SUMMARY

PROPERTY:	40-42 Loftus Crescent, Homebush Lot 37 & 38 DP 9145 and Lot X DP 446141
DA NO.:	2015/021
APPLICATION TYPE:	Integrated Development – Residential Flat Building
REPORT BY:	Sophie Olsen – Senior Planning Officer
RECOMMENDATION:	DEFERRED COMMENCEMENT
SUBMISSIONS:	One (1) written submission was received.
ZONING:	R4 – High Density Residential
DATE APPLICATION LODGED:	16 March 2015
APPLICANT:	Novati Construction Pty Ltd
OWNER:	J Zheng, Y Song, X Lac, A & L Malek

INTRODUCTION

Approval is sought for the demolition of existing structures and construction of a part nine (9), part five (5) storey residential development comprising (80) units above two (2) levels of basement parking.

The proposal satisfies the relevant statutory controls applicable to the site under SEPP 55, SEPP 65, SEPP BASIX, the Strathfield Local Environmental Plan 2012 (SLEP) and is generally consistent with the built form sought by DCP 20 – Parramatta Road Corridor and Council's preliminary revisions to DCP 20.

The built form of the proposal is modern and is responsive to the three (3) street frontages of the site. The unit layouts are efficient and provide a good level of amenity for future residents. The site has a large consolidated area of common open space on a podium between the building elements which has adequate solar access and which is to be embellished with outdoor seating, childrens play equipment, BBQ facilities, communal garden, pond, seating, trees and pergolas.

Due to the proximity of the site to the north-west rail line, the subject application was forwarded to Sydney Trains for consideration. Concurrence was received on 29 April 2015 however Sydney Trains have requested that the application be granted a Deferred Commencement approval subject to a number of standard matters relating to excavation.

The proposed development was also referred to the Roads and Maritime Service (RMS) for comment under the 'traffic generating development' provisions of the SEPP (Infrastructure) 2007 and no objection was raised to the proposal subject to standard conditions.

Overall, the proposal has demonstrated compliance with the relevant statutory controls applicable to the development and is therefore recommended for approval.

DESCRIPTION OF THE SITE AND LOCALITY

The site comprises three (3) allotments legally identified as Lot 37 and 38 in DP 9154 and Lot X in DP 446141 with the street address of 40-42 Loftus Crescent, Homebush. Three (3) single storey brick and tile cottages are present on the allotments, each with frontages to both Loftus Lane (north) and Loftus Crescent (south).

The site has a combined area of 2,933m² with a frontage of 38.43m to Loftus Crescent and 44.2m to Loftus Lane. An aerial photograph of the subject site is provided below:

The subject site is approximately 600m west of Homebush Railway Station and is within a streetscape mostly characterised by single storey residential dwellings. Following recent development approvals, the surrounding area is transitioning from low density residential and industrial development to a high density, mixed use precinct.

Adjacent to the site on the western side of Loftus Lane is a three (3) storey plus attic residential flat development in cream facebrick with pitched tiled roof. Directly north of the subject site, being Key Site 64 and 65 at 162-170 and 172-176 Parramatta Road, two (2) x mixed use developments have been recently approved by Council.

The subject site is identified as Key Site 67 and is zoned R4 – High Density under the Strathfield LEP. The maximum permitted height is 16m to Loftus Lane and 29m to Loftus Crescent and an incentive FSR of 2:1 is applicable to the site under Clause 4.3A and 4.4A of the Strathfield LEP.

PROPOSAL

The application seeks Council approval for the demolition of existing structures and construction of a part nine (9), part five (5) storey residential development of (80) units above two (2) levels of basement parking.

The elements of the proposal are:

- Demolition of three (3) single storey dwellings and removal of trees;
- Excavation for two (2) levels of basement car parking containing (99) car parking spaces distributed as follows:
  - Residential: 83
  - Visitor: 16
- Construction of a residential flat development of (80) units comprising:
  - (20) x studio;
  - (50) x 1 bedroom units;
  - (24) x 2 bedroom units; and
  - Six (6) x 3 bedroom units.

- The proposed development also includes a Voluntary Planning Agreement with Council for the dedication of a portion of land which will widen the existing section of Loftus Lane which runs adjacent to the site's northern boundary.

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

BACKGROUND

Pre-Lodgement discussions were held with the Applicant and Council Officers between July and October 2014 wherein a number of revised schemes were reviewed. The final concept which was submitted to Council on 16 March 2015 generally accords with the suggestions made during the pre-lodgement discussions.

Some minor changes have been made to the application since lodgement, with amended plans and additional supporting information submitted to Council 18 May 2015.

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.

Section 79C(1)(a) Environmental Planning Instruments, DCPs and Draft Instruments:

- SEPP 55 – Remediation of Land
- SEPP 65 – Design Quality of Residential Flat Buildings
- SEPP (Infrastructure) 2007
- SEPP (Building Sustainability Index: BASIX) 2004
- Strathfield Local Environmental Plan 2012
- Strathfield Development Control Plan No. 20 – Parramatta Road Corridor

- Strathfield Consolidated Development Control Plan 2005:
  - Part H – Waste Management (draft)
  - Part L – Notification
- Interim Planning Policy: Green Amenity Factor

A detailed assessment of the above statutory planning controls is provided below:

(a) (i) Environmental Planning Instruments:

SEPP 55 – Remediation of Land

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

A Phase 1 Preliminary Site Investigation was undertaken by the Applicant which indicates that the three (3) allotments which comprise the subject site have had long standing residential uses since about 1943. The Phase 1 assessment concludes that the potential for contamination risk at the site is minimal.

It is further noted that the site is not located in an area of investigation under Part K of the Strathfield Consolidated DCP 2005 (SCDCP 2005) which identifies past known landfill and potentially contaminated sites in the Strathfield local government area.

Accordingly, based on the findings of the Phase 1 Preliminary Site Investigation there does not appear to be a need for further investigation of the site and the continued use of the site for residential purposes is therefore suitable.

Accordingly, the provisions of SEPP 55 have been satisfied.

SEPP 65 – Design Quality of Residential Flat Development

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 'rules 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.

It should be noted that Strathfield Council is not subject to a Design Review Panel constituted under the SEPP however a design verification statement in accordance with the requirements of SEPP 65 has been received from a registered Architect.

The following assessment of the proposal against the ten (10) design quality principles and the numeric controls of the 'Residential Flat Design Code' demonstrate how the proposal addresses the opportunities and constraints of the site:

Principle	Objective	Proposed
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.*	The proposed development responds to the high density, mixed-use, urban context of the site which is envisaged for the Parramatta Road corridor. The proposal is responsive to the site's high density residential zoning and the recently approved mixed use and residential flat buildings located within close proximity of the site.
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 scale of the proposal is consistent with Council's controls achieving a five (5) storey 'laneway' building and a nine (9) storey tower to the south-western corner of the site.
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 building is well articulated and presents as two (2) distinct elements which are appropriate in form to address the differing contexts presented by the laneway and Loftus Crescent. The development is stepped to follow the topography of the site and achieves a built form which is consistent with existing and likely future development in the Parramatta Road precinct.
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 has an appropriate density which conforms with the permitted FSR under the SLEP 2012. The unit configuration comprises a variety of studio, 1, 2 and 3 bedroom units which achieve good amenity. The density of the site is supported by the provision of three (3) areas of common open space which are embellished with BBQ facilities, play equipment, trees, seating areas and communal gardens.
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*	The proposed development is environmentally sustainable in design. The proposal demonstrates compliance with the energy and water efficiency requirements of the Building and Sustainability Index (BASIX) and minimises reliance on artificial lighting, heating and cooling. A large proportion of apartments (62.5% or

	buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.	50 units) have natural cross ventilation which will minimise reliance on artificial cooling systems in summer. Most units within the development are provided with a northerly orientation in order to ensure future residents are provided with good solar access. A north facing "sky garden" is provided as a common balcony for use by southern facing units in order to provide access to a semi-private area which is protected from the wind and which has good solar access.
Landscape	*Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.* *Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.* *Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.*	The proposal is accompanied by a detailed landscape design which incorporates a number of native plantings. The landscape design will enhance the overall appearance of the development and usability of common areas. Deep soil planting opportunities are maximised along the western and southern boundary of the site where large trees have been proposed to replace the canopy cover which will be lost by the proposed tree removal required to accommodate the proposal. Deep planters are proposed over the podium area to enable small trees to be planted to provide shade to the common area.
Amenity	*Good design provides amenity through the physical, spatial and environmental quality of a development.* *Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.*	The proposed development incorporates a variety of unit sizes and layouts with good solar access and natural ventilation. The application has been accompanied by an Acoustic Report assessing the impact of railway noise on the internal amenity of residential units and the recommendations of this report relating to noise attenuation measures have been incorporated into the recommended conditions of consent. Amenity will be further enhanced by the large areas of common open space comprising the central courtyard, two (2) rooftop terraces and the sky garden at level 3. These areas will provide places for residents to interact particularly noting the proposed embellishment with BBQ facilities, seating, communal garden and play

		equipment.
Safety and Security	*Good design optimises safety and security, both internal to the development and for the public domain.* *This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.*	The main entry to the development from Loftus Crescent is easily identifiable and suitable conditions are to be imposed to ensure common areas, pathways and corridors are provided with sensor or low level lighting. The secondary entry to the site from Loftus Lane provides opportunities for concealment and is not readily visible to visitors to the site. A condition is recommended to reconfigure this entry to align with the lift core to provide a more inviting and safe entry to the site. The proposed development provides good opportunities for passive surveillance of the central courtyard through the orientation of balconies. The activation of the laneway with live-work units and the orientation of living areas and balconies to overlook the lane will also work to improve surveillance.
Social Dimensions	*Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.* *New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.* *New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.*	The proposed development includes landscaped open spaces for social congregation at both ground level and rooftop level which will encourage interaction between residents of the development. The proposed housing mix will meet the needs of a variety of residents from young couples, families and those wishing to down-size. A condition of consent will be imposed requiring 15% of the proposed units ((12) units) to meet AS-4299 (Adaptable Housing) in order to provide acceptable dwellings for the aging population and those with specific accommodation needs.
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 proposed development presents a very good aesthetic appearance in high quality materials including aluminium cladding, pre-cast concrete and facebrick which will have longevity to ensure the development positively contributes to the streetscape for years to come. The variety of materials selected are consistent with existing development on nearby sites and the overall aesthetic sought by Council in recent approvals throughout the Parramatta Road corridor. The common thread of materials between the laneway building and Loftus Crescent building will tie the development together

		and will ensure that these architecturally different buildings are read together as one (1) development.

The development has considered the principles and objectives of SEPP 65 in its internal design and overall appearance and is therefore satisfactory.

In conjunction with SEPP 65, the Residential Flat Design Code (RFDC) provides a number of 'rule of thumb' guidelines which seek to encourage the provision of high quality, amenable residential flat development. An assessment of the proposal against the design guidelines of the RFDC has been undertaken and is provided below:

Development Standard	Required	Proposed	Compliance
Building Depth	Max 10m – 18m	Building A: Max. 23m however predominantly 17m Building B: Max. 12m	Acceptable as the minimum solar access and ventilation rule of thumb is met.
Building Separation	Height 25m+ 24m	Min. 25m	Yes.
Street Setbacks	Consistent with existing or desired future character	Nil to laneway 4m to Loftus Crescent	Consistent with Council's guidelines.
Side and Rear Setbacks	Consistent with existing streetscape patterns or desired future character	Nil to side – consistent with Council guidelines.	Yes.
Deep Soil Zones	Min 25% of open space	15% or 436m²	No – refer to likely impacts discussion.
Landscape Design	Improve amenity, streetscape and energy efficiency	Landscape design consistent with Green Amenity Factor.	Yes.
Open Space	Between 20-30% of site area	Ground level open space: 850m² or 29%	Yes.
Building Entry	Provide physical and visual connection between building and street Provide safe entrance Provide equitable entrance	The primary entrance to the site via Building A is readily identifiable. The secondary entrance to the site via the laneway is acceptable as a secondary entrance subject to the recommended special conditions. Equitable paths of travel throughout the site.	Yes, subject to conditions.
Parking	Provide underground car parking Provide bicycle parking	Basement parking provided. Bicycle parking	Yes. Yes.

		provided.	
Pedestrian Access	Barrier free access to at least 20% of dwellings	Barrier free access to all dwellings	Yes.
Vehicle Access	Max width of driveway is 6m Located vehicle entry away from pedestrian entry	8m driveway width is acceptable as it provides two (2) way traffic in and out of the basement from the laneway. The primary entrance to the site and the vehicular entrance are sufficiently separated.	Yes. Yes.
Apartment Layout	Single aspect max depth is 8m Max depth of cross through is 15m or more than 4m wide Min apartment size: 1 bed – 50m^2 2 bed – 70m^2 3 bed – 95m^2	Habitable areas are max. 8m from a window. Cross through units are at least 5m wide. 1 bed – 52m²+ 2 bed - 71m²+ 3 bed – 99m²+	Yes. Yes. Yes.
Apartment Mix	Provide an apartment mix	Acceptable mix of unit size and configuration comprising studio, 1, 2 and 3 bedroom units.	Yes.
Building Configuration	Balconies have a minimum depth of 2m Ceiling Heights 2.7m habitable 2.4 non habitable Storage 1 bed – 6m^3 2 bed – 8m^3 3+ bed – 10m^3	Min 2m wide 2.7m Within basement. Designated subject to condition of consent.	Yes. Yes. Yes.
Acoustic Privacy	Like rooms together	Proposal will comply with BCA in relation to the transfer of noise between units.	Acceptable.
Daylight Access	70% of units to receive 3 hours between 9am – 3pm In dense urban areas 2 hours is acceptable Single aspect units limited to 10%	73.8% of units receive three (3) hours solar access and 87.5% (70) units receive two (2) hours solar access in mid winter. 10% (8) units are	Yes. Yes.

	of total	south-facing single aspect.	
Natural Ventilation	60% of units to be naturally cross ventilated	62.5% (50) units are cross ventilated.	Yes.

SEPP (Infrastructure) 2007

The proposed development was referred to Sydney Trains (formerly Rail Corp) in accordance with the requirements of Clause 86(1) of the Infrastructure SEPP as the subject site is within 25m of a Railway Corridor and the development includes excavation for two (2) levels of basement car parking.

Concurrence was received by Sydney Trains in correspondence dated 29 April 2015, subject to a number of deferred commencement matters and standard conditions. These have been included in the recommended conditions below.

Clause 87 of the Infrastructure SEPP also requires Council to assess the impact of rail noise on the amenity of the proposed residential flat building. The application has been accompanied by an Acoustic Report which undertakes an assessment of the proposed development against the internal noise parameters of the SEPP and provides a recommended construction methodology. Compliance with the recommendations of the Acoustic Report will be enforced by way of special conditions of consent.

In accordance with Schedule 3 of the Infrastructure SEPP, the application is deemed 'Traffic Generating Development' and a referral was made to the Roads and Maritime Services under Clause 104. RMS raised no objection to the proposal in a response received 14 April 2015 however a number of standard conditions were recommended.

Therefore, the proposal has been assessed against the relevant provisions of the Infrastructure SEPP and is satisfactory.

BASIX

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

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 R4 High Density Residential under the Strathfield Local Environmental Plan (SLEP), 2012 wherein development for the purposes of a Residential Flat Building is permissible with Council consent. The proposal is generally consistent with the objectives of the R4 High Density Residential zone which seek to provide for the housing needs of the community within a high density residential environment.

