

COUNCIL ASSESSMENT REPORT

Panel Reference	2019EC1010
DA Number	DA2016/017/02
LGA	Strathfield Council
Proposed Development	Section 4.55(2) of the Environmental Planning & Assessment Act 1979 and involves modification of the approved mixed use building by way addition of one (1) storey to Building A and part of Building B, comprising five (5) additional apartments; splitting and reconfiguration of apartments located at the eastern aspect of Levels 2 and 3, resulting in an additional two (2) apartments; and addition of six (6) resident and two (2) visitor car parking spaces across Levels B1 and B2.
Street Address	27-35 Punchbowl Road, Belfield
Applicant/Owner	Gazcorp Pty Ltd
Date of DA lodgement	22 November 2018
Number of Submissions	Nil
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	General development with a capital investment value of more than \$30 million
List of all relevant s4.15(1)(a) matters	<p>State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</p> <ul style="list-style-type: none"> • Apartment Design Guide <p>Strathfield Local Environmental Plan 2012 Strathfield Indirect Section 94 Contribution Plan Strathfield Consolidated Development Control Plan 2005</p> <ul style="list-style-type: none"> • Part C – Multiple- Unit Housing • Part H – Waste Minimisation and Management Plan • Part L – Notification
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Architectural Plans • Urban Design Statement • Design Verification Statement • Access Compliance Report • Traffic and Car Parking Statement • Streetscape Study • Statement of Environmental Effects • Applicant's Legal Opinion • BASIX Certificate • BASIX Assessment Report • BASIX Thermal Commitments • Assessment Report and Notice of Determination DA2016/017 • Assessment Report and Notice of Determination DA 2016/017/01
Report prepared by	Stephen Clements

Report date	December 2019
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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? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**

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	27-35 Punchbowl Road, Belfield Lot 10 in DP 592982
DA No.:	2017/017/02
Owner:	Belfied Village Investments Pty Ltd
Applicant:	Gazcorp Pty Ltd
Proposal:	Section 4.55(2) modification application to construct an additional level to Building A and part Building B and reconfiguration of apartments incorporating seven (7) additional units and eight (8) additional basement carparking spaces.
Notification period:	29 November 2018 to 24 December 2018
Submissions received:	Nil
Assessment officer:	Stephen Clements – Deputy CEO, GM Planning, Environment & Urban Services
Zoning:	B2 Local Centre – SLEP 2012
Heritage:	No
Flood affected:	Yes
RECOMMENDATION:	APPROVAL

EXECUTIVE SUMMARY

The modification application seeks to construct an additional level to Building A and part of Building B, and reconfigure existing apartments to provide an additional seven (7) apartments and eight (8) additional car parking spaces to an approved mixed use building.

The application was notified in accordance with the requirements of Part L of the Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005) and no submissions were received.

Whilst the additional storey to Building A and part of Building B does not comply with the maximum building height prescribed under the Strathfield Local Environmental Plan 2012 (SLEP 2012) it does not result in an any increase height variation to what was approved under the development consent. It is considered to be a reasonable and appropriate design response to the approved development currently under construction on the western adjoining site, No 37-39 Punchbowl Road, Belfield and 90 Water Street (which was approved with a building height non-compliance to SLEP 2012). The additional storey will provide a suitable building height transition from the neighbouring site to the subject site and will reduce the extent of the side blank wall of the neighbouring development which will be visible from the street scene.

The additional and reconfigured apartments provide good internal amenity quality for the future occupiers. These apartments are adequately sized, incorporate private open space, and achieve adequate cross-ventilation and solar access when considered with the entirety of the scheme.

The proposed modification is anticipated to result in a negligible increase in traffic to/from the site considering the development which has already been approved. The modification involves a reconfiguration of the existing basement to accommodate an additional seven (8) eight car parking spaces, and overall the car parking provision is compliant with relevant development controls.

Overall, the development as modified is considered to result in a well-proportioned building which responds to the context of the surrounding area, including more recently approved development. The development as modified is unlikely to result in any significant amenity impacts to neighbouring properties, nor adverse impacts on the surrounding traffic. Therefore, the subject application is recommended for approval.

DESCRIPTION OF THE SITE AND LOCALITY

The site is located on the northern side of Punchbowl Road and is comprised of one allotment of land, being Lot 10 in DP 592982 and is known as 27-35 Punchbowl Road, Belfield (Figure 1). The site has an irregular “T” shape with the “T-head” adjoining Punchbowl Road. The site has an irregular frontage to Punchbowl Road of 81.96m, with the irregularity due to the majority of the site having provided a dedication for road widening in the past with the exception of a 15.24m wide portion at the south-west corner of the site. The site has a rear boundary dimension of 47.23m and a depth of approximately 90m. The eastern and western side boundaries are also highly irregular boundaries. The site has an area of 5,572m².

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

The site is currently occupied by a factory/warehouse building of two/three storey construction that occupy the central portion of the site, with paved driveways and loading areas located to the east and west of the building. The factory/warehouse building has a setback from Punchbowl Road and a minimal rear setback. This building has been partially converted to a showroom for the approved development (Figure 2). A second, smaller brick building is located on the south-western corner of the site and is largely forward of the building line of the factory/warehouse building. The site does not contain any significant vegetation.

The site is adjoined by low density detached dwelling houses to the east and west (other than at the corner of Water Street and Punchbowl Road). Immediately adjoining the site to the west, on the corner of Punchbowl Road and Water Street, the approved works of DA 2016/017 for a mixed use building comprising retail units and residential apartments has commenced on the site (Figure 3).

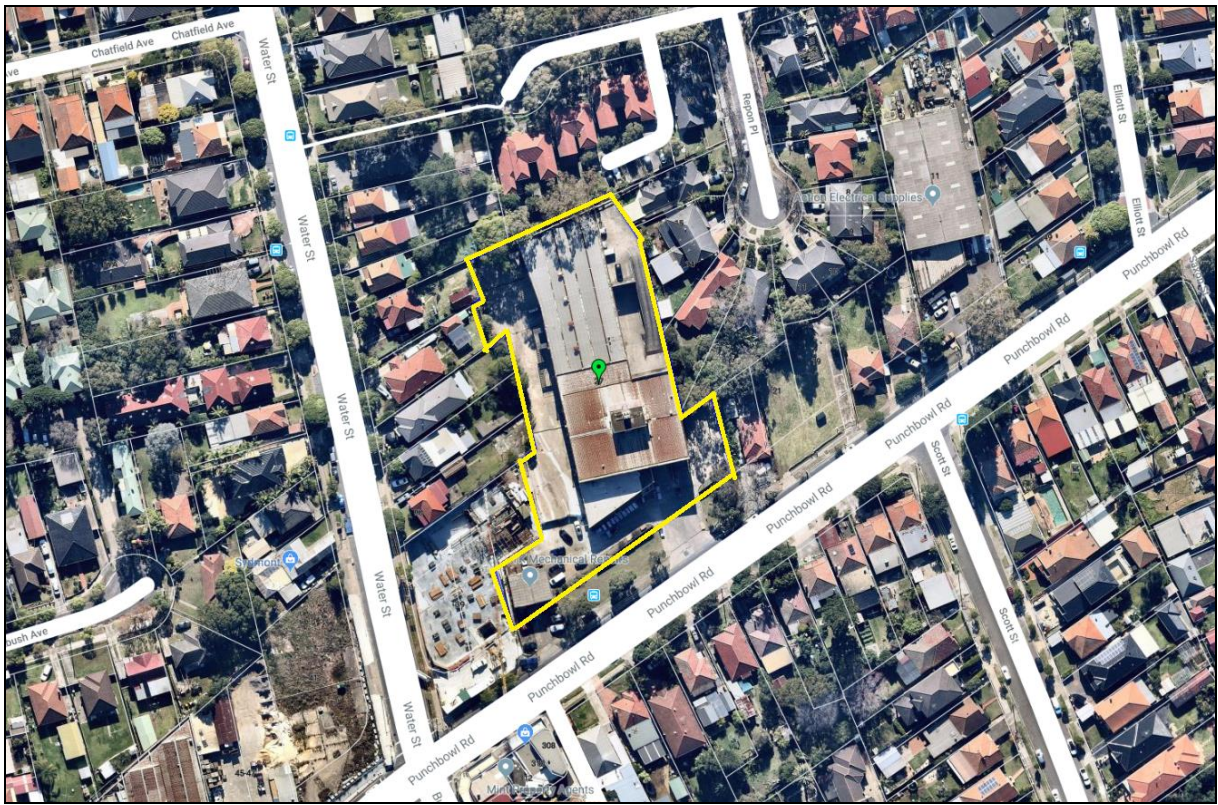


Figure 1: Aerial photograph of the subject site and surrounding developments



Figure 2: Existing building on the site partially converted to a showroom for the approved development



Figure 3: Western adjoining property, 37-39 Punchbowl Road, Belfield and 90 Water Street, where works for DA2017/101 has commenced on site.

RELEVANT BACKGROUND

- 15 June 2017** DA2016/017 for the demolition and construction of a 4-7 storey mixed use building comprised of 5 retail suites and 111 apartments, with basement parking for 221 cars, was approved by the Sydney Central Planning Panel.
- 7 June 2018** Section 4.55(2) modification application (2016/017/01) involving a revised design of the northernmost building (Building F, previously Building E) including provision of additional units and redesign of basement parking was approved by Strathfield Local Planning Panel.
- 1 March 2018** DA2017/101 for the demolition of existing structures and construction of eight (8) storey mixed use development comprising 61 residential apartments, commercial and retail floor space at ground floor level and three (3) storeys of basement car parking, at 37-39 Punchbowl Road, Belfield and 90 Water Street, Belfield was granted Deferred Commencement consent by the Strathfield Local Planning Panel.

It is noted that this site was subject to a part 16m and part 22m maximum building height development standard under SLEP 2012. A Clause 4.6 Variation to vary the maximum building heights was accepted by the Panel. The height variation was 60% over the 16m maximum building height and 15.9% over the

22m maximum building height. The overall building height was approved at 25.6m. The relevant justification for contravening the height development standard is summarised as follows:

- This design response by having a taller building on the corner offers a clear gateway presentation to the Belfield business precinct, ensuring the proposed development is generally compatible with the bulk, scale and character of other envisaged mixed use development in this precinct, particularly a future building on the north-western corner of Punchbowl Road and Water Street, which has the same controls as that of the subject site and is also affected by road widening;
- The proposal will have no impact upon these buildings or the desired future character envisaged by Council in up-zoning the precinct; and
- The design of the proposed building is well articulated and will provide visual interest along both street frontages as it is well articulated and the reduction in floor plates from Level 5 upwards creates a stepped effect away from the medium density zone to the north.

15 May 2018 The development consent for DA2017/101 at 37-39 Punchbowl Road, Belfield and 90 Water Street, Belfield was issued as the Deferred Commencement matters had been satisfied.

