

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSEC-35
DA Number	DA2019/196
LGA	Strathfield
Proposed Development	Demolition of existing buildings and construction of two (2) towers including a nine (9) storey mixed used building containing one (1) commercial unit and 44 residential units and a 4-8 storey residential flat building containing 71 residential units over two (2) basement levels
Street Address	52 Powell Street, 54 Powell Street, and 125 Parramatta Road, Homebush
Applicant/Owner	Applicant: UrbanLink Pty Ltd Owner: St George Wholesale Distribution P/L
Date of DA lodgement	19 November 2019
Number of Submissions	Five (5) submissions
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Capital Investment Value exceeding \$30 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 – Remediation of Land; • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development; • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; • State Environmental Planning Policy (Infrastructure) 2007; • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017; and • Strathfield Local Environmental Plan 2012 (SLEP 2012).
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Application form • Architectural Plans • Landscape Plans • Stormwater Plans • Supporting documentation
Clause 4.6 requests	Not applicable
Summary of key submissions	<ul style="list-style-type: none"> • Too many residential units • Lack of parking in surrounding area • Viability of commercial units • Lack of 3 bedroom/4 bedroom units • Overdevelopment, bulk and scale • Construction works • Traffic • Property values • Waste collection • Urban design • Setbacks • Overshadowing • Visual privacy • Internal amenity
Report prepared by	Miguel Rivera
Report date	24 June 2020

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

SUMMARY

PROPERTY:	No. 52 and 54 Powell Street, Homebush Lots 10 & 11 Section 23 in Deposited Plan 477 No. 125 Parramatta Road Homebush Lots 2 & 3 in Deposited Plan 130557
DA NO.:	2019/196
APPLICATION TYPE:	Demolition of existing buildings and construction of two (2) towers including a nine (9) storey mixed used building containing one (1) commercial unit and 44 residential units and a 4-8 storey residential flat building containing 71 residential units over two (2) basement levels.
REPORT BY:	Miguel Rivera
RECOMMENDATION:	APPROVAL
SUBMISSIONS:	Five (5) written submissions received <ul style="list-style-type: none">• Four (4) objections• One (1) support
ZONING:	R4 – High Density Residential B4 – Mixed Use
DATE OF LODGEMENT:	19 November 2019
APPLICANT:	UrbanLink Pty Ltd
OWNER:	St George Wholesale Distribution P/L

EXECUTIVE SUMMARY

Development consent is sought for the demolition of existing buildings and construction of two (2) towers including a nine (9) storey mixed used building containing one (1) commercial unit and 44 residential units and a 4-8 storey residential flat building containing 71 residential units over two (2) basement levels.

The application was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005), from 3 December 2019 to 15 January 2020. Five (5) submissions were received during this time.

The proposal is considered acceptable and supportable, generally complying with the relevant development standards, requirements and controls stipulated in key environmental planning instruments and development control plans including the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65), the Strathfield Local Environmental Plan 2012 (SLEP 2012) and SCDCP 2005. The final design of the proposed development is a contextually appropriate and desirable response to the highly modified and urbanised environment comprising the Parramatta Road Corridor and Powell Street.

The proposal is located, orientated and designed in a manner that has considered the unique environmental constraints and neighbouring properties associated with the subject land.

Accordingly, the proposal is considered supportable and acceptable, and satisfactory for approval, subject to recommended conditions of consent.

BACKGROUND

The background of the site is as follows:

27 November 2018

A Planning Proposal was submitted to Council for the subject land on No. 52 and 54 Powell Street and 125 Parramatta Road, Homebush. The proposal was seeking consideration for the following amendments to the Strathfield Local Environmental Plan 2012 (SLEP 2012):

- Re-zone No. 52-54 Powell Street, Homebush from R4 – High Density Residential to B4 – Mixed Use;
- Increase the maximum building height controls from 29m (No. 125 Parramatta Road) and 32m (No. 125 Parramatta Road) to 75m – consistent with the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS); and
- Increase the maximum floor space ratio (FSR) from 2:1 (No. 125 Parramatta Road) and 1.65:1 (No. 52-54 Parramatta Road) to 3.6:1 – consistent with the PRCUTS.

19 February 2019

Council issued a formal letter of response relating to the above Planning Proposal. The main issues discussed in the letter were as follows:

- Precinct Wide Traffic Study;
- Air Quality Assessment – Underwood Road Vent Facility;
- Provision of Affordable Housing; and
- Balanced Growth – Increase in Jobs.

8 August 2019

A pre-development application meeting was held with Council officers and the applicant with respect to a proposal for the demolition of an existing commercial warehouse and the construction of two (2) nine storey residential flat buildings comprising a total of 120 units, one (1) retail unit (fronting Parramatta Road) over two levels of basement parking at No. 125 Parramatta Road and No. 52-54 Powell Street, Homebush.

As a result of this meeting, a formal letter of response was issued by Council on 19 August 2019. The main points contained in this letter are as follows:

- Permissibility;
- Building height and FSR;
- Potential land contamination;

- State Environmental Planning Policy No. 65—Design Quality of Residential Apartment Development (SEPP 65): required documentation, housing choice and apartment sizes;
- Parramatta Road Corridor Urban Transformation – Planning & Design Guidelines;
- Parking;
- Alternative vehicle parking;
- Traffic and parking impact assessment;
- Servicing and waste management;
- Noise attenuation;
- Landscaping;
- Deep soil planting;
- Communal open space;
- Crime prevention through environmental design;
- Flood impact report;
- Stormwater drainage plan;
- Acid sulfate soils; and
- Supporting documents.

It is noted that Design Review Panel (DRP) minutes were attached to the letter.

19 November 2019

The subject application was lodged to Council. The original proposal involved the demolition of existing buildings and construction of two (2) towers including a nine (9) storey mixed used building containing three (3) commercial units and 52 residential units and a 4-8 storey residential flat building containing 67 residential units over two (2) basement levels.

19 February 2020

A DRP meeting was held with the DRP, Council, applicant and architect/s for the proposed development.

12 March 2020

The DRP minutes were provided to Council. These minutes were sent to the applicant.

19 March 2020

A deferral letter was issued to the applicant, raising a number of issues including:

- FSR;
- Maximum building height;
- Deep soil zone/landscaped area;
- Building separation;
- Apartment mix;
- Parramatta Road building
 - Noise impacts;
 - Front setback;
 - Bulk and scale;
 - Small office home office (SOHO) apartments;
 - Commercial unit;

- Powell Street building
 - Internal layout;
 - Communal open spaces;
 - Bulk and scale;
- Window and balcony alignment;
- Overshadowing impacts;
- Solar access;
- Cross ventilation;
- Ceiling heights;
- Master bedroom and bedroom sizes;
- Laundry access;
- Common circulation areas;
- Storage;
- Acoustic privacy;
- Blank walls,
- Communal areas;
- Clothes drying areas;
- Error in architectural plans;
- Building Code of Australia (BCA); and
- Vehicular access and parking.

24 April 2020

The applicant submitted additional information to Council to address the issues raised in the letter.

5 May 2020

The responsible Council officer (ROFF) for the application conducted a teleconference with the applicant to discuss outstanding issues. This discussion was documented and a file note was provided to the applicant.

The following outstanding matters were discussed:

- Noise and natural cross ventilation;
- Apartment mix;
- Solar access;
- Parramatta Road façade; and
- Landscaped area.

16 June 2020

19 June 2020

The applicant submitted further information including the final design to Council to address any outstanding matters.

It is noted that the proposed development has been modified such that it involves the construction of a mixed used building containing one (1) commercial unit and 44 residential units and a 4-8 storey residential flat building containing 71 residential units. The development type and description were amended to reflect the above.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site comprises four (4) lots and is legally described as Lots 10 and 11 Section 23 in Deposited Plan 477, and Lots 2 and 3 in Deposited Plan 130557. It is commonly known as No. 52 and 54 Powell Street and No. 125 Parramatta Road, Homebush (refer to **Figure 1**). The site is located on the northern side of Parramatta Road and the southern side of Powell Street.



Figure 1: Aerial map indicating subject site (shown in yellow)

Collectively, the site has a total area of 3025m², with:

- 1669m² contributed by Lots 10 and 11 Section 23 in DP 477 (No. 52 and 54 Powell Street); and
- 1356m² contributed by Lots 1 and 2 in DP 130557 (No. 125 Parramatta Road).

The subject site is located on two (2) separate land use zones, with the allotments comprising No. 52 and 54 Powell Street within the R4 – High Density Residential zone, and the allotments comprising 125 Parramatta Road within the B4 – Mixed Use zone, pursuant to the provisions of the SLEP 2012 (refer to **Figure 2**).

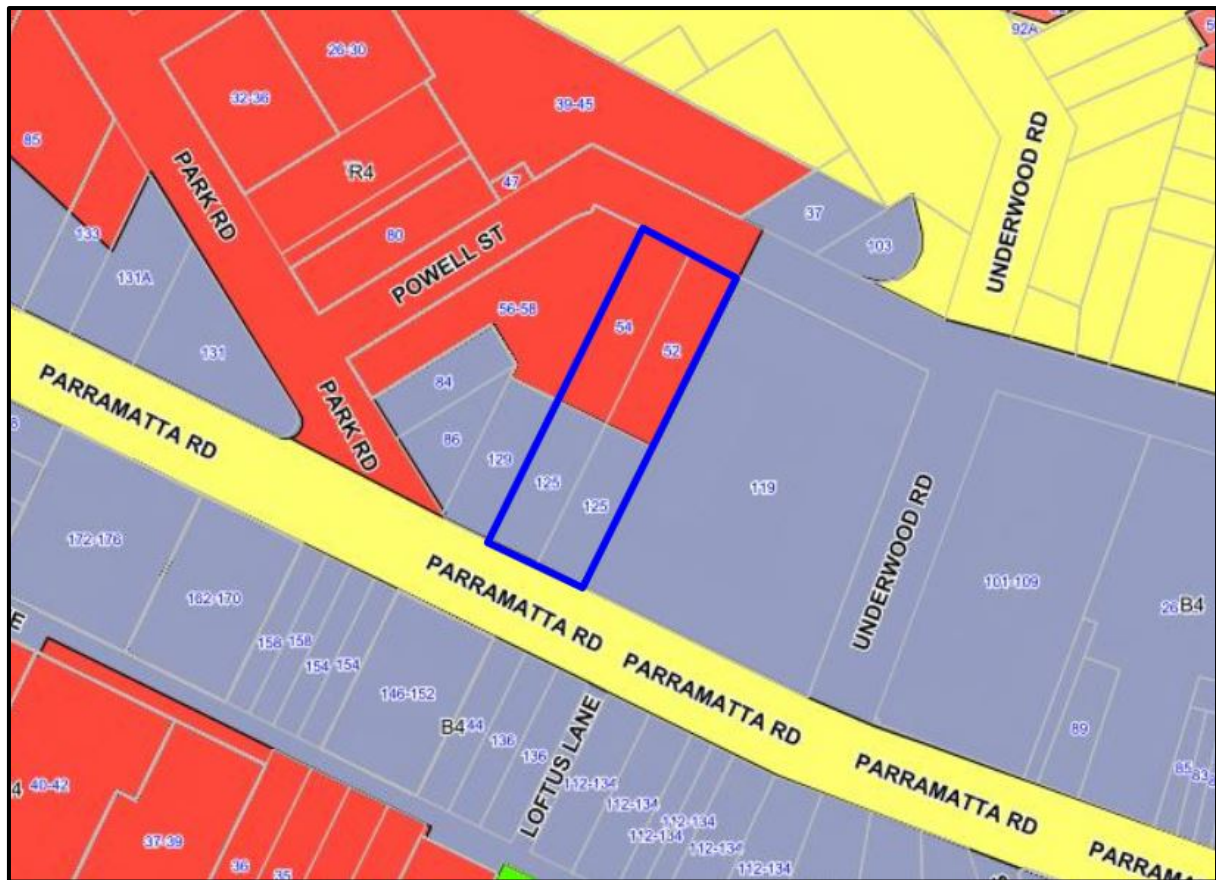


Figure 2: Land use zoning map indicating subject site (shown in blue)

The site is rectangular shaped and comprises 30.48m frontage to Parramatta Road, a 30.48m frontage to Powell Street, and a maximum depth of 99.31m. It is mostly flat, with a 2.89m slope from Parramatta Road to Powell Street.

The subject site is predominantly modified and contains a two (2) storey rendered warehouse with a flat roof within the Parramatta Road allotments and an open concreted area (currently utilised for parking) within the Powell Street allotments (refer to **Figures 3 and 4**).

Vehicular access to the site is via an existing driveway off Powell Street, located on the northern portion of the site. The site does not contain any significant vegetation.

The subject site is not situated on flood prone land and on any known/registered contaminated land sites. Council records indicated that the site is within 'Class 5 – Acid Sulfate Soils (ASS)' land.

The subject site does not contain any heritage items and is not within a heritage conservation area; however, it is approximately 42m away from a locally listed heritage item (Item I28). Item I28 comprises a Spanish Mission house and garden and is located at No. 80 Park Road, Homebush (Lot A in DP 953360).



Figure 3: Existing warehouse building within subject site (Parramatta Road side)



Figure 4: Existing concrete area within subject site (Powell Street side)

The streetscape surrounding the site is characterised by the following two (2) different urban characters:

- The Parramatta Road Corridor features a combination of 6-8 storey, mixed use buildings with commercial tenancies below residential levels and various business and commercial premises such as vehicle sales yards and retail factory outlets. Parramatta Road is a busy, classified road comprising up to six (6) vehicular lanes and is a dominant element within the streetscape. A number of business advertising and locational signage are visible along the corridor.
- Powell Street is a tree-lined, local residential road generally featuring 4-6 storey, residential flat buildings and some commercial buildings of similar or smaller scale. A prominent classified toll road (the M4 – Western Motorway) and a ventilation outlet for this road are situated approximately 40m north of the Powell Street allotments.

Figures 5-9 indicate the current streetscape of Parramatta Road Corridor and the residential buildings along Powell Street, which are within the immediate vicinity of the site.



Figure 5: Streetscape of Parramatta Road (view to the north-east)



Figure 6: Streetscape of Parramatta Road (view to the north-west)



Figure 7: Existing building at No. 39-45 Powell Street, Homebush. The M4 – Western Motorway ventilation outlet is visible behind this building (circled in blue)



Figure 8: Existing building at No. 56-58 Powell Street, Homebush (west-adjointing neighbour)



Figure 9: Existing building at No. 119 Parramatta Road, Homebush (east-adjointing neighbour)

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for the demolition of existing buildings and the construction of two (2) towers including a nine (9) storey mixed used building containing one (1) commercial unit and 44 residential units and a 4-8 storey residential flat building containing 71 residential units over two (2) basement levels.

The proposal specifically involves the following:

- Demolition of existing buildings within the site;
- Construction of two (2) levels of basement comprising a total of 121 car parking spaces, 34 bicycle spaces and eight (8) motorbike spaces. It is noted that of the 121 car parking spaces; 118 spaces are for residential units and three (3) spaces are for the single commercial unit. The basement levels also contain storage cages, waste storage areas; bulk storage areas; and vehicular access ramps and turning areas;
- Construction of a nine (9) storey mixed use tower facing Parramatta Road containing:
 - A single commercial unit with bathroom and kitchen facilities and outdoor private open space;
 - 12 x one (1) bedroom dwellings, 27 x two (2) bedroom dwellings and five (5) x three (3) bedroom dwellings;
 - Provision of two (2) lifts and two (2) stairwells for access between basement and upper levels;
- Construction of a 4-8 storey residential flat tower facing Powell Street containing:
 - 37 x one (1) bedroom dwellings, 27 x two (2) bedroom dwellings and seven (7) x three (3) bedroom dwellings;
 - Provision of a single lift and stairwell for access between basement and upper levels; and
- Associated earthworks, landscaping and stormwater drainage works.

It is proposed that vehicular access to the basement levels is via a new vehicular crossing off Powell Street.

Pedestrian access to each building is via either Parramatta Road or Powell Street depending on the respective tower. The commercial unit has direct access off Parramatta Road.

A Site Plan, Elevations, Section and Artist Impressions of the proposal are shown in **Figures 10 to 17** below.

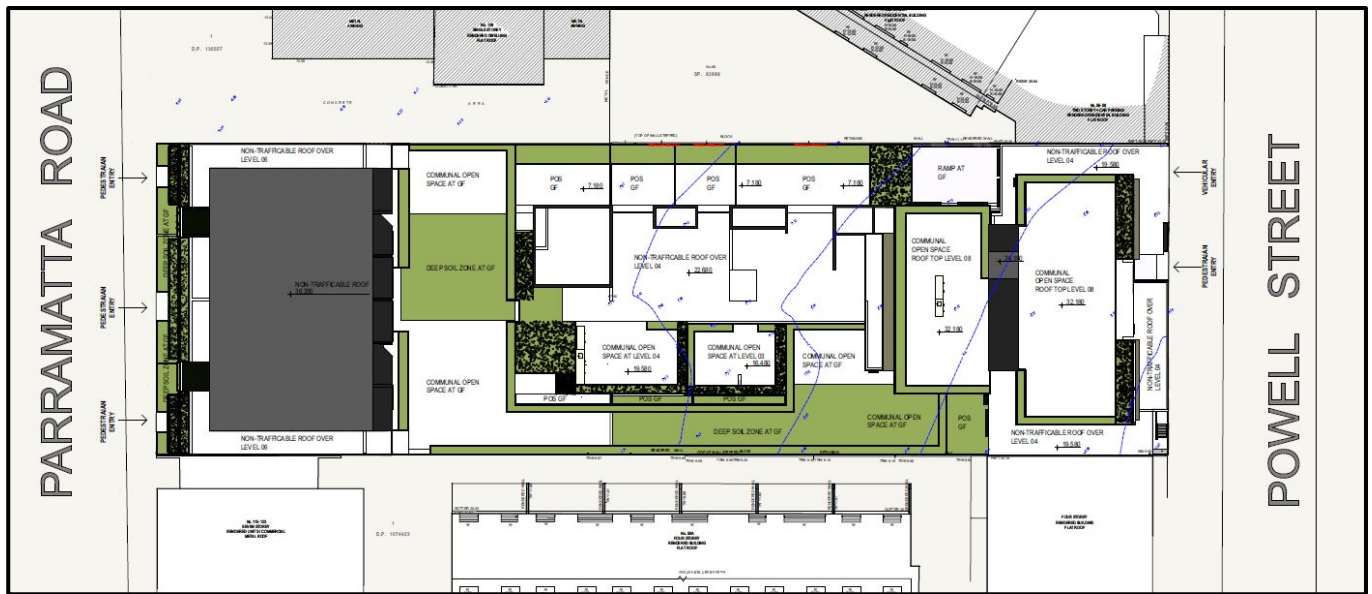


Figure 10: Site Plan

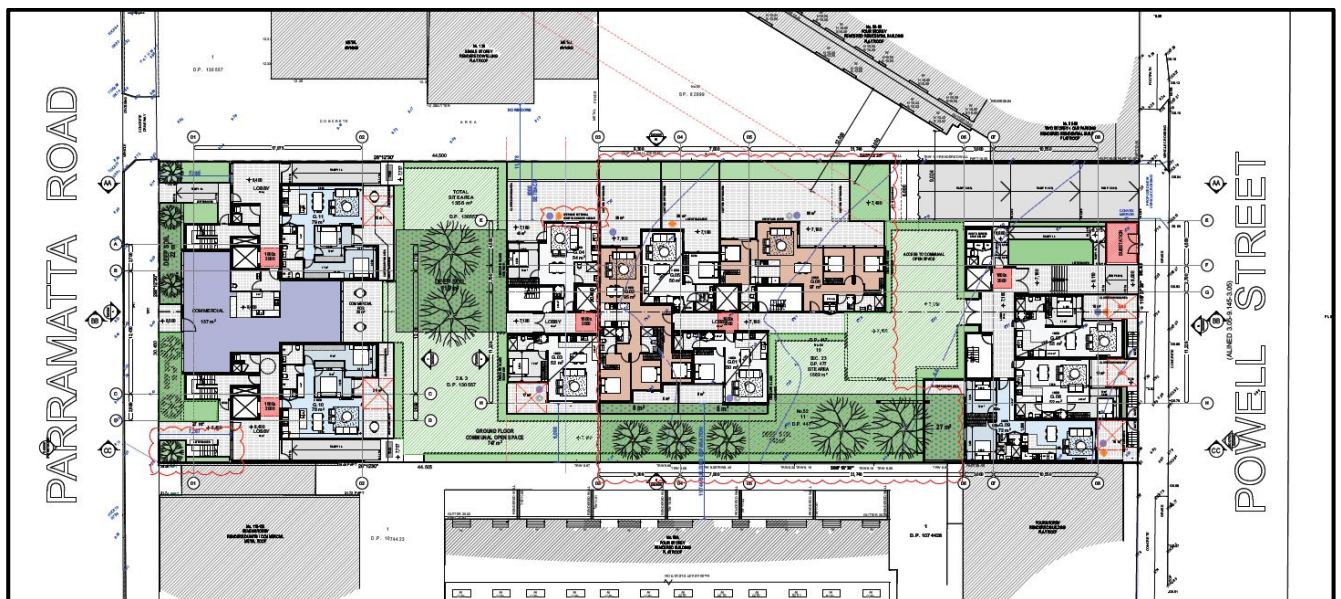


Figure 11: Ground Floor Plan

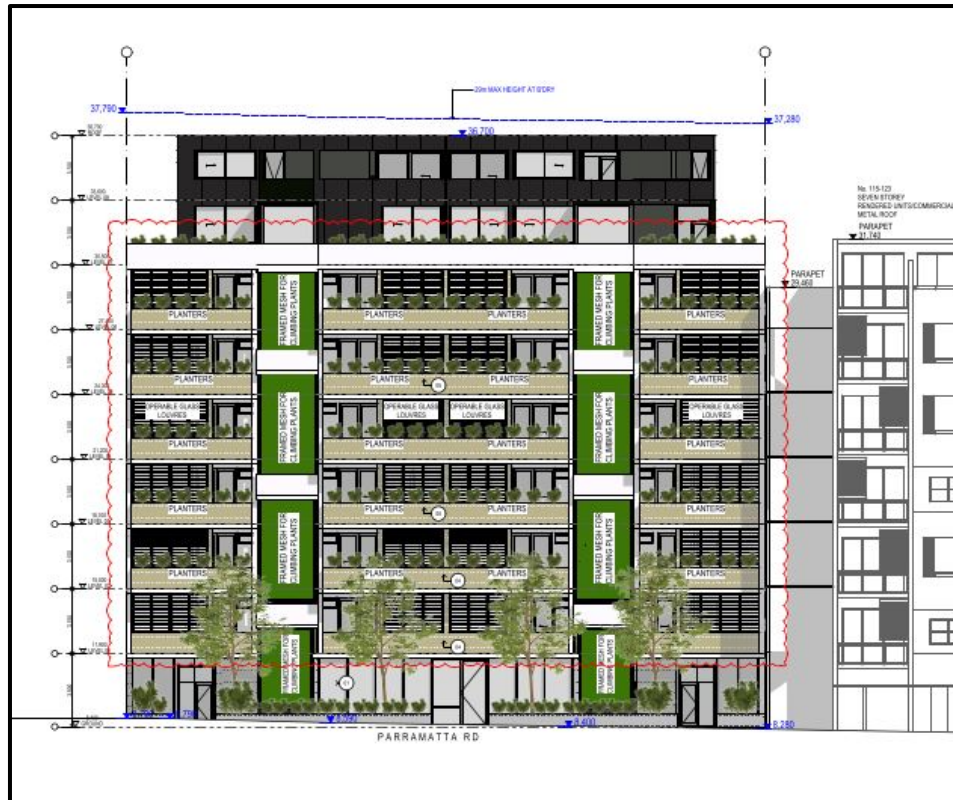


Figure 12: South Elevation (Parramatta Road building)

