

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SCL070
DA Number	2017/168
LGA	Strathfield
Proposed Development	Construction of two apartment buildings and a cafe with ancillary civil works and landscaping
Street Address	84 - 86 Centenary Drive Strathfield
Applicant/Owner	Builtcom Constructions Pty Ltd
Date of DA lodgement	17 November 2017
Number of Submissions	1
Recommendation	CONSENT
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • SEPP 55 – Remediation of Land • SEPP 65 – Design Quality of Residential Apartment Development and Apartment Design Guide • SEPP (Building Sustainability Index: BASIX) 2004 • SEPP (Infrastructure) • Strathfield Local Environmental Plan 2012 • Strathfield Consolidated Development Control Plan 2005: <ul style="list-style-type: none"> ○ Part C – Multiple-Unit Housing ○ Part H – Waste Management ○ Part I – Provision of Off Street Parking Facilities
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • plans • clause 4.6 • Consultant reports
Report prepared by	Kerry Gordon – Consultant Town Planner
Report date	4 September 2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Yes

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Not applicable

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be

considered as part of the assessment report

SUMMARY

PROPERTY:	84 - 86 Centenary Drive Strathfield Lot 3012 in DP 1233238
DA NO.:	2017/168
APPLICATION TYPE:	Construction of two apartment buildings and a cafe with ancillary civil works and landscaping
REPORT BY:	Kerry Gordon – Consultant Town Planner
RECOMMENDATION:	CONSENT
SUBMISSIONS:	One submission was received to initial notification, objecting to the proposal. No submissions were received to the notification of amended plans.
ZONING:	Part B4 Mixed Use and part R3 – Medium Density Residential
DATE APPLICATION LODGED:	17 November 2017
APPLICANT:	Builtcom Constructions Pty Ltd
OWNER:	Alceon Group No. 45 Pty Ltd and Strathfield Golf Club

HISTORY

Development Consent DA 2015/100 was granted on 4 May 2016 by the Joint Regional Planning Panel for demolition of existing structures, construction of twenty three x two storey and twenty seven x three storey townhouses and two x nine storey apartment buildings containing 178 apartments, over two levels of basement parking.

Modification DA 2015/100/01 was granted on 4 August 2016 to alter the description of the lots and deposited plans and amend Condition 30 in relation to staging of the works.

Modification DA 2015/100/02 was granted amending the layout of the townhouses which were under construction at the time.

The Strathfield Internal Development Assessment Panel approved Modification DA 2015/100/03, on 20 December 2017 with modifications relating to the design of the townhouses and apartment buildings and conditions of consent.

Development Consent DA 2015/100 was intended to be constructed in stages and to commence with the construction of the townhouse component of the development. The townhouses have subsequently been constructed and subdivided through a series of subdivision applications. The portion of the site to contain the approved apartment buildings was also subdivided from the land containing the townhouse development.

Works on the apartment buildings has not commenced.

INTRODUCTION

Development consent is now sought for the construction of two apartment buildings to be constructed on the front portion of the original site for which Development Consent DA 2015/100 was granted. It is intended that the development consent sought for the apartment buildings would also amend Development Consent DA 2015/100 to the extent of any inconsistencies, effectively replacing the approved apartment buildings with buildings of a different design.

Development Application DA 2017/168, as amended by the applicant, seeks consent for construction of one (1) x nine (9) storey and one (1) x eleven (11) storey apartment building comprising 183 apartments, over two (2) levels of basement parking for 312 vehicles. Consent is also sought for associated landscaping and civil works and the construction of a café and one associated at grade parking space within the landscaped grounds.

The development is permissible in the zones and breaches both the height and FSR development standards. The development contains breaches of the Apartment Design Guide as are discussed throughout the report.

The significant degree of the breach of the FSR control, equivalent to one (1) storey on one of the apartment buildings is not supported and it is therefore recommended that one storey of Building B (northern building) is deleted from the approval to achieve compliance with the FSR control.

Notwithstanding the recommended deletion of one (1) storey of Building B, reducing its height by 3.05m, both buildings would still breach the maximum height control by 2.6m (Building A) and 8.7m (Building B). The clause 4.6 variation request provided with the application is supported in relation to the height breach subject to the deletion of one (1) storey of Building B.

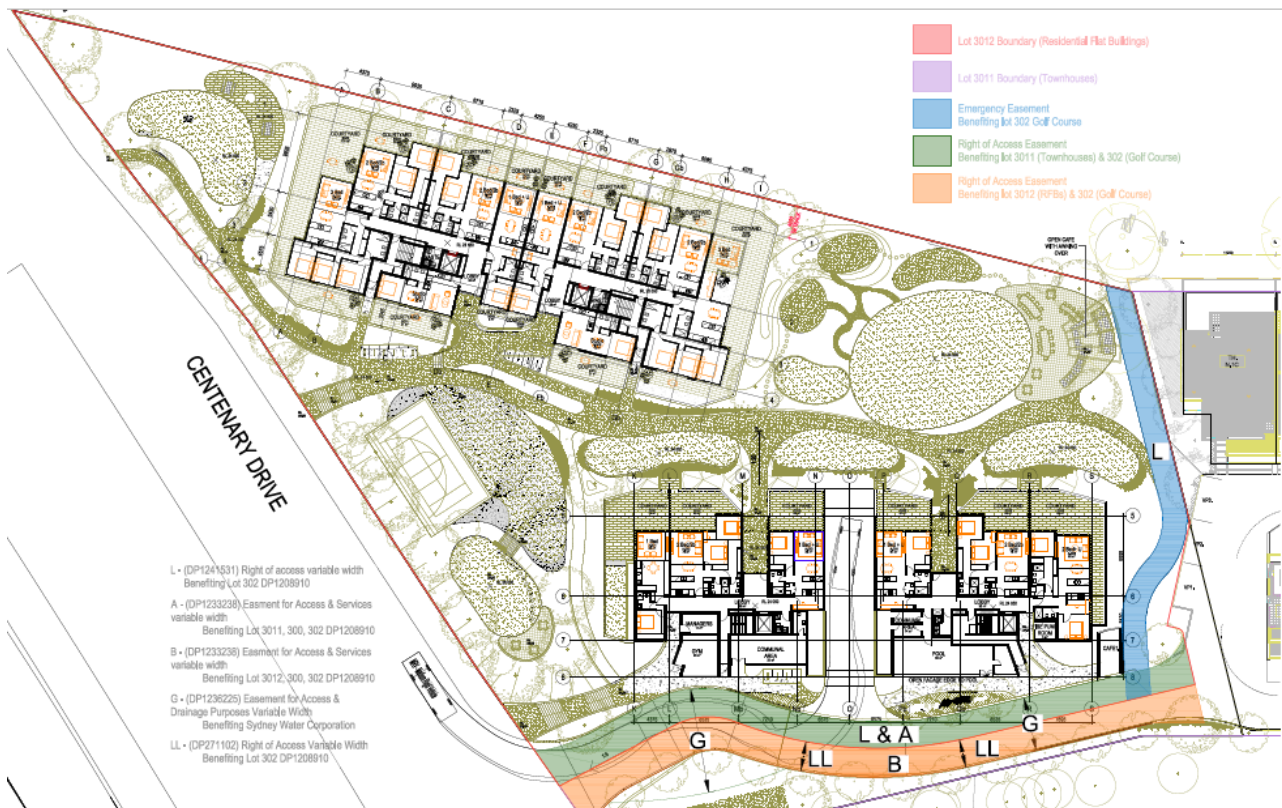
Some concerns were raised with the applicant in relation to the design of the proposal and the applicant provided amended plans addressing some of the concerns. The remaining concerns have been addressed by a condition of the recommended consent which requires a number of modifications to the proposed plans in addition to the deletion of one (1) storey of Building B.

Accordingly, the development application is recommended for consent, subject to the deletion of one (1) storey of Building B and the recommended conditions of consent.

DESCRIPTION OF THE SITE AND LOCALITY

The site is known as 84 and 86 Centenary Drive Strathfield and has a legal description of Lot 3012 in DP 1233238 (proposed apartments) and Lots 1-19, 22-34 and 37-53 in DP 271102 (townhouses). The site of the proposed apartment buildings has a frontage to Centenary Drive of 116.905m, an irregular rear boundary dimension of 50.51m, a northern boundary dimension of 130.81m and an irregular southern boundary with the curved access handle to the allotment containing the townhouses to the rear of the site, with an area of 7,406m² (according to Deposited Plan 1233238).

The site benefits from a right-of-way across the access handle (to the south) of the townhouse development to the rear of the site over which access to the site is proposed. The site is burdened by an easement for access 3000mm wide along its southern boundary in favour of the site to the north (Strathfield Golf Course) and east (townhouses). The site is also burdened by an easement 3000mm wide (and variable width) limited in depth over the eastern portion of the site near the boundary in favour of the property to the north (Strathfield Golf Club) (see plan of ground floor with easements shown following).



Plan of Ground Floor showing easements existing and proposed

The subject site is adjoined to the rear by the recently constructed townhouse development and thence further to the east by low density residential development comprised of detached dwellings. To the north-east of the site is Strathfield Golf Course and to the south-west is South Strathfield High School. The site adjoins Centenary Drive, with the golf course also located on the opposite side of Centenary Drive.

An aerial photograph of the site (including the townhouse site) prior to the redevelopment with Stage 1 comprised of townhouses, is provided on the following page

PROPOSAL

Development Application DA 2017/168, as amended by the applicant, seeks consent for construction of one (1) x nine (9) storey and one (1) x eleven (11) storey apartment building comprising 183 apartments, over two (2) levels of basement parking for 312 vehicles. Consent is also sought for associated landscaping and civil works and the construction of a café and a singular associated at grade parking space within the landscaped grounds.

The two apartment buildings are aligned to be roughly parallel with the side boundaries and at an angle with Centenary Drive and have staggered setbacks from Centenary Drive as shown in the ground floor plan on the following page. A tennis court is proposed in the front setback forward of Building A and a communal open space area, also for use by the townhouse development to the rear of the site, is provided, with a small café, to the rear of Building B and the north of Building A.



The Site

Site Plan prior to redevelopment for townhouses



Ground floor plan showing orientation of buildings and location of common open space

Building A is to include a communal room, gym and pool at ground floor level and a communal roof top open space. The roof space of Building B is divided into private open space areas for the upper floor apartments.



Artist's impression as viewed from common open space to rear of site

The two apartment buildings are proposed to contain 183 apartments, comprised of:

- two (2) x studios;
- 21 x one (1) bed;
- 141 x two (2) bed; and
- 19 x three (3) bed apartments

APPLICATION HISTORY

The application initially sought approval for construction of one (1) x nine (9) storey and one (1) x 13 storey apartment building over three (3) levels of basement parking. An initial assessment was carried out of the application and the applicant was sent a letter indicating the application could not be supported in its current form. The concerns raised in the letter are summarised following:

1. **Excessive FSR.** – according to the applicant's figures the site has an area of 8,135.4m² and the proposed GFA is 17,712m², resulting in an FSR of 2.177:1, equating to a breach of 7,949.52m² or 81.4%. This is based on an assessment of the front lot only

However, the applicant has provided inadequate information to determine the FSR over the two sites, with no information provided of the GFA of the as built townhouses (note only a figure has been provided with no justification by way of floor plans and calculation at each level). Further, the survey accompanying the application shows proposed lots. A copy of the registered deposited plan/s for the site is required to confirm the area of the site. A copy of all easement and instrument documentation associated with the deposited plan is also requested.

In the absence of this information the combined FSR cannot be confirmed. Having said this, the SEE indicates the combined GFA is 26,752m² (FSR 1.32:1) on the combined site area of 20,267.9m². This would equate to a breach of the control by 2,430.5m² or 10%. This also indicates the townhouse component has a GFA of 9,040m² (note the clause 4.6 indicates it is 9,042m²).

The breach equates to approximately three storeys of height on Building B. As such were the application to comply with the FSR, the development would provide a 9 storey and a 10 storey building, compared to the approved 2 x 9 storey buildings. This would be the result of relocating some of the bulk of Building A onto the top of Building B.

The clause 4.6 variation request provided is not considered to be well founded.

2. **Excessive Height** – The proposal seeks a maximum height for Building A of 29.5m and Building B of 42.6 m, breaching the 28m height control by 1.5m (5.4% variation) and 14.6m (52.1% variation) respectively. The exact variations still need to be confirmed against the survey information once the additional information sought in relation to structures on the roof is provided. The arguments in support of the variation are similar to those for the FSR and are again not persuasive.

The most significant argument is that a built form with different heights is a better outcome. This could be achieved within the maximum permitted FSR and still achieve all the other claimed benefits. Such an approach, which might have merit if all other issues are addressed, would also result in a variation of the height control but such variation would be significantly less, in the order of 1.5m and 5.45m. Such an option would also result in a better level of compliance with the solar access requirements of the ADG.