21 August 2018 A pre-application meeting was held for the subject site in relation to a proposed additional eighth level to the approved residential flat building. The applicant advised that the urban design outcome had changed as a result of the corner site, 37-39 Punchbowl Road and 90 Water Street, Belfield gaining development consent for an eight (8) storey mixed use building including a residential flat building (DA 2017/101). The proposed amended design sought to address the transition in height between the approved building at 37-39 Punchbowl Road and the approved development on the subject site.

22 November 2018 The current section 4.55(2) application (DA2016/017/02) was lodged with Council.

29 November 2018 The subject modification application (DA2016/017/02) was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005 from 29 November 2018 to 24 December 2018. No submissions were received.

28 February 2019 The Sydney East Planning Panel was briefed on the subject modification application (DA2016/017/02). The key issues discussed include:

- An overview of the approved application;
- Review of the proposed modifications;
- 7 additional apartments proposed;

- Proposed additional storey is located within part of the site that is subject to 16m building height, the proposed modification is at 20.6m; and
- No submissions received.

12 April 2019

Amended plans submitted including:

- Revised layouts for units 4.05 and 5.05;
- Amended window configurations for units 4.06 and 5.06; and
- Amended eastern elevation to reflect window configurations.

DESCRIPTION OF PROPOSAL

The application seeks approval under Section 4.55(2) of the Environmental Planning and Assessment Act 1979 to modify DA 2016/017 for the Demolition and construction of a 4-7 storey mixed use building comprised of 5 retail suites and 111 apartments, with basement parking for 111 cars.

The proposed modification involves the following:

- Addition of one (1) storey to Building A and part of Building B (Figure 2), comprising five (5) additional residential apartments;
- Splitting and reconfiguration of apartments located at the eastern aspect of Levels 2 and 3, resulting in an additional two (2) residential apartments
- Reconfiguration of basement levels 2 and 3 to provide an additional six (6) resident and two (2) visitor car parking spaces.

More specifically, the proposal involves:

Basement 2

- Addition of two (2) resident car parking spaces; and
- Reconfiguration of accessible parking spaces.

Basement 1

- Addition of four (4) resident car parking spaces;
- Addition of two (2) visitor car parking spaces; and
- Reconfiguration of accessible parking spaces.

Lower Ground

- No change.

Ground

- No change.

Upper Ground

- No change.

Level 2

- Reconfiguration of two (2) x 2-bed apartments into three (3) x 1-bedroom apartments; and
- Conversion of apartment D406 from 3-bedroom to 2-bedroom.

Level 3

- Reconfiguration of two (2) x 2-bedroom apartments into three (3) x 1-bedroom apartments; and
- Conversion of apartment D506 from 3-bedrom to 2-bedroom.

Level 4

- No change.

Level 5

- No change.

Level 6

- Additional storey at Building A and part Building B comprising five (5) new apartments;
- Conversion of apartment D805 from 2-bedroom to 3-bedroom; and
- Revised layout of apartment D801.

Roof

- Additional storey at Building A and part Building B including skylight and plant areas; and
- Revised skylight location at Building D.

The proposal seeks an amendment to Condition 1 of the consent relating to the approved plans, and also Condition 18 of the consent which relates to the provision of off-street parking spaces.

The modified apartment mix is as follows:

- 22 x 1-bed apartments (increase in 6 x 1-bed apartments)
- 80 x 2-bed apartments (increase in 3 x 2-bed apartments)
- 20 x 3-bed apartments (loss of 2 x 3-bed apartments)

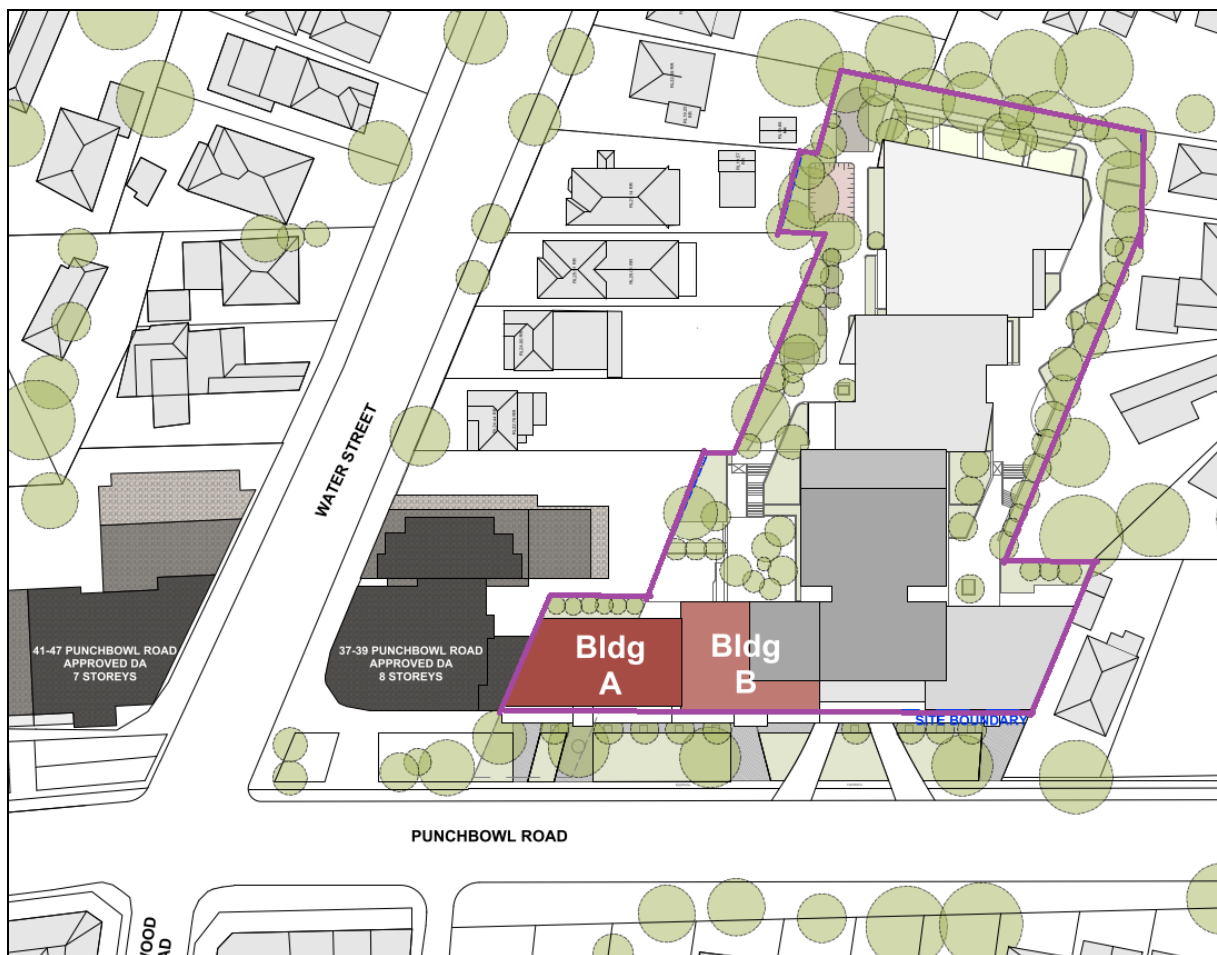


Figure 4: Site plan showing the location of Building A and Building B on the subject site.

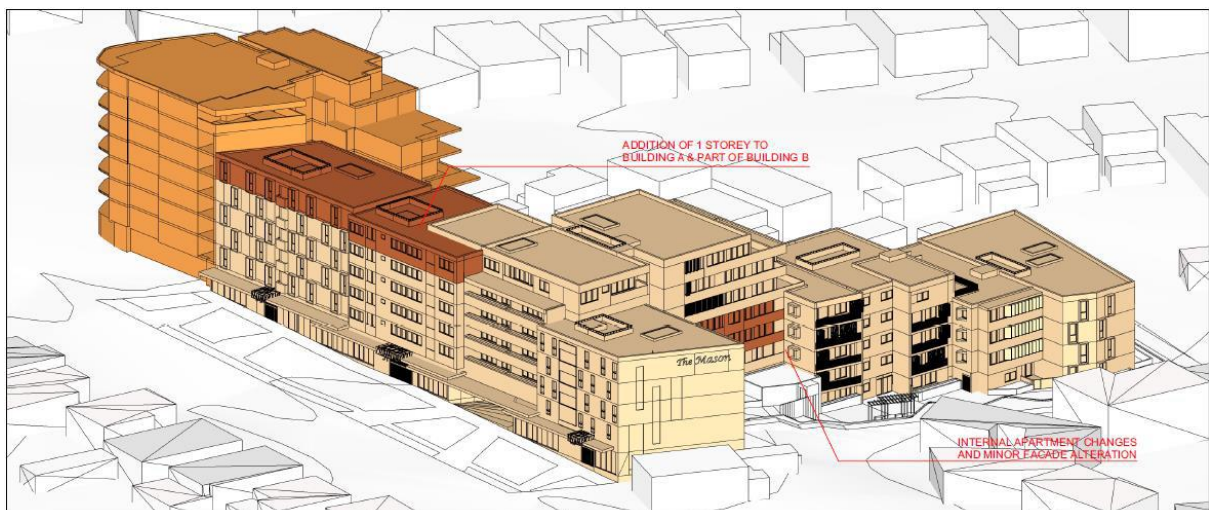


Figure 5: Location of the proposed alterations and additions to the approved building highlighted in dark brown. The approved adjoining development at 37-39 Punchbowl Road and 90 Water Street is highlighted in orange.



Figure 6: North-easterly view of 37-39 Punchbowl Road located on the corner of Punchbowl Road and Water Street, with the subject proposal behind.



Figure 7: South-westerly view of the subject site, and the relationship with 37-39 Punchbowl Road located behind (and on the corner of Punchbowl Road and Water Street)

PROPERTY BURDEN AND CONSTRAINTS

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

SECTION 4.55 OF THE EP&A ACT 1979

Section 4.55 of the Environmental Planning and Assessment states as follows:

“4.55 Modifications of consents – generally

(2) Other modifications

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification.”