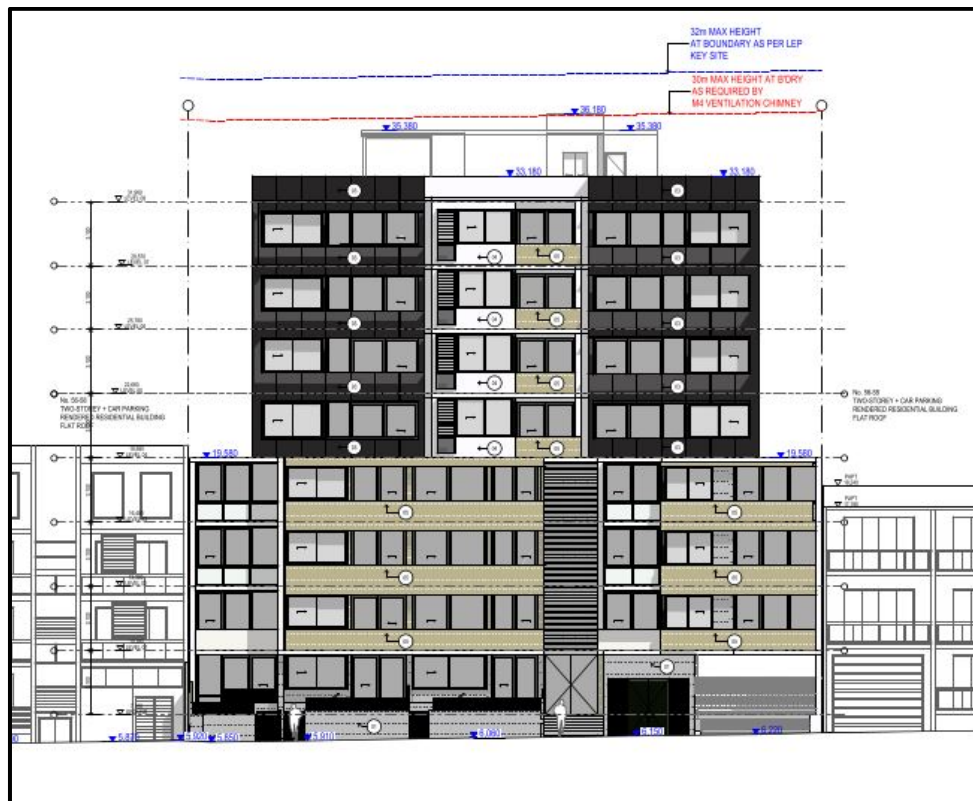


Figure 13: North Elevation (Powell Street building)



Figure 14: East and West Elevations

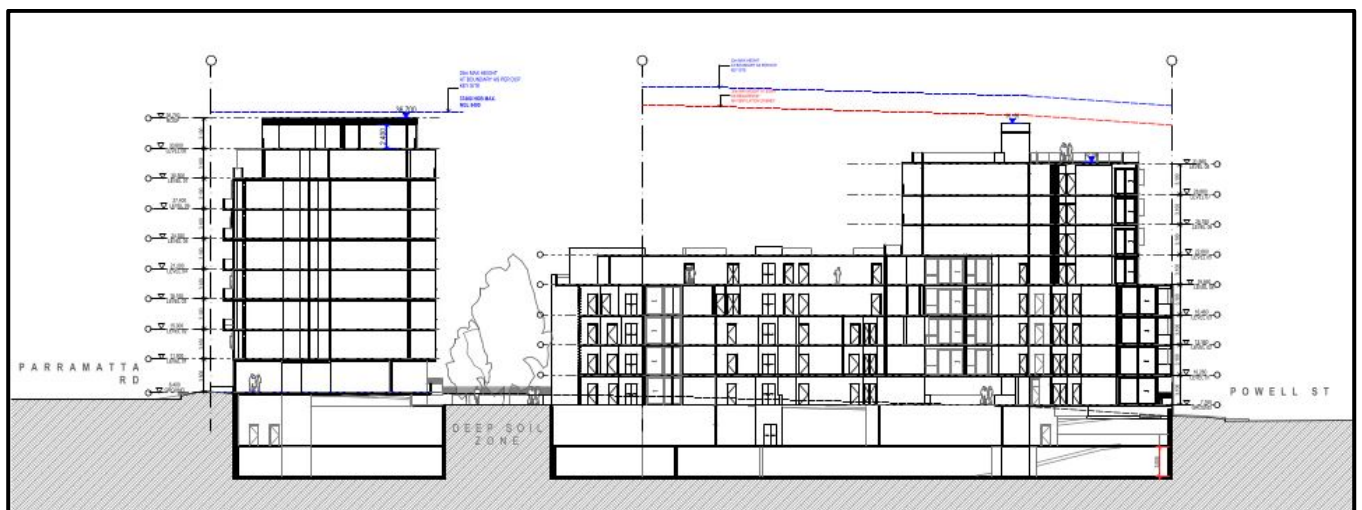


Figure 15: Section



Figure 16: Artist Impression – Parramatta Road building



Figure 17: Artist Impression – Powell Street building

REFERRALS

INTERNAL REFERRALS

Building Surveyor Comments

Council's Building Surveyor provided the following comments:

"The application is supported, subject to conditions. I strongly recommend a BCA report is obtained prior to the approval of the works as design modifications will be required to accommodate the Deemed-to-Satisfy (DTS) Provisions of the BCA."

Accordingly, the recommended conditions of consent will reflect the above comments.

Environmental Health Officer Comments

Council's Environmental Health Officer provided the following comments:

"Environmental Services has read the subject application and supporting documents, and can support the application subject to conditions."

Accordingly, the recommended conditions of consent will reflect the above comments.

Environmental Health Officer (Acoustic) Comments

Council's Environmental Health Officer (Acoustic) provided the following comments:

"I have read and reviewed the above development application. I have considered environmental health aspects for this proposal – Protection of the Environment Operations Act 1997, corresponding regulations, Noise Policy for Industry 2017 (NPI), State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy no.55, and NSW Department of Planning Development Near Rail Corridors and Busy Road Guideline."

The unattended noise measurements carried out on site successfully captures the noise environment on site, namely traffic noise from Parramatta Road. The noise logging for the background noise levels may be affected by traffic noise generated on M4 WestConnex Motorway."

However, based on the available acoustic data undertaken by the consultant, compliance could be achieved with the appropriate mitigation measures being implemented as per the recommendations set up the acoustic assessment report. The recommendation put forward by the consultant should be adopted to ensure compliance."

The proposed use of SilenceAir device put forward by Urbanlink Architecture dated 2 April 2020 requires further acoustic testing to ensure compliance in the bedrooms facing Parramatta Road, mainly on the most sensitive bedrooms in level one units."

Environmental Services has read the above application and supporting documents, and can support the proposal subject to conditions."

Accordingly, the recommended conditions of consent will reflect the above comments.

Strategic Planner Comments

Council's Strategic Planner advised that a number of strategic planning documentation from state government agencies (including the Local Housing Strategy, the Eastern City District Plan and PRCUTS) contain objectives and actions for providing affordable housing, both within the Parramatta Road corridor and within the local government area of Strathfield. The recently adopted Strathfield 2040 Local Strategic Planning Statement (SLSPS) comprises several actions aimed at providing diverse housing options for people at all lifecycles and connecting them to jobs, recreation, services and transport. One of these actions is to:

"Investigate opportunities to go beyond the District Plan's target of 5-10% of the Gross Floor Area of new development to be dedicated as affordable housing for:

- *Planning Precincts*
- *Land identified as being within the Parramatta Road Corridor*
- *Where there is an increase in density arising from a Planning Proposal.*

The proposal does not involve affordable housing, however, the subject site:

- Benefits from uplifts in building height and FSR (as per the Key Site provisions under the SLEP 2012);
- Is land identified within the Parramatta Road Corridor; and
- Is an accessible area, as defined under the State Environmental Planning Policy (Affordable Rental Housing) 2009.

Therefore, it is recognised that the scale of the proposal is opportune to facilitate affordable housing, in accordance with the actions under the SLSPS. Council's Strategic Planner recommended that at least 10% of the gross floor area (GFA) of the proposal should comprise of affordable housing, as defined in the *Environmental Planning and Assessment Act 1979* and the State Environmental Planning Policy (Affordable Rental Housing) 2009. Accordingly, conditions will be imposed to provide affordable housing within the proposal to be held by Council in perpetuity, as recommended above.

Stormwater Engineer Comments

Council's Stormwater Engineer provided the following comments:

"The subject site has a natural fall to the rear, but presence of Council drainage system in Powell Street has enabled the applicant to submit a compliant design. The Concept Stormwater Plan indicates most of impervious and pervious areas drain into proposed suspended OSD tank by gravity means via downpipes, floor and planter drain. Landscape area on Parramatta Road (5% of total site area) by-passed the OSD tank. Water sensitive urban design has been incorporated into drainage design principles and Council requirements have been met. Basement ramp and subsoil drain into pump out tank by gravity means via subsoil drainage and grated trench drain. Pressure pipe connects to the suspended OSD tank. The site discharges to Council drainage system in Powell Street by gravity means via suspended OSD tank and bypass area drains to the kerb and gutter in Parramatta Road by means of gravity via the planter gully drain in accordance with the NSW Roads and Maritime Services (RMS) requirements. From an engineering perspective, the concept plan is feasible and there are no objections to its approval subject to conditions attached."

Accordingly, the recommended conditions of consent will reflect the above comments.

Traffic Engineer Comments

Council's Traffic Engineer provided the following comments:

"Parking provision"

As per SEPP 65, the site is located within 800m of a railway station and hence the minimum car parking requirements for residents and visitors should follow the RMS Guide to Traffic Generating Developments (GTTGD) or Council DCP, whichever is less.

With this regards, the GTTGD sets out the lesser requirement for high density residential flat building as follows:

- 0.6 spaces per 1 bedroom unit*
- 0.9 spaces per 2 bedroom unit*
- 1.40 spaces per 3 bedroom unit*
- 1 space per 5 units (visitor parking).*

The proposed residential component comprising 49 1-bedroom apartments, 54 2-bedroom apartments and 12 3-bedroom apartment hence generates the minimum on-site parking requirement of 95 resident spaces and 23 visitor spaces, totalling 118 spaces.

Council's DCP 20 Clause 2.13.1 stipulates the following on-site parking requirement for retail development:

For shops less than 500m² GFA, one space per 50m².

The proposed commercial component of 137m² yields a minimum on-site parking requirement of 3 spaces.

The proposed total on-site parking of 121 spaces satisfies the above minimum parking requirements. The proposed allocations also conform to the requirements.

Traffic generation

RMS TDT 2013/04a stipulate traffic generation rates for high density residential flat buildings as follows:

- AM Peak 0.19 vehicle trips per unit*
- PM Peak 0.15 vehicle trips per unit*

The proposed residential component generates the following:

- AM Peak 21.9 vehicle trips*
- PM Peak 17.3 vehicle trips*

For the commercial component, the following traffic generation rates for office blocks have been adopted as per RMS TDT 2013/04a:

- AM Peak 1.6 vehicle trips per 100m² GFA*
- PM Peak 1.2 vehicle trips per 100m² GFA*

The proposed commercial component generates the following:

- AM Peak 2.2 vehicle trips*
- PM Peak 1.6 vehicle trips*

Offset by the traffic generation associated with the existing land use, the net traffic generation change is not anticipated to generate an unacceptable adverse impact to the surrounding road network.

On-site parking layout

It is noted that the proposed development contains 18 adaptable dwellings. 16 spaces are provided as per the requirements AS/NZS 2890.6:2009. A further 2 spaces are provided of 3.8m width. It is also noted that these 2 spaces are adjacent to lift which provide adequate wheelchair access. In this regard, the arrangement is considered acceptable.

It is noted that due to existing wall structure between the subject site and 56 Powell Street, a sight splay cannot be provided, as per AS2890. To improve safety, in addition to the proposed convex mirror at the driveway, the applicant shall install a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be set back by 1.5m from the boundary alignment.

Recommendation

Should approval be recommended, specific conditions must be imposed.”

Accordingly, the recommended conditions of consent will reflect the above comments.

Waste Officer Comments

Council's Waste Officer provided the following comments:

“I suggest we just condition the following:

- 1) Provide written evidence of valid contracts for the regular collection and disposal of commercial waste and recyclables generated on the site by a licensed waste contractor must be provided before Occupation Certificate. For commercial units, written confirmation shall be provided by a private waste contractor to the applicant confirming that waste (general waste, recycling and bulky goods) collections can occur within the boundaries of the site without obstructing vehicle access to or from the site.*
- 2) Amend WMP to increase the number of recycling bins. Requirements are for 21 X 660L waste bins and 58 X 240L (or 21 X 660L) recycling bins, since yellow bins are serviced every fortnight.*
- 3) 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 should always be updated since it 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.*
- 4) The design and construction of all medium and high density buildings within the Parramatta Road Corridor must provide a conventional waste collection system that is adaptable to an AWCS, including adaptable waste rooms, in accordance to 3.4 Provision for Automated Waste Collection System (AWCS) from Part H of the DCP. Developments must be designed to allow for future connection of the AWCS, with the space and infrastructure needed for*

installation/retrofitting of the system included. This must be provided in accordance with Council requirements. Council may request detailed design drawings for the AWCS provision, including details of waste collection rooms, air inlet facilities, waste inlet areas, pipe access spaces and connection points.”

Accordingly, the recommended conditions of consent will reflect the above comments.

EXTERNAL REFERRALS

Ausgrid

The application was referred to Ausgrid for comment given that the application is for development that is within 5m of an exposed overhead electricity power line and thereby triggering the provision under Clause 45 of the State Environmental Planning Policy (Infrastructure) 2007. The following advice was received:

“Ausgrid consents to the above mentioned development subject to the following conditions

Proximity to Existing Network Assets

Overhead Powerlines

There are existing overhead electricity network assets in Parramatta Road.

Safework 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

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

There are existing underground electricity network assets in Parramatta Road and Powell Street. 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.

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.

SafeworkAustralia - Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables."

Accordingly, the recommended conditions of consent will reflect the above advice.

Design Review Panel (DRP)

The application was referred to a DRP. The following advice has been received:

"Parramatta Road Building

1.1 The applicant has not adequately demonstrated how the development will satisfy the ADG cl.4J and the NSW Governments' Development near Rail Corridors and Busy Roads – Interim Guidelines (Infrastructure SEPP 2007). The recommended acoustic treatment in the submitted acoustic report requires the apartment glazing on Parramatta Road to be closed, which removes the capacity of these apartments to be naturally cross-ventilated. The applicant should engage an experienced mechanical engineer to work with the acoustic consultant and architect to provide a suitable alternative cross ventilation system for this site. Guidance may be taken from the City of Sydney Alternative Natural Ventilation of Apartments in Noisy Environments Guideline for alternative treatment for the southern façade.

1.2 The Panel does not believe that the 2.27m Parramatta Road setback and low level planting provided below an awning provides a suitable landscape setting and scale for this site. The Panel questions the appropriateness of the awning in general as it does not cover any part of the pavement and is not part of an overall streetscape strategy. The subject site is within the lands identified in the Parramatta Road Corridor Urban Transformation Strategy, which has been adopted and is given statutory force by a Ministerial Direction under Section 9.11 of the Environmental Planning & Assessment Act. The Homebush Precinct requires a minimum 6m "green edge setback" to Parramatta Road, including basement. The Panel considers that the building and basement should be setback from Parramatta Road to satisfy this requirement, with a landscape scheme incorporating canopy tree planting.

1.3 The built form on Parramatta Road has a large bulky appearance which reads in elevation as two storeys higher than the building to the east at 119 Parramatta Road. Changes in the colour and materials are not successful in articulating the built form. The Panel recommends that a similar design approach to the Powell Street building is adopted with a setback of the upper floors from the side and south boundary. To achieve a suitable urban design outcome there may be a resultant loss of yield as minor fenestration and material treatments are not going to resolve this issue.

1.4 The ground floor SOHO apartments do not provide suitable activation to Parramatta Road and do not possess adequate dimensions to support the commercial viability and function of the future tenants. The residential amenity of these apartments is compromised by SOHO office as it results in narrow deep apartments with no glazing to the bedroom. The Panel recommends that the ground floor is amended to commercial with an opportunity to open it out to the rear northern courtyard area.

Powell Street Building

2.1 The Powell Street building provides a suitable scale in relation to the adjoining buildings, however, the Panel has identified the following issues with the internal layout and floor planning:

- *The T- shaped floor plan creates problems with cross ventilation. The Panel recommends the architects investigate separating the built form into three individual parts, as discussed at the meeting.*
- *The Panel does not agree the apartments with glazing that opens onto the central vertical slot are cross-ventilated because the fifth floor prevents air circulation. The Panel recommends that the slot is continued through all floors and opened to the sky or deleted as part of the core re-design suggested above, to achieve light to each level of the common spaces..*
- *Ground floor apartment G.05 is significantly compromised with bedroom windows and a balcony opening onto the basement access ramp. The Panel will not support any ground floor windows or balconies that open onto the basement ramp.*
- *The communal open space on level 04 adjoins the balcony of Apartments 4.01 and 4.05. The architect needs to provide a more suitable interface, which may include a change in level.*
- *The landscaped communal open space area located to the west of the ground floor apartments should be incorporated into the private open space area for these apartments.*

Other Matters

3.1 The development does not have a suitable apartment mix because it does not provide any three bedroom apartments. In order to provide housing choice and support equitable housing access the Panel recommends that the development is amended to provide a minimum 10% three bedroom apartments.

3.2 The Parramatta Road lobbies and Powell Street upper level lobbies do not have access to natural light. In accordance with Part 4F of the ADG and to provide suitable amenity the Panel recommends that daylight and natural ventilation is provided to all common circulation spaces that are above ground.

3.3 The landscape plan identifies that the majority of the deep soil zone will be a turf area. The landscape plan is to be revised so that the deep soil zone incorporates canopy tree planting in the deep soil zone. The Panel does not support the short fall in deep soil and advises that in accordance with Part 3E of the ADG, 15% of the site is to be deep soil.

3.4 The project landscape architect should specify street tree planting along the Powell Street verge that reinforces the existing street tree plantings.

3.5 The Panel notes that the glazing to the east and west side of the Parramatta Road fire stair would not comply with the deemed to satisfy provisions of the BCA as it adjoins the apartment balconies.

3.6 The applicant should confirm to Council that all residents will have access to all communal open space areas.

3.7 Strathfield Council should confirm the layout of the apartments on the adjoining site to the east and their expectations in regards to solar access.

3.8 There is an error in the floor plan with the staircase location incorrectly depicted in the Level 01, 02 and 03 of the northern foyer of the Powell Street building.”

A review of the final design of the proposal determined that most of the above comments have been addressed sufficiently as appropriate (refer to the 'State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings' section below).

NSW Office of Water – Natural Resources Access Regulator (NRAR)

The application was referred to the NSW Office of Water – Natural Resources Access Regulator (NRAR) and the following comments were received:

“The Natural Resources Access Regulator (NRAR) has reviewed documents for the above development application and considers that, for the purposes of the Water Management Act 2000 (WM Act), General Terms of Approval and/or a Controlled Activity Approval is not required, and no further assessment by this agency is necessary. The proposed works are not considered to be on waterfront land.”

NSW Transport for NSW (TfNSW)

The application was referred to TfNSW for comment given that the application is defined as Traffic Generating Development. The following comments were received:

“No objections were raised to the development; subject to the following requirements included in any consent issued:

- 1. 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 Parramatta Road boundary.*
- 2. Detailed design plans and hydraulic calculations of any changes to the storm water 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 Roads and Maritime approval is issued.*
- 3. “No Stopping” restrictions shall be implemented along the full Parramatta Road frontage of the development site at no cost to TfNSW.*
- 4. A Construction Traffic Management Plan 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.*
- 5. 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.*
- 6. 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 to Council in determining the application:

1. Parramatta Road and the wider Olympic Peninsula Precinct is currently subject to early TfNSW investigation of possible traffic and transport Improvement strategies. The applicant may wish to contact Edmond Platon, Network Development Leader, (via Edmond.Platon@transport.nsw.gov.au) if further information is required.

