

## **SUMMARY**

<b>PROPERTY:</b>	11 - 13 and 15 – 17 Columbia Lane, Homebush (Lot 5 DP 261926 and Lot 4 in DP 261926)
<b>DA NO.:</b>	2019/143
<b>APPLICATION TYPE:</b>	Site preparation works including demolition, remediation works and excavation, and construction of a mixed use development at the site incorporating one (1) 26 storey tower and one (1) 25 storey tower, an eight (8) storey podium and four levels of basement car parking (381 car bays). The development would include 360 residential units, two (2) retail tenancies, three (3) live-work suites, several communal open space areas and extension of Nipper Street.
<b>REPORT BY:</b>	Joe Gillies
<b>RECOMMENDATION:</b>	APPROVAL (DEFERRED COMMENCEMENT)
<b>SUBMISSIONS:</b>	Forty seven (47) written submissions received during the first notification period (17 September – 8 October), all objections.  Following design changes, the Application was re-notified (7 – 28 August) to members of the public who had made submissions during the original notification period. An additional four written submissions were received.
<b>ZONING:</b>	B4 – Mixed Use (A thin strip of land, approximately 0.5m wide, is located along the western edge of the site).
<b>DATE OF LODGEMENT:</b>	5 September 2019
<b>APPLICANT:</b>	Columbia Lane Development Pty Ltd
<b>OWNER:</b>	JQZ Four P/L

## **EXECUTIVE SUMMARY**

Development consent is sought for site preparation works including demolition of existing foundation structures at the site, remediation works and excavation, and construction of a mixed use development incorporating one (1) 26 storey tower and one (1) 25 storey tower, an eight (8) storey podium over four (4) levels of basement parking (381 car bays). The development would include 360 residential units, two (2) retail tenancies, three (3) live-work suites, several communal open space areas and extension of Nipper Street.

The application was notified in accordance with Council's Community Participation Plan from 17 September to 8 October 2020. Forty Seven 47 submissions objecting to the DA were received during this time.

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Following notification, Council provided the Applicant with comments in a ‘Stop the Clock’ letter as well as comments from Council’s Design Review Panel. Various issues with the amenity of the proposed development and surrounding public domain were raised in this correspondence, including; inappropriate bulk and scale, overshadowing, inadequate solar access and apartment amenity and concerns regarding the developments interface with the public domain.

The Applicant made amendments to the design following receipt of this correspondence, however a number of issues remained unresolved or unknown due to the level of detail provided. Accordingly, additional comments were provided to the Applicant in a letter dated 22 May 2020. These comments addressed inconsistencies with a number of the design based controls under State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development and the associated Apartment Design Guide (ADG). The inconsistencies with the ADG included a range of sometimes acceptable variations to setbacks, overshadowing, communal open space solar access, acoustic attenuation for apartments, circulation cores, lift numbers, among others as well as marginal compliance with solar access and cross flow ventilation requirements for apartments (key numerical standards under the ADG). However, in combination these inconsistencies highlighted a design that was sub-par in consideration of the design excellence benchmarks set out under the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS).

The DA has been referred to External Agencies as well as internally within Council. External Agencies raised no objections to the DA, subject to appropriate conditions of consent. General Terms of Approval from each External Agency are attached to this report.

Internal referrals raised a number of issues which were included in the letter issued to the Applicant on 22 May 2020. The issues relate to parking and the basement layout, traffic generation, waste management, BASIX targets and heritage.

In response to the letter from 22 May 2020, the proposal has been further revised by the Applicant, with new DA material received on 29 July 2020. Changes include a reduction in the gross floor area (GFA) of the development, changes to open space and public domain works and demonstration of how the revised design minimises overshadowing impacts at the site and at existing developments located to the west of the site.

The revised design and supporting documentation has also mostly addressed Council’s concerns relating to traffic, waste and heritage.

Pursuant to the heads of consideration of Section 4.15 of the *Environmental Planning and Assessment Act 1979*, the proposed development has been assessed against the following environmental planning instruments:

- 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).

The proposal complies with each of the EPIs listed above, with the exception of some inconsistencies with the Apartment Design Guide (ADG) which has been considered in the assessment of the Application in accordance with Clause 28 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

The application is recommended for approval, subject to conditions under a deferred commencement that aim to address outstanding inconsistencies with the ADG.

## **BACKGROUND**

The background of the site and proposed development is as follows:

<p><b>Planning Proposal and Rezoning (2017 – 2019)</b></p>	<p>The Site was rezoned from R4 to B4 with an increase in height from 32m to 80m and an increase in FSR from 2.1:1 to 5:1. The rezoning reflects the Site's location within the PRCUTS area.</p> <p>The Sydney East Planning Panel deferred the Planning Proposal on 8 February 2018 for a number of reasons including traffic impacts and solar access.</p> <p>The Panel determined the Planning Proposal on 30 August 2018. It is noted that the Panel was advised the Planning Proposal did not need to await the outcomes of the precinct wide traffic study because the proposal was lodged before PRCUTS was finalised.</p> <p>The Panel outlined that in relation to affordable housing, the Department should ensure that 5% affordable housing is delivered and in relation to solar access, that the development can satisfy the provisions of the ADG at DA stage however solar impacts should have regard to all current and likely future development in the precinct.</p>
<p><b>Pre-DA Number 1 (25 September 2017)</b></p>	<p>The first of two pre-DA meetings was held at Strathfield Council on 12 September 2017 and subsequently a letter was provided to the applicant outlining matters to be addressed in any future DA.</p>
<p><b>Pre-DA Number 2 (15 March 2019)</b></p>	<p>The second pre-DA meeting for the Site was held at Council on 11 December 2018. Council provided the Applicant with minutes from the meeting and a summary of the matters raised by Council is as follows:</p> <ul style="list-style-type: none"> <li>• Quantity Surveyors Report required</li> <li>• Bulk and Scale must achieve a contextual fit</li> <li>• Building appearance</li> <li>• Communal open space (overshadowing impacts on quality of the principle communal open space)</li> <li>• Setbacks – insufficient level changes between street and ground floor residential/commercial and insufficient detail in elevation</li> <li>• Housing choice – insufficient diversity</li> <li>• Internal amenity – various requirements</li> <li>• Public domain plan required</li> <li>• Solar access – further detail required including the need to demonstrate solar access to habitable rooms, not unit as a whole and overshadowing impacts on neighbouring properties</li> <li>• Public Park – lack of deep soil due to basement</li> <li>• CPTED design principles to be demonstrated</li> <li>• Transport Impact Study required</li> <li>• Traffic and Parking Assessment required</li> <li>• Alternative vehicle parking options to be revised (bicycle parking)</li> </ul>

	<ul style="list-style-type: none"> <li>• Flood Impact report and Stormwater Drainage Plan required with the DA</li> <li>• Water Sensitive Urban Design to be addressed in DA</li> <li>• Landscaping issues raised including lack of spatial relief along Powell's Creek, connectivity along Gramophone Lane to Powell's Creek.</li> <li>• Landscape Maintenance Schedule required</li> <li>• Inadequate deep soil landscaping</li> <li>• Sustainability – Various requirements</li> <li>• Acoustic Report required</li> <li>• Waste Management Plan required</li> <li>• Proximity to electricity transmission lines to be addressed</li> <li>• Referrals to external agencies to be engaged</li> <li>• Public benefit offer in relation to ground floor communal open space – no longer relevant as no Council dedication</li> </ul>
<b>DA Lodgement (5 September 2019)</b>	The subject DA was lodged with Strathfield Council.
<b>17 September – 8 October</b>	The Development Application was notified in accordance with Council's DCP. 47 Submissions were received.
<b>2 October 2019</b>	<p>Council provided the Applicant with a Request for Further Information (RFI) letter. A summary of the matters raised by Council is as follows:</p> <ul style="list-style-type: none"> <li>• Quantity Surveyors Report required</li> <li>• Geotechnical report required to address Sydney Trains comments</li> <li>• Proximity to electricity transmission lines to be addressed</li> <li>• Objectives of B4 Mixed Use zone not achieved</li> <li>• Landscape Plan – additional detail required for interface with Powell's Creek</li> <li>• Urban Design Report to be finalised</li> <li>• Internal U shaped corridor within building A to be revised (improvement to materials)</li> <li>• Level 8 communal open space presents as linear thoroughfare, not meaningful open space</li> <li>• BASIX Targets to be consistent with PRCUTS</li> <li>• Bicycle parking to be consistent with PRCUTS</li> <li>• Waste collection to be consistent with Part H of Council's DCP</li> <li>• Outlook for apartments on the south western side of Building B is not supported</li> <li>• Materials and finishes sample board to be provided</li> <li>• Demonstration of how the proposal mitigates the heat island effect required</li> <li>• Emergency Services Plan required</li> </ul>
<b>16 October 2019</b>	The Application was considered by Council's Design Review Panel (DRP) and minutes from the meeting are issued to the Applicant on 31 October 2019. The comments and recommendations made by the DRP are included under the 'External Referrals' section of this report.
<b>3 December 2019</b>	<p>A response to Council's RFI letter and the minutes from the DRP was lodged with Council as well as Revised Architectural Drawings, Landscape Drawings and other supporting material influenced by the revised design.</p> <p>Additional information and amendments to the design submitted by the Applicant included the following: A reduction in the number of apartments from 398 to 389, introduction of two ground floor retail tenancies, increased ground floor communal open space and reconfiguration of Nipper Street to achieve a shareway.</p>

<p><b>22 May 2020</b></p>	<p>An additional request for design changes was sent to the Applicant on 22 May 2020. The issues raised included:</p> <ul style="list-style-type: none"> <li>• Overshadowing (impacts on properties to the west, impacts on new ground floor communal open space)</li> <li>• Building design and apartment amenity (crowded circulation cores, inadequate lift numbers, poor solar access and ventilation)</li> <li>• Activation and pedestrianisation of Gramophone Lane and the interface with Powell's Creek</li> <li>• Nipper Street design</li> <li>• Setbacks at the interface with Columbia Lane</li> <li>• Affordable Housing</li> <li>• Waste</li> <li>• Traffic and parking</li> <li>• Heritage interpretation</li> <li>• BASIX targets</li> </ul> <p>The letter is included as an attachment to this report.</p>
<p><b>29 July 2020</b></p>	<p>In response to the letter from 22 May 2020, the Applicant submitted revised DA material which forms the basis of this assessment. Key changes made to the development include the following:</p> <ul style="list-style-type: none"> <li>• Reduction in FSR from 5:1 to 4.69:1 and an associated reduction in GFA from 32,840sqm to 30,839sqm.</li> <li>• Reduction in the number of units from 389 to 360.</li> <li>• Reduction in the podium height of Building A from Level 13 (RL47.6) to Level 8 (RL32.35). This creates a consistent podium height across the site and significantly reduces overshadowing of properties to the west.</li> <li>• Increased setbacks at the north western point of the building adjoining Powell's Creek.</li> <li>• Changes to apartment layouts (reorganisation of layouts to address solar access, introduction of plenums and louvres to address acoustic and cross flow ventilation constraints).</li> <li>• Changes to materials and building façade treatments.</li> <li>• Reduction in car parking.</li> <li>• Revised landscaping and pedestrian linkages.</li> </ul> <p>The addendum SEE prepared by the Consultant Planner outlines in detail all of the proposed changes.</p>

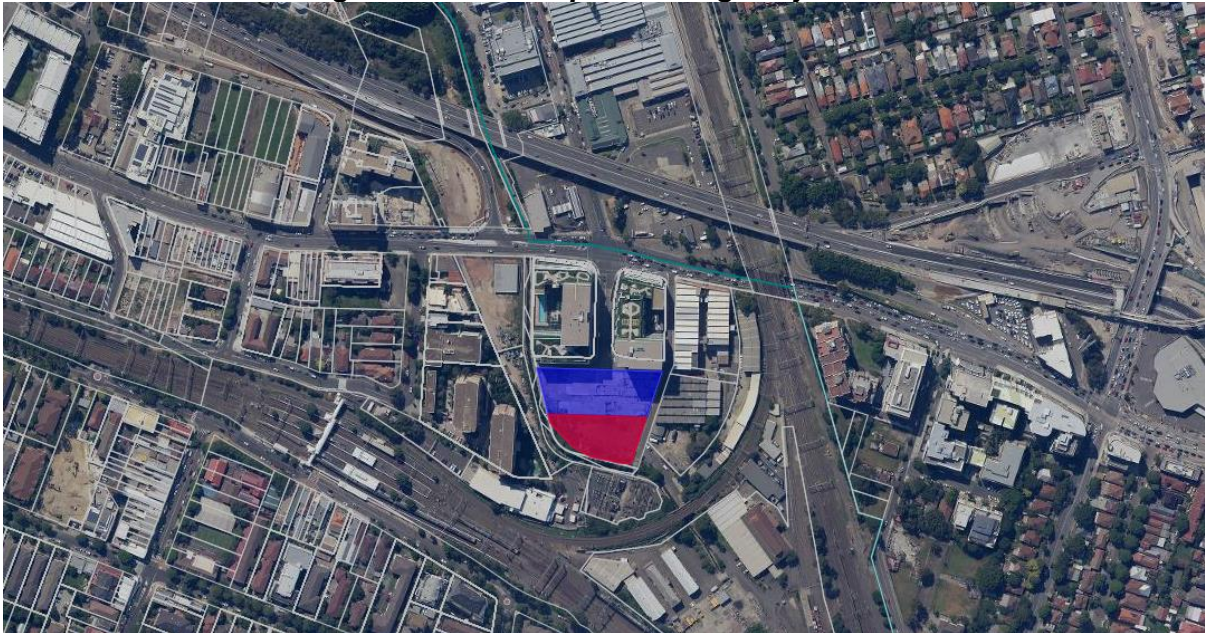
**DESCRIPTION OF THE SITE AND LOCALITY**

The subject site comprises two (2) lots being 11-13 Colombia Lane (Lot 5 DP 261926) and 15-17 Colombia Lane (Lot 4 in DP 261926) and is shown in Figures 1 and 2. The total site area is 6,568m<sup>2</sup>.

Parramatta Road is located approximately 100m north of the site travelling along Nipper Street and the northern entry to the Homebush Rail Station is approximately 150m to the west (as the crow flies).



**Figure 1: Aerial map indicating subject site**



The site is positioned at the southern edge of the Homebush Precinct within the Parramatta Road Corridor Urban Transformation Strategy. Significant features within the Homebush Precinct surrounding the site include Homebush Station to the west/south-west, the Bakerhouse Quarter located on the northern side of Parramatta Road accessed via George Street which connects to Nipper Street and Powell's Creek.

**Figure 2: Aerial map indicating subject site**





The site is cleared of the former industrial uses, with remnants of foundations and weeds still present.

The Site has a frontage to Columbia Lane on the eastern side and Gramophone Lane on the northern side. Powells Creek forms the western boundary and wraps around to the east to form the southern boundary. A transmission line also runs over the south western corner of the site and adjoining Powells Creek there are some canopy trees.

On the northern side of Gramophone Lane is a mixed-use development at 6-18 Parramatta Road, Homebush (DA:2014/066) which features two (2) mixed-use buildings up to 14 storeys and basement parking access from Gramophone Lane.

To the east of the site on the other side of Columbia Lane is the Homebush Kennards Self-Storage warehouse. Further east is the Strathfield train line. South of the site is the Strathfield STS Electrical Substation.

Situated to the west is Powells Creek (stormwater canal), inclusive of some vegetation zoned RE1 Public Recreation which forms a linear open space area, the northern part of which is to be delivered under a VPA for DA:2014/066. Further west is an existing residential development comprising two main towers at 14-16 Station Street, Homebush (17-storeys).

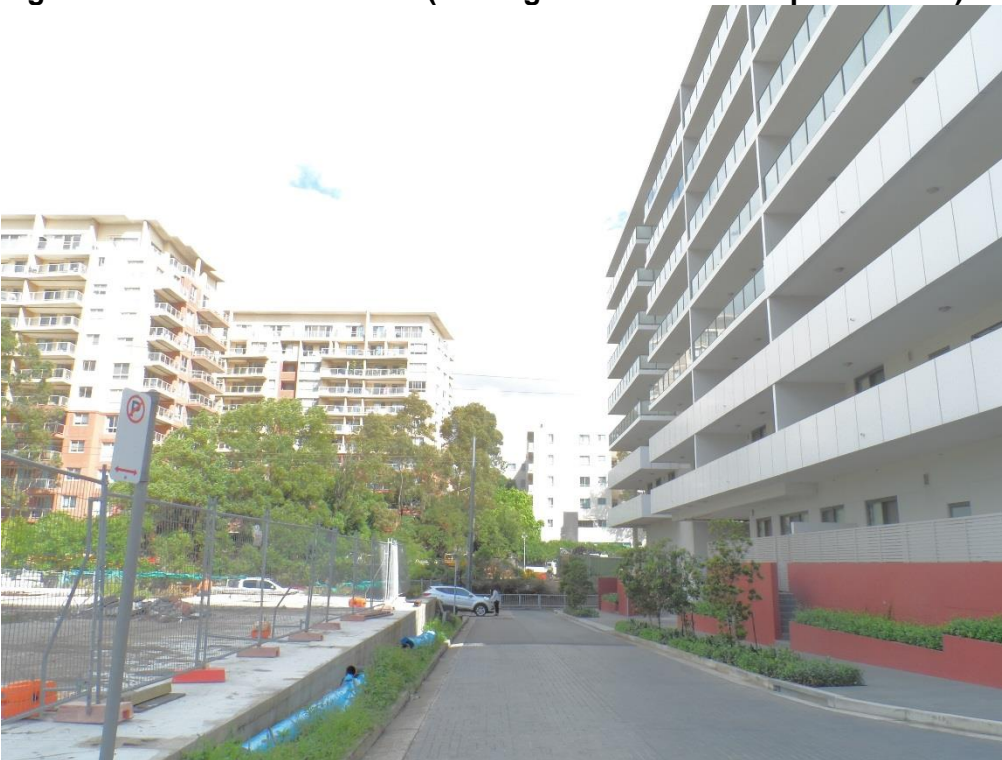
**Figure 3 – Site and Surrounds (looking north west from Columbia Lane)**



**Figure 4 – Site and Surrounds (looking south west from Columbia Lane)**



**Figure 5 – Site and Surrounds (looking west from Gramophone Lane)**





**Figure 6 – Site and Surrounds (looking east from Gramophone Lane)**



**Figure 7 – Site and Surrounds (looking south from Gramophone Lane)**



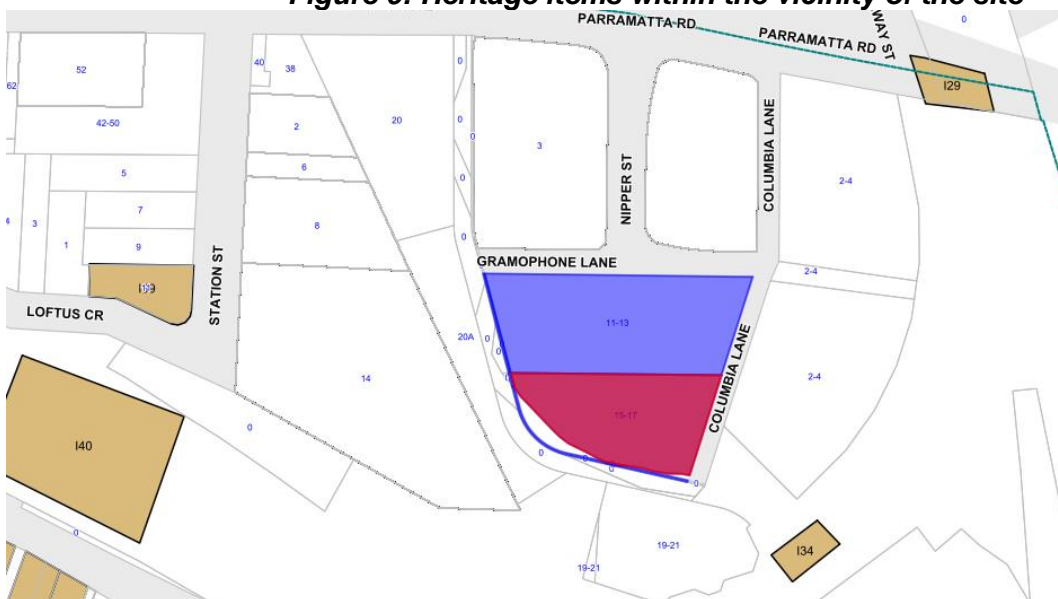
**Figure 8 – Site and Surrounds (looking south towards the site from the Nipper Street and Parramatta Road intersection)**



The subject site is situated on flood prone land, with affected area being located along the western and southern boundaries adjacent to Powell’s Creek. 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 proximate to a number of locally listed heritage items (Items I29, I34, I40 and I39 – Refer Figure 3). Comment on these items and the proposal is included under the Internal Referrals section – Heritage.

**Figure 9: Heritage items within the vicinity of the site**



## **DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The application seeks consent for the demolition, remediation of contaminants found on site, excavation and construction of a mixed use development incorporating one (1) 26 storey tower and one (1) 25 storey tower, an eight (8) storey podium and basement car parking over four (4) basement levels (381 car bays). The development proposes 360 residential units, two (2) retail tenancies, three (3) live-work suites, several communal open space areas and extension of Nipper Street.

The amended proposal specifically involves the following:

- Demolition of existing structures at the site which primarily comprise concrete foundation like features,
- Remediation of contaminants found at the site during detailed site investigations,
- Excavation at the site to accommodate the basement,
- Construction of four (4) levels of basement comprising a total of 381 car bays, 16 Motorcycle spaces, 4 commercial van spaces and 194 bicycle racks,
- Construction of two residential towers at 25 storeys (Building A) and 26 storeys (Building B), connected by an eight-storey podium encompassing a total of 360 residential apartments (including three live-work suites) and two retail tenancies.
- The mix of apartment types across the development is as follows:
  - 1 bed = 118 (33%),
  - 2 bed = 210 (58%),
  - 3 bed = 32 (9%).
- Nine (9) affordable housing units (2.5% of total apartments),
- The retail tenancies are 119.57m<sup>2</sup> and 67.10m<sup>2</sup> and front Nipper Street at the northern end of the site,
- Site landscaping works, including the embellishment of a new communal open space area in the north-east portion of the site, internal courtyard, and roof-top terraces. Details of each space are as follows:
  - Ground level north eastern portion of site – 1,268.74m<sup>2</sup>,
  - Ground level adjoining Powell's Creek – 1,696.34m<sup>2</sup>,
  - Level 7 – 82.66m<sup>2</sup>
  - Level 8 – 376.22m<sup>2</sup> and 269.83m<sup>2</sup>
  - Total – 3,693.79m<sup>2</sup>
- Extension of Nipper Street as a shareway with parking on one side and street landscaping,
- Streetscape works along Gramophone Lane and Columbia Lane (verge only),
- Waste area at grade adjoining the southern end of Columbia Lane,
- Associated earthworks and stormwater drainage works.