3. **Amenity** – The following concerns are raised with the design, which reduce the amenity of the development:

- The lobbies of Building A are excessively recessed, creating areas for concealment and raise security concerns.
- The architectural plans show walls missing separating the fire stair egress and Apartment BG01.
- No dimensions have been provided for living rooms and no dimensions/areas are provided for bedrooms and as such the suitability of the design against the ADG cannot be determined. Areas and dimensions are to be clear of wardrobes.
- Dimensions are not provided for the balconies and courtyards and concern is raised that the following courtyards and balconies do not comply with the minimum dimensions of the ADG (note the entire required minimum area is to have a compliant minimum width) – BG01, BG10, A101, A111, A201, A211, A301, A310, A401, A410, A501, A601, B201, B210, B301, B310, B401, B410, B501, B510, B601, B610, B701, B710, B901, B910, B1001, B1010, B1101, B1108. All dimensions are to be exclusive of fences/balustrades.
- The GFA excludes a 1m² riser in each apartment which is not shown on the plans and appears to be excessive in size. Justification of the size of the riser, its purpose and its location in each apartment is required.
- No information is provided of storage provision in the apartment and basement to allow assessment against the requirements of the ADG.
- The cross ventilation calculations are not accepted. It appears that only 94 of 177 (53.1%) apartments are naturally cross ventilated. Cross ventilation calculations are only to include levels 1-8 as per the requirements and it is not considered that the following apartments are adequately cross ventilated – BG03, BG04, BG07, BG08, B104, B107, B204, B207, B304, B307, B404, B407, B504, B507, B604, B607, B704, B707.
- The following apartments are of substandard size under the ADG – A708, A803, B807 and are not acceptable.
- The accessible entry to Building B requires an unreasonable additional distance of travel and is not considered to be equitable.
- Concern is raised with privacy between the buildings at the overlap and additional privacy screening should be provided.
- The solar access calculation is not accepted. The information provided shows 63.7% or 130 of 204 apartments achieve 2 hours or more solar access to **both** the living room and POS and 17.2% or 35 of 204 apartments receive no solar access breaching the ADG requirements. Additional justification is required to show the following apartments can achieve 2 hours solar access to **both** the living room and balcony between 9am and 3pm at midwinter – AG01, AG02, AG03, A102, A103, A104, A202, A203, A204, A302, A303, A304, A403, A404, A503, A603, BG09, B109, B209, B309, B409, B509, B609, B709, B801, B909, B1009, B1107, B1108, B1206.

- Some of the accessible parking spaces are too far from the relevant lift towers. Accessible parking spaces need to be relocated as close as possible to the lift tower for the relevant adaptable room.
 - No delineation is provided for the visitor parking and parking related to the café. The distance of the parking in the basement to the café means it is unlikely to be used and that the visitor parking for the townhouses will be utilised which is inappropriate. A physical separation for visitor parking is required to provide security for residents. Appropriate parking for the café in proximity to the café is required.
 - Excessive parking is provided with 432 residential and 41 visitor spaces provided (note the figures on the plans appear to be incorrect) where 305 residential and 41 visitors are required, as such 127 spaces are proposed in excess of those necessary. The proposal provides more than 2 spaces for every apartment. No justification has been provided for the significant breach and it appears to be an attempt to gain approval for parking for the proposed Planning Proposal, not the current application. Such an approach (whilst having previously been approved by Council in relation to at least one other site I know of) is inappropriate as it is pre-emptive. The significant breach will not be supported.
 - At least 1 accessible parking space is to be provided within the visitor parking and if the café is to be pursued some visitor parking for it is necessary in proximity to the café.
 - 61 apartments are accessed by a single lift in Building B which is well in excess of the maximum 40 under the ADG and will afford an unacceptable level of service. Two lifts per core are required for such a number of apartments.
 - Part of each balcony needs to be screened to allow for clothes drying.
 - The fencing to the courtyards appears to be too open in design and will not ensure privacy from the adjacent communal areas – additional information is required along with information about proposed fence heights.
 - The access point to the westernmost communal area is unclear as it does not appear to have a door.
 - The location of the access point to the pool immediately adjacent to the entry to Apartment AG04 is likely to result in noise issues.
 - The courtyard size for Apartment AG01 is excessive for the size of the apartment and should be reduced to increase the landscape setting.
 - Concern is raised with the “study” in Apartments A105 and A106 which appear to be of such size and location as to be capable of being a bedroom but is too small to be a bedroom under the ADG. A more open space without wall and door should be provided.
 - The division within the balconies of the following apartments for architectural treatment proposes compromises the usability of the balconies and is inappropriate - Apartments A101, A201, A301, A401, B101, B110, B201, B210, B301, B310, B401, B410, B501, B510, B601, B610, B710.
 - The design inappropriately provides bathrooms on external walls without windows. Where bathrooms are so located they should have natural ventilation.
 - The communal space on the top of Building A is insufficiently detailed and should be broken into smaller spaces and provided with amenities such as an outdoor kitchen and accessible WC. It appears only one of the two lifts access this level, which is inappropriate.
 - The layouts and operation of Apartments B1103, B1106, B1202 and B1205 is unclear – there appears to be a door missing?
 - The communal open space on the top of Building B is insufficiently detailed and it is unclear whether the lifts access this area. The intended purpose of the area is unclear and it is unclear what amenity it will provide.
 - Inadequate information is provided of the structures on the roof of Buildings A and B (ie fences, stair enclosures, shelter, plant, lift overruns, etc) and their heights.
4. **Landscape** – Concern is raised in relation to the landscape setting along the northern boundary adjacent to Building B. Two trees are proposed along the entire length of the building (>50m) which achieve a reasonable height, with the others being small trees, and only one appears to be located adjacent to a sufficient setback in the building.

Given the height of the building now proposed, such landscape setting is inadequate and does not appropriately relate to the height and scale of the building.

Concern is raised in relation to the location of the hardcourt in the front setback area. Given the size of the court, its minimal setback from the street and lack of setback from the side boundary it is considered inappropriate as it will reduce the opportunity for significant tree planting in the deep soil zone, particularly given the proposed height of Building B. No information is provided of the proposed fencing of the court.

A more appropriate location would be in the rear communal open space area which is not a deep soil area. Further, given the size of the complex and the adjoining townhouses which will also use this area, the provision of child play equipment would also be appropriate. Both of these uses would be appropriately located in proximity to the café to maximise their use.

5. **Design** – The change in treatment of the façade at the upper levels is supported, as is the majority of the remainder. Concern is raised about the treatment of the northern façades, in particular the different treatment in the lower element (dark element) of the projecting bedrooms on each side of the façade. The plans look to treat these articulation zones differently and this appears to be reflected in the render views and the elevations. The eastern side of the northern façade of Building A is the preferred treatment, providing a significant vertical element that the façade needs. The shorter vertical treatment on the eastern side is not favoured
6. **Shadow Impact** – I am not satisfied Townhouse S.1C receives adequate solar access to its courtyard. The figures provided have not been interpreted correctly. They only show 2 hours solar access if the 45% area included at 2pm is included. By 3pm there is no solar access.
7. **Other Matters** – the following matters are also raised:
 - There appears to be a 3m wide road provided accessing the golf course between the townhouses and the communal open space but no information is provided in relation to this. Such a road is inappropriate and will not be supported.
 - Inadequate information is provided in relation to the existing levels in the townhouse development and the finished levels of the communal open space to assess accessibility and there appears to be no access path between the uses. Given the communal open space is for use by the townhouses as well, more information is required.
 - Inadequate information is provided in relation to the café – number of seats, staff numbers, hours of use, garbage storage and collection, etc. Plans showing layout and elevations is required. There does not appear to be any WC provided.
 - A front and side boundary fence detail is required.
8. **Traffic** – Whilst traffic comments have not been provided to date it is hard to accept the argument put forward that the previous assessments of traffic generation were incorrect and the proposed traffic generation will be less than the approved development. This is particularly the case given the proposed significant oversupply of parking which will encourage a higher traffic generation and does not appear to have been given consideration in the traffic report.

In response to the concerns the applicant submitted amended plans, with the significant changes being the reduction in height of Building B by two (2) storeys and the removal of one (1) level of basement parking. The amended plans are those assessed in this report.

ASSESSMENT - Pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979

The application has been assessed pursuant to the heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act and the relevant matters described in sub-section 1)(a), (b), (c), (d) and (e) of Section 4.15 have been considered within this report.

The following statutory controls are relevant to the proposal:

- SEPP 55 – Remediation of Land
- SEPP 65 – Design Quality of Residential Apartment Development and Apartment Design Guide
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Infrastructure)
- Strathfield Local Environmental Plan 2012
- Strathfield Consolidated Development Control Plan 2005:
 - Part C – Multiple-Unit Housing
 - Part H – Waste Management
 - Part I – Provision of Off Street Parking Facilities

A detailed assessment of these statutory planning controls is provided below:

(a) (i) Environmental Planning Instruments:

SEPP 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) requires Council to consider whether the site is suitable in its current state, contaminated state or following the completion of remediation works for the purpose for which development consent is being sought. 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 application includes a Preliminary Site Investigation prepared by SEMC Testing Services Pty Ltd. The investigation found that the site was vacant prior to its development as a golf course around 1940. The golf course infrastructure on the subject site comprises the golf club, car parking area and an underground petroleum storage tank within the car park which appears to have been installed around 1960. Soil sampling occurred from 10 locations and one onsite groundwater monitoring well was installed. The results of the sampling show that the concentrations of chemical contaminants measured in the soil are generally low and below criteria for protection of human health and the environment for a residential development. The groundwater testing showed the site is not expected to be the source of any unacceptable groundwater impacts and that the underground petroleum storage tank is unlikely to have leaked significantly. Based on the investigation the site was determined to be suitable for the proposed residential development.

The report also indicated that the underground petroleum storage tank remains in use and that the facility should be removed at the time it becomes disused. At this time the excavated area should be validated to determine if the surrounding soil is impacted with petroleum hydrocarbons. If any significant leaking is found to have occurred then future groundwater sampling would be required.

Subsequent to the preparation of that report, a Validation Report has been prepared by CSTS to address the potential onsite contamination and provide confirmation the site is suitable for use for residential purposes. That report indicates that remediation works were carried out on the site in accordance with a Remedial Action Plan prepared by STS GeoEnvironmental Pty Ltd. Soils at the limits of the excavation carried out for removal of the UPSS were tested and the results showed the samples were below the Health Investigation

Levels for residential land use with accessible soils. The Validation Report indicates the site has been successfully remediated and is suitable for the proposed residential land use.

SEPP 65 – Design Quality of Residential Apartment Development

As the proposal is for buildings containing three or more storeys and four or more residential apartments, the provisions of *SEPP 65* and the *Apartment Design Guide* are relevant to the assessment as the application. The Plan sets aims and design principles as well as standards that cannot be used as grounds for refusal. These design principles are detailed and discussed following, together with consideration of the requirements of the *Apartment Design Guide*. At the time of assessment Strathfield Council did not have a design review panel referred to under Clause 27.

Principle	Objective	Proposed
Context and neighbourhood character	<p><i>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and character they create when combined. It also includes social, economic, health and environmental conditions.</i></p> <p><i>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</i></p> <p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>	<p>The height of proposed Building B is excessive and is out of character with the locality and its desired future character and cannot be supported.</p> <p>However, if Level 9 were deleted the height would be reduced by 3.05m and would be more appropriate to the desired future character of the area, notwithstanding the development will still breach the height control in relation to both buildings.</p> <p>It is therefore recommended that any consent issued require the deletion of Level 9 of Building B.</p> <p>Other than the height of the building, the design and form of the building is appropriate to the context of the site and the desired future character of the area.</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 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>Other than in relation to the height, which has been discussed above, the building is of an appropriate built form and scale.</p> <p>The design appropriately articulates the height and the horizontal bulk of the development with appropriate introduction of vertical elements and the change of building material and form at the upper levels.</p>
Density	<i>Good design achieves a high level of amenity for residents and each</i>	The density of the proposed development is excessive and

	<p><i>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>breaches the FSR control applicable by the equivalent of one storey of Building B.</p> <p>The variation proposed is not supported in this instance and it is recommended that the density be reduced by the deletion of Level 9 within Building B.</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>An appropriate BASIX certificate has been provided with the application.</p> <p>The assessment of the design of the development with regard to solar access and cross ventilation is addressed following in relation to the Apartment Design Guide and is acceptable subject to the recommended conditions.</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 neighbourhood.</i></p> <p><i>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</i></p> <p><i>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</i></p>	<p>The amended plans provide for an appropriate level of landscaping for the scale of the development and will ensure the appearance of the development is "softened" as viewed from Centenary Drive by canopy trees of suitable height.</p> <p>A good level of communal open space is provided which allows for active and passive uses by the residents of the proposed buildings. A condition of consent is recommended to ensure access to the ground level and roof top communal open space in Building A by the residents of Building B.</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>The amenity of the proposed building is acceptable, providing for an appropriate level of solar access, natural ventilation, privacy and outlook, subject to recommended conditions of consent.</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 layout of the dwellings is appropriate and generally compliant with the design criteria of the Apartment Design Guide.</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 development is appropriately designed in relation to safety, with casual surveillance of Centenary Drive, the internal access road and the areas of communal open space.</p>
Housing diversity and social interaction	<p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</i></p>	<p>The proposal provides a reasonable mix of dwelling sizes, particularly when considered in conjunction with the approved townhouse development.</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>Subject to the deletion of Level 9 of Building B, the built form is acceptable and appropriate articulation is provided for the two buildings. The landscaping proposed will provide an appropriate setting for the development.</p>

Apartment Design Guide

Design Criteria	Required	Proposed	Compliance
2E - Building Depth	12m – 18m	Building A - 20m Building B – 20m	No No However the variation is acceptable as it is only for small portions of the building and does not detrimentally impact amenity
3B – Orientation	Designed to optimise solar access and minimise overlooking 4 hours solar access retained to solar collectors of neighbouring buildings or does not further reduce solar access by more than 20% Responsive to streetscape and site.	An acceptable level of solar access is available to the apartments. The apartment buildings do not cause any shadow impact upon adjoining residential properties other than the recently constructed townhouses. Solar collectors are not impacted and an acceptable level of solar access is retained to the living areas and private open space of the townhouses. The proposed buildings are not oriented to the street, but rather are angled to be parallel with the side boundary	Yes Yes Notwithstanding the angling of the buildings to the street, the building design is considered to be appropriately responsive to the streetscape and site, taking advantage of the outlook over the adjoining golf course which adds to the amenity of the apartments.
3C – Public Domain Interface	Direct street entry to ground floor apartments Balconies/windows orientated to overlook the public domain	The proposal does not provide for direct entry into the ground floor apartments from the street. Passive surveillance of public domain is provided.	No, but satisfactory given the street is not one that would normally be used significantly by residents, being an off-ramp from Centenary Drive. Yes

