

IDAP REPORT – SECTION 4.56 MODIFICATION

Property:	42-50 Parramatta Road Homebush Lot 2 DP 518578 DA2014.154.3
Proposal:	Section 4.56 Modification Application for alterations and additions to an approved mixed-use development.
Applicant:	A J Bush and Sons Pty Ltd
Owner:	A J Bush and Sons Pty Ltd
Date of lodgement:	17 November 2020
Notification period:	16 December 2020 to 22 January 2021 (Extended Notification Period due to Christmas)
Submissions received:	One (1)
Assessment officer:	JG
Estimated cost of works:	\$18,245,346.00
Zoning:	B4-Mixed Use - SLEP 2012
Heritage:	No
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1

– Subject site (yellow boundary) and surrounds

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for modification to DA2014/154/2 in accordance with Section 4.56 of the *Environmental Planning & Assessment Act 1979 (EP&A Act 1979)*. The modification Application seeks approval for alterations and additions to the approved mixed use development.

Site and Locality

The site is identified as 42-50 Parramatta Road Homebush and has a legal description of Lot: 2 DP: 518578. The site is an L shaped parcel of land and is located on the western side of Station Street and southern side of Parramatta Road.

Strathfield Local Environmental Plan

The site is zoned B4-Mixed Use under the provisions of Strathfield LEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the LEP.

Development Control Plan

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

Notification

The application was notified in accordance with Council's Community Participation Plan from 16 December 2020 to 22 January 2021. The extended notification period was the result of an administrative error followed by requirements for longer notification periods over the Christmas break.

One (1) submission was made, objecting to the proposal and making reference to original objections made during the Land and Environment Court proceedings.

Issues

- Reconfiguration of mezzanine level units, deletion of green roof and deletion of requirements for Automatic Waste Collection.
- Amendments to façade treatments including removal of fixed louvres.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *EP&A Act 1979*, Development Application 2014/154/3 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the Section 4.56 Modification Application for alterations and additions to an approved mixed-use development. The modification relates to a consent issued by the NSW Land and Environment Court, which has since been modified as part of a previous application (refer to the Background section below for further details).

The proposed modifications are as follows:

Modifications to Basement Level 1

- 1. Amended location of the fire water tank, fire stairwell and associated services;*
- 2. Relocation of three (3) car parking spaces from Basement Level 1 to Basement Level 2;*
- 3. Relocation of residents storage room to Basement Level 1 and Comm's Room to Basement Level 2.*

Modifications to Basement Level 2

- 4. Modifications to Basement Level 2 as per point 1 above;*
- 5. Modifications to Basement Level 2 as per point 3 above.*

Modifications to Ground Floor

- 7. Removal of a bus stop structure by oOh!media adjacent to the northern boundary of the site along Parramatta Road which was removed by oOh!media subsequent to consent being granted;*
- 8. Amendments to the approved landscaping scheme to the commercial courtyard and ground floor residential units to the south;*
- 9. Relocation of commercial entry to ground floor tenancy from Parramatta Road (north) to Station Street (east);*
- 10. Relocation of water/gas meters from Parramatta Road (north) to Station Street (east);*
- 11. Amendments to the approved ground floor awning to align with existing building on Parramatta Road and to wrap around existing traffic sign post, electricity and light pole;*
- 12. Re-arrangement of internal layout of Unit G.08.*

Modifications to the Level 1

- 13. Amendments to the approved landscaping scheme to the first floor shared courtyard.*

Modifications to Level 2 – Level 8

- 14. Amendments to the fixed louvre screening on the western elevation;*
- 15. Relocation of air condenser units to Level 5 terrace;*
- 16. Relocation of hot water plant building to Level 5 terrace.*

Modifications to Mezzanine / Roof Level Floor Plans

- 17. Amendments to roof/mezzanine level to delete penthouse voids/upper green roof to be replaced with a solid finished roof. Finished roof level (Level 9) will be reduced from RL38,380 (AHD) to RL36,560 (AHD) (1.82m). The height of the parapet wall will remain unchanged (32m);*
- 18. Relocation of all solar panels previously located on upper green roof to finished roof level RL36,560 (AHD);*

Other Modifications to Conditions of Consent

- 19. Amendments to the approved material schedule relating to the north and south elevations of “Building B” to change the approved brick type and the use of colour treated render;*
- 20. Modification of consent to delete Condition 85 requiring the developer to comply with Automatic Waste Collection System (AWCS) as this system is no longer endorsed by Strathfield Council;*
- 21. Modification of the consent to delete Condition 49 relating to the planting of a Tallowood (*Eucalypt micorays*) street tree along the Parramatta Road frontage. If deemed to be unacceptable, modification of the consent is requested to amend the wording of Condition 49 to change the tree species to Weeping Bottlebrush (*Callistemon viminalis*) as per the specifications noted in the Proposed Plant Schedule in the amended Landscape Plans (see Appendix 2); and*
- 22. Modification of the consent to delete Conditions 38 – 45 relating to approved stormwater drainage details, to be replaced with a planning condition requiring the construction of the drainage system to be carried out in accordance with the amended Stormwater Drainage Plans (see Appendix 3). This modification follows discussions with Council officers and results in a more efficient drainage system less disruptive to traffic movements on Parramatta Road. The modification identifies a new location for the stormwater pipe connecting the site to Powells Creek which is more direct and avoids Parramatta Road.*

Background

- 16 October 2014 A development application for the demolition of existing structures and construction of a nine (9) storey mixed use development comprising 62 units above two (2) levels of basement parking (DA2014/154/1) was lodged with Strathfield Council.
- 16 October 2015 The development application was determined and approved under the provisions of Section 34 of the *Land and Environment Court Act*

1979, subject to conditions of consent issued by the Land and Environment Court.

