

IDAP REPORT – SECTION 4.55(1A) MODIFICATION

Property:	11-13 and 15-17 Columbia Lane, Homebush Lots 4 and 5 in DP 261926 DA2019/143/3
Proposal:	S4.55 (1A) Modification Application to reconfigure basement layouts across four (4) levels of basement under an approved mixed use development.
Applicant:	Columbia Lane Development
Owner:	Jqz Four P/L
Date of lodgement:	9 July 2021
Notification period:	16 July to 3 August 2021
Submissions received:	One (1) submission
Assessment officer:	J Gillies / M Rivera
Estimated cost of works:	\$132,220,000.00
Zoning:	B4 – Mixed Use – SLEP 2012
Heritage:	No
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL

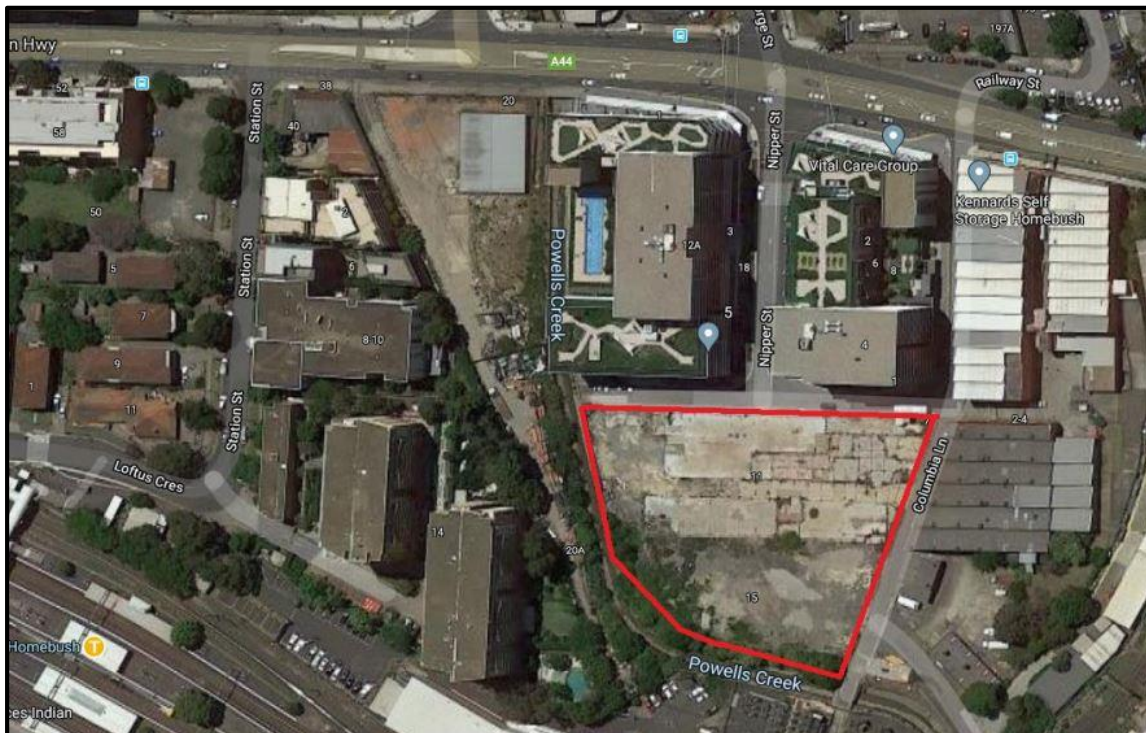


Figure 1. Locality Plan with subject site outlined in red.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the S4.55 (1A) Modification Application to reconfigure basement layouts across four (4) levels of basement under an approved mixed use development.

Site and Locality

The site is identified as No. 11-13 and 15-17 Columbia Lane, Homebush and has a legal description of Lots 4 and 5 in DP 261926. The total site area is 6,568m². Parramatta Road is located approximately 100m north of the site travelling along Nipper Street and the northern entry to the Homebush Rail Station is approximately 150m to the west.

The site is cleared of the former industrial uses, with remnants of foundations and weeds still present. The site has a frontage to Columbia Lane on the eastern side and Gramophone Lane on the northern side. Powells Creek forms the western boundary and wraps around to the east to form the southern boundary. A transmission line also runs over the south western corner of the site and adjoining Powells Creek there are some canopy trees.

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 site specific DCP 20 – Parramatta Road Corridor. 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 July to 3 August 2021. A single submissions was received during this period. The issue raised in this submission was with regard to the installation of electric vehicle chargers.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Development Application 2019/143/3 is recommended for approval subject to suitable modified conditions of consent.

REPORT IN FULL

Proposal

Council received a Section 4.55 (1A) Modification Application to reconfigure basement layouts across four (4) levels of basement for an approved mixed use development. Specifically, the application seeks to reconfigure the layout (structural column and aisle orientation) of the approved basement levels.

The modification is required to facilitate a larger substation on the ground floor (as necessitated by Ausgrid). This has resulted in the rationalisation of the basement to accommodate the main switch room and NBN room, which was previously located on ground level. In order to accommodate these spaces in the basement as well as enable a more efficient and effective basement layout, services provision, and improved structural support, the car parking aisles have been rotated clockwise approximately 45 degrees.

No change is proposed to the quantum of car, bicycle and motorcycle parking, garbage, bulky goods, and private storage areas. The amendments are contained wholly within the approved basement footprint. There is no further encroachment proposed and no additional excavation will be required.

Approved and modified basement layouts are indicated in Figures 2 to 9 below.



Figure 2. Approved Basement 1



Figure 3. Modified Basement 1



Figure 4. Approved Basement 2



Figure 5. Modified Basement 2



Figure 6. Approved Basement 3



Figure 7. Modified Basement 3



Figure 8. Approved Basement 4



Figure 9. Modified Basement 4

The Site and Locality

The site comprises two (2) separate lots and are collectively identified as No. 11-13 and 15-17 Columbia Lane, Homebush, with a legal description of Lots 4 and 5 in DP 261926. The site is on the western side of Columbia Lane and has a total area is 6,568m² (refer to Figure 1). Parramatta Road is located approximately 100m north of the site travelling along Nipper Street and the northern entry to the Homebush Rail Station is approximately 150m to the west.

The site is cleared of the former industrial uses, with remnants of foundations and weeds still present. The site has a frontage to Columbia Lane on the eastern side and Gramophone Lane on the northern side. Powells Creek forms the western boundary and wraps around to the east to form the southern boundary. A transmission line also runs over the south western corner of the site and adjoining Powells Creek there are some canopy trees.

On the northern side of Gramophone Lane is a mixed-use development at No. 6-18 Parramatta Road, Homebush (DA:2014/066) which features two (2) mixed-use buildings up to 14 storeys and basement parking access from Gramophone Lane.

To the east of the site on the other side of Columbia Lane is the Homebush Kennards Self-Storage warehouse. Further east is the Strathfield train line. South of the site is the Strathfield STS Electrical Substation.

