <th>BHP Projected Angle</th> <th>BHP General Orientation</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>1.0m</td> <td>54⁰</td> <td>East of BHP line</td> </tr> <tr> <td>B</td> <td>1.8m</td> <td>54⁰</td> <td>East of BHP Line</td> </tr> <tr> <td>C</td> <td>1.0m</td> <td>36⁰</td> <td>West of BHP Line</td> </tr> <tr> <td>D</td> <td>1.0m</td> <td>33⁰</td> <td>North of BHP Line</td> </tr> </tbody> </table>			Column 1	Column 2	Column 3	Column 4	BHP Line Symbol	BHP Line Height	BHP Projected Angle	BHP General Orientation	A	1.0m	54 ⁰	East of BHP line	B	1.8m	54 ⁰	East of BHP Line	C	1.0m	36 ⁰	West of BHP Line	D	1.0m	33 ⁰	North of BHP Line
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Burwood LEP 2012					Proposal	Compliance
E	1.8m	33 ⁰	North of BHP Line			
4.4(2) FSR						
1.75:1					Ground Floor – 787.76m ² Mezzanine Floor – 625.27m ² Level 1 – 1248.69m ² Level 2 – 1145.53m ² Total GFA – 3805.25m ² Site Area: 2175m ² FSR: 1.74:1	Yes
4.6 Exceptions to Development Standards						
<p>(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating –</p> <p>(a) the compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and,</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p>					The proposal does not seek any variations to development standards.	N/A
5.10 Heritage Conservation						
<p>(1) Objectives The objectives of this clause are as follows—</p> <p>(a) to conserve the environmental heritage of Burwood,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>					The subject site does not contain a heritage item, and is not located within a heritage conservation area.	N/A
6.1 Acid Sulfate Soils						
(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.					The subject site is affected by Class 5 Acid Sulfate Soils. However, there are no works proposed within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum.	Yes

Burwood LEP 2012	Proposal	Compliance
6.2 Flood Planning		
<p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change, (c) to avoid significant adverse impacts on flood behaviour and the environment. 	<p>The subject site is not affected by flooding.</p>	<p>N/A</p>
6.3 Active street frontages		
<p>(1) The objectives of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B4 Mixed Use.</p> <p>(2) This clause applies to land identified as “Active street frontage” on the Active Street Frontages Map”</p> <p>(3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.</p> <p>(4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—</p> <ul style="list-style-type: none"> (a) entrances and lobbies (including as part of mixed use development), (b) access for fire services, (c) vehicular access. <p>(5) In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.</p>	<p>The subject site is not identified as “Active street frontage” on the Active Street Frontages Map.</p>	<p>N/A</p>

Burwood Development Control Plan 2013

The Burwood Development Control Plan 2013 (BDCP2013) applies to the subject site. The provisions of the Burwood Development Control Plan have been considered and it is concluded that Section 3.6 Area Based Controls – Parramatta Road Enterprise Corridor controls are the only applicable provisions that apply to the proposed development.

Specifically, Section 3.6 of BDCP 2013 contains provisions for setbacks to Parramatta Road. However, the application was referred to Council's Design Review Panel based upon the sites unique nature and the characteristics of the use as a storage facility. As such, the panel in considering the application raised issue with the buildings 3m setback to the southern rear boundary and the associated impacts upon adjoining residential properties. The panel advised that the building be shifted more towards Parramatta Road along with a reduction in the buildings overall bulk and scale. In order to address this, the applicant amended the plans to increase the setback from the southern rear boundary from 3m to 5m. In order to accommodate the adjustment of the building envelope the building was moved closer to Parramatta Road, and now there are reduced setbacks ranging from 2.56 to 4.777m.

The reduced setback area is still considered to be adequate for the needs of providing screening, landscaping, and reduction of visual bulk. In addition, there is no established pattern of setbacks in the immediate locality. The setbacks are considered to be appropriate given the nature of the land use which is classified as commercial/industrial as opposed to being a residential development that would require greater setbacks.

Community Consultation

Internal Referrals

The application was referred to the following internal Council departments. The below summaries their referral comments on the latest plans:

Senior Development Engineer – As part of the assessment of the subject DA, the proposal was referred to Council's Senior Development Engineer for comment. In their latest referral response issued on 19 January 2024, no objections were raised, subject to conditions.

Traffic Engineer – As part of the assessment of the subject DA, the proposal was referred to Council's Traffic Engineer for comment. In their latest referral response issued on 12 January 2024, the following was advised:

- The number of parking spaces and dimensions are considered to be adequate.
- The parking spaces on ground floor allocated to the self-storage site should be clearly marked for use by staff and users.

In light of the above commentary, no objections were raised, subject to the imposition of consent conditions.

Tree Management Officer – As part of the assessment of the subject DA, the proposal was referred to Council's Tree Management Officer for comment, given the proposal seeks to removal twelve (12) trees on the subject site. In their referral response issued on 17 June 2014, no objections were raised, subject to conditions.

External Referrals

Transport for New South Wales – As part of the assessment of the subject DA, the proposal was referred to Transport for NSW for comment, given the subject site is directly adjacent to Parramatta Road, which is a classified state road with an arterial function under the management of Transport for NSW. In their referral response issued on 17 January 2024, it was advised that the proposed

development would not have a detrimental impact to the surrounding classified road network. As such, no objections were raised.

Neighbour Notification

In accordance with the Burwood Community Participation Plan, the owners of surrounding properties were given notice of the application on 15 January 2024, with the notification period for submissions closing on 6 February 2024. In response to the public notification of the DA, fourteen (14) submissions were received, including one (1) signed petition objecting to the proposed development.

The matters raised within the submissions are summarised below, followed by a comment from the assessing planner:

- The excessive building height of the proposed development and the overshadowing impacts of properties to the immediate south.

Planner Comment: It is acknowledged the original plans submitted with the development application breached the 15m building height standard for the subject site and resulted in overshadowing impacts of properties to the south. Council issued an RFI letter and advised the applicant that the building height would not be supported given the associated overshadowing impacts to adjoining properties located to the immediate south. On 18 June 2024, the applicant submitted amended plans and documentation in response to Council's RFI letter. The amended plans included a reduced building height which complied with the 15m building height control. The overall bulk and scale of the development was also reduced, with a compliant FSR proposed, subsequently reducing the solar access impacts of the development on the properties to the immediate south.

It is however noted, the subject site includes a north south orientation, with east and west being the side boundaries. The orientation of the site would inevitably result in some form of a solar access impact to adjoining development to the immediate south, given the unfavourable orientation. Furthermore, any re-development of the subject site, given the zoning and large building height and FSR prescribed to the allotment in accordance with the BLEP 2012 would result in some form of solar access impacts to dwellings to the immediate south of the site.

- Concerns regarding the submitted SEE detailing PRCUTS guidelines as a justification for the increased scale of the development.

Planner Comment: It is acknowledged the applicant has sought to rely on PRCUTS to justify increasing the scale of the development, both in terms of height and FSR. The proposal was accompanied by Clause 4.6 written request to vary both the building height and floor space ratio development standards.

Council issued an RFI letter on 15 May 2024, indicating that the bulk and scale of the development would not be supported. In addition, the applicant was advised that PRCUTS was not considered adequate justification for breach of both the building height and floor space ratio development standards. As such, the variation requests, pursuant to Clause 4.6 of the BLEP 2012 to increase both the building height and FSR were not supported

- Concerns regarding the breach of the floor space ratio development standard.

Planner Comment: It is acknowledged that the original plans submitted with the application breached the FSR development standard and was accompanied by a Clause 4.6 written variation request.

However, Council issued an RFI letter on 15 May 2024, advising that the breach of the floor space ratio development standard was not supported. In addition, the applicant was advised that the Clause 4.6 written variation request, which relied upon PRCUTS for justification was also not

supported. Subsequently, the applicant submitted amended plans on 18 June 2024 in response to Council's RFI letter. The amended plans included a significant reduction in overall built form, with the development reduced from 5 storeys to 3 storeys and a compliant FSR of 1.74:1.

- Concerns regarding construction noise and vibration

Planner Comment: Conditions of consent will be imposed to ensure compliance regarding noise during the construction phase. All feasible and reasonable measures must be implemented to minimise the emissions of noise from construction work.

- Concerns regarding operational noise of the proposed development.

Planner Comment: It is not anticipated that the proposed development would result in noise levels that would result in disturbance to the adjoining low density residential properties. In addition, the application was accompanied by a detailed Noise Impact Assessment, prepared by BSE Acoustics, dated 17 October 2023. The report concludes that the proposed development is not anticipated to generate any adverse impacts in the locality and the site is considered suitable for the proposed development.

Notably, noise management measures recommended by the Acoustic Report with regard to the operation activity of the storage facility will form part of the conditions of consent.

- Concerns regarding traffic and parking associated with the proposed development.

Planner Comment: As part of the assessment of the subject DA, the proposal was referred to Council's Traffic Engineer for comment. In their latest referral response issued on 12 January 2024, no objections were raised, subject to conditions.

- Concerns regarding tree removal at the subject site.

Planner Comment: As part of the assessment of the subject DA, the proposal was referred to Council's Tree Management Officer for comment, given twelve (12) trees are proposed for removal on the site to accommodate the storage facility.

- Concerns regarding signage illumination and compliance with the SEPP (Industry and Employment) 2021

Planner Comment: Council has undertaken an assessment of the proposed signage in accordance with Chapter 3 of the State Environmental Planning Policy (industry and Employment) 2021 applies to all signage that, under and environmental planning instrument, can be displayed with or without development consent and visible from any public place or reserve. The assessment has concluded that the proposed signage complies with the Schedule 5 assessment criteria.

In addition, there is no illuminated signage proposed to the southern elevation of the building that would result in light spill onto the adjoining residential properties to the immediate south of the site.

- Concerns regarding the landscape setting.

Planner Comment: As part of the assessment of the subject DA, the proposal was referred to Council's Tree Management Officer/Landscape Architect for comment. In their latest referral response, no objections were raised with regard to landscaping and tree removal, subject to the imposition of consent conditions.

- The proposed development is out of character with the area.

Planner Comment: It is acknowledged the original proposal was in-consistent with the general character of the area in terms of bulk and scale. However, the applicant has undertaken significant

design amendments in response to Council's RFI letter and reduced the overall bulk and scale of the building. The proposal complies with both the building height and floor space ratio development standard, and has also introduced a greater level of articulation and modulation to aid in reducing the overall perceived visual bulk.

- Concerns regarding the front and rear setbacks. The rear setback does not comply and the front setbacks to Parramatta Road are considered excessive.

Planner Comment: The application was referred to Council's Design Review Panel based upon the sites unique nature and the characteristics of the use as a storage facility.

Notably the Design Review Panel in considering the application raised issue with the buildings 3m setback to the southern rear boundary and the associated impacts upon adjoining residential properties. The panel advised that the building be shifted more towards Parramatta Road. In order to address this, the applicant amended the plans to increase the setback from the southern rear boundary from 3m to 5m. In order to accommodate the adjustment of the building envelope the building was moved closer to Parramatta Road, and now there are reduced setbacks ranging from 2.56 to 4.777m.

The reduced setback area is still considered to be adequate for the needs of providing screening, landscaping, and reduction of visual bulk. In addition, there is no established pattern of setbacks in the immediate locality. The setbacks are considered to be appropriate given the nature of the land use which is classified as commercial/industrial as opposed to being a residential development that would require greater setbacks.

- Concerns that the proposed development will depreciate property values within the immediate locality.

Planner Comment: Property values are not a planning matter for consideration.

- The development is inconsistent with the Wychbury and Alexandra Avenue Heritage Conservation Area.

Planner Comment: The subject site is not located within the Wychbury and Alexandra Heritage Conservation Area.

- Concerns regarding the 24-hour operation hours of the facility.

Planner Comment: The development is operating as storage facility, and patron visitation would be scattered across the day, and is unlikely to occur after 6pm. It is also unlikely to operate at 100 percent capacity for the 24 hours. It is expected there will be a tapering down effect towards the evening and late night/early morning hours. In addition, given the use of the facility for storage purposes, there are no communal areas on the property which would result in any form of patron congregation and associated noise impacts. In addition, the 24-hour operation of the facility is considered appropriate on merit, particularly given the use.

Conclusion

The amended proposal is for demolition of all existing structures on the site, removal of twelve (12) trees, and construction of a three (3) storey storage facility (including mezzanine level), an undercover car parking containing six (6) car spaces, one (1) accessible space, and two (2) loading bays, office and retail space at the north-western corner of the ground floor and storage units on Level 1-2, including the mezzanine level on land at No.36-40 Parramatta Road, Croydon.

The applicant had undertaken design amendments in accordance with Council's RFI letter and commentary provided by Council's Design Review Panel. The overall bulk and scale of the development was significantly reduced, whereby the proposal now achieves compliance with the

building height and floor space ratio development standards. The applicant introduced a greater level of articulation and modulation to the building to aid in reducing the overall visual bulk.

The proposed development complies with the relevant SEPP provisions and the provisions of the Burwood Local Environmental Plan 2012 and Burwood Development Control Plan 2013, with the exception of the front setback, for which the building has been shifted closer to the Parramatta road frontage to limit the amenity impacts to the adjoining residential properties to the immediate south. It is considered that the proposal is consistent with the desired future character of the area, and is of a bulk and scale that is commensurate amongst adjoining development.

Given the above, the proposal is recommended for approval.

Recommendation(s)

The Development Application (DA.2023.101) for the demolition of all existing structures on the site, removal of twelve (12) trees, and construction of a three (3) storey storage facility (including mezzanine level), an undercover car parking containing six (6) car spaces, one (1) accessible space, and two (2) loading bays, office and retail space at the north-western corner of the ground floor and storage units on Level 1-2, including the mezzanine level on land at No.36-40 Parramatta Road, Croydon, be approved, subject to the following conditions:

Conditions of Approval

GENERAL

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

- Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Cover Sheet	12.06.2024	BN Architecture, Sheet No. A00.00, Revision B.
Title Sheet, Location Plan and Drawing List	12.06.2024	BN Architecture, Sheet No. A00.01, Revision B.
General Information	12.06.2024	BN Architecture, Sheet No. A00.03, Revision B.
Safety in Design Statement	12.06.2024	BN Architecture, Sheet No. A00.04, Revision B.
Site Analysis	12.06.2024	BN Architecture, Sheet No. A00.05, Revision B.
Existing and Demolition Site Plan	12.06.2024	BN Architecture, Sheet No. A01.01, Revision B.
Site/Roof Plan	12.06.2024	BN Architecture, Sheet No. A02.00, Revision B.
Ground Floor Plan	12.06.2024	BN Architecture, Sheet No. A02.01, Revision B.
Mezzanine Plan	12.06.2024	BN Architecture, Sheet No. A02.02, Revision B.
Level 1 Floor Plan	12.06.2024	BN Architecture, Sheet No. A02.03, Revision B.
Level 2 Floor Plan	12.06.2024	BN Architecture, Sheet No. A02.04, Revision B.
Elevations 1/2	12.06.2024	BN Architecture, Sheet No. A09.01, Revision B.
Elevations 2/2	12.06.2024	BN Architecture, Sheet No. A09.02, Revision B.
3D Perspectives	12.06.2024	BN Architecture, Sheet No. A09.50, Revision B.
3D Perspectives Height Plane	12.06.2024	BN Architecture, Sheet No. A10.51, Revision B.
Building Sections	12.06.2024	BN Architecture, Sheet No. A11.01, Revision B.
Signs & Display	12.06.2024	BN Architecture, Sheet No. A60.01, Revision B.
GFA Analysis	12.06.2024	BN Architecture, Sheet No. A100.21, Revision

		B.
Solar Study	12.06.2024	BN Architecture, Sheet No. A100.50, Revision B.
Solar Study	12.06.2024	BN Architecture, Sheet No. A100.51, Revision B.
Solar Study	12.06.2024	BN Architecture, Sheet No. A100.52, Revision B.
Solar Study – 8 Acton Street	12.06.2024	BN Architecture, Sheet No. A100.53, Revision B.
Solar Study – 8 Acton Street	12.06.2024	BN Architecture, Sheet No. A100.54, Revision B.
Solar Study – 8 Acton Street	12.06.2024	BN Architecture, Sheet No. A100.55, Revision B.
Noise Impact Assessment	12.06.2024	Building Services Engineers Acoustics, Project No. 20221180, Issue 4.
Fire Engineering Statement	3.08.2021	Minerva, Document Reference No. 23019-DA-001-C, Revision C.
Hardscape Plan	12.06.2024	Conzept Landscape Architects, Sheet 1, Revision C
Landscape Plan	3.08.2021	Conzept Landscape Architects, Sheet 2, Revision C
Detail + Specifications	6.08.2021	Conzept Landscape Architects, Sheet 3, Revision C
Transport Impact Assessment	12.06.2024	Stantec Pty Ltd, Project No. 300304521
Arborist Report	18.08.2023	Prepared by Arborlogix,
BCA Report	17.10.2023	Design Confidence, Reference No. P223_033-2_BCA) RD
Civil Works Package	17.10.2023	AT&L Civil Engineers and Project Managers, Drawing No's: 22-1044-DAC100, 22-1044-DAC101, 22-1044-DAC102, 22-1044-DAC103, 22-1044-DAC110, 22-1044-DAC111, 22-1044-DAC112, 22-1044-DAC120, 22-1044-DAC121, 22-1044-DAC122, 22-1044-DAC130, 22-1044-DAC143, 22-1044-DAC144, 22-1044-DAC145, 22-1044-DAC146, 22-1044-DAC147, 22-1044-DAC150, 22-1044-DAC151, Revision B
Civil Report	17.10.2023	AT&L Civil Engineers and Project Managers
Cost Report	10.10.2023	MBM, Project No. 1430-0129.
Detailed Site Investigation Report	14.11.2023	Geosyntec Consultants, Revision 1.
Ecological Sustainable Design Report	6.12.2023	Aspire Sustainability Consulting, Reference No. P123004, Version 1.0
Emissions Report	1.12.2023	Aspire Sustainability Consulting, Document No. C3123004
Plan of Management	5.03.2023	Prepared by Storage King.
Preliminary Site Investigation Report	23.11.2023	Prepared by Geosyntec Consultants
Waste Management Plan	5.03.2024	Prepared by Storage King, Rubbish Disposal Policy.

2. **Inconsistency between documents.** 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 neighbouring 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. **Illumination of public place.** 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. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
9. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
10. **Service Alterations.** 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.
11. **Road Opening Permit.** 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.
12. **Public Utilities.** 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.

13. A HAZMAT survey be conducted for the existing buildings and shed on site prior to demolition.

ENGINEERING CONDITIONS

14. The following matters shall apply to the damage deposit listed in the Table of Fees:
 - (a) This deposit is refundable if no damage occurs. The Applicant must lodge in Council a 'Damage Deposit Refund Application' after an Occupation Certificate being submitted to the Council. 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 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.
15. The following matters shall apply to the stormwater deposit listed in the Table of Fees:
 - (a) The deposit is refundable after completion of stormwater works on Council's roadway as per Council engineer's satisfaction.
16. **Damage Deposit** - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc.) during building work **\$73,860** (Payment to be made to Council as a bond prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation).
17. **Security deposit** against proposed stormwater works on Council roadway including drainage connection to existing stormwater pit **\$7,872**.
18. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to the existing drainage system by TfNSW located on Parramatta Road in front of the property.
19. 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.

20. 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.

21. 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.**

22. The following stormwater quality targets for post development shall be adopted in accordance with modeling guideline developed by Sydney Metropolitan Catchment Management Authority (CMA).

- 90% reduction in the post development Average Annual Gross Pollutant load (greater than 5mm)
- 85% reduction in the post development Mean Annual Load of Total Suspended Solids (TSS)
- 65% reduction in the post development Mean Annual Load of Total Phosphorus (TP)
- 45% reduction in the post development Mean Annual Load of Total Nitrogen (TN)

Water Quality requirements should be determined by modelling of the proposed development to meet the quality targets. Computer models like MUSIC (the Model for Urban Stormwater Improvement Conceptualisation) can be used to present default and proposed water quality parameters.

23. The following matters shall apply for stormwater drainage connection to TfNSW Street stormwater system.

- (i) The stormwater design and all related drawings shall be forwarded to TfNSW Authority for their approval and endorsement.
- (ii) Copies of stormwater plans endorsed and duly stamped by TfNSW shall be forwarded to Council.
- (iii) All conditions by TfNSW for stormwater connections including any certification by design engineer, payment of bond etc. shall be strictly adhered to.
- (iv) Any adjustment required for underground services shall be at the applicant's expense. The relevant authority's written consent for any adjustments or works affecting their services shall be obtained and submitted to the principal Certifying Authority, prior to construction commencing.

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

24. The southern boundary fences shall be constructed in materials that allow unobstructed passage of surface stormwater flows. Fencing details shall be submitted to 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.**
25. The pump system is only permitted for the drainage of the basement areas where the finished slab is below the ground level. The following conditions are to be satisfied:
- (a) A pump and rising main design shall be submitted to the Principal Certifying Authority and shall satisfy the following conditions:
 - (v) The holding tank for the pump shall be capable of storing runoff from a one hour, 1 in 100 year ARI storm event.
 - (vi) The pump system shall consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the lower of the allowable on site detention discharge rate, or the rate of inflow for the one-hour duration storm.
 - (vii) An overflow, flashing light and audible alarm are to be provided, to warn of pump failure.
 - (viii) Full details of the holding tank, pump type, discharge rate and the delivery line size are to be documented.
 - (ix) Any drainage disposal to the street gutter, from a pump system must have a stilling sump provided at the property line, and connected to the street gutter by a suitable gravity line.
 - (x) The capacity of the stilling sump and outlet pump shall be determined and verified by calculations which are to be documented.

Pumping system details shall be submitted to 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.

26. The applicant is to have prepared a longitudinal section of the proposed vehicular ramp access, drawn at 1:25 natural scale.

- (a) The longitudinal section shall be prepared by a competent practicing civil engineer in accordance with AS 2890.1.
 - (b) The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering. The Principal Certifying Authority is to be provided with a Compliance Certificate verifying that this condition has been complied with.
27. Temporary measures shall be provided during demolition, excavation and/or construction to prevent sediment and polluted waters discharging from the site.
 - (a) 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.
 - (b) The erosion and sediment control plan 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 or commencement of demolition.
28. Three copies of Public Domain Plan drawn at 1:100 scales shall be prepared and certified by a qualified civil engineer, landscape architect or urban designer and submitted to Council. The plan shall be updated as required by Council's design engineer prior to construction:
 - (a) The plan shall include all existing service authority assets on street frontage and in and around the areas as per the survey report. This should include, but not be limited to, high and low voltage electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage assets, etc.
 - (b) The plan shall show the entire street frontage of the property for improvement e.g. footpath paving, kerb & gutter, nature strip, stormwater pit & lintel including mill & re-sheeting one lane (3m) width of the road pavement of the front street.
 - (c) The plan shall incorporate the standard specifications and details in accordance with the Public Works Elements Manual and Council's standard drawings and technical specifications.

The Applicant shall liaise with all relevant service authorities to satisfy all requirements of the service authority providers in respect of protection, termination or relocation of existing assets prior to construction. A written consent shall be required where a service authority asset will be affected.
29. No opening is to be made in any road or footpath, nor is any hoarding to be erected without the prior consent of Council. The builder is to obtain the relevant permit for which fees will be charged in accordance with Council's Schedule of Fees and Charges.
30. 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.
31. Public roads to be kept clean and free of any material which may fall from vehicles or plant. Waste containers shall be placed in accordance with Council's Code for Activities Affecting Roads and are subject to the payment of appropriate fees.
32. Heavy vehicles entering and leaving the site must only cross the footpath where it is adequately timbered and strapped. Pedestrian access across this footpath must be maintained in good order at all times during the excavation work.

33. The contractor shall strictly implement all erosion and sediment control measures prior to the commencement of excavation. Such measures shall be inspected at site by a competent practicing hydraulic/civil engineer and the PCA shall be provided with a compliance certificate in regards to that.
34. The Applicant shall prepare detailed survey reports of all existing service authority assets in and around the site of the proposed development that may be affected in any way by the proposed excavation. Surveys should include, but not be limited to, high and low voltage electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage assets, etc.
35. The Applicant shall liaise with all relevant service authorities (including, but not limited to electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage) to develop final designs that satisfy all requirements of the service authority providers in respect of protection, termination or relocation of existing assets, temporary access and future permanent access for maintenance of assets.
36. The Applicant shall prepare detailed method statements to demonstrate how the proposed excavation is to be conducted such that all relevant utility authority assets are protected and maintained throughout the construction stage of the development, or are relocated. Method statements are to be submitted to the relevant utility authorities for their written approval.
37. 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.
38. The public utility(s) are to be relocated by the relevant service authority prior to the construction of the vehicle crossing. The applicant is responsible for all liaison and co-ordination with the relevant utility authority. Council will only construct the vehicle crossing following completion of the utility(s) structure's relocation.
39. Should the applicant require the use of temporary ground anchors to shore the bulk excavation within public roads the Applicant is required to obtain a 'Temporary Ground Anchor Permit' from Council for which an 'Application for Works on Council's Property' shall be lodged with Council. Subject to the application being approved by Council, the applicant shall pay Council calculated Anchor Fees and the 'Refundable Deposit' as required under Council's Statement of Revenue Policy 2023 – 2024. **Payment of the 'Refundable Deposit' can be made in the form of a Bank Guarantee.**

NOTE: This deposit is refundable if no damage occurs.

Council may unilaterally use the damage deposit for the demolition and removal of the shoring elements constructed within the public road including the repair/reconstruction of any other associated damage to Councils Infrastructure, it be necessary due to non-compliance with the conditions relating to the Installation of Temporary Ground Anchors.

40. All shoring including ground anchors are to be certified by a practicing professional structural engineer. Certification is required as follows:
 - (i) That the proposed shoring and anchor scheme is capable of supporting the public road, to be submitted prior to work commencing.
 - (ii) Certification that the shoring and anchor scheme has been adequately constructed, following installation.
 - (iii) Final certification that the anchors have been de-stressed and all shoring with the exception of the anchors have been removed to a depth of 2.5m, on completion following de-stressing of the anchors.

41. The stormwater works on the development property and connection to TfNSW 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.
 - (d) Following set out of detention tank/area to confirm area and volume of storage.
 - (e) Following placement of weep-holes, orifice and/or weir flow control, outlet screen and overflow provision.
 - (f) Following backfilling. Confirm adequacy of backfilling material and compaction.
42. 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 or any other Road Authority Approval and/or policy.
43. A road-opening permit and/or construction permit shall be obtained for all works carried out on public or Council controlled lands. Restoration of landscaping, roads and paths shall be carried out by Council at the applicant's expense in accordance with Council's Schedule of Fees and Charges. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$20 million, and shall provide proof of such cover to the Principal Certifier prior to carrying out the works. Please see Burwood Council's web site www.burwood.nsw.gov.au - Go to Rates and Payments/ Works on Council Property/ Application for Works on Council Property.
44. 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.
45. 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.
46. All demolition and excavation materials are to be removed from the site or disposed of on site using methods that comply with relevant environmental protection legislation.
47. Vehicles removing demolished materials from the site shall access and depart from the site through Burwood Road and Liverpool Road. Vehicles involved in removing materials from the site shall be limited to an 8 tonne gross weight.

