

## JOINT REGIONAL PLANNING PANEL (Sydney East)

JRPP No	2014SYE053
DA Number	<b>2014/066</b>
Local Government Area	<b>Strathfield</b>
Proposed Development	Site remediation works, construction of an extension to George Street and dedication of the road to Council, boundary re-alignment and road widening works to Parramatta Road and the construction of a mixed use development comprising basement parking for (568) vehicles, ground level commercial floor space fronting Parramatta Road with (430) residential apartments above comprising (132) x 1 bedroom, (272) x 2 bedroom and (26) x 3 bedroom apartments across six (6) buildings with heights ranging between eight (8) and fourteen (14) storeys and consolidation and stratum subdivision of the site.
Street Address	<b>6-18 Parramatta Road, Homebush</b>
Applicant/Owner	Columbia Lane Development Pty Ltd
Number of Submissions	<b>Six (6)</b>
Regional Development Criteria (Schedule 4A of the Act)	<b>Cost of works \$89,750,000</b>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• <b>List all of the relevant environmental planning instruments: s79C(1)(a)(i):</b></li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy No. 55 Remediation of Land;</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development;</li> <li>• State Environmental Planning Policy (Infrastructure) 2007;</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;</li> <li>• Strathfield Local Environmental Plan 2012; and</li> <li>• Strathfield Section 94 Contribution Plan.</li> <li>• <b>List any proposed instrument that is or has been the</b></li> </ul>

	<p><b>subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)</b> N/A</p> <ul style="list-style-type: none"> <li>• List any relevant development control plan: s79C(1)(a)(iii):</li> <li>• Strathfield Development Control Plan 2005;</li> <li>• Strathfield Site Specific Development Control Plan No. 20 – Parramatta Road Corridor; and</li> <li>• Strathfield Stormwater Management Code.</li> <li>• <b>List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv)</b></li> <li>• Draft VPA Proposed</li> <li>• <b>List any coastal zone management plan: s79C(1)(a)(v)</b> N/A</li> <li>• <b>List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</b> N/A</li> </ul>
List all documents submitted with this report for the panel's consideration	<b>Report attached. (Plans previously provided)</b>
Recommendation	<b>Approval</b>
Report by	<b>Sophie Olsen – Planning Officer</b>

## Assessment Report and Recommendation Cover Sheet

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## **SUMMARY**

<b>PROPERTY:</b>	6-18 Parramatta Road, Homebush – Lot 9 in DP 68910, Lot 8 in DP 60261, Lot 1 in DP 523775, Lot 1 in DP 437118 and Lot 2 in DP635483
<b>DA NO.:</b>	2014/066
<b>APPLICATION TYPE:</b>	Mixed Use Development
<b>COST OF WORKS:</b>	\$89,750,000
<b>REPORT BY:</b>	Sophie Olsen – Planning Officer
<b>RECOMMENDATION:</b>	APPROVAL
<b>SUBMISSIONS:</b>	Six (6) written submissions were received.
<b>ZONING:</b>	B4 – Mixed Use
<b>DATE APPLICATION LODGED:</b>	24 April 2014
<b>APPLICANT:</b>	Columbia Lane Development Pty Ltd
<b>OWNER:</b>	JQZ Four Pty Ltd

## **INTRODUCTION**

Approval is sought for site remediation works, construction of an extension to George Street and dedication of the road to Council, boundary re-alignment and road widening works to Parramatta Road and the construction of a mixed use development comprising basement parking for (568) vehicles, ground level commercial floor space fronting Parramatta Road with (430) residential apartments above comprising (132) x 1 bedroom, (272) x 2 bedroom and (26) x 3 bedroom apartments across six (6) buildings with heights ranging between eight (8) and fourteen (14) storeys and consolidation and stratum subdivision of the site.

The proposal has been accompanied by a Voluntary Planning Agreement (VPA) for the embellishment of 20A Parramatta Road, the embellishment and dedication of a park (20 Parramatta Road) and the construction and dedication of the George Street extended public roadway. This VPA has been amended and is currently in draft form. Notification and the final adoption of this will occur in accordance with conditions of consent.

The development includes a signalised fourth leg to the existing signalised T-intersection of Parramatta Road and George Street and alterations to the lot boundary in order to permit road widening works associated with the George Street extension. These works require the approval and concurrence of the NSW Roads and Maritime Service under Section 128 of the Roads Act 1993, however the development is not 'Integrated Development' under Section 91 of the Environmental Planning and Assessment Act, 1979. RMS have provided support for the application and appropriate conditions of consent have been recommended.

Due to the proximity of the site to an open Stormwater Channel (Powell's Creek), electrical easement and rail infrastructure, the proposal was also forwarded to Sydney Water, Ausgird and Sydney Trains (formerly Rail Corp) for review in accordance with the provisions of the SEPP (Infrastructure) 2007. No objections were raised during the referral process to these agencies, aside from the imposition of conditions of consent.

The proposal seeks to vary the Floor Space Ratio and Height of Building development standards which are applicable to the site under the Strathfield Local Environmental Plan 2012. The proposal presents an overall FSR of 3.66:1 (37,899m<sup>2</sup>), a variation of 0.71:1 from the permitted 2.95:1 and a maximum height of 46m, a variation of 14m above the permitted 32m. These variations have been supported by a Clause 4.6 Objection prepared by the Applicant which, as discussed throughout this report, is considered to be well founded.

The development proposal presented under this Development Application is a result of extensive Pre-Lodgement discussions between Council and the Applicant. The concept which is recommended for approval is considered consistent with the Pre-Lodgement discussions and as detailed throughout this report, the variations proposed to Council's controls are acceptable due to the good outcome which will be achieved for the mixed-use redevelopment of the site with minimal overshadowing or amenity impacts on adjoining properties and existing nearby residential flat buildings.

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

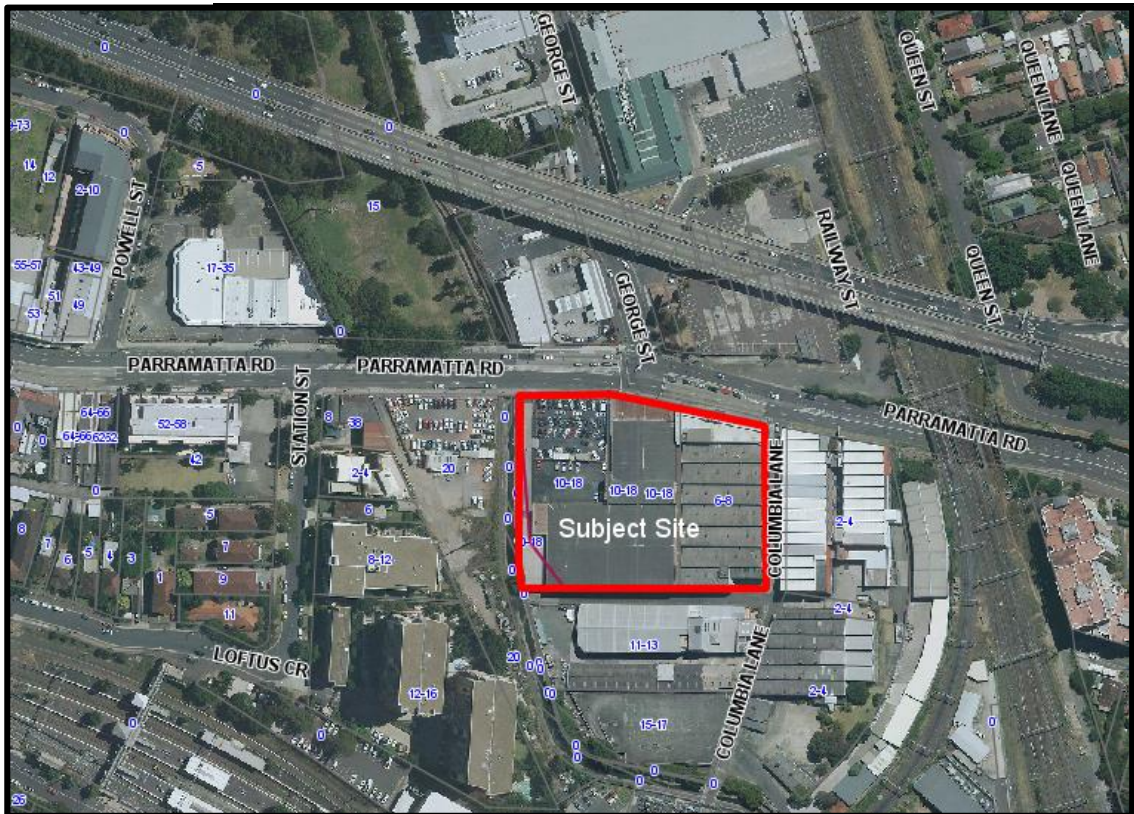
The subject site is known as Nos. 6 - 18 Parramatta Road, Homebush and is legally described as Lot 9 in DP 68910, Lot 8 in DP 60261, Lot 1 in DP 523775, Lot 1 in DP 437118 and Lot 2 in DP 635483. Combined, these lots have an area of 10,344m<sup>2</sup> with a frontage of 118.65m to Parramatta Road.

The site is located on the southern side of Parramatta Road between the intersections with Station Street and Columbia Lane in Homebush. The site is within walking distance of Homebush Railway Station and the Bakehouse Quarter redevelopment, which includes a number of local shops, supermarkets and services.

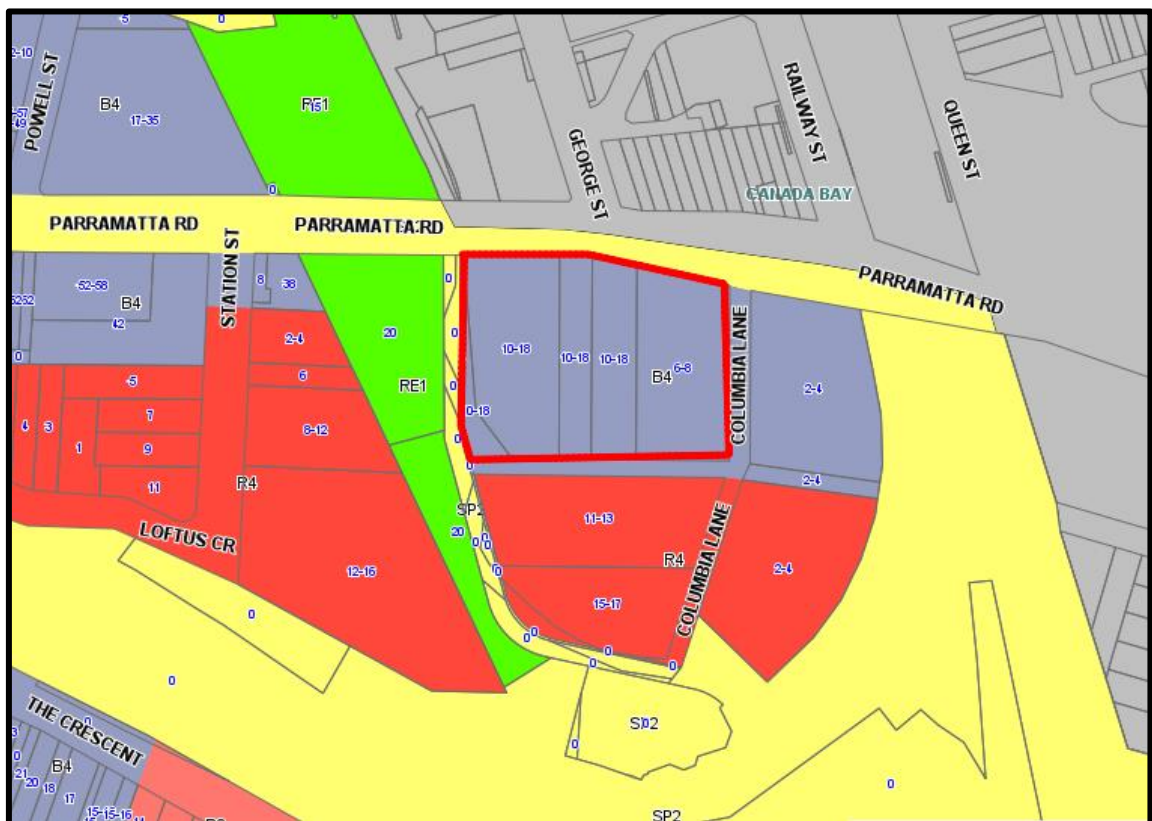
The site is located approximately 150m from Homebush Station and 670m from North Strathfield Railway Station. The site is also well serviced by Sydney Buses and is within close proximity of the M4 Motorway.

Directly adjoining the site to the east is a Kennards Self Storage Facility whilst further east are a number of recently constructed mixed use and residential flat buildings (refer to image 9) which are located within the Canada Bay Local Government Area. The site adjoins a concreted section of Powell's Creek to the west and the rear elevation of four (4) high density residential flat buildings which front Station Street.

The surrounding locality is characterised by both light industrial and small scale retail and business uses. The Parramatta Road Corridor is characterised as an area undergoing transition from industrial, infrastructure, commercial and low-density residential land uses to an area supporting higher density mixed-use development with a focus on delivering new housing and day to day services to support the future residential density.



**IMAGE 1:** Aerial photograph of the subject site which is bounded to the north by Parramatta Road, to the east by Columbia Lane, to the south by an un-named laneway and to the west by Powell's Creek.



**IMAGE 2:** Extract from the Strathfield Local Environmental Plan demonstrating the B4 Mixed Use zoning of the site, adjoining land zoned RE1 public recreation (subject to VPA) and nearby special use (infrastructure) lands operated by Ausgrid, Sydney Water and Rail Corp.





**IMAGE 3:** View from the northern side of Parramatta Road looking south-east toward the subject site (demolition currently underway)



**IMAGE 4:** Surrounding high density residential development fronting Station Street, Homebush.





**IMAGE 5:** View along Powell's Creek to the adjoining residential towers (Crown Multiplex) at 12-16 Station Street and residential flat buildings at 2-4 and 8-6 Station Street.



**IMAGE 6:** View toward the subject site from the northern side of the existing signalised intersection of George Street and Parramatta Road



**IMAGE 7:** View toward the subject site looking south from the Bakehouse Quarter, North Strathfield.



**IMAGE 8:** View looking north along George Street to the mixed use precinct of the Bakehouse Quarter, North Strathfield and the M4 Motorway bridge.





**IMAGE 9:** Recently constructed high density residential flat and mixed use development located east of the site on Parramatta Road within the Canada Bay Local Government Area. Source: Google Maps 2014.

