

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSEC-8
DA Number	DA2015/100/5
LGA	Strathfield Council
Proposed Development	Section 4.55(2) of the Environmental Planning & Assessment Act 1979 to surrender DA2017/168 and modifications to approved development including enlargement of basement level 3.
Street Address	86 Centenary Drive, Strathfield
Applicant/Owner	Joseph El Khawaja & : Builtcom Properties 5 Pty Ltd
Date of DA lodgement	25 July 2019
Number of Submissions	Six (6) submissions – four (4) objections and two (2) in support.
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	General development with a capital investment value of more than \$30 million
List of all relevant s4.15(1)(a) matters	<p>State Environmental Planning Policy No. 55 – Remediation of Land</p> <p>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</p> <p>State Environmental Planning Policy (Infrastructure) 2007</p> <p>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</p> <p>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</p> <ul style="list-style-type: none"> • Apartment Design Guide <p>Strathfield Local Environmental Plan 2012</p> <p>Strathfield Indirect Section 94 Contribution Plan</p> <p>Strathfield Consolidated Development Control Plan 2005</p> <ul style="list-style-type: none"> • Part C – Multiple- Unit Housing • Part H – Waste Minimisation and Management Plan • Part L – Notification
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Architectural Plans • Traffic Report • Statement of Environmental Effects • Applicant's Legal Opinion • BASIX Certificate • Assessment Report and Notice of Determination DA2015/100 • Notice of Determination DA2015/100/01 and DA2015/100/02 • Assessment Report and Notice of Determination DA 2015/100/03
Report prepared by	Louise Gibson
Report date	5 December 2019

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	No
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

SUMMARY

PROPERTY	86 Centenary Drive, Strathfield Lot 3012 DP 1233238
DA No.:	2015/100/5
Owner:	Builtcom Properties 5 Pty Ltd
Applicant:	Joseph El Khawaja
Proposal:	Section 4.55(2) modification application to surrender DA2017/168 and modifications to approved development including enlargement of basement level 3.
Notification period:	20 August 2019 – 10 September 2019
Submissions received:	Six (6) submissions – four (4) objections and two (2) in support.
Assessment officer:	Louise Gibson – Senior Planner
Estimated Cost of Works:	\$81,203,834 – no change
Zoning:	B4 - Mixed Use
Heritage:	No
Flood affected:	No
RECOMMENDATION:	APPROVAL

EXECUTIVE SUMMARY

The modification application seeks to surrender DA2017/168 and modifications to approved development including enlargement of basement level 3.

On 18 May 2016, Sydney East Joint Regional Planning Panel approved DA2015/100 for demolition of existing site structures and the 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.

On 4 August 2016, a Section 4.55(1) modification application was approved by Council to correct the proposal description to construct (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

On 23 October 2018, the Sydney Eastern City Planning Panel approved DA2017/168 for construction of two apartment buildings and a café with ancillary civil works and landscaping. The approval related to the subject site however, the Applicant has requested to surrender this consent and act upon the original consent under DA2015/100 and subsequent modifications approved for the site.

The application was notified in accordance with the requirements of Part L of the Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005) and six (6) submissions were received. Four (4) objected to the proposal and two (2) were in support of the proposal. The matters raised in the submissions are discussed further in this report.

The proposal involves provision of a rooftop private open space area above Building B with 1m high party walls between units. Whilst the new 1m high structures comply with the maximum building height prescribed by the Strathfield Local Environmental Plan 2012, the height of the walls are not considered to achieve an effective means of visual privacy screening between units. Consequently, any additional increase to the height of the separation walls would result in the building's non-compliance with the maximum building height requirements. This is not considered appropriate for the site given that the units already achieve an acceptable level of amenity with suitably sized private open space areas, ample solar access, cross ventilation and generous internal room sizes.

The reconfigured apartments including conversion of a two (2) bedroom unit to a three (3) bedroom unit within Building B will achieve an appropriate level of amenity for future occupiers. Overall, the apartments achieve an acceptable level of cross ventilation, solar access, private open space and communal open space areas.

The proposed modification is anticipated to result in a negligible increase in traffic to and from the site particularly as the proposal will not result in any additional units on the site. The reconfigured basement parking will allow for additional spaces to better accommodate the services and storage cages required for Buildings A and B.

Overall, the development as modified is considered to result in a well-proportioned building which responds to the context of the surrounding area. The development as modified is unlikely to result in any significant amenity impacts to neighbouring properties, nor adverse impacts on the surrounding traffic. Therefore, the subject application is recommended for approval.

DESCRIPTION OF THE SITE AND LOCALITY

The site is known as 86 Centenary Drive Strathfield and has a legal description of Lot 3012 in DP 1233238. The site of the proposed apartment buildings has a frontage to Centenary Drive of 116.905m, an irregular rear boundary dimension of 50.51m, a northern boundary dimension of 130.81m and an irregular southern boundary with the curved access handle to the allotment containing the townhouses to the rear of the site (84 Centenary Drive once part of the subject site). The site (residential flat development only) contains a site area of 8,150m² (according to Deposited Plan 1233238). With the inclusion of the townhouse development, the site contains a total site area of 20,269m².

An aerial photograph of the site (including the townhouse site) showing the completed townhouse development and constructed residential flat buildings, is provided below (refer to Figure 1).

The site benefits from a right-of-way across the access handle (to the south) of the townhouse development to the rear of the site over which access to the site is proposed. The site is burdened by an easement for access 3m wide along its southern boundary in favour of the site to the north (Strathfield Golf Course) and east (townhouses). The site is also burdened by an easement 3m wide (and variable width) limited in depth over the eastern portion of the site near the boundary in favour of the property to the north (Strathfield Golf Club) (see plan of ground floor with easements shown in Figure 7).

The subject site is adjoined to the rear by the recently constructed townhouse development (Stage 1) and further to the east by low density residential development comprised of detached dwellings (refer to Figure 2 for masterplan of site).

To the north-east of the site is a Strathfield Golf Course and to the south-west is South Strathfield High School. The site adjoins Centenary Drive, with the golf course also located on the opposite side of Centenary Drive.



Figure 1: Aerial photograph of the subject site showing extent of residential flat development and townhouse development (outlined in yellow) with surrounding developments.



Figure 2: Staging plan of development. Stage 1 involved the townhouse development (now completed), Stage 2 denotes the residential flat development (under construction).

The construction of the two (2) x residential flat buildings (Buildings A and B) has already commenced and is nearing its final stages of completion (refer to Figures 3 and 4). Level 3 of the basement has not yet been constructed.



Figure 3: Building B (left) and Building A (right).



Figure 4: Common open space area currently under construction with townhouse development in the background.

RELEVANT BACKGROUND

18 May 2016	DA2015/100 for demolition of existing site structures and the 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, was approved by the Sydney Central Planning Panel.
4 August 2016	DA2015/100/01 for a Section 96(1A) was approved by Council involving modification of land description and the development proposal description and to amend Condition 30 relating to Section 94 Direct Development Contributions of the consent.
2 August 2017	DA2015/100/02 for a Section 96(1) was approved by Council involving minor internal reconfiguration of two townhouses identified as S17 and S21 within the southern row of Stage 1.
20 December 2017	DA2015/100/03 for a Section 96(1A) was approved involving modification to Stage 2 of the approved development with respect to the residential flat buildings. This included modifications to the basement, common open space areas, communal rooms and facades.
25 January 2018	DA2015/100/04 for a Section 96(1) was approved to modify the description of the proposed development to read as follows: <i>“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”</i>
23 October 2018	DA2017/168 was approved on the site for construction of two apartment buildings and a café with ancillary civil works and landscaping.
25 July 2019	The current section 4.55(2) application (DA2015/100/05) was lodged with Council.
20 August – 10 September 2019	The subject modification application (DA2015/100/05) was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005. Six (6) submissions were received.

DESCRIPTION OF PROPOSAL

The proposed modification involves the following:

Basement

- Construction of a half level of basement parking (third level of basement) to provide storage spaces, services and (40) additional parking space from (289) to a total of (329) spaces for the site.

External Modifications Buildings A and B

- Installation of louvres to balconies of Building A and B where separation is less than 18m (as required by conditions of consent);
- Extension of balcony sizes to units in Building A and B; and

- Modified material finishes from “alucobond” to “paint finish – Silver Grey Dulux”.

Building B

- Private open space areas proposed over the entirety of Building B rooftop comprised of 1m high party walls for units B.803, B.804 and B.807 each with separate internal stairwell access; and
- Conversion of a two (2) bedroom unit to a three (3) bedroom unit.

Floor Space

- Reduction in gross floor area of Building A from 7,135m² to 7,070m²; and
- Increase in the gross floor area of Building B from 8,377m² to 8,446m².
- Overall: the proposal does not result in any change in floor space.

Café Kiosk

- Provision of an awning over the kiosk with adjoining mechanical services.

NOTE: The use of the kiosk was not approved under the original application. The proposal, fails to meet the ‘substantially the same’ development test under the provisions of Section 4.55 of the EP& A Act 1979 as it introduces a new use for the site. Accordingly, the approval of the café/kiosk is not supported.

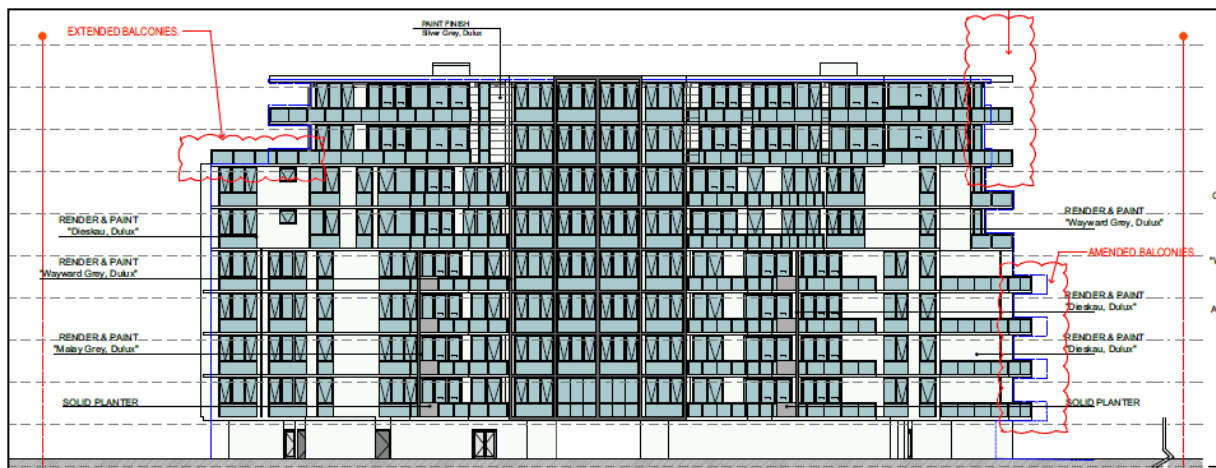


Figure 5: Proposed Southern elevation of Building A

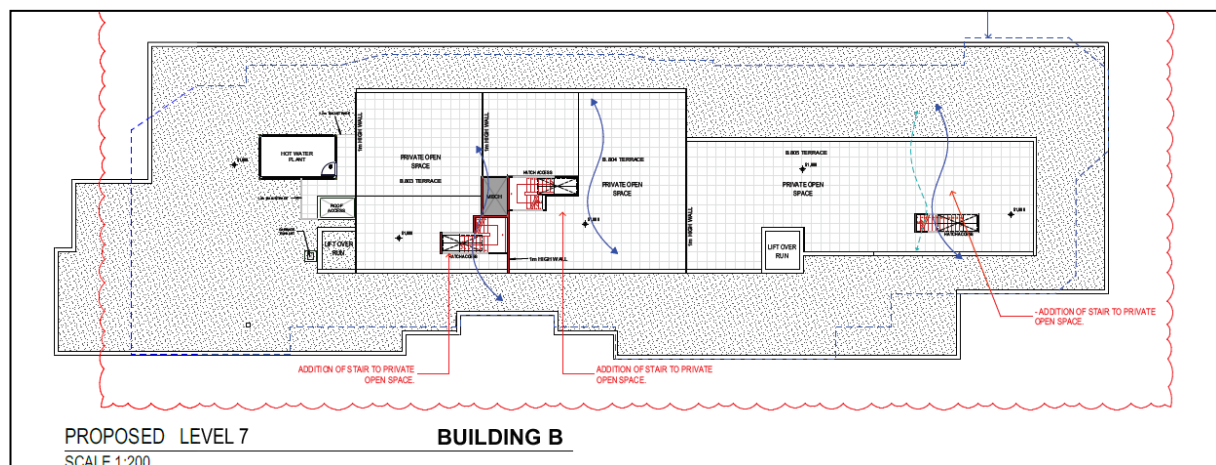


Figure 6: Rooftop private open space area proposed for Building B

PROPERTY BURDEN AND CONSTRAINTS

There are a number of easements on the land as depicted in the figure below. These are unlikely to be affected by the proposed development.

