

## **SUMMARY**

<b>PROPERTY:</b>	29-35 Burlington Road and 32 The Crescent, Homebush Lot 11 DP1052760, Lots 11 & 33 Sec 10 DP400, Lots B, C, & D DP391764
<b>DA NO.:</b>	2011/195/03
<b>APPLICATION TYPE:</b>	Section 96(2) Application
<b>REPORT BY:</b>	Sophie Olsen – Senior Planning Officer
<b>RECOMMENDATION:</b>	APPROVAL
<b>SUBMISSIONS:</b>	(12) objections and two (2) petitions were received in total (the application was notified twice)
<b>ZONING:</b>	B4 Mixed Use
<b>DATE APPLICATION LODGED:</b>	12 December 2014
<b>APPLICANT:</b>	Ghazi Al Ali
<b>OWNER:</b>	Homebush Project Developments Pty Ltd

## **INTRODUCTION**

The proposal seeks to increase the height of the building from part four (4), part seven (7) storeys to part five (5), part nine (9) storeys to provide an additional (26) units comprising one (1) x studio, ten (10) x 1 bedroom, (13) x 2 bedroom and two (2) x 3 bedroom units across levels 4, 7 and 8.

The application also seeks to relocate the rooftop common open space from level 4 to level 5, to provide an additional level of basement parking and to reconfigure the approved basement levels to provide an additional (27) parking spaces and to make provision for the on-site collection of waste.

The application relates to a previous approval granted by the JRPP on 17 May 2012 for the demolition of structures and construction of a mixed use building (part 4 and part 7 storeys in height) comprising (117) residential units, a ground floor community centre (subject to a VPA), two (2) retail tenancies and three (3) levels of basement car parking.

The proposal will ultimately comprise a part five (5), part nine (9) storey mixed use development containing (143) residential units comprising eight (8) x studio, (45) x 1 bedroom, (82) x 2 bedroom and eight (8) x 3 bedroom units above four (4) levels of basement parking containing a total of (233) parking spaces.

The parent application was approved under the provisions of the Strathfield Planning Scheme Ordinance (SPSO) 1969 and the Strathfield Development Control Plan 2005. While the SPSO has since been repealed, the DCP remains a relevant matter for consideration in the assessment of the proposal. The site had a spilt zoning under the SPSO with the northern portion zoned 3(a) business and the southern portion zoned 2(b) Residential. The only development standard applicable under the SPSO was an FSR of 3:1 which only applied to the 3(a) zoned portion of the site.

The Strathfield Local Environmental Plan (SLEP) 2012, which came into force on 31 March 2013, zones the entire site B4 Mixed Use and provides numeric development standards for the whole site, specifically an FSR of 3:1 and height of 16m. The SLEP also modified the calculation of Gross Floor Area which previously included the internal face of external walls under the SPSO 1969.

The development has been modified to maximise the Gross Floor Area (GFA) which is permissible under Clause 4.4 of the SLEP 2012 and the modified GFA definition. The application now proposes an FSR of 3:1 (11,638m<sup>2</sup>), consistent with the maximum of 3:1 permitted under Clause 4.4.

In maximising the FSR available to the site under Council's planning controls, a further variation to the permitted height is sought, noting that the parent application approved a maximum building height of 23m. The modified development has an overall height of 29m, which is a departure of 13m from the permitted building height of 16m under Clause 4.3 of the SLEP. This variation is considered reasonable given the circumstances of the development as discussed in detail throughout this report.

As a Sydney Water culvert passes through the site, consultation occurred throughout the parent DA and subject Section 96 Application. In a response dated 5 June 2015, Sydney Water indicated that the previous conditions of consent remain applicable to the development.

As discussed throughout this report, the proposed development meets the test of being 'substantially the same' as that for which consent was granted. Whilst the proposal seeks a departure from the maximum permitted building height, compliance is demonstrated with the FSR development standard and objectives of the SLEP, Strathfield Consolidated DCP and relevant State Environmental Planning Policies and therefore, the proposal is recommended for approval.

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

The site comprises of six (6) allotments and is irregular in shape with an area of approximately 3,875m<sup>2</sup>. The site is located within the Homebush town centre and has a 15.24m frontage to The Crescent (northern boundary) and a 30.48m frontage to Burlington Road (southern boundary). The site is generally flat with a fall from the Burlington Road frontage to the northern boundary at The Crescent.

The site is currently vacant following the demolition of a two (2) storey masonry building which was the former offices of the Paraplegic and Quadriplegic Association of NSW (known as the Para Quad Centre), the Homebush-Strathfield RSL Memorial Garden and a two (2) storey brick building which formerly contained the Homebush Meat Market.

Immediately adjoining the subject site to the west are two (2) residential flat buildings both three (3) storeys in height with one (1) having a frontage to The Crescent and the other to Burlington Road.

Due to the stepped nature of the eastern boundary, the site adjoins numerous buildings. A two (2) storey residential flat building (31 The Crescent), a part two (2) part three (3) storey mixed use building (29 The Crescent), a Council owned at-grade carpark and a former service station which is now occupied by a coffee shop and fruit and vegetable retailer.

The character of Burlington Road in the vicinity of the subject site varies from the commercial and mixed use nature near the intersection with Rochester Street, east of the subject site, to a residential character to the west of the subject site. The scale of the commercial development also varies between one (1) storey (with parapet) to four (4) storey mixed use. Developments along the

western side of Rochester Street are located within the “Village of Homebush Retail Conservation Area” and are subject to a local heritage listing under Schedule 5 of the SLEP 2012.

The scale of residential buildings to the west varies between one (1) to four (4) storeys. The character is predominately dominated by three (3) storey brick residential flat buildings (RFBs).

The north-west rail line is to the north of the site and crosses a railway bridge over Subway Lane at the intersection with The Crescent.

An aerial photo of the site is provided below:



**Figure 1:** Aerial photograph of the subject site.





**Figure 2:** View of the subject site looking north-west toward the adjoining development at 37-39 Burlington Road and 33 The Crescent, Homebush



**Figure 3:** View of the subject site looking north-east toward the adjoining site at 25 Burlington Road and to the rear of 30 and 31 The Crescent, Homebush





**Figure 4:** View toward medium density residential development and commercial premises on the southern side of Burlington Road.

## PROPOSAL

The application seeks Council approval for the following modifications:

- Increase of the height of the building from part four (4) and part seven (7) to part five (5), part nine (9) storeys;
- An additional (26) units comprising one (1) x studio, ten (10) x 1 bedroom, (13) x 2 bedroom and two (2) x 3 bedroom units across levels 4, 7 and 8
- Reconfiguration of the rooftop common open space from level 4 to level 5,
- Reconfiguration of the approved basement levels 1 to 3 and provision of a further level of basement parking (level 4), in total providing an additional (27) parking spaces; and
- The provision of on-site waste collection facilities.

