

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSEC-176
DA Number	2021/327
LGA	Strathfield
Proposed Development	Construction of 17 additional storeys above an approved 8 storey mixed use building comprised of 148 residential apartments. The proposal also includes alterations to the ground level podium, ground floor communal open spaces and inclusion of external planters between Levels 1-7 of the building.
Street Address	21 Parramatta Road, Homebush
Applicant/Owner	Andrew Shehadeh / Lyda Holdings Pty Ltd
Date of DA lodgement	20 December 2021
Total number of Submissions Number of Unique Objections	<ul style="list-style-type: none"> 15 written submissions received
Recommendation	Deferred Commencement
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Cost of works \$ 40,282,853 (excl. GST)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> SEPP (Transport and Infrastructure) 2021; SEPP (Biodiversity and Conservation) 2021; SEPP 65 – Design Quality of Residential Apartment Development; SEPP (Building Sustainability Index: BASIX); Strathfield Local Environmental Plan 2012 (SLEP); Part H – ‘Waste Management’ Strathfield Consolidated Development Control Plan 2005; Part I – ‘Provision of Off Street Parking Facilities’ Strathfield Consolidated Development Control Plan 2005; and Section 7.11 Direct Development Contributions Plan (2010-2020) Parramatta Road Urban Transformation Strategy
List all documents submitted with this report for the Panel’s consideration	<ul style="list-style-type: none"> Architectural plans Traffic and Parking Assessment Acoustic Report Desktop Wind Assessment Environmental Glare and Reflectivity Assessment NCCA Report Accessibility Report Waste Management Plan (Construction) Operational Waste Management Plan
Clause 4.6 requests	<ul style="list-style-type: none"> N/A
Summary of key submissions	<ul style="list-style-type: none"> Traffic and parking concerns which will further be exacerbated by the increased density of the area as a result of the proposal Building height and precedent the building will set in the streetscape and along the Parramatta Road corridor

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	<ul style="list-style-type: none"> • Overshadowing impacts as a result of the proposed tower • Over population of units
Report prepared by	L Gibson
Report date	14 July 2022

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)? **Not applicable**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

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Property:	21 Parramatta Road HOMEBUSH DA 2021/327
Proposal:	Construction of 17 additional storeys above an approved 8 storey mixed use building comprised of 148 residential apartments. The proposal also includes alterations to the ground level podium, ground floor communal open spaces and inclusion of external planters between Levels 1-7 of the building.
Applicant:	A Shehadeh
Owner:	Lyda Holdings Pty Ltd
Date of lodgement:	20 December 2021
Notification period:	24 December 2021 - 4 February 2022
Submissions received:	15 written submissions
Assessment officer:	L Gibson
Estimated cost of works:	\$44,311,138.00
Zoning:	B4-Mixed Use - SLEP 2012
Heritage:	N/A
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	DEFERRED COMMENCEMENT



Figure 1: Aerial view of subject site outlined in yellow with location of subject building shown within dashed yellow line.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the construction of 17 additional storeys above an approved 8 storey mixed use building comprised of 148 residential apartments. The proposal also includes alterations to the ground level podium, ground floor communal open spaces and inclusion of external planters between Levels 1-7 of the building.

Site and Locality

The site is identified as 21 Parramatta Road Homebush and has a legal description of Lot: 3 DP: 1219481. The site was formally known as 17-35 Parramatta Road, Homebush. The site is an irregular-shaped parcel of land providing direct frontage to Parramatta Road, located south of the M4 Motorway on ramp and west of Ismay Reserve. The portion of land to which this application relates is relatively flat. The entire site provides a frontage width of 99m to Parramatta Road, 94m to Powell Street and a total site area of 6,257m². The locality has transitioned from light industrial and commercial uses to medium and high density residential development with some ground floor commercial / retail uses.

Strathfield Local Environmental Plan

The site is zoned B4-Mixed Use under the provisions of Strathfield LEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the LEP.

Development Control Plan

The proposed development generally satisfies the provisions of Strathfield Consolidated DCP 2005. This is discussed in more detail in the body of the report.

Notification

The application was notified in accordance with Council's Community Participation Plan from (24 December 2021 - 4 February 2022), where 15 submissions were received.

Issues

- Articulation of tower element above podium levels;
- Provision of communal open space; and
- Streetscape compatibility.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2021/327 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

The Site and Locality

The site is identified as 21 Parramatta Road Homebush and has a legal description of Lot: 3 DP: 1219481. The site was formally known as 17-35 Parramatta Road, Homebush. The construction of three (3) mixed use buildings with ground floor commercial tenancies and upper level residential units with basement parking was approved on the site. The basement works, along with the construction of Building A and Building C have been completed. Building B, the subject of this application has approval for construction of the levels ground to level 7. The proposal seeks consent for the construction of the upper levels being levels 8- 24.

The site is an irregular-shaped parcel of land providing direct frontage to Parramatta Road, located south of the M4 Motorway on ramp and west of Ismay Reserve. The portion of land to which this application relates is relatively flat.

Buildings A and C and the 4-level basement car parking have been constructed. The central portion of the whole of the site is occupied by a courtyard including paving and raised planter beds. The south-west portion of the site (the location of the building the subject of this application) is vacant pending construction.

The entire site (inclusive of Buildings A, B and C) provides a frontage width of 99m to Parramatta Road, 94m to Powell Street and a total site area of 6,257m². The locality has transitioned from light industrial and commercial uses to medium and high density residential development with some ground floor commercial / retail uses.

Figures 2-12 further illustrate the subject site and its surrounds.



Figure 2: The site looking south-east from the centre of the complex.



Figure 3: Looking east along Parramatta Road. Building C is Left with the Site immediately adjacent.



Figure 4: Looking west along Parramatta Road with the Site located right and Building C in the background.

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Figure 5: Looking north-east to Building A (centre) and Building B (Right) along Powell Street.



Figure 6: Looking east along Parramatta Road with Building B in the foreground.



Figure 7: Looking west toward the site from Ismay Reserve.



Figure 8: Looking west along rear laneway adjacent M4 Motorway (Building B on left).

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Figure 9: Looking north to the site from Parramatta Road (Building A in background)



Figure 10: Looking north toward Ismay Reserve located immediately east of the site.



Figure 11: Facing east toward the centrally located communal open space area



Figure 12: Existing development along Parramatta Road facing south-west.

Proposal

Council has received an application for the construction of 17 additional storeys above an approved 8 storey mixed use building comprised of 148 residential apartments. The proposal also includes alterations to the ground level podium, ground floor communal open spaces and inclusion of external planters between Levels 1-7 of the building. More specifically, the proposal includes:

Basement level:

- Minor change to basement layout including waste storage areas.

Ground floor level:

- Minor adjustment to retail floor spaces to include mail room and provide widened northern lobby entrance;
- Embellishment of eastern, northern and southern boundaries of the site with landscaping and communal open space areas; and
- Introduction of three (3) pedestrian access points to Ismay Reserve.

Levels 8 - 24:

- Construction of tower element comprised of residential units and
- Introduction of planters around periphery of level 8 units along southern and eastern elevation.

Landscaping works

- Embellishment of communal open space area in the central courtyard; and
- Creation of new planter beds around the site including level 8 podium.

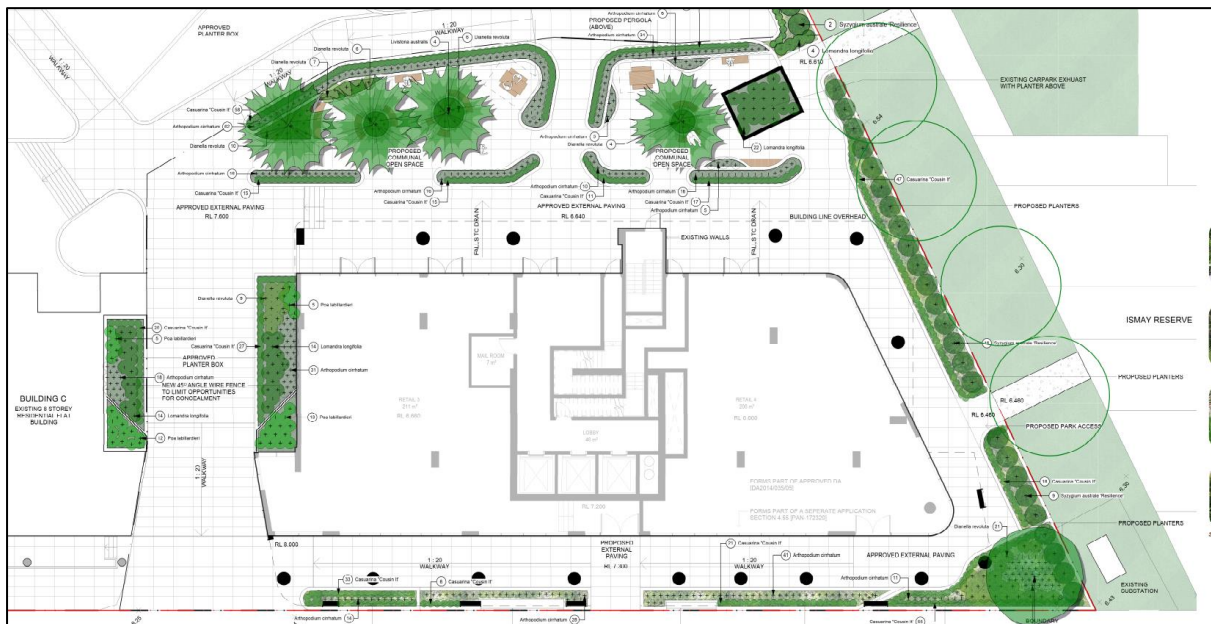


Figure 13: Proposed landscape plan showing Communal Open Space area to the north

A numerical breakdown of the Proposal (as modified by amended plans, dated 28 June 2022)

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Building Height	RL87.76 (to crown roof feature)
Gross Floor Area	
Existing site (Buildings A + C approved and constructed)	11,892.5m ²
Ground Floor	497m ² (inclusive of 419m ² retail floor space)
Level 1 – 7 (approved)	4,577.3m ²
Level 8	568.2m ²
Level 9-21	8,556.6m ²
Level 22-24	1,966.6m ²
TOTAL	28,057.9m²
Unit Composition	
Levels G – 7 *Approved with <u>no change proposed</u>	21 x 1 bedroom 35 x 2 bedroom 7 x 3 bedrooms 2 x commercial floor space (ground floor)
Level 8	1 x 1 bedroom 6 x 2 bedroom
Levels 9 – 21	39 x 1 bedroom 78 x 2 bedroom
Levels 22-24	6 x 1 bedroom 12 x 2 bedroom 6 x 3 bedroom
TOTAL UNITS AS PROPOSED (excluding Levels G – 7)	148 units comprised of: 46 x 1 bedroom 96 x 2 bedroom 6 x 3 bedroom
Communal Open Space Area (COS)	
Total across the site (25% = 1,564.25m ²)	48.06% (3,007m ²) inclusive of level 8 roof top COS to Building A
Off-street Parking	
Basement 1	48 (inclusive of 3 additional spaces proposed)
Basement 2	66 (inclusive of 43 visitor spaces)
Basement 3	55
Basement 4	52 (inclusive of 10 visitor spaces)
TOTAL	241 car spaces (dedicated to Building B)
Bicycle parking	
29 (additional 14 visitor spaces)	
Motorcycle – 6 spaces	

Figures 14-15 below are 3D photomontages of the proposed development:



Figure 14: 3D render of proposed development facing west across from Ismay Reserve



Figure 15: Proposed 3D render of south-eastern elevation from Parramatta Road

Background

- 12 September 2014 The Joint Regional Planning Panel granted (DA2014/035) A Deferred Commencement Consent for demolition and construction of two (2) x eight (8) storey mixed use buildings comprising a total of (221) residential units, five (5) x ground floor commercial tenancies, basement car parking and landscaping works.
- 10 November 2014 Deferred Commencement matters satisfied and consent was activated.
- Council approved (DA2014/035/01) a Section 4.55(1A) modification application concurrently with the release of the Deferred Commencement consent relating to alteration to the staging of construction, minor building footprint changes, reconfiguration of apartment layouts and unit mix.
- 21 November 2014 A planning proposal was gazetted to enable a maximum permitted height on the site (Key Site 33) from 26m to 80m and maximum FSR from 2.7:1 to 4.5:1 in accordance with The Parramatta Road Corridor Urban Transformation Strategy (PRCUTS).
- 2 July 2015 The Sydney East Joint Regional Planning Panel approved (DA2014/035/02) a Section 4.55(2) modification application to reconfigure the layout of approved basement parking levels 1,2 and 3 and to construct a fourth level of basement parking comprising an additional (71) parking spaces.
- 30 June 2016 Council approved a Section 4.55(1A) (DA2014/035/03) to reconfigure the building footprint and alter Condition 5 relating to the staging of construction works. The revised staging of the project has enabled the basement works, associated landscaping and stormwater drainage works and Building A and C to be constructed and occupied. (As built, these buildings are now known as 5 Powell Street and 19 Parramatta Road)
Building B (the subject of this modification application) fronts Parramatta Road and is identified as Stage 2.
- 28 July 2016 Council approved (DA2014/035/04) a Section 4.55(1A) to modify conditions relating to undergrounding of electrical services.
- 1 October 2020 The Sydney Eastern City Planning Panel approved DA2020/008 for construction of a 25-storey mixed use development comprised of 2 ground floor retail tenancies, 7 floors of serviced apartments (77 apartments), and 17 floors of residential apartments (125 apartments) above.

The applicant has chosen not to proceed with this approval.

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20 December 2021	The subject DA (DA2021/327) for construction of 17 additional storeys above an approved 8 storey mixed use building comprised of 151 residential apartments was lodged with Council.
4 February 2022	Council approved (DA2014/35/6) a Section 4.55(2) modification application for alterations and additions to the approved mixed-use building. The proposed modifications involved inclusion of an additional third lift well and façade changes including brickwork. The unit mix and layouts remained unchanged as a result of the application.
16 February 2022	The subject application was referred to the Design Review Panel. The recommendations of the Panel have generally been incorporated in the revised set of plans (submitted 13 th April 2022).
16 March 2022	<p>A request for additional information letter was sent to the applicant raising concern for the following matters:</p> <ul style="list-style-type: none"> • Clarification on floor to ceiling heights and height of building; • Setbacks in relation to site boundaries and approved Buildings A and C; • Insufficient and inappropriate communal open space areas; • Insufficient parking; • Inadequate apartment sizes and layouts; • Inadequate circulation and spaces; • Inadequate apartment mix; • Downward draft impacts for pedestrians; • Balcony heights in response to wind and resulting exceedance above gross floor area; • Waste Management plan requires updating and bulky storage areas within basement requiring amendment; • Design Review Panel concerns – notably treatment of building and interface between podium and tower elements.
30 March 2022	Applicant met with Council Officers to discuss the proposal. Applicant advised Council that amended plans were being prepared in accordance with the feedback from DRP and changes requested as per the Request for Additional Information letter sent by Council. Council expressed concern for the overall appearance of the building and the need to create a gateway building which set the tone for the rest of Parramatta Road.
13 April 2022	Amended plans and additional documentation was submitted to Council via the online planning portal to address the above concerns raised.
5 May 2022	A briefing was held by the Sydney Eastern Planning Panel for the proposed application. The key issues raised by the Panel involved:

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- Council required to discuss the appropriate planning pathway; and
- For the Panel to be satisfied that the proposal can be approved as a Development Application in its current form.