It is proposed that vehicular access to the basement levels is via a new vehicular crossing off Gramophone Lane near Powell Creek.

Pedestrian access to the building will be provided from Nipper Street (two entry points) and Gramophone Lane (two entry points).



## **REFERRALS**

### **INTERNAL REFERRALS**

#### **Building Surveyor Comments**

Council's Building Surveyor provided the following comments:

*A review of the following documentation demonstrates that the building is capable of meeting the legislative requirements without modification to the design.*

#### **Stormwater Engineer Comments**

Council's Stormwater Engineer provided the following comments:

*I have referred to the development application referenced above and reviewed the stormwater management plan prepared by C&M Consulting Engineers rev B report no. R01866-SWMP dated August 2019. The subject site has a natural fall to the rear and presence of Sydney Water Powells Creek has enabled the applicant to submit a compliant design. WSUD principles have been incorporated into proposed below ground OSD in accordance with Sydney Water requirements. From an engineering perspective, the stormwater management plan is feasible and there are no objections to its approval subject to the following conditions attached.*

#### **Traffic Engineer Comments**

Council's Traffic Engineer provided the following comments on the final design:

##### *1. On-site car parking provision*

*The amended on-site parking provision includes a total of 381 car parking spaces. This satisfies the minimum on-site parking requirements stipulated by the RMS Guide to Traffic Generating Developments (GTTGD) for high density residential flat building.*

##### *2. SIDRA modelling*

*The updated SIDRA modelling analysis based on the latest traffic surveys and committed development traffic generation has shown all intersection LoS D or above (except for Parramatta Road/Columbia Lane). This intersection performance is attributed to the worst performed movement (right turn out from Columbia Lane) rather than the capacity constraints, therefore, by removing the right turn the intersection performance would be satisfactory.*

##### *3. Queuing area*

*The proposed 10.6m queuing area provides sufficient length to accommodate the 98<sup>th</sup> queue during peak hour.*

##### *4. Loading/unloading*

*It is acknowledged that four loading/unloading spaces are provided in the basement to allow vans/utes access.*

*Large vehicle loading/unloading is proposed to be via the proposed shared zone in Nipper Street extension. The amended proposal requires the waste collection to be undertaken in an enclosed area when the vehicle needs to utilise Columbia Lane to undertake 3-point turn for access. A shared area for both loading/unloading and waste collection purpose would eliminate the need of retaining vehicular access via Nipper Street extension and improve pedestrian connectivity and amenity. With an increased truck movements to the waste collection area, a mechanical turntable would enable vehicles enter and exit the site in a forward direction and ensure safety.*

#### **5. Shared Zone – Nipper Street extension**

*With limited vehicular access function, Nipper Street extension does not need to be a shared zone. Car share spaces can be easily accommodated in the basement which has been provided in many developments including the Central Park. A pedestrianised street with limited access for emergency vehicles only appears to provide more safety, connectivity and amenity benefits.*

#### **Recommendation**

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

#### **Waste Officer Comments**

Following receipt of the most recent design, Council's Waste Officer has provided the following comments:

- *Waste collection vehicle must enter and exit the building in a forward direction. They state that in their Waste Management Plan (page 14) but that is not what the drawing shows. Maybe a turntable can be a solution.*
- *For mixed use developments, separate bin storage areas must be provided for commercial premises that can only be accessed by their intended users and be totally separated from residential waste and recycling collection. Written evidence of private collection contractor must be provided for commercial waste and recycling collections, as well as a specific Waste Management Plan.*
- *A Waste Management Plan for Construction and Demolition has not been provided.*

*Should the development application be approved, conditions of consent should be imposed to achieve the above, as well as consistency with Council's DCP – Part H (Waste).*

#### **Environmental Sustainability Comments**

Following receipt of the most recent design, Council's Environmental Sustainability Officer has provided the following comments:

*The recent addendum submission from the proponent goes some way towards meeting our original requests/guidelines. However they still fall short of half our sustainability requirements. Areas they have failed to address or are not evident in their addendum include: energy efficiency measures, BASIX water target, best practice water efficiency elements, water sensitive design features and future proofing inclusions.*

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*Energy and water efficiency ratings of appliances in each unit must meet the standard set out in **condition 3 below**. These standards have been developed through detailed review of market availability and cost options of each appliance. Set standards are met by between 20% and 35% of models on the market. Appliances with the stipulated rating are not significantly more costly than medium quality appliances that would be expected with this caliber of development.*

*Individual metering of electricity and water to each unit will help reduce ongoing energy and water consumption. This is due to the recognised incentive that residents have to minimise resource use when being charged for it. The ability to meet future energy and water efficiency infrastructure and standards will be reduced if the developer does not meet the following (taken from section 4.3 and 5 of the Parramatta Road Urban Transformation Sustainability Implementation Plan):*

- *Dual reticulation water recycling infrastructure to enable both internal and external uses.*
- *Each residence being allocated a virtual 5-10 KWh battery capacity.*
- *Building infrastructure providing sufficient plant room space and electrical services connectivity (e.g. wiring loops to meters and switchboards) so batteries can be retrofitted into buildings at a later date.*

*Additionally, it is noted that five of the bicycle parking spaces on basement level 2 have hatched red shading blocking their entrance on the architectural plans. I am unsure what this represents and suggest it be clarified that those storage units won't be impacted.*

*As previously raised with the Applicant, the proposal is to achieve the BASIX targets detailed by the PRCUTS (Energy Target: BASIX Energy 40 and Water Target: BASIX Water 60). The development should be a reflection of best practice and reflect the spirit of the PRCUTS.*

*A BASIX Certificate was submitted as part of the application which indicates that the proposal meets the required water and energy target parameters of 40 (water) and 25 (energy) under the SEPP.*

*The addendum SEE submitted with the most recent design changes outlines that BASIX Advice prepared by Building and Energy Consultants states that the amended proposal is capable of achieving a score of 50 for water and 40 for energy (in-line with the targets under PRCUTS). Given there is no Sydney Water infrastructure for recycled water within the area, the development needs to achieve a BASIX Water score of 50.*

*To assist in achieving a BASIX water target of 60 and improve the environmental performance of the development in other areas, the following conditions of consent will be included as part of an approval:*

1. *All air conditioning systems must have a minimum COP of 3.5.*
2. *All water and light fittings must be those considered 'water efficient' and 'energy efficient' respectively. Specifically light bulbs must be LED technology (i.e. where LED fittings are available for a given application).*
3. *Any and all major appliances installed must be energy and water efficient models with the following ratings:*



<b>Appliance</b>	<b>Energy Efficiency Rating</b>	<b>Water Efficiency Rating</b>
Dishwasher	At least 4 Stars	At least 5 Stars
Washing Machine	At least 4.5 Stars	At least 4.5 Stars
Clothes Dryer	At least 8 Stars	N/A
Fridge	At least 4 Stars	N/A

4. *A blackwater recycling system must be installed unless the proponent can demonstrate that the practical or cost constraints are significant enough to justify exemption. A reasonable justification will include evidence that the proponent has engaged a general industry provider to provide information regarding the feasibility of this type of addition.*
5. *All units must be individually metered in terms of water and electricity to help reduce ongoing water and energy footprints.*
6. *All irrigation of landscaped features and vegetation must be from rainwater collected on-site. Planting drought tolerant plants can help achieve this.*
7. *Efforts must be made to reduce the runoff or rainwater into the stormwater system. Designs should follow section 4V-2 of the Apartment Design Guide.*
8. *A solar panel system as per the amended architectural plans dated 29<sup>th</sup> July 2020 must be installed and energy from the system feeding or offsetting energy use in shared areas. Re-designs that incorporate larger systems are permitted.*

### **Architect Comments**

Following receipt of the most recent design, Council's Architect has provided the following comments:

*As discussed I have noticed improvement in the new DA material provided to 11-17 Columbia Lane in comparison to the previous scheme. They are as follow:*

- *deeper setbacks to the creek's boundary*
- *enhanced landscape design*
- *better connection with Powells Creek*
- *enclosing the substation*
- *improved amenity to future residents*
- *reduced overshadowing*

*Unfortunately I cannot compare the overshadowing to the neighbouring properties as the previous documentation was missing the information.*

*It is made clear by the new information (Overshadowing analysis) and the reduced number of apartments that the previous scheme lacked to inform it was blocking the solar access to a large number of neighbouring apartments to the property at 14-16 Station Street, Homebush. It seem the numbers were inappropriate and a whole part of the development needed to be deleted.*

*Further to the above I note the following:*

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- *The neighbouring property (14-16 Station Street) currently has 208 apartments – with 154 apartments (74%) receiving 2 or more hours of sunlight which complies with the SEPP 65 (solar requirements).*
  - *The proposed development will overshadow additional 21 apartments, therefore the number of apartments receiving 2 or more hours of sunlight will be reduced to 133 apartments (64%). Thus the neighbouring building complex will no longer comply with SEPP 65 solar requirements (70% minimum) should the new development be built.*
  - *The 21 apartments would have their solar access reduced by 30 to 50 minutes and will still receive 70-90 minutes of direct sunlight.*

### **Heritage Planner Comments**

Following receipt of the most recent design, Council's Heritage Officer has provided the following additional comments:

*The overall proposal is supported on heritage grounds. Given the site will be a prominent feature in the area a number of changes to link the site to the surrounding heritage items and provide history and context to the site is recommended. These changes include:*

- *The podium extensions, paving, trees and planter boxes will dominate the public domain. As such recycled bricks instead of the new La Palma Australia Bricks should be used for part/all of the podium.*
- *A range of materials used in landscaping elements such as paving and planter boxes need used to break up the large areas of similar paving and create interest and links back to the heritage in the area. The large sections of paving could be reduced to include other materials such as crushed gravel and recycled bricks.*
- *The Draft Interpretation Plan and heritage Impact statement be approved as part of the conditions. I generally support the recommendations in the draft heritage strategy except for the need to include the Australian Music Industry and a clear condition on recycled material to be used in the building.*
- *The draft condition for the shop awning be deleted to allow for space for the Boulevard of trees and street planting.*

*That changes to the landscape plan (and other plans through an Interpretation Strategy) be made to also include:*

1. *Include interpretation of the music industry and the music manufacturing industry which used to be part of this area. (Reason: The surrounding streets and laneways are named after the music industry in this area).*

### **Environmental Health – Contamination**

*The Detailed Site Investigation Report 19/1315, Project No 21024/1934D-E and dated August 2019 and prepared by STS Geo Environmental was reviewed and the subsequent Remediation Action Plan, Report E24275.E06 dated 16 August 2019 and prepared by EIAustralia was reviewed.*

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*The Detailed Site Investigation identified a variety of soil and water contaminants at the site and recommended a Remediation Action Plan (RAP). The contamination identified asbestos and Polycyclic Aromatic Hydrocarbons (PAH).*

*The Detailed Site Investigation identified the contamination of the site as meeting the criteria for the owner to self notify to the EPA under section 60(4) of the Contaminated Lands Management Act 1997.*

*The Detailed Site Investigation identified the proposed use and concluded the site is suitable for the proposed use pending implementation of the RAP.*

*The RAP describes the site, proposed uses and identifies the remediation works as Category 2 under SEPP 55. I concur with this category. The RAP proposes remediation of the site in the following seven stages:*

- 1. Preliminaries*
- 2. Underground storage tank removal and validation*
- 3. Additional soil and groundwater assessment*
- 4. Removal of asbestos impacted fill*
- 5. Handling Management and waste classification of remaining fill and concrete slabs for offsite disposal*
- 6. Soil validation and classification of materials suitable for reuse*
- 7. Validation Report Preparation*

*The RAP has an Unexpected finds Protocol, and procedures for any deviation from the RAP.*

*The Detailed Site Investigation and Remediation Action Plan are prepared in accordance with requirements of SEPP 55, Contaminated Lands Management Act and the NSW EPA Contaminated Land Management Guidelines and are considered acceptable.*

### **Environmental Health – Acoustics**

*The recommendation put forward by EMM Acoustic consultant to include installation of winter garden & plenum as identified in Appendix C demonstrated implemented measures could achieve acoustic & cross ventilation requirements.*

*I'm satisfied with the recommendation put forward in the Acoustic report.*

### **EXTERNAL REFERRALS**

#### **Design Review Panel (DRP)**

The application was referred to Council's DRP. The following advice was received:

#### **1. Nipper Street Extension, Shared Way & Communal Open Space Area**

*1.1 The Panel does not support the Nipper Street extension, which allows what is only occasional vehicle use to permanently dissect the site and physically separate the development from the deep soil landscaped communal open space area. The applicant and Council should investigate whether the existing street network is capable of accommodating vehicles by widening the Gramophone and Columbia Lane intersection or changing geometry of the corners to accommodate any required truck movements through the area.*



1.2 The shared way and footpaths provide an 18m wide impervious paved area with limited landscaping. The Panel recommends that the Nipper Street extension be narrowed to form a low speed Shared Zone with some car parking and a pedestrian link with suitable street tree planting for shade and low level shrub planting along each side. The basement shall be amended to provide adequate soil depths to taller, native, trees, irrigation and a drainage system. In addition the extent of paving in the communal open space area appears excessive particularly given the limited deep soil planting opportunities on the site.

The park and the pedestrian shared way should be laid out and designed to be much more legible. The shared pedestrian way is a linear space of circulation that connects the project to the street network, whilst the park is place of occupation, with less paving and more shade.

1.3 The Panel recommends that Strathfield Council consider dedication or an easement for public access over the communal open space area so that it can be used by the general public in this central location. If this is not possible then the design of this space will need to provide a clear delineation between the public and private domain.

1.4 The north eastern façade of the ground floor should be activated to provide a connection to the proposed new road and the communal open space area. This panel suggests that a café or small retail space could be provided. There is also an opportunity for the developments gym to be incorporate into the façade and for the bicycle storage area to be more open and directly accessible from the shared zone. More greatly scaled portals that connect the street to both the courtyard and the lift cores would improve the legibility and relationship of the project to the street.

## 2. Apartment Layouts, Amenity and Communal Open Space

2.1 The development lacks diversity in apartment designs and layouts which directly impacts the quality of residential amenity including delivering daylight and sunlight, natural ventilation, and acoustic and visual privacy. Specific concerns are raised with the following:

- The living room balconies adjoin the bedroom which is problematic as it prevents the use of the balcony when the bedroom is being occupied.
- The living room glazing has been pushed out to the façade line with no sun shading devices or louvres necessitating the requirement to use performance glazing and limiting variation and interest in the façade. The tower read like commercial buildings and the apartments on the lower floor will suffer from privacy issues with floor to ceiling glazing.
- The corner Apartment A1.01, repeated on floors above, is not supported. This apartment received no direct solar access and is not cross ventilated. The outlook from the living room balcony and the balcony itself is narrowed by the adjoining apartments and dividing privacy treatments.
- The Apartment A1-02, repeated on floors above is not supported. The entrance hallway is too long and the distance to the living space is too far. The Panel recommend that this corner of the building is redesigned.
- Generally the façade treatment is homogenous and does not respond to the significant solar or acoustic issues confronting the site. Refer to Section 3. Acoustic.

- *Generally throughout the development the storage rooms appear excessive and do not have doors. These rooms could be used as studies and therefore require a window. These rooms appear on apartments A1.01 and B1.07 etc, repeated on floors above.*

*Such a large complex could a greater range of apartment types. ie 2 level maisonettes, cross thru crossovers, (as per the Moore Park gardens example cited below).*

*2.2 The Panel considered that the 8 storey gallery cut out located below 'Building A' is uncomfortable and of a poor quality. The gallery and entry areas will have poor acoustic performance, no direct sunlight and limited air circulation. The apartments which open onto this gallery area would not be cross ventilated as the void area will not provide positive air pressure to drawn air through the apartments. The breezeway on Level 7 would not provide adequate air circulation and its enlargement would not resolve this fundamental design issue and consequently cross ventilation issue. The Panel does not support the applicant's nomination of the apartments in this area as cross ventilated as they do not conform with the requirements of the ADG. Significant redesign of this area is required.*

*2.3 The 8 storey perimeter podium will flank the ground floor communal open space to the south casting shadow and providing poor amenity, limiting the use of this space and likelihood of it being successful. The outlook for this area is south towards the undesirable canal, electrical distribution asset and elevated railway corridor, each which funnel noise into this central space with no measures proposed to shield and protect this area. Whilst noting the advice of the applicant that the substation will be decommissioned, the Panel suggests that adequate safeguards are in place to ensure that this occurs prior to the building's approval for occupation. One method would be to make this a condition of the Occupation Certificate.*

*2.4 The communal open space area on the podium level lacks functional embellishments, which will support its high use by residents. The intended uses for this space should be clarified in the hierarchy of communal open spaces within the development. The Panel also questions the suitability of a picnic table and BBQ area as part of the Level 13 rooftop garden.*

*2.4 The Panel has concerns with the dual core design of the development. There are nearly 400 apartments and yet only 2 cores. This is because the tower circulation is leading the design and at the expense of the podium. The northern lift core serves 12 apartment per floor, on levels 2-6, which is 50% more than the ADG guide recommends. Within the 8 storey podium this directly impacts on the apartment types provided, building form, articulation and the buildings relationship to the street. The Panel recommends that additional cores are introduced into the building. These cores will allow the possibility to comply with the Cross Ventilation requirements of the ADG by the provision of additional 'cross-through' apartments.*

### 3. Acoustic

*3.1 The rail corridor is a significant noise and vibration source. The requirements of Section 4J of the ADG and the NSW Governments' Development near Rail Corridors and Busy Roads – Interim Guidelines as called up by State Environmental Planning Policy (Infrastructure) 2007 are unlikely be satisfied by the proposed built form. The acoustic treatment that have been recommended in the acoustic report will result in apartments that are not naturally or cross ventilated and connect be included for the purposes of ADG compliance. To limit reliance on artificial ventilation alternative apartment layouts, including two storey duplex apartments and cross through apartments, and acoustic treatments, such as winter garden, should be incorporated into the development. A report by a certified Acoustic Engineer is required to assess this issue.*

#### 4. Other matters

4.1 The Panel has concerns with the organisation and built form of the podium and towers and their relationship to the street in terms of their massing and the entry to the courtyard. The applicant could learn a lot about a development of this scale by studying Moore Park Gardens by (AJC). This project has very clear legible entries that work at scale with the complex, a mix of uses near these entries on level ground and level 1, a unifying podium, and range of building types which provide a range of apartment types, and which enables the large complex to have a more articulated scale. Wentworth Park in Glebe (by Choifi and KannFinch) shows how a podium can strengthen the street address and create a unifying datum for a large project).

4.2 The vehicle circulation distance between the four basement ramps is excessive requiring vehicles to navigate long aisles on each floor which will lead to increased vehicle speed and safety issues. The efficiency of the basement circulation should be reviewed and improved.

#### **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:

*With Regard to: Demolition of existing structures and construction of mixed use residential development at 11-17 Columbia Lane HOMEBUSH*

- *Architectural Plans*
- *Site Survey Plan*
- *Basement Shoring Sections*
- *Basement Shoring Elevations Sheet*

*Ausgrid consents to the above mentioned development subject to the following conditions:*

#### Supply of Electricity

*It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not: - The existing network can support the expected electrical load of the development - A substation may be required on-site, either a pad mount kiosk or chamber style and; - site conditions or other issues that may impact on the method of supply. Please direct the developer to Ausgrid's website, [www.ausgrid.com.au](http://www.ausgrid.com.au) about how to connect to Ausgrid's network.*

#### Proximity to Existing Network Assets

*Overhead Powerlines:*

*There are existing overhead electricity network assets in 11-17 Columbia Lane HOMEBUSH. 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](http://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.*

*For Activities Within or Near to the Electricity Easements: Purpose Of Easements:*

*132kV Underground Easement:*

*This easement was acquired for the 132,000 volt transmission underground assets currently owned and operated by Ausgrid. The purpose of the easement is to protect the transmission assets and to provide adequate working space along the route of the cables for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities over or near the transmission cables which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid’s network.*

*132kV Overhead Easement:*

*This easement was acquired for the 132,000 volt transmission overhead assets currently owned and operated by Ausgrid. The purpose of the easement is to protect the transmission assets and to provide adequate working space along the route of the lines for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities under or near the transmission lines which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid’s network.*

## **Sydney Trains**

The Application was referred to Sydney Trains in accordance with State Environmental Planning Policy (Infrastructure) 2007

*Sydney Trains has undertaken an initial assessment of the relevant documentation as attached to the development application and advises it is not in a position to make a decision on the granting of concurrence. Therefore, Sydney Trains requests Council must ‘stop-the-clock’ on the assessment of this proposal, until such time the following information is submitted to Sydney Trains’ satisfaction:*

- 1. Revised Geotechnical and Structural report/drawings including rail specific potential impacts. These reports must be revised to be consistent with the development proposed; and*
- 2. Construction methodology with details pertaining to structural support during excavation.*

*It is requested that this information be referred to the Applicant and recommended that the Applicant consult with Sydney Trains before submitting revised or new documentation to Council. Should Sydney Trains not be presented with the aforementioned information within 1 month of this letter, Sydney Trains may choose to withhold its concurrence for the development proposal.*

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Council understands that the Applicant provided the requested revised Geotechnical Report and subsequently Sydney Trains provided a letter to Council dated 26 February 2020 outlining the following:

*Council is advised that Sydney Trains, via Instruments of Delegation, has been delegated to act as the rail authority for the Sydney Trains heavy rail corridor including infrastructure and to process the concurrence for this development application.*

*As such, Sydney Trains now advises that the proposed development is being assessed in accordance with the requirements of Clause 86(4) being:*

*a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*

*i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*

*ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*

*b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

*In this regard, Sydney Trains has taken the above matters into consideration and has decided to grant its concurrence to the development proposed in development application DA-2019/143 subject to Council imposing the operational conditions provided in Attachment A.*

*Should Council choose not to impose the conditions provided in Attachment A (as written), then concurrence from Sydney Trains has not been granted to the proposed development.*

Council understands that Sydney Trains has received the latest design drawings prepared by the Applicant. Comment on whether a revised geotechnical report would be required have not be received by Council from Sydney Trains. However, conditions of consent in the GTA prepared by Sydney Trains will require re-referral and consideration by Sydney Trains.

