

15482

20 November 2018

Henry Wong
General Manager
Strathfield Municipal Council
65 Homebush Road
Strathfield NSW 2135

Attention: Louise Mansfield

Dear Mr Wong,

**SECTION 4.55(2) MODIFICATION
27-35 PUNCHBOWL ROAD, BELFIELD**

This application has been prepared by Ethos Urban on behalf of Gazcorp pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent 2016/017 relating to the mixed-use development at 27-35 Punchbowl Road, Belfield.

The modifications generally relate to the addition of one storey to Building A and part of Building B and include the following:

- Addition of one storey to Building A and part Building B, comprising 5 additional apartments;
- Splitting and reconfiguration of apartments located at the eastern aspect of Levels 2 and 3, resulting in the addition of two apartments; and
- Addition of 6 resident and 2 visitor car parking spaces across Levels B1 and B2.

This application identifies the consent, describes the proposed modifications and provides a planning assessment of the relevant matters for consideration contained in section 4.55(2) of the EP&A Act and is accompanied by:

- Architectural Drawings prepared by Olsson & Associates Architects (**Attachment A**);
- Design Verification Statement prepared by Olsson & Associates Architects (**Attachment B**);
- Streetscape Study prepared by Olsson & Associates Architects (**Attachment C**);
- Urban Design Statement prepared by Olsson & Associates Architects (**Attachment D**);
- Legal Opinion on Substantially the Same Development prepared by Addisons (**Attachment E**);
- Traffic and Car Parking Statement prepared by SCT Consulting (**Attachment F**);
- Access Compliance Report prepared by Vista Access Architects (**Attachment G**);
- BASIX Assessment Report prepared by ESD Synergy (**Attachment H**);
- BASIX Certificate and Stamped Drawings (**Attachment I**); and
- BCA Statement prepared by Design Right Consulting (**Attachment J**).

1.0 Consent proposed to be modified

Development consent 2016/017 was granted by the Sydney Central Planning Panel on 15 June 2017 following a recommendation for approval by Strathfield Council. Approval was granted for the following development:

Demolition and construction of a 4-7 storey mixed use building comprise of 5 retail suites and 111 apartments, with basement parking for 221 cars.

An application to modify the development consent to allow for changes to the design of the development was lodged on 7 March 2018 and approved by Council on 7 of June 2018. The modification comprised four additional apartments located within the northernmost buildings and reconfiguration of basement car parking.

This application represents the second modification to the existing development consent.

2.0 Proposed modifications to the consent

2.1 Modifications to the development

Proposed modifications to the development relate to the addition of a single storey to Building A and part of Building B and include:

- Addition of one storey to Building A and part Building B, comprising 5 additional apartments;
- Splitting and reconfiguration of apartments located at the eastern aspect of Levels 2 and 3, resulting in the addition of two apartments; and
- Addition of 6 resident and 2 visitor car parking spaces across Levels B1 and B2.

The proposal seeks to respond more appropriately to the surrounding streetscape, in particular the approved development for an eight-storey residential flat building on the adjoining site at 37-39 Punchbowl Road (DA2017/101). This development approval has resulted in a three-storey height difference between the subject site and the adjoining site, which is contrary to the intended urban design response of the original proposal.

An Urban Design Analysis and Streetscape Study has been prepared by Olsson & Associates and is included at **Attachment B**, which investigates the nature and design intent of the proposed changes. Architectural Drawings prepared by Olsson & Associates Architects showing the proposed modifications are provided at **Attachment A**. A detailed level-by-level summary of the proposed modifications to the development is provided in **Table 1** below.

Pre-lodgement meeting

Proposed modifications to the approved development were discussed with Strathfield Council at a pre-lodgement meeting on 21 August 2018. Issues raised by council included the following:

- Potential traffic impacts associated with the additional apartments; and
- The inclusion of additional massing throughout the development that was not in response to the streetscape rhythm.

As such, the modifications presented in this application have considered Council's comments. Primarily, all proposed additional massing is confined to Building A and part of Building B along the Punchbowl Road frontage, to respond appropriately to the surrounding streetscape. Further, a Traffic and Car Parking Study has been carried out by SCL Consulting and is included at **Attachment F**.

