

SUMMARY

PROPERTY:	8-12 Marlborough Road, Homebush West
LOT & DP:	Lots 7, 8 and 9 in DP 827 Section 1
DA NO.:	2011/101
APPLICATION TYPE:	Residential flat building
REPORT BY:	Thomas Watt
REFERRED TO JRPP:	Yes (Capital Investment Value >\$10 million)
RECOMMENDATION:	APPROVAL
SUBMISSIONS:	One (1) written submission received.
ZONING:	Residential 2(b)
DATE APPLICATION LODGED:	24 June 2011
APPLICANT:	Mr. Tony Delutiis Lulude Pty Ltd
OWNERS:	Mr. Tony Delutiis, Ms. Lidia Delutiis and Lulude Pty Ltd

INTRODUCTION

Approval is sought for the demolition of three (3) detached single dwellings, consolidation of 8, 10 and 12 Marlborough Road, Homebush West and the construction of a four (4) storey residential flat building comprising seven (7) x one (1) bedroom units, (36) x two (2) bedroom units and four (4) x three (3) bedroom units above (61) off street car parking spaces on one (1) basement level, strata subdivision and associated landscaping, drainage and site works.

DESCRIPTION OF THE SITE AND LOCALITY

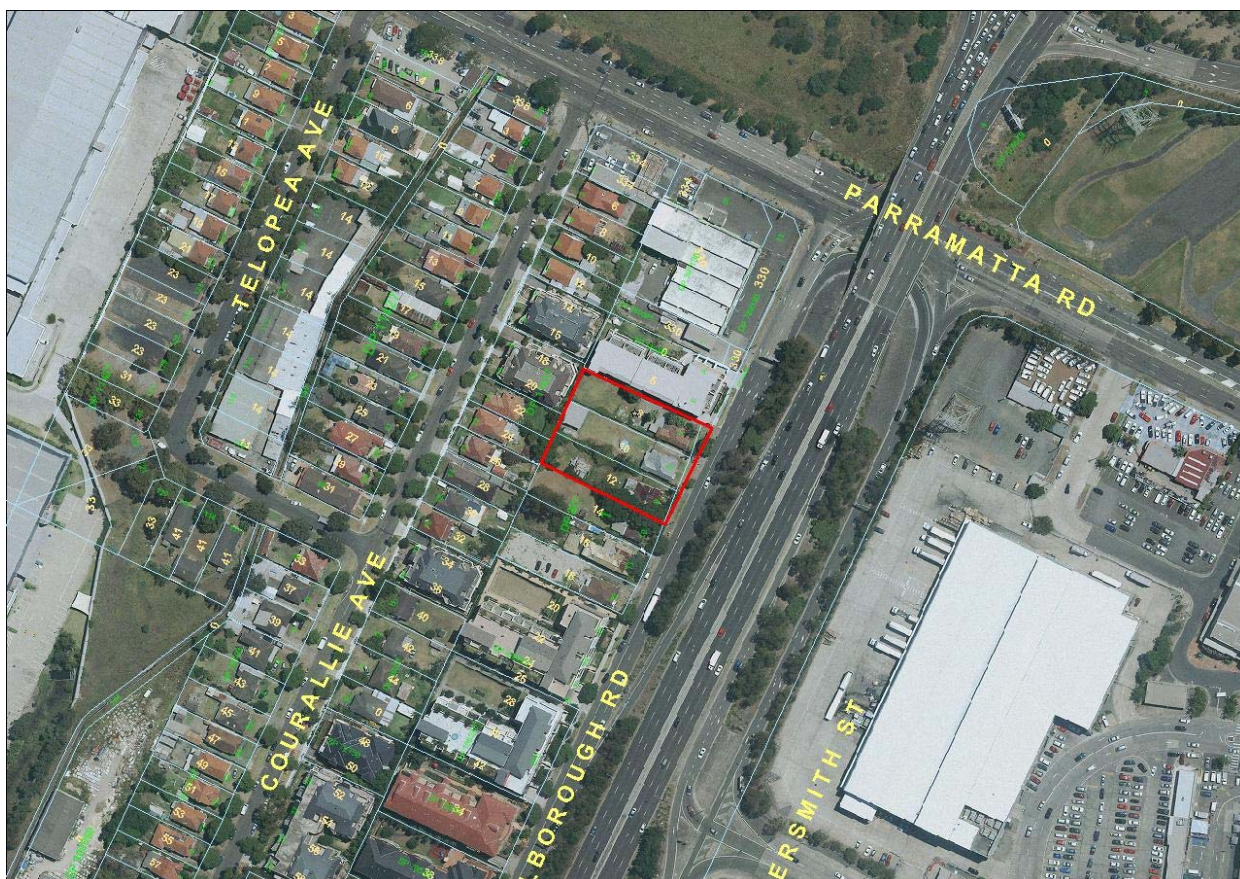
The site is located on the western side of Marlborough Road in Homebush West. The site comprises three (3) parcels of land legally described as lots 7, 8 and 9 in deposited plan 827 section 1. The site is regular in shape with an eastern frontage to Marlborough Road which is a classified road. The site falls from the south-east to the north-west corner of the property approximately 3.18m.

Site Area (approx.):	2,787m ²
Dimensions (approx.):	45.72m x 60.96m

Existing improvements on the site include three (3) detached single dwelling houses of brick, tile and metal construction. Nos. 10 and 12 both accommodate detached ancillary structures to the rear. These ancillary structures are in a dilapidated state.

The site adjoins a four (4) storey residential flat building to the north beyond which is an industrial warehouse building and Parramatta Road. A single storey detached dwelling adjoins the site to the south. Existing multiple-unit developments are located to the west of the site where a residential flat building with loft (attic) is found in addition to two (2) detached single dwellings on separate lots. Beyond Marlborough Road to the east is Centenary Drive and the Sydney Markets development.

The current streetscape of Marlborough Road has been subject to change. Traditionally characterised by single detached dwelling houses, it was rezoned to permit multiple-unit housing in or around 2000. Since then, it has been subject to redevelopment generally in accordance with the built form master plan under DCP No. 20. The subject site is one (1) of two (2) remaining groups of properties in Marlborough Road identified for consolidation and redevelopment under this master plan.



Map 1: Locality map (subject site highlighted above).

The application seeks approval for the demolition of three (3) detached single dwellings, consolidation of 8, 10 and 12 Marlborough Road, Homebush West and the construction of a four (4) storey residential flat building comprising seven (7) x one (1) bedroom units, (36) x two (2) bedroom units and four (4) x three (3) bedroom units above (61) off street car parking spaces on one (1) basement level, strata subdivision and associated landscaping, drainage and site works.

A site plan and elevations are attached (2).

BACKGROUND

The following application is relevant to the determination of the subject application.

23 November 2010 2010SYE056 – DA2010/113 proposing the demolition of three (3) detached single dwellings, consolidation of 8, 10 and 12 Marlborough Road, Homebush West and the construction of a four (4) storey residential flat building comprising two (2) x one (1) bedroom units, (41) x two (2) bedroom units and four (4) x three (3) bedroom units above (61) off-street parking spaces in one (1) basement level. Strata subdivision and associated landscaping, drainage and site works were also proposed.

The application was refused by the Sydney East Joint Regional Planning Panel for the following reasons:

- 1) a) *The RTA's requirement for vehicular entry on the southern side of the site will require a substantial redesign and re-exhibition;*
b) *The central open space will in reality be overshadowed much of the time by the east and west wings of the building in addition of the building to the north, none of which is shown in the submitted shadow diagrams.*
- 2) *The Panel considers the 6m setback from boundaries to be appropriate except for the northern face of the east wing where it is important to shield against traffic noise.*
- 3) *The Panel would not insist on an L-shaped building footprint in a redesign and would accept a modified U-shaped design so long as the west wing is reduced to reduce overshadowing and improve the amenity of the central open space.*
- 4) *The applicant may consider making the boundary setbacks useable either as private or communal open space to demonstrate this with a landscape plan by a qualified landscape designer.*
- 5) *A new application will require a detailed contamination report confirming that the site is suitable for the proposed use based on the depth of excavation.*

- 6) *The Panel will do its best to expedite the determination of any subsequent application.*

22 December 2010	The RTA advised in writing that based on the consideration of further information concurrence would be granted to the proposed development with the driveway located to the northern side of the site.
24 June 2011	DA2011/101 (subject application) lodged at Strathfield Council.
25 July 2011	The RTA confirmed that concurrence was granted to the proposed development.
1 August 2011	<p>Deferral letter issued providing the applicant an opportunity to respond to outstanding matters with the subject application including:</p> <ul style="list-style-type: none">• U-shape footprint contrary to L-shape footprint giving rise to landscaped area and solar access non compliances;• Undersized units;• Adequate and convenient access and seating for persons with disabilities to central courtyard;• Failure to provide a communal waste storage area;• Driveway conflict with Council drainage pit requiring additional information;• Revised professional reports (Statement of Environmental Effects, Acoustic and Traffic Impact Assessments) addressing changes to the original design;• Amended site analysis plan to delete drafting error; and• Provision of 3,000L rain water tank contrary to the required minimum 5,000L tank in the accompanying BASIX Certificate.
23 August 2011	Amended plans and additional information responding to the above outstanding matters were received by Council.

ASSESSMENT - Pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979

The application has been assessed pursuant to the heads of consideration of Section 79C of the Environmental Planning and Assessment Act and the relevant matters described in Sub-section (1)(a), (b), (c), (d) and (e) of Section 79C have been considered within this report.

