ETHOS URBAN

30 June 2021

2200600

The General Manager
Strathfield Municipal Council
PO Box 120
Strathfield NSW 2135

Attention: Joe Gillies

Dear Joe,

RE: RESPONSE TO REQUEST FOR INFORMATION – DA2020/256
2-6 PILGRIM AVENUE & 11-13 ALBERT ROAD, STRATHFIELD

This letter has been prepared for Strathfield Municipal Council (Council) on behalf of Convertia Pty Ltd (the Applicant) in response to the following correspondence which raised various matters for consideration as part of the assessment of DA2020/256 being the mixed-use redevelopment at 2-6 Pilgrim Avenue and 11-13 Albert Road, Strathfield:

- Council's Original Request for Information dated 31 March 2021;
- Design Review Panel (DRP) Meeting Report and Recommendations dated 20 January 2021 and 19 May 2021;
- Sydney Eastern City Planning Panel Record of Briefing dated 22 April 2021 and 10 June 2021;
- Council's Follow-up Request for Information dated 26 April 2021; and
- Comments from Transport for NSW (TfNSW) dated 23 March 2020.

The contents of this letter also respond to the following submissions received during the public exhibition period:

- Proforma Public Submissions from Residents of 3-7 Albert Road, Strathfield; and
- Submission from Viva Energy dated 12 February 2021;

In responding to the range of matters raised by Council, the DRP, TfNSW, and in the submissions, a number of amendments have been made to the proposed works, pursuant to clause 55 of the Environmental Planning and Assessment Regulation 2000. The nature and range of these changes are in keeping with the intent of the proposed development but are important in addressing the matters for further information. The key changes include:

- Creating a two tower scheme above a four storey podium, increasing the height of Building P (the northern part of the site formerly known as Building C) by two storeys to 15 storeys, and retaining an 11 storey tower at the southern part of the site (still known as Building A).
- Introduction of anti-throw measures such as adjustable glass louvres and fixed fins on the northern façade.
- Improved façade articulation and solar protection through the introduction of screens, louvres and fins.
- Improved landscaping and increased communal open space.

This letter provides a description of the amended development, comparison with the original proposal, and additional environmental assessment, where necessary. This letter should be read in conjunction with the exhibited DA and the following supporting documentation:

- A detailed response table to the request for information, prepared by Ethos Urban (**Attachment A**).
- A detailed response table to all submissions, prepared by Ethos Urban (**Attachment B**).
- Amended Architectural Drawings, prepared by Kennedy Associates Architects (**Attachment C**).

- Amended Landscape Plans, prepared by Taylor Brammer (**Attachment D**).
- Amended SEPP 65 Report and Design Verification Statement, prepared by Kennedy Associates Architects (**Attachment E**).
- Amended ADG Compliance Table, prepared by Kennedy Associates Architects (**Attachment F**).
- Clause 4.6 Variation Request, prepared by Ethos Urban (**Attachment G**).
- Natural Ventilation Report, prepared by Windtech (**Attachment H**).
- Revised Noise Impact Assessment, prepared by Dural Group (**Attachment I**).
- Revised Traffic and Parking Report, prepared by Varga Traffic Planning (**Attachment J**).
- Revised Waste Management Plan, prepared by Dickens Solutions (**Attachment K**).
- Additional Site Investigation, prepared by EI Australia (**Attachment L**).
- Revised Energy Efficiency Report, prepared by Dural Group (**Attachment M**).
- Revised Section J Report, prepared by Dural Group (**Attachment N**).
- Revised BASIX Certificate and Stamped Plans (**Attachment O**).
- Revised Stormwater Plans and Covering Letter, prepared by Alpha Engineering (**Attachment P**).
- Structural Report, prepared by Alpha Engineering (**Attachment Q**).
- Derailment Risk Assessment prepared by Alpha Engineering (**Attachment R**).
- Electrolysis & Stray Traction Current Report, prepared by ANACIVIL (**Attachment S**).

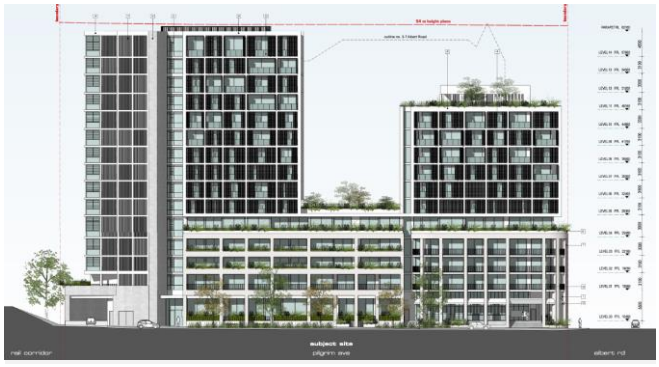
1.0 Key Changes and Design Reponses

In response to concerns relating to the built form and massing, the following key changes and design responses were adopted:

- Deletion of Building B and subsequent creation of two towers, Building A at the south of the site with 11 storeys and Building P (formerly known as Building C) at the north of the site with 15 storeys, above a four-storey podium.
- Increase of Building P height by two storeys (from 13 to 15 storeys) to accommodate a redistribution of floorspace from the removal of Building B.
- Internal re-planning of apartment layouts in both buildings.
- Setting back Building P 800mm from the northern boundary with the rail corridor to allow for building maintenance.
- Revising setbacks at the interface with the adjoining site at the north-eastern corner to enable future development on the adjoining site.