	<p>Front fence design is permeable</p> <p>Opportunities for concealment minimised</p> <p>Services concealed</p> <p>Access ramps minimised</p>	<p>The front fence is a metal palisade fence and is permeable.</p> <p>The design does not provide any unacceptable areas for concealment.</p> <p>No information provided, can be conditioned.</p> <p>Equitable entry to the development is provided.</p>	<p>Yes</p> <p>Yes</p> <p>No, but can be addressed by condition</p> <p>Yes</p>
3D – Communal Open Space	<p>Min. 25% (1,851.5m²)</p> <p>Min dimension of 3m</p> <p>Consolidated area</p> <p>Equitable access</p> <p>Min 2h to 50% communal open space at mid-winter</p>	<p>66.2% (4,902m²)</p> <p>The communal open space is located in a number of different areas, however, given the size of the spaces, it is satisfactory.</p> <p>Solar access to the communal open space is acceptable, with the multi-court area and roof top space on Building A having solar access between 9am and 3pm and the large area to the east of Building B having solar access for 4 hours to over half the area.</p> <p>The communal open space is generally appropriately accessible.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
3E – Deep Soil Zones	<p>Min. 7% (518.42m²) > 1,500m²</p> <p>6m min. dimension</p>	<p>13.1% (971m²)</p>	<p>Yes</p>
3F – Visual Privacy	<p>9 storeys and over: 25+m</p> <ul style="list-style-type: none"> 12m between habitable rooms/balconies 12m between non-habitable rooms 	<p>The adjoining site to the south, beyond the ROW to the townhouses, has a 9.5m height limit and the proposal has a minimum of 13m setback from the south, increasing to 20m.</p> <p>A minimum setback to the east to the nearest townhouse is 22m from the wall of the building (being a 2m breach).</p> <p>A minimum setback of 3m to balconies and 4m to the wall is provided to the north.</p>	<p>No (southern), however given the lower limit of the adjoining site and its use as a school oval, it is considered that the variation is acceptable.</p> <p>No, but given the height of the townhouses this is acceptable</p> <p>No, however, given the adjoining site is a golf course and is zoned Private Recreation, the variation is acceptable.</p>

		A minimum 12.4m separation between the buildings on the site is provided (balcony to balcony) and 15.7m (wall to wall) up to Level 4, increasing to 17.8m wall to wall from Level 5 to Level 6 and Level 8, with 21.4m wall to wall at Level 7.	No. The separation provided at the lower levels is compliant, but breaches at the upper levels. Notwithstanding the breach, the separation is considered acceptable as the privacy is improved by the provision of planter boxes on the balconies. A condition of consent is recommended to ensure the planter boxes are retained at the Construction Certificate. Further, a condition also requires the provision of privacy screens to certain balconies
3G – Pedestrian Access and Entries	Entry addresses public domain Clearly identifiable Steps and ramps integrated into building design	Pedestrian entry and ramp access are integrated and clearly identified.	Yes
3H – Vehicle Access	Integrated into façade Visual impact minimised Entry behind the building line or from secondary frontage Clear sight lines Garbage collection screened Pedestrian and vehicle access separated	Vehicular entry ramp is located midway along Building A and will not be visible from the street. Waste collection can occur from within the site, however conditioning is required to ensure the basement is appropriately designed to allow onsite collection of waste. Good sight lines with separate vehicle and pedestrian entries.	Yes Yes
3J – Bicycle and Car Parking	Within 800m (walking distance) of a railway station: Min. RMS Rate Applies: <u>20 or more units:</u> 1 bedroom: 0.6 spaces 2 bedroom: 0.9 spaces 3 bedroom: 1.4 spaces	Not with 800m from a railway station.	N/A

	Visitor 1 per 5 units Parking facilities for motorbikes and bicycles		
4A – Solar and Daylight Access	<p>Min. 70% (123/175 units) receive 2 hours solar access</p> <p>Max. 15% units (26/175 units) have no solar access</p> <p>Light wells, skylights and highlight windows are only to be a secondary source where sunlight is limited</p> <p>Design incorporates shading and glare control</p>	<p>Minimum 2 hours solar access to 123 of 175 units (70.5%) to both private open space and living areas</p> <p>30 of 175 units (17.1%) have no solar access.</p> <p>No light wells proposed</p> <p>No information is provided.</p> <p><u>Note all calculations are based on a development with Level 9 deleted</u></p>	<p>Yes</p> <p>No, but variation of 4 units acceptable</p> <p>Yes</p> <p>No</p>
4B – Natural Ventilation	<p>Min. 60% (102/170 units) are cross ventilated in first 9 storeys</p> <p>Cross-over/Cross-through Max 18m depth</p> <p>Light wells are not the primary source of ventilation for habitable rooms</p> <p>Single aspect units have limited depth to maximise ventilation</p>	<p>Natural cross ventilation to 170 of 170 units (100%) cross ventilated, it being noted that a plenum is to be provided to all single aspect apartments.</p> <p>Max approx.18m</p> <p>No light wells</p> <p>Single aspect units have limited depth.</p> <p><u>Note all calculations are based on a development with Level 9 deleted</u></p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
4C – Ceiling Heights	<p>Habitable: 2.7m</p> <p>Non-habitable: 2.4m</p> <p>Mixed Use: 3.3m ground floor</p>	2.7m throughout for residential	Yes
4D – Apartment Size and Layout	<p>Studio: 35m²</p> <p>1 bed: 50m²</p> <p>2 bed: 70m²</p> <p>3 bed: 90m²</p> <p>Additional bathrooms</p>	<p>Studio 42m²</p> <p>1 bed 50-72m²</p> <p>2 bed 69m² - 79m² 1 bath</p> <p>2 bed 69-86m² - 2 baths</p> <p>3 bed (2 bath) 99-122m²</p>	<p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p> <p>Yes</p>

	<p>+5m²</p> <p>Each habitable room must have a window > 10% floor area of the room.</p> <p>Habitable room depths</p> <p>=max 2.5 x ceiling height</p> <p><u>Or</u> if open plan layout</p> <p>=max 8m from a window</p> <p>Master bed: min 10m²</p> <p>Other bedroom: min 9m²</p> <p>Living room min. width:</p> <p>Studio and 1 bed: 3.6m</p> <p>2 and 3 bed: 4m</p> <p>Crossover/through: min 4m</p>	<p>Inadequate dimensioning is provided to accurately assess the adequacy of bedrooms /living rooms, however the layouts and sizes appear adequate other than in relation to Apartment B707.</p>	<p>Two apartments are substandard, although the layout of B702 is reasonable and the 1m² variation acceptable.</p> <p>Concern is raised with the layout and amenity of Apartment B707 which is 6m² below the minimum size. Variation is not supported for this apartment. A condition is recommended requiring the layout to be amended to delete one bathroom and ensure the living room and bedrooms meet the minimum standards of the Apartment Design Guide.</p>
4E – Private Open Space and Balconies	<p>Studio: 4m²</p> <p>1 bed: 8m², min depth 2m</p> <p>2 bed: 10m², min depth 2m</p> <p>3 bed: 12m², min depth 2.4m</p> <p>Ground floor apartments 15m², min 3m</p>	<p>All areas of private open space comply. Concern is raised with the dimension of the following Apartment's balconies</p> <p>A201, A211, A302, A311, A401, A411, B801, B810, B901, B908</p>	<p>Yes, subject to a condition of consent requiring a minimum depth of 2m for the balconies of Apartments</p>
4F – Common Circulation and Spaces	<p>Max 8 apartments off a single core</p> <p>> 10 storeys: max 40 units/lift</p>	<p>Max 6 off a single core</p> <p>47 units off a lift core (with deletion of Level 9)</p>	<p>Yes</p> <p>No, however the variation is acceptable</p>
4G – Storage	<p>Studio: 4m³</p> <p>1 bed: 6m³</p> <p>2 bed: 8m³</p> <p>3 bed: 10m³</p> <p>At least 50% within the basement</p>	<p>Inadequate information has been provided on the plans to show storage areas for individual units in the basement and no table of storage area provision has been provided.</p>	<p>Unknown. A condition of consent will require compliant provision,</p>
4H – Acoustic Privacy	<p>Orientate building away from noise sources</p>	<p>An acoustic report was prepared for the proposal by Wood & Greive Engineering, dated 13/11/2017,</p>	<p>Yes, subject to conditions of consent</p>

	<p>Party walls limited or insulated, like rooms together</p> <p>Noise sources (e.g. garage doors, driveways) located at least 3m from bedrooms</p>	<p>concluding that with appropriate glazing to the residences the required attenuation would be achieved. The plans at Appendix 2 of the report identifying the glazing levels are not the same as the current plans and as such a condition of consent would appropriately require the report to be updated and the appropriate glazing requirements for the development to be indicated on the Construction Certificate plans.</p>	
4J – Noise and Pollution	<p>Site building to maximise noise insulation</p> <p>Noise attenuation utilised where necessary</p>	<p>Acoustic report provided. See above comment.</p>	Yes
4K – Apartment Mix	<p>Variety of apartment types</p> <p>Appropriate apartment mix</p> <p>Different apartments distributed throughout the building</p>	<p>The development provides a mix of apartments, with 12.6% x studio and 1 bed units, 77.0% x 2 bed units and 10.4% x 3 and 4 bed units.</p>	When considered with the existing townhouse element the mix is satisfactory.
4L – Ground Floor Apartments	<p>Direct street access</p> <p>Casual surveillance whilst providing privacy</p>	<p>Direct street access is not provided given the setback of the buildings from the street and the change in level from the street, however ground level access is provided from the common open space areas.</p> <p>Casual surveillance possible to common areas.</p>	<p>No, but acceptable</p> <p>Yes</p>
4M – Facades	<p>Composition of building elements</p> <p>Defined base, middle and top</p> <p>Building services integrated into the façade</p>	<p>The articulation is provided by stepping in the building façade, a change in materials of the upper and lower portions of the building and the introduction of vertical elements.</p>	Yes
4N – Roof Design	<p>Roof design integrated into the building</p> <p>Incorporates</p>	<p>Roof design integrated into the building design with simple parapet treatment.</p>	Yes

	sustainability features May include common open space		
4O – Landscape Design	Responsive streetscape to Viable and sustainable	The landscape plan proposes trees that are of appropriate size and location to provide softening of the buildings as viewed from Centenary Drive and the southern boundary.	Yes, subject to conditions of consent
4P – Planting on Structures	Appropriate soil and structural design Irrigation and drainage systems	Yes subject to conditions	Yes, subject to conditions
4Q – Universal Design	At least 20% of units (41 or 204 apartments) to achieve silver level universal design requirements for adaptability	41 provided	Yes
4U – Energy Efficiency	Adequate natural light to habitable areas Adequate natural ventilation Screened areas for clothes drying Shading on northern and western elevations	See previous comments in relation to solar access and ventilation. No screened area is provided for clothes drying. Shade to north and west generally provided by balconies	Yes solar access Yes cross ventilation Yes, subject to conditions Yes
4V – Water Management and Conservation	Efficient fixtures/fittings WSUD integrated Rainwater storage and reuse	The Drainage Engineer is satisfied with the proposed management and conservation of water information supplied.	Yes
4W – Waste Management	Minimise impact on streetscape, building entry and amenity	Councils Waste Officer has advised that the waste management proposed is acceptable subject to conditions.	Yes, subject to conditions
4X – Building Maintenance	Material selection reduces ongoing maintenance costs	Appropriate materials are proposed	Yes

SEPP (Infrastructure) 2007

Clause 102 requires Council to take into consideration the impact of road noise upon the amenity of dwellings when assessing an application for residential development that adjoins a road that carries more than 40,000 vehicles per day, which is applicable in this case. An acoustic report was prepared for the proposal by Wood & Greive Engineering, dated 13/11/2017, concluding that with appropriate glazing to the residences the required attenuation would be achieved. The plans at Appendix 2 of the report identifying the glazing levels are not the same as the current plans and as such a condition of consent would appropriately require the report to be updated and the appropriate glazing requirements for the development to be indicated on the Construction Certificate plans.

In accordance with Schedule 3 of the Infrastructure SEPP, the application is deemed 'Traffic Generating Development' and a referral was made to the Roads and Maritime Services under Clause 104. RMS raised no objection to the proposal in a response received 16 January 2018 however a number of standard conditions were recommended. The recommended conditions are included in the conditions recommended for consent. It is noted that the amended application was not referred back to RMS as it involved removal of one basement level, reducing the impact upon the road network. The conditions requested remain applicable to the amended application.

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

SEPP (BASIX)

All housing in NSW is required to meet a designated target for energy and water reduction.

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

Strathfield Local Environmental Plan 2012

The site is zoned part B4 Mixed Use (fronting Centenary Drive) and part R3 Medium Density Residential under the Strathfield Local Environmental Plan (SLEP), 2012 wherein development for the purpose of a Residential Flat Building is permissible with Council consent. The proposal is generally consistent with the objectives of the R3 Medium Density Residential zone which seek to provide for the housing needs of the community within a medium density residential environment and to provide a variety of housing types and of the B4 Mixed Use zone which are to provide a mix of compatible land uses, to facilitate mixed use urban growth, provide employment opportunities and integrate suitable uses in accessible locations.