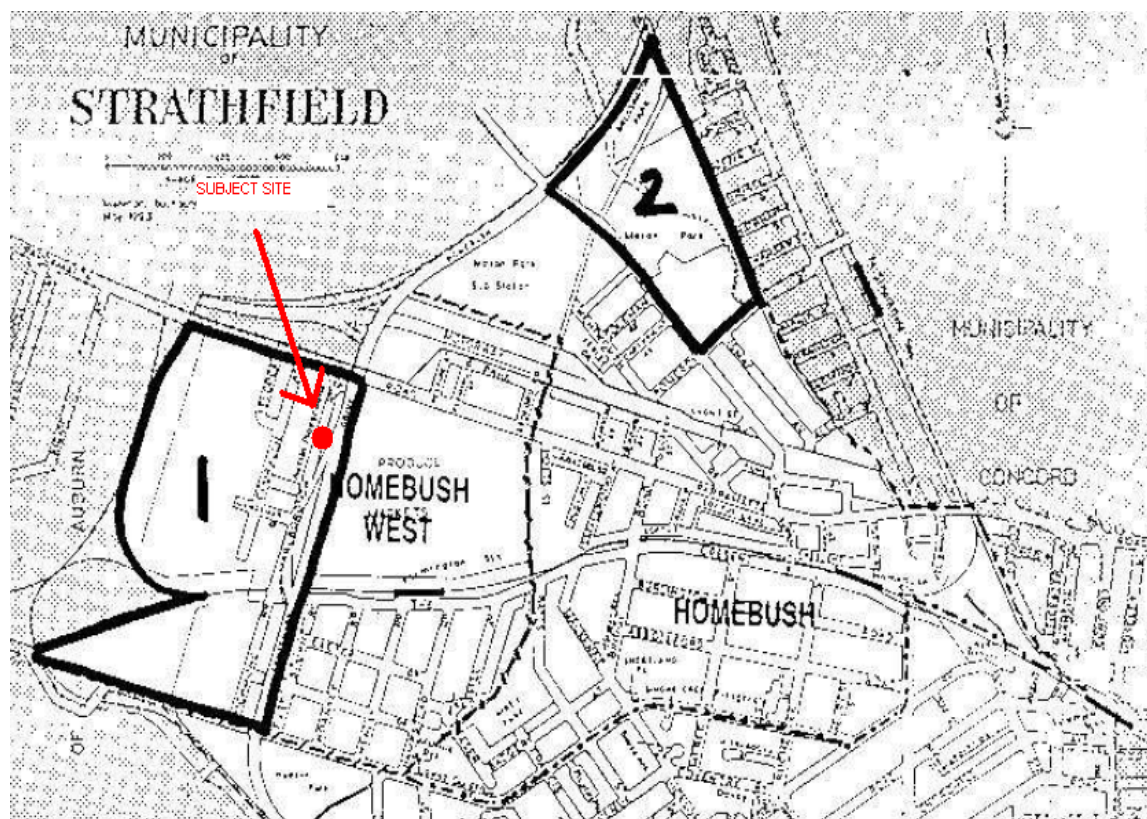
(a) (i) Environmental Planning Instruments:

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

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) requires the consent authority to consider whether the site is suitable in its current state,

contaminated state or following the completion of remediation works for the purposes for which development consent is being sought.

The site is located in an area of investigation identified in Map 2 (below) taken from Part K of the Strathfield Consolidated Development Control Plan, 2005 (SCDCP, 2005).



Map 2: Excerpt of map identifying areas of investigation under Part K of the SCDCP 2005.

Contamination investigations into properties in the vicinity of the subject site indicate that shallow groundwater may be potentially contaminated and require remediation. In an Environmental Site Assessment undertaken by Aargus Australia Pty Ltd dated May 2011 (herein referred to as the 'Aargus assessment') an assessment as to the whether the site is potentially contaminated was undertaken. The Aargus assessment concluded that

"Based on the results of this investigation, it is considered that the risks to human health and the environment associated with soil and groundwater contamination at the site are low in the context of the proposed use of the site for a residential complex with associated car parking and landscaping. The site is therefore considered to be suitable for the proposed development".

Based on the findings of the Aargus assessment, the site is suitable in its current state for the purpose for which development consent is being sought and the proposal satisfies SEPP 55.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings (SEPP 65) aims to improve the design quality of residential flat development in New South Wales. The SEPP requires the consent authority in determining development applications for residential flat buildings to take into consideration the advice of a Design Review Panel, the design quality of the proposal when evaluated against the ten (10) design quality principles in the SEPP and the ‘rules of thumb’ guidelines of the *Residential Flat Design Code*. Furthermore, SEPP 65 requires a registered Architect to confirm in writing that they have directed or carried out the design of the proposal in accordance with the design quality principles of the SEPP (referred to as a design verification statement).

A design verification statement has been received from a registered Architect however as Strathfield Council is not subject to a Design Review Panel constituted under the SEPP, the proposal is assessed against the (10) design quality principles and the *Residential Flat Design Code* as follows:

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

Since 2000, Marlborough Road has been subject to re-development in accordance with the built form master plan under DCP No. 20. DCP No. 20 has been responsible for changing the built form of the locality from one (1) characterised by single detached dwellings on individual lots to consolidated sites accommodating four (4) storey residential flat buildings.

Marlborough Road is characterised by four (4) storey residential flat development that has been constructed since the adoption of DCP No. 20. The proposed development is consistent with this changing character and is likely to further contribute to the quality and identity of the area generally in accordance with the objectives of DCP No. 20. The proposal therefore satisfies the above design quality principle.

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 scale of the street and surrounding buildings has been generally established in accordance with DCP No. 20 to comprise four (4) storey residential flat buildings. The proposed development is consistent and compatible with the established scale of development along Marlborough Road and is likely to contribute positively to the streetscape in accordance with the above design quality principle.

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 proposed development comprising the use of exposed face brick work, feature panelling and articulation in the front façade will establish a visually appealing and high quality building design as viewed from Marlborough Road and Centenary Drive. The proposed development is therefore likely to contribute to the character of the locality by providing a high quality architectural design amongst other similar buildings. The proposal therefore satisfies the above design quality principle.

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 site is located in a context that features medium density residential flat development surrounded by the classified road network including Parramatta Road and Centenary Drive. The establishment of residential flat development in this area benefits existing

public transport opportunities including Sydney Bus services along Parramatta Road and further to the east of the site, Flemington railway station.

The proposed development seeks to vary the prescribed building footprint under DCP No. 20 whereby a 'western wing' is extended into the site contrary to the desired 'L' shape building footprint. Despite this variation (discussed in greater detail under the Likely Impacts section of this report), the proposed density of development is considered to be appropriate and suitable having regard to the site and its context wherein opportunities for public transport are available. Accordingly, the proposed development satisfies the above design quality principle.

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

The proposed development complies with the mandatory BASIX commitments which seek to improve the sustainability of development. Furthermore, a waste management plan has identified materials for re-use, re-cycling and disposal in accordance with Council's requirements under Part H of the SCDP 2005. The proposal is therefore satisfactory having regard to the above design quality principle.

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 useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

Comment

Although the variation to the prescribed L-shape building footprint reduces the provision of deep soil landscaping on the site, the proposal is considered to be likely to provide a level of landscaping and amenity commensurate with other similar existing development in the immediate vicinity of the site. Furthermore, the provision of landscaping will contribute to the presentation and appearance of the proposed development as viewed from Marlborough Road and Centenary Drive. The proposal therefore satisfies the above design quality principle.

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

Although the proposed building footprint variation will increase the density of development on the site, an acceptable amenity to future occupants will be achieved through the following:

- provision of a minimum three (3) hours solar access at mid-winter to (36) out of (47) units and just under three (3) hours to the central courtyard area;
- provision of deep soil and shallow soil landscaping throughout the site;
- appropriate room dimensions with natural ventilation opportunities;
- suitable acoustic attenuation to the Marlborough Road frontage; and
- an accessible common open space area in the centre of the site.

Therefore, the proposal is likely to achieve an acceptable level of amenity for future occupants in accordance with the above design quality principle.

Principle 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

The design provides a development that will establish passive surveillance within and external to the site thereby contributing to a safe and secure environment. Security

access points will regulate access into the site and the provision of front fencing and use of external materials defines the entrance to the site and delineates between public and private property. The proposed development is therefore considered to satisfy the above design quality principle.

Principle 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 mix of units is sufficient in meeting the demands of the local community including the provision of adaptable housing options. Accordingly, the proposed development satisfies the above-mentioned design quality principle.

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

From a streetscape perspective, the proposed development comprises building elements, textures, materials and colours that would integrate and contribute positively to the Marlborough Road streetscape. Similarly, the internal design and structure of the development will establish a desirable built form and environment. The proposed development therefore satisfies the above design quality principle.

Further to the design quality principles, the proposed development is evaluated against the various provisions of the *Residential Flat Design Code* (RFDC) in accordance with Clause 30 (2) (c) of SEPP 65. The proposed development generally satisfies the provisions of the RFDC however provides a minimum separation of 7.5m contrary to the desired 12.0m between habitable rooms and the balconies of the adjoining development at 4-6 Marlborough Road adjacent to the north of the site.

The separation between the two (2) buildings is considered to be appropriate despite the above numeric non compliance due to the following reasons:

- the setbacks will contribute to the reduction in traffic noise within the site by providing a physical barrier to Marlborough Road and Centenary Drive; and
- the balconies to the southern side of the adjoining development (4-6 Marlborough Road) comprise access areas and feature obscure glazing thereby reducing the

likelihood that these areas will give rise to unacceptable opportunities for overlooking, noise or other amenity impacts.

