

COUNCIL ADDENDUM ASSESSMENT REPORT

Panel Reference	2017SCL070
DA Number	DA2017/168
LGA	Strathfield
Proposed Development	Construction of two apartment buildings and a café with ancillary civil works and landscaping
Street Address	86 centenary Drive Strathfield – Lot 3012 in DP 1233238
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"> Addendum Report
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> Addendum Report
Report prepared by	Kerry Gordon – Consultant Town Planner
Report date	26 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)? N/A
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:	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

DEFERRAL BY SYDNEY EASTERN PLANNING PANEL

An assessment report in relation to this matter was considered by the Sydney Eastern Planning Panel on 18 September 2018. The Panel deferred the application as follows:

The Panel agreed to defer the determination of the matter until a revised Clause 4.6 variation request for breach of the height control to the development is submitted to Council for assessment.

The Panel was of the view that there was merit in the recommendation of the planning assessment report to remove one level of building B (condition 7a). However, in the absence of a well-founded Clause 4.6 variation request, the Panel has no power to approve the amended proposal. In regard to the recommendation to delete the private open space on the roof top level of Building B (condition 7b), the Panel is willing to consider the retention of this private open space subject to justification on sufficient environmental planning grounds.

The Applicant is invited to submit a revised Clause 4.6 variation request to the breach of the height control. This revised Clause 4.6 is required to be lodged by 21 September 2018. Council will then consider the Clause 4.6 request and provide a supplementary planning assessment report.

When this information has been received, the Panel will determine the application electronically, unless the Panel chair determines otherwise.

CLAUSE 4.6

In response to the deferral, the Applicant submitted an amended Clause 4.6 variation request seeking to vary the height control at Clause 4.3 of Strathfield Local Environmental Plan 2012. The Clause 4.6 request addresses the development subsequent to the deletion of Level 9 of Building B, but retaining the roof top private open space facilities on that building. With the deletion of Level 9 of Building B, the proposed development seeks to breach the height control of 28m under Clause 4.3 of the LEP by the following amounts:

Building A

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)

Building B

30-31.0m to roof (2-3m breach)
32.8-33.4m to shelter (4.8-5.4m breach)
33.6m to lift (5.6m 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, breaches the height control with the roof breaching by up to 3m, equating to a breach of approximately 1 storey. The structures proposed on the roof are for private courtyards and result in breaches of up to approximately 3.6m for the planter boxes around the private roof terraces, 5.4m for the shelters to the private roof terraces and 5.6m to the lift overrun.

The proposed height breaches are not a result of a breach of the FSR control, with the development being compliant with the control with the deletion of Level 9 of Building B.

The applicant has submitted an amended 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 habitable portions of Building A are contained within the 28m height limit, with the 2.7m or 9.6% variation attributed to the provision of rooftop common open space including stair and lift access and embellishment to enhance amenity such as bathroom facilities, outdoor kitchen, planter boxes, balustrades and shade structures.*
- *The height variation to Building A is justifiable as it provides a rooftop recreation space that will be accessible by all residents of the apartment buildings via lift and stair. Embellishment of the rooftop area with communal kitchen facilities, WC's, balustrades, planter boxes and shade structures will ensure the space is usable by a variety of residents. Providing access to this area will positively contribute to residential amenity and the height variation is in the public interest.*