2. Sight distances at the proposed vehicular crossings on Powell Street are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 – Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.”

Accordingly, the recommended conditions of consent will reflect the above comments.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

The application has been assessed pursuant to the heads of consideration of Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the relevant matters described in sub-section (1)(a), (b), (c), (d) and (e) of Section 4.15 have been considered within this report.

The following Environmental Planning Instruments (EPI's) and development control plans (DCP's) are applicable to the assessment of the subject application:

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- Strathfield Local Environmental Plan 2012 (SLEP 2012);
- Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005): and
 - No. 20 – Parramatta Road Corridor Area;
 - Part H – Waste Management;
 - Part I – Provision of Off-Street Parking Facilities;
 - Part N – Water Sensitive Urban Design (WSUD);
 - Part L – Notification; and
 - Strathfield Section 94 and 94A Development Contribution Plans.

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) requires Council to consider whether the site is suitable in its current state, contaminated state or following the completion of remediation works for the purpose for which development consent is being sought.

A Geotechnical Investigation Report (Stage 1 Assessment) was provided as part of the subject application. Council's Environmental Health Officer advised that the site has a history of commercial

use and there is likelihood of contamination. It is recommended that a Stage 2 Assessment is contacted to determine the extent of contamination. Council's Environmental Health Officer recommended the imposition of a special condition requiring that a Stage 2 Assessment must be completed and submitted to Council prior to any application for a construction certificate.

Accordingly, subject to the imposition of conditions, the provisions of SEPP 55 have been satisfied.

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

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

Strathfield Council does not have a design review panel referred to under Clause 28 of SEPP 65; however, utilises the services of a Design Review Panel (DRP) formed at the City of Canada Bay Council. An assessment of the design quality of the development against the design principles of the SEPP and the relevant design criteria of the Apartment Design Guide (ADG) has been undertaken in the table below:

Design Quality Principles under Schedule 1 of SEPP 65

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>Acceptable.</p> <p>The final design of the overall scheme responds appropriately to the general context of Parramatta Road and Powell Street. Each building is designed with sufficient building articulation, material and colour variations and other architectural elements that provide visual interest when viewed from public domain and from nearby properties.</p> <p>The proposal achieves compliance with both the maximum FSR and maximum building height provisions specific to each of the key sites and is therefore, considered appropriately massed and scaled, and is not considered a dominant built form.</p> <p>The setback of both buildings demonstrates consistency with the streetscape and similar to nearby and adjoining mixed use and residential flat buildings of comparable size.</p>

Principle	Objective	Proposed
		<p>The overall built form and massing are sufficiently balanced and softened by landscaping treatments within the road reserve (as conditioned), front setback, communal open spaces and directly attached to the buildings. Of particular note are the planter boxes and vegetated screenings proposed for the front (southern) façade of the Parramatta Road building. These elements provide a distinct, unique and sustainable aesthetic that further enhances the garden beds and trees proposed for the road reserve and front setback of this building. A continuation of this sustainable aesthetic is envisioned for the current and future character of the Parramatta Road Corridor traversing the local government area of Strathfield. This ensures that this part of the corridor will have more visually appealing and interesting buildings in the future and a vista with less monotone built forms. The proposal will likely create a welcome and desirable precedence that will not only be compatible in context of the locality but will further enhance the quality of the streetscape and neighbourhood.</p>
<p>Principle 2: Built form and scale</p>	<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>Acceptable. The final design has demonstrated compliance with the maximum FSR and maximum building height provisions under the SLEP 2012.</p>

Principle	Objective	Proposed
	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.	
Principle 3: Density	<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.</p> <p>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.</p> <p>A high level of internal amenity and functionality (solar access, cross ventilation, functionality, privacy, acoustic treatment) is demonstrated for the commercial unit and the residential dwellings within both buildings.</p>
Principle 4: Sustainability	<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.</p> <p>The final design incorporates a distinct sustainable façade highlighted for the Parramatta Road building. This design is carried through the deep soil zones and landscaping treatments within the various communal open spaces within the ground floor and on Levels 3, 4 and 8 of the Powell Street building.</p> <p>Despite the environmental constraints impacting the subject site, the final design has demonstrated a high level of amenity and liveability for the commercial unit and residential dwellings within both buildings.</p>
Principle 5: Landscape	Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by	<p>Acceptable.</p> <p>The final design of the proposed landscaping treatments involves a combination of:</p> <ul style="list-style-type: none"> • Deep soil zones containing tree plantings and grassed lawn areas within the

Principle	Objective	Proposed
	<p>contributing to the landscape character of the streetscape and neighbourhood.</p> <p>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>central communal space on the ground floor;</p> <ul style="list-style-type: none"> • Deep soil zones with garden beds and tree plantings in the front setback of the Parramatta Road building; • Garden beds with shrubs, small trees and groundcovers within the communal spaces on the ground floor, and Levels 3, 4 and 8 in the Powell Street building; and • Planter boxes and vegetated screens on the front façade of the Parramatta Road building. <p>The distinct sustainable design highlighted in the front façade of the Parramatta Road building provides an effective and unique interruption of the monotone buildings presently occurring in the corridor. The provision of street trees as well as tree plantings in the front setback ensures a vertical continuity of this green aesthetic and facilitates notable vegetated spaces within a streetscape that is highly modified and largely devoid of any vegetation.</p> <p>The communal open spaces, particularly on the ground floor, and on Levels 3 and 4, are visible from adjoining neighbours – particularly No. 119 Parramatta Road (east-adjointing neighbour). The garden beds, containing a combination of groundcovers, shrubbery and trees, proposed for these spaces, not only assist in maintaining visual privacy but provide respite and visual break-up and articulation of the built form when the scheme is viewed from neighbouring properties.</p>

Principle	Objective	Proposed
		Subject to the imposition of specific conditions required for adequate establishment and permanent ongoing maintenance of the proposed landscaped areas, the overall landscape design of the proposal is able to provide an appropriate softening and balancing of the built form and optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity.
Principle 6: Amenity	<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.</p> <p>The optimum internal amenity and functionality (such as solar access, cross ventilation, privacy, acoustic treatment) of the commercial unit and residential dwellings has been achieved by the final design and complies with the respective requirements under the ADG.</p>
Principle 7: Safety	<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>Acceptable.</p> <p>Passive surveillance to Parramatta Road and Powell Street is achieved by the final design – through the provision of front-facing balconies and glazing treatments.</p> <p>Passive surveillance and visibility for the communal open spaces are also demonstrated (except the rooftop space on Level 8 of the Powell Street building).</p> <p>A positive relation between the public and private spaces is achieved by:</p> <ul style="list-style-type: none"> • Creating dual lobbies and transparent glazing for the

Principle	Objective	Proposed
		<p>dual fire stairwells directly facing Parramatta Road.</p> <ul style="list-style-type: none"> • A clearly defined, centralised and separate entry for the commercial unit off Parramatta Road • Creating a single lobby and entry facing Powell Street that is adjacent to the vehicular entry. <p>Conditions will be imposed to further ensure that other elements in the design such as lighting, respond appropriately to the crime prevention through environmental design (CPTED) principles.</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.</p> <p>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.</p> <p>The final design features the following mix of residential dwellings:</p> <ul style="list-style-type: none"> • 49 x one (1) bedroom dwellings; • 54 x two (2) bedroom dwellings; and • 12 x three (3) bedroom dwellings. <p>This diversity is spread across both buildings.</p> <p>A number of communal spaces has been provided for the commercial unit and for the residential dwellings as follows:</p> <ul style="list-style-type: none"> • Large communal open space on the ground floor; • Communal open spaces on Levels 3 and 4 of the Powell Street building; and • Rooftop terrace on Level 8 of the Powell Street building. <p>The variety of communal open spaces and the proposed equitable access to these areas ensure that the final design provides practical and flexible features as well as opportunities</p>

Principle	Objective	Proposed
		for social interaction among residents.
Principle 9: Aesthetics	<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>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>Acceptable.</p> <p>As mentioned above, the final design of the overall scheme provides an appropriate aesthetic response to the site's constraints and location and in context of the Parramatta Road Corridor and Powell Street. Each building is designed with sufficient building articulation, material and colour variations and other architectural elements that provide visual interest when viewed from public domain and from nearby properties.</p> <p>The overall built form and massing are sufficiently balanced and softened by landscaping treatments within the road reserve, front setback, communal open spaces and directly attached to the buildings. The proposed sustainable design of the front (southern) façade of the Parramatta Road building will create a distinct and unique green aesthetic that will interrupt the current monotone appearance created by the current expanse of mixed use and residential flat buildings and commercial premises that dominate the corridor. that further enhances the garden beds and trees proposed for the road reserve and front setback of this building. This ensures that this part of the corridor will have more visually appealing and interesting buildings in the future. The proposal will likely create a welcome and desirable precedence that will further enhance the quality of the streetscape and neighbourhood.</p>

Apartment Design Guide (ADG)

Design Criteria	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.	Ranges from 13-18m.	Yes
2F – Building Separation	Up to four (4) storeys = 6-12m 5-8 storeys = 9-18m	<i>Neighbouring buildings:</i> <ul style="list-style-type: none"> • GF to Level 4: 6m (where there is a blank wall) • Levels 5 to 8: 9m (where there is a blank wall) <i>Between Parramatta Road and Powell Street buildings:</i> <ul style="list-style-type: none"> • GF to Level 3: 12m • Level 4: 21m • Levels 5 to 8: 47m 	Yes Yes Yes Yes Yes
2G – Street Setbacks	Determine street setback controls relative to the desired streetscape and building forms. Align street setbacks with building use. For example in mixed use buildings a zero street setback is appropriate. Consider nominating a maximum percentage of development that may be built to the front build-to line, where one is set, to ensure modulated frontages along the length of buildings.	Parramatta Road building: 2.2m The Parramatta Road building is consistent with current street setback with existing commercial building (nil setback) and the adjoining mixed use building at No. 119 Parramatta Road (less than 2m). It is noted that other similarly scaled, mixed use buildings nearby along Parramatta Road	Yes

Design Criteria	Required	Proposed	Compliance
	<p>Identify the quality, type and use of open spaces and landscaped areas facing the street so setbacks can accommodate landscaping and private open space.</p> <p>Consider secondary upper level setbacks:</p> <ul style="list-style-type: none"> Reinforce the desired scale of buildings at the street frontage Minimise overshadowing of the street and other buildings <p>To improve passive surveillance, promote setbacks which ensure a person on a balcony or at a window can easily see the street.</p> <p>Consider increased setbacks where street or footpath widening is desired.</p>	<p>such as No. 162-172 Parramatta Road, No. 131-133 Parramatta Road and 139-145 Parramatta Road also have similar street setbacks (less than 2m).</p> <p>It is noted that DRP recommended a 6m “green edge setback” for the Parramatta Road building. Whilst the final design did not incorporate this recommendation; the southern façade of this building is considered appropriately presented through articulation and interest generated by changes to the materials, textures and colouration and the distinct sustainable design carried by the proposed landscaping treatments in the front garden beds, planter boxes and vegetated screens featured on the building. Further, conditions will be enforced to ensure the front garden beds are established and maintained with suitable plantings and at least three (3) street trees are provided within the road reserve of Parramatta Road – directly in front of the</p>	

Design Criteria	Required	Proposed	Compliance
		<p>building. Whilst the “green edge setback” has not been provided, the overall aesthetic and mentioned elements achieves adequate visual break-up of the building.</p> <p>Powell Street building: Nil setback</p> <p>The Powell Street building is consistent with the current street setback with adjoining residential flat buildings (No. 56-58 Powell Street and No. 119 Parramatta Road). These buildings comprise nil setbacks to Powell Street.</p> <p>Secondary upper level setbacks have been incorporated for both buildings (particularly the Powell Street building) to provide greater building articulation and visual break-up.</p>	
2H – Side and Rear Setbacks	<p>Test side and rear setbacks with height controls for overshadowing of the site, adjoining properties and open spaces.</p> <p>Test side and rear setbacks with the requirements for:</p> <ul style="list-style-type: none"> • Building separation and visual privacy 	<p>Both buildings provide sufficient setbacks in terms of appropriate building separation. Due to the orientation of the site and adjoining properties, some overshadowing is unavoidable for the west-facing units at No. 119 Parramatta Road. These impacts</p>	Yes

Design Criteria	Required	Proposed	Compliance
	<ul style="list-style-type: none"> Communal and open space Deep soil zone requirements <p>Consider zero side setbacks where the desired character is a continuous street wall.</p> <p>On sloping sites, consider increasing side and rear setbacks where new development is uphill to minimise overshadowing and assist with visual privacy.</p>	<p>are attributed to the Parramatta Road building and the bedrooms of these neighbouring units (see below).</p> <p>The staggering of the building in Levels 1 to 4 as well as the significant reduction of the building in Levels 5 to 8 assist in minimising these impacts in a manner that is deemed reasonable (see below).</p> <p>Building separation and setback are appropriate in terms of visual privacy. The design of balconies, windows and communal spaces further reinforce the ability for design to provide visual privacy to both future occupants and existing/future neighbours.</p>	
3A – Site Analysis	<p><i>Objective 3A-1 Site analysis illustrates the design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surround context.</i></p> <p>Each element in the Site Analysis Checklist should be addressed.</p>	A Site Analysis Plan and associated documentation are considered sufficient.	Yes
3B – Orientation	<p><i>Objective 3B-1 Building types and layouts respond to the</i></p>	Both buildings have considered the unique south-north	Yes

Design Criteria	Required	Proposed	Compliance
	<p><i>streetscape and site while optimising solar access within the development.</i></p> <p>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><i>Objective 3B-2</i> <i>Overshadowing of neighbouring properties is minimised during mid winter.</i></p> <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>orientation of the Parramatta Road site and the south-north orientation of the Powell Street site as well as the acoustic treatments required for addressing noise from Parramatta Road and the M4 – Western Motorway. These environmental constraints ensure that any building for the site will be challenged in terms of optimising solar access. Nevertheless, the overall scheme demonstrates compliance with the minimum solar access requirements in the ADG (see below).</p> <p>The configuration, design and orientation of internal and external spaces attribute to maximising the solar access for future occupants with respect to the orientation of the site.</p>	
3C – Public Domain Interface	<p><i>Objective 3C-1</i> <i>Transition between private and public domain is achieved without compromising safety and security.</i></p> <p>Direct street entry to ground floor apartments.</p>	<p>Both buildings are appropriately designed to comply with the guidance.</p> <p>The Parramatta Road building comprises:</p>	<p>Yes</p> <p>Yes</p>

Design Criteria	Required	Proposed	Compliance
	Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings.	<ul style="list-style-type: none"> Clearly identified street entries Glazing and separate entry for the commercial unit Landscaping within front setback zones 	Yes
	Upper level balconies and windows should overlook the public domain.	<ul style="list-style-type: none"> Upper level balconies and windows that overlook public domain and provide street surveillance 	Yes
	Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences/walls should be limited to 1m.	<ul style="list-style-type: none"> Letter boxes in lobby Services hidden away 	Yes
	Length of solid walls should be limited to along street frontages.		
	Opportunities for people to be concealed should be minimised.	The Powell Street building comprises: <ul style="list-style-type: none"> Clearly identified street entries 	Yes
	<i>Objective 3C-2 Amenity of the public domain is retained and enhanced.</i>	<ul style="list-style-type: none"> Glazed treatments and elevated terraces (GF) and balconies for street surveillance 	Yes
	Planting softens the edges of any raised terraces to the street.	<ul style="list-style-type: none"> Basement level parking with driveway access tucked to the side to minimise prominence 	Yes
	Mail boxes should be located in lobbies.		Yes
	The visual prominence of underground car park vents should be minimised by building entry location and setting ground floor levels in relation to footpath levels.	<ul style="list-style-type: none"> Maximum of two (2) access ramps, required due 	Yes

Design Criteria	Required	Proposed	Compliance
	<p>Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels.</p> <p>Durable, graffiti resistant and easily cleanable material should be used.</p>	<p>to elevated GF level</p> <ul style="list-style-type: none"> • Letter boxes in lobby • Services hidden away <p>Minimal fencing and walls proposed at the front.</p>	<p>Yes – conditioned.</p>
3D – Communal Open Space	<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% of the site.</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal useable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid winter).</p> <p>Communal open space should be consolidated into a well designed, easily identified and useable area.</p> <p>Communal open space should have a minimum dimension of 3m and larger developments should consider greater dimensions.</p> <p>Communal open space should be co-located with deep soil areas.</p>	<p>Min requirement = 756.25m² A total of 1347m² is provided.</p> <p>At least 50% of direct sunlight is received by the communal spaces for at least 2 hours during mid winter.</p> <p>Communal open space is well designed, easily identified and useable.</p> <p>Achieves minimum dimension.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Design Criteria	Required	Proposed	Compliance
	<p>Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies.</p> <p>Where communal open space cannot be provided at ground level it should be provided on a podium or roof.</p> <p>Where developments are unable to achieve the design criteria, such as on small lots they should;</p> <ul style="list-style-type: none"> - Provide communal open space elsewhere such as a landscape rooftop terrace; - Provide larger balconies or increased private open space' - Demonstrate good proximity to public open space and facilities. <p><i>Objective 3D-2 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>	<p>Is co-located with deep soil area.</p> <p>Direct access to the primary communal open space on the ground floor. Additional spaces are provided on Level 4 and Level 8, which is only accessible for Powell Street building.</p> <p>As above.</p> <p>As above.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Design Criteria	Required	Proposed	Compliance
	<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 	Proposed to have seats and barbeque areas in the communal rooftop and upper level communal spaces.	
	The location of facilities responds to microclimate and site conditions.	No play equipment, play areas, swimming pools, gyms, tennis courts, common rooms. This is acceptable.	Yes
	Visual impacts of services should be minimised.		Yes
	<i>Objective 3D-3</i> <i>Communal open space is designed to maximum safety.</i>		Yes
	Communal open space and public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy.	The facilities appear to be appropriately located.	
	Communal open space should be well lit.	The communal open spaces on Levels 3 and 4 will be generally visible from residential units. These spaces and the rooftop communal area will have privacy impacts on some units and on adjoining neighbours. The landscaping along the perimeters will comprise of screen planting to maintain visual privacy.	Yes
	Where communal open space/facilities are provided for children and young people they are safe and contained.		N/A
	<i>Objective 3D-4</i> <i>Public open space, where provided, is responsible to the existing pattern and uses of the neighbourhood.</i>		N/A

Design Criteria	Required	Proposed	Compliance
	<p>The public open space should be well connected.</p> <p>Solar access should be provided all year round along with protection from strong winds.</p> <p>A positive address and active frontages should be provided adjacent to public open space.</p> <p>Boundaries should be clearly defined between public open space and private areas.</p>	<p>Yes – can be conditioned accordingly.</p> <p>N/A</p> <p>No public spaces are proposed.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
3E – Deep Soil Zones	<p><i>Objective 3E-1 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><u>Design criteria:</u> Provide deep soil zone comprising minimum 7%</p>	<p>Proposed deep soil zone: 400m² (13.2% of the site area).</p> <p>The final design of the proposal easily achieves compliance with the design criteria (minimum of 7% deep soil zone and minimum 6m dimension) under</p>	<p>Yes</p>

Design Criteria	Required	Proposed	Compliance
	<p>(211.7m²) of site area and a minimum dimension of 6m.</p> <p><u>Design guidance:</u> Minimum 15% (453.7m²) of the site area if greater than 1,500m².</p>	<p>objective 3E-1 of the ADG.</p> <p>It is noted; however, that the proposal will have a slight departure from the design guidance (minimum 15% deep soil zone). This represents a variation of 11.8% or 53.7m².</p> <p>On merit, this variation is considered acceptable and supportable as the location and building typology have limited area for deep soil at ground level. Given that the site is located within a highly modified built environment between two (2) classified roads and surrounded by high density mixed use development, residential flat buildings and large commercial premises, the variation is considered contextually appropriate.</p> <p>A large number of softer, green, vegetated elements are scattered throughout the scheme and within the site that are not strictly defined as deep soil zones within the site; but nevertheless, largely contribute to</p>	<p>No – acceptable on merit.</p>

Design Criteria	Required	Proposed	Compliance
		<p>softening the overall aesthetic of the built form. These elements include:</p> <ul style="list-style-type: none"> • Street trees established in the respective road reserves in Parramatta Road and Powell Street (as conditioned); • Garden beds within the front setback and on ground floor communal open space; • Planter boxes within the communal areas on three (3) separate levels in the Powell Street building; and • Planter boxes and vegetated screens on the front façade of the Parramatta Road building. <p>These elements ensure significant balancing is achieved with regard to the built form and in reducing the harshness and monotone aesthetic created by any constructed/built treatments. Further, these elements</p>	

Design Criteria	Required	Proposed	Compliance
		<p>(particularly the front façade of the Parramatta Road building) substantially counter the slight reduction of deep soil zone and demonstrates the merits of supporting the variation.</p> <p>Whilst the proposal involves a slight variation to the design guidance under 3E of the ADG, the landscaping treatments proposed ensure that the objectives under 4O and 4P of the ADG are met. As highlighted above, the landscaping elements incorporated in the front façade of the Parramatta Road building ensure that this building provides a unique contrast to the predominantly stark, highly modified streetscape of the Parramatta Road Corridor. The sustainable design is considered a positive contribution and visual relief that complements and enhances the overall streetscape and locality. The landscaping treatments proposed for the communal open spaces improve the quality and functionality of these spaces by providing</p>	

Design Criteria	Required	Proposed	Compliance
	Deep soil zones should be located retain significant trees.	<p>additional amenity (such as natural shading) as well as maintaining visual privacy.</p> <p>The proposed landscaping treatments further reinforce and meet certain objectives, guidelines and controls under the SCDGP 2005. Under DCP 20, certain objectives aim:</p> <ul style="list-style-type: none"> • To ensure that facades reinforce the character and continuity of existing or proposed landscapes. • To ensure that new developments have well articulated and harmonious built edges defining the public domain. • To encourage materials used in new developments to be compatible with adjoining developments and the streetscape in terms of type, form and colour. 	N/A