48. Should the applicant require the use of temporary ground anchors to shore the bulk excavation within public roads an NPER Registered Structural Engineer's certificate along with certified plans showing the details and extent of work shall be submitted to Council for its record. The following conditions shall be addressed by the Applicant.
- (i) The contractor shall be responsible to obtain and submit to Council a written authority from all public utility authorities that they have no objection in regards to the installation of temporary ground anchors, prior to works commencing.
 - (ii) The contractor shall be responsible to obtain permission from the neighbours of the adjoining properties prior to installation of anchors.
 - (iii) The contractor shall be responsible for any injury or damage either to persons or property due to the presence or failure of the supporting structure on the public way and the contractor shall indemnify the Council against all claims that may arise from the installation of the supporting structure. In this regard the contractor shall provide written evidence of public liability insurance cover to the minimum value of \$20 million, with Council named in the insurance policy, prior to work commencing.
 - (iv) The anchors shall be installed in accordance with the manufacturer's instructions.
 - (v) The construction of ground anchors shall be of a temporary nature only and a written undertaking shall be given that the ground anchors are temporary only and shall be de-stressed after final lateral supports are in place. The written undertaking is to be provided to Council, prior to work commencing.
 - (vi) All shoring with the exception of the released temporary ground anchors shall be completely removed from the public road to a depth of 2.5m on completion. The void shall be backfilled by suitable materials and compacted.
 - (vii) Council's footpath and roadway are to be kept safe for the passage of motorists and pedestrians at all times. Closure of any part of the public thoroughfare shall only be carried out with the approval of Council's Traffic Engineer.
 - (viii) All stockpiled shoring materials and equipment shall be kept solely within the private property and not obstruct the footpath or roadway at any time.
 - (ix) All earth and rock anchors shall be released before the completion of building work.
49. The applicant shall submit written evidence to the Principal Certifying Authority that a contract has been let for the regular maintenance of the pump system for a minimum period of 12 months. Information to be submitted to the Principal Certifying Authority.
50. 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 Compliance Certificate from a competent practicing hydraulic/civil engineer. The Compliance 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.

51. Habitable floor levels shall be a minimum of 150mm above the surrounding finished ground levels. Garage floor levels shall be a minimum of 100mm above the surrounding finished ground levels.
52. Grated drains shall be provided along the property boundary at the vehicular crossings and are to connect to the internal drainage system.

The Principal Certifying Authority is to be provided with a Compliance Certificate from a competent practicing hydraulic/civil engineer.

The Compliance Certificate shall state that the grated drains have been constructed in accordance with the approved plans and this consent condition as shown on the work-as-executed plans, prior to the issuing of an Occupation Certificate

53. A Positive Covenant under section 88E of the Conveyancing Act shall be created on the title of the property(s) detailing the:
 - i) Overland surface flow path
 - ii) Finished pavement and ground levels
 - iii) Erection of any structures or fencing along east property boundary line.
 - iv) On-site stormwater detention system.
 - v) Pump and rising main system.

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

- (a) The proprietor of the property agrees to be responsible for keeping clear and the maintenance of the facilities consisting of:
 - i) *The overland surface flow path*
 - ii) *Finished pavement and ground levels*
 - iii) *Erection of any structures or fencing along east property boundary line*
 - iv) *On-site Stormwater Detention system*
 - v) *Pump and rising main system*
- (b) The proprietor agrees to have the facilities inspected annually by a competent practicing hydraulic/civil engineer.
- (c) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean repair and maintain in good working order the facilities in or upon the said land; and recover the costs of any such works from the proprietor.
- (d) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from failure of any component of the facilities.

The applicant shall bear all costs associated with the preparation of the 88E Instrument. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at the Land Titles Office. Evidence that the Instrument has been registered at the Land Titles Office shall be submitted to Council, prior to issuing of an Occupational Certificate.

54. The following matters apply to the construction of the proposed vehicular crossing:
 - (a) A vehicular crossing 6m wide shall be constructed by Council/ applicant at the applicant's cost.
 - (b) The cost of any necessary adjustments to public utility services shall be paid by the applicant to the relevant authority prior to Council commencing the work.

- (c) The driveway shall be 1m clear of any pits, lintels, poles and 2m clear of tress in the road reserve.
- (d) Any redundant vehicular crossing shall be removed and replaced with kerb and gutter footpath at no cost to Council.

55. Public domain construction shall be undertaken and completed on two street frontages of the property on Parramatta Road and Action Street at applicant's cost in accordance with Public Domain Plans and specifications.

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

LANDSCAPING CONDITIONS

56. Landscaping must be installed as per the Landscape Plan sheet set by Conzept Landscape Architects, Revision C, dated 12 June 2024.
57. Landscaping must be completed **prior to the issuing of an Occupation Certificate.**
58. Landscaping must be maintained at all times following installation, including the replacement of any plants that are dead, damaged, unhealthy or stolen, with like for like.

TREE PROTECTION CONDITIONS

59. The three existing brush box street trees located on the nature strip in Acton Street must be retained and protected in accordance with AS4970-2009 (Protection of Trees on Development Sites). This includes the installation of a tree protection fence around all four sides of each tree, extending two metres either side of the trunks, parallel to the kerb, and to the full limits of the nature strip width.
60. The tree protection fences must be constructed of 1.8m high, chain link panels, braced together and held in place with concrete feet.
61. The tree protection fences must be installed **prior to the commencement of any work** and maintained in tact at all times **until the issue of an Occupation Certificate.**
62. An AQF Level 5 Project Arborist must be engaged to certify the 'Hold Points' listed in section 10.2 of the Arboricultural Impact Assessment report by Arborlogix, dated 18 September 2023.
63. No branch pruning or root cutting is permitted to any street trees without the specific written consent of Council.
64. In accordance with Council's Schedule of Fees and Charges, a monetary bond or bank guarantee to the value of **\$6,000** is required to be lodged to Council, **prior to the commencement of any work**, to ensure the proper protection of the street trees.
65. The street trees will be inspected by Council at completion of the works and the bond released only if there is no damage to any trees.

TRAFFIC CONDITIONS

66. A total of 8 proposed off-street car parking spaces. 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, AS/NZS 2890.6:2009 and AS 2890.2:2018- Off-Street commercial vehicle facilities.
67. The approved parking spaces must be allocated as detailed below. All spaces must be appropriately line-marked and labelled according to this requirement prior to the issue of an Occupation Certificate. The car park layout must respect the required allocation:
 - (a) 5 commercial and users parking spaces.
68. Loading docks must be located close to the service entrance and away from other parking areas, and simultaneously and independently be able to service the following sized trucks detailed below:
 - (a) A minimum of two Medium Rigid Vehicles loading dock
69. Of the required car parking spaces, at least 1 proposed mobility parking space must be designed and provided for accessible car parking for people with mobility impairment in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking. Accessible car parking spaces must have a minimum headroom of 2.5m and must be clearly marked and appropriately located as accessible parking for people with mobility impairment.
70. Where a boomgate or barrier control is in place, the visitor space must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 6m clear of the property boundary, wired to all units. The intercom must comply with *'Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23'*.
71. The site must be configured to allow a vehicle to be driven onto and off the site in a forward direction.
72. The following signs must be provided and maintained within the site at the point(s) of vehicle egress:
 - (a) Compelling drivers to stop before proceeding onto the public way
 - (b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway.
73. Solid walls immediately adjacent to the entry and exit must not exceed 0.6m in height for the first 2.5m within the boundary so as to ensure adequate sight lines for motorists and pedestrians.
74. At all times car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.
75. 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.
76. 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.

77. 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.
78. 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.
79. 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.
80. 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).
81. 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

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.

82. **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.
83. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
84. **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.
85. **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.
86. **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.
87. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
88. **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

89. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.
90. If the development results in surplus soil requiring offsite disposal, waste classification of the material will be required in accordance with *NSW EPA (2014) Waste Classification Guidelines, Part 1: Classifying Waste to facilitate the offsite disposal of the soils*.
91. Any material imported be appropriately certified as virgin excavated natural material (VENM), excavated natural material (ENM) or meet the requirements specified in the applicable

Resource Recovery Orders and Exemptions (RRO/RRE) if recycled materials are used for the redevelopment.

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.

1. **Fees.** 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 **\$24,620.85**
(Payment to be made to Council, the Corporation or its Agent).
3. In accordance with Council's Schedule of Fees and Charges, a monetary bond or bank guarantee to the value of **\$6,000** is required to be lodged to Council, **prior to the commencement of any work**, to ensure the proper protection of the street trees.
4. **Security deposit** against proposed stormwater works on Council roadway including drainage connection to existing stormwater pit **\$7,872**.
5. **Damage Deposit** - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc.) during building work **\$73,860**
(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.

- a. This deposit is refundable if no damage occurs. Any damage caused will be repaired at Council's restoration rates, at the applicant's expense. All or part of the deposit will be forfeited to cover damage to Council's property during the course of demolition and/or construction.
 - b. Council will carry out two inspections of the Council's footpath, kerb and gutter, stormwater drainage system and roadway, prior to works commencing and at the completion of all work covered by this consent. Council is aware that damage may be caused by individual contractors that culminate in the damage inspected at Council's final inspection. The applicant is responsible for attributing any part of the damage to their individual contractors. Council will not refund any part of a damage deposit until the completion of the work covered by this consent.
6. **If Council is nominated as the Principal Certifying Authority (PCA)** an inspection fee is to be paid.

This fee is for inspections at the rate listed in Council's current Schedule of Fees and Charges. Any additional inspections, including re-inspections, shall be levied and paid to Council upon booking of an appointment at the rate listed in Council's current Schedule of Fees and Charges (**Payment to be made to Council**).

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

Contribution Element		Contribution
A levy of 1% of the cost of carrying out the development, where the cost calculated and agreed by Council is \$9,848,341.		\$98,483.41
Index Period	March 2024	CPI ₁
		137.7

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

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

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

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

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

Note: The payment of a Section 7.12 contribution over an amount of \$5,000 may only be paid by Bank Cheque (i.e. personal or company cheques will not be accepted). Contributions of \$5,000 or less may be paid by cash, EFTPOS, cheque or credit card. Payments by credit card may be subject to a surcharge.

8. 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**.
9. **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**.

10. **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**.
11. **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 to apply.
12. **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**.
13. **Fire Safety.** The dwelling being equipped with a smoke alarm system as required by Part 3.7.5 of the Building Code of Australia – Volume Two.

Mains powered smoke alarms complying with Australian Standards AS 3786-2014 are to be installed at or near the ceiling in

- a. Any storey containing bedrooms
 - (i) Between each part containing bedrooms and the remainder and
 - (ii) Where bedrooms are served by a hallway, in that hallway, and
- b. Any other storey not containing bedrooms.

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**.

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.

14. **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*)
15. **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.
16. **Residential building work – insurance.** In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
17. **Residential building work – provision of information.** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:
- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- If any of the above arrangements are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates has given the Council written notice of the updated information (if Council is not the PCA).
18. **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 excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
 - (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
 - (c) An 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.
19. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with Safework NSW requirements and be a minimum of 1.8m in height.
20. **Dial Before You Dig.** A free national community service to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential services we use every day – electricity, gas, communications and water

Before you dig call “Dial Before You Dig” on 1100 (listen to the prompts) or register on line at www.1100.com.au for underground utility services information for any excavation areas.

The Dial Before You Dig service is also designed to protect Australia's excavators. Whether you are a backyard renovator, an individual tradesman or an professional excavator, the potential for injury, personal liability and even death exists everyday. Obtaining accurate information about your work site significantly minimises these risks.

21. **Toilet Facilities.** 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.

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

22. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
23. **Noise from construction work.** All feasible and reasonable measures must be implemented to minimise the emission of noise from construction work.
24. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
25. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
26. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
 - (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
27. **Construction materials.** All materials associated with construction must be retained within the site.
28. **Site Facilities**
The following facilities must be provided on the site:
 - (a) toilet facilities in accordance with Safework NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
29. **Site maintenance**
The applicant must ensure that:

- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.
30. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".
31. The fill material around BH07 where landscaping is proposed, with nickel concentrations exceeding the EIL, can be managed during construction by removal and replacement with a suitable growing medium (fill in this location only extended to 0.3 m below ground level). It is recommended that this requirement is documented in a Soil Management Plan (SMP) or corresponding section of a Construction Environmental Management Plan (CEMP).
32. If groundwater is extracted during redevelopment works, additional sampling should be performed to determine the most appropriate disposal option.
33. A Construction Environmental Management Plan (CEMP) including an unexpected finds protocol (UFP) is to be implemented during construction to appropriately manage potential contamination issues during earthworks, if encountered.

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

34. **Fire Safety:** A single and complete *Fire Safety Certificate*, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the *Occupation Certificate*. Details of *critical stage* inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Council with the occupation certificate.
35. **Works as Executed:** 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.

36. **Registered Surveyors Certificate:** A Registered Surveyor's Certificate being submitted to the Principal Certifier, **prior to the issuing of an Occupation Certificate**, as follows:
- Before proceeding beyond ground floor height to show boundary clearances; and
 - On completion of the building to indicate the heights of the finished floor levels and roof ridge level and to show boundary clearances and areas of the site occupied by the building.

Identification Survey Report: Prior to the issuing of an Occupation Certificate, A report by a registered surveyor must be submitted to the Principal Certifier verifying that the height of floor structures at each level, the height of external walls, the height of roof structures/roof eaves overhangs and that the external wall setbacks to the property boundaries all conform with the approved plans

OPERATIONAL CONDITIONS

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

37. **Noise limits.** Noise from the use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not exceed 5dB(A) above the background noise level when measured at any affected residence.
38. A sign be placed internally at the site exit, clearly visible upon departure, reminding clients and staff to be considerate of the surrounding community when leaving the site and to minimise the generation of any loud activities while in proximity to the site.
39. As a condition of the hire agreement, inform clients that they are required to turn off (not leave idling) motor vehicles during loading and unloading activity. Also, that no amplified music is to be played while on site.
40. Management must instigate a procedure to record and respond to all noise complaints they may receive. Discussions between the complainant and operator should be undertaken as quickly as possible, as cooperation can often resolve issues in a timelier manner. Records of complaints should include, as a minimum, the location of the complainant, the typical time of intrusion and nature of the complaint (noise/vibration/structure-borne/impulsive). The operator should investigate possible sources of complaint, for example by conducting representative testing and measurements. Additional noise mitigation and management measures may be required to reduce and manage the disturbance

End of consent

Attachments

There are no attachments for this report.

(Item DA4/24) DA.2023.31 - Child care centre - 1-3 Lees Avenue Croydon Park

File No: 24/21652

Report by Manager City Development

Owner: Milad Semaan
Applicant: Aline Farah
Location: 1-3 Lees Avenue Croydon Park
Zoning: R2 – Low Density Residential

Proposal

The application proposes the amalgamation of 2 adjoining lots, demolition of all existing structures, tree removal and construction of a two storey centre-based child care facility for 67 children over a basement carpark and associated landscaping.

BLPP Referral Criteria

The application is referred to the Burwood Local Planning Panel by the Manager City Development as it is in the public interest to do so due to the nature of the application and contamination status.

Background

14 April 2023 – The subject application is lodged with Council.

27 April 2023 to 11 May 2023 – The application is notified

7 September 2023 – A request for additional information (RFI) letter was issued to the Applicant requiring an Acid Sulfate Soils Management Plan, a Flood Risk Management Plan, approval from Sydney Water for the proposed sewer diversion and a requirement for the acoustic barriers to be set back 1.5m from the boundary.

7 May 2024 – Final responses were received from the Applicant regarding Council's RFI letter.

19 June 2024 to 19 July 2024 the application was renotified identifying remediation to occur as part of the proposal.

26 July 2024 – Amended plans were received addressing Sydney Water requirements relating to a sewer division.

Locality

The subject site is legally described as Lots 54 & 55 Section C in DP8128 and is located at No. 1-3 Lees Avenue, Croydon Park. The site comprises two adjoining rectangular shaped lots which will be amalgamated as part of the proposed development. The site falls to the street and has an east-west orientation.

The site presently accommodates a dwelling house on each lot. There are 2 trees located on the southern lot which will be removed as part of the development.

The site adjoins residential property to the north, south and west.

The site is located within an overland flood risk precinct.



Figure 1 – Aerial Image of the Subject Site and Surrounds.
Source: (Spectrum)

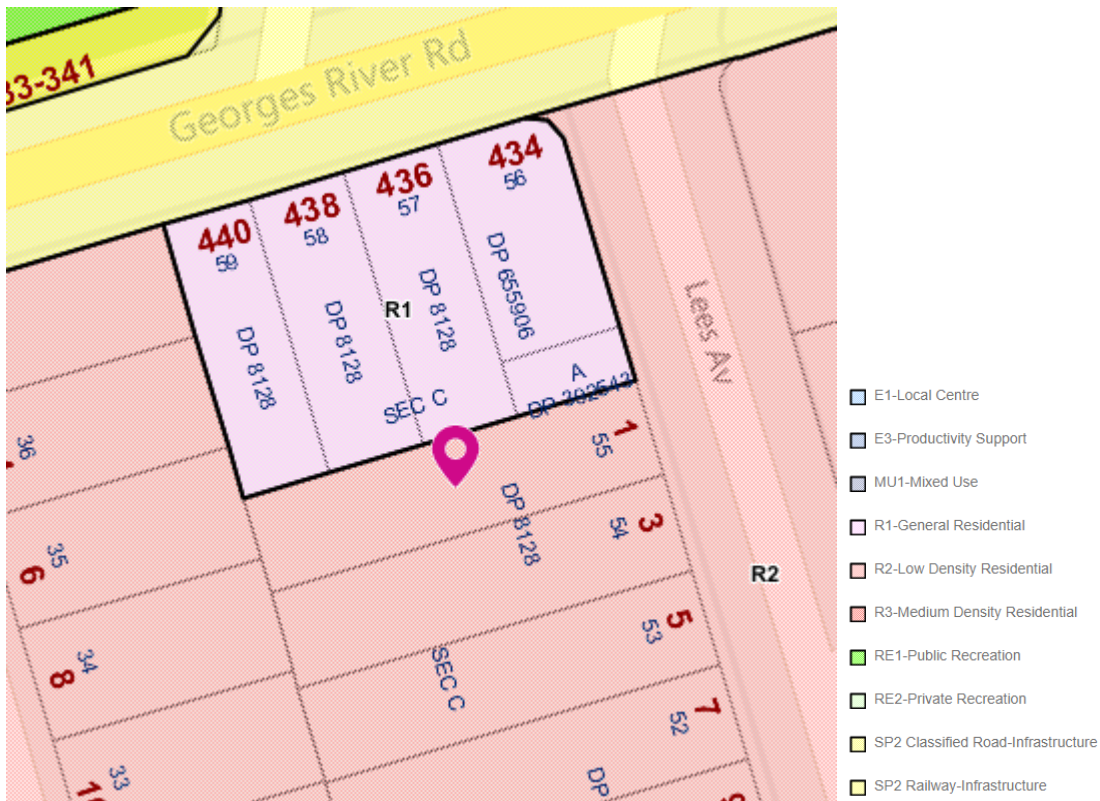


Figure 2 – Subject site located within the R2 Low Density Residential Zone.
Source: (Spectrum)



Figure 3 – Subject site as viewed from Lees Avenue looking westwards
Source: (SEE)

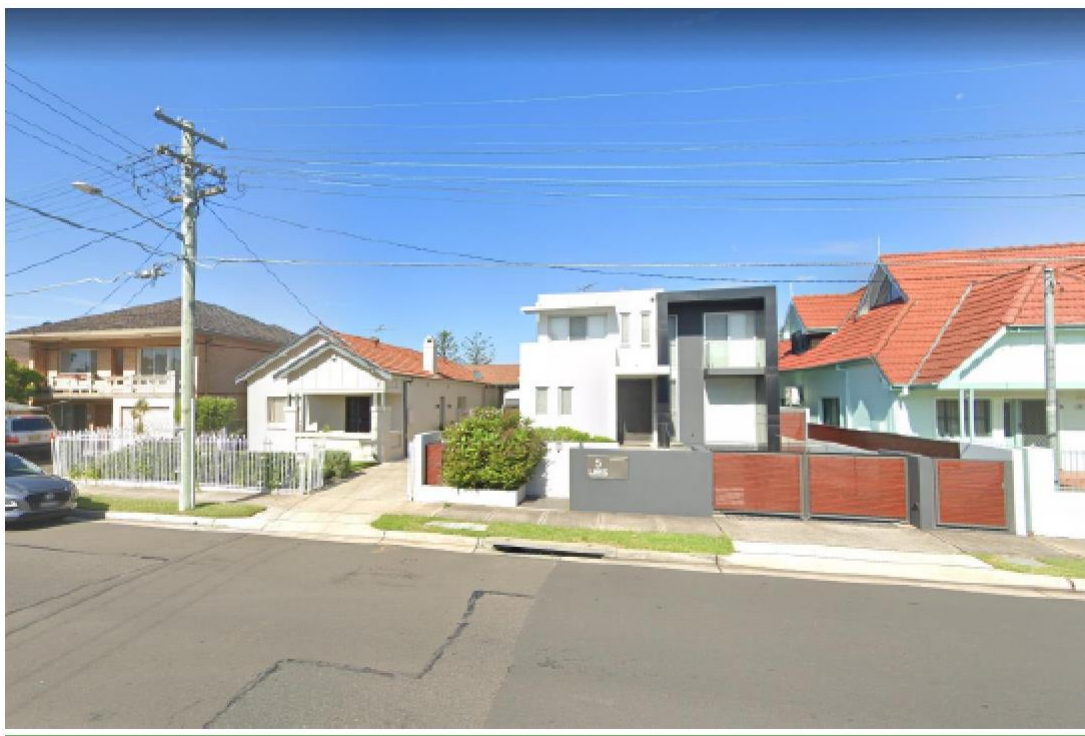


Figure 4 – Streetscape to the south of the site
Source: (SEE)



Figure 5 – Streetscape to the north of the site

Source: (SEE)

Proposed development

The proposal involves amalgamation of 2 adjoining lots located at No. 1-3 Lee Avenue Croydon Park, tree removal, demolition of the existing buildings and construction of a 2 storey child care centre. Submitted plans can be found at Attachment 1.

Demolition Works

All existing structures are to be demolished

Tree Removal

The two trees (a fruit tree and a palm tree) on the southern lot are proposed to be removed.

Basement

The proposal has provided a total of 17 parking spaces on-site within the basement level with the following breakdown:

- 10 staff car parking spaces
- 7 visitor car parking spaces

Four bicycle parking spaces and a waste bin storage room are also proposed.

Child Care Centre

The proposal will operate with a maximum capacity of 67 places with the following age groups:

- 0-2 years: 8 places;
- 2-3 years: 20 places;
- 3-5 years: 39 places.

The internal areas will consist of 4 separate indoor play rooms and 2 separate outdoor play areas over 4 levels. The upper level is to be used for staff amenities only.

The hours of operation will be 7:00am to 6:00pm Monday to Friday.

The facility will provide a total of 10 educators.

Perimeter landscaping including 12 new trees.

Elevation plans include indicative signage that will be the subject of separate approval.

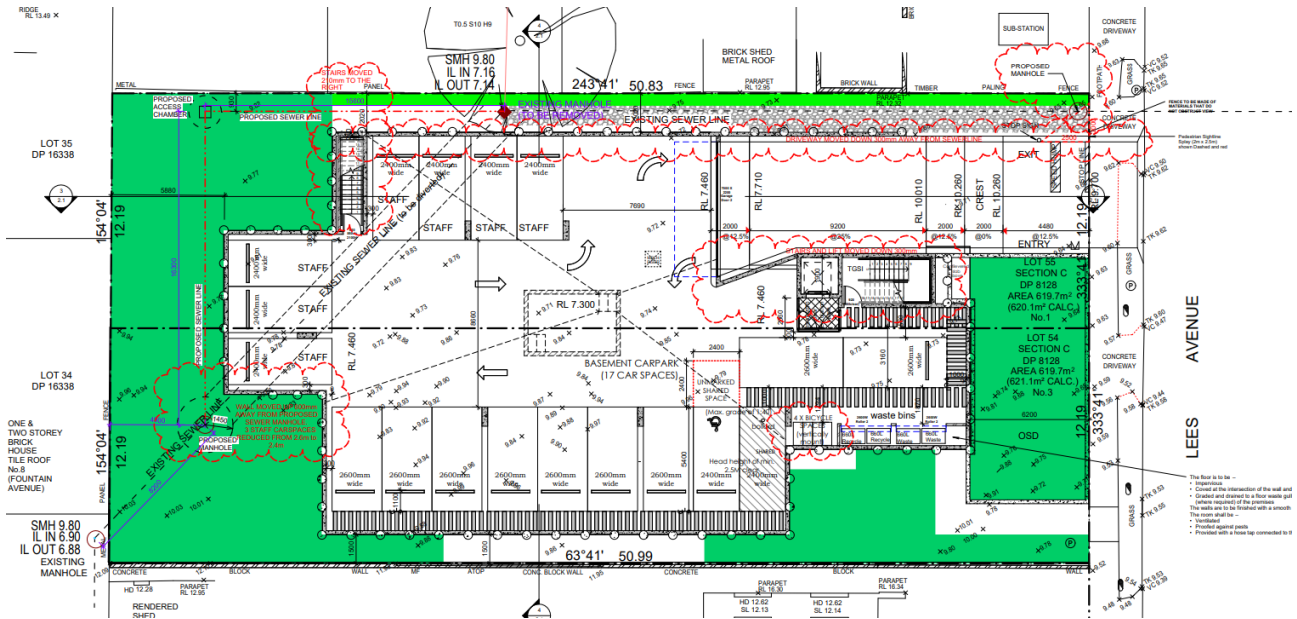


Figure 6 – Basement Plan
 Source: (Advanced Architecture and Construction Pty Ltd)

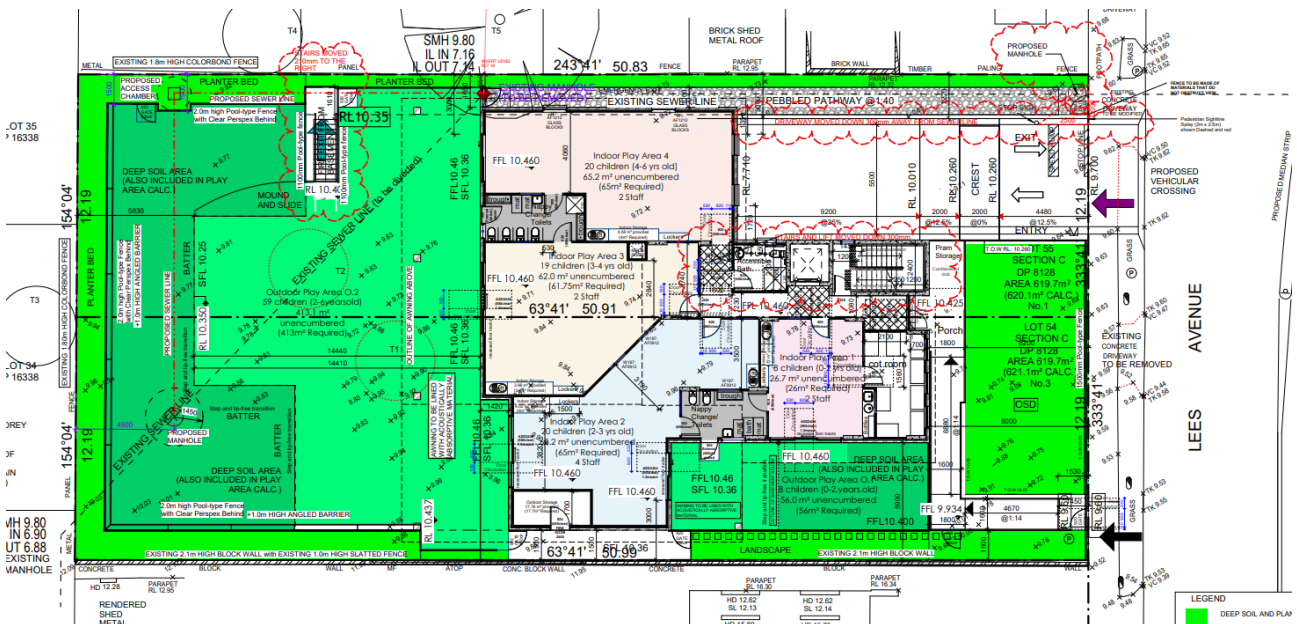


Figure 7 – Ground Floor Plan
 Source: (Advanced Architecture and Construction Pty Ltd)

