

Agenda

Strathfield Independent Hearing and Assessment Panel (SIHAP)

Notice is hereby given that a Strathfield Independent Hearing & Assessment Panel Meeting will be held at Strathfield Council Town Hall (Supper Room), 65 Homebush Road, Strathfield on:

Thursday, 6 April 2017

Commencing at 10:30am for the purpose of considering items included on the Agenda

Persons in the gallery are advised that the proceedings of the meeting are being recorded for the purpose of ensuring the accuracy of the Minutes. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording speech.

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ATTACHMENTS

- 1. Report No. 1 - Architectural plans*
- 2. Report No. 2 - Architectural plans*
- 3. Report No. 3 - Architectural plans*
- 4. Report No. 4 – Architectural plans*
- 5. Report No. 5 – Architectural plans*
- 6. Report No. 6 – Architectural plans*

****** END OF AGENDA ******

TO: Strathfield Independent Hearing and Assessment Panel – 6 April 2017
REPORT: SIHAP – Report No. 1
SUBJECT: 127 Cosgrove Road, Strathfield South - Part Lot 19 DP 1183316
DA NO: 2016/132

SUMMARY

Proposal:	Garden centre
Assessment officer:	LP
Date of lodgement:	16 August 2016
Notification period:	13 September 2016 to 22 September 2016
Submissions received:	Thirteen (13) including nine (9) in support
Applicant:	LJB Urban Planning Pty Ltd
Owner:	Port Botany Lessor Pty Ltd
Estimated cost of works:	\$10,263,000
Zoning:	Part IN1 General Industrial, Part RE2 Private Recreation – SLEP 2012
Heritage:	Tarpaulin Shed listed on NSW Ports Section 170 Register
Flood affected:	No
Is a Clause 4.6 variation proposed?	No
Extent of the variation supported?	n/a
RECOMMENDATION	REFUSAL

REPORT

INTRODUCTION

Approval is sought for the fit-out and use of the former tarpaulin shed as a garden centre with ancillary café, fruit and vegetable shop, pool shop, pet store and at-grade parking area.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the south-western corner of the intersection of Cosgrove Road and Punchbowl Road. The subject site forms the residual portion of a large allotment predominantly occupied by the Enfield Intermodal Logistics Centre. The subject site has a total area of 6.211Ha with the area relating to the subject application having an area of 2.16 Ha (Refer Figure 1).

The subject application relates to the adaptive reuse of a derelict tarpaulin shed. Information accompanying the subject application indicates that the tarpaulin shed structure was constructed in 1924 at the Sydney yard (now Central Station) and subsequently relocated to its current location on the subject site. The use of the structure as a tarpaulin factory ceased

in 1991. Since this time the structure has remained vacant.



Figure 1: Aerial photograph of subject site and surrounding development (Lot boundaries shown in red and area of subject works shown in yellow).

Development to the east and south of the subject site consists primarily of single dwellings. To the north and west of the subject site is the Port Enfield Intermodal Logistics Centre.

PROPOSAL

The application seeks Council approval for the fit-out and use of the former tarpaulin shed for use as a garden centre with ancillary café, fruit and vegetable shop, pool shop, pet store and at-grade parking area.

The elements of the proposal are:

- Demolition of existing outbuildings;
- Fit out and use of the tarpaulin shed as garden centre including the following:
 - 3321m² Garden Centre and plant nursery area;
 - (208) seat café;
 - 396m² Hardware area;
 - 1164m² Fruit and Vegetable shop;
 - 505m² Pet shop;
 - 185m² Pool shop; and
 - Kids play area;

- Minor addition to the north-western end of the tarpaulin shed;
- 1833m² Outdoor plant nursery including a (56) tea pavilion;
- Landscape supplies area;
- Provision of 216 at grade car parking spaces and two (2) loading bays; and
- Associated business identification signage, landscaping and stormwater drainage works;
- A maximum of (75) staff are proposed to be present upon the site at any time; and
- The garden centre is proposed to operate during the following hours:
 - Nursery, café, pet shop, pool shop: 7am to 6pm, 7 days
 - Fruit and veg shop: 7am to 9pm, 7 days.

BACKGROUND

Major Project Application 05_0147

Major Project Application 05_0147 was approved by the Minister for Planning on 5 September 2007 under Part 3a of the Environmental Planning and Assessment Act 1979 for the construction of the Enfield Intermodal Logistics Centre. This approval required separate development approval be obtained for the future use of the Tarpaulin shed. Major Project Application 05_0147 has since been modified numerous times. The Enfield Intermodal Logistic Centre has commenced operation, however the site is yet to reach full operational capacity.

Of particular relevance to the subject application, Major Project Application 05_0147 included significant remediation works in the area of the site known as Mount Enfield. This area would be disturbed as a result of the at grade car park proposed under the subject DA and as such the applicant has provided a detailed Remedial Action Plan for Council's consideration.

DA2016-132

2 December 2015	Pre-lodgement meeting held between Council staff and the Applicant.
	Council staff advised that the proposed development extending beyond the footprint of the Tarpaulin Shed structure appears to conflict with the intended use of the surrounding area for public/private recreation purposes as proposed under Major Project Application 05_0147.
16 August 2016	Subject application lodged
October 2016 to February 2017	Numerous requests for additional information

requested relating to permissibility of proposed development, contamination, flora and fauna, waste management, tree protection, stormwater and traffic. While additional information was received matters relating to permissibility and contamination remain unresolved.

SECTION 79C CONSIDERATIONS

The application has been assessed under the heads of consideration set out in section 79C of the EP&A Act and the following are relevant:

(a) (i) **Environmental Planning Instruments:**

SEPP 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 or following the completion of remediation works for the purpose for which development consent is being sought. While the subject site is not located in an area of investigation under Part K of the Strathfield Consolidated DCP 2005 (SCDCP 2005) which identifies past known landfill and potentially contaminated sites in the Strathfield Local Government Area, the subject site is known to be contaminated as a result of the historical use of the site as a transport depot. It is noted that significant remediation works were undertaken upon the subject site throughout the construction of the Enfield Intermodal Logistics Centre.

The proposed development involves the disturbance of a capped area of contaminated fill material known as Mount Enfield located on the western side of the proposed car park and the disturbance of fill material within the tarpaulin shed identified as containing lead and asbestos material. In recognition of the known contaminated nature of the subject site, the subject application was accompanied by a Contamination Management Statement prepared by Sparks and Partners. This statement was reviewed by Council's Environmental Health and Compliance Coordinator who identified that it failed to address the requirements of SEPP 55.

Subsequently, the applicant provided a Remedial Action Plan prepared by Zoic Environmental Pty Ltd in support of the proposed development. However, upon review by Council's Environmental Health and Compliance Coordinator it was identified that the subject RAP does not pertain to the works or use being proposed and is unable to be relied upon in support of the subject application. Additional information accompanying the subject application prepared by Sparkes and Partners makes mention of lead and asbestos contaminated soil within the tarpaulin shed, however insufficient information has been provided as to how this is to be remediated.

As such, the subject application fails to establish the suitability of the site for the purposes of the development and therefore does not satisfy the requirements of SEPP 55.

SEPP 64 – Advertising and Signage

Clause 8 of SEPP 64 establishes a number of matters requiring consideration for development involving the erection or installation of signage. The proposed development involves the installation of six (6) business identification signs and as such requires consideration of Clause 8 of SEPP 64. The proposed business identification signage is well integrated throughout the proposed development, and is generally consistent with the character of existing development and signage within the locality. Further, the proposed business identification signage in no way detracts from any sensitive areas, vistas or view corridors. As such, the proposed development is considered to be generally consistent with the requirements of SEPP 64.

SEPP (Infrastructure)

The subject site features a frontage to Punchbowl Road, a classified road. Clause 101 of SEPP (Infrastructure) requires that development fronting a classified road where practicable, obtain vehicular access from a non-classified road and not adversely impact upon the safety, efficiency and ongoing operation of the classified road. The proposed development obtains vehicular access from Cosgrove Road and involves no actions considered likely to adversely impact upon the safety, efficiency or ongoing operation of Punchbowl Road.

Schedule 1 of SEPP (Infrastructure) establishes certain development as traffic generating development. The proposed development containing more than (200) parking spaces is identified as traffic generating development. Clause 104 of SEPP (Infrastructure) requires that traffic generating development be referred to the NSW Roads and Maritime Service (RMS) for comment. The subject application was referred to the RMS, who raised concern over potential compulsory acquisition of a portion of the site fronting Punchbowl Road. It is noted that this matter is beyond the scope of Section 79C of the Environmental Planning and Assessment Act 1979 and in no way restricts Council's ability to determine the subject application.

Strathfield Local Environmental Plan 2012

The site is zoned part IN1 General Industrial and part RE2 Private Recreation under the Strathfield Local Environmental Plan (SLEP), 2012 with the majority of the proposed development being located within the IN1 zone and the proposed vehicular access point, landscape supplies area and a portion of the at grade car park located in the RE2 Private Recreation zone.

While the proposed development provides for a large floor plate activity generating additional employment opportunities and is generally consistent with the objectives of the IN1 General Industrial zone, the proposed development is inconsistent with the objectives of the RE2 Private Recreation zone which allow land to be used for private open space or recreational purposes and to protect and enhance the natural environment for recreational purposes.

The proposed development consists of numerous components defined under the SLEP 2012 as garden centre, hardware and building supplies, bulky goods retail, and food and drink premise. Development for the purposes of a garden centre and hardware and building supplies are permissible with Council consent in the IN1 Industrial zone. It should be noted that a garden centre is defined under the SLEP 2012 as follows:

“garden centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any of the following:

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,*
- (b) pets and pet supplies,*
- (c) fresh produce.”*

As development for the purposes of retail premises is prohibited within the IN1 General Industrial zone the proposed fruit and vegetable shop, pet shop and pool shop rely upon being ancillary components of the proposed garden centre for permissibility upon the subject site and as such, the principal purpose of the site must be for the purposes of a garden centre. In determining the ancillary nature of development, the ancillary use must be subservient to the dominant/ primary use of the site as a garden centre.

The proposed development separates the structure into four (4) tenancies consisting of a 3,890.5m² sized main tenancy containing a garden centre, hardware area and café. Tenancy 2 is proposed as a 1,164m² fruit and vegetable shop, Tenancy 3 is proposed as a 505m² pet shop and Tenancy 4 is proposed as a 185m² pool shop. The subject tenancies are separated by partition walls and each featuring direct access to the at-grade parking area and share only a common service corridor to the rear of the tenancies. As such, each of the uses will operate in isolation of each other. This is further exacerbated by the fact that the fruit and vegetable shop operating from 7:00am to 9:00pm, 7 days a week is proposed to operate for an additional three (3) hours beyond the core trading hours of 7:00am to 6:00pm, 7 days a week.

As the proposed fruit and vegetable shop can operate in complete isolation from the use of the site as a garden centre they are not considered to be subservient or ancillary for the use of the site as a garden centre and form land uses in their own right. As such, the proposed fruit and vegetable shop, pet shop and pool shop being defined as retail are prohibited within the IN1 General Industrial zone.

Further, the portion of the proposed development within the RE2 Private Recreation zone relies upon the provisions of Clause 5.3 of the SLEP 2012 for development upon a zone boundary. Clause 5.3 of the SLEP allows for development prohibited within the zone to be undertaken within 10m of a zone boundary if the development is permissible within the adjoining zone, the development is consistent with the objectives for development in both zones and the carrying out of the development is desirable due to compatible land use planning and infrastructure capacity.

The proposed bulk goods area (landscape material supplies) encroaches further than 10m from the zone boundary and as such exceeds the scope of Clause 5.3 of the SLEP. Further, as previously discussed the proposed development is inconsistent with the objectives of the RE2 Private Recreation zone and the carrying out of the development within the RE2 Private recreation zone as insufficient justification has been provided to establish the desirable planning purpose served by the portion of the development within the RE2 Private Recreation zone. As such, the proposed development fails to satisfy the requirements of Clause 5.3 of the SLEP 2012 and

therefore is prohibited within the RE2 Private Recreation zoned portion of the site.

While the subject site is located within 500m of Class 1, 2, 3 or 4 soils, the proposed development involves no works below 5mAHD. Therefore, the proposed development 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.

Overall, the proposed development having been considered with respect to the relevant Clauses of the SLEP, 2012 is prohibited upon the subject site and fails to achieve the objectives of the RE2 Private Recreation zone. Accordingly the subject application is recommended for refusal.

Section 94 Contributions

While Section 94 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as the subject application is recommended for refusal a calculation has not been undertaken.

(iii) Development Control Plans:

Part I – ‘Provision of Off-street Parking Facilities’ of the Strathfield Consolidated Development Control Plan (DCP) 2005

Off-street parking

Part I of the Strathfield Consolidated Development Control Plan 2005 establishes a number of minimum rates for the provision of off-street parking for certain types of development. It is noted that Part I does not establish a rate specific to garden centres. In recognition of the unique and complex nature of the proposed development, the applicant has submitted a Traffic Report prepared by Transport & Urban Planning Pty Ltd giving consideration to the likely demand for off-street parking generated by the proposed development. This report identifies that based upon the parking rates established within the NSW Roads and Maritime Services Guide to Traffic Generating Development and giving consideration to the parking demand of similar existing facilities within the locality the proposed (216) off-street parking spaces are adequate for the purposes of the proposed development.

Loading and unloading

The Traffic Report prepared by Transport & Urban Planning Pty Ltd also gives consideration to the adequacy of the proposed on-site loading and unloading facilities consisting of two (2) loading bays located at the eastern end of the tarpaulin shed. While initial concerns were raised by Council Officers over potential conflict with proposed vehicular access to the site, an addendum traffic report was provided including a number of recommended measures to ensure that existing traffic flows upon Cosgrove Road were maintained at all times throughout the ongoing operation of the site.

Part H – ‘Waste Management’ of the Strathfield Consolidated Development Control Plan (DCP) 2005

Part H of the Strathfield Consolidated Development Control Plan (DCP) 2005 establishes a number of development controls relating to the minimisation and management of waste throughout development processes.

The subject application was not accompanied by a Waste Management Plan outlining the proposed measures for minimising waste generation throughout the proposed demolition works, construction works and for the ongoing operation of the site. As such, the adequacy of any proposed waste management measures and their compliance with the requirements of Part H of the SCDCP 2005 cannot be established.

(iii) Planning Agreements (or draft agreements):

The proposed development is not subject to a planning agreement pursuant to Section 93F of the Environmental Planning and Assessment Act 1979.

(iv) Matters Prescribed by the Regulations

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

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

(v) Any Coastal Zone Management Plan:

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

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

The proposed development is not located on a site that is subject to flooding attributed to either Powell's Creek or Cook's River and is therefore not required to be considered under the provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

(b) Likely Impacts:

Traffic

The subject application was accompanied by a Traffic Report prepared by Transport & Urban Planning Pty Ltd giving consideration to the likely impacts of the development upon traffic movements within the locality. This report identifies that while the proposed development will result in a maximum of (383) vehicle and six (6) truck movements per hour, the proposed development will retain a similar (Sidra Class B) and appropriate level of service to all intersections surrounding the development. As such, the proposed development is considered unlikely to result in any significant impacts upon traffic movements within the locality.

Heritage

The existing tarpaulin shed is listed upon the NSW Ports Section 170 Heritage Register. While such a listing has no statutory weighting, it is considered appropriate that consideration be given to the heritage nature of the structure as a matter of public interest. In recognition of the heritage values of the structure the subject application was accompanied by a Heritage Impact Statement prepared by Conybeare Morrison International Pty Ltd. This report identifies the proposed development as a suitable adaptive reuse of the structure which is progressively dilapidating as a result of disuse. Further, the proposed development is identified as resulting in no significant impacts upon the heritage significance of the structure subject to the implementation of a number of recommendations.

Threatened Species

An area to the north-west of the subject site contains ponds established under the previous Part 3A approval as habitat for a local population of Green and Golden Bell Frogs (*Litoria aurea*). In recognition of the development to this area consideration must be given to the potential impacts of the development upon the species and its habitat. This matter was raised with the Applicant who subsequently provided a Conservation Plan prepared by Biosphere Environmental Consultants Pty Ltd including a seven part test giving consideration to the potential impacts of the development upon the species and its habitat within the locality. This report identifies that subject to the implementation of monitoring measures prior to and during the proposed construction works, the proposed development is unlikely to adversely impact upon Green and Golden Bell Frogs within the locality. This report was referred to Council's Natural Areas Coordinator who raised no objection to the measures outlined within the report.

(c) Suitability of the Site:

In recognition of the historical land uses of the subject site and based upon the findings of previous site investigation works the subject site is known to be contaminated. The subject application was not accompanied by sufficient information to determine the suitability of the subject site in its current or proposed remediated state for the purposes of the proposed development.

(d) Submissions:

The application and plans were notified in accordance with Part L of the Strathfield Consolidated DCP 2005 from 30 August 2016 to 22 September 2016. (13) written submissions were received including nine (9) in support of the proposal.

The concerns raised in the submissions are outlined and discussed below.

1. Traffic

Concern was raised over the potential impacts of the development upon the surrounding road network.

As previously discussed, the subject application was accompanied by a Traffic Report prepared by Transport & Urban Planning Pty Ltd giving consideration to the likely impacts of the development upon traffic movements within the locality. This report identifies that while the proposed development will result in a maximum of (383) vehicle and six (6) truck movements per hour, the proposed development will retain a similar (Sidra Class B) and appropriate level of service to all intersections surrounding the development. As such, the proposed development is considered unlikely to result in any significant impacts upon traffic movements within the locality.

2. Part 3A

Concern was raised over the compatibility of the proposed development with the Part 3A major project approval for the site.

The subject application is a standalone development application and is required to be considered on its own merit. Nonetheless, the applicant has identified within the information accompanying the subject application that a modification application is being sought to the Part 3A approval for the site subject to capture the works outlined within the subject application. In the event of the approval of the subject application, a condition of consent could be imposed requiring the approval of such a modification prior to the issue of a Construction Certificate.

3. Real Property Act

Concern is raised over the proposed lease arrangements and their legality under the Real Property Act.

The lease arrangements of the subject site are not a relevant matter for consideration under Section 79C of the Environmental Planning and Assessment Act 1979.

4. Heritage

Concern was raised over the impacts of the development upon the heritage significance of the Tarpaulin shed structure.

As previously discussed within the likely impacts section of this report, the proposed development involves no actions affecting the heritage significance of the structure.

5. Contamination

Concern was raised over the compatibility of the development with the contaminated nature of the site.

The compatibility of the subject site for the purposes of the proposed development has been discussed in detail throughout this report.

(e) Public Interest:

The proposed development involves no actions considered to be contrary to the public interest.

INTERNAL REFERRALS

The application was forwarded to Council's Development Engineer, Tree Coordinator, Traffic Engineer, Environmental Health and Compliance Coordinator, Waste Education Officer and Natural Resources Coordinator for comment.

Development Engineer:

"No objection subject to connection to Council's street drainage system within Cosgrove Road"

Tree Coordinator:

"No objection subject to retention of existing street trees"

Traffic Engineer:

"No objection subject to compliance with the recommendations of Traffic report"

Environmental Health and Compliance Coordinator:

"Insufficient information provided to establish the suitability of site for the purposes of the proposed development."

Waste Education Officer:

"Insufficient information provided regarding the proposed ongoing waste management measures including the submission of a detailed Waste Management Plan"

Natural Resources Coordinator:

"No objection subject to compliance with the recommendations of the Conservation Plan and the presence of a Council Officer during site audit work."

CONCLUSION

The proposed development is prohibited in the subject zone and is inconsistent with the relevant objectives of the RE2 Private Recreation zone under the Strathfield Local Environmental Plan, 2012. Further, the proposed development fails to satisfy the site suitability requirements of SEPP 55 – Remediation of land.

The proposal was accompanied by insufficient information to satisfy the requirements of Part H "Waste Management and Minimisation" of the Strathfield Consolidated DCP 2005. In recognition of the above matters the subject application is unable to be supported in its current form and is recommended for refusal.

RECOMMENDATION

That DA2016/132 for the fit-out and use of the former tarpaulin shed as a garden centre with

ancillary café, fruit and vegetable shop, pool shop, pet store and at-grade parking area at 127 Cosgrove Road, Strathfield South be REFUSED for the following reasons:

REASONS

1. The proposed fruit and vegetable shop, pet shop and pool shop are not ancillary to the garden centre and are therefore prohibited uses within the IN1 General Industrial zone under the Strathfield Local Environmental Plan 2012 (*Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979*).
2. The proposed bulk goods area (landscape material supplies) is prohibited within the RE2 Private Recreation zone under the Strathfield Local Environmental Plan 2012 in that it is not a recreational use and does not seek to protect or enhance the natural environment for recreational purposes (*Section 79 C (1) (a)(i) of the Environmental Planning and Assessment Act 1979*).
3. In recognition of the historical land uses of the development site and based upon the findings of previous site investigation works, the subject site is known to be contaminated. The proposed development was accompanied by insufficient information to establish the suitability of the site for the proposed development in its current or proposed remediated state in accordance with the requirements of Clause 7 of State Environmental Planning Policy No 55 – Remediation of Land (*Section 79C(1)(a)(i) and 79C(1)(c) of the Environmental Planning and Assessment Act 1979*).
4. The subject application was not accompanied by a Waste Management Plan outlining the proposed measures for minimising waste generation during demolition, construction, and for the ongoing operation of the site in accordance with the requirements of Section 2.1 of Part H “Waste Management and Minimisation” of Strathfield Consolidated Development Control Plan (*Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979*).

LIST OF ATTACHMENTS

1. Architectural plans

**** End of SIHAP Report No. 1 *

TO: Strathfield Independent Hearing and Assessment Panel – 6 April 2017
REPORT: SIHAP – Report No. 2
SUBJECT: 247-249 Homebush Road, Strathfield South – Lot 40 & 41 DP 2043
DA NO: 2016/078

SUMMARY

Proposal: Infill affordable rental housing (mixed-use development)

Assessment officer: LP

Date of lodgement: 11 May 2016

Notification period: 24 May 2016 to 24 June 2016 and 17 January 2017 to 1 February 2017

Submissions received: Seventeen (17) written submissions including one (1) petition containing fifty (50) signatures

Applicant: CMB Investment Group

Owner: CMB Investment Group

Estimated cost of works: \$5,684,645

Zoning: B4 Mixed Use - SLEP 2012

Heritage: n/a

Flood affected: No

Is a Clause 4.6 variation proposed? Yes – Building height

Extent of the variation supported? Nil (Conditioned)

Peer review of Clause 4.6 variation: A peer review of the Clause 4.6 variation has been undertaken and the assessment officer's recommendation is supported.

RECOMMENDATION

APPROVAL

REPORT

INTRODUCTION

The application seeks Council approval for the demolition of existing structures and construction of a five (5) storey mixed use development under the provisions of State Environmental Planning Policy (Affordable Renting Housing) 2009 containing a total of (19) units comprising (5) x 1 bedroom and (14) x 2 bedroom units and one (1) commercial tenancy above two (2) levels of basement car parking.

The proposal seeks to vary the 13m maximum permitted height control established under Clause 4.3 of SLEP 2012 by 3.95m or 30.3%. The additional building height consists of a single two (2) bedroom unit and lift-override structure, which form the fifth storey. A Clause

4.6 variation request has been submitted as part of the application to vary the height of building development standard. On balance, the variation is not considered to be well founded. A condition of consent is recommended for imposition, which stipulates that no structures associated with the development including the lift-overrun exceed a height of RL43.20 in order to comply with the 13m height restriction imposed under Clause 4.3 of the SLEP 2012.

The application is identified as Integrated Development under Section 91 of the Environmental Planning and Assessment Act 1979 as the application involves aquifer disturbance, thereby requiring authorisation under the Water Management Act 2000. General Terms of Approval (GTA) have been provided by the Office of Water on 16 June 2016 and are included as conditions of consent.

Overall, the proposed development as modified by the recommended conditions of consent including deletion of the fifth storey is considered to be satisfactory for approval.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is comprised of two (2) separate allotments located on the western side of Homebush Road and immediately south-west of the intersection with Liverpool Road and Homebush Road. The site is a regular shaped allotment carrying a gradual slope from the northern side boundary of the site towards the southern side boundary of the site. Combined, the following dimensions apply:

Site Area (approx.):	903m ²
Dimensions (approx.):	37.0m x 24.38m

Each of the two (2) sites currently contains a single storey detached dwelling providing both facebrick and concrete render exterior finishes. Whilst development south of the site is typified by detached single and two (2) storey dwellings, the streetscape is undergoing a state of transition from low density development to high density residential development which is centred upon the intersection with Liverpool Road and Homebush Road. The site is located on the boundary of both the R3 Zone located north-west of the site as well as the R2 Zone located west of the site.



Figure 1: Aerial view of the subject site and surrounding residential and mixed use development.



Figure 2: View of the existing dwelling at 249 Homebush Road



Figure 3: View of the existing dwelling at 247 Homebush Road

PROPOSAL

The application seeks Council approval for demolition of existing structures and construction of a five (5) storey mixed use development under the provisions of the Affordable Rental

Housing SEPP containing a total of (19) units comprising (5) x 1 bedroom and (14) x 2 bedroom units and one (1) commercial tenancy above two (2) levels of basement car parking. As previously noted, a condition of consent is recommended requiring deletion of the fifth storey of the proposed structure, thereby resulting in a four (4) storey mixed use development under the provisions of the Affordable Rental Housing SEPP comprising a total of (18) units consisting of five (5) x 1 bedroom and (13) x 2 bedroom units and one (1) commercial tenancy above two (2) levels of basement parking.

Note: All calculations within this report are based upon the deletion of the fifth storey resulting in a total of (18) units.

A streetscape elevation of the building is provided below:



Figure 4: Streetscape Perspective of the proposed development as viewed from Homebush Road.

BACKGROUND

9 December 2015

A pre-lodgement meeting regarding the proposed development was held at Council. The following concerns were raised

- relationship to development upon adjoining property at 251-253 Homebush Road currently being assessed by Council Officers;
- setbacks;
- drainage Easement;
- floor Space Ratio;
- building Height;
- communal open space;
- unit mix;
- off-street parking; and
- waste Collection.

20 December 2016

The application was put to Council for determination. Council resolved as follows:

“That DA2016/078 for the Demolition of existing structures and

construction of a five (5) storey mixed use development under the provisions of the Affordable Rental Housing SEPP comprising a total of (20) units and one (1) commercial tenancy above two (2) levels of basement parking at 247- 249 Homebush Road, Strathfield South be DEFERRED for the applicant to submit the following additional information:

- *Waste Management Plan;*
- *Streetscape Analysis Plan;*
- *Traffic Demand Study;*
- *Solar Access and Overshadowing Analysis (taking into account the surrounding terrain) be prepared; and*
- *Private Open Space details.”*

21 February 2017

An addendum report was put to Council for determination addressing the matters raised within the previous resolution. Council resolved as follows:

“That DA2016/078 for the demolition of existing structures and construction of a four (4) storey mixed use development under the provisions of the Affordable Rental Housing SEPP comprising a total of (18) units and one (1) commercial tenancy above two (2) levels of basement parking at 247-249 Homebush Road, Strathfield South be DEFERRED until further community consultation is completed.”

ASSESSMENT - Pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979

The application has been assessed pursuant to the heads of consideration of Section 79C of the Environmental Planning and Assessment Act and the relevant matters described in Sub-section (1)(a), (b), (c), (d) and (e) of Section 79C have been considered within this report.

(a) (i) Environmental Planning Instruments:

The following Environmental Planning Instrument's (EPI's) are applicable to the assessment of the subject application:

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building and Sustainability Index - BASIX) 2004;
- State Environmental Planning Policy (Affordable Rental Housing) 2009;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings;
- Strathfield Local Environmental Plan 2012;
- Part C & Part H of the Strathfield Consolidated Development Control Plan (DCP) 2005; and
- Strathfield Development Contributions Plan 2010-2030.

An assessment of the proposal against the relevant provisions of each of these EPI's is provided below.

State Environmental Planning Policy (SEPP) 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 purposes for which development consent is being sought.

A preliminary or “Stage 1” Environmental Site Assessment (ESA) was carried out by Benviron Pty Ltd. The report identified that the site has historically been used for residential purposes and associated soil contamination of the site is considered to be low.

Having regard to the above, the report concludes that the site is suitable for the proposed development and satisfies the requirements of SEPP 55.

State Environmental Planning Policy (Building and 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.

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

State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposal is for infill affordable housing under Division 1 of the Affordable Rental Housing SEPP 2009. The SEPP also contains development standards for the assessment of such applications. The standards contained within this policy are to prevail in the instance where there is an inconsistency with another Environmental Planning Instrument or Development Control Plan. An assessment of the application against the development standards has been provided in the table below:

Clause	Development Control	Required	Proposal	Compliance
10	Permissibility	Permissible under SLEP 2012	Residential Flat Buildings are permissible with consent in the B4 – Mixed use zone.	Yes
	Location and access to facilities	Located within an accessible area accessible area means land that is within: 800m walking distance of a public entrance to a railway station or a	The site is within 400m of a regularly serviced bus stop as required by the control.	Yes

		wharf from which a Sydney Ferries ferry service operates, or 400m walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday		
13	Affordable housing	Minimum 20% (305.81m ²) of GFA must be affordable Permissible FSR under SLEP 2012 = 1.65:1 (1489.95m ²) Max permissible FSR = 2.15:1 (2234.925m ²)	22.1% (305.81m ²) of GFA proposed as affordable. Proposed FSR of 1.6:1 (1449.05m ²)	Yes Yes
14 Note: Unable to refuse based on these provisions	Site area Landscaping Deep Soil Parking	Min 450m ² Min 30% Min 15% with minimum dimension of 3m Preferably to the rear of the site • 1 bed – 0.5 spaces Required: 2.5 spaces • 2 bed – 1 space Required: 13 spaces Total: 14.5 (16)	Site area is 903m ² 232m ² (25.7%) The site provides a 121m ² (13.4%) deep soil area located to the rear of the site and containing a minimum width of 3m. A total of (22) off-street resident parking spaces are proposed	Yes. No, however complies with ADG requirements No, however complies with ADG requirements Yes.

	Dwelling size	spaces 1 bed 50m ² 2 bed 70m ²	within the basement. The proposal provides for compliant unit sizes as follows: 1 bed: 51m ² 2 bed: 74.8m ²	Yes.
15	Design requirements	SEPP 65 compliant	An assessment against the relevant ADG requirements provided within this report.	Yes.
16	Character	Compatible with character of local area	The proposal is in an area that is experiencing significant change. The subject site is zoned for residential flat buildings and whilst the site is located within close proximity of low-density residential development, is considered appropriate for the site and is compatible with the medium and high density character of the area.	Yes.
17	Affordable housing	Must be used as affordable housing for 10 years from the issue of OC Must be managed by a registered community housing provider 88E instrument	Noted	Condition to be recommended.
18	Subdivision	May be subdivided with consent.	No subdivision proposed.	Yes.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings (SEPP 65) aims to improve the design quality of residential flat development in 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.

Strathfield Council does not have a design review panel referred to under Clause 28, however an assessment of the design quality of the development against the design principles of the SEPP and the relevant design criteria of the Apartment Design Guide is provide below:

Principle	Objective	Proposed
Context and neighbourhood character	<p><i>Responding to context involves identifying the desirable elements of an area's existing or future character.</i></p> <p><i>Well designed buildings respond to and enhance the qualities and 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>	The future context of the site as envisaged by the LEP controls includes high density development centred upon the intersection of Liverpool Road and Homebush Road and to provide a gradual step down in building heights as development stretches to the outer areas of the centre.
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>	The street is currently in a state of transition from low density residential to high density residential and commercial development in accordance with the site's B4 mixed use zoning. In this regard, the proposed development featuring four storeys of residential units above a single ground floor commercial tenancy will achieve a cohesive built form with the existing and likely future development of Homebush Road and Liverpool Road.

Principle	Objective	Proposed
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 complies with the density requirements of the ARHSEPP. The site is appropriately located within close proximity to public transport and small shops. These locality features contribute to providing good amenity for the future residents and support the density proposed.</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 costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</i></p>	<p>The proposal complies with BASIX and provides good solar access and natural ventilation to heat and cool the building alongside building products with high insulation properties.</p>
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</i></p>	<p>The subject application is accompanied by a landscape plan that is considered suitable for the scale of development.</p> <p>The landscape design has sought to integrate the communal open spaces with the deep soil area provided to the rear portion of the site. The design includes suitably shaded spaces and will provide functional open spaces for the enjoyment of future residents.</p>

Principle	Objective	Proposed
	<p><i>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>	
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 groups and degrees of mobility.</i></p>	<p>The proposal has been designed to achieve a high level of internal residential amenity through compliant ceiling heights and adequate access to natural light and ventilation</p> <p>The proposal has been designed to minimise overlooking into adjoining properties through the orientation of balconies to the eastern, western and northern extremities of the site and has also been installed with privacy louvers to screen views.</p> <p>The unit layouts are efficient and comply with the minimum unit sizes as required by the ADG.</p>
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>	<p>The proposed building has a secure and readily identifiable entry. Balconies are oriented to overlook the public domain (including the Council carpark immediately north of the site) and rear yard to optimise safety and security within the development.</p>
Housing	<i>Good design achieves a mix of</i>	The proposal provides an acceptable

Principle	Objective	Proposed
diversity and social interaction	<p><i>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>	<p>mixture of unit types including (5) x 1 bedroom and (13) x 2 bedroom units.</p> <p>The proposal is provided with an accessible and well-considered area of communal open space at the rear which is fitted with suitable utilities to support social interaction.</p>
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>	<p>The subject site is located in a street that is anticipated to undergo change as adjoining sites undergo redevelopment with several sites at the intersection of Homebush Road and Liverpool Road currently under construction. The proposed development provides for a well-articulated structure that provides appropriate setbacks to the low-density residential zone interface to the west of the site.</p>

Apartment Design Guide Quality Design of Residential flat buildings

Design Criteria	Required	Proposed	Compliance
2E - Building Depth	12m – 18m	Exceeds 18m however achieves compliant solar access and cross ventilation and is therefore considered to be acceptable.	Yes.
3B – Orientation	<p>Responsive to streetscape and site Designed to optimise solar access and minimise overlooking</p> <p>Shall not further reduce solar access by more than 20%</p>	<p>The proposal is responsive to the streetscape and is designed to optimise solar access whilst minimising the potential for overlooking.</p> <p>The proposal results in a degree of unavoidable overshadowing to the south of the site.</p>	<p>Yes.</p> <p>No, however acceptable on merit. Refer</p>

		<p>At 9am the proposal casts a shadow to the south west, overshadowing the majority of the existing dwelling at 251 Homebush Road, the rear (western)part of the dwelling at 253 Homebush Road, the rear yard of 255 Homebush Road and the rear yards and eastern elevations of the dwellings at 8, 10, 12, 14 and 16-18 Barton Street).</p> <p>By noon, this shadow has lessened considerably and moved south-east overshadowing the majority of the rear yard and the existing dwelling at 251 Homebush Road and the northern elevation of the existing dwelling at 253 Homebush Road.</p> <p>By 3pm, the shadow has moved further to the east and now overshadows the existing dwelling at 251 Homebush Road the front yard and a small portion of the dwelling at 253 Homebush Road and the Homebush Road road reserve.</p>	discussion
3C – Public Domain Interface	<p>Direct street entry to ground floor apartments</p> <p>Balconies/windows orientated to overlook the public domain</p> <p>Front fence design is permeable Opportunities for concealment minimised</p> <p>Services concealed</p> <p>Access ramps minimised</p>	<p>Ground floor apartments are accessed via the main entrance way and is considered appropriate given the ground floor commercial tenancy fronting the site.</p> <p>Balconies and windows are orientated to overlook the public domain and rear area of private open space.</p> <p>No front fence proposed.</p> <p>Services and access ramp concealed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes.</p> <p>Yes</p> <p>Yes</p>

		Access ramp located upon the southern boundary of the site.	
3D – Communal Open Space	<p>Min. 25% (225.75m²)</p> <p>Min 2h to 50% communal open space at mid-winter</p> <p>Consolidated area</p> <p>Min dimension of 3m</p> <p>Equitable access</p> <p>Where developments are unable to achieve the design criteria, such as on small lots they should;</p> <ul style="list-style-type: none"> - Provide communal open space elsewhere such as a landscape rooftop terrace; - Provide larger balconies or increased private open space' - Demonstrate good proximity to public open space and facilities. 	<p>The proposal provides 27.5% (232m²) of the site as communal open space receiving more than 2 hours solar access.</p> <p>The area of communal open space is consolidated, well landscaped, accessible and provided with various spaces which include decked areas and shading.</p> <p>The landscape plan is supported with several canopy trees to replace those proposed for removal.</p>	Yes
3E – Deep Soil Zones	<p>Min. 7% (154.56m²)</p> <p>650m² to 1,500m²</p> <p>6m min. dimension</p>	<p>The proposal provides 121m² or 13.4% of consolidated deep soil area behind the building line.</p> <p>Areas of deep soil included in the calculation have a minimum dimension of 6m.</p>	Yes.
3F – Visual Privacy	<p>Up to 4 storeys: 0-12m</p> <ul style="list-style-type: none"> • 6m between habitable rooms/balconies and the boundary • 3m between habitable and non-habitable rooms and the boundary. <p>Up to 25m (5-8 storeys)</p>	<p>Up to 4 storeys:</p> <p>North: balcony to first floor north facing unit (Unit 07) provides a nil setback to the site's northern boundary.</p> <p>South: 4m separation between habitable and non-habitable rooms and the boundary</p> <p>West: 5m separation provided between habitable rooms and site's rear western boundary.</p> <p>5th storey:</p>	No, refer to discussion.

	<ul style="list-style-type: none"> • 9m between habitable rooms/balconies ; and • 4.5m between habitable and non-habitable rooms and the boundary. <p>Offset windows</p> <p>Vertical fins or privacy screens between balconies</p>	<p>North: 6.3m separation provided between habitable rooms.</p> <p>Vertical fins between balconies are provided to maintain visual privacy.</p>	
3G – Pedestrian Access and Entries	<p>Entry addresses public domain</p> <p>Clearly identifiable</p> <p>Steps and ramps integrated into building design</p>	<p>The entry addresses the public domain and is clearly identifiable.</p> <p>Both the vehicle and pedestrian ramps are integrated into the building design.</p>	Yes.
3H – Vehicle Access	<p>Integrated into façade</p> <p>Visual impact minimised</p> <p>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>	<p>Vehicle access is integrated into the façade and provides clear sightlines.</p> <p>Garbage collection is provided within the basement and is screened from Homebush Road.</p> <p>Pedestrian and vehicle access is separated.</p>	Yes.
3J – Bicycle and Car Parking	<p>The car parking needs for the development must be provided off street.</p> <p>Parking facilities for motorbikes and bicycles</p>	<p>The basement design is well considered and follows a logical format.</p> <p>The fire stairs and internal lift are clearly identifiable.</p> <p>Bicycle and motorbike parking is provided within level 2 of the basement.</p> <p>See parking rates under the DCP.</p>	Yes.
4A – Solar and Daylight Access	<p>Min. 70% (13 units) receive 2 hours solar access.</p> <p>Max. 15% units have no solar access</p>	<p>A minimum of 16 (83.3%) units receive two (2) hours of solar access during mid-winter.</p> <p>All units receive some solar access.</p>	<p>Yes</p> <p>Yes.</p>

	Light wells, skylights and highlight windows are only to be a secondary source where sunlight is limited Design incorporates shading and glare control.		
4B – Natural Ventilation	Min. 60% units are cross ventilated in first 9 storeys Cross-over/Cross-through Max 18m depth Light wells are not the primary source of ventilation for habitable rooms Single aspect units have limited depth to maximise ventilation.	All units are cross ventilated. Max unit depth 14.45m	Yes. Yes.
4C – Ceiling Heights	Habitable: 2.7m Non-habitable: 2.4m 2 storey apartments: 2.7m main living area, 2.4m mezzanine Mixed Use: 3.3m ground floor.	Minimum 2.8m ceiling heights to habitable rooms are provided each unit and 3.3m to the commercial tenancy.	Yes.
4D – Apartment Size and Layout	1 bed: 50m ² 2 bed: 70m ² 3 bed: 90m ² Additional bathrooms +5m ² Each habitable room must have a window > 10% floor area of the room. If open plan layout =max 8m from a window Master bed: min 10m ² Other bedroom: min 9m ² Living room min. width: Studio and 1 bed: 3.6m 2 and 3 bed: 4m Crossover/through: min 4m	The proposal provides for compliant unit sizes as follows: 1 bed: 51m ² 2 bed: 74.8m ²	Yes.
4E – Private Open Space and Balconies	Studio: 4m ² 1 bed: 8m ² , min depth 2m 2 bed: 10m ² , min depth 2m	All units are provided with an area of private open space with a minimum dimension of 2m and which meet the minimum area requirements.	Yes.

