

SYDNEY CENTRAL PLANNING PANEL

SPP No	2017SCL009
DA Number	2016/196
Local Government Area	Strathfield
Proposed Development	Demolition of existing site structures and construction of a new six (6) storey mixed use development containing 447m ² commercial area and (102) residential units over two (2) levels of basement carparking.
Street Address	1-9 Smallwood Avenue, Homebush
Applicant/Owner	CD Architects
Number of Submissions	Nil
Regional Development Criteria (Schedule 4A of the Act)	Cost of works \$25,979,175.00
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • List all of the relevant environmental planning instruments: s79C(1)(a)(i) <ul style="list-style-type: none"> • SEPP 55 – Remediation of Land; • SEPP 65 – Design Quality of Residential Apartment Development; <ul style="list-style-type: none"> ○ Apartment Design Guide; • SEPP (Building Sustainability Index: BASIX) 2004; • SEPP (Infrastructure) 2007; • Strathfield Local Environmental Plan 2012; • 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) N/A • List any relevant development control plan: s79C(1)(a)(iii) <ul style="list-style-type: none"> • Strathfield Development Control Plan No.20 – Parramatta Road Corridor; • Strathfield Consolidated Development Control Plan 2005: <ul style="list-style-type: none"> ○ Part H – Waste Minimisation and Management; ○ Part N – Water Sensitive Urban Design (WSUD); and ○ Part L – Notification

	<ul style="list-style-type: none"> • 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) <p>N/A</p> <ul style="list-style-type: none"> • List any coastal zone management plan: s79C(1)(a)(v) <p>N/A</p> <ul style="list-style-type: none"> • List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 <p>Section 92(b) of the Environmental Planning and Assessment Regulation 2000</p>
List all documents submitted with this report for the panel's consideration	Report, Site Plan and Elevations attached.
Recommendation	Approval
Report by	Luke Perkins – Senior Planner

Assessment Report and Recommendation Cover Sheet

SUMMARY

Proposal:	Demolition of existing site structures and construction of a new six (6) storey mixed use development containing 447m ² commercial area and (102) residential units over two (2) levels of basement carparking.
Applicant:	CD Architects
Owner:	Sydney Markets Limited
Date of lodgement:	22 December 2016
Notification period:	10 January 2017 to 25 January 2017
Submissions received:	Nil
Assessment officer:	LP
Estimated cost of works:	\$25,979,175.00
Zoning:	B4 Mixed Use - SLEP 2012
Flood affected:	No
Is a Clause 4.6 variation proposed?	Yes – Building Height
Extent of the variation supported?	18.65% (3.73m)
RECOMMENDATION OF OFFICER:	APPROVAL

EXECUTIVE SUMMARY

This application seeks approval for the demolition of existing site structures and construction of a new six (6) storey mixed use development containing 447m² of commercial area and (102) residential units over two (2) levels of basement carparking.

The site forms the entirety of Key Site 37 under the Strathfield Local Environmental Plan (SLEP) 2012 with the proposed development being consistent with the intended future character of the area. The proposed development has sought to provide interest to the external façade of the building through its range of material types, colour schemes and built form.

Notwithstanding, the development does not strictly comply with the building height plane requirements of the Strathfield Local Environmental Plan 2012. A Clause 4.6 variation request to vary the maximum permitted height of 20m by 3.73m or 18.65% was submitted as part of the application and has been further analysed in this assessment. The proposed height variation is considered to be acceptable as the additional building height is contained to fire stairs and lift overrun structures providing access to roof top areas of communal open space and do not result in any additional overshadowing or visual privacy impacts.

The application and plans were notified in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005 from 10 January 2017 to 25 January 2017. No written submissions were received.

The subject 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 Water NSW on 1 June 2017.

Overall, the development presents a good outcome for the site and is recommended for approval.

BACKGROUND

Prior to the lodgement of the subject application a pre-lodgement meeting was held between Council and the Applicant. As lodged, the application is generally consistent with the advice provided by Council Officers and the proposed draft DCP controls for development in the Parramatta Road corridor.

Additional information was requested from the applicant relating to streetscape, stormwater drainage, and contamination on 14 February 2017. Additional information was submitted to Council in response to this request on 2 March 2017.

DESCRIPTION OF THE SITE AND LOCALITY

The site comprises Lots 1,2,3,6 and 7 in DP 12065 and Lots A and B in DP 420656 and is known as No.s 1-9 Smallwood Avenue, Homebush. The subject site currently operates as a caryard comprised of a large hardstand area and single storey workshop and office structure. The site features frontages to Parramatta Road (north), Smallwood Avenue (east) and Dalton Avenue (south).

The subject site has a combined area of 3028m² with a frontage of 60.96m to Parramatta Road, 50.3m to Smallwood Avenue, and 59.44m to Dalton Avenue. An aerial photograph of the site is provided below.

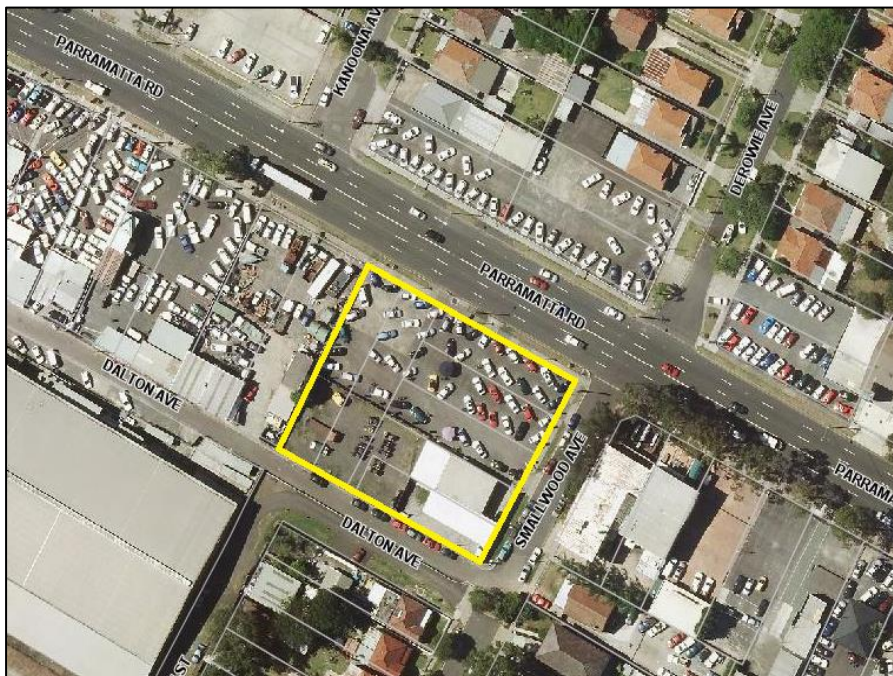


Figure 1: Aerial photograph of subject site and surrounding development.

The subject site is adjoined to the west by properties earmarked for the expansion of the Sydney Markets site. Following recent development approvals, the area to the north, east and south of the site is transitioning from commercial and low density residential development to a high density, mixed use precinct.

PROPERTY BURDENS AND CONSTRAINTS

There are no easements or burdens on the land which could affect, or be affected by, the proposed development.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for the demolition of existing site structures and construction of a new six (6) storey mixed use development containing 447m² commercial area and (102) residential units over two (2) levels of basement carparking. The specific elements of the proposal are:

- Demolition of existing site structures;
- Construction of a six (6) storey mixed use development comprised of:
 - Two (2) levels of basement parking
 - Ground level at-grade parking and waste collection area;
 - Two (2) ground level commercial tenancies totalling 447m²;
 - (102) residential units consisting of four (4) x studio , (29) x 1 bedroom, (65) x 2 bedroom and four (4) x 3 bedroom units; and
 - Podium and roof level areas of communal open space.
- Associated landscaping and stormwater drainage works.

REFERRALS

INTERNAL REFERRALS

Engineering Comments

Council's Engineer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

Waste Comments

Council's Waste Officer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

Environmental Health and Compliance Comments

Council's Environmental Health and Compliance Coordinator offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

EXTERNAL REFERRALS

Roads and Maritime Services (RMS) NSW

The application was referred to RMS. A response was received from RMS on 17 March 2017 recommending the imposition of conditions of consent.

Department of Primary Industries - Water

The proposed development is deemed an aquifer interface activity and as such the subject application requires the concurrence of Water NSW. The General Terms of Approval (GTA) were received from the Water NSW Office on 1 June 2017 noting that no conditions of consent were necessary for the purposes of the proposed development.

SECTION 79C CONSIDERATIONS – EP&A Act, 1979

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within section 79C of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

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 relevant statutory considerations are as follows:

- SEPP 55 – Remediation of Land;
- SEPP 65 – Design Quality of Residential Apartment Development;
 - Apartment Design Guide;
- SEPP (Building Sustainability Index: BASIX) 2004;
- SEPP (Infrastructure) 2007;
- Strathfield Local Environmental Plan 2012;
- Strathfield Development Control Plan No.20 – Parramatta Road Corridor;
- Strathfield Consolidated Development Control Plan 2005:
 - Part H – Waste Minimisation and Management;
 - Part N – Water Sensitive Urban Design (WSUD); and
 - Part L – Notification

79C(1)(a) the provisions of:

(i) any environmental planning instrument

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 or following the completion of remediation works for the purpose for which development consent is being sought. 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.

The initial application was accompanied by a Stage 1 Preliminary Investigation prepared by EI Australia recommending a Stage 2 Detailed Site Investigation be undertaken for the purposes of the proposed development. The applicant subsequently provided a Stage 2 Detailed Site Investigation prepared by EI Australia identifying the subject site as being suitable for the purposes of the proposed development subject to a condition of consent recommending the implementation of the recommendations contained in the Stage 2 Detailed Site Investigation Report.