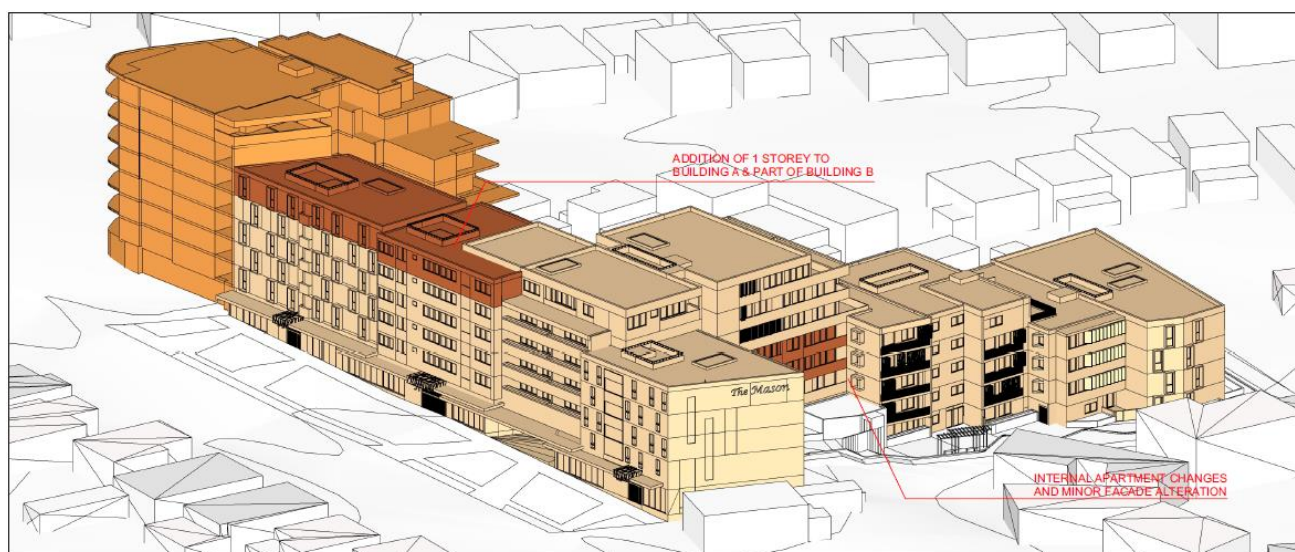
Table 1 Level by level description of the proposed modifications

Level	Description of Proposed Modifications	Drawing Number
Basement 2	Addition of 2 resident car parking spaces Reconfiguration of accessible parking spaces	A-2B2
Basement 1	Addition of 4 resident car parking spaces Addition of 2 visitor car parking spaces Reconfiguration of accessible parking spaces	A-2B1
Lower Ground	No changes	A-201
Ground	No changes	A-202
Upper Ground	No changes	A-203
Level 2	Reconfiguration of two 2-bedroom apartments into three 1-bedroom apartments Conversion of apartment D406 from 3-bedroom to 2-bedroom	A-204
Level 3	Reconfiguration of two 2-bedroom apartments into three 1-bedroom apartments Conversion of apartment D506 from 3-bedroom to 2-bedroom	A-205
Level 4	No changes	A-206
Level 5	No changes	A-207
Level 6	Additional storey at Building A and part Building B comprising 5 new apartments Conversion of apartment D805 from 2-bedroom to 3-bedroom Revised layout of apartment D801	A-208
Roof	Additional storey at Building A and part Building B including skylight and plant areas Revised skylight location at Building D to accommodate updated apartment planning	A-209

2.2 Addition to Buildings A and B

It is proposed to add a single level to Building A and part of Building B. The additional level effectively infills a portion of the building between the higher Building D, and the adjoining development at 37-39 Punchbowl Road. The additional massing is shown in dark brown in **Figure 1**.

The addition adds five additional apartments to the building and results in the reconfiguration of Apartment D805 from a 2-bedroom unit to a 3-bedroom unit.

**Figure 1** Areas proposed to be modified (shown in dark brown)

Source: Olsson & Associates Architects

2.3 Reconfiguration of units and car parking

It is proposed to reconfigure four units in levels 2 and 3 of Building D. The reconfiguration converts four 2-bedroom units into six 1-bedroom units. The modification also involves minor alterations to the façade appearance of the building. The overall building alignment will remain the same.

As part of the reconfiguration, apartments D406 and D506 would be converted from 3-bedroom units into 2-bedroom units. The area proposed to be reconfigured is shown above in **Figure 1**, as well as in the plan extract below in **Figure 2**.