Photomontages of the original and amended proposal are provided for comparison in **Figure 1** below.

Original Proposal



Amended Proposal

Figure 1 Comparison of original and amended proposals (Pilgrim Avenue elevation)

Source: Kennedy Associates Architects

In addition, the following changes to the original DA scheme are proposed in response to a variety of amenity issues:

- Creation of three distinct areas of communal open spaces being the sensory garden passive open space on Level 1, communal garden on Level 5 and semi-active roof terrace above Building A to improve landscape amenity for residents.
- Improved façade articulation through the introduction of screens, louvres, fins.
- Redesign of the wall to Raw Square to create a series of stepped terraces to improve the interface with the adjoining site.
- Improved interface between the street and commercial tenancies, especially at the corner of Pilgrim Avenue and Albert Road, by increasing the seating area, rationalising entrance points and stairs, providing lower awnings and reconfiguring the commercial tenancies to maximise internal amenity, street presentation and street activation.
- Introduction of anti-throw measures such as glazing, restricted louvres and fixed angled fins to the northern balconies to achieve compliance with Sydney Trains requirements and mitigate pollution impact.
- Installation of acoustically attenuated plenums to all single aspect and/or noise-affected units.

A comparison of the key numeric development information between the original and amended scheme is provided in **Table 1** below.

The key numeric development information is summarised in **Table 1**.

Table 1 Key numeric development information

Component	Original Proposal	Amended Proposal
Site area	2,868 m^2	2,868 m^2
Total GFA	14,339 m^2	14,338.9 m^2
FSR	5:1	5:1
Maximum Height	45.29 m	53.64 m
Apartments	172	168
Apartment Mix	• 1 bedroom: 47 (27.3%) • 2 bedroom: 122 (70.9%) • 3 bedroom: 3 (1.7%)	• 1 bedroom: 54 (32.1%) • 2 bedroom: 110 (65.5%) • 3 bedroom: 4 (2.4%)
Commercial Tenancies	3 (245.6 m^2)	2 (201.31 m^2)

Component	Original Proposal	Amended Proposal
Car spaces	• Residential spaces: 175 • Public commuter spaces: 30 • Commercial spaces: 20 • Visitor spaces: 35 • Car share spaces: 5 • Car wash space: 1 • Total spaces: 266	• Residential spaces: 174 • Public commuter spaces: 30 • Commercial spaces: 20 • Visitor spaces: 35 • Car share spaces: 5 • Car wash space: 1 • Total spaces: 265
Communal Open Space	789 m^2 (27%)	826 m^2 (29%)
Planting Area	373 m^2 (13%)	588 m^2 (21%)

2.0 Additional Environmental Assessment

Under Section 4.15(1) of the EP&A Act, in determining a development application the consent authority must take into account a range of matters relevant to the development including the provisions of environmental planning instruments; impacts of the built and natural environment, the social and economic impacts of the development; the suitability of the site; and whether the public interest would be served by the development.

The additional environmental assessment below includes only those matters under Section 4.15(1) that have been affected by the amended proposal. It should be read in conjunction with the Statement of Environmental Effects originally submitted with the DA. The planning issues associated with the proposed development are assessed below.

2.1 Environmental Planning Instruments

An assessment of the DA's consistency and compliance with the relevant environmental planning instruments is considered below. Where there is no change as a result of the amended proposal, it is indicated and reference should be made to the environmental assessment within the original Statement of Environmental Effects.

2.1.1 State Legislation

Environmental Planning and Assessment Act 1979

The proposed development, as amended, continues to demonstrate consistency with the objects of the EP&A Act. In particular, the proposed changes further promote good design through high-quality architecture and building articulation while achieving residential amenity and preserving environmental amenity.

2.1.2 State Environmental Planning Policies

The relevant state environmental planning policies are assessed in **Table 2** below.

Table 2 Summary of consistency with State Environmental Planning Policies

Ian	Assessment
SEPP 55	An Additional Site Investigation has been prepared for the site (see **Attachment L**). It concludes that the site can be made suitable for the proposed development, subject to implementation of its recommendations. Further detail is provided at **Section 3.4**.
SEPP 65	An Amended Design Verification Statement prepared by Kennedy Associates Architects that assesses the principles of SEPP 65 against the amended design is included at **Attachment E**. Consideration of the NSW Apartment Design Guideline is set out at **Section 3.2** and the detail ADG Compliance Table prepared by Kennedy Associates Architects at **Attachment F**.

Ian	Assessment
SEPP (Infrastructure)	There is no change to compliance with SEPP (Infrastructure). Notwithstanding, the amended design better achieves the intent of SEPP (Infrastructure) to protect the safety and integrity of key transport infrastructure from adjacent development through the introduction of anti-throw measures for the balconies facing north towards the railway corridor.
SEPP (State and Regional Development)	As the proposed development, as amended, has a capital investment value of over $30 million, it is still declared as regionally significant development.
SEPP (BASIX)	There is no change to compliance with SEPP (BASIX). An updated BASIX Certificate and Stamped Plans are provided at **Attachment O**.