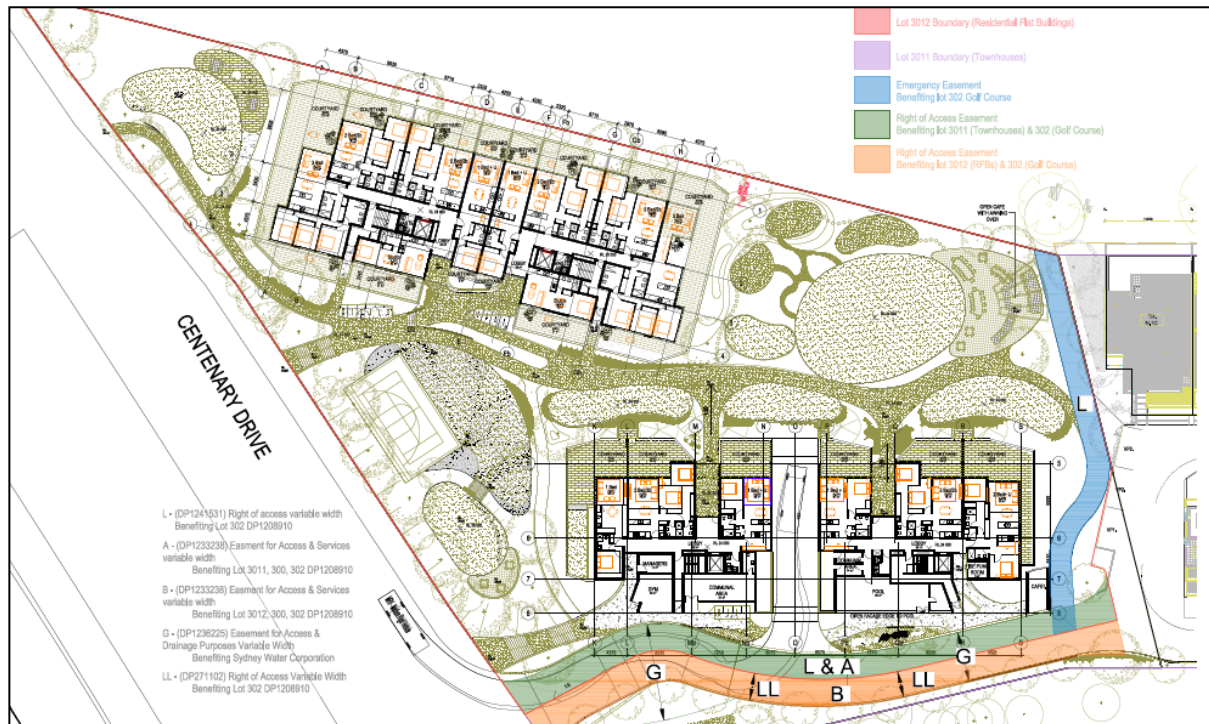


Figure 7: Plan of Ground Floor showing easements existing and proposed

SECTION 4.55 OF THE EP&A ACT 1979

Section 4.55 of the Environmental Planning and Assessment states as follows:

“4.55 Modifications of consents – generally

(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 the 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 any 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.”

In regards subclause ‘a’, Council is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally granted and before that consent as originally granted was modified (if at all). Qualitatively, the modification application (despite having to excavate further to accommodate an additional half level of basement), does not propose to alter the approved building footprint and does not result in a significant change to the built form. With regard to the modified balconies to units, it appears that the extended envelope will not adversely impact on any adjoining neighbouring properties. The additional shadows cast as a result of the extended balconies is minimal. It is further acknowledged that the proposal remains for the purposes of 2 x 9 storey residential flat buildings comprising (178) units as originally approved and that the built form and relationship to surrounding land is generally the same.

Notwithstanding the above, the proposal also involves modifications to the café/kiosk including provision of mechanical services and a lightweight shading device. The construction and use of the kiosk was not approved under the original application, and consequently, the structure and use fails to meet the ‘substantially the same’ development test as it introduces a new use to the site. Accordingly, a condition of consent is recommended to ensure the structure is deleted and considered under separate cover.

In regards subclause ‘b’, the original application was identified as Integrated Development under Section 91 of the Environmental Planning and Assessment Act 1979 as the application was deemed an aquifer interference activity requiring the authorisation under the Water Management Act 2000. The General Terms of Approval were received from the Office of Water on 10 November 2015 and these were included in the conditions of the original approval. As the proposed modification involves the extension of the basement to include a new third level of basement parking, the application was referred to Office of Water. No comments were received within the 21 days that the referral was lodged. Accordingly, concurrence for this application is assumed with the General Terms of Approval received from the Office of Water on 10 November 2015 still considered applicable to the subject modification.

The original application was also identified as Integrated Development under Clause 101 of State Environmental Planning Policy (Infrastructure) 2007 as it has a frontage to Centenary Drive which is a classified Road and is also identified as Traffic Generating Development. Concurrence was received from Roads and Maritime Services (RMS) on 19 October 2015, subject to conditions of consent which were included in the Notice of Determination. RMS were consulted on the subject modification application of which they raised no objection. Their comments are detailed in the referral section of this report.

In regards subclause ‘c’ and ‘d’, the application was notified in accordance with Part L of SCDGP 2005 however, six (6) submissions were received of which two (2) were in support of the proposal and four (4) objected to the proposal. Consideration of submissions are provided in further detail in this report.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must

also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

As regards to clause '3' an assessment of the modification application against the matters referred in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* is included in this report.

The statement of reasons provided by the JRPP for the approval of the original application on 18 May 2016 are as follows:

The panel adopted the assessment of those matters in the Council Assessment Report. The principal reason for the panel decision was that the given the rezoning of the site to high density, the proposal fits into its context, with townhouses near the existing low density development and the high-rise near Centennial Drive.

The proposed modification continues to adhere to the above reasons for approval in that the density, bulk, height and scale remains relatively unchanged. The site continues to provide townhouses near the existing low density development and high-rise near Centennial Drive. Accordingly, the proposed modification is considered satisfactory in this regard.

REFERRALS

INTERNAL REFERRALS

Trees

Council's Tree Officer raised no objection to the proposal.

Traffic

"I refer to the Assessment of Traffic and Parking Implications report S4.55 Application, 86 Centenary Drive, Strathfield (DA 2015/100/05).

Refer S4.55 proposal to RMS any vehicle increase will affect traffic flow entering and exiting site.

Section 3.3 - Traffic Conditions please update figures as per Traffic Volume viewer which includes Annual Average Daily Traffic Volume (AADT).

Section 3.5 - There is no adequate pedestrian footpath facilities upon entering and exiting site. Supply details.

Section 4 – All traffic data supplied is over five years' old which is not a clear representation of current site.

Basement 03 – Shows a height of 2.4m. Also need to highlight clearances to structure and services to be a minimum of 2.2m in accordance with Figure 5.3 AS2890.1-2004. Plus ramp widths must have a 0.3m internal clearance."

With regard to the above, RMS were invited to comment on the subject application. No objections were raised subject to compliance with their original conditions of consent imposed for the development. With regard to Section 3.5 of the submitted traffic report, the footpath is required to be reconstructed to Council's specifications for the full frontage of the development site prior to the issue of an Occupation Certificate.

The relevance of the traffic volumes referenced in the submitted traffic report is outdated however, as the proposal does not result in any increase in unit numbers, the proposal is unlikely to result in any notable increase in traffic generation from the site.

With regard to the construction of the new basement, conditions of consent have been recommended to ensure that the construction of the basement, inclusive of vehicle aisle widths, ramps and internal floor to ceiling heights achieve compliance with the relevant Australian Standards.

Waste

Council's Waste Officer commented on the proposal and queried how the waste management on the site would be altered. No objections are raised for the modification application subject to provision of an appropriately sized waste storage area with suitable access. Conditions were imposed under the original consent requiring a comprehensive waste management plan to be prepared and submitted to address the demolition, construction and operational waste arising from the development.

EXTERNAL REFERRALS

Roads and Maritime Services

The application was referred to Roads and Maritime Services (RMS) in accordance with Clause 101 of the State Environmental Planning Policy (Infrastructure) 2007. RMS raised no objection to the modification application. However, they provided the following comments for Council's consideration:

As such, Roads and Maritime raises no objections to the proposed modifications subject to:

- 1. Council being satisfied that the increase in parking is in accordance with the local planning controls; and*
- 2. Roads and Maritime letter dated 7 August 2018 requirements remain unchanged.*

SECTION 4.15 CONSIDERATIONS – EP&A Act 1979

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within section 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

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.

Remediation works were carried out on the site in accordance with a Remedial Action Plan prepared by STS GeoEnvironmental Pty Ltd. Soils at the limits of the excavation carried out for removal of the UPSS were tested and the results showed the samples were below the Health Investigation Levels for residential land use with accessible soils. The Validation Report indicates the site has been successfully remediated and is suitable for the proposed residential land use.

The subject modification application is not anticipated to trigger requirements for additional investigations beyond those already required by condition.

State Environmental Planning Policy Building Sustainability Index: BASIX 2004

In accordance with the BASIX SEPP all new housing in NSW is required to meet a designated target for energy and water reduction.

The proposed application was submitted with an amended BASIX Certificate to satisfy the requirements of the SEPP.

State Environmental Planning Policy (Infrastructure) 2007

The original application was identified as integrated development under Clause 102 of State Environmental Planning Policy (Infrastructure) 2007 as the site adjoins a road that carries more than 40,000 vehicles per day. Furthermore, in accordance with Schedule 3 of the Infrastructure SEPP, the application is also deemed as 'Traffic Generating for comment.

The subject application was referred to RMS who confirmed that they had no objection to the proposed modification.

SEPP 65 – Design Quality of Residential Apartment Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) aims to improve the design quality of residential flat development in New South Wales. 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.

At the time that the original development application was lodged and the development consent was issued, Strathfield Council did not have a design review panel referred to under Clause 27.

Clause 30(1) indicates that an application cannot be refused on the basis of parking if the parking provided is equal to or greater than required under Part 3J of the ADG, if internal areas for each apartment are equal to or greater than that required under Part 4D of the ADG and if the ceiling heights are equal to or greater than that required under Part 4C of the ADG. These matters are addressed later in the table addressing the ADG.

Clause 30(2) requires that consent cannot be granted if the application does not demonstrate that adequate regard has been given to the design principles of the SEPP and the objectives specified for the relevant design criteria of the ADG. Assessment of the modification application against these has been undertaken below:

Principle	Objective	Proposed
Context and neighbourhood character	<i>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and character they create when combined. It also includes social, economic, health and environmental conditions.</i> <i>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</i>	The proposed modification does not involve any further variation to the floor space ratio development standards contained within SLEP 2012 than what has already been approved. The modifications are considered to be well-proportioned and are sympathetic with the design of the approved development.

	<p><i>identity of the area including the adjacent sites, streetscape and neighbourhood.</i></p> <p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>	
Built form and scale	<p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	<p>The proposed modification does not involve any further variation to the floor space ratio development standard contained within SLEP 2012 than what has already been approved. The modifications are considered to be well-proportioned and are sympathetic with the design of the approved development.</p>
Density	<p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</i></p>	<p>The proposal incorporates an extension of various balconies to levels 1-8 of Buildings A and B. The proposal will result in a negligible increase in the overall bulk and scale of the development which is unlikely to result in any adverse impacts to adjoining owners.</p>
Sustainability	<p><i>Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>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</i></p>	<p>An appropriate BASIX certificate has been provided with the application.</p> <p>The assessment of the design of the development with regard to solar access and cross ventilation is addressed following in relation to the Apartment Design Guide and is acceptable subject to the recommended conditions.</p>

	costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.	
Landscape	<p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	No change is proposed to the existing landscaped areas provided on the site.
Amenity	<p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</i></p> <p><i>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</i></p>	<p>The amenity of the proposed building is acceptable, providing for an appropriate level of solar access, natural ventilation, privacy and outlook.</p> <p>The increased balcony sizes to various units throughout Buildings A and B will provide improved amenity to residents of the units and will continue to achieve compliance with the Apartment Design Guide.</p>

	<i>groups and degrees of mobility.</i>	
Safety	<p><i>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.</i></p> <p><i>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.</i></p>	The development is appropriately design in relation to safety, with casual surveillance of Centenary Drive, the internal access road and the areas of communal open space.
Housing diversity and social interaction	<p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>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.</i></p>	The proposal provides a reasonable mix of dwelling sizes, particularly when considered in conjunction with the approved townhouse development.
Aesthetics	<p><i>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.</i></p> <p><i>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.</i></p>	The built form is acceptable with appropriate articulation and separation provided for the two buildings. The provision of vertical louvers to balconies as per Condition 6h of DA2015/100 will enable for reasonable privacy to be obtained for residents where building separation between Buildings A and B fail to meet compliance with the ADG.

Apartment Design Guide

An assessment of the modification application against the relevant design criteria of the Apartment Design Guide has been undertaken in the tables below:

Design Criteria	Required	Proposed	Compliance
3B – Orientation	Responsive to streetscape and site. Designed to optimise solar access and minimise overlooking. 4 hours solar access retained to neighbouring buildings or does not further reduce solar access by more than 20%	The orientation of the development remains relatively unchanged with the exception of extended private open space areas to various units throughout Buildings A and B. According to the shadow studies submitted with the application, the additional overshadowing cast over southern adjoining properties will extend over portions of the adjoining school and road. The extent of overshadowing will have a negligible effect on adjoining properties and is acceptable in this instance.	Yes
3C – Public Domain Interface	Direct street entry to ground floor apartments Balconies/ windows orientated to overlook the public domain Front fence design is permeable Opportunities for concealment minimised Services concealed Access ramps minimised	No change from the approved DA.	Yes, no change
3D – Communal Open Space	Min. 25% (1,393m ²) – Site area 5,572m ² Min 2h to 50% communal open space at mid-winter Consolidated area	31.2% (1,740m ²) of communal open space provided. Communal open space remains as approved.	Yes, no change
3E – Deep Soil Zones	Min. 7% (390.04m ²) Site area 5,572m ² 6m min. dimension	15.4% (860m ²) deep soil landscaping retained in the approved development.	Yes, no change.
3F – Visual Privacy	 Up to 12m (4 storeys) Up to 25m (5-8 storeys)	The overall building design and separations remain as approved. 10.7m-18.5m 14.95m-21.9m	No change, refer to discussion.