Figure 2 Area of apartments proposed to be reconfigured

Source: Olsson & Associates Architects

The above additions also trigger an increase in parking requirements. The additional parking has been able to be added within the approved basement area. Specifically, this modification adds:

- 6 residential spaces, for a total of 182 residential spaces; and
- 2 visitor spaces, for a total of 25 visitor spaces.

2.4 Modification to conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~**bold strike through**~~ and words to be inserted are shown in ***bold italics***.

Condition No.1

Plans

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

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

~~Basement 2, Drawing No. A-2B2-A, Rev 4, prepared by Olsson & Associates Architects, dated 15/5/2018, received by Council 17 May 2018.~~

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

~~Basement 1, Drawing No. A-2B1-A, Rev 4, prepared by Olsson & Associates Architects, dated 15/5/2018, received by Council 17 May 2018.~~

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

~~Lower Ground Level, Drawing No. A-201-A, Rev 4, prepared by Olsson & Associates Architects, dated 15/5/2018, received by Council 17 May 2018.~~

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

~~Ground Level, Drawing No. A-202-A, Rev 4, prepared by Olsson & Associates Architects, dated 15/5/2018, received by Council 17 May 2018.~~

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

~~Upper Ground Level, Drawing No. A-203-A, Rev 4, prepared by Olsson & Associates Architects, dated 15/5/2018, received by Council 17 May 2018.~~

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

~~Level 2, Drawing No. A-204-A, Rev 4, prepared by Olsson & Associates Architects, dated 15/5/2018, received by Council 17 May 2018.~~

Level 2, Drawing No. A-204, Rev 5, prepared by Olsson & Associates Architects, dated 29/10/2018.

~~Level 3, Drawing No. A-205-A, Rev 4, prepared by Olsson & Associates Architects, dated 15/5/2018, received by Council 17 May 2018.~~

Level 3, Drawing No. A-205, Rev 5, prepared by Olsson & Associates Architects, dated 29/10/2018.

~~Level 4, Drawing No. A-206-A, Rev 4, prepared by Olsson & Associates Architects, dated 15/5/2018, received by Council 17 May 2018.~~

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

~~Level 5, Drawing No. A-207-A, Rev 4, prepared by Olsson & Associates Architects, dated 15/5/2018, received by Council 17 May 2018.~~

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

~~Level 6, Drawing No. A-208-A, Rev 4, prepared by Olsson & Associates Architects, dated 15/5/2018, received by Council 17 May 2018.~~

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

~~Roof Plan, Drawing No. A-209, Rev 3, prepared by Olsson & Associates Architects, dated 28/2/2018, received by Council 7 March 2018.~~

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

~~Adaptable Apartments, Drawing No. A-250, Rev 3, prepared by Olsson & Associates Architects, dated 28/2/2018, received by Council 7 March 2018.~~

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

~~N-S Elevations, Drawing No. A-301-A, Rev 4, prepared by Olsson & Associates Architects, dated 15/5/2018, received by Council 17 May 2018.~~

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

~~E-W Elevations, Drawing No. A-302-A, Rev 4, prepared by Olsson & Associates Architects, dated 15/5/2018, received by Council 17 May 2018.~~

E-W Elevations, Drawing No. A-302, Rev 5, prepared by Olsson & Associates Architects, dated 29/10/2018.

~~Privacy Screens, Drawing No. A-310, Rev 3, prepared by Olsson & Associates Architects, dated 28/2/2018, received by Council 7 March 2018.~~

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

~~Sections I, Drawing No. A-401, Rev 3, prepared by Olsson & Associates Architects, dated 28/2/2018, received by Council 7 March 2018.~~

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

~~Sections II, Drawing No. A-402, Rev 3, prepared by Olsson & Associates Architects, dated 28/2/2018, received by Council 7 March 2018.~~

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

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 JK Geotechnics, dated 15 January 2016.

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

Acoustic Report prepared by Acouras Consultancy, dated 17. 11 .2015

Access Compliance Report, prepared by Vista Access Architects, received 7 March 2018.

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

BASIX Certificate No. 678913M_04 issued 28 February 2018, received by Council 7 March 2018.

BCA Report prepared by Design Right Consulting, received by Council 7 March 2018

...

18. A total of (225) 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	176 182
Visitors	23 25
Retail/commercial	26
TOTAL	225 234

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

3.0 Substantially the same development

Section 4.55(2)(a) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)”*.