2.1.3 Strathfield Local Environmental Plan 2012

An assessment of the DA's consistency and compliance with the Strathfield Local Environmental Plan 2012 is provided in **Table 3** below.

Table 3 Assessment against Strathfield Local Environmental Plan 2012

Clause	Provision / Standard	Proposal	
Clause 2.3 Zone Objectives and Land Use Table	B4 Mixed Use	Residential Flat Building, commercial premises, car park	No change. The proposed development remains consistent with the objectives of the zone. The proposed residential flat building, commercial premises and car park uses are permissible with development consent in the B4 Mixed Use.
Clause 4.3 – Height of Buildings	54m	53.64m	The proposed development remains compliant with the 54m height limit.
Clause 4.4 – Floor Space Ratio	5:1	5:1	The proposed development is considered to be compliant with the maximum FSR of 5:1. Whilst this is the case we understand that the Council or the regional panel may form the view that the semi enclosed balconies constitute gross floor area. If that were to be the case then the GFA would theoretically be 5.2:1 and would exceed the maximum FSR of 5:1. This is further discussed below.
Clause 4.6 – Exceptions to Development Standards	The proposal provides a total gross floor area (GFA) of 14,338.9 m^2 and therefore complies with the maximum FSR of 5:1 that applies to the site under the Strathfield LEP 2012. Whilst this is the case we understand from discussions with the Council that there is potential that they may form the view that the balconies to constitute gross floor area. While we disagree that this, if the balconies were considered to theoretically constitute GFA then the total gross floor area for the building would equate to 14,881.8m^2 (inclusive of 'semi-enclosed' balconies), equating to an FSR of 5.2:1. The proposed additional 541.8m^2 of GFA (which relates purely to 'semi-enclosed' balconies) would therefore theoretically result in an exceedance of the maximum FSR development standard by 0.2:1 which equates to a minimal 3.6% variation. Again, while we do not consider the semi-enclosed balconies to constitute GFA, to ensure this matter does not unduly result in the Regional Planning Panel being unable to determine the application, we attach a precautionary Clause 4.6 Variation Request (**Attachment G**) to vary the Floor Space Ratio development standard for the Council's review and consideration.		

Floor Space Ratio Variation

As noted above, Ethos Urban has prepared a precautionary Clause 4.6 Variation Request (**Attachment G**) in response to the Council's suggestion that the semi-enclosed balconies may constitute GFA, noting that it is considered the balconies do not represent GFA. Whilst that is the case, we acknowledge that this is a matter that is open to interpretation and as such we have prepared a precautionary Clause 4.6 that may be relied upon in the event that the Panel forms the view that the balconies are GFA. The attached variation request that accompanies this covering letter demonstrates that compliance with the Floor Space Ratio development standard contained in clause 4.4 of the Strathfield LEP 2012 is unreasonable and unnecessary in the circumstances of the case and that the justification is well founded. It is considered that the variation allows for the orderly and economic use of the land in an appropriate manner, whilst also allows for a better outcome in planning terms in that it:

- Prioritises rail corridor safety;
- Enables the provision of strategically-located housing; and
- Improves building articulation.

In the event that a variation request is considered to be necessary, the principle reason for the Floor Space Ratio variation is due to the site's location immediately adjacent to the main east-west railway corridor within the Sydney metropolitan area (servicing the T1, T2 and T9 rail lines). Specifically, the location of the site adjacent to the corridor necessitates the inclusion of design safety measures that that are required by Sydney Trains require where buildings are within 20m of the railway boundary. These required design measures are designed to maintain the safety of Sydney Trains' staff and assets in accordance with the Department of Planning's *Development near Rail Corridors and Busy Roads – Interim Guide 2008*. This includes preventing opportunities for objects to land or be thrown onto Sydney Trains land from the windows and balconies of adjoining properties within 20m of a railway corridor.

In response to the site-specific consequences, a combination of fixed open fins and adjustable glass louvres above a balustrade are proposed for the 41 balconies on Level 2 and above which face the railway corridor, to prevent opportunities for objects to be thrown onto the railway corridor. These fixed open fins and adjustable louvres have a maximum opening width of 80mm to comply with Sydney Trains' requirements and are proposed for the sole purpose of meeting the anti-throw requirements. Several smaller balconies on the railway facing façade propose fixed open wire trellis, therefore are not enclosed at all.

The key issue is whether their semi-enclosure with adjustable louvres would render the balconies internal space and be counted as GFA. This matter is addressed in *Haralambis Management Pty Ltd v Council of the City of Sydney* [2013] NSWLEC 1009. In this matter, the Court held that the floor area inside closeable bi-fold windows over solid balustrades and closable aluminium framed glass louvres, was to be included in the calculation of GFA (at [56]). In contrast, the Court agreed and accepted that the floor area inside permanently open louvres above a solid balustrade were to be excluded from the calculation of GFA. Critically, the Court noted that "*For a balcony to be open space there should be a degree of openness and exposure to the elements. An area that can by choice be permanently enclosed and used as a habitable room would not be open space.*" Therefore, the key factors are the degree of openness to the elements (being wind, rain and other weather events) and opportunity for permanent enclosure of the balcony.