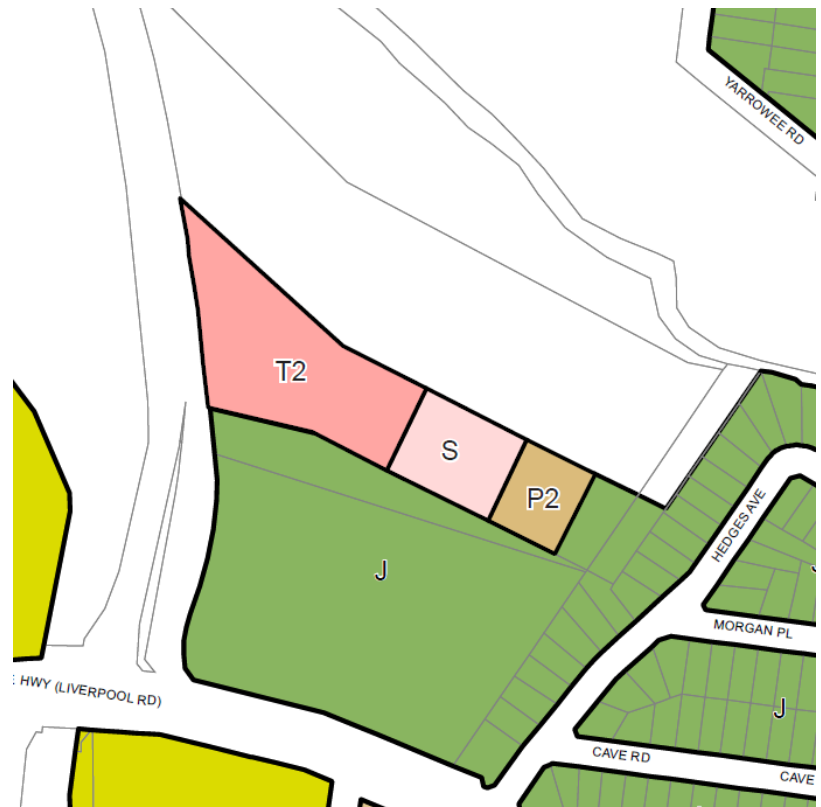
The following table provides an assessment of the proposal against the relevant numeric controls of the SLEP 2012: It is noted that the table also considers the subject site in conjunction with the adjoining recently developed townhouse site given the original application was for both sites and the permitted density for that application was considered over the two sites. In this regard it is also noted that the current amended application seeks to vary the existing consent over the two sites.

Clause	Required	Proposed (1 lot)	Proposed (2 lots)	Compliance
4.1A Minimum Site Area: Residential Flat Building	1,000m ²	7,406m ²	20,266.5m	Yes
4.3 Height of Buildings	28m (on front site the location of the proposed apartment buildings)	<u>Building A</u> 26.2-27.9m to roof (complies) 29.5-30.1m to shelter (2.1m breach) 30.0-30.6m to lift (2.6m breach) <u>Building B</u> 33.1-34.1m to roof (6.1m breach) 35.9-36.5m to shelter (8.5m breach) 36.7m to lift (8.7m breach)	N/A	No. See following discussion
4.4 Floor Space Ratio	1.2:1 (2 lots max 24,319.8m ² , 1 lot max. 8,887.2m ²)	16,134.1m ² (includes 10.1m ² of WCs on the roof which the applicant did not include in calculation) 2.178:1 (breach by 7,246.9m ² or 81.5%)	25,176.1m ² 1.24:1 (breach by 856.3m ² or 3.5%)	No. See following discussion

The height control provisions for the site can be seen in the following extract from the SLEP 2012 height map.

Maximum Building Height (m)

A	0
J	9.5
L	11
M	12
N1	13
N2	14
O	16
P1	17
P2	18
Q	20
R1	21
R2	22
S	24
T1	26
T2	28
V1	35
V2	38
W	42
Y	54



Height

The proposal seeks to breach the height control of 28m under clause 4.3 of the LEP by the following amounts:

Building A

26.2m - 27.9m to roof (complies)
29.5m - 30.1m to shelter, (2.1m breach)
30.0m - 30.6m to lift (2.6m breach)

Building B

33.1m - 34.1m to roof (6.1m breach)
35.9m - 36.5m to shelter (8.5m breach)
36.7m to lift (8.7m breach)

Building A is largely compliant with the height control with the roof complying with the control. The shelters, WCs and store on the roof related to the communal open space breach the control by up to 2.1m, the planter boxes around the communal open space breach the control by up to 1.1m and the lift overruns breaching the control by up to 2.6m. All of the breaching elements relate to the communal open space and access thereto by the lifts.

Building B, however significantly breaches the height control with the roof breaching by up to 6.1m. The structures proposed on the roof are all for private courtyards, not communal, and result in breaches of up to approximately 6.7m for the planter boxes around the private roof terraces, 8.5m for the shelters to the private roof terraces and 8.7m to the lift overrun. As such the significant breaches are resultant from two components, firstly the provision of private open space on the roof and access thereto and secondly, the significant breach of the FSR control (discussed later) which equates to a storey (3.05m) of Building B.

The applicant has submitted a clause 4.6 variation request to the height control applicable to the site. Clause 4.6 permits variations to development standards subject to a written request from the applicant satisfying the provisions of the clause. The building height control is a numerical development standard, being consistent with the definition of “*development standards*” contained within Section 1.4(1) of the Environmental Planning and Assessment Act and is not a prohibition.

The clause 4.6 variation request provided by the applicant provides the following justification (summarised) for the breach of the height control.

- *The variations sought are a 9.6% departure for Building A and 34.6% for Building B.*
- *The height control already envisages a different urban form on the subject site, with a consent under the controls already having been granted for two (2) x nine (9) storey buildings.*
- *As such the controls do not seek consistency in built form but instead encourage landmark buildings.*
- *The approval presents as a bulky built form due to the size of the building footprints and consistency in building height across the two (2) buildings.*
- *The proposal enhances the existing approved built forms by removing part of the building footprint of Building B and placing it into two additional residential levels, resulting in improvements to building articulation, a height differential and improvements in internal amenity.*
- *The proposal achieves solar access 72% of apartments for at least 2 hours at midwinter.*
- *The proposal achieves cross ventilation to 71% of apartments in the first 9 storeys.*

- *The proposal provides generous unit sizes, many with multiple balconies and extensive areas of northerly orientated common open space.*
- *The common open space on Building A increases the height above that permitted due to the provision of lift access and amenities including kitchen facilities, WC and shading devices, where in the previous proposal the roof space was not accessible.*
- *The flexible application of the standard is appropriate in this case as it results in an improvement in urban form and amenity when compared to the existing approval.*
- *The flexible application of the standard introduces diversity in building height and improves urban form and provides additional outlook over the golf course.*
- *The additional height of Building B does not cause any additional environmental impacts to adjoining properties by way of overlooking or overshadowing.*
- *The taller form of Building B results in a better outcome for the area by introducing diversity in building height and the upgrades to architectural appearance improve articulation and modulation of the building bulk.*
- *The buildings present two high quality landmark buildings that achieve infill residential density without impacting the amenity of the local area.*
- *The site represents a rare opportunity to increase the residential density within the site with minimal impact on adjoining properties and applying flexibility to the control facilitates better outcomes in accordance with the objectives of the clause.*
- *The context of the site within a golf course absorbs the scale and bulk of the buildings more readily than an urban landscape as there is limited visual context that contributes to height compatibility which is the underlying objective of the height control.*
- *The height cues within proximity to the site are taken from nearby transmission lines with an approximate height of 55-60m, a series of industrial silos of approximately 40m height and the concrete flyover bridge and as a result the height plane of the surrounding area primarily comprises large scale, bulky infrastructure.*
- *The two modern and well-articulated buildings will improve the appearance of the existing area by breaking up views of the elevated road infrastructure and transmission towers.*
- *The proposal will provide a landmark building of good architectural merit in a gateway location which calls for a landmark building.*
- *The proposal achieves the objective of providing a diversity of small and large development options.*
- *Whilst the proposed buildings will be visible from the low density residential properties, views from these properties are dominated by mature trees in the golf course, with the views to be buildings being beyond the foreground views of trees.*
- *The additional building height, together with the FSR variation sought, provide the opportunity for additional infill residential housing in proximity to existing services, infrastructure and public transport which is a primary objective of the Greater Sydney Region Plan 2056 and Eastern City District Plan.*
- *The proposal is consistent with the objectives of the B4 zone.*
- *The variation to the control does not raise issues of State or Regional Planning significance.*
- *There is public benefit in varying the height control and the FSR control as it will deliver additional housing on a well-connected infill site.*
- *Strict compliance with the height control would be contrary to the public interest as it can clearly accommodate high density, high quality infill residential development with good connectivity to public transport and established centres without adverse environmental impact.*

Assessment of variation request

Clause 4.6 has objectives as follows:

- to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Comment:

The variation to Building A results from the provision of roof top communal open space which will provide a better outcome than a compliant development in terms of a significant increase in amenity for the residents using this space and does not result in any additional environmental impacts. For this reason the variation to Building A is supported in this instance.

Part of the variation to Building B could potentially be supported for the reasons given in relation to the relocation of floor space, thereby reducing the length of the building overlap with Building A. However, the additional floor space (equivalent to one floor) and the provision of private roof top facilities significantly add to the height breach without resulting in a better outcome than a compliant development, other than an improved level of profitability for the developer. The variation in height between the two buildings considered to be a benefit that justifies the variation is not considered to warrant such a significant departure in height control, it being noted that the height control seeks a variation in height control from east to west on the site, not from north to south. As such, the Clause 4.6 fails to demonstrate that the degree of flexibility sought is appropriate to the particular development in relation to Building B.

Clause 4.6(3) requires the clause 4.6 variation request to justify 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.*

Comment:

The applicant's argument that compliance with the standard is unreasonable or unnecessary as the site is in the context of a golf course which absorbs the scale and bulk of the buildings more readily than an urban landscape, is not accepted. Further, the argument that the height cues within proximity to the site are taken from nearby transmission lines with an approximate height of 55-60m, a series of industrial silos of approximately 40m height and the concrete flyover bridge and as a result the height plane of the surrounding area primarily comprises large scale, bulky infrastructure, is also not accepted.

The location is one that is largely isolated from surrounding buildings other than the 2-3 storey townhouses to the east and the similar scale school building to the south-east. Transmission towers and silos are significantly smaller in scale than the proposed buildings, notwithstanding their height, and are not particularly relevant to the assessment of the variation of the height control.

It is further noted that the applicant's argument is based on a comparison of the proposed development with the approved development, arguing the height breach will result in a better outcome. Such an argument is inappropriate as Clause 4.6 requires the breaching development to be a better outcome than a complying development, not an alternative approved development.

It is noted that the applicant sought a Planning Proposal to increase the height and FSR (to a greater extent than that proposed in the subject application) on the site based on similar arguments to that presented in the Clause 4.6. The Planning Proposal has been rejected.

It is therefore, not considered that the level of variation sought to the height control for Building B is reasonable as there are not sufficient environmental planning grounds to justify contravention of the development standard to the extent sought.

Further, clause 4.6(4) requires the consent authority must not grant consent to a development that contravenes a development standard unless it is satisfied that:

- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (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, and*

and concurrence has been received. In this case the Panel does not need the concurrence of the Secretary and can assume concurrence. However, clause 4.6(5) requires consideration of the following when considering whether to grant concurrence:

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Comment:

For the reasons previously discussed, it is not considered that variation of the height control to the extent sought for Building B is in the public interest or that there is a public benefit to varying the height control to the extent sought. However, if the breaching FSR (equivalent to the GFA of Level 9) and roof structures related to the private roof top terraces were removed from the proposal, the breaches to the height control would be reduced to the following amounts:

Building B

30.0m - 31.0m to roof (3.0m breach)

33.7m* to lift (5.7m* breach)

- * the breach is estimated based on a 3.6m height of the lift overrun beyond the ground level of the top floor.

Such an amendment would result in the breach of the height control for the building equating to approximately one storey (more for the lift overruns) and would be consistent with the applicant's argument supporting the height control that the reduction in "overlapping" of the two buildings to improve amenity is achieved by placing the additional floor space on the roof of Building B.

However, the additional breach created by the provision of private open space facilities and additional GFA over that permitted in the zone does not result in a better planning outcome for the site than a compliant development and is not supported.

Accordingly, a condition of consent is recommended requiring the deletion of Level 9 of Building B and the private open space facilities on the roof of Building B, with the lift overrun being reduced to no more than RL57.7m.

FSR

The proposal seeks to breach the FSR control of 1.2:1 under clause 4.4 of the LEP by the following amounts:

Assessment of subject site (ie 1 lot)

GFA: 16,134.1m² (includes 10.1m² of WCs on the roof which the applicant did not include in calculation)

FSR: 2.178:1

Breach: 7,246.9m² or 81.5%

Assessment of combined site (ie 2 lot including townhouse site)

GFA: 25,176.1m² (includes 10.1m² of WCs on the roof which the applicant did not include in calculation)

FSR: 1.24:1

Breach: 856.3m² or 3.5%

It is noted that Development Consent DA 2015/100, which approved the development of both the already constructed townhouses and two residential flat buildings, considered the FSR across the entire site, with the townhouse component of the site being well under the FSR permitted on that part of the site and the apartment exceeding the FSR on the other portion of the site, but with the overall development being compliant. A condition of consent was included requiring the registration of a restrictive covenant on the townhouse part of the site indicating the site had been developed to its full extent on the basis of the shared FSR.

For this reason, and as the development application seeks to amend Development Consent DA 2015/100, it is appropriate to consider the FSR over the two sites.

The applicant has submitted a clause 4.6 variation request to the FSR control applicable to the site. Clause 4.6 permits variations to development standards subject to a written request from the applicant satisfying the provisions of the clause. The FSR control is a numerical development standard, being consistent with the definition of “*development standards*” contained within Section 1.4(1) of the Environmental Planning and Assessment Act and is not a prohibition.