Situated to the west is Powells Creek (stormwater canal), inclusive of some vegetation zoned RE1 – Public Recreation which forms a linear open space area, the northern part of which is to be delivered under a voluntary planning agreement for DA:2014/066. Further west is an existing residential development comprising two main towers at 14-16 Station Street, Homebush (17-storeys).

Background

5 September 2019 Development application (DA2019/143) was submitted to Council. The application was seeking approval for the demolition of existing structures and construction of a mixed use residential development up

to 26 storeys comprising 398 apartments over four (4) levels of basement parking, communal open space, provision of public domain works and extension of existing road.

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|------------------|---|
| 1 October 2020 | Development application (DA2019/143) was approved by the Sydney City Eastern Planning Panel. |
| 20 November 2020 | A Class 1 Appeal against Deemed Refusal for development application (DA2019/143) was listed for conciliation conference. |
| 29 January 2021 | The Class 1 Appeal for development application (DA2019/143) was finalised as agreement was reached by conciliation under Section 34 of the <i>Land and Environment Court Act 1979</i> . |
| 9 July 2021 | The subject Section 4.55(1A) modification application (DA2019/143/3) was lodged to Council. This application is seeking approval to reconfigure basement layouts across four (4) levels of basement within an approved mixed use development. |
| 16 July 2021 | As per Council's Community Participation Plan, the subject modification application was publicly notified for fourteen (14) days, with the final date for submissions being 3 August 2021. A single submission was received during this period. |

Note: Due to the NSW Government's Public Health Orders in response to the COVID-19 outbreak in greater Sydney, Council officers were unable to attend the site. The application has been assessed utilising Council's geographic information systems data and other available information relating to the existing site conditions.

Referrals – Internal and External

INTERNAL REFERRALS

Traffic Manager Comments

Council's Traffic Manager provided the following commentary regarding the proposed modification:

"No objection from a traffic and parking point of view. It appears there is no need to update traffic conditions."

Council's Traffic Manager offered no objections to the proposal, subject to the imposition of modified conditions of consent.

Waste Officer Comments

Council's Waste Officer did not raise any objections to the proposed modification and confirmed that appropriate and compliant waste management for the approved use can be facilitated by the basement reconfiguration.

Section 4.55 of the EP&A Act 1979

The application has been lodged under the provisions of Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*. The application is considered to be of minor environmental impact, is substantially the same development for which consent was originally granted, has been notified in accordance with the provisions of Council's CPP and

any submissions made will be considered as part of this assessment. In addition, under the provisions of s4.55 (3), the reasons for the granting on the consent that sought to be modified will be taken into consideration during the detailed assessment of the application.

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 *Environmental Planning and Assessment Act 1979*.

(1) *Matters for consideration – general*

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

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

State Environmental Planning Policy (Building 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.

The modification application does not involve changes to the upper levels comprising the habitable spaces of the mixed use building. As such, a new BASIX certificate is not required and the approved BASIX certificate stated in the original consent is considered relevant to the proposal. The conditions relating to compliance with BASIX targets and this certificate remain unchanged.

State Environmental Planning Policy (Infrastructure) 2007

The original application was referred to NSW Roads and Maritime Services (RMS) for comment given that the proposal was defined as Traffic Generating Development. Concurrence was received from NSW RMS for the original application. The recommendations within the concurrence were included in the original consent and are considered relevant to the proposed modification. Accordingly, the concurrence conditions as originally endorsed, are retained and remain unchanged.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) requires Council to consider the suitability of the site in its current state, contaminated state or following the completion of remediation works for the purpose for which development consent is being sought. The site has a history of potential contaminating activities include historic site filling and pesticide use, weathering of former building structures, historic onsite chemical storage and commercial use, and historic offsite manufacturing and commercial purposes located up-gradient of the site. The original development application was supported by a Detailed Site Investigation, Remediation Action Plan and Acid Sulfate Soils Management Plan and the current consent comprises conditions relation to appropriate management of contaminated land and required remediation of land to facilitate the mixed use building. It is not anticipated that the proposed modification will trigger additional requirements beyond those already required by these conditions.

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

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.”

The subject application is a Section 4.55(1A) modification application. As such subclause 3, as per above, does not apply to the proposal. Nevertheless, the applicant supplied a design verification statement (as part of the application). This confirmed that the architect (Mosca Pserras Architects) is a qualified designer and indicated compliance against the relevant design quality principles. In light of the above and the nature of the proposal solely only involving changes to the basement levels, the modification application did not require an assessment by the Design Review Panel.

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. It involves no changes to the external features of the development that would be immediately visible within the vicinity and public domain. The essence and overall aesthetic of the approved mixed use building remains largely unchanged from 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 changes to the basement levels only. It will not result in any changes to the bulk, scale massing and presentation of the built form.</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,</p>	<p>As above.</p>

Principle	Objective	Proposed
	access to jobs, community facilities and the environment.	
Sustainability	<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	The proposal does not involve any changes to the approved development with regard to compliance with BASIX targets.
Landscape	<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>	The proposed modification does not involve any changes to the approved landscaping treatments surrounding the built form.

Principle	Objective	Proposed
Amenity	<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>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>	The proposed modification involves changes to the basement level only and will result in identical amenity outcomes and impacts for both future occupants and neighbouring properties.
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>	The proposed modification does not involve changes that would differentiate the approved development, with regard to safety and security. The relocation of the Ausgrid-required infrastructure into the basement is considered a welcome and improved outcome as it situates these away from public domain.
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</p>	The proposed modification does not alter the approved apartment mix nor the communal spaces and transient zones.

Principle	Objective	Proposed
	spaces for a broad range of people and providing opportunities for social interaction among residents.	
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>	As mentioned above the proposed modification does not result in a modified building in terms of aesthetics and presentation.

Apartment Design Guide

An assessment of the modification application against the relevant design criteria of the Apartment Design Guide has been undertaken in the tables below.

Design Criteria	Required	Proposed	Compliance
3B – Orientation	<p>Responsive to streetscape and site.</p> <p>Designed to optimise solar access and minimise overlooking.</p> <p>4 hours solar access retained to neighbouring buildings or does not further reduce solar access by more than 20%</p>	Unchanged from approved development.	Unchanged.
3C – Public Domain Interface	<p>Direct street entry to ground floor apartments.</p> <p>Balconies/windows orientated to overlook the public domain.</p> <p>Front fence design is permeable.</p>	Unchanged from approved development.	Unchanged.

Design Criteria	Required	Proposed	Compliance
	<p>Opportunities for concealment minimised.</p> <p>Services concealed.</p> <p>Access ramps minimised.</p>		
3D – Communal Open Space	<p>Min. 25%</p> <p>Min 2h to 50% communal open space at mid-winter</p> <p>Consolidated area</p>	Unchanged from approved development.	Unchanged.
3E – Deep Soil Zones	<p>Min. 7%</p> <p>6m min. dimension</p>	Unchanged from approved development.	Unchanged.
3F – Visual Privacy	<p>Up to 4 storeys:</p> <ul style="list-style-type: none"> • 12m between habitable rooms/ balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms <p>Up to 8 storeys: 9-18m</p> <ul style="list-style-type: none"> • 18m between habitable rooms/ balconies • 12m between habitable and non-habitable rooms • 9m between no- 	Unchanged from approved development.	Unchanged.