An analysis of the proposed balcony facades shows that on average, 37% of each balcony façade is balustrade, 25% is composed of fixed open fins, and the remaining 38% is composed of adjustable glass louvres. As over a quarter of the balcony façade is permanently open, it is considered that the balconies represent open space, and are not enclosed for the purposes of calculating GFA. Moreover, only approximately one third of the balcony façades are able to be closed by choice. As such, it is the Applicant's view that the 'semi-enclosed' balconies fall within the characterisation of 'open space' in *Haralambis* and therefore should not be counted as GFA. Notwithstanding this, the Clause 4.6 Variation Request has been prepared to assist the Sydney Eastern City Planning Panel in determining the application, given the environmental merits of the proposed FSR exceedance. Further justification is provided in the Clause 4.6 Variation Request

Notwithstanding, the Floor Space Ratio exceedance solely attributed to the debatable inclusion of the 'semi-enclosed' balconies as GFA, the proposed development:

- Prioritises the satisfaction of Sydney Trains' anti-throw measures to maintain safe operation of the adjacent railway corridor;
- Has an identical built form and envelope as a development without semi-enclosed balconies facing the railway corridor;
- Does not result in any adverse impacts related to visual bulk and scale or environmental amenity;
- Exhibits a high-quality façade composed of fixed fins and glass louvres to the railway corridor, along which the greatest numbers of viewers of the site will pass;

- Fulfills the strategic intent of the 30 Minute City, reflected in the recent re-zoning of the site to permit high-density mixed-use commercial and residential development close to public transport; and
- Is consistent with the high-density built form scale of the adjacent Strathfield Town Centre.

Therefore, the DA may be approved with the variation as proposed in accordance with the flexibility allowed under clause 4.6 of the Strathfield LEP 2012.

2.2 Development Control Plans

2.2.1 Strathfield Development Control Plan 2005 and Strathfield Development Control Plan No 26

The proposed development remains consistent with the majority of objectives of the Strathfield Development Control Plan 2005 and Strathfield Development Control Plan No 26. However, the number of storeys in Building P exceeds the 13 storey control stated in Strathfield Development Control Plan No 26.

Part 1.5 of the Strathfield Development Control Plan 2005 states that Council may consider variations to DCP controls if they are unnecessary or unreasonable in the circumstances of the case, or that the variation will result in a better design solution for the site and its surrounds and still satisfy the underlying objectives of each provision. Part 1.5 also requires that written justification is required where a variation is sought. Accordingly, written justification is provided below to depart from controls relating to the number of storeys.

Strathfield Development Control Plan No 26 – 3.2.2 Building Form and Materials

Under the Strathfield DCP No 26, as shown in Figure 2 in Part 3.2.2, the northern half of site 1 (corner of Pilgrim Avenue and Railway) is limited to a maximum height of 13 storeys. As Building P, located in this portion of the site, is proposed to be 15 storeys, a variation to the Strathfield DCP No 26 is sought.

This variation is a direct response to advice received from the DRP, who believed that the DCP planning control relating to maximum number of storeys does not allow adequate flexibility in the distribution of the permissible FSR, if maximum FSR is to be sought. As such, the DRP recommended that the most appropriate design approach would be a lower podium level with two towers above that could exceed the number of storeys under the DCP. This approach has been endorsed by Council. Therefore, this DCP control is considered to be unreasonable in the circumstances of the case as the amended concept with a taller building supports a better design outcome for the site and surrounding area.

Principally, increasing Building P to 15 storeys has resulted in a far superior built form outcome. Where the DCP controls only allowed for an elongated structure along the Pilgrim Avenue frontage, departing from those controls has allowed the scheme to be broken up into two slender tower forms. This has reduced the bulk and scale of the building and resulted in improved visual amenity.

Notwithstanding, the proposed massing maintains the general principles outlined in the DCP being:

- a taller built form in the northern portion of the site (towards the Railway Corridor)
- a lower built form in the southern portion of the site (towards the Albert Road Frontage)
- a four storey ‘street wall height’, along both frontages

Therefore, the variation will result in a better design solution for the site and its surrounds and will still satisfy the underlying objective Part 3.2.2 of the DCP.

3.0 Key Assessment Matters

As a result of the proposed amendments to the scheme, additional environmental assessment has been undertaken below, where necessary. Where there is no material change to the findings of the original environment, those matters are addressed in summary in **Table 4**.

3.1 Built Form and Urban Design

As discussed above, the revised scheme provides a superior built form and urban design outcome to the originally submitted design. The revised two-tower massing reduces visual bulk by creating a substantial 'break' particularly along the Pilgrim Avenue elevation. In addition, increased façade articulation, more integrated architectural detailing, improved landscape design and increased ground plan activation have improved its visual presentation within the streetscape. Specific design strategies to this effect include:

- Incorporation of more detailed vertical and horizontal articulation to further modulate the building's visual bulk into a series of discrete elements;
- A fifth storey setback and datum line creating a distinct 'street wall' and reflecting the form of similar developments in the locality such as 38 Albert Road;
- Inclusion of planters along the building's facades, softening the appearance of the street wall edge;
- Use of deep vertical recesses at the lower levels, signifying building entries and providing relief in the 'street wall';
- Giving prominence to the building volume at the corner of Albert Road and Pilgrim Avenue, through the use of a rounded corner (at the lower levels), a sharp corner (at the higher levels) and a deep recess in the first third of the Albert Road frontage; and
- Incorporation of a colonnade at the ground floor, providing an inviting, active edge that engages with the public domain.