The proposed development has been evaluated against the design quality principles and the RFDC as required by SEPP 65. The proposal has generally satisfied the relevant provisions of SEPP 65 and overall is acceptable.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP) requires residential development to nominate and incorporate sustainability commitments to reduce water and energy consumption.

In accordance with the BASIX SEPP mandatory sustainability commitments required in the accompanying BASIX Certificate have been included in the architectural plans. The proposed development will therefore satisfy the BASIX SEPP.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) establishes the considerations for development adjacent to particular types of infrastructure and consultation requirements with relevant public authorities during the assessment of Development Applications. As the proposed development is located on a site with frontage to Marlborough Road; a classified road under the Roads Act, 1993, the following provisions of the Infrastructure SEPP are applicable.

Clause 101 of the Infrastructure SEPP requires a consent authority to consider vehicle access to and from the site, the impact of access on the classified road in terms of safety, efficiency and ongoing operation and the design of the development so as to ameliorate potential traffic noise or vehicle emission impacts.

A traffic impact assessment carried out by Traffic Solutions Pty Ltd dated 16 August 2011 states that the proposed development is satisfactory having regard to the driveway location, sight distance, traffic generation, car space dimensions, ramp grades, ramp widths, on site manoeuvring and car parking provision. Accordingly, the proposed development satisfies Clause 101.

The Infrastructure SEPP further requires the consent authority to consider the impact of noise as a result of the location of the proposed development adjacent to a road with an annual daily traffic volume of more than 40,000 vehicles.

The 2005 converted statistics published on the RTA's website identify Marlborough Road as having capacity to carry an annual daily traffic volume of 39,340 vehicles. Centenary Drive immediately adjacent to Marlborough Road and in close proximity to the site, carries an annual daily traffic volume of 90,538 vehicles. In accordance with Clause 102 of the Infrastructure SEPP, the applicant has been required to demonstrate that measures can be implemented to ensure the following LAeq levels prescribed in the subject clause can be achieved:

- (a) in any bedroom in the building – 35 dB(A) at any time between 10pm and 7am; and
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40 dB(A) at any time.

An acoustic report prepared by Acoustic Solutions P/L dated 12 August 2011 has confirmed that subject to recommendations specifying building materials to be used in construction, the proposed development will achieve the abovementioned LAeq levels in accordance with the Infrastructure SEPP

The proposed development has therefore satisfied the relevant provisions of the Infrastructure SEPP subject to the imposition of recommended conditions of consent by the acoustic consultant. These conditions have been included in the recommendation set out at the end of this report.

State Environmental Planning Policy (Major Development) 2005

The proposed development has a capital investment value in excess of \$10 million and is therefore defined as 'Regional Development' pursuant to Clause 13B of the Major Development SEPP.

Accordingly, the Sydney East Joint Regional Planning Panel (JRPP) has the function of determining the application in accordance with Clause 13F of the abovementioned planning policy.

Strathfield Planning Scheme Ordinance, 1969

The proposed development is defined as multiple-unit housing under the Strathfield Planning Scheme Ordinance, 1969 (SPSO, 1969). The subject site is zoned Residential 2(b) under the deemed planning instrument wherein development for the purposes of multiple-unit housing is permissible with consent pursuant to Clause 22.

The proposed development is satisfactory in terms of its aesthetic appearance as viewed from Centenary Drive and Marlborough Road and satisfies Clause 32 (a). Access to and from the site is adequate and sufficient off-street parking facilities have been provided to accommodate the demand generated in accordance with Clause 32 (b) (i) and (ii) respectively.

The proposed development relies on access to the arterial road network by way of a road that is classified under the Roads Act, 1993 and is therefore advertised development for the purposes of Clause 33 of the SPSO. Accordingly, the application was advertised in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulation, 2000*.

The site has a width of 45.72m and an area of 2,787.1m² which satisfies the minimum standards for the erection and subdivision of a residential flat building in accordance with Clause 41 which requires a width of 15m at the front building line and area of 560m².

Despite the building footprint variation to DCP No. 20, the proposed development is considered to be compatible with other development that is proposed or is likely to be carried out in the vicinity of the site. Furthermore, the proposal is unlikely to adversely affect the amenity of existing residential development by way of overshadowing, overlooking, noise or otherwise. The proposed development therefore satisfies Clauses 41B (a) and (c).

Clause 41C and 61GA require Council to consider potential amenity impacts from development on adjoining residential land. The proposal has an acceptable height and scale, compatible elevations and is unlikely to result in an unacceptable impact by way of solar access, overlooking or otherwise. The proposed development is therefore acceptable having regard to Clauses 41C and 61GA.

Overall, the proposed development is satisfactory having regard to the relevant provisions of the Strathfield Planning Scheme Ordinance, 1969 (SPSO, 1969).

Section 94 Contributions

Section 94 Contributions «DA» applicable to the proposed development in accordance with the Strathfield «DA» Development Contributions Plan 2010-2030 as follows:

Provision of Community Facilities	\$ 44,451.00
Provision of Major Open Space	\$ 213,939.00
Provision of Local Open Space	\$ 71,082.00
Provision Roads and traffic Management	\$ 6,818.00
Administration	\$ 9,108.00
TOTAL	\$ 345,398.00

A condition of consent shall be imposed requiring the above contribution to be paid to Strathfield Council prior to the issue of the Construction Certificate.

(ii) Draft Environmental Planning Instruments:

Draft Strathfield Local Environmental Plan, 2008

The proposed development is situated in the Residential 2B zone, which permits multiple-unit housing subject to Council consent pursuant to Clause 15 of the draft Strathfield Local Environmental Plan, 2008 (draft Strathfield LEP, 2008).

The proposed development has been able to demonstrate a compatible scale having regard to other similar existing development and the achievement of an acceptable level of amenity to future occupants without significantly compromising the existing amenity of adjoining residents. The proposal is therefore consistent with the objectives of the 2B zone and satisfies Clause 17.

The proposal satisfies the minimum development standards under Clause 18 for the erection and subdivision of multiple-unit housing and Clause 20 in respect of the provision of adaptable housing units.

The proposed development has been considered in relation to opportunities for community safety under Clause 56, was advertised in accordance with Clause 58 and has satisfied the provisions for contaminated land, waste management, ecologically sustainable development and landscaping and biodiversity under Clauses 62, 75, 76 and 77 respectively.

The applicable Clauses of the draft Strathfield Local Environmental Plan, 2008 have been considered in the assessment and the proposed development found to be satisfactory.

Draft Local Environmental Plan No. 105

The subject property «DA» identified as an item of heritage significance and «DA» located within a heritage conservation area under Council's Draft LEP No. 105.

(iii) Development Control Plans:

Strathfield Development Control Plan No. 20 – Parramatta Road Corridor Area

Section	Development Control	Required	Proposed	Compliance
2.2	Building Footprint	Proposal to conform to the building footprint shown in figure 10.	The proposed development exceeds the building footprint established in figure 10.	No – refer to discussion below.
	Land Consolidation	Proposal to conform to the consolidation pattern identified in figure 13.	The proposal conforms to the consolidation pattern in figure 13.	Yes
	Basement Setbacks	The outer walls of basements shall comply with the setbacks required in this section.	Basement exceeds setbacks as the building footprint exceeds that permitted in figure 10.	No – refer to discussion below.
2.3	Building Height	Proposal to conform to building height identified in figure 10.	The proposed development is four (4) storeys in height.	Yes
2.4	Built Form	Proposal to conform to the built form guidelines illustrated in figure 17.	The proposal generally complies with Figure 17.	Yes
		Front setback 5.0m	5.0m setback provided.	Yes
		Avg. building width 16.0m	14.76m	Yes

Section	Development Control	Required	Proposed	Compliance
		Cantilevered balconies no more than 1.5m into front setback.	Balconies to 1 st , 2 nd and 3 rd floors comply.	Yes
		Basement parking to extend no more than 22.0m into the site.	Extends 49.7m exceeding this control by 27.7m.	No – refer to discussion below.
		Enclosed balconies to rear extend no more than 2.5m from building.	Enclosed balconies to the rear are all recessed into the western elevation of the building.	Yes
	Minimum Unit Sizes	Proposal to comply to the following min. unit sizes: 1 bed – 75m ² 2 bed - 85m ² 3 bed - 100m ²	Units 12, 24, 37 and 47 have a floor area of 66m ² and are undersized by 9m ² (12%). The (36) x two (2) bedroom units are greater than 85m ² . The four (4) x three (3) bedroom units are greater than 100m ² .	No – refer to discussion below. Yes Yes
2.5	Roof Form	Lift and service plant concealed within roof structure.	Lift and service plant concealed within the roof form.	Yes
		Provide an interesting skyline and enhance views from adjoining developments.	The proposed development will contribute to an architecturally interesting skyline, complementing existing development nearby and enhancing views.	Yes
2.6	Façade Composition	Entrance should be distinguishable in the façade.	The entrance is architecturally distinguished through the use of feature panelling above.	Yes
		Facades should maintain a human scale to the street by incorporating appropriate	The façade incorporates an appropriate mix of materials comprising face brick work and rendered balcony elements to create a	Yes