3G – Pedestrian Access and Entries	<p>Entry addresses public domain</p> <p>Clearly identifiable</p> <p>Steps and ramps integrated into building design</p>	The pedestrian access and entry remains as approved.	Yes, no change.
3H – Vehicle Access	<p>Integrated into façade. Visual impact minimised. Entry behind the building line or from secondary frontage.</p> <p>Clear sight lines</p> <p>Garbage collection screened</p> <p>Pedestrian and vehicle access separated.</p>	The vehicle access remains as approved with garbage collection provided on the first floor of the basement.	Yes, no change.
3J – Bicycle and Car Parking	<p>Within 800m of a railway station: Min RMS Rate applies:</p> <p>Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.</p>	The site is not within 800m of a railway station.	N/A
4A – Solar and Daylight Access	<p>Min. 70% receive 2 hours solar access</p> <p>Max. 15% units have no solar access</p> <p>Light wells, skylights and highlight windows are only to be a secondary source where sunlight is limited.</p> <p>Design incorporates shading and glare control.</p>	<p>Building A: 74% (61) units & Building B: 74% (71) units will receive 2 hrs of direct sunlight in their living rooms and private open space in mid-winter.</p> <p>Building A: 17% (14) units & Building B: 26% (25) units receive no solar access.</p>	<p>Yes</p> <p>No</p>
4B – Natural Ventilation	<p>Min. 60% are cross ventilated in first 9 storeys.</p> <p>Cross-over/ Cross-through max 18m depth</p> <p>Light wells are not the</p>	<p>Building A: 67% (55) and Building B: 62.5% (60) are cross-ventilated.</p> <p>No light wells have been relied upon for ventilation and single aspect units have been minimised in depth to</p>	Yes

	<p>primary source of ventilation for habitable rooms</p> <p>Single aspect units have limited depth to maximise ventilation</p>	maximise ventilation.	
4C – Ceiling Heights	<p>Habitable: 2.7m Non-habitable: 2.4m</p> <p>Mixed use: 3.3m ground floor</p>	Minimum 2.7m floor to ceiling heights to habitable rooms.	Yes, no change
4D – Apartment Size and Layout	<p>1 bed: 50m² 2 bed: 70m² 3 bed: 90m² Additional bathrooms +5m².</p> <p>Each habitable room must have a window >10% floor area of the room. Habitable room depths = max 2.5 x ceiling height. Or if open plan layout = max 8m from a window. Master bed: min 10m² Other bedroom: min 9m² Living rooms min. width: Studio and 1 bed: 3.6m, 2 and 3 bed: 4m. Crossover/through: min 4m</p>	The reconfigured apartments meet the minimum apartment sizes.	Yes
4E – Private Open Space and Balconies	<p>1 bed: 8m², min depth 2m</p> <p>2 bed: 10m², min depth 2m</p> <p>3 bed: 12m², min depth 2.4m</p>	All apartments are provided with balconies which comply with the minimum requirements.	Yes
4F – Acoustic Privacy	<p>Max. 8 apartments off a single core</p> <p>>10 storeys: max 40 units/ lift</p>	A maximum of 8 apartments are off a single core.	Yes
4G – Storage	<p>Studio: 4m³ 1-bed: 6m³ 2-bed: 8m³ 3-bed: 10m³</p> <p>At least 50% within the basement.</p>	The reconfigured apartments and basement layouts comply with the minimum requirements.	Yes
4J – Noise and Pollution	Site building to maximise noise insulation	An acoustic report accompanied the original application in order to address	Yes, subject to conditions.

	Noise attenuation utilised where necessary	traffic noise from Punchbowl Road. A condition of consent was imposed requiring the acoustic report to be updated to reflect the amended design.	
4K – Apartment Mix	Variety of apartment types Appropriate apartment mix Different apartments distributed throughout the building	The development as modified incorporates an adequate housing mix as follows: <u>Building A</u> 15 x 1 bed 65 x 2 bed 2 x 3 bed <u>Building B</u> 18 x 1 bed 67 x 2 bed 11 x 3 bed <u>TOTAL:</u> 33 x 1 bed 132 x 2 bed 13 x 3 bed	Yes
4L – Ground Floor Apartments	Direct street access Casual surveillance whilst providing privacy	This modification application involves reconfiguration of private open space areas pertaining to ground floor units (A.G01, A.G02, AG03, A.G04, A.G05, A.G06, B.G12, B.G11, B.G10, B.G02 and B.G01. The units will continue to provide casual surveillance to the common open space areas whilst providing privacy to residents of the units.	Yes.
4M – Facades	Composition of building elements Defined base, middle and top Building services integrated into the facade	The overall building design generally remains as approved with the exception of replacement of the silver grey alucobond with silver grey dulux to portions of the development. The materials and finishes are considered appropriate for the site.	Yes
4N – Roof Design	Roof design integrated into the building. Incorporates sustainability features May include common open space	No change is proposed to the approved roof form. T Private open space areas are provided to the rooftop of Building B however is not supported.	Yes
4O – Landscape Design	Responsive streetscape to Viable and sustainable	This modification does not involve any changes to the approved landscape design.	Yes, no change

4P – Planting on Structures	Appropriate soil profiles and structural design Irrigation and drainage systems	This modification does not involve any changes to the design of plantings on structures.	Yes, no change
4Q – Universal Design	Variety of adaptable apartments	No change	Yes, no change
4U – Energy Efficiency	Adequate natural light to habitable areas Adequate natural ventilation Screened areas for clothes drying Shading on northern and western elevations.	A compliant amended BASIX certificate has been submitted.	Yes
4V – Water Management and Conservation	Efficient fixtures/ fitting WSUD integrated Rainwater storage and reuse	A compliant amended BASIX certificate has been submitted.	Yes
4W – Waste Management	Minimise impact on streetscape, building entry and amenity	Conditions of consent have been imposed to ensure adequate waste storage is provided.	Yes
4X – Building Maintenance	Material selection reduces ongoing maintenance costs.	No change from the approved DA.	Yes, no change.

Visual Privacy

With regard to 3F- Visual Privacy of the ADG, the building separation between Buildings A and B fail to meet compliance with the minimum requirements. As per the conditions of consent imposed under the previous modification application, privacy louvers along the southern elevation of Building A and portions of the northern elevation of Building B have been provided where the building separation fails to meet the minimum requirements.

Solar Access

With regard to Objective 4A- Solar Access, whilst 74% (61) units of Building A and 74% (71) units receive a minimum 2 hours solar access, up to 17% (14) units in Building A and 26% (25) units of Building B will receive no solar access. This is contrary to the maximum 15% permitted to receive no solar access for the site. The units which receive no solar access are those with a single southern orientated aspect whereby the building will cast a shadow on itself.

Whilst direct solar access will not be provided to these units, the units will still receive an acceptable level of amenity through the provision of enlarged balconies, generous unit sizes and provision of multiple communal space areas and facilities on the ground floor. The southern orientated balconies (particularly to Building B) will also benefit from views beyond the site over adjoining developments. Accordingly, the proposed modifications are considered acceptable in this regard.

Strathfield Local Environmental Plan 2012

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

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

Comments: The proposal as modified is not considered to be inconsistent with the general aims of SLEP 2012.

Permissibility

The subject site is Zoned B4 Mixed Use under Strathfield Local Environmental Plan (SLEP) 2012.

A Residential Flat Building is permissible within the B4 Zone with consent and is defined under SLEP 2012 as follows:

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

It is noted that the kiosk was not initially approved under the parent application and accordingly, a new use cannot be introduced as part of a modification application to Council. Whilst the construction of the development may be permitted under the subject modification application, the use of the structure cannot be granted under the subject application. Accordingly, a condition of consent is recommended to ensure that the use of the kiosk is approved under a separate application to Council.

Zone Objectives

An assessment of the proposal against the objectives of the B4 Mixed Use Zone is included below:

Objectives	Complies
➤ <i>To provide a mixture of compatible land uses.</i>	Yes
➤ <i>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport</i>	Yes

patronage and encourage walking and cycling.

➤	<i>To facilitate mixed use urban growth around railway stations and transport nodes and corridors, commercial centres and open space.</i>	Yes
➤	<i>To provide local and regional employment and live and work opportunities.</i>	Yes

Comments: The proposed development meets the objectives of the zone.

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.

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.

Height of building

<i>Cl.</i>	<i>Standard</i>	<i>Controls</i>	<i>Approved</i>	<i>Proposed</i>	<i>Complies</i>
4.3	<i>Height of building</i>	Max. 28m	27.41m and 28.07m to top of lift overruns Building A and 28.30m and 28.61m to top of lift overruns Building B	No change proposed.	Yes- refer to discussion below

Floor space ratio

<i>Cl.</i>	<i>Standard</i>	<i>Controls</i>	<i>Approved</i>	<i>Proposed</i>	<i>Complies</i>
4.4	<i>Floor space ratio</i>	Max. 1.2:1 (max 24,321.6m ²)	GFA for residential flat buildings = 15,512m ² GFA for townhouse development 9,042m ² TOTAL = 24,554m²	No change proposed.	Yes

Comment: The proposal has sought the provision of roof top private open space areas on Building B which will be accessed via private stairwells from the corresponding units below. The proposal consequently involves the installation of 1m high fences upon the roof top area to provide separation between units. Accordingly, the 1m high walls create additional building height to the building. Whilst the 1m high walls fall within the maximum building height permitted for the site, the 1m high walls will not be adequate enough to enable an effective means of visual privacy between adjoining units. To achieve this, the building wall would need to be increased by a minimum 800mm to 1.8m. As each of the Level 7 units are provided with adequate private open space areas which comply with the minimum requirements of the ADG in terms of dimensions and solar access, the additional private open space areas on the roof top are not necessary.

Accordingly, a condition of consent is recommended to delete all roof top private open space areas and corresponding stairwells.

Part 5: Miscellaneous Provisions

The provisions contained within Part 5 of the SLEP 2012 are not relevant to the subject proposal.

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

The subject site is identified as having Class 5 soils and is located within 500m of Class 4 soils. The proposal is not located on land below RL 5 AHD and therefore, the original development application, and the subject modification application was not required to be accompanied by an Acid Sulfate Soils Management Plan and has satisfied the requirements of Clause 6.1 of the SLEP 2012.

6.2 Earthworks

The proposed modification involves the construction of an additional half third level of basement parking which requires additional earthworks beyond the original approval. The additional level of basement parking will be constructed entirely beneath the approved level 2 basement footprint. No further excavation is proposed beyond the building footprint. Conditions of consent have been imposed under the parent application to ensure that earthworks do not result in any disruption to adjoining properties. Therefore, the proposal is still considered to comply with the objectives of this Clause.

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 subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development.

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

Not applicable.

(iii) any development control plan, and

Strathfield Development Control Plan

Part C – Multiple-Unit Housing and Parts H – Waste Minimisation of the DCP is of relevance to the assessment of the application

Part C – Multiple- Unit Housing

Clause 6A 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 the DCP are addressed in the table below. It is noted that the DCP has not been updated since the up-zoning of the land along Punchbowl Road and as such many of the controls are no longer relevant to the assessment of the application as they are in conflict with the LEP controls and as such are overridden.

Section	Development Standard	Required	Proposal	Compliance
2.2	Building Envelope & Setbacks	3.5m vertically at boundary & project inwards at 45°.	ADG prevails	N/A
2.3	Dwelling Unit and Building Design	15% of the development is required to be designed as adaptable housing for older people or people with disabilities.	Refer to previous discussion of adaptable apartments under assessment of ADG	Yes
	Dwelling Unit and Building Design	No single building should have a continuous wall length of more than 30m without separation.	The building is well articulated.	Yes.
	Dwelling Unit and Building Design	Walls greater than 10m in length to be broken down or staggered.	As above.	Yes.
	Dwelling Unit and Building Design	Parking for people with disabilities.	Accessible parking spaces are provided within the basement.	Yes.

	Dwelling Unit and Building Design	Building materials and finishes are to be sympathetic to with the adjoining buildings and the streetscape.	The external materials and finishes are sympathetic to the streetscape and character of the area.	Yes
	Unit Sizes and Lot Layout	1 bed = 70m ² 2 bed = 85m ² 3 bed = 100m ² more than 3 bed = 110m ² 2 bed townhouse = 100m ² 3 bed townhouse = 110m ² < than 3 bed t/house = 120m ²	ADG prevails	N/A
2.4	Energy Efficiency	Application is required to provide a NatHERS certificate. Each dwelling must achieve 3.5 star NatHERS rating.	Amended BASIX certificate provided. Refer to BASIX SEPP discussion.	Yes.
2.4.2.2	Solar Access	50% of the principle private open space achieves a minimum of 3 hours sunlight during the winter solstice.	Solar access in ADG prevails.	N/A
	Solar Access	Solar access to habitable rooms and private open space of adjoining properties be provided for a minimum of 3 hours during the winter solstice.	Solar access in ADG prevails.	N/A
2.4.3	Natural Space Heating and Cooling	Reduce the need to artificially heat and cool dwellings.	The application achieves the minimum cross ventilation and solar access requirements as per the ADG which implies the development will be efficient in naturally cooling and heating spaces throughout the building.	Yes.
2.4.4	Natural Lighting	Reduce reliance on artificial lighting	As above.	Yes.
2.4.6	Water Management	Mandatory water storage 10 dwell= 500lt / dwell each dwell thereafter = 250 lt/ dwell	BASIX commitments prevail.	Yes.
2.8	Privacy and Security	Windows are not to be	ADG prevails.	N/A

		located less than 9m apart from other dwellings.		
		Windows to be offset from adjoining dwelling by 0.5m; Have a sill height of 1.7m or have obscure glazing to a height of 1.7m.	ADG prevails.	N/A.
		Bedrooms not to adjoin living rooms/ garages of adjoining dwellings.	ADG prevails.	N/A.
		A balcony on the second storey of a townhouse must not overlook and adjoining property.	ADG prevails.	N/A.
		Locked Shared pedestrian entries.	ADG prevails.	N/A.
		Casual surveillance of street and public areas.	ADG Prevails.	N/A.
2.9	Car Parking	<p>Car parking is required to be provided:</p> <p>1 bed x 1 space x 23 = 23</p> <p>2 bed x 1.5 spaces x 141 = 211.5</p> <p>3 bed x 2 spaces x 19 = 38</p> <p>1 space per 5 dwellings for visitors 178/5 = 36 (35.6)</p> <p>Total required = 257 residents = 36 visitors</p>	329 spaces proposed	Yes

Part H – Waste Minimisation

The approved development provides for off-street waste collection through the provision of a basement level loading bay and storage room. No changes are proposed to the design, location or servicing requirements for the site. As the proposal involves the same overall number of units on the site, no change is required to the number of bins required on the site. Accordingly, the proposal satisfies the requirements under Part H of the SCDP 2005 subject to compliance with conditions of consent.