2 June 2022

A second briefing was held by the Sydney Eastern Planning Panel for the proposed application.

Council's Assessing Officer advised the panel that under the provisions of the *EP&A Act 1979*, the Panel has powers to grant consent for development in which a current and existing consent applies to the land. The Panel were satisfied that the application can be determined accordingly under the subject application being a DA.

The key issues raised by the Panel involved

- The delineation and setback of the podium and tower element of the building;
- Façade treatment; and
- Structural engineer sign off.

28 June 2022

Amended architectural plans were submitted to Council via the online planning portal to address façade treatment and delineation between the podium and tower element. The Applicant is yet to submit an engineer's structural report or amended BASIX certificate.

Referrals – Internal and External

Internal Referrals

The subject application has been referred to Council's Development Engineer, Traffic Engineer and Waste Officer for comment. No objections were raised to the proposal subject to the imposition of certain conditions of consent.

External Referrals

Transport for NSW

The subject application has been referred to Transport for NSW for comment. Transport for NSW have not raised any concerns with the proposal given that the basement has already been constructed.

Design Review Panel (DRP)

The application was referred to Council's DRP. The following advice was received following DRP's meeting held on 16th February 2022:

- Existing Entry and Lobby

1. *The panel notes that the entry lobby remains as originally approved under DA2014/035 for an eight-storey building. Given the additional height and density now permissible on the site, the entry/lobby is no longer in proportion to the capacity and use of the building and appears utilitarian and undersized. The Panel recommends a redesign of this lobby to achieve an appropriate entry for the entire building.*

Comment: The amended plans submitted during the assessment process propose a breakout lobby area to the ground floor's northern entrance of the building adjacent the central courtyard. This is considered sufficient to meet the increased density proposed for the building.

- Podium / Façade Treatment

1. *The building form purports to present as a podium and tower, however the distinction between these building elements is weak and lacks clarity. The Panel suggests that this is due to the fact that the building is a combination of two separate DA's that have not been considered together. The approved façade treatment to the ground floor and levels 1-7 above creates a superficial 'podium' façade on Parramatta Road, which requires further articulation and clarity if a successful urban response is to be achieved. The current proposal will essentially present as one built form extruded all the way to the ground rather than two separate structures appropriately articulated from each other. The applicant should investigate setbacks, particularly on level 8, to achieve a more meaningful articulation between the two forms.*
2. *Should the building be modified to incorporate a genuine podium built form, the podium roof could be used for incorporating additional communal open space, gardens, and terraces. Considering the substantial uplift in density approved for the site the provision of additional communal open space and generous landscaping would improve the amenity for future residents as well as the presentation/articulation of the built form.*
3. *The Panel queries why the podium facade treatment is split fronting the park rather than allowing the brick work to continue across the whole elevation. The architect explained to the Panel that brickwork is predominantly used on the Parramatta Road frontage where a more solid material presentation is appropriate due to the hostile environment. The split in the elevation facing the park is to create a section where the treatment ties in with the balconies and materiality of the rest of the building with the brickwork facing the park intended to help the building turn the corner. The panel suggested a more continuous podium treatment would be superior to this, which would provide a more unified park frontage and help break the scale of the northern façade. 4.*
4. *Furthermore, the Panel recommends that the podium level as approved under the modification application is made more solid with further articulation from the tower above; the long horizontal bands extending from ground level up to the top-level proposed results in a bland expression on the northern facade.*
5. *The Panel acknowledges that the intent of the arch on the south-eastern corner is to turn the corner of the building however queries whether it does this successfully*

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and notes that the intent/role of an arch is typically associated with an opening that leads somewhere i.e., the arch would have made more sense if it defined the entry into the building rather than just being used as a gesture/mechanism to turn the corner of the built form. It also conceals good outlook and lateral light to units on upper podium levels.

Comment: The proposal has been amended throughout the assessment process to achieve greater delineation between the podium and tower elements of the building. The revised design achieves an increased setback by an additional 3m along the eastern side elevation of the building through levels 9 – 24. Further, a recess has been introduced to the tower element upon the eastern side elevation so to further assist in breaking the bulk and improving articulation. A further assessment is provided throughout this report.

- Wind Report

1. *The Panel questions how downward draft is managed and notes that the wind report only references the pedestrian entry which is protected by the overhang to the level above. There is no consideration of any downward draft impact on pedestrians using the foot path. This would need to be considered and the wind report updated accordingly.*
2. *Furthermore, the Panel notes that page 18 of the wind report states that the balustrades to the balconies on levels 9-24 are required to be 1.5m in height. This would trigger the areas of the balconies to be included in the FSR for the site. The Panel notes that a solid balustrade 1.5m high would present a considerable restriction on apartment outlook.*
3. *The architect advised that this is incorrect as the balustrades are required to have a height of 1.2m. The Panel advised that the required height of the balcony balustrades would need to be confirmed as it would have an impact on the overall FSR of the building as well as impact on the presentation of the building.*

Comment: Additional information, by way of a wind operations letter was submitted during the assessment process in response to the above matters raised. The following statements were made:

“The building has balconies on all faces. These balconies help to break down the downwash compared to a smooth façade. Thus, the 21 Parramatta Road proposed development is expected to have lower downwash and, ultimately, an acceptable wind environment as per the desktop evaluation. The report recommended the use of balustrades height of 1.2 m in all levels except the south, east and west section of Level 8, where a balustrade of 1.5m is required (the northern portion of the balustrade on level 8 can remain at a height of 1.2m).”

Comment: All balconies have been revised showing replacement of concrete balustrading with glass so to achieve improved outlooks from within apartments. The balustrading to the level 8 units have been designed to a height of 1.5m fronting Parramatta Road with only the northern extremities proposed to a height of 1.2m. This is acceptable given that the 1.2m height balustrading is away from the Parramatta Road wind source and deemed acceptable as per the submitted Wind Report.

- ADG Compliance and Amenity

1. *The Panel notes that the apartments and floor plans as approved to the podium level (residential levels 1-7), on a typical floor plan, do not meet current ADG compliance in terms of solar access and cross ventilation with poor direct light into living areas to several apartments. The Panel further queries how noise attenuation is proposed along the Parramatta Road frontage to levels 1-7.*
2. *The residential levels 1-7 were approved under the RFDC however the Panel recommends that the apartments on these levels are amended to achieve compliance with current ADG. The Panel recommends that the client is encouraged to ensure the whole building is ADG compliant and achieves contemporary design quality and amenity.*
3. *The solid balcony balustrades shown over parts of the elevations prevent downward looking; residents are forced to only look up at towards the sky and other tall buildings. The solid balustrades also prevent sunlight entering living areas. The Panel recommends that the balconies at the podium level facing the park are opened up e.g., a solid code-compliant upturn with transparent/open material above.*
4. *Common open space with a program of uses suitable for the population density should be provided to ADG requirements.*

Comment: The applicant advised during the assessment process that they did not wish to submit a proposal concerning the entire building given that approval had already been granted for the building (levels G-7). The Applicant is lawfully allowed to have multiple Development Consents pertaining to one property and thus requiring the applicant to resubmit as one whole building is not enforceable under the *EP&A Act*. As previously discussed, the revised plans demonstrate that balconies are comprised of glazing only so to improve outlook from apartments. The revisions made to the proposal achieve improved internal amenity to the additional units proposed. The building (levels 8-24) is capable of generally achieving compliance with the ADG. Functional common open space including seated areas co-located with planting has been provided to the ground floor of the building central to the entire site. Residents of Buildings A and C are able to utilise these spaces which will encourage social interaction of residents between buildings.

Section 4.15 Assessment – EP&A Act 1979

The following is an assessment of the application with regard to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

(1) *Matters for consideration – general*

In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provision of:***
- (i) *any environmental planning instrument,***

State Environmental Planning Policies

Compliance with the relevant state environmental planning policies is detailed below:

STATE ENVIRONMENTAL PLANNING POLICY	COMPLIES
State Environmental Planning Policy (Biodiversity and Conservation) 2021 <ul style="list-style-type: none"> Chapter 2 – Vegetation in non-rural areas Chapter 10 – Sydney Harbour Catchment 	Yes Yes
State Environmental Planning Policy (Building Sustainability Index BASIX) 2004	Amended BASIX required – deferred commencement recommended requiring amended documentation to be submitted.
State Environmental Planning Policy (Resilience and Hazards) 2021 <ul style="list-style-type: none"> Chapter 4 – Remediation of land 	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021 <ul style="list-style-type: none"> Chapter 2 - Infrastructure 	Yes

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

Chapter 2 – Vegetation in non-rural areas

The intent of this Chapter within the SEPP is related to the protection of the biodiversity values of trees and other vegetation on the site.

There are no existing trees on the site. The proposed development does not result in the removal or loss of any trees or vegetation subject to the provision of this SEPP. Notwithstanding this, the proposal immediately adjoins Ismay Reserve which is lined with canopy tree planting along the site's eastern side boundary. Accordingly, a condition of consent is recommended for a tree bond deposit to be paid to ensure protection of these trees during construction phase of the development.

The aims and objectives outlined within the SEPP are considered to be satisfied.

Chapter 10 – Sydney harbour Catchment

All stormwater from the proposed development as modified can be treated in accordance with Council's Stormwater Management Code and would satisfy the relevant planning principles of Chapter 10 - Sydney Harbour Catchment.

STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

An amended BASIX Certificate is required to be issued for the proposed development (as amended) so to demonstrate that commitments required by the BASIX Certificate have been satisfied. On this basis, a deferred commencement has been recommended for the proposal subject to submission of a revised BASIX Certificate to Council.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 – Remediation of land

The proposal related to the construction of a 25 storey building over an existing basement car park. There are no further matters for consideration under SEPP 55.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

Chapter 2 - Infrastructure

The proposal is consistent with the relevant objectives (e) and (f) under Clause 2 of SEPP (Infrastructure) 2007.

Clause 101: Development with frontage to a classified road

The proposal is consistent with objectives (a) and (b) under Clause 101(1).

The consent authority can be satisfied of the matters under subclause (2)(b) and (c), in that:

- existing vehicular access is provided from Powell Street and not the classified Road (a);
- the safety, efficiency, and ongoing operation of the classified road will not be adversely affected by the development (b); and
- the development is appropriately located and has been designed to ameliorate potential traffic noise arising from the adjacent classified road (c).

The application was referred to TfNSW for comments. No concerns were raised subject to compliance with General Terms of Approval (GTA).

Clause 102: Impact of road noise or vibration on non-road development

Clause 102 Impact of road noise or vibration on non-road development applies to the residential component of the proposed development requires the consent authority to be satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

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

An acoustic report prepared by Arouras Consultancy accompanied the application. The report concludes that noise emission targets under Clause 102 can be achieved, subject to implementation of the recommendations in the report. Conditions of consent have therefore

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been recommended to ensure the development is constructed in accordance with these recommendations.

Pursuant to Schedule 3 of SEPP (Infrastructure), the proposal is deemed traffic generating development. Accordingly, consistent with Clause 104, the application was referred to RMS. General Terms of Approval have been obtained from RMS and are conditioned.

STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

An assessment against the provisions of SEPP 65 are provided below:

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development		
Principle	Objective	Proposed
Principle 1: Context and neighbourhood character	<p>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.</p> <p>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.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>Generally acceptable. The design appears to respond appropriately to the general context of Parramatta Road. Reduced density of the tower through improved articulation will ensure greater balance of the built form across the site.</p> <p>Appropriate setbacks are provided to the tower element of the building so to achieve appropriate delineation between the podium and tower elements of the structure as well as creating greater visual relief from Ismay Reserve immediately east of the site.</p>
Principle 2: Built form and scale	<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>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.</p> <p>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.</p>	<p>Generally acceptable. The overall FSR/density is acceptable.</p>

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<p>Principle 3: Density</p>	<p>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.</p> <p>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>Acceptable. The internal amenity and functionality (solar access, cross ventilation, functionality, privacy, acoustic treatment) to units is generally compliant with the ADG</p>
<p>Principle 4: Sustainability</p>	<p>Good design combines positive environmental, social and economic outcomes.</p> <p>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.</p>	<p>Acceptable. The design has been amended throughout the assessment process to achieve a built form which is compatible with the streetscape and achieves an acceptable level of internal amenity including cross ventilation and solar access.</p>
<p>Principle 5: Landscape</p>	<p>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.</p> <p>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.</p>	<p>Acceptable. The design has been revised to include more meaningful communal open space areas to the ground floor which are co-located with landscaped areas. These spaces provide attractive outdoor meeting spaces for residents thus encouraging activation of retail units to the ground floor.</p>

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<p>Principle 6: Amenity</p>	<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.</p> <p>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.</p>	<p>Acceptable. The internal amenity and functionality (solar access, cross ventilation, privacy, acoustic treatment) is acceptable. Single aspect units are minimised with all units designed with appropriate fit-outs to suit the needs of future residents.</p>
<p>Principle 7: Safety</p>	<p>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.</p> <p>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.</p>	<p>Generally acceptable. Passive surveillance to Parramatta Road is achieved by the design – via balconies.</p> <p>Passive surveillance and visibility for the communal open spaces is achieved.</p>
<p>Principle 8: Housing diversity and social interaction</p>	<p>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.</p> <p>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.</p>	<p>Acceptable. The design has been revised throughout the assessment process to provide a more diverse unit mix – being the provision of more 3 bedroom units from 3 to 9 in the building. The ground floor communal open space areas have been revised so to more seamlessly integrate with the ground floor commercial areas as well as encourage social interaction of residents particularly between all 3 buildings on the site.</p>
<p>Principle 9: Aesthetics</p>	<p>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.</p>	<p>Acceptable. The design has been revised throughout the assessment process to achieve a greater distinction between the podium and tower element of the building. The development achieves a noticeable setback between level 8</p>

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	<p>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.</p>	<p>and 9 so to demonstrate a clear break in these two elements. This is further defined through the contrasting materials of the brick work to the podium element and the curtain wall to the tower element of the building.</p> <p>The curved expression to the south-east corner of the building provides a gateway to the building as viewed from Parramatta Road as well as creates an interesting focal point of the building as viewed from both Parramatta Road and Ismay Reserve.</p>
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Apartment Design Guide Compliance Table