STATE ENVIRONMENTAL PLANNING POLICY NO. 65

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings (SEPP 65) aims to improve the design quality of residential flat development in New South Wales. 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 28 however an assessment of the design quality of the development against the design principles of the SEPP and the relevant design criteria of the Apartment Design Guide has been undertaken in the table below:

Principle	Objective	Proposed
Context and neighbourhood character	<p><i>Responding to context involves identifying the desirable elements of an area's existing or future character.</i></p> <p><i>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 area surrounding the subject site is currently transitioning from commercial development to mixed use density development as a result of the gazettal of the SLEP 2012.</p> <p>The proposed design responds to the desired future character as envisaged by the SLEP 2012 by providing a high quality mixed use development with ground floor commercial tenancies and five storeys of residential units that incorporate a suitable mix of apartments to accommodate a variety of family types.</p> <p>The proposed design will be consistent with the built form of future developments upon Parramatta Road as well as the surrounding area. It is noted that there have been several approvals in the locality for similar mixed use development that adopt similar proportions in line with the draft Key Sites footprints. Further, a development application was recently approved for the construction of a warehouse and distribution centre upon the adjoining site to the east that suitably integrates with the proposed development.</p>
Built form and scale	<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</i></p>	<p>The proposed design, while seeking 3.73m or 18.85% departure from the permitted 20m building height, achieves an appropriate bulk and scale that is responsive to the desired future character of the area and more recent approvals in the street.</p> <p>The development has been designed having regard to building orientation, separation, privacy and the provision and</p>

Principle	Objective	Proposed
	<p><i>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>arrangement of communal open space to ensure that all apartments receive a high level of residential amenity.</p> <p>The built form defines the public and private domain and provides a pedestrian scale to the development through the incorporation of direct street access to the ground floor units and the provision of a central pedestrian atrium at the site's Parramatta Road frontage.</p>
Density	<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 achieves a high level of residential amenity to units through logical unit layouts and adequate access to natural light and ventilation. Further, the Acoustic Report accompanying the application will ensure that a suitable construction methodology will be employed to minimise the Acoustic Impact of the adjoining road way upon future residents of the site.</p>
Sustainability	<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 compliance with the minimum solar access requirements to reduce the buildings dependency on artificial lighting.</p> <p>The application is supported with an up to date BASIX Certificate.</p>
Landscape	<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</i></p>	<p>The proposal incorporates well thought out landscaped areas that will provide a high level of amenity to future residents of the site. The landscape design enhances the communal open spaces, providing shade trees and a range of areas/zones that can be used simultaneously by different residents whilst providing a sense</p>

Principle	Objective	Proposed
	<p><i>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>of privacy through landscaped treatments including the provision of in-built utilities such as BBQs</p> <p>The proposal makes no provision for street tree planting. A condition of consent is recommended requiring the provision of street tree plantings on the site's Parramatta Road and Smallwood Avenue frontages.</p>
Amenity	<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. 95% (97 units) receive 2 or more hours of solar access where the ADG requires a minimum of 70% (71 units) and 78% (80 units) are naturally cross ventilated where the ADG requires a minimum 60% (61 units).</p>
Safety	<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><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></p>	<p>The proposal has been well designed to minimise opportunities for concealment whilst clearly defining the private and public domain and provides opportunities for passive surveillance to Parramatta Road, Smallwood Avenue and Dalton Avenue.</p>
Housing diversity and social interaction	<p><i>Good design achieves a mix of apartment sizes, providing</i></p>	<p>The proposal provides the following housing mix:</p>

Principle	Objective	Proposed
	<p><i>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>(4) x Studio (29) x 1 bedroom; (65) x 2 bedroom; and (4) x 3 bedroom units. The proposed housing mix is considered acceptable and provides for a variety of housing types.</p> <p>The proposed ground level and roof top areas of communal open space provide different areas of communal open space defined through different landscape treatments that allow flexibility in the use of the communal areas.</p>
Aesthetics	<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>	<p>The proposal achieves a strong built form that has appropriate proportions as envisaged by the draft Key Site controls.</p> <p>Further, the building composition is balanced through material treatment.</p>

APARTMENT DESIGN GUIDE

Design Criteria	Required	Proposed	Compliance
2E - Building Depth	12m – 18m	The width of the building varies at different points, however doesn't exceed 15m	Yes
3B – Orientation	<p>Responsive to streetscape and site.</p> <p>Designed to optimise solar access and minimise overlooking.</p>	<p>The proposed development is responsive to the desired future streetscape as envisaged throughout Council's draft Key Site controls and appropriately all street frontages.</p> <p>The proposal is designed to optimise solar access and provides 95% (97 units)</p>	<p>Yes</p> <p>Yes</p>

Design Criteria	Required	Proposed	Compliance
	2 hours solar access retained to neighbouring buildings	of units with 2 hours of solar access during mid-winter. The proposal was accompanied by shadow diagrams identifying a minimum of two (2) hours solar access being retained to all neighbouring properties between 9:00am and 3:00pm at mid-winter.	Yes
3C – Public Domain Interface	Direct street entry to ground floor apartments	Direct street entries are provided to ground floor units to both Smallwood Avenue and Dalton Avenue.	Yes
	Balconies/windows orientated to overlook the public domain	The proposed development provides balconies and windows to both street frontages so as to provide opportunities for passive surveillance. A condition of consent is recommended requiring that the glazing elements of the ground floor commercial tenancies be transparent as to provide for an active street frontage.	Yes
	Front fence design is permeable Opportunities for concealment minimised	Masonry and infill panel fencing is permeable and reduces opportunities for concealment.	Yes
	Services concealed Access ramps minimised	Pedestrian entry ramps are minimised with at grade access provided to all street frontages.	Yes
3D – Communal Open Space	Min. 25% (757m ²)	38.7% (1174.85m ²)	Yes
	Min 2h to 50% communal open space at mid-winter	The subject application was accompanied by	Yes

Design Criteria	Required	Proposed	Compliance
	Consolidated area	shadow diagrams demonstrating that more than 50% of the communal open space receives a minimum of 2 hours of solar access.	
3E – Deep Soil Zones	Min. 7% (212m ²) 6m min. dimension	7.55% (228.87m ²) deep soil landscaping with a minimum width of 6m	Yes
3F – Visual Privacy	Up to 4 storeys: (i) 12m between habitable rooms/balconies (ii) 9m between habitable and non-habitable rooms (iii) 6m between non-habitable rooms	Minimum 18m between habitable rooms	Yes
	Up to 8 storeys: (iv) 18m between habitable rooms/balconies (v) 12m between habitable and non-habitable rooms (vi) 9m between non-habitable rooms	Minimum 18m between habitable rooms	Yes
3G – Pedestrian Access and Entries	Entry addresses public domain Clearly identifiable Steps and ramps integrated into building design	The proposed development incorporates two (2) large pedestrian atrium structures delineated by changes in material finishes and scale.	Yes
3H – Vehicle Access			Yes
	Integrated into façade Visual impact minimised Entry behind the building line or from secondary frontage	The vehicle ramp is integrated into the façade.	Yes
	Clear sight lines	Clear sightlines are provided within the basement with the design following a logical double sided aisle format.	Yes
	Garbage collection screened Pedestrian and vehicle access separated	Garbage collection is provided within the at grade parking area with a bin holding room and	

Design Criteria	Required	Proposed	Compliance
		loading area provided.	
3J – Bicycle and Car Parking	Further than 800m from a railway station: Min DCP Rate Applies: Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.	Refer DCP discussion Motorcycle and bicycle parking provided within basement.	Yes Yes
4A – Solar and Daylight Access	Min. 70% (54 units) receive 2 hours solar access Max. 15% units have no solar access Light wells, skylights and highlight windows are only to be a secondary source where sunlight is limited. Design incorporates shading and glare control	95% (97 units) receive 2 or more hours of solar access 5% (5 units) of units receive no solar access	Yes Yes
4B – Natural Ventilation	Min. 60% (61 units) are cross ventilated in first 9 storeys Cross-over/Cross-through Max 18m depth Light wells are not the primary source of ventilation for habitable rooms Single aspect units have limited depth to maximise ventilation	78% (80 units) are cross ventilated Maximum depth of 12.5m No light wells utilised for ventilation. All single aspect units feature a reduced depth	Yes Yes Yes Yes
4C – Ceiling Heights	Habitable: 2.7m Non-habitable: 2.4m 2 storey apartments: 2.7m main living area, 2.4m mezzanine Mixed Use: 3.3m ground floor	Minimum 2.7m ceiling height to habitable rooms and minimum 3.4m ceiling height to ground floor commercial tenancies.	Yes
4D – Apartment Size and Layout	Studio: 35m ² 1 bed: 50m ² 2 bed: 70m ² 3 bed: 90m ² Additional bathrooms +5m ² Each habitable room must have a window > 10% floor area of the room. Habitable room depths =max 2.5 x ceiling height <u>Or</u> if open plan layout	The proposal provides for compliant unit sizes as follows: Studio: minimum 35m ² 1 bedroom: minimum 50m ² 2 bedroom: minimum 75m ² 3 bedroom: minimum 95m ² All units with a second	Yes

Design Criteria	Required	Proposed	Compliance
	=max 8m from a window Master bed: min 10m ² Other bedroom: min 9m ² Living room min. width: Studio and 1 bed: 3.6m 2 and 3 bed: 4m Crossover/through: min 4m	bathroom provide an additional 5m ² . All kitchens are within 8m from a door or window.	
4E – Private Open Space and Balconies	Studio: 4m ² 1 bed: 8m ² , min depth 2m 2 bed: 10m ² , min depth 2m 3 bed: 12m ² , min depth 2.4m	All units are provided with compliant balconies or patio areas.	Yes
4F – Common Circulation and Spaces	Max 8 apartments off a single core > 10 storeys: max 40 units/lift	Maximum seven (7) units off a single core	Yes
4G – Storage	Studio: 4m ³ 1 bed: 6m ³ 2 bed: 8m ³ 3 bed: 10m ³ At least 50% within the basement	The proposal provides a mixture of storage within both the unit itself and within the basement. A condition of consent is recommended to provide the required volume of storage for each unit within the basement.	Yes
4H – Acoustic Privacy	Orientate building away from noise sources Party walls limited or insulated, like rooms together Noise sources (e.g. garage doors, driveways) located at least 3m from bedrooms.	The building has been designed to locate like rooms together and separate more noise sensitive rooms such as bedrooms from circulation areas.	Yes
4J – Noise and Pollution	Site building to maximise noise insulation Noise attenuation utilised where necessary	In recognition of the subject site's proximity to Parramatta Road and the Sydney Markets site an acoustic report accompanied the subject application. This report recommends certain noise attenuation measures to provide a suitable level of amenity to future residents. The implementation of these measures is recommended to be included as a condition of consent.	Yes
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: Studio: 4 units	Yes

Design Criteria	Required	Proposed	Compliance
		1 bed: 29 units 2 bed: 65 units 3 bed: 4 units	
4L – Ground Floor Apartments	Direct street access Casual surveillance whilst providing privacy.	Direct street access is provided to the ground floor units with opportunities for casual surveillance.	Yes
4M – Facades	Composition of building elements Defined base, middle and top Building services integrated into the façade	The proposal has a defined top, middle and base that is generally expressed through articulation in the structure and changes in material treatments. The proposal utilises changes in material treatments to clearly define the public and private domain interface.	Yes
4N – Roof Design	Roof design integrated into the building Incorporates sustainability features May include common open space	The proposed development incorporates a flat roof structure that is articulated through steps in building height and the use of parapet wall features to integrate the roof structure with the overall design of the building.	Yes
4O – Landscape Design	Responsive to streetscape Viable and sustainable	The subject application was accompanied by a detailed landscape design which incorporates a number of raised planter boxes and opportunities for deep soil plantings in the eastern setback. The landscape design will enhance the overall appearance of the development and usability of common areas. Deep soil planting opportunities are maximised along the eastern boundary of the site where large trees have been proposed to soften the streetscape.	Yes

Design Criteria	Required	Proposed	Compliance
4P – Planting on Structures	Appropriate soil profiles and structural design Irrigation and drainage systems	A landscape plan that detailed soil profiles and structural design details accompanied the proposal.	Yes
4Q – Universal Design	Variety of adaptable apartments	The proposal incorporates (15) units as adaptable units consisting of a mix of 1,2 and 3 bedroom units.	Yes
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	At grade collection internal to site proposed.	Yes
4X – Building Maintenance	Material selection reduces ongoing maintenance costs	The proposal incorporates a mix of metal cladding, painted render, facebrick and glazing. The proposed material selection is considered appropriate and will reduce the ongoing maintenance costs of the building.	Yes

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – 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 as part of the application which indicates that the proposal meets the required reduction targets. An appropriate condition of consent will be imposed to ensure future compliance with these targets.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The subject site fronts a classified road (Parramatta Road). Clause 101 of SEPP Infrastructure requires for development fronting a classified road that were possible vehicular access be obtained from a road other than the classified road and that the development not impact upon the safety, efficiency and ongoing operation of the classified road. The proposed development obtains vehicular access from Dalton Avenue and involves no actions likely to impact upon the ongoing operations of Parramatta Road. As such the proposed development satisfies the requirements of Clause 101 of SEPP Infrastructure.

