

## **SUMMARY**

<b>PROPERTY:</b>	38-40 Albert Road, Strathfield Lot 1 in Deposited Plan 229683 and Lot A in Deposited Plan 324603
<b>DA NO.:</b>	2012/124
<b>APPLICATION TYPE:</b>	Mixed Residential/Commercial Development
<b>REPORT BY:</b>	Sophie Olsen – Planning Officer
<b>RECOMMENDATION:</b>	APPROVAL
<b>SUBMISSIONS:</b>	Three (3) written submissions and two (2) separate sets of pro-forma letters containing (83) and nine (9) signatories respectively.
<b>ZONING:</b>	SPSO, 1969: Residential 2(b) SLEP, 2012: B4 Mixed Use
<b>DATE APPLICATION LODGED:</b>	26 September 2012
<b>APPLICANT:</b>	Milestone Australia Pty Ltd
<b>OWNER:</b>	James An, Sinae An and Jungie Jo

## **INTRODUCTION**

Approval is sought for the demolition of existing structures and construction of an (11) storey mixed residential/commercial development comprising a ground floor commercial tenancy with and a total of 42 units in the form of eight (8) x one (1) bedroom units, (33) x two (2) bedroom units and one x (1) three (3) bedroom unit above four (4) levels of basement car parking.

Given the prominent location of the development site, considerable consultation between Council Officers and an independent Urban Design specialist has occurred throughout the assessment process to achieve the best possible urban design and architectural outcome for the site.

The proposed development is an exceptional example of modern architecture which embraces its prominent corner location at the gateway to the Strathfield Town Centre. Through well considered design, the proposal will contribute to the activation of the streetscape and will establish a new benchmark for mixed use development in the Strathfield Municipality. Capitalising on the northerly orientation of the site, the residential component of the development demonstrates 'best practice' design satisfying all of the relevant guidelines presented by the Residential Flat Design Code and SEPP 65.

As the proposal presents a high quality mixed use development demonstrative of the desired future character of the Strathfield Town Centre, the subject application is recommended for approval subject to recommended conditions of consent.

## **DESCRIPTION OF THE SITE AND LOCALITY**

The subject site is on the south-western corner of the intersection of Albert Road and Raw Square, and is located on the periphery of the commercial core of the Strathfield Town Centre. The subject site contains of two (2) separate allotments which are legally identified as Lot 1 in Deposited Plan 229683 and Lot A in Deposited Plan 324603.

The subject site is relatively flat in topography with a slight cross fall from the south-eastern corner of the site to the northern boundary which fronts Albert Road. Combined, the two (2) allotments are regular in shape with a splay to the street corner and the following dimensions:

<b>Site Area:</b>	847.8m <sup>2</sup> (Lot 1: 570.6m <sup>2</sup> + Lot A: 277.2m <sup>2</sup> )
<b>Dimensions:</b>	12.755 x 4.53m (splay) x 33.555m x 15.81m x 36.585m + 7.62m x 36.575m x 7.62m x 36.585m

That part of the site comprising No. 40 Albert Road currently accommodates a part one (1), part two (2) storey commercial building with an awning protruding over Council's footpath. This building has been used for commercial purposes since the 1970s and was more recently approved in 2000 as an after-school coaching college (educational establishment). No. 38 Albert Road accommodates a two (2) storey brick and tile walk-up residential flat building of six (6) units with hardstand parking area to the rear of the site.

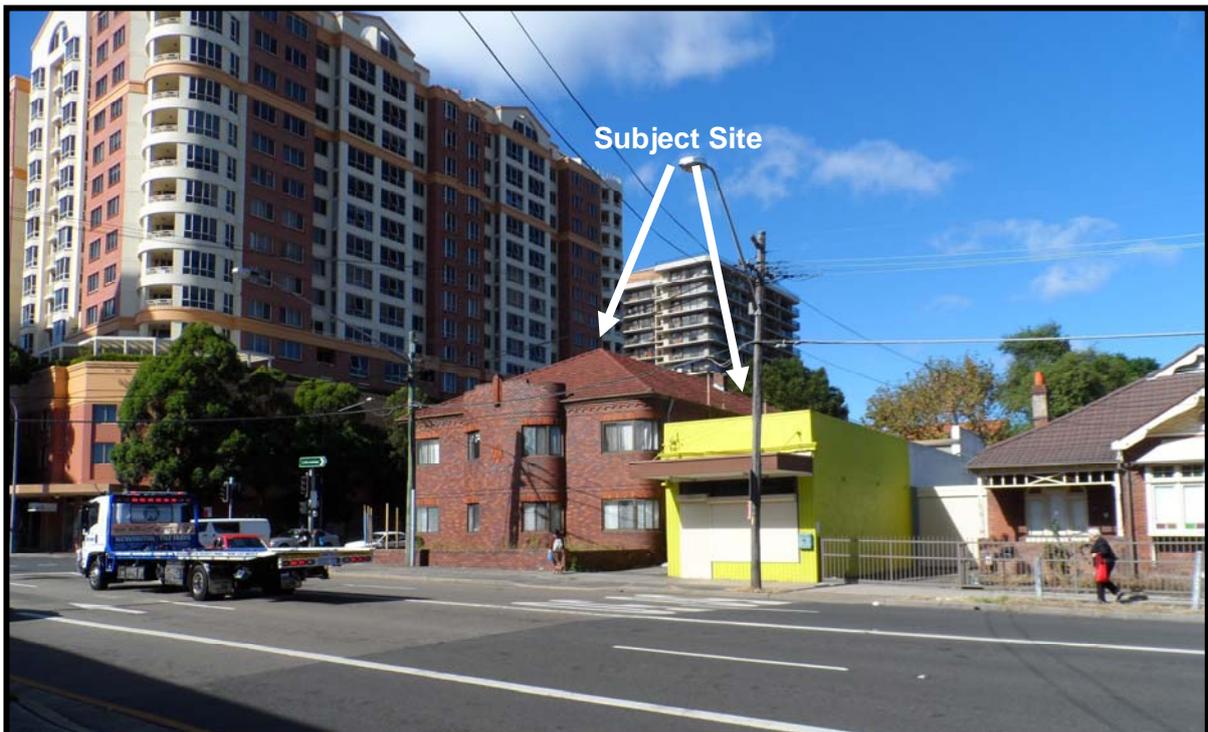
The two (2) allotments which comprise the development site (38-40 Albert Road) are affected by a right of carriageway which provides vehicular access to the rear of the two (2) sites and a 2.75m wide underground Sydney Water concrete culvert which runs adjacent to the southern boundary.

The site is relatively flat and a small grassed area is provided to the Albert Road frontage of the residential flat building. Aside from this grassed area, the site is completely covered by structures and concrete hardstand areas. According to Council's records the subject site is affected by the 1 in 100 year flood event to a level of RL10.3AHD.

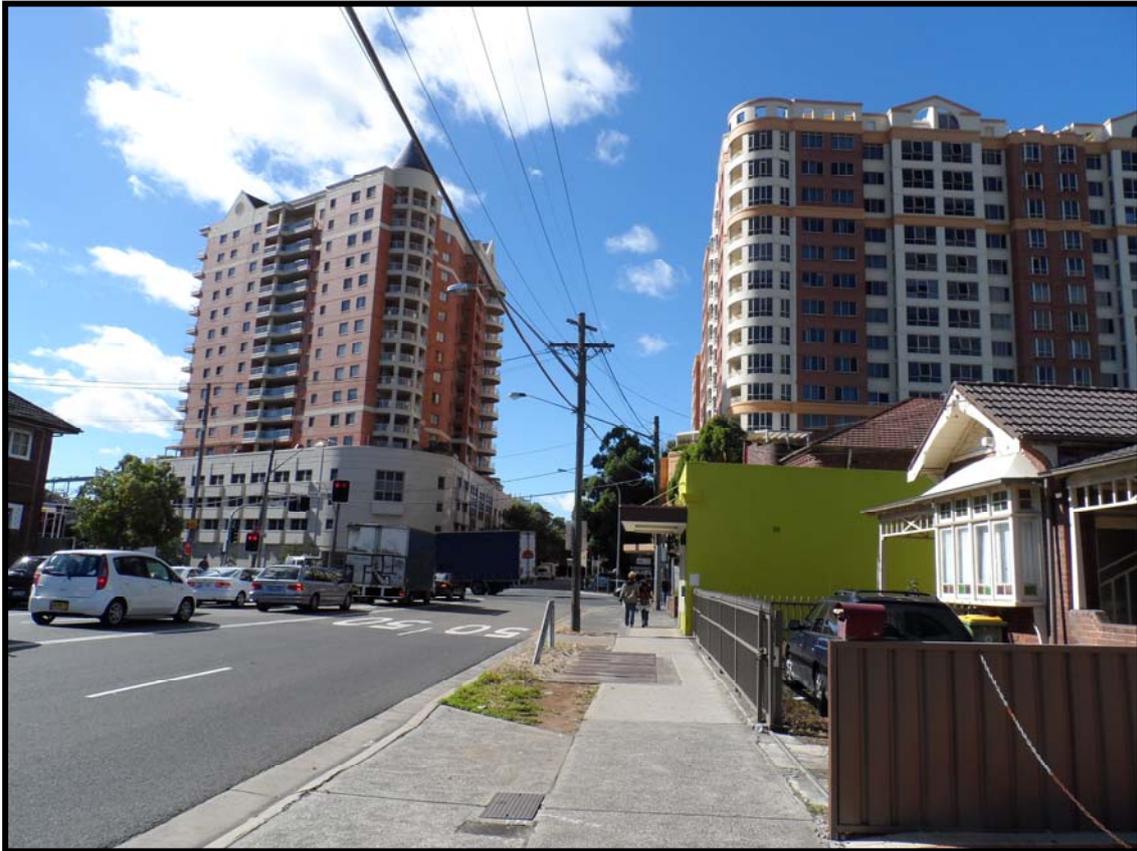
As demonstrated in the aerial photograph below and the site photographs provided over the following pages, surrounding development is predominantly characterised by high density mixed-use and commercial buildings to the east of the site within the Strathfield Town Centre. An existing service station is located to the north of the site, across Albert Road, whilst development to the west of the site is lower density in nature with a number of semi-detached and single dwellings. Directly adjoining the site to the south is a multi-unit townhouse development comprising of six (6) dwellings.