Design Criteria	Required	Proposed	Compliance
	habitable rooms		
3G – Pedestrian Access and Entries	Entry addresses public domain. Clearly identifiable. Steps and ramps integrated into building design.	Unchanged from approved development.	Unchanged.
3H – Vehicle Access	Integrated into façade. Visual impact minimised. Entry behind the building line or from secondary frontage. Clear sight lines. Garbage collection screened. Pedestrian and vehicle access separated.	Unchanged from approved development.	Unchanged.
3J – Bicycle and Car Parking	Within 800m of a railway station: Min RMS Rate Applies: 20 or more units: 1 bedroom: 0.6 spaces 2 bedroom: 0.9 spaces 3 bedroom: 1.4 spaces Visitor 1 per 5 units Commercial spaces = one space per 50m ² Objective 3J-2 Parking and facilities are provided for other modes of transport	The approved development requires the following minimum on-site parking requirements - 305 resident spaces and 72 visitor spaces (including 4 car share spaces); and - 4 commercial spaces. The approved development features 305 parking spaces for residents, 72 spaces for visitors and 4 spaces for the commercial unit. The proposed modification does not result in any changes to the number of	Number of spaces (as approved) remain unchanged and demonstrates compliance.

Design Criteria	Required	Proposed	Compliance
	<p>Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.</p> <p>Objective 3J-3 Car park design and access is safe and secure.</p> <p>Objective 3J-4 Visual and environmental impacts of underground car parking are minimised.</p> <p>Objective 3J-5 Visual and environmental impacts of on-grade car parking are minimised.</p> <p>Objective 3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised</p>	<p>parking spaces as approved.</p> <p>Council's Traffic Manager confirmed that the car park design, as modified, is acceptable.</p> <p>The modified basement levels do not change the visual and environmental impacts of the car parking and are wholly within the approved footprint.</p> <p>Unchanged from approved development.</p> <p>N/A</p>	<p></p> <p>Complies.</p> <p>Complies.</p> <p>Unchanged.</p> <p>N/A</p>
4A – Solar and Daylight Access	<p>Min. 70% receive 2 hours solar access. Max. 15% units have no solar access.</p> <p>Light wells, skylights and highlight windows.</p>	<p>Unchanged from approved development.</p>	<p>Unchanged.</p>

Design Criteria	Required	Proposed	Compliance
4B – Natural Ventilation	Min. 60% are cross ventilated in first 9 storeys. Cross-over/ Cross-through max 18m depth Light wells are not the primary source of ventilation for habitable rooms Single aspect units have limited depth to maximise ventilation	Unchanged from approved development.	Unchanged.
4C – Ceiling Heights	Habitable: 2.7m Non-habitable: 2.4m Mixed use: 3.3m ground floor	Unchanged from approved development.	Unchanged.
4D – Apartment Size and Layout	1 bed: 50m ² 2 bed: 70m ² 3 bed: 90m ² Additional bathrooms +5m ² . Each habitable room must have a window >10% floor area of the room. Habitable room depths = max 2.5 x ceiling height. Or if open plan layout = max 8m from a window. Master bed: min 10m ² Other bedroom: min 9m ² Living rooms min. width: Studio and 1 bed: 3.6m, 2 and 3 bed: 4m. Crossover/through: min 4m	Unchanged from approved development.	Unchanged.
4E – Private Open Space and Balconies	1 bed: 8m ² , min depth 2m 2 bed: 10m ² , min depth 2m	Unchanged from approved development.	Unchanged.

Design Criteria	Required	Proposed	Compliance
	3 bed: 12m ² , min depth 2.4m		
4F – Acoustic Privacy	Max. 8 apartments off a single core >10 storeys: max 40 units/ lift	Unchanged from approved development.	Unchanged.
4G – Storage	Studio: 4m ³ 1-bed: 6m ³ 2-bed: 8m ³	Unchanged from approved development.	Unchanged.
4J – Noise and Pollution	Site building to maximise noise insulation. Noise attenuation utilised where necessary.	Unchanged from approved development.	Unchanged.
4K – Apartment Mix	Variety of apartment types. Appropriate apartment mix. Different apartments distributed throughout the building.	Unchanged from approved development.	Unchanged.
4L – Ground Floor Apartments	Direct street access. Casual surveillance whilst providing privacy.	Unchanged from approved development.	Unchanged.
4M – Facades	Composition of building elements. Defined base, middle and top. Building services integrated into the façade.	Unchanged from approved development.	Unchanged.
4N – Roof Design	Roof design integrated into the building. Incorporates sustainability features.	Unchanged from approved development.	Unchanged.

Design Criteria	Required	Proposed	Compliance
	May include common open space.		
4O – Landscape Design	Responsive to streetscape. Viable and sustainable.	Unchanged from approved development.	Unchanged.
4P – Planting on Structures	Appropriate soil profiles and structural design Irrigation and drainage systems	Unchanged from approved development.	Unchanged.
4Q – Universal Design	Variety of adaptable apartments	Unchanged from approved development.	Unchanged.
4U – Energy Efficiency	Adequate natural light to habitable areas	Unchanged from approved development.	Unchanged.
4V – Water Management and Conservation	Efficient fixtures/ fitting WSUD integrated Rainwater storage and reuse	Unchanged from approved development.	Unchanged.
4W – Waste Management	Minimise impact on streetscape, building entry and amenity	Changes are considered acceptable, as confirmed by Council's Waste Officer.	Complies.
4X – Building Maintenance	Material selection reduces ongoing maintenance costs.	Unchanged from approved development.	Unchanged.

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

Clauses	Requirements	Approved	Proposed	Complies
4.1A Min. lot sizes for residential flat buildings	1000m ²	6,568m ²	6,568m ²	Yes and unchanged.
4.3 Height of buildings and as per Key Site 92 provisions	Max. Part 80m	80m	80m	Yes and unchanged.
4.4 Floor space ratio and as per Key Site 92 provisions	Max 5:1 32,840m ²	4.69:1 30,839m ²	4.69:1 30,839m ²	Yes and unchanged.

Part 5 – Miscellaneous Provisions

Heritage Conservation

The proposal is located within the vicinity of several heritage items. However, given the location and minor nature of the proposed modification, which solely involves changes to the basement configuration; any impacts on these heritage items will be identical to those in relation to the approved development. It is considered that the proposed works, as modified, satisfactorily address the provisions of Clause 5.10.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

The subject site is identified as Class 4 Acid Sulfate Soils and falls within the criteria in the table of subclause 6.1(2). As such Development Consent for the proposed works was required under the provisions of this Clause. The application as modified is subject to the provisions of the Acid Sulphate Soils Management Plan and the relevant recommendations of the report/plan which was incorporated into the original consent conditions.

