

STRATHFIELD COUNCIL

# STRATHFIELD LOCAL PLANNING PANEL MEETING AGENDA

Strathfield Municipal Council

Notice is hereby given that a Strathfield Local Planning Panel Meeting will be held at Town Hall (Supper Room), 65 Homebush Road, Strathfield on:

**Thursday 14 December 2023**

Commencing at 10:00am 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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TO: Strathfield Local Planning Panel Meeting - 14 December 2023  
 REPORT: SLPP – Report No. 9  
 SUBJECT: DA2023.55 - 7-23 WATER STREET STRATHFIELD SOUTH  
 LOT: 1 DP: 603465, LOT: 2 DP: 603465, LOT: 3 DP: 217450  
 DA NO. DA2023.55

## SUMMARY

Proposal:	Demolition of existing structures and construction of a two storey industrial unit development, associated parking and landscaping
Applicant:	WESTPORT PTY LTD
Owner:	WESTPORT PTY LTD
Date of lodgement:	19 April 2023
Notification period:	26 April – 13 June 2023
Submissions received:	Forty nine (49)
Assessment officer:	J Gillies
Estimated cost of works:	<b>\$27,357,000.00</b>
Zoning:	E4-General Industrial - SLEP 2012
Heritage:	No
Flood affected:	Yes
Is a Clause 4.6 variation proposed?	Yes: 14.29m (19.08% ^) variation to Height of Building (cl 4.3)
Extent of the variation supported?	19.08% (14.29m)
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 OF OFFICER:	<b>APPROVAL</b>

## EXECUTIVE SUMMARY

### Proposal

Development consent is being sought for the demolition of existing structures and construction of a two storey industrial unit development, associated parking and landscaping.

### Site and Locality

The site is identified as 7-15 Water Street, 17 Water Street, and 19-23 Water Street STRATHFIELD SOUTH and has a legal description of Lot: 1 DP: 603465, Lot: 2 DP: 603465, and Lot: 3 DP: 217450. In combination, the allotments form a site that is regular in shape and is located on the western side of Water Street opposite Ford Park.

The site has a frontage to Water Street of 104.5m and a maximum depth of 126.2m with an overall site area of 13,195m<sup>2</sup>. The site has historically been used for quarrying and brickworks, and now currently contains a

variety of industrial purposes including warehouse and distribution centre uses, and a brick recycling business.

The locality surrounding the subject site features low density residential development to the north and east (with some pockets of medium density development), general industrial development to the west and parkland along the Cooks River to the west and south.

### Strathfield Local Environmental Plan (SLEP) 2012

The site is zoned E4-General Industrial under the provisions of SLEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the SLEP 2012, with the exception of a variation to the Height of Buildings standard under Clause 4.3 of SLEP 2012.

### Strathfield Consolidated Development Control Plan (SLEP) 2005

The proposed development generally satisfies the provisions of SCDCP 2005. This is discussed in more detail in the body of the report.

### Notification

The application was notified in accordance with Council's Community Participation Plan (CPP) from 26 April – 13 June 2023, where 49 submissions were received raising various concerns with a focus on noise, traffic, bulk and scale, tree removal and the suitability of the site for an industrial development.

### Issues

- Building height, tree impacts and landscaping, noise impacts and mitigation measures, contamination.

### Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment (EP&A) Act 1979, Development Application (DA) 2023.55 is recommended for approval subject to suitable conditions of consent.

## RECOMMENDATION

In consideration of the written request made by the applicant pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012, the consent authority is satisfied that compliance with the development standard contained in Clause 4.3 (Height of Building) of the SLEP 2012 is well founded and that there are sufficient environmental planning grounds to justify contravening the development standard.

That Development Application No. DA2023.55 for Demolition of existing structures and construction of a two storey industrial unit development, associated parking and landscaping at 7-23 WATER STREET STRATHFIELD SOUTH be **APPROVED** subject to conditions.

### ATTACHMENTS

1. [Assessment Report](#)



## SLPP REPORT

<b>Property and DA:</b>	7-15 Water Street, 17 Water Street, 19-23 Water Street STRATHFIELD SOUTH DA 2023/55
<b>Proposal:</b>	Demolition of existing structures and construction of a two storey industrial unit development, associated parking and landscaping
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<b>Assessment officer:</b>	J Gillies
<b>Estimated cost of works:</b>	\$27,357,000.00
<b>Zoning:</b>	E4-General Industrial - SLEP 2012
<b>Heritage:</b>	No
<b>Flood affected:</b>	Yes
<b>Is a Clause 4.6 Variation Proposed:</b>	Yes: 14.29m (19.08% ^) variation to Height of Building (cl 4.3)
<b>Local Planning Panel Criteria</b>	>10 unique submissions
<b>RECOMMENDATION OF OFFICER:</b>	Approval



Figure 1: Aerial view of the subject site (outlined in yellow)



## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for the demolition of existing structures and construction of a two storey industrial unit development, associated parking and landscaping.

### **Site and Locality**

The site is identified as 7-15 Water Street, 17 Water Street, and 19-23 Water Street STRATHFIELD SOUTH and has a legal description of Lot: 1 DP: 603465, Lot: 2 DP: 603465, and Lot: 3 DP: 217450. In combination, the allotments form a site that is regular in shape and is located on the western side of Water Street opposite Ford Park.

The site has a frontage to Water Street of 104.5m and a maximum depth of 126.2m with an overall site area of 13,195m<sup>2</sup>. The site has historically been used for quarrying and brickworks, and now currently contains a variety of industrial purposes including warehouse and distribution centre uses, and a brick recycling business.

The locality surrounding the subject site features low density residential development to the north and east (with some pockets of medium density development), general industrial development to the west and parkland along the Cooks River to the west and south.

### **Strathfield Local Environmental Plan (SLEP) 2012**

The site is zoned E4-General Industrial under the provisions of SLEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the SLEP 2012, with the exception of a variation to the Height of Buildings standard under Clause 4.3 of SLEP 2012.

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The proposed development generally satisfies the provisions of SCDCP 2005. This is discussed in more detail in the body of the report.

### **Notification**

The application was notified in accordance with Council's Community Participation Plan (CPP) from 26 April – 13 June 2023, where 49 submissions were received raising various concerns with a focus on noise, traffic, bulk and scale, tree removal and the suitability of the site for an industrial development.

### **Issues**

- Building height, tree impacts and landscaping, noise impacts and mitigation measures, contamination.

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment (EP&A) Act 1979, Development Application (DA) 2023/55 is recommended for approval subject to suitable conditions of consent.



## REPORT IN FULL

### Proposal

Council has received an application for the demolition of existing structures and construction of a two storey industrial unit development, associated parking and landscaping. A total of 69 industrial units are proposed (with first uses not proposed and to be considered as part of separate future DAs or CDCs) and 151 car spaces. More specifically, the proposal includes;

#### Demolition

- Tree removal
- Removal of existing structures
- Remediation works
- Removal of driveway crossovers

#### Ground floor level:

- Three entry points via new driveway crossovers
- Lobby and meeting room
- 34 industrial units each with a mezzanine level
- Internal driveways including ramp to Level 1
- Central pedestrian corridor
- Landscaping across the site including acoustic fencing to the northern boundary, tree retention and tree planting
- 2 Pylon Signs at the northern and southern driveways
- Parking bays for each unit

#### First floor level:

- 35 industrial units each with a mezzanine level
- Parking bays for each unit
- Internal driveways including ramp

#### Hours of Operation

- 7am – 10pm Monday to Saturday
- 8am – 10pm Sundays and Public holidays



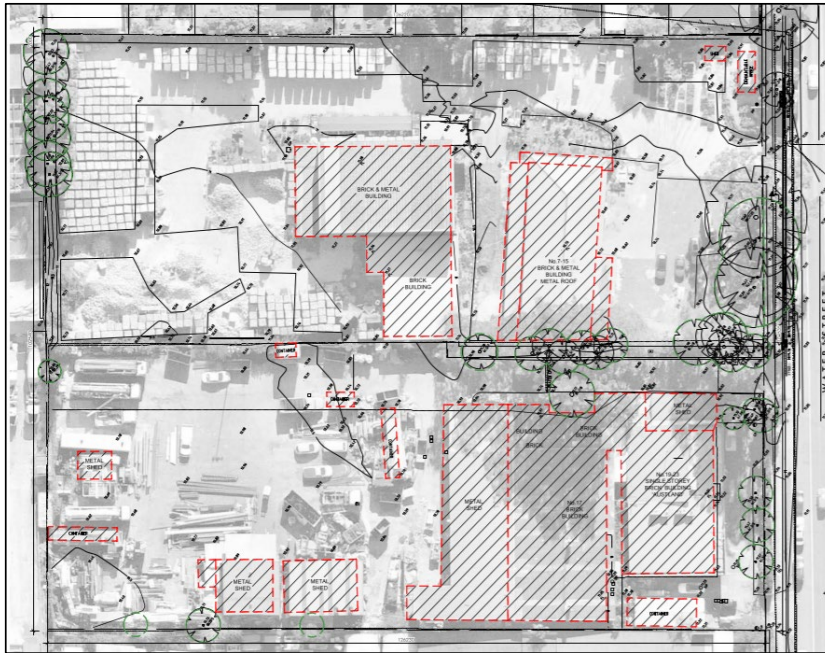


Figure 2: Demolition Plan

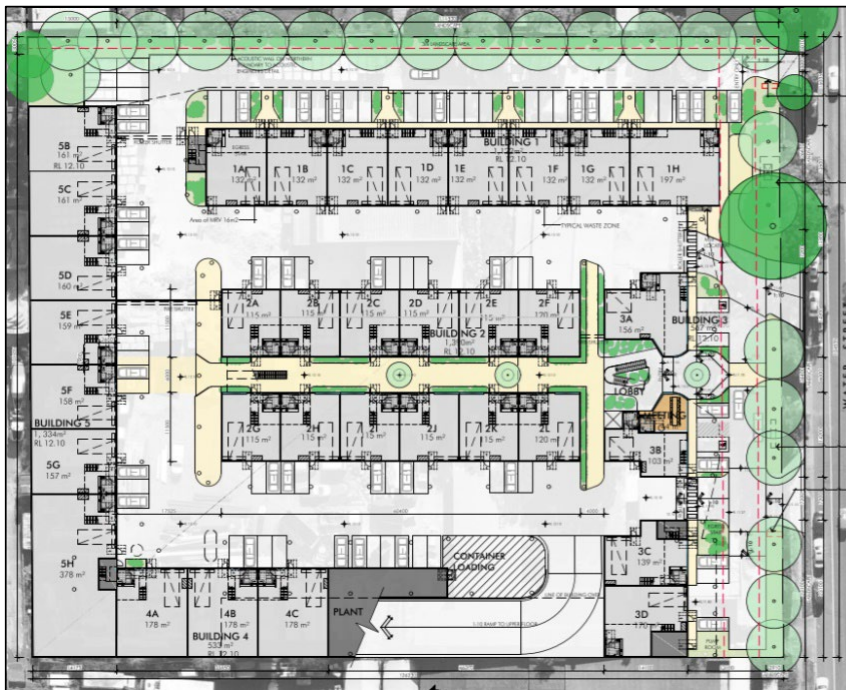


Figure 3: Ground Floor Plan

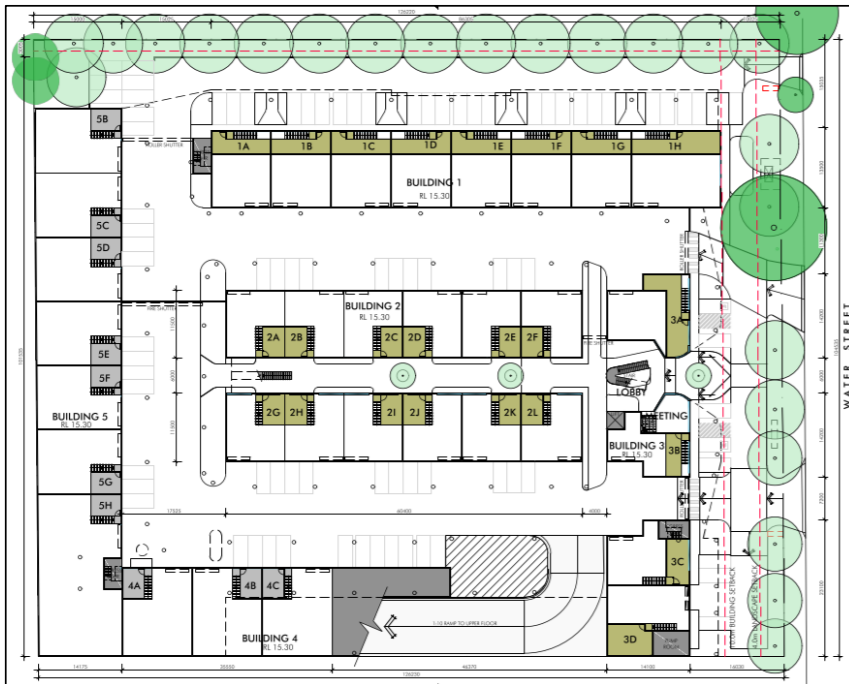


Figure 4: Ground Floor Mezzanine Level

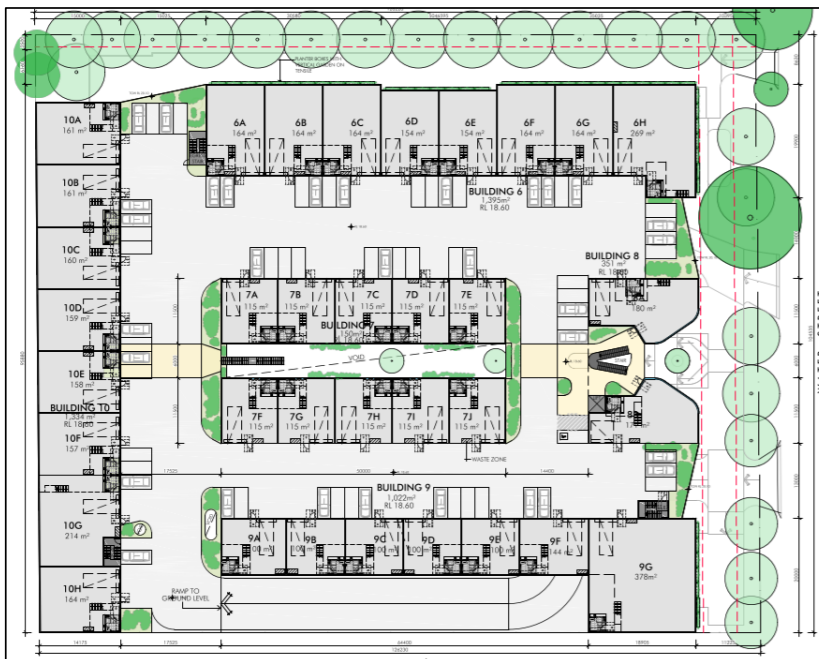


Figure 5: First Floor Plan

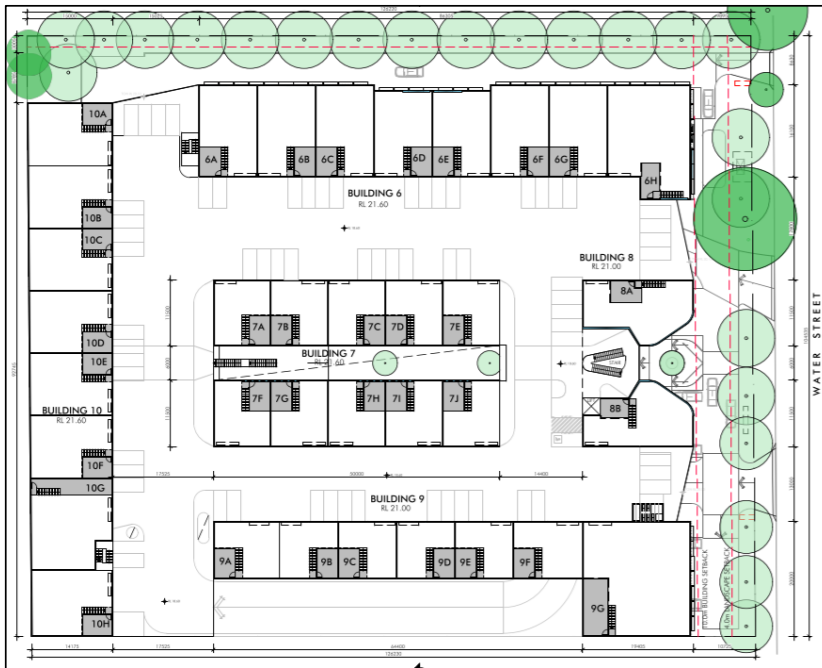


Figure 6: First Floor Mezzanine Level

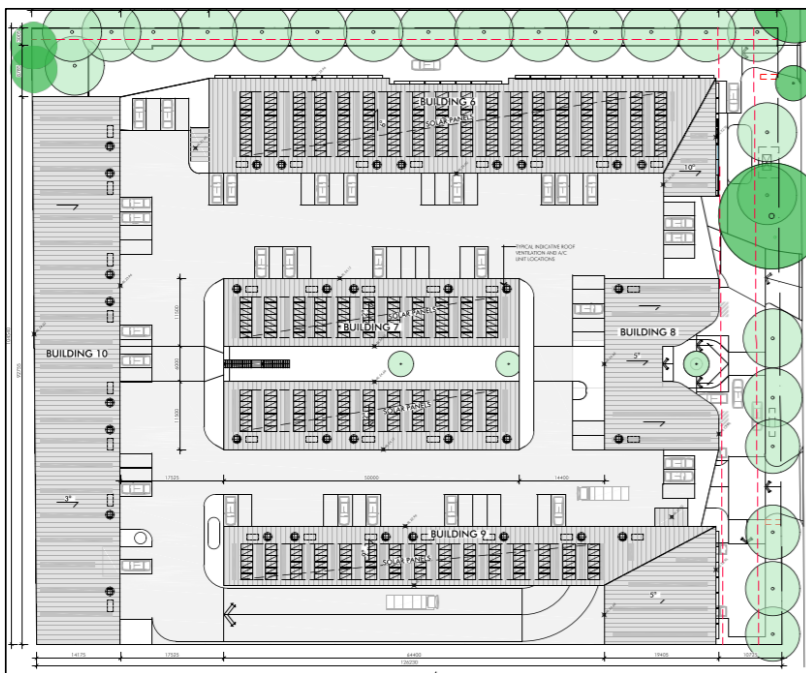
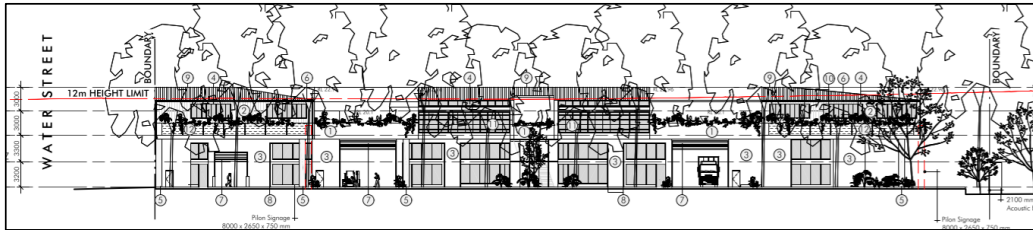
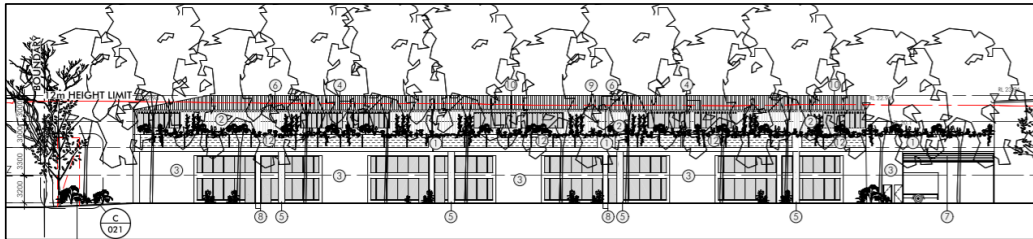


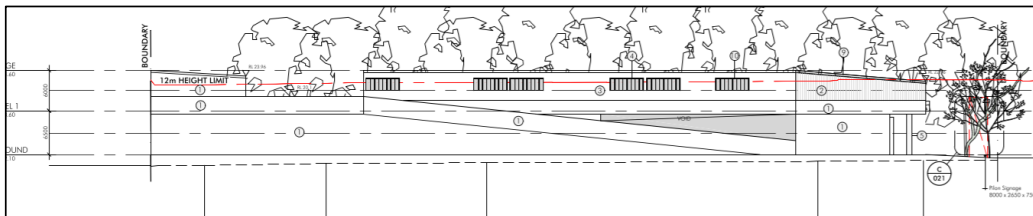
Figure 7: Roof Plan



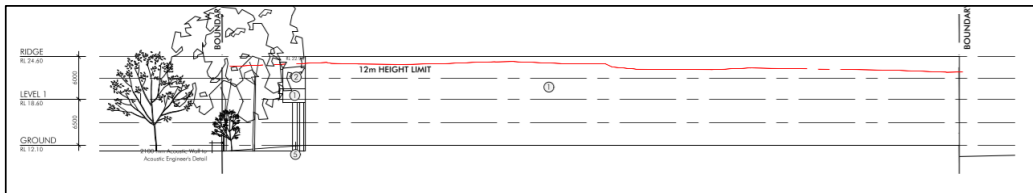
**Figure 8: Water Street / Eastern Elevation**



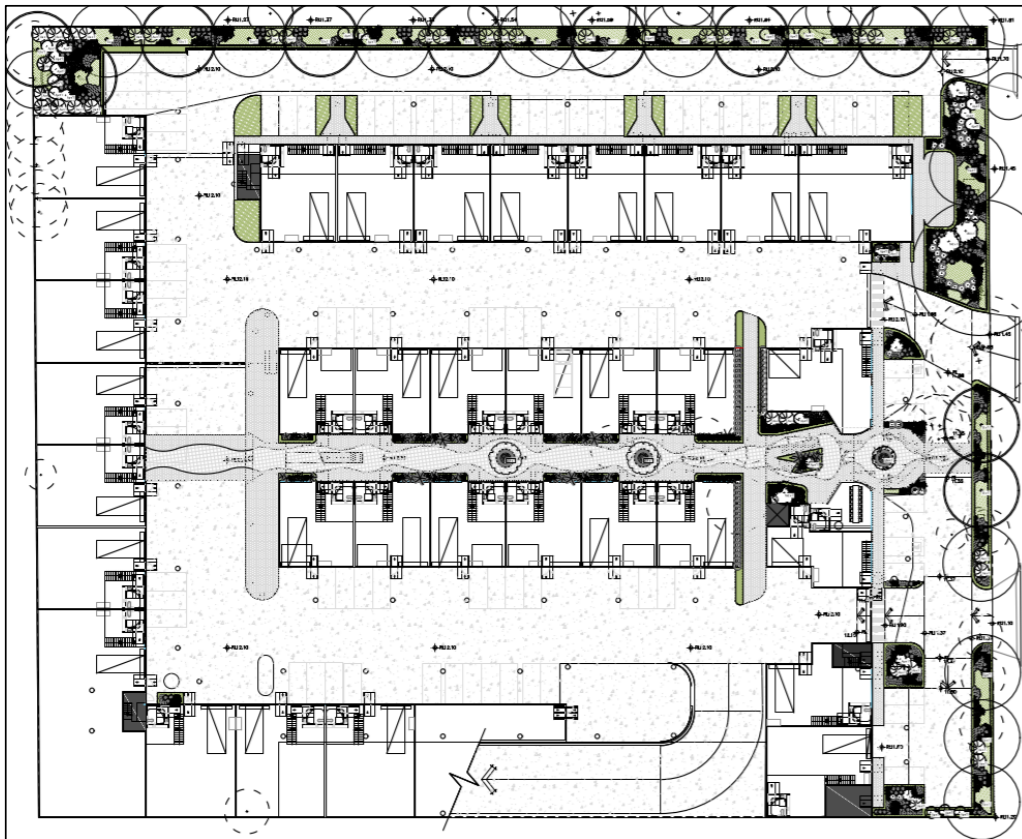
**Figure 9: Northern Elevation**



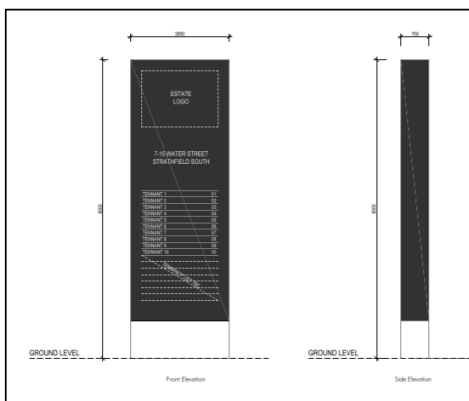
**Figure 10: Southern Elevation**



**Figure 11: Western Elevation**



**Figure 12: Landscape Plan (Masterplan)**



**Figure 13: Signage details (business park pylon sign located along eastern elevation)**

**The Site and Locality**

The subject site is legally described as Lot: 1 DP: 603465, Lot: 2 DP: 603465, Lot: 3 DP: 217450 and commonly known as 7-15 Water Street STRATHFIELD SOUTH, 17 Water Street STRATHFIELD SOUTH, 19-23 Water Street STRATHFIELD SOUTH.



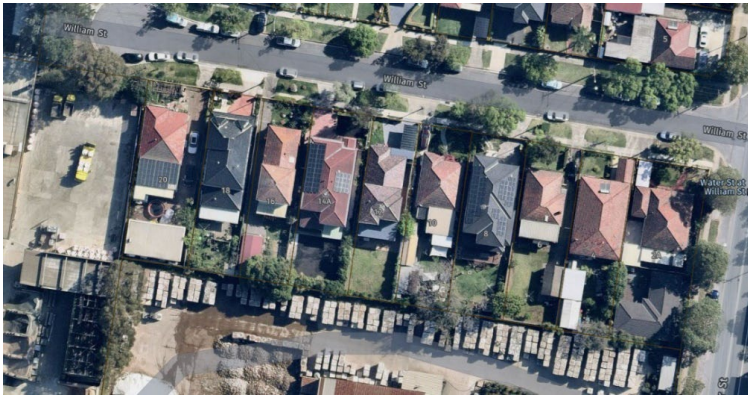
The site is located on the western side of Water Street between the Cooks River channel bridge (south of the site) and William Street to the north. The site forms part of a small industrial area accessed via Water Street and Dunlop Street west of the site. Industrial development continues south-west of the site and includes the Enfield.

The site and the adjoining industrial uses adjoin low density residential development (primarily dwellings) as well as a number of local parks and reserves. The following allotments and landuses adjoin or are in close proximity to the site (note star colour provides location on Figure 15):

- (Green Star) William Street – Residential dwellings adjoining the site (2A, 4, 6, 8, 10, 12, 14, 16, 18 & 20 are on the southern side of William Street),
- (Blue Star) 3 storey Residential Flat Building (RFB) at 18-24 Water Street and residential properties at the western end of James Street (39, 37, 35),
- (Purple Star) Ford Park on the eastern side of Water Street,
- (Orange Star) Water Street – Residential dwellings 18, 20, 22, 24, 26-28 and 30 Water Street,
- (Pink Star) Industrial uses (building supplies) at 23-25 Water Street,
- (Red Star) Industrial uses (landscaping supplies) at 6-8 and 10 Dunlop Street west of the site.



**Figure 14** – Aerial image of site and surrounds



**Figure 15** – Aerial image of dwellings adjoining the site to the north along William Street (Nos. 2A-20)



**Figure 16** – Aerial image of dwellings adjoining the site to the east along Water Street (Nos. 18-30)



**Figure 17** – Aerial image of the RFB at the corner of Water Street and James Street and dwellings along James Street



The site is rectangular in shape and has a street frontage length of 104.5m and maximum depth of 126.2m.

The site appears to have originally been relatively flat however there are some trenches in various places likely dug to manage stormwater and flooding. In general, there is a light fall from the north-east corner (RL11.94) to the south-west corner (RL10.40).

The site has historically been used for quarrying and brickworks, and now currently contains a variety of industrial purposes including warehouse and distribution centre uses, and a brick recycling business. Structures on the site are dilapidated brick and metal industrial sheds and offices. The site is accessed via four driveway crossovers.



**Figure 18** – Dwellings opposite the site along Water Street (Nos 18-24)



**Figure 19** – The RFB at the corner of Water Street and James Street (8-16 Water Street)



**Figure 20** – Dwellings on the southern side of William Street adjoining the site





**Figure 21** – Southernmost driveway crossover at the site and adjoining industrial development



**Figure 22** – Northernmost driveway crossover



**Figure 23** – Looking west from the northern driveway crossover



**Figure 24** – Rear of dwellings along William Street over the northern property boundary



**Figure 25** – Rear of dwellings along William Street over the northern property boundary



**Figure 26** – Rear of the site looking west



**Figure 27** – Rear of the site looking north-west



**Figure 28** – Existing structures at the site – taken from the rear of the site looking east



**Figure 29** – structures near the southern boundary



**Figure 30** – Existing structures and trees at the site looking towards Water Street

### **Background**

#### **30 July 2021**

DA2021.166 was lodged with Council seeking approval for a near identical development to the one proposed under subject application. The application was withdrawn in April 2022 following advice from Council that issues raised by the NSW EPA and Council's Design Review Panel (DRP) were likely to require a response that would exceed the 21 day response maximum. The EPA had requested a preliminary site investigation be undertaken noting the site had previously been used as a quarry and landfill.

Key recommendations by the DRP were:

- The height to the northern elevation of the proposal should be reduced to not exceed the maximum height control, as the northern elevation will be highly visible from the backyards of the adjoining residential dwellings to the north.
- Wider landscape buffer to accommodate space for medium to large trees and RPZs along the northern edge would assist in better screening the extensive hardstand area.
- The northern façade should include greater articulation.
- The southern and western facades are large and unarticulated.

#### **17 March 2023**

A pre-DA advice letter was issued to the Applicant following a meeting on 8 March 2023. The letter focussed on the previous outcomes of the DRP and need for a PSI, as well as other lodgement documents.

#### **19 April 2023**

The subject application was lodged.

#### **26 April 2023**

The subject application was neighbour notified. A total of 49 submissions were received.



- 27 July 2023** A request for further information was issued by Council, raising the following matters:
- Refinement of plan details (including RL's, signage details),
  - Noise impacts (note referrals section below),
  - Tree and landscaping impacts (note referrals section below),
  - Contamination and advice from the EPA (note referrals section below),
  - Hours of operation.
- 30 August 2023** The Applicant submitted additional information.
- 5-10 Oct 2023** Council made further information requests in relation to anomalies in the noise impact assessment and the need for tree retention to be supported by an arboricultural impact assessment.
- Oct/Nov 2023** The Applicant submitted additional noise impact assessments and arboricultural impact assessments as well as amended Landscape Drawings and Architectural Drawings.

### **Referrals – Internal**

#### **Environmental Health**

The application was reviewed by Council's Coordinator of Environmental Services who noted the EPA's comments and agreed with Council's Planner that their recommendations should be included as conditions of consent.

Hours of operation were also discussed and it was agreed that the overall hours of operation approved for the facility would reflect complying development allowances, being 7am-7pm Monday to Friday and no operation Sunday or Public Holidays.

Acoustic comments were outsourced to an external consultant to ensure input from an expert in the field. The outcomes of this referral are outlined below.

#### **Acoustic Consultant**

Council's Acoustic Consultant initially raised some concerns with the proposed treatment measures and the methodology for obtaining background noise levels for modelling. These concerns were resolved and the sequence of comments is summarised below:

Comments sent to the Applicant on 27 July 2023:

- *Confirmation that the RBLs presented in Table 4-2 of the NIA for Receivers R3 and R4 were derived from at least seven days of logging data as per the recommended procedures in the NSW EPA Noise Policy for Industry.*
- *Confirmation that the traffic noise levels presented in Table 4-1 is based on a full week of logging data, as recommended by the RNP.*
- *Further detail is required on the northern barrier 300mm clearance and its relation to the ground to ensure noise from site does not cause unreasonable disturbance to Receiver R1 via this potential flanking path. Detailed drawings for the fence are required as part of the DA assessment.*



The Applicant's response to these three key issues was provided on 16 August 2023 and is summarised below:

- *The RBLs presented in the NIA for Receivers R3 and R4 were derived from at least seven days of logging data.*
- *The Traffic noise levels presented in the NIA are based on at least seven days of logging data as recommended by the Road Noise Policy.*
- *A Soundplan model has been prepared demonstrating how noise flanking occurs both over and under the noise barrier (on the northern boundary). Based on the model, a 300mm gap under the barrier for stormwater purposes does not contribute to an unreasonable loss of acoustic amenity. To supplement concerns with noise flanking under the barrier, a hinged FC panel is proposed in the 300mm gap to hang closed when no water flow is occurring. The noise barrier is proposed to be 2.1m high.*

Council's Acoustic Consultant rejected the above comments, noting the following technicalities:

- *Appendix One of the revised report shows only three days of noise logging data for the unattended logger along Water Street, i.e. between 5pm 4th June 2021 and just after 8 am 7th June 2021. Logging between 4th June 2021 and 16th June 2021 was only undertaken along the northern boundary. Given the apparent reduced noise logging period for the logged location along Water Street, AL should clarify how the RBL representing Receivers R3 & R4 were derived, including how and if the attended noise measurements were used in this process.*
- *Appendix One of the revised report indicates that the noise data from the logger installed along Water Street was used for determining traffic and background noise levels, and the other noise logger installed along the northern boundary was used only for background noise levels. Given that the graphs in the Appendix show that logging along Water Street was only undertaken for three days, AL should provide further details on how their traffic noise levels were based on a full week of noise data.*
- *The revised report recommended that the barrier be constructed of 9 mm fibre cement, which is an option we recommended and as such is a satisfactory construction. In addition to the barrier's construction, we recommend that the height of the barrier remains at 2.4 m as shown in the architectural drawings. Part of the barrier can be constructed of 16 mm Perspex if daylight access is of concern to adjacent residences.*

Following receipt of these comments, the Applicant undertook further noise logging along Water Street and upon review, Council's Consultant provided the following final comments:

- *AL has now undertaken noise logging at both locations for at least 7 days, and as such their assessment now accords with EPA procedures for determining traffic and background noise levels (relates to both the above noise logging concerns).*
- *Based on AL's SoundPLAN model and given the current setback distances of houses north of the barrier, the 2.1 m barrier is acceptable. However, I note that any future double-storey buildings built close to the barrier will receive façade noise levels higher than the EPA's project noise trigger levels, especially along the southern facade. As such, rooms with windows and doors facing south on the first-floor of these potential buildings will likely receive elevated noise levels from site that could be perceived as excessive disturbance by the occupants.*

In relation to the northern acoustic barrier / noise wall, conditions of consent will confirm whether the noise wall is to be 2.4m or 2.1. A 2.4m noise wall may future proof the adjoining residential dwellings should additional two storey developments occur, however a 2.4m wall



may not provide full mitigation and owners may need to utilise facade treatments to their own properties for noise attenuation.

Throughout the above process, a number of conditions of consent were recommended by Council's including restricting use of the northern access to lightweight vehicles only and post occupation noise monitoring.

### **Tree Management and Landscaping**

The application was reviewed by Council's Urban Forest Supervisor who provided the following comments on the initial proposal:

- *The Landscape Plan features an avenue of Eucalyptus fibrosa and Eucalyptus saligna along the northern boundary. This is supported however the 2.5m planting area should be widened to a minimum 3m to allow for suitable root growth. The Arborist report should also be revised to consider (within a 3m planting area), the need for root growth/soil volumes to extend under the driveway pavement through use of structural soils or strata vault systems. A cover letter from the Applicant's Traffic Engineer should be provided confirming sufficient area remains from a traffic and parking perspective.*
- *Trees 45-39 (rear north-western corner of site) – These trees are in good health and provide valuable canopy cover in the locality. The development is to be revised to incorporate retention of these trees. Council may consider offsetting these trees in a design that removes Unit 5A and creates a landscape feature with tree planting in this corner of the site, connecting to the landscape strip along the northern boundary.*
- *Trees 4 and 5 (Water Street) - Currently there is significant vegetation along the middle length of the Water Street frontage. This vegetation is of mixed species and provides a significant contribution to the streetscape and surrounding residential area. Of highest significance are two Eucalyptus saligna - Sydney Blue Gums (trees 4 & 5). Tree 5 is the smaller of the two and has significant wounding at the base. Tree 4 is a very large broad canopy specimen that dominates the street scape and appears of generally good health and condition. The arborist's report notes swelling of the base of the tree's trunk which could indicate decay and that internal diagnostic testing should be carried out. Given the high landscape significance of Tree 4 it should be viewed as a constraint and opportunity to the development. Internal Diagnostic testing results must be provided to support removal for the tree and the proposed development/access arrangements.*

Following receipt of these comments, the Applicant undertook revisions to the Landscape Concept and overall design. The following changes and supporting documents were provided:

- Increased landscape strip along the northern boundary with carpark suspended over existing ground levels,
- Removal of Unit 5A to accommodate landscaping pocket with space for canopy trees,
- Realignment of the middle driveway crossover to allow for retention of Tree 4,
- Internal diagnostic testing of Tree 4 and construction methodologies for the adjacent driveway crossover to ensure the health of Tree 4 is maintained.