- 2 July 2020 A Section 4.56 modification application was approved by Strathfield Council (DA2014/154/2) incorporating various minor amendments.
- 17 November 2020 The subject modification application (DA2014/154/3) was lodged with Strathfield Council.
- 16 December 2020 The subject modification application (DA2014/154/3) was notified in accordance with the CPP. Notification period ended on 22 January 2021 and one (1) submission was received.
- 12 February 2021 A meeting was held with the Applicant, Architect and Town Planner to discuss a number of the proposed modifications.
- 16 February 2021 A deferral letter was issued to the applicant, seeking further clarification on certain matters discussed during the meeting.
- 25 February 2021 The applicant submitted amended plans and other material to address the issue raised in the letter.

The key issues discussed during the meeting and included in the deferral letter are addressed below:

Modifications to Basement Level 1

- 1. Amended location of the fire water tank, fire stairwell and associated services;*
- 2. Relocation of three (3) car parking spaces from Basement Level 1 to Basement Level 2;*
- 3. Relocation of residents storage room to Basement Level 1 and Comm's Room to Basement Level 2.*

Modifications to Basement Level 2

- 4. Modifications to Basement Level 2 as per point 1 above;*
- 5. Modifications to Basement Level 2 as per point 3 above.*

Comment: No concerns were raised with regard to Items 1-5. Changes to storage provisions in the basement result in an increase of approximately 20m³.

Modifications to Ground Floor

- 7. Removal of a bus stop structure by oOh!media adjacent to the northern boundary of the site along Parramatta Road which was removed by oOh!media subsequent to consent being granted;*
- 8. Amendments to the approved landscaping scheme to the commercial courtyard and ground floor residential units to the south;*
- 9. Relocation of commercial entry to ground floor tenancy from Parramatta Road (north) to Station Street (east);*

10. Relocation of water/gas meters from Parramatta Road (north) to Station Street (east);

11. Amendments to the approved ground floor awning to align with existing building on Parramatta Road and to wrap around existing traffic sign post, electricity and light pole;

12. Re-arrangement of internal layout of Unit G.08.

Comment: Council requested further detail on the role of the bus provider in the removal of the bus shelter, to provide assurance in removing Condition 1A. In response, the Applicant provided correspondence that the bus shelter was removed by the provider *oOh!media*. The Applicant also clarified that the bus stop has remained and suggested the new awning provides a substitute for the removed bus shelter.

Revised Plans were submitted showing the areas of units.

Modifications to the Level 1

13. Amendments to the approved landscaping scheme to the first floor shared courtyard.

Comment: Council requested further detail on the proposed limb reduction to street trees along Station Street. The Applicant addressed the matter referring to details in the Arborist Report which has been reviewed by Council's Tree Coordinator prior to the subject modification application.

Modifications to Level 2 – Level 8

14. Amendments to the fixed louvre screening on the western elevation;

15. Relocation of air condenser units to Level 5 terrace;

16. Relocation of hot water plant building to Level 5 terrace.

Comment: Clarification on the proposed amendments was sought during the meeting on 12 February and Council was satisfied the amendments are minor.

Modifications to Mezzanine / Roof Level Floor Plans

17. Amendments to roof/mezzanine level to delete penthouse voids/upper green roof to be replaced with a solid finished roof. Finished roof level (Level 9) will be reduced from RL38,380 (AHD) to RL36,560 (AHD) (1.82m). The height of the parapet wall will remain unchanged (32m);

18. Relocation of all solar panels previously located on upper green roof to finished roof level RL36,560 (AHD);

Comment: Council sought written justification from the Applicant for deletion of the green roof. The Applicant has provided a suitable justification focussing on the conflict between the solar panels and landscaping and associated maintenance complications as well as the replacement materials which provide similar insulation outcomes.

The modified design incorporates a comparable number of solar panels and the revised BASIX Certificate submitted with the Application demonstrates compliance.

Other Modifications to Conditions of Consent

19. Amendments to the approved material schedule relating to the north and south elevations of "Building B" to change the approved brick type and the use of colour treated render.

Comment: Council sought written justification from the Applicant on the removal of fixed louvres to a number of balconies on the southern façade. The Applicant outlined the louvres provided modulation of the building in the approved development, with the revised outcome achieving an improved presentation without compromising the design integrity of the approved scheme.

Council agrees that the revised design achieves improved presentation. However, it is noted that privacy and overlooking to the south was a focus in the parent application and to maintain the design integrity of the southern façade, a condition of consent is proposed requiring fixed louvres to balconies akin to the outcome for balconies at the western and eastern ends of the southern facade.

20. Modification of consent to delete Condition 85 requiring the developer to comply with Automatic Waste Collection System (AWCS) as this system is no longer endorsed by Strathfield Council.

Comment: Council has advised the Applicant this feature of the requested modification is not accepted (refer to Internal Referrals – Waste).

21. Modification of the consent to delete Condition 49 relating to the planting of a Tallowood (*Eucalypt micorys*) street tree along the Parramatta Road frontage. If deemed to be unacceptable, modification of the consent is requested to amend the wording of Condition 49 to change the tree species to Weeping Bottlebrush (*Callistemon viminalis*) as per the specifications noted in the Proposed Plant Schedule in the amended Landscape Plans (see Appendix 2).

Comment: Council has advised the Applicant this feature of the requested modification is accepted (refer to Internal Referrals – Tree Management).

22. Modification of the consent to delete Conditions 38 – 45 relating to approved stormwater drainage details, to be replaced with a planning condition requiring the construction of the drainage system to be carried out in accordance with the amended Stormwater Drainage Plans (see Appendix 3). This modification follows discussions with Council officers and results in a more efficient drainage system less disruptive to traffic movements on Parramatta Road. The modification identifies a new location for the stormwater pipe connecting the site to Powells Creek which is more direct and avoids Parramatta Road.

Comment: Council has advised the Applicant this feature of the requested modification is accepted (refer to Internal Referrals – Stormwater Engineer).

Referrals – Internal and External

TREE COORDINATOR

Council's Tree Coordinator reviewed the Application and made the following comments in relation to proposed modification 21 (*the planting of a Tallowood (Eucalypt micorys) street tree along the Parramatta Road*):

Use of a small Cultiver Callistemon is an acceptable substitute for the Tallowood.