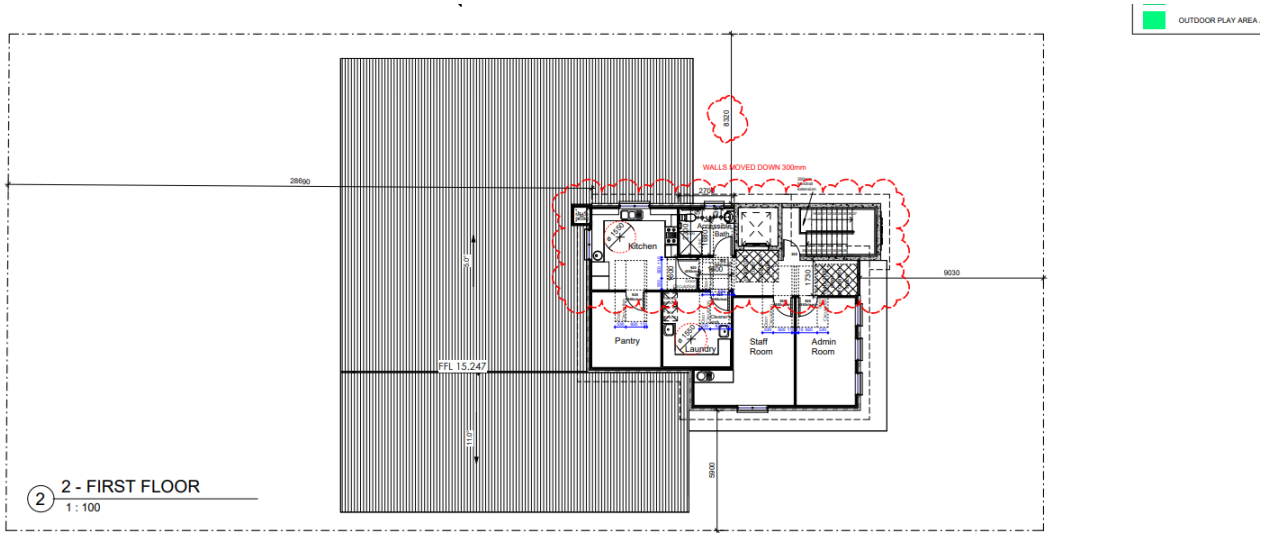


Figure 8 – First Floor Plan
Source: (Advanced Architecture and Construction Pty Ltd)

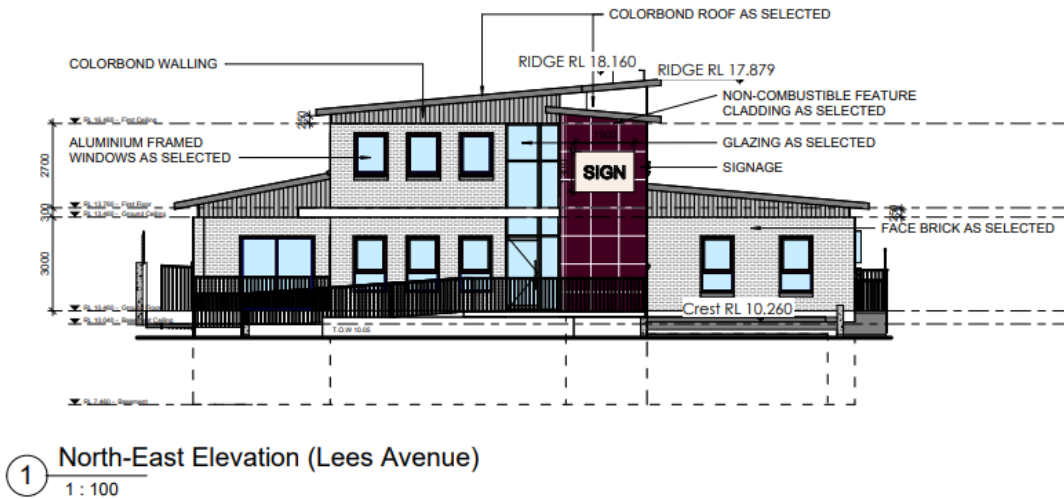


Figure 9 – North East Street Elevation
Source: (Advanced Architecture and Construction Pty Ltd)

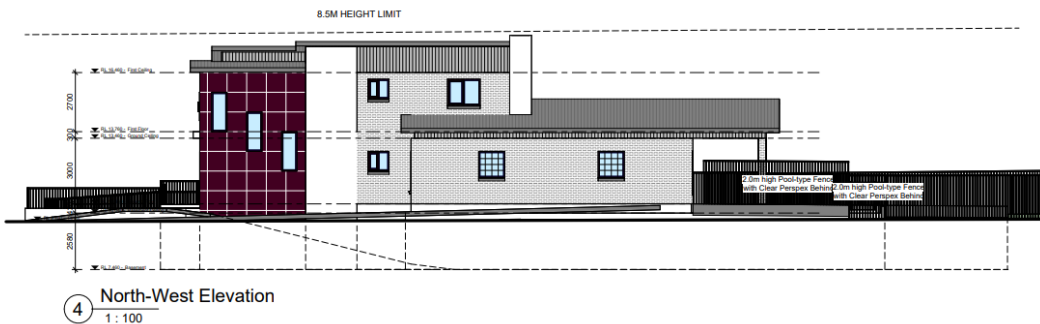


Figure 10 – North West Elevation
Source: (Advanced Architecture and Construction Pty Ltd)

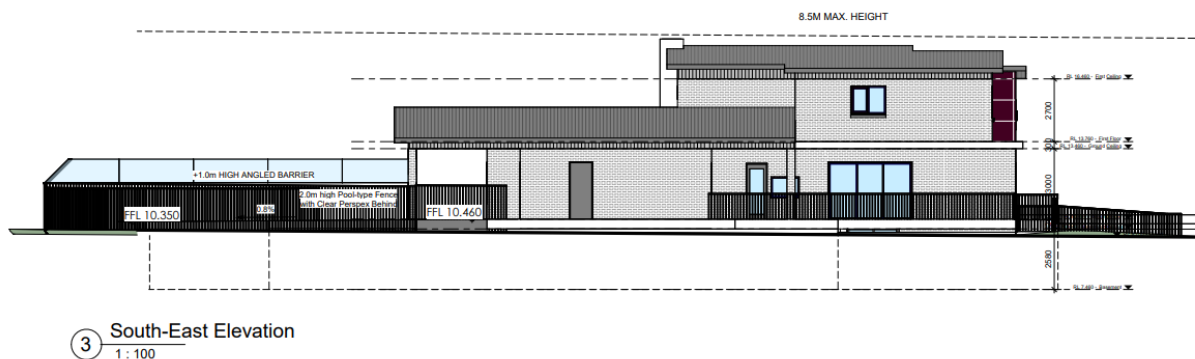


Figure 11 – South East Elevation

Source: (Advanced Architecture and Construction Pty Ltd)

Site History

Both sites have historically been used for residential dwellings. There are no recent approvals granted for the sites and no history of alternative uses.

Statutory Planning Framework

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

- SEPP (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Education and Care Services National Regulations
- Burwood Local Environmental Plan (LEP) 2012
- Burwood Development Control Plan (DCP) 2013
- The likely social, environmental and economic impacts of the development
- The suitability of the site for the development
- The Public Interest
- Submissions made under the Act and Regulations

These matters are considered in this report.

SEPP (Biodiversity and Conservation) 2021

The proposal involves the removal of a fruit tree and a palm tree as per the submitted Arborist Report. Landscape Plans have been submitted to Council as part of the DA. Council's Tree Management Officer has raised no objections to the proposal.

State Environmental Planning Policy (Resilience and Hazards) 2021

A Preliminary Site Investigation (PSI), Detailed Site Investigation (DSI) and Remediation Action Plan (RAP) were submitted in support of the application. The investigations found Polycyclic Aromatic Hydrocarbons throughout the fill layer across the site and at concentrations above the health-based site assessment criteria appropriate for the proposed land use. Much of the site will be sealed by buildings or the proposed basement thus preventing any exposure pathway and risk. However, the development includes some deep soil zones which will be accessible to future users. Further, the DSI states that the site can be made suitable for the proposed development by undertaking management and/or remediation measures.

Given the nature of the proposed use (child care centre with exposure to soil), it is recommended that any approval given be subject to a deferred commencement requiring a site audit statement

be provided to Council following remediation works confirming the remediation works have been successfully completed and any required ongoing management plans which may impact the use of the site as a child care centre.

State Environmental Planning Policy (Transport and Infrastructure) 2021: Part 3– Early Education and Care Facilities – Specific Development Controls

The proposed centre based child care facility is subject to the provisions of the above SEPP.

3.22 Centre-based child care facility concurrence of Regulatory Authority required for certain development

This provision applies to development for the purpose of a centrebased child care facility if:

- the floor area of the premises does not comply with the indoor unencumbered space requirements of the Education and Care Services National Regulations (the Regulations), or
- the outdoor space for the premises do not comply with the outdoor unencumbered space requirements specified in the Regulations.

The proposed development is to accommodate 67 children.

The unencumbered indoor space requirement is 3.25sqm per child, 217.75sqm in total. The proposed development will provide 219.5sqm of unencumbered indoor space and complies with the Regulations in this regard.

The unencumbered outdoor space requirement is 7sqm per child, 469sqm in total. The proposed development will provide 473sqm of unencumbered outdoor space and complies with the Regulations in this regard.

As the proposal complies with indoor and outdoor unencumbered space requirements specified in the Regulations this SEPP provision does not apply.

Centre based child care facility matters for consideration by consent authorities

Clause 3.23 of the SEPP requires all applications for development to take into consideration any applicable provisions of the Child Care Planning Guideline.

The relevant matters to be considered under Section 3 of the Child Care Planning Guideline for the proposed development are addressed below.

Child Care Planning Guideline: Section 3 Matters for Consideration

Provision	Compliance	Comment
3.1 Site selection and location	Can comply	<p>Site contamination can be addressed by a RAP and a submission of a site audit statement and report as part of a deferred commencement.</p> <p>Acoustic privacy impacts are addressed by provision of acoustic barriers and a management plan.</p> <p>The proposal addresses setbacks and streetscape constraints. Traffic impacts have been assessed and are acceptable.</p> <p>For these reasons the proposal is suitable for the site.</p>

Provision	Compliance	Comment
3.2 Local character, streetscape and the public domain interface	Yes	The new building is of contemporary design with materials consistent with the streetscape. The site is not a heritage item and is not within a conservation area.
3.3 Building orientation, envelope and design	Yes	The proposal complies with the height and floor space controls that apply to the site. It has been designed to minimise adverse impacts in terms of solar access, privacy and to the streetscape. The proposal adequately addresses these requirements.
3.4 Landscaping	Yes	The proposed landscape design provides for outdoor play spaces, a suitable interface with the streetscape and adjacent properties while coordinating the planting of new trees. For these reasons, the proposed landscape design is supported.
3.5 Visual and acoustic privacy	Yes	The proposed development has been sited and designed to incorporate fences and landscaping to prevent direct views in to and out of the indoor rooms and outdoor play spaces. An Acoustic Report has been submitted and which recommends suitable measures such as acoustic barriers and a management plan to minimise adverse impacts to privacy of neighbouring residences.
3.6 Noise and air pollution	Yes	The site is located in a residential locale and is unlikely to be impacted by noise or air pollution.
3.7 Hours of operation	Yes	The subject application seeks standard child care centre trading hours which are consistent with the permissible use.
3.8 Traffic, parking and pedestrian circulation	Yes	As is outlined elsewhere in this report, the proposed parking arrangements have been assessed and are acceptable.

In addition to the matters of consideration under Section 3 of the Guidelines, Section 4 of the Guidelines requires developments to be considered against the provisions of the Education and Care Services National Regulation. These considerations are outlined below.

Child Care Planning Guideline: Section 4 Applying the National Regulations

Provision	Compliance	Comment
104 Fencing or barrier that encloses outdoor space.	Yes	Outdoor space that will be used by children will be enclosed by a fence or barrier that is of a height and design that children of preschool age or under cannot go through, over or under.
106 Laundry and hygiene facilities	Yes	The proposed development includes onsite laundry facilities and which are located where they do not pose a risk to children.

Provision	Compliance	Comment
107 Unencumbered indoor space	Yes	The unencumbered indoor space requirement is 3.25sqm per child, 217.75sqm in total. The proposed development will provide 219.5sqm of unencumbered indoor space and complies with the Regulations in this regard.
108 Unencumbered outdoor space	Yes	The unencumbered outdoor space requirement is 7sqm per child, 469sqm in total. The proposed development will provide 473sqm of unencumbered outdoor space and complies with the Regulations in this regard.
109 Toilet and hygiene facilities	Yes	The proposed development includes adequate and age appropriate toilet, washing and drying facilities for use by children. The location and design of the toilet, washing and drying facilities enable safe and convenient use by the children.
110 Ventilation and natural light	Yes	The proposed development includes indoor spaces to be used by children that will be well ventilated; will have adequate natural light; and can be maintained at a temperature that ensures the safety and well-being of children.
111 Administrative space	Yes	The proposed development includes an adequate area for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.
112 Nappy change facilities	Yes	The proposed development includes an adequate area for construction of appropriate nappy changing facilities including a nappy changing bench and hand cleansing facilities for adults in the immediate vicinity of the nappy change area.
113 Outdoor space - natural environment	Yes	The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment.
114 Outdoor space - shade	Can comply	It is recommended as a condition of consent the proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.
115 Premises designed to facilitate supervision	Yes	The proposed development (including toilets and nappy change facilities) are designed to facilitate supervision of children at all times.

Burwood Local Environmental Plan (LEP) 2012

The following is a summary of the relevant clauses under Burwood LEP 2012 applicable to the development.

Provision	Compliance	Comment
Zoning	Yes	Centre based child care centres are permissible within the R2 Low Density Residential zone
Height	Yes	A maximum height of 8.5m is permitted. The proposed development is to a height of approximately 8.4m to the ridge which complies with the control.
FSR	Yes	A maximum floor space ratio of 0.55:1 or 681.67sqm GFA is permitted. A floor space ratio of 0.34:1 or 421.39sqm GFA is proposed.
Heritage conservation	Yes	The site is not a heritage item, located in the vicinity of a heritage item or located within a heritage conservation area.
Flood planning	Yes	The development is compliant with flood planning levels inclusive of a 300mm freeboard.
Soil	Yes	The applicant has supplied an Acid Sulfate Soils Management Plan.

Burwood Development Control Plan (DCP) 2012

An assessment of the proposed development against the relevant provisions within the Burwood Development Control Plan 2012 is provided in the following sections.

Provision	Compliance	Comment
Compatibility with surrounding land uses	Yes	The site is not within 100m / sight line of a sex services premises or restricted premises.
Site responsive design	Yes	The design will have minimal impact on the amenity of neighbouring properties as assessed within this report.
Accessibility	Yes	The site is within 200m of a public transport stop (bus). A continuous path of travel is provided to allow access for people with a disability to the street, car park and main entrance to the building.
Acoustic report	Yes	An acoustic report has been provided
Landscape report	Yes	A landscape report has been provided
Environmental site contamination assessment	Yes, subject to conditions	A RAP has been prepared. A deferred commencement consent is recommended requiring a site audit statement and report be completed. Conditions of consent are recommended requiring the site be remediated in accordance with the submitted remediation action plan (RAP).
Environmental Hazards	Yes	Not located within 30m of a 132kv power line Not within 300m of a mobile phone tower

Heritage	Yes	The site is not a heritage item, in proximity to a heritage item or located within a conservation area
Fire safety	Can be conditioned	A fire safety and evacuation plan is recommended as a condition of consent prior to the issue of an occupation certificate

Special provisions for sites within Residential Zones

Provision	Compliance	Comment
Compatibility with surrounding land uses	Yes	The applicant has submitted an acoustic and visual analysis demonstrating there will be no adverse impact on the amenity of the adjoining occupants. The surrounding land uses are limited to residential and are unlikely by way of their use to impact on the amenity of children, staff or other occupants of the child care centre.
Mixed uses	Yes	The site does not contain residential uses
First floor outdoor open space	Yes	The site does not contain first floor outdoor open space
Minimum site area and frontage	Yes	The site meets the minimum 600sqm site area and 15m frontage provisions
Built area		The site complies with the maximum 67% site coverage area provision
Setback controls		The site complies with the existing predominate building line, the 9m first floor setback control and the minimum side and rear setback controls
Car parking	Yes	The proposal meets the minimum car park requirements. All cars are to enter and exit the site in a forward direction

Community Consultation

The DA was placed on public notification from 27 April 2023 to 11 May 2023. In response to the notification 7 unique submissions were received objecting to the application. The application was renotified for a further 30 Days from 19 June 2024 to 19 July 2024 to ensure compliance with the requirements of *State Environmental Planning Policy (Resilience and Hazards)* and the *Environmental Planning and Assessment Act 1979*. As a result of the second notification a three submissions were received.

The following table summarises the concerns raised by the objectors and Council's comments on the issues raised:

Issue raised	Comment
Proximity to other child care centres	The SEPP does not restrict the number of childcare centres within a certain radius of each other. Applications for childcare centres are assessed on merit to determine suitability. The subject site is located within a low-density residential locality surrounded by single and double storey houses. A child care centre is a compatible land use in this locality and the

Issue raised	Comment
	revised design with increased side and rear setbacks for the acoustic fences provides an improved amenity outcome for adjoining neighbours.
Safety concerns for motorists and children with proximity to busy intersection	<p>The applicant submitted a Traffic Report in support of the application which was assessed by Council's Traffic Engineers and found to be satisfactory.</p> <p>In order to manage traffic movements to and from the childcare, a 0.6m wide central median situated on Lees Avenue is proposed to restrict access to left in and left out movements only. The median will eliminate potential congestion or conflicts produced by vehicles entering and exiting the site and the southbound Lees Avenue travel lane. Council's Traffic Engineers have assessed the application and indicated that the Left Turn Only movement restrictions should cause a negligible impact on the surrounding road network. Accordingly, conditions of consent have been provided.</p>
Limited car parking will be in higher demand	The proposal complies with the DCP requirements for child care centres.
The existing soil is not suitable for excavation	<p>The applicant submitted a Geotechnical Investigation and Acid Sulphate Assessment Report in support of the application. The findings of the investigation revealed that the soil profile on site can withstand the proposed loads to be imposed, and a standard shoring system (provided that it is designed by a structural engineer), will ensure the stability of the excavation and therefore not have detrimental impact upon the surrounding environment, land uses and amenity of adjoining properties.</p> <p>All recommendations and requirements provided in the report shall form conditions of consent. Furthermore, a condition will be provided requiring the applicant to prepare a Dilapidation Report to ensure that the proposed works do not cause an impact upon adjoining properties.</p>
Sewer line location	<p>The design and construction of the new sewer line must be in accordance with Sydney Water requirements to ensure that it is completed in a satisfactory manner without adverse impacts upon neighbouring properties.</p> <p>Furthermore, the plans indicate that the new location of the sewer line and manholes will be located wholly within the subject site and not within neighbouring sites.</p>

Issue raised	Comment
Privacy	It is unlikely that children will cause overlooking and privacy issues from the ground level outdoor rear playground.
Acoustic impacts	<p>An acoustic report was submitted in support of the application which provided a number of acoustic attenuation measures that the development must implement in order to minimise impacts upon the surrounding sensitive receivers.</p> <p>These measures include limiting the times, duration and age groups in the outdoor areas.</p> <p>The applicant submitted a POM to include the above measures.</p>
Out of character with the R2 zone	<p>The subject site is located within a low-density residential locality surrounded by single and double storey houses. A child care centre is a compatible land use in this locality.</p> <p>The development has considered the character of the area and the premises has been designed with consideration to the surrounding low density residential development, and provides sufficient landscaping to soften the built form, as well as modulation and articulation of the built form.</p>
Owners consent required for acoustic fencing	Council raised concern for the suitability of the acoustic fence along the rear and side boundaries due to visual and bulk and scale impacts. As a result, the applicant amended the design to relocate the fence further in the site. The fence is now setback 1.5m from the rear and side boundaries. The increased setback allows for additional perimeter landscaping to be provided to soften the development
Suitability of a flood affected site	The site is identified as affected by overland flow. The applicant submitted a Flood Risk Management Report which has been reviewed and supported by Council's Engineers.
The site contains acid sulphate soils and is therefore not suitable for the proposed development	The applicant submitted a Geotechnical Investigation and Acid Sulphate Assessment which states that that the soil profile can withstand the proposed loads to be imposed, and a standard shoring system (provided that it is designed by a structural engineer), will ensure the stability of the excavation and therefore not have detrimental impact upon the surrounding environment, land uses and amenity of adjoining properties.
The site is contaminated and is therefore not suitable for the proposed development	A DSI and RAP were submitted in support of the application. The DSI found that the site contains Polycyclic Aromatic Hydrocarbons throughout the fill layer across the site and at concentrations above the health-based site

Issue raised	Comment
	<p>assessment criteria appropriate for the proposed land use. Much of the site will be sealed by buildings or the proposed basement thus Preventing any exposure pathway and risk. However, the development includes some deep soil zones which will be accessible to future users. Further, The DSI states that the site can be made suitable for the proposed development by undertaking convention management and/or remediation measures.</p> <p>The submitted RAP contains recommended methodologies to remediate the site in order to make the site suitable for the proposed use. The RAP recommends that contaminated soil be excavated and disposed off-site to a facility licensed to receive the waste.</p>

Conclusion

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is considered satisfactory and in the public interest. Therefore, it is recommended that the application be approved subject to a DEFERRED COMMENCEMENT approval.

Recommendation(s)

It is recommended that the Burwood Local Planning Panel approve Development Application No. DA.2023.31 which proposes demolition of existing structures, amalgamation of lots and construction of a child care centre with basement at 1-3 Lees Avenue, Croydon Park on the basis of a “Deferred Commencement Consent” subject to the requirements of Schedules A & B below: The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

SCHEDULE A –DEFERRED COMMENCEMENT CONDITIONS

The consent is not to operate until the following condition is satisfied, with 24 months of the date of this determination:

- 1) A site audit statement and a site audit report are to be prepared by an auditor accredited by the Environmental Protection Authority (EPA). The statement is to review the contaminated land consultant reports submitted with the application to ensure the methods and interpretation of the data are consistent with the *Managing Land Contamination – Planning Guidelines, the Guidelines for the NSW site auditor scheme* and the *Contaminated Land Management Act 1997*. The site audit statement is also to confirm the suitability and appropriateness of the plan of management.
- 2) The applicant is provided an updated traffic statement demonstrating the amended basement design is capable of complying with the applicable Australian Standards without impacting the road network.

Evidence that will sufficiently enable Council to be satisfied as to those matters identified in the deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6A) of the *Environmental Planning and Assessment Act 1979*.

The consent will not operate until such time that the Council notified the Applicant in writing that deferred commencement consent conditions as indicated above, have been satisfied. Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of the written notification, subject to the conditions of consent, as detailed in Schedule B - Conditions of Consent.

SCHEDULE B – Operative consent conditions

Conditions of Approval

- 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:

Plans / Document	Author	Reference	Rev. / Issue	Drawing No.	Dated
Roof Plan	Noura Yammine		E	999301-0.2	June 2024
Campsie Sewerage Deviation	Sydney Water	Case no. 210445ww	24-0222	1/2	3.7.2024
General Notes	United Consulting Engineers		B	22MB903 4/S101	27.6.2024
Footing Plan and Details	United Consulting Engineers		B	22MB903 4/S201	27.6.2024
Footing Sections and Details. Sheet 2.	United Consulting Engineers		B	22MB903 4/S202	27.6.2024
Sewer Sections and Details	United Consulting Engineers		B	22MB903 4/S203	27.6.2024
Bulk Excavation Plan	United Consulting Engineers		B	22MB903 4/S204	27.6.2024
Basement Slab Plan Sections and Details	United Consulting Engineers		B	22MB903 4/S205	27.6.2024
Shoring Elevations and Details. Sheet 1.	United Consulting Engineers		B	22MB903 4/S206	27.6.2024
Shoring Elevations and Details. Sheet 2.	United Consulting Engineers		B	22MB903 4/S207	27.6.2024
Column Elevations. Sections and Details.	United Consulting Engineers		B	22MB903 4/S208	27.6.2024
Lift Elevations Sections and Details	United Consulting Engineers		B	22MB903 4/S209	27.6.2024
Stair Elevations Sections and Details	United Consulting Engineers		B	22MB903 4/S210	27.6.2024
[No title]	United Consulting Engineers		B	22MB903 4/S211	27.6.2024
Ground Floor Slab Plan Sections and Details	United Consulting Engineers		B	22MB903 4/S301	27.6.2024
Ground Floor Sections and Details. Sheet 2.	United Consulting Engineers		B	22MB903 4/S302	27.6.2024
Ground Floor Sections and Details. Sheet 3.	United Consulting Engineers		B	22MB903 4/S303	27.6.2024
Landscape Concept Plan	Vision Dynamics		C	23005 DA 1-2	19.6.2024
Landscape Concept Plan	Vision Dynamics		C	23005 DA 2-2	19.6.2024

Plans / Document	Author	Reference	Rev. / Issue	Drawing No.	Dated
Demolition Plan	Noura Yammine		E	999301– 0.1	June 2024
Roof Plan	Noura Yammine		E	999301– 0.2	June 2024
Basement Plan	Noura Yammine		E	999301– 1.1	June 2024
Site Plan / Site Analysis	Noura Yammine		E	999301– 1.2	June 2024
Floor Plans	Noura Yammine		E	999301– 1.3	June 2024
Elevations	Noura Yammine		E	999301– 2.0	June 2024
Sections, Driveway Section & Streetscape	Noura Yammine		E	999301– 2.1	June 2024
Wet Area Details	Noura Yammine		E	999301– 3.1	June 2024
Evaluation Plans	Noura Yammine		E	999301– 3.3	June 2024
Car Park Compliance Review – Concept Layout Basement	Stanbury Traffic Planning	22-247-01-V5		1/8	15.6.2024
Car Park Compliance Review – Swept Path Assessment Basement	Stanbury Traffic Planning	22-247-01-V5		2/8	15.6.2024
Car Park Compliance Review – Swept Path Assessment Basement	Stanbury Traffic Planning	22-247-01-V5		3/8	15.6.2024
Car Park Compliance Review – Swept Path Assessment Basement	Stanbury Traffic Planning	22-247-01-V5		4/8	15.6.2024
Car Park Compliance Review – Swept Path Assessment Basement	Stanbury Traffic Planning	22-247-01-V5		5/8	15.6.2024
Car Park Compliance Review – Swept Path Assessment Basement	Stanbury Traffic Planning	22-247-01-V5		6/8	15.6.2024
Car Park Compliance Review – Swept Path Assessment Basement	Stanbury Traffic Planning	22-247-01-V5		7/8	15.6.2024
Car Park Compliance Review – Swept Path Assessment Basement	Stanbury Traffic Planning	22-247-01-V5		8/8	15.6.2024
Roof and First Floor Drainage Plan	United Consulting Engineers	22MB903 4/D01	B	1/4	3.6.2024
Ground Floor Drainage Plan	United Consulting Engineers	22MB903 4/D02	B	2/4	3.6.2024
Basement Drainage	United Consulting	22MB903	B	3/4	3.6.2024

Plans / Document	Author	Reference	Rev. / Issue	Drawing No.	Dated
Plan	Engineers	4/D03			
Erosion and Sediment Control Plan	United Consulting Engineers	22MB903 4/D04	B	4/4	3.6.2024
Flood Risk Management Report	Allied Consultants	03LEES-FR	A		03.10.2023
External Finishes Plan	Advanced Architecture & Construction	999301		Pages 1-2	March 2023
Response to Flood Level Enquiry	Burwood Council	CM 23/15293			30.03.2023
Hazardous Material Survey Report & Demolition Work Plan	Ivan Vukovic				10.03.2023
Waste Management Plan	Antouns Construction				5.4.2023
Waste Management Plans (WMP) report – Final Report	ESD Consultants		1		11.04.2023
Plan of Management – Centre-Based Child Care Facility 1-3 Lees Avenue, Croydon Park					14.04.2023
Parking & Traffic Impact Assessment – Proposed Child Care Centre Development	Stanbury Traffic Planning	22-247			April 2023
Preliminary Site Investigation	Geotechnical Consultants Australia	E2317-1			14.02.2023
Remedial Action Plan	Geo-Environmental Engineering	E23003C P-R02F	0		7.04.2023
Arboricultural Impact Assessment and Tree Management Plan	Horticultural Management Services		Version 1		22.12.2022
Stage 2 Detailed Site Contamination Investigation –	Geo-Environmental Engineering	E23003C P-R02F	0		29.03.2023
Childcare Centre Acoustic Assessment	Acoustic Logic	20230186. 1/0404A/R 0/ANP	0		4.4.2023
Development Application - Access Report	Vista Access Architects	23022			

2. The fees and/or bonds shown in the Table of Fees, are to be paid to Council or another approved collection agency (the Long Service Levy Corporation and its agents and an approved insurer under the *Home Building Act 1989*) and suitable evidence of payment is to be provided to the Principal 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 \$6058.00**
(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 **\$18,170 (Payment to be made to Council as a bond prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation).**
- c. **Stormwater Works bond** – for construction by the Applicant/Council the stormwater drainage works of **\$28,445** (Payment to be made to Council as a bond).
- d. **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 \$2,423,537.00		\$24,235.37	
Index Period	March 2024	CPI₁	137.7

Office Use: T56

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 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.