(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

Not applicable.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

Clause 92 of the Environmental Planning and Assessment Regulation requires Council to take into consideration the provisions of the relevant Australian Standard for the demolition of buildings in the determination of a development application.

Having regard to these prescribed matters, the development consent contained conditions requiring compliance with Australian Standard (AS) 2601 – 1991: The Demolition of Structures and these conditions are retained in the recommended modified approval.

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

Amenity Impacts to neighbouring properties

Privacy

The proposed modification is not anticipated to result in any additional and adverse overlooking opportunities between Buildings A and B on the site. All balconies which fail to meet the minimum building separation requirements have been provided with privacy screening as per conditions of consent imposed under the previous modification approved by Council (DA2015/100/03).

Overshadowing

Shadow study diagrams were submitted as part of the subject application demonstrating the additional shadow cast by Buildings A and B as a result of the increased balcony sizes and 1m high building walls to the roof top of Building B. As previously discussed, the provision of the 1m high building walls to the roof top of Building B is not supported.

The shadow cast as a result of the modified balcony sizes is considered to result in a negligible impact upon adjoining residents with adjoining properties generally capable of receiving ample solar access.

Car Parking and Traffic

This modification application has been supported by a Car Parking and Traffic Statement prepared by Transport and Traffic Planning Associates. The statement concluded that the proposal is unlikely to result in additional traffic generation as the proposed number of apartments remain unchanged. It is unlikely that the increased number of spaces provided in the basement will result in any notable increase traffic generation.

Quality of Accommodation

The modifications to units, including conversion of a two (2) bedroom unit to a three (3) bedroom unit achieves good quality accommodation which receives ample cross-ventilation and solar access. This has been addressed against the SEPP 65 design principles and controls.

It is noted that the plans fail to indicate a door within unit B.510 from the bedroom as well as a doorway within unit B.509 between the living room and bedroom. It appears these were deleted in error. A condition of consent is recommended to ensure these are provided.

Whilst the development achieves compliance with the cross ventilation and solar access requirements, a condition of consent is recommended to provide an additional window to the southern elevation of unit B.707 and B.807 to enable improved cross ventilation to the adjoining living room space. It appears that these windows were deleted in error.

Café Kiosk

The application proposes modifications to the café kiosk on the eastern corner of the site (refer to Figure 8, 9 and 10). The kiosk would be located in the area where a pergola was approved under the original application.

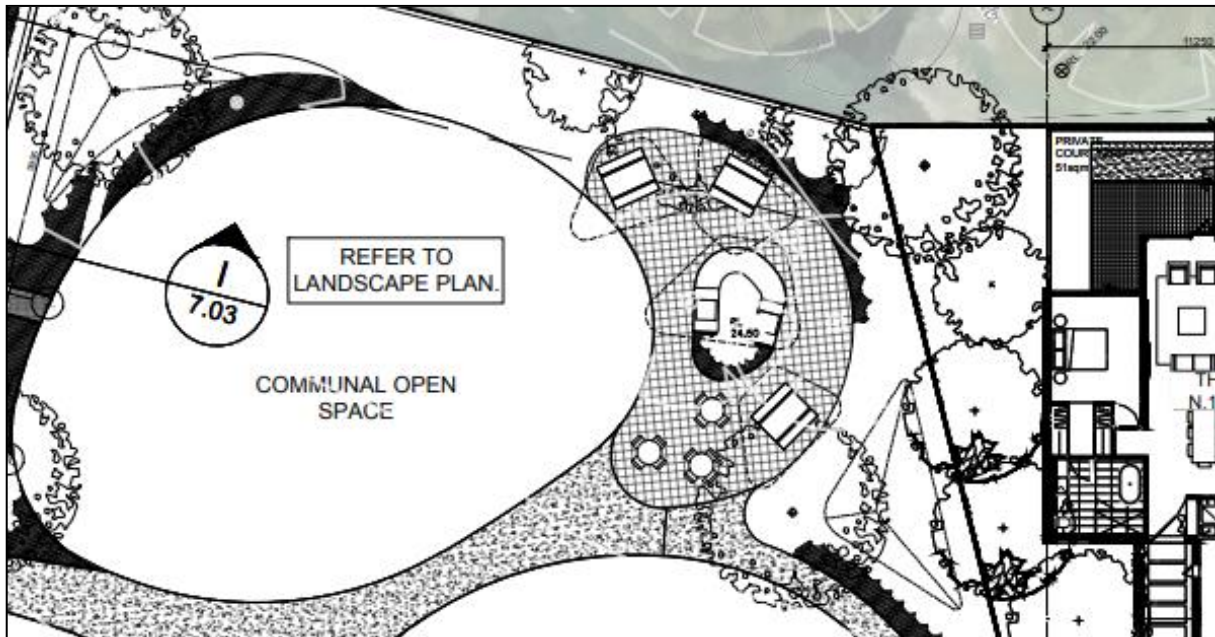


Figure 8: Floor Plan of pergola as depicted on the site plan approved under DA2015/100.

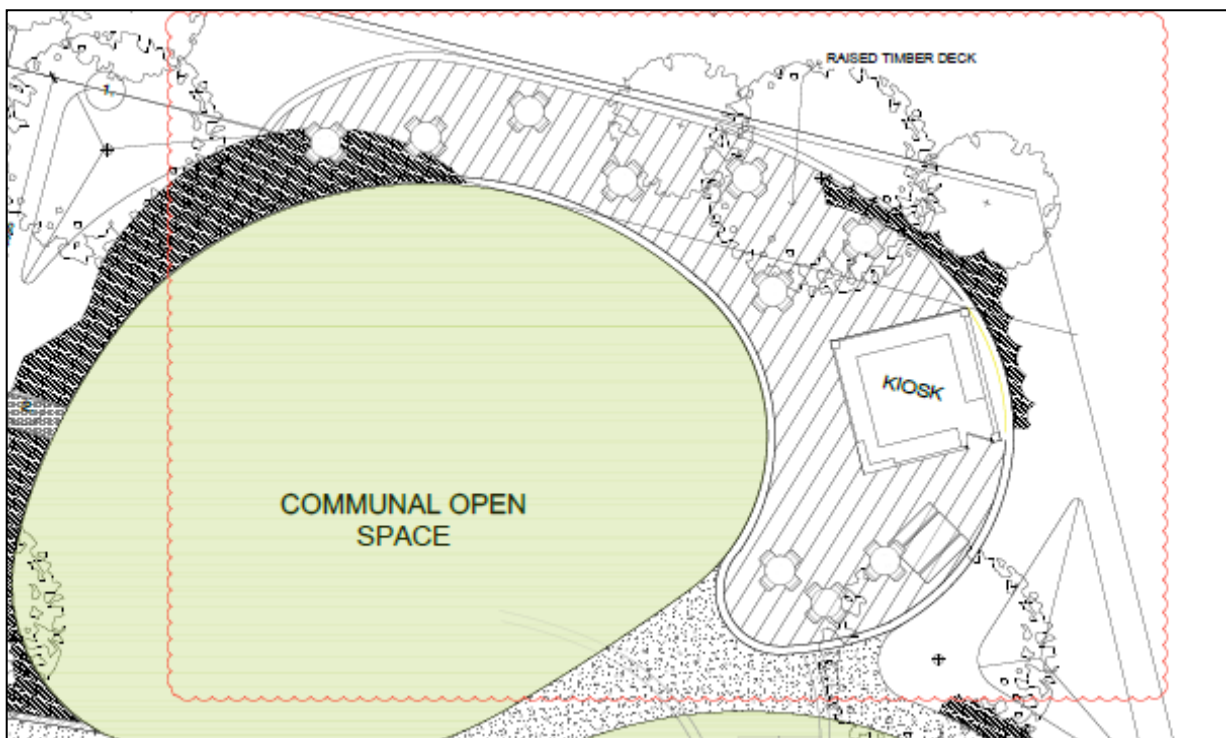


Figure 9: Floor Plan of kiosk as depicted on the site plan approved under DA2015/100/03.

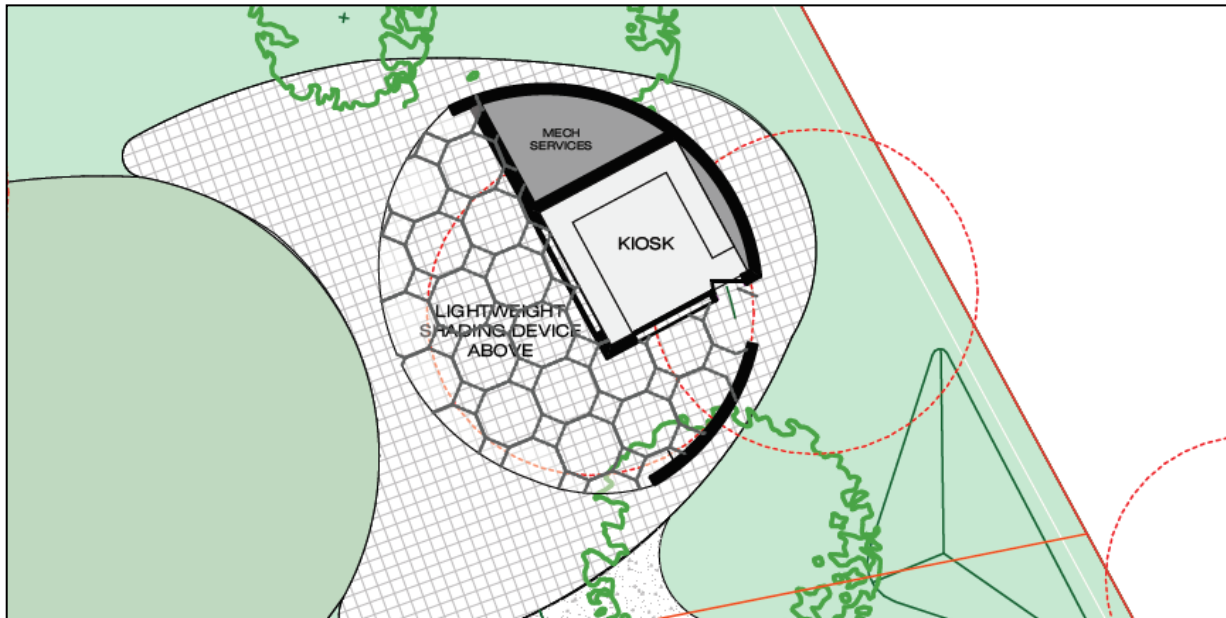


Figure 10: Proposed floor plan of kiosk with mechanical services and shading device overhead.

Whilst the café is a permissible use in the B4 – Mixed Use zone, the proposed café kiosk introduces a new use which was not approved under the original application or the modified application notwithstanding its inclusion on the approved plans as modified by DA2015/100/03. Furthermore, the Section 4.55 application does not include the details of the kiosk such as the building elevations or details of operations (i.e. operating hours/days, staff etc).

Accordingly, the proposed construction and use of the café kiosk is not supported with this modification. A condition of consent has been recommended to delete the proposed kiosk and reinstate the kiosk structure with the pergola which was originally approved under the original application.

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

The original proposal was considered to be designed appropriately for the site, having appropriate regard to the site constraints and opportunities and the desired future character of the area. The subject site is still considered suitable for the modified proposal.

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

The modification application and plans were notified in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005) from 20 August 2019 – 10 September 2019. Six (6) submissions were received during this time including two (2) in support of the proposal and four (4) objecting to the proposal. The four (4) objections are discussed below:

Traffic Congestion

An application to increase car park space (ie increasing the number of cars entering or exiting the development) would only make problems of traffic flow and congestion worse. Both the medium density (50 dwellings) and high density (178) units have a single access road from the Hume Highway slip road off the Centenary Drive. The traffic is heavy during the peak time as we only have one access to our building. This is also a shared traffic zone with a narrow strip on the road marked for pedestrians. The road is already congested and unsafe for pedestrians. With the addition of approximately 356 more cars, the problem will be

compounded. You can't compare Liberty Grove in terms of traffic flow as they benefit from two (2) separate exit and entry points.

Assessing Officer comments: The proposal does not result in any increase to the approved (178) unit numbers for the site. The application has been assessed by RMS and Council's Traffic Engineer and no objection is raised to the proposed development in this regard.

Pedestrian Safety

The inadequate pedestrian access (a narrow strip marked out on the driveway) from the complex onto the public road and the unsegregated footpath along the public road that follows is not very safety given how busy the road is. There is no school zone speed limit on this side of the road nor is there sufficient space/barrier from the motorway. This makes the property less attractive to public transport users, the elderly, families with young kids as compared to those who drive all the time.

Assessing Officer comments: Condition 40 of the consent specifies that the footpath, kerb and gutter shall be reconstructed to Council's specifications for the full frontage of the development site prior to the issue of an Occupation Certificate. It is anticipated that these works will be undertaken in the later stages of development on the site.

Excavation

The extension of the excavation is likely to jeopardise the stability of the foundations of the adjoining town houses.

Assessing Officer comments: Conditions of consent were imposed under the parent application to ensure all construction, demolition and excavation work is executed safely in accordance with the relevant building standards.