Earthworks

The proposed modification does not involve any additional earthworks beyond the original approval. The changes to the basement levels are provided by way of reconfiguring spaces therein rather than by enlargement and further excavation of the approved basement levels. Therefore, the proposal is still considered to comply with the objectives of this Clause.

Flood Planning

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

Essential Services

The subject site is considered to be adequately serviced for the purposes of the proposed development as modified.

(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,

Part C – Multiple-Unit Housing, Part H – Waste Minimisation and Part I – Parking of the SCDCP 2005 are of relevance to the assessment of the modification application.

Strathfield Development Control Plan No 20 – Parramatta Road Corridor Area

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 6(1) of SEPP 65 confirms that in the event of any inconsistency between the controls of the ADG and Council's Development Control Plan, the objectives, design criteria and design guidance set out in the ADG prevail.

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

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

These matters, as of relevance to the application, have been addressed in the ADG assessment above where it has been determined that the proposed modification is satisfactory. The remaining matters of relevance provided in DCP – 20 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.	Proposed modification does not involve changes to the building footprint, as approved.	N/A
2.3	Building Height	Proposal to conform to	Use maximum building height development	N/A

Section	Development Control	Required	Proposed	Compliance
		building height identified in figure 12, which requires max. 3 storeys.	standard under SLEP 2012.	
2.4	Minimum Unit Sizes	Proposal to comply to the following min. unit sizes: 1 bed – 70m ² 2 bed - 85m ² 3 bed - 100m ²	The unit sizes of the ADG prevail.	N/A
2.5	Roof Form	Lift and service plant concealed within roof structure.	Unchanged from approved development.	N/A
		Provide an interesting skyline and enhance views from adjoining developments .	Unchanged from approved development.	N/A
2.6	Façade Composition	Entrance should be distinguishable in the façade.	Unchanged from approved development.	N/A
		Facades should maintain a human scale to the street by incorporating appropriate architectural features.	Unchanged from approved development.	N/A
		Materials and finishes should blend together with min. 30% to incorporate face brickwork.	Unchanged from approved development.	N/A

Section	Development Control	Required	Proposed	Compliance
		Consider the use of glass in facades on northern and western elevations in terms of glare impacts.	Unchanged from approved development.	N/A
2.8	Visual and Acoustic Privacy	Visual privacy to be provided by separation or screening.	ADG prevails	N/A
		Main living areas oriented to the street or rear garden to prevent overlooking.	ADG prevails	N/A
		Acoustic privacy must be considered in relation to proposal and surrounding environment.	Acceptable.	Yes
		Buildings designed and sited to minimise transmission of noise to adjoining developments .	Unchanged from approved development.	N/A
		Developments adjoining major road or railway line to consider potential noise impacts.	Unchanged from approved development.	N/A
		Shared pedestrian entries shall be capable of being locked and serve a	Unchanged from approved development.	N/A

Section	Development Control	Required	Proposed	Compliance
		limited no. of dwellings		
		Casual surveillance maintained of public streets and spaces with at least one habitable room window facing that area.	Unchanged from approved development.	N/A
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.	N/A
		Each contiguous landscape area shall provide large trees.	Unchanged from approved development.	N/A
		Trees and pergolas to shade external areas and control sunlight into buildings.	Unchanged from approved development.	N/A
		Proposal to provide common open space to the following dimensions: 10% of site or 100m ²	ADG prevails.	N/A

Section	Development Control	Required	Proposed	Compliance
		(whichever is greater); Min dimensions of 7m; Positioned to receive sunlight, be conveniently located for residents with good opportunities for passive surveillance and contain durable children's play equipment; Located behind front setback.		
	Balconies	Dwellings without ground level open space shall have balconies to the following requirements: <ul style="list-style-type: none"> • 12m² up to 2 bed; and • 15m² for 3 or more bed; Min. dimension of 2.0m; Located off living areas and with good solar access; and	ADG prevails.	N/A

Section	Development Control	Required	Proposed	Compliance
		Balustrades designed to provide privacy and conceal service areas whilst allowing passive surveillance.		
		Achieve required BASIX rating.	Unchanged from approved development.	N/A
	Solar Access	Main living and 50% of POS receive min. 3 hours solar access.	ADG prevails.	N/A
		Min. 3 hours solar access maintained to habitable rooms and POS of adjoining development.	ADG prevails.	N/A
	Stormwater, Sewerage and Drainage	Site to be adequately serviced by stormwater, sewerage and drainage in accordance with Council's Stormwater Management Code.	Unchanged from approved development.	N/A
2.11	Disabled Access	One main entrance barrier free and accessible.	Unchanged from approved development.	N/A
2.12	Vehicle Access and Parking	Accessible parking provided.	To satisfy BCA	Yes

Section	Development Control	Required	Proposed	Compliance
		15% of units designed to allow occupation by older people and people with disabilities.	Unchanged from approved development.	N/A
		Car parking to be provided on the following basis: 1 and 2 bed – 1 space 3 bed – 1.5 spaces required Visitor – 1 space per 5 units	ADG Prevails	Yes
2.13	Site Facilities and Services	Comply with driveway ramp gradient and dimension requirements.	Unchanged from approved development.	N/A
		Electricity and telecommunication supplies shall be underground.	Unchanged from approved development.	N/A
2.14		Letterbox provision	Unchanged from approved development.	N/A
		Master TV antenna provided.	Unchanged from approved development.	N/A
		Clothes drying facilities provided.	Unchanged from approved development.	N/A
		Comply with BCA	Unchanged from approved development.	N/A
2.16		Dilapidation report for all adjoining development.	To be enforced by condition of consent – as per approved development.	Yes – conditioned.

Part H – Waste Minimisation (SCDCP 2005)

Council's Waste Officer's advised that the proposed changes to waste bin storage areas in the basement levels demonstrate compliance with Part H of the SCDCP 2005.

Part I – Car Parking (SCDCP 2005)

As per above, Council's Traffic Manager confirmed that the proposed changes to parking spaces demonstrate compliance against the requirements and rates as per the SCDCP 2005.

PART P – Heritage (SCDCP 2005)

Given the nature of the proposed modification solely involve changes to basement levels, any potential impacts on affected heritage items will be identical to those that were identified for the approved development. Accordingly, these impacts have been previously assessed and described, and were deemed acceptable and reasonable.

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

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

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

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

In accordance with the provisions of Council's Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days, from 16 July to 3 August 2021, where adjoining property owners were notified in writing of the proposal and invited to comment. A single submission from an apartment block in Nipper Street, Homebush; was received during this period. This submission raised the following issue:

1. Installation of electric vehicle chargers

Comment: The proposed changes to the basement do not involve provision of electric vehicle chargers. Currently, there is no legal requirement for new development to facilitate such infrastructure.

It is further noted that the electric vehicle charger within North Strathfield is outside the jurisdiction of Strathfield Council.

(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 EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

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

STRATHFIELD DIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are applicable to the proposal; however, these have already been captured in the current consent for the approved development (DA2019/143). The proposed modification does not involve changes to the number of residential/commercial buildings as approved. Accordingly, the relevant conditions relating to developer contribution payments remain relevant and unchanged by the proposed modification and therefore, are endorsed as part of the modified consent.