Required	Proposed	Compliance
2E – Building Depth		
Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls.	23.2m (level 8-24)	No- however apartments achieve acceptable amenity.
3B – Orientation		
<p><i>Objective 3B-1</i> <i>Building types and layouts respond to the streetscape and site while optimising solar access within the development.</i> Buildings along the street frontage define the street, by facing it and incorporating direct access from the street Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east-west.</p>	<p>The site location and building footprint has already been established through the previous approval for construction of the three buildings across the entire site.</p> <p>The building footprint has been orientated so to maximise eastern and northern solar access where possible and limit the number of units with single orientation to the south (Parramatta Road).</p>	Yes
<p><i>Objective 3B-2</i> <i>Overshadowing of neighbouring properties is minimised during mid winter.</i></p>	<p>Apartments 806, 907 & 2206 across all levels to the southern elevation of the building are provided with a southern orientation only and thus fails to receive any direct solar access. All other apartments are capable of receiving a minimum 2 hours</p>	Yes

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<p>Where an adjoining property does not receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.</p>	<p>solar access through the day. This equates to only 11.49% of units to the building.</p> <p>The submitted shadow analysis demonstrates that the shadow cast by the building will move east through the day thus enabling southern adjoining dwellings to receive ample solar access through the day.</p>	<p>Yes</p>
<p>3C – Public Domain Interface</p>		
<p><i>Objective 3C-1</i> <i>Transition between private and public domain is achieved without compromising safety and security.</i></p> <p><i>Objective 3C-2</i> <i>Amenity of the public domain is retained and enhanced.</i></p>	<p>The residential apartments do not have street access.</p> <p>The retail tenancies at the ground floor open directly onto a raised platform which overlooks Ismay Reserve to the east. The proposal includes 3 pedestrian access points along the eastern boundary to Ismay Reserve so to create a pedestrian linkage between the sites. This will further encourage activation of commercial tenancies at the ground floor. The revised landscape plans have introduced communal open space areas which are co-located with planters and further landscaping to soften hardstand surfaces and improve amenity of residents on the site.</p>	<p>Yes</p> <p>Yes</p>
<p>3D – Communal Open Space</p>		
<p><i>Objective 3D-1</i> <i>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.</i></p> <p>Communal open space has a minimum area of 25% (1,565.1m²) of the site.</p>	<p>48.06% (3,007m²) of the site inclusive of level 8 roof top COS to Building A is comprised of communal open space area for use of residents. The proposal has been revised to include functional communal open space areas immediately north of Building B located central to all Buildings on the site. The ground floor communal open space areas are capable of receiving direct solar access in the morning hours of the day.</p> <p>Green planters are proposed along peripheries of the site including along the Parramatta Road frontage to reduce</p>	<p>Yes</p>

<p><i>Objective 3D-2</i> <i>Communal open space is designed to allow for a range of activities respond to site conditions and be attractive and inviting.</i></p> <p>Facilities are provided within communal open spaces and common spaces for a range of age groups, incorporating some of the following elements:</p> <ul style="list-style-type: none"> • Seating for individuals or groups • Barbeque areas • Play equipment or play areas • Swimming pools, gyms, tennis courts or common rooms 	<p>appearance of hardstand surfaces.</p> <p>The existing communal open space area has been embellished with new seating and shaded areas. The level 8 communal open space area to Building A has been constructed and is provided with BBQ facilities for the enjoyment of future residents.</p>	<p>Yes</p>
3E – Deep Soil zones		
<p><i>Objective 3E-1</i> <i>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</i></p> <p>Provide deep soil zone comprising minimum 7% of site area (438m²) and a minimum dimension of 6m. 15% of the site area if greater than 1,500m².</p>	<p>Deep soil zone remains unchanged at 8.6% (536.4m²) of the entire site. No tree removal is sought as part of the proposal.</p>	<p>Yes</p>
3F – Visual Privacy		
<p><i>Objective 3F-1</i> <i>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</i></p> <p>Up to 12m (4 storeys) Habitable rooms and balconies – 6m Non-habitable rooms - 3m</p> <p><i>Objective 3F-2</i> <i>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</i></p> <p>Bedrooms, living spaces and other habitable rooms should be separated from gallery access</p>	<p>Separation between Buildings A and C on the first 8 levels are as per the approved DA2014/35 with a minimum 13.5m separation between Buildings A and C and 3m between Buildings B and C.</p> <p>Adjoining buildings are only 8 storeys and thus all levels 9 storeys and above to Building B will not result in any overlooking impacts.</p> <p>Ground Floor common open space areas are acceptable with regard to maintaining appropriate visual privacy between apartments given it's maintained to the ground floor.</p>	<p>Yes</p> <p>Yes</p>

<p>and other open circulation space by the apartment's service areas.</p> <p>Balconies and private terraces should be located in front of living rooms to increase internal privacy.</p> <p>Windows should be offset from the windows of adjacent buildings</p> <p>Recessed balconies or vertical fins should be used between adjacent balconies.</p>	<p>Balconies predominantly adjoin living areas.</p> <p>Windows and openings are carefully placed so to minimise overlooking impacts where possible.</p> <p>Recessed balconies are proposed along southern face to minimise visual privacy impacts between buildings.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
3G – Pedestrian Access and Entries		
<p><i>Objective 3G-1</i> <i>Building entries and pedestrian access connects to and addresses the public domain</i></p> <p>Multiple entries should be provided to activate the street edge.</p> <p>Building entries should be clearly identifiable and communal entries should be distinguishable from private entries.</p> <p><i>Objective 3G-2</i> <i>Access, entries and pathways are accessible and easy to identify</i></p> <p>Building access areas including lift lobbies, stairwells and hallways should be clearly visible from public domain and communal spaces.</p> <p>The design of ground floors and underground car parks minimise level changes along pathways and entries.</p> <p>Steps and ramps integrated into overall building and landscape design.</p>	<p>Legible, clearly defined pedestrian entries provide connection to the public domain and Ismay Reserve.</p> <p>The access, entries and pathways and circulation between private and public spaces are accessible and easy to identify.</p>	<p>Yes</p> <p>Yes</p>
3H – Vehicle Access		
<p><i>Objective 3H-1</i> <i>Vehicle access points are designed and located to achieve safety, minimise conflict between pedestrians and vehicles and create high quality streetscapes.</i></p>	<p>Existing – not proposed as part of application.</p>	<p>Yes</p>
3J – Bicycle and Car Parking		
<p><i>Objective 3J-1</i></p>	<p>The basement provides a total of 454 parking spaces + 1 car wash</p>	<p>Yes</p>

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<p><i>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</i></p> <p><i>For development in the following locations:</i></p> <ul style="list-style-type: none"> On sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area. <p>Building B (Levels 8-24 ONLY)</p> <p>1 bedroom: 0.6 spaces (46 x 0.6 = 27.6 spaces) 2 bedroom: 0.9 spaces (96 x 0.9 = 86.4 spaces) 3 bedroom: 1.4 spaces (6 x 1.4 = 8.4 spaces) Visitor 1 per 5 units (148 / 5 = 29.6 spaces)</p> <p>Total requirement (122.4) resident spaces (29.6) visitor spaces (0) commercial space as part of this application = 152 parking spaces</p>	<p>bay for the entire site (inclusive of Buildings A, B + C).</p> <p><u>Stage 1 (Buildings A + C)</u> requires – 193 residential spaces to be provided incl. 12 commercial spaces</p> <p><u>Stage 2 (Building B + proposal for Ground to level 7)</u> requires 89 (88.1) residential spaces inclusive of 9 commercial spaces</p> <p>Building B (Level 8 – 24) 154 spaces required.</p> <p>TOTAL FOR BUILDING B = 152 + 89= 241 spaces.</p> <p>The proposal seeks to provide 241 spaces and therefore complies with this requirement.</p>	
4A – Solar and Daylight Access		
<p><i>Objective 4A-2 Daylight access is maximised where sunlight is limited.</i></p> <p>Living rooms and private open spaces of at least 70% of units receive 2 hours of sunlight between 9am and 3pm at mid-winter.</p> <p>A maximum of 15% of units (22 units) receive no direct solar access between 9am and 3pm at mid-winter.</p>	<p>88.5% of units receive a minimum 2 hours direct solar access throughout the day.</p> <p>11.49% (17) of fail to receive direct solar access between 9am – 3pm. These units are located on the southern elevation of the building fronting Parramatta Road (apartments 806, 907 & 2206 across all levels to the southern elevation of the building) will)</p>	<p>Yes</p> <p>Yes</p>
4B – Natural Ventilation		
<p><i>Objective 4B-1 All habitable rooms are naturally ventilated.</i></p> <p>The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms.</p> <p>Depths of habitable rooms support natural ventilation.</p>	<p>Acceptable</p> <p>Depths of habitable rooms are able to support natural ventilation.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>The area of unobstructed window openings should be equal to at least 5% of the floor area served. Doors and openable windows maximum natural ventilation opportunities through design solutions.</p> <p><i>Objective 4B-2</i> <i>The layout and design of single aspect apartments maximises natural ventilation.</i></p> <p>Apartment depths are limited to maximise ventilation and airflow.</p> <p>Natural ventilation to single aspect apartments is achieved with design solutions.</p> <p><i>Objective 4B-3</i> <i>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environmental for residents.</i></p> <p>At least 60% of units are naturally cross ventilated in the first nine storeys of the building.</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass to glass.</p>	<p>The area of unobstructed window openings is equal to at more than 5% of the floor area served. Doors and openable windows maximum natural ventilation opportunities through design solutions.</p> <p>All units of the subject development are located on level 8 and above. Level 8 achieves 71% compliance, level 9 achieves 67% compliance. All units to levels 10 and above are provided with balconies to enable for adequate ventilation thus achieving ADG requirements. Majority of units are designed with dual aspects to improve cross ventilation through units.</p> <p>Design achieves this.</p>	<p>Yes</p> <p>Yes</p>
4C – Ceiling Heights		
<p><i>Objective 4C-1</i> <i>Ceiling height achieves sufficient natural ventilation and daylight access.</i></p> <p><u>Minimum floor to ceiling heights:</u></p> <ul style="list-style-type: none"> Habitable: 2.7m Non-habitable: 2.4m <p><i>Objective 4C-2</i> <i>Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.</i></p> <p><i>Objective 4C-3</i> <i>Ceiling heights contribute to the flexibility of building use over the life of the building.</i></p>	<p>2.7m to habitable and non-habitable rooms enables well-proportioned rooms and improved natural ventilation and solar access.</p> <p>As above</p> <p>As above</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
4D – Apartment Size and Layout		
<p><i>Objective 4D-1</i></p>	<p>All units have been designed with a minimum internal area commensurate with the ADG.</p>	<p>Yes</p>

<p><i>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</i></p> <p><u>Minimum internal area:</u></p> <ul style="list-style-type: none"> • 1 bed: 50m² • 2 bed: 70m² • 3 bed: 90m² • Additional bathrooms +5m² <p>Each habitable room must have a window > 10% floor area of the room.</p> <p>If open plan layout =max 8m from a window</p> <p>Master bed: min 10m² Other bedroom: min 9m²</p> <p><u>Living room minimum width:</u> Studio and 1 bed: 3.6m 2 and 3 bed: 4m</p> <p>Crossover/through: minimum 4m</p> <p>Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas</p> <p>All bedrooms allow for minimum length of 1.5m for robes. Main bedrooms of apartments to have a wardrobe of at least 1.8m long, 0.6m deep and 2.1m high</p>	<p>Units comply.</p> <p>Design achieves this.</p> <p>Design achieves this.</p> <p>Design achieves this.</p> <p>Design achieves this.</p> <p>Design achieves this.</p> <p>Design achieves this.</p> <p>Design achieves this.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
4E – Private open space and balconies		
<p><i>Objective 4E-1</i> <i>Apartments provide appropriately sized private open spaces and balconies to enhance residential amenity.</i></p> <p>Studio: 4m² 1 bed: 8m², min depth 2m 2 bed: 10m², min depth 2m 3 bed: 12m², min depth 2.4m</p> <p><i>Objective 4E-2</i> <i>Primary private open space and balconies are appropriately located to enhance liveability for residents.</i></p>	<p>Balconies and private open space areas are commensurate with the minimum dimensions required under the ADG.</p> <p>Private open space areas and balconies are adjacent living rooms to enhance liveability.</p>	<p>Yes</p> <p>Yes</p>
4F – Common Circulation and Spaces		
<p><i>Objective 4F-1</i> <i>Common circulation spaces achieve good amenity and properly service the number of apartments</i></p>	<p>The proposal has been revised to include a breakout space at the ground floor lobby (northern elevation) so to accommodate the</p>	<p>Yes</p>

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Maximum of 8 apartments off a single core. If this cannot be achieved then no more than 12 apartments should be provided off a circulation core on a single level.	increased residential capacities for the building. The upper level floors from levels 9 and above have been redesigned to provide a breakout space in the common walkway adjacent the lift area to improve circulation and encourage social interaction of residents. Each floor is serviced by 3 lift wells which is considered appropriate given the increased density proposed for the site.	Yes
4G – Storage		
Studio: 4m ³ 1 bed: 6m ³ 2 bed: 8m ³ 3 bed: 10m ³ At least 50% are located internally within the units.	There is ample storage in the basement levels and units. The bulk storage is provided in basement level 01	Yes - conditions imposed.
4H – Acoustic Privacy		
<i>Objective 4H-1</i> <i>Noise transfer is minimised through the siting of buildings and building layout</i> Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses.	Parramatta Road and the M4 (Western Motorway) are significant noise sources with a number of units' windows and door openings oriented towards these areas. The proposal is supported by an Acoustic Report which has provided recommendations to minimise noise impacts including increased thickness to external glazing to units.	Yes – conditions imposed.
Window and door openings are generally orientated away from noise sources.	The design achieves this.	Yes
Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas.	Sensitive rooms are generally located away from corridors, lift wells and stairs where possible.	Yes
4J – Noise and Pollution		
<i>Objective 4J-1</i> <i>In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings</i> To minimise impacts the following design solutions may be used: <ul style="list-style-type: none"> physical separation between buildings and the noise or pollution source 	Balconies are oriented toward the street frontage with sensitive areas oriented away from the street where possible. Units are appropriately oriented to reduce noise impacts where possible whilst maximising opportunities for solar access for units of the building. The	Yes Yes – conditions imposed.