Design Criteria	Required	Proposed	Compliance
		<p>Further, one of the guidelines/controls state that:</p> <ul style="list-style-type: none"> The facades should provide architectural features, which give human scale at street level such as entrance porches, public spaces and landscape treatments. <p>The proposal achieves the above objectives, guidelines and controls through the introduction of a mixed use building with a prominent and distinctive sustainable design highlighted by vegetation within street-facing planter boxes and vegetated screens, a landscaped front setback and street trees. This design provides a harmonious green design that will have a strong positive contribution to the Parramatta Road Corridor and surrounding locality and will encourage similar built forms in the future, which appropriately achieve key objectives and controls under the</p>	

Design Criteria	Required	Proposed	Compliance
		ADG and under Council policy. No significant trees to retain.	
3F – Visual Privacy	<p><i>Objective 3F-1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</i></p> <p>Up 12m in height (4 storeys):</p> <ul style="list-style-type: none"> 6m between habitable rooms/balconies and the boundary 3m between habitable and non-habitable rooms and the boundary. <p>Up to 25m in height (5-8 storeys):</p> <ul style="list-style-type: none"> 9m between habitable rooms/balconies; and 4.5m between habitable and non-habitable rooms and the boundary. <p>Apartment buildings should have an increased separation distance of 3m when adjacent to a different zone that permits lower density residential</p>	<p><i>Internal separation between Parramatta Road and Powell Street buildings:</i></p> <ul style="list-style-type: none"> GF to Level 3: 12m Level 4: 21m Levels 5 to 8: 47m <p><i>Neighbouring buildings:</i></p> <ul style="list-style-type: none"> GF to Level 4: 6m (where there is a blank wall) Levels 5 to 8: 9m (where there is a blank wall) <p>Internally, the two buildings are within two different zones and have sufficient distance to demonstrate a transition in the zoning across the site. Similarly, the separation between the R4 zone and the Parramatta Road mixed use building is adequate.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Design Criteria	Required	Proposed	Compliance
	development to provide a transition in scale and increased landscaping.		
	<i>Objective 3F-2 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>	Each building is appropriately separated.	
	Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows.		Yes
	Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.	These spaces are appropriately separated from private open spaces and windows. It is noted that landscaping treatments along the perimeters of the communal spaces assist in maintaining visual privacy for the dwellings.	Yes
	Balconies and private terraces should be located in front of living rooms to increase internal privacy.		Yes
	Windows should be offset from the windows of adjacent buildings.		Yes
	Recessed balconies or vertical fins should be used between adjacent balconies.	Design achieves this.	Yes

Design Criteria	Required	Proposed	Compliance
		<p>The design achieves this.</p> <p>The design achieves this.</p> <p>The design achieves this.</p>	
3G – Pedestrian Access and Entries	<p><i>Objective 3G-1 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>Entry locations relate to the street and subdivision pattern and the existing pedestrian network.</p> <p>Building entries should be clearly identifiable and communal entries should be distinguishable from private entries.</p> <p>Where street frontage is limited and multiple buildings are located on site, a primary street address should be provided with clear sight lines and pathways to</p>	<p>The design achieves this.</p> <p>The design achieves this.</p> <p>The design achieves this.</p> <p>N/A –clearly identifiable entries for each building off each street.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>

Design Criteria	Required	Proposed	Compliance
	<p>secondary building 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>For large developments, 'way finding' maps should be provided.</p> <p>For large developments, electronic access and audio/video intercom should be provided to manage access.</p>	<p>The design achieves this.</p> <p>The design achieves this.</p> <p>The design achieves this.</p> <p>Can be conditioned.</p> <p>Can be conditioned.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes – conditioned</p> <p>Yes – conditioned</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>		Yes

Design Criteria	Required	Proposed	Compliance
	Car park access should be integrated with the building's overall façade.	Car park access is integrated into the Powell Street building's overall façade.	Yes
	Car park entries should be located behind the building line.	Car park entries are located behind the building line.	Yes
	Vehicle entries should be located at the lowest point of the site, minimising ramp lengths, excavation and impacts on the building form and layout.	Vehicle entries located on Powell Street end, which is slightly higher than the Parramatta Road site. This is accessible given below.	Yes
	Car park entry and access should be located on secondary streets or lanes.		Yes
	Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided.	Car park entry and access is located off Powell Street, which is the lower-order road.	Yes
	Access point locations should avoid headlight glare into habitable rooms.	Vehicle standing areas are not proposed.	Yes
	Adequate separation distances should be provided between vehicle entries and street intersections.	Not located near any intersections.	Yes
	The width and number of vehicle access points should be minimal.	The design achieves this.	Yes
	Visual impact of long driveways should be minimised through changing alignments and screen planting.		Yes
	The need for large vehicles to enter and	The width and number of vehicle access points are	Yes

Design Criteria	Required	Proposed	Compliance
	<p>turn around within the site should be avoided.</p> <p>Garbage collection, loading and servicing areas are screened.</p> <p>Clear sight lines should be provided at pedestrian and vehicle crossings.</p> <p>Traffic calming devices should be used where appropriate.</p> <p>Pedestrian and vehicle access should be separated and distinguishable.</p>	<p>limited to just one (1) single entry/access.</p> <p>The driveway is hidden away to one side of the Powell Street front setback. It will not be highly visible.</p> <p>Proposed and acceptable. Waste Officer advised that the waste collection is acceptable.</p> <p>Garbage collection, loading and servicing areas are below ground and not visible from public places.</p> <p>Council's Traffic Engineer confirmed a splay, hump and signage are required.</p> <p>Traffic calming devices are not required.</p> <p>Pedestrian and vehicle access clearly separated and distinguishable.</p>	<p>Yes</p> <p>Yes – conditioned</p> <p>N/A</p> <p>Yes</p>
3J – Bicycle and Car Parking	<p><i>Objective 3J-1</i> <i>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</i></p> <p>Within 800m of a railway station:</p>		

Design Criteria	Required	Proposed	Compliance
	<p>Min RMS Rate Applies: 20 or more units: 1 bedroom: 0.6 spaces (49 x 0.6 = 29.4 spaces) 2 bedroom: 0.9 spaces (54 x 0.9 = 48.6 spaces) 3 bedroom: 1.4 spaces (12 x 1.4 = 16.8 spaces) Visitor 1 per 5 units (115 / 5 = 23 spaces) Commercial spaces = one space per 50m² 153m² = 3 spaces</p> <p>Total requirement (94.8) resident spaces (23) visitor spaces (3) commercial space (121) spaces total</p> <p><i>Objective 3J-2 Parking and facilities are provided for other modes of transport</i></p> <p>Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.</p> <p><i>Objective 3J-3 Car park design and access is safe and secure</i></p> <p><i>Objective 3J-4 Visual and environmental impacts of underground car parking are minimised.</i></p> <p><i>Objective 3J-5 Visual and environmental impacts of on-grade car parking are minimised.</i></p> <p><i>Objective 3J-6</i></p>	<p>121 spaces provided.</p> <p>Eight (8) motor bike spaces and 34 bicycle spaces provided within basement levels.</p> <p>The design achieves this subject to conditions recommended.</p> <p>Design is acceptable subject to the above.</p> <p>Not proposed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes – conditioned</p> <p>Yes</p> <p>N/A</p> <p>N/A</p>

Design Criteria	Required	Proposed	Compliance
	<i>Visual and environmental impacts of above ground enclosed car parking are minimised.</i>	Not proposed.	
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 (81 units) receive 2 hours of sunlight between 9am and 3pm at mid winter.</p> <p>A maximum of 15% of units (18 units) receive no direct solar access between 9am and 3pm at mid winter.</p> <p><i>Objective 4A-2 Daylight access is maximised where sunlight is limited.</i></p> <p>Light wells, skylights and highlight windows are only to be a secondary source where sunlight is limited.</p> <p><i>Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months.</i></p> <p>Use of balconies or sun shading, shading devices, horizontal shading, vertical shading, operable shade, high performance glass.</p>	<p>90 units receive 2 hours or more (78.3%).</p> <p>13 units receive no solar access (11.3%)</p> <p>Design does not utilise highlight windows to achieve more solar access. Skylights have not been proposed.</p> <p>The design achieves this.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Design Criteria	Required	Proposed	Compliance
4B – Natural Ventilation	<i>Objective 4B-1 All habitable rooms are natural ventilated.</i>		
	The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms.	The design achieves this.	Yes
	Depths of habitable rooms support natural ventilation.	Depths of habitable rooms are able to support natural ventilation.	Yes
	The area of unobstructed window openings should be equal to at least 5% of the floor area served.	The area of unobstructed window openings is equal to at more than 5% of the floor area served.	Yes
	Doors and openable windows maximum natural ventilation opportunities through design solutions.	Doors and openable windows maximum natural ventilation opportunities through design solutions.	
	<i>Objective 4B-2 The layout and design of single aspect apartments maximises natural ventilation.</i>		Yes
	Apartment depths are limited to maximise ventilation and airflow.	Design achieves this.	Yes
	Natural ventilation to single aspect apartments is achieved with design solutions.	Design achieves this.	
	<i>Objective 4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environmental for residents.</i>		Yes

Design Criteria	Required	Proposed	Compliance
	<p>At least 60% of units (69 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>69.6% (80 units) are able to be naturally cross ventilated.</p> <p>Design achieves this but need changes to ensure more units are able to be cross ventilated.</p>	Yes
4C – Ceiling Heights	<p><i>Objective 4C-1 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 • Mixed Use: 3.3m ground floor. <p><i>Objective 4C-2 Ceiling height increases the sense of space in apartments and provides for well proportioned rooms.</i></p> <p><i>Objective 4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building.</i></p>	<p>The design achieves this.</p> <ul style="list-style-type: none"> • Habitable: 3.1m • Non-habitable: 3m • Mixed use: 3.5m <p>The design achieves this.</p> <p>The design achieves this.</p>	<p>Yes Yes Yes</p> <p>Yes</p> <p>Yes</p>

Design Criteria	Required	Proposed	Compliance
4D – Apartment Size and Layout	<i>Objective 4D-1</i> <i>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</i>		
	<u>Minimum internal area:</u>	Yes – all 1 bedroom units comply.	Yes
	<ul style="list-style-type: none"> • 1 bed: 50m² • 2 bed: 70m² • 3 bed: 90m² • Additional bathrooms +5m² 	Yes – all 2 bedroom units comply.	Yes
		Yes – all 3 bedroom units comply.	Yes
	Each habitable room must have a window > 10% floor area of the room.	The design achieves this.	Yes
	If open plan layout =max 8m from a window	The design achieves this.	Yes
	Master bed: min 10m ² Other bedroom: min 9m ²	The design achieves this.	Yes
	<u>Living room minimum width:</u> Studio and 1 bed: 3.6m 2 and 3 bed: 4m		Yes
	Crossover/through: minimum 4m	The design achieves this.	Yes
	Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas	The design achieves this.	Yes
	All bedrooms allow for minimum length of 1.5m for robes	The design achieves this.	Yes
	Main bedrooms of apartments to have a wardrobe of at least		Yes

Design Criteria	Required	Proposed	Compliance
	1.8m long, 0.6m deep and 2.1m high	The design achieves this. The design achieves this.	
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>	The design achieves this.	<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>Maximum of 8 apartments off a single core</p>	The design achieves this.	Yes
4G – Storage	<p>Studio: 4m³ 1 bed: 6m³ 2 bed: 8m³ 3 bed: 10m³ At least 50% are located internally within the units.</p>	The proposal features storage cages and sufficient internal storage per unit.	Yes

Design Criteria	Required	Proposed	Compliance
4H – Acoustic Privacy	<i>Objective 4H-1 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.	The design generally achieves this.	Yes
	Window and door openings are generally orientated away from noise sources.	Parramatta Road and the M4 (Western Motorway) are a significant noise sources and a number of units' window and door openings face these.	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.	Council' Environmental Health Officer (Acoustic) reviewed the supporting documentation and confirmed that the potential noise from these sources can be managed through the imposition of conditions.	Yes
	Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources.		Yes
	The number of party walls (walls shared with other apartments) are limited and are appropriately insulated.	The design achieves this.	Yes
	Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located	Party walls are minimised – most units only have a single party wall shared between two units.	Yes

Design Criteria	Required	Proposed	Compliance
	<p>at least 3m from bedrooms.</p> <p><i>Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments</i></p> <p>Internal apartment layout separated noisy spaces from quiet spaces, using design solutions.</p> <p>Where physical separation cannot be achieved noise conflicts are resolved using design solutions.</p>	<p>The design achieves this.</p> <p>The design achieves this.</p> <p>The design achieves this.</p>	<p>Yes</p> <p>Yes</p>
4J – Noise and Pollution	<p><i>Objective 4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings</i></p> <p>To minimise impacts the following design solutions may be used:</p> <ul style="list-style-type: none"> physical separation between buildings and the noise or pollution source 	<p>Potential noise impacts generated by Parramatta Road and the M4 – Western Motorway are unavoidable and difficult to mitigate; however, based on the supporting</p>	<p>Yes</p>

Design Criteria	Required	Proposed	Compliance
	<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 	<p>documentation and the advice from Council's Environmental Health Officer (Acoustic) – these can be minimised and managed appropriately through conditions.</p> <p>The mechanical ventilation walls appear to adequately provide sufficient cross ventilation whilst maintaining the required noise levels to ensure amenity levels of units are sufficient.</p>	

Design Criteria	Required	Proposed	Compliance
	<p>source, dual aspect apartments with shallow building depths are preferable</p> <ul style="list-style-type: none"> 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 		
4K – Apartment Mix	<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</p>	<p>The design features the following apartment mix:</p> <ul style="list-style-type: none"> 49 x 1 bedroom (43%) 	Yes

Design Criteria	Required	Proposed	Compliance
	<p>the building. A variety of apartment types is provided</p> <p>The apartment mix is appropriate, taking into consideration:</p> <ul style="list-style-type: none"> the distance to public transport, employment and education centres 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>	<ul style="list-style-type: none"> 54 x 2 bedroom (47%) 12 x 3 bedroom (10%) <p>This apartment mix is an improvement over the initial design and meets the recommendation (10% family sized i.e. 3 or more bedroom units) made by the DRP.</p> <p>The design achieves this.</p> <p>The design achieves this.</p>	<p>Yes</p> <p>Yes</p>

Design Criteria	Required	Proposed	Compliance
4L – Ground Floor Apartments	<p><i>Objective 4L-1</i> <i>Street frontage activity is maximised where ground floor apartments are located</i></p>		
	<p>Direct street access should be provided to ground floor apartments</p>	<p>The design achieves this.</p>	<p>Yes</p>
	<p>Activity is achieved through front gardens, terraces and the facade of the building. Design solutions may include:</p> <ul style="list-style-type: none"> • both street, foyer and other common internal circulation entrances to ground floor apartments • private open space is next to the street • doors and windows face the street • Retail or home office spaces should be located along street frontages • Ground floor apartment layouts support small office home office (SOHO) use to provide future opportunities for conversion into commercial or retail areas. In these cases provide higher floor to ceiling heights and ground floor 	<p>The design comprises appropriate front façade elements that clearly identify entries, etc.</p>	<p>Yes</p>

Design Criteria	Required	Proposed	Compliance
	<p>amenities for easy conversion</p> <p><i>Objective 4L-2 Design of ground floor apartments delivers amenity and safety for residents</i></p> <p>Privacy and safety should be provided without obstructing casual surveillance. Design solutions may include:</p> <ul style="list-style-type: none"> elevation of private gardens and terraces above the street level by 1-1.5m landscaping and private courtyards window sill heights that minimise sight lines into apartments integrating balustrades, safety bars or screens with the exterior design Solar access should be maximised through: high ceilings and tall windows trees and shrubs that allow solar access in winter and shade in summer 	<p>The front entries off Parramatta Road building are at street level. There are no courtyards facing Parramatta Road and it would appear that privacy and safety for occupants are achieved.</p> <p>The design achieves safety and privacy.</p>	Yes
4M – Facades	<p><i>Objective 4M-1 Building facades provide visual interest along the street while respecting</i></p>		

Design Criteria	Required	Proposed	Compliance
	<p><i>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 services should be integrated within the overall façade</p> <p>Building facades should be well resolved with an appropriate scale and proportion to the 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 	<p>Façade of both buildings appear appropriate and consistent with the streetscape. The change in materials, textures and colours comprising:</p> <ul style="list-style-type: none"> • Parramatta Road building: planter boxes and vegetated screens, bronze pearl metal louvres, glass panels, windows, exposed brick and rendered concrete of neutral colours (light brown, white, greys) • Powell Street building: bronze and black metal-framed balconies and windows, glass balustrades, light brown exposed brick, white and grey rendering. <p>These finishes appear appropriate and acceptable.</p> <p>A number of horizontal and vertical elements are incorporated into the design with the</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Design Criteria	Required	Proposed	Compliance
	<ul style="list-style-type: none"> public artwork or treatments to exterior blank walls grouping of floors or elements such as balconies and windows on taller buildings 	<p>framing of windows and balconies, the exposure of the stairwells, articulation of walls and balustrades, louvres and glass panels.</p>	Yes
	<p>Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.</p>	<p>An increased street setback is provided on Levels 7 and 8 for the Parramatta Road building and the upper levels (above 4 storeys) for the Powell Street building.</p>	Yes
	<p>Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals.</p>		
	<p><i>Objective 4M-2</i> <i>Building functions are expressed by the façade</i></p>		Yes
	<p>Building entries should be clearly defined.</p>	<p>Setbacks – consistent with streetscape.</p>	N/A
	<p>Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height.</p>	<p>Contemporary design for buildings is common to both streets.</p>	Yes
	<p>The apartment layout should be expressed externally through facade features such as party walls and floor slabs.</p>	<p>Design achieves this.</p>	

Design Criteria	Required	Proposed	Compliance
		<p>Building entries are clearly defined.</p> <p>There are no important corners.</p> <p>The apartment layout has been expressed externally through facade features.</p>	
4N – Roof Design	<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 	<p>Roof is a flat, basic modern design with minimal features. The roof has been broken up by variation in materials (Parramatta Road building) and planter boxes in rooftop gardens (Powell Street building). This appears acceptable.</p> <p>The design achieves this.</p>	<p>Yes</p> <p>Yes</p>

Design Criteria	Required	Proposed	Compliance
	<p>building size, scale and form</p> <ul style="list-style-type: none"> • roof materials compliment the building • service elements are integrated <p><i>Objective 4N-2</i> <i>Opportunities to use roof space for residential accommodation and open space are maximised</i></p> <p>Habitable roof space should be provided with good levels of amenity. Design solutions may include:</p> <ul style="list-style-type: none"> • penthouse apartments • dormer or clerestory windows • openable skylights <p>Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations</p> <p><i>Objective 4N-3</i> <i>Roof design incorporates sustainability features</i></p> <p>Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may include:</p> <ul style="list-style-type: none"> • the roof lifts to the north • eaves and overhangs shade 	<p>None provided/proposed.</p> <p>Design is acceptable.</p> <p>Design is acceptable.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p>

Design Criteria	Required	Proposed	Compliance
	<p>walls and windows from summer sun</p> <p>Skylights and ventilation systems should be integrated into the roof design</p>	<p>The design achieves this; however, no skylights required.</p>	<p>Yes</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 	<p>The design achieves this.</p> <p>Can be conditioned.</p>	<p>Yes</p> <p>Yes - conditioned</p>

Design Criteria	Required	Proposed	Compliance
	<p>elevations for shade</p> <ul style="list-style-type: none"> 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 		
	Tree and shrub selection considers size at maturity and the potential for roots to compete.	Design achieves this.	Yes
	1 large tree or 2 medium trees per 80m ² of deep soil zone	The design achieves this.	Yes
	<i>Objective 4O-2 Landscape design contributes to the streetscape and amenity</i>		
	<p>Landscape design responds to the existing site conditions including:</p> <ul style="list-style-type: none"> changes of levels views significant landscape features including trees and rock outcrops 	The design achieves this.	Yes
	<p>Significant landscape features should be protected by:</p> <ul style="list-style-type: none"> tree protection zones (see figure 4O.5) appropriate signage and 	No significant landscape features to be protected.	N/A

Design Criteria	Required	Proposed	Compliance
	fencing during construction <ul style="list-style-type: none"> Plants selected should be endemic to the region and reflect the local ecology 		
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>Plants are suited to site conditions, considerations include:</p> <ul style="list-style-type: none"> drought and wind tolerance 	<p>Can be conditioned.</p> <p>Can be conditioned.</p> <p>Can be conditioned.</p>	<p>Yes – conditioned</p> <p>Yes – conditioned</p> <p>Yes – conditioned</p>

Design Criteria	Required	Proposed	Compliance
	<ul style="list-style-type: none"> seasonal changes in solar access modified substrate depths for a diverse range of plants plant longevity <p>A landscape maintenance plan is prepared</p> <p>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 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>Can be conditioned.</p> <p>The design achieves this.</p>	<p>Yes – conditioned</p> <p>Yes</p>

Design Criteria	Required	Proposed	Compliance
	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		
4Q – Universal Design	<p><i>Objective 4Q-1 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 Livable Housing Guideline's silver level universal design features.</p> <p><i>Objective 4Q-2 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>Design solutions for adaptable apartments include:</p> <ul style="list-style-type: none"> • convenient access to communal and public areas • high level of solar access • minimal structural change and residential 	<p>Minimum 24 units are 'Livable' (20.8%). 24 units provided.</p> <p>The design achieves this with 18 units.</p> <p>The design achieves this.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Design Criteria	Required	Proposed	Compliance
	<p>amenity loss when adapted</p> <ul style="list-style-type: none"> • larger car parking spaces for accessibility • parking titled separately from apartments or shared car parking arrangements <p><i>Objective 4Q-3 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 		Yes
4S – Mixed Use	<p><i>Objective 4S-1 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</p>		Yes

Design Criteria	Required	Proposed	Compliance
	<p>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><i>Objective 4S-2 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 	<p>The design achieves this.</p> <p>The commercial unit has a separate, clearly defined pedestrian entry and glazing that addresses Parramatta Road and are visible from this street. This design will assist in further activating the street frontage. The private open space attached to the commercial unit is situated away from Parramatta Road and opens out to the vegetated spaces within the central communal area. The commercial unit is ample in size and comprises kitchen and bathroom facilities. These features will assist in attracting potential businesses and retail use (such as cafés, restaurants) to utilise this space.</p>	<p>Yes</p> <p>Yes</p>

Design Criteria	Required	Proposed	Compliance
	<ul style="list-style-type: none"> 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>Communal open spaces are provided on the ground floor,</p>	<p>Yes</p>

Design Criteria	Required	Proposed	Compliance
		and on Levels 3, 4 and rooftop of Powell Street building.	
4U – Energy Efficiency	<i>Objective 4U-1 Development incorporates passive environmental design</i>	The design achieves this.	Yes
	Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access)	The design achieves this.	Yes
	Well located, screened outdoor areas should be provided for clothes drying		
	<i>Objective 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer</i> A number of the following design solutions are used: <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 	The design achieves this.	Yes

Design Criteria	Required	Proposed	Compliance
	<ul style="list-style-type: none"> 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>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> rooms with similar usage are grouped together natural cross ventilation for apartments is optimised natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible 		Yes
4V – Water Management and Conservation	<p><i>Objective 4V-1</i> <i>Potable water use is minimised</i></p> <p>Water efficient fittings, appliances and</p>	Can be conditioned.	Yes – conditioned

Design Criteria	Required	Proposed	Compliance
	wastewater reuse should be incorporated.		
	Apartments should be individually metered Rainwater should be collected, stored and reused on site.	Can be conditioned.	Yes – conditioned
	Drought tolerant, low water use plants should be used within landscaped areas.	Can be conditioned.	Yes – conditioned
	<i>Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters</i>		
	Design guidance Water sensitive urban design systems are designed by a suitably qualified professional A number of the following design solutions are used: <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.	Yes – conditioned

Design Criteria	Required	Proposed	Compliance
4W – Waste Management	<i>Objective 4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents</i>		
	Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park.	The design achieves this.	Yes
	Waste and recycling storage areas should be well ventilated.	Can be conditioned.	Yes
	Circulation design allows bins to be easily manoeuvred between storage and collection points.	Provided.	Yes
	Temporary storage should be provided for large bulk items such as mattresses.	Provided.	Yes
	A waste management plan should be prepared.		Yes
	<i>Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling</i>	Provided.	
	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.	Provided.	Yes
	Communal waste and recycling rooms are in		

Design Criteria	Required	Proposed	Compliance
	convenient and accessible locations related to each vertical core.	Acceptable.	Yes
	For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses.	Acceptable.	Yes
	Alternative waste disposal methods such as composting should be provided.	N/A	N/A

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

In accordance with the State Environmental Planning Policy – Building Sustainability Index: BASIX) 2004 (BASIX SEPP) all new housing in NSW is required to meet a designated target for energy and water reduction.