Conclusion/Recommendation

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.

Pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* and following detailed assessment of the proposed modifications to Development Consent No. 2019/143 for reconfiguration of basement layouts across four (4) levels of basement under an approved mixed use development, be approved as follows:

1. The original conditions of consent of Development Consent No. 2019/143 as approved except as amended below.
2. As part of this Section 4.55(1A) application, the following conditions are to be modified, added or deleted;
 - Condition 1 – Approved Plans and Documentation

Accordingly, Development Consent 2019/143/3 is approved as per the following;



Signed:
Miguel Rivera
Senior Planner

Date: 13 September 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:
George Andonoski
Specialist Strategic Planner

Date: 13 September 2021

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 SCDP 2005 and is recommended for approval subject to the imposition of the following conditions:

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

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

1. Approved Plans & Documentation

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

Description	Reference No.	Date	Revision	Prepared by
Data Sheet	AP02	15/07/2020	D	mpa
Site Plan	AP03	15/07/2020	D	mpa
Basement 4	AP04	15/07/2020	D	mpa
Basement 3	AP05	15/07/2020	D	mpa
Basement 2	AP06	15/07/2020	D	mpa

Basement 1	AP07	15/07/2020	D	mpa
Basement 4	AP04	21/05/2021	F	mpa
Basement 3	AP05	21/05/2021	F	mpa
Basement 2	AP06	21/05/2021	F	mpa
Basement 1	AP07	21/05/2021	F	mpa
Ground Floor	AP08	15/07/2020	D	mpa
Level 1	AP09	15/07/2020	D	mpa
Level 2- 6	AP10	15/07/2020	D	mpa
Level 7	AP11	15/07/2020	D	mpa
Level 8	AP12	15/07/2020	D	mpa
Level 9 - 12	AP13	15/07/2020	D	mpa
Level 13	AP14	15/07/2020	D	mpa
Level 14 - 16	AP15	15/07/2020	D	mpa
Level 17	AP16	15/07/2020	D	mpa
Level 18 - 21	AP17	15/07/2020	D	mpa
Levels 22	AP18	15/07/2020	D	mpa
Level 23	AP19	15/07/2020	D	mpa
Level 24	AP20	15/07/2020	D	mpa
Level 25	AP21	15/07/2020	D	mpa
Roof Plan	AP22	15/07/2020	D	mpa
Elevation NE	AP23	15/07/2020	D	mpa

Elevation N	AP24	15/07/2020	D	mpa
Elevation SE	AP25	15/07/2020	D	mpa
Elevation SW	AP26	15/07/2020	D	mpa
Section A	AP27	15/07/2020	D	mpa
Section B	AP28	15/07/2020	D	mpa
Section C	AP29	15/07/2020	D	mpa
Section D	AP30	15/07/2020	D	mpa
Adaptable and Liveable Units	AP31	15/07/2020	D	mpa
Landscape Design Report	S17-0068	24/07/2020	G	Clouston associates
Acoustic Assessment Report	J17289RP1	17/07/200	Final	EMM
Operational Waste Management Plan	SO289	16/07/2020	F	Elephants Foot Recycling Solutions
Heritage Interpretation Strategy	SA7388	09/07/2020	1	Urbis
Acid Sulfate Soil Management Plan	E24275.E14	16/08/2019	1	Ei Australia
Remediation Action Plan	E24275.E06	16/08/2019	2	Ei Australia
Design Verification Statement	-	15/07/2020	1	mpa
Stormwater Management Plan	R01866-SWMP	August 2019	B	C&M

Flooding Assessment Report	R01866-F	August 2017	A	C&M
Geotechnical Investigation	19/0962	April 2019		STS GeoEnvironmental
BASIX Certificate	Certificate Number: 1030689M_03	30/09/2020	-	Building and Energy Consultants Australia

MODIFIED BY DA2019/143/3

DATE: 17 September 2021

2. Affordable Housing

Prior to the issue of any occupation certificate the Applicant must dedicate eight (8) of the approved units to Council in perpetuity, free of cost. The units are to be of the following mix:

- 3 x 1 bed
- 4 x 2 bed
- 1 x 3 bed

3. Building Height

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 87.0 AHD to the roof ridge of the proposed dwelling.

SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

4. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

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

Separate approval is required under Section 138 of the [Roads Act 1993](#) and/or Section

68 of the [Local Government Act 1993](#) for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

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

- a) Placing or storing materials or equipment;
- b) Placing or storing waste containers or skip bins;
- c) Erecting a structure or carrying out work
- d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- e) Pumping concrete from a public road;
- f) Pumping water from the site into the public road;
- g) Constructing a vehicular crossing or footpath;
- h) Establishing a "works zone";

- i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
 - j) Stormwater & ancillary works in the road reserve; and
 - k) Stormwater & ancillary to public infrastructure on private land
- a) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.

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

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

5. Vehicular Crossing – Major Development

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

- (a) The owner is to bear all costs associated with the development and provision of vehicular crossings, road frontage works, public domain works, and road construction to facilitate access to and from the development site. All external civil works are to be in accordance with the works identified in the approved Architectural Drawings prepared by mpa and dated 15 July 2020 and Landscape Plans prepared by Clouston Associates and dated 24 July 2020 and should be designed and built in accordance with Council's specifications and apply to a separate works application with Council.

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

6. Road Opening Permit

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

7. Building – Hoarding Application

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

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

The following information is to be submitted with a Hoarding Application under Section

68 of the [Local Government Act 1993](#) and Section 138 of the [Roads Act 1993](#):

- (a) Hoarding plan and details that are certified by an appropriately qualified engineer; and

- (b) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available at www.strathfield.nsw.gov.au) before the commencement of work; and
- (c) A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.**under LGA 1993 and S138 Application under Roads Act 1993**

8. Below Ground Anchors – Information to be Submitted with S68 Application under LGA 1993 and S138 Application under Roads Act 1993

In the event that the excavation associated with the basement carpark is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways, an application must be lodged with Council under Section 68 of the [Local Government Act 1993](#) and the [Roads Act 1993](#) for approval, prior to commencement of those works. The following details must be submitted.

- (a) That cable anchors will be stressed released when the building extends above ground level to the satisfaction of Council.
- (b) The applicant has indemnified Council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of council.
- (c) Documentary evidence of such insurance cover to the value of \$20 million.
- (d) The applicant must register a non-terminating bank guarantee in favour of Council for the amount of \$20,000.

The guarantee will be released when the cables are stress released. In this regard it will be necessary for a certificate to be submitted to Council from a structural engineer at that time verifying that the cables have been stress released.

- (e) That in the event of any works taking place on Council's roadways/footways adjoining the property while the anchors are still stressed, all costs associated with overcoming the difficulties caused by the presence of the 'live' anchors will be borne by the applicant.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

9. General Terms of Approval

The development shall be carried out in accordance with the requirements of the General Terms of Approval (GTA) outlined below.