**Image 1:** Aerial Photograph of the Subject Site



**Image 2:** Photograph taken from Albert Road looking south toward the subject site.



**Image 3:** Photograph taken from Albert Road looking east toward the subject site.



**Image 4:** Photograph of the subject site taken looking south across the intersection of Raw Square and Albert Road. Note the established street trees located on the eastern side of Raw Square.

The application seeks Council approval for the demolition of existing structures and construction of an (11) storey mixed use development comprising ground floor commercial tenancy with eight (8) x one (1) bedroom units, (33) x two (2) bedroom units and one (1) x three (3) bedroom unit above four (4) levels of basement car parking.

The elements of the proposal are:

- One (1) ground floor commercial tenancy of approximately 110m<sup>2</sup>;
- 42 Residential apartments comprising, eight (8) x 1 bedroom units, (33) x 2 bedroom units and one (1) x 3 bedroom unit each with a private balcony. Nine (9) of these units are proposed as adaptable;
- Communal rooftop terrace of approximately 95m<sup>2</sup>;
- Ground level landscaping of approximately 120.5m<sup>2</sup>;
- (54) parking spaces across one (1) level of at-grade (ground level) parking and four (4) levels of below ground basement parking. Parking is to be allocated as follows:
  - (42) residential spaces at a rate of one (1) space per unit, including seven (7) accessible parking bays;
  - Nine (9) visitor parking spaces; and
  - Three (3) parking spaces for the commercial tenancy, including one (1) accessible parking bay.

Rendered images of the proposed architectural design of the building are provided below whilst a site plan and elevations are **attached (2)**.



VIEW FROM CNR RAW SQUARE AND ALBERT ROAD



VIEW FROM CNR RAW SQUARE AND ALBERT ROAD

**Image 5:** Rendered architectural images of the proposed development. Source: UrbanLink Pty Ltd.

## **BACKGROUND**

19 April 2012                      Pre-Lodgement Meeting held with Council Officers to discuss a mixed-use development concept for the subject site. Points of discussion included site area, basement configuration and parking, vehicular access and compliance with the principal development standards provided by the (then) draft SLEP 2011.

## **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:**

#### **State Environmental Planning Policy No. 55 – Remediation of Land**

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

The applicant has undertaken research into the history of the site which indicates that 38 Albert Road has been historically used for residential purposes while 40 Albert Road has a long standing history as a commercial office. This is consistent with Council's records which indicate that the commercial tenancy has been used as a real estate office and more recently, educational establishment (coaching college) since at least the 1970s.

This investigation has concluded that there are no known uses which may have had a potentially contaminating impact on the site. Nonetheless, the applicant's environmental consultant has suggested that conditions be placed on any consent issued to ensure excavated soils removed from the site are correctly classified and a Hazardous Materials Assessment Report (HAZMAT) is undertaken prior to the demolition of existing structures to identify any potentially hazardous building materials within the site. Appropriate conditions have been recommended for inclusion on any consent granted.

It is further noted that the site is not located in an area of investigation under Part K of the Strathfield Consolidated DCP 2005 (SCDCP 2005) which identifies past known landfill and potential contamination sites in the Strathfield local government area. Accordingly, based on the continued use of the site for residential purposes, there does not appear to be a need for further investigation of the site.

The site is therefore considered suitable in its current state for the purpose for which consent is being sought and the provisions of SEPP 55 are satisfied.

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

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings (SEPP 65) aims to improve the design quality of residential flat development in New South Wales. The SEPP requires Council in determining development applications for residential flat buildings to take into consideration the advice of a Design Review Panel, the design quality of the proposal when evaluated against the ten (10) design quality principles in the SEPP and the ‘rules of thumb’ controls of the *Residential Flat Design Code*. Furthermore, written confirmation from a registered Architect is to be provided to Council confirming that the design is in accordance with the design quality principles of the SEPP.

A design verification statement in accordance with the requirements of SEPP 65 has been received from a registered Architect, Tony Jregie of Urban Link Pty Ltd.

It is noted that Strathfield Council is not subject to a Design Review Panel constituted under the SEPP, however as this site is located at the gateway to the Strathfield Town Centre, a high quality urban design outcome has nonetheless been sought by Council Officers.

As part of the assessment process, Council Officers engaged the services of a well reputed Urban Designer to review the principal design elements of the proposed building and suggest refinements that could readily be implemented to further enhance the aesthetic appeal of the building. The Urban Design review process has ensured that the final architectural product is of a high standard both in terms of functionality and appearance.

The proposed development is considered likely to have a positive impact on the continued activation of the Strathfield Town Centre. The following assessment of the proposal against the (10) design quality principles and the numerical controls of the *Residential Flat Design Code* reinforces this view.

#### Principle 1: Context

*Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.*

*Responding to context involves identifying the desirable elements of a location’s current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.*

#### Comment

The urban context of the site is defined by its location on the periphery of the Strathfield Town Centre which is characterised by high density mixed use and commercial buildings. Development on the eastern side of the intersection of Raw Square and Albert Road is constructed to a maximum height of 15 storeys and is generally characterised by exposed brick construction with rendered features in neutral, earthen colours typical of the 1990’s era of construction. The Strathfield Town Centre is a hub for

commercial/retail services and is well serviced by public transport. The subject site is located approximately 140m west of the heritage listed Strathfield Railway Station and Strathfield bus terminus.

A number of established street trees are located within Council's nature strip which extends along the eastern side of Raw Square, adjacent to the existing high density mixed use development (refer to image 4 above). These established plantings provide a landscaped buffer along the boundary of the high density core of the Strathfield Town Centre and an appropriate condition of consent has been recommended to ensure similar plantings are evenly spaced within the nature strip adjacent to the subject site. These plantings will assist in defining the development's location at the gateway entry into the town centre, particularly when travelling south from Parramatta Road.

Development existing to the west of the subject site is considerably lower density, however the desired future character for these allotments is demonstrated by the floor area, height and zoning controls applicable under the Strathfield Local Environmental Plan (SLEP) 2012. Such planning controls permit mixed use development, stepping down to medium density residential development with maximum heights of 35m and 21m respectively.

The proposed development has incorporated a nil-boundary setback along the Albert Road and Raw Square frontages. In the instance of this mixed-use development, a nil setback is considered appropriate as it will assist in activating the streetscape and will be likely to positively contribute to the pedestrian experience. Whilst a nil setback to the Albert Road and Raw Square frontages of the site is considered suitable, a larger setback is appropriate to the lower density development which abuts the site to the south and west.

Directly adjoining the southern boundary of the site is a two (2) storey townhouse development and in order to preserve the visual and acoustic amenity of residents and reduce overshadowing of these properties, a setback of 6m is proposed. This will result in a separation of 13m between the proposed development and nearest townhouse, which is considered acceptable.

Whilst a single storey semi-detached dwelling currently adjoins the site to the west, the desired future character is for multi-unit residential and mixed use development. The proposed development provides a setback of 4m to the western boundary which is considered both respectful of the amenity of current residents and residents of a future medium to high density development.

The colours and finishes proposed present a modern colour palette which will compliment the terracotta scheme of the existing mixed use buildings of the Strathfield Town Centre. The selection of colours and finishes are considered appropriate and assist in breaking the bulk and scale of the development, ensuring the building remains responsive to both older and newer development within proximity of the site.

Principle 2: Scale

*Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.*

*Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.*

Comment

The scale of proposed development is consistent with Council's desired future character for the area as full compliance is achieved with the relevant floor space ratio and height controls of the SLEP, 2012.



VIEW FROM CNR RAW SQUARE AND ALBERT ROAD

**Image 6:** The tower levels are articulated from the podium through the introduction of a physical break in the built form of the building.

The proposal has been modified throughout the assessment process in order to ensure a pedestrian scale is provided and thus the building does not appear overly bulky. This has been achieved through the creation of a podium level (residential levels 1-4) which is visually separated from the tower element above (refer to the image below). The incorporation of an awning to both the Raw Square and Albert Road frontages further assists in ensuring the building relates to the pedestrian scale.

Principle 3: Built form

*Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.*

*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.*

Comment

The built form is primarily expressed through the northern and eastern elevations of the building which front Raw Square and Albert Road. These elevations have been successfully articulated through the inclusion of protruding boxed elements which provide residential balconies. The incorporation of aluminium screening to the lower level balconies further assists in defining the appearance of the building.

The development will positively contribute to the activation of the streetscape through the proposed nil-setback, configuration of the ground floor commercial space which includes a substantial amount of glazing and the construction of an awning over the pedestrian walkway.

A high level of amenity has been achieved for likely future residents through the well considered internal layout of apartments, generous sized private balconies and large roof top communal terrace. The considered design results in over 90% of the proposed units being naturally cross ventilated and full compliance being achieved with the minimum unit sizes suggested by the Residential Flat Design Code.

As previously noted, the proposal also incorporates a communal rooftop terrace area and ground floor communal garden which will positively contribute to the high level of amenity provided for future residents.

Overall, the building presents as a well proportioned mixed use development that will positively contribute to the character of both the Albert Road and Raw Square streetscapes, and the larger Strathfield Town Centre.

Principle 4: Density

*Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).*

*Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.*

Comment

As previously discussed, the permitted density of development on the subject site is determined by the height and FSR controls which are applicable under the SLEP 2012 and to which the proposed development accords. The residential component of the

dwelling has been articulated through the use of light wells and balconies which assist in breaking the overall bulk of the building.

The SLEP 2012 prescribes a minimum site area of 1,000m<sup>2</sup> for a residential flat building under Clause 4.1A. Based on the information submitted to Council, it would appear that the applicant has made a genuine attempt to consolidate with the residential allotments located west of the site in order to satisfy Council's minimum site area requirement.

As discussed further within this report, the submission of this information provides acceptable grounds for varying Council's minimum site area control in accordance with the Planning Principles established by the Land and Environment Court (refer to *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251 as later discussed in the *Strathfield Local Environmental Plan 2012* section of this report).

Overall, it is considered that the density proposed by the subject development is acceptable given the existing nature of development located east of the site and the desired future character of the streetscape.