There is no hard and fast rule when it comes to determining what constitutes ‘substantially the same development’. Whilst this is the case the Land and Environment Court judgement for Moto Projects (No 2) Pty Ltd v North Sydney Council [1999] NSWLEC 280 established some key principles to be taken in account when considering what constitutes a modification, these being:

- The verb “modify” means to alter without radical transformation.
- “Substantially” in this context means essentially or materially or having the same essence.
- A development as modified would not necessarily be “substantially the same development” simply because it is for precisely the same use as that for which consent was originally granted.
- A modification application involves undertaking both a qualitative and quantitative comparison of the development as originally approved and modified.
- Although the comparative task required under section 96 involves a comparison of the whole of the development being compared, that fact does not eclipse or cause to be eclipsed if a particular feature of the development, particularly if that feature is found to be important, material or essential to the development.
- Environmental impacts of the proposed modifications are relevant in determining whether or not a development is ‘substantially the same’.

Legal opinion has been provided by Addisons regarding the proposal’s ability to be considered substantially the same development, attached at **Attachment E**. Table 2 below shows a comparison of key numerical elements of the development as per the original development approval and the current proposal.

The proposed modified development is considered to be substantially the same in that it does not represent a ‘radical transformation’ from the approved development and is considered to continue to be of the same essence. Key to drawing this conclusion is the following:

1. The modification does not change the land uses as originally approved.
2. The modification maintains substantially the same building form as originally approved, with the addition of only a single storey across a small part of the development. In particular:
 - a) the building maintains the same overall height – the addition does not rise significantly higher than the highest approved component of the building;
 - b) the proposed street wall of six storeys provides a very similar streetscape response when compared with the approved five storey street wall; and

- c) the proposed modification maintains the same setbacks and building footprint as the development as originally approved.
3. The modification only adds 7 additional units, two of which were added within the existing massing of the building through reconfiguration of the approved apartment layout. When combined with the four additional apartments approved under the previous modification (D/2016/017/01), the development as proposed to be modified contains approximately 10% more units than the original approval. This is considered to be a relatively minor increase across the entire site.
 4. The modification retains the original internal layout and function of the building, with only minor changes. All pedestrian access, car parking and other functional components remain substantially the same.
 5. The modification retains the intended urban design response to the surrounding streetscape – that is, a medium-density residential street wall, built to boundary along Punchbowl Road.
 6. Results in negligible additional environmental impacts, particularly in terms of overshadowing, visual impact, car parking, traffic and residential amenity.

Table 2 Comparison between the proposed, as modified development and the original approval

Element	Original development consent	Proposed Section 96 modification	Difference compared to original consent
Building height (overall)	22.8m	22.8m	0m
Building height (Building A)	17.5m	20.6m	3.1m
FSR (Zone A)	2.68:1	2.84:1	0.16:1
FSR (Zone B)	1.4:1	1.47:1 (approved in Mod 1)	No change in current application
GFA (Zone A)	7,263sqm	7,677sqm	414sqm
FGA (Zone B)	3,777sqm	3,984sqm (approved in Mod 1)	0sqm
Number of Apartments	111	122	11 (4 additional apartments approved in Mod 1)
Parking	174 residential 23 visitor 1 wash bay	184 residential 25 visitor 1 wash bay	10 residential 2 visitor

4.0 Planning assessment

Section 4.55(3) of the EP&A Act requires a consent authority to take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application and the reasons given by the consent authority for the grant of the original consent.

The planning assessment of the proposed modified development remains generally unchanged, with the exception of the following matters, which are assessed further below.

4.1 Compliance with plans and policies

The SEE submitted with the original DA addressed compliance with the following relevant plans and policies:

- *State Environmental Planning Policy No. 55 – Remediation of Land*;
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* and the Apartment Design Guide;
- *Strathfield Local Environmental Plan 2012*; and
- Strathfield Consolidated Development Control Plan 2005.

The SEE submitted with the original DA also addressed a variety of environmental impacts. The planning assessment of the proposed modified development remains unchanged with respect to the majority of the environmental impacts previously assessed. Key issues have been addressed in the following sections.

4.2 Reasons for granting consent

The original development application was granted consent due to its permissibility in the zone and general consistency with the relevant provisions and objectives of SEPP 65 and Strathfield LEP 2012 (except for a breach in the height control). The proposed modifications to the development will not alter the ability of the development as originally approved to achieve consistency with these planning instruments.

