

## SYDNEY CENTRAL PLANNING PANEL

SPP No	<b>2016SYE067</b>
DA Number	<b>2016/017</b>
Local Government Area	<b>Strathfield</b>
Proposed Development	Demolition and construction of a 4-7 storey mixed use building comprised of 5 retail suites and 111 apartments, with basement parking for 221 cars.
Street Address	<b>27-35 Punchbowl Road, Belfield</b>
Applicant/Owner	Nabil Investments Pty Ltd
Number of Submissions	<b>Initial Notification: one (1) submission and one (1) petition</b>  <b>Second Notification: Two (2) submissions</b>
Regional Development Criteria (Schedule 4A of the Act)	<b>Cost of works \$31,463,039.00</b>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• <b>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</b> <ul style="list-style-type: none"> <li>• SEPP 55 – Remediation of Land;</li> <li>• SEPP (Building Sustainability Index: BASIX) 2004;</li> <li>• SEPP (Infrastructure) 2007;</li> <li>• SEPP 65 – Design Quality of Residential Flat Buildings; <ul style="list-style-type: none"> <li>○ Apartment Design Guide</li> </ul> </li> <li>• Strathfield Local Environmental Plan 2012;</li> <li>• Strathfield Indirect Section 94 Contribution Plan</li> </ul> </li> <li>• <b>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)</b>  <b>N/A</b> </li> <li>• <b>List any relevant development control plan: s79C(1)(a)(iii)</b> <ul style="list-style-type: none"> <li>• Strathfield Consolidated Development Control Plan 2005: <ul style="list-style-type: none"> <li>○ Part C – Multiple-Unit Housing</li> <li>○ Part H – Waste Minimisation and Management Plan</li> <li>○ Part L – Notification</li> </ul> </li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• <b>List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv)</b> Nil</li> <li>• <b>List any coastal zone management plan: s79C(1)(a)(v)</b> N/A</li> <li>• <b>List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</b> Section 92(b) of the Environmental Planning and Assessment Regulation 2000</li> </ul>
List all documents submitted with this report for the panel's consideration	<b>Report, Site Plan and Elevations attached.</b>
Recommendation	<b>Approval</b>
Report by	<b>Kerry Gordon – Consultant Planner</b>

## Assessment Report and Recommendation Cover Sheet

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## SUMMARY

<b>PROPERTY:</b>	27-35 Punchbowl Road, Belfield Lot 10 in Deposited Plan 592982
<b>DA NO.:</b>	2016/017
<b>APPLICATION TYPE:</b>	Demolition and construction of a 4-7 storey mixed use building comprised of 5 retail suites and 111 apartments, with basement parking for 221 cars.
<b>REPORT BY:</b>	Kerry Gordon – Consultant Town Planner
<b>RECOMMENDATION:</b>	APPROVAL
<b>SUBMISSIONS:</b>	One submission and a petition objecting to the proposal were received to the initial notifications. Two submissions objecting to the proposal were submitted in response to the notification of the amended plans that are the subject of the report.
<b>ZONING:</b>	Part B2 – Local Centre and part SP2 Infrastructure (Classified Road)
<b>DATE APPLICATION LODGED:</b>	11 February 2016
<b>APPLICANT:</b>	Nabil Investments Pty Ltd
<b>OWNER:</b>	Nabil Investments Pty Ltd

## DESCRIPTION OF THE SITE AND LOCALITY

The site is located on the northern side of Punchbowl Road and is comprised of one allotment of land, being Lot 10 in DP 592982 and is known as 27-35 Punchbowl Road, Belfield. The site has an irregular “T” shape with the “T-head” adjoining Punchbowl Road. The site has an irregular frontage to Punchbowl Road of 81.96m, with the irregularity due to the majority of the site having provided a dedication for road widening in the past with the exception of a 15.24m wide portion at the south-west corner of the site. The site has a rear boundary dimension of 47.23m and a depth of approximately 90m. The eastern and western side boundaries are also highly irregular boundaries. The site has an area of 5,572m<sup>2</sup>.

The site falls approximately 6m across the site with a high point of RL 19.88 at the south-west corner and a low point of RL 13.74 at the north-east corner.

The site is currently developed with a factory/warehouse building of two/three storey construction that occupy the central portion of the site, with paved driveways and loading areas located to the east and west of the building. The factory/warehouse building has a setback from Punchbowl Road and a minimal rear setback. A second, smaller brick building is located on the south-western corner of the site and is largely forward of the building line of the factory/warehouse building. The site does not contain any significant vegetation.



**Figure 1:** Aerial photograph of the subject site and surrounding developments

The site is adjoined by low density detached dwelling houses to the east and west (other than at the corner of Water Street and Punchbowl Road). Immediately adjoining the site to the west, on the corner of Punchbowl Road and Water Street, is a restaurant with car park to the rear. Adjoining the site to the south are a series of two storey apartment buildings. Opposite the site in Punchbowl Road are low density detached dwelling houses.

An aerial photograph of the subject site and surrounding properties is provided above.

## PROPOSAL

After the initial assessment and comments received after the initial JRPP briefing, amended plans were submitted seeking approval for the demolition of existing structures and construction of a 4-7 storey mixed use development over 2/3 levels of basement, comprised of 5 retail/commercial suites (totalling 612m<sup>2</sup>), 111 apartments (7 x 1 bedroom, 87 x 2 bedroom and 17 x 3 bedroom) and parking for 221 cars, as detailed following:

Basement Level 2	Parking for 106 residential cars (including 17 accessible spaces), bicycle spaces for 30 bicycles, 8 motorcycle parking spaces, residential storage and OSD tanks.
Basement Level 1	Parking for 66 residential and 23 visitor cars (including 7 accessible spaces), bicycle spaces for 30 bicycles, 8 motorcycle parking spaces, residential storage, waste storage rooms and OSD tanks.

Lower Ground	Parking for 26 retail and commercial cars (including 2 accessible spaces), bicycle spaces for 34 bicycles, retail storage, waste collection rooms and loading bay at the front of the site. At the rear, 3 x 1 bedroom, 5 x 2 bedroom and 1 x 3 bedroom apartments.
Ground Level	At the front of the site 3 retail/commercial suites, cleaner's rooms, substation, WCs, visitor bicycle racks and 1 x 2 bedroom apartment. At the rear, 8 x 2 bedroom and 1 x 3 bedroom apartments. Vehicular access occurs from this level, including for garbage collection, centrally, between retail suites. A commercial terrace is located to the rear of one of the commercial suites.
Upper Ground	At the front of the site 2 retail/commercial suites, cleaners rooms, WCs, 1 x 1 bedroom and 2 x 2 bedroom apartments. At the rear, 12 x 2 bedroom and 1 x 3 bedroom apartments.
Level 2	1 x 1 bedroom, 20 x 2 bedroom and 3 x 3 bedroom apartments.
Level 3	1 x 1 bedroom, 14 x 2 bedroom and 4 x 3 bedroom apartments.
Level 4	1 x 1 bedroom, 12 x 2 bedroom and 2 x 3 bedroom apartments.
Level 5	10 x 2 bedroom and 2 x 3 bedroom apartments.
Level 6	5 x 2 bedroom and 1 x 3 bedroom apartments.

The building steps up in height from 4 storeys at the rear to 6 storeys at the Punchbowl Road frontage of the site. A small portion of the site behind the Punchbowl Road frontage is 7 storey due to the slope of the land. The building is setback generally 9m or more from the side and rear boundaries other than at the Punchbowl Road frontage, where there are nil side setbacks is proposed to create a street-wall presentation. A nil front setback is proposed from the existing/future boundary created by the future road widening of Punchbowl Road. A photomontage of the proposal is provided on the following page.

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

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

The following statutory controls are relevant to the proposal:

- SEPP 55 – Remediation of Land;
- SEPP (Building Sustainability Index: BASIX) 2004;
- SEPP (Infrastructure) 2007;
- SEPP 65 – Design Quality of Residential Flat Buildings;
  - Apartment Design Guide
- Strathfield Local Environmental Plan 2012;
- Strathfield Consolidated Development Control Plan 2005:
  - Part C – Multiple-Unit Housing
  - Part H – Waste Minimisation and Management Plan
  - Part L – Notification





**Figure 2:** Photomontage of the proposal as viewed from Punchbowl Road

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

**State Environmental Planning Policy No. 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. The site has a history of industrial use and as such has the potential to be contaminated. 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.

A Phase 2 Environmental Site Assessment was prepared by Environmental Investigation Services which found that the site can be made suitable for the proposed development. The report included recommendations as follows:

1. *Prepare a Remediation Action Plan (RAP) to outline remedial measures for the site. The RAP should include remediation of the lead contamination at BH9 and removal of the UST and associated fuel infrastructure;*
2. *Prepare a Validation Assessment (VA) report on completion of remediation. The VA should include additional groundwater monitoring following removal of the USTs; and*
3. *Undertake a Hazardous Materials Assessment (Hazmat) for the existing buildings prior to the commencement of demolition work.*

Conditions of consent to this effect are included in the recommendation.

**State Environmental Planning Policy Building Sustainability Index: BASIX 2004**

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

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.

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

The subject application is identified as integrated development under Clause 101 of State Environmental Planning Policy (Infrastructure) 2007 as it has frontage to Punchbowl Road which is a classified road, and proposes access from that road. Concurrence was received from Roads and Maritime Services on 19 April 2017, subject to conditions of consent in relation which have been included in the recommendation.

### **SEPP 65 – Design Quality of Residential Apartment Development**

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) aims to improve the design quality of residential flat development in New South Wales. SEPP 65 recognises that the design of residential apartments is of significance due to the economic, environmental, cultural and social benefits of high quality design.

Strathfield Council does not have a design review panel referred to under Clause 27.

Clause 30 indicates that an application cannot be refused on the basis of parking if the parking provided is equal to or greater than required under Part 3J of the ADG, if internal areas for each apartment are equal to or greater than that required under Part 4D of the ADG and if the ceiling heights are equal to or greater than that required under Part 4C of the ADG. These matters are addressed later in the table addressing the ADG.

Clause 30(2) requires that consent cannot be granted if the application does not demonstrate that adequate regard has been given to the design principles of the SEPP and the objectives specified for the relevant design criteria of the ADG). Assessment of the application against these has been undertaken in the tables below:

<b>Principle</b>	<b>Objective</b>	<b>Proposed</b>
<b>Context and neighbourhood character</b>	<p><i>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</i></p> <p><i>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</i></p> <p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>	<p>The site is located in an area undergoing significant change due to the up-zoning of the area under LEP 2012. The current DCP was prepared prior to the up-zoning and does not provide assistance as to the desired future character of the area and no recent developments have yet been completed.</p> <p>Accordingly, the recently approved development at 41-47 Punchbowl Road, located on the corner of Water Street, has been used to identify the desired future character of the area.</p> <p>Characteristically, this development has nil setbacks to Punchbowl Road at ground level with retail suites, a nil side setback at the Punchbowl Road frontage and presents a "street wall" style of development with no use of podium and tower design.</p>

Principle	Objective	Proposed
		The proposed design responds appropriately to this context, with nil front setback to retail suites, nil side setbacks at the Punchbowl Road frontage and a “street wall” design.
<b>Built form and scale</b>	<p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>Good design also achieves an appropriate built form for a site and the building’s purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</i></p> <p><i>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.</i></p>	<p>The proposed design complies with the FSR control of SLEP and achieves an appropriate bulk and scale that is responsive to the desired future character of the area and the recent approval in the street.</p> <p>The built form defines the public and private domain and provides an appropriate emphasis to the entry of the development. The wide entry driveway has been visually minimised as much as possible with the use of appropriate materials on the walls.</p>
<b>Density</b>	<p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area’s existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</i></p>	<p>The proposal complies with the FSR control contained within LEP 2012.</p> <p>The proposal achieves a high level of residential amenity to units through appropriate access to natural light and ventilation.</p>
<b>Sustainability</b>	<p><i>Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</i></p>	<p>The proposed development employs the use of natural cross ventilation to reduce the dependency of the building on mechanical ventilation.</p> <p>Further, the building provides general compliance with the minimum solar access requirements to reduce the buildings dependency on artificial lighting.</p> <p>The application is supported by a BASIX Certificate.</p>



