

STRATHFIELD COUNCIL  
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## STATEMENT OF ENVIRONMENTAL EFFECTS

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Section 4.55(2) Modification Application

86 Centenary Drive  
Strathfield

Prepared for: Conquest

REF M180452  
1 July 2019





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# 1. Introduction

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We act on behalf of the applicant for an approved development at No. 86 Centenary Drive, Strathfield under development application DA 2015/100. This Statement of Environmental Effects accompanies an application pursuant to Section 4.55(2) of the EP&A Act, 1979 to modify the approved architectural plans and conditions of consent.

The proposal seeks approval for minor amendments to the approved development. The proposed modifications primarily relate to implementing a third, half level basement with 31 additional car parking spaces. The proposal will maintain compliance with the requirements that apply under the Apartment Design Guide (ADG). Relevantly, no changes are proposed to the approved gross floor area or building height.

The proposed amendments are a result of the detailed design process and market research which has occurred since the development was approved and will result in a more efficient and saleable development with no detrimental consequences on environmental planning grounds.

The original approval under DA 2015/100 allowed for the *“demolition of existing site structures and construction of (24) x two (2) storey townhouses, (27) x three (3) storey townhouses and two (2) x nine (9) storey residential flat buildings comprising (195) units above two (2) levels of basement parking with associated landscaping and civil works”*.

Construction of the townhouses is completed and construction of the two RFB's is in the early stages of construction. DA 2015/100 has been modified through four (4) separate Modifications Applications. Additionally, a new DA (DA2017/168) was lodged with Strathfield council which included major alterations to the previous DA. This DA was approved on 23 October 2018. It is not proposed to act on this amending DA and it is to be surrendered under Section 4.63 of the EP&A Act 1979.

The DA as now modified (i.e. DA2015/100/4) allows for the *“Demolition of existing site structures and the construction of (23) x two (2) storey townhouses, (27) x three (3) storey townhouses and two (2) x nine (9) storey residential flat buildings comprising (178) units above two (2) levels of basement parking with associated landscaping and civil works.”*

The purpose of this Statement is to address the planning issues associated with the modification proposal and specifically to assess the likely impact of the development on the environment in accordance with the requirements of Sections 4.15 and 4.55 of the Environmental Planning & Assessment (EP&A) Act, 1979.

## 2. Site Description

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The subject site is known as No. 86 Centenary Drive, Strathfield and is legally described as Lot 3012 in DP 1233238. The site is located on the eastern side of Centenary Drive as shown in Figure 1 (the subject site is outlined in red) and has a total area of 20,268m<sup>2</sup>. The site is an irregular shape with a frontage to Centenary Drive of 116.91m. The site slopes east away from Centenary Drive and currently contains a completed series of townhouses and two RFB's in early stages of construction.





Figure 1 Aerial site photo (outlined in red)

### 3. Background

The proposed development at No. 86 Centenary Drive, Strathfield has been the subject of a number of DA's and modifications since 2015, these are described in more detail below:

- DA 2015/100 was lodged with Strathfield Council in August 2015. The application was described as *"demolition of existing site structures and construction of (24) x two (2) storey townhouses, (27) x three (3) storey townhouses and two (2) x nine (9) storey residential flat buildings comprising (195) units above two (2) levels of basement parking with associated landscaping and civil works."* The DA was approved by the Joint Regional Planning Panel on the 18<sup>th</sup> of May 2016.
- DA2015/100(1) was lodged with Strathfield Council on 22 June 2016. This modification was *"To correct the lot and proposed description and to amend Condition 30 relating to Section 94 Direct development Contributions"*. The new proposal was for *"demolition of existing site structures and construction of (23) x two (2) storey townhouses, (27) x three (3) storey townhouses and two (2) x nine (9) storey residential flat buildings comprising (178) units above two (2) levels of basement parking with associated landscaping and civil works."* The modification was approved on the 4 August 2016.
- DA2015/100(2) was lodged with Strathfield Council on 21 June 2017. This modification was for the *"Internal reconfiguration of two (2) townhouses within Stage 1 of the approved development"*. The modification was approved on 2 August 2017.