The clause 4.6 variation request provided by the applicant provides the following justification (summarised) for the breach of the FSR control. The variation equates to 2/3 of the top floor of Building B or 4 apartment and the variation requested seeks to complete the level.

- *The FSR control already envisages a different urban form on the subject site, with a consent under the controls already having been granted for 2 x 9 storey buildings which are bulky and unrelieved.*
- *As such the controls do not seek consistency in built form but instead encourage landmark buildings.*
- *The approval presents as a bulky built form due to the size of the building footprints and consistency in building height across the two buildings.*
- *The proposal enhances the existing approved built forms by removing part of the building footprint of Building B and placing it into two additional residential levels, resulting in improvements to building articulation, a height differential and improvements in internal amenity.*
- *The proposal achieves solar access 72% of apartments for at least 2 hours at midwinter.*

- *The proposal achieves cross ventilation to 71% of apartments in the first 9 storeys.*
- *The proposal provides generous unit sizes, many with multiple balconies and extensive areas of northerly orientated common open space.*
- *The flexible application of the standard is appropriate in this case as it results in a modulated built form which is a better outcome than the existing approval.*
- *The additional FSR does not cause any additional environmental impacts to adjoining properties by way of overlooking or overshadowing.*
- *The variation results in a better outcome by delivering an additional four residential apartments with excellent amenity without impacting adjoining properties.*
- *The site represents a rare opportunity to increase the residential density within the site with minimal impact on adjoining properties and applying flexibility to the control facilitates better outcomes in accordance with the objectives of the clause.*
- *The context of the site within a golf course absorbs the scale and bulk of the buildings more readily than an urban landscape as there is limited visual context that contributes to height compatibility which is the underlying objective of the height control.*
- *The height cues within proximity to the site are taken from nearby transmission lines with an approximate height of 55-60m, a series of industrial silos of approximately 40m height and the concrete flyover bridge and as a result the height plane of the surrounding area primarily comprises large scale, bulky infrastructure.*
- *The two modern and well-articulated buildings will improve the appearance of the existing area by breaking up views of the elevated road infrastructure and transmission towers.*
- *The proposal will provide a landmark building of good architectural merit in a gateway location which calls for a landmark building.*
- *The additional FSR sought, provides the opportunity for additional infill residential housing in proximity to existing services, infrastructure and public transport which is a primary objective of the Greater Sydney Region Plan 2056 and Eastern City District Plan.*
- *The proposal is consistent with the objectives of the B4 zone and objectives of the clause.*
- *The variation to the control does not raise issues of State or Regional Planning significance.*

Assessment of variation request

Clause 4.6 has objectives as follows:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Comment:

The variation to FSR equates to the GFA of Level 9 of Building B, it being noted that the argument in the clause 4.6 request that it equates to 4 apartments only is incorrect, even when the applicant's calculation is used (ie excluding the WCs on the roof). For the reasons discussed in relation to the variation request to the height control for Building B, the additional GFA cannot be supported on this site. The additional GFA results in no public benefit and does not result in a better outcome than a compliant development.

Clause 4.6(3) requires the clause 4.6 variation request to justify 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.*

Comment:

The applicant's argument that compliance with the standard is unreasonable or unnecessary is not supported for the reasons given above.

It is noted that the applicant sought a Planning Proposal to increase the height and FSR (to a greater extent than proposed in the subject application) on the site based on similar arguments to that presented in the clause 4.6. The Planning Proposal has been rejected.

It is therefore not considered that the level of variation sought to the FSR control is reasonable as there are not sufficient environmental planning grounds to justify contravention of the development standard to the extent sought.

Further, clause 4.6(4) requires the consent authority must not grant consent to a development that contravenes a development standard unless it is satisfied that:

- (iii) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (iv) *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, and*

and concurrence has been received. In this case the Panel does not need the concurrence of the Secretary and can assume concurrence. However, clause 4.6(5) requires consideration of the following when considering whether to grant concurrence:

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Comment:

For the reasons previously discussed, it is not considered that variation of the FSR control to the extent sought is in the public interest or that there is a public benefit to varying the control to the extent sought.

However, if the breaching FSR (equivalent to the GFA of Level 9) was removed from the proposal, the breach over the two sites would be removed. This would result in an overall compliant FSR on the two sites.

Accordingly, a condition of consent is recommended requiring the deletion of Level 9 of Building B.

Section 94 Contributions

Section 94 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030. The following calculation is based on the development with Level 9 deleted, reducing the development to 175 apartments, comprised of 2 x studios, 19 x one bed, 141 x two bed and 13 x three bed apartments.

Provision of Community Facilities	\$ 371,873.71
Provision of Major Open Space	\$1,691,914.02
Provision of Local Open Space	\$ 579,855.77

Provision Roads and traffic Management	\$ 102,384.47
Administration	\$ 32,065.76
TOTAL	\$2,778,093.72

(ii) Draft Environmental Planning Instruments:

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

(iii) Development Control Plans:

Strathfield Consolidated Development Control Plan

The following table provides an assessment of the proposed development against Strathfield Consolidated Development Control Plans (the DCP).

Part C – Multiple-Unit Housing of the DCP is of relevance to the assessment of an application for a residential flat building and as such applies to the subject application. It is noted, however, that where the DCP is inconsistent with the provisions of the Apartment Design Guide identified in SEPP 65 or the provisions of ARHSEPP, it is overridden by those instruments and has no effect.

Clause 6A of SEPP 65 indicates that in the instance of any inconsistency between the controls of the ADG and Council's Development Control Plan, the objectives, design criteria and design guidance set out in the ADG prevail. If a development control plan contains provisions that specify requirements, standards or controls in relation to the following matters, those provisions are of no effect:

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

These matters have been addressed in the ADG assessment above where it has been determined that the proposal is in part unsatisfactory.

The remaining matters of relevance provided in the DCP are addressed in the table below:

Section	Development Standard	Required	Proposal	Compliance
2.2	Site Requirements	Minimum site area of 1000m ² and a minimum street frontage of 30m. Arterial Roads – min frontage of 25m	7,406m ² 116.905m	Yes Yes Yes
	Building Height	Not identified	N/A	N/A

	Building Street Setback	9m No predominant setback in street	Building A 9m min Building B 7m min The setback (measured to the wall) is considered acceptable notwithstanding the breach of part of Building B by up to 2m given the increased setback of other built elements compensates for this non-compliant component. Given the scale of the proposed buildings it is appropriate that the majority of Building B and all of Building A is setback a significantly greater distance than the minimum 9m.	Yes No
	Building Envelope	3.5m vertically at boundary & project inwards at 45°.	Apartment buildings breach the building envelope controls significantly at the northern, southern and eastern boundary. Given the site specific 28m height control that applies to the site and the width of the site, any development that reached the maximum height control in the form of two adjacent buildings such as is proposed would breach the building envelope and as such compliance with the control would be unreasonable. It is therefore considered that the control is inconsistent with the LEP height control and as such should not be given determinative weight.	No, but acceptable
	Rear Setback	Determined by the building envelope, exceptions are for sites which adjoin open space.	Both buildings significantly exceed the control	Yes
	Side setback	4m.	Northern RFB 4m-6m to wall and 3m to balcony Southern RFB 8.7m-20m to wall and 6.3m-22m	No, but acceptable given adjoins golf course Yes
2.3	Dwelling Unit and Building Design	15% of the development is required to be designed as adaptable housing for older people	28/183 units are adaptable (15.3%), however 3 of the accessible parking spaces are too far from the relevant	Yes, subject to condition relocating 3 accessible

		or people with disabilities.	lift core <u>Note: if Level 9 was deleted 27 adaptable apartments would be required</u>	spaces to be closer to the lift core
	Dwelling Unit and Building Design for residential flat buildings	At least one main convenient entry is to have barrier free access to ground floor units (for people with disabilities)	Front entrance to each apartment building is barrier free.	Yes
	Dwelling Unit and Building Design	Walls greater than 10m in length to be broken down or staggered.	The two apartment buildings are extremely long at 56.7m (Building A) and 53.4m (Building B), however both buildings have an appropriate degree of articulation.	No, but acceptable
	Dwelling Unit and Building Design	Access to common areas without unnecessary barriers.	Common areas access is barrier free.	Yes
	Dwelling Unit and Building Design	Parking for people with disabilities.	29 accessible spaces are provided, which is adequate. The location of 3 of the accessible spaces are also inappropriate.	Yes, subject to condition requiring relocation of 3 accessible spaces
	Dwelling Unit and Building Design	Building materials and finishes are to be sympathetic to with the adjoining buildings and the streetscape with the preferred materials and finishes being brickwork of dark and light tones of the same colour or a mixture of face brick and painted cement render, however brickwork is to be dominant. Colours are to be natural/subdued tones and not bright or white.	The material and colour choice for the development is acceptable	Yes
	Unit Sizes and Lot Layout	1 bed = 70m ² 2 bed = 85m ² 3 bed = 100m ² more than 3 bed = 110m ²	Overridden by provisions of ARHSEPP and SEPP 65 for apartment building	N/A
	Attic space	Not to be used as habitable space. Storage only and no dormer windows	No attic proposed.	N/A
2.4	Energy Efficiency	Application is required to provide a NatHERS certificate. Each dwelling must	A BASIX certificate has been provided.	Yes

		achieve 3.5 star NatHERS rating.		
2.4.2.2	Solar Access	50% of the principle private open space achieves a minimum of 3 hours sunlight during the winter solstice.	Overridden by provisions of ARHSEPP and SEPP 65 for apartment building.	N/A
	Solar Access	Solar access to habitable rooms and private open space of adjoining properties be provided for a minimum of 3 hours during the winter solstice.	Overridden by provisions of ARHSEPP and SEPP 65 for apartment building.	N/A
2.4.3	Natural Space Heating and Cooling	Reduce the need to artificially heat and cool dwellings.	Overridden by ADG for apartments	N/A
2.4.4	Natural Lighting	Reduce reliance on artificial lighting	Acceptable solar access to all dwellings.	Yes
2.4.6	Water Management	Mandatory water storage 10 dwell= 500lt / dwell each dwell thereafter = 250 lt/ dwelling	Council's engineer raises no concerns with the water management plan for the site.	Yes
	Water Management	Tanks to be located underground or at least behind the front building line. Located 900mm from front boundary	Council's officer raises concerns with the water management plan for the site.	Yes
2.5	Streetscape orientation	Compatible with the existing character and address the street frontage.	The orientation and setback is appropriate.	Yes
	Streetscape orientation	Dwellings facing the street will have frontage and apparent access.	No dwellings front the street given the size of proposed front setback and the difference in level between the site and the street.	N/A
	Streetscape orientation	Garages do not dominate the street frontage.	Underground parking provided for apartments.	Yes
2.5	Front Fences	Sympathetic to street. Height of fence is to be less than 900mm of solid material	The front fence is to be a steel palisade fence which is appropriate	Yes, subject to a condition of consent requiring fence to be a maximum of 1.8m

	Side and rear fences	1.8m maximum height.	The southern boundary has a reciprocal ROW either side and as such is not fenced. The other boundaries are proposed to have a steel blade fence which is appropriate.	Yes, subject to a condition of consent requiring fences to be a maximum of 1.8m
2.7	Open space and landscaping	50% of RFBs site area to be open space at ground level.	Overridden by provisions of ARHSEPP for apartment buildings	N/A
		35% of the landscaped area is to be provide as deep soil landscaping this excludes basement underneath areas.	Overridden by provisions of ARHSEPP for apartment buildings.	N/A
		10% (1,213.3m ²) of the site area is to be provided as communal open space, with a minimum dimension of 7m.	4,902m ² (66.2%) of the site is communal open space however the applicant has not provided a separate calculation for that portion with dimensions of 7m. Notwithstanding the lack of information, the proposal is compliant with the control.	Yes
		RFBs – where dwellings do not have access to ground level open space at least one main balcony is to have a size of 12 ² (up to 2 bed) and 15m ² (3 or more bed). Balconies must have a depth of 2m.	Overridden by provisions of SEPP 65.	N/A
2.8	Privacy and Security	Windows are not to be located less than 9m apart from other dwellings.	Overridden by provisions of SEPP 65 for apartment buildings	N/A
		Windows to be offset from adjoining dwelling by 0.5m; Have a sill height of 1.7m or have obscure glazing to a height of 1.7m.	Overridden by provisions of SEPP 65 for apartment buildings.	N/A
		Bedrooms not to adjoin living rooms/ garages of adjoining dwellings.	Generally satisfactory	Yes
		Locked Shared pedestrian entries.	Can be conditioned.	Yes, subject to conditions
		Casual surveillance of street and public areas.	Casual surveillance available for apartment buildings.	Yes
2.9	Car Parking	Car parking is required to	Proposed	No, one

		be provided: 1 bed x 1 space x 23 = 23 2 bed x 1.5 spaces x 141 = 211.5 3 + bed x 2 spaces x 19 = 38 1 space per 5 dwellings for visitors 183/5 = 36.6 Total required 273 residential and 40 visitor spaces = 313	Provided 312 spaces with no delineation of visitor and residential <u>Note: If Level 9 is deleted 259 residential spaces and 35 visitor spaces are required – total 294</u>	space deficit, however if Level 9 is deleted then complies
		Dimensions of garage car spaces	Car parking space dimension is acceptable	Yes
		Developments with greater than 10 units must provided one designated car washing bay.	One wash bays are provided.	Yes
	Ramp Driveway Gradient/ design		Council's engineer raises no concern with the gradient of the ramp.	Yes

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

The proposal makes provision for on-site collection of waste, with waste storage provided in a basement of the apartment buildings and collection of waste will occur onsite. Conditions of consent have been recommended to address waste storage and collection.

Waste generated through construction and demolition activities can be appropriately managed by way of standard conditions of consent.