PLANNING

3. No approval is granted by this consent for any business identification signage associated with the site. Separate approval where required is to be sought.
4. The hours of operation being confined to between 7.00am and 6.00pm Monday to Friday only, without the further approval of Council. Maintenance and cleaning outside these hours is permitted subject to compliance with the *Protection of the Environment Operations Act 1997*.
5. The maximum number of persons working on the premises being limited to 10 persons, without further approval of Council.
6. The maximum number of children on the premises being limited to **67**, without further approval of Council based on the following age groups:
 - 0 - 2 years: 8 places;
 - 2 - 3 years: 20 places;
 - 3 - 4 years: 19 places; and
 - 4 - 6 years: 44 places.
7. The outdoor play areas are not to exceed the maximum number of children as specified in the following table at any time:

Age group	Play area	No. children
0 - 2 years	Play Area 1	8
2 - 3 years	Play Area 2	20
3 - 4 years	Play Area 3	19
4 - 6 years	Play Area 4	44

8. The footpaths being kept clear of signs, fixtures and goods at all times.
9. Demolition or construction work including deliveries of materials, etc., which would result in footpaths and/or roads being blocked shall not be carried out on Saturdays.
10. No drying of clothing being permitted on balcony and patio areas which are visible from a public place.
11. The use of the Child Care Centre shall be carried out in accordance with the National Quality Framework and relevant service requirements.
12. No part of the subject premises or the adjoining street and footpath is to be used by spruikers or public address systems.
13. Any 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, Sydney Water, Jemena, nbn, Ausgrid, etc.), with all costs associated with this alteration to be borne by the applicant/owner.

14. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining properties.

CONTAMINATION

15. The site is to be remediated and validated in accordance with the Remedial Action Plan titled "Remedial Action Plan (RAP) Proposed Childcare Centre 1-3 Lees Avenue, Croydon Park Report ID E23003CP-R02F" prepared for Milad Semaan dated 7 April 2023 Revision 0 prepared by Geo-Environmental Engineering. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council's Manager City Development, the Site Auditor and the Principal Certifier.

Any variations to the approved Remediation Action Plan shall be approved in writing by the Site Auditor and Council's Manager City Development prior to the commencement of such work.

16. **Prior to the issue of any Occupation Certificate**, a Site Validation Report is to be forwarded to Council's Manager City Development for written approval. The validation report is to be prepared by a suitably qualified environmental consultant with experience in land contamination and New South Wales EPA contaminated land legislation and guidelines including the *Contaminated Land Management Act 1997*. The report is to satisfactorily document the following:
 - a. The extent of validation sampling, and the results of the validation testing;
 - b. That the remediation and validation of the site has been undertaken in accordance with Remedial Action Plan titled "Remedial Action Plan (RAP) Proposed Childcare Centre 1-3 Lees Avenue, Croydon Park Report ID E23003CP-R02F" prepared for Milad Semaan dated 7 April 2023 Revision 0 prepared by Geo-Environmental Engineering; and
 - c. That the site is suitable for the proposed use.

DEMOLITION

17. Any demolition work is to be carried out in accordance with the requirements of Australian Standard AS 2601 – 2001, where applicable.
18. Access to the site is to be restricted and the site is to be secured when demolition work is not in progress.
19. 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.
20. The applicant/demolisher/builder shall take all necessary precautions to adequately protect adjoining properties during demolition. This shall include the submission to the Principal

Certifier of specific details of the protection to be employed **prior to any works commencing.**

21. 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 December 2022.
22. A SafeWork NSW 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.
23. 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.
24. All asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations (Waste) Regulation*.
25. 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).
26. 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 SafeWork NSW licence number of the asbestos removal contractor.

Work is not to commence prior to the nominated date.

27. An application for a Construction Certificate is to be made to Council or an Accredited Certifier. The NSW Planning Portal is to be used where application is made to Council. A Construction Certificate must be obtained **prior to the commencement of any building work.**

BUILDING

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

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

29. All building work must be carried out in accordance with the provisions of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010 and the relevant Australian Standards.
30. Any excavations and backfilling associated with the erection or demolition of a building shall be carried out in a safe and careful manner and in accordance with appropriate professional standards. All necessary planking and strutting shall be of sufficient strength to retain the sides of excavations. A Certificate verifying the suitability of structural details for any proposed shoring is to be submitted to the Principal Certifier before excavating.
31. All excavations associated with the erection or demolition of the building are to be properly guarded and protected to prevent them from being dangerous to life or property. The perimeter of the subject site shall be adequately fenced at all times from the commencement of any work on the site (including demolition/excavation).
32. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - a. Must preserve and protect the building from damage; and
 - b. If necessary, must underpin and support the building in an approved manner; and
 - c. Must, at least 7 days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

33. If the work involved in the erection or demolition of a building:
 - a. Is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b. building involves the enclosure of a public place.

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

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

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

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

34. The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required.

35. 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.
36. No materials are to be stored on Council's roads, footpaths or parks.
37. 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.
38. 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.
39. 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.
40. The building works are to be inspected during construction by the Principal Certifier (PC) or an appropriate Accredited Certifier authorised by the Principal Certifier. The Principal Certifier must be satisfied that the construction satisfies the standards specified in the Building Code of Australia or in this approval before proceeding beyond the relevant stage of construction.
41. Dial Before You Dig is a free national community service designed to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential services we use everyday – electricity, gas, communications and water.

Before you dig call "Dial Before You Dig" on 1100 (listen to the prompts) or register on line at www.1100.com.au for underground utility services information for any excavation areas.

The Dial Before You Dig service is also designed to protect Australia's excavators. Whether you are a backyard renovator, an individual tradesman or a professional excavator, the potential for injury, personal liability and even death exists everyday. Obtaining accurate information about your work site significantly minimises these risks.

42. All building works being erected wholly within the boundaries of the property.
43. All sanitary plumbing being concealed in suitably enclosed ducts. Such ducts are to be constructed internally (i.e. not on the outside face of an external wall) and are to be adequately sound-proofed.
44. All plumbing and drainage work being carried out by licensed tradesmen and in accordance with the requirements of the Plumbing Code of Australia and regulations of Sydney Water.
45. The floor of the wet areas being of a material impervious to moisture and graded and drained to the sewers of Sydney Water.
46. Mechanical services are not to operate outside of the operational hours set within this consent.
47. Safety glazing complying with B1.4 of the Building Code of Australia used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with Australian Standard AS 1288–2006: Glass in Buildings - Selection and Installation. Details of the method of complying with this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**
48. Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with Australian Standard AS 1288-2006, Table 4.5 SAA Glass Installation Code (Human Impact Considerations) and B1.4 of the Building Code of Australia. Details of the method of complying with this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**
49. Treatment for the protection of the building from subterranean termites must be carried out in accordance with Australian Standard AS 3660.1-2014 "Termite management - New building Work."

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

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

After treatment the following is to be carried out:-

- a. A durable notice must be permanently fixed to the building in a prominent location, such as the meter box, indicating:
 - i. The method of protection;
 - ii. The date of installation of the system;
 - iii. Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - iv. The installer's or manufacturer's recommendation for the scope and frequency of future inspection for termite activity.

- b. Provide the Principal Certifier with a Certificate which verifies that termite protection has been provided in accordance with Australian Standard AS 3660.1-2014. In the case of Reinforced Concrete Slab construction the Certificate is to verify that the protection incorporates both beneath slab (Part A) and slab penetrations (Part B) treatment.
50. *Dividing Fences Act 1991* - Your attention is directed to any obligations or responsibilities under the *Dividing Fences Act 1991* in respect of adjoining property owner/s which may arise from this application. Any enquiries in this regard may be made to the Crown Lands Division on (02) 8836 5332.
51. No part of the front or side fencing including footings must encroach upon Council's footpath. Entrance gates must open within/into the property.
52. A registered surveyor's certificate being submitted to the Principal Certifier, **prior to the issue of an Occupation Certificate**, as follows:
- a. Before pouring of concrete slab on every level to indicate the height of the finished floor level and to show boundary clearances; and
- b. On completion of the building to indicate the height of the finished floor levels, the height of the roof ridge/parapet and to show boundary clearances and areas of the site occupied by the building.
53. Prior to the commencement of any works, 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" via the NSW Planning Portal. The NSW Planning Portal 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.
54. 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**.
55. 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.
56. 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; and
- 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**.

57. A "Section 73 Compliance Certificate" under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For assistance either visit www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifier **prior to the issuing of an Occupation Certificate**.

58. 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**.
59. All materials used in the building must comply with early fire hazard criteria of Specification C1.10 of the Building Code of Australia.
60. Openings in floors, walls and shafts for services must comply with C3.12, C3.13 and C3.14 of the Building Code of Australia. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.
61. 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**.
62. 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.
63. 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:
- It is not bounded by a wall; and
 - The change in level is more than one (1) metre, or five (5) risers in the case of a stairway, from the floor or ground surface beneath;

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

Balustrades shall prevent as far as practicable:

- a. Children climbing over or through it; and

- b. Persons accidentally falling from the floor; and
- c. Objects which might strike a person at a lower level falling from the floor surface.

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

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

- 64. Protection of openable windows is to be in accordance with Part D2.24 of the Building Code of Australia. Details of the method of satisfying this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**
- 65. A Fire Safety Certificate (copies available from Council) is to be given to the Principal Certifier prior to applying for an Occupation Certificate or Interim Occupation Certificate and thereafter once in every 12 month period an Annual Fire Safety Statement is to be given to Council. The certificate and statement attest to both the inspection of all essential fire safety measures by a properly qualified person and to the regular maintenance of the fire safety measures. A copy of the Fire Safety Certificate and the Fire Safety Schedule are to be given to the Commissioner of New South Wales Fire and Rescue **by the building owner** and copies of these documents are to be prominently displayed in the building. Similarly copies of Annual Fire Safety Statements are also to be given to the Commissioner and displayed in the building.
- 66. The childcare centre must be provided with appropriate facilities in accordance with Part F2.3 of the Building Code of Australia. 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.**
- 67. Engineering Design – Basement Excavation

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

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

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

68. The approved structure shall not be used or occupied unless an Occupation Certificate (being a Final Certificate or an Interim Certificate) as referred to in section 6.4 of the *Environmental Planning and Assessment Act 1979* has been issued.

ENGINEERING

69. All activities and works external to the site, or that affect public roads, are to be carried out in accordance with Council's Policies including but not limited to the Works on Council's Road Reserve Assets Policy, Rubbish Skips Policy, Work Zone Policy and Temporary Road Closure (Including Standing Plant) Policy.
70. A road-opening permit and/or construction permit shall be obtained for all works carried out on public or Council controlled lands. Restoration of landscaping, roads and paths shall be carried out by Council at the applicant's expense in accordance with Council's **Schedule of Fees and Charges**. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$20 million. Application for Works on Council Property is available in **Burwood Council's web site www.burwood.nsw.gov.au**.
71. Spoil and building materials shall not be placed, stored, thrown or caused to fall on any public roadway or footpath. Waste containers shall be placed in accordance with Council's Rubbish Skips Policy. Contact Council for a list of approved skip bin suppliers.
72. 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 barricades, warning signs and night warning lamps to ensure public safety. Pedestrian access across the footpath must be maintained at all times.
73. The following matters shall apply to the damage deposit listed in the Table of Fees:
- a. This deposit is refundable if no damage occurs. Any damage caused will be repaired at Council's restoration rates, at the applicant's expense. All or part of the deposit will be forfeited to cover damage to Council's property during the course of demolition and/or construction.
 - b. Council will carry out two inspections of the Council's footpath, kerb and gutter, stormwater drainage system and roadway, prior to works commencing and at the completion of all work covered by this consent. Council is aware that damage may be caused by individual contractors that culminate in the damage inspected at Council's final inspection. The applicant is responsible for attributing any part of the damage to their individual contractors. Council will not refund any part of a damage deposit until the completion of the work covered by this consent.
74. The following matters apply to the construction of the proposed new vehicular crossing:
- a. A 5.5m wide Council standard vehicular crossing to Lees Ave shall be constructed by the Applicant/Council at the applicant's cost.
 - 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 or part thereof shall be removed and replaced with kerb and gutter and footpath at no cost to Council.

75. 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.
76. The applicant is to have prepared a longitudinal section of the proposed vehicular ramp access, drawn at 1:25 natural scale.
- a. The longitudinal section shall be prepared by a competent practicing civil engineer in accordance with AS 2890.1.
 - b. The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering **prior to the issuing of a Construction Certificate.**
77. Temporary measures shall be provided during demolition, excavation and/or construction to prevent sediment and polluted waters discharging from the site. All relevant erosion and sediment control measures identified in the erosion and sediment control plan (ESCP) must be implemented during and throughout the entire works period.
78. All demolition and excavation materials are to be removed from the site or disposed off-site using methods that comply with relevant environmental protection legislation.
79. **Bulk Earthwork & Shoring**
- a) No opening is to be made in any road or footpath, nor is any hoarding to be erected without the prior consent of Council. The builder is to obtain the relevant permit for which fees will be charged in accordance with Council's Schedule of Fees and Charges.
 - b) 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.
 - c) Public roads to be kept clean and free of any material which may fall from vehicles or plant. Waste containers shall be placed in accordance with Council's Code for Activities Affecting Roads and are subject to the payment of appropriate fees.
 - d) Heavy vehicles entering and leaving the site must only cross the footpath where it is adequately timbered and strapped. Pedestrian access across this footpath must be maintained in good order at all times during the excavation work.
 - e) The contractor shall strictly implement all erosion and sediment control (ESCP) measures prior to the commencement of excavation. Such measures shall be inspected at site by a competent practicing hydraulic/civil engineer and the PCA shall be provided with a compliance certificate that all the ESCP measures have been implemented.
 - f) The Applicant shall prepare detailed survey reports of all existing service authority assets in and around the site of the proposed development that may be affected in any way by the proposed excavation. Surveys should include, but not be limited to, high and low voltage electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage assets, etc.
 - g) The Applicant shall liaise with all relevant service authorities (including, but not limited to electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage) to develop final designs that satisfy all requirements of the service authority providers in respect of protection, termination or relocation of existing assets, temporary access and future permanent access for maintenance of assets.

- h) The Applicant shall prepare detailed method statements to demonstrate how the proposed excavation is to be conducted such that all relevant utility authority assets are protected and maintained throughout the construction stage of the development, or are relocated. Method statements are to be submitted to the relevant utility authorities for their written approval.

80. Installation of Temporary Ground Anchors

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

- a) The Applicant is required to obtain a 'Temporary Ground Anchor Permit' from Council for which an 'Application for Works on Council's Property' shall be lodged with Council. Subject to the application being approved by Council, the applicant shall pay Council calculated Anchor Fees and a 'Refundable Deposit' as required under Council's 'Fees and Charges 2022 – 2023'. Payment of the 'Refundable Deposit' can be made in the form of a Bank Guarantee. *NOTE: This deposit is refundable if no damage occurs.*
- b) The contractor shall be responsible to obtain and submit to Council a written authority from all public utility authorities that they have no objection in regards to the installation of temporary ground anchors, prior to works commencing.
- c) The contractor shall be responsible to obtain permission from the neighbours of the adjoining properties prior to installation of anchors.
- d) The contractor shall be responsible for any injury or damage either to persons or property due to the presence or failure of the supporting structure on the public way and the contractor shall indemnify the Council against all claims that may arise from the installation of the supporting structure. In this regard the contractor shall provide written evidence of public liability insurance cover to the minimum value of \$20 million, with Council named in the insurance policy, prior to work commencing.
- e) The anchors shall be installed in accordance with the manufacturer's instructions. The construction of ground anchors shall be of a temporary nature only and a written undertaking shall be given that the ground anchors are temporary only and shall be de-stressed after final lateral supports are in place. The written undertaking is to be provided to Council, prior to work commencing.
- f) Council may unilaterally use the damage deposit for the demolition and removal of the shoring elements constructed within the public road including the repair/reconstruction of any other associated damage to Councils infrastructure, it be necessary due to non-compliance with these conditions.
- g) All shoring with the exception of the released temporary ground anchors shall be completely removed from the public road to a depth of 2.5m on completion. The void shall be backfilled by suitable materials and compacted.
- h) All shoring including ground anchors are to be certified by a practicing professional structural engineer. Certification is required as follows:
 - i. That the proposed shoring and anchor scheme is capable of supporting the public road, to be submitted prior to work commencing.
 - ii. Certification that the shoring and anchor scheme has been adequately constructed, following installation.
 - iii. Final certification that the anchors have been de-stressed following de-stressing of the anchors on completion of lateral supports. This is mandatory prior to release/refund of Anchor Bond.

- i) Council's footpath and roadway are to be kept safe for the passage of motorists and pedestrians at all times. Closure of any part of the public thoroughfare shall only be carried out with the approval of Council's Traffic Engineer.
- j) All stockpiled shoring materials and equipment shall be kept solely within the private property and not obstruct the footpath or roadway at any time.
- k) All earth and rock anchors shall be released before the completion of building work.

81. **Stormwater Drainage:** The stormwater drainage plans prepared by United Consulting Engineers shall be revised to address the following:

- a. The storage capacity of On-Site Detention (OSD) provided is inadequate. Storage capacity (SSR) must be calculated in accordance with Section 4.7 of Council's Stormwater Management Code.
- b. Property drainage connection to street kerb shall not be permitted. Connection shall be made to the nearest suitable Council's stormwater pit or pipeline. The following matters shall apply for stormwater drainage connection to a suitable Council's stormwater pit.
 - i) A new Council standard pit and 1.8m lintel shall be constructed on Lees Ave in front of the property for the property's stormwater to connect to. RCP Class 4 pipes shall be laid under road surface across the road connecting the new pit with Council's pit to the east at the corner of Lees Ave and Linthorn Ave
 - ii) Long section of the Ø375 mm pipe, details of the connecting pits together with the invert levels, surface levels etc. shall be provided. Minimum 500mm pipe cover shall be maintained under road surface at all times. Where the pipe cover is less than 500mm, the pipe shall be encased in concrete for which details of pipe encasement shall be shown on plan.
 - iii) The depth and location of all services within the area that would be affected by the connection of the stormwater pipe (i.e. gas, water, sewer, electricity, telephone, traffic lights etc.) shall be confirmed by the applicant on site and are to be included on the design drawings with their respective chainage and elevations (AHD). Any adjustment required will be at the applicant's expense. The stormwater works described above shall be constructed at applicant's expense. The stormwater bond as listed in the 'Table of Fees' shall be refunded after completion of the stormwater works described above as per Council's satisfaction.

82. 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 Certifier 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.

83. Following completion of all drainage works:

- a. Works-as-executed (WAE) plans, shall be prepared and signed by a registered surveyor. 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 Certifier 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.

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

- i) Overland surface flow path*
- ii) Prevention of the erection of any structures or fencing*
- iii) On-site Stormwater Detention system*
- iv) Pump and rising main system*

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

- a. The proprietor of the property agrees to be responsible for keeping clear and the maintenance of the facilities consisting of:
 - i) Overland surface flow path*
 - ii) Prevention of the erection of any structures or fencing*
 - iii) On-site Stormwater Detention system*
 - iv) Pump and rising main system*
- b. The proprietor agrees to have the facilities inspected annually by a competent practicing Hydraulic/Civil Engineer.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean repair and maintain in good working order the facilities in or upon the said land; and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from failure of any component of the facilities.

The applicant shall bear all costs associated with the preparation of the 88E Instrument. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgment at the Land Registry Services. Evidence that the Instrument has been registered at the Land Registry Services shall be submitted to Council, **prior to issuing of an Occupation Certificate.**

85. Flooding and Overland Flow:

- a. In accordance with Council's Draft Flood Study Report, the properties at 1-3 Lees Ave Croydon Park are identified as affected by overland flow. The applicant shall build floor level (FFL) including the crest of ramp to basement car parking following flood planning level (FPL) provided by the Council which 300mm freeboard over 1% AEP flood level.
- b. **Prior to the issue of a construction certificate** a Flood Risk Management Report prepared by a qualified hydraulic/civil engineer demonstrating that the proposed development will not create flood hazard or risk to other adjoining properties as a result of flooding and stormwater runoff and that there is adequate protection for the building against the ingress of surface runoff. The Flood Risk Management Report is to be provided to the Accredited certifier.
- c. All building materials to be used below floodplain level shall be flood-compatible in order to avoid damage by floodwater inundation.
- d. Boundary fences shall be constructed in materials that allow unobstructed passage of surface stormwater flows. Fencing details shall be submitted to Council or an Accredited Certifier – Civil Engineering, **prior to the issuing of Construction Certificate.**

86. The property being traversed by Sydney Water sewer line; the proposed diversion of pipeline must be approved by Sydney Water. Copies of Sydney Water approved plans must be provided to Council and the Accredited certifier **prior to the issuing of Construction Certificate.**

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

- a. A pump and rising main design shall be submitted to the Principal Certifier and shall satisfy the following conditions:
 - (i) The holding tank for the pump shall be capable of storing runoff from a one hour, 1 in 100 year ARI storm event.
 - (ii) The pump system shall consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the lower of the allowable on site detention discharge rate, or the rate of inflow for the one hour duration storm.
 - (iii) An overflow, flashing light and audible alarm are to be provided, to warn of pump failure.
 - (iv) Full details of the holding tank, pump type, discharge rate and the delivery line size are to be documented.
- b. The applicant shall submit written evidence to the Principal Certifier that a contract has been let for the regular maintenance of the pumping system for a minimum period of 12 months. Information to be submitted to the Principal Certifier **prior to issuing of an Occupation Certificate.**

88. Public Domain - Construction

- a) Detailed public domain improvement, repair, reconstruction shall be undertaken at the property frontage on Lees Avenue and completed at applicant's cost.
- b) Three copies of Public Domain Plan drawn at 1:100 scales shall be prepared and certified by a qualified civil engineer, landscape architect or urban designer and submitted to Council. The plan shall be reviewed by Council's design engineer prior to construction.

- c) The plan shall include all existing service authority assets on street frontage and in and around the areas as per the survey report. This should include, but not be limited to, high and low voltage electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage assets, etc.
- d) The plan shall show the entire street frontage of the property for improvement e.g. footpath paving, kerb & gutter, pram ramps, bollards, service pits, stormwater pit & lintel including mill & re-sheet half width of the road pavement.
- e) The plan shall incorporate the standard specifications and details in accordance with the Public Works Elements Manual and Council's standard drawings and technical specifications.
- f) The Applicant shall liaise with all relevant service authorities to satisfy all requirements of the service authority providers in respect of protection, termination or relocation of existing assets prior to construction. A written consent shall be required where a service authority asset will be affected.

TRAFFIC

89. All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.
90. A total of **17** 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.
91. The approved parking spaces must be allocated as detailed below. All spaces must be appropriately line-marked and labelled according to this requirement prior to the issue of an Occupation Certificate. If the development is to be strata subdivided, the car park layout must respect the required allocation:
 - (a) 10 Staff Parking Spaces
 - (b) 7 Parents/ Visitor parking spaces.
92. Of the required car parking spaces, at least 1 must be designed and provided for accessible car parking for people with mobility impairment in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking. Accessible car parking spaces must have a minimum headroom of 2.5m and must be clearly marked and appropriately located as accessible parking for people with mobility impairment.
93. Any stacked parking spaces (maximum 2 spaces, nose to tail) must be designated (with appropriate signage) for staff parking only (not visitor parking).
94. The visitor parking space must be located at the most convenient location to the car parking entrance, in this instance the easternmost space adjacent to the two parking aisles. The space must be clearly marked 'visitor' prior to the issue of an Occupation Certificate. All signs must be maintained in good order at all times.
95. Where a boomgate or barrier control is in place, the visitor space must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 6m clear of the property boundary, wired to all units. The intercom must comply with

'Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23'.

96. The site must be configured to allow a vehicle to be driven onto and off the site in a forward direction.
97. The following signs must be provided and maintained within the site at the point(s) of vehicle egress:
 - (a) Compelling drivers to stop before proceeding onto the public way
 - (b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway.
98. Solid walls immediately adjacent to the basement entry and exit must not exceed 0.6m in height for the first 2.5m within the boundary so as to ensure adequate sight lines for motorists and pedestrians.
99. At all times car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.
100. The proposed median strip with 'Left Turn Only' signage facing traffic exiting the site, 'No Right Turn' signage facing southbound traffic within Lees Avenue, 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.
101. 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.
102. 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.
103. 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.
104. 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.
105. 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).
106. 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

HEALTH

107. An Environmental Management Plan is to be submitted to Council, **prior to the issue of Construction Certificate**, detailing the control and management methods to be implemented in addressing the following issues during the construction and fit-out phases of the project:
- a. Noise and vibration control;
 - b. Dust and odour suppression and control;
 - c. Waste storage and recycling control;
 - d. Litter control; and
 - e. Construction material storage.
108. 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
109. Any mechanical ventilation and or air conditioning systems and equipment are to be designed and installed in locations that do not cause a nuisance or disturbance to nearby residents.
110. The noise suppression and control measures of building elements are to comply with the recommendations Section 5.3 and 8 of the Childcare Centre Acoustic Assessment - Project ID 20230186.1; Document Reference: 20230186.1/0404A/RO/ANP, dated 04 April 2023 prepared by Acoustic Logic Pty Limited 98 145 324 714 in order to achieve the required noise reduction targets and levels as specified in the 'NSW EPA Industrial Noise Policy' –

now replaced by the NSW EPA Noise Policy for Industry (2017) and the 'Association of Australian Acoustical Consultants Guideline for Childcare Acoustic assessment, October 2013.