		3 bed: 12m ² , min depth 2.4m		
4F Common Circulation and Spaces	–	Max 8 apartments off a single core	No more than five (5) apartments are accessed off a single core.	Yes.
4G Storage	–	Studio: 4m ³ 1 bed: 6m ³ 2 bed: 8m ³ 3 bed: 10m ³ At least 50% within the basement	Each unit is provided with adequate storage within the units and storage cages within the basement for large, less frequently used items.	Yes.
4H Acoustic Privacy	–	Orientate building away from noise sources Party walls limited or insulated, like rooms together Noise sources (e.g. garage doors, driveways) located at least 3m from bedrooms	The subject site is located away from Liverpool Road and presents minimal concern for noise.	Yes.
4K Apartment Mix	–	Variety of apartment types Appropriate apartment mix Different apartments distributed throughout the building.	The proposal provides the following housing mix; 1 bedroom x (5) 2 bedroom x (13)	Yes.
4M Facades	–	Composition of building elements. Defined base, middle and top Building services integrated into the façade	The composition of the building façade incorporates a variety of building textures and colour to provide interest to the building. The building provides a defined ground floor base containing the commercial tenancy with the upper portions of the building being well articulated to provide interest to the streetscape	Yes.
4N – Roof Design		Roof design integrated into the building Incorporates sustainability features May include common open space	A flat roof design is proposed and is suitable for the scale of development.	Yes.
4O Landscape Design	–	Responsive to streetscape Viable and sustainable	The landscape is contained to the rear portion of the site given the site's nil setback to Homebush Road and is considered appropriate to the streetscape.	Yes.

4Q – Universal Design	Variety of adaptable apartments	<p>The proposal requires a minimum of three (3) units to be adaptable units. Insufficient detail provided in the plans fails to determine the units which are to be adaptable.</p> <p>A condition of consent is to be imposed so that the building achieves a benchmark of 15% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design.</p>	Yes, subject to conditions.
4U – Energy Efficiency	<p>Adequate natural light to habitable areas</p> <p>Adequate natural ventilation</p> <p>Screened areas for clothes drying</p> <p>Shading on northern and western elevations</p>	<p>The proposal achieves compliant solar access and cross ventilation outcomes.</p> <p>Areas for clothes drying have not been provided however a condition of consent is recommended to provide such an area.</p>	<p>Yes.</p> <p>Yes, subject to condition.</p>
4V – Water Management and Conservation	Efficient fixtures/fittings WSUD integrated Rainwater storage and reuse	Refer to BASIX Certificate commitments.	Yes.
4W – Waste Management	Minimise impact on streetscape, building entry and amenity	<p>The proposal provides a waste storage room in the basement for the storage of waste. The proposal also allows for the underground collection of waste to ensure that there is no disruption to Homebush Road during collection.</p> <p>The underground collection of waste will maintain the amenity of the streetscape.</p>	Yes.
4X – Building Maintenance	Material selection reduces ongoing maintenance costs.	<p>The proposed schedule of external finishes is understated and refined to ensure the development will evolve with the future development in the street.</p> <p>The proposed schedule of external finishes will include a mixture of render, metal cladding, face brick and aluminium louvers.</p> <p>The selected materials are</p>	Yes.

		suitable for the scale of the development and are relatively durable to reduce the ongoing maintenance costs of the building.	
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Strathfield Local Environmental Plan 2012

The site is zoned B4 Mixed Use under the Strathfield Local Environmental Plan (SLEP), 2012 wherein development for the purposes of a mixed use development is permissible with Council consent. The proposal is generally consistent with the objectives of the B4 Mixed Use zone which seek to provide a mixture of compatible land uses.

The following table provides an assessment of the proposal against the relevant numeric controls of the SLEP 2012:

Clause	Required	Proposed	Compliance
4.1A Minimum Site Area: Residential Flat Building	1,000m ²	903m ²	Affordable Rental Housing SEPP prevails
4.3 Height of buildings	13m	16.95m – variation of 3.95m or 30.3% (including fifth storey).	No, refer to discussion below.
4.4 Floor Space Ratio	1.65:1 (1489.95m ²)	1.77:1 (1,529.05m ²) Note: FSR of 1.6:1 (1449.05m ²) with deletion of upper storey unit.	No, however complies with bonus FSR of ARHSEPP.

Height Non-Compliance

As demonstrated in the table above, the proposed development fails to comply with the maximum building height permitted under Clause 4.3 the SLEP 2012. The areas of non-compliance relate to the fifth storey containing a single two (2) bedroom unit and the lift overrun structure (refer Figure 5) that extends 3.95m above the maximum permissible building height of 13m resulting in a departure of 30.3%.

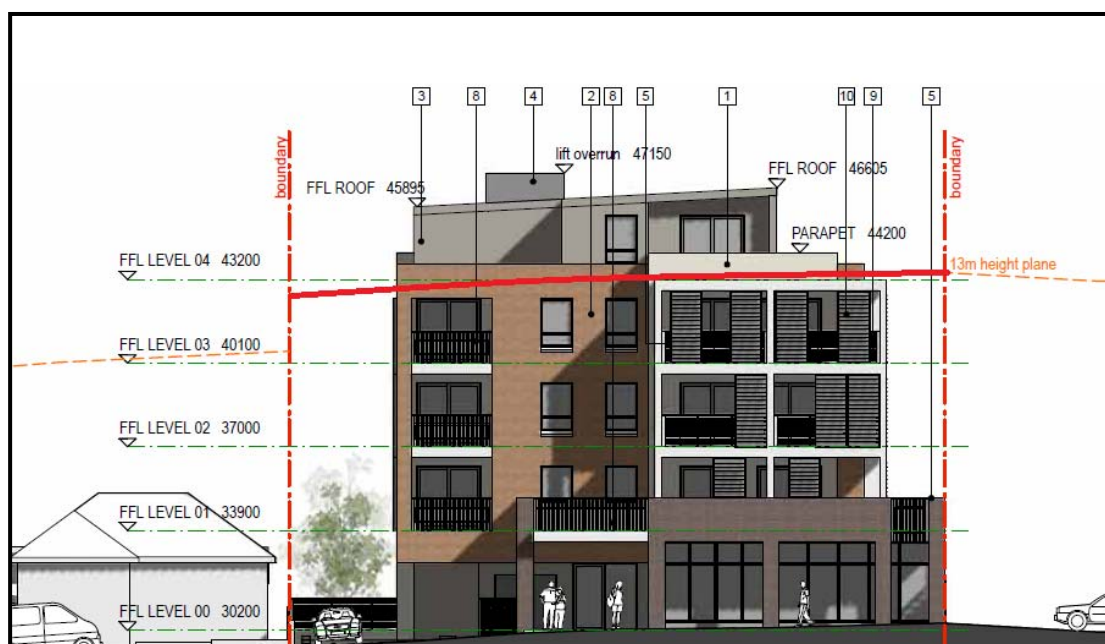


Figure 5: View of the eastern elevation noting the extent of the proposed building height variation.

Clause 4.6 of the SLEP 2012 enables Council to grant consent to a proposed development that contravenes the development standards for building height in the following terms.

Clause 4.6(3) - Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.”

The applicant has provided a written request that seeks to justify the proposed contravention of the building height development standards shown in the above table on the following grounds:

- *‘The purpose of the standard is achieved and the development complies with the objectives of Height of Building controls under the Strathfield LEP 2012.*
- *The development maintains compliance with the objectives of the B4 Mixed Use zone*
- *The underlying objective and purposes of the standard would be thwarted if compliance was required*
- *The variation does not compromise the streetscape presentation and public domain along Homebush Road.*
- *The application represents a high quality orderly and economic use and development of the site, achieving an appropriate building form consistent with the changing nature of the precinct;*

- *The variation is in the public interest as it responds to the site constraints, provides an exceptional design response and maintains a compliant level of residential amenity for the occupants and adjoining properties.*
- *An expanded building envelope is reasonable to accommodate for the incentive FSR available to the proposal under the ARHSEPP. Otherwise there would be disconnect or an inconsistent relationship with the combined FSR under the SLEP 2012 and ARHSEPP and the applicable height standard.'*

Clause 4.6(4) - Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)

The applicant's written request to justify the contravention of the building height standard does not adequately address the matters required to be demonstrated in subclause 4.6(3), specifically, that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The written request is not considered to provide sufficient substantive information on the environmental planning grounds relating to streetscape, bulk, scale and form, amenity, views, solar access and privacy.

Notwithstanding the inadequacy of the applicant's written request in seeking to justify contravention of the height of building development standard, it is considered that the area of non-compliance, being the fifth storey element, is incongruous with the prevailing streetscape character comprised predominately of single storey, detached dwelling houses; and will result in a bulk and scale that is contextually inappropriate, inconsistent with the desired future character of the area, and will adversely impact on the amenity of surrounding residences.

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

Objectives of the Building Height Standard

The objectives of the building height standard in clause 4.3 of the SLEP 2012 are:

4.3 Height of buildings

(1) The objectives of this clause are as follows:

(a) to ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area,

(b) to encourage a consolidation pattern that leads to the optimum sustainability capacity height for the area,

(c) to achieve a diversity of small and large development options.

The proposed development is considered to be inconsistent with the objectives of the building height standard having regard to streetscape, building bulk, scale, and form, and pattern of development.

Objectives for Development within the Zone

The site is zoned B4 Mixed Use under the Strathfield Local Environmental Plan (SLEP), 2012 wherein development for the purposes of a mixed use development is permissible with Council consent. The proposal is generally consistent with the objectives of the B4 Mixed Use zone which seek to provide a mixture of compatible land uses.

(b) the concurrence of the Director-General has been obtained.

Council may assume the concurrence of the Director-General under the Planning Circular PS 08-003 issued in May 2008.

Conclusion on exception to height of building development standard

The applicant's written request to justify the contravention of the building height standard contained within Clause 4.3 of the SLEP 2012 is considered to be inadequate in that it has not successfully demonstrated that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. Further, the variation is not considered to be in the public interest.

Accordingly, it is recommended that the fifth storey be deleted in order to achieve compliance with the 13m height control permitted under the SLEP 2012.

Acid sulphate soils

The subject site is identified as having Class 5 soils and is not located within 500m of Class 1, 2, 3 or 4 soils. Therefore, the proposed development was not required to be accompanied by an Acid Sulphate Soils Management Plan and has satisfied the requirements of Clause 6.1 of the SLEP, 2012.

Overall, the proposed development has been considered with respect to the relevant Clauses of the SLEP, 2012 and is deemed satisfactory for approval, subject to the recommended conditions of consent.

Section 94 Contributions

Section 94 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

Provision of Community Facilities	\$ 29,181.76
Provision of Major Open Space	\$151,605.40
Provision of Local Open Space	\$ 33,360.80
Provision Roads and Traffic Management	\$ 4,304.00
Administration	\$ 2,894.40
TOTAL	\$221,055.60

(ii) Draft Environmental Planning Instruments:

There are no Draft Environmental Planning Instruments applicable to the subject site.

(iii) Development Control Plans:

Part C – 'Multiple Unit Housing' of the Strathfield Consolidated Development Control Plan (DCP) 2005

SCDCP Part C is of relevance to the assessment of an application for a residential flat building and as such applies to the subject application.

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, and
- (h) storage.

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:

Section	Development Control	Required	Proposed	Compliance
2.2	Site Requirements	Minimum site area of 1000m ² and a minimum street frontage of 30m.	903m ²	Yes, ARHSEPP prevails
	Building Street Setback	9m or predominant	2.2m to Homebush Road.	No, refer discussion.
	Building Envelope	3.5m vertically at boundary & project inwards at 45°.	ADG Prevails	N/A
	Side setback	4m.	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.	Not shown	To be conditioned
	Dwelling Unit and Building Design for residential flat buildings	At least one main convenient entry is to have barrier free	Barrier free access is provided from	Yes.

Section	Development Control	Required	Proposed	Compliance
		access to ground floor units (for people with disabilities)	the street to the lobby and ground floor units from Homebush Road	
	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	Access to common areas without unnecessary barriers.	Barrier free access is provided from the street to the lobby and ground floor units from Anselm Street.	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.	Material selection comprises face brick, metal cladding, concrete panels and small areas of render in neutral colours.	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	Unit sizes in the ADG prevail.	N/A
	Attic space	Not to be used as habitable space. Storage only and no	No attic space proposed.	N/A

Section	Development Control	Required	Proposed	Compliance
		dormer windows.		
2.4	Energy Efficiency	Application is required to provide a NatHERS certificate. Each dwelling must achieve 3.5 star NatHERS rating.	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 proposal receives adequate access to natural light and ventilation, reducing the need for artificial lighting and mechanical ventilation.	Yes.
2.4.4	Natural Lighting	Reduce reliance on artificial lighting	Large proportion of units provide northern-orientated windows to receive direct solar access.	Yes.
2.4.6	Water Management	Mandatory water storage 10 dwell= 500lt / dwell each dwell thereafter = 250 lt/ dwell	BASIX commitments prevail.	Yes.
	Water Management	Tanks to be located underground or at least behind the front building line. Located 900mm from front boundary.	OSD concealed underground toward the site's rear south-eastern boundary.	Yes.

Section	Development Control	Required	Proposed	Compliance
2.5	Streetscape orientation	Compatible with the existing character and address the street frontage.	The proposed design considers the local context and is consistent with the desired future character of the area.	Yes.
	Streetscape orientation	Dwellings facing the street will have frontage and apparent access.	Ground floor units have access via Homebush Road.	Yes.
2.7	Open space and landscaping	<p>RFBs – Landscaped area does not include any area for driveways, parking, side setback less than 1.2m in width, pools, outbuildings.</p> <p>At least 60% of the landscaped area must remain as unpaved 'soft' landscaping.</p>	ADG prevails.	N/A
		35% of the landscaped area is to be provide as deep soil landscaping this excludes basement underneath areas.	ADG prevails.	N/A.
		10% (117m ²) of the site area is to be provided as communal open space, with a minimum dimension of 7m.	ADG prevails.	N/A
		RFBs – where dwellings do not have access to ground level open space at least one main balcony is to have a size of 12m ² (up to 2 bed) and 15m ² (3 or more bed). Balconies must have a depth of	ADG prevails.	N/A.

Section	Development Control	Required	Proposed	Compliance
		2m.		
2.8	Privacy and Security	Windows are not to be located less than 9m apart from other dwellings.	ADG prevails.	N/A
		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	Car parking is required to be provided as follows: 1 bed = 1 space 2 bed = 1.5 spaces 3 + bed = 2 spaces	ARHSEPP prevails.	N/A
		Dimensions of garage car spaces to comply with Australian standard.	To be imposed by condition.	Yes.
	Ramp Driveway Gradient/ design	Minimum lane width: 3.6m Maximum transition zone: 10% Maximum ramp gradient: 20%	AS2890.1 prevails	N/A

Part H – ‘Waste Management’ of the Strathfield Consolidated Development Control Plan (DCP) 2005

A Waste Management Plan detailing the proposed means of minimising and managing waste throughout the proposed construction works and ongoing operation of the site accompanied the subject application at the time of lodgement. This plan outlines that all waste from the site is to be stored within the basement level bin room prior to onsite collection within the designated waste collection area in basement

level 1. In support of this proposal the application was accompanied by swept path drawings demonstrating forward entry and exit from the site

Part H “Waste Minimisation and Management” of the SCDCP 2005 requires waste storage be provided at the following rates:

General Waste: 120L/unit/week
Recycling: 120L/unit/fortnight

Having regard to the above rates, a minimum of (9) x 240L bins are to be provided for general waste and (9) x 240L bins are to be provided for recycling waste.

The proposed basement level bin storage room is capable of accommodating for 18 x 240L and therefore complies with the waste generation rate of Part H of the SCDCP 2005. As such, the proposed waste management measures are considered to be appropriate subject to conditions of consent requiring ongoing compliance with the waste minimisation and management measures outlined within the Applicant’s Waste Management Plan.

Part I – ‘Provision of off-Street parking Facilities’ of the Strathfield Consolidated Development Control Plan (DCP) 2005

The proposal seeks to provide a commercial tenancy located to the ground floor portion of the building. The tenancy provides a total gross floor area of 109.8m² which would require a total of three (3) off-street parking spaces to be provided for the site in accordance with Section 3.3 of Part I of the SCDCP 2005.

The proposal seeks to construct two (2) levels of basement parking which will result in the provision of (25) car spaces to service the site. Accordingly, a condition is recommended to ensure a minimum of three (3) spaces is allocated for the commercial tenancy to allow for two (2) spaces to be dedicated for staff and the third space to be allocated for customers.

(iiia) Planning Agreements (or draft agreements):

The proposed development is not subject to a planning agreement pursuant to Section 93F of the Environmental Planning and Assessment Act 1979.

(iv) Matters Prescribed by the Regulations

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

Having regard to these prescribed matters, the proposed development is not located on land subject to the Government Coastal Policy as determined by Clause 92 (1) (a) (i) however does involve the demolition of a building for the purposes of Australian Standard (AS) 2601 – 1991: The Demolition of Structures. Accordingly, suitable conditions shall be imposed, should this application be approved.

(v) Any Coastal Zone Management Plan:

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

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

The proposed development is located on a site that is not subject to flooding attributed to either Powell's Creek or Cook's River and is therefore not required to be considered under the provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

(b) Likely Impacts:

Streetscape

An architectural render of the proposed development and existing structures within the streetscape is provided below (Refer Figure 6). The subject render contains an additional fifth storey element which is proposed to be deleted by way of condition of consent so as to achieve consistency with the 13m height plane control established under Clause 4.3 of the Strathfield Local Environmental Plan 2012.



Figure 6: Architectural render of the proposed development and existing structures within the streetscape

It should be noted that the adjoining sites to the south (251 and 253 Homebush Road) are also zoned B4 Mixed Use Zone under the Strathfield Local Environmental Plan 2012 and are likely to be redeveloped in the near future. These sites feature a reduced 11m height limit, thereby providing a suitable transition to the R2 Low Density Residential zoned properties to the south.

To assist in integrating the proposed development with the existing streetscape the façade of the structure has been articulated through the provision of changes in material finishes and by providing an increased front setback to the southern portion of the structure to limit its perceived bulk and retain a clear line of site to existing low density residential development. With the use of these measures, the proposed development is considered to suitably integrate with the existing and likely future development within the streetscape and is considered acceptable.

Front Setback

Section 2.2 of Part C “Multiple Dwelling Housing” of the Strathfield Consolidated Development Control Plan 2005 requires buildings be setback a minimum of 9m or to consistent with the predominant setback within the street. While the proposed eastern facing balconies include a nil setback, the development incorporates a step to provide 3.5m front setback to the southern portion of the structure providing a suitable transition to the existing dwellings to the south. Further, the vehicular access to the site has been provided along the southern boundary of the site to ensure the bulk of the development is located away from the R2 Low Density Residential zone interface to the south of the site (255 Homebush Road). In recognition of these measures and the commercial nature of the ground floor tenancy fronting Homebush Road, the proposed front setback is considered to be acceptable

Visual privacy/ Separation

In accordance with section 2F of the Apartment Design Guide (ADG) the portion of the building between 1 and 4 storeys in height is required to provide 12m (6m to the lot boundary) separation between habitable rooms or balconies and 6m (3m to lot boundary) between non-habitable rooms. The portion of building that is 5-8 storeys in height is required to provide 18m (9m to lot boundary) separation between habitable rooms or balconies and 9m (4.5m to lot boundary) between non-habitable rooms (Note: no building separation is required where building incorporate blank walls).

At the first to fourth storeys the proposed development provides the following separation:

Elevation	Setback
North	Part Nil (blank wall), Part 2.2m
East	Part Nil (balconies and awning), Part 3.5m – discussed above
South	4m
West	Part 5m, Part 6m

To the north the proposed development steps to the west transitioning from a nil setback to the ground floor commercial tenancy and first floor area of private open space of Unit 07 to 4m. As the adjoining site to the west is a public carpark the proposed part nil set back is considered to be acceptable, while the proposed step to 4m reduces the perceived bulk of the structure as viewed from the zone interface to the west.

To the west the subject site adjoins the rear yards of the existing dwellings within the adjoining R2 Low Density Residential zone. The proposed part 5m, part 6m setback to the west provides a minimum of 14.3m separation to the adjoining dwellings. Such separation is considered to be sufficient to minimise any potential for overlooking.

To the south the proposed development provides 4m separation with all windows provides as highlight windows or fitted with privacy screening. With the use of such measures the proposed separation is considered unlikely to result in any opportunities for overlooking.

Inconsideration of the above, the proposal is considered unlikely to result in any significant opportunities for overlooking and is therefore acceptable on merit.

Solar Access and Overshadowing

The subject application was accompanied by shadow diagrams based upon computer modelling including consideration of the surrounding terrain. In addition, the applicant has provided additional "view from the sun" shadow diagrams providing clear consideration of the topography of the site and surrounding area. It should be noted that the condition of consent to delete the fifth storey of the structure will reduce the degree of overshadowing demonstrated within the subject shadow diagrams.

At 9am, the proposal casts a shadow to the south-west, overshadowing the majority of the existing dwelling at 251 Homebush Road, the rear (western) part of the dwelling at 253 Homebush Road, the rear yard of 255 Homebush Road and the rear yards and eastern elevations of the dwellings at 8, 10, 12, 14 and 16-18 Barton Street).

By noon, this shadow has lessened considerably and moved south-east, overshadowing the majority of the rear yard, the existing dwelling at 251 Homebush Road, and the northern elevation of the existing dwelling at 253 Homebush Road.

By 3pm, the shadow moves further to the east and overshadows the existing dwelling at 251 Homebush Road, the front yard and a small portion of the dwelling at 253 Homebush Road, and the Homebush Road reserve.

As the site is currently occupied by single storey residential dwellings, the extent of overshadowing that currently exists is minimal and the introduction of a five storey structure will result in a reduction of solar access by more than 20% than currently exists. Notwithstanding, the proposal still allows the adjoining properties to receive a reasonable level of solar access during mid-winter and due to the orientation of the adjoining site, it is reasonable to assume compliant solar access can be achieved in the event that the site to the south (251 Homebush Road) is redeveloped in the future in accordance with its B4 Mix Use zoning.

As such, the post development levels of solar access retained to surrounding development are considered to be acceptable.

Traffic

The subject application was accompanied by a Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd giving consideration to the traffic and parking implications of the development.

This report was based upon Journey to Work data and in accordance with the RTA Guide to Traffic Generating Developments, as well as based on the credits for the

existing dwelling and the (11) units which are proposed. The assessment demonstrates that (10) additional trips would be generated in the AM and PM peak hour periods as a result of the proposed development.

It should be noted that two (2) units have been deleted since these calculations were undertaken. With the deletion of these units, the proposed development is likely to result in a maximum of nine (9) additional trips in the AM and PM peak hour periods. These additional trips will be distributed throughout the AM and PM peak hour periods and will be able to be captured within the existing operation of the local road network. Therefore, the proposal will be unlikely to result in any material impact on the operation of the local area network.

(c) Suitability of the Site:

The site is relatively unconstrained and the proposal has been designed having regard to the relevant provisions of the ARHSEPP, SLEP 2012, SEPP65 and the ADG and accordingly the subject site is considered suitable for the proposed development.

(d) Submissions:

The application was notified in accordance with Part L of the Strathfield Consolidated DCP 2005 from 24 May 2016 to 24 June 2016. Thirteen (13) written submissions including one (1) petition containing (50) signatures were received.

The application was subsequently re-notified from 17 January 2017 to 1 February 2017. Four (4) written submissions were received. The concerns raised in the submissions are outlined and discussed below.

6. Traffic

Concern is raised for the further increase in the current traffic flow especially during peak hours of the day.

Comment: The subject application was accompanied by a traffic report prepared by Varga Traffic Planning Pty Ltd giving consideration to the likely effects of the proposed development upon the surrounding road network during peak periods. This report identifies that the proposed development as generating a maximum of 10 vehicular movements per hours in peak periods resulting in minimal impact upon the subjection of the surrounding road network.

7. Off-Street Parking

Concern is raised regarding the provision of ample parking for residents and visitors within the proposed building complex.

Comment: As previously discussed, the proposal seeks to provide two (2) levels of basement parking to include a total of (25) off-street parking spaces. Of these (25) parking spaces, a minimum three (3) spaces will be provided to service the commercial tenancy in accordance with Part I of the SCDCP 2005 with a minimum (16) spaces provided for residents in accordance with Clause 14 of the ARHSEPP and four (4) of the remaining five spaces being allocated as visitor parking . Accordingly, the proposal provides ample parking in accordance with the

requirements of the ARHSEPP and Part I of the SCDCP.

8. Streetscape Presentation

Concern is raised regarding the visually domineering appearance of the proposed development, which is considered to appear out of character with existing development in the streetscape. A suggestion was made to reduce the scale of the development and to provide residential occupancies only to allow the development to be more compatible with the streetscape.

Comment: As previously discussed, the surrounding streetscape is currently undoing a process of change as a result of the areas B4 Mixed Use zoning under the Strathfield Local Environmental Plan 2012. Nonetheless, throughout the assessment of the subject application the proposed development was modified to reduce the height and bulk of the upper level (fifth storey) and the setbacks amended to achieve greater compatibility with the existing streetscape.

9. Public Transport Services

Concern is raised regarding the increased demand for public transport in the surrounding area as a result of current and completed developments in the area, particularly given that the public transport services are perceived as currently inadequate.

Comment: The subject site is located within 400m of a bus stop that is regularly serviced in accordance with the requirements of the ARHSEPP. Nonetheless, the provision of additional public transport infrastructure is matter beyond the scope of Section 79C of the Environmental Planning and Assessment Act 1979.

10. Noise Pollution

Concern is raised regarding the significant increase in noise pollution and loss of amenity to the area as a result of the large population of occupants concentrated to a small residential area.

Comment: The increase in residential density represented by the proposed development is consistent with the site's B4 Mixed Use zoning and is considered unlikely to generate any significant noise emissions that would result in loss of amenity to surrounding residences. Further, the proposed ground floor commercial tenancy is appropriately located to the north-east of the site away from adjoining residences. Nonetheless, a condition of consent is recommended requiring further development consent be obtained for the use of the proposed commercial tenancy so as to allow for suitable consideration to be given to the likely impacts (if any) of the proposed use.

11. Visual Privacy

Concern is raised regarding the loss of privacy for adjoining residents to the west, which will adversely impact upon the standard of living for residents.

Comment: While the initial proposal included seven (7) west facing balconies, the proposal was subsequently amended to re-orientate several balconies to the north and reduce the area of the remaining balconies to achieve a 6m setback from the

site's western boundary. The amended west facing balconies also include privacy screening. As previously noted a minimum of 14.3m separating is provided between the proposed development and any window upon the existing dwellings located to the west of the site. Accordingly, the proposed development is considered unlikely to result in any significant opportunities for overlooking, and is accordingly supported for approval.

12. Shadow Diagrams

Concern is raised regarding the validity of the shadow diagrams submitted as part of the application, which are considered to fail to demonstrate the full extent to which overshadowing occurs to the southern adjoining dwellings.

Comment: The shadow diagrams that accompanied the subject application demonstrate the full extent of overshadowing occurring as a result of the proposed development and are sufficient to make a proper assessment of the overshadowing impacts of the development.

13. Solar Access

Objection is made regarding the height and position of the development, which is considered to result in loss of solar access to the adjoining properties.

Comment: A detailed discussion regarding overshadowing generated by the proposed development has been included within the likely impacts section of this report.

14. Tree Removal

Concern is raised over the proposed tree removal works included in the proposed development.

Comment: The proposed development includes the removal of one (1) Port Jackson Fig (*Ficus rubiginosa*) located in the south-western corner of the site. The subject application was referred to Council's Tree Coordinator for comment who noted that in recognition of the subject tree being in poor health and encroaching a sewer service located within the south-western corner of the site the proposed tree removal is acceptable, subject to the provision of a suitable replacement. A condition to this effect is included within the recommendation.

15. Wind impacts

Concern is raised over the impacts of the proposed development upon prevailing winds in the locality.

Comment: The proposed five (5) storey structure (albeit, recommended to be reduced to four) provides appropriate side and rear setbacks and is considered unlikely to result in any significant impacts upon prevailing winds in the locality.

(e) 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. Approval of the proposal is not contrary to the public interest.

INTEGRATED DEVELOPMENT

The development has been classified as Integrated Development under Section 91 of the *Environmental Planning and Assessment Act 1979* as it requires an approval under the Water Management Act 2000. Accordingly, the application was referred to the NSW Office of Water.

General Terms of Approval (GTA) were provided on 16 June 2016 and are included as conditions of consent.

INTERNAL REFERRALS

The application was forwarded to Council's Drainage Engineer, Health & Building Surveyor, Tree Coordinator for comments, as follows:

Drainage Engineer:

"No objection subject to connection to the existing Council pit in Homebush Road"

Development Engineer:

"No objection subject to conditions of consent"

Tree Coordinator:

"In recognition of the relatively poor health of the Port Jackson Fig and incursion by sewer services removal is considered to be acceptable subject to provision of a suitable replacement tree."

CONCLUSION

The proposed development is permissible in the subject Zone and is consistent with the relevant provisions and objectives contained within State Environmental Planning Policy Affordable Rental Housing, State Environmental Planning Policy 65 and Strathfield Local Environmental Plan 2012.

The subject application was accompanied by a Clause 4.6 objection seeking to vary the maximum building height of 13m established under Clause 4.3A of the SLEP 2012 by 3.95m or 30.3%. The variation is not considered to be well founded in that the variation is not considered to be reasonable or acceptable in the circumstances of the case; and there are considered to be insufficient planning grounds to justify the departure. Accordingly, a condition is recommended for imposition, requiring the fifth storey of the structure be deleted, in order to provide a generally compliant building height.

The proposal generally complies with the development controls contained within the Apartment Design Guide and Strathfield Consolidated DCP 2005 and will provide a high level of amenity to future residents without significantly compromising the amenity of adjoining owners.

Accordingly, the subject application is recommended for approval.

RECOMMENDATION

That DA2016/078 for the demolition of existing structures and construction of a four (4) storey mixed use development under the provisions of the Affordable Rental Housing SEPP comprising a total of (18) units and one (1) commercial tenancy above two (2) levels of basement parking at 247-249 Homebush Road, Strathfield South be **APPROVED**, subject to the following conditions:

CONDITIONS OF CONSENT

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 subject to any amendments "in red" and any variation as required by conditions of this consent:

Basement Proposed Level-02, Project No.1549, Drawing No.DA07B, prepared by Kennedy Associates Architects, received by Council 17 October 2016.

Basement Proposed Level-01, Project No.1549, Drawing No.DA08B, prepared by Kennedy Associated Architects, received by Council 17 October 2016.

Proposed Level 00, Project No.1549, Drawing No.DA09B, prepared by Kennedy Associated Architects, received by Council 17 October 2016.

Proposed Level 01, Project No.1549, Drawing No.DA10B, prepared by Kennedy Associated Architects, received by Council 17 October 2016.

Proposed Level 02, Project No.1549, Drawing No.DA11B, prepared by Kennedy Associated Architects, received by Council 17 October 2016.

Proposed Level 03, Project No.1549, Drawing No.DA12B, prepared by Kennedy Associated Architects, received by Council 17 October 2016.

Proposed Level 04, Project No.1549, Drawing No.DA13B, prepared by Kennedy Associated Architects, received by Council 17 October 2016.

Proposed Roof Plan, Project No.1549, Drawing No.DA14B, prepared by Kennedy Associated Architects, received by Council 17 October 2016.

Homebush Road (East) Elevation Plan, Project No.1549, Drawing No.DA18B, prepared by Kennedy Associated Architects, received by Council 17 October 2016.

South Elevation Plan, Project No.1549, Drawing No.DA19B, prepared by Kennedy Associated Architects, received by Council 17 October 2016.

North Elevation Plan, Project No.1549, Drawing No.DA20B, prepared by Kennedy Associated Architects, received by Council 17 October 2016.

West Elevation Plan, Project No.1549, Drawing No.DA22B, prepared by Kennedy Associated Architects, received by Council 17 October 2016.

Landscape Plan Drawing No.LPDA16-421, Revision C, prepared by Conzept Landscape Architects, received by Council 17 October 2016.

BASIX Certificate No.717928M_03, issued 14 October 2016.

Cover Sheet Project No.20160090, Drawing No.SW01, Revision B, prepared by SGC, received by Council 17 October 2016.

Stormwater Concept Design Basement 2 Plan Project No.20160090, Drawing No.SW02, Revision B, prepared by SGC, received by Council 17 October 2016.

Stormwater Concept Design Ground Floor Plan Project No.20160090, Drawing No.SW03, Revision B, prepared by SGC, received by Council 17 October 2016.

Stormwater Concept Design Roof Plan Project No.20160090, Drawing No.SW04, Revision B, prepared by SGC, received by Council 17 October 2016.

Sediment and Erosion Control Plan & Details Sheet Project No.20160090, Drawing No.SW05, Revision B, prepared by SGC, received by Council 17 October 2016.

Stormwater Concept Design Details Sheet Project No.20160090, Drawing No.SW06, Revision B, prepared by SGC, received by Council 17 October 2016.

Preliminary Geotechnical Investigation Report prepared by Geo-Environmental Engineering, received by Council 11 May 2016.

Preliminary Site Investigation Report prepared by Benviron group, received by Council 11 May 2016.

Traffic and Parking Assessment Report, prepared by Varga Traffic Planning Pty Ltd, received by Council 11 May 2016.

Arboricultural Impact Assessment prepared by Redgum Horticultural, received by Council 11 May 2016.

Waste Management Plan, received by Council 11 May 2016.

2. Four (4) copies of architectural drawings consistent with the development consent and associated conditions are to be submitted to the Council/Accredited Certifier **prior to the issue of the Construction Certificate.**
3. A Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction associated with this consent.
4. The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.

5. 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.

Special Conditions

6. No structures associated with the development including plant and lift overruns but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like; shall exceed a height of RL43.20 in order to comply with the 13m height restriction imposed under Clause 4.3 of the SLEP 2012. Plans are to be amended accordingly and approved by the Principal Certifying Authority, **prior to the issue of a Construction Certificate.**

7. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property stating that units at least 20% or 290.074m² of the Gross Floor Area of the development shall be managed by a Community Housing Provider and used for the purpose of affordable rental housing for a minimum period of ten (10) years from the date of issue of an Occupation Certificate.

The restriction shall place an upper limit on rent charged to 30% of the Moderate Household Weekly Income Band, being between 80% and 120% of the median personal weekly income for NSW as determined by the Australian Bureau of Statistics.

The wording of the Instrument shall be submitted to, co-signed and approved by Council prior to lodgement at Land & Property Information NSW. Council must be a signatory to the instrument which cannot be extinguished without the prior consent of Council.

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 any Occupation Certificate.**

8. A minimum of 15% of all units shall be 'Adaptable Housing' in accordance with AS4299 or any subsequent standard. The Principal Certifying Authority must confirm a minimum of (3) adaptable units with designated disabled parking spaces have been included in the development **prior to the issue of a Construction Certificate.**

9. A fold out clothes line shall be affixed to the balconies of each unit, either to the wall behind the louvres/ privacy screen (where one is to be located) or below the balustrade height on those units with no louvres. These shall be installed and approved by the Principal Certifying Authority **prior to the issue of an Occupation Certificate.**

10. A sample board detailing all external finishes and materials including roofing, windows and door materials shall be provided to Council for approval, **prior to issue of a Construction Certificate.** All external cladding and trim (including windows and doors) and roofing materials must be of low glare and reflectivity.

General

11. The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.
12. Development consent shall be obtained from Council prior to the demolition of the existing buildings/structures on the property.
13. A separate development application shall be lodged with and approved by the Council for the use of the commercial tenancy.
14. 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.
15. A Works Permit shall be obtained from Strathfield Council at least five (5) working days prior any work (including demolition, excavation and the erection of site fencing/hording). The approved Works Permit and any approved Construction Traffic Management Plan must be complied with at all times until all demolition, building, engineering and construction work associated with the development has been completed. The permit must be retained on site at all times.
16. **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.
17. Storage of goods or the use of portable clotheslines on balconies visible from a public place is strictly prohibited.
18. 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.
19. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$10million and shall provide proof of such cover to Council prior to carrying out works.

Financial Matters

20. 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:

Provision of Community Facilities	\$ 29,181.76
Provision of Major Open Space	\$151,605.40
Provision of Local Open Space	\$ 33,360.80
Provision Roads and Traffic Management	\$ 4,304.00
Administration	\$ 2,894.40
TOTAL	\$221,055.60

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

The required contribution shall be paid **prior to the issue of a Construction Certificate.**

21. A security payment of **\$6,254.00** 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 tree protection bond	\$2,000.00
Refundable works bond	\$4,000.00
Non-refundable administration fee (\$127/bd)	\$ 254.00
TOTAL	\$6,254.00

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) installation and maintenance of sediment control measures for the duration of construction activities;
 - (c) tree final inspection to ensure that Council's street trees have been retained, protected or replanted in accordance with conditions of consent and/or Arborists' report for the post final inspection twelve (12) month period; 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.
22. 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.

Parking/Traffic Matters

23. A total of **(25)** off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents	16
Unallocated	2
Retail/Commercial	3
Visitor	4
TOTAL	25

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

Residential parking spaces shall be designated at a rate of at least one (1) space per 1 and 2 bedroom unit and commercial spaces at a rate of 1 per 40m² of floor area.

Commercial and visitor parking spaces shall be provided on the upper most level of basement parking.

If it is proposed to strata subdivide the development in the future, parking designation shall be strictly in accordance with this condition.

24. **Prior to the issue of any Occupation Certificate**, fixed signage shall be placed within the basement car park of the building adjacent to the lift stating that Council will not issue residential parking permits for owners and residents of the subject site.
25. All vehicles associated with the approved use shall be parked within the parking spaces on the site and not on adjacent footpath, access driveways or landscaped areas.
26. A sign shall be erected in a suitable location on the site advising that parking is available for visitors/customers.
27. 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.
28. The entry and exit driveways shall be suitably signposted and directional arrows shall be painted on the internal roadway.
29. All vehicles entering and leaving the site shall be driven in a forward direction only.

30. The off-street car parking spaces together with access driveways shall be available at all times to employees and customers.
31. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.
32. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
33. Reconstruct the footpath, kerb and gutter to Council's specifications for the full frontage of the development site at the completion of all building works.
34. All driveway/access ramp grades, access and car parking must comply with the Australian/New Zealand Standard *AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking* in order to ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.
35. The dimensions of car parking bays and aisle widths in the car park are to comply with *Australian/New Zealand Standard for Off-Street Parking AS/NZS 2890.1-2004* in order to ensure compliance with this consent and Australian Standards relating to manoeuvring, access and parking of vehicles.
36. 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.**

Drainage/Stormwater

37. The Stormwater Concept Plans do not show a clear connection from the basement access ramp area to the pump out pit in the basement. As such, **prior to the issue of a Construction Certificate**, an amended stormwater concept plan is to be prepared by a suitably qualified Hydraulic Engineer and submitted to the Principal Certifying Authority for approval demonstrating the following modifications:
 - (a) Basement access ramp area connection to the pump out pit
38. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to Council's street drainage system located in Homebush Road subject to Council's standard requirements as depicted on the concept plan prepared by **SGC Engineering Value sheets no.1-6 of 6 project no.20160090 rev A dated 18.04.2016.**

39. A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by a practicing Chartered Professional Engineer on the National Professional Engineer's Register (NPER) at Engineers Australia and submitted to the Accredited Certifier and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.
40. 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** 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.**
41. 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.
42. 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.
43. 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.**
44. Easements in favour of upstream lots shall be provided over the lots traversed by any existing/proposed underground services, including stormwater, electricity, water, gas, telecommunication and sewer. The minimum width of any easement shall be 1.0m. Registration of the easement shall be effected before completion of the development and evidence shall be furnished to the Principal Certifying Authority **prior to the issue of an Occupation Certificate/use of the building.**
45. All pits shall be constructed in accordance with Australian Standard AS3500.3.
46. All subsoil drainage must be designed to meet the requirements of AS3500.
47. 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.
48. A longitudinal section of the basement driveway entry ramp extending to the existing kerb & channel in Homebush Road shall be submitted to Council for approval **prior to the issue of a Construction Certificate.** This driveway section shall indicate AHD levels and grades of the driveway to demonstrate adequate interface with the existing verge, to ensure Council's standard verge profile will be maintained.
49. The proposed basement pump out system storage capacity shall be capable of handling 4 hours 100yr ARI storm event and the catchment draining is to be limited

to the basement access ramp area and the subsoil drainage only. The pipes under basement 2 shall not be PVC or HDPE. The rising main shall be connected to the OSD. Final details of this system are to be submitted with the Construction Certificate application.

50. The OSD basin must be graded to drain completely and gradients shall not be less than 1%. Discharge restriction from the OSD shall be by the use of appropriately sized short length or reduced diameter pipe and weir; orifice plate shall not be used. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
51. 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.
52. **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.

53. 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.

54. 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;

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.

55. 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.
56. The connection of stormwater runoff from the development site to Council's street drainage system in Homebush Road shall consist of a pipeline across to the street kerb with the pipeline then continuing under the kerb and gutter to Council's lintel inlet pit on the western side of Homebush Road. The proposed pipe in Homebush Road shall be reinforced concrete, spigot and socked with rubber ring joints. The pipe in Homebush Road shall be laid at a grade of 1% to allow for connection of upstream properties.
57. The overflow from the On-site Stormwater Detention storage (OSD) shall be connected to the outlet pipe. Connection of the overflow from the OSD to Council's footpath is not permitted.
58. Drainage plan shall also show On-site Stormwater Detention Storage (OSD) and invert levels of the outlet pipe connecting to the proposed lintel inlet pit in Homebush Road. The invert level of the outlet pipe connecting to street drainage system shall not be lower than 1/3 of the depth of pit from top of grate in the road.
59. Upon completion of drainage works within the road reserve full works-as-executed plans prepared and signed by a registered surveyor, shall be submitted for Council's approval. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and locations for the drainage structures and works.