The subject site has an area of 2,933m² and complies with the minimum allotment size of 1,000m² required by Clause 4.1A of the SLEP, 2012. The subject site achieves the consolidation pattern required for Key Site 67 and accordingly the incentive building height

(29m) and floor space ratio (2:1) development standards of Clause 4.3A and 4.4A of the SLEP are applicable.

Clause	Required	Proposed	Compliance
4.1A Minimum Site Area: Residential Flat Building	1,000m²	2,933m²	Yes.
4.3A Exceptions to Height of Buildings (Parramatta Road Corridor)	29m	29m	Yes.
4.4A Exceptions to Floor Space Ratio (Parramatta Road Corridor)	2:1 (5,870m²)	2:1 (5,866m²)	Yes.

The proposed development includes an Architectural Roof feature to the Loftus Crescent building which protrudes above the maximum permitted building height by approximately 2.5m. This architectural roof feature forms weather protection over the lift and common terrace and is permitted under Clause 5.6 of the SLEP 2012.

The subject site is identified as having Class 5 soils and is not located within 500m of Class 1, 2, 3 or 4 soils. Therefore, the proposed development was required to be accompanied by an Acid Sulfate Soils Management Plan and has satisfied the requirements of Clause 6.1 of the SLEP, 2012.

As discussed in the above assessment against the provisions of SEPP 65, the proposed development is of good architectural merit and will positively contribute to the streetscape sought by Council within the Parramatta Road Corridor. The proposal achieves the objectives of the SLEP in relation to the additional provisions for development in the Parramatta Road Corridor under Clause 6.9 of the SLEP which seek to encourage a mix of commercial and residential land uses.

Overall, the proposed development has been considered with respect to the relevant Clauses of the SLEP, 2012 and is satisfactory.

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	$61,333.40
Provision of Major Open Space	$295,192.60
Provision of Local Open Space	$118,432.20
Provision Roads and traffic Management	$231,423.00
Administration	$12,567.20
TOTAL	**$718,948.40**

(ii) Draft Environmental Planning Instruments:

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

(iii) Development Control Plans:

The following table provides a detailed assessment of the proposed development against the current DCP 20 – Parramatta Road Corridor Area, which 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 satisfactory with regard to DCP 20, the details of which are 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 pre-lodgement discussions with Council.	No longer applicable.
	Land Consolidation	Proposal to conform to the consolidation pattern identified in figure 12.	Conforms with consolidation pattern of SLEP 2012 (Key Site 67)	SLEP prevails.
2.3	Building Height	Proposal to conform to building height identified in figure 12, which requires max. 3 storeys.	The proposal complies with the maximum building height permitted under SLEP 2012 (29m).	SLEP prevails.
	Minimum Unit Sizes	Proposal to comply to the following min. unit sizes: 1 bed – 70m² 2 bed - 85m² 3 bed - 100m² > 3 bed - 110m²	 1 bed – 52m²+ 2 bed - 71m²+ 3 bed – 99m²+	 All units are SEPP 65 compliant.
2.5	Roof Form	Lift and service plant concealed within roof structure.	The lift overruns are suitably concealed within roof features.	Yes.
		Provide an interesting skyline and enhance views from adjoining developments.	The proposed building will contribute positively to the skyline.	Yes.
2.6	Façade Composition	Entrance should be distinguishable in the façade.	The primary entrance from Loftus Crescent is readily identifiable through a physical break in the building and varied materials and finishes. The secondary entrance from the laneway is subject to minor reconfiguration – refer to special conditions.	Yes.
		Facades should maintain a human scale to the street by incorporating appropriate	The proposal has an appropriate pedestrian scale achieving the desired 16m street wall to the laneway, a tower to the south-western corner which steps down to	Yes.

Section	Development Control	Required	Proposed	Compliance
		architectural features.	the east. The tower is modulated at the fifth floor to break the bulk and improve the pedestrian scale.	
		Materials and finishes should blend together with min. 30% to incorporate face brickwork.	Materials and finishes are modern and highly durable and include facebrick, glass, metal cladding and aluminium feature screening.	Yes.
		Consider the use of glass in facades on northern and western elevations in terms of glare impacts.	Glass will not contribute to an unacceptable level of glare as it faces south and is utilised to distinguish the primary entrance to the building from Loftus Crescent.	Yes.
2.8	Visual and Acoustic Privacy	Visual privacy to be provided by separation or screening.	Balcony orientation is well considered to maintain privacy for future residents.	Yes.
		Main living areas oriented to the street or rear garden to prevent overlooking.	Main living areas are appropriately located to encourage passive surveillance of the public domain and common open space within the site.	Yes.
		Acoustic privacy must be considered in relation to proposal and surrounding environment.	Living areas are predominantly orientated north (away from the railway line) to improve acoustic amenity.	Yes.
		Buildings designed and sited to minimize transmission of noise to adjoining developments.	The design will not transmit unreasonable level of noise to likely future adjoining developments. Solid nil boundary walls will provide an acceptable level of noise insulation between living areas. The central common open space is designed to align with the future common open space on the adjoining site.	Yes.
		Developments adjoining major road or railway line to consider potential noise impacts.	The construction methodology suggested by the acoustic report will be required to be used in accordance with relevant conditions of consent. Internal noise levels will be certified prior to construction.	Yes, subject to condition.
		Shared pedestrian entries shall be capable of being locked and serve a limited no. of dwellings	Shared secured entrances are proposed. Separate building entrances for Building A (fronting Loftus Crescent) and Building B (fronting Loftus Lane).	Yes.
		Casual surveillance maintained of public streets and spaces with at least one	Development has been designed with balconies overlooking the street and into common open space. The configuration of the	Yes

Section	Development Control	Required	Proposed	Compliance
		habitable room window facing that area.	laneway building maximises opportunities for surveillance of the laneway whilst the SOHO/Live-Work units will help to introduce more active uses to the laneway.	
2.9	Private Open Space	Proposal to provide 35% deep soil landscape area on the site.	15% (436m²) of the site is provided as deep soil.	No, however the site provides plantings on podium in common open space in addition to the deep soil area.
		Retain and protect existing significant trees.	There are no significant trees on site.	Yes.
		Each contiguous landscape area shall provide large trees.	Canopy trees (natives) are to be planted along the western boundary of the site and in the front setback to Loftus Crescent.	Yes.
		Trees and pergolas to shade external areas and control sunlight into buildings.	Selection of trees is acceptable. Deciduous trees are provided along the southern boundary to maximise solar access to south facing units during winter.	Yes.
		Proposal to provide common open space to the following dimensions: 10% of site or 100m² (whichever is greater); Min dimensions of 7m; Positioned to receive sunlight, be conveniently located for residents with good opportunities for passive surveillance and contain durable children's play equipment; Located behind front setback.	 850m² central landscaped courtyard plus two (2) rooftop areas comprising a total area of 97m² to Building A and 400m² to Building B. Minimum dimension of 9.7m Excellent solar access provided to the rooftop common areas and adequate sunlight to the central courtyard (approximately 2 hours from 11am to 1pm at mid-winter). Balconies orientated to overlook the common courtyard. Common areas are embellished with children's play equipment, BBQ facilities, seating and timber decking. Rooftop to Building B includes an area which is intended as a communal vegetable garden.	 Yes. Yes. Yes.
	Balconies	Dwellings without ground level open		

Section	Development Control	Required	Proposed	Compliance
		space shall have balconies to the following requirements: • 12m² up to 2 bed; and • 15m² for 3 or more bed; Min. dimension of 2.0m; Located off living areas and with good solar access; and Balustrades designed to provide privacy and conceal service areas whilst allowing passive surveillance.	All balconies are compliant with SEPP 65 and have a minimum depth of 2m. 1 bedroom: min 7.5m^2 2 bedroom: min 11m² 3 bedroom: min 15m² Minimum dimension of 2m achieved to ensure balconies are usable. Balconies provided off living areas and the majority achieve a northern or north-westerly orientation. Tinted glass balustrades proposed, some with louvered screens.	Yes – compliant with SEPP 65, the accepted standard. Yes. Yes. Yes.
		Achieve required BASIX rating.	BASIX certification provided.	Yes.
	Solar Access	Main living and 50% of POS receive min. 3 hours solar access.	3 hours solar access achieved to 73.8% (59) units	Yes.
2.10.2		Min. 3 hours solar access maintained to habitable rooms and POS of adjoining development.	Due to the orientation of the site, the shadow cast by the development moves from west to east throughout the course of the day. The adjoining dwelling at 39 Smallwood Avenue will receive morning and late afternoon solar access (approx. 3 hours in total).	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.	Barrier free access to all units.	Yes.
2.12	Vehicle Access and Car Parking	Access to public areas should be convenient and without barriers.	Barrier free access to all units and common courtyard.	Yes.
		Adequate and convenient amenities for people with	Disabled access provided throughout.	Yes.