Note: Conformation of compliance with the acoustic report prepared by Acoustic Logic Pty Limited 98 145 324 714 is to be submitted the Principal Certifier prior to issuing of the Occupation Certificate.

111. **Prior to the issue of an Occupation Certificate**, certification is to be submitted to the Principal Certifier confirming that the recommendations of the Childcare Centre Acoustic Assessment - Project ID 20230186.1; Document Reference: 20230186.1/0404A/RO/ANP, dated 04 April 2023 have been implemented.
112. The premises (Child Care Facility) are to be operated and managed in accordance with the Plan of Management – Centre-Based Child Care Facility, 1 – 3 Lees Avenue Croydon Park as prepared by Planning Ingenuity Pty Ltd. dated 14 April 2023.
113. No nuisance is to be created or caused from the use or operation of the premises to nearby residents or commercial premises.
114. The fit out of the premises 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 2015.

Note: Copies of AS 4674-2004 may be obtained from Standards Australia Customer Service on phone 1300 65 46 46 or by visiting the website: www.standards.com.au

115. A lockable storage room or cabinet is to be provided at the premises for storage of cleaning chemicals, cleaning products and equipment.

Note: cleaning chemicals, products and equipment and any pest control chemicals are to be stored physically separated from areas of food, food preparation surfaces or food storage.

116. Provide a storage room or space within the food premises for the storage of dry goods.
117. Provide dry basket arrestors to all floor wastes within all food preparation or food handling areas.
118. All food preparation, handling and storage are to be carried out in accordance with provisions of the Food Act 2003, the Food Regulation 2015 and the Food Safety Standards.

Note: 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 or by visiting the website: www.foodstandards.gov.au

119. 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.
120. The proposed kitchen / food preparation / food storage areas are to be fitted out in accordance with the requirements of AS 4674-2004 for the Design, construction and fit-out of food premises, Food Act, 2003, Food Regulation 2004 and the food Standards Code. Details of the proposed fit-out are to be submitted to the Principal Certifier 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

121. A Food Safety Supervisor (FSS) is to be appointed for the centre. Details of the name and current Certificate number of the FSS are to be submitted to Council prior to the commencement of operation of the child care centre.
122. All garbage and recycling material shall be stored in the designated garbage area, which includes provision for the storage of all putrescible waste and recyclable material emanating from the premises. Adequate natural or mechanical ventilation is required where bins are stored in an enclosed area and meet fire safety standards in accordance with the Building Code of Australia.
123. The garbage and recycling storage areas are to be:
 - a. Supplied with both **hot and cold** water;
 - b. Paved with impervious floor materials;
 - c. Coved at the intersection of the floor and the walls;
 - d. Graded and drained to a floor waste which is connected to the sewer in accordance with the requirements of Sydney Water;
 - e. Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the *Protection of the Environment Operations Act 1997*; and
 - f. Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.
124. Waste and recycling bins shall be kept in a clean and hygienic condition. Bins are to be washed regularly within the garbage storage room with any waste water being discharged to the sewer by way of the grated drain.
125. 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 authorised Council officer if requested.

TREE MANAGEMENT

126. Landscaping must be installed as per the Landscape Plan sheet set by Vision Dynamics, Issue C, dated 12 April 2023.
127. Landscaping must be completed **prior to the issuing of an Occupation Certificate**.

Landscaping must be maintained at all times following installation, including replacement of any plants that are dead, damaged, unhealthy or stolen, with like for like.

Attachments

There are no attachments for this report.

(Item DA6/24) DA No. 2023/057. No.118 Wentworth Road, Burwood. Construction of a Five (5) Storey Residential Flat Building Containing 39 Residential Apartments and Two Levels of Basement Carparking for 80 Carspaces

File No: 24/30406

Report by Executive Planner

Owner: Mr Xiaoping Zhang
Applicant: Mr Xiaoping Zhang C/- Ecospective Property Pty Ltd
Location: 118 Wentworth Road, Burwood
Zoning: R1 General Residential – Burwood Local Environmental Plan (BLEP) 2012

Summary

The subject site originally consisted of six separate allotments known as No's 110-118A. Each of the properties contains a dwelling. The six properties were consolidated into one allotment in January, 2019 and the property is now known as 118 Wentworth Road, Burwood.

Council on 10 September, 2020 issued Development Consent No. 18/2018 in respect of the subject property for "*construction of a five storey Residential Flat Building comprising 57 apartments and two levels of basement parking for 77 vehicles*". The application was referred to the Burwood Local Planning Panel (BLPP) as the proposed development was subject to the provisions of *State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development*. The application also included variations to the 14m Maximum Building Height by up to 2.75m to the roof height and 6.81m to the top of the lift overrun. A Clause 4.6 Objection was submitted with the application and was supported by the BLPP at its meeting on 9 June, 2020.

The current application also proposes the construction of a five storey Residential Flat Building containing 12 townhouses and 27 apartments for an overall total of 39 apartments. Provision is proposed for two levels of basement carparking containing 80 carspaces. Similar to the original proposal the current application seeks to vary the Maximum Building Height by 2.75m to the level of the rooftop Communal Open Space and 6.7m to the top of the lift overrun. A Clause 4.6 Objection has also been lodged. Given that the application is still subject to the provisions of *State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development* the matter is again referred to the BLPP for consideration and approval.

The Application was referred to Council's Design Review Panel at its meeting on 26 October, 2023 where a number of issues were identified which needed to be addressed. The Applicant submitted amended plans and additional information on 30 May, 2024 which responded to issues raised by the Design Review Panel.

As amended it is considered that the proposed development achieves compliance with all of the relevant "planning controls" contained in State Environmental Planning Policies, Apartment Design Guide, Burwood Local Environmental Plan 2012 & Burwood DCP 2013 with the exception of a variation to the maximum building height. The Applicant has endeavoured to design the proposed development generally in accordance within the building envelope supported for the previous Development Consent for the subject site being Consent No. 18/2018 issued on 10 September, 2020.

It is noted that the variation sought to the Maximum Building Height to the top of the rooftop level for both the original consent issued in 2020 and the current application is 2.75m for both. In terms of the lift overrun the original approval issued in 2020 allowed for a variation of 6.81m whereas the extent of the variation sought by the current application is 6.7m (ie 110mm less).

In view of the above it is recommended that the Burwood Local Planning Panel support the Clause 4.6 Objection to the Maximum Building Height of 14m and approve of DA No. 2023/057.

BLPP Referral Criteria

The application is referred to the Burwood Local Planning Panel (BLPP) as the proposed development is subject to the provisions of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

Subject Site and Surrounding Locality

The location of the subject site is depicted in Figure 1 below.

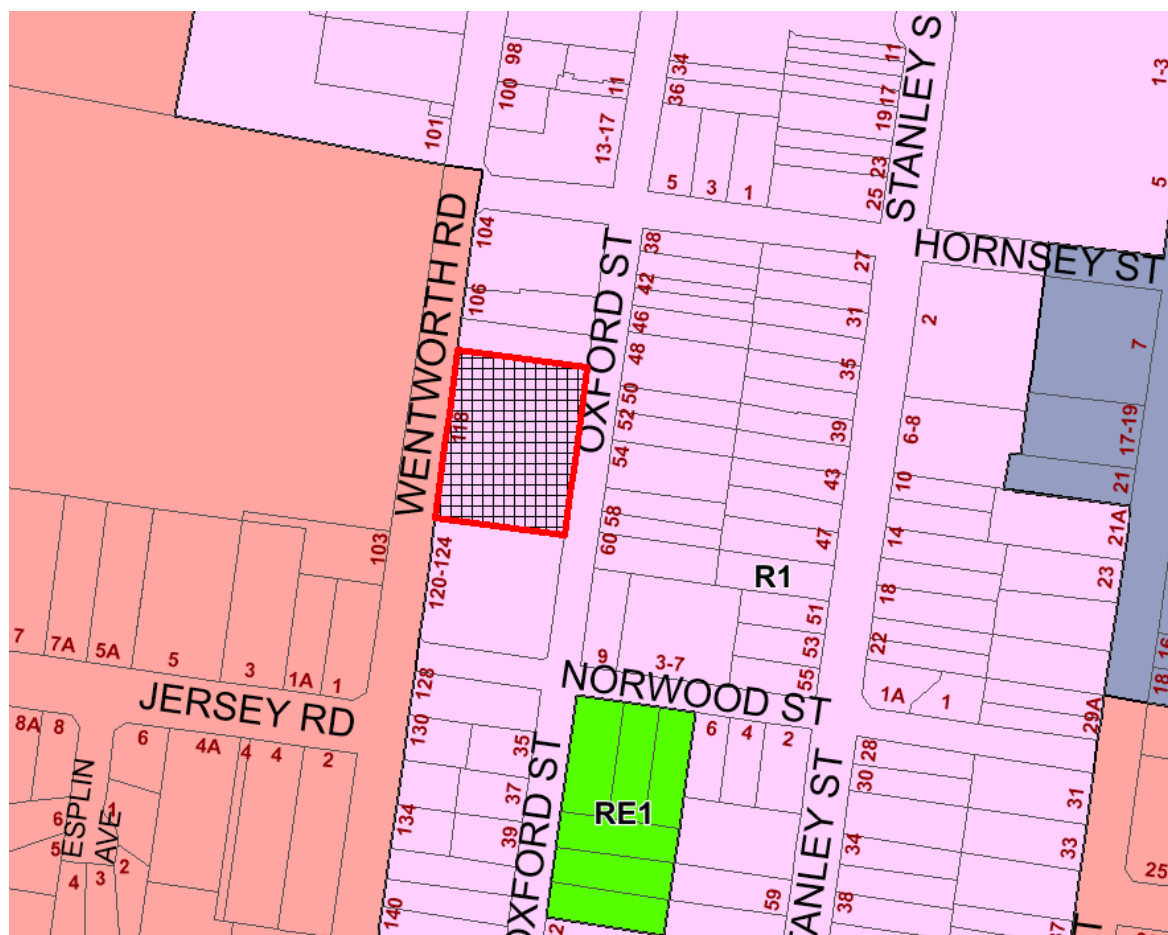


Figure 1. Extract from Burwood LEP 2012 with site identified by red outline and hatching

The subject site is a rectangular shaped parcel with a dual street frontage. The Wentworth Road frontage is 56.905m whilst the frontage to Oxford Street is 57.29 m and the overall distance between the two street frontages is 43m which produces an overall site area of 2,480m². A dwelling is located on each of the six properties which make up the subject parcel of land which is now a single allotment of land known as 118 Wentworth Road, Burwood.

Directly adjoining the subject site to the south at 120-124 Wentworth Road is a five storey building whereby the top floor was setback from the edges of the building in order to achieve a recessive appearance and reduce the impact of bulk and scale. It is noted that a secondary setback of 4m from Oxford Street formed part of the approved building envelope for the property at 120-124 Wentworth Road, Burwood

Adjoining the subject site directly to the north are two properties, containing a total of two dwellings known as 106-108 Wentworth Street which form one parcel of land. Development Consent No. 122/2018 for 106-108 Wentworth Road was issued on 7 May, 2020 for “Demolition of all existing structures on site and the construction of a 5 storey Residential Flat Building containing 19 apartments with basement carparking for 28 vehicles over 2 levels and associated site landscaping”. The BLPP approved of the Development Application and in doing so accepted variations to the Maximum Building Height of 14m by 5.3m (up to the top of the building) which is a

37.9% variation and an upper storey height variation of 3.1m which equates to 22.1%. The BLPP supported the Clause 4.6 Objection to the Development Standard for the Maximum Building Height. Again notably the approval allowed for a 4m building setback from the secondary street frontage of Oxford Street.

Description of Development

The application proposes a five storey Residential Flat Building containing 39 apartments above two levels of basement carparking providing 80 carspaces.

The specifics of the proposal are as follows:

Basement 2

- 20 carspaces

Basement 1

- 20 carspaces

Ground & Level 1 (14 apartments)

- Vehicular access from Oxford Street to the basement carparking levels
- Private terraces for the ground floor component of 12 Townhouses (6x3br & 6x4br)
- 2 x 1br apartments
- Pedestrian entrances from both Wentworth Road and Oxford Street

Level 2 (10 apartments)

- 8 x 3br and 2 x 2br

Level 3 (10 apartments)

- 8 x 3br and 2 x 2br

Level 4 (5 apartments)

- 2 x 4br and 3 x 3br

Rooftop

- Communal Open Space (COS)

Total number of apartments is 39

Overall the mix of the apartments is 8 x 4br, 25 x 3br, 4 x 2br, and 2 x 1 br.

It is noted that the original Development Consent No. 18/2018 issued on 10 September, 2020 contained 57 apartments with a large component of smaller apartments (2 x Studios, 8 x 1 br, 43 x 2br and 4 x 3br units).

The current application is only proposing 39 apartments. However, there is an increased proportion of larger apartments with the mix being 2 x 1br, 4 x 2br, 25 x 3br and 8 x 4br which explains why the current application is seeking approval for only 39 apartments compared to the originally approved 57 apartments.

Both the previously approved scheme and the current application comply with the Maximum Floor Space Ratio of 2:1.

Statutory Requirements

Heads of Consideration

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 (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Sustainable Buildings) 2022;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Housing) 2021;
- Burwood Local Environmental Plan 2012 (BLEP 2012);
- Burwood Development Control Plan 2013 (BDCP 2013);
- The likely social, environmental and economic impacts of the development;
- The suitability of the site for the development;
- The public interest, and
- Submissions made under the Act and Regulations.

These matters are considered in this report.

Planning Assessment

State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of the *State Environmental Planning Policy (Resilience and Hazards) 2021* are required to be considered for any development application. Consideration must be made if the land is suitable for the proposed development, if it is contaminated, if it is suitable for the proposed use, and/or if the contamination is required to be remediated before the land is used for that purpose.

The site has historically been used for residential purposes and no evidence of contamination has been found.

No further action is considered necessary in relation to contamination.

State Environmental Planning Policy (Sustainable Buildings) 2022

The proposed development includes BASIX affected buildings. A BASIX Certificate has been prepared and submitted with this application. An amended BASIX Certificate was submitted with the amended drawings. The certificate demonstrates compliance with the thermal comfort, energy efficiency and water efficiency requirements of the SEPP BASIX.

Commitments made under the BASIX Certificate are detailed on the submitted architectural plans.

A condition of consent requiring the recommendations of the BASIX Certificate to be complied with is included in the Draft Conditions of Development Consent attached to this report.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The *State Environmental Planning Policy (Biodiversity and Conservation) 2021* aims to protect the biodiversity and amenity values of trees and vegetation.

Overall there are 24 trees associated with the subject site consisting of five (5) street trees (Wentworth Road frontage) and 19 others which include water gums, Lemon Scented gums, Weeping Bottlebrush, Native Daphne and Canary Island Date Palms. The five (5) street trees are to be retained along with three (3) others which produces a total of eight (8) whilst the remaining 16 trees are required to be removed to facilitate the proposed development.

Council's Tree Management Officer endorses the recommendations made by the Applicant's Arborist and as such, further consideration of the SEPP is not necessary.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The *State Environmental Planning Policy (Transport and Infrastructure) 2021* applies to development proposals near rail corridors and busy main roads and ensures that infrastructure is delivered with appropriate environmental assessment and consultation with Public Authorities.

The proposed five storey Residential Flat Building the subject of this application does not "trigger" any of the referral mechanisms in this SEPP.

State Environmental Planning Policy (Housing) 2021

Chapter 4 - Design of residential apartment development

The provisions of Chapter 4 of the *State Environmental Planning Policy (Housing) 2021* have effectively been transferred from the now repealed State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65).

In accordance with Section 144 of the Housing SEPP, Chapter 4 (Design of residential apartment development) applies to the following forms of development:

- development for the purposes of residential flat buildings,
- development for the purposes of shop top housing,
- mixed use development with a residential accommodation component that does not include boarding houses or co-living housing, unless a local environmental plan provides that mixed use development including boarding houses or co-living housing is residential apartment development for this chapter.

The proposed development as can be characterised as a Residential Flat Building and the provisions therefore apply.

Section 145 of the SEPP stipulates that before determining the development application, the consent authority must refer the application to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development.

Section 147 of the SEPP outlines the following:

- (1) *Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—*
 - (a) *the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,*
 - (b) *the Apartment Design Guide,*
 - (c) *any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.*
- (2) *The 14-day period referred to in subsection (1)(c) does not increase or otherwise affect the period in which a development application or modification application must be determined by the consent authority.*
- (3) *To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide.*
- (4) *Subsection (1)(c) does not apply to State significant development.*

Section 148 of the SEPP outlines non-discretionary development standards for residential apartment development as follows:

- (1) *The object of this section is to identify development standards for particular matters relating to residential apartment development that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.*
- (2) *The following are non-discretionary development standards—*
 - (a) *the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,*
 - (b) *the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,*
 - (c) *the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.*

The above provisions of the Housing SEPP apply to the development application.

In regard to Section 148, the proposed development complies with the car parking requirements at Part 3J of the ADG, the internal area of each proposed unit complies with Part 4D of the ADG, and the ceiling heights comply with the ceiling heights specified in Part 4C.

In regard to Section 147, the following sections of this Report demonstrate that the proposal has been considered against the:

- (a) the design principles for residential apartment development set out in Schedule 9,
- (b) the Apartment Design Guide,
- (c) advice received from the Burwood Design Review Panel.

Burwood Design Review Panel

The application was considered by the Burwood Design Review Panel on 26 October, 2023 and a number of areas identified for improvement. The Applicant on 30 May, 2024 submitted revised plans and additional information. The Applicant listed 25 changes that they made in revising the plans following on the Panel's advice.

Some of these changes include the following:

- relocation of the bicycle racks to improve functionality
- refinement of internal layouts for a number of Townhouses and apartments by rearranging some bedrooms to achieve an outlook over the street
- ground floor pedestrian entry gates relocated closer to both the Oxford Street and Wentworth Road alignments to improve crime prevention and enhance the development's address to the street
- rationalisation of architectural colour palette to provide better building articulation
- double height entry space to enhance the sense of arrival
- Façade redesign to adopt greater vertical emphasis and vertical articulation
- Screening to plant enclosure for acoustic and visual privacy
- ESD strategy to incorporate solar panels at roof level to improve energy efficiency
- New fixed vertical privacy screens to enhance privacy and architectural aesthetics
- Rationalisation of communal open spaces to prevent overlooking of private open spaces below
- Simplified façade and balcony design
- New planter boxes to provide better building articulation and improve amenity

Overall the introduction of changes in response to the Panel's feedback on the original application has resulted in significant improvements in terms of the built form along with the functionality of the floorplans for townhouses and apartments.

Design Quality Principles

The proposal as amended is considered to be consistent with the Design Quality Principles as outlined in the Table below.

Principles	Comments
<i>Principle 1: Context and Neighbourhood Character</i>	The proposed development is consistent with the desired future character of the R1 General Residential zone. The development is consistent with the objectives of development controls contained in BLEP 2012 and BDCP 2013.
<i>Principle 2: Built Form and Scale</i>	Notwithstanding that the proposal involves a request for a variation to the maximum building height development standard, the proposed built form and scale of the building is appropriate for this site. The proposed building façades are articulated and comprise a mix of materials/finishes, so as to minimise the perceived bulk and scale of the development. The overall scale of the development, though higher than the maximum building height control, is nonetheless consistent with the height of a building which exists directly to the south and another approved to be constructed adjoining the subject site to the north.
<i>Principle 3: Density</i>	1. The density and massing of the proposed development is an appropriate response to the desired future character of the site and surrounding locality. The proposed development does not involve a variation to the Floor Space Ratio thus there is no additional increase to the residential density as envisaged by the local “planning controls”.
<i>Principle 4: Sustainability</i>	A BASIX Certificate has been submitted with the development application and demonstrates that sustainable development features can be installed. The development achieves a good level of natural light and cross ventilation.
<i>Principle 5: Landscape</i>	A landscape scheme has been prepared by a qualified Landscape Architect which provides appropriate planting to the private open spaces at ground floor level. Considerable attention to detail has also been applied by the Landscape Architect towards the rooftop Communal Open Space.
<i>Principle 6: Amenity</i>	The proposal is considered to achieve good amenity for the development itself, contributing to the positive living environment of residents, optimising internal amenity through complying room dimensions and efficient layouts, access to sunlight, natural ventilation, visual and acoustic privacy, and indoor and outdoor space. The proposal will result in a good mix of units at the site, with good to high residential amenity. The minimum amount of Communal Open Space to be provided as recommended in the provisions of the ADG is 620m ² . The proposed development provides for a rooftop Communal Open Space area of 803.55m ² which exceeds the minimum guideline by 183.55m ² or 29.6%. Passive and active areas are contained within the rooftop Communal Open Space.
<i>Principle 7: Safety</i>	The proposal is considered to provide appropriate safety for occupants and the public as it allows for the passive surveillance of private and public communal open spaces from residential windows and balconies. Residential lobby activation at ground level also provides for passive surveillance of the public domain.
<i>Principle 8: Housing Diversity and Social Interaction</i>	The proposed development consists of 2 x 1br, 4 x 2br, 25 x 3br and 8 x 4br apartments. This will facilitate a range of purchases and rentals which cater for a variety of people from different Socio-Economic backgrounds.
<i>Principle 9: Aesthetics</i>	The composition of building textures, materials, and colours reflect the use, internal design, and structure of the proposed buildings. The proposed development (as amended) aesthetically responds to the environment and context of the site, and appropriately contributes to the

Principles	Comments
	desired future character of the area.

Apartment Design Guide

Provision	Assessment of Proposal	Compliance																														
Part 3 – Siting the Development																																
<p>3D Communal Open Space</p> <p>Communal Open Space (COS) has a minimum area equal to 25% of the site.</p>	<p>Site Area = 2,480m² 25% of the site area = 620m² COS provided = 803.55m² (32.4%)</p>	Yes																														
<p>3E Deep Soil Zones</p> <p>Deep soil zones are to meet the following minimum requirements.</p> <table border="1"> <thead> <tr> <th>Site Area</th> <th>Minimum dimensions</th> <th>Deep soil zone %</th> </tr> </thead> <tbody> <tr> <td><650m²</td> <td>-</td> <td></td> </tr> <tr> <td>650-1500m²</td> <td>3 metre</td> <td></td> </tr> <tr> <td>>1500m²</td> <td>6 metre</td> <td>7%</td> </tr> <tr> <td>>1500m² with significant tree cover</td> <td>6 metre</td> <td></td> </tr> </tbody> </table>	Site Area	Minimum dimensions	Deep soil zone %	<650m ²	-		650-1500m ²	3 metre		>1500m ²	6 metre	7%	>1500m ² with significant tree cover	6 metre		<p>The site area = 2,480m² 7% of the site area = 173.6m² Deep Soil Zone area = 417m²</p> <p>However, on larger sites > 1500m² it is desirable where possible to achieve 15% (ie 372m²).</p> <p>The application provides 417m² which equates to 16.8%</p> <p>In summary the proposal achieves the minimum requirement and also meets the optional “desirable level of Deep Soil Zone area. Hence the provision has been satisfied.</p>	Yes															
Site Area	Minimum dimensions	Deep soil zone %																														
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650-1500m ²	3 metre																															
>1500m ²	6 metre	7%																														
>1500m ² with significant tree cover	6 metre																															
<p>3F Visual Privacy</p> <p>Separation between windows and balconies to ensure visual privacy. Minimum separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12 m (four storeys)</td> <td>6 m</td> <td>3 m</td> </tr> <tr> <td>Up to 25m (five-eight storeys)</td> <td>9 m</td> <td>4.5 m</td> </tr> <tr> <td>>25m (nine plus storeys)</td> <td>12 m</td> <td>6 m</td> </tr> </tbody> </table>	Building height	Habitable rooms and balconies	Non-habitable rooms	Up to 12 m (four storeys)	6 m	3 m	Up to 25m (five-eight storeys)	9 m	4.5 m	>25m (nine plus storeys)	12 m	6 m	<table border="1"> <thead> <tr> <th>Level No.</th> <th>Northern setback</th> <th>Southern Setback</th> </tr> </thead> <tbody> <tr> <td>Ground Floor (Min 6m)</td> <td>6m</td> <td>6m</td> </tr> <tr> <td>Level 1 (Min 6m)</td> <td>6m</td> <td>6m</td> </tr> <tr> <td>Level 2 (Min 6m)</td> <td>6m</td> <td>6m</td> </tr> <tr> <td>Level 3 (Min 6m)</td> <td>6m</td> <td>6m</td> </tr> <tr> <td>Level 4 (Min 9m)</td> <td>Ranging from 8m to 9m</td> <td>9m</td> </tr> </tbody> </table>	Level No.	Northern setback	Southern Setback	Ground Floor (Min 6m)	6m	6m	Level 1 (Min 6m)	6m	6m	Level 2 (Min 6m)	6m	6m	Level 3 (Min 6m)	6m	6m	Level 4 (Min 9m)	Ranging from 8m to 9m	9m	<p>Yes</p> <p>(A minor variation from the northern boundary is acceptable in this instance. See Notes under Section 3F Visual Privacy)</p>
Building height	Habitable rooms and balconies	Non-habitable rooms																														
Up to 12 m (four storeys)	6 m	3 m																														
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Level 4 (Min 9m)	Ranging from 8m to 9m	9m																														

	<p>Note: The side boundary setbacks/ building separation distances for the proposed development comply for all 5 storeys with the exception of one setback situated on the northern side of Level 4 the topmost residential level.</p> <p>As per the ADG the requirement for Level 4 is a setback of 9m from the northern boundary. Plans for the proposal show that the length of the northern wall on Level 4 is 24.5m and one part of the wall is setback 8m. This is acceptable as there are no windows in this wall.</p> <p>The other part of this wall that encroaches within the 9m setback is 8m long and setback 8m from the northern boundary. There is only one window (2m long) in this wall which services a kitchen. Overall a separation distance of 8m is considered to be acceptable in this instance.</p>	
Part 4 – Designing the building		
<p><u>4A Solar and daylight access</u> Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid – winter.</p> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3pm at mid-winter.</p>	<p>Required-70% of 39 units = 27 units Provided 36 out of 39 = 92%</p> <p>Only 3 out of 39 units (7.7%) do not receive sunlight in the specified range of hours.</p>	<p>Yes</p> <p>Yes</p>
<p><u>4B Natural ventilation</u> At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.</p>	<p>60% of 39 units = 23 units 27 out of 39 units = 70 %</p>	<p>Yes</p>
<p><u>4C Ceiling heights</u> Measured from finished floor level to finished ceiling level, minimum ceiling heights are: 2.7m</p>	<p>All apartments achieve a minimum “floor to floor” height of 3.1m. Allowing for the thickness of the floor slab above and any bulkheads for services of approx. 350mm a minimum “floor to ceiling height” of at least 2.75m is achieved.</p>	<p>Yes</p>