These changes were accepted by Council's Urban Forest Supervisor who provided recommended conditions of consent based on the information submitted.



## **Traffic**

The application was referred to Council's Traffic Engineer who provided the following comments:

### Assessment process

*I have reviewed the information package relating to the application and assessed the proposed development in accordance with State Environmental Planning Policy Infrastructure, the RMS Guide to Traffic Generating Developments and planning instruments adopted by Strathfield Council and the Australian Standards for Parking Facilities Part 1: Off-Street Car Parking (AS2890.1:2004)*

### Vehicular access arrangements and trip generation

*The proposed accesses to the site for light and heavy vehicles are suitable for their proposed use and all vehicles will be able to enter and leave in a forward direction. There are satisfactory internal parking and servicing areas. The swept path analysis provided shows that the proposal has been designed in accordance with AS2890.1, AS2890.2 and AS2890.6.*

*Due to the good road access the subject site's truck traffic generated by the development will quickly dissipate onto the surrounding classified road network. The traffic impact assessment report states that trip generation information available from the RMS Guide to Traffic Generating Developments (2002) and RMS Technical Direction 2013/04a. This information includes survey data from various types of development across NSW. In addition, flower power operates a similar sized garden centre with associated stores in Milperra, and has supplied recent hourly sales volumes on a peak weekend day, which can be used to validate RMS trip generation rates.*

*The intersection of Water Street/Homebush Road/Dean Street has been assessed using SIDRA intersection analysis, and under the post development scenario, the intersections would continue to operate at similar levels of service to existing conditions, that is level of service c or better.*

*The projected level of traffic activity from the development proposal is consistent with the zoning controls which apply to the site and acceptable noting the above and details in the submitted traffic and parking assessment.*

### On-site parking provision

*In terms of onsite parking I can conure with the conclusion in the Traffic and Parking Assessment that the provision of 151 parking spaces including 3 accessible spaces will be adequate and compliant with the DCP requirements.*

### Ramp grades

*Internal ramp grades max 1in 10. These are gentle grades and are considered satisfactory.*

### Summary





*I raise no concerns in relation to the traffic and parking aspects of the proposed development.*

- 1. The traffic generation of the proposed development i.e. the net increase in trip generation due to the proposal is not expected to have an adverse impact on surrounding road network and the traffic signals that will remain at level of service C or better.*
- 2. The site will have 151 parking spaces including 3 spaces for the disabled. The car parking and access arrangements are assessed as satisfactory and are in accordance with AS2890.1 and the RMS Guidelines for Traffic Generating Developments.*
- 3. The maximum size service vehicle that can access the site is up to and including 19.0m long articulated vehicle.*
- 4. Internal circulation arrangements, ramp grades (max 1 in 10 or 10%) Undercroft parking clearances including ramp grades and transitions, aisle widths, space dimensions, clearances and manoeuvring room must be in accordance with AS2890.1. The ten parking spaces for the disabled have been designed fully in accordance with AS2890.6-2009.*

Noting the above, Council's Traffic Engineer provided recommended conditions of consent.

The revised design (with removal of Unit 5A and altered driveway crossovers being relevant to parking and traffic) was re-referred to Council's Traffic Engineer who made the following comments:

*The changes to the carparking layout and vehicular access are minor in nature from the original, the onsite parking spaces provision has not changed from the 151 spaces originally provided even though the GFA has reduced by 197m<sup>2</sup>.*

*The swept turning path analysis provided by the traffic consultant for the revised car parking areas and for the vehicular access driveways onto Water street are considered to be satisfactory.*

*Therefore no changes to my original conditions.*

### **Stormwater Management and Flooding**

The application was referred to Council's Development Engineer who made the following comment in relation to the sites flood characteristics and management of stormwater:

*I have examined the submitted Concept Stormwater and Flood Impact Assessment Report, prepared by Northrop and dated 11 April, 2023 and I agree with the conclusion that On-site detention of stormwater will not be provided as the site is located at the bottom of the catchment and its stormwater must be discharged at peak flow prior to the arrival of the top of the catchment peak flow. Furthermore, any on-site detention basin will be overrun by mainstream flood waters.*

Council's Development Engineer provided conditions of consent to ensure the recommendations of the Concept Stormwater and Flood Impact Assessment Report are complied with.



## **Referrals – External**

### **TfNSW**

The application was referred to Transport for NSW for comment and the following response was received.

TfNSW has reviewed the submitted documentation and notes that the proposed development does not qualify as traffic generating development under Clause 2.122 and Column 2 of Schedule 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021. TfNSW advises Council should be satisfied that the surrounding road network can accommodate any additional traffic generated by the proposal, without significantly impacting on the efficiency of the surrounding road network or the nearby intersections, in particular intersection of Water Street/Dean Street/Homebush Road.

### **EPA**

Noting the site's historical uses, the application was referred to the NSW EPA and the following comments were received in a letter dated 10 May 2023:

- *On 16 May 2023, the site was notified to the EPA under section 60 of the Contaminated Land Management Act 1997 (CLM Act). The site is known to be impacted by contamination including but not limited to ammonia and petroleum hydrocarbons in groundwater, and methane in ground gas.*
- *The site is notified under the CLM Act and has been listed on the EPA's public register. The EPA is currently assessing the site, to determine if the contamination is significant enough to warrant regulation. We will contact Strathfield City Council once a decision is reached on this matter.*
- *Hazardous Ground Gas levels at the site may pose health and safety risk to site users if not managed appropriately, particularly during the course of excavations or subsurface works. Crown Group is developing an Interim Site Management Plan to ensure those risks are being managed. The Plan is presently in draft form and it is being reviewed by the EPA and an EPA accredited site auditor, Rowena Salmon.*
- *Crown Group will be undertaking further environmental monitoring to assess ammonia in groundwater off site, and testing the water of Cox's Creek Canal. This monitoring is needed to confirm that the risks arising from the landfill leachate migrating off site are low and acceptable. Crown Group is expected to provide these results to the EPA by June 2023.*

*The EPA has reviewed development application DA2023/155 in relation to contaminated land management matters, and our advice relates to contaminated land management matters only.*

*Site Audit Statement RS-027B contained in the application, finds that the site can be made suitable for an Industrial unit development proposed to be constructed on a suspended slab with a sub-slab void across most of the site, subject to remediation in accordance with a site-specific Remedial Action Plan (RAP) (Remedial Action Plan ,7-23 Water Street, Strathfield South NSW, plan by Reditus dated 3 March 2023). The EPA generally supports the findings and recommendations of the Site Audit Statement.*



*The RAP recommends removal of underground service tanks and infrastructure, excavation and disposal of associated contaminated soils, around service trenches and IBC storage areas, cap and containment of the fill, and design of new buildings to incorporate gas protection and monitoring measures. The results of the proposed validation and sampling analysis program and unexpected finds may result in amendment of the RAP. The EPA notes that the RAP proposes to leave the majority of fill material onsite and as such, it will be critical to ensure that this contamination is managed and monitored in the long term.*

#### Recommendations

- The RAP requires that a number of additional 'validation sampling' investigations be undertaken before remediation commences. The EPA understands these are to obtain further data to delineate the extent of contamination and confirm risks arising from the contamination onsite and offsite, and to refine the scope of the RAP. The EPA supports the requirement for the validation sampling investigations to be undertaken as conditions of consent.*
- Site Audit Statement RS-027B has several conditions and recommendations for works, development and implementation of plans, and reporting to be undertaken prior to remediation and prior to occupation, and for the site auditor to issue interim site audit advice endorsing the reports to provide to Council, and for the issuing of a final Section A2 Site Audit Statement. The EPA supports these conditions and recommendations for integration as conditions of consent.*
- The Applicant be required to retain an NSW EPA accredited site auditor for the duration of the development works to ensure that any work required in relation to soil, groundwater or ground gas contamination is appropriately managed and that the site can be made suitable for the proposed use.*
- Prior to occupancy, the Applicant must submit a Section A2 Site Audit Statement accompanied by a Long-Term Environmental Management Plan, that certifies that the site is suitable for the proposed use subject to the Plan.*
- The development must be undertaken in a manner to prevent the development of preferential pathways of HGG migration toward the surrounding properties. Any surfaces constructed on site must not result in HGG being directed toward surrounding environments, thereby creating a hazard to neighbouring properties.*

The EPA provided additional advice on 14 June 2023 in relation to management of potential hazardous ground gases at the site:

*This advice is provided following the EPA's further consideration of potential impacts of the proposed development to surrounding properties. It is known that historically, quarrying activities at shale quarries can result in fractures to the surrounding bedrock, with fracture lines known to extend up to 250 metres from the edges of a quarry. When such former quarries are subsequently used for landfilling, this can result in hazardous ground gases (HGG) being generated from landfill materials migrating via the fractures toward surrounding lands and accumulating in confined spaces.*

*The EPA notes that the proposed development is sited above a shale quarry landfill that extended across a number of properties including the Westport site and that the development is likely to result in changes to the way that HGG is released from the site. It*



*will be important to monitor for these HGG changes, particularly at the site boundaries, and to ensure that there are no increased risks to adjacent lands.*

#### Additional Recommendations

- *During site development, the Applicant be required to undertake regular surface and subsurface monitoring for HGG along all boundaries of the site. If the HGG levels reach above baseline levels, the Applicant be required to notify Council and the EPA within 24 hours of receiving the results, the HGG monitoring frequency is to be increased, and the Applicant is to undertake mitigation actions to ensure there are no unacceptable risks to surrounding properties. In following, the Applicant should be required to provide a report to Council and the EPA with the new monitoring results, to detail any mitigation actions, and to confirm risks.*
- *The Applicant is to incorporate remedial designs in the development for venting to the depth of the landfill materials on-site or incorporate similar design measures, to be sited along the boundaries of the landfill. This is to ensure that HGG is vented within the site boundary and is not vented in confined spaces on the surrounding land.*
- *Following site development, a site-auditor endorsed Long-Term Environmental Management Plan is to be implemented that requires ongoing, regular surface and subsurface monitoring of HGG along the boundaries of the site. The LTEMP is to stipulate that if HGG levels reach above baseline levels at any time, then the landowner is to notify Council and the EPA within 24 hours of receiving the results, the HGG monitoring frequency is to be increased, and the landowner is to undertake mitigation actions to ensure there are no unacceptable risks to surrounding properties. In following, the landowner should be required to provide a report to Council and the EPA with the new monitoring results, to detail any mitigation actions, and to confirm risks.*
- *The final Section A2 Site Audit Statement for the proposed development must consider if the proposed development and any associated Long Term Environmental Management Plan is sufficient to address risks to future site users, and risks to users of neighbouring properties under existing and approved uses of surrounding land, within 250 m of the site.*
- *The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination [note that this would render the Applicant the 'person responsible' for the contamination under section 6(2) of CLM Act].*
- *The EPA recommends use of "certified consultants" to prepare contamination assessment reports and management plans prepared for the proposed development.*

#### **AUSGRID**

The application was referred to Ausgrid who provided a general response for Council's and the Applicant's consideration. The response outlined it is the responsibility of the developer to ensure Ausgrid standards are achieved for underground and overhead wire clearance during construction and for the final development outcome. No recommended conditions of consent were provided.

#### **Section 4.15 Assessment – EP&A Act 1979**



The following is an assessment of the application with regard to Section 4.15(1) of the EP&A Act 1979.

**(1) Matters for consideration – general**

***In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:***

- (a) the provision of:**  
**(i) any environmental planning instrument,**

**State Environmental Planning Policies**

Compliance with the relevant state environmental planning policies is detailed below:

**STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021**

**Chapter 2 – Vegetation in Non-Rural Areas**

The intent of this Chapter within the SEPP is related to the protection of the biodiversity values of trees and other vegetation on the site.

The proposal was referred to Council's Urban Forest Supervisor who required retention of certain trees across the site (primarily a large gum tree at the property frontage), as well as permitted removal of a number of other trees subject to replace planting. Specific conditions were provided by Council's Urban Forest Supervisor to be imposed with any development consent in order to ensure the protection of these trees.

The aims and objectives outlined within the SEPP are considered to be satisfied.

**STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021**

**Chapter 4 – Remediation of Land**

Chapter 4 applies to the land and, pursuant to Section 4.15 of the EP&A Act 1979, is a relevant consideration. A consent authority must not consent to the carrying out of a development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The Applicant has submitted a Site Audit Assessment and Remediation Action Plan which have been reviewed by the NSW EPA and Council's Environmental Services Team.

Subject to specific requirements for refinement to the scope of the submitted RAP, preparation of a revised Site Audit Statement accompanied by a Long-Term Environmental Management



Plan and regular surface and subsurface monitoring for HGG, Council and the EPA is satisfied that the land can be made suitable for development.

It is noted that there are a number of unknowns at this stage and conditions of consent require rigorous monitoring regimes and check points to manage contaminants. Accordingly, the provisions of the SEPP are satisfied.

## STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

### Chapter 3 – Advertising and Signage

*State Environmental Planning Policy (Industry and Employment) 2021* aims to ensure that advertising and signage is compatible with the desired amenity and visual character of an area and provides effective communication in suitable locations and is of high-quality design and finish.

Clause 3.6 of the Industry and Employment SEPP prevents development consent from being granted to signage unless the consent authority is satisfied that it is consistent with the objectives of the SEPP and has satisfied the assessment criteria specified in Schedule 5. An assessment of the proposed signage against Schedule 5 of the SEPP is provided below.

Criteria	Assessment	Acceptable
<b>Character</b>		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposal features two pylon signs, one at the southern entry and one at the northern entry. Both are 8m high and are a common way finding features of an industrial business park. However, the scale of the sign conflicts with the local area, noting that the site is on the border with low density residential development. A smaller more discreet sign would be better suited, especially for the entry to the northern driveway.	No
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed sign is consistent with the zoning and industrial characteristics of the western side of Water Street. However the scale and Pylon style should be reconsidered for something more discreet considering the sites proximity to residential development and Ford Park.	No
<b>Special Areas</b>		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The scale of the pylon sign and position has the potential to detract from the local amenity which is primarily low density residential and open space.	No
<b>Views and Vistas</b>		
Does the proposal obscure or compromise important views?	The proposed sign is unlikely to obscure any key views however it has	No



Does the proposal dominate the skyline and reduce the quality of vistas?	the potential to dominate the Water Street streetscape.	
Does the proposal respect the viewing rights of other advertisers?		
<b>Streetscape, Setting or Landscape</b>		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	No, refer to pylon sign comment above.	No
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	No, refer to pylon sign comment above.	No
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Not applicable.	N/A
Does the proposal screen unsightliness?	Not applicable.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	It is noted that the pylon sign is located within close proximity to a proposed tree and that the pylon sign is not shown on Landscape Drawings. This highlights the need for a more considered approach to signage that allows for landscaping to reach its potential and signage to be integrated into the design and considerate of the sites proximity to residential development.	No
Does the proposal require ongoing vegetation management?	The proposed sign in its current position may impact on vegetation management.	No
<b>Site and Building</b>		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	No, the proposed pylon sign does not consider the sites position in terms of proximity to residential development and Ford Park.	No
Does the proposal respect important features of the site or building, or both?	No, refer above.	No
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	No, the proposed sign represents a standard industrial feature and more discreet wayfinding signage should be delivered that considers the residential character of the area.	No
<b>Associated Devices and Logos with Advertisements and Advertising Structures</b>		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or	The type of sign proposed does not require consideration of this control.	N/A



structure on which it is to be displayed?		
<b>Illumination</b>		
Would illumination result in unacceptable glare?	Conditions of consent could require low glare and no flashing for the sign.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	No, refer above.	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	No, refer above.	Yes
Can the intensity of the illumination be adjusted, if necessary?	Yes, refer above.	Yes
Is the illumination subject to a curfew?	Yes, illumination of the sign would only be permitted during the approved hours of operation for the facility, being 7am-7pm Monday to Saturday and no operation Sunday or Public Holidays.	Yes
<b>Safety</b>		
Would the proposal reduce the safety for any public road?	No, the proposal does not reduce visibility and was not raised as concerning by TfNSW or Council's Traffic Engineer.	Yes
Would the proposal reduce the safety for pedestrians or bicyclists?	No, the proposed sign does not impact on the adjoining pedestrian pathway.	Yes
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No, the proposed sign does not impact on the safety of pedestrians.	Yes

Noting the above compliance table, the scale and form of the proposed pylon signs conflict with the residential character of the area. Smaller more discreet signs that achieve internal wayfinding objectives and do not conflict with the proposed landscaping regime would be a better outcome for the site. Accordingly, signage is not permitted for the development and a condition of consent will specify this.

The provisions of the SEPP are satisfied through the above assessment and conclusion.

### **Strathfield Local Environmental Plan (SLEP) 2012**

The development site is subject to the SLEP 2012.

### **Part 2 – Permitted or Prohibited Development**

#### **Clause 2.1 – Land Use Zones**

The subject site is zoned E4-General Industrial. The proposed development is defined as general industrial development and / or warehouse and distribution centre. The proposal is a permissible form of development with Council's consent.





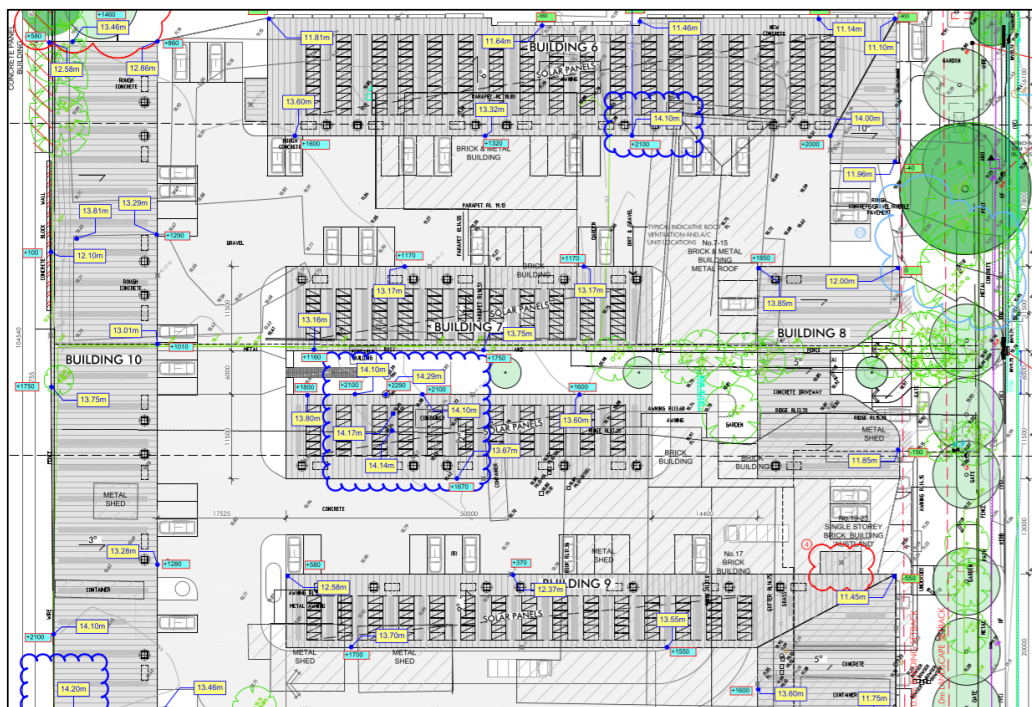
**Part 4 – Principal Development Standards**

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	12m	14.29m (19.16%)	No, refer 4.6 assessment
4.4 Floor Space Ratio	1:1 (13,195m <sup>2</sup> )	0.82:1 (10,915m <sup>2</sup> )	Yes

**Clause 4.6 Variations –If relevant**

Clause 4.3 of SLEP 2012 establishes a 12m height limit for the subject site. The proposal incorporates a maximum building height of 14.29m, being a 19.16% increase (2.29m) above the permitted building height. The 2.29m building height exceedance does not apply across the entire development, in part due to an undulating existing ground level and the proposal incorporating a skillion roof. Various parts of the roof are less than 12m and other parts sit between 14.29m and 12m.

The applicant has provided a written Clause 4.6 request (the written request) to vary the height of building standard, for consideration pursuant to SLEP 2012 Clause 4.6(3) and (4). The Applicant has included a number of high points across the development to support justifications included in the 4.6 statement. During the assessment these high points were reviewed and the Applicant provided the image below showing high points across the proposed buildings.



**Figure 31 – Height of building points across the proposed buildings**

The image above shows that the high points are located in the centre of the site (14.29m) and south-western corner (14.2m).



The discrepancies between the measurements in the 4.6 and re-calculated high points do not discredit the concepts and justifications put forward by the Applicant in relation to Clause 4.6(3) and (4).

Clause 4.6(3) and (4) establish preconditions that must be satisfied before the consent authority can grant development consent to the development. These preconditions are:

- The written request must adequately demonstrate that compliance with the development standard is unreasonable or unnecessary (cl 4.6(3)(a) and cl 4.6(4)(a)(i));
- The written request must adequately demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard (cl 4.6(3)(b) and cl 4.6(4)(a)(i));
- That the proposed development is in the public interest because it is consistent with the objectives of both the zone and the development standard (cl 4.6(4)(a)(ii)); and
- Concurrence of the Planning Secretary must be obtained (cl 4.6(4)(b)).

These are addressed below.

***Whether compliance with the development standard is unreasonable or unnecessary***

The Applicant has used an assessment against the objectives of the standard to establish that compliance is unreasonable or unnecessary. This is a common methodology set out in *Wehbe v Pittwater Council* [2007] NSWLEC 827. Consideration of the Applicant's comments on each objective is provided below.

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

The Applicant has made the following key points in their consideration of 4.3(a):

- The proposed building is similar in height to the three storey RFB diagonally opposite the site at 18-24 Water Street.
- The proposed building tapers at the northern façade adjacent to residential dwelling on William Street and to the east opposite residential dwellings on Water Street. At these points, the building has a 12m height or less.
- The large setbacks to the front and north with landscaping along the boundary allow for a suitable transition between residential and industrial zones.
- The development will improve the appearance of the industrial area through an architecturally designed industrial unit development with articulated facades and landscaping.

The Applicant's comments are agreed with. Although the surrounding area features large areas of low density residential development with a height limit of 12m, this is punctuated by the 3 storey RFB at 18-24 Water Street and industrial development to the south and west.

The skillion roof allows for a lower building profile adjoining residential dwellings to the north and along the Water Street frontage. The high points shown in Figure 31 show that along the northern edge, the building height sits below the 12m mark and is as low as 11.04m from existing ground level. Further, large setbacks (10m to Water Street and 8.6m to the northern side setback) and landscaping soften the interface with residential development and the public domain. The figures below illustrate the building profile at each of these interfaces.

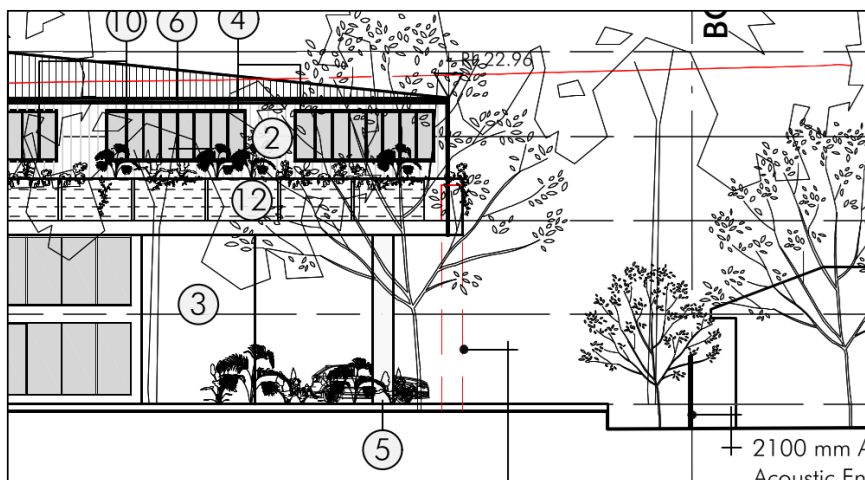


Figure 32 – Northern boundary interface (horizontal red line shows 12m mark)

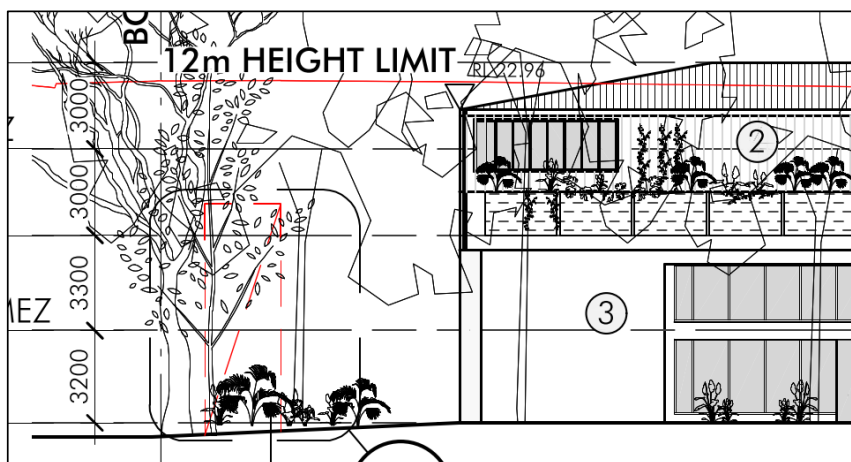


Figure 33 – Water Street interface (horizontal red line shows 12m mark)

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

The Applicant has made the following key points in their consideration of 4.3(b):

- The proposed development consolidates the three existing lots on the subject site enabling building height across the subject site that is appropriate for the area, with the breaches in height concentrated central to the site, south and west where it interfaces with further industrial zoned land.
- A compliant building height is achieved along the northern and eastern (street) elevations which are considered more sensitive from a visual scale perspective given their residential interface.
- The consolidation of the lots on the site allows for the development of the site to break up the built form across 3 x built elements when viewed from the street.
- The larger development site allows for generous setbacks and landscaping.



The Applicant's comments are agreed with. The consolidated allotments in combination with the height breaches allow for a development outcome that responds to adjoining developments with generous setbacks and articulated building facades that taper down to a compliant height adjoining these interfaces.

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

The Applicant has made the following key points in their consideration of 4.3(c):

- The proposal is for a large master planned development suitable for the area and which meets the envisioned density for the site with respect to FSR and landscaping.
- The development does not restrict the future development of the southern adjoining industrial lots to a capacity envisioned by the planning controls.
- The variation allows for two storeys of industrial units with each tenancy provided with a mezzanine level providing flexibility for multiple permitted uses/options throughout the lifetime of the development.
- Strict compliance with the maximum building height development standard would result in a significant loss of storage / stacking capacity within the proposed units, which would adversely impact the functionality of the development and result in the proposal failing to meet the market requirements.

The Applicant's comments are agreed with. The breach to the height limit allows for a modern industrial development outcome that introduces diversity into Strathfield's industrial land areas.

***Whether there are sufficient environmental planning grounds to justify contravening the development standard***

The Applicant has addressed Clause 4.6(3)(b) with an overarching comment that there is an absence of environmental harm arising from the contravention. This is generally agreed with, noting noise impacts, contamination, traffic, bulk and scale and overshadowing impacts have been assessed elsewhere in this report and considered acceptable.

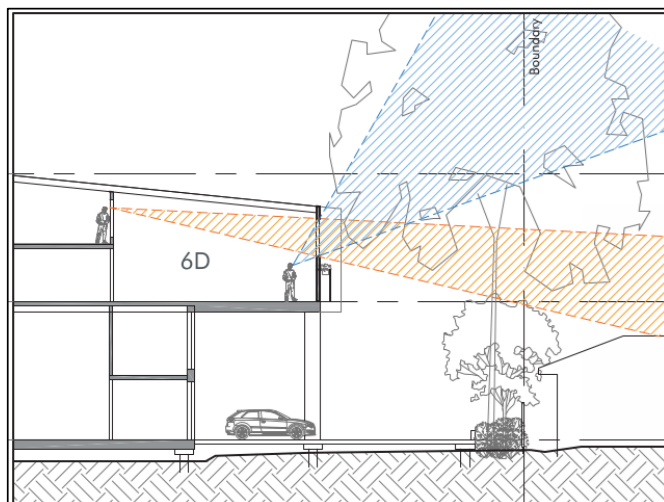
However the Applicant has relied more heavily on the positive planning outcomes arising from the proposal and each of these are considered below:

*The proposal allows for a development that is compatible with the existing area, noting the surrounding development context includes 3 storey apartment buildings to the north-east of the site that are similar in scale to the development. Further, the proposed height is compatible with the adjoining residential zone to the north with a compliant height provided at this interface. Additionally, a 8-15m setback is generally provided to the northern boundary and screen landscaping proposed to mitigate the visual impact of the building height at this zone interface. The variation is partly a result of a skillion – contemporary roof form that contributes to the visual quality of the proposal along with the flood / stormwater affectation of the land.*

It is agreed that the development outcome along the northern and eastern facades achieves a quality urban design outcome that has an interesting interface with the public domain (in part via the skillion roof but also other façade elements) and facilitates passive surveillance to the public domain including across to Ford Park. Further, the higher building allows for generous setbacks to the northern boundary and landscaping that will buffer residential dwelling along this interface from industrial development.



The Applicant has demonstrated that privacy and overlooking to the north are mitigated through the design. The sill height of windows along the northern elevation is 2.2m above the finished floor level, ensuring direct overlooking is minimised. This is further mitigated by the large setback (8.63m) and landscaped planter boxes. Some overlooking is possible from mezzanine areas however the distance from these spaces limits opportunity for overlooking. The figure below supplied by the Applicant illustrates overlooking impacts.



**Figure 34** – Sight line diagram

It is also noted that the Applicant outlines in their 4.6 statement that the raised ground floor level (1.72m at the highest point) is required to accommodate the site's stormwater/ flooding constraints. Floor levels have been adopted as 12.1m AHD, which complies with Council's pre-DA advice and represents approximately 1.05m freeboard to the Cooks River 1% Annual Exceedance Probability (AEP) and a minimum 400mm from the nearest adjacent 1% AEP flooding from the local catchment in Water Street. This is another environmental planning ground presented by the Applicant under their consideration of Clause 4.6(3)(b).

*The proposed development consolidates lots on the subject site and provides a building height across the subject site that is appropriate for the area, with compliant heights proposed along the sensitive northern and eastern (Water Street) elevations and the breaches in height concentrated central to the site and along the southern and western boundaries where the site adjoins industrial zoned land. The proposed built forms will shield the higher breaches central to the site and the appearance of the development from the street will be appropriate for the area. The proposed variation will not result in any additional adverse visual impact. Conversely, the development will improve the appearance of the site and wider area.*

This environmental planning ground is agreed with for reasons outlined above.

*The additional height results in negligible additional shadow, with the additional shadow cast by the height breach not resulting in any detrimental impacts to residential zoned land.*

This environmental planning ground is considered a strong one and is agreed with. The position of the site ensures that any additional overshadowing (also noting the additional overshadowing is minimal) impacts other industrial areas and not residential land.



Cumulatively, these grounds are considered sufficient to justify contravening the development standard.

***Whether the proposed development is in the public interest***

To determine if the contravention to the development standard is in the public interest, Council must be satisfied the proposal is consistent with the objectives of the development standard and objectives of the relevant zone. The objectives of the development standard have been considered above and consistency with the E4 General Residential zone objectives is assessed below.

<b>Objective</b>	<b>Assessment</b>
To provide a range of industrial, warehouse, logistics and related land uses.	The proposal provides for a range of industrial, warehouse, logistics and related land uses.
To ensure the efficient and viable use of land for industrial uses.	The proposal incorporates consolidation of three allotments allowing for a site responsive development outcome.
To minimise any adverse effect of industry on other land uses.	The proposed height variation allows for large setbacks and landscaping outcomes that respond to neighbouring residential properties and open space. Noise mitigation measures, privacy management contamination requirements will minimise any adverse effects of industry on these adjoining land uses.
To encourage employment opportunities.	The proposal encourages employment opportunities.
To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.	The proposal incorporates mezzanine levels and small industrial units that can facilitate modern small scale businesses in an industrial setting.
To minimise fragmentation of valuable industrial land and provide large sites for integrated and large floorplate activities.	The proposal incorporates consolidation of three allotments and does not fragment industrial land.
To allow for a higher proportion of ancillary office floor space to support high technology, light industrial and small-scale warehouse-related land uses.	The proposal is a direct response to this objective, providing a large industrial complex of 69 small scale warehouses with mezzanine levels conducive to use as ancillary office space.

***Whether the concurrence of the secretary has been obtained.***

Under Clause 55 of the EP&A Regs 2021, the Secretary has given written notice dated 21 February 2018, attached to the Planning Circular PS 20-002 issued on 5 May 2020, to each consent authority, that it may assume the Secretary's concurrence for exceptions to development standards in respect of applications made under Clause 4.6, subject to the conditions in the table in the notice. While the proposal exceeds the development standard by over 10%, the Planning Circular provides for the Local Planning Panel to assume concurrence.

In conclusion, the applicant's written request to justify the contravention of the building height development standard is considered to be well founded in that the applicant has satisfactorily 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.

#### **Part 5 – Miscellaneous Provisions**

##### **Heritage Conservation**

The subject site is not listed as a heritage item or located within a heritage conservation area. The site does not adjoin nor is in close proximity to a heritage item and as such, the provisions of this clause are not applicable.

##### **Flood Planning**

The subject site has been identified as being at or below the flood planning level. The application has been reviewed by Council's Engineer who has advised that subject to suitable conditions, the development is considered compatible with the flood hazard of the land, will not result in significant adverse effects on flood behaviour or environment and is not likely to result in unsustainable social and economic loss. The proposed development is considered to satisfy the objectives of this clause.

#### **Part 6 – Additional Local Provisions**

##### **Acid Sulfate Soils**

The subject site is identified as Class 4 Acid Sulfate Soils and falls within the criteria in the table of subclause 6.1(2). As such Development Consent for the proposed works is required under the provisions of this Clause. The proposed development does not involve works more than 2m below the natural ground surface or works by which the water table is likely to be lowered by more than 2m below the natural ground surface. Accordingly, the proposed development is considered to satisfy the objectives the clause.

##### **Earthworks**

The proposal does not include any significant excavation or basement works. Any excavation for footings or levelling of the site is considered to be minor and will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The NSW EPA have identified the potential for various contaminants at the site and conditions of consent will manage the construction process including disturbance to soil for the required levelling of the site.

##### **Essential Services**

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development

It is considered that the proposed development satisfies the aims, objectives and development standards, where relevant, of the SLEP 2012.

##### **Erection or display of signage**



Before granting development consent for development that involves the erection or display of signage, Council must be satisfied that the signage is compatible with the desired amenity and visual character of the area, provides effective communication in suitable locations, and is of a high quality design and finish.

As noted in the assessment of Schedule 5 of the Industry and Employment SEPP, the proposed signage is not considered to be compatible with the amenity and visual character of the area. The site forms a transition area between industrial and residential land uses and a more discreet lower profile wayfinding sign with high quality design and finish would be better suited for the site.

**(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and**

There are no draft planning instruments that are applicable to the proposed development on the subject site.

**(iii) any development control plan,**

The proposed development is subject to the provisions of the Strathfield Consolidated Development Control Plan (SCDCP) 2005. The following comments are made with respect to the proposal satisfying the objectives and controls contained within the SCDCP 2005.

**PART D – Industrial Development**

Part D of SCDCP 2005 relates to industrial development and is relevant to the proposed development.