*Principle 5: Resource, energy and water efficiency*

*Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.*

*Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.*

Comment

The proposed development meets the building and sustainability index (BASIX) targets for energy and water reduction and includes the following sustainability measures:

- Use of indigenous and low water use species in vegetation choices;
- Installation of energy & water efficient fixtures and fittings;
- Installation of gas instantaneous hot water systems; and
- Provision for bicycle storage to encourage future residents to use alternate means of transportation.

Accordingly, the proposed development incorporates sustainable measures that would ensure the building makes efficient use of natural resources throughout its full life cycle.

*Principle 6: Landscape*

*Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.*

*Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental*

*performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.*

*Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.*

#### Comment

The landscaped aesthetic of the streetscape will be further enhanced by way of a condition of consent requiring additional street trees to be provided along the Raw Square frontage of the site. The new street trees will further compliment existing landscaping located along the eastern side of the street.

Within the site, the proposal incorporates a number of planter boxes at ground level and a rear area of common open space over the existing stormwater easement. Large planter areas are also provided to the rooftop common open space.

Whilst this landscape design is not particularly innovative, it is envisaged that an appropriate planting scheme to these areas will visually enhance the overall appearance of the building and its contribution to the streetscape.

Whilst the original development was accompanied by a landscape plan prepared by a qualified landscape architect, an appropriate condition of consent is recommended to ensure this plan is revised to reflect the modified building and the direction of 'best practice' contemporary Landscape Architecture.

#### Principle 7: Amenity

*Good design provides amenity through the physical, spatial and environmental quality of a development.*

*Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.*

#### Comment

The proposed development will provide a high level of amenity to future residents through the well considered layout of apartments, the majority of which are provided with generously sized north-facing balconies. The open-plan internal layout of apartments demonstrates an efficient use of space and generous sized living spaces.

The development has been configured in order to ensure more than 90% of apartments are naturally cross ventilated and over 70% receive the minimum required three (3) hours of sunlight between 9am and 3pm. The north-facing rooftop terrace will also provide future residents with a sunny communal area with a pleasant city outlook.

The urban context of the subject site and its proximity to the transport hub of the Strathfield Town Centre provides a convenient location for future residents, which is highly accessible by visitors.

Overall, it is considered that the proposed development will result in a high quality mixed use development that will in turn, provide a good level of amenity for future residents.

Principle 8: Safety and security

*Good design optimises safety and security, both internal to the development and for the public domain.*

*This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.*

Comment

By incorporating glass balustrades to balconies, and orienting residential apartments towards Raw Square and Albert Road, the proposed development will provide future residents with opportunities to passively observe the public domain.

The configuration of the ground floor commercial tenancy which includes bi-folding glass doors and an 'at-grade' seating area will contribute to the activation of the public domain and will be likely to encourage additional pedestrian traffic past the subject site.

The proposal includes an awning over Council's footpath which will provide weather protection for pedestrians. The awning will also incorporate lighting in order to further improve public safety and encourage a more active pedestrian thoroughfare.

The residential entry to the building has also been carefully considered in order to provide a defined and safe entry to the site from Raw Square for future residents. It is noted that the letterbox area will be visible from the public domain and a suitable condition of consent will be imposed requiring this area which is often unsightly and untidy to be reconfigured so that it is screened from public view.

Overall, it is clearly apparent that the building has been designed to actively contribute to the streetscape and to optimise safety and security of future residents and other local users of the public domain.

Principle 9: Social dimensions

*Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.*

*New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.*

### Comment

The proposed development provides a good unit mix ranging from eight (8) x one (1) bedroom units and (33) x two (2) bedroom units, to one (1) x 3 bedroom unit, each with a generous sized private balcony.

Furthermore, nine (9) of the proposed units (21%) are to be adaptable and all units will be 'visitable' by those with special needs. This will ensure equitable access is provided to all dwellings and an acceptable amount of adaptable dwellings are provided for residents that may require special accommodation needs within close proximity of the Strathfield Town Centre.

The proposed development also provides two (2) areas of common open space, one (1) of approximately 120m<sup>2</sup> at ground level and a roof top terrace of approximately 95m<sup>2</sup>. These two (2) common areas will encourage social interaction between residents and will be further enhanced by an amended landscaping scheme, as discussed above.

Overall, it is considered that the proposed unit mix and provision of adaptable units will ensure an appropriate mix of future residents are accommodated within the development.

### Principle 10: Aesthetics

*Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.*

### Comment

The aesthetics of the building have been carefully considered in order to provide a nexus between existing development within the Strathfield Town Centre and the current direction of modern architecture. The development incorporates a mixture of modern materials including a high-build painted acrylic finish, glass and high gloss aluminium (alucobond) to the awning. The proposed acrylic paint is a similar product to traditional render however has a waterproof finish which improves the longevity of the product and enables dirt to wash off with rain.

As the proposal incorporates high quality, durable finishes, Council can be assured that this iconic building will retain its architectural aesthetic into the future. Overall, it is considered that the modern design and premium materials selected for the development will set the standard for the renewal of the Strathfield Town Centre and future mixed use development in the Strathfield Municipality.

### **Residential Flat Design Code**

Further to the design quality principles discussed above, the proposal has been considered against the various provisions of the *Residential Flat Design Code* in accordance with Clause 30 (2) (c) of SEPP 65. A full assessment of the proposal against these provisions is provided in the table below:

<b>Development Guideline</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance</b>
Building Depth	Max 10m – 18m	Max 16.5m	Yes.
Building Separation	12m	12.5m to South 8.0m to West	Yes. No, refer to discussion below.
Street Setbacks	Consistent with existing	Nil to Raw Square and Albert Road is considered acceptable given the urban context of the site.	Yes.
Side and Rear Setbacks	Consistent with existing streetscape patterns	Rear Setback (6.0m) is acceptable.  Western Side Setback (4.0m) is acceptable.	Yes.  Yes.
Deep Soil Zones	Min 25% of open space	Limited deep soil area as the portion of landscaping to the rear of the site which contains the stormwater culvert (120.5m <sup>2</sup> or 56% of common open space) is unable to be planted with deep rooted species.	Acceptable due to the existing site constraints.
Landscape Design	Improve amenity, streetscape and energy efficiency	As previously discussed, a condition of consent will be imposed in order to ensure a suitable landscape concept is prepared for the site which enhances residential amenity, provides screening and contributes to the architectural aesthetic of the building.  The communal roof top courtyard will positively contribute to the amenity of future residents.  Additional street trees will also be provided to the Raw Square elevation to further contribute to the streetscape.	Yes, by way of condition of consent.
Open Space	Between 20-30% (minimum 169m <sup>2</sup> ) of site area	Common open space is provided as a 95m <sup>2</sup> rooftop terrace and approx 120.5m <sup>2</sup> at ground level including the grassed area over stormwater culvert. In total, this equates to 25% of the site area.	Yes.

<b>Development Guideline</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance</b>
Building Entry	Provide physical and visual connection between building and street  Provide safe entrance  Provide equitable entrance	Two (2) residential entries are provided from Raw Square. Both are clearly identified.  Entry will be well lit and safe.  Accessible entry provided.	Yes.  Yes, will be enforced by condition of consent.  Yes.
Parking	Provide underground car parking and bicycle parking	Basement parking provided for vehicles and bicycles.	Yes.
Pedestrian Access	Barrier free access to at least 20% of dwellings	Nine (9) accessible units are provided – 20% of all units. Barrier free access to commercial and residential component.	Yes.
Vehicle Access	Max width of driveway is 6m  Located vehicle entry away from pedestrian entry	5.5m wide driveway entry to basement/at-grade parking.  Acceptable – high use pedestrian entries are separated from vehicular driveway.	Yes.  Yes.
Apartment Layout	Single aspect max depth is 8m  Max depth of cross through is 15m  Min apartment size: 1 bed – 50m <sup>2</sup> 2 bed – 70m <sup>2</sup> 3 bed – 95m <sup>2</sup>	Single aspect max 7.0m.  12.5m  Minimum sizes: 1 bed – 50m <sup>2</sup> 2 bed – 71m <sup>2</sup> 3 bed – 100m <sup>2</sup>	Yes.  Yes.  Yes.
Apartment Mix	Provide an apartment mix	Apartment mix is considered acceptable.	Yes.
Building Configuration	Balconies have a minimum depth of 2m  Ceiling Heights 2.7m habitable 2.4 non habitable  Storage 1 bed – 6m <sup>3</sup>	Balconies are acceptable and are provided with a minimum depth 2.5m  2.7m habitable  Storage is acceptable and will be enforced by way of	Yes.  Yes.  Yes.

<b>Development Guideline</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance</b>
	2 bed – 8m <sup>3</sup> 3+ bed – 10m <sup>3</sup>	condition of consent.	
Acoustic Privacy	Like rooms together	Apartments are configured to provide like rooms together.	Yes.
Daylight Access	70% of units to receive 3 hours between 9am – 3pm  Single aspect units limited to 10% of total	80% of units receive sufficient solar access.  4/42 units single aspect (9.5%)	Yes.  Yes.
Natural Ventilation	60% of units to be naturally cross ventilated	90% units are naturally cross ventilated.	Yes.

As demonstrated in the table above, the proposed development generally complies with the design guidelines provided by the Residential Flat Design Code, aside from the proposed building separation provided to the western adjoining property.

Whilst the proposal does fail to satisfy the guideline for building separation, it is noted that no balconies are proposed to this elevation and windows are predominantly provided to bedrooms and bathrooms. It is further noted that the future direction of mixed use development and the draft planning controls proposed for the Parramatta Road corridor encourage a nil side boundary setback in order to provide opportunities for quality areas of common and private open space to the rear of the site.

Therefore, whilst the proposal would reduce the building separation to existing development west of the site, this is unlikely to significantly impact the existing residential amenity or the future development potential of the adjoining site.

#### **State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004**

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

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

#### **Strathfield Planning Scheme Ordinance, 1969**

The subject site is identified as being within the Residential 2(b) zone under Strathfield Planning Scheme Ordinance, 1969 (SPSO) wherein development for the purpose of multi-unit housing is permissible with Council consent pursuant to the provisions of Clause 22 of the SPSO, 1969. Whilst the ground floor commercial tenancy is a prohibited use in the Residential 2(b) zone, this use is considered acceptable as it

accords with the desired future character for the site provided under the SLEP 2012 (discussed in further detail below).