- DA2015/100(3) was lodged with Strathfield Council on the 26 July 2017. This modification was for “*Modification to stage 2 of the approved development with respect to the residential flat buildings*”. The modification was approved on 20 of December 2017
- DA2015/100(4) was lodged with Strathfield Council on the 04 December 2017. This modification was for the “*Modification to correct the description in the original DA2015/100 to match what JRPP had approved*”. The modification was approved on 25 of January 2018.
- DA2017/168 was a new DA which sought to increase building A to 10 levels and including numerous internal layout changes. This DA was lodged on the 17 November 2017 and was approved by the Sydney Eastern City Planning Panel on the 28 October 2018. Should approval be granted to this S4.55, the development consent under DA2017/168 will be surrendered pursuant to section 4.63 of the EP&A Act 1979.

## 4. Details of Proposed Modification

### 4.1 MODIFICATION TO APPROVED PLANS

The subject application seeks to modify DA 2015/100 through design changes. The proposed modifications include a new half level of basement car parking in a third basement level. The addition of the third basement is a result of the requirement for additional fire engineering services and storage tanks to support the sprinkler system. The requirement to provide space for these services has generated the need for a further basement level. The applicant seeks to also use the additional level for further parking spaces.

Additionally, a number of balconies have been increased in size to allow them to act as a roof for the apartment below.

The modifications result in a change to the approved development details as follows:

Table 1 Proposed modifications		
Site details	Approved	Proposed
Number of parking spaces	298 spaces	329 spaces
GFA – Building A	7135m <sup>2</sup>	7070m <sup>2</sup>
GFA – Building B	8377m <sup>2</sup>	8446m <sup>2</sup>
Total GFA (Building A + Building B)	15,512m <sup>2</sup>	15,512m <sup>2</sup>

### 4.2 CONDITIONS OF CONSENT TO BE MODIFIED

The subject application seeks to modify DA 2015/100 by amending conditions 1 and 30:

- Condition 1 is to be amended to refer to the plans submitted with this application.



## 5. Statutory and Policy Compliance

### 5.1 SECTION 4.55

Section 4.55(2) of the Environmental Planning & Assessment Act 1979 contains provisions relating to the modification of consent. Specifically, subclause (2) states the following:

- “ (2) *Other modifications*
- A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*
- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
  - (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
  - (c) it has notified the application in accordance with:*
    - (i) the regulations, if the regulations so require, or*
    - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
  - (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*
- Subsections (1) and (1A) do not apply to such a modification.”*

The proposal is the subject of a section 4.55(2) modification under the EP&A Act 1979. The proposal does not require a new development application as the proposal is substantially the same as the approved development given that the proposed modifications maintain the existing residential use of the building and will not result in a significant increase in intensity beyond that of the approved scheme. The general form of the building and its relationship to the street and adjoining properties remains substantially the same as the originally approved application.

In reaching this conclusion, we have considered guidance provided by the Land & Environmental Court Case, *Moto Projects (No. 2) Pty Limited v North Sydney Council* [1999] NSWLEC 280; (1999) 106 LGERA 298, which outlines principles for determining whether a S.4.55(2) application is ‘substantially the same’ as an originally issued development consent. The assessment of ‘substantially the same’ needs to consider qualitative and quantitative matters.

In terms of a quantitative assessment, the application will increase the number of parking spaces from 298 to 329. In this regards the parking requirement under The SDCP are minimum not maximum parking requirements. The individual GFA of each building will be marginally modified but this will not result in an increased density of the site as the overall GFA of the two buildings combined will remain at 15,512m<sup>2</sup>. The proposed balcony modifications will see the building envelope extend at certain points especially on the upper levels of both building A and building B. However, as shown





on the shadow diagrams and separation diagrams which form part of the submitted architectural plans, the extended envelope will not adversely impact on any neighbouring properties. The proposed modifications will not impact on the approved building footprint and do not result in any significant change in the built form as viewed from the street or surrounding properties.

Qualitatively, the development also proposes to modify the size of certain balconies. Generally this will slightly extend the depth of certain balconies. The minor extension of the balconies will not adversely impact the public domain and the buildings remain generally compliant in terms of setbacks and building separation. As such it is considered the proposed changes are substantially the same to what was approved under DA2015/100.

