

SUMMARY

PROPERTY:	80 Park Road, Homebush – Lot A in Deposited Plan 953360
DA NO.:	S96 No. 2012/041/01
APPLICATION TYPE:	Section 96(2) application to delete one (1) ground floor apartment and reconfiguration of car parking to allow the deletion of one (1) level of basement car parking, modification to the common entry lobby and amendments to the landscaped design.
REPORT BY:	Sandhya Davidson
RECOMMENDATION:	APPROVAL
SUBMISSIONS:	Three (3) written submissions were received.
ZONING:	R4 – High Density Residential
DATE APPLICATION LODGED:	22 April 2013
APPLICANT:	Mr. Jiling Jin
OWNER:	Jiling Jin & Lihua Guo

INTRODUCTION

Approval is sought to modify the approved four (4) storey residential flat building involving the deletion of one (1) ground floor apartment and reconfiguration of car parking to allow the deletion of one (1) level of basement car parking, modification to the common entry lobby and amendments to the landscaped design. The proposed amendments will result in the reduction of the number of units onsite from the twenty (20) approved to nineteen (19) units thereby reducing the overall gross floor area of the development from 1,995.2m² (2.15: 1) to 1,480.5m² (1.53:1). The proposed external alterations are relatively minimal and therefore the development's presentation to the street remains essentially the same.

Three (3) written submissions have been received primarily raising concerns regarding the overall height of the building, impact on the heritage significance of the building, overshadowing, privacy concerns and impact on traffic and parking. Whilst these issues have been raised as part of the current application, they are considered non-substantive as they have been previously addressed as part of the original development application, which was approved by the Land and Environmental Court by way of Consent Orders in January 2013

The proposal satisfies the S96 (2) provisions under the Act in that it is substantially the same development as previously approved and would not result in any unreasonable impact on adjoining properties.

The modifications sought are considered to be an improvement to the approved development and is therefore recommended for approval.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the north-eastern corner of the intersection of Park Road and Powell Street, Homebush. It is a rectangular shaped allotment with an area of 928m². The site has a frontage of 15.24m to Park Road and frontage of approximately 61m to Powell Street.

The subject site consists of a two (2) storey Spanish Mission building which is identified as a Heritage item. The rear of the site contains a paved parking area. On 14 January 2013, the Land and Environmental Court approved (by Consent Orders) the conversion of the existing heritage item into three (3) apartments and the construction of a residential flat building attached to the rear of the heritage item, containing seventeen (17) apartments with basement car parking resulting in a development comprising of a total of 20 units.

The surrounding area consists predominantly of residential flat buildings ranging in height from three (3) storeys up to seven (7) storeys together with existing commercial and retail uses on relatively large lots.

PROPOSAL

The application seeks Council approval for modifications to the approved residential building involving the deletion of one (1) ground floor apartment reconfiguration of car parking to allow the deletion of one (1) level of basement car parking, modification to the common entry lobby and amendments to the landscaped design. The detailed elements of the proposal are:

Lower and Upper Basement Level

- Deleting the lower level basement car parking;
- Reconfiguration of the upper level basement area to include thirteen (13) car parking spaces, storage areas, lifts and fire stairs;

Ground Level

- Reconfiguring the layout of the ground level floor plan;
- Reducing the number of units at ground level from four (4) to three (3) to allow for additional car parking spaces, garbage and storage areas. The proposal includes two (2) x one (1) bedroom units and one (1) x two (2) bedroom unit at ground level. The number of car parking spaces at ground level has been increased from five (5) to nine (9);
- Modifying the main lobby 'lobby 01' area;
- Modifying the fire stairs to enable direct access to the street;

First, Second and Third Floor Level

- Reconfiguring the layout of units 3, 8, 13 to facilitate the changes to the main lobby areas at ground level;

- Amending the fire stairs and lobby, lift and stairs on first, second, and third floors to accommodate the changes to the layout of the floors below;
- Introducing additional planting to improve landscaping at ground floor level;

Roof Level

- Adjusting the layout of the lift and stairs to accommodate changes to the layout of the floors below;

South East Elevation

- Alteration to the south eastern elevation of the development through:
 - deletion of windows as a result of reconfirmation to units 1, 3, 8 and 13;
 - introducing breaks within the lobby windows;
 - adding ground floor bedroom and lobby windows;
 - Adding doors to the lobby and fire stairs; and

South West Elevation

- Relocating the main entry/lobby door from the south eastern elevation to south eastern elevation.