The proposed development was notified in accordance with the requirements of Clause 33. The site has a total area of 847.8m<sup>2</sup> and frontage of 24.91m which satisfies the relevant development standards provided by Clause 41 of the SPSO, 1969 for the erection of multiple-unit housing in the Residential 2(b) zone.

Clause 41B of the SPSO, 1969 requires Council to consider whether development is compatible with existing development and respectful of adjoining residential amenity. In this regard, the proposed development is generally compatible with existing development located within close proximity of the subject site and will ensure the amenity enjoyed by adjoining residents is retained, whilst also providing an acceptable level of amenity for future residents.

The bulk, scale and character of the proposed development is consistent with existing mixed use development located to the east of the site, and is generally in accordance with Council's desired future character for the subject allotment, which is projected through the recently gazetted controls of the SLEP 2012, to which the subject application has been designed. Therefore, the proposed development is consistent with the provisions of Clause 41B (a) and (c).

Overall, the proposed development has been considered with regard to the relevant Clauses of the Strathfield Planning Scheme Ordinance, 1969 and is generally satisfactory.

### **Section 94 Contributions**

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

Provision of Community Facilities	\$ 36,054.70
Provision of Major Open Space	\$176,768.30
Provision of Local Open Space	\$ 58,846.00
Provision Roads and traffic Management	\$ 7,801.00
Administration	\$ 7,487.60
<b>TOTAL</b>	<b>\$286,957.60</b>

### **(ii) Other Environmental Planning Instruments:**

#### **Strathfield Local Environmental Plan, 2012**

The site is zoned Mixed Use– B4 under the Strathfield Local Environmental Plan, 2012 (SLEP) wherein the proposed development is permissible with Council consent. The proposed development accords with the objectives of the B4 zone which seek to integrate commercial and residential development around established transport nodes.

The proposal complies with the maximum floor space ratio of 4.2:1 (3,561m<sup>2</sup>) which is provided by Clause 4.4C of the SLEP, 2012. The proposed FSR has been calculated in

accordance with the Gross Floor Area definition of the SLEP, 2012 as 3.8:1 (3,211m<sup>2</sup>), which is considerably less than the maximum permitted.

The proposed development is to be constructed to a maximum height of 35m which accords with the maximum permitted by Clause 4.3 and the associated Height of Buildings Map.

The proposed development fails to comply with the minimum site area of 1,000m<sup>2</sup> required by Clause 4.1A of the SLEP, 2012. The site area of the two (2) allotments upon which the development is proposed equals 847.8m<sup>2</sup>, which presents a shortfall of 152.2m<sup>2</sup> from the minimum requirement. In accordance with the planning principles outlined by the NSW Land and Environment Court within *Karravellas v Sutherland Shire Council [2004]*, prior to considering a variation to the minimum site area, Council must first be satisfied that reasonable efforts have been made to amalgamate with adjoining sites.

In this respect, the applicant has provided proof of several written purchase offers made to the owner of the adjoining allotment, at No. 42 Albert Road. In accordance with the established Planning Principles, a valuation of the adjoining site has been submitted to Council and the purchase offers proposed a 10% additional margin.

The applicant has demonstrated that reasonable attempts have been made to purchase the adjoining site, albeit unsuccessfully and a variation to the standard is in this instance considered reasonable. Furthermore, in support of the future development of the adjoining allotments, the Applicant has submitted an indicative scheme which indicates that the permitted FSR is achievable and the site would not be left in isolation nor without considerable development potential.

Overall, it is apparent that the proposed development has been designed in order to demonstrate compliance with the relevant clauses of the SLEP 2012 which promotes high density development within close proximity of established centres and public transportation.

Although the Strathfield Planning Scheme Ordinance, 1969 was the in-force Environmental Planning Instrument at the time of DA lodgement, the proposed development can also be supported based on the provisions of the SLEP, 2012, to which it fully complies.

**(iii) Development Control Plans:**

**Part I – ‘Off-Street Parking’ of the Strathfield Consolidated Development Control Plan (DCP) 2005**

Section	Development Control	Required	Proposal	Compliance
3.1.2	Residential Parking	1 bedroom: 1 space x 8 units = eight (8) spaces  2 bedroom: 1.5 space x 33 units = 49.5 (50) spaces  3 bedroom: 2 spaces x 1 unit = two (2) spaces  <b>Total (60) spaces required</b>	(42) spaces provided at a rate of one (1) space per unit  The proposed shortfall of (18) spaces is considered acceptable due to the location of the subject site within a well serviced public transportation hub.	No, refer to discussion.
	Visitor Parking	1 space per five (5) units = $42 \div 5$ = 8.4 (9) spaces required	Nine (9) visitor spaces provided.	Yes.
3.3.1	Commercial Tenancy	1 space per 40m <sup>2</sup> of Gross Leasable Area (GLA) 91m <sup>2</sup> GLA = 2.75 (3) spaces	Three (3) spaces provided at grade including one (1) accessible space.	Yes.

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

The ongoing management of waste from the subject site has been thoroughly considered in the assessment of the subject application. Extensive consultation has occurred with Council’s Waste Management Supervisor to ensure a suitable waste storage room and collection arrangement is proposed.

In order to reduce the number of bins required for the proposed development, a waste compactor has been proposed within the waste storage room. This will be connected to garbage chutes at each level and will reduce the volume of garbage generated by half. Accordingly, eight (8) rather than sixteen (16) 240L bins will be required. However, as the compactor will be for garbage only, there will be no variance to the required sixteen (16) 240L recycling bins.

Sufficient area will be provided in the waste storage room for commercial waste however as Strathfield Council does not offer a trade waste service, the specific collection arrangements will be required to be considered under a future development application for the use of this tenancy.

Bins will be collected within the site from the designated waste storage room located within the at-grade parking area. Sufficient head clearance and turning circle has been provided within the at-grade parking level of the site to enable bin collection to occur within the site. A suitable condition will be imposed to ensure the developer will provide Council with a master key for access to the waste storage room.

Arising from discussions with Council's Waste Management Supervisor in relation to waste collection from high density residential buildings, an initiative is being introduced by Council Planning Officers whereby all waste storage rooms in new residential and mixed use development will be fitted with the same security system for ease of access. This site will pioneer this process which will work to streamline collection for Council's Waste Management team in the future across other similar properties.

**(iiia) Planning Agreements (or draft agreements):**

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

**(iv) Matters Prescribed by the Regulations**

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

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

**(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*.

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

**(b) Likely Impacts:**

**Streetscape Activation**

The proposed development is located on an iconic corner site and forms a gateway entrance to the Strathfield Town Centre. Redevelopment of the site presents an excellent opportunity to re-establish the calibre of mixed use development Council envisages for the town centre precinct and the wider Strathfield Municipality.

Council Officers have collaborated with an independent Urban Designer during the assessment of the subject application in order to ensure the proposal capitalises on its corner location and positively contributes to the activation of the public domain. The design of the ground floor commercial tenancy and incorporation of an at-grade seating area with operable bi-fold glass doors which wrap around the corner of the site will provide an attractive location for a future retailer, café, restaurant or commercial tenant. The addition of an awning over Council's footpath further enhances the pedestrian experience and works to reduce the visual scale of the building.

The development has also incorporated glass balustrades to balconies which are orientated to overlook Albert Road and Raw Square. The orientation of the proposed building and the high level of passive surveillance created by design elements such as protruding balconies result in the building meeting the objectives of Crime Prevention Through Environmental Design (CPTED), which seek to provide design solutions which result in reduced unsociable behaviour.

Overall, the proposed development takes advantage of its prominent corner location and is able to positively contribute to an upgrade of the public domain. It is considered that the proposed development is a good example of best-practice Architecture and Urban Design and will become an iconic building within the Strathfield Town Centre.

### **Parking & Traffic**

The proposed development provides four (4) levels of basement parking which incorporate (54) parking spaces for the commercial tenancy, visitors and future residents. Whilst full compliance is achieved with the visitor and commercial parking requirements of Part I of the SCDCP 2005, the proposal seeks to depart from Council's residential car parking rates.

The proposal seeks to provide a total of (42) residential parking spaces at a rate of one (1) space per dwelling which presents a shortfall of (18) spaces from the (60) required by the relevant off-street parking rates of Part I of the SCDCP 2005. Section 1.3(i) of Part I of the SCDCP 2005 provides circumstances where departures from the off-street parking requirements may be applicable, in circumstances where for example the site is within proximity of existing public transport facilities.

The design and proximity of the site to the public transportation hub of the Strathfield Town Centre is consistent with the concept of Transport Orientated Design (TOD) and the future direction of infill residential development encouraged by the draft Metropolitan Strategy for Sydney 2031. As noted within an article recently published in the Australian Planner, *'TODs are communities that thrive with a much lower dependency and use of cars than traditional developments.'* Interestingly, research into existing TODs has revealed that households within these highly accessible centres are twice as likely not to own a car and that trips generated by residents are up to five (5) times more likely to be accommodated by public transportation, walking or cycling.

This academic article argues that the existing local government and Roads and Maritime Services (RMS) parking rates are not suited to TOD or urban consolidation, and instead are more representative of an era where sprawling urban development was encouraged and car dependency was ingrained in residential culture.

International common practice in TOD has established that a discount of up to 50% may be applicable to the car parking rates for development within 800m or 10 minutes walking distance of a transport hub. Based on this suggested dispensation, the proposed development *could* provide as few as (30) parking spaces for the residential component of the proposed development, which would result in some of the (42) units not receiving any dedicated parking.

The proposal does not seek to discount the required parking rates this substantially and instead, proposes parking at a rate of one (1) space per dwelling. Due to the proximity of the subject site to employment opportunities within the Strathfield Town Centre and the connectivity of the site to the local public transport networks it can be argued that the rate of vehicle ownership of future residents would be a maximum of one (1) car per dwelling. Due to the connectivity of the site it is considered likely that many future residents may not actually own a private vehicle and may instead frequent public transport or utilise a car-share scheme, an increasingly popular option which is being incorporated in high density residential areas throughout Sydney.

Notwithstanding the parking variation, it is considered that adequate parking has been provided relative to the likely demand which will be generated by future residents. The demand for residential parking spaces is likely to be lower on the subject site than in other residential areas due to the proximity of the site to the established transportation and employment hub of Strathfield Town Centre.