Section	Development Control	Required	Proposed	Compliance
		architectural features.	compatible façade appearance appropriate to Marlborough Road.	
		Materials and finishes should blend together with min. 30% to incorporate face brickwork.	The proposal incorporates extensive use of face brickwork as well as rendered and feature materials.	Yes
		Consider the use of glass in facades on northern and western elevations in terms of glare impacts.	The glazing proposed will not result in adverse glare impacts to adjoining properties.	Yes
2.8	Visual and Acoustic Privacy	Visual privacy to be provided by separation or screening – refer figures 21 and 22.	The privacy to the adjoining building to the west of the site is adequately treated through the installation of fixed louvers to the balconies and fixed obscure glazing to windows.	Yes
		Main living areas oriented to the street or rear garden to prevent overlooking.	Main living areas are generally oriented to the street and rear gardens thereby limiting unacceptable opportunities for overlooking.	Yes
		Acoustic privacy must be considered in relation to proposal and surrounding environment.	The proposal is subject to an acoustic assessment which recommends attenuation measures to ensure compliance with the minimum noise levels for development adjacent to classified roads under the SEPP infrastructure.	Yes
		Buildings designed and sited to minimize transmission of noise to adjoining developments.	The building has been adequately designed to minimise the transmission of noise.	Yes
		Developments adjoining major road or railway line to consider potential noise impacts and	The acoustic assessment has considered AS2107:2000 and 3671:1989 and satisfactorily addressed	Yes

Section	Development Control	Required	Proposed	Compliance
		refer to AS 2107:2000 and 3671:1989.	noise impacts from nearby noise sources.	
		Utilise noise barrier planning techniques – refer figure 23.	An acoustic assessment has confirmed that the proposed development will be constructed of materials that will achieve an acceptable LAeq level in accordance with the Infrastructure SEPP.	Yes
		Shared pedestrian entries shall be capable of being locked and serve a limited number of dwellings	Entries access a limited number of units.	Yes
		Casual surveillance maintained of public streets and spaces with at least one habitable room window facing that area.	Habitable rooms face public space and road increasing the amount of casual surveillance.	Yes
2.9	Private Open Space	Proposal to provide 35% deep soil landscape area on the site.	708m ² / 2787.10m ² = 25.4%	No – refer to discussion below.
		Retain and protect existing significant trees.	There are no significant trees located on the site.	Yes
		Each contiguous landscape area shall provide large trees.	Opportunities for planting large trees are available.	Yes
		Trees and pergolas to shade external areas and control sunlight into buildings.	Pergolas provided to balconies and paved footpath through the common open space.	Yes
		Proposal to provide common open space to the following dimensions:		

Section	Development Control	Required	Proposed	Compliance
		278.71m ² required.	285.64m ²	Yes.
		Min dimensions of 7m;	13.8m x 16.5m min.	Yes
		Positioned to receive sunlight, be conveniently located for residents with good opportunities for passive surveillance and contain durable children's play equipment;	Positioned to the north however will be overshadowed during mid-winter due to existing adjacent development to the north.	Yes
		Located behind front setback.	Located behind front setback.	Yes
	Balconies	Dwellings without ground level open space shall have balconies to the following requirements: 12m ² up to 2 bed; 15m ² for 3 or more bed; Min. dimension of 2.0m; Located off living areas and with good solar access; and Balustrades designed to provide privacy and conceal service areas whilst allowing passive surveillance.	Unit 11 has a balcony area of 10.6m ² and is undersized by 1.4m ² (11.66%). 15m ² for 3 bedroom units. 2.0m min provided. Main balconies are located off living areas with sufficient solar access. Adequate privacy measures are provided.	Yes – subject to a condition of consent. Yes Yes Yes Yes

Section	Development Control	Required	Proposed	Compliance
	Front Gardens	Promote positive setting for proposal with appropriate security lighting.	Positive landscaped setting consistent with the overall character and context of the site.	Yes
	Front Fences	1.8m height permitted along Marlborough Road due to high traffic levels.	1.2m high front fence proposed.	Yes
		Match streetscape character with 50% transparent where height is 1.8m.	The front fence will have a compatible design having regard to the existing streetscape.	Yes
2.10	Energy Efficiency	Energy performance statement shall accompany application.	A BASIX Certificate and ABSA assessment confirms the sustainability requirements for the proposed development in accordance with the BASIX SEPP.	Yes
2.10.2	Solar Access	Main living and 50% of private open space receives min. 3 hours solar access.	The proposal provides 3 hrs solar access to 36 units (76%) and just under 3 hrs to the central courtyard area.	No – refer to discussion below.
		Min. 3 hours solar access maintained to habitable rooms and private open space of adjoining development.	Solar access generally maintained from midday to 3pm.	Yes
2.10.7	Water Management	5,000 litre rain water tank for the first 10 units plus an additional 250 litres per unit above ten (10) units. 14,250L required	5,000 litres proposed as per BASIX requirement	The BASIX SEPP overrides Council's local planning control with respect to the provision of rain water tank capacity on the site.
2.11	Stormwater, Sewerage and Drainage	Site to be adequately serviced by stormwater, sewerage and drainage in accordance with Council's Stormwater	Storm water servicing arrangements are acceptable.	Yes

Section	Development Control	Required	Proposed	Compliance
2.12	Disabled Access	Management Code.		
		One main entrance barrier free and accessible.	Main entrance from street available with door only.	Yes
		Access to public areas should be convenient and without barriers.	Access to public areas is provided without barriers.	Yes
		Adequate and convenient amenities for disabled access.	Seating and ramp access to common open space areas provided.	Yes
		Accessible parking provided with access to units above provided.	Lift access to adaptable units above.	Yes
		15% of units designed to allow occupation by older people and people with disabilities.	47 x 15% = 7.05 units: The proposed development provides seven (7) adaptable units.	Yes
2.13	Vehicle Access and Car Parking	Car parking to be provided on the following basis:		
		Up to 2 bed – 1 space.	43 x 1 = 43	
		3 bed or more – 1.5 spaces.	4 x 1.5 = 6	
		Visitor – 1 space per 5 units	47 / 5 = 9.4 (rounded up to 10).	
			Total req: 59 spaces Provided: 61 spaces	Yes
		Bicycle parking facilities should be provided.	Bicycle parking facilities provided.	Yes
2.14	Site Facilities and Services	Garbage – refer to requirements of Part H of SCDCP 2005.		
		18.8m ² area for general waste storage.	Dedicated waste storage area provided.	Yes
		Electricity and telecommunication supplies shall be undergrounded.	This requirement has been noted in the submitted Statement of Environmental Effects and will be imposed through conditions of	Yes

Section	Development Control	Required	Proposed	Compliance
			consent.	
		Letterbox provision; Master TV antenna provided; Clothes drying facilities provided;	No details.	Yes subject to a condition of consent.
2.16	Excavation	Comply with BCA and submit dilapidation report for all adjoining development.	No details.	Yes subject to prescribed conditions of consent.

iiia) Planning Agreements (or Draft Agreements)

The proposed development is not subject to a planning agreement pursuant to Section 93F of the Environmental Planning and Assessment Act 1979.

iv) Matters Prescribed by the Regulations

The *Government Coastal Policy* does not apply to the site and the operation of AS2601-1991 for the demolition of structures could be dealt with by way of a condition of consent in the event of an approval.

(b) Likely Impacts:

Context & Setting / Site Design and Internal Design

The proposed development is located in an area undergoing transition. Marlborough Road has been identified under DCP No. 20 for redevelopment through residential flat buildings as part of the Parramatta Road Corridor master plan. This master plan as embodied in DCP No. 20 is realised through the achievement of built form controls which include a prescribed building footprint and consolidation pattern. The proposed development complies with the consolidation pattern however seeks to vary the L-shape building footprint by extending a western wing thereby creating a U-shape building footprint on the site. As a result of this non compliance, several other non compliances with the development controls under DCP No. 20 are prevalent including the protrusion of the basement beyond the prescribed building footprint, failure to achieve minimum deep soil landscaped area, minimum unit and balcony sizes and solar access provision. These non compliances are attributed to the building footprint non compliance which if reduced to comply is likely to see a subsequent reduction to the associated basement, landscaped area, unit size and solar access non compliances. A variation to the building footprint would therefore require subsequent variations to the other non compliant development controls listed above. Therefore, the merits of the building footprint variation must be considered first as follows.

The aim in prescribing a building footprint on the site is to assist in achieving the objectives of the master plan as outlined in DCP No. 20, in particular, to ensure an acceptable level of amenity through the provision of a minimum amount of solar access,

landscaped open space and appropriate unit sizes. The applicant has justified the non compliance with the building footprint on the following grounds:

- The site is subject to overshadowing from the existing four (4) storey residential flat building to the north of the site which inhibits the ability of the proposal to achieve its solar access requirements to the central courtyard and ground floor units located on the northern side of the eastern and western wings of the building.
- In order to improve solar access to the central courtyard area part of the setback to the western wing was increased from 4.5m to 9.0m which slightly improved solar access to the central courtyard area in the afternoon.
- 36 units (76%) receive a minimum of three (3) hours solar access at winter solstice which although is contrary to Clause 2.10.2 of DCP No. 20 wherein all units should achieve this minimum, is consistent with and exceeds the 'Rule of Thumb' guideline of 70% under the *Residential Flat Design Code* wherein it is acknowledged that solar access to all units in urban areas may be an unrealistic goal.

The applicant's justification relating to solar access provision is supported by Council officers as it is acknowledged that the constraints posed by adjoining development to the north inhibit the ability of the site to achieve the solar access requirements under Council's DCP. Furthermore, the ability of the proposal to achieve a minimum of three (3) hours solar access to 76% of units is considered to be acceptable having regard to these constraints. As the application currently stands, the minimum solar access provision is considered to be acceptable and the variation to the building footprint is recommended to be supported.