Section	Development Control	Required	Proposed	Compliance
		mobility accessibility.		
		Accessible parking provided with access to units above provided.	Accessible parking spaces provided.	Yes.
		15% of units designed to allow occupation by older people and people with disabilities.	A suitable condition of consent will be imposed requiring a minimum of 15% (12) units to be 'adaptable' and compliant with AS4299 – Adaptable Housing.	Yes, subject to condition.
		Car parking to be provided on the following basis: Up to 2 bed – 1 space **(74) spaces required** 3 bed - 1.5 spaces required **(9) spaces required** Visitor – 1 space per 5 units **(16) spaces required** **Total (99) spaces required**	Basement parking for (99) vehicles comprising (83) resident and (16) visitor parking spaces.	Yes.
		Provide bicycle parking	(21) bicycle spaces provided.	Yes.
2.13	Site Facilities and Services	Comply with driveway ramp gradient and dimension requirements.	Complies with relevant Australian Standard requirements.	Yes
2.14		Electricity and telecommunication supplies shall be undergrounded.	Condition will be imposed to require Aerial Bundling of Cables (ABC) for the overhead wires along Loftus Crescent.	Yes, subject to imposition of condition.
	Excavation	Letterbox provision	Letter boxes provided in the lobby area of Building A.	Yes.
		Master TV antenna provided.	No details provided.	No, but condition will be imposed to enforce compliance.
		Comply with BCA	To be enforced by condition of consent.	Yes, by way of condition of consent.

Section	Development Control	Required	Proposed	Compliance
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 proposed development has been assessed against the revised version of Part H of Council's DCP which has recently finished public notification.

Section 3.3.6 of Part H of the DCP requires on-site waste collection facilities to be provided for residential flat development. The proposal includes two (2) waste collection areas within the basement for the storage of (14) x 660L garbage and (40) x 240 recycling bins.

Waste chutes are provided at each level of the building with an adjacent storage area for recycling materials for use by residents and the applicant has proposed signage within common areas to educate residents about the management of waste within the site.

Sufficient clearance (3.4m) has been provided for Council's truck to access the area labelled "Garbage and Waste Room 1" within the basement to permit the on-site collection of waste to occur.

Bins will be relocated from the garbage and waste room beneath Building A for collection from the holding room adjacent to Waste Room 1 as the clearance height within the basement steps through the site due to the site's topography and areas accessible to Council's garbage truck will be restricted.

Overall, the management of waste from the site, once occupied, will be acceptable and will meet the draft provisions of Council's DCP.

Interim Planning Policy – Green Amenity Factor

The Green Amenity Factor has been developed to improve the provision of landscaping and common open space in new residential flat and mixed use development along Parramatta Road within the Strathfield Local Government Area. It is a point based system that evaluates the quantity and quality of landscaped areas in new development and moves away from the traditional numeric provision of an area that is landscaped. The Green Amenity Factor was endorsed by Council as an Interim Policy in August 2013 and is anticipated to be incorporated into a draft DCP in the coming months.

The Green Amenity Factor encourages the provision of a variety of usable open spaces for recreation, social and biodiversity purposes together with achieving a high level of amenity for people of all ages and life stages. The Green Amenity Factor requires the calculation of a

primary and secondary factor. The primary factor is applied to all areas including open space, rooftops and balconies. It provides a quantitative measure of open space in new development. The secondary factor measures the quality of the design, amenity and use of these primary factor areas. The output is a factor which measures the overall quantity and quality of open space in new developments and minimum 75% is required to be achieved based on the use of 2/3 (60%) of each factor.

The proposal has achieved a Green Amenity Factor of 0.76 or 76% which compiles with the 75% target. The proposal is considered to achieve the objectives of the policy in that areas for passive and active recreation, children's play areas, a variety of species and communal facilities are provided.

(iiia) 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 as the proposal involves the dedication of 216.5m² of land to Council for widening of Loftus Lane.

The dedication of this land will help Council achieve its strategic goal for the activation of the Parramatta Road Corridor and is considered to be of public benefit. The applicant has submitted written correspondence to Council for the dedication of the laneway through a Voluntary Planning Agreement which will be executed prior to the issue of a Construction Certificate for above ground works.

Suitable conditions of consent have been included in the recommendation 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) however does involve the demolition of a building for the purposes of Australian Standard (AS) 2601 – 1991: The Demolition of Structures.

(v) Any Coastal Zone Management Plan:

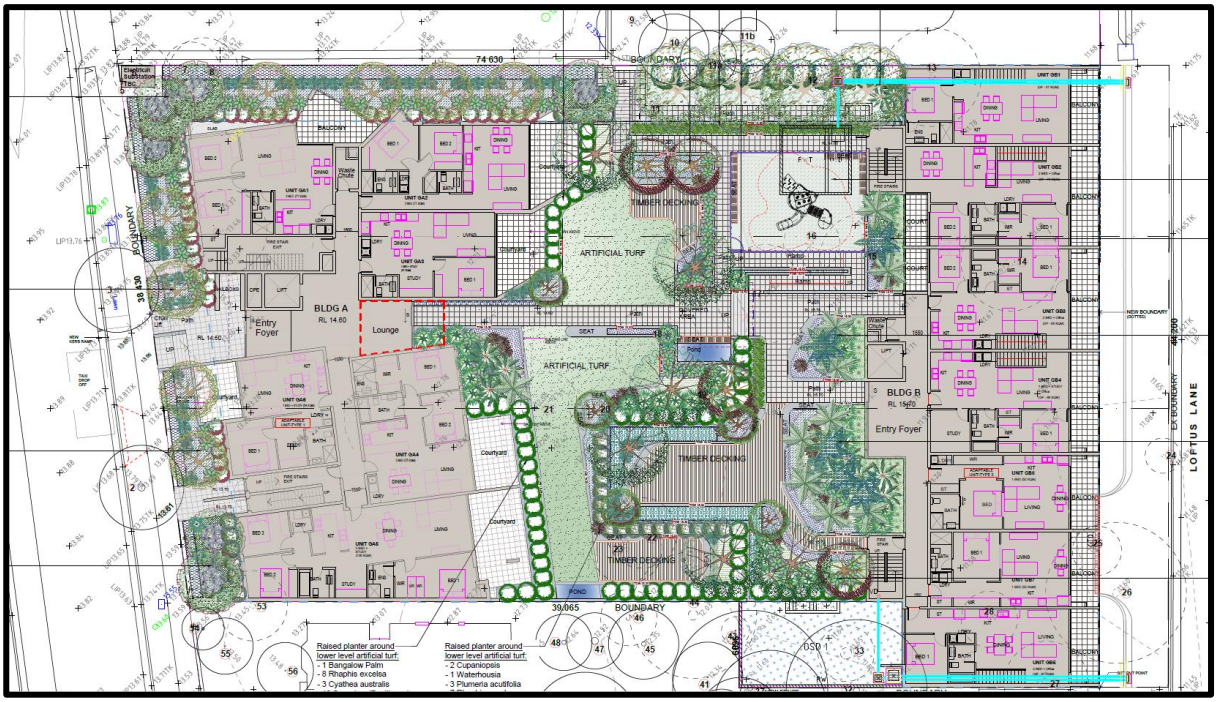
The NSW Government projects sea levels to rise by 40cm in 2050 and by 90cm in 2100 above the relative mean sea level in 1990. These planning benchmarks are to be considered in the assessment of development applications through the applicable coastal zone management plan or alternatively the provisions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

Landscaping & Common Open Space

The proposal provides 15% (436m²) of the site as deep soil landscaping with provision for canopy tree planting along the southern frontage of the site to Loftus Crescent and the western frontage to Loftus Lane. As demonstrated in the landscape plan below, the canopy plantings will provide a garden setting to the building and will provide shading to the common courtyard.