In regards subclause ‘a’, Council is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally granted. In determining this, the legal advice accompanying the modification application in response to whether the proposal meets the ‘substantially the same test’, has been accepted. The accompanying legal advice is summarised as follows:

- 1.4 *Justice Pepper in Agricultural Equity Investments Pty Ltd v Westlme Pty Ltd (No 3) [2015] NSWLEC 75 at [173] confirmed that the comparison under the former section 96 of the Act, now section 4.55, is between the development as modified and the development as originally consented to.*
- 1.5 *Therefore for the purposes of this advice, we must disregard the first modification to the Development Consent (discussed in clause 2.3 below) and consider whether the Proposed Modification is substantially the same development as the Development Consent.*
- 1.6 *By way of summary, and based on the case law principles outlined in detail below, the Proposed Modification is ‘substantially the same’ development as the Development Consent for the following reasons:*
 - (a) *the Proposed Modification is essentially and materially the same as the Development Consent;*
 - (b) *if the Proposed Modification is approved, the development of the Site will have the same essence as the Approved Development;*
 - (c) *the Proposed Modification alters the Approved Development without radical transformation; and*
 - (d) *as outlined in the below qualitative and quantitative assessment, the Proposed Modification is essentially or materially the same as the Approved Development.*

The quantitative assessment provided in the legal advice is summarised as follows:

- 6.2 *As outlined in paragraph 3.3 above, the following increases will occur as a result of the Proposed Modification:*
- (a) Height: 18% increase in Zone A, 3% increase in Building B;*
 - (b) FSR: 6% increase in Zone A, 5% increase in Zone B (which was approved in Mod 1);*
 - (c) GFA: 6% increase overall;*
 - (d) Apartment Numbers: 10% increase; and*
 - (e) Parking: 6% increase (noting that an amended basement footprint and 5 additional spaces were approved in Mod 1, and the additional parking in the Proposed Modification is being provided within that approved footprint).*
- 6.3 *Further to the above, we understand that:*
- (a) The Proposed Modification does not propose any amendments to the buildings in Zone B, however Zone B was amended pursuant to Mod 1;*
 - (b) The maximum height breach in Zone A has not increased with the Proposed Modification – this maximum height breach, a 6.8m breach of the 16m height limit in Building D in Zone A, was approved in the Development Consent;*
 - (c) The Proposed Modification will only increase the highest RL of the Approved Development by 300mm; and*
 - (d) The Proposed Modification does not result in any change to the communal open space, landscaped area, or deep soil areas approved in the Development Consent.*
- 6.4 *In relation to the Apartment Design Guide (ADG) Requirements, as shown on PlanA010 – Project Summary in the Modification Plans, the Proposed Modification result in a minor increase in the apartments that receive direct sunlight in winter (70.45% to 71.30%), and a minor reduction in the cross ventilation (60.85% to 60.65%). Considering that these changes are minor, we consider that the Proposed Modification is substantially the same as the Approved Development in relation to sun access and cross ventilation.*
- 6.5 *If the Proposed Modification is approved, the development on the Site will continue to be a mixed use building (albeit of 6 storeys in Building A and Part of Building B rather than 5 storeys) comprising retail and commercial spaces, 122 dwellings (instead of 111) and it will still comprise 2 levels of basement car parking albeit with 209 car parking spaces (instead of 195 as originally approved).*
- 6.6 *If the Proposed Modification is approved, the development on the Site will still function in essentially the same way, and no essential element of the development on the Site is proposed to be changed in any material aspect.*
- 6.7 *Based on this quantitative assessment, it is our view that the Proposed Modification is ‘substantially the same development’ as the Approved Development.*

The qualitative assessment provided in the legal advice is summarised as follows:

- 6.8 *A qualitative assessment involves a consideration of whether the key impacts of the Proposed Modification are substantially the same as those of the Approved Development.*
- 6.9 *The assessment undertaken in relation to the Proposed Modification takes into account, amongst others, the following impacts:*

- (a) Streetscape and Built Form: As noted above, the Proposed Modification has in part been prepared as a result of the approved of the Adjoining development.*

The Adjoining Development was not approved at the time of the Development Consent, and as such Gazcorp was required to consider the future interface with the Adjoining Site by reference to the LEP height controls.

As outlined in the Ethos Letter, the Development Consent sought a streetscape which gently stepped down in form from Water Street to the north-east, matching the topography of the street and transitioning to existing low-rise residential dwellings or future development up to four storeys high closer to Elliot Street. This consistent streetscape would have been achieved had the Adjoining Development been compliant with the LEP control.

However, due to the breach of the height control on the Adjoining Site, there is a 3-storey drop from the Adjoining Development to the Approved Development on the Site, resulting in a disjointed form in the streetscape rhythm.

The Proposed Development seeks to resolve this issue, by way of an additional storey on Building A and part of Building B.

Accordingly, comparing the Approved Development and Proposed Modification in the context in which the Development Consent was granted, the Proposed Modification is substantially the same as the Approved Development from a streetscape and built form perspective.

- (b) Overshadowing: As shown on Plan A-901-Shadow Diagrams in the Modification Plans, the additional height in the Proposed Modification result in only minor additional overshadowing on adjacent dwellings.*

As discussed in the Urban Design Statement, the additional overshadowing as a result of the Proposed Modification impacts five (5) dwellings on the southern side of Punchbowl Road at 2.00 and 3.00 pm on the winter solstice however those dwellings still receive 5 hours of direct sunlight. At all other times, the additional shadows caused by the Proposed Modification do not impact any nearby buildings.

As a result, the Proposed Modification is substantially the same as the Approved Development from an overshadowing standpoint.

This position is supported by Olsson & Associates Architects in the Urban Design Statement.

- (c) *Privacy and Overlooking: As shown on Plan A-820 – Massing Diagrams in the Modification Plans, the additional storeys on Building A and B do not result in any additional overlooking impacts, onto either the Adjoining Site or onto the dwelling on the southern side of Punchbowl Road.*

As a result, the Proposed Modification is substantially the same as the Approved Development from an overlooking standpoint.

This position is supported by Olsson & Associates in the Urban Design Statement.

- (d) *Traffic and Basement Configuration: Although the consideration of 'substantially the same development' under section 4.55 of the Act must compare the Proposed Development with the original Approved Development, we note that the basement footprint was amended in Mod 1 and as such the basement footprint in the Proposed Modification differs from the Approved Development. However in approving Mod 1, Council confirmed that it considered Mod 1 to be 'substantially the same' as the Approved Development.*

As it is now only the layout of the basements which are amended in the Proposed Modification and there will be no further excavation or expansion of the building envelope to accommodate the additional carparking proposed in the Proposed Modification, we are of the view that the Proposed Modification is substantially the same as the Approved Development in relation to the basement.

In relation to traffic generation, as outlined in the Traffic and Car Parking statement, the additional apartments and car parking spaces will result in only a minor change in the traffic generation resulting for the development on the Site. In our view, this minor change means that the Proposed Modification is substantially the same as the Approved Development from a traffic generation standpoint.

In regards subclause 'b', the original application was identified as Integrated Development under Section 91 of the Environmental Planning and Assessment Act 1979 as the application was deemed an aquifer interference activity requiring the authorisation under the Water Management Act 2000. The General Terms of Approval were received from the Office of Water on 14 March 2016 and these were included in the conditions of the original approval. As the proposed modification does not involve any external alterations to the basement levels, including any alterations to the size and depth, the General Terms of Approval received from the Office of Water on 14 March 2016 are still considered applicable to the subject modification.

The original application was also identified as Integrated Development under Clause 101 of State Environmental Planning Policy (Infrastructure) 2007 as it has a frontage to Punchbowl Road which is a classified road and access was proposed from that road. Concurrence was received from Roads and Maritime Services (RMS) on 19 April 2017, subject to conditions of consent which were included in the Notice of Determination. RMS were consulted on the subject modification application of which no objection was raised and the comments provided are detailed in the referral section of this report.

In regards subclause 'c' and 'd', the application was notified in accordance with Part L of SCDP 2005 from 29 November 2018 to 24 December 2018 however, no submissions were received during this time.

REFERRALS

INTERNAL REFERRALS

Waste

Overall, Council's Waste Officer raised no objection to the modification, subject to the imposition of the previous conditions of consent, as well as a condition requiring an amended Waste Management Plan to be provided to the Council.

EXTERNAL REFERRALS

Ausgrid

Ausgrid were invited to comment on the modification application as the site is located immediately adjacent to electricity transmission infrastructure. Ausgrid confirmed that they had no further comments to make beyond those provided on the original application.

Roads and Maritime Services

The application was referred to Roads and Maritime Services (RMS) in accordance with Clause 101 of the State Environmental Planning Policy (Infrastructure) 2007. RMS raised no objection to the modification application. However, the following comments were provided for Council's consideration:

- 1. Roads and Maritime has previously vested a strip of land as road along the Punchbowl Road frontage of the subject property, as shown by grey colour on the attached Aerial – "X".*

The subject property is affected by a Road Widening Order under Section 25 of the Roads Act, 1993 as published in Government Gazette 100 of 30 August 1957 folio 2776/7, as shown by pink colour on the attached Aerial – "X" and DP447679 Sheet 2.

All buildings or structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site, are erected clear of the land reserved for road widening and the Punchbowl Road boundary (unlimited in height or depth).

The land reserved for road widening should be identified on any plan of development.

SECTION 4.15 CONSIDERATIONS – EP&A Act 1979

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within section 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) requires Council to consider the suitability of the site in its current state, contaminated state or following the completion of remediation works for the purpose for which development consent is being sought. The site has a history of industrial use and as such has the potential to be contaminated. The original development application was supported by a Phase 2 Environmental Site Assessment prepared by Environmental Investigation Services. The report found that the site can be made suitable for the proposed development, subject to compliance with the recommendations of the report which included the preparation of a Remediation Action Plan, Validation Assessment and a Hazardous Materials Assessment. These requirements were imposed through conditions of consent. The subject modification application is not anticipated to trigger requirements for additional investigations beyond those already required by condition.

State Environmental Planning Policy Building Sustainability Index: BASIX 2004

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

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

State Environmental Planning Policy (Infrastructure) 2007

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

The subject application was referred to RMS, raising no objection to the proposed modification application.

SEPP 65 – Design Quality of Residential Apartment Development

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

At the time that the original development application was lodged and the development consent was issued, Strathfield Council did not have a design review panel referred to under Clause 27.

Clause 30(1) indicates that an application cannot be refused on the basis of parking if the parking provided is equal to or greater than required under Part 3J of the ADG, if internal areas for each apartment are equal to or greater than that required under Part 4D of the ADG and if the ceiling heights are equal to or greater than that required under Part 4C of the ADG. These matters are addressed later in the table addressing the ADG.

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

Principle 1: Context and neighbourhood character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.

Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Assessment Officer's Response: The site is located in an area undergoing significant change due to the up-zoning of the area under the SLEP 2012. In the assessment of the original application it was noted that the current DCP was prepared prior to the up-zoning and does not provide assistance as to the desired future character of the area. The approved development at 41-47 Punchbowl Road, located on the corner of Water Street, was used to identify the desired future character of the area when assessing the original application.

It can be ascertained from the building height controls in the SLEP 2012 that at the time of the original approval, it was intended to provide a 2-storey height transition between the subject site and the future development at 37-39 Punchbowl Road and 90 Water Street (western adjoining property), where the adjoining site was 2 storeys higher than the subject site in order to accentuate the built form on the corner of Punchbowl Road and Water Street.

The original development application (DA2016/017) was approved on 15 June 2017 comprising a 4-7 storey mixed use building, where the development involved 5 storeys at the 37-39 Punchbowl Road and 90 Water Street interface. On 1 March 2018 the Strathfield Local Planning Panel approved DA 2017/101 for the construction of an 8-storey building on the adjoining site, 37-39 Punchbowl Road and 90 Water Street. The approval included a 60% building height variation to the portion of the site subject to a maximum 16m building height, and 15.9% building height variation to the portion of the site subject to a 22m building height limit. As a result, there is a 3 storey difference between the approved development on the subject site and the approved development on the adjoining site. The SLEP 2012 controls signify through the designated building height development standard that only a 2 storey height difference is required to reinforce the corner built form, and additional storey to the

portion of the approved development which adjoins 37-39 Punchbowl Road and 90 Water Street is considered acceptable to retain the more prominent corner built form.