ENVIRONMENTAL HEALTH – WASTE MANAGEMENT

Council's Waste Management Officer was provided comments on the requested removal of Condition 85 relating to provisions for an Automatic Waste Collection System to be incorporated into the development in the future. The following comments were received:

Council conditions establish that developments need to be able to retrofit/adapt in the future when Automatic Waste Collection on Parramatta Road is implemented.

Therefore, a development within the allocated area on Parramatta Road can currently give a different use to a waste area as long as they are able to adjust/adapt/retrofit it when Automatic Waste Collection is implemented.

Accordingly, the request to remove Condition 85 is not supported.

STORMWATE ENGINEER

Council's Stormwater Engineer provided comment on the subject modification as follows:

I have referred to the development application referenced above and reviewed the stormwater drainage concept plan prepared by S&G Consultants rev 6 drawing no. SW100, SW102, SW110, SW250, SW251, SW300 and SW301 project no. 20200257 dated 08.10.2020. The site discharges to Powells Creek in accordance with Sydney Water requirements via extended trunk under Station Road and 20 and 38 Parramatta Road by gravity means. From an engineering perspective, external drainage system is feasible and there are no objections to its approval subject to the following conditions.

Consent conditions 38-45 of DA2014/154/02 can be removed.

Section 4.55 of the EP&A Act 1979

The application has been lodged under the provisions of s4.56 of the EPA Act.

Section 4.56 of the *Environmental Planning and Assessment Act 1979* states as follows:

4.56 *Modifications by consent authorities of consents granted by the Court*

- (1) *A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if—*
 - (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
 - (b) *it has notified the application in accordance with—*

- (i) the regulations, if the regulations so require, and*
- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.”*

With regards to subclause ‘a’, it is considered that the modifications sought as part of this application is substantially the same development as the development for which the consent was originally granted for. The proposed modifications relate to generally minor reconfigurations and refinements to the approved design, resulting in a similar outcome and similar impacts in terms of amenity, privacy, overshadowing and streetscape.

With regards to subclause ‘b’, the application was notified for at least 14 days, in accordance with Strathfield Council’s Community Participation Plan. One (1) submission was received during notification period.

With regards to subclauses ‘c’ and ‘d’, the original application (DA2014/154/1) received two (2) submissions from the following premises:

- Unit 3/52-58 Parramatta Road, Homebush; and
- Unit 37/52-58 Parramatta Road, Homebush.

The application was notified as per the Community Participation Plan to all surrounding neighbours (including these objectors) and one (1) submission was received.

Clause 4.56 (1A) of the *EP&A Act 1979* states the following:

(1A) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The reasons for granting consent for the approved development were as follows:

“Pursuant to Section 34 of the Land and Environment Court Act 1979, the Land and Environment Court noted that the parties have reached agreement at a conciliation conference as to the terms of a decision in the proceedings that would be acceptable to the parties “

Considering the nature of the proposed modification, the above reasons for granting consent apply. The proposed modification retains the approved land use as a mixed use building. The nature and extent of works proposed ensure that the modification reflects the same compliance as the approved development, with regard to the relevant planning provisions and considerations, including those under the SEPP 65, SLEP 2012 and SDCDP 2005. The proposed modification achieves a comparable design as the approved built form and as such, is similar in terms of its response to the site’s constraints and context and the generation of potential environmental and social impacts. The proposed modification remains consistent and compatible with the other

modern built forms along Parramatta Road and immediate locality and is considered an appropriate and acceptable planning outcome.

Some of the proposed modifications have not been accepted due to impacts on amenity (fixed louvre screens to the southern façade must be retained for balconies) and requirements for Automatic Waste Collection will be maintained.

Section 4.15 Assessment – EP&A Act 1979

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

(1) Matters for consideration – general

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

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

Strathfield Local Environmental Plan

The development site is subject to the Strathfield Local Environmental Plan 2012

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned B4-Mixed Use and the proposal as modified is a permissible form of development with Council's consent.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Approved DA2014/154/1	Approved DA2014/154/2	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	32m	32m	32m	32m	Complies
4.4 Floor Space Ratio	2.95:1 (6,642.22m ²)	2.937:1 (6,521.82m ²)	2.9:1 (6,529.35m ²)	2.9:1 (6,521.82m ²)	Complies

Comments: The proposed modification incorporates a finished roof level of RL 36,560 (AHD), a reduction of 1.82m from the approved roof level of RL 38,380 (AHD). Notwithstanding, the high point of the building is unchanged under the modification, with the parapet height remaining at 32.3m (RL 39,560).

The encroachment of the upper section of the parapet wall into the 32m height plane is consistent with the approved outcome and is of minimal environmental impact.

Internal reconfiguration of Ground Floor Unit G.08 slightly reduces the overall gross floor area of the development. The modified design maintains compliance with FSR provisions.

Part 5 – Miscellaneous Provisions

None of the provisions under part 5 are triggered by the proposed modifications.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

This has been addressed as per the approved development. The proposed modification involves no changes to the proposed excavation works and therefore, is not required to be accompanied by an Acid Sulfate Soils Management Plan and has satisfied the requirements of Clause 6.1 of the SLEP 2012.

Earthworks

This has been addressed as per the approved development. The proposed modification involves no changes to the proposed excavation works and therefore, has satisfied the requirements of Clause 6.2 of the SLEP 2012.

Essential services

This has been addressed as per the approved development. The proposed modification does not impact on the satisfied the requirements of Clause 6.4 of the SLEP 2012.

Additional provisions for development in Parramatta Road Corridor

The proposed modification involves a reduction to gross floor area and achieves full compliance with the maximum FSR and building height development standards. The development, as modified, maintains the consolidation pattern required for Key Site 87 and accordingly, results in a residential flat building that responds to the desired character of the locality.

It is considered that the proposed modifications satisfy the aims, objectives and development standards, where relevant, of the Strathfield LEP 2012.

STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT (SEPP 65)

SEPP 65 aims to improve the design quality of residential flat development in NSW. SEPP 65 recognises that the design of residential apartments is of significance due to the economic, environmental, cultural and social benefits of high quality design.