### **Overshadowing**

As discussed previously, the proposal demonstrates full compliance with the relevant bulk, height and scale controls of the Strathfield Local Environmental Plan (SLEP) 2012. It is important to note that the Strathfield community was extensively notified and consulted during the preparation and exhibition of this Environmental Planning Instrument and there were no objections received from adjoining properties regarding the scale of development which would become permissible on the subject site and surrounding properties.

As a result of the increased density of development proposed on the subject site there is an increase to the shadow cast onto the southern adjoining property. Directly adjoining the site to the south is a townhouse development of six (6) dwellings, fronting Churchill Avenue. A search of Council's records indicate that three (3) of the existing dwellings have ground floor living rooms which are directly adjacent to the rear boundary of the site.

As demonstrated by the shadow diagrams in attachment 4 however, the adjoining dwellings will receive solar access from approximately 12:15pm at the Winter Solstice. The accepted 'rule of thumb' requirement is to retain a minimum of three (3) hours sunlight to the living areas of an adjoining development between 9am and 3pm at the Winter Solstice. This represents the time of year when the sun is at its lowest point resulting in the longest shadow and is demonstrative of the 'worst case scenario'.

The proposed development benefits from a northerly orientation, is relatively narrow in width and is separated from the southern townhouse development by 13m. Together, the design of the development and orientation of the site result in a shadow which moves relatively quickly from west to east throughout the course of the day. The

detailed hour by hour shadow analysis provided by the applicant demonstrates that these adjoining dwellings will receive some sunlight before 9am and full sunlight after 3pm, and almost three (3) hours of sunlight in the period between 9am and 3pm. This is considered to satisfy the minimum requirement and will be unlikely to significantly alter the high level of amenity enjoyed by the residents of the adjoining townhouse development.

Overall, the proposal presents a high quality mixed use development of a key site located within the gateway to the Strathfield Town Centre. The proposed development has appropriately considered its context and the likely future character of development on adjoining sites. As discussed within this report, the proposal has been designed to capitalise on its gateway location whilst respecting the amenity of existing and likely future residents.

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

The proposed development corresponds with Council's desired future character for the area which is expressed through the bulk, height and scale controls applicable under the SLEP 2012. The proposal also capitalises on the proximity of the site to the existing transportation hub of the Strathfield Town Centre, whilst minimising adverse impacts to adjoining properties. Overall, it is considered that the subject site is highly suitable for the proposed mixed use development.

**(d) Submissions:**

The application and plans were notified in accordance with Part L of the Strathfield Consolidated DCP 2005 from 18 October 2012 to 15 November 2012. Three (3) written submissions and two (2) separate sets of pro-forma letters each containing (83) and nine (9) signatories respectively were received by Council.

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

**1. Site Area**

As discussed throughout this report, the applicant has provided documentary evidence of their unsuccessful attempts to purchase the adjoining site in order to satisfy the minimum site area requirement of 1,000m<sup>2</sup> provided by Clause 4.1A of the Strathfield Local Environmental Plan 2012.

This information has been submitted to satisfy the Planning Principles established by the NSW Land and Environment Court in the case of *Karravellas v Sutherland Shire Council [2004]* as previously discussed.

Overall, it is considered that the proposed development site is of suitable size being some 847.8m<sup>2</sup> to accommodate a development of this, scale and density. Accordingly the proposed variation to the minimum site area is considered acceptable in this instance.

## **2. Front and Side Setbacks**

The proposed development provides a nil setback to the Albert Road and Raw Square frontages of the site in order to contribute to the activation of the public domain. This is considered appropriate given the pattern of established mixed use development within the Strathfield Town Centre.

The western side setback has been increased to 4m in order to retain a suitable level of amenity for the existing resident at No. 42 Albert Road. This side setback will also ensure that the future development of the adjoining property is not unduly impacted.

Accordingly, the proposed front and side setbacks are considered suitable for the proposed development.

## **3. Driveway Crossover & Traffic**

The proposed development has been amended throughout the assessment process to reduce the width of the driveway crossover required to Albert Road. Originally, the proposal sought to provide two (2) crossovers to Albert Road however these have now been combined into one (1) driveway which will service both the at-grade parking area and basement area below ground.

The modified driveway will ensure that the proposed development will not significantly impact the movement of pedestrian traffic to and from the Strathfield Town Centre. The design of the driveway has been reviewed and is supported by a suitably qualified Traffic Engineer who has indicated that the proposal will provide safe driveway egress for both drivers and pedestrians.

Roads and Maritime Services were also involved in the assessment of the subject application given the site's more unique placement in relation to the existing, surrounding pedestrian network. The RMS responded by requesting that a new pedestrian crossing from the southern to the northern side of Albert Road be provided at full cost to the developer. The new crossing is designed to ensure that the proposed development does not adversely impact on the existing pedestrian movements to and from the Strathfield Town Centre. A suitable condition has been recommended in order to enforce the construction of this crossing.

## **4. Parking**

The original proposal included a total of (49) car parking spaces, across three (3) basement levels. During the assessment process, the application was modified to include a fourth (4) level of basement parking, resulting in a total of (54) parking spaces, at a rate of one (1) parking space per dwelling, including full compliance with Council's requirements for visitor and commercial parking spaces.

As discussed previously, a reduced residential car parking rate is considered acceptable for the subject site due to its proximity to the Strathfield Town Centre and compliance with the concept of Transport Orientated Design (TOD).

Overall, it is considered unlikely that the proposed development will significantly impact the availability of on-street parking within close proximity of the subject site and accordingly, the departure from Council's parking rates is acceptable.

### **5. Site Suitability**

The subject site is highly urban in nature and is located on the periphery of the Strathfield Town Centre. Council's desired future character of development on the subject site is dictated by the relevant Principal Development Standards of the Strathfield Local Environmental Plan 2012. It is noted that the proposed development complies with the height and FSR controls applicable to the site and responds to its gateway location at the entrance to the Strathfield Town Centre.

Overall, the proposal presents a high quality development which is considered highly suitable for this location.

### **6. Architectural Detailing & Character**

The proposed development presents a modern building which draws on common existing architectural elements of nearby buildings. The architectural detailing and character of the proposed development has been closely considered in the assessment of the proposed development and successfully projects the desired future character of mixed use development within the Strathfield Municipality.

### **7. Overlooking**

The proposed development has been configured to ensure the majority of balconies overlook the public domain of Raw Square and Albert Road, which will provide future residents with opportunities for passive surveillance of the public domain.

Balconies have also been provided to the southern elevation, in order to provide future residents with an acceptable outdoor living area. A building separation of 13m is provided between these balconies and the rear of the adjoining townhouse development which is a considerable distance and will assist in reducing opportunities for overlooking.

The rear setback is also proposed to be planted with screening plants which will further assist in retaining the visual privacy of the adjoining two (2) storey townhouse development.

Overall, it is considered that the proposed development will not adversely impact the visual privacy of adjoining properties.

### **8. Height, Bulk & Scale**

The proposed development complies with the maximum height of 35m provided by the Strathfield Local Environmental Plan 2012. Considerable public consultation occurred during the preparation and exhibition of this Environmental Planning Instrument and during this time, nearby residents were able to comment on the height, bulk and scale controls for future development.

As the proposed development complies with the height, bulk and scale controls of the SLEP 2012, it is considered acceptable.

However, in order to ensure the development does not appear overly bulky or dominant within the streetscape, the architect and urban designer have worked together to select colours and finishes which will break the building into a podium (levels 1 to 4) with a tower above.

### **9. Overdevelopment & Overcrowding**

As previously discussed, the proposed development complies with the height and scale controls provided under the Strathfield Local Environmental Plan 2012. Accordingly, the proposed development is considered to be of an appropriate density for the subject site.

### **10. Private Water Supply**

Sydney Water will assess the impact of the proposed development on the private water supply in their issue of a Section 73 Certificate.

In this process of certification, Sydney Water will specify any works required as a result of future development and to assess if amplification and/or changes to the existing system are applicable.

### **11. Noise**

An Acoustic Assessment has been undertaken in order to determine the likely impact of the proposed development on the acoustic amenity of adjoining residents.

As this at-grade parking area will only provide three (3) parking spaces, it is considered unlikely that this will result in a significant acoustic impact on neighbouring properties. Nonetheless, in order to preserve the acoustic amenity of the southern neighbouring townhouse development, the applicant has proposed a 1.8m high acoustic fence along the southern boundary.

Aside from noise which may be generated from this parking area, it is considered unlikely that the proposal will generate a significant amount of noise.

### **12. Air Quality**

The proposed development is residential in nature and will be unlikely to reduce the existing air quality of the Strathfield Town Centre. During the demolition and construction works, dust will be suitably suppressed by the contractor through the use of water spraying.

### **13. View Loss**

The proposed development is considerably lower in height than the existing neighbouring mixed use developments within the Strathfield Town Centre. There are no established natural or city views which will be adversely impacted by the proposed development.

**(e) Public Interest:**

The proposal presents a high quality mixed use development which is responsive to the context of the subject site and its gateway location at the entry to the Strathfield Town Centre. The proposal will provide a high level of internal amenity for future residents without significantly impacting the high level of amenity enjoyed by residents of neighbouring properties.

Accordingly, approval of the subject application would not be contrary to 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 forwarded to Council's Development Engineer, Consultant Drainage Engineer, Traffic Engineer, Environmental Health Officer, Manager of Strategic Planning, Building Surveyor and Tree Coordinator for comment.

Matters raised by Council Officers have been generally addressed through the submission of amended plans and additional information. Any remaining matters have been addressed through the recommendation of standard conditions of consent.

**EXTERNAL REFERRALS**

Pursuant to the provisions of the NSW Infrastructure SEPP, the application is not considered a traffic generating development. Nonetheless, Council Officers sought the advice of Roads and Maritime Services (RMS) in the assessment of the subject application. Subject to the imposition of conditions requiring the construction of an additional pedestrian crossover, the RMS raised no objection to the proposed development.

As a Sydney Water stormwater culvert traverses the rear of the subject site, Council Officers referred the subject application to Sydney Water's Urban Growth Section for comment. Aside from the imposition of standard conditions of consent no objections were raised by Sydney Water.