3.2 Residential Amenity

As demonstrated in the SEPP 65 Report and Design Verification Statement at **Attachment E**, the proposed development, as amended, continues to satisfy the Objectives of Part 3 and Part 4 of the NSW Apartment Design Guide (ADG) and will achieve a high level of residential amenity. Specifically, the proposed development meets or exceeds all ADG requirements for amenity including solar access, cross ventilation, apartment size and layout, private open spaces, visual privacy, storage, and communal open spaces. A summary of the proposed development's compliance with the ADG is provided in **Table 4** below, and in detail in the ADG Compliance Table prepared by Kennedy Associates Architects at **Attachment F**.

Table 4 Summary of ADG Compliance

Objective	Complies	Complies	Acceptable Outcome
3D-1	1. Communal Open Space Provision	Yes	-
3D-1	2. Solar Access to Communal Open Space	Yes	-
3E-1	1. Deep Soil Zone Provision	N/A	-
3F-1	1. Building Separations	Alternative Solution	Yes
3J-1	1. Car Parking Provision	Yes	-
4A-1	1. Solar Access to Living Rooms and Private Open Space (Sydney Metro Region)	Yes	-
4A-1	2. Solar Access to Living Rooms and Private Open Space (Other Areas)	N/A	-
4A-1	3. Apartments Receiving 0 hrs Solar Access at Mid-Winter	Yes	-
4B-3	1. Cross Ventilation	Yes	-
4B-3	2. Maximum Depth of Cross-Over or Cross- Through Apartments	Yes	-
4C-1	1. Ceiling Heights	Yes	-
4D-1	1. Minimum Apartment Sizes	Yes	-
4D-1	2. Habitable Room Windows	Yes	-
4D-2	1 Habitable Room Depths	Yes	-

Objective	Complies	Complies	Acceptable Outcome
4D-2	2. Combined Kitchen / Dining / Living Depth	Yes	-
4D-3	1. Minimum Bedroom Areas	Yes	-
4D-3	2. Minimum Bedroom Dimensions	Yes	-
4D-3	3. Minimum Living Room Width	Yes	-
4D-3.	4. Maximum Width of Cross-Over or Cross- Through Apartments	Yes	-
4E-1	1. Primary Balcony Dimensions	Yes	-
4E-2	1. Ground Floor Private Open Space	Yes	-
4F-1	1. Maximum Apartments Per Core (per floor)	Alternative Solution	Yes
4F-1	2. Maximum Apartments Per Core (10 storeys)	Alternative Solution	Yes
4G-1	1. Storage	Yes	-

Source: Kennedy Associates

3.2.1 Discussion of Alternative Solutions

Part 3F-1 Building Separations

Alternative solutions to the design criteria of Part 3F-1 Building Separations and Balconies are proposed in three locations:

a) the glazed corridor 'end' at the eastern edge of Building P, on levels 1 – 3;

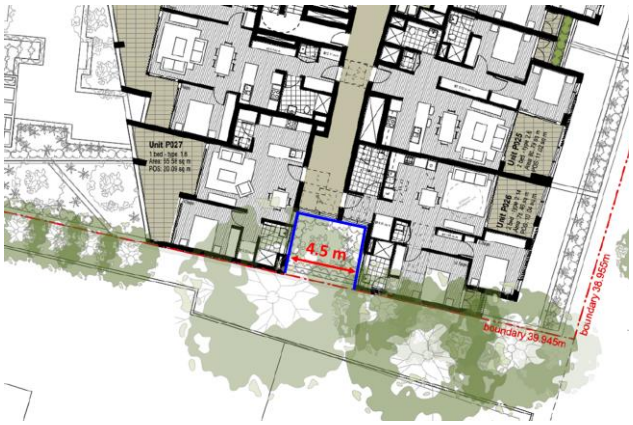
b) the secondary living room windows and balcony openings at the eastern edge of Building C, on levels 8 – 12; and

c) the secondary balcony and secondary opening to the primary balcony at the at the eastern edge of Building A, on levels 1 – 10.

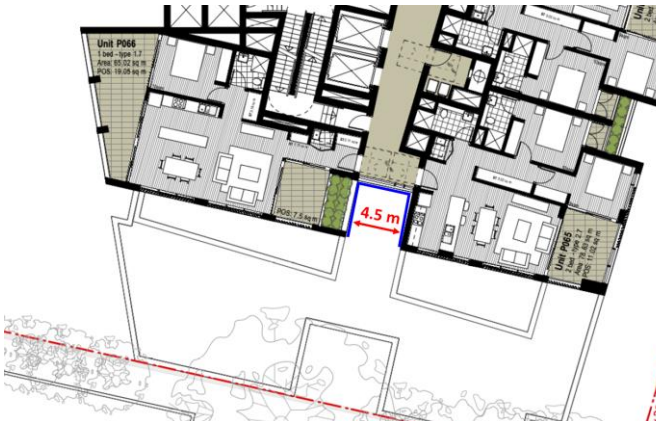
The proposed variations relate to building separation to the eastern boundary of the site. The neighbouring site to the east, which shares this boundary, is currently occupied by a single storey service station and, as such, there are no material privacy concerns between the proposed development and the existing land use on the neighbouring site. Notwithstanding, the neighbouring site was subject to the same planning proposal which sought additional height and FSR. As such, the potential future redevelopment of the service station site, and the achievement of reasonable levels of privacy to and from the proposed development have been considered. It is however understood that the service station will not be redeveloped at the current time.