In supporting the above variation, associated non compliances with Council's basement excavation and minimum deep soil landscaped area controls must also be considered. In this regard, the objective of restricting the extent of basement excavation seeks to ensure sufficient area is maintained on the site to provide deep soil landscaping. This in turn seeks to maintain the park like vistas of the Council area, relate open space with living areas, provide for the recreational needs of residents and allow infiltration of stormwater runoff to the subsoil contributing to the maintenance of adequate ground water flows and the health of the natural environment.

The proposed development provides 708m² (25.4%) deep soil landscaped area contrary to the minimum required 975.45m² (35%) of the site. This is directly attributed to the extent of basement parking provided on the site as a result of the additional off-street parking demand generated by the variation to the building footprint. That is, due to the additional units in the western wing of the building, the proposal is required to provide additional off-street parking thereby increasing the extent of basement parking and reducing the ability of the site to comply with the minimum deep soil landscaping requirement. The applicant has provided 'deep soil planter boxes' in the central courtyard above the basement in an attempt to achieve the objectives of this control. Whilst this generally satisfies the relevant landscape aesthetic objectives of the control, it fails to contribute to the infiltration of stormwater runoff to the subsoil. The alternate option on the other hand would be to separate the basement across two (2) levels thereby requiring deeper excavation of the site which may further affect the subsoil and

ground water flows. Therefore, although the proposal does not achieve the numeric control in this instance, it is recommended to be supported as a variation as the proposal will otherwise achieve an acceptable landscaped outcome having regard to the objectives of the control mentioned above and the context and setting of the site.

The proposed development comprises four (4) x one (1) bedroom units; 12, 24, 37 and 47 each of which have a floor area of 66m² and are undersized by 9m² (12%) contrary to the minimum unit size of 75m² under Clause 2.4 of DCP No. 20. The applicant has justified a variation to Council's minimum unit sizes based on the *Residential Flat Design Code* which suggests a minimum unit size of 50m² for one (1) bedroom apartments in order to ensure affordable housing options are not excluded from development proposals. Council officers are supportive of this variation on the ground and further note that the undersized units are located on the northern side of the western wing which will see a minimum of three (3) hours solar access provided to all but one (1) of the units as unit 12 is located on the ground floor. Therefore, despite the undersized dimensions of the units, these units are likely to receive an acceptable level of amenity for future residents as they benefit from good solar access or access to ground floor open space.

Access, Transport and Parking

The application has been supported by a traffic impact assessment which confirms that the proposed development is adequately supplied with off street car parking and is unlikely to adversely affect the local and classified road networks by way of traffic generation and capacity.

The provision of a new driveway crossover to Marlborough Road has received concurrence from the RTA and subject to the satisfactory relocation of an existing lintel pit in the road, will be likely to provide suitable access to the site. Existing "No Stopping" restrictions along Marlborough Road will be maintained and a traffic management plan will be required to be prepared to manage demolition, excavation and construction along Marlborough Road.

Water

The proposed development relies on an existing drainage easement which benefits the subject site, adjoining property 4-6 Marlborough Road and burdens 16 Courallie Avenue downstream from the site. The proposed stormwater design is acceptable subject to conditions which have been included in the recommendation set out below.

Noise

An acoustic impact assessment has provided recommendations for the use of specific materials and glazing to ensure that acceptable internal levels of acoustic attenuation and mitigation will be achieved and an acceptable amenity is provided to future residents. Subject to these recommendations, the proposed development is unlikely to be adversely affected from road and traffic noise.

Flora & Fauna

The proposed development involves extensive basement excavation in proximity to existing trees. Issues associated with the excavation of the basement have been subject to a consulting arborist's report which outlines tree protection measures to be implemented during works in order to successfully protect and retain the existing trees. The recommendations of the arborist's report have been included amongst the recommended conditions of consent.

It is noted that the assessment has failed to include an existing Council street tree located in front of 8 Marlborough Road, Homebush West. An additional condition has been imposed to ensure tree protection measures are provided to this tree in the nature strip.

(c) Suitability of the Site:

The site is suitable in accommodating the proposed development whilst achieving an acceptable level of amenity for future residents without significantly compromising the existing amenity of adjoining residents.

(d) Submissions:

The application and plans were notified in accordance with the *Environmental Planning and Assessment Regulation, 2000* from 7 July 2011 to 21 July 2011. One (1) written submission was received.

The one (1) written submission received outlined concern regarding the existing lack of on-street parking in Marlborough Road and the need for on-street parking as a result of the construction of residential flat buildings generally.

Comment

The specific concerns of the objection relate more towards the lack of on-street parking on Marlborough Road. Marlborough Road is subject to "No Stopping" restrictions preventing persons from parking on the street. These restrictions will continue to apply along Marlborough Road as per conditions provided by the RTA for the proposed development. Notwithstanding, the proposal is unlikely to significantly increase the demand for on-street parking as it fully complies with the required provision of off-street parking on the site. The concern raised has therefore been addressed in ensuring that off-street parking complies with Council's planning controls.

(e) Public Interest:

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments (EPI's), development control plans and by Council ensuring that any adverse effects on the surrounding area and the environment are minimised. Despite several variations to the development controls under DCP No. 20, the proposed development is considered to provide an acceptable level of amenity to future residents taking into account existing site constraints and opportunities. Furthermore, the variations are unlikely to inhibit the future development of the adjoining properties to the south of the site or adversely affect the existing amenity afforded to

adjoining residents to the north and west. Accordingly, approval of the application is not contrary to the public interest.

INTEGRATED DEVELOPMENT

The proposed development requires an approval under the Roads Act, 1993 to provide a driveway crossover to Marlborough Road which is a classified road. As Council is both the consent authority under the EP&A Act, 1979 and the roads authority under the Roads Act, 1993 the application requires the concurrence of the RTA prior to Council granting consent under the Roads Act, 1993.

The RTA initially objected to the location of the proposed driveway in DA2010/113 (2010SYE056) which was subsequently refused in November 2010 by the Sydney East Joint Regional Planning Panel.

Following on from the meeting, the RTA reviewed its position in relation to the matter and in correspondence received by Council on 22 December 2010 advised that based on additional information, concurrence is granted subject to conditions. The RTA confirmed this position following the lodgement of the subject application in correspondence received by Council on 25 July 2011. The proposed development has therefore obtained the RTA's concurrence in accordance with Section 138 (2) of the Roads Act, 1993.

INTERNAL REFERRALS

The application was referred to Council's Building Surveyor, Development Engineer, Drainage Engineer, Traffic Engineer and Landscape Officer for comment.

Building Surveyor

Concern was raised with the provision of egress in the event of an emergency from the storage area located underneath the basement driveway in accordance with the deemed-to-satisfy provisions of the Building Code of Australia (now the National Construction Code). However, it is noted that this matter will be dealt with at the Construction Certificate stage and may involve the formulation of an alternative solution.

Air conditioning units on balconies should be located off the floor level so as to prevent them from acting as a climbing aid. A condition of consent shall be imposed to address this matter.

Development Engineer

The proposed stormwater detention and disposal system is acceptable subject to conditions which have been included as part of the recommendation set out at the end of this report.

Drainage Engineer

The proposed vehicular crossing conflicts with Council's lintel inlet pit located in Marlborough Road. Whilst it is possible to relocate the lintel pit, details of the new pit and connection to the street drainage system were requested to be submitted to Council for further review. This

information remains outstanding and shall form a condition of consent to be satisfied prior to the issue of a Construction Certificate.

Landscape Officer

The proposal shall adopt the tree protection measures outlined in the consulting arborist's report. Conditions to this effect shall be included below.

CONCLUSION

The application has been assessed against the heads of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979 and all relevant instruments and policies.

The proposed development is permissible in the zone and consistent with the objectives of the SPSO, 1969 and draft Strathfield LEP, 2008. Despite a variation to the building footprint and resultant variations to several of the development controls of DCP No. 20, the proposal is likely to provide an acceptable level of amenity to future residents without significantly compromising the amenity of adjoining residents or the future development of properties to the south of the site. Accordingly, the application is recommended for approval subject to conditions.

RECOMMENDATION

That DA2011/101 for the demolition of existing development, consolidation of 8, 10 and 12 Marlborough Road, Homebush West and the construction of a four (4) storey residential flat building comprising (47) units, (61) off-street parking spaces in one (1) basement level, strata subdivision and associated landscaping, drainage and site works at 8-12 Marlborough Road, Homebush West be APPROVED subject to the following conditions:

CONDITIONS

PART B - OTHER CONDITIONS

Plans

- 1 The development shall be completed in accordance with the approved plans and documents listed below, prior to the building being used or occupied, and subject to any amendments "in red" and any variation as required by conditions of this consent:

Site Plan 09-067 Dwg No. 1 Issue F prepared by UrbanLink Pty Ltd and received by Council 23 August 2011.

Basement 09-067 Dwg No. 3 Issue F prepared by UrbanLink Pty Ltd and received by Council 23 August 2011.

Ground Floor 09-067 Dwg No. 4 Issue F prepared by UrbanLink Pty Ltd and received by Council 23 August 2011.

First Floor 09-067 Dwg No. 5 Issue F prepared by UrbanLink Pty Ltd and received by Council 23 August 2011.

Second Floor 09-067 Dwg No. 6 Issue F prepared by UrbanLink Pty Ltd and received by Council 23 August 2011.

Third Floor 09-067 Dwg No. 7 Issue F prepared by UrbanLink Pty Ltd and received by Council 23 August 2011.

Roof Plan 09-067 Dwg No. 8 Issue F prepared by UrbanLink Pty Ltd and received by Council 23 August 2011.

Elevations 09-067 Dwg No. 9 Issue F prepared by UrbanLink Pty Ltd and received by Council 23 August 2011.