A departure is sought from the landscaping provisions of DCP 20 which requires 35% deep soil and the guidelines of the RFDC which recommend at least 25% deep soil planting. Notwithstanding this departure, the proposal complies with Part N of Council's DCP and provides a WSUD system which will assist in filtering stormwater and reducing nutrient load. Compliance is also achieved with Council's Green Amenity Factor achieving an overall score of 0.76 or 76%, which satisfies the minimum 0.75 rating required.

The landscape design is appropriate for the high density nature of the development and appropriately treats areas of common open space throughout the site to support passive and active recreation by future residents. At ground level, the common open space equates to 850m² and incorporates areas of artificial turf, timber decking, small ponds and is embellished with children's play equipment, seating and pergola structures. This area will receive at least two (2) hours of solar access at mid-winter and supplemented by rooftop terraces which are orientated north to receive very good solar access.

A landscaped planter adjacent to unit GB5, fronting the laneway, is to be utilised as an OSD. Given the size of this area and its isolation from other landscaped areas, a condition of consent is recommended requiring the preparation of amended plans with direct access from GB5 to enable this area to be utilised as private open space. The condition will state

that access is to be provided to the rear common open space for maintenance of the OSD by the Owner's Corporation.

Overall, the site provides good access to common landscaped areas throughout the development site which are appropriately planted and embellished for use by future residents.

Amenity

The proposed development will support a good level of residential amenity with units designed to predominantly have a northerly aspect. The development is compliant with the solar access, cross ventilation, unit size and balcony depth rule of thumb recommendations of the RFDC. The building will be appropriately insulated from noise generated by the nearby railway corridor through compliance with the construction methodology recommended in the acoustic report and requirements of the SEPP Infrastructure 2007.

Aesthetic Appearance

The proposed development has been designed as two (2) buildings with a central common courtyard. The five (5) storey laneway building will form a streetwall to Loftus Lane which is consistent with the built form sought by Council throughout the Parramatta Road Corridor. The building to Loftus Crescent has a tower and podium built form which is modulated at the fifth floor and which steps down to the east in order to meet the height of likely future development on the adjoining property.

The materials and colours selected are of a high quality comprising aluminium cladding, pre-cast concrete and facebrick which will have longevity to ensure the development positively contributes to the streetscape for years to come. The variety of materials selected are consistent with existing development on nearby sites and the overall aesthetic sought by Council in recent approvals throughout the Parramatta Road corridor. The common thread of materials between the laneway building and Loftus Crescent building will tie the development together and will ensure that these architecturally different buildings are read as one (1) development.

(c) Suitability of the Site:

The proposed development presents an overall bulk, height and scale which is commensurate with the relevant statutory controls. The overall layout of the two (2) buildings maximises the northerly orientation of the site, providing residents with good solar access to units, balconies and common areas. The proposal is consistent with the architectural form and high quality material palate sought by Council throughout the Parramatta Road Corridor and will be compatible with existing, recently approved and likely future development nearby.

Therefore, the proposed development is 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 24 March 2015 to 24 April 2015 and one (1) written submission was received.

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

1. Traffic and Parking

The proposal complies with the minimum residential and visitor parking spaces which are required for the site under DCP 20 – Parramatta Road Corridor and is located approximately 520m west of the pedestrian entry to Homebush Railway Station. Additionally, regularly serviced bus stops are located along Parramatta Road.

The proposal also includes the dedication of a 4.9m wide parcel of land which will contribute to widening of Loftus Lane with the aim of improving traffic circulation within the local area.

As sufficient on-site parking is provided to meet Council's minimum requirements, the proposal will be unlikely to adversely impact the local traffic network and/or availability of on-street parking in surrounding streets.

Construction traffic impacts will be appropriately managed through a standard condition of consent requiring a Construction Traffic Management Plan to be submitted to Council prior to the commencement of works.

(e) Public Interest:

The public interest is best served by the consistent application of relevant Environmental Planning Instruments, Development Control Plans and Council policies. As discussed throughout this report, the proposed development has been assessed against the relevant statutory provisions and is satisfactory. Therefore approval of the proposal would not be contrary to the public interest.

INTEGRATED DEVELOPMENT

As previously discussed, the proposal was referred to Sydney Trains for concurrence due to the proximity to the north-west rail line. Confirmation and general terms of approval were received from Sydney Trains on 29 April 2015.

An informal referral was also made to the NSW Office of Water due to uncertainty in the Geotechnical report in relation to the level of ground water. The Office of Water have recommended an advisory condition of consent which has been included below.

INTERNAL REFERRALS

The application was forwarded to Council's Development Engineer, Drainage Engineer, Health and Building Surveyor and Tree Coordinator for comment. No objections were raised subject to the inclusion of standard conditions of consent.

EXTERNAL REFERRALS

The application was forwarded to the Roads and Maritime Services, the NSW Office of Water, Sydney Trains and the NSW Police for comment. Comments received from these external parties have been incorporated into the recommended conditions of consent below.

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 provide a range of residential accommodation within close proximity of existing public transport infrastructure.

Overall, the proposal presents a development of good architectural merit which will positively contribute to the vibrant mixed use Parramatta Road precinct. The proposal will support a good level of amenity for future residents within close proximity to Homebush Railway Station, Parramatta Road, the Sydney Markets, existing schools and local services.

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 application is therefore recommended for approval, subject to the deferred commencement matters raised by Sydney Trains and the following operational conditions of consent.

RECOMMENDATION

That DA2015/021 for the demolition of existing structures and construction of a part nine (9), part five (5) storey residential development of (80) units above two (2) levels of basement parking at 40-42 Loftus Crescent, Homebush be APPROVED subject to the following conditions:

CONDITIONS OF CONSENT

PART A - DEFERRED COMMENCEMENT CONDITIONS

D1 This consent is not to operate until the Applicant satisfies the Council, within 12 months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

The Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:

(a) Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
(b) Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
(c) Cross sectional drawings showing the tunnel easement, tunnel location, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
(d) Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and tunnel location.
(e) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

Upon written confirmation from Strathfield Council that the above conditions have been satisfied, the consent will become operable subject to the following conditions.