Public Authority Matters

60. (**Prior to the issue of an Occupation Certificate** all existing overhead electricity and telecommunication cabling adjacent to the development site shall be consolidated into a single Aerial Bundle Cable (ABC) at the applicants' expense in accordance with the specifications of AusGrid and the telecommunications supplier.

Landscaping/Tree Matters

61. The trees listed below shall be retained at all times:

<u>Tree</u>	<u>Height/Spread (m)</u>	<u>Location</u>	<u>Protection Zone (m)</u>	<u>Excavation Zone (m)</u>
<i>Callistemon viminalis</i> 'Dawson River'	7	Adjoining property	4.4	4
<i>Tristaniopsis laurina</i>	3	Road reserve (north)	3.6	2.25

and protected by the establishment of a **protection zone** before any site works begin (including any demolition/excavation). The protection zone shall be maintained for the duration of works and implemented as follows:

- (a) A minimum 1.8m high barrier (made of hardwood/metal stakes with suitable hessian or canvas material) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). 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) No concrete slurry or wash, building materials, builders' rubble, excavation soil or similar shall be placed or stored within the tree protection zone.
 - (c) The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.
 - (d) The tree protection zone shall be regularly watered.
 - (e) Any major structural roots which are encountered shall be pruned by a qualified Arborist.
 - (f) **No excavation or construction shall be carried out** within the stated Excavation Zone distances from the base of the trunk surface.
 - (g) 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.
62. A minimum 600mm deep root deflection barrier shall be provided on both sides of the proposed driveway crossing(s) and footpaths.
63. All noxious weeds on the site shall be removed and destroyed as per their classification under the Noxious Weeds Act.
64. The following listed trees are permitted to be removed to accommodate the proposed development:

<u>Tree</u>	<u>Height/ Spread (m)</u>	<u>Location</u>
<i>Ficus rubiginosa</i>	15	Rear yard
<i>Trisaniopsis laurina</i>	3	Road reserve (South)

65. All trees permitted to be removed by this consent shall be replaced by species selected from Council's recommended planting list. Replacements shall be a minimum 50 litre container size and shall be maintained until maturity unless otherwise specified within this consent.
66. Consent is given for the removal of the existing *Ficus rubiginosa* tree subject to the following:
- (a) A minimum of one (1) replacement *Agathis robusta* or *Aracuaria columnaris* shall be provided within the area of communal open space in the north-western corner of the site.
 - (b) The replacement tree shall be minimum 1000 litre container size. Plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy root systems with no evidence of root curl, restriction or damage. Trees are to have a single leader and clear straight trunk.
 - (c) 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.
 - (d) Minimum 75mm depth of organic mulch shall be placed within an area 0.5m radius from the base of the tree.
67. A minimum of one (1) *Trisaniopsis laurina* street tree shall be provided within Council's nature strip in Homebush Road in accordance with the following:

- (a) Plants shall be a minimum 50 litre container size. Plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy roots systems with no evidence of root curl, restriction or damage. Trees are to have a single leader and clear straight trunk.
 - (b) Replacement trees must be *Tristaniopsis laurina*.
 - (c) 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.
 - (d) Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
 - (e) Apply soil conditioner/fertilizer/moisture retention additive/s in accordance with manufacturer's recommendations, and mix into the backfilling soil after planting tree/s.
 - (f) Minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.
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. 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.
70. The 2.2m wide non-pervious strip to the north of the driveway adjacent the front boundary shall be replaced with soft landscaping and include the provision of at least two (2) canopy trees and suitable screen planting. Plans are to be amended accordingly, prior to issue of the Construction Certificate.
71. Suitable screen planting is to be provided along the northern, southern and western sides at the rear. Plans are to be amended accordingly, **prior to issue of the Construction Certificate.**
72. A landscape plan for the site, prepared by a qualified landscape architect or landscape consultant to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent is to be submitted to Council's Planning Unit for approval, prior to issue of the Construction Certificate,
- The plan must include the following information:
- (i) location of all existing and proposed landscape features including materials to be used;
 - (ii) delineate and identify all trees to be retained, removed or transplanted;
 - (iii) existing and proposed finished ground levels;
 - (iv) top and bottom wall levels for both existing and proposed retaining and free standing walls; and
 - (v) detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity.

Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.

Construction Matters

73. **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.
74. The proposed development shall comply with the Building Code of Australia and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**.
75. Pursuant to Section 98(1) of the *Environmental Planning & Assessment Regulation 2000*, the applicant must ensure that all architectural drawings, specifications and related documentation comply with the Building Code of Australia (BCA). All work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

In the case of residential building work for which the [Home Building Act 1989](#) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

76. A Geotechnical Report is to be prepared by a suitably qualified geotechnical engineer for the proposed excavation. All recommendations of the report are to be fully conformed with and compliance demonstrated to the Principal Certifying Authority.
77. A Dilapidation Report is required for this development. A photographic survey of all the adjoining properties detailing the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other such items, is to be submitted to Council and the Principal Certifying Authority (where Council does not issue the Construction Certificate), prior to issue of the Construction Certificate. This survey is to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining properties.

All costs incurred in achieving compliance with this condition must be borne by the person entitled to act on this Consent.

If access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to Council's satisfaction attempts have been made to obtain access and/or advise the affected property owner of the reason for the survey and these attempts have been unsuccessful. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

78. 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).
79. 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.
80. 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.
81. If the existing ground levels are altered during construction, Council may require a survey plan of the finished ground levels to be prepared and submitted **prior to the issue of an Occupation Certificate** to determine if there have been changes to the pre-development levels and if there are any impacts on adjoining properties as a result.
82. 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.
83. 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.
84. 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.
85. 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 offsite 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.

86. The owner of the adjoining allotment 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.
87. 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.**
88. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including drawings and specifications must be submitted to Council/ Principal Certifying Authority accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Manly Council Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Sediment Control Plan must incorporate and disclose:
 - (i) all details of drainage to protect and drain the site during the construction processes,
 - (ii) all sediment control devices, barriers and the like,
 - (iii) sedimentation tanks, ponds or the like,
 - (iv) covering materials and methods, and
 - (v) a schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing these design requirements have been met must be submitted with the Construction Certificate and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Building Matters

89. The external glass used in the building shall have a reflectivity index of less than 20%. Details and specifications of the glass shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

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

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.

91. Where building intruder alarms are installed in the building they shall be fitted with an automated "cut-off" timing device and operated as per the Protection of the Environment Operations (Noise Control) Regulation 2008.

Sustainability

92. 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.

93. 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.**

Demolition

94. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
95. 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.**
96. 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.**
97. 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.

Works Zone

98. An application for a 'Works Zone' must be submitted to and approved by the Strathfield Council Traffic Committee prior to the commencement of any site work (including demolition).

The suitability of the proposed length and duration of the Works Zone is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Strathfield Council Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

Construction Traffic Management Plan

99. 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
- (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)

Fire Safety Measures

100. 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.**

101. Each 12 months after the installation of essential fire or other safety measures, the owner of a building must submit an Annual Fire Safety Statement for the building to Council. In addition a copy of the statement must be given to the NSW Fire Commissioner and a copy displayed prominently in the building.

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.

Air Quality

108. As required by the Protection of the Environment Operations (Noise Control) Regulation 2008, air-conditioning units or heat pump water heaters shall not be audible in the habitable rooms of any other residential premises before 8am or after 10pm on any Saturday, Sunday or public holiday, or before 7am or after 10pm on any other day.
109. Dust emissions from the stockpiles shall be suppressed by a permanently installed irrigation system and details shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**. The irrigation system shall be installed in accordance with the approved details prior to the work/use commencing and maintained at all times to Council's satisfaction.
110. The use of the premises shall not give rise to:
 - (a) The transmission of unacceptable vibration to any surrounding occupancy; and
 - (b) A noise level exceeding the background (L_{90}) noise level by more than 5dB(A) when measured from an adjoining premises. The source noise level shall be assessed as an $LA_{eq,15min}$ reading and adjusted in accordance with current EPA Guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and intermittency or any subsequent guidelines.
111. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises. Such measures are to be installed at no cost to Council and may require further development consent from Council.

Disabled Access

112. Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia, the relevant standards and the requirements of the Disability (Access to Premises – Buildings) Standards 2010. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

113. Sanitary facilities for persons with disabilities shall be provided in the building 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.**
114. A car parking space 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.**
115. **Prior to the issue of a Construction Certificate,** certification shall be submitted to the Principal Certifying Authority demonstrating that at least 20% of the residential units meet the silver level Universal Design Guide requirements of the Livable Housing Design. In order to meet the requirements, the following must be achieved:
- (a) A safe continuous and step free path of travel from the street entrance and/or parking area to a dwelling entrance that is level.
 - (b) Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.
 - (c) A toilet on the ground (or entry) level that provides easy access.
 - (d) A bathroom that contains a hobless (step-free) shower recess.
 - (e) Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date
 - (f) A continuous handrail on one side of any stairway where there is a rise of more than one metre.
 - (g) Stairways are designed to reduce the likelihood of injury and also enable future adaptation.

Waste Management

116. 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.
117. 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.**
118. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property as follows:
- (a) Full and free right must be provided to Strathfield Council employees or its authorised contractors to:
 - (i) Enter upon the land and remove any waste products using any vehicle or equipment as necessary;
 - (b) The owner of the lot burdened shall be solely responsible for the cost of maintaining in good and sufficient repair at all times the internal roads or access ways used by Strathfield Council for the purpose of exercising its rights as set out in clause (a) above.

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.

Integrated Development

NSW Office of Water

119. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
120. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
121. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
 - (a) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
 - (b) any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - (c) where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
122. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
123. Documentation (referred to as a 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process must be provided. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

124. The following shall be included in the initial report:
- i. measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
 - ii. a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
 - iii. details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
 - iv. a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [Note that groundwater level measurements should be undertaken on a continuous basis using automatic loggers in monitoring bores.
125. 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 the initial report.
126. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
127. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
128. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability determined by slug-testing, pump-testing or other means).
129. A copy of a valid consent for the development shall be provided in the initial report.

130. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
131. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

132. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
133. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
134. Measurement and monitoring arrangements to the satisfaction of the approval body are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
135. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
136. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
137. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
138. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the approval body under appropriate safety procedures.

Following excavation

139. Following cessation of the dewatering operations, the applicant shall submit the completion report which shall include:
- (a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
 - (b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - (c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
140. The completion report is to be assessed by the approval body prior to any certifying agency's approval for occupation or use of the completed construction.

LIST OF ATTACHMENTS

1. Architectural plans

**** End of SIHAP Report No. 2 **

TO: Strathfield Independent Hearing and Assessment Panel – 6 April 2017
REPORT: SIHAP – Report No. 3
SUBJECT: 387 Liverpool Road, Strathfield - Lot A DP 321566
DA NO: 2016/123

SUMMARY

Proposal: Infill affordable rental housing
Assessment officer: LP
Date of lodgement: 22 July 2016
Notification period: 2 August 2016 to 17 August 2016
Submissions received: (12) including one (1) petition containing (57) signatures
Applicant: Dora Christodoulides
Owner: Mrs D. Christodoulides
Estimated cost of works: \$5,684,645
Zoning: R3 Medium Density Residential - SLEP 2012
Heritage: n/a
Flood affected: No
Is a Clause 4.6 variation proposed? Yes - building height
Extent of the variation supported? 32% (3.1m)
Peer review of Clause 4.6 variation: A peer review of the Clause 4.6 variation has been undertaken and the assessment officer's recommendation is supported.

RECOMMENDATION

APPROVAL

REPORT

INTRODUCTION

Approval is sought for demolition of the existing site structures and construction of an "Infill Affordable Housing" development under the Affordable Rental Housing SEPP comprising a three (3) storey residential flat building containing (11) units comprising three (3) x 1 bedroom, seven (7) x 2 bedroom and one (1) x 3 bedroom units above one (1) level of basement car parking.

The application was lodged under the "Infill Affordable Housing" provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) with five (5) units or 44.13% (407.84m²) of the gross floor area proposed to be provided as affordable housing.

Whilst the development generally complies with the design requirements of the Affordable

Rental Housing SEPP, SEPP 65 and the Apartment Design Guide, the proposed development does not comply with the building height plane requirements of the Strathfield Local Environmental Plan 2012. A Clause 4.6 variation request to vary the maximum permitted height of 9.5m by 3.1m or 32% was submitted as part of the application and has been considered in this assessment.

The proposed height variation is considered to be acceptable as the additional building height is contained to a roof-top pergola and lift overrun structure that provides a suitable level of amenity in the form of a roof-top area communal open space area and will not result in any significant additional overshadowing or visual privacy impacts.

The application and plans were notified in accordance with Part L of the Strathfield Consolidated DCP 2005 from 2 August 2016 to 17 August 2016. Twelve (12) written submissions were received including one (1) petition containing a total of (57) signatures.

The concerns raised in these submissions relate to the nature of the development as affordable housing, community safety, loss of on-street parking, increased traffic, illegal dumping, disturbance of the peace, lack of open space, overshadowing, building height, impacts upon property value, on-street waste collection, the extent of notification, loss of ventilation and views, structural damage during construction works, increased traffic noise, over-development of the site and changes to zoning.

On balance, the development is considered to represent a good outcome for the site and is accordingly recommended for approval, subject to conditions.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the south-western corner of the intersection of High Street and Liverpool Road. The site is an irregular shaped allotment with a primary frontage of 18.65m to Liverpool Road, a 42.05m secondary frontage to High Street and a 4.13m spayed north-eastern corner to comprise a total site area of 842.9m². The site is currently occupied by a single storey face brick and tile roofed cottage, detached brick and fibro double garage and detached fibro shed.

A three (3) storey face brick residential flat building constructed in the early 1970's is located immediately south of the subject site (389-391 Liverpool Road). Vehicular access to 389-391 Liverpool Road is provided from High Street and runs the length of the subject site's western boundary. The two (2) allotments further to the west of the subject site currently contains single dwelling houses; however as a result of their R3 Medium Density zoning it is likely that these allotments will be developed for the purposes of a residential flat building similar to that proposed in the future. Development to the north and east of the subject site currently consists of a mixture of older single storey and contemporary two (2) storey dwelling houses.

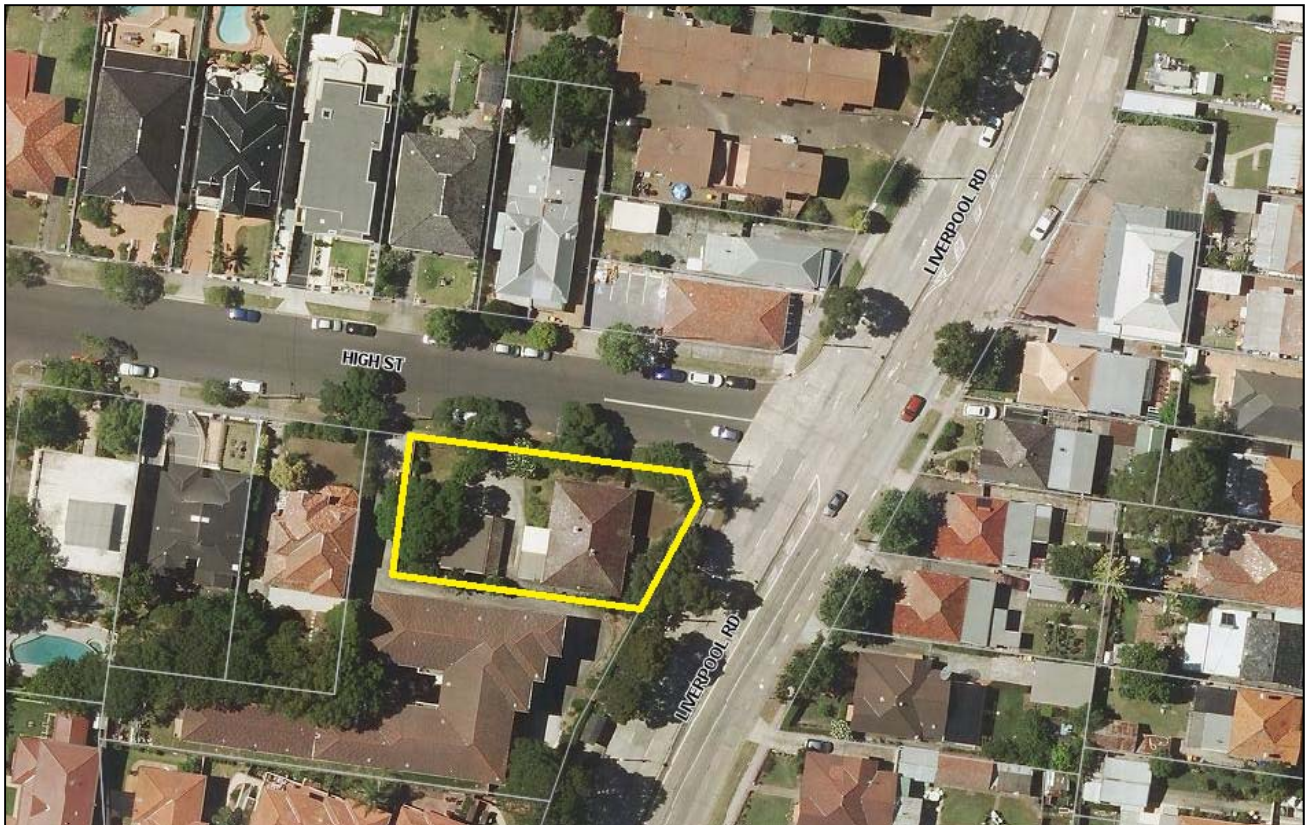


Figure 1: Aerial photograph of the subject site and surrounding development.



Figure 2: photograph of the existing dwelling at 387 Liverpool Road, Strathfield.

PROPOSAL

The application seeks Council approval for the demolition of existing structures and construction of an 'Infill Affordable Housing' development under the Affordable Rental Housing SEPP comprising a comprising a three (3) storey residential flat building containing (11) units comprising three (3) x 1 bedroom, seven (7) x 2 bedroom and one (1) x 3 bedroom units above one (1) level of basement parking.

A 3D photomontage of the proposal is provided below.



Figure 3: 3D Montage of the proposal extracted from the architectural plans.

BACKGROUND

15 November 2016

Application put to Council for determination. Council resolved as follows:

“That DA2016/123 for the demolition of existing site structures and construction of an “Infill Affordable Housing” development under the Affordable Rental Housing SEPP comprising a three (3) storey residential flat building containing (11) units comprising three (3) x 1 bedroom, seven (7) x 2 bedroom and one (1) x 3 bedroom units above one (1) level of basement parking at 387 Liverpool Road, Strathfield, be DEFERRED pending:

- 1. A road and traffic safety and pedestrian assessment report be completed;*
- 2. The question of whether kitchen and balconies are being over shadowed versus the Town Planners statement that it is only garages needs to be resolved;*
- 3. The height and set back of the buildings to be compliant.”*

21 February 2017

Addendum report put to Council for determination addressing the matters raised within previous resolution. Council resolved as follows:

“That DA2016/123 for the demolition of existing site structures and construction of an “Infill Affordable Housing” development under the Affordable Rental Housing SEPP comprising a three (3) storey residential flat building containing (11) units comprising three (3) x 1 bedroom, seven (7) x 2 bedroom and one (1) x 3 bedroom units above one (1) level of basement parking at 387 Liverpool Road, Strathfield be DEFERRED for investigation of alternate design solutions that addresses

overshadowing, set back, garbage disposal, amongst issues identified in the Council report.”

ASSESSMENT - Pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979

The application has been assessed pursuant to the heads of consideration contained within Section 79C of the Environmental Planning and Assessment Act and the relevant matters described in Sub-section (1)(a), (b), (c), (d) and (e) of Section 79C have been considered within this report. The relevant statutory considerations are as follows:

- SEPP 55 – Remediation of Land;
- SEPP (Building Sustainability Index: BASIX) 2004;
- SEPP (Infrastructure) 2007;
- SEPP Affordable Rental Housing 2009;
- SEPP 65 – Design Quality of Residential Flat Buildings;
 - Apartment Design Guide
- Strathfield Local Environmental Plan 2012; and
- Strathfield Consolidated Development Control Plan 2005:
 - Part C – Multiple-Unit Housing
 - Part H – Waste Management
 - Part L – Notification

(a) (i) Environmental Planning Instruments:

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. The site is not located in an area of investigation under Part K of the Strathfield Consolidated DCP 2005 (SCDCP 2005) which identifies past known landfill and potentially contaminated sites in the Strathfield local government area.

The application was accompanied by a Stage 1 Preliminary Site Investigation Report prepared by Aargus Pty Ltd. The report concludes that the site is considered to be suitable in its current state for the purposes of the proposed development.

BASIX

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

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

State Environmental Planning Policy (Infrastructure) 2009

Clause 101 of SEPP (Infrastructure) requires that development fronting a classified road where practical obtain vehicular access from a road other than the classified road and that consideration be given to the compatibility of the development with the classified road.

While the subject site fronts Liverpool Road (a classified road), the proposed development obtains vehicular access from High Street. Further, the proposed vehicular access point is suitably located away from the intersection of High Street and Liverpool Road as to ensure that the proposed development results in no significant impacts upon the safety, efficiency and ongoing operation of Liverpool Road.

In recognition of the subject site proximity to Liverpool Road the subject application was accompanied by an Acoustic Report prepared by Acoustic Lodgement outlining the proposed development as providing a suitable level of amenity to future residents subject to the implementation of certain noise attenuation measures. A condition of consent is recommended requiring the implementation of such measures throughout the construction process.

Affordable Rental Housing State Environmental Planning Policy (ARHSEPP)

The ARHSEPP was brought into force to increase the provision of affordable rental housing on the market. Increased density provisions were included to incentivise provision of this type of housing by the private sector. The SEPP also contains a number of development standards for the assessment of such applications. This policy prevails in the instance where there is an inconsistency with another Environmental Planning Instrument or Development Control Plan. Assessment of the application against the development standards are provided in the table below:

Clause	Development Control	Required	Proposal	Compliance
10	Permissibility	Permissible under SLEP 2012	Residential Buildings are permissible in the R3 Medium Density Residential zoning which applies to the site.	Yes.
	Location and access to facilities	Located within an accessible area means land that is within: 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the	The site is within 150m of a regularly serviced bus stop.	Yes.

		<u>Passenger Transport Act 1990</u> that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday		
13	Affordable housing	Minimum 20% (184.8m ²) of GFA must be affordable Permissible FSR under SLEP 2012 = 0.65:1 (547.88m ²) Max Permissible FSR = 1.13:1 (955.72m ²)	44.13% (407.84m ²) of GFA proposed as affordable Proposed FSR of 1.11:1 (924.18m ²)	Yes. Yes.
14 Note: Unable to refuse based on these provisions	Site area Landscaping Deep Soil Parking Dwelling size	Min 450m ² Min 30% (252.87m ²) Min 15% (101.15m ²) with minimum dimension of 3m Preferably to the rear of the site 1 bed – 0.5 spaces (1.5 spaces) 2 bed – 1 space (7 spaces) 3 bed + - 1.5 spaces (1.5 spaces) Total requirement = Ten (10) spaces Studio 35m ² 1 bed 50m ² 2 bed 70m ² 3 bed+ 90m ²	842.9m ² 35.3% (298.05m ²) 18.3% (154.24m ²) (14) spaces proposed Compliant minimum unit sizes as follow: 1 bed: 55.76m ² 2 bed: 76.65m ² 3 bed: 107.8m ²	Yes. Yes Yes Yes. Yes.
15	Design requirements	SEPP 65 compliant	Refer SEPP 65 assessment	Yes.
16	Character	Compatible with character of local area	The proposed three (3) storey residential flat building is considered to be in harmony with existing residential flat	Yes.

			developments within the streetscape and likely future development within the surrounding R3 Medium Density Residential zone. Further, the proposed development is considered to be suitably designed as to ensure that the proposal results in no significant physical impacts in the form of opportunities for overlooking, or overshadowing to surrounding sites.	
17	Affordable housing	Must be used as affordable housing for 10 years from the issue of OC Must be managed by a registered community housing provider 88E instrument	-	To be conditioned
18	Subdivision	May be subdivided with consent.	No subdivision proposed	Yes.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings (SEPP 65) aims to improve the design quality of residential flat development in 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.

Strathfield Council does not have a design review panel referred to under Clause 28 however an assessment of the design quality of the development against the design principles of the SEPP and the relevant design criteria of the Apartment Design Guide has been undertaken in the table below:

Principle	Objective	Proposed
Context and neighbourhood character	<i>Responding to context involves identifying the desirable elements of an area's existing or</i>	The proposed development represents a transition from original low density housing stock to medium density as a result of the gazettal of

Principle	Objective	Proposed
	<p><i>future character.</i></p> <p><i>Well-designed buildings respond to and enhance the qualities and 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>	<p>the SLEP 2012 and integrates well with the existing three (3) storey residential flat building to the south of the subject site (389-391 Liverpool Road).</p> <p>The proposed design responds to the desired future character of the locality as envisaged by the SLEP 2012 by providing a high quality residential flat building that incorporates a suitable mix of apartments to accommodate a variety of family types.</p> <p>The proposed design is consistent with the built form of existing and likely future medium density residential developments within the locality.</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 design, while seeking a 3.1m or 32% departure from the permitted 9.5m building height, achieves an appropriate bulk and scale that is responsive to the desired future character of the area.</p> <p>The development has been designed having regard to building orientation, separation, privacy and the provision and arrangement of communal open space to ensure apartments receive a high level of residential amenity.</p> <p>The built form defines the public and private domain and provides a pedestrian scale to the development through the incorporation of direct street access to the ground floor units.</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</i></p>	<p>The proposal achieves a high level of residential amenity to units through logical unit layouts and adequate access to natural light and ventilation. Further, the Acoustic Report accompanying the application will ensure that a suitable construction methodology will be employed to minimise the acoustic impact of the adjoining roadway upon future residents of the site.</p>

Principle	Objective	Proposed
	<i>proposed infrastructure, public transport, access to jobs, community facilities and the environment.</i>	
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 costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</i></p>	<p>The application is supported with a BASIX Certificate consistent with the amended plans.</p> <p>The proposed development incorporates appropriate passive thermal design features including the use of rational unit layouts to ensure that the majority of units achieve adequate access to natural light and cross ventilation, and the use masonry and metal cladding to provide thermal mass. Overall the proposed development is considered to incorporate appropriate passive thermal design measures to provide a high level of amenity to future residents, while reducing their ongoing operational costs.</p>
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</i></p>	<p>The proposed is accompanied by a detailed landscape design which incorporates a number of raised planter boxes and opportunities for deep soil plantings. The landscape design will enhance the overall appearance of the development and usability of common areas.</p> <p>Deep soil planting opportunities are maximised along the eastern and southern boundary of the site where large trees have been proposed to replace existing canopy cover which will be lost by the proposed tree removal required to accommodate for the proposal.</p> <p>Deep planters are proposed within the rear setback and roof top communal open space to enable small trees to be provided to shade to the common areas.</p>

Principle	Objective	Proposed
	<i>and provides for practical establishment and long term management.</i>	
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 groups and degrees of mobility.</i></p>	<p>The proposal achieves a high level of residential amenity through the provision of ground level and rooftop areas of communal open space, compliant minimum unit size requirements and compliance with the minimum solar access (81%) and cross ventilation (72%) requirements.</p>
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>	<p>The proposal has been designed to minimise opportunities for concealment whilst clearly defining the private and public domain.</p> <p>All secure access points are clearly defined, particularly the main entrance on High Street which is clearly identifiable through scale and material finishes.</p>
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>The proposal provides the following housing mix:</p> <p>(3) x 1 bedroom; (7) x 2 bedroom; and (1) x 3 bedroom units.</p> <p>The proposed housing mix is considered acceptable and provides for a variety of housing types.</p> <p>The ground level and secondary roof</p>

Principle	Objective	Proposed
	<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>	top areas of communal open space provide different areas of communal open space defined through landscaping treatments that allow flexibility in the use of the communal areas.
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>	<p>The proposal achieves a strong built form that suitably addresses both street frontages and incorporates a palette material finishes that are sympathetic to existing development within the streetscape.</p> <p>Further, the building composition is balanced through vertical material treatment.</p>

Apartment Design Guide

Design Criteria	Required	Proposed	Compliance
2E - Building Depth	12m – 18m	The width of the building varies at different points however generally doesn't exceed 14.6m	Yes.
3B – Orientation	Responsive to streetscape and site	The proposed development is responsive to the topography of the site providing a stepped structure to minimise the need for cut and fill. Further, the proposed development appropriately addresses both of the site's street frontages and integrates well with both the existing and desired future streetscape as envisaged	Yes.

Design Criteria	Required	Proposed	Compliance
	<p>Designed to optimise solar access and minimise overlooking</p> <p>4 hours solar access retained to neighbouring buildings or does not further reduce solar access by more than 20%</p>	<p>throughout Strathfield Local Environmental Plan 2012.</p> <p>The proposal is designed to optimise solar access and provides 82% (9 units) of units receiving more than 2 hours of solar access during mid-winter.</p> <p>The proposal results in a degree of unavoidable overshadowing to the existing residential flat building to the south (389-391 Liverpool Road).</p>	<p>Yes.</p> <p>No, however acceptable on merit. Refer to discussion.</p>
3C – Public Domain Interface	<p>Direct street entry to ground floor apartments.</p> <p>Balconies/windows orientated to overlook the public domain</p> <p>Front fence design is permeable Opportunities for concealment minimised</p> <p>Services concealed Access ramps minimised</p>	<p>Direct street access is provided for ground level units to provide a pedestrian scale.</p> <p>Balconies overlook both High Street and Liverpool Road.</p> <p>Masonry and infill panel fencing is permeable and reduces opportunities for concealment.</p> <p>At grade access is provided from High Street to remove the need for access ramps. All services are suitably integrated within the built form.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
3D – Communal Open Space	<p>Min. 25% (210.73m²) Min 2h to 50% communal</p>	<p>31% (263.67m²) of the site is proposed</p>	<p>Yes.</p>

Design Criteria	Required	Proposed	Compliance
	open space at mid-winter Consolidated area Min dimension of 3m Equitable access	as communal open space. 80% (211m ²) of communal open space receives solar access at mid-winter.	
3E – Deep Soil Zones	Min. 7% (59.1m ²) Site area = 650m ² – 1,500m ² 3m min. dimension	14.7% (123.56m ²) of the site proposed as deep soil landscaping. Minimum width of 3m.	Yes.
3F – Visual Privacy	<u>Up to 4 storeys:</u> <ul style="list-style-type: none"> • 6m between habitable rooms/balconies • 3m between habitable and non-habitable rooms Offset windows Vertical fins or privacy screens between balconies	<u>Up to 4 Storeys:</u> North: 3m East: 3m South: 4.5m West: Nil at ground (non-habitable), 3m at levels 1 and 2	No, however the proposed separation distances are acceptable on merit. Refer to discussion.
3G – Pedestrian Access and Entries	Entry addresses public domain Clearly identifiable Steps and ramps integrated into building design	The entry addresses the public domain and defines public and private spaces through the built form. The pedestrian entry from High Street is clearly identifiable by the change in scale. Steps and ramps are integrated into the building.	Yes.
3H – Vehicle Access	Integrated into façade Visual impact minimised Entry behind the building line or from secondary frontage Clear sight lines	The vehicle ramp is to secondary street frontage (High Street) and is integrated into the façade. Clear sightlines are provided within the basement with the design following a logical double-sided aisle format.	Yes.

Design Criteria	Required	Proposed	Compliance
	Garbage collection screened Pedestrian and vehicle access separated	On-street garbage collection is proposed.	Refer to discussion.
3J – Bicycle and Car Parking	Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.	Secure undercover bicycle parking is provided within the basement.	Yes.
4A – Solar and Daylight Access	Min. 70% (8 units) receive 2 hours solar access Max. 15% units have no solar access Light wells, skylights and highlight windows are only to be a secondary source where sunlight is limited Design incorporates shading and glare control	82% (9 units) of units obtain more than 2 hours solar access and all units receive some solar access.	Yes.
4B – Natural Ventilation	Min. 60% (7 units) are cross ventilated Cross-over/Cross-through Max 18m depth Light wells are not the primary source of ventilation for habitable rooms Single aspect units have limited depth to maximise ventilation	82% (9 units) of units are cross ventilated.	Yes.
4C – Ceiling Heights	Habitable: 2.7m Non-habitable: 2.4m 2 storey apartments: 2.7m main living area, 2.4m mezzanine Mixed Use: 3.3m ground floor	Minimum 2.7m ceiling height.	Yes.
4D – Apartment Size and Layout	Studio: 35m ² 1 bed: 50m ² 2 bed: 70m ² 3 bed: 90m ² Additional bathrooms +5m ² Each habitable room must have a window > 10% floor area of the room. Habitable room depths =max 2.5 x ceiling height <u>Or</u> if open plan layout =max 8m from a window Master bed: min 10m ² Other bedroom: min 9m ²	The proposal provides for compliant unit sizes as follows: 1 bed: 55.76m ² 2 bed: 76.65m ² 3 bed: 107.8m ² All kitchens are within 8m from a door or window.	Yes.

Design Criteria	Required	Proposed	Compliance
	Living room min. width: Studio and 1 bed: 3.6m 2 and 3 bed: 4m Crossover/through: min 4m		
4E – Private Open Space and Balconies	Studio: 4m ² 1 bed: 8m ² , min depth 2m 2 bed: 10m ² , min depth 2m 3 bed: 12m ² , min depth 2.4m	The minimum areas of private open space are as follows: 1 bedroom: minimum depth of 2m and minimum area of 10.9m ² 2 bedroom: minimum depth of 2m and minimum area of 10m ² . 3 bedroom: minimum depth of 3m and minimum area of 31.7m ² .	Yes.
4F – Common Circulation and Spaces	Max 8 apartments off a single core > 10 storeys: max 40 units/lift	Max four (4) units off a single core.	Yes.
4G – Storage	Studio: 4m ³ 1 bed: 6m ³ 2 bed: 8m ³ 3 bed: 10m ³ At least 50% within the basement	The proposal provides a mixture of storage within both the unit itself and within the basement. A condition of consent is recommended to provide the required volume of storage for each unit within the basement.	Yes.
4H – Acoustic Privacy	Orientate building away from noise sources Party walls limited or insulated, like rooms together Noise sources (e.g. garage doors, driveways) located at least 3m from bedrooms.	The building has been designed to predominantly locate like rooms together and separate more noise sensitive rooms such as bedrooms. The application was accompanied by an acoustic report that identifies area of potential conflict and recommends the	Yes.

Design Criteria	Required	Proposed	Compliance
		provision of suitable acoustic treatment. Compliance with the findings of this report is recommended as a condition of consent.	
4J – Noise and Pollution	Site building to maximise noise insulation Noise attenuation utilised where necessary	In recognition of the subject site's proximity to Liverpool Road an acoustic report accompanied the subject application. This report recommends certain noise attenuation measures to provide a suitable level of amenity to future residents. The implementation of these measures is recommended to be included as a condition of consent.	Yes.
4K – Apartment Mix	Variety of apartment types Appropriate apartment mix Different apartments distributed throughout the building	The proposal provides for an acceptable mix of units. The following unit mix is proposed: 1 bed: 3 units 2 bed: 7 units 3 bed: 1 units	Yes.
4L – Ground Floor Apartments	Direct street access SOHO units should have higher ceilings for easy conversion Casual surveillance whilst providing privacy.	Direct street access is provided to all ground floor units.	Yes.
4M – Facades	Composition of building elements Defined base, middle and top Building services integrated into the façade	The proposal has a defined top, middle and base that is generally expressed through horizontal breaks and material treatments.	Yes.
4N – Roof Design	Roof design integrated into the building Incorporates sustainability features May include common open space	The proposal incorporates a flat roof design that integrates with the overall design of the building and is	Yes.

Design Criteria	Required	Proposed	Compliance
		considered consistent with existing contemporary development within the immediate streetscape.	
4O – Landscape Design	Responsive to streetscape Viable and sustainable	<p>The proposal was accompanied by a detailed landscape design which incorporates a number of raised planter boxes and opportunities for deep soil plantings. The landscape design will enhance the overall appearance of the development and usability of common areas.</p> <p>Deep soil planting opportunities are maximised along the eastern and southern boundaries of the site where large trees have been proposed to replace existing canopy cover which will be lost by the proposed tree removal required to accommodate the proposal.</p> <p>Deep planters are proposed upon the roof top area of communal open space to enable small trees to be provided.</p>	Yes.
4P – Planting on Structures	Appropriate soil profiles and structural design Irrigation and drainage systems	A landscape plan that detailed soil profiles and structural design details accompanied the proposal.	Yes

Design Criteria	Required	Proposed	Compliance
4Q – Universal Design	Variety of adaptable apartments	22% (2 units) of units proposed as adaptable.	Yes.
4U – Energy Efficiency	Adequate natural light to habitable areas Adequate natural ventilation Screened areas for clothes drying Shading on northern and western elevations	Compliant with BASIX Certificate requirements	Yes.
4V – Water Management and Conservation	Efficient fixtures/fittings WSUD integrated Rainwater storage and reuse	Compliant with BASIX Certificate requirements	Yes.
4W – Waste Management	Minimise impact on streetscape, building entry and amenity	On-street waste collection proposed.	Refer to Part H discussion.
4X – Building Maintenance	Material selection reduces ongoing maintenance costs	While the initial proposal incorporated significant spans of metal cladding, the proposal was subsequently modified to introduce face brick elements. The proposed material selection as amended is considered appropriate and to integrate the development with existing development within the streetscape.	Yes.

Strathfield Local Environmental Plan 2012

The site is zoned R3 Medium Density Residential under the Strathfield Local Environmental Plan (SLEP), 2012 wherein development for the purposes of a residential flat building is permissible with Council consent. The proposal is generally consistent with the objectives of the R3 Medium Density Residential zone which seek to provide for a range of housing types to accommodate for the housing needs of the community within a medium density residential environment.

The following table provides an assessment of the proposal against the relevant numeric controls of the SLEP 2012:

Clause	Required	Proposed	Compliance
4.1A	1,000m ²	842.9m ²	No, however

Minimum Site Area: Residential Building	Flat		ARHSEPP minimum allotment size prevails.
4.3 Building Heights	9.5m	12.6m - variation of 3.1m or 32%.	No.
4.4 Floor Space Area	0.65:1 (542.88m ²)	1.11:1 (924.18m ²)	No, however complies with bonus FSR of the ARHSEPP.

The proposed development fails to comply with the maximum building height permitted under Clause 4.3 of the SLEP 2012. The areas of non-compliance relate to the roof parapet, lift overrun and roof top pergola structure (refer Figure 4) that extends a maximum of 3.1m above the maximum permissible building height of 9.5m resulting in a departure of 32%. The proposed rooftop lift access, fire stairs and pergola structure attributing to the non-compliance departures provide improved residential amenity to the development and provide additional articulation to the structure.

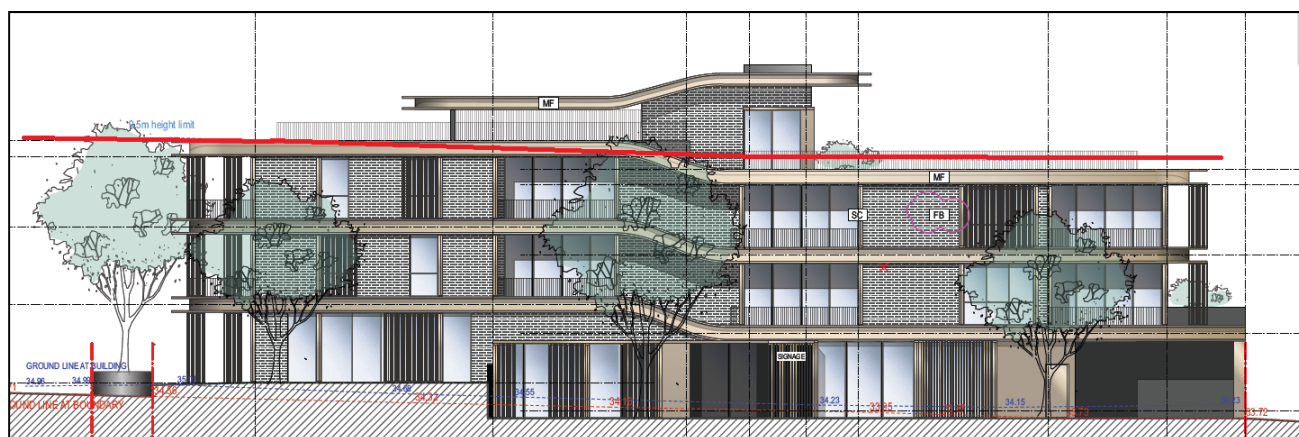


Figure 4: View of the northern elevation noting the extent of the proposed building height variation.

Clause 4.6 of the SLEP 2012 enables Council to grant consent to a proposed development that contravenes the development standards for building height in the following terms.