These three non-compliances with Part 3F-1 and corresponding alternative solutions were discussed in the original SEE dated 22 December 2020 and have not substantially changed as part of the amended design. Accordingly, there is no change to Kennedy Associates' conclusion that *the proposed variation to the required building separation achieves a reasonable level of privacy and is acceptable and capable of support.* Further assessment is provided in the Amended Design Verification Statement (**Attachment E**).

In addition, Kennedy Associates have identified two further 'non-compliances' relating to the arrangement of openings around the 'U' shaped building 'indents' on the eastern facade of Building P. These indents are located at the end of the east / west running corridor of Building P and are approximately 4.5m wide x 4.5m wide and open on the eastern edge. These indents on Levels 1-3 and Levels 5-15 are shown in **Figure 2** below. The three walls surrounding the indent contain openings to two units as well as a glazed end to the building's circulation space. Whilst the provisions of Part 3F may not technically apply to the proposed openings (the separation is not between different buildings, or to a boundary), in Kennedy Associate's opinion, the achievement of reasonable levels of privacy between the units arranged around this relatively 'compact' space should be considered.



Levels 1-3 of Building P



Levels 5-15 of Building P

Figure 2 'U' shaped building 'indents' to be considered under Part 3F

On Levels 1-3, the arrangements of the two bathroom windows facing each other have been located offset from one another, have a high sill level and are to be fitted with translucent glass. This arrangement ensures that:

- there are no direct overlooking opportunities between the two bathroom windows (located on opposing walls); and
- there are no angled view opportunities between the two bathrooms windows and other openings in the indent (for example, the glazed corridor end, from upper levels).

On Levels 5-15, the location, size and treatment of the openings has been carefully considered by Kennedy Associates in order to provide appropriate privacy to and from units through the following strategies:

- fixed vertical blades are incorporated to the glazed corridor end, allowing views straight out but restricting angled views to the adjacent balcony;
- a planter is incorporated along the open edge of the balcony, facilitating screen planting; and
- the south facing wall has been left blank, to avoid openings directly opposite each other.

Additionally, the amenity provided to the units and common spaces, including light, ventilation and views result in a better outcome than blank walls in these locations which would achieve strict compliance.

Therefore, on merit, it is considered that the proposed variation to the required building separation achieves a reasonable level of privacy and is acceptable and capable of support.

Part 4F-1 Maximum Apartments Per Core (per floor) & Maximum Apartments Per Core (total)

Alternative solutions to the design criteria of Part 4F-1 Maximum Apartments Per Core are proposed in the following locations:

a) on levels 01 – 03 of Building P, where there are 9 apartments off 1 core; and

b) for Building P, as a whole, which incorporates 2 lifts servicing 100 apartments over 14 storeys, at a rate of 1 lift per 50 apartments.

In relation to the maximum apartments per core (8 per floor), Kennedy Associates consider that the variation is acceptable as:

- it is minor in nature, being 1 additional apartment only;
- it effects a limited number of floors (3 out of 14);

- the 'core' is separated into two district corridors, at right angles to one another, which reduces the number (perceived and actual) of residents using any one portion of the corridor and facilitates short travel distances between lifts and apartment entries (approx. 15m maximum); and
- the corridors are provided with a high level of amenity, with glazed ends providing light, ventilation and views / outlook; and
- where the Design Criteria of 8 apartments per core per floor is not achieved, the Design Guidance allows for a maximum of 12 apartments off a circulation core on a single level, which the proposed development readily achieves.

In relation to the maximum number of apartments per core, Part 4F requires that each lift service a maximum of 40 apartments for buildings 10 storeys or over. While Building P contains 100 apartments serviced by two lifts across all floors, technical advice from Arup Engineers (email correspondence dated 16/06/2021) has informed the conclusion that Building P meets the Objective of Part 4F to 'properly service the number of apartments:

> *Objective 4F-1, design criteria 2 (lift requirement) is intended to ensure mid-rise and high- rise residential buildings are not designed/ constructed with only one lift and so make access to the dwellings very difficult and even impossible for some owners when the (one only) lift is out of service. The requirement of Objective 4F-1 (2) is met when 2 or more lifts are provided, regardless of the number of apartments. The XX number of apartments are then not sharing a single lift.*

Therefore, on merit, it is considered that the proposed variation to the maximum number of apartments per floor / core is acceptable and capable of support.

3.3 Traffic and Parking

An Amended Traffic and Parking Report has been prepared by Varga Traffic Planning. It has assessed the projected change in traffic generation whilst considering alternative modes of transport given the site's highly accessible location. It has also assessed the proposal's compliance with the relevant parking controls.

Projected Traffic Generation

The projected additional traffic generation during peak hours as a result of the amended development, based on the RMS *Technical Direction* as indicated by Council in the preliminary assessment of the DA, is summarised below in **Table 5**.

