

<b>JRPP No:</b>	2010SYE027
<b>DA No:</b>	217/2010
<b>PROPOSED DEVELOPMENT:</b>	Mixed use development comprising 2 comm/retail units & 75 residential units - 4-14 Parramatta Road, Strathfield
<b>APPLICANT:</b>	Antoine Bechara
<b>REPORT BY:</b>	Shannon Anderson, Coordinator, Statutory Planning Services, City of Canada Bay

## Assessment Report and Recommendation

### *Executive Summary*

#### **Owner**

J Simmons, A Hanson & C Constantine

#### **Applicant**

Al Maha Pty Ltd

#### **Zoning**

This property is zoned Enterprise Area 10(b) under the Concord Planning Scheme Ordinance which permits residential flat buildings and commercial.

#### **Proposal**

Demolition of existing structures and construction of mixed use building with ground floor commercial, 75 residential apartments and basement carparking with 105 spaces.

#### **Issues, including those matters raised by objectors**

Floor space ratio, height / number of storeys, privacy, solar access, Precinct landscaped requirement, economic and social impact, Density / setbacks, bulk / scale, Notification plans don't show nil setback to 42 Leicester Avenue, Building separation, Insufficient open space, Heritage impact, Air circulation reduced, Reduced property value, Car parking, Vehicular access, Dissatisfaction with progress / process for preparation of new Strathfield Triangle DCP and Car park entry location.

#### **Value of development**

\$15,401,172

## Location



<i>Subject Site</i>		<i>Properties Notified</i>		<i>Submitters</i>		 <b>North</b>
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## *Recommendation*

Pursuant to Sections 80 of the Environmental Planning and Assessment Act 1979 (as amended)

- A. THAT the Joint Regional Planning Panel - Sydney East Region, assume the concurrence of the Director General of the Department of Planning and invoke the provisions of SEPP No.1 and resolve that in the circumstance of the case a strict application of the statutory standard contained in clause 61H(11) (Floor Space Ratio) in the Concord Planning Scheme Ordinance is unnecessary and unreasonable.
- B. THAT the Joint Regional Planning Panel Sydney East Region, as the determining authority, grant consent to Development Application No. 217/2010 for demolition of existing structures and construction of mixed use building with ground floor commercial, 75 residential apartments and basement car parking with 105 spaces on land at 4 to 14 Parramatta Road, Strathfield, subject to the following site specific conditions. In granting consent the Joint Regional Planning Panel - East has regard to the merit considerations carried out in the assessment report and pursuant to s.79C of the Environmental Planning and Assessment Act. On consideration of the merits of the case the Joint Regional Planning Panel - East acknowledges the areas of non-compliance arising from the application but notes that it supports the application based on the particular circumstances of the case and does not consider that the consent gives rise to a precedent.

## **General Conditions**

### **GCP1 Approved Plans and Supporting Documents**

The development shall be carried out substantially in accordance with the approved stamped and signed plans and/or documentation listed below **except where modified by any following condition**. Where the plans relate to alteration or additions only those works shown in colour or highlighted are approved.

<b>Reference/Dwg No</b>	<b>Title/Description</b>	<b>Prepared By</b>	<b>Date/s</b>
DA0101, Issue J	Site / roof plan	Integrated Design Group in association with Olsson & Associates Architects	12/07/10
DA1001, Issue M	Commercial parking basement one plan	Integrated Design Group in association with Olsson & Associates Architects	12/07/10
DA1002, Issue M	Residential parking basement two plan	Integrated Design Group in association with Olsson & Associates Architects	12/07/10
DA1003, Issue M	Residential parking basement three	Integrated Design Group in association with Olsson &	12/07/10



	plan	Associates Architects	
DA1100, Issue K	Ground floor plan	Integrated Design Group in association with Olsson & Associates Architects	12/07/10
DA1101, Issue K	First floor plan	Integrated Design Group in association with Olsson & Associates Architects	12/07/10
DA1102, Issue K	Second floor plan	Integrated Design Group in association with Olsson & Associates Architects	12/07/10
DA1103, Issue K	Third floor plan	Integrated Design Group in association with Olsson & Associates Architects	12/07/10
DA1104, Issue K	Fourth floor plan	Integrated Design Group in association with Olsson & Associates Architects	12/07/10
DA1105, Issue K	Fifth floor plan	Integrated Design Group in association with Olsson & Associates Architects	12/07/10
DA1106, Issue K	Sixth floor plan	Integrated Design Group in association with Olsson & Associates Architects	12/07/10
DA1107, Issue K	Seventh floor plan	Integrated Design Group in association with Olsson & Associates Architects	12/07/10
DA1108, Issue K	Eight floor plan	Integrated Design Group in association with Olsson & Associates Architects	12/07/10
DA1109, Issue J	Mezzanine floor plan	Integrated Design Group in association with Olsson & Associates Architects	05/05/10
DA2000, Issue H	North elevation (Parramatta Road)	Integrated Design Group in association with Olsson & Associates Architects	05/05/10
DA2001, Issue I	East elevation (Leicester Ave)	Integrated Design Group in association with Olsson & Associates Architects	12/07/10
DA2002, Issue H	South elevation	Integrated Design Group in association with Olsson & Associates Architects	06/05/10
DA2003, Issue H	West elevation	Integrated Design Group in association with Olsson & Associates Architects	06/05/10
DA3000, Issue I	Section A	Integrated Design Group in association with Olsson & Associates Architects	12/07/10
DA3001, Issue I	Section B	Integrated Design Group in association with Olsson & Associates Architects	12/07/10
DA3100, Issue A	Driveway section 01	Integrated Design Group in association with Olsson & Associates Architects	12/07/10

DA3101, Issue A	Driveway section 02	Integrated Design Group in association with Olsson & Associates Architects	12/07/10
DA3102, Issue A	Driveway Section 03	Integrated Design Group in association with Olsson & Associates Architects	12/07/10
DA9500, Issue G	Photo montage	Integrated Design Group in association with Olsson & Associates Architects	06/05/10
DA9501, Issue A	Photo montage 02	Integrated Design Group in association with Olsson & Associates Architects	10/05/10
DA9800, Issue C	Adaptability plans	Integrated Design Group in association with Olsson & Associates Architects	06/05/10
LC01 B	Landscape concept plan	Selena Hannan Landscape Design	14/07/10
308581M, Report No. 20C-09-0324-TRP-452966-3	BASIX Certificate / Assessment	Vipac	06/05/10
-	Environmental site assessment	Aargus Pty Limited	06/05/10
Report No. GS3375/2-A	Preliminary geotechnical report	Aargus Pty Limited	06/05/10
Ref 09237	Assessment of traffic and parking implications	Transport and Traffic Planning Associates	April 2010
-	SEPP 65 design statement	Integrated Design Group in association with Olsson & Associates Architects	03/05/10
Project No. A10004	Access audit of DA drawings	Access Associates Sydney	06/05/10
Rev B	Construction waste management plan	Integrated Design Group	10/05/10
Rev B	Operational waste management plan	Integrated Design Group	May 2010
Report No. 20C-09-0329-TRP-461534-2	Acoustic impact assessment for DA submission	Vipac	29/06/10
-	Stage 2 Road Safety Audit	Geo Transport Solutions	June 2010

**Note 1:** Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act.

**Note 2:** A warning to all Accredited Certifiers. You should always insist on sighting the original stamped approved plans/documentation and not rely solely upon the plan reference numbers in this condition. Should the applicant not be able to provide you with original copies, Council will provide you with access to its files so

*you that may review our original copies of approved documentation.*

**Note 3:** *The approved plans and supporting documentation may be subject to conditions imposed under section 80A(1)(g) of the Act modifying or amending the development (refer to conditions of consent which must be satisfied prior to the issue of any Construction Certificate).*

*(Reason: To confirm and clarify the terms of consent)*

**Separate Approvals:**

Separate Development Approval shall be obtained for the following:

- The fit-out / use of all business, commercial and retail tenancies.
- Strata subdivision

*(Reason: To control the future development of the site)*

**GCP4 Construction within Boundary**

All approved construction including but not limited to footings, walls, roof barges and guttering are to be constructed wholly within the boundaries of the premises.

*(Reason: To ensure compliance with approved plans)*

**General conditions:**

No boom gate or access control point shall be implemented at the entry/exit of the proposed access off Parramatta Road.

All vehicles are to be clear from the edge of carriageway and footpath before being required to stop.

All vehicles shall enter and exit the site in a forward direction.

All costs associated with the proposed development shall be at no cost to the RTA.

*(Reason: RTA)*

**Construction:**

All demolition and construction vehicles and activities are to be contained wholly within the site as a work zone permit will not be approved on Parramatta Road.

*(Reason: Compliance and information)*

**Traffic Flow:**

A Road Occupancy Licence should be obtained from the RTA for any works that may impact on traffic flows on Parramatta Road during construction activities.

*(Reason: Information)*

**GCG1 Australia Post Guidelines**

Mail deliveries are to be in accordance with Australia Post Guidelines, as set out in the Australia Post publication "General Post Guide - September 2007". A copy of this Guide can be obtained from Australia Post's web page at [www.auspost.com.au](http://www.auspost.com.au). A copy of the brochure may be obtained from Australia Post. In general, a clearly marked mailbox (or group of mailboxes) shall be provided within 500mm of the footpath alignment.

*(Reason: To ensure compliance with mail delivery regulations)*

**GCG2 Compliance with Disability Discrimination Act**

This approval does not necessarily guarantee compliance with the *Disability Discrimination Act 1992*, and the applicant/owner is therefore advised to investigate their liability under the Act.

*(Reason: Statutory requirement and disabled access)*

**GCG6 Height**

The maximum height of the proposed development shall be A.H.D. 52.3 and measured at the top of the roof level.

*(Reason: Compliance)*

**GCG7 Lighting**

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with relevant standards in this regard.

*(Reason: Protect amenity of surrounding area)*

**GCG10 Site Management**

The following procedures apply:

- (a) Implement the site management plan and measures, and provide for erosion and sediment control according to the SSROC "Do It Right On Site" publication;
- (b) Prevent sediment and/or building materials being carried or washed onto the footway, gutter, road, or into Council's stormwater drainage system;
- (c) Ensure soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways;
- (d) Ensure safe access to and from the site including the road reserve and footpath area, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like;



- (e) Ensure safe loading and unloading of excavation machines, building materials, formwork and the erection of the structures within the site;
- (f) Ensure storage on site of all excavated material, construction materials and waste containers during the construction period (except where otherwise approved); and
- (g) Ensure support of any excavation beside any adjoining property or the road reserve is designed by a Chartered Civil Engineer.

*(Reason: Environmental protection)*

#### **GCG15 Telecommunications /TV Antennae**

No more than one telecommunications/TV antenna will be provided to each dwelling/building.

*(Reason: Environmental amenity)*

#### **GCH1 Hoarding Requirements**

The approved development may includes/requires either "A" Class or "B" Class or both type hoarding. The applicable hoarding requirements are as follows:

- **"A" Class Requirements**  
An engineer certified "A" Class hoarding shall be constructed on the footpath adjacent to the building site to protect pedestrians during demolition of the existing building and construction of the new building.
- **"B" Class Hoardings**  
An engineer certified overhead "B" Class hoarding, complying with the requirements of the Department of Industrial Relations & Technology, shall be constructed over Council's footpath to protect pedestrians during demolition of the existing building and the erection of the new building.

**A formal hoarding application shall be made to Council and demolition or construction work must not commence** until the hoarding has been erected and then approved by Council and all applicable fees and charges paid.

*(Reason: Public safety)*

#### **GCH 4 Ventilation**

To ensure that adequate provision is made for ventilation of the premises, mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- *The Building Code of Australia;*
- *Protection of the Environment Operations Act 1997;* and
- *Relevant Australian Standards*

*(Reason: Compliance with relevant standards)*

#### **GCH 5 Waste Management**

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction. Waste management and its storage must not pose a threat to public health or the environment.

*(Reason: Compliance with approval)*

#### **Conditions which must be satisfied prior to the commencement of demolition of any building or structure**

#### **PCR1 Construction Certificate - Prior to the Commencement of any Demolition Works**

Where demolition is associated with the erection of a new structure, or an altered portion of or an extension to an existing building, the demolition of any part of a building is "commencement of erection of building" pursuant of section 81A(2) of the Act. In such circumstance all conditions of this consent must be satisfied prior to any demolition work. This includes, but is not limited to, the **issue of a Construction Certificate, appointment of a PCA and Notice of Commencement under the Act.**

*(Reason; Statutory Requirement)*

#### **PCR2 Demolition**

- (a) That five (5) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:
- The date when demolition will commence,
  - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
  - The licence number of the demolisher, and relevant WorkCover licenses, (see minimum licensing requirements in (d) below, and
  - Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$5,000,000.00.
- (b) Demolition of buildings and structures must comply with all current and relevant Australian Standards.
- (c) **If the works require a Construction Certificate**, work shall not commence until the Principal Certifying Authority (PCA) has inspected the site. Should the building to be demolished be found to be wholly or partly clad with or contain asbestos cement products, approval to commence demolition shall not be given until the PCA is satisfied that all measures are in place so as to comply WorkCover's *Guide to Working with Asbestos*.

**Note:** A copy of this publication can be obtained from WorkCover Authority's website [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

- (d) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover 'Demolition License' AND a current WorkCover 'Class 2 (Restricted) Asbestos Licence'.
- (e) In addition to the above provisions, any work carried out on asbestos cement products must be in accordance with those provisions relating to asbestos cement within the NSW Construction Safety Act 1912 Regulations 84A-J *Construction Work Involving Asbestos or Asbestos Cement 1983, as amended 1984*.
- (f) Demolition works are restricted as follows:
  - Monday to Friday inclusive 7:00am - 5:00pm
  - Saturdays 8:00am – 1:00pm
  - Sundays and Public Holidays No work
- (g) At least five (5) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to demolition commencing advising the following:
  - The date when demolition will commence;
  - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
  - The telephone number of WorkCover's Hotline (02) 8260 5885.

*(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)*

### **PCR3 Site Safety Fencing - Demolition only**

Erect site fencing to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site throughout the demolition. The fencing **must be erected before the commencement of any demolition work** and maintained.

The site shall be secured in accordance with Clause 146 of the Environmental Planning and Assessment Regulation 2000. The site shall be maintained in a clean and orderly condition during demolition works.

#### *Hoardings*

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained including:

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

*(Reasons: Statutory Requirement and health and safety)*

#### **PCR5 Erosion and Sediment Control During Demolition**

Erosion and sedimentation controls shall be in place **prior to the commencement of demolition works** and shall be maintained throughout the demolition of the building and any regrading of the ground levels, approved removal of vegetation etc. The controls shall be installed in accordance with the details approved by Council and/or as directed by Council officers. These requirements shall be in accordance with Managing Urban Stormwater - soils and Construction produced by Landcom (Blue Book). A copy of the Erosion and Sediment Control Plan must be kept on site during the demolition works and made available to Council officers on request.

*(Reason: Environmental protection)*

#### **Conditions which must be satisfied prior to the issue of a Construction Certificate**

##### **CCG1 Amendments to Approved Plans**

The following amendments shall be made to the approved plans prior to the issue of a Construction Certificate:-

- a) The glass balustrades on the first (RL25.8), second (RL28.8) and third (RL31.8) floor on the east and south elevation with an outlook onto Leicester Avenue must contain obscure glazing;
- b) All glass balustrades on the west elevation of the proposal must contain obscure glazing; and
- c) All glass balustrades on the south elevation of the proposal, except the east facing balconies with an outlook onto Leicester Avenue not conditioned in part (a) above, must contain obscure glazing.

**Note:** This involves a change to the Development Application plans as submitted to and approved by Council. Any changes in this regard shall be reflected as amended plans to be submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate** for the proposed development.

*(Reason: To confirm and clarify the terms of Council's approval)*

#### **Acoustic Assessment:**

The recommendations of the acoustic report including the implementation of the of the acoustic glazing schedule for the site as detailed in Section



5.1 and Appendix B of the acoustic report prepared by Vipac dated 29 June 2010 are to be implemented.