Clause 4.6(3) - Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and**
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard."**

The applicant has provided a written request that seeks to justify the proposed contravention of the building height development standards shown in the above table on the following grounds:

- The proposed additional height being located centrally and away from perimeters and boundaries will not be visually apparent or exacerbate perceived height or scale;
- Strict compliance with the control would result in a poor level of accessibility and amenity to roof top area of communal open space;
- Additional building height results in no additional overshadowing of habitable areas of existing structures upon adjoining allotments; and
- The increased height will not result in the development encroaching above the established skyline, nor will it impact on public view lines.

Clause 4.6(4) - Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)

The applicant's written request to justify the contravention of the building height standard has adequately addressed the matters required to be demonstrated in subclause 4.6(3), specifically, that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The written request is considered to provide sufficient substantive information on the environmental planning grounds relating to bulk, scale, form and amenity.

It is considered that the height non-compliance is acceptable given that the height non-compliance relates specifically to the encroachment of the lift access and pergola structure with the remainder of the building positioned below the maximum building height limit. The structures that exceed the maximum permitted building height will not contribute towards the scale and bulk of the development and would achieve the objectives of the height control without adversely impacting upon the amenity of surrounding residences.

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

Objectives of the Building Height Standard

The objectives of the building height standard in clause 4.3 of the SLEP 2012 are:

4.3 Height of buildings

(1) The objectives of this clause are as follows:

- (a) to ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area,*
- (b) to encourage a consolidation pattern that leads to the optimum sustainability capacity height for the area,*
- (c) to achieve a diversity of small and large development options.*

The proposed development is considered to be consistent with the objectives of the building height standard having regard to the streetscape, building bulk, scale and

form and pattern of development.

Objectives for Development within the Zone

The site is zoned R3 Medium Density Residential under the Strathfield Local Environmental Plan (SLEP), 2012. The proposal providing for a medium density residential development is generally consistent with the objectives of the R3 Medium Density Residential zone which seek to provide for the housing needs of the community within a medium density residential environment.

(b) the concurrence of the Director-General has been obtained.

Under Planning Circular PS 08-003 issued in May 2008 Council may assume the concurrence of the Director-General.

Conclusion on exception to height of building development standard

The applicant's written request to justify the contravention of the building height standard contained within Clause 4.3 of the SLEP 2012 is considered to be adequate in that it has successfully demonstrated that compliance with the standard is unnecessary or unreasonable in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. Further, the variation is considered to be in the public interest given that the height noncompliance is a result of the provision of a suitable level of amenity to the roof top community open space area for the enjoyment of future residents of the site. The subject site is identified as having Class 5 soils and is not located within 500m of Class 1, 2, 3 or 4 soils. Therefore, the proposed development 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.

Overall, the proposed development has been considered with respect to the relevant Clauses of the SLEP, 2012 and is satisfactory.

Section 94 Contributions

Section 94 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

Provision of Community Facilities	\$18,976.58
Provision of Major Open Space	\$86,337.75
Provision of Local Open Space	\$18,999.30
Provision Roads and traffic Management	\$2,946.36
Administration	\$1,636.20
TOTAL	\$128,869.29

(ii) Draft Environmental Planning Instruments:

There are no Draft Environmental Planning Instruments applicable to the subject site.

(iii) Development Control Plans:

Part C – 'Multiple-Unit Housing' of the Strathfield Consolidated Development Control Plan (DCP) 2005

Section	Development Standard	Required	Proposal	Compliance
2.2	Building Street Setback	Sum of the setback to street frontage = 12m with a minimum of 3m.	3m to both Liverpool Road and High Street.	No, refer to discussion.
	Building Envelope	3.5m vertically at boundary & project inwards at 45°.	ADG prevails	NA
	Rear Setback	Determined by the building envelope, exceptions are for sites which adjoin open space.	ADG prevails	NA
	Side setback	4m.	ADG prevails	NA
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.	22% (2 units) of units proposed as adaptable housing	Yes.
	Dwelling Unit and Building Design for townhouses	6m building separation.	ADG prevails	NA
	Dwelling Unit and Building Design for residential flat buildings	At least one main convenient entry is to have barrier free access to ground floor units (for people with disabilities)	Barrier free access is provided to all ground floor units from High Street.	Yes.
	Dwelling Unit and Building Design	No single building should have a continuous wall length of more than 30m without separation.	All walls are well articulated by the provision of vertical fins provided throughout the external façade.	Yes.
	Dwelling Unit and Building Design	Walls greater than 10m in length to be broken down or staggered.	All walls feature vertical breaks at regular intervals.	Yes.
	Dwelling Unit and Building Design	Access to common areas without unnecessary barriers.	Both ground level and rooftop areas of communal open space feature barrier free access.	Yes.
	Dwelling Unit	Parking for people with	Two (2) accessible	Yes.

Section	Development Standard	Required	Proposal	Compliance
	and Building Design	disabilities.	spaces provided.	
	Dwelling Unit and Building Design	Building materials and finishes are to be sympathetic to with the adjoining buildings and the streetscape.	The proposed metal cladding and face brick finishes suitably integrate with existing development within the streetscape.	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	ARHSEPP prevails.	NA
2.4	Energy Efficiency	Application is required to provide a NatHERS certificate. Each dwelling must achieve 3.5 star NatHERS rating.	Compliant with BASIX Certificate requirements	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.	ADG prevails.	Yes.
	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.	ADG prevails	Yes.
2.4.3	Natural Space Heating and Cooling	Reduce the need to artificially heat and cool dwellings.	Compliant with BASIX Certificate requirements	Yes.
2.4.4	Natural Lighting	Reduce reliance on artificial lighting	82% (9 units) of units receive more than 2 hours of solar access during mid-winter.	Yes.
2.4.6	Water Management	Mandatory water storage 10 dwell= 500lt / dwell each dwell thereafter =	Compliant with BASIX Certificate requirements	Yes.

Section	Development Standard	Required	Proposal	Compliance
		250 lt/ dwell		
	Water Management	Tanks to be located underground or at least behind the front building line. Located 900mm from front boundary	Compliant with BASIX Certificate requirements	Yes.
2.5	Streetscape orientation	Compatible with the existing character and address the street frontage.	The proposed development is of a scale and character that integrates with existing and likely future development within the streetscape.	Yes.
	Streetscape orientation	Dwellings facing the street will have frontage and apparent access.	All ground floor units feature direct street access.	Yes.
2.5	Front Fences	Sympathetic to street.	The proposed masonry and infill panel fence with a maximum height of 1.5m is consistent with existing development within the streetscape.	Yes.
		Height of fence is to be less than 900mm of solid material.	Maximum 400mm solid masonry base.	Yes.
	Side and rear fences	1.8m maximum height.	Not shown.	To be conditioned.
2.7		35% of the landscaped area is to be provide as deep soil landscaping this excludes basement underneath areas.	ADG prevails	NA
		10% of the site area is to be provided as communal open space, with a minimum dimension of 7m.	31% (263.67m ²) of the site is proposed as communal open space.	Yes.
		RFBs – where dwellings do not have access to ground level open space at least one main balcony is to have a size of 12 ² (up to 2 bed) and 15m ² (3 or more	ADG prevails	NA

Section	Development Standard	Required	Proposal	Compliance
		bed). Balconies must have a depth of 2m.		
2.8	Privacy and Security	Windows are not to be located less than 9m apart from other dwellings or be offset by 0.5m, have a sill height of 1.7m above the floor or have fixed obscure glazing.	Windows are either separated by more than 9m or provided as highlight windows with a sill height of more than 1.7m from the finished floor level.	Yes.
		Bedrooms not to adjoin living rooms/ garages of adjoining dwellings.	The building has been designed to predominantly locate like rooms together and separate more noise sensitive rooms such as bedrooms. The application was accompanied by an acoustic report that identifies area of potential conflict and recommends the provision of suitable acoustic treatments. Compliance with the findings of this report is recommended as a condition of consent.	Acceptable on merit.
		Locked Shared pedestrian entries.	Secured pedestrian access provided from High Street.	Yes.
		Casual surveillance of street and public areas.	Proposed balconies to Liverpool Road and High Street provide opportunities for passive surveillance.	Yes.
2.9	Car Parking	Car parking is required to be provided: 1 bed = 1 space 2 bed = 1.5 spaces 3 + bed = 2 spaces	ARHSEPP prevails	Yes.
		Dimensions of garage car spaces	Compliance with AS2890 to be conditioned.	Yes, subject to condition.

Section	Development Standard	Required	Proposal	Compliance
		1 visitor space is to be provided per 5 units.	ARHSEPP prevails.	Yes.
		Developments with greater than 10 units must provide one designated car washing bay.	To be conditioned.	Yes.
	Ramp Driveway Gradient/ design		A Traffic Impact Statement confirming the compliance with AS2890 accompanied subject application.	Yes.

Part H – ‘Waste Management’ of the Strathfield Consolidated Development Control Plan (DCP) 2005

Section 3.3 of Part H of the Strathfield Development Control Plan 2005 requires development for the purposes of residential flat buildings provide for onsite, underground waste collection. The proposed development, providing for on-street waste collection, fails to comply with this requirement. In recognition of the small scale of development and the length of site's High Street frontage available to present bins for on-street for collection, the proposed departure is considered to be acceptable. Further this matter was referred to Council's Acting Waste Management Supervisor for comment who no objection was raised to the proposed departure subject to a condition requiring that at no time are bins to be collected from Liverpool Road.

In accordance with Part H of the SCDCP 2005, waste storage is to be provided at the following rates:

General Waste: 120L/unit/week
Recycling: 120L/unit/fortnight

Having regard to the above rates, a minimum of (6) x 240L bins are to be provided for general waste and (6) x 240L bins are to be provided for recycling waste.

The waste storage room provides sufficient space for (6) recycling bins and (6) waste bins.

The subject application was accompanied by a Waste Management Plan outlining the proposed measures of minimising waste generation throughout the demolition and construction works and for the ongoing use of the building. A condition of consent is recommended requiring compliance with this document.

(iiiia) Planning Agreements (or draft agreements):

The proposed development is not subject to a planning agreement pursuant to Section 93F of the Environmental Planning and Assessment Act 1979.

(iv) Matters Prescribed by the Regulations

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

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

(v) Any Coastal Zone Management Plan:

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

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

The proposed development is located on a site that is not subject to flooding attributed to either Powell's Creek or Cook's River and is therefore not required to be considered under the provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

(b) Likely Impacts:

Overshadowing

Section 3B of the Apartment Design Guide (ADG) requires a minimum 2 hours solar access to be retained to neighbouring buildings or not further reduce solar access by more than 20%.

As a result of the east-west orientation of the subject site and scale of the proposed development, the proposal results in a degree of unavoidable overshadowing to the existing residential flat building to the south (389-391 Liverpool Road).

At 9am, the proposal casts a shadow to the south-west, overshadowing the majority of the northern elevation of the RFB at 389-391 Liverpool Road (refer Figure 1).

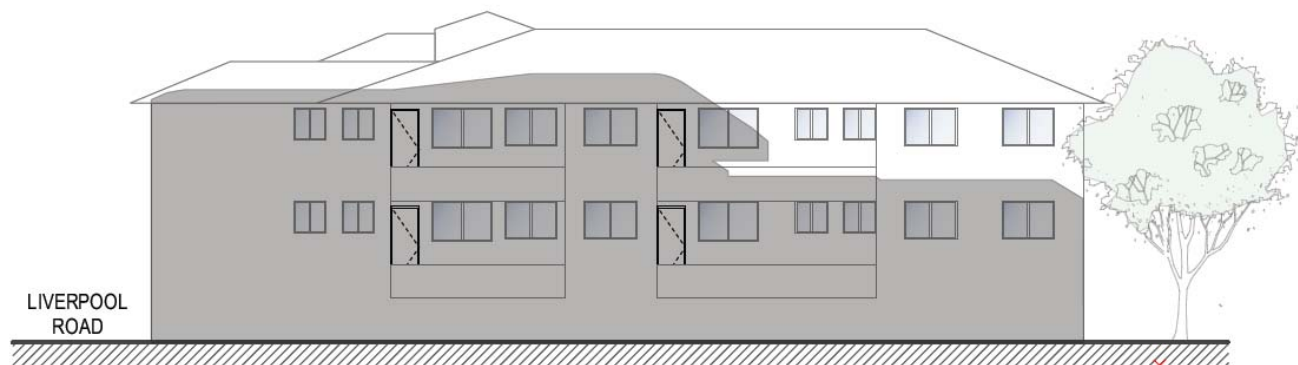


Figure 1 – Elevational Shadow Diagram of 389-391 Liverpool Road at 9:00am 21 June (Winter Solstice).

By 12 noon, the shadow has moved further east and affects the ground floor which contains non-habitable rooms including garages and laundry facilities and the eastern portion of levels 1 and 2 containing the toilets and master bedrooms of two (2) units (refer Figure 2). It should be noted that the master bedrooms of both units will retain solar access from windows on secondary elevations.

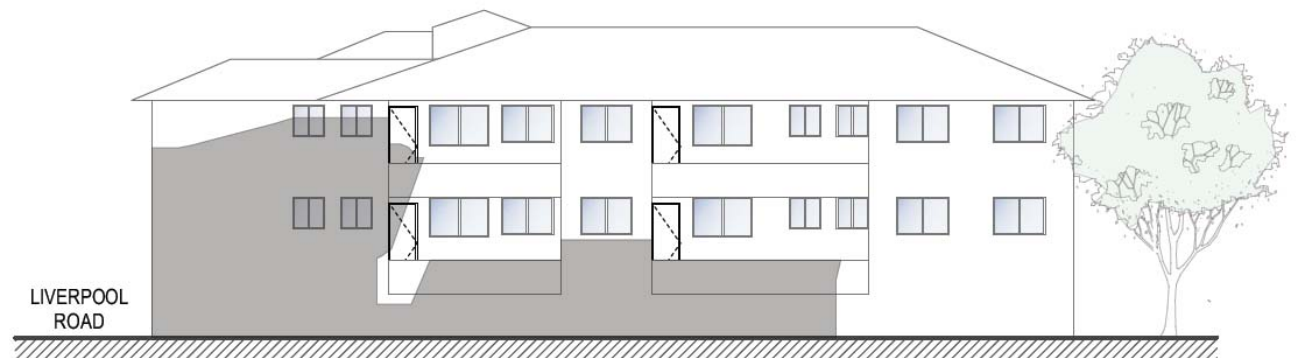


Figure 2 – Elevational Shadow Diagram of 389-391 Liverpool Road at 12:00pm 21 June (Winter Solstice).

By 3pm, the shadow has moved further to the east and overshadows the ground floor non-habitable rooms and part of the master bedroom and toilet of one (1) unit with the master bedroom retaining solar access from windows on a secondary elevation (refer Figure 3).



Figure 3 – Elevational Shadow Diagram of 389-391 Liverpool Road at 3:00pm 21 June (Winter Solstice).

It is also noted that the applicant has provided additional shadow diagrams demonstrating that the proposed development will retain solar access to all surrounding development throughout the entirety of the day from 22 September to 22 March 2016.

Having consideration for the above, given that the affected rooms are not considered high use areas and that the overshadowing diagram is a reflection of the worst case scenario, being the winter solstice (21 June), the solar access provided as a result of the proposed development is considered to be acceptable.

Setbacks

Section 2.2 of Part C 'Multiple-Unit Housing' of the Strathfield Consolidated Development Control Plan requires for sites with a frontage to two (2) or more streets that the total sum of the setbacks must be equal to or greater than 12m each with a minimum setback of 3m. The proposed development provides a combined setback of 6m with a minimum 3m setback to both of the site's street frontages. As such, the proposed development complies with the minimum 3m setback to each boundary, yet results in a departure of 6m from the required 12m combined setback. Despite this noncompliance, the proposed development suitably addresses the corner nature of the site and does not result in an overbearing or bulky structure, providing for the affordable housing component of the development without significantly increasing the building height. As such, the proposed departure is considered to be acceptable.

Separation

In accordance with Section 3F of the Apartment Design Guide (ADG), buildings up to four (4) storeys in height are to provide 12m (6m to lot boundary) separation between habitable rooms or balconies and 3m (1.5m to lot boundary) between non-habitable rooms. No separation is required between blank walls. The proposed development provides a minimum 4.5m setback to the south and a blank wall with a nil setback to the west that increases to 3m at the second and third storey (i.e level 1 and 2). The western boundary of the subject site adjoins a 6m wide battle-axe handle containing the driveway to 389-391 Liverpool Road. As such, the proposed 3m western setback is considered unlikely to result in any opportunities for overlooking. In recognition of the 4.5m setback to the south, all windows above ground level are provided as highlight windows removing any potential visual privacy impacts. As such the proposed separation is considered to be acceptable.

Traffic and Pedestrian Safety

A Traffic Statement prepared by Ason Group accompanied the subject application. This statement provides an assessment of the traffic and transport implications of the development on the wider road and transport network.

This assessment was based upon Journey to Work data in accordance with the RTA Guide to Traffic Generating Developments and was based on the credits for the existing dwelling and the (11) units which are proposed. The assessment indicates that six (6) additional trips will be generated in the AM and PM peak hour periods as a result of the proposed development. These additional trips will be distributed throughout the AM and PM peak hour periods and will be able to be captured within the existing operation of the local roads. Therefore, the proposal will be unlikely to result in any material impact on the operation of the local area network.

In response to concerns raised over pedestrian safety, Ason Group provided a

written statement on behalf of the application giving consideration to the likely impacts of the development upon pedestrian safety based upon a survey of the pedestrian thoroughfares adjoining the site. This survey found that during peak periods (between 7:30am and 9:00am) a total of seven (7) pedestrians crossed the location of the proposed vehicular access point or one (1) pedestrian movement every 13 minutes. Based upon this data, the statement concludes that as a result of the relatively low observed pedestrian numbers, and adequate site lines provided by the proposed vehicular access point, the proposed development is considered unlikely to result in any significant pedestrian safety impacts.

(c) **Suitability of the Site:**

The subject site is relatively unconstrained and the proposed development appropriately responds to the corner nature of the site and proximity to surrounding development. As such, the subject site is considered to be suitable for the purposes of the proposed development.

(d) **Submissions:**

The application and plans were notified in accordance with Part L of the Strathfield Consolidated DCP 2005 from 2 August 2016 to 17 August 2016. (12) written submissions including one (1) petition containing (57) signatures were received.

The concerns raised in the submissions are outlined and discussed below.

16. Solar Access

Concern was raised over the loss of solar access as a result of the proposed development to the existing residential flat building to the south of the subject site (389-391 Liverpool Road).

This matter has been discussed in detail previously throughout this report with the proposed development considered to retain an acceptable level of solar access to the adjoining site.

17. Parking

Concern was raised over the additional demand for on-street parking generated as a result of the proposed development.

The proposed development providing (14) off-street parking spaces including two (2) visitor spaces exceeds the minimum ten (10) spaces required for the proposed development under Clause 14 of the ARHSEPP.

18. Traffic

Concern was raised over the additional traffic generated as a result of the proposed development and impacts upon the intersection of High Street and Liverpool Road.

The subject application was accompanied by a Traffic Impact Statement prepared by Ason Group. This statement identifies the proposed development as resulting in a maximum of six (6) vehicle movements per hour and identifies such an increase as

resulting in no material impact on the operation of the local road network.

19. Impacts on Property Value

Concern was raised over the potential changes to surrounding property values as a result of the proposed affordable housing development.

The impact of development upon surrounding property prices is a matter that is beyond the scope of Section 79C of the Environmental Planning and Assessment Act 1979.

20. Illegal Dumping

Concern was raised over potential for illegal dumping to occur as a result of the proposed development.

There are no reasonable grounds to establish that the proposed use of the site for residential purposes would result in additional illegal dumping within the locality.

21. Disturbance of peace

Concern was raised over the nature of the proposed development as affordable rental housing resulting increased crime rates and disturbance of the peace as a result of the proposed development.

The provision of affordable rental housing provides for affordable means of housing very low, low and moderate income households. Speculation as to the likely actions or backgrounds of future tenants is beyond the scope of Section 79C of the Environmental Planning and Assessment Act 1979.

22. Open Space

Concern was raised over a perceived lack of open space and potential to promote trespass upon adjoining properties.

As previously discussed, the proposed development provides 31% (263.67m²) of the site area as communal open space exceeding the requirements of Section 3D of the Apartment Design Guide. The matter of trespass upon adjoining properties is a civil matter that is beyond the scope of the subject application.

23. Pedestrian safety

Concern was raised over the potential impacts of the development upon pedestrian safety at the intersection of High Street and Liverpool Road.

The proposed development involves no changes to the existing pedestrian access arrangements at the intersection of High Street and Liverpool Road. Further, the proposed basement entry ramp is located upon the most westerly point of the site's High Street frontage and will provide appropriate lines of site as to maintain pedestrian safety.

24. Setbacks

Concern was raised over the adequacy of the proposed front setbacks.

As previously discussed, while the proposed development providing a 6m combined setback seeks a departure from the 12m combined front setback required under Section 2.2 of Part C 'Multiple-Unit Housing' of the Strathfield Consolidated Development Control Plan, the proposed development suitably addresses the corner nature of the site and does not result in an overbearing or bulky structure, while providing for the affordable housing component of the development without significantly increasing the building height.

25. Height

Concern was raised was raised over the proposed development's non-compliance with the maximum building height permitted under the Strathfield Local Environmental Plan 2012.

As previously discussed, the proposed development having a maximum height of 12.6m extends 3.1m above the maximum permissible building height of 9.5m established under Clause 4.3 of the SLEP 2012 resulting in a departure of 32%. Nonetheless, the subject application was accompanied by a suitably justified request to vary the development standard prepared in accordance with Clause 4.6 of the SLEP 2012.

26. Waste Collection

Concern was raised over the compatibility of proposed on-street waste collection with surrounding developments which also utilise on-street collection.

While the adjoining site to south (389-301 Liverpool Road) utilises High Street for off-street collection, it is noted that the subject site features a 42m frontage to High Street and only 8.4m of frontage is required to present the (12) x 240L bins required to service the proposed development.

27. Over Occupation

Concern was raised over the potential for the proposed development to be over occupied.

The rate of occupation of each unit is a matter beyond the scope of Section 79C of the Environmental Planning and Assessment Act 1979.

28. Extent of Notification

Concern was raised over the adequacy of the public notification of the subject application.

The subject application was notified in a 75m radius from the centre of the site in accordance with the requirements of Part L of the Strathfield Consolidated Development Control Plan 2005.

29. BCA Compliance

Concern was raised over the compliance of the proposed development with the requirements of the Building Code of Australia.

The subject application was referred to Council's Building Surveyor who reviewed the performance of the proposed development against the requirements of the BCA and raised no objection to the proposal.

30. Alternate Development Options

Concerns were raised that alternate development options had not been considered.

Council is required to consider the subject application as proposed being for the purposes of an Infill Affordable Housing Development.

31. Structural Impacts

Concerns were raised over potential structural disturbance of surrounding properties throughout the construction process.

A condition of consent is recommended that a dilapidation report and Construction Methodology Report outlining the proposed means of construction to mitigate potential impacts upon surrounding development be prepared for all surrounding properties at the cost of the developer prior to the issue of any Construction Certificate.

32. Over Development of the Site

Concern was raised that the proposed development represents an over development of the site.

The subject application while seeking a departure from the height controls of the SLEP is generally consistent with the desired character for the locality as envisaged though the controls of the SLEP 2012, while providing for the bonus FSR available to the development under the provisions of the ARHSEPP.

33. Noise Impacts

Concern was raised potential for the proposed development to result in the disturbance of the occupants of surrounding residences.

The subject application was accompanied by an Acoustic Assessment prepared by Acoustic Logic. This report was reviewed by Council's Health and Building Surveyor how raised no objection to the proposed development.

(e) Public Interest:

Approval of the proposal is not contrary to the public interest.

INTERNAL REFERRALS

The application was forwarded to Council's Drainage Engineer, Development Engineer, Health and Building Surveyor, Traffic Engineer and Tree Coordinator for comment. No objections were raised to the proposal subject to conditions of consent.

CONCLUSION

The proposed development is permissible in the R3 Medium Density Residential zone and is generally consistent with the relevant provisions and objectives contained within State Environmental Planning Policy (Affordable Rental Housing) 2009, State Environmental Planning Policy No. 65, the Apartment Design Guide and the Strathfield Local Environmental Plan, 2012. The subject application was accompanied by a Clause 4.6 objection seeking to vary the maximum building height of 9.5m established under Clause 4.3A of the SLEP 2012 by 3.1m or 32%. This objection was considered to be well founded and acceptable.

Notwithstanding a departure to the front setback controls, the proposal generally complies with the development controls contained within the Strathfield Consolidated DCP 2005 and is considered to provide a high level of amenity to future residents without significantly compromising the amenity of adjoining owners.

As such, the subject application is recommended for approval.

RECOMMENDATION

That DA2016/123 for the demolition of existing site structures and construction of an "Infill Affordable Housing" development under the Affordable Rental Housing SEPP comprising a three (3) storey residential flat building containing (11) units comprising three (3) x 1 bedroom, seven (7) x 2 bedroom and one (1) x 3 bedroom units above one (1) level of basement parking at 387 Liverpool Road, Strathfield, be **APPROVED** subject to the following conditions:

CONDITIONS OF CONSENT

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 subject to any amendments "in red" and any variation as required by conditions of this consent:

Roof and Site Plan, Dwg no. DA03, Issue D, prepared by Aleksander Design Group, received by Council 22 July 2016

Basement Plan, Dwg no. DA04, Issue D, prepared by Aleksander Design Group, received by Council 22 July 2016

Level 1 Plan, Dwg no. DA05, Issue F, prepared by Aleksander Design Group, received by Council 30 September 2016

Level 2 Plan, Dwg no. DA06, Issue F, prepared by Aleksander Design Group, received by Council 30 September 2016

Level 3 Plan, Dwg no. DA07, Issue D, prepared by Aleksander Design Group, received by Council 30 September 2016

Section A-A and B-B, Dwg no. DA08, Issue B, prepared by Aleksander Design Group, received by Council 22 July 2016

North and South Elevation, Dwg no. DA09, Issue D, prepared by Aleksander Design Group, received by Council 30 September 2016

East and West Elevation, Dwg no. DA10, Issue E, prepared by Aleksander Design Group, received by Council 30 September 2016

Arboricultural Implication Assessment and Tree Protection Specification, Issue B, prepared by Horticultural Resources Consulting Group, received by Council 22 July 2016

Tree Management Plan, Issue B, prepared by Horticultural Resources Consulting Group, received by Council 22 July 2016

Geotechnical Investigation Report, Report No.GS6528-1A, prepared by Agrus Pty Ltd, received by Council 22 July 2016

Acoustic Assessment, prepared by Acoustic Logic, received by Council 22 July 2016

BASIX Certificate Issue No.719771M, received by Council 22 July 2016

Waste Management Plan, prepared by Aleksander Design Group, received by Council 22 July 2016

Landscape Plan, Dwg no. DA-L101, Rev P1, prepared by Canvas Landscape Architects, received by Council 22 July 2016

Roof Drainage, Sediment & Erosion Control Plan, Dwg no. C01.001, Rev C, prepared by Engineering Studio Civil and Structural, received by Council 22 July 2016

Ground Stormwater Drainage Plan, Dwg no. C02.01, Rev C, prepared by Engineering Studio Civil and Structural, received by Council 22 July 2016

Basement Stormwater Drainage Plan, Dwg no. C03.01, Rev B, prepared by Engineering Studio Civil and Structural, received by Council 22 July 2016

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.

Special Conditions

5. Two (2) adaptable units are to be provided within the development. Detailed plans showing the internal layout of the two (2) units pre and post adaptation shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

6. Full compliance is to be given to the recommendations contained within the Acoustic Assessment, prepared by Acoustic Logic, received by Council 22 July 2016.
7. All side and rear boundary fencing is to have a maximum height of 1.8m as measured for the finished ground level.
8. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property stating that units 3, 4, 5, and 6 shall be managed by a Community Housing Provider and used for the purpose of affordable rental housing for a minimum period of ten (10) years from the date of issue of an Occupation Certificate.

The wording of the Instrument shall be submitted to, co-signed and approved by Council prior to lodgement at Land & Property Information NSW. Council must be a signatory to the instrument which cannot be extinguished without the prior consent of Council.

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**.

General

9. The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.
10. 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.
11. A Works Permit shall be obtained from Strathfield Council at least five (5) working days prior any work (including demolition, excavation and the erection of site fencing/hording). The approved Works Permit and any approved Construction

Traffic Management Plan must be complied with at all times until all demolition, building, engineering and construction work associated with the development has been completed. The permit must be retained on site at all times.

12. **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.
13. 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.

Financial Matters

14. 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:

Provision of Community Facilities	\$18,976.58
Provision of Major Open Space	\$86,337.75
Provision of Local Open Space	\$18,999.30
Provision Roads and traffic Management	\$2,946.36
Administration	\$1,636.20
TOTAL	\$128,869.29

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

The required contribution shall be paid **prior to the issue of a Construction Certificate**.

15. A security payment of \$8,254.00 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 tree protection bond	\$4,000.00
Refundable works bond	\$4,000.00
Non-refundable administration fee (\$127/bd)	\$254.00
TOTAL	\$8,254.00

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) installation and maintenance of sediment control measures for the duration of construction activities;

- c) tree final inspection to ensure that Council's street trees have been retained, protected or replanted in accordance with conditions of consent and/or Arborists' report for the post final inspection twelve (12) month period; 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.
16. 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.

Parking/Traffic Matters

17. A total of (14) off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents	10
Visitors	2
Disabled	2
TOTAL	14

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

Residential parking spaces shall be designated at a rate of at least one (1) space per 1 and 2 bedroom unit and two (2) spaces per 3 bedroom unit.

If it is proposed to strata subdivide the development in the future, parking designation shall be strictly in accordance with this condition.

18. **Prior to the issue of any Occupation Certificate**, fixed signage shall be placed within the basement car park of the building adjacent to the lift stating that Council will not issue residential parking permits for owners and residents of the subject site.
19. **Prior to the issue of any Occupation Certificate**, all off-street parking spaces shall be line marked in accordance with requirements of AS2890.1.
20. The two (2) visitor parking spaces upon Basement Plan, Dwg no. DA04, Issue D, prepared by Aleksander Design Group, received by Council 22 July 2016 are to be retained as visitor parking spaces and provided as a wash bay. Amended plans including such a wash bay are to be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

21. All vehicles associated with the approved use shall be parked within the parking spaces on the site and not on adjacent footpath, access driveways or landscaped areas.
22. A sign shall be erected in a suitable location on the site advising that parking is available for visitors.
23. 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.
24. All vehicles entering and leaving the site shall be driven in a forward direction only.
25. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.
26. All car washing, engine degreasing and steam cleaning shall be conducted in the wash bay which is drained in accordance with the requirements of Sydney Water.
27. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
28. Reconstruct the footpath, kerb and gutter to Council's specifications for the full frontage of the development site at the completion of all building works.
29. 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.**

30. 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
- (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.)

Drainage/Stormwater

31. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system via the OSD system to the existing junction pit located under the kerb and gutter in High Street as depicted on the concept plan prepared by Engineering Studio rev C dated 19.06.2016.
32. 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 and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
33. 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** 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.**
34. 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.**
35. 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.
36. 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.
37. 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.

38. The proposed basement pump out system storage capacity shall be capable of handling 4 hours 100yr ARI storm event and the catchment contributing to it shall be limited to the basement access ramp area and the subsoil drainage only.
39. The pipes beneath the basement shall not be PVC or HDPE.
40. The rising main shall be connected to the OSD. Final details of this system are to be submitted with the Construction Certificate application.
41. **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.

42. 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.

43. 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;

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.

44. 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.
45. The OSD basin must be graded to drain completely and gradients shall not be less than 1%. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

46. Discharge restriction from the OSD shall be by use of appropriately sized short length of reduced diameter pipe and weir. An Orifice plate shall not be used.
47. The outlet pipe connecting to Council's drainage pit in High Street shall be located a minimum of 3m clear of all street trees.

Public Authority Matters

48. **Prior to the issue of an Occupation Certificate** all existing overhead electricity and telecommunication cabling adjacent to the development site shall be consolidated into a single Aerial Bundle Cable (ABC) at the applicants' expense in accordance with the specifications of AusGrid and the telecommunications supplier.

Landscaping/Tree Matters

49. The trees listed below shall be retained at all times:

Tree	Height/Spread (m)	Location	Protection Zone (m)	Excavation Zone (m)
All trees noted for retention within the Arboricultural Implication Assessment and Tree Protection Specification, prepared by Horticultural Resources Consulting Group being as follows: 7, 8, 9 and 16.	As per Arboricultural Implication Assessment and Tree Protection Specification, Issue B, prepared by Horticultural Resources Consulting Group received by Council 22 July 2016			

and protected by the establishment of a **protection zone** before any site works begin (including any demolition/excavation). The protection zone shall be maintained for the duration of works and implemented as follows:

- A minimum 1.2m high barrier (made of hardwood/metal stakes with suitable hessian or canvas material) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). 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.
- No concrete slurry or wash, building materials, builders' rubble, excavation soil or similar shall be placed or stored within the tree protection zone.
- The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.
- The tree protection zone shall be regularly watered.
- Any major structural roots which are encountered shall be pruned by a qualified Arborist.
- No excavation or construction shall be carried out** within the stated Excavation Zone distances from the base of the trunk surface.
- 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.

50. A minimum 600mm deep root deflection barrier shall be provided on both sides of the proposed driveway crossing(s) and footpaths.
51. All noxious weeds on the site shall be removed and destroyed as per their classification under the Noxious Weeds Act.
52. The following listed trees are permitted to be removed to accommodate the proposed development:

<u>Tree</u>	<u>Height/ Spread (m)</u>	<u>Location</u>
All trees noted for removal within the Arboricultural Implication Assessment and Tree Protection Specification, prepared by Horticultural Resources Consulting Group being as follows: 1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, and 15	As per Arboricultural Implication Assessment and Tree Protection Specification, Issue B, prepared by Horticultural Resources Consulting Group received by Council 22 July 2016	

53. All trees permitted to be removed by this consent shall be replaced by species selected from Council's recommended planting list. Replacements shall be a minimum 50 litre container size and shall be maintained until maturity.
54. 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).
55. 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.

Construction Matters

56. **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.
57. The proposed development shall comply with the Building Code of Australia and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**.
58. 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).

59. 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.
60. 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.
61. If the existing ground levels are altered during construction, Council may require a survey plan of the finished ground levels to be prepared and submitted **prior to the issue of an Occupation Certificate** to determine if there have been changes to the pre-development levels and if there are any impacts on adjoining properties as a result.
62. 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.
63. 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.
64. 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.
65. 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 offsite 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.

66. The owner of the adjoining allotment 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.
67. 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.**

Building Matters

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

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.

69. **Prior to the issue of an Occupation Certificate**, the applicant shall submit evidence to the Principal Certifying Authority that a Master TV antenna has been installed on the roof of the building that services all apartments.

Sustainability

70. 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.

71. 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.**

Demolition

72. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
73. 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.**
74. 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.**
75. 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

76. 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.**
77. Each 12 months after the installation of essential fire or other safety measures, the owner of a building must submit an Annual Fire Safety Statement for the building to Council. In addition a copy of the statement must be given to the NSW Fire Commissioner and a copy displayed prominently in the building.

Hoardings

78. 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.
79. 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.
80. An overhead 'B' type hoarding shall be constructed where material is being hoisted over or across a public way.
81. 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.
82. 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.
83. 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.

Air Quality

84. As required by the Protection of the Environment Operations (Noise Control) Regulation 2008, air-conditioning units or heat pump water heaters shall not be audible in the habitable rooms of any other residential premises before 8am or after 10pm on any Saturday, Sunday or public holiday, or before 7am or after 10pm on any other day.
85. Prior to the issue of any Occupation Certificate the Principal Certifying Authority shall confirm that the development has been constructed in accordance with the recommended methodology within the endorsed Acoustic report to ensure noise levels do not exceed:
- (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.

Subdivision

86. The strata subdivision of the development shall be subject to a separate application.

Disabled Access

87. Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia, the relevant standards and the requirements of the Disability (Access to Premises – Buildings) Standards 2010. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
88. **Prior to the issue of a Construction Certificate,** certification shall be submitted to the Principal Certifying Authority demonstrating that at least 20% of the residential units meet the silver level Universal Design Guide requirements of the Livable Housing Design. In order to meet the requirements, the following must be achieved:
- a) A safe continuous and step free path of travel from the street entrance and/or parking area to a dwelling entrance that is level.
 - b) Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.
 - c) A toilet on the ground (or entry) level that provides easy access.
 - d) A bathroom that contains a hobless (step-free) shower recess.
 - e) Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date
 - f) A continuous handrail on one side of any stairway where there is a rise of more than one metre.
 - g) Stairways are designed to reduce the likelihood of injury and also enable future adaptation.

Waste Management

89. 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.
90. 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.**

LIST OF ATTACHMENTS

1. Architectural plans

**** End of SIHAP Report No. 3 ****

TO: Strathfield Independent Hearing and Assessment Panel – 6 April 2017
REPORT: SIHAP – Report No. 4
SUBJECT: 2-4 Mintaro Avenue, Strathfield - Lot 1 DP 954705 & Lot 1 DP 105600
DA NO: 2015/120

SUMMARY

Proposal: Part four (4) storey, Part three (3) Storey Residential Flat Building

Assessment officer: LP

Date of lodgement: 2 October 2015

Notification period: 13 October 2015 to 28 October 2015, 23 February 2016 to 9 March 2016 and 17 January 2017 to 1 February 2017

Submissions received: Thirty-eight (38) written submissions

Applicant: Bechara Chan & Associates

Owner: Yuean Yee Lai and John Kwong Lee

Estimated cost of works: \$5,473,304

Zoning: B2 Local Centre and R3 Medium Density Residential - SLEP 2012

Heritage: n/a

Flood affected: No

Is a Clause 4.6 variation proposed? Yes - building height

Extent of the variation supported? Part 4% (0.66m) and Part 7.5% (0.83m)

Peer review of Clause 4.6 variation: A peer review of the Clause 4.6 variation has been undertaken. The variation was not considered to be well founded.

RECOMMENDATION

APPROVAL

REPORT

INTRODUCTION

Approval is sought for the demolition of existing site structures and the construction of a part five (5) storey, part three (3) storey Residential Flat Building comprised of (16) units above two (2) levels of basement parking.

The development standards relating to the site under the Strathfield Local Environmental Plan 2012 (SLEP) envisage a step in the built form away from Liverpool Road. This is expressed through the height and FSR reducing from 16 metres and 1.65:1 on 2 Mintaro Avenue to 11 metres and 0.9:1 on 4 Mintaro Avenue.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the southern side of Mintaro Avenue, toward the intersection with Liverpool Road and is known as 2 and 4 Mintaro Avenue, Strathfield. The two (2) allotments which form the subject site currently contain single dwellings. Three (3) trees ranging in height from 3 to 10 metres are located in the rear of 2 Mintaro Avenue and are proposed to be removed under the subject application.

Together the two (2) allotments have the following dimensions:

Site Area (approx.):	1,172m ²
Dimensions (approx.):	25.6m x 45.8m

Directly east of the subject site is an existing petrol station whilst south of the site is an existing 1960s three (3) storey walk-up apartment building. West of the site are single dwelling houses of one (1) and two (2) storey scale.

A development application was recently approved upon the site immediately to the west of the subject site (6-8 Mintaro Avenue) for the construction of a three (3) storey residential flat building.



Figure 1: Aerial view of the subject site and surrounding residential properties.

PROPOSAL

The application seeks Council approval for the demolition of existing site structures and the construction of a part five (5) storey, part three (3) storey Residential Flat Building (RFB)

containing (16) units comprising two (2) x 1 bedroom, three (4) x 2 bedroom and nine (10) x 3 bedroom units above two (2) levels of basement parking.

An architectural render of the proposal is provided below:



Figure 2: Streetscape elevation of the proposed development.

BACKGROUND

21 June 2016 Application put to Council for determination. Council resolved as follows:

“That DA2015/120 for the demolition of existing site structures and the construction of a four (4) storey Residential Flat Building (RFB) containing (18) units comprising one (1) x 1 bedroom, nine (9) x 2 bedroom and five (5) x 3 bedroom units above two (2) levels of basement parking at 2-4 Mintaro Avenue, Strathfield be deferred for further discussion of the issues raised in the report, discussions to occur between the officers and the applicant with a view to reaching an appropriate conclusion.”

15 November 2016 Addendum report put to Council for determination. Council resolved as follows:

“That DA2015/120 for the demolition of existing site structures and the construction of a four (4) storey Residential Flat Building containing

(18) units comprising four (4) x 1 bedroom, four (4) x 2 bedroom and ten (10) x 3 bedroom units above two (2) levels of basement parking at 2-4 Mintaro Avenue, Strathfield be DEFERRED until the following points are met:

1. *All drawings for the site are available to Councillors and residents for review for a period of no less than one week;*
2. *The consideration of the excess height;*
3. *The site is sympathetic to the neighbouring streetscape;*
4. *The FSR statistics are accurate;*
5. *The setbacks are compliant;*
6. *Pitched roof is to be provided;*
7. *Driveway positioning is resolved;*
8. *The windows on the west elevation are compliant;*
9. *The rooftop community space is deleted, of the storeys reduced and the overlooking of surrounding properties is minimised."*

21 February 2017

Addendum report put to Council for determination. Council resolved as follows:

"That DA2015/120 for the demolition of existing site structures and the construction of a four (4) storey Residential Flat Building containing (18) units comprising four (4) x 1 bedroom, four (4) x 2 bedroom and ten (10) x 3 bedroom units above two (2) levels of basement parking at 2-4 Mintaro Avenue, Strathfield be DEFERRED due to the applicant not provided the Council with adequate responses to satisfy Council Resolution of 15 November 2016."