The subject application was also referred to an independent Urban Design specialist who worked with Council Officers to refine the architectural aesthetic of the building. The Urban Designer was satisfied with the amended appearance of the development and provided the following comments:

***Urban Design***

*The revised design has significantly improved the building's ground level planning to better activate and enliven both Albert Road and Raw Square.*

***Built Form***

*The revised massing is simpler, emphasising its gateway location more clearly and elegantly. The vertical proportions are more appropriate. The building planning is also improved including apartment amenity.*

***Materials / Finishes***

*The palette of materials has been simplified which is also an improvement.*

*As discussed, we recommend that the following detailed matters be considered, perhaps by condition:*

- *Details of the awnings*
- *Details of the podium materials and finishes*

*We suggest that a smooth high build paint finish or similar be applied so that grit etc. does not build up on this visible part of the building. Other smooth materials that do not absorb dirt or pollution in this heavily trafficked area could also be suitable.*

Appropriate conditions of consent have been imposed to ensure a high quality finish which is less likely to deteriorate over time.

## **CONCLUSION**

The proposed development is permissible in the subject zoning and is generally consistent with the relevant provisions and objectives of the Strathfield Planning Scheme Ordinance, 1969. It is particularly important to note that the proposed development is demonstrative of the desired future character of the subject site which is expressed through the provisions of the recently gazetted Strathfield Local Environmental Plan, 2012.

The proposed development demonstrates full compliance with the relevant provisions of the Residential Flat Design Code and SEPP 65, which seeks a high level of amenity for the future residents of residential flat buildings. As discussed in detail throughout this report, the proposal will be unlikely to adversely impact the amenity of nearby residents by way of overlooking or overshadowing.

Overall, it is considered that the subject application presents a high quality mixed use development which will re-establish the standard of development which is deemed acceptable within the Strathfield Town Centre. This development will provide an iconic building at the entrance to the heart of Strathfield which will be likely to encourage the revitalisation this residential and commercial precinct.

## **RECOMMENDATION**

That DA2012/124 for the demolition of existing structures and construction of an (11) storey mixed use development comprising a ground floor commercial tenancy with eight (8) x one (1) bedroom units, (33) x two (2) bedroom units and one x (1) three (3) bedroom unit above four (4) levels of basement car parking at Nos. 38-40 Albert Road, Strathfield be APPROVED subject to the following conditions:

## **CONDITIONS OF CONSENT**

### **PART B - OTHER CONDITIONS**

#### **Plans**

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

Site Plan/Roof Plan Project No. 12-004 Dwg No. 0002 Issue E prepared by Urban Link Pty Ltd received by Council 28 May 2013.

Basement 4 Project No. 12-004 Dwg No. 2000 Issue D prepared by Urban Link Pty Ltd received by Council 14 May 2013.

Basement 3 Project No. 12-004 Dwg No. 2001 Issue D prepared by Urban Link Pty Ltd received by Council 14 May 2013.

Basement 2 Project No. 12-004 Dwg No. 2002 Issue D prepared by Urban Link Pty Ltd received by Council 14 May 2013.

Basement 1 Project No. 12-004 Dwg No. 2003 Issue D prepared by Urban Link Pty Ltd received by Council 14 May 2013.

Ground Floor Plan Project No. 12-004 Dwg No. 2004 Issue D prepared by Urban Link Pty Ltd received by Council 14 May 2013.

First Floor Plan Project No. 12-004 Dwg No. 2005 Issue E prepared by Urban Link Pty Ltd received by Council 28 May 2013.

Second Floor Plan Project No. 12-004 Dwg No. 2006 Issue E prepared by Urban Link Pty Ltd received by Council 28 May 2013.

Third Floor Plan Project No. 12-004 Dwg No. 2007 Issue E prepared by Urban Link Pty Ltd received by Council 28 May 2013.

Fourth Floor Plan Project No. 12-004 Dwg No. 2008 Issue E prepared by Urban Link Pty Ltd received by Council 28 May 2013.

Fifth Floor Plan Project No. 12-004 Dwg No. 2009 Issue D prepared by Urban Link Pty Ltd received by Council 14 May 2013.

Sixth Floor Plan Project No. 12-004 Dwg No. 2010 Issue D prepared by Urban Link Pty Ltd received by Council 14 May 2013.

Seventh Floor Plan Project No. 12-004 Dwg No. 2011 Issue D prepared by Urban Link Pty Ltd received by Council 14 May 2013.

Eighth Floor Plan Project No. 12-004 Dwg No. 2012 Issue D prepared by Urban Link Pty Ltd received by Council 14 May 2013.

Ninth Floor Plan Project No. 12-004 Dwg No. 2013 Issue D prepared by Urban Link Pty Ltd received by Council 14 May 2013.

Roof Plan Project No. 12-004 Dwg No. 2014 Issue d prepared by Urban Link Pty Ltd received by Council 14 May 2013.

North/South Elevation Project No. 12-004 Dwg No. 2100 Issue E prepared by Urban Link Pty Ltd received by Council 28 May 2013.

West/East Elevation Project No. 12-004 Dwg No. 2101 Issue E prepared by Urban Link Pty Ltd received by Council 28 May 2013.

Section AA/BB Project No. 12-004 Dwg No. 2200 Issue C prepared by Urban Link Pty Ltd received by Council 28 March 2013.

3D Perspective Project No. 12-004 Dwg No. 4001 Issue E prepared by Urban Link Pty Ltd received by Council 28 May 2013.

Photomontage & Entrance Detail Project No. 12-004 Dwg No. 4002 Issue E prepared by Urban Link Pty Ltd received by Council 28 May 2013.

Waste Management Plan Project No. 12-004 Dwg No. 2015 Issue D prepared by Urban Link Pty Ltd received by Council 28 March 2013.

Demolition Plan Dwg No.1201 Issue A prepared by Urban Link Pty Ltd received by Council 26 September 2012.

Driveway Detail Dwg No.2201 Issue A prepared by Urban Link Pty Ltd received by Council 26 September 2012.

Driveway Detail 2 Dwg No.2202 Issue A prepared by Urban Link Pty Ltd received by Council 26 September 2012.

Driveway Detail Dwg No.2203 Issue A prepared by Urban Link Pty Ltd received by Council 26 September 2012.

Site and Roof Drainage Plan Dwg No. 12MR45281/D01 Issue A prepared by United Consulting Engineers received by Council 26 September 2012.

Ground Floor Drainage Plan Dwg No. 12MB45281/D02 Issue D prepared by United Consulting Engineers received by Council 26 September 2012.

Basement Drainage Plan Dwg No. 12MB45281/D03 Issue A prepared by United Consulting Engineers received by Council 26 September 2012.

Soil and Water Management Plan Dwg No. 12MB45281/D04 Issue B prepared by United Consulting Engineers received by Council 26 September 2012.

BASIX Certificate No. 440399M Issued 22 August 2012

ABSA Certificate prepared by Greenworld Architectural Drafting issued 22 August 2012.

Acoustic Report prepared by Acoustic Solutions Pty Ltd received by Council 26 September 2012.

Preliminary Environmental Site Assessment prepared by Benviron Group received by Council 26 September 2012.

Flood Impact Report prepared by EZE Hydraulic Engineers Pty Ltd received by Council 26 September 2012.

Waste Management Plan Demolition and Construction prepared by Urban Link Pty Ltd received by Council 26 September 2012.

Traffic Statement prepared by Traffic Solutions Pty Ltd prepared by Urban Link Pty Ltd received by Council 26 September 2012.

Supplementary Traffic Statement prepared by Traffic Solutions Pty Ltd prepared by Urban Link Pty Ltd received by Council 4 February 2013.

Schedule of Finishes 1 Issue E prepared by Urban Link Pty Ltd received by Council 28 May 2013.

Schedule of Finishes 2 Issue E prepared by Urban Link Pty Ltd received by Council 28 May 2013.

2. A Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction associated with this consent.
3. The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.
4. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

### **Special Conditions**

5. The underside and fascia of the proposed awning shall be constructed of Alucobond with a boxed gutter draining all stormwater to the approved drainage system within the site. Additional detail of the proposed awning, drainage and finishes shall be prepared in

accordance with the approved colours and finishes schedule and architectural plans and submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

6. The building is to be constructed of Architectural Framing System Logicwall. The external skin of the building is to be Cemiseal Waterblock Fibrous Cement Sheeting manufactured by CSR with an acrylic render finish.

The acrylic render finish is to be *Dulux Acra Tex* in colours consistent with the approved schedule of finishes referenced above.

**Prior to the issue of an Occupation Certificate**, a certificate from the acrylic render manufacturer certifying that the finish has been applied in accordance with the manufacturer's specification shall be prepared and submitted to the Principal Certifying Authority.

7. **Prior to the issue of a construction certificate** the applicant shall submit and have approved by the Principal Certifying Authority (PCA) a detailed landscape plan prepared by a registered and suitably qualified Landscape Architect in accordance with the following:

- a) The amended design must follow established 'best practice' landscape design principles providing a landscape scheme which will enhance both residential amenity and the appearance of the building within the streetscape;
- b) A low maintenance planting scheme must be proposed for the single storey roof of the basement entry, located adjacent to the western boundary of the site;
- c) A low maintenance planting scheme must also be proposed to the single storey green-roof elements proposed at the first floor to the northern and southern elevations of the building;
- d) A planting scheme must be prepared for the ground floor common open space area adjacent to the rear of the site. The planting scheme is to encourage passive recreation by future residents and must also provide suitable evergreen screening between the building and the rear acoustic wall.

This area of common open space is to be highly accessible by future residents and must not be separated from the at-grade parking area by a 'glass wall' as annotated on Ground Floor Plan Project No. 12-004 Dwg No. 2004 Issue D prepared by Urban Link Pty Ltd received by Council 14 May 2013;

- e) Three (3) x established Water Gum (*tristaniopsis laurina 'luscious'*) of minimum 100L container size must be planted in the nature strip adjoining the Raw Square frontage of the site.  
These three (3) specimens are required to be planted at equal intervals and must be provided within tree pits designed in accordance with the concept of Water Sensitive Urban Design. **Note:** The design of the awning may be required to be slightly modified in order to accommodate for the future growth of these street trees.

The chosen specimens are to be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy roots systems with no evidence of root curl, restriction or damage. Trees are to have a single leader and clear straight trunk.

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 shall be applied to the street trees in accordance with manufacturer's recommendations, and shall be 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.