A BASIX Certificate was submitted as part of the application which indicates that the proposal meets the required reduction targets. An appropriate condition of consent will be imposed to ensure future compliance with these targets.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The subject application was referred to Ausgrid as it involves development that is within 5m of an exposed overhead electricity power line. Accordingly, Clause 45 of State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) is triggered. Clause 45(2) states that:

Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must—

(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and

(b) take into consideration any response to the notice that is received within 21 days after the notice is given.

Comments provided by Ausgrid are mentioned above and specific conditions will be imposed in accordance with these. Subject to the imposition of these conditions, the proposal has demonstrated appropriate consideration of the existing electricity transmission/distribution network and any associated safety risks.

The subject application was referred to Transport for NSW (TfNSW) as it involves development with frontage to a classified road (Parramatta Road) and is a form of residential accommodation that is defined as traffic-generating development. Accordingly, Clauses 101 and 104 of the State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) is triggered. The objectives of this clause are:

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

Comments provided by TfNSW are mentioned above and conditions will be imposed in accordance with these. As such, subject to the imposition of these conditions, the proposal has demonstrated alignment with the above objectives under Clause 101 and the provisions under Clause 104 (refer to the table below).

Clause 102 of SEPP (Infrastructure) requires Council to consider any adverse impacts due to road noise or vibration for certain types of development such as residential accommodation. The application comprised of supporting documentation such as an acoustic assessment report, acoustic wall specification and details and an amended design to both buildings, which have considered the potential adverse impacts from significant road noise sources (i.e. Parramatta Road and the M4 – Western Motorway). 3). Clause 102 states that:

- (2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.*
- (3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is 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.*

Council's Environmental Health Officer (Acoustic) provided comments and recommendations following their review of the final design and supporting documentation (see above). Subject to the imposition of conditions as recommended by Council's Environmental Health Officer (Acoustic), the proposal has satisfied the provisions under Clause 102 (refer to the table below).

An assessment of the proposal against Clauses 101, 102 and 104 under SEPP Infrastructure is summarised below.

Clause	Consideration	Proposed
101(1)	<p><i>The objectives of this clause are—</i></p> <p><i>(a) to ensure that new development does not</i></p>	Compliant – as confirmed by TfNSW.

Clause	Consideration	Proposed
	<p><i>compromise the effective and ongoing operation and function of classified roads, and</i></p> <p><i>(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</i></p>	Compliant – as confirmed by Council's Environmental Health Officer (Acoustic).
101(2)	<p><i>The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</i></p> <p><i>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i></p> <p><i>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</i></p> <p><i>(i) the design of the vehicular access to the land, or</i></p> <p><i>(ii) the emission of smoke or dust from the development, or</i></p> <p><i>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land,</i></p>	<p>Design does not require access off Parramatta Road.</p> <p>Compliant – as confirmed by Council's Traffic Engineer.</p> <p>Compliant – as confirmed by Council's Traffic Engineer.</p> <p>Compliant – as confirmed by Council's Traffic Engineer.</p> <p>Compliant – as confirmed by Council's Traffic Engineer.</p>
101(2)	<p><i>the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate</i></p>	Noted: this clause applies to proposal.

Clause	Consideration	Proposed
	<i>potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i>	
102(1)	<p><i>This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration—</i></p> <p><i>(a) residential accommodation,</i></p> <p><i>(b) a place of public worship,</i></p> <p><i>(c) a hospital,</i></p> <p><i>(d) an educational establishment or centre-based child care facility.</i></p>	Noted: this clause applies to proposal.
102(2)	<i>Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.</i>	Compliant and subject to conditions and additional acoustic assessment following building completion– as confirmed by Council's Environmental Health Officer (Acoustic).
102(3)	<i>If the development is for the purposes of residential accommodation, the consent authority must not</i>	Compliant and subject to conditions and additional acoustic assessment following building completion– as

Clause	Consideration	Proposed
	<p><i>grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</i></p> <p><i>(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,</i></p> <p><i>(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</i></p>	<p>confirmed by Council's Environmental Health Officer (Acoustic).</p>

STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

The proposal involves development with a Capital Investment Value exceeding \$30 million. Accordingly, Schedule 7 of this SEPP is triggered and the proposal is considered State Significant Development. As such, the subject application requires determination by a Sydney or Regional Planning Panel.

STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed Clause 5.9 of SLEP 2012 (Preservation of Trees and Vegetation). The intent of this SEPP is consistent with the objectives of the repealed clause where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site.

As the subject site is devoid of any vegetation, the proposal does not involve the removal of trees and other vegetation. Further, no street trees will be affected by proposal.

The proposed development will provide new deep soil, landscaped zones throughout the site as well as new street trees established within the Parramatta Road Corridor and Powell Street road reserves (as conditioned). The proposed landscaping treatments are considered acceptable and appropriately balance the overall scheme. Therefore, the relevant provisions under this SEPP have been satisfied by the proposal.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

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

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

Comments: The proposed development achieves the above aims by providing a high quality, appropriately designed built form that reflects the existing and desired future characters of the highly urbanised Parramatta Road Corridor and Powell Street.

The proposed development is proportionate to the site and within the maximum height and density provisions relevant to the respective key sites – reflecting the efficient and spatially appropriate utilisation of the overall site.

The proposed development represents good integration of two separate land uses whilst assisting in the activation of Parramatta Road, and the enhancement of this unique corridor and immediate locality.

Permissibility

The subject site is located on two (2) separate land use zones, with the allotments comprising No. 52 and 54 Powell Street within the R4 – High Density Residential zone, and the allotments comprising 125 Parramatta Road within the B4 – Mixed Use zone, pursuant to the provisions of the SLEP 2012.

Residential flat buildings and mixed use buildings are permissible land uses within both the R4 – High Density Residential zone and B4 – Mixed Use zone, with consent.

These land uses are defined under SLEP 2012 as follows:

“Residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Mixed use development means a building or place comprising 2 or more different land uses.”

The proposed development for the purpose of a residential flat building and a mixed use building is consistent with the definitions above and is therefore permissible with consent.

Zone Objectives

An assessment of the proposal against the objectives of the R4 – High Density Residential and B4 – Mixed Use zones is included below:

R4 – High Density Residential zone

Objectives	Complies
• To provide for the housing needs of the community within a high density residential environment.	Yes
• To provide a variety of housing types within a high density residential environment.	Yes
• To enable other land uses that provide facilities or services to meet the day to day needs of residents	Yes

Comments: The proposed mixed use and residential flat buildings will provide 115 new residential dwellings of varying size, layout and orientation; ensuring that the housing needs of the community are met. The scheme contains 49 x 1 bedroom units, 54 x 2 bedroom units and 12 x 3 bedroom units; ensuring a more diverse range of housing is provided, catering for individuals and different families/household units.

B4 – Mixed Use zone

Objectives	Complies
• To provide a mixture of compatible land uses.	Yes
• To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.	Yes
• To facilitate mixed use urban growth around railway stations and transport nodes and corridors, commercial centres and open space.	Yes
• To provide local and regional employment and live and work opportunities.	Yes

Comments: The proposed mixed use and residential flat buildings involves 115 new residential dwellings and a single commercial unit; ensuring a mixture of compatible land uses is facilitated within the site. The mixed use building will assist in further activation of the Parramatta Road Corridor and provide local employment and live and work opportunities. As mentioned above, the commercial unit has a separate, clearly defined pedestrian entry and glazing that addresses Parramatta Road and are visible from this street. This design will assist in further activating the street frontage. The private open space attached to the commercial unit is situated away from Parramatta Road and opens out to the vegetated spaces within the central communal area. The commercial unit is ample in size and comprises kitchen and bathroom facilities. These features will assist in attracting potential businesses and retail use (such as cafés, restaurants) to utilise this space. Thus, the proposed mixed use building ensures a new commercial use can occur within the site, which is readily accessible to future occupants as well as capable of servicing the needs of existing/future residents and workers of surrounding buildings and the general locality.

Part 4: Principal development standards

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

4.1A Minimum lot sizes for residential flat buildings

Clause 4.1A sets out that the minimum lot size for residential flat buildings on land zoned R4 – High Density Residential and B4 – Mixed Use is 1,000m². The site has an area of 3025m² and therefore meets the minimum area requirement. The proposal accords with the planned residential density in the zone, in accordance with the objective and controls of this clause.

Key Site provisions for certain sites within the Parramatta Road Corridor

The site is located on the following two (2) separate key sites to which Clauses 4.3A and 4.4A apply:

- Lots 1 and 2 in DP 130557 (No. 125 Parramatta Road): **Key Site 26**
- Lots 10 and 11 Section 23 in DP 477 (No. 52 and 54 Powell Street): **Key Site 27**

Figure 18 indicates the key site numbers for the above respective lots.

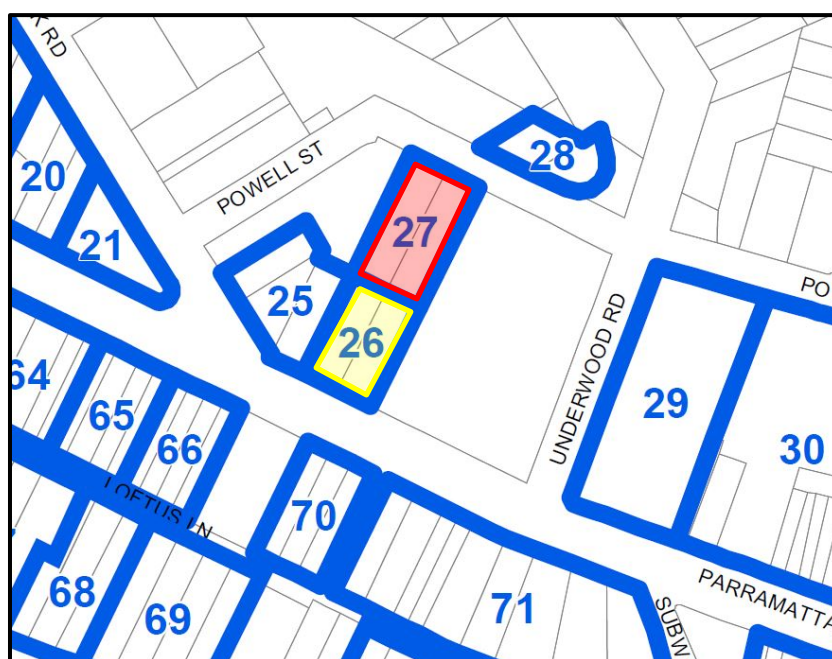


Figure 18: Key Sites map (Parramatta Road site – shown in yellow, Powell Street site – shown in red)

4.3 Height of building and 4.3A Exceptions to height of buildings (Parramatta Road Corridor)

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	22m		Yes
4.3A	Exceptions to height of buildings (Parramatta Road Corridor)	29m (Parramatta Rd)	28.3m (Parramatta Rd)	
		32m (Powell St)	29.81m (Powell St)	

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

Comments: The subject site is identified as within Key Sites 26 and 27 under Clause 4.3A. As the proposal is redeveloping all of the lots within these key sites, the proposal is subject to a maximum building height of 29m for the lots comprising No. 125 Parramatta Road and 32m for the lots comprising No. 52 and 54 Powell Street.

The proposal complies with the objectives of Clause 4.3 in that it achieves a height that is compliant with the respective provisions within each key site. Each building is generally compatible with the surrounding area and follows the desired consolidation pattern in the Parramatta Road Corridor.

4.4 Floor space ratio and 4.4A Exceptions to floor space ratio (Parramatta Road Corridor)

Cl.	Standard	Controls	Proposed	Complies
4.4	<i>Floor space ratio</i>	2:1 (Parramatta Rd)		Yes
		1.65:1 (Powell St)		
4.4A	<i>Exceptions to floor space ratio (Parramatta Road Corridor)</i>	3.15:1 (4271.4m ²) (Parramatta Rd)	3.15:1 (4271.4m ²) (Parramatta Rd)	
		2.7:1 (4506.3m ²) (Powell St)	2.7:1 (4506.3m ²) (Powell St)	

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

(f)	<i>In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor</i>	Yes
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Comments: The subject site is identified as within Key Sites 26 and 27 under Clause 4.3A. As the proposal is redeveloping all of the lots within these key sites, the proposal is subject to a maximum FSR of 3.15:1 for the lots comprising No. 125 Parramatta Road and 2.7:1 for the lots comprising No. 52 and 54 Powell Street.

The proposal complies with the objectives of Clause 4.3 in that the built form is in keeping with the newly constructed developments in the surrounding area, and follows the desired consolidation pattern in the Parramatta Road Corridor.

Part 5: Miscellaneous Provisions

The relevant provisions contained within Part 5 of the SLEP 2012 are addressed below as part of this assessment:

5.3 Development near zone boundaries

As the subject land is contained within two (2) separate land use zones, Clause 5.3 applies. The objective of this clause is *“to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.”*

Under Clause 5.3(4):

Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—

- (a) the development is not inconsistent with the objectives for development in both zones, and*
- (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*

The proposal achieves the provisions relating to the above given that the proposed mixed use building and residential flat building are permissible land uses within both R4 – High Density Residential and B4 – Mixed Use zones and the overall scheme demonstrates alignment with the objectives of the respective zones (see above).

5.10 Heritage conservation

The proposal is located approximately 42m away from a locally listed heritage item (Item I28), which comprises a Spanish Mission house and garden and is located at No. 80 Park Road, Homebush (Lot A in DP 953360). Council's Heritage Advisor confirmed that in context of the site surrounded by existing mixed use and residential flat buildings, some of which are located between the site and the heritage item; a formal referral is not required and any potential impacts on the heritage item are considered negligible. Accordingly, the proposal is generally consistent with the Heritage Conservation objectives under Clause 5.10 of the SLEP 2012, which seek to:

-
- (a) *Conserve the environmental heritage of Strathfield, and*
- (b) *Conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.*

Part 6: Local Provisions

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

6.1 Acid sulfate soils (ASS)

The subject site is identified as having Class 5 soils and is located within 500m of Class 2 soils. A preliminary assessment was provided as part of the subject application. This assessment concluded that the site is not at risk of ASS. Council's Environmental Health Officer reviewed the application and supported the above conclusion. Subject to the imposition of these conditions of consent, the proposal is considered to meet the objectives of this clause.

6.2 Earthworks

The proposal involves earthworks including excavation to accommodate two (2) levels of basement. The proposed excavation was reviewed by NRAR and confirmed that for the purposes of the WM Act, General Terms of Approval and/or a Controlled Activity Approval is not required.

Appropriate conditions of consent are recommended to ensure compliance with the sediment and erosion control plan as well as conditions of consent, which include preparation of a dilapidation report to protect structural adequacy of neighbouring buildings.

Overall, the proposal is considered to comply with the objective of this clause, subject to the imposition of recommended conditions of consent.

6.4 Essential services

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The 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.

6.9 Additional provisions for development in Parramatta Road Corridor

The site forms Key Sites 26 and 27 and the proposal conforms to the amalgamation pattern required for these sites. The proposal will integrate well with existing approved key site developments in the streetscape. The proposal therefore satisfies the additional provisions for development in Parramatta Road Corridor in accordance with this clause.

4.15(1)(a)(ii) any draft environmental planning instruments

There are no applicable draft planning instruments that are or have been placed on public exhibition, to consider as part of this assessment.

4.15(1)(a)(iii) any development control plan

Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005)

Strathfield Development Control Plan No 20 – Parramatta Road Corridor Area

DCP – 20 is of relevance to the assessment of an application for a residential flat building within the Parramatta Road Corridor Area and as such applies to the subject application.

Clause 6(1) of SEPP 65 confirms that in the event of any inconsistency between the controls of the ADG and Council's Development Control Plan, the objectives, design criteria and design guidance set out in the ADG prevail.