4.15(1)(e) the public interest.

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development as modified continues to achieve an appropriate bulk, scale and design which to that which was originally approved. Accordingly, the proposal (as modified) is not considered to be contrary to the public interest.

LOCAL INFRASTRUCTURE CONTRIBUTIONS

Section 7.11 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

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

STRATHFIELD DIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

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

The approved (DA2015/100) Section 7.11 contributions for Stage 2 (residential flat buildings) read as follows:

Provision of Community Facilities	\$207,957.19
Provision of Major Open Space	\$962,113.08
Provision of Local Open Space	\$178,315.18
Provision Roads and Traffic Management	\$28,780.96
Administration	\$40,910.04
TOTAL	\$1,418,076.45

In addition to the above contributions which were paid, the levy for the conversion of the two (2) bedroom unit to a three (3) bedroom unit has been calculated as follows:

Provision of Community Facilities	\$534.00
Provision of Major Open Space	\$2,429.55
Provision of Local Open Space	\$534.64
Provision Roads and Traffic Management	\$62.89
Administration	\$237.90
TOTAL	\$3,798.99

Condition 30A has been recommended to include the additional levy which is required to be paid.

CONCLUSION

The application has been assessed having regard to Section 4.55 of the Environmental Planning and Assessment Act 1979, SEPP 65, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval.

RECOMMENDATION

Pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979, the proposed modification(s) to Development Consent No. 2015/100 involving the construction of an additional level to Building A and part of Building B and reconfiguration of apartments incorporating seven (7) additional units and eight (8) additional basement carparking spaces at 27-35 Punchbowl Road, Belfield be **APPROVED**, subject to:

1. The original conditions of consent Application (DA2015/100) as approved by Sydney Central Planning Panel on 18 May 2016 for 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.

2. As modified by the Section 96(1A) Application (DA2015/100/01) to an approved development involving modification of land description and the development proposal description and to amend Condition 30 relating to Section 94 Direct Development Contributions of the consent.
3. As modified by the Section 96 (1A) Application (DA2015/100/02) involving minor internal reconfiguration of two townhouses identified as S17 and S21 within the southern row of Stage 1.
4. As modified by the Section 96 (1A) Application (DA2015/100/03) involving modification to Stage 2 of the approved development with respect to the residential flat buildings.
5. As modified by the Section 96(1) Application (DA2015/100/04) involving modification to alter the description of the proposed development to read as follows:

“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”
6. As modified by the Section 4.55(2) Application (DA2015/100/05) involving the surrender of DA2017/168 and modifications to approved development including enlargement of basement level 3.

Accordingly, Development Consent No.2015/100/05 is approved as following:

Revised Development Description:

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 three (3) levels of basement parking with associated landscaping and civil works”

- Amendment to Condition 1 (plans);
- Imposition of Conditions 6(J), 6(K), and 6(L);
- Imposition of Condition 30A;
- Imposition of Condition 124;
- Imposition of Condition 125; and
- Imposition of Condition 126.

MODIFIED: DA2015/100/05

Under Part B – Other Conditions:

Condition 1 shall be modified to read as follows:

Plans

1. The development shall be completed in accordance with the approved plans and documents listed below, prior to the building being used or occupied and any variation as required by conditions of this consent:

Development Impact Assessment prepared by Lee Hancock Consulting Arborist dated 1/25/16 and received by Council on 28 January 2016.

Masterplan, Drawing Nos. DA0.03, Revision C, prepared by Marchese Partners, dated 21/3/2016 and received by Council on 31 March 2016.

Demolition Plan, Drawing No. 11.01, Revision B, prepared by Marchese Partners, dated 21/3/2016 and received by Council on 31 March 2016.

ARCHITECTURAL PLANS

Drawing No. DA1.06 Revision B, prepared by Marchese Partners, dated 30/12/15 and received by Council 31 March 2016.

Drawing No. 12.01, Revision B, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No. DA1.00A, Revision C, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No DA1.00B, Revision C, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No DA1.01A, Revision C, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No DA1.01B, Revision C, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No DA1.02A, Revision C, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No DA1.02B, Revision C, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No DA1.03A, Revision C, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No DA1.03B, Revision C, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No DA1.04, Revision C, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No DA1.05, Revision C, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No DA1.07, Revision C, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No A1.108, Revision C, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No A1.09, Revision C, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No DA1.10, Revision C, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No DA1.11, Revision C, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No. DA1.12, Revision C, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No. DA2.01A, Revision D, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No DA2.01B, Revision D, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No DA2.01C Revision D, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No DA3.01A, Revision D, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No. DA2.01D, Revision E, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No. DA 14.01, Revision A, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No. DA 14.03, Revision A, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No. DA 6.07, Revision A, prepared by Marchese Partners, dated 21/3/2016 and received by Council 19 April 2016.

Drawing No DA 16.00, Revision B, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No DA 16.01, Revision B, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No DA 7.04, Revision B, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No DA 8.01, Revision B, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No DA 14.04, Revision B, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No DA 14.05, Revision B, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No. DA 6.04, Revision A, prepared by Marchese Partners, dated 21/3/2016 and received by Council 19 April 2016.

Drawing No. DA 6.05, Revision A, prepared by Marchese Partners, dated 21/3/2016 and received by Council 19 April 2016.

Drawing No. DA 6.06, Revision A, prepared by Marchese Partners, dated 21/3/2016 and received by Council 19 April 2016.

Drawing No DA 7.02, Revision C, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No DA 7.03, Revision C, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

DA 14.02, Revision C, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No. DA 6.03, Revision D, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No. DA 7.01, Revision D, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No. DA 12.02, Revision D, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

Drawing No. DA 12.03, Revision D, prepared by Marchese Partners, dated 21/3/2016 and received by Council 31 March 2016.

~~Job No. 038-S96-01, Site, Revision B, prepared by Conquest, dated 16.10.2017 and received by Council 16 October 2017.~~

~~Job No. 038-S96-03, Basement 1, Revision B, prepared by Conquest, dated 16.10.2017 and received by Council 16 October 2017.~~

~~Job No. 038-S96-02, Basement 2, Revision B, prepared by Conquest, dated 16.10.2017 and received by Council 16 October 2017.~~

~~Job No. 038-S96-04, Ground Floor Building A, Revision B, prepared by Conquest, dated 16.10.2017 and received by Council 16 October 2017.~~

~~Job No. 038-S96-05, Level 1 Building A, Revision B, prepared by Conquest, dated 16.10.2017 and received by Council 16 October 2017.~~

~~Job No. 038-S96-06, Level 2-4 Building A, Revision B, prepared by Conquest, dated 16.10.2017 and received by Council 16 October 2017.~~

~~Job No. 038-S96-07, Level 5-6 Building A, Revision B, prepared by Conquest, dated 16.10.2017 and received by Council 16 October 2017.~~

~~Job No. 038-S96-08, Level 7-8 Building A, Revision B, prepared by Conquest, dated 16.10.2017 and received by Council 16 October 2017.~~

~~Job No. 038-S96-09, Roof Building A, Revision B, prepared by Conquest, dated 16.10.2017 and received by Council 16 October 2017.~~

~~Job No. 038-S96-15, Elevations Building A, Revision B, prepared by Conquest, dated 16.10.2017 and received by Council 16 October 2017.~~

~~Job No. 038-S96-10, Ground Floor Building B, Revision B, prepared by Conquest, dated 16.10.2017 and received by Council 16 October 2017.~~

~~Job No. 038-S96-11, Level 1-4 Building B, Revision B, prepared by Conquest, dated 16.10.2017 and received by Council 16 October 2017.~~

~~Job No. 038-S96-12, Level 5-6 Building B, Revision B, prepared by Conquest, dated 16.10.2017 and received by Council 16 October 2017.~~

~~Job No. 038-S96-13, Level 7-8 Building B, Revision B, prepared by Conquest, dated 16.10.2017 and received by Council 16 October 2017.~~

~~Job No. 038-S96-16, Elevations Building B, Revision B, prepared by Conquest, dated 16.10.2017 and received by Council 16 October 2017.~~

~~Job No. 038-S96-14, Roof Building B, Revision B, prepared by Conquest, dated 16.10.2017 and received by Council 16 October 2017.~~

~~Job No. 038-S96-18, Site, Revision B, prepared by Conquest, dated 16.10.2017 and received by Council 16 October 2017.~~

~~Job No. 038-S96-20, Level 2-4 Building Separation, Revision A, prepared by Conquest, dated 19.07.2017 and received by Council 16 October 2017.~~

~~Job No. 038-S96-21, Level 5-6 Building Separation, Revision A, prepared by Conquest, dated 19.07.2017 and received by Council 16 October 2017.~~

~~Job No. 038-S96-22, Level 7-8 Building Separation, Revision A, prepared by Conquest, dated 19.07.2017 and received by Council 16 October 2017.~~

Basement 03 Floor Plan, Drawing No.A2001, prepared by Urbanlink, dated 25 June 2019, received by Council 26 July 2019

Basement 02 Floor Plan, Drawing No.A2002, prepared by Urbanlink, dated 25 June 2019, received by Council 26 July 2019

Basemen 01, Drawing No.A2003, prepared by Urbanlink, dated 25 June 2019, received by Council 26 July 2019

Ground Floor Plan, Drawing No.A2004, prepared by Urbanlink, dated 25 June 2019, received by Council 26 July 2019

Level 01 Floor Plan, Drawing No.A2005, prepared by Urbanlink, dated 25 June 2019, received by Council 26 July 2019

Level 02 Floor Plan, Drawing No.A2006, prepared by Urbanlink, dated 25 June 2019, received by Council 26 July 2019

Level 03 Floor Plan, Drawing No.A2007, prepared by Urbanlink, dated 25 June 2019, received by Council 26 July 2019

Level 04 Floor Plan, Drawing No.A2008, prepared by Urbanlink, dated 25 June 2019, received by Council 26 July 2019

Level 05 Floor Plan, Drawing No.A2009, prepared by Urbanlink, dated 25 June 2019, received by Council 26 July 2019

Level 06 Floor Plan, Drawing No.A2010, prepared by Urbanlink, dated 25 June 2019, received by Council 26 July 2019

Level 07 Floor Plan, Drawing No.A2011, prepared by Urbanlink, dated 25 June 2019, received by Council 26 July 2019

Level 08 Floor Plan, Drawing No.A2012, prepared by Urbanlink, dated 25 June 2019, received by Council 26 July 2019

Roof Floor Plan, Drawing No.A2013, prepared by Urbanlink, dated 25 June 2019, received by Council 26 July 2019

Elevations – Building A Plan, Drawing No.A3001, prepared by Urbanlink, dated 25 June 2019, received by Council 26 July 2019

Elevations – Building B Plan, Drawing No.A3002, prepared by Urbanlink, dated 25 June 2019, received by Council 26 July 2019

Sections Building A and B, Drawing No.A4001, prepared by Urbanlink, dated 25 June 2019, received by Council 26 July 2019

LANDSCAPE PLANS

Drawing No. 102, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 103, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 104, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 105, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 106, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 107, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 108, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 109, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 215, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 216, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 217, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 110, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 111, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 112, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 113, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 114, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 205, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 206, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 207, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 211, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 212, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 213 Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 115, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 204, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 209, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 210, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 116, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 117, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 118, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

Drawing No. 208, Issue B, prepared by Arcadia Landscape Architecture, dated March 2016 and received by Council on 31 March 2016.

ENGINEERING WORKS PLANS

Drawing No. 80216033-DA005, Revision 01, prepared by Cardno, dated Mar' 16 and received by Council on 31 March 2016.

Drawing No. 80216033-DA010, Revision 01, prepared by Cardno, dated Mar' 16 and received by Council on 31 March 2016.

Drawing No. 80216033-DA015, Revision 01, prepared by Cardno, dated Mar' 16 and received by Council on 31 March 2016.

Drawing No. 80216033-DA020, Revision 01, prepared by Cardno, dated Mar' 16 and received by Council on 31 March 2016.

Drawing No. 80216033-DA030, Revision 01, prepared by Cardno, dated Mar' 16 and received by Council on 31 March 2016.

Drawing No. 80216033-DA031, Revision 01, prepared by Cardno, dated Mar' 16 and received by Council on 31 March 2016.

Drawing No. 80216033-DA032, Revision 01, prepared by Cardno, dated Mar' 16 and received by Council on 31 March 2016.

Drawing No. 80216033-DA033, Revision 01, prepared by Cardno, dated Mar' 16 and received by Council on 31 March 2016.

Drawing No. 80216033-DA034, Revision 01, prepared by Cardno, dated Mar' 16 and received by Council on 31 March 2016.

Drawing No. 80216033-DA035, Revision 01, prepared by Cardno, dated Mar' 16 and received by Council on 31 March 2016.

Drawing No. 80216033-DA036, Revision 01, prepared by Cardno, dated Mar' 16 and received by Council on 31 March 2016.

Drawing No. 80216033-DA037, Revision 01, prepared by Cardno, dated Mar' 16 and received by Council on 31 March 2016.

Drawing No. 80216033-DA040, Revision 01, prepared by Cardno, dated Mar' 16 and received by Council on 31 March 2016.

Drawing No. 80216033-DA050, Revision 01, prepared by Cardno, dated Mar' 16 and received by Council on 31 March 2016.

Drawing No. 80216033-DA080, Revision 01, prepared by Cardno, dated Mar' 16 and received by Council on 31 March 2016.

Drawing No. 80216033-DA081, Revision 01, prepared by Cardno, dated Mar' 16 and received by Council on 31 March 2016.

Drawing No. 80216033-DA090, Revision 01, prepared by Cardno, dated Mar' 16 and received by Council on 31 March 2016.

Drawing No. 80216033-DA091, Revision 01, prepared by Cardno, dated Mar' 16 and received by Council on 31 March 2016.