## **PROPOSAL**

The application seeks Council approval for site remediation works, construction of an extension to George Street and dedication of the private road to Council and the construction of a mixed use development comprising basement parking for (568) vehicles, 1,369m<sup>2</sup> of ground level commercial floor space fronting Parramatta Road with (430) residential apartments above comprising (132) x 1 bedroom, (272) x 2 bedroom and (26) x 3 bedroom apartments across six (6) buildings with heights ranging between eight (8) and fourteen (14) storeys and consolidation and stratum subdivision of the site.

The elements of the proposal are:

- Remediation works and excavation for basement parking for (568) vehicles designated as follows:
  - Residential: 448 inclusive of 50 accessible spaces and 18 tandem spaces;
  - Commercial: 34;
  - Visitor: 86 inclusive of 17 accessible spaces;
- Construction of an extension to George Street which will dissect the site into two (2) blocks;
- Boundary adjustment and road widening works to Parramatta Road including the upgrade of the intersection and introduction of new traffic signals;
- Public domain works and street plantings to Parramatta Road and George Street;
- Construction of a mixed use development of six (6) buildings comprising:

### **Development West of George Street**

- Building 1:
  - 857m<sup>2</sup> of commercial floor area;

- 36 x 1 bedroom; and
- 21 x 2 bedroom units.
- Building 2:
  - 36 x 1 bedroom;
  - 77 x 2 bedroom; and
  - 6 x 3 bedroom units.
- Building 3:
  - 1 x 1 bedroom;
  - 52 x 2 bedroom; and
  - 7 x 3 bedroom units.

**Development East of George Street**

- Building 4:
    - 512m<sup>2</sup> of commercial floor area;
    - 21 x 1 bedroom;
    - 14 x 2 bedroom; and
    - 7 x 3 bedroom units.
  - Building 5:
    - 24 x 1 bedroom; and
    - 36 x 2 bedroom units
  - Building 6:
    - 14 x 1 bedroom;
    - 72 x 2 bedroom; and
    - 6 x 3 bedroom units.
- Landscaping works to enhance common open space areas including a swimming pool and sun deck, three (3) areas of rooftop common open space including an outdoor gymnasium and community garden, a children's play area and an eastern facing common landscaped area including communal BBQ facilities; and
  - The consolidation and Stratum Subdivision of the proposal.

## **BACKGROUND**

### **Major Project – MP 10\_0143**

A Concept Plan Approval (MP 10\_0143) was granted by the Department of Planning and Environment in relation to 2-20 Parramatta Road and 11-13 Columbia Lane, Homebush for a mixed use development on 7 May 2013. The Concept Plan Approval included the subject site and the adjoining properties to the east and south.

The Preferred Project, which was ultimately granted approval, included seven (7) residential and one (1) commercial tower with a maximum height of (21) storeys, providing a total of (650) residential and serviced apartments, retail/commercial tenancies equating to 4,540m<sup>2</sup>, a Kennards Self Storage Facility, community facilities, extension to George Street, a waiting lane to Parramatta Road and public domain works. The approved concept had an FSR of 3.66:1.

### **Demolition**

DA2014/021 and DA2014/022 for 6-8 and 10-18 Parramatta Road, respectively, approved the demolition of existing structures down to the concrete hardstand slab and parking area on 12 March 2014. Demolition works have now commenced.

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

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

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 55 Remediation of Land;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Strathfield Local Environmental Plan 2012;
- Strathfield Development Control Plan 2005;
- Strathfield Site Specific Development Control Plan No. 20 – Parramatta Road Corridor;
- Strathfield Stormwater Management Code;
- Strathfield Section 94 Contribution Plan
- Interim planning policies:
  - Green Amenity Factor; and
  - Automatic Waste Collection System.

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

##### **State Environmental Planning Policy (State and Regional Development) 2011**

Pursuant to Clause 20, Part 4 of the SEPP (State and Regional Development) 2011, the proposal has an estimated capital investment value of \$89,750,000 and is therefore required to be determined by a Joint Regional Planning Panel.

##### **State Environmental Planning Policy No. 55 Remediation of Land**

The subject site is located within an area of investigation identified in Map 2, Part K of the Strathfield Consolidated Development Control Plan 2005. In accordance with the provisions of SEPP 55, Council must, prior to determining a Development Application, consider the likelihood of contamination and consider whether the site is suitable for the proposed development in its current state, contaminated state or following the completion of remediation works.

The site was historically used for a number of industrial purposes including car manufacturing, light industrial purposes, food (biscuit) manufacture and motor vehicle



sales and servicing. The Applicant has submitted a Phase 1 and Phase 2 Environmental Site Audit which has uncovered two (2) hotspots within the site which will likely require remediation and has revealed that there are at least (15) and possibly (20) underground petroleum storage systems (UPSS) within the property.

The Environmental Site Audit (ESA) has concluded that the site will be suitable for residential occupation following remediation or removal of hotspots. The ESA has further concluded that due to the significant amount of excavation proposed for the two (2) levels of basement parking, contaminants will be removed from the soil prior to commencement of construction.

Suitable conditions of consent have been included in accordance with the recommendations of the ESA, including the preparation of a Remedial Action Plan (RAP), appropriate classification and disposal of excavated soil and the submission of a Site Audit Statement (SAS) prepared by an accredited Site Auditor.

#### **State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings**

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings (SEPP 65) aims to improve the design quality of residential flat development in New South Wales.

In determining development applications for residential flat buildings, the SEPP requires Council to take into consideration the advice of a Design Review Panel, the design quality of the proposal when evaluated against the ten (10) design quality principles in the SEPP and the 'rule of thumb' controls of the *Residential Flat Design Code*. Furthermore, written confirmation from a registered Architect is also required to be provided to Council confirming that the design is in accordance with the design quality principles of the SEPP.

A design verification statement in accordance with the requirements of SEPP 65 has been received from a registered Architect. The overall design of the proposal has also been peer reviewed by an Urban Designer and the (final) modified colour scheme has been endorsed as a good outcome for the site.

It should be noted that Strathfield Council is not subject to a Design Review Panel constituted under the SEPP however as the subject site is identified as a 'key site' within the Parramatta Road corridor, design excellence in the architectural aesthetic of the proposal has been sought.

The following assessment of the proposal against the ten (10) design quality principles and the numeric controls of the 'Residential Flat Design Code' demonstrates that the proposal meets each of these design principles:

Principle		Proposed
Context	Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.	The design of the development responds to the Parramatta Road context of the site and the George Street extension suitably addressing

Principle		Proposed
	Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.	each frontage.  A pedestrian scale is established through the podium levels which break the overall bulk of the building.
Scale	Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.  Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area	The proposal seeks to vary the bulk and scale controls which are applicable to the site under the Strathfield Local Environmental Plan 2012. Notwithstanding, the proposal is modulated and broken to achieve an acceptable pedestrian scale whilst the orientation of the two (2) tower components of the development minimises shadow impacts on adjoining properties.
Built Form	Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.  Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	The proposal is broken into six (6) interconnecting buildings, two (2) of which align with Parramatta Road (nil setback) to reinforce the mixed use nature of this portion of the site. The remaining buildings are suitably setback between 2.9m and 4.7m from George Street and the rear laneway to reinforce the residential nature of this portion of the development and maintain a suitable level of amenity for future residents.
Density	Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).  Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.	The proposal seeks to exceed the maximum permitted Floor Space Ratio of 2.95:1, proposing an overall density of 3.66:1.  The proposed density which comprises (132) x 1 bedroom units, (272) x 2 bedroom units and (26) x 3 bedroom units will be supported within the site by multiple areas of common open space accommodating both passive and active recreation activities.
Resource, Water and Energy Efficiency	Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.  Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical	The proposal maximises the orientation of the site to provide units with good solar access during winter months whilst providing most units with natural cross ventilation.  Sustainability has also been addressed in accordance with the requirements of the BASIX SEPP.

Principle		Proposed
	services, soil zones for vegetation and reuse of water.	
Landscape	<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.</p> <p>Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p> <p>Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</p>	<p>The proposal has incorporated a high quality landscape design at both ground level and the roof top level of the development which includes a variety of areas comprising a swimming pool and sundeck, community garden, rooftop outdoor gym and an easterly facing shaded retreat.</p> <p>Further discussion of the application of Council's interim planning policy 'Green Amenity Factor' (GAF) to the subject site is detailed throughout this report. The application satisfies the intent of the GAF through the provision of multiple areas of common open space to support social interaction between residents.</p>
Amenity	<p>Good design provides amenity through the physical, spatial and environmental quality of a development.</p> <p>Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>	<p>The development incorporates modern, open plan unit layouts with relatively large bedrooms and built in storage.</p> <p>The development provides most units with dual aspects. In total the proposal achieves two (2) or more hours of sunlight to 65.8% of units between the hours of 9am and 3pm at mid-winter, which is acceptable given the density of the proposal and urban nature of the site.</p> <p>Between the hours of 8am and 4pm, the availability of sunlight to the apartments increases to 70%.</p>
Safety and Security	<p>Good design optimises safety and security, both internal to the development and for the public domain.</p> <p>This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.</p>	<p>The safety and security of residents entering and exiting lobby areas has been considered in the design of the development. Interconnecting and secure ground floor lobby areas provide access from each frontage of the development.</p> <p>Balconies and living areas are orientated to provide opportunities for overlooking the public domain and communal open space to enhance passive surveillance of the</p>



Principle		Proposed
Social Dimensions	Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.	public domain.
	New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.	<p>The proposed development incorporates a variety of areas where future residents will be able to congregate and socialise including swimming pool, outdoor gymnasium, BBQ facilities and community garden.</p> <p>The variety of areas correspond to the orientation of the site, providing a shaded eastern facing area for passive recreation and retreat from hot summer winds and a western orientated swimming pool area for use by residents.</p> <p>The proposal also incorporates 15% (65) units which can be converted in the future to meet the requirements of AS4299 – Adaptable Housing. This will ensure a variety of residents are able to be accommodated within the site in the future.</p>
Aesthetics	Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.	The proposal incorporates modern and durable materials which will ensure the building retains a desirable appearance in years to come.
		The variety of materials incorporated into the external appearance of the development assists to break the bulk and scale of the building to integrate the development with the current and anticipated future character of the Parramatta Road Corridor.

### Residential Flat Design Code

Further to the design quality principles discussed above, the proposal has been considered against the various provisions of the *Residential Flat Design Code* in accordance with Clause 30 (2) (c) of SEPP 65. The proposed development meets and often exceeds the 'Rule of Thumb' guidelines as presented in the table below:

Development Guideline	Required	Proposed	Compliance
Building Depth	Max 10m – 18m	The residential components of the development are restricted to a maximum depth of 12m and a	Yes.

Development Guideline	Required	Proposed	Compliance
		satisfactory level of solar access is achieved.	
Building Separation	12m	23m separation between tower elements.	Yes.
Street Setbacks	Consistent with existing	Street setbacks vary in order to address each frontage of the development. The commercial ground floor area fronting Parramatta Road is provided with a nil setback whilst live/work units fronting George Street are provided with a varied setback of between 2.9m and 4.7m for flexibility of use and retention of residential amenity.	Yes.
Side and Rear Setbacks	Consistent with existing streetscape patterns	Side and rear setbacks are consistent with pre-lodgement advice from Council. The "U" shaped buildings provide common areas with some reprieve from traffic noise.	Yes.
Deep Soil Zones	Min 25% of open space	Nil deep soil within the development due to the extent of basement excavation. Proposal incorporates a variety of podium planting areas which will enhance common open space and encourage use of common open space by future residents. Additional runoff will be managed and treated through Water Sensitive Urban Design components and stormwater management.	No, however excellent landscape design included and runoff appropriately managed.
Landscape Design	Improve amenity, streetscape and energy efficiency	Proposal incorporates a high quality landscape plan for ground and podium levels to comply with Council's Green Amenity Factor guidelines and interim planning policy.	Yes.
Open Space	Between 20-30% of site area	17% (1,775m <sup>2</sup> ) of the site is open at ground level however the proposed development also includes podium level open space which will supplement this area to provide sufficient open space for future residents. In total, the site provides open space which equates to 33% (3,430,m <sup>2</sup> ) of the site area.	Yes.
Building Entry	Provide physical and visual connection between building and street	The materials and colours incorporated into the building define the scale of the building and connect the different façades with their uses (i.e. commercial vs residential)	Yes.
	Provide safe	Entries are secure.	Yes.

Development Guideline	Required	Proposed	Compliance
	entrance  Provide equitable entrance	Lifts and ramps incorporated to provide equitable access to the main foyer area.	Yes.
Parking	Provide underground car parking  Provide bicycle parking	Two (2) levels of basement parking provided.  Storage lockers within basement will be sufficient size for bicycle storage.	Yes.  Yes.
Pedestrian Access	Barrier free access to at least 20% of dwellings	Barrier free access to all units by way of lifts from basement/foyer areas.	Yes.
Vehicle Access	Max width of driveway is 6m  Located vehicle entry away from pedestrian entry	9.4m at crossover is acceptable in accordance with the Australian Standard due to the number of parking spaces which are to be accessed.  Vehicular access via rear laneway with pedestrian access to each residential building orientated toward George Street.	Yes.  Yes.
Apartment Layout	Single aspect max depth is 8m  Max depth of cross through is 15m or more than 4m in width.  Min apartment size: 1 bed – 50m <sup>2</sup> 2 bed – 70m <sup>2</sup> 3 bed – 95m <sup>2</sup>	Maximum 8m  All cross-through units are more than 4m in width.  53m <sup>2</sup> -63m <sup>2</sup> 73m <sup>2</sup> -98m <sup>2</sup> 95m <sup>2</sup> -111m <sup>2</sup>	Yes.  Yes.  Yes.
Apartment Mix	Provide an apartment mix	31% 1 bedroom, 63% 2 bedroom and 6% 3 bedroom units will provide an acceptable mix.	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>	All private open space areas have a minimum depth of 2m and are capable of accommodating a table and chairs.  2.7m to units 2.4m to 3.4m within basement, larger clearances for loading dock/garbage truck access.  Within units and within basement. Condition of consent to ensure	Yes.  Yes. Yes.  Yes.