A schedule of changes is provided in the following table:

Building component	Proposed changes	Comments
Basement Level 4	Introduction of an additional (fourth) level of basement parking containing (64) car parking spaces inclusive of eight (8) accessible spaces plus a separate car wash bay.	One (1) parking space (annotated as number '235') does not meet the Australian Standards and will be deleted subject to a condition.
Basement Level 3	Reconfiguration of columns, lifts, parking spaces and fire stairs basement level 3 which contains a total of (64) car parking spaces inclusive of eight (8) accessible spaces plus a separate car wash bay.	One (1) parking space (annotated as number '171') does not meet the Australian Standards and will be deleted

		subject to a condition.
Basement Level 2	Reconfiguration of columns, lifts, parking spaces and fire stairs basement level 2 which contains a total of (64) car parking spaces inclusive of eight (8) accessible spaces plus a separate car wash bay.	One (1) parking space (annotated as number '101') does not meet the Australian Standards and will be deleted subject to a condition.
Basement Level 1	Marginal increase to the basement footprint and encroachment to the west which adjoins a Council stormwater easement, reconfiguration of columns, lifts, parking spaces and fire stairs basement level 1 and retention of the existing (45) parking spaces comprising (32) visitor spaces, (11) spaces dedicated to Council, two (2) spaces for use by the ground floor retail/café tenancy, a loading zone and (34) bicycle spaces.	One (1) parking space (annotated as number '40') does not meet the Australian Standards and will be deleted subject to a condition.
Ground Floor	Internal modification to the ground floor including the introduction of a solid wall separating multi-purpose hall 1 and 2 (previously subject to a VPA) and changes to the building interface with Burlington Road to introduce a waste collection area and associated loading dock;	Deletion of the solid wall which separates the Multi-purpose room into two (2) separate spaces will be required by condition of consent.
Level 1, 2 & 3	Minor internal reconfiguration of walls, lift and fire stairs on level 1 through 3 and retention of the same unit configuration and size;	-
Level 4	Deletion of the communal open space on level 4 and internal reconfiguration of the floor plate from (15) units comprising one (1) x studio, four (4) x 1 bedroom and (10) x 2 bedroom units to (21) units comprising two (2) x studio, six (6) x 1 bedroom and (13) x 2 bedroom units;	Deletion of common open space and additional six (6) units
Level 5	Introduction of 210m <sup>2</sup> common open space to level 5 (similar in configuration to the common open space deleted from the previously approved layout of level 4) and retention of a consistent unit layout;	New common open space introduced.
Level 6	Minor reconfiguration of internal walls and retention of a consistent unit mix;	-
Level 7	Additional ten (10) units comprising four (4) x 1 bedroom, five (5) x 2 bedroom and one (1) x 3 bedroom units and common open space (251m <sup>2</sup> ) accessible via a lift from level 6;	Additional (10) units and common open space
Level 8	Additional ten (10) units comprising four (4) x 1 bedroom, five (5) x 2 bedroom and one (1) x 3 bedroom units.	Additional (10) units.

A site plan and elevations are **attached (2)**.

## BACKGROUND

17 May 2012

The Joint Regional Planning Panel granted approval to DA2011/195 proposing the construction of a mixed use building (part four (4), part seven (7) storeys) comprising (126) residential units, ground floor Council facility, one (1) retail tenancy and three (3) basement car park levels with (204) car parking spaces. This proposal was accompanied by a Voluntary Planning Agreement for the dedication to Council of a Community Facility and memorial garden in lieu of Direct Section 94 Contribution payments.

10 July 2012

Following an exhibition period and consideration of submissions, the Voluntary Planning Agreement for the ground floor community centre

was executed by Council.

4 October 2012	A Section 96(1) Application for correction of a typographical error in the configuration of the approved development and error in the allocation of car parking spaces was approved by Council under delegated authority.
22 September 2014	A Section 96(1A) Application (DA2011/195/01) to modify the drainage design and associated conditions of consent was lodged with Council. This application was voluntarily withdrawn on 6 May 2015.
22 September 2014	A Section 96(1A) Application (DA2011/195/02) to modify the basement levels and ground floor of the development was lodged with Council. This application was voluntarily withdrawn on 6 May 2015.
12 December 2014	The subject Section 96(2) Application was lodged with Council.
7 – 22 January 2015	The subject application was publically notified. Eight (8) written submissions and one (1) petition with nine (9) signatures were received.
17 February 2015	<p>Council Officers issued correspondence to the applicant raising a number of issues with the proposed development including:</p> <ul style="list-style-type: none"><li>• Relocation of stormwater pipe not supported by Council or Sydney Water;</li><li>• Basement modifications which rely on the relocation of the stormwater pipe are unable to be supported;</li><li>• FSR departure not supported;</li><li>• Departure from the minimum required off-street parking spaces not supported;</li><li>• On-site waste collection should be provided;</li><li>• Additional 3 bedroom units requested to provide better social mix;</li><li>• Appearance of the building including modifications to the colours and finishes not supported. The appearance should revert to the previous approval;</li><li>• Insufficient and inaccurate information in relation to the Statement of Environmental Effects, BASIX Certificate invalid, Acoustic report required, cross ventilation assessment erroneous and amended landscape plan requested.</li></ul>
26 February 2015	Meeting held between Council Officers and the Applicant.
4 March 2015	Briefing Meeting with the JRPP.
6 March 2015	Council Officers issued correspondence to the applicant raising outstanding issues and providing a deadline for the submission of amended plans.
7 May 2015	Amended plans submitted to Council.
19 May – 3 June	The amended plans were renotified. Four (4) written submissions and

2015

one (1) petition containing ten (10) signatures were received.

## **STATUTORY CONSIDERATIONS**

### **Section 96 of the Environmental Planning and Assessment Act 1979**

(2) Other modifications.

A consent authority may modify the consent if:

- (a) It is satisfied that the development to which the consent (as modified) relates is substantially the same development as the development for which consent was originally granted, before that consent was modified (if at all), and
- (b) It has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed on the consent as a requirement of a concurrence or in accordance with the General Terms of Approval and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and
- (c) It has notified the application in accordance with:
  - (i) The regulations, if the regulations so require, or
  - (ii) A development control plan, if the consent authority is a Council that has made a Development Control Plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) It has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

**Comment:** With regard to sub-clause (a), the proposed development (as modified) is substantially the same development as the development for which consent was originally granted in that the proposal will retain the approved form of the building, as visible from the public domain, in relation to the pedestrian scale of the development and the articulation of the building. The proposal is consistent with the setbacks previously approved and the additional two (2) storeys to the northern portion of the site and one (1) storey to the southern portion of the site have been sited on the property to minimise overshadowing impacts.

Given the previously approved scale of development on the site (part four (4), part seven (7) storeys), the additional two (2) storeys to the northern portion of the site and reconfiguration of the fourth floor to provide additional units, will not be readily visible to the casual observer and will appear similar in bulk and scale to the development as previously approved.

With regard to sub-clause (b), the General Terms of Approval previously provided by Rail Corp (Sydney Trains) remain applicable to the application, as modified, and will require the applicant to liaise with Rail Corp prior to the commencement of works in order to ensure nearby rail infrastructure and assets are suitably protected.



In relation to sub-clauses (c) and (d), the Application is a Section 96(2) Application and was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005.

The submissions which were received during the notification period have been considered within this report in accordance with the requirements of Section 79C(e) of the Environmental Planning and Assessment Act 1979.