Given the above circumstances, the proposal does not require a new development application as the proposal is substantially the same as the approved development. This proposal does not seek to alter the type of uses anticipated at the site or alter the intensity of activity approved for the site.

## 5.2 SECTION 4.15 ASSESSMENT

Section 4.55(2)(3) requires consideration of Section 4.15(a) of the EP&A Act, 1979 which is done below under the relevant subject headings below.

## 5.3 SEPP NO. 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

Part 2 of the Policy sets out 'Design Quality Principles' and Clause 30(2) requires the consent authority, in determining a development application to take into consideration the design quality of the residential apartment development when evaluated in accordance with these design quality principles.

In relation to the design criteria of the Apartment Design Guide, the proposal relates only to a change the depth of some balconies. An assessment of the development as proposed to be modified against the relevant provisions of the Apartment Design Guide is provided in the table below.

Table 2 ADG requirements		
Clause	Requirement	Proposal
2F Building Separation	<p>Minimum separation distances for buildings are: Up to four storeys (approximately 12m):</p> <ul style="list-style-type: none"><li>• 12m between habitable rooms/balconies</li><li>• 9m between habitable and non-habitable rooms</li><li>• 6m between non-habitable rooms</li></ul> <p>Five to eight storeys (approximately 25m):</p> <ul style="list-style-type: none"><li>• 18m between habitable rooms/balconies</li><li>• 12m between habitable and non-habitable rooms</li><li>• 9m between non-habitable rooms</li></ul> <p>Nine storeys and above (over 25m):</p> <ul style="list-style-type: none"><li>• 24m between habitable rooms/balconies</li><li>• 18m between habitable and non-habitable rooms</li><li>• 12m between non-habitable rooms</li></ul>	<p>The proposed modification involves a minor decrease in the separation distances between building A and building B. These non-compliances occur on level 5 and level 6. As approved the existing minimum separation distance between the two buildings on level 5 is 15.717m. The minor enlargement of a number of balconies has resulted in an inconsequential decrease in separation of 250mm to 15.463m.</p> <p>The non-compliance is considered to be reasonable due to the minor additional encroachment beyond the existing non-compliance, the benefits the additional balcony overhang provides to the lower levels and the implementation of a privacy screens as per condition 6h of DA2015/100.</p>



Table 2 ADG requirements

4D-1- Apartment size and layout	1. Apartments are required to have the following minimum internal areas:		All apartments as proposed to be modified comply with the minimum internal areas.
	Apartment type	Minimum internal area	
	Studio	35m2	
	1 bedroom	50m2	
	2 bedroom	70m2	
	3 bedroom	90m2	

The minimum internal areas include only one Bathroom. Additional bathrooms increase the minimum internal area by 5m2 each  
A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m2 each

4E-1- Private open space and balconies	1. All apartments are required to have primary balconies as follows: The minimum balcony depth to be counted as contributing to the balcony area is 1m			All balconies remain compliant with the minimum area and minimum depth requirements.
	Dwelling type	Minimum area	Minimum depth	
	Studio apartments	4m2	-	
	1 bedroom apartments	8m2	2m	
	2 bedroom apartments	10m2	2m	
	3+ bedroom apartments	12m2	2.4m	

The proposal does not alter the level of compliance of the building with any other ADG design criteria as approved in the original development application.

## 5.4 STRATHFIELD LEP 2012

Strathfield LEP 2012 applies to the subject site. The proposal remains permissible in the *R3 Medium Density Residential* zone. In relation to the core built form controls the proposal does not alter the approved building height or density of the building.





#### 5.4.1 Earthworks

The proposed modification to DA 2015/100 includes further excavation and earthworks due to the implementation of a third basement level and will require consideration under Clause 6.2 of the Strathfield LEP 2012. The proposal complies with requirements as set out by Clause 6.2 and the additional excavation will not cause any adverse impacts to the area.

There are no further provisions of the LEP that require consideration as part of this modification application.

### 5.5 STRATHFIELD DCP 2005

Strathfield DCP 2005 applies to the subject site. Due to the nature of the proposed modifications to the conditions of consent, and the ADG being the prevailing document, the relevant open space provisions of the DCP do not require further consideration as part of this proposal.