Drawing No. 80216033-DA100, Revision 01, prepared by Cardno, dated Mar' 16 and received by Council on 31 March 2016.

Amending Plan

Attachment A, dated 4.5.16, prepared by Eugene Marchese.

BASIX CERTIFICATES

Stage 1 - Basix Report Revision 3 No. 654819M_03 dated 28 April 2016 prepared by Wood and Grieve Engineers received by Council 29 April 2016.

~~Stage 2 - Basix Report Revision 4 No. 658364M_04 dated 19 July 2017 prepared by Wood and Grieve Engineers received by Council 26 July 2017.~~

Stage 2- Basix Report, Revision 8, prepared by Navid Aghdaei, received by Council 25 July 2019.

2. A Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction associated with this consent.
3. The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.
4. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.
5. The construction of the drainage infrastructure on South Strathfield High School shall be constructed in a manner that does not detrimentally impact any tree on that property for which consent has not been granted to remove. In this regard such work shall be carried out under the supervision of a suitably experienced and qualified minimum AQF Level 5 Arborist who shall identify the method of construction to be used in order to ensure the long term health of the trees.

Special Conditions

6. Amended architectural plans are to be provided to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate, incorporating the following changes:
 - (a) The landscape plans and architectural plans shall indicate the planting of *Corymbia maculata* in the deep soil areas (4m x 4m) along the north-eastern boundary of the site, along Building B, in accordance with the recommendations of the Arborist Report.
 - (b) Amendment to the parking provision and dwelling entry area for all of the southern townhouses which are proposed to have a single garage and open car parking space (i.e. Townhouses S2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25 and 26). The amendments, as illustrated in Attachment A, dated 4.5.16, prepared by Eugene Marchese, are required to achieving the following:
 - (i) Two (2) car parking spaces meeting the required dimensions of AS2890.1;
 - (ii) A pedestrian path aligning with the front door measuring at least 950mm;
 - (iii) A minimum setback of 5.8m between the end of the carport or car space and the southern side of the southern loop road; and
 - (iv) The provision of a bin storage area for one (1) x garbage, recycling and greenwaste bin per townhouse.

NOTE: These amendments must be undertaken whilst complying with the FSR control of 1.2:1 applicable to the whole site the subject of the development consent.
 - (c) Redesign of the proposed private courtyards located between the three (3) rows of southern townhouses (i.e. of Townhouses S10, 11, 18 and 19) to achieve the following:
 - (i) Increase to the landscaping on the northern side of the proposed courtyard fencing to improve communal landscaping visible from the northern link road;
 - (ii) Setback of the proposed courtyard fence adjoining the visitor parking space located off the southern loop road to provide a minimum 3m communal landscape setback to the north of the visitor parking space;

- (iii) Divide the remaining space into two (2) private courtyards;
 - (iv) Deletion of any ground level opening in the wall of any townhouse that adjoins the courtyard of the opposite townhouse in order to overcome privacy concerns; and
 - (v) Provision of privacy treatments as necessary to the side windows at the upper levels of each townhouse with a side courtyard such that overlooking down into another townhouse's courtyard is not possible.
 - (d) Provision of obscure glazing to the ground level openings of Townhouses S1 and S27 in the western and eastern facades respectively to a minimum height of 1.5m above the floor level to provide privacy from the loop road.
 - (e) Provision of an acoustic fence, constructed of lapped and capped timber or colourbond fencing with no gap at the bottom, along the eastern boundary of the site to a minimum height of 1.8m.
 - (f) The glazing within the eastern elevation of the easternmost townhouses at the first and second floor level shall be frosted and the windows shall either be fixed or awning style to ensure overlooking of the rear yards to the east does not occur.
 - (g) Relocation of the two (2) northernmost accessible parking spaces within the basement which are located off the east/west aisle next to the access ramp. These two (2) spaces are to be swapped with the three (3) southernmost non-accessible spaces located to the west of the bulk goods allocation room within Basement 1.
 - (h) Provide fixed privacy screens for the full width of balconies facing north-east (as marked in red in the approved plans) within units A.G03, A.504, B.511, A.604, B.611, A.802 and A.801.
 - (i) Provide a highlight window to the southern bedroom window off Unit B.807.
 - (j) A door shall be provided within unit B.510 between the bedroom and rest of the apartment.
 - (k) A door shall be provided within unit B.509 between the living room and bedroom.
 - (l) A highlight window shall be provided to the southern elevation of the living room space or unit B.707 and B.807.
7. Amended landscape plans are to be provided to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate, demonstrating the following:
- (a) The trees to be planted in the deep soil zones identified in Condition 6(a) above being *Corymbia maculata* of 400L pot size;
 - (b) Provision of a small tree (5-6m at maturity, can be deciduous) in the courtyard of each northern townhouse, with the following exception of the courtyards of Townhouses N4, N5, N9, N10, N14, N15, N19 and N20 where a tree to achieve a minimum maturity height of 10m in order to increase the landscaped setting of the area surrounding the single storey components of the townhouses;
 - (c) Relocation of the trees proposed to be planted between the open car spaces of the southern row of townhouses 1m to the north to allow for improved vehicular manoeuvring into the car parking spaces;
 - (d) Provision of one (1) of the proposed trees with the communal landscaped areas identified in Condition 6 (c) to reach a minimum mature height of 15m;

- (e) Provision of *Eucalyptus sclerophylla* (Scribbly Gum) at minimum 8m centres along the southern half of the eastern boundary of the site, increasing the size of the landscape area as necessary to accommodate the trees whilst still allowing compliant access for emergency vehicles under the provisions of *FRNSW Guidelines for Emergency Vehicle Access, Policy No. 4*;
 - (f) Deletion of the stormwater detention basins shown on the adjoining golf course land which have been superseded by the approved concept stormwater plans;
 - (g) Replacement of the proposed cobbled surface of the loop road around the townhouses with a surface that will not cause acoustic issues for adjoining residents.
8. Any community title and/or strata subdivision of the proposed development shall be the subject of a separate application. The allocation of parking in any such subdivisions are to be consistent with the conditions of this consent.
 9. The Acoustic Report, dated 22/1/2016, prepared by Wood & Grieve Engineers shall be reviewed and amended as required to address the amended design of the development and the recommendations within Table 14 of that report are to be amended as necessary. The architectural plans shall be amended to identify the provision of all acoustic measures identified in the amended acoustic report **prior to the issue of a Construction Certificate.**
 10. **Prior to the issue of a Construction Certificate for the Townhouses** a plan is to be prepared showing how the Strathfield Golf Club car park is to be fenced off from the access handle shown in Drawing titled "Subdivision Diagram – Areas Approximate Only", PR127780, Issue D, prepared by RPS. The plan is to show a single gated access from the access handle to the golf club car park and is to show how parking spaces that are currently partially located within the access handle will be reline-marked. The fencing and reline-marking works are to be completed **prior to commencement of any works for the Townhouses** and shall be certified to comply with AS2890.1.
 11. The existing drainage system draining stormwater from Strathfield South High School shall not be demolished until an alternative system is constructed (whether that system is a temporary or permanent system). The permanent drainage works shown to be carried out within the grounds of South Strathfield High School and all downstream connections of those works to the drainage system within Strathfield Golf Course are to be completed **prior to the issue of an Occupation Certificate for the Townhouses**. The drainage works shall not encroach more than 10% into the Tree Protection Zone of any tree which is listed for retention.
 12. The drainage works identified above are to be covered by an easement for drainage in favour of the owner of Strathfield South High School. Evidence of the registration of the easement with LPI shall be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate for the Townhouses.**
 13. **Prior to an Occupation Certificate for the Townhouses** all building works, infrastructure and landscaping works identified as being within proposed Lot 3001, inclusive of access handle, on Drawing PR127780, Issue D, prepared by RPS, of this consent must be completed and all conditions of consent relating to the Townhouses must be satisfied.
 14. **Prior to the release of any Occupation Certificate for the Townhouses or the release of any community or strata title Subdivision Certificate for the**

Townhouses a covenant shall be placed on the entire property identified as Lot 3001 in Drawing titled "Subdivision Diagram – Areas Approximate Only", PR127780, Issue D, prepared by RPS. The covenant shall have the effect of identifying that the site is fully developed in conjunction with Lot 3002 in the same plan to the maximum FSR of 1.2:1.

The covenant shall have the effect of preventing "double dipping" (ref: Clause 4.5(9) Strathfield LEP 2012) and shall state that proposed Lot 3001 is a "restricted lot" by identifying that no further FSR is able to be placed on the lot. Council shall be a signatory to the covenant.

Evidence of the creation and registration of the covenant with LPI shall be provided to Council and the Principal Certifying Authority **prior to the release of any Occupation Certificate for the Townhouses.**

15. **Within 5 years of the issue of an Occupation Certificate for the Townhouses**, the communal open space identified in the legend as 01 and 03, adjoining the residential flat building identified on Drawing No. 115, Issue B, prepared by Arcadia Landscape Architects and dated March 2016, with design detailed on Drawing Nos. 203 and 204, Issue B, prepared by Arcadia Landscape Architects and dated March 2016 shall be completed to the satisfaction of Council.
16. **Prior to the commencement of any works in relation to the Residential Flat Buildings**, other than demolition works, the underground petroleum storage tank shall be removed and the excavated area shall be validated to determine if the surrounding soil is impacted with petroleum hydrocarbons. Validation certificates shall be submitted to the Principal Certifying Authority and Council. If any significant leakage is confirmed to have occurred then further ground water sampling shall be performed and any required remediation shall be completed **prior to the issue of a Construction Certificate.**
17. **Prior to the issue of any Occupation Certificate for the Residential Flat Buildings**, an easement for use and access to the communal open space established under Condition 15 above shall be prepared in favour of the allotment of land identified as proposed Lot 3001 in Drawing titled "Subdivision Diagram – Areas Approximate Only", PR127780, Issue D, prepared by RPS permitting access to and use of the communal open space by the occupants and guests of all townhouses. Details of the registration of the easement with LPI are to be provided to Council and the Principal Certifying Authority **prior to the issue of any Occupation Certificate for the Residential Flat Buildings.**
18. Accessible and functional bicycle storage shall be provided within the basement for use by residents and visitors to the site **prior to the issue of any Occupation Certificate for the Residential Flat Buildings.**
19. Purpose built storage compartment(s) shall be provided to and within each of the resident car parking bays and/or associated dwellings at the following rates:
 - 6m³ for each one (1) bedroom unit
 - 8m³ for each two (2) bedroom unit, and
 - 10m³ for each unit with three (3) bedrooms or more.

In order to deter theft, the security compartments shall be designed in a manner to conceal from view and secure their contents i.e. through the use of dense, solid material and a shroud covered padlock (or similar).

Amended plans showing the location and configuration of each of storage compartment(s) shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of the Construction Certificate the Residential Flat Buildings.**

20. **Prior to the issue of any Occupation Certificate for the Residential Flat Buildings** the Principal Certifying Authority shall be satisfied that all building works, infrastructure and landscaping works identified within Proposed Lot 3002 on Drawing PR127780, Issue D, prepared by RPS, of this consent have been completed and all conditions of consent relating to the Residential Flat Buildings have been satisfied.
21. No Occupation Certificate for the Residential Flat Buildings shall be issued until an Occupation Certificate for the Townhouses has been issued.
22. Each set of tandem parking spaces located in the basement shall only be allocated to the same apartment in any future strata subdivision.

General

23. For residential flat developments which are subject to State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Flat Development and required to be accompanied by a design verification from a qualified designer under Clause 50(1A) of the Environmental Planning and Assessment Act Regulation 2000, a certifying authority must not issue:
 - (a) a **Construction Certificate** unless the certifying authority has received a design verification statement from a qualified designer that verifies 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 in Part 2 of SEPP No. 65, in accordance with Clause 143A of the Regulations; and
 - (b) an **Occupation Certificate** to authorise a person to commence occupation or use of the residential flat building unless the certifying authority has received a design verification statement from a qualified designer that 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 SEPP No. 65, in accordance with Clause 154A of the Regulations.
24. A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/Council-controlled areas. The permit must be retained on site at all times.
25. **Prior to the issue of a Construction Certificate**, photographs documenting any existing damage to the kerb and gutter and footpaths adjacent to the property shall be submitted to the consent authority. In the absence of this documentation, the applicant is liable for all damage that occurs to Councils' assets.
26. Storage of goods or the use of portable clotheslines on balconies visible from a public place is strictly prohibited.
27. All exhaust and other emissions including noise from the premises shall comply with the provisions of the Protection of the Environment Operations Act 1997 and Regulations.

28. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$20million and shall provide proof of such cover to Council prior to carrying out works.
29. A detailed Construction Site Traffic Management Plan (CTMP) must be submitted to and approved by Council, **prior to commencement of any site work including demolition.**

The CTMP must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- (a) A description of the demolition, excavation and construction works;
- (b) A site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- (c) Any proposed road and/or footpath closures;
- (d) Proposed site access locations for personnel, deliveries and materials;
- (e) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- (f) Provision for loading and unloading of goods and materials;
- (g) Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- (h) Impacts of the work and vehicular movements on the road network, traffic and pedestrians;
- (i) Proposed hours of construction related activities and vehicular movements to and from the site;
- (j) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- (k) Any activities proposed to be located or impact upon Council's road, footways or any public place;
- (l) Measures to maintain public safety and convenience; and
- (m) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc).