Furthermore, the proposed increase in the building height is considered suitable as it will reduce the extent to which the blank side wall of the approved development at 37-39 Punchbowl Road and 90 Water Street, will be visible from the public domain and an improved transition in the built form in the streetscape (Figure 5-7).

Principle 2: Built form and scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Assessment Officer's Response: The proposed modification does not involve any further variation to the floor space ratio and building height development standards contained within SLEP 2012 than what has already been approved. The modifications are considered to be well-proportioned and are sympathetic with the design of the approved development.

The proposal incorporates an additional storey on the south-west corner of the development which results in an improved the transition in building height and massing to the adjacent building at 37-39 Punchbowl Road and 90 Water Street, whereby the height differences becomes two (2) storeys instead of three (3), as what appears to have been intended by the building height controls of SLEP 2012.

Principle 3: Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

Assessment Officer's Response: The proposed modifications do not significantly alter the approved density of the building. The proposal results in a total of 122 apartments, which is an increase of 7 apartments (6% increase) to the 155 approved apartments. In terms of built area, the difference between the proposal and the approved design is 422 m², or a 3.7% increase.

Overall, the proposed building results in an FSR below the maximum allowed under the SLEP 2012 to the portion of the site fronting Punchbowl Road, and the development presents the same setbacks and overall form as approved. In regards to the acceptability of the additional height, this has already been addressed in this report, particularly in response to Principle 1. Therefore, the proposed increase in density adequately responds to the site and its context and is considered acceptable.

Principle 4: Sustainability

Good design combines positive environmental, social and economic outcomes.

Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

Assessment Officer's Response: The additional apartments and the alterations and additions to the top floor of buildings A and B have not altered the overall performance and the sustainability of the development.

The development maintains compliance with the ADG guidelines in terms of solar access, cross ventilation, landscaping and deep soil areas. Specifically, 71.30% of the apartments achieve adequate solar access and 61% of the apartments achieve cross-ventilation. The communal open space, landscaped areas and deep soil landscaped areas remain as approved and it was noted in the assessment of the original application that the extent of the communal areas was generous.

Principle 5: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.

Assessment Officer's Response: The modification application does not involve any change in the assessment of the original proposal against this principle. The size and quality of the communal open space and landscaped areas is considered to be sufficient for the increased residential density.

Principle 6: Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.

Assessment Officer's Response: The modification is considered to provide a good level of internal amenity for residents, cross ventilation and apartment layout. The development still provides an acceptable number of adaptable apartments with accessible parking spaces and provides accessibility throughout.

The storage areas meet the ADG requirements with at least 50% of the storage areas located within the apartments, and up to 50% located in the basement.

Principle 7: Safety

Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose

Assessment Officer's Response: The proposal does not involve any changes to the security and safety measures of the approved development in terms of site access, surveillance and protection.

Principle 8: Housing diversity and social interactions

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.

Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.

Officer response: The overall apartment mix is considered acceptable, providing housing choice for different demographics and living needs. The modified housing mix involves:

- 22 x 1-bedroom apartments
- 80 x 2-bedroom apartments
- 20 x 3-bedroom apartments

No changes are proposed to the communal spaces which were considered suitable in accommodation a range of people, activities and interaction among residents.

Principle 9: Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Assessment Officer's Response: The proposal still results in an attractive streetscape presentation that has appropriate proportions and articulation. The additional 1-storey in height improves the visual appearance from the streetscape as it reduces the extent of the side blank wall of the approved development at 37-39 Punchbowl Road and 90 Water Street which is visible from the street scene.

Apartment Design Guide

Assessment of the modification application against the relevant design criteria of the Apartment Design Guide has been undertaken in the tables below:

Design Criteria	Required	Proposed	Compliance
3B – Orientation	Responsive to streetscape and site. Designed to optimise solar access and minimise overlooking. 4 hours solar access retained to neighbouring buildings or does not further reduce solar access by more than 20%	The orientation of the development remains as approved. The shadow cast by the 1-storey addition falls on Punchbowl Road for most of the day, particularly in the middle hours of the day. Therefore, for these hours there is no impact on the amenity of the surrounding area. The additional shadow falls on dwellings across Punchbowl Road in the afternoon, just before 3pm however, these dwellings still receive well in excess of five hours of sunlight between 9am and 3pm. Therefore, the impact of the additional level on overshadowing is considered to be minimal and acceptable.	Yes
3C – Public Domain Interface	Direct street entry to ground floor apartments Balconies/ windows orientated to overlook the public domain Front fence design is permeable Opportunities for concealment minimised Services concealed Access ramps minimised	No change from the approved DA.	Yes and is unaltered.
3D – Communal Open Space	Min. 25% (1,393m ²) – Site area 5,572m ² Min 2h to 50% communal open space at mid-winter Consolidated area	31.2% (1,740m ²) of communal open space provided. Communal open space remains as approved.	Yes and is unaltered.
3E – Deep Soil Zones	Min. 7% (390.04m ²) Site area 5,572m ² 6m min. dimension	15.4% (860m ²) deep soil landscaping retained in the approved development.	Yes and is unaltered.
3F – Visual	Up to 4 storeys:	The overall building design and	Yes and is

Privacy	<ul style="list-style-type: none"> • 12m between habitable rooms/ balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms <p>Up to 8 storeys: 9-18m</p> <ul style="list-style-type: none"> • 18m between habitable rooms/ balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms 	separations remain as approved.	unaltered.
3G – Pedestrian Access and Entries	<p>Entry addresses public domain</p> <p>Clearly identifiable</p> <p>Steps and ramps integrated into building design</p>	The pedestrian access and entry remains as approved.	Yes and is unaltered.
3H – Vehicle Access	<p>Integrated into façade. Visual impact minimised. Entry behind the building line or from secondary frontage.</p> <p>Clear sight lines</p> <p>Garbage collection screened</p> <p>Pedestrian and vehicle access separated.</p>	The vehicle access remains as approved.	Yes and is unaltered.
3J – Bicycle and Car Parking	<p>Within 800m of a railway station: Min RMS Rate applies:</p> <p>Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.</p>	The site is not within 800m of a railway station. Therefore car parking rates in accordance with Council's DCP rates apply.	See Part I assessment.
4A – Solar and Daylight Access	<p>Min. 70% receive 2 hours solar access</p> <p>Max. 15% units have no solar access</p> <p>Light wells, skylights and highlight windows</p>	<p>71% of the apartments receive 2hrs of direct sunlight to their living rooms and private open space in mid-winter.</p> <p>The development as modified complies with a maximum of 15% of the apartment having no solar</p>	Yes

	are only to be a secondary source where sunlight is limited. Design incorporates shading and glare control.	access.	
4B – Natural Ventilation	Min. 60% are cross ventilated in first 9 storeys. Cross-over/ Cross-through max 18m depth Light wells are not the primary source of ventilation for habitable rooms Single aspect units have limited depth to maximise ventilation	61% of the apartments are cross-ventilated. The maximum crossover/ cross-through depth is 13.5m. No light wells have been relied upon for ventilation and single aspect units have been minimised in depth to maximise ventilation.	Yes
4C – Ceiling Heights	Habitable: 2.7m Non-habitable: 2.4m Mixed use: 3.3m ground floor	Minimum 2.7m floor to ceiling heights to habitable rooms.	Yes, no change
4D – Apartment Size and Layout	1 bed: 50m ² 2 bed: 70m ² 3 bed: 90m ² Additional bathrooms +5m ² . Each habitable room must have a window >10% floor area of the room. Habitable room depths = max 2.5 x ceiling height. Or if open plan layout = max 8m from a window. Master bed: min 10m ² Other bedroom: min 9m ² Living rooms min. width: Studio and 1 bed: 3.6m, 2 and 3 bed: 4m. Crossover/through: min 4m	The additional and reconfigured apartments meet the minimum apartment sizes.	Yes
4E – Private Open Space and Balconies	1 bed: 8m ² , min depth 2m 2 bed: 10m ² , min depth 2m 3 bed: 12m ² , min depth 2.4m	The proposed and reconfigured apartments are all provided with balconies which comply with the minimum requirements.	Yes
4F – Acoustic Privacy	Max. 8 apartments off a single core >10 storeys: max 40 units/ lift	A maximum of 8 apartments are off a single core.	Yes
4G – Storage	Studio: 4m ³ 1-bed: 6m ³ 2-bed: 8m ³	The proposed and reconfigured apartments are all provided with storage areas which comply with	Yes

	3-bed:10m ³ At least 50% within the basement.	the minimum requirements.	
4J – Noise and Pollution	Site building to maximise noise insulation Noise attenuation utilised where necessary	An acoustic report accompanied the original application in order to address traffic noise from Punchbowl Road. A condition of consent was imposed requiring the acoustic report to be updated to reflect the amended design.	Yes, subject to conditions.
4K – Apartment Mix	Variety of apartment types Appropriate apartment mix Different apartments distributed throughout the building	The development as modified incorporates an adequate housing mix as follows: <ul style="list-style-type: none"> • 22 x 1-bedroom • 80 x 2-bedroom • 20 x 3-bedrooms. 	Yes
4L – Ground Floor Apartments	Direct street access Casual surveillance whilst providing privacy	This modification application does not involve any changes to the ground floor apartments.	Yes, no change.
4M – Facades	Composition of building elements Defined base, middle and top Building services integrated into the facade	The overall building design remains as approved. The approved materials and finishes are replicated on the 1-storey addition which assists in providing a sympathetic addition and a continuation of the approved façade composition.	Yes
4N – Roof Design	Roof design integrated into the building. Incorporates sustainability features May include common open space	No change is proposed to the approved roof form. The roof is flat with a parapet treatment as is appropriate with a street wall design. No common open space is provided on the roof.	Yes
4O – Landscape Design	Responsive streetscape to Viable and sustainable	This modification does not involve any changes to the approved landscape design.	Yes, no change
4P – Planting on Structures	Appropriate soil profiles and structural design Irrigation and drainage systems	This modification does not involve any changes to the design of plantings on structures.	Yes, no change
4Q – Universal Design	Variety of adaptable apartments	An updated Accessibility Report accompanied the modification application. The original application was approved with 10% of the apartments being adaptable. This modification application also proposed 10% (total of 12 apartments) of the apartments as adaptable.	Yes
4U – Energy Efficiency	Adequate natural light to habitable areas	A compliant amended BASIX certificate has been submitted.	Yes

	Adequate natural ventilation Screened areas for clothes drying Shading on northern and western elevations.		
4V – Water Management and Conservation	Efficient fixtures/ fitting WSUD integrated Rainwater storage and reuse	A compliant amended BASIX certificate has been submitted.	Yes
4W – Waste Management	Minimise impact on streetscape, building entry and amenity	The modification application will result in a minor increase in the amount of waste generated by the site. Conditions of consent have been modified to ensure adequate waste storage is provided and the applicant has confirmed that the proposal is capable of complying with this modified condition.	Yes
4X – Building Maintenance	Material selection reduces ongoing maintenance costs.	No change from the approved DA.	Yes, no change.