#### 5.5.1 Access and parking

The parking requirements for the development as proposed to be modified are calculated as per Section 2.9 of the Strathfield DCP 2005:

- 1 bed x 1 space x 33 = 33
- 2 bed x 1.5 spaces x 132 = 198
- 3 + bed x 2 spaces x 13 = 26
- 1 space per 5 dwellings for visitors  $178/5 = 36$
- Total required 257 residential and 36 visitor spaces = 293

**Table 3 Parking requirements**

	Required	Approved	Proposed
Car parking spaces	293 spaces	298	329

The proposed modifications will increase the number of parking spaces in the development from 298 spaces to 329 spaces. It is noted that the DCP parking requirements are a minimum and not a maximum parking requirement.

The requirement to excavate and provide an additional basement is due to required increases to fire services areas and other services areas such as sump locations. The applicant seeks to utilise the additional basement level for further parking for residential parking. As approved the development currently provides 66 of the 132 x 2 bed units with 2 spaces. The proposed additional 31 spaces would result in 97 of the 132 x 2 bedroom units have 2 spaces or an increase from 1.5 spaces per 2 bedroom unit to 1.7 spaces per 2 bedroom unit.

The traffic report prepared by 'Transport and Traffic Planning Associates' to accompany this application found that the provision of additional parking does not correlate in additional traffic generation. And furthermore additional on-site parking means less impact on the surrounding streets in regards to on-street parking.

### 5.6 IMPACT OF PROPOSED MODIFICATION

The impacts of the proposed modification are considered below.

#### 5.6.1 Natural Environment

The modifications relate to implementing a new half level of basement car parking a reduction in the number of units and alterations of balconies. The additional excavation will have no adverse additional impacts to the natural





environment. The site is located within a class 5 Acid Sulfate Soil area, however the proposed increased excavation will not lower the water table below 1m AHD and also will not result in adverse geotechnical issues. The proposal does not give rise to any additional environmental impacts beyond that considered and approved as part of the original application.

The proposal will maintain compliance with the approved conditions of consent to minimise all environmental impacts during construction and upon completion of the development.

#### **5.6.2 Built Environment**

The development proposes to modify balcony sizes throughout the two buildings, as shown in the submitted architectural drawings. The modified balconies extend past the approved building envelope. However, this is considered reasonable as the proposed extension will not adversely alter the relationship of the approved building to the adjoining properties, as seen in the modified shadow diagrams and modified building separation diagrams. The proposed modifications will not have a significant impact on the character of the area and will not materially increase the intensity of development at the site. The proposal remains compliant with the overall area requirements for apartments as per the ADG.

Accordingly, the modification to the approved development will have neither adverse impact on the built or natural environment as outlined above.

#### **5.6.3 Traffic and Parking**

As detailed above, the proposed modification to be basement parking involves an increase in car parking by 31 spaces. A traffic report had been prepared by Transport and Traffic Planning Associates to accompany the modification application. The traffic report has analysed the possible traffic generated by the proposed additional parking spaces and found:

*"It is apparent that providing more of the Two Bedroom apartments with 2 parking spaces would not result in any perceptible increased peak traffic generation and this is particularly relevant when traffic assessments for earlier phases of the Development process projected a higher traffic generation outcome than that for the current approval."*

The traffic report concluded that the provision of additional parking will be a better outcome than insufficient parking being provided on-site for residents whereby residents have no alternative other than to utilise on-street parking on nearby streets.

## **6. Conclusion**

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The proposed modifications are considered to be substantially the same as approved development under DA 2015/100. The modification relates to implementing a new half level of basement car parking, reduction in number of units and alterations of balconies. The proposal will not alter the intensity of the development and does not impact on the appearance of the development, and therefore results in minimal impacts.

The modifications are consistent with the relevant provisions of the Apartment Design Guide, Strathfield LEP 2012 and Strathfield DCP 2005 and will not introduce any adverse built or natural environmental impacts over and above the approved development.

Accordingly, for the reasons stated above, we respectfully request that Council modify the development consent to incorporate the proposed changes detailed in this report.