Acoustic consultants are to be engaged to review the architectural and mechanical services drawings to ensure BCA requirements are met.

The acoustic consultant is to provide details of noise mitigating construction and services to meet project acoustic requirements for partitions, impact, riser ducts, waste pipes, hydraulics, lift noise and plant vibration isolation, including provision of relevant construction details. At the design stage, the construction detailing of junctions (eg wall/floor/roof/window/service penetrations) can be conducted to ensure acoustic integrity is upheld.

*(Reason: Environmental Amenity)*

**Stormwater:**

The Design Engineer must re-design the stormwater drainage system to dispose of the site's subsurface water. This can be achieved by either piping the water to Council's underground piped drainage system or dispose of it on-site via an absorption/dispersion system. Disposal of subsurface water to the kerb even if it goes through the onsite stormwater disposal system first is not permitted.

*(Reason: Environmental)*

**Reflectivity of materials:**

To avoid creating a potential glare nuisance to adjoining property owners and motorists the exterior walls and features such as glass balustrades and windows are to achieve a low level of reflectivity with an index no greater than of no greater than 20%. Details demonstrating compliance are to be submitted to Council **prior to the release of the Construction Certificate.**

*(Reason: Visual amenity)*

**Vehicular Crossing:**

The proposed entry and exit driveway shall be designed and constructed in accordance with AS2890.1 - 2004, AS 2890.2 - 2002 and the RTA's requirement. The driveway shall be a minimum of 6 metres in width and shall splay out to 8 metres at the kerb line of Parramatta Road.

All redundant vehicular crossings on Leicester Ave and Parramatta Road shall be removed with kerb and gutter reinstated to RTA's requirements. Details of further requirements can be obtained from the RTA's Project Services Manager, Sydney Project Services, Parramatta (Ph: 8849 2144).

*(Reason: Vehicular access)*

**Vehicular Movement in accordance with Section 138(2) of the Roads Act 1993:**

All vehicular access to/from the proposed development shall be restricted to left in/left out only on road safety and traffic engineering grounds.

To enforce the right turn prohibition in/out of the proposed development on Parramatta Road, the existing raised central concrete median island in Parramatta Road (west leg of Parramatta Road/Leicester Ave/Concord Road intersection) shall be extended to cover the frontage of the subject site on Parramatta Road at full cost to the developer.

The extension of the existing raised central concrete median island, proposed driveway, and removal of existing driveways (kerb and gutter) shall be designed and constructed in accordance with the RTA's Road Design Guide and other Australian Codes of Practice and endorsed by a suitably qualified chartered Engineer (i.e. who is registered with the Institute of Engineers, Australia).

The certified copies of civil design plans shall be submitted to the RTA for consideration and approval prior to the commencement of any road works.

The RTA fees for administration, plan checking and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the above-mentioned road works on Parramatta Road. The Works Authorisation Deed (WAD) will need to be executed prior to the RTA's assessment of the detailed design plans. No road works shall take place until such time that the WAD is executed.

The Construction Certificate for the proposed development shall not be released until the WAD is executed to RTA satisfaction.

*(Reason: Vehicular access)*

**Stormwater:**

The applicant shall ensure that post development storm water discharge from the subject site into the RTA drainage system does not exceed the pre-development application discharge.

Should there be changes to the RTA's drainage system then detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to the RTA, for approval, prior to the issue of a construction certificate.

Details should be forwarded to:

The Sydney Asset Management  
Roads and Traffic Authority  
PO Box 973  
Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil

Works requirement please contact the RTA's Project Engineer, External Works Ph: 8849 2.114 or Fax: 8849 2766.

*(Reason: Stormwater)*

**Geotechnical:**

The developer shall submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RTA for assessment, prior to the issue of a Construction Certificate. The developer shall meet the full cost of the assessment by the RTA.

The report would need to address the following key issues:

- a. The impact of excavation/rock anchors on the stability of the Parramatta Road and detailing how the carriageway would be monitored for settlement
- b. The impact of the excavation on the structural stability of the Parramatta Road.
- c. Any other issues that may need to be addressed (Contact: Geotechnical Engineer Stanley Yuen on Ph: 8837 0246 or Graham Yip on Ph: 8837 0245) for details.

*(Reason: Stability of Parramatta Road)*

**Vehicular movement:**

The layout of the proposed car parking areas associated with the subject development (including, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004.

*(Reason: Vehicular access)*

**Traffic management plan:**

A Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council, for approval, prior to the issue of a construction certificate.

*(Reason: Traffic management)*

**CCD1 Access for People with Disabilities**

Access for people with disabilities must be provided in accordance with the requirements the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Requirements Act 1992* (as amended). **Prior to the issue of a Construction Certificate**, the plans shall demonstrate compliance.

*(Reason: Statutory requirement and disabled access)*

**CCD2 Disabled Toilets**

Plans and details of the disabled toilet/s complying with the relevant Australian Standards must be approved by the Accredited Certifier **prior to issue of a Construction Certificate**.

*(Reason: Disabled access)*

### **CCC2 Damage Deposit for Council Infrastructure**

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) of \$30,000 shall be paid to Council **prior to the issue of the Construction Certificate**.

This Damage Deposit shall be refunded upon completion of all works, at the Occupation or Final Certificate stage following written request for refund by the Applicant.

Any costs associated with works necessary to be carried out to rectify any damages caused by the development, shall be deducted from the Damage Deposit.

**Note:** Full panel concrete footpath replacement in areas where connection to all services are required. This includes driveways and road concrete panels. This will stop differential settlement and maintain the integrity of council infrastructure and asset.

*(Reason: Protection of Council infrastructure)*

### **CCC3 Long Service Levy Payments**

The payment of a long service levy as required under part 5 of the *Building and Construction Industry Long Service Payments Act 1986*, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to Council **prior to the issue of a Construction Certificate**. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Council's Office.

*(Reason: Statutory requirement)*

### **CCG2 Construction Management Plan**

**Prior to the issue of a Construction Certificate**, submit to the Accredited Certifier a Construction Management Plan that clearly sets out the following:

- (a) What actions and works that are proposed to ensure safe access to and from the site, and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like.
- (b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
- (c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.



- (d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
- (e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer.
- (f) A Soil and Water Management Plan detailing all sedimentation controls.

*(Reason: Safety, amenity and protection of public infrastructure and the environment)*

#### **CCG4 Obtaining a Construction Certificate for Building Work**

This Development Consent does not constitute approval to carry out construction work. Construction work may only commence **upon the issue of a Construction Certificate, appointment of a Principal Certifying Authority (PCA), and lodgement of Notice of Commencement.**

Please note that if demolition works forms part of the extent of works approved in the same application, then demolition must not commence **prior to the issue of a Construction Certificate.**

*(Reason: Information)*

#### **CCL2 Landscape Maintenance Strategy**

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Accredited Certifier **with the Construction Certificate application.** The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

*(Reason: Ensure landscape survival)*

#### **CCL4 On Slab Landscaping**

To ensure the site landscaping thrives the on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650mm for shrubs and trees and 300mm for grass and ground covers, adequate drainage and a permanent, automatic irrigation system. Details shall be submitted **with the Construction Certificate application.**

*(Reason: Ensure landscape survival)*

#### **CCV1 Available Visitor Car Parking Signage**

A sign shall be erected in a suitable location on the property near the driveway entrance indicating visitor parking is available on the site. Details shall be submitted **prior to the issue of the Construction Certificate.**

*(Reason: Adequate access and egress)*

**CCV2 Bicycle Storage Provision**

Provision for bicycles shall be in accordance with the Strathfield Triangle Development Control Plan for Bicycle Parking and Storage Facilities. Details shall be submitted **prior to the issue of the Construction Certificate**.

*(Reason: Convenience)*

**CCV3 Car Parking Areas for Multiple Use Buildings**

The following car parking and service vehicle requirements apply:-

- (a) 105 car spaces shall be provided on the development site. This shall comprise of:-
  - 71 residential spaces;
  - 15 visitor spaces;
  - 19 business/commercial/retail premises spaces; plus
  - 1 Commercial truck space; andProvide car parking spaces for people with mobility impairment, in accordance with AS 2890.1.
- (b) All car spaces shall be allocated and marked according to this requirement.
- (c) If the development is to be strata subdivided, the car park layout shall reflect the above allocation.
- (d) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.
- (e) The parking bays shall be delineated by line marking.

The following traffic control measures shall be implemented on site:-

- (a) Signage indicating "Entry Only" shall be prominently displayed at the entrance to the development.
- (b) Signage indicating "Exit Only" shall be prominently displayed at the exit to the development.
- (c) One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

The above details shall be submitted to and approved by the Accredited Certifier **prior to the issue of the Construction Certificate**.

*(Reason: Parking and access)*

**CCV6 Maintaining Sight Lines (multi-unit development)**

All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate** showing compliance with this condition.

*(Reason: Safety)*

#### **CCV10 Speed Hump and Stop Sign on Exit**

The applicant shall install a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be set back by 1.5 metres from the boundary alignment. The devices shall be designed and constructed in accordance with the provision of all relevant Australian Standards. The building plans shall indicate compliance with this requirement **prior to the issue of a construction certificate**.

*(Reason: Traffic safety and management)*

#### **CCV13 Vehicular Access Ramps**

Vehicular access ramps shall comply with the provisions of AS/NZS 2890.1:2004. Plans to be submitted shall contain the following details:

- (i) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- (ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- (iii) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
- (iv) Location of verge trees, street furniture and service installations.
- (v) Superimposition of vehicle turning circles for access into parking spaces.
- (vi) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

The certification referred to in (vi) above shall be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate (for the design) and to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the 'as-built works'**.

*(Reason: To ensure adequate vehicular access can be achieved)*

#### **CCV14 Vehicular Circulation, Aisles & Ramps**

The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with the Roads and Traffic Authority Guidelines and ASNZS 2890.1:2004 – Off-Street Car Parking Code.

*(Reason: Parking and access)*

#### **CCA1 Damage Report**

**Prior to the issue of the Construction Certificate**, a Damage Report Form shall be completed and submitted to Council. This Damage Report Form is for the evaluation of the existing condition of the road reserve, which must be filled out and signed by the Applicant and approved by Council.

This Form will be used to assist Council in determining the refund of any damage deposits and any likely repairs necessary. If an approved Damage Report Form is not provided, Council at its discretion shall carry out an independent evaluation of the condition of the road reserve and any damages found will be rectified at the Applicant's cost.

When lodging the Damage Report Form, fees are payable in accordance with Council's fees and charges schedule, which will go towards administration and inspection costs.

The cost of repairing any damage to Council property (including the footpath, verge, street trees, kerb, gutter, road pavement or the like) during and/or immediately after construction must be paid to Council or shall be deducted from the damage deposit bond. Repair of damaged Council property by the Applicant or his agent is not permitted unless approved by Council.

For roadways requiring asphaltic concrete works or adjustment works, these shall be done to a minimum width as specified by Council. Minimum dimensions are given in Council's Specification for Driveway Construction or Specification for Restoration Works.

*(Reason: Maintain public assets)*

#### **CCA2 Footpath Design Levels**

Where requested, detailed footpath levels shall be obtained from Council's Manager Roads and Drainage Assets **before finalisation of the design for Construction Certificate Application**. Any required adjustments shall be included in the plans and the interface across the street boundaries shall be designed to incorporate smoothly the designated levels.

Unless an alternative specific design is submitted and approved by Council, the footpath levels adjoining the site shall generally be as follows:

- (a) The internal driveway levels shall be designed to meet Council's footpath verge levels such that a fall of 4% is obtained from the boundary line to the line formed by the edge of Council's footpath which is closer to the kerb and gutter.

- (b) The level of the boundary line as it crosses the driveway shall incorporate a cross fall equivalent to the general longitudinal grade of the street. Any required adjustments shall be included in the plans and submitted for approval (under Section 138 of the Roads Act) **prior to the release of the Construction Certificate**. Care should be taken in steep landforms to ensure scraping of vehicles is avoided.

*(Reason: Public Infrastructure)*

### **CCA3 Protection of Public Places**

The adjoining or adjacent public area is not to be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances unless approved in writing by Council.

If the work involved in the demolition or construction 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 closure of a public place, a barrier, fence or hoarding shall be erected **prior to the commencement of any work** subject to approval of a Traffic Management Plan.

An application to occupy public space is to be submitted to Council for approval prior to commencement of works.

Where a hoarding is required, an application for hoarding is also to be submitted to and approved by Council prior to commencement of any work. Hoardings shall be erected to comply with the requirements of WorkCover, the Principal Certifying Authority and with relevant Australian Standards.

*(Reason: Safety)*

### **CCA4 Submission of Plans for Works within the Road Reserve**

The submission to Council of three (3) copies of Civil Engineering plans for the design of all works within the road reserve required adjacent/near/outside 4 to 14 Parramatta Road, Strathfield, including long and cross sections, details of proposed structures and specifications

The drawings must be approved by Council in writing and all fees and charges paid **prior to the issue of the Construction Certificate**.

Such design shall be:

- (a) Prepared and submitted on A1, or A3 size sheets, undertaken by a consulting Civil Engineer,
- (b) Approved by Council under Section 138 of the Roads Act., prior to the issue of the Construction Certificate, and
- (c) Upon completion of the works, the Applicant is to provide to Council two (2) copies of "work as executed plans". The plans are to show relevant dimensions and finished levels and are to be certified by a surveyor. Also the Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the

- works, and
- (d) All Civil Engineering works adjacent/near/outside [address] is to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

*(Reason: To ensure compliance of engineering works/Council assets are constructed to acceptable standards for engineering works)*

#### **CCA5 Vehicular Crossings**

Full-width, heavy-duty concrete vehicular crossing(s) shall be provided across the footpath at the entrance(s) and/or exit(s) to the site, subject to approval by Council's Engineer. In this regard the Applicant must obtain a copy of Council's "Specification for Driveway Construction" and lodge an application for vehicular crossing(s) (available from Council's Customer Services Centre or downloaded from Council's internet website), and pay the appropriate fees and charges **prior to the lodgement of the Construction Certificate**.

*(Reason: To ensure appropriate access to the site can be achieved)*

#### **CCI1 Hoardings**

A Hoarding Application for the erection of a class A (fence type) or class B (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained.

The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges **before the commencement of work**.

A Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy also provided to Council. The Policy is to note Council as an interested party. The copy is to be provided to Council **prior to the issue of a Construction Certificate**.

*(Reason: Safety & information)*

#### **CCI2 Redundant Vehicular Crossings and Ancillary Works**

**Where new pavement, repair or reinstatement of footpath or other ancillary works such as kerb and gutter and stormwater pit construction is proposed, the Applicant shall submit to Council an application for "Driveway and ancillary works"** (available from Council's Customer Services Centre) and pay the appropriate fees & charges **prior to the issue of a Construction Certificate**.

All disused or redundant vehicle crossings and laybacks shall be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council and the footpath area is to be restored to

the satisfaction of Council's Engineer, prior to the issue of the Occupation Certificate.

*(Reason: Public infrastructure maintenance)*

#### **CCI3 Road Opening Permit**

Pursuant to Section 138 of the Roads Act, any work on the verge, footpath, public road reserve or public reserve (open space) will require a "Road Opening Permit" to be obtained from Council. In this regard the Applicant is to make a formal application at Council's Customer Services Centre. The Permit Application is to be submitted to and approved by Council **prior to the issue of a Construction Certificate.**

*(Reason: Maintain public asset)*

#### **CCI4 Separate Approval for Works in the Public Road (External Works) – Section 138 Roads Act**

Plans submitted **with the application of a Construction Certificate** shall clearly delineate between internal works and external works and note that **Construction Certificate approval does not include approval for external works.**

Pursuant to Section 138 of the Roads Act 1993 and **prior to the issue of a Construction Certificate**, the applicant must submit detailed plans to and obtain a written approval from the Appropriate Road Authority, for any works in the road reserve.