PART B - OTHER CONDITIONS

Plans

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

Demolition Plan drawn by Bianchino + Associates drawing number 2015-01-DA02 Issue A received by Council 16 March 2015

Basement B2 Plan drawn by Bianchino + Associates drawing number 2015-01-DA03 Issue A1 received by Council 19 May 2015

Basement B1 Plan drawn by Bianchino + Associates drawing number 2015-01-DA04 Issue A1 received by Council 19 May 2015

Ground Floor Plan drawn by Bianchino + Associates drawing number 2015-01-DA05 Issue A1 received by Council 19 May 2015

Level 1 Plan drawn by Bianchino + Associates drawing number 2015-01-DA06 Issue A1 received by Council 19 May 2015

Level 2 Plan drawn by Bianchino + Associates drawing number 2015-01-DA07 Issue A1 received by Council 19 May 2015

Level 3 Plan drawn by Bianchino + Associates drawing number 2015-01-DA08 Issue A1 received by Council 19 May 2015

Building A Level 4 - Building B Roof Plan drawn by Bianchino + Associates drawing number 2015-01-DA09 Issue A1 received by Council 19 May 2015

Level 5 Plan drawn by Bianchino + Associates drawing number 2015-01-DA10 Issue A1 received by Council 19 May 2015

Level 6 Plan drawn by Bianchino + Associates drawing number 2015-01-DA11 Issue A received by Council 16 March 2015

Level 7 Plan drawn by Bianchino + Associates drawing number 2015-01-DA12 Issue A received by Council 16 March 2015

Level 8 Plan drawn by Bianchino + Associates drawing number 2015-01-DA13 Issue A received by Council 16 March 2015

Bldg A Roof Plan drawn by Bianchino + Associates drawing number 2015-01-DA14 Issue A received by Council 16 March 2015

Building A South Elevation drawn by Bianchino + Associates drawing number 2015-01-DA15 Issue A1 received by Council 19 May 2015

Building A North East Elevation drawn by Bianchino + Associates drawing number 2015-01-DA16 Issue A received by Council 16 March 2015

Building B North East Elevation drawn by Bianchino + Associates drawing number 2015-01-DA19 Issue A1 received by Council 19 May 2015

Building B South West Elevation drawn by Bianchino + Associates drawing number 2015-01-DA20 Issue A received by Council 16 March 2015

North-West Elevation drawn by Bianchino + Associates drawing number 2015-01-DA16 Issue A1 received by Council 19 May 2015

A-A Section drawn by Bianchino + Associates drawing number 2015-01-DA21 Issue A received by Council 16 March 2015

B-B Section drawn by Bianchino + Associates drawing number 2015-01-DA22 Issue A1 received by Council 19 May 2015

C-C Section drawn by Bianchino + Associates drawing number 2015-01-DA23 Issue A received by Council 16 March 2015

Driveway Section drawn by Bianchino + Associates drawing number 2015-01-DA24 Issue A received by Council 16 March 2015

Acoustic Report prepared by Renzo Tonin & Associates received by Council 19 May 2015

Phase 1 Preliminary Site Investigation prepared by DLA Environmental DL3469_S002541 received by Council 19 May 2015

Basement Level Landscape Plan prepared by Conzept Landscape Architects drawing number LPDA15–268/1, Issue D, received by Council 19 May 2015

Ground Floor Landscape Plan prepared by Conzept Landscape Architects drawing number LPDA15–268/2, Issue C, received by Council 19 May 2015

Level 5 & Roof Landscape Plan prepared by Conzept Landscape Architects drawing number LPDA15–268/3, Issue B, received by Council 19 May 2015

Landscape Details prepared by Conzept Landscape Architects drawing number LPDA15–268/4, Issue A, received by Council 19 May 2015

Cover Sheet drawn by Novati Consulting Engineers Project No. 14011 Drawing No DA01 Rev 02 received by Council 19 May 2015

Erosion and Sediment Control Plan drawn by Novati Consulting Engineers Project No. 14011 Drawing No DA02 Rev 01 received by Council 19 May 2015

Stormwater Drainage Catchment Plan drawn by Novati Consulting Engineers Project No. 14011 Drawing No DA03 Rev 02 received by Council 19 May 2015

Stormwater Drainage Concept Plan – Basement Level B2 drawn by Novati Consulting Engineers Project No. 14011 Drawing No DA04 Rev 02 received by Council 19 May 2015

Stormwater Drainage Concept Plan – Basement Level B1 drawn by Novati Consulting Engineers Project No. 14011 Drawing No DA05 Rev 03 received by Council 19 May 2015

Stormwater Drainage Concept Plan – Ground Floor drawn by Novati Consulting Engineers Project No. 14011 Drawing No DA06 Rev 02 received by Council 19 May 2015

Stormwater Drainage Concept Plan – Roof Plan drawn by Novati Consulting Engineers Project No. 14011 Drawing No DA07 Rev 01 received by Council 19 May 2015

Details Sheet 1 drawn by Novati Consulting Engineers Project No. 14011 Drawing No DA08 Rev 02 received by Council 19 May 2015

Waste Management Plan prepared by Elephant's Foot received by Council 19 May 2015

Water Sensitive Urban Design Strategy prepared by Novati Consulting Engineers received by Council 19 May 2015

Arborist Report prepared by Earthscape Horticultural Services received by Council 16 March 2015

BASIX Certificate No. 602736M received by Council 16 March 2015

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. In accordance with the offer made by the applicant (Novati Construction Pty Ltd) dated 30 June 2015 and Drawing No. 2015-01-VPA01 Issue A2, a Voluntary Planning Agreement shall be entered into between the property owner/developer and Strathfield Council for the dedication of 215m² of land with a minimum width of 4.9m for the purpose of an extension of Loftus Laneway adjacent to the northern boundary of the site. The agreement shall be pursuant to Section 93F of the Environment Planning and Assessment Act 1979. The Voluntary Planning Agreement shall be finalised **prior to the issue of a Construction Certificate** for above ground works.

6. Amended plans shall be prepared showing the ground floor pedestrian entry to Building B from Loftus Lane being placed between units GB3 and GB4 to provide a direct passage to

the lift. The amended plans shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

7. (a) The area adjacent to unit GB5 shall be provided as open space for the private use of the resident of GB5. Amended plans shall be prepared providing direct access from the unit to the private open space and submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

(b) **Prior to the issue of an Occupation Certificate,** a legally binding agreement shall be prepared and placed on title to clarify that access to the private terrace of GB5 is to be provided for maintenance of the On-Site Detention System.

General

8. The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.

9. For residential flat developments which are subject to State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Flat Development and required to be accompanied by a design verification from a qualified designer under Clause 50(1A) of the Environmental Planning and Assessment Act Regulation 2000, a certifying authority must not issue:

(a) a **Construction Certificate** unless the certifying authority has received a design verification statement from a qualified designer that verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 143A of the Regulations; and

(b) an **Occupation Certificate** to authorise a person to commence occupation or use of the residential flat building unless the certifying authority has received a design verification statement from a qualified designer that verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 154A of the Regulations.

10. 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.

11. **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.

12. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of $10million and shall provide proof of such cover to Council prior to carrying out works.

Financial Matters

13. 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	$61,333.40
Provision of Major Open Space	$295,192.60
Provision of Local Open Space	$118,432.20
Provision Roads and traffic Management	$231,423.00
Administration	$12,567.20
TOTAL	**$718,948.40**

The total amount of the contribution is valid as at the date of determination and is subject to annual indexation. If the contribution is paid after 1st July in any year, the amount of the contribution under this condition shall be indexed in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

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

14. A security payment of $33,635.00 in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council **prior to the issue of a Construction Certificate**. The security payment is GST inclusive and comprises the following:

Refundable tree protection bond	$3,000.00
Refundable drainage bond (Council asset)	$20,000.00
Refundable works bond	$10,000.00
Non-refundable administration fee ($127/bd)	$635.00
TOTAL	**$**33,635.00

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

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

15. 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**.

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

16. A total of **(99)** off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents	83
Visitors	16
TOTAL	**99**

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

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 and commercial spaces at a rate of 1 per 40m² of floor area.

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.

17. 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.

18. The entry and exit driveways shall be suitably signposted and directional arrows shall be painted on the internal roadway.

19. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.

20. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.

21. Reconstruct the footpath, kerb and gutter to Council's specifications for the full frontage of the development site at the completion of all building works.

22. 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:

- $6m^3$ for each one (1) bedroom unit
- $8m^3$ for each two (2) bedroom unit, and

- $10m^3$ for each unit with three (3) bedrooms or more.

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

23. **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 the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

Drainage/Stormwater

24. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of gravity fed system via an onsite stormwater detention tank discharging to the new kerb inlet pit in Loftus Lane and generally as depicted on the submitted concept stormwater drainage plans drawings no.D1-D8 job no.14011 issue 3 dated 14.05.2015 prepared by Novati Consulting Engineers.

25. Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the endorsed concept plans **AND** the requirements of Council's Stormwater Management Code.