### **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.

In accordance with Section 96(3) of the Environmental Planning and Assessment Act 1979, the proposal has been assessed granting consideration to the relevant heads of consideration within Section 79C(1) as follows:

- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)
  - Residential Flat Design Code (RFDC)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Strathfield Local Environmental Plan 2012
- Strathfield Direct Development Contributions Plan 2010-2030

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

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

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) requires the consent authority to consider whether the site is suitable in its current state, contaminated state or following the completion of remediation works for the purposes for which development consent is being sought.

A Phase II Environmental Site Assessment and Remediation Action Plan (RAP) were submitted to Council and assessed under the parent application. Whilst the modifications do include an additional level of basement car parking, the previous conditions of consent relating to the remediation of the site remain relevant and will not be required to be altered.

Therefore, based on the previous findings of the ESA and RAP, the site will be suitable for the purpose for which development consent is being sought. Therefore, the application is satisfactory with regard to SEPP 55.

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

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

The SEPP requires the consent authority in determining development applications for residential flat buildings to take into consideration the advice of a Design Review Panel, the design quality of the proposal when evaluated against the ten (10) design quality principles in the SEPP and the 'rules of thumb' guidelines of the *Residential Flat Design Code*. Furthermore, SEPP 65 requires a registered Architect to confirm in writing that they have directed or carried out the design of the proposal in accordance with the design quality principles of the SEPP (referred to as a design verification statement).

A design verification statement has been received from a registered Architect. As the modifications are contained within the previously approved building footprint and do not significantly alter the floor plate throughout most levels of the development, the orientation and layout of the majority of units remains consistent with the previous approval. The applicant has also retained the external appearance of the building as was previously approved, aside from the additional two (2) storeys which have been orientated to minimise their impact on adjoining properties.

As Strathfield Council is not subject to a Design Review Panel constituted under the SEPP, the proposal is assessed against the ten (10) design quality principles and the *Residential Flat Design Code*.

<b>TABLE 1: CONSIDERATION OF SEPP No. 65 DESIGN PRINCIPLES</b>		
<b>Principle</b>		<b>Proposal</b>
1. Context	Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.	<p>The proposed modifications are predominantly contained within the previously approved building envelope whilst the additional height of the building is designed to integrate into the previously approved scale, as viewed from street level.</p> <p>The resultant building is visually consistent with the transitioning nature of development in Homebush. The high quality appearance will be retained through the use of quality materials including the new upper levels to ensure the overall appearance of the development is consistent with the context of existing surrounding properties.</p>
2. Scale	Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area	<p>Under SLEP 2012, the height is set at 16m and the floor space ratio (FSR) of the site is set at 3:1.</p> <p>The modifications proposed will enable the development to maximise the permitted density of the site, following the gazettal of the SLEP. A departure of 13m is sought from the 16m height provided by the SLEP. Whilst it is appreciated the proposal seeks to increase the previously approved maximum building height by 7m from 23m to 29m, the high density appearance and scale of the development to the casual observer will be unlikely to be discernible.</p>

**TABLE 1: CONSIDERATION OF SEPP No. 65 DESIGN PRINCIPLES**

<b>Principle</b>		<b>Proposal</b>
3. Built Form	Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	The proposed modifications retain the setbacks of the previous approval and the built form elements comprising various materials, framing and louvers are also retained. The additional two (2) storeys are acceptable given the scale of the previous approval and will not contribute to an overly dominant built form when the entire development is viewed from the street.
4. Density	Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.	The density of the site is acceptable and complies with the maximum permitted FSR under the SLEP 2012. The configuration and orientation of the units remains mostly unchanged up to level 4 and the additional two (2) storeys follow a similar layout to the approved units. The proximity of the site to the shopping precinct in Rochester Street and Homebush Station ensure the additional density will be sustainable and well serviced.
5. Resource, energy and water efficiency	Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.	The proposal generally remains unchanged in relation to resource, energy and water efficiency.  The proposal has been accompanied by an updated BASIX Certificate in accordance with the requirements of the SEPP. Conditions of consent will be updated to reflect this new certificate.
6. Landscape	Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.  Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of	The landscaping within the site remains mostly unchanged from the previous approval. An amended landscape plan has been provided which includes the embellishment of the new areas of rooftop common open space (level 5 and 6) which are proposed under the subject application.



**TABLE 1: CONSIDERATION OF SEPP No. 65 DESIGN PRINCIPLES**

Principle		Proposal
	<p>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>	
7. Amenity	<p>Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>	<p>The proposed modifications generally relate to internal reconfiguration of the previously approved building bulk and the construction of two (2) additional floors to the northern building and additional floor area to the southern side of the fifth floor.</p> <p>The amenity of the additional units is acceptable in relation to solar access, cross ventilation, balcony and unit size and access to communal facilities.</p>
8. Safety and Security	<p>Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.</p>	<p>The modifications do not alter safety and security within the site.</p>
9. Social dimensions	<p>Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</p> <p>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>	<p>The proposed modifications are responsive to the future social needs of residents and retain a good unit mix and good access to shared areas of common open space.</p>
10. Aesthetics	<p>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</p>	<p>The modifications retain the approved architectural form in relation to the rhythm and manipulation of building elements and the additional two (2) storeys to the northern and one (1) storey to the southern component of the development will be suitably integrated into the overall design of the building.</p>

**TABLE 1: CONSIDERATION OF SEPP No. 65 DESIGN PRINCIPLES**

Principle		Proposal
	undergoing transition, contribute to the desired future character of the area.	The approved development had a quality aesthetic which is generally retained with the modifications.

### Residential Flat Design Code

Further to the design quality principles discussed above, the modifications have been considered against the various provisions of the *Residential Flat Design Code* (RFDC) in accordance with Clause 30 (2) (c) of SEPP 65. The proposed development meets the relevant provisions of the RFDC as demonstrated below:

Control	Rule of Thumb	Proposed	Complies
Open Space	Between 20-30% of site area	Open space at ground level remains unchanged (200m <sup>2</sup> ), rooftop terrace (215m <sup>2</sup> ) is relocated from level 4 to level 5 and an additional rooftop area (250m <sup>2</sup> ) is provided on level 7 <b>Total 660m<sup>2</sup> (17%)</b>	Improvement on previous approval which only provided 10% of the site as open space.
Apartment Layout	South facing single aspect max depth is 8m from a window.  The width of cross-over or cross-through apartments over 15 metres deep should be 4 metres or greater to avoid deep narrow apartment layouts.  Min apartment size: 1 bed – 50m <sup>2</sup> 2 bed – 70m <sup>2</sup> 3 bed – 95m <sup>2</sup>	Habitable areas are max 6m from a window.  Cross through units are at least 4m wide.  50m <sup>2</sup> 73m <sup>2</sup> 95m <sup>2</sup>	Yes.  Yes.  Yes.
Apartment Mix	Provide an apartment mix	The proposal provides an improved unit mix through the introduction of additional studio and 3 bedroom units.	Yes
Daylight Access	For min 70% of apartments, living rooms and private open spaces receive min 3 hours direct sunlight in mid-winter between 9.00am and 3.00pm  2 hours solar access may be acceptable in high density residential areas.	Parent consent: 73% (92) units received 2 hours solar access.  Current proposal: 72.5% (104) Units receive 2 hours solar access.	Acceptable.
	Max 10% of units to have single southerly aspect (SW-	3% or four (4) units have a single SW aspect.	Yes

Control	Rule of Thumb	Proposed	Complies
	SE)		
Natural Ventilation	Min 60% of apartments naturally cross ventilated	16/26 units or 61.5% of the additional units are able to naturally cross ventilate.	Yes.