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

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

These matters, as of relevance to the application, have been addressed in the ADG assessment above where it has been determined that the proposal is satisfactory. The remaining matters of relevance provided in DCP – 20 are addressed in the table below:

Section	Development Control	Required	Proposed	Compliance
2.2	Built form/footprint	Proposal to conform to the building footprint shown in figure 9.	The building footprint does not accord with the Parramatta Road Corridor Built Form Masterplan; however, the site benefits from the respective scale and massing provisions for both key sites. Whilst the building footprint of the proposal varies from figure 9, the overall scheme is appropriately scaled and designed and balanced by architectural elements and design features including landscaping treatments within the site and within the external façade of the building.	No – acceptable on merit
	Land Consolidation	Proposal to conform to the consolidation pattern identified in figure 12.	Site is not identified as allotments to be consolidated for development.	N/A

Section	Development Control	Required	Proposed	Compliance
2.3	Building Height	Proposal to conform to building height identified in figure 12, which requires max. 3 storeys.	Use maximum building height development standard under SLEP 2012.	N/A
2.4	Minimum Unit Sizes	Proposal to comply to the following min. unit sizes: 1 bed – 70m ² 2 bed - 85m ² 3 bed - 100m ²	The unit sizes of the ADG prevail.	N/A
2.5	Roof Form	Lift and service plant concealed within roof structure.	The lift overrun structure protrudes beyond the roof structure however will not be visible from the street.	Yes
		Provide an interesting skyline and enhance views from adjoining developments.	Acceptable roofline provided for the scale of the building.	Yes
2.6	Façade Composition	Entrance should be distinguishable in the façade.	Entries are distinguishable and do not include opportunities for concealment.	Yes
		Facades should maintain a human scale to the street by incorporating appropriate architectural features.	Human scale is maintained through the provision of individual entries to the ground floor apartments as well as a separate pedestrian access to other units.	Yes
		Materials and finishes should blend together with min. 30% to incorporate face brickwork.	Materials and finishes comprise face brick, and rendered cladding and whilst 30% of the façade is not facebrick, the proposed external finishes and colours are considered to accord with the existing and emerging character of the surrounding area.	Yes

Section	Development Control	Required	Proposed	Compliance
		Consider the use of glass in facades on northern and western elevations in terms of glare impacts.	The extent of glazing on the north and western elevations is considered acceptable and the glazed elements are predominately setback behind the front balconies.	Yes
2.8	Visual and Acoustic Privacy	Visual privacy to be provided by separation or screening.	ADG prevails	N/A
		Main living areas oriented to the street or rear garden to prevent overlooking.	ADG prevails	N/A
		Acoustic privacy must be considered in relation to proposal and surrounding environment.	Acceptable.	Yes
		Buildings designed and sited to minimise transmission of noise to adjoining developments.	Residential in nature and unlikely to generate noise.	Yes
		Developments adjoining major road or railway line to consider potential noise impacts.	Acceptable.	Yes
		Shared pedestrian entries shall be capable of being locked and serve a limited no. of dwellings	Secured entries proposed.	Yes

Section	Development Control	Required	Proposed	Compliance
		Casual surveillance maintained of public streets and spaces with at least one habitable room window facing that area.	Casual surveillance encouraged through balcony orientation to overlook the public domain and centrally located GF open communal space.	Yes
2.9	Private Open Space	Proposal to provide 35% deep soil landscape area on the site.	ADG prevails.	N/A
		Retain and protect existing significant trees.	Site does not contain any significant trees.	N/A
		Each contiguous landscape area shall provide large trees.	Several canopy trees proposed on the site including the front setback.	Yes
		Trees and pergolas to shade external areas and control sunlight into buildings.	Trees are provided within the ground floor communal open space area to provide shade.	Yes
		Proposal to provide common open space to the following dimensions: 10% of site or 100m ² (whichever is greater); Min dimensions of 7m; Positioned to receive sunlight, be conveniently located for	ADG prevails.	N/A

Section	Development Control	Required	Proposed	Compliance
		residents with good opportunities for passive surveillance and contain durable children's play equipment; Located behind front setback.		
	Balconies	Dwellings without ground level open space shall have balconies to the following requirements: <ul style="list-style-type: none"> • 12m² up to 2 bed; and • 15m² for 3 or more bed; Min. dimension of 2.0m; Located off living areas and with good solar access; and Balustrades designed to provide privacy and conceal service areas whilst allowing passive surveillance.	ADG prevails.	N/A
		Achieve required BASIX rating.	BASIX satisfied.	Yes
	Solar Access	Main living and 50% of POS receive min. 3 hours solar access.	ADG prevails.	N/A

Section	Development Control	Required	Proposed	Compliance
		Min. 3 hours solar access maintained to habitable rooms and POS of adjoining development.	ADG prevails.	N/A
	Stormwater, Sewerage and Drainage	Site to be adequately serviced by stormwater, sewerage and drainage in accordance with Council's Stormwater Management Code.	Stormwater assessed to comply with Council's Stormwater Management Code.	Yes
2.11	Disabled Access	One main entrance barrier free and accessible.	Barrier free access to and from the main entrance.	Yes
2.12	Vehicle Access and Parking	Accessible parking provided.	To satisfy BCA	Yes
		15% of units designed to allow occupation by older people and people with disabilities.	The proposal provides (18) 15% units throughout the building as adaptable units.	Yes
		Car parking to be provided on the following basis: 1 and 2 bed – 1 space 3 bed – 1.5 spaces required Visitor – 1 space per 5 units	ADG Prevails	Yes
2.13	Site Facilities and Services	Comply with driveway ramp gradient and	Condition of consent recommended requiring the driveway ramp be designed in	Yes

Section	Development Control	Required	Proposed	Compliance
		dimension requirements.	accordance with AS2890.1-2004.	
		Electricity and telecommunication supplies shall be underground.	Aerial Bundling of overhead cables required.	Yes – conditioned
2.14		Letterbox provision	Letter boxes are provided adjacent to the lobbies, adjacent to main building entries.	Yes
		Master TV antenna provided.	No details provided.	Yes – conditioned
		Clothes drying facilities provided.	The design provides facilities on communal open spaces.	Yes
		Comply with BCA	To be enforced by condition of consent.	Yes - conditioned
2.16		Dilapidation report for all adjoining development.	To be enforced by condition of consent.	Yes – conditioned.

Part H – Waste Management

A Waste Management Plan was submitted as part of the development application and has demonstrated compliance with the relevant controls (see above comments from Council's Waste Officer).

Part I – Provision of Off-Street Parking Facilities

Council's Traffic Engineer confirmed that the proposal meets the relevant provisions under Part I of the SCDP 2005.

Part N – Water Sensitive Urban Design (WSUD)

Council's Stormwater Engineer confirmed that the proposal satisfies with the relevant provisions under Part N of the SCDP 2005.

4.15(1)(iia) any planning agreement or draft planning agreement

The proposed development is not subject to a planning agreement pursuant to Section 7.4 of the *Environmental Planning and Assessment Act 1979*.

(i) matters prescribed by the regulations

Clause 92 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* requires Council to take into consideration the provisions of the Government Coastal Policy and Australian Standard AS2601–1991: *The Demolition of Structures*, in the determination of a development application.

Having regard to these prescribed matters, the proposed development is not located on land subject to the Government Coastal Policy as determined by Clause 92(1)(a)(ii) however does involve the demolition of a building for the purposes of AS 2601 – 1991: *The Demolition of Structures*.

Should this application be approved, appropriate conditions of consent are recommended to ensure the prescribed conditions of consent including compliance with the *Building Code of Australia*.

(ii) any coastal zone management plan

The NSW Government projects sea levels to rise by 40cm in 2050 and by 90cm in 2100 above the relative mean sea level in 1990. These planning benchmarks are to be considered in the assessment of development applications through the applicable coastal zone management plan or alternatively the provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

Although Strathfield Council is not subject to a coastal zone management plan, the sea level rise planning benchmarks have also been established in order to assess the likely increase in the frequency, duration and height of flooding and as a consequence likely property and infrastructure damage on affected and potentially affected land. Council is therefore required to consider the impact of sea level rise and resultant flooding from Powell's Creek and Cook's River which are tributaries of Sydney Harbour (Parramatta River) and Botany Bay respectively.

The proposed development is not located on a site that is affected by the existing 1 in 100 year flood event or is likely to be as a result of the planning benchmarks for sea level rise mentioned above. Accordingly, the proposed development has been assessed against the relevant provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

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

Air Pollution from M4 – Western Motorway Ventilation Outlet

An air quality assessment report produced by ERM and commissioned by the Sydney Motorway Corporation was considered as part of assessing the proposal with regard to potential issues associated with air pollution from the M4 – Western Motorway Ventilation Outlet. The report stated that:

“At a distance of 170m from the centre of the M4 East westbound ventilation outlet there should not include development that exceeds a height of 30m. At distances beyond 170m, proposed development at a height of 30m to 90m is predicted to be acceptable.

The only recommended change to the proposed plan is the ‘AA’ block to the immediate south of the ventilation outlet...Modelling suggests that the proposed height for this block would need to be capped at 30m.”

It is noted that the subject land is contained within the ‘AA’ block referred to in the report.

The proposed buildings at Parramatta Road and Powell Street will have a maximum height of 28.3m and 29.81m, respectively, which are less than the recommended limit.

Notwithstanding the proposal's compliance with the above limit, it is noted that the recommendations specified in the report have not been adopted into any development guidelines and policies under the NSW Department of Planning and Environment, and are therefore considered preliminary and taken as a guide only.

Acoustic Impacts

As mentioned above, the subject site is exposed to significant noise sources as its southern end fronts Parramatta Road and its northern boundary is located approximately 38m south of the M4 – Western Motorway. Council's Environmental Health Officer (Acoustic) reviewed the application including the final design and supporting documentation (including the acoustic assessment report). It was confirmed that based on the available acoustic data (as per the acoustic assessment report), compliance could be achieved with the appropriate mitigation measures being implemented as per the recommendations set up in table 5.1 in the report. Conditions reflecting any recommendations in the report are recommended to ensure compliance.

Council's Environmental Health Officer (Acoustic) advised that further acoustic testing will be required following completion of building works to ensure compliance in the bedrooms facing Parramatta Road, mainly on the most sensitive bedrooms in the Level 1 units. Conditions are recommended to reflect the additional acoustic testing required prior to the issue of a Final Occupation Certificate.

In light of the above, any potential acoustic impacts on future occupants have been considered and appropriately addressed by the final design of the proposal.

Privacy Impacts

The proposal features multiple levels of residential dwellings and communal spaces; providing opportunities for overlooking from these areas. These opportunities are minimised through:

- The design of the building featuring privacy treatments, window designs, appropriate alignment of windows/balconies, and the articulation and recessing of spaces;
- Adequate building separation provided between the proposal and neighbouring buildings and between the proposed buildings; and
- The landscaping treatments along the perimeter of communal spaces.

Considering the above aspects, the proposal has been designed to minimise potential privacy impacts on adjoining properties and between the proposed buildings. Therefore, any privacy impacts associated with the proposal are considered acceptable and reasonable.

Overshadowing

The orientation of the site combined with footprints and configuration of the neighbouring buildings and the present lack of any buildings on the Powell Street allotments results in current solar access that appears adequate for the adjoining buildings at No. 56-58 Powell Street and No. 119 Parramatta Road, Homebush. The proposal introduces a new 4-8 storey building situated on the northern portion of the site, which will result in an unavoidable degree of overshadowing to these properties – particularly the west-facing dwellings across four (4) levels at No. 119 Parramatta Road (refer to **Figure 19**).



Figure 19: West-facing dwellings at No. 119 Parramatta Road, Homebush (east-adjointing neighbour)

To reduce the potential overshadowing, the proposal has been design to have adequate setbacks, particularly for the upper levels of the Powell Street building and to concentrate Levels 5-8 to the northernmost portion of the site. Given the east-adjointing building comprises up to four (4) levels, these upper levels would likely contribute to the greatest overshadowing impacts. It is noted that during the morning hours (9am to 12pm), the proposal does not affect solar access for this neighbour.

Under Objective 3B-2 of the ADG, *“solar access to living rooms, balconies and private open spaces of neighbours should be considered.”* Notwithstanding that the living rooms and courtyards of some of the ground floor dwellings will affected by the proposal, the resultant overshadowing impacts are generally attributed to the bedrooms of the affected neighbouring dwellings.

The final design has demonstrated a reasonable and feasible attempt to minimise overshadowing, maximum solar access for future occupants and in consideration of the constraints unique to the site and the orientation of respective neighbours. In light of the above considerations, any overshadowing impacts associated with the proposal are considered acceptable and reasonable.

Traffic

The proposal will involve 115 new dwellings and a commercial unit; all of which will generate some traffic, particularly on Parramatta Road and Powell Street, and surrounding local and arterial roads. Council's Traffic Engineer evaluated the proposal and confirmed that the net traffic generation change is not anticipated to generate an unacceptable adverse impact to the surrounding road network and the proposed parking within the basement levels achieves compliance with the SCDCP 2005 and GTTGD.

It is recognised that during construction works, some traffic generation and disruption to traffic flow in affected roads will be inevitable; however, these impacts are considered temporary and minor, and generally anticipated in areas of redevelopment and where larger infrastructure and building works are occurring.

Given the above, and subject to the imposition of conditions, any potential traffic impacts are considered acceptable and reasonable.

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

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

- Mixed use buildings and residential flat buildings are permissible land uses within the R4 – High Density Residential zone and in the B4 – Mixed Use zone with consent;
- The proposal is generally compliant with development standards, requirements and controls for the site, including those set out in the SEPP 65, SLEP 2012 and SCDCP 2005;
- The proposal is generally consistent with the aims of SLEP 2012 and the objectives of the respective zones; and
- The scale, density and design of the proposal is compatible with other similar development. Additionally, the presentation of the overall scheme (particularly the Parramatta Road building) will provide a unique, distinctive visual interruption and enhancement of the streetscape and set a desirable precedence for future redevelopment of the locality and the Parramatta Road Corridor.

The subject site does not have any significant environmental constraints that would prevent the development of mixed use building and residential flat building. Therefore, the site is suitable for the proposed development.

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

The application was notified in accordance with Part L of the SCDCP 2005 from **3 December 2019 to 15 January 2020**. During the notification period, five (5) submissions were received from the following properties:

1. Unit 10/56-58 Powell Street, Homebush (**objection**)
2. Unit 10/56-62 Underwood Road, Homebush (**objection**)
3. Unit 3/10-14 Crane Street, Homebush (**objection**)
4. External consultant on behalf of the owners of 117 and 129 Parramatta Road, Homebush (**objection**)
5. Strathfield Rate Payers (**support**)

The following issues were raised in the above submissions objecting to the proposal:

1. Too many residential units

Assessing officer's comments: The proposal involves 115 residential units contained within buildings that collectively achieve compliance with the maximum FSR and building height provisions under the SLEP 2012. The proposal is considered appropriately scaled and proportioned to the site dimensions, constraints and controls that apply to high density development. The number of residential units provided is considered reasonable.

2. Lack of parking in surrounding area

Assessing officer's comments: The proposal achieves the minimum parking requirements under relevant policies for supporting the proposed residential units and commercial unit. By meeting these requirements, it is anticipated that the proposal is able to facilitate sufficient parking for future occupants without significantly affecting the existing street parking along Powell Street and surrounds.

3. Viability of commercial units

Assessing officer's comments: The proposal has been amended to comprise of a single commercial unit that has a separate, clearly defined pedestrian entry and glazing that addresses Parramatta Road and are visible from this street. The private open space attached to this commercial unit is situated away from Parramatta Road and opens out to the vegetated spaces within the central communal area. The commercial unit is ample in size (153m²), comprises kitchen and bathroom facilities and has three (3) allocated car spaces that are situated in the basement levels. These elements will assist in attracting potential businesses and retail use (such as cafés, restaurants) to utilise this space. The final design provides a suitably sized, designed and equipped commercial unit that appears viable.

4. Lack of 3 bedroom/4 bedroom units

Assessing officer's comments: The final design has incorporated at least 10% of residential units as family sized (3 bedroom) units. This design achieves key objectives in the ADG associated with housing diversity and meets the recommendations made by the DRP.

5. Overdevelopment, bulk and scale

Assessing officer's comments: The proposal will result in an appropriately balanced built form of a scale and density that is proportionate to the subject land's size and dimensions. This issue is not substantive and does not require further consideration. As mentioned above, the proposal achieves compliance with development standards, requirements and controls associated with scale, density and building separation.

6. Construction works

Assessing officer's comments: Any impacts associated with construction works such as noise, dust and traffic disruption are considered minor and temporary, and can be mitigated and managed through the imposition of conditions.

7. Traffic

Assessing officer's comments: This has been discussed in detail above. Traffic impacts are considered acceptable and reasonable.

8. Property values

Assessing officer's comments: Impacts on property values are not matters of consideration under the *Environmental Planning and Assessment Act 1979*. This issue is not substantive and does not require further consideration.

9. Waste collection

Assessing officer's comments: The proposal has been assessed by Council's Waste Officer who confirmed that the proposed waste collection (featuring onsite collection in the basement levels) complies with Part H of the SCDCP 2005.

10. Urban design

Assessing officer's comments: The final design of the proposal has carefully considered the existing and future desired character of the respective streetscapes as well as the relevant design controls under environmental planning instruments including the ADG. As mentioned in detail above, the proposal provides a new, distinct built form that is considered a compatible addition to the immediate locality and is likely to enhance the overall streetscape of the Parramatta Road corridor.

11. No upper level setbacks for Parramatta Road building

Assessing officer's comments: The final design of the proposal has incorporated an increased setback for Level 8 of the Parramatta Road building. To soften the visual prominence of the building, the southern façade comprising a number of material, textural and colour variations and articulations as well as a distinct sustainable design highlighted by proposed landscaping treatments within the front garden beds, planter boxes and vegetated screens. Whilst the setbacks are consistent with the existing buildings (of similar scale) along Parramatta Road – the proposal, by comparison, will have a softer appearance that counters the proposed Parramatta Road setbacks of the other levels.

12. Landscaped front setback required for Powell Street building

Assessing officer's comments: The proposal maintains consistency with the current streetscape and the adjoining and nearby residential flat buildings occurring along Powell Street, which notably do not featured landscaped front setbacks. As with the Parramatta Road building, visual relief and interest are achieved through a number of material, textural and colour variations and articulations as well as increased setbacks of the upper levels (Levels 4 and above).

13. Overshadowing

Assessing officer's comments: This has been discussed in detail above. Overshadowing impacts are considered acceptable and reasonable.

14. Visual privacy

Assessing officer's comments: This has been discussed in detail above. Privacy impacts are considered acceptable and reasonable.

15. Limits re-development potential of adjoining properties

Assessing officer's comments: The properties that directly adjoin the site comprise of multi-storey residential flat buildings that do not appear to be likely to be re-developed, and a vehicle sales premises. The vehicle sales premises is situated south-west/west and benefits from uplift associated with being within Key Site 25. The proposal does not result in the isolation of any adjoining and neighbouring sites. Therefore, it is not envisioned that the proposal will hinder the re-development of this property or any other property adjoining the site.

16. Internal amenity issues

Assessing officer's comments: The submission mentioned issues relating to residential entries, outlook over shared boundaries, open ramp leads to overlooking, and no garbage collection chute for Powell Street building. The residential amenity of future occupants have been considered and assessed as detailed above. The final design is considered appropriate and provides sufficient amenity to the commercial unit and the majority of the residential dwellings proposed.

17. Lack of community spirit and pride

Assessing officer's comments: The proposal will not likely generate in significant social impacts as it will result in permissible built forms/land uses that are anticipated for the respective key sites. This issue is not substantive and does not require further consideration.

4.15(1)(e) the public interest

The public interest is best served by the consistent application of relevant Environmental Planning Instruments, Development Control Plans and Council policies. As discussed throughout this report, the proposed development has been assessed against the relevant statutory provisions and is satisfactory. Therefore, approval of the proposal would not be contrary to the public interest.

SECTION 94 CONTRIBUTIONS

Section 7.12 (previously Section 94A of the *Environmental Planning and Assessment Act 1979*) relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

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

STRATHFIELD DIRECT SECTION 7.11 CONTRIBUTIONS PLAN

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

Provision of Community Facilities	\$222,850.79
Provision of Major Open Space	\$1,013,904.36
Provision of Local Open Space	\$661,079.52
Provision Roads and traffic Management	\$72,587.43
Administration	\$19,215.88
TOTAL	\$1,989,637.98

CONCLUSION

The application has been assessed with regard to Section 4.15 of the *Environmental Planning and Assessment Act 1979*, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

RECOMMENDATION

That Development Application No. DA2019/196 for demolition of existing buildings and construction of two (2) towers including a nine (9) storey mixed used building containing one (1) commercial unit and 44 residential units and a 4-8 storey residential flat building containing 71 residential units over two (2) basement levels at 52 and 54 Powell Street and 125 Parramatta Road, Homebush be **APPROVED** subject to the following conditions:

CONDITIONS OF CONSENT

REASONS FOR CONDITIONS

The conditions of consent are imposed for the following reasons:

- 1) 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.
- 2) To protect the environment.
- 3) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- 4) It is in the public interest.

DEVELOPMENT DETAILS

APPROVED PLANS AND DOCUMENTATION

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	DA1005	16 Jun 2020	C	UrbanLink Pty Ltd
Demolition Plan	DA1004	16 Jun 2020	C	UrbanLink Pty Ltd
Basement 02	DA2000	16 Jun 2020	C	UrbanLink Pty Ltd
Basement 01	DA2001	16 Jun 2020	C	UrbanLink Pty Ltd
Ground Floor Plan	DA2002	16 Jun 2020	C	UrbanLink Pty Ltd
Level 01	DA2003	16 Jun 2020	C	UrbanLink Pty Ltd
Level 02	DA2004	16 Jun 2020	C	UrbanLink Pty Ltd
Level 03	DA2005	16 Jun 2020	C	UrbanLink Pty Ltd
Level 04	DA2006	16 Jun 2020	C	UrbanLink Pty Ltd
Level 05	DA2007	16 Jun 2020	C	UrbanLink Pty Ltd
Level 06	DA2008	16 Jun 2020	C	UrbanLink Pty Ltd
Level 07	DA2009	16 Jun 2020	C	UrbanLink Pty Ltd

Level 08	DA2010	16 Jun 2020	C	UrbanLink Pty Ltd
Roof	DA2011	16 Jun 2020	C	UrbanLink Pty Ltd
Elevations – Streetscape	DA3006	16 Jun 2020	C	UrbanLink Pty Ltd
Elevations – Parramatta Rd	DA3001	16 Jun 2020	C	UrbanLink Pty Ltd
Elevations – Building A North	DA3002	16 Jun 2020	C	UrbanLink Pty Ltd
Elevations – Powell St	DA3003	16 Jun 2020	C	UrbanLink Pty Ltd
Elevations – Building B South	DA3004	16 Jun 2020	C	UrbanLink Pty Ltd
Elevations – East/West	DA3005	16 Jun 2020	C	UrbanLink Pty Ltd
Sections A-A & B-B	DA4001	16 Jun 2020	C	UrbanLink Pty Ltd
Sections C-C & Ramp Detail	DA4002	16 Jun 2020	C	UrbanLink Pty Ltd
External Finishes Perspectives	DA6301	16 Jun 2020	C	UrbanLink Pty Ltd
External Finishes Finishes Schedule	DA6302	16 Jun 2020	C	UrbanLink Pty Ltd
External Finishes Render Powell St	DA6303	16 Jun 2020	C	UrbanLink Pty Ltd
General Notes	Cover	11 Nov 2019	B	Alpha Engineering & Development
Sediment and Erosion Control Plan	SW01	11 Nov 2019	B	Alpha Engineering & Development
Basement 1 & 2 Drainage Plan	SW02	11 Nov 2019	B	Alpha Engineering & Development
Ground Floor Drainage Plan	SW03	11 Nov 2019	B	Alpha Engineering & Development
Stormwater Section and Details	SW04	11 Nov 2019	B	Alpha Engineering & Development
Stormwater Section and Details	SW05	11 Nov 2019	B	Alpha Engineering & Development
Stormwater Section and Details	SW06	11 Nov 2019	B	Alpha Engineering & Development
Landscape Cover Sheet	000	9 Jun 2020	D	Site Image Landscape Architects
Landscape Plan – Ground Floor	101	9 Jun 2020	D	Site Image Landscape Architects
Landscape Plan – Level 3	102	9 Jun 2020	D	Site Image Landscape Architects
Landscape Plan – Level 4	103	9 Jun 2020	D	Site Image Landscape Architects
Landscape Plan – Parramatta Road	104	9 Jun 2020	D	Site Image Landscape Architects
Balconies				
Landscape Plan – Level 8	105	9 Jun 2020	D	Site Image Landscape Architects
Landscape Details	501	9 Jun 2020	D	Site Image Landscape Architects

Traffic and Parking Assessment Report	Ref 19471	19 Nov 2019	-	Varga Traffic Planning Pty Ltd
Preliminary Site Investigation	E2191	12 Nov 2019	0	Benviron Group
Geotechnical Investigation Report	Report No. G386-1	12 Nov 2019	0	Benviron Group
Accessibility Report	Report No. 19-053	18 Nov 2019	A	Access Link Consulting
Acoustic Report – Traffic & Environmental Noise	Ref No. 2019-347	20 Apr 2020	1	Acoustic, Vibration & Noise Pty Ltd
Mechanical Design Letter	-	3 Apr 2020	-	RMJ Engineering
BASIX Certificate	Cert No. 1058610M_02	16 Jun 2020	-	Building & Energy Consultants Australia
Waste Management Plan	-	Jun 2020	-	Dickens Solutions

SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

PLANNING AND ENGINEERING CONDITIONS

2. 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) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose

of connections to utility providers);

- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.