Approval Body	Date of GTA
Natural Resources Access Regulator	23/10/2019

Sydney Water	28/10/2019
Ausgrid	29/01/2020
Sydney Trains	26/02/2020
NSW Roads and Maritime Services	30/09/2020
Water NSW	26/02/2020

A copy of the requirements of the approval Authority is attached to this consent.

10. Geotechnical Report

Prior to the issue of a Construction Certificate the Applicant shall provide Sydney Trains with a Geotechnical Report and structural drawings/report. These reports shall provide land confirmation that there will be no negative impact on Sydney Trains infrastructure and land.

Written confirmation shall be provided from Sydney Trains to the Certifying Authority confirming this condition has been satisfied.

11. Sydney Water – Tap in TM

The approved plans must be submitted to a Sydney Water Tap inTM to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082

746). The Certifying Authority must ensure that a Tap inTM agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

12. Notice of Requirements for a Section 73 Certificate

A Notice of Requirements of what will eventually be required when issuing a Section 73

Compliance Certificate under the [Sydney Water Act 1994](#) must be obtained from Sydney

Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au then refer to 'Providers' under 'Developing' or telephone

13 20 92 for assistance.

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

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

13. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be submitted to the PCA prior to the issue of the Occupation/Subdivision Certificate.

14. Electricity Supply

An application is required to be made to Ausgrid for a network connection. This may require the network to be extended or its capacity augmented. Evidence of this application being lodged with Ausgrid is required to be provided to the Certifying Authority prior to the issue of a Construction Certificate. For further details, you are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services).

15. Connection to the Network will be Required Prior to the Release of any Occupation Certificate.

Where works within the road reserve are to be carried out by the developer, a Road Opening Permit must be obtained from Council's Customer Service Centre before commencement of work.

16. Electricity Supply to Development

The electricity supply to the Development must be underground.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

17. Acoustic Assessment

The Applicant is to submit an amended acoustic assessment that assesses the impact of noise associated with the electricity substation located to the south of the site and outline suitable attenuation measures in accordance with all relevant legislation including the Noise Act and Regulations. The report is to be submitted to the Council. Written confirmation that the matter has been addressed is required from the Council prior to the issue of a Construction Certificate.

18. Required Design Changes

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

Multi-purpose loading/waste collection area	The applicant shall modify the waste collection area to allow shared use by waste collection vehicles and other loading/unloading activities that cannot be accommodated in the loading bays in the basement. The area shall be designed to allow for a booking system that can be used by residents and run by the body corporate.
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Car share spaces	All car shared spaces to be accommodated in the basement with spaces clearly marked/signposted. An intercom system is to be provided to facilitate visitor/service access to underground parking areas.
Landscape Plan	The Landscape Plan must be amended to achieve consistency with the Architectural Drawings or vis versa. The landscape plans must clearly show that the area of deep soil landscaping is 20% of the site
Architectural Drawings	The Architectural Plans are to be revised to ensure that all accessible rooms are located in apartments with more than 2 hours of solar access in mid-winter and are cross ventilated. No change to the layouts of apartments are permitted. The accessible rooms must be located in the approved apartments that achieve more than 2 hours solar access and are cross flow ventilation.
Architectural Drawings	The Architectural Plans are to be revised to address any changes to the design required as part of acoustic attenuation associated with the electricity substation located to the south of the site.

19. Fees to be Paid

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

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

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

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

GENERAL FEES	Fee
Long Service Levy (to Long Service Corporation)	\$436,520.00
Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Security Damage Deposit	\$30,000.00
Administration Fee for Damage Deposit	\$127.00

General Fees

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

Development Contributions

The Section 7.11 contributions (s94) have been imposed on this consent in accordance with the *Ministerial Directions – Timing of Payments* and are deferred until the issuing of the first occupation certificate.

However, if no construction certificate in respect to the erection of any building to which this consent relates has been issued on or before 25 September 2022, the monetary contribution must be paid before the issue of the any construction certificate after that date for any such building.

Indexation

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

Further Information

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

20. Damage Deposit – Major Works

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

- (a) Pay Council, before the issue of the Construction Certificate, a security damage deposit for the cost of making good any damage caused to any Council property as a result of the development: \$33,000.00
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$127.00
- (c) Submit to Council, before the commencement of work, a dilapidation report of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

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

21. Site Management Plan

Major Development

A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following: (a) location of protective site fencing;

- (b) location of site storage areas/sheds/equipment;

- (c) location of building materials for construction, e.g. stockpiles
- (d) provisions for public safety; (e) dust control measures;
- (f) method used to provide site access location and materials used;
- (g) details of methods of disposal of demolition materials, according to Waste Management Plan and which should be used or recycled wherever practicable; (h) method used to provide protective measures for tree preservation;
- (i) provisions for temporary sanitary facilities;
- (j) location and size of waste containers/skip bins, according to the Waste Management Plan and including resource recovery methods; (k) details of proposed sediment and erosion control measures;
- (l) method used to provide construction noise and vibration management; (m) construction and demolition traffic management details.

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

22. SEPP 65 Design Verification Statement

A design verification statement, prepared by a qualified designer, shall be submitted to the Certifying Authority verifying 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 under Schedule 1 of [State Environmental Planning Policy No 65 —Design Quality of Residential Flat Development](#).

23. Design Quality Excellence (Major Development)

- (a) In order to ensure the design quality excellence of the development is retained:
 - i. The design architect is to have direct involvement in the design documentation, contract documentation and construct stages of the project;
 - ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of the design issues throughout the life of the project;
 - iii. Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council.

24. BASIX Commitments

The BASIX Certificate submitted by the Applicant on 1/10/2020 (Certificate number: 1030689M_03) has been included as an approved document.

25. Archaeological Investigation

Prior to the issue of a Construction Certificate:

- (a) An archaeological assessment undertaken by a suitably qualified archaeologist must be submitted to and approved by Council's Heritage Advisor. The report must assess whether the proposed works have the potential to disturb any archaeological remains and identify if there is a need for any archaeological investigation prior to commencement of any works on site. The report should also recommend measures and documentation to be undertaken during the process of demolition and excavation work.
Should the assessment report suggest the site may contain relics and the proposed work may disturb them, council may request the applicant to amend the proposal so that the relics are properly protected or interpreted.

26. Heritage Interpretation Plan

- (a) An updated interpretation plan/strategy for the park, streets, lanes and commercial area must be submitted to and approved by Council's Heritage Advisor prior to a Construction Certificate for above ground works being issued.

The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.

- (b) The updated interpretation plan/strategy must detail how information on the history and significance of this particular area in relation to the Australian Music Industry, in which Columbia and Gramophone lanes and Nipper Street, have been named (Columbia and EMI/HMP records and the grammar phone factory) and other significant industries such as the food and manufacturing (Baker House Quarter) will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selective artefacts are some of the means that can be used.
- (c) Interpretation plan should consider introduction of public linkage signage around the site to link heritage areas such as Homebush Train Station and to establish connections between heritage items in the areas and establish better consistency with the Parramatta Road Corridor Urban Transformation Planning and design Guidelines Implementation Tool Kit November 2016 Figure 7.4 Homebush Structure Plan.
- (d) The plan must specify the location, type, making materials and contents of the interpretation device being proposed.
- (e) Prior to the occupation certificate being issued the approved interpretation plan must be implemented to the satisfaction of the Heritage Advisor.