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

In accordance with the BASIX SEPP all new housing in NSW is required to meet a designated target for energy and water reduction.

The modified proposal has been accompanied by a revised BASIX Certificate. Full compliance with the measures proposed by the BASIX Certificate will be required subject to standard conditions of consent.

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

The site is zoned B4 – Mixed Use under the Strathfield Local Environmental Plan (SLEP), 2012 wherein a mixed use development comprising a residential flat building, commercial premises (café) and community facility is permissible with Council consent. The proposal is generally consistent with the objectives of the B4 zone which seek to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage.

The parent consent for the site provided for a part four (4), part seven (7) storey built form. As previously discussed, consent was granted for the parent application by the JRPP prior to the gazettal of the SLEP under the Strathfield Planning Scheme Ordinance (SPSO) 1969. Under the SPSO, only the northern portion of the site was provided with an FSR (3:1) whilst there was no height development standard applicable.

The following table indicates the numeric development standards which are applicable to the site under the SLEP:

Clause	Development Standard	Permitted	Proposed	Compliance
4.3	Height of Building	16m	16.8m to 29m  Previously approved: 12.8m to 23m	No, refer discussion.
4.4	Floor Space Ratio	3:1 (11,638m <sup>2</sup> )	3:1 (11,638m <sup>2</sup> )	Yes.

Clause 4.3 of the SLEP restricts the maximum permitted height to 16m however the parent consent for the site has an approved height of 23m, a departure of 7m from the numeric control of the SLEP 2012.

The proposed modified development has a maximum overall height of 29m, which (in part) represents a departure of 13m from the permitted 16m height limit.

Whilst the provisions of Clause 4.6: Exemptions to Development Standards do not strictly apply to the subject Section 96 Application, the height variation is considered acceptable on the following grounds:



- The proposal meets the test of being ‘substantially the same’ development in relation to the overall appearance and the additional two (2) storeys will not be discernible to the casual passer-by given the overall scale of the approved building;
- The seven (7) storey form of the development to Burlington Road remains consistent with the previously approved bulk and scale and the additional building height and FSR is predominantly orientated toward The Crescent, being the northern part of the site, which results in the additional shadow cast by the modified proposal being mostly contained within the subject site.
- Whilst a departure from the height standard is sought, the proposal is consistent with the maximum density of the site as expressed through the FSR development standard. Notwithstanding, the subject site is within very close proximity of Homebush Railway Station, Homebush shopping precinct, Homebush Library and existing primary and secondary schools which will ensure the density is sustainable.

The proposed modifications have been considered with respect to the relevant clauses of the SLEP 2012 and are satisfactory.

### **Section 94 Contributions**

A Voluntary Planning Agreement (VPA) was approved as part of the parent application. The VPA defines the ongoing ownership and management of the ground floor community facility by Council in place of Section 94 Contributions.

Notwithstanding this arrangement, the additional (26) units will require the payment of separate Section 94 Contributions in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

Provision of Community Facilities	\$23,707.20
Provision of Major Open Space	\$114,100.80
Provision of Local Open Space	\$38,016.00
Provision Roads and traffic Management	\$5,478.00
Administration	\$4,857.60
<b>TOTAL</b>	<b>\$186,159.60</b>

The condition of consent relating to the VPA and Section 94 Direct contributions has been updated to reflect the modified proposal.

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

There are no draft Environmental Planning Instruments relevant to the proposal.

### **(iii) Development Control Plans:**

#### **Strathfield Consolidated DCP 2005 – Part C – Multiple-Unit Housing**

Whilst Part C of the Strathfield Consolidated DCP does not specifically apply to mixed use development, it was used as a guide in the assessment of the parent application. The sections of this DCP as relevant to the modifications are discussed below.

Section	Development Control	Required	Proposal	Compliance
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Section	Development Control	Required	Proposal	Compliance
2.3	Dwelling Unit and Building Design	15% of the development is required to be designed as adaptable housing for older people or people with disabilities.	A condition of consent will be imposed requiring at least 15% of the units to be adaptable.	Yes
2.3	Unit Sizes and Lot Layout	The following minimum units sizes apply:  1 bedroom apartment- 70m <sup>2</sup>  2 bedroom apartment- 85 m <sup>2</sup>  3 bedroom apartment- 100 m <sup>2</sup>	The proposed unit sizes comply with the 'rule of thumb' guidelines of the RFDC as follows: 1 bedroom apartment – 50m <sup>2</sup>  2 bedroom apartment – 70m <sup>2</sup>  3 bedroom apartment – 95m <sup>2</sup>	Acceptable as the proposal meets the minimum unit sizes of the RFDC, which is the accepted standard.
2.4.2.2	Solar Access	The main living areas and at least 50% of the principle private open space achieves a minimum of 3 hours sunlight during the winter solstice.	50% (72) of units receive at least 3 hours sunlight to balconies and living areas at the winter solstice. 72.5% (104) of units receive at least 2 hours of solar access which satisfies the RFDC Rule of Thumb for high density areas.	Yes.
2.4.2.2	Solar Access	Solar access to habitable rooms and private open space of adjoining properties be provided for a minimum of 3 hours during winter solstice.	The subject site is a north-easterly orientated allotment. The proposal orientates the additional two (2) storeys to the northern part of the site and the only additional bulk to the southern portion of the site is to the new units on the fifth storey. This minimises the additional shadow cast by the development onto adjoining properties and development on the southern side of Burlington Road.	Acceptable, however refer to discussion below.
2.4.3	Natural Space Heating and Cooling	Reduce the need to artificially heat and cool dwellings.	The orientation of units, good solar access and satisfactory cross ventilation reduces the need to artificially heat and cool the building.	Yes.
2.7	Open space and landscaping	Residential Zone - 50% of site  For residential development in the 3(a) zone open space and recreation facilities may be provided in the form of balconies, roof-top	Open space at ground level remains unchanged (200m <sup>2</sup> ), rooftop terrace (215m <sup>2</sup> ) is relocated from level 4 to level 5 and an additional rooftop area (250m <sup>2</sup> ) is provided on level 7  <b>Total 660m<sup>2</sup> (17% of the site)</b>	No, however the proposed modifications provide an additional rooftop area (250m <sup>2</sup> ) which will upgrade facilities within

Section	Development Control	Required	Proposal	Compliance
		decks and the like, and may include indoor facilities. No specific standards apply.		the site.
2.7	Open space and landscaping	<p>100m<sup>2</sup> of the site area is to be provided as communal open space, with minimum dimensions of 7m.</p> <p>Where dwellings do not have access to ground level open space, at least one main balcony having access from each dwelling unit's living area/s is to serve as private open space. The minimum total balcony area is:</p> <ul style="list-style-type: none"> <li>• 12m<sup>2</sup> for up to 2 bedroom dwellings; and</li> <li>• 12m<sup>2</sup> for 3 or more bedroom dwellings.</li> </ul> <p>All balconies must have a minimum width and depth of 2m.</p>	<p>Ground Level: 140m<sup>2</sup> children play area and BBQ facility, minimum 9m dimension.</p> <p>Balconies comply with the minimum requirements of the RFDC (2m depth).</p>	<p>Yes.</p> <p>Acceptable.</p>
2.9	Car Parking	<p>Minimum parking requirement</p> <p>1 bedroom dwelling - 1 space = 45 spaces</p> <p>2 bedroom dwelling - 1.5 spaces = 123 spaces</p> <p>3 or more bedroom dwelling - 2 spaces = 16 spaces</p> <p><b>Total: 184 spaces</b></p> <p>On-site visitor parking 1 space for every 5 dwellings or part thereof. 143 units = 29 spaces</p> <p>Commercial Parking</p>	<p><b>189 spaces</b></p> <p><b>32 spaces</b></p>	<p>Yes, five (5) additional.</p> <p>Yes.</p>