Principle	Objective	Proposed
<b>Landscape</b>	<p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i></p> <p><i>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</i></p> <p><i>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</i></p>	<p>The application includes a landscape plan which provides for significant tree planting within the generous side and rear setbacks, however, parts of the side boundaries are proposed to be planted with trees significantly shorter than the proposed building. In order to ensure an appropriate softening of the development as viewed from adjoining properties and provide an excellent outlook for future residents it is recommended that larger trees be planted along the side boundaries and a condition of consent to this effect is recommended.</p> <p>Concern is also raised with the lack of provision of communal facilities within the landscaped areas. A condition of consent is recommended requiring the provision of facilities for use by the residents, including BBQ areas with tables and seats.</p> <p>Finally, the proposal provides for two retail terraces (future café use) with a shared use of the child play area with residents. Concern is raised as to the safety for resident's children and for the complex in general with access being provided to the general public. It is therefore recommended that this area be a "gated" area, separated from the remainder of the communal open space and that a second, residents only child play area be provided at the north-western corner of the site.</p>
<b>Amenity</b>	<p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</i></p> <p><i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</i></p>	<p>The proposal is designed to provide a good level of internal amenity for residents, with appropriate solar access, cross ventilation and apartment layout.</p> <p>The development provides for an appropriate level of adaptable apartments with accessible parking spaces and provides for accessibility throughout, allowing visitation to apartments and access to communal facilities.</p> <p>Whilst the size of the communal open space is generous, the level of facilities provided is poor and a condition of consent is recommended requiring the provision of additional facilities.</p>
<b>Safety</b>	<p><i>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p>	<p>The proposal has been well designed to minimise opportunities for concealment whilst clearly defining the private and public domain.</p> <p>The entry points to the buildings are well defined and visible from the adjoining street, enhancing safety.</p>

Principle	Objective	Proposed
	<i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</i>	The previously mentioned concern with the security of the communal open space area from the retail courtyards has been addressed by a recommended condition of consent.
<b>Housing diversity and social interaction</b>	<p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</i></p>	<p>The proposal provides the following housing mix:</p> <p>(7) x 1 bedroom;</p> <p>(87) x 2 bedroom; and</p> <p>(17) x 3 bedroom units.</p> <p>The proposed housing mix is considered acceptable and provides for a variety of housing types.</p> <p>The communal open space provides different areas for use by separate groups through different landscape treatments that allow flexibility in the use of the communal area (subject to the recommended conditions of consent).</p>
<b>Aesthetics</b>	<p><i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</i></p> <p><i>The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i></p>	The proposal achieves an attractive streetscape presentation that has appropriate proportions and articulation. The setback of the upper level suitably minimises its visual impact upon the streetscape, however the use of a corrugated iron form for material is not supported. A condition of consent is recommended requiring this material to be altered to a metal cladding of similar colour.

### Apartment Design Guide

Design Criteria	Required	Proposed	Compliance
2E - Building Depth	12m – 18m	<p>The width of the buildings vary between a maximum of 16.5m fronting Punchbowl Road and between 15.3m-27.5m to the rear.</p> <p>Notwithstanding the breach to the rear, the design is supported as much of the rear building has a maximum depth of 18m or less and the components with larger depths are stepped in plan, allowing improved natural ventilation and stepped in height, improving solar access.</p>	<p>Yes, fronting Punchbowl Road</p> <p>No, to rear.</p>

Design Criteria	Required	Proposed	Compliance
3B – Orientation	Responsive to streetscape and site.	The design steps the height up from the north to the south, maximising the northerly orientation to the rear of the site.	Yes.
	Designed to optimise solar access and minimise overlooking.	The design minimises height to the north of the site where the site adjoins low density residential development and steps up to the south where shadowing will largely fall on Punchbowl Road.	Yes
	4 hours solar access retained to neighbouring buildings or does not further reduce solar access by more than 20%	The dwellings to the west are well separated from the proposed building and the rear yards of these dwelling will largely be affected by shadow only at 9am in midwinter, with minimal shadow impact by 10am. No impact upon the solar access of the dwellings on these properties is caused by the development.	Yes
		The properties to the east (not adjoining property at Punchbowl Road frontage) whilst having a lesser separation from the proposed building, are not shadowed prior to 2pm at midwinter due to the orientation of the site. At 3pm only one dwelling will be impacted by shadowing to its west facing openings.	Yes
		The adjoining property to the west fronting Punchbowl Road is a restaurant and as such shadow affectation is not a concern.	Yes
		The adjoining property to the east fronting Punchbowl Road will not be affected by shadowing due to the orientation of the site until 2pm and then the north facing openings and rear yard are not impacted.	Yes
3C – Public Domain Interface		Finally, the properties on the opposite side of Punchbowl Road will be overshadowed from approximately 2.30pm-3pm in midwinter with the majority of shadowing impacting the front yard and as such not impacting the amenity of the properties to any significant degree.	Yes
	Direct street entry to ground floor apartments	Mixed use development is proposed with retail uses at ground level.	N/A
	Balconies/ windows orientated to overlook the public domain	Windows and balconies face Punchbowl Road providing appropriate casual surveillance.	Yes
	Front fence design is permeable	The proposed development has a nil setback to Punchbowl Road and hence no fence.	N/A
	Opportunities for concealment minimised	The design provides no opportunities for concealment.	Yes
	Services concealed	A condition is recommended requiring services such as hydrants to be concealed.	Yes, subject to condition

Design Criteria	Required	Proposed	Compliance
	Access ramps minimised	At grade access is provided from Punchbowl Road. Where required for level differences within commercial suites, internal ramps are provided.	Yes
3D – Communal Open Space	Min. 25% (1,393m <sup>2</sup> ) – Site area 5,572m <sup>2</sup>  Min 2h to 50% communal open space at mid-winter  Consolidated area	31.2% (1,740m <sup>2</sup> )  The communal open space is located to the sides and rear of the building and is of sufficient width to be usable. It is noted the above calculation includes a shared child play area (shared with retail users), but even if this is excluded the requirement is satisfied.  Good solar access will be available, particularly to the northern area of communal open space, satisfying the solar access control.	Yes  Yes  Yes
3E – Deep Soil Zones	Min. 7% (390.04m <sup>2</sup> ) Site area 5,572m <sup>2</sup> 6m min. dimension	15.4% (860m <sup>2</sup> ) deep soil landscaping with a minimum width of 6m.	Yes
3F – Visual Privacy	Up to 4 storeys: <ul style="list-style-type: none"> <li>12m between habitable rooms/balconies</li> <li>9m between habitable and non-habitable rooms</li> <li>6m between non-habitable rooms</li> </ul> Up to 8 storeys: 9–18m <ul style="list-style-type: none"> <li>18m between habitable rooms/balconies</li> <li>12m between habitable and non-habitable rooms</li> <li>9m between non-habitable rooms</li> </ul>	<p>The building steps up in height from north to south, with 4 storey, 5 storey and 6 storey elements as well as a small 7 storey element behind the Punchbowl Road frontage due to the slope of the site.</p> <p>The four storey element has a minimum side and rear setback of 9m (other than one very small element with a setback of 8.1m), generally complying with the control – it being noted this element adjoins land zoned medium density residential and requires the additional 3m setback to the lower density zone.</p> <p>The five, six and small seven storey elements also adjoin the medium density residential zone to the east. The proposal provide a minimum 9m setback, increasing to 14.5m. The proposal breaches the 9m plus additional 3m setback requirement for the 5 storey element in relation to a small corner of two bedrooms and one balcony, but complies with the base 9m separation requirement. Given the setback of the fifth floor averages 12m, the variation is considered acceptable.</p> <p>The 5 storey element has a minimum setback from the western boundary of 9m, with the fifth floor breaching the 12m setback requirement by part of two bedrooms and a balcony. The balcony is off the two bedrooms and if removed the fifth floor would average a 12m setback. This is considered reasonable and as such a condition of consent is recommended deleting</p>	<p>Yes, other than very small element</p> <p>No, but satisfactory due to averaging compliance.</p> <p>No, but satisfactory due to averaging compliance subject to condition.</p>



Design Criteria	Required	Proposed	Compliance
		<p>this secondary balcony.</p> <p>The two 5 storey elements fronting Punchbowl Road have nil side setbacks with blank walls, which is acceptable for street wall style of development.</p> <p>The eastern five storey element fronting Punchbowl Road has a rear setback of 7.3m, breaching both the 9m setback for the lower levels and the 12m setback for the fifth floor. Compliance with the setback would prevent development in this location which would be inappropriate in terms of the streetscape presentation for Punchbowl Road. Given the location of this element, it is likely to overlook communal open space in any redevelopment of the property to the north and currently overlooks the rear yard of a dwelling house. The plans show proposed privacy screens in this location, but the screens are operable and as such do not ensure privacy to the rear yard.</p> <p>Given the privacy concern for the yard, it is considered appropriate for privacy screens of a fixed horizontal design to be provided for a height of 1.4m above the finished level of the balconies.</p> <p>The western five storey element fronting Punchbowl Road has a rear setback of 3.5m, breaching the 6m setback for the lower levels and the 9m setback for the fifth floor (noting it adjoins the same zoning). Compliance with the setback would prevent development in this location which would be inappropriate in terms of the streetscape presentation for Punchbowl Road. Given the location of this element, it is likely to overlook communal open space in any redevelopment of the property to the north and currently overlooks a car park. The plans show proposed privacy screens in this location, but the screens are operable and as such do not ensure privacy to the future communal open space area. However, given the communal nature of the future space, the screens together with screen tree planting will result in a reasonable level of amenity between the developments.</p> <p>The six/seven storey element in proximity to the eastern boundary has a variable setback of 9-14.6m, complying with the 9m setback at the lower levels and partially complying with the 12m setback at the upper levels. The area that does not comply will be likely to adjoin a communal open space in any redevelopment of the property to the east and currently adjoins a rear yard. Given the likely future use and that</p>	<p>Yes</p> <p>No, but satisfactory subject to conditions.</p> <p>No, but satisfactory subject to landscape condition.</p> <p>No, but satisfactory subject to landscape condition.</p>

Design Criteria	Required	Proposed	Compliance
		<p>the portion of rear yard currently overlooked is separated by 9m and screened by existing and future trees, and that privacy screens (albeit operable) are proposed on the balconies in question, it is considered the setback solution is reasonable.</p> <p>Finally, the setback of the six storey section from the western boundary is 9m-21m and complies with the required 9m (noting the adjoining site is the same zoning).</p>	Yes
3G – Pedestrian Access and Entries	<p>Entry addresses public domain</p> <p>Clearly identifiable</p> <p>Steps and ramps integrated into building design</p>	<p>The entries for the building addresses the public domain, with the exception of Lobbies 4-6 which face the side boundary, and are clearly identifiable due to the architecture of the building. The entrance to Lobbies 4-6 will be via Lobby 3 and will be easily identifiable.</p> <p>At grade entry is proposed from Punchbowl Road and outdoor platform lifts provide accessibility to Lobbies 4-6 along the side path from Lobby 3.</p>	<p>Yes</p> <p>Yes</p>
3H – Vehicle Access	<p>Integrated into façade. Visual impact minimised. Entry behind the building line or from secondary frontage</p> <p>Clear sight lines</p> <p>Garbage collection screened</p> <p>Pedestrian and vehicle access separated</p>	<p>The vehicle ramp is integrated into the façade, however is extremely wide due to RMS requirements. In order to reduce its visual impact, the applicant is providing high quality finishes to match the façade finishes on the angled walls into the opening. This is reinforced by a condition of consent.</p> <p>Clear sightlines are provided from the basement.</p> <p>Garbage collection is provided within basement with a bin holding room and loading area provided.</p> <p>Separate pedestrian and vehicular entry is provided.</p>	<p>Yes, subject to condition.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
3J – Bicycle and Car Parking	<p>Within 800m of a railway station: Min RMS Rate Applies:</p> <p>Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.</p>	<p>Site is not within 800m of station</p>	N/A
4A – Solar and Daylight Access	<p>Min. 70% (78 units) receive 2 hours solar access</p> <p>Max. 15% (16 units) units have no solar</p>	<p>69.3% (77/111 units) receive 2 or more hours of solar access to both the living room and POS, with 73%, 81/111, receiving 2 hours to the living room</p> <p>18% (20/111 units) of units receive no solar access.</p>	<p>No, but very minor variation is supported.</p> <p>No, but small variation is</p>

Design Criteria	Required	Proposed	Compliance
	<p>access</p> <p>Light wells, skylights and highlight windows are only to be a secondary source where sunlight is limited.</p> <p>Design incorporates shading and glare control</p>	No light wells proposed.	<p>supported.</p> <p>Yes</p> <p>Yes</p>
4B – Natural Ventilation	<p>Min. 60% (67 units) are cross ventilated in first 9 storeys</p> <p>Cross-over/Cross-through Max 18m depth</p> <p>Light wells are not the primary source of ventilation for habitable rooms</p> <p>Single aspect units have limited depth to maximise ventilation</p>	<p>66.6% (67/111units) are cross ventilated.</p> <p>Maximum depth of 13.5m</p> <p>No light wells utilised for ventilation.</p> <p>All single aspect units feature a reduced depth</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
4C – Ceiling Heights	<p>Habitable: 2.7m</p> <p>Non-habitable: 2.4m</p> <p>Mixed Use: 3.3m ground floor</p>	<p>Minimum 2.7m ceiling height to habitable rooms.</p> <p>Mixed use &gt;3.3m</p>	<p>Yes</p> <p>Yes</p>
4D – Apartment Size and Layout	<p>1 bed: 50m<sup>2</sup></p> <p>2 bed: 70m<sup>2</sup></p> <p>3 bed: 90m<sup>2</sup></p> <p>Additional bathrooms +5m<sup>2</sup>.</p> <p>Each habitable room must have a window &gt; 10% floor area of the room. Habitable room depths =max 2.5 x ceiling height. Or if open plan layout =max 8m from a</p>	<p>The proposal provides for t unit sizes as follows:</p> <p>1 bedroom: minimum 54.9-61.35m<sup>2</sup></p> <p>2 bedroom: minimum 75-91.1m<sup>2</sup></p> <p>3 bedroom: minimum 92.5-112.4m<sup>2</sup></p> <p>Compliant</p>	<p>Yes, except Apartment D502 which is 3 bedroom plus 2 bathrooms and only 92.05m<sup>2</sup>. Given the apartment has minimal corridors the reduced size does not impact the amenity and is supported.</p> <p>Yes</p>