### **NSW Roads and Maritime Services (NSW RMS)**

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

*Roads and Maritime has reviewed the submitted application and has no objections, subject to the following requirements being included in any consent issued by Council.*

*1. All vehicles shall enter and exit the site in a forward direction.*

*2. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018.*

*3. The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.*

*4. A Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council for approval prior to the issue of a Construction Certificate.*

5. 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.

### **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), a controlled activity approval is not required and no further assessment by this agency is necessary.*

*The works are exempt from requiring a controlled activity approval under Schedule 4, Clause 28 of the Water Management Regulation 2018 as they occur on waterfront land associated with a fully concrete lined channel.*

*NRAR should be notified if any further amendments result in more than minimal change to the proposed development or if additional works or activities are proposed.*

### **Water NSW and Sydney Water Corporation**

The application was referred to the Water NSW and the Sydney Water Corporation. Neither organisation objected to the proposal, both providing general terms of approval.

## **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



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- 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 Detailed Site Investigation (DSI) was undertaken by STS GeoEnvironmental to investigate the nature and extent of contaminants potentially present within the soils and groundwater across the site.

The DSI identified potential contaminating activities include historic site filling and pesticide use, weathering of former building structures, historic onsite chemical storage and commercial use, and historic offsite manufacturing and commercial purposes located up-gradient of the site. Further, the concentrations of asbestos and carcinogenic PAHs are considered to present an unacceptable risk to human health for the proposed development and will require a strategy of remediation and/or management to be implemented to mitigate these risks.

The DSI outlined that the site can be made suitable for the proposed high density residential and open space land uses subject to the preparation and implementation of a Remediation Action Plan (RAP) to address the identified soil and groundwater impacts and Acid Sulfate Soils Management Plan (ASSMP) are to be prepared for the site prior to construction.

The Application includes a RAP that outlines the methods and procedures (including contingency management and unexpected finds protocol) that will be used to ensure the site is remediated to a condition suitable for residential land use, without the need for ongoing environmental monitoring.

The Application also includes an ASSMP which provides the framework for ongoing management and monitoring of ASS throughout the construction and operation phases of the project.

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**

<b>Principle</b>	<b>Objective</b>	<b>Proposed</b>
<p><b>Principle 1: Context and neighbourhood character</b></p>	<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><b>Satisfactory.</b></p> <p>The proposed development responds to the high density, urban context of the site, incorporating a development orientated towards the triangular communal open space area, with Nipper Street providing a pedestrian orientated linkage to Gramophone Lane and Parramatta Road.</p> <p>The building incorporates a podium to soften the impact of the towers, which are of a scale that is new to the existing area, yet envisioned under PRCUTS.</p> <p>The proposed development has been revised through a number of iterations to achieve a more site responsive design. Key to this has been increased setbacks adjoining Powell's Creek and an improved interface between the public and private domain adjoining Powell's Creek and Gramophone Lane.</p>
<p><b>Principle 2: Built form and scale</b></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>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p><b>Satisfactory.</b></p> <p>The proposed development has been designed to fit within the height limit (80m) and FSR allowance (5:1) for the site. While this scale of development is significantly more intense than existing development surrounding the site, it is acknowledged this reflects rezoning of the site consistent with the vision for the Homebush Precinct under PRCUTS.</p> <p>However, previous advice from Council and the DRP outlined that the development does not balance this height and density with a design that facilitates a high quality urban design outcome. Pre-lodgement advice issued to the Applicant and comments from the DRP made specific reference to the alignment and proportions of the building that restrict the development positively contributing to the character of the public domain, solar access for apartments and the amenity of communal open spaces at ground floor.</p> <p>In response to this, the Applicant has revised the design to improve the interface with the public domain, improve sight lines down Gramophone Lane and along Powell's Creek and improve the</p>

Principle	Objective	Proposed
		<p>amenity (primarily in relation to solar access) for communal open spaces and apartments) and outlook.</p> <p>The podium creates interest and variation in bulk and scale for the development and positively contributes to articulation of the building facade. The revised design incorporates extension of the podium to the west along Gramophone Lane to further improve the amenity of this area.</p>
<p><b>Principle 3: Density</b></p>	<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population.</p> <p>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p><b>Satisfactory.</b></p> <p>Through a rezoning process, it has been demonstrated the site is suitable for residential densities that correspond with an 80m height limit and FSR of 5:1. Proximity to public transport and surrounding services and amenities have contributed to this.</p> <p>The final design has improved how the development responds to existing and future transport infrastructure.</p> <p>The development (following revisions) now exceeds the majority of numerical based standards associated with amenity under the ADG such as cross flow ventilation, solar access and communal open space areas.</p>
<p><b>Principle 4: Sustainability</b></p>	<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p><b>Satisfactory.</b></p> <p>The submitted Architectural Drawings show that the buildings overall performance in terms of solar access and cross flow ventilation achieve compliance with the minimum standards of the ADG. It is also noted that room sizes and private open spaces achieve the minimum sizes and many of the apartments are relatively generous in this regard.</p> <p>The Applicant has previously been asked to provide design improvements for apartments that have acoustic attenuation requirements due to proximity to the rail line. The revised design has incorporated a number of features such as plenums and louvres for creation of winter gardens that will improve the outcomes for affected apartments. A reduction of the building height at the north western corner of the site and reconfiguration of certain</p>



Principle	Objective	Proposed
		<p>apartments to achieve dual access has also improved apartment amenity.</p> <p>The limited solar access for ground floor communal open space has previously been raised with the Applicant. The revised design submitted by the Applicant demonstrates effort to improve solar access for ground floor communal open space, with refinements to the building massing allowing for mid-winter sun adjoining Powell’s Creek. The Level 7 and Level 8 communal open space areas will provide communal open space with ample sunlight in mid winter.</p> <p>Council has on a number of occasions informed the Applicant that the buildings sustainability targets should be consistent with the targets established for the site under PRCUTS, which the site was rezoned under. Improvements have been made in the revised design with inclusion of solar panels. However, conditions of consent will require further measures to improve the environmental performance of the development.</p>
<p><b>Principle 5: Landscape</b></p>	<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</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><b>Satisfactory.</b></p> <p>Overall, the development proposes a relatively large amount of communal open space with a combination of the eastern triangular communal open space (zoned with a zero metre height limit), ground floor communal open space adjoining Powell’s Creek, a pedestrian orientated outcome for the Nipper Street extension and above ground communal open spaces.</p> <p>The solar access limitations of ground floor open space were raised with the Applicant and revisions to the design have improved the outcome for communal open space adjoining Powell’s Creek. The streetscape outcome along Gramophone Lane has been improved with street trees, a wider footpath and plaza at the junction of Powell’s Creek and Gramophone Lane. This has enhanced usability for the future residents and existing residents, in the context of the future Powell’s Creek open space corridor.</p> <p>Revisions to the open space arrangement adjoining Columbia Lane has also responded to concerns regarding poor</p>

Principle	Objective	Proposed
		<p>solar access, with a new planting and seating area.</p> <p>Above ground communal open spaces provide for a variety of landscaping embellishments that facilitate passive recreation and social interaction.</p>
<p><b>Principle 6: Amenity</b></p>	<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p><b>Satisfactory.</b></p> <p>The ‘bare minimum approach’ of the proposed development had been raised with the Applicant in correspondence from 22 May 2020, outlining that given the up-zoning of the site via PRCUTS (and associated expectations for design excellence), the development should exceed minimum standards for solar access, cross flow ventilation, acoustic privacy and outlook.</p> <p>Improvements have been made in the revised design, with changes to the north western corner of the building improving solar access and revised apartment configurations allowing for multiple aspects in areas previously identified as constrained.</p> <p>Acoustic attenuation features have been incorporated into the design to improve the amenity for apartments within Building B orientated to the south where the transmission substation is located.</p> <p>All apartments achieve or exceed the minimum area requirements under the ADG for apartment and private open space (terrace) sizes.</p>
<p><b>Principle 7: Safety</b></p>	<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p><b>Satisfactory.</b></p> <p>The preliminary assessment of the proposal established the development could make improvements to wayfinding and sight lines along the western boundary adjacent to Powell’s Creek and along Gramophone Lane, and these have generally been made in the final iteration of the design.</p> <p>The proposal generally provides clear distinction between the public and private domain and resident entry points have been enlarged since the first version of the design (although sight lines into the</p>

Principle	Objective	Proposed
		development from these points are restricted).  Live work suits, the commercial café spaces and ground floor residential apartments are orientated towards the public domain and provide opportunity for passive surveillance.
<b>Principle 8: Housing diversity and social interaction</b>	<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p><b>Unsatisfactory.</b></p> <p>The Application proposes affordable housing at a rate of 5% of the uplift (9 units). Council notes that the Planning Team Report (dated 22 May 2017) clearly defines that a 5% contribution of the development is to be affordable housing (19), not 5% of the uplift as proposed under the Application. The rate of affordable housing provision under the Application results in 9 affordable housing units and a 10 unit deficiency as a total of 19 units would be provided for a 5% contribution. A condition of consent requires provision of 18 affordable housing units (5% of the development).</p> <p>The mix of apartments, range of communal open spaces and pedestrian access to public space allows meets the objective.</p>
<b>Principle 9: Aesthetics</b>	<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><b>Satisfactory.</b></p> <p>On balance, the visual appearance in terms of materials is acceptable.</p> <p>Recommended conditions of consent prepared by Council's Heritage officer will further improve the development and achieve a more genuine interpretation of the sites heritage.</p>

### Apartment Design Guide (ADG)

Design Criteria	Required	Proposed	Compliance
<b>2E – Building Depth</b>	Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls.	Some apartment depths less than 12m. This is considered acceptable considering the irregular shape of the site and building.	<b>No</b> , however justified.



<p><b>2F – Building Separation</b></p>	<p>Nine (9) storeys and above = 12-24m.</p> <p>24m between habitable rooms/balconies</p> <p>18m between habitable and non-habitable rooms</p> <p>12m between non-habitable rooms</p>	<p>Neighbouring buildings within range are to the north at 6-18 Parramatta Road.</p> <p>The balconies of the building to the north are less than 24m from habitable rooms proposed for the subject site (approximately 18m).</p> <p>Additional setbacks of the proposed development along Gramophone Lane would improve the outcome, and this will be conditioned as part of a deferred commencement. However, this will not achieve the 24m separation requirement.</p>	<p><b>No.</b> conditions of consent require additional setbacks along Gramophone Lane</p>
<p><b>2G – Street Setbacks</b></p>	<p>Determine street setback controls relative to the desired streetscape and building forms.</p> <p>Align street setbacks with building use. For example in mixed use buildings a zero street setback is appropriate.</p> <p>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.</p> <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"> <li>• Reinforce the desired scale of buildings at the street frontage</li> <li>• Minimise overshadowing of the street and other buildings</li> </ul>	<p><b>Gramophone Lane Frontage</b></p> <p>The design has been revised to incorporate a wider footpath (2.8m) and street trees along the Gramophone Lane frontage. This has been achieved by reducing planter box widths. On balance, this achieves an improved outcome compared to previous design iterations. However, increased setbacks of the building would allow for planter boxes to be increased in width again and for the wider pedestrian path and street trees to remain.</p> <p>Ground floor private open spaces on the eastern side of the basement car park ramp and retail spaces are pushed out to approximately 2m from the property boundary. Council acknowledges this design feature of the podium allows for a more human scale at street level, however the building setback should be increased further to support additional landscaping along the street whilst retaining the first floor stepping of the podium and associated human scale.</p>	<p><b>Gramophone Lane Frontage – No.</b> Conditions of consent recommended for increased setbacks.</p> <p><b>Nipper Street Frontage – Yes</b></p>

	<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>Increased setbacks would also allow for increased building separation to address Requirement 2F above and this has been conditioned as part of the deferred commencement.</p> <p><b>Nipper Street Frontage</b></p> <p>The setbacks along Nipper Street achieve a suitable outcome given the ground floor retail and live/work suites, sharezone and communal open space.</p>	
<b>2H – Side and Rear Setbacks</b>	<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"> <li>• Building separation and visual privacy</li> <li>• Communal and open space</li> <li>• Deep soil zone requirements</li> </ul> <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><b>Powell’s Creek Frontage</b></p> <p>The building setback adjoining Powell’s Creek at the north western point of the site accommodates a secondary pedestrian entry from Gramophone Lane which connects to communal open space. A mix of seating and landscaping embellishments is provided to assist in activating this frontage.</p> <p>The setbacks along the northern end of the Powell’s Creek are relatively generous (5m at the narrowest point) allowing for adequate sense of space.</p> <p><b>Columbia Lane Frontage</b></p> <p>At the south eastern corner of the site, the podium stretches out to within a metre of the property boundary (Level 2-6 Architectural Drawings). At ground level, this area incorporates the edge of the bin collection area (refer to Section 6 for waste collection design comments).</p> <p>The amenity of the south eastern corner of the site has been improved as part of the most recent design revision, with a new seating area and paving that encourages a low speed pedestrian orientated</p>	<p><b>Powell’s Creek Frontage – Yes</b></p> <p><b>Columbia Lane Frontage – No.</b></p> <p>Conditions of consent recommended for increased setbacks.</p>

		<p>environment adjoining the bin collection area.</p> <p>Notwithstanding this, increased setbacks for the corner of the building adjoining Columbia Lane would improve the outcome and this has been conditioned.</p>	
<b>3A – Site Analysis</b>	<p><i>Objective 3A-1</i> <i>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>	<p>A Site Analysis Plan and associated documentation are considered sufficient.</p>	<b>Yes</b>
<b>3B – Orientation</b>	<p><i>Objective 3B-1</i> <i>Building types and layouts respond to the streetscape and site while optimising solar access within the development.</i></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</p>	<p><b>Objective 3B-1 and 3B-2</b></p> <p>As discussed in more detail under 'Impacts of the development', the Application is likely to result in a less than compliant solar access outcome for the neighbouring property at 14-16 Station Street.</p> <p>The assessment of the solar impact analysis provided by the Applicant shows that Building C at 14-16 Station street will experience a reduction in solar access (units with more than 2 hours of solar access) of more than 20%.</p> <p>While the development has been revised to minimise overshadowing, a demonstration of whether the design could be further revised to ensure that 14-16 Station Street maintains compliance with the ADG is required and this has been conditioned as part of the recommended deferred commencement.</p>	<b>Objective 3B-1 and 3B-2</b> <b>No</b>

	<p>properties is not reduced by more than 20%.</p> <p>If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy</p>		
<p><b>3C – Public Domain Interface</b></p>	<p><i>Objective 3C-1 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>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.</p> <p>Upper level balconies and windows should overlook the public domain.</p> <p>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.</p> <p>Length of solid walls should be limited to along street frontages.</p> <p>Opportunities for people to be concealed should be minimised.</p> <p><i>Objective 3C-2 Amenity of the public domain is retained and enhanced.</i></p> <p>Planting softens the edges of any raised terraces to the street.</p>	<p><b>Objective 3C-1</b></p> <p>The proposed development incorporates direct street entry for ground floor apartments adjoining Gramophone Lane and Nipper Street, with direct front access, changes in levels and front terraces as well as upper level balconies that front the public domain.</p> <p>Opportunity for concealment has been reduced as a result of improvements along the Powell's Creek/Gramophone Lane interface including increased setbacks and landscaping. This outcome will encourage residents to utilise the pathways and gathering spaces adjoining Powell's Creek and activate the pedestrian areas at the culmination of Gramophone Lane.</p> <p><b>Objective 3C-2</b></p> <p>The development incorporates some planter boxes at the interface of Nipper Street and Gramophone Lane. However, along Gramophone Lane, planter boxes are only 0.5m</p>	<p><b>Objective 3C-1 – Yes</b></p> <p><b>Objective 3C-2 – No</b>, additional planting is required.</p>



	<p>Mail boxes should be located in lobbies.</p> <p>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.</p> <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>deep. Setting back of the building will allow for deeper planter boxes in raised terraces and this has been conditioned.</p> <p>Otherwise, the development achieves the objective.</p>	
<p><b>3D – Communal Open Space</b></p>	<p><i>Objective 3D-1</i> <i>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.</i></p> <p>Communal open space has a minimum area of 25% 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><b>Objective 3D-1</b></p> <p>The proposal achieves the 25% target with communal open space as follows:</p> <ul style="list-style-type: none"> <li>• North eastern space = 1,268.74sqm</li> <li>• Adjoining Powell's Creek = 1,694.41sqm</li> <li>• Level 7 – 82.66sqm</li> <li>• Level 8 – 269.83sqm and 376.22sqm</li> <li>• Total = 3,693.79m<sup>2</sup>/56% of the site.</li> </ul> <p>Solar access for the ground floor communal open spaces has been raised with the Applicant in recent correspondence and in response, the design has been revised, with spaces that respond to the location of solar access in mid winter.</p> <p>Ground floor communal open spaces have also been revised throughout the assessment process to achieve useable and identifiable areas that facilitate pedestrian movement and sight lines.</p> <p>Each of the two main ground floor communal open spaces have responded to the areas</p>	<p><b>Objective 3D-1</b></p> <p>No – ground floor communal open space does not receive 50% direct sunlight to the principal useable part of the open space.</p> <p>However, offsetting of these limitations has been achieved through improved access to the future Powell's Creek crossing, design of plaza spaces that respond to solar access and above ground communal open spaces.</p>

	<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"> <li>- Provide communal open space elsewhere such as a landscape rooftop terrace;</li> <li>- Provide larger balconies or increased private open space'</li> <li>- Demonstrate good proximity to public open space and facilities.</li> </ul> <p><i>Objective 3D-2</i> <i>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.</i></p> <p>Facilities are provided within communal open spaces and common spaces for a range of age groups, incorporating some of the following elements:</p> <ul style="list-style-type: none"> <li>• Seating for individuals or groups</li> <li>• Barbeque areas</li> <li>• Play equipment or play areas</li> <li>• Swimming pools, gyms, tennis courts or common rooms</li> </ul>	<p>receiving solar access in mid-winter with plaza spaces in these locations.</p> <p>Offsetting of the ground floor space solar limitations is added to with above ground private open space achieving ample solar access and a variety of landscaping embellishments.</p> <p>Private open spaces (POS) achieve the minimum area requirements and there are numerous POS' above the minimum.</p> <p><b>Objective 3D-2</b> The development provides for a range of elements within the communal open spaces. A gym is located at ground floor and integrated with communal open space. The north eastern ground floor space provides a variety of landscaping embellishments including outdoor play spaces and plaza like seating, as well as deep soil planting.</p> <p>Above ground, the Level 8 podium communal open space incorporates edge seating and one BBQ area. The level 13 space provides for 2 BBQ areas, edge seating, two shade structures and moveable picnic areas.</p>	<p><b>Objective 3D-2</b> Yes, a variety of facilities are provided.</p>
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	<p>The location of facilities responds to microclimate and site conditions.</p> <p>Visual impacts of services should be minimised.</p> <p><i>Objective 3D-3</i> <i>Communal open space is designed to maximum safety.</i></p> <p>Communal open space and public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy.</p> <p>Communal open space should be well lit.</p> <p>Where communal open space/facilities are provided for children and young people they are safe and contained.</p> <p><i>Objective 3D-4</i> <i>Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.</i> 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><b>Objective 3D-3</b> The development allows for passive surveillance of communal open spaces and spaces appear to be safe. Above ground communal open spaces incorporate 1.2m high glass balustrades for safety purposes.</p> <p>The north western corner of the building and portion of the communal open space in this area at ground floor has been improved.</p> <p><b>Objective 3D-4</b> The outcome for communal open space adjoining Powell's Creek and the new plaza at the culmination of Gramophone Lane achieves a site responsive design that encourages access to the future Powell's Creek public open space corridor.</p> <p>Boundaries are clearly defined and the development allows for active frontages.</p>	<p><b>Objective 3D-3</b> <b>Yes</b></p> <p><b>Objective 3D-4</b> <b>Yes.</b></p>
<p><b>3E – Deep Soil Zones</b></p>	<p><i>Objective 3E-1</i> <i>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity</i></p>	<p>The Landscape Plans submitted with the DA indicate the north eastern communal open space incorporates a deep soil zone of 1,340sqm which is 20% of the site (6,568sqm).</p>	<p>To be confirmed by Applicant prior to construction.</p>

	<p><i>and promote management of water and air quality.</i></p> <p><u>Design criteria:</u> Provide deep soil zone comprising minimum 7% of site area and a minimum dimension of 6m.</p> <p><u>Design guidance:</u> Minimum 15% of the site area if greater than 1,500m<sup>2</sup>.</p> <p>Deep soil zones should be located to retain significant trees.</p>	<p>However, the size of the open space on the landscape plan does not correspond with the size on the Architectural Drawings and clarification from the Applicant will be required as part of a deferred commencement condition.</p> <p>No significant trees are present on site.</p>	
<b>3F – Visual Privacy</b>	<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"> <li>• 6m between habitable rooms/balconies and the boundary</li> <li>• 3m between habitable and non-habitable rooms and the boundary.</li> </ul> <p>Up to 25m in height (5-8 storeys):</p> <ul style="list-style-type: none"> <li>• 9m between habitable rooms/balconies; and</li> <li>• 4.5m between habitable and non-habitable rooms and the boundary.</li> </ul> <p>25m+ in height (9+ storeys):</p> <ul style="list-style-type: none"> <li>• 12m between habitable</li> </ul>	<p><b>Objective 3F-1</b></p> <p>The proposed development complies with the objective, allowing for the appropriate building separations with the property located directly to the north at 6-18 Parramatta Road and to the west at Station Street. Notwithstanding this, additional setbacks have been recommended to address objective 2F – Building separation.</p>	<p><b>Objective 3F-1</b></p> <p>Yes</p>