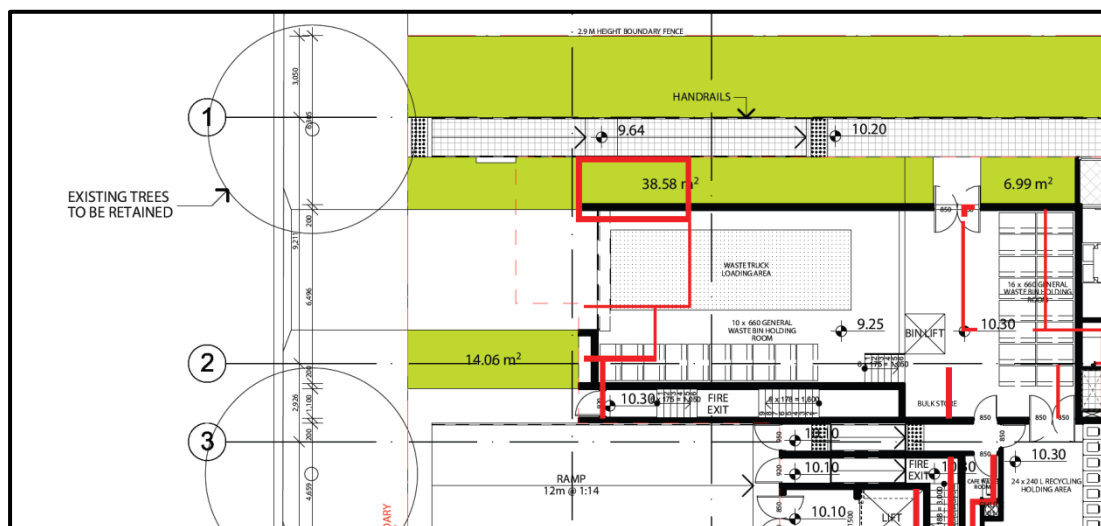


Section	Development Control	Required	Proposal	Compliance
		rate for a retail use (found under Part I of the DCP) is 1 per 40m <sup>2</sup> of gross floor area. <b>60m<sup>2</sup> retail/commercial = 2 spaces</b>	<b>2 spaces</b>	Yes.
2.9	Wash bay	For residential development of 10 or more dwellings a designated car washing bay shall be provided on the site.	Three (3) car wash bays are provided.	Yes.

### **Draft Part H – Waste Management of the Strathfield Consolidated Development Control Plan 2005**

A draft revision of Part H of Council's DCP relating to Waste Management is currently on public exhibition. Therefore, this draft document is a matter for consideration under the subject application.

Section 3.8 relates to Mixed Use Development whilst Section 3.3 requires provision to be made for onsite waste collection. The proposed development has been revised throughout the assessment of the subject application and now includes an on-site collection area comprising a loading dock and bin holding area which is accessible from Burlington Road. The loading bay is accessible from Burlington Road and has a separate entry to the main vehicular entry to the site which will ensure vehicular access into the property is not disrupted whilst waste is being collected.



The proposal meets the requirements of Section 3.3 of the DCP as demonstrated in the following table:

Section	Development control	Required	Proposal	Compliance
3.3	Design and use of buildings – provision of on-site waste collection	Access via a secondary street frontage	Access adjacent to vehicular ramp to basement is acceptable and most practical due to the narrow frontage of the site to The Crescent.	Yes
		Efficient access with minimal manoeuvring	Reverse in and exit out in a forward direction. Minimal manoeuvring required.	Yes.
		Minimal impact on streetscape and façade	Integrated with a roller door and service entry. Separated from the main pedestrian entry to the site.	Yes.
		Certification of clearance from surveyor required prior to pouring of slab.	Min. 3.4m required.	Subject to condition
		Bin holding room conveniently located.	Acceptable location adjacent to loading area.	Yes.
	Acceptable alternative collection arrangements	Loading dock facility where collection vehicles reverse into the dock and exit in a forward direction	The proposal is consistent with this alternative arrangement.	Yes.
	On-Site Collection Access	Positive Covenant required for collection access	Suitable condition to be imposed.	Subject to condition.
3.6	Residential Flat Building	<u>660L waste bins</u> Rate:120L/unit/week  143 units x 120L = 26 bins required	10 x 660L bins collected twice weekly proposed.	Additional bins required subject to condition as collection is only normally available weekly.
		<u>240L Recycling bins</u> Rate: 60L/unit/week 143 units x 60L =35.75 (36) bins required	26 x 240L bins proposed collected weekly.	Additional bins required subject to condition.
3.8	Mixed Use Development	Separate waste storage rooms required for residential and commercial components of the development	Condition to be imposed.	Subject to condition.
		Waste collection not to impact acoustic amenity of residents.	Condition to be imposed	Subject to condition.

As demonstrated in the table above, and subject to the imposition of conditions of consent, the proposal has satisfied the requirements of the draft DCP.

**(iia) Planning Agreements (or Draft Agreements)**

A draft Voluntary Planning Agreement (VPA) was submitted for the parent consent pursuant to Section 93F of the Environmental Planning and Assessment Act 1979. This VPA remains applicable to the approved development and was entered into in lieu of the payment of Section 94 Contributions.

Notwithstanding this VPA, additional Section 94 Contributions are payable for the proposed additional (26) units and have been included in a modified condition below.

**(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.

**(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*.

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

**(b) Likely Impacts:**

**Overshadowing**

The proposed development seeks to increase the height of the northern section of the building, fronting The Crescent, by an additional two (2) storeys or 7m, and the southern portion of the building, toward Burlington Road, by an additional one (1) storey or (approximately) 4m. The figures below demonstrate the approved and proposed western elevation of the building and clearly show the additional building height sought under the subject application.

The orientation of the majority of the additional building height toward the northern boundary minimises additional shadow cast on the southern side of Burlington Road. Whilst there is a minor additional increase in the shadow cast at the winter solstice, the orientation of the site results in the movement of the shadow from east to west throughout the day, retaining at least three (3) hours of solar access to nearby properties. For reference purposes, shadow



diagrams demonstrating the additional shadow cast by the development are shown in figures 2-5 below.



**Figure 2:** Approved and proposed western elevation of the development shown top and bottom respectively. The red box annotates the additional building height proposed under the subject application.