ASSESSMENT - Pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979

The application has been assessed pursuant to the heads of consideration of Section 79C of the Environmental Planning and Assessment Act and the relevant matters described in Sub-section (1)(a), (b), (c), (d) and (e) of Section 79C have been considered within this report. The following statutory policies are relevant to the proposed development:

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building and Sustainability Index - BASIX) 2004;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;
- Strathfield Local Environmental Plan 2012;
- Strathfield Consolidated Development Control Plan 2005:
 - Part C – Multiple Unit Housing
 - Part H – Waste Management and Minimisation

(a) (i) Environmental Planning Instruments:

SEPP 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 purposes for which development consent is being sought.

A Phase 1 Desktop Environmental Site Assessment was submitted with the application undertaking a history of the site and adjoining land uses. Due to the existing petrol station located directly east of the site, the Phase 1 report recommended further testing and groundwater sampling be undertaken to determine whether there may have been any migration of contaminants from the adjoining property to the subject site.

A Phase 2 Detailed Site Investigation was submitted to Council in February 2016. This report confirms that further testing, the preparation of a Remediation Action Plan and required remediation works will be necessary prior to the continued residential use being deemed suitable. The recommendations do, however, note that the preparation of the required Remediation Action Plan should be undertaken following demolition of the existing dwelling houses in order to ensure access is able to be provided to the areas of environmental concern to enable full testing to be undertaken.

In the event of approval being granted, conditions of consent would be imposed in accordance with the recommendations of the Phase 2 Detailed Site Investigation including a requirement for the preparation of a RAP detailing the required remediation works.

BASIX

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

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

SEPP 65 – Design Quality of Residential Apartment Development

SEPP 65 – Design Quality of Residential Apartment Development (SEPP 65) aims to improve the design quality of residential apartment development in New South Wales.

In determining development applications for residential flat buildings, the SEPP requires Council to take into consideration the advice of a Design Review Panel, the design quality of the proposal when evaluated against the nine (9) design quality principles in the SEPP and the objectives of the *Apartment Design Guide* (ADG).

The following table provides an assessment of the proposal against the nine (9) design quality principles of SEPP 65:

Principle	Objective	Proposed
Context and neighbourhood character	<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 identity of the area including the adjacent sites, streetscape</i>	The context of the streetscape is changing as a result of the introduction of a medium density zone toward the intersection with Liverpool Road. The front setback of the proposal is fairly responsive to

Principle	Objective	Proposed
	<p><i>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>	<p>the anticipated built form to the east and west by introducing a step in the setback.</p> <p>Further, the proposed built form providing a distinct step is consistent with built form envisaged throughout the Strathfield Local Environmental Plan 2012 which is expressed through the height and FSR reducing from 16 metres and 1.65:1 on 2 Mintaro Avenue to 11 metres and 0.9:1 on 4 Mintaro Avenue.</p> <p>and FSR non-compliances presented in the proposal are a direct result from the design approach taken and the siting of the building within the site. Better consideration of the corridor area would enable an improved distribution of floor area and building bulk, which would be better able to accord with the height and FSR development standards which are applicable under the SLEP 2012.</p>
<p>Built form and scale</p>	<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</i></p>	<p>The scale of the development follows the split in height and FSR from east to west by presenting a larger development over 2 Mintaro Ave and reduced scale of development over 4 Mintaro Ave.</p> <p>The proposed built form providing a stepped building height and increased front setback to towards the sites western boundary results in a built form that is consistent with existing and likely future development within the streetscape.</p>

Principle	Objective	Proposed
	<i>amenity and outlook.</i>	
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 residential density proposed is suitable for the site, is located within close proximity of Liverpool Road which includes numerous local shops, eateries, hotels and public transport.</p> <p>The unit mix comprises a total of (16) units consisting of 1, 2 and 3 bedroom units which will result in a good social mixture and accommodation for families.</p>
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 groups and degrees of mobility.</i></p>	<p>The proposed development providing compliant levels of soal access and cross ventilation achieves an acceptable level of internal amenity to all units.</p> <p>While initial concerns were raised over setbacks to adjoining development, the development was subsequently modified to to provide improved separation and to incorporate privacy measures to areas of potential overlooking. With the use of such measures the proposed development is considered to retain an appropriate level of amenity to adjoining properties.</p>

Principle	Objective	Proposed
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 proposal adopts a strong aesthetic with good proportions which respond to the facebrick character of the street and wider locality. The flat roof introduces a modern aesthetic alongside rendered framed elements. The neutral colour tones tie well with the aesthetics of the existing and anticipated future streetscape.

Apartment Design Guide

Design Criteria	Required	Proposed	Compliance
3D – Communal Open Space	<p>Min. 25% (293m²)</p> <p>Min 2h to 50% communal open space at mid-winter Consolidated area Min dimension of 3m Equitable access</p>	<p>170.57m² or 14.55%</p> <p>Receives greater than 2h solar access with a minimum dimension of 6m.</p>	No, however meets Council's DCP requirement which is the relevant control.
3E – Deep Soil Zones	<p>Min. 7% (82m²) 650m² to 1,500m² 3m min. dimension</p>	<p>19.8% (232.13m²)</p> <p>Min 3m dimension</p>	Yes.
3F – Visual Privacy	<p>Up to 4 storeys: 0-12m</p> <ul style="list-style-type: none"> 6m between habitable rooms/balconies and the boundary 3m between habitable and non-habitable rooms and the boundary. <p>Offset windows</p> <p>Vertical fins or privacy screens between balconies</p>	<p>Eastern balconies to b'dry: 4m</p> <p>Western habitable rooms/balconies to b'dry: 4.05m</p> <p>Southern habitable rooms/balconies to b'dry: 4.29m</p>	No, however acceptable on merit. Refer to discussion.
3J – Bicycle and Car Parking	Direct, clearly visible and well lit access should be	The basement car park is provided with direct	Yes.

Design Criteria	Required	Proposed	Compliance
	<p>provided into common circulation areas.</p> <p>A clearly defined and visible lobby or waiting area should be provided to lifts and stairs.</p>	<p>and clearly visible access.</p> <p>Communal pedestrian entry clearly defined by material treatments, scale and landscaping measures.</p>	Yes.
4A – Solar and Daylight Access	<p>Min. 70% (12 units) receive 2 hours solar access.</p> <p>Max. 15% units have no solar access Light wells, skylights and highlight windows are only to be a secondary source where sunlight is limited Design incorporates shading and glare control.</p> <p>Minimum 2 Hours solar access retained to adjoining residences.</p>	<p>100% (16 units) of units are provided with at least 2 hours solar access. Nil units receive no solar access.</p> <p>The proposed development retains a minimum of two (2) hours solar access to all adjoining residences at as of 21 June (winter solstice).</p>	<p>Yes.</p> <p>Yes.</p>
4B – Natural Ventilation	<p>Min. 60% (10) units are cross ventilated in first 9 storeys Cross-over/Cross-through Max 18m depth Light wells are not the primary source of ventilation for habitable rooms Single aspect units have limited depth to maximise ventilation.</p>	100% (16 units) are cross-ventilated.	Yes.
4C – Ceiling Heights	<p>Habitable: 2.7m Non-habitable: 2.4m 2 storey apartments: 2.7m main living area, 2.4m mezzanine Mixed Use: 3.3m ground floor.</p>	The plans indicate each level is provided with a floor-to-floor height of 3.1m. As such a floor to ceiling height of 2.7m is achievable.	Yes.
4D – Apartment Size and Layout	<p>1 bed: 50m² 2 bed: 70m² 3 bed: 90m² Additional bathrooms +5m²</p>	<p>Min 51.44m² Min 77.86m² Min 95.1m²</p>	Yes.

Design Criteria	Required	Proposed	Compliance
	<p>Each habitable room must have a window > 10% floor area of the room.</p> <p>If open plan layout =max 8m from a window Master bed: min 10m² Other bedroom: min 9m² Living room min. width: Studio and 1 bed: 3.6m 2 and 3 bed: 4m Crossover/through: min 4m</p>		
4E – Private Open Space and Balconies	<p>Studio: 4m² 1 bed: 8m², min depth 2m 2 bed: 10m², min depth 2m 3 bed: 12m², min depth 2.4m</p> <p>Ground floor apartments: 15m².</p>	<p>All units are provided with compliant areas of private open space.</p> <p>Ground floor units have open space varying from 34m² to 154m²</p>	<p>Yes.</p> <p>Yes.</p>
4F – Common Circulation and Spaces	Max 8 apartments off a single core	Max four (4) apartments off single lift core.	Yes.
4G – Storage	<p>Studio: 4m³ 1 bed: 6m³ 2 bed: 8m³ 3 bed: 10m³ At least 50% within the basement</p>	Shown within basement.	Yes.
4K – Apartment Mix	Variety of apartment types Appropriate apartment mix Different apartments distributed throughout the building.	(16) units comprising: two (2) x 1 bedroom, four (4) x 2 bedroom and ten (10) x 3 bedroom units.	Yes.
4M – Facades	<p>Composition of building elements.</p> <p>Defined base, middle and top Building services integrated into the façade</p>	The building façade comprises modern horizontal framed elements above a facebrick base. The development has a defined base, middle and top and from an aesthetic/materials perspective, would be generally consistent with the streetscape.	Yes.
4N – Roof Design	<p>Roof design integrated into the building Incorporates sustainability</p>	The flat roof minimises the overall height, bulk and scale of the	Acceptable and consistent

Design Criteria	Required	Proposed	Compliance
	features May include common open space	building.	with anticipated future character on adjoining sites.
4O – Landscape Design	Responsive to streetscape Viable and sustainable	The proposed development incorporates a range of landscaped areas including the provision of screening plantings along common site boundaries. However, the proposal lacks meaningful canopy tree plantings. As such, a condition of consent is recommended requiring the provision of one (1) canopy tree within the deep soil area in the front setback and three canopy trees in the rear setback with a minimum mature height of 6m.	Yes, subject to condition of consent.
4Q – Universal Design	Variety of adaptable apartments	Three (3) adaptable units proposed..	Yes.
4W – Waste Management	Minimise impact on streetscape, building entry and amenity	At grade waste collection proposed within the boundary of the subject site including the provision of a screened temporary bin storage area adjacent to the proposed basement entry ramp.	Yes.
4X – Building Maintenance	Material selection reduces ongoing maintenance costs.	The material selection comprises a dark facebrick base and areas of precast concrete panels alongside small feature areas of render.	Acceptable.

Strathfield Local Environmental Plan 2012

The site is zoned part B2 Local Centre and Part R3 Medium Density Residential zone under the Strathfield Local Environmental Plan (SLEP), 2012 wherein development

for the purposes of a Residential Flat Building is permissible with Council consent. The proposal is generally consistent with the objectives of both the B2 Local Centre and R3 Medium Density Residential zones which seek to meet the housing needs of the community within a medium density residential environment which is situated around transport nodes, commercial centres and open space.

An assessment of the amended plans against the relevant numeric controls of the SLEP 2012 is provided below:

Clause	Required	Proposed	Compliance
4.1A Minimum lot size	1000m ²		Yes.
4.3 Building Heights	2 Mintaro Ave: 16m	16.66m	No, minor departure (0.66m) due to lift overrun.
	4 Mintaro Ave: 11m	11.83m	No, minor departure (0.83m) due to pergola. Refer to discussion.
4.4 Floor Space Area	2 Mintaro Ave: 1.65:1 (967m ²)	1.64:1 (964m ²)	Yes.
	4 Mintaro Ave: 0.9:1 (527m ²)	0.89:1 (686m ²)	Yes.

Building Height

Under Clause 4.3 of the Strathfield Local Environmental Plan 2012, the maximum building height for the subject site is part 16m (2 Mintaro Ave) and part 11m (4 Mintaro Ave). While the proposed development incorporates a distinct step to achieve greater consistency with the maximum building height, the proposed development exceeds the maximum building height by 0.66m or 4% from the 16m height limit over 2 Mintaro Avenue and 0.83m or 7.5% from the 11m height limit over 4 Mintaro Avenue. These departures are attributable to the lift overrun structure and a pergola structure over the roof-top common open space area which provides improved residential amenity to the development (See Figure 1 below).

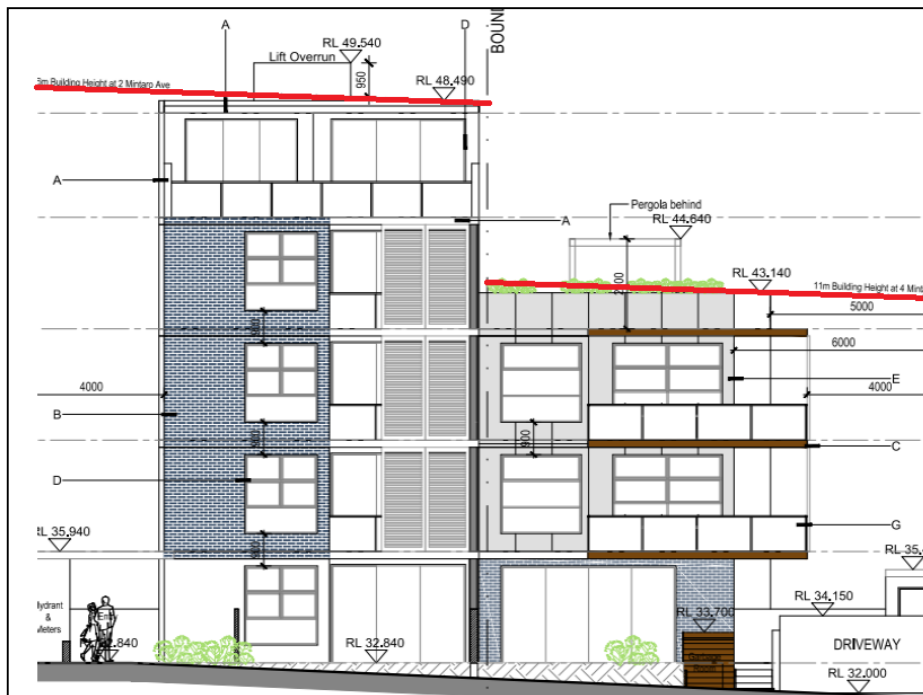


Figure 3: View of northern elevation noting the extent of the proposed building height variation.

Clause 4.6 of the SLEP 2012 enables Council to grant consent to a proposed development that contravenes the development standards for building height in the following terms.

Clause 4.6(3) - Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(b) that there are sufficient environmental planning grounds to justify contravening the development standard."

The applicant has provided a written request that seeks to justify the proposed contravention of the building height development standards shown in the above table on the following grounds:

- The proposal will result in a better streetscape outcome by providing for a continuous residential presentation to the Mintaro Street frontage rather than introducing a separated building mass with a staggered building height.
- The height exceedance area relates to the lift overrun and pergola structure only which are located in the central portion of the building and as such do not result in overlooking or acoustic issues.
- Additional building height is unlikely to result in any significant additional overshadowing to the adjoining allotments.

Clause 4.6(4) - Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)

The applicant's written request to justify the contravention of the building height standard has adequately addressed the matters required to be demonstrated in subclause 4.6(3), specifically, that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The written request is considered to provide sufficient substantive information on the environmental planning grounds relating to streetscape, bulk, scale, form and amenity.

It is considered that the height non-compliance is acceptable given that the height non-compliance relates specifically to the encroachment of the lift over run and shade structure with the remainder of the building positioned below the maximum building height limit. The structures that exceed the maximum permitted building height will not contribute towards the scale and bulk of the development and would achieve the objectives of the height control without adversely impacting upon the amenity of surrounding residences.

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

Objectives of the Building Height Standard

The objectives of the building height standard in clause 4.3 of the SLEP 2012 are:

4.3 Height of buildings

(1) The objectives of this clause are as follows:

- (a) to ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area,*
- (b) to encourage a consolidation pattern that leads to the optimum sustainability capacity height for the area,*
- (c) to achieve a diversity of small and large development options.*

The proposed development is considered to be consistent with the objectives of the building height standard having regard to the streetscape, building bulk, scale and form and pattern of development.

Objectives for Development within the Zone

The site is zoned part B2 Local Centre and part R3 Medium Density Residential under the Strathfield Local Environmental Plan (SLEP), 2012. The proposal providing for a medium density residential development in close proximity to well serviced bus stops and local services is generally consistent with the objectives of both B2 Local Centre and R3 Medium Density Residential zones which seek to provide for the housing needs of the community within a medium density residential environment, while maximising patronage of public transport and encouraging walking and cycling.

(b) the concurrence of the Director-General has been obtained.

Under Planning Circular PS 08-003 issued in May 2008 Council may assume the

concurrence of the Director-General.

Conclusion on exception to height of building development standard

The applicant's written request to justify the contravention of the building height standard contained within Clause 4.3 of the SLEP 2012 is considered to be adequate in that it has successfully demonstrated that compliance with the standard is unnecessary or unreasonable in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. Further, the variation is considered to be in the public interest given that the height noncompliance is a result of the provision of the roof top community open space area which will provide an appropriate level of amenity to future residents of the site.

The subject site is identified as having Class 5 soils and is not located within 500m of Class 1, 2, 3 or 4 soils. Therefore, the proposed development 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.

Overall, the proposed development has been considered with respect to the relevant Clauses of the SLEP, 2012 and is satisfactory.

Section 94 Contributions

Section 94 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

Provision of Community Facilities	\$32,194.48
Provision of Major Open Space	\$146,475.26
Provision of Local Open Space	\$32,233.04
Provision Roads and traffic Management	\$4,267.57
Administration	\$2,776.05
TOTAL	\$217,946.40

(ii) Draft Environmental Planning Instruments:

There are no Draft Environmental Planning Instruments applicable to the subject site.

(iii) Development Control Plans:

Part C – 'Multiple-Unit Housing' of the Strathfield Consolidated Development Control Plan (DCP) 2005

Part C – Multiple-Unit Housing of the DCP is of relevance to the assessment of an application for a residential flat building and as such applies to the proposal.

In the recent revision to SEPP 65, Clause 6A was introduced to confirm that in the instance 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.

Section	Development Control	Required	Proposed	Compliance
2.2	Site Requirements	Minimum site area of	1,172m ²	Yes, SLEP

Section	Development Control	Required	Proposed	Compliance
		1000m ² and a minimum street frontage of 30m.		2012 overrides.
	Building Street Setback	9m or predominant	4.16m to eastern portion (B2 Local Centre) and 6.5m to western portion (consistent with streetscape).	Yes, consistent with anticipated future built form to the immediate east and west.
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.	18.7% (3) units are adaptable.	Yes.
	Dwelling Unit and Building Design for residential flat buildings	At least one main convenient entry is to have barrier free access to ground floor units (for people with disabilities)	Ground floor units have access from Mintaro Ave.	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	Access to common areas without unnecessary barriers.	Proposed at grade entry path provides unrestricted access to the site.	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.	Material selection comprises face brick, concrete panels and small areas of render	Yes.

Section	Development Control	Required	Proposed	Compliance
			in neutral colours.	
	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	Unit sizes in the ADG prevail.	N/A
	Attic space	Not to be used as habitable space. Storage only and no dormer windows.	No attic space proposed.	N/A
2.4	Energy Efficiency	Application is required to provide a NatHERS certificate. Each dwelling must achieve 3.5 star NatHERS rating.	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 proposal receives adequate access to natural light and ventilation, reducing the need for artificial lighting and mechanical ventilation.	Yes.
2.4.4	Natural Lighting	Reduce reliance on artificial lighting	100% (16) units receive at least 2 hours of solar access during mid winter.	Yes.

Section	Development Control	Required	Proposed	Compliance
2.4.6	Water Management	Mandatory water storage 10 dwell= 500lt / dwell each dwell thereafter = 250 lt/ dwell	BASIX commitments prevail.	Yes.
	Water Management	Tanks to be located underground or at least behind the front building line. Located 900mm from front boundary.	Below ground OSD	Yes.
2.5	Streetscape orientation	Compatible with the existing character and address the street frontage.	The proposed development is well articulated and suitably addresses the site's Mintaro Avenue frontage.	Yes.
	Streetscape orientation	Dwellings facing the street will have frontage and apparent access.	Dwellings facing the street have apparent street access.	Yes.
2.5	Front Fences	Sympathetic to street. Height of fence is to be less than 900mm of solid material.	The proposed development incorporates a low line solid front fence.	Yes.
	Side and rear fences	1.8m maximum height.	Proposed 1.8m high privacy fence.	Yes.
2.7	Open space and landscaping	10% (117m ²) of the site area is to be provided as communal open space, with a minimum dimension of 7m.	170.57m ² or 14.55%	Yes.
2.8	Privacy and Security	Windows are not to be located less than 9m apart from other dwellings.	ADG prevails.	N/A
		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/	ADG prevails.	N/A.

Section	Development Control	Required	Proposed	Compliance
		garages of adjoining dwellings.		
		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 as follows: 1 bed = 1 space 2 bed = 1.5 spaces 3 + bed = 2 spaces 1 visitor space per 5 units.</p> <p>Proposal: 1 Bed x 2 = 2 2 Bed x 4 = 6 3 Bed- x 10 = 20 Four (4) visitor spaces</p> <p>Total = 32 Spaces required</p>	<p>30 residential and four (4) visitor parking spaces.</p> <p>Total = 34 Spaces proposed.</p>	Yes.
		Dimensions of garage car spaces to comply with Australian standard.	To be imposed by condition.	Yes.
		Developments with greater than 10 units must provide one designated car washing bay.	car wash bay provided.	Yes.
	Ramp Driveway Gradient/ design	<p>Minimum lane width: 3.6m Maximum transition zone: 10% Maximum ramp gradient: 20%</p>	Assessed as appropriate for vehicular access by Council's Engineer.	Yes.

Part H – 'Waste Management' of the Strathfield Consolidated Development Control Plan (DCP) 2005

A Waste Management Plan detailing the proposed means of minimising and managing waste throughout the proposed construction works and ongoing operation

of the site accompanied the subject application at the time of lodgement. This plan outlines that all waste from the site is to be stored within the basement level bin room prior to onsite collection within an at grade collection bay.

Part H “Waste Minimisation and Management” of the SCDCP 2005 requires waste storage be provided at the following rates:

General Waste: 120L/unit/week
Recycling: 120L/unit/fortnight

Having regard to the above rates, a minimum of (8) x 240L bins are to be provided for general waste and (8) x 240L bins are to be provided for recycling waste.

The proposed basement level bin storage room is capable of accommodating for 16 x 240L and therefore complies with the waste generation rate of Part H of the SCDCP 2005. As such, the proposed waste management measures are considered to be appropriate subject to conditions of consent requiring ongoing compliance with the waste minimisation and management measures outlined within the Applicant’s Waste Management Plan.

(iiia) Planning Agreements (or draft agreements):

The proposed development is not subject to a planning agreement pursuant to Section 93F of the Environmental Planning and Assessment Act 1979.

(iv) Matters Prescribed by the Regulations

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

Having regard to these prescribed matters, the proposed development is not located on land subject to the Government Coastal Policy as determined by Clause 92 (1) (a) (ii); however does involve the demolition of a building for the purposes of Australian Standard (AS) 2601 – 1991: The Demolition of Structures. Should this application be approved, suitable conditions are included within the recommendation to ensure compliance with the relevant prescribed matters.

(v) Any Coastal Zone Management Plan:

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

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

The proposed development is located on a site that is not subject to flooding attributed to either Powell's Creek or Cook's River and is therefore not required to be considered under the provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

(b) Likely Impacts:

Separation

Whilst the development seeks a departure from the recommended separation distances established under Section 2F of the ADG, the aims of Section 2F of the ADG relating to visual and acoustic privacy can also be achieved through repositioning balconies and providing privacy screening. It is noted that the residential flat building recently approved by the Land and Environment Court to the west of the site at 6-8 Mintaro Avenue provides similar separation to that of the proposed development being between 4m and 5m to the shared boundary and will allow adequate separation to be provided as to minimise visual privacy impacts. Further, All parts of the windows located upon the western elevation of the development which are below 1.7m from the finished floor level are proposed to be installed with frosted glass and balconies are orientated away from adjoining residential properties as well as being fitted to install privacy screening where appropriate to ensure opportunities for overlooking are minimised. With the use of such measures the proposed development is considered unlikely to result in any significant visual privacy impacts and is considered to be consistent with the objectives of Section 2F of the ADG.

Notwithstanding the above, a condition is recommended requiring the balcony to unit 2.02 be relocated to achieve a minimum 6m setback to the site's western boundary.

Traffic

The subject application was accompanied by a Traffic Report prepared by ML Traffic Engineers giving consideration to the likely impacts of the development upon the surrounding road networks. The proposed development has been assessed in accordance with the RTA Guide to Traffic Generating Developments, based on the credits for the two (2) existing dwellings and the (18) units which are proposed. The assessment indicates that ten (10) additional trips will be generated in the AM and PM peak hour periods as a result of the proposed development. These additional trips will be distributed throughout the AM and PM peak hour periods and will be able to be captured within the existing operation of the local roads. Therefore, the proposal will be unlikely to noticeably increase local traffic volumes.

(c) Suitability of the Site:

The subject site is relatively unconstrained and the proposed development has been designed having regard to the relevant provisions of the SLEP 2012, SEPP65, the ADG and the existing and likely future development within the streetscape. Accordingly the subject site is considered to be suitable for the purposes of the proposed development.

(d) Submissions:

The application and plans were notified in accordance with Part L of the Strathfield

Consolidated DCP 2005 from 13 October 2015 to 28 October 2015. (21) written submissions (including one (1) petition containing eight (8) signatures) were received. The application as subsequently renotified from 23 February 2016 to 9 March 2016. A further (13) written submissions (including one (1) petition containing (55) signatures) were received. The application was again renotified from 17 January 2017 to 1 February 2017 and a further four (4) written submissions were received.

While concerns were also raised over the proposed building height, FSR, setbacks, streetscape compatibility, open space and waste management, the application has subsequently been modified to resolve these matters and the performance of the amended proposed against the relevant controls has have been discussed in detail separately throughout this report.

Proximity to Petrol Station

Concern was raised over the proximity of the subject site to the vent system of the petrol station adjoining the subject site (361-365 Liverpool Road).

This matter was referred to Council's Environmental Health and Compliance Coordinator who advised that a search of Council records identified the adjoining petrol station as complying with the Protection of the Environment Operations (Clean Air) Regulation 2010 and noted that the site is fitted with vapour recovery technology capturing 97% of all fuel vapour emissions from the site. As such, the proximity of the proposed development to the adjoining petrol station is considered to be acceptable.

Lot size

Concern was raised over the compliance of the subject site with the minimum allotment size established under the Strathfield Local Environmental Plan 2012.

The subject site having a combined lot size of 1,172m² complies with the minimum 1,000m² lot size required for residential flat buildings within the both R3 Medium Density and B2 Local Centre zones under Clause 4.1A of the Strathfield Local Environmental Plan 2012.

Noise pollution

Concern was raised over additional noise emissions generated as a result of the proposed development.

Given the residential nature of the development it is unlikely that considerable acoustic impacts would be generated by the medium density redevelopment of the site. Further, given the proximity of the site to Liverpool Road (significant noise source) the proposed residential land use is considered unlikely to increase background noise levels in the locality. Nonetheless, the applicant has committed to the use of a broad range of acoustic treatments to provide improved amenity to future residents of the site and reduce potential noise emissions from the site. Conditions of consent are recommended requiring the implementation of such measures.

Additional Traffic

Concern was raised over additional traffic generated as a result of the proposed development

The proposed development has been assessed in accordance with the RTA Guide to Traffic Generating Developments, based on the credits for the two (2) existing dwellings and the (18) units which are proposed. The assessment indicates that ten (10) additional trips will be generated in the AM and PM peak hour periods as a result of the proposed development. These additional trips will be distributed throughout the AM and PM peak hour periods and will be able to be captured within the existing operation of the local roads. Therefore, the proposal will be unlikely to noticeably increase local traffic volumes.

Stormwater

Concern was raised over the adequacy of the proposed stormwater management measures.

The proposed Stormwater Drainage Concept Plan has been assessed by Council's Development Engineer and the proposed on-site detention system and overall drainage design has been found to be acceptable in accordance with the requirements of Council's Stormwater Management Code.

(e) Public Interest:

Approval of the proposal is not contrary to the public interest.

INTERNAL REFERRALS

The application was forwarded to Council's Drainage Engineer, Development Engineer, Health and Building Surveyor, Environmental Health and Compliance Coordinator and Landscape Coordinator for comment. No objections were raised aside from the imposition of standard conditions of consent.

CONCLUSION

The proposed development is permissible in the subject zoning and is consistent with the relevant provisions and objectives of the Strathfield Planning Scheme Ordinance, 1969 and Strathfield Draft Local Environmental Plan, 2008. The proposal generally complies with the development controls of the Strathfield Consolidated DCP 2005 and will provide a high level of amenity to future residents without significantly compromising the amenity of adjoining owners.

RECOMMENDATION

That DA2015/120 for the demolition of existing site structures and the construction of a part five (5) storey, part three (3) storey Residential Flat Building comprised of (16) units above two (2) levels of basement parking at 2-4 Mintaro Avenue, Strathfield, be **APPROVED** subject to the following conditions:

CONDITIONS OF CONSENT

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 subject to any amendments "in red" and any variation as required by conditions of this consent:

Ground Floor Plan and Level 1 Floor Plan, Drawing DA.03, Issue K, prepared by BC & Associates Pty Ltd, received by Council 29 August 2016.

Level 2-3 Floor Plan, Drawing DA.04, Issue K, prepared by BC & Associates Pty Ltd, received by Council 29 August 2016.

Level 4 Floor Plan, Roof and Site Plan, Drawing DA.05, Issue K, prepared by BC & Associates Pty Ltd, received by Council 29 August 2016.

Level 4 Floor Plan, Roof and Site Plan, Drawing DA.06, Issue K, prepared by BC & Associates Pty Ltd, received by Council 29 August 2016.

North Elevation and East Elevation, Drawing DA.07, Issue K, prepared by BC & Associates Pty Ltd, received by Council 29 August 2016.

South Elevation and West Elevation, Drawing DA.08, Issue K, prepared by BC & Associates Pty Ltd, received by Council 29 August 2016.

Section AA, Section BB, Front Fence Elevation, Drawing DA.09, Issue K, prepared by BC & Associates Pty Ltd, received by Council 29 August 2016.

Driveway Section, Drawing DA.10, Issue K, prepared by BC & Associates Pty Ltd, received by Council 29 August 2016.

BASIX Certificate No. 642025M_03, issued 25 October 2016, received by Council 26 October 2016.

Cover Sheet, Legend and Drawing Schedule, DWG D00, Rev A, prepared by Australian Consulting Engineers Pty Ltd, received by Council 26 October 2016.

Basement 2 and Basement 1 Stormwater Drainage Plan, DWG D01, Rev D, prepared by Australian Consulting Engineers Pty Ltd, received by Council 26 October 2016.

Ground Floor Stormwater Drainage Plan, DWG D02, Rev D, prepared by Australian Consulting Engineers Pty Ltd, received by Council 26 October 2016.

Site Stormwater Drainage Details 1, DWG D05, Rev A, prepared by Australian Consulting Engineers Pty Ltd, received by Council 26 October 2016.

Site Stormwater Drainage Details 2, DWG D06, Rev C, prepared by Australian Consulting Engineers Pty Ltd, received by Council 26 October 2016.

Erosion and Sediment Control Plan and Details, DWG E10, Rev A, prepared by Australian Consulting Engineers Pty Ltd, received by Council 26 October 2016.

Landscape Plan, Dwg L-01, Rev B, prepared by Sussan Zindo Landscape Architect, received by Council 03 February 2016.

Landscape Plan, Dwg L-02, Rev B, prepared by Sussan Zindo Landscape Architect, received by Council 03 February 2016.

Noise Assessment, February 2016, prepared by GHD, received by Council 03 February 2016.

Detailed Site Investigation, Report E22638 AB, Rev 0, prepared by Environmental Investigations Australia, received by Council 3 February 2016.

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.

Special Conditions

5. **Prior to the issue of a Construction Certificate**, amended plans shall be prepared and approved by the Principal Certifying Authority relocating the balcony to unit 2.02 toward the front boundary to provide a minimum 6m setback to the western boundary. The balcony to unit 2.02 shall be 8m in depth and 10m². The balcony shall be provided with a glass balustrade to the west and northern elevations so that it is open-form in appearance.

General

6. The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.
7. 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.
8. 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.

9. **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.
10. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$10million and shall provide proof of such cover to Council prior to carrying out works.

Financial Matters

11. 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:

Provision of Community Facilities	\$32,194.48
Provision of Major Open Space	\$146,475.26
Provision of Local Open Space	\$32,233.04
Provision Roads and traffic Management	\$4,267.57
Administration	\$2,776.05
TOTAL	\$217,946.40

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.

The required contribution shall be paid **prior to the issue of a Construction Certificate**.

Parking/Traffic Matters

12. A total of (34) off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents (including (2) disabled)	30
Visitors	4
TOTAL	34

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

Residential parking spaces shall be designated at a rate of at least one (1) space per 1 and 2 bedroom unit and two (2) spaces per 3 bedroom unit and commercial spaces at a rate of 1 per 40m² of floor area.

13. 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.

14. All driveways shall be separated from landscaped areas by a minimum 150mm high by 150mm wide concrete kerb or similar.
15. All car washing shall be conducted in the wash bay which is drained in accordance with the requirements of Sydney Water.
16. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
17. 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.**

18. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.
19. An application for a 'Works Zone' must be submitted to and approved by the Strathfield Council Traffic Committee **prior to the commencement of any site work (including demolition).**

The suitability of the proposed length and duration of the Works Zone is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Strathfield Council Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

20. 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
 - 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)
21. Vehicles entering the development shall not obstruct the footpath area while waiting for any security gates to open.
22. All construction activity shall take place on-site and the use of any public street be subject to the approval of Strathfield Council.
23. All vehicles associated with the development shall enter and exit the site in a forward direction.

Drainage/Stormwater

24. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe to a new kerb inlet pit located within **Mintaro Avenue**. The onsite stormwater detention tank will connect into this new kerb inlet pit. The internal drainage system has been designed generally satisfactory and is depicted on the CONCEPT drainage plans prepared by **Australian Consulting Engineers sheets no. D00 – D06 Job No.150443 received by Council 26 October 2016**.
25. 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 above engineering plans 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.**

26. 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.**

27. The rainwater tank proposed shall have only roof area connected into it with a first flush mechanism. All design components of the rainwater tank are to comply with the relevant Australian Standards. Details of the Rainwater tank system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

28. **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.

29. 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.**

30. 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.

31. All pits shall be constructed in accordance with Australian Standard AS3500.3.
32. All subsoil drainage must be designed to meet the requirements of AS3500;
33. 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.
34. The proposed basement pump out system is to be strictly in accordance with the requirements set out in Strathfield Council's Stormwater Management Code 2007. 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.**
35. 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.

36. 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.
37. 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.
38. 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.
39. 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

incorporated in the development. 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.

40. The connection of stormwater runoff from the development site to Council's street drainage system shall consist of a pipe line across to the street kerb with the pipeline then continuing under the kerb and gutter to Council's drainage pipe on the southern side of Mintaro Avenue.
41. The pipe shall be 375mm in diameter, reinforced concrete spigot and socked with rubber ring joints. A pit shall be constructed at the property boundary , and at the kerb line. Class of the pipe shall comply with the manufacturer's specification and Council's standard requirements.
42. A plan and long section of the proposed drainage line within the road reserve shall be submitted for approval of Council's Engineering Works & Services. The utility services within the area of effect of the proposed drainage works (i.e. gas, water, sewer, electricity, telephone, etc) shall be shown on the long section of the proposed drainage line in Mintaro Avenue.

Public Authority Matters

43. **Prior to the issue of any Occupation Certificate** all existing overhead electricity and telecommunication cabling adjacent to the development site shall be consolidated into a single Aerial Bundle Cable (ABC) at the applicants' expense in accordance with the specifications of AusGrid and the telecommunications supplier.

Landscaping/Tree Matters

44. The trees listed below shall be retained at all times:

<u>Tree</u>	<u>Height/ Spread (m)</u>	<u>Location</u>	<u>Protection Zone (m)</u>	<u>Structural Root Zone (m)</u>
2 x <i>Lophostemon confertus</i>	5/8	Council verge	4.2	2.3

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 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 AS4970-2009: *Protection of Trees on Development Sites*.
 - 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, turf-pave, permeable paving systems or soft landscaping) are permitted within the canopy spread of the trees to be protected.
45. A minimum of one (1) x 400 litre size tree which has a minimum mature height of 6 metres shall be planted in the deep soil area between the front of the building and the front property boundary. Trees are to be selected from Strathfield Councils Tree List and shall comply with the following requirements:
- (a) Plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy root systems with no evidence of root curl, restriction or damage. Trees are to have a single leader and clear straight trunk.
 - (b) 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.
 - (c) Minimum 75mm depth of organic mulch shall be placed within an area 0.5m radius from the base of the tree.

46. A minimum of three (3) x 200 litre size trees which have a minimum mature height of 6 metres shall be planted in the deep soil area between the front of the building and the front property boundary. Trees are to be selected from Strathfield Councils Tree List and comply with the following requirements:
- (a) Plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy root systems with no evidence of root curl, restriction or damage. Trees are to have a single leader and clear straight trunk.
 - (b) 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.
 - (c) Minimum 75mm depth of organic mulch shall be placed within an area 0.5m radius from the base of the tree.
47. A minimum 600mm deep root deflection barrier shall be provided on both sides of the proposed driveway crossing(s) and footpaths.
48. All noxious weeds on the site shall be removed and destroyed as per their classification under the *Noxious Weeds Act 1993*.
49. 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.

Construction Matters

50. **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.
51. The proposed development shall comply with the Building Code of Australia and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**.
52. 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).
53. 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.
54. 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.

55. 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.
56. 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.
57. 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.
58. 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 offsite 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.
59. The owner of the adjoining allotment 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.
60. 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.**

61. 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.

Building Matters

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

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

63. 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.

64. 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.**

Demolition

65. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
66. 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.**
67. 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.**
68. 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

69. 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**.
70. Each 12 months after the installation of essential fire or other safety measures, the owner of a building must submit an Annual Fire Safety Statement for the building to Council. In addition a copy of the statement must be given to the NSW Fire Commissioner and a copy displayed prominently in the building.

Hoardings

71. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the principal certifying authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
72. 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.
73. 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.
74. An overhead 'B' type hoarding shall be constructed where material is being hoisted over or across a public way.
75. 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.
76. 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.
77. 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.

Disabled Access

78. Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia, the relevant standards and the requirements of the Disability (Access to Premises – Buildings) Standards 2010. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
79. **Prior to the issue of a Construction Certificate,** certification shall be submitted to the Principal Certifying Authority demonstrating that at least 20% of the residential units meet the silver level Universal Design Guide requirements of the Livable Housing Design. In order to meet the requirements, the following must be achieved:
- (a) A safe continuous and step free path of travel from the street entrance and/or parking area to a dwelling entrance that is level.
 - (b) Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.
 - (c) A toilet on the ground (or entry) level that provides easy access.
 - (d) A bathroom that contains a hobless (step-free) shower recess.
 - (e) Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date
 - (f) A continuous handrail on one side of any stairway where there is a rise of more than one metre.
 - (g) Stairways are designed to reduce the likelihood of injury and also enable future adaptation.

Waste Management

80. 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.

81. 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 any Construction Certificate.**
82. Fixed educational signage is to be provided within the waste storage room to inform residents of Council's general waste and recycling requirements and shall be installed **prior to the issue of an Occupation Certificate.** Note suitable signage is available from Council's Customer Service Centre or <http://www.epa.nsw.gov.au/wastetools/signs-posters-symbols.htm>
83. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property as follows:
- a) Full and free right must be provided to Strathfield Council employees or its authorised contractors to:
 - i. Enter upon the land and remove any waste products using any vehicle or equipment as necessary;
 - b) The owner of the lot burdened shall be solely responsible for the cost of maintaining in good and sufficient repair at all times the internal roads or access ways used by Strathfield Council for the purpose of exercising its rights as set out in clause (a) above.

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.**

Land Contamination

84. **Prior to the commencement of any works, including demolition,** a hazardous materials building survey shall be completed and a hazardous materials register prepared for the Site prior to the commencement of any building alteration or demolition works. The register should be prepared in accordance with the requirements of *the Work Health and Safety Regulation 2011*.
85. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.
86. 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.
87. Details of the appropriate validation of imported fill material are to be submitted with any application for future development of the site. All fill imported onto the site is to be validated during remediation works by sampling and analysis of the fill material in accordance with the applicable guidelines to ensure that the material is not contaminated.