Strathfield Local Environmental Plan 2012

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

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

Comments: The development as modified by the current Section 4.55 modification application is consistent with the general aims of the SLEP 2012 being a high quality built form providing employment and housing opportunities.

Permissibility

The subject site is Zoned B2 – Local Centre under Strathfield Local Environmental Plan (SLEP) 2012.

The proposal does not modify the approved uses on the site, including a residential flat building and commercial premises, which are uses which are permissible with consent in the B2 – Local Centre zone with consent.

Zone Objectives

An assessment of the proposal against the objectives of the B2 – Local Centre is included below:

Objectives	Complies
➤ <i>To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.</i>	Yes
➤ <i>To encourage employment opportunities in accessible locations</i>	Yes
➤ <i>To maximise public transport patronage and encourage walking and cycling.</i>	Yes

Comments: The modified proposal still accords with the objectives of the B2 zone in that it provides commercial premises at the ground floor level to serve the needs of people who live, work and visit the area, and encourages employment opportunities in the accessible area. It also provides increased residential density (through the provision of the residential flat building) around transport networks.

Part 4: Principal development standards

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

4.1A Minimum lot sizes for residential flat buildings

Clause 4.1A sets out that the minimum lot size for residential flat buildings on land zoned B2 – Local Centre is 1,000m². The site area is 5,572m² and therefore meets the minimum area requirements and accords with the planned residential density in the zone, in accordance with the objective and controls of this Clause.

4.3 Height of building

Cl.	Standard	Controls	Approved	Proposed	Complies
4.3	Height of building	Rear portion of the site - 13m	15.3m	No change is proposed.	No and unchanged.
		Portion of the site fronting Punchbowl Road - 16m	15.6-22.8m	22.8m	No and unchanged.

Cl	Objectives	Complies
4.3		
(a)	<i>To ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area</i>	Yes
(b)	<i>To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area</i>	Yes
(c)	<i>To achieve a diversity of small and large development options.</i>	Yes

Comments: The proposed modification does result in an increase in the approved building height (or a further non-compliance to the building height standard). However, the modification results in a greater extent of the portion of the building

fronting Punchbowl Road exceeding the maximum building height development standard. As the application has been made under Section 4.56 of the EP&A Act 1979, which is a free standing provision, a Clause 4.6 variation was not required to be submitted with the application.

The modification still complies with the objectives of this Clause in that the additional building height is considered to be compatible with the desired future character of the area, which has been informed by the up-zoning of SLEP 2012, and the approved development at 37-39 Punchbowl Road (DA2017/101), and 41-43 Punchbowl Road (DA2015/171).

4.4 Floor space ratio

Cl.	Standard	Controls	Approved	Proposed	Complies
4.4	Floor space ratio	Rear portion of the site – 1.4:1 (3,787m ²)	1.47:1 (3,976m ²) approved in modification application 2016/017/01	No change	No and unchanged.
		Portion of the site fronting Punchbowl Road - 3:1 (8,124m ²)	2.68:1 (7,257m ²)	2.84:1 (7,690m ²)	Yes

Cl	Objectives	Complies
4.4		
(a)	<i>To ensure that dwellings are in keeping with the built form character of the local area</i>	Yes
(b)	<i>To provide consistency in the bulk and scale of new dwellings in residential areas</i>	Yes
(c)	<i>To minimise the impact of new development on the amenity of adjoining properties</i>	Yes
(d)	<i>To minimise the impact of development on heritage conservation areas and heritage items</i>	N/A
(e)	<i>In relation to Strathfield Town Centre:</i> i. <i>to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and</i> ii. <i>to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development</i>	N/A
(f)	<i>In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor</i>	N/A

Comments: The proposal results in an FSR increase to the portion of the site fronting Punchbowl Road from 2.68:1 to 2.84:1, still under the 3:1 FSR development standard. The modified proposal is consistent with the objectives of this Clause in that the built form is still in character with the surroundings, and minimises amenity impacts to adjoining properties.

Part 5: Miscellaneous Provisions

The provisions contained within Part 5 of the SLEP 2012 are not relevant to the subject proposal.

Part 6: Local Provisions

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

6.1 Acid sulfate soils

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

6.2 Earthworks

The proposed modification does not involve any additional earthworks beyond the original approval. The additional car parking spaces proposed are provided by way of reconfiguring the approved basement, rather than by enlargement of the approved basement. Therefore, the proposal is still considered to comply with the objectives of this Clause.

6.3 Flood planning

The north-western portion of the site is within the 1 in 100-year overland flow path for the Coxs River and Coxs Creek Flood Area. The original application was considered to be designed in accordance with the objectives of this Clause, and given the extent of the modifications proposed, and that the modifications are contained within the approved building footprint, it is considered that there is no change to the original assessment of the proposal against the objectives of this Clause.

6.4 Essential services

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

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

Not applicable.

(iii) any development control plan, and

Strathfield Development Control Plan

Part C – Multiple-Unit Housing and Parts H – Waste Minimisation of the DCP is of relevance to the assessment of the application

Part C – Multiple- Unit Housing

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

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

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

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

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

Section	Development Standard	Required	Proposal	Compliance
2.2	Building Street Setback & Site Requirements	Minimum width 30m Minimum arterial road frontage 25m Minimum site area 1,000m ²	Width varies from 45-81m 81m Area 5,572m ²	Yes Yes Yes
	Building Envelope & Setbacks	3.5m vertically at boundary & project inwards at 45°.	ADG prevails	N/A
2.3	Dwelling Unit and Building Design	15% of the development is required to be designed as adaptable housing for older people or people with disabilities.	Refer to previous discussion of adaptable apartments under assessment of ADG	Yes
	Dwelling Unit and Building Design	No single building should have a continuous wall length of more than 30m without separation.	The building is well articulated.	Yes.
	Dwelling Unit and Building Design	Walls greater than 10m in length to be broken down or staggered.	As above.	Yes.
	Dwelling Unit and Building Design	Parking for people with disabilities.	Accessible parking spaces are provided within the basement.	Yes.
	Dwelling Unit and Building Design	Building materials and finishes are to be sympathetic to with the adjoining buildings and the streetscape.	The external materials and finishes of the proposed 1 storey addition accord with the external materials that have already been approved.	Yes
	Unit Sizes and Lot Layout	1 bed = 70m ² 2 bed = 85m ² 3 bed = 100m ² more than 3 bed = 110m ²	ADG prevails	N/A

		2 bed townhouse = 100m ² 3 bed townhouse = 110m ² < than 3 bed t/house = 120m ²		
2.4	Energy Efficiency	Application is required to provide a NatHERS certificate. Each dwelling must achieve 3.5 star NatHERS rating.	Amended BASIX certificate provided. Refer to BASIX SEPP discussion.	Yes.
2.4.2.2	Solar Access	50% of the principle private open space achieves a minimum of 3 hours sunlight during the winter solstice.	Solar access in ADG prevails.	N/A
	Solar Access	Solar access to habitable rooms and private open space of adjoining properties be provided for a minimum of 3 hours during the winter solstice.	Solar access in ADG prevails.	N/A
2.4.3	Natural Space Heating and Cooling	Reduce the need to artificially heat and cool dwellings.	The application achieves the minimum cross ventilation and solar access requirements as per the ADG which implies the development will be efficient in naturally cooling and heating spaces throughout the building.	Yes.
2.4.4	Natural Lighting	Reduce reliance on artificial lighting	As above.	Yes.
2.4.6	Water Management	Mandatory water storage 10 dwell= 500lt / dwell each dwell thereafter = 250 lt/ dwell	BASIX commitments prevail.	Yes.
2.5	Streetscape orientation	Compatible with the existing character and address the street frontage.	The proposed design considers the local context and is consistent with the desired future character of the area.	Yes. See earlier discussions in relation to relationship with western adjoining property.
	Streetscape orientation	Dwellings facing the street will have frontage and apparent access.	All ground floor units provided with direct access from the street.	Yes.
2.7	Open space and landscaping	RFBs – Landscaped area does not include any area for driveways, parking, side setback less than 1.2m in width, pools, outbuildings.	ADG prevails.	N/A

		At least 60% of the landscaped area must remain as unpaved 'soft' landscaping.		
		35% of the landscaped area is to be provided as deep soil landscaping this excludes basement underneath areas.	ADG prevails.	N/A.
		10% of the site area is to be provided as communal open space, with a minimum dimension of 7m.	ADG prevails.	N/A
		RFBs – where dwellings do not have access to ground level open space at least one main balcony is to have a size of 12 ² (up to 2 bed) and 15m ² (3 or more bed). Balconies must have a depth of 2m.	ADG prevails.	N/A.
2.8	Privacy and Security	Windows are not to be located less than 9m apart from other dwellings.	ADG prevails.	N/A
		Windows to be offset from adjoining dwelling by 0.5m; Have a sill height of 1.7m or have obscure glazing to a height of 1.7m.	ADG prevails.	N/A.
		Bedrooms not to adjoin living rooms/ garages of adjoining dwellings.	ADG prevails.	N/A.
		A balcony on the second storey of a townhouse must not overlook and adjoining property.	ADG prevails.	N/A.
		Locked Shared pedestrian entries.	ADG prevails.	N/A.
		Casual surveillance of street and public areas.	ADG Prevails.	N/A.

Part H – Waste Minimisation (SCDCP 2005)

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

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

General Waste: 120L/unit/week

Recycling: 120L/unit/fortnight

Having regard to the above rates, and in accordance with Council's Waste Officer's recommendations, a minimum of (23) x 660L bins (an increase of 2 x 660L bins) are to be provided for general waste and (31) x 240L bins (an increase in 3 x 240L bins)

are to be provided for recycling waste for the modified residential use. The bin rooms within the basement levels 1 and 2 are considered to be sufficient in size to accommodate for the minimum bin numbers and waste collection areas required for residents. Conditions of consent are recommended to be modified to reflect the minimum bin numbers required for the modified proposal.

Part I – Car Parking (SCDCP 2005)

The commercial and retail components of the development remain unchanged, however as the proposed modifications result in a change in the residential unit mix, an assessment against the off-street parking requirements has been undertaken:

Section	Development Control	Required	Proposal	Compliance
Part I	Car parking	Residential 1 bedroom = 1 car space (22 x 1 = 22) 2 bedroom = 1.5 spaces (80 x 1.5 = 120) 3 bedroom = 2 spaces (20 x 2 = 40) TOTAL = 182 Visitor = 1 per 5 apartments 122/5 = 24.4 (25) + retail/com = 26 (unchanged) TOTAL REQUIREMENT = 233 spaces	Residential = 183 Visitor = 25 Retail/commercial = 26 (unchanged) Total provided = 234 spaces	Yes

(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

Not applicable.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

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

Having regard to these prescribed matters, the development consent contained conditions requiring compliance with Australian Standard (AS) 2601 – 1991: The Demolition of Structures and these conditions are retained in the recommended modified approval.