Additionally, where the work involves closure of a carriageway on a State Road, Regional Road, or it is such that it may impact the traffic flow on a State Road or Regional Road, or is within close proximity of a Traffic Facility (eg Traffic Lights) then a Road Occupancy License must be obtained from the Planned Incidents Unit of the Traffic Management Centre of the RTA. The application should be lodged at least 10 days prior to the planned commencement date.

*(Reason: Protection of Public Assets and information)*

#### **CCI5 Notice of Requirements from Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. For details refer to Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au).

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice of Requirements must be submitted to the Accredited Certifier **before the issue of the Construction Certificate.**

*(Reason: To comply with statutory requirements)*



### **CCR1 Application for a Construction Certificate**

The applicant must apply to Council or an Accredited Certifier for a Construction Certificate to carry out the relevant building works that are approved by this consent. The details to be included in the application for a Construction Certificate are:

- (a) Architectural plans and specifications complying with the Building Code of Australia (BCA), relevant Australian Standards, and the development consent and conditions.
- (b) If Council issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a practising consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.

**Note:** The engineer/s undertaking certification must be listed on the National Professional Engineers Register under the appropriate category.

- (c) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.
- (d) Essential services plan outlining the existing and proposed fire safety measures.
- (e) Disabled access provisions to common and public areas in accordance with AS1428 parts 1 - 4 inclusive.
- (f) If an alternative solution to the “deemed to satisfy” provisions of BCA is proposed, the following details must be lodged:
  - Performance requirements that the alternative solution intends to meet.
  - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
  - A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body

**Note:** The performance-based application may be required to be reviewed by a suitably qualified independent body at the applicant's expense. Any fees relating to any review are

required to be paid **prior to the issue of the Construction Certificate.**

*(Reason: Statutory requirement)*

**CCR2 BASIX Commitments**

BASIX Certificate No. 308581M shall be submitted to the Accredited Certifier with the application for a Construction Certificate.

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Accredited Certifier and Council. If any proposed change in the BASIX commitments is inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 96 of the Environmental Planning and Assessment Act 1979.

All commitments in the BASIX Certificate must be shown on the plans accompanying the Construction Certificate **prior to the issue of any Construction Certificate.**

*(Reason: Statutory Compliance)*

**CCR4 Energy Australia Requirements**

The approved development must comply with the requirements of Energy Australia. **Prior to the issue of a Construction Certificate**, the applicant shall demonstrate to the Accredited Certifier that any such requirements have been complied with.

*(Reason: Statutory requirement)*

**CCR5 93F Planning Agreement**

In accordance with Section 93I(3) of the Environmental Planning and Assessment Act 1979, the Voluntary Planning Agreement offered by the developer in respect of the Development Application, the subject of this consent, for payment of \$320,000 for provision of community amenities facilities must be entered into **prior to the issuing of a Construction Certificate by the Accredited Certifier**. The terms of the Voluntary Planning Agreement must, thereafter, be adhered to.

*(Reason: To ensure compliance with the terms of the S93F Agreement)*

**CCR6 Planning Agreement s93F - Bank Guarantee/Bond**

The \$320,000 identified in the agreement shall be paid to Council **prior to the issue of the first construction certificate by the Accredited Certifier.**

*(Reason: Fees and charges)*

**CCM1 Detailed Stormwater Drainage System Design**

**Prior to the issue of the Construction Certificate** a detailed stormwater drainage plan for the disposal of stormwater from the site, prepared in

accordance with Council's "Specification for the Management of Stormwater" shall be submitted and approved by the Accredited Certifier.

Should any changes be required to the approved stormwater drainage plan, the amended design shall achieve equivalent performance standards in accordance with Council's "Specification for the Management of Stormwater".

**Important Note:** Construction Certificate Approval does not include approval for works external to the property. Where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works.

The applicant is advised to contact Council for clarification of proposed works for which approval under Section 138 applies.

*(Reason: Stormwater management)*

### **CCM3 Construction or Re-direction of a Stormwater Pipeline**

No line of natural drainage nor any drainage channel, pipeline or other work shall be filled in, diverted or otherwise interfered with, except by the construction of a pipeline of a specific size, material and location approved by Council. Engineering Plans in accordance with Council's "Specification for the Management of Stormwater" **shall be submitted prior to the issue of a Construction Certificate.**

*(Reason: Protection of existing drainage infrastructure)*

### **CCM4 Erosion and sedimentation controls**

Erosion and sedimentation controls must be provided to ensure:

- (a) compliance with the approved Soil and Water Management Plan
- (b) removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) all uncontaminated run-off is diverted around cleared or disturbed areas
- (d) silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways
- (e) all erosion and sediment controls are fully maintained for the duration of demolition/ development works
- (f) controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways
- (g) all disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) all water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the *Australian Water Quality guidelines for Fresh and Marine Waters*

- (i) pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

Details of the proposed soil erosion and sedimentation controls to be implemented on site must be submitted **with the Construction Certificate Application**. Under no circumstances may any works commence prior to these details being approved by the Accredited Certifier and the controls being in place on the site

*(Reason: Environmental protection)*

#### **CCM5 Grated Drain to Garage**

A grated trench drain shall be provided across the (garage entrance/driveway/street boundary). Unless otherwise sized by a Hydraulic Engineer, the dimensions of the trench grate shall be no less than 300mm wide by 100mm deep at the shallow end, and have a "bottom" slope of 2 %. This trench drain shall be connected to an approved drainage system.

In the event of the Hydraulic Designer sizing the grated drain, the calculation shall be in accordance with AS/NZS3500.

The above information must be indicated on all relevant drawings **to be submitted with the Construction Certificate**.

*(Reason: Environmental protection)*

#### **CCM6 Rainwater Re-use**

A rainwater re-use system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Policy and/or "Specification of the Management of Stormwater", whichever is applicable. A detailed stormwater plan showing the proposed re-use system shall be submitted and approved by Council or an Accredited Certifier **prior to the issue of the Construction Certificate**.

*(Reason: Compliance and Amenity)*

#### **CCS1 Dilapidation Report**

Subject to access being granted, a Dilapidation Report is to be undertaken on all properties, which in the opinion of a suitably qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out **prior to the issue of the Construction Certificate**.

The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current Corporate Membership with the Institution of Engineers, Australia or Geotechnical Practitioner.

The Report shall cover structural and geotechnical factors likely to arise from the development.

A copy of this Report shall be submitted to Council as a record.

The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

*(Reason: Safety)*

#### **CCS4 Support and Protection for Neighbouring Buildings**

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of clause 98E of the Environmental Planning and Assessment Regulation 2000, including:

- (1) (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.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Details shall be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate.**

*(Reason: Structural safety)*

#### **CCU2 Electricity Substation**

Any required electricity substation must be located within the boundaries of the site.

Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Accredited Certifier **prior to the issue of a Construction Certificate** detailing the energy authority's requirements.

**Note:** Where an electricity substation is required but no provision has been made to place it within the approved building or its site and no details are provided on the approved development consent plans, a section 96 application is required to be submitted to Council for approval of an appropriate location for the required electricity substation.

*(Reason: Access to utility)*

#### **CCU4 Telecommunications**

Provision must be made for relocation of telecommunications network assets including underground placement of any existing aerial cables and infrastructure. Any costs associated with the relocation of the above are at the requestor's expense.

Should you need to discuss access to or relocation of any Telstra assets please contact Telstra's Network Integrity team on 1800 810 443 (opt1) or email F1102490@team.telstra.com.

Details are to be submitted **with the application for a Construction Certificate.**

*(Reason: Environmental Amenity)*

**Conditions which must be satisfied prior to the commencement of any development work**

**CCS2 Geo-technical Report**

A supplementary geo-technical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geo-practitioner and **submitted to the Accredited Certifier after demolition and prior to excavation and construction.** The report must include the results of subsurface investigations involving either test pits to rock, or preferably the drilling of cored boreholes (to 1m below the proposed final excavation level). The report shall describe inter alia:-

- (a) an indication of the nature and depth of any uncontrolled fill at the site;
- (b) an indication of the nature and condition of the material to be excavated;
- (c) indications of groundwater or seepages;
- (d) required temporary measures for support of any excavations deeper than 1m adjacent to property boundaries;
- (e) statement of required excavation methods in rock and measures required to restrict ground vibrations;
- (f) Rock strength and hydro geological issues;
- (g) other geo-technical information or issues considered relevant to design and construction monitoring.

*(Reason: Structural safety)*

**PDR1 Appointment of Principal Certifying Authority**

No work shall commence in connection with this Development Consent until:

- (a) a construction certificate for the building work has been issued by:
  - (i) the consent authority; or
  - (ii) an accredited certifier; and
- (b) the person having the benefit of the development consent has:
  - (i) appointed a principal certifying authority for the building work, and
  - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and

(b1) the principal certifying authority has, no later than 2 days before the building work commences:

- (i) notified the Council of his or her appointment, and
- (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

(b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:

- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
- (ii) notified the principal certifying authority of such appointment, and
- (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

(c) the person having the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

*(Reason: Statutory requirements)*

#### **PDR2 Construction Certificate**

No work shall commence until you:

- (a) Obtain a Construction Certificate from either the City of Canada Bay Council or an Accredited Certifier - a fee applies for this service; and
- (b) Lodge with the City of Canada Bay Council any Construction Certificate obtained from an Accredited Certifier (together with associated plans and documents) - a fee applies for this service

*(Reason: Statutory Requirement)*

#### **PDR4 Home Warranty Insurance**

**No residential building work** within the meaning of the *Home Building Act 1989* may commence until:

- (a) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and in force, where such a contract is required under that Act (this is a prescribed condition of consent pursuant to clause 98 1(b) *Environmental Planning and Assessment Regulation 2000*;
- (b) The PCA is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder);
- (c) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner-builder permit required under the *Home Building Act 1989*;
- (d) Written notice of the following information has been provided to Council (this is a prescribed condition of consent pursuant to clause 98B of the *Environmental Planning and Assessment Regulation 2000*):
  - (i) In the case of work for which a principal contractor is required to be appointed:
    - The name and licence number of the principal contractor, and
    - The name of the insurer by which the work is insured under Part 6 of the *Home Building Act 1989*,
  - (ii) In the case of work to be done by an owner-builder:
    - The name of the owner-builder, and
    - If the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*, the number of the owner-builder permits.

Where Council is not the PCA, the PCA is responsible for notifying Council of the above matters.

Where arrangements for doing residential building work change **while the work is in progress** so that the above information becomes out of date, the PCA (where not the Council) must provide Council with written notice of the updated information.

(Reason: Statutory requirement)

#### **PDR5 Notice of commencement**

No work shall commence until you submit a notice of commencement (form will be attached with issue of a Construction Certificate or available from our website) giving Council:



- (a) Not less than two (2) days notice of the date on which it is proposed to commence work associated with this Development Consent;
- (b) Details of the appointment of a Principal Certifying Authority (either Canada Bay Council or another Accredited Certifier)
- (c) Details of the name, address and licence details of the Builder.

*(Reason: Statutory Requirement)*

#### **PDR6 Site Safety Fencing**

Erect site fencing to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site throughout the construction works. The fencing **must be erected before the commencement of any work and maintained.**

The site shall be secured in accordance with Clause 146 of the Environmental Planning and Assessment Regulation 2000. The site shall be maintained in a clean and orderly condition during demolition and construction works.

#### *Hoardings*

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained including:

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

*(Reasons: Statutory Requirement and health and safety)*

#### **PDR7 Principal Certifying Authority (PCA) Sign**

**Prior to commencement of any work**, signage must be erected in a prominent position on the work site identifying:

- The Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- The Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- The sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

*(Reason: Statutory Requirement)*

#### **PDR8 Sydney Water Approvals (Quick Check)**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Care Centre to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see Building and Renovating under the heading Building and Developing, or telephone 13 20 92.

The Accredited Certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans **prior to the issuing of a Construction Certificate**.

*(Reason: Statutory Requirement)*

#### **PDR9 Toilet Amenities on Construction Site**

**Prior to commencement of any building works**, toilet facilities for employees must be provided in accordance with WorkCover NSW requirements.

Where female workers are present on site, appropriate measures for sanitary item disposal should be made, such as a disposal unit provided in the portable toilet or sewer connected toilet closet.

*(Reason: Statutory Requirement - Health and amenity)*

#### **PDM2 Soil & Water Management during Construction**

Landcom's "*Managing Urban Stormwater – Soil and Conservation*" August 1998 outlines the general requirements for the preparation of a soil and water management plan. All works shall be conducted in accordance with a soil and water management plan that has been submitted and approved by the Accredited Certifier **prior to the commencement of works**. A copy of the plan shall be kept on-site and made available to Council's Officers on request. All erosion and sediment control measures must be maintained in a functional condition throughout the duration of the works.

*(Reason: Environmental protection)*

#### **Conditions which must be satisfied during any development work**

##### **DWT1 Burning and Burying of Waste**

**No** materials or rubbish resulting from the land clearing, demolition and building works must be burnt or buried on the site.

*(Reason: Health and amenity)*

**DWT2 Construction Hours**

Construction and related work on the premises that will, or does, cause noise, will not take place, nor shall machinery, including vehicles, operate upon the property outside the hours of 7.00 am to 5.00 pm. Mondays to Fridays, and 8.00 am to 1.00 pm Saturdays. No work to occur on Sundays and public holidays.

Where the development involves the use of jackhammers/ rock breakers or other heavy machinery, work shall be restricted to 7.00 am – 5.00 pm Monday to Friday only.

*(Reason: Safety and amenity)*

**DWT3 Disruption of Traffic**

During any construction works on the public road that is associated with this approval, the Applicant must provide appropriate signage and traffic control facilities as per the requirements of AS 1742.3 and the RTA "Traffic Control at Works Sites" manual.

*(Reason: Safety and information)*

**DWT4 Dust Control*****Small Works***

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like.

***Major Works***

The following measures must be taken to control the emission of dust:

- a. Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- b. All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the stormwater system.
- c. All stockpiles of materials that are likely to generate dust must be kept damp or covered.

*(Reason: Environmental amenity)*

**DWT5 Excavation – Water**

All excavations must be kept free from the accumulation of water.

*(Reason: Health and safety)*

**DWT6 Prevention of Nuisance**

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind blown dust, debris, noise and the like during the demolition, excavation and building works.

*(Reason: Health and amenity)*

**DWG2 Acid Sulphate Soils**

Any excavation works carried out on site should be closely monitored to ensure no signs of Potential Acid Sulphate Soil (PASS) or Actual Acid Sulphate Soil (AASS) are observed. Indicators may include grey to greenish blue clays, unusual gold-yellow mottling or 'rotten egg' odours. If any of these indicators are observed, excavation of the site is to be stopped immediately, Council is to be notified and a suitably qualified environmental scientist should be contracted to further assess the site.

*(Reason: Environmental protection)*

**DWG3 Construction Management Plan**

All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan.

All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the Accredited Certifier and Council on request.

*(Reason: Compliance with condition of consent)*

**DWG4 Damage to Adjoining Properties**

All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner.

*(Reason: Structural safety)*

**DWG5 Stamped Plans**

Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

*(Reason: To ensure compliance with approved plans)*

**DWN1 Noise - Construction**

All works carried out on site during construction/ demolition/ excavation/ earthworks shall comply with the NSW DECC Protection of the Environment Operations Act 1997 and the DECC Noise Control Guideline – Construction Site Noise and AS 2436-1981 – “Guide to Noise Control on Construction, Maintenance and Demolition Sites” for the control of construction noise which specifies that:

Construction period of 4 weeks and under – The L<sub>10</sub> level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A).

Construction period greater than 4 weeks and not exceeding 26 weeks – The L<sub>10</sub> level measured over a period of not less than 15 minutes when

the construction site is operating must not exceed the background level by more than 10 dB(A).

Silencing – All possible steps should be taken to silence construction site equipment.