Design Criteria	Required	Proposed	Compliance
	<p>window. Master bed: min 10m<sup>2</sup> Other bedroom: min 9m<sup>2</sup></p> <p>Living room min. width: Studio and 1 bed: 3.6m, 2 and 3 bed: 4m.</p> <p>Crossover/through: min 4m</p>		
4E – Private Open Space and Balconies	<p>1 bed: 8m<sup>2</sup>, min depth 2m</p> <p>2 bed: 10m<sup>2</sup>, min depth 2m</p> <p>3 bed: 12m<sup>2</sup>, min depth 2.4m</p>	<p>Minimum areas of private open space as follows:</p> <p>1 bedroom: minimum depth of 2m and minimum area of 8.1-28.8m<sup>2</sup></p> <p>2 bedroom: minimum depth of 2m and minimum area of 10-76.65m<sup>2</sup>.</p> <p>3 bedroom: minimum depth of 2m and minimum area of 12.75-33.65m<sup>2</sup>.</p>	<p>Yes, other than the depth of 3 bedroom apartment balconies, but can be addressed by a condition of consent.</p>
4F – Common Circulation and Spaces	<p>Max 8 apartments off a single core</p> <p>&gt; 10 storeys: max 40 units/lift</p>	<p>Maximum 6 units off a single core</p>	<p>Yes</p> <p>N/A</p>
4G – Storage	<p>Studio: 4m<sup>3</sup></p> <p>1 bed: 6m<sup>3</sup></p> <p>2 bed: 8m<sup>3</sup></p> <p>3 bed: 10m<sup>3</sup></p> <p>At least 50% within the basement</p>	<p>The proposal provides a mixture of storage within the unit and the basement as required.</p>	<p>Yes</p>
4H – Acoustic Privacy	<p>Orientate building away from noise sources</p> <p>Party walls limited or insulated, like rooms together</p> <p>Noise sources (e.g. garage doors, driveways) located at least 3m from bedrooms.</p>	<p>The building has not been designed to locate like rooms together in all cases, but the separation is considered acceptable.</p>	<p>Satisfactory</p>
4J – Noise and Pollution	<p>Site building to maximise noise insulation</p> <p>Noise attenuation utilised where necessary</p>	<p>An acoustic report was prepared to address traffic noise from Punchbowl Road in relation to the original design, however has not been updated for the amended plans. A condition of consent will require the updating of the report and noise attenuation features to be provided on the plans prior to release of the construction certificate.</p>	<p>Yes, subject to condition</p>



Design Criteria	Required	Proposed	Compliance
4K – Apartment Mix	Variety of apartment types  Appropriate apartment mix  Different apartments distributed throughout the building	The proposal provides for an acceptable mix of units. The following unit mix is proposed:  1 bed: 7 units (6.4%)  2 bed: 87 units (78.3%)  3 bed: 15 units (15.3%)	Yes
4L – Ground Floor Apartments	Direct street access  Casual surveillance whilst providing privacy.	Direct street access cannot be provided as the proposal is a mixed use development.	N/A
4M – Facades	Composition of building elements  Defined base, middle and top  Building services integrated into the façade	The proposal achieves an attractive streetscape presentation that has appropriate proportions and articulation. The setback of the upper level suitably minimises its visual impact upon the streetscape, however the use of a corrugated iron form for material is not supported. A condition of consent is recommended requiring this material to be altered to a metal cladding of similar colour.	Yes, subject to conditions
4N – Roof Design	Roof design integrated into the building  Incorporates sustainability features  May include common open space	The roof is flat with a parapet treatment as is appropriate with a street wall design.  No common open space is provided on the roof.	Yes
4O – Landscape Design	Responsive to streetscape  Viable and sustainable	The subject application was accompanied by a detailed landscape design, which subject to previously discussed conditions will result in an appropriate landscaped setting for the development.	Yes, subject to condition
4P – Planting on Structures	Appropriate soil profiles and structural design  Irrigation and drainage systems	The landscape plan does not detail soil profiles and structural design details for planting on slabs and a condition of consent is recommended requiring this and details of irrigation and drainage systems with the construction certificate.	Yes, subject to condition
4Q – Universal Design	Variety of adaptable apartments	11/111 (10%) adaptable apartments are nominated. in the accessibility report, however all are two bedroom apartments.	Yes

Design Criteria	Required	Proposed	Compliance
4U – Energy Efficiency	Adequate natural light to habitable areas Adequate natural ventilation Screened areas for clothes drying Shading on northern and western elevations	Compliant with BASIX Certificate requirements	Yes
4V – Water Management and Conservation	Efficient fixtures/fittings WSUD integrated Rainwater storage and reuse	Compliant with BASIX Certificate requirements	Yes
4W – Waste Management	Minimise impact on streetscape, building entry and amenity	Basement collection proposed.	Yes
4X – Building Maintenance	Material selection reduces ongoing maintenance costs	The proposal incorporates a mix of face brick, fibre cement cladding and metal cladding. The proposed material selection is considered appropriate and will reduce the ongoing maintenance costs of the building.	Yes.

### Strathfield Local Environmental Plan 2012

The site is zoned part SP2 Infrastructure (Classified Road) and part B2 Local Centres under the Strathfield Local Environmental Plan (SLEP), 2012. No works other than a driveway and landscaping are proposed in the SP2 zone, both of which are permissible with consent as being ancillary to a Classified Road. In the B2 Local Centres zone development for the purposes of commercial premises and residential flat buildings are permissible with Council consent. The proposal is generally consistent with the objectives of the B2 Local Centres Zone which seek to provide for a range of retail and business uses in areas where people live and encourage employment opportunities in accessible locations.

The following table provides an assessment of the proposal against the relevant numeric controls of the SLEP 2012:

Clause	Required	Proposed	Compliance
4.1A Minimum Site Area: Residential Flat Building	1,000m <sup>2</sup>	5,572m <sup>2</sup>	Yes.
4.3A Building Heights	13m 16m	Compliant – 15.3m 15.6m-22.8m	No No
4.4A Floor Space Area	1.4:1 (3,787m <sup>2</sup> ) 3:1 (8,124m <sup>2</sup> )	1.4:1 (3,777m <sup>2</sup> ) 2.68:1 (7,263m <sup>2</sup> )	Yes Yes

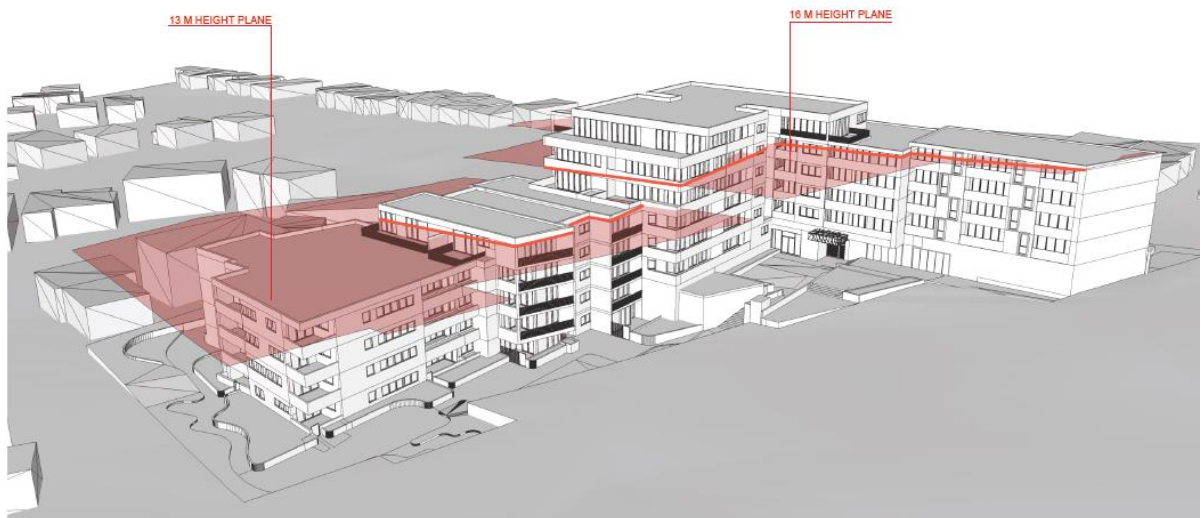
Within the 13m height control portion of the site (to the rear of the site), the rear (4 storey) portion of the building complies with the control other than for the lift overrun which has a height of 13.07m, breaching the control by 70mm.

The central (5 storey) portion of the building breaches the control with a height of 13.3m – 14.9m to the parapet, breaching by 0.3m-1.9m, with a height of 15.3m and a breach of 2.3m to the lift over run.

Within the 16m height control portion of the site (to the Punchbowl Road frontage), the front 5 storey portion (fronting Punchbowl Road) has a height of 15.6m – 18.3m breaching the control by up to 2.3m, with a lift overrun height of 16.31m (eastern), 17.12m (central) and 17.25 (western), breaching the control by 0.31m, 1.12m and 1.25m respectively. The most significant breach occurs over the driveway where the building is raised for clearance for trucks into the basement level garbage collection area.

The central 6/7 storey portion of the building, which is setback from Punchbowl Road and from the side boundaries, has a height of up to 22.8m, a breach of 6.8m.

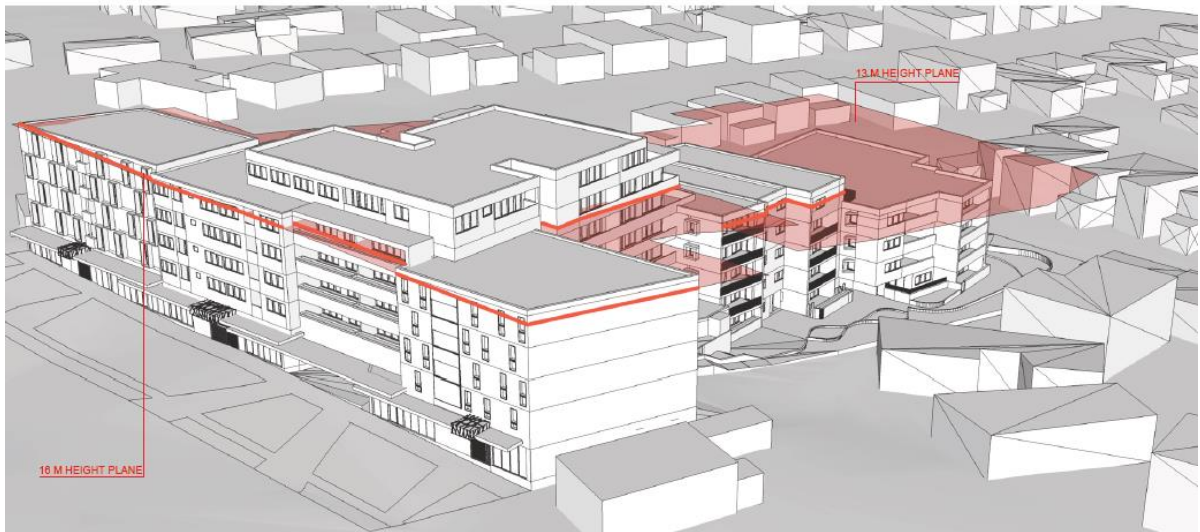
The areas of the building which breach the height controls applying to the site can be seen in the following diagrams, where the areas above the red plane breach the control and those below the plane are compliant.