Development Guideline	Required	Proposed	Compliance
	2 bed – 8m <sup>3</sup> 3+ bed – 10m <sup>3</sup>	provision is made and storage cages designated.	
Acoustic Privacy	Like rooms together	The proposal will be required to comply with the common wall noise insulation requirements of the BCA to minimise the transfer of noise between dwellings.	No however a suitable level of acoustic privacy will be enforced by way of condition of consent.
Daylight Access	70% of units to receive 3 hours between 9am – 3pm  Single aspect units limited to 10% of total	66% of units (or 283 out of 430) receive at least 2 hours solar access at the mid-winter solstice.  19% (83 units) have a southern, south-easterly or south-westerly aspect.	Acceptable, refer to discussion.  Acceptable as the development achieves satisfactory access to natural light and ventilation. Refer to discussion.
Natural Ventilation	60% of units to be naturally cross ventilated	65% (276) units are naturally cross ventilated with the majority of units benefiting from a dual aspect.	Yes.

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

Schedule 3 of SEPP (Infrastructure) 2007 (I SEPP) specifies the type of developments that are required to be referred to the Roads and Maritime Services (RMS) due to their size or capacity being likely to impact the local road network (including classified roads).

The proposed development exceeds the 'traffic generating' thresholds listed within Schedule 3 of the SEPP due to the number of parking spaces provided on site (568). The proposal also includes noise sensitive residential development with a frontage to Parramatta Road, which is a classified road, and therefore an Acoustic Report was required to be submitted in support of the proposal.

RMS raised no objection, subject to specific conditions of consent addressing matters including road noise mitigation, internal carparking layout, stormwater and civil works and potential impacts on RMS assets and impacts during construction in correspondence dated 12 June 2014 and 1 July 2014. These requirements have been included in the recommended conditions of consent.

In addition to the 'traffic generating' requirements of Schedule 3, Clause 102 of the I SEPP (Impact of road noise or vibration on non-road development) applies to the proposal and requires the development to be constructed in order to ensure that the following Laeq levels are not exceeded:

- (a) In any bedroom in the building – 35dB(A) at any time between 10pm and 7am.

- (b) Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.

The subject site is located adjacent to Parramatta Road, where the annual average daily traffic volume is greater than 40,000 vehicles. Accordingly, the application has been supported by an Acoustic Report to assess the impact of road noise in accordance with the Industrial Noise Policy, AS2107:2000, Department of Planning – development near rail corridors and busy roads interim guidelines and SEPP (Infrastructure) 2007.

The Acoustic Report provides construction methodology and glazing requirements which will be required to be incorporated into the development to reduce the acoustic impact of road noise on future residents. The recommendations of the Acoustic Report have been incorporated into the conditions of consent below and will require confirmation to be obtained demonstrating that the proposal satisfies the above internal noise levels prior to occupation of the development.

#### **BASIX**

In accordance with the BASIX SEPP all new housing in NSW is required to meet a designated target for energy and water reduction. The proposal includes the following sustainable measures:

- Water efficient fixtures and fittings in bathrooms and kitchens;
- Phased air-conditioning;
- Gas instantaneous hot water systems and cooktop;
- 10,000L rainwater tank for use for irrigation of common landscape areas, and
- Daylight/motion sensor lighting in common corridors throughout the development.

A BASIX Certificate was submitted with the application which indicates that the proposal meets the required reduction targets and an appropriate condition of consent will be imposed to ensure future compliance with these targets.

#### **Strathfield Local Environmental Plan 2012**

The site is zoned B4 Mixed Use under the Strathfield Local Environmental Plan (SLEP), 2012 wherein development for the purposes of a mixed use development is permissible with Council consent. The proposal is generally consistent with the objectives of the Mixed Use zone which seek to provide a mixture of compatible land uses and residential development within close proximity of transport nodes.

The subject site complies with the minimum allotment size of 1,000m<sup>2</sup> which is required for residential flat development in accordance with Clause 4.1A of the SLEP, 2012. As previously discussed, the site achieves the consolidation pattern of 'Key Site 91' which provides an incentive height and FSR, as follows:

Clause	Development Standard	Required	Proposed	Compliance
4.3	Height of Building (refer to map	George Street roadway: 0m	George Street: 0m	Yes

	below)	Remainder of the site: 32m	30m to 47m	No, refer to discussion.
4.4	Floor Space Ratio	2.95:1 (31,515m <sup>2</sup> )	3.66:1 (37,899m <sup>2</sup> )	No, refer to discussion.

The development was accompanied by an Objection to Council's height and FSR Development Standards in accordance with Clause 4.6 of the SLEP 2012. The flexibility provided by Clause 4.6 can be applied in circumstances where it can be argued that strict numeric compliance would be unreasonable or unnecessary.

The Clause 4.6 Objection prepared by the Applicant argues that the immediate context of the site, accompanied by the controls for the future development of a mixed use precinct along Parramatta Road and the proposed consolidation of five (5) underutilised sites which have a northerly orientation and good access to multi-modal public transportation and established centres results in the proposal being consistent with the objectives of revitalisation and the orderly and economic use of land.

The Clause 4.6 Objection to the maximum permitted FSR prepared by the Applicant has also made the following relevant arguments:

- The proposal responds to and builds upon Council's Urban Design Strategy for the Parramatta Road Corridor and is located at the gateway to the LGA where a concentration of density and height at this point will establish a clear and visible entrance to the precinct;
- The distribution of building mass across the sites achieves a high-density mixed use precinct that respects both the amenity of surrounding properties and positively contributes to the built form of the area;
- The scale and mass of the development is consistent with the broader character of development along the Parramatta Road Corridor, particularly in light of the progress of WestConnex extending eastward that is likely to contribute to an uplift in heights and density;
- The subject site will provide a transition and context for other isolated sites within the Parramatta Road Corridor which benefit from a 42m height control;
- The southern tower, Building 6, will contribute to overshadowing of a portion of the southern adjoining site which was previously identified under the Part 3A Application as a further extension of George Street and a pocket park. Given the orientation of the site, it is unlikely that this area of open space would receive the required solar access in the circumstance were the building were to comply;
- The retail and commercial land uses at the ground floor of buildings along the Parramatta Road frontage will be able to provide daily convenience retail facilities as well as activation, surveillance and safety in this area, and
- Based on the insignificant nature of impacts arising from the proposed technical variation, numerical compliance would not contribute to an improved urban design outcome for the site or adjoining sites.

It is relevant to note that an FSR of 3.66:1 (37,899m<sup>2</sup>) is sought in the Clause 4.6 Objection prepared by the applicant and Council considers this FSR acceptable for the site. However, the gross floor area (GFA) calculations fail to include the 'winter garden' components of the development which are enclosed by glass louvers and which



equate to an additional 2,600m<sup>2</sup> in floor area across the development. Council Officers are of the view that the winter gardens, being enclosed by an external wall of more than 1.4m in height, should be included in GFA under the relevant definition of the SLEP 2012.

With the winter gardens included in the GFA calculation, the proposed development would equate to an FSR of 3.92:1 (40,499m<sup>2</sup>). The additional floor area and the FSR of 3.92:1 is not substantiated and given that these rooms add considerably to the floor area of the development, the additional variation is not supported. Therefore, a condition of consent has been recommended requiring the removal of louvers to return all winter gardens to conventional balconies.

The applicant has also lodged a Clause 4.6 Objection to the maximum permitted building height of 32m which the development exceeds by 15m, proposing a maximum building height of 47m. The Clause 4.6 Objection in relation to building height makes the following relevant points:

- The proposal is an architecturally designed building which incorporates a number of visually different building forms that will contribute positively to the evolution of the area and bring about an uplift in visual amenity;
- The proposal includes public domain works which will contribute to an improved amenity and character;
- The development will deliver (430) new dwellings within an established urban environment supported by public transport, services and infrastructure whilst also incorporating suitable residential infrastructure and areas of common open space;
- The development incorporates stepped building heights to allow for graduation of the height;
- The height non-compliance does not significantly affect solar access to adjacent land or contribute to a loss of amenity to adjacent land holding in the present state; and
- The proposal has been independently reviewed by an Urban Designer who has agreed that the varied building height is acceptable as:  
*“Additional height is reasonable to Parramatta Road, up to eight (8) storeys, given the scale of the street and the size of the site and proposed park. The balance of the site is proposed at eight (8) storeys and (14) storeys, that is, varying the ten (10) storey height [32m] both upwards and downwards to provide greater visual interest, better street scale and better outlook amenity for the apartments.”*

To further support the variation to Council's controls, the applicant has submitted a schematic concept for the redevelopment of the southern neighbouring site and a detailed solar analysis of the impact of the proposed development on this concept building and the existing residential flat building located at 12-16 Station Street, Homebush. This has demonstrated that the additional bulk, height and scale proposed will not compromise the solar access of existing and likely future development on nearby sites. Therefore, as a reduction in bulk and scale would not significantly alter the impact of the proposal on adjoining properties and given the unique nature of the site, the variation to Council's Development Standards is justified.

Overall, it is considered that the Clause 4.6 Objections prepared by the applicant to Council's FSR and Height of Building controls provided by Clauses 4.4A and 4.3A respectively, are well founded and that strict numeric compliance with these standards would not necessarily result in a better outcome for the redevelopment of the site.

The proposal is consistent with the site specific considerations of Clause 6.9 of the SLEP which seek to encourage a mixture of commercial and residential uses within the precinct which integrate land uses horizontally and vertically. The mixed use nature of the proposal achieves this and will provide a good balance of commercial/retail uses and residential accommodation.

It is noted that the proposal includes an architectural roof feature which helps to architecturally define the building and ensure it addresses Parramatta Road. This feature protrudes above the roof line and integrates lift service equipment and is permitted in accordance with Clause 5.6 of the SLEP 2012.

The subject site is located next to a concreted section of Powells Creek, a tributary of the Parramatta River and is affected by flooding attributed to the 1 in 100 year flood event to a level of RL5.46AHD. Therefore, the provisions of Clause 6.3 of the SLEP 2012 are relevant. The objectives of this clause seek to minimise the flood risk to life and property whilst ensuring that development does not significantly impact flood behaviour.

The proposal has been accompanied by detailed flood modelling which demonstrates that the pre-development and post-development flood levels will be impacted by less than 10mm, thereby satisfying the tolerance guidelines of the NSW Flood Plain Management Manual and Council's Stormwater Management Code. The Flood Study accompanying the site has suggested Finished Floor Levels and the level of the basement crest in order to satisfy the flood planning requirements of Clause 6.3 of the SLEP 2012 and appropriate conditions of consent have been included.

The subject site is identified as having Class 5 soils and is located within 500m of Class 2 soils located north-west of the site. The proposal was accompanied by a Geotechnical report indicating that the proposal will not require de-watering of the basement during excavation and that the water table is unlikely to be lowered. Therefore, the proposal has satisfied the relevant considerations of Clause 6.1 of the SLEP 2012.

Overall, the proposed development has been assessed to satisfy the relevant clauses of the SLEP, 2012.

#### **Section 94 Contributions**

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

Provision of Community Facilities	\$412,271.80
Provision of Major Open Space	\$1,193,085.00
Provision of Local Open Space	\$477,113.40

Provision Roads and traffic Management	\$2,453,966.00
Administration	\$45,486.60
<b>TOTAL</b>	<b>\$4,581,923.00</b>

As discussed in further detail below, the proposal is subject to a Voluntary Planning Agreement (VPA) which is currently in draft form. The terms of this draft VPA require the payment of the above Section 94 Direct Development Contributions in addition to the schedule of works proposed under the VPA.

**(ii) Draft Environmental Planning Instruments:**

There are no Draft Environmental Planning Instruments applicable to the subject site.

**(iii) Development Control Plans:**

**Development Control Plan No. 20 – Parramatta Road Corridor**

The following table provides a detailed assessment of the proposed development against the current DCP 20 – Parramatta Road Corridor Area. This site specific DCP is currently under review as it contains a number of development controls which have been superseded by the gazettal of the SLEP, 2012. In summary, the proposed development is considered generally satisfactory with regard to DCP 20, and a full assessment is provided in the table below:

Section	Development Control	Required	Proposed	Compliance
2.2	Built form/footprint	Proposal to conform to the building footprint shown in figure 9.	The building footprint accords with the consolidation requirements of the SLEP 2012 and recommended by Council throughout the extensive Pre-Lodgement discussions.	Not applicable.
	Land Consolidation	Proposal to conform to the consolidation pattern identified in figure 12.	Conforms with the consolidation pattern of SLEP 2012 to achieve Key Site 91.	Not applicable.
2.3	Building Height	Proposal to conform to building height identified in figure 12, which requires max. 3 storeys.	Height is determined by SLEP 2012.	Not applicable.
	Minimum Unit Sizes	Proposal to comply to the following min. unit sizes:  1 bed – 70m <sup>2</sup> 2 bed - 85m <sup>2</sup> 3 bed – 100m <sup>2</sup>	53m <sup>2</sup> -63m <sup>2</sup> 73m <sup>2</sup> -98m <sup>2</sup> 95m <sup>2</sup> -111m <sup>2</sup>	No, however SEPP 65 compliant which is the accepted standard.

Section	Development Control	Required	Proposed	Compliance
2.5	Roof Form	Lift and service plant concealed within roof structure.	Lift service structure predominantly concealed within the roof or architectural roof features.	Yes.
		Provide an interesting skyline and enhance views from adjoining developments.	Podium levels provided with pergolas over common open space which enhance skyline. Tower elements take a slender appearance and are provided with non-trafficable flat roofs.	Yes.
	Attic Space	Permitted only for storage purposes without dormer windows.	N/A	N/A
2.6	Façade Composition	Entrance should be distinguishable in the façade.	Pedestrian entries from George Street and Parramatta Road are easily distinguishable and safe.	Yes.
		Facades should maintain a human scale to the street by incorporating appropriate architectural features.	Human scale achieved and the podium level is well articulated.	Yes.
		Materials and finishes should blend together with min. 30% to incorporate face brickwork.	Materials and finishes are modern and align with Council's desired future character of development within the Parramatta Road precinct.	Yes.
		Consider the use of glass in facades on northern and western elevations in terms of glare impacts.	Use of glazing will not provide unacceptable impact of glare.	Yes.
2.8	Visual and Acoustic Privacy	Visual privacy to be provided by separation or screening.	Balconies are sufficiently separated from current and likely future development on adjoining sites. All balconies are orientated to overlook either common open space or the public domain.	Yes.
		Main living areas oriented to the street or	Main living areas are appropriately located	Yes.