Elevations (W & E) 09-067 Dwg No. 10 Issue F prepared by UrbanLink Pty Ltd and received by Council 23 August 2011.

Section 1 09-067 Dwg No. 11 Issue F prepared by UrbanLink Pty Ltd and received by Council 23 August 2011.

Section 2 09-067 Dwg No. 12 Issue F prepared by UrbanLink Pty Ltd and received by Council 23 August 2011.

Ramp Section 09-067 Dwg No. 17 Issue F prepared by UrbanLink Pty Ltd and received by Council 23 August 2011.

Post Adaptable Unit Details Dwg No. 18 Issue F prepared by UrbanLink Pty Ltd and received by Council 23 August 2011.

Soil and Water Management Plan 10226 Dwg Nos. E1, E2 and E3 all Issue B prepared by EZE Hydraulic Engineers Pty Ltd and received by Council 23 August 2011.

Concept Stormwater Management Plans 10226 Dwg Nos. D1, D2, D3, D4 and D5 all Issue B prepared by EZE Hydraulic Engineers Pty Ltd and received by Council 23 August 2011.

Landscape Plans 10-2329B Sheets 1-3 inclusive prepared by Zenith Landscape Designs and received by Council 23 August 2011.

Acoustic Report prepared by Acoustic Solutions P/L and received by Council 23 August 2011.

Aboriginal Impact Assessment prepared by Tree and Landscape Consultants (TALC) and received by Council 23 August 2011.

Environmental Site Assessment prepared by Aargus Australia Pty Ltd and received by Council 24 June 2011.

ABSA Assessor Certificate No. 26901101 received by Council 24 June 2011.

BASIX Certificate No. 377281M received by Council 24 June 2011.

Waste Management Plan received by Council 24 June 2011

Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction/demolition associated with this consent.

The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.

- 2 A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

Special Conditions

- 3 Amended plans incorporating annotations reflecting the building material recommendations in Section 5.0 of the endorsed Acoustic Report prepared by Acoustic Solutions P/L and received by Council on 24 June 2011 shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
- 4 Any persons engaged in demolition, excavation or construction activities and associated works permitted under this consent shall comply at all times with the recommendations made in the Environmental Site Assessment dated May 2011 prepared by Aargus Australia Pty Ltd and received by Council 24 June 2011 listed in Condition 1 above which require the following to be adhered to:
 - (a) Any soils (fill and material) requiring removal from the site should be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" prepared by the then New South Wales Department of Environment and Conservation in 2009.
 - (b) If during any works on site significant odours and/or evidence of gross contamination not previously detected are encountered or any other significant unexpected occurrence, works shall cease in the area and the environmental consultant who prepared the above-mentioned Environmental Site Assessment shall be notified immediately to set up a response to the occurrence. Strathfield Council and if a privately accredited person has been engaged as the Principal Certifying Authority, the privately accredited person shall be notified within (24) hours of any such report being made to the environmental consultant.

For the purposes of (a) above, the Principal Certifying Authority is responsible for ensuring adequate certification is received to demonstrate compliance with this condition **prior to the issue of an Occupation Certificate.**

- 5 Amended plans are to be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate** increasing the area of the courtyard to Unit 11 to a minimum of 12m² in order to comply with Clause 2.9 of the Strathfield Development Control Plan No. 20 – Parramatta Road Corridor Area.

- 6 **Prior to the issue of the Construction Certificate**, the following information shall be submitted to and approved by Strathfield Council together with an application for a Works Permit:

- (a) Details of the new pit and connection to the street drainage system to be constructed in Marlborough Road due to the driveway conflict with the existing lintel pit; and
- (b) Invert levels of the gutter upstream and downstream of the proposed relocated pit in order to demonstrate that the new pit will maintain sufficient flows of stormwater in the gutter.

Strathfield Council may issue further conditions regulating works required for the relocation of the existing pit following approval of the above requested information. Furthermore, the works are to be inspected by Strathfield Council officers and may be subject to additional fees pursuant to Council's Works Permit approval process.

- 7 Compliance with the conditions required by the Roads and Traffic Authority (RTA) by letters dated 17 November 2010, 22 December 2010 and 25 July 2011 **attached** as Annexure to this consent and outlined as follows:

- (a) The existing "No Stopping" restriction across the full frontage of the site shall be maintained.
- (b) The driveway shall have a minimum width of at least 6.0m with splays at kerb. The design and construction of the proposed access driveway shall be in accordance with Australian Standard (AS) 2890.1-2004 and the RTA's requirements.

Details of further requirements for the proposed driveway and kerb and gutter can be obtained from the RTA's Project Services Manager, Traffic Projects Section, Parramatta (Ph: 02 8849 2144).

A certified copy of the design plans shall be submitted to the RTA for consideration and approval prior to the release of any new Construction Certificate(s) for the development by Council or commencement of any works.

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

Any redundant driveways along Marlborough Road will need to be removed with kerb and gutter reinstated to the RTA's requirements.

- (c) All vehicles shall be able to enter and exit the site in a forward direction.

- (d) If any excavation works are to occur adjacent to Marlborough Road, the RTA requires the submission of civil design plans which provide details on the level of the excavation and a geotechnical report to the RTA for approval prior to the commencement of excavation on the site.
- (e) All costs associated with the proposed development shall be at no cost to the RTA.
- (f) The proposed development shall ensure that post development stormwater discharge from the site into the RTA drainage system does not exceed the pre-development application discharge.

Should there be changes to the RTA's drainage system, detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to the RTA for approval prior to the commencement of any works. 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 2114 or Fax: 8849 2766).

- (g) 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 Marlborough Road.
 - (f) A Road Occupancy licence should be obtained from the RTA for any works that may impact on traffic flows on Marlborough Road.
- 8 If air conditioning units are to be installed they shall not be located on the floor of balconies in order to prevent them from acting as climbing aids. The Principal Certifying Authority shall confirm compliance with this condition **prior to the issue of an Occupation Certificate/use of the building.**

General

- 9 The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.
- 10 For residential flat developments which are subject to State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Flat Development and required to be accompanied by a design verification from a qualified designer under Clause

50(1A) of the Environmental Planning and Assessment Act Regulation 2000, a certifying authority must not issue:

- (a) a **Construction Certificate** unless the certifying authority has received a design verification statement from a qualified designer that verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 143A of the Regulations; and
 - (b) an **Occupation Certificate** to authorise a person to commence occupation or use of the residential flat building unless the certifying authority has received a design verification statement from a qualified designer that verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 154A of the Regulations.
- 11 A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/Council-controlled areas. The permit must be retained on site at all times.
- 12 Storage of goods or the use of portable clotheslines on balconies visible from a public place is strictly prohibited.
- 13 All exhaust and other emissions including noise from the premises shall comply with the provisions of the Protection of the Environment Operations Act 1997 and Regulations.
- 14 The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$10million and shall provide proof of such cover to Council prior to carrying out works.

Financial Matters

- 15 In accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and the Strathfield Direct Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Provision of Community Facilities	\$ 44,451.00
Provision of Major Open Space	\$ 213,939.00
Provision of Local Open Space	\$ 71,082.00
Provision Roads and traffic Management	\$ 6,818.00
Administration	\$ 9,108.00
TOTAL	\$ 345,398.00

The total amount of the contribution is valid as at the date of determination and is subject to annual indexation. If the contribution is paid after 1st July in any year, the

amount of the contribution under this condition shall be indexed in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

The required contribution shall be paid **prior to the issue of a Construction Certificate or as otherwise specified in writing by Council.**

- 16 A security payment of \$6,254.00 in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council **prior to the issue of a Construction Certificate.** The security payment is GST inclusive and comprises the following:

Refundable tree protection bond	\$2,000.00
Refundable works bond	\$4,000.00
Non-refundable administration fee (\$127/bd)	\$ 254.00
TOTAL	\$6,254.00

The security payment covers the following matters and will be released upon satisfactory completion of these items:

- (a) road and stormwater drainage works in roadways and public areas;
- (b) connection to Council's stormwater drainage system;
- (c) installation and maintenance of sediment control measures for the duration of construction activities;
- (d) tree final inspection to ensure that Council's street trees have been retained, protected or replanted in accordance with conditions of consent and/or Arborists' report for the post final inspection twelve (12) month period; and
- (e) ensuring no damage occurs to or building debris/materials are left on Council land including footpath, nature strip, kerb and gutter. The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.

Parking/Traffic Matters

- 17 A total of (61) off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents	44
Visitors	10
Disabled	7
TOTAL	61

and these spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.

- 18 Where entry points to carpark areas are fitted with security gates/shutter and access to visitor parking is required to be provided a suitable communication systems shall be provided at the entry point to allow the security gates/shutter to be opened remotely by occupants of the building.

- 19 The entry and exit driveways shall be suitably signposted and directional arrows shall be painted on the internal roadway.
- 20 The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.
- 21 All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
- 22 Reconstruct the footpath, kerb and gutter to Council's specifications for the full frontage of the development site at the completion of all building works.
- 23 A Traffic Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

Drainage/Stormwater

- 24 Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of an on-site stormwater detention system and drain by gravity to the existing stormwater easement. Drainage system for the basement and driveway shall be pumped by dual alternating pumps to Pit No. 11 and from there the stormwater drains by a gravity line to the boundary pit.
- 25 Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the endorsed concept plans **AND** the requirements of Council's Stormwater Management Code and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

In this project, the endorsed stormwater plans are acceptable as concept plans. The assessment authority (either Council or a private certifier) is to satisfy themselves of the adequacy of the above plans for the purposes of construction. They are to independently determine what details if any are to be added to the Construction Certificate plans in order for the issue of the Construction Certificate.
- 26 On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system. The storage system shall be designed in accordance with the endorsed concept stormwater plans **AND** Council's Stormwater Management Code. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
- 27 A hydraulic calculation undertaken by a qualified practicing hydraulic engineer shall be provided verifying that the basement will not be inundated by flood waters from the public road reservation for all storm events up to and including the 1 in 100 year event. This information shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of the Construction Certificate** and a copy provided to Strathfield Council where a private certifier is engaged.