	<p>rooms/balconies and the boundary</p> <ul style="list-style-type: none"> <li>• 6m between habitable and non-habitable rooms and the boundary.</li> </ul> <p>Apartment buildings should have an increased separation distance of 3m when adjacent to a different zone that permits lower density residential development to provide a transition in scale and increased landscaping.</p> <p><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></p> <p>Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows.</p> <p>Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.</p> <p>Balconies and private terraces should be located in front of living rooms to increase internal privacy.</p> <p>Windows should be offset from the windows of adjacent buildings.</p> <p>Recessed balconies or vertical fins should be used between adjacent balconies.</p>	<p><b>Objective 3F-2</b> The development generally locates bedrooms and living spaces away from gallery access and open circulation spaces.</p>	<p><b>Objective 3F-2</b> Yes</p>
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<p><b>3G – Pedestrian Access and Entries</b></p>	<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 secondary building entries.</p> <p><i>Objective 3G-2 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><b>Objective 3G-1</b></p> <p>The Proposal provides multiple pedestrian entry points which are clearly identifiable and activate the public domain. Revisions to the design have increased the width of entry points and facilitated sight lines through the development to address previous concerns relating to pedestrian movements into and through the building.</p> <p><b>Objective 3G-2</b></p> <p>The proposal is consistent with the objective. The proposed pedestrian entry points along Nipper Street and Gramophone Lane entries have been improved with the following dimensions:</p> <p>3.7m wide Gramophone Lane Entry.</p> <p>3.4m wide Nipper Street Entry.</p>	<p><b>Objective 3G-1</b> Yes</p> <p><b>Objective 3G-2</b> Yes</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>		
<b>3H – Vehicle Access</b>	<p><i>Objective 3H-1</i> <i>Vehicle access points are designed and located to achieve safety, minimise conflict between pedestrians and vehicles and create high quality streetscapes.</i></p> <p>Car park access should be integrated with the building's overall façade.</p> <p>Car park entries should be located behind the building line.</p> <p>Vehicle entries should be located at the lowest point of the site, minimising ramp lengths, excavation and impacts on the building form and layout.</p> <p>Car park entry and access should be located on secondary streets or lanes.</p> <p>Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided.</p> <p>Access point locations should avoid headlight glare into habitable rooms.</p> <p>Adequate separation distances should be provided between vehicle entries and street intersections.</p> <p>The width and number of vehicle access points should be minimal.</p>	<p><b>Objective 3H-1</b> Partial non-compliance – Entry to the basement from Gramophone Lane presents a conflict with pedestrians along a route that provides access to the Powell's Creek open space area. This area along Gramophone Lane also already provides basement access for the development opposite the site at 6-18 Parramatta Road.</p> <p>Revisions to the design along Gramophone Lane have assisted in minimising this conflict, with street trees, widened footpath and plaza area adjoining Powell's Creek now proposed as part of the development contributing to creation of a pedestrian orientated space in an area where two basement entries will be located.</p> <p>Notwithstanding the positive changes outlined above, the road reserve and verge are still relatively narrow (5m wide carriageway and 2.8m wide verge including street trees) and this area will benefit from additional space considering the pedestrian access point for Powell's Creek is located along this Road. Accordingly, conditions of consent will require additional setbacks of the building along Gramophone Lane to increase the sense of space, allowing for clearer sight lines for drivers and a less congested area. A low speed environment will be encouraged through pavement selection as</p>	<p><b>Objective 3H-1</b> No, however design based solutions contribute to minimising conflict between pedestrians and vehicles and conditions of consent will aim to further minimise this conflict.</p>

	<p>Visual impact of long driveways should be minimised through changing alignments and screen planting.</p> <p>The need for large vehicles to enter and 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>part of the 6-18 Parramatta Road development.</p> <p>Otherwise, the car park access achieves an integrated outcome with the rest of the building and is located along a secondary street.</p> <p>Pedestrian and vehicle access is separated.</p> <p>The design and location of the garbage area has been raised with the Applicant in previous correspondence and improvements have been made in the revised design. Opportunities for further improvements through features such as a truck turntable (to simplify turning movements) within the garbage area will need to be explored prior to any construction certificate being issued for the Application.</p> <p>Garbage areas will be screened.</p> <p>Traffic calming pavement has been incorporated into the surrounding road network and for the proposed extension of Nipper Street.</p>	
<p><b>3J – Bicycle and Car Parking</b></p>	<p><i>Objective 3J-1 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: Min RMS Rate Applies: 20 or more units: 1 bedroom: 0.6 spaces 2 bedroom: 0.9 spaces 3 bedroom: 1.4 spaces Visitor 1 per 5 units Commercial spaces = one space per 50m<sup>2</sup></p>	<p><b>Objective 3J-1</b> The proposed residential component comprising 118 one-bedroom apartments, 210 two-bedroom apartments and 32 three-bedroom apartments generates the minimum on-site parking requirement of 305 resident spaces and 72 visitor spaces (including 4 car share spaces).</p> <p>The proposal incorporates 381 parking spaces within the basement, complying with the control. Allocation of these spaces in accordance with the minimum requirements is included as a condition of consent.</p>	<p><b>Objective 3J-1</b> Yes</p>



	<p><i>Objective 3J-2</i> <i>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</i> <i>Car park design and access is safe and secure</i></p> <p><i>Objective 3J-4</i> <i>Visual and environmental impacts of underground car parking are minimised.</i></p> <p><i>Objective 3J-5</i> <i>Visual and environmental impacts of on-grade car parking are minimised.</i></p> <p><i>Objective 3J-6</i> <i>Visual and environmental impacts of above ground enclosed car parking are minimised.</i></p>	<p>The proposed commercial component of 187m<sup>2</sup> yields a minimum on-site parking requirement of 4 spaces which have been included as van spaces in the basement. Conditions of consent will require consideration of loading for the commercial units to be located in the waste collection area.</p> <p><b>Objective 3J-2</b> Complies</p> <p><b>Objective 3J-3</b> <i>Complies however</i> Minimum queuing length as per AS2890.1:2004 Clause 3.4 is not achieved.</p> <p><b>Objective 3J-4</b> Complies</p> <p><b>Objective 3J-5</b> Complies however the need for parking along Nipper Street is not supported by Council (refer Traffic Engineer comments)</p> <p><b>Objective 3J-6</b> N/A</p>	<p><b>Objective 3J-2</b> Yes</p> <p><b>Objective 3J-3</b> Yes</p> <p><b>Objective 3J-4</b> Yes</p> <p><b>Objective 3J-5</b> Yes</p> <p><b>Objective 3J-6</b> N/A</p>
<b>4A – Solar and Daylight Access</b>	<p><i>Objective 4A-2</i> <i>Daylight access is maximised where sunlight is limited.</i></p>	<p><b>Objective 4A-2</b> Complies.</p> <ul style="list-style-type: none"> <li>81% of apartments have more than 2 hours solar access</li> </ul>	<p><b>Objective 4A-2</b> Yes</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>	<ul style="list-style-type: none"> <li>• 7% have less than 2 hours but some solar access</li> <li>• 12% have no solar access</li> </ul> <p><b>Objective 4A-2</b> Complies</p> <p><b>Objective 4A-3</b> Partially non-compliant Use of relatively deep balconies allows for some sun shading. However additional devices such as operable screens and plenums for northern and easterly orientated apartments would allow for improved outcomes reflective of design excellence.</p>	<p><b>Objective 4A-2</b> Yes</p> <p><b>Objective 4A-3</b> Yes</p>
<p><b>4B – Natural Ventilation</b></p>	<p><i>Objective 4B-1 All habitable rooms are natural ventilated.</i></p> <p>The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms.</p> <p>Depths of habitable rooms support natural ventilation.</p> <p>The area of unobstructed window openings should be equal to at least 5% of the floor area served.</p> <p>Doors and operable windows maximise natural ventilation opportunities through design solutions.</p>	<p><b>Objective 4B-1</b> The design of the gallery restricts cross flow ventilation for apartments that open onto the gallery. These apartments incorporate operable windows and doors that allow for natural air flow. The limitations of the design in this regard have been raised with the Applicant. However, a complete redesign would likely be required and compliance with the minimum requirement (60%) is achieved.</p> <p>Doors and windows allow for natural ventilation of habitable rooms.</p>	<p><b>Objective 4B-1</b> Yes</p>

	<p><i>Objective 4B-2</i> <i>The layout and design of single aspect apartments maximises natural ventilation.</i></p> <p>Apartment depths are limited to maximise ventilation and airflow.</p> <p>Natural ventilation to single aspect apartments is achieved with design solutions.</p> <p><i>Objective 4B-3</i> <i>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environmental for residents.</i></p> <p>At least 60% of units are naturally cross ventilated in the first nine storeys of the building.</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass to glass.</p>	<p><b>Objective 4B-2</b> The apartments that do not provide natural cross flow ventilation are not excessively deep.</p> <p><b>Objective 4B-3</b> The submitted plans indicate 64.4% of apartments within the first 9 stories are naturally cross ventilated.</p> <p>The acoustic report submitted with the application outlines that a number of apartments will require window and door closure in order to achieve appropriate noise levels.</p> <p>The acoustic report outlines that detailed design for this south eastern façade could be addressed with transfer louvres or plenums which have been incorporated into the revised design.</p>	<p><b>Objective 4B-2</b> Yes</p> <p><b>Objective 4B-3</b> Yes</p>
<p><b>4C – Ceiling Heights</b></p>	<p><i>Objective 4C-1</i> <i>Ceiling height achieves sufficient natural ventilation and daylight access.</i></p> <p><u>Minimum floor to ceiling heights:</u></p> <ul style="list-style-type: none"> <li>• Habitable: 2.7m</li> <li>• Non-habitable: 2.4m</li> <li>• Mixed Use: 3.3m ground floor.</li> </ul> <p><i>Objective 4C-2</i> <i>Ceiling height increases the sense of space in apartments and provides for well proportioned rooms.</i></p> <p><i>Objective 4C-3</i></p>	<p><b>Objective 4C-1, 4C-2, 4C-3</b> The development achieves the minimum floor to ceiling heights.</p>	<p><b>Objective 4C-1, 4C-2, 4C-3</b> Yes</p>

	<i>Ceiling heights contribute to the flexibility of building use over the life of the building.</i>		
<b>4D – Apartment Size and Layout</b>	<p><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></p> <p><u>Minimum internal area:</u></p> <ul style="list-style-type: none"> <li>• 1 bed: 50m<sup>2</sup></li> <li>• 2 bed: 70m<sup>2</sup></li> <li>• 3 bed: 90m<sup>2</sup></li> <li>• Additional bathrooms +5m<sup>2</sup></li> </ul> <p>Each habitable room must have a window &gt; 10% floor area of the room.</p> <p>If open plan layout =max 8m from a window</p> <p>Master bed: min 10m<sup>2</sup> Other bedroom: min 9m<sup>2</sup> Min dimension: 3m</p> <p><u>Living room minimum width:</u> Studio and 1 bed: 3.6m 2 and 3 bed: 4m</p> <p>Crossover/through: minimum 4m</p> <p>Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas</p> <p>All bedrooms allow for minimum length of 1.5m for robes</p> <p>Main bedrooms of apartments to have a wardrobe of at least 1.8m long, 0.6m deep and 2.1m high</p>	<p><b>Objective 4D-1</b> The development complies with the minimum area requirements for internal areas, with a number of apartments exceeding the minimum requirement.</p> <p>Bedroom and living room minimums are achieved. Window minimums are achieved.</p> <p>Many of the 2 bedroom and 3 bedroom apartments incorporate layouts where bedrooms and bathrooms open directly onto living areas. Plenums have been incorporated into the design to mitigate noise impacts.</p> <p>Wardrobe dimensions are not shown on plans and a number of main bedrooms appear to not achieve the minimum length requirements, albeit it minor (1.7m, not 1.8m long). Considering exceedance of minimum areas for internal sizes, this is justifiable.</p>	<p><b>Objective 4D-1</b> Yes</p>
<b>4E – Private Open Space and Balconies</b>	<p><i>Objective 4E-1</i> <i>Apartments provide appropriately sized private</i></p>	<p><b>Objective 4E-1</b></p>	<p><b>Objective 4E-1</b> Yes</p>



	<p><i>open spaces and balconies to enhance residential amenity.</i></p> <p>Studio: 4m<sup>2</sup> 1 bed: 8m<sup>2</sup>, min depth 2m 2 bed: 10m<sup>2</sup>, min depth 2m 3 bed: 12m<sup>2</sup>, min depth 2.4m</p> <p><i>Objective 4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents.</i></p>	<p>The proposed apartments comply with minimum balcony size requirements.</p> <p><b>Objective 4E-2</b> The majority of apartments have been designed to orientate balconies to capture solar exposure and an outlook over new areas of communal open space and/or towards the future Powell's Creek open space. A number of apartments (primarily B1.01 repeated above) have balconies that look towards the existing Ausgrid substation. These balconies incorporate glazed louvres to contribute to the useability of these spaces and communal open spaces on Levels 7 and 8 offset a lack of amenity in these apartments.</p>	<p><b>Objective 4E-2</b> Yes</p>
<p><b>4F – Common Circulation and Spaces</b></p>	<p><i>Objective 4F-1 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> <p>Achieving the design criteria for the number of apartments off a circulation core may not be possible. Where a development is unable to achieve the design criteria, a high level of amenity for common lobbies, corridors and apartments should be demonstrated, including:</p> <ul style="list-style-type: none"> <li>• sunlight and natural cross ventilation in apartments</li> <li>• access to ample daylight and natural ventilation in</li> </ul>	<p><b>Objective 4F-1</b></p> <p>The circulation core for Building A serves 10 apartments on levels 2 - 6 at the lower levels and Building B has a circulation core serving 9 apartments on levels 2 - 7.</p> <p>On Level 7, the number of apartments off the circulation core for Building A is 9 and for Level 8 and above it is 8 or less. For Building B, from Level 8 and above, the number of apartments is 7 or less.</p> <p>The ADG is specific in its direction that a variation requires a higher level of amenity for common lobbies, corridors and apartments.</p> <p>The majority of apartments on Levels 2-6 have adequate amenity, with compliant balcony and unit areas (with exceedances in some cases),</p>	<p><b>Objective 4F-1</b> No</p> <p>Variation to the circulation core requirements is justified based on the amenity of apartments, natural light and air flow within circulation spaces.</p> <p>The Applicant has justified lift variation based on handling capacity of lifts provided with a Lift Operation Traffic Analysis prepared by Schindler.</p> <p>The reliability of this for development</p>

	<p>common circulation spaces</p> <ul style="list-style-type: none"> <li>• common areas for seating and gathering</li> <li>• generous corridors with greater than minimum ceiling heights</li> <li>• other innovative design solutions that provide high levels of amenity</li> </ul> <p>No more than 12 apartments should be provided off a circulation core on a single level</p> <p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</p>	<p>solar access and cross flow ventilation.</p> <p>Apartment A1.07 and B1.01, B1.03 and B1.04 (repeated above) have previously been identified as lacking in amenity, with this feedback provided to the client. While still not ideal, the lower level apartments now have access to ground floor communal open space with solar access in mid winter and at higher levels the apartments that open onto the gallery mostly achieve solar access requirements (Level 4 and above). For apartments B1.01 repeated above, the addition of plenums and winter gardens (Building B only) will assist in the useability of private open space and above ground communal open spaces provide solar access.</p> <p>Additionally, the common circulation spaces have openings that allow for natural light and air flow.</p> <p>It is also noted that the total number of apartments on each level has been reduced in the final design and no more than 12 apartments are located off a single core.</p> <p>The development exceeds the 40 apartments per lift recommendation, with 60 apartments per lift.</p>	<p>assessment is uncertain. A condition of consent will be recommended requiring an additional lift for both Buildings A and B.</p>
<b>4G – Storage</b>	<p><i>Objective 4G-1</i> <i>Adequate, well designed storage is provided in each apartment</i></p> <p><i>Studio: 4m<sup>3</sup></i> <i>1 bed: 6m<sup>3</sup></i> <i>2 bed: 8m<sup>3</sup></i> <i>3 bed: 10m<sup>3</sup></i> <i>At least 50% are located internally within the units.</i></p>	<p><b>Objective 4G-1</b></p> <p>Storage requirement controls are achieved.</p>	<p><b>Objective 4G-1</b> Yes</p>
<b>4H – Acoustic Privacy</b>	<p><i>Objective 4H-1</i> <i>Noise transfer is minimised through the siting of</i></p>	<p><b>Objective 4H-1</b></p>	<p><b>Objective 4H-1</b> Yes</p>

	<p><i>buildings and building layout</i></p> <p>Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses.</p> <p>Window and door openings are generally orientated away from noise sources.</p> <p>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.</p> <p>Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources.</p> <p>The number of party walls (walls shared with other apartments) are limited and are appropriately insulated.</p> <p>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 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</p>	<p>The urban Design Report submitted with the Application outlines the design minimises the number of apartments orientated towards the rail line which is a noise source.</p> <p>Following receipt of the most recent feedback from Council, the Applicant has incorporated plenums and louvres into the design of apartments orientated towards the rail line and Ausgrid substation to assist in mitigating noise.</p> <p>The development has located storage and study areas near common circulation spaces, generally achieving the objective.</p> <p><b>Objective 4H-2</b> A number of 2 bedroom and 3 bedroom apartments result in living rooms and kitchen/dining areas directly adjoining bedrooms. However, it is acknowledged this control can be difficult to achieve.</p>	<p><b>Objective 4H-2</b> Yes.</p>
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	conflicts are resolved using design solutions.		
<b>4J – Noise and Pollution</b>	<p><i>Objective 4J-1</i> <i>In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings</i></p> <p>To minimise impacts the following design solutions may be used:</p> <ul style="list-style-type: none"> <li>• physical separation between buildings and the noise or pollution source</li> <li>• residential uses are located perpendicular to the noise source and where possible buffered by other uses</li> <li>• 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</li> <li>• 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</li> <li>• 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</li> <li>• where solar access is in the same direction as the noise source, dual aspect apartments with</li> </ul>	<p><b>Objective 4J-1</b></p> <p>The acoustic report submitted with the Application identifies the potential for acoustic attenuation measures required for mitigation of noise associated with rail noise to conflict with cross flow ventilation measures for units facing south within Building B.</p> <p>The design has been revised to incorporate plenums and winter gardens that will contribute to acoustic attenuation for these apartments, as detailed on the Architectural Drawings submitted with the Application.</p>	<p><b>Objective 4J-1</b> Yes</p>



	<p>shallow building depths are preferable</p> <ul style="list-style-type: none"> <li>landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry</li> </ul> <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"> <li>solar and daylight access</li> <li>private open space and balconies</li> <li>natural cross ventilation</li> </ul>		
<p><b>4K – Apartment Mix</b></p>	<p><i>Objective 4K-1</i> <i>A range of apartment types and sizes is provided to cater for different household types now and into the future</i></p> <p>Variety of apartment types. Appropriate apartment mix. Different apartments distributed throughout the building. A variety of apartment types is provided. The apartment mix is appropriate, taking into consideration:</p> <ul style="list-style-type: none"> <li>the distance to public transport, employment and education centres</li> <li>the current market demands and projected future demographic trends</li> <li>the demand for social and affordable housing</li> </ul>	<p><b>Objective 4K-1</b> A range of apartment types is provided. The mix is as follows:</p> <ul style="list-style-type: none"> <li>1 bed = 118 (33%),</li> <li>2 bed = 210 (58%),</li> <li>3 bed = 32 (9%).</li> </ul>	<p><b>Objective 4K-1</b> Yes</p>

	<ul style="list-style-type: none"> <li>different cultural and socioeconomic groups</li> </ul> <p><i>Objective 4K-2</i> <i>The apartment mix is distributed to suitable locations within the building</i></p> <p>Different apartment types are located to achieve successful facade composition and to optimise solar access</p> <p>Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available</p>	<p><b>Objective 4K-2</b></p> <p>The design does not incorporate the location of 3 bedroom apartments in all corner locations, with some single bedroom apartments in corner locations.</p>	<p><b>Objective 4K-2</b></p> <p>Yes</p>
<p><b>4L – Ground Floor Apartments</b></p>	<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>Activity is achieved through front gardens, terraces and the facade of the building. Design solutions may include:</p> <ul style="list-style-type: none"> <li>both street, foyer and other common internal circulation entrances to ground floor apartments</li> <li>private open space is next to the street</li> <li>doors and windows face the street</li> <li>Retail or home office spaces should be located along street frontages</li> <li>Ground floor apartment layouts support small office home office (SOHO) use to</li> </ul>	<p><b>Objective 4L-1</b></p> <p>The development orientates ground floor apartments towards the street, with front window and terraces contributing to activation of Nipper Street and Gramophone Lane.</p> <p>The development includes live-work suites at ground floor that will encourage activation of Nipper Street.</p>	<p><b>Objective 4L-1</b></p> <p>Yes</p>

	<p>provide future opportunities for conversion into commercial or retail areas. In these cases provide higher floor to ceiling heights and ground floor 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"> <li>• elevation of private gardens and terraces above the street level by 1-1.5m</li> <li>• landscaping and private courtyards</li> <li>• window sill heights that minimise sight lines into apartments</li> <li>• integrating balustrades, safety bars or screens with the exterior design</li> <li>• Solar access should be maximised through:</li> <li>• high ceilings and tall windows</li> <li>• trees and shrubs that allow solar access in winter and shade in summer</li> </ul>	<p><b>Objective 4L-2</b> The elevation of terraces along Nipper Street does not achieve the 1m recommendation and landscaping between the public and private domain to achieve adequate screening has not been shown. However, considering the live/work suites and retail spaces in this location, this outcome is considered acceptable.</p> <p>The elevation along Gramophone Lane achieves the 1m recommendation however and as discussed elsewhere in this report, the design outcome does not incorporate adequate landscaping across a number of levels in this area.</p>	<p><b>Objective 4L-2</b> Yes</p>
<p><b>4M – Facades</b></p>	<p><i>Objective 4M-1 Building facades provide visual interest along the</i></p>	<p><b>Objective 4M-1</b> The development incorporates a variety of building elements and materials. The podium provides</p>	<p><b>Objective 4M-1</b> Yes</p>