27. Schedule of External Materials, Colours and Finishes

- (a) The external colour and material scheme of the lower podium along Columbia lane and Gramophone lane on the architecture plans is to comprise of sections of recycled bricks that is in keeping with a federation character. The External Colour and Finishes schedule should be updated confirming the location of the bricks and these should be submitted to and approved by Council's Heritage Advisor prior to the issue of the Construction Certificate. The documentation must show the distribution of the colours on the elevation drawings, specify paint types and include colour swatches/colour names and codes.

28. Landscape Plan

The landscape plan is to use a range of recycled elements and Federation period materials, such as recycled bricks, crushed gravel, sandstone within its pathways, planter boxes and furniture. This should be approved by Council prior to the issue of a construction certificate.

29. Erosion & Sedimentation Control

Erosion and sediment controls must be provided to ensure:

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

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

30. Pre-Construction Dilapidation Report – Private Land

A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to:

- (a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.

The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the PCA.

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

31. Stormwater System

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

32. Compliance with Flood Study

The development shall be designed to conform to the recommendations and conclusions of the submitted flood study prepared by C and M Consulting Engineers

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

- (a) Minimum floor levels
- (b) Fencing
- (c) Site regrading
- (d) Overland flow path construction
- (e) Protection of the basement from inundation of surface waters

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

33. Water Sustainability – Water Sensitive Urban Design

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

34. Drainage System – Maintenance of Existing System

Where elements of the existing drainage system are to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be removed, not flushed from the system.

A certificate shall be provided by a suitably qualified person (a registered plumber or a person of equivalent or greater experience or qualification) to the satisfaction of the Principal Certifying Authority, prior to the issue of any Occupation Certificate to confirm that the system is in good working order and adequate to accept additional flows having regard to any relevant standards and/or Sydney Water requirements.

35. Support for Easement Pipes

- (a) All footings within 2.0 metres of the drainage easement shall be designed in such a manner that they are supported by foundations set at a minimum of 300mm below pipe invert levels or founded on sound rock.
- (b) Alternatively, the footings of the building or any structure shall be designed not to affect the zone of influence taken from the invert of any pipe.
- (c) The walls of any dwelling, pool or structure adjoining the easement shall be designed to withstand all forces should the easement be excavated to existing pipe invert levels.
- (d) No building or other structure must be placed over the drainage easement or stormwater system or within the zone of influence taken from the invert of any pipe.

Evidence from an appropriately qualified person that this design requirement has been met shall accompany the application for the Construction Certificate.

36. Pump-Out System Design for Stormwater Disposal

The design of the pump-out system for storm water disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

- (a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding four hour's runoff from a one-hour duration storm of the 1 in 100 year storm;
- (b) The pump system shall be regularly maintained and serviced, every six (6) months; and
- (c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

Details and certification of compliance from a professional engineer specialising in civil engineering shall be provided for approval with the Construction Certificate application

37. Stormwater Drainage Plan Details

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

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Management Code.

38. Driveway Construction Plan Details

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

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

39. Waste Manage Plan (WMP)

Prior to the issue of a Construction Certificate, a Waste Management Plan (WMP) must be submitted and it must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005) and be consistent with the approved WMP under condition 2 of this consent. A WMP will become part of any development consent issued and aims to facilitate better waste management, waste minimization and resource recovery.

The WMP is an important planning document that will not only be utilised as part of the development application process, but during construction and for the ongoing use of the development. The WMP will continue to apply as a working reference for the life of the development.

At least one copy of the WMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

40. Council Property Shoring

Prior to the issue of the Construction Certificate, plans and specifications prepared by a professional engineer specialising in practising structural engineering must detail how Council's property shall be supported at all times.

Where any shoring is to be supporting, or located on Council's property, certified structural engineering drawings detailing; the extent of the encroachment, the type of shoring and the method of removal, shall be included on the plans. Where the shoring cannot be removed, the plans must detail that the shoring will be cut to 150mm below footpath level and the gap between the shoring and any building shall be filled with a 5MPa lean concrete mix.

41. Hazardous Material Survey

Remediation approved as part of this Development Consent shall be carried out in accordance with Remedial Action Plan and a Hazardous Materials Survey prepared by ei Australia and in accordance with the NSW Office of Environment and Heritage [Guidelines for Consultants Reporting on Contaminated Sites](#).

A site audit statement must be carried out by a site auditor prior to the commencement of remediation works.

42. Fire Safety Measures

Prior to the issue of a construction certificate a list of the existing and proposed essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PCA. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.

43. Structural Details

Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns & other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.

A copy shall be forwarded to Council where Council is not the PCA.

44. Nipper Street Finished RL

A plan showing the RL of the finished road pavement for Nipper Street is to be provided to Council to allow for dedication of the road above this level to Council. This plan will inform a future stratum subdivision plan for dedication of the road to Council at a later date and is to be provided to the PCA.

45. Access for Persons with a Disability

Access and/or sanitary facilities for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.

46. Commonwealth Disability (Access to Premises) Standard

The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (i.e. Construction Certificate). This

requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.

47. Geotechnical Report

Geotechnical Reports: The applicant must submit a Geotechnical Report, prepared by a professional engineer specialising in geotechnical engineering who holds the relevant Certificate of accreditation as required under the *Building Professionals Act 2005* in relation to dilapidation reports, all site works and construction. This is to be submitted before the issue of the Construction Certificate and is to include:

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

48. Off Street Parking – Compliance with AS2890

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

49. Construction Traffic Management Plan

A Construction Traffic Management Plan Detailing:

- (a) construction vehicle routes;
- (b) anticipated number of trucks per day;

- (c) hours of construction;
- (d) Access arrangements;
and
- (e) Proposed traffic measures to minimise impacts of construction vehicles must be submitted for the approval of Council's Engineers. Council's Engineers must specify in writing that they are satisfied with the Traffic Management Plan prior to the issue of the Construction Certificate.

50. Provision of On-site Car Share Scheme

The developer must obtain written approval from a commercial car share operator confirming their intention to place a car share scheme within the subject property. Nominated commercial car share space(s) must be made publicly accessible.

51. Acoustic Requirements

Compliance with submitted Acoustic report

The Construction Certificate plans shall demonstrate compliance with the Acoustic Report submitted and approved by Council, titled Acoustic Assessment Report prepared by EMM and dated 17 July 2020.

52. Contamination Requirements

Compliance with submitted Remediation Action Plan

The applicant or person taking up this consent must implement and comply with all requirements and recommendations of the Remediation Action Plan, Report E24275.E06 dated 16 August 2019 and prepared by EIAustralia. Deviation from the Remediation action Plan may only be undertaken in accordance with Section 1.6 of the Remediation Action Plan.