In the development assessment report, which recommended the original DA for approval, the breach in height limit was considered acceptable since:

‘... the additional height is appropriately located to ensure an appropriate streetscape presentation to Punchbowl Road and maximise the amenity of surrounding residential properties.’

The current proposal seeks to maintain an appropriate streetscape presentation to Punchbowl Road in light of the approval of DA2017/101 at 37-39 Punchbowl Road, which adjoins the site to the south-west, while limiting any potential adverse impacts on the amenity of surrounding residential properties. Overall, it is considered that the proposed modifications are consistent with the reasons for granting consent to the original application.

4.3 Built form

Building massing along the Punchbowl Road frontage in the original proposal and subsequent modification was designed to sensitively respond to the existing and future streetscape of Punchbowl Road. Working under the assumption that a compliant development at the corner of Water Street and Punchbowl Road would be up to 22m in height, as per the LEP height limit, the proposal sought to gently step downwards 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 developments up to four storeys high closer to Elliot Street.

However, the recent approval of DA2017/101 has granted consent for an 8-storey development adjoining the site on the corner of Punchbowl Road and Water Street. This has resulted in an unintended 3-storey drop between the development at 37-39 Punchbowl Road and the current proposal. As such, this modification seeks to resolve the disjointed form in the streetscape rhythm by introducing an additional storey at Building A and part of Building B. A comparison of the Punchbowl Road streetscape between the currently approved and proposed schemes is provided at **Figure 3** and **Figure 4** below.



Figure 3 Punchbowl Road streetscape as currently approved

Source: Olsson & Associates Architects



Figure 4 Punchbowl Road streetscape as proposed

Source: Olsson & Associates Architects

Figures 3 and 4 show the approved streetscape compared with the proposed streetscape, as viewed from Punchbowl Road.



Figure 5 View from Punchbowl Road (approved development)

Source: Olsson & Associates Architects

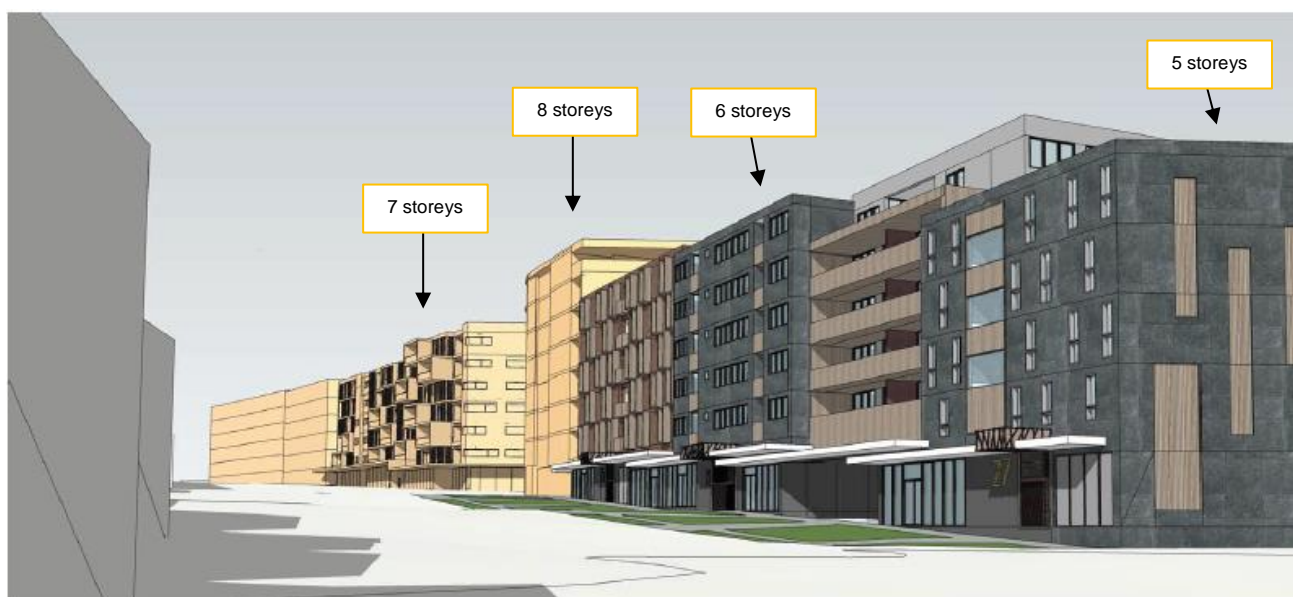


Figure 6 View from Punchbowl Road (proposed development)

Source: Olsson & Associates Architects

An Urban Design Analysis and Streetscape Study has been prepared by Olsson & Associates Architects and is provided at **Attachment C**. The study finds that the proposal generates a better streetscape outcome for the following reasons:

- A more considerate massing transition and stepping across the Punchbowl Road frontage is achieved in keeping with the original intent of the LEP controls and accepted urban design principles.