Control	Comment
<p><b>2.2 Contamination</b> Consideration as to whether the site is potentially contaminated.</p>	<p>Refer to SEPP discussion above and EPA referral discussion. Proposed modification is compliant with the development control.</p>
<p><b>2.4 Development Adjoining Residential Zones</b></p> <ul style="list-style-type: none"> <li>• Development is to be sympathetic (height, scale, siting)</li> <li>• Solar access &gt;3hrs in mid-winter</li> <li>• Windows to avoid overlooking/privacy impacts</li> <li>• Goods and plant equipment are to be stored/screened</li> <li>• Noise to be insulated or minimised.</li> <li>• Plant and equipment operating in 'night time' hours to be subject to acoustic report.</li> <li>• Shall not cause nuisance to residents by way of hours of operation, traffic, parking, headlight glare, security lighting and the like.</li> </ul>	<p>The proposed development has been designed to be sympathetic in scale and siting with adjoining residential developments and open space. The height exceedance proposed allows for large setbacks and landscape buffers to the north and the skillion roof reduces the bulk of the building at these frontages.</p> <p>Due to the sites location south of residential areas, overshadowing impacts are negligible.</p> <p>The nature of the development is unlikely to support heavy machinery, however it is noted that future applications will be submitted (whether as CDC, exempt development or via DA) for the use of each individual unit.</p> <p>Traffic and parking has been assessed and hours of operation will be consistent with allowances under the exempt and complying development code. Landscaping</p>





	<p>along the northern boundary will assist in mitigating headlight glare.</p> <p>The proposed development is supported by noise impact assessments that demonstrate compliance with the EPA's Noise Policy for Industry.</p>
<p><b>2.5 Density, Bulk &amp; Scale</b></p> <ul style="list-style-type: none"> <li>• 10m maximum wall height</li> <li>• 1:1 FSR</li> <li>• Ancillary office space 25% max</li> </ul>	<p>The proposal has a maximum wall height of 13.95m. This variation is acceptable as the proposal is consistent with the objectives of Part D by delivering the following:</p> <ul style="list-style-type: none"> <li>• A high quality design with landscaping and façade designs that activate the streetscape,</li> <li>• The use of setbacks and noise mitigation measures that minimise impacts to neighbouring residential areas,</li> <li>• Compliance with traffic and parking requirements,</li> <li>• High employee amenity with a central pedestrian corridor and quality landscaping outcomes.</li> </ul>
<p><b>2.6 Setbacks</b></p> <ul style="list-style-type: none"> <li>• 10m front setback</li> <li>• Merit based side setbacks adjoining residential land</li> <li>• Nil setback adjoining industrial land</li> <li>• Setbacks may include parking</li> </ul>	<p>The proposal incorporates a 10m front setback and generous side setback to the north to allow for buffer landscaping. The setback to the north is 8.6m at Level 1 and 15m at ground level where parking is located.</p> <p>A nil setback is employed to the southern and western boundaries where the site adjoins industrial sites. The exception is the north western corner where a landscape pocket is proposed to further soften the interface with residential development.</p>
<p><b>2.7 Building Requirements &amp; Materials</b></p> <ul style="list-style-type: none"> <li>• Brick, stone, concrete, glass facades</li> <li>• No external services</li> <li>• Avoid long blank walls to street</li> <li>• Compatible with adjoining buildings</li> <li>• Offices to face the street</li> <li>• Building facades to be modulated and entries emphasised.</li> <li>• Materials to be indicated on plans</li> </ul>	<p>The proposal incorporates modulated facades to the northern residential boundary and Water Street frontage. Long blank walls exist along the southern and western boundaries however these facades adjoin industrial areas.</p> <p>Entries are emphasised and include a pronounced pedestrian entry point through the centre of the development.</p> <p>Some offices do not face the street however they are internal to each unit and windows do not create privacy impacts.</p> <p>Artists impressions submitted with the proposal show materials and finishes.</p>
<p><b>2.8 Energy Efficiency &amp; Water Conservation</b></p>	<p>The proposal achieves stormwater management requirements and the</p>



<ul style="list-style-type: none"> <li>• Orientation to facilitate ideal solar</li> <li>• Glazing to northern façade encouraged</li> <li>• Rain water tanks to be provided on site</li> </ul>	development is oriented and designed to maximise northern light exposure.
<p><b>2.9 Parking Access 7 Manoeuvring</b></p> <ul style="list-style-type: none"> <li>• Parking Rate controls</li> <li>• Loading areas at rear</li> <li>• Access to be via non-residential streets and to comply with relevant AS</li> <li>• Vehicles to enter and exit in forward direction</li> <li>• Entry and exit points and parking to allow for safe pedestrian access</li> </ul>	Complies – refer Traffic referral discussion.
<p><b>2.10 Landscaping &amp; Fencing</b></p> <ul style="list-style-type: none"> <li>• Street trees to be retained</li> <li>• On-site trees over 4m subject to assessment</li> <li>• 2m min landscape strips in front setback required</li> <li>• 1.2m strip required to common boundaries forward of the building line</li> <li>• 2m to common boundaries with residential areas</li> <li>• Tree planting required in car parks</li> <li>• Tree planting to reflect scale of development</li> <li>• Screen plating required</li> <li>• Landscape areas to have permanent edging and must be maintained in perpetuity</li> <li>• Side fencing min 1.8m</li> </ul>	<p>Complies – merit assessment of landscaping considering development type. Refer Landscape referral and conditions.</p> <p>No front fencing permitting considering development type and plan details do not specify.</p> <p>The northern boundary incorporates a 3m wide landscape strip with screen planting and minimum 2.1m (conditions to require 2.4m) acoustic fence, exceeding the DCP requirements.</p>
<p><b>2.11 Signage</b> Refer SEPP assessment</p>	Refer SEPP Assessment
<p><b>2.12 Site Drainage &amp; Water Management</b> Stormwater concept plan to be submitted with all DAs</p>	Controls addressed in Stormwater Flooding Referral.
<p><b>2.13 Utilities</b> Sydney Water and Ausgrid requirements</p>	To be conditioned.
<p><b>2.14.2 Noise Pollution</b></p> <ul style="list-style-type: none"> <li>• Buildings designed to minimise transmission of noise.</li> </ul>	Complies – refer discussion under acoustic referral.
<p><b>2.14.3 Water Pollution</b></p> <ul style="list-style-type: none"> <li>• Type/Volume and Storage of Chemicals to be provided with DA.</li> <li>• Only clean water discharged into stormwater system</li> <li>• Internal floors graded/drained</li> </ul>	Addressed in stormwater referral comments and to be conditioned.

**PART H – Waste Management**

In accordance with Part H of Strathfield CDCP 2005, a Waste Management Plan was submitted with the application. The plan details measure for waste during demolition and



construction, and the on-going waste generated by the development during its use. It is considered that this plan adequately address Part H and considered satisfactory.

#### **PART J – Advertising Signs and Structures**

Noting the assessment against Chapter 3 of State Environmental Planning Policy (Industry and Employment) 2021, the proposed signage is not compatible with the local area and therefore signage will not be permitted and is to be subject of a separate future development application.

#### **PART K – Development on Contaminated Land**

The provisions of Part K have been addressed in the assessment against Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021.

The proposal satisfies the development controls under Part K.

#### **Part N Water Sensitive Urban Design**

Part N requires certain development types to incorporate appropriate water sensitive urban design measures. This includes industrial development involving a site area of 2,000m<sup>2</sup> or more. Given that the site provides an overall site area of 13,195m<sup>2</sup>, WSUD on the site applies. The site is capable of implementing WSUD treatment measures to minimise impacts on the water cycle and implications on surrounding biodiversity including Cooks River. Stormwater harvesting systems and filters have already been incorporated into the design and are supported by Council's Stormwater Engineer.

Conditions of consent have been imposed to ensure that details of the Water Sensitive Urban Design (WSUD) components are prepared to demonstrate compliance with the water conservation and stormwater quality targets set out under Sections 3.1 and 3.2 respectively under Part N of the SCDCP 2005.

The proposal satisfies the requirements under Part N.

#### **PART O – Tree Management**

The Application has been referred to Council's Urban Forest Supervisor who undertook an assessment of the proposal against Part O and has supported the proposal subject to conditions of consent.

#### **PART Q – Urban Design Controls**

Section 4.9 of Part Q incorporates requirements for development in Industrial Zones and is relevant to the proposed development. An assessment against the requirements of Section 4.9 is provided below.

<b>Requirement/Criteria</b>	<b>Comment</b>
Adequate off-street parking, relative to the likely demand for parking generated by the proposed development, must be provided on-site.	Adequate off-street parking is delivered as outlined by Council's Traffic Engineer under 'internal referrals'.
The site of the proposed development must be suitably landscaped, particularly between any buildings and the street alignment.	A quality landscape design has been proposed and supported by Council's Urban Forest Supervisor.



<p>The proposed development must contribute to the maintenance or improvement of the character and appearance of the locality.</p>	<p>The proposed development introduces a modern well-designed industrial unit development that is a suitable outcome for the border between residential development and heavier industries in the Strathfield South area.</p>
<p>Any proposal shall demonstrate that detailed consideration has been given to the effect of traffic generated from the site and the likely impact on surrounding residential areas, including the identification of appropriate traffic management schemes which would mitigate potential impacts of the traffic generated from the development on any residential environ.</p>	<p>The Traffic and Parking Impact Assessment submitted with the application has been reviewed and supported by Council's Traffic Engineer.</p>
<p>Any goods, plant, equipment and other material used in carrying out the proposed development must be suitably stored or screened at the rear of the site.</p>	<p>The design allows for individual tenancies to store materials and goods within each unit. Conditions of consent will ensure external storage is not permitted.</p>
<p>The proposal must not detract from the amenity of any residential area in the vicinity.</p>	<p>The proposal will improve the overall amenity of the area through a well articulated and landscaped development outcome that has generous setbacks consistent with residential development patterns in the locality.</p>

**(iv) Any matters prescribed by the regulations, that apply to the land to which the development application relates,**

The requirements of Australian Standard AS2601–1991: The Demolition of Structures is relevant to the determination of a development application for the demolition of a building.

The proposed development does involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

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

The proposed development is of a scale and character that is in keeping with other developments being constructed in the locality. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

**Noise**

The site is located within close proximity to residential receivers (in particular dwellings along William Street) and therefore the Applicant has submitted a Noise Impact Assessment (NIA) which includes Soundplan Noise modelling to determine compliance with the NSW EPA's Noise Policies for Roads and Industry.



The submitted NIA has taken into consideration construction and operational noise impacts, focussing primarily on plant equipment and machinery and traffic movements. It is noted that the focus area is the ground floor northern façade, with the first floor parking areas and roller doors sheltered by the building.

The NIA establishes that compliance with the EPA's policies can be achieved subject to implementation of a number of recommendations. These recommendations were refined throughout the assessment process, with Council's acoustic consultant reviewing each iteration of the NIA and commenting on the adequacy of the recommendations. The final recommendations are provided below:

- Development shall only operate between 7:00am – 7:00pm Mondays to Saturdays and no trade on Sundays and Public Holidays.
- Engines should be turned off during loading and unloading movements, thus effectively having no idling noise during the loading and unloading operations.
- The northern driveway shall be limited to lightweight vehicles (no trucks) to minimise excessive noise from heavy vehicles idling or travelling along the northern boundary.
- Noise monitoring demonstrating compliance with the predicted noise levels is to be conducted once operation has commenced.
- The soffit of the northern parking area of Building 1 be lined with a weather-resistant acoustic panel of minimum 100 mm thickness, such as Stratocell Whisper UV or Megasorber P100 or equivalent to control the amount of sound reflected off this surface.
- A minimum 1.8m high imperforate acoustic barrier is to be erected along the northern fence line of the development as detailed in red below (near R1) with a 300mm gap underneath (overall 2.1m tall). The barrier shall be constructed of 9 mm fibre cement sheeting, installed with no gaps between the panels.

Noting that the site requires a gap underneath the barrier for water flow, a 300mm gap has been accounted for in the noise modelling. This gap is lower than the relative finished floor level of the ground floor of the development. To supplement concerns with noise flanking under the barrier, a hinged FC panel with the same surface density as the barrier is proposed in the 300mm gap to hang closed when no water flow is occurring.

In addition to the above, Council's acoustic consultant made the following final recommendations for Council's consideration:

- Based on AL's SoundPLAN model and given the current setback distances of houses north of the barrier, the 2.1 m barrier is acceptable. However, I note that any future double-storey buildings built close to the barrier will receive façade noise levels higher than the EPA's project noise trigger levels, especially along the southern facade. As such, rooms with windows and doors facing south on the first-floor of these potential buildings will likely receive elevated noise levels from site that could be perceived as excessive disturbance by the occupants.
- Mechanical noise testing shall be undertaken immediately post-construction to demonstrate compliance with the noise criteria stated in Section 5.4 of the revised report, which is based on EPA's Noise Policy for Industry. If council is concerned about operational noise compliance besides mechanical noise, we recommend that an additional noise testing be undertaken between 6 and 12 months after the issue of the occupation certificate to assess vehicular noise and other operational noise on site.



In relation to the northern acoustic barrier / noise wall, conditions of consent will require the noise wall is to be 2.4m to assist in future proofing the interface. However, a 2.4m wall may not provide full mitigation and owners may need to utilise facade treatments to their own properties for noise attenuation.

In relation to post operation noise monitoring, conditions of consent will require noise surveys 6 months and 12 months following operation.

### **Contamination**

The Applicant has submitted a Site Audit Assessment and Remediation Action Plan which have been reviewed by the NSW EPA and Council's Environmental Services Team.

Subject to specific requirements for refinement to the scope of the submitted RAP, preparation of a revised Site Audit Statement accompanied by a Long-Term Environmental Management Plan and regular surface and subsurface monitoring for HGG, Council and the EPA is satisfied that the land can be made suitable for development.

It is noted that there are a number of unknowns at this stage and conditions of consent require rigorous monitoring regimes and check points to manage contaminants. Accordingly, the provisions of the SEPP are satisfied.

### **Land use, bulk and scale**

The merits of the height variation are discussed above under the assessment against Clause 4.6 of SLEP 2012. However this discussion focusses on the specific areas of the variation as is required under Clause 4.6.

The overall bulk and scale has been considered in the context of what could be and historically has been delivered for industrial developments. The E4 General Industrial zone will continue to be suitable for large single floor plate warehouse uses with sheds that span much of the site (as is permitted by the FSR) and a small number of parking spaces. However, these developments often fill out the site with minimal articulation and a distinctly industrial appearance.

The proposed development represents a modern industrial unit development that can facilitate small business by providing drive up storage and manufacturing spaces with ancillary office spaces (mezzanine).

The proposed development achieves an amenity commensurate with the use proposed, with a pedestrian friendly environment (including a centralised ground floor pedestrian corridor), parking that exceeds industrial requirements under Council's DCP and landscaping across the site.

This aesthetic allows for an appropriate transition development between industrial land uses to the south and west and residential development to the north and east (as well as Ford Park). While the building exceeds the height limit, the modulation of the building and overall bulk is broken up along the key facades being the western and northern elevations. This is achieved by the skillion roof and vehicular access points between buildings and the outcome is similar in character to a modern residential development. This is shown in the artists impression of the development below.

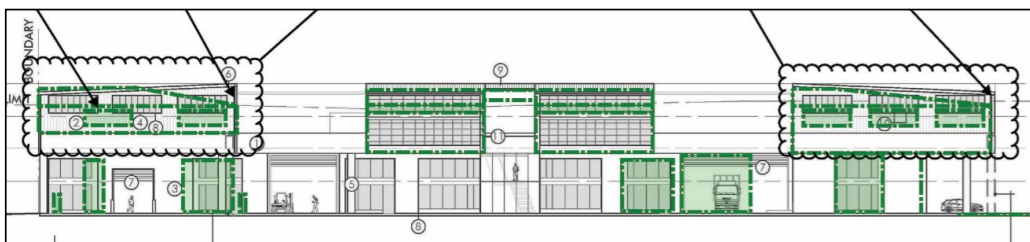


**Figure 35** – Artists impression of the Water Street frontage



**Figure 36** – Artists impression of the Water Street frontage

It is also noted that the development has been refined following input from the DRP on the withdrawn development in 2021. The outcome was lowering of the roof line and increased pitch to the skillion roof as shown in the figure below.



**Figure 37** – Withdrawn DA overlaid with the current proposal in green

In summary, the style of development proposed allows for an articulated development that has a bulk and scale suitable for the residential context. The setbacks proposed, façade treatment, tapering of the roof line, landscaping and position of the site (which does not result in overshadowing of residential land) allow for a site responsive design outcome.



## Crime

The Applicant has prepared a Crime Protection Through Environmental Design (CPTED) statement and makes the following points in relation to the four CPTED principles; surveillance, access control, territorial reinforcement and space and activity management.

### Surveillance

- The building layout enables clear lines of sight between each building, complemented by wide internal roads and a through site connection.
- The main entry to the building and the open design of the lobby ensures the entry/exit is clearly visible and enhances passive surveillance. The main entry also has clear visual connections to the through site connection.
- The inclusion of a through site connection with circular seating and aesthetically pleasing landscaping will encourage use of the area.
- The layout of the parking bays for tenants is clearly visible from other buildings and mostly visible from Water Street.
- The proposal has the capability to provide adequate lighting and signage on site to promote perceived safety.
- A CCTV monitoring system will be installed around the premises

### Access control

- Dedicated off-street parking bays reduces risks for vehicle theft/damage and can promote perceived safety for tenants.
- Each unit has its own entry/exit and the proposal has the capability to incorporate access controls such as swipe cards or passcodes to restrict unauthorised access.
- There is opportunity for the lift located in the lobby to be incorporated with access controls as well.
- The ownership of the carpark bays are clearly articulated through physical separation, reducing chances of vehicle conflict.
- Roller shutters will be installed at each driveway access point into the building to secure the premises after hours.

### Territorial reinforcement and Space and activity management

- The proposal avoids large blank walls by incorporating glazing and climbing plants. This can reduce opportunities for graffiti and vandalism.
- The incorporation of landscaping and aesthetically pleasing lighting encourages a sense of community ownership of the spaces.
- The proposal avoids using security shutters and fences to define boundaries between public and private spaces.
- The proposal incorporates different types of paving in the lobby to differentiate the spaces between public and private.
- The design of the proposal has considered the history and natural environment of the area, encouraging integration of the site and community ownership.

The Applicants assessment of the proposed development in terms of crime management is sound and standard conditions of consent will address lighting and hours of operation with regard to some of the above points.

### **(c) *the suitability of the site for the development,***





It is considered that the proposed development is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments.

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

In accordance with the provisions of Council's Community Participation Plan (CPP), the application was neighbour notified. Due to previous (withdrawn) applications being notified for extended periods, the subject application was also notified for an extended period, being 26 April – 13 June 2023.

A total of 49 submissions were received, primarily objections. In relation to the addresses which the submissions came from, the following is noted:

- 10 submissions were made from residents along William Street (directly north of the site)
- 5 submissions were made from residents opposite the site on Water Street.
- 7 submissions were made from residents on The Causeway (one street north of James Street).
- 6 submissions were made from residents along Dean Street (two streets north of William Street)
- The remaining 21 submissions were anonymous or from residents more than 250m from the site.

The most common concerns raised were in relation to increased traffic and parking, noise and vibration and loss of vegetation. A common point made in submissions was also the notion that the site is residential and therefore not suited for the proposed industrial development. This reflects the sites history of abandoned planning proposals to rezone the land and is a misunderstanding of the sites current zoning and intended use.

The points raised in the submissions are addressed in the table below under key headings.

Matter raised in submission	Response
<p><b>Land use</b></p> <p>The site is not a suitable location for industrial uses</p>	<p>Various residents raised the notion that the site would be better suited for residential purposes, making specific references to development scenarios that have likely been provided to them by other parties (not Council). This assessment can only consider the current zoning at the site which is for general industrial.</p>
<p>The site is a residential area. Rezoning the land to zone R2 or R3 would be more appropriate</p>	<p>The site is not a residential zone.</p>
<p>The site should only be used for light industry</p>	<p>The proposed development facilitates light industrial uses. Heavy industrial uses are not typically found in small units. If an occupier wanted to undertake a heavier use (i.e. a mechanic), a development application would be required and could be assessed on its merits.</p>



The proposal is mixed use in nature, which does not align with its industrial zoning	The site is zoned for general industrial purposes.
Retail outlets are not required in the area	This is not a matter for assessment.
<b>Traffic and Parking</b>	
The proposed development will increase traffic on the local highway network and create a bottleneck.	Council's Traffic Engineer has outlined that the traffic generation of the proposed development i.e. the net increase in trip generation due to the proposal is not expected to have an adverse impact on surrounding road network and the traffic signals that will remain at level of service C or better.
The increased traffic will have an adverse impact on pedestrian safety	This was not raised as a concern by Council's Traffic Engineer.
There will be an increase in heavy vehicle traffic. The local roads cannot adequately cater for such vehicles.	Refer above.
Water Street is very narrow and cannot accommodate busy / high traffic demand	Refer above.
Insufficient parking is proposed. Two spaces for each unit is not enough.	Council's Traffic Engineer has outlined that The car parking and access arrangements are assessed as satisfactory and are in accordance with AS2890.1 and the RMS Guidelines for Traffic Generating Developments.
The lack of car parking will result in overflow onto the surrounding area, where parking is already limited.	Refer above.
The lack of parking will adversely impact local residents	Refer above.
<b>Breach to height control (LEP)</b>	
The proposal does not comply with the 12m building height control	This assessment report includes consideration of the height control breach and the allowances under Clause 4.6 of Strathfield LEP. The non-compliance with the development standard is accepted on merit.
<b>Noise and vibration</b>	
The proposal will cause significant noise and vibration during demolition, construction, and in the future operation.	Noise and vibration have been considered in the submitted NIA as outlined under 'Impacts of the Development' above.
Trucks entering and leaving the site will create significant noise	This is not expected to generate unacceptable noise for sensitive receivers other than those along William Street and conditions of consent will restrict use of the northern driver for heavy vehicles.
The industrial units are likely to be alarmed and there is a likelihood these could be triggered at night, disrupting surrounding residences	This is a rare circumstance and not something that can be avoided via conditions of consent. The proposed acoustic wall to the northern boundary has been designed in accordance with the Noise



	Policy for Industry which factors in these random noises for Applicants to incorporate into their modelling and methodologies.
<b>Tree removal and associated impacts</b>	
The proposal incorporates tree removal which provides important canopy cover for amenity and biodiversity.	Council's Urban Forest Supervisor is supportive of the scheme which incorporates retention of significant trees along Water Street and replacement planting along the northern boundary.
The proposal includes replacement planting however this landscaping outcome won't be immediately beneficial. There should be an interim solution.	This is not considered to be a reasonable request. In terms of amenity, the sound wall along the northern boundary will provide an immediate solution.
<b>Contamination</b>	
The site is contaminated and should not be developed.	Contamination affectation is considered in detail above and conditions of consent will require post approval auditing and monitoring of the site.
The site should be remediated as it poses a risk to nearby residents, the Cooks River and the water table	The site will be remediated if required following preparation of revised site audit statements.
<b>Streetscape and local amenity</b>	
The proposed design is not compatible with the surrounding residential streetscape	The proposed development incorporates a number of elements that allow for an outcome that transitions between industrial uses and residential uses. It is not reasonable or desirable for the development to read as residential. However the use of setbacks, articulated facades, glazing and landscaping allow for an outcome that responds to the residential characteristics of the area. A large boxy development that complies with the height control could be developed at the site and is considered to be a worse outcome.
The proposal comprises a large, bulky building that is out of character with the area.	The proposed development is not considered to have a bulky presentation to the northern and eastern facades. The skillion roof and breaking up of the development from driveway ramps allows for a modulated interface with residential and public open space areas.
The proposal will result in the loss of amenity in neighbouring residential properties	Amenity impacts from the proposal will be managed as outlined above in relation to noise, overlooking and contamination. The site currently incorporates some overgrown and dilapidated buildings and the proposed development will renew the area providing for improvements in general amenity.
There is no buffer between the proposed development and adjoining residential properties. Sound, rubbish and dust will pose a threat to residents	The proposal incorporates a noise wall (2.4m) and landscape buffer. To the northern boundary, the proposal also incorporates a 15m setback at ground floor and 8.6m setback at the first floor.



<b>Hours of operation</b>	
The proposed hours of operation are not appropriate and have the potential to cause disturbance to residents.	Hours of operation have been considered in the context of the submitted NIAs and allowances under the exempt and complying development code.
<b>Pollution</b>	
Restrictions should be placed on future users to exclude tenants that use or hold toxic fumes or make excessive noise	These uses typically require a development application to undertake the use of environment protection license and would be subject to assessment under these processes.
The proposal will increase artificial lighting in the area	Artificial lighting will be managed via conditions of consent.
The proposal will increase air pollution in the area	Noted.
The proposal will impact water quality of the Cooke's River	Stormwater management has been considered by Council's Development Engineer who supported the scheme subject to conditions of consent.
<b>Flooding</b>	
The site is flood prone	Noted, refer above.
<b>Waste management</b>	
Waste management has not been adequately addressed.	A waste management plan has been submitted and conditions of consent will require litter management and the like to be managed on an on-going basis.
Odour from the development will adversely impact residents	Odour generating uses will be subject to assessment requirements for individual tenancies. Some new odours are inevitable.
The proposed development could result in hazardous waste	Uses that generate hazardous waste typically require a development application to undertake the use of environment protection license and would be subject to assessment under these processes.
<b>Crime</b>	
The site may attract anti-social behaviour during out-of hours periods	The Applicant has submitted a detailed CPTED statement which adequately addresses how the design discourages anti-social behaviour.

**(e) the public interest.**

The proposed development is of a scale and character that does not conflict with the public interest. The proposed design achieves a suitable outcome at the interface with residential areas, with generous setbacks and landscaping outcomes adding to articulated facades atypical of industrial sheds and large swaths of parking.

Potential impacts from noise and contamination have been addressed via reporting submitted by the Applicant and recommended conditions of consent from experts in their field.

The proposed development will facilitate jobs in an area zoned for general industrial development.



### Local Infrastructure Contributions

Section 7.13 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. A consent authority may impose a condition under Section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

### STRATHFIELD DIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030. The contributions below are based on an existing gross floor area at the site of 2,992m<sup>2</sup> (credits) and the proposed gross floor area under this application of 10,195m<sup>2</sup>.

The Section 7.11 Contributions are as follows:

Provision of Community Facilities	\$0
Provision of Major Open Space	\$476,935.35
Provision of Local Open Space	\$107,985.36
Provision Roads and traffic Management	\$0
Administration	\$12,736.72
<b>TOTAL</b>	<b>\$597,657.42</b>

### Conclusion

The application has been assessed having regard to the Heads of Consideration under Section 4.15(1) of the EP&A Act 1979, the provisions of the SLEP 2012 and SCDCP 2005.

Following detailed assessment it is considered that Development Application No. 2023/55 should be approved, subject to conditions of consent.

JG

**Signed:**

**J Gillies  
Senior Planner**

**Date: 20/11/2023**

- I confirm that I have assessed the abovementioned development application with the delegations assigned to my position;
- I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed by;

**Signed:**

**L Gibson**

**Date: 22 November 2023**



### Executive Planner

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

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

### DEVELOPMENT DETAILS

#### (1) Approved Plans & Documentation

The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Demolition Plan	11557_DA-010 (B)	August 2023	B	Nettletontribe
Ground Floor	11557_DA-011 (C)	August 2023	C	Nettletontribe
Ground Floor, Mezzanine	11557_DA-012 (C)	August 2023	C	Nettletontribe
Level 1	11557_DA-013 (C)	August 2023	C	Nettletontribe
Level Mezzanine 1,	11557_DA-014 (C)	August 2023	C	Nettletontribe
Roof Plan	11557_DA-015 (C)	August 2023	C	Nettletontribe
Elevations	11557_DA-020 (B)	August 2023	B	Nettletontribe
Elevations	11557_DA-021 (B)	August 2023	B	Nettletontribe
Typical Section	11557_DA-031	August 2023	B	Nettletontribe



(B)

Signage and Fence Detail	and	11557_DA-041 (A)	August 2023	A	Nettletontribe
Perspectives		11557_DA-051 (B)	August 2023	B	Nettletontribe
External Schedule	Finish	11557_DA-051	August 2023	-	Nettletontribe
Tree Management Plan		-	October 2023	C	Arcadia
Cover sheet		000	24.10.2023	C	Arcadia
Masterplan Ground Floor		100	24.10.2023	C	Arcadia
Detail Plan Ground Floor	-	101	24.10.2023	C	Arcadia
Detail Plan Ground Floor	-	102	24.10.2023	C	Arcadia
Masterplan Level 1		103	22.08.2023	B	Arcadia
Detail Plan – Level 1		104	22.08.2023	B	Arcadia
Detail Plan – Level 1		105	22.08.2023	B	Arcadia
Plant Schedule		400	22.08.2023	B	Arcadia
Landscape Typical Details		601	22.08.2023	B	Arcadia
Landscape Specification		700	22.08.2023	B	Arcadia
Sediment and Erosion Control Notes		C01DA	11.04.23	C	Northrop
Concept Stormwater Management Plan		C02DA	11.04.23	C	Northrop



– Ground Level

Concept Stormwater Management Plan – Upper Level	C03DA	11.04.23	C	Northrop
Existing Catchment Plan	C04DA	29.06.21	B	Northrop
Developed Catchment Plan	C05DA	11.04.23	C	Northrop
Civil Details Sheet	C06DA	29.06.21	B	Northrop
Concept Easement Outlet Arrangement	C07DA	30.06.21	A	Northrop
Operational Waste Management Plan	-	27.03.23	3	Foresight Environmental
Arboricultural Impact Assessment	G126	18 October 2023	A	Creative Planning Solutions
Arboricultural Addendum Letter	G126	13 November 2023	-	Creative Planning Solutions
DA Acoustic Assessment	20210698.1/101 0A/R3/WY	10/10/2023	3	Acoustic Logic
Site Audit Statement	RS-027B	-	-	-
Remedial Action Plan	22094	03/03/2023	2	Reditus
Site Audit Report	318001643	03/04/2023	-	Ramboll Australia Pty Ltd

## (2) Signage

A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is 'exempt development' under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or any other applicable environmental planning instrument.





### SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

#### (3) Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

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

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

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

- (a) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.
- (b) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (c) Establishing a "works zone";
- (d) Placing or storing materials or equipment;
- (e) Placing or storing waste containers or skip bins;
- (f) Stormwater & ancillary to public infrastructure on private land
- (g) Erecting a structure or carrying out work

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

- (h) Pumping water from the site into the public road;
- (i) Constructing a vehicular crossing or footpath;
- (j) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (k) Stormwater & ancillary works in the road reserve; and
- (l) Pumping concrete from a public road;

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the activities commencing.

The relevant Application Forms for these activities can be downloaded from Council's website [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au). For further information, please contact Council's Customer Service Centre on (02) 9748 9999.



#### (4) **Vehicular Crossing – Major Development**

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

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

- a) Construct a 1.2 metre-wide footpath for the full length of the frontage of the site in Water Street in accordance with Council's Specifications applying at the time construction approval is sought.
- b) The thickness and design of the driveway shall be in accordance with Council's Specifications applying at the time construction approval is sought.
- c) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant. The work shall be carried out in accordance with Council's specification, applying at the time construction approval is sought.
- d) Any relocation of existing utilities must be in accordance with the utility owner and Council's specification, applying at the time construction approval is sought.

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

To apply for approval, complete the *Works Permit Application Form* which can be downloaded from Strathfield Council's Website at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au). Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Civic & Urban Services Section in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with *Works Permit* applications.

An approval for civil works will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out in accordance with Council's specifications applicable at the time, prior to the issue of an Occupation Certificate.

#### (5) **Road Opening Permit**

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

#### (6) **Building – Hoarding Application**

Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an 'A class' (fence type) or a 'B class' (overhead type) hoarding or 'C type' scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion of the footways/roadway where the building is within 3 metres of the street boundary.

An application for this work under Section 68 of the [Local Government Act 1993](#) and the [Roads Act 1993](#) must be submitted for approval to Council.



The following information is to be submitted with a Hoarding Application under Section 68 of the [Local Government Act 1993](#) and Section 138 of the [Roads Act 1993](#):

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au)) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.

#### **REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES**

##### **(7) Notice of Requirements for a Section 73 Certificate**

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

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

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

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

##### **(8) Fees to be Paid**

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au)).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).



Please contact council prior to the payment of s7.11 or s7.12 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

A summary of the fees to be paid are listed below:

Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation)	\$68,392.5
Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	
Security Damage Deposit	\$34,650.00
Tree Bond	\$47,988.00
Administration Fee for Damage Deposit	\$137.00
Administration Fee for Tree Bond	\$137.00
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Strathfield Section 94 Development Contributions - Roads and Traffic Management	\$0
Strathfield Section 94 Development Contributions – Local Open Space	\$107,985.36
Strathfield Section 94 Development Contributions – Major Open Space	\$476,935.35
Strathfield Section 94 Development Contributions – Community Facilities	\$0
Strathfield Section 94 Development Contributions - Administration	\$12,736.72
<b>Total Section 94 Contributions:</b>	<b>\$597,657.42</b>



### **General Fees**

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

### **Development Contributions**

The Section 7.11 contribution (s94) is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

#### Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Development Contributions Plan.

#### Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

#### Further Information

A copy of the *current Development Contributions Plans* may be inspected at Council's Customer Service Centre at 65 Homebush Road, Strathfield or on Council's website [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).

### **(9) Required Design Changes**

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

Noise wall along northern boundary	The noise wall along the northern boundary is to be a total of 2.4m high comprising the 0.3m hinged area at the bottom and 2.1m wall above. The wall is to be consistent with the design requirements recommended in the Acoustic Assessment approved under Condition 1 (other than height noting this condition requires the wall to be higher).
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Northern driveway access

The northern most driveway access/ vehicle crossing is to be modified to remove the splay that brings it in close proximity to street tree (Tree 2). The alignment of this crossing shall be outside the Structural Root Zone (SRZ) of the Street Trees. Prior to issue of the construction certificate, root investigation for the street trees shall be undertaken by the project arborist and proposed alternative vehicle crossing construction methods provided. Root investigation and vehicle crossing construction methods are to be approved by Council's Tree Officer and Development Engineer prior to commencement of works.

Street Tree Replacement

There are 5 immature, recently planted street trees (as well as 2 mature) along the Water Street verge. The location of the immature trees has not been recorded on the site survey and therefore assessment of impact of proposed driveway entrances and vehicle crossings on these trees has not been established. Removal of the immature trees is acceptable if required for vehicle crossings in the approved design layout. Any removed immature street tree is to be replaced with new street tree plantings to council's specification and to locations agreed with Council.

Full details of the street trees proposed for retention, those proposed for removal and replacement planting as per the above is to be provided to Council's Tree Officer prior to issue of the Construction Certificate.

#### (10) **Damage Deposit – Major Works**

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

- (a) Pay Council, before the issue of the Construction Certificate, a security damage deposit for the cost of making good any damage caused to any Council property as a result of the development: \$34,650.00
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$137.00
- (c) Submit to Council, before the commencement of work, a dilapidation report of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will review the dilapidation report and the Works-As-Executed Drawings (if applicable) and inspect the public works.

The damage deposit will be refunded in full upon completion of work where no damage occurs and where Council is satisfied with the completion of works. Alternatively, the damage deposit will be forfeited or partly refunded based on the damage incurred.



### (11) **Tree Bond**

A tree bond total of \$47,988.00 (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The tree bond total is based on the following:

- Lophostemon confertus- (Tree 1 in AIA) \$21 315.00
- Lophostemon confertus- (Tree 2 in AIA) \$10 658.00
- Lophostemon confertus (recent planting) \$3 203.00
- Lophostemon confertus (recent planting) \$3 203.00
- Lophostemon confertus (recent planting) \$3 203.00
- Tristaniopsis laurina (recent planting) \$3 203.00
- Lophostemon confertus (recent planting) \$3 203.00

The deposit is required as security against any damage to existing trees to be retained on Council's road reserve, during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development.

A sound protection barrier anchored firmly into the ground 1.8m in height x 2 metres clear of the base of the tree at any one point and that the fence is to extend up to the back of the kerb and to the edge of the footpath.

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

A request for refund of the Tree Bond must be made in writing.

Tree Bonds may be forfeited if a tree is dead, made dangerous or has been terminally damaged, or will be held until tree/s have fully recovered from the construction damage or were replacement/planted trees have become fully established and are over 6 metres in height.

### (12) **Site Management Plan**

#### **Major Development**

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

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



- (k) details of proposed sediment and erosion control measures;
- (l) method used to provide construction noise and vibration management;
- (m) construction and demolition traffic management details.

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

**(13) Low Reflectivity Roof**

Roofing materials must be low glare and reflectivity. Details of finished external materials including colours and texture must be provided to the Certifying Authority.

**(14) Erosion & Sedimentation Control**

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004](#).

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

**(15) Stormwater System**

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system in accordance with Council stormwater management code and AS/NZS 3500.3: 2015 (as amended), prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.