Clause 104 of SEPP (Infrastructure) identifies certain development as traffic generating development and requires such development to be referred to the NSW Roads and Maritime Service (RMS) for comment. The subject application being identified as traffic generating development was referred to RMS for comment. No objection was raised to the proposed development subject to conditions of consent. These conditions have been included in the recommended conditions below.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

An assessment of the proposal against the general aims of SLEP 2012 is included below:

Cl. 1.2(2)	Aims	Complies
(a)	<i>To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield</i>	Yes
(b)	<i>To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development</i>	Yes
(c)	<i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i>	Yes
(d)	<i>To provide opportunities for economic growth that will enhance the local community</i>	Yes
(e)	<i>To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use</i>	Yes
(f)	<i>To identify and protect environmental and cultural heritage</i>	Yes
(g)	<i>To promote opportunities for social, cultural and community activities</i>	Yes
(h)	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	Yes

Comments: The proposed development is a well-articulated contemporary built form that is consistent with the future streetscape envisaged in Councils Draft Key Site Controls and complements recent developments in the surrounding area. The proposed development provides for additional housing and employment opportunities within an accessible area. As such, the proposed development is considered to be consistent with the aims of the Strathfield Local Environmental Plan 2012.

Permissibility

The subject site is Zoned B4 Mixed Use under Strathfield Local Environmental Plan (SLEP) 2012.

Mixed use developments comprised of commercial premises and residential apartments are permissible within the B4 Mixed Use Zone with consent and are defined under SLEP 2012 as follows:

“mixed use development means a building or place comprising two or more different land uses ”

Zone Objectives

An assessment of the proposal against the objectives of the B4 Zone is included below:

Objectives	Complies
➤ <i>To provide a mixture of compatible land uses.</i>	Yes
➤ <i>To integrate suitable business, office, residential and other development in accessible locations so as to maximize public transport patronage and encourage walking and cycling.</i>	Yes
➤ <i>To facilitate mixed use urban growth around railway stations and transport node and corridors, commercial centres and open space.</i>	Yes
➤ <i>To provide local and regional employment and live and work opportunities.</i>	Yes

Comments: The proposal seeks approval for a mixed use development comprising of commercial tenancies and residential units thereby providing job opportunities and housing options in an accessible location. As such, the proposal is consistent with the objectives of the B4 Mixed Use zone.

Part 4: Principal development standards

An assessment of the proposal against the relevant provisions contained within Part 4 of the SLEP 2012 is provided below.

Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings subdivision lot size

Cl.	Development	Zone	Min Lot Size	Lot Size	Complies
4.1A	<i>Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat building</i>	B4 Mixed Use	1,000m ²	3,028m ²	Yes

Exceptions to height of buildings (Parramatta Road Corridor)

Cl.	Key Site Number	Maximum Height	Proposed	Complies
4.3A	37	20m	23.73m	No

	Objectives	Complies
(a)	<i>To ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area</i>	Yes
(b)	<i>To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area</i>	Yes
(c)	<i>To achieve a diversity of small and large development options.</i>	Yes

Comments:

- The proposal having a height of 23.73 exceeds the maximum permitted height of 20m under Clause 4.3. The subject application was accompanied by a Clause 4.6 variation request to vary the maximum permitted height. The proposed departure relates to the lift over run structures and fire stairs providing access to the roof top area of communal open space (See Figure 2 below).

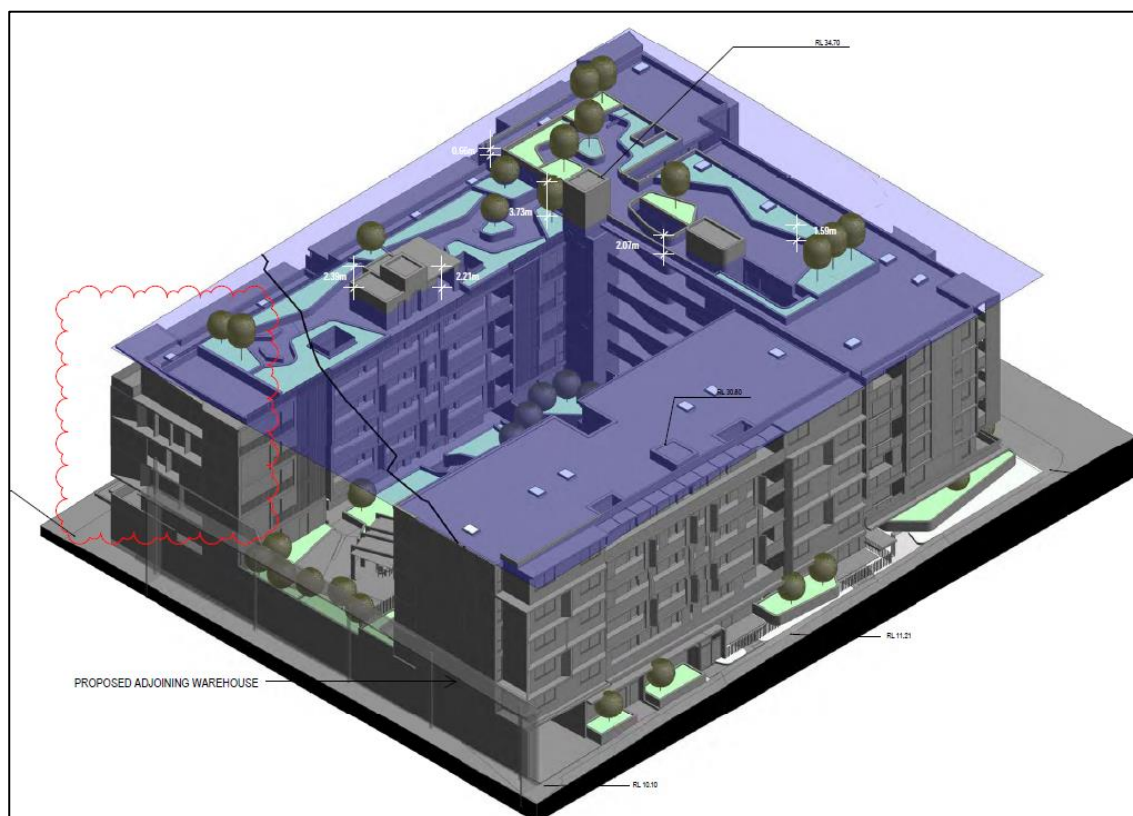


Figure 2: Architectural model outlining extent of height departure.

Exceptions to floor space ratio (Parramatta Road Corridor)

Cl.	Key Site Number	Maximum FSR	Proposed	Complies
4.4A	37	2.5:1 (7,570m²)	2.48:1 (7509.44m²)	Yes

	Objectives	Complies
(a)	<i>To ensure that dwellings are in keeping with the built form character of the local area</i>	Yes
(b)	<i>To provide consistency in the bulk and scale of new dwellings in residential areas</i>	Yes
(c)	<i>To minimise the impact of new development on the amenity of adjoining properties</i>	Yes
(d)	<i>To minimise the impact of development on heritage conservation areas and heritage items</i>	Yes
(e)	<i>In relation to Strathfield Town Centre:</i> i. <i>to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and</i> ii. <i>to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development</i>	Yes
(f)	<i>In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor</i>	Yes

Clause 4.6 Exceptions to Development Standards

Under Clause 4.6 of the SLEP 2012, the consent authority may consider a variation, where that variation would achieve a better outcome.

As demonstrated in the table above, the proposed development fails to comply with the maximum building height development standard permitted under Clause 4.4A of the SLEP 2012. The area of non-compliance relates to two (2) lift over run and fire stair structures and a roof top pergola that provides access to the roof top area of communal open space.

Clause 4.6(3) of the SLEP 2012 states the following:

“Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.”*

The applicant has provided a written request that seeks to justify the proposed contravention of the building height development standard in the above table on the following grounds:

- The proposal respects its surroundings and nearby residential properties;
- The increased height does not result from or create additional habitable space or floors above the envisaged planning framework, ensuring the desired future character of the area expected under those controls is maintained;
- When viewed from the ground the visible portion of the structure is below the height limit and will not dominate the streetscape of any of the three (3) street frontages; and
- No significant adverse impacts arise from the non-compliance with any shadow cast by the additional height contained to the roof plane of the building.

Clause 4.6(4) of the SLEP 2012 states the following:

“Development consent must not be granted for a development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*
 - (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3)*

The applicant’s written request to justify the contravention of the building height standard adequately addresses the matters required to be demonstrated in subclause 4.6(3), specifically, that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The written request is considered to provide sufficient substantive information on environmental planning grounds relating to streetscape, bulk, scale and form, amenity, solar access and privacy.

- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

The proposal is considered to be consistent with the objectives of the development standard in that:

- The proposal is compatible with recent developments in the area and likely future developments as envisaged by the upzoning of surrounding residential properties under the SLEP 2012;
- The proposed development achieves the consolidation of Key site 37 and as demonstrated throughout this report the proposal complies with the relevant FSR control and is consistent with the optimal sustainable capacity for the site; and
- The proposal provides an appropriate unit mix incorporating a variety of housing options.

The site is Zoned B4 Mixed Use under SLEP 2012. The proposal provides for a mixed commercial and residential use in an accessible location and is generally consistent with the objectives of the B4 Mixed Use zone in that:

- The proposed development contains both commercial and residential land uses providing for employment opportunities and housing options in an accessible location.

(b) the concurrence of the Secretary has been obtained."

Council may assume the concurrence of the Director-General under Planning Circular PS 08-003 issued in May 2008.

In conclusion, the applicant's written request to justify the contravention of the maximum building height – exceptions to height of buildings (Parramatta Road Corridor) development standard is considered to be well founded in that the applicant has satisfactorily demonstrated that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

Part 6: Local Provisions

The relevant provisions contained within Part 6 of the SLEP 2012 are addressed below as part of this assessment:

6.1 Acid sulphate soils

The subject site is identified as having Class 5 soils and is located within 500m of Class 1, 2, 3 or 4 soils, and the proposed development involves works below 5m AHD. As such, the subject application requires consideration of Clause 6.1 of the SLEP 2012. The subject application was accompanied by a Geotechnical report prepared by EI Australia giving consideration to the likely impacts of the development upon ground water within the locality. This report identifies the proposed excavation works to accommodate for the two (2) levels of basement parking as likely to impact upon ground water storage within the locality. As such a condition of consent is recommended requiring that a preliminary Acid Sulphate assessment be undertaken prior to the issue of any Construction Certificate.