- The corner of Punchbowl Road and Water Street is still reinforced with a higher element; however, the proposed modification allows the street wall to transition down from the corner without any abrupt changes, and in a more sensitive and appropriate fashion.
- The currently approved three-storey height difference creates a disjointed streetscape where the two developments appear separate with little to no interrelation, making the buildings read as separate urban environments. A two-storey transition makes the streetscape work together and provides a continuity to the facade, whilst still reinforcing the corner and making it the most prominent element.
- The transition between the approved developments currently presents a 3-storey blank wall with no articulation or treatment. This is a poor outcome that is quite visible from the eastern side of Punchbowl Road. This is particularly evident in **Figure 3**, which shows the current jarring transition from 37-39 Punchbowl Road to the subject site. The proposed additional volume not only creates a better rhythm and a smoother transition, it also reduces the visibility and extent of the blank wall.

Given the above, the proposed modifications are considered to result in a superior urban design and streetscape outcome than the currently approved development.

Further, the proposal does not introduce any additional massing beyond the south-western corner of the Punchbowl Road frontage. Hence the built form outcome of the remainder of the development remains unchanged.

4.4 Building height

The current proposal does not increase the maximum building height of the overall development. It does, however result in a localised increase in the exceedance of the 16m LEP height limit along Punchbowl Road due to the proposed additional storey.

Clause 4.6(3) of Strathfield LEP 2012 states that:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Clause 4.6 of Strathfield LEP 2012 references the requirements for 'development consent' to be granted to a variation to a development standard (taken in case law to mean a DA), the proposed modification can be achieved without requiring a formal clause 4.6 variation under LEP 2012 nor requiring the concurrence of the Director General.

The maximum exceedance due to the proposed modifications is 4.6m and occurs at the eastern corner of the rooftop plant at Building A. The building has a total height of 20.6m at this point. It is noted that this is less than the 6.8m exceedance approved for Building D at the centre of the site.

The additional height does not result in any variation to the maximum FSR under Strathfield LEP 2012, and establishes a more appropriate urban design and streetscape outcome as discussed in **Section 4.3**.

The building height, despite being above the numerical height limit prescribed in the LEP, still delivers a built form outcome that is consistent with the objectives of the height control in that it:

1. Allows for development that is of a height that is compatible with the surrounding streetscape;
2. Is within the maximum FSR for the site;
3. Does not result in any change to heights on the southern part of the site, and critically, does not affect the eastern interface between the site and adjacent land to the east (as shown in **Figure 7**, the five-storey interface to the east is maintained and unaffected).