Section	Development Control	Required	Proposed	Compliance
		rear garden to prevent overlooking.	to encourage passive surveillance of the public domain and common open space within the site.	
		Acoustic privacy must be considered in relation to proposal and surrounding environment.	The application was accompanied by an acoustic report assessing the impact of road noise on the proposal. This report concludes that an acceptable level of amenity will be provided to residents.	Yes, subject to conditions of consent enforcing compliance with building methodology recommendations within the Acoustic Report.
		Buildings designed and sited to minimize transmission of noise to adjoining developments.	The design will not transmit an unreasonable level of noise to likely future adjoining developments.	Yes.
		Developments adjoining major road or railway line to consider potential noise impacts.	As indicated above, the proposal has considered the potential noise impacts of the nearby road and is acceptable.	Yes.
		Utilise noise barrier planning techniques – refer figure 23.	See comments above.	Yes.
		Shared pedestrian entries shall be capable of being locked and serve a limited number of dwellings	Shared secured entrances are proposed.	Yes.
		Casual surveillance maintained of public streets and spaces with at least one habitable room window facing that area.	Development has been designed with balconies overlooking the street and the common open space.	Yes
2.9	Private Open Space	Proposal to provide 35% deep soil landscape area on the site.	No deep soil planting area provided within the site due to the extent of basement excavation.	No, however the development complies with Council's Green Amenity Factor requirements. Refer to discussion below.
		Retain and protect existing significant trees.	No significant trees within the subject site.	Yes.
		Each contiguous	Proposal includes an	Yes.

Section	Development Control	Required	Proposed	Compliance
		landscape area shall provide large trees.	innovative landscape design which incorporates a number of common open space areas for passive and active recreation.	
		Trees and pergolas to shade external areas and control sunlight into buildings.	Screen plantings, trees and pergola structures incorporated into the landscape design.	Yes.
		Proposal to provide common open space to the following dimensions:  10% of site or 100m <sup>2</sup> (whichever is greater);  Positioned to receive sunlight, be conveniently located for residents with good opportunities for passive surveillance and contain durable children's play equipment;	Common open space within the development equates to 33% (3,430m <sup>2</sup> ) of the total site area.  Westerly facing sundeck and podium levels (rooftop of building 3 and 5) will have good solar access during the middle of the day and into the afternoon whilst the eastern facing passive recreation area will provide shade in the summer months.	Yes.  Yes.
		Located behind front setback.	Common open space at ground level is located behind the building line and at rooftop level.	Yes.
	Balconies	Dwellings without ground level open space shall have balconies to the following requirements: <ul style="list-style-type: none"> <li>12m<sup>2</sup> and</li> <li>Min. dimension of 2.0m;</li> </ul> Located off living areas and with good solar access; and	All balconies are compliant with SEPP 65 minimum requirements, including 2.0m balcony depth and sufficient area for table/chairs.  All units are provided with a private balcony accessible off living	Yes – compliant with SEPP 65, the overriding control and accepted standard.  Yes.

Section	Development Control	Required	Proposed	Compliance
		Balustrades designed to provide privacy and conceal service areas whilst allowing passive surveillance.	areas.  Variety of finishes to balustrades include aluminium cladding, glass and solid render to provide both passive surveillance and privacy.	Yes.
		Achieve required BASIX rating.	BASIX certification provided – all targets met or exceeded.	Yes.
	Solar Access	Main living and 50% of POS receive min. 3 hours solar access.	Solar access expertly certified. Minimum 2 hours achieved to living areas and balconies to 66% of units.	Reduced solar access is considered acceptable given the urban nature of the site.
2.10.2		Min. 3 hours solar access maintained to habitable rooms and POS of adjoining development.	The applicant has demonstrated that a SEPP 65 complying scheme is able to be provided for the southern adjoining site whereby a suitable level of solar access is provided to future residents.	Yes.
	Stormwater, Sewerage and Drainage	Site to be adequately serviced by stormwater, sewerage and drainage in accordance with Council's Stormwater Management Code.	Stormwater plans submitted.	Yes.
2.11	Disabled Access	One main entrance barrier free and accessible.	All entries are barrier free and accessible.	Yes.
2.12	Vehicle Access and Car Parking	Access to public areas should be convenient and without barriers.	Barrier free access to all areas of common open space.	Yes.
		Adequate and convenient amenities for people with mobility accessibility.	Disabled access provided throughout, with generous communal areas and wide corridors.	Yes.
		Accessible parking provided with access to units above provided.	(67) accessible parking spaces provided for the adaptable units (50 spaces) and visitors (17 spaces).	Yes.
		15% of units designed to	15% (65) units are	Yes.

Section	Development Control	Required	Proposed	Compliance
		allow occupation by older people and people with disabilities.	adaptable and certified to meet AS4299 – Adaptable Housing.	
		Car parking to be provided on the following basis:  Up to 2 bed – 1 space <b>(404) spaces required</b>  3 or more bed – 1.5 space <b>(39) spaces required</b>  <b>Total (443) residential spaces required</b>	(448) residential spaces provided	Yes, however four (4) of the additional spaces are to be designated as car wash bays by way of condition of consent.
		Visitor – 1 space per 5 units <b>(86) spaces required</b>	(86) visitor spaces provided.	Yes.
		Bicycle parking facilities should be provided.	Each unit is designated a storage cage capable of accommodating a bicycle.	Yes.
2.13	Site Facilities and Services	Comply with driveway ramp gradient and dimension requirements.	Driveway entry and exit points certified to comply with the relevant Australian Standards.	Yes.
		Garbage – refer to requirements of Part H of SCDCP 2005.	The proposal incorporates two (2) loading dock areas which provide sufficient clearance for the on-site collection of waste by Council/Council's contractor.	Yes.
2.14		Electricity and telecommunication supplies shall be undergrounded.	Electrical supplies to be ABC bundled, where applicable.	Yes, subject to imposition of condition.
	Excavation	Letterbox provision	Letter boxes provided within the common	Yes.



Section	Development Control	Required	Proposed	Compliance
			entry to the development.	
		Master TV antenna provided.	No details provided.	No, however condition will be imposed to enforce compliance.
		Clothes drying facilities provided.	No detail.	Condition will be imposed to ensure fixed racks on balconies are not visible from public places.
		Comply with BCA	To be enforced by condition of consent.	Yes, by way of condition of consent.
2.16		Dilapidation report for all adjoining development.	No details provided.	Dilapidation report will be required to be prepared prior to CC. Compliance will be enforced by way of condition of consent.

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

The proposal includes a loading dock/service area on the ground floor of each building which provides sufficient area for the storage and collection of waste and a truck manoeuvring zone. These areas will enable commercial and residential waste to be collected from within the property with minimal disruption to residential traffic movements and local traffic on surrounding roads.

These loading areas will be acceptable for furniture delivery/removals and daily loading/unloading of deliveries to ground floor commercial tenancies.

The proposal includes sufficient area for the storage of bins awaiting collection and will also include provision for connection to Council's future proposed Automatic Waste Collection System (AWCS), subject to the inclusion of conditions of consent in order to satisfy the requirements of Council's Interim Planning Policy – Green Amenity Factor.

#### **Part N of the Strathfield Consolidated Development Control Plan (DCP) 2005 – Water Sensitive Urban Design (WSUD)**

The assessment of stormwater treatment measures has been undertaken by Council's Development Engineer who has advised that the proposed development complies with Part N – Water Sensitive Urban Design of Strathfield Development Control Plan 2005.

Subject to conditions of consent, the concept is satisfactory and will contribute to improved water quality within the local catchment.

**Interim Planning Policy – Green amenity Factor**

The Green Amenity Factor has been developed to improve the provision of landscaped and open space in new residential flat and mixed use development. It is a point based system that evaluates the quantity and quality of the landscaped amenity areas to be provided in a new development and moves away from the traditional numeric provision of landscaped area.

The Green Amenity Factor aims to encourage the provision of a variety of usable open spaces for recreation, social and biodiversity purposes with a high level of amenity for people of all ages and life stages. These may include quiet resting spaces, play areas for children, BBQ and social spaces to gather and meet as well as communal food growing areas.

The Green Amenity Factor assessment requires the calculation of a primary and secondary factor. A primary factor is applied to all areas including ground floor open space, podiums, rooftops and balconies. This provides a quantitative measure of open space provided in a development. A secondary factor which measures the quality of the design, amenity and use of these primary factor areas is then applied. There is some degree of flexibility in the application of secondary factors based on the use of the areas proposed, type of planting and provision of facilities. The Green Amenity Factor measures the quantity and quality of the landscaped amenity areas to be provided in a new development requiring a minimum 75% to be achieved through the use of primary and secondary factors at the rate of two (2) out of three (3) (or 66%) that apply to each of the objective areas.

The proposed development achieves a Green Amenity Factor of 75.54%, which satisfies the minimum 75% requirement, however fails to achieve at least two out of three of the factors that apply to each objective area being water management, biodiversity, social values and climate adaptation. The Applicant has argued that this is due to the constraints of the site, such as the fact that the site has little opportunity for deep soil planting and no existing established trees, which would result in additional GAF points.

Despite not utilising two (2) out of three (3) factors that apply to each of the objective areas, the development still achieves the minimum 75% requirement, achieving an overall Green Amenity Factor rating of 75.54%. The proposal is considered to be consistent with the intent of the Green Amenity factor Interim Policy to improve the provision of a variety of useable landscaped and open space areas for recreation by providing areas with a high level of amenity for people of all ages and life stages.

**(iia) Planning Agreements (or draft agreements):**

The proposed development is subject to a planning agreement pursuant to Section 93F of the Environmental Planning and Assessment Act 1979.

In addition to the payment of Direct Development Contributions under the Strathfield Direct Development Contributions Plan 2010-2030, the applicant has entered into a draft Voluntary Planning Agreement (VPA) with Council for Development Contributions comprising the following:

- Embellishment of the Regional Open Space Land (20 Parramatta Road) and dedication to Council;
- The construction of an extension to George Street and Parramatta Road and dedication to Council; and
- Embellishment of the Adjoining Lot (20A Parramatta Road) in accordance with the Planning Agreement (Adjoining Lot Works).

Reference was made to the VPA within the public notification of the subject application, however due to the amendments which have been undertaken to the VPA during the assessment of the application the VPA will need to be re-exhibited and ultimately be endorsed by Council should the application be approved.

A condition of consent has been recommended requiring the re-exhibition and adoption of this VPA prior to the commencement of construction works for the above ground portion of the development. In discussion with the Applicant, it has been requested that the condition be timed in this way in order to permit the relocation of services and commencement of basement construction whilst the exhibition and final adoption of the VPA is undertaken.

**(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) and does not involve the demolition of a building for the purposes of Australian Standard (AS) 2601 – 1991: The Demolition of Structures.

Demolition of the existing structures within the site was previously approved by Council on 12 March 2014 under DA2014/021 and DA2014/022 and is currently underway.

**(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 in 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*.

Although Council is not subject to a coastal zone management plan, the sea level rise planning benchmarks have also been established in order to assess the likely increase in the frequency, duration and height of flooding and as a consequence likely property and infrastructure damage on affected and potentially affected land. Council is therefore required to consider the impact of sea level rise and resultant flooding from Powell's Creek and Cook's River which are tributaries of Sydney Harbour (Parramatta River) and Botany Bay respectively.

The proposed development is located on a site that is affected by the existing 1 in 100 year flood event or is likely to be as a result of the planning benchmarks for sea level rise mentioned above. Accordingly, the proposed development has been assessed against the relevant provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

The proposal has been accompanied by HEC-RAS hydraulic modelling demonstrating that the development will have a negligible impact on the 1% AEP flood levels as the pre and post development flood levels within the catchment will only change by 10mm. Through the HEC-RAS modelling, it has been demonstrated that the modified levels are within the tolerance permitted by the NSW Floodplain Manual and Council's Stormwater Management Code.

The Flood Study prepared for the development has also recommended freeboard levels for the flood affected portion of the site which is adjacent to Powell's Creek. Due to the variable flood level along this frontage, the Flood Study recommends that the freeboard requirement adopt the highest flood level (RL5.46AHD) in order to ensure that the portion of the building fronting Powell's Creek achieves the minimum freeboard requirement throughout.

Accordingly, in order to satisfy the 500mm freeboard requirement for the habitable portions of the development, a finished floor level of RL6.0AHD has been adopted. This is marginally higher than the RL5.96AHD finished floor level (FFL) requirement of Council's Stormwater Management Code and the NSW Floodplain Management Manual and is acceptable. It is further noted that in order to ensure the basement is not inundated by flood water during a storm event, the Flood Study has also recommended a crest of RL5.90AHD be provided to the basement ramp below building 3, being a freeboard of 304mm above the highest flood level applicable to the site.

Overall, it is considered that the proposal has been suitably designed in order to minimise changes to the existing flood extent and 1% AEP flood levels within the Powell's Creek catchment.

**(b) Likely Impacts:**

The proposed variation to the bulk, height and scale permitted under Council's LEP has been discussed in detail throughout this report. It is considered that the proposal will provide a good outcome for the mixed use redevelopment of this underutilised site within the Parramatta Road Corridor and that the variations to Council's controls are acceptable. Whilst the development seeks to vary Council's FSR and height controls which are applicable to the site, the proposal will not result in significant additional



impacts on adjoining properties or residential amenity within the subject site or on the adjoining existing and likely future residential developments.

### **Amenity**

In respect to amenity, the proposal will provide a satisfactory level of solar access and natural ventilation to dwellings within the development. The proposal has been designed with generous sized balconies, exceeding the RFDC recommendations and excellent areas of common open space including a westerly facing pool and sundeck, rooftop gymnasium, indoor gymnasium, eastern passive recreation area including water features, a communal BBQ area and a communal vegetable garden. The proposed plantings to these areas have been well considered in order to ensure they are suitable for the orientation of each common area and its intended use.

The proposal will result in at least 2 hours of solar access to living rooms and balconies of approximately 66% (283) of units, a departure from the minimum guideline of the RFDC which suggests that 70% (301) of units should achieve at least 3 hours of solar access during mid-winter. The RFDC suggests that this guideline may be varied on higher density sites where solar access may be difficult. Given the excellent solar access which each of the common open spaces will have throughout the day and the overall density of the development, the variation to the rule of thumb guideline is justified.

The proposal also provides a relatively high proportion of units 19% (or 83 units) with a southern, south-easterly or south-westerly aspect, contrary to the guideline of 10% (or 43 units) provided within the RFDC. The orientation of the units results from the built-form suggestions made by Council throughout the extensive Pre-Lodgement discussions with the applicant, which have resulted in the two (2) “U” shaped blocks, comprising six (6) buildings and consisting of street wall and tower components.