**(16) Compliance with Flood Study**

The development shall be designed to conform to the recommendations and conclusions of the submitted flood study prepared by Northrop, dated 11 April 2023.

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

- (a) Minimum floor levels
- (b) Fencing
- (c) Site regrading
- (d) Overland flow path construction
- (e) Any other stormwater treatment details.

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

**(17) Water Sustainability – Water Sensitive Urban Design**

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

**(18) Stormwater Drainage Plan Details**

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

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (2019) and Council's Stormwater Management Code.

**(19) Driveway Construction Plan Details**

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

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



(20) **Hazardous Material Survey**

Remediation approved as part of this Development Consent shall be carried out in accordance with Remedial Action Plan prepared by Reditus (reference 22094) and Site Audit Report prepared by Ramboll Australia Pty Ltd (reference – 318001643).

Remediation works and site preparation works must also fulfill and be compliant with the recommendations of the Site Audit Statement (Reference - RS-027B), as follows:

1. Preparation of a Remedial Work Plan (RWP), Construction Quality Assurance Plan (CQAP), Validation Sampling Analysis Quality Plan (VSAQP) and Construction Environmental Management Plan (CEMP) and review of these by a NSW EPA accredited Contaminated Sites Auditor in the form of interim audit advice prior to commencing remediation
2. Preparation of a Validation Report and long-term Environmental Management Plan (EMP) following completion of remediation

The Applicant is required to retain an NSW EPA accredited site auditor for the duration of the development works to ensure that any work required in relation to soil, groundwater or ground gas contamination is appropriately managed and that the site can be made suitable for the proposed use.

The Plans and auditing outcomes for each of the requirements listed in points 1 and 2 above must be provided to the Director of Planning and Environment at Strathfield Council and endorsed prior to the issue of the construction certificate.

(21) **Hazardous Ground Gases**

During site development, the Applicant is to undertake regular surface and subsurface monitoring for HGG along all boundaries of the site. If the HGG levels reach above baseline levels, the Applicant is required to notify Council and the EPA within 24 hours of receiving the results, the HGG monitoring frequency is to be increased, and the Applicant is to undertake mitigation actions to ensure there are no unacceptable risks to surrounding properties. In following, the Applicant should be required to provide a report to Council and the EPA with the new monitoring results, to detail any mitigation actions, and to confirm risks.

The Applicant is to incorporate remedial designs in the development for venting to the depth of the landfill materials on-site or incorporate similar design measures, to be sited along the boundaries of the landfill. This is to ensure that HGG is vented within the site boundary and is not vented in confined spaces on the surrounding land.

(22) **Commonwealth Disability (Access to Premises) Standard**

The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (i.e. Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.

(23) **Geotechnical Report**

Geotechnical Reports: The applicant must submit a Geotechnical Report, prepared by a professional engineer specialising in geotechnical engineering who holds the relevant Certificate of accreditation as required under the *Building Professionals Act 2005* in relation



to dilapidation reports, all site works and construction. This is to be submitted before the issue of the Construction Certificate and is to include:

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

**(24) Off Street Parking – Compliance with AS2890**

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities), AS 2890.6 (parking for people with disabilities) and AS 2890.2 (for commercial vehicle facilities).

**(25) Construction Traffic Management Plan**

A Construction Traffic Management Plan detailing:

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

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



(26) **Acoustic Requirements**

**- Compliance with submitted Acoustic Report**

The Construction Certificate plans shall demonstrate compliance with the Acoustic Report submitted and approved by Council, titled DA Acoustic Assessment prepared by Acoustic Logic and dated 10/10/2023. The recommendations of the report are to be detailed in the Construction certificate plans, except where amended below:

- Development shall only operate between 7:00am – 7:00pm Mondays to Saturdays and no trade on Sundays and Public Holidays.
- Engines should be turned off during loading and unloading movements, thus effectively having no idling noise during the loading and unloading operations.
- The use northern driveway shall be limited to lightweight vehicles (no trucks) to minimise excessive noise from heavy vehicles idling or travelling along the northern boundary.
- Noise monitoring demonstrating compliance with the predicted noise levels is to be conducted once operation has commenced.
- The soffit of the northern parking area of Building 1 be lined with a weather-resistant acoustic panel of minimum 100 mm thickness, such as Stratocell Whisper UV or Megasorber P100 or equivalent to control the amount of sound reflected off this surface.
- A minimum 2.1m high imperforate acoustic barrier is to be erected along the northern fence line of the development as detailed in red below (near R1) with a 300mm gap underneath (overall 2.4m tall). The barrier shall be constructed of 9 mm fibre cement sheeting, installed with no gaps between the panels.

Noting that the site requires a gap underneath the barrier for water flow, a 300mm gap has been accounted for in the noise modelling. This gap is lower than the relative finished floor level of the ground floor of the development. To supplement concerns with noise flanking under the barrier, a hinged FC panel with the same surface density as the barrier is proposed in the 300mm gap to hang closed when no water flow is occurring.

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

An Acoustic Report shall be prepared by a suitably qualified acoustic consultant demonstrating that the operation of the premises and plant equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as a LAeq, 15 min in accordance with the NSW Environment Protection Authority's [NSW Industrial Noise Policy](#).

(27) **Enclosure of Fire Hydrant**

Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with detailed plans indicating that all fire hydrant, sprinkler valves and the like are enclosed in accordance with the requirements of AS 2419.1 – 2005 Fire Hydrant Installations.



**(28) Waste Management Plan**

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

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

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

**(29) Commercial and Industrial Waste**

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

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

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

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

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

**(30) Industrial Waste Material**

Industrial waste materials must not be discharged onto the site, or onto neighbouring land or into any road, drain, pipeline or watercourse.

Storage tanks, fuelling areas, product mixing, filling and preparation areas, and the like and wash bays provided for cleaning and maintenance of vehicles, machinery, equipment and the like, must be bunded and all waste water collected and discharged to the sewer in accordance with the requirements of Sydney Water and the EPA.

Documentary evidence of compliance with the Sydney Water's requirements must be submitted to the Principal Certifying Authority, prior to use or occupation of the building/additions. Vehicles, machinery, equipment or the like, must not be washed or steam cleaned or the like, except in areas provided especially for the purpose in accordance with this condition.



Where the approval of Sydney Water, in accordance with the requirements of this condition, is not forthcoming, some other method of treatment and removal of wastes must be installed and/or implemented to the satisfaction the Principal Certifying Authority.

**(31) Tree Removal Prohibited**

This consent does not approve the removal or pruning (branches or roots) of any trees on the subject property (excluding those approved for removal in these conditions or species on Council's exempt species list), Council's public footway, public reserves or on neighbouring properties.

**(32) Compliance with Submitted Arborist Report**

The recommendations outlined in the Arborist's Report and addendum listed below, must be implemented throughout the relevant stages of construction.

- Arboricultural Impact Assessment by CPS dated 18/10/23.
- Arboricultural addendum letter in relation to one (1) *Eucalyptus saligna* (T4) dated 13/11/23

Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - *Australian Standard AS 4970-2009: Protection of trees on development sites*.

**(33) Tree Protection and Retention**

The following trees shall be retained and protected:

Tree No	Tree Species	Location of Tree	Tree Protection Zone (TPZ)
T1	<i>Lophostemon confertus</i>	Street Tree (Water Street)	8.4m
T2	<i>Lophostemon confertus</i>	Street Tree (Water Street)	4.69m
T4	<i>Eucalyptus saligna</i>	Front of property	11.4m
T44	<i>Corymbia citriodora</i>	Rear boundary	4.8m
T46	<i>Photinia glabra</i>	Neighbouring property	3.0m
T47	<i>Persea americana</i>	Neighbouring property	3.0m
T48	<i>Jacaranada mimosifolia</i>	Neighbouring property	8.4m
T49	<i>Callistemon viminalis</i>	Neighbouring property	4.69m
T50	<i>Jacaranada mimosifolia</i>	Neighbouring property	7.8m
T51	<i>Castanospermum australe</i>	Neighbouring property	3.6m
T52	<i>Diospyros kaki</i>	Neighbouring property	3.6m
T53	<i>Callistemon viminalis</i>	Neighbouring property	3.6m

Details of the trees to be retained must be included on the Construction Certificate plans.

**General Tree Protection Measures**

- All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- The tree protection measures must be undertaken in accordance *AS4970 -2009 Protection of trees on development sites*.
- Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5



or above in Arboriculture).

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

#### **Specific Street Tree Protection Measures**

- (g) Unless otherwise specified in AS 4970-2009, a protective fence consisting of a fully supported chainmesh fence 1.8 metres height x 2 metres clear of the base of the tree at any one point and that the fence is to extend up to the back of the kerb and to the edge of the footpath. No soil, fill, building materials or waste should be placed or disposed of within the protection area.
- (h) Should replacement or repair of the public footpath within the TPZ area of a street tree be required, Council's Tree Management Officer is to be notified (with minimum 24hrs notice) of the intent to undertake the works and is to attend a site inspection after the existing footpath has been lifted but prior to any preparation works for laying of the new path. No street tree roots are to be cut without the approval of Council. Failure to comply with this condition may result in the forfeiting of the Tree Bond should the street tree's health or structure be compromised.

#### **Excavation works near tree to be retained**

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

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

#### **(34) Tree Removal & Replacement**

##### **Tree removal**



Permission is granted for the removal of trees nominated for removal in the approved arborist's report.

**General Tree Removal Requirements**

All tree removal shall be carried out by a certified Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 - Pruning of Amenity Trees and Amenity Tree Industry Code of Practice (Safework NSW, August 1998).

**Tree Replacement**

All trees permitted to be removed by this consent shall be replaced in accordance with the approved landscape plans.

Trees are to conform to the NATSPEC guide and Guide for assessing the quality of and purchasing of landscape trees by Ross Clarke, 2003. Trees are to be true to type, healthy and vigorous at time of delivery and planting, shall be pest and disease free, free from injury and wounds and self-supporting; and shall be maintained until maturity.

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.

Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.

Soil conditioner/fertilizer/moisture retention additive/s are to be applied in accordance with manufacturer's recommendations, and mixed into the backfilling soil after planting tree/s. A minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.

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

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

Details demonstrating compliance shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

**(35) Landscape Plans**

All landscape works shall be carried out in accordance with the approved landscape plans (Landscape Plans Issue C, prepared by Arcadia dated 24 October 2023). The landscaping shall be maintained in accordance with the approved plans in perpetuity. Details demonstrating compliance shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

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

**(36) Demolition & Asbestos**

The demolition work shall comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health &](#)





[Safety Regulation 2011](#). The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the Principal Certifier prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#) unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the [Demolition Code of Practice](#) (NSW Work Cover July 2015)

**Note:** Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au).

### (37) Demolition Notification Requirements

The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

### (38) Demolition Work Involving Asbestos Removal

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

### (39) Dial Before You Dig

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



**(40) Registered Surveyors Report - During Development Work**

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

- (a) Set out before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the Principal Certifier is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

**(41) Utility Arrangements**

Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicants expense.

**(42) Site Audit Report and Site Audit Statement**

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

Note: The Applicant must comply with clauses 17 'Guidelines and notices: all remediation work' and clause 4.15 'Notice of completion of remediation work' under [State Environmental Planning Policy \(Resilience and Hazards\) 2021 - NSW Legislation](#).

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



(43) **Dust Control**

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

**Major Works**

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

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

(44) **Dilapidation Report on Public Land – Major Development Only**

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

- (a) kerb and gutter, concrete footpath, nature strip and stormwater kerb inlet pits in Water street,
- (b) public reserve adjacent to Cooks River Ford Park

The report must include the following:

- i. Photographs showing the existing condition of the road pavement fronting the site,
- ii. Photographs showing the existing condition of the kerb and gutter fronting the site,
- iii. Photographs showing the existing condition of the footpath pavement fronting the site,
- iv. Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- v. The full name and signature of the structural engineer.

The Dilapidation Report must be prepared by a professional engineer. The report must be



provided to the Principal Certifier and a copy provided to the Council.

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

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

## **DURING CONSTRUCTION**

### **(45) Hours of Construction for Demolition and Building Work**

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Friday and 8:00am to 1:00pm on Saturdays. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Where the development involves the use of jack hammers/rock breakers and the like, or other heavy machinery, such equipment may only be used between the hours of 7:00am to 5:00pm Monday to Friday only.

**Note:** A penalty infringement notice may be issued for any offence.

### **(46) Ground Levels and Retaining Walls**

The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.

### **(47) Physical Connection of Stormwater to Site**

No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to the discharge headwall located in public reserve adjacent to Cooks River, south west of the subject site.

### **(48) Cost of Work to be Borne by the Applicant**

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



**(49) Obstruction of Road or Footpath**

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

**(50) Building Materials – Flood Prone Land**

All building materials used to construct the industrial units must be constructed using flood proof materials up to the RL [12.1m] AHD and this must be specified by the manufacturer. All electrical services must also be located above this level. The applicant should refer to the NSW Government Public [Reducing Vulnerability of Buildings to Flood Damage – Guidance on Building in Flood Prone Areas](#), Chapter 4.3'.

**(51) Construction Management Plan**

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

**(52) Tree Removal on Private Land**

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

**(53) Excavation Works Near Tree to be Retained**

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

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

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

**(54) Completion of Landscape Works**

At the completion of all works, a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboricultural Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established.



**(55) Maintenance Schedule – On-site Stormwater Management**

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

**(56) Works as Executed and Certification of Stormwater Works**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards. A works-as-executed drainage plan and certification must be forwarded to the Principal Certifier and Council, from a professional engineer specialising in hydraulic engineering.

This Plan and Certification shall confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the Principal Certifier.

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

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

**(57) Consolidation of Site with Extra Requirements**

The site shall be consolidated into one allotment and a Plan of Consolidation prepared by a Registered Surveyor and submitted to Council with an application for a Subdivision Certificate.

The Plan of Consolidation shall show any registered easements in favour of the newly created lot over adjacent properties to cover the stormwater discharge pipe and other services.

The Plan of Consolidation shall be registered at the NSW Land Registry Services (LRS) prior to the issue of a final occupation certificate.



**(58) Requirements Prior to the Issue of the Occupation Certificate**

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

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) Construct any new vehicle crossings required.
- (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
- (e) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
- (f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

A private contractor shall carry out the above work, at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works. The driveway and road frontage works are to be completed before the issue of the Occupation Certificate.

**(59) Vehicular Crossing & Frontage Work – Major Development**

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

- (a) Construct a 1.2 metre-wide footpath for the full length of the frontage of the site in Water Street in accordance with Council's Specifications for footpaths.
- (b) Construct the vehicular crossing in accordance with Council's Specifications for vehicular crossings.
- (c) Construct a new 150mm high concrete kerb with 450mm wide gutter for the full frontage(s) of the site in Water Street in accordance with Council's Specifications for kerb and guttering.
- (d) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

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

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



**(60) Completion of Major Works**

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

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

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

**(61) Stormwater Drainage Works – Works As Executed**

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

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

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

**(62) Flood Prone Land – Survey of Levels**

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





**(63) Slip Resistance**

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

**(64) Acoustic Certification**

Prior to the issue of any Occupation Certificate, a suitably qualified acoustic consultant shall certify that the operation of the premises and plant equipment shall not give rise to a sound pressure level at any affected premises that exceeds the acoustic criteria established by the Acoustic Report required by a condition of this consent. The development shall at all times comply with these noise levels post occupation.

**(65) Acoustic Compliance**

Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the Principal Certifier certifying that the construction has incorporated the recommendations in the DA Acoustic Report titled DA Acoustic Assessment, prepared by Acoustic Logic and dated 10/10/2023 and any design changes required as part of this consent.

**(66) Acoustic Compliance – General Operation of Premises**

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

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

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

**(67) Site Audit Statement and Environmental Management Plans**

Remediation works and site preparation works must fulfill and be compliant with the recommendations of the Site Audit Statement (Reference - RS-027B), as follows:

1. Preparation of a Section A2 Site Audit by a NSW EPA accredited Contaminated Sites Auditor following completion of remediation and prior to occupation
2. Notation of the proposed EMP as a covenant registered on the title to land under s.88B of the Conveyancing Act 1919 as a condition of occupation



3. Implementation of the proposed EMP (which may need to be an active EMP) as a condition of occupation.

The Plans and auditing outcomes for each of the requirements listed in points 1, 2 and 3 above must be provided to the Director of Planning and Environment at Strathfield Council and endorsed prior to issue of the occupation certificate.

#### **(68) Hazardous Ground Gases**

Following site development, a site-auditor endorsed Long-Term Environmental Management Plan is to be implemented that requires ongoing, regular surface and subsurface monitoring of HGG along the boundaries of the site. The LTEMP is to stipulate that if HGG levels reach above baseline levels at any time, then the landowner is to notify Council and the EPA within 24 hours of receiving the results, the HGG monitoring frequency is to be increased, and the landowner is to undertake mitigation actions to ensure there are no unacceptable risks to surrounding properties. In following, the landowner should be required to provide a report to Council and the EPA with the new monitoring results, to detail any mitigation actions, and to confirm risks.

The final Section A2 Site Audit Statement for the proposed development must consider if the proposed development and any associated Long Term Environmental Management Plan is sufficient to address risks to future site users, and risks to users of neighbouring properties under existing and approved uses of surrounding land, within 250 m of the site.

The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination [note that this would render the Applicant the 'person responsible' for the contamination under section 6(2) of CLM Act].

Evidence that the above has been fulfilled must be submitted to Strathfield Council's Director of Planning and Environment prior to issue of the occupation certificate.

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

##### **(69) Site works to be completed prior to issue of Subdivision Certificate**

The following works shall be completed prior to the issue of the Subdivision Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans.
- (c) Construct the new concrete vehicle crossings according to Council's Standard details.
- (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and redundant concrete with turf.
- (e) A Final Occupation Certificate shall be obtained from the PCA upon completion of the construction works required by the approved Construction Certificate.
- (f) Sydney Water's Section 73 Compliance Certificate.



**(70) Final Subdivision Plan Requirements**

A final Subdivision Plan shall be prepared by a Registered Surveyor and include (but not be limited to) the following easements created by Section 88B of the [Conveyancing Act 1919](#) on the Final Subdivision Plan.

- i. Any necessary Easements to Drain Water, (minimum 1m wide).
- ii. Any necessary Easements for Services (minimum 300mm wide).
- iii. Any necessary Easements for overhanging roof structures.

**(71) Maintenance Schedule – On-site Stormwater Management**

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

**(72) Flood Prone Land – Survey of levels**

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

**OPERATIONAL CONDITIONS (ON-GOING)**

**(73) Hours of Operation**

The approved hours of operation shall be restricted to the following:

- 7am – 7pm Monday to Saturday
- No trade on Sundays and Public Holidays

**(74) Maintenance of Landscaping**

All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turf areas.

After 1 year from the issue of the occupation certificate, progress reports of all approved landscaping works are to be submitted to Council's Urban Firest Supervisor. The reports are to be prepared by a suitably qualified landscape architect or Arborist.

**(75) Noise Control**

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the [Protection of the Environment](#)



[Operations Act 1997](#) (as amended).

The following noise control measures must be implemented on site and signage indicating these requirements must be visible to all relevant areas:

- Development shall only operate between 7:00am – 7:00pm Mondays to Saturdays and no trade on Sundays and Public Holidays.
- Engines should be turned off during loading and unloading movements, thus effectively having no idling noise during the loading and unloading operations.
- The use northern driveway shall be limited to lightweight vehicles (no trucks) to minimise excessive noise from heavy vehicles idling or travelling along the northern boundary.

**(76) Maintenance of Sound Attenuation**

Sound attenuation must be maintained in accordance with the approved Acoustic Report titled DA Acoustic Assessment prepared by Acoustic Logic and dated 10/10/2023.

**(77) Final Acoustic Report – Verification of Noise Report**

Within three months from the issue of an Occupation Certificate, an acoustic assessment is to be carried out by an appropriately qualified acoustic consultant, in accordance with the [EPA's Industrial Noise Policy](#) and submitted to Council for consideration. This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report (DA Acoustic Assessment prepared by Acoustic Logic dated 10/10/2023) are effective in attenuating noise to an acceptable noise level and that the use is not calculated to give rise to 'offensive noise' as defined under the provision of the [Protection of the Environment Operation Act 1997](#) (as amended).

Acoustic audits are to be prepared in accordance with the EPA's Noise Policy for Industry at the following points after issue of the occupation certificate:

- 6 months
- 18 months

The acoustic audit reports must demonstrate compliance with the Acoustic Assessment prepared by Acoustic Logic and dated 10/10/2023 and shall be undertaken by a suitably certified, independent third party acoustic consultant and be submitted to Strathfield Municipal Council for consideration

**(78) Bunding Work Areas**

All work areas where spillage is likely to occur shall be bunded. This is to be done by way of speed humps, grading the floor area or by any other appropriate means, to prevent contaminated water entering the stormwater system. The bunded area is then to be drained to a sump for collection and appropriate disposal of the liquid.

**(79) Outdoor Lighting**

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



*outdoor lighting.*

**(80) Lighting – General Nuisance**

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

Flashing, moving or intermittent lights or signs are prohibited.

**(81) Amenity of the Neighbourhood**

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

**(82) Activities and Storage of Goods Outside Buildings**

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

**(83) Industrial Premises – Storage of Waste Oil**

Waste oil shall be stored in a covered and bunded area prior to offsite recycling/disposal. Copies of receipts for the recycling of oil shall be kept onsite and made available to Council officers on request.

**(84) Industrial Premises – Spill Clean Up**

Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Absorbent materials used to clean up spills shall be disposed of to an appropriately licensed waste facility.

**(85) Industrial Premises – Drainage for Mechanical Work Areas**

All servicing, mechanical repairs and detailing shall be conducted in a covered, bunded work area. All work areas, including workshops and lube bays, shall be graded into collection sumps and/or grated drains such that surface effluent generated within the workshop area is directed into a dedicated drainage system and disposed of to sewer in accordance with a Trade Waste Agreement from Sydney Water or collected for reuse/disposal by an Environmental Protection Authority (EPA) licensed waste contractor.



**(86) Industrial Premises – Storage of Mechanical Parts**

Automotive parts in contact with any automotive fluid shall be stored in a covered, bunded area that is graded into collection sumps and/or grated drains which are directed into a dedicated drainage system and disposed to sewer in accordance with a Trade Waste Agreement from Sydney Water or collected for reuse/disposal by an Environmental Protection Authority (EPA) licensed waste contractor.

**(87) Industrial Premises – Prohibition of Spray Painting**

Spray painting shall not be carried out on the premises without prior consent of Council.

**(88) Loading & Unloading of Vehicles**

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

**(89) Entering & Exiting of Vehicles**

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

**(90) Maximum Vehicle Size**

**Small Rigid Vehicle**

The maximum size of truck using the proposed development shall be limited to Small Rigid Vehicle as denoted in AS2890.2-2002: Parking Facilities – Off-street commercial vehicle facilities.

**Medium Rigid Vehicle**

The maximum size of truck using the proposed development shall be limited to Medium Rigid Vehicle as denoted in AS2890.2-2002: Parking Facilities – Off-street commercial vehicle facilities.

**Heavy rigid vehicles are not permitted to enter the site.**

**(91) Responsibility of Owners Corporation**

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

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



## **OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

### **(92) Requirement for a Construction Certificate**

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

### **(93) Appointment of a Principal Certifier**

Building and/or demolition works must not commence until the applicant has:

- (a) appointed a Principal Certifier for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.  
If the work is not going to be undertaken by an Owner - Builder, the applicant must:
  - (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
  - (d) notify the Principal Certifier of the details of any such appointment; and
  - (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

### **(94) Notification of Critical Stage Inspections**

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

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

### **(95) Notice of Commencement**

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

### **(96) Subdivision Work – Construction Certificate & Appointment of Principal Certifier.**

Subdivision work in accordance with a development consent cannot commence until:

- (a) A Construction Certificate has been issued; and



- (b) The applicant has appointed a Principal Certifier for the subdivision work.

No later than two days before the subdivision work commences, the Principal Certifier must notify:

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

**(97) Subdivision Work – Notice of Commencement**

The beneficiary of the development consent must give at least two days notice to the Council and the Principal Certifier of their intention to commence the subdivision works.

**(98) Critical Stage Inspections**

The last critical stage inspection must be undertaken by the Principal Certifier. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 61 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021 - NSW Legislation](#).

**(99) Notice to be Given Prior to Critical Stage Inspections**

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

**(100) Occupation Certificate**

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

**ADVISORY NOTES**

**1. Review of Determination**

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

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

**2. Appeal Rights**





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

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

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

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

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

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

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

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

### **6. Disability Discrimination Act**

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

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

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

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).
- (b) In the Application Form, quote the Development Consent No. (eg. Year/DA 2023/55) and reference this condition number (e.g. Condition 23)



- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Works Permit applications.

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

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

## 8. Site Safety Fencing

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

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

## 9. Noise

Council will generally enforce noise related conditions in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) published by the Department of Environment and Conservation. Other state government authorities also regulate the [Protection of the Environment Operations Act 1997](#).

Useful links relating to Noise:

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



## 10. Acoustical Engineer Contacts & Reference Material

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

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

## 11. Electricity Supply

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

TO: Strathfield Local Planning Panel Meeting - 14 December 2023  
 REPORT: SLPP – Report No. 10  
 SUBJECT: DA2022.230 - 43-49 PARRAMATTA ROAD HOMEBUSH, 51 PARRAMATTA ROAD  
 HOMEBUSH, 53 PARRAMATTA ROAD HOMEBUSH  
 DA NO. 2022.230

## SUMMARY

Proposal:	43-49, 51 and 53 Parramatta Road, Homebush DA2022.230
Applicant:	Demolition of existing structures and construction of 6 storey mixed use development with ground floor retail, 41 residential units and 2 levels of basement parking.
Owner:	A.J. Bush & Sons Pty Ltd
Date of lodgement:	10 January 2023
Notification period:	17 January 2023 - 7 February 2023
Submissions received:	1
Assessment officer:	L Gibson
Estimated cost of works:	\$14,426,831.00
Zoning:	MU1-Mixed Use - SLEP 2012
Heritage:	No (Adjoins a Heritage Listed Item)
Flood affected:	No
Is a Clause 4.6 variation proposed?	Yes – Clause 4.3A Exceptions to height of buildings (Parramatta Road Corridor)
Extent of the variation supported?	10.14% (2.23m).
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 OF OFFICER:	<b>APPROVAL</b>

## EXECUTIVE SUMMARY

### Proposal

Development consent is being sought for the demolition of existing structures and construction of 6 storey mixed use development with ground floor retail, 41 residential units and 2 levels of basement parking.

### Site and Locality

The site is identified as 43-49, 51 and 53 Parramatta Road, Homebush and has a legal description of Lots 1 – 3 in DP 796920 and Lot 1 in DP 111654. Combined, the site is an irregular shaped allotment with a site area of 1,219m<sup>2</sup> (as per Survey). The site is a corner allotment, with a primary street frontage to Parramatta Road and a secondary street frontage to Powell Street of approximately 35m.

The site is located within the Parramatta Road Urban Transformation Corridor. The site is surrounded by a mixture of development including residential flat buildings, some commercial structures including some industrial warehousing. The area is transitioning into a high-density area.

### **Strathfield Local Environmental Plan (SLEP) 2012**

The site is zoned MU1-Mixed Use under the provisions of SLEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the SLEP 2012.

### **Development Control Plan (DCP) No 20**

The proposed development generally satisfies the provisions of DCP No 20 – Parramatta Rd Corridor Area. This is discussed in more detail in the body of the report.

### **Notification**

The application was notified in accordance with Council's Community Participation Plan (CPP) from 17 January 2023 - 7 February 2023, where one submission was received raising the following concerns:

- Construction noise; and
- Traffic and parking.

### **Issues**

- Building height exceedance
- Heritage/ streetscape compatibility

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment (EP&A) Act 1979, Development Application (DA) 2022.230 is recommended for approval subject to suitable conditions of consent.

## **RECOMMENDATION**

In consideration of the written request made by the applicant pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012, the consent authority is satisfied that the noncompliance with the development standard contained in Clause 4.3A Exceptions to height of buildings (Parramatta Road Corridor) of the SLEP 2012 is well founded and that there are sufficient environmental planning grounds to justify contravening the development standard.

That Development Application No. DA2022.230 for demolition of existing structures and construction of 6 storey mixed use development with ground floor retail, 41 residential units and 2 levels of basement parking at 43-49, 51 and 53 Parramatta Road, Homebush be **APPROVED** subject to conditions.

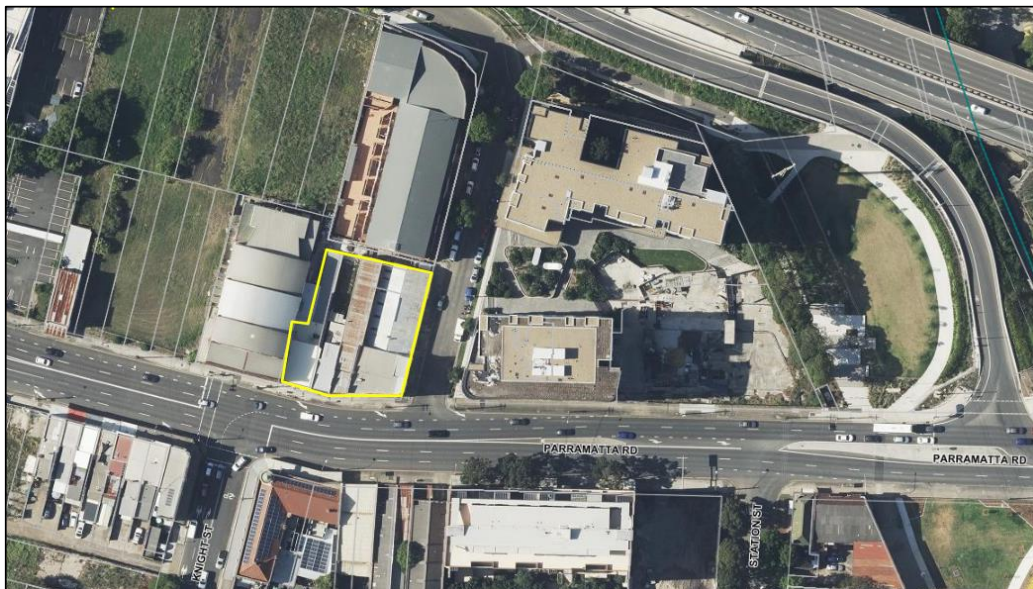
### **ATTACHMENTS**

1. [Assessment Report](#)



## SLPP REPORT

<b>Property:</b>	43-49, 51 and 53 Parramatta Road, Homebush DA 2022/230
<b>Proposal:</b>	Demolition of existing structures and construction of 6 storey mixed use development with ground floor retail, 41 residential units and 2 levels of basement parking.
<b>Applicant:</b>	A.J. Bush & Sons Pty Ltd
<b>Owner:</b>	A.J. Bush & Sons Pty Ltd
<b>Date of lodgement:</b>	10 January 2023
<b>Notification period:</b>	17 January 2023 - 7 February 2023
<b>Submissions received:</b>	1
<b>Assessment officer:</b>	L Gibson
<b>Estimated cost of works:</b>	\$14,426,831.00
<b>Zoning:</b>	MU1-Mixed Use - SLEP 2012
<b>Heritage:</b>	No
<b>Flood affected:</b>	No
<b>Is a Clause 4.6 Variation Proposed:</b>	Yes – Clause 4.3A Exceptions to height of buildings (Parramatta Road Corridor) 10.14% (2.23m).
<b>Local Planning Panel Criteria</b>	Sensitive Development & Departure from Development Standards greater than 10%
<b>RECOMMENDATION OF OFFICER:</b>	APPROVAL



**Figure 1:** Aerial view of surrounding streetscape with subject site outlined in yellow.



## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for the demolition of existing structures and construction of 6 storey mixed use development with ground floor retail, 41 residential units and 2 levels of basement parking.

### **Site and Locality**

The site is identified as 43-49, 51 and 53 Parramatta Road, Homebush and has a legal description of Lots 1 – 3 in DP 796920 and Lot 1 in DP 111654. Combined, the site is an irregular shaped allotment with a site area of 1,219m<sup>2</sup> (as per Survey). The site is a corner allotment, with a primary street frontage to Parramatta Road and a secondary street frontage to Powell Street of approximately 35m.

The site is located within the Parramatta Road Urban Transformation Corridor. The site is surrounded by a mixture of development including residential flat buildings, some commercial structures including some industrial warehousing. The area is transitioning into a high-density area.

### **Strathfield Local Environmental Plan (SLEP) 2012**

The site is zoned MU1-Mixed Use under the provisions of SLEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the SLEP 2012.

### **Development Control Plan (DCP) No 20**

The proposed development generally satisfies the provisions of DCP No 20 – Parramatta Rd Corridor Area. This is discussed in more detail in the body of the report.

### **Notification**

The application was notified in accordance with Council's Community Participation Plan (CPP) from 17 January 2023 - 7 February 2023, where one submission was received raising the following concerns:

- Construction noise; and
- Traffic and parking.

### **Issues**

- Building height exceedance
- Heritage/ streetscape compatibility

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment (EP&A) Act 1979, Development Application (DA) 2022/230 is recommended for approval subject to suitable conditions of consent.



## REPORT IN FULL

### Proposal

Council initially received an application seeking development consent for demolition of existing structures and construction of a 6 storey mixed use development with ground floor retail, 45 residential units and 2 levels of basement parking.

The proposal was later amended during the assessment of the application showing reduction in the overall residential units from 45 to 41. A detailed breakdown of the revised proposal includes the following:

Basement levels 1 and 2:

- Residential and visitor parking including 1 car wash bay (second one proposed as a condition of consent), 6 bicycle spaces and 2 motorcycle spaces.

Ground floor level:

- 2 x retail tenancies fronting Parramatta Road;
- 1 x small office home office (SOHO) unit comprising 2 bedrooms and office room space;
- Residential lobby including 2 liftwells;
- Garbage storage for residential and commercial waste; and
- 6.1m wide share zone providing vehicular access from Powell Street into the site.

It is proposed that garbage collection will be provided to the west of the site at ground floor. The proposal will rely upon the existing right of way for both Council and private waste contractor vehicles to access the loading bay.

Levels 1 to 5

- Residential units including 3 private terraces on level 4 to service units 208, 209 and 210.

Level 6 (Terrace)

- Communal open space area comprising landscaping, BBQ and seating areas.