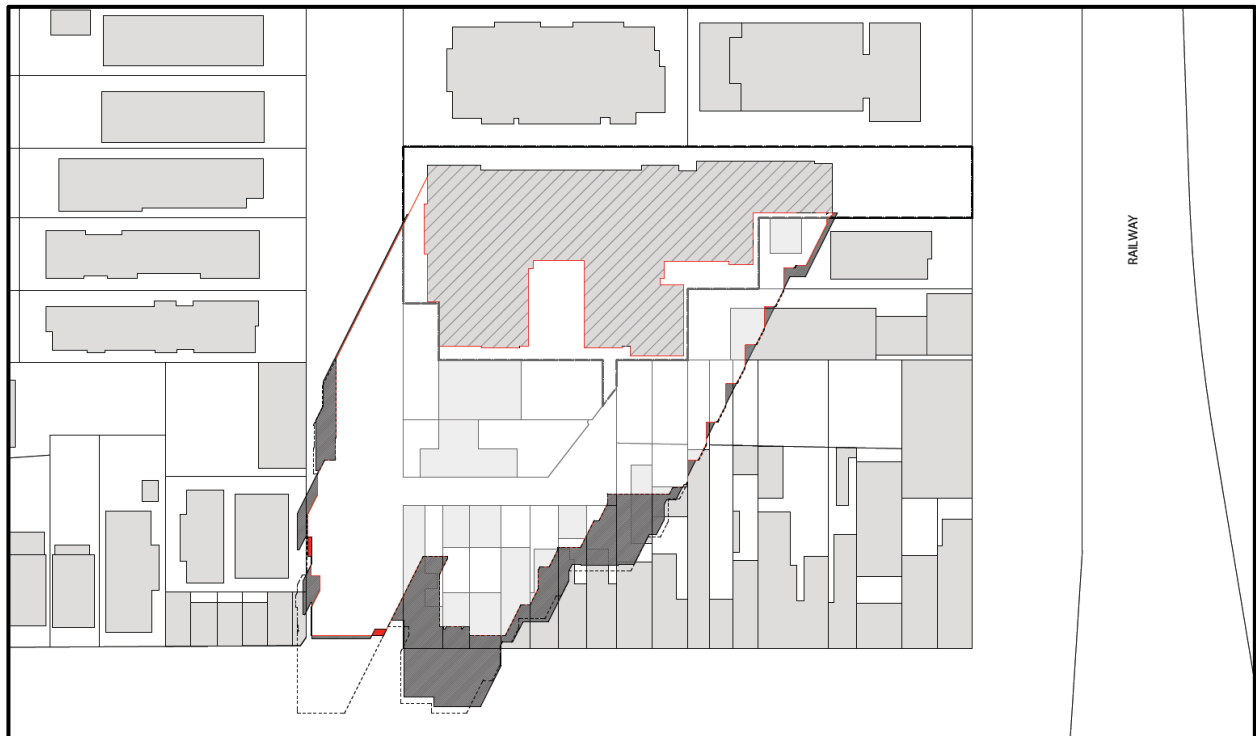


**Figure 3:** Shadow cast by the proposed development at 9am at the Winter Solstice.

Note: The additional shadows cast as a result of the proposed development are shown in dark grey whilst the original extent of overshadowing is shown in grey with a red outline. The dotted line denotes the extent of shadow cast by the original concept submitted under the subject S96 which has since been reduced in scale.



**Figure 4:** Shadow cast by the proposed development at midday at the Winter Solstice.



**Figure 5:** Shadow cast by the proposed development at 3pm at the Winter Solstice.

As demonstrated by the above figures, the additional proposed two (2) storeys to the northern and one (1) storey to the southern portion of the development will not jeopardise the existing level of solar access which would be provided to medium density development along the southern side of Burlington Road based on the approved part four (4), part seven (7) storey building bulk. Notwithstanding, based on the approved building bulk at least three (3) hours of solar access is retained to all affected properties in accordance with the rule of thumb guidelines and Council's DCP.

The additional storeys are integrated into the overall appearance of the development which retains the same setbacks, manipulation of building elements, such as vertical framing and materials and finishes as the development which was previously approved. This will conceal the additional storeys within the overall appearance of the development which will help to ensure the development remains compatible with its immediate context.

### **Parking**

The proposed modifications involve reconfiguration to the parking layout within the approved basement and introduction of a fourth level of basement parking. In total the modifications will provide (27) additional parking spaces.

As demonstrated in the DCP assessment above, the proposed development will remain consistent with the minimum parking requirements of Council's DCP. Notwithstanding, the subject site is located within very close proximity (approximately 200m) of Homebush Railway Station.

Overall, the proposed modifications are considered appropriate for the site given that there will be very little additional impact as a direct result of the additional height and density. As previously discussed, the gazettal of the SLEP 2012 provides opportunities for additional

density through a modified definition of 'gross floor area' and which provides an FSR for the whole site where previously only the former commercial portion of the site was provided with an FSR.

Whilst a departure is sought from the 16m height limit provided by Clause 4.4 of the SLEP, it is unlikely that the full FSR of 3:1 would be able to be achieved within this maximum permitted height. Notwithstanding this, the proposed development distributes the additional floor area in order to minimise environmental impacts and the visibility of the additional storeys.

Overall, the proposal provides an acceptable outcome for the site which will integrate with surrounding development and which will provide additional density within close proximity of Homebush Station and the Homebush Village Shopping Precinct, as intended by Council's LEP.

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

The modifications proposed under this application present an acceptable outcome for the site which will provide additional planned density within close proximity of established public transport infrastructure, schools and local shops. The overshadowing impact of the modified development has been minimised by siting the additional height toward the northern part of the site while the visual appearance of the additional storeys has been integrated with the approved development. Therefore, the development as modified is suitable for the site.

**(d) Submissions:**

The application and plans were notified in accordance with Part L of the Strathfield Consolidated DCP 2005 from 7 January 2015 to 22 January 2015. During this notification period, eight (8) written objections and one (1) petition with nine (9) signatures were received.

The application was substantially modified by the applicant through the submission of amended plans. The application was renotified from 19 May 2015 to 3 June 2015. During this notification period, four (4) objections and one (1) petition with ten (10) signatures were received.

The concerns raised in the submissions are outlined and discussed below.

**1. Heritage**

The proposed development, as modified, retains the overall architectural appearance of the parent application in relation to the modulation of building elements, colours and finishes. The design of the parent application was substantially reviewed in order to ensure the development is compatible with the nearby heritage conservation area in Rochester Street.

The notified application originally departed from the colours, finishes and architectural form of the approved development. The amended plans have however reverted to the architectural style of the previously approved development which is considered more favourable by Council from a heritage and urban design perspective.



**2. Parking**

As discussed above, the proposed development demonstrates compliance with the minimum parking requirements of Council's DCP.

**3. Traffic Congestion – Burlington Road and Rochester Street**

Council's Local Traffic Committee is currently investigating traffic management within the Homebush Village area due to existing conditions. This is occurring under separate cover to the subject application.

**4. Impact on Local Infrastructure**

The objector refers to the capacity of local public schools and additional demand which may be created by the proposed development. The provision of local services, schools and transportation are not a relevant matter for consideration by Council in relation to the subject Section 96 Application.

**5. Overshadowing**

Refer to 'Likely Impacts' discussion above.