	<p><i>street while respecting the character of the local area</i></p> <p>Design solutions for front building facades may include:</p> <ul style="list-style-type: none"> <li>• a composition of varied building elements</li> <li>• a defined base, middle and top of buildings</li> <li>• revealing and concealing certain elements</li> <li>• changes in texture, material, detail and colour to modify the prominence of elements</li> </ul> <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"> <li>• well composed horizontal and vertical elements</li> <li>• variation in floor heights to enhance the human scale</li> <li>• elements that are proportional and arranged in patterns</li> <li>• public artwork or treatments to exterior blank walls</li> <li>• grouping of floors or elements such as balconies and windows on taller buildings</li> </ul> <p>Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.</p>	<p>a site responsive design feature that considers the local heritage items in the vicinity of the site and the two tower design has undergone a number of urban design reviews which are sound.</p> <p>Further refinement to the podium including extension along the northern elevation and northern point of the western elevation has improved the developments response to Gramophone Lane and Powell's Creek.</p> <p>However, additional setbacks along the Gramophone Lane and Colombia Lane frontages is recommended and conditioned.</p> <p>Building services have been integrated into the design with brickwork along the western elevation concealing service locations.</p> <p>A Heritage Interpretation Strategy has informed landscaping refinements.</p>	
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	<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> <p>Building entries should be clearly defined. Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height.</p> <p>The apartment layout should be expressed externally through facade features such as party walls and floor slabs.</p>	<p><b>Objective 4M-2</b> The proposal incorporates variation in materials and changes in height across the podium and towers, and the north western corner of the building has been significantly improved as part of recent design changes.</p> <p>Building entry points along Gramophone Lane are well defined, including the entry adjacent to Powell's Creek which incorporates landscaping embellishments that activate the interface with the public domain as well as establish a boundary.</p>	<p><b>Objective 4M-2</b> Yes</p>
<p><b>4N – Roof Design</b></p>	<p><i>Objective 4N-1</i> <i>Roof treatments are integrated into the building design and positively respond to the street</i></p> <p><i>Objective 4N-2</i> <i>Opportunities to use roof space for residential accommodation and open space are maximised</i></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"> <li>• the roof lifts to the north</li> <li>• eaves and overhangs shade walls and windows from summer sun</li> </ul> <p>Skylights and ventilation systems should be</p>	<p><b>Objective 4N-1, 4N-2, 4N-3</b> The development makes good use of roof features with communal open spaces at Level 8 and Level 13. Due to the number of towers and variation in heights, there is limited space for such features. However the design achieves this as best as practicably possible.</p>	<p><b>Objective 4N-1, 4N-2, 4N-3</b> Yes</p>



	integrated into the roof design		
<b>40 – Landscape Design</b>	<p><i>Objective 40-1</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"> <li>• diverse and appropriate planting</li> <li>• bio-filtration gardens appropriately planted shading trees</li> <li>• areas for residents to plant vegetables and herbs</li> <li>• composting</li> <li>• green roofs or walls</li> </ul> <p>Ongoing maintenance plans should be prepared Microclimate is enhanced by:</p> <ul style="list-style-type: none"> <li>• appropriately scaled trees near the eastern and western elevations for shade</li> <li>• a balance of evergreen and deciduous trees to provide shading in summer and sunlight access in winter</li> <li>• shade structures such as pergolas for balconies and courtyards</li> </ul> <p>Tree and shrub selection considers size at maturity and the potential for roots to compete.</p> <p>1 large tree or 2 medium trees per 80m<sup>2</sup> of deep soil zone</p> <p><i>Objective 40-2</i></p>	<p><b>Objective 40-1</b> The proposed landscaping outcomes are generally consistent with the objectives.</p> <p>Internal referral comments received from Council's Environmental Sustainability Officer will be translated into conditions of consent and will further improve the environmental performance of the development.</p> <p><b>Objective 40-2</b></p>	<p><b>Objective 40-1</b> No</p> <p><b>Objective 40-2</b> Yes</p>

	<p><i>Landscape design contributes to the streetscape and amenity</i></p> <p>Landscape design responds to the existing site conditions including:</p> <ul style="list-style-type: none"> <li>• changes of levels</li> <li>• views</li> <li>• significant landscape features including trees and rock outcrops</li> </ul> <p>Significant landscape features should be protected by:</p> <ul style="list-style-type: none"> <li>• tree protection zones (see figure 4O.5)</li> <li>• appropriate signage and fencing during construction</li> <li>• Plants selected should be endemic to the region and reflect the local ecology</li> </ul>	<p>The communal open space located in the eastern portion of the site makes a positive contribution to the public domain, with landscaping embellishments that facilitate a variety of passive recreation opportunities. The Nipper Street shareway will allow for a pedestrian orientated connection through the site. A new plaza area at the southern end of the Nipper Street extension will capitalise on the mid-winter sun in this location.</p> <p>The proposed landscaping outcome has been improved as part of the most recent design iteration. The communal open space adjoining Powell's Creek now achieves a design outcome that complements the future Powell's Creek open space corridor and function of Gramophone Lane as an access point to this future public space.</p>	
<p><b>4P – Planting on Structures</b></p>	<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"> <li>• modifying depths and widths according to the planting mix and irrigation frequency</li> <li>• free draining and long soil life span</li> <li>• tree anchorage</li> <li>• Minimum soil standards for plant sizes should be provided.</li> </ul> <p><i>Objective 4P-2</i></p>	<p><b>Objective 4P-1</b> The landscape Plans submitted with the Application demonstrate compliance with the requirements for planting on structures.</p> <p><b>Objective 4P-2</b> The landscape Plans submitted with the Application</p>	<p><b>Objective 4P-1</b> Yes</p> <p><b>Objective 4P-2</b> Yes</p>

	<p><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"> <li>• drought and wind tolerance</li> <li>• seasonal changes in solar access</li> <li>• modified substrate depths for a diverse range of plants</li> <li>• plant longevity</li> </ul> <p>A landscape maintenance plan is prepared Irrigation and drainage systems respond to:</p> <ul style="list-style-type: none"> <li>• changing site conditions</li> <li>• soil profile and the planting regime</li> <li>• whether rainwater, stormwater or recycled grey water is used</li> </ul> <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"> <li>• green walls with specialised lighting for indoor green walls</li> <li>• wall design that incorporates planting</li> <li>• green roofs, particularly where roofs are visible from the public domain</li> <li>• planter boxes</li> </ul> <p>Note: structures designed to accommodate green</p>	<p>demonstrate consistency with the objective.</p> <p>Landscape Maintenance Plans have been prepared.</p> <p><b>Objective 4P-3</b> The development incorporates planting on structures as a key feature of the communal open space regime.</p>	<p><b>Objective 4P-3</b> Yes</p>
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	walls should be integrated into the building facade and consider the ability of the facade to change over time		
<b>4Q – Universal Design</b>	<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"> <li>• convenient access to communal and public areas</li> <li>• high level of solar access</li> <li>• minimal structural change and residential amenity loss when adapted</li> <li>• larger car parking spaces for accessibility</li> <li>• parking titled separately from apartments or shared car parking arrangements</li> </ul> <p><i>Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs</i></p>	<p><b>Objective 4Q-1, 4Q-2 and 4Q-3</b> 20% of the proposed apartments have been identified as liveable and 15% have been identified as adaptable.</p> <p>It is noted that on Level 1, Apartment B1.02 is identified as wheelchair accessible which is taken to be one of the accessible rooms. This apartment does not receive more than 2 hours of solar access. To ensure that all adaptable apartments achieve relatively high amenity, a condition of consent will be recommended to require adaptable apartments to receive more than 2 hours of sunlight.</p>	<p><b>Objective 4Q-1, 4Q-2 and 4Q-3</b> Minor inconsistency which can be conditioned.</p>

	<p>Apartment design incorporates flexible design solutions which may include:</p> <ul style="list-style-type: none"> <li>• rooms with multiple functions</li> <li>• dual master bedroom apartments with separate bathrooms</li> <li>• larger apartments with various living space options</li> <li>• open plan 'loft' style apartments with only a fixed kitchen, laundry and bathroom</li> </ul>		
<p><b>4S – Mixed Use</b></p>	<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 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"> <li>• development addresses the street</li> <li>• active frontages are provided</li> <li>• diverse activities and uses</li> <li>• avoiding blank walls at the ground level</li> <li>• live/work apartments on the ground floor level, rather than commercial</li> </ul>	<p><b>Objective 4S-1</b></p> <p>The subject site has been rezoned to accommodate a mixed use outcome.</p> <p>The final outcome for the proposed development activates street frontages with retail located at the corner of Nipper Street and Gramophone Lane and apartments or live/work suites at ground floor which front the public domain. The Nipper Street shareway will make a positive contribution to activating the public domain.</p>	<p><b>Objective 4S-1</b> Yes</p>



	<p><i>Objective 4S-2</i> <i>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents</i></p> <p>Residential circulation areas should be clearly defined. Design solutions may include:</p> <ul style="list-style-type: none"> <li>• residential entries are separated from commercial entries and directly accessible from the street</li> <li>• commercial service areas are separated from residential components</li> <li>• residential car parking and communal facilities are separated or secured</li> <li>• security at entries and safe pedestrian routes are provided</li> <li>• concealment opportunities are avoided</li> </ul> <p>Landscaped communal open space should be provided at podium or roof levels</p>	<p><b>Objective 4S-2</b> The development has been design to incorporate clear residential entry points, separate parking areas and secure pedestrian entry points. Concealment is also limited.</p> <p>Residential entry points are separate from commercial entry points.</p> <p>Recommended conditions of consent require separate waste areas for the ground floor retail tenancies.</p>	<p><b>Objective 4S-2</b> Yes</p>
<p><b>4U – Energy Efficiency</b></p>	<p><i>Objective 4U-1</i> <i>Development incorporates passive environmental design</i></p> <p>Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access)</p> <p>Well located, screened outdoor areas should be provided for clothes drying</p> <p><i>Objective 4U-2</i> <i>Development incorporates passive solar design to</i></p>	<p><b>Objective 4U-1</b> The development has demonstrated compliance with solar access requirements.</p> <p><b>Objective 4U-2</b> The development will be required to achieve</p>	<p><b>Objective 4U-1</b> Yes</p> <p><b>Objective 4U-2</b> Yes</p>

	<p><i>optimise heat storage in winter and reduce heat transfer in summer</i></p> <p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> <li>• the use of smart glass or other technologies on north and west elevations</li> <li>• thermal mass in the floors and walls of north facing rooms is maximised</li> <li>• polished concrete floors, tiles or timber rather than carpet</li> <li>• insulated roofs, walls and floors and seals on window and door openings</li> <li>• overhangs and shading devices such as awnings, blinds and screens</li> <li>• Provision of consolidated heating and cooling infrastructure should be located in a centralised location (e.g. the basement)</li> </ul> <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"> <li>• rooms with similar usage are grouped together</li> <li>• natural cross ventilation for apartments is optimised</li> <li>• natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and</li> </ul>	<p>sustainability targets set out under PRCUTS</p> <p><b>Objective 4U-3</b> The development complies with cross flow requirements and will be required to achieve BASIX targets set out under PRCUTS</p>	<p><b>Objective 4U-3</b> Yes</p>
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	circulation spaces as possible.		
<b>4V – Water Management and Conservation</b>	<p><i>Objective 4V-1</i> <i>Potable water use is minimised</i></p> <p>Water efficient fittings, appliances and wastewater reuse should be incorporated.</p> <p>Apartments should be individually metered Rainwater should be collected, stored and reused on site.</p> <p>Drought tolerant, low water use plants should be used within landscaped areas.</p> <p><i>Objective 4V-2</i> <i>Urban stormwater is treated on site before being discharged to receiving waters</i></p> <p>Design guidance Water sensitive urban design systems are designed by a suitably qualified professional A number of the following design solutions are used:</p> <ul style="list-style-type: none"> <li>• runoff is collected from roofs and balconies in water tanks and plumbed into toilets, laundry and irrigation</li> <li>• porous and open paving materials is maximised</li> <li>• on site stormwater and infiltration, including bio-retention systems such as rain gardens or street tree pits</li> </ul>	<b>Objective 4V-1 and 4V-2</b> The development has been designed to achieve a BASIX water target of 50. Conditions of consent prepared by Council's Environmental Sustainability Officer will require further improvements to this performance.	<b>Objective 4V-1 and 4V-2</b> Yes
<b>4W – Waste Management</b>	<p><i>Objective 4W-1</i> <i>Waste storage facilities are designed to minimise impacts on the streetscape,</i></p>	<b>Objective 4W-1</b> The development has been designed to achieve a BASIX water target of 50. Conditions of	<b>Objective 4W-1</b> Yes

	<p><i>building entry and amenity of residents</i></p> <p>Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park.</p> <p>Waste and recycling storage areas should be well ventilated.</p> <p>Circulation design allows bins to be easily manoeuvred between storage and collection points.</p> <p>Temporary storage should be provided for large bulk items such as mattresses.</p> <p>A waste management plan should be prepared.</p> <p><i>Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling</i></p> <p>All dwellings should have a waste and recycling cupboard or temporary storage area of sufficient size to hold two days worth of waste and recycling.</p> <p>Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core.</p> <p>For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses.</p> <p>Alternative waste disposal methods such as composting should be provided.</p>	<p>consent prepared by Council's Environmental Sustainability Officer will require further improvements to this performance.</p> <p><b>Objective 4W-2</b> The development has been considered by Council's Waste Management Officer who is satisfied with the waste management regime, subject to conditions of consent.</p>	<p><b>Objective 4W-2</b> Yes</p>
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**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 water and energy target parameters of 40 (water) and 25 (energy) under the SEPP. However, these targets fall short of the BASIX targets set for development within the PRCUTS precincts.

BASIX Advice prepared by Building and Energy Consultants and submitted with the Application states that the amended proposal is capable of achieving a score of 50 for water and 40 for energy (in-line with the targets under PRCUTS). The advice outlines that given there is no Sydney Water infrastructure for recycled water within the area, the development needs to achieve a BASIX Water score of 50, with a target of 60 not achievable without the Sydney Water Infrastructure.

An updated BASIX Certificate reflecting the above advice will be required prior to approval as part of a deferred commencement. The deferred commencement condition will require the development be required to achieve a water target of 60. To achieve a BASIX water target of 60, A blackwater recycling system must be installed unless the proponent can demonstrate that the practical or cost constraints are significant enough to justify exemption. A reasonable justification will include evidence that the proponent has engaged a general industry provider to provide information regarding the feasibility of this type of addition.

**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 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 the NSW RMS 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 NSW RMS 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.

<b>Clause</b>	<b>Consideration</b>	<b>Proposed</b>
<b>101(1)</b>	<p><i>The objectives of this clause are—</i></p> <p><i>(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</i></p>	Compliant – as confirmed by NSW RMS.

<b>Clause</b>	<b>Consideration</b>	<b>Proposed</b>
	<i>(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</i>	Compliant – as confirmed in the Acoustic report submitted with the Application and by Council’s Environmental Health Officer (Acoustic).
<b>101(2)</b>	<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>
<b>101(2)</b>	<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 potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i>	Noted: this clause applies to proposal.

<b>Clause</b>	<b>Consideration</b>	<b>Proposed</b>
<b>102(1)</b>	<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.
<b>102(2)</b>	<p><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></p>	Compliant and subject to conditions and additional acoustic assessment following building completion– as confirmed by Council’s Environmental Health Officer (Acoustic).
<b>102(3)</b>	<p><i>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</i></p>	Compliant and subject to conditions and additional acoustic assessment following building completion– as confirmed by Council’s Environmental Health Officer (Acoustic).

Clause	Consideration	Proposed
	<p><i>L<sub>Aeq</sub> 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>	

With regards to Clause 104, RMS provided comment in their referral. No objection to the development was raised, subject to imposition of specific conditions which are outlined under the 'external Referrals' section of this report.

The subject application was referred to the Sydney Trains in accordance with Clause 85 'Development adjacent to rail corridors' and Clause 86 'Excavation in, above, below or adjacent to rail corridors' of the *State Environmental Planning Policy (SEPP) (Infrastructure) 2007*.

Clause 85 and 86 require concurrence from Sydney Trains before approval can be granted by Council. As noted in the 'External Referrals' section of this report, Sydney Trains have provided concurrence, subject to specific conditions of consent.

**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.

A number of trees are located along boundary of the site that adjoins Powell's Creek. Preparation of an Arborist Report for consideration by Council will be required prior to approval as part of a deferred commencement.

The proposed development will provide new deep soil, landscaped zones throughout the site as well as new street trees along Nipper Street. The proposed landscaping treatments are considered acceptable in terms of the provision of new trees within a deep soil setting. 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:

<b>Cl.</b>	<b>Aims</b>	<b>Complies</b>
<b>1.2(2)</b>		
<b>(a)</b>	<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>	<b>Yes</b>
<b>(b)</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>	<b>Yes</b>
<b>(c)</b>	<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>	<b>Yes</b>
<b>(d)</b>	<i>To provide opportunities for economic growth that will enhance the local community</i>	<b>Yes</b>
<b>(e)</b>	<i>To promote future development that integrates land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use</i>	<b>Yes</b>
<b>(f)</b>	<i>To identify and protect environmental and cultural heritage</i>	<b>Yes</b>
<b>(g)</b>	<i>To promote opportunities for social, cultural and community activities</i>	<b>Yes</b>
<b>(h)</b>	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	<b>Yes</b>

**Comments:** The proposed development reflects the future character planned for the site in that it delivers a mixed use outcome compliant with key development standards under the LEP, therefore achieving an appropriate bulk and scale.

Key short comings in terms of design excellence included overshadowing and solar access, pedestrian access along Gramophone Lane and the developments relationship with Powell’s Creek, overcrowded circulation cores and lifts, and underperformance in sustainable design (BASIX).

However, it is considered that in combination with deferred commencement conditions, the revised design has addressed these short comings and has merit.

As conditioned, the proposed development is consistent with the LEP, incorporating an appropriate mix of land uses, a sustainable revitalisation of the Parramatta Road corridor, and provides opportunities for economic growth.

**Permissibility**

The subject site is zoned B4 – Mixed Use, pursuant to the provisions of the SLEP 2012. The proposed development represents a mixed use development, with ground floor retail spaces and live work suites. Mixed use buildings are permissible B4 – Mixed Use zone, with consent.

These land uses are defined under SLEP 2012 as follows:



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

The proposed development for the purpose of 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 B4 – Mixed Use zone is included below:

#### **B4 – Mixed Use zone**

<b>Objectives</b>	<b>Complies</b>
• To provide a mixture of compatible land uses.	<b>Yes</b>
• 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.	<b>Yes</b>
• To facilitate mixed use urban growth around railway stations and transport nodes and corridors, commercial centres and open space.	<b>Yes</b>
• To provide local and regional employment and live and work opportunities.	<b>Yes</b>

**Comments:** The proposed mixed use development incorporates 360 residential dwellings, as well as three (3) live work suites, and two retail tenancies. The two retail tenancies and live-work suites are located at ground floor and allow for separate commercial access, ensuring these uses are compatible with the residential component of the development.

The location of the two retail spaces at the corner of Nipper Street and Columbia Lane and location of the live work suites along Nipper Street will assist in activating the Nipper Street shareway and the adjoining communal open space.

The development has proximity to public transport options along Parramatta Road and Homebush Train Station located to the south west. The development does not restrict access to these services. Notwithstanding this and as discussed elsewhere in this report, the development does not promote pedestrian access to a future crossing point of Powell’s Creek which will provide access to public open space in a highly urban and dense part of Homebush.

The live work suites and retail spaces at ground floor provide opportunity for local employment.

### **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.

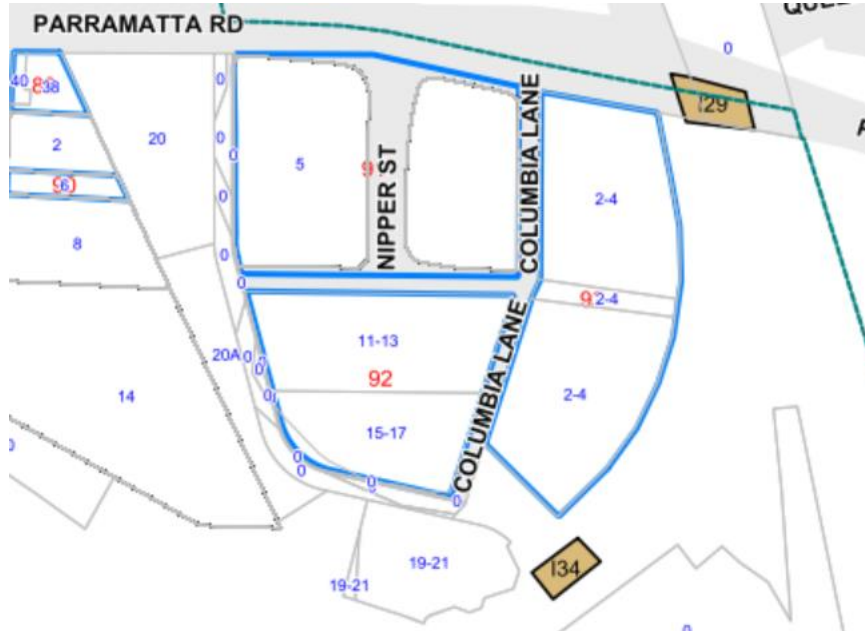
#### **4.1A Minimum lot sizes for residential flat buildings**

Clause 4.1A sets out that the minimum lot size for mixed use developments land zoned B4 – Mixed Use is 1,000m<sup>2</sup>. The site has an area of 6,568m<sup>2</sup> 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 comprises Lot 5 DP 261926 (11-13 Colombia Lane) and Lot 4 in DP 261926 (15-17 Colombia Lane) which form Key site 92. Key site 92 is subject to exceptions to the height and FSR controls under Strathfield LEP 2012.