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

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.

3. Vehicular Crossing – Major Development

The following vehicular crossing and road frontage works will be required to facilitate access to and from the proposed development site:

- (a) Construct a footpath for the full length of the frontage of the site in Parramatta Road and Powell Street in accordance with Council's Specifications applying at the time construction approval is sought.
- (b) The thickness and design of the driveway shall be in accordance with Council's Specifications applying at the time construction approval is sought.
- (c) Construct a new 150mm high concrete kerb with 450mm wide gutter for the full frontage(s) of the site in Parramatta Road and Powell Street in accordance with Council's Specifications for kerb and guttering, applying at the time construction approval is sought.
- (d) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant. The work shall be carried out in accordance with Council's specification, applying at the time construction approval is sought.

Constructing a vehicular crossing and/or footpath requires separate approval under Section 138 of the [Roads Act 1993](#), prior to the commencement of those works.

4. Road Opening Permit

A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from TfNSW, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

5. Public Domain Works – Parramatta Road

Works will be required to upgrade the Public Domain and footpath along Parramatta Road. Council's Urban Services Department must be consulted and approval obtained prior to undertaking works in order to confirm the required paving and street furniture for both street frontages.

BUILDING CONDITIONS

6. 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.

7. Below Ground Anchors – Information to be Submitted with S68 Application under LGA 1993 and S138 Application under Roads Act 1993

In the event that the excavation associated with the basement carpark is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways, an application must be lodged with Council under Section 68 of the Local Government Act 1993 and the Roads Act 1993 for approval, prior to commencement of those works. The following details must be submitted.

- (a) That cable anchors will be stressed released when the building extends above ground level to the satisfaction of Council.
- (b) The applicant has indemnified Council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of council.
- (c) Documentary evidence of such insurance cover to the value of \$20 million.
- (d) The applicant must register a non-terminating bank guarantee in favour of Council for the amount of \$50,000.

The guarantee will be released when the cables are stress released. In this regard it will be necessary for a certificate to be submitted to Council from a structural engineer at that time verifying that the cables have been stress released.

- (e) That in the event of any works taking place on Council's roadways/footways adjoining the property while the anchors are still stressed, all costs associated with overcoming the difficulties caused by the presence of the 'live' anchors will be borne by the applicant.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

INTEGRATED DEVELOPMENT

8. 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	13 January 2020

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

Transport for NSW

The following GTA requirements have been issued by Transport for NSW:

1. 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 Parramatta Road boundary.
2. Detailed design plans and hydraulic calculations of any changes to the storm water 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 Roads and Maritime approval is issued.

3. "No Stopping" restrictions shall be implemented along the full Parramatta Road frontage of the development site at no cost to TfNSW.
4. A Construction Traffic Management Plan 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.
5. 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.

6. 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>

SYDNEY WATER

9. Trade Waste Agreements

A Trade Waste Agreement with Sydney Water may be required. Details of any work required to comply with the agreement must be detailed on the plans lodged with the Construction Certificate. If no trade waste agreement or grease trap is required, a letter from Sydney Water to this effect must be submitted with the application for the Construction Certificate.

10. 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 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.

11. Notice of Requirements for a Section 73 Certificate

A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

12. Section 73 Compliance Certificate

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

AUSGRID

13. 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).

14. Connection to the Network will be Required Prior to the Release of any Occupation Certificate

Where works within the road reserve are to be carried out by the developer, a Road Opening Permit must be obtained from Council's Customer Service Centre before commencement of work.

15. Electricity Supply to Approved Development

The electricity supply to the approved development must be underground.

16. Proximity to Existing Network Assets

Overhead Powerlines

There are existing overhead electricity network assets in Parramatta Road. Safework 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

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

There are existing underground electricity network assets in Parramatta Road and Powell Street. 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.

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. SafeworkAustralia –Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

PLANNING CONDITIONS

17. 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/	\$ 124,754.00
Security Damage Deposit	\$33,000.00
Administration Fee of Bond Deposit	\$127.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94 Development Contributions - Roads and Traffic Management	\$72,587.43
Strathfield Section 94 Development Contributions – Local Open Space	\$661,079.52
Strathfield Section 94 Development Contributions – Major Open Space	\$1,013,904.36
Strathfield Section 94 Development Contributions – Community Facilities	\$222,850.79
Strathfield Section 94 Development Contributions - Administration	\$19,215.88

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.

18. 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 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 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.

19. Required Design Changes

The following changes are required to be made approved by Council to its satisfaction and shown on the Construction Certificate plans:

Affordable housing	The development must be amended to specify at least 10% of the gross floor area (rounded to the nearest whole unit) comprise affordable housing. The affordable housing units must include a range of unit types and must be spread evenly across both buildings.
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All affordable housing units must be managed and held by Council in perpetuity.

Note: Affordable housing is as defined in the Environmental Planning and Assessment Act 1979 and the State Environmental Planning Policy (Affordable Rental Housing) 2009.

Street trees along Parramatta Road	A total of three (3) trees must be provided in the road reserve of Parramatta Road, immediately adjacent to the southern boundary of the site.
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The location and provision of the trees must not be of compromise to all road users and comply with road safety requirements.

Sight distances requirements are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 – Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.

Prior to the provision of street trees within the road reserve, a post consent consultation with TfNSW will be required to

determine if the works would be subject to Section 138 Concurrence under the Roads Act 1993. TfNSW will review and provide a response accordingly.

The developer must submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001.

The developer must 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.

Driveway	In addition to the proposed convex mirror at the driveway, the applicant shall install a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be set back by 1.5m from the boundary alignment.
Allocation of car parking and storage spaces	A plan showing the allocation of each car space and storage area to each individual unit shall be prepared.
Encroachment of structures	No part of any structure (including footings, gutters and eaves) may encroach or overhang any property boundary.
Material finishes	The material finishes of any portion of the ground floor of the entire development must comprise of durable, graffiti resistant and easily cleanable material. The approved Material Finishes must be amended to reflect this.

20. 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 security damage 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: \$127.00
- Submit to Council, before the commencement of work, a dilapidation report 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 work 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.

21. Site Management Plan – Major Development

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

- location of protective site fencing;
- location of site storage areas/sheds/equipment;
- location of building materials for construction, e.g. stockpiles
- provisions for public safety;
- dust control measures;
- method used to provide site access location and materials used;
- details of methods of disposal of demolition materials, according to Waste Management Plan and which should be used or recycled wherever practicable;
- method used to provide protective measures for tree preservation;
- provisions for temporary sanitary facilities;
- location and size of waste containers/skip bins, according to the Waste Management Plan and including resource recovery methods;
- details of proposed sediment and erosion control measures;
- method used to provide construction noise and vibration management;
- dust control procedures, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences;
- 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.

22. SEPP 65 Design Verification Statement

A design verification statement, prepared by a qualified designer, shall be submitted to the Certifying Authority verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out under Schedule 1 of State Environmental Planning Policy No 65 —Design Quality of Residential Flat Development.

23. Design Quality Excellence (Major Development)

- (a) In order to ensure the design quality excellence of the development is retained:
- The design architect is to have direct involvement in the design documentation, contract documentation and construct stages of the project;
 - The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or

clarification is required in the resolution of the design issues throughout the life of the project;

Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.

- (b) The design architect of the project is not to be changed without prior notice and approval of the Council.

24. BASIX Commitments

The approved BASIX Certificate shall be submitted to the Accredited Certifier with the application for a Construction Certificate.

All measures and commitments as detailed in the BASIX Certificate No. 1058610M_02 must be implemented on the plans lodged with the application for the Construction Certificate.

ENGINEERING CONDITIONS

25. 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
- (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.

26. Pre-Construction Dilapidation Report – Private Land

A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to:

- (a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer and located in the following properties:
 - No. 119 Parramatta Road, Homebush
 - No. 56-58 Powell Street, Homebush
 - No. 129 Parramatta Road, Homebush

The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the PCA.

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

27. 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.

28. On Site Detention

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

An on-site detention (OSD) facility designed by a professional engineer who specialises in Hydraulic Engineering must be designed, approved and installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

- peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden, at Annual Recurrence Intervals of 2 years, 10 years and 100 years.

The OSD facility shall be designed to meet all legislated safety requirements and childproof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words: "BEWARE: This is an on-site detention basin/tank for rainwater which could overflow during heavy storms."

Full details shall accompany the application for the Construction Certificate.

29. Driveway Surface Waters

For driveways on private property sloping to the street and greater than 10 metres in length, drainage control devices such as humps or grated surface inlet pits shall be installed at the front boundary in order to control excess stormwater flowing across Council's footpath.

30. Water Sustainability – Water Sensitive Urban Design

Details of the Water Sensitive Urban Design (WSUD) components (stormwater treatment measures) shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. Details shall demonstrate compliance with the water conservation and stormwater quality targets set out under Sections 3.1 and 3.2 respectively under Part N of the SCDCP 2005, and be prepared by a suitably qualified professional engineer.

31. Drainage System – Maintenance of Existing System

Where elements of the existing drainage system are to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be removed, not flushed from the system.

A certificate shall be provided by a suitably qualified person (a registered plumber or a person of equivalent or greater experience or qualification) to the satisfaction of the Principal Certifying Authority, prior to the issue of any Occupation Certificate to confirm that the system is in good working order and adequate to accept additional flows having regard to any relevant standards and/or Sydney Water requirements.

32. Pump-Out System Design for Stormwater Disposal

The design of the pump-out system for storm water disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

- (a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding four hour's runoff from a one-hour duration storm of the 1 in 100 year storm;
- (b) The pump system shall be regularly maintained and serviced, every six (6) months; and
- (c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

Details and certification of compliance from a professional engineer specialising in civil engineering shall be provided for approval with the Construction Certificate application.

33. Stormwater Drainage Plan Details

Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Management Code.

34. Driveway Construction Plan Details

Detailed engineering plans for the driveway shall be submitted with the Construction Certificate application for approval that show:

- (a) Longitudinal and cross sections, gradients, access onto the proposed lots, type of construction materials designed in accordance with Council's Subdivision standards and AS/NZS2890.1-2004.
- (b) Suitable underground provision for the supply of all relevant services to the proposed lots (proposed position of pipes and conduits).
- (c) The full length of the driveway designed with a minimum 150mm thick reinforced concrete and minimum of 2.7m wide pavement/kerb face to kerb face width, and a non-slip surface.

35. Waste Management 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.

The WMP must reflect the following requirements: provision of 21 X 660L waste bins and 58 X 240L (or 21 X 660L) recycling bins. Note: recycling bins are serviced every fortnight.

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.

36. Council Property Shoring

Prior to the issue of the Construction Certificate, plans and specifications prepared by a professional engineer specialising in practising structural engineering must detail how Council's property shall be supported at all times.

Where any shoring is to be supporting, or located on Council's property, certified structural engineering drawings detailing; the extent of the encroachment, the type of shoring and the method of removal, shall be included on the plans. Where the shoring cannot be removed, the plans must detail that the shoring will be cut to 150mm below footpath level and the gap between the shoring and any building shall be filled with a 5MPa lean concrete mix.

BUILDING SURVEYOR CONDITIONS

37. Building Code of Australia Report

Prior to the issue of a construction certificate, a Building Code of Australia (BCA) Report demonstrating compliance with the relevant provisions and requirements under the BCA, must be submitted to Council and PCA. Details of compliance to be illustrated on the plans lodged with the application for the Construction Certificate.

38. 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 PCA. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.

Note: A construction certificate cannot be issued until a Fire Safety Schedule is received.

39. 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 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 PCA.

40. Stage 2 Contamination Site Assessment

Prior to Council or an accredited certifier issuing a construction certificate, a Stage 2 contamination site assessment and remedial action plan (if required) shall be undertaken/completed by a suitably qualified person in accordance with the relevant guidelines approved by the Office of Environment and Heritage (OEH) and in accordance with the requirements of the [Contaminated Land Management Act 1997](#).

The Assessment shall satisfy the PCA that the untested land as defined under the Statement of Environmental Effects is suitable for the proposed use.

41. 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.

42. Access for Persons with a Disability

Access to any buildings and sanitary facilities for the commercial unit/s for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises

Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.

43. 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.

44. Geotechnical Report

Geotechnical Reports: The applicant must submit a Geotechnical Report, prepared by a professional engineer specialising in geotechnical engineering who holds the relevant Certificate of accreditation as required under the *Building Professionals Act 2005* in relation to dilapidation reports, all site works and construction. This is to be submitted before the issue of the Construction Certificate and is to include:

- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
- (b) Dilapidation Reports on the adjoining properties including, but not limited to (address) and (address) prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the PCA and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.
- (c) On-site guidance by a vibration specialist during the early part of excavation.
- (d) Measures to minimise vibration damage and loss of support to other buildings. Where possible any excavation into rock is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures. Where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) the report shall detail the maximum size of hammer to be used and provide all reasonable recommendations to manage impacts.
- (e) Sides of the excavation are to be pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.

TRAFFIC CONDITIONS

45. 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).

46. Construction Traffic Management Plan [Large Developments Only]

A Construction Traffic Management Plan detailing:

-
- (a) construction vehicle routes;
 - (b) anticipated number of trucks per day;
 - (c) hours of construction;
 - (d) Access arrangements; and
 - (e) Proposed traffic measures to minimise impacts of construction vehicles

must be submitted for the approval of Council's Engineers. Council's Engineers must specify in writing that they are satisfied with the Traffic Management Plan prior to the issue of the Construction Certificate.

47. Construction Management Plan

The owner/applicant is to ensure that the approved Construction Traffic management Plan is to be strictly complied with and kept on site at all times during construction works.

ENVIRONMENTAL HEALTH CONDITIONS

48. Acoustic Requirements – Compliance with submitted Acoustic Report

The Construction Certificate plans shall demonstrate compliance with the Acoustic Report submitted and approved by Council, titled Acoustic Report – Traffic & Environmental Noise – prepared by Acoustic, Vibration & Noise Pty Ltd and dated 20 April 2020 [ref: 2019-347 Rev 1].

WASTE CONDITIONS

49. Waste Management Plan

A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

WMP should also indicate how waste education will be provided, in order to minimise waste disposal, contamination and to increase recycling. Educational signage is to be installed in waste rooms and commons areas.

[EPA's Better Practice Guide for Waste Management in Multi-unit Dwellings](#) and [Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities](#) should be used to inform design and waste management outcomes in new and existing development.

50. Specialised Waste Equipment

Details of any specialised waste disposal equipment to be used in the development i.e. compactors (carousel and linear), bin tugs, chutes, crushers, bunding, oil water separators (coalescing plate separators), etc. to be provided to Council for approval.

51. Waste, Recycling and Bulky Storage Rooms

Waste (including grease arrestor rooms) and recycling storage rooms must meet all of the following conditions:

- i) The waste and recycling storage room must be of adequate dimensions to comfortably

accommodate the required number of waste and recycling bins

- 240L bin must have 1.1m² of space per bin
- 660L bin must have 2.03m² of space per bin
- ii) The layout of the waste and recycling storage room must allow easy unobstructed access to all bins (stacked bin arrangements are not acceptable) and allow the bins to be easily removed for servicing purposes.
- iii) A smooth concrete floor graded and drained to a floor waste connected to the sewer of the Water Board.
- iv) The walls being cement rendered with the intersection of the walls and floor being coved to a radius of not less than 25mm.
- v) The door being close fitting to prevent the access of rats and mice.
- vi) A cold water hose cock being provided for the cleaning of containers and the room itself.
- vii) Ventilation being provided by means of direct connection to the outside air to the satisfaction of Council.
- viii) The ceiling of all waste storage rooms must be constructed of a rigid smooth faced non-absorbent material. The ceiling must be a minimum of 2.4m high to accommodate Councils standard bins. This enables access for use, cleaning and enables the lids of bins to be fully opened.
- ix) Contain a sign, minimum size 600mm x 600mm, directing residents not to place recyclables in garbage carts and encouraging residents to recycle. Sample artwork and signs available from Council.
- x) Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities.
- xi) A caretaker or individual(s) shall be nominated as being responsible for transferring the bins to the collection point and back into the waste storage room/area.
- xii) Detailed plans of waste and recycling storage rooms must be submitted along with Waste Management Plan and Waste and Recycling Storage Room/Area Design Checklist.

The waste storage area shall not be visible from the street. The waste storage area shall be located within the lot/building in accordance with the approved plans.

The waste storage area shall be large enough to accommodate the following number of bins for the development;

- (a) Domestic Waste – 21 x 660L litre mobile bins.
- (b) Domestic Recycling – 58 x 240L or 21 x 660L litre mobile bins.

At a minimum rate of 1.1m² per 240L bin, 2.03m² per 660L bin, 2.7m² per 1100L bin and located in an area to suitably facilitate servicing on waste collection day.

A store room for storage of bulky household waste such as lounges is to be provided which meets the following conditions:

- (a) Bulky waste rooms/areas must be a minimum of 4m² per 10 dwellings.
- (b) Bulky waste (Clean Up) rooms/areas should be located adjacent to waste and recycling storage rooms.
- (c) Bulky waste rooms/areas must contain a sign, minimum size 600mm x 600mm, directing residents the types of waste which can be deposited and the collection process. Sample artwork and signs available from Council.

The layout of the waste and recycling storage room must allow easy unobstructed access to all bins (stacked bin arrangements are not acceptable) and allow the bins to be easily removed for servicing purposes. Each service room/compartments must be located for convenient access by users and must be well ventilated and well lit. Each service room/compartments must include a chute for recycling or space for bins/crates for the reception of recyclable materials within 2m of garbage chute, recycling bins or crates must be in place prior to OC.

The floors, walls and ceilings of the service rooms/compartments must be finished with smooth impervious materials that are capable of being easily cleaned. The service rooms/compartments must contain clear signage that describes the types of wastes that can be deposited into the garbage chute and the types of wastes which should be deposited into the recycling bins or crates

Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities.

A caretaker or individual(s) shall be nominated as being responsible for transferring the bins to the collection point and back into the waste storage room/area.

Detailed plans of waste and recycling storage rooms must be submitted along with Waste Management Plan and Waste and Recycling Storage Room/Area Design Checklist.

Details of any specialised waste disposal equipment to be used in the development such as compactors (carousel and linear), bin tugs, chutes, crushers, bunding, oil water separators (coalescing plate separators), etc. to be provided to Council for approval.

Bulk collection area must be provided at a rate of 4m² per 10 units and should be located adjacent to waste and recycling storage rooms.

52. Onsite Waste Collection

Development for the purposes of multi-unit housing, residential flat buildings, serviced apartments, boarding houses, mixed use and commercial developments must provide onsite underground or at-grade collection of waste, which must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005).

Waste servicing and collection arrangements should be clearly depicted and annotated on architectural drawings, which should indicate adequate turning circles to allow collection vehicles to enter and exit the site in a forward direction.

53. Separate Waste Areas for Mixed-Use Development

Waste storage and collection arrangements should be designed to minimise the risk of contamination between waste streams from different tenancies and occupations. An example of this is the residential component having a separate waste storage area from the commercial component in a mixed-use development and that cross access to these areas is prevented.

WMP should also provide written evidence of valid contracts for the regular commercial collection and disposal of waste and recyclables generated on the site. The private waste contractor must confirm the frequency of the waste collections (general waste, recycling and bulky goods), and that the size and location of the storage room is suitable for the frequency of the waste collections.

Waste education must be provided through signs in common areas indicating how to avoid, reduce, reuse and recycle waste.

54. High Density Multi Unit Dwellings

For high density, Multi Unit Dwellings 660L or 1100L wheeled bins should be used. Development must provide onsite underground or at-grade collection of waste. Details of any specialised waste disposal equipment to be used in the development, such as compactors (carousel and linear), bin tugs, chutes, crushers, bunding, oil water separators (coalescing plate separators), etc. to be provided to Council for approval.

Waste education must be provided through signs in common areas indicating how to avoid, reduce, reuse and recycle waste.

55. Commercial and Industrial Waste

Appropriate waste and recycling containers and facilities will need to be provided according to Waste Management Plan for all specific end use businesses in accordance with the waste generation rates provided at Part H of Strathfield Council DCP 2005 – Appendix B.

WMP should also provide written evidence of valid contracts for the regular collection and disposal of waste and recyclables generated on the site. The private waste contractor must confirm the frequency of the waste collections (general waste, recycling and bulky goods), and that the size and location of the storage room is suitable for the frequency of the waste collections.

The collection of commercial and industrial waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm on weekends and public holidays, to avoid noise disruption to the surrounding area. All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

Waste education must be provided through signs in common areas indicating how to avoid, reduce, reuse and recycle waste.

Note: Refer to the EPA's [Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities](#)

56. Automatic Waste Collection System (AWCS)

The design and construction of all medium and high density buildings within the Parramatta Road Corridor must provide a conventional waste collection system that is adaptable to an Automatic Waste Collection System (AWCS), including adaptable waste rooms, in accordance to 3.4 Provision for Automated Waste Collection System (AWCS) from Part H of the DCP. Developments must be designed to allow for future connection of the AWCS, with the space and infrastructure needed for installation/retrofitting of the system included. This must be provided in accordance with Council requirements. Council may request detailed design drawings for the AWCS provision, including details of waste collection rooms, air inlet facilities, waste inlet areas, pipe access spaces and connection points.