4.15(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

Built form and Streetscape

The site is located in an area undergoing significant change due to the zone change and up-scaling of building height and FSR under SLEP 2012. In the assessment of the original application it was noted that the current DCP was not prepared prior to the up-zoning and does not provide assistance as to the desired future character of the area. The approved development at 41-47 Punchbowl Road, located on the corner of Water Street, was used to identify the desired future character of the area when assessing the original application.

It can be ascertained from the building height controls in the SLEP 2012 that at the time of the original approval it was intended to provide a 2-storey height transition between the subject site and the future development at 37-39 Punchbowl Road and 90 Water Street (western adjoining property), where the adjoining site was 2 storeys higher than the subject site in order to accentuate the built form on the corner of Punchbowl Road and Water Street.

The original development application (DA2016/17) was approved on 15 June 2017 which was for 4-7 storey mixed use building, where the development involved 5 storeys where it adjoined 37-39 Punchbowl Road and 90 Water Street. On 1 March 2018 the Strathfield Local Planning Panel approved DA 2017/101 for the construction of an 8-storey building on the adjoining site, 37-39 Punchbowl Road and 90 Water Street. This consent included a 60% building height variation to the portion of the site subject to a maximum 16m building height, and 15.9% building height variation to the portion of the site subject to a 22m building height limit. Therefore, there is a 3 storey difference between the approved development on the subject site and the approved development on the neighbouring site. As the SLEP 2012 controls signify that only a 2 storey height difference is required to reinforce the corner built form, and additional storey to the portion of the approved development which adjoins 37-39 Punchbowl Road and 90 Water Street is considered acceptable to retain the more prominent corner built form.

Furthermore, the proposed increase in building height is considered suitable as it will reduce the extent to which the blank side wall of the approved development at 37-39 Punchbowl Road and 90 Water Street, will be visible from the public domain and result in an improved transition in the built form in the streetscape (Figure 5-7).

Amenity Impacts to neighbouring properties

Privacy

The proposed modification is not anticipated to result in any additional and adverse overlooking opportunities to the neighbouring properties given the number and location of windows and balconies of the development which have already been approved.

Overshadowing

The proposed 1-storey addition results in a minor increase in overshadowing when compared to the approved development given the orientation of the site and height and massing of the building. The shadow cast by the 1-storey addition falls on Punchbowl Road for most of the day, particularly in the middle hours of the day. Therefore, for these hours there is no impact on the amenity of the surrounding area. The additional shadow falls on dwellings across Punchbowl Road in the afternoon,

just before 3pm however, these dwellings still receive well in excess of five hours of sunlight between 9am and 3pm. Therefore, the impact of the additional level on overshadowing is considered to be minimal and acceptable.

Quality of Accommodation

The additional and altered apartments provide good quality accommodation with the apartments receiving adequate cross-ventilation and solar access, particularly when considered in the entirety of the development on the site. This has been addressed against the SEPP 65 design principles and controls.

Car Parking and Traffic

This modification application has been supported by a Car Parking and Traffic Statement prepared by SCT Consulting. The modification is anticipated to result in an additional 3 vehicle trips per hour in the AM and PM peak. This is considered to be only a minor increase in traffic generation and is consistent with the traffic impact of the approved development.

4.15(1)(c) the suitability of the site for the development,

The original proposal was considered to be designed appropriately for the site, having appropriate regard to the site constraints and opportunities and the desired future character of the area. The subject site is still considered suitable for the modified proposal.

4.15(1)(d) any submissions made in accordance with this Act or the regulations,

The modification application and plans were notified in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005) from 29 November 2018 to 24 December 2018. No submissions were received.

4.15(1)(e) the public interest.

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

LOCAL INFRASTRUCTURE CONTRIBUTIONS

Section 7.11 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

- “(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:*
- (a) the dedication of land free of cost, or*
 - (b) the payment of a monetary contribution,*
 - or both.*

- (2) *A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.*

STRATHFIELD DIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

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

The 7.11 Contributions applicable to the development application were paid on 7 November 2019 in accordance with the DA2016/017/01 unit and commercial configurations. As the subject application seeks to construct additional units and a change the unit mix, the contribution fees will alter and have been re-calculated accordingly:

The revised Section 7.11 Contributions are as follows:

Provision of Community Facilities	\$ 266,467.37
Provision of Major Open Space	\$ 1,272,051.83
Provision of Local Open Space	\$ 279,643.70
Provision Roads and Traffic Management	\$ 46,619.19
Administration	\$ 25,001.99
TOTAL	\$1,889,784.07

Based on the amended S7.11 Contributions, the applicant will be required to pay an additional \$71,246.68.

CONCLUSION

The application has been assessed having regard to Section 4.55 of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval.

RECOMMENDATION

Pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979, the proposed modification(s) to Development Consent No. 2016/017 involving

the construction of an additional level to Building A and part of Building B and reconfiguration of apartments incorporating seven (7) additional units and eight (8) additional basement carparking spaces at 27-35 Punchbowl Road, Belfield be **APPROVED**, subject to:

1. The original conditions of consent Application (DA2016/017) as approved by Sydney Central Planning Panel on 15 June 2017 for demolition and construction of a 4-7 storey mixed use building comprised of 5 retail suites and (111) apartments, with basement parking for 221 cars.
2. As modified by the Section 4.55(2) application (DA2016/017/1) approved by the Strathfield Local Planning Panel;
3. As modified by the subject Section 4.55(2) application (DA2016/017/2) involving:
 - Amendment to Condition No.1 relating to the approved plans;
 - Amendment to Condition No.8 relating to the minimum number of waste bins;
 - Amendment to Condition No.15 relating to Section 7.11 contributions; and
 - Amendment to Condition No.18 relating to minimum number of car parking space.

Accordingly, Development Consent No.2016/017/2 is approved as following:

Revised Development Description:

Demolition and construction of a 4-7 storey mixed use building comprised of 5 retail suites and (122) apartments, with basement parking for 234 cars.

MODIFIED: DA2016/017/02

Condition No.1

Plans

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:

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

Basement 2, Drawing No. A-2B2, Rev 5, prepared by Olsson & Associates Architects, dated 29/10/2018, received by Council 22 November 2018.

Basement 1, Drawing No. A-2B1, Rev 5, prepared by Olsson & Associates Architects, dated 29/10/2018, received by Council 22 November 2018.

Lower Ground Level, Drawing No. A-201, Rev 5, prepared by Olsson & Associates Architects, dated 29/10/2018, received by Council 22 November 2018.

Ground Level, Drawing No. A-202, Rev 5, prepared by Olsson & Associates Architects, dated 29/10/2018, received by Council 22 November 2018.

Upper Ground Level, Drawing No. A-203, Rev 5, prepared by Olsson & Associates Architects, dated 29/10/2018, received by Council 22 November 2018.

Level 2, Drawing No. A-204, Rev 6, prepared by Olsson & Associates Architects, dated 11/4/2019, received by Council 14 April 2019.

Level 3, Drawing No. A-205, Rev 6, prepared by Olsson & Associates Architects, dated 11/4/2019, received by Council 14 April 2019.

Level 4, Drawing No. A-206, Rev 5, prepared by Olsson & Associates Architects, dated 29/10/2018, received by Council 22 November 2018.

Level 5, Drawing No. A-207, Rev 5, prepared by Olsson & Associates Architects, dated 29/10/2018, received by Council 22 November 2018.

Level 6, Drawing No. A-208, Rev 5, prepared by Olsson & Associates Architects, dated 29/10/2018, received by Council 22 November 2018.

Roof Plan, Drawing No. A-209, Rev 5, prepared by Olsson & Associates Architects, dated 29/10/2018, received by Council 22 November 2018.

Adaptable Apartments, Drawing No. A-250, Rev 5, prepared by Olsson & Associates Architects, dated 29/10/2018, received by Council 22 November 2018.

N-S Elevations, Drawing No. A-301, Rev 5, prepared by Olsson & Associates Architects, dated 29/10/2018, received by Council 22 November 2018.

E-W Elevations, Drawing No. A-302, Rev 6, prepared by Olsson & Associates Architects, dated 11/04/2019, received by Council 14 April 2019.

Privacy Screens, Drawing No. A-310, Rev 5, prepared by Olsson & Associates Architects, dated 29/10/2018, received by Council 22 November 2018.

Sections I, Drawing No. A-401, Rev 5, prepared by Olsson & Associates Architects, dated 29/10/2018, received by Council 22 November 2018.

Sections II, Drawing No. A-402, Rev 5, prepared by Olsson & Associates Architects, dated 29/10/2018, received by Council 22 November 2018.

Materials & Finishes, Drawing No. A-501, Rev 3, prepared by Olsson & Associates Architects, dated 28/2/2018, received by Council 7 March 2018.

Landscape Plan LA-01, Issue 4, prepared by Jila, dated 17/11/2017, received by Council 7 March 2018.

Landscape Plan LA-02, Issue 4, prepared by Jila, dated 17/11/2017, received by Council 7 March 2018.

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

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

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

Acoustic Report prepared by Acouras Consultancy, dated 17.11 .2015

Access Compliance Report, Issue F, dated 29/10/2018 prepared by Vista Access Architects, received by Council 22 November 2018.

Waste Management Plan prepared by Elephants Foot Recycling Solutions, dated 13/9/2016.

BASIX Certificate No.678913M_05 issued 01 November 2018, received by Council 22 November 2018.

BCA Report prepared by Design Right Consulting, dated 29 October 2018, received by Council 22 November 2018.

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2. A Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction associated with this consent.
3. The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.
4. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

Contamination

5. A Remediation Action Plan (RAP) shall be prepared to outline remedial measures for the site as recommended in Section 10 of the Phase 2 Environmental Site Assessment report prepared by Environmental Investigation Services, dated 5 February 2016. The RAP shall include remediation of the lead contamination at BH9 and removal of the UST and associated fuel infrastructure.
6. A Validation Assessment (VA) report shall be prepared on completion of the remediation as recommended in Section 10 of the Phase 2 Environmental Site Assessment report prepared by Environmental Investigation Services, dated 5 February 2016. The VA shall include additional groundwater monitoring following removal of the USTs. A copy of the RAP and VA shall be provided to

Council prior to the commencement of any works on the site, other than those required to complete the remediation works.

7. A Hazardous Materials Assessment (Hazmat) as recommended in Section 10 of the Phase 2 Environmental Site Assessment report prepared by Environmental Investigation Services, dated 5 February 2016 shall be prepared for the existing buildings prior to the commencement of demolition work. A copy of the Hazmat shall be provided to Council.

Special Conditions

8. Prior to the issue of a Construction Certificate, amended architectural plans shall be prepared and submitted to the Principal Certifying Authority including the following changes:
 - a. The acoustic report prepared by Acouras Consultancy dated 17 November 2015 shall be updated to address the approved plans and the recommended measures of the report to address traffic noise shall be incorporated into the plans.
 - b. An updated Waste Management Plan which includes:
 - Provision of waste storage *room* /s capable of holding the following:
 - i. (23) x 660L bins for residential general waste;
 - ii. (31) x 240Lbins for residential recycling waste;
 - A minimum of 68m² residential bin collection room.
 - The bulk storage room shall have an area of 48.8m² and be conveniently located for access to the loading dock.