Height breaches viewed from the rear of the site

The breach of the height controls applicable to the site is accompanied by a clause 4.6 variation request. In summary, the clause 4.6 variation request provides the following to support the variation:

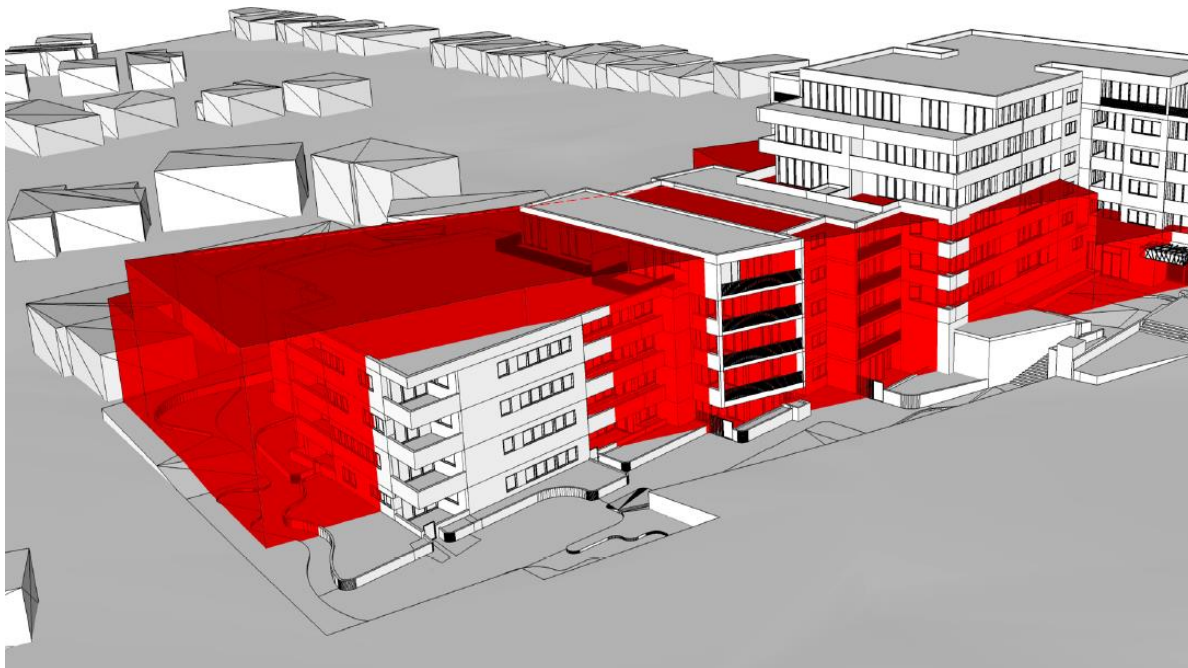
- The height breach of 6.8m is largely driven by Council's request to relocate floor space away from Punchbowl Road to the centre of the site in order to reduce the visual impact of the development as viewed from the public domain. This results in a larger breach than in the original design.



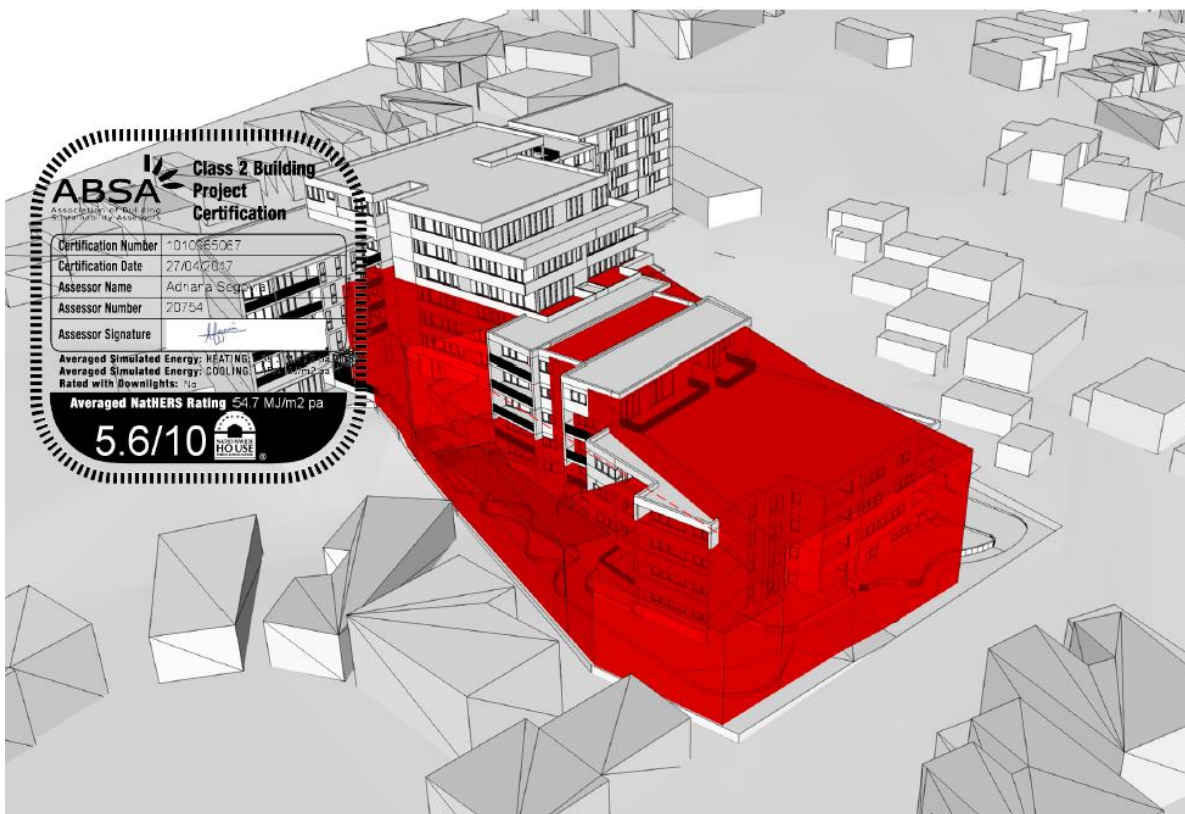
Height breaches viewed from Punchbowl Road

- The cross-fall over the site is approximately 6m from the south-west corner of the site fronting Punchbowl Road to the rear of the site in the north-east corner.
- The amended design, despite the height increase, is a vastly improved design outcome with an improved built form and responds to the unique topography, with the building stepping down the site from front to rear and along the slope of Punchbowl Road (a fall of 3.3m).
- The building steps down Punchbowl Road, limiting the breach notwithstanding the steep slope, with the largest breach (2.3m) where the building is raised at the driveway to allow access by the garbage truck.
- With the incorporation of a significant setback of Level 6 from Punchbowl Road, the amended design has an improved visual appearance from Punchbowl Road which is consistent with the intention of the control.
- Whilst a variation of up to 1.9m is sought to the 13m height control, the breach does not result in any environmental impacts such as loss of solar access to properties to the east.
- A comparison of the existing factory development (red in the following two diagrams) and the proposed development shows the existing development exceeds the 13m height limit and the proposal is an improvement over the existing building bulk.
- The proposed façade treatments, increased setbacks, landscaping and change of use will provide a significantly improved interface with adjoining residential properties.
- The development satisfies the zone objectives, facilitating additional residential accommodation and retail activation at ground level and providing employment opportunities in an accessible location.





Comparison of building height and bulk with existing building (red) viewed from north-west



Comparison of building height and bulk with existing building (red) viewed from north-east

- The development is consistent with the objectives of the development standard, providing a suitable streetscape presentation consistent with the desired future character.
- The height exceedance is not caused by the provision of additional floor space, with the proposal seeking less than the maximum FSR permitted on the site.
- The amended design provides improved materials choice and articulation to break up the mass whilst achieving the desired street wall design.
- The upper level fronting Punchbowl Road has been setback sufficiently to “soften” its impact when viewed from the public domain.
- The height has been located to minimise impacts upon neighbours, resulting in no unreasonable overshadowing or view impacts.
- The design appropriately provides a continuous urban frontage along Punchbowl Road and smaller scale buildings towards the north, with significant setbacks to provide a transition towards the lower density areas.
- The recessed taller element is consistent with the height anticipated on the corner site adjoining, without detracting from the desired future character of Punchbowl Road.
- The proposal provides a transition in height from the development along Punchbowl Road to the lower scale development away from the road.
- The development replaces an unused factory/warehouse building that is inconsistent with the desired future character of Belfield Town Centre.
- It is unreasonable and unnecessary to strictly apply the height control given the objectives of the zone and control are met by the development.
- There are sufficient environmental grounds to justify the contravention of the development standard on the constrained site, including:
  - The exceedance has minimal impact upon the streetscape, visual privacy and solar access;
  - The building is suitable for the size and dimensions of the site in its context, providing an appropriate transition of heights;
  - The building incorporates setbacks and separation commensurate with the principles within the ADG;
  - The overall proposal will not result in adverse impacts;
  - The built form will not be out of character for the Belfield Town Centre and the development is compliant with the FSR control;
  - The design will make a positive contribution to Punchbowl Road; and
  - The steep slope (in two directions) of the site affects the building design and its non-compliance with the standard.

Notwithstanding the breach of the height control is numerically significant, the variation request is considered to be well-founded and the design suitable for the subject site. In particular, the height and bulk of the development is significantly reduced from the existing built form at the rear of the site where the lower density residential area is located and the setback significantly increased (in most instances), allowing a landscaped buffer to the proposed built form.

The comparison with the existing development also shows the existing factory building to be located on a nil setback from the eastern boundary (nearer to Punchbowl Road) where the highest portion of the proposed building is to be constructed. Whilst the proposed building is approximately 3 storeys higher than the existing building, it is setback substantially from the boundary, allowing landscaping and distance to soften the visual bulk to the adjoining low density residential area.

The separation of the highest portion of the proposed building from the property to the west is significant and allows for landscaping. It is also noted this portion of the building adjoins land of similar zoning and a greater height limit and as such when viewed from these properties will not be considered inappropriately bulky.

The fact that the design is well below the maximum FSR (861m<sup>2</sup> under) shows the proposal does not constitute an overdevelopment of the site. It is considered that the taller building element, which is provided with significant landscaped setbacks, closer to Punchbowl Road (but largely visually hidden) is an excellent response to a difficult site which allows lower development with significant setbacks adjoining the lower density neighbouring properties whilst still achieving a suitable yield on the site. It is therefore considered that the proposal, with the breach of the height control, is a better planning outcome for the site than one with a compliant height, but lesser side setbacks.

The subject site is identified as having Class 5 soils and is located within 500m of Class 4 soils. However, the proposed works are not located on land below RL 5 AHD and therefore, the proposed development was not required to be accompanied by an Acid Sulfate Soils Management Plan and has satisfied the requirements of Clause 6.1 of the SLEP, 2012.

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	\$ 21,819.84
Provision of Major Open Space	\$1,148,348.24
Provision of Local Open Space	\$ 252,434.31
Provision Roads and Traffic Management	\$ 40,451.90
Administration	\$ 21,819.84
<b>TOTAL</b>	<b>\$1,702,918.00</b>

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

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

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

##### **Strathfield Consolidated Development Control Plan**

Part C – Multiple-Unit Housing of the DCP is of relevance to the assessment of the application and as such applies to the subject application. Parts H – Waste Minimisation and Management and I – Provision of Off Street Parking Facilities are also applicable.

Clause 6A of SEPP 65 confirms that in the event of any inconsistency between the controls of the ADG and Council's Development Control Plan, the objectives, design criteria and design guidance set out in the ADG prevail.

This confirms that if a development control plan contains provisions that specify requirements, standards or controls in relation to the following matters, those provisions are of no effect:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation, and
- (h) storage.

These matters, as of relevance to the Application, have been addressed in the ADG assessment above where it has been determined that the proposal is satisfactory.

The remaining matters of relevance provided in the DCP are addressed in the table below. It is noted that the DCP has not been updated since the up-zoning of the land along Punchbowl Road and as such many of the controls are no longer relevant to the assessment of the application as they are in conflict with the LEP controls and as such are overridden.