<b>Building Height</b>	RL33.91 (to lift overrun)
<b>Gross Floor Area</b>	
Ground Floor	451m <sup>2</sup> (including 212m <sup>2</sup> retail floor space)
Level 1	772m <sup>2</sup>
Level 2	802m <sup>2</sup>
Level 3	779m <sup>2</sup>
Level 4	528m <sup>2</sup>
Level 5	492m <sup>2</sup>
<b>TOTAL</b>	<b>3.14:1 (3,824m<sup>2</sup>)</b>
<b>Unit Composition</b>	
Level G	2 x commercial tenancies 1 x SOHO unit (comprising 1 x 1 bedroom and 1 x 2 bedroom unit)
Level 1	3 x 1 bedroom 5 x 2 bedroom (1 extends to level 2) 2 x 3 bedroom (both extend to level 2)
Level 2	3 x 1 bedroom



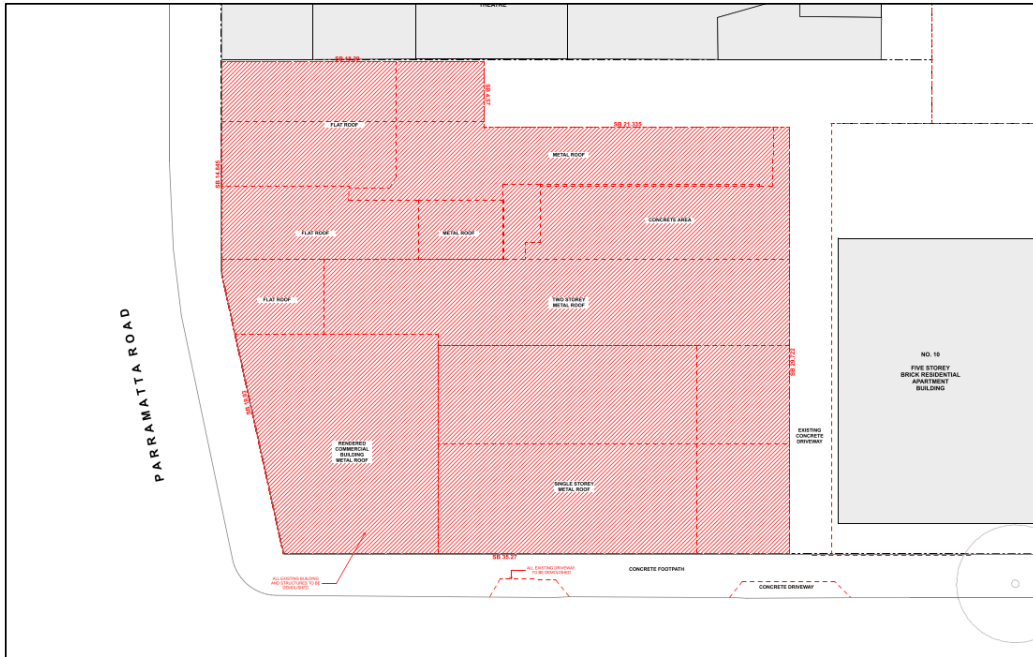


	5 x 2 bedroom (1 extends to level 3) 2 x 3 bedroom
Level 3	3 x 1 bedroom 4 x 2 bedroom
Level 4	3 x 1 bedroom 4 x 2 bedroom
Level 5	2 x 1 bedroom 3 x 2 bedroom 1 x 3 bedroom
<b>TOTAL UNITS</b>	<b>42 units comprised of:</b> <b>15 x 1 bedroom (35.7%)</b> <b>22 x 2 bedroom (52%)</b> <b>5 x 3 bedroom (12%)</b>
<b>Communal Open Space Area (COS)</b>	
Total across the site (25% = 304.5m <sup>2</sup> )	49.6% (605m <sup>2</sup> ) to level 6 rooftop
<b>Off-street Parking</b>	
Basement 1	26 car spaces (inclusive of 8 visitor spaces) + 1 car wash bay (second one conditioned) 6 bike spaces
Basement 2	29 car spaces 2 motorcycle spaces
<b>TOTAL PARKING</b>	<b>55 car spaces</b>

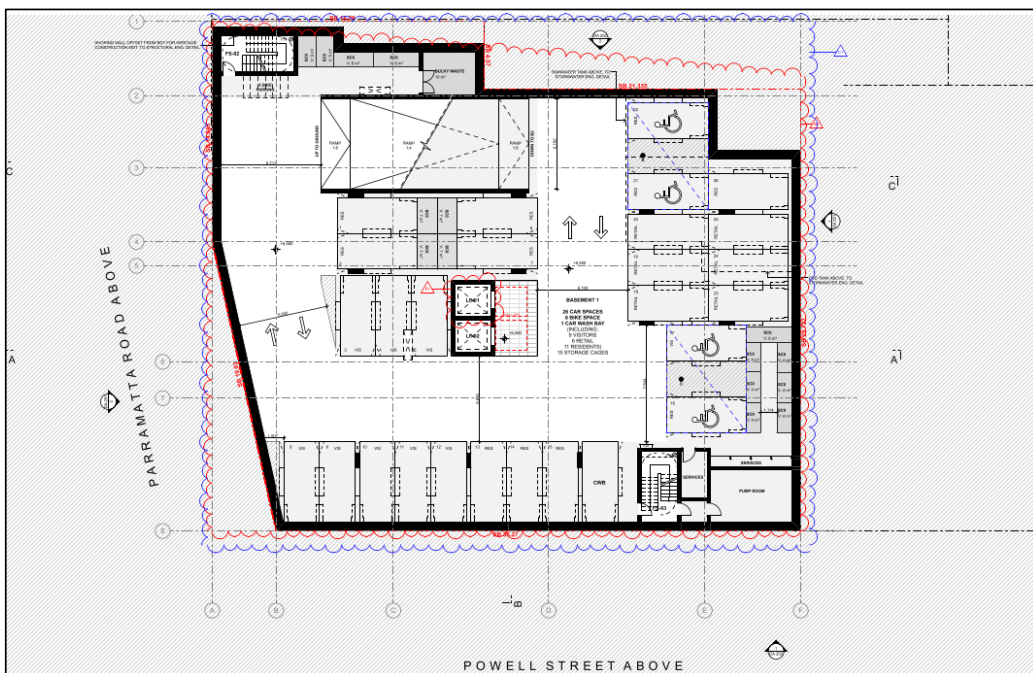
Figures 2-10 below are excerpts from the amended architectural package.



Figure 2: 3D render of proposed development as viewed from Parramatta Road.



**Figure 3:** Proposed demolition plan showing existing structures on the site proposed to be demolished.



**Figure 4:** Proposed Basement 1 plan

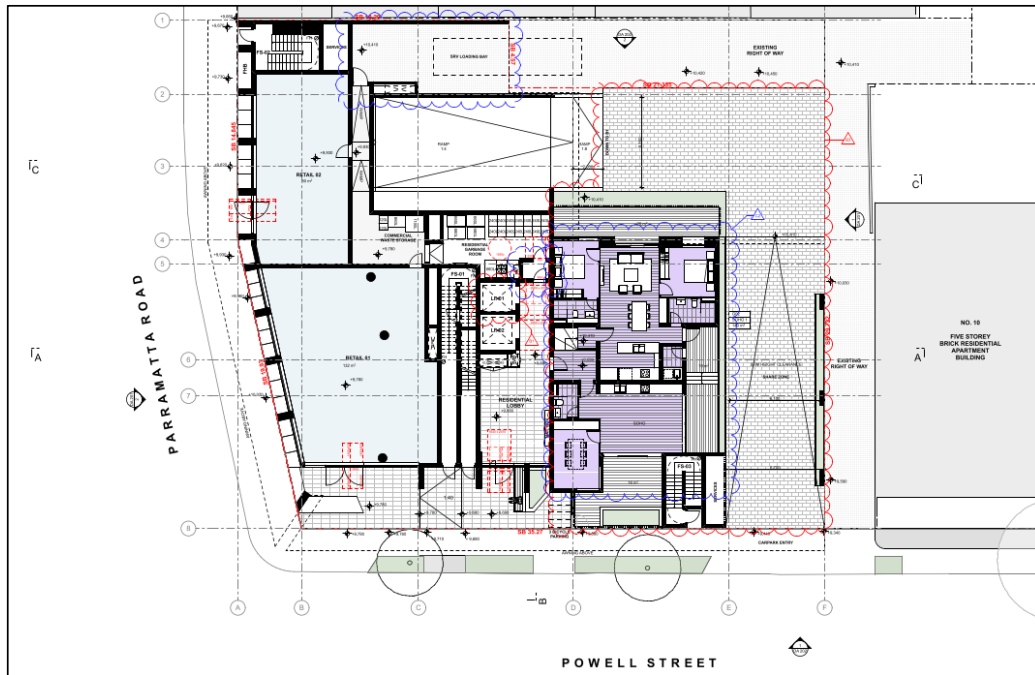


Figure 5: Proposed Ground Floor Plan



Figure 6: Proposed First Floor Plan

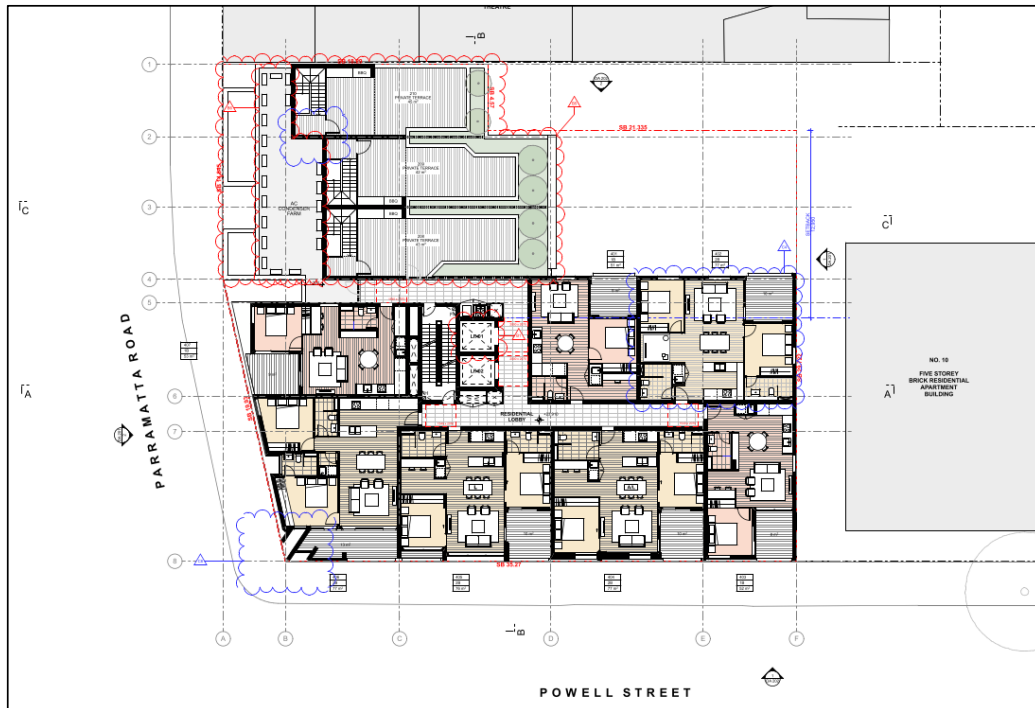


Figure 7: Proposed Level 4 Floor Plan

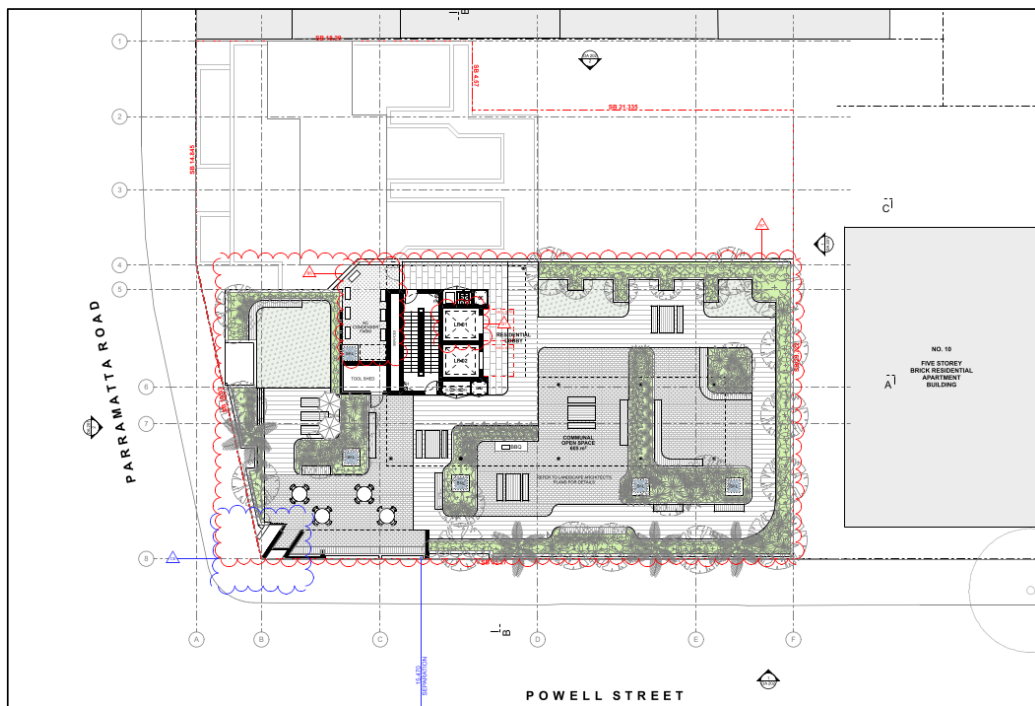


Figure 8: Proposed Roof Top Plan



Figure 9: North and South Elevation Plan



**Figure 10: East and West Elevation Plan**

**Background**

10 January 2023	The subject application was lodged with Council
17 January 2023 – 7 February 2023	The subject application was placed on neighbour notification in accordance with the CPP. One submission was received during this time.
15 February 2023	The subject application was reviewed by the Design Review Panel.
24 March 2023	Council's Assessing Officer undertook site inspection.  The Design Review Panel recommendations were received. Their comments are discussed in further detail throughout this report.
5 April 2023	A Request for Additional Information letter was sent to the applicant raising the following matters: <ul style="list-style-type: none"> <li>• Design response to heritage</li> <li>• General design matters</li> </ul>



	<ul style="list-style-type: none"> <li>• Floor Space</li> <li>• Acoustic privacy</li> <li>• State Environmental Planning Policy (SEPP) 65 matters</li> <li>• Safety</li> <li>• Clarification regarding easement</li> </ul>
8 June 2023	Amended plans submitted to Council to address the concerns raised.
16 July 2023	<p>A second Request for Additional Information letter was sent to the applicant raising the following matters:</p> <ul style="list-style-type: none"> <li>• Clause 4.6 variation requests</li> <li>• Gross Floor Area (GFA) diagrams</li> <li>• Shadow diagrams</li> <li>• Crime Prevention through Environmental Design (CPTED) assessment</li> <li>• Right of Way</li> <li>• Building Code of Australia (BCA) Report</li> <li>• Acoustic Report</li> <li>• Design matters including apartment layouts, private open space, parking and unit mix.</li> </ul>
5 September 2023	Amended architectural plans and supporting documentation were submitted to Council to address the matters raised above.
13 September 2023	Amended Acoustic Report submitted to Council.
13 October 2023	<p>A third Request for Additional Information letter was sent to the applicant raising the following matters:</p> <ul style="list-style-type: none"> <li>• Tree planting design</li> <li>• Urban design</li> </ul>
23 October 2023	Amended plans were submitted to Council
1 November 2023	Request for amended acoustic comments were sent to Applicant.
14 November 2023	A revised Acoustic Report and Clause 4.6 Variation request was submitted to Council.

### **The Site and Locality**

The site is identified as 43-49, 51 and 53 Parramatta Road, Homebush and has a legal description of Lots 1 – 3 in DP 796920 and Lot 1 in DP 111654. Combined, the site is an irregular shaped allotment with a site area of 1,219m<sup>2</sup>. The site is a corner allotment, with a primary street frontage to Parramatta Road and a secondary street frontage to Powell Street of approximately 35m .



The site is occupied by a series of buildings which are described as follows:

- Building identified as 'A.J Bush & Sons' (49 Parramatta Road) which is a two storey retail premises that wraps the corner of Parramatta Road and Powell Street (see **Figures 11 and 12**)
- A single storey vehicle repair station (43 – 49 Parramatta Road) which presents to Powell Street known as 'K & S Automotive Services'
- Three attached, two storey retail premises with a primary frontage to Parramatta Road (51 – 53 Parramatta Road) (see **Figure 13**)
- The rear lot comprises open hardstand area only.

To the west of the site is the heritage listed Former Homebush Theatre site (Item 131 under Schedule 5 of the SLEP 2012) (see **Figure 14**).

There are two existing vehicular crossings servicing the vehicle repair station at the Powell Street frontage (43-49 Parramatta Road). The site also benefits from a third vehicular access point via a right-of-carriageway (known as 55-57 Parramatta Road) which extends from the western-adjointing Homebush Theatre across to Powell Street immediately adjacent the northern rear boundary of the site (see **Figure 15**). The access handle is owned by the western adjoining Homebush Theatre site which allows the subject site to benefit from rear lane vehicular access to service existing commercial tenancies on the site.

Further north of the site is a five-storey residential flat building (2-10 Powell Street) (see **Figure 16**).

To the east of the site at 19 Parramatta Road is a complex comprising 2 x 8-storey residential flat building with ground floor commercial tenancies (see **Figure 17**). A third residential flat building approved on the eastern side of this site at 21 Parramatta Road comprising 27 storeys including ground floor commercial tenancies is yet to be constructed (see **Figures 18 and 19**).

To the south of the site on the opposite side of Parramatta Road is a mix of both commercial and residential development including several residential flat buildings, a pub (Horse and Jockey Hotel at 70 Parramatta Road) and several abandoned commercial premises (see **Figures 20 and 21**).





**Figure 11:** AJ Bush & Sons building fronting corner of Powell St and Parramatta Road (49 Parramatta Road) including vacant vehicle repair station far right (43-49 Parramatta Road).



**Figure 12:** Subject site including AJ Bush & Sons building and commercial tenancies fronting Parramatta Road.



**Figure 13:** Subject site as viewed from Parramatta Road featuring three attached, two storey retail premises with a primary frontage to Parramatta Road (51 – 53 Parramatta Road). Homebush theatre to far left.



**Figure 14:** Homebush Theatre Site fronting Parramatta Road.



**Figure 15:** Access handle located north of the site along the northern property boundary.



**Figure 16:** Northern adjoining five storey residential flat building at 2-10 Powell Street.



**Figure 17:** Two existing 8 storey mixed use flat buildings east of the site at 17-35 Powell Street.



**Figure 18:** Eastern adjoining site facing west from Ismay Reserve.



**Figure 19:** Render of approved building 3 (to be constructed) at 21 Parramatta Road facing west from Parramatta Road.



**Figure 20:** Streetscape comprising Heritage Listed Horse and Jockey hotel located opposite the site on the southern side of Parramatta Road.



**Figure 21:** Streetscape comprising some original structures and new high rise development.

The site is bound by Parramatta Road to the south with the western motorway (M4) located further north of the site. Homebush Train Station is located approximately 300m south of the site and approximately 1km south-west of North Strathfield Train Station.

The site is located within the Parramatta Road Urban Transformation Corridor. The site is surrounded by a mixture of development including residential flat buildings, some commercial structures including some industrial warehousing. The area is transitioning into a high-density area.

## **Referrals**

### **Internal**

### **Traffic**

The application was referred to Council's Senior Traffic Engineer for comment. The following comments were made:

- 1. The traffic generation the proposed development i.e. 14 in the AM peak hour vehicle trips and 11 in the PM peak hour vehicle trips projected traffic flows associated with the will most likely be less than the existing commercial building and mechanical repair workshop on the site.*
- 2. The onsite parking provision of 57 spaces over two basement levels for the residential and retail component is satisfactory.*
- 3. Garbage vehicle turning path template are provided which show the loading bay is capable of accommodating Council's waste collection vehicle.*
- 4. Internal circulation arrangements, ramp grades max 1 in 4 and basement clearances of 3.6m min for ground floor and 2.2m min for basements 1 and 2 are satisfactory.*



It is noted that since this initial referral, the application has been revised resulting in a slight reduction in unit numbers. This does not affect the validity of these referral comments with off-street parking allocation conditions amended accordingly to reflect the requirements of the ADG and Council DCP parking requirements. A total of 55 car spaces are now proposed.

No concerns were raised subject to the imposition of conditions of consent.

### **Waste**

The application was referred to Council's Environmental Projects Officer (Waste) for comment. No concerns were raised subject to conditions of consent including preparation of a revised Waste Management Plan.

### **Stormwater**

The application was referred to Council's Stormwater Engineer for comment. No concerns were raised subject to conditions of consent.

### **Heritage**

The application was referred to Council's Heritage Planner for comment. The following was recommended:

- *It is acknowledged that the corner site at 45 Parramatta Road does not have heritage protection but is requested for retention for heritage interpretation of the remnants of the local A.J Bush presence.*
- *The proposal does not consider the setting of the adjacent item of significance as the form significantly visually overpowers the nearest/adjacent heritage item (Homebush Theatre). Views to the heritage listed Homebush Theatre are obscured from Parramatta Road looking south towards the subject site. It is recommended to notch or amend the building form to step down the built scale of the development from the adjacent heritage item (Homebush Theatre).*
- *Structural information requested for assessment to ensure structural adequacy for boundary works adjacent to significant heritage item.*

Amended plans were submitted to Council addressing all matters raised by Council's Heritage Planner. The following comments were made:

*I have no concerns from heritage as the form is located away from the heritage item and has a design that does not overwhelm the heritage item. Development in the vicinity of the derelict heritage site is very much desired to activate the precinct and encourage the owner of the heritage item to also create a site revitalisation. I would be more cautious now about excavation near the heritage item and ensure that adequate structural measures are employed (can be conditioned).*

Conditions of consent have therefore been recommended requiring a Construction Management Plan to be prepared. This is to ensure that the excavation of the building does not adversely impact the structural integrity of the western adjoining heritage building given its nil setback from the proposal. Conditions of consent have been imposed.



### **Landscaping**

The application was referred to Council's Urban Forest Supervisor for comment. Concern was raised for the lack of street tree planting to both the Parramatta Road and Powell Street frontages. Further consideration was needed for the design, location and planting selection throughout the site.

The recommended design changes including new street tree planting such as a blueberry ash be implemented into the Parramatta Road and Powell Street frontages.

Amended plans were submitted to Council addressing all matters raised by Council's Urban Forest Supervisor including street tree planting. Conditions of consent have been imposed.

### **Urban Design**

After incorporating the input of the Design Review Panel (discussed below), the application was referred to Council's Urban Designer for comment. A number of internal and external design considerations were raised. These were addressed by the Applicant over several revisions submitted to Council over the course of the assessment of the application. No further concerns are raised by Council's Urban Designer.

### **External**

#### **Transport for NSW**

The application was referred to Transport for NSW. No concerns were raised subject to conditions which have been included in the conditions of consent.

#### **Ausgrid**

The application was referred to Ausgrid. No concerns were raised subject to conditions which have been included in the conditions of consent.

#### **Design Review Panel**

The application was referred to the Design Review Panel for consideration at their meeting on 15 February 2023. The Panel was not supportive of the development and raised a number of concerns with the proposal. A response to these matters is provided under each section.

#### ***Bulk and Scale / Heritage Impacts***

- 1. The proposal exceeds the FSR for the site. The Panel noted its primary role is to advise Council and applicants on urban design and contextual fit, the quality of residential amenity and architectural merit, rather than strict numeric compliance which is a matter for the consent authority.*
- 2. However, in saying the above, the Panel is concerned with the bulk and scale of the proposal in relation to the adjoining heritage-listed theatre. This building has a strong, distinctive character and due to its heritage status is highly unlikely to be demolished. It is therefore paramount that the subject proposal provides a high quality design that is sympathetic to its heritage listed neighbour.*
- 3. The primary objectives of FSR development standard are to control density, bulk and scale. The Panel notes that an area of common circulation space on each level has been excluded from the FSR calculation. While this may be considered for exemption*





from GFA as it is not fully enclosed, in this case it increases the overall building envelope bulk due its central (rather than perimeter location). The exemption of this space from GFA is therefore not supported by the Panel as it is inconsistent with the objective.

4. *The Panel notes that having open circulation space adjacent to lifts could result in an uncomfortable experience for occupants, particularly at the higher levels.*
5. *The Panel therefore suggests that the circulation space on all levels be enclosed or better protected and included in GFA, with floorspace removed from elsewhere in the development to offset the increase. This would likely result in a smaller building and help to improve the interface with the heritage-listed theatre.*
6. *The Panel also noted that the light colour and vertical proportions of the proposal is inconsistent with the building to the right (on the opposite corner of Powell Street and Parramatta Road) which is darker and expressed horizontally.*
7. *The Panel is not opposed to how the proposal generally presents from an urban design perspective. However more design work is required to better integrate the building with its urban and heritage context.*
8. *The Panel recommends that the blank full height wall on the corner be punctuated to be more engaged with the public domain. The Powell Street frontage should be revised to more sympathetic and more robustly express a base/podium level that is carefully calibrated and aligned with the theatre facade.*
9. *The Parramatta Road façade should be made more defensive to minimise noise and pollution impacts, with the lower levels particularly vulnerable to traffic-related impacts. The Panel therefore recommends that the Parramatta Road facade be made more solid to at least the height of the theatre, with levels above more recessive and open in design and materiality.*

**RESPONSE:** With regard to the above, the revised design has resulted in a reduction in floor space on the site. The proposal now complies with the maximum permitted FSR controls for the site which demonstrates that the proposal presents an appropriate bulk and scale envisaged for the site as per Strathfield's Key Site controls under the SLEP 2012.

The revised design responds well to its context as it aligns with the height of the Homebush Theatre building to the west and gradually tapers up toward the south-east corner of the site. Sightlines to the Homebush Theatre site from Parramatta Road can therefore be retained therefore ameliorating visual impacts of the site. The façade to Parramatta Road has been further articulated including distinct horizontal banding across the upper fourth floor of the building. This achieves a smoother transition between the Homebush Theatre building and the proposed building. The revised design is more cohesive in terms of its presentation to both Powell Street and Parramatta Road through a revision in the external colour finishes, materiality and overall modulation of the building which includes a continuation of the ground floor awning to the Powell Street frontage. This creates a more distinct podium element which is more engaging with the public domain.

The design has been further revised to re-orientate units away from Parramatta Road to minimise noise impacts. The recommendations provided in the revised acoustic report will be imposed as conditions of consent to ensure noise impacts from Parramatta Road can be managed accordingly.



### **Acoustic Treatment / Natural Cross Ventilation**

10. *The proposal relies on open windows/doors to Parramatta Road for natural ventilation to the apartments and uses the open gallery/circulation core for cross ventilation into the apartments by adding a high sill level window to the utility room from the gallery. The Panel is not convinced how this meets BCA requirements. Also any windows open to common circulation corridors for ventilation are likely to result in poor acoustic privacy.*
11. *The Panel notes that the provision of natural ventilation through openable windows/glass doors to the rooms facing Parramatta Road is not likely to create good residential amenity due to acoustic and pollution impacts. It is not clear how the units facing Parramatta Road will receive fresh air, as compliance with acoustic requirements ordinarily require windows/doors to be closed.*
12. *The design of the facade, balconies and fenestration needs to be holistically reconsidered to demonstrate BCA and ADG compliant natural ventilation in a noisy environment, and this must be considered at design stage and details of how it is achieved provided with DA submission.*
13. *The Panel suggests that the layouts of units on Parramatta Road be reconsidered to locate service/ utility rooms and other less sensitive areas along the Parramatta Road façade, and living areas orientated towards the sunny and more protected rear and side facades.*

**RESPONSE:** The proposal has been revised having consideration for the above. The proposal achieves compliance with the ADG including cross ventilation and BCA requirements. The layouts achieve a high level of internal amenity which resolved undue acoustic impacts.

### **Location of air conditioning units**

14. *The Panel suggested an alternative design with a consolidated condenser plantroom are on each floor, to avoid air-conditioning units placed on individual balconies. A/C units on balconies create noise impacts, look unsightly, take up valuable space and can be a climbing hazard.*

**RESPONSE:** The revised design provides for two separate AC condenser farm areas located away from habitable rooms. Both are suitably located away from residential units (one to level 4 along Parramatta Rd frontage and the other on the level 6 terrace).

### **Lift**

15. *The Panel does not support a single lift for a building of this scale, and strongly recommends that a second lift is provided. This will ensure better liveability through continuity of service for residents, should one lift break down and be out of service or used by removalists. Both lifts should be accessible from each floor and rooftop communal space if provided.*

**RESPONSE:** The revised design provides 2 liftwells at each level to ensure residents are adequately serviced throughout the building.



### **Street Activation**

16. *Property owners can play an important role in improving laneway environments, and the Panel encourages reconsideration of its ground level interfaces to introduce a finer grain allowing interaction with the laneway in a more active and animated manner.*
17. *The Panel does not support the arrangement of ground floor uses, as it will create an inactive street experience in this busy central location. It also recommends the design is devised to be more suited for pedestrian amenity. The frontages to Powell Street and the rear laneway are presently inactive in an area that is likely to become much busier in the future.*
18. *The laneway at the rear of the site provides a pedestrian link from Powell Street to the former theatre site. The theatre building though currently unused will at some point be redeveloped with an adaptive re-use. It is anticipated that once this has occurred pedestrian activity in the laneway will increase and it will become a vibrant public space.*
19. *The Panel suggests that the area of proposed deep soil contained by high retaining walls would be much better utilised for a future commercial space, for example a small bar which would activate the laneway and offer good synergies with a future adaptive re-use of the theatre. The Panel acknowledges that as a result the proposal would not satisfy deep soil requirements, however in this instance is of the view that a better design quality outcome would be achieved.*
20. *The Panel also encourages further activation of Powell Street and the provision of additional commercial tenancies along this frontage. The Panel recommends that the ground floor plan be redesigned to locate the service areas as well as the four commercial parking spaces elsewhere and further recommends that if the four commercial parking spaces are discretionary, they be deleted. This will allow for improved activation along Powell Street and as the building turn the corner into the laneway.*
21. *The Panel also recommends the location of street utility services be minimised and better integrated at design stage. These must be shown on the plans.*

**RESPONSE:** Council discussed options for a new commercial/business premises to be proposed to the northern extremity of the site on the ground floor in lieu of parking spaces. Given the uncertainty regarding the future development of the adjoining Homebush Theatre site, both the applicant and Council agreed that a commercial floor space would not be an economically viable option and would not support street activation at the ground floor both to Powell Street or to the laneway. It was therefore recommended that the remnant space be redesigned as a SOHO unit as an alternate means to activating the ground floor. The unit provides a flexible floor plate which provides opportunities for the change of use of the unit to a commercial floor space pending the future re-development of the Homebush Theatre site.

The deletion of the deep soil zone to the north-west of the site enables a 6.1m share zone to be provided which not only provides vehicular access for the site but also provides opportunities for activation of the laneway once the western adjoining Homebush Theatre site is redeveloped. In turn, the development provides a consolidated high quality communal open space area on the rooftop which is more conducive to natural light and ventilation and will improve opportunities for social cohesion.

The revised plans show services which have been integrated into the design on the ground floor and will not detract from the presentation of the building.



### **Section 4.15 Assessment – EP&A Act 1979**

The following is an assessment of the application with regard to Section 4.15(1) of the EP&A Act 1979.

#### **(1) Matters for consideration – general**

***In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:***

- (a) the provision of:**  
**(i) any environmental planning instrument,**

#### **State Environmental Planning Policies**

Compliance with the relevant state environmental planning policies is detailed below:

<b>STATE ENVIRONMENTAL PLANNING POLICY</b>	<b>COMPLIES</b>
State Environmental Planning Policy (Biodiversity and Conservation) 2021 <ul style="list-style-type: none"> <li>Chapter 2 – Vegetation in non-rural areas</li> <li>Chapter 10 – Sydney Harbour Catchment</li> </ul>	Yes Yes
State Environmental Planning Policy (Sustainable Buildings) 2022	Yes
State Environmental Planning Policy (Resilience and Hazards) 2021 <ul style="list-style-type: none"> <li>Chapter 4 – Remediation of land</li> </ul>	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021 <ul style="list-style-type: none"> <li>Chapter 2 - Infrastructure</li> </ul>	Yes
State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development	Yes

#### **STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021**

##### **Chapter 2 – Vegetation in non-rural areas**

The intent of this Chapter within the SEPP is related to the protection of the biodiversity values of trees and other vegetation on the site. The proposed development does not result in the removal or loss of any trees or vegetation subject to the provision of this SEPP.

##### **Chapter 10 – Sydney harbour Catchment**

All stormwater from the proposed development as modified can be treated in accordance with Council's Stormwater Management Code and would satisfy the relevant planning principles of Chapter 10 - Sydney Harbour Catchment.

#### **STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022**

The provisions of the Sustainability Buildings SEPP 2022 do not apply to the subject application as it is captured by the savings and transitional provisions under Clause 4.2. The BASIX Certificate for the proposed development has been issued under the provisions of the BASIX SEPP 2004 and the commitments required by this certificate have been satisfied and included on the development plans.



## **STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021**

### **Chapter 4 – Remediation of land**

Chapter 4 applies to the land and pursuant to Section 4.15 is a relevant consideration.

A Preliminary Site Investigation Report was undertaken by CEC Geotechnical to investigate the nature and extent of contaminants potentially present within the soils and groundwater across the site. The investigations undertaken on the site have identified several contaminants in the soil including heavy metals, Phenols and asbestos however this was below the adopted assessment criteria.

The investigation assessment concluded that the site is suitable for the proposal being a high density residential flat building overlying two basement parking levels subject to an acid sulfate soils assessment being undertaken. This has been imposed in the conditions of consent.

Chapter 4 of the SEPP is considered to be satisfied.

## **STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021**

### **Chapter 2 - Infrastructure**

#### **Section 2.48 - Determination of development applications—other development**

The subject application was referred to Ausgrid in accordance with Section 2.48 as it involves development that is within 5m of an exposed overhead electricity power line. No concerns were raised subject to imposition of conditions of consent.

#### **Section 2.119 - Development with frontage to classified road**

The proposal is consistent with objectives (a) and (b) under Clause 2.119 regarding development with frontage to a classified road (being Parramatta Road).

The consent authority can be satisfied of the matters under subclause (2)(b) and (c), in that:

- existing vehicular access is provided from Powell Street and not the classified Road (a);
- the safety, efficiency, and ongoing operation of the classified road will not be adversely affected by the development (b); and
- the development is appropriately located and has been designed to ameliorate potential traffic noise arising from the adjacent classified road (c).

The application was referred to Transport for NSW (TfNSW) for comment who raised no concerns with the proposal subject to recommended conditions of consent.

#### **Section 2.120 - Impact of road noise or vibration on non-road development**

Section 2.102 applies to the residential component of the proposed development requires the consent authority to be satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:



- a) *in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*
- b) *anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

An Acoustic Assessment has been undertaken by Rodney Stevens Acoustics. The report concludes that the noise emission targets under Section 2.102 can be achieved, subject to implementation of the recommendations in the report. Compliance with the recommendations in the Acoustic Report is conditioned.