LIST OF ATTACHMENTS

1. Architectural plans

**** End of SIHAP Report No. 4 ****

TO: Strathfield Independent Hearing and Assessment Panel – 6 April 2017
REPORT: SIHAP – Report No. 5
SUBJECT: 40-42 Loftus Crescent, Homebush - Lot X in DP 446141, Lot 37 in DP 9154, and Lot 38 in DP 9154
DA NO: DA2016/172

SUMMARY

Proposal: Demolition of existing structures and construction of a part nine (9) storey, part five (5) storey residential flat building containing (80) units consisting of (19) x 1 bedroom, (56) x 2 bedroom and five (5) x 3 bedroom units over two (2) levels of basement car parking

Assessment officer: LM

Date of lodgement: 23 November 2016

Notification period: 6 December 2016 – 16 January 2017

Submissions received: One (1) submission received

Applicant: Urban Link Pty Ltd

Owner: Mr & Mrs Malek

Estimated cost of works: \$19,365,192.00

Zoning: R4 – High Density Residential - SLEP 2012

Flood affected: Yes

Is a Clause 4.6 variation proposed? Yes – building height

Extent of the variation supported? 1.9% (550mm)

Peer review of Clause 4.6 variation: A peer review of the Clause 4.6 variation has been undertaken. The officer's recommendation is concurred with.

RECOMMENDATION

DEFERRED COMMENCEMENT

REPORT

INTRODUCTION

Approval is sought for the demolition of existing structures and construction of a part nine (9) storey, part five (5) storey residential flat building containing (80) units consisting of (19) x 1 bedroom, (56) x 2 bedroom and five (5) x 3 bedroom units over two (2) levels of basement car parking.

Whilst the proposal provides an overall building height of 29.55m, resulting in a 1.9% (550mm) height breach to Clause 4.3A of the Strathfield Local Environmental Plan 2012

(SLEP 2012), the proposal generally satisfies the relevant statutory controls applicable to the site under SEPP 55, SEPP 65, SEPP BASIX, the Strathfield Local Environmental Plan 2012 (SLEP) and is generally consistent with the built form sought by DCP 20 – Parramatta Road Corridor and Council's preliminary revisions to DCP 20.

The built form of the proposal is modern and is responsive to the three (3) street frontages of the site. The unit layouts are efficient and provide a good level of amenity for future residents. The site has a large consolidated area of common open space on a podium between the building elements which has adequate solar access and which is to be embellished with outdoor seating, children's play equipment, BBQ facilities, communal garden, pond, seating, trees and pergolas.

Due to the proximity of the site to the north-west rail line, the subject application was forwarded to Sydney Trains for consideration. Concurrence was received on 27 January 2017 however Sydney Trains have requested that the application be granted a Deferred Commencement approval subject to a number of standard matters relating to excavation.

The proposed development was also referred to the Roads and Maritime Service (RMS) for comment under the 'traffic generating development' provisions of the SEPP (Infrastructure) 2007 and no objection was raised to the proposal subject to standard conditions.

Overall, the proposal has demonstrated compliance with the relevant statutory controls applicable to the development and is therefore recommended for approval.

DESCRIPTION OF THE SITE AND LOCALITY

The site comprises three (3) allotments legally identified as Lot 37 and 38 in DP 9154 and Lot X in DP 446141 with the street address of 40-42 Loftus Crescent, Homebush. Three (3) single storey brick and tile cottages are present on the allotments, each with frontages to both Loftus Lane (north) and Loftus Crescent (south).

The site has a combined area of 2,933m² with a frontage of 38.43m to Loftus Crescent and 44.2m to Loftus Lane. An aerial photograph of the subject site is provided below:

The subject site is approximately 600m west of Homebush Railway Station and is within a streetscape mostly characterised by single storey residential dwellings. Following recent development approvals, the surrounding area is transitioning from low density residential and industrial development to a high density, mixed use precinct.

Adjacent to the site on the western side of Loftus Lane is a three (3) storey plus attic residential flat development in cream facebrick with a pitched tiled roof. Directly north of the subject site, being Key Site 64 and 65 at 162-170 and 172-176 Parramatta Road, two (2) x mixed use developments have been constructed.



Figure 1: Aerial view of subject site and surrounding residential development.



Figure 2: View of 40 & 41 Loftus Crescent



Figure 3: View of subject site fronting Loftus Lane

The subject site is identified as Key Site 67 and is zoned R4 – High Density under the Strathfield LEP. The maximum permitted height is 16m to Loftus Lane and 29m to Loftus Crescent and an incentive FSR of 2:1 is applicable to the site under Clause 4.3A and 4.4A of the Strathfield LEP.

PROPOSAL

The application seeks Council approval for the demolition of existing structures and construction of a part nine (9) storey, part five (5) storey residential flat building containing (80) units consisting of (19) x 1 bedroom, (56) x 2 bedroom and five (5) x 3 bedroom units over two (2) levels of basement car parking.

The elements of the proposal are:

- Excavation to accommodate two (2) levels of basement parking containing (76) parking spaces;
- Construction of a part nine (9), part five (5) storey residential flat building designed as two (2) separate structures each incorporating nil side setbacks throughout various levels of the development; and
- Provision of roof top community open space areas

A photomontage of the building is provided below:

**BACKGROUND**

29 July 2015

A deferred commencement was granted for DA2015/021 by the

Sydney East Joint Regional Planning Panel for the demolition of existing structures and construction of a part nine (9) storey, part five (5) storey residential flat building comprising (100) units consisting of (20) x studio, (54) x 1 bedroom, (24) x 2 bedroom and six (6) x 3 bedroom units above two (2) levels of basement carparking.

13 August 2015 The Notice of Determination was amended under DA2015/021/01 to reflect the correct description of the approved development being for demolition of existing structures and construction of a part nine (9) storey, part five (5) storey residential flat building comprising (80) units consisting of (20) x studio, (30) x 1 bedroom, (24) x 2 bedroom and six (6) x 3 bedroom units above two (2) levels of basement parking.

30 May 2016 Deferred Commencement conditions were satisfied with approval issued under Delegated Authority.

SECTION 79C CONSIDERATION

The application has been assessed pursuant to the heads of consideration of Section 79C of the Environmental Planning and Assessment Act and the relevant matters described in sub-section (1)(a), (b), (c), (d) and (e) of Section 79C have been considered within this report.

(a) (i) Environmental Planning Instruments:

The following Environmental Planning Instruments (EPI's) are applicable to the assessment of the subject application:

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building and Sustainability Index - BASIX) 2004;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings;
- Strathfield Local Environmental Plan 2012;
- Strathfield Development Contributions Plan 2010-2030; and
- Strathfield Development Control Plan 2005:
 - DCP 20 – Parramatta Road Corridor Area
 - Part H – Waste Management
 - Part L – Notification

An assessment of the proposal against the relevant provisions of each of these EPI's is provided below.

SEPP 55 – Remediation of Land

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

A Phase 1 Preliminary Site Investigation was undertaken by DLA Environmental Services which indicates that the three (3) allotments which comprise the subject site have had long standing residential uses since about 1943. The Phase 1 assessment concludes that the potential for contamination risk at the site is minimal.

It is further noted that the site is not located in an area of investigation under Part K of the Strathfield Consolidated DCP 2005 (SCDCP 2005) which identifies past known landfill and potentially contaminated sites in the Strathfield local government area.

Accordingly, based on the findings of the Phase 1 Preliminary Site Investigation there does not appear to be a need for further investigation of the site and the continued use of the site for residential purposes is therefore suitable.

Accordingly, the provisions of SEPP 55 have been satisfied.

State Environmental Planning Policy (Building and 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.

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

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings (SEPP 65) aims to improve the design quality of residential flat development in 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.

Strathfield Council does not have a design review panel referred to under Clause 28 however an assessment of the design quality of the development against the design principles of the SEPP and the relevant design criteria of the Apartment Design Guide has been undertaken in the table below:

Principle	Objective	Proposed
Context and neighbourhood character	<p><i>Responding to context involves identifying the desirable elements of an area's existing or future character.</i></p> <p><i>Well designed buildings respond to and enhance the qualities and 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>	<p>The proposed development responds to the high density, missed use, urban context of the site which is envisaged for the Parramatta Road corridor. The proposed development adheres to the draft built form controls and will integrate with the form of more recent approvals within the street, which also achieve to the Key Site provisions.</p> <p>The proposed design considers the local context and is consistent with the desired future character of the area.</p>
Built form and scale	<p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future</i></p>	<p>The development is informed by the draft Key Site controls and recent development approvals in the street</p>

Principle	Objective	Proposed
	<p><i>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>to ensure the development is compatible with the desired future streetscape.</p> <p>The street is currently in a state of transition from low density residential to high density residential in response to the Key Site controls of the SLEP 2012. Several of the key sites within the street have been granted development approval and generally adhere to the Key Site provisions. In this regard, the proposed development will achieve a cohesive built form with the existing approvals in the street and future development of Loftus Crescent.</p> <p>The private and public domain is well defined through the use of the front fence and landscaped planter boxes to soften the visual presentation of the 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 complies with the density requirements of the ARHSEPP. The proposal is located within close proximity to public transport and employment opportunities along Parramatta Road, which will support the proposed residential density and unit mix.</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 costs. Other elements include recycling</i></p>	<p>The proposal complies with BASIX and provides good solar access and natural ventilation to heat and cool the building alongside building products which provide high insulation properties.</p>

Principle	Objective	Proposed
	<p><i>and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</i></p>	
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>	<p>The subject application is accompanied by a landscape plan that is considered suitable for the scale of development.</p> <p>The landscape design has been amended throughout the assessment process to allow communal open spaces to be integrated with the deep soil area provided to the central portion of the site as well as providing a roof top garden. The design includes suitably shaded spaces and will provide functional open spaces for the enjoyment of future residents.</p>
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 wellbeing.</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</i></p>	<p>The proposal has been designed to achieve a high level of internal residential amenity through compliant ceiling heights and adequate access to natural light and ventilation</p> <p>The proposal has been designed to minimise overlooking to adjoining developments and subject to conditions, is considered to result in minimal privacy impacts.</p> <p>The unit layouts are efficient and comply with the new minimum unit sizes required by the ADG.</p>

Principle	Objective	Proposed
	<i>service areas and ease of access for all age 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 proposed building has a secure and readily identifiable entry. Balconies are orientated to overlook the public domain and centrally located green space areas to optimise safety and security within the development.
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>	<p>The proposal provides an acceptable mixture of unit types including (19) x 1 bedroom, (56) x 2 bedroom and (5) x 3 bedroom units.</p> <p>The proposal is provided with accessible and well-considered areas of communal open space on the central ground floor portion of the site and level 5 to the rear. These spaces are provided with suitable facilities to support social interaction.</p>
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</i></p>	<p>The building is well articulated and avoids large expanses of unbroken wall with balconies orientated to the street, the central portion of the site or to the rear portion of the site facing Loftus Lane.</p> <p>The proposal incorporates a mixture of exposed brick and alucobond cladding with a limited extent of render to improve the longevity of the</p>

Principle	Objective	Proposed
	<i>existing or future local context, particularly desirable elements and repetitions of the streetscape.</i>	external finishes. The schedule of external finishes is understated and will integrate well with to colours and finishes of more recently approved development in the immediate vicinity of the site.

Apartment Design Guide Quality Design of Residential flat buildings

Design Criteria	Required	Proposed	Compliance
2E - Building Depth	12m – 18m	Building A: Max.33m however reduces to maximum 24.6m between level 5-8. Building B: Max.44m however reduced to 28m on level 4	Acceptable as the minimum solar access and ventilation rule of thumb is met.
3B – Orientation	Responsive to streetscape and site Designed to optimise solar access and minimise overlooking Shall not further reduce solar access by more than 20%	The proposal is responsive to the streetscape and is designed to optimise solar access whilst minimising the potential for overlooking. The proposal results in a degree of unavoidable overshadowing to the southern adjoining dwellings as a result of its east-west orientation. At 9am the proposal casts a shadow to the south west, overshadowing large portions of the road and adjoining railway and a small portion of the northern adjoining dwelling. By noon, this shadow has moved south-east and now	Yes. No, the unfavourable east-west orientation of the site results in overshadowing to the three (3) adjoining single storey dwellings resulting in minimal solar access during afternoon/evening hours of the day. Notwithstanding, adjoining dwellings receive direct sunlight between 9am-12pm which is considered acceptable.

		<p>overshadows a portion of the southern adjoining dwelling's private open space areas.</p> <p>By 3pm, the shadow has moved considerably to the southeast and now overshadows large portions of the three (3) southern adjoining properties fronting Loftus Crescent.</p> <p>Notwithstanding, given the unfavourable east west axis, the proposal still allows the adjoining land to receive a reasonable level of solar access during mid-winter.</p>	
3C – Public Domain Interface	<p>Direct street entry to ground floor apartments</p> <p>Balconies/windows orientated to overlook the public domain</p> <p>Front fence design is permeable Opportunities for concealment minimised</p>	<p>Entry to all ground floor apartments fronting Loftus Crescent is provided. Units appertaining to Building B are accessed via the two (2) primary site entrances fronting Loftus Crescent which provides equitable paths of travel throughout the site to Building B.</p> <p>Balconies and windows are orientated to overlook the public domain and rear area of private open space.</p> <p>The front fence provides landscaping to soften the built form of the residential flat building.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes</p> <p>Yes.</p>

	Services concealed Access ramps minimised	Services and access ramp concealed and access ramps minimised.	
3D – Communal Open Space	Min. 25% (733.25m ²) Min 2h to 50% communal open space at mid-winter Consolidated area Min dimension of 3m Equitable access Where developments are unable to achieve the design criteria, such as on small lots they should; <ul style="list-style-type: none"> - Provide communal open space elsewhere such as a landscape rooftop terrace; - Provide larger balconies or increased private open space' - Demonstrate good proximity to public open space and facilities. 	859.78m ² or 29.31% of the site is dedicated as communal open space. The area of communal open space upon the ground level and roof top is consolidated, well landscaped and accessible. The rooftop area of communal open space is capable of receiving a minimum of 2hrs of solar access to at least 50% of open space during mid-winter. The landscape plan is supported with several canopy trees to provide shade.	Yes.
3E – Deep Soil Zones	Min. 7% (205.31m ²) Greater than 1,500m ² 6m min. dimension	The proposal provides 216.5m ² or 4.38% of consolidated deep soil landscaping attaining a minimum dimension of 6m.	Yes.
3F – Visual Privacy	Up to 4 storeys: 0-12m <ul style="list-style-type: none"> • 6m between habitable rooms/balconies and the boundary • 3m between habitable and non-habitable rooms and the boundary. 	Building A provides a nil side setback to the southern elevation between ground level to level 3. Building B provides a nil side setback throughout the entire portion of the building. <u>Up to 4 storeys:</u>	Yes.

	<p>Up to 25m (5-8 storeys)</p> <ul style="list-style-type: none"> • 9m between habitable rooms/balconies; and • 4.5m between habitable and non-habitable rooms and the boundary. 	<p>Building A: Balconies adjoining units are orientated either to Loftus Crescent or the central community open space area and achieve a minimum 20.8m separation from windows adjoining Building B.</p> <p>Northern orientated windows and balconies overlook onto Loftus Lane.</p> <p>Building B: Balconies adjoining units orientated to the rear provide a nil setback to the laneway to accommodate for the laneway road widening.</p> <p><u>5-6 storeys:</u></p> <p>Building A: Balconies adjoining units continue to be orientated either to Loftus Crescent, the northern adjoining laneway or centrally located community open space area.</p>	
3G – Pedestrian Access and Entries	Entry addresses public domain Clearly identifiable Steps and ramps integrated into building design	The entry addresses the public domain and is clearly identifiable. Both the vehicle and pedestrian ramps are integrated into the building.	Yes.
3H – Vehicle Access	Integrated into façade Visual impact minimised Entry behind the building line or from secondary	Vehicle access is integrated into the rear elevation of the building fronting	Yes.

	<p>frontage Clear sight lines Garbage collection screened Pedestrian and vehicle access separated</p>	<p>Loftus Lane and provides clear sightlines.</p> <p>Garbage collection is provided within the basement.</p> <p>Pedestrian and vehicle access is separated.</p>	
3J – Bicycle and Car Parking	<p>Within 800m of a railway station:</p> <p>Min RMS Rate Applies: <u>20 or more units:</u></p> <p>1 bedroom: 0.6 spaces (19 x 0.6 = 11.4 spaces)</p> <p>2 bedroom: 0.9 spaces (56 x 0.9 = 50.4 spaces)</p> <p>3 bedroom: 1.4 spaces (5 x 1.4 = 7 spaces)</p> <p>Visitor 1 per 5 units (80 / 5 =16 Spaces)</p> <p>Total requirement = (69) resident spaces and (16) visitor spaces</p> <p>Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.</p>	<p>(70) resident spaces and (16) visitor spaces</p> <p>Bicycle parking provided within basement.</p>	<p>Yes</p> <p>Yes</p>
4A – Solar and Daylight Access	<p>Min. 70% (56 units) receive 2 hours solar access.</p> <p>Max. 15% units have no solar access Light wells, skylights and highlight windows are only to be a secondary source where sunlight is limited Design incorporates shading and glare control.</p>	<p>A minimum of (74) 92.5% of the units receive a minimum 2 hours solar access daily</p>	<p>Yes.</p>
4B – Natural	<p>Min. 60% units are cross</p>	<p>A minimum of (20)</p>	<p>Yes.</p>

Ventilation	ventilated Light wells are not the primary source of ventilation for habitable rooms Single aspect units have limited depth to maximise ventilation.	76.25% of the units are cross ventilated.	
4C – Ceiling Heights	Habitable: 2.7m Non-habitable: 2.4m 2 storey apartments: 2.7m main living area, 2.4m mezzanine Mixed Use: 3.3m ground floor.	3.05m ceiling heights to habitable rooms.	Yes.
4D – Apartment Size and Layout	1 bed: 50m ² 2 bed: 70m ² 3 bed: 90m ² Additional bathrooms +5m ² Each habitable room must have a window > 10% floor area of the room. If open plan layout =max 8m from a window Master bed: min 10m ² Other bedroom: min 9m ² Living room min. width: Studio and 1 bed: 3.6m 2 and 3 bed: 4m Crossover/through: min 4m	Unit AG07 is only 74m ² and fails to comply with the minimum 75m ² size requirements. A condition of consent is recommended to ensure the unit be increased by an additional 1m ² . All remaining units are provided with the minimum unit size requirements.	No, refer to conditions of consent.
4E – Private Open Space and Balconies	Studio: 4m ² 1 bed: 8m ² , min depth 2m 2 bed: 10m ² , min depth 2m 3 bed: 12m ² , min depth 2.4m	All units are provided with an area of private open space with a minimum dimension of 2m which meets the minimum area requirements.	Yes
4F – Common Circulation and Spaces	Max 8 apartments off a single core	No more than eight (8) apartments are accessed off a single core.	Yes.
4G – Storage	Studio: 4m ³ 1 bed: 6m ³ 2 bed: 8m ³ 3 bed: 10m ³	Whilst some storage space is provided within the basement area, a condition of	Yes - Condition of consent recommended.

	At least 50% within the basement	consent is required to ensure adequate storage space is provided according to the unit sizes.	
4H – Acoustic Privacy	Orientate building away from noise sources Party walls limited or insulated, like rooms together Noise sources (e.g. garage doors, driveways) located at least 3m from bedrooms	The subject site is within close proximity to Parramatta Road which presents as a potential noise source. An Acoustic Report prepared by Renzo Tonin & Associates accompanied the application. The Acoustic report provides recommendations on the acoustic treatment of the building which have been included as conditions of consent.	Yes, refer to conditions.
4J – Noise and Pollution	Site building to maximise noise insulation Noise attenuation utilised where necessary	The building will be constructed in accordance with the relevant Australian Standards.	Yes.
4K – Apartment Mix	Variety of apartment types Appropriate apartment mix Different apartments distributed throughout the building.	The proposal provides the following housing mix; (19) x 1 bedroom, (56) x 2 bedroom (5) x 3 bedroom	Yes.
4M – Facades	Composition of building elements. Defined base, middle and top Building services integrated into the façade	The composition of the building façade has a defined base and top which has integrated a mixture of external finishes to provide interest to the appearance of the building and allow it to positively contribute toward the presentation of development in the	Yes.

		streetscape. The front façade of the development is well articulated and is broken into two (2) separately defined elements to break up the composition of the development.	
4N – Roof Design	Roof design integrated into the building Incorporates sustainability features May include common open space	A flat roof design is proposed which includes a roof top common open space area and is suitable for the scale of development.	Yes.
4O – Landscape Design	Responsive to streetscape Viable and sustainable	The landscape scheme is responsive to the streetscape and incorporates a mixture of lower level shrubs and larger canopy trees.	Yes.
4Q – Universal Design	Variety of adaptable apartments	The proposal provides (28) units as adaptable units providing a total of 35% of adaptable units throughout the building.	Yes.
4U – Energy Efficiency	Adequate natural light to habitable areas Adequate natural ventilation Screened areas for clothes drying Shading on northern and western elevations	The proposal achieves compliant cross ventilation outcomes. Areas for clothes drying have not been provided however a condition of consent is recommended to provide such an area.	Yes.
4V – Water Management and Conservation	Efficient fixtures/fittings WSUD integrated Rainwater storage and reuse	Refer to BASIX Certificate commitments.	Yes.
4W – Waste Management	Minimise impact on streetscape, building entry and amenity	The proposal provides a waste storage room in the	Yes.

		<p>basement for the storage of waste. The proposal also allows for the underground collection of waste to ensure that there is no disruption to Loftus Crescent during collection.</p> <p>The underground collection of waste will maintain the amenity of the streetscape.</p>	
4X – Building Maintenance	Material selection reduces ongoing maintenance costs.	<p>The proposed schedule of external finishes is understated and refined to ensure the development will evolve nicely with both the approved as well as future development in the street.</p> <p>The proposed schedule of external finishes will include a mixture of exposed brick and alucobond cladding with a limited extent of render.</p> <p>The selected materials are suitable for the scale of the development and are relatively durable to reduce the ongoing maintenance costs of the building.</p>	Yes.

State Environmental Planning Policy (Infrastructure) 2007

The proposed development was referred to Sydney Trains (formerly Rail Corp) in accordance with the requirements of Clause 86(1) of the Infrastructure SEPP as the subject site is within 25m of a Railway Corridor and the development includes excavation for two (2) levels of basement car parking.

Concurrence was received by Sydney Trains in correspondence dated 25 January 2017, subject to a number of deferred commencement matters and standard conditions. These have been included in the recommended conditions below.

Clause 87 of the Infrastructure SEPP also requires Council to assess the impact of rail noise on the amenity of the proposed residential flat building. The application has been accompanied by an Acoustic Report prepared by Renzo Tonin & Associates which undertakes an assessment of the proposed development against the internal noise parameters of the SEPP and provides a recommended construction methodology. Compliance with the recommendations of the Acoustic Report will be enforced by way of special conditions of consent.

In accordance with Schedule 3 of the Infrastructure SEPP, the application is deemed 'Traffic Generating Development' as it is comprised of (80) units and is within 90m of a road which connects to a Classified Road. Accordingly, a referral was made to the Roads and Maritime Services under Clause 104. RMS raised no objection to the proposal in a response received 25 January 2017.

Therefore, the proposal has been assessed against the relevant provisions of the Infrastructure SEPP and is satisfactory.

Strathfield Local Environmental Plan 2012

The site is zoned R4 High Density Residential under the Strathfield Local Environmental Plan (SLEP), 2012 wherein development for the purposes of a Residential Flat Building is permissible with Council consent. The proposal is generally consistent with the objectives of the R4 High Density Residential zone which seek to provide for the housing needs of the community within a high density residential environment.

The subject site has an area of 2,933m² and complies with the minimum allotment size of 1,000m² required by Clause 4.1A of the SLEP, 2012. The subject site achieves the consolidation pattern required for Key Site 67 and accordingly the incentive building height (29m) and floor space ratio (2:1) development standards of Clause 4.3A and 4.4A of the SLEP are applicable.

The following table provides an assessment of the proposal against the relevant numeric controls of the SLEP 2012:

Clause	Required	Proposed	Compliance
4.1A Minimum Site Area: Residential Flat Building	1,000m ²	2,933m ²	Yes.
4.3A Exceptions to height of buildings (Parramatta Rd Corridor)	29m	29.55m	No, refer to discussion below.
4.4A Exceptions to floor space area	2:1(5,866m ²)	2:1(5,866m ²)	Yes.

Height Non-Compliance

As demonstrated in the table above, the proposed development fails to comply with the maximum building height permitted under Clause 4.3 of the SLEP 2012. The

areas of non-compliance specifically relate to the lift overrun, (refer to Figure 5). As such, the proposed development extends 550mm above the maximum permissible building height of 29m resulting in a departure of 1.9%

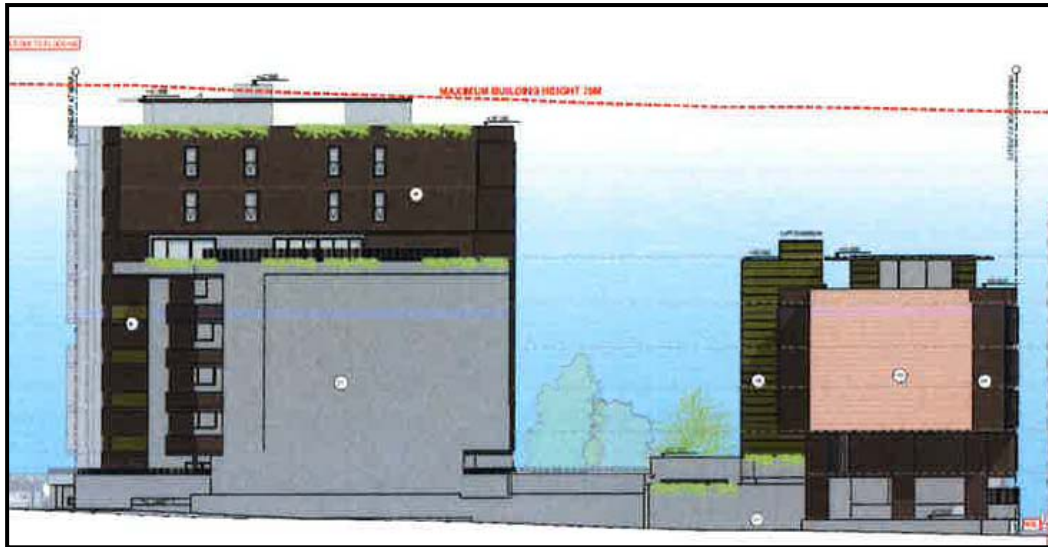


Figure 3: View of the northern elevation noting the extent of the proposed building height variation.

Clause 4.6 of the SLEP 2012 enables Council to grant consent to a proposed development that contravenes the development standards for building height in the following terms.

Clause 4.6(3) - Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.”

The applicant has provided a written request that seeks to justify the proposed contravention of the building height development standards shown in the above table on the following grounds:

- *‘The proposed development is entirely consistent with the relevant zone objectives in that the development will provide a mix of dwelling sizes with an appropriate high density residential environment.*
- *The proposal is suitable in terms of residential amenity and bulk and scale whilst providing for economic redevelopment of the site*
- *The proposed development related specifically to the lift overrun structure with the remainder of the building positioned below the maximum building height limit’*

Clause 4.6(4) - Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant’s written request has adequately addressed the matters required to

be demonstrated by subclause (3)

The applicant's written request to justify the contravention of the building height standard has adequately addressed the matters required to be demonstrated in subclause 4.6(3), specifically, that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The written request is considered to provide sufficient substantive information on the environmental planning grounds relating to streetscape, bulk, scale, form and amenity.

It is considered that the height non-compliance is acceptable given that the height non-compliance relates specifically to the encroachment of the lift over run with the remainder of the building positioned below the maximum building height limit. The lift overrun structure which exceeds the maximum permitted building height will not contribute towards the scale and bulk of the development and would achieve the objectives of the height control without adversely impacting upon the amenity of surrounding residences.

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

Objectives of the Building Height Standard

The objectives of the building height standard in clause 4.3 of the SLEP 2012 are:

4.3 Height of buildings

(1) The objectives of this clause are as follows:

- (a) to ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area,*
- (b) to encourage a consolidation pattern that leads to the optimum sustainability capacity height for the area,*
- (c) to achieve a diversity of small and large development options.*

The proposed development is considered to be consistent with the objectives of the building height standard having regard to the streetscape, building bulk, scale and form and pattern of development.

Objectives for Development within the Zone

The site is zones R4 – High Density Residential under the Strathfield Local Environmental Plan, 2012 wherein development for the purposes of a residential flat building is permissible with Council consent. The proposal is generally consistent with the objectives of the R4 – High Density Residential zone which seek to provide for the housing needs of the community within a high density residential environment.

(b) the concurrence of the Director-General has been obtained.

Council may assume the concurrence of the Director-General under the Planning Circular PS 08-003 issued in May 2008.

Conclusion on exception to height of building development standard

The applicant's written request to justify the contravention of the building height standard contained within Clause 4.3 of the SLEP 2012 is considered to be adequate

in that it has successfully demonstrated that compliance with the standard is unnecessary or unreasonable in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. Further, the variation is considered to be in the public interest given that the height noncompliance is a result of the provision of the roof top community open space area which will provide a sunlit open area for residents.

The subject site is identified as having Class 5 soils and is not located within 500m of Class 1, 2, 3 or 4 soils. Therefore, the proposed development was required to be accompanied by an Acid Sulfate Soils Management Plan and has satisfied the requirements of Clause 6.1 of the SLEP, 2012.

The site forms Key Site 67 and is appropriate to the future intended outcome for the site. The proposal will integrate well with existing approved key site developments in the streetscape. The proposal therefore satisfies the additional provisions for development in Parramatta Road Corridor in accordance with Clause 6.9 of the SLEP, 2012.

Overall, the proposed development has been considered with respect to the relevant Clauses of the SLEP, 2012 and is satisfactory.

Section 94 Contributions

Section 94 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

Provision of Community Facilities	\$150,750.75
Provision of Major Open Space	\$685,870.78
Provision of Local Open Space	\$447,197.14
Provision Roads and traffic Management	\$43,904.42
Administration	\$12,998.87
TOTAL	\$1,340,721.95

(iii) Development Control Plans:

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

Clause 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, and

(h) storage.

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:

Section	Development Control	Required	Proposed	Compliance
2.2	Built form/footprint	Proposal to conform to the building footprint shown in figure 9.	The building footprint generally accords with the Draft Key Sites Map.	N/A
	Land Consolidation	Proposal to conform to the consolidation pattern identified in figure 12.	Conforms with consolidation pattern of SLEP 2012 (Key Site 67)	N/A
2.3	Building Height	Proposal to conform to building height identified in figure 12, which requires max. 3 storeys.	Refer to previous discussion of building height under SLEP 2012	N/A
	Minimum Unit Sizes	Proposal to comply to the following min. unit sizes: 1 bed – 70m ² 2 bed - 85m ² 3 bed - 100m ²	The unit sizes of the ADG prevail.	N/A
2.5	Roof Form	Lift and service plant concealed within roof structure.	The lift overrun structure protrudes beyond the roof structure however, given the height non-compliance it would be considered inappropriate to require the lift overrun structure to be covered as it would contribute toward the bulk of the building.	Yes.
		Provide an interesting skyline and enhance views from adjoining developments.	Acceptable roofline provided for the scale of the building.	Yes.
2.6	Façade Composition	Entrance should be distinguishable in the façade.	Entries are distinguishable and do not include opportunities for concealment.	Yes.

Section	Development Control	Required	Proposed	Compliance
		Facades should maintain a human scale to the street by incorporating appropriate architectural features.	Human scale is maintained through the provision of individual entries to the ground floor apartments as well as a separate pedestrian access way.	Yes.
		Materials and finishes should blend together with min. 30% to incorporate face brickwork.	Materials and finishes comprise facebrick, and alucobond cladding with a limited extent of render.	Acceptable.
		Consider the use of glass in facades on northern and western elevations in terms of glare impacts.	Complies with BASIX.	Yes.
2.8	Visual and Acoustic Privacy	Visual privacy to be provided by separation or screening.	ADG prevails	N/A
		Main living areas oriented to the street or rear garden to prevent overlooking.	ADG prevails	N/A
		Acoustic privacy must be considered in relation to proposal and surrounding environment.	Acoustic report submitted. Compliance with construction methodology by way of condition of consent.	Yes, subject to condition.
		Buildings designed and sited to minimise transmission of noise to adjoining developments.	Residential in nature and unlikely to generate noise.	Yes.
		Developments adjoining major road or railway line to consider potential noise impacts.	Proximity to Parramatta Road addressed in acoustic report.	Yes.
		Shared pedestrian entries shall be capable of being locked and serve	Secured entries proposed.	Yes.

Section	Development Control	Required	Proposed	Compliance
		a limited no. of dwellings		
		Casual surveillance maintained of public streets and spaces with at least one habitable room window facing that area.	Casual surveillance encouraged through balcony orientation to overlook the public domain and centrally located open space areas.	Yes
2.9	Private Open Space	Proposal to provide 35% deep soil landscape area on the site.	ADG prevails.	N/A
		Retain and protect existing significant trees.	There are no significant trees on site that need to be retained. The application is supported with a landscape plan to replenish the site.	N/A
		Each contiguous landscape area shall provide large trees.	Numerous canopy trees proposed on the site. Refer to Landscape Plan.	Yes.
		Trees and pergolas to shade external areas and control sunlight into buildings.	Trees are provided within the ground floor communal open space area to provide shade.	Yes.
		Proposal to provide common open space to the following dimensions: 10% of site or 100m ² (whichever is greater); Min dimensions of 7m; Positioned to receive sunlight, be conveniently located for residents with good opportunities for passive surveillance and contain durable children's play	ADG prevails	N/A

Section	Development Control	Required	Proposed	Compliance
		equipment; Located behind front setback.		
	Balconies	Dwellings without ground level open space shall have balconies to the following requirements: <ul style="list-style-type: none"> • 12m² up to 2 bed; and • 15m² for 3 or more bed; Min. dimension of 2.0m; Located off living areas and with good solar access; and Balustrades designed to provide privacy and conceal service areas whilst allowing passive surveillance.	ADG prevails.	N/A
		Achieve required BASIX rating.	BASIX satisfied.	Yes.
	Solar Access	Main living and 50% of POS receive min. 3 hours solar access.	ADG prevails	N/A
		Min. 3 hours solar access maintained to habitable rooms and POS of adjoining development.	ADG prevails	N/A
	Stormwater, Sewerage and Drainage	Site to be adequately serviced by stormwater, sewerage and	Stormwater assessed to comply with Council's Stormwater Management Code.	Yes.

Section	Development Control	Required	Proposed	Compliance
		drainage in accordance with Council's Stormwater Management Code.		
2.11	Disabled Access	One main entrance barrier free and accessible.	Barrier free access to and from the main entrance.	Yes.
2.12	Vehicle Access and Parking	Accessible parking provided.	To satisfy BCA	Yes.
		15% of units designed to allow occupation by older people and people with disabilities.	The proposal provides (28) units as adaptable units providing a total of 35% of adaptable units throughout the building.	Yes.
		Car parking to be provided on the following basis: 1 and 2 bed – 1 space 3 bed – 1.5 spaces required Visitor – 1 space per 5 units	ADG Prevails	Yes.
2.13	Site Facilities and Services	Comply with driveway ramp gradient and dimension requirements.	Condition of consent recommended requiring the driveway ramp be designed in accordance with AS2890.1-2004.	Yes
		Electricity and telecommunication supplies shall be underground.	Aerial Bundling of overhead cables required.	Acceptable subject to condition.
2.14		Letterbox provision	No details provided	Refer to condition of consent.
		Master TV antenna provided.	No details provided.	No, but condition will be imposed to enforce compliance.
		Clothes drying	No detail.	Condition

Section	Development Control	Required	Proposed	Compliance
		facilities provided.		will be imposed to ensure fixed racks on balconies are not visible from public places.
		Comply with BCA	To be enforced by condition of consent.	Yes, by way of condition of consent.
2.16		Dilapidation report for all adjoining development.	No details provided.	Dilapidation report will be required to be prepared prior to CC. Compliance will be enforced by way of condition of consent.

Part H – ‘Waste Management’ of the Strathfield Consolidated Development Control Plan (DCP) 2005

The proposal provides for the underground collection of waste in accordance with Section 3.3 of Part H of the Strathfield Development Control Plan 2005.

The proposal includes two (2) waste collection areas within the basement for the storage of (15) x 660L garbage and (28) x 240 recycling bins.

Waste chutes are provided at each level of the building with an adjacent storage area for recycling materials for use by residents and the applicant has proposed signage within common areas to educate residents about the management of waste within the site.

Sufficient clearance (34m) has been provided for Council's truck to access the northern portion of the basement area within the basement to permit the on-site collection of waste to occur.

Bins will be relocated from the garbage and waste room beneath Building A for collection from the holding room adjacent to Waste Room 1 as the clearance height within the basement steps through the site due to the site's topography and areas accessible to Council's garbage truck will be restricted.

Overall, the management of waste from the site, once occupied, will be acceptable and will meet the draft provisions of Council's DCP.

(iii) Planning Agreements (or draft agreements):

The proposed development is not subject to a planning agreement pursuant to Section 93F of the Environmental Planning and Assessment Act 1979.

The proposed development is subject to a planning agreement pursuant to Section 93F of the Environmental Planning and Assessment Act 1979 as the proposal involves the dedication of 216.5m² of land to Council for widening of Loftus Lane.

The dedication of this land will help Council achieve its strategic goal for the activation of the Parramatta Road Corridor and is considered to be of public benefit. The applicant has submitted written correspondence to Council for the dedication of the laneway through a Voluntary Planning Agreement which will be executed prior to the issue of a Construction Certificate for above ground works.

Suitable conditions of consent have been included in the recommendation below.

(iv) Matters Prescribed by the Regulations

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

Having regard to these prescribed matters, the proposed development is not located on land subject to the Government Coastal Policy as determined by Clause 92 (1) (a) (ii); however does involve the demolition of a building for the purposes of Australian Standard (AS) 2601 – 1991: The Demolition of Structures. Should this application be approved, appropriate conditions of consent are recommended to ensure compliance with the relevant prescribe matters.

(v) Any Coastal Zone Management Plan:

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

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

The proposed development is not located on a site that is subject to flooding attributed to either Powell's Creek or Cook's River and is therefore not required to be considered under the provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

(b) Likely Impacts:

Orientation

Section 3B of the Apartment Design Guide (ADG) requires new development to not result in a reduction of solar access to neighbouring properties by more than 20%. The east-west orientation of the site however results in an unavoidable degree of overshadowing to the southern adjoining dwellings.

At 9am the proposal casts a shadow to the south west, overshadowing large portions of the road, adjoining railway and a small portion of the northern adjoining dwelling. By noon, this shadow has moved south-east and now overshadows a portion of the southern adjoining dwelling's private open space areas. By 3pm, the shadow has moved considerably to the southeast and now overshadows large portions of the three (3) southern adjoining properties fronting Loftus Crescent.

Notwithstanding the unfavourable east west axis, the proposal still allows the adjoining land to receive a reasonable level of solar access during mid-winter and is considered acceptable. It is also noted that the shadow diagrams provided are indicative of the worst case scenario being the winter solstice (June 21) with overshadowing being of less impact throughout remaining times of the year.

Building Separation/Visual Privacy

In accordance with 3F of the Apartment Design Guide (ADG) buildings up to a height of four (4) storeys are to provide a minimum 6m separation between habitable rooms and the nearest property boundary and a minimum 3m separation between non-habitable rooms and the property boundary. The proposed development has been designed as two (2) separate structures as per the illustration below extracted from the architectural plans:

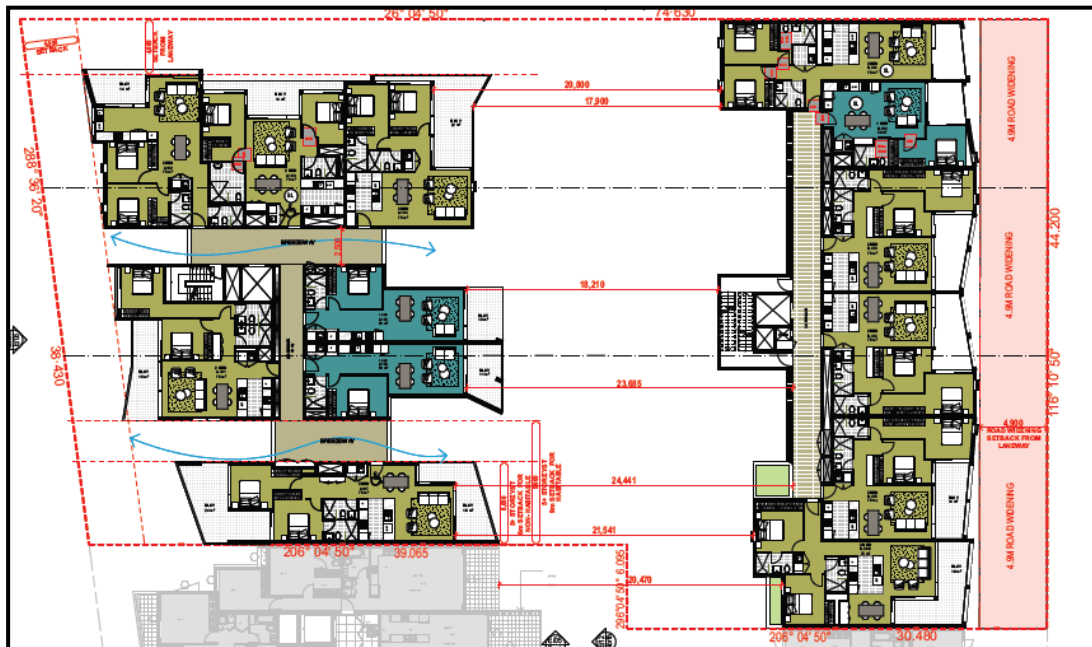


Figure 4: Extract of the architectural plans showing the floor plan for levels 1 – 4

Building B provides a nil side setback to both the northern and southern boundaries of the site and presents minimal opportunities for overlooking into adjoining properties with balconies orientated toward Loftus Lane providing passive surveillance to the street.