The acoustic amenity of future residents within the development has also been considered and addressed in accordance with the requirements of the I SEPP above. Subject to the imposition of conditions of consent to ensure the development is constructed in accordance with the recommendations of this acoustic report, and tested at the completion of works, an acceptable level of internal acoustic amenity will be achieved.

### **Overshadowing**

The proposed development has been accompanied by detailed solar analysis in order to demonstrate that the proposal, and particularly the variation to Council’s Development Standards under the SLEP 2012, will not significantly impact the solar access of adjoining properties.

An existing residential tower is located south-west of the site at 12-16 Station Street and Council is in receipt of a number of objections relating to solar access and overshadowing. As demonstrated in the elevation shadow analysis below, the proposed development will only overshadow the existing residential flat building at 12-16 Station Street (an indication of the mass of which is shown in grey) prior to about

10am during mid-winter. This adjoining residential flat building will otherwise receive the same level of solar access as currently exists and therefore, it has been demonstrated that the additional height proposed by the subject application will not compromise the solar access of adjoining residents.

The Applicant has also submitted schematic plans for the redevelopment of the R4 – High Density zoned allotment identified as 11-17 Columbia Lane, Homebush which is located to the south of the subject site. Due to the orientation of the site, the proposed development casts a shadow toward this site throughout the day with the site predominantly overshadowed from about 11am.

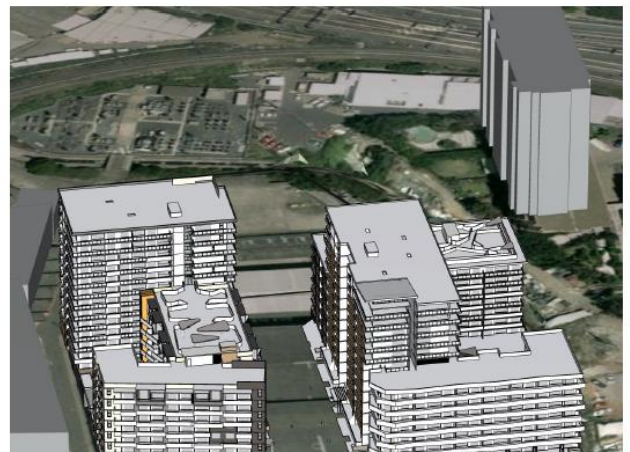
As it is anticipated that this site will be redeveloped in the future in accordance with its R4 High Density Residential zoning, the applicant has submitted a schematic proposal for the site which demonstrates that two (2) hours solar access is able to be provided to 70% of units, whilst maximising the height and FSR which are applicable under the SLEP 2012. Based on this schematic proposal, it is considered that the proposed variation to Council's bulk and scale controls is able to be accommodated within the site without compromising the ability of the adjoining site to achieve SEPP 65 compliance and be redeveloped in the future.



9am

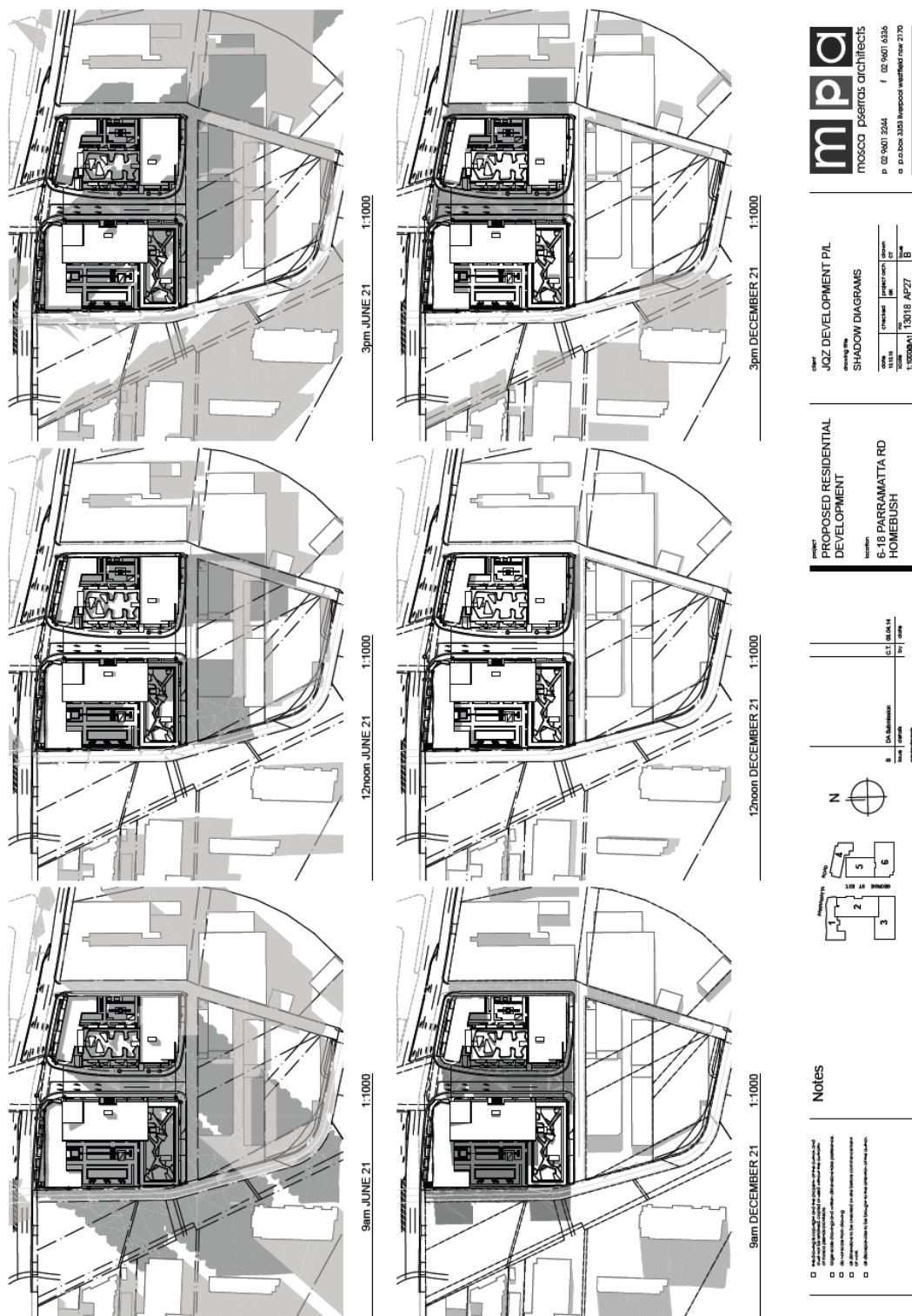


9:30am



**IMAGE 8:** Solar access analysis of the proposed development following the movement of the sun on June 21 in order to demonstrate that the proposal will only impact the solar access of the nearby residential flat building at 12-16 Station Street until about 10am.

Note: The angle of the image represents the angle of the sun in each frame. That is, the portion of the adjoining grey building bulk which is concealed by the proposed development is not receiving direct sunlight at the time of day represented.



**IMAGE 9:** Shadow diagrams submitted with the subject application demonstrating that the shadow cast by the development is predominately over the proposed park and the additional extension to George Street.



## **Site Design**

The layout and design of the proposal is the result of an extensive period of consultation between Council and the Applicant which occurred over a period of 12 months prior to the lodgement of the subject development application. The proposal aligns with Council's anticipated future development controls for the Parramatta Road Corridor and whilst a variation is sought from the development standards of the SLEP, it has been demonstrated that the additional building bulk and height is able to be accommodated within the site with minimal impact on existing residential development which is located within close proximity of the site or the development potential of the adjoining property.

Cosmetic changes to the proposal have been discussed during the assessment of the application primarily relating to the finishes of the building and colour scheme in order to modulate the building bulk and provide an acceptable scale. The final colour scheme is demonstrated in the image below.



**IMAGE 10:** Architectural render of the proposed development looking west from the George Street extension.

As previously noted, the proposal includes floor-to-ceiling and balustrade-to-ceiling glass louvers which have been incorporated into approximately 230 balconies in the development in order to create 'winter gardens'. A condition of consent has been recommended requiring these louvered panels to be deleted and these areas returned to conventional balconies, as the definition of Gross Floor Area (GFA) under the SLEP 2012 would require these areas to be included in the calculations for the site, further increasing the FSR by a substantial amount.

Aside from this minor matter, the proposal is considered to present a good outcome for the redevelopment of the site which is consistent with the extensive Pre-Lodgement discussions and which will provide future residents with a good level of amenity within



close proximity to multi-modal transport options, existing retail and dining options, established road infrastructure, local community services and public open space.

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

The proposed development is consistent with the extensive discussions held between the Applicant and Council prior to the lodgement of the Development Application and will result in the redevelopment of an otherwise underutilised site. The development will address Parramatta Road and will provide an additional public road through the George Street extension to improve traffic circulation through the subject site and the future adjoining development sites. The proposal also incorporates public domain upgrades which will improve the pedestrian experience on streets surrounding the development, to benefit the safety and security of future residents and the public.

The proposed development has appropriately considered the constraints and opportunities of this unique site and will provide an iconic development which is consistent with Council's desired future character for the mixed use Parramatta Road precinct. Therefore, the proposal is considered suitable for the subject site.

**(d) Submissions:**

The application and plans were notified in accordance with Part L of the Strathfield Consolidated DCP 2005 from 6 May 2014 to 5 June 2014. Six (6) written submissions were received raising the following concerns:

**1. Inconsistent with Part 3A Approval**

Concern has been raised regarding the proposal being inconsistent with the Part 3A Concept Plan previously approved for the subject site and neighbouring properties (MP10-0143) and suggestion made that consent cannot be granted.

In support of their application, the applicant has provided Council with legal advice from Senior Counsel which confirms that the proposal, which only relates to a portion of the major project site and is a separate and different application, is able to be determined on its merits, without consideration of the Part 3A approval previously granted or the provisions of Clause 3B of Schedule 6A of the Environmental Planning and Assessment Act, as they relate to concept plan approvals and the modification thereof.

Given the nature of the concern raised, Council also commissioned Senior Counsel to review the Part 3A matter so as to obtain its own advice independent of the applicant. The advice subsequently provided to Council reaffirms the applicant's view and goes further to advise that the Joint Regional Planning Panel is in a position to determine the subject Development Application separately from the Concept Plan approval.

**2. Legality of Clause 4.6 Objection**

An objector has also raised concern with the legality of the Clause 4.6 Objection which was submitted by the Applicant in support of the proposed development. The Clause 4.6 Objection seeks a 24% variation from the applicable Floor Space Ratio (FSR) and

46% variation from the Height of Building development standards which are applicable to the site under the SLEP 2012 as discussed throughout this report.

The application and suitability of Clause 4.6 for variations of the scale proposed were also put to Council's legal advisor and it has been confirmed that the variations are able to be supported subject to the submission of proper justification pursuant to Clause 4.6 of the SLEP 2012. The advice provided by Senior Counsel confirms that Clause 4.6 of the SLEP 2012 does not limit the permitted numeric variation of development standards. As discussed throughout this report, the Clause 4.6 Objection prepared by the Applicant is considered well-founded and the variations to Council's FSR and Height of Building development standards are therefore reasonable and acceptable to Council.

### **3. Height and Overshadowing**

As discussed in detail throughout this report, the considerable separation of the proposed development from the residential development at 12-16 Station Street (approximately 40m) accompanied by the orientation of the site will not considerably compromise the solar access of the adjoining development.

### **4. Overlooking**

The subject site is substantially separated from residential development on nearby sites. The separation of distance ensures that opportunities for direct overlooking will not be created as a result of the proposed development.

### **5. Safety and Security**

The pedestrian pathway through the development at 12-16 Station Street was thought to be established at the time of approval of the redevelopment of that site in order to improve pedestrian permeability throughout the precinct and connectivity between Homebush Station and future development sites where residential/mixed use development was anticipated. This pathway is a registered easement in favour of Council and the opening/use of this easement will be subject to separate discussions between Council and the grantor of the easement.

### **6. Parking and Traffic Impact**

The proposed development has been considered by the Roads and Maritime Services (RMS) in accordance with the SEPP (Infrastructure) 2007. The proposal will appropriately manage traffic movements through the George Street extension and will upgrade the signalised intersection to Parramatta Road in accordance with requirements of the RMS. The proposal satisfies Council's parking rates which are applicable to the commercial and residential components of the development, which accompanied by the proximity of the site to multi-modal public transportation options, will lessen the demand for on-street parking.

### **7. Heritage Impact**

The objector suggests that Council should consider the heritage qualities pertaining to the previous uses of the site by EMI Records and HMV. The subject site is not identified under the Strathfield Local Environmental Plan 2012 as having physical or cultural heritage values warranting protection under the Local Heritage provisions of the SLEP 2012.

#### **8. Construction Impacts**

Short-term construction impacts associated with the proposed development will be suitably managed through the imposition of standard conditions of consent.

#### **9. Internal Acoustic Amenity**

The proposed development has been accompanied by an Acoustic Assessment in accordance with the provisions of the Infrastructure SEPP 2007 which demonstrates that an acceptable level of acoustic amenity will be provided to the residential units within the development.

Compliance with the requirements of the Infrastructure SEPP 2007 and the recommendations of the Acoustic Assessment will be enforced by way of conditions of consent.

#### **(e) Public Interest:**

The proposed development presents an acceptable outcome for the mixed use redevelopment of the subject site. The proposal accords with the guidance provided by Council through the extensive Pre-lodgement discussions in relation to the built form, urban design aesthetic and overall bulk and scale. Whilst the development seeks to vary Council's development standards which are applicable under the SLEP 2012, the site is capable of accommodating the additional density without impacting adjoining properties and will provide future residents with a good level of amenity.

The proposal also includes a Voluntary Planning Agreement for embellishment works and dedication of an adjoining site for its use as a public park and the extension and dedication of George Street. These works will provide a direct public benefit for both residents of the subject site and adjoining sites as well as visitors to the Parramatta Road precinct.

The proposal is considered to represent a good outcome for the subject site and therefore approval of the subject application would not be contrary to the public interest.

### **INTEGRATED DEVELOPMENT**

There are no approvals required by other authorities pursuant to the Integrated Development provisions, of the Environmental Planning and Assessment Act, 1979.

### **INTERNAL REFERRALS**

The application was forwarded to Council's Building Surveyor, Traffic Engineer, Tree Coordinator, Strategic Planning Officer, Drainage Engineer and Development Engineer for comment. Referral comments were received and recommended conditions have been included below.