<ul style="list-style-type: none"> residential uses are located perpendicular to the noise source and where possible buffered by other uses non-residential buildings are sited to be parallel with the noise source to provide a continuous building that shields residential uses and communal open spaces non-residential uses are located at lower levels vertically separating the residential component from the noise or pollution source. Setbacks to the underside of residential floor levels should increase relative to traffic volumes and other noise sources buildings should respond to both solar access and noise. Where solar access is away from the noise source, non-habitable rooms can provide a buffer where solar access is in the same direction as the noise source, dual aspect apartments with shallow building depths are preferable landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry <p>Achieving the design criteria in this Apartment Design Guide may not be possible in some situations due to noise and pollution. Where developments are unable to achieve the design criteria, alternatives may be considered in the following areas:</p> <ul style="list-style-type: none"> solar and daylight access private open space and balconies natural cross ventilation 	<p>proposal is supported by an Acoustic Report which has provided recommendations to minimise noise impacts including increased thickness to external glazing to units.</p> <p>The design achieves acceptable solar access and cross ventilation.</p>	<p>Yes</p>
<p>4K – Apartment Mix</p>		
<p><i>Objective 4K-1</i> <i>A range of apartment types and sizes is provided to cater for different household types now and into the future</i></p> <p>Variety of apartment types Appropriate apartment mix Different apartments distributed throughout the building. A variety of apartment types is provided The apartment mix is appropriate, taking into consideration:</p> <ul style="list-style-type: none"> the distance to public transport, employment and education centres 	<p>The revised proposal seeks to provide the following unit mix:</p> <ul style="list-style-type: none"> 46 x 1 bedroom units 96 x 2 bedroom units 6 x 3 bedroom units <p>The unit mix is considered appropriate and will be able to cater for a range of household types.</p>	<p>Yes</p>

<ul style="list-style-type: none"> the current market demands and projected future demographic trends the demand for social and affordable housing different cultural and socioeconomic groups <p><i>Objective 4K-2</i> <i>The apartment mix is distributed to suitable locations within the building</i></p> <p>Different apartment types are located to achieve successful facade composition and to optimise solar access</p> <p>Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available</p>	<p>3 bedroom apartments proposed on levels 22-24 of the building and are provided with generous easterly and northerly solar access. 2 bedroom and single bedrooms are scattered evenly throughout the remainder of the building. Corridor width is generous at 1.8m across all floor plates to enable ease of access to units.</p> <p>As above.</p>	<p>Yes</p> <p>Yes</p>
4M – Facades		
<p><i>Objective 4M-1</i> <i>Building facades provide visual interest along the street while respecting the character of the local area</i></p> <p>Design solutions for front building facades may include:</p> <ul style="list-style-type: none"> a composition of varied building elements a defined base, middle and top of buildings revealing and concealing certain elements changes in texture, material, detail and colour to modify the prominence of elements <p>Building facades should be well resolved with an appropriate scale and proportion to the</p>	<p>Building façade of building incorporates brick face (ground to level 7) with tower element comprised of glass curtain wall which wraps around the eastern, southern and western faces of the building. The defining feature of the building is its south-eastern corner which is comprised of a curved face to denote its prominence being a gateway building leading west from Parramatta Road. The curved face provides a softer transition between the building and landscaping to Ismay Reserve and is an appropriate treatment to the building which provides interest to the façade.</p> <p>The design has been revised throughout the assessment process to achieve a more</p>	<p>Yes</p> <p>Yes</p>

<p>streetscape and human scale. Design solutions may include:</p> <ul style="list-style-type: none"> • well composed horizontal and vertical elements • variation in floor heights to enhance the human scale • elements that are proportional and arranged in patterns • public artwork or treatments to exterior blank walls • grouping of floors or elements such as balconies and windows on taller buildings <p><i>Objective 4M-2</i> <i>Building functions are expressed by the façade</i></p> <p>Building entries should be clearly defined.</p>	<p>defined delineation between the podium and tower element of the building through providing a greater setback to levels 9 – 24 upon the eastern elevation of the building.</p> <p>The proposed materials, textures and colours comprising:</p> <ul style="list-style-type: none"> • a white concrete finish to base of balconies; • glass balustrading; • Glass curtain wall; • Grey cladding elements to each unit; • The base from ground to level 7 features a running and stacked brick façade which breaks the podium from the tower element of the building. <p>These finishes appear appropriate and acceptable.</p> <p>The building entrance is clearly defined through its curved face at the south-eastern corner of the building.</p>	<p>Yes</p>
<p>4N – Roof Design</p>		
<p><i>Objective 4N-1</i> <i>Roof treatments are integrated into the building design and positively respond to the street</i></p> <p>Roof design relates to the street. Design solutions may include:</p> <ul style="list-style-type: none"> • special roof features and strong corners • use of skillion or very low pitch hipped roofs • breaking down the massing of the roof by using smaller elements to avoid bulk • using materials or a pitched form complementary to adjacent buildings <p>Roof treatments should be integrated with the building design. Design solutions may include:</p> <ul style="list-style-type: none"> • roof design proportionate to the overall building size, scale and form • roof materials compliment the building • service elements are integrated <p><i>Objective 4N-2</i></p>	<p>Roof is a flat, basic modern design with a crown to the south-eastern corner of the building as an extended element to the tower's curtain wall. This is considered acceptable.</p> <p>The design achieves this.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>

<p><i>Opportunities to use roof space for residential accommodation and open space are maximised</i></p> <p>Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations</p>	<p>No upper level cos areas proposed to proposed building.</p>	
4O – Landscape Design		
<p><i>Objective 4O-1</i> <i>Landscape design is viable and sustainable</i></p> <p>Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating:</p> <ul style="list-style-type: none"> • diverse and appropriate planting • bio-filtration gardens appropriately planted shading trees • areas for residents to plant vegetables and herbs • composting • green roofs or walls <p>Ongoing maintenance plans should be prepared Microclimate is enhanced by:</p> <ul style="list-style-type: none"> • appropriately scaled trees near the eastern and western elevations for shade • a balance of evergreen and deciduous trees to provide shading in summer and sunlight access in winter • shade structures such as pergolas for balconies and courtyards 	<p>The revised landscape plans have introduced communal open space areas which are co-located with planters and further landscaping to soften hardstand surfaces and improve amenity of residents on the site.</p> <p>Design achieves this.</p>	<p>Yes</p> <p>Yes</p>
4P – Planting on Structures		
<p><i>Objective 4P-1</i> <i>Appropriate soil profiles are provided</i></p> <p>Structures are reinforced for additional saturated soil weight.</p> <p>Soil volume is appropriate for plant growth, considerations include:</p> <ul style="list-style-type: none"> • modifying depths and widths according to the planting mix and irrigation frequency • free draining and long soil life span • tree anchorage • Minimum soil standards for plant sizes should be provided. <p><i>Objective 4P-2</i> <i>Plant growth is optimised with appropriate selection and maintenance</i></p>	<p>The submitted Planting Schedule provides details regarding the soil depths of the landscaped planters on the ground floor and podium (level 8) floor level of the development. Conditions of consent are recommended to ensure compliance with this plan so to ensure the proposed tree and greenery is given the best possible chance of flourishing on the site</p>	<p>Yes – subject to conditions of consent.</p>

<p>Plants are suited to site conditions, considerations include:</p> <ul style="list-style-type: none"> • drought and wind tolerance • seasonal changes in solar access • modified substrate depths for a diverse range of plants • plant longevity <p>A landscape maintenance plan is prepared Irrigation and drainage systems respond to:</p> <ul style="list-style-type: none"> • changing site conditions • soil profile and the planting regime • whether rainwater, stormwater or recycled grey water is used <p><i>Objective 4P-3</i> <i>Planting on structures contributes to the quality and amenity of communal and public open spaces</i></p> <p>Building design incorporates opportunities for planting on structures. Design solutions may include:</p> <ul style="list-style-type: none"> • green walls with specialised lighting for indoor green walls • wall design that incorporates planting • green roofs, particularly where roofs are visible from the public domain • planter boxes <p>Note: structures designed to accommodate green walls should be integrated into the building facade and consider the ability of the facade to change over time</p>	<p>The proposal includes green planting incorporated within communal open space area to the ground floor to assist in providing attractive spaces for resident use.</p>	<p>Yes</p>
<p>4Q – Universal Design</p>		
<p><i>Objective 4Q-1</i> <i>Universal design features are included in apartment design to promote flexible housing for all community members</i></p> <p>Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features.</p> <p><i>Objective 4Q-2</i> <i>A variety of apartments with adaptable designs are provided</i></p> <p>Adaptable housing should be provided in accordance with the relevant council policy.</p> <p><i>Objective 4Q-3</i></p>	<p>20% (30) units are required to incorporate the Liveable Housing Guideline's silver level universal design features. Design is capable of achieving this subject to conditions.</p> <p>Refer to Part C of the DCP relating to minimum requirements for adaptable housing.</p>	<p>Yes – conditions imposed.</p> <p>Conditions imposed.</p>

<p><i>Apartment layouts are flexible and accommodate a range of lifestyle needs</i></p> <p>Apartment design incorporates flexible design solutions which may include:</p> <ul style="list-style-type: none"> rooms with multiple functions dual master bedroom apartments with separate bathrooms larger apartments with various living space options open plan 'loft' style apartments with only a fixed kitchen, laundry and bathroom 	<p>Conditions imposed to ensure minimum 20% of units achieve the silver level universal design guideline requirements so enable flexible accommodation types.</p>	<p>Conditions imposed.</p>
4S – Mixed Use		
<p><i>Objective 4S-1</i> <i>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement</i></p> <p>Mixed use development should be concentrated around public transport and centres.</p> <p>Mixed use developments positively contribute to the public domain. Design solutions may include:</p> <ul style="list-style-type: none"> development addresses the street active frontages are provided diverse activities and uses avoiding blank walls at the ground level live/work apartments on the ground floor level, rather than commercial 	<p>Design achieves this.</p> <p>Design achieves this.</p>	<p>Yes</p> <p>Yes</p>
<p><i>Objective 4S-2</i> <i>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents</i></p> <p>Residential circulation areas should be clearly defined. Design solutions may include:</p> <ul style="list-style-type: none"> residential entries are separated from commercial entries and directly accessible from the street commercial service areas are separated from residential components residential car parking and communal facilities are separated or secured security at entries and safe pedestrian routes are provided concealment opportunities are avoided <p>Landscaped communal open space should be provided at podium or roof levels</p>	<p>Design achieves this.</p> <p>COS provided at ground floor level and is acceptable as proposed.</p>	<p>Yes</p> <p>Yes</p>
4U – Energy Efficiency		

<p><i>Objective 4U-1</i> <i>Development incorporates passive environmental design</i></p> <p>Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access)</p> <p>Well located, screened outdoor areas should be provided for clothes drying</p> <p><i>Objective 4U-2</i> <i>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer</i></p> <p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> • the use of smart glass or other technologies on north and west elevations • thermal mass in the floors and walls of north facing rooms is maximised • polished concrete floors, tiles or timber rather than carpet • insulated roofs, walls and floors and seals on window and door openings • overhangs and shading devices such as awnings, blinds and screens • Provision of consolidated heating and cooling infrastructure should be located in a centralised location (e.g. the basement) <p><i>Objective 4U-3</i> <i>Adequate natural ventilation minimises the need for mechanical ventilation</i></p>	<p>Building achieves acceptable solar access outcomes. Balconies off living rooms improve amenity and provide spaces that are suitably screened from view of surrounding residential properties and the public domain.</p> <p>The design achieves an acceptable level of amenity through compliant cross ventilation, solar access and apartment sizes that comply with the ADG requirements.</p> <p>The design achieves this.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>4V – Water Management and Conservation</p>		
<p><i>Objective 4V-1</i> <i>Potable water use is minimised</i></p> <p>Water efficient fittings, appliances and wastewater reuse should be incorporated.</p> <p>Apartments should be individually metered Rainwater should be collected, stored and reused on site.</p> <p>Drought tolerant, low water use plants should be used within landscaped areas.</p> <p><i>Objective 4V-2</i> <i>Urban stormwater is treated on site before being discharged to receiving waters</i></p>	<p>Approved under original application for remainder of the site including ground – level 7.</p> <p>Can be conditioned</p> <p>Can be conditioned</p>	<p>Yes – subject to submission of amended BASIX and conditions of consent.</p>

<p>Design guidance Water sensitive urban design systems are designed by a suitably qualified professional A number of the following design solutions are used:</p> <ul style="list-style-type: none"> runoff is collected from roofs and balconies in water tanks and plumbed into toilets, laundry and irrigation porous and open paving materials is maximised on site stormwater and infiltration, including bio-retention systems such as rain gardens or street tree pits 	Can be conditioned	
4W – Waste Management		
<p><i>Objective 4W-1</i> <i>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents</i></p> <p>Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park.</p> <p>Waste and recycling storage areas should be well ventilated.</p> <p>Circulation design allows bins to be easily manoeuvred between storage and collection points.</p> <p>Temporary storage should be provided for large bulk items such as mattresses.</p> <p>A waste management plan should be prepared.</p> <p><i>Objective 4W-2</i> <i>Domestic waste is minimised by providing safe and convenient source separation and recycling</i></p> <p>All dwellings should have a waste and recycling cupboard or temporary storage area of sufficient size to hold two days worth of waste and recycling.</p> <p>Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core.</p>	<p>Acceptable subject to conditions.</p> <p>Acceptable subject to conditions.</p> <p>Appropriate.</p> <p>Provided.</p> <p>Provided.</p> <p>Design achieves this</p> <p>Acceptable.</p>	<p>To be conditioned.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Strathfield Local Environmental Plan

The development site is subject to the Strathfield Local Environmental Plan 2012

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned B4-Mixed Use and the proposal is a permissible form of development with Council's consent.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3A Height of Buildings	80m (Key Site 33)	81.18m	No – refer to Clause 5.6 discussion below.
4.4A Floor Space Ratio (and in Parramatta Road Corridor)	4.5:1 (28,156m ²) Key Site 33	4.49:1 (28,057.9m ²)	Yes

Part 5 – Miscellaneous Provisions

5.6 Architectural roof features

Clause 5.6 of the SLEP 2012 requires that development consent must not be granted to any such development unless the consent authority is satisfied that—

- (a) *the architectural roof feature—*
 - (i) *comprises a decorative element on the uppermost portion of a building, and*
 - (ii) *is not an advertising structure, and*
 - (iii) *does not include floor space area and is not reasonably capable of modification to include floor space area, and*
 - (iv) *will cause minimal overshadowing, and*
 - (b) *any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.*
- (2) *Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.*

The proposal seeks the inclusion of a crown element which exceeds the maximum 80m building height permitted for the site. The crown element extends above the roof top level of the building to a height of 81.18m. The submitted 3D height plane analysis demonstrates the portions of the building which extend beyond the maximum 80m height limit in that it contains specifically to the crown element only.