(iia) Planning Agreements (or draft agreements):

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

(iv) Matters Prescribed by the Regulations

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

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

(v) Any Coastal Zone Management Plan:

The NSW Government projects sea levels to rise by 40cm in 2050 and by 90cm in 2100 above the relative mean sea level in 1990. These planning benchmarks are to be

considered in the assessment of development applications through the applicable coastal zone management plan or alternatively the provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

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

(b) Likely Impacts:

The impacts of the development upon the amenity of the area are largely related to the aesthetic impact of the development, which has been addressed previously.

(c) Suitability of the Site:

Whilst the site is considered to be suitable for a townhouse and apartment building redevelopment, the design proposed is not suitable for the subject site for the reasons detailed in this report. However, subject to the deletion of Level 9 and the roof top private open space of Building B, the development is considered to be appropriate for the site.

(d) Submissions:

The original application and plans were notified in accordance with Part L of the Strathfield Consolidated DCP 2005 and one (1) objection was received. The amended plans were notified and no submissions were received as a result. The concerns raised in the submissions are addressed following:

Development to date is disappointing and cramped

This concern does not relate to the current proposal and as such cannot be addressed in this report.

Thirteen storeys is inappropriate in a parkland environment and does not fit in with the immediately surrounding area

This concern was concurred with and the applicant requested to remove three storeys. The amended plans only removed two storeys and as such a condition is recommended removing Level 9 of Building B. This would result in one x 9 storey and one x ten storey building which is similar to the approved 2 x nine storey buildings.

Main and local roads already under stress.

The application has been assessed by the RMS and Council's engineers and no objection is raised to the proposed development in this regard. It is noted that the approved apartment buildings contained 178 apartments and the recommended development would contain 175 apartments.

Extra runoff will put at risk Council's works to the banks of Cooks River due to overdevelopment so close to the flood plain.

The proposal is compliant in relation to the provision of onsite landscaped area and provides a similar extent of deep soil area as the approved development on the site.

(e) Public Interest:

Given the excessive bulk and scale of the design and the lack of a landscape setting of appropriate scale for the proposed buildings, it is not considered that approval of the development is in the public interest.

INTEGRATED DEVELOPMENT

A referral was made to the NSW Office of Water as the application constitutes integrated development under the provisions of the Water Management Act. The Office of Water have provided GTA conditions.

INTERNAL REFERRALS

Waste

The subject application was referred to Council's Environmental Projects Officer who raised no objections subject to conditions which have been included in the recommendation.

Development Engineer

The subject application was referred to Council's Development Control Engineer who provided the following comment.

I have referred to the development application referenced above and reviewed the stormwater drainage concept plan prepared by Glenn Haig and Partners issue C drawing no. H000 and H101 dated 05. 07.2018 and issue B drawing no. H102-H111 and SW001 dated 13.06.2018 job no. 172997. The subject site has a natural fall to the rear, but presence of existing private drainage easement has enabled the applicant to submit a compliant design.

Water sensitive urban design principles have been incorporated in the stormwater drainage design. The site discharges to existing drainage system behind the site by means of gravity via proposed below ground OSD tank. Non-trafficable roof runoff drains into proposed below ground rainwater tank in accordance with BASIX requirements by gravity means via rainwater outlets. Overflow from rainwater tank drains into the OSD tank by gravity means. All other impervious and pervious areas drain into the below ground OSD tank by gravity means via rainwater outlets and balcony drains. OSD tank has been designed with internal mechanism to negate the likelihood of internal flooding. Basement and the access ramp drain into the basement pumpout pit by gravity means via grated trench drain and dish drain basement perimeter. The rising main from the basement pump out pit connects to the ground floor drainage system. From an engineering perspective, the concept plan is feasible and there are no objections to its approval subject to the following conditions attached.

The requested conditions have been included in the recommendation.

Traffic Engineer

The subject application was referred to Council's Traffic Engineer who provided the following comment.

I have referred to the development application referenced above and reviewed the application from the traffic perspective. Please note that the Traffic Report and the Architectural Plans have discrepancy with regards to parking layout. They will need to clarify the exact layout.

In case they don't have time to provide layout, their engineer should make sure that the parking layout is compliant with Australian Standards, the vehicles have turn bays provision and loading zone in Basement 1 is accessible by the trucks or the largest vehicle accessing the basement.

The traffic engineer raised no objections to the proposal subject to conditions which have been included in the recommendation.

Environmental Health

The subject application was referred to Council's Environmental Health Officer who provided the following comment.

I have read and reviewed the development application above and reviewed the plans of the cafe, as listed on Section 7, page 14 of the DA Cover Letter. The plans for the cafe are very brief and should detail further information as to layout and the finishes of fixtures and fittings used. At this stage no special conditions are required, however I have listed the standard conditions for the fit-out and use of a food shop.

The above requested conditions have been included in the recommendation.

Tree Management Officer

The subject application was referred to Council's Tree Management Officer who provided the following comment.

The development is on part of the Cooks River corridor. The Eucalyptus haemastoma and Angophora costata should be substituted for locally native species suitable for the Cumberland woodland and flood plain.

The Sapium, Gleditzia are potential exempted or weed species Fraxinus have longevity and health issues in the Sydney area. I would recommend that these species be substituted for other species more suitable for the L6A that will not be a potential weed species.

The Tree Management Officer was requested to provide conditions to address the concerns and these are included in the recommendation.

EXTERNAL REFERRALS

The application was forwarded to the Roads and Maritime Services, the NSW Office of Water and Ausgrid for comment.

The NSW Office of Water have issued GTAs for the development and RMS have raised no objection subject to the inclusion of requested conditions of consent.

Ausgrid indicated no objection is raised to the proposal subject to conditions which have been included in the recommendation.

CONCLUSION

Development consent, as amended, is now sought for the construction of two (2) apartment buildings to be constructed on the front portion of the original site for which Development Consent DA 2015/100 was granted. It is intended that the development consent sought for the apartment buildings would also amend Development Consent DA 2015/100 to the extent of any inconsistencies, effectively replacing the approved apartment buildings with buildings of a different design.

Development Application DA 2017/168, as amended by the applicant, seeks consent for construction of one (1) x nine (9) storey and one (1) x eleven (11) storey apartment building comprising 183 apartments, over two (2) levels of basement parking for 312 vehicles. Consent is also sought for associated landscaping and civil works and the construction of a café and one associated at grade parking space within the landscaped grounds.

The development is permissible in the zones and breaches both the height and FSR controls. The development contains breaches of the Apartment Design Guide as are discussed throughout the report.

The significant degree of the breach of the FSR control, equivalent to one (1) storey on one of the apartment buildings is not supported and it is therefore recommended that one (1) storey of Building B (Level 9 of the northern building) is deleted from the approval to achieve compliance with the FSR control.

Notwithstanding the recommended deletion of one story of Building B, reducing its height by 3.05m, both buildings would still breach the maximum height control by 2.6m (Building A) and 8.7m (Building B). The clause 4.6 variation request provided with the application is supported in relation to the height breach subject to the deletion of one storey of Building B.

Some concerns were raised with the applicant in relation to the design of the proposal and the applicant provided amended plans addressing some of the concerns. The remaining concerns have been addressed by a condition of the recommended consent which requires a number of modifications to the proposed plans in addition to the deletion of one (1) storey of Building B.

Accordingly, the development application is recommended for consent, subject to the deletion of one (1) storey of Building B and the recommended conditions of consent. The deletion of Level 9 of Building B would alter the approved development to the construction of two (2) apartment buildings containing 175 apartments, comprised of 2 x studios, 19 x one bed, 141 x two bed and 13 x three bed apartments.

RECOMMENDATION

1. That the clause 4.6 variation request for a breach of the height control be supported subject to the deletion of Level 9 of Building B.
2. That DA2017/168 for construction of one x nine storey and one x ten storey apartment building comprising 175 apartments, over two levels of basement parking for 312 vehicles, associated landscaping and civil works and the construction of a café and 1 associated at grade parking space within the landscaped grounds at No. 84-86 Centenary Drive,

Strathfield be **APPROVED** for the following reasons and subject to the attached conditions of consent.

REASONS FOR APPROVAL

1. The clause 4.6 variation request for breach of the height control is supported subject to the deletion of Level 9 of Building 9, as the breach results in a better outcome than a compliant development as:
 - i. The breach for Building A is a result of provision of communal open space on the roof top which will significantly improve the amenity for future residents without resulting in any detrimental environmental impacts.
 - ii. The reduced breach for Building B results from reducing the footprint of Building B and relocating the floor space to provide an additional level in order to improve the amenity within the development, without resulting in any detrimental environmental impacts.
2. The clause 4.6 breach of the FSR control is not supported as it has not been established by a well-founded clause 4.6 variation request that the significant breach of the FSR by an entire floor of Building B will result in a better outcome than a compliant development and that it would be unreasonable or unnecessary to ensure compliant with the control. Therefore Level 9 of Building B is deleted by condition in order to ensure the FSR control is complied with.
3. The design of the building will result in an acceptable level of amenity for future residents whilst protecting the amenity of surrounding residents and the adjoining school.
4. The design of the building provides for an appropriate level of articulation to ameliorate the bulk and scale of the buildings, subject to the deletion of Level 9 of Building B.
5. The reasons for concern raised by the objector are either addressed due to the reduced height of Building B (as amended by the applicant and deletion of Level 9 of Building B) or have been assessed as being acceptable by Council and the RMS.

CONDITIONS

General Conditions

Plans

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

Architectural Plans

Drawing Nos. DA1011 and DA1012, all Revision E, prepared by CMK Design Studio, dated 12/6/2018

Drawing Nos. DA22B1 and DA22B2, all Revision A, prepared by CMK Design Studio, dated 27/6/2018

Drawing No. DA2200 and DA2211, all Revision J, prepared by CMK Design Studio, dated 12/6/2018

Drawing Nos. DA2201, DA2205, DA2208 and DA2209, all Revision J, prepared by CMK Design Studio, dated 16/8/2018

Drawing No. DA2202, Revision K, prepared by CMK Design Studio, dated 16/8/2018

Drawing No. DA2207, Revision G, prepared by CMK Design Studio, dated 16/8/2018

Drawing No. DA2210, Revision H, prepared by CMK Design Studio, dated 16/8/2018

Drawing No. 3004, Revision A, prepared by CMK Design Studio, dated 12/6/2018

Drawing Nos. DA3100, DA3101 and DA3102, all Revision D, prepared by CMK Design Studio, dated 12/6/2018

Drawing Nos. DA3103 and DA3104, all Revision E, prepared by CMK Design Studio, dated 12/6/2018

Drawing No. DA3201, Revision E, prepared by CMK Design Studio, dated 29/6/2018

Drawing No. DA3202, Revision G, prepared by CMK Design Studio, dated 29/6/2018

Drawing No. DA8201, Revision D, prepared by CMK Design Studio, dated 14/5/2018

Drawing No. DA8202, DA8203 and DA8205, all Revision C, prepared by CMK Design Studio, dated 12/6/2018

Drawing No. DA8204, Revision B, prepared by CMK Design Studio, dated 17/11/2017

Landscape Plans

Drawing Nos. 105-113, all Issue D, prepared by Arcadia Landscape Architecture, dated June 2018

Drawing Nos. 200-205, 207, 209 and 216, all Issue D, prepared by Arcadia Landscape Architecture, dated June 2018

Engineering Works Plans

Drawing Nos. H000, H101-H111 and SW001, all Revision B, prepared by Glenn Haig & Partners, dated 31.06.18

BASIX Certificates

BASIX Report Rev 7 prepared by Wood & Grieve Engineers, dated 8/8/2018

Certificates 877810M_03 and 658364M_05

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

2. This development consent amends Development Consent DA 2015/100 and the approved plans and conditions of consent supersede and override Development Consent DA 2015/100 to the extent of any inconsistencies.

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

3. 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 4.19 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 that the form of the development undertaken is in accordance with the determination of Council.)

4. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

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

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

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

Special Conditions

7. Amended architectural plans are to be provided for approval with the Construction Certificate, incorporating the following changes:

- (a) The deletion of Level 9 within Building B, and the rooftop private open courtyards and associated access and structures, reducing the height of the development to a maximum of RL 54.1m. The lift overrun is to be reduced in height to no greater than RL 57.7m.
- (b) Changes to Level 10 of Building B to remove the stair access from the apartments to the roof top and provision of a single access to the roof top for maintenance only from one of the communal stairs.
- (c) The redesign of Apartment B707 by the deletion of one of the bathrooms (ie to become a two bedroom, one bathroom apartment), ensuring the living room and bedrooms meet the minimum dimension and/or arear requirements of the Apartment Design Guide.
- (d) The bin storage area within Basement 01 shall be redesigned to provide for the following:
 - Domestic Waste – 32 x 660L mobile bins.
 - Domestic Recycling – 88 x 240L mobile bins.
- (e) The physical separation of the visitor and resident parking by way of a boom gate or the like.
- (f) The provision of fixed privacy screens to a minimum height of 1.5m in the following locations:
 - i. The southern side of the balcony/ies to the bedrooms of Apartments B109, B209 (south-western bedroom only), B309 (south-western bedroom only), B409 (south-western bedroom only),
 - ii. The southern side of the balcony off the bedrooms to Apartment B809, and
 - iii. The southern side of the balcony off the south-eastern bedroom of Apartment 810.
- (e) The provision of operable privacy screens to a minimum height of 1.5m in the following locations:
 - i. The southern side of the balcony off the bedrooms of Apartment 907
- (f) The balconies for Apartments A201, A211, A302, A311, A401, A411, B801 and B810 shall have a minimum depth of 2m measured to the inside of the balustrade.
- (g) Details of the provision of storage for each apartment shall be provided showing a minimum provision as follows, with at least 50% to be provided in the apartment (excluding wardrobes and kitchen and bathroom storage) - Studio: 4m³, 1 bed: 6m³, 2 bed: 8m³, 3 bed: 10m³.
- (h) A screened area shall be provided on the balcony of each apartment for clothes drying.
- (i) Cross ventilation is to be provided for all single aspect apartments in accordance with the letter from Epic Air, dated 20 August 2018.
- (j) The following accessible parking spaces shall be relocated to be within 30m of the easternmost lift of Building B:

- i. Two accessible spaces on Basement Level 01 to the immediate west of the access ramp; and
- ii. One accessible space located adjacent to the car was bay.