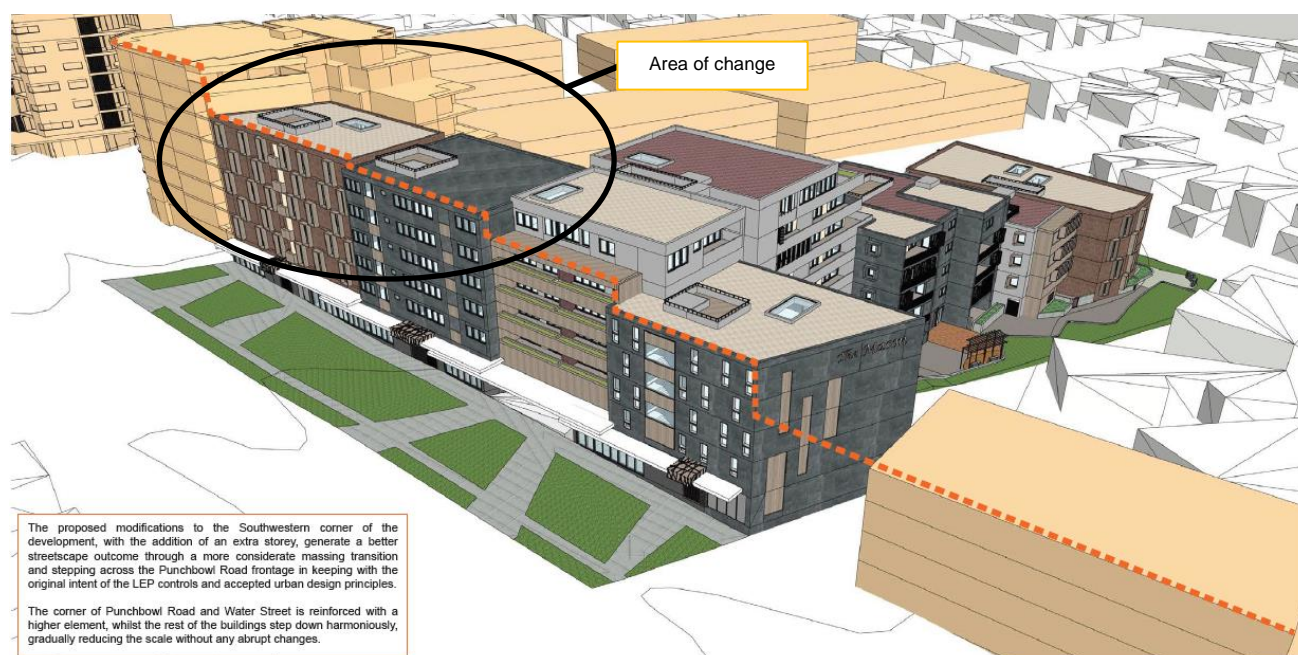


Figure 7 Height transition along Punchbowl Road

Source: Olsson & Associates Architects

4. Improves the appearance of the area by reducing the visibility of a 3-storey blank wall with no articulation or architectural treatment; and
5. Provides for variety in height by allowing the approved corner development to still read as a higher element while transitioning to lower buildings to the north-east.

As such, the proposed increase in building height is considered acceptable since it provides a superior urban design outcome.

4.5 Floor space ratio

The proposed 1-storey addition results in an increase in GFA of 414sqm. Under the Strathfield LEP, the maximum FSR for the southern portion of the site, known as Zone A, is 3:1. Under the proposed modifications, this part of the site will achieve an FSR of 2.84:1, which is below the maximum FSR. No changes in GFA are proposed for the rest of the site, Zone B, which achieves an FSR of 1.47:1.

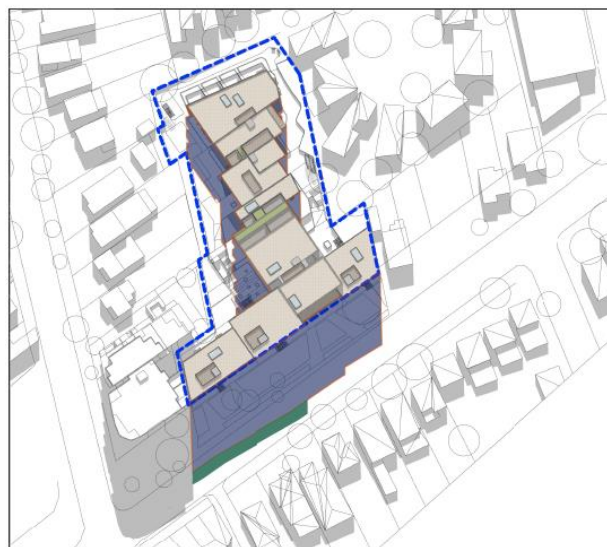
4.6 Overshadowing

The proposed 1-storey addition results in a minor increase in overshadowing when compared to the approved development. Shadow diagrams for 21 June are provided at **Attachment A**. As shown in **Figure 8**, the shadow cast by the 1-storey addition (shown in green) falls on Punchbowl Road for most of the day, particularly in the middle hours of the day. Hence for these hours, there is no impact on the amenity of the surrounding area.

The additional shadow falls on dwellings across Punchbowl Road late in the afternoon, just before 3pm as shown in **Figure 9**. However, these dwellings still receive well in excess of five hours of sunlight between 9 am and 3 pm. Therefore, the impact of the additional level on overshadowing is considered minimal and acceptable.



11.00 hrs



12.00 hrs

Figure 8 Shadow diagram for 21 June – 11am and 12pm

Source: Olsson & Associates



14.00 hrs



15.00 hrs

Figure 9 Shadow diagram for 21 June – 2pm and 3pm

Source: Olsson & Associates

4.7 SEPP 65 and the Apartment Design Guide (ADG)

A revised Design Verification Statement has been prepared by Olsson & Associates Architects and is provided at **Attachment B**. As detailed in the statement, the ability of the development to comply with a majority of the objectives and controls in the ADG is not impacted by the proposed 1-storey addition to Building A and part of Building B. The relevant controls in the ADG for which compliance may be impacted are discussed below.