The AWCS must be capable of collecting general waste, recyclables and food and organic waste (incl. garden waste) fractions separately and must demonstrate compliance with the requirements set out in Part H – 'Waste Minimisation and Management' of the Strathfield Consolidated Development Control Plan 2005.

LANDSCAPING / TREE CONDITIONS

57. Landscape Plans

All landscape works shall be carried out in accordance with the approved landscape plans except as modified below:

Prior to the issue of a Construction Certificate the following design details of the proposed landscaped areas on the southern elevation/façade of the Parramatta Road building should be submitted to and approved by Council:

- A detailed plan of the planter boxes and screens, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council prior to the issue of a Construction Certificate. The plan must include:
 - Location of proposed planter boxes and screens including cross-sectional details of all components on these structures;
 - Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - Details of the soil / media depth with a preference for minimum soil depths of 200mm for grass, 400mm shrubs and 800mm for larger trees; and
 - Details of drainage and irrigation systems, including overflow provisions

Prior to the issue of a Construction Certificate, the following details need to be submitted and approved by the Principal Certifying Authority:

- Evidence all landscaping works including the planter boxes and screens on the southern elevation/façade of the Parramatta Road building has been assessed as part of the structural certification provided for the development.
- Evidence all landscaped areas has been assessed as part of the waterproofing certification provided for the development.
- All parts of the rooftop concrete slab, which comprises any landscaped areas, must be cured prior to installing waterproofing.

All landscaping works in the approved landscape plans must be completed prior to an Occupation Certificate being issued. Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by Council. The maintenance plan is to be complied with during occupation of the property.

The landscaping shall be maintained in accordance with the approved plans in perpetuity.

58. 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.

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

PLANNING CONDITIONS

59. 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 PCA 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.

60. 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.
- (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.

61. Demolition Work Involving Asbestos Removal

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the [Work Health and Safety Regulation 2011](#).

ENGINEERING CONDITIONS

62. Dial Before Your 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.

63. Dilapidation Report on Public Land – Major Development Only

Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site, including:

- (a) Any infrastructure and services situated within the road reserves of Parramatta Road and Powell Street, immediately adjacent to the property boundaries of the site

The report must include the following:

- (a) Photographs showing the existing condition of the road pavement fronting the site,
- (b) Photographs showing the existing condition of the kerb and gutter fronting the site,
- (c) Photographs showing the existing condition of the footpath pavement fronting the site,
- (d) Photographs showing the existing condition of any retaining walls within the footway or road, and
- (e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (f) The full name and signature of the structural engineer.
- (g) The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the PCA and a copy provided to the Council.

The Dilapidation Report must be prepared by a professional engineer. The report must be provided to the PCA and a copy provided to the Council.

The report is to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether to refund the damage deposit after the completion of works.

BUILDING CONDITIONS

64. Registered Surveyors Report - During Development Work

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

- (a) Set out before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) 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.
- (d) 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.

- (e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (g) 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 PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

65. 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.

66. Structural Engineers Details – Supporting Council Road/Footway

Prior to the commencement of work in connection with the excavation of the site associated with the basement carpark, structural engineer's details relating to the method of supporting Council's roadways/footways must be submitted to the satisfaction of Council.

ENVIRONMENTAL HEALTH CONDITIONS

67. Dust Control – Major Works

The development must include dust control procedures, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.

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

PLANNING CONDITIONS

68. Site Sign – Soil & Erosion Control Measures

Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

69. 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.

70. 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.

71. Contaminated Land Unexpected Finds

In the instance that any works cause the generation of odours or uncovering of unexpected contaminants, all works are to immediately cease, Council is to be notified and a suitably qualified environmental scientist appointed to further assess the site.

The contaminated land situation must be evaluated by the supervising environmental scientist and an appropriate response determined in consultation with the applicant, which is agreed to by Strathfield Council's Environmental Services Manager.

Note: Council may also request that an NSW EPA accredited site auditor be involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must adhere to any additional conditions, which may be imposed by the accredited site auditor.

72. Obstruction of Public Way Not Permitted During Works

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without the prior approval of Council.

WASTE CONDITIONS

73. Waste Management Facility

All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifying Authority.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

PLANNING CONDITIONS

74. Restriction on Use of Land – Clause 17(1) SEPP (Affordable Rental Housing)

In perpetuity, and from the date of the issue of the Occupation Certificate:

- (a) Any dwellings proposed to be used for the purposes of affordable housing will be used for the purpose of affordable housing, and
- (b) All accommodation that is used for affordable housing will be managed by Council.

A Restriction of Use of the Land is to be created using Section 88E of the [Conveyancing Act 1919](#) over the subject property. This Restriction shall ensure that the requirements of Clause 17(1) of [State Environmental Planning Policy \(Affordable Rental Housing\) 2009](#) are met and shall be worded as follows:

In perpetuity, and from the date of issue of any occupation certificate (being an Interim or Final Occupation Certificate) the following Restrictions on the Use of the Land will apply:

- (i) The dwellings proposed to be used for the purposes of affordable housing and as identified on the construction certificate plans as affordable housing units, will be used for the purpose of affordable housing, and*
- (ii) All accommodation that is used for affordable housing will be managed by Council.*

This Restriction shall benefit Council and Council is to be nominated as the Authority to release, vary or modify this Restriction.

This Restriction on Use of Land shall be registered on the title of the land, prior to of the issue of any Occupation Certificate. Documentary evidence of the registration of this Restriction on title is to be supplied to the PCA with the application for any Occupation Certificate.

75. 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.

76. BASIX Compliance Certificate

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

77. 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.

78. Post Construction Dilapidation Report – Private Land

At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the following adjoining premises:

- No. 119 Parramatta Road, Homebush
- No. 56-58 Powell Street, Homebush
- No. 129 Parramatta Road, Homebush

The report is to be prepared at the expense of the applicant and submitted to the PCA prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damage has occurred to the adjoining premises, the PCA, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent. Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the PCA prior to the issue of any Occupation Certificate.

79. Allocation of Parking Spaces

Parking associated with the development is to be allocated as follows:

- (a) Residential dwellings: 95
- (b) Residential visitors: 23
- (c) Bicycle: 34
- (d) Motorbike: 8
- (e) Commercial: 3

80. 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.

81. SEPP 65 Design Verification Statement

The PCA must not issue an Occupation Certificate to authorise a person to commence occupation of the residential flat development unless the PCA has received a design verification from a

qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.

82. Demolition

The existing building/s must be demolished prior to the issue of the Occupation Certificate.

ENGINEERING CONDITIONS

83. Restriction to User and Positive Covenant for On-Site Detention Facility

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, water sensitive urban design, surface flow path, finished pavement and ground levels etc.).

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88E and or 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

84. Maintenance Schedule – On-site Stormwater Management

A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

85. Works as Executed and Certification of Stormwater Works

Prior to the issue of an Occupation Certificate, the PCA must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards. A works-as-executed drainage plan and certification must be forwarded to the PCA and Council, from a professional engineer specialising in hydraulic engineering. This Plan and Certification shall confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the PCA.

The works-as-executed drainage plan must be prepared by a professional engineer specialising in hydraulic engineering in conjunction with a Registered Surveyor and must include the following details (as applicable):

- (a) The location of any detention basin/s with finished surface levels;

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- (b) Finished site contours at 0.2 metre intervals (if applicable)
 - (c) Volume of storage available in any detention areas;
 - (d) The location, diameter, gradient and material (i.e. PVC, RC etc.) of all stormwater pipes;
 - (e) The orifice size/s (if applicable);
 - (f) Details of any infiltration/absorption systems; and (if applicable);
 - (g) Details of any pumping systems installed (including wet well volumes) (if applicable).

86. Consolidation of Site

The site shall be consolidated into one allotment and by a Plan of Consolidation being prepared by a Registered Surveyor. This Plan shall be registered at the NSW Land Registry Services (LRS) prior to the issue of a final occupation certificate.

87. Requirements Prior to the Issue of the Occupation Certificate

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

- (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 PCA 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 PCA prior to the issue of the Occupation Certificate.

88. Vehicular Crossing & Frontage Work – Major Development

The following road frontage works shall be constructed in accordance with Council's Specification for Vehicular Crossings and Associated Works together with the Vehicular Crossing Approval issued by Council's Engineering Services Division:

- (a) Construct a footpath for the full length of the frontage of the site in Parramatta Road and Powell Street in accordance with Council's Specifications for footpaths.
- (b) Construct the vehicular crossing in accordance with Council's Specifications for vehicular crossings.
- (c) Construct a new 150mm high concrete kerb with 450mm wide gutter for the full

frontage(s) of the site in Parramatta Road and Powell Street in accordance with Council's Specifications for kerb and guttering.

- (d) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

A private contractor shall carry out the above work, at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

The driveway and road frontage works are to be completed before the issue of the Occupation Certificate.

89. Completion of Major Works

Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:

- (a) Stormwater pipes, pits and connections to public stormwater systems within the road related area;
- (b) Driveways and vehicular crossings within the road related area;
- (c) Removal of redundant driveways and vehicular crossings;
- (d) New footpaths within the road related area;
- (e) Relocation of existing power/light pole
- (f) Relocation/provision of street signs
- (g) New or replacement street trees;
- (h) New footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street.
- (i) New or reinstated kerb and guttering within the road related area; and
- (j) New or reinstated road surface pavement within the road.

All surplus vehicular crossings and/or kerb laybacks must be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council. The nature strip is to be restored and the footpath area reinstated. All of the above are to be restored to the satisfaction of Council's Engineer and at full cost to the applicant, prior to the issue of any Occupation Certificate.

Council's Engineering Services Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate. [Note: The damage deposit paid to Council will not be released until the works have been completed to Council's satisfaction.

90. Dilapidation Report on Public Land for Major Development Only

Upon completion of works, a follow up dilapidation report must be prepared for the items of Council infrastructure adjoining the development site.

The dilapidation report must be prepared by a professional engineer specialising in structural engineering, and include:

- (a) Photographs showing the condition of the road pavement fronting the site
- (b) Photographs showing the condition of the kerb and gutter fronting the site
- (c) Photographs showing the condition of the footway including footpath pavement fronting the site
- (d) Photographs showing the condition of retaining walls within the footway or road
- (e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (f) The full name and signature of the professional engineer.

The report must be provided to the PCA and a copy provided to the Council. The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

NOTE: Council will use this report to determine whether or not to refund the damage deposit. Council's Engineering Services Division must advise in writing that the works have been completed to their satisfaction prior to the issue of an Occupation Certificate.

91. Stormwater Drainage Works – Works As Executed

Prior to the issue of the Occupation Certificate, stormwater drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) The structural adequacy of the On-Site Detention system (OSD);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;
- (e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

Council's Engineering Services section must advise in writing that they are satisfied with the Works-As-Executed prior to the issue of an Occupation Certificate.

BUILDING CONDITIONS

92. Fire Safety Certificate Before Occupation or Use

In accordance with Clause 153 of the [Environmental Planning and Assessment Regulation 2000](#), on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the [Environmental Planning and Assessment Regulation, 2000](#). In addition, in relation to each essential

fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:

- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
- (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

93. Slip Resistance

At completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of grout, the gradients of the surface and changes from one material to another. The in-situ test must be carried out in accordance with AS/NZS 4663:2002. Proof of compliance must be submitted with the application for the Occupation Certificate for approval.

ENVIRONMENTAL HEALTH CONDITIONS

94. Acoustic Certification

Prior to the issue of any Occupation Certificate, a suitably qualified acoustic consultant shall certify that the operation and construction of the acoustic wall ventilation (with ventilation opened and closed) to ensure that the overall internal noise level complies with the project amenity noise level set in the approved Acoustic Report titled Acoustic Report, prepared by Acoustic, Vibration & Noise Pty Ltd, and dated 20 April 2020 [ref: 2019-347 Rev 1]..

The use of the commercial premises shall be subject to a separate acoustic report submitted by a suitably qualified acoustic consultant demonstrating compliance specifically for the use of the premises.

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 approved Acoustic Report required by a condition of this consent. The development shall at all times comply with these noise levels post occupation.

The above certification must be submitted to Council prior to the issue of any Occupation Certificate, to ensure compliance.

95. Acoustic Compliance

Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to Council certifying that the construction has incorporated the recommendations in the approved Acoustic Report titled Acoustic Report, prepared by Acoustic, Vibration & Noise Pty Ltd, and dated 20 April 2020 [ref: 2019-347 Rev 1].

96. Acoustic Compliance – General Operation of Premises

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the [Protection of the Environment Operations Act 1997](#) (as amended) and [Regulations](#).

A suitably qualified person shall certify that the operation of the plant equipment shall not give rise to sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the [NSW Environment Protection Authority's "NSW industrial Noise Policy"](#).

Certification must be submitted to Council prior to the issue of any Occupation Certificate.

97. Certification - Air Handling Systems (Including water-cooling system, hot-water systems and warm-water systems)

Certification by a suitably qualified person engineer '2012 must be submitted to the PCA prior to the issue of any occupation certificate verifying that the air handling system has been installed in accordance with:

- (a) [Public Health Act 2010](#) (as amended)
- (b) [Public Health Regulation 2012](#) (as amended)
- (c) AS/NZS 3666.1:2011 *Air-handling and water systems of buildings -Microbial control - Design, installation and commissioning*

98. Registration – Water-Cooling and Warm-Water Systems

The applicant must register the regulated systems with Council and provide the PCA with evidence of registration pursuant to Clause 12 of the [Public Health Regulation 2012](#) (as amended prior to the issue of an Occupation Certificate).

WASTE CONDITIONS

99. Waste Collection Details

The applicant/owner must provide written evidence of valid contracts for the regular collection and disposal of commercial waste and recyclables generated on the site by a licensed waste contractor must be provided before Occupation Certificate. For commercial units, written confirmation shall be provided by a private waste contractor to the applicant confirming that waste (general waste, recycling and bulky goods) collections can occur within the boundaries of the site without obstructing vehicle access to or from the site.

PROPERTY / LAND INFORMATION CONDITIONS

100. Notice to Council – Allocation of Street Addresses

Prior to the issue of any Occupation Certificate, 'as-built' drawings detailing the installed and allocated street/unit address and numbering must be submitted to the satisfaction of Council.

AUSGRID

101. Electricity Supply

Evidence shall be provided demonstrating that the development has been connected to the Ausgrid, if required.

OPERATIONAL CONDITIONS (ON-GOING)

102. 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.

All landscaped areas are considered common areas. Building Management/Strata Management or the appointed Building/Strata Managers, are solely responsible for the maintenance of all landscaped areas including the planter boxes and screens on the southern elevation/façade of the Parramatta Road building. This must be reflected in the Strata Plans and bylaws for the approved development.

103. Affordable Housing

Any residential units identified as affordable housing units must be maintained, preserved and utilised as affordable housing in perpetuity.

The affordable housing units must be managed and held by Council in perpetuity.

Note: Affordable housing is as defined in the *Environmental Planning and Assessment Act 1979* and the State Environmental Planning Policy (Affordable Rental Housing) 2009.

ENVIRONMENTAL HEALTH CONDITIONS

104. Pollution – General Compliance

The activities carried out on site must not constitute a nuisance in relation to noise, air or water pollution as specified under the Protection of the Environment Operations Act 1997 (as amended).

105. Noise Control

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997 (as amended).

106. Final Acoustic Report – Verification of Noise Report

Within three months from the issue of an Occupation Certificate, an acoustic assessment is to be carried out by an appropriately qualified acoustic consultant, in accordance with the [EPA's Industrial Noise Policy](#) and submitted to Council for consideration. This report should include but not be limited to, details verifying that the noise control measures as recommended in the approved Acoustic Report titled Acoustic Report – Traffic & Environmental Noise, prepared by Acoustic,

Vibration & Noise Pty Ltd and dated 20 April 2020 [ref: 2019-347 rev 1], are effective in attenuating noise to an acceptable noise level and that the use is not calculated to give rise to 'offensive noise' as defined under the provision of the [Protection of the Environment Operation Act 1997](#) (as amended).

107. Outdoor Lighting

To avoid annoyance to the occupants of adjoining premises or glare to motorist on nearby roads, outdoor lighting must comply with *AS 4282-1997: Control of the obtrusive effects of outdoor lighting*.

108. Lighting – General Nuisance

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.

Flashing, moving or intermittent lights or signs are prohibited.

109. Amenity of the Neighbourhood

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

110. Activities and Storage of Goods Outside Buildings

There shall be no activities including storing or depositing of any goods or maintenance to any machinery external to the building with the exception of waste receptacles.

TRAFFIC CONDITIONS

111. Entering & Exiting of Vehicles

All vehicles shall enter and exit the premises in a forward direction.

BUILDING CONDITIONS

112. Schedule of Existing Fire Measures to be Maintained

The following statutory safety measures are existing and shall be fully maintained in accordance with the approved standard and inspected annually:

- (a) Access panels, door and hoppers to fire resisting shafts - minimum standard AS 1905.1 - 2015.
- (b) Automatic fail safe devices - minimum standard Part D of BCA.
- (c) Automatic fire detection and alarm systems - minimum standard AS 1670.2015, and AS1670.3 & 4 – 2004

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- (d) Automatic fire suppression systems - minimum standard AS 2118.1 – 2006.
 - (e) Emergency lighting - minimum standard AS 2293.1 - 2005.
 - (f) Emergency lifts - minimum standard AS 1735.1,2,11, 3, 7, 8, 12, 14, 15, 16 (as currently applicable).
 - (g) Emergency warning and intercommunication systems -minimum standard AS 4428.4 – Fire detection, warning, control and intercom systems.
 - (h) Exit signs - minimum standard AS 2293.1 - 2005.
 - (i) Fire control centres and rooms - minimum standard BCA.
 - (j) Fire dampers - minimum standard AS 1682.1 & AS 1682.2 - 2015.
 - (k) Fire doors - minimum standard AS 1905.2 - 2005.
 - (l) Fire hydrant systems - minimum standard AS 2419.1 -2005.
 - (m) Fire seals protecting openings in fire resisting components of the building -minimum standard Part C of BCA.1
 - (n) Fire shutters - minimum standard AS 1905.2. - 2005.
 - (o) Fire windows - minimum standard AS 1905.1- 2015.
 - (p) Hose reel systems - minimum standard AS 2441 - 2005.
 - (q) Lightweight construction - minimum standard Part C of BCA.
 - (r) Mechanical air handling systems - minimum standard AS 1668.2 - 2012.
 - (s) Perimeter vehicle access for emergency vehicles - minimum standard Part C of BCA.1
 - (t) Portable fire extinguishers - minimum standard AS 2444 - 2001.
 - (u) Safety curtains in proscenium openings - minimum standard Part H of BCA.
 - (v) Smoke and heat vents - minimum standard AS 2665. - 2001.
 - (w) Smoke dampers - minimum standard AS 1682.1 and 2 - 2015.
 - (x) Smoke detectors and heat detectors - minimum standard AS 3786 - 2014 and AS 1670.1 - 2015.
 - (y) Smoke doors - minimum standard AS 1905.1 -2015.
 - (z) Solid core doors - minimum standard Part C of BCA.
 - (aa) Stand-by power systems - Spec. G. 3.8 of BCA and AS 2665. - 2001.
 - (bb) Wall wetting sprinkler and drencher systems - minimum standard AS 2118.2. -2010.
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(cc) Warning and operations signs - minimum standard is BCA.1

113. Annual Fire Safety Statement

The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:

- (a) Within 12 months after the date on which the fire safety certificate was received.
- (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
- (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the [Environmental Planning and Assessment Regulation 2000](#).
- (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

WASTE CONDITIONS

114. Responsibility of Owners Corporation

The Owners Corporation shall be responsible for presenting all approved waste and recycling receptacles for collection, and returning all receptacles to the Main Waste Collection Room, as soon as practicable after they have been serviced.

The Owners Corporation shall also be responsible for maintaining all equipment, systems, facilities and storage areas used in conjunction with the provision of waste management services in accordance with all applicable regulatory requirements, relevant health and environmental standards, and to the satisfaction of Council.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

115. Requirement for a Construction Certificate

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

116. Appointment of a PCA

The erection of a building must not commence until the applicant has:

- (a) appointed a PCA 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 PCA 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.

117. Notification of Critical Stage Inspections

No later than two days before the building work commences, the PCA 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.

118. Notice of Commencement

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

119. Critical Stage Inspections

The last critical stage inspection must be undertaken by the PCA. 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 162A of the [Environmental Planning and Assessment Regulation 2000](#).

120. Notice to be Given Prior to Critical Stage Inspections

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

121. 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

Prescribed conditions are those which are mandated under Division 8A of the [Environmental Planning and Assessment Regulation 2000](#) and given weight by Section 4.17(11) of the Environmental Planning and Assessment Act 1979.

Detailed below is a summary of all the prescribed conditions which apply to development in New South Wales. Please refer to the full details of the prescribed conditions as in force, at www.legislation.nsw.gov.au.

122. Clause 97A – BASIX Commitments

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

123. Clause 98 – 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.

124. Clause 98A – 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 PCA and the Principal Contractor.

125. Clause 98B – Home Building Act 1989

If the development involves residential building work under the [Home Building Act 1989](#), no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the [Home Building Act 1989](#).

126. Clause 98C - Entertainment Venues

Schedule 3A of the [Environmental Planning and Assessment Regulation 2000](#) outlines the prescribed conditions which apply to Entertainment Venues.

127. Clause 98D – Erection of Sign for Maximum Number of Persons

This prescribed condition applies to entertainment venues, function centres, pubs, registered clubs and restaurants. This condition requires the erection of a sign which states the maximum number of persons (as specified in the consent) that are permitted in the building.

128. Clause 98E – 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.

129. Clause 98E – Site Excavation

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided and adequate provision shall be made for drainage.