<p><u>4D Apartment size and layout</u></p> <p>Apartments are required to have the following minimum internal areas:</p> <p>Studio apartments = 35m² One bedroom apartments = 50m² Two bedroom apartments = 70m² Three bedroom apartments=90m²</p>	<p>All apartments (consisting of 2 x 1br, 4 x 2br, 25 x 3br and 8 x 4br units) satisfy the minimum internal area requirements.</p>	<p>Yes</p>															
<p><u>4E Private open space and balconies</u></p> <p>All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="151 607 683 981"> <thead> <tr> <th>Apartment type</th> <th>Minimum Area</th> <th>Minimum Depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m²</td> <td>-</td> </tr> <tr> <td>One bedroom</td> <td>8m²</td> <td>2 metre</td> </tr> <tr> <td>Two bedroom</td> <td>10m²</td> <td>2 metre</td> </tr> <tr> <td>Three + bedroom</td> <td>12m²</td> <td>2.4 metre</td> </tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1 metre.</p>	Apartment type	Minimum Area	Minimum Depth	Studio	4m ²	-	One bedroom	8m ²	2 metre	Two bedroom	10m ²	2 metre	Three + bedroom	12m ²	2.4 metre	<p>All apartments comply with this requirement.</p>	<p>Yes</p>
Apartment type	Minimum Area	Minimum Depth															
Studio	4m ²	-															
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Two bedroom	10m ²	2 metre															
Three + bedroom	12m ²	2.4 metre															
<p><u>4F Common circulation and spaces</u></p> <p>The maximum number of apartments off a circulation core on a single level is eight.</p>	<p>There are two lift cores in the building and neither will service more than eight apartments.</p>	<p>Yes</p>															
<p><u>4G Storage</u></p> <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table border="1" data-bbox="151 1509 683 1749"> <thead> <tr> <th>Apartment type</th> <th>Minimum Volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m³</td> </tr> <tr> <td>One bedroom</td> <td>6m³</td> </tr> <tr> <td>Two bedroom</td> <td>8m³</td> </tr> <tr> <td>Three + bedroom</td> <td>10m³</td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment.</p>	Apartment type	Minimum Volume	Studio	4m ³	One bedroom	6m ³	Two bedroom	8m ³	Three + bedroom	10m ³	<p>The development provides a surplus of storage areas in the two basement car parking levels. However, a number of apartments do not contain the required 50% of the total storage provision within individual apartments.</p> <p>This issue can be addressed by a condition of consent.</p>	<p>No (However, can be addressed via a condition of consent)</p>					
Apartment type	Minimum Volume																
Studio	4m ³																
One bedroom	6m ³																
Two bedroom	8m ³																
Three + bedroom	10m ³																
<p><u>4H Acoustic privacy</u></p> <p>Noise transfer is minimized through the siting of buildings and layout.</p> <p>Noise impacts are mitigated within apartments through layout and Acoustic treatment</p>	<p>An Acoustic consultant's Report was submitted with the Application prepared by Renzo Tonin & Associates dated 19 June, 2023. The report concluded that traffic</p>	<p>Yes</p>															

	noise inside the proposed residential dwellings can comply with the Department of Planning Publication – “Development near Rail Corridors and Busy Roads-Interim Guideline 2008 subject to a number of recommended treatments relating to Glazing and Façade & Roof Sound insulation.	
<p><u>4K Apartment mix</u></p> <p>A variety of apartment types shall be provided which cater for single person households, couples, families, multi-generational families and group households.</p>	The proposed development includes an appropriate mixture of one, two, three and four bedroom apartments.	Yes
<p><u>4L Ground floor apartments</u></p> <p>Direct street access should be provided to ground floor apartments.</p> <p>Activity is achieved through front gardens, terraces and the façade of the building. Design solutions may include:</p> <ul style="list-style-type: none"> • both street, foyer and other common internal circulation entrances to ground floor apartments • private open space is next to the street • doors and windows face the street 	It is proposed to have two separate pedestrian access points. The main one along Wentworth Road with a secondary entry along Oxford Street. When combined with upper level balconies and ground floor level townhouse entries/ courtyards this ensures that there is adequate amenity and surveillance along both streets.	Yes

Burwood Local Environmental Plan Burwood Local Environmental Plan (BLEP) 2012

Clause	Proposal	Compliance
<p>2.3 Zone objectives and Land Use Table</p> <p>R1 General Residential</p>	<p>The proposed land use is characterised as a ‘residential flat building’ which is defined as:</p> <p><i>a building containing three or more dwellings, but does not include an attached dwelling or multi dwelling housing.</i></p> <p>The proposed development is permissible with consent in the R1 General Residential zone.</p>	Yes
<p>4.3 Height of Buildings</p> <p>Maximum height = 14m</p>	<p>Proposed roof height is 2.75m above the maximum Building Height of 14m which equates to a variation of 19.6%.</p>	No

Clause	Proposal	Compliance
	Proposed height to the top of the lift overrun is 6.7m above the maximum Building Height of 14m which equates to a variation of 47.8%.	<p style="text-align: center;">No</p> <p>(A Clause 4.6 request has been submitted. Refer to Note No. 1)</p>
<p>4.4 Floor space ratio Maximum 2:1</p>	<p>Site area = 2,480m² Max. permissible is 2:1 = 4,960m². Maximum Floor Area proposed = 4,959m² Proposed FSR = 2:1</p>	Yes
<p>5.10 Heritage Conservation Various requirements for development of heritage items, heritage conservation area, or within the vicinity of heritage items.</p>	<p>The site does not contain a heritage item, nor is it within a Heritage Conservation Area. However, the subject site is within close proximity to the following heritage listed properties:</p> <ul style="list-style-type: none"> • Santa Sabina Convent at 90-98 The Boulevard and • Victorian Terrace at 50 Oxford Street. <p>The current amended proposal will not adversely impact upon the significance or prominence of these Heritage Items.</p>	Yes
<p>6.1 Acid Sulfate Soils Various requirements depending on ASS class</p>	<p>The site is identified as Class 5 Acid Sulfate Soils. The subject site is not located within 500m of Class 1, 2, 3 and 4 land. Accordingly, an Acid Sulfate Soils Management Plan is not required.</p>	Yes
<p>6.2 Flood Planning Proposed development which is subject to flooding must : Be compatible with the flood hazard of the land Not significantly adversely affect flood behaviour resulting in detrimental increases in the potential</p>	<p>The subject site has been identified as being affected by flooding from Overland Flow. This flooding affectation also includes the property adjoining to the north (106-108 Wentworth Street) and the property adjoining to the south (120-124 Wentworth Street). The presence of a flooding classification and the need to achieve a minimum Reduced Level for</p>	Yes

Clause	Proposal	Compliance
flood affectation of other developments/ properties.	<p>Ground Floor Apartments along with 500mm Freeboard was the key reason to vary the Maximum Building Height. In order to be above the minimum flood level each for the subject site and sites adjoining to the north and south variations to the building height were supported which resulted in five storey Residential Flat Buildings being approved for the subject site, 106-108 Wentworth Road adjoining to the north and 120-124 Wentworth Road adjoining to the south.</p> <p>Council's Development Engineer has provided recommended conditions of consent addressing flooding and stormwater diversion requirements.</p>	

Non-compliance with Clause 4.3 – Height of Buildings and Clause 4.6 Exception to a Development Standard

Clause 4.6 provides a mechanism for development consent to be granted where a development contravenes a development standard. The clause stipulates that the consent authority must consider and be satisfied that a written request from the applicant justifies the contravention by demonstrating that compliance is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental grounds to justify the contravention. Further, the consent authority must be satisfied that the development will be in the public interest because it is consistent with the objectives of the standard and the zone.

The proposed development has been assessed as non-compliant with clause 4.3 'height of buildings' development standard of the Burwood Local Environmental Plan 2012. The clause stipulates that the height of a building on the site is not to exceed 14m.

The development proposes a roof height of up to 16.75m which is 2.75m (19.6%) above the maximum building height of 14m whereas the top of the lift overrun is proposed to be 6.7m (47.8%) above the maximum building height.

In accordance with the requirements of Clause 4.6, the applicant has submitted a written request to vary the height development standard which is shown below:

1 Introduction

This request has been prepared as the Applicant's Written Request for Variation to a Development Standard and is made in accordance with the provisions of clause 4.6 of the Burwood Local Environmental Plan 2012 (BLEP2012).

The Request for Variation is made in respect of a Development Application for the Proposed construction of a residential flat building with basement car parking and roof top communal open space. This application is submitted to modify and refine the recently approved residential flat development over the subject site. That is, while this application seeks to improve on the approved built form, this proposal remains extensively within the approved building envelope. The approved building envelope exceeds the permitted height of buildings standard and this proposal does not seek additional building height above that already approved.

The development is proposed over land described as Lot 100, DP1248261, 118 Wentworth Road, Burwood NSW 2174. The site of the development is shown in figure 1. The site area is 2,479.5sqm.

The total gross floor area of the proposed development is 4959 sqm, which complies with the maximum allowable gross floor area. That is, the proposed development proposes a floor space ratio control of 2.0:1, as per the development standard is 2.0:1. Hence, it should be

noted that the proposed height above the permitted HOB standard does not result in a non-compliance in floor space ratio.

The development will read as a single well designed, contemporary residential flat building. The design of the building is compliant with the principles of SEPP 65 - Design Quality of Residential Flat Building and the Apartment Design Guide with roof top communal open space, which benefits from excellent solar access. The design of the building and orientation is responsive to the two (2) primary street frontages and provides direct access to each ground floor unit.

The Request for Variation relates to clause 4.3(2) Height of Buildings, of BLEP2012, which sets a maximum building height of 14 metres. The proposed height ranges from 16.75m to the roof level to 20.7m associated with the lift overrun. This is a non-compliance of 2.75 to 6.7 metres or 19.6 to 47.8 per cent. The exceedance of the height limit is demonstrated in figure 2.

The proposed non-compliance arises as a consequence of the proposed level 4, roof top communal open space and lift overrun.

The height exceedances will not cause any unacceptable overshadowing and as noted above, does not exceed the recently approved building height. In preparing this Request for Variation, the requirements of clause 4.6 of the BLEP 2012 have been strictly met. The Request for Variation has been generally set out in accordance with the structure recommended by the Department of Planning in its publication entitled Varying Development Standards – A Guide.

In very brief terms, this variation request says that:

- *The intensity of the proposed development accords with the planned intensity in the BLEP 2012. This planned intensity forms part of a considered approach to enable the provision of residential apartments, providing for the housing needs of the community in a location which is well serviced by public transport and in close proximity to the Burwood Town Centre.*
- *The height of the proposed development is consistent with the desired future character of the area. That is, the proposed building height is compatible with adjoining residential flat development.*
- *The progressive setbacks and design characteristics of the proposal coordinate to manage bulk, scale and other visual impacts.*
- *Any minor additions to the shadowing arising from the building height exceedance will not cause a additional material impact in contravention of any solar access controls.*
- *There are no adverse impacts to the public domain as a result of the non-compliance with the height of buildings development standard.*
- *The proposed development is in the public interest because it is consistent with:*
 - *the objectives of the height control standard; and*
- *the objectives for development within the zone in which the development is proposed to be carried out.*
- *Requiring strict compliance with the height control is unnecessary in the circumstances of the case as this proposal remains within the recently approved building height and building envelope. The increased height as proposed has no discernible effect on the bulk of the building, which is setback from boundaries.*
- *There are sufficient environmental planning grounds to justify contravening the height control. This is because, if the variation is not approved there will be adverse environmental planning consequences. That is, the height of the development would need to be reduced by one storey and redesigned to remove the rooftop communal open space. This alternative leads to an inferior design response with respect to the accessibility and connectivity within the building and communal open space. The grant of development*

consent with the variation to the height of buildings development standard will avoid this outcome.

- The contravention of the development standard does not raise any matter of significance for State or regional environmental planning.
- There is no public benefit of maintaining the development standard in the present circumstances (and there is public benefit in varying the standard). This is because there are site specific circumstances to which the proposed building height responds. The proposed variation will not set an undesirable precedent for sites not sharing those same site specific characteristics. The absence of public benefit from strict application of the standard in this instance is also because the height of buildings as proposed is consistent with the objectives of the standard and the zone and consistent with a recent development consent for the site and is therefore consistent with the public interest.



Figure 1: Aerial Imagery of Subject Site

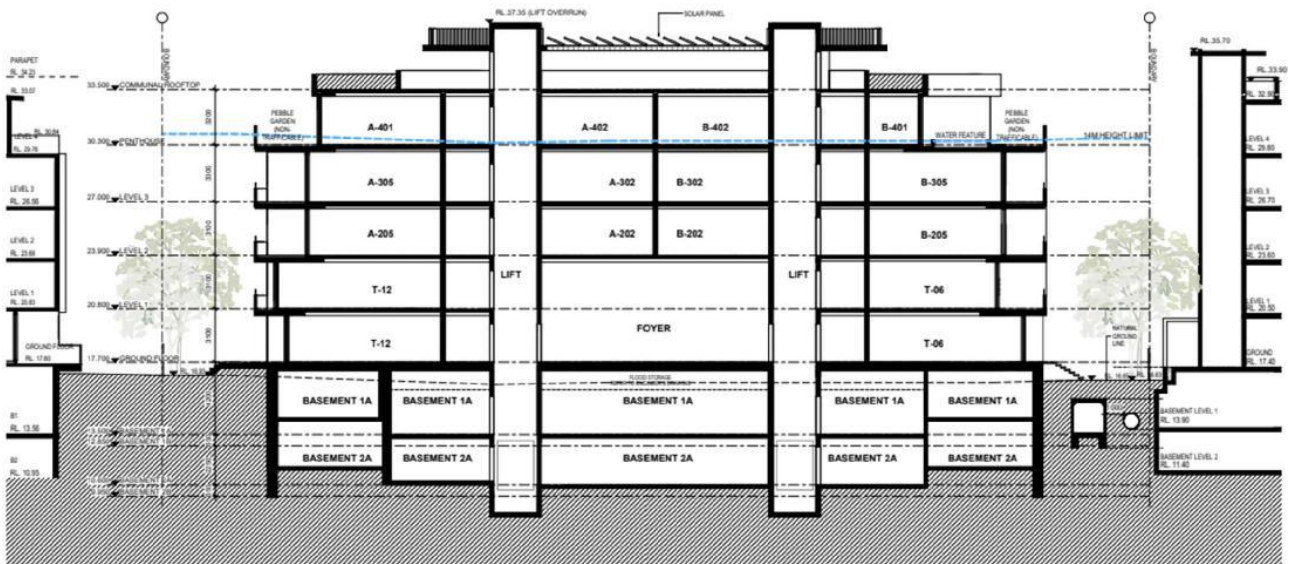


Figure 2: Section

2 Development Description

The proposed redevelopment of the site will involve the demolition of existing, aged dwellings to be replaced with a contemporary residential flat building to deliver a total of 39 apartments. At the centre of this proposal is the desire to maintain the previously approved building envelope. That is, this proposal is considered to be one that improves upon the previous

approved built form while not significantly increasing site coverage or building height and maintenance of building setbacks.

This development will be a complementary and modern addition to the area in which it sits. As demonstrated in the figures below, the proposed building heights and setbacks of the proposed building will enable development that complements recently completed residential flat buildings on the adjoining site.



Figure 3: Wentworth Road Elevation



Figure 4: Oxford Street Elevation

This proposal results in an aesthetic consistent with applicable and relevant planning controls and guidelines for residential flat building development. It is argued that this proposal:

- will provide an aesthetically pleasing and contemporary contribution to a locality;
- represents development at a scale that is compatible with the desired future character of the locality over a site that is available for this type of residential density and land use;
- contributes to the local government area of Burwood 39 residential apartments, all with high levels of amenity, with exceptional access to public transport and town centre services; and,
- will achieve the desired street level aesthetic through architectural interest and landscaping components.

With a mix of apartment style and size, this proposal represents a means of providing high quality residential accommodation for people of all ages and family structure.

This development will result in the provision of residential product that is both viable and needed in the locality within walking distance of the Town Centre and its associated local services and future community and parkland facilities. This proposal will also provide for sustainable transport options, being within walking distance to major public transport nodes, thereby taking advantage of the alternatives to private motor vehicle use.

The design of the residential flat building development is guided by State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the Apartment Design Guide, Burwood Local Environmental Plan 2012, and the Burwood Development Control Plan. This proposal is considered to be consistent with the objectives and requirements of these plans.

Further to the above planning controls, the final development design has been informed through the aid and assistance of the feedback and input from Burwood Design Review Panel and Council.

2.3 The Variation

The subject site is zoned R1, the proposed development is a residential flat building with a maximum building height of 16.75m to roof of the building and 20.7m to the top of the lift overrun. This represents a maximum exceedance in height of 2.75m and 6.7m above the 14m maximum as per the development standard.

2.4 Proposed Development Context

This request seeks to establish the particulars of the height exceedance by providing an overview of the proposed development outcome in the context of;

- (a) the design response to the previous development consent, and
- (b) the adjoining site existing developments,

(a) Design response: The proposed development provides a refined and improved development proposal that remains within the approved building envelope. No additional building height is proposed.

(b) Adjoining site: existing developments, consist of a residential flat building also exceeding the permitted building height. This proposal aligns with adjoining development.

The proposed development has been designed to facilitate a complementary and modern addition to the locality in which it sits. Setbacks of the proposed development are compliant with the applicable development controls, and provide for an appropriate response to the site by providing a building envelope that responds to the existing adjoining development, while also ensuring that any prospects for adjoining development potential is not impacted upon.

Clause 4.6 Request for Variation

Clause 4.6 of BLEP2012 allows for variation to development standards. **Clause 4.3 is not identified as being excluded from the operation of clause 4.6. Therefore, a request to vary the development standard may be made by the applicant.**

3.1 What is the name of the environmental Planning instrument that applies to the land? Burwood Local Environmental Plan 2012.

3.2 What is the zoning of the Land?

The subject site is zoned R1 General Residential.

3.3 What are the objectives of the zone?

The objectives of the R1 General Residential zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

It is considered that this proposal satisfies the relevant zone objectives. That is, this proposal will provide new residential accommodation in the form of a Residential Flat Building development with two (2) levels of basement car parking, in a location accessible to public

transport and town centre, where a variety of residential accommodation is permitted, and such proposal is compatible with the existing and approved residential development in the immediate locality.

The land zoning is identified to specifically assist in meeting the demands for more housing and this development proposes a mix of apartment sizes in the form of 1, 2, 3 and 4 bedroom apartments. The development design and configuration will aid in providing broader housing choice for the local community and further opportunities for an integrated mix of housing and household types.

Upon review of the development design and the land zoning objectives there is little doubt that development of the subject site as proposed will satisfy the relevant R1 zone objectives.

3.4 What is the Development Standard being varied?

The subject Request for Variation relates to the maximum height of building standard pursuant to clause 4.3(2) of the BLEP2012. Therefore, the proposed development seeks exception to the 14m HOB standard.

3.5 What are the objectives of the Development Standard?

The objectives of the development standard are:

- (a) to establish the maximum height of buildings to encourage medium density development in specified areas and maintain Burwood's low density character in other areas,
- (b) to control the potentially adverse impacts of building height on adjoining areas.

With respect to the objectives of the development standard it is argued that this proposal satisfies the objectives. That is, the proposal is located in an area where residential apartment development is permitted with building heights permitting multi-storey development. The proposed height is considered appropriate, not giving rise to adverse impact caused by excessive building height as this proposal is consistent with development upon adjoining site and remains within the previously approved building envelope.

The proposed development does not impact on views nor does the built form cause unreasonable levels of overshadowing to adjoining premises or dwellings within the development, than what is anticipated in the locality by that development standard and corresponding development controls.

3.6 What is the Numeric Value of the Development Standard in the Environmental Planning Instrument?

Clause 4.3 prescribes a maximum height of building of 14m, by reference to Clause 4.3(2) of the BLEP 2012.

3.7 What Is The Numeric Value Of The Exceedance to the Development Standard In The Development Application?

The maximum building height proposed is 16.75m to the roof and 20.7m to the top of the lift overrun.

3.8 What is the percentage variation between the proposal and the environmental planning instrument?

The proposed maximum building height exceedance is 2.75m (roof level) to 6.7m (top of lift overrun). above the 14m development standard. This represents a per cent exceedance of 19.6-47.8 per cent.

Whilst the NSW Department of Planning and Environment includes a requirement to identify the percentage variation in its Guide to Varying Development Standards there are a number of case law examples that demonstrate that there is no constraint on the degree to which a consent authority may depart from a numerical standard.

The following examples relate to Floor Space Ratio and Height of Buildings development standards and assist in demonstrating that the degree of exceedance alone is not determinative in assessment of a Request for Variation to a development standard.

Clause 4.6 of the LEP is in similar terms to SEPP 1. Relevantly, like SEPP 1, there are no provisions that make necessary for a consent authority to decide whether the variation is minor. This makes the Court of Appeal's decision in *Legal and General Life* equally applicable to clause 4.6. This means that there is no constraint on the degree to which a consent authority may depart from a numerical standard.

Some examples that illustrate the wide range of commonplace numerical variations to development standards under clause 4.6 (as it appears in the Standard Instrument) are as follows:

- (a) In *Baker Kavanagh Architects v Sydney City Council* [2014] NSWLEC 1003 the Land and Environment Court granted a development consent for a three storey shop top housing development in Woolloomooloo. In this decision, the Court, approved a **floor space ratio variation of 187 per cent**.
- (b) In *Amarino Pty Ltd v Liverpool City Council* [2017] NSWLEC 1035 the Land and Environment Court granted development consent to a mixed use development on the basis of a clause 4.6 request that sought a **38 per cent height exceedance over a 15-metre building height standard**.
- (c) In *Auswin TWT Development Pty Ltd v Council of the City of Sydney* [2015] NSWLEC 1273 the Land and Environment Court granted development consent for a mixed use development on the basis of a clause 4.6 request that sought a **28 per cent height exceedance over a 22-metre building height standard**.
- (d) In *Season Group Pty Ltd v Council of the City of Sydney* [2016] NSWLEC 1354 the Land and Environment Court granted development consent for a mixed use development on the basis of a clause 4.6 request that sought a **21 per cent height exceedance over a 18-metre building height standard**.

In short, clause 4.6 is a performance-based control so it is possible (and not uncommon) for large variations to be approved in the right circumstances.

3.9 How is strict compliance with the development unreasonable or unnecessary in this particular case?

The matter of *Wehbe v Pittwater Council* [2007] NSWLEC 827 (21 December 2007) sets out five ways in which strict compliance with a development standard can be demonstrated to be unreasonable or unnecessary in the circumstances of the case.

The 5 ways are:

1. if the proposed development proffers an alternative means of achieving the [development standard] objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served);
2. the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary
3. the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable
4. the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable
5. "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.

Compliance with a development standard might be shown as unreasonable or unnecessary in circumstances where the development achieves the objectives of the development

standard, notwithstanding non-compliance with the development standard. Demonstrating that the development achieves the objectives of the development standard involves identification of what are the objectives of the development standard and establishing that those objectives are in fact achieved.

Reference should be made to figures 2, 3, 4, and 5 above of this document, for a clear understanding of site topography and limited extent of height exceedance.

Strict compliance with the HOB development standard is considered to be unreasonable and unnecessary in the circumstances of the case for the following reasons:

The proposal achieves the objectives of the Zone.

As detailed above, this proposal achieves the objectives of the zone. That is, this proposal will provide new residential accommodation in a location accessible to public transport and town centre, where a variety of residential accommodation is permitted and such proposal is compatible with the existing and approved high density residential development in the immediate locality.

The land zoning is identified to specifically assist in meeting the demands for more housing and this development proposes a mix of apartment sizes. The development design and configuration will aid in providing broader housing choice for the local community and further opportunities for an integrated mix of housing and household types.

The proposal achieves the objective of clause 4.3

As detailed above, this proposal achieves the objectives of the development standard. That is, this proposal is designed to be compatible with existing and future development in the locality, does not impact on views nor does the built form cause unreasonable levels of overshadowing to adjoining premises, and contributes positively to the high quality urban form sought by these objectives.

The proposal remains within the existing approved building envelope

The subject site enjoys development consent for residential flat building and this proposal has been designed to remain with the approved building envelope. No additional height is sought.

Sufficient environmental planning grounds to justify contravening the development standard

The term “environmental planning grounds” is not defined in BLEP2012 nor any other environmental planning instrument. It is also not defined in the Department of Planning’s Guide to Varying Development Standards

Nevertheless, given that demonstration of sufficient environmental planning grounds is a separate test under clause 4.6(3) to the test of “unreasonable or unnecessary in the circumstances of the case”; and that case law relevant to SEPP 1 such as *Wehbe v Pittwater Council* [2007] NSWLEC 827 (21 December 2007) and *Winten Property v North Sydney* (2001) 130 LGERA 79 deal with demonstration of “unreasonable and unnecessary in the circumstances of the case”, it must therefore be concluded that “environmental planning grounds” are a different test which cannot necessarily rely on the same methodology as laid down in SEPP 1 relevant Court decisions.

The matter of *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 (30 January 2015) provides some helpful guidance on the subject of “environmental planning grounds”, however it is in fact limited to defining some factors which are not environmental planning grounds. Paragraph 60 of Commissioner Pearson’s decision states:

The environmental planning grounds identified in the written request are the public benefits arising from the additional housing and employment opportunities that would be delivered by the development, noting (at p 5) the close proximity to Ashfield railway station, major regional road networks and the Ashfield town centre; access to areas of employment, educational facilities, entertainment and open space; provision of increased employment opportunities through the ground floor retail/business space;

and an increase in the available housing stock. I accept that the proposed development would provide those public benefits, however any development for a mixed use development on this site would provide those benefits, as would any similar development on any of the sites on Liverpool Road in the vicinity of the subject site that are also in the 84 zone. **These grounds are not particular to the circumstances of this proposed development on this site.** To accept a departure from the development standard in that context would not promote the proper and orderly development of land as contemplated by the controls applicable to the 84 zoned land, which is an objective of the Act (s 5(a)(ii)) and which it can be assumed is within the scope of the “environmental planning grounds” referred to in cl 4.6(4)(a)(i) of the LEP. (emphasis added)

30. On Appeal in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 (3 June 2015), the Court considered whether the Commissioner had erred in law in confining environmental planning grounds to those particular to a site or proposed development. The Court held at [29] and [30] that this was a matter which the Commissioner was entitled to consider in her exercising of discretion:

Turning to the first ground of appeal, it refers to a finding of the Commissioner at [60] in relation to the environmental planning grounds identified in the written request, as required by cl 4.6(3)(b). The Commissioner concluded that the grounds referred to were not particular to the circumstances of the proposed development on the particular site. Firstly, it is debatable that this ground of appeal couched as the misconstruction of subclause (4)(a)(i) does identify a question of law. The Commissioner’s finding, that the grounds relied on in the written report were not particular to the circumstances of the proposed development on this particular site, is one of fact. That informed her finding of whether the grounds put forward were sufficient environmental planning grounds.

To the extent the issue raised can be described as a question of mixed fact and law, the Commissioner is exercising a discretion under subclause (4)(a)(i) in relation to the written report where the terms in subclause (3)(b) of sufficient environmental planning grounds are not defined and have wide import,

From this we interpret that particular circumstances of the site or development is an appropriate (although not exclusive) filter through which to view the sufficiency of environmental planning grounds.

In the absence of a legislative or other definition we adopt a definition for “environmental planning grounds” as ‘any matter arising from consideration of either Section 4.15 of the EP&A Act 1979 or its Objectives which in the circumstances of the particular development on the particular site, warrants variation from the development standard’.

Based on that methodology, the environmental planning grounds which support variation to the HOB standard in this instance are:

Environmental Planning Ground 1 – Negligible amenity or visual impacts

Numerically, the HOB for maximum building height exceedance is not considered excessive or unreasonable in the context of the site or surrounding locality. This is especially the case given that the overall scheme provides an appropriately sized building complying with setbacks and providing excellent amenity and communal open space.

It is argued that the exceedance in height does not cause unreasonable impact and satisfies the objectives of the standard.

Environmental Planning Ground 2 – Street Character

The proposed development represents an excellent design outcome consistent with the desired intensity of urban development in the locality. The particular design, in the context of

this particular site means that the excess HOB is not obvious from the public domain given that the proposal is consistent with the height of development on adjoining sites. Furthermore, the environmental planning grounds which support variation to the standard in this instance are that the particular design in the context of this particular site means that the non-complying building height is not obvious and therefore does not have adverse effects on the streetscape or urban form otherwise anticipated by the controls. The HOB exceedance allows for the achievement of each of the zone and HOB objectives.