Figure 10 shows Key site 92 being the subject site.



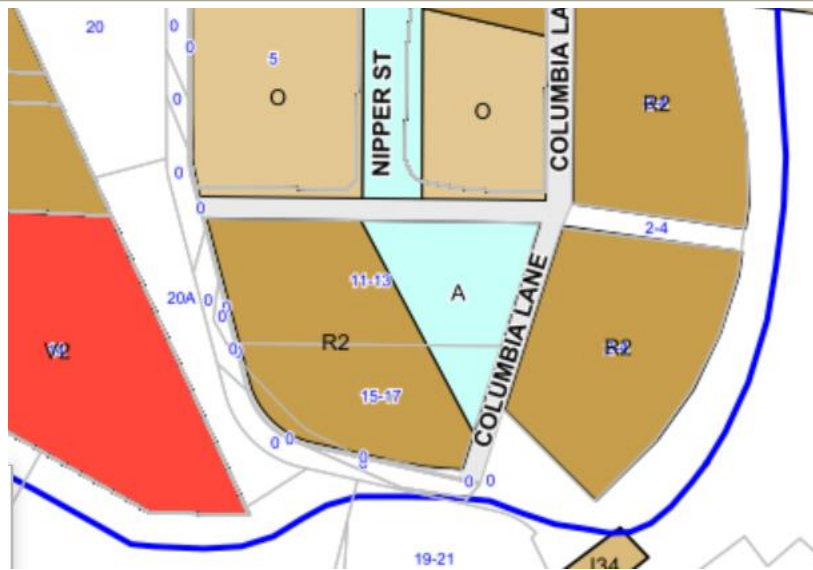
**Figure 10: Key Sites map (Key site 92 forms the subject site)**

**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 and 0m		Yes
4.3A	Exceptions to height of buildings (Parramatta Road Corridor)	Part 80m	80m	

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

**Comments:** The subject site is identified as within Key Sites 92 under Clause 4.3A and is identified as having a height control of 80m. Part of the site has a 0m height control under both clause 4.3 and 4.3A. The proposed development delivers a park in this location, reflective of the purpose of the 0m height control. This is shown in Figure 11.



**Figure 11: A height control of 0m applies to the north eastern portion of the site**

The proposal complies with the objectives of Clause 4.3 in that it achieves a height that is compliant with the respective provisions of key site 92.

The development is of a height that significantly exceeds the scale of existing development surrounding the site. This is reflective of the recent rezoning of the site as part of the PRCUTS. As such, the overall height of the building does not currently present as contextually appropriate but this must be considered in the context of PRCUT and strategic vision for the Homebush Precinct.

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

<b>Cl.</b>	<b>Standard</b>	<b>Controls</b>	<b>Proposed</b>	<b>Complies</b>
<b>4.4</b>	<i>Floor space ratio</i>	1.65:1		<b>Yes</b>
<b>4.4A</b>	<i>Exceptions to floor space ratio (Parramatta Road Corridor)</i>	5:1 (GFA allowance of - 32,840m <sup>2</sup> )	4.69:1 (30,839m <sup>2</sup> )	

<b>Cl</b>	<b>Objectives</b>	<b>Complies</b>
<b>4.4</b>		
<b>(a)</b>	<i>To ensure that dwellings are in keeping with the built form character of the local area</i>	<b>Yes</b>
<b>(b)</b>	<i>To provide consistency in the bulk and scale of new dwellings in residential areas</i>	<b>Yes</b>
<b>(c)</b>	<i>To minimise the impact of new development on the amenity of adjoining properties</i>	<b>No</b>
<b>(d)</b>	<i>To minimise the impact of development on heritage conservation areas and heritage items</i>	<b>Yes</b>
<b>(e)</b>	<i>In relation to Strathfield Town Centre:</i>	<b>N/A</b>

- i. to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and
- ii. to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development

**(f)** In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor **Yes**

**Comments:** The subject site is identified as within Key Site 92 under Clause 4.3A. The proposal complies with the FSR allowance of 5:1 and presents a bulk and scale consistent with the testing of the site undertaken during the rezoning process that resulted in the 5:1 FSR control.

Notwithstanding this, the rezoning process relies on the development assessment process to determine whether the FSR for a site allows for a site responsive design that minimises impacts on the amenity of adjoining properties.

As a result of the proposed development, properties to the west at 14-18 Station Street will experience a reduction in solar access. The applicant has undertaken an analysis of this overshadowing and the ADG assessment in this report has shown that the reduction in solar access is significant.

As part of a deferred commencement, further solar analysis is recommended to occur prior to approval to determine if additional reconfiguration can improve the outcome for the adjoining properties.

### **Part 5: Miscellaneous Provisions**

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

#### **5.10 Heritage conservation**

The proposal is located within the vicinity of the following heritage items:

##### Heritage Items in the vicinity of the development

##### *Strathfield Council*

<i>Location</i>	<i>Name</i>	<i>Item Number</i>
<i>Parramatta Road - Homebush</i>	<i>Railway Bridge with Arnotts sign</i>	<i>I29</i>
<i>Homebush</i>	<i>Railway Viaduct over Powell creek</i>	<i>I34</i>

##### *Canada Bay*

<i>Location</i>	<i>Name</i>	<i>Item Number</i>
<i>North Strathfield</i>	<i>Bakehouse quarter 11, 20-22 George Street</i>	<i>I541</i>
<i>North Strathfield</i>	<i>Railway Viaduct</i>	<i>I212</i>
<i>North Strathfield</i>	<i>Substation – 40A George Street</i>	<i>I213</i>

Council's Heritage Advisor made comment on the proposal and provided recommended conditions of consent in the event of an approval (refer to the 'Internal Referrals' section of this report). Subject to these conditions, Council's heritage advisor outlined their general support.

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. A Detailed Site Investigation (DSI) was undertaken by STS GeoEnvironmental to investigate the nature and extent of contaminants potentially present within the soils and groundwater across the site.

The DSI outlined that the site can be made suitable for the proposed high density residential and open space land uses subject to the preparation and implementation of a Acid Sulfate Soils Management Plan (ASSMP) being prepared for the site prior to construction.

The Application also includes an ASSMP which provides the framework for ongoing management and monitoring of ASS throughout the construction and operation phases of the project.

Subject to the imposition of conditions of consent requiring works to be undertaken in accordance with the ASSMP, the proposal is considered to meet the objectives of this clause.

#### **6.2 Earthworks**

The proposal involves earthworks including excavation to accommodate four (4) 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. The proposal was also reviewed by Sydney Trains, who offered no objections to the proposed excavation, subject to specific conditions of consent.

Appropriate conditions of consent will ensure compliance with the sediment and erosion control plan as well as conditions of consent. Conditions of consent also require pre and post construction dilapidation reports that require an engineer to identify and report on surrounding properties that may be impacted by excavation.

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



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**6.9 Additional provisions for development in Parramatta Road Corridor**

The site forms Key Site 92 and must demonstrate consistency with the following objectives:

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

The proposed development incorporates a mixed use development with ground floor commercial space and residential development, satisfying objective (a). The building orientation, alignment of the Nipper Street shareway and arrangement of communal open space achieves an integrated outcome with surrounding land uses.

The proposal generally 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. As a DCP has not been prepared to reflect The PRCUTS Planning and Design Guidelines, an assessment against DCP – 20 has been undertaken.

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:

<b>Section</b>	<b>Development Control</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance</b>
<b>2.2</b>	<b>Built form/footprint</b>	Proposal to conform to the building footprint shown in figure 9.	Yes, the building is consistent with Figure 9.	<b>Yes</b>
	<b>Land Consolidation</b>	Proposal to conform to the consolidation pattern identified in figure 11.	The proposal conforms to the consolidation pattern.	<b>Yes</b>
<b>2.3</b>	<b>Building Height</b>	Proposal to conform to building height identified in figure 12, which requires max. 3 storeys.	Use maximum building height development standard under SLEP 2012.	<b>N/A</b>
<b>2.4</b>	<b>Minimum Unit Sizes</b>	Proposal to comply to the following min. unit sizes: 1 bed – 70m <sup>2</sup> 2 bed - 85m <sup>2</sup> 3 bed - 100m <sup>2</sup>	The unit sizes of the ADG prevail.	<b>N/A</b>
<b>2.5</b>	<b>Roof Form</b>	Lift and service plant concealed within roof structure.	The lift and service plant is concealed.	<b>Yes</b>
		Provide an interesting skyline and enhance views from adjoining developments.	Acceptable roofline provided for the scale of the building.	<b>Yes</b>
<b>2.6</b>	<b>Façade Composition</b>	Entrance should be distinguishable in the façade.	Entries are distinguishable and do not include opportunities for concealment.	<b>Yes</b>
		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.	<b>Yes</b>

Section	Development Control	Required	Proposed	Compliance
		Materials and finishes should blend together with min. 30% to incorporate face brickwork.	The proposal is generally consistent with the objectives of the control as noted in the ADG assessment.	<b>Yes</b>
		Consider the use of glass in facades on northern and western elevations in terms of glare impacts.	With regards to glazing and associated heat and cooling performance, the proposal is capable of exceeding BASIX requirements and this will be a condition of consent.	<b>Yes</b>
<b>2.8</b>	<b>Visual and Acoustic Privacy</b>	Visual privacy to be provided by separation or screening.	ADG prevails	<b>N/A</b>
		Main living areas oriented to the street or rear garden to prevent overlooking.	ADG prevails	<b>N/A</b>
		Acoustic privacy must be considered in relation to proposal and surrounding environment.	Acceptable.	<b>Yes</b>
		Buildings designed and sited to minimise transmission of noise to adjoining developments.	Residential in nature and unlikely to generate noise.	<b>Yes</b>
		Developments adjoining major road or railway line to consider potential noise impacts.	ADG prevails	<b>N/A</b>
		Shared pedestrian entries	Secured entries proposed.	<b>Yes</b>

Section	Development Control	Required	Proposed	Compliance
		shall be capable of being locked and serve a limited no. of dwellings		
		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 for GF open communal space.	<b>Yes</b>
<b>2.9</b>	<b>Private Open Space</b>	Proposal to provide 35% deep soil landscape area on the site.	ADG prevails.	<b>N/A</b>
		Retain and protect existing significant trees.	The site does not contain any significant trees that Council is aware of. An arborist report is required prior to issue of a construction certificate to confirm.	<b>N/A</b>
		Each contiguous landscape area shall provide large trees.	Several canopy trees proposed within the north eastern ground floor communal open space area.  No mature trees are provided within the open space adjoining Powell's Creek. This area is over basement.	<b>Yes</b>
		Trees and pergolas to shade external areas and control sunlight into buildings.	Trees are provided within the north eastern ground floor communal open space area to provide shade.  No mature trees are provided within the open space adjoining Powell's Creek, however the main concern for this area is solar access, not shade.	<b>Yes</b>

Section	Development Control	Required	Proposed	Compliance
		<p>Proposal to provide common open space to the following dimensions:</p> <p>10% of site or 100m<sup>2</sup> (whichever is greater);</p> <p>Min dimensions of 7m;</p> <p>Positioned to receive sunlight, be conveniently located for residents with good opportunities for passive surveillance and contain durable children's play equipment;</p> <p>Located behind front setback.</p>	ADG prevails.	N/A
	<b>Balconies</b>	<p>Dwellings without ground level open space shall have balconies to the following requirements:</p> <ul style="list-style-type: none"> <li>• 12m<sup>2</sup> up to 2 bed; and</li> <li>• 15m<sup>2</sup> for 3 or more bed;</li> </ul> <p>Min. dimension of 2.0m; Located off living areas and with good solar access; and Balustrades designed to</p>	ADG prevails.	N/A



Section	Development Control	Required	Proposed	Compliance
		provide privacy and conceal service areas whilst allowing passive surveillance.		
		Achieve required BASIX rating.	BASIX satisfied.	<b>Yes</b>
	<b>Solar Access</b>	Main living and 50% of POS receive min. 3 hours solar access.	ADG prevails.	<b>N/A</b>
		Min. 3 hours solar access maintained to habitable rooms and POS of adjoining development.	ADG prevails.	<b>N/A</b>
	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.	<b>Yes</b>
2.11	Disabled Access	One main entrance barrier free and accessible.	Barrier free access to and from the main entrance.	<b>Yes</b>
2.12	Vehicle Access and Parking	Accessible parking provided.	To satisfy BCA	<b>Yes</b>
		15% of units designed to allow occupation by older people and	ADG prevails	<b>N/A</b>

Section	Development Control	Required	Proposed	Compliance
		people with disabilities.		
		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	<b>Yes</b>
2.13	Site Facilities and Services	Comply with driveway ramp gradient and dimension requirements.	Condition of consent recommended requiring the driveway ramp be designed in accordance with AS2890.1-2004.	<b>Yes – can be conditioned.</b>
		Electricity and telecommunication supplies shall be underground.	Aerial Bundling of overhead cables required.	<b>Yes – can be conditioned.</b>
2.14		Letterbox provision	Letter boxes are provided adjacent to the lobbies, adjacent to main building entries.	<b>Yes</b>
		Master TV antenna provided.	No details provided.	<b>Yes – can be conditioned.</b>
		Clothes drying facilities provided.	The design provides facilities on communal open spaces.	<b>Yes</b>
		Comply with BCA	To be enforced by condition of consent.	<b>Yes – can be conditioned.</b>
2.16		Dilapidation report for all adjoining development.	To be enforced by condition of consent.	<b>Yes – can be conditioned.</b>

#### **Part H – Waste Management**

A Waste Management Plan was submitted as part of the development application. As noted under the 'Internal Referrals' section of this report, Council's Environmental Health Officer (Waste) has

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reviewed the DA and determined a number of inconsistencies with Part H and/or some features of the DA that require additional detail to ensure compliance with Part H. These include the following:

- a) *Waste collection vehicle must enter and exit the building in a forward direction. This is stated in the submitted Waste Management Plan (page 14) however this is not what the Architectural Drawings (turning paths) show. Introduction of a turntable may be recommended.*
- b) *For mixed use developments, separate bin storage areas must be provided for commercial premises that can only be accessed by their intended users and be totally separated from residential waste and recycling collection. Written evidence of private collection contractor must be provided for commercial waste and recycling collections, as well as a specific Waste Management Plan.*
- c) *A Waste Management Plan for Construction and Demolition has not been provided.*

### **Part I – Provision of Off-Street Parking Facilities**

Council's Traffic Engineer has provided a referral informed by the provisions in Part I of the SCDCP 2005. As noted under the Internal Referrals Section of this report, Council's Traffic Engineer has outlined their general support for the final scheme.

With regard to off-street parking provision, Council's Traffic Engineer has undertaken an assessment of the proposal in accordance with SEPP 65 and the RMS Guide to Traffic Generating Developments which overrides the DCP.

### **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 SCDCP 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 remnants 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*.

**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***

**OVERSHADOWING**

The shadow diagrams submitted with the Application indicated that the proposed development could result in increased overshadowing impacts of properties to the west at 14-16 Station Street. Accordingly, in correspondence from 22 May 2020, Council requested that the Applicant provide detailed analysis of overshadowing impacts resulting from the proposed development, looking at the impacts on individual apartments in the context of minimum standards and objectives set out under the ADG.

This analysis has been provided and the key points are as follows:

- The development at 14-16 Street comprises 3 buildings (A, B and C) and a total of 208 apartments across the 3 buildings,
- The proposed development does not result in additional overshadowing of Buildings A and B, only Building C
- Building C contains 109 units,
- 75 (69%) of the units within Building C currently achieve more than 2 hours of solar access in mid winter,
- 21 units within Building C will receive less than 2 hours of direct sunlight representing a reduction of 28%. The new solar access period in mid winter for these 21 apartments varies, but is consistently more than a 20% reduction and sometimes close to 50%. However, the apartments that will experience a reduction in solar access generally retain 1 hour or more of sunlight,
- Two of the units in Building C which currently have less than 2 hours of sunlight in Building C but still some solar access, will also experience a reduction in sunlight which is 50% or more in some instances,
- Overall (across Buildings A, B and C), the overshadowing results in 132 units out of 208 having more than 2 hours of solar access (64%), to be compared with the current 153 out of 208 (74%) which is a reduction of 10% of the total units.

The ADG provides the following design guidance in regards to overshadowing impacts for neighbouring properties (Objective 3B-2):

- Solar access to living rooms, balconies and private open spaces of neighbours should be considered
- Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%
- If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy
- Overshadowing should be minimised to the south or down hill by increased upper level setbacks

- It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development
- A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings

The revised building massing and setbacks achieves the building separation design guidance in the ADG (as listed above), with the closest point of Building A at the subject site being approximately 30m from Building C at 14-16 Station Street, exceeding the 24m separation requirement.

However, the reduction in solar access for Building C is relatively significant. Currently, Building C receives less than the required 70% of units with 2 hours or more solar access and the overshadowing will reduce this figure by 28%. Accordingly, a deferred commencement for the proposed development has been recommended, with changes to building massing required prior to approval, that demonstrates a reduction of no more than 20%.

As Council's Architect pointed out in their internal referral, it is also uncertain whether the revised design has resulted in a significant improvement, as the same modelling for the former design has not been provided. However, based on the information provided, it is expected a reduction in overshadowing would be achieved.

Council acknowledges that revisions made as part of the final design are likely to have improved solar impacts on the properties at 14-16 Station Street and that the proposal incorporates development of a vacant site and some solar impacts are inevitable.

### **Future development to be considered**

In correspondence from the 22 May 2020, the Applicant was requested to provide solar access diagrams and overshadowing diagrams that include building massing for the 'Kennard's site' that accurately depicts the development potential as represented in the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS). It is noted the Sydney Eastern Planning Panel initially deferred the Planning Proposal for a number of reasons including this concern; deciding it should be addressed at DA stage.

### **AFFORDABLE HOUSING**

Council notes that the Planning Team Report from the most recent rezoning of the site (dated 22 May 2017) clearly defines that a 5% contribution of the development is to be affordable housing, not 5% of the uplift. This is to be adhered to and the affordable housing units are to include a range of unit types and are to be managed by Council in perpetuity.

Conditions of consent will require the dedication of 18 units as affordable housing.

### **PUBLIC DOMAIN WORKS**

Council notes that the revised design drawings include public domain works outside of the site boundary at the western end of Gramophone Lane (plaza and landscaping), along the southern verge of Gramophone Lane (street trees, footpath works) and at the southern end of Columbia Lane



(plaza space). These public domain works are important features of the development that will improve the amenity for future residents at the site and surrounding local area.

To ensure these spaces are delivered and managed by the Applicant, at no cost to Council, conditions of consent have been imposed requiring works to be delivered in accordance with the approved Landscape Drawings and Architectural Drawings for areas within the site and on public roadways.

A condition of consent will also require dedication of Nipper Street to Council following construction. The dedication will be in the form of a stratum subdivision, whereby Council will not be responsible for structural components of the basement, only the road reserve above a certain RL.

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

As noted in this assessment, the site is considered suitable for a mixed use development of a scale to that which is proposed. However, some features of the current concept restrict the delivery of a site responsive outcome with regard to overshadowing.

#### **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 **17 October 2019 to 8 October 2019**. During the notification period, Forty Seven 47 submissions objecting to the DA were received during this time. The objectors and corresponding address' are listed below and Figure 12 illustrates the location of submissions made from properties near the site.