Section	Development Control	Required	Proposed	Compliance
Part C 2.2	Site Requirements	Minimum width 30m	Width varies from 45-81m	Yes
		Minimum arterial road frontage 25m	81m	Yes
		Minimum site area 1,000m <sup>2</sup>	Area 5,572m <sup>2</sup>	Yes
	Building Envelope	Front Setback 9m	Front Setback 0m – Doesn't comply but is appropriate given the mixed use development type proposed.	No
		Side/Rear Setbacks 4m	9m, other than side boundaries at the Punchbowl Road frontage and rear setback to the north-western corner of the portion of the site fronting Punchbowl Road. The variation to Punchbowl Road side setbacks is appropriate given the desire for a street wall appearance to development along that road established by previous approvals.	Yes, other than at the Punchbowl Road frontage
		Building Envelope 45° angled plane projected 3.5m above ground level	Complies other than at the abovementioned points where the setbacks are non-compliant.	Yes, other than at the Punchbowl Road frontage
2.3	Building Design	Minimum 15% adaptable apartments	Refer to previous discussion of adaptable apartments under assessment of ADG	No
		One main entry to be barrier free	The entry to the retail premises and each lobby is accessible.	Yes



Section	Development Control	Required	Proposed	Compliance
		Walls along boundaries are to be stepped every 10m  Preferred materials - dark and light toned bricks of different colours shall not be used together, but of the same colour may be used. Mixture of brick and cement render appropriate. Colours natural/subdued tones and not white.	Side walls are appropriately articulated.  The proposal achieves an attractive streetscape presentation that has appropriate proportions and articulation. The setback of the upper level suitably minimises its visual impact upon the streetscape, however the use of a corrugated iron form for material is not supported. A condition of consent is recommended requiring this material to be altered to a metal cladding of similar colour.	Yes  Yes
2.4	Energy Efficiency and Water Conservation	Refer to BASIX requirements	Refer to BASIX assessment	Yes
2.5	Streetscape and Building Orientation	To be designed to be compatible with the predominant character and address street frontage.  Garage entries not to dominate the streetscape	The street wall design is consistent with the character of the recent approval on the corner of Water Street and Punchbowl Road and in the absence of relevant DCP guidance, is considered appropriate.  Whilst the garage entrance is larger than is desirable, the width is a RMS requirement and cannot be altered. The use of appropriate materials to line the walls of the opening and the provision of an awning over the opening will reduce its visual impact upon the streetscape.	Yes  Yes
2.7	Open Space and Landscaping	Controls are related to height of development and are inconsistent with LEP height controls as they relate to lower heights than that permitted and as such are overridden	N/A	N/A
3.0	Residential Development in the Business Zones	Retail component may have nil setback  Vehicular access should be designed to minimise disruption to street and footpath  Buildings may be erected to side boundaries	Nil setback provided  Design of driveway addresses the requirements of RMS and the splay of entry and exit driveways will minimise disruption to the footpath.  Nil setback to side boundary at Punchbowl Road frontage	Yes  Yes  Yes

Section	Development Control	Required	Proposed	Compliance
Part I	Car Parking	Residential 1 bed – 1 space (7x1=7) 2 bed - 1.5 spaces (87x1.5=130.50) 3 bed – 2 spaces (17x2=34) Total 171.50  Visitor – 1/5 dwellings 111/5=22.2  Retail – 6.2 spaces/100m <sup>2</sup> 282m <sup>2</sup> – 17.5 spaces Commercial – 1/40m <sup>2</sup> 334m <sup>2</sup> – 8.4 spaces Total 221	Residential – 172  Visitor - 23  Retail/Commercial – 26  Total - 221	Yes  Yes  Yes  Yes

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

The proposal provides for off street waste collection through the provision of a basement level loading bay and storage room. The loading bay has a minimum dimension of 10.8m x 4.1m and a minimum clearance height of 3.8m, which demonstrates compliance with the minimum loading bay dimensions provided by Part H of the SDCP 2005.

In accordance with Part H of the SDCP 2005, waste storage is to be provided at the following rates:

**General Waste:** 120L/unit/week

**Recycling:** 120L/unit/fortnight

Having regard to the above rates, a minimum of (21) x 660L bins are to be provided for general waste and (28) x 240L bins are to be provided for recycling waste for the residential uses. The bin rooms provided for the retail uses are acceptable. A condition of consent is recommended requiring the residential waste storage room to provide sufficient space for these bins.

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

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

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

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

**(iv) Matters Prescribed by the Regulations**

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

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

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

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

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

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

**(b) Likely Impacts:**

The potential impacts of the development have been considered throughout the report and are considered to be acceptable. In particular, consideration has been given to the impact of the development upon solar access, privacy and outlook from the adjoining properties both in their current form, and where relevant, the future development potential of the properties has been considered.

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

The proposal has been designed appropriately for the site, having appropriate regard to the site constraints and opportunities and the desired future character of the area.

**(d) Submissions:**

The original application and plans were notified in accordance with Part L of the Strathfield Consolidated DCP 2005 from 11 October to 26 October 2016. One submission and a petition with 113 signatures (it is noted that whilst there are 113 names on the petition, some of the signatures appear repetitive indicating one person was signing for other people) were received in response to the initial notifications.

The amended application and plans the subject of this report were notified in accordance with Part L of the Strathfield Consolidated DCP 2005 from 16 May to 31 May 2017. Two submissions were received. The issues raised in all of the submissions are addressed following:

*Request for greater height of trees to be planted to the north and west of the proposed development where it adjoins the Korean restaurant.*

An amended landscape plan has been prepared since this submission. Conditions of consent are recommended which increase the height of trees in the locations identified in the submission.

*The development will lead to increased traffic in Scott Street due to residents using Scott Street to access the site via a left turn into the property.*

The assessment of the application by an external traffic consultant agrees that additional traffic in Scott Street is likely due to this manoeuvre, however is of the opinion that the street is capable of handling the additional flow of 1 vehicles per 2 minutes in peak hour and that it is unlikely to result in the traffic generation reaching the environmental capacity of the road.

*Concern Scott Street would be used by visitors to the site to park.*

The proposal provides sufficient visitor parking in accordance with the DCP and as such it is unlikely that any significant overflow parking would occur.

*Loss of privacy to backyards of 86 and 88 Water Street*

88 Water Street is a property to the west of the subject site, immediately to the north of the adjoining restaurant/car park on the corner of Water Street and Punchbowl Road. This property is located at the zoning boundary of the B2 zone (subject site and restaurant site) and the R3 Medium Density Residential zone (88 Water Street). The property has a height limit of 11m and a FSR of 0.9:1 and residential flat buildings are permissible with consent. 86 Water Street is immediately to the north of 88 Water Street and the same controls apply. As such it is likely that in time the sites will be redeveloped (with others) with a residential flat building. At such time, the provision of a 6m setback from the boundaries for any future building will provide appropriate separation between the future developments.

In its current form, 88 Water Street is developed with a single detached dwelling. The proposed building is setback 10m-15.8m from the rear boundary of 88 Water Street. It is noted that the separation between the proposed building and the dwelling at 88 Water Street is approximately 40m. The portion of the proposed building to the rear of 88 Water Street has a height of 5 storeys, with the closest balcony having a setback of 12.5m and the closest window a setback of 15m. This level of separation, in conjunction with proposed privacy screens on the balconies and tree planting is considered to result in an acceptable degree of protection of privacy.

Diagonally to the rear of 88 Water Street the proposed building increases in height to 5 storeys and then 6 storeys. The lower levels of this portion of the building have balconies to the west which would allow diagonal views over 88 Water Street at a distance of 10-14m, with the upper 2 levels being designed such that balconies are oriented to the north. The north facing balconies have a privacy screen on the western side of the balconies of Apartments C602 and C702.

The privacy screens, level of separation and the additional tree planting recommended by conditions of consent will result in an acceptable protection of privacy for the existing development at 88 Water Street.

In its current form, 86 Water Street is developed with a single detached dwelling. The proposed building is setback 9m-14m from the rear boundary of 86 Water Street. It is noted that the separation between the proposed building and the dwelling at 86 Water Street is approximately 36m. The portion of the proposed building to the rear of 86 Water Street has a height of 5 storeys, with the closest balcony having a setback of 9m-10m and the closest window a setback of 11m. This level of separation, in conjunction with proposed privacy screens on the balconies and tree planting is considered to result in an acceptable degree of protection of privacy.

*Overshadowing of 86 and 88 Water Street*

The shadow diagrams show that the shadow impact from the proposal upon the rear yards of 86 and 88 Water Street is acceptable. Additional shadowing to less than half of the rear yards will occur at 9am in midwinter, but by 10am there will be minimal shadowing upon either yard.

*Breach of height control*

The proposal does result in a breach of the height control, however, for the reasons detailed previously in this report, the variation to the height control is supported, resulting in a better form of development on the site than a development with compliant height and lesser side and rear setbacks.

*Loss of property values*

No evidence has been provided of impacts upon property value. The potential impact of the development on the property value of adjoining properties is not a matter that can be taken into consideration in the assessment of the application.

*Building will block southerly breeze of 88 Water Street*

The proposed building is separated from the existing dwelling at 88 Water Street by approximately 40m to the east and 27m to the south and as such is unlikely to have a significant impact upon breezes.

**(e) Public Interest:**

The proposed development is an appropriate design for the subject site and minimises impacts upon the adjoining properties to a reasonable degree. Further, the design will provide for an appropriate streetscape presentation to Punchbowl Road. As such the proposal is considered to be in the public interest.



## **INTEGRATED DEVELOPMENT**

### Office of Water

The application is identified as Integrated Development under Section 91 of the Environmental Planning and Assessment Act 1979 as the application is deemed an aquifer interference activity requiring authorisation under the Water Management Act 2000.

The General Terms of Approval (GTA) were received from the NSW Office of Water on 14 March 2016 and are included in the conditions of the recommended consent.

## **INTERNAL REFERRALS**

The application was forwarded to Council's Drainage Engineer, Development Engineer, Tree Coordinator and Health and Building Surveyor for comment. The following comments and recommendations were made:

### Drainage Engineer

No objection subject to conditions.

### Development Engineer

No objection subject to standard conditions.

### Tree Coordinator

No objection subject to standard conditions.

### Health and Building Surveyor

The application was forwarded to Council's Health and Compliance Officer for comment. Concerns were raised at the size of the bin rooms and conditions of consent have been included to address these concerns,

The Health and Compliance Officer supported the recommendations of the Geotechnical and Acoustic Report.

## **EXTERNAL REFERRALS**

The application was forwarded The NSW Office of Water, Roads and Maritime Service and Police. Comments received from these external parties included requested conditions which are incorporated into the recommended conditions of consent.

The application was also referred to an external traffic consultant for assessment and the following comments were received, noting they relate to a previous version of plans so the parking and unit numbers are no longer relevant.

### Existing Conditions

*The Coronation Parade intersection operates at LoS B*

Table 2 Punchbowl Road / Coronation Parade existing Level of Service (LOS)

Intersection	Weekday Peak	Degree of Saturation (DOS)	Average Delay (sec)	95 <sup>th</sup> Percentile Queue (m)	Level of Service (LOS)	Cycle Time (sec)
Punchbowl Road / Coronation Parade	AM	0.989	24.6	142	B	124
	PM	0.761	22.6	107	B	106

*The Water Street intersection operates at LoS B*

Table 3 Punchbowl Road / Water Street existing Level of Service (LOS)

Intersection	Weekday Peak	Degree of Saturation (DOS)	Average Delay (sec)	Mean max Queue (m)	Level of Service (LOS)	Cycle Time (sec)
Punchbowl Road / Water Street	AM	0.905	29.7	116	C	117
	PM	0.907	43.1	179	D	117

### **Proposed Development**

*The development is comprised of 128 residential units and 500.3m<sup>2</sup> GLFA of retail use The DCP parking requirement is 241 parking spaces*

Table 7 Proposed development parking provision

Use	Details	Volume	Strathfield DCP requirement	Development Provision
Residential	Studio	2	1 <sup>1</sup>	2
	1 Bedroom	22	1	22
	2 Bedroom	98	1.5	147
	3 Bedroom	6	2	12
	Visitor Parking		1 space for every 5 dwellings or part thereof	26
<b>Total Residential</b>				<b>209</b> (of which 20 are accessible) <sup>2</sup>
Retail	-	504m <sup>2</sup> GLFA	6.2 spaces per 100m gross leaseable floor area, 75% designated short stay, 25% designated long stay.	24 Short Stay 8 Long Stay
<b>Total Retail</b>				<b>32</b> (of which one is accessible) <sup>3</sup>
<b>Development Total</b>				<b>241</b>

*The latest plans show 256 spaces (168 – basement 2, 62 basement, 26 lower ground)*

*Parking is therefore adequate*

### **Traffic Generation**

*The trip generation calculation is reasonable*

**Table 8 Peak hour trip generation of the development**

Proposed Development	Volume	Trip generation rate guide	Trip generation rate applied	AM Peak	PM Peak
Residential units: 2 Bedrooms or less	122	0.4-0.5 per medium density residential dwelling	0.45	55 Egress	55 Access
Residential units: 3 Bedrooms or more	6	0.5-0.65 per medium density residential dwelling	0.58	4 Egress	4 Access
<b>Total Residential</b>				<b>59 Egress</b>	<b>59 Access</b>
Retail	551sqm GLFA	56 trips per 100m <sup>2</sup> GLFA of specialty shop retail		14 Access <sup>1</sup>	28 Access <sup>2</sup> 14 Egress <sup>2</sup>
<b>Retail Total</b>				<b>14 Access</b>	<b>28 Access</b> <b>14 Egress</b>
<b>Total trips generated</b>				<b>14 Access</b> <b>59 Egress</b>	<b>87 Access</b> <b>14 Egress</b>

The retail trips rate is actually 56 per 1000m<sup>2</sup> (not per 100m<sup>2</sup>) but their calculation is acceptable.

$$V(P) = 11 A(S) + 23 A(F) + 138 A(SM) + 56 A(SS) + 5 A(OM)$$

(vehicle trips per 1000m<sup>2</sup>).

Their analysis shows there has been zero growth in recent years and they have therefore assumed 0% future growth.