Council's Drainage Engineer noted a non-compliance with the Strathfield Stormwater Management Code which requires the development to be setback three (3) metres from the Powell's Creek concrete channel in order to provide a path for overland flow. Nonetheless, the one (1) metre setback of the development from Powell's Creek has been accepted by Sydney Water and the application has been accompanied by detailed Flood Modelling in order to demonstrate that the proposal will only have a marginal (10mm) impact on the 1% AEP flood levels within the catchment, which satisfies the guidelines of the NSW Floodplain Management Manual and only minor alteration to the local flood extent due to the location of existing buildings on the subject site.

Therefore, through the submission of detailed flood modelling, the variation to Council's setback requirement has been justified.

## **CONCLUSION**

The proposed development is permissible in the subject zoning and is consistent with the relevant objectives of the Strathfield Local Environmental Plan 2012 which seek to encourage a mix of commercial and residential land uses within the Parramatta Road corridor.

Overall, the proposed development presents a mixed use development of good architectural merit which will positively contribute to the vibrant mixed use Parramatta Road precinct and which will provide a good level of amenity for future residents within close proximity of the Strathfield Town Centre and Homebush Railway Station.

As discussed in detail throughout this report, the proposal accords with the relevant statutory provisions under SEPP 55, SEPP 65, SEPP (Infrastructure), SEPP (BASIX), Council's Development Control Plan and Interim Planning Policies. The variation to Council's FSR and Height of Building development standards is considered substantiated and well-founded through the submission of a Clause 4.6 Objection. The development presents a unique opportunity for the consolidation and development of an underutilised site at the entry to the Parramatta Road precinct and therefore is recommended for approval.

## **RECOMMENDATION**

That DA2014/066 for site remediation works, construction of an extension to George Street and dedication of the road to Council, boundary re-alignment and road widening works to Parramatta Road and the construction of a mixed use development comprising basement parking for (568) vehicles, ground level commercial floor space fronting Parramatta Road with (430) residential apartments above comprising (132) x 1 bedroom, (272) x 2 bedroom and (26) x 3 bedroom apartments across six (6) buildings with heights ranging between eight (8) and fourteen (14) storeys and consolidation and stratum subdivision of the site at 6-18 Parramatta Road, Homebush be APPROVED subject to the following conditions:

## **CONDITIONS OF CONSENT**

## **Plans**

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

Site Plan Dwg No. AP03 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Basement 2 Plan Dwg No. AP04 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Basement 1 Plan Dwg No. AP05 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Ground Floor Plan Dwg No. AP06 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Level 1 Floor Plan Dwg No. AP07 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Level 2 Floor Plan Dwg No. AP08 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Level 3 Floor Plan Dwg No. AP09 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Level 4 Floor Plan Dwg No. AP10 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Level 5 Floor Plan Dwg No. AP11 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Level 6 Floor Plan Dwg No. AP12 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Level 7 Floor Plan Dwg No. AP13 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Level 8 Floor Plan Dwg No. AP14 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Level 9 Floor Plan Dwg No. AP15 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Level 10 Floor Plan Dwg No. AP16 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.



Level 11 Floor Plan Dwg No. AP17 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Level 12 Floor Plan Dwg No. AP18 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Level 13 Floor Plan Dwg No. AP19 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Roof Plan Dwg No. AP20 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Elevations Sheet 1 Dwg No. AP21 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Elevations Sheet 2 Dwg No. AP22 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Elevations Sheet 3 Dwg No. AP23 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Sections Sheet 1 Dwg No. AP24 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Sections Sheet 2 Dwg No. AP25 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Adaptable Unit Details Dwg No. AP26 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

3D Views Sheet 1 Dwg No. AP29 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

3D Views Sheet 2 Dwg No. AP30 Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Road Dedication / Easement Dwg No. RD/E Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Sediment and Erosion Control Plan Dwg No. C01.01 Job No. 13487 prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Public Domain (Ground Level) Dwg No. DA 6 Ref S13-0105 Issue D prepared by Clouston Associates received by Council on 24 April 2014.

Sections Dwg No. DA 7 Ref S13-0105 Issue D prepared by Clouston Associates received by Council on 24 April 2014.

Western Courtyard (Level 1) Dwg No. DA 9 Ref S13-0105 Issue D prepared by Clouston Associates received by Council on 24 April 2014.

Visualisation - Western Courtyard (Level 1) Dwg No. DA 10 Ref S13-0105 Issue D prepared by Clouston Associates received by Council on 24 April 2014.

Eastern Courtyard (Level 1) Dwg No. DA 11 Ref S13-0105 Issue D prepared by Clouston Associates received by Council on 24 April 2014.

Visualisation - Eastern Courtyard (Level 1) Dwg No. DA 12 Ref S13-0105 Issue D prepared by Clouston Associates received by Council on 24 April 2014.

Western Roof Garden (Level 8) Dwg No. DA 13 Ref S13-0105 Issue D prepared by Clouston Associates received by Council on 24 April 2014.

Visualisation - Western Roof Garden (Level 8) Dwg No. DA 14 Ref S13-0105 Issue D prepared by Clouston Associates received by Council on 24 April 2014.

Eastern Roof Garden (Level 8) Dwg No. DA 15 Ref S13-0105 Issue D prepared by Clouston Associates received by Council on 24 April 2014.

Visualisation – Eastern Roof Garden (Level 8) Dwg No. DA 16 Ref S13-0105 Issue D prepared by Clouston Associates received by Council on 24 April 2014.

Planting Schedule Dwg No. DA 17 Ref S13-0105 Issue D prepared by Clouston Associates received by Council on 24 April 2014.

Selected Planting Character Images Dwg No. DA 18 Ref S13-0105 Issue D prepared by Clouston Associates received by Council on 24 April 2014.

Typical Details 1 Dwg No. DA 19 Ref S13-0105 Issue D prepared by Clouston Associates received by Council on 24 April 2014.

Typical Details 2 Dwg No. DA 20 Ref S13-0105 Issue D prepared by Clouston Associates received by Council on 24 April 2014.

Indicative Landscape Maintenance Dwg No. DA 21 Ref S13-0105 Issue D prepared by Clouston Associates received by Council on 24 April 2014.

Green Amenity Factors Dwg No. DA 22 Ref S13-0105 Issue D prepared by Clouston Associates received by Council on 24 April 2014.

Rooftop 4 Dwg No. DA 25 Ref S13-0105 Issue A prepared by Clouston Associates received by Council on 28 August 2014.

Stormwater Management Plan Report No. R01119-SMP Revision A prepared by C&M Consulting Engineers Pty Ltd received by Council on 24 April 2014.

BASIX Certificate No. 535733M\_02 issued 22 April 2014 prepared by GAT and Associates received by Council on 24 April 2014.

Geotechnical Investigation Report No. 1150-A prepared by Asset Geotechnical Engineering Pty Ltd received by Council on 24 April 2014.

Further Site Investigation Report No. 14/0245 Project No. 19543/3951C prepared by SMEC Testing Services Pty Ltd received by Council on 24 April 2014.

Proposed Subdivision Plan Dwg No. RD/E Job No. 13018 Issue B prepared by Mosca Pserras Architects received by Council on 24 April 2014.

Civil Works Cover Sheet No. 0100 Project No. 326527 Revision P1 prepared by Mott MacDonald received by Council on 24 April 2014.

Notes and Legends Dwg No. MMD-326527-C-DR-00-XX-0105 Revision P1 prepared by Mott MacDonald received by Council on 24 April 2014.

General Arrangement Plan Dwg No. MMD-326527-C-DR-00-XX-0110 Revision P1 prepared by Mott MacDonald received by Council on 24 April 2014.

Pavement and Grading Plan Sheet 2 Dwg No. MMD-326527-C-DR-00-XX-0120 Revision P1 prepared by Mott MacDonald received by Council on 24 April 2014.

Pavement and Grading Plan Sheet 1 Dwg No. MMD-326527-C-DR-00-XX-0121 Revision P1 prepared by Mott MacDonald received by Council on 24 April 2014.

Pavement and Grading Plan Sheet 3 Dwg No. MMD-326527-C-DR-00-XX-0122 Revision P1 prepared by Mott MacDonald received by Council on 24 April 2014.

Pavement and Site works Details Sheet 1 Dwg No. MMD-326527-C-DR-00-XX-0125 Revision P1 prepared by Mott MacDonald received by Council on 24 April 2014.

Pavement and Site works Details Sheet 2 Dwg No. MMD-326527-C-DR-00-XX-0126 Revision P1 prepared by Mott MacDonald received by Council on 24 April 2014.

Kerb Return Plan Sheet 1 Dwg No. MMD-326527-C-DR-00-XX-0130 Revision P1 prepared by Mott MacDonald received by Council on 24 April 2014.

Kerb Return Plan Sheet 2 Dwg No. MMD-326527-C-DR-00-XX-0131 Revision P1 prepared by Mott MacDonald received by Council on 24 April 2014.

Kerb Return Plan Sheet 3 Dwg No. MMD-326527-C-DR-00-XX-0132 Revision P1 prepared by Mott MacDonald received by Council on 24 April 2014.

Kerb Return Plan Sheet 4 Dwg No. MMD-326527-C-DR-00-XX-0133 Revision P1 prepared by Mott MacDonald received by Council on 24 April 2014.

Long Sections Sheet 1 Dwg No. MMD-326527-C-DR-00-XX-0150 Revision P1 prepared by Mott MacDonald received by Council on 24 April 2014.

Long Sections Sheet 2 Dwg No. MMD-326527-C-DR-00-XX-0151 Revision P1 prepared by Mott MacDonald received by Council on 24 April 2014.

George Street Road Extension Section Through Roadway Dwg No. 01119\_201 Revision 02 prepared by C&M Consulting Engineers received by Council on 13 October 2014.

Section Through Proposed Road Dwg No. SK01 Job No. 13487 Revision A prepared by ABC Consultants received by Council on 13 October 2014.

Flooding Assessment Report No. R01119-F Revision A prepared by C&M Consulting Engineers Pty Ltd received by Council on 24 April 2014.

2. A Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction associated with this consent.
3. The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.
4. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

### **Special Conditions**

5. The finished floor level of the habitable areas of the ground floor level of Buildings 1, 2 and 3 shall be set at a minimum of RL6.0AHD in order to achieve the freeboard requirement recommended in the Flood Impact Assessment prepared by C & M Consulting Engineers and endorsed in Condition 1 above.
6. The basement entry ramp below Building 3 shall be provided with a driveway crest of RL5.90AHD in order to achieve the minimum freeboard requirement recommended in the Flood Impact Assessment prepared by C & M Consulting Engineers and endorsed in Condition 1 above.
7. All car spaces are to comply with Australian Standard AS 2890.1 "Parking Facilities: Off-Street Car Parking" and the provisions of AS/NZS 2890.6:2009 "Parking Facilities: Part 6: Off-Street parking for people with disabilities".
8. The internal and any external lighting (including the lighting of the George Street extension and associated pathways surrounding the development site) shall be provided such that there is no light spill beyond the boundary with any adjoining residential property in excess of 5 lux. nor cause excessive glare to the residential apartments of the site. Certification demonstrating compliance with this requirement

shall be provided to the Principal Certifying Authority **prior to the release of the Construction Certificate.**

9. Certification of the design of the development shall be provided to the Principal Certifying Authority from a suitably experienced and qualified accessibility expert prior to the release of the Construction Certificate. The certification shall confirm compliance of the design of the communal areas of the development and the adaptable apartments with the requirements of AS1428.
10. The glazed louvres of the “winter gardens” and any associated balcony doorways shall be deleted so that the balconies are of a conventional open form. Amended plans showing the deletion of the winter gardens shall be submitted to the Principal Certifying Authority **prior to the release of the Construction Certificate**
11. **Prior to the issue of an Occupation Certificate** all existing overhead electricity and telecommunication cabling adjacent to the development site shall be amalgamated into a single Aerial Bundle Cable (ABC) at the applicants’ expense in accordance with the specifications of AusGrid and the telecommunications supplier.
12. A separate development application shall be lodged with and approved by the Council for the fit-out and initial use of the ground floor commercial tenancies prior to any occupation or commencement of use.

#### **Voluntary Planning Agreement**

13. In accordance with the offer made by the applicant as held within the Voluntary Planning Agreement made by JQZ Four Pty Ltd and prepared by Kemp Strang Lawyers, the Planning Agreement will be entered into between the property owner/developer and Strathfield Council pursuant to Section 93F of the *Environment Planning and Assessment Act 1979* **prior to the issue of a Construction Certificate** for above ground works.

#### **Subdivision**

14. A further Development Application for the Strata Subdivision of the Stratum allotments is required to be submitted to Council.
15. The Stratum subdivision shall be in accordance with the endorsed subdivision plans, but subject to any variations as required by the conditions detailed herein.
16. A separate application must be made to Council or Principal Certifying Authority for the approval of the final Plan of Subdivision and issue of the Subdivision Certificate under Part 4A of the *Environmental Planning and Assessment Act 1979*.
17. Any documentary easements for services, stormwater drainage, support and shelter, fire egress, use of plant, use of lifts, use of garbage facilities and any other encumbrances and any covenants required for indemnities associated with the joint or reciprocal use of part or all of the proposed lots in the subdivision must be created pursuant to Section 88B of the *Conveyancing Act 1919*.



18. A documentary Easement for Support & Shelter is to be created over the parts of land described in the subdivision, pursuant to Section 88B of the Conveyancing Act 1919. The Easement is to be created appurtenant to Council, in terms granting lateral and subjacent structural support of the car park beneath the road to Council's satisfaction.
19. A documentary Positive Covenant is to be created in the subdivision, appurtenant to Council, in terms indemnifying Council against any claims and damages arising from structure of the car park building below and including terms considered appropriate to protect the interests of Council and those of the public.

Council is to be exclusively empowered with the right to release, vary or modify the above easement and covenant.

20. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained for the proposed development. Application must be made through an authorised Water Servicing Coordinator. For details see the Sydney Water website [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the "e-developer" icon, or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority **prior to the issue of a Subdivision Certificate or occupation of the development.**

21. The final plan of the subdivision shall not be issued until a survey certificate prepared by a registered surveyor is submitted to Council which shows the location of all buildings in relation to the property boundaries and confirming compliance with the development consent.
22. The approval of the relevant electricity supply authority shall be obtained for the supply of electricity to the site.
23. Accessible and functional bicycle storage shall be provided within the basement for use by residents and visitors to the site.

#### **General**

24. A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/Council-controlled areas. The permit must be retained on site at all times.
25. **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.
26. Storage of goods or the use of portable clotheslines on balconies visible from a public place is strictly prohibited.

