

## **SUMMARY**

<b>PROPERTY:</b>	473 & 483 Liverpool Road, Strathfield South
<b>LOT &amp; DP:</b>	473 Liverpool Road - Lot 1 DP444757, Lot 2 DP537025 and Lot 1 DP653875; and 483 Liverpool Road - Lot 102 DP1134585
<b>DA NO.:</b>	2012/169
<b>APPLICATION TYPE:</b>	Mixed Use Development – Residential/Commercial
<b>REPORT BY:</b>	Spiro Stavis – Senior Planner
<b>REFERRED TO JRPP:</b>	Yes (Capital Investment Value >\$20 million)
<b>RECOMMENDATION:</b>	<b>DEFERRED COMMENCEMENT CONSENT</b>
<b>SUBMISSIONS:</b>	None
<b>ZONING:</b>	Business (Special) 3(b)
<b>DATE APPLICATION LODGED:</b>	7 December 2012
<b>APPLICANT:</b>	Prestige Constructions Ltd
<b>OWNERS:</b>	Eddy & Anne Bechara

## **INTRODUCTION**

This Development Application is required to be determined by the Sydney East Joint Regional Planning Panel, as it has a Capital Investment Value of greater than \$20million.

Approval is sought for the demolition of the existing structures on the site and construction of two (2) new buildings (6 and 8 storeys), a total of sixty-two (62) dwellings, plus three (3) commercial suites and café/bar connected by a "bridge" from Level 2 to Level 7, due to the fall of the land at 473 and 483 Liverpool Road, Homebush (hereafter referred to as "the site").

The proposed residential mix includes twenty-seven (27) x one (1) bedroom, thirty-three (33) x two (2) bedroom and two (2) x three (3) bedroom units (total 62 units).

**Building 1**, as annotated on the architectural plans, will accommodate the following:-

- A cafe with associated seating area at Level 1;
- Four (4) residential units at Level 2 and a seating area / cocktail bar associated with the cafe below;
- Five (5) residential units at Level 3;
- Five (5) residential units at Level 4;
- Four (4) residential units at Level 5;

- Four (4) residential units at Level 6;
- Three (3) residential units at Level 7; and
- One (1) residential unit at Level 8.

**Building 2**, as annotated on the architectural plans, will accommodate the following;

- Three (3) commercial suites, seven (7) x two (2) storey residential "terraces" and the residential foyer at Level 1;
- Eleven (11) residences, including the upper storey of the seven (7) two (2) storey residential terraces and four (4) residential units at Level 2;
- Six (6) residential units at Level 3;
- Six (6) residential units at Level 4;
- Six (6) residential units at Level 5;
- Five (5) residential units at Level 6; and
- Two (2) residential units at Level 7.

Carparking for the development is proposed to be accommodated in three (3) basement levels, accessed from Homebush Road with a total of 111 car parking spaces.

The application is recommended for Deferred Commencement Consent subject to significant amendments being undertaken by the Applicant. These amendments essentially involve deletion of a number of units to provide more opportunity for better internal space/layout within the development and to bring the proposal more in line with the desired future character envisaged under Strathfield Local Environmental Plan 2012, which came into force on 29 March 2013.

Deferred Commencement Conditions are recommended in order to achieve a better outcome in keeping with Council's new LEP.

The proposal will not create any unreasonable impacts on adjoining neighbours, and is considered reasonable subject to the imposition of suitable Deferred Commencement Consent conditions as recommended herein.

## **DESCRIPTION OF THE SITE AND LOCALITY**

### *Site Description*

The site is located on the northern side of Liverpool Road, Strathfield South at the signalised intersection with Homebush Road. The site is zoned Business (Special) 3(b) under the Strathfield Planning Scheme Ordinance 1969 (SPSO) and comprises of four (4) parcels being Lot 1 in DP444757, Lot 2 in DP537025 and Lot 1 in DP653875 identified as 473 Liverpool Road and Lot 102 in DP1134585 identified as 483 Liverpool Road.

473 Liverpool Road currently accommodates a two (2)-storey motel comprising 32 rooms a restaurant and bar, known as 'The Spanish Motor Inn'. The allotment to the west at 483 Liverpool Road is vacant.

The site is irregular in shape with a frontage to Liverpool Road (southern boundary) of 72m, a 35m frontage to Homebush Road, a northern boundary of 72m and western boundary of 24.5m.

The total site area is 2,545m<sup>2</sup>. The land falls from the southeast to the northwest, with a change in level of approximately 2.2m.

### *Neighbourhood*

The site is bounded by single storey residential development to the north and a Telstra Telecommunication Depot to the northwest. A service lane to the telecommunication depot separates the site from the dwelling to the north. Commercial development, within the Business (Special) 3(b) zone is located to the east and south of the site and comprises two (2) storey commercial buildings accommodating small retailers including a post office, general store and restaurants servicing the residential population of Strathfield South (refer Figure One below).

The 'Crossways Hotel' (not a Heritage Item) is a two (2) storey brick and tile building located opposite the subject site to the south. A court approved seven (7) storey mixed use development at 454 – 458 Liverpool Road., at the edge of the Business zone, has only recently been constructed.

A second service lane abuts the site's western boundary servicing the Telstra Telecommunication Depot, with an attached two (2)-storey multi unit residential development, fronting Liverpool Road located west of the service lane.

Liverpool Road (also known as the Hume Highway) is a four (4) lane classified road. The signalised intersection adjacent to the site prohibits a right turn into Homebush Road from the east (city).



**Figure 1: Subject site locality map**

## **BACKGROUND**

### **Site History**

A review of aerial photographs carried out by the applicant's environmental consultant indicates that the site (at 473 Liverpool Road) was used for residential purposes between the 1930s and 1960s. The existing development, being The Spanish Motor Inn was constructed in 1969. The east portion of the site was rezoned from Residential 2(b) to Business (Special) 3(b) under Strathfield Local Environment Plan 111) in April 2011.

Land west of the existing development has been used as a car park facility. It was previously owned by Telstra Corporation Limited and is zoned Business (Special) 3(b) under the Strathfield Planning Scheme Ordinance 1969 (SPSO).

### **Previous DA (currently active)**

A DA was previously approved on the site in 2011 (DA 2011/032) for a mixed use development including 45 motel rooms, 25 serviced apartments, three (3) consulting rooms and café. This consent is still active. The Applicant contends that the subject application generally retains the approved built form under that consent with minor changes to the facades of the building and changes to the approved car parking provision as a result of the proposed change of use. However, there are some clear protrusions from the approved envelope.

The main differences between the approved scheme and the proposed residential development are as follows:-

- Changes to the specific/type of uses proposed with the incorporation of residential apartments in lieu of the motel and serviced apartments which were for temporary accommodation;
- Reduction in the total car parking provision by 47 spaces; and
- Deletion of the driveway from Liverpool Road.

### **Current DA**

The following summary details the assessment process of the subject application:

7 December 2012	Subject application lodged. Six (6) storeys for Block One and eight (8) storeys for Block Two proposed;
27 December 2013	DA uploaded on JRPP's website.
28 December 2012	Acknowledgement letter sent to Applicant.
10 January 2013 to 11 February 2013	Application on Public exhibition.
6 March 2013	JRPP Briefing.



15 March 2013	Meeting with Applicant and their consultants to discuss issues relating to residential amenity, height and FSR.
18 March 2013	Applicant's Town Planner advised Council that no amendments will be made to the proposal.
17 April 2013	DA to be determined by JRPP.

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

**a) (i) Environmental Planning Instruments:**

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

A preliminary environmental site assessment carried out by Aargus Australia (received 8 March) has been considered by Council in accordance with Clause 7 of SEPP 55.

Potential environmental concerns regarding the importation of uncontrolled fill, use of pesticides and leaks and spills from the adjoining Telstra site have been addressed. The risk to the environment and human health associated with soil contamination is identified as being of low environmental concern and the proposed use of the site for commercial and residential use is considered to be suitable. Council concurs with the assessment by Aargus Australia.

Accordingly, the proposed development satisfies the relevant provisions of State Environmental Planning Policy No. 55 – Remediation of Land.

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

Pursuant to Clause 50(1A) the application must be accompanied by a design verification statement from a qualified designer, that:

- (a) he or she designed, or directed the design, of the residential flat development, and
- (b) the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development* are achieved for the residential flat development.

A design verification statement has been provided and therefore accords with the SEPP in this regard.

Notwithstanding, the following assessment is provided with respect to the ten (10) design principles and Residential Flat Code Design Guidelines under SEPP 65.

**SEPP 65 Planning Principles**

The following assessment is provided with respect to the ten (10) design principles under SEPP 65.

- Principle 1: Context
- Principle 2: Scale
- Principle 3: Built Form

Under Council's Development Control Plan 2005 (Section 3.0), the site has a maximum allowable height of four (4) storeys. Under SLEP 2012, the height is set at 22m on the corner and 16m for the rest of the site, compared to 27.60m and 18.10m proposed.

The proposal therefore results in a height which far exceeds the existing and draft maximum permissible heights.

The main rationale provided by the Applicant in support of this breach is as follows:

*"The proposed building height does not exceed the height of the development approved by the JRPP under DA 2011/032. A precedent for the proposed building height on the site has therefore been set. The JRPP considered the height of the development to be appropriate with regard to the strategic direction for this centre outlined in the sub-regional strategy and with regard to the appropriateness of the development for the site, its context and impacts on surrounding development."*

The Applicant has consistently argued that because the height was approved under the previous DA, Council should relax its height controls and therefore forgo its desired future character for the site. Council Officers contend that the Applicant has a valid consent and can enact that consent accordingly. However, the applicant's rationale is not considered to be a proper planning justification in support of this non-compliance. It is important to note that the JRPP approved the previous development without the benefit of a Draft LEP and therefore Council's ultimate view for redeveloping the locality. Furthermore, the approved development is for a completely different development (i.e. motel and café).

The proposal therefore fails to satisfactorily meet the future anticipated built environment context as considered above and so does not meet the above principles in its current form. However, given the recent gazettal of SLEP 2012, it is recommended that changes be made to the proposal to facilitate compliance with Council's desired future character as it relates to height (see Deferred Commencement Conditions).

In addition, and somewhat more importantly, the LEP process has been years in the making following on from an extensive Residential Strategy. Furthermore, significant examination of the commercial centre hierarchies within the LGA and wider, was also examined. Hence, the findings of these reviews have lead to the evolution of the height parameters as identified in the new LEP.

Council's position is therefore to reinforce the LEP controls.

- Principle 4: Density

Good design has a density appropriate for a site and its context, in terms of floor space yields. 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. There is no existing FSR control that applies to the site, however, Council's new LEP sets an FSR of 3:1. The Applicant contends that the FSR for the development is 2.96:1 (or 7,553sqm).

The Applicant has provided floor area calculations in plan, showing what part of the building has been included or excluded from the calculations. The plans show that some of the corridor space has been excluded (approx. 144sqm).

The definition of GFA under SLEP 2012 clearly does not exclude these areas from the calculations and hence the proposed FSR as stated by the Applicant is incorrect. When the floor area is correctly calculated (i.e. including the corridors), the FSR reaches 3.02:1.

- Principle 5: Resource, Energy and Water Efficiency

The Building Sustainability Index ensures homes are designed to use less water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for houses and units, which are based on the NSW average benchmark. These targets are:

- up to a 40% reduction in potable water consumption; and
- a 40% reduction in greenhouse gas emissions.

The proposal will comprise a reinforced concrete frame and insulated light weight prefabricated building envelope and partitions. The proposal also adopts layered façade rain screens which are good for managing solar load and long life adverse weather performance.

The proposal generally satisfies the above and therefore complies with the objectives of this Principle.

- Principle 6: Landscape

Generally, the landscaping has been integrated into the building design. The proposal also incorporates landscaping elements such as vertical gardens and climbers contribute to the passive solar design performance of the building by providing for increased transpiration, cooling and shelter for both the private and public open space areas.

Roof terraces have been proposed with landscaping which contribute to recreational space for Apartments as well as reducing the heat effect.

The building form has contributed to the landscape design for microclimates that will contribute to the climate modification of the indoor and balcony spaces.

The quality and quantum of landscaping is considered appropriate for the site and for the type of development proposed (i.e. mixed use).

- Principle 7: Amenity

The Applicant contends that the proposal has an appropriate level of internal solar access, natural light and ventilation for the units proposed.

The report prepared by Meinhardt states that the majority of the units will receive at least three (3) hours of sunlight. However, the extent and quality of the solar access into each of these units has not been verified or clarified.

In addition, at least fourteen (14) of the units proposed within the development (namely units 1,2, 6, 7, 11, 12, 15,16,19, 42, 43, 50 and 51) will have bedrooms adjoining the living room balconies of other units, thereby creating potential adverse noise impacts. It is considered that the proposed changes nominated in the Deferred Commencement Conditions will provide an opportunity to redesign to avoid this issue.

Principle 8: Safety and Security

Whilst the proposal provides adequate casual surveillance of the external public areas and internal foyer areas, there is concern that the proposed public access corridor from Liverpool Road into the common residential courtyard areas will create the potential for loitering and may therefore pose a security risk. Further security risk exists due to the proximity of the outdoor courtyard area of the café/cocktail bar and common open space areas of the residential apartments being adjacent to each other.

No detailed information has been provided regarding access control nor external night time or basement lighting. However, these could reasonably be made to comply.

- Principle 9: Social Dimensions and Housing Affordability

The application provides the minimum number of adaptable dwellings. The proposed size of units within the development whilst varied, are generally considered large and would not necessarily assist with housing affordability.

The proposal has demonstrated compliance with disabled access requirements.

Principle 10: Aesthetics

The building is considered to be architecturally of a high quality through the use of upper level setbacks, and articulation of building elements such as balconies, fenestration and part wall divisions, and use of quality materials and finishes.



**Residential Flat Design Code – Quality Design of Residential flat buildings**

Development control	Reason for control	Required	Proposed	Complies
<b>Building Depth</b>	<ul style="list-style-type: none"> <li>To ensure that the bulk of the development is in scale with the existing or desired future context.</li> <li>To provide adequate amenity for building occupants in terms of sun access and natural ventilation.</li> <li>To provide for dual aspect apartments.</li> </ul>	<p>Whether there is a building envelope or not, the maximum internal plan depth of a building should be 18m from glass line to glass line</p> <p>Max 10m – 18m</p>	<p><u>Block 1</u></p> <ul style="list-style-type: none"> <li>20m at grnd</li> <li>10m-18m at Lvl 1</li> <li>20m-25m at Lvl 2</li> <li>10m-20m at Lvl 3</li> <li>10m-20m at Lvl 4</li> <li>10m-20m Lvl 5</li> <li>10m-20m Lvl 6</li> <li>10m Lvl 7</li> </ul> <p><u>Block 2</u></p> <ul style="list-style-type: none"> <li>commercial</li> <li>15m-21m at Lvl 1</li> <li>18m-24m at Lvl 2</li> <li>19m-25m at Lvl 3</li> <li>19m-25m at Lvl 4</li> <li>19m-25m Lvl 5</li> <li>19m-25m Lvl 6</li> <li>11m -24m Lvl 7</li> <li>13m-18m Lvl 8</li> </ul>	<ul style="list-style-type: none"> <li>No.</li> <li>Yes.</li> <li>No.</li> <li>No.</li> <li>No.</li> <li>No.</li> <li>Yes.</li> <li>N/A</li> <li>No.</li> <li>No.</li> <li>No.</li> <li>No.</li> <li>No.</li> <li>No.</li> <li>No.</li> </ul>
<b>Building Separation</b>	<ul style="list-style-type: none"> <li>To ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings.</li> <li>To provide visual and acoustic privacy for existing and new residents.</li> <li>To control overshadowing of adjacent properties and private or shared open space.</li> <li>To allow for the provision of open space with appropriate size and proportion for recreational activities for building occupants.</li> <li>To provide deep soil zones for stormwater management and tree planting, where contextual and site conditions</li> </ul>	<p>five to eight storeys/up to 25 metres</p> <p>- 18 metres between habitable rooms/balconies</p> <p>- 13 metres between habitable rooms/balconies and non-habitable rooms</p> <p>- 9 metres between non-habitable rooms</p>	<p>No separation. One continuous building footprint</p>	<p>No</p>

Development control	Reason for control	Required	Proposed	Complies
	allow.			
Street Setbacks	<ul style="list-style-type: none"> <li>To establish the desired spatial proportions of the street and define the street edge.</li> <li>To create a clear threshold by providing a transition between public and private space.</li> <li>To assist in achieving visual privacy to apartments from the street.</li> <li>To create good quality entry spaces to lobbies, foyers or individual dwelling entrances.</li> <li>To allow an outlook to and surveillance of the street.</li> <li>To allow for street landscape character.</li> </ul>	Consistent with existing/desired streetscape patterns	<ul style="list-style-type: none"> <li>Corner is defining street edge.</li> <li>Elevated from street</li> <li>Poorly designed lobbies/not defined from the street</li> </ul>	<p>Yes</p> <p>No</p>
Side and Rear Setbacks	<p>Side Setbacks:</p> <ul style="list-style-type: none"> <li>To minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings.</li> <li>To retain or create a rhythm or pattern of development that positively defines the streetscape so that space is not just what is left over around the building form.</li> </ul> <p>Rear setbacks:</p> <ul style="list-style-type: none"> <li>To maintain deep soil zones to maximise natural site drainage and protect the water table.</li> <li>To maximise the opportunity to retain and reinforce mature vegetation.</li> <li>To optimise the use of land at the rear and surveillance of the street at the front.</li> <li>To maximise building separation to provide visual and acoustic privacy.</li> </ul>	<p>Design side and rear setbacks in conjunction with building separation, open space and deep soil zone controls.</p> <p>Test side and rear setbacks for overshadowing of other parts of the development and/or adjoining properties, and of private open space.</p>	<p>Large deep soil zone to the rear of the site, planting integrated throughout the site.</p> <p>Shadows diagrams show that adjoining properties get at least 3 hours of sunlight between 9am &amp; 3pm during midwinter</p>	<p>Yes</p> <p>Yes</p>
FSR/Building envelop	<ul style="list-style-type: none"> <li>To ensure that development is in keeping with the optimum capacity of the site and the local area.</li> <li>To define allowable development density for generic building types.</li> <li>To provide opportunities for modulation and depth of</li> </ul>	When envelopes are being used, the FSR should not fill them. Determine FSR by calculating it at 80 percent of the building envelope in	As stated above proposal is slightly over the FSR under	No.

Development control	Reason for control	Required	Proposed	Complies
	external walls within the allowable FSR. <ul style="list-style-type: none"> <li>To promote thin cross-section buildings, which maximise daylight access and natural ventilation.</li> <li>To allow generous habitable balconies.</li> </ul>	denser urban areas and at 75 percent in suburban areas.	the SLEP 2012.	
Deep Soil Zones	<ul style="list-style-type: none"> <li>To assist with management of the water table.</li> <li>To assist with management of water quality.</li> <li>To improve the amenity of developments through the retention and/or planting of large and medium size trees.</li> </ul>	Min 25% of open space on ground (or 636.25sqm)	588sqm (23%)  A comprehensive landscape scheme has been adopted with combination of screen planting etc.	No, but considered acceptable .  Yes
Fences and Walls	<ul style="list-style-type: none"> <li>To define the boundaries between areas within the development having different functions or owners.</li> <li>To provide privacy and security.</li> <li>To contribute positively to the public domain.</li> </ul>	To be consistent with existing streetscape, in this case is defined by shops on ground and either commercial or dwellings above, typically referred to as shop top housing.	Proposal has commercial on ground and units above.	Yes
Landscape Design	<ul style="list-style-type: none"> <li>To add value to residents' quality of life within the development in the forms of privacy, outlook and views.</li> <li>To provide habitat for native indigenous plants and animals.</li> <li>To improve stormwater quality and reduce quantity.</li> <li>To improve the microclimate and solar performance within the development.</li> <li>To improve urban air quality.</li> <li>To contribute to biodiversity.</li> </ul>	Improve amenity, streetscape and energy efficiency	Provides good forms of privacy, outlook and views. Landscape scheme provides habitat for native indigenous plants and animals. Provides stormwater quality and reduced quantity.	No
Open Space	<ul style="list-style-type: none"> <li>To provide residents with passive and active recreational opportunities.</li> <li>To provide an area on site that enables soft landscaping and deep soil planting.</li> <li>To ensure that communal open space is consolidated, configured and designed to be useable and attractive.</li> <li>To provide a pleasant</li> </ul>	Between 20-30% of site area (23%)  Private Open Space to be min 25m <sup>2</sup> and min dimension of 4m	Roof top terraces and cnr portion of ground floor earmarked for communal space	Yes  Yes

Development control	Reason for control	Required	Proposed	Complies
	outlook.			
<b>Orientation</b>	<ul style="list-style-type: none"> <li>To optimise solar access to residential apartments within the development and adjacent development.</li> <li>To contribute positively to desired streetscape character.</li> <li>To support landscape design of consolidated open space areas.</li> <li>To protect the amenity of existing development.</li> <li>To improve the thermal efficiency of new buildings.</li> </ul>	Plan the site to optimise solar access by: <ul style="list-style-type: none"> <li>- positioning and orienting buildings to maximise north facing walls (within 30 degrees east and 20 degrees west of north) where possible</li> <li>- providing adequate building separation within the development and to adjacent buildings</li> </ul>	19 of the 62 units are not north facing	No
Building Entry	<ul style="list-style-type: none"> <li>To create entrances which provide a desirable residential identity for the development.</li> <li>To orient the visitor.</li> <li>To contribute positively to the streetscape and building facade design.</li> </ul>	Provide physical and visual connection between building and street  Provide safe entrance  Provide equitable entrance	Small pedestrian path from Liverpool Rd, similar arrangement from Homebush Rd. Entrances are not readily identifiable.	No
Parking	<ul style="list-style-type: none"> <li>To minimise car dependency for commuting and recreational transport use and to promote alternative means of transport-public transport, bicycling, and walking.</li> <li>To provide adequate car parking for the building's users and visitors, depending on building type and proximity to public transport.</li> <li>To integrate the location and design of car parking with the design of the site and the building.</li> </ul>	Provide underground car parking  Provide bicycle parking	3 level basement provided  Provided	Yes
Pedestrian Access	<ul style="list-style-type: none"> <li>To promote residential flat development which is well connected to the street and contributes to the accessibility of the public domain.</li> <li>To ensure that residents, including users of strollers</li> </ul>	Barrier free access to at least 20% of dwellings	Both pedestrian entrances offer no visual connection between building and street, not readily identifiable.	No

Development control	Reason for control	Required	Proposed	Complies
	and wheelchairs and people with bicycles, are able to reach and enter their apartment and use communal areas via minimum grade ramps, paths, access ways or lifts.			
Vehicle Access	<ul style="list-style-type: none"> <li>To integrate adequate car parking and servicing access without compromising street character, landscape or pedestrian amenity and safety.</li> <li>To encourage the active use of street frontages.</li> </ul>	Max width of driveway is 6m  Located vehicle entry away from pedestrian entry	6m  Entrances are seperated	Yes  Yes
Apartment Layout	<ul style="list-style-type: none"> <li>To ensure the spatial arrangement of apartments is functional and well organised.</li> <li>To ensure that apartment layouts provide high standards of residential amenity.</li> <li>To maximise the environmental performance of apartments.</li> <li>To accommodate a variety of household activities and occupants' needs.</li> </ul>	Single aspect max depth is 8m  Max depth of cross through is 15m  Min apartment size: 1 bed – 50m <sup>2</sup> 2 bed – 70m <sup>2</sup> 3 bed – 95m <sup>2</sup>	Generally compliant  Most of the cross through units are at or exceed the maximum  Generally compliant	Yes  No  Yes
Apartment Mix	<ul style="list-style-type: none"> <li>To provide a diversity of apartments types, which cater</li> <li>for different household requirements now and in the future.</li> <li>To maintain equitable access to new housing by cultural and socio-economic groups.</li> </ul>	Provide an apartment mix	Whilst the proposal provides a variety of dwelling types, they are in the main generous in size – not readily affordable	Yes
Building Configuration		Balconies have a minimum depth of 2m  Ceiling Heights 2.7m habitable 2.4 non habitable  Storage 1 bed – 6m <sup>3</sup> 2 bed – 8m <sup>3</sup> 3+ bed – 10m <sup>3</sup>	Generally compliant  Generally compliant  Can comply	Yes  Yes  Yes
Acoustic Privacy		Like rooms together	There are a number of units (as stated previous) that have living areas/balconies backing onto	No



Development control	Reason for control	Required	Proposed	Complies
			bedrooms	
Daylight Access		70% of units to receive 3 hours between 9am – 3pm	The applicant suggests that 49 units out of 62 receive solar access equal to or greater than 3hrs direct sun access between 9.00 am – 3.00pm 21 June however, sun analysis diagrams are inconclusive.	Not verified
		Single aspect units limited to 10% of total	11%	Yes
Natural Ventilation		60% of units to be naturally cross ventilated	Applicant claims 83% comply, however no evidence provided	Not verified.

### **Strathfield Local Environmental Plan 2012 – Desired future character**

As stated above, approval is sought for demolition of the existing structures on the site and construction of two (2) new buildings (6 and 8 storeys) total of sixty-two (62) dwellings plus three (3) commercial suites and café/bar connected by a "bridge" from Level 2 to Level 7, due to the fall of the land .

This report is based on an assessment of the proposed development against the current Environmental Planning Instruments (EPI's) and Development Control Plans (DCPs), which includes the Strathfield Planning Scheme Ordinance (SPSO), as well as any Draft EPIs. The Strathfield Comprehensive Local Environmental Plan 2012 (SLEP 2012), which came into force on the 29 March 2013, contains the most current vision for Strathfield South in regard to zoning, permissible uses, FSR and height. The new Strathfield LEP replaces all of Council's previous planning instruments (including the SPSO). However, as this DA was submitted prior to 29 March 2013, it is saved as per Clause 1.8A and the application must be determined as if the Strathfield LEP 2012 had not commenced.

The main existing Council control that applies to the site is provided under DCP 2005 Part C Section 3.0 – Residential Development in the Business Zones and it relates to a maximum height of three (3) levels. The proposal provides eight (8) levels on the corner of Liverpool and Homebush Roads and six (6) levels for the rest of the site.

An assessment against the Strathfield LEP 2012 has determined that the proposed development does not comply with the maximum permissible height (22m and 16m maximum allowable compared to 27.60m and 18.10m proposed) and the floor space

ratio as indicated by the applicant is yet to be verified. Consequently, the proposal in its current form is not considered to comply with the desired future character of the area as it relates to height.

Furthermore, although the Applicant contends that the proposal has been designed on its merits, the Applicant has argued extensively throughout the submission that the proposal follows closely the footprint and building envelope in the previously approved scheme. As stated above, the approved scheme was for a completely different proposal (motel and serviced apartments). In fact, in some cases, the proposal extends beyond the approved footprint and envelope.

Notwithstanding, no weight should be given to the previous approval in the assessment of this DA, which is consistent with the “Planning Principle” approach taken by the Land and Environment Court in similar cases.

As a result, some of the units/suites have been “squeezed” to fit within this approved building bulk, which has led to inferior accommodation and layout as follows:

- Convoluted corridor spaces as access to units within Buildings 1 and 2;
- Inappropriate location of Lift 1 being so far away from Homebush Road;
- Location of commercial suite and public access thoroughfare creating potential security issue;
- Proximity of units to outdoor commercial space leading to potential amenity impacts (see Units 26 and 58);
- Awkward layout of units 29, 59, 60, 61, 62; and
- Proximity of roof garden on level 7 to Bedroom of unit 19.

Council Officers met with the Applicants on 15 March 2013 to discuss issues of concern regarding the proposal, primarily relating to residential amenity (internal and external to the development), non-compliances with Strathfield LEP 2012 in regards to height and clarification on compliance with maximum permissible FSR.

On 19 March 2013, the Applicant notified Council that no further amendments would be made to the proposal.

In addition, the following main non-compliances with Development Control Plan (DCP) 2005 Part C have also been identified:

- Maximum allowable building height is three (3) levels above ground – proposal does not comply (part six (6), part eight (8) storeys proposed); and
- Minimum landscaped area of 50% of the total site area is required for multi-unit development – proposal does not comply as only 36% is proposed.

#### **Part H – ‘Waste Management’ of the Strathfield Development Control Plan 2005**

The Applicant has not provided information as to on-going waste management, including location of waste or recycling facilities nor waste removal procedures. Council has recommended the imposition of standard waste related conditions on the consent should it be enacted.

**Part I – ‘Provisions of Off-Street Parking Facilities’ of the Strathfield Development Control Plan 2005**

A review of the application as noted above states that the application complies with off-street parking requirements in that the size of the parking spaces and their compliance with the relevant Australian Standards are considered satisfactory.

**Part N – ‘Water Sensitive Urban Design’ of the Strathfield Development Control Plan 2005**

This section applies pursuant to Control 2.1, for “New residential villas, flats and townhouses greater than 2,000sqm total site area.” The controls require compliance with BASIX, the use of non-potable water for outdoor areas and storm water quality.

The Applicant has addressed these provisions in sufficient detail and relevant conditions of consent are recommended.

**(iii) 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**

Clause 92 of the Environmental Planning and Assessment Regulation requires Council to take into consideration the provisions of the Government Coastal Policy and the relevant Australian Standard for the demolition of buildings in the determination of a development application.

Having regard to these prescribed matters, the proposed development is not located on land subject to the Government Coastal Policy as determined by Clause 92(1)(a)(i) however does involve the demolition of a building for the purposes of Australian Standard (AS) 2601 – 1991: The Demolition of Structures.

**(v) Any Coastal Zone Management Plan:**

The NSW Government projects sea levels to rise by 40cm in 2050 and by 90cm in 2100 above the relative mean sea level of 1990. These planning benchmarks are to be considered in the assessment of development applications through the applicable coastal zone management plan or alternatively the provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

The proposed development is located on a site that is not subject to flooding attributed to either Powell’s Creek or Cook’s River and is therefore not required to be considered under the provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

**(b) Likely Impacts:**

The bulk and scale of the building is considered appropriate subject to compliance with the Deferred Commencement Conditions recommended. As noted above the physical built element would have no adverse impact upon the amenity of the neighbourhood in terms of a loss of privacy, overshadowing or visual impact.

The proposal would be satisfactory from a streetscape point of view should the Deferred Commencement Conditions be adopted.

Subject to compliance with deferred commencement and recommended conditions of consent, the application will have no unreasonable adverse impact on the future residents of the building or adjoining properties.

**(c) Suitability of the Site:**

The site has access to water, electricity, sewerage, stormwater and roads. The site is therefore suitable for the development proposed, subject to the imposition of suitable conditions of consent.

**(d) Submissions:**

The amended plans were notified in accordance with Part L of the Strathfield Consolidated DCP 2005 from 10 January 2013 to 11 February 2013 and no written submission was received.

## **CONCLUSION**

The proposal is considered satisfactory and is able to be supported provided the following is undertaken:

- Delete and/or amalgamate (whole or in part) units 29, 59, 60, 61, 62 and commercial suite 3, to allow greater flexibility to reconfigure units along the respective floor grid to achieve better internal amenity including but not limited to solar access and cross ventilation and improved public access from Liverpool Road;
- Reduce the height of the development to comply with Strathfield LEP 2012;
- Provide better separation between open courtyard to the café on first floor level and units 26 and 58 so as to reduce the potential noise impacts; and
- Mitigate potential noise impacts on future residents in general and residential properties to the north associated with the open courtyard to the café on first floor level.

The application is supported based on the above changes being made through the use of appropriate Deferred Commencement Conditions.

## **RECOMMENDATION**

That DA2012/169 for the demolition of existing structures and construction of a part six (6), x eight (8) storey building connected by a walkway to accommodate sixty-two (62) apartments,

three (3) consulting rooms, café/cocktail bar with 111 off street car parking spaces over three (3) basement levels at 473 and 483 Liverpool Road, Strathfield be referred to the Sydney East Joint Regional Planning Panel with a recommendation for Deferred Commencement Consent subject to the inclusion of conditions requiring the following amendments:

**DEFERRED COMMENCEMENT CONDITIONS**

- D1 The proposal shall be amended (by deleting and/or amalgamating and/or re-configuring units 29, 59, 60, 61, 62 and commercial suite 3), in order to achieve a better unit configuration and better internal space/layout for the development.
- D2 Units Nos. 1,2, 6, 7, 11, 12, 15,16,19, 42, 43, 50 and 51 shall be redesigned so as to avoid bedrooms being next to or adjoining the living room balconies of other units and vice-versa , thereby minimising potential adverse noise impacts.
- D3 The proposal shall be amended so as to achieve more generous and more readily accessible entry foyer areas. The modified entrances shall be designed so as to be readily identifiable from their respective street frontages.
- D4 The interface between the building at ground level and Liverpool Road including the portion of the building “wrapping” around Homebush Road, shall be redesigned so as to “activate” these street frontages. The use of predominantly solid walls and finishes in these sections of the building is not permitted.
- D5 The screens proposed along the Liverpool and Homebush Road façades of the building shall be deleted. The proposed treatment of these elevations shall be re-designed to better integrate into the respective streetscapes.
- D6 The height of the development is to be reduced to comply with the Building Height Controls specified under Strathfield LEP 2012 (22m and 16m respectively). The reduction in height shall be achieved by deleting the top floor units.
- D7 The outdoor dining area associated with the café/club on the Level 1 - Ground Floor, shall be deleted.
- D8 A water treatment system shall be designed in accordance with Council’s Water Sensitive Urban Design (WSUD) DCP 2005 Part N and Strathfield Council WSUD Reference Guideline to treat runoff from all impervious areas within the site. Details of the system including but not limited to level(s), grade(s), dimension(s), design flow(s), high flow bypass rate(s), cross-section(s), plant list(s) and manufacturer’s specifications including electronic copy of the MUSIC Model prepared in accordance with **Strathfield Council WSUD Reference Guideline** shall be submitted to Council for approval.
- D9 In addition to D8 above, a separate detailed Report shall be submitted to Council incorporating MUSIC Modelling details, results and addressing the WSUD criteria in accordance with Council’s Water Sensitive Urban Design DCP 2005 Part N and Strathfield Council WSUD Reference Guideline.



- D10 Detailed calculations for the basement pump out system shall be submitted to Council for approval and shall include, but not be limited to, pump calculations, pump curve, cross-section and levels.
- D11 A detailed design of the pipe system under Council's land from the site outlet point to Council's pit shall be submitted to Council for approval. This should include but not limited to detailed calculations, HGL analysis, long sections and structural design.

The consent shall not operate until the applicant has provided details pertaining to the above matters, which shall be approved in writing by the General Manager or their delegate.

### **PART A - PRESCRIBED CONDITIONS**

#### **Building Code of Australia and Home Building Act 1989**

- A The applicant shall comply with the prescribed conditions of development consent under clauses 98, 98A and 98B of the Environmental Planning and Assessment Regulation 2000.

#### **Long Service Levy**

- B Payment of the Long Service Levy as required by section 109F(1) of the Environmental Planning & Assessment Act 1979 for all building work over \$25,000. (Note: The cost of the building work must be rounded to the nearest \$100.)
- C The Long Service Levy shall be paid at Council's Customer Service Centre or evidence of direct payment to the Long Service Payments Corporation shall be provided to Council **prior to issue of Construction Certificate.**

#### **Shoring and Adequacy of Adjoining Property**

- D Pursuant to Clause 98E and Clause 136H of the Environmental Planning and Assessment Regulation 2000, if a development (subject of a Development Consent or Complying Development Certificate) involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- ☐ protect and support the adjoining premises from possible damage from the excavation
  - ☐ where necessary, underpin the adjoining premises to prevent any such damage.

If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

### **Section 73 Compliance Certificate**

- E A Section 73 Certificate under the Sydney Water Act 1994 must be obtained. The Section 73 Certificate must be submitted to the PCA prior to the issue of a Construction Certificate.

### **Sydney Water**

- F The proponent must fund any adjustments needed to Sydney Water Infrastructure as a result of the development. The proponent should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development. Details are available from any Sydney Water Customer Centre on 13092 or Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au)

### **PART B - OTHER CONDITIONS**

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:

Drawing No: DA-00 Sheet No 01 Cover Sheet Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 02 Contents Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 03 Survey Plan Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 04 Site Photos Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 05 Site Plan Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 06 Site Analysis Plan Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 07 Waste Management & Demolition Plan Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 08 Sediment & Erosion Plan Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 09 Colour Sample Sheet Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 10 Shadow Diagram Plan Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 11 Streetscape Elevation Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 12 GFA Calculations Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 13 Comparative Level 1 Floor Plan – Approved DA August 2011 Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 14 Comparative Level 3 Floor Plan – Approved DA August 2011 Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 15 Comparative South Elevation – Approved DA August 2011 Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 16 Comparative East Elevation – Approved DA August 2011 Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 17 Residential Floor Areas Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 18 Common Landscaped Area Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 20 Basement 3 Floor Plan Job No. 7279 Issue L drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 21 Basement 2 Floor Plan Job No. 7279 Issue L drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 22 Basement 1 Floor Plan Job No. 7279 Issue L drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 23 Level 1 Floor Plan – Ground Floor Job No. 7279 Issue M drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 24 Level 2 Floor Plan Job No. 7279 Issue M drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 25 Level 3 Floor Plan Job No. 7279 Issue M drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 26 Level 4 Floor Plan Job No. 7279 Issue M drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 27 Level 5 Floor Plan Job No. 7279 Issue M drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 28 Level 6 Floor Plan Job No. 7279 Issue M drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 29 Level 7 Floor Plan Job No. 7279 Issue L drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 30 Level 8 Floor Plan Job No. 7279 Issue L drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 31 Roof Plan Job No. 7279 Issue L drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 40 South Elevation Job No. 7279 Issue L drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 41 North Elevation Job No. 7279 Issue L drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 42 West Elevation Job No. 7279 Issue L drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 43 East Elevation Job No. 7279 Issue K drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 43 East Elevation Job No. 7279 Issue K drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 43 East Elevation Job No. 7279 Issue K drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 44 Coloured South Elevation Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 45 Coloured North Elevation Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 46 Coloured West Elevation Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 47 Coloured East Elevation Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 50 Section 1 Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 51 Section 2 Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 52 Section 3 Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 53 Section 4 & 5 Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 54 Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 55 Balcony Site Line Study/ Awning Details Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: DA-00 Sheet No 56 Carparking Ramp-1 Details Job No. 7279 Issue A drawn by BHI Architecture date received by Council 7 December 2012.

Drawing No: L\_101 Job No. 1209\_b Landscape Ground Floor Plan Level 1 A Issue B drawn by Elke Haegel Landscape Architects date received by Council 7 December 2012.

Drawing No: L\_101 Job No. 1209\_b Landscape Ground Floor Plan Level 1 B Issue B drawn by Elke Haegel Landscape Architects date received by Council 7 December 2012.

Drawing No: L\_102 Job No. 1209\_b Landscape Plan Level 2 Issue B drawn by Elke Haegel Landscape Architects date received by Council 7 December 2012.

Drawing No: L\_103 Job No. 1209\_b Landscape Plan Level 3 Issue B drawn by Elke Haegel Landscape Architects date received by Council 7 December 2012.

Drawing No: L\_104 Job No. 1209\_b Landscape Plan Level 4 Issue B drawn by Elke Haegel Landscape Architects date received by Council 7 December 2012.

Drawing No: L\_105 Job No. 1209\_b Landscape Plan Level 5 Issue B drawn by Elke Haegel Landscape Architects date received by Council 7 December 2012.

Drawing No: L\_106 Job No. 1209\_b Landscape Plan Level 6 Issue B drawn by Elke Haegel Landscape Architects date received by Council 7 December 2012.

Drawing No: L\_107 Job No. 1209\_b Landscape Plan Level 7 Issue B drawn by Elke Haegel Landscape Architects date received by Council 7 December 2012.

Drawing No: L\_108 Job No. 1209\_b Landscape Plan Level 8 Issue B drawn by Elke Haegel Landscape Architects date received by Council 7 December 2012.

Drawing No: Stormwater Design Report Revision 01 Project No. 105390 prepared Meinhardt Infrastructure & Environment Pty Ltd received by Council 7 December 2012.



Drawing No: 105390-01-MIE000 Revision A Cover Sheet & Legend prepared by Meinhardt Infrastructure & Environment Pty Ltd received by Council 7 December 2012.

Drawing No: 105390-01-MIE010 Revision A General Notes prepared by Meinhardt Infrastructure & Environment Pty Ltd received by Council 7 December 2012.

Drawing No: 105390-01-MIE100 Revision A Detail Civil Plan – L1 Level prepared by Meinhardt Infrastructure & Environment Pty Ltd received by Council 7 December 2012.

Drawing No: 105390-01-MIE101 Revision A Detail Civil Plan – B3 Level subsoil drainage plan prepared by Meinhardt Infrastructure & Environment Pty Ltd received by Council 7 December 2012.

Drawing No: 105390-01-MIE200 Revision A Standard Details Sheet 1 prepared by Meinhardt Infrastructure & Environment Pty Ltd received by Council 7 December 2012.

Drawing No: 105390-01-MIE201 Revision A Standard Details Sheet 2 prepared by Meinhardt Infrastructure & Environment Pty Ltd received by Council 7 December 2012.

Drawing No: 105390-01-MIE200 Revision A Standard Details Sheet 3 prepared by Meinhardt Infrastructure & Environment Pty Ltd received by Council 7 December 2012.

Preliminary Environmental Site Assessment Report dated July 2010 Reference No. ES3595 prepared by Aargus Australia received by Council 7 December 2012.

Waste Management Plan Job No. 7279 prepared by BHI Architects received by Council 7 December 2012.

Assessment of Traffic and Parking Impacts Report Reference No. 12124r prepared by Transport & Urban Planning received by Council 7 December 2012.

BCA Capability Report dated 3 December 2012 Reference No. J120442 prepared by Vic Lilli & Partners received by Council 7 December 2012.

BASIX Certificate, Certificate No. 357491M\_03 issued on 30 November 2012 received by Council 7 December 2012.

Acoustic Assessment, Report No. 610.10548-R2 prepared by SLR Global Environmental Solutions Revision 2 received by Council 7 December 2012.

Preliminary Environmental Site Assessment 473-479 Liverpool Road Strathfield prepared for Prestige Construction Pty Lt by Aargus Australia date received by Council 7 December 2012;

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 Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

### **Special Conditions**

3. A separate development application shall be lodged with and approved by the Council for the use of the three (3) commercial tenancies fronting Liverpool Road and the single commercial tenancy fronting Homebush Road or any part thereof prior to any occupation thereof.
5. No obscured or tinted glass to commercial tenancies is permitted along Level 1 (ground) fronting Liverpool Road and Homebush Road. Glazing shall be transparent to enable active treatment along both frontages.

### **General**

6. 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.
7. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$10 million, and shall provide proof of such cover prior to carrying out the works.
  - (1) 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. This includes any work on the nature strip, footpaths, driveways, storm water outlets, Council's drainage, kerb & guttering and roadways.
  - (2) The permit must be retained on site at all times and produced on request from any Council Officer.
8. **Prior to the issue of a Construction Certificate**, photographs documenting any existing damage to the kerb and gutter and footpaths adjacent to the property shall be submitted to the consent authority. In the absence of this documentation, the applicant is liable for all damage that occurs to Councils' assets.

### **Financial Matters**

- 9 In accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and Strathfield Section 94 Contributions Plan 2001, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council:

Provision of Community Facilities	\$ 54,598.40
Provision of Major Open Space	\$266,784.80

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Provision of Local Open Space	\$ 46,816.00
Provision Roads and traffic Management	\$ 9,660.00
Administration	\$ 11,187.20
<b>TOTAL</b>	<b>\$389,046.40</b>

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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 1<sup>st</sup> July in any year, the amount of the contribution under this condition, shall be indexed in accordance with clause 4 Part E of the Strathfield Section 94 Contributions Plan 2001 (or relevant Section 94 Contributions Plan at the time of payment).

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

- 10 A security payment of \$10,127.00 in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council **prior to issue of Construction Certificate.** The security payment is GST inclusive and comprises the following:

Refundable Works bond	\$10,000.00
Non-refundable administration fee (\$127/bd)	\$ 127.00
<b>TOTAL</b>	<b>\$10,127.00</b>

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

- (a) creation of the Positive Covenant on the property title;
  - (b) connection to Council's stormwater drainage system; Council's existing drainage pit may need to be reconstructed/restored to Council's satisfaction;
11. Any re-inspection which is necessary due to site access not being available, defective work, or the matter not being ready for inspection will be charged in accordance with Council's Fees and Charges Policy. Council will advise in writing if an additional re-inspection is required and the re-inspection fee shall be paid **prior to release of the damage deposit.** If the additional fee is not paid it will be deducted from the damage deposit.

#### **Parking/Traffic Matters**

12. All work requirements regarding signposting and associated line marking with the proposed development shall be approved by Strathfield Council Traffic Committee prior to occupation and to be at the applicant's cost.
13. Clear sight lines shall be provided at the property line to ensure adequate visibility between vehicles leavining the car park and pedestrians on the frontage road footpath as shown in Figure 3.3 of AS2890.1.2004 for light vehicles and 2890.2.2002 for heavy vehicles. The layout of the proposed car parking areas associated with the subject

development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 – 2004 and AS 2890 – 2002 for service areas.

14. A minimum 111 off-street parking spaces, hard paved, linemarked, labelled and drained, shall be provided in accordance with the approved plans. The spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity. These parking spaces shall be allocated as follows:
  - Thirteen (13) spaces for residential visitors
  - Seventeen (17) spaces for non-residential uses
  - Eighty One (81) spaces for the residential units
15. A minimum of nine (9) bicycles stands are to be provided on Basement Level 1 and in accordance with AS2890.3 (1993).
16. All vehicles associated with the approved use shall be parked within the parking spaces on the site and not on adjacent footpath, access driveways or landscaped areas.
17. All vehicles are to enter and leave the site in a forward direction.
18. All vehicles should be wholly contained on site before being required to stop.
19. All loading and unloading of commercial vehicles shall occur on site.
20. All vehicles associated with the use shall be restricted to fixed axle vehicles only that are able to turn on-site.
21. Signs shall be erected in a suitable location on the site advising that parking is available for visitors/customers.
22. The off-street car parking spaces together with access driveways shall be available at all times to employees and customers.
23. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.
24. Where entry points to car park 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.
25. The entry and exit driveways shall be suitably signposted and directional arrows shall be painted on the internal roadway.
26. All driveways shall be separated from landscaped areas by a minimum 150mm high by 150mm wide concrete kerb or similar.

27. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
28. A new concrete footpath, kerb and gutter for the full frontage of the development site shall be constructed to Council's specifications prior to the issue of an occupation certificate or use of the building.

#### **Roads and Maritime Services**

29. Detailed design drawings and geotechnical reports relating to the excavation of the site and support structures shall be submitted to the RTA for assessment **prior to the issue of a Construction Certificate**. The full cost of the assessment by the RMS shall be met by the developer.

This report would need to address the following key issues:

- (a) The impact of excavation/rock anchors on the stability of Liverpool Road and detailing how the carriageway would be monitored for settlement.
- (b) The impact of excavation on the structural stability of Liverpool Road.

The report and any enquires shall be forwarded to:

Project Engineer, External Works  
The Sydney Asset Management  
PO BOX 973  
Parramatta CBD NSW 2124

30. If it is necessary to excavate below the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owners of the roadway is given at least seven (7) days of the intention to excavate below the base of the footings. The notice is to include the complete details of the work.

#### **Drainage/Stormwater**

31. Stormwater runoff from all the roof and paved surfaces shall be collected and discharged by means of a gravity fed system and discharged to Council's drainage system via the proposed onsite stormwater detention system shown on the concept stormwater management plans Drawing No: Stormwater Design Report Revision 01 Project No. 105390 prepared Meinhardt Infrastructure & Environment Pty Ltd received by Council 7 December 2012.
32. In this project the above engineering plans are satisfactory as Concept plans. The assessment authority, (either (a) Council, or (b) 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.



33. Where a Private Certifier issues the Construction Certificate a copy must be provided to Council, once the Construction Certificate is issued.

Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path system draining the site.

34. The proposed basement pump out system is to be strictly in accordance with the requirements set out in Strathfield Council's Stormwater Management Code 2007. The rising main shall be connected to the OSD system. Final details of this system are to be submitted with the Construction Certificate application.

35. **The following documents shall be submitted to the principal Certifying Authority prior to the issue of Occupation Certificate.**

- a. Written verification from a suitably qualified professional civil engineer, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.
- b. Full work-as-executed plans prepared and signed by a registered surveyor or engineer. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and locations for all drainage structures and works, buildings, and finished ground and pavement surface levels, and the extent of pervious and impervious areas.

36. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the:

- (a) 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.

### **Landscaping/Tree Matters**

37. Consent is given for the removal of the existing *Tristaniopsis laurina* (Watergum) street tree subject to the following:

- A minimum of one (1) replacement *Tristaniopsis laurina* (Watergum) shall be provided within Council's nature strip in Homebush Rd.
- Replacement trees shall be 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 root systems with no evidence of root curl, restriction or damage. Trees are to have a single leader and clear straight trunk.

- 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.
  - Minimum 75mm depth of organic mulch shall be placed within an area 0.5m radius from the base of the tree.
38. A minimum of five (5) street trees shall be provided within Council's nature strip in Liverpool Rd 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 *Eucalyptus microcorys* (Tallowwood)
  - 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.
39. 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).
40. **Prior to the issue of a construction certificate** the applicant shall submit and have approved by the Principal Certifying Authority (PCA) a fully automatic irrigation system based upon a rain water farming and recycling system. The system shall:

- (a) Provide irrigation to all common and private landscape areas including all planters;
  - (b) Details of the system, including a maintenance and operation plan.
41. **Prior to the issue of a construction certificate** the applicant shall submit and have approved by the Principal Certifying Authority (PCA) a detailed landscape plan prepared generally in accordance with the landscape plan prepared by Elke Haege Landscape Architects Drawing No: L\_101 to L\_107 'Landscape Plan Levels 1 to 7' and L\_501 to L\_502 'Landscape Details and Specification Notes' date received by Council 10 June 2011. The plans shall include the following:
- (a) A detailed planting schedule for all garden areas indicating the species type, height, number and size;
  - (b) Details of all hard and soft surfaces such as turf, gravel, paving, stepping stones and the like shall be shown;
  - (c) The plan shall demonstrate compliance with any other landscape condition of consent.
- Should Council not act as the Certifying Authority a copy of the plan shall be forwarded to Council as part of the Construction Certificate.
42. The proprietors of the venue shall be responsible at all times for the orderly dispersal of patrons from the premises.
43. Signs shall be appropriately located within the building and in the car park advising patrons of the nearby residences and seeking quiet and orderly ingress and egress from the premises. The proprietor shall ensure that staff give appropriate directions and take reasonable steps to control noisy and disorderly patrons entering or leaving the premises. In this regard a Plan of Management is to be submitted to the Principal Certifying Authority for approval **prior to the issue of an Occupation Certificate** detailing how this will be implemented and detailing policies on dealing with non-compliant patrons.
44. The display of signage, other than signage which is approved by this consent or signage which is exempt development, is strictly prohibited.
45. No flashing signage visible from the public way shall be installed.

#### Noise

46. Full compliance shall be given to the recommendations on pages 14-15 of the Acoustic Report titled 'Acoustic Assessment' Report No. 610.10548-R2 prepared by SLR Global Environmental Solutions Revision 2 received by Council 7 December 2012.

A report detailing compliance with the recommendations shall be submitted to the Principal Certifying Authority for approval **three months after the issue of a Occupation Certificate.**

47. A "Hotline" service shall be established at full cost to the applicant to allow any persons affected by site-related activities to make enquiries about such activities or register a complaint. This service shall allow affected persons to make contact via telephone, electronic mail and facsimile. The service shall be operational at all times and a logbook of complaints shall be kept and be available for review by Council upon request, with a **summary provided to Council at three (3) monthly intervals**, until such time as Council advises in writing that the service is no longer required to be maintained.
48. As required by the Protection of the Environment Operations (Noise Control) Regulation 2008, air-conditioning units or heat pump water heaters shall not be audible in the habitable rooms of any other residential premises before 8am or after 10pm on any Saturday, Sunday or public holiday, or before 7am or after 10pm on any other day.
49. 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.
50. The use of the premises shall not give rise to:
- (a) The transmission of unacceptable vibration to any surrounding occupancy; and
  - (b) A noise level exceeding the background ( $L_{90}$ ) noise level by more than 5dB(A) when measured from an adjoining premises. The source noise level shall be assessed as an  $LA_{eq,15min}$  reading and adjusted in accordance with current EPA Guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and intermittency or any subsequent guidelines.
51. Noise from patrons and amplified music emitted from the licensed premises shall comply with the following criteria:
- (a) The  $L_{10}$  noise level emitted from the premises shall not exceed the background noise level in any octave band centre frequency (31.5Hz to 8KHz) by more than 5dB between 7am and 12 midnight at the boundary of the nearest affected residences.
  - (b) The  $L_{10}$  noise level emitted from the premises shall not exceed the background noise level in any octave band centre frequency (31.5Hz to 8KHz) between 12 midnight and 7am at the boundary of the nearest affected residences.
  - (c) Notwithstanding compliance with the above clauses, the noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am.
52. Any noise generated on the premises from the use at any time shall not have any detrimental effect on the occupants of any adjoining residential dwellings.
53. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the

premises. Such measures are to be installed at no cost to Council and may require further development consent from Council.

54. In the event of Council receiving complaints regarding air pollution or odour from the premises, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour emanating from the premises. Such measures are to be installed at no cost to Council and may require further development consent from Council.

### Construction

55. **Prior to the commencement of works** a Construction Environmental Management Plan shall be submitted to and approved by the Principal Certifying Authority. The Plan shall address, but not be limited to the following matters:
- (a) Hours of work;
  - (b) Contact details of the site manager;
  - (c) Environmental health and safety matters;
  - (d) Noise and vibration matters;
  - (e) Waste Management;
  - (f) Predicted traffic volumes, types and routes;
  - (g) Ingress and egress of vehicles to the site;
  - (h) Loading and unloading, including construction zones;
  - (i) The location of site shed/s and materials to minimise disruption to surrounding land;
  - (j) Measures to ensure that public thoroughfare though the site is not impeded;
  - (k) Erosion and sediment control.
56. Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
57. A Construction Traffic Management Plan detailing construction vehicle routes, numbers of trucks, hours of operation, access arrangements and traffic control shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
58. Dust emissions from the stockpiles shall be suppressed by a permanently installed irrigation system and details shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.** The irrigation system shall

be installed in accordance with the approved details prior to the work/use commencing and maintained at all times to Council's satisfaction.

59. The proposed development shall comply with the National Construction Code and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.**
60. 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).
61. 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.
62. 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.

63. 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.

64. 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.
65. 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.
66. 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.

67. 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.

68. 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.

69. 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.
70. Certification of the structural adequacy of the sign shall be prepared by a suitably qualified person and submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
71. All temporary buildings shall be removed from the site at the completion of the development.

72. 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**.
73. All above ground floor windows and doors shall be fitted with appropriate devices/mechanisms to allow for windows/doors to be locked in an open position (100mm opening) to provide natural ventilation of the dwelling and building safety.

#### **Hoardings**

74. **Prior to commencement of building work**, the applicant must obtain approval in accordance with the requirements of the Roads Act for the erection of "hoarding/scaffolding" should any work be carried out on Council property or required to be erected to comply with the Occupational, Health and Safety Act and associated regulations.

#### **Lighting**

75. 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**.
76. Any proposed lighting of the site shall be designed, located or shielded to ensure the amenity of the surrounding area is not adversely affected by light overspill and details shall be submitted and approved by the Principal Certifying Authority **prior to the installation** thereof.
77. 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.

#### **Sustainability**

78. 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.

### Demolition

79. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
80. 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.**
81. 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.**
82. 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

83. 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.**
84. 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.

### Disabled Access

85. **Prior to issue of a construction certificate,** a report from an accredited access consultant must be submitted to and approved by the Principal Certifying Authority that the development has been designed with regard to the requirements of the Building Code of Australia, AS1428.1 "Design for access and mobility, ASNZ2890.6 – 2009 "Off-street parking for people with disabilities" and the Disability Discrimination Act.
86. 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.**
87. Car parking spaces for persons with disabilities shall be provided in accordance with The Construction Code 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

88. Submission of a comprehensive Waste Management Plan to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.** Such plan shall address demolition, construction and operation waste arising from the development and shall include:-

- type and likely quantity of waste arising from the demolition and construction activities;
- storage, disposal and recycling measures for all demolition and construction waste, including specific disposal points and arrangements;
- type and likely quantity of trade and operational waste arising from the proposed development, including storage and collection details. Note: Strathfield Council does not provide a trade waste service;
- provision for a suitable number of 240 litre garbage bins and 240 litre recycling bins for the residential development;
- storage, disposal, collection and recycling arrangements for all trade and operational waste; and
- fitout details of any garbage/waste enclosures and storage areas.

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.

89. 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

90. Soil at the site is to be managed as per the recommendations detailed on page 25 of the Preliminary Environmental Site Assessment 473-479 Liverpool Road Strathfield prepared for Prestige Construction Pty Lt by Aargus Australia date received by Council 8 March 2011;
91. The Remediation Action Plan (RAP) shall be prepared by a suitably qualified personnel, accredited by the Contaminated Sites Section of the Department of Environment and Climate Change (DECC). The RAP shall detail the results of waste classification, the volume of soil disposed offsite and the disposal locations, descriptions, volumes and validation information for all imported fill, and the management of any unexpected findings. details shall be submitted and approved by the Principal Certifying Authority **prior to the issue of an Occupation Certificate.**

On completion of remediation, Council is to be furnished with a written statement from the author of the RAP stating that all recommendations made in the plan have been

complied with and the subject site is in a suitable condition for the proposed use as per the DECC guidelines.

No authority to commence any building works on the site will be granted until after the verification has been supplied to Council and Council has advised the Principal Certifying Authority in writing that a Construction Certificate can be issued.

92. 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.
93. 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.

#### **ADVISORY NOTES**

- i. If an Underground Storage Tank or Underground Petroleum Storage System is decommissioned, a validation report for the storage site must be provided to Council no later than 60 days after the system is decommissioned, or if remediation of the site is required, no later than 60 days after the remediation is completed. Any validation report must be prepared in accordance with DECC guidelines.

Note: These requirements do not apply to any decommissioning of a storage system that took place before 1 June 2008. The maximum penalty for non-compliance is 100 penalty units (for an individual) or 200 penalty units (for a corporation).

- ii. Council encourages the reuse and recycling of waste materials during demolition and construction. In this regard, separation and recycling should be undertaken as follows:

- Masonry products (bricks, concrete, concrete tile roofs) should be sent for crushing/recycling;
- Timber waste to be separated and sent for recycling;
- Metals to be separated and sent for recycling;
- Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- Mixed waste (plastic wrapping, cardboard etc.) to be sent to a licensed recycling or disposal facility.

The above can be achieved by constructing a minimum of five (5) trade waste compounds on the site. Each waste compound should be adequately sized to enclose the waste and all waste should be adequately secured and contained within the designated areas and not be permitted to leave the site. Personal waste should

not litter the site. Copies of any weighbridge receipts should be kept for presentation to the Principal Certifying Authority.

- iii. All existing trees on the site and all street trees are covered by Council's Tree Preservation Order and shall not be removed, lopped or pruned unless there is express permission stipulated in a condition of this consent or there is written approval from the Council.
- iv. Prior to occupation of any multi-unit development the applicant should arrange for the supply and delivery of a suitable number of 240 litre mobile garbage receptacles and 240 litre recycling receptacles.

The waste receptacle must be to the approval of Strathfield Municipal Council to ensure that receptacles are compatible with Council's waste collection vehicles. Council does not supply waste storage bins free of charge and payment will need to be made to Council prior to delivery of the required bins. A waste service availability charge will apply to the development site from the date of issue of the occupation certificate. The charge is for the collection of domestic waste from all residential dwelling units and is payable by the owner of the development site.

- v. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Human Rights and Equal Opportunity Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.
- vi. Information regarding the location of underground services may be obtained from Sydney One Call Service (NSW Dial Before You Dig), telephone 1100, Fax 1300 652 077. Inquirers should provide SOCS with the street/road name and number, side of street/road and the nearest cross street/road.
- vii. A Construction Certificate shall be obtained in accordance with Section 81A (2)(a) of the Act, prior to the commencement of any work on site. Council can provide this service for you and you may contact Council's Development Assessment Unit on 9748 9999 for further information.
- viii. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.
- ix. Section 95A of the Environmental Planning & Assessment Act 1979 (hereafter known as "the Act") provides that the applicant or any other person entitled to act on the consent may apply to the Council, before the consent lapses, for a 1 year extension.

The consent will lapse unless the use or building, engineering or construction work related to the building is physically commenced on the land prior to the consent lapse date shown on the cover page of this consent.



- x. The use of Council's footway in accordance with this consent shall not occur until an agreement with Council is entered into for the use of the footway and the applicable fees paid.
- xi. Section 82A of the Act allows the applicant/owner to request Council to review the determination of the application. Any such request must be made within 12 months of this Notice of Determination being issued and be accompanied by the required fee.

An application under this Section of Act cannot be made for:

- (a) a determination in respect of designated development, or
  - (b) a determination in respect of integrated development, or
  - (c) a determination made by the council under section 116E in respect of an application by the Crown.
- xii. If you are dissatisfied with this decision, Section 97 of the Act gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this Notice of Determination.
- xiii. Section 125 of the Act provides that any person who contravenes or causes or permits to be contravened the conditions of this consent or the Tree Preservation Order shall be guilty of an offence.
- xiv. Section 126 of the Act provides that a person guilty of an offence against this Act may be liable to penalties. Penalty infringement notices (on-the-spot fines) can also be issued for breaches of the conditions of development consent.
- xv. The contributions required under Section 94 of the Act are set out in the Section 94 Contributions Plan which can be viewed at Council's Customer Service Centre, 65 Homebush Road, Strathfield during normal business hours.
- xvi. Approved Insurers for Residential Building work under the Home Building Act 1989 are listed on the Department of Fair Trading's website:

[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)

Other contact details for the Department are:

Phone: 9895 0111

E-Mail: [enquiry@fairtrading.nsw.gov.au](mailto:enquiry@fairtrading.nsw.gov.au)

- xvii. Applicants are advised to ensure all gutters are designed and installed in accordance with the Building Code of Australia and the relevant Australian Standards.
- xviii. In accordance with Clause 162A of the Environmental Planning and Assessment Regulation 2000, critical stage inspections are to be carried out by the Principal Certifying Authority (PCA) or by another authority if the PCA so agrees. Failure to undertake these inspections can prevent the issue of an Occupation Certificate and may result in penalties.

- xix. Where Council is appointed as the Principal Certifying Authority (PCA), a Certificate of Adequacy prepared by a suitably qualified and experienced Structural Engineer, shall be provided with the Construction Certificate application stating that the existing structure is suitable to support the additional loads proposed to be placed upon it and that it complies with the Structural Provisions of the Building Code of Australia.

#### **LIST OF ATTACHMENTS**

- 1. Site Plan and Elevations**