Financial Matters

30. In accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and the Strathfield Direct Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes **prior to the issue of a Construction Certificate** of the development as follows:

Stage 1 – Townhouses

Provision of Community Facilities	\$82,154.66
Provision of Major Open Space	\$395,403.59
Provision of Local Open Space	\$70,444.42
Provision Roads and Traffic Management	\$14,150.03
Administration	\$16,833.47
TOTAL	\$578,986.16

Stage 2 – Residential Flat Buildings

Provision of Community Facilities	\$207,957.19
Provision of Major Open Space	\$962,113.08
Provision of Local Open Space	\$178,315.18
Provision Roads and Traffic Management	\$28,780.96
Administration	\$40,910.04

TOTAL

\$1,418,076.45

- 30A. In accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and the Strathfield Direct Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes prior to the issue of an amended Construction Certificate of the development as follows:

Provision of Community Facilities	\$534.00
Provision of Major Open Space	\$2,429.55
Provision of Local Open Space	\$534.64
Provision Roads and Traffic Management	\$62.89
Administration	\$237.90
TOTAL	\$3,798.99

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with Clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

(Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development.)

31. A security payment of \$8,127.00 in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council prior to the issue of a Construction Certificate. The security payment is GST inclusive and comprises the following:

Refundable works bond	\$8,000.00
Non-refundable administration fee (\$127/bd)	\$127.00
TOTAL	\$8,127.00

The security payment covers the following matters and will be released upon satisfactory completion of these items:

- (a) road and stormwater drainage works in roadways and public areas;
 - (b) connection to Council's stormwater drainage system;
 - (c) installation and maintenance of sediment control measures for the duration of construction activities, and
 - (d) Ensuring no damage occurs to or building debris/materials are left on Council land including footpath, nature strip, kerb and gutter. The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.
32. Fees are payable where Council is appointed as principal certifying authority to carry out the post-approval inspections. A quotation for the fees can be obtained by contacting Council and the fees shall be paid prior to the carrying out of any of the inspections.

Any re-inspection which is necessary due to site access not being available, defective work, or the matter not being ready for inspection will be charged in accordance with Council's Fees and Charges Policy. Council will advise in writing if an additional re-inspection is required and the re-inspection fee shall be paid prior to release of the damage deposit. If the additional fee is not paid it will be deducted from the damage deposit.

33. Each townhouse shall be provided with two (2) off street parking spaces
Ten (10) visitor spaces shall be provided for the Townhouses.

A minimum of **(293)** car parking spaces are to be provided within the basement and are to be allocated on the following basis:

1 bed apartments	1 space
2 bed apartments	minimum 1 space, maximum 2 spaces
3 bed apartments	2 spaces
Visitors	36 (including 1 accessible space)
Accessible spaces	1 per adaptable apartment (total of 29)

These spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.

The accessible parking spaces are to be allocated closest to the lift core to provide access to the relevant adaptable apartment.

34. A sign shall be erected in a suitable location on the site advising that parking is available for visitors.
35. The entry point to the basement carpark area shall be fitted with security gates/shutter to control the entry and exit of vehicles to and from the basement. Any security gates/shutter shall be designed in order to ensure it is able to be opened remotely by occupants of the building.
36. The entry and exit driveways shall be suitably signposted and directional arrows shall be painted on the internal roadway.
37. All vehicles entering and leaving the site shall be driven in a forward direction only.
38. All driveways shall be separated from landscaped areas by a minimum 150mm high concrete kerb or similar.
39. The vehicle spaces must not be enclosed with walls or meshed security screens.
40. The footpath, kerb and gutter shall be reconstructed to Council's specifications for the full frontage of the development site **prior to the issue of an Occupation Certificate.**
41. One (1) car wash bay shall be provided within the basement for use by residents. This car wash bay shall be drained in accordance with the requirements of Sydney Water.

Plans demonstrating compliance with this requirement must be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.** This information shall also form part of any future development application for the Strata Subdivision of the development.

Drainage/Stormwater

42. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe to a new trunk drainage system that services the proposed development and located at the rear via separate onsite stormwater detention systems. The onsite stormwater detention tanks will connect directly into this system. The **internal drainage system** has been designed generally

43. Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the endorsed concept plans **AND** the requirements of Council's Stormwater Management Code.

In this project the engineering plans (identified in the above condition) are satisfactory as Concept plans. The assessment authority, (either (a) Council, or (b) a Private Certifier), is to satisfy themselves of the adequacy of the above plans for the purposes of Construction. They are to independently determine what details, if any, are to be added to the Construction Certificate plans, in order for the issue of the Construction Certificate.

Where a Private Certifier issues the Construction Certificate a copy must be provided to Council, **prior to the issue of a Construction Certificate.**

44. On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system. The storage system shall be designed in accordance with the endorsed concept stormwater plans **AND/OR** Council's Stormwater Management Code. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

45. An Operational Management and Maintenance Report is required to be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate** outlining the proposed long term operational management and maintenance requirements of the onsite stormwater detention systems on the subject site.

A schedule or timetable for the proposed regular inspection and monitoring of the systems, maintenance techniques, reporting and record keeping requirements and associated rectification procedure shall be included in the report.

46. **Prior to the issue of an Occupation Certificate/use of the building,** written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.

In addition, detailed works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to and approved by the Principal Certifying Authority. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels.

47. Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

48. For drainage works within public land or connecting to Council's stormwater drainage system the following inspections will be required:-

(a) After the excavation of pipeline trenches.

- (b) After the laying of all pipes prior to backfilling.
- (c) After the completion of all pits and connection points.

A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Engineering Works and Services section on 9748-9999 during office hours. Work is not to proceed until the works are inspected and approved by Council.

- 49. All pits shall be constructed in accordance with Australian Standard AS3500.3.
- 50. All subsoil drainage must be designed to meet the requirements of AS3500.
- 51. Access to the basement car park, head room for basement entry, driveway ramp and turning circles shall be designed in accordance with AS 2890.1-2004.
- 52. The proposed basement pump out system is to be strictly in accordance with the requirements set out in Strathfield Council's Stormwater Management Code 1994. The rising main shall be connected to the OSD tank/basin. Final details of this system are to be submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate for the Residential Flat Building.**
- 53. All surface inlet drains upstream of the on-site detention basin must be designed so that there is no overflow before the storage is full.
- 54. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.
- 55. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.
- 56. Boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other party.
- 57. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the:
 - (a) On-site stormwater detention system **AND**
 - (b) All Water Sensitive Urban Design components

The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority **prior to the issue of an Occupation Certificate/use of the building.**

The Positive Covenant is required to prevent future modification or alteration without the written consent of the consent authority, and to ensure suitable maintenance is carried out.

- 58. A detailed design 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** and shall include, but not be limited to:

Batters, levels, underdrains, high flow bypass details, clean out points, filter media details, mulching details, material specification, planting details, inlet scour protection areas, maintenance access ramps and maintenance schedule(s).

The design shall be prepared by a suitably qualified professional engineer experienced in Water Sensitive Urban Design in accordance with the approved plans, conditions of consent, Strathfield Council's Development Control Plan Part N - Water Sensitive Urban Design 2005, Strathfield Council WSUD Reference Guideline and WSUD Technical Design Guidelines for South East Queensland (SEQ Healthy Waterways Partnership) Version 1 June 2006 or subsequent updated versions.

59. All approved stormwater works are required to be carried out in accordance with the conditions of consent, approved construction certificate plans, "Strathfield Council WSUD Reference Guideline" and the Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands (SEQ Healthy Waterways Partnership) Version 1.1 April 2010 or subsequent versions that may be updated.
60. A suitably qualified Engineer is required to inspect and certify the proposed development at the completion of each of the following construction phases(if any):
- (i) Installation of the overflow pit and bulking out/trimming profiling;
 - (ii) Installation of under drainage;
 - (iii) Installation of cleanout points;
 - (iv) Installation of drainage layer;
 - (v) Installation of transition layer;
 - (vi) Installation of filtration media;
 - (vii) Laying of geofabric protection for build-out phase;
 - (viii) Laying of turf temporary protection layer, and
 - (ix) Final planting.

Public Authority Matters

61. **Prior to the issue of an Occupation Certificate for the Residential Flat Buildings** all existing overhead electricity and telecommunication cabling adjacent to the development site shall be placed underground at the applicants' expense in accordance with the specifications of ausgrid and the telecommunications supplier and the following requirements:
- (a) Where the property is located on the **opposite side of the street** to the main power lines and telecommunication cables, the services are to be placed underground from the development site to the nearest location on the opposite side of the street for connection to the existing mains supply as directed by ausgrid and the telecommunications carrier. The method of construction across the road carriageway shall be by directional boring beneath the road pavement; **OR**
 - (b) Where the property is located on the **same side of the street** as the main overhead power lines and telecommunication cables, all services are to be placed underground for the full length of the frontage of the site. Any overhead powerlines and telecommunication cables that cross the road from the development site must also be placed underground and the cabling installed and distributed to properties in accordance with ausgrid and the telecommunications carriers' requirements.
62. Any disturbance to public land as a result of the undergrounding of services shall be restored at no cost to Council.

63. Where undergrounding services, a plan indicating the depth and location of all services (i.e., gas, water sewer, electricity, telecommunication, traffic lights, etc) within the area affected by the development shall be submitted to Council **prior to the issue of a Construction Certificate.**

Landscaping/Tree Matters

64. The trees listed below shall be retained at all times as identified in the Arborist Report prepared by Lee Hancock, Consulting Arborist, dated 25/1/2016:

<u>Tree</u>	<u>Tree No. and Location</u> <u>(Arborist Report)</u>	<u>Protection</u> <u>Zone (m)</u>	<u>Excavation</u> <u>Zone (m)</u>
<i>Liquidamber styraciflua</i> Liquidambar	Lot 300, N1	6.6	2.8
<i>Eucalyptus robusta</i> (Swamp Mahogany)	Lot 300, N2	7.4	2.9
<i>Syncarpia</i> <i>glomulifera</i> (Turpentine)	Lot 300, N7	6.24	2.6
<i>Syncarpia</i> <i>glomulifera</i> (Turpentine)	Lot 300, N8	6.12	2.6
<i>Lophostemon confertus</i> (Brushbox)	Lot 300, N9	6.18	2.6
<i>Pinus taeda</i> (Loblolly Pine)	Lot 300, N11	6.6	2.8
<i>Lophostemon confertus</i> (Brushbox)	Lot 300, N12	6.24	2.5
<i>Lophostemon confertus</i> (Brushbox)	Lot 300, N13	9.24	3.0
<i>Lophostemon confertus</i> (Brushbox)	Lot 300, N15	4.92	2.3
<i>Lophostemon confertus</i> (Brushbox)	Lot 300, N16	9.24	3.0
<i>Lophostemon confertus</i> (Brushbox)	Lot 300, N18	3.96	2.3
<i>Lophostemon confertus</i> (Brushbox)	Lot 300, N20	7.56	2.7
<i>Lophostemon confertus</i> (Brushbox)	Lot 300, N22	5.88	2.5
<i>Lophostemon confertus</i> (Brushbox)	Lot 300, N24	8.04	2.8
<i>Pinus taeda</i> (Loblolly Pine)	Lot 300, N25	6.36	2.7
<i>Pinus taeda</i> (Loblolly Pine)	Lot 300, N27	6.48	2.8
<i>Pinus taeda</i> (Loblolly Pine)	Lot 300, N28	6.84	2.8
<i>Pinus taeda</i> (Loblolly Pine)	Lot 300, N29	6.0	2.7
<i>Sapium sebiferum</i> (Chinese Tallowwood)	Lot 301, Tree 22	6.9	2.8
<i>Eucalyptus teriticornis</i> (Forest Red Gum)	Strathfield South High School, Tree 96	7.5	2.8
<i>Corymbia maculate</i> (Spotted Gum)	Strathfield South High School, Tree 101C	6.0	2.7

And protected by the establishment of a **protection zone** (in accordance with Australian Standard AS4970-*Protection of trees on development sites*) before any site works begin (including any demolition/excavation). The protection zone shall be maintained for the duration of works on each stage and implemented as follows:

- (a) A
minimum 1.8m high barrier (Chain wire mesh panels, plywood or wooden paling fence panels: refer to AS4687-*Temporary fencing and hoardings* for fencing requirements) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area. Fence posts and supports should have a diameter greater than 20mm and be located clear of roots. The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.
- (b) Signs
identifying the Protection Zone should be installed on the fencing and be visible from within the development site. Lettering should comply with AS 1319-*Safety signs for the occupational environment*.
- (c) No
concrete slurry or wash, building materials, builders' rubble, excavation soil or similar shall be placed or stored within the tree protection zone.
- (d) The
whole of the tree protection zone shall be mulched to a minimum depth of 75mm.
- (e) The tree
protection zone shall be regularly watered.
- (f) Any
major structural roots which are encountered shall be pruned by a qualified Arborist.
- (g) **No**
excavation or construction shall be carried out within the stated **Structural Root Zone** distances from the base of the trunk surface.
- (h) Only
permeable surfaces (e.g. Decomposed granite, gravel, turfpave, permeable paving systems or soft landscaping) are permitted within the canopy spread of the trees to be protected.

65. The following listed trees are permitted to be removed to accommodate the proposed development however, any of the trees listed below that are located on adjoining properties must only be removed after consent from the tree's owner has been sought and obtained in writing:

<u>Tree</u>	<u>Height/ Spread (m)</u>	<u>Location</u>
1) Trees as noted for removal in the Arborist report prepared by Lee Hancock, Consulting Arborist, dated 25/1/2016:	Up to 22m	As per tree removal location plan at Appendix A of Arborist Report

66. Consent is given for the removal of trees as specified subject to the following:

- (a) A minimum of one (1) replacement native tree selected from Strathfield Council's recommended tree list is to be planted within the property boundary for each tree that is removed.