- Wendy Yang – Unit 123, 5-7 Beresford Road Strathfield
- John Hay – Unit 1, 16-18 Burlington Road Homebush
- Joanna Wu – Nipper Street Homebush
- Resident at 1-5 Nipper Street Homebush
- Yeshwant Survarna – No address provided
- Jason Vo – No address provided
- Alex Zhang – Resident at 4 Nipper Street Homebush
- Geeta Suvarna – No address provided
- Robyn Pogmore – Resident at 67a Abbotsford Road Homebush
- Frank Richardson – 28 Pomeroy Street Homebush
- Resident at 14-16 Station Street Homebush
- Resident living in Homebush
- Lily – Address not provided
- Eva – Address not provided
- Ed Youds – 52 Beresford Road Homebush
- Louise Wand – 37 Ismay Avenue Homebush

- Mary Dowling – Address not provided
- Patricia Giammarco – Address not provided
- Chris Tang – 39 Ismay Avenue Homebush
- Cheryl and Peter Cochineas – 10 Pemberton Street Strathfield
- Paul Haire – 5 /63 Underwood Road, Homebush
- William Thompson – 7 Gees Avenue Strathfield
- Teresa Le Strange – 2 Francis Street Strathfield
- Fred & Liliana Capacchione – Residents at 8 Pemberton Street Strathfield
- Gamini De Silva – Resident of 7 Dean Street, Strathfield
- Chris Vorbach – Unit 3, 7-9 Burlington Road Homebush
- Paul Ng – No address provided
- Greg & Patricia Miller – Residents at 4 Abbotsford Road Homebush
- George Herok – Resident not provided
- Maryanna Duggan – Address not provided
- Karen Pensabene – Address not provided
- Oleg Rozmeta – Resident at 39 Beresford Road Strathfield
- Jon Breen – Resident at 18-20 Park Avenue Burwood
- Karen Norman – Resident at 11 Wakeford Road Strathfield
- Sandra Love – No address provided
- Miriam Kennedy – No address provided
- Nicholas Smith – Resident at 52 Bates Street Strathfield
- Greg Widders – Resident at 36-37 The Crescent Homebush
- Sarah Reynolds – Resident at 24-26 Beresford Road Strathfield
- James Tsai – Resident at 3 Bridge Road Homebush
- Ilango Surendran – Resident at 7-9 Burlington Road Homebush
- Paul Wijngaarden – 77 Consett Street Concord
- Jay Lin – Resident at 34 Wilson Street Strathfield
- Catherine Reynolds – 48 Bates Street Strathfield
- Diana & William – Residents at 14-16 Station Street Homebush
- Lily Chen – Resident at 4 Nipper Street Homebush
- Chris Tsang Resident at 39 Ismay Avenue Homebush





**Figure 12: Submissions made from properties within the surrounding locality**

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

<b>Submission subject and issues summary</b>	<b>Response</b>
<p><b>Congestion</b></p> <ul style="list-style-type: none"> <li>- Proposal will create traffic delays in an area that is already congested</li> <li>- Lack of independent traffic studies – the traffic study is based on inaccurate measurements and planning assumptions. The recent opening of the M4 on ramp with two traffic lights in quick succession has caused considerable congestion in the area which is failed to be considered in the developer’s traffic study.</li> </ul>	<p>Following a review of the Application, Council’s Traffic Engineer requested updated SIDRA analysis which has been prepared by the Applicant’s Traffic Consultant. Council’s Traffic Engineer made the following comments:</p> <p><i>The updated SIDRA modelling analysis based on the latest traffic surveys and committed development traffic generation has shown all intersection LoS D or above (except for Parramatta Road/Columbia Lane). This intersection performance is attributed to the worst performed movement (right turn out from Columbia Lane) rather than the capacity constraints, therefore, by removing the right turn the intersection performance would be satisfactory.</i></p>
<p><b>Overdevelopment</b></p> <ul style="list-style-type: none"> <li>- There has already been an overdevelopment of apartment buildings in the vicinity of the site</li> </ul>	<p>Rezoning of the site has been informed by PRCUTS which identifies a demand for the housing and adequate local and regional infrastructure to support increased densities. The site has been identified as</p>

<p>and along Parramatta Road, causing the area to become congested and crowded.</p> <ul style="list-style-type: none"> <li>- Influx of apartments in that area exceeds demands hence leading to ghost apartments</li> <li>- Not enough infrastructure (schools, child cares, hospitals, sports facilities) to cater for this increase in population</li> </ul>	<p>suitable for increased density in part due to its proximity to public transport options along Parramatta Road and at Homebush Train Station.</p> <p>The Sydney East Planning Panel deferred the Planning Proposal on 8 February 2018 for a number of reasons including traffic impacts and solar access. These matters did not include the provision of infrastructure and services such as schools, child cares, hospitals, sports facilities.</p> <p>With regard to road infrastructure, the Panel later determined the Planning Proposal on 30 August 2018. It is noted that the panel was advised the Planning Proposal did not need to await the outcomes of the precinct wide traffic study because the proposal was lodged before PRCUTS was finalised. Nevertheless, the Applicant has undertaken Traffic Impact Assessments (including detailed SIDRA modelling) which have been endorsed by Council’s Traffic Engineer.</p>
<p><b>Character</b></p> <ul style="list-style-type: none"> <li>- Proposed 26 storey RFB will create an eyesore</li> <li>- Proposal will compromise Arnotts Bridge</li> <li>- 80m building height will create a precedent for the surrounding RFBs. This would result in an increase of approximately 6000 new residents within a 200m area.</li> </ul>	<p>Council’s Heritage Planner has reviewed the proposal and Heritage Interpretation Strategy and made recommendations that would improve the developments design response to surrounding heritage items.</p> <p>In regards to the general character, the height limit for the site reflects the changing character of the Homebush Precinct under PRCUTS.</p>
<p><b>Overshadowing</b> Proposal will result in a loss of light</p>	<p>Council has requested additional detail from the Applicant in relation to overshadowing of properties to the west at 14-16 Station Street.</p> <p>Notwithstanding this, some loss of light associated with the development is inevitable in an area identified for high density development. The design of the building must ensure that this loss of light is distributed throughout various periods of the day and minimised.</p>
<p><b>Privacy</b> Height of apartments would reduce the already limited privacy of Grand Central</p>	<p>The ADG assessment for the proposal also identified an inconsistency with objective 2F- Building Separation. Neighbouring buildings within range are to the north at 6-18 Parramatta Road. Additional setbacks of the proposed development along Gramophone would improve the outcome, however the 24m requirement would be difficult to achieve.</p> <p>The balconies of the building to the north are less than 24m from habitable rooms proposed for the subject site (approximately 18m).</p> <p>The ADG assessment notes that the variation to the control is acceptable given the constraints of the site and small setbacks of the building to the north.</p> <p>However, this report will recommend additional setbacks for the building along Gramophone Lane as</p>



	<p>part of a deferred commencement, assisting with privacy concerns.</p> <p>Notwithstanding this, due to the nature of the development and high density area, some impacts on privacy are unavoidable.</p>
<p><b>Parking</b></p> <ul style="list-style-type: none"> <li>- Insufficient parking to apartment ratio</li> <li>- Provision of 4 basement levels of parking equates to less than one vehicle space per apartment which is insufficient, in turn reducing the amount of street parking available.</li> <li>- Minimum amount of consideration given for visitor parking</li> </ul>	<p>Council's Traffic Engineer has undertaken an assessment of the proposal in accordance with SEPP 65 and the RMS Guide to Traffic Generating Developments and is satisfied compliance is achieved.</p>
<p><b>Noise</b></p> <p>Proposed units do not have sufficient sound proofing. Note that the proposal is in close proximity to Ausgrid substation, train line, Parramatta Road and M4.</p>	<p>A noise impact assessment has been submitted with the Application recommending suitable acoustic attenuation measures with regard to the applicable criteria including the Department of Planning (DoP) document 'Development near Rail Corridors and Busy Roads - Interim Guideline' and noise levels identified in State Environmental Planning Policy (SEPP) Infrastructure (2007).</p> <p>The revised design incorporates a number of features such as plenums and louvres for creation of winter gardens that will improve the outcomes for affected apartments.</p>
<p><b>Solar Access</b></p> <ul style="list-style-type: none"> <li>- North facing apartments will receive too much solar access, leading to an increased reliance on air conditioning and decreased energy efficiency</li> <li>- Potential for solar panelling on eastern, northern and western facing walls.</li> </ul>	<p>BASIX advice provided with the Application demonstrates that an energy target of 40 can be achieved for the site and this will be conditioned.</p> <p>Solar panelling has been incorporated into the final design.</p>
<p><b>Transport</b></p> <ul style="list-style-type: none"> <li>- Homebush Station is already at full capacity</li> <li>- Lack of electric vehicle chargers</li> <li>- Gramophone Lane is too narrow to cater the increased population of the proposal. The road would need to be widened to match Nipper Street.</li> </ul>	<p>The assessment of the proposed development has identified Gramophone Lane as potentially problematic. While further setbacks are recommended as part of a deferred commencement condition, on balance the final outcome for Gramophone Lane has been significantly improved and the width of the road has been considered as suitable by Council's Traffic Engineer.</p> <p>Council's Traffic Engineer did not make comment on the provision of electric vehicle chargers however they did make comment on the need for car share providers on the market to be consulted in order to ensure a viable car share scheme.</p> <p>The final design outcome provides for car share spaces along Nipper Street.</p>
<p><b>Amenity</b></p> <ul style="list-style-type: none"> <li>- Four (4) levels of basement will require heavy drilling which could significantly damage the foundation of adjacent buildings</li> </ul>	<p>The Geotechnical report provided with the Application addresses geology and site conditions. Conditions of consent will require excavation processes to be consistent with this Geotechnical Report.</p>



<ul style="list-style-type: none"> <li>- Potential for a rooftop garden</li> <li>- A building of this size will create a heat island</li> <li>- Insufficient green space and the proposed green space has been located in an undesirable location.</li> <li>- No provision for pedestrian and cycle planning.</li> </ul>	<p>The provision of open space has been considered in the ADG assessment. The development exceeds the minimum communal open space requirement.</p> <p>Recent design revisions have made marked improvements in the location of open space and the developments response to future pedestrian and cycle corridors.</p>
<p><b>Flooding</b> Proposal will result in additional flooding impacts</p>	<p>Council’s Stormwater Engineer provided the following comments:</p> <p style="text-align: center;"><i>The subject site has a natural fall to the rear and presence of Sydney Water Powells Creek has enabled the applicant to submit a compliant design. WSUD principles have been incorporated into proposed below ground OSD in accordance with Sydney Water requirements. From an engineering perspective, the stormwater management plan is feasible and there are no objections to its approval subject to conditions of consent.</i></p>
<p><b>Access</b></p> <ul style="list-style-type: none"> <li>- Access is only provided via Nipper Street from Parramatta Road.</li> <li>- Lack of emergency access</li> </ul>	<p>The Applicant has undertaken a Traffic Impact Assessment that has been approved by Council’s Traffic Engineer.</p>
<p><b>Pollution</b></p> <ul style="list-style-type: none"> <li>- Impact of M4 ventilation stacks on the physical health of occupants on upper levels.</li> <li>- No environmental impact study conducted on M4 Ventilation Tower Facility</li> </ul>	<p>An assessment of this is not triggered by the development application.</p>
<p><b>Affordable Housing</b> Proposal does not provide 5% affordable housing as required by the Sydney East Planning Determination</p>	<p>Council has noted this fact in this assessment report and should approval be granted, affordable housing at a rate of 5% across the development will be included as a recommended condition of consent.</p>
<p><b>Height</b> The DA is for 26 levels – 80m height which is provided for in the Parramatta Road Corridor Urban Transformation Strategy. However, the developer is seeking approval for under the old LEP 2012 which sets the height at 32 metres. If seeking approval under LEP 2012, the 32m height should be adhered to.</p>	<p>The subject site was rezoned in 2019 to be consistent with the visions for the site under the Parramatta Road Corridor Urban Transformation Strategy. The site does incorporate a height allowance of 80m. As discussed within this report, development at this height must ensure impacts on the surrounding area are adequately managed.</p>

Following design changes, the Application was re-notified (**7 – 28 August**) to members of the public who had made submissions during the original notification period. An additional four written submissions were received, all of which objected to the proposal.

The following members of the public made submissions:

- Robyn Pogmore – 67a Abbotsford Road
- Chris Reynolds – 48 Bates Street
- Oleg Rozmeta – 39 Beresford Road

- 
- Jason Vo – No address provided

It is noted that the above objectors do not reside at addresses in the immediate vicinity of the subject site.

The following concerns were raised in their objections:

- Overcrowding and associated strain on infrastructure (shops, schools, medical services, recreation, parking),
- Overcrowding and increased importance of adequate space due to the COVID-19 pandemic,
- The need for a development that responds to climate change (green spaces, solar panelling and batteries, grey water systems, highest standard of insulation),
- Population growth in general,
- Traffic – General issues with Parramatta Road and specific reference to unsafe movements at the Columbia Lane/Parramatta Road intersection,
- Environmental health implications associated with the Westconnex Ventilation System,
- Nature of this development being the outcome of a spot rezoning. The development does not form part of a masterplan that could consider the overall bulk and scale of the Homebush Precinct,
- Potential damage to the foundations of surrounding buildings from excavation required for the proposed basement,
- Gramophone Lane is too narrow to accommodate both the proposed development and existing development at 6-8 Parramatta Road,
- Excessive height and density,
- Overshadowing,
- Safe pedestrian access to the railway stations is required.

The response to the originally submissions generally addresses the matters raised above. Recent revisions to the design have improved the developments environmental performance and conditions of consent will require the development to be further revised to address the provision of adequate setbacks and street widths, overshadowing and further improve the environmental performance.

#### **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 has informed the recommendation

### **SECTION 94 CONTRIBUTIONS**

#### **STRATHFIELD 7.11 DIRECT CONTRIBUTIONS PLAN**

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

Payment of a Section 7.11 Contribution applies to the development in accordance with the *Strathfield Direct Development Contributions Plan 2010-2030*, as follows:

Provision of Community Facilities	\$707,974.43
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Provision of Major Open Space	\$3,221,071.68
Provision of Local Open Space	\$2,100,182.83
Provision Roads and traffic Management	\$222,633.79
Administration	\$61,046.90
<b>TOTAL</b>	<b>\$6,312,909.63</b>

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Note: The site is located in Precinct 3.

Credits: \$39, 626.26

**As such, a total contribution payment of \$6,273,283.37 applies.**

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## **CONCLUSION**

Having regard to the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, the proposal is considered to be acceptable on its merits and is recommended for approval subject to conditions of consent

Signed: Joe Gillies  
**Senior Planner**

## **RECOMMENDATION**

That Development Application No. DA2019/143 for site preparation works including demolition, remediation works and excavation and construction of a mixed use development at the site incorporating one (1) 26 storey tower and one (1) 25 storey tower, an eight (8) storey podium and basement car parking (381 car bays), 360 residential units, two (2) retail tenancies, three (3) live-work suites, several communal open space areas and extension of Nipper Street be **APPROVED**, subject to a deferred commencement:

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

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

## **DEFERRED COMMENCEMENT CONDITIONS**

### **1. Deferred Commencement - General**

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

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

- a) Additional overshadowing analysis is required to determine whether changes in the configuration of Building A would further reduce the overshadowing impacts at 14-16 Station Street. The change to the number units in Building C at 14-16 Station Street that receive more than 2 hours of solar access must not be greater than 20%. This change cannot result in any reduction in the standard of amenity for the proposed development as detailed on the plans listed in condition 2 below (i.e. smaller apartments, reduced solar access and all other measures under the ADG).
- b) An additional lift is required for Building A and Building B. The additional lift must not result in reduced amenity for the proposed development as detailed on the plans listed in Condition 2 below.
- c) Setbacks along Gramophone Lane are to be increased to address building separation requirements with buildings at 6-18 Parramatta Road and reduce congestion and conflicts between pedestrians and vehicles along Gramophone Lane. The additional land achieved via the setback should be incorporated into landscaping at the interface of the building and footpath. The changes must not result in reduced amenity for the proposed development as detailed on the plans listed in Condition 2 below.
- d) Setbacks at the interface of the building (Level 2 and up) with Columbia Lane are to be increased. The changes must not result in reduced amenity for the proposed development as detailed on the plans listed in Condition 2 below.
- e) The Applicant is to provide Council with written confirmation that 18 units will be allocated as affordable housing. The units are to incorporate a mix of apartment types and are to be dedicated in perpetuity to Council.
- f) The Landscape Plan must be amended to achieve consistency with the Architectural Drawings or vis versa. The landscape plans must clearly show that the area of deep soil landscaping is 20% of the site.
- g) A plan showing the RL of the finished road pavement for Nipper Street is to be provided to Council to allow for dedication of the road above this level to Council. This plan will inform a future stratum subdivision plan for dedication of the road to Council at a later date and is to be provided to the PCA.
- h) An Arborist Report is required for consideration by Council's Tree coordinator. The Arborist Report must address whether any trees are required for removal as part of the development and consider their significance. Tree protection measures for trees that may be impacted by the construction of the development must also be identified. Additional tree bond fees will be imposed to address protection of any trees identified in the Arborist report, or by Council once the Arborist report is received.
- i) The bin collection area is to be revised to incorporate a turntable that allows for forward entry and exist by service vehicles.
- j) Separate bin storage areas must be provided for commercial premises that can only be accessed by their intended users and be totally separated from residential waste and recycling collection. Written evidence of private collection contractor must be provided for commercial waste and recycling collections, as well as a specific Waste Management

Plan.

- k) A Demolition Waste Management Plan and Construction Waste Management Plan must be submitted to Council for approval.
- l) A BASIX Certificate is required that is consistent with the advice provided by Building and Energy Consultants Australia and dated 13 July 2020. However, a BASIX water target of 60 is to be achieved.

To achieve a BASIX water target of 60, A blackwater recycling system must be installed unless the proponent can demonstrate that the practical or cost constraints are significant enough to justify exemption. A reasonable justification will include evidence that the proponent has engaged a general industry provider to provide information regarding the feasibility of this type of addition.

- m) The Architectural Plans are to be revised to ensure all accessible rooms are located in apartments with more than 2 hours of solar access in mid-winter and are cross ventilated.
- n) An archaeological assessment undertaken by a suitably qualified archaeologist must be submitted to and approved by Council’s Heritage Advisor. The report must assess whether the proposed works have the potential to disturb any archaeological remains and identify if there is a need for any archaeological investigation prior to commencement of any works on site. The report should also recommend measures and documentation to be undertaken during the process of demolition and excavation work.

Should the assessment report suggest the site may contain relics and the proposed work may disturb them, council may request the applicant to amend the proposal so that the relics are properly protected or interpreted.

## 2. **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:

<b>Description</b>	<b>Reference No.</b>	<b>Date</b>	<b>Revision</b>	<b>Prepared by</b>
Data Sheet	AP02	15/07/20	D	mpa
Site Plan	AP03	15/07/20	D	mpa
Basement 4	AP04	15/07/20	D	mpa
Basement 3	AP05	15/07/20	D	mpa
Basement 2	AP06	15/07/20	D	mpa



Basement 1	AP07	15/07/20	D	mpa
Ground Floor	AP08	15/07/20	D	mpa
Level 1	AP09	15/07/20	D	mpa
Level 2- 6	AP10	15/07/20	D	mpa
Level 7	AP11	15/07/20	D	mpa
Level 8	AP12	15/07/20	D	mpa
Level 9 - 12	AP13	15/07/20	D	mpa
Level 13	AP14	15/07/20	D	mpa
Level 14 - 16	AP15	15/07/20	D	mpa
Level 17	AP16	15/07/20	D	mpa
Level 18 - 21	AP17	15/07/20	D	mpa
Levels 22	AP18	15/07/20	D	mpa
Level 23	AP19	15/07/20	D	mpa
Level 24	AP20	15/07/20	D	mpa
Level 25	AP21	15/07/20	D	mpa
Roof Plan	AP22	15/07/20	D	mpa
Elevation NE	AP23	15/07/20	D	mpa
Elevation N	AP24	15/07/20	D	mpa
Elevation SE	AP25	15/07/20	D	mpa

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Elevation SW	AP26	15/07/20	D	mpa
Section A	AP27	15/07/20	D	mpa
Section B	AP28	15/07/20	D	mpa
Section C	AP29	15/07/20	D	mpa
Section D	AP30	15/07/20	D	mpa
Adaptable and Liveable Units	AP31	15/07/20	D	mpa
Landscape Design Report	S17-0068	24/07/2020	G	Clouston associates
Acoustic Assessment Report	J17289RP1	17 July 2020	Final	EMM
Operational Waste Management Plan	SO289	16/07/2020	F	Elephants Foot Recycling Solutions
Heritage Interpretation Strategy	SA7388	9 July 2020	1	Urbis
Acid Sulfate Soil Management Plan	E24275.E14	16 August 2019	1	Ei Australia
Remediation Action Plan	E24275.E06	16 August 2019	2	Ei Australia
Design Verification Statement	-	15 July 2020	1	mpa
Stormwater Management Plan	R01866-SWMP	August 2019	B	C&M
Flooding Assessment Report	R01866-F	August 2017	A	C&M

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Geotechnical  
Investigation

19/0962

April 2019

STS  
GeoEnvironmental

**3. Building Height**

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 87.0 AHD to the roof ridge of the proposed dwelling.

**SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION**

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

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

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

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

- o) Placing or storing materials or equipment;
  - p) Placing or storing waste containers or skip bins;
  - q) Erecting a structure or carrying out work
  - r) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
  - s) Pumping concrete from a public road;
  - t) Pumping water from the site into the public road;
  - u) Constructing a vehicular crossing or footpath;
  - v) Establishing a “works zone”;
  - w) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
  - x) Stormwater & ancillary works in the road reserve; and
  - y) Stormwater & ancillary to public infrastructure on private land
- a) 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](http://www.strathfield.nsw.gov.au). For further information, please contact Council’s Customer Service Centre on (02) 9748 9999.

**5. 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) The owner is to bear all costs associated with the development and provision of vehicular crossings, road frontage works, public domain works, and road construction to facilitate access to and from the development site. All external civil works are to be in accordance with the works identified in the approved Architectural Drawings prepared by mpa and dated 15 July 2020 and Landscape Plans prepared by Clouston Associates and dated 24 July 2020 and should be designed and built in accordance with Council's specifications and apply to a separate works application with Council.

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.

## **6. 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.

## **7. 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) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (b) 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](http://www.strathfield.nsw.gov.au)) before the commencement of work; and
- (c) 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.

## **8. 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 \$20,000.

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**

**9. General Terms of Approval**

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

<b>Approval Body</b>	<b>Date of GTA</b>
Natural Resources Access Regulator	<b>23/10/2019</b>
Sydney Water	<b>28/10/2019</b>
Ausgrid	<b>29/01/2020</b>
Sydney Trains	<b>26/02/2020</b>
NSW Roads and Maritime Services	<b>30/09/2020</b>
Water NSW	<b>26/02/2020</b>

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

**10. Geotechnical Report**

Prior to the issue of a Construction Certificate the Applicant shall provide Sydney Trains with a Geotechnical Report and structural drawings/report. These reports shall provide confirmation that there will be no negative impact on Sydney Trains infrastructure and land. Written confirmation shall be provided from Sydney Trains to the Certifying Authority confirming this condition has been satisfied.



**11. 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](http://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.

**12. 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](http://www.sydwater.nsw.gov.au/legislation/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](http://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.

**13. Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the [Sydney Water Act 1994](http://www.sydwater.nsw.gov.au/legislation/act/1994) must be submitted to the PCA prior to the issue of the Occupation/Subdivision Certificate.

**14. 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](http://www.ausgrid.com.au) (Business and Commercial Services).

**15. 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.

**16. Electricity Supply to Development**

The electricity supply to the Development must be underground.

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**17. Required Design Changes**

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

Multi-purpose loading/waste collection area	The applicant shall modify the waste collection area to allow shared use by waste collection vehicles and other loading/unloading activities that cannot be accommodated in the loading bays in the basement. The area shall be design to allow vehicles (up to 10m rear loader – turning circle 18m kerb to kerb) to enter and exit the site in a forward direction, with additional mechanical installation (e.g. turntable) if required.
Car share spaces	All car shared spaces to be accommodated in the basement with spaces clearly marked/signposted. An intercom system is to be provided to facilitate visitor/service access to underground parking areas.
Nipper Street extension	Nipper Street extension is to provide pedestrian access only. All on-street parking is removed from the Nipper Street extension. Removable bollards are to be installed at both ends of the Nipper Street extension and managed by the building manager/strata to allow emergency vehicle access only.

**18. 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](http://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:

<b>Fee Type</b>	<b>Fee</b>
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation)	<b>\$462,767.00</b>
Or, provide evidence of Payment direct to the Long Service	

Corporation.

See <https://portal.longservice.nsw.gov.au/bci/levy/>

Security Damage Deposit	<b>\$30,000.00</b>
Administration Fee for Damage Deposit	<b>\$127.00</b>

### **General Fees**

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

### **Development Contributions**

The Section 7.11 contributions (s94) have been imposed on this consent in accordance with the *Ministerial Directions – Timing of Payments* and are deferred until the issuing of the first occupation certificate.