The proposal was accompanied by a series of shadow diagrams to demonstrate the degree of impact it will have particularly on southern adjoining properties (refer to figures 17 and 18 below). It is demonstrated that the shadow cast by the development will move in an easterly direction through the day thus continuing to enable a minimum 3 hours direct solar access to be provided to southern adjoining properties. Furthermore, the shadow cast in the afternoon at 3pm will overshadow open space owned by the Council (outlined in yellow) which is not anticipated for future residential apartment development.

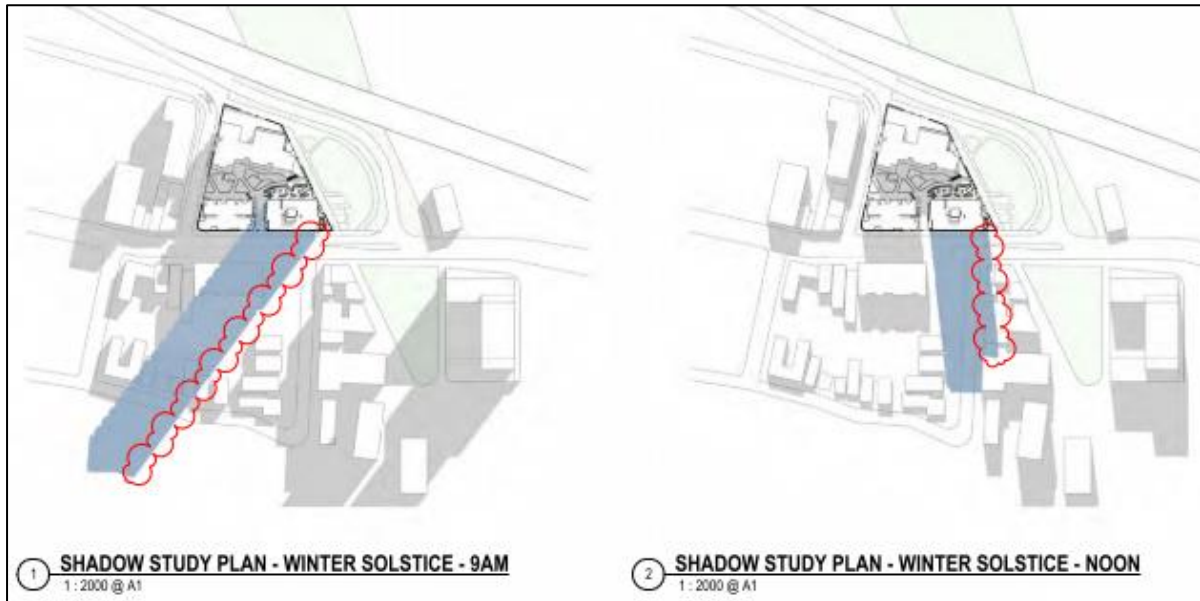


Figure 17: Shadow Impact Analysis 9am and 12pm



Figure 18: Shadow Impact Analysis 3pm.

The crown element does not contain any additional structures so as deemed floor space and will not cast any noticeable additional overshadowing over southern adjoining buildings. The structure is deemed an architectural roof feature only and is therefore acceptable as proposed

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notwithstanding its exceedance beyond the maximum permitted 80m building height limit for the site.

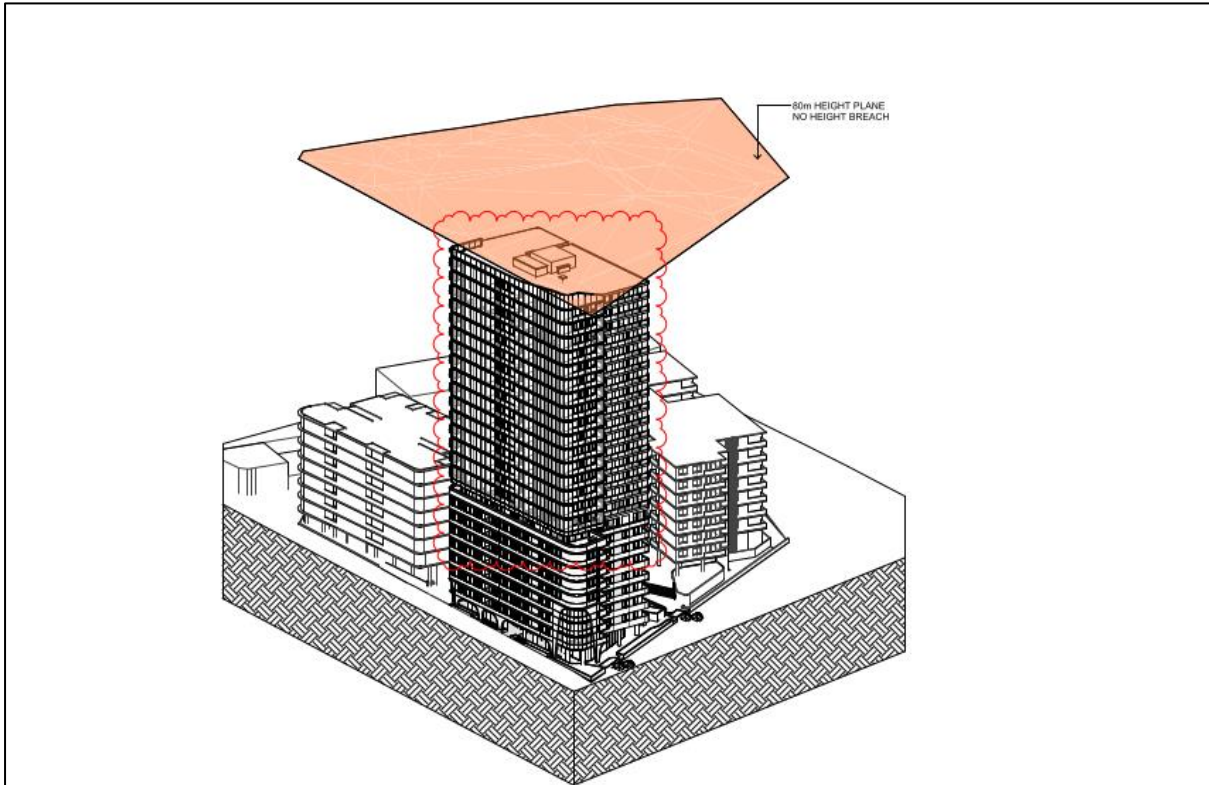


Figure 19: 3D Height Plane Analysis

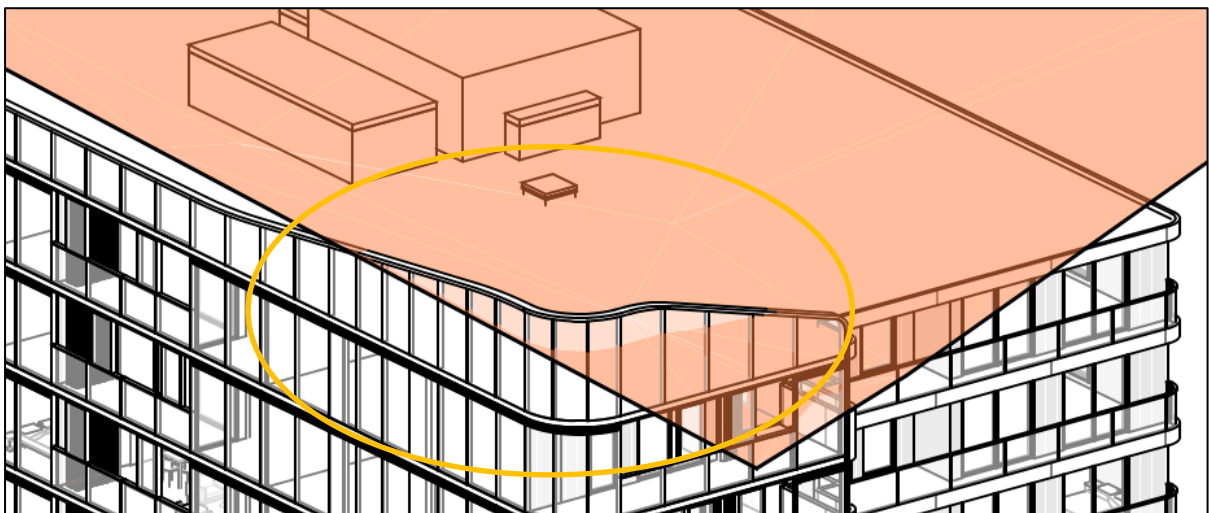


Figure 20: 3D Height Plane Analysis demonstrating crown roof's exceedance beyond the prescribed 80m building height.

Heritage Conservation

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The subject site is not listed as a heritage item or located within a heritage conservation area. The site does not adjoin nor is in close proximity to a heritage item and as such, the provisions of this clause are not applicable.

It is considered that the proposed works, as amended and conditioned, satisfactorily address the provisions of this Clause.

Flood Planning

The proposed site (Building B) has not been identified within the flood planning levels and as such, the provisions of this Clause are not applicable to the subject development.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

As the basement car park below the development has already been constructed, there is no risk of acid sulfate soil affectation. As such, no further assessment is required under Clause 6.1

Earthworks

No earthworks are proposed.

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

Additional provisions for development in Parramatta Road Corridor

The site forms Key Site 33 and must demonstrate consistency with the following objectives:

- (a) to encourage a mix of commercial and residential land uses,*
- (b) to encourage the integration of developments that require large floor areas with other land uses.*

The proposed development incorporates a mixed use development with ground floor commercial space and residential development to the upper floors thus satisfying objective (a). The site's ground floor commercial levels combined with at-grade communal open space areas with direct linkage to Ismay Reserve is considered an appropriate integration of developments with other land uses. The direct linkages will improve connectivity throughout this area not only for the enjoyment of residents but visitors to the site.

It is considered that the proposed development satisfies the aims, objectives and development standards, where relevant, of the Strathfield LEP 2012.

Part 7 Intensive urban development areas

7.1 Arrangements for designated State public infrastructure

- (1) The objective of Clause 7.1, is “to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the development of land wholly or partly for residential purposes, to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Despite all other provisions of this Plan, development consent must not be granted for development for the purposes of residential accommodation (whether as part of a mixed use development or otherwise) in an intensive urban development area that results in an increase in the number of dwellings in that area, unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land on which the development is to be carried out.
- (3) This clause does not apply to a development application to carry out development on land in an intensive urban development area if all or any part of the land to which the application applies is a special contributions area (as defined by section 7.1 of the Act).

The submitted Statement of Environmental Effects states as follows:

“The Applicant will liaise with the Department of Planning, Industry, and Environment, in this regard.”

This has been included as a deferred commencement condition.

PARRAMATTA ROAD CORRIDOR URBAN TRANSFORMATION STRATEGY (2016)

The site is located within the Parramatta Road Urban Transformation Strategy. An assessment against the relevant parts of the strategy and implementation tool kit are provided below:

Item	Proposal	Complies
Land Use	The proposal is consistent with the B4 Mixed use zoning of the site and will continue to deliver a development with a range of uses appropriate to the location.	Complies
Built Form Guidelines	The 80m height limit was approved for the site via gateway determination. The SLEP 2012 was amended to reflect this change. The proposal seeks a height of 81.18m (crown element) with predominant roof height beneath 80m which complies with this requirement.	Complies

**Parramatta Road Corridor Urban Transformation Planning and Design Guidelines
Implementation Tool Kit November 2016**

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Item	Proposal	Complies
3.4 Open Space and Public Domain	The proposal seeks an active street frontage with communal open space areas at the ground floor surrounding at-grade commercial space areas. The proposal seeks to provide 3 pedestrian access points between the site and Ismay Reserve along the site's eastern side boundary to improve pedestrian connectivity and ground floor activation to commercial tenancies on the site.	Complies
3.5 Community Facilities	The ground floor communal open space area central to the entire site is comprised of functional seating areas which encourage social interaction of residents. These areas are further embellished with green planting to reduce the appearance of hardstand surfaces and encourage congregating and avoid the central courtyard form being utilised merely as a transient space only.	Complies
3.6 Traffic and Transport	The proposed 3 access points from the site to Ismay Reserve to the east provides a safe and direct pedestrian linkage from the eastern end of Powell Street (immediately west of the site) through to Ismay Reserve and further to North Strathfield without the need to utilise cross pedestrian crossings or utilise Parramatta Road.	Complies
3.8 Car Parking & Bicycle Parking	The proposal provides sufficient basement parking to meet the needs of future residents of the site.	Complies
3.9 Active Transport	Refer to Section 3.6 above	Complies
4.1 Block Configuration and Site Planning	The proposal further accentuates the curved brick face to the podium levels of the development on the south-eastern corner through its glass curtain wall to the tower element of the building which extends through to the upper levels. The development provides active commercial frontages along the ground floor to create a pedestrian scale at street level.	Complies
4.2 Building Massing, Scale and Building Articulation	The proposed tower element has been revised throughout the assessment process to improve articulation and increase the building's setback from the eastern frontage. The floor plates are limited to approximately 740m ² per level so to comply with the maximum 750m ² floor plates required so to achieve slender tower forms. The tower element exceeds the maximum 45m height by approximately 2m however, this is acceptable given that the tower is articulated and provides a generous 9m setback from the eastern side boundary of the site which gradually tapers to a nil setback at its furthest point at the far north-eastern corner of the building.	Complies

4.3 Setbacks and Street Frontage Heights	The proposal continues to provide commercial units to the ground floor to reinforce streetscape edge and provide active frontages along the street. The tower element achieves a generous 9m setback from the eastern side boundary of the site, including a 3m setback between the podium and tower elements of the building along the eastern side elevation. This is considered acceptable given that the eastern adjoining property is a reserve and will enable substantial building separation to be achieved between buildings in proximity to the site.	Complies
4.5 Building Typologies 4.6 Active and Commercial Frontages 4.7 Building Entries and Fencing	The building continues to provide direct access to the street with commercial tenancies on the ground floor to encourage ground floor activation.	Complies
4.8 Amenity	The proposal has been assessed against the requirements of the ADG and has been found to be generally compliant with these controls. The proposed linkages along the site's eastern side boundary to Ismay Reserve assists in improving pedestrian experience at the ground floor. The commercial areas at the ground floor will assist in further enhancing activity in this area. These spaces are provided with direct easterly and northerly solar access which provides for ample amenity and enjoyment of these spaces throughout the year.	Complies.
4.9 Accessibility, safety and Security	A condition of consent is required for a full BCA assessment to be conducted so to ensure the development is capable of achieving equitable access. It is further acknowledged that a Structural Engineer's report is required to be prepared so to demonstrate that the approved podium element is capable of supporting the new load of the tower element. This too, is required to be imposed as a condition of consent.	To be conditioned.

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

There are no draft planning instruments that are applicable to this site.