Should complaints of a noise nuisance be justified, Council will require the acoustic treatment of the identified noise source/s to ensure compliance with Councils requirements on noise. An acoustic assessment & report will be required to ensure that the intrusive noise from the plant does not exceed 5 dB (A) above the background noise.

Should complaints of a noise nuisance be justified, Council will require the acoustic treatment of the premises to ensure compliance with the NSW DEC Industrial Noise Policy. A further acoustic assessment & report will be required to be provided to Council assessing the premises in working order.

*(Reason: Noise Attenuation)*

#### **DWN2 Noise - Plant**

All works carried out on site during construction/demolition/excavation or earthworks shall comply with the NSW DECC Protection of the Environment Operations Act 1997. Approved and effective silencing measures shall be provided and maintained on all power-operated plant used on site.

*(Reason: Safety and Amenities)*

#### **DWN3 Noise & Vibration**

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise or vibration problem arising, the person in charge of the premises must, when instructed by City of Canada Bay Council or the Accredited Certifier, cease work and carry out an acoustical survey and/or investigation by an appropriate acoustical engineer or consultant and submit the results to Council. The person in charge of the site must implement any or all of the recommendations of the consultant and any additional requirements of Council. Any requirements of Council in this regard must be complied with immediately.

*(Reason: Noise attenuation)*

#### **DWA1 Obstruction of Road or Footpath**

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste bins or any other matter is not permitted unless approved in accordance with Council's Waste Skip Bin Policy. A Penalty Infringement Notice may be issued for any offence.

*(Reason: Protection of infrastructure, safety & information)*

**DWA2 Protection of Public Places**

If the work involved in the demolition or construction 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 closure of a public place, a hoarding or fence shall be erected. Hoardings shall be erected to comply with the requirements of WorkCover and the Principal Certifying Authority.

*(Reason: Safety)*

**DWA3 Protection of Footpath**

The footpath must be protected against damage by means of close boarding with chamfered ends.

*(Reason: Protection of infrastructure and the environment)*

**DWR1 Compliance with Building Code of Australia**

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Note: Applicants who have lodged an objection and who have been granted exemption under clause 187(6) & 188(4) of the *Environmental Planning and Assessment Regulation 2000*, must comply with the Building Code of Australia in all other respects.

*(Reason: Prescribed statutory control)*

**DWR2 Critical Stage Inspections - General**

Critical stage inspections must be called for by the Principal Contractor or Owner Builder as required by the Principal Certifying Authority (PCA), any PCA Service Agreement, the Act and the Regulation.

Work must not proceed beyond each critical stage until the PCA is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the Act. 'Critical Stage Inspections' means the inspections prescribed by the Regulations for the purposes of section 109E(3)(d) of the Act or as required by the PCA and any PCA Service Agreement.

**Note 1:** The PCA may require additional inspections beyond mandatory critical stage inspections in order that the PCA be satisfied that work is proceeding in accordance with this consent.

**Note 2:** The PCA may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2.2 of the BCA in relation to any matter relevant to the development.

*(Reason: Statutory requirement)*

**DWR4 Inspections for Building Work - Critical Stages (Classes 2,3 or 4)**

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- (a) Prior to covering of waterproofing in any wet areas, for a minimum of 10 % of rooms with wet areas within a building;
- (b) Prior to covering any stormwater drainage connections;
- (c) After the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- (d) Other.

**If the person having the benefit of the development consent appoints Council as the PCA, Council will give written advice as to what critical stage inspections apply.**

Prior to issuing an occupation certificate or subdivision certificate the PCA must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (d), the inspections may be carried out by the PCA or, if the PCA agrees, by another certifying authority.

The final inspection detailed at subclause (d) may only be carried out by the PCA.

For each inspection the principal contractor (*or owner-builder*) must notify the PCA at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

*(Reason: Statutory Requirements)*

#### **DWR5 Critical Stage Inspections for Building Work (Classes 5, 6, 7, 8 or 9)**

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- (a) Prior to covering any stormwater drainage connections; and
- (b) After the building work has been completed and prior to any occupation certificate being issued in relation to the building;
- (c) Other.

**If the person having the benefit of the development consent appoints Council as the PCA, Council will give written advice as to what critical stage inspections apply.**

Prior to issuing an occupation certificate or subdivision certificate the PCA must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (c), the inspections may be carried out by the PCA or, if the PCA agrees, by another certifying authority.

The final inspection detailed at subclause (c) may only be carried out by the PCA.

For each inspection the principal contractor (*or owner-builder*) must notify the PCA at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

*(Reason: Statutory Requirements)*

#### **DWR6 Inspection Records & Compliance Certificates**

The PCA or accredited certifier undertaking each of the inspections must make a **record of each inspection** in accordance with Clause 162B of the Environmental Planning and Assessment Regulations 2000 and, if the person is not the PCA, forward a copy to the PCA.

A copy of any **compliance certificates** issued in respect of the building work and any documents referred to in the certificate must be provided to Council within two (2) days of the certificate being issued.

A compliance certificate must be issued where:

- (a) Either:
  - (i) Council is appointed the PCA; or
  - (ii) Council is the PCA but agrees to an accredited certifier undertaking certain inspection/s, and
- (b) The PCA or accredited certifier is of the opinion that the stage of work he or she has inspected is satisfactory.

*(Reason: Statutory Requirement)*

#### **DWS1 Progress Survey – Major Development (greater than two stories)**

In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

- (a) At the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- (b) Prior to placement of concrete, the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- (c) Prior to placement of concrete at each second floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
- (d) Prior to roofing, or completion of the highest point of the building, showing the anticipated level of the completed work and the relationship to the boundary; and
- (e) At completion, works showing the relationship of the building to the boundary.

Progress certificates in response to points (a) through to (e) shall be produced to the Council or the Principal Certifying Authority at the time of



carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveals discrepancies between the approved plans and the proposed works.

*(Reason: To ensure compliance with approved plans)*

**Conditions which must be satisfied prior to the issue of any Occupation Certificate relating to the use of the building or part**

**CCC4 Section 94 Contributions (Concord & Strathfield Triangle)**

The following Section 94 contributions are required towards the provision of public amenities and services in accordance with the City of Canada Bay Section 94 Plan for the Strathfield Triangle Area:

**Residential component**

<u>Amenities and Services</u>	<u>Amount</u>
Community Facilities	\$181,537.12
Recreation and Public Open Space	\$383,937.16
Roads and Traffic Management	\$5,827.53

**Retail component**

<u>Amenities and Services</u>	<u>Amount</u>
Library	\$655.47
Roads	\$1,598.67

**Strathfield Triangle s94 (\$12.23/m2)**      \$98,495.53

**TOTAL**      \$672,051.48

The Concord Section 94 contribution is based on 12 x 1 bedroom, 59 x 2 bedroom and 4 x 3 bedroom dwellings and 742.5m<sup>2</sup> retail gross floor area. The Strathfield Triangle Section 94 contribution is based on a total gross floor area of 8,053.6m<sup>2</sup>.

These contributions will be adjusted at the time of payment according to the CPI (Sydney – All Groups Index) and are to be receipted by Council before any ***OCCUPATION CERTIFICATE*** is issued.

An updated schedule of Council's contribution rate is issued at the beginning of each financial year and is available at Council's office. Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

A copy of the City of Canada Bay Section 94 Plan for the Concord Area may be inspected or obtained from Canada Bay Civic Centre, 1A Marlborough Street, Drummoyne during business hours or on Council's web site at [www.canadabay.nsw.gov.au](http://www.canadabay.nsw.gov.au)

*(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments)*

**Concrete median:**

The Occupation Certification for the proposed development shall not be released until the raised central concrete median island in Parramatta Road is fully constructed and operational to RTA satisfaction.

*(Reason: Compliance)*

**OCG1 Certification of Engineering Works**

**Prior to occupation**, the following documents must be submitted to the Principal Certifying Authority. These documents are:

- a) A Certificate from a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers, Australia, and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, and
- b) A "Work - As - Executed" plan of the engineering and/or drainage works.

The abovementioned Certificate is to certify that:

- (i) the stormwater drainage system, and/or
- (ii) the car parking arrangement and area, and/or
- (iii) any related footpath crossing works, and/or
- (iv) the proposed basement pump and well system, and/or
- (v) the proposed driveway and layback, and/or
- (vi) other civil works have been constructed in accordance with the approved plans and details, satisfies the design intent and complies with appropriate SAA Codes relevant Standards and Council's Policies and Specifications.

For major works, such as subdivisions, works within the road reserve (requiring separate S138 approval) and as where specified by Council, a Part 4A Certificate will be required. It is strongly recommended that the Engineer supervise the works.

Where Council is not the Principal Certifying Authority, two (2) copies of the above documents are to be provided to Council **prior to the issue of any Occupation Certificate**. These documents are to be retained on Council's Construction Certificate file.

*(Reason: Asset management)*

**OCG2 Strata Subdivision Approval**

This approval does not include approval to strata subdivide the subject property. A **separate development application** must be submitted to Council for approval **prior to occupation and/or use of the building/s**.

*(Reason: Information)*

**OCA1 Civil Works on the Footway**

The Applicant is required to carry out the following works:

- Reconstruct any bays of cracked concrete footpath along the full frontage of the site.

- Reconstruct existing public drainage pit/pipe system
- Provide a new vehicular crossing.
- Remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining.

The above works must be completed to the written satisfaction of Council **prior to issue of any Occupation Certificate**. Where the Applicant nominates Council to undertake the civil and stormwater works, they must contact Council's Manager, City Construction and Fleet in order to obtain an estimated cost for construction and contract to undertake the works.

*(Reason: Preserve Council asset and amenity)*

### **OCR1 Occupation Certificate (section 109M of the Act)**

A person must not commence occupation or use (*or change of use where an existing building*) of the whole or any part of a new building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- Any preconditions to the issue of the certificate required by a development consent have been met.

**Note:** New building includes an altered portion of, or an extension to, an existing building.

*(Reason: Statutory requirement)*

### **Conditions which must be satisfied prior to the issue of a Final Occupation Certificate**

#### **FOC1 Fire Safety Certificate**

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment (Amendment) Regulation 2000, **prior to the issue of the Final Occupation Certificate** for the building.

A copy of the Fire Safety Certificate and fire safety schedule shall be:-

1. Forwarded to City of Canada Bay Council;
2. Forwarded to the Commissioner of the New South Wales Fire Brigade; and
3. Prominently displayed in the building.

*(Reason: Fire safety)*

#### **FOC2 Certificate of Test of Mechanical Ventilation**

On the satisfactory completion of work and **prior to the issue of an Occupation Certificate**, a Certificate of Test of Mechanical Ventilation

shall be supplied to the Principal Certifying Authority from an approved mechanical ventilation engineer.

*(Reason: To ensure compliance with approved plans)*

**FOA2 Unpaved Verge Area**

The applicant shall construct/reconstruct the unpaved verge area along Leicester Avenue with grass species approved by Council **prior to issue of a Final Occupation Certificate.**

*(Reason: Environmental protection)*

**FOM1 Certification of the Constructed Stormwater Drainage System**

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's "Specification for the Management of Stormwater", **prior to issue of the Final Occupation Certificate.**

*(Reason: Adequate stormwater management)*

**FOM2 Covenant & Restriction as to User for Stormwater Controlled Systems**

**Prior to occupation and the issuing of an Occupation Certificate**, the Applicant shall register a Positive Covenant and a Restriction as to User, under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, etc).

**Easement Registration**

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement not less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88B Instrument is to make reference to the Council file where the Construction plans and the "Work-as-Executed", (as built), plans are held. Typical wording can be obtained from Council's "Specification for the Management of Stormwater" document.

*(Reason: Compliance and adequate maintenance of drainage system)*

**Conditions which must be satisfied during the ongoing use of the development**

**OUB6 Deliveries**

All deliveries (including waste collection) must not occur prior to 7am or after 8pm everyday.

*(Reason: Protect amenity of surrounding property)*

**OUB15 Loading**

All loading and unloading operations shall be carried out wholly within the confines of the site, at all times.

*(Reason: Adequate servicing)*

#### **OUE1 Annual Fire Safety Statement**

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation (as amended) the owner of the building shall furnish Council with an Annual Fire Safety Statement from a competent person so as to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:-

1. Forwarded to the Commissioner of the New South Wales Fire Brigade; and
2. Prominently displayed in the building.

*(Reason: Fire safety)*

#### **OUH12 Acoustic Assessment**

All recommendations contained in the acoustic assessment report prepared by Vispac, Report No. 20C-09-0329-TRP-461534-2, dated 29/06/2010 shall be adopted, implemented, and adhered to. Any changes made to the proposal that would alter the acoustic assessment will require a further acoustic assessment and a copy of this further report shall be provided to Council prior to the commencement of works on the site or the commencement of the use.

*(Reason: Noise Control and Amenity)*

#### **OUH19 Compliance with Noise Control Legislation**

The applicant shall ensure that all activities within the premises comply with the relevant sections of the Protection of the Environment Operations Act 1997 and Regulations; the NSW Environment Protection Authority Industrial Noise Policy (2000) and relevant Australian Standards on Noise Control on Construction, Maintenance and Demolition Sites.

*(Reason: Noise Control and Amenity)*

#### **OUG3 Visitor Parking Restriction**

All 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.

*(Reason: Compliance)*

#### **OUG4 Australia Post Guidelines**

Mail deliveries are to be in accordance with Australia Post Guidelines, as set out in the Australia Post publication "General Post Guide - September 2007". A copy of this Guide can be obtained from Australia Post's web page at [www.auspost.com.au](http://www.auspost.com.au). A copy of the brochure may be obtained

from Australia Post. In general, a clearly marked mailbox (or group of mailboxes) shall be provided within 500mm of the footpath alignment.

*(Reason: To ensure compliance with mail delivery regulations)*

#### **Advisory Notes (ANN) -**

Please note: the following may not apply to all consents

##### **ANN1 Dial Before You Dig**

The *principle contractor, owner builder or any person* who needs to excavate and undertake building work must first contact *Dial Before You Dig* and allow a reasonable period of time for the utilities to provide locations of their underground assets. Failure to do so may result in being financially responsible by the asset owner should they damage underground pipe or cable networks.

*Dial Before You Dig* is a free national service that provides advice on the location of underground pipes and cables.



When you contact *Dial Before You Dig*, you will be sent details of all *Dial Before You Dig* members who have underground assets in the vicinity of your proposed excavation.

*(Reason: Information - protection of utilities)*

##### **ANN2 Dividing Fences**

The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of or payment for the erection of dividing fences.

If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre or if legal advice or action is required, you may contact the Chamber Magistrate.

*(Reason: Information)*

##### **ANN3 Footway Lease - Business Use of Footpath**

The operator of an approved business must apply to Council to lease Council's property (i.e. footways, plazas, or portions of public ways) should it be required for use in conjunction with the approved business.

The use of any footpath area for the purposes of additional dining to the approved business requires separate Council approval by application under section 125-127 & 137-139 of the *Roads Act, 1993* prior to the commencement of any such use.

A leasing fee will apply to the use of Council's property. The lease must be executed upon commencement of the operation of the refreshment room and is required to be renewed annually.

*(Reason: Information - separate approval)*

#### **ANN5 Lapsing of Consent**

In accordance with Section 95 of the Environmental Planning and Assessment Act 1979 (as amended), this Development Consent lapses five (5) years after the date from which it operates unless building, engineering or construction work has substantially physically commenced. **The building must be completed, in accordance with the approved plans and specifications, within five (5) years from the date when the building was substantially physically commenced.**

*(Reason: Information)*

#### **ANN6 Owner Builders**

Under the *Home Building Act 1989* any property owner who intends undertaking construction work to a dwelling or dual occupancy over the value of \$12,000 must complete an approved education course and obtain an owner-builder permit from the Office of Fair Trading. See [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au).