Clause 115 of the Environmental Planning and Assessment Regulation 2000 contains the following provisions that apply to the proposed modifications:

“(3) In addition, if an application for the modification of a development consent under section 4.55 (2) or section 4.56 (1) of the Act relates to residential apartment development and the development application was required to be accompanied by a design verification from a qualified designer under clause 50 (1A), the application must be accompanied by a statement by a qualified designer.

(3A) The statement by the qualified designer must—

(a) verify that he or she designed, or directed the design of, the modification of the development and, if applicable, the development for which the development consent was granted, and

(b) provide an explanation of how—

(i) the design quality principles are addressed in the development, and

(ii) in terms of the Apartment Design Guide, the objectives of that guide have been achieved in the development, and

(c) verify that the modifications do not diminish or detract from the design quality, or compromise the design intent, of the development for which the development consent was granted.

(3B) If the qualified designer who gives the design verification under subclause (3) for an application for the modification of development consent (other than in relation to State significant development) does not verify that he or she also designed, or directed the design of, the development for which the consent was granted, the consent authority must refer the application to the relevant design review panel (if any) for advice as to whether the modifications diminish or detract from the design quality, or compromise the design intent, of the development for which the consent was granted.”

With regard to the above, a Design Verification Statement was provided by the applicant, which addresses the above subclauses. Council has a Design Review Panel (DRP), however, given that the modification application has satisfied the above subclauses a referral to the DRP under subclause ‘3B’ was not required. Notwithstanding, the proposed modification was assessed against the design principles of the SEPP and the relevant design criteria of the Apartment Design Guide (ADG). A summary of this assessment is contained in the table below:

Principle	Objective	Proposed
Context and neighbourhood character	<p>Responding to context involves identifying the desirable elements of an area’s existing or future character.</p> <p>Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The proposed modification is considered to appropriately respond to the local context and the desired future character of the area.</p> <p>Internal reconfiguration will have a negligible impact on the developments contextual fit.</p> <p>Amendments to the entry of the ground floor commercial component, amendments to landscaping and stormwater management amendments will improve the developments response to the site context.</p> <p>Changes to roof design and materials (brick colour) are generally consistent with the approved outcome. Requirements for the southern façade to retain privacy screening for balconies will align the modification more closely with the approved outcome and still allow for rationalisation of the design as proposed by the Applicant.</p>

Principle	Objective	Proposed
		<p>The proposed modification results in the overall scheme having no significant changes to the built form that will be strongly discernible. Therefore, the proposed modification provides a similar response to the site context and neighbourhood character of the surrounding locality as the approved development.</p>
Built form and scale	<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The proposed modification involves the same maximum building height and a reduction to the gross floor area and maximum floor space ratio (FSR) as the approved development. The modification does not change the approved setbacks.</p> <p>Minor changes to landscaping will not negatively impact on internal or external amenity. The proposed modification is similar, in terms of design, scale, bulk and height, as the approved development and accordingly, is considered appropriate to the site.</p>
Density	<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>As above.</p> <p>The proposed modification involves a reduction to gross floor area and achieves compliance to the maximum FSR development standard.</p>
Sustainability	<p>Good design combines positive environmental, social and economic outcomes.</p>	<p>The proposed modification complies with BASIX and provides a near identical outcome in terms of provision</p>

Principle	Objective	Proposed
	<p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>of solar access and natural ventilation as the approved building.</p>
<p>Landscape</p>	<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>The proposed modification incorporates minor changes to the commercial courtyard and roof top garden, removal of the green roof and modification to the street tree planting requirement.</p> <p>The proposed modification results in a comparable outcome in terms of amenity for future occupants and contributing to landscape character of the streetscape and neighbourhood as the approved development.</p> <p>The Applicant has provided a reasonable justification for removal of the green roof and amendments to the roof top communal open space are minor and will not impact on the useability of the space as approved under the parent Application.</p> <p>The proposed amendment to condition 49 relating to the planting of a Tallwood (<i>Eucalypt micorys</i>) street tree along the Parramatta Road frontage has been considered by Council's Tree Coordinator and is accepted as an appropriate outcome, with the proposed smaller species achieving a more suitable outcome.</p>
<p>Amenity</p>	<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</p>	<p>The proposed modification generally incorporates reconfiguration that will have a negligible impact on amenity. Minor changes to one of the ground floor units, commercial entry point and changes to communal open space</p>

Principle	Objective	Proposed
	<p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>maintain the approved standard of internal amenity.</p> <p>Reconfigurations in the basement do not reduce provisions for waste, parking or storage.</p> <p>Amendments to the roof level design and façade treatments are generally accepted as minor and consistent with the approved outcome, however to maintain a comparable standard of privacy along the southern elevation, a condition of consent is recommended requiring privacy screening to remain for balconies.</p>
Safety	<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The proposed modification involves minimal changes that do not affect this aspect of the ADG. As with the approved development, balconies are orientated to overlook the public domain and ground level private open space to optimise safety and security within the development.</p> <p>Removal of some of the screening along the southern façade will increase passive surveillance.</p>
Housing diversity and social interaction	<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The proposed modification provides the same mixture of unit types as the approved development.</p> <p>Minor changes to the internal layout of one of the ground floor units (G.08) does not result in any non-compliances or result in an outcome that is inconsistent with the approved development.</p> <p>The proposed modification includes minor amendments to communal open space design and the ground floor commercial courtyard which maintain the approved standard of design.</p>

Principle	Objective	Proposed
Aesthetics	<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The proposed modification provides a similar aesthetic as the approved development. Amendments to the roof design and amendments to the material schedule do not result in a substantially different visual appearance to the approved outcome.</p>