Table 5 Projected traffic generation

Land use	Rate	Future projected AM traffic generation (vehicles per hour)	Future projected PM traffic generation (vehicles per hour)
Residential (168 apartments)	AM: 0.15 peak hour vehicle trips per unit PM: 0.12 peak hour vehicle trips per unit (*RMS Technical Direction*)	26	21
Commercial (201m^2)	AM: 1.6 peak hour vehicle trips per 100m^2 PM: 1.2 peak hour vehicle trips per 100m^2 (*RMS Technical Direction*)	3	3
Commuter Parking (30 spaces)	1 peak hour vehicle trips per car space (*RMS Technical Direction*)	30	30
	Total:	**59**	**54**

Source: Varga Traffic Planning

A comparison of projected traffic generation against the expected traffic generation of the approved planning proposal scheme on the site is provided in **Table 6**. The Traffic and Parking Report has found that the projected traffic flows associated with the development proposal are a nett reduction of 14-19 vehicles per hour from the traffic generation of the approved planning proposal scheme on the site, as shown in **Table 6**. The development proposal

will therefore have no unacceptable traffic implications in terms of road network capacity, nor should any further traffic modelling be required given the nett reduction in traffic movements.

Table 6 Comparison of projected traffic generation of the proposed development to the expected traffic generation of the approved planning proposal scheme

Land use	AM traffic generation (vehicles per hour)	PM traffic generation (vehicles per hour)
Estimated traffic generation indicated in the Planning Proposal	78	68
Proposed development future traffic generational potential	59	54
Net change in traffic generation potential	**-19**	**-14**

Source: Varga Traffic Planning

Public Transport

A mandatory Travel Plan will be prepared in consultation with residents and employees to promote sustainable modes of transport. The proposed development can take advantage of the site's ideal 250m walking distance to the Strathfield Railways Station and bus interchange, and the site's close proximity to essential services everyday needs such as Strathfield Plaza which is 300-400m south of the site. In addition, bicycle parking has been provided within the basement car park for residents, employees and their visitors/customers which further shows the commitment of the development to a more sustainable approach to travel. On the above basis, it is clear that the site is readily accessible by existing public transport services and is ideally located to facilitate travel by sustainable modes of transport.

Car Parking

As explained in **Section 5.3.1**, the residential car parking rates for high density development in the RMS Guide to Traffic Generating Development have been adopted as the site is located within 800m of a railway station in the Sydney Metropolitan Area, and is therefore subject to the parking requirements of SEPP 65. Under these rates a minimum of 137 residential spaces and 34 visitor spaces will be required. The proposed car parking exceeds these minimum rates, as 175 residential car parking spaces, and 35 visitor spaces will be provided.

The retail car parking rates in the Strathfield Development Control Plan 2005 have been adopted for the commercial spaces as they are a higher rate than commercial development. This would require a minimum of 13 car parking spaces. The proposed development exceeds this minimum by providing 20 commercial car parking spaces. Retail and commercial car parking rates in the Strathfield Development Control Plan 2005 have been adopted

As such, the proposal satisfies the relevant parking requirements under SEPP 65 and the Strathfield Development Control Plan 2005.

Bicycle Parking

As the Strathfield Development Control Plan 2005 does not specify a bicycle parking rate, bicycle parking has been provided in accordance with the *Austroads Guide to Traffic Engineering Practice Part 14 – Bicycles*, which nominates the following parking rates for bicycles. Under these controls, a minimum of 55 bicycle parking spaces would be required. The proposed development makes provision for a total of 60 off-street bicycle parking spaces in a secure Class 2 storage room located on the ground floor level thereby satisfying Council's bicycle parking requirements.

Loading and Servicing

The proposed development is expected to be serviced by a variety of commercial vehicles up to and including 10m long garbage trucks, within a dedicated service area proposed on the ground floor level. The manoeuvring area has been designed to accommodate the swept turning path requirements of these trucks, allowing them to enter and exit the site whilst driving in forward direction at all times.

The geometric design layout of the proposed loading / service area has been designed to comply with the relevant requirements specified in the Standards Australia publication Parking Facilities Part 2 - Off-Street Commercial Vehicle Facilities AS2890.2 in respect of loading bay dimensions and manoeuvring requirements for MRV trucks.

Overall, it is therefore reasonable to conclude that the proposed development will not have any unacceptable implications in terms of road network capacity or off-street parking, loading or access requirements.

3.4 Contamination

An Additional Site Investigation, involving soil and groundwater sampling and laboratory analysis, has been undertaken by EI Australia. Intrusive soil investigation was completed at four locations surrounding the site and groundwater sampling was completed at two monitoring wells at either end of the site adjacent to the Service Station. The Additional Site Investigation resulted in the following key findings:

- While the site is affected by localised lead impact, given bulk excavation of site soils will occur to allow construction of the basement (with that soil to be classified and disposed off-site in accordance with EPA (2014) Waste Classification Guidelines), the risk to human health and the environment is considered low;
- Minor dissolved metal concentrations (zinc and chromium) in the groundwater are considered to be consistent with natural (background) conditions commensurate with long standing, urban environments rather than site specific impacts;
- All analytical results in representative fill and natural soil samples were found to comply with the adopted health-based criteria; and
- No odour was detected during groundwater sampling testing and laboratory testing for hydrocarbons ins both wells were below the laboratory limit for reporting.