With regard to Building A, a 4m side setback is provided to the northern side boundary of the site and is carried on throughout the entire body of the building with a non-trafficable landscaped space provided to level 8 of the building to provide further separation from the northern adjoining property.

The southern elevation of Building A carries a nil side setback from the ground level to level 5. Whilst a terrace space is provided on level 5, a 1.8m height privacy screen is to be installed to allow for visual separation to be maintained. Between the remaining levels 6-8, an increased 9m side setback is provided with a non-trafficable area around the periphery of the roof top community open space area created to ensure adequate visual separation is achieved.

Apartment Sizes

Section 4D of the Apartment Design Guide (ADG) requires units to comply with the minimum apartment sizes. In the instance where an additional bathroom is provided, an additional 5m² floor space is required. Unit AG07 seeks to provide 2 bedrooms and 2 bathrooms which requires a combined unit size of 75m². The ground floor plan submitted as part of the application indicates a total floor space of 74m² which is a departure of 1m² from the minimum unit size required. A condition of consent has therefore been imposed to ensure the unit be increased by an additional 1m² floor space to comply with ADG requirements.

(c) Suitability of the Site:

The proposed development presents an overall bulk, height and scale which is commensurate with the relevant statutory controls. The overall layout of the two (2) buildings maximises the northerly orientation of the site, providing residents with good solar access to units, balconies and common areas. The proposal is consistent with the architectural form and high quality material palate sought by Council throughout the Parramatta Road Corridor and will be compatible with existing, recently approved and likely future development nearby.

Therefore, the proposed development is suitable for the subject site.

(d) Submissions:

The application and plans were notified in accordance with Part L of the Strathfield Consolidated DCP 2005 from 6 December 2016 to 16 January 2017. One (1) written submission was received.

The concerns raised in the submissions are outlined and discussed below.

34. Traffic & Parking

Concern is raised for the proposed development in addition to the other proposed developments in the immediate vicinity of the site which would result in reduced car parking availability and increase traffic density.

Comment: The proposal complies with the minimum residential and visitor parking spaces which are required for the site under Section 3J of the Apartment Design Guide and is located approximately 520m west of the pedestrian entry to Homebush

Railway Station. Additionally, regularly serviced bus stops are located along Parramatta Road.

The proposal also includes the dedication of a 4.9m wide parcel of land which will contribute to widening of Loftus Lane with the aim of improving traffic circulation within the local area.

As sufficient on-site parking is provided to meet Council's minimum requirements, the proposal will be unlikely to adversely impact the local traffic network and/or availability of on-street parking in surrounding streets.

Construction traffic impacts will be appropriately managed through a standard condition of consent requiring a Construction Traffic Management Plan to be submitted to Council prior to the commencement of works.

35. Property Values

Concern is raised for the loss in property value as a result of the proposed development and other similar developments proposed in the immediate streetscape.

Comment: property values are not a matter for consideration under Section 79C of the Environmental Planning & Assessment Act 1979.

36. Construction Phase of Development

Concern is raised for the audio and visual pollution and the impact on residential amenity the proposed development would have on surrounding residents during the construction phase of the development.

Comment: The construction impacts of the development will be appropriately managed through a standard condition of consent requiring a Construction Traffic Management Plan to be submitted to Council prior to the commencement of works. Furthermore, conditions of consent have been imposed to restrict the hours of construction throughout the day.

(e) Public Interest:

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

INTERNAL REFERRALS

The application was forwarded to Council's Development Engineer, Drainage Engineer, Health and Building Surveyor and Tree Coordinator for comment. No objections were raised subject to the inclusion of recommended standard conditions of consent.

EXTERNAL REFERRALS

The application was forwarded to the Roads and Maritime Services, the NSW Office of Water, Sydney Trains and the NSW Police for comment. Comments received from these external parties have been incorporated into the recommended conditions of consent below.

CONCLUSION

The proposed development is permissible in the subject Zone and is consistent with the relevant objectives contained within the Strathfield Local Environmental Plan 2012, which seek to provide a range of residential accommodation within close proximity of existing public transport infrastructure.

Overall, the proposal presents a development of good architectural merit which is considered to positively contribute to the vibrant mixed use Parramatta Road Precinct. The proposal will support a good level of amenity for future residents within close proximity to Homebush Railway Station, Parramatta Road, the Sydney Markets, existing schools and local services.

As discussed in detail throughout this report, the proposal accords with the relevant statutory provisions contained within SEPP 55, SEPP 65, SEPP (Infrastructure), SEPP (BASIX), Council's Development Control Plan and Interim Planning Policies.

The application is therefore recommended for approval, subject to the deferred commencement matters raised by Sydney Trains and the following operational conditions of consent.

RECOMMENDATION

That DA2016/172 for the demolition of existing structures and construction of a part nine (9) storey, part five (5) storey residential flat building containing (80) units consisting of (19) x 1 bedroom, (56) x 2 bedroom and five (5) x 3 bedroom units over two (2) levels of basement car parking at 40-42 Loftus Crescent, Homebush be granted **DEFERRED COMMENCEMENT APPROVAL** pursuant to section 80(3) of the EP&A Act 1979, subject to the following conditions:

DEFERRED COMMENCEMENT CONDITIONS

D1 This consent is not to operate until the Applicant satisfies the Council, within twelve (12) months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

The Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:

- (a) Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
- (b) Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
- (c) Cross sectional drawings showing the tunnel easement, tunnel location, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
- (d) Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and tunnel location.

- (e) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

Upon written confirmation from Strathfield Council that the above conditions have been satisfied, the consent will become operative subject to the following conditions.

CONDITIONS OF CONSENT

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 subject to any amendments "in red" and any variation as required by conditions of this consent:

Site Plan, Project No.16-103, Drawing No.DA1002, prepared by Urbanlink, received by Council 23 November 2016.

Demolition Plan, Project No.16-103, Drawing No.DA1003, prepared by Urbanlink, received by Council 23 November 2016.

Floor Plans – Lower Ground & B2, Project No.16-103, Drawing No.DA2101, prepared by Urbanlink, received by Council 14 February 2017.

Ground Floor & Level 1 Plan, Project No.16-103, Drawing number DA2102 Issue C, prepared by Urbanlink, received by Council 14 February 2017.

Level 02, 03 & 04 Plans, Project No.16-103, Drawing number DA2103 Issue C, prepared by Urbanlink, received by Council 14 February 2017.

Level 05 & 06 Plans, Project No.16-103, Drawing number DA2104 Issue C, prepared by Urbanlink, received by Council 14 February 2017.

Level 07 Plans, Project No.16-103, Drawing number DA2105 Issue C, prepared by Urbanlink, received by Council 14 February 2017.

Elevations – Loftus Crescent, Project No.16-103, Drawing number DA3001 Issue C, prepared by Urbanlink, received by Council 14 February 2017.

Elevations – Building A North, Project No.16-103, Drawing number DA3002 Issue C, prepared by Urbanlink, received by Council 14 February 2017.

Elevations – Building B South, Project No.16-103, Drawing number DA3003 Issue C, prepared by Urbanlink, received by Council 14 February 2017.

Elevations – Loftus Lane, Project No.16-103, Drawing number DA3004 Issue C, prepared by Urbanlink, received by Council 14 February 2017.

Elevations – East/West, Project No.16-103, Drawing number DA3005 Issue C, prepared by Urbanlink, received by Council 14 February 2017.

Section AA/BB, Project No.16-103, Drawing number DA3101 Issue C, prepared by Urbanlink, received by Council 14 February 2017.

Section CC/FF, Project No.16-103, Drawing number DA3102 Issue C, prepared by Urbanlink, received by Council 14 February 2017.

Section DD, Project No.16-103, Drawing number DA3103 Issue B, prepared by Urbanlink, received by Council 23 November 2016

Section EE, Project No.16-103, Drawing number DA3104 Issue B, prepared by Urbanlink, received by Council 23 November 2016

Proposed Landscape Plan – Cover Sheet, Drawing L/00 prepared by Discount Landscape Plans, received by Council 23 November 2016.

Proposed Landscape Plan – Lower Ground Level, Drawing L/01 prepared by Discount Landscape Plans, received by Council 23 November 2016.

Proposed Landscape Plan – Ground Level, Drawing L/02 prepared by Discount Landscape Plans, received by Council 23 November 2016.

Proposed Landscape Plan – Level 1, Drawing L/03 prepared by Discount Landscape Plans, received by Council 23 November 2016.

Proposed Landscape Plan – Level 5, Drawing L/04 prepared by Discount Landscape Plans, received by Council 23 November 2016.

Proposed Landscape Plan – Level 8, Drawing L/05 prepared by Discount Landscape Plans, received by Council 23 November 2016.

Waste Management Plan prepared by Urbanlink, received by Council 23 November 2016.

Stormwater Plan – General Notes, Drawing No.A6611- Cover, Revision C, prepared by Alpha Engineering & Development, received by Council 20 February 2017.

Sediment & Erosion Control Plan, Drawing No.A6611-SW01, Revision C, prepared by Alpha Engineering & Development, received by Council 20 February 2017.

Basement 2 Drainage Plan, Drawing No.A6611-SW02, Revision C, prepared by Alpha Engineering & Development, received by Council 20 February 2017.

Basement 1 Drainage Plan, Drawing No.A6611-SW03, Revision C, prepared by Alpha Engineering & Development, received by Council 20 February 2017.

Ground Floor Drainage Plan, Drawing No.A6611-SW04, Revision C, prepared by Alpha Engineering & Development, received by Council 20 February 2017.

Level 8 Drainage Plan, Drawing No.A6611-SW05, Revision C, prepared by Alpha Engineering & Development, received by Council 20 February 2017.

Stormwater Section Details Plan, Drawing No.A6611-SW06, Revision C, prepared by Alpha Engineering & Development, received by Council 20 February 2017.

MUSIC Modelling & Catchment Plan Plan, Drawing No.A6611-SW07, Revision C, prepared by Alpha Engineering & Development, received by Council 20 February 2017.

Preliminary Geotechnical Investigation Report, prepared by Ground Technologies, received by Council 23 November 2016.

Traffic and Parking Assessment Report, prepared by Varga traffic Planning Pty Ltd, received by Council 23 November 2016.

Acoustic Report prepared by Renzo Tonin & Associates received by Council 23 November 2016

Phase 1 Preliminary Site Investigation prepared by DLA Environmental DL3469_S002541 received by Council 23 November 2016

Arboricultural Report prepared by Earthscape Horticultural Services, received by Council 23 November 2016.

BASIX Certificate No.775179M, issued 10 November 2016.

Flood Report prepared by Alpha Engineering & Development, received by Council 14 February 2017.

Access Compliance Report, prepared by Vista Access Architects, received by Council 23 November 2016.

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.

Special Conditions

5. In accordance with the offer made by the applicant (Novati Construction Pty Ltd) dated 30 June 2015 and Drawing No. 2015-01-VPA01 Issue A2, a Voluntary Planning Agreement shall be entered into between the property owner/developer and Strathfield Council for the dedication of 215m² of land with a minimum width of 4.9m for the purpose of an extension of Loftus Laneway adjacent to the northern boundary of the site. The agreement shall be pursuant to Section 93F of the Environment Planning and Assessment Act 1979. The Voluntary Planning Agreement shall be finalised **prior to the issue of a Construction Certificate** for above ground works.

6. Full compliance shall be given to the recommendations contained in the endorsed Acoustic Report prepared by Renzo Tonin & Associates prepared 10 November 2016.
7. Full compliance shall be given to the recommendations contained in the endorsed Preliminary Site Investigation Report prepared by DLA Environmental prepared May 2015.
8. **Prior to demolition of the existing structures**, a Hazardous Materials Survey should be conducted and any hazardous material should be removed from the structures and an Asbestos Clearance Certificate provided by a suitably qualified Asbestos Assessor.
9. **Prior to the issue of a Construction Certificate**, amended plans shall be prepared which provide a communal clothes-drying facility in a suitable location behind the front building line.
10. **Prior to the issue of a Construction Certificate**, amended plans shall be prepared demonstrating that unit AG07 is increased by a minimum 1m² in size to comply with the minimum 75m² size requirements.
11. The proposed kerb inlet pit lintel is in conflict with the proposed vehicular crossing layback. The kerb inlet pit lintel needs to be 1m away from the layback of the vehicular crossing. As such, **prior to issue of a Construction Certificate**, an amended plan prepared by a suitably professional civil/hydraulic engineer shall be submitted to Council demonstrating the following modification:
 - (a) Proposed kerb inlet pit lintel 1m away from the layback of the proposed vehicular crossing.

General

12. The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.
13. 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.

14. A Works Permit shall be obtained from Strathfield Council at least five (5) working days prior any work (including demolition, excavation and the erection of site fencing/hording). The approved Works Permit and any approved Construction Traffic Management Plan must be complied with at all times until all demolition, building, engineering and construction work associated with the development has been completed. The permit must be retained on site at all times.
15. **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.
16. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$10million and shall provide proof of such cover to Council prior to carrying out works.

Financial Matters

17. 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:

Provision of Community Facilities	\$150,750.75
Provision of Major Open Space	\$685,870.78
Provision of Local Open Space	\$447,197.14
Provision Roads and Traffic Management	\$43,904.42
Administration	\$12,998.87
TOTAL	\$1,340,721.95

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

The required contribution shall be paid **prior to the issue of a Construction Certificate**.

18. A security payment of **\$13,635.00** 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 tree protection bond	\$3,000.00
Refundable works bond	\$10,000.00
Non-refundable administration fee (\$127/bd)	\$635.00
TOTAL	\$13,635.00

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) installation and maintenance of sediment control measures for the duration of construction activities;
- c) tree final inspection to ensure that Council's street trees have been retained, protected or replanted in accordance with conditions of consent and/or Arborists' report for the post final inspection twelve (12) month period; 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.

19. 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.

Parking/Traffic Matters

20. A total of 76 off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents	70 (including 12 disabled spaces)
Visitors	16
TOTAL	(76)

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

Visitor parking spaces shall be provided on the upper most level of basement parking.

If it is proposed to strata subdivide the development in the future, parking designation shall be strictly in accordance with this condition.

21. Where entry points to car park areas are fitted with security gates/shutter and access to visitor parking is required to be provided a suitable communication systems shall be provided at the entry point to allow the security gates/shutter to be opened remotely by occupants of the building.
22. The entry and exit driveways shall be suitably signposted and directional arrows shall be painted on the internal roadway.
23. All vehicles entering and leaving the site shall be driven in a forward direction only.

24. Rights-of-carriageway shall be created over the common vehicular access to the lots.
25. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
26. Reconstruct the footpath, kerb and gutter to Council's specifications for the full frontage of the development site at the completion of all building works.
27. 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.**

Drainage/Stormwater

28. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to Council's drainage system in Loftus Lane, Homebush as depicted on the concept plan prepared by Alpha Engineering & Development rev C sheet no. COVER – SW07 drawing no. A6611-COVER – A6611-SW07 dated 16.02.2017.
29. 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 above engineering plans 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.**

30. 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** 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.**
31. **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.

32. 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.**
33. 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.

34. All pits shall be constructed in accordance with Australian Standard AS3500.3.
35. All subsoil drainage must be designed to meet the requirements of AS3500;
36. 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.
37. The proposed basement pump out system capacity shall be capable of handling 4 hours of 100yr ARI storm event and the catchment contributing to it shall be limited to the subsoil drainage and the basement access ramp area only. The pipes under the basement shall not be PVC or HDPE. The rising main shall be connected to the Silt Arrestor Pit. Final details of this system are to be submitted with the Construction Certificate application.
38. Grated drains shall be provided along the property boundary and the basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.
39. The OSD basin must be graded to drain completely and gradients shall not be less than 1%. Discharge restriction from the OSD shall be by use of appropriately sized short length of reduced diameter pipe and weir; orifice plate shall not be used and a coefficient of 0.8 shall be used for designing the pipe. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

40. 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.
41. 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.
42. 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.
43. 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.
44. The proposed development must be designed so that habitable floors are at a minimum of 500mm above the 1 in 100 year flood level and non-habitable floors are no lower than the 1 in 100 year flood level.
45. In accordance with Council's Flood Prone Land Policy where the overland flow path is along the block (from front to rear or rear to front) the building shall be setback at least 3m from the boundary on the low side of the block to allow an overland flow path
46. The crest of the access ramp to the basement car park shall be a minimum of 300m above the 1 in 100 year flood level or at PMF, whichever is greater.
47. The applicant shall comply with the flood recommendations provided in the Overland Flow Impact Report prepared by Alpha Engineering & Development ref: A6611 – Rev A dated 14 February 2017. A certificate from a suitably qualified Engineer shall be submitted to the Certifying Authority stating compliance with these recommendations **prior to the issue of the Occupation Certificate.**
48. 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 componentsincorporated in the development. 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.
49. The connection to Council's street drainage system shall consist of a pipeline across to the street kerb with the pipeline then continuing under Loftus Lane, Homebush to Council's drainage pipe.
50. The pipe shall be 375mm in diameter with reinforced concrete spigot and socket with rubber ring joints or equivalent, as approved by Council. A pit shall be

constructed at the property boundary, at the kerb line and at the connection to Council's drainage pipe.

51. A plan and long section of the proposed drainage line in Loftus Lane, Homebush and structural details of the proposed pits shall be prepared by a suitably qualified hydraulics and structural engineer in accordance with Council's standard requirements and submitted for approval by Council's Manager Infrastructure Planning **prior to issue of a Construction Certificate.**
52. The proposed drainage line connecting to Council's drainage pipe in Loftus Lane, Homebush shall be constructed **prior to the issue of any Occupation Certificate.**
53. A Works Permit shall be obtained from Council's Customer service Centre prior to undertaking any works on public/Council-controlled lands. This includes any work on the nature strip, footpath, driveways, Council's drainage kerb, guttering and roadways.
54. The applicant or any contractors carrying out works in public or Council's controlled lands shall have public liability insurance cover to the value of \$20 million, and shall provide proof of such cover prior to carrying out the works.
55. A Traffic Management Plan shall be submitted for approval to Council's Engineering Works & Services Section, **prior to the commencement of drainage works** in Loftus Lane, Homebush.
56. A bond of \$30,000 in the form of cash or bank cheque shall be lodged with Council by the applicant prior to the commencement of drainage works in Council's controlled land. This bond covers road and drainage works in Loftus Lane, Homebush and will be released upon satisfactory completion of these items.
57. Upon completion of drainage works within the road reserve full works-as-executed plans prepared and signed by a registered surveyor, shall be submitted for Council's approval. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and locations for the drainage structures and works.
58. The affected areas i.e. roadway, nature strip, footpath, kerb & guttering and driveways shall be reinstated to the satisfaction of Manager Engineering Works & Services at no cost to Council.

A copy of the approved drainage plans shall be collected from Council's Customer Service Centre together with the Works Permit.

59. The sediment tank shall be inspected quarterly and cleaned as necessary. The accumulated sediment should be disposed off site as per standard practice and National guidelines. A record of quarterly maintenance of the sediment tank shall be kept and produced when requested by Council.
60. 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.

61. 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.
62. 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.
63. 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 stormwater system on the site.

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

Public Authority Matters

64. **Prior to the issue of an Occupation Certificate** all existing overhead electricity and telecommunication cabling adjacent to the development site shall be consolidated into a single Aerial Bundle Cable (ABC) at the applicant's expense in accordance with the specifications of AusGrid and the telecommunications supplier.

Landscaping/Tree Matters

65. The trees listed below shall be retained at all times:

<u>Tree</u>	<u>Height/ Spread (m)</u>	<u>Location</u>	<u>Protection Zone (m)</u>	<u>Structural Root Zone (m)</u>
1) <i>Tristainopsis laurina</i>	4.5/4	Council verge	2.7	1.6

2) <i>Tristainopsis laurina</i>	5/6	Council verge	5.4	2.4
3)				
3) <i>Tristainopsis laurina</i>	5/6	Council verge	3.2	1.9
9) <i>Eleocarpus reticulatus</i>	7/5	Adjoining property	2.5	1.5
10) <i>Hymenosporum flavum</i>	7/5	Adjoining property	2.5	1.3
11a) <i>Hymenosporum flavum</i>	5/4	Adjoining property	2	1.1
11b) <i>Buckinghamia celsissima</i>	5/4	Adjoining property	2.3	1.5
29) <i>Livistona australis</i>	4/4	Adjoining property	3.6	2
30) <i>Livistona australis</i>	10/4	Adjoining property	3.4	1.9
32) <i>Corymbia ficifolia</i>	8/10	Adjoining property	5.3	2.1
34) <i>Melaleuca linearifolia</i>	7/5	40-42 Loftus Crs	3.6	2
35) <i>Leptospermum petersonii</i>	6/4	Adjoining property	2.9	1.8
36) <i>Eucalyptus seiberi</i>	10/8	Adjoining property	4.2	2.1
37) <i>Seratonia siliqua</i>	10/11	40-42 Loftus Crs	5.5	2.1
38) <i>Syzygium australe</i>	5/3	Adjoining property	2.3	1.5
39) <i>Fraxinus raywoodii</i>	13/6	Adjoining property	3.4	1.9
40) <i>Fraxinus raywoodii</i>	8/4	Adjoining property	2.6	1.6
41) <i>Camellia sasanqua</i>	6/5	Adjoining property	2.5	1.5
43) <i>Eleocarpus reticulatus</i>	6/2	Adjoining property	1.5	1.1
45) <i>Jacaranda mimosifolia</i>	5/5	Adjoining property	3.1	1.9
47) <i>Murraya paniculata</i>	5/4	Adjoining property	2.4	1.7
48) <i>Archontophoenix cunninghamii</i>	12/4	Adjoining property	3	1.6
54) <i>Cupressocyparis leylandii</i>	6/3	Adjoining property	2.2	1.6
55) <i>Acer negundo</i>	6/4	Adjoining property	2	1.4
56) <i>Acer palmatum</i>	5.5/4	Adjoining property	2.7	1.6

Tree management is to be conducted in accordance with the Arboricultural impact assessment 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 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 AS4970-2009: *Protection of Trees on Development Sites*.
 - 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.
66. A minimum 600mm deep root deflection barrier shall be provided on both sides of the proposed driveway crossing(s) and footpaths.
67. All noxious weeds on the site shall be removed and destroyed as per their classification under the *Noxious Weeds Act 1993*.
68. The following listed trees are permitted to be removed to accommodate the proposed development:

Tree
4) <i>Chamaecyparis obtusa</i>
20) <i>Dimocarpus longan</i>
22) <i>Plumeria acutifolia</i>
23) <i>Thuja occidentalis</i>
24) <i>Thuja orientalis</i>
26) <i>Jacaranda mimosifolia</i>
44) <i>Agonis flexuosa</i>

46) <i>Melaleuca bracteata</i>
53) <i>Thuja occidentalis</i>
20) <i>Dimocarpus longan</i>
22) <i>Plumeria acutifolia</i>

69. All trees permitted to be removed by this consent shall be replaced by species selected from Council's recommended planting list. Replacements shall be a minimum 25 litre container size and shall be maintained until maturity.
70. The following branch or root pruning works are permitted to accommodate the proposed development:

<u>Tree</u>	<u>Approved Works</u>
32) <i>Corymbia ficifolia</i>	Prune as required in order to provide approximately 2 metres clearance from proposed structures

- (a) All pruning work **must** be undertaken by a minimum level 2 (AQF 2) qualified Arborist who is currently a member or eligible for membership to *Arboriculture Australia* (AA) or the *Tree Contractors Association Australia* (TCAA) and in accordance with AS4373—*Pruning of amenity trees*.
- (b) No climbing spikes/spurs are to be worn.
- (c) Root pruning/root barrier installation must be undertaken by a minimum level 4 (AQF 4) qualified Arborist who is currently a member or eligible for membership to the *Arboriculture Australia* (AA) or *Tree Contractors Association Australia* (TCAA) and in accordance with AS4373—*Pruning of amenity trees*.
71. 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).
72. Tree management on this site is to be conducted in accordance with the recommendations and the content of the Arboricultural Impact Assessment (AIA) report for this site by Andrew Morton from Earthscape Horticultural Services, dated February 2015.
73. Any trees located on adjoining property that will be adversely affected by or require removal as a result of this development may only be removed with the written consent of the tree's owner.
74. Tree protection measures and works within the TPZ of trees to be retained are to be conducted in accordance with section 10 and Appendix 6 of the Earthscape AIA and with section 4 of AS4970-2009 Protection of trees on development sites.
75. Excavations in the vicinity of trees 29, 30,31,32,45 and 48 are to be conducted in accordance with section 9.1.6 of the Earthscape AIA.
76. Tree 4 is to be replaced by a locally indigenous native tree with a mature height exceeding 10 metres and maintained until maturity.

Construction Matters

77. **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.
78. 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**.
79. 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).
80. 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.
81. 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) car park/garage 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.
82. 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.
83. If the existing ground levels are altered during construction, Council may require a survey plan of the finished ground levels to be prepared and submitted **prior to the issue of an Occupation Certificate** to determine if there have been changes to the pre-development levels and if there are any impacts on adjoining properties as a result.
84. 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.

85. 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.
86. 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.
87. 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.

88. The owner of the adjoining allotment 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.
89. Certification of the structural adequacy of the sign shall be prepared by a suitably qualified person and submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
90. 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.**

91. 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.
92. All temporary buildings shall be removed from the site at the completion of the development.
93. A certificate from a practising and suitably qualified structural engineer certifying that the existing structure is capable of supporting the new superimposed loads from the proposed development shall be submitted **prior to the issue of a Construction Certificate.**

Building Matters

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

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

95. 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.
96. 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.**

Demolition

97. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
98. 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.**

99. 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.**
100. 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.

Works Zone

101. An application for a 'Works Zone' must be submitted to and approved by the Strathfield Council Traffic Committee prior to the commencement of any site work (including demolition).

The suitability of the proposed length and duration of the Works Zone is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Strathfield Council Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

Construction Traffic Management Plan

102. 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

- 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)

Fire Safety Measures

103. 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.**
104. Each 12 months after the installation of essential fire or other safety measures, the owner of a building must submit an Annual Fire Safety Statement for the building to Council. In addition a copy of the statement must be given to the NSW Fire Commissioner and a copy displayed prominently in the building.

Hoardings

105. 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.
106. 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.
107. An overhead 'B' type hoarding shall be constructed where material is being hoisted over or across a public way.
108. 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.
109. 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.
110. 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.

Air Quality

111. Full compliance shall be given to the recommendations contained in Section 5 of the endorsed acoustic report prepared by Renzo Tonin & Associates.
112. *An Acoustic Engineer shall certify that any mechanical plant associated with the development complies with the criteria contained with the New South Wales Industrial Noise Policy outlines in the NSW Environmental Protection Authority.*
113. As required by the Protection of the Environment Operations (Noise Control) Regulation 2008, air-conditioning units or heat pump water heaters shall not be audible within a habitable room or any other residential premises before 8am or after 10pm on any Saturday, Sunday or public holiday, or before 7am or after 10pm on any other day.

Subdivision

114. The strata subdivision of the development shall be subject to a separate application.

Disabled Access

115. Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia, the relevant standards and the requirements of the Disability (Access to Premises – Buildings) Standards 2010. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
116. A carparking space 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.**

Waste Management

117. 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.
118. 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.**
119. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property as follows:
- (a) Full and free right must be provided to Strathfield Council employees or its authorised contractors to:
 - (i) Enter upon the land and remove any waste products using any vehicle or equipment as necessary;
 - (b) The owner of the lot burdened shall be solely responsible for the cost of maintaining in good and sufficient repair at all times the internal roads or access ways used by Strathfield Council for the purpose of exercising its rights as set out in clause (a) above.

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.**

Integrated Development – Sydney Trains

120. If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
121. An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
122. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
123. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible

from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

124. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
125. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
126. If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.

NSW Office of Water

127. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
128. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
129. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
 - a) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
 - b) any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and

- c) where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
130. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
131. Documentation (referred to as a 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process must be provided. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

132. The following shall be included in the initial report:
- a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
 - b) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
 - c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
 - d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [Note that groundwater level measurements should be undertaken on a continuous basis using automatic loggers in monitoring bores.
133. 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 the initial report.
134. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used,

- together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
135. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
 136. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability determined by slug-testing, pump-testing or other means).
 137. A copy of a valid consent for the development shall be provided in the initial report.
 138. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
 139. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During Excavation

140. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
141. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
142. Measurement and monitoring arrangements to the satisfaction of the approval body are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
143. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to

be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.

144. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
145. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
146. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the approval body under appropriate safety procedures.

Following Excavation

147. Following cessation of the dewatering operations, the applicant shall submit the completion report which shall include:
 - a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
 - b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
148. The completion report is to be assessed by the approval body prior to any certifying agency's approval for occupation or use of the completed construction.

Land Contamination

149. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.
150. 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.

LIST OF ATTACHMENTS

1. Architectural plans

**** End of SIHAP Report No. 5 ****

TO: Strathfield Independent Hearing and Assessment Panel – 6 April 2017
REPORT: SIHAP – Report No. 6
SUBJECT: 28 Burlington Road, Homebush - Lot E DP 959794
DA NO: 2016/155

SUMMARY

Proposal: Infill affordable housing
Assessment officer: LP
Date of lodgement: 17 October 2016
Notification period: 25 October 2016 to 9 November 2016
Submissions received: Twenty-eight (28) including one (1) in support
Applicant: Boutros Touma Pty Ltd
Owner: Boutros Touma Pty Ltd
Estimated cost of works: \$2,500,000
Zoning: R3 Medium Density Residential - SLEP 2012
Heritage: n/a
Flood affected: No
Is a Clause 4.6 variation proposed? Yes - building height
Extent of the variation supported? 14% (1.54m)
Peer review of Clause 4.6 variation: A peer review of the Clause 4.6 variation has been undertaken. The variation is not considered to be well founded.

RECOMMENDATION

APPROVAL

REPORT

INTRODUCTION

Approval is sought for the demolition of existing site structures and construction of an "Infill Affordable Housing" development under the Affordable Rental Housing SEPP comprising a four (4) storey residential flat building containing a total of ten (10) units comprising five (5) x 1 bedroom and five (5) x 2 bedroom units above one (1) level of basement car parking.

The application was lodged under the "infill affordable housing" provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) with three (3) units or 27.7% (183.4m²) of the gross floor area proposed to be provided as affordable housing.

Whilst the development generally complies with the design requirements of the Affordable Rental Housing SEPP, SEPP 65 and the Apartment Design Guide, the proposed development does not comply with the building height plane requirements of the Strathfield Local Environmental Plan 2012. A Clause 4.6 variation request to vary the maximum

permitted height of 11m by 1.54m or 14% was submitted as part of the application and has been further analysed in this assessment. The proposed height variation is considered to be acceptable as the additional building height is contained to a portion of the fourth storey which presents as the roof structure of the building and an open pergola structure over the roof top area of common open space fronting Burlington Road. The additional building height allows the structure to achieve greater compatibility with existing residential flat buildings within the immediate vicinity of the site and compliments the streetscape which predominantly features pitched roofs. Further, the pergola structure provides a suitable level of amenity to the roof-top area of communal open space and does not result in any significant additional overshadowing or visual privacy impacts.

The application and plans were notified in accordance with Part L of the Strathfield Consolidated DCP 2005 from 25 October 2016 to 9 November 2016. (28) written submissions were received including one (1) in support of the proposal. The concerns raised in these submissions relate to the nature of the development as affordable housing, community safety, loss of on-street parking, increased traffic, loss of solar access, building height, impacts upon property value, increased noise, and loss of visual privacy.

Overall, the development is considered a good outcome for the redevelopment of the site in recognition of its R3 Medium Density Residential zoning and is recommended for approval.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the southern side of Burlington Road east of the intersection of Burlington Road with Rochester Street. The site is regular in shape with the following dimensions:

Site Area (approx.):	595m ²
Dimensions (approx.):	48.77m x 12.19m

The site is located on the interface of the Homebush local shopping precinct. Development to the east of the subject site consists predominantly of older two (2) and three (3) storey residential flat buildings. Homebush Public School is located immediately to the north of the subject site. The commercial building immediately to the west of the subject site fronting Rochester Street is listed as Local Heritage Item, I36 under the Strathfield Local Environmental Plan being a Federation Free Style commercial building. Development to the south of the subject site consists of a number of single storey dwellings.

An aerial photograph of the subject site is shown below:



Figure 1: Aerial photograph of the subject site and surrounding residential area. The subject site is outlined in red.

The subject site is currently occupied by a single storey dwelling house. The existing dwelling appears to be original housing stock and is in a good state of repair.



Figure 2: View of the existing site from Burlington Road.

PROPOSAL

The application seeks Council approval for the demolition of existing structures and construction of an 'Infill Affordable Housing' development under the Affordable Rental Housing SEPP comprising a Four (4) storey residential flat building.

The elements of the proposal are:

- Demolition of the existing site structures;
- Construction of a four (4) storey residential flat building containing a total of ten (10) units comprising five (5) x 1 bedroom and five (5) x 2 bedroom units above one (1) level of basement car parking; and
- Associated stormwater drainage and landscaping works.

An architectural render of the proposal is provided below.



Figure 3: Architectural render of proposed development.

BACKGROUND

There are previous applications applicable to the subject proposal.

- 2 November 2015 - DA2015/136 for the demolition of existing structures and construction of a four (4) storey residential flat building containing (11) units comprising three (3) x 1 bedroom and eight (8) x 2 bedroom units above one (1) level of basement parking lodged. DA2015/136 was withdrawn following advice that the application was unlikely to be supported.

- 14 July 2016– DA2016/052 for Demolition of existing structures and construction of a three (3) storey residential flat building containing a total of nine (9) units comprising three (3) x 2 bedroom and six (6) x 1 bedroom units above one (1) level of basement car parking was also withdrawn following advice that the application was unlikely to be supported as a result of additional building height, FSR, and insufficient carparking.
- 17 October 2016 Subject application lodged including a reduced upper storey foot print and providing compliant FSR and off-street carparking.

ASSESSMENT - Pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979

The application has been assessed pursuant to the heads of consideration of Section 79C of the Environmental Planning and Assessment Act and the relevant matters described in Sub-section (1)(a), (b), (c), (d) and (e) of Section 79C have been considered within this report. The relevant statutory considerations are as follows:

- State Environmental Planning Policy No 55 – Remediation of Land;
- State Environmental Planning Policy – Building Sustainability Index : BASIX 2004;
- State Environmental Planning Policy (Affordable Rental Housing) 2009;
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development;
 - Apartment Design Guide
- Strathfield Local Environmental Plan 2012; and
- Strathfield Consolidated Development Control Plan 2005;
 - Part C – Multiple-Unit Housing;
 - Part H - Waste Minimisation and Management; and

(a) (i) Environmental Planning Instruments:

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 or following the completion of remediation works for the purpose for which development consent is being sought. The site is not located in an area of investigation under Part K of the Strathfield Consolidated DCP 2005 (SCDCP 2005) which identifies past known landfill and potentially contaminated sites in the Strathfield local government area.

The application was accompanied with a Stage 1 Preliminary Investigation prepared by Alliance Geotechnical. The report concludes that the site is considered to be suitable in its current state for the purposes of the proposed development. None the less, the report makes a number of recommendations regarding required works throughout the proposed construction process. Such works could be subject to conditions of consent in the event of the subject application being approved.

BASIX

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

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

State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposed development has been lodged under Part 2, Division 1 of the ARH SEPP which relates to the provision of 'in-fill affordable housing'. The State Environmental Planning Policy (Affordable Rental Housing) 2009 aims to provide a consistent planning regime for the provision of affordable rental housing.

An assessment of the development against the development standards for in-fill affordable housing under the ARH SEPP is presented in the table below.

It is relevant to note that the ARH SEPP states that Council is unable to refuse an application where it complies with the minimum standards provided by Clause 14 (refer to shaded section of table).

Clause	Development Control	Required	Proposal	Compliance
10	Permissibility	Permissible under SLEP 2012	The site is zoned R3 – Medium Density Residential under the SLEP in which residential flat buildings are permissible with Council consent.	Yes.
	Location and access to facilities	Located within an accessible area being land that is within: 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates.	The proposed development is located within 800m of Homebush Railway Station.	Yes.
13	Affordable housing	Minimum 20% (146m ²) Bonus FSR is 0.277:1	27.7% (183.4m ²) of the gross floor area proposed to be provided as affordable housing.	Yes.

Clause	Development Control	Required	Proposal	Compliance
		(183.4m ²) Max permissible FSR: 1.47:1 (878.81m ²)	Proposed: 1.11:1 (661.9m ²)	Yes.
14 Note: Unable to refuse based on these provisions	Site area	Min 450m ²	Site area is 595m ²	Yes.
	Landscaping	Min 30%	33.55% (199.65m ²) landscaping provided throughout the site.	Yes.
	Deep Soil	Min 15% with minimum dimension of 3m Preferably to the rear of the site	16.33% (108.02m ²) of the site is provided as deep soil landscaping with a minimum dimension of 3m located to the rear of the development.	Yes.
	Solar Access	Living rooms and private open spaces receive min.3 hours direct sunlight	100% of units receive a minimum of 2hr solar access.	Yes.
	Parking	1 bed – 0.5 spaces Required: 2.5 spaces (3)	A total of (9) off-street resident parking spaces are proposed within the basement including one (1) visitor space.	Yes.
	Dwelling size	2 bed – 1 space Required: 5 spaces TOTAL: 8 spaces. Studio 35m ² 1 bed 50m ² 2 bed 70m ²	(1) visitor space. The proposal provides for compliant unit sizes as follows: 1 bedroom: minimum 50.27m ² 2 bedroom: minimum 78m ²	Yes.
15	Design requirements	SEPP 65 compliant	An assessment against the relevant ADG requirements is provided further in the report.	Yes.
16	Character	Compatible with character of local area	The proposal is located within an area zoned for medium density development and is one of the few remaining sites which are yet to be developed as multi-dwelling housing.	Yes.

Clause	Development Control	Required	Proposal	Compliance
			Accordingly, the proposed development is considered compatible with the medium and high density character of the area.	
17	Affordable housing	Must be used as affordable housing for 10 years from the issue of OC Must be managed by a registered community housing provider 88E instrument	Noted.	Condition recommended.
18	Subdivision	May be subdivided with consent.	No subdivision proposed.	Yes.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings (SEPP 65) aims to improve the design quality of residential flat development in 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.

Strathfield Council does not have a design review panel referred to under Clause 28 however an assessment of the design quality of the development against the design principles of the SEPP and the relevant design criteria of the Apartment Design Guide has been undertaken in the table below:

Principle	Objective	Proposed
Context and neighbourhood character	<i>Responding to context involves identifying the desirable elements of an area's existing or future character.</i> <i>Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and</i>	Existing development within the immediate streetscape predominantly consists of older residential flat buildings of varying heights; however a contemporary style five (5) storey residential flat building was recently completed opposite the subject site (17-19 Burlington Road).

Principle	Objective	Proposed
	<p><i>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>	<p>The proposed design incorporating face brick elements, dark tones and a pitched roof is considered to be consistent with existing development in the streetscape and the emerging character of the streetscape in recognition of its R3 Medium Density Residential zoning.</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 development incorporating a recessed bulk and pitched roof structure is considered to provide a contemporary design while complementing existing development in the streetscape.</p> <p>The proposed development has been well designed having regard to building orientation as to ensure every apartment receives a high level of internal amenity.</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,</i></p>	<p>The proposal achieves a high level of residential amenity to each unit in terms of solar access (100% of units receive a minimum of 2hr solar access) and cross ventilation (100% of units are cross ventilated), compliant unit sizes, and the provision of sufficient private and communal open space.</p>

Principle	Objective	Proposed
	<i>community facilities and the environment.</i>	
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 costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</i></p>	<p>The proposed development employs the use of natural cross ventilation to reduce the dependency of the building on mechanical ventilation.</p> <p>Further, the building provides compliance with the minimum solar access requirements to reduce the buildings dependency on artificial lighting.</p>
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</i></p>	<p>The proposed development provides opportunities for canopy tree plantings in the front and rear setbacks and raised planter beds including screen plantings along both side boundaries.</p> <p>A large turned area is provided to the rear of the site for the enjoyment of residents along with a secondary roof top area of passive communal open space.</p>

Principle	Objective	Proposed
	<p><i>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>	
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 groups and degrees of mobility.</i></p>	<p>The proposal achieves a high level of residential amenity to each unit in terms of solar access (100% of units receive a minimum of 2hr solar access) and cross ventilation (100% of units are cross ventilated), compliant unit sizes, and the provision of sufficient private and communal open space.</p>
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</i></p>	<p>The proposal has been well designed to minimise opportunities for concealment whilst clearly defining the private and public domain.</p> <p>All secure access points are clearly defined.</p>

Principle	Objective	Proposed
	<p><i>access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</i></p>	
<p>Housing diversity and social interaction</p>	<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>	<p>The proposal provides the following housing mix:</p> <p>(5) x 1 bedroom; (5) x 2 bedroom units</p> <p>The proposed housing mix is considered acceptable and provides for a variety of housing types and unit configurations.</p> <p>The proposed rear turfed area and roof top communal open space provide for well consolidated areas of communal open space that allow flexibility in the use of the communal areas.</p>
<p>Aesthetics</p>	<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>	<p>The proposal incorporating face brick elements, dark tones and a pitched roof structure is considered to be sympathetic to the existing development in the streetscape including the heritage item of the adjoining property to the west (4 Rochester Street).</p>

Apartment Design Guide

Design Criteria	Required	Proposed	Compliance
2E - Building Depth	12m – 18m	Maximum building depth of 27.5m. Notwithstanding, the proposal achieves complaint solar access and cross ventilation and is therefore considered acceptable.	Yes
3B – Orientation	Responsive to streetscape and site Designed to optimise solar access and minimise overlooking 2 hours solar access retained to neighbouring buildings or does not further reduce solar access by more than 20%	The proposal is orientated to Burlington Road and is responsive to desired future character of the area by providing a reduced footprint to the fourth storey contained within a pitched roof structure. The proposal is designed to optimise solar access and provides 100% (10 units) of units with 2 hours of solar access during mid-winter. The proposal results in a degree of unavoidable overshadowing to the east and west of the site, however retains two (2) hours solar access to all adjoining properties.	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	Direct street access is provided to the ground floor unit fronting Burlington Road to provide a pedestrian scale. The proposal	Yes.