6.2 Earthworks

Clause 6.2 of the SLEP 2012 requires consideration be given to the potential impact of the proposed ancillary earthworks on drainage within the locality, the future redevelopment of the site, adjoining development and any environmentally sensitive areas. The proposed development

involves no earthworks considered likely to result in any significant impacts upon drainage within the locality, any future redevelopment of the site, or adjoining development. Nonetheless, conditions of consent are recommended requiring the implementation of appropriate shoring and erosion and sediment control measures throughout the proposed excavation works so as to mitigate any potential impacts.

6.3 Flood planning

Clause 6.3 of the SLEP 2012 requires consideration to be given to the compatibility of development on flood prone land with the flood hazard of the land.

6.4 Essential services

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The proposed development is located within a well serviced area and features existing water and electricity connections, direct vehicular access and frontage to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development.

6.9 Additional provisions for development in Parramatta Road Corridor

Clause 6.9 of the SLEP 2012 encourages development in the Parramatta Road Corridor to have a mix of residential and non-residential land uses in an integrated built form. The proposed development comprises of a six (6) storey building with two (2) commercial tenancies on the ground floor and (102) residential units on the floors above that integrates well with existing development in the Parramatta Road Corridor. As such, the proposed development satisfies the requirements of Clause 6.9 of the SLEP 2012.

79C(1)(a)(ii) any draft environmental planning instruments

There are no applicable draft planning instruments that are or have been placed on public exhibition, to consider as part of this assessment.

79C(1)(a)(iii) any development control plan

DEVELOPMENT CONTROL PLAN NO. 20 – PARRAMATTA ROAD CORRIDOR

The following is an assessment of the proposal's compliance with the relevant provisions contained within DCP 20.

Section	Development Control	Required	Proposed	Compliance
2.2	Built form/footprint	<i>Proposal to conform to the building footprint shown in figure 9.</i>	The building footprint generally accords with the Draft Key Sites Map.	N/A
	Land Consolidation	<i>Proposal to conform to the consolidation pattern identified in figure 12.</i>	Conforms with consolidation pattern of SLEP 2012 (Key Site 37)	N/A
2.3	Building Height	<i>Proposal to conform to building height identified</i>	SLEP 2012 prevails	N/A

Section	Development Control	Required	Proposed	Compliance
		<i>in figure 12, which requires max. 3 storeys.</i>		
	Minimum Unit Sizes	<i>Proposal to comply to the following min. unit sizes: 1 bed – 70m² 2 bed - 85m² 3 bed - 100m²</i>	ADG Prevails	N/A
2.5	Roof Form	<i>Lift and service plant concealed within roof structure.</i>	The lift overrun structure located centrally to minimise visual impacts.	Acceptable on merit
		<i>Provide an interesting skyline and enhance views from adjoining developments.</i>	The proposal provides an acceptable roofline that will not disrupt views from adjoining developments.	Yes
2.6	Façade Composition	<i>Entrance should be distinguishable in the façade.</i>	Proposed pedestrian entry points are clearly defined by scale and changes in material treatment.	Yes
		<i>Facades should maintain a human scale to the street by incorporating appropriate architectural features.</i>	The proposal incorporates an atrium like pedestrian entry that clearly identifies the main building entry and distinguishes the public and private domain.	Yes
		<i>Materials and finishes should blend together with min. 30% to incorporate face brickwork.</i>	Materials and finishes comprise metal cladding, render and glazed elements.	Acceptable on merit
		<i>Consider the use of glass in facades on northern and western elevations in terms of glare impacts.</i>	Complies with BASIX.	Yes
2.8	Visual and Acoustic Privacy	<i>Visual privacy to be provided by separation or screening.</i>	ADG prevails	N/A
		<i>Main living areas oriented to the street or</i>	ADG prevails	N/A

Section	Development Control	Required	Proposed	Compliance
		<i>rear garden to prevent overlooking.</i>		
		<i>Acoustic privacy must be considered in relation to proposal and surrounding environment.</i>	Acoustic report submitted. Compliance with construction methodology by way of condition of consent.	Yes, subject to condition
		<i>Buildings designed and sited to minimize transmission of noise to adjoining developments.</i>	The proposed development incorporates a nil setback to the site's western boundary. While the adjoining site is currently occupied by a second hand car yard, development consent was recently granted for the construction of a warehouse and distribution centre also incorporating a nil setback to the common boundary.	Refer to discussion
		<i>Developments adjoining major road or railway line to consider potential noise impacts.</i>	The submitted Acoustic Report has considered the potential noise impacts from Sydney Markets and Parramatta Road.	Yes
		<i>Shared pedestrian entries shall be capable of being locked and serve a limited no. of dwellings</i>	Secured entries proposed.	Yes
		<i>Casual surveillance maintained of public streets and spaces with at least one habitable room window facing that area.</i>	Casual surveillance encouraged through balcony and glazed elements orientation to overlook the public domain on all street frontages.	Yes
2.9	Private Open Space	<i>Proposal to provide 35% deep soil landscape area on the site.</i>	ADG prevails.	N/A
		<i>Retain and protect existing significant trees.</i>	No tree removal proposed.	Yes
		<i>Each contiguous landscape area shall provide large trees.</i>	Canopy tree proposed within deep soil areas.	Yes
		<i>Trees and pergolas to shade external areas</i>	The rooftop area of communal open space incorporates a	Yes

Section	Development Control	Required	Proposed	Compliance
		<i>and control sunlight into buildings.</i>	pergola and built in communal facilities including a BBQ area for the enjoyment of the residents.	
		<i>Proposal to provide common open space to the following dimensions: 10% of site or 100m² (whichever is greater); Min dimensions of 7m; Positioned to receive sunlight, be conveniently located for residents with good opportunities for passive surveillance and contain durable children's play equipment. Located behind front setback.</i>	ADG prevails	N/A
	Balconies	<i>Dwellings without ground level open space shall have balconies to the following requirements: (i) 12m² up to 2 bed; and (ii) 15m² for 3 or more bed; Min. dimension of 2.0m; Located off living areas and with good solar access; and Balustrades designed to provide privacy and conceal service areas whilst allowing passive surveillance.</i>	ADG prevails.	N/A
		<i>Achieve required BASIX rating.</i>	BASIX satisfied.	Yes
	Solar Access	<i>Main living and 50% of POS receive min. 3 hours solar access.</i>	ADG prevails	N/A

Section	Development Control	Required	Proposed	Compliance
		<i>Min. 3 hours solar access maintained to habitable rooms and POS of adjoining development.</i>	ADG prevails	N/A
	Stormwater, Sewerage and Drainage	<i>Site to be adequately serviced by stormwater, sewerage and drainage in accordance with Council's Stormwater Management Code.</i>	Stormwater assessed as satisfactory subject to conditions of consent.	Yes
2.11	Disabled Access	<i>One main entrance barrier free and accessible.</i>	Barrier free access to and from the main entrance.	Yes.
2.12	Vehicle Access and Parking	<i>Accessible parking provided.</i>	To satisfy BCA	Yes
		<i>15% (15 units) of units designed to allow occupation by older people and people with disabilities.</i>	15% or eight (15) units are designated as adaptable.	Yes
		<i>Car parking to be provided on the following basis: 1 and 2 bed – 1 space (98 spaces) 3 bed – 1.5 spaces (6 spaces) Visitor – 1 space per 5 units (20 spaces) Commercial – 1 space per 50m² (9 spaces) Wash bay - 1 Required = 134 spaces</i>	Resident spaces – 104 spaces Visitor – 20 spaces Commercial – 9 spaces Washbay – 1 space Total = 134 spaces	Yes
2.13	Site Facilities and Services	<i>Comply with driveway ramp gradient and dimension requirements.</i>	Condition of consent recommended requiring the driveway ramp be certified by a qualified Traffic Engineer. Maximum grade of 25% proposed.	Yes

Section	Development Control	Required	Proposed	Compliance
		<i>Electricity and telecommunication supplies shall be undergrounded.</i>	Aerial Bundling of overhead cables required.	Acceptable subject to condition
2.14		<i>Letterbox provision</i>	Central letterbox location on Parramatta Road.	Yes
		<i>Master TV antenna provided.</i>	No details provided.	To be imposed by condition of consent
		<i>Clothes drying facilities provided.</i>	No detail.	Condition of consent to be imposed to provide suitably screened clothes drying facilities
		<i>Comply with BCA</i>	To be enforced by condition of consent.	Yes, by way of a condition of consent
2.16		<i>Dilapidation report for all adjoining development.</i>	No details provided.	A dilapidation report will be required to be prepared prior to CC. Compliance will be enforced by way of condition of consent

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005

PART H - WASTE MANAGEMENT (SCDCP 2005)

The proposal provides for off street waste collection through the provision of a basement level bin storage room and at grade waste collection bay.

The proposed loading bay has a minimum dimension of 10m x 4m and a minimum clearance height of 3.5m, which demonstrates compliance with the minimum loading bay dimensions provided by Part H of the SDCP 2005.

In accordance with Part H of the SCDCP 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 (19) x 660L bins are to be provided for general waste and (26) x 240L bins are to be provided for recycling waste.

The waste storage room provides sufficient space for (26) recycling bins and (19) waste bins.

The subject application was accompanied by a Waste Management Plan outlining the proposed measures of minimising waste generation throughout the proposed demolition works, construction works and for the ongoing operation of the site in accordance with the requirements of Section 2.1 of Part H of the SCDCP 2005.

PART N - WATER SENSITIVE URBAN DESIGN (WSUD) (SCDCP 2005)

Part N of the Strathfield Consolidated Development Control Plan 2005 requires for residential development with a total site area greater than 2,000m² such as the proposed development that the application achieve certain minimum water conservation and stormwater quality targets. The proposed development incorporates a number of stormwater quality measures including a below ground rainwater tank, onsite stormwater detention and bioretention filters. The proposed water conservation and stormwater management measures were reviewed by Council's Development Engineer who identified the proposed measures as satisfying the requirements of Part N of the SCDCP 2005.

79C(1)(iia) any planning agreement or draft planning agreement

No planning agreement has been entered into under section 93F of the *Environmental Planning and Assessment Act 1979*.

(i) matters prescribed by the regulations

Clause 92 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* requires Council to take into consideration the provisions of the Government Coastal Policy and Australian Standard AS2601–1991: *The Demolition of Structures*, 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)(ii) and does involve the demolition of a building for the purposes of AS 2601 – 1991: *The Demolition of Structures*.

Should this application be approved, appropriate conditions of consent are recommended to ensure the prescribed conditions of consent including compliance with the *Building Code of Australia* is met.

(ii) 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 not located on a site that is 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*.