The distribution has been based upon reasonable assumptions and the modelling shows that the traffic from the development will have no impact on the intersections

**Table 12 Punchbowl Road / Coronation Parade**

Traffic Volumes	Weekday Peak	Degree of Saturation (DOS)	Average Delay (sec)	95 <sup>th</sup> Percentile Queue (m)	Level of Service (LOS)	Cycle Time (sec)
2015 Existing	AM	0.989	24.6	142	B	124
	PM	0.761	22.6	107	B	106
With Development Traffic	AM	0.989	24.3	142	B	124
	PM	0.761	22.6	107	B	106

**Table 13 Punchbowl Road / Coronation Parade**

Traffic Volumes	Weekday Peak	Degree of Saturation (DOS)	Average Delay (sec)	Mean max queue (m)	Level of Service (LOS)	Cycle Time (sec)
2015 Existing	AM	0.905	29.7	116	C	117
	PM	0.907	43.1	179	D	117
With Development Traffic	AM	0.936	30.2	116	C	117
	PM	0.945	44.1	186	D	117

RMS in their consultation response raised 2 concerns

1. All entry/exit to the subject development shall be restricted to left in/left out vehicle movements on road safety and network efficiency grounds. It is noted that the westbound traffic queue at the intersection of Water Street/Punchbowl Road extend past the proposed driveway which potentially result in right turning vehicles out of the site to queue across Punchbowl Road. This will impact vehicles travelling eastbound when attempting to join the westbound traffic.

*In this regard, a triangular raised median should be constructed at the driveway (within the property boundary) and the driveway splayed/angled to restrict access to left in left out movements only (to physically prevent vehicles turning right to/from the development).*

2. The swept path plan shows the 8.8m service vehicle utilises the full width of the driveway to access the site. Road safety concerns are raised as a service vehicle would be restricted to enter the property when a vehicle is exiting which will impact eastbound through traffic on Punchbowl Road.

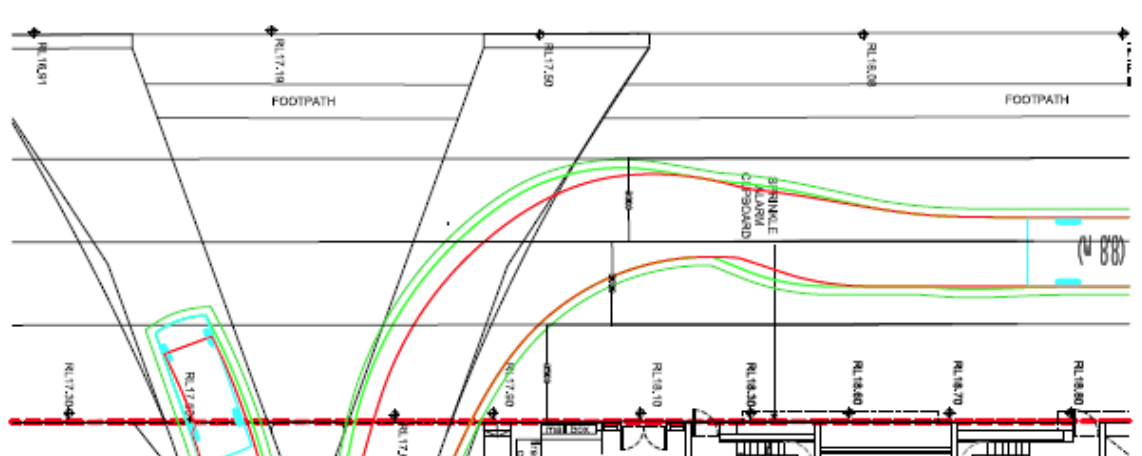
*The driveway should be widened to allow for two-way simultaneous entry and exit for all vehicles. The swept path plan should be modified showing the largest vehicle accessing the site and a passenger car can enter/exit the subject development at the same time without crossing the median on the driveway. The plan should show all vehicles can manoeuvre within the site and enter/exit the site in a forward direction.*

*Aecom's supplementary report introduces a triangular island in the driveway although the swept paths still show service vehicles sweeping out into lane 2 to exit and leave the site.*

*The swept paths have also been undertaken taking into account the future road widening on Punchbowl Road but the swept paths still encroach into Lane 2.*

*I note AECOMS comment about the difficulties about introducing a median in Punchbowl Road.*

*Finally, I see that RMS have given concurrence to the latest information submitted by AECOM, including the triangular splitter island and the swept paths.*





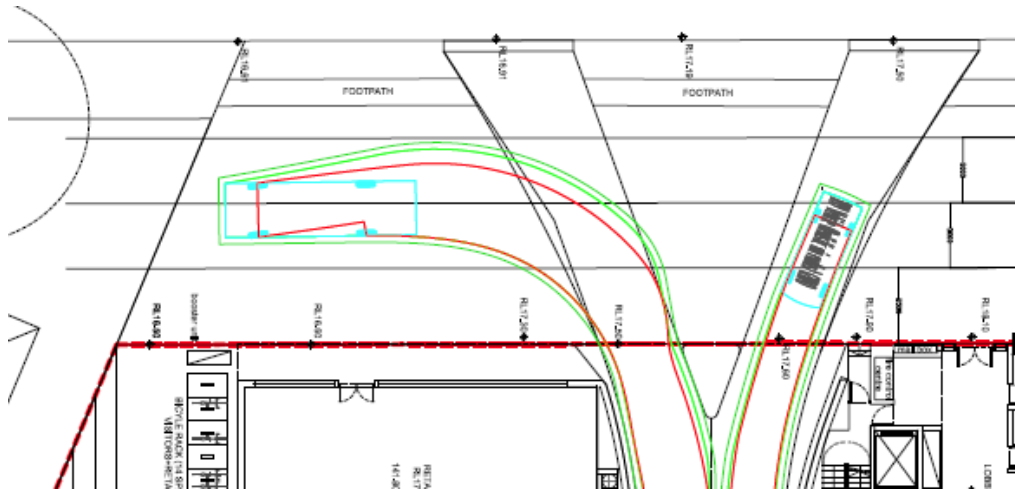
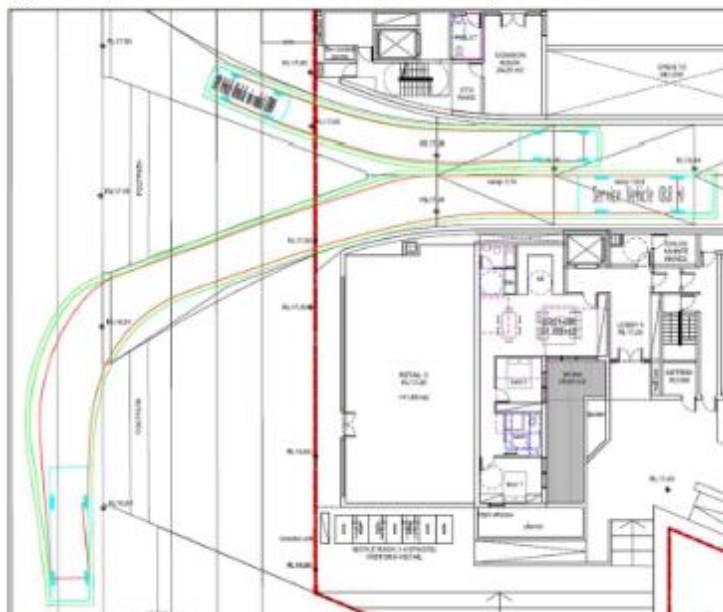


Figure 2 Sweep Path Assessment - 8.8m Medium Rigid Vehicle Entry/ 99<sup>th</sup> Percentile Car Exit



Figure 3 Sweep Path Assessment - 99<sup>th</sup> Percentile Car Entry/ 8.8m Medium Rigid Vehicle Exit



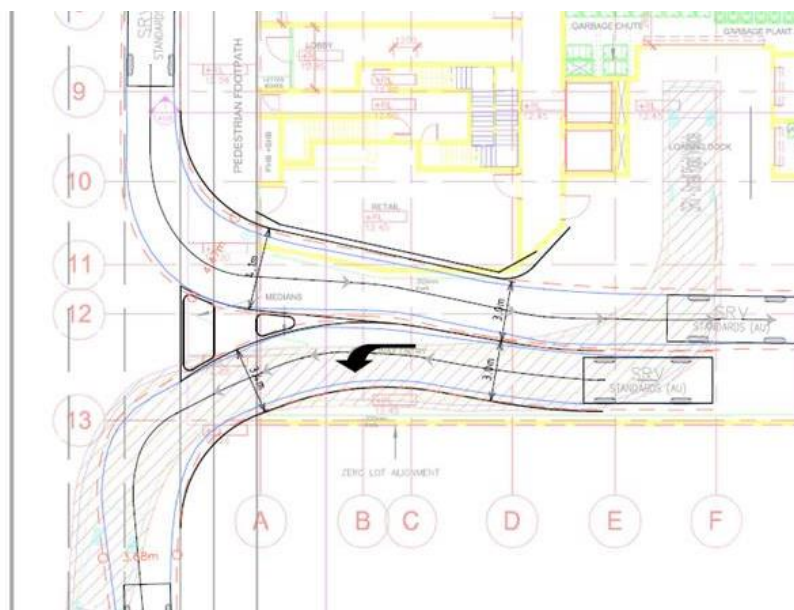


*As a point of reference, in the GM Architects v Strathfield Council - 153 Parramatta Road, Homebush case in which I represented Council, a similar triangular island was proposed with no median island. It is interesting to note that the swept path of service vehicles exiting the site did not stay in the inside lane.*

*I believe the island proposal and the swept paths are acceptable.*

### **Objectors comments**

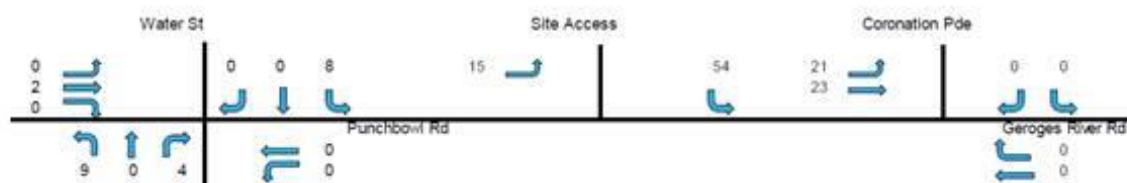
*Objectors are concerned about the impact that “the left in and left out only” movements through the site would have on neighbouring roads. Some residents would probably make a box-shaped movement between Scott Street, Downes St, Blackwood St and Burwood Road.*



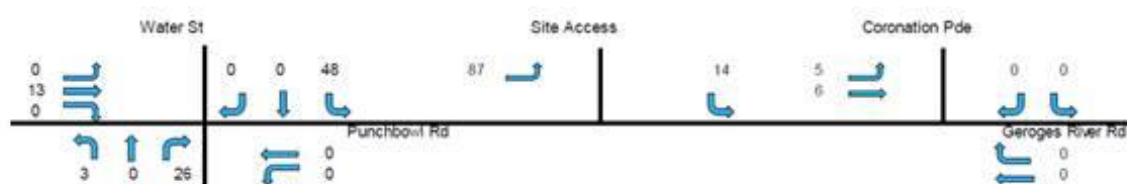
*The estimated left turn (which would include any vehicles who ultimately wanted to turn right) would be 54 in the AM peak and 14 in the PM peak. Even if we assumed 50% of this traffic would do the block turn, this is one vehicle every 2 minutes (i.e. 27 vehicles).*



**Figure 12 AM Peak – Development traffic**



**Figure 13 PM Peak – Development traffic**



*In terms of capacity of the road links, we have flows on Burwood Road from the modelling which show that the flows are around 600 at the moment. The increase in the context of this road will be minimal particularly as it serves commercial uses.*

*However, with regard to Scott Street and Downes Street, which are clearly residential roads, there may be an issue with Environmental Capacity. I don't know the traffic flows on these 2 roads as traffic counts have not been provided.*

*However, both roads are wide and would probably be classed as having an environmental capacity of around 300 -500 vehicles in the peak hour*

*Without knowing the traffic flows, it is difficult to know whether the environmental capacities are reached but I think it unlikely that 1 vehicle every 2 minutes would make the roads exceed the thresholds.*

**Table 4.6**  
**Environmental capacity performance standards on residential streets**

Road class	Road type	Maximum Speed (km/hr)	Maximum peak hour volume (veh/hr)
Local	Access way	25	100
	Street	40	200 environmental goal
Collector	Street	50	300 maximum
			300 environmental goal
Collector	Street	50	500 maximum
			500 maximum

## CONCLUSION

The proposed development is permissible in the zone and is generally consistent with the relevant provisions and objectives of the State Environmental Planning Policy No. 65, the Apartment Design Guide and the Strathfield Local Environmental Plan, 2012, with the exception of the height control

Notwithstanding a significant numerical breach of the height control is proposed, the impact of the variation is acceptable and the additional height is appropriately located to ensure an appropriate streetscape presentation to Punchbowl Road and maximise the amenity of surrounding residential properties. As such the clause 4.6 variation request to the height control is considered to be well founded and is supported, it being noted the proposed development has a floor space well below the maximum permitted under the LEP.

The proposal generally complies with the relevant development controls of the Strathfield Consolidated DCP 2005 and will provide a high level of amenity to future residents.

The application is therefore recommended for approval, subject to the following conditions of consent.