(iii) any development control plan,

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The proposed development is subject to the provisions of the Strathfield Consolidated Development Control Plan 2005. The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

PART H – Waste Management (SCDCP 2005)

A revised Operational Waste Management Plan was prepared against the *NSW EPA's Better Practice Guide for Resource Recovery In Residential Developments 2019* requirements. The submitted waste management plan requires the following to accommodate for 214 residential units (note the revised plans result in a total of 211 units only):

- 26 x 660L general waste bins (collected weekly);
- 20 x 660L recyclable waste (collected weekly); and
- 1 x 1100L general waste bin (commercial) with 1 x 1100L recycling bin (commercial) collected twice weekly.

The submitted architectural plans demonstrate that the proposal provides a total of 39 recycling bins and 26 general waste bins within Basement Level 1. The proposal also provides two (2) separate waste compactors within the basement which will enable the more orderly disposal of waste. Whilst the bin rates exceeds the minimum requirements as above, it is acknowledged that waste generation rates may change based on the needs of future residents/tenants of the site and the development should be capable of accommodating for these future needs.

A caretaker will be responsible for moving bins to the designated waste collection point within the basement. Garbage collection is provided via a private waste contractor whom will access the waste collection area via the existing basement entrance from Powell Street.

Part Q – Urban Design controls (SCDCP 2005)

The purpose of Part Q is to facilitate design excellence to deliver the highest standard of architectural, urban and landscape design.

The proposed development continues to positively respond to the street through its attractive street frontage, appropriate corner building articulation and understates yet modern external finishes that will complement the prevailing and transitioning nature of Parramatta Road.

The proposal has been re-designed throughout the assessment process to achieve a more clear delineation between the podium and tower elements of the building and provide a more articulated tower structure with a greater setback along the eastern elevation fronting Ismay Reserve. The built form to site area ratio is appropriate and supports ground floor activation anticipated for future residents through provision of functional communal open space areas with direct pedestrian linkages to Ismay Reserve to the east. The proposal achieves an appropriate level of internal amenity including integration of appropriate noise and visual privacy attenuation measures where required.

(iv) Any matters prescribed by the regulations, that apply to the land to which the development application relates,

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The requirements of Australian Standard AS2601–1991: *The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

The proposed development does not involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

- (c) ***the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,***

Building Design

As previously discussed, the design has been amended throughout the assessment process to achieve a more improved distinction between the podium and tower elements of the building. As recommended by DRP, the podium and tower elements lacked clarity and required the design to incorporate a more articulated built form through setbacks. It was further suggested that provision of communal open space areas to the 8th floor be investigated as a means to providing more meaningful articulation as well as providing functional open space areas for residents.

A built form analysis was prepared and submitted to Council during the assessment process demonstrating consideration for the different elements of the building and its massing. A comparison analysis was also prepared for the previously approved design prepared by SJB (DA2020/008). The submitted analysis demonstrates the variation in the massing of the two buildings (refer to Figures 19 – 22 for reference). The proposed design achieves enhanced articulation along the eastern face of the building in providing a minimum 3m setback along the eastern elevation wall between the podium and tower elements of the building. This breaks the bulk of the building resulting in a better interface with Ismay Reserve.

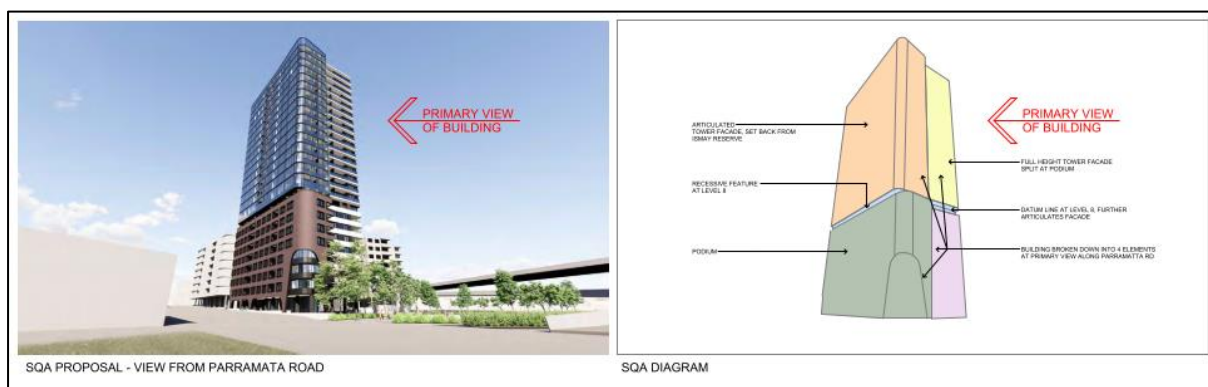


Figure 21: 3D Modelling Analysis showing proposed built form facing north-west



Figure 22: 3D Modelling Analysis showing built form of approved SJB design facing north-west

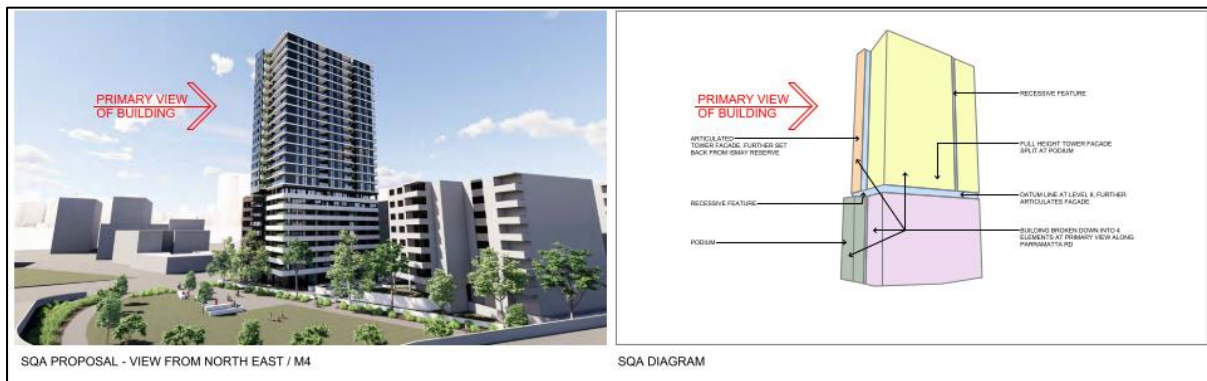


Figure 23: 3D Modelling Analysis showing proposed built form of approved SJB design facing south-west

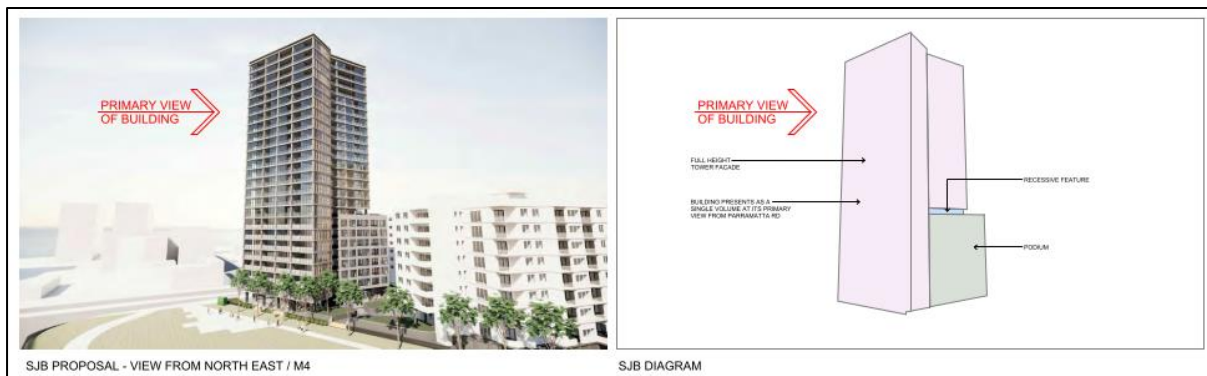


Figure 24: 3D Modelling Analysis showing built form of approved SJB design facing south-west

The revised design has incorporated a ground floor communal open space area which is more conducive to social interaction compared to an 8th level communal open space area which was originally suggested to be provided for the building. The proposed space to the ground floor provide opportunities for increased pedestrian activity and better streetscape activation at the ground floor. The space provides direct linkages to Ismay Reserve to further making it a desirable thoroughfare which will further support the ground floor commercial tenancies.

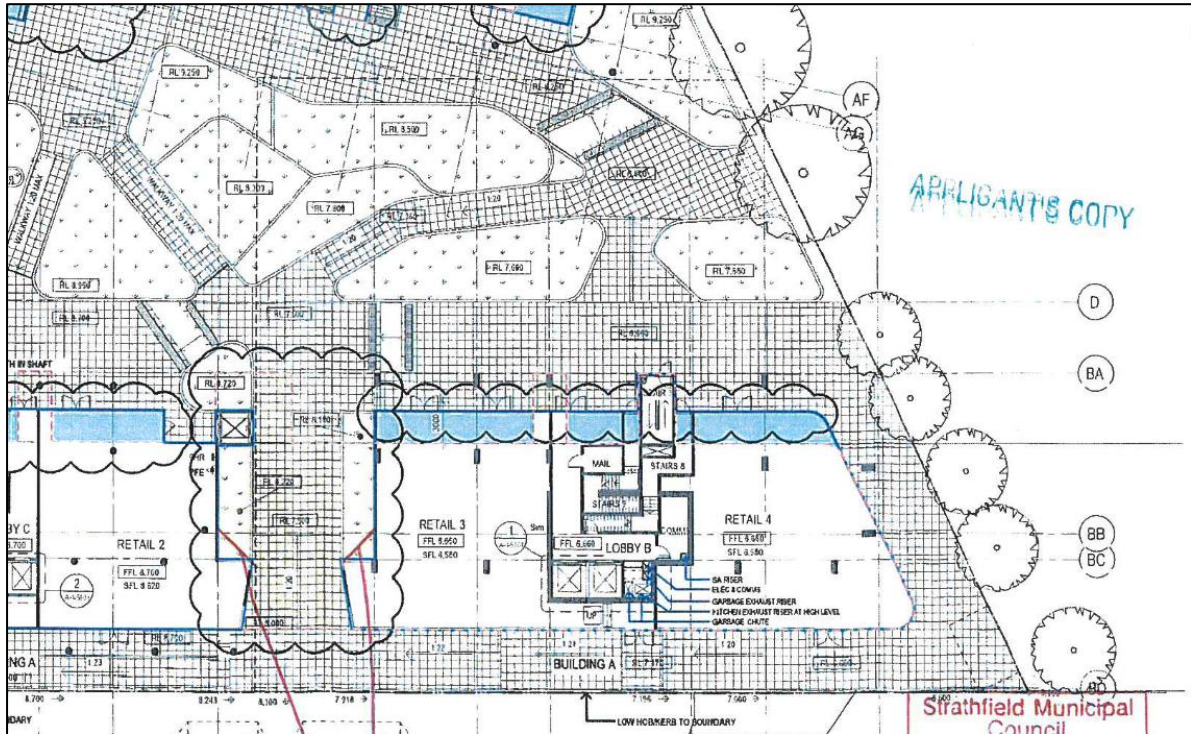


Figure 25: Approved landscape plan showing hardstand surfaces and some raised planter beds.

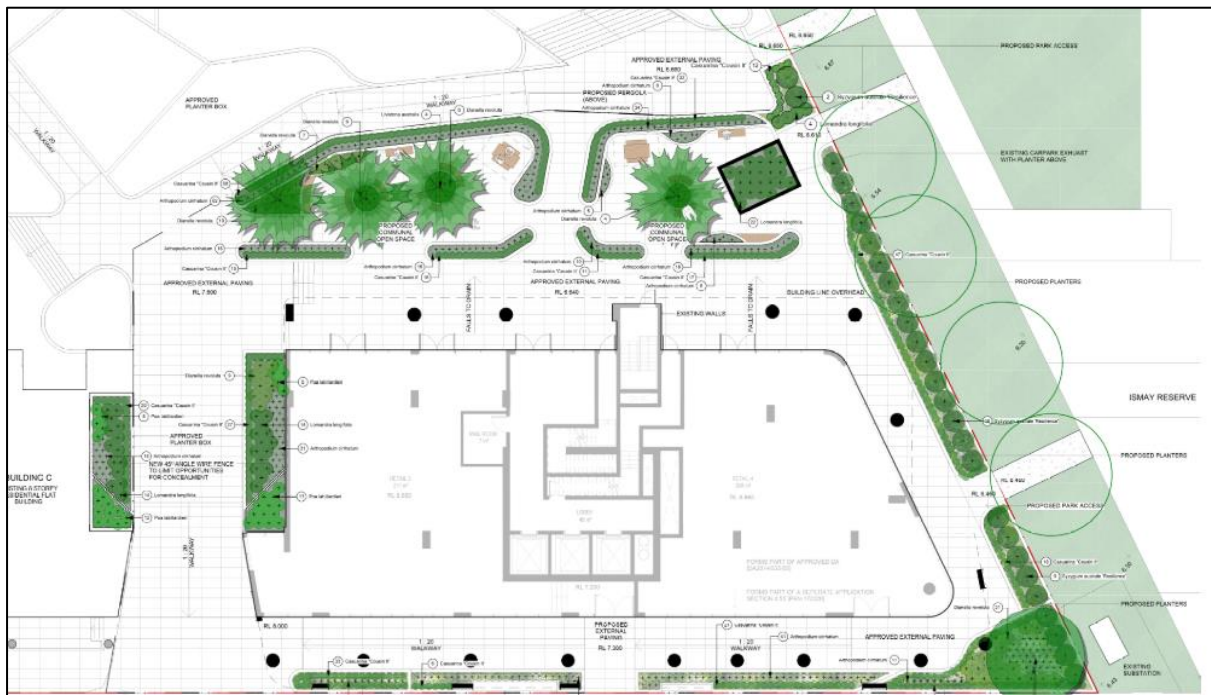


Figure 26: Proposed landscape plan showing embellishment of Communal Open Space areas

The proposed development is of a scale and character that is in keeping with other developments being constructed in the locality. Accordingly, the proposal is not considered to

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have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

(c) *the suitability of the site for the development,*

The subject site is considered suitable for the proposed development in that:

- Mixed use buildings are permissible land uses within the B4 – Mixed Use zone with consent; and
- The proposal is generally consistent with the aims of SLEP 2012 and the objectives of the respective zones.

As noted in this assessment, the site is considered suitable for a mixed use development of a scale to that which is proposed.

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

In accordance with the provisions of Council's Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. 15 submissions were received raising the following concerns:

1. *Scale of the development – concern is raised that the proposal is triple the height than what was originally approved (being 8 storeys). Concern is raised for developer's using PRCUS to push overdevelopment.*

Comment: The additional floor space to 4.5:1 and building height to 80m was a result of a planning proposal approved for the site. The development presented strategic merit for such density which was supported and approved via gateway determination of the planning proposal. The proposed development is generally compliant with the strategic controls of PRCUTs, the relevant State wide controls (inclusive of ADG) and Council's controls which demonstrate that the development is suitable for the site and is an acceptable form of development.