A site plan and elevations are **attached (2)**.

BACKGROUND

6 December 2011	Pre-DA meeting was held on 1 December 2012 to discuss potential issues associated with the original application. Council's letter with respect to the Pre-DA meeting recommended that the application not proceed and that a substantial redesign be undertaken with a further Pre-DA to review any revised scheme.
14 August 2012	The Planning Committee resolved to refuse development application (DA No. 2012/41) for the alterations to existing heritage dwelling for its conversion into four (4) apartments and construction of an adjoining five (5) storey residential flat building containing twenty (20) apartments with two (2) floors of basement car parking.
14 January 2013	An agreement was reached following the Section 34 mediation conference pursuant to the Land and Environment Court and subsequently an approval was granted for the conversion of heritage item into three (3) apartments and construction of residential flat building attached to the rear of the heritage item containing seventeen (17) apartments with basement car parking. At the time, the Residential Flat Design Code was the overriding control, therefore compliance with the relevant controls of the Development Control Plan No. 20 (DCP No. 20) – Parramatta Road Corridor Area was given lesser weight.

- 18 March 2013 A meeting was held to discuss the changes to the approved residential flat building. In attendance were Silvio Falato (Group Manager Planning and Environment), Spiro Stavis (Senior Planner) and the applicant.
- 19 March 2013 A report was presented to the Liveable Neighbourhood Committee to provide an update of the outcome of the Land and Environmental Court appeal against Council's refusal of DA No. 2012/041.
- 22 April 2013 The current modification application No. DA2012/041/01 was lodged.

STATUTORY CONSIDERATIONS

Section 96 (2) of the Environmental Planning & Assessment Act, 1979

- (2) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:
- “(a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
 - (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
 - (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
 - (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be”.*

Comment: In regards to sub-clause (a), the proposed development (as modified) is substantially the same development as the development for which consent was originally granted. The proposed development as amended will retain the main components of the approved development, in that it will not alter the nature of the approved use, the approved setbacks and the general appearance of the building.

With regard to sub-clause (b), the development does not warrant concurrence with the relevant Minister, public authority or approval body.

In relation to sub-clauses (c) and (d), the Application is a S96(2) Application and therefore notification is warranted for a maximum of (14) days in accordance with Part L of the SDCP 2005.

The proposal therefore satisfies the S96 provisions under the Act.

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

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

(a) (i) Environmental Planning Instruments:

The following Environmental Planning Instruments are relevant to this proposal:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings the Residential Flat Design Code;
- Strathfield Local Environmental Plan, 2012 (SLEP 2012); and
- Development Control Plan No. 20 (DCP No. 20) – Parramatta Road Corridor Area

BASIX Certification

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

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

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

Residential Flat Design Code

The following table provides a detailed assessment of the proposed development against the Residential Flat Design Code in accordance with the requirements of State Environmental Planning Policy No. 65 – Residential Flat Development. In summary, the proposed modifications to the approved building are considered satisfactory, the details of which are provided in the table below:

Development Guideline	Required	Proposed	Compliance
Building Entry	Provide physical and visual connection between building and street	The proposed changes to the main entry will provide a physical and visual connection between the street and the entry.	Yes
	Provide safe & accessible entrance	<p>The proposed lobby areas are large and distinct with adequate circulation area.</p> <p>The proposed changes to the main entry are an improvement to the development in that it is a clearly identifiable element of the building in the street.</p> <p>The vehicular access is separate to pedestrian access.</p>	Yes
Parking	Provide underground car parking	One (1) level of basement parking and above ground enclosed parking provided with (22) car parking spaces.	The above ground parking has been approved as part of the original application. The subject application seeks to slightly increase the area of the approved car park and reconfigure the internal layout. This is considered acceptable as the proposed will not change the developments presentation to the street and will involve improved vehicular manoeuvrability.
Vehicle Access	Max width of driveway is 6m	Approximately 9.72m at widest point	Yes
	Located vehicle entry away from pedestrian entry	Separate entries provided.	Yes
Apartment Layout	Single aspect max depth is 8m	N/A – none with single aspect	Yes
	Min apartment size: 2 bed – 70m ²	Unit 1 = 78m ² Unit 3 = 79m ² Unit 8 = 77m ² Unit 13 = 77m ²	Yes Yes Yes Yes

(ii) Other Environmental Planning Instruments:

Strathfield Local Environmental Plan, 2012

The proposed development is situated within the R4 – High Density Residential zone, which permits Residential Flat Buildings. The proposed development meets the objectives by providing residential units in an established area predominantly characterised by this form of development.

The proposed development similarly accords with the zone objectives by providing a development, which is generally compliant with Council’s controls for Residential Flat Buildings and has been designed so as to minimise the impact of the proposed development on the amenity of adjoining residents. The development is consistent with the mixture of residential development in the area as well as other commercial and retail developments in its proximity thus achieving the objectives of Clause 6.9 of the SLEP 2012.

Clauses 4.2 and 4.3 of the SLEP 2012 provide that the development must achieve a maximum allowable building height and floor space ratio of 11m and 0.9:1 respectively. The merits of the development’s height and floor space ratio were determined and approved as part of the original development application. The overall height of the development remains unaltered by the proposed amendments, however, while non compliant, the gross floor area of the development is significantly reduced from 1,995.2m² (2.15: 1) to 1,480.5m² (1.6:1).

The proposed works do not impact on the heritage significance of the existing building and thereby satisfies Clause 5.10 of the SLEP 2012.

Accordingly, the proposed modifications have been considered in accordance with the relevant provisions of the SLEP 2012 and are satisfactory in this regard.

Clause	Development Standard	Required	Proposed	Compliance
4.3 (2)	Height of Buildings	Max. height 9.5m	The approved height remains the same as previously approved.	Yes
4.4	Max. Floor Space Ratio	0.9 (835.2m ²):1	1.6 (1,480.5m ²):1	No, refer to section (b) for further detail.

(iii) Development Control Plans:

The following table provides a detailed assessment of the proposed development against the Development Control Plan No. 20 – Parramatta Road Corridor Area. In summary, the proposed modification to the approved building are considered satisfactory, the details of which are provided in the table below:

Section	Development Standard	Required	Proposal	Compliance
2.4	Built Form	Min. size of a two (2) bedroom apartment = 85m ²	Unit 1 = 78m ² Unit 3 = 79m ² Unit 8 = 77m ² Unit 13 = 77m ²	No, refer to section (b) for further detail.
2.6	Facade Composition	<p>1. Street facades should provide a distinguishable entrance to the building.</p> <p>2. The Facades should provide architectural features which give human scale at street level such as entrance porches, public spaces and landscape treatments.</p> <p>3. Materials and finishes used on building facades should blend together and be architecturally interesting. At least 30% of the facade is to incorporate face brick to reflect the traditional character of the Strathfield Municipality.</p>	<p>The proposed entry to the main lobby has been relocated along the south western elevation. The entry is clearly identifiable with a distinct pathway leading to it.</p> <p>Whilst the approved development is considered substantial, the proposed design changes are minor in nature. The proposed changes are consistent with the existing well articulated architectural features. Additionally, the proposed landscape treatment includes vertical gardens through the use of creeper plants along the south eastern elevation.</p> <p>The proposed architectural changes are minor in nature comprising of alterations to windows and doors along the south eastern elevation. The materials and finishes proposed are similar to that already approved and continue to achieve the desired architectural interest.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Standard 2.13.1 (C)	Onsite Parking	<p>Car parking is required to be provided:</p> <p>1 space for one (1) and two (2) bedrooms = 18</p> <p>1.5 spaces for three (3) = 2</p> <p>Visitor parking - Council will require some provision of visitor parking on-site in accessible locations for large scale residential buildings in excess of 20 units = NIL</p>	22 car parking spaces provided.	Yes