**6. Extent of Notification**

Council notified the application in accordance with the requirements of Part L of the Strathfield Consolidated DCP 2005. The same notification area as the previously approved DA was utilised and objectors to the parent application were notified in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

**7. Departure from the maximum height permitted by SLEP 2012**

The proposed departure sought from the permitted building height has been discussed in detail above in the 'Likely Impacts' section and under the heading of Strathfield Local Environmental Plan 2012.

**8. Construction Traffic**

Council's standard condition for the management of construction traffic, in order to minimise impacts on nearby residents, have been included in the recommended conditions of consent below.

**9. Waste Management**

As discussed above, the proposal has been modified to provide a 'bin lift' up to the loading area which will enable on site collection of waste to occur from the development in accordance with the draft Part H of the SCDP 2005.

## **10. Contamination**

Remediation of the site was addressed in the parent consent for the redevelopment of the site and is not a relevant matter for consideration under the subject S96 Application.

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

The additional density and modifications proposed under the subject application have been well sited within the property in order to minimise impacts on adjoining properties and therefore approval of the subject application would not be contrary to the public interest.

## **INTERNAL REFERRALS**

The application was forwarded to Council's Development Engineer and Drainage Engineer for comment. Modified conditions relating to the updated drainage plans are provided in the recommended conditions below.

## **EXTERNAL REFERRALS**

The proposed development was referred to Sydney Water for comment as a Sydney Water culvert runs along the eastern boundary of the site.

In a response dated 5 June 2015, Sydney Water indicated that the previously provided conditions of consent are not to be altered.

## **CONCLUSION**

As discussed throughout this report, the proposed modifications are acceptable and meet the test of being 'substantially the same' development as the parent application. Aside from the additional height and density, the modifications also provide additional car parking and common open space which will meet the needs of the residents of the future development.

The proximity of the site to Homebush Railway Station and existing local shops, primary and secondary schools will ensure the needs of future residents are accommodated within the local area.

Whilst a variation is sought from the maximum permitted building height under Council's LEP, the density of the development is consistent with the maximum allowable FSR and the additional height has been located within the site to minimise overshadowing impacts. The density is consistent with that sought by Council's LEP of 3:1 whilst the orientation and layout of existing and proposed units will ensure an appropriate level of solar access and amenity is provided in accordance with SEPP 65 and the Residential Flat Design Code.

Overall, the modified development provides a good outcome for the site which will provide additional planned density within an established medium density area and is therefore recommended for approval.

## **RECOMMENDATION**

That DA2011/195/03 to increase the height of the building to part five (5), part nine (9) storeys to provide an additional (26) units comprising one (1) x studio, ten (10) x 1 bedroom, (13) x 2 bedroom and two (2) x 3 bedroom units across levels 4, 7 and 8, to reconfigure the rooftop common open

space from level 4 to level 5, to provide an additional level of basement parking and to reconfigure the approved basement levels to provide an additional (27) parking spaces and the provision of on-site waste collection facilities at 29-35 Burlington Road and 32 The Crescent, Homebush be APPROVED subject to the following conditions:

### **CONDITIONS OF CONSENT**

#### Under Part B – Other Conditions

Condition 1 shall be modified to read as follows

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

Basement 04 Dwg No. 1050 Project No 08.14 Issue B prepared by Ghazi Al Ali Architect received by Council 7 May 2015

Basement 03 Dwg No. 1250 Project No 08.14 Issue B prepared by Ghazi Al Ali Architect received by Council 7 May 2015

Basement 02 Dwg No. 1201 Project No 08.14 Issue B prepared by Ghazi Al Ali Architect received by Council 7 May 2015

Basement 01 Dwg No. 1202 Project No 08.14 Issue B prepared by Ghazi Al Ali Architect received by Council 7 May 2015

Ground Floor Plan Dwg No. 1203 Project No 08.14 Issue B prepared by Ghazi Al Ali Architect received by Council 7 May 2015

Level 01 Dwg No. 1204 Project No 08.14 Issue B prepared by Ghazi Al Ali Architect received by Council 7 May 2015

Level 02 Dwg No. 1205 Project No 08.14 Issue B prepared by Ghazi Al Ali Architect received by Council 7 May 2015

Level 03 Dwg No. 1206 Project No 08.14 Issue B prepared by Ghazi Al Ali Architect received by Council 7 May 2015

Level 04 Dwg No. 1207 Project No 08.14 Issue B prepared by Ghazi Al Ali Architect received by Council 7 May 2015

Level 05 Dwg No. 1208 Project No 08.14 Issue B prepared by Ghazi Al Ali Architect received by Council 7 May 2015

Level 06 Dwg No. 1209 Project No 08.14 Issue B prepared by Ghazi Al Ali Architect received by Council 7 May 2015

Level 07 Dwg No. 1210 Project No 08.14 Issue B prepared by Ghazi Al Ali Architect received by Council 7 May 2015

Level 08 Dwg No. 1211 Project No 08.14 Issue B prepared by Ghazi Al Ali Architect received by Council 7 May 2015

Roof Plan Dwg No. 1212 Project No 08.14 Issue B prepared by Ghazi Al Ali Architect received by Council 7 May 2015

North and South Elevation Dwg No. 1500 Project No 08.14 Issue B prepared by Ghazi Al Ali Architect received by Council 7 May 2015

East and West Elevation Dwg No. 1501 Project No 08.14 Issue B prepared by Ghazi Al Ali Architect received by Council 7 May 2015

Sections Dwg No. 1700 Project No 08.14 Issue B prepared by Ghazi Al Ali Architect received by Council 7 May 2015

Material Schedule 1600 Project No 08.14 Issue B prepared by Ghazi Al Ali Architect received by Council 7 May 2015

Material Schedule 1601 Project No 08.14 Issue B prepared by Ghazi Al Ali Architect received by Council 7 May 2015

Waste Management Plan prepared by Elephants Foot dated May 2015 received by Council 7 May 2015

Landscape Plan LPDA-15-413/1 Issue A prepared by Conzept Landscape Architects received by Council 7 May 2015

COS Inset Plan LPDA-15-413/2 Issue A prepared by Conzept Landscape Architects received by Council 7 May 2015

Level 5 & 7 Planters LPDA-15-413/3 Issue A prepared by Conzept Landscape Architects received by Council 7 May 2015

Landscape Details LPDA-15-413/4 Issue A prepared by Conzept Landscape Architects received by Council 7 May 2015

BASIX Certificate No. 263545M\_07 issued 30 April 2015

Remediation Action Plan, prepared by Aargus Australia for Homebush Project Development Pty Ltd and dated October 2011.

Stormwater Concept Design Basement Level 4 Dwg No SW01 Rev B Project No 20110038 prepared by SGC Consultants Pty Ltd Received by Council 7 May 2015

Stormwater Concept Design Ground Floor Dwg No SW02 Rev C Project No 20110038 prepared by SGC Consultants Pty Ltd Received by Council 7 May 2015

Erosion and Sediment Control Plan Dwg No SW103 Rev B Project No 20110038 prepared by SGC Consultants Pty Ltd Received by Council 7 May 2015

Detail Sheet 1 Dwg No SW104 Rev B Project No 20110038 prepared by SGC Consultants Pty Ltd Received by Council 7 May 2015



Detail Sheet 2 Dwg No SW105 Rev B Project No 20110038 prepared by SGC Consultants Pty Ltd Received by Council 7 May 2015

Aboricultural Impact Assessment prepared by Tree and Landscape Consultants (TALC) and received by Council 19 December 2011.