Apartment Mix

The apartment mix has marginally changed as a result of the proposed modifications. As shown in **Table 3** below, the proportions of 1, 2 and 3-bedroom apartments are comparable to the proportions currently approved. Hence the apartment mix is generally consistent with the mix of the currently approved development. The apartment mix provides for a variety of apartment sizes, with 2-bedroom apartments being the primary apartment size.

Table 3 Comparison of Approved and Proposed Apartment Mix

Apartment Size	Number Currently Approved	Number Proposed
1-bedroom	16 (14%)	22 (18%)
2-bedroom	77 (67%)	80 (66%)
3-bedroom	22 (19%)	20 (16%)

Natural Ventilation

All of the apartments proposed in the 1-storey addition are naturally cross ventilated, either by having a cross-through layout or by implementing a skylight where the apartments are single-aspect. Considering the entire development, a total of 74 apartments are naturally ventilated, including 7 apartments that rely on skylights for ventilation. This results in 60.7% of apartments being naturally ventilated, which is above the required 60% as per the ADG. Natural ventilation diagrams are provided in **Attachment A** (drawing A-852).

Solar Access

All of the apartments within the proposed 1-storey addition achieve the required minimum 2 hours of direct sunlight during the winter solstice. Considering the entire development, a total of 87 apartments (71.3%) achieve the required minimum 2 hours of direct sunlight. This does not include solar access due to light through any skylights, which if included would result in an additional 3 apartments achieving the minimum 2 hour requirement. A set of plans detailing compliance with the solar access control is provided at **Attachment A** (drawing A-853).

Apartment Layout and Size

The additional proposed apartments comply with, and generally exceed, the minimum requirements for internal apartment area, bedroom sizes and private open space, including apartments that have been reconfigured. Refer to **Attachment A** for detail.

4.8 Car parking and traffic

A Car Parking and Traffic Statement has been prepared by SCT Consulting and is provided at **Attachment F**. The statement details that the provision of 183 reserved parking spaces and 25 visitor parking spaces is compliant with the minimum parking provisions in the Strathfield DCP.

An additional 3 vehicle trips per hour are expected for the AM and PM peak as a result of the proposed modifications. This is considered a minor change in proposed traffic generation and is consistent with the impact of the approved development.

Swept path analysis of the slightly reconfigured basement levels shows that the number of turns per manoeuvre is generally considered appropriate for the nature of the parking facility. Some overlap of swept paths occurs at the ramp access to Level B2, which can be mitigated through inclusion of a mirror in this location.

4.9 BCA & Access

A BCA Statement has been prepared by Design Right Consulting and is provided at **Attachment J**. The statement finds that the proposed modifications and additions to the original design are capable of achieving compliance with the requirements of the Building Code of Australia (BCA) 2016 Amendment 1, Volume 1, and relevant adopted standards. Any non-compliances with the 'deemed to satisfy' provisions of the BCA will be able to be addressed to

comply with the BCA utilising either the 'deemed to satisfy' provisions with minor design modification or via a performance solution under the performance requirements.

An Access Compliance Report has been prepared by Vista Access Architects and is provided at **Attachment G**. The report finds that the proposal achieves the spatial requirements to provide access for people with a disability, with detailed fit-out, stair and ramp requirements to be determined at the Construction Certificate stage.

5.0 Conclusion

The proposed modifications include a 1-storey addition to Building A and part of Building B and seek to achieve an appropriate urban design and streetscape response as intended in the originally approved development.

In accordance with section 4.55(2) of the EP&A Act, Council may modify the consent as:

- the consent, as proposed to be modified, is substantially the same development as that originally approved;
- the proposal does not result in any significant additional adverse impacts;
- the proposal does not give rise to any additional issues of compliance with any EPIs or the DCP, with the exception of a slight increase in building height along Punchbowl Road, which has been appropriately justified; and
- the proposal maintains and enhances the original design intent of the building.

In light of the above, we therefore recommend that the proposed modification is supported by Council.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification.

Yours sincerely,



Jacob Dwyer
Junior Urbanist
02 9409 4934
jdwyer@ethosurban.com



Andre Szczepanski
Principal - Planning
02 9956 6962
ASzczepanski@ethosurban.com