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- c. A roller door with a minimum width of (1.5 m) is to be provided to the waste storage room and the bulky waste room.
 - d. A room for provision of individual water meters is to be located at or near ground level.
 - e. A minimum (23) units throughout the development shall achieve the Liveable Housing Guideline's silver level universal design features.
 - f. Unit E502 shall be increased by an additional 3m² in floor space so as to achieve compliance with the minimum 95m² floor space required as per the ADG.
9. **Prior to the issue of a Construction Certificate**, amended landscape plans and details shall be prepared and submitted to the Principal Certifying Authority showing the following changes:
 - (a) A 10-12m maturity height tree shall be planted adjoining the western boundary opposite Apartment E1 01 ; "(Minimum 1 OOI)"

(b) An additional 15-20m and 10-12m maturity height tree shall be planted adjoining the western boundary, within the deep soil zone in the nature play area (may replace existing proposed tree); "(Minimum 100L),,

(c) 4 x 8-10m maturity height trees shall be planted adjoining the eastern boundary between the residential waste collection room and Apartment E104. Where necessary the hard landscaped areas are to be reduced in size and mounding/raised planter boxes provided to ensure suitable soil area to support the trees; "(Minimum 1 00L)"

(d) An additional 10-12m maturity height tree shall be planted adjoining the western boundary, opposite lobby 4 (to the west of the proposed lemon Scented Gum); "(Minimum 100L)"

(e) The proposed Australian Tree Ferns to the north of Retail Suite 1 in the deep soil area are to be replaced with trees to reach a minimum maturity height of 10m, with a narrow growth habit;

(f) Details are to be provided showing how the retail terraces and shared child play area are to be secured such that the general public cannot enter the remainder of the communal open space of the development. The security measures are not to prevent access by residents of the development (key operated);

(g) The access proposed from Commercial Suite 3 to the communal open space (northern facade) is to be removed and the area between the two smaller retail terraces (to Suites 1 and 2) and the apartment building is to become communal open space accessible only to residents of the development;

(h) A second child play area shall be provided at the north-western corner of the site which is accessible only by residents of the development;

(i) Additional casual seating is to be provided throughout the communal open space areas affording opportunities in the sun and dappled shade;

(J) Planter boxes (minimum 1m wide) shall be provided to separate paved areas within the communal open space area and adjoining private areas of open space; and

(k) BBQ areas are to be provided, with a minimum of 1 BBQ, access to a tap and table and seating for at least 8 persons under a shelter in the following locations:

- north-west corner of site;
- north-east corner of site, and
- to the east of the retail terraces.

(l) Details shall be provided of soil profiles and structural design for planting on slabs, irrigation systems and drainage.

(m) A minimum of 6 native street trees shall be planted along the Punchbowl Road frontage to reach a maturity height of 15 metres (minimum 200L). Street trees shall not be planted between, or within 3 metres of, the driveways and shall not be planted in the area of land to be dedicated for road widening. The trees shall be chosen from Council's recommended tree list.

10. The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.
11. For residential flat developments which are subject to State Environmental Planning Policy (SEPP) No. 65 - Design Quality of Residential Flat Development and required to be accompanied by a design verification from a

qualified designer under Clause 50(1 A) of the Environmental Planning and Assessment Act Regulation 2000, a certifying authority must not issue:

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

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

12. A Works Permit shall be obtained from Strathfield Council at least five (5) working days prior any work (including demolition, excavation and the erection of site fencing/hording). The approved Works Permit and any approved Construction Traffic Management Plan must be complied with at all times until all demolition, building, engineering and construction work associated with the development has been completed. The permit must be retained on site at all times.
13. Prior to the issue of a Construction Certificate, photographs documenting any existing damage to the kerb and gutter and footpaths adjacent to the property shall be submitted to the consent authority. In the absence of this documentation, the applicant is liable for all damage that occurs to Councils' assets.
14. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$20million and shall provide proof of such cover to Council prior to carrying out works.

Financial Matters

15. In accordance with the provisions of Section 7.13 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:

The revised S7.11 Contributions for the DA2016/017/02 are as follows:

Provision of Community Facilities	\$ 266,467.37
Provision of Major Open Space	\$ 1,272,051.83
Provision of Local Open Space	\$ 279,643.70
Provision Roads and Traffic Management	\$ 46,619.19
Administration	\$ 25,001.99
TOTAL	\$1,889,784.07

As the contributions applicable to the original development application (as modified) have been paid, the following additional contributions are applicable under DA2016/017/02:

Provision of Community Facilities	\$ 10,235.05
Provision of Major Open Space	\$ 46,566.43
Provision of Local Open Space	\$ 10,247.31
Provision Roads and Traffic Management	\$ 2,480.29
Administration	\$ 1,717.61
TOTAL	\$ 71,246.68

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. Contributions shall be indexed at the time of payment in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

Contributions must be receipted by Council and submitted to the Accredited Certifier, prior to the issue of any Construction Certificate.

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

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

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

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

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

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

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

Parking/Traffic Matters

18. A total of (234) off-street parking spaces, hard paved, line-marked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents: 183

Visitors: 25

Retail/commercial: 26

TOTAL: 234

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

Residential parking spaces shall be designated at a rate of at least one (1) space per 1 and 2 bedroom unit and two (2) spaces per 3 bedroom unit.

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

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

24. All driveways shall be separated from landscaped areas by a minimum 150mm high by 150mm wide concrete kerb or similar.
25. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.
26. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
27. Reconstruct the footpath, kerb and gutter to Council's specifications for the full frontage of the development site at the completion of all building works.
28. Purpose built storage compartment(s) shall be provided to and within each of the resident car parking bays and/or associated dwellings at the following rates:
 - o 6m³ for each one (1) bedroom unit
 - o 8m³ for each two (2) bedroom unit, and
 - o 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.**

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

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

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

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

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

Drainage/Stormwater

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

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

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

In this project the above engineering plans are satisfactory as Concept plans. The assessment authority, (either (a) Council, or (b) a Private Certifier), is to satisfy themselves of the adequacy of the above plans for the purposes of Construction. They are to independently determine what details, if any, are to be added to the Construction Certificate plans, in order for the issue of the Construction Certificate.

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

33. On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system. The storage system shall be designed in accordance with the endorsed concept stormwater plans AND Council's

Stormwater Management Code. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

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

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

35. Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
36. For drainage works within public land or connecting to Council's stormwater drainage system the following inspections will be required:-
- (a) After the excavation of pipeline trenches.
 - (b) After the laying of all pipes prior to backfilling.
 - (c) After the completion of all pits and connection points.

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

37. All pits shall be constructed in accordance with Australian Standard AS3500.3.
38. All subsoil drainage must be designed to meet the requirements of AS3500.
39. The proposed basement pump out system capacity shall be capable of handling 4 hours of 1 OOr ARI storm event and the catchment contributing to it shall be limited to the subsoil drainage and the basement access ramp area only. The pipes under the basement shall not be PVC or HDPE. The rising main shall be connected to the Silt Arrestor Pit. Final details of this system are to be submitted with the Construction Certificate application.
40. Grated drains shall be provided along the basement entry at the vehicular crossing(s) and the terraces on the lower ground floor and are to connect to the internal drainage system.
41. The OSD basin must be graded to drain completely and gradients shall not be less than 1 %. Discharge restriction from the OSD shall be by use of appropriately sized short length of reduced diameter pipe and weir; orifice plate shall not be used and a co-efficient of 0.8 shall be used for design of the

pipe. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

42. All surface inlet drains upstream of the on-site detention basin must be designed so that there is no overflow before the storage is full.
43. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.
44. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.
45. A Positive Covenant under Section 8BE of the Conveyancing Act shall be created on the title of the property detailing the:

(a) On-site stormwater detention system **AND**

(b) All Water Sensitive Urban Design components

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

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

46. Boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other party.
47. The sediment tank shall be inspected quarterly and cleaned as necessary. The accumulated sediment should be disposed off site as per standard practice and National guidelines. A record of quarterly maintenance of the sediment tank shall be kept and produced when requested by Council.
48. A detailed design of the Water Sensitive Urban Design (WSUD) components (stormwater treatment measures) shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate and shall include, but not be limited to:

Batters, levels, underdrains, high flow bypass details, clean out points, filter media details, mulching details, material specification, planting details, inlet scour protection areas, maintenance access ramps and maintenance schedule(s).

The design shall be prepared by a suitably qualified professional engineer experienced in Water Sensitive Urban Design in accordance with the approved plans, conditions of consent, Strathfield Council's Development Control Plan Part N - Water Sensitive Urban Design 2005, Strathfield Council WSUD Reference Guideline and WSUD Technical Design

49. All approved stormwater works are required to be carried out in accordance with the conditions of consent, approved construction certificate plans, "Strathfield Council WSUD Reference Guideline" and the Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands (SEQ Healthy Waterways Partnership) Version 1.1 April 2010 or subsequent versions that may be updated.
50. A suitably qualified Engineer is required to inspect and certify the proposed development at the completion of each of the following construction phases (if any):
 - (i) Installation of the overflow pit and bulking out/trimming profiling;
 - (ii) Installation of under drainage;
 - (iii) Installation of cleanout points;
 - (iv) Installation of drainage layer;
 - (v) Installation of transition layer;
 - (vi) Installation of filtration media;
 - (vii) Laying of geofabric protection for build-out phase;
 - (viii) Laying of turf temporary protection layer, and
 - (ix) Final planting.
51. An Operational Management and Maintenance Report is required to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate outlining the proposed long term operational management and maintenance requirements of the stormwater system on the site.

A schedule or timetable for the proposed regular inspection and monitoring of the devices, maintenance techniques, reporting and record keeping requirements and associated rectification procedure shall be included in the report.
52. The utility services within the area of effect of the proposed drainage works (i.e. gas, water, sewer, electricity, telephone, etc) shall be physically located prior to the commencement of drainage works in Loftus Lane. The relevant authority's written consent for excavation adjacent to their services shall be obtained. Any adjustments required shall be at no cost to Council.
53. A Works Permit shall be obtained from Council's Customer service Centre prior to undertaking any works on public/Council-controlled lands. This includes any work on the nature strip, footpath, driveways, Council's drainage kerb & guttering and roadways.
54. The applicant or any contractors carrying out works in public or Council's controlled lands shall have public liability insurance cover to the value of \$20 million, and shall provide proof of such cover prior to carrying out the works.
55. Upon completion of drainage works within the road reserve full works-as-executed plans prepared and signed by a registered surveyor, shall be submitted for Council's approval. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and locations for the

drainage structures and works.

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

Public Authority Matters

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

Landscaping/Tree Matters

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

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

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

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

(b) Signs identifying the Protection Zone should be installed on the fencing and be visible from within the development site. Lettering should comply with *AS4970-2009: Protection of Trees on Development Sites*.

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

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

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

(f) Any major structural roots which are encountered shall be pruned by a qualified Arborist.

(g) No excavation or construction shall be carried out within the stated *Structural Root Zone* distances from the base of the trunk surface.