Condition 12 shall be modified to read as follows:

- 12 (a) In the event that the Voluntary Planning Agreement (VPA) adopted by Council's Planning Committee on 10 July 2012 is not entered into, the applicant shall in accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and Strathfield Section 94 Contributions Plan 2010-2030, provide a contribution in the form of cash, cheque or credit card (financial transaction fee applies) to be paid to Council for the following purposes:

Provision of Community Facilities	\$113,192.90
Provision of Major Open Space	\$550,721.50
Provision of Local Open Space	\$183,521.70
Provision Roads and traffic Management	\$26,243.00
Administration	\$23,480.30
<b>TOTAL</b>	<b>\$897,159.40</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.

The required contribution shall be paid **prior to the issue of a Construction Certificate;**

**and**

- (b) In respect to the additional (26) residential units approved under DA2011/105/03, and in accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and the Strathfield Direct Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Provision of Community Facilities	\$23,707.20
Provision of Major Open Space	\$114,100.80
Provision of Local Open Space	\$38,016.00
Provision Roads and traffic Management	\$5,478.00
Administration	\$4,857.60
<b>TOTAL</b>	<b>\$186,159.60</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.

The required contribution shall be paid **prior to the issue of a Construction Certificate** for the works approved under DA2011/105/05.

Condition 14 shall be amended to read as follows:

- 14 (a) Amended plans demonstrating the deletion of parking spaces numbered 235, 171, 107 and 40 which do not comply with the requirements of AS20890.1 shall be prepared and submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate**

(b) A total of **239** off-street parking spaces and two (2) loading spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents	165 (with no more than 2 spaces for any unit)
Resident – accessible	24
Visitors	26
Visitor – accessible	5
Council facility	11 (including 1 Disabled)
Retail/Commercial	2
<b>TOTAL</b>	<b>239</b>

These spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity. These spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity and shall be made freely available to residents, customers and visitors to the site.

Residential parking spaces shall be designated at a rate of at least one (1) space per 1 and 2 bedroom unit and two (2) spaces per 3 bedroom unit.

Commercial and visitor parking spaces shall be provided on the upper most level of basement parking.

If it is proposed to strata subdivide the development in the future, parking designation shall be strictly in accordance with this condition.

- (c) Three (3) car wash bays, appropriately bunded and drained, and two (2) loading docks (one (1) for use by residents and one (1) for the Council facility) shall be provided within the basement in accordance with the approved plans.

Condition 85 shall be amended to read as follows:

- 85 A two-dimensional flood study for the development site shall be prepared by a suitably qualified hydraulics engineer competent in catchment flood studies and hydraulic analysis. The study shall include an assessment of the existing drainage conduits and overland flows for all durations of storm events up to and including the 1 in 100 years ARI. The study should also include comment on the flood levels in the vicinity of the development site up to and including PMF and demonstrate that post development flood levels within the site and upstream and downstream of the site are not higher than the predevelopment flood

levels. The location and width of the overland flow path through the site should be identified to enable the full 1 in 100 year storm event flows to be catered for through the site.

The flood modelling shall be undertaken **prior to the issue of a Construction Certificate** and approved by Strathfield Council, to demonstrate that there is no adverse impact, defined as increased in the 100yr ARI flood level of greater than 0.01m, on any adjoining privately owned land.

Condition 86 shall be amended to read as follows:

- 86 Stormwater runoff from all the roofed and paved surfaces shall be collected and discharged by means of a gravity fed system via an on-site stormwater detention system to the stormwater channel within the site as shown on the concept Stormwater Management Plans prepared by S& G Consultants Pty Ltd Project No.20110038 Drawings No. Sw101 Issue B, Sw102 Issue C, Sw103 Issue B, Sw04 Issue B and Sw105 Issue B Dated 16.12.2014 & 17.04.2015.

Condition 90 shall be amended to read as follows:

- 90 Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with approved concept plans prepared by S& G Consultants Pty Ltd Project No.20110038 Drawings No. Sw100 Issue B, Sw101 Issue B, Sw102 Issue C, Sw103 Issue B, Sw04 Issue B And Sw105 Issue B Dated 16.12.2014 & 17.04.2015, requirements of the Council's Stormwater Management Code and approved by the Principle Certifying Authority **prior to the issue of a Construction Certificate**.

In this project the above engineering plans are satisfactory as Concept plans. The Principal Certifying Authority, 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.

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

Condition 102 shall be amended to read as follows:

- 102 The proposed development as shown on the Architectural Plans Sections Dwg No. 1700 Project No 08.14 Issue B prepared by Ghazi Al Ali Architect received by Council 7 May 2015 shall not have the subfloor area enclosed or utilised for storage. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property where the lowest habitable floor area is elevated above finished ground level. This is to place a restriction on the title that the subfloor space is not to be enclosed or used for storage in order to allow for unobstructed passage of overland flow of water.

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.

Condition 110 to 119 shall be added to the consent as follows:

- 110 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.
- 111 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.
- 112 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.
- 113 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.
- 114 A Positive Covenant under Section 88E of the Conveyancing Act, 1919 shall be created on the title of the property as follows:
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- i) Full and free right must be provided to Strathfield Council employees or its authorised contractors to enter upon the land and remove any waste products using any vehicle or equipment as necessary; and
- ii) The owner of the lot burdened shall be solely responsible for the cost of maintaining in good and sufficient repair at all times the internal roads or access ways used by Strathfield Council or its authorised contractors for the purposes of exercising its rights as set out in (i) above.

The wording of the Instrument shall be submitted to and approved by Strathfield Council prior to lodgement at Land and Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and accepted by the Strathfield Council **prior to the issue of an Occupation Certificate**

- 115 Provision shall be made for the storage and collection of (26) x 660L general waste and (36) x 240L recycling bins from the residential portion of the development weekly.
- 116 Amended plans shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate** demonstrating separate areas for the storage of commercial (café) and residential waste.
- 117 The residential units are to be suitably constructed in order to mitigate the transfer of noise from the loading dock to habitable rooms whilst waste is being collected. In this respect, a suitably qualified Acoustic Consultant shall be engaged to certify the construction methodology utilised for units within close proximity of the waste collection area.
- 118. **Prior to the Commencement of Works** a Construction Traffic Management Plan (CTMP) shall be prepared by a suitably qualified consultant to demonstrate that the proposed delivery routes for equipment, materials and machinery to and from the site will not disrupt the local traffic network. The CTMP is to nominate waiting zones for the queueing of vehicles pending their loading/unloading at the site in order to manage traffic impact on Parramatta Road. The recommendations of the CTMP are to be implemented during construction and excavation phases of the development. This document shall be submitted to Strathfield Council for approval **prior to the issue of a Construction Certificate or commencement of any works including demolition.**
- 119 Amended plans shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate** demonstrating the deletion of the solid wall dividing Multi-Purpose Hall 1 and 2 and reverting the layout of the Council facility to that approved under DA2011/195.
- 120 Detailed architectural drawings demonstrating a 3.4m clearance to any area of the building/basement which is required to be accessed for waste collection shall be prepared and submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate.**