Public Interest

The proposed development will be in the public interest because it is consistent with the objectives of clause 4.3 and the objectives of the zone. As the Court recently reminded in Initial Action (2018) at [26] – [27], this is what is required, rather than broad statements about general ‘public interest’ considerations at large.

The arguments outlined earlier in relation to consistency with clause 4.3, R1 zone objectives of the BLEP 2012 are relied upon as detailed above.

Secretary’s Concurrence

It is understood that the Secretary’s concurrence under clause 4.6(4) of BLEP 2012 has been delegated to Council. Nevertheless, Council may wish to consider the concurrence requirements, being:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and the public benefit of maintaining the development standard, and*
- (b) any other matters required to be taken into consideration by the Secretary before granting concurrence.*

In this matter, for the reasons outlined above – and particularly having regard to the minimal adverse amenity impacts stemming from the non-compliance – there is nothing about this proposed variation that raises any matter of significance for State or regional environmental planning, nor is there any broad public benefit in maintaining the development standard on this site. There are no other relevant matters required to be taken into consideration before granting concurrence.

Conclusion

For the reasons outlined above, the objection to Clause 4.3 of BLEP 2012 is considered well-founded on the basis that the development in fact demonstrates achievement of the objectives of the development standard and the objectives of the R1 zone. In this regard, strict compliance with the development standard is considered unreasonable or unnecessary, particularly noting the following:

- there are no unreasonable impacts associated with the proposed development with respect to overshadowing, amenity and privacy concerns;*
- the proposed development is consistent with the desired future character of the area in relation to the building bulk, form and scale; and,*
- the proposed development is not an overdevelopment, and remains within the approved building envelope.*

As demonstrated within this submission and the Architectural plans, the overall massing, scale, bulk and height of the proposed development is considered appropriate to the locality and remains consistent with the previously approved residential flat development over the subject site.

Council can be satisfied that compliance with the development standard is unreasonable or unnecessary in the circumstances of the proposed development and that there are sufficient environmental planning grounds to justify contravening the development standards.

It is therefore requested that the Council not withhold development consent for the proposed development due to a noncompliance with the HOB development standard.

Comments from Council's Assessment Officer

It is considered that the Applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the Development Standard. The proposal is of appropriate scale with regard to the specific circumstances of the site and has been designed to limit amenity impacts to surrounding properties in relation to bulk, scale, overlooking and overshadowing. The development is suitable within its location and is in close proximity to Burwood and Strathfield train stations. It is also accepted that the proposed 39 apartments will include a range of 1br, 2br, 3br and 4br apartments which combined with four adaptable dwellings and catering for a range of household sizes results in significant social benefits.

Burwood Development Control Plan (BDCP) 2013

Provision	Proposal	Compliance
Part 4.1 – Residential Flat Buildings in R1 Zone		
Site Planning		
<i>Setbacks</i>		
P2 The front setback of a building is to be a minimum of 6m	Proposed setback from Wentworth Road = 6.0m Proposed setback from Oxford Street (secondary frontage) is generally 4m. The residential flat building situated to the south of the subject site at 120-124 Wentworth Road is setback 4m from Oxford Street. Whilst an approval that has been granted for a Residential Flat Building in respect of the property adjoining to the north at 106-108 Wentworth Road also allows for a 4m setback to Oxford Street. So overall the proposed setback of 4m from Oxford Street for the current application mirrors what was approved in a previous consent for the subject site. Furthermore, the Residential Flat Building situated directly to the south is setback 4m from Oxford Street whilst an approval for a Residential Flat Building relating to the northern adjoining property also allows for a 4m setback. So it is established that the proposed setback of 4m for the current application is consistent with what has happened across three adjoining development sites.	Yes
P3 Side and rear setbacks comply with the ADG provisions.		Yes
<i>Length of Building Facades</i>		
P5 The maximum frontage length of a building facing a street is 45 metres.	Building frontage length – Wentworth Road is 44.5m. Building frontage length – Oxford Street = 44.5m	Yes

Provision	Proposal	Compliance
P6 The side façades of buildings are to include articulation elements at least every 10 m.	Sufficient articulation and variation is provided on the facades at least every 10m.	Yes
<i>Minimum Site Frontage</i>		
P8 A residential flat building shall not be erected on an allotment of land having a frontage of less than 20 metre	Wentworth Road frontage = 56.905m Oxford Street frontage = 57.29m	Yes
P9 Site consolidation is encouraged to promote efficient use of land.	The proposal has consolidated six separate properties to create the subject parcel of land	Yes
<i>Minimum Site Area</i>		
P10 Any development with a height over 9 metre is generally required to have a minimum site area of 500 square metres.	The subject site area is 2,480 m2	Yes
<i>Site Isolation</i>	The proposal will not result in isolation of other properties	Yes
Building Design		
O1 To ensure the appearance of new development defines and enhances the public domain through modulation, articulation, materials, use of superior external materials and finishes, active ground floor uses and sensitivity to heritage items and conservation areas.	The proposal as amended presents a clearly defined base, middle and top. The top is recessive being well setback from the levels below and creates a well-articulated and visually pleasing design.	Yes
Site and Building Amenity		
<i>Landscaping</i>		
P10 A minimum of 10% of the site area is to be deep soil and have a minimum dimension of 4 metres.	The provisions of the ADG prevail and have been complied with	Yes
P11 It is expected that 25% - 30% of the site be landscaped (inclusive of the deep soil zone). Landscaped area includes all pervious surfaces, open space at ground level and open space with a minimum dimension of 1 metre.	Achieved	Yes
<i>Visual Privacy</i>		
P19 Provide adequate building separation in accordance with the building separation requirements in the ADG.	The provisions of the ADG prevail and have been generally complied with	Yes
<i>Acoustic Amenity</i>		
P21 The internal layout of buildings is to be designed to reduce the	The provisions of the ADG prevail and have been complied with	Yes

Provision	Proposal	Compliance
effects of noise transmission through building materials and locating noise generating areas together.		
<i>Safety and Security</i>		
P27 Buildings shall be designed to provide casual surveillance, have appropriate lighting, clearly defined territory and avoid concealed or blind spots.	The development is laid out such that living areas and balconies overlook the street and communal areas which provides for casual surveillance. Furthermore, concealed areas and blind spots are minimised through largely open design.	Yes
<i>Fences and Walls</i>		
P29 The height (as measured from the public footpath side) of the front fencing must be: <ul style="list-style-type: none"> Not higher than 1.2 metre above ground level (existing), and with a maximum solid base component of 0.9 metre high. <p>Not higher than 1.5 metre above ground level (existing) if the fence follows a sloping site and is stepped to accommodate the fall in the land, and with a maximum solid base component of 1 metre high.</p>	It is unclear if the fence heights proposed for the Wentworth Road & Oxford Street frontages exceed the maximum height of 1.2m. Therefore, a condition of consent will be imposed on the recommended conditions of consent.	Yes
<i>Adaptable Housing</i>		
P36 All development for residential flat buildings in the R1 zone must provide 10% of dwellings for adaptable housing to cater for ageing in place and/or mobility impaired residents.	10% of 39 apartments = 4 units A total of 4 apartments will be adaptable	Yes
P37 At least one car parking space must be provided and allocated to each dwelling required to be provided as accessible or adaptable housing under this Section and the car parking space must be accessible in accordance with the provisions of AS 1428.2 to facilitate automatic vehicular wheelchair loading and unloading.	One accessible carspace will be allocated to each of the four adaptable apartments	Yes
Part 4.6 Transport and Parking in Residential Development		
<u>Burwood DCP Requirements:</u> Studio, One & Two Bedroom apartments require 1 space each Three or more bedroom apartments require 2 spaces each	2 x 1br units @ 1 space = 2 spaces 4 x 2br units @ 1 space = 4 spaces 25 x 3 br units @ 2 spaces = 50 spaces 8 x 4br units @ 2 spaces = 16 spaces	Yes

Provision	Proposal	Compliance
Visitor parking is one space per 5 units	1 space per 5 units @ 39 units = 8 spaces Total required = 80 spaces Total provided = 80 spaces	

Impacts of the Development

Social, Environmental, and Economic Impacts

All likely impacts of the proposed development have been considered within the context of this report and are deemed acceptable.

Suitability of the Site

As demonstrated in this report, the site is suitable for the proposed development. The proposal is permissible in the R1 General Residential zone and is consistent with the objectives of the zone.

The Public Interest

The application satisfactorily addresses Council's criteria and will provide a development outcome that, on balance, will result in a positive impact for the community. Approval of the proposal is considered to be in the public interest.

Consultation

Referrals

The application was referred to the following internal Council departments for review and they raised no objections subject to the imposition of recommended conditions of consent.

- Development Engineer
- Traffic and Transport
- Tree Management Officer
- Heritage Officer (no objection and no conditions of consent recommended)

Manager of Waste & Cleansing – No objection subject to recommended conditions of consent

Neighbour Notification

The proposed development was placed on public exhibition from 17/07/23 until 07/08/23.

One submission was received from a resident who objected to the proposed development based upon the adverse impacts that the proposal would have on their Heritage listed Victorian terrace in Oxford Street, Burwood.

Burwood Local Environmental Plan 2012 contains a listing for a Victorian house as an Item of Environmental Heritage situated at No. 50 Oxford Street, Burwood. The heritage listed property is situated opposite the north eastern corner of the proposed development. There is no vehicular access driveway situated opposite No. 50 Oxford Street, Burwood.

Comments from Council's Heritage Advisor

"I note that the new plans keep the step down approach towards the North East, particularly opposite the heritage item/Victorian Terrace. While this will impact views to and from the terrace, the building won't impact the overall significance of the terrace, which primarily comes from its form and historic significance".

Conclusion

Council on 10 September, 2020 issued Development Consent No. 18/2018 in respect of the subject property for “*construction of a five storey Residential Flat Building comprising 57 apartments and two levels of basement parking for 77 vehicles*”. The application was referred to the Burwood Local Planning Panel (BLPP) as the proposed development was subject to the provisions of *State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development*. The application also included variations to the 14m Maximum Building Height by up to 2.75m to the roof height and 6.81m to the top of the lift overrun. A Clause 4.6 Objection was submitted with the application and was supported by the BLPP at its meeting on 9 June, 2020.

The current application also proposes the construction of a five storey Residential Flat Building containing 12 townhouses and 27 apartments for an overall total of 39 apartments. Provision is proposed for two levels of basement carparking containing 80 carspaces. Similar to the original proposal the current application seeks to vary the Maximum Building Height by 2.75m to the level of the rooftop Communal Open Space and 6.7m to the top of the lift overrun. A Clause 4.6 Objection has also been lodged. Given that the application is still subject to the provisions of *State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development* the matter is again referred to the BLPP for consideration and approval.

The Application was referred to Council’s Design Review Panel at its meeting on 26 October, 2023 where a number of issues were identified which needed to be addressed. The Applicant submitted amended plans and additional information on 30 May, 2024 which responded to issues raised by the Design Review Panel.

As amended it is considered that the proposed development achieves compliance with all of the relevant “planning controls” contained in State Environmental Planning Policies, Apartment Design Guide, Burwood Local Environmental Plan 2012 & Burwood DCP 2013. The Applicant has endeavoured to design the proposed development generally in accordance within the building envelope supported for the previous Development Consent for the subject site being issued on 10 September, 2020.

It is noted that the variation sought to the Maximum Building Height to the top of the rooftop level for both the original consent issued in 2020 and the current application is 2.75m for both. In terms of the lift overrun the original approval issued in 2020 allowed for a variation of 6.81m whereas the extent of the variation sought by the current application is 6.7m (ie 110mm less).

In terms of context and setting there is a five storey Residential Flat Building adjoining to the south of the subject site (120-124 Wentworth Road) whilst there is a current approval for a five storey Residential Flat Building for the adjoining site to the north at 106-108 Wentworth Road. The current application for the subject site at 118 Wentworth Road, Burwood also seeks approval for a five storey Residential Flat Building. The proposed development is therefore considered to align and be compatible with the five storey building envelopes of the existing/approved development which adjoin the subject site to the north and south.

In view of the above it is considered appropriate for the Burwood Local Planning Panel to support the Clause 4.6 Objection to the Maximum Building Height of 14m for 118 Wentworth Road, and approve of DA No. 2023/057.

Recommendation(s)

It is recommended that the Burwood Local Planning Panel support the Clause 4.6 Objection to the Maximum Building Height of 14m for 118 Wentworth Road, Burwood and approve of DA No. 2023/057 which proposes the construction of a five storey Residential Flat Building containing 39 apartments above two levels of basement carparking in accordance with the conditions of consent shown below:

- The development to be carried out in accordance with following plans and documentation submitted to Council on as set out in the table below, except where amended by the other conditions of this consent.

PLANS PREPARED BY a+ DESIGN GROUP - ARCHITECTS

DRAWING No.	DRAWING DESCRIPTION	REV No	DATE
DA 001	Drawing List	B	30/05/24
DA 002	Project Summary	B	30/05/24
DA 201	Basement 2 Floor Plan	B	30/05/24
DA 202	Basement 1 Floor Plan	B	30/05/24
DA 203	Ground Floor Plan	B	30/05/24
DA 204	Level 1 Floor Plan	B	30/05/24
DA 205	Level 2 Floor Plan	B	30/05/24
DA 206	Level 3 Floor Plan	B	30/05/24
DA 207	Penthouse	B	30/05/24
DA 208	Communal Roof Top	B	30/05/24
DA 209	Roof Plan	B	30/05/24
DA 301	North Elevation	B	30/05/24
DA 302	East Elevation	B	30/05/24
DA 303	South Elevation	B	30/05/24
DA 304	West Elevation	B	30/05/24
DA 401	Section A-A	B	30/05/24
DA 402	Section B-B	B	30/05/24
DA 403	Section C-C	B	30/05/24
DA 501	Schedule of Materials-View	B	30/05/24
DA 502	Schedule of Materials -Legend		30/05/24
DA 503	Concept Façade Detail	B	30/05/24
DA 504	Concept Façade Detail	B	30/05/24
DA 801	Adaptable Unit – Type 1	B	30/05/24

PLANS PREPARED BY a+ DESIGN GROUP LANDSCAPE ARCHITECTS

Drawing No.	Plan Title	Rev No.	Date
000-D	Landscape Coversheet	D	29/05/24
001-D	Plant Schedule	D	29/05/24
002-D	Landscape Area	D	29/05/24
003-D	Deep Soil Area Diagram	D	29/05/24
004-D	Landscape Area Diagram – (Upper Levels)	D	29/05/24
100-D	Landscape Plan Ground Floor	D	29/05/24
101-D	Landscape Plan Level 1	D	29/05/24
102-D	Landscape Plan Level 2	D	29/05/24
103-D	Landscape Plan Level 3	D	29/05/24
104-D	Landscape Plan - Penthouse	D	29/05/24
105-D	Landscape Plan – Communal Roof	D	29/05/24
501-D	Landscape Details	D	29/05/24
701-E	Landscape Elevation -North Elevation	E	29/05/24
702-E	Landscape Elevation – East Elevation	E	29/05/24
703-E	Landscape Elevation – South Elevation	E	29/05/24
704-E	Landscape Elevation-West Elevation	E	29/05/24
Acoustic Consultant's Report prepared by Renzo Tonin & Associates dated 19/06/23			

- The fees and/or bonds shown in the Table of Fees, are to be paid to Council or another approved collection agency (the Long Service Levy Corporation and its agents and an approved insurer under the *Home Building Act 1989*) and suitable evidence of payment is to

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

TABLE OF FEES

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

- 3. Building and Construction Industry Long Service Corporation levy **\$ 68,788.00**
(Payment to be made to Council, the Corporation or its Agent)
- 4. Damage Deposit - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc) during building work **\$206,364.00**
(Payment to be made to Council as a bond prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation)

NOTE: This deposit is refundable if no damage occurs.

- 5. Stormwater Works bond for construction by the Applicant/Council of stormwater drainage works \$71,200 **(Payment to be made to Council as a bond)** – Refer to the conditions under the “Stormwater Drainage” section of this consent.
- 6. Section 7.12 Contribution: **\$275,153.00. (Payment to be made to Council).**

Note: the contribution amount will be adjusted at the time of payment. **See Planning Condition 8** for more details.

- 7. In accordance with Council’s Schedule of Fees and Charges a monetary bond/bank guarantee to the value of \$1,000 must be paid to Council, **prior to the issue of a Construction Certificate** relevant to the works for DA.2023.63, to ensure the proper protection of the street tree located on the eastern side of the property frontage. The tree will be inspected by Council at completion of the works and the bond released only if the tree is not damaged.

PLANNING

- 8. Pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Section 7.12 Contributions Plan for the Burwood Local Government Area 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 \$27,515,318		\$275,155.00
Index Period	Dec 2023	CP ₁
		136.4

Office Use: T56

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:

$$\text{Contribution (at time of payment)} = \frac{C \times CPI_2}{CPI_1}$$

Where:

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

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

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

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

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

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

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.

9. Glazed balcony balustrades shall be constructed of opaque materials in lieu of clear glazing.
10. External gas water heaters are to be located in recessed enclosures within external walls and are to be located so as to be not visible from a public road or place or adjoining property. Similarly, air conditioning units and plant are to be located so as not to be visible from a public road or place or adjoining property.
11. A separate application shall be lodged for any proposed subdivision of the site. Such subdivision shall designate all car parking spaces attached to a lot with the exception of visitor parking which shall be designated as common property. No car parking spaces shall be created as a separate lot. The drainage system for the site including basement pit and pumps and on site detention shall be designated as common property.
12. Lockable Mail boxes shall be provided which comply with the requirements of Australia Post. Details to be submitted **prior to the issue of a Construction Certificate** for above ground works.
13. Clothes drying facilities shall be provided within each residential unit. If clothes are placed on the balconies of individual units to dry, the drying facilities must be screened from exterior view, and be designed in such a way that they do not detract from the building's appearance from the public domain.
14. All doors leading from the exterior of the building to the residential apartment lobby are to be security grade fixtures and are to be appropriately security keyed to ensure the personal safety and security of residents of the development. The main entrance doors from the street are to include an intercom system linked to residential apartment as necessary. Details on these matters are to be submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate** for above ground works.
15. The entrance driveway for access to the basement parking levels is to be provided with a security door with controlled access that ensures the personal safety and security of the residents and users of the building. Design and Materials for the door need to be integrated with the overall facade design. The driveway security door is to be linked to the intercom system for each apartment. Details on these matters are to be submitted to Principal Certifying Authority prior to the issue of a Construction Certificate for above ground works.
16. Access to and from the bin collection room is to be provided with a security door with controlled access that ensures the personal safety and security of the residents and users of the building. Design and Materials for the door need to be integrated with the overall facade

design. Details are to be submitted to Principal Certifying Authority **prior to the issue of a Construction Certificate** for above ground works.

17. Adequate lighting is required to be provided for the following to ensure the safety and security of residents and users of the development to all access pathways leading to/from entrance and exit points of the buildings, bin collection points, external communal open space areas and driveways leading to the basement parking levels.

The installed lighting is to be of sufficient quality to ensure the effective operation of the CCTV system referred to in the following conditions. Details on all of these matters are to be submitted to Principal Certifying Authority **prior to the issue of a Construction Certificate** for above ground works.

18. CCTV cameras shall be installed for the building so that they can survey the residential entrances and all external and internal access path ways, and the vehicular entrance to the driveway to the parking levels. The CCTV system shall provide a quality image that can assist with the detection of crime and be used by the NSW Police in any investigation (preferably a quality digital system). CCTV system footage shall be retained for a period of no less than fourteen days and be available upon request by the NSW Police when required. Details are to be submitted to Council's satisfaction **prior to the issue of a Construction Certificate** for above ground works.
19. Provision of storage space in each unit and in the basement is to comply with the provisions of Section 4G of the Apartment Design Guide. A schedule shall be submitted to the Principal Certifying Authority demonstrating compliance are to be submitted to Principal Certifying Authority prior to the issue of a Construction Certificate for above ground works. At least 50% of the required storage is to be located within the individual apartments.
20. Provision of accessible/adaptable residential apartments and accessible parking spaces is to comply with the applicable Australian Standards as indicated in Section 3.2.19 of the Burwood Development Control Plan 2013.
21. The Applicant is to consult with Ausgrid to determine the electrical supply need for the site including any requirement for an electricity substation **prior to the issuing of a Construction Certificate** and, if a site is required, it being situated adjacent to the street alignment, with the size and location of the area being in accordance with the requirements of this Council and Energy Australia, and the land required being dedicated without cost as a public roadway, to enable Energy Australia to establish the substation. The Linen Plan being registered with the Land Titles Office **prior to the issue of an Occupation Certificate**.
22. All external lighting is to be designed and installed in a manner which prevents glare and/or spillage having an adverse impact on occupants of adjacent properties.
23. Dilapidation surveys are to be carried out by a Practising Structural Engineer, which is to include a full photographic record of the exterior and interior of the buildings at the applicants/owners expense on all premises adjoining the site and the survey is to be submitted to Council and the adjoining land owners **prior to the commencement of any works**. A further dilapidation survey is also to be carried out and submitted to Council and the adjoining owners **prior to the issuing of an Occupation Certificate**. The dilapidation surveys shall be dated accordingly.
24. All hydrant booster pump and fire service equipment shall be provided in accordance with the Building Code of Australia and housed within an enclosed cupboard of a design and finish that enhances the streetscape. Any booster room doors that front the street shall be flush with the frontage of the building and be designed of materials and colours that integrate with the building podium design. Details of these areas and the enclosures are to be assessed by an Accredited Fire Safety Engineer and shall comply with the performance requirements of the Building Code of Australia; shown on plans and submitted to the Principal Certifying Authority

for approval along with the treatment details and location of the booster pump/fire service equipment prior to release of a Construction Certificate for the development.

25. A minimum of four (4) dwellings shall be provided as Adaptable Housing to Adaptable House Class A or B standard to cater for ageing in place and mobility impaired residents, in accordance with AS 4299: Adaptable Housing.
26. All recommendations contained in the Acoustic Consultant's report prepared by Renzo Tonin dated 19 June, 2023 shall be complied with.
27. All boundary fencing (fronting Wentworth Road & Oxford Street) shall comply with the requirements of Provision No.29 in Section 4 of Burwood Development Control Plan which specifies a maximum height of 1.2m above ground level (existing)

BUILDING

28. Where residential building work (within the meaning of the *Home Building Act 1989*) is proposed to be carried out, either of the following is to be provided to the Principal Certifier **prior to the issuing of a Construction Certificate**:-

- a. Where work is carried out by a Principal Contractor:
 - (i) written advice of the Principal Contractor's name and licence number, and
 - (ii) a certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* to the effect that a person is the holder of an insurance contract issued for the purposes of that Part.

OR

- b. Where work is carried out by an owner-builder:-
 - (i) written advice of the person's name and Owner-Builder Permit number, or
 - (ii) a signed declaration from the owner of the land that states the reasonable market cost of the labour and materials involved in the work is not high enough for the owner to need an Owner-Builder's Permit to do the work.

29. 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.

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

31. 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.
32. Where soil conditions require it:
- retaining walls must be provided so as to prevent soil movement; and
 - adequate provision must be made for drainage.
33. 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:
- must preserve and protect the building from damage, and
 - if necessary, must underpin and support the building in an approved manner, and
 - 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.

34. If the work involved in the erection or demolition of a building:
- is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - building involves the enclosure of a public place.

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

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

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

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

35. 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**

demolition, 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. Any amendments to plans will require re-approval. Please go to <http://www.sydneywater.com.au/tapin> to apply.

36. 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.
37. No materials are to be stored on Council's roads, footpaths, nature strips or parks.
38. 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.
39. 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.
40. 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.

This condition may be modified by an approval of an application to Council in accordance with Council's Out of Hours Construction Policy.

41. 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*)

42. An application for a Construction Certificate is to be made to Council or an Accredited Certifier. The NSW Planning Portal is to be used. A Construction Certificate must be obtained **prior to the commencement of any building work.**
43. Dial Before You Dig is a free national community service designed to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential services we use everyday – electricity, gas, communications and water.

Before you dig call "Dial Before You Dig" on 1100 (listen to the prompts) or register on line at www.1100.com.au for underground utility services information for any excavation areas.

The Dial Before You Dig service is also designed to protect Australia's excavators. Whether you are a backyard renovator, an individual tradesman or a professional excavator, the potential for injury, personal liability and even death exists everyday. Obtaining accurate information about your work site significantly minimises these risks.

Reason: To ensure that essential services such as electricity, gas, communications and water are not affected by excavation or construction works.

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

45. All sanitary plumbing being concealed in suitably enclosed ducts. Such ducts are to be constructed internally (i.e. not on the outside face of an external wall) and are to be adequately sound-proofed.
46. All plumbing and drainage work being carried out by licensed tradesmen and in accordance with the requirements of the Plumbing Code of Australia.
47. The floor of the wet areas being of a material impervious to moisture and graded and drained to the sewers of Sydney Water.
48. 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.
49. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
50. Safety glazing complying with the Building Code of Australia used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with Australian Standard AS 1288–2021: 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.**
51. Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with Australian Standard AS 1288-2021, Table 4.5 SAA Glass Installation Code (Human Impact Considerations) and the Building Code of Australia. Details of the method of complying with this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**
52. Treatment for the protection of the building from subterranean termites must be carried out in accordance with Australian Standard AS 3660.1-2014 "Termite management - New building Work."

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

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

After treatment the following is to be carried out:-

- a. A durable notice must be permanently fixed to the building in a prominent location, such as the meter box, indicating:-
 - (i) The method of protection.
 - (ii) The date of installation of the system.
 - (iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
 - (iv) The installer's or manufacturer's recommendation for the scope and frequency of future inspection for termite activity.
- b. Provide the Principal Certifier with a Certificate which verifies that termite protection has been provided in accordance with Australian Standard AS 3660.1-2014. In the case of Reinforced Concrete Slab construction the Certificate is to verify that the protection incorporates both beneath slab (Part A) and slab penetrations (Part B) treatment.

53. *Dividing Fences Act 1991* - Your attention is directed to any obligations or responsibilities under the *Dividing Fences Act 1991* in respect of adjoining property owner/s which may arise from this application.
54. A Registered Surveyor's certificate being submitted to the Principal Certifier, **prior to the issue of an Occupation Certificate**, as follows: -
- a. Before pouring of concrete slab on every level to indicate the height of the finished floor level and to show boundary clearances; and
 - b. On completion of the building to indicate the height of the finished floor levels, the height of the roof ridges/parapet/lift over run and to show boundary clearances and areas of the site occupied by the building.
55. Prior to the commencement of any works, 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" via the NSW Planning Portal. The NSW Planning Portal is to be used.
 - b. Ensure detailed plans and specifications of the building are endorsed with a Construction Certificate by Council or an Accredited Certifier. The NSW Planning Portal is to be used.

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

56. The building being known as No. 50-52 Belmore Street, Burwood and this number (at least 150mm in height) being clearly displayed on the site prior to the issuing of an Occupation Certificate.

57. **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.

Section 73 Compliance Certificate

A compliance certificate must be obtained from Sydney Water, under Section 73 of the *Sydney Water Act 1994*. Our assessment will determine the availability of water and wastewater services, which may require extension, adjustment or connection to our mains. Make early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained **before an occupation or subdivision certificate will be issued**. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC).

Go to <http://www.sydneywater.com.au/section73> or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

58. 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**.
59. Timber sizes and the framework in general are to conform with the requirements of Australian Standard AS 1684 "Residential timber-framed construction."
60. 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 F6 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/NZS 3666.1-2011 and the *Protection of the Environment Operations Act 1997*, must be submitted to the Principal Certifier **prior to the issue of an Occupation Certificate.**

61. 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 5 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.**
62. All materials used in the building must comply with early fire hazard criteria of Specification 7 of the Building Code of Australia.
63. 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.**
64. 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.
65. 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 D3 of the Building Code of Australia and Australian Standard AS/NZS 1170 Part 1 – Structural design actions. Height above nosings of stair treads, landing, corridors and the like shall generally be not less than 865mm.