*(Reason: Information)*

#### **ANN7 Process for Modification**

The plans and/or conditions of this Consent are binding and may only be modified upon written request to Council under Section 96 of the Environmental Planning and Assessment Act, 1979 (as amended). The request shall be accompanied by the appropriate fee and application form. You are not to commence any action, works, contractual negotiations, or the like, on the requested modification unless and until the written authorisation of Council is received by way of an amended consent.

*(Reason: Information)*

#### **ANN8 Review of Determination**

In accordance with the provisions of Section 82A of the Environmental Planning and Assessment Act 1979(as amended) the applicant can request Council to review this determination. The request must be made within a period of 12 months from the date shown on this determination. A fee, as prescribed under Council's current Management Plan - Fees and Charges, is payable for such a review.

*(Reason: Information)*

#### **ANN9 Right of Appeal**

Section 97 of the Environmental Planning and Assessment Act 1979 (as amended), gives the applicant the right to appeal to the Land and Environment Court within twelve (12) months after the date on which you receive this notice. Section 97 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

*(Reason: Information)*

#### **ANN10 Signage Approval**

A **separate development application** for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council, prior to the erection or display of any such signs. This does not apply to signs which are classified as being 'Exempt Development'.

*(Reason: Information - amenity and separate approvals)*

#### **ANN11 Skips on Council Footpath**

The applicant must apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fees and deposit, should a mini-skip type or larger builder's waste container be required to be left on Council's footpath, nature strip or roadway for the removal of any builder's waste etc. These fees must be paid prior to the container's placement. In the event of the container being removed within the ten day period, and the Council being notified, a pro-rata refund will be made. If the container is to remain at the site for longer than ten days, a further fee must be paid before the ten day period expires. No consultation is necessary if placing the container within the property to which this application is related. However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.

*(Reason: Information - amenity and separate approvals)*

#### **ANN12 WorkCover Requirements**

The Occupational Health and Safety Act 2000 No 40 and subordinate regulations, codes of practice and guidelines control and regulate the development industry.

Further information can be obtained from WorkCover NSW's website at <http://workcover.nsw.gov.au/Industry/Construction/default.htm> or through their head office: WorkCover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.

*(Reason: Information - safety)*

#### **ANN13 DECC Contaminated Land Orders**

The subject site or part of the subject site is affected by a current Ongoing Maintenance Order under Section 28 of the Contaminated Land Management Act 1997. For further information regarding this Order,



contact the Department of Environment and Climate Change (DECC) by phone:131555. A copy of the Order can be downloaded from the DECC webpage at [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

## *Report*

### **1. BACKGROUND**

A pre-development application meeting was held with Council Planning Staff on the 15 December 2009 and 28 January 2010. The key issues relating to the draft proposal were discussed and feedback provided on the preliminary design concept.

The current development application was lodged on the 11 May 2010 and notified for a period of fourteen (14) days. To date five (5) submissions have been received from stakeholders.

A panel briefing meeting was held on the 16 June 2010. Council staff provided a presentation of the proposed development, its key elements and the planning controls that affect it, including an overview of the issues of concern that arose through the assessment process and the submissions received. Further, commentary on the assessment process and likely timing to present the report to the panel were outlined.

Based on a detailed assessment of the application, Council wrote to the applicant on the 17 June 2010 and identified the following issues and requested additional information, including:

- Owners consent;
- Floor space ratio;
- Landscaping;
- Storage;
- Acoustic impact assessment;
- Telecommunication facilities / billboard signage;
- Comments received from internal and external referrals as relevant; and
- Submissions received during notification.

A meeting was held with the applicant and their consultants on the 1 July 2010 to discuss the content of Council's letter. Subsequently, additional information and amended plans were submitted by the applicant.

Council reviewed and assessed the additional information and wrote to the applicant on the 4 August 2010 outlining concerns with the proposed variation to the floor space ratio for Precinct F and height. A meeting was held on the 5 August 2010 and these matters were discussed in greater detail and Council's position on the development and non compliances clarified.

Concurrently with this development application the applicant has made offer of a Section 93F agreement of \$320,000.

### **2. THE SITE AND ITS CONTEXT**

The site is located on the corner of Parramatta Road and Leicester Avenue, Strathfield. The site is known as 4 - 14 Parramatta Road,

Strathfield, and is irregular in shape. The site consists of five allotments being:

- Lot 1 in Deposited Plan 1098443;
- Lot 2 in Deposited Plan 1098443;
- Lot 3 in Deposited Plan 1084519;
- Lot 4 in Deposited Plan 1084519; and
- Lot 3 in Deposited Plan 433422.

The subject site has a combined total area of 2,111m<sup>2</sup> and provides a frontage to Parramatta Road of approximately 54m and frontage to Leicester Avenue of approximately 32m. The site has a slight fall of approximately 1m from the northeast to southwest.

The site currently contains three one to two storey buildings which are utilised for automotive repairs and servicing. The corner site contains telecommunication facilities and a billboard at the roof level. These sites do not contain any significant vegetation and have largely impervious surfaces.

The site is located in Precinct F of the Strathfield Triangle Development Control Plan (STDCP). The precinct plan identifies building envelopes and the location of open space. This precinct contains the following development:

- 39 (35 - 41) Cooper Street - two buildings with ground floor commercial and seven storeys of residential above and basement carparking. This site contains four affordable housing units which are owned and operated by the City of Canada Bay.
- 29 - 33 Cooper Street / 9 Hilts Road - three detached residential dwellings and a further detached residential dwelling which has been converted for commercial use.
- 16- 24 Parramatta Road - under construction are three residential flat buildings including; 6 storey building with ground floor commercial and residential above, 7 storey residential building and 4 storey residential building all with basement parking.
- 1 - 5 Hilts Road - five storey residential flat building with basement parking.

#### *Development to the north*

Immediately adjoining the site to the north is Parramatta Road which consists of between five and six lanes. On the opposite side of Parramatta Road there is a caryard and work has commenced on the construction of a residential flat building. Further to the north is the juncture of the M4 motorway with Parramatta Road.

#### *Development to the east*

Immediately adjoining the site to the east is Leicester Avenue which is a four lane road with a right hand turning lane onto Parramatta Road. Development fronting to Parramatta Road consists of caryards. Development on the eastern side of Leicester Avenue consists of detached residential dwellings which address Leicester Avenue as a secondary frontage.

#### *Development to the south*

South of the site are single storey detached residential dwellings, which include heritage listed items at 40-42A Leicester Avenue and at 32 and 38 Leicester Avenue. Largely offset from the site, but, sharing a common boundary for a distance of approximately 12m is a five storey residential flat building with basement parking fronting Hiltz Road.

#### *Development to the west*

Immediately adjoining the subject site is the development site currently under construction at 16- 24 Parramatta Road, which consists of three residential flat buildings including; 6 storey building with ground floor commercial and residential above, 7 storey residential building and 4 storey residential building over basement car parking. Further to the west at 39 (35 - 41) Cooper Street are two buildings with ground floor commercial and seven storeys of residential above basement car parking.

### **3. PROPOSED DEVELOPMENT IN DETAIL**

The key features of the proposal include:

- Demolition of existing structures on the site;
- Excavation for three basement carparking levels;
- Erection of two distinct but linked buildings comprising of the following:
  - 75 residential apartments comprising 12 x 1 bedroom apartments, 59 x 2 bedroom apartments and 4 x 3 bedroom apartments;
  - Retail / commercial space within 2 commercial suites containing 742.5m<sup>2</sup> gross floor area. The uses associated with the retail / commercial floor space have not been defined in this application;
  - Centre management office, 55m<sup>2</sup> gross floor area;
  - Central landscaped courtyard and roof top terrace on eastern building;
  - Car parking for 105 vehicles within three basement levels with access from Parramatta Road;
  - Pedestrian access from Leicester Avenue;
- Associated stormwater drainage and onsite stormwater detention and reuse system;
- Consolidation of existing lots;

### **4. PUBLIC SUBMISSIONS**

In accordance with Council's Notification Development Control Plan, adjoining and nearby property owners and occupiers were advised of the proposal and invited to comment. To date five (5) submissions objecting to the proposal have been received.

#### **Submissions Received from Adjoining Property Owners/Occupiers:**

<b><i>Submitter Details</i></b>	<b><i>Objections Raised</i></b>	<b><i>Outcome/comment</i></b>
L Derwent, 4 - 14 Parramatta	Impact upon amenity of	Solar access and privacy assessment provided in section

Road	dwelling on Leicester Avenue / privacy / solar access	5.3 below. Separation and orientation of units mitigates privacy impacts.
	Height / bulk / scale	Assessment provided in section 5.3 below.
	Floor space ratio	Refer to Section 5.1.2 below. Assessment concluded FSR is acceptable.
	Precinct landscaped requirement. Appropriateness of landscape design / soil depth	Consolidate open space and deep soil zone for precinct F is not contained within the subject site  Landscaping has been provided to the street elevations and within the communal open space areas. Suitable soil depth is provided to sustain the proposed landscaping.
	No economic and social benefit due to impact on neighbouring properties	The proposed design will provide for a variety of units sizes and a unit mix which will promote diversity, affordability and housing choice. Commercial tenancies will be provided to the ground floor which provides employment opportunities.
	Density / setbacks	Assessment provided in section 5.3 below. Street setbacks largely compliant and do not give rise to unreasonable impacts.
	South facing apartments	Site constrained by impacts associated with Parramatta Road and Leicester Avenue. Proposal designed to give occupants choice in orientation to majority of apartments. Less than 10% of apartments orientated to the south, but these apartments are orientated away from the impacts associated with the roadways.
X Zhang, 614/39 Cooper Street	Height will impact upon solar access	Site separated by 16-24 Parramatta Road. No shadow cast from 12 noon to 3pm in mid winter to this site.
J Knight, 38 Leicester Avenue	Building mass	Specified by Strathfield Triangle DCP and the features of the subject site.
	Overshadowing	Overshadowing assessment provided in Section 5.3 below.

	Loss of privacy to rear entertaining areas	Privacy assessment provided in Section 5.3 below.
	Floor space ratio	Refer to Section 5.1.2 below. Assessment concluded FSR is acceptable.
	Land trade off for left turn lane in Leicester Avenue to Parramatta Road	Not required by RTA or Council Traffic Engineer. Suitable provision for vehicular access from Parramatta Road with concurrence granted by the RTA in accordance with Section 138(2) of the Roads Act 1993.
	Notification plans don't show nil setback to 42 Leicester Avenue	Notification plans correctly detail proposal. Full size plans available at Council during notification period.
	Building separation	Adequate separation provided between proposed building and the neighbouring buildings.
	Building height / storeys	Assessment provided in section 5.3 below.
	Insufficient open space	Suitable private open space provided to each unit and communal open space to the ground level and level 8.
	Heritage impact	It is not expected that any development that is of the scale allowed by the planning controls on the site will be of a scale and form that relates directly to the heritage items in the vicinity. Proposal referred to Heritage Advisor who raised no objection on heritage grounds, refer to section 6.5 below.
	Roof terrace / Privacy impact	Terrace is elevated on the 8 storey and as such provides separation to the neighbouring properties to mitigate impacts.
	Front setback	Assessment provided in section 5.3 below. Street setbacks largely compliant and provide active edge to street frontage. Setbacks do not give rise to unreasonable impacts.
	Air circulation	Proposal does not obscure air

	reduced	circulation as only shares a common boundary with individual lots. Assessment in section 5.3 below concluded built form is suitable.
	Reduced property value	Not a relevant planning consideration.
	Car parking	Proposal complies with car parking control. Car parking dimensions satisfy AS 2890.
	Vehicular access	Proposal referred to RTA and concurrence granted in accordance with Section 138(2) of the Roads Act 1993.
	Lack deep soil planting	Suitable soil depths provided to support proposed landscaping.
	Building should step down from Parramatta Road to Leicester Avenue	Proposal steps from 10 storeys at corner down to 4 storeys along Leicester Avenue. A two storey masonry element provided to Leicester Avenue provides a visual link to scale and height of Leicester Avenue properties.
M J Farlow, 42 Leicester Avenue	Height / number of storeys	Refer to Section 5.1.1 and 5.2 below.
	Shadowing / nil setback / 100% site coverage / heating costs / environmental	The level of shadow cast is a result of the building envelopes of the Strathfield Triangle DCP and the orientation of the site. No setback required to south boundary. Overshadowing assessment provided in Section 5.3 below.
	Floor space ratio	Refer to Section 5.1.2 below. Assessment concluded FSR is acceptable.
	Insufficient car parking / width of car space	Proposal complies with car parking control. Car parking dimensions satisfy AS 2890.1.
	Dissatisfaction with progress / process for preparation of new Strathfield Triangle DCP	Not relevant to this application. The Strathfield Triangle Draft Planning Proposal is currently on exhibition and is considered in section 5.1.2 below.
Y K Poon & V Choo	Vehicular traffic / associated accidents	Proposal referred to RTA and concurrence granted in accordance with Section 138(2) of

	Car park entry location	the Roads Act 1993.
	Privacy issues	Privacy assessment provided in Section 5.3 below.
	Overshadowing	Overshadowing assessment provided in Section 5.3 below.
	Devalue suburb of Strathfield	Not a relevant planning consideration.

## 5. ASSESSMENT UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

### 5.1. Environmental Planning Instruments [Section 79C (1) (a) (i & ii)]

#### 5.1.1. State Environmental Planning Policies

The proposed development is subject to the following State Environmental Planning Policies.

#### State Environmental Planning Policy No. 1 – Development Standards

The applicant has lodged an objection to the development standard relating to floor space ratio contained in Clause 61H(11) Concord Planning Scheme Ordinance. This is discussed in section 5.1.2 below.

#### State Environmental Planning Policy No. 55 (SEPP No. 55) Remediation of Land.

According to clause 7 of SEPP No. 55 consent may not be granted to the carrying out of any development on land unless consideration has been given to whether the land is contaminated, and if the land is contaminated, that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out.

The applicant submitted an Environmental Site Assessment (Prepared by Aargus, Ref: ES3375, Dated 06/05/2010) which assessed the environmental suitability of the site for the proposed development. The assessment concluded:

*"Based on the results of this investigation it is considered that the risks to human health and the environment associated with soil contamination at the site are low in the context of the proposed use of the site for commercial and residential development.*

*The site is therefore considered **to be suitable** for the proposed use."*

Council's Environmental Health Officers have reviewed this report and are satisfied with the report relating to contaminant found on the site.

#### State Environmental Planning Policy No 65 - Design Quality of Residential Flat Buildings



The provisions of State Environmental Planning Policy No. 65 (SEPP No. 65) affect the proposed development being a residential flat building of 3 or more storeys. Currently there is no Urban Design Review Panel constituted for Council under the provisions of SEPP 65. However, the proposed development has been assessed against the principles set out in SEPP 65, and the associated Residential Flat Design Code to that SEPP.

Clause 30(2) of SEPP 65 requires residential flat development to be designed in accordance with the design quality principles in Part 2 of SEPP 65.

The applicant has lodged a Statement in response to the Residential Flat Building Design considerations contained within *State Environmental Planning Policy No.65- Design Quality for Residential Flat Development* (SEPP No.65). Following is an assessment of the proposal against the ten (10) design quality principles outlined in SEPP 65.

**Principle 1: Context**

*Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.*

Comment: The site for this development application is the south-western corner at the intersection of Parramatta Road and Leicester Avenue, Strathfield. This is a prominent corner site and the proposed building addresses the corner with a distinctive curved corner building.

The Strathfield Triangle precinct, as catalysed by the planning controls, has undergone a transition over the past decade from industrial and low density residential into medium to high density residential developments with ancillary commercial components. The proposed built form includes the provision of a composite aluminium panel wall and splayed corner, and additional height to the corner to address this prominent location. The design is complementary to the constructed developments within the existing precinct.

The proposal contextually responds to the future character of an area going through transition and contributes to the identity of the area.