- 28 A registered plumber must inspect and certify the construction of the new drainage line and the connection of the development site system to the line in the drainage easement. The plumber is to ensure that the entry pipe does not protrude into the existing pipe/pit and the areas around the join of the new and the existing pipes are sealed up in a suitable water tight compound. An inspection must be made before the works are backfilled by the Principal Certifying Authority. A certificate is to be provided to the Principal Certifying Authority (and a copy to Strathfield Council where it is not the certifying authority) **prior to the issue of the Occupation Certificate/use of the building.**
- 29 Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.
- 30 **Prior to the issue of an Occupation Certificate/use of the building,** written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.
- In addition, detailed works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to and approved by the Principal Certifying Authority. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels.
- 31 For drainage works within public land or connecting to Council's stormwater drainage system the following inspections will be required:-
- (a) After the excavation of pipeline trenches.
 - (b) After the laying of all pipes prior to backfilling.
 - (c) After the completion of all pits and connection points.
- A minimum of 48 hours notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Engineering Works and Services section on 9748-9999 during office hours. Work is not to proceed until the works are inspected and approved by Council.
- 32 A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the pump system in the basement and the on-site stormwater detention system incorporated in the development. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority **prior to the issue of an Occupation Certificate/use of the building.**
- The positive covenant is required to prevent future modification or alteration without the written consent of the consent authority, and to ensure suitable maintenance is carried out.

- 33 Boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other party.

Public Authority Matters

- 34 **Prior to the issue of an Occupation Certificate** all existing overhead electricity and telecommunication cabling adjacent to the development site shall be placed underground at the applicants' expense in accordance with the specifications of Energy Australia and the telecommunications supplier and the following requirements:
- (a) Where the property is located on the **opposite side of the street** to the main power lines and telecommunication cables, the services are to be placed underground from the development site to the nearest location on the opposite side of the street for connection to the existing mains supply as directed by Energy Australia and the telecommunications carrier. The method of construction across the road carriageway shall be by directional boring beneath the road pavement; **OR**
 - (b) Where the property is located on the **same side of the street** as the main overhead power lines and telecommunication cables, all services are to be placed underground for the full length of the frontage of the site. Any overhead powerlines and telecommunication cables that cross the road from the development site must also be placed underground and the cabling installed and distributed to properties in accordance with Energy Australia and the telecommunications carriers' requirements.
- 35 **Prior to the issue of a Construction Certificate** the applicant must contact the Engineer Planning and Supply Negotiations (West) Energy Australia on 131 535, to obtain a quotation to underground power supply lines and where appropriate a quotation to underground the main overhead power supply lines adjacent to the frontage of the subject property and the telecommunications carrier on 1100 advising that undergrounding of the telecommunication cabling is required.
- 36 If required, an easement shall be created in favour of electrical and telecommunications suppliers and comply with the following:
- For the provision of underground services and above ground pillar boxes for access to their equipment;
 - The easement is to be 3m wide abutting the property boundary at the point of entry and 1.5m within the property;
 - Where the easement is to be enclosed, a minimum headroom of 2m is required above the floor level; and
 - The wording of the easement shall be approved by Energy Australia and the Telecommunications Carrier where applicable, **prior to the issue of a Construction Certificate.**
 - Written evidence that the wording of the easement has been approved by the relevant service providers shall be provided to Council **prior to the issue of a Construction Certificate.**

- The required easement shall be created and registered **prior to the issue of an Occupation Certificate or use of the building.**
- 37 Any disturbance to public land as a result of the undergrounding of services shall be restored at no cost to Council.
- 38 Where undergrounding services, a plan indicating the depth and location of all services (i.e., gas, water sewer, electricity, telecommunication, traffic lights, etc) within the area affected by the development shall be submitted to Council **prior to the issue of a Construction Certificate.**

Furthermore, any adjustments required shall be at no cost to Council or any public authority. The relevant authorities' written consent for any adjustments or works affecting their services shall be obtained and a copy provided to Council **prior to the issue of a Construction Certificate.**

Landscaping/Tree Matters

- 39 The applicant and/or any contractors shall comply at all times with the recommendations of the endorsed Arboricultural Report prepared by Tree and Landscape Consultants (TALC) and received by Council on 23 August 2011 which requires the following:
- (a) That trees 1, 2, 3 & 4 be retained and protected. Tree protection zones are to be established within the development site boundaries only at setbacks identified in Table 2 Column G from truck centres in accordance with Appendix E **prior to the commencement of any site works** for trees 1, 2 and 4. Tree protection in accordance with Appendix E Section 4 is to be established for tree 3 to allow adequate pedestrian access along the public walkway area.
 - (b) All services where possible are to be located outside the area of the dripline from trees to be retained. Any services to be located within the area of the dripline of the trees or within the Tree Protection Zones indicated within table 2 are to be installed by the use of lateral or thrust boring equipment or some other type of trenchless technology considered appropriate by the Consulting Arboriculturist. Tunnelling for such services should not occur less than 0.7m in depth below existing ground level. See also Appendix D Section 1.2.6 of the endorsed Arboricultural Impact Assessment.
 - (c) Ground protection should be implemented where access is required within tree protection zones to allow for construction and scaffolding erection in the form of a board walk or other surface material to minimise soil compaction. Boarding should be placed over a layer of mulch and impervious sheeting to prevent soil contamination. Excavation required for the insertion of support posts for tree protection fencing should not involve the severance of any roots greater than 0.02m in diameter without the prior

approval of the Consulting Arboriculturist. See also Appendix D Section 1.2.7 of the endorsed Arboricultural Impact Assessment.

- (d) Any excavation within setbacks identified within Table 2 Column G is to be undertaken by hand. Any roots encountered are to be cut cleanly with a final cut to undamaged woody tissue. This will prevent tearing damage to the roots from excavation equipment which can extend beyond the point of excavation back towards the tree. Severed roots are to be treated with a root growth hormone stimulant. See also Appendix D Section 1.2.5 (B) of the endorsed Arboricultural Impact Assessment.
- (e) Crown pruning will be required for trees 1 and 2 to allow for the elevation of the proposed building. Due to previous pollarding of the trees pruning can be confined to predominantly 2nd order leaders. All pruning works shall be undertaken in accordance with Australian Standard AS4373-2007 – Pruning of Amenity Trees.

40 The trees listed below shall be retained at all times:

<u>Tree</u>	<u>Height/ Spread (m)</u>	<u>Location</u>	<u>Protection Zone (m)</u>	<u>Excavation Zone (m)</u>
1) Council street tree	4/3	Council nature strip toward the northern side of the site.	As per Appendix E Section 4 of the endorsed Arboricultural Impact Assessment.	

and protected by the establishment of a **protection zone** before any site works begin (including any demolition/excavation).

- 41 A minimum 600mm deep root deflection barrier shall be provided on both sides of the proposed driveway crossing(s) and footpaths.
- 42 All noxious weeds on the site shall be removed and destroyed as per their classification under the Noxious Weeds Act.
- 43 A minimum of one (1) additional street tree shall be provided generally within the centre of Council's nature strip out the front of 12 Marlborough Road, Homebush West in accordance with the following:
 - Plants shall be a minimum 50 litre container size. Plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy roots systems with no evidence of root curl, restriction or damage. Trees are to have a single leader and clear straight trunk.
 - Replacement trees must be *Lophostemon confertus* (Brush Box).

- All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
- Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
- Apply soil conditioner/fertilizer/moisture retention additive/s in accordance with manufacturer's recommendations, and mix into the backfilling soil after planting tree/s.
- Minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.

The Principal Certifying Authority shall certify compliance with the above condition **prior to the issue of an Occupation Certificate/use of the building.**

- 44 General maintenance of Council's nature strip adjoining the development site, including regular lawn mowing, edging, irrigation of the lawn and street trees and restricting the storage of materials, rubbish and parking or driving of vehicles on the nature strip, must be carried out during the full period of all approved works (including any demolition and excavation).
- 45 All common and private landscape areas including all planters are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and all relevant Australian Standards.

Construction Matters

- 46 The proposed development shall comply with the Building Code of Australia and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.**
- 47 Footings shall be designed in accordance with the soil classification of H, or Highly Reactive (unless determined to the contrary by a suitably qualified person).
- 48 If the soil conditions require it retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.
- 49 Certification shall be obtained from a registered surveyor at the following stage(s) of construction confirming that the building has been constructed in accordance with the approved plans including any approved amendments (S.96 approvals) and plans and details required by Council as conditions of development consent:
- (a) footings excavation prior to placement of concrete;
 - (b) car park/garage level prior to placement of concrete or pavement;
 - (c) ground floor and first floor levels;
 - (d) roof ridge height;

- (e) all floors of the building, roof eaves and all roof ridges;
- (f) wall setbacks from property boundaries and street alignment;
- (g) dimensions and areas of balconies/courtyards;
- (h) vehicular ramp gradients.

Copies of the surveyor's certificates must be submitted to and accepted by Council at the stages nominated above.

- 50 The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.