Section 94 Contributions

The following amended Section 94 Contributions equating to **\$145,759.20** are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan 2010-2030 as follows:

Provision of Community Facilities	\$ 17,870.20
Provision of Major Open Space	\$ 86,007.80
Provision of Local Open Space	\$ 34,506.60
Provision Roads and traffic Management	\$ 3,713.00
Administration	\$ 3,661.60
TOTAL	\$145,759.20

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

The waste management plan approved as part of the parent development application is applicable to the subject proposal and was considered to be satisfactory.

(iv) Matters Prescribed by the Regulations

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

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

(v) Any Coastal Zone Management Plan:

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

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

The proposed development is located on a site that is not subject to flooding attributed to either Powell’s Creek or Cook’s River and is therefore not required to be considered

under the provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

(b) Likely Impacts:

Floor Space Ratio

As mentioned above, the proposed amendments to the overall floor layout has resulted in the reduction of the number of units from twenty (20) to nineteen (19). As such the development now achieves a reduced FSR of 1.6:1 or 1,480.5m² as compared to the previously approved 1,995.2m² or FSR of 2.15: 1.

It is acknowledged that the proposed development continues to remain non-compliant with the requirements of clause 4.3 of the SLEP 2012 however it is considered that the proposed improvements, despite the non-compliance, achieves an enhanced design outcome in terms of the overall bulk and scale.

Car Parking and Car Park Layout

As stated above, the proposed development (as modified) would require twenty (20) car parking spaces. The car parking requirements in this instance have been calculated on the following basis:

Standard 2.13.1 (C) – Onsite Parking	Required	Proposed
1 space - 1 and 2 bedroom	18	22 carparking spaces proposed
1.5 spaces - 3 or more bedroom	2	
Visitor parking - Council will require some provision of visitor parking on-site in accessible locations for large scale residential buildings in excess of 20 units	19 units proposed therefore no visitors parking is required = NIL	
	Total car parking required = 20	

The parent development application (DA No. 2012/041) has been approved with twenty-two (22) car parking spaces of which twenty-one (21) parking spaces have been allocated to resident parking and one (1) space to visitors parking, by Condition in the Consent.

The proposed arrangement has provision for twenty-two (22) car parking spaces. Given that the proposed alterations involve reduction in the total number of units from twenty (20) to nineteen (19), the overall car parking spaces required by the development is twenty (20). The proposal more than adequately achieves compliance with the numerical standards of DCP No. 20 providing an excess of two (2) parking spaces. This

increase whilst minimal will aid in reducing the burden on on-street parking. Accordingly, Condition 14 of the Consent will be modified to stipulate twenty (20) dedicated residents parking and two (2) visitors parking spaces.

In addition to the above, it is considered that the deletion of the lower level basement will reduce the depth of excavation hence minimising the potential impact on the foundations of the existing heritage building, thus ensuring to help mitigate against any potential structural damage to the integrity of the building.

Overall the proposed works will achieve an improved environmental and design outcome. As such the proposal is considered acceptable.

Built Form – Unit Size

Part 02 – Building Configuration of the Residential Flat Design Code stipulates that a two (2) bedroom unit should have an overall floor area of 70m² while DCP No. 20 specifies a floor area of 85m².

The proposal seeks to reconfigure Units 1, 3, 8, 13 to accommodate changes to the floors below. The proposed floor area of each unit ranges between 77m² and 79m². Evidently the proposal fails to meet the desirable minimum apartment size as specified in DCP No. 20 – Parramatta Road Corridor.