However, if no construction certificate in respect to the erection of any building to which this consent relates has been issued on or before 25 September 2022, the monetary contribution must be paid before the issue of the any construction certificate after that date for any such building.

### Indexation

The 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.

### 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](http://www.strathfield.nsw.gov.au).

## **19. Damage Deposit – Major Works**

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

- (a) 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
- (b) 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
- (c) 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.

**20. Site Management Plan**

**Major Development**

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

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

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

**21. 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](#).

**22. Design Quality Excellence (Major Development)**

- (a) In order to ensure the design quality excellence of the development is retained:
  - i. The design architect is to have direct involvement in the design documentation,

contract documentation and construct stages of the project;

- ii. 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;
  - iii. 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.

**23. BASIX Commitments**

The BASIX Certificate shall be amended as required by the deferred commencement conditions and be submitted to the Accredited Certifier with the application for a Construction Certificate.

All measures and commitments as detailed in the amended BASIX Certificate must be implemented on the plans lodged with the application for the Construction Certificate.

**24. Archaeological Investigation**

Prior to the issue of a Construction Certificate:

- (a) The applicant must apply to Heritage NSW for an excavation permit under Section 140 of the [Heritage Act 1977](#).
- (b) Should any potential archaeological deposit likely to contain Aboriginal objects be identified by any person during the planning or historical assessment stage, application must be made by a suitably qualified archaeologist to the NSW Government Office of Environment and Heritage for an excavation permit for Aboriginal objects.
- (c) The applicant must comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance is made for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the [Heritage Act 1977](#).
- (f) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the [National Parks and Wildlife Act 1974](#);



- (g) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council's Heritage Advisor prior to issue of an Occupation Certificate.

**25. Heritage Interpretation Plan**

- a) An updated interpretation plan/strategy for the park, streets, lanes and commercial area must be submitted to and approved by Council's Heritage Advisor prior to a Construction Certificate being issued. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.
- b) The updated interpretation plan/strategy must detail how information on the history and significance of this particular area in relation to the Australian Music Industry, in which Columbia and Gramophone lanes and Nipper Street, have been named (Columbia and EMI/HMP records and the gramophone factory) and other significant industries such as the food and manufacturing (Baker House Quarter) will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selective artefacts are some of the means that can be used.
- c) Interpretation plan should consider introduction of public linkage signage around the site to link heritage areas such as Homebush Train Station and to establish connections between heritage items in the areas and establish better consistency with the Parramatta Road Corridor Urban Transformation Planning and design Guidelines Implementation Tool Kit November 2016 Figure 7.4 Homebush Structure Plan.
- d) The plan must specify the location, type, making materials and contents of the interpretation device being proposed.
- e) Prior to the occupation certificate being issued the approved interpretation plan must be implemented to the satisfaction of the Heritage Advisor.

**26. Schedule of External Materials, Colours and Finishes**

- a) The external colour and material scheme of the lower podium along Columbia lane and Gramophone lane on the architecture plans is to comprise of sections of recycled bricks that is in keeping with a federation character. The External Colour and Finishes schedule should be updated confirming the location of the bricks and these should be submitted to and approved by Council's Heritage Advisor prior to the issue of the Construction Certificate. The documentation must show the distribution of the colours on the elevation drawings, specify paint types and include colour swatches/colour names and codes.

**27. Landscape Plan**

The landscape plan is to use a range of recycled elements and Federation period materials, such as recycled bricks, crushed gravel, sandstone within its pathways, planter boxes and furniture. This should be approved as part Heritage Interpretation Strategy and approved by Council's Heritage Advisor Prior to the issue of a construction certificate.

**28 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.

**29. 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.

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.

**30. 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.

**31. Compliance with Flood Study**

The development shall be designed to conform to the recommendations and conclusions of the submitted flood study prepared by C and M Consulting Engineers

This shall include, but not be limited to, any recommendations for the following:

- (a) Minimum floor levels
- (b) Fencing
- (c) Site regrading
- (d) Overland flow path construction
- (e) Protection of the basement from inundation of surface waters

Evidence from professional engineer that specialises in hydraulic engineering that all design requirements have been adhered to shall be submitted with the Construction Certificate application.

**32. 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.

**33. 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.

**34. Support for Easement Pipes**

- (a) All footings within 2.0 metres of the drainage easement shall be designed in such a manner that they are supported by foundations set at a minimum of 300mm below pipe

invert levels or founded on sound rock.

- (b) Alternatively, the footings of the building or any structure shall be designed not to affect the zone of influence taken from the invert of any pipe.
- (c) The walls of any dwelling, pool or structure adjoining the easement shall be designed to withstand all forces should the easement be excavated to existing pipe invert levels.
- (d) No building or other structure must be placed over the drainage easement or stormwater system or within the zone of influence taken from the invert of any pipe.

Evidence from an appropriately qualified person that this design requirement has been met shall accompany the application for the Construction Certificate.

### **35. 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

### **36. 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.

### **37. 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.

**38. Waste Manage Plan (WMP)**

Prior to the issue of a Construction Certificate, a Waste Management Plan (WMP) must be submitted and it must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005) and be consistent with the approved WMP under condition 2 of this consent. A WMP will become part of any development consent issued and aims to facilitate better waste management, waste minimization and resource recovery.

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

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

**39. 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.

**40. Hazardous Material Survey**

Remediation approved as part of this Development Consent shall be carried out in accordance with Remedial Action Plan and a Hazardous Materials Survey prepared by ei Australia and in accordance with the NSW Office of Environment and Heritage [Guidelines for Consultants Reporting on Contaminated Sites](#).

A site audit statement must be carried out by a site auditor prior to the commencement of remediation works.

**41. 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.



**42. 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.

**43. Access for Persons with a Disability**

Access and/or sanitary facilities 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.

**44. 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.

**45. 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 parged prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring

sites.

**46. 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).

**47. Construction Traffic Management Plan**

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.

**48. Provision of On-site Car Share Scheme**

The developer must obtain written approval from a commercial car share operator confirming their intention to place a car share scheme within the subject property. Nominated commercial car share space(s) must be made publicly accessible.

**49. 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 Assessment Report prepared by EMM and dated 17 July 2020.

**50. Contamination Requirements**

**Compliance with submitted Remediation Action Plan**

The applicant or person taking up this consent must implement and comply with all requirements and recommendations of the Remediation Action Plan, Report E24275.E06 dated 16 August 2019 and prepared by EIAustralia. Deviation from the Remediation action Plan may only be undertaken in accordance with Section 1.6 of the Remediation Action Plan.

Upon completion of remediation works, the Site Validation Report is to be submitted to Council.

**51. Acid Sulfate Soils**

The remediation of the site comply with Acid Sulfate Soil Management Plan, Report E24275.E14\_Rev1 dated 16/09/2019 and prepared by EIAustralia, including provision of an additional investigation conducted as per Section 4.2 of the Acid Sulfate Soil Management Plan. Additional investigation is to be carried out by a suitably qualified person and in accordance with the acid sulfate soils assessment guidelines (ASSMAC August 1998). The detailed assessment is to demonstrate that the site is suitable for the approved development. The detailed assessment shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

**52. Car Wash Bays**

Plans and specifications of the car washing system which has been approved by Sydney Water must be submitted with the application for the Construction Certificate.

All car washing bays shall be contained within a roofed and bunded car wash bay with pre-treatment approved by Sydney Water. The water from the car wash bay must be graded to a drainage point and connected to sewer.

If alternative water management and disposal options are proposed (i.e. where water is recycled, minimised or reused on the site), detailed plans and specifications of the water recycling system must be submitted with the application for the Construction Certificate for approval.

**53. 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.

The 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.

The WMP must be consistent with the approved WMP under this consent.

**54. Waste, Recycling and Bulky Storage Rooms**

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 must be consistent with the approved Architectural Drawings and WMP under Condition 2 of this consent. At a minimum they are to achieve the following:

- (a) Domestic Waste – **66 x 660 litre mobile red lid bins** (collected weekly by Council)
- (b) Domestic Recycling – **66 x 660 litre mobile yellow lid bins** (collected by Council every fortnight)

(c) Green Waste – **to be arranged by private contractor**, since Council does not collect green waste from Multi Unit Dwellings.

Waste bins must be provided at a minimum rate of 1.1m<sup>2</sup> per 240L bin, 2.03m<sup>2</sup> per 660L bin, 2.7m<sup>2</sup> per 1100L bin and located in an area to suitably facilitate servicing on waste collection day.

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.

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 **minimum size of 144m<sup>2</sup>** (rate of 4m<sup>2</sup> per 10 units) and should be located adjacent to waste and recycling storage rooms.

#### 55. **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), allowing collection vehicles to enter and exit the site in a forward direction and design must consider Council's waste truck specifications:

- Turning circle: 18m kerb to kerb (plus additional overhang and clearance room)
- Maximum loaded weight: 23 tonnes
- Width: 3.6 m (one way)
- Height: 3.6 m
- Length: 10 m

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.

#### 56. **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.

**57. 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.

**58. Landscape Plan**

A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted prior to the issue of the Construction Certificate. The plan must include:

- (a) Location of existing and proposed structures, services and existing trees;
- (b) Details of earthworks including mounding and retaining walls and planter boxes;
- (c) Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width.
- (d) Details of planting procedure and maintenance;
- (e) Landscape specification;
- (f) Details of drainage and watering systems;
- (g) Details of garden edging and turf; and
- (h) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.

**59. Landscape Plans**

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



**60. 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.

**61. Compliance with Submitted Arborist Report**

The recommendations outlined in the approved Arborist's Report must be implemented throughout the relevant stages of construction. Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - *Australian Standard AS 4970-2009: Protection of trees on development sites*.

**General Tree Protection Measures**

- (a) All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- (b) The tree protection measures must be undertaken in accordance *AS4970 -2009 Protection of trees on development sites*.
- (c) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).
- (d) The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.
- (e) Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- (f) No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

**Excavation works near tree to be retained**

- (a) Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.
- (b) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.
- (c) Tree Protection Zone around the trees to be retained are not to have soil level changes or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.

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Details satisfying this condition shall be shown on the Construction Certificate plans.

### **Pier and Beams**

- (a) To preserve the trees identified for protection in the approved arborist report, the footings of the proposed structures shall be isolated pier and beam construction within a metre radius of the trunk. The piers shall be hand dug and located such that no roots of a diameter greater than 50mm are severed or injured in the process of any site works during the construction period. The beam shall be located on or above the existing soil levels.

Details of this construction method shall be shown on the Construction Certificate plans.

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

### **62. 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](http://www.SafeWork.nsw.gov.au).

### **63. 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.

**64. Dial Before You Dig**

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

**65. 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. 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.

**66. Existing Drainage Easement, Drainage Reserve or Stormwater Drainage System Benefiting Council**

Council drainage easement(s) drainage reserve(s) or stormwater system either pass through or are adjacent to the site. No building or other structure must be placed over the drainage easement or stormwater system or within the zone of influence taken from the invert of any pipe.

The applicant must determine the exact location, size and level details of the potentially affected stormwater drainage systems and without causing any damage to the public system ensure its protection. The owner, principal contractor or owner builder must not obstruct or otherwise remove, disconnect or render inoperable the Stormwater Drainage System.

Works such as fences must not obstruct the natural stormwater flowpath or alter the flowpath in such a way as to direct or concentrate stormwater on to neighbouring properties. Where the relocation or reconstruction of Council's drainage system is approved then all work carried out on Council's assets will revert to the ownership, care, control or management of Council.

Therefore, upon handover to Council, the asset must comply with Council's Construction of drainage and associated works specification.

The applicant must meet all costs associated with such works.

Note: This condition does not set aside the need to obtain relevant approvals under the [Roads Act 1993](#) or [Local Government Act 1993](#) for works within Roads and other public places.

**67. 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.

**68. 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.

**69. Site Audit Report and Site Audit Statement**

Prior to the commencement of any work, other than demolition or excavation in association with the remediation of the site, a Site Audit Report and Site Audit Statement are to be submitted to Council. These documents must clearly state that the site is suitable for the proposed use.

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Note: The Applicant must comply with clauses 17 'Guidelines and notices: all remediation work' and clause 18 'Notice of completion of remediation work' under [State Environmental Planning Policy No.55—Remediation of Land](#).

Note: Words and expressions used in these conditions have the same meaning as in the [Contaminated Land Management Act 1997](#).

**70. 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.

**71. Dust Control**

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

**Major Works**

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

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

**DURING CONSTRUCTION**

**72. 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.



**73. 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.

**74. Obstruction of Road or Footpath**

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

**75. 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.

**76. Archaeological Discovery During Excavation**

(a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the [Heritage Act 1977](#).

(b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the [National Parks and Wildlife Act 1974](#).

**78. Physical Connection of Stormwater to Site**

No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to Council's infrastructure.

**79. Cost of Work to be Borne by the Applicant**

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

**80. Obstruction of Road or Footpath**

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

**81. 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.

**82. Tree Removal on Private Land**

The trees identified as 'to be removed/pruned' on the approved plans or by conditions of this consent shall be removed in accordance with *AS4373 -2007* and the *Amenity Tree Industry Code of Practice* (SafeWork NSW, August 1998).

**83. Excavation Works Near Tree to be Retained**

Excavation around the tree/s to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not be adversely affected.

Where the Tree Protection Zone of trees on site or adjoining sites become compromised by any excavation works, the Project Arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

**PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

**84. Section 7.11 Direct Development Contributions to be Paid**

**DEVELOPMENT CONTRIBUTIONS – STRATHFIELD**  
**SECTION 7.11 CONTRIBUTIONS**

Provision of Community Facilities	\$707,974.43
Provision of Major Open Space	\$3,221,071.68
Provision of Local Open Space	\$2,100,182.83
Provision Roads and traffic Management	\$222,633.79
	\$61,046.90

Administration	\$39, 626.26
Credits	<b>\$6,273,283.37</b>
<b>TOTAL</b>	

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.

#### 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.

Please contact council prior to the payment of s7.11 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.

#### Timing of Payment

The contribution must be paid and receipted by Council and evidence of such payment is to be provided to the Principle Certifying Authority prior to the issue of any Occupation 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](http://www.strathfield.nsw.gov.au).

#### 85. **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.

#### 86. **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.

#### 87. **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.

**88. 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:

- (a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.

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 damaged 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.

**89. Allocation of Parking Spaces**

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

- (a) Residential dwellings: 305
- (b) Residential visitors: 72 (including 4 car share spaces)
- (c) Commercial (staff): 4
- (d) Loading/Unloading (utes and vans): 4

For the residential component, the allocation of on-site parking shall satisfy the following minimum rates:

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

**90. 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.

**91. Positive Covenant for Mechanical Parking Installations (OC) (SC)**

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 mechanical parking installations (vehicle turntables, car lifts, ramp traffic signal system, car stackers, etc.). On completion of construction work, mechanical parking installations are to be

certified by a professional engineer with works-as-executed drawings supplied to the Principal Certifier detailing:

- a) Compliance with conditions of development consent relating to mechanical parking installations including vehicle turntables, car lifts, ramp traffic signal systems, and car stackers.
- b) That the works have been constructed in accordance with the approved design.
- c) Binding the owners and future owners to be responsible for ongoing maintenance required in terms of the mechanical parking installations.

(Reason: To ensure the mechanical parking installations are maintained to an appropriate operational standard.)

**92. 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\*](#).

**93. Noise Impact Assessment**

Preparation of an acoustic assessment, by a suitably qualified acoustic consultant, that demonstrates LAeq levels are achieved in accordance with the EPAs Noise Policy for Industry is to be undertaken and provided to the PCA.

**94. 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.



**95. 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.

**96. Stormwater Certification of the Constructed Drainage Works (Minor)**

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

**97. 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;
- (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).

**98. 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.

**99. 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.
- (g) The construction of the building shall be completed in accordance with the conditions and specifications of the Section 68 Activity Approval.

**100. 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) The owner is to bear all costs associated with the development and provision of vehicular crossings, road frontage works, public domain works, and road construction to facilitate access to and from the development site. All external civil works are to be in accordance with the works identified in the approved Architectural Drawings prepared by mpa and dated 15 July 2020 and should be designed and built in accordance with Council's specifications and apply to a separate works application with Council.

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.

**101. 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.

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.

**102. 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.

**103. 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.

**104. Flood Prone Land – Survey of Levels**

A registered surveyor shall verify the levels of the design runoff overland flow path and finished floor levels to Australian Height Datum. The surveyor is also to verify that the flow paths and finished floor levels have been built to the design levels, dimensions and surface finishes as specified in the approved plans.

**105. 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.

**106. 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.

**107. Acoustic Compliance**

Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the PCA certifying that the construction has incorporated the recommendations in the DA Acoustic Report titled Acoustic Assessment Report, prepared by EMM and dated 17 July 2020.

**108. 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 the PCA prior to the issue of any Occupation Certificate.

**109. 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.

**110. Electricity Supply**

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

**111. Dedication of Land for Road Widening**

The applicant, at no cost to Council, shall dedicate the land to Council for road widening purposes as part of the Nipper Street extension and any widening of Gramophone Lane as detailed on the approved Architectural Drawings prepared by mpa and listed under Condition 2 of this consent. The land shall be dedicated as road widening on a plan of subdivision prepared by a Registered Surveyor and must be submitted to Council with an application for a Subdivision Certificate.

Prior to dedication to Council, the PCA will provide Council with a Structural Engineers report confirming the road way (Nipper Street and Gramophone Lane) is capable of accommodating the anticipated vehicular movements.

As outlined in the deferred commencement conditions, a plan detailing the RL of the finished surface level for Nipper Street is to inform the dedication of land in the survey plan. Council will not be responsible for structural components of the basement underneath Nipper Street.

### **PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE**

Nil

### **OPERATIONAL CONDITIONS (ON-GOING)**

#### **112. 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.

#### **113. Maintenance of Sound Attenuation**

Sound attenuation must be maintained in accordance with the Acoustic Assessment Report, prepared by EMM and dated 17 July 2020.

#### **114. 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 acoustic report (submitted by EMM, titled Acoustic Assessment Report and dated 17 July 2020) 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).

#### **115. Outdoor Lighting**

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

#### **116. 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.

**117. Car Share Scheme**

A commercial operated car share scheme is operated within the subject property and is accessible to eligible tenants and public members. Four dedicated car parking spaces must be assigned to the shared vehicles within the basement.

**118. Resident Parking Permits**

The owner, occupier and visitor are not eligible for a resident or visitor parking permit, under any existing or future residential parking schemes.

**119. Loading & Unloading of Vehicles**

All loading and unloading of vehicles in relation to the use of the premises shall take place wholly within a dedicated loading dock/area.

**120. Entering & Exiting of Vehicles**

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

**121. 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.

**122. 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 & ASSESSMENT ACT 1979**

**123. Requirement for a Construction Certificate**

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

**124. 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.

**125. Notification of Critical Stage Inspections**

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

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

**126. 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.

**127. 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](#).

**128. 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.

**129. 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**

**130. Clause 97A – BASIX Commitments**

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

**131. 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.

**132. 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.

**133. 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](#).

**134. 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.

**135. 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

## **ADVICES**

### **1. Review of Determination**

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

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

### **2. Appeal Rights**

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

### **3. Lapsing of Consent**

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

### **4. Access to NSW Legislations (Acts, Regulations and Planning Instruments)**

NSW legislation can be accessed free of charge at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

### **5. Long Service Levy**

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

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

**6. Disability Discrimination Act**

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

**8. Stormwater & Ancillary Works – Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993**

To apply for approval under Section 138 of the [Roads Act 1993](#):

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).
- (b) In the Application Form, quote the Development Consent No. (eg. Year/DA) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Works Permit applications.

An approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out by a private contractor in accordance with Council's specifications prior to the issue of an Occupation Certificate.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

**9. Site Safety Fencing**

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

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

**10. Noise**

Council will generally enforce noise related conditions in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nlgq.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the

Department of Environment and Conservation. Other state government authorities also regulate the [Protection of the Environment Operations Act 1997](#).

Useful links relating to Noise:

- (a) Community Justice Centres—free mediation service provided by the NSW Government ([www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au)).
- (b) Department of Environment and Conservation NSW, Noise Policy Section web page ([www.environment.nsw.gov.au/noise](http://www.environment.nsw.gov.au/noise)).
- (c) New South Wales Government Legislation home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the Protection of the Environment Noise Control Regulation 2000 ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).
- (d) Australian Acoustical Society—professional society of noise-related professionals ([www.acoustics.asn.au/index.php](http://www.acoustics.asn.au/index.php)).
- (e) Association of Australian Acoustical Consultants—professional society of noise related professionals ([www.aaac.org.au](http://www.aaac.org.au)).
- (f) Department of Gaming and Racing - ([www.dgr.nsw.gov.au](http://www.dgr.nsw.gov.au)).

**11. Acoustical Engineer Contacts & Reference Material**

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

- (a) Australian Acoustical Society—professional society of noise-related professionals ([www.acoustics.asn.au](http://www.acoustics.asn.au))
- (b) Association of Australian Acoustical Consultants—professional society of noise related professionals ([www.aaac.org.au](http://www.aaac.org.au))
- (c) NSW Industrial Noise Policy – Office of Environment & Heritage ([www.environment.nsw.gov.au](http://www.environment.nsw.gov.au))

**16. Sydney Water Section 73 Certificates**

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

**17. Electricity Supply**

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

**18. Australia Post – Letter Box Size and Location**



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The size and location of letterboxes servicing the development are to comply with the requirements and standard of Australia Post (see attached link:  
[https://auspost.com.au/content/dam/auspost\\_corp/media/documents/Appendix-02.pdf](https://auspost.com.au/content/dam/auspost_corp/media/documents/Appendix-02.pdf) )

#### ATTACHMENTS

General Terms of Approval - Natural Resources Access Regulator  
General Terms of Approval - Sydney Water  
General Terms of Approval - Ausgrid  
General Terms of Approval - Sydney Trains  
General Terms of Approval - NSW Roads and Maritime Services  
General Terms of Approval - Water NSW  
Letter to Applicant (22.05.2020)