Until such time as these trees are permanently established, any damaged or unhealthy trees shall promptly be replaced at the expense of the land owner of Nos. 38-40 Albert Road, Strathfield.

Further information regarding this requirement is able to be obtained from Council's Tree Coordinator, during regular business hours on 9748 9999. Should Council not act as the Certifying Authority a copy of the plan shall be forwarded to Council **as part of the Construction Certificate.**

### General

8. The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.
9. A separate development application shall be lodged with and approved by the Council for the use of the ground floor commercial tenancy prior to any occupation or fit-out.
10. For residential flat developments which are subject to State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Flat Development and required to be accompanied by a design verification from a qualified designer under Clause 50(1A) of the Environmental Planning and Assessment Act Regulation 2000, a certifying authority must not issue:
  - (a) a **Construction Certificate** unless the certifying authority has received a design verification statement from a qualified designer that verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 143A of the Regulations; and

- (b) an **Occupation Certificate** to authorise a person to commence occupation or use of the residential flat building unless the certifying authority has received a design verification statement from a qualified designer that verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 154A of the Regulations.
11. A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/Council-controlled areas. The permit must be retained on site at all times.
12. **Prior to the issue of a Construction Certificate**, photographs documenting any existing damage to the kerb and gutter and footpaths adjacent to the property shall be submitted to the consent authority. In the absence of this documentation, the applicant is liable for all damage that occurs to Councils' assets.
13. Storage of goods or the use of portable clotheslines on balconies visible from a public place is strictly prohibited.
14. All exhaust and other emissions including noise from the premises shall comply with the provisions of the Protection of the Environment Operations Act 1997 and Regulations.
15. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$10million and shall provide proof of such cover to Council prior to carrying out works.

### **Financial Matters**

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

Provision of Community Facilities	\$ 36,054.70
Provision of Major Open Space	\$176,768.30
Provision of Local Open Space	\$ 58,846.00
Provision Roads and traffic Management	\$ 7,801.00
Administration	\$ 7,487.60
<b>TOTAL</b>	<b>\$286,957.60</b>

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 1<sup>st</sup> July in any year, the amount of the contribution under this condition shall be indexed in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

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

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

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

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

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

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

### **Parking/Traffic Matters**

19. A total of (54) off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents	(33)
Resident – Accessible	(9)
Visitors	(9)
Retail/Commercial	(2)
<u>Retail/Commercial - Accessible</u>	<u>(1)</u>
<b>TOTAL</b>	<b>54</b>

20. A sign shall be erected in a suitable location on the site advising that parking is available for visitors.

21. Where entry points to carpark areas are fitted with security gates/shutter and access to visitor parking is required to be provided a suitable communication system shall be provided at the entry point to allow the security gates/shutter to be opened remotely by occupants of the building.

22. The entry and exit driveways shall be suitably signposted and directional arrows shall be painted on the internal roadway.
23. All vehicles entering and leaving the site shall be driven in a forward direction only.
24. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.
25. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
26. Reconstruct the footpath, kerb and gutter to Council's specifications for the full frontage of the development site at the completion of all building works.
27. All parking spaces which are adjacent to a wall shall be a minimum width of 2.8m.
28. A designated bicycle parking area must be provided within the basement, with sufficient space for parking at least one (1) bicycle per two (2) dwellings.
29. A minimum height clearance of 2.5m shall be provided at all disabled parking spaces.
30. Purpose built storage compartment(s) shall be provided to and within each of the resident car parking bays and/or associated dwellings at the following rate:
  - o 6m<sup>3</sup> for each one (1) bedroom unit
  - o 8m<sup>3</sup> for each two (2) bedroom unit, and
  - o 10m<sup>3</sup> for each unit with three (3) bedrooms or more.

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

31. As the proposed development will generate additional pedestrian movements at the signalised intersection of Albert Road and Raw Square, the developer shall construct a new pedestrian crossing and associated signal phasing on the Albert Road west approach to the intersection at no cost to RMS or Council. These works must be completed **prior to the issue of an Occupation Certificate.**

The design and construction of the signalised pedestrian crossing on Albert Road shall be in accordance with RMS requirements. Details of these requirements should be obtained from RMS' Project Services Manager, Traffic Projects Section, Parramatta on 8849 2496. An updated Traffic Signal Design Plan shall be submitted to the Traffic Projects Section for review and approval.

The developer will be required to enter into a Works Authorisation Deed with the RMS for the abovementioned signal and Civil works. In this regard, the developer is required to submit detailed design plans and all relevant additional information as may be required in the RMS' Work Authorisation Deed documentation for each specific change to the road network for the RMS' Assessment and final decision concerning the work.

32. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
33. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
34. All vehicles, including construction vehicles, must enter and leave the site in a forward direction.

#### **Drainage/Stormwater**

35. Details of silt fence and other erosion and sediment control measures shall be shown in plan form and shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.** This shall include a plan identifying all stormwater pits with specific sediment protection measures each one.
36. Approved sediment and erosion control measures shall be implemented prior to commencement of works and maintained during construction and until all disturbed areas have been revegetated and established **to the satisfaction of the Principal Certifying Authority.**
37. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.
38. The lowest habitable floor level shall be no less than the 1 in 100 year flood plus half a metre freeboard (i.e.  $10.3\text{m} + 0.5\text{m} = 10.8\text{m}$  Australian Height Datum). A suitably qualified surveyor shall be engaged to certify the finished floor levels of habitable rooms comply with this requirement **prior to the issue of an Occupation Certificate.**
39. The structure of the building below the 1 in 100 year flood plus half a metre freeboard (i.e.  $10.3\text{m} + 0.5\text{m} = 10.8\text{m}$  Australian Height Datum) shall be constructed from flood compatible building materials. A certificate from a suitably qualified Engineer demonstrating that the building complies with this requirement must be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
40. An Engineer's report shall be required to certify that the structure can withstand the forces of floodwater including debris and buoyancy up to and including a 1 in 100 year flood plus half a metre freeboard (i.e.  $10.3\text{m} + 0.5\text{m} = 10.8\text{m}$  Australian Height Datum). A certificate from a suitably qualified Engineer demonstrating that the building complies with this requirement must be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
41. The basement shall be protected from inundation of floodwaters for floods up to and including the 1 in 100 year flood plus 0.1m freeboard (i.e.  $10.3\text{m} + 0.1\text{m} = 10.4\text{m}$  Australian Height Datum). A suitably qualified surveyor shall be engaged to certify the

- finished levels of the crest of the basement entry ramp **prior to the issue of an Occupation Certificate.**
42. Suitable warning systems signage and exits shall be provided to ensure the safe evacuation of persons from the basement to the lowest habitable floor level during times of flood. The Principal Certifying Authority must confirm these systems work and are completely operational, **prior to the issue of an Occupation Certificate.**
  43. The driveway providing access from the basement car park shall be as high as practical and generally rising in the egress direction.
  44. Reliable access for pedestrians or vehicles shall be provided from the lowest habitable floor level to a location above the Probable Maximum Flood.
  45. Fencing over or near the Sydney Water culvert shall be constructed as permeable and in a manner that does not obstruct the flow of floodwaters so as to have an adverse impact on flooding.
  46. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to through the onsite detention (OSD) to the Sydney Water stormwater system.
  47. On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system. The storage system shall be designed in accordance with the endorsed concept stormwater plans and Council's Stormwater Management Code. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
  48. Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the endorsed concept plans and the requirements of Council's Stormwater Management Code and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
  49. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.
  50. Overland flow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.
  51. **Prior to the issue of an Occupation Certificate** written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.
  52. Works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of an Occupation Certificate.**

Where changes have occurred the plans shall be marked-up in red ink and shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels.

53. Grated drains shall be provided along the property boundary at the vehicular crossing(s) and are to connect to the internal drainage system.
54. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the surface flow path and on-site detention system with finished level to be incorporated in the development.

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

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

55. Boundary fencing shall be erected in such a manner as to not interfere with the natural flow of ground and surface water to the detriment of any other party.
56. Basement drainage shall be provided in accordance with the endorsed concept plan that includes a pump out system to manage water in the basement.
57. Details of the proposed method of basement drainage shall be prepared by a suitably qualified professional civil engineer in accordance with the endorsed concept plans and any requirements of Council's Stormwater Management Code and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
58. An alarm system shall be designed to provide warning for failure of pump or other equipment related to the basement drainage and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
59. Alarm system shall be provided at locations that are highly visible, such as driveway entrance and other suitable locations.
60. An operation and maintenance manual of the basement drainage pump system and alarm shall be approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.** A summary of instructions shall also be placed on the wall near the pump/alarm control panel.
61. **Prior to the issue of an Occupation Certificate** written verification from a suitably qualified professional civil engineer shall be obtained, stating that basement drainage and related work including the alarm system are operational and has been constructed in accordance with the approved plans.

### Public Authority Matters

62. **Prior to the issue of an Occupation Certificate** all existing overhead electricity and telecommunication cabling adjacent to the development site shall be placed underground at the applicants' expense in accordance with the specifications of Energy Australia and the telecommunications supplier and the following requirements:
- (a) Where the property is located on the **opposite side of the street** to the main power lines and telecommunication cables, the services are to be placed underground from the development site to the nearest location on the opposite side of the street for connection to the existing mains supply as directed by Energy Australia and the telecommunications carrier. The method of construction across the road carriageway shall be by directional boring beneath the road pavement; **OR**
  - (b) Where the property is located on the **same side of the street** as the main overhead power lines and telecommunication cables, all services are to be placed underground for the full length of the frontage of the site. Any overhead power lines and telecommunication cables that cross the road from the development site must also be placed underground and the cabling installed and distributed to properties in accordance with Energy Australia and the telecommunications carriers' requirements.
63. Any disturbance to public land as a result of the undergrounding of services shall be restored at no cost to Council.
64. Where undergrounding services, a plan indicating the depth and location of all services (i.e., gas, water sewer, electricity, telecommunication, traffic lights, etc) within the area affected by the development shall be submitted to Council **prior to the issue of a Construction Certificate.**

Furthermore, any adjustments required shall be at no cost to Council or any public authority. The relevant authorities' written consent for any adjustments or works affecting their services shall be obtained and a copy provided to Council **prior to the issue of a Construction Certificate.**

### Landscaping/Tree Matters

65. All common and private landscape areas including all planters are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and all relevant Australian Standards.