Despite the above, the proposal merely seeks approval for the reconfiguration of the subject units without any alteration to the approved size of the units thereby upholding compliance with the overriding controls of the Residential Flat Design Codes.

Unit 1 in this instance, benefits from a slight increase in its overall floor area from 64.81m² to 77.9m². While minor, the increase in floor space provides improved amenity for the occupants of the development.

Adaptable Housing

It is acknowledged that assessment of the original application did not consider the adaptable housing requirements of Section 2.12 of Development Control Plan No. 20 (DCP No. 20) – Parramatta Road Corridor Area, as the overriding controls of the of the Residential Flat Design Code did not necessitate the consideration of this provision.

Nonetheless, as part of the current application, the proposal has identified unit 9 and unit 14 as being adaptable units. Section 2.12 of the DCP No. 20 specifies that a minimum 15% of the total number of units within the development must be allocated as adaptable to allow occupation by older people or people with disabilities. Therefore, the subject development is required to provide a total of three (3) adaptable units.

The proposed provision of two (2) adaptable dwellings, whilst deficient, is an improvement to the previously approved development that provided no adaptable dwellings and is therefore considered acceptable.

A suitable condition will be imposed in the Consent to ensure that the internal design of the units is in accordance with Australian Standard AS4299 Adaptable Housing.

Heritage

The proposed development involves external alterations and additions along the south eastern elevation which primarily include extension of the south eastern wall southwardly, deletion and alterations to approved windows and construction of fire exit doors. These changes have eventuated as a result of the proposed internal reconfiguration.

It is considered that the alterations proposed do not affect the already approved improvements to the heritage component of the development. The proposed alterations are contained wholly within the adjoining modern addition to the rear. These alterations are considered minor in nature and are consistent with the approved quality of the building. The extended portion of the south eastern wall fronting Powell Street provides a well articulated entryway and glass panels. These treatments aid in reducing the perception of bulk and add interest to the facade. Hence, it is considered that the proposed works do not adversely impact upon the heritage significance of the development.

Furthermore, the reduced depth of excavation as a result of deletion of the lower level basement will minimise the likely impact on the existing heritage building.

External Finishes

The proposed changes to the south eastern facade of the development include alterations and additions to windows and doors along the south eastern elevation. Deletion of bedroom windows to units 3, 8 and 13 on the southern side of the south eastern elevation is likely to maximise the privacy of the adjoining properties without adversely impacting on the architectural quality of the building. Additionally the development continues to achieve adequate solar access and maintains sufficient ventilation throughout the subject units.

To create a perception of vegetation and a sense of openness, the proposal introduces vertical landscaping along part of the south eastern elevation. This also aids to break the monotony of built form.

The proposed alterations are in keeping with the approved character of the development and other developments in the immediate area and is therefore supported.

(c) Suitability of the Site:

The proposed modifications are minor in nature and do not significantly impact on the quality of the approved development.

Overall, the proposed improvements will have a lesser impact on the adjoining heritage building and the environment in general.

For the reasons provided above, the proposal is considered to be suitable for the site.

(d) Submissions:

The application and plans were notified in accordance with Part L of the Strathfield Consolidated DCP 2005 from 2 May 2013 to 17 May 2013. Three (3) written submissions were received primarily relating to the overall height of the building, impact on the heritage significance of the building, overshadowing, privacy concerns and impact on traffic and parking.

Whilst these issues have been raised as part of the current application, they are considered non-substantive as they have been previously addressed as part of the original development application.

(e) Public Interest:

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments (EPI's), development control plans and by Council ensuring that any adverse effects on the surrounding area and the environment are minimised.

As the proposed works is relatively minor and largely internal, the development is not inconsistent with the streetscape and will not unreasonably impact upon the adjoining properties. Therefore, the approval of the application is in the public interest.