(Reason: To achieve compliance with the requirements of the ADG.)

8. Amended landscape plans are to be provided for approval with the Construction Certificate, demonstrating the following:

- (a) The planter boxes shown on the approved plans for the balconies to Apartments B209 (south-eastern bedroom only), B309 (south-eastern bedroom only), B409 (south-eastern bedroom only), B509 (south-eastern bedroom only), B609 (south-eastern bedroom only), B708 (eastern side of southern balcony) A502 (northern balcony), A602 (northern side of balcony), A701 (northern side of balcony), A801 (northern side of balcony) shall be detailed in the landscape plans and include automated watering systems.
- (b) All above ground planter boxes and communal open space areas are to be provided with an automated watering system.
- (c) The front and boundary fences are to be 1.8m in height.

(Reason: To achieve compliance with the requirements of the ADG.)

9. Any community title and/or strata subdivision of the proposed development shall be the subject of a separate application. The allocation of parking in any such subdivisions are to be consistent with the conditions of this consent.

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

10. **Prior to the issue of any Occupation Certificate**, an easement for use and access to the hardcourt and the communal open space located at the north-eastern corner of the site shall be prepared in favour of the allotments of land identified as Lots 2-19, 22-34 and 37-53 in DP 271102 permitting access to, and use of, the communal open space by the occupants and guests of all townhouses. Details of the registration of the easement with LPI are to be provided to Council and the Principal Certifying Authority **prior to the issue of any Occupation Certificate**.

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

11. The communal open space on the roof and the ground level communal open space within Building A shall be available for use by the residents and guests of Buildings A and B.

(Reason: To achieve compliance with the requirements of the ADG.)

12. Accessible and functional bicycle storage shall be provided within the basement for use by residents and visitors to the site **prior to the issue of any Occupation Certificate for the Residential Flat Buildings**.

(Reason: To achieve compliance with the requirements of the ADG.)

13. 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).

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

(Reason: To achieve compliance with the requirements of the ADG.)

14. **Prior to the issue of any Occupation Certificate for the Residential Flat Buildings** the Principal Certifying Authority shall be satisfied that all building works, infrastructure and landscaping works identified within this consent have been completed and all conditions of consent have been satisfied.

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

General

15. For residential flat developments which are subject to State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Flat Development and required to be accompanied by a design verification from a qualified designer under Clause 50(1A) of the Environmental Planning and Assessment Act Regulation 2000, a certifying authority must not issue:
- (a) a **Construction Certificate** unless the certifying authority has received a design verification statement from a qualified designer that verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 143A of the Regulations; and
 - (b) an **Occupation Certificate** to authorise a person to commence occupation or use of the residential flat building unless the certifying authority has received a design verification statement from a qualified designer that verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 154A of the Regulations.

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

16. A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/Council-controlled areas. The permit must be retained on site at all times.

(Reason: Council requirement.)

17. **Prior to the issue of a Construction Certificate**, photographs documenting any existing damage to the kerb and gutter and footpaths adjacent to the property shall be submitted to the consent authority. In the absence of this documentation, the applicant is liable for all damage that occurs to Councils' assets.

(Reason: Council requirement.)

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

19. Storage of goods or the use of portable clotheslines on balconies visible from a public place is strictly prohibited.

(Reason: residential amenity.)

20. All exhaust and other emissions including noise from the premises shall comply with the provisions of the Protection of the Environment Operations Act 1997 and Regulations.

(Reason: To ensure compliance with statutory provisions.)

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

(Reason: Council requirement.)

22. A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council, prior to the erection or display of any such signs. This does not apply to signs which are classified as being 'exempt development'.

(Reason: Council requirement.)

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

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

- i) Detailed information on any approvals required from other authorities prior to or during construction.
- ii) 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.
- iii) 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.
- iv) 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.
- v) 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.
- vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- vii) 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.
- viii) 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.)

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

Provision of Community Facilities	\$ 371,873.71
Provision of Major Open Space	\$1,691,914.02
Provision of Local Open Space	\$ 579,855.77
Provision Roads and traffic Management	\$ 102,384.47
Administration	\$ 32,065.76
TOTAL	\$2,778,093.72

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

(Reason: Council requirement.)

25. A security payment of \$8,127.00 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	\$8,000.00
Non-refundable administration fee (\$127/bd)	\$127.00
TOTAL	\$8,127.00

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

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

(Reason: Council requirement.)

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

Any re-inspection which is necessary due to site access not being available, defective work, or the matter not being ready for inspection will be charged in accordance with Council's Fees and Charges Policy. Council will advise in writing if an additional re-inspection is required and the re-inspection fee shall be paid **prior to release of the**

damage deposit. If the additional fee is not paid it will be deducted from the damage deposit.

(Reason: Council requirement.)

Parking/Traffic Matters

27. A minimum of **(260)** car parking spaces are to be provided within the basement and are to be allocated on the following basis:

1 bed apartments	1 space
2 bed apartments	minimum 1 space, maximum 2 spaces
3 bed apartments	2 spaces
Visitors	35 (including 1 accessible space)
Accessible spaces	1 per adaptable apartment (total of 28) plus 1 visitor space
Café	1

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

The accessible parking spaces are to be allocated closest to the lift core to provide access to the relevant adaptable apartment.

(Reason: ADG Compliance.)

34. Details demonstrating compliance with the following is to be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate:

- 1) Minimal internal clearance of the basement is 2.2m in accordance with BCA requirements.
- 2) Driveways shall comply with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and achieve a maximum gradient of 1:4.
- 3) Basement entries and ramps/driveways within the property are to be no more than 3.5m wide.
- 4) Provision of pump-out systems and stormwater prevention shall be in accordance with Council's Stormwater Management Guide.

(Reason: Compliance with regulations.)

35. Twenty-nine (29) of the car parking spaces (28 residential and 1 visitor space) provided as part of the total requirement shall be reserved for disabled persons. These spaces shall be a minimum of 2.4m wide x 5.4m long and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked as such. A shared area 2.4 m wide x 5.4m long shared area should be provided. Bollard shall be placed in this shared area.

Car parking for people with disabilities shall be provided in accordance with the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*. Prior to the issue of a Construction Certificate, the plans shall be notated to demonstrate compliance.

The above details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: ADG Compliance.)

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

- 1) 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.
- 2) 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.
- 3) 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.
- 4) Location of verge trees, street furniture and service installations.
- 5) Superimposition of vehicle turning circles for access into parking spaces.
- 6) 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: Compliance with regulations.)

37. 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: Compliance with regulations.)

38. The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with the Roads and Traffic Authority Guidelines and AS/NZS 2890.1:2004 - Off-Street Car Parking Code.

Vehicular manoeuvring paths are to be prepared demonstrating that all vehicles can enter or depart the site in a forward direction without encroaching on required car parking spaces.

(Reason: Compliance with regulations.)

39. The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m

splay to allow the passing to work. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior the issue of a Construction Certificate.

(Reason: Compliance with regulations.)

40. A sign shall be erected in a suitable location on the site advising that parking is available for visitors.

(Reason: Compliance with Council requirements.)

41. The entry point to the basement carpark area shall be fitted with security gates/shutter to control the entry and exit of vehicles to and from the basement. Any security gates/shutter shall be designed in order to ensure it is able to be opened remotely by occupants of the building.

(Reason: Compliance with Council requirements.)

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

(Reason: Compliance with Council requirements.)

43. All vehicles entering and leaving the site shall be driven in a forward direction only.

(Reason: Compliance with Council requirements.)

44. All driveways shall be separated from landscaped areas by a minimum 150mm high concrete kerb or similar.

(Reason: Compliance with Council requirements.)

45. The vehicle spaces must not be enclosed with walls or meshed security screens.

(Reason: Compliance with Council requirements.)

46. The footpath, kerb and gutter shall be reconstructed to Council's specifications for the full frontage of the development site **prior to the issue of an Occupation Certificate.**

(Reason: Compliance with Council requirements.)

47. One (1) car wash bay shall be provided within the basement for use by residents. This car wash bay shall be drained in accordance with the requirements of Sydney Water.

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

(Reason: Compliance with Council requirements.)

48. 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: Compliance with Council requirements.)

49. 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: Compliance with Council requirements.)

50. Works Permit
(as per Section 68 of the Local Government Act 1993 and Section 138 and 139 of the Roads Act 1993)

A Works Permit is required for construction of a vehicular crossing (driveway), new stormwater down pipe connection to kerb and gutter, new footpath and/or stormwater connection. A Works Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Standing Plant Permit

This permit must be applied for where it is intended to park a concrete pump, crane or other plant on the roadway or footpath. A Standing Plant Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

Skip Bin Permit

This permit must be applied for if you intend to place a skip bin on the roadway or footpath. A Skip Bin Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Temporary Full or Part Road Closure Permit

This permit must be applied for if you require a full or a part road closure to take place to assist in your construction works. Please use the Works Permit Application Form, which is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

Hoarding/Fencing Permit

This permit must be applied for if you intend to erect a Class A (fence type) or Class B (overhead type) hoarding/fencing along the street frontage(s). A Hoarding Permit Application Form is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Work Zone Permit

This permit must be applied for if you require permanent parking along the kerbside at the front of the site during construction works. A Work Zone Permit Application Form is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Ground Anchoring Permit

This permit must be applied for, for the installation of ground anchors under Council's footway/road reserve. It does not cover ground anchors under private properties. A separate approval is required to be obtained from Roads and Maritime Services (RMS) if it is proposed to install ground anchors under a State or Classified Regional Road (please refer to the end of this application form for more information).

(Reason: Compliance with Council requirements.)

51. All loading and unloading operations including fork lift trucks or other similar loading, lifting and/or carrying appliances used in conjunction with the premises, shall be carried out wholly within the boundaries of the site, at all times. There shall be no obstruction of any public roadway or footway at any time, without the prior notification.

(Reason: Compliance with Council requirements.)

52. 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 Council requirements.)

Drainage/Stormwater

53. 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: Compliance and amenity.)

54. 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.)

55. 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: Compliance and amenity.)

56. Where elements of the existing drainage system are to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be removed, not flushed from the system.

A certificate shall be provided by a suitably qualified person (a registered plumber or a person of equivalent or greater experience or qualification) to the satisfaction of the Principal Certifying Authority, prior to the issue of any Occupation Certificate to confirm that the system is in good working order and adequate to accept additional flows having regard to any relevant standards and/or Sydney Water requirements.

(Reason: Compliance and amenity.)

57. 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: Compliance with Council requirements.)

58. 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 88E and/or 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: Compliance with Council requirements.)

59. 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: Compliance with Council requirements.)

Public Authority Matters

60. **Prior to the issue of an Occupation Certificate** all existing overhead electricity and telecommunication cabling adjacent to the development site shall be placed underground at the applicants' expense in accordance with the specifications of ausgrid and the telecommunications supplier and the following requirements:

- (a) Where the property is located on the **opposite side of the street** to the main power lines and telecommunication cables, the services are to be placed underground from the development site to the nearest location on the opposite side of the street for connection to the existing mains supply as directed by ausgrid and the telecommunications carrier. The method of construction across the road carriageway shall be by directional boring beneath the road pavement; **OR**
- (b) Where the property is located on the **same side of the street** as the main overhead power lines and telecommunication cables, all services are to be placed underground for the full length of the frontage of the site. Any overhead powerlines and telecommunication cables that cross the road from the development site must also be placed underground and the cabling installed and distributed to properties in accordance with ausgrid and the telecommunications carriers' requirements.

(Reason: Compliance and amenity.)

61. Any disturbance to public land as a result of the undergrounding of services shall be restored at no cost to Council.

(Reason: Compliance and amenity.)

62. 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: Compliance and amenity.)

63. Where undergrounding services, a plan indicating the depth and location of all services (i.e., gas, water sewer, electricity, telecommunication, traffic lights, etc) within the area

affected by the development shall be submitted to Council **prior to the issue of a Construction Certificate.**

(Reason: Compliance and amenity.)

64. 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 and amenity.)

Landscaping/Tree Matters

65. 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: To ensure the survival of trees to be retained.)

66. As part of the on-going assessment of the tree/s to be retained, the consulting arborist engaged by the applicant is to assess their health and any impacts suffered by them as a result of the proposed approved development, prior to the issue of an Occupation Certificate. Findings are to be compiled in a detailed report and submitted to the Principle Certifying Authority, which documents the following:

- i. methods of excavation or construction used to carry out the works;
- ii. any damage sustained by the tree/s as a result of the works;
- iii. any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage; and
- iv. any future or on-going remedial work required to be carried out to ensure the long term retention of the tree/s.

(Reason: To ensure the survival of trees to be retained.)

67. Prior to the issue of the Occupation Certificate an AQF Level 5 Landscape Designer, or Landscape Architect, is to certify that all landscape works and tree planting has been carried out in accordance with the approved landscape design and conditions of development consent. Additionally the certification is to include a statement that all plants are healthy and that the landscaped areas are well maintained, safe and free of biosecurity issues (pests, diseases and weeds).

(Reason: To ensure the survival of trees to be retained.)

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

(Reason: To ensure appropriate landscape maintenance.)