79C(1)(b) *the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

Streetscape

The Western elevation of the proposed development will form a gateway to the residential area of Parramatta Road within the Strathfield LGA. As such appropriate consideration is required as to how this elevation is treated to address the streetscape. Throughout the assessment of the subject application the proposed development was amended several times to achieve a high quality finish while retaining compatibility with the adjoining site. The western elevation of the proposed development incorporates timber panelling, glazing elements, a skillion roof element and vertical and horizontal banding to provide visual interest. Nonetheless, the western elevation of the southern portion of the building remains relatively undefined. A condition of consent is recommended that the grey horizontal banding be continued along this portion of the structure and the elements of off white render be finished in metal cladding.

Compatibility with adjoining development

The western boundary of the subject site adjoins the Sydney Markets site. A development application was recently approved upon the adjoining site for the construction of a warehouse and distribution centre including a nil setback to the common boundary. Both the subject application and the approved development upon the adjoining site were accompanied by acoustic reports recommending the implementation of certain construction methodology so as to ensure an appropriate level of amenity is retained for future residents of the site.

Traffic

The proposed development feature the construction of a new vehicular access point from Dalton Avenue to the south of the site providing for at grade loading and unloading of medium rigid vehicles to accommodate for onsite waste collection and the operation of the ground floor commercial tenancies. The subject application was accompanied by a Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd giving consideration to the functionality of the proposed vehicular access and the likely impact of the development upon the surrounding road network. The proposed development is identified as likely to generate 5 additional vehicular movements per hours during the morning peak and is therefore considered unlikely to result in any significant impacts upon the function of the surrounding road network.

79C(1)(c) *the suitability of the site for the development*

The subject site is relatively unconstrained and subject to the proposed site remediation works is considered to be suitable for the purposes of the proposed development.

79C(1)(d) *any submissions made in accordance with this Act or the regulations*

The application was notified in accordance with Part L of the SCDP 2005 from 10 January 2017 to 25 January 2017. No written submissions were received.

79C(1)(e) *the public interest*

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to the public interest.

SECTION 94 CONTRIBUTIONS

Section 94 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

- “(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:*
- (a) the dedication of land free of cost, or*
 - (b) the payment of a monetary contribution,*
 - or both.*
- (2) A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.”*

STRATHFIELD DIRECT SECTION 94 CONTRIBUTIONS PLAN

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	\$194,891.62
Provision of Major Open Space	\$961,237.94
Provision of Local Open Space	\$626,590.20
Provision Roads and traffic Management	\$121,383.13
Administration	\$18,295.81
TOTAL	\$1,922,398.69

CONCLUSION

The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2013 and the Strathfield

Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

RECOMMENDATION

In consideration of the written request made by the applicant pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012, the consent authority is satisfied that compliance with the development standard contained in Clause 4.3A (Exceptions to height of buildings Parramatta Road Corridor) of the SLEP 2012 is well founded and that there are sufficient environmental planning grounds to justify contravening the development standard.

That Development Application No. 2016/196 for the demolition of existing site structures and construction of a new six (6) storey mixed use development containing 447m² commercial area and (102) residential units over two (2) levels of basement carparking at 1-9 Smallwood Avenue, Homebush be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS

1. STORMWATER (OSD)

The outlet level of the OSD tank shall be raised to be above the invert level of the proposed kerb inlet pit in Dalton Avenue. Amended Plans including such changes shall be submitted to and approved by the Principal Certifying Authority Prior to the issue of a Construction Certificate.

(Reason: To ensure for adequate stormwater drainage from the site)

2. CONSOLIDATION

The site shall be consolidated into one allotment and a plan of consolidation shall be approved by the Council, or lodged with Land & Property Information NSW (with proof of lodgement being furnished to the Council) **prior to issue of Construction Certificate** and shall be registered **prior to the issue of an Occupation Certificate**.

(Reason: to ensure that the proposed development is limited to a single allotment.)

3. WASTE COLLECTION

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.**

(Reason: To ensure for ongoing waste collection)

4. STORAGE

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:

- 6m³ for each one (1) bedroom unit
- 8m³ for each two (2) bedroom unit, and
- 10m³ 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).

(Reason: To ensure adequate storage)

5. GLAZING

At no time are the glazed elements of the ground level commercial tenancies fronting Parramatta Road to be fitted with opaque or frosted glazing.

(Reason: To provide for an active street frontage)

6. CLOTHES DRYING FACILITIES

A fold out clothes line shall be affixed to the balconies of each unit, either to the wall behind the louvres/ privacy screen (where one is to be located) or below the balustrade height on those units with no louvres so as to ensure they are not visible from the public domain. These shall be installed and approved by the Principal Certifying Authority **prior to the issue of an Occupation Certificate.**

(Reason: To ensure compliance with DCP 20)

7. MASTER ANTENNA

*A master antenna with internal connection to the each unit is to be provided **Prior to the Issue of any Occupation Certificate.***

(Reason: To ensure compliance with DCP 20)

8. OVERHEAD POWERLINES

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.

(Reason: To ensure compliance with DCP 20)

9. SERVICES

All services, including downpipes, shall be concealed from view from the public domain.

(Reason: To ensure for a high level of design)

10. DESIGN QUALITY STATEMENT

The Principal 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.

(Reason: To ensure compliance with SEPP 65)

11. WATER NSW

- a) An authorisation shall be obtained from NSW Office of Water 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 in the authorisation.
- b) 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 in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation.
- c) 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:
 - i. 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;
 - ii. Any elevated water table is more than 1.0m below the natural ground surface

existent at the location immediately prior to the construction of the structure; and

- iii. Where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirements to maintain groundwater flows beneath the structure is not applicable.
- d) 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.
- e) Documentation (referred to as a 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report – which will accompany the application for authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completions of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at the 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

- f) The following shall be included in the initial report:
 - i. 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.
 - ii. 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.
 - iii. 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.
 - iv. 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 monitoring be undertaken on a continuous basis using automatic loggers in boreholes.
- g) 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.
- h) 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.

- i) Groundwater quality testing generally in accordance with Condition 99, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
- j) 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 predicted by slug-testing, pump-testing or other means).
- k) A copy of a valid consent for the development shall be provided in the initial report.
- l) 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.
- m) 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

- n) Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
- o) Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
- p) 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.
- q) Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval

and/or owners consent. 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.

- r) 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.
- s) 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.
- t) Access to groundwater management works used in the activity is to be provided to permit inspection when required by the DPI Water under appropriate safety procedures.

Following excavation

- u) Following completion of the dewatering operations, the applicant shall submit to DPI Water, Parramatta Office, the completion report which shall include:
 - i. 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
 - ii. a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - iii. 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.
 - iv. 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.

(Reason: Water NSW General Terms of Approval)

12. RMS

- a) All buildings and structure (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site area to be wholly within the freehold property (unlimited in height or depth), along the Parramatta Road boundary.
- b) The redundant driveways shall be removed and replaced with kerb and gutter to match the existing.
- c) The removal of the redundant driveways and reinstatement of kerb and gutter on Parramatta Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2495).

Detailed design plans of the proposed gutter crossing 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.

- d) 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 submitted to 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: 88492114.

- e) 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. Details should be submitted to Suppiah.thillai@rms.nsw.gov.au

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.

- f) The proposed development should be designed such that road traffic noise from Parramatta Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of *State Environmental Planning Policy (Infrastructure) 2007*.
- g) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
- h) All vehicles are to enter and leave the site in a forward direction.
- i) All vehicles are to be wholly contained on site before being required to stop.
- j) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Parramatta Road during construction activities.
- k) 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 Parramatta Road.

(Reason: as per RMS recommendations)

GENERAL CONDITIONS

13. APPROVED PLANS AND REFERENCE DOCUMENTATION

The development, except where modified by a condition(s) of consent, is to be carried out in accordance with the following plans and reference documentation:

Plans affixed with Council's 'Development Consent' stamp:

Drawing No.	Title/Description	Prepared by	Issue Revision Date	/ & Date received by Council
DA002	Site Plan	CD Architects	A	10 May 2017
DA004	Demolition Plan	CD Architects	A	10 May 2017
DA100	Basement Level 2 Floor Plan	CD Architects	B	10 May 2017
DA101	Basement Level 2 Floor Plan	CD Architects	B	10 May 2017
DA102	Ground Floor Plan	CD Architects	B	10 May 2017
DA103	Level 1 Floor Plan	CD Architects	C	10 May 2017
DA104	Level 2 Floor Plan	CD Architects	C	10 May 2017
DA105	Level 3 Floor Plan	CD Architects	C	10 May 2017
DA106	Level 4 Floor Plan	CD Architects	C	10 May 2017
DA107	Level 5 Floor Plan	CD Architects	C	10 May 2017
DA108	Roof Terrace Plan	CD Architects	C	10 May 2017
DA200	North East Elevation	CD Architects	C	10 May 2017
DA201	South East Elevation	CD Architects	B	10 May 2017
DA202	South West Elevation	CD Architects	B	10 May 2017
DA203	West Elevation	CD Architects	C	10 May 2017
DA300	Section A	CD Architects	A	10 May 2017
DA301	Section B	CD Architects	A	10 May 2017
DA310	Carpark Driveway Section	CD Architects	B	10 May 2017
DA500	Pre + Post Adaptable Unit Layout	CD Architects	B	10 May 2017
-	Schedule of Material Finishes	CD Architects	B	2 March 2017
1544.GD.01	Landscape Plan – Ground Floor	Greenland Design	A	22 December 2016
1544.GD.02	Landscape Plan	Greenland	A	22 December

1544.GD.03	– Level 1 Landscape Plan	Design Greenland	A	2016 22 December
1544.GD.04	– Roof Terrace Landscape Design & Specification	Design Greenland & Design	A	2016 22 December 2016
D01	Basement 2 Stormwater Drainage Plan	Australian Consulting Engineers Pty Ltd	C	2 March 2017
D02	Basement 1 Stormwater Drainage Plan	Australian Consulting Engineers Pty Ltd	C	2 March 2017
D03	Ground Floor Stormwater Drainage Plan	Australian Consulting Engineers Pty Ltd	D	2 March 2017
D04	Proposed Pipeline Drainage Plan	Australian Consulting Engineers Pty Ltd	D	2 March 2017
D05	Site Stormwater Details 1	Australian Consulting Engineers Pty Ltd	C	2 March 2017
D06	Site Stormwater Details 2	Australian Consulting Engineers Pty Ltd	A	2 March 2017
D07	Roof Stormwater Drainage Plan	Australian Consulting Engineers Pty Ltd	A	2 March 2017
D10	Erosion and Sediment Control Plan & Details	Australian Consulting Engineers Pty Ltd	A	2 March 2017

Reference Documentation affixed with Council's 'Development Consent' stamp:

Title / Description	Prepared by	Issue/Revision Date	& Date received b Council
Statement of Urban Plan Environmental Effects		22 December 2016	22 December 2016
BASIX Certificate	Outsource Ideas Pty Ltd	782921M	22 December 2016
Detailed Site Investigation Report	EI Australia	E23215AB	2 March 2017
Waste Management	CD Architects	Rev B	2 March 2017

Plan				
Acoustic Assessment	Acoustic Logic	20161713.1		22 December 2016
Acoustic Assessment	Acoustic Logic	20161713.1/0203A/R		2 March 2017
- Addendum		O/MF		
Traffic and Parking	Varga	Traffic	16779	2 March 2017
Impact Assessment	Planning Pty Ltd			
Report				
Arboricultural	Tree and Landscape	16 December 2016		22 December 2016
Assessment Report	Consultants			

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail. However, the conditions of this consent shall prevail to the extent of any inconsistency.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council.)