2. *Precedence – concern is raised that the proposal will set a precedence for other large scale development along Parramatta Road. The scale of such developments will bring oversupply of dwellings to the area and potentially inadequate transport services to support this population in the future.*

Comment: as per the PRCUTs, an additional 27,000 new homes is anticipated to be provided within the next 30 years. More specifically, Council's Local Housing Strategy identifies an anticipated additional 6,750 new dwellings are required to be provided within the LGA from between 2016 – 2026. There is a clear demand for additional housing and the site presents strategic and statutory merit to support an increase in such density.

1. *Traffic Congestion – concern is raised that the additional density will result in greater traffic congestion particularly around Underwood Road, Parramatta Road and Knight Street. This will make it dangerous to cross busy traffic roads.*

Comment: The proposal will inevitably result in higher volumes of traffic on the surrounding road network. Notwithstanding this, the site is well placed in close proximity to public transport

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(North Strathfield train station and Homebush train stations) as well as various surrounding bus networks. The site will also be located in close proximity to the Sydney Metro West project which will connect to the North Strathfield train station and provide an additional mode of transportation for future residents. The proposal will not result in any changes to its originally approved site access arrangements to and from the basement. The proposal was revised by both Council's Traffic Manager and TfNSW whereby no concerns were raised and the proposal was deemed acceptable in this regard.

2. *Lack of open space area – concern is raised that Ismay Reserve is already showing signs of decay and that there is a lack of useable open space in this area.*

Comment: The proposal has been revised to include a functional communal open space areas central to the site (immediately north of the subject building). The design includes tables and chairs amidst an array of planter beds and tree planting to create an inviting space for residents to use. The proposal encourages linkages to Ismay Reserve which will enable visitors to utilise the communal open space areas of the subject site.

3. *Overshadowing – the proposal will cast a shadow and block the sun at some times of the day.*

Comment: The proposal was accompanied by a series of shadow diagrams to demonstrate the degree of impact it will have particularly on southern adjoining properties. Refer to likely impacts section for further discussion.

4. *The privacy of residents living in its vicinity will be adversely affected. As the occupants of the tower will be able to view down into back gardens and onto balconies*

Comments: The proposal has been assessed against the requirements of the ADG and is generally compliant with regard to visual privacy. Appropriate visual privacy buffers are proposed across elevations of the building where required on the lower levels of the development where they align with adjoining building levels (Building C to the west in particular). Levels 8 – 24 of the building will sit above Buildings C and A thus obscuring and limiting views to adjoining units.

5. *Commercial space on the ground floor (Building C) has been left vacant*

Comments: Vacancy of commercial lots is not a planning consideration under the requirements of the EP&A Act however, it is anticipated that the development of this building will encourage commercial activity to both constructed and approved commercial tenancies.

(e) *the public interest.*

The proposed development is of a scale and character that does not conflict with the public interest.

Local Infrastructure Contributions

Section 7.13 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

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A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

STRATHFIELD DIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

Provision of Community Facilities	\$303,920.71
Provision of Major Open Space	\$1,382,748.26
Provision of Local Open Space	\$901,570.79
Provision Roads and traffic Management	\$95,714.98
Administration	\$26,206.34
TOTAL	\$2,710,161.08

Conclusion

The application has been assessed having regard to the Heads of Consideration under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979, the provisions of the SLEP 2012 and SCDCP 2005.

Following detailed assessment it is considered that Development Application No. 2021/327 should be approved subject to conditions.



Signed:

L Gibson
Senior Planner

Date: 4 July 2022

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- ☒ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed.

Signed:

J Gillies
Senior Planner

Date: 5 July 2022

The following conditions of consent are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instrument and/or Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To protect the environment.
- (c) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- (d) It is in the public interest.

DEFERRED COMMENCEMENT CONDITIONS

This is a Deferred Commencement Consent under Section 4.16(3) of the Environmental Planning and Assessment (EP&A Act, 1979. This consent does not become operative until the conditions listed below have been satisfied. All conditions shall be satisfactorily resolved within a period of (12 months) from the Determination Date that is shown on this consent. Upon compliance with the conditions below and written confirmation of this from Council, the consent shall become operative from the 'Date of Endorsement'.

1A. Deferred Commencement - General

Pursuant to Section 4.16(3) of the [Environmental Planning and Assessment Act 1979](#), this consent will not operate until the following requirements are satisfied:

- (a) A revised BASIX Certificate for the building is prepared and submitted to Council;
and
- (b) The proposal satisfied the provisions of Clause 7.1 of the *Strathfield Local Environmental Plan 2012*.

DEVELOPMENT DETAILS

1. Approved Plans & Documentation

The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Site Plan	DA-011	28 June 2022	B	Squillace
Basement Level 4 Plan	DA-096	28 June 2022	C	Squillace
Basement Level 3 Plan	DA-097	28 June 2022	C	Squillace

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Basement Level 2 Plan	DA-098	28 June 2022	C	Squillace
Basement Level 1 Plan	DA-099	28 June 2022	C	Squillace
Ground Floor Plan	DA-100	28 June 2022	B	Squillace
Typical Plan – Level 1 – 7	DA-101	28 June 2022	B	Squillace
Floor Plan – Level 8	DA-102	28 June 2022	C	Squillace
Floor Plan – Level 9-21	DA-103	28 June 2022	C	Squillace
Floor Plan – Level 22-24	DA-104	28 June 2022	B	Squillace
Roof Level	DA-105	28 June 2022	B	Squillace
South Elevation	DA-201	28 June 2022	B	Squillace
West Elevation	DA-202	28 June 2022	B	Squillace
North Elevation	DA-203	28 June 2022	B	Squillace
East Elevation	DA-204	28 June 2022	B	Squillace
Section 01	DA-301	28 June 2022	B	Squillace
Section 02	DA-302	28 June 2022	B	Squillace
Adaptable Unit Layout	DA-541	28 June 2022	A	Squillace

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Ground Floor Landscape Plan	L-01	24 June 2022	K	Site Design + Studios
Planting Schedule and Details	L-02	24 June 2022	K	Site Design + Studios
Stormwater Plans	Doc No. NSW212141_S WMR	9 Dec 2021	Revision F	ACOR Consultants
Traffic and Parking Assessment		9 Dec 2021		Stanbury Traffic Planning
Acoustic Report	Doc No. SYD2019-1108-R001G	10 Nov 2021		Acouras Consultancy
Desktop Wind Assessment	Document No. GWTS-DPR-10410-2021-2	9 Dec 2021	2	GWTS
Environmental Glare and Reflectivity Assessment	Ref: 610.30596-R01	Dec 2021	Version v1.0	SLR
NCCA Report	-	8 Dec 2021	Revision 1	Certis
Accessibility Report	Job No. 21449	8 Dec 2021	-	Abe Consulting
Waste Management Plan (Construction)	-	8 Dec 2021	Rev 001	-
Operational Waste Management Plan	Report No.3555	8 Dec 2021	B	Elephant's Foot Consulting

2. Building Height

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 87.76 AHD to the ridge of the decorative crown element of the building.

3. Relationship to Development Consent No.2014/035 and Subsequent S4.55

Modifications

Pursuant to Section 4.17(1)(b) of the Environmental Planning and Assessment Act 1979, this consent shall operate concurrently with development consent no.DA2014/035. All conditions of consent imposed on development consent DA2014/035 are to be read in conjunction with this development consent. This development consent prevails to the extent of any inconsistency between this development consent and development consent DA2014/035.

SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

4. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the [Roads Act 1993](#) and/or Section 68 of the [Local Government Act 1993](#) for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (a) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.
- (b) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (c) Establishing a "works zone";
- (d) Placing or storing materials or equipment;
- (e) Placing or storing waste containers or skip bins;
- (f) Stormwater & ancillary to public infrastructure on private land
- (g) Erecting a structure or carrying out work

These separate activity approvals (a)-(g) must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

- (h) Pumping water from the site into the public road;
- (i) Constructing a vehicular crossing or footpath;
- (j) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (k) Stormwater & ancillary works in the road reserve; and
- (l) Pumping concrete from a public road;

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These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the activities commencing.

The relevant Application Forms for these activities can be downloaded from Council's website www.strathfield.nsw.gov.au. For further information, please contact Council's Customer Service Centre on (02) 9748 9999.

5. Building – Hoarding Application

Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an 'A class' (fence type) or a 'B class' (overhead type) hoarding or 'C type' scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion of the footways/roadway where the building is within 3 metres of the street boundary.

An application for this work under Section 68 of the [Local Government Act 1993](#) and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the [Local Government Act 1993](#) and Section 138 of the [Roads Act 1993](#):

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available at www.strathfield.nsw.gov.au) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

6. General Terms of Approval

The development shall be carried out in accordance with the requirements of the General Terms of Approval (GTA) outlined below.

Approval Body	Date of GTA
Transport for NSW	12 June 2021

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A copy of the requirements of the approval Authority is attached to this consent.

7. AUSGRID

Overhead Powerlines

Safe work NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au

It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite. "Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site."

Underground Cables

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables. Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable

8. Road Noise

The site is affected by noise from Parramatta Road. Compliance with the recommendations of the submitted Acoustic Report prepared by *Aouras* which demonstrates that the development has been designed with measures of acoustic attenuation to meet the internal noise levels specified in Clause 2.119 of [State Environmental Planning Policy \(Transport and Infrastructure\) 2021 - NSW Legislation](#) shall be achieved. The measures of acoustic attenuation shall be reflected on the Construction Certificate plans.

9. Sydney Water – Tap in™

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water’s sewer and water mains, stormwater

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drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

10. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be submitted to the Principal Certifier prior to the issue of the Occupation/Subdivision Certificate.

11. Electricity Supply

An application is required to be made to Ausgrid for a network connection. This may require the network to be extended or its capacity augmented. Evidence of this application being lodged with Ausgrid is required to be provided to the Certifying Authority prior to the issue of a Construction Certificate. For further details, you are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services).

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

12. Fees to be Paid

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.strathfield.nsw.gov.au).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Please contact council prior to the payment of s7.11 or s7.12 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

A summary of the fees to be paid are listed below:

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	\$ 140,989.00
Security Damage Deposit	\$ 33,000.00

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Tree Bond	\$ 50,750.00
Administration Fee for Damage Deposit	\$ 130.00
Administration Fee for Tree Bond	\$ 130.00

DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94 Development Contributions - Roads and Traffic Management	\$ 95,714.98
Strathfield Section 94 Development Contributions – Local Open Space	\$ 901,570.79
Strathfield Section 94 Development Contributions – Major Open Space	\$ 1,382,748.26
Strathfield Section 94 Development Contributions – Community Facilities	\$ 303,920.71
Strathfield Section 94 Development Contributions - Administration	\$ 26,206.34
Total Section 94 Contributions:	\$ 2,710,161.08

General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

Development Contributions

The Section 7.11 contribution (s94) is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

A Section 7.12 contribution has been levied on the subject development pursuant to the Strathfield Section 94A Indirect Development Contributions Plan.

Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost

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of delivering public amenities and public services, in accordance with the indices provided by the relevant Development Contributions Plan.

Timing of Payment

The contribution must be paid and receipted by Council

- prior to the release of the amended Construction Certificate.

Further Information

A copy of the *current Development Contributions Plans* may be inspected at Council's Customer Service Centre at 65 Homebush Road, Strathfield or on Council's website www.strathfield.nsw.gov.au.

13. Required Design Changes

The following changes are required to be made and shown on the Construction Certificate plans:

Amendments made in red on approved plans	All changes made in red on the approved plans shall be updated and shown on the Construction Certificate plans.
Car wash bay	Amended plans and details are required to show a specific bay for car washing is provided within the basement for use by residents. This car wash bay shall be drained in accordance with the requirements of Sydney Water.
Purpose Built Basement Storage	<p>Purpose built basement storage compartment(s) shall be provided to and within each of the resident car parking bays and/or associated dwellings at the following rate:</p> <ul style="list-style-type: none"> • 6m³ for each one (1) bedroom unit; • 8m³ for each two (2) bedroom unit; • 10m³ for each 3 bedroom unit. <p>Amended plans showing the location and configuration of each of the storage compartments shall be submitted and approved by the Principal Certifying Authority.</p>
Allocation of car parking spaces	<p>A plan showing the allocation of each car space to a dedicated unit (for the entirety of Building B) in accordance with the following rates:</p> <ul style="list-style-type: none"> • 1 bedroom: 0.6 spaces (67 x 0.6 = 40.2 spaces) • 2 bedroom: 0.9 spaces (131 x 0.9 = 117.9 spaces) • 3 bedroom: 1.4 spaces (13 x 1.4 = 18.2 spaces)

	<ul style="list-style-type: none"> • Visitor 1 per 5 units (211 / 5 = 42.2 spaces)
Allocation of storage spaces	A plan showing the allocation of each car space and storage area to each individual unit shall be prepared.
Lighting to common access areas	To maintain pedestrian safety in common areas, suitable lighting is to be provided on the development site adjoining each street frontage, entry doorways and access pathways. Details demonstrating this shall be prepared and submitted to the Principal Certifying Authority.
Liveable Housing Guideline's Silver Level Universal Design Features (as per ADG)	Amended plans are required demonstrating that 20% (30) units incorporate the Liveable Housing Guideline's silver level universal design feature as per the Apartment Design Guide.

14. Damage Deposit – Major Works

In order to insure against damage to Council property the following is required:

- Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: \$33,000.00
- Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$130.00
- Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will review the dilapidation report and the Works-As-Executed Drawings (if applicable and inspect the public works.

The damage deposit will be refunded in full upon completion of where no damage occurs and where Council is satisfied with the completion of works. Alternatively, the damage deposit will be forfeited or partly refunded based on the damage incurred.

15. Tree Bond

A tree bond of \$50,750.00 (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to existing trees to be retained on Council's road reserve (6 trees located long the site's eastern frontage in Ismay Reserve), during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development.

A sound protection barrier anchored firmly into the ground 1.8m in height x 2 metres clear of

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the base of the tree at any one point and that the fence is to extend up to the back of the kerb and to the edge of the footpath.

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

A request for refund of the Tree Bond must be made in writing.

Tree Bonds may be forfeited if a tree is dead, made dangerous or has been terminally damaged, or will be held until tree/s have fully recovered from the construction damage or were replacement/planted trees have become fully established and are over 6 metres in height.