Upon completion of remediation works, the Site Validation Report is to be submitted to Council.

53. Acid Sulfate Soils

The remediation of the site comply with Acid Sulfate Soil Management Plan, Report E24275.E14_Rev1 dated 16/09/2019 and prepared by EIAustralia, including provision of an additional investigation conducted as per Section 4.2 of the Acid Sulfate Soil Management Plan. Additional investigation is to be carried out by a suitably qualified person and in accordance with the acid sulfate soils assessment guidelines (ASSMAC August 1998). The detailed assessment is to demonstrate that the site is suitable for the approved development. The detailed assessment shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

54. Car Wash Bays

Plans and specifications of the car washing system which has been approved by Sydney Water must be submitted with the application for the Construction Certificate.

All car washing bays shall be contained within a roofed and bunded car wash bay with pre-treatment approved by Sydney Water. The water from the car wash bay must be graded to a drainage point and connected to sewer.

If alternative water management and disposal options are proposed (i.e. where water is recycled, minimised or reused on the site), detailed plans and specifications of the water recycling system must be submitted with the application for the Construction Certificate for approval.

55. Waste Management Plan

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

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

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

The WMP must be consistent with the approved WMP under this consent.

56. Waste, Recycling and Bulky Storage Rooms

The waste storage area shall not be visible from the street. The waste storage area shall be located within the lot/building in accordance with the approved plans.

The waste storage area must be consistent with the approved Architectural Drawings and WMP under Condition 2 of this consent. At a minimum they are to achieve the following:

- (a) Domestic Waste – **66 x 660 litre mobile red lid bins** (collected weekly by Council)
 - il)
- (b) Domestic Recycling – **66 x 660 litre mobile yellow lid bins** (collected by Council every fortnight)
- (c) Green Waste – **to be arranged by private contractor**, since Council does not collect green waste from Multi Unit Dwellings.

Waste bins must be provided at a minimum rate of 1.1m² per 240L bin, 2.03m² per 660L bin, 2.7m² per 1100L bin and located in an area to suitably facilitate servicing on waste collection day.

The layout of the waste and recycling storage room must allow easy unobstructed access to all bins (stacked bin arrangements are not acceptable) and allow the bins to be easily removed for servicing purposes.

Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities.

A caretaker or individual(s) shall be nominated as being responsible for transferring the bins to the collection point and back into the waste storage room/area.

Detailed plans of waste and recycling storage rooms must be submitted along with Waste Management Plan and Waste and Recycling Storage Room/Area Design Checklist.

Details of any specialised waste disposal equipment to be used in the development such as compactors (carousel and linear), bin tugs, chutes, crushers, bunding, oil water separators (coalescing plate separators), etc. to be provided to Council for approval.

Bulk collection area must be provided at a **minimum size of 144m²** (rate of 4m² per 10 units) and should be located adjacent to waste and recycling storage rooms.

57. Onsite Waste Collection

Waste servicing and collection arrangements should be clearly depicted and annotated on the architectural drawings submitted with the construction certificate. The plans to demonstrate that the basement can accommodate a truck meeting Council's waste truck specification as follows

- Turning circle: 18m kerb to kerb (plus additional overhang and clearance room)
- Maximum loaded weight: 23 tonnes
- Width: 3.6 m (one way)
- Height: 3.6 m
- Length: 10 m

58. Separate Waste Areas for Mixed-Use Development

Waste storage and collection arrangements should be designed to minimise the risk of contamination between waste streams from different tenancies and occupations. An example of this is the residential component having a separate waste storage area from the commercial component in a mixed-use development and that cross access to these areas is prevented.

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

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

59. High Density Multi Unit Dwellings

For high density, Multi Unit Dwellings 660L or 1100L wheeled bins should be used. Development must provide onsite underground or at-grade collection of waste. Details of any specialised waste disposal equipment to be used in the development, such as compactors (carousel and linear), bin tugs, chutes, crushers, bunding, oil water separators (coalescing plate separators), etc. to be provided to Council for approval.

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

60. Landscape Plan

A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted prior to the issue of the Construction Certificate. The plan must include:

- (a) Location of existing and proposed structures, services and existing trees;
- (b) Details of earthworks including mounding and retaining walls and planter boxes;
- (c) Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width.
- (d) Details of planting procedure and maintenance;
- (e) Landscape specification;
- (f) Details of drainage and watering systems;
- (g) Details of garden edging and turf; and
- (h) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.

61. Landscape Plans

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

62. Tree Removal/Pruning Prohibited

This consent does not approve the removal or pruning (branches or roots) of any trees on the subject property, Council's public footway, public reserves or on neighbouring properties except as shown on the approved landscape plans or as provided in condition 63.

63. Arborist Report to be Submitted to Council's Tree Coordinator

An Arborist Report is required for consideration by Council's Tree coordinator. The Arborist Report must address whether any trees are required for removal as part of the development and consider their significance. Tree protection measures for trees that may be impacted by the construction of the development must also be identified. Additional tree bond fees will be imposed to address protection of any trees identified in the Arborist report, or by Council once the Arborist report is received.

64. Compliance with Submitted Arborist Report

The recommendations outlined in the approved Arborist's Report must be implemented throughout the relevant stages of construction. Details of tree protection measures where required to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - Australian Standard AS 4970-2009: Protection of trees on development sites.

General Tree Protection Measures

- (a) All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- (b) The tree protection measures must be undertaken in accordance AS4970 - *2009 Protection of trees on development sites*.
- (c) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).
- (d) The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.
- (e) Unless otherwise specified in AS 4970-2009, a protective fence consisting of
1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be
in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- (f) No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

Excavation works near tree to be retained

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

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

Pier and Beams

- (a) To preserve the trees identified for protection in the approved arborist report, the footings of the proposed structures shall be isolated pier and beam construction within a metre radius of the trunk. The piers shall be hand dug and located such that no roots of a diameter greater than 50mm are severed or injured in the process of any site works during the construction period. The beam shall be located on or above the existing soil levels.

Details of this construction method shall be shown on the Construction Certificate plans.

65. Lift Operation Speeds

All lifts shown on the approved plans listed in Condition 1 are to have an operating speed of 2.5 meters per second. Evidence of this operating capacity is to be provided to the PCA.

66. Commercial Premises Bin Storage Areas

Separate bin storage areas must be provided for commercial premises that can only be accessed by their intended users and be totally separated from residential waste and recycling collection. Written evidence of private collection contractor must be provided for commercial waste and recycling collections, as well as a specific Waste Management Plan.

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

67. Demolition & Asbestos

The demolition work shall comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#). The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.

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

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

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: www.SafeWork.nsw.gov.au.

68. Demolition Notification Requirements

The following notification requirements apply to this consent:

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

69. Dial Before You Dig

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

70. Dilapidation Report on Public Land – Major Development Only

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

The report must include the following:

- (a) Photographs showing the existing condition of the road pavement fronting the site,
- (b) Photographs showing the existing condition of the kerb and gutter fronting the site,