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

66. The building being equipped with a smoke alarm system as required by Specification 20 of the Building Code of Australia. The system is to satisfy the requirements of Specification 20 of the Building Code of Australia and in particular is to comply with the relevant parts of AS 3786-2014 and AS 1670.1-2018. 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**.
67. Protection of openings (where required) is to be in accordance with Part C4D3 and C4D5 of the Building Code of Australia. Details of the method of satisfying this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.
68. Protection of openable windows (where required) is to be in accordance with Part D3D29 of the Building Code of Australia. Details of the method of satisfying this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.
69. A Fire Safety Certificate 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 84 & Part 11 of the *Environmental Planning & Assessment (Development Certification and Fire Safety) Regulation 2021*)

70. Noise transmission and insulation ratings for building elements being in accordance with Specification 28 of the Building Code of Australia.

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

71. Engineering Design – Basement Excavation

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

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

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

72. 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

122. 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 December 2022.

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

124. 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.

125. 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.

126. 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.

127. 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.

HEALTH

Land Contamination

128. Any soils or materials 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)

Environmental Management

129. An Environmental Management Plan is to be submitted to Council for approval, prior to the commencement of any works, detailing the control and management methods to be

implemented in addressing the following issues during the demolition, excavation and construction phases of the project:

- 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

130. 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.

131. Mechanical ventilation and or air conditioning systems and equipment are to be designed and installed in locations that do not cause any visual impacts from the public domain, noise nuisance or disturbance to near-by residential or commercial premises. Details of the type of equipment locations and any noise attenuation treatment are to be submitted to Principal Certifying Authority **prior to the issue of the Construction Certificate**.

132. The construction of windows / sliders, doors, external walls and roofs are to be comply with the recommendations listed in Part 5 of the Acoustic Assessment prepared by Acoustic, Vibration and Noise Pty Ltd (ref: 2019-096) dated 18 September 2019 in order to achieve the required noise reduction targets and levels as required by AS 2107 ‘Acoustics-Recommended Design Sound Levels and Reverberation Times’ and Clause 102 of the SEPP. Certification as to the compliance of the acoustic treatments are to be submitted to the Principle Certifying Authority **prior to the issue of an Occupation Certificate**.

Waste Management

133. All building work, construction and demolition activities are to be conducted in accordance with the approved Waste Management Plan

134. Upon disposal of any waste, the applicant is to compile and provide records of the disposal to the principal certifier, detailing the following:

- The contact details of the person(s) who removed the waste
- The waste carrier vehicle registration
- The date and time of waste collection
- A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
- The address of the disposal location(s) where the waste was taken
- The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.

135. All operational and ongoing waste management is to be conducted in accordance with the approved Waste Management Plan

136. A waste cupboard or other storage area is to be provided within each dwelling which is of sufficient size to hold a single day's waste and to enable source separation of general waste, recyclables and compostable materials.
137. All waste shall be stored in the designated areas only.
138. Suitable signage is to be installed in each level of the chute waste service rooms encouraging the separation of recyclables from the general waste stream.
139. Both residential and commercial garbage and recycling storage areas are to be:
 - a. Supplied with both **hot and cold** water;
 - b. Paved with impervious floor materials;
 - c. Coved at the intersection of the floor and the walls;
 - d. Graded and drained to a floor waste which is connected to the sewer in accordance with the requirements of Sydney Water;
 - e. Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
 - f. Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.
 - g. Suitable signage is to be installed in each waste service room encouraging the separation of recyclables from the general waste stream.
140. Manufacturer's details and specifications for the installation, fire suppression and health and odour control measures for the garbage chute are to be submitted to the Principal Certifying Authority for approval **prior to the issue of the Construction Certificate**.
141. Certification is to be provided by the installer of the chute system prior to the issue of an occupation certificate certifying that the Chute has been installed in accordance with the manufacturer's specification.
142. A Caretaker is to be appointed for the development who will have ongoing responsibility for the proper management of the waste and recycling services
143. Waste and recycling bins shall be kept in a clean and hygienic condition. Bins are to be washed regularly within the garbage storage room with any waste water being discharged to the sewer by way of the grated drain
144. Access pathways for manual wheeling bins between storage areas and the collection vehicle parking location must be free of steps
145. Prior to the issue of an Occupation Certificate, the applicant is to arrange with Council's Waste & Cleansing Section the issue of the appropriate number of garbage and re-cycling bins for the residential portion of the development and payment of the necessary fees to enable commencement of the waste and recycling services.

ENGINEERING - GENERAL

146. All activities and works external to the site, or that affect public roads, are to be carried out in accordance with Council's Policies including but not limited to the Works on Council's Road Reserve Assets Policy, Rubbish Skips Policy, Work Zone Policy and Temporary Road Closure (Including Standing Plant) Policy.
147. A road-opening permit and/ or Construction Permit shall be obtained for all works carried out on public or Council controlled lands. Restoration of landscaping, roads and paths shall be carried out by Council at the applicant's expense in accordance with Council's **Schedule of Fees and Charges**. The applicant or any contractors carrying out

works in public or Council controlled lands shall have public liability insurance cover to the value of \$20 million, and shall provide proof of such cover to the Principal Certifier prior to carrying out the works. Please see **Burwood Council's web site** www.burwood.nsw.gov.au - Go to Rates and Payments/ Works on Council Property/ Application for Works on Council Property

148. Spoil and building materials shall not be placed, stored, thrown or caused to fall on any public roadway or footpath. Waste containers shall be placed in accordance with Council's Rubbish Skips Policy. Contact Council for a list of approved skip bin suppliers.
149. 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.
150. Construction by the Applicant/Council the stormwater drainage works **\$23,600** - Refer to Condition No.25. (Payment to be made to Council as a bond).
151. The following matters shall apply to the damage deposit listed in the Table of Fees:
 - a. This deposit is refundable if no damage occurs. Any damage caused will be repaired at Council's restoration rates, at the applicant's expense. All or part of the deposit will be forfeited to cover damage to Council's property during the course of demolition and/or construction.
 - b. Council will carry out two inspections of the Council's footpath, kerb and gutter, stormwater drainage system and roadway, prior to works commencing and at the completion of all work covered by this consent. Council is aware that damage may be caused by individual contractors that culminate in the damage inspected at Council's final inspection. The applicant is responsible for attributing any part of the damage to their individual contractors. Council will not refund any part of a damage deposit until the completion of the work covered by this consent.
 - c. 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.
152. The following matters apply to the construction of the proposed vehicular crossing on Oxford Street:

The existing stormwater pits and lintel those are being affected by the proposed vehicular crossing construction shall be replaced and relocated by new pits and lintel. Refer to stormwater drainage Condition No. 25

- a. The driveway shall be 1m clear of any pits, lintels, poles and 2m clear of trees in the road reserve.
 - b. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
153. 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.
 154. Stormwater from all roof and paved surfaces shall be collected and discharged by means of gravity pipe to Council's underground drainage system.

155. The applicant is to have prepared a longitudinal section of the proposed vehicular ramp access, drawn at 1:25 natural scale.
- a. The longitudinal section shall be prepared by a competent practicing civil engineer in accordance with AS 2890.1.
 - b. The vehicular access must be separated on either side of the Sydney Water easement boundaries by placing separation joint in Concrete. Details of the joints shall be provided.
156. Temporary measures shall be provided during demolition, excavation and/or construction to prevent sediment and polluted waters discharging from the site.
- a. An Erosion and Sediment Control Plan (ESCP) is to be prepared by a competent practicing hydraulic/civil engineer in accordance with the publication "Managing Urban Stormwater: Soils & Construction" (Landcom, 2004) and Supplement 10 of Council's Stormwater Management Code prior to the commencement of any demolition, excavation or construction works at site. All relevant erosion and sediment control measures identified in the ESCP must be implemented during and throughout the entire demolition and construction period.
 - b. The erosion and sediment control plan and measures shall be periodically monitored by a qualified hydraulic/civil engineer and to be reported to the principal Certifier. Any defects and discrepancies must be rectified and attended without any delay.
108. All demolition and excavation materials are to be removed from the site or disposed off-site using methods that comply with relevant environmental protection legislation.
109. Vehicles removing demolished and excavated materials from the site shall access and depart from the site in accordance with the Construction Management Plan duly approved by Council's Traffic Engineer. Vehicles involved in removing materials from the site shall be limited to an 8 tonne gross weight per axle.
110. **Bulk Earthwork & Shoring**
- a) No opening is to be made in any road or footpath, nor is any hoarding to be erected without the prior consent of Council. The builder is to obtain the relevant permit for which fees will be charged in accordance with Council's Schedule of Fees and Charges.
 - b) 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.
 - c) Public roads to be kept clean and free of any material which may fall from vehicles or plant. Waste containers shall be placed in accordance with Council's Code for Activities Affecting Roads and are subject to the payment of appropriate fees.
 - d) Heavy vehicles entering and leaving the site must only cross the footpath where it is adequately timbered and strapped. Pedestrian access across this footpath must be maintained in good order at all times.
 - e) The contractor shall strictly implement all erosion and sediment control (ESCP) measures prior to the commencement of demolition and/or excavation. Such measures shall be inspected at site by a competent practicing hydraulic/civil engineer and the PCA shall be provided with a compliance certificate that all the ESCP measures have been implemented.
 - f) The Applicant shall prepare detailed survey reports of all existing service authority assets in and around the site of the proposed development that may be affected in any way by the proposed excavation. Surveys should include, but not be limited to, high and low voltage

electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage assets, etc.

- g) The Applicant shall liaise with all relevant service authorities (including, but not limited to electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage) to develop final designs that satisfy all requirements of the service authority providers in respect of protection, termination or relocation of existing assets, temporary access and future permanent access for maintenance of assets.
- h) The Applicant shall prepare detailed method statements to demonstrate how the proposed excavation is to be conducted such that all relevant utility authority assets are protected and maintained throughout the construction stage of the development, or are relocated. Method statements are to be submitted to the relevant utility authorities for their written approval.

111. **Installation of Temporary Ground Anchors**

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

- a) The Applicant is required to obtain a 'Temporary Ground Anchor Permit' from Council for which an 'Application for Works on Council's Property' shall be lodged in Council. Subject to the application being approved by Council, the applicant shall pay Council calculated Anchor Fees and the 'Refundable Deposit' as Anchor Bond, required under Council's Fees & Charges 2023-2024. Payment of the 'Refundable Deposit' can be made in the form of a Bank Guarantee.

Note: This deposit is refundable if no damage occurs.

- b) The contractor shall be responsible to obtain and submit to Council a written authority from all public utility authorities that they have no objection in regards to the installation of temporary ground anchors, prior to works commencing.
- c) The contractor shall be responsible to obtain permission from the neighbours of the adjoining properties prior to installation of anchors.
- d) The contractor shall be responsible for any injury or damage either to persons or property due to the presence or failure of the supporting structure on the public way and the contractor shall indemnify the Council against all claims that may arise from the installation of the supporting structure. In this regard the contractor shall provide written evidence of public liability insurance cover to the minimum value of \$20 million, with Council named in the insurance policy, prior to work commencing.
- e) The anchors shall be installed in accordance with the manufacturer's instructions.
- f) The construction of ground anchors shall be of a temporary nature only and a written undertaking shall be given that the ground anchors are temporary only and shall be de-stressed after final lateral supports are in place. The written undertaking is to be provided to Council, prior to work commencing.
- g) Council may unilaterally use the damage deposit for the demolition and removal of the shoring elements constructed within the public road including the repair/reconstruction of any other associated damage to Councils infrastructure, it be necessary due to non-compliance with these conditions.

- h) All shoring with the exception of the released temporary ground anchors shall be completely removed from the public road to a depth of 2.5m on completion. The void shall be backfilled by suitable materials and compacted.
- i) All shoring including ground anchors are to be certified by a practicing professional structural engineer. Certification is required as follows:
 - That the proposed shoring and anchor scheme is capable of supporting the public road, to be submitted prior to work commencing.
 - Certification that the shoring and anchor scheme has been adequately constructed, following installation.
 - Final certification that the anchors have been de-stressed and all shoring with the exception of the anchors have been removed to a depth of 2.5m, on completion following de-stressing of the anchors. This certificate is mandatory prior to release of the anchor bond.
- j) Council's footpath and roadway are to be kept safe for the passage of motorists and pedestrians at all times. Closure of any part of the public thoroughfare shall only be carried out with the approval of Council's Traffic Engineer.
- k) All stockpiled shoring materials and equipment shall be kept solely within the private property and not obstruct the footpath or roadway at any time.

112. **Flooding, Stormwater Diversion:** Referenced 'Flood Risk Assessment Report' and stormwater drainage drawings by Stellen Consulting.

- a. The Applicant shall provide Council with written consents (confirmation) from the owners of the adjoining properties to the north for the proposed diversion of Sydney Water drainage culvert in and across their properties as mentioned in the plan.
- b. The new drainage easement for the new culvert diversion over Lot 100 DP 1248261 and Lot 2 DP 14074 shall be obtained in favour of Sydney Water. The conditions regarding the easements are as follows:
 - i) The easement width shall be the width of the culvert plus 1.0m on either side of it, or as determined by Sydney Water.
 - ii) The cost for creating the easements will be at the applicant's expense.
 - iii) The easements shall be registered on the title of the relevant lots and lodged with Land and Registry Services (LRS). Proof of lodgement of the easements with the LRS shall be provided to the Principal Certifying Authority (PCA), **prior to issuing of the Construction Certificate.**
- c. The design of the stormwater diversion without any inspection pits on the bends and at the junctions of new culvert with the existing old section might create blockage and future maintenance problems. The applicant shall provide Council with Sydney Water's endorsement on the drawings and details of the junctions and bends as designed.
- d. Full construction details (structural and hydraulic) of all junction pits, kerb inlet pits, lintels, pipe lines, pipe trench, backfilling etc. shall be provided.
- e. The depth and location of all services within the area that would be affected by the construction of the new stormwater diversion (i.e. gas, water, sewer, electricity, telephone, traffic lights etc.) shall be confirmed by the applicant and shall be documented on the long section of the box culvert with their respective chainage, levels (RL - AHD), and sizes.
- f. Any adjustment of services required will be at the applicant's expense. The relevant authority's written consent for any adjustments or works affecting their services shall be obtained and submitted to the principal Certifying Authority, prior to construction commencing.
- g. The applicant must comply with Sydney Water inspection regime at different stages of construction and on completion. Council shall be provided with Sydney Water final certificate on completion.

- h. Detailed drawings of the designed 500 cum flood storage (approx.) open sub floor area shall be provided. This includes, plan, cross sections with AHD RLs, open flow-through fencing details etc.
- i. The whole stormwater diversion works including new construction, tapping to the existing, connecting to the existing at the end etc. are to be inspected during construction by a competent practicing hydraulic/civil engineer. The inspections are to be carried out at stages of the construction listed in the following schedule. A Compliance Certificate verifying that the construction is in accordance with the approved design, this development consent and satisfying the relevant Australian Standard is to be submitted to the Principal Certifying Authority before proceeding beyond the relevant stages of construction.

SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION:

- Following placement of pipe bedding material. Confirm trench/pipe location, adequacy of depth of cover, bedding material and depth.
 - Following joining of the precast culvert sections, tapping to the existing and joining at the end and construction of cast-in-situ bends.
 - Following backfilling, confirm adequacy of backfilling material and compaction.
 - Photographs of construction stages up to completion shall be submitted for Council's record.
- j. Following completion of stormwater diversion construction
 - Works-as-executed (WAE) plans shall be prepared. and signed by a registered surveyor. These plans shall include levels and location of all drainage structures and works, finished ground and pavement surface levels. These plans are to be reviewed by the competent practicing hydraulic/civil engineer that inspected the whole works during construction.
 - The engineer must confirm that the stormwater diversion works have been constructed in accordance with approved plans and consent conditions as shown on the WAE plans **prior to issuing of Occupation Certificate.**
 - Internal inspection of the stormwater culvert shall be carried out by Closed Circuit Television (CCTV) camera by an accredited company to determine the function ability of the completed work. The inspection report shall be submitted to Council **prior to issuing of Occupation Certificate.**

113. Sydney Water Approval

All of the final construction drawings of the stormwater deviation (Box Culvert) prepared by Acor Consultants P/L must be assessed by Sydney Water to satisfy Sydney Water's Asset Creation Process. The Applicant must also liaise with Sydney Water and fulfil the requirements related to Sydney Water sewer mains located within the development site. Copy of Sydney Water's final approvals shall be forwarded to Council. The applicant shall pay Sydney Water any bond required for the construction of the drainage diversion culvert as per Sydney Water Regulation.

114. The Applicant shall verify using the TUFLOW model prior to issue of Construction Certificate and upon completion (work as executed) that the works produce similar increases in the 1% AEP flood level as indicated in the final 'Flood Impact Assessment'

115. The Applicant must ensure and revise (if necessary) the building drawings as required in accordance with the Flood Assessment Report as follows.

- a. The habitable building ground floor level shall be fixed maintaining minimum 500mm freeboard over 1% AEP (100 year ARI) flood level. The surrounding basement wall shall be built impenetrable below the same flood plain level.

- b. The crest of the driveway ramp access to basement carpark access shall be raised to RL 17.55 AHD as appropriate to maintain the required 500mm freeboard on the top of FPL.
- c. The building shall be built on piers with a void between the basement lid and the underside of the ground floor slab to maintain 650m³ temporary floodplain storage capacity. The solid block or reinforced concrete wall across the flood storage area shall be removed or if necessary, sufficient flow-through passages shall be provided to facilitate overland flow.
- d. The building drawings prepared thus shall be endorsed by the hydraulic engineer. Erection of grille shall be provided around the building perimeter of the open area to protect entry under the building. Copies of building plans and sectional drawings shall be submitted to Council **prior to issue of Construction Certificate**

116. A Flood Risk Management Report together with an Emergency Flood Evacuation Plan shall be prepared by a qualified hydraulic/civil engineer which demonstrates that:

117.

- a. The development will not create flood hazard or risk to other adjoining properties as a result of flooding and stormwater runoff and that there is adequate protection for buildings against the ingress of surface runoff;

118.

- a. The development will not impede any obstruction to the natural flow path of floodwater with the use of solid wall or similar obstructing devices;
- b. The proposed building structure and building materials are suitable to resist the flood water;
- c. The development is sited in the optimum position to avoid floodwaters and allow flood preparedness. Emergency Plan must indicate sufficient flood warning locations placed around the buildings, details of warning plate to be installed across the building explaining occupants to undertake safety measures in an emergency situation.
- d. All building equipment/items such as electricity and gas meters, air-conditioning units, hot water heater systems, which are sensitive to water damage should be located above the habitable floor level. Within the building, all power points and electrical switches should be located a minimum height of window sill. This is to prevent damage from flood events rarer than the 100 year ARI event.

Stormwater Drainage

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

- a. The design and calculations shall indicate the details of the proposed method of stormwater disposal and shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Council's Stormwater Management Code.
- b. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property.
- c. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.
- d. The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering **prior to the issuing of a Construction Certificate.**

120. Water Quality Requirement: The following stormwater quality targets for post development shall be adopted in accordance with modeling guideline developed by Sydney Metropolitan Catchment Management Authority (CMA).

- 90% reduction in the post development Average Annual Gross Pollutant load (greater than 5mm)
- 85% reduction in the post development Mean Annual Load of Total Suspended Solids (TSS)
- 65% reduction in the post development Mean Annual Load of Total Phosphorus (TP)
- 45% reduction in the post development Mean Annual Load of Total Nitrogen (TN)

Water Quality requirements should be determined by modelling of the proposed development to meet the quality targets. Computer models like MUSIC (the Model for Urban Stormwater Improvement Conceptualisation) can be used to present default and proposed water quality parameters.

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

- a. This storage shall be designed by a competent practicing Hydraulic/Civil Engineer in accordance with Council's Stormwater Management Code and submitted to the Principal Certifying Authority.
- b. The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering, **prior to the issuing of a Construction Certificate.**

122. The following Council's stormwater works shall apply to work out the stormwater drainage bond listed in the Table of Fees.

- i) Council's existing stormwater pits and lintels on Oxford Street being affected by the proposed construction shall be replaced by new pits and lintel at applicant's cost. In this regard the design of the new pits and lintel shall be done and certified by a qualified hydraulic/ civil engineer satisfying the current inlet capacities of the pits and lintels plus 20% extra. New pipe required to be laid under road surface connecting to Council's pits shall be minimum Ø375 mm RCP Class 4
- ii) Detailed drawings including long section of the RCP, details of the connecting pits together with the invert levels, surface levels etc. shall be provided. Minimum 500mm pipe cover shall be maintained under road surface at all times.

123. 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. 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.

124. Following completion of all drainage works:-

- a. Works-as-executed (WAE) plans, shall be prepared and signed by a registered surveyor. 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.

125. Grated drain shall be designed and provided along the property boundary at the vehicular crossing and to be connected to the internal drainage system. Certificate from a competent practicing hydraulic/civil engineer shall state that the grated drain has been constructed in accordance with the approved plan and this consent condition, to be shown on the work-as-executed plans prior to the issuing of an Occupation Certificate.
126. A Positive Covenant under section 88E of the *Conveyancing Act* shall be created on the title of the property(s) detailing the
- i) *Overland surface flow path and flow through fencing*
 - ii) *Finished pavement and ground levels*
 - iii) *Prevention of the erection of any structures or else on flow path*
 - iv) *On-site Stormwater Detention system*
 - v) *Pump and rising main system*

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

127. The proprietor of the property agrees to be responsible for keeping clear and the maintenance of the facilities consisting of:
- a. *The overland surface flow path including flow through fencing*
 - b. *Finished pavement and ground levels*
 - c. *Prevention of the erection of any structures or else on flow path*
 - d. *On-site Stormwater Detention system*
 - e. *Pump and rising main system*
- a. The proprietor agrees to have the facilities inspected annually by a competent practicing Hydraulic/Civil Engineer.
- b. 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.
- c. 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 lodgment at the Land and Registry Services. Evidence that the Instrument has been registered at the Land and Registry Services shall be submitted to Council, **prior to issuing of an Occupation Certificate.**

128. The boundary fences around the property shall be constructed in materials that allow unobstructed passage of overland stormwater flows. Fencing details shall be submitted to Council or an Accredited Certifier - Civil Engineering, **prior to the issuing of a Construction Certificate.**
129. For the pump drainage of the basement areas the following conditions are to be satisfied:
- a. A pump and rising main design shall be submitted to the Principal Certifying Authority and shall satisfy the following conditions:

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

130. **Public Domain Conditions**

- a) Detailed public domain improvement shall be undertaken at the property frontages on Oxford Street and Wentworth Road and to be completed at applicant's cost in accordance with Burwood Council DCP-35 and Public Works Element Manual and Council's standard drawings and specifications.
- b) Three copies of Public Domain Plan drawn at 1:100 scales shall be prepared and certified by a qualified civil engineer, landscape architect or urban designer and submitted to Council. The plan shall be further reviewed by Council's design engineer prior to construction.
- c) The plan shall include all existing service authority assets on street frontage and in and around the areas as per the survey report. This should include, but not be limited to, high and low voltage electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage assets, etc.
- d) The plan shall show the entire street frontage of the property for improvement e.g. new footpath paving, new kerb & gutter, pram ramps, bollards, service pits, stormwater pit & lintel including mill & re-sheeting of the Oxford Street road pavement. Any damages to the pavement structure other than wearing course shall be replaced to the full depth of pavement.
- e) The plan shall incorporate the standard specifications and details in accordance with the Public Works Elements Manual and Council's standard drawings and technical specifications.
- f) The Applicant shall liaise with all relevant service authorities to satisfy all requirements of the service authority providers in respect of protection, termination or relocation of existing assets prior to construction. A written consent shall be required where a service authority asset will be affected.

LANDSCAPING

131. No objection is raised to the proposed removal of all existing trees and vegetation within the site.
132. Landscaping must be installed as per the Landscape Plan sheet set by Site Image Landscape Architects, Issue B, dated 1 June 2023.
133. Landscaping must be completed **prior to the issuing of an Occupation Certificate**.
134. Landscaping must be maintained at times following installation, including the replacement of any plants that are dead, damaged, diseased or stolen, with like for like.

Street Tree Protection

135. Five existing water gum (*Tristaniopsis laurina*) located on the nature strip of Wentworth Road must be retained and protected in accordance with the Australian Standard AS4970 (Protection of Trees on Development Sites, 2009). This includes the erection of a tree protection fence consisting of 1.8m chain wire panels supported by concrete feet, extending two metres north and two metres south of the trunk of each tree and to the full limits of the nature strip width, allowing continued pedestrian access on the public footpath.
136. The tree protection fences must be installed **prior to the commencement of any works including demolition** and to remain in place and maintained **until the issue of an Occupation Certificate**.
137. A monetary bond or bank guarantee to the value of **\$2,500** must be lodged to Council, **prior to the issue of a Construction Certificate**, to ensure the proper protection of the trees.
138. The street trees will be inspected by Council at completion of the works and the bond released only if the trees are not damaged.

TRAFFIC AND PARKING

139. All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.
140. Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must **be permanently displayed and located** in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times **by the Owners Corporation**.
141. A total of 80 off-street car parking spaces, 1 car wash bay and 1 car share space, 18 bicycle parking spaces must be provided on-site. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities.
142. The approved parking spaces must be allocated as detailed below. All spaces must be appropriately line-marked and labelled according to this requirement prior to the issue of an Occupation Certificate. If the development is to be strata subdivided, the car park layout must respect the required allocation:
 - (a) 72 residential parking spaces.
 - (b) 8 Visitor parking Spaces
 - (c) 1 Car wash bay
 - (d) 1 Car share space

143. No part of the common property, apart from the residential visitor vehicle spaces which are to be used only by residential visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or trailers.
144. Residential visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building residential visitors.
145. All residential visitor spaces must be clearly linemarked and signposted 'visitor' prior to the issue of an Occupation Certificate. All signs must be maintained in good order at all times
146. Where a boomgate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 6m clear of the property boundary, wired to all units. The intercom must comply with '*Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23*'.
147. Of the required car parking spaces, at least 5 must be designed and provided for accessible car parking for people with mobility impairment in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking. Accessible car parking spaces must have a minimum headroom of 2.5m and must be clearly marked and appropriately located as accessible parking for people with mobility impairment. The car park must respect the following allocation:
 - (a) 4 Residential Spaces
 - (b) 1 Visitor Space
148. The following signs must be provided and maintained within the site at the point(s) of vehicle egress:
 - (a) Regulatory "STOP" sign (R1-1) compelling drivers to stop before proceeding onto the footway
 - (b) "Give Way to Pedestrians" sign compelling drivers to give way to pedestrians before crossing the footway.
149. Solid walls immediately adjacent to the basement entry and exit must not exceed 0.6m in height for the first 2.5m within the boundary so as to ensure adequate sight lines for motorists and pedestrians.
150. All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
151. At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.
152. Any proposals for alterations to the public road, involving traffic facilities and/or parking restrictions, excluding the construction of a vehicular crossing, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Traffic Committee prior to issuing of Construction Certificate.
153. 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.

154. 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.
155. 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 all vehicles in the frontage roadways.
 - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all 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) 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.
156. 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 from Council or any other Road authority.
157. 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)
158. All heavy vehicles must comply with the approved CTMP, once heavy vehicles have exited the Burwood LGA via the approved routes stated in the CTMP, only State Roads (Parramatta Road, The Boulevard, Coronation Parade, Liverpool Road and Georges River Road) are permitted to be used on re-entry into Burwood LGA.
159. 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

Attachments

There are no attachments for this report.