**STATE ENVIRONMENTAL PLANNING POLICY NO 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT**

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

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

**Design Quality Principles under Schedule 1 of SEPP 65**

<b>Principle</b>	<b>Objective</b>	<b>Proposed</b>
<b>Principle 1: Context and neighbourhood character</b>	<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area’s existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p><b>Satisfactory.</b></p> <p>The proposed development responds well to its high density urban context through incorporating a tapered building height which gradually builds up toward the intersection of Powell Street with Parramatta Road.</p> <p>The revised design achieves a clear podium element with wrap-around awning across the ground floor.</p> <p>The proposal responds well to the right-of-carriageway across the northern extremity of the site through proposing a 6.1m accessway and SOHO unit fronting Powell Street. This provides flexibility in re-designing these spaces should the Homebush Theatre site be redeveloped and the laneway activated as a through-fare from Powell Street to the Homebush Theatre site.</p> <p>The design incorporates and enhances some of the original features of the building including incorporation of the glazed tiles in dark red to the ground floor which, pays homage to the existing A.J Bush &amp; Sons building. The existing A.J.</p>



Principle	Objective	Proposed
		<p>Bush &amp; Sons building has a 'B' on the building elevation which has a splay to Parramatta Road and Powells Road, this 'B' has been emulated on the proposed Parramatta Road frontage. The architectural design of Levels 1 – 5 are similar to a 'L' shape configuration with an emphasis placed on presenting the development to Parramatta Road and Powell Street frontages to create a more prominent corner building.</p>
<p><b>Principle 2: Built form and scale</b></p>	<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p><b>Satisfactory.</b></p> <p>The proposed development achieves compliance with the maximum FSR permitted for the site. Whilst there is a height breach, this is considered acceptable from a design perspective given the additional height is contained to the liftwell and shading structures over the terrace level. The additional height will not pose any discernible impacts on the overall presentation of the development as viewed in the street. The proposal has considered the significance of the Homebush Theatre site through adopting a tapered building height which initially aligns with the prevailing height of the Homebush Theatre to the west and gradually tapers up to the corner of the site fronting Parramatta Road and Powell Street. This achieves an appropriate design response particularly for the Parramatta Road façade which enables sightlines to be maintained to the Homebush Theatre whilst also achieving a more distinct frontage at the corner.</p> <p>Units are orientated toward either Powell Street to the east or toward the north away from Parramatta Road. This achieves a high level of amenity for residents. Several units are split over two levels with generously sized private terraces to optimise opportunities for solar access and outlook.</p>
<p><b>Principle 3: Density</b></p>	<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population.</p>	<p><b>Satisfactory.</b></p> <p>The proposal achieves a suitable density as it achieves the bonus FSR allowable as per the Key Sites provisions under the SLEP 2012. The proposal achieves a high level of amenity for residents whilst providing a suitable unit mix with a range of layouts to suit for a range of needs including aging in place.</p>



Principle	Objective	Proposed
	<p>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	
<p><b>Principle 4: Sustainability</b></p>	<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p><b>Satisfactory.</b></p> <p>The proposal achieves compliance with the minimum required solar access and cross ventilation requirements demonstrating that the unit layouts, orientations and sizes are suitable.</p>
<p><b>Principle 5: Landscape</b></p>	<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development’s environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours’ amenity and provides for practical establishment and long term management.</p>	<p><b>Satisfactory.</b></p> <p>Following discussions with DRP and Council, the north-western deep soil zone was removed in its entirety to enable an improved layout to be provided on the ground floor. The roof top communal area was further embellished to offset the loss of the deep soil zone for the site. Whilst numerically, the loss of the deep soil zone does not comply with the SEPP requirements, the communal open space area comprises high quality landscaping co-located with various seating areas including a BBQ area.</p> <p>The proposal also seeks to provide new tree plantings along both the Parramatta Road and Powell Street frontages as a means of softening the built form and contributing to a more substantial tree canopy throughout this area.</p>
<p><b>Principle 6: Amenity</b></p>	<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living</p>	<p><b>Satisfactory.</b></p> <p>The proposal achieves a high level of cross ventilation and solar access to units</p>





Principle	Objective	Proposed
	<p>environments and resident well being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>with a large communal open space area accessible to all residents on the rooftop.</p> <p>Units are generally oriented away from Parramatta Road with outlooks oriented toward Powell Street and the north.</p> <p>The proposal achieves a high level of amenity for residents whilst providing a suitable unit mix with a range of layouts to suit for a range of needs including aging in place.</p>
<p><b>Principle 7: Safety</b></p>	<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p><b>Satisfactory.</b></p> <p>The proposal is supported by a CPTED assessment which has taken into consideration the surveillance, access control, territorial reinforcement, and space management to minimise opportunities for crime.</p> <p>The proposal has been designed to achieve passive surveillance to the street and reduce opportunities for concealment. The commercial floor space at the ground floor will enable surveillance throughout the day. Whilst visitors and residents will utilise the same liftwells to access the ground floor retail uses from the basement, a card system will be utilised to prevent visitors from reaching any residential floors.</p>
<p><b>Principle 8: Housing diversity and social interaction</b></p>	<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p><b>Satisfactory.</b></p> <p>The proposal provides a suitable mix of units which provides a fair variety of housing choice as follows:</p> <p>42 units comprised of:                      15 x 1 bedroom (35.7%)                      22 x 2 bedroom (52%)                      5 x 3 bedroom (12%)</p> <p>The proposal achieves a mix of unit configurations with flexible floor plates to suit the existing and future social mix.</p> <p>The large rooftop communal open space area is proposed with a range of seating spaces to encourage social interaction among residents.</p>
<p><b>Principle 9: Aesthetics</b></p>	<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design</p>	<p><b>Satisfactory.</b></p> <p>The visual appearance of the proposal including variety of materials, colours and textures appears acceptable. The</p>



Principle	Objective	Proposed
	<p>uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>proposal successfully captures several design elements of the existing building which is incorporated into the new building as a means to retaining its visual prominence along Parramatta Road.</p> <p>The tapered building height which builds up toward the corner of Parramatta Road and Powell Street is an appropriate design response to ensure that the building can taper down toward the western and northern side boundaries which align with the heights of existing buildings, including the Homebush Theatre site.</p>

**Apartment Design Guide Compliance Table**

The following design requirements of the ADG are assessed in the table below:

Required	Proposed	Compliance
<b>2E – Building Depth</b>		
Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls.	Several apartment depths fall short of the minimum 12m requirements however, still achieve a high level of internal residential amenity through generous floor to ceiling heights, exceeding the minimum solar access and cross ventilation requirements, providing a high quality communal open space area and providing well-considered apartment layouts which minimise undue noise and amenity impacts.	No, however acceptable
<b>3B – Orientation</b>		
<p><i>Objective 3B-1</i>  <i>Building types and layouts respond to the streetscape and site while optimising solar access within the development.</i></p> <p>Buildings along the street frontage define the street, by facing it and incorporating direct access from the street                      Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east-west.</p>	The proposal adopts an “L-shape” design which optimises opportunities for cross ventilation and solar access to units throughout the building. The two commercial tenancies and SOHO unit proposed to the ground floor are proposed with direct street access to further define the street frontage.	Yes
<p><i>Objective 3B-2</i>  <i>Overshadowing of neighbouring properties is minimised during mid winter.</i></p> <p>Where an adjoining property does not receive the required hours of solar access, the proposed</p>	The proposal has been designed having consideration for adjoining properties and minimising overshadowing impacts where possible. The proposal does not result in any unreasonable	Yes



<p>building ensures solar access to neighbouring properties is not reduced by more than 20%.</p>	<p>overshadowing impacts to adjoining properties.</p>	
<p><b>3C – Public Domain Interface</b></p>		
<p><i>Objective 3C-1</i> <i>Transition between private and public domain is achieved without compromising safety and security.</i></p> <p>Direct street entry to ground floor apartments.</p> <p>Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings.</p> <p>Upper level balconies and windows should overlook the public domain.</p> <p>Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences/walls should be limited to 1m.</p> <p>Length of solid walls should be limited to along street frontages.</p> <p>Opportunities for people to be concealed should be minimised.</p>	<p>The proposal provides direct street entries into units on the ground floor both to the two commercial tenancies and the SOHO unit. This achieves an active frontage across both the Powell Street and Parramatta Road frontages which improves the safety and security of the building.</p> <p>The building is well articulated to avoid solid walls to the ground floor along with opportunities for concealment.</p>	<p>Yes</p>
<p><i>Objective 3C-2</i> <i>Amenity of the public domain is retained and enhanced.</i></p> <p>Planting softens the edges of any raised terraces to the street.</p> <p>The visual prominence of underground car park vents should be minimised by building entry location and setting ground floor levels in relation to footpath levels. Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels.</p> <p>Durable, graffiti resistant and easily cleanable material should be used.</p>	<p>The vehicular access has been re-arranged to align with the existing right-of-carriageway along the northern extremity of the site. This reduces the visual prominence of the car park entrance and enables a continued activation of floor spaces along the street frontage. The design proposes a ramp from the Powell Street frontage to achieve equitable access to the retail 1 tenancy. The design mitigates opportunities for graffiti given the ground floor is proposed of glazed tiles.</p>	<p>Yes</p>
<p><b>3D – Communal Open Space</b></p>		
<p><i>Objective 3D-1</i> <i>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.</i></p> <p>Communal open space has a minimum area of <b>25% (304.75m<sup>2</sup>)</b> of the site.</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal useable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid winter).</p>	<p>The proposal achieves 48.19% (584.7m<sup>2</sup>) which exceeds the minimum requirements for the site. The proposal is located on the roof top of the development and is capable of receiving a minimum 2 hours direct solar access given its favourable northern orientation. The communal open space area is co-located with well-considered landscaping comprising low lying</p>	<p>Yes</p>



<p>Communal open space should be consolidated into a well designed, easily identified and useable area.</p> <p>Communal open space should have a minimum dimension of 3m and larger developments should consider greater dimensions.</p> <p>Communal open space should be co-located with deep soil areas.</p> <p><i>Objective 3D-2</i> Communal open space is designed to allow for a range of activities respond to site conditions and be attractive and inviting.</p> <p>Facilities are provided within communal open spaces and common spaces for a range of age groups, incorporating some of the following elements:</p> <ul style="list-style-type: none"> <li>• Seating for individuals or groups</li> <li>• Barbeque areas</li> <li>• Play equipment or play areas</li> <li>• Swimming pools, gyms, tennis courts or common rooms</li> </ul> <p><i>Objective 3D-3</i> Designed to maximise safety</p> <p><i>Objective 3D-4</i> Public open space where provided is responsive to the existing pattern and uses of the neighbourhood</p>	<p>shrubs and tree planting. Shading devices are also proposed to the communal open space area to improve its functionality.</p> <p>The communal open space area includes a BBQ area along with several seating areas to encourage social interaction.</p> <p>The communal open space area appears safe and contained for use of future residents.</p> <p>The proposal achieves an active street frontage at the ground floor through provision of commercial floor spaces and a SOHO unit fronting Powell Street. Boundaries are clearly designed between the public domain with a single pedestrian residential entrance provided to minimise public access.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>3E – Deep Soil Zones</b>		
<p><i>Objective 3E-1</i> Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</p> <p>Provide deep soil zone comprising minimum 7% of site area (438m<sup>2</sup>) and a minimum dimension of 6m. 15% of the site area if greater than 1,500m<sup>2</sup>.</p>	<p>The proposal has been revised showing removal of deep soil planting on the site. This is considered acceptable given that the loss is offset by high quality roof top communal open space area and a more functional layout on the ground floor which achieves better streetscape activation.</p> <p>The submitted landscape plan indicates embellishment of the roof top communal open space area with a generous variety of</p>	<p>No, acceptable on merit.</p>



	<p>planting including canopy trees. The scheme also includes several street tree plantings along both the Parramatta Road and Powell Street frontage to contribute towards a denser tree canopy in the area.</p>	
<p><b>3F – Visual Privacy</b></p>		
<p><i>Objective 3F-1</i>  <i>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</i></p> <p>Up to 12m (4 storeys)                  Habitable rooms and balconies – 6m</p> <p>Non-habitable rooms - 3m</p>	<p>To the north, a portion of the building (ground to level 6) proposes a nil setback to the rear northern property boundary, excluding the 3.4m access handle. This results in only 3.4m building separation (a departure from the minimum 9m) required between the subject building and the northern adjoining 5 storey residential flat building at 10 Powell Street. This is considered acceptable given both buildings present as blank solid walls at each interface with no overlooking impacts. The remaining portion of the building to the west achieves a minimum 17m setback from the northern boundary which achieves ample separation from adjoining properties.</p> <p>To the west, a portion of the building proposes a nil setback (ground to level 6). This is considered acceptable given the site adjoins the heritage listed Homebush Theatre building which presents as a blank wall along this interface. The units immediately adjoining the Homebush Theatre building maintain an outlook to both Paramatta Road to the south and to the north and will not result in any adverse privacy impacts.</p> <p>To the east, a setback of 15.4m is maintained between the proposal and the existing 8 storey residential flat building located at 17 Powell Street which meets the minimum 15m separation requirements.</p>	<p>Acceptable on merit.</p>
<p><i>Objective 3F-2</i>  <i>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</i></p>	<p>The orientation and layouts of units have been considered so to maximise opportunities for solar access and natural cross ventilation along with</p>	<p>Yes</p>



<p>Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows.</p> <p>Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.</p> <p>Balconies and private terraces should be located in front of living rooms to increase internal privacy.</p> <p>Windows should be offset from the windows of adjacent buildings.</p> <p>Recessed balconies or vertical fins should be used between adjacent balconies.</p>	<p>opportunities for passive surveillance to the street.</p> <p>The roof top is a dedicated communal open space area which will not result in any discernible impacts to adjoining residents. The private terraces proposed to the far western units 208, 209 and 210 are protected by privacy screening along the common walkway on level 4. Western-oriented balconies to units 401 and 402 are carefully designed to prevent any opportunities for overlooking into these spaces.</p>	
<b>3G – Pedestrian Access and Entries</b>		
<p><i>Objective 3G-1</i> <i>Building entries and pedestrian access connects to and addresses the public domain</i></p> <p>Multiple entries should be provided to activate the street edge.</p> <p>Building entries should be clearly identifiable and communal entries should be distinguishable from private entries.</p> <p><i>Objective 3G-2</i> <i>Access, entries and pathways are accessible and easy to identify</i></p> <p>Building access areas including lift lobbies, stairwells and hallways should be clearly visible from public domain and communal spaces.</p> <p>The design of ground floors and underground carparks minimise level changes along pathways and entries.</p> <p>Steps and ramps integrated into overall building and landscape design.</p>	<p>The proposal provides several entries into the building. This includes a separate entrance into the retail tenancies 1 and 2, a residential pedestrian entrance (via Powell Street) and direct entrance to the ground floor SOHO unit (via Powell Street). This assists in activating the street frontage.</p> <p>The front entries and pathways are legible with ramps incorporated into the design. The wayfinding internally within the building is satisfactory given logically arranged common walkways to assist in wayfinding. All parking has been re-arranged to the basement levels.</p>	<p>Yes</p> <p>Yes</p>
<b>3H – Vehicle Access</b>		
<p><i>Objective 3H-1</i> <i>Vehicle access points are designed and located to achieve safety, minimise conflict between pedestrians and vehicles and create high quality streetscapes.</i></p>	<p>Vehicular access has been relocated to the northern boundary so to achieve improved separation between residential pedestrian access and vehicular access to the site.</p>	<p>Yes</p>
<b>3J – Bicycle and Car Parking</b>		
<p><i>Objective 3J-1</i> <i>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</i></p>	<p>The proposal seeks to provide 55 car parking spaces. The development therefore proposes a surplus of 3 spaces.</p>	<p>Yes, conditions imposed</p>



<p><i>For development in the following locations:</i></p> <ul style="list-style-type: none"> <li>• <i>On sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area.</i></li> </ul> <ul style="list-style-type: none"> <li>• 0.6 spaces per 1 bedroom units (15 units x 0.6 = 9 spaces)</li> <li>• 0.9 spaces per 2 bedroom unit (22 units x 0.9 = 19.8 spaces)</li> <li>• 1.4 spaces per 3+ bedroom unit (5 unit x 1.4 spaces = 7 spaces)</li> <li>• 1 space per 5 units (visitor parking) (42 units / 5 = 8.4 spaces)</li> </ul> <p>Total required spaces = <b>45 spaces</b></p> <p>For shops less than 500m2 GFA, one space per 50m2 Proposed: 212m<sup>2</sup> TOTAL: 6 spaces (4.24) spaces + 1 courier parking space Total required spaces = <b>7 spaces</b></p> <p><b>TOTAL: 52 spaces required in total</b></p> <p><i>Objective 3J-2 Parking and facilities are provided for other modes of transport</i></p> <p>Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.</p> <p><i>Objective 3J-3 Car park design and access is safe and secure</i></p> <p><i>Objective 3J-4 Visual and environmental impacts of underground car parking are minimised.</i></p> <p><i>Objective 3J-5 Visual and environmental impacts of on-grade car parking are minimised.</i></p> <p><i>Objective 3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised.</i></p>	<p>These spaces are to be allocated as follows:</p> <ul style="list-style-type: none"> <li>• 1 x visitor space to accommodate the needs of the SOHO unit</li> <li>• 1 x car wash bay located within basement level 2</li> <li>• 1 x car share space should a future car share scheme be adopted and operate in the locality.</li> </ul> <p>This is considered acceptable in meeting the needs of residents as well as retail tenancies both now and in future.</p> <p>The proposal provides bicycle and motorcycle parking spaces within the basement.</p> <p>The basement provides one level of publicly accessible parking which is necessary for visitors to the commercial tenancies and guests of residents.</p> <p>The underground carpark minimises visual impacts.</p> <p>Carpark is concealed within the basement.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>4A – Solar and Daylight Access</b></p>		
<p><i>Objective 4A-2 Daylight access is maximised where sunlight is limited.</i></p> <p>Living rooms and private open spaces of at least 70% of units receive 2 hours of sunlight between 9am and 3pm at mid-winter.</p>	<p>76% (32) units will receive a minimum 2 hours' solar access which exceeds the minimum requirement.</p> <p>Only 7.3% (3) units will not receive direct solar access.</p>	<p>Yes</p>



<p>A maximum of 15% of units (7 units) receive no direct solar access between 9am and 3pm at mid-winter.</p> <p><i>Objective 4A-2</i> Daylight access is maximised where sunlight is limited.</p> <p>Light wells, skylights and highlight windows are only to be a secondary source where sunlight is limited.</p> <p><i>Objective 4A-3</i> Design incorporates shading and glare control, particularly for warmer months.</p> <p>Use of balconies or sun shading, shading devices, horizontal shading, vertical shading, operable shade, high performance glass.</p>	<p>The proposal seeks to provide several through cut outs along the Parramatta Road façade which will provide some light into southern oriented units.</p> <p>The proposal provides shading devices to the roof top along with shaded balconies.</p>	<p>Yes</p> <p>Yes</p>
<b>4B – Natural Ventilation</b>		
<p><i>Objective 4B-1</i> All habitable rooms are natural ventilated.</p> <p>The building’s orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms.</p> <p>Depths of habitable rooms support natural ventilation.</p> <p>The area of unobstructed window openings should be equal to at least 5% of the floor area served.</p> <p>Doors and openable windows maximum natural ventilation opportunities through design solutions.</p>	<p>The building has adopted an “L shape” design to maximise opportunities for natural ventilation and solar access. Portions of the communal walkways are open to improve natural air flow through the building.</p>	<p>Yes</p>
<p><i>Objective 4B-2</i> The layout and design of single aspect apartments maximises natural ventilation.</p> <p>Apartment depths are limited to maximise ventilation and airflow.</p> <p>Natural ventilation to single aspect apartments is achieved with design solutions.</p>	<p>The proposal demonstrates that where units cannot achieve adequate cross ventilation, they are still proposed with multiple openings to the outer wall to assist in achieving air flow to rooms.</p>	<p>Yes</p>
<p><i>Objective 4B-3</i> The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environmental for residents.</p> <p>At least 60% of units are naturally cross ventilated in the first nine storeys of the building.</p>	<p>69% (29) units achieve adequate cross ventilation to meet the minimum requirements.</p>	<p>Yes</p>





<p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass to glass.</p>		
<b>4C – Ceiling Heights</b>		
<p><i>Objective 4C-1</i> Ceiling height achieves sufficient natural ventilation and daylight access.</p> <p><u>Minimum floor to ceiling heights:</u></p> <ul style="list-style-type: none"> <li>• Habitable: 2.7m</li> <li>• Non-habitable: 2.4m</li> </ul> <p><i>Objective 4C-2</i> Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.</p> <p><i>Objective 4C-3</i> Ceiling heights contribute to the flexibility of building use over the life of the building.</p>	<p>The ground floor proposes a floor to ceiling height of 4.3m to accommodate commercial floor spaces with all residential levels proposing 2.9m floor to ceiling height for habitable rooms</p> <p>The proposed floor to ceiling heights allow for a sense of space and opportunities for solar access and cross flow to be maximised.</p> <p>The 4.3m floor to ceiling heights of the ground floor provide flexibility in the future fitout of commercial tenancies.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>4D – Apartment Size and Layout</b>		
<p><i>Objective 4D-1</i> The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</p> <p><u>Minimum internal area:</u></p> <ul style="list-style-type: none"> <li>• 1 bed: 50m<sup>2</sup></li> <li>• 2 bed: 70m<sup>2</sup></li> <li>• 3 bed: 90m<sup>2</sup></li> <li>• Additional bathrooms +5m<sup>2</sup></li> </ul> <p>Each habitable room must have a window &gt; 10% floor area of the room.</p> <p>If open plan layout =max 8m from a window</p> <p>Master bed: min 10m<sup>2</sup> Other bedroom: min 9m<sup>2</sup></p> <p><u>Living room minimum width:</u> Studio and 1 bed: 3.6m 2 and 3 bed: 4m</p> <p>Crossover/through: minimum 4m</p> <p>Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas</p> <p>All bedrooms allow for minimum length of 1.5m for robes. Main bedrooms of apartments to have a wardrobe of at least 1.8m long, 0.6m deep and 2.1m high</p>	<p>All apartments have been designed in accordance with the minimum internal criteria to a high level of internal amenity.</p>	<p>Yes</p>



<b>4E – Private open space and balconies</b>		
<p><i>Objective 4E-1</i> Apartments provide appropriately sized private open spaces and balconies to enhance residential amenity.</p> <p>Studio: 4m<sup>2</sup> 1 bed: 8m<sup>2</sup>, min depth 2m 2 bed: 10m<sup>2</sup>, min depth 2m 3 bed: 12m<sup>2</sup>, min depth 2.4m</p> <p><i>Objective 4E-2</i> Primary private open space and balconies are appropriately located to enhance liveability for residents.</p>	<p>All balconies and private open space areas are appropriately sized meeting the minimum depth requirements. The overall size of the balconies range as below:</p> <ul style="list-style-type: none"> <li>• Single bedroom units – 8m<sup>2</sup> – 18m<sup>2</sup></li> <li>• 2 bedroom units –10m<sup>2</sup> – 26m<sup>2</sup></li> <li>• 3 bedroom units – 12m<sup>2</sup> – 52m<sup>2</sup></li> </ul> <p>Balconies are predominantly oriented to the east or north to maximise solar access.</p>	<p>Yes</p> <p>Yes</p>
<b>4F – Common Circulation and Spaces</b>		
<p><i>Objective 4F-1</i> Common circulation spaces achieve good amenity and properly service the number of apartments</p> <p>Maximum of 8 apartments off a single core. If this cannot be achieved, then no more than 12 apartments should be provided off a circulation core on a single level.</p>	<p>Each floor is serviced by 2 separate lift wells with common walkways provided with various openings to allow natural light.</p> <p>The proposal seeks a maximum of 11 units accessed per floor thereby no more than 6 apartments required per liftwell.</p>	<p>Yes</p>
<b>4G – Storage</b>		
<p>Studio: 4m<sup>3</sup> 1 bed: 6m<sup>3</sup> 2 bed: 8m<sup>3</sup> 3 bed: 10m<sup>3</sup> At least 50% are located internally within the units.</p>	<p>All units are provided with storage both within each unit as well as within the basement</p>	<p>Yes – condition imposed to ensure numeric compliance..</p>
<b>4H – Acoustic Privacy</b>		
<p><i>Objective 4H-1</i> Noise transfer is minimised through the siting of buildings and building layout Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses.</p> <p>Window and door openings are generally orientated away from noise sources.</p> <p>Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas.</p> <p><i>Objective 4H-2</i> Noise impacts are mitigated within apartments through layout and acoustic treatments</p>	<p>Units have been redesigned to orientate away from Parramatta Road. The recommendations of the Acoustic Report will be conditioned to be complied with to address any undue noise impacts.</p> <p>Majority of units have been designed so that bedrooms align with bedrooms of adjoining units to minimise noise conflicts.</p>	<p>Yes</p> <p>Yes</p>



<p>Internal apartment layout separated noisy spaces from quiet spaces, using design solutions.</p> <p>Where physical separation cannot be achieved noise conflicts are resolved using design solutions.</p>		
<b>4J – Noise and Pollution</b>		
<p><i>Objective 4J-1</i>  <i>In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings</i></p> <p>To minimise impacts the following design solutions may be used:</p> <ul style="list-style-type: none"> <li>• physical separation between buildings and the noise or pollution source</li> <li>• residential uses are located perpendicular to the noise source and where possible buffered by other uses</li> <li>• non-residential buildings are sited to be parallel with the noise source to provide a continuous building that shields residential uses and communal open spaces</li> <li>• non-residential uses are located at lower levels vertically separating the residential component from the noise or pollution source. Setbacks to the underside of residential floor levels should increase relative to traffic volumes and other noise sources</li> <li>• buildings should respond to both solar access and noise. Where solar access is away from the noise source, non-habitable rooms can provide a buffer</li> <li>• where solar access is in the same direction as the noise source, dual aspect apartments with shallow building depths are preferable</li> <li>• landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry</li> </ul> <p>Achieving the design criteria may not be possible in some situations due to noise and pollution. Where developments are unable to achieve the design criteria, alternatives may be considered in the following areas:</p> <ul style="list-style-type: none"> <li>• solar and daylight access</li> <li>• private open space and balconies</li> <li>• natural cross ventilation</li> </ul>	<p>As explained in the section above, the units are oriented away from Parramatta Road where possible to mitigate noise impacts. The recommendations provided in the Acoustic Report are to be complied with the ensure external noise is avoided where possible.</p>	<p>Yes</p>
<b>4K – Apartment Mix</b>		
<p><i>Objective 4K-1</i></p>	<p>The proposal provides a reasonable mix of units which</p>	<p>Yes</p>



<p><i>A range of apartment types and sizes is provided to cater for different household types now and into the future</i></p> <p>Variety of apartment types Appropriate apartment mix Different apartments distributed throughout the building. A variety of apartment types is provided The apartment mix is appropriate, taking into consideration:</p> <ul style="list-style-type: none"> <li>• the distance to public transport, employment and education centres</li> <li>• the current market demands and projected future demographic trends</li> <li>• the demand for social and affordable housing</li> <li>• different cultural and socioeconomic groups</li> </ul> <p><i>Objective 4K-2</i> <i>The apartment mix is distributed to suitable locations within the building</i></p> <p>Different apartment types are located to achieve successful facade composition and to optimise solar access</p> <p>Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available</p>	<p>provides a fair variety of housing choice as follows:</p> <p>15 x 1 bedroom (35.7%) 22 x 2 bedroom (52%) 5 x 3 bedroom (12%)</p> <p>The proposal achieves a mix of unit configurations with a range of layouts to suit the existing and future social mix.</p> <p>The SOHO unit proposed to the ground floor offers a flexible layout which can provide a separately accessed office space or alternatively be converted to a dual key apartment subject to the future needs of residents.</p> <p>The design incorporates a range of unit sizes with a variety of layouts to accommodate a range of families.</p>	<p>Yes</p>
<b>4L – Ground Floor Apartments</b>		
<p><i>Objective 4L-1</i> <i>Street frontage activity is maximised where ground floor apartments are located</i></p> <p>Direct street access should be provided to ground floor apartments</p> <p><i>Objective 4L-2</i> <i>Design of ground floor apartments delivers amenity and safety for residents</i></p> <p>Privacy and safety should be provided without obstructing casual surveillance. Design solutions may include:</p> <ul style="list-style-type: none"> <li>• elevation of private gardens and terraces above the street level by 1-1.5m</li> <li>• landscaping and private courtyards</li> <li>• window sill heights that minimise sight lines into apartments</li> <li>• integrating balustrades, safety bars or screens with the exterior design</li> <li>• Solar access should be maximised through:</li> </ul>	<p>The retail floor space and SOHO unit provide direct frontage to the street to achieve an active frontage across the entire ground floor.</p> <p>The retail tenancies are designed with large floor to ceiling height windows across Parramatta Road to maximise opportunities for passive surveillance. The SOHO unit provides direct access from Powell Street as a means of further activation at the ground floor.</p>	<p>Yes</p> <p>Yes</p>



<ul style="list-style-type: none"> <li>• high ceilings and tall windows</li> <li>• trees and shrubs that allow solar access in winter and shade in summer</li> </ul>		
<b>4M – Facades</b>		
<p><i>Objective 4M-1</i>  <i>Building facades provide visual interest along the street while respecting the character of the local area</i></p> <p>Design solutions for front building facades may include:</p> <ul style="list-style-type: none"> <li>• a composition of varied building elements</li> <li>• a defined base, middle and top of buildings</li> <li>• revealing and concealing certain elements</li> <li>• changes in texture, material, detail and colour to modify the prominence of elements</li> </ul> <p>Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include:</p> <ul style="list-style-type: none"> <li>• well composed horizontal and vertical elements</li> <li>• variation in floor heights to enhance the human scale</li> <li>• elements that are proportional and arranged in patterns</li> <li>• public artwork or treatments to exterior blank walls</li> <li>• grouping of floors or elements such as balconies and windows on taller buildings</li> </ul> <p>Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.</p> <p><i>Objective 4M-2</i>  <i>Building functions are expressed by the façade</i></p> <p>Building entries should be clearly defined.</p> <p>The apartment layout should be expressed externally through facade features such as party walls and floor slabs.</p>	<p>The proposal provides a well-articulated building façade which is further accentuated through a variety of colours and materials. This provides visual interest whilst respecting the character of the area which portrays a mixture of modern as well as original architecture.</p> <p>Apartment layouts are expressed externally through facade features, angled balconies and suitable privacy/ acoustic screening at the building facades.</p> <p>In the revised design, the building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights. They also relate to the lines of the western adjoining Homebush Theatre site through stepping the building down to this prevailing height and tapering the building height up towards the south-eastern corner of the site away theatre.</p> <p>The building entry is clearly defined with direct access from Powell Street. The building façade at the street elevation clearly defines the ground floor retail premises with residential levels above, which is expressed through use of differing materials, textures and colours.</p>	<p>Yes – See Likely Impacts section for further discussion</p> <p>Yes</p>
<b>4N – Roof Design</b>		
<p><i>Objective 4N-1</i>  <i>Roof treatments are integrated into the building design and positively respond to the street</i></p>	<p>The proposed roof design is proportionate to the overall building size, scale and form with</p>	<p>Yes</p>



<p>Roof design relates to the street. Design solutions may include:</p> <ul style="list-style-type: none"> <li>• special roof features and strong corners</li> <li>• use of skillion or very low pitch hipped roofs</li> <li>• breaking down the massing of the roof by using smaller elements to avoid bulk</li> <li>• using materials or a pitched form complementary to adjacent buildings</li> </ul> <p>Roof treatments should be integrated with the building design. Design solutions may include:</p> <ul style="list-style-type: none"> <li>• roof design proportionate to the overall building size, scale and form</li> <li>• roof materials compliment the building</li> <li>• service elements are integrated</li> </ul> <p><i>Objective 4N-2</i>  <i>Opportunities to use roof space for residential accommodation and open space are maximised</i></p> <p>Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations</p> <p><i>Objective 4N-3</i>  <i>Roof design incorporates sustainability features</i></p> <p>Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may include:</p> <ul style="list-style-type: none"> <li>• the roof lifts to the north</li> <li>• eaves and overhangs shade walls and windows from summer sun</li> </ul>	<p>portions of the roof utilised as a shading device for the roof top communal open space area.</p>        <p>The roof functions as a shading device for portions of the communal open space area</p>        <p>As above</p>	        <p>Yes</p>        <p>Yes</p>
<p><b>40 – Landscape Design</b></p>		
<p><i>Objective 4O-1</i>  <i>Landscape design is viable and sustainable</i></p> <p>Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating:</p> <ul style="list-style-type: none"> <li>• diverse and appropriate planting</li> <li>• bio-filtration gardens appropriately planted shading trees</li> <li>• areas for residents to plant vegetables and herbs</li> <li>• composting</li> <li>• green roofs or walls</li> </ul> <p>Ongoing maintenance plans should be prepared          Microclimate is enhanced by:</p> <ul style="list-style-type: none"> <li>• appropriately scaled trees near the eastern and western elevations for shade</li> <li>• a balance of evergreen and deciduous trees to provide shading in summer and sunlight access in winter</li> </ul>	<p>The submitted Landscape Plan proposes a variety of planting types including low-lying shrubs and tree plantings. The planting schedule was submitted to Council’s Urban Forest Supervisor for comment who does not have any concerns in principle subject to a final plan being lodged with Council prior to CC.</p>	<p>Yes</p>



<ul style="list-style-type: none"> <li>shade structures such as pergolas for balconies and courtyards</li> </ul> <p><i>Objective 4O-2</i> <i>Landscape design contributes to the streetscape and amenity</i></p>	<p>Landscaping is proposed to the communal open space area as well as several new tree plantings proposed along the Parramatta Road and Powell Street frontages to assist in softening the built form.</p>	<p>Yes</p>
<b>4P – Planting on Structures</b>		
<p><i>Objective 4P-1</i> <i>Appropriate soil profiles are provided</i></p> <p>Structures are reinforced for additional saturated soil weight.</p> <p>Soil volume is appropriate for plant growth, considerations include:</p> <ul style="list-style-type: none"> <li>modifying depths and widths according to the planting mix and irrigation frequency</li> <li>free draining and long soil life span</li> <li>tree anchorage</li> <li>Minimum soil standards for plant sizes should be provided.</li> </ul> <p><i>Objective 4P-2</i> <i>Plant growth is optimised with appropriate selection and maintenance</i></p> <p>Plants are suited to site conditions, considerations include:</p> <ul style="list-style-type: none"> <li>drought and wind tolerance</li> <li>seasonal changes in solar access</li> <li>modified substrate depths for a diverse range of plants</li> <li>plant longevity</li> </ul> <p>A landscape maintenance plan is prepared Irrigation and drainage systems respond to:</p> <ul style="list-style-type: none"> <li>changing site conditions</li> <li>soil profile and the planting regime</li> <li>whether rainwater, stormwater or recycled grey water is used</li> </ul>	<p>Refer to submitted landscape plan. The development includes planting on structures at the roof top communal open space area. The application has been referred to Council’s Urban Forest Supervisor who does not have any concerns in principle subject to a final plan being lodged with Council prior to CC.</p> <p>As above</p>	<p>Yes</p> <p>Yes – relevant conditions imposed.</p>
<p><i>Objective 4P-3</i> <i>Planting on structures contributes to the quality and amenity of communal and public open spaces</i></p> <p>Building design incorporates opportunities for planting on structures. Design solutions may include:</p> <ul style="list-style-type: none"> <li>green walls with specialised lighting for indoor green walls</li> <li>wall design that incorporates planting</li> <li>green roofs, particularly where roofs are visible from the public domain</li> </ul>	<p>As above</p>	<p>Yes</p>



<ul style="list-style-type: none"> <li>planter boxes</li> </ul> <p>Note: structures designed to accommodate green walls should be integrated into the building facade and consider the ability of the facade to change over time.</p>		
<b>4Q – Universal Design</b>		
<p><i>Objective 4Q-1</i> Universal design features are included in apartment design to promote flexible housing for all community members</p> <p>Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features.</p> <p><i>Objective 4Q-2</i> A variety of apartments with adaptable designs are provided</p> <p>Adaptable housing should be provided in accordance with the relevant council policy.</p> <p><i>Objective 4Q-3</i> Apartment layouts are flexible and accommodate a range of lifestyle needs</p> <p>Apartment design incorporates flexible design solutions which may include:</p> <ul style="list-style-type: none"> <li>rooms with multiple functions</li> <li>dual master bedroom apartments with separate bathrooms</li> <li>larger apartments with various living space options</li> <li>open plan 'loft' style apartments with only a fixed kitchen, laundry and bathroom</li> </ul>	<p>24% (10) of units achieve the Liveable Housing Guidelines silver level universal design features. These are distributed evenly throughout levels 1-5 of the building.</p> <p>17% (7) of units are designed as adaptable units.</p> <p>The proposal provides a number of units with flexible floor plates including several split over 2 levels, a SOHO unit to the ground floor which can also function as a dual key apartment (1 bedroom and 2 bedroom units) and a range of unit sizes and layouts distributed throughout various levels of the building.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>4S – Mixed Use</b>		
<p><i>Objective 4S-1</i> Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement</p> <p>Mixed use development should be concentrated around public transport and centres.</p> <p>Mixed use developments positively contribute to the public domain. Design solutions may include:</p> <ul style="list-style-type: none"> <li>development addresses the street</li> <li>active frontages are provided</li> <li>diverse activities and uses</li> <li>avoiding blank walls at the ground level</li> <li>live/work apartments on the ground floor level, rather than commercial</li> </ul>	<p>The proposed development includes a ground floor retail premises that activates Parramatta Road.</p>	<p>Yes</p>





<p><i>Objective 4S-2</i> <i>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents</i></p> <p>Residential circulation areas should be clearly defined. Design solutions may include:</p> <ul style="list-style-type: none"> <li>• residential entries are separated from commercial entries and directly accessible from the street</li> <li>• commercial service areas are separated from residential components</li> <li>• residential car parking and communal facilities are separated or secured</li> <li>• security at entries and safe pedestrian routes are provided</li> <li>• concealment opportunities are avoided</li> </ul> <p>Landscaped communal open space should be provided at podium or roof levels</p>	<p>As previously discussed.</p>	<p>Yes</p>
<p><b>4U – Energy Efficiency</b></p>		
<p><i>Objective 4U-1</i> <i>Development incorporates passive environmental design</i> Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access)</p> <p>Well located, screened outdoor areas should be provided for clothes drying</p> <p><i>Objective 4U-2</i> <i>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer</i></p> <p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> <li>• the use of smart glass or other technologies on north and west elevations</li> <li>• thermal mass in the floors and walls of north facing rooms is maximised</li> <li>• polished concrete floors, tiles or timber rather than carpet</li> <li>• insulated roofs, walls and floors and seals on window and door openings</li> <li>• overhangs and shading devices such as awnings, blinds and screens</li> <li>• Provision of consolidated heating and cooling infrastructure should be located in a centralised location (e.g. the basement)</li> </ul> <p><i>Objective 4U-3</i> <i>Adequate natural ventilation minimises the need for mechanical ventilation</i></p>	<p>Adequate natural light is provided to habitable rooms.</p> <p>Design includes passive solar design where necessary to assist in natural heating and cooling of the built form.</p> <p>The proposal complies with the required natural ventilation requirements demonstrating the building is oriented to maximise cross ventilation.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>



<b>4W – Waste Management</b>		
<p><i>Objective 4W-1</i>                      Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents</p> <p>Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park.</p> <p>Waste and recycling storage areas should be well ventilated.</p> <p>Circulation design allows bins to be easily manoeuvred between storage and collection points.</p> <p>Temporary storage should be provided for large bulk items such as mattresses.</p> <p>A waste management plan should be prepared.</p> <p><i>Objective 4W-2</i>                      Domestic waste is minimised by providing safe and convenient source separation and recycling</p> <p>All dwellings should have a waste and recycling cupboard or temporary storage area of sufficient size to hold two days worth of waste and recycling.</p> <p>Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core.</p>	<p>The proposed residential waste storage for the site is located at the Ground Floor of the building. The proposal was referred to Council's Waste Officer who raises no concerns with the layout of the waste collection loading area. The Waste Management Plan is also supported.</p> <p>The proposal includes adequate provision of bins to service the residential and commercial floor spaces of the building.</p>	<p>Yes</p> <p>Yes</p>

**Strathfield Local Environmental Plan (SLEP) 2012**

The development site is subject to the Strathfield Local Environmental Plan (SLEP) 2012 and is consistent with the aims of this plan.