## **RECOMMENDATION**

That DA2016/17 for the demolition of existing structures and construction of a 4-7 storey mixed use building containing one hundred and eleven (111) units comprising seven (7) x 1 bedroom, eighty seven (87) x 2 bedroom and seventeen (17) x 3 bedroom units above basement parking for two hundred and twenty one (221) cars at 27-35 Punchbowl Road, Belfield be granted consent subject to the following 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 any variation as required by conditions of this consent:

Existing/Demolition Plan, Drawing No. A-180, Rev G, prepared by Olsson & Associates Architects, dated 26/4/17.

Basement 2, Drawing No. A-2B2, Rev G, prepared by Olsson & Associates Architects, dated 26/4/17.

Basement 1, Drawing No. A-2B1, Rev G, prepared by Olsson & Associates Architects, dated 26/4/17.

Lower Ground Level, Drawing No. A-201, Rev G, prepared by Olsson & Associates Architects, dated 26/4/17.

Ground Level, Drawing No. A-202, Rev G, prepared by Olsson & Associates Architects, dated 26/4/17.

Upper Ground Level, Drawing No. A-203, Rev G, prepared by Olsson & Associates Architects, dated 26/4/17.

Level 2, Drawing No. A-204, Rev G, prepared by Olsson & Associates Architects, dated 26/4/17.

Level 3, Drawing No. A-205, Rev G, prepared by Olsson & Associates Architects, dated 26/4/17.

Level 4, Drawing No. A-206, Rev G, prepared by Olsson & Associates Architects, dated 26/4/17.

Level 5, Drawing No. A-207, Rev G, prepared by Olsson & Associates Architects, dated 26/4/17.

Level 6, Drawing No. A-208, Rev G, prepared by Olsson & Associates Architects, dated 26/4/17.

Roof Plan, Drawing No. A-209, Rev G, prepared by Olsson & Associates Architects, dated 26/4/17.

Adaptable Apartments, Drawing No. A-250, Rev G, prepared by Olsson & Associates Architects, dated 26/4/17.

N-S Elevations, Drawing No. A-301, Rev G, prepared by Olsson & Associates Architects, dated 26/4/17.

E-W Elevations, Drawing No. A-302, Rev G, prepared by Olsson & Associates Architects, dated 26/4/17.

Privacy Screens, Drawing No. A-310, Rev G, prepared by Olsson & Associates Architects, dated 26/4/17.

Sections I, Drawing No. A-401, Rev G, prepared by Olsson & Associates Architects, dated 26/4/17.

Sections II, Drawing No. A-402, Rev G, prepared by Olsson & Associates Architects, dated 26/4/17.

Materials & Finishes, Drawing No. A-501, Rev G, prepared by Olsson & Associates Architects, dated 26/4/17.

Landscape Plan LA-01, Issue 3, prepared by Jila, dated 19/4/17.

Landscape Plan LA-02, Issue 3, prepared by Jila, dated 19/4/17.

Drainage Plans, Revision B, Drawing Nos, H-01 – H-14, Sheets 1/14 – 14/14, prepared by Green Arrow, dated 26.4.2017

Geotechnical Investigation Report prepared by J K Geotechnics, dated 15 January 2016.

Phase 2 Environmental Site Assessment, prepared by Environmental Investigation Services, dated 5 February 2016.

Acoustic Report prepared by Acouras Consultancy, dated 17.11.2015

Access Compliance Report, prepared by Vista Access Architects, undated.

Waste Management Plan prepared by Elephants Foot Recycling Solutions, dated 18/11/2015.

BASIX Certificate No.678913M\_03 issued 27 April 2017

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.

### Contamination

5. A Remediation Action Plan (RAP) shall be prepared to outline remedial measures for the site as recommended in Section 10 of the Phase 2 Environmental Site Assessment report prepared by Environmental Investigation Services, dated 5 February 2016. The RAP shall include remediation of the lead contamination at BH9 and removal of the UST and associated fuel infrastructure.
6. A Validation Assessment (VA) report shall be prepared on completion of the remediation as recommended in Section 10 of the Phase 2 Environmental Site Assessment report prepared by Environmental Investigation Services, dated 5 February 2016. The VA shall include additional groundwater monitoring following removal of the USTs. A copy of the RAP and VA shall be provided to Council prior to the commencement of any works on the site, other than those required to complete the remediation works.
7. A Hazardous Materials Assessment (Hazmat) as recommended in Section 10 of the Phase 2 Environmental Site Assessment report prepared by Environmental Investigation Services, dated 5 February 2016 shall be prepared for the existing buildings prior to the commencement of demolition work. A copy of the Hazmat shall be provided to Council.

### Special Conditions

8. **Prior to the issue of a Construction Certificate**, amended architectural plans shall be prepared and submitted to the Principal Certifying Authority including the following changes:
  - (a) A fixed pergola constructed of angled blades shall be provided over a paved area to the north of the living room of Apartment B201 to provide a private open space area that is not overlooked by apartments above.
  - (b) The balcony off the bedrooms of Apartment D502 shall be deleted.
  - (c) The balconies off Apartments C304, C404, C504, C604, C704 and C803 shall be provided with either Type 1 or Type 2 privacy screens.
  - (d) The balconies off Apartments B302, B303, B402, B403, B502, B503, B602 and B603 shall be provided with fixed horizontal privacy screens, operable only above the horizontal, to a height of 1.4m.
  - (e) The balcony depth for Apartment C801 shall be increased to 2.4m.
  - (f) The balcony depth of the portion in front of the living room of Apartments C405, C406, C505, C506, C605, C606, C705 and C706 shall be increased by deletion of the planter in front of the living room. The planter in front of the bedroom shall remain.



- (g) The acoustic report prepared by Acouras Consultancy dated 17 November 2015 shall be updated to address the approved plans and the recommended measures of the report to address traffic noise shall be incorporated into the plans.
- (h) Provision of waste storage room/s capable of holding the following:
  - i. (21) x 660L bins for residential general waste;
  - ii. (28) x 240Lbins for residential recycling waste;

Will require a minimum of 47m<sup>2</sup> residential bin collection room and individual bin rooms as follows for each lobby:

Building/Lobby	Bin Room Size	No. Units	Waste 660L bins	Recycling 240L bins
Lobby 1	15.55m <sup>2</sup>	15	3	4
Lobby 2	15.55m <sup>2</sup>	11	2	3
Lobby 3	24.62m <sup>2</sup>	24	5	6
Lobby 4	22.10m <sup>2</sup>	22	4	6
Lobby 5	21.20m <sup>2</sup>	20	4	5
Lobby 6	26.60m <sup>2</sup>	20	4	5

- (h) A roller door with a minimum width of (1.5 m) is to be provided to the waste storage room and the bulky waste room.
- (i) The bulk storage room shall have an area of 44m<sup>2</sup> and be conveniently located for access to the loading dock.
- (j) A room for provision of individual water meters is to be located at or near ground level.
- (k) The materials schedule shall be changed to replace Metal Cladding 2 for the upper level of the building fronting Punchbowl Road with a flat metal cladding of similar colour.

9. **Prior to the issue of a Construction Certificate**, amended landscape plans and details shall be prepared and submitted to the Principal Certifying Authority showing the following changes:

- (a) A 10-12m maturity height tree shall be planted adjoining the western boundary opposite Apartment E101;
- (b) An additional 15-20m and 10-12m maturity height tree shall be planted adjoining the western boundary, within the deep soil zone in the nature play area (may replace existing proposed tree);
- (c) 4 x 8-10m maturity height trees shall be planted adjoining the eastern boundary between the residential waste collection room and Apartment E104. Where necessary the hard landscaped areas are to be reduced in size and mounding/raised planter boxes provided to ensure suitable soil area to support the trees;
- (d) An additional 10-12m maturity height tree shall be planted adjoining the western boundary, opposite Lobby 4 (to the west of the proposed Lemon Scented Gum);
- (e) The proposed Australian Tree Ferns to the north of Retail Suite 1 in the deep soil area are to be replaced with trees to reach a minimum maturity height of 10m, with a narrow growth habit;
- (f) Details are to be provided showing how the retail terraces and shared child play area are to be secured such that the general public cannot enter the remainder of the communal open space of the development. The security measures are not to prevent access by residents of the development (key operated);

- (g) The access proposed from Commercial Suite 3 to the communal open space (northern façade) is to be removed and the area between the two smaller retail terraces (to Suites 1 and 2) and the apartment building is to become communal open space accessible only to residents of the development;
- (h) A second child play area shall be provided at the north-western corner of the site which is accessible only by residents of the development;
- (i) Additional casual seating is to be provided throughout the communal open space areas affording opportunities in the sun and dappled shade;
- (j) Planter boxes (minimum 1m wide) shall be provided to separate paved areas within the communal open space area and adjoining private areas of open space; and
- (k) BBQ areas are to be provided, with a minimum of 1 BBQ, access to a tap and table and seating for at least 8 persons under a shelter in the following locations:
  - north-west corner of site;
  - north-east corner of site, and
  - to the east of the retail terraces.
- (l) Details shall be provided of soil profiles and structural design for planting on slabs, irrigation systems and drainage.

#### General

- 10. 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.
- 11. 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.
- 12. A Works Permit shall be obtained from Strathfield Council at least five (5) working days prior any work (including demolition, excavation and the erection of site fencing/hording). The approved Works Permit and any approved Construction Traffic Management Plan must be complied with at all times until all demolition, building, engineering and construction work associated with the development has been completed. The permit must be retained on site at all times.

13. **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.
14. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$20million and shall provide proof of such cover to Council prior to carrying out works.

#### **Financial Matters**

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

Provision of Community Facilities	\$ 21,819.84
Provision of Major Open Space	\$1,148,348.24
Provision of Local Open Space	\$ 252,434.31
Provision Roads and Traffic Management	\$ 40,451.90
Administration	\$ 21,819.84
<b>TOTAL</b>	<b>\$1,702,918.00</b>

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. Contributions shall be indexed at the time of payment in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030. Contributions must be receipted by Council and submitted to the Accredited Certifier, prior to the issue of any Construction Certificate.

Please present a copy of this condition when paying the contribution at the Customer ServiceCentre so that it can be recalculated.

Note: A copy of Strathfield Council's Section 94 Direct Development Contributions Plan may be downloaded from Council's website.

16. A security payment of \$22,254.00 in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council **prior to the issue of a Construction Certificate**. The security payment is GST inclusive and comprises the following:

Refundable street tree protection bond	\$ 2,000.00
Refundable works bond	\$20,000.00
Non-refundable administration fee (\$127/bd)	\$ 254.00
<b>TOTAL</b>	<b>\$22,254.00</b>

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

- (a) road and stormwater drainage works in roadways and public areas;
- (b) installation and maintenance of sediment control measures for the duration of construction activities;

- (c) 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
- (d) Ensuring no damage occurs to or building debris/materials are left on Council land including footpath, nature strip, kerb and gutter. The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.

17. 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**

18. A total of 87 off-street parking spaces, hard paved, line-marked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents	172
Visitors	23
Retail/commercial	26
<b>TOTAL</b>	<b>221</b>

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.

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

19. **Prior to the issue of any Occupation Certificate**, fixed signage shall be placed within the basement car park of the building adjacent to the lift stating that Council will not issue residential parking permits for owners and residents of the subject site.
20. A sign shall be erected in a suitable location on the site advising that parking is available for visitors.
21. The entry point to the basement carpark area shall be fitted with security gates/shutter to control the entry and exit of vehicles to and from the basement. Any security gates/shutter shall be designed in order to ensure it is able to be opened remotely by occupants of the building.
22. The entry and exit driveways shall be suitably signposted and directional arrows shall be painted on the internal roadway.

23. All vehicles entering and leaving the site shall be driven in a forward direction only.
24. All driveways shall be separated from landscaped areas by a minimum 150mm high by 150mm wide concrete kerb or similar.
25. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.
26. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
27. 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.
28. 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 rates:
  - 6m<sup>3</sup> for each one (1) bedroom unit
  - 8m<sup>3</sup> for each two (2) bedroom unit, and
  - 10m<sup>3</sup> for each unit with three (3) bedrooms or more.

In order to deter theft, the security compartments shall be designed in a manner to conceal from view and secure their contents i.e. through the use of dense, solid material and a shroud covered padlock (or similar).

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.**

29. An application for a 'Works Zone' must be submitted to and approved by the Strathfield Council Traffic Committee prior to the commencement of any site work (including demolition).

The suitability of the proposed length and duration of the Works Zone is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Strathfield Council Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

30. A detailed Construction Site Traffic Management Plan (CTMP) must be submitted to and approved by Council, prior to commencement of any site work (including demolition). The approved CTMP must be complied with at all times until all demolition, building, engineering and construction work associated with the development has been completed.