**Principle 2: Scale**

*Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.*

Comment: The proposal will present as ten storeys to the corner which is appropriate for a prominent corner site and is comparable with the constructed buildings on the corner of Cooper Street and Parramatta Road. The building steps down along Parramatta Road. This provides transition to the commenced but yet to be completed building at 16-24 Parramatta Road.

The built form to Leicester Avenue has been designed to provide a visual link to the single storey houses along this street through the use of a two storey masonry base. This is further emphasised by setting back the balconies of the third and fourth storeys. The whole building then steps back 3m from the boundary up to 7 storeys, before stepping to 9 storeys and 10 to the corner. The built form to Leicester Avenue is visually separated into two buildings. This is achieved with space that provides light to the lift lobby and glazed corridor, as well as providing separation and transition into the curved building façade to the north-eastern corner.

The setbacks, height and use of materials provide an appropriate scale in terms of bulk and height which complements the constructed and approved (but yet to be completed) surrounding buildings.

**Principle 3: Built form**

*Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.*

Comment: The building has been setback 5m at the ground floor and 3m to the upper levels along Leicester Avenue which provides appropriate transition and visual relief to the adjoining developments. The setback along Parramatta Road includes 2.2m at the ground floor and variable setbacks to the upper floors from nil to the setback provided by the balconies. The discussion provided above detailed each element of the built form and the design techniques implied within the built form, including the curved corner, stepping towards Leicester Avenue and the visual stepping along Parramatta Road.

**Principle 4: Density**

*Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.*

Comment: The building will have a floor space ratio of 3.82:1 which represents a reasonable density for a corner site with built form addressing each street. The density is discussed further within this report.

The proposed unit mix including 1, 2 and 3 bedrooms is appropriate to this area. The proposed design will provide for a variety of units sizes and a unit mix which will promotes diversity, affordability and housing choice. The site is within walking distance to Strathfield and Homebush railway station as well as being well serviced by bus services along Parramatta Road

***Principle 5: Resource, energy and water efficiency***

*Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.*

Comment: 78% of the total numbers of apartments are cross ventilated, with many site providing openings to Parramatta Road and to the south. Many apartments are 12m deep which provides for good ventilation and solar penetration.

The proposal provides solar access to the living rooms / balconies of 65% of apartments for 2 hours between 9am to 3pm in mid winter. Solar access is to 54 out of 75 apartments. This rises to 60 out of 75 apartments between 8:15am and 3:45pm. The proposal has been designed to achieve a balance between solar access from the north and east, which requires openings onto the noise a pollution of Parramatta Road and Leicester Avenue, and protection from this with balconies and opening to the west and south.

The proposal includes the provision of water storage tanks and a gas-boosted solar hot water unit. A BASIX certificate has been submitted with the proposal which achieves compliance with the water and energy targets.

***Principle 6: Landscape***

*Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character. Landscape design should optimise usability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.*

Comment: Canopy planting is provided in the Leicester Avenue setback and planter boxes at the pedestrian level to Parramatta Road. Substantial planting including canopy planting, shrubs and raised planters are

provided in the communal courtyard to the ground level and the roof terrace on level 8. The planting softens the proposal, provides a green outlook from the apartments and reduces reverberant sound in the courtyard.

**Principle 7: Amenity**

*Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility*

Comment: The proposal has been designed to ensure that the amenity of the future occupants is suitably provided for in light of the harsh environment created by the busy intersection of Parramatta Road and Leicester Avenue with the M4 motorway. The buildings elevation to the north and east are the most affected, but have provided the units with solar access. Instead of closing the facades to the intersection the approach of this development has been to provide occupants with a choice in orientation to many of the apartments i.e. solar access is provided to balconies and living rooms along Parramatta Road, with occupant capable of retreating to the southern facing living areas away from the roadways. Most apartments have an orientation to the north, west or east and many have two orientations, with less than 10% of apartments orientated entirely to the south. The southern orientated apartments have the benefit of being away from the impacts associated with the roadways.

The lower levels of the façade to Parramatta Road are comprised of masonry walls and balconies with glass louvers providing acoustic and visual protection and choice to the occupants. The curved corner provides small openings into the living room areas. The main opening for these apartments is to the south which provides views down Leicester Avenue.

As discussed above the amenity and mitigating the impacts and constraints of the busy roadways has been the priority in the design of this proposal, the proposal successively achieves this.

**Principal 8: Safety and security**

*Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.*

Comment: Residential access to the apartment complex is via Leicester Avenue and via the communal courtyard and access secured via gates. The apartments and associated balconies within the complex will provide

for good passive surveillance both within the communal open space and along Leicester Avenue and Parramatta Road.

**Principal 9: Social dimensions**

*Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.*

Comment: The proposed unit mix including 1, 2 and 3 bedrooms is appropriate to this area. The proposed design will provide for a variety of units sizes and a unit mix which will promotes diversity, affordability and housing choice.

**Principle 10: Aesthetics**

*Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.*

Comment: The proposal responds to the corner position of the site and emphasis its location through the use of additional height towards the corner to visually mark the 'Strathfield triangle'. The curved façade will consist of aluminium composite panels and visually articulated through the use of different patterns of lighter and darker panels. As discussed above the proposal has been designed to provide a visually transition into the neighbouring properties.

The façade of the proposal will provide visual interest and is well articulated through the use of materials and colours and well as the setbacks provided by the balconies. The proposal is consistent with the desired future character of the locality.

Further to the above design quality principles, Clause 30(2) of SEPP 65 also requires residential flat development to be designed in accordance with the Department of Planning's publication entitled 'Residential Flat Design Code', an assessment against which is contained below:

**Residential Flat Design Code (Compliance Table)**

<b>PART 01 - LOCAL CONTEXT</b>	
<b>Primary Development Controls</b>	
<b>Control</b>	<b>Compliance</b>
<b>Building Height</b>	
- Ensure future development responds to the desired scale	Floor to floor height: Commercial - 4m

<b>PART 01 - LOCAL CONTEXT</b>	
<b><i>Primary Development Controls</i></b>	
and character of the street and allow reasonable daylight access to all developments and the public domain	Residential - 3m  Appropriate built form to provide visual transition to the adjoining properties.
<b><i>Building Depth</i></b>  - Apartment building depths of 10-18m should be provided to allow adequate day lighting and natural ventilation	The proposed units will have a depth from 12 to 18m in depth. A large proportion of the units have a dual aspect.
<b><i>Building Separation</i></b>  Five to eight storeys <25m - 18m habitable rooms / balconies - 13m habitable rooms / balconies and non-habitable - 9m between non-habitable  Above Nine storeys >25m - 25m habitable rooms / balconies - 18m habitable rooms / balconies and non-habitable - 12m between non-habitable	16 - 24 Parramatta Road to west elevation proposed living room windows and balconies - 16m  1 - 5 Hilts Street to closest south elevation proposed balconies - 16m  Within the proposal - balcony to balcony 14m - bedroom window to bedroom window 13m - Balcony to bedroom window 14m
<b><i>Street setbacks</i></b>  - To establish existing and desired spatial proportions of the street, and also recognise the scale transition, privacy and landscaping character.	The building setbacks along Parramatta Road comply with DCP and consistent. Leicester Avenue 5m ground floor and 3m above which provides transition to adjoining detached residential development.

## PART 01 - LOCAL CONTEXT

### **Primary Development Controls**

#### *Side setbacks*

- Minimise impacts on neighbouring sites in terms of light, air, sun, privacy, views and outlook and retain a rhythm or pattern of development that positively defines the streetscape

Nil side setbacks consistent with DCP.

#### *Rear setbacks*

- Maintain deep soil zone to maximise natural site drainage and protect the water table and opportunity to retain mature vegetation

Built form fronting Leicester Avenue had a depth comparable to the detached dwellings. Limited deep soil planting due to extent of basement required for car parking and services. Canopy trees provided to Leicester Avenue.

## PART 02 - SITE DESIGN

### **Site Configuration**

#### *Deep Soil Zones*

- Assist with management of the water table, water quality and also improve amenity through retention and planting of trees. A minimum of 25% of the open space should be deep soil.

Appropriate soil depths provided to sustain proposed landscaping.

#### *Fences & Walls*

- Define edges between public and private land, provide security and contribute to the public domain

Ground floor setback and proposed landscaping provides suitable delineation between the public and private domain.

#### *Landscape Design*

- To add value to residents' quality of life within the development in the forms of privacy, outlook and views

Refer to landscape plan, with landscaping provided to communal open spaces and street frontage.

#### *Open Space*

- Communal open spaces generally between 25 and 30% of site area

Communal open space provided at ground level and level 8 to approximately 30%.

<b>PART 01 - LOCAL CONTEXT</b>	
<b><i>Primary Development Controls</i></b>	
<i>Orientation</i>	
- Optimise solar access to residential apartments within the development and adjacent development	Over 90% of apartments have a north, east or west orientation.
<i>Planting on structures</i>	
- Contribute to the quality and amenity of communal open space and encourage the establishment of trees.	Appropriate soil depths provided to sustain proposed landscaping.
<i>Stormwater Management</i>	
- Minimise impacts on waterways and discharge of sediments and pollutants	Stormwater concept plan submitted with application and suitable stormwater conditions included in recommended above.
<i>Safety</i>	
- Ensure developments are safe and secure for residents and visitors and contribute to safety of public domain	Passive surveillance provided by proposed balconies to communal areas and street. Communal courtyard secured via gates.
<i>Visual Privacy</i>	
- Provide reasonable levels of visual privacy externally and internally, during day and at night and maximise outlook and views from principal rooms and private open space without compromising visual privacy	Refer to building separation.
<i>Building Entry</i>	
- Create entrances which provide a desirable identity for the development, orient the visitor and contribute to the streetscape and building façade design	The building entry is from Leicester Avenue and is clearly identified as the built form has been stepped.
<i>Parking</i>	
- Minimise car dependency though provide parking for the building users	The proposal complies with the car parking rate. The site is within walking distance to Strathfield and Homebush railway station as well



<b>PART 01 - LOCAL CONTEXT</b>	
<b><i>Primary Development Controls</i></b>	
- Integrate the location and design of car parking within the design of site and building	as being well serviced by bus services along Parramatta Road.
<b><i>Pedestrian Access</i></b>	
<ul style="list-style-type: none"> <li>- Well connected to the street and contributes to the public domain</li> <li>- Barrier free access provide to at least 20% of units in the development</li> </ul>	The ground floor commercial uses are located at the pedestrian level and pedestrian access is provided from Leicester Avenue to the residential apartments.
<b><i>Vehicle Access</i></b>	
<ul style="list-style-type: none"> <li>- Integrate car parking and servicing access without compromising street character, landscape, pedestrian amenity and safety</li> <li>- Generally limit the width of driveways to a maximum of 6m.</li> <li>- Locate vehicle entries away from main pedestrian entries and on secondary frontages.</li> </ul>	Vehicular access provided from Parramatta Road and integrated into the built form. Proposal referred to RTA and concurrence granted in accordance with Section 138(2) of the Roads Act 1993.
<b>PART 03: BUILDING DESIGN</b>	
<b><i>Building Configuration</i></b>	
<b><i>Apartment Layout</i></b>	
<ul style="list-style-type: none"> <li>- Back of kitchen &lt; 8m from window</li> <li>- Width of cross through apartments over 15m deep should be &gt; 4m</li> </ul>	The apartments have been design to maximise the amenity of the residents in the context of the busy adjoining road network.
<b><i>Apartment Mix</i></b>	
<ul style="list-style-type: none"> <li>- Provide diversity of apartment types, which cater for different household requirements now and in the future</li> </ul>	A satisfactory mix of one, two and three bedroom apartments has been provided within the proposal.
<b><i>Balconies</i></b>	
<ul style="list-style-type: none"> <li>- Ensure balconies are functional and integrated within the building</li> </ul>	All units have large balconies which are integrated within the development

<b>PART 01 - LOCAL CONTEXT</b>	
<b><i>Primary Development Controls</i></b>	
- Provide a minimum 2m depth	Minimum 2m depth has been provided
<b><i>Ceiling Height</i></b>  - Minimum 2.7m for habitable rooms in residential flat building	Complies
<b><i>Flexibility</i></b>  - Encourage housing designs which meet broad needs of occupants	All units possess dimensions to allow and facilitate a variety of layouts.
<b><i>Ground Floor Apartments</i></b>  - Contribute to desired streetscape and increase housing and lifestyle choices	Ground floor commercial more suitable as it meets the character of the area.
<b><i>Internal Circulation</i></b>  - Where units are arranged off a double loaded corridor, the number of units accessible from a single is limited to 8	Complies
<b><i>Storage</i></b>  - Studio 6m <sup>3</sup> - One bedroom 6m <sup>3</sup> - Two bedroom 8m <sup>3</sup> - Three plus 10m <sup>3</sup>	Complies, separate storage areas have been provided within the apartments and the basement.
<b><i>Acoustic Privacy</i></b>  - Ensure high level of amenity by protecting the privacy of residents within both apartments and private open spaces of the development	<p>An acoustic report prepared by Vispac identifies the sound insulation provisions of the BCA. These provisions will be considered during the construction certificate process to ensure the amenity of the residents is maintained.</p> <p>Glazing has been provided to the lower apartments to minimise the acoustic impacts associated with traffic noise.</p>
<b><i>Daylight Access</i></b>  - Living rooms and private open	90% of the apartments received

<b>PART 01 - LOCAL CONTEXT</b>	
<b><i>Primary Development Controls</i></b>	
<p>space of 70% of apartments should receive a minimum 3 hours sunlight between 9am and 3pm mid winter</p> <p>- Limit number of single aspect apartments with southerly aspect (SW- SE) to 10% of total units</p>	<p>more than 2 hours solar access to the living spaces during midwinter</p> <p>10% have single south aspect. The benefit of these apartments is the shielding from the traffic noise from the north and east.</p>
<p><b><i>Natural Ventilation</i></b></p> <p>- Building depths which support natural ventilation range from 10m to 18m</p> <p>- Min 60% of units cross ventilated</p> <p>- Min 25% of kitchens ventilation</p>	<p>All units are considered appropriate in terms of depth and natural ventilation. 78% of apartments are dual aspect, extend over two levels or are corner located.</p>
<p><b><i>Facades</i></b></p> <p>- Promote high architectural quality, ensure facades define and enhance the streetscape and building elements are integrated in the form and facade</p>	<p>The proposal is well articulated and integrated within the context of the surrounding developments (approved and constructed) area.</p>
<p><b><i>Roof design</i></b></p> <p>- Contribute to overall design and performance of the building, integrated into the façade and design</p>	<p>The roof of the proposal is integrated with the overall design of the proposal. The roof form increases towards the corner which emphasises the corner location.</p>
<p><b><i>Energy Efficiency</i></b></p> <p>- Reduce necessity for mechanical heating and cooling, reduce reliance on fossil fuels, minimise greenhouse gas emissions and support and promote renewable energy</p>	<p>Orientation of site and design of units allows effective solar access and natural ventilation. A BASIX certificate has also been submitted in support of the application.</p>
<p><b><i>Waste Management</i></b></p> <p>- Supply waste management plan as per DA submissions and ensure efficient storage and collection of waste</p>	<p>Waste management plan submitted and appropriate waste storage area provided within the basement level.</p>
<p><b><i>Water conservation</i></b></p>	

<b>PART 01 - LOCAL CONTEXT</b>	
<b><i>Primary Development Controls</i></b>	
- Reduce mains consumption of water and reduce quantity of urban stormwater runoff	Rainwater reuse has been utilised.

#### State Environmental Planning Policy - Building Sustainability Index (2004)

To encourage sustainable residential development, all new dwellings must comply with the provisions of State Environmental Planning Policy – Building Sustainability Index (BASIX).

The proposed development has achieved full compliance with the BASIX commitments as they have reached targets of 40 for water, 20 for energy and the thermal comfort target. The schedule of BASIX Commitments is specified within the BASIX Certificate No. 308581M and is included in the recommended conditions of consent.

#### State Environmental Planning Policy (Infrastructure) 2007

The proposed development is defined as traffic generating development under the provisions of Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 as the proposal will provide 75 apartments and parking for over 50 motor vehicles with access to and from Parramatta Road.