Apartment Design Guide Quality Design of Residential Flat Buildings

Design Criteria	Required	Proposed	Compliance
3D – Communal Open Space	<p>Min. 25% (562.88m²) Min 2h to 50% communal open space at mid-winter Consolidated area Min dimension of 3m Equitable access</p> <p>Where developments are unable to achieve the design criteria, such as on small lots they should;</p> <ul style="list-style-type: none"> - Provide communal open space elsewhere such as a landscape rooftop terrace; - Provide larger balconies or increased private open space' - Demonstrate good proximity to public open space and facilities. 	<p>The proposed modification Application incorporates minor changes to the Level 5 roof top communal open space with an increased number of air-conditioning units located in garden bed areas. This change is unlikely to impact on the useability of the space and is generally consistent with the approved outcome.</p> <p>The proposed changes to the commercial courtyard achieve a comparable outcome and are considered minor.</p> <p>The Modifications also incorporate revisions to the ground floor landscaping outcome along the southern boundary. The proposed outcome improves privacy for residential units in this</p>	Complies.

		area and is generally consistent with the approved outcome.	
3J – Bicycle and Car Parking	<p>Within 800m of a railway station:</p> <p>Min RMS Rate Applies:</p> <p><u>20 or more units:</u></p> <p>1 bedroom: 0.6 spaces (3 x 0.6 = 1.8 spaces)</p> <p>2 bedroom: 0.9 spaces (41 x 0.9 = 36.9 spaces)</p> <p>3 bedroom: 1.4 spaces (18 x 1.4 = 25.2 spaces)</p> <p>Visitor 1 per 5 units (69 / 5 = 12.4 Spaces)</p> <p>Office space 1 space per 75m² (330.14m² = 4.4 spaces)</p> <p>Total requirement = 80.7 spaces</p> <p>Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.</p>	<p>Unchanged: the proposed modification provides 94 spaces. The revised basement configuration proposed relocates 3 car spots from level 2 to level 1, however the total number of car spots is unchanged.</p> <p>Minor increase (15 to 17).</p>	<p>Unchanged.</p> <p>Complies.</p>
4A – Solar and Daylight Access	<p>Min. 70% of units receive 2 hours solar access.</p> <p>Max. 15% units have no solar access</p> <p>Light wells, skylights and highlight windows are only to be a secondary source where sunlight is limited</p> <p>Design incorporates shading and glare control.</p>	Unchanged from the approved building.	Non-compliant – but unchanged from the approved building.
4B – Natural Ventilation	<p>Min. 60% units are cross ventilated</p> <p>Light wells are not the primary source of ventilation for habitable rooms</p> <p>Single aspect units have limited depth to maximise ventilation.</p>	Unchanged.	Unchanged.

4D – Apartment Size and Layout	<p>1 bed: 50m² 2 bed: 70m² 3 bed: 90m² Additional bathrooms +5m² Each habitable room must have a window > 10% floor area of the room. If open plan layout =max 8m from a window Master bed: min 10m² Other bedroom: min 9m² Living room min. width: Studio and 1 bed: 3.6m 2 and 3 bed: 4m Crossover/through: min 4m</p>	<p>Mostly unchanged. Minor reconfiguration of ground floor unit G.08 will result in a smaller unit size, however the unit remains compliant with the minimum area for a 2 bedroom unit (86.43m²).</p>	Complies.
4E – Private Open Space and Balconies	<p>Studio: 4m² 1 bed: 8m², min depth 2m 2 bed: 10m², min depth 2m 3 bed: 12m², min depth 2.4m</p>	Unchanged.	Unchanged.
4F – Common Circulation and Spaces	Max 8 apartments off a single core	Unchanged.	Unchanged.
4G – Storage	<p>Studio: 4m³ 1 bed: 6m³ 2 bed: 8m³ 3 bed: 10m³ At least 50% within the basement</p>	<p>Basement reconfiguration includes changes to the location and dimensions of storage areas. Notwithstanding, the changes result in a net increase in storage cages (approximately +20m²).</p>	Unchanged.
4K – Apartment Mix	<p>Variety of apartment types Appropriate apartment mix Different apartments distributed throughout the building.</p>	<p>The proposal provides the following housing mix; Three (3) x 1 bedroom, (41) x 2 bedroom, and (18) x 3 bedroom</p>	Unchanged
4N – Roof Design	<p>Roof design integrated into the building Incorporates sustainability features</p>	The proposal removes the green roof feature of the approved development, citing conflicting	Complies (on merit).

	May include common open space	<p>maintenance requirements with the solar panels located in the same area and limited benefits of the green roof for residents and the public.</p> <p>The proposed change is acceptable on merit considering the developments provision of solar panels and above ground communal open space on Level 5.</p>	
4V – Water Management and Conservation	Efficient fixtures/fittings WSUD integrated Rainwater storage and reuse	Refer to BASIX Certificate commitments.	Complies.

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – 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 as part of the application which indicates that the proposal meets the required reduction targets. An appropriate condition of consent will be imposed to ensure future compliance with these targets.

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND (SEPP 55)

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration.

A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

The objectives outlined within SEPP 55 are considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE)

The proposed modification involves minor changes that do not affect any matters under the Infrastructure SEPP and no referrals to external authorities were required. Any conditions imposed for the originally approved development and provided by the NSW RMS and Sydney Trains apply to the proposed modification and remain unchanged.

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

There are no draft planning instruments that are applicable to this site.

(iii) any development control plan,

The proposed development, as modified, is subject to the provisions of the Strathfield Consolidated Development Control Plan 2005. The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP, where applicable to the proposed changes;

Strathfield Development Control Plan No.20 – Parramatta Road Corridor

DCP – 20 is of relevance to the assessment of an application for a residential flat building within the Parramatta Road Corridor Area and as such applies to the subject modification application.

Clause 6A of SEPP 65 confirms that in the event of any inconsistency between the controls of the ADG and Council's Development Control Plan, the objectives, design criteria and design guidance set out in the ADG prevail.

This confirms that if a development control plan contains provisions that specify requirements, standards or controls in relation to the following matters, those provisions are of no effect:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation, and
- (h) storage.

These matters, as of relevance to the application, have been addressed in the ADG assessment above.