14. APPROVAL (SEPARATE APPROVAL REQUIRED)

Separate development consent shall be obtained for the fit out and use of the ground floor commercial tenancies.

(Reason: To control future development of the site.)

15. CONSTRUCTION HOURS

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Fridays and 8am to 1pm Saturdays.

No building activities are to be carried out at any time on a Sunday or public holiday.

Where the development involves the use of jackhammers/ rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 5.00 pm Monday to Friday only.

(Reason: To maintain amenity to adjoining land owners.)

16. LANDSCAPING (IRRIGATION OF COMMON AND PRIVATE LANDSCAPE AREAS)

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 satisfy all relevant Australian Standards. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior occupation of the premises.

(Reason: To ensure appropriate landscape maintenance.)

17. LIGHTING

Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting so as to avoid

annoyance to the occupants of adjoining premises or glare to motorists on nearby roads.

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external signage associated with the development, without the prior approval of Council.

(Reason: To protect the amenity of surrounding development and protect public safety.)

18. MATERIALS (SCHEDULE OF EXTERNAL MATERIALS, FINISHES AND COLOURS)

The external materials, finishes and colours are to be consistent with the schedule submitted and approved by Council with the development application.

(Reason: To ensure compliance with this consent.)

19. PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- (i) the Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- (ii) the Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person; and
- (iii) the sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(Reason: Statutory requirement.)

20. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- (i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- (ii) Demolition must be carried out by a registered demolition contractor.
- (iii) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out.
- (iv) No blasting is to be carried out at any time during construction of the building.
- (v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- (vii) Any demolition and excess construction materials are to be recycled wherever

- practicable.
- (viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
 - (ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
 - (x) All waste must be contained entirely within the site.
 - (xi) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
 - (xii) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
 - (xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling.
 - (xiv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
 - (xv) Public footways and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
 - (xvi) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
 - (xvii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
 - (xviii) Any work must not prohibit or divert any natural overland flow of water.
 - (xix) Toilet facilities for employees must be provided in accordance with WorkCover NSW.
 - (xx) Protection pads are to be installed to the kerb and gutter where trucks and vehicles enter the site.

(Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.)

21. STORMWATER MANAGEMENT PLAN (CERTIFICATION REQUIREMENT)

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by a practicing Chartered Professional Engineer on the National Professional Engineer's Register (NPER) at Engineers Australia and submitted to the Principal Certifying Authority and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as

modified by any conditions of consent.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure public infrastructure in Council's care and control is not overloaded.)

22. SYDNEY WATER (STAMPED PLANS PRIOR TO COMMENCEMENT)

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

For Quick Check agent details please refer to the web site www.sydneywater.com.au (see Building Developing and Plumbing then Quick Check) or telephone 13 20 92. The consent authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has stamped the plans before the commencement of work.

(Reason: Compliance with Sydney Water requirements.)

23. UTILITIES AND SERVICES (PROTECTION OF)

Any footings or excavation to be located or undertaken adjacent to Council's stormwater must be designed to address the following requirements:

- (i) all footings and excavation must be located wholly within the site and clear of any easement boundaries;
- (ii) all footings and excavation must be located a minimum of 1000mm from the centreline of the pipeline or 500mm from the outside of the pipeline, whichever is the greater distance from the centreline; and
- (iii) footings must extend to at least the depth of the invert of the pipeline unless the footings are to be placed on competent bedrock.

If permanent excavation is proposed beneath the obvert of the pipeline, suitable means to protect the excavation and proposed retaining structures from seepage or other water flow from the pipeline and surrounding subsoil, must be provided. The design must be prepared by a qualified practicing Structural/Civil Engineer.

Construction plans must be approved by the appropriate utility's office (e.g. council, Sydney Water Corporation) to demonstrate that the development complies with the utility's requirements.

The applicant must provide written evidence (e.g. compliance certificate, formal advice) of compliance with the requirements of all relevant utility providers (e.g. Water, Energy, Telecommunications, Gas).

(Reason: To ensure protection of Council assets.)

24. WASTE (TRACKABLE)

Removal of trackable waste (as defined by the NSW Environment Protection Authority) from

the site must comply with the Protection of the Environment Operations (Waste) Regulation 2005 for the transportation, treatment and disposal of waste materials. Waste materials must not be disposed on land without permission of the land owner and must with the provisions of the Protection of the Environment and Operations Act 1997.

(Reason: To ensure compliance with legislation.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

25. ACCESS (ACCESS FOR PEOPLE WITH DISABILITIES)

Access for people with disabilities must be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*. Plans shall be notated demonstrating compliance and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To provide equitable access for people(s) with disabilities in accordance with the relevant legislation and Australian Standards.)

26. ACCESS (DISABLED TOILETS)

Plans and details of the disabled toilet/s complying with the relevant Australian Standards, the Building Code of Australia, and with regard to the *Disability Discrimination Act 1992*. Plans shall be notated demonstrating compliance and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To provide equitable access for people(s) with disabilities in accordance with the relevant legislation and Australian Standards.)

27. ACID SULFATE SOILS (PRELIMINARY ASSESSMENT)

A preliminary acid sulfate soil assessment is required on this site as it is within 500m of a class 2 acid sulfate soil classification. This is to be carried out by a suitably qualified person in accordance with the acid sulfate soils assessment guidelines (ASSMAC August 1998). The preliminary assessment is to demonstrate that the site is suitable for the approved development. The assessment shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance and Environmental Protection.)

28. BASIX COMMITMENTS

The approved BASIX Certificate shall be submitted to the Principal Certifying Authority with the application for a Construction Certificate.

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Principal Certifying Authority and Council. If any proposed change in the BASIX commitments is inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 96 of the Environmental Planning and Assessment Act 1979.

All commitments in the BASIX Certificate must be shown on the plans accompanying the Construction Certificate.

(Reason: Statutory compliance.)

29. BICYCLE STORAGE PROVISION

On-site provision for bicycle storage facilities shall be in accordance with the Strathfield Consolidated Development Control Plan 2005. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance with SCDCP 2005 and to encourage sustainable transport options.)

30. BUILDING CODE OF AUSTRALIA (COMPLIANCE WITH)

All architectural drawings, specifications and related documentation shall comply with the Building Code of Australia (BCA). All work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by the consent commences.

Details demonstrating compliance with this condition are to be submitted to the Principle Certifying Authority, prior to issue of the Construction Certificate.

(Reason: This is a 'prescribed' condition under clause 98(1) of the Environmental Planning and Assessment Regulation 2000.)

31. CAR PARKING (COMPLIANCE WITH AS/NZS 2890.1:2004)

Car parking dimensions must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To ensure compliance with Australian Standards relating to parking of vehicles.)

32. CAR PARKING (VEHICULAR ACCESS RAMPS)

Vehicular access ramps shall comply with the provisions of AS/NZS 2890.1:2004. Plans to be submitted shall contain the following details:

- (i) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- (ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- (iii) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
- (iv) Location of verge trees, street furniture and service installations.
- (v) Superimposition of vehicle turning circles for access into parking spaces.
- (vi) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

The certification referred to in (vi) above shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate (for the design) and to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the 'as-built works'.

(Reason: To ensure adequate vehicular access can be achieved.)

33. CAR PARKING (REQUIREMENTS FOR MULTIPLE USE BUILDINGS)

The following car parking and service vehicle requirements apply:-

- (i) 134 car spaces shall be provided on the development site. This shall consist of:
 - 104 residential spaces;
 - 20 visitor spaces;
 - 9 business/commercial premises spaces; and
 - 1 wash bay;
- (ii) All car spaces shall be allocated and marked according to this requirement.
- (iii) If the development is to be strata subdivided, the car park layout must reflect the above allocation and thereafter be regarded as part of the entitlement of that strata lot.
- (iv) Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
- (v) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.
- (vi) The parking bays shall be delineated by line marking.
- (vii) Visitor spaces shall be clearly line marked and/or signposted and shall only be used by persons visiting residents of the property or commercial/business/retail premises located within the development. Visitor spaces shall not be allocated as

permanent residential parking spaces. Access to visitor parking spaces shall not be restricted without development approval and a sign shall be erected at the vehicular entrance indicating the availability of visitor parking.

- (viii) The following traffic control measures shall be implemented on site:-
- Signage indicating 'Entry Only' shall be prominently displayed at the entrance to the development.
 - Signage indicating 'Exit Only' shall be prominently displayed at the exit to the development.
 - One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

Details demonstrating compliance with this condition shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To ensure car parking provision in accordance with this consent.)

34. COMMENCEMENT OF WORKS (NO WORKS UNTIL A CC IS OBTAINED)

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued by either Strathfield Council or a Principal Certifying Authority.

Demolition of any part of a building triggers 'commencement of erection of building' pursuant of section 81A(2) of the EP&A Act 1979. Accordingly, demolition works must not commence until a Construction Certificate has been issued, a Principal Certifying Authority has been appointed and a Notice of Commencement has been issued.

(Reason: To ensure compliance with statutory provisions.)

35. CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN

The applicant must prepare and submit a Construction and Environmental Management Plan (CEMP) to the Principal Certifying Authority, including:

- Detailed information on any approvals required from other authorities prior to or during construction.
- Traffic management, including details of:
 - ingress and egress of vehicles to the site;
 - management of loading and unloading of materials;
 - the location of heavy vehicle parking off-site; and
 - designated routes for vehicles to the site.
- The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
 - the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
 - procedures to prevent run-off of solid material and waste from the site.
- Waste management, including:
 - details of the types and estimated volumes of waste materials that will be

- generated;
- procedures for maximising reuse and recycling of construction materials; and
- details of the off-site disposal or recycling facilities for construction waste.
- (i) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- (ii) A soil and water management plan, which includes:
 - measures to minimise the area of soils exposed at any one time and conserve top soil;
 - identification and protection of proposed stockpile locations;
 - preservation of existing vegetation and revegetation;
 - measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
 - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
 - details of sediment and erosion control measures in place before work commences;
 - measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
 - details of drainage to protect and drain the site during works.
- (iii) Asbestos management procedures:
 - Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see www.workcover.nsw.gov.au
 - Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
 - Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:
 - The Work Health and Safety Act 2011;
 - The Work Health and Safety Regulation 2011;
 - How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and
 - Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
 - Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

- The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
 - the date and time when asbestos removal works will commence;
 - the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
 - the full name and license number of the asbestos removalist/s; and
 - the telephone number of WorkCover's Hotline 13 10 50
 - warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
 - appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

(Reason: Safety, amenity and protection of public infrastructure and the environment.)