The CTMP must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- (a) A description of the demolition, excavation and construction works
- (b) A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- (c) Any proposed road and/or footpath closures
- (d) Proposed site access locations for personnel, deliveries and materials
- (e) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- (f) Provision for loading and unloading of goods and materials
- (g) Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network
- (h) Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- (i) Proposed hours of construction related activities and vehicular movements to and from the site
- (j) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority)
- (k) Any activities proposed to be located or impact upon Council's road, footways or any public place
- (l) Measures to maintain public safety and convenience
- (m) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc).

#### Drainage/Stormwater

31. The Stormwater Concept Plans do not show a clear connection of the rising main from basement pump well 1 to the OSD tank 1. As such, **prior to the issue of a Construction Certificate**, an amended stormwater concept plan is to be prepared by a suitably qualified Hydraulic Engineer and submitted to the Principal Certifying Authority for approval demonstrating the following modifications:

- (a) Connection of rising main from basement pump well 1 to the OSD tank 1.

32. 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**.

33. On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system. The storage system shall be designed in accordance with the endorsed concept stormwater plans **AND** Council's Stormwater Management Code. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
34. **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.
35. 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.**
36. 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.
37. All pits shall be constructed in accordance with Australian Standard AS3500.3.
38. All subsoil drainage must be designed to meet the requirements of AS3500.
39. The proposed basement pump out system capacity shall be capable of handling 4 hours of 100yr ARI storm event and the catchment contributing to it shall be limited to the subsoil drainage and the basement access ramp area only. The pipes under the basement shall not be PVC or HDPE. The rising main shall be connected to the Silt Arrestor Pit. Final details of this system are to be submitted with the Construction Certificate application.
40. Grated drains shall be provided along the basement entry at the vehicular crossing(s) and the terraces on the lower ground floor and are to connect to the internal drainage system.

41. The OSD basin must be graded to drain completely and gradients shall not be less than 1%. Discharge restriction from the OSD shall be by use of appropriately sized short length of reduced diameter pipe and weir; orifice plate shall not be used and a co-efficient of 0.8 shall be used for design of the pipe. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
42. All surface inlet drains upstream of the on-site detention basin must be designed so that there is no overflow before the storage is full.
43. 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.
44. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.
45. 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/use of the building.**

The positive covenant is required to prevent future modification or alteration without the written consent of the consent authority, and to ensure suitable maintenance is carried out.

46. Boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other party.
47. The sediment tank shall be inspected quarterly and cleaned as necessary. The accumulated sediment should be disposed off site as per standard practice and National guidelines. A record of quarterly maintenance of the sediment tank shall be kept and produced when requested by Council.
48. 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.

49. 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.
50. 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.
51. An Operational Management and Maintenance Report is required to be submitted to the Principal Certifying Authority **prior to the issue of an Occupation 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.
52. The utility services within the area of effect of the proposed drainage works (i.e. gas, water, sewer, electricity, telephone, etc) shall 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.
53. A Works Permit shall be obtained from Council's Customer service Centre prior to undertaking any works on public/Council-controlled lands. This includes any work on the nature strip, footpath, driveways, Council's drainage kerb & guttering and roadways.
54. The applicant or any contractors carrying out works in public or Council's controlled lands shall have public liability insurance cover to the value of \$20 million, and shall provide proof of such cover prior to carrying out the works.

55. 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.
56. The affected areas i.e. roadway, nature strip, footpath, kerb & guttering and driveways shall be reinstated to the satisfaction of Manager Infrastructure Planning at no cost to Council.

### Public Authority Matters

57. **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.

### Landscaping/Tree Matters

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

<b><u>Tree</u></b>	<b><u>Location</u></b>	<b><u>Protection Zone (m)</u></b>	<b><u>Excavation Zone (m)</u></b>
Group of 4 Trees noted for retention	5 x 5	Punchbowl Rd frontage	4.8
Trees on adjoining properties	-	-	-

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 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.
- Signs identifying the Protection Zone should be installed on the fencing and be visible from within the development site. Lettering should comply with AS4970-2009: *Protection of Trees on Development Sites*.
- No concrete slurry or wash, building materials, builders' rubble, excavation soil or similar shall be placed or stored within the tree protection zone.
- The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.
- The tree protection zone shall be regularly watered.
- Any major structural roots which are encountered shall be pruned by a qualified Arborist.
- 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.

59. A minimum 600mm deep root deflection barrier shall be provided on both sides of the proposed driveway crossing(s) and footpaths.
60. All noxious weeds on the site shall be removed and destroyed as per their classification under the Noxious Weeds Act.
61. The following listed trees are permitted to be removed to accommodate the proposed development however, any of the trees listed below that are located on adjoining properties must only be removed after consent from the tree's owner has been sought and obtained in writing:

<u>Tree</u>	<u>Height/ Spread (m)</u>	<u>Location</u>
3.Eucalyptus saligna	10 x 8	Punchbowl Rd frontage
4.Eucalyptus sp.	8 x 5	Eastern Elevation

62. 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).
63. All common and private landscape areas including all planters are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and all relevant Australian Standards.
64. Evergreen shrubs with a minimum 5 litre container size achieving a minimum mature height of 3m shall be planted along side and rear boundaries to provide privacy screening and shall be maintained at all times. Details of the selected plants shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
65. To protect existing trees, masonry fence piers must be setback a minimum 3.0 metre radius from the retained trees on the Punchbowl Rd frontage and all masonry walling between the piers within this zone must be supported on concrete beams (not strip footings).
66. Manual excavation and manual sawing of all roots is required within canopy spread of the retained trees on the Punchbowl Rd frontage.
67. A minimum level 5 (AQF5) Consultant Arborist who is currently a member or is eligible for membership to the *Institute of Australian Consulting Arboriculturists* (IACA) or *Arboriculture Australia* (AA) is to be contracted by the applicant to undertake/monitor pruning of the required branches of the retained trees on the Punchbowl Rd frontage.

68. **Prior to the issue of an occupation certificate** the applicant shall submit and have approved by the Principal Certifying Authority (PCA) a detailed landscape implementation plan certifying that landscaping has been provided accordance with the landscape plan prepared by **Jane Irwin Landscape Architect** (Drawing No. **LA-01, Rev 3**) **19/4/17, as amended by conditions of this consent** and the Landscape provisions contained within section 10.0 of Part A of the Strathfield Council Development Control Plan.

### **Construction Matters**

69. **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.
70. 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**.
71. 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).
72. 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.
73. The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.
74. 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.
75. 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.
76. 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.

77. 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.

78. 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.
79. 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**

80. 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.

81. **Prior to the issue of an Occupation Certificate**, the applicant shall submit evidence to the Principal Certifying Authority that a Master TV antenna has been installed on the roof of the building that services all apartments.

### Sustainability

82. 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

83. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
84. 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.**
85. 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.**
86. 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

87. 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.**
88. 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

89. If 'A' type hoarding is to be erected about the building site, it is to comply with NSW Workcover's requirements; shall have a minimum height of 1.8 m and comply with AS1725-2003 (Galvanized Rail-Less Chain-Wire Security Fences and Gates) or AS 4687-2007 (Temporary Fencing and Hoardings). Inverted trench mesh is not an acceptable 'A' type hoarding and as such does not satisfy AS1725-2003 and as such shall not be installed to the building site.
90. 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.

91. An overhead 'B' type hoarding shall be constructed where material is being hoisted over or across a public way.
92. 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.
93. 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.
94. 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**

95. As required by the Protection of the Environment Operations (Noise Control) Regulation 2008, air-conditioning units or heat pump water heaters shall not be audible in the habitable rooms of any other residential premises before 8am or after 10pm on any Saturday, Sunday or public holiday, or before 7am or after 10pm on any other day.
96. Prior to the issue of any Occupation Certificate the Principal Certifying Authority shall confirm that the development has been constructed in accordance with the recommended methodology within the endorsed Acoustic report to ensure noise levels do not exceed:



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

### **Subdivision**

97. The strata subdivision of the development shall be subject to a separate application.

### **Disabled Access**

98. The Access Compliance Report, prepared by Vista Access Architects shall be updated to address the approved plans, as amended by the conditions of this consent, and the required accessibility design features are to be included in the Construction Certificate plans.
99. 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.**
100. Accessible car parking spaces for persons with disabilities shall be provided in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
101. **Prior to the issue of a Construction Certificate,** certification shall be submitted to the Principal Certifying Authority demonstrating that at least 20% of the residential units meet the silver level Universal Design Guide requirements of the Livable Housing Design. In order to meet the requirements, the following must be achieved:
- (a) A safe continuous and step free path of travel from the street entrance and/or parking area to a dwelling entrance that is level.
  - (b) Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.
  - (c) A toilet on the ground (or entry) level that provides easy access.
  - (d) A bathroom that contains a hobless (step-free) shower recess.
  - (e) Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date
  - (f) A continuous handrail on one side of any stairway where there is a rise of more than one metre.
  - (g) Stairways are designed to reduce the likelihood of injury and also enable future adaptation.

### **Waste Management**

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

- (a) type and likely quantity of waste arising from the demolition and construction activities;
- (b) storage, disposal and recycling measures for all demolition and construction waste, including specific disposal points and arrangements;
- (c) type and likely quantity of trade and operational waste arising from the proposed development, including storage and collection details. Note: Strathfield Council does not provide a trade waste service;
- (d) provision for a suitable number of 660 litre garbage bins and 240 litre recycling bins for the residential development; and
- (e) fit out details of any garbage/waste enclosures and storage areas.

Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.

103. **Prior to the issue of any Occupation Certificate** waste identification and educational signage is to be installed within or adjacent to the waste storage room in accordance with the requirements Part H 'Waste Minimisation and Management' of the Strathfield Consolidated Development Control Plan 2005.
104. 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**.

### Land Contamination

105. All soil material removed from the site is to be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW DECC and disposed of at a suitably licensed facility. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.

### Geotechnical

106. The recommended additional geotechnical investigation work recommended in Section 4 of the Geotechnical Investigation Report prepared by J K Geotechnics, dated 15 January 2016 shall be undertaken prior to the commencement of the excavation works approved by this consent.

The construction recommendations contained in Section 4 of the Geotechnical Investigation Report prepared by J K Geotechnics, dated 15 January 2016 shall be carried out during construction of the project.

### **Finish of Driveway Opening**

107. The walls of the driveway opening are to be finished in the material identified as MCC1 (matching the ground floor front façade material) as shown on the approved materials and finishes schedule.

### **Operable Conditions**

108. The retail and commercial suites shall operate only between the hours of 9am and 5.30pm Monday to Friday and 9am-4pm Saturdays, except with separate approval. No approval is granted for use of the external retail/commercial courtyards, which require separate development consent for use. No approval is granted for the use of the retail/commercial suites as cafes/restaurants and such use would require separate development consent.

### **Integrated Development**

#### **Roads and Maritime Service**

109. Roads and Maritime has previously vested a strip of land as road along the Punchbowl Road frontage of the subject property as shown by grey colour on the attached Aerial – “X”.

A strip of land along the Punchbowl Road frontage of the subject property is affected in by a Road Widening Order under Section 25 of the Roads Act 1993 as published in Government Gazette 100 of 30-08-1957 as shown by pink colour on the attached Aerial — "X" and DP447679.

Therefore all new buildings or structures together with any improvements integral to the future use of the site are to be erected clear of the land acquired or reserved for road widening unlimited in height or depth. No substantial trees or trees with the potential to be substantial trees are to be planted in the area acquired or reserved for road widening for road.

110. The construction of the new left in and left out kerb and gutter crossing including the raised median within the property boundary on Punchbowl Road shall be in accordance Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 9598 7798).

Detailed design plans of the proposed kerb and gutter crossings are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

111. All vehicles are to enter and exit the site in a forward direction.
112. All vehicles are to be wholly contained on site before being required to stop.

113. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to:

Project Engineer, External Works  
Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.  
Telephone 8849 2114  
Fax 8849 2766

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

114. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to: [Suppiah.Thillai@rms.nsw.gov.au](mailto:Suppiah.Thillai@rms.nsw.gov.au)

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

115. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Punchbowl Road.
116. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Punchbowl Road during construction activities.

## **NSW Office of Water**

### **General**

117. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.

118. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
119. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
- (a) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
  - (b) any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
  - (c) where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
120. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
121. DPI Water requires documentation (referred to as a 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process must be provided. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

122. The following shall be included in the initial report:
- (a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
  - (b) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
  - (c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
  - (d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [DPI Water prefers that groundwater level measurements should be undertaken on a continuous basis using automatic loggers in monitoring bores.]



123. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
124. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
125. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
126. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability determined by slug-testing, pump-testing or other means).
127. A copy of a valid consent for the development shall be provided in the initial report.
128. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called “tailwater”) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
129. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

130. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.

131. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
132. Measurement and monitoring arrangements to the satisfaction of DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
133. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
134. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
135. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
136. Access to groundwater management works used in the activity is to be provided to permit inspection when required by DPI Water under appropriate safety procedures.

Following excavation

137. Following completion of the dewatering operations, the applicant shall submit to DPI Water, Parramatta Office, the completion report which shall include:
  - (a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
  - (b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
  - (c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
138. The completion report is to be assessed by DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.