69. General maintenance of Council's nature strip adjoining the development site, including regular lawn mowing, edging, irrigation of the lawn and street trees and restricting the storage of materials, rubbish and parking or driving of vehicles on the nature strip, must be carried out during the full period of all approved works (including any demolition and excavation).

(Reason: To ensure appropriate landscape maintenance.)

70. Manual excavation and manual sawing of all roots is required within the TPZ of trees to be retained.

(Reason: To ensure the landscape character of the locality is maintained.)

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

(Reason: To ensure the landscape character of the locality is maintained.)

72. The applicant and property owner/s are to maintain and enhance the completed landscape works in all private and strata areas, in accordance with the approved landscape design and conditions of development (inclusive of the maintenance and protection of all retained and planted trees).

In this regard the applicant is to provide an annual statement to Council, on or by the 1 July of each calendar year, for the first 5 years after the issue of the occupation certificate, from an AQF Level 5 Landscape Designer or Landscape Architect certifying that;

- All plants (including planted and retained trees) are in a healthy safe condition.
- The turf areas are well maintained.
- The landscaped area is free of all notifiable weeds, pests and diseases as detailed in the NSW Biosecurity Act 2015.
- The landscaped area is free of hazards.
- The mulched areas are well maintained.
- The irrigation systems, sub soil drainage and lighting systems are in a good condition and operating according to both design and manufacturers specifications.
- That all missing plants have been replaced and are establishing well.

This annual statement shall also include reports and information from relevant expert consultants, in support of the statements made and as evidence of proof, in the annual statement.

(Reason: To ensure the landscape character of the locality is maintained.)

Construction Matters

73. The proposed development shall comply with the National Construction Code and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.**
- (Reason: To comply with relevant standards.)
74. Footings shall be designed in accordance with the soil classification of H, or Highly Reactive (unless determined to the contrary by a suitably qualified person).
- (Reason: To comply with relevant standards.)
75. If the soil conditions require it retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.
- (Reason: To comply with relevant standards.)
76. The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.
- (Reason: To comply with relevant standards.)
77. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.
- (Reason: To comply with relevant standards.)
78. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
- (Reason: To comply with relevant standards.)
79. 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 comply with relevant standards.)
80. 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.

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: To comply with relevant standards.)

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

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

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

Excavation, retention, underpinning and construction must be undertaken onsite by an excavation contractor with specialist excavation experience. A suitably qualified geotechnical engineer, specialising in excavation must supervise the excavation procedure.

(Reason: To comply with relevant standards.)

82. The owners of the adjoining allotments of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

(Reason: To comply with relevant standards.)

83. The common access pathways, letterboxes and entry doorways to the building shall be provided with suitable low level artificial lighting systems to ensure safe and convenient access at night. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

(Reason: To comply with relevant standards.)

84. To maintain pedestrian safety in common areas suitable lighting is to be provided on the development site adjoining each street frontage and near pedestrian main entrances to the site. Details shall be submitted and approved by the Principal Certifying Authority **prior to the installation** thereof.

(Reason: To protect amenity and safety.)

85. 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.

Pruning of the branches and roots of Council trees is prohibited unless approved by Council in writing.

All Council trees are to be protected in accordance with Australian Standard AS4970 - 2009 , Protection of Trees on Development Sites.

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 86 Centenary Drive 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: Council requirement.)

86. 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: Council requirement.)

87. Certification shall be obtained from a registered surveyor at the following stage(s) of construction confirming that the building has been constructed in accordance with the approved plans including any approved amendments (S.96 approvals) and plans and details required by Council as conditions of development consent:

- (a) footings excavation prior to placement of concrete;
- (b) basement level prior to placement of concrete or pavement;
- (c) ground floor and first floor levels;
- (d) roof ridge height;

- (e) all floors of the building, roof eaves and all roof ridges;
- (f) wall setbacks from property boundaries and street alignment;
- (g) dimensions and areas of balconies/courtyards;
- (h) vehicular ramp gradients.

Copies of the surveyor's certificates must be submitted to and accepted by Council at the stages nominated above.

(Reason: Council requirement.)

Building Matters

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

At some future point, if it is proposed to strata subdivide the building, the lot numbers and unit numbers shall be the same as those nominated on the approved plans and be in accordance with Council's requirements. For strata subdivision, parking spaces shall have the same lot number as the residential portion and shall not be numbered separately.

(Reason: Council requirement.)

Sustainability

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

- (a) Toilet flushing;
- (b) Clothes washing;
- (c) Garden irrigation;
- (d) Car washing and similar outdoor uses;
- (e) Filling swimming pools, spa pools and ornamental ponds; and
- (f) Fire fighting.

(Reason: To promote sustainable water management practice.)

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

(Reason: To maintain streetscape character.)

Fire Safety Measures

91. Upon completion of works a final fire safety certificate is to be issued from a properly qualified person in respect of each essential fire safety measure installed within the building and specified in the fire safety schedule. The final fire safety certificate shall be provided **prior to the issue of an Occupation Certificate.**

(Reason: Fire safety and statutory requirement.)

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

(Reason: Fire safety and statutory requirement.)

Disabled Access

93. Car parking spaces for persons with disabilities shall be provided in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

(Reason: Disabled access)

94. 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*. Prior to the issue of a Construction Certificate, plans shall be notated demonstrating compliance, and approved by the Principal Certifying Authority

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: Disabled access)

Waste Management

95. Provide council with an updated copy of the waste management plan as designed in accordance with relevant sections of part H of the DCP.

(Reason: To ensure appropriate management of waste.)

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

(Reason: To ensure appropriate management of waste.)

97. Waste and storage rooms must meet all of the following conditions
- a) The waste and recycling storage room must be of adequate dimensions to comfortably accommodate the required number of waste and recycling bins

- 240L bin must have 1.1m² of space per bin
- 660L bin must have 2.03m² of space per bin
- b) The layout of the waste and recycling storage room must allow easy unobstructed access to all bins (stacked bin arrangements are not acceptable) and allow the bins to be easily removed for servicing purposes.
- c) A smooth concrete floor graded and drained to a floor waste connected to the sewer of the Water Board.
- d) The walls being cement rendered with the intersection of the walls and floor being coved to a radius of not less than 25mm.
- e) The door being close fitting to prevent the access of rats and mice.
- f) A cold water hose cock being provided for the cleaning of containers and the room itself.
- g) Ventilation being provided by means of direct connection to the outside air to the satisfaction of Council.
- h) The ceiling of all waste storage rooms must be constructed of a rigid smooth faced non-absorbent material. The ceiling must be of a minimum height that enables access for use, cleaning and enables the lids of bins to be fully opened.
- i) A sign, minimum size 600mm x 600mm, directing residents not to place recyclables in garbage carts and encouraging residents to recycle. Sample artwork and signs available from Council.
- j) Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities.
- k) A caretaker or individual(s) shall be nominated as being responsible for transferring the bins to the collection point and back into the waste storage room/area.

(Reason: To ensure appropriate management of waste.)

98. On site waste and recycling collection is to be provided, all onsite collection areas must meet the following conditions

- a) Minimum vehicle access and standing area dimensions:
 - Width 3.6m
 - Height 3.6m
 - Length 12.5m
 - Path of travel of waste collection vehicle must be identified on plans; ensure turning circle, height and width requirements are met throughout entire path of travel.
- b) Waste collection area must have room for **all waste receptacles and the waste collection vehicle.**

c) Underground collection

- A waste collection point is to be provided within the first level of the basement.
- Vehicles must enter and exit the site in a forward direction.
- Collection area can be a loading dock or specialised waste collection area.

d) Collection vehicles must not impede access to, within or from the site for other users.

e) The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area) should be clearly identified.

f) The waste collection point shall be no more than 15m from the property boundary at the street.

g) There should be convenient and step free access between the waste storage room/area and the collection point.

h) The collection area must be designed so that the bin standing area, and the standing area for the vehicle, is level.

i) The collection area must be designed so that there is sufficient room for the standing and maneuvering of all waste receptacles as well as standing room for the collection vehicle.

j) Any shutter or roller door providing access to the site/waste collection point must be fitted with a master key to Council's requirements to allow access.

(Reason: To ensure appropriate management of waste.)

99. A store room for storage of bulky household waste such as lounges is to be provided which meet the following conditions

- a) Bulky waste rooms/areas must be a minimum of 4m² per 10 dwellings.
- b) Bulky waste (Clean Up) rooms/areas should be located adjacent to waste and recycling storage rooms.

(Reason: To ensure appropriate management of waste.)

100. **Waste Service Rooms or Compartments**

- a) Each service room/compartment must be located for convenient access by users and must be well ventilated and well lit.
- b) Each service room/compartment must include a chute for recycling or space for bins/crates for the reception of recyclable materials within 2m of garbage chute.
- c) The floors, walls and ceilings of the service rooms/compartments must be finished with smooth impervious materials that are capable of being easily cleaned.

- d) The service rooms/compartments must contain clear signage that describes the types of wastes that can be deposited into the garbage chute and the types of wastes which should be deposited into the recycling bins or crates.

(Reason: To ensure appropriate management of waste.)

Land Contamination

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

(Reason: To ensure appropriate fill materials are used.)

Food Premises

102. The construction and fit-out of the food premises must comply with the following:
- iii) The Food Act 2003;
 - iv) Food Regulation 2015;
 - v) Australia and New Zealand Food Standards Code;
 - vi) Australian Standard AS 4674 – 2004 (Design, construction and fit-out of a food premises); and
 - vii) The Building Code of Australia.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval, prior to any occupation of the premises.

(Reason: Compliance with food premises legislation and standards.)

103. The ongoing operation and fit out of the premises must be maintained in accordance with the following requirements:
- i) Food Act 2003;
 - ii) Food Regulations 2004;
 - iii) Australian Standard AS4674-2004: Construction and fit out of food premises;
 - iv) Australia and New Zealand Food Standards Code 3.2.3: Food Premises and Equipment; and
 - v) Australia and New Zealand Food Standards Code 3.2.2: Food Safety Practices and General Requirements.

(Reason: Compliance with food premises legislation and standards.)

Hoardings

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

(Reasons: Statutory requirement and health and safety.)

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

(Reasons: Statutory requirement and health and safety.)

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

(Reasons: Statutory requirement and health and safety.)

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

(Reasons: Statutory requirement and health and safety.)

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

(Reasons: Statutory requirement and health and safety.)

109. Permits are required to erect Class 'A' or 'B' type hoardings. If any type hoarding is to occupy a section of Council's property, that section will require a permit for the occupation of Council's property. The applicant, owner, builder or site supervisor must apply for specific permits. The application form is available from Council's Customer Service Department.

(Reasons: Statutory requirement and health and safety.)

Acoustic

110. The acoustic report prepared by Wood & Greive Engineering, dated 13/11/2017, shall be updated to address the approved plans, with recommended glazing requirements to be annotated on the Construction Certificate plans prior to release of the construction certificate. A suitably qualified Acoustic Engineer shall, prior to the issue of an Occupation Certificate, certify that the buildings have been constructed in accordance with the minimum recommendations of the endorsed Acoustic Report and the requirements of Clause 102 of SEPP (Infrastructure) 2007 to ensure that the following LAeq levels are not exceeded:

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

(Reasons: Statutory requirement and health and safety.)

111. Air Conditioning plant and ventilation details shall be submitted to a suitable Acoustic Consultant for review. A supplementary acoustic report shall be prepared and submitted to the Principal Certifying Authority for review and any recommendations shall be incorporated into architectural plans **prior to the issue of a Construction Certificate.**

(Reasons: Statutory requirement and health and safety.)

BASIX

112. 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 4.55 of the Environmental Planning and Assessment Act 1979.

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

(Reasons: Statutory requirement .)

Office of Water General Terms of Approval

Prior to Construction

113. 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 a report provided to the Consent Authority prior to the commencement of construction.

(Reasons: Requirement of Office of Water.)

Requirements for dealing with groundwater during excavation

114. If for any reason the take of groundwater during construction is expected to exceed 3ML in a 12 month period, then an authorisation shall be obtained for the take of groundwater as part of the activity.

(Reasons: Requirement of Office of Water.)

115. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application.

(Reasons: Requirement of Office of Water.)

Requirements for dealing with the on-going take of groundwater post-construction

116. Monitoring (measurement and recording) of discharge volumes arising from groundwater extraction must be undertaken on a monthly basis for the life of the building using a method compliant with the NSW Water Extraction Monitoring Policy; (e.g. pumping diary, pump revolution meter, operating hour meter, electricity meter or flow meter). The design of the drainage system to isolate groundwater inflows from other sources is the responsibility of the proponent of the development (i.e. the developer).

(Reasons: Requirement of Office of Water.)

117. Such records are to be maintained by the building management for the life of the development to demonstrate the negligible take of groundwater. Where sump pumps have not been operated during the calendar month this must nevertheless be identified in the monitoring record (e.g. as a 'nil' entry). Should the annual take of groundwater exceed 2.5 ML DPI Water should be contacted for advice.

(Reasons: Requirement of Office of Water.)

Roads and Maritime Service Conditions

118. RMS has previously resumed & dedicated a strip of land as road along the Centenary Drive frontage of the subject property, as shown by grey colour on the attached aerial — "X".

Therefore there are no objections to the development proposal on property grounds

provided all buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Centenary Drive boundary.

(Reasons: Requirement of RMS.)

119. 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 Centenary Drive.

(Reasons: Requirement of RMS.)

120. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Centenary Drive during construction activities.

(Reasons: Requirement of RMS.)

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

Details should be forwarded to:

Sydney Asset Management
Roads and Maritime Services
PO BOX 973 Parramatta CBD 2124

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

(Reasons: Requirement of RMS.)

122. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

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

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway

is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

(Reasons: Requirement of RMS.)

LIST OF ATTACHMENTS

- 1. Notification Map**
- 2. Site plans and elevations.**