The proposal was referred to the Roads and Traffic Authority to seek concurrence in accordance with Section 138(2) of the Roads Act 1993. Concurrence was granted by the RTA on the 16 July 2010 subject to conditions which have been incorporated into the recommendation above.

It is noted that the development is not 'integrated development', as confirmed by the RTA, as Council is the consent authority for the development and the approval authority for Parramatta Road.

#### Clause 102 of the SEPP - Impact of road noise or vibration on non-road development.

An acoustic assessment of the proposed development has been carried out, which included noise surveys to establish the existing ambient and traffic noise levels in the area. The ingress of traffic noise has been determined. An acoustic glazing schedule for the site is outlined in acoustic report prepared by Vipac.

Provided the recommendations in the acoustic report are implemented, the proposed mixed use development is predicted to comply with the acoustic requirements.

#### 5.1.2. *Local Environmental Planning Instruments*

The proposed development, defined as residential flat building with an ancillary commercial component is permissible with the consent of the Joint Regional Planning Panel - Sydney East, within a 10(b) - Enterprise Area zone under the Concord Planning Scheme Ordinance (CPSO).

#### Floor Space Ratio

Clause 61H(11) of the CPSO provides a maximum floor space ratio for Precinct F of 2.5:1. The table below details the constructed and approved floor space within Precinct F, the floor space of the proposal and the italicised text allocates the maximum floor space of 2.5:1 for the undeveloped site at 29 - 33 Cooper Street / 9 Hilts Road. This ensures that the proposal will not sterilise this undeveloped site.

<b><i>Precinct F sites</i></b>	<b><i>Site area (m2)</i></b>	<b><i>Gross floor area (m2)</i></b>	<b><i>s93F floor space (m2)</i></b>	<b><i>Total (m2)</i></b>
39 (35 - 41) Cooper St	2,637	6,592.5	3,060.5 Dedicated affordable housing units	9,653
29 - 33 Cooper St / 9 Hilts Rd	1,888.2	<i>4,720.5</i>	0	<i>4,720.5</i>
16- 24 Parramatta Rd	Of 2,486.4	5,781.44	n/a	5,786
1 - 5 Hilts Rd	1,654	4,002.6	n/a	4,002.6
4 - 14 Parramatta Rd	2,111	8,053.6	n/a	8,053.6
	10,776.6	24,430.14 (2.27:1)		27,495.2 (2.55:1)
		<i>29,150.64 (2.7:1)</i>		<i>32,215.7 (2.99:1)</i>

Using this methodology the proposal will result in a non-compliant precinct floor space ratio of 2.7:1, which equates to approximately 2,209m<sup>2</sup> of additional gross floor area above that permitted within Precinct F. It should be noted that the figure provided above excludes the additional gross floor area, which was subject to the s93F agreement at 39 Cooper Street, Strathfield.

The application of the floor space ratio provision within this precinct has varied over time with the floor space ratio typically applied to each individual site within the precinct rather than across the precinct as a whole. If the floor space ratio was applied to this individual site the floor space ratio would be 3.8:1, which equates to approximately 2,776.1m<sup>2</sup> of additional gross floor area.

The applicant has lodged an objection pursuant to State Environmental Planning Policy No 1 - Development Standards. A summary of the key features of the objection is provided below:

*Strict compliance with Clause 61H(11) of the Concord Planning Scheme Ordinance is considered to be unreasonable and unnecessary in the circumstances of the case for the following reasons:-*

- *The proposed building envelope generally complies with the Strathfield Triangle Development Control Plan ("DCP"). In this regard, the building height complies with the maximum number of storeys under the DCP and the development, with the exception of a minor setback non-compliance along Leicester Avenue (i.e. a 3m setback instead of 5m), complies with the setback controls of the DCP;*
- *With the building envelope desired under the DCP the commensurate FSR for the site in isolation should be at approximately 4:1 and the FSR of the Precinct would be driven beyond 2.5:1. As such, the building envelopes expressed within the DCP are not consistent with the FSR control of the Planning Scheme Ordinance and compliance with the FSR control is considered unreasonable because compliance would not achieve the detailed urban design outcomes desired by the building envelope controls in the DCP;*
- *The non-compliance of 0.2:1, or 8%, is modest;*
- *The proposed building envelope gives rise to no significant adverse environmental impacts. In this regard, the Statement of Environmental Effects and accompanying studies demonstrate that there will be no significant overshadowing, privacy, noise or traffic impacts. Therefore there is no significant impact across the wider Precinct by having a building of the proposed height, bulk and scale on the subject site;*
- *In designing the proposed building, the co-designers, Integrated Design Group and Olsson Associates have had to deal with the location of the site on the southern side of Parramatta Road adjacent to its major intersection with Leicester Avenue. It is a noisy location and a challenging site from a design perspective. Nevertheless, the proposed apartments will have a high level of amenity: they will be light (i.e. most apartments have a 12-metre depth), well-ventilated (the access corridors are also ventilated) with a variety of types to promote choice and affordability;*
- *The proposed building has a solid masonry base adjacent to the low-density neighbours to the south and comprises a genuine stepping from south to north, even though the DCP permits nine storeys on the boundary in this location. The four-storey element is also setback from the Leicester Avenue frontage. The southern face of the seven-storey element is articulated with windows. These design elements ensure an appropriate interrelationship between the proposed building and its neighbours, notwithstanding the non-compliance with the FSR standard; and*
- *The site is eminently suitable for the proposed development, as the development results in no significant adverse environmental impacts and is compatible with surrounding development. The amenity to be achieved for future occupants of the development is high and impacts on other nearby residential properties are not unreasonable given the*

*planning outcomes which the controls for the Strathfield Triangle Precinct seek to achieve.*

*When the development is tested against the presumed underlying objectives of the standard, compliance with the standard would be inconsistent with the aims of the policy because the form, bulk, scale and characteristics of the proposal are appropriate and acceptable. Therefore, the proposed development is a case where flexibility in the application of the development standard is justified.*

*The objection to Clause 61H(11) is well founded for the following reasons:-*

- *The development does not undermine the underlying objectives of the standard;*
- *The non-compliance does not result in any unreasonable environmental impacts on the amenity of the surrounding area in general, or on the amenity of nearby properties in particular having regard to the planning outcomes which the controls for the Strathfield Triangle Precinct seek to achieve;*
- *The scale of the proposal, notwithstanding the non-compliance, is compatible with the approved development; and*
- *Other than for minor variations which generally benefit the adjoining low-density neighbours to the south (i.e. setbacks from the southern boundary), the proposed building is consistent with the intent of the DCP envelope for the site.*

*Pursuant to the provisions of SEPP No. 1, the Applicant objects to the strict adherence to the above development standard in Clause 61H(11).*

The proposal will result in a total floor space ratio of 2.7:1 which will exceed the gross floor area by approximately 2,209m<sup>2</sup> of additional gross floor area above that permitted within Precinct F. The non-compliance is largely resultant from the proposed built form, which is provided along both street frontages, where typically built form with a single frontage and the same building depth would yield less floor space.

The proposal provides a suitable built form and a building envelope which is consistent with the constructed residential buildings within the precinct and the Strathfield Triangle DCP. The proposed units will have a depth from 12 to 18m with a large proportion of the units having a dual aspect. The proposal will present as ten storeys to the corner which is appropriate for a prominent corner site and is consistent with the constructed buildings on the corner of Cooper Street and Parramatta Road. The scale of the development steps and visually responds to the directly adjoining developments.

The proposal will result in acceptable impacts upon the neighbouring properties as detailed in the assessment provided in section 5.3 below. There will be no unreasonable privacy, solar access, vehicular traffic or streetscape impacts that arise out of the additional floor space. However, it is noted that there will be a significant change from existing as this area progressively transforms through this precinct based urban development.

The proposal will provide for commercial floor space to the ground floor with residential development above in an area that is well serviced through passing trade for the commercial and public transport services for the residential development. The site is well suited to the increased density and additional floor space. The development will provide for a variety of residential units types which promote housing choice / diversity and provides for affordable housing.

As demonstrated in the justification provided by the applicant above and the assessment provided against the SEPP 65 principles, the applicant has designed a proposal which respond to the constraints of the site in particular its location on busy roads and intersection, whilst ensuring that the residential amenity of the future occupants is achieved.

The proposed development satisfies the presumed underlying objectives of the Concord Planning Scheme Ordinance. The proposal presents a consistent building bulk and scale with recently constructed developments within the Strathfield Triangle and has a footprint that is consistent with the Strathfield Triangle DCP. Having regards to these factors and the assessment provided above it is considered unreasonable and unnecessary to strictly apply this standard in this instance as the objection is well founded. Variation to the floor space ratio should be supported.

#### Heritage

Clause 61H(7) requires Council to consider the potential impacts of proposed development on the heritage significants of heritage items within the Strathfield Triangle.

The site is in the vicinity of heritage items at 40-42A Leicester Avenue and at 32 and 38 Leicester Avenue.

The Statement of Heritage Impact submitted with the report adequately addresses the heritage impacts of the proposed development. It is not expected that any development that is of the scale allowed by the planning controls on the site will be of a scale and form that relates directly to the heritage items in the vicinity.

The proposal was referred to Council's Heritage Advisor, who has no objection on the basis of heritage impacts to approval of this application.

As detailed in section 5.1.3 below the Draft Planning Proposal seeks to remove the heritage listing to all properties within the Strathfield Triangle.

#### **5.1.3. *Strathfield Triangle Draft Planning Proposal***

On the 20 September 2010 Council submitted the Strathfield Triangle draft Planning Proposal to the Department of Planning for a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979. On the 8 November 2010 a delegate for the Minister of Planning determined that the planning proposal should proceed subject to conditions.



On the 7 September 2010, Council resolved to publicly exhibit the planning proposal from the 28 October 2010 for a period of three months. As such this Draft Statutory Instrument will be considered as a Draft Environmental Planning Instrument.

The objectives or intended outcomes of the Draft Planning Proposal are to:

- Include the Strathfield Triangle in the Canada Bay Local Environmental Plan 2008
- Identify land for acquisition to:
  - a. Improve access into and through the precinct, and
  - b. Enable the provision of a public park
- Remove local heritage affectations that are contrary to the designation of the precinct as an area for urban renewal
- Facilitate additional dwellings in a location that is centre based and close to public transport
- Improve the streetscape and urban design.

The proposed development, defined as residential flat building and the additional permitted use of retail premises and business premises on the ground floor of residential flat buildings would be permissible with the consent of Council, within a High Density Residential R4 zone under the Draft Planning Proposal.

Following is a summary table indicating the performance of the proposal against relevant Draft statutory standards.

**Statutory Standards**

<b><i>Control</i></b>	<b><i>Standard</i></b>	<b><i>Proposed</i></b>	<b><i>Compliance</i></b>
Height	32- 35m	29.8m	Yes

The floor space ratio provision for the individual precincts within the Strathfield Triangle is proposed to be removed through this Draft Planning Proposal. The built form will be controlled through the envelope controls within the Draft Strathfield Triangle Development Control Plan.

The Draft Planning Proposal seeks to remove the heritage listing to all properties within the Strathfield Triangle to allow for their potential redevelopment inline with the densities created through this instrument.

**5.2. Development Control Plans, Council Policies or Codes [Section 79C(1)(a)(iii)]**

The proposed development is affected by the provisions of the Strathfield Triangle Development Control Plan. Following is a summary table indicating the performance of the proposal against relevant statutory standards.

**Non Statutory Standards**

<b><i>Part / Control</i></b>	<b><i>Standard</i></b>	<b><i>Proposed</i></b>	<b><i>Compliance</i></b>

3.2 - Uses	Located commercial at Parramatta Road and Leicester Avenue	Ground floor commercial with residential above	Yes
3.4 - Height (storeys)	Parramatta Rd - 6 to 7 Leicester Ave - 8 to 9	9 stepping to 10 4 stepping to 7 and 10	No No
3.5 - Floor to floor heights	- Min 3.6m for ground and first floor.  - Min 3m for third floor and above	Ground - 4m First - 3m  Third and above - 3m  Mezzanine, Ten - 2.5m	Yes No  Yes  No
3.6 Setbacks	Parramatta Rd - 0m Leicester Ave - 5m	Parramatta Rd - 0m Leicester Ave ground - 5m Above - 3m	Yes Yes No
Precinct F			
FSR	Max 2.5:1	Refer to table above	No
3.4 - Height (storeys)	<i>As above</i>		
Front setbacks	<i>As above</i>		
Rear	Building separation - 12m	16 - 24 Parramatta Road to west elevation proposed living room windows and balconies - 16m  1 - 5 Hilts Street closest to south elevations proposed balconies - 16m  Within the proposal - balcony to balcony 14m - bedroom window to bedroom window 13m - Balcony to bedroom window 14m	Yes
5.1 - Parramatta Rd	Upper level setback - 2m above 6 <sup>th</sup> floor	No setback however, use of masonry to six floors provide visual relief and satisfies intent to breakup built form.	No
6.3 - open space	Communal open space - 10m <sup>2</sup> / dwelling	Complies	Yes

		Private open space Depth - 1.8 to 4m Area - 8m2	Complies	Yes
		Secondary balconies Depth - 0.9 to 1.5m	Complies	Yes
6.4.1 Visual privacy	-	12m habitable window to balcony  12m between habitable windows  9m between windows and balcony to non habitable	16 - 24 Parramatta Road to west elevation proposed living room windows and balconies - 16m  1 - 5 Hilts Street closest to southern elevation proposed balconies - 16m  Within the proposal - balcony to balcony 14m - bedroom window to bedroom window 13m - Balcony to bedroom window 14m	Yes
6.4.2 Acoustic privacy	-	Minimise noise impact	Acoustic report submitted in support of application to mitigate noise impacts upon proposed apartments. Separations provided mitigate acoustic impacts.	Yes
6.4.3 - solar access and overshadow ing		Living rooms and private open space or at least 90% of dwelling receive 3 hours sunlight between 9am and 3pm in mid winter	The proposal provides solar access to the living rooms / balconies of 65% of apartments for 2 hours between 9am to 3pm in mid winter. Solar access is to 54 out of 75 apartments.  This rises to 60 out of 75 apartments between 8:15am and 3:45pm	No  Yes
6.4.7 Storage	-	1 Bed 6m3 2 Bed 8m3 3+ bed 12m3  50% accessible from hall or living area and	Complies	Yes

	50% in basement		
6.5.1 Vehicular access	<p>Car park entries and access are to be from secondary streets and lanes where possible.</p> <p>Pedestrian and vehicle access is to be clearly differentiated, and separated by at least 3 metres</p> <p>Driveways and car park entries are to be limited in number and no wider than 6 metres</p> <p>Set back doors to car park entries from the building line by at least 500mm</p>	<p>Vehicular access provided from Parramatta Road and integrated into the built form. Proposal referred to RTA and concurrence granted in accordance with Section 138(2) of the Roads Act 1993.</p> <p>Pedestrian entry from Leicester Avenue.</p> <p>Driveway 6m wide and garage door setback from street boundary.</p>	Yes
6.5.2 Onsite parking	<p>0.6 spaces per 1 bedroom unit.</p> <p>0.9 spaces per 2 bedroom unit.</p> <p>1.4 spaces per 3 bedroom unit.</p> <p>1 space per 5 units (visitor parking).</p> <p>Commercial 1 / 40m2</p>	<p>Residential - 71</p> <p>Commercial - 19</p> <p>Visitor - 15</p> <p>Commercial truck parking - 1</p>	Yes
6.5.3 Pedestrian access	barrier free access to at least 20% of dwellings	Access report provided	Yes
6.6.1 Flexibility and adaptability	5% to be adaptable	12 adaptable apartments provided	Yes
6.6.2 Mix of apartment types	Provide suitable mix of apartments	A mix of one, two and three bedroom apartments has been provided within the proposal.	Yes
6.6.3	North facing windows	Over 90% of	Yes

Passive solar performance	to be 75% of site	apartments have a north, east or west orientation.	
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As indicated in the compliance table above, the proposed development fails to achieve compliance with the height (storeys), floor to floor heights, Leicester Avenue front setback, Upper level setbacks and solar access provisions of Strathfield Triangle Precinct Development Control Plan 2002. A detailed discussion of these aspects of the proposal is carried out in Section 5.3 below.