(h) Only permeable surfaces (e.g. decomposed granite, gravel, turfpave, permeable paving systems or soft landscaping) are permitted within the canopy spread of the trees to be protected.

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

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

62. General maintenance of Council's nature strip adjoining the development site, including regular lawn mowing, edging, irrigation of the lawn and street trees and restricting the storage of materials, rubbish and parking or driving of vehicles on the nature strip, must be carried out during the full period of all approved works (including any demolition and excavation).
63. All common and private landscape areas including all planters are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and all relevant Australian Standards.
64. Evergreen shrubs with a minimum 5 litre container size achieving a minimum mature height of 3m shall be planted along side and rear boundaries to provide privacy screening and shall be maintained at all times.

Details of the selected plants shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

65. To protect existing trees, masonry fence piers must be setback a minimum 3.0 metre radius from the retained trees on the Punchbowl Rd frontage and all masonry walling between the piers within this zone must be supported on concrete beams (not strip footings).
66. Manual excavation and manual sawing of all roots is required within canopy spread of the retained trees on the Punchbowl Rd frontage.
67. A minimum level 5 (AQF5) Consultant Arborist who is currently a member or is eligible for membership to the *Institute of Australian Consulting Arboriculturists* (IACA) or *Arboriculture Australia* (AA) is to be contracted by the applicant to undertake/monitor pruning of the required branches of the retained trees on the Punchbowl Rd frontage.
68. Prior to the issue of an occupation certificate the applicant shall submit and have approved by the Principal Certifying Authority (PCA) a detailed landscape implementation plan certifying that landscaping has been provided

accordance with the landscape plan prepared by Jane Irwin Landscape Architect (Drawing No. LA-01, Rev 3) 19/4/17, as amended by conditions of this consent and the Landscape provisions contained within section 10.0 of Part A of the Strathfield Council Development Control Plan.

Construction Matters

69. Prior to the commencement of any construction or demolition work, the Applicant or principal contractor must, subject to obtaining permission from the respective property owners, provide dilapidation reports prepared by a suitably qualified person (such as a structural engineer), on the buildings located on any lot adjacent to the subject site, inclusive of ancillary structures. A copy of the respective report must be provided to the Principal Certifying Authority and neighbouring property owners that are the subject of that report.
70. The proposed development shall comply with the Building Code of Australia and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.
71. Footings shall be designed in accordance with the soil classification of H, or Highly Reactive (unless determined to the contrary by a suitably qualified person).
72. If the soil conditions require it retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.
73. The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.
74. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.
75. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
76. If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) Must preserve and protect the building from damage; and
 - (b) If necessary, must underpin and support the building in an approved manner, and
 - (c) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

77. There are built structures which may be in the zone of influence of the proposed works and excavations on the site. A qualified practicing geotechnical engineer must prepare a Construction Methodology Report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure. The report must be submitted with the application for a Construction Certificate and must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include;

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

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

78. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
79. The common access pathways, letterboxes and entry doorways to the building shall be provided with suitable low level artificial lighting systems to ensure safe and convenient access at night. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Building Matters

80. Identification numbers are to be clearly displayed at the front of the premises and be easily visible from the street. If it is proposed to strata subdivide the building, the lot numbers and unit numbers shall be the same as those nominated on the approved plans and be in accordance with Council's requirements. For strata subdivision, parking spaces shall have the same lot number as the residential portion and shall not be numbered separately.
81. Prior to the issue of an Occupation Certificate, the applicant shall submit evidence to the Principal Certifying Authority that a Master TV antenna has been installed on the roof of the building that services all apartments.

Sustainability

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

Demolition

83. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
84. The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority prior to any work commencing on site.
85. Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority prior to any work commencing on site.
86. The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

Fire Safety Measures

87. Upon completion of works a final fire safety certificate is to be issued from a properly qualified person in respect of each essential fire safety measure installed within the building and specified in the fire safety schedule. The final fire safety certificate shall be provided prior to the issue of an Occupation Certificate.
88. Each 12 months after the installation of essential fire or other safety measures, the owner of a building must submit an Annual Fire Safety Statement for the building to Council. In addition a copy of the statement must be given to the NSW Fire Commissioner and a copy displayed prominently in the building.

Hoardings

89. If 'A' type hoarding is to be erected about the building site, it is to comply with NSW Workcover's requirements; shall have a minimum height of 1.8 m and comply with AS1725-2003 (Galvanized Rail-Less Chain-Wire Security Fences and Gates) or AS 4687-2007 (Temporary Fencing and Hoardings). Inverted trench mesh is not an acceptable 'A' type hoarding and as such does not satisfy AS 1725-2003 and as such shall not be installed to the building site.
90. An overhead 'B' type hoarding shall be constructed where buildings over 7.5 m in height above the footpath level and within 3.6 m of the street alignment are being erected or demolished or where the outer part of such a building adjoining a public way is being altered. Where the height of the building or the position of the site is such that danger is likely to occur from falling objects, additional safety hoarding shall be provided to the satisfaction of the principal certifying authority and Workcover NSW.
91. An overhead 'B' type hoarding shall be constructed where material is being hoisted over or across a public way.

92. The following additional requirements apply to the erection of a 'B' type hoarding:
- (a) No advertisement of any kind shall be affixed to hoarding with the exception of a board not exceeding 2400 -mm by 1800-mm on which may be shown the architects, builders and principal certifying authority company name / contact details or any particulars regarding the subject building, and notices regarding the existing or future occupancies in the building.
 - (b) A sign reading 'billposters will be Prosecuted' shall be attached or printed upon the front of the hoarding
 - (c) A hydrant or other footpath box shall not be covered in any way or access to it impeded
 - (d) Cranes shall not be placed upon the public way unless a permit has been obtained under section 68 Local Government Act, 1993.
 - (e) The hoarding must be so constructed that it will not obstruct the view of traffic lights of motorists or pedestrians.
 - (f) The use of the roadway for the storage of building materials is not permitted.
 - (g) Where materials are being hoisted over a public way a sign shall be attached or printed upon the front of the hoarding at the decking level with the lettering 'Lifting Operation Above'. The lettering shall not be less than 300-mm in height.
 - (h) Persons undertaking the work in accordance with this Approval must hold this Approval/Permit on-site for inspection.
 - (i) Approval for a temporary protective structure does not permit use of the roadway for general loading and unloading from construction vehicles. This requires a separate Construction Zone Application.
 - U) An appropriate qualified practising structural engineer shall certify the structural stability / adequacy of the erected 'B' type hoarding. A copy of the certificate shall be forward to the principal certifying authority and to Council, where Council is not the principal certifying authority.
93. The builder shall erect and maintain all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary and must be in place before the approved activity commences.
94. Permits are required to erect Class 'A' or 'B' type hoardings. If any type hoarding is to occupy a section of Council's property, that section will require a permit for the occupation of Council's property. The applicant, owner, builder or site supervisor must apply for specific permits and pay the appropriate hoarding fees as adopted by Council's Fees and Charges schedule. The application form is available from Council's Customer Service Department.

95. As required by the Protection of the Environment Operations (Noise Control) Regulation 200S, air-conditioning units or heat pump water heaters shall not be audible in the habitable rooms of any other residential premises before 7am or after 10pm on any Saturday, Sunday or public holiday, or before 7am or after 10pm on any other day.
96. Prior to the issue of any Occupation Certificate the Principal Certifying Authority shall confirm that the development has been constructed in accordance with the recommended methodology within the endorsed Acoustic report to ensure noise levels do not exceed:
- (a) in any bedroom in the building-35 dB(A) at any time between 10 pm and 7 am,
 - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)-40 dB(A) at any time.

Subdivision

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

Disabled Access

98. The Access Compliance Report, prepared by Vista Access Architects shall be updated to address the approved plans, as amended by the conditions of this consent, and the required accessibility design features are to be included in the Construction Certificate plans.
99. Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia , the relevant standards and the requirements of the Disability (Access to Premises - Buildings) Standards 2010. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
100. Accessible car parking spaces for persons with disabilities shall be provided in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
101. Prior to the issue of a Construction Certificate, certification shall be submitted to the Principal Certifying Authority demonstrating that at least 20% of the residential units meet the silver level Universal Design Guide requirements of the Liveable Housing Design. In order to meet the requirements, the following must be achieved:
- (a) A safe continuous and step free path of travel from the street entrance *and/or* parking area to a dwelling entrance that is level.
 - (b) Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.
 - (c) A toilet on the ground (or entry) level that provides easy access.
 - (d) A bathroom that contains a hobless (step-free) shower recess.
 - (e) Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date

(f) A continuous handrail on one side of any stairway where there is a rise of more than one metre.

(g) Stairways are designed to reduce the likelihood of injury and also enable future adaptation.

Waste Management

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

(a) type and likely quantity of waste arising from the demolition and construction activities;

(b) storage, disposal and recycling measures for all demolition and construction waste, including specific disposal points and arrangements;

(c) type and likely quantity of trade and operational waste arising from the proposed development. including storage and collection details. Note:

Strathfield Council does not provide a trade waste service;

(d) provision for a suitable number of 660 litre garbage bins and 240 litre recycling bins for the residential development; and

(e) fit out details of any garbage/waste enclosures and storage areas.

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

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

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

(a) Full and free right must be provided to Strathfield Council employees or its authorised contractors to:

(i) Enter upon the land and remove any waste products using any vehicle or equipment as necessary;

(b) The owner of the lot burdened shall be solely responsible for the cost of maintaining in good and sufficient repair at all times the internal roads or access ways used by Strathfield Council for the purpose of exercising its rights as set out in clause (a) above.

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

Land Contamination

105. All soil material removed from the site is to be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW DECC and

disposed of at a suitably licensed facility. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.

Geotechnical

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

Finish of Driveway Opening

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

Operable Conditions

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

Integrated Development

Roads and Maritime Service

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

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

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

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

Detailed design plans of the proposed kerb and gutter crossings are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works. A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

- 111. All vehicles are to enter and exit the site in a forward direction.
- 112. All vehicles are to be wholly contained on site before being required to stop.
- 113. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

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

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

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

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

Details should be forwarded to: Suppiah.Thillai@rms.nsw.gov.au

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:88492766.

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

NSW Office of Water

General

117. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
118. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
119. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
- (a) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
 - (b) any elevated water table is more than 1.0m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - (c) where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
120. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
121. OPI Water requires documentation (referred to as a 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process must be provided. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report).

Reports need to be submitted to OPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

122. The following shall be included in the initial report:
- (a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.

(b) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.

(c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.

(d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [OPI Water prefers that groundwater level measurements should be undertaken on a continuous basis using automatic loggers in monitoring bores.]

123. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
124. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
125. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
126. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability determined by slug-testing, pump-testing or other means).
127. A copy of a valid consent for the development shall be provided in the initial report.
128. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater

(sometimes called "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.

129. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary.

The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

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

Following excavation

137. Following completion of the dewatering operations, the applicant shall submit to **DPI** Water, Parramatta Office, the completion report which shall include:

- (a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
- (b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
- (c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.

138. The completion report is to be assessed by **DPI** Water prior to any certifying agency's approval for occupation or use of the completed construction.