If the existing ground levels are altered during construction, Council may require a survey plan of the finished ground levels to be prepared and submitted **prior to the issue of an Occupation Certificate** to determine if there have been changes to the pre-development levels and if there are any impacts on adjoining properties as a result.

- 51 All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.
- 52 The public area adjacent to a work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 53 All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
- 54 If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- Must preserve and protect the building from damage; and
 - If necessary, must underpin and support the building in an approved manner, and
 - Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- 55 There are built structures which may be in the zone of influence of the proposed works and excavations on the site. A qualified practicing geotechnical engineer must prepare a Construction Methodology Report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.

The report must be submitted with the application for a Construction Certificate and must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include;

- a) the location and level of nearby foundations and footings (site and neighbouring);
- b) proposed method of excavation;
- c) Permanent and temporary support measures for excavation;
- d) Potential settlements affecting footings and foundations;
- e) Ground water levels (if any);
- f) Batter slopes;
- g) Potential vibration cause by method of excavation; and
- h) De-watering including seepage and off site disposal rate (if any).

Excavation, retention, underpinning and construction must be undertaken onsite by an excavation contractor with specialist excavation experience. A suitably qualified geotechnical engineer, specialising in excavation must supervise the excavation procedure.

- 56 The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- 57 The common access pathways, letterboxes and entry doorways to the building shall be provided with suitable low level artificial lighting systems to ensure safe and convenient access at night. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
- 58 To maintain pedestrian safety in common areas suitable lighting is to be provided on the development site adjoining each street frontage and near pedestrian main entrances to the site. Details shall be submitted and approved by the Principal Certifying Authority **prior to the installation** thereof.
- 59 All temporary buildings shall be removed from the site at the completion of the development.

Building Matters

- 60 Individual clotheslines shall be provided on the balconies behind a suitable screen wall or balustrade. The clotheslines shall be designed and located so as to not be visible from any public street. A detailed drawing (to a scale of 1:20) of the clothesline and any privacy screening shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
- 61 The external glass used in the building shall have a reflectivity index of less than 20%. Details and specifications of the glass shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

- 62 The proposed metal roof shall be of a pre-coated, low-reflective finish in a dark, recessive colour which is compatible with the building design and surrounding development.
- 63 Identification numbers are to be clearly displayed at the front of the premises and be easily visible from the street.
- If it is proposed to strata subdivide the building, the lot numbers and unit numbers shall be the same as those nominated on the approved plans and be in accordance with Council's requirements. For strata subdivision, parking spaces shall have the same lot number as the residential portion and shall not be numbered separately.
- 64 Where building intruder alarms are installed in the building they shall be fitted with an automated "cut-off" timing device and operated as per the Protection of the Environment Operations (Noise Control) Regulation 2008.

Sustainability

- 65 Water collected in the rainwater tank must be roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:
- Toilet flushing;
 - Clothes washing;
 - Garden irrigation;
 - Car washing and similar outdoor uses;
 - Filling swimming pools, spa pools and ornamental ponds; and
 - Fire fighting.
- 66 Water heating systems to multi-unit residential developments shall be located so as not to be visible from public places and the ground level of adjoining properties. Details (type and location) of the water heaters shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

Demolition

- 67 Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
- 68 The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority **prior to any work commencing on site.**
- 69 Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority **prior to any work commencing on site.**
- 70 The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

Fire Safety Measures

- 71 Upon completion of works a final fire safety certificate is to be issued from a properly qualified person in respect of each essential fire safety measure installed within the building and specified in the fire safety schedule. The final fire safety certificate shall be provided **prior to the issue of an Occupation Certificate**.
- 72 As soon as practicable after a final safety certificate is issued, the owner of the building to which it relates:
- shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to the Commissioner of NSW Fire Brigades;
 - shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to Council for registration; and
 - shall ensure the current fire safety schedule is prominently displayed in the building.
- 73 The following is a schedule of existing and/or new essential fire or other safety measures required to be installed, and the minimum standard to which these measures must be designed, installed and/or maintained under Part 7B of the Environmental Planning & Assessment Regulation:

New Measures

Essential fire or other Safety Measures		Minimum Standard Performance			
		Building Code of Australia (BCA96A1) Part/Clause/Specification		Australian Standard No. or other reference	
1.	Access panels, doors & hoppers to fire resisting shafts	C1-3	C3.13/5	Spec C1.1/8	
2.	Automatic fail safe devices	C	C3.6, D2.21/2	Spec C3.4	
3.	Automatic fire detection & alarm systems	E G	E2.2, G3.8	Spec E1.7/G3.8	1851 (Pt8) 1989 1603, Pt1/4/6, 3786 1670-1995
4.	Automatic fire suppression systems	C	C2.3, E1.5	Spec E1.5/G3.8	1851 (Pt3) 1985 2118.1/4/6 1995
5.	Emergency lighting	E	E4.2, 4.4		2293 (Pt1) 1987/88/92
6.	Emergency lifts	E	E3.4		1735.2 1993
7.	Emergency warning and inter-communication systems	E H	E4.9	Spec G3.8	2220-1989/89/93
8.	Exit signs	E	E4.5-4.8		2293 (Pt1/2) 1987/88/92

9.	Fire control centres and rooms	E	E1.8	Spec E1.8	
10.	Fire dampers	C E			1668 (Pt1/2) 1991
11.	Fire doors	C3	C3.4	Spec C3.4	1851 (Pt7) 1984 1905 (Pt1) 90 (Pt2) 89
12.	Fire hydrant systems	E	E1.3		1851 (Pt4), 2419.1 1996
13.	Fire seals protecting openings in fire	C	C3.4/D1.12 C3.12/15	C3.4/D1.12	4702-1995
14.	Fire shutters	C2/3	C3.4	Spec C3.4	1905 (Pt2) 1989
15.	Fire windows	C	C3.2	Spec C3.4	
16.	Hose reel systems	E	E1.4		1851 (Pt2) 1989 1221-1991, 2441-1988
17.	Lightweight construction	C	C1.8	Spec C1.8	
18.	Mechanical air handling systems	CEH	E2.2/7 H1.2	Spec E2.2/6 G3.8, H1.2	1851 (Pt6) 1983 1668 (Pt1/2) 1991
19.	Perimeter vehicle access for emergency vehicles	C	C2.4		
20.	Portable fire extinguishers	E	E1.6		1851 (Pt1) 1989, 2444-1995
21.	Safety curtains in proscenium opening	H	H1.3	Spec H1.3	
22.	Smoke and heat vents	C	C2.3	Spec E2.6/G3.8/H1.2	1851 (Pt5) 1981, 2427-1983
23.	Smoke dampers	E2 H1			
24.	Smoke detectors and heat detectors	C, D, E, G	C3.5-8/11 E2.4	Spec E2.2/G3.8	1603 (Pts 1/2/4/6) 3786
25.	Smoke doors	C, D	C2.5/3.4 D2.6	Spec C3.4	
26.	Solid-core doors	C	C3.11		Self closing & tight fitting solid-core door(s) not less than 35 mm thick
27.	Stand-by power systems	CHE GH			
28.	Wall wetting sprinkler and drencher systems	C	C3.4	Spec C3.4	
29.	Warning and operations signs	CEG H			
30.	Other				

Hoardings

- 74 No advertisements of any kind shall be affixed to hoardings except for a board not exceeding 2.4m x 1.8m on which may be shown the architect's/builder's/demolisher's names or any particulars regarding the subject building and notices regarding the existing or future occupancies in the building.

- 75 Hoardings/overhead protective structures at ground level shall have mesh wire or other such material fixed to the surface to a height at least 2 metres in order to preclude the fixing of posters.
- 76 A sign with the words “Billposters Will Be Prosecuted” shall be attached or printed on the hoarding/overhead protective structures at regular intervals so it is visible from the street or any adjoining public place.
- 77 Any hoarding, fence or awning is to be removed when the work has been completed.

Subdivision

- 78 The subdivision shall be in accordance with the endorsed subdivision plans, but subject to any variations as required by the conditions detailed herein.
- 79 The final plan of the subdivision shall not be issued until a survey certificate prepared by a registered surveyor is submitted to Council which shows the location of all buildings in relation to the property boundaries and confirming compliance with the development consent.
- 80 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained for the proposed development. Application must be made through an authorised Water Servicing Coordinator. For details see the Sydney Water website www.sydneywater.com.au then follow the “e-developer” icon, or telephone 13 20 92.
- The Section 73 Certificate must be submitted to the Principal Certifying Authority **prior to the issue of a Subdivision Certificate or occupation of the development.**
- 81 The approval of the relevant electricity supply authority shall be obtained for the supply of electricity to the site.
- 82 **Prior to the issue of a Subdivision Certificate**, compliance with the requirements of relevant service authorities.

Disabled Access

- 83 Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
- 84 Sanitary facilities for persons with disabilities shall be provided in the building in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
- 85 Car parking spaces for persons with disabilities shall be provided in accordance with Condition 16, the Building Code of Australia and the relevant standards. Details shall

be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

Waste Management

- 86 Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.
- 87 The waste storage room shall be designed to comply with the relevant standards and details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

Land Contamination

- 88 Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.
- 89 All fill imported on to the site shall be validated by an appropriately qualified person/body to ensure the imported fill is suitable, from a contamination perspective, for the proposed land use. Fill imported onto the site shall also be compatible with the existing soil characteristics for site drainage purposes.
- 90 Details of the appropriate validation of imported fill material are to be submitted with any application for future development of the site. All fill imported onto the site is to be validated during remediation works by sampling and analysis of the fill material in accordance with the applicable guidelines to ensure that the material is not contaminated.