The remaining matters of relevance provided in the DCP are addressed in the table below:

Section	Development Control	Required	Proposed	Compliance
2.2	Built form/footprint	Proposal to conform to the building footprint shown in Figure 9.	The proposed building footprint generally accords with the Draft Key Sites Map.	N/A
	Land Consolidation	Proposal to conform to the consolidation pattern identified in Figure 12.	Conforms with consolidation pattern of SLEP 2012 (Key Site 87)	Yes
	Minimum Unit Sizes	Proposal to comply to the following min. unit sizes: 1 bed – 70m ² 2 bed - 85m ²	The unit sizes of the ADG prevail.	N/A

Section	Development Control	Required	Proposed	Compliance
		3 bed - 100m ²		
2.5	Roof Form	Provide an interesting skyline and enhance views from adjoining developments.	The proposed modifications to the roof level and building façade maintain the approved aesthetic.	Yes
2.9	Private Open Space	Proposal to provide 35% deep soil landscape area on the site.	ADG prevails	N/A
		Retain and protect existing significant trees.	Unchanged from approved development	Yes
		Each contiguous landscape area shall provide large trees.	Unchanged	Yes
		Trees and pergolas to shade external areas and control sunlight into buildings.	The proposal includes changes to the awning along Parramatta Road and provision of an alternative street along Parramatta Road. Both changes achieve a more appropriate outcome for the site. Other modifications proposed are not applicable.	Yes on merit.
		Proposal to provide common open space to the following dimensions: 10% of site or 100m ² (whichever is greater); Min dimensions of 7m; Positioned to receive sunlight, be conveniently located for residents with good opportunities for passive surveillance and	ADG prevails	N/A

Section	Development Control	Required	Proposed	Compliance
		<p>contain durable children's play equipment;</p> <p>Located behind front setback.</p>		
	Balconies	<p>Dwellings without ground level open space shall have balconies to the following requirements:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 12m² up to 2 bed; and <input type="checkbox"/> 15m² for 3 or more bed; <p>Min. dimension of 2.0m;</p> <p>Located off living areas and with good solar access; and</p> <p>Balustrades designed to provide privacy and conceal service areas whilst allowing passive surveillance.</p>	ADG prevails	N/A
		Achieve required BASIX rating.	BASIX satisfied	Yes
	Solar Access	Main living and 50% of POS receive min. 3 hours solar access.	ADG prevails	N/A
		Min. 3 hours solar access maintained to habitable rooms and POS of adjoining development.	ADG prevails	N/A

PART H – Waste Management (SCDCP 2005)

A waste management plan was submitted with the original application. The existing plan adequately accommodates the modified development.

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

The provisions of this clause are not relevant to the modification and have been addressed/considered as part of the original development consent.

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

The proposed removal of automatic waste collection requirements are not accepted, in part due to the impacts these changes would have on the surrounding built environment. The proposed amendments to the southern façade will be permitted, however balconies will need to have fixed louvres, in part address privacy impacts on properties to the south.

Otherwise, the proposed modifications are generally minor in nature and do not introduce any new impacts that have already been addressed under assessment of the parent application and previous modification applications.

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

The approved development as modified by the current section 4.56 application does not alter the suitability of the development to the site.

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

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. One submission was received and signed by owners of land to the south as follows:

- Dinesh Gelda (Lot 4)
- Zhichao Wu (Lot L9)
- Ponniah Pathmananthan (Lot 32)
- Tom Guo (Lot 37)

The submission requested Council reconsider the submission made to the Land and Environment Court during the conciliation process for the parent Application in 2015. The original submission made comment on the following aspects of the development:

- Building separation,
- Visual privacy,
- Solar and daylight access,
- Acoustic privacy,
- Natural air ventilation and pollution.

In general, the comments raised in the submission relate to the original application and establishment of the footprint, height, bulk and scale of the development and the proposed modifications achieve an outcome consistent with the approved development.

The proposed modifications are generally minor in nature and do not alter the building footprint and will not impact on building separation or natural air ventilation and pollution.

The proposed changes to the roof level do not result in an increase to the approved height limit and are unlikely to make a marked difference to overshadowing or sunlight access.

A condition of consent is recommended requiring retention of fixed louvres for balconies on the southern façade to mitigate privacy impacts from the proposed modifications.

(e) *the public interest.*

The proposed development, as modified, is of a scale and character that does not conflict with the public interest.

Local Infrastructure Contributions

Section 7.13 of the *Environmental Planning and Assessment Act 1979* relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

STRATHFIELD DIRECT / INDIRECT CONTRIBUTIONS PLAN

This Section 4.56 application does not trigger any changes to the original condition of consent requiring payment of a Section 7.11/7.12 contribution in accordance with Council's Section 94 Contributions Plan.

Conclusion

The application for modification has been assessed having regard to the Heads of Consideration under Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*, the provisions of the SLEP 2012 and SCDCP 2005.

Following detailed assessment it is considered that Development Application No. 154/2014/3 is recommended for approval, subject to conditions of consent.

Signed:

**JG Gillies
Senior Planner**

Date: 13 April 2021

I confirm that I have determined the abovementioned development application with the delegations assigned to my position;

- I have reviewed the details of this modified development application and I also certify that Section 7.11/7.12 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.

Signed:

Date: 13 April 2021

**Miguel Rivera
Senior Planner**

RECOMMENDATION

Pursuant to Section 4.56 of the *Environmental Planning and Assessment Act 1979*, the proposed modification(s) to Development Consent No. DA2014/154 involving alterations and additions to an approved mixed use development at 42-46 Parramatta Road, Homebush be **APPROVED**, subject to:

1. The original conditions of consent of Development Application No. (DA2014/01154) as approved by the Land and Environment Court on 16 October 2015 for the demolition of existing structures and construction of a nine (9) storey mixed use development comprising 62 units above two (2) levels of basement parking.
2. As modified by the approved Section 4.56 application (DA2014/154/2).
3. As modified by the Section 4.56 application (DA2014/154/3) as follows:
 - Modify Condition 1,
 - Remove Condition 1A and replace it with a new Condition 1A relating to fixed louvres on the southern façade,
 - Modify Condition 49 relating to the planting of a street tree along Parramatta Road, and
 - Delete Conditions 38-45 relating to Stormwater drainage.