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.

Where a Private Certifier issues the Construction Certificate a copy must be provided to Council, **prior to the issue of a Construction Certificate.**

26. On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system. The storage system shall be designed in accordance with the endorsed concept stormwater plans **AND/OR** Council's Stormwater Management Code. Details of the storage system and its design components shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

27. **Prior to the issue of an Occupation Certificate/use of the building**, written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.

In addition, detailed works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to and approved by the Principal Certifying Authority. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels.

28. 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.**

29. For drainage works within public land or connecting to Council's stormwater drainage system the following inspections will be required:-

    (a) After the excavation of pipeline trenches.
    (b) After the laying of all pipes prior to backfilling.
    (c) After the completion of all pits and connection points.

    A minimum of 48 hours notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Engineering Works and Services section on 9748-9999 during office hours. Work is not to proceed until the works are inspected and approved by Council.

30. All pits shall be constructed in accordance with Australian Standard AS3500.3.

31. All subsoil drainage must be designed to meet the requirements of AS3500.

32. Access to the basement car park, head room for basement entry, driveway ramp and turning circles shall be designed in accordance with AS 2890.1 & 2-2004.

33. The proposed basement pump out system is to be strictly in accordance with the requirements set out in Strathfield Council's Stormwater Management Code 2007. The rising main shall be connected to the OSD tank/basin. Final details of this system are to be submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

34. 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.

35. Allowance shall be made for surface runoff from adjacent properties (if any), 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.

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

    (a) On-site stormwater detention system AND
    (b) All Water Sensitive Urban Design components

    incorporated in the development. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority **prior to the issue of an Occupation Certificate**.

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.

37. 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.

38. 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.

39. 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.

40. 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.

41. The connection of stormwater runoff from the development site to Council's street drainage system shall consist of a pipe line to the Loftus Lane with the pipeline then continuing across the lane to Council's drainage pipe on the northern side of Loftus Lane.

42. The pipe in Loftus Lane shall be 375mm in diameter, class (3) reinforced concrete spigot and socked with rubber ring joints. A pit shall be constructed at the property boundary and at the connection to Council's pipe.

43. The proposed drainage pipe across Loftus Lane shall be laid at an angle of 15 degrees to the perpendicular to Council's pipe on the northern side of the lane.

44. A plan and long section of the proposed drainage line within the road reserve and structural details of drainage pits shall be prepared by a suitably qualified professional civil engineer to scale of 1:100 on A1 sheet and submitted for approval of Council's Manager Engineering Works and Services.

45. Utility services within the area of effect of the proposed drainage works in Loftus Lane (i.e. gas, water, sewer, electricity, telephone, etc) shall be shown on the long section of the drainage line and are to be physically located **prior to the commencement of drainage works in Loftus Lane**. The relevant authority's written consent for excavation adjacent to their services shall be obtained. Any adjustments required shall be at no cost to Council.

46. The proposed drainage line and pits in Loftus Lane shall be constructed **prior to the issue of an Occupation Certificate.**

47. For connection to Council's drainage system in Loftus Lane 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.

48. Upon completion of drainage works within the road reserve full works-as-executed plans prepared and signed by a registered surveyor, shall be submitted for Council's approval. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and locations for the drainage structures and works.

49. In addition the affected areas i.e. roadway, nature strip, footpath, kerb & guttering and driveways shall be reinstated to the satisfaction of Manager Engineering Works & Services at no cost to Council.

Public Authority Matters

50. **Prior to the issue of an Occupation Certificate** all existing overhead electricity and telecommunication cabling adjacent to the development site shall be consolidated into a single Aerial Bundle Cable (ABC) at the applicants' expense in accordance with the specifications of AusGrid and the telecommunications supplier; and

Landscaping/Tree Matters

51. The trees listed below shall be retained at all times:

Tree	Height/ Spread (m)	Location	Protection Zone (m)	Structural Root Zone (m)
1)Tristainopsis laurina	4.5/4	Council verge	2.7	1.6
2) Tristainopsis laurina	5/6	Council verge	5.4	2.4

3) Tristainopsis laurina	5/6	Council verge	3.2	1.9
9)Eleocarpus reticulatus	7/5	Adjoining property	2.5	1.5
10)Hymenosporum flavum	7/5	Adjoining property	2.5	1.3
11a) Hymenosporum flavum	5/4	Adjoining property	2	1.1
11b)Buckinghamia celsissima	5/4	Adjoining property	2.3	1.5
29)Livistona australis	4/4	Adjoining property	3.6	2
30) Livistona australis	10/4	Adjoining property	3.4	1.9
32)Corymbia ficifolia	8/10	Adjoining property	5.3	2.1
34)Melaleuca linearifolia	7/5	40-42 Loftus Crs	3.6	2
35)Leptospermum petersonii	6/4	Adjoining property	2.9	1.8
36)Eucalyptus seiberi	10/8	Adjoining property	4.2	2.1
37)Seratonia siliqua	10/11	40-42 Loftus Crs	5.5	2.1
38)Syzigium australe	5/3	Adjoining property	2.3	1.5
39)Fraxinus raywoodii	13/6	Adjoining property	3.4	1.9
40) Fraxinus raywoodii	8/4	Adjoining property	2.6	1.6
41)Camellia sasanqua	6/5	Adjoining property	2.5	1.5
43)Eleocarpus reticulatus	6/2	Adjoining property	1.5	1.1
45)Jacaranda mimosifolia	5/5	Adjoining property	3.1	1.9
47)Murraya paniculata	5/4	Adjoining property	2.4	1.7
48)Archontophoenix cunninghamii	12/4	Adjoining property	3	1.6
54)Cuppressocyparis leylandii	6/3	Adjoining property	2.2	1.6
55)Acer negundo	6/4	Adjoining property	2	1.4
56)Acer palmatum	5.5/4	Adjoining property	2.7	1.6

Tree management is to be conducted in accordance with the Arboricultural impact assessment and protected by the establishment of a **protection zone** (in accordance with Australian Standard AS4970-*Protection of trees on development sites*) before any site works begin (including any demolition/excavation). The protection zone shall be maintained for the duration of works and implemented as follows:

(a) A minimum 1.8m high barrier (Chain wire mesh panels, plywood or wooden paling fence panels: refer to AS4687-*Temporary fencing and hoardings* for fencing requirements) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area. Fence posts and supports should have a diameter greater than 20mm and be located clear of roots. The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.

(b) Signs identifying the Protection Zone should be installed on the fencing and be visible from within the development site. Lettering should comply with section 4.4 of AS 4970-2009 Protection of trees on development sites

(c) No concrete slurry or wash, building materials, builders' rubble, excavation soil or similar shall be placed or stored within the tree protection zone.

(d) The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.

(e) The tree protection zone shall be regularly watered.

(f) Any roots over 50mm in diameter which are encountered shall be pruned by a qualified Arborist.

(g) **No excavation or construction shall be carried out** within the stated *Structural Root Zone* distances from the base of the trunk surface.
(h) Only permeable surfaces (e.g. decomposed granite, gravel, turfpave, permeable paving systems or soft landscaping) are permitted within the canopy spread of the trees to be protected.

52. A minimum 600mm deep root deflection barrier shall be provided on both sides of proposed driveway crossing(s) and footpaths when within 3 metres of trees to be retained.

53. All noxious weeds on the site shall be removed and destroyed as per their classification under the *Noxious Weeds Act* 1993.

54. The following listed trees are permitted to be removed to accommodate the proposed development:

Tree
4)Chamaecyparis obtusa
20)Dimocarpus longan
22)Plumeria acutifolia
23)Thuja occidentalis
24)Thuja orientalis
26)Jacaranda mimosifolia
44)Agonis flexuosa
46)Melaleuca bracteata
53)Thuja occidentalis

55. All trees permitted to be removed by this consent shall be replaced by species selected from Council's recommended planting list. Replacements shall be a minimum 25 litre container size and shall be maintained until maturity.