**Part 2 – Permitted or Prohibited Development**

Clause 2.1 – Land Use Zones

The subject site is zoned MU1-Mixed Use and the proposal, being a mixed-use building, is a permissible form of development with Council's consent. The proposal is considered to meet the objectives of the zone including providing for a compatible mix of land uses.

**Part 4 – Principal Development Standards**

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
<b>4.1A</b> Minimum lot size	1,000m <sup>2</sup>	1,219m <sup>2</sup>	Yes
<b>4.3A – Exceptions to Height</b> (Parramatta Rd Corridor) Key Site 32	22m	24.23m (to lift overrun)	No – refer discussion below



		23.53m (to shade structures)	
		21.52m (to top of level 6).	
<b>4.4A</b> – Exceptions to FSR (Parramatta Rd Corridor) Key Site 32	3.15:1 (3,839.85m <sup>2</sup> )	3.14:1 (3,829m <sup>2</sup> )	Yes

**Clause 4.6 Variation – Building Height**

As shown in the table above, Clause 4.3A within SLEP 2012 states that the subject site provides for a maximum building height of 22m. The proposal exceeds the maximum building height as a result of the lift overrun and shade structures to the roof top communal open space area resulting in a maximum building height of 24.24m. This results in a breach of 10.14% (2.23m). **Figure 22** below is an excerpt from the Clause 4.6 variation written request which details the elements of the building that protrude beyond the 22m building height.



**Figure 22:** Diagram illustrating the aspects of the building that exceed the 22m building height development standard. Source: Fuse Architects

As detailed in *Initial Action Pty Ltd v Woollahra Municipal Council* (2008) 236 LGERA 256; [2018] NSWLEC 118 (*Initial Action*), as a result of the breach of a development standard Clause 4.6(3) and (4) establish preconditions that must be satisfied before the consent authority can grant development consent to the development. These preconditions are:



- The written request must adequately demonstrate that compliance with the development standard is unreasonable or unnecessary (cl 4.6(3)(a) and cl 4.6(4)(a)(i));
- The written request must adequately demonstrate that there are sufficient environmental planning ground to justify contravening the development standard (cl 4.6(3)(b) and cl 4.6(4)(a)(i));
- That the proposed development is in the public interest because it is consistent with the objectives of both the zone and the development standard (cl 4.6(4)(a)(ii)); and
- Concurrence of the Planning Secretary must be obtained (cl 4.6(4)(b)).

These will now be addressed in turn. While the Clause has since been amended, savings provisions are in effect.

***Whether compliance with the development standard is unreasonable or unnecessary***

In *Wehbe v Pittwater Council* (2007) 156 LGERA 446; [2007] NSWLEC 827 (*Wehbe*) at [42] - [51], Preston CJ summarises the common ways in which compliance with the development standard may be demonstrated as unreasonable or unnecessary. This is repeated in *Initial Action* at [16]. In the applicant's written request, the first method described in *Initial Action* at [17] is used to establish that compliance with the development standard is unreasonable or unnecessary, which is that the objectives of the height of buildings standard are achieved notwithstanding non-compliance with the numeric standard. The objectives under Clause 4.3 Height of Buildings have been considered given that there are no objectives provided under Clause 4.3A Exceptions to height of buildings (Parramatta Road Corridor).

The objectives 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 sustainable capacity height for the area,*
- (c) to achieve a diversity of small and large development options.*

The written request argues that the contravention to the building height standard relates to the lift overrun and awning directly under this structure, which is located at the central portion of the rooftop. These structures are not visible from the public domain due to their central building location. The request also argues that the roof area provides opportunities for passive recreation and will not result in any additional overshadowing to nearby development. The proposed height will also not result in any view loss.

The request also recognises the site's location within the Parramatta Road Urban Transformation Corridor which is earmarked for high density development along this corridor. The SLEP 2012 already prescribes maximum building heights of 42m to the adjoining 55-57 Parramatta Road along with a maximum building height of 80m for the eastern adjoining site at 21 Parramatta Road.

The proposal encourages a consolidation pattern that leads to the optimum sustainable capacity height of the area given it reflects the intended lot configuration and size for Key Site 32 as per the SLEP 2012. The proposal also achieves a diversity of small and large development options including a range of unit types and sizes to cater for a range of housing needs. The development also proposes two retail tenancies on the ground floor which provide additional commercial floor space opportunities for future occupants.

***Whether there are sufficient environmental planning grounds to justify contravening the development standard.***



Pursuant to Clause 4.6(3)(b), the applicant advances environmental planning grounds to justify contravening the development standard.

Ground 1 – No significant or unreasonable impacts on surrounding public areas.

The request argues that the proposed height variation will have no adverse or unreasonable impacts on the amenity of surrounding sites and the public domain. The lift overrun and awning that are subject to this Clause 4.6 variation are not visible from the public domain with the architectural roof features and landscaping elements being the only visible elements from the public domain. The general bulk and scale of the development is generally contained within the 22m height limit.

Ground 2 – No significant or unreasonable impacts on surrounding residences.

The request argues that the proposal will not significantly nor unreasonably affect adjoining and nearby residences to the north, east and west to the subject site in terms of visual privacy, overshadowing, view loss and visual amenity. Visual impacts associated with the proposal will therefore be extremely minor in terms of its appearance as well as any visual privacy or overlooking impacts.

The written request argues that the proposal will not significantly nor unreasonably affect adjoining and nearby residences to the north, east and west of the subject site in terms of visual privacy, overshadowing, view loss and visual amenity. Visual impacts associated with the proposal will therefore be extremely minor. The proposed exceedance to the overall building height will be contained to the lift overrun and awning only resulting in a negligible impact upon the public domain. Cumulatively, these grounds are considered sufficient to justify contravening the development standard.

***Whether the proposed development meets the objectives of the development standard, and of the zone***

The objectives of the MU1 Mixed Use zone under the SLEP 2012 are as follows:

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To facilitate mixed use urban growth around railway stations and transport nodes and corridors, commercial centres and open space.*
- *To provide local and regional employment and live and work opportunities.*

The proposal achieves the objectives of the zone as follows:

- The proposal provides a mixed use development comprising 2 x ground floor retail premises along with 5 levels of residential units above.
- The proposed use is suitable given its context including its close proximity to surrounding public transport services.
- The proposal includes new retail premises including a SOHO unit to support local and regional employment as well as live and work opportunities.



As discussed above, also it is satisfied that the proposed development meets all the relevant objectives of the development standard. As the proposal is consistent with both the objectives of the zone and the standard, it is considered in the public interest.

***Whether the concurrence of the secretary has been obtained.***

Under Clause 55 of the EP&A Regulations 2021, the Secretary has given written notice dated 21 February 2018, attached to the Planning Circular PS 20-002 issued on 5 May 2020, to each consent authority, that it may assume the Secretary's concurrence for exceptions to development standards in respect of applications made under Clause 4.6, subject to the conditions in the table in the notice. While the proposal exceeds the development standard by over 10%, the Planning Circular provides for the Local Planning Panel to assume concurrence.

Nevertheless, the matters in Clause 4.6(5) should still be considered when exercising the power to grant development consent for development that contravenes a development standard (*Fast Buck\$ v Byron Shire Council* (1999) 103 LGERA 94 at [100] and *Wehbe* at [41]). In deciding whether to grant concurrence, the Secretary is required to consider the following:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the development standard, and
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

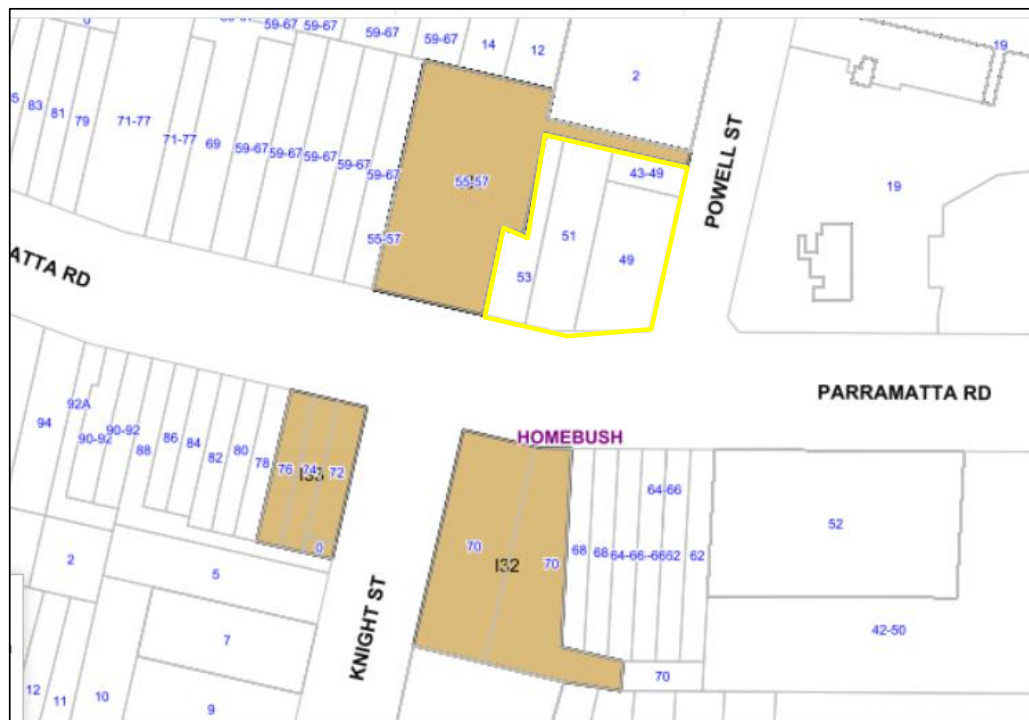
The proposal is not considered to raise any matter of significance for State or regional environmental planning. The public benefit of maintaining the development standard is not considered significant given that the perceived bulk from the street will not change. Accordingly, the proposal is considered consistent with the matters required to be taken into consideration before concurrence can be granted.

In conclusion, the applicant's written request to justify the contravention of the building height development standard is considered to be well founded in that the applicant has satisfactorily 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.

**Part 5 – Miscellaneous Provisions**

**Heritage Conservation**

The site is directly adjacent to a locally listed item known as the Homebush Theatre (item 31). The site is also located directly across Parramatta Road from several listed items of local heritage significance. Refer **Figure 23** below:



**Figure 23:** Heritage Listed Items within proximity to subject site (outlined in yellow) including Homebush Theatre site immediately west of proposal.

As per previous discussions earlier in this report, Council's Heritage Advisor expressed concern in that, whilst the subject site is not heritage listed, it includes original fabric worthy of retention. The Applicant considered Council's request to retain as much of the original fabric as possible however, due to feasibility matters, this was not possible. Instead, the proposal has resolved to emulate some of the original fabric through red glazed tiles to the ground floor similar to the existing tiles on the building along with an embossed "B" in the style similar to what is shown on the existing building's frontage to Parramatta Road.

The built form has been revised to allow sightlines to be achieved to the Homebush Theatre site on the western approach on Parramatta Road with a more clearly defined horizontal banding along the top of the fourth floor as a continued expression of the prevailing building height of the Homebush Theatre.

As previously mentioned, conditions of consent will be imposed to ensure that a construction methodology report is undertaken to the satisfaction of Council having regard for the nil setback proposed to the western adjoining heritage building and the proposed extent of excavation.

Accordingly, the proposal is generally consistent with the Heritage Conservation objectives under Clause 5.10 of the SLEP 2012, which seek to:

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

### **Flood Planning**



The proposed site has not been identified within the flood planning levels and as such, the provisions of this Clause are not applicable to the subject development.

## **Part 6 – Additional Local Provisions**

### **Acid Sulfate Soils**

The subject site is identified as having Class 5 Acid Sulfate Soils but is not located within 500m of a Class 1, 2 3 or 4 soils. Therefore, Development Consent under the provisions of this section is not required and as such an Acid Sulfate Soils Management Plan is not required.

### **Earthworks**

The proposal involves excavation to accommodate two levels of basement. The extent of excavation has been limited to the footprint required to accommodate the minimum parking requirements, storage and access to and from the basement. The depth of excavation has been kept to minimum requirements to comply with Council's controls and relevant Australian Standards and all ancillary works have been limited to what is required to provide access to and from the basement.

Appropriate conditions of consent will ensure compliance with the sediment and erosion control plan as well as conditions of consent.

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

### **Essential Services**

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development.

It is considered that the proposed development satisfies the aims, objectives and development standards, where relevant, of the SLEP 2012.

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

Clause 6.9 of the SLEP 2012 requires the site to demonstrate consistency with the following objectives:

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

The proposed development incorporates a mixed-use development with ground floor commercial space with direct frontage to Parramatta Road and Powell Street. The proposal offers high internal ceilings to enable a plethora of commercial uses to the ground floor over the building's lifespan. The building has been designed with consideration of adjoining sites including providing a flexible layout for the ground floor SOHO unit which could be re-used as a commercial property should the northern laneway be activated following redevelopment of the Homebush Theatre site.





Overall, the proposal satisfies the additional provisions for development in Parramatta Road Corridor in accordance with this clause.

**(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and**

There are no draft planning instruments that are applicable to this site.

**(iii) any development control plan,**

### **Strathfield Development Control Plan No 20 – Parramatta Rd Corridor Area**

DCP No 20 is of relevance to the Parramatta Road Corridor Area and as such applies to the subject application. As a DCP has not been prepared to reflect The PRCUTS Planning and Design Guidelines, an assessment against DCP – 20 has been undertaken.

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

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

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

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

<b>Section</b>	<b>Development Control</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance</b>
<b>2.2</b>	<b>Built form/footprint</b>	Proposal to conform to the building footprint shown in figure 9.	The building footprint accords with the Parramatta Road Corridor Built Form Masterplan as it follows an "L" shape configuration which wraps around the Parramatta Road and Powell Street frontages.	Yes
	<b>Land Consolidation</b>	Proposal to conform to the consolidation pattern identified in figure 12.	Site accords with the Key Sites map forming the entire Key site 32 under the SLEP 2012.	Yes



Section	Development Control	Required	Proposed	Compliance
2.4	<b>Minimum Unit Sizes</b>	Proposal to comply to the following min. unit sizes: 1 bed – 70m <sup>2</sup> 2 bed - 85m <sup>2</sup> 3 bed - 100m <sup>2</sup>	The unit sizes of the ADG prevail.	ADG prevails
2.5	<b>Roof Form</b>	Lift and service plant concealed within roof structure.	The lift overrun structure protrudes beyond the roof structure however will not be visible from the street.	Yes
		Provide an interesting skyline and enhance views from adjoining developments.	Acceptable roofline provided for the scale of the building.	Yes
2.6	<b>Façade Composition</b>	Entrance should be distinguishable in the façade.	Entries are distinguishable and do not include opportunities for concealment.	Yes
		Facades should maintain a human scale to the street by incorporating appropriate architectural features.	Human scale is maintained through the provision of an awning which extends across the entire site frontage to Parramatta Road and Powell Street. SOHO unit to Powell Street provides separate pedestrian access.	Yes
		Materials and finishes should blend together with min. 30% to incorporate face brickwork.	The colour and materials palate features glazed red tiles, precast concrete (smooth and a grooved rough finish), lightweight cladding. Whilst the proposal does not include brickwork, it offers a variety of finishes which are sympathetic to the streetscape.	No - acceptable on merit
		Consider the use of glass in facades on northern and western elevations in terms of glare impacts.	Glazing is limited to its northern façade with a solid wall proposed to the west given its nil setback to the western site boundary.	Yes
2.8	<b>Visual and Acoustic Privacy</b>	Visual privacy to be provided by separation or screening.	ADG prevails.	ADG prevails



Section	Development Control	Required	Proposed	Compliance
		Main living areas oriented to the street or rear garden to prevent overlooking.	ADG prevails.	ADG prevails
		Acoustic privacy must be considered in relation to proposal and surrounding environment.	Acceptable.	Yes
		Buildings designed and sited to minimise transmission of noise to adjoining developments.	Units oriented away from Parramatta Road to minimise noise disturbance.	Yes
		Developments adjoining major road or railway line to consider potential noise impacts.	As above.	Yes
		Shared pedestrian entries shall be capable of being locked and serve a limited no. of dwellings	Pedestrian entrance to lobby via Powell Street is shared with retail uses however will be controlled via fob entry key so that visitors accessing the basement will only be capable of accessing the ground floor of the building only.	Yes
		Casual surveillance maintained of public streets and spaces with at least one habitable room window facing that area.	Casual surveillance encouraged through activated ground floor retail uses along with balconies oriented toward the public domain.	Yes
2.9	Private Open Space	Proposal to provide 35% deep soil landscape area on the site.	ADG prevails.	N/A
		Retain and protect existing significant trees.	Site does not contain any significant trees.	N/A
		Each contiguous landscape area	Several canopy trees proposed along the	Yes



Section	Development Control	Required	Proposed	Compliance
		shall provide large trees.	Parramatta Road and Powell Street frontages.  A well considered landscape plan is also proposed for the rooftop communal open space area which includes several tree plantings along with shading devices to control sunlight onto the rooftop area.	
		Trees and pergolas to shade external areas and control sunlight into buildings.	As above	Yes
		Proposal to provide common open space to the following dimensions:  10% of site or 100m <sup>2</sup> (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 equipment;  Located behind front setback.	ADG prevails.	ADG prevails.
	<b>Balconies</b>	Dwellings without ground level open space shall have balconies to the following requirements: <ul style="list-style-type: none"> <li>• 12m<sup>2</sup> up to 2 bed; and</li> <li>• 15m<sup>2</sup> for 3 or more bed;</li> </ul>	ADG prevails.	ADG prevails.



Section	Development Control	Required	Proposed	Compliance
		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.		
		Achieve required BASIX rating.	BASIX satisfied.	Yes
	<b>Solar Access</b>	Main living and 50% of POS receive min. 3 hours solar access.	ADG prevails.	ADG prevails.
		Min. 3 hours solar access maintained to habitable rooms and POS of adjoining development.	ADG prevails.	ADG prevails.
	Stormwater, Sewerage and Drainage	Site to be adequately serviced by stormwater, sewerage and drainage in accordance with Council's Stormwater Management Code.	Stormwater assessed to comply with Council's Stormwater Management Code.	Yes
2.11	Disabled Access	One main entrance barrier free and accessible.	Barrier free access to and from the main entrance.	Yes
2.12	Vehicle Access and Parking	Accessible parking provided.	To satisfy BCA.	Yes
		15% of units designed to allow occupation by older people and people with disabilities.	The proposal provides (7) 17% units throughout the building as adaptable units.	Yes



Section	Development Control	Required	Proposed	Compliance
		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.	ADG Prevails
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 – can be conditioned.
		Electricity and tele-communication supplies shall be underground.	Aerial Bundling of overhead cables required.	Yes – can be conditioned.
2.14		Letterbox provision	Letter boxes are provided adjacent to the lobbies, adjacent to main building entrance.	Yes
		Master TV antenna provided.	No details provided.	Yes – can be conditioned.
		Clothes drying facilities provided.	The design is capable of providing clothes drying facilities to each balcony however given some units are oriented south to Parramatta Road some facilities should be provided on the rooftop communal space area.	Yes – can be conditioned.
		Comply with BCA	To be enforced by condition of consent.	Yes – can be conditioned.
2.16		Dilapidation report for all adjoining development.	To be enforced by condition of consent.	Yes – can be conditioned.

DCP No 20 adopts provisions from select chapters of the Strathfield Consolidated Development Control Plan (SCDCP 2005). These will now be addressed.

**PART H – Waste Management (SCDCP 2005)**

In accordance with Part H of Strathfield CDCP 2005, a Waste Management Plan was submitted with the application. The following is required to be provided:



- 9 x 660L general waste bins (collected weekly);
- 9 x 660L recyclable waste (collected weekly);
- 2 x 240L green waste bins (collected fortnightly) and
- 1 x 1100L general waste bin (commercial) with 1 x 660L recycling bin (commercial) collected weekly.

The submitted architectural plans demonstrate that the proposal provides a total of 14 x 140L bins in addition to 5 x 660L bins. This is insufficient for servicing the requirements of the residential component of the building.

The bulk collection area must be provided at a rate of 4m<sup>2</sup> per 10 units (16.8m<sup>2</sup>). The proposal provides for only 10m<sup>2</sup> bulk storage area located within basement level 1. A condition of consent is therefore recommended to ensure that the size of the bulk storage area is increased in size to comply with this requirement.

A caretaker will be responsible for inspecting the chute and ensuring that waste receptacles will be removed when full. The caretaker will also ensure that all waste handling activities including the transfer of recycling bins will be undertaken regularly. Garbage collection is provided via a private waste contractor who will access the loading bay via the Powell Street entrance.

The plan details measure for waste during demolition and construction, and the on-going waste generated by the development during its use. It is recommended that a revised Waste Management Plan be submitted to Council to ensure that it adequately addresses Part H of the SCDCP 2005 in regard to providing the correct bin numbers and spaces required for the site.

#### **PART I – Provision of Off Street Parking Facilities (SCDCP 2005)**

The application was referred to Council's Senior Traffic Engineer who undertook an assessment of the proposal in accordance with SEPP 65 and the RMS Guide to Traffic Generating Developments which overrides the DCP.

Council's Senior Traffic Engineer has raised no concern for the proposed access driveway off Powell Street which is in a similar location as the existing driveway. The level of traffic generation has been assessed and considered relatively low. There are no concerns with regard to internal circulation arrangements including clearance heights and loading bay space.

The proposal is considered acceptable in this regard.

#### **PART N – Water Sensitive Urban Design (WSUD) (SCDCP 2005)**

The proposal involves construction of a residential apartment building involving construction of 10 or more apartments. Accordingly, the controls under Part N of the SCDCP 2005 apply.

#### **PART P – Heritage (SCDCP 2005)**

Part P of the SCDCP 2005 applies given the proposed development immediately adjoins a heritage listed item being the Former Homebush Theatre site (Item 131 under Schedule 5 of the SLEP 2012).

### **3: Development in the Vicinity of Heritage Items**



<b>3.1 General</b>		<b>Satisfactory</b>
<b>A.</b>	To ensure that development located in the vicinity of a heritage item is designed and sited in a manner sympathetic to the significance of the heritage property and its setting.	<b>Yes</b>
<b>B.</b>	To ensure that development in the vicinity of a heritage item does not detrimentally impact upon the heritage significance of heritage items and their settings.	<b>Yes</b>
<b>C.</b>	To ensure that new development is compatible with the heritage values of nearby heritage items.	<b>Yes</b>
<b>3.2 Setting</b>		<b>Complies</b>
<i>Objectives</i>		
<b>A.</b>	<i>To ensure the setting of heritage items is not compromised by development in the vicinity of the heritage item.</i>	<b>Yes</b>
<b>B.</b>	<i>To ensure that new development respects the contribution of heritage items to the streetscape and/or townscape.</i>	<b>Yes</b>
<i>Controls</i>		
<b>1</b>	Development in the vicinity of a heritage item should not be of such bulk or height that it visually dominates or overshadows the heritage item.	<b>Yes</b>
<b>2</b>	Views to or from a heritage item should not be obscured by new development	<b>Yes</b>
<b>3</b>	Where a heritage item is part of a streetscape of buildings of consistent style, form and materials, development in the vicinity of the heritage item should incorporate elements of the dominant style, form and materials in the streetscape.	<b>Yes</b>
<b>4</b>	Where trees are integral to the significance of a heritage item, development should not be allowed beneath the drip zone of the trees.	<b>Yes</b>

**Comments:** The proposal was amended at Council's request to adopt a stepped building height so that it meet the existing height of the Homebush Theatre and gradually taper up towards the intersection of Powell Street and Parramatta Road. This has achieved direct sightlines to be maintained toward the Homebush Theatre site so that it can maintain its prominence on Parramatta Road.





<b>3.3 Scale</b>		<b>Complies</b>
<i>Objectives</i>		
A	<i>To ensure that new development in the vicinity of a heritage item is of a scale that does not detract from the significance of the heritage item.</i>	<b>Yes</b>
<i>Controls</i>		
1	The scale of new development in the vicinity of a built heritage item should not be substantially greater than that of the heritage item.	<b>Yes</b>
2	New development that obscures important views of a heritage item is not permitted.	<b>Yes</b>

**Comments:** The building form along the interface of the Homebush Theatre has been revised to ameliorate visual impacts overpowering the site.

<b>3.4 Siting</b>		<b>Complies</b>
<i>Objectives</i>		
A	<i>To ensure new development in the vicinity of a heritage item is sited so that it does not obscure important views to or from the heritage item.</i>	<b>Yes</b>
B	<i>To ensure that new development in the vicinity of a heritage item does not adversely impact landscape elements that are significant or are associated with a heritage item.</i>	<b>N/A</b>
<i>Controls</i>		
1	The siting and setback of new development (including alterations and additions) in the vicinity of a heritage item should ensure that important views to or from the heritage item are not adversely impacted on.	<b>Yes</b>
2	The siting and setback of new development in the vicinity of a heritage item should ensure that landscape elements associated with or listed as a heritage item are not adversely affected by the development.	<b>N/A</b>



**Comments:** The proposal has considered the form and siting of the adjacent heritage item (Homebush Theatre) through reducing the height of the building to the west as well as providing a variation of colours and material finishes to assist in breaking the bulk of the building so that it does not appear visually imposing on the Homebush Theatre site.

<b>3.5 Materials and Colours</b>		<b>Complies</b>
<i>Objectives</i>		
A	To ensure that new development in the vicinity of a heritage item does not detract from the significance of the heritage item.	<b>Yes</b>
<i>Controls</i>		
1	Materials and colours for development in the vicinity of a heritage item shall be selected to avoid stark contrast with the adjacent development where this would result in the visual importance and significance of the heritage item being reduced.	<b>Yes</b>

**Comments:** Council's Heritage advisor did not raise any objections to the proposed material and colour scheme which includes a variety of textures that add visual interest and will not detract from the Homebush Theatre site.

***(iv) Any matters prescribed by the regulations, that apply to the land to which the development application relates,***

The requirements of Australian Standard AS2601–1991: *The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

The proposed development does involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

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

**Built Environment**

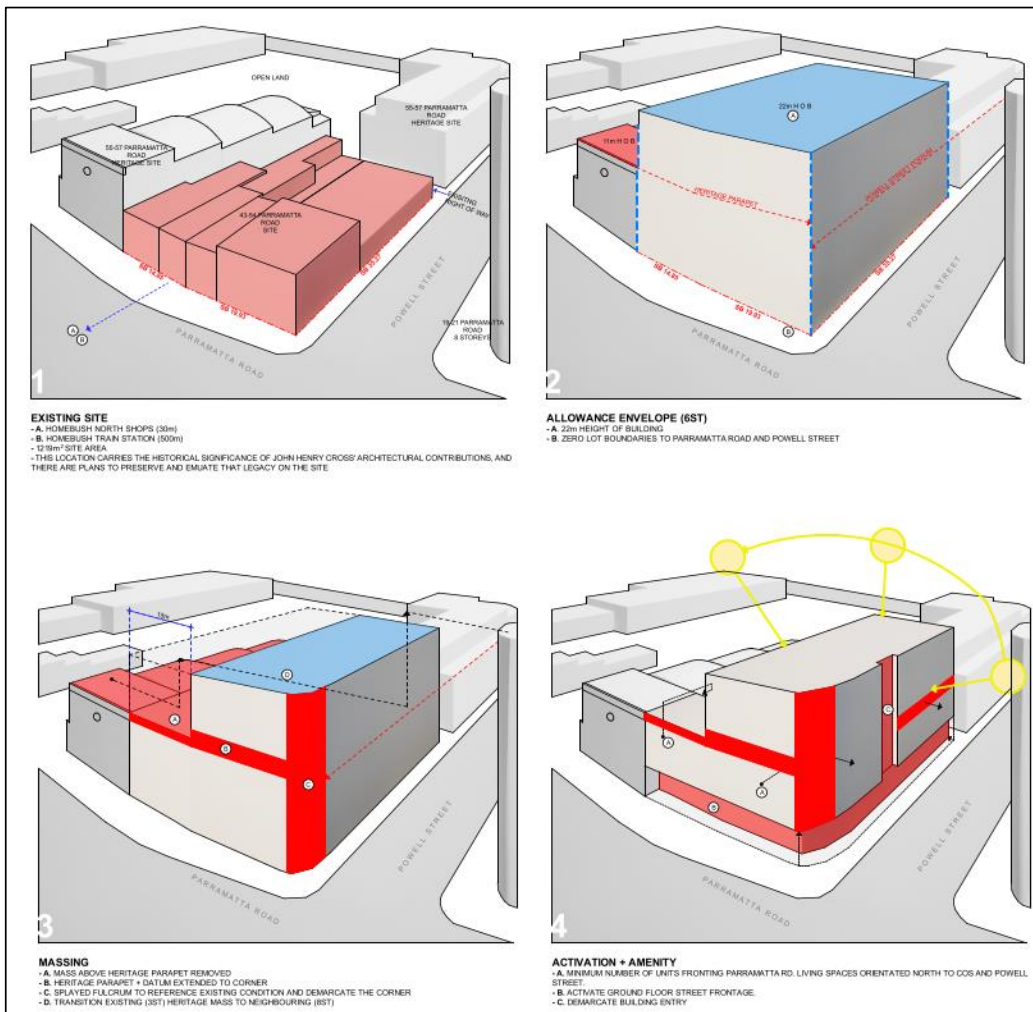
As previously discussed, the design has been amended at Council's request to achieve a more sympathetic built form which achieves a high-quality urban design outcome without adversely impacting upon the significance of the Homebush Theatre site.

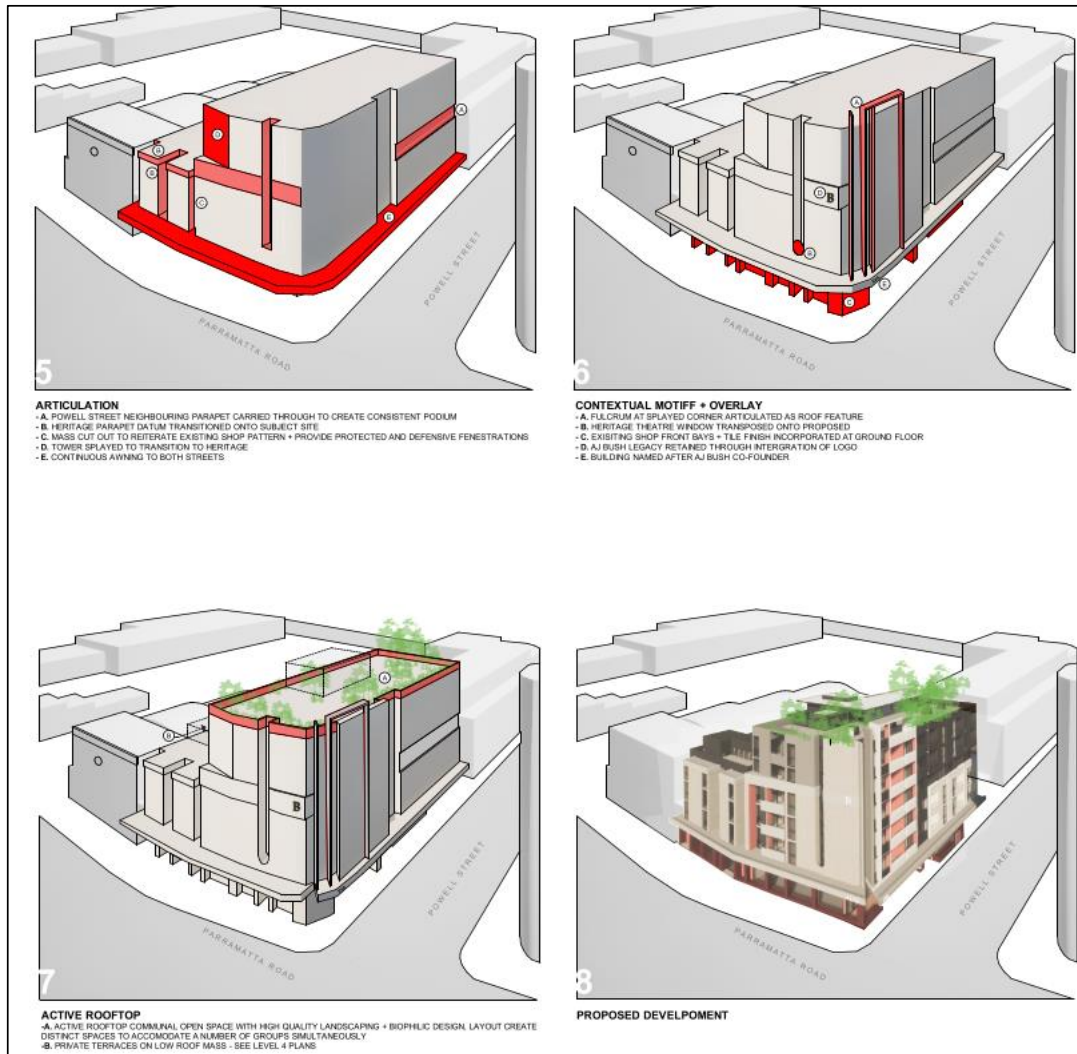
A built form analysis was prepared and submitted to Council during the assessment of the application (refer to **Figure 24**). The analysis shows an evolution of the building design which demonstrates consideration of the different elements of the building and its massing having regard for existing adjoining development. The revised built form matches the key datum lines



of both the western adjoining Homebush Theatre building as well as the existing northern adjoining residential flat building, as instructed by the ADG. The Parramatta Road façade of the building also follows a series of cut outs to mirror the existing shopfront pattern whilst also achieving improved solar access and cross ventilation to units within the building. The splayed element to the tower of the development (far western portion of at the 5<sup>th</sup> and 6<sup>th</sup> floor) allows for a smoother transition to the Homebush Theatre site.

Whilst the site in-itself is not heritage listed, it carries some references of the existing building to the proposed building including the integration of the “B” logo which represents the AJ Bush company. The building is also named “Eva” after the AJ Bush co-founder.





**Figure 24: Built form analysis**

Overall, the massing of elements throughout the building is well considered in order to achieve a design which integrates seamlessly into the existing streetscape.

**Social Impacts**

The proposal will result in a positive social impact for the community through its provision of a wide variety of dwelling types. The proposal provides a range of housing choice which includes single, double and three bedroom units spread throughout the building. The development has been designed having consideration for needs of residents including ageing in place and accessibility requirements including provision of a sufficient amount of adaptable and silver level apartment types.

The proposal also provides a SOHO unit to the ground floor which not only achieves activation at the ground floor but also provides a flexible floorplate for future use of residents.



Overall, the proposal provides an ambitious mix of unit sizes and types which addresses the community's needs for housing diversity and choice. The design incorporates a range of unit sizes with a variety of layouts to accommodate a range of families.

The proposed development is of a scale and character that is in keeping with other developments being constructed in the locality. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

**(c) the suitability of the site for the development,**

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

- Mixed use buildings are permissible land uses within the MU1 – Mixed Use zone with consent; and
- The proposal is generally consistent with the aims of SLEP 2012 and the objectives of the respective zones.

As noted in this assessment, the site is considered suitable for a mixed use development of a scale to that which is proposed.

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

In accordance with the provisions of Council's Community Participation Plan, the application was placed on neighbour notification for a period of 21 days where adjoining property owners were notified in writing of the proposal and invited to comment. One submission was received raising the following concerns:

**1. Construction noise impacts and the residents who have already had to ensure more than enough construction noise in the area.**

**Comment:** An acoustic report has been prepared. The noise threshold established under the State Environmental Planning Policy (Transport and Infrastructure) 2021 for residential development adjoining a major road can be achieved, subject to recommendations in the report. Construction noise is necessary to achieve development. Given that this is temporary, its impacts are considered acceptable subject to compliance with construction being undertaken within the prescribed construction hours as per regulations.

**2. The development will cause even more traffic and parking issues**

**Comment:** Council's Traffic Engineer has assessed the estimated traffic generation of the proposal and determined this to be moderate and acceptable. The proposal also provides for a compliant amount of on-site parking and is well-served by public transport.

**3. The development will be an eyesore and poorly constructed with little respect for nearby residents.**

**Comment:** The proposal has been considered with respect to the relevant design criteria including SEPP 65. The proposal demonstrates general compliance with these requirements demonstrating that the proposal has been suitably designed having consideration for the streetscape and resolving undue impacts on adjoining residents.