Accordingly, Development Consent No. DA2014/154 is approved as per the following:

Annexure "A"

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 (as underlined) and any variation as required by conditions of this consent:
 - i. Demolition Plan drawing no. 0200 issue B project no. AJB13036 prepared Integrated Design Group filed with the Land and Environment Court 16 June 2015
 - ii. Sediment and Erosion Control Plan drawing no. 0201 issue A project no. AJB13036 prepared by Integrated Group filed with the Land and Environment Court 16 June 2015

iii. ~~Site Plan drawing no. 0102 issue E I project no. AJB13036 prepared by Integrated Group filed with the Land and Environment Court 16 June 2015 received by Council 14 May 2020~~

Site Plan drawing no. 0102 issue J project reference. JAS20085 prepared by Integrated Group received by Council 16 November 2020

iv. ~~Basement 1 Plan drawing no. 1001 issue G J project no. AJB13036 prepared by Integrated Group received by Council 12 June 2015 14 May 2020~~

Basement 1 Plan drawing no. 1001 issue K project reference. JAS20085 prepared by Integrated Group received by Council 16 November 2020

v. ~~Basement 2 Plan drawing no. 1002 issue E H project no. AJB13036 prepared by Integrated Group received by Council 12 June 2015 14 May 2020~~

Basement 2 Plan drawing no. 1002 issue I project reference. JAS20085 prepared by Integrated Group received by Council 16 November 2020

vi. ~~Ground Level Plan drawing no. 1100 issue L P project no. AJB13036 prepared by Integrated Group received by Council 2 October 2015 14 May 2020~~

Ground Level Plan drawing no. 1100 issue R project reference. JAS20085 prepared by Integrated Group received by Council 16 November 2020

vii. ~~Level 1 Plan drawing no. 1101 issue H L project no. AJB13036 prepared by Integrated Group filed with the Land and Environment Court 16 June 2015 received by Council 14 May 2020~~

Level 1 Plan drawing no. 1101 issue N project reference. JAS20085 prepared by Integrated Group received by Council 16 November 2020

viii. ~~Level 2 Plan drawing no. 1102 issue H K project no. AJB13036 prepared by Integrated Group filed with the Land and Environment Court 16 June 2015 received by Council 14 May 2020~~

Level 2 Plan drawing no. 1102 issue L project reference. JAS20085 prepared by Integrated Group received by Council 16 November 2020

ix. ~~Level 3 Plan drawing no. 1103 issue H K project no. AJB13036 prepared by Integrated Group filed with the Land and Environment Court 16 June 2015 received by Council 14 May 2020~~

Level 3 Plan drawing no. 1103 issue L project reference. JAS20085 prepared by Integrated Group received by Council 16 November 2020

x. ~~Level 4 Plan drawing no. 1104 issue I J project no. AJB13036 prepared by Integrated Group filed with the Land and Environment Court 16 June 2015 received by Council 14 May 2020~~

Level 4 Plan drawing no. 1104 issue M project reference. JAS20085 prepared by Integrated Group received by Council 16 November 2020

~~xi. Level 5 Plan drawing no. 1105 issue K N project no. AJB13036 prepared by Integrated Group received by Council 2 October 2015 14 May 2020~~

Level 5 Plan drawing no. 1105 issue O project reference. JAS20085 prepared by Integrated Group received by Council 16 November 2020

~~xii. Level 6 Plan drawing no. 1106 issue I K project no. AJB13036 prepared by Integrated Group filed with the Land and Environment Court 16 June 2015 received by Council 14 May 2020~~

Level 6 Plan drawing no. 1106 issue L project reference. JAS20085 prepared by Integrated Group received by Council 16 November 2020

~~xiii. Level 7 Plan drawing no. 1107 issue H K project no. AJB13036 prepared by Integrated Group filed with the Land and Environment Court 16 June 2015 received by Council 14 May 2020~~

Level 7 Plan drawing no. 1107 issue L project reference. JAS20085 prepared by Integrated Group received by Council 16 November 2020

~~xiv. Level 8 Plan drawing no. 1108 issue H K project no. AJB13036 prepared by Integrated Group filed with the Land and Environment Court 16 June 2015 received by Council 14 May 2020~~

Level 8 Plan drawing no. 1108 issue L project reference. JAS20085 prepared by Integrated Group received by Council 16 November 2020

~~xv. Mezzanine / Roof Level Plan drawing no. 1109 issue F I project no. AJB13036 prepared by Integrated Group filed with the Land and Environment Court 16 June 2015 received by Council 14 May 2020~~

Mezzanine / Roof Level Plan drawing no. 1109 issue J project reference. JAS20085 prepared by Integrated Group received by Council 16 November 2020

~~xvi. Roof Level Plan drawing no. 1110 issue D F project no. AJB13036 prepared by Integrated Group filed with the Land and Environment Court 16 June 2015 received by Council 14 May 2020~~

Roof Level Plan drawing no. 1110 issue G project reference. JAS20085 prepared by Integrated Group received by Council 16 November 2020

~~xvii. Streetscape Elevations drawing no. 0101 issue C F project no. AJB13036 prepared by Integrated Group received by Council 2 October 2015 14 May 2020~~

Streetscape elevations drawing no. 0101 issue G project reference. JAS20085 prepared by Integrated Group received by Council 16 November 2020

~~xviii. North Elevation drawing no. 2000 issue E H project no. AJB13036 prepared by Integrated Group received by Council 2 October 2015 14 May 2020~~

North elevation drawing no. 2000 issue J project reference. JAS20085 prepared by Integrated Group received by Council 16 November 2020

~~xix. South Elevation drawing no. 2001 issue E H project no. AJB13036 prepared by Integrated Group received by Council 12 June 2015 14 May 2020~~

South elevation drawing no. 2001 issue J project reference. JAS20085 prepared by Integrated Group received by Council 16 November 2020

- ~~xx. East Elevation drawing no. 2002 issue D H project no. AJB13036 prepared by Integrated Group received by Council 2 October 2015 14 May 2020~~