In light of its findings, EI Australia has made the following additional recommendations:

- Classification and disposal of lead impacted surficial fill in accordance with EPA (2014) Waste Classification Guidelines as part of bulk excavation works for the basement;
- Preparation of a Construction Environmental Management Plan that specifically addresses waste management, classification and disposal of soils (including fill) and implementation of unexpected finds protocols;
- An additional groundwater monitoring event to be undertaken prior to construction to confirm groundwater results and provide indicative groundwater flow direction;
- Assessment for potential contamination of any material being imported to the site; and
- Preparation of a final site validation report to certify the site suitability of soils and groundwater for the future proposed uses of the site.

Therefore, subject to the implementation of the above recommendations, EI Australia has concluded that the site can be made suitable for the proposed development.

3.5 Construction Environment Management

A Construction Environmental Management Plan (CEMP) will be prepared post-determination to address normal environmental construction issues such as dust, noise, odour, vibration safety and traffic, while also addressing site-specific measures relating to waste management and classification of contaminated soils and implementation of unexpected finds protocols. As noted in Viva Energy's submission, there is fuel infrastructure, including pipework, fill points and underground storage tanks in close proximity to the immediate east of the Proposed Development. Therefore, the CEMP will contain measures to mitigate any potential health and safety, or asset integrity risks during construction.

3.6 Other Assessment Matters

The findings relating to the following assessment matters have not materially changed as a result of the amended scheme. They are summarised in **Table 7** below and should be read in conjunction with the original SEE and specialist consultant reports.

Table 7 Summary of other technical assessments

Consideration	Summary
Natural Ventilation	A Natural Ventilation Report prepared by Windtech Consultants (**Attachment H**) confirms that the proposed design solutions of acoustically attenuated plenums will allow for adequate cross ventilation.
Acoustic	A Revised Noise Impact Assessment has been prepared by Dural Group (**Attachment I**), including the revised attended noise measurements for Raw Square and Albert Road taken at peak periods, and detail on vibration impacts from the rail line. As a result, glazing recommendations have been revised. Dural Group conclude that the amended design will achieve compliance with all relevant noise and vibration requirements.
Waste Management	A Revised Waste Management Plan (**Attachment K**) has been prepared by Dickens Solutions. It contains updated waste management calculations. The proposed development continues to achieve compliance with the relevant waste management controls.
ESD	A Revised Energy Efficiency Report prepared by Dural Group (**Attachment M**) concludes that the amended scheme continues to achieve the relevant ESD initiatives.
Section J	A Revised Section J Report prepared by Dural Group (**Attachment M**) concludes that the amended scheme continues to achieve the relevant Section J requirements.
BASIX	A new BASIX Certificate and Stamped Plans (**Attachment O**) confirm that the amended scheme meets the requirements of BASIX.
Stormwater Management	Revised Stormwater Plans have been prepared by Alpha Engineering & Development (**Attachment P**), providing an improved stormwater outcome in accordance with the amended scheme.
Structure	A Structural Report prepared by Alpha Engineering (**Appendix Q**) confirms that the design of the shoring system to be adopted at the proposed development is sufficient to resist the relevant applied loads and will not adversely affect the neighbouring properties along adjacent assets belonging to Sydney Trains.
Derailment Risk	A Derailment Risk Assessment prepared by Alpha Engineering (**Attachment R**) concludes that the design specifications of the proposed development in its context are practical, and in accordance with relevant regulations, standards and guidelines, and thereby comply with the requirement to manage derailment risk so far as is reasonably practicable.
Electrolysis & Stray Traction Current	An Electrolysis & Stray Traction Current prepared by ANACIVIL (**Attachment S**) concludes that, subject to tis recommendations, the proposed development will meet the relevant electrolysis and stray traction codes and standards and prevent any possible corrosive effects of stray traction currents.
Geotechnical	The amended scheme does not materially chance the findings of the Geotechnical Report prepared by Morrow.
Flooding	The amended scheme does not materially change the findings of the Flood Impact Study undertaken by Alpha Engineering & Development.
BCA	The amended scheme maintains compliance with the relevant BCA requirements. It does not materially change the recommendations provided in the BCA Report prepared by Incode Solutions.
Fire Safety	The amended scheme does not materially change the proposed development's ability to achieve compliance with the relevant fire safety Performance Requirements of the BCA as assessed in the Fire Engineering Letter prepared by Fire Safety Studio.
Access	The amended scheme does not materially change the proposed development's ability to achieve compliance with the relevant accessibility requirements as assessed in the Access Report prepared by Vista Access Architects. Further assessment of detailed accessibility requirements such as internal fit-out, stairs and ramps will occur at the Construction Certificate Stage.

4.0 Conclusion

This letter has provided a comprehensive response to the key matters raised in Council's correspondence dated 12 March 2021. Supporting this letter is a range of information as requested by Council, including key design amendments which have been made to satisfy issues raised by Council, the DRP, Transport for NSW and the Sydney Eastern City Planning Panel.

It is our opinion that the proposal has substantial merit, and as has been demonstrated in the DA documentation to date, there is a significant improvement in the built form outcome, residential amenity and railway operation safety. The proposed development carries a range of public benefits and will fundamentally contribute to strategically located housing to achieve the '30-minute city' envisaged for Sydney.

In light of the submitted information, the merits of the amended design, and in the absence of any significant adverse environmental, social or economic impacts, we trust the assessment of the DA can proceed to a positive recommendation. Should you have any enquiries about this matter, or wish to discuss further, please do not hesitate to contact the undersigned.

Yours sincerely,

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