16. Site Management Plan

Major Development

A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:

- (a) location of protective site fencing;
- (b) location of site storage areas/sheds/equipment;
- (c) location of building materials for construction, e.g. stockpiles
- (d) provisions for public safety;
- (e) dust control measures;
- (f) method used to provide site access location and materials used;
- (g) details of methods of disposal of demolition materials, according to Waste Management Plan and which should be used or recycled wherever practicable;
- (h) method used to provide protective measures for tree preservation;
- (i) provisions for temporary sanitary facilities;
- (j) location and size of waste containers/skip bins, according to the Waste Management Plan and including resource recovery methods;
- (k) details of proposed sediment and erosion control measures;
- (l) method used to provide construction noise and vibration management;
- (m) construction and demolition traffic management details.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

17. Detailed Landscape Plans

Documentation of the construction demonstrating compliance with this condition must be carried out by the Registered Landscape Architect who prepared the plans, and submitted to the Principal Certifying Authority for approval **prior to the issue of an Occupation Certificate** for the development. This documentation is to include:

- (a) A written and photographic report that shows the process and details of construction so that it can be demonstrated that:
 - (i) The correct waterproofing membrane has been installed. This must be accompanied by a certification by the supplier;
 - (ii) The specified soil structure has been used. This will take the form of annotated construction photographs that show the detail of the soil profile being constructed close up and from a distance to ensure that the location within the project can be confirmed. The photographs are to be accompanied by plans showing the locations being documented. A minimum of four roof/podium locations and two ground level over structure locations must be documented;
 - (iii) The specified plant species have been used;
 - (iv) The specified tree sizes have been used;
 - (v) Any Community Garden has been planted, and any associated sheds have been built;
 - (vi) Any additional factors, such as bird nests, water features, outdoor kitchens, children's play structures or equipment have been installed in accordance with the plans and suppliers standards;
 - (vii) A certificate from the registered landscape architect who prepared the Development Application plans clearly stating that the works have been built as specified, and that the said landscape architect is satisfied that the standard of construction is such that the planting will have longevity.
 - (viii) A maintenance agreement for a minimum of one year from completion from the developer to stating/ensuring that the landscape area is maintained and allowed to properly establish, with any plants that die replaced by the developer within this period.
 - (ix) Vertical green softening along the eastern side elevation of the building.

Once the report and accompanying documentation has been received by the relevant Consent Authority, the landscape must be inspected by the Principal Certifying Authority together with the registered Landscape Architect to ensure that the report and what has been constructed are in agreement.

18. Erosion & Sedimentation Control

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works

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- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004.](#)

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

19. Stormwater System

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system in accordance with Council stormwater management code and AS/NZS 3500.3: 2015 (as amended), prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

20. Waste Manage Plan (WMP)

Prior to the issue of a Construction Certificate, a Waste Management Plan (WMP) must be submitted and it must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005). A WMP will become part of any development consent issued and aims to facilitate better waste management, waste minimization and resource recovery.

The WMP is an important planning document that will not only be utilised as part of the development application process, but during construction and for the ongoing use of the development. The WMP will continue to apply as a working reference for the life of the development.

At least one copy of the WMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

21. Fire Safety Measures

Prior to the issue of a construction certificate a list of the existing and proposed essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a Principal Certifier. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or Principal Certifier will then issue a Fire Safety Schedule for the building.

22. Structural Details

Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns & other structural members. The details

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are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.

A copy shall be forwarded to Council where Council is not the Principal Certifier.

23. Engineer's Certificate

A certificate from a professional Engineer specialising in structural engineering certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

24. Commonwealth Disability (Access to Premises) Standard

The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (i.e. Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.

25. Off Street Parking – Compliance with AS2890

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities), AS 2890.6 (parking for people with disabilities) and AS 2890.2 (for commercial vehicle facilities)

26. Landscape Plans

All landscape works shall be carried out in accordance with the approved landscape plans. The landscaping shall be maintained in accordance with the approved plans in perpetuity.

27. Tree Removal/Pruning Prohibited

This consent does not approve the removal or pruning (branches or roots) of any trees on the subject property, Council's public footway, public reserves or on neighbouring properties.

28. Tree Protection and Retention

The following trees shall be retained and protected:

- *Council owned trees located upon the eastern side boundary of the site within Ismay Reserve.*

Details of the trees to be retained must be included on the Construction Certificate plans.

General Tree Protection Measures

- (a) All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- (b) The tree protection measures must be undertaken in accordance AS4970 -2009 *Protection of trees on development sites.*

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- (c) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).
- (d) The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.
- (e) Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- (f) No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION & EXCAVATION)

29. Demolition & Asbestos

The demolition work shall comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#). The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the Principal Certifier prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#) unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the [Demolition Code of Practice](#) (NSW Work Cover July 2015)

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: www.SafeWork.nsw.gov.au.

30. Demolition Notification Requirements

The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.

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- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

31. Dial Before You Dig

The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Council’s Engineers for their records.

32. Registered Surveyors Report - During Development Work

A report must be submitted to the Principal Certifier at each of the following applicable stages of construction:

- (a) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (b) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (c) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (d) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (e) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the Principal Certifier is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

33. Utility Arrangements

Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicants expense.

34. Dust Control

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected

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during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of a minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as required should it fail to adequately control any dust nuisance.

Major Works

The following measures must be implemented (in part or in total) to control the emission of dust:

- a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system.
- c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours.

DURING CONSTRUCTION

35. Hours of Construction for Demolition and Building Work

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Friday and 8:00am to 1:00pm on Saturdays. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Where the development involves the use of jack hammers/rock breakers and the like, or other heavy machinery, such equipment may only be used between the hours of 7:00am to 5:00pm Monday to Friday only.

Note: A penalty infringement notice may be issued for any offence.

36. Ground Levels and Retaining Walls

The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.

37. Cost of Work to be Borne by the Applicant

The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.

38. Obstruction of Road or Footpath

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the [Roads Act 1993](#) and/or under Section 68 of the [Local Government Act 1993](#). Penalty infringement Notices may be issued for any offences and severe penalties apply.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

39. BASIX Certificate

All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.

40. BASIX Compliance Certificate

A Compliance Certificate must be provided to the Principal Certifier regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.

41. Completion of Landscape Works

At the completion of all works, a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboricultural Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established.

42. Major Development

Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742, 'Australian Standard Manual of Uniform Traffic Control Devices' and the relevant guidelines published by the RMS.

43. Requirements Prior to the Issue of the Occupation Certificate

The following shall be completed and or submitted to the Principal Certifier prior to the issue of the Occupation Certificate:

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- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) Construct any new vehicle crossings required.
- (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
- (e) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the Principal Certifier prior to the issue of the Occupation Certificate.
- (f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

44. Acoustic Certification

Prior to the issue of any Occupation Certificate, a suitably qualified acoustic consultant shall certify that the operation of the premises and plant equipment shall not give rise to a sound pressure level at any affected premises that exceeds the acoustic criteria established by the Acoustic Report required by a condition of this consent. The development shall at all times comply with these noise levels post occupation.

45. Acoustic Compliance

Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the Principal Certifier certifying that the construction has incorporated the recommendations in the DA Acoustic Report titled Acoustic DA Assessment, prepared by Arouras consultancy and dated 10 November 2021.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

46. Site works to be completed prior to issue of Subdivision Certificate of Building B

The following works shall be completed prior to the issue of the Subdivision Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans.
- (c) A Final Occupation Certificate shall be obtained from the Principal Certifier upon completion of the construction works required by the approved Construction

Certificate.

- (d) Sydney Water's Section 73 Compliance Certificate.

OPERATIONAL CONDITIONS (ON-GOING)

47. Maintenance of Landscaping

All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

48. Requirement for a Construction Certificate

The erection of a building must not commence until a Construction Certificate has been issued.

49. Appointment of a Principal Certifier

Building and/or demolition works must not commence until the applicant has:

- (a) appointed a Principal Certifier for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) notify the Principal Certifier of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

50. Notification of Critical Stage Inspections

No later than two days before the building work commences, the Principal Certifier must notify:

- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

51. Notice of Commencement

The applicant must give at least two days notice to the Council and the Principal Certifier of their intention to commence the erection or demolition of a building.

52. Subdivision Work – Construction Certificate & Appointment of Principal Certifier.

Subdivision work in accordance with a development consent cannot commence until:

- (a) A Construction Certificate has been issued; and
- (b) The applicant has appointed a Principal Certifier for the subdivision work.

No later than two days before the subdivision work commences, the Principal Certifier must notify:

- (c) The consent authority and the Council (if not the consent authority) of his or her appointment; and
- (d) The applicant of the critical stage inspections and other inspections that are to be carried out with respect to the subdivision work.

53. Subdivision Work – Notice of Commencement

The beneficiary of the development consent must give at least two days notice to the Council and the Principal Certifier of their intention to commence the subdivision works.

54. Critical Stage Inspections

The last critical stage inspection must be undertaken by the Principal Certifier. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 61 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021 - NSW Legislation](#).

55. Notice to be Given Prior to Critical Stage Inspections

The principal contractor for a building site, or the owner-builder, must notify the Principal Certifier at least 48 hours before each required inspection needs to be carried out.

56. Occupation Certificate

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

PRESCRIBED CONDITIONS

57. Clause 75 – BASIX Commitments

This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

58. Clause 69 – Building Code of Australia & Home Building Act 1989

Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the [Home Building Act 1989](#) relates, there is a requirement for a contract of insurance to be in force before any work commences.

59. Clause 70 – Erection of Signs

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the Principal Certifier and the Principal Contractor.

60. Clause 74 – Protection & Support of Adjoining Premises

If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.

ADVISORY NOTES

i. Review of Determination

Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney East Planning Panel or the Land & Environment Court.

ii. Appeal Rights

Division 8.3 (Reviews and appeals) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

iii. Lapsing of Consent

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

iv. Access to NSW Legislations (Acts, Regulations and Planning Instruments)

NSW legislation can be accessed free of charge at www.legislation.nsw.gov.au

v. Long Service Levy

The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

vi. Disability Discrimination Act

This application has been assessed in accordance with the [Environmental Planning and Assessment Act 1979](#). No guarantee is given that the proposal complies with the [Disability Discrimination Act 1992](#). The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The [Disability Discrimination Act 1992](#) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

vii. Site Safety Fencing

Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).

viii. Noise

Council will generally enforce noise related conditions in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the [Protection of the Environment Operations Act 1997](#). Useful links relating to Noise:

Community Justice Centres—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).

Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).

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New South Wales Government Legislation home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* (www.legislation.nsw.gov.au).

Australian Acoustical Society—professional society of noise-related professionals ([www.acoustics.asn.au /index.php](http://www.acoustics.asn.au/index.php)).

Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au).

Department of Gaming and Racing - (www.dgr.nsw.gov.au).

ix. Acoustical Engineer Contacts & Reference Material

Further information including lists of Acoustic Engineers can be obtained from:

Australian Acoustical Society—professional society of noise-related professionals (www.acoustics.asn.au)

Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au)

NSW Industrial Noise Policy – Office of Environment & Heritage (www.environment.nsw.gov.au)

x. Strata Subdivisions

Council will check the consent conditions on the relevant Strata Subdivision consent. Failure to submit the required information will delay endorsement of the plan of subdivision.

Council will undertake the required inspections to satisfy the requirements of the [Strata Schemes Development Regulation 2016](#) to determine the Strata Certificate.

Strata Plans, Administration Sheets, 88B Instruments and copies must not be folded.

All Strata Plans, Strata Plan Administration Sheets and 88B Instruments shall be submitted to Council enclosed in a protective cardboard tube (to prevent damage during transfer).

xi. SYDNEY WATER SECTION 73 CERTIFICATES

The Section 73 Certificate must be a separate certificate that relates specifically to this development consent. For example, if the development consent relates to the subdivision of the land, a Section 73 Certificate for the construction of the building that is subject to a different development consent will not suffice.

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Electricity Supply

- xii. This development may need a connection to the Ausgrid network which may require the network to be extended or its capacity augmented. You are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services) for further details and information on lodging your application to connect to the network.

**SYDNEY EASTERN CITY PLANNING PANEL MEETING
14 JULY 2022**

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TfNSW General Terms of Approval

Our Reference: SYD20/00600
Council Reference: DA2020/08 – (CNR-8039)

12 June 2020

Mr Henry Wong
General Manager
Strathfield Council
PO Box 120
Strathfield NSW 2135

Attention: Philippa Frecklington

Dear Mr Wong,

**PROPOSED MIXED USE SERVICED RESIDENTIAL APARTMENT DEVELOPMENT
21 PARRAMATTA ROAD, HOMEBUSH**

Reference is made to the Planning Portal's referral dated 22 May 2020, regarding the abovementioned application which was referred to Transport for NSW (TfNSW) for concurrence under Section 138 of the *Roads Act 1993* and in accordance with the Clauses 101 and 104 of the *State Environmental Planning Policy (Infrastructure) 2007*.

TfNSW has reviewed the development application and would provide concurrence to the proposed development under Section 138 of the *Roads Act 1993*, subject to Council's approval and the following requirements being included in the development consent:

1. TfNSW has previously resumed and dedicated a strip of land as road along the Parramatta Road frontage of the subject property, as shown by grey colour on the attached Aerial – "X". The subject property also abuts a Declared Tollway (M4 Western Motorway) as shown by blue colour and purple boundary line on attached Aerial – "X". Access is denied across this boundary.

As such, all buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the M4 Western Motorway and Parramatta Road boundary.

2. The redundant driveway on Parramatta Road should be replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Parramatta Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to DeveloperWorks.Sydney@rms.nsw.gov.au.

Detailed design plans of the proposed gutter crossing are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@rms.nsw.gov.au.

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

3. 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.

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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.
Please send all documentation to development.sydney@rms.nsw.gov.au

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

4. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au.

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

5. The proposed development should be designed such that road traffic noise from Parramatta Road and M4 Motorway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.
6. If not already in place, "Clearway" restrictions will be implemented along the full Parramatta Road frontage of the development site.
7. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
8. 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 Parramatta Road.
9. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
10. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Parramatta Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

In addition to the above, TfNSW provides the following advisory comments for Council's consideration in determining the application:

1. Parramatta Road and the wider Olympic Peninsula Precinct are currently subject to early TfNSW (Roads) investigation of possible Traffic and Transport Improvement strategies. If you have any further questions about the project, please don't hesitate to contact Edmond Platon, Network Development Leader, via email: Edmond.Platon@rms.nsw.gov.au.
2. It is recommended that to support and encourage active transport, bicycle parking facilities are provided within the development or close to it. Bicycle Parking should be provided in accordance with AS2890.3.
3. The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.

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4. The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
5. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.

Should you have any further inquiries in relation to this matter, please do not hesitate to contact Hans Pilly Mootanah, Land Use Planner, on telephone 8849 2076 or by email at development.sydney@rms.nsw.gov.au.

Yours sincerely,



Brendan Pegg
Senior Land Use Planner
Planning and Programs, Greater Sydney Division