36. DILAPIDATION REPORT (PRE-COMMENCEMENT)

Subject to access being granted, a pre-commencement Dilapidation Report is to be undertaken on all adjoining properties, which in the opinion of a suitably qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out prior to the issue of a Construction Certificate.

The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current Corporate Membership with the Institution of Engineers, Australia or Geotechnical Practitioner. The report shall include a photographic survey of adjoining properties detailing the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other such items.

If access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to Council's satisfaction attempts have been made to obtain access and/or advise the affected property owner of the reason for the survey and these attempts have been unsuccessful. Written concurrence must be obtained from Council in such circumstances.

The Report shall cover structural and geotechnical factors likely to arise from the development. A copy of this Report shall be submitted to Council as a record. The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

(Reason: To ensure no damage to adjoining properties occurs.)

37. EROSION AND SEDIMENTATION CONTROL PLAN

An Erosion and Sediment Control Plan is to be prepared where construction or excavation activity requires the disturbance of the soil surface and existing vegetation. Details including drawings and specifications must provide adequate measures for erosion and sediment control to ensure:

- (i) Compliance with the approved Soil and Water Management Plan.
- (ii) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval).
- (iii) All uncontaminated run-off is diverted around cleared or disturbed areas.
- (iv) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways.
- (v) All erosion and sediment controls are fully maintained for the duration of demolition/ development works.
- (vi) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- (vii) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.
- (viii) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the *Australian Water Quality guidelines for Fresh and Marine Waters*.
- (ix) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

Details of the proposed soil erosion and sedimentation controls are to be submitted to the Principal Certifying Authority with the Construction Certificate Application. Under no circumstances are any works to commence, prior to these details being approved by the Principal Certifying Authority and the controls being in place on the site.

(Reason: Environmental protection.)

38. EXCAVATION (AFFECTING ADJOINING LAND)

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of clause 98E of the Environmental Planning and Assessment Regulation 2000, including:

- (i) protect and support the adjoining premises from possible damage from the excavation, and
- (ii) where necessary, underpin the adjoining premises to prevent any such damage.

(i)

The condition referred to in subclause (i) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Structural safety.)

39. EXCAVATION (SHORING)

Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings and specifications certifying the shoring will be adequate for their intended purpose and must be submitted to the Council/Principal Certifying Authority for approval with the Construction Certificate. The documentation prepared and certified by an appropriately qualified and practicing structural engineer is to show all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements. A copy of this documentation must be provided to the Council for record purposes at the time of Construction Certificate application.

(Reason: To ensure the protection of existing public infrastructure and adjoining properties.)

40. HAZARDOUS GOODS AND WASTE

- (ii) Dangerous and hazardous goods shall be stored in accordance with NSW WorkCover requirements and AS1940-2004 - The Storage and Handling of Flammable and Combustible Liquids.
- (iii) Hazardous waste must be contained, managed and disposed of in a responsible manner in accordance with the Protection of Environment and Operations Act 1997, NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.
- (iv) Material Safety Data Sheets of all hazardous substances used, such as bleaches and nail products must be kept on site and readily available to all staff. Staff must be trained how to safely use and store these chemicals prior to the commencement of work.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

(Reason: Health and safety.)

41. HOARDINGS

A Hoarding Application for the erection of a Class A (fence type) or Class B (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained.

The relevant application form shall be submitted to Council with a footpath occupancy fee based on the area of footpath to be occupied according to Council's Schedule of Fees and Charges, and the application shall be approved before the commencement of work.

A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy also provided to Council.

The Policy is to note Council as an interested party. The copy is to be provided to Council, prior to the issue of a Construction Certificate.

(Reason: Public safety.)

42. LANDSCAPING (MAINTENANCE STRATEGY)

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Principal Certifying Authority with the Construction Certificate application. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(Reason: Ensure landscape survival.)

43. LANDSCAPING (ON SLAB)

To ensure the site landscaping thrives, the on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650mm for shrubs and trees; and 300mm for grass and ground covers. Adequate drainage provision and a permanent, automatic irrigation system conforming to Sydney Water requirements shall be included. Details demonstrating compliance shall be submitted to the Principal Certifying Authority with the Construction Certificate application.

(Reason: Ensure landscape survival.)

44. NOISE AND VIBRATION MANAGEMENT PLAN

Prior to the issue of a Construction Certificate, a Noise and Vibration Management Plan is to be prepared by a suitably qualified person addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to Council or the Principal Certifying Authority.

The Plan is to identify amelioration measures to ensure the noise and vibration levels will be compliance with the relevant legislation and Australian Standards. The report that itemises equipment to be used for excavation works. The Plan shall address, but shall not be limited to, the following matters:

- (i) identification of activities carried out and associated noise sources;
- (ii) identification of potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment;
- (iii) determination of appropriate noise and vibration objectives for each identified sensitive receiver;
- (iv) noise and vibration monitoring, reporting and response procedures;
- (v) assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles;
- (vi) description of specific mitigation treatments, management methods and procedures to be implemented to control noise and vibration during construction;

- (vii) construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency;
- (viii) procedures for notifying residents of construction activities likely to affect their amenity through noise and vibration; and
- (ix) contingency plans to be implemented in the event of non-compliances and/or noise complaints. A register should be kept of complaints received, and the action taken to remediate the issue.

(Reason: To protect acoustic amenity of surrounding properties and the public.)

45. PRIVACY (OBSCURE GLAZING IN WET AREAS)

All bathroom, ensuite and toilet windows shall be installed with obscure glazing. Plans shall be notated accordingly and details demonstrating compliance submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Privacy amenity.)

46. SECTION 94 CONTRIBUTION PAYMENT (DIRECT CONTRIBUTIONS PLAN)

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	\$194,891.62
Provision of Major Open Space	\$961,237.94
Provision of Local Open Space	\$626,590.20
Provision Roads and traffic Management	\$121,383.13
Administration	\$18,295.81
TOTAL	\$1,922,398.69

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 Service Centre 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.

(Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development.)

47. SECURITY PAYMENT (DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE)

A security payment of **\$4,127.00** in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council prior to the issue of a Construction Certificate. The security payment is GST inclusive and comprises the following:

Refundable works bond	\$4,000.00
Non-refundable administration fee (\$127/bond)	\$127.00
TOTAL	\$4,127.00

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

- (i) road and stormwater drainage works in roadways and public areas;
- (ii) installation and maintenance of sediment control measures for the duration of construction activities; and
- (iii) inspection that no damage has occurred to or building debris/materials have been left on Council land including the footpath, nature strip, kerb and gutter.

Note: The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.

(Reason: Protection of Council infrastructure.)

48. STORMWATER (RAINWATER RE-USE)

A rainwater re-use system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Policy and/or specification of the management of stormwater, whichever is applicable. A detailed stormwater plan showing the proposed re-use system shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance and amenity.)

49. STORMWATER DRAINAGE

The following stormwater precautions are required to be provided on the site:

- (i) Grated drains shall be provided along the basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.
- (ii) Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site.
- (iii) 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.
- (iv) 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.

(Reason: To ensure the site is drained appropriately and does not interfere with the natural flow of flood waters.)

50. STORMWATER (SILT ARRESTORS AND GROSS POLLUTANT TRAPS)

Silt and gross pollutant traps shall be fitted in all new stormwater pits and designed in accordance with Council's specification for the management of stormwater. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Environmental protection.)

51. TRAFFIC (CONSTRUCTION TRAFFIC MANAGEMENT PLAN)

A Construction Traffic Management Plan (CTMP) is to be prepared by an appropriately qualified Traffic Management Consultant and submitted to and approved by Council's Engineering Section, prior to the commencement of any works including demolition.

The following matters should be addressed in the CTMP (where applicable):

- (i) description of the demolition, excavation and construction works;
- (ii) site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- (iii) size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- (iv) 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;
- (v) impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- (vi) any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- (vii) proposed hours of construction related activities and vehicular movements to and from the site;
- (viii) current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- (ix) any activities proposed to be located or impact upon Council's road, footways or any public place;
- (x) measures to maintain public safety and convenience;
- (xi) any proposed road and/or footpath closures;
- (xii) turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- (xiii) locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- (xiv) location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- (xv) a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- (xvi) material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;

- (xvii) on-site parking area for employees, tradespersons and construction vehicles as far as possible;
- (xviii) proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- (xix) how it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.

(Reason: To mitigate traffic impacts on the surrounding area during the construction period.)

52. UTILITIES AND TELECOMMUNICATIONS (ELECTRICITY CONNECTION)

Provision must be made for connection to future underground distributions mains. This must be achieved by installing:

- (i) an underground service line to a suitable existing street pole; or
- (ii) sheathed underground consumers mains to a customer pole erected near the front property boundary (within 1 metre).

Note: A limit of one (1) pole per site will apply.

Any costs associated with the relocation of the above are at the requestor's expense. Any disturbance to public land as a result of the undergrounding of services shall be restored at no cost to Council.

Details are to be submitted to the Principal Certifying Authority with the Construction Certificate Application.

(Reason: Environmental amenity.)

53. UTILITIES AND TELECOMMUNICATIONS (ELECTRICITY SUBSTATION)

Any required electricity substation must be located within the boundaries of the site. Documentary evidence of compliance with the energy authority's requirements, including correspondence from the energy authority is to be provided to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Where an electricity substation is required but no provision has been made to place it within the approved building or its site and no details are provided on the approved development consent plans, a section 96 application is required to be submitted to Council for approval of an appropriate location for the required electricity substation.

(Reason: Access to utility.)

54. UTILITIES AND TELECOMMUNICATIONS (TELECOMMUNICATIONS ASSETS)

Provision must be made for relocation of telecommunications network assets including underground placement of any existing aerial cables and infrastructure. Any costs associated with the relocation of the above are at the requestor's expense. Any disturbance to public land as a result of the undergrounding of services shall be restored at no cost to Council.

Details are to be submitted to the Principal Certifying Authority with the Construction Certificate application.

(Reason: To ensure suitable relocation of telecommunications infrastructure if required.)

55. VEHICULAR CROSSINGS (WORKS PERMIT FOR CONSTRUCTION OF)

Full-width, heavy-duty concrete vehicular crossing(s) shall be provided across the footpath at the entrance(s) and/or exit(s) to the site and designed in accordance with Council's guidelines and specifications. In this regard, a Works Permit is to be obtained (available from Council's Customer Services Centre or downloaded from Council's website), and the appropriate fees and charges paid, prior to the lodgement of a Construction Certificate.

(Reason: To ensure appropriate access to the site can be achieved.)

56. VENTILATION SYSTEMS (MECHANICAL)

The mechanical ventilation system is to comply with the following:

- (i) The Building Code of Australia;
- (ii) Protection of the Environment Operations Act 1997; and
- (iii) Australian Standard AS1668-1991.

In addition, odour control measures, such as activated carbon or catalytic oxidisers, must be used to treat ventilation gases prior to discharge. The method of odour control must be designed by a suitably qualified mechanical ventilation engineer.