INTEGRATED DEVELOPMENT

There are no approvals required by other authorities pursuant to the Integrated Development provisions, of the Environmental Planning and Assessment Act, 1979.

INTERNAL REFERRALS

The application was referred to Council's Building Surveyor who raised no objections subject to inclusion of suitable conditions.

CONCLUSION

The proposed development is permissible in the subject zoning and is consistent with the relevant provisions and objectives of the Strathfield Local Environmental Plan, 2012.

The proposal generally complies with the development controls of the Strathfield Consolidated DCP 2005 and will provide a high level of amenity to future residents without significantly compromising the architectural quality of the approved development including the attached heritage building.

The proposal is therefore recommended for approval subject to imposition of relevant conditions of Consent.

RECOMMENDATION

That DA No. 2012/041/01 for the deletion of one (1) ground floor apartment, internal reconfigurations resulting in a total of 19 units, deletion of one (1) level of basement car

parking, modification to the common entry lobby and amendments to the landscaped design at 80 Parks Road, Homebush, be APPROVED subject to the following conditions:

Condition 1 to be amended to read:

Basement Floor Plan, Drawing No. S96-01 Issue A dated 20/02/2013 prepared by Urban Link received by Council on 22 April 2013;

Ground Floor Plan, Drawing No. S96-02 Issue A dated 20/02/2013 prepared by Urban Link received by Council on 22 April 2013;

First Floor Plan, Drawing No. S96-03 Issue A dated 20/02/2013 prepared by Urban Link received by Council on 22 April 2013;

Second Floor Plan, Drawing No. S96-04 Issue A dated 20/02/2013 prepared by Urban Link received by Council on 22 April 2013;

Third Floor Plan, Drawing No. S96-05 Issue A dated 20/02/2013 prepared by Urban Link received by Council on 22 April 2013;

Roof Plan, Drawing No. S96-06 Issue A dated 20/02/2013 prepared by Urban Link received by Council on 22 April 2013;

South-East Elevation (Powell Street), Drawing No. S96-07 Issue B dated 20/02/2013 prepared by Urban Link received by Council on 2 May 2013;

Elevations (Sheet 2), Drawing No. S96-08 Issue A dated 20/02/2013 prepared by Urban Link received by Council on 3 June 2013;

Elevations (North-West) Dwg 1501 Issue B prepared by Gazi Al Ali Architect, dated 26 November 2012;

Landscape Plan, Drawing No. L-01/2 Issue D dated 17/04/13 prepared by RFA Landscape Architects received by Council on 22 April 2013;

Landscape Plan, Drawing No. L-02/2 Issue D dated 17/04/13 prepared by RFA Landscape Architects received by Council on 22 April 2013;

BASIX Certificate No. 486211M issued on 3 June 2013;

Waste Management Plan dated 12 April 2012.

Condition 10 shall be amended to read:

In accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and Strathfield Section 94 Contributions Plan 2001, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Provision of Community Facilities	\$ 17,870.20
Provision of Major Open Space	\$ 86,007.80
Provision of Local Open Space	\$ 34,506.60
Provision Roads and traffic Management	\$ 3,713.00
Administration	\$ 3,661.60
TOTAL	\$145,759.20

The total amount of the contribution is valid as at the date of determination and is subject to annual indexation. If the contribution is paid after 1st July in any year, the amount of the contribution under this condition, shall be indexed in accordance with clause 4 Part E of the Strathfield Section 94 Contributions Plan 2001.

The required contribution shall be paid **prior to the issue of a Construction Certificate or as otherwise specified in writing by Council.**

Condition 14 shall be amended to read:

A total of 22 off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents	20 (including two (2) disabled bays)
Visitors	2
TOTAL	22

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

Condition to be added:

Units 9 and 14 shall be reconfigured to ensure that the internal design of the units is in accordance with Australian Standard AS4299 Adaptable Housing.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.**

LIST OF ATTACHMENTS

1. Notification Map
2. Site plans and elevations.
3. Letters of objection.