- (b) Trees are to conform to the *NATSPEC guide* and *Guide for assessing the quality of and purchasing of landscape trees* by Ross Clarke, 2003.
 - (c) Replacement trees shall be minimum 50 litre container size. Trees are to be true to type, healthy and vigorous at time of delivery and planting, shall be pest and disease free, free from injury and wounds and self-supporting. Supplied trees are to have an appropriate stem taper. Roots shall generally grow in an outwards (radial) or downwards direction.
 - (d) All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
 - (e) Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
 - (f) Minimum 75mm depth of organic mulch shall be placed within an area 0.5m radius from the base of the tree.
67. All noxious weeds on the site shall be removed and destroyed as per their classification under the *Noxious Weeds Act 1993*.
68. General maintenance of Council's nature strip adjoining the development site, including regular lawn mowing, edging, irrigation of the lawn and street trees and restricting the storage of materials, rubbish and parking or driving of vehicles on the nature strip, must be carried out during the full period of all approved works (including any demolition and excavation).
69. Manual excavation and manual sawing of all roots is required within the TPZ of trees to be retained.
70. All common and private landscape areas including all planters are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and all relevant Australian Standards.
71. **Prior to the issue of a Construction Certificate** the applicant shall submit and have approved by the Principal Certifying Authority (PCA) a detailed landscape implementation report certifying that landscaping has been provided generally in accordance with the landscape plan prepared by **Arcadia Landscape Architecture** Issue B March 2016 and the Landscape provisions contained within section 10.0 of Part A of the Strathfield Council Development Control Plan.

Construction Matters

72. **Prior to the commencement of any construction or demolition work**, the Applicant or principal contractor must, subject to obtaining permission from the respective property owners, provide dilapidation reports prepared by a suitably qualified person (such as a structural engineer), on the buildings located on any lot adjacent to the subject site, inclusive of ancillary structures. A copy of the respective report must be provided to the Principal Certifying Authority and neighbouring property owners that are the subject of that report.
73. The proposed development shall comply with the National Construction Code and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**.
74. Footings shall be designed in accordance with the soil classification of H, or Highly Reactive (unless determined to the contrary by a suitably qualified person).
75. 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 must be provided, and adequate provision must be made for drainage.

76. The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.
77. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.
78. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
79. If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- (a) Must preserve and protect the building from damage; and
 - (b) If necessary, must underpin and support the building in an approved manner, and
 - (c) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
80. There are built structures which may be in the zone of influence of the proposed works and excavations on the site. A qualified practicing geotechnical engineer must prepare a Construction Methodology Report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.

The report must be submitted with the application for a Construction Certificate and must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include;

- (a) The location and level of nearby foundations and footings (site and neighbouring);
- (b) Proposed method of excavation;
- (c) Permanent and temporary support measures for excavation;
- (d) Potential settlements affecting footings and foundations;
- (e) Ground water levels (if any);
- (f) Batter slopes;
- (g) Potential vibration cause by method of excavation; and
- (h) De-watering including seepage and off site disposal rate (if any).

Excavation, retention, underpinning and construction must be undertaken onsite by an excavation contractor with specialist excavation experience. A suitably qualified geotechnical engineer, specialising in excavation must supervise the excavation procedure.

81. The owners of the adjoining allotments of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
82. The common access pathways, letterboxes and entry doorways to the building shall be provided with suitable low level artificial lighting systems to ensure safe and convenient access at night. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

83. To maintain pedestrian safety in common areas suitable lighting is to be provided on the development site adjoining each street frontage and near pedestrian main entrances to the site. Details shall be submitted and approved by the Principal Certifying Authority **prior to the installation** thereof.
84. Certification shall be obtained from a registered surveyor at the following stage(s) of construction confirming that the building has been constructed in accordance with the approved plans including any approved amendments (S.96 approvals) and plans and details required by Council as conditions of development consent:
- (a) footings excavation prior to placement of concrete;
 - (b) basement level prior to placement of concrete or pavement;
 - (c) ground floor and first floor levels;
 - (d) roof ridge height;
 - (e) all floors of the building, roof eaves and all roof ridges;
 - (f) wall setbacks from property boundaries and street alignment;
 - (g) dimensions and areas of balconies/courtyards;
 - (h) vehicular ramp gradients.

Copies of the surveyor's certificates must be submitted to and accepted by Council at the stages nominated above.

Building Matters

85. Identification numbers are to be clearly displayed at the front of the premises and be easily visible from the street.

At some future point, if it is proposed to strata subdivide the building, the lot numbers and unit numbers shall be the same as those nominated on the approved plans and be in accordance with Council's requirements. For strata subdivision, parking spaces shall have the same lot number as the residential portion and shall not be numbered separately.

Sustainability

86. Water collected in the rainwater tank must be roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:
- (a) Toilet flushing;
 - (b) Clothes washing;
 - (c) Garden irrigation;
 - (d) Car washing and similar outdoor uses;
 - (e) Filling swimming pools, spa pools and ornamental ponds; and
 - (f) Fire fighting.
87. Water heating systems to multi-unit residential developments shall be located so as not to be visible from public places and the ground level of adjoining properties. Details (type and location) of the water heaters shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate for the Residential Flat Buildings.**

Demolition

88. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
89. The demolition of the building shall be carried out by a licensed demolition

contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority **prior to any work commencing on site.**

90. Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority **prior to any work commencing on site.**
91. The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

Fire Safety Measures

92. Upon completion of works a final fire safety certificate is to be issued from a properly qualified person in respect of each essential fire safety measure installed within the building and specified in the fire safety schedule. The final fire safety certificate shall be provided **prior to the issue of an Occupation Certificate for the Residential Flat Buildings.**
93. As soon as practicable after a final safety certificate is issued, the owner of the building to which it relates:
- (a) Shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to the Commissioner of NSW Fire Brigades;
 - (b) Shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to Council for registration; and
 - (c) Shall ensure the current fire safety schedule is prominently displayed in the building.

Disabled Access

94. Access to the apartment buildings for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate for the Residential Flat Buildings.**
95. Car parking spaces for persons with disabilities shall be provided in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate for the Residential Flat Buildings.**

Waste Management

96. Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.
97. The waste storage room shall be designed to comply with the relevant standards and details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate for the Residential Flat Buildings.**
98. **Prior to the issue of any Occupation Certificate for the Townhouses,** detail of the agreement between the body corporate and a private waste collection agent for the regular collection and disposal of garbage, recycling and green waste bins from

each of the townhouse dwellings shall be submitted to the Principal Certifying Authority **and** Council. Note, each dwelling must be provided with one (1) x garbage, one (1) x recycling and one (1) x green waste bin.

99. **Prior to the issue of any Occupation Certificate for the Residential Flat Buildings,** detail of the agreement between the body corporate and a private waste collection agent for the regular collection and disposal of garbage and recycling bins from the basement of the residential flat building shall be submitted to the Principal Certifying Authority **and** Council. This agreement shall confirm the size and height of the collection vehicle enables waste to be collected underground from within the basement.
100. Prior to the issue of a Construction Certificate a comprehensive Waste Management Plan shall be submitted to the Principal Certifying Authority addressing demolition, construction and operation waste arising from the development and shall include:-
- (a) type and likely quantity of waste arising from the demolition and construction activities;
 - (b) storage, disposal and recycling measures for all demolition and construction waste, including specific disposal points and arrangements;
 - (c) provision for a suitable number of garbage bins and recycling bins for the residential development; and
 - (d) fitout details of any garbage/waste enclosures, storage and collection areas within the property including the required clearance within the basement and provision of turning areas to permit the collection of waste from within the basement.

Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.

Land Contamination

101. All fill imported on to the site shall be validated by an appropriately qualified person/body to ensure the imported fill is suitable, from a contamination perspective, for the proposed land use. Fill imported onto the site shall also be compatible with the existing soil characteristics for site drainage purposes.

Hoardings

102. If 'A' type hoarding is to be erected about the building site, it is to comply with NSW Workcover's requirements; shall have a minimum height of 1.8 m and comply with AS1725-2003 (Galvanized Rail-Less Chain-Wire Security Fences and Gates) or AS 4687-2007 (Temporary Fencing and Hoardings). Inverted trench mesh is not an acceptable 'A' type hoarding and as such does not satisfy AS1725-2003 and as such shall not be installed to the building site.
103. An overhead 'B' type hoarding shall be constructed where buildings over 7.5 m in height above the footpath level and within 3.6 m of the street alignment are being erected or demolished or where the outer part of such a building adjoining a public way is being altered. Where the height of the building or the position of the site is such that danger is likely to occur from falling objects, additional safety hoarding shall be provided to the satisfaction of the principal certifying authority and Workcover NSW.
104. An overhead 'B' type hoarding shall be constructed where material is being hoisted over or across a public way.

105. The following additional requirements apply to the erection of a 'B' type hoarding:
- (a) No advertisement of any kind shall be affixed to hoarding with the exception of a board not exceeding 2400 –mm by 1800-mm on which may be shown the architects, builders and principal certifying authority company name / contact details or any particulars regarding the subject building, and notices regarding the existing or future occupancies in the building.
 - (b) A sign reading 'Billposters will be Prosecuted' shall be attached or printed upon the front of the hoarding.
 - (c) A hydrant or other footpath box shall not be covered in any way or access to it impeded.
 - (d) Cranes shall not be placed upon the public way unless a permit has been obtained under section 68 Local Government Act, 1993.
 - (e) The hoarding must be so constructed that it will not obstruct the view of traffic lights of motorists or pedestrians.
 - (f) The use of the roadway for the storage of building materials is not permitted.
 - (g) Where materials are being hoisted over a public way a sign shall be attached or printed upon the front of the hoarding at the decking level with the lettering 'Lifting Operation Above'. The lettering shall not be less than 300-mm in height.
 - (h) Persons undertaking the work in accordance with this Approval must hold this Approval/Permit on-site for inspection.
 - (i) Approval for a temporary protective structure does not permit use of the roadway for general loading and unloading from construction vehicles. This requires a separate Construction Zone Application.
 - (j) An appropriate qualified practising structural engineer shall certify the structural stability / adequacy of the erected 'B' type hoarding. A copy of the certificate shall be forward to the principal certifying authority and to Council, where Council is not the principal certifying authority.
106. The builder shall erect and maintain all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary and must be in place before the approved activity commences.
107. Permits are required to erect Class 'A' or 'B' type hoardings. If any type hoarding is to occupy a section of Council's property, that section will require a permit for the occupation of Council's property. The applicant, owner, builder or site supervisor must apply for specific permits. The application form is available from Council's Customer Service Department.

Acoustic

108. Full compliance shall be given to the recommendations contained in the endorsed acoustic consultant's report. Prior to the issue of an Occupation Certificate for each stage, a suitably qualified Acoustic Engineer shall certify that the buildings have been constructed in accordance with the minimum recommendations of the endorsed Acoustic Report and the requirements of Clause 102 of SEPP (Infrastructure) 2007 to ensure that the following LAeq levels are not exceeded:
- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
 - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.
109. Air Conditioning plant and commercial ventilation details shall be submitted to a suitable Acoustic Consultant for review. A supplementary acoustic report shall be prepared and submitted to the Principal Certifying Authority for review and any

recommendations shall be incorporated into architectural plans **prior to the issue of a Construction Certificate.**

Office of Water General Terms of Approval

Prior to Construction

110. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in a report provided to the Consent Authority prior to the commencement of construction.

Requirements for dealing with groundwater during excavation

111. If for any reason the take of groundwater during construction is expected to exceed 3ML in a 12 month period, then an authorisation shall be obtained for the take of groundwater as part of the activity.
112. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application.

Requirements for dealing with the on-going take of groundwater post-construction

113. Monitoring (measurement and recording) of discharge volumes arising from groundwater extraction must be undertaken on a monthly basis for the life of the building using a method compliant with the NSW Water Extraction Monitoring Policy; (e.g. pumping diary, pump revolution meter, operating hour meter, electricity meter or flow meter). The design of the drainage system to isolate groundwater inflows from other sources is the responsibility of the proponent of the development (i.e. the developer).
114. Such records are to be maintained by the building management for the life of the development to demonstrate the negligible take of groundwater. Where sump pumps have not been operated during the calendar month this must nevertheless be identified in the monitoring record (e.g. as a 'nil' entry). Should the annual take of groundwater exceed 2.5 ML DPI Water should be contacted for advice.

Roads and Maritime Service Conditions

115. A strip of land has previously acquired & dedicated as road along the Centenary Drive frontage of the subject property, as shown by grey colour on the attached Aerial – "X".

All building and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Centenary Drive boundary.

116. All demolition and construction activity associated with the proposed development is to be contained on site before stopping. A construction zone or "Works Zone: will not be permitted on Centenary Drive.
117. All vehicles are to enter and exit the site in a forward direction.

118. All vehicles are to be wholly contained on site before being required to stop.
119. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Centenary Drive during construction activities.
120. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Roads and Maritime for determination prior to the issue of a construction certificate.
121. Should the post development storm water discharge from the subject site into the Roads and Maritime system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any charges are to be submitted to Roads and Maritime for approval, prior to the commencement of works.

Details should be forwarded to:

Sydney Asset Management
Roads and Maritime Services
PO BOX 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

122. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2002 for heavy vehicle usage.
123. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

Telephone 8848 2114
Fax 8849 2766

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

124. **This development consent supersedes and overrides Development Consent DA2017/168 to the extent of any inconsistencies.**

(Reason: to prevent any inconsistencies with the consent)

125. **This consent does not include approval for the café/kiosk. Separate development consent shall be obtained for the café/kiosk.**

(Reason: To control future development of the site.)

126. **Car Parking - basement car parking requirements**

Details demonstrating compliance with the following is to be submitted to the Principal Certifying Authority, prior to issue of an amended Construction Certificate:

- i) Minimal internal clearance of the basement is 2.2m in accordance with BCA requirements.**
- ii) Driveways shall comply with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and achieve a maximum gradient of 1:4;**
- iv) Provision of pump-out systems and stormwater prevention shall be in accordance with Council's Stormwater Management Guide.**
- v) Car parking dimensions must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking.**
- vi) The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with the Roads and Traffic Authority Guidelines and ASNZS 2890.1:2004 - Off-Street Car Parking Code.**

(Reason: To ensure suitable development.)