### Signage

66. No signage is approved under the subject application. All building identification signage, fascia and under awning signage will be subject to a future Development Application.

**Construction Matters**

67. The proposed development shall comply with the Building Code of Australia and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.**
68. If the soil conditions require it retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.
69. Certification shall be obtained from a registered surveyor at the following stage(s) of construction confirming that the building has been constructed in accordance with the approved plans including any approved amendments (S.96 approvals) and plans and details required by Council as conditions of development consent:
- (a) footings excavation prior to placement of concrete;
  - (b) car park/garage level prior to placement of concrete or pavement;
  - (c) ground floor and first floor levels;
  - (d) roof ridge height;
  - (e) all floors of the building, roof eaves and all roof ridges;
  - (f) wall setbacks from property boundaries and street alignment;
  - (g) dimensions and areas of balconies/courtyards;
  - (h) vehicular ramp gradients.

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

70. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.
71. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
72. If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- Must preserve and protect the building from damage; and
  - If necessary, must underpin and support the building in an approved manner, and
  - Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
73. There are built structures which may be in the zone of influence of the proposed works and excavations on the site. A qualified practicing geotechnical engineer must prepare a Construction Methodology Report demonstrating that the proposed construction

method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.

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

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

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

- 74.. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
75. The common access pathways, letterboxes and entry doorways to the building shall be provided with suitable low level artificial lighting systems to ensure safe and convenient access at night. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
76. To maintain pedestrian safety in the proximity of the site, a suitable low level artificial lighting system must be installed on the underside of the awning and at the pedestrian entrances to the residential and commercial components of the building. Details shall be submitted and approved by the Principal Certifying Authority **prior to the installation** thereof.
77. The proposed location of residential letterboxes is unacceptable. Residential letterboxes are to be configured so that they are concealed from public view whilst remaining consistent with the requirements of Australia Post. Amended plans demonstrating compliance with this requirement are to be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

### **Building Matters**

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

### **Sustainability**

79. Water heating systems to multi-unit residential developments shall be located so as not to be visible from public places and the ground level of adjoining properties. Details (type and location) of the water heaters shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

### **Demolition**

80. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
81. The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority **prior to any work commencing on site.**
82. Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority **prior to any work commencing on site.**
83. The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

### **Fire Safety Measures**

84. Upon completion of works a final fire safety certificate is to be issued from a properly qualified person in respect of each essential fire safety measure installed within the building and specified in the fire safety schedule. The final fire safety certificate shall be provided **prior to the issue of an Occupation Certificate.**
85. As soon as practicable after a final safety certificate is issued, the owner of the building to which it relates:
- shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to the Commissioner of NSW Fire Brigades;
  - shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to Council for registration; and
  - shall ensure the current fire safety schedule is prominently displayed in the building.
86. The following is a schedule of existing and/or new essential fire or other safety measures required to be installed, and the minimum standard to which these measures must be designed, installed and/or maintained under Part 7B of the Environmental Planning & Assessment Regulation:

New Measures

	Essential fire or other Safety Measures	Minimum Standard Performance			
			Building Code of Australia (BCA96A1) Part/Clause/Specification	Australian Standard No. or other reference	
1.	Access panels, doors & hoppers to fire resisting shafts	C1-3	C3.13/5	Spec C1.1/8	
2.	Automatic fail safe devices	C	C3.6, D2.21/2	Spec C3.4	
3.	Automatic fire detection & alarm systems	E G	E2.2, G3.8	Spec E1.7/G3.8	1851 (Pt8) 1989 1603, Pt1/4/6, 3786 1670-1995
4.	Automatic fire suppression systems	C	C2.3, E1.5	Spec E1.5/G3.8	1851 (Pt3) 1985 2118.1/4/6 1995
5.	Emergency lighting	E	E4.2, 4.4		2293 (Pt1) 1987/88/92
6.	Emergency lifts	E	E3.4		1735.2 1993
7.	Emergency warning and inter-communication systems	E H	E4.9	Spec G3.8	2220-1989/89/93
8.	Exit signs	E	E4.5-4.8		2293 (Pt1/2) 1987/88/92
9.	Fire control centres and rooms	E	E1.8	Spec E1.8	
10.	Fire dampers	C E			1668 (Pt1/2) 1991
11.	Fire doors	C3	C3.4	Spec C3.4	1851 (Pt7) 1984 1905 (Pt1) 90 (Pt2) 89
12.	Fire hydrant systems	E	E1.3		1851 (Pt4), 2419.1 1996
13.	Fire seals protecting openings in fire	C	C3.4/D1.12 C3.12/15	C3.4/D1.12	4702-1995
14.	Fire shutters	C2/3	C3.4	Spec C3.4	1905 (Pt2) 1989
15.	Fire windows	C	C3.2	Spec C3.4	
16.	Hose reel systems	E	E1.4		1851 (Pt2) 1989 1221-1991, 2441- 1988
17.	Lightweight construction	C	C1.8	Spec C1.8	
18.	Mechanical air handling systems	CEH	E2.2/7 H1.2	Spec E2.2/6 G3.8, H1.2	1851 (Pt6) 1983 1668 (Pt1/2) 1991
19.	Perimeter vehicle access for emergency vehicles	C	C2.4		
20.	Portable fire extinguishers	E	E1.6		1851 (Pt1) 1989, 2444-1995
21.	Safety curtains in proscenium opening	H	H1.3	Spec H1.3	

22.	Smoke and heat vents	C	C2.3	Spec E2.6/G3.8/H1.2	1851 (Pt5) 1981, 2427-1983
23.	Smoke dampers	E2 H1			
24.	Smoke detectors and heat detectors	C, D, E, G	C3.5-8/11 E2.4	Spec E2.2/G3.8	1603 (Pts 1/2/4/6) 3786
25.	Smoke doors	C, D	C2.5/3.4 D2.6	Spec C3.4	
26.	Solid-core doors	C	C3.11		Self closing & tight fitting solid-core door(s) not less than 35 mm thick
27.	Stand-by power systems	CHE GH			
28.	Wall wetting sprinkler and drencher systems	C	C3.4	Spec C3.4	
29.	Warning and operations signs	CEG H			
30.	Other				

### **Hoardings**

87. No advertisements of any kind shall be affixed to hoardings except for a board not exceeding 2.4m x 1.8m on which may be shown the architect's/builder's/demolisher's names or any particulars regarding the subject building and notices regarding the existing or future occupancies in the building.
88. Hoardings/overhead protective structures at ground level shall have mesh wire or other such material fixed to the surface to a height at least 2 metres in order to preclude the fixing of posters.
89. A sign with the words "Billposters Will Be Prosecuted" shall be attached or printed on the hoarding/overhead protective structures at regular intervals so it is visible from the street or any adjoining public place.
90. Any hoarding, fence or awning is to be removed when the work has been completed.

### **Air Quality**

91. Full compliance shall be given to the recommendations contained in the endorsed acoustic consultant's report.
92. As required by the Protection of the Environment Operations (Noise Control) Regulation 2008, air-conditioning units or heat pump water heaters shall not be audible in the habitable rooms of any other residential premises before 8am or after 10pm on any Saturday, Sunday or public holiday, or before 7am or after 10pm on any other day.
93. All windows and sliders to be glazed and laminated in accordance with Section 8.1 of the Acoustic Report (Traffic & Rail), prepared by Acoustic Solutions P/L dated 10 August 2012.

94. All external doors are to comply with Section 8.1 of the Acoustic Report (Traffic & Rail), prepared by Acoustic Solutions P/L dated 10 August 2012.
95. All external walls are to be constructed to comply with Section 8.1 of the Acoustic Report (Traffic & Rail), prepared by Acoustic Solutions P/L dated 10 August 2012.
96. All roofing is to be constructed in accordance with Section 8.1 of the Acoustic Report (Traffic & Rail), prepared by Acoustic Solutions P/L dated 10 August 2012.
97. Mechanical ventilation is to be installed as per section 8.2 of the Acoustic Report (Traffic and Rail), prepared by Acoustic Solutions P/L dated 10 August 2012.
98. A 1.8m fence is to be installed along the western and southern boundaries of the proposed development to minimise any offensive noise levels that may arise.

#### **Subdivision**

99. The strata subdivision of the development shall be subject to a future development application.
100. **Prior to the issue of an Occupation Certificate**, Lot 1 in Deposited Plan 229683 and Lot A in Deposited Plan 324603 shall be consolidated and the Right-of-Carriageway between the two (2) allotments extinguished.

#### **Disabled Access**

101. Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.
102. Sanitary facilities for persons with disabilities shall be provided in the building in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.
103. A car parking space for persons with disabilities shall be provided in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

#### **Waste Management**

104. The roller door to the waste storage room, located on the ground floor of the development must be fitted with a suitable 'master key' system **prior to the issue of an Occupation Certificate**. Written approval of the selected master key system must be obtained from Council prior to installation in order to ensure the master key system is able to be incorporated in other residential development within the municipality, for ease of collection.

105. Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.
106. The waste storage room shall be designed to comply with the relevant standards and details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

#### **Land Contamination**

107. Full compliance shall be given to the recommendations contained in the endorsed Preliminary Site Assessment.
108. Any soils proposed for removal from the site should be initially classified in accordance with the '*Waste Classification Guidelines, Part 1: Classifying Waste*' issued by NSW Department of Environment and Climate Change.
109. A Hazardous Materials Assessment Report (HAZMAT) should be undertaken in order to identify all potential hazards associated with demolition and removal of the existing structures on site.
110. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.
111. All fill imported on to the site shall be validated by an appropriately qualified person/body to ensure the imported fill is suitable, from a contamination perspective, for the proposed land use. Fill imported onto the site shall also be compatible with the existing soil characteristics for site drainage purposes.
112. Details of the appropriate validation of imported fill material are to be submitted with any application for future development of the site. All fill imported onto the site is to be validated during remediation works by sampling and analysis of the fill material in accordance with the applicable guidelines to ensure that the material is not contaminated.

#### **Groundwater**

113. A full Geotechnical investigation must be undertaken in order to determine whether excavation for the proposed basement will impact the water table. The proposed demonstrating full compliance with any associated licensing requirements of the NSW Office of Water. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

## **LIST OF ATTACHMENTS**

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