East elevation drawing no. 2002 issue J project reference. JAS20085 prepared by Integrated Group received by Council 16 November 2020

- ~~xxi. West Elevation drawing no. 2003 issue B E project no. AJB13036 prepared by Integrated Group filed with the Land and Environment Court 16 June 2015 received by Council 14 May 2020~~

West elevation drawing no. 2003 issue F project reference. JAS20085 prepared by Integrated Group received by Council 16 November 2020

- xxii. **Finishes schedule drawing no. 9400 issue D reference JAS20085 prepared by Integrated Group received by Council 16 November 2020.**
- xxiii. Section A-A drawing no. 3000 issue ~~D~~ **F** project no. AJB13036 prepared by Integrated Group ~~filed with the Land and Environment Court 16 June 2015~~ **received by Council 14 May 2020**
- xxiv. Section B-B drawing no. 3001 issue ~~E~~ **G** project no. AJB13036 prepared by Integrated Group received by Council ~~12 June 2015~~ **14 May 2020**
- xxv. Internal Driveway Section drawing no. 3003 issue B project no. AJB13036 prepared by Integrated Group received by Council 12 June 2015
- xxvi. Garbage Collection drawing no. 9304 issue B project no. AJB13036 prepared by Integrated Group received by Council 2 October 2015
- xxvii. Terrace Screen Details drawing no. 9305 issue A project no. AJB13036 prepared by Integrated Group received by Council 12 June 2015
- ~~xxviii. Landscape Plan—Ground Level Plan drawing no. LC01 project no. 13-074W prepared by Taylor Brammer Landscape Architects Pty Ltd filed with the Land and Environment Court 16 June 2015~~
- ~~xxix. Landscape Plan—Ground Level Sections drawing no. LC02 project no. 13-074W prepared by Taylor Brammer Landscape Architects Pty Ltd filed with the Land and Environment Court 16 June 2015~~
- ~~xxx. Landscape Plan—Level 1 Plan drawing no. LC03 project no. 13-074W prepared by Taylor Brammer Landscape Architects Pty Ltd filed with the Land and Environment Court 16 June 2015~~
- ~~xxxi. Landscape Plan—Level 1 Sections drawing no. LC04 project no. 13-074W prepared by Taylor Brammer Landscape Architects Pty Ltd filed with the Land and Environment Court 16 June 2015~~
- ~~xxxii. Landscape Plan—Level 5 Plan drawing no. LC05 project no. 13-074W prepared by Taylor Brammer Landscape Architects Pty Ltd filed with the Land and Environment Court 16 June 2015~~

~~xxxiii. Landscape Plan—Level 5 Sections drawing no. LC06 project no. 13-074W prepared by Taylor Brammer Landscape Architects Pty Ltd filed with the Land and Environment Court 16 June 2015~~

~~xxxiv. Landscape Plan—Roof Level Plan drawing no. LC07 project no. 13-074W prepared by Taylor Brammer Landscape Architects Pty Ltd filed with the Land and Environment Court 16 June 2015~~

~~xxxv. Landscape Plan—Roof Level Sections drawing no. LC05 project no. 13-074W prepared by Taylor Brammer Landscape Architects Pty Ltd filed with the Land and Environment Court 16 June 2015~~

Landscape Plan drawing number 20117CC 1-3 Revision E prepared by Vision Dynamics received by Council 16 November 2020

Landscape Plan drawing number 20117CC 2-3 Revision E prepared by Vision Dynamics received by Council 16 November 2020

Landscape Plan drawing number 20117CC 3-3 Revision E prepared by Vision Dynamics received by Council 16 November 2020

~~xxxvi. Acoustic DA Assessment prepared by Acouras Consultancy dated 4 June 2015 received by Council 12 June 2015~~

~~xxxvii. Groundwater Assessment prepared by Coffey Geotechnics Pty Ltd dated 26 February 2015 received by Council 6 March 2015.~~

~~xxxviii. BASIX Certificate (certificate No. 567408M_03) prepared by ESD Synergy dated 23 March 2020 received by Council 27 March 2020~~

BASIX Certificate (certificate No. 567408M_04) prepared by Building and Energy Consultants Australia received by Council 16 November 2020

~~xxxix. BCA Assessment Report prepared by BCA Logic dated 23 March 2020 received by Council 27 March 2020~~

~~xl. Access Review Report prepared by Funktion Pty Ltd dated 25 March 2020 received by Council 27 March 2020~~

(Modified by DA2014/154/2 dated 2 July 2020.)

xli. Stormwater Easement Design prepared by S&G Consultants rev 6 drawing no. SW100, SW102, SW110, SW250, SW251, SW300 and SW301 project no. 20200257 dated 08.10.2020

1A. ~~Bus Shelter~~

~~No bus shelters are approved to be demolished under this consent. The existing bus shelter immediately adjacent to the northern boundary of the site and within the road reserve along Parramatta Road is not approved to be demolished. All annotations on the approved plans and documents indicating the demolition of this bus shelter must be deleted from any plans and documents that are to be submitted as part of any application for Construction Certificate.~~

~~All existing bus shelters must be retained. This must be reflected in all plans and documents that are to be submitted and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.~~

~~(Added by DA2014/154/2 dated 2 July 2020.)~~

Balcony requirements for the southern façade

All balconies on the southern façade are to incorporate fixed louvres.

(Modified by DA2014/154/3)

49. One (1) x established of minimum 100L container size ~~Cultiver~~ **Callistemon** must be planted in the Parramatta Road nature strip adjoining the frontage of the site

The tree must be planted a minimum of 1.0 metre from the back of the kerb, with minimum 9 meter spacing from the centres of any other street tree

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. Trees are to conform to the NATSPEC guide and Guide for *assessing the quality of and purchasing of landscape trees* by Ross Clarke, 2003.

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.

(Modified by DA2014/154/3)

All remaining conditions in consent DA2014/154 (**excluding Conditions 38 to 45 which are to be deleted**), as issued by the Land and Environment Court on 16 October 2015, remain unchanged by this modification DA2014/154/2.