- *The height variation to Building B is in the public interest as it results from a reconfiguration of the building envelope to increase separation between residential apartments. The variation also provides top floor units with access to rooftop areas of private open space, including lightweight shade structures for added amenity. The additional height does not negatively impact adjoining sites or Building A as additional shadow cast by the ninth storey and rooftop structures is contained to the roadway and driveway entrance to the site.*
- *The additional building height reduces the overlap between Building A and B, reducing overshadowing, overlooking and providing improved separation and outlook.*
- *The provision of private open space on the rooftop will enhance the amenity of top floor apartments by providing additional private recreation spaces for use by residents. As the development provides 66% of the site (4,902 sqm) as common open space, including an expansive rooftop area on Building A, the additional of private rooftop terraces was considered an appropriate use of otherwise vacant rooftop.*
- *The construction of rooftop structures such as shade pergolas by the developer will ensure consistency in design and integration into the overall appearance of the development and will enhance the usability of the rooftop terraces by future residents.*
- *The rooftop area would otherwise be an unused space, which would be a missed opportunity for enhancement to residential amenity.*
- *The rooftop structures are sited such that they are contained within the existing shadow of the building and do not compromise solar access of Building A, the townhouse component of the development or the adjoining school.*
- *The additional height attributed to the rooftop open space comprises lightweight structures which will not contribute to the overall bulk and scale of the building when viewed from the public domain.*
- *There are no adverse environmental impacts associated with the height variation due to the separation to neighbouring properties and the orientation of the site.*
- *The objectives of the height of buildings clause, which seek to maintain compatibility with or improve the appearance of existing area, continue to be satisfied notwithstanding the numeric variation due to the architectural merit of the design.*
- *The proposal presents two modern and well-articulated residential flat buildings that will improve the appearance of the existing area by breaking up views of the elevated road infrastructure and transmission towers. The highly durable materials comprise timber, cream facebrick and concrete framing with vertical cut-out sections and balcony plantings. The building's architecture provides a clearly defined base, middle and top and has a less visually bulky appearance than the existing approved building form on the site.*
- *The proposal does not compromise consolidation patterns in the area, maintaining consistency with objective 4.3(1)(b). Lots to the north and south do not permit the construction of a residential flat buildings and cannot be consolidated with the site under the current land zoning.*
- *Objective 4.3(1)(c), seeking to achieve a diversity of small and large development options remains satisfied notwithstanding the height variation, as the site will continue to incorporate two and three storey townhouses and higher density residential flat buildings.*
- *The height variation will not impact adjoining properties by way of overlooking, overshadowing or view loss.*
- *The 2.7m or 9.6% variation beyond the 28m height limit to Building A is due to the lift overrun and stair providing access to the rooftop open space, which is located centrally to contain the additional shadow within the existing building shadow.*
- *The reduced building footprint and remodulating of the building envelope to Building B improves separation between the residential apartments within the site and provides improved solar access and outlook to the proposed units in Building A.*

- Due to the orientation of the site, the existing building height can be accommodated to Building B without causing additional detrimental shadow impact outside of the site. The shadow impact on the adjoining school and playing fields remains comparable to the previous approval.
- The site is a gateway location on Liverpool Road, at the entrance to the Strathfield locality, and presents an opportunity for a landmark building that delineates the change in urban form. The existing planning controls within Council's LEP already envisage a different urban form on the subject site that is much higher and denser than surrounding development, i.e. the existing height and FSR controls do not call for consistency in built form but instead encourage a landmark building that is taller and denser than surrounding development. The proposal continues to achieve this.
- The building heights can be accommodated without environmental impact and would not appear out of place given the diversity of built form in the area, including unsightly electrical infrastructure and industrial development.

The Clause 4.6 request concludes:

This Clause 4.6 Objection has been updated to reflect the recommended amended building design in the deferral of the Sydney Eastern City Planning Panel on 18 September 2018. The deferral requires the deletion of one residential level from Building B, which reduces the gross floor area to comply with the maximum permitted FSR of 1.2:1 (24,322m²).

The above discussion demonstrates that the 6.65m (23.75%) variation from the maximum 28m height of building standard for Building B and 2.7m (9.6%) for Building A is appropriate in the circumstances of the proposal, subject to the provisions of Clause 4.6 of the SLEP 2012. This Clause 4.6 variation request is well founded as it demonstrates the following:

- Compliance with the height of building development standard is unreasonable or unnecessary as the objectives of the standard can be achieved notwithstanding the numeric non-compliance, thus satisfying the tests developed in *Wehbe v Pittwater Council* [2007] NSW LEC 827 and Clause 4.6(3)(a) of the SLEP 2012;
- There are sufficient environmental planning grounds in accordance with Clause 4.6(3)(b) of the SLEP 2012 to justify the contravention of the height of building standard and the proposed development results in a better outcome for the site, due to improved residential amenity, outlook, increased separation and overshadowing between buildings and access to additional areas of common and private open space, thus satisfying Clause 4.6(3)(b) of the SLEP 2012.
- The development remains consistent with the relevant objectives of the B4 Mixed Use zone, notwithstanding the numeric variation to the building height, in accordance with Clause 4.6(4)(a)(ii) of the SLEP 2012.
- The proposed height variation is in the public interest as it improves residential amenity by increasing building separation, reducing overlooking and overshadowing between the residential flat buildings, providing access to an additional area of common open space on Building A including balustrades and lightweight shade structures and providing additional areas of private open space on Building B.
- The proposed development demonstrates that through the flexible application of the building height development standard, a better planning outcome can be achieved.

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.*

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.

The variation to the height control for Building B in relation to the relocation of the approved floor space to the roof of the building in order to reduce the length of the building overlap with Building A is supported due to the benefits to the amenity of the development by way of improved outlook, privacy and solar access and as the breach does not result in any environmental impacts.

The additional height in excess of the height control for Building B in relation to the rooftop private open space facilities is also supported due to the increase in amenity afforded to the top level apartments and the lack of environmental impacts.

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.*

The applicant's argument that compliance with the standard is unreasonable or unnecessary is accepted due to the development being consistent with the objectives of the control and zone notwithstanding the breach of the control.

There are considered to be sufficient environmental grounds to support the variation due to the compliance of the development with the FSR control and the amenity benefits resultant to the development due to the breaches, along with the lack of environmental impact as a result of the breaches.

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.*

For the reasons previously discussed, it is considered that the variation of the height control to the extent sought for the development is in the public interest. It is not considered that there is a public benefit to ensuring compliance with the height control in this instance.

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. 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 B, on the basis of the following environmental planning grounds:
 - 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 breach for Building B, in part, 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.
 - iii. The breach for Building B, in part, results from the provision of private open space facilities on the roof which will greatly improve the amenity of the top floor apartments without unacceptable environmental impact.
 - iv. The development will comply with the objectives of the control and the zone notwithstanding the breach of the height control.
 - v. There are considered to be sufficient environmental grounds to support the variation due to the compliance of the development with the FSR control and the amenity benefits resultant to the development due to the breaches, along with the lack of environmental impact as a result of the breaches.
2. The proposal, with the deletion of Level 9 of Building B, will be compliant with the FSR control contained in Clause 4.4 of Strathfield Local Environmental Plan 2012.
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

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.

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.

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.

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 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.

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.

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, with commensurate reduction in the height of the building.
 - (b) 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.
 - (c) 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.
 - (d) The physical separation of the visitor and resident parking by way of a boom gate or the like.
 - (e) 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.
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.
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.

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**.
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.
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**.
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**.
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.

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

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'.
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.

Financial Matters

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.

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.
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.

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.

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.

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.

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'.

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.
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.

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.
40. A sign shall be erected in a suitable location on the site advising that parking is available for visitors.
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.
42. The entry and exit driveways shall be suitably signposted and directional arrows shall be painted on the internal roadway.
43. All vehicles entering and leaving the site shall be driven in a forward direction only.
44. All driveways shall be separated from landscaped areas by a minimum 150mm high concrete kerb or similar.
45. The vehicle spaces must not be enclosed with walls or meshed security screens.
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**.

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.

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.

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.

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).

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.
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.

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.
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.
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 SCDGP 2005, and be prepared by a suitably qualified professional engineer.

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.

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.

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.

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.

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

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
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.
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).
68. All noxious weeds on the site shall be removed and destroyed as per their classification under the *Noxious Weeds Act* 1993.
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).
70. Manual excavation and manual sawing of all roots is required within the TPZ of trees to be retained.
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.
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.

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.**
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).
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.
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.
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.
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.
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.

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.

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.

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.
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.**

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.

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.

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.
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.

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.

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.
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.**

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.**
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.

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.**

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.

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.
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.
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.

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.

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.

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.

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.

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.

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.

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

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.
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.

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.
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.**

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.

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.

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

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).
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.

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.

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.

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.
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.

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.

LIST OF ATTACHMENTS

1. **Assessment report to Panel meeting of 12 September**
2. **Clause 4.6 variation request**