56. The following branch or root pruning works are permitted to accommodate the proposed development:

Tree	Approved Works
32)*Corymbia ficifolia*	Prune as required in order to provide approximately 2 metres clearance from proposed structures

(a) All pruning work **must** be undertaken by a minimum level 2 (AQF 2) qualified Arborist who is currently a member or eligible for membership to *Arboriculture Australia* (AA) or the *Tree Contractors Association Australia* (TCAA) and in accordance with AS4373—*Pruning of amenity trees*.
(b) No climbing spikes/spurs are to be worn.
(c) Any root pruning/root barrier installation must be undertaken by a minimum level 4 (AQF 4) qualified Arborist who is currently a member or eligible for membership to the *Arboriculture Australia* (AA) or *Tree Contractors Association Australia* (TCAA) and in accordance with AS4373—*Pruning of amenity trees*.

57. General maintenance of Council's nature strip adjoining the development site, including regular lawn mowing, edging, irrigation of the lawn and street trees and restricting the

storage of materials, rubbish and parking or driving of vehicles on the nature strip, must be carried out during the full period of all approved works (including any demolition and excavation).

58. Tree management on this site is to be conducted in accordance with the recommendations and the content of the Arboricultural Impact Assessment (AIA) report for this site by Andrew Morton from Earthscape Horticultural Services, dated February 2015.

59. Any trees located on adjoining property that will be adversely affected by or require removal as a result of this development may only be removed with the written consent of the tree's owner.

60. Tree protection measures and works within the TPZ of trees to be retained are to be conducted in accordance with section 10 and Appendix 6 of the Earthscape AIA and with section 4 of AS4970-2009 Protection of trees on development sites.

61. Excavations in the vicinity of trees 29, 30,31,32,45 and 48 are to be conducted in accordance with section 9.1.6 of the Earthscape AIA.

62. Tree 4 is to be replaced by a locally indigenous native tree with a mature height exceeding 10 metres and maintained until maturity.

Construction Matters

63. **Prior to the commencement of any construction or 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.

64. The proposed development shall comply with the Building Code of Australia and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**.

65. 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).

66. If the soil conditions require it retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.

67. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.

68. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

69. If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

(a) Must preserve and protect the building from damage; and
(b) If necessary, must underpin and support the building in an approved manner, and
(c) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

70. There are built structures which may be in the zone of influence of the proposed works and excavations on the site. A qualified practicing geotechnical engineer must prepare a Construction Methodology Report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.

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

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

71. 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.

72. 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

73. Identification numbers are to be clearly displayed at the front of the premises and be easily visible from the street.

If it is proposed to strata subdivide the building, the lot numbers and unit numbers shall be the same as those nominated on the approved plans and be in accordance with Council's

requirements. For strata subdivision, parking spaces shall have the same lot number as the residential portion and shall not be numbered separately.

Sustainability

74. Water collected in the rainwater tank must be roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:

(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) Fire fighting.

75. Water heating systems to multi-unit residential developments shall be located so as not to be visible from public places and the ground level of adjoining properties. Details (type and location) of the water heaters shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

Demolition

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

77. The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority **prior to any work commencing on site**.

78. Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority **prior to any work commencing on site**.

79. 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

80. 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**.

81. Each 12 months after the installation of essential fire or other safety measures, the owner of a building must submit an Annual Fire Safety Statement for the building to Council. In addition a copy of the statement must be given to the NSW Fire Commissioner and a copy displayed prominently in the building.

Hoardings

82. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the principal certifying authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.

83. An overhead 'B' type hoarding shall be constructed where buildings over 7.5 m in height above the footpath level and within 3.6 m of the street alignment are being erected or demolished or where the outer part of such a building adjoining a public way is being altered. Where the height of the building or the position of the site is such that danger is likely to occur from falling objects, additional safety hoarding shall be provided to the satisfaction of the principal certifying authority and Workcover NSW.

84. An overhead 'B' type hoarding shall be constructed where material is being hoisted over or across a public way.

85. The following additional requirements apply to the erection of a 'B' type hoarding:

    (a) No advertisement of any kind shall be affixed to hoarding with the exception of a board not exceeding 2400 –mm by 1800-mm on which may be shown the architects, builders and principal certifying authority company name / contact details or any particulars regarding the subject building, and notices regarding the existing or future occupancies in the building.
    (b) A sign reading 'Billposters will be Prosecuted' shall be attached or printed upon the front of the hoarding
    (c) A hydrant or other footpath box shall not be covered in any way or access to it impeded
    (d) Cranes shall not be placed upon the public way unless a permit has been obtained under section 68 Local Government Act, 1993.
    (e) The hoarding must be so constructed that it will not obstruct the view of traffic lights of motorists or pedestrians.
    (f) The use of the roadway for the storage of building materials is not permitted.
    (g) Where materials are being hoisted over a public way a sign shall be attached or printed upon the front of the hoarding at the decking level with the lettering 'Lifting Operation Above'. The lettering shall not be less than 300-mm in height.
    (h) Persons undertaking the work in accordance with this Approval must hold this Approval/Permit on-site for inspection.
    (i) Approval for a temporary protective structure does not permit use of the roadway for general loading and unloading from construction vehicles. This requires a separate Construction Zone Application.
    (j) An appropriate qualified practising structural engineer shall certify the structural stability / adequacy of the erected 'B' type hoarding. A copy of the certificate shall be forward to the principal certifying authority and to Council, where Council is not the principal certifying authority.

86. The builder shall erect and maintain all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary and must be in place before the approved activity commences.

87. Permits are required to erect Class 'A' or 'B' type hoardings. If any type hoarding is to occupy a section of Council's property, that section will require a permit for the occupation

of Council's property. The applicant, owner, builder or site supervisor must apply for specific permits. The application form is available from Council's Customer Service Department.

Air Quality

88. Full compliance shall be given to the recommendations contained in Section 5 of the endorsed acoustic consultant's report.

Subdivision

89. The strata subdivision of the proposed development is not approved under the subject application.

Disabled Access

90. Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia, the relevant standards and the requirements of the Disability (Access to Premises – Buildings) Standards 2010. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

91. A car parking space 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

92. 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.

93. The waste storage room shall be designed to comply with the relevant standards and details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

94. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property as follows:

    (a) Full and free right must be provided to Strathfield Council employees or its authorised contractors to:
        (i) Enter upon the land and remove any waste products using any vehicle or equipment as necessary;
    (b) 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 for the purpose of exercising its rights as set out in clause (a) above.

    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**.

Automatic Waste Collection System (AWCS)

95. (a) 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 each building that:

(i) Collects general, recyclables and food and organics (inc. Garden waste) waste fractions separately; and
(ii) Complies with the requirements set out in Council's Waste Policy;

(b) The Developer will make provision for a future connection of the AWCS to the building(s) 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 600mm diameter pipe to Loftus Lane as agreed with Council;
(ii) The access space /pipe will terminate a minimum of 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 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 2000N/m²;
(viii) The waste room must be no less than 24 square metres in area and a minimum of 2.4 metres in height. (Waste Collection Space);
(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.

(c) 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.

(d) 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.

Integrated Development - Sydney Trains

96. If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

97. An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

98. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

99. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

100. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

101. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

102. If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until

written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.

NSW Office of Water

103. There is considerable uncertainty within the geotechnical report in regard to the groundwater level beneath the property. Should the proposed excavation into the groundwater result in the requirement for a significantly greater dewatering volume to be extracted than that currently anticipated, the NSW Office of Water shall be advised of the increased water volume prior to the extraction of the additional water.

Roads and Maritime Services

104. The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

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

Land Contamination

106. Any new information which comes to light during 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.

107. All fill imported on to the site shall be validated by an appropriately qualified person/body to ensure the imported fill is suitable, from a contamination perspective, for the proposed land use. Fill imported onto the site shall also be compatible with the existing soil characteristics for site drainage purposes.