Details demonstrating compliance with the above are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To ensure the mechanical ventilation system complies with the relevant requirements/standards.)

57. WASTE (SEPARATE AREAS FOR MIXED-USE DEVELOPMENTS)

The building must include not less than two independently designated areas or garbage rooms for commercial and for residential occupants; to keep commercial waste and recycling separate to residential waste and recycling.

(Reason: To ensure the appropriate separation and collection of waste generated by commercial and residential activities.)

58. WASTE (GARBAGE ROOMS OR GREASE ARRESTOR ROOMS)

Garbage rooms or grease arrester rooms must be constructed of solid material: cement rendered and steel trowelled to a smooth even surface. The door to the garbage room is to be designed and constructed to ensure the room is vermin proof and can be opened from the inside at all times. The garbage room is to be ventilated to the external air by natural ventilation or an approved air handling exhaust system.

(Reason: To keep garbage rooms in a clean and sanitary condition to protect public health.)

59. WATER SUSTAINABILITY (WATER SENSITIVE URBAN DESIGN)

Details 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. Details shall demonstrate compliance with the water conservation and stormwater quality targets set out under Sections 3.1 and 3.2 respectively under Part N of the SCDCP 2005, and be prepared by a suitably qualified professional engineer.

(Reason: To promote Water Sensitive Urban Design.)

60. WORKS PERMIT

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.

(Reason: Council requirement.)

61. WORKS WITHIN THE ROAD RESERVE

Detailed drawings including long and short sections and specifications of all works within existing roads (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage) shall be submitted to and approved by Council under Section 138 of the Roads Act 1993 and all fees and charges paid, prior to the issue of a Construction Certificate.

Detailed drawings and specifications are to be prepared and certified by an appropriately qualified Civil Engineer.

Upon completion of the works, the Applicant is to provide to Council with electronic copies of 'Work as Executed Plans'. The plans are to show relevant dimensions and finished levels and are to be certified by a surveyor.

The Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works.

All civil engineering works adjacent/near/outside 1-9 Smallwood Avenue, Homebush are to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

(Reason: To ensure compliance of engineering works/Council assets are constructed to acceptable standards for engineering works.)

62. WORKS ZONE (APPROVAL BY COUNCIL'S TRAFFIC COMMITTEE)

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.

(Reason: Council requirement.)

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS

63. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA)

No work shall commence in connection with this Development Consent until:

- (i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- (ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case.
- (iii) The principal certifying authority has, no later than 2 days before the building work commences:
 - notified the Council of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- (iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
 - notified the principal certifying authority of such appointment; and
 - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- (v) The person having the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to

the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirement.)

64. NOTICE OF COMMENCEMENT

No work shall commence until the following details are submitted to Council:

- (i) a Notice of Commencement (form will be attached with issue of a Construction Certificate or available from our website) within two (2) days of the date on which it is proposed to commence works associated with the Development Consent;
- (ii) details of the appointment of a Principal Certifying Authority (either Council or another Principal Certifying Authority); and
- (iii) details of the name, address and licence details of the Builder.

(Reason: Statutory requirement.)

CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS

65. CONTAMINATED LAND UNEXPECTED FINDS

In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental scientist appointed to further assess the site.

The contaminated land situation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Strathfield Council's Environmental Services Manager.

Note: Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor.

(Reason: To ensure compliance with statutory requirements.)

66. FILL MATERIAL

The only waste derived material which may be received at the development site is:

- (i) Virgin excavated material (within the meaning of the Protection of the Environment Operations Act 1997), and
- (ii) any other waste-derived material the subject of a resource recovery exemption under

cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any (b)-type material received at the development site must be accompanied by documentation certifying by an appropriately qualified environmental consultant the materials compliance with the exemption conditions; and this documentation must be provided to the Principal Certifying Authority on request.

(Reason: To ensure imported fill is of an acceptable standard for environmental protection purposes.)

67. OBSTRUCTION OF PUBLIC WAY (NOT PERMITTED DURING WORKS)

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without the prior approval of Council.

(Reason: To maintain public access and safety.)

68. PUBLIC INFRASTRUCTURE AND SERVICES

The applicant must comply with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc.) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

(Reason: To maintain public infrastructure and/or services.)

69. SITE REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- (i) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- (ii) Demolition must be carried out by a registered demolition contractor.
- (iii) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- (iv) No blasting is to be carried out at any time during construction of the building.
- (v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- (vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- (viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or

water as defined by the Protection of the Environment Operations Act 1997.

- (x) All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- (xi) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- (xii) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- (xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- (xiv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- (xv) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
- (xvi) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- (xvii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- (xviii) Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

(Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.)

70. SURVEY REPORT OF APPROVED LEVELS (DURING AND POST CONSTRUCTION)

A Survey Certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:

- (i) At the completion of the first structural floor level prior to the pouring of concrete indicating the level of that floor and the relationship of the building to the boundaries.
- (ii) At the completed height of the building, prior to the placement of concrete inform work, or the laying of roofing materials.
- (iii) At the completion of the development.

Progress certificates in response to points (1) through to (3) shall be provided to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances is work allowed to proceed until such survey information is submitted to and approved by the Principal Certifying Authority.

(Reason: To ensure compliance with the approved plans.)

71. CAR PARKING (SURPLUS VEHICULAR CROSSINGS)

All surplus vehicular crossings and/or kerb laybacks must be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council. The nature strip is to be restored and the footpath area reinstated. All of the above are to be restored to the satisfaction of Council's Engineer and at full cost to the applicant, prior to the issue of any Occupation Certificate.

(Reason: Maintenance of public infrastructure.)

72. CAR PARKING (VISITOR CAR PARKING SIGNAGE)

A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Signage shall also be erected above the visitor parking itself. Details demonstrating compliance shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: Adequate access and egress.)

73. ENGINEERING WORKS (CERTIFICATION OF)

Prior to occupation of the premises, a Work As Executed (WAE) Plan of all engineering and/or drainage works is to be submitted to the Principal Certifying Authority. The WAE Plan is to be certified by a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers Australia and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, demonstrating that:

- (i) the stormwater drainage system; and/or
- (ii) the car parking arrangement and area; and/or
- (iii) any related footpath crossing works; and/or
- (iv) the proposed basement pump and well system; and/or
- (v) the proposed driveway and layback; and/or
- (vi) any other civil works

have been constructed in accordance with the approved plans and any relevant Standards and Council policies/specifications.

For major works, such as subdivisions, works within the road reserve (requiring separate S138 approval) and as where specified by Council, a Part 4A Certificate will be required. It is strongly recommended that an Engineer supervise all engineering related works.

Where Council is not the Principal Certifying Authority, an electronic copy of the above documents is to be provided to Council, prior to the issue of any Occupation Certificate.

(Reason: Asset management.)

74. FIRE SAFETY (CERTIFICATION)

A fire safety certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment Regulation 2000, prior to the issue of any Occupation Certificate.

An fire safety certificate is a certificate issued by the owner of a building to the effect that each essential fire safety measure specified in the current fire safety schedule for the part of the building to which the certificate relates:

- (i) has been assessed by a properly qualified person; and
- (ii) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

An interim fire safety certificate must be provided before an interim occupation certificate can be used for a building under Clause 153(2) of the *Environmental Planning & Assessment Regulation 2000*.

A final fire safety certificate must be provided before an interim occupation certificate can be used for a building under Clause 153(1) of the *Environmental Planning & Assessment Regulation 2000*.

A copy of the fire safety certificate and fire safety schedule shall be:

- (i) submitted to Strathfield Council;
- (ii) submitted to the Commissioner of the New South Wales Fire Brigade; and
- (iii) prominently displayed in the building.

(Reason: Fire safety and statutory requirement.)

75. LANDSCAPING (STREET TREES)

Prior to the issue of any Occupation Certificate, a minimum of three (3) Spotted Gum (*Corymbia maculata*) of 100 litre container size at the time of planting are to be planted in the road reserve on both the Parramatta Road and Smallwood Avenue frontage of the site. The Specimens must be in accordance with NATSPEC specifications and guidelines and maintained for a twelve (12) month establishment phase. If the specimen fails to thrive or is otherwise damaged it shall be replaced at full cost to the applicant and maintained for a further twelve (12) months.

(Reason: Tree preservation and environmental amenity.)

76. OCCUPATION OF BUILDING

A person must not commence occupation or use (*or change of use where an existing building*) of the whole or any part of a new building (within the meaning of section 109H (4) of the *Act*) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- (i) all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- (ii) any preconditions to the issue of the certificate required by a development consent have been met.

Note: New building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement.)

77. STORMWATER (CERTIFICATION OF THE CONSTRUCTED DRAINAGE SYSTEM)

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

(Reason: Adequate stormwater management.)

78. STORMWATER (COVENANT AND RESTRICTION AS TO USER FOR STORMWATER CONTROLLED SYSTEMS)

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, etc.).

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

(Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.)

79. SUBDIVISION (EVIDENCE OF CONSOLIDATION)

The existing allotments shall be consolidated into a single lot. Evidence that the plan of consolidation has been registered as a deposited plan with the Land and Property Information Office must be submitted to Council, prior to occupation of the site.

(Reason: Proper management of land.)

80. WASH DOWN AREAS (APPROPRIATE CONTAINMENT BUNDS)

The wash down area must be appropriately bunded. The effective volume of the bunded area must be 110% of the total volume of the wash-down area. Documentation and plans are to be supplied to certify compliance with this requirement prior to the issue of the Construction Certificate.

A collection sump must be installed within the bunded area and have no access to the stormwater system. The bund floor is to be graded in such a way to direct liquids into the sump.

The applicant must contact Sydney Water (tel.131 110) to discuss the requirements for a Trade Waste Permit before discharging any trade waste into the sewerage system.

(Reason: To prevent water pollution.)

81. NOISE (COMPLIANCE WITH ACOUSTIC ASSESSMENT REPORT)

All recommendations contained in the approved Acoustic Assessment Report prepared by Acoustic Logic shall be adopted, implemented, and adhered to.

The Principal Certifying Authority (PCA) shall obtain a statement from an appropriately qualified acoustic consultant, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied prior to the issue of any Occupation Certificate.

Any changes made to the proposal that would alter the acoustic assessment will require a further acoustic assessment and a copy of this further report shall be provided to Council for approval prior to the commencement of works and any recommendations adopted, implemented, and adhered to.

(Reason: Noise control and amenity.)

82. VISITOR PARKING RESTRICTION

All visitor parking spaces must not at any time be allocated sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation.

(Reason: Compliance with approved visitor parking provision.)

83. WASTE AND RECYCLING (COLLECTION HOURS)

The collection of waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

Garbage and recycling must not be placed on the kerbside for collection more than one hour before the scheduled collection time. Bins and containers are to be removed from the kerbside within one (1) hour of collection and returned to the designated garbage storage area(s).

The garbage and recyclable storage area and bins must be adequate to contain the volume and type of garbage and recyclable matter of the food premises.

All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

Reason: To regulate noise and garbage collection arrangements.)