Design Criteria	Required	Proposed	Compliance
	concealment minimised Services concealed Access ramps minimised	incorporates an open plan design that limits opportunities for concealment.	
3D – Communal Open Space	Min. 25% (148.75m ²) Min 2h to 50% communal open space at mid-winter Consolidated area Min dimension of 3m Equitable access	19.6% (130.67m ²) The communal open space receives a minimum of two (2) hours solar access during mid-winter.	No, however open space provisions of Part C of SCDCP 2005 prevail.
3E – Deep Soil Zones	Min. 7% (41.65m ²)	16.33% (108.02m ²)	Yes.
3F – Visual Privacy	<u>Up to 4 storeys:</u> <ul style="list-style-type: none"> • 6m between habitable rooms/balconies • 3m between habitable and non-habitable rooms 	<u>Up to 4 Storeys:</u> Between habitable rooms/ balconies West: 2m South: 5.7m East: 1.5m	No – refer discussion
3G – Pedestrian Access and Entries	Entry addresses public domain Clearly identifiable Steps and ramps integrated into building design	The entry addresses the public domain and defines public and private spaces through the built form. The front entry is clearly identifiable by change in material finishes. Steps and ramps are integrated into the building.	Yes.
3H – Vehicle Access	Integrated into façade Visual impact minimised Entry behind the building line or from secondary frontage Clear sight lines Garbage collection screened	The vehicle ramp is integrated into the façade. Clear sightlines are provided within the basement with the design following a logical single aisle format. The proposed	Yes. Yes. No, refer to

Design Criteria	Required	Proposed	Compliance
	Pedestrian and vehicle access separated	development makes no provision for storage of waste within a basement level bin room prior to presentation on street.	discussion
3J – Bicycle and Car Parking	<p>Within 800m Railway station:</p> <p>Min. RMS Rate Applies: <u>Less than 20 units:</u> 1 and 2 bedroom: 1 space (9 spaces) plus 1 space per 5 x 2 bed units or part thereof (1 space) Visitor 1 per 5 units or part there of (2 spaces) Total requirement = (12)</p> <p>Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.</p>	ARHSEPP prevails	NA
4A – Solar and Daylight Access	<p>Min. 70% (6 units) 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>100% (10) units receive 2 hours solar access.</p> <p>No units receive no solar access.</p> <p>The proposal does not rely on light wells or the like for direct solar access.</p> <p>The design incorporates shading and glare control through the provisions of balconies which cast shadow onto windows and doors.</p>	Yes.
4B – Natural Ventilation	<p>Min. 60% (5 units) are cross ventilated</p> <p>Cross-over/Cross-through Max 18m depth</p>	100% (10) units are cross ventilated.	Yes.

Design Criteria	Required	Proposed	Compliance
	Light wells are not the primary source of ventilation for habitable rooms Single aspect units have limited depth to maximise ventilation		
4C – Ceiling Heights	Habitable: 2.7m Non-habitable: 2.4m 2 storey apartments: 2.7m main living area, 2.4m mezzanine Mixed Use: 3.3m ground floor	2.7m ceiling heights are provided to all rooms.	Yes.
4D – Apartment Size and Layout	Studio: 35m ² 1 bed: 50m ² 2 bed: 70m ² 3 bed: 90m ² Additional bathrooms +5m ² Each habitable room must have a window > 10% floor area of the room. Habitable room depths =max 2.5 x ceiling height <u>Or</u> if open plan layout =max 8m from a window Master bed: min 10m ² Other bedroom: min 9m ² Living room min. width: Studio and 1 bed: 3.6m 2 and 3 bed: 4m Crossover/through: min 4m	The proposal provides for compliant unit sizes as follows: 1 bedroom: minimum 50.27m ² 2 bedroom: minimum 78m ² An additional 5m ² has been provided for units that contain a second bathroom. All kitchens are within 8m from a door or window.	Yes.
4E – Private Open Space and Balconies	Studio: 4m ² 1 bed: 8m ² , min depth 2m 2 bed: 10m ² , min depth 2m 3 bed: 12m ² , min depth 2.4m	The balconies to all 1 and 2 bedroom apartments are provided with a minimum depth of 2m and minimum area of 10m ² .	Yes.
4F – Common Circulation and Spaces	max 8 apartments off a single core > 10 storeys: max 40 units/lift	Maximum three (3) apartments of a single core.	Yes.
4G – Storage	Studio: 4m ³ 1 bed: 6m ³ 2 bed: 8m ³ 3 bed: 10m ³ At least 50% within the basement	The proposal provides a mixture of storage within both the unit itself and within the basement.	Yes

Design Criteria	Required	Proposed	Compliance
4H – Acoustic Privacy	Orientate building away from noise sources Party walls limited or insulated, like rooms together Noise sources (e.g. garage doors, driveways) located at least 3m from bedrooms.	The proposed internal layout locates like rooms adjacent to like rooms to minimise potential acoustic impacts.	Yes.
4K – Apartment Mix	Variety of apartment types Appropriate apartment mix Different apartments distributed throughout the building	The proposal provides the following housing mix: (5) x 1 bedroom; and (5) x 2 bedroom units The proposed housing mix is considered acceptable and provides for a variety of housing types.	Yes.
4M – Facades	Composition of building elements Defined base, middle and top Building services integrated into the façade	The proposal has a defined top, middle and base that is generally expressed through different material treatments.	Yes.
4Q – Universal Design	Variety of adaptable apartments	In the event of approval a condition of consent could be imposed to require that 20% of units achieve the silver level liveable apartments.	To be conditioned.
4U – Energy Efficiency	Adequate natural light to habitable areas Adequate natural ventilation Screened areas for clothes drying Shading on northern and western elevations	Adequate access to natural light and ventilation is provided to habitable areas of all units.	Yes.

Design Criteria	Required	Proposed	Compliance
4V – Water Management and Conservation	Efficient fixtures/fittings WSUD integrated Rainwater storage and reuse	A BASIX Certificate accompanied the subject application	Yes.
4W – Waste Management	Minimise impact on streetscape, building entry and amenity	The proposal makes no provisions for the onsite collection of waste and would require on-street collection of waste having the potential to result in unacceptable visual and parking impacts.	Refer Part H discussion.
4X – Building Maintenance	Material selection reduces ongoing maintenance costs	The proposal incorporates a mix of metal cladding, face brick and small elements of painted render. The proposed material selection is considered appropriate and will reduce the ongoing maintenance costs of the building.	Yes.

Strathfield Local Environmental Plan 2012

The site is zoned R3 Medium Density Residential under the Strathfield Local Environmental Plan (SLEP), 2012 wherein development for the purposes of a residential flat building is permissible with Council consent. The proposal is generally consistent with the objectives of the R3 Medium Density Residential zone which seek to provide for the housing needs of the community within a medium density residential environment.

The following table provides an assessment of the proposal against the relevant numeric controls of the SLEP 2012:

Clause	Required	Proposed	Compliance
4.1A Minimum Site Area: Residential Flat Building	1,000m ²	595m ²	No, ARHSEPP prevails
4.3 Building Heights	11m	12.54m	No
4.4	1.2:1 (714m ²)	1.11:1 (661.48m ²)	Yes

Floor Space Area			
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The proposed development fails to comply with the maximum building height permitted under Clause 4.3 of the SLEP 2012. The areas of non-compliance relate to a portion of the pitched roof structure and roof top pergola structure (refer Figure 4) that extends a maximum of 1.54m above the maximum permissible building height of 11m resulting in a departure of 14%. The proposed pitched roof structure assists in achieving greater compatibility with existing development in the streetscape, while the proposed pergola structure provides improved residential amenity to the development. Further, the area of compliance is setback from the buildings northern façade so as to minimise visual impacts.

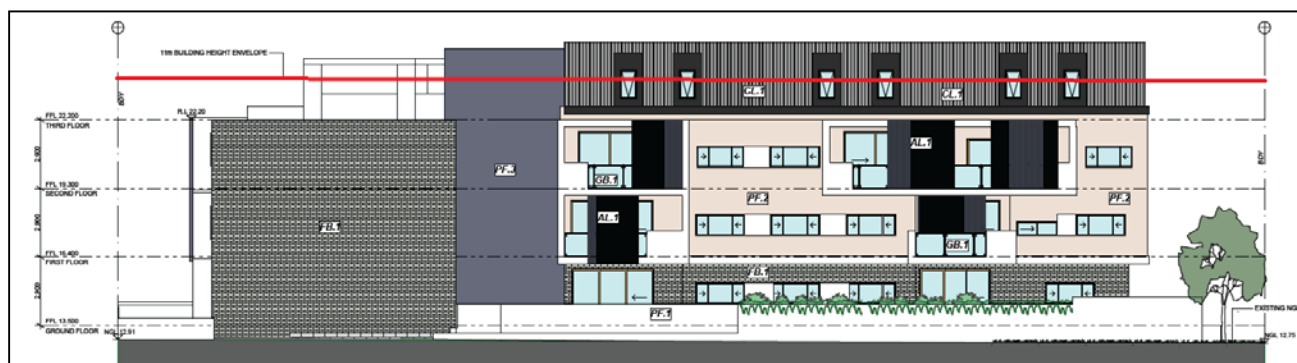


Figure 4: View of the eastern elevation noting the extent of the proposed building height variation.

Clause 4.6 of the SLEP 2012 enables Council to grant consent to a proposed development that contravenes the development standards for building height in the following terms.

Clause 4.6(3) - Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard."

The applicant has provided a written request that seeks to justify the proposed contravention of the building height development standards shown in the above table on the following grounds:

- The proposal is in keeping with the character and scale of newer residential flat buildings in the streetscape;
- The proposed stepped design of the building will ensure the perceived bulk of the building is minimised with the fourth storey containing the additional building height;
- Strict compliance with the control would result in a poor level of accessibility and amenity to roof top area of communal open space;

- An expanded building envelope is necessary to accommodate for the affordable component of the development.

Clause 4.6(4) - Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)

The applicant's written request to justify the contravention of the building height standard has adequately addressed the matters required to be demonstrated in subclause 4.6(3), specifically, that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The written request is considered to provide sufficient substantive information on the environmental planning grounds relating to bulk, scale, form and amenity.

It is considered that the height non-compliance is acceptable given that the height non-compliance relates specifically to the encroachment of the roof and pergola structures with the remainder of the building positioned below the maximum building height limit. The structures that exceed the maximum permitted building height assist in achieving greater consistency with existing development in the streetscape and provide an appropriate level of amenity to the roof top area of communal open space and would achieve the objectives of the height control without adversely impacting upon the amenity of surrounding residences.

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

Objectives of the Building Height Standard

The objectives of the building height standard in clause 4.3 of the SLEP 2012 are:

4.3 Height of buildings

(1) The objectives of this clause are as follows:

- (a) to ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area,*
- (b) to encourage a consolidation pattern that leads to the optimum sustainability capacity height for the area,*
- (c) to achieve a diversity of small and large development options.*

The proposed development is considered to be consistent with the objectives of the building height standard having regard to the streetscape, building bulk, scale and form and pattern of development.

Objectives for Development within the Zone

The site is zoned R3 Medium Density Residential under the Strathfield Local Environmental Plan (SLEP), 2012. The proposal providing for a medium density residential development is generally consistent with the objectives of the R3 Medium Density Residential zone which seek to provide for the housing needs of the community within a medium density residential environment.

(b) the concurrence of the Director-General has been obtained.

Under Planning Circular PS 08-003 issued in May 2008 Council may assume the concurrence of the Director-General.

Conclusion on exception to height of building development standard

Justice O'Neil in *Abdul-Rahman v Ashfield Council* [2015] NSWLEC 112 (28 April 2015) established that the principle of an expanded building envelope to facilitate for the delivery of new affordable rental housing is a relevant matter in considering the contravention of a development standard, however, Justice O'Neil also noted that any such increase in height must remain compatible with the local area being the future character of development within the visual catchment. In applying this test to the proposed development the additional building height is a direct consequence of the affordable rental housing component of the development consisting of the entirety of level 1 of the development. As such, an expansion of the building envelope is appropriate. Further, the resulting 12.54m high development will be consistent with the future character of development within the visual catchment which in accordance with the height limits established under the SLEP 2012 will consist of buildings ranging from 11m to 16m in height. As such, the applicant's written request to justify the contravention of the building height standard contained within Clause 4.3 of the SLEP 2012 is considered to be adequate in that it has successfully demonstrated that compliance with the standard is unnecessary or unreasonable in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

Clause 5.10(5) of the SLEP 2012 requires consideration be given to the potential impacts of the development upon heritage items within the vicinity of the site. The property immediately to the west of the subject site (4 Rochester Street) is listed under the Strathfield Local Environmental Plan 2012 as a local heritage item (I36) being a Federation Free Style brick commercial building. The proposed development incorporating facebrick elements and rectilinear form, is considered to be sympathetic to the heritage nature of the structures upon the adjoining site. As such, the proposed development is considered to be incompatible with the heritage nature of the adjoining site.

The subject site is identified as having Class 5 soils and is not located within 500m of Class 1, 2, 3 or 4 soils. Therefore, the proposed development 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.

Overall, the proposed development has been considered with respect to the relevant Clauses of the SLEP, 2012 and is satisfactory.

Section 94 Contributions

Section 94 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

Provision of Community Facilities	\$15,080.57
Provision of Major Open Space	\$78,235.74
Provision of Local Open Space	\$23,514.86
Provision Roads and traffic Management	\$4042.32

Administration	\$1300.36
TOTAL	\$122,173.85

(ii) Draft Environmental Planning Instruments:

There are no Draft Environmental Planning Instruments applicable to the subject site.

(iii) Development Control Plans:**Part C – ‘Multiple-Unit Housing’ of the Strathfield Consolidated Development Control Plan (DCP) 2005**

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, and
- (h) storage.

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:

Section	Development Control	Required	Proposed	Compliance
2.2	Site Requirements	Minimum site area of 1000m ² and a minimum street frontage of 30m.	595m ² and 12.19m frontage.	ARHSEPP prevails
	Building Street Setback	9m or predominant	While the commercial development immediately to the west of the subject site features a 0m setback to Burlington Road, existing residential development along Burlington Road features a	Acceptable on merit

Section	Development Control	Required	Proposed	Compliance
			9m setback. In recognition of this transition in setbacks the proposed development provides a minimum 4m at ground level reducing to 3.2m at levels 1 and 2 located toward the western boundary of the site. The setback increases towards the eastern boundary to provide a transition to the adjoining residential flat building.	
	Building Envelope	3.5m vertically at boundary & project inwards at 45°.	ADG Prevails	N/A
	Rear Setback	Determined by the building envelope.	ADG Prevails	N/A
	Side setback	4m.	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.	ADG Prevails	N/A
	Dwelling Unit and Building Design for residential flat buildings	At least one main convenient entry is to have barrier free access to ground floor units (for people with disabilities)	Ground floor units have access from Burlington Road.	Yes.
	Dwelling Unit and Building Design	No single building should have a continuous wall	The building is well articulated.	Yes

Section	Development Control	Required	Proposed	Compliance
		length of more than 30m without separation.		
	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	Access to common areas without unnecessary barriers.	Lift access to roof top common open space.	Yes.
	Dwelling Unit and Building Design	Parking for people with disabilities.	One (1) Accessible parking space 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.	Material selection comprises face brick, concrete panels and small areas of render in neutral colours.	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	Unit sizes in the ADG prevail.	N/A
2.4	Energy Efficiency	Application is required to provide a NatHERS certificate. Each dwelling must achieve 3.5 star NatHERS rating.	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	Solar access in ADG prevails.	N/A

Section	Development Control	Required	Proposed	Compliance
		during the winter solstice.		
2.4.3	Natural Space Heating and Cooling	Reduce the need to artificially heat and cool dwellings.	The proposal receives adequate access to natural light and ventilation, reducing the need for artificial lighting and mechanical ventilation.	Yes.
2.4.4	Natural Lighting	Reduce reliance on artificial lighting	100% (10) units receive at least 2 hours of solar access during mid winter.	Yes.
2.4.6	Water Management	Mandatory water storage 10 dwell= 500lt / dwell each dwell thereafter = 250 lt/ dwell	BASIX commitments prevail.	Yes.
	Water Management	Tanks to be located underground or at least behind the front building line. Located 900mm from front boundary.	Below ground OSD	Yes.
2.5	Streetscape orientation	Compatible with the existing character and address the street frontage.	The proposed development incorporating face brick elements, earthy tones and a pitched roof is sympathetic to existing development in the streetscape.	Yes.
	Streetscape orientation	Dwellings facing the street will have frontage and apparent access.	Dwelling facing the street has apparent street access.	Yes.
2.5	Front Fences	Sympathetic to street. Height of fence is to be less than 900mm of solid material.	The proposed 900mm high planter boxes maintain a permeable appearance and will provide an appropriate level	Yes.

Section	Development Control	Required	Proposed	Compliance
			of privacy to the ground floor unit.	
	Side and rear fences	1.8m maximum height.	Condition could be imposed.	Yes.
2.7	Open space and landscaping	RFBs – Landscaped area does not include any area for driveways, parking, side setback less than 1.2m in width, pools, outbuildings. At least 60% of the landscaped area must remain as unpaved 'soft' landscaping.	ADG prevails.	N/A
		35% of the landscaped area is to be provide as deep soil landscaping this excludes basement underneath areas.	ADG prevails.	N/A.
		10% (117m ²) of the site area is to be provided as communal open space, with a minimum dimension of 7m.	19.6% (130.67m ²) communal open space	Yes
		RFBs – where dwellings do not have access to ground level open space at least one main balcony is to have a size of 12m ² (up to 2 bed) and 15m ² (3 or more bed). Balconies must have a depth of 2m.	ADG prevails.	N/A.
2.8	Privacy and Security	Windows are not to be located less than 9m apart from other dwellings.	ADG prevails.	N/A
		Windows to be offset from adjoining dwelling by 0.5m; Have a sill height of 1.7m or have obscure glazing to a	ADG prevails.	N/A.

Section	Development Control	Required	Proposed	Compliance
		height of 1.7m.		
		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	Car parking is required to be provided as follows: 1 bed = 1 space 2 bed = 1.5 spaces 3 + bed = 2 spaces	ADG Prevails	N/A
		Dimensions of garage car spaces to comply with Australian standard.	Condition could be imposed in the event of approval of the subject application	Yes.
		1 visitor space is to be provided per 5 units.	ADG Prevails	N/A
	Ramp Driveway Gradient/ design	Minimum lane width: 3.6m Maximum transition zone: 10% Maximum ramp gradient: 20%	Complies with AS2890.1:2004	Yes.

Part H – ‘Waste Management’ of the Strathfield Consolidated Development Control Plan (DCP) 2005

Part H “Waste Minimisation and Management Plan” of the Strathfield Consolidated Development Control Plan 2005 establishes a number of development controls relating to the minimisation and management of waste throughout development processes.

Section 2.1 of Part H requires that all development applications be accompanied by a Waste Management Plan outlining the proposed measures of minimising waste generation and waste disposal throughout demolition, construction works and the ongoing use of the site. The subject application was accompanied by a Waste Management Plan outlining the proposed measures of minimising waste generation and waste disposal throughout the proposed demolition and construction works.

Section 3.3 of Part H of the Strathfield Development Control Plan 2005 requires development for the purposes of residential flat buildings provide for onsite, underground waste collection. The proposed development, providing for on-street waste collection, fails to comply with this requirement. In recognition of this non-compliance the subject application was referred to Council's Waste Management Supervisor for comment. In recognition of the small scale of development and narrow width of the site limiting its ability to accommodate for on-site collection, no objection was raised to the proposed departure.

Further, Section 3.6.3 of Part H, requires waste storage be provided at the following rates:

General Waste: 120L/unit/week

Recycling: 120L/unit/fortnight

Bulk Storage: 4m² per 10 units or part thereof

Having regard to the above rates, a minimum of five (5) x 240L bins are to be provided for general waste and five (5) x 240L bins are to be provided for recycling waste and a bulky goods storage rooms is provided within the basement.

(iii) Planning Agreements (or draft agreements):

The proposed development is not subject to a planning agreement pursuant to Section 93F of the Environmental Planning and Assessment Act 1979.

(iv) Matters Prescribed by the Regulations

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

Having regard to these prescribed matters, the proposed development is not located on land subject to the Government Coastal Policy as determined by Clause 92 (1) (a) (i) however does involve the demolition of a building for the purposes of Australian Standard (AS) 2601 – 1991: The Demolition of Structures. Should this application be approved, appropriate conditions of consent are recommended to ensure compliance with the relevant prescribe matters.

(v) Any Coastal Zone Management Plan:

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

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

The proposed development is located on a site that is not subject to flooding attributed to either Powell's Creek or Cook's River and is therefore not required to be considered under the provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

(b) Likely Impacts:

Separation/ Visual privacy

Section 3F of the Apartment Design Guide requires a minimum 6m separation be provided between habitable rooms and lot boundaries. The proposed western and eastern boundaries providing setbacks of 2m and 1.5m respectively fail to comply with this requirement.

As a result of the site's narrow width of 12.19m compliance with this control is unreasonable; nonetheless consideration should be given to the performance of the development against the objectives of the control. Section 3F of the ADG seeks to achieve reasonable levels of external and internal visual privacy between adjoining sites.

In recognition of the reduced separation proposed the applicant has incorporated vertical slats to the breezeway on the structures eastern elevation and all windows above ground floor on the structures western elevation are proposed as highlight windows. Further, balconies on the structures western elevation are fitted with privacy screening. With the use of such measures the proposed development is considered to retain an acceptable level of visual privacy and achieve the objectives of Section 3F of the ADG. As such, the proposed separation is considered to be acceptable.

(c) Suitability of the Site:

The subject site is a narrow allotment with limited consolidation potential. In recognition of the constrained nature of the site, the proposal has been designed having regard to the orientation of the land and heritage nature of the adjoining property to the west and achieves a well-articulated structure that is suitably integrated with existing development and likely future development within the locality.

(d) Submissions:

The application and plans were notified in accordance with Part L of the Strathfield Consolidated DCP 2005 from 25 October 2016 to 9 November 2016. (28) written submissions were received including one (1) in support of the application.

The concerns raised in the submission are outlined and discussed below.

1. Overshadowing

Concern is raised over the scale of the proposed development and its impact upon solar access to the adjoining apartment complex immediately to the east of the site..

Comment: While the proposal will result in a degree of unavoidable overshadowing to the west and east of the subject site; a minimum of two (2) hours solar access is retained to adjoining properties between 9:00am and 3:00pm on 21 June (winter

solstice) in accordance with the requirements of Section 3B of the Apartment Design Guide.

2. Streetscape

Concern is raised that the proposed residential flat building is not sympathetic and incompatible with existing dwellings in the streetscape and neighbourhood that forms the classification of the 'Homebush Village' precinct.

Comment: Residential Flat Buildings similar to that proposed are the predominant built form within the immediate streetscape. Further, the proposed development incorporating face brick elements and a pitched roof structure is responsive to the character of the area. The streetscape elevation plan submitted as part of the subject application demonstrates that the proposed development will be compatible with the dwellings immediately east and west of the subject site in terms of height, bulk and scale.

3. Visual Privacy

Concern is raised over potential opportunities for overlooking to adjoining properties as a result of the proposed development.

Comment: As previously discussed, the proposed development incorporates a number of screening measures on the structures eastern and western elevations to minimise opportunities for overlooking to adjoining properties. With the use of such measures the proposed development is considered to provide an appropriate level of visual privacy to adjoining residents and future residents of the site.

4. Rear and Side Setbacks

Concern is raised over the appropriateness of the proposed side and rear setbacks.

Comment: The appropriateness of the proposed side and rear setbacks has been discussed in detail within the likely impacts section of this report.

5. Affordable Rental Housing (ARH) SEPP 2009

Concerns are raised as to the appropriateness of applying the ARHSEPP to the assessment of the proposed development and the way in which it has superseded the requirements of the Strathfield Council DCP 2005.

Comment: The subject application was lodged under the Infill Affordable Rental Housing provision of State Environmental Planning Policy (Affordable Rental Housing) 2009. As such, the subject application is required to be assessed in accordance with the provision of the ARHSEPP. In the instance that there is an inconsistency between the ARHSEPP and the Strathfield Consolidated Development Control Plan 2005 the ARHSEPP prevails. Further, the subject site meets the minimum lot size requirements of the ARHSEPP and generally has been designed in accordance with the ARHSEPP requirements.

6. Residential Amenity

Concern is raised that the residential unit housing will have living areas which are below minimum habitable standards.

Comment: Proposed unit sizes range from 1 bedroom: minimum 50.27m², 2 bedrooms: minimum 78m² and have an additional 5m² provided for each unit that contains a second bathroom. As such, the proposed unit sizes comply with the minimum unit sizes established under Clause 14(2)(b) of the ARHSEPP and Section 4D of the ADG.

7. Minimum Lot Size Requirements

The developer being unable to consolidate the subject site with adjoining lots was used as an excuse for the design outcome and as justification for the variation of development standards.

Comment: The subject site having an area of 595m² meets the minimum 450m² site area required for infill affordable rental housing under Clause 14(1)(b) of the ARHSEPP and is considered to be an acceptable outcome for the site.

8. Noise Pollution

Concern is raised for the potential of increased noise pollution caused during the construction of the proposed development.

Comment: A standard condition of consent is to be imposed restricting the hours of operation from 7:00am to 5:00pm Monday to Friday and 8:00am to 1:00pm Saturday. No work is permitted on Sundays or public holidays.

9. Parking Availability and Traffic Congestion

Concern is raised for the impact that the heightened occupancy levels of the multi-level residential flat building will have on street parking availability and traffic congestion.

Comment: A total of nine (9) off-street residential parking spaces are proposed within the basement which exceeds the minimum eight (8) off-street parking spaces required to be provided as per the provisions of the ARH SEPP. Further, the subject application was accompanied by a Traffic report prepared by Motion Traffic Engineers Pty Ltd giving consideration to the impacts of the additional traffic movements generated by the development upon the surrounding road network.

10. Devaluation of Neighbouring Properties

Concern is raised for the impact that proposed development could have a relationship with the reduction of adjoining and nearby property values.

Comment: Values of properties are not matters for consideration under Section 79C of the Environmental Planning And Assessment Act 1979.

11. Damage to Property

Concern was raised for the construction impacts and landscaped area planting causing physical damage to adjoining properties

Comment: The construction will be subject to conditions of consent which will

require the provision of dilapidation surveys of adjoining properties (subject to consent from neighbours).

12. Affordable Housing

Concern was raised over the nature of the proposed development as affordable rental housing resulting in increased crime rates and disturbance of the peace as a result of the proposed development.

Comment: The provision of affordable rental housing provides for affordable means of housing for very low, low and moderate income households. Speculation as to the likely actions or backgrounds of future tenants is beyond the scope of Section 79C of the Environmental Planning and Assessment Act 1979.

13. Demolition works

Concern is raised about the potential lead paint and asbestos exposure that may occur to nearby residents in the process of demolishing the existing building on the subject site.

Comment: A standard condition has been imposed to ensure both the demolition and construction phases of the development comply with the National Construction Code and Australian Standard 2601 - 'The demolition of structures' which includes appropriate handling and disposal of asbestos.

(e) Public Interest:

Approval of the proposal is not contrary to the public interest.

INTERNAL REFERRALS

The application was forwarded to Council's Development Engineer and Tree Coordinator for comment. No objections were raised subject to conditions of consent.

CONCLUSION

The proposed development is permissible in the R3 Medium Density Residential zone and is generally consistent with the relevant provisions and objectives contained within State Environmental Planning Policy (Affordable Rental Housing) 2009, State Environmental Planning Policy No. 65, the Apartment Design Guide and the Strathfield Local Environmental Plan, 2012. The subject application was accompanied by a Clause 4.6 objection seeking to vary the maximum building height of 9.5m established under Clause 4.3A of the SLEP 2012 by 1.54m or 14%. This objection was considered to be well founded and acceptable.

The proposal generally complies with the development controls contained within the Strathfield Consolidated DCP 2005 and is considered to provide a high level of amenity to future residents without significantly compromising the amenity of adjoining owners.

As such, the subject application is recommended for approval.

RECOMMENDATION

That DA2016/155 demolition of existing site structures and construction of an "Infill Affordable Housing" development under the Affordable Rental Housing SEPP comprising a

four (4) storey residential flat building containing a total of ten (10) units comprising five (5) x 1 bedroom and five (5) x 2 bedroom units above one (1) level of basement car parking at 28 Burlington Road, Homebush, be **APPROVED** subject to the following conditions:

CONDITIONS OF CONSENT

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 subject to any amendments "in red" and any variation as required by conditions of this consent:

Site Analysis & Site Plan, DWG No DA02, Issue B, prepared by Designlink, received by Council 10 February 2017

Basement & Ground Floor Plans, Dwg No DA03, Issue B, prepared by Designlink, received by Council 10 February 2017

First & Second Floor Plans, Dwg No DA04, Issue B, prepared by Designlink, received by Council 10 February 2017

Third Floor and Roof Plans, Dwg No DA05, Issue A, prepared by Designlink, received by Council 10 February 2017

Elevations & Streetscape Elevation, Dwg No DA06, Issue B, prepared by Designlink, received by Council 10 February 2017

Sections, Dwg No DA07, Issue A, prepared by Designlink, received by Council 10 February 2017

Schedule of Finishes, prepared by Designlink, received by Council 10 February 2017

Preliminary Site Investigation, Report No 2168/ER-1-1, prepared by Alliance Geotechnical, received by Council 17 October 2016

Construction and Waste Management Plan, received by Council 17 October 2016

BASIX Certificate No 675009M_03, issued to Gat & Associates

Traffic and Parking Impact Report, Report No A1313493N(1d), prepared by Motion Traffic Engineers Pty Ltd, received by Council 17 October 2016

Landscape Concept Plan, Dwg No 15216DA1, Rev D, prepared by Vision Dynamics, received by Council 17 October 2016

General Notes, Dwg No A5366-Cover, Rev F, prepared by Alpha Engineering and Design, received by Council 17 October 2016

Sediment and Erosion Control Plan, Dwg No A5366-SW01, Rev F, prepared by Alpha Engineering and Design, received by Council 17 October 2016

Basement and Ground Floor Drainage Plan, Dwg No A5366-SW02, Rev F,

prepared by Alpha Engineering and Design, received by Council 17 October 2016

Roof Drainage Plan, Dwg No A5366-SW03, Rev F, prepared by Alpha Engineering and Design, received by Council 17 October 2016

Stormwater Sections and Details, Dwg No A5366-SW04, Rev F, prepared by Alpha Engineering and Design, received by Council 17 October 2016

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.

Special Conditions

5. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property stating that units 4, 5, and 6 shall be managed by a Community Housing Provider and used for the purpose of affordable rental housing for a minimum period of ten (10) years from the date of issue of an Occupation Certificate.

The wording of the Instrument shall be submitted to, co-signed and approved by Council prior to lodgement at Land & Property Information NSW. Council must be a signatory to the instrument which cannot be extinguished without the prior consent of Council.

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.**

6. Any fencing forward of the building line shall have a maximum height of 1.2m above natural ground level on the subject site.
7. All side and rear boundary fencing is to have a maximum height of 1.8m as measured for the finished ground level.

General

8. The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.
9. 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.
10. A Works Permit shall be obtained from Strathfield Council at least five (5) working days prior any work (including demolition, excavation and the erection of site fencing/hording). The approved Works Permit and any approved Construction Traffic Management Plan must be complied with at all times until all demolition, building, engineering and construction work associated with the development has been completed. The permit must be retained on site at all times.
11. **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.
12. Storage of goods or the use of portable clotheslines on balconies visible from a public place is strictly prohibited.
13. 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.
14. 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.

Financial Matters

15. 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:

Provision of Community Facilities	\$15,080.57
Provision of Major Open Space	\$78,235.74
Provision of Local Open Space	\$23,514.86
Provision Roads and Traffic Management Administration	\$4,042.32
	\$1,300.36
TOTAL	\$122,173.85

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

The required contribution shall be paid **prior to the issue of a Construction Certificate**.

16. A security payment of \$5,254.00 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 tree protection bond	\$1,000.00
Refundable works bond	\$4,000.00
Non-refundable administration fee (\$127/bd)	\$254.00
TOTAL	\$5,254.00

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) installation and maintenance of sediment control measures for the duration of construction activities;
 - (c) **tree final inspection** to ensure that Council's street trees have been retained, protected or replanted in accordance with conditions of consent and/or Arborists' report for the post final inspection twelve (12) month period; 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.
17. 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.

Parking/Traffic Matters

18. A total of nine (9) off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents	8 (including (1) accessible space)
Visitors	1
TOTAL	9

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

Residential parking spaces shall be designated at a rate of at least one (1) space per 1 and 2 bedroom unit.

If it is proposed to strata subdivide the development in the future, parking designation shall be strictly in accordance with this condition.

19. **Prior to the issue of any Occupation Certificate**, fixed signage shall be placed within the basement car park of the building adjacent to the lift stating that Council will not issue residential parking permits for owners and residents of the subject site.
20. All vehicles associated with the approved use shall be parked within the parking spaces on the site and not on adjacent footpath, access driveways or landscaped areas.
21. A sign shall be erected in a suitable location on the site advising that parking is available for visitors.
22. 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.
23. The entry and exit driveways shall be suitably signposted and directional arrows shall be painted on the internal roadway.
24. All vehicles entering and leaving the site shall be driven in a forward direction only.
25. All driveways shall be separated from landscaped areas by a minimum 150mm high by 150mm wide concrete kerb or similar.
26. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.
27. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
28. Reconstruct the footpath, kerb and gutter to Council's specifications for the full frontage of the development site at the completion of all building works.
29. 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.**

30. All driveway/access ramp grades, access and car parking must comply with the Australian/New Zealand Standard *AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking* in order to ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.
31. The dimensions of car parking bays and aisle widths in the car park are to comply with *Australian/New Zealand Standard for Off-Street Parking AS/NZS 2890.1-2004* in order to ensure compliance with this consent and Australian Standards relating to manoeuvring, access and parking of vehicles.

Drainage/Stormwater

32. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to Council's drainage system located in Burlington Road, Homebush via the proposed below ground OSD and the boundary pit in accordance with Council's standard requirements as depicted on the concept plan prepared by **Alpha Engineering and Development rev F drawing no. A5366-Cover – A5366-SW04 dated 11.11.2016.**
33. 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 above engineering plans 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.**

34. 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** 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.**
35. **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.

36. 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.**
37. 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.
38. 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.
39. 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.

40. 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.

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.

41. 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.
42. All pits shall be constructed in accordance with Australian Standard AS3500.3.
43. All subsoil drainage must be designed to meet the requirements of AS3500.
44. The proposed basement pump out system capacity shall be capable of handling 4 hours of 100yr ARI storm event and the catchment contributing to it shall be limited to the subsoil drainage and the basement access ramp area only. The pipes under the basement shall not be PVC or HDPE. The rising main shall be connected to the

OSD. Final details of this system are to be submitted with the Construction Certificate application.

45. Grated drains shall be provided along the basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.
46. The OSD basin must be graded to drain completely and gradients shall not be less than 1%. Discharge restriction from the OSD shall be by use of appropriately sized short length of reduced diameter pipe and weir; orifice plate shall not be used. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
47. 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.

Landscaping/Tree Matters

48. The trees listed below shall be retained at all times:

<u>Tree</u>	<u>Height/Spread (m)</u>	<u>Location</u>	<u>Protection Zone (m)</u>	<u>Excavation Zone (m)</u>
1) <i>Lophostemn confertus</i> (Brush box)	8x8	Road Reserve	9.6	3.01

and protected by the establishment of a **protection zone** before any site works begin (including any demolition/excavation). The protection zone shall be maintained for the duration of works and implemented as follows:

- (i) A minimum 1.2m high barrier (made of hardwood/metal stakes with suitable hessian or canvas material) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). 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.
 - (ii) No concrete slurry or wash, building materials, builders' rubble, excavation soil or similar shall be placed or stored within the tree protection zone.
 - (iii) The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.
 - (iv) The tree protection zone shall be regularly watered.
 - (v) Any major structural roots which are encountered shall be pruned by a qualified Arborist.
 - (vi) **No excavation or construction shall be carried out** within the stated Excavation Zone distances from the base of the trunk surface.
 - (vii) 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.
49. A minimum 600mm deep root deflection barrier shall be provided on both sides of the proposed driveway crossing(s) and footpaths.
50. All noxious weeds on the site shall be removed and destroyed as per their classification under the Noxious Weeds Act.

51. 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).
52. Evergreen shrubs with a minimum 5 litre container size achieving a minimum mature height of 3m shall be planted along side and rear boundaries to provide privacy screening and shall be maintained at all times. Details of the selected plants shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.
53. 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.

Construction Matters

54. **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.
55. The proposed development shall comply with the Building Code of Australia and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**.
56. 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).
57. 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.
58. 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.
59. If the existing ground levels are altered during construction, Council may require a survey plan of the finished ground levels to be prepared and submitted **prior to the issue of an Occupation Certificate** to determine if there have been changes to the pre-development levels and if there are any impacts on adjoining properties as a result.
60. All construction, demolition and excavation work shall be restricted to 7am to 5pm (Eastern Standard Time) on Mondays to Friday (inclusive), 8am to 1pm (Eastern Standard Time) on Saturday and prohibited on Sundays and public holidays.

61. 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.
62. 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.
63. 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 offsite 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.

64. The owner of the adjoining allotment 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.
65. Certification of the structural adequacy of the sign shall be prepared by a suitably qualified person and submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
66. 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.**

Building Matters

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

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.

68. Where building intruder alarms are installed in the building they shall be fitted with an automated "cut-off" timing device and operated as per the Protection of the Environment Operations (Noise Control) Regulation 2008.

Sustainability

69. 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.**

Demolition

70. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
71. 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.**
72. 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.**
73. 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.

Works Zone

74. An application for a 'Works Zone' must be submitted to and approved by the Strathfield Council Traffic Committee prior to the commencement of any site work (including demolition).

The suitability of the proposed length and duration of the Works Zone is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Strathfield Council Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be

demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

Construction Traffic Management Plan

75. 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
- (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)

Fire Safety Measures

76. 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**.
77. Each 12 months after the installation of essential fire or other safety measures, the owner of a building must submit an Annual Fire Safety Statement for the building to Council. In addition a copy of the statement must be given to the NSW Fire Commissioner and a copy displayed prominently in the building.

Hoardings

78. 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.
79. 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.
80. An overhead 'B' type hoarding shall be constructed where material is being hoisted over or across a public way.
81. 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.
82. 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.
83. 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.

Subdivision

84. The strata subdivision of the development shall be subject to a separate application.

Disabled Access

85. Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia, the relevant standards and the requirements of the Disability (Access to Premises – Buildings) Standards 2010. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
86. Sanitary facilities for persons with disabilities shall be provided in the building 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.**
87. A car parking space 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.**
88. **Prior to the issue of a Construction Certificate,** certification shall be submitted to the Principal Certifying Authority demonstrating that at least 20% of the residential units meet the silver level Universal Design Guide requirements of the Livable Housing Design. In order to meet the requirements, the following must be achieved:
- a) A safe continuous and step free path of travel from the street entrance and/or parking area to a dwelling entrance that is level.
 - b) Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.
 - c) A toilet on the ground (or entry) level that provides easy access.
 - d) A bathroom that contains a hobless (step-free) shower recess.
 - e) Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date
 - f) A continuous handrail on one side of any stairway where there is a rise of more than one metre.
 - g) Stairways are designed to reduce the likelihood of injury and also enable future adaptation.

Waste Management

89. 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.
90. 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.**

Land Contamination

91. A hazardous materials survey (HAZMAT) is to be completed by a suitably qualified professional for all existing structures upon the site. A copy of such a survey is to be submitted to and approved by the Principal Certifying Authority prior to the commencement of any demolition works.
92. All soil material removed from the site is to be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW DECC and disposed of at a suitably licensed facility. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.

LIST OF ATTACHMENTS**1. Architectural plans**

**** End of SIHAP Report No. 6 ****