### 5.3. **Likely Impacts of the Development [Section 79C (b)]**

The likely impacts of the proposed development upon the surrounding area are discussed as follows:

#### *Solar Access*

There are no controls within the Strathfield Triangle DCP relating to the level of shadow cast by the proposal on the neighbouring properties. However, through the assessment provided within this report it has been found that the proposed built form is acceptable and therefore by association the level of shadow cast is acceptable. The proposed built form to Parramatta Road will provide a setback of approximately 13 to 15m to the south boundary and the built form to Leicester Avenue will have a depth consistent with the detached dwelling at 42 Leicester Avenue.

The Strathfield DCP requires living rooms and private open space of at least 90% of dwellings receive 3 hours sunlight between 9am and 3pm in mid winter. SEPP 65 requires living rooms and private open space of 70% of apartments to receive minimum 3 hours sunlight between 9am and 3pm mid winter.

The proposal provides solar access to the living rooms / balconies of 65% of apartments for 2 hours between 9am to 3pm in mid winter. Solar access is to 54 out of 75 apartments. This elevates to 60 out of 75 apartments between 8:15am and 3:45pm. Over 90% of apartments have a north, east or west orientation. The proposal has been designed to achieve a balance between solar access from the north and east, which requires openings onto the noise a pollution of Parramatta Road and Leicester Avenue, and protection from this with balconies and openings to the west and south.

#### *Privacy*

As detailed in the compliance table above the proposal complies with the separation distances within the Strathfield Triangle DCP being:

- 12m habitable window to balcony;
- 12m between habitable windows; and
- 9m between windows and balcony to non habitable

The proposal will provide the following separations:

- 16 - 24 Parramatta Road to west elevation proposed living room windows and balconies - 16m

- 1 - 5 Hilts Street to closest south elevation proposed balconies - 16m
- Within the proposal - balcony to balcony 14m
  - Bedroom window to bedroom window 13m
  - Balcony to bedroom window 14m

It is considered that the separations provided within the proposal and to the neighbouring properties will mitigate visual privacy impacts. Noting the proposal does not comply with the 25m separation provided by SEPP 65.

The proposal includes the provision of a communal open space area adjoining the ground floor. As the site slopes away from the street this area is raised above the levels of the adjoining properties to the south and west. This is consistent with the existing situation however; the proposal will increase the intensity above the existing industrial uses and requires careful consideration. The raised communal open space includes a step-down area approximately 1m wide adjoining the south and west boundary. This area will be at a level consistent with the adjoining properties and provided with dense screen planting to a height of 3m. This softens the raised podium level and will screen people to the higher raised area. Further to this the raised podium area contains a planter box with a variable depth of 1.5 to 2.5m provided along the south and west elevation of the podium. This terrace provides separation to the adjoining properties and further protects privacy through the proposed shrub and tree planting.

It is considered that the stepping of the podium, planter boxes and proposed planting will soften the podium as viewed from the neighbouring properties and provides adequate separation which in combination with the screening planting will mitigate the privacy impacts associated with the use of this area.

The proposal includes the provision of a roof terrace to the eighth floor to Leicester Avenue. The southern elevation and southwest corner of the terrace includes the provision of screen planting within planter boxes. A steel or aluminium screen (identified as to future detail) will be provided to the north elevation of the planter box to act as a windbreak. This feature will also obscure the outlook south from the elevated terrace. As this terrace is elevated above the adjoining residential properties to the south the separation will mitigate any privacy issues and the associated design features discussed above.

An Acoustic Impact Assessment was prepared by Vipac (Report No. 20C-09-0329-TRP-461534-2, Dated 29/06/10) to assess:

- Impacts of external noise intrusion into the development; and
- Noise emission from the proposed development to any affected neighbours.

This report concluded that subject to the recommendations in the report being implemented, the proposed mixed use development is predicted to comply with the acoustic requirements of Strathfield Council and/or the relevant Australian Standards and guidelines.

*View Corridors/View Sharing*

The subject site is located on the ridge line of Parramatta Road and as such will not impact upon the views from neighbouring properties. This issue has not been raised in any of the submission received during the notification period.

*Traffic generation, parking and loading*

An assessment of Traffic and Parking Implication was prepared by Transport and Traffic Planning Associates (Reference 09237, Dated April 2010), complemented by a further letter, to:

- Describe the development proposal and its context in the developing precinct;
- Describe the road network servicing the site and prevailing traffic conditions;
- Assess the adequacy of the proposed parking provision;
- Assess the potential traffic implications; and
- Assess the suitability of the proposed vehicular access, internal circulation and servicing arrangements.

This report concluded that the assessment provided demonstrates that the proposed off-street parking is suitable and appropriate.

The proposal will provide vehicular access to and from Parramatta Road and as such the proposal was referred to the RTA for concurrence. The RTA granted concurrence in accordance with Section 138(2) of the Roads Act 1993 subject to conditions, which have been included in the recommendation above.

The proposal will provide parking at the following rates:

- Residential - 71
- Commercial - 19
- Visitor - 15
- Commercial truck parking - 1

This complies with the parking controls of the Strathfield Triangle DCP. The proposal will also provide for the provision of ten bicycle parking space which complies with the Strathfield Triangle DCP, with private bicycle storage provided within secure storage cages within the basement capable of accommodating a bicycle with a vertical or horizontal hanger.

*Height (Number of Storeys)*

The Strathfield Triangle DCP sets the number of storeys to Parramatta Road at 6 to 7 and Leicester Ave at 8 to 9 storeys. The proposal is noncompliant with 7 storeys stepping to 9 storeys on Parramatta Road up to 10 storeys at the corner and 4 storeys stepping to 7 storeys along Leicester Avenue with 10 storeys to the corner.

The applicant has lodged an objection pursuant to State Environmental Planning Policy 1 - Development Standards, it is noted that a SEPP 1 objection is not required as Clause 63I(3) of the Concord PSO does not apply to this site and Strathfield North. Nevertheless, a summary of the key features of the objection is provided below:

- *The height control is contrary to the built form outcomes sought by the Strathfield Triangle Development Control Plan, which promotes the development of buildings greater than 24m on redevelopment lots*

*closer to Parramatta Road, including No's 4 – 14 Parramatta Road. The proposed building height complies with the maximum number of storeys permitted under the Strathfield Triangle Development Control Plan;*

- *The proposed building height is highly varied. The maximum height of 30.6m relates only to a small mezzanine level above a top floor apartment. The scale of the building is partly 4 storeys, partly 7 storeys and partly 8 storeys;*
- *The proposed building height gives rise to no significant adverse environmental impacts. In this regard, the Statement of Environmental Effects and accompanying studies demonstrate that there will be no significant overshadowing or privacy impacts. Therefore there is no significant impact across the wider Precinct by having a building of the proposed height on the subject site; and*
- *The site is eminently suitable for the proposed development, as the development results in no significant adverse environmental impacts and is compatible with surrounding development. The amenity to be achieved for future occupants of the development is high and impacts on other nearby residential properties are not unreasonable given the planning outcomes which the controls for the Strathfield Triangle Precinct seek to achieve.*

*When the development is tested against the underlying intent of the standard, compliance with the standard would be inconsistent with the aims of the policy because the scale and characteristics of the proposal are appropriate and acceptable. Therefore, the proposed development is a case where flexibility in the application of the development standard is justified.*

The proposal will have a maximum height of approximately 29.8m which complies with the maximum height of 32- 35m permitted within the Draft Strathfield Triangle Planning Proposal. The proposal is consistent with the future built form which is proposed within this precinct of the Strathfield Triangle.

The proposal provides for a built form which is consistent with the already constructed and approved buildings within the precinct, including:

- 39 (35 - 41) Cooper Street - two buildings with eight storeys above basement car parking.
- 16- 24 Parramatta Road - under construction is three buildings including 6 storeys, 7 storeys and 4 storeys buildings all with basement parking.
- 1 - 5 Hilts Road - five storey building with basement parking.
- 44 Cooper Street - nine storey building above basement car parking.

The heights are in keeping with the height of previous approvals within the Strathfield Triangle and therefore the proposal does not visually detract from the Precinct.

The principles of the Strathfield Triangle DCP are to allow taller buildings at the corner of Leicester Avenue and Parramatta Road to mark the entry to the Triangle and along the railway line. The subject site is a prominent



corner site which marks the precinct and as such additional height towards the corner is suitable.

The proposal will result in acceptable impacts upon the neighbouring properties as detailed in the assessment provided in section 5.3. There will be no unreasonable privacy, solar access, vehicular traffic or streetscape impacts that arise out of the proposed height. However, it is noted that there will be a significant change from existing as this area is transformed through this precinct based urban development.

The proposal will present as ten storeys to the corner which is appropriate for a prominent corner site and is consistent with the constructed buildings on the corner of Cooper Street and Parramatta Road. The building visually steps on Parramatta Road through the visually solid masonry element towards the western boundary. This provides transition to the approved by yet to be constructed building at 16-24 Parramatta Road.

The built form to Leicester Avenue has been designed to provide a visual link to the single storey houses along this street through the use of a two storey masonry base. This is further emphasised by setting back the balconies to the third and fourth storeys. The whole building then steps back 3m from the boundary up to 7 storeys, before stepping to 9 storeys and 10 to the corner. The built form to Leicester Avenue is visually separated into two buildings. This is achieved with a glazed walkway that provides light to the lift lobby and corridor, as well as providing separation and transition into the curved building façade to the corner.

The setbacks, height and use of materials provide an appropriate scale in terms of bulk and height which complements the surrounding buildings and desired built form.

Even though the building height within the Strathfield Triangle DCP is exceeded the building height proposed is consistent with the surrounding built form and previous approvals by Council within the Strathfield triangle precinct. It has been demonstrated that the proposal complies with the principles contained within SEPP 65. The proposal will realise a development potential that is suitable for the site.

#### *Street Setback*

The Strathfield Triangle DCP requires a minimum street setback of 5m to Leicester Avenue and no setback to Parramatta Road with a 2m setback above the sixth floor. On Parramatta Road the proposal provide a 2m setback to the ground floor with no setback to the upper floor, although well articulated through the materials and balconies. On Leicester Avenue a 5m setback is provided to the ground level with a setback of 3m to the upper floors.

The setback to Parramatta Road is suitable and forms a hard edge to the Road. The control requires a 2m setback above the sixth floor. Although the proposal provide no setback a masonry element has been proposed to the lower six floors which provides visual relief and satisfies intent to breakup built form. The built form is also highly articulated through the use of glazing and balconies.

On Leicester Avenue the 3m street setback above the ground level is suitable as the setback will provide a transition from the nil a setback provided along Parramatta Road and the curved corner element to Leicester Avenue. The site is a prominent corners site within the precinct and will present a suitable built form with a strong built edge which is suited to the busy traffic route. This elevation will be well articulated by the proposed east facing balconies and will have visual interest as the balconies on each floor are enclosed by operable glazing which will inevitably be open at various times.

In lieu of this noncompliance the proposal has provided a setback to the upper levels of the proposal to the south boundary where no setbacks are required. This has provided some visual to the adjoining properties to the south and as viewed from Leicester Avenue looking north. It is considered that the southern elevation setback is suitable and results in a good outcome for the proposal.

#### *Floor to Floor Heights*

The Strathfield Triangle DCP requires floor to floor heights of 3.6m for ground and first floor and 3m for third floor and above. The proposal is largely compliant with the exception of the second floor with a height of 3m and the mezzanine (level 10) at 2.5m.

#### First floor

The intent of the height to the second floor is to allow for the provision of commercial uses to the second floor. The proposal will provide for 797.5m<sup>2</sup> of commercial floor space to the ground floor which is a suitable contribution which inevitably would be driven by market demand.

#### Mezzanine

As this area is a mezzanine associated with Unit 36 and will directly adjoin a large void area, the reduced height has no real impact upon the amenity of the unit and is suitable at 2.5m

#### *Intensity of Use*

The proposal will intensify the use of the subject site. The density / intensity is consistent with that embodied within the planning framework for the Strathfield Triangle. The existing infrastructure and services will meet the development proposed.

#### *Social/Economic*

The modification will have minimal social / economic impacts. The proposed unit mix including 1, 2 and 3 bedrooms is appropriate to this area. The proposed design will provide for a variety of units sizes and a unit mix which will promotes diversity, affordability and housing choice.

#### *Streetscape*

This report has found that the proposal will present an appropriate built form, bulk and scale within the existing streetscape. The design responds to the constraints of the site and will fit into the precinct. The assessment

provided against SEPP 65 above found that the proposal was consistent with the design quality principles.

5.4. **Suitability of the Site for the Development Proposed [Section 79(c)]**

The proposed development has been assessed in relation its environmental consequences, and in terms of State Environmental Planning Policy No. 55 and SEPP 65. Having regard to this assessment it is considered that the land is suitable for the intended development.

5.5. **The Public Interest [Section 79C (e)]**

The proposed development is consistent with the objectives of the Environmental Planning and Assessment Act in so far as it promotes the co-ordinated and orderly, and economic use and development of the land. As a result Council may be satisfied that the development subject to conditions is consistent with the public interest.

6. **INTERNAL REFERRALS**

6.1. **Landscaping/Tree Removal**

Council's Landscape Architect reviewed the submitted landscape plan and considered the proposal satisfactory subject to conditions which have been incorporated within the recommendation of this report.

6.2. **Stormwater Drainage**

Council's Civil Design Manager reviewed the submitted stormwater drainage details and advised that the proposed design is not satisfactory. Council's Engineer advised that the proposal could be supported subject to the imposition of suitable conditions, which have been included in the recommendation of this report.

6.3. **Traffic Engineering**

Council's Traffic Engineer reviewed the submitted traffic report and provided comment. The applicant submitted additional information which addressed the issues previously raised.

6.4. **Access Committee**

The proposal was referred to Council's Access Committee and raised no objections to approval of the application

6.5. **Heritage**

The proposal was referred to Council's Heritage Advisor and raised no objection on the basis of heritage to approval of this application.

6.6. **Building**

Council's Principal Building Surveyor reviewed the application and raised no objections to approval of the application subject to conditions.

6.7. **Environmental Health**

The proposal was reviewed by Council's Environmental Health Officer who raised no objection to approval of the application subject to conditions.

**7. EXTERNAL REFERRALS INCLUDING THE RESULT OF ANY REFERRALS TO AN APPROVED AUTHORITY**

**7.1. Roads and Traffic Authority**

The proposal was referred to the RTA as vehicular access will be provided from Parramatta Road. The RTA granted concurrence in accordance with Section 138(2) of the Roads Act 1993 subject to the imposition of conditions included in the recommendation above. The RTA clarified that the development is not integrated development as Council is the approval authority for Parramatta Road.

**7.2. Energy Australia**

The proposal was referred to Energy Australia who advised that the proposed development will require the establishment of an onsite substation in conjunction with the proposal. The applicant has made provision for the installation of a substation within the front setback of Leicester Avenue. The proposal has not been referred to Energy Australia to provide further comment.

**8. CONCLUSION**

The proposed development is appropriately located within a 10(b) - Enterprise Area Zone under the provisions of Concord Planning Scheme Ordinance however significant variations are sought from Council's normal controls as discussed in the report above.

Having regard to the merit assessment of the proposal, Council may be satisfied that, despite the departures to the controls, the development is designed in an acceptable manner, which responds to the constraints presented by the site. Particularly adverse impacts to the amenity of neighbouring properties have been minimised whilst the amenity needs of future residents have been supported.

For these reasons it is considered that the proposal in balance is satisfactory from an environmental planning perspective and is thus favourably recommended.