27. 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.
28. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$20million and shall provide proof of such cover to Council prior to carrying out works.

#### **Financial Matters**

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

Provision of Community Facilities	\$412,271.80
Provision of Major Open Space	\$1,193,085.00
Provision of Local Open Space	\$477,113.40
Provision Roads and Traffic Management	\$2,453,966.00
Administration	\$45,486.60
<b>TOTAL</b>	<b>\$4,581,923.00</b>

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 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

30. A security payment of \$55,127.00 in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council **prior to the issue of a Construction Certificate**. The security payment is GST inclusive and comprises the following:

Refundable works bond	\$55,000.00
Non-refundable administration fee (\$127/bd)	\$127.00
<b>TOTAL</b>	<b>\$55,127.00</b>

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

- (a) road and stormwater drainage works in roadways and public areas;
- (b) connection to Council's stormwater drainage system;
- (c) installation and maintenance of sediment control measures for the duration of construction activities, and
- (d) Ensuring no damage occurs to or building debris/materials are left on Council land including footpath, nature strip, kerb and gutter. The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.

31. Fees are payable where Council is appointed as principal certifying authority to carry out the post-approval inspections. A quotation for the fees can be obtained by contacting Council and the fees shall be paid **prior to the carrying out of any of the inspections.**
32. 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**

33. A total of (568) off-street parking spaces, hard paved, line marked, labelled (excluding resident spaces) and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents	(444 including 50 accessible spaces)
Resident visitor	(86 including 17 accessible)
Resident wash bay	(4)
Commercial staff	(8)
Commercial visitor	(26)

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<b>TOTAL</b>	<b>(568)</b>
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These spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity. Plans demonstrating compliance with the allocated parking rates shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.**

34. No car parking spaces shall be exclusively used for storage purposes. Sufficient space must be maintained within all spaces to accommodate a sedan, utility vehicle or the like.
35. A sign shall be erected in a suitable location on the site advising that parking is available for visitors.
36. 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.
37. All vehicles entering and leaving the site shall be driven in a forward direction only.
38. All driveways shall be separated from any landscaped areas by a minimum 150mm high by 150mm wide concrete kerb or similar.

39. The vehicle spaces must not be enclosed with walls, other than as shown on the approved plans, or meshed security screens without the prior approval of Council.
40. Reconstruction of the footpath, kerb and gutter to Council's specifications for the full Parramatta Road frontage, new extension to George Street, Columbia Lane and unnamed rear Lane of the development site shall be undertaken at the completion of all building works and **prior to the issue of an Occupation Certificate**.
41. The car wash bays shall be drained in accordance with the requirements of Sydney Water.

Plans demonstrating compliance with this requirement must be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**. This information shall also form part of any future development application for the Strata Subdivision of the development.

42. Purpose built storage compartment(s) shall be provided to and within each of the resident car parking bays and/or associated dwellings at the following rate:
- 6m<sup>3</sup> for each one (1) bedroom unit.
  - 8m<sup>3</sup> for each two (2) bedroom unit.
  - 10m<sup>3</sup> for each three (3) bedroom unit.

Amended plans showing the location and configuration of each of the storage compartment(s) shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

43. Should Council impose restricted public parking in the vicinity of the development site Residents Preferential Parking permits will **not** be issued for this development.
44. The new George Street road shall be designed and built in accordance with Austroads – Guide to Road Design Part 3.
45. The owner must dedicate the new George Street road as a public road free of cost to Council, and limited in depth to the top of the proposed car park structure below the road. A drawing showing the road structure is to be detailed in a plan of subdivision. This plan is to be registered at the Land and Property Information Office prior to an Occupation Certificate being issued.
46. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

#### **Drainage/Stormwater**

47. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to the new kerb inlet pit on new roads via the onsite stormwater detention (OSD) tanks located within the new buildings and as depicted on the drainage plans prepared by **C&M Consulting Engineers Sheets No.**

**DA100, DA201, DA202, DA203, DA204, DA205, DA206, DA501, DA502 AND DA601 DATED 22.04.2014.**

48. Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the endorsed concept plans **AND** the requirements of Council's Stormwater Management Code.
49. 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.
50. Where a Private Certifier issues the Construction Certificate a copy must be provided to Council, **prior to the issue of a Construction Certificate.**
51. On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system. The storage system shall be designed in accordance with the endorsed concept stormwater plans **AND/OR** Council's Stormwater Management Code. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
52. **Prior to the issue of an Occupation Certificate/use of the building,** written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.
53. In addition, detailed works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to and approved by the Principal Certifying Authority. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels.
54. 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.**
55. For drainage works within public land or connecting to Council's stormwater drainage system the following inspections will be required:-
  - (a) After the excavation of pipeline trenches.
  - (b) After the laying of all pipes prior to backfilling.
  - (c) After the completion of all pits and connection points.



56. A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Engineering Works and Services section on 9748-9999 during office hours. Work is not to proceed until the works are inspected and approved by Council.
57. All pits shall be constructed in accordance with Australian Standard AS3500.3.
58. All subsoil drainage must be designed to meet the requirements of AS3500.
59. Access to the basement car parks, head room for basement entry, driveway ramp and turning circles shall be designed in accordance with AS 2890.1-2004.
60. The proposed basement pump out systems 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 tank/basin. Final details of this system are to be submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
61. All surface inlet drains upstream of the on-site detention basin must be designed so that there is no overflow before the storage is full.
62. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.
63. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.
64. Boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other party.
65. The applicant will be required to submit detailed drawings, reports and certification by a qualified practising consulting structural engineer to show that the building or structure can withstand the force of flowing floodwaters, including debris and buoyancy forces, as appropriate and will not sustain unacceptable damage from the impact of floodwaters and debris in times of major flooding **prior to the issue of an Occupation Certificate/use of the building.**
66. The Flood Recommendations provided in the Flood Impact Report Report No. R01119-F Revision A prepared by C&M Consulting Engineers dated August 2014 shall be complied with and a Flood Certificate is to be submitted stating compliance with such **prior to the issue of an Occupation Certificate/use of the building.**
67. 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 AND**
  - (b) **All Water Sensitive Urban Design components**

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.

68. A detailed design of the Water Sensitive Urban Design (WSUD) components (stormwater treatment measures) shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate** and shall include, but not be limited to:

Batters, levels, underdrains, high flow bypass details, clean out points, filter media details, mulching details, material specification, planting details, inlet scour protection areas, maintenance access ramps and maintenance schedule(s).

The design shall be prepared by a suitably qualified professional engineer experienced in Water Sensitive Urban Design in accordance with the approved plans, conditions of consent, Strathfield Council's Development Control Plan Part N - Water Sensitive Urban Design 2005, Strathfield Council WSUD Reference Guideline and WSUD Technical Design Guidelines for South East Queensland (SEQ Healthy Waterways Partnership) Version 1 June 2006 or subsequent updated versions.

69. All approved stormwater works are required to be carried out in accordance with the conditions of consent, approved construction certificate plans, "Strathfield Council WSUD Reference Guideline" and the Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands (SEQ Healthy Waterways Partnership) Version 1.1 April 2010 or subsequent versions that may be updated.

70. A suitably qualified Engineer is required to inspect and certify the proposed development at the completion of each of the following construction phases(if any):

- (i) Installation of the overflow pit and bulking out/trimming profiling;
- (ii) Installation of under drainage;
- (iii) Installation of cleanout points;
- (iv) Installation of drainage layer;
- (v) Installation of transition layer;
- (vi) Installation of filtration media;
- (vii) Laying of geofabric protection for build-out phase;
- (viii) Laying of turf temporary protection layer, and
- (ix) Final planting.

71. An Operational Management and Maintenance Report is required to be submitted to the Principal Certifying Authority **prior to the issue of a Subdivision Certificate** outlining the proposed long term operational management and maintenance requirements of the stormwater system on the site.

A schedule or timetable for the proposed regular inspection and monitoring of the devices, maintenance techniques, reporting and record keeping requirements and associated rectification procedure shall be included in the report.

### Landscaping/Tree Matters

72. (25) x *Tristanopsis laurina* 'luscious' (Water Gum) and (12) x *Waterhousia floribunda* (Weeping Lilly Pilly) of minimum 200L container size must be planted in the nature strips adjoining the site on Parramatta Road and the George Street extension and the un-named laneway in accordance with the Planting Schedule S13-0105 DA17 Issue D prepared by Clouston Associates received by Council on 24 April 2014.

These specimens are required to be planted at equal intervals and must be provided within tree pits designed in accordance with the concept of Water Sensitive Urban Design. Note: The design of the Parramatta Road awning may be required to be slightly modified in order to accommodate for the future growth of these street trees.

The chosen specimens are to 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.

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.

Soil conditioner/fertilizer/moisture retention additive/s shall be applied to the street trees in accordance with manufacturer's recommendations, and shall be mixed into the backfilling soil after planting tree/s.

A minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree/s.

Until such time as these trees are permanently established, any damaged or unhealthy trees shall promptly be replaced at the expense of the land owner of 6-18 Parramatta Road, Homebush. Further information regarding this requirement is able to be obtained from Council's Tree Coordinator, during regular business hours on 9748 9999.

Should Council not act as the Certifying Authority a copy of the plan shall be forwarded to Council **as part of the Construction Certificate.**

73. Common and private landscape areas including all planters are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and all relevant Australian Standards.

**Green Factor**

74. All landscaping works must be carried in accordance with the approved Green Factor (landscape) plans, including stated species selection, stated soil profiles/materials, stated drainage, and stated soil depths.
75. The soil profile must have the stated soil structure that supports water and nutrient retention that includes expanded shale, clay or similar at the bottom of the profile to absorb water, however the design of the soil profile must ensure that the soil does not become water-logged.
76. The waterproofing membrane used must be certified to work with green roofs, and must have a lifetime guarantee.
77. Documentation of the construction demonstrating compliance with this condition must be carried out by the Registered Landscape Architect who prepared the plans, and be submitted to the Principal Certifying Authority for approval **prior to the issue of an Occupation Certificate** for the development. This documentation is to include:
- (a) A written and photographic report that shows the process and details of construction so that it can be demonstrated that:
    - (i) The correct waterproofing membrane has been installed. This must be accompanied by a certification by the supplier;
    - (ii) The specified soil structure has been used. This will take the form of annotated construction photographs that show the detail of the soil profile being constructed close up and from a distance to ensure that the location within the project can be confirmed. The photographs are to be accompanied by plans showing the locations being documented. A minimum of four roof/podium locations and two ground level over structure locations must be documented;
    - (iii) The specified plant species have been used;
    - (iv) The specified tree sizes have been used;
    - (v) Any community garden has been planted, and any associated sheds have been built;
    - (vi) Any additional factors, such as bird nests, water features, outdoor kitchens, children's play structures or equipment have been installed in accordance with the plans and suppliers standards;
    - (vii) A certificate from the registered landscape architect who prepared the Development Application plans clearly stating that the works have been built as specified, and that the said landscape architect is satisfied that the standard of construction is such that the planning will have longevity.

- (viii) A maintenance agreement for a minimum of one year from completion from the developer to stating/ensuring that the landscape area is maintained and allowed to properly establish, with any plants that die replaced by the developer within this period.
- 78. Once the report and accompanying documentation has been received by the relevant Consent Authority, the landscape plan must be inspected by the Principal Certifying Authority together with the registered Landscape Architect to ensure that the report and what has been constructed are in agreement.
- 79. Two hardcopies and two softcopies of the full documentation provided under this condition must be provided to Strathfield Council, along with the certification by the registered Landscape Architect **prior to the issue of an Occupation Certificate.**

#### **Automatic Waste Collection System ( AWCS )**

- 80. The Developer, **prior to the issue of an Occupation Certificate** must design and construct all buildings on the site to provide a conventional waste collection system, that is adaptable to an AWCS for the building that:
  - (a) Collects general waste, recyclables and food and organics (inc. garden waste) waste fractions separately; and
  - (b) Complies with the requirements set out in Council's Waste Policy;
- 81. The Developer will make provision for a future connection of the AWCS to the building by providing space for the AWCS collection pipe to be installed / retrofitted as follows:
  - (i) An access space must be provided that makes provision to accommodate a minimum 600 mm diameter pipe as agreed with Council;
  - (ii) The access space / pipe will terminate a minimum 1.5 metres below the base of the building waste room, as determined by the centre of the pipe (point A);
  - (iii) The access space may be air space within the basement of the building or a trench set into the basement floor complete with gattic covers accessible from the basement floor;
  - (iv) The pipe will leave the property boundary between 1.5 and 2 metres below the finished road level to the centre of the pipe ( point B);
  - (v) The pipe access space must provide for continuous access from point A to point B (Pipe access space)
  - (vi) The pipe access space may provide for bends only with a turning radius greater than 2000mm and have an elevation no greater than 15 degrees;
  - (vii) The waste collection room is to be designed to withstand negative pressure of 2000/m<sup>2</sup>;
  - (viii) The waste room must be designed to Council's specifications;
  - (ix) Should an AWCS system be installed the Council (or the Council's service provider) will own AWCS equipment and pipework from the inlets, through the base of the waste chute to the property boundary (point B);



- (x) A single phase general power outlet is to be provided in the waste collection room, adjacent to where the inlets and their collection pipes will be located.
- 82. The Developer must register an easement in favour of Council on the title of the Land with such terms that will provide Council (or Council's service provider) access to the AWCS collection pipe and the building waste room referred to in (b) above.
- 83. Council has the right to request and review detailed design drawings for the rooms, and connection spaces, from the inlets to the pipe in the street to:
  - (i) Ensure that the development will meet the conditions as outlined in this approval;
  - (ii) Ensure that the building will be capable to be adapted when the building is integrated into the wider Parramatta Road Corridor / Strathfield Town Centre AWCS;
  - (iii) Provide detailed advice, either from Council, or from Council's service provider, in regard to whether the detailed design is suitable for the AWCS; and
  - (iv) Provide written feedback, either from Council, or from Council's service provider, which will form part of these conditions, detailing how the detailed design may need to change to ensure that it will enable the AWCS to be integrated into the building.

### Construction Matters

- 84. 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.**
- 85. 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.

- 86. **Prior to the commencement of any construction or further demolition work,** the Applicant or principal contractor must, subject to obtaining permission from the

respective property owners, provide dilapidation reports prepared by a suitably qualified person (such as a structural engineer), on the buildings located on any lot adjacent to the subject site, inclusive of ancillary structures. A copy of the respective report must be provided to the Principal Certifying Authority and neighbouring property owners that are the subject of that report.