Mediation/Public Meeting



The objector was contacted by Council's Assessing Officer and invited to discuss their concerns in more detail. The objector did not respond.

**(e) *the public interest.***

The proposed development is of a scale and character that does not conflict with the public interest. The provision of additional housing and commercial tenancies, consistent with the zoning and strategic direction for the Parramatta Road Corridor area, is considered in the public interest.

**Local Infrastructure Contributions**

Section 7.13 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

**Strathfield Direct Section 7.11 Contributions Plan**

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

Provision Roads and traffic Management	\$0
Provision of Local Open Space	\$123,508.57
Provision of Major Open Space	\$189,341.42
Provision of Community Facilities	\$87,395.53
Administration	\$8,065.61
<b>TOTAL</b>	<b>\$408,311.14</b>

**Conclusion**

The application has been assessed having regard to the Heads of Consideration under Section 4.15(1) of the EP&A Act 1979, the provisions of the SLEP 2012 and DCP No 20.

Following detailed assessment it is considered that DA 2022/230 should be approved subject to conditions.

*Lg.*

**Signed:**

**L Gibson  
Executive Planner**

**Date: 15 November 2023**

- I confirm that I have determined the abovementioned development application with the delegations assigned to my position;



- I have reviewed the details of this development application and I also certify that Section 7.11 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed by;

*WvW*

**Signed:**  
**W van Wyk**  
**Senior Development Assessment Officer**

**Date: 15 November 2023**

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

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

#### DEVELOPMENT DETAILS

##### 1. Approved Plans & Documentation

The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Site Plan	DA-005	23/10/23	D	Fuse Architects
Demolition Plan	DA-006	23/10/23	D	Fuse Architects
Basement 2 Plan	DA-101	23/10/23	D	Fuse Architects
Basement 1 Plan	DA-102	23/10/23	D	Fuse Architects
Ground Floor Plan	DA-103	23/10/23	D	Fuse Architects
Level 01 Plan	DA-104	23/10/23	D	Fuse Architects
Level 02 Plan	DA105	23/10/23	D	Fuse Architects
Level 03 Plan	DA106	23/10/23	D	Fuse Architects



Level 04 Plan	DA107	23/10/23	D	Fuse Architects
Level 05 Plan	DA108	23/10/23	D	Fuse Architects
Level 06 Plan	DA109	23/10/23	D	Fuse Architects
Roof Plan	DA110	23/10/23	D	Fuse Architects
North + South Elevations	DA201	23/10/23	D	Fuse Architects
East + West Elevations	DA201	23/10/23	D	Fuse Architects
Context Streetscape	DA203	23/10/23	D	Fuse Architects
Section AA	DA301	23/10/23	D	Fuse Architects
Section BB	DA302	23/10/23	D	Fuse Architects
Section CC	DA303	23/10/23	D	Fuse Architects
Façade Plenum Detail	DA304	23/10/23	D	Fuse Architects
Unit Types – Sheet 01	DA804	23/10/23	D	Fuse Architects
Unit Types – Sheet 02	DA805	23/10/23	D	Fuse Architects
Adaptable Unit Type	DA808	23/10/23	D	Fuse Architects
Materials and Finishes Schedule				Fuse Architects
Landscape Concept Design	Sheets 0-4	24/10/23	B	Creative Planning Solutions
Erosion and Sediment Control Plan	SW400	24/8/23	C	SGC Engineering





BASIX Certificate	Issue 1357913M_0 2	Issued 31 May 2023		
Preliminary Site Investigation Report	Project no.ER23045	12 Nov 23	-	CEC Geotechnical
Traffic and Parking Assessment Report	Ref.22472	8 June 2023	-	Varga Traffic Planning
DA Noise Assessment	Ref.210839 R1	13 November 2023	Revision 7	Rodney Stevens Acoustics

## 2. Building Height

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 34.310AHD to the ridge of the lift overrun of the building.

### SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

## 3. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

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

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

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

- (a) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.
- (b) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (c) Establishing a "works zone";
- (d) Placing or storing materials or equipment;
- (e) Placing or storing waste containers or skip bins;
- (f) Stormwater & ancillary to public infrastructure on private land
- (g) Erecting a structure or carrying out work



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

- (h) Pumping water from the site into the public road;
- (i) Constructing a vehicular crossing or footpath;
- (j) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (k) Stormwater & ancillary works in the road reserve; and
- (l) Pumping concrete from a public road;

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the activities commencing.

The relevant Application Forms for these activities can be downloaded from Council's website [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au). For further information, please contact Council's Customer Service Centre on (02) 9748 9999.

#### **4. Vehicular Crossing – Major Development**

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

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

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

To apply for approval, complete the *Works Permit Application Form* which can be downloaded from Strathfield Council's Website at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au). Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Civic & Urban Services Section in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with *Works Permit* applications.

An approval for civil works will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out in accordance with Council's specifications applicable at the time, prior to the issue of an Occupation Certificate.



## 5. Road Opening Permit

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

## 6. Building – Hoarding Application

Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an 'A class' (fence type) or a 'B class' (overhead type) hoarding or 'C type' scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion of the footways/roadway where the building is within 3 metres of the street boundary.

An application for this work under Section 68 of the [Local Government Act 1993](#) and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the [Local Government Act 1993](#) and Section 138 of the [Roads Act 1993](#):

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au)) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.

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

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

- (a) That cable anchors will be stressed released when the building extends above ground level to the satisfaction of Council.
- (b) The applicant has indemnified Council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of council.



- (c) Documentary evidence of such insurance cover to the value of \$20 million.
- (d) The applicant must register a non-terminating bank guarantee in favour of Council for the amount of \$20,000.

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

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

## **REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES**

### **8. Transport for NSW & Ausgrid**

The development shall be carried out in accordance with the requirements of the following:

- Transport for NSW dated 23 February 2023.
- Ausgrid

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

### **9. Trade Waste Agreements**

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

### **10. Sydney Water – Tap in™**

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

### **11. Notice of Requirements for a Section 73 Certificate**

A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the [Sydney Water Act 1994](http://www.sydwater.nsw.gov.au/legislation/act1994) must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can



take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

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

#### 12. Section 73 Compliance Certificate

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

#### 13. Electricity Supply

An application is required to be made to Ausgrid for a network connection. This may require the network to be extended or its capacity augmented. Evidence of this application being lodged with Ausgrid is required to be provided to the Certifying Authority prior to the issue of a Construction Certificate. For further details, you are advised to contact Ausgrid on 13 13 65 or [www.ausgrid.com.au](http://www.ausgrid.com.au) (Business and Commercial Services).

### PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

#### 14. Fees to be Paid

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au)).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Please contact council prior to the payment of s7.11 or s7.12 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

A summary of the fees to be paid are listed below:

Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	\$ 36,067.00
Security Damage Deposit	\$ 34,650.00
Administration Fee for Damage Deposit	\$ 137.00



<b>DEVELOPMENT CONTRIBUTIONS</b>	
Strathfield Section 94 Development Contributions - Roads and Traffic Management	\$ 0
Strathfield Section 94 Development Contributions – Local Open Space	\$123,508.57
Strathfield Section 94 Development Contributions – Major Open Space	\$189,341.42
Strathfield Section 94 Development Contributions – Community Facilities	\$87,395.53
Strathfield Section 94 Development Contributions - Administration	\$8,065.61
<b>Total Section 94 Contributions:</b>	<b>\$408,311.14</b>

### **General Fees**

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

### **Development Contributions**

The Section 7.11 contribution (s94) is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

#### Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Development Contributions Plan.

#### Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

#### Further Information

A copy of the *current Development Contributions Plans* may be inspected at Council's Customer Service Centre at 65 Homebush Road, Strathfield or on Council's website [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).



### 15. Required Design Changes

The following changes must be prepared and submitted to Council for approval prior to the issue of a Construction Certificate:

Amendments	All changes made in red on the approved plans shall be updated and shown on the Construction Certificate plans.
Waste Management Plan	A plan showing waste types and generation rates, location and specifications of waste room, onsite waste collection and access for collection vehicles, bulky waste room and garbage chute service room or any specialised waste equipment (when applied), as well as specifications for waste management and resource recovery. A WMP shall include drawings and images for proposed waste rooms, vehicle access path and collection areas.
Encroachment of structures	No part of any structure (including footings, gutters and eaves) may encroach or overhang any property boundary.
Purpose Built Basement Storage	<p>Purpose built basement storage compartment(s) shall be provided to and within each of the resident car parking bays and/or associated dwellings at the following rate:</p> <ul style="list-style-type: none"> <li>• 6m<sup>3</sup> for each one (1) bedroom unit;</li> <li>• 8m<sup>3</sup> for each two (2) bedroom unit;</li> <li>• 10m<sup>3</sup> for each 3 bedroom unit.</li> </ul> <p>Amended plans showing the location and configuration of each of the storage compartments shall be submitted and approved by the Principal Certifying Authority.</p>
Clothes Drying Facilities	The rooftop community open space area shall provide clothes drying facilities for residents.
Concealing of services	Any hot water units, tv antennas and the like are to be concealed from view so that they are not visible from the public domain.
Car wash bay	1 residential parking space within Basement level 2 is to be allocated as a car wash bay and dedicated to strata. This is in addition to the car wash bay provided on Basement level 1.
Shared car parking spaces	1 residential parking space within Basement Level 1 is to be allocated as a shared car parking space and dedicated to strata.
Visitor Space	1 residential parking space within Basement Level 1 is to be dedicated as a visitor parking space and dedicated to strata to service the needs of the SOHO unit.



## **16. Acid Sulfate Soils**

A detailed acid sulfate soil assessment is required. This is to be carried out by a suitably qualified person and in accordance with the acid sulfate soils assessment guidelines (ASSMAC August 1998). The detailed assessment is to demonstrate that the site is suitable for the approved development. The detailed assessment shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

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

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

- (a) Pay Council, before the issue of the Construction Certificate, a security damage deposit for the cost of making good any damage caused to any Council property as a result of the development: \$34,650.00
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$137.00
- (c) Submit to Council, before the commencement of work, a dilapidation report of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will review the dilapidation report and the Works-As-Executed Drawings (if applicable) and inspect the public works.

The damage deposit will be refunded in full upon completion of work where no damage occurs and where Council is satisfied with the completion of works. Alternatively, the damage deposit will be forfeited or partly refunded based on the damage incurred.

## **18. Site Management Plan**

### **Major Development**

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

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





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

#### **19. BASIX Commitments**

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

All measures and commitments as detailed in the BASIX Certificate No. 1357913M\_02 must be implemented on the plans lodged with the application for the Construction Certificate.

#### **20. Sites in The Vicinity of a Heritage Item – Major Development**

A protection strategy for the duration of the construction works, is to be submitted to and approved by Council's Heritage Advisor prior to the issue of the Construction Certificate. The Strategy is to detail how the proposed works will ensure that the building at 55-57 Parramatta Road is to be suitably protected and stabilised during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.

Additionally, the protection strategy is to include:

- Details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled onto the adjacent property fabric or interiors.
- Construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, is to be removed progressively as the works progress.
- A geotechnical report detailing the investigation of the location and depth of footings of the adjacent buildings. This report should address details of lateral ground movement, advice of any additional boundary offsets that may be required as a result of the location of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings.
- Details of the proposed protection of party walls from damp and water ingress during the works.
- A construction management plan prepared by an adequately qualified structural engineer who has experience working with heritage buildings and a methodology on shoring systems, vibration management as well as excavation management for the construction of the basement. The documentation is to ensure structural adequacy/maintenance of the theatre in light of the basement works to be conducted. The information may be supplied in the form of annotated sectional drawings or a brief report denoting construction techniques.

#### **21. Erosion & Sedimentation Control**

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan



- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004](#).

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

## **22. Pre-Construction Dilapidation Report – Private Land**

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

- (a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.
- (b) 55-57 Parramatta Road, Homebush

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

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

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

## **23. Stormwater System**

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system in accordance with Council stormwater management code and AS/NZS 3500.3: 2015 (as amended), prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.



#### 24. On Site Detention

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

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

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

The OSD facility shall be designed to meet all legislated safety requirements and childproof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

***"BEWARE: This is an on-site detention basin/tank for rainwater which could overflow during heavy storms."***

Full details shall accompany the application for the Construction Certificate.

#### 25. Water Sustainability – Water Sensitive Urban Design

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

#### 26. Pump-Out System Design for Stormwater Disposal

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

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

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



### **27. Stormwater Drainage Plan Details**

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

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (2019) and Council's Stormwater Management Code.

### **28. Waste Management Plan (WMP)**

Prior to the issue of a Construction Certificate, a Waste Management Plan (WMP) must be submitted to Council for approval demonstrating compliance with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005). A WMP will become part of any development consent issued and aims to facilitate better waste management, waste minimisation and resource recovery.

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

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

### **29. Fire Safety Measures**

Prior to the issue of a construction certificate a list of the existing and proposed essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a Principal Certifier. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or Principal Certifier will then issue a Fire Safety Schedule for the building.

### **30. Structural Details**

Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns & other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.

A copy shall be forwarded to Council where Council is not the Principal Certifier.

### **31. Access for Persons with a Disability**

Access including sanitary services to each of the retail premises for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.



### **32. Commonwealth Disability (Access to Premises) Standard**

The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (i.e. Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.

### **33. Geotechnical Report**

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

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

### **34. Off Street Parking – Compliance with AS2890**

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities), AS 2890.6 (parking for people with disabilities) and AS 2890.2 (for commercial vehicle facilities).

### **35. Construction Traffic Management Plan [Large Developments only]**

A Construction Traffic Management Plan detailing:

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



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

### **36. Acoustic Requirements**

The Construction Certificate plans shall demonstrate compliance with the Acoustic Report submitted and approved by Council, titled DA Noise Assessment Proposed Mixed Use Development 43-53 Parramatta Road, Homebush, Revision 7 prepared by Rodney Stevens Acoustics dated 13 November 2023

#### Mechanical Noise Emissions

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

After mechanical plant and equipment has been selected and confirmed by the mechanical engineer, an assessment should be conducted by a suitably qualified acoustic consultant to confirm that the cumulative noise from mechanical services (including outdoor air-conditioning condenser units, carpark exhaust and supply, kitchen, toilet, and any other mechanical plant and equipment shall not exceed the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. acoustic report at all residential receivers.. The source noise level shall be assessed as an LAeq, 15 min in accordance with the NSW Environment Protection Authority's [NSW Noise Policy for industry](#). All recommendations for acoustic treatment (including barriers) should be documented and included in the Conditions for Construction Certificate.

#### Acoustic Report - General Operation of Premises

An Acoustic Report shall be prepared by a suitably qualified acoustic consultant demonstrating that the operation of the premises shall not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the NSW Environment Protection Authority's [NSW Noise Policy for Industry](#). The Plan of Management for the rooftop communal area shall be prepared which reflects the information in the DA Acoustic Report. The Plan shall be submitted for review by the acoustic consultant.

### **37. Car Wash Bays**

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

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

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



### **38. Enclosure of Fire Hydrant**

Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with detailed plans indicating that all fire hydrant, sprinkler valves and the like are enclosed in accordance with the requirements of AS 2419.1 – 2005 Fire Hydrant Installations. The fire hydrant is to be aesthetically treated so that it complement the design of the building and does not detract from the appearance of the building.

### **39. Waste, Recycling and Bulky Storage Rooms**

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

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

- (a) Domestic Waste – [22] x [240] litre mobile bins.
- (b) Domestic Recycling – [42] x [240] litre mobile bins.

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

The layout of the waste and recycling storage room must allow easy unobstructed access to all bins (stacked bin arrangements are not acceptable) and allow the bins to be easily removed for servicing purposes.

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

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

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

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

Bulk collection area must be provided at a rate of 4m<sup>2</sup> per 10 units (16.4m<sup>2</sup>) and should be located adjacent to waste and recycling storage rooms.

### **40. Onsite Waste Collection**

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

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



#### **41. Separate Waste Areas for Mixed-Use Development**

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

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

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

#### **42. High Density Multi Unit Dwellings**

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

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

#### **43. Commercial and Industrial Waste**

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

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

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

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

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

#### **44. Landscape Plan & Public Domain Plan**

A detailed landscape plan along with a Public Domain Plan, drawn to scale, by a registered landscape architect must be submitted to Council for approval prior to the issue of the Construction Certificate. The plan must include:





- (a) A written and photographic report that shows the process and details of construction so that it can be demonstrated that:
- (i) The correct waterproofing membrane has been installed. This must be accompanied by a certification by the supplier/ installer;
  - (ii) The specified soil structure has been used. This will take the form of annotated construction photographs that show the detail of the soil profile being constructed close up and from a distance to ensure that the location within the project can be confirmed. The photographs are to be accompanied by plans showing the locations being documented. A minimum of four roof/podium locations and two ground level over structure locations must be documented;
  - (iii) The specified plant species have been used;
  - (iv) The specified tree sizes have been used;
  - (v) Certification of the installed irrigation system including compliance with all regulations and requirements.
  - (vi) Any additional fixtures, such as bird nests, water features, outdoor kitchens, children's play structures or equipment have been installed in accordance with the plans and suppliers standards;
  - (vii) A certificate from the registered landscape architect who prepared the Development Application plans clearly stating that the works have been built as specified, and that the said landscape architect is satisfied that the standard of construction is such that the planting will have longevity.
  - (viii) A draft maintenance agreement for a minimum of one year from completion from the developer to stating/ensuring that the landscape area is maintained and established in accordance with the approved plans, including replacement of failed or diseased plants, weeding and fertilising. The final maintenance agreement is to be approved prior to OC.
  - (ix) Suitably designed tree pits along the footpath to support street tree planting.

Once the report and accompanying documentation has been prepared, they must be inspected by the Principal Certifying Authority together with the registered Landscape Architect to ensure that the report and what is to be constructed are in agreement. This is to be submitted to Council for review and approval prior to issue of a Construction Certificate.

#### **45. Landscape Plans & Public Domain Plans**

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

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

#### **46. Demolition & Asbestos**

The demolition work shall comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#). The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the Principal Certifier prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#) unless specified in the Act and/or Regulation that a license is not required.



All demolition work including the removal of asbestos, shall be undertaken in accordance with the [Demolition Code of Practice](#) (NSW Work Cover July 2015)

**Note:** Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au).

#### **47. Demolition Notification Requirements**

The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

#### **48. Demolition Work Involving Asbestos Removal**

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

#### **49. Use of Heritage Consultant - Major Development**

- (a) An experienced heritage consultant is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (b) Evidence and details of the above commission on the above terms are to be provided to Council prior to the issue of the Construction Certificate or commencement of work on site whichever is the earlier.
- (c) Throughout the documentation and construction stages of the approved works the heritage consultant is to:
- (d) Undertake site inspections of not less than fortnightly intervals.
  - i. Maintain a diary of site inspections that includes photographs of the works, details



of heritage advice and decisions arising out of each inspection and any further physical evidence uncovered during the works.

- ii. Compile a final report, including the diary, verifying how the heritage conditions have been satisfied, and the works completed in accordance with the Conservation Management Plan.

Upon completion of the works, the final report is to be submitted for approval by Council's own Heritage Advisor prior to the issue of an Occupation Certificate or the commencement of the use, whichever is the earlier.

#### **50. Dial Before You Dig**

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

#### **51. Dilapidation Report on Public Land – Major Development Only**

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

- (a) The footpath along Parramatta Road and Powell Street.

The report must include the following:

- i. Photographs showing the existing condition of the road pavement fronting the site,
- ii. Photographs showing the existing condition of the kerb and gutter fronting the site,
- iii. Photographs showing the existing condition of the footpath pavement fronting the site,
- iv. Photographs showing the existing condition of any retaining walls within the footway or road, and
- v. Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- vi. The full name and signature of the structural engineer.
- vii. The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the Principal Certifier and a copy provided to the Council.

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

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

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

#### **52. Registered Surveyors Report - During Development Work**

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

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



- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (e) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (f) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the Principal Certifier is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

### **53. Utility Arrangements**

Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicants expense.

### **54. Structural Engineers Details – Supporting Council Road/Footway**

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

### **55. Dust Control**

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

### **Major Works**

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

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



- e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours.

#### **DURING CONSTRUCTION**

##### **56. Hours of Construction for Demolition and Building Work**

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Friday and 8:00am to 1:00pm on Saturdays. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Where the development involves the use of jack hammers/rock breakers and the like, or other heavy machinery, such equipment may only be used between the hours of 7:00am to 5:00pm Monday to Friday only.

**Note:** A penalty infringement notice may be issued for any offence.

##### **57. Ground Levels and Retaining Walls**

The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.

##### **58. Demolition, Excavation, and Construction Noise and Vibration Management Plan**

A site specific noise management plan shall be submitted to and approved by Council prior to issue of any Construction Certificate. The Plan must be prepared by a suitably qualified consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants. The plan must include but not be limited to the following:

- (a) identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise likely to impact the nearest noise sensitive receivers from the use of construction appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the NSW EPA Interim Construction Noise Guide. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) Representative background noise levels (LA90, 15 minute) should be determined, in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.



- (e) Confirmation of noise-monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to minimise complaints and to ensure that noise from site works complies with the noise criteria contained within Interim Construction Noise Guide.
- (f) Details of plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) Details of course of action that will be undertaken following receipt of a complaint concerning offensive noise.

#### Compliance With Demolition, Excavation & Construction Noise And Vibration Management Plan

- (a) All works conducted on site which form part of this development must be carried out in accordance with the submitted and council approved Demolition, Excavation and Construction Management Plan.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP) Such periods must be set and agreed to by Council's Health and Building Unit.

#### Noise and Vibration Monitoring Program

Prior to the commencement of construction, the Applicant must submit a Construction Noise and Vibration Monitoring Program to the satisfaction of the Planning Secretary. The program must include, but not be limited to:

- (a) consideration of the recommendations described in the Construction Noise and Vibration Management Plan;
- (b) noise and vibration monitoring at representative residential and other locations (including at the worst- affected residences), subject to property owner approval, to confirm construction noise and vibration levels;
- (c) noise monitoring during the day, evening and night time periods throughout the construction period, covering the range of activities (including worst-case construction noise levels) being undertaken;
- (d) method and frequency for reporting monitoring results;
- (e) procedures to identify and implement additional mitigation measures where monitoring indicates noise and/or vibration levels in excess of noise and vibration criteria; and



consideration of the requirements set out in condition above.

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

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

**60. Obstruction of Road or Footpath**

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

**61. Construction Management Plan**

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

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

**62. BASIX Certificate**

All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.

**63. BASIX Compliance Certificate**

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

**64. Completion of Landscape Works**

At the completion of all works, a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboricultural Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established.

**65. Post Construction Dilapidation Report – Private Land**

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

- (a) 55-57 Parramatta Road Homebush



The report is to be prepared at the expense of the applicant and submitted to the Principal Certifier prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damaged has occurred to the adjoining premises, the Principal Certifier, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the Principal Certifier prior to the issue of any Occupation Certificate.

#### **66. Allocation of Parking Spaces**

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

- (a) Residential dwellings: 36
- (b) Residential visitors: 10 (including 1 car shar space)
- (c) Bicycle: 5
- (d) Motorbike: 2
- (e) Retail: 6 spaces (including 1 space allocated to SOHO unit)
- (f) Loading/Services: 1 (SRV loading bay)
- (g) Courier parking space: 1
- (h) Car wash bay: 2 (1 bay to Basement Level 1 and 1 bay to Basement Level 2)

#### **67. Major Development**

Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742, 'Australian Standard Manual of Uniform Traffic Control Devices' and the relevant guidelines published by the RMS.

#### **68. Restriction to User and Positive Covenant for On-Site Detention Facility**

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

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

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

#### **69. Maintenance Schedule – On-site Stormwater Management**

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





maintenance works.

#### **70. Works as Executed and Certification of Stormwater Works**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards. A works-as-executed drainage plan and certification must be forwarded to the Principal Certifier and Council, from a professional engineer specialising in hydraulic engineering.

This Plan and Certification shall confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the Principal Certifier.

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

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

#### **71. Consolidation of Site**

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

#### **72. Requirements Prior to the Issue of the Occupation Certificate**

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

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) A minimum 24% (10) have been constructed to achieve the Liveable Housing Guidelines silver level universal design features and distributed evenly throughout all levels of the building.



- (d) 17% (7) of units are designed as adaptable units and are distributed evenly throughout all levels of the building.
- (e) Construct any new vehicle crossings required.
- (f) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
- (g) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the Principal Certifier prior to the issue of the Occupation Certificate.
- (h) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.
- (i) The construction of the driveway shall be completed in accordance with the conditions and specifications of the Section 68 Activity Approval.

### **73. Completion of Major Works**

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

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

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

### **74. Dilapidation Report on Public Land for Major Development Only**

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

- (a) All Council infrastructure along Parramatta Road and Powell Street frontages



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

- i. Photographs showing the condition of the road pavement fronting the site
- ii. Photographs showing the condition of the kerb and gutter fronting the site
- iii. Photographs showing the condition of the footway including footpath pavement fronting the site
- iv. Photographs showing the condition of retaining walls within the footway or road
- v. Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- vi. The full name and signature of the professional engineer.

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

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

#### **75. Stormwater Drainage Works – Works As Executed**

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

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

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

#### **76. Fire Safety Certificate before Occupation or Use**

In accordance with Clause 41 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021 - NSW Legislation](#), on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 83 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 86 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021 - NSW Legislation](#). In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:



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

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

#### **77. Acoustic Certification**

Prior to the issue of any Occupation Certificate, a suitably qualified acoustic consultant shall certify that the operation of the premises and plant equipment shall not give rise to a sound pressure level at any affected premises that exceeds the acoustic criteria established by the Acoustic Report required by a condition of this consent. The development shall at all times comply with these noise levels post occupation.

#### **78. Acoustic Compliance**

Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the Principal Certifier certifying that the construction has incorporated the recommendations in the DA Acoustic Report titled DA Noise Assessment Proposed Mixed Use Development 43-53 Parramatta Road, Homebush, prepared by Rodney Stevens Acoustics and dated 13 November 2023.

#### **79. Acoustic Compliance – General Operation of Premises**

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

A suitably qualified person shall certify that i) the recommended barriers and acoustic treatment from the DA acoustic report have been implemented and installed as specified in the DA report, and ii) the Plan of Management for the communal rooftop area is suitable and satisfies the requirements specified in the DA acoustic report.

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

#### **80. Noise from Roof Top Mechanical Plant and Equipment**

Noise from the operation of rooftop mechanical, equipment, ancillary fittings, machinery, mechanical ventilation system and / or refrigeration systems must not exceed *background noise* when measured at the nearest lot boundary of the site. Where noise sensitive receivers are located within the site, noise from the operation of mechanical plant and equipment must not exceed background noise when measured at the nearest strata, stratum or community title boundary.

A suitably qualified acoustic engineer shall be engaged to certify that the design and construction of all sound producing plant and equipment associated with the building complies with the above requirements. This assessment should consider the cumulative noise from all exhaust (carpark, kitchen, toilet), supply fans, and other plant and equipment servicing the general building.

The operation of the plant equipment shall not give rise to sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of



the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the [NSW Environment Protection Authority's "NSW industrial Noise Policy"](#).

Certification shall be submitted to the PCA prior to the issue of any Occupation Certificate.

**81. Noise Domestic Air Conditioner and Heat Pump Water Heaters (less than 450mm from boundary)**

Prior to the issue of any Occupation Certificate, a report prepared by a professional acoustic engineer must be submitted to the Principal Certifier to certify that the design and construction of the air conditioner / heat pump water heaters shall not produce a sound level exceeding 5 dB(A) above the ambient background level at the closest neighbouring boundary between the hours of 8:00am and 10:00pm on Saturdays, Sundays and Public Holidays and between the hours of 7:00am and 10:00pm on any other day. Outside the specified hours, the sound level output for the running of air conditioner shall not exceed the ambient background noise level.

With multistorey buildings located near the boundary of the property, the boundary shall be deemed to be the windows of residences.

**82. Notice to Council – Allocation of Street Addresses**

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

**83. Electricity Supply**

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

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

**84. Final Subdivision Requirements – Car Space Numbering**

Each car space shall be renumbered correctly on site in accordance with the strata plan lot numbering.

**85. Maintenance Schedule – On-site Stormwater Management**

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

**86. Site works to be completed prior to issue of Subdivision Certificate**

The following works shall be completed prior to the issue of the Subdivision Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans.
- (c) Replace all redundant vehicle crossing laybacks with kerb and guttering, and redundant concrete with turf.



- (d) A Final Occupation Certificate shall be obtained from the Principal Certifier upon completion of the construction works required by the approved Construction Certificate.
- (e) Sydney Water's Section 73 Compliance Certificate.

#### **87. SOHO UNIT**

The SOHO unit must remain as one strata allotment in its entirety and is not to be subdivided at any time into two separate units.

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

#### **88. Maintenance of Landscaping**

All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

#### **89. Outdoor Lighting**

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

#### **90. Amenity of the Neighbourhood**

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

#### **91. Activities and Storage of Goods Outside Buildings**

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

#### **92. Loading & Unloading of Vehicles**

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

#### **93. Entering & Exiting of Vehicles**

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

#### **94. Maximum Vehicle Size**

##### **Small Rigid Vehicle**

The maximum size of truck using the proposed development shall be limited to Small Rigid Vehicle as denoted in AS2890.2-2002: Parking Facilities – Off-street commercial vehicle facilities.



#### **95. Annual Fire Safety Statement**

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

- (a) Within 12 months after the date on which the fire safety certificate was received.
- (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
- (c) An annual fire safety statement is to be given in or to the effect of Clause 92 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021 - NSW Legislation](#).
- (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

#### **96. Responsibility of Owners Corporation**

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

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

#### **97. Greywater System**

In order to conserve and re-use water, Council encourages all developments for multi-unit residential dwellings to incorporate a greywater reuse system. The system can incorporate a *greywater diversion device* or a *domestic greywater treatment system*. Any system installed is to ensure that it complies with the Plumbing Code of Australia, maintained at all times and does not result in any adverse amenity impacts on the subject premises and surrounding properties.

### **OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

#### **98. Requirement for a Construction Certificate**

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

#### **99. Appointment of a Principal Certifier**

Building and/or demolition works must not commence until the applicant has:

- (a) appointed a Principal Certifier for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:



- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) notify the Principal Certifier of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

#### **100. Notification of Critical Stage Inspections**

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

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

#### **101. Notice of Commencement**

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

#### **102. Subdivision Work – Construction Certificate & Appointment of Principal Certifier.**

Subdivision work in accordance with a development consent cannot commence until:

- (a) A Construction Certificate has been issued; and
- (b) The applicant has appointed a Principal Certifier for the subdivision work.

No later than two days before the subdivision work commences, the Principal Certifier must notify:

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

#### **103. Subdivision Work – Notice of Commencement**

The beneficiary of the development consent must give at least two days notice to the Council and the Principal Certifier of their intention to commence the subdivision works.

#### **104. Critical Stage Inspections**

The last critical stage inspection must be undertaken by the Principal Certifier. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 61 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021 - NSW Legislation](#).



**105. Notice to be Given Prior to Critical Stage Inspections**

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

**106. Occupation Certificate**

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

**PRESCRIBED CONDITIONS****107. Clause 75 – BASIX Commitments**

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

**108. Clause 70 – Erection of Signs**

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the Principal Certifier and the Principal Contractor.

**109. Clause 74 – Protection & Support of Adjoining Premises**

If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.

**ADVISORY NOTES****(I) Review of Determination**

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

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

**(II) Appeal Rights**

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

**(III) Lapsing of Consent**



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

**(IV) Access to NSW Legislations (Acts, Regulations and Planning Instruments)**

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

**(V) Long Service Levy**

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

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

**(VI) Disability Discrimination Act**

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

**(VII) Stormwater & Ancillary Works – Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993**

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

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).
- (b) In the Application Form, quote the Development Consent No. (eg. 2022/230) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Works Permit applications.

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

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



out the approved development.

### **(VIII) Site Safety Fencing**

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

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

### **(IX) Noise**

Council will generally enforce noise related conditions in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) published by the Department of Environment and Conservation. Other state government authorities also regulate the [Protection of the Environment Operations Act 1997](#).

Useful links relating to Noise:

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

### **(X) Acoustical Engineer Contacts & Reference Material**

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

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

**(XI) Strata Subdivisions**

- (a) Council will check the consent conditions on the relevant Strata Subdivision consent. Failure to submit the required information will delay endorsement of the plan of subdivision.
- (b) Council will undertake the required inspections to satisfy the requirements of the [Strata Schemes Development Regulation 2016](#) to determine the Strata Certificate.
- (c) Strata Plans, Administration Sheets, 88B Instruments and copies must not be folded.
- (d) All Strata Plans, Strata Plan Administration Sheets and 88B Instruments shall be submitted to Council enclosed in a protective cardboard tube (to prevent damage during transfer).

**(XII) Sydney Water Section 73 Certificates**

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

**(XIII) Electricity Supply**

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

**(XIV) Australia Post – Letter Box Size and Location**

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



TELEPHONE: 13 13 65  
EMAIL: [development@ausgrid.com.au](mailto:development@ausgrid.com.au)

24-28 Campbell St  
Sydney NSW 2000  
All mail to  
GPO Box 4009  
Sydney NSW 2001  
T +61 2 13 13 65  
[ausgrid.com.au](http://ausgrid.com.au)

**This letter is Ausgrid's response under clause 45(2) of the State Environmental Planning Policy (Infrastructure) 2007.**

**Ausgrid does not object to the proposed development.**

The applicant/developer should note the following comments below regarding any proposal within the proximity of existing electrical network assets.

### **Ausgrid Underground Cables are in the vicinity of the development**

Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).

In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:

SafeWork Australia – Excavation Code of Practice.

Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.



## **Ausgrid Overhead Powerlines are in the vicinity of the development**

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at [www.ausgrid.com.au](http://www.ausgrid.com.au).

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website: [www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries](http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries)

For new connections or to alter the existing electrical connection to the property from the Ausgrid network, the proponent should engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details: <https://www.ausgrid.com.au/Connections/Get-connected>

Should you have any enquiries, please contact Ausgrid at [development@ausgrid.com.au](mailto:development@ausgrid.com.au)

Regards,  
Ausgrid Development Team



Transport for NSW



Patrick Santos  
Strathfield Municipal Council  
PO Box 120  
STRATHFIELD NSW 2135

TfNSW Reference: SYD23/00103/01

**SHOP TOP HOUSING PROPOSAL  
45-53 PARRAMATTA ROAD  
STRATHFIELD**

**23 February 2023**

Dear Patrick,

Transport for NSW (TfNSW) has reviewed the additional information relevant to the abovementioned proposal, as referred to TfNSW for comment. TfNSW does not raise objection to the proposal. However, recommends the following conditions be included in any development consent issued by Council:

1. All buildings and structures, together with any improvements integral to the future use of the site to be contained within the freehold property (unlimited in height or depth), along the Parramatta Road boundary.
2. The developer is to submit design drawings and documents relevant to the excavation of the site and support structures, in accordance with Technical Direction GTD2020/001.

Please submit all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au) at least six (6) weeks prior to commencement of construction. Also, the full cost of the assessment by TfNSW to be incurred by the developer.

Should excavation be required below the level of the base of adjoining roadways footings, the person acting on the consent to ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings – notice is to include complete details of the work.

3. All vehicles (including demolition and construction vehicles) are to be fully contained within the site and vehicles must enter the site before stopping.  
Please note a construction zone will not be permitted on Parramatta Road.
4. The post-development stormwater discharge from the subject site into the TfNSW drainage system must not exceed the pre-development discharge.

Should the post-development stormwater discharge exceed pre-development discharge, please submit detailed design plans and hydraulic calculations including the following, detailing any changes to the TfNSW stormwater drainage system to TfNSW via [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au) for approval, prior to the commencement of any works:

- Details of the pre and post-discharge; and
- Details of the anticipated storm water discharge - in l/s- for the 1 in 5, 10, 20, and 100 storm events (to be shown in table form on the drawing).



Transport for NSW



Please note a plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

5. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) via <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>, for any works that may impact on Parramatta Road boundary traffic flows during construction activities.

Also, TfNSW provides the following advisory comments to be considered in the determination of the proposal:

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

All vehicles are to enter and exit the site in a forward direction. Provision for vehicles to turn around must be provided within the property boundary.

Noting the proposal will generate additional pedestrian movements in the area, pedestrian safety is to be considered in the vicinity.

Any queries relevant to the subject proposal, please contact Sandhya Davidson via [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au)

Sincerely,

A handwritten signature in blue ink, appearing to read "Muriel Maher".

**Muriel Maher**  
Senior Coordinator Land Use  
Planning and Programs  
Greater Sydney Division