87. 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).
88. A report shall be prepared by a suitably qualified and practising Structural Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works. A copy of the report shall be submitted to the Principal Certifying Authority, Council and the owners of adjoining properties prior to the issue of a Construction Certificate. Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications submitted with the Construction Certificate.
89. 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 and approved **prior to the issue of the 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.

90. 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.

91. All construction, demolition and excavation work shall be restricted to 7am and 5pm on Mondays to Friday (inclusive) and prohibited on Saturdays, Sundays and public holidays.
92. 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.
93. 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.**

#### **Building Matters**

94. Identification numbers are to be clearly displayed at the front of the premises and be easily visible from the street.
95. At some future point, if it is proposed to strata subdivide the building, the lot numbers and unit numbers shall be the same as those nominated on the approved plans and be in accordance with Council's requirements. For strata subdivision, parking spaces shall have the same lot number as the residential portion and shall not be numbered separately.
96. The enclosure of the private open balconies attached to the proposed building is strictly prohibited.
97. All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.
98. Noise attenuation shall be achieved in all residential units within the building using the following minimum standards:
  - (a) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy unit or a sole occupancy unit from a stairway, public corridor, hallway or the like;
  - (b) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have a FSTC of not less than 55;
  - (c) A wall or floor shall have a FSTC of not less than 55 if it separates a sole occupancy unit from a plant room;
  - (d) A floor separating sole occupancy units must not have a FSTC of less than 50; and

- (e) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an Impact Isolation Class of not less than 55.

Details are to be provided on the plans to the satisfaction of the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

99. Pursuant to clause 154A of the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue an Occupation Certificate until a design verification statement has been issued by a qualified designer, indicating that the development achieves the design quality in accordance with the approved plans and specifications contained in the Construction Certificate.
100. Excavation shall be carried out in compliance with the recommendations contained within pgs 5-8 of the Geotechnical Investigation Report prepared by Asset Geotechnical dated 19 October 2007.
101. An Acoustic Report on air conditioning and mechanical ventilation plant is to be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate** to demonstrate the proposal is compliant with the Industrial Noise Policy, relevant Australian Standards and provisions of the Building Code of Australia.
102. 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.
103. An Amended Acoustic Report prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.** The Amended Acoustic Report shall provide recommended building methodology and construction details to ensure that the following LAeq levels are not exceeded:
- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
  - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.
104. The building shall be certified by a suitably qualified Acoustic Consultant in order to demonstrate compliance with the above LAeq levels **prior to the issue of an Occupation Certificate.**
105. An exhaust shaft is to be provided from commercial sites to discharge above the roof line for use by exhaust vents from possible restaurant use in the commercial areas.

106. Awnings shall be provided along the Parramatta Road frontage and part of George Street where it meets Parramatta Road (corner of George Street and Parramatta Road) in accordance with the approved plans and shall be appropriately drained to the approved stormwater system. Low level under awning lighting shall also be incorporated and detailed plans shall be prepared and submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
107. The development must be provided with a master TV antenna(s) connected to all residential units **prior to the issue of an Occupation Certificate.**

### **Signage**

108. No signage is approved under the subject application. All building identification signage, fascia and under awning signage will be subject to a future Development Application.

### **Sustainability**

109. Water collected in the rainwater tanks 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:
- (a) Toilet flushing;
  - (b) Clothes washing;
  - (c) Garden irrigation;
  - (d) Car washing and similar outdoor uses;
  - (e) Filling swimming pools, spa pools and ornamental ponds; and
  - (f) Firefighting.
110. Water heating systems shall be located so as not to be visible from public places and the ground level of adjoining properties. Details (type and location) of the water heaters shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

### **Demolition**

111. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
112. 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**

113. 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.**



114. As soon as practicable after a final safety certificate is issued, the owner of the building to which it relates:
- (a) 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;
  - (b) shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to Council for registration; and
  - (c) shall ensure the current fire safety schedule is prominently displayed in the building.

#### **Disabled Access**

115. Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
116. Sanitary facilities for persons with disabilities shall be provided 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.**
117. Carparking spaces for persons with disabilities shall be provided 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.**

#### **Waste Management**

118. 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.

#### **Land Contamination**

119. As the site has had up to 20 underground petroleum storage systems (UPSS) installed, the area around any tanks uncovered during excavation is to result in work in this area ceasing until such time as a Remediation Action Plan is submitted and approved prior to the issue of a Construction Certificate.
120. The Remedial Action Plan shall be prepared by a suitably qualified accredited person and a copy of the RAP shall be submitted to Council.
121. Contaminated soil as detailed in the report by SMEC Testing Services Pty Ltd dated March 2014 shall be tested, classified and disposed in accordance with the recommendation on pgs 49–51 of Report No. 14/0245 Project No. 19543/3951C.

122. The site shall be remediated in accordance with the approved Remedial Action Plan and a Site Audit Statement and Summary Audit report completed and signed by an accredited Site Auditor in accordance with the Contaminated Land Management Act 1997 and the relevant guidelines and legislation. The Site Audit Statement and Summary Audit report should clearly state that the land is suitable for the proposed use without the need for any further remediation or testing and a copy of the documentation submitted to Council **prior to the issue of a Occupation Certificate.**
123. 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.
124. Any 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.

#### **Hoardings**

125. No advertisements of any kind shall be affixed to hoardings except for a board not exceeding 2.4m x 1.8m on which may be shown the architect's/builder's/demolisher's names or any particulars regarding the subject building and notices regarding the existing or future occupancies in the building.
126. Hoardings/overhead protective structures at ground level shall have mesh wire or other such material fixed to the surface to a height at least 2 metres in order to preclude the fixing of posters.
127. A sign with the words "Billposters Will Be Prosecuted" shall be attached or printed on the hoarding/overhead protective structures at regular intervals so it is visible from the street or any adjoining public place.
128. Any hoarding, fence or awning is to be removed when the work has been completed.

#### **Other Authorities**

#### **Ausgrid Matters**

129. **Prior to the issue of Construction Certificate,** the approved plans must be submitted to Ausgrid's local customer service office for approval to determine whether the development will affect Ausgrid's network or easements.
130. The applicant must check the location of underground cables by using Dial Before You Dig and comply with the requirements of Ausgrid's NS 156 - Working Near or Around Underground Cables.

131. The development must comply with both the Reference Levels and the precautionary requirements of the draft ARPANSA's Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0 Hz - 3 kHz, 7 December 2006.
132. The development must comply with Ausgrid's Tree Safety Management Plan.
133. The development must be carried out in accordance with the Energy Network Association's Substation Earthing Guide, ENA EGI-2006 so that hazardous step, touch and transfer voltages do not exist during fault conditions (50 Hz or transient).
134. The registered easement associated with the overhead power lines is not complete in the vicinity of this development site, and the developer is required to consider physical clearance to the power lines. In some instances this may require the developer to obtain written permission from Ausgrid as the network operator, in accordance with the Work Cover Code of Practice in relation to Working Near Power Lines.
135. Access shall be maintained to Ausgrid's Strathfield Subtransmission Substation at all times during construction including access for heavy vehicles.
136. The proposed development would be close to the 132kV overhead transmission lines 923 and 924. It appears that the development would be close to the edge of Ausgrid's easement. The developer should not be allowed to setup any equipment such as scaffolding or cranes within the easement of the overhead powerlines **unless approval is provided by Ausgrid.**

#### **NSW RailCorp Matters**

137. **Prior to the issuing of a Construction Certificate** the Applicant is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
138. The developer shall make provision for easy and ongoing 24/7 access to the Rail Depot located along Columbia Lane by rail vehicles, plant and equipment personnel to support maintenance and emergency activities. Columbia lane shall not be blocked or closed at any time preventing any passing traffic.

#### **NSW Roads & Maritime Services Matters**

139. The geometric layout of the signalised intersection shall be generally in accordance with the road design plans (Drawing Nos. 307636-SK16A, 307636-SK15B and 307636-SK14C) undertaken by Matt MacDonald in consultation with Roads and Maritime.
140. The Parramatta Road approaches to the signalised intersection shall be diamond overlap phasing and the George Street and site access road approaches shall operate as split approach phasing.

141. In accordance with the Roads and Maritime Traffic Signal Design Guide, the developer is required to dedicate the new road as public road to allow Roads and Maritime to locate traffic signal components on the proposed access road at the signalised intersection.
142. Whether or not a marked foot crossing is provided across the signalised entrance to the private development, there must be a level separation between the road and footpath through the construction of a barrier ramp and gutter. Kerb ramps must be provided in accordance with Roads and Maritime requirements.
143. In accordance with Roads and Maritime Technical Direction for new traffic signals, signalised pedestrian crossings shall be provided on the proposed fourth leg at the existing signalised T-intersection on Parramatta Road.
144. The developer will be required to enter into a Major Works Authorisation Deed (WAD) with Roads and Maritime for the abovementioned signal and civil works. In this regard, the developer is required to submit detailed design plans and all relevant additional information, as may be required in the Roads and Maritime WAD documentation for assessment and final decision concerning the work. The detailed design plans submitted shall be in accordance with Austroads and Roads and Maritime requirements.
145. The existing right turn storage bay on Parramatta Road for right turn movements into George Street shall be extended by removing the existing right turn storage bay on Parramatta Road for turning movements into Colombia Lane. This will involve the following additional requirements as part of a Works Authorisation Deed for the proposed signalised fourth leg on Parramatta Road opposite George Street:
  - i. Prohibition of right turn movements into Colombia Lane from Parramatta Road;
  - ii. However, it is recognised that vehicles larger than a medium rigid vehicle may not have adequate manoeuvrability to assess Colombia Lane from the proposed internal road network via the new signalised intersection on Parramatta Road opposite George Street. This is to be confirmed by the developer submitting detailed swept path analysis of an 8.8 metre long medium rigid vehicle undertaking turning movements on the proposed local road network;
  - iii. 'No Right Turn' sign - vehicles larger than x metres excepted (to be determined by detailed swept path analysis in consultation with Roads and Maritime) shall be erected on Parramatta Road at the Columbia Lane intersection under Roads and Maritime 'Work Instruction'; and
  - iv. A Traffic Management Plan for the right turn prohibition undertaken in accordance with Roads and Maritime Guidelines shall be submitted for review.
146. Concern is raised with regard to the reduction in the length of the existing right turn bay on the Parramatta Road eastern approach as a direct result of the proposed relocation of the pedestrian crossing, which will increase the incidence of vehicles

queuing out of the right turn storage bay and may increase the likelihood of rear-end accidents. In this regard, a road safety audit (RSA) should be submitted, **prior to any formal approval of the proposed works.**

147. The proposed signal and civil works associated with the relocation of the pedestrian crossing shall be designed and constructed in accordance with RMS requirements. Austroads, RMS's supplements, RMS's Traffic Signal Design Manual and other Australian standards and endorsed by a suitably qualified practitioner.
148. The certified copies of traffic signal design and civil design plans as well as swept path analyses of the longest vehicle shall be submitted to RMS for consideration and approval **prior to the release of the Construction Certificate** by the Principal Certifying Authority (PCA) and commencement of any road works.
149. As part of the abovementioned Major Works Authorisation Deed (WAD) process, the developer will be required to provide an upfront payment for the first 10 years of maintenance of the proposed signal hardware.
150. The proposed development shall enter into a Major Works Authorisation Deed WAD **prior to the issue of a Construction Certificate.**
151. The signalised fourth leg at the intersection on Parramatta Road at George Street must be fully constructed and operational **prior to the issue of an Occupation Certificate.**
152. All utility relocation required as a direct result of the proposed signalised intersection shall be at full cost to the developer.
153. RMS fees for administration, plan checking, signal works inspection and project management shall be paid by the developer **prior to the commencement of works.**
154. All road works/regulatory signposting associated with the proposed development shall be at no cost to RMS.
155. All works associated with the proposed works shall be at no cost to RMS.

#### **NSW Police Force Matters**

156. To assist emergency services to locate the property it is requested for the street number to be clearly displayed at the front of the premises.
157. Warning signs should be strategically posted around the perimeter of the development, particularly near entry points to warn intruders of security measures

Example: Warning: these premises are under constant surveillance  
Warning: don't leave valuables inside your vehicle



158. Directional signage should also be posted at decision making points (e.g. Entry/egress points) to provide guidance to residents/visitors whilst driving their vehicles.
159. The design features shall ensure no natural ladders occur whereby an offender could climb the building to gain entry through a balcony. The Principle Certifying Authority shall ensure compliance **prior to the issue of a Construction Certificate.**

#### **Sydney Water Matters**

160. No buildings or permanent structures are to be proposed within 1m from the outside wall of the stormwater channel. Permanent structures include but is not limited to basement car park, hanging balcony, roof eve, hanging stairs, stormwater pits, stormwater pipes and similar structures. This clearance requirement would apply for unlimited depth and height.
161. Sydney Water is concerned about whether the proposed buildings satisfy the above clearance requirement including the letter boxes on the North-West corner of the ground floor plan. At this location, the stormwater channel is wider than the normal width of the stormwater channel to accommodate the culvert under Parramatta Road. Consideration should be given at this transition section of the stormwater channel and 1m clearance would apply from this transition structure to any buildings or permanent structures including the letterboxes.
162. The applicant is required to submit the elevation drawings including the location of the stormwater channel to Sydney Water **prior to the issue of a Construction Certificate** to ensure that the proposed buildings and permanent structures are 1m away from the outside face of the stormwater channel
163. The proposed development abuts Sydney Water's Powell's Creek and the capacity of this trunk drainage system is only in the order of 5 year Annual Recurrence Interval. The developer should be required to undertake a flood study to:
  - (a) Ascertain the impacts of flooding on the proposed development; and
  - (b) Ascertain the impacts of the proposed development on the local flood regime.

In particular the flood study should identify areas of the site that should be kept clear to provide appropriate and effective overbank flow paths during major storm events and identify appropriate flood hazard minimisation / isolation and damage reduction measures. Once an initial flood study has identified the nature of the local flooding, further detailed assessment of the proposed development should be undertaken.

164. According to our available records, approximately 285 hectare of catchment is draining through this Powell's Creek. The actual flow for the Flood Impact Assessment is to be based on this 285 hectare catchment and no reduction in flow is to be derived based on any existing conditions such as sag points.

165. Any direct stormwater connection to Sydney Water's system is to be carried out as part of the Section 73 application for the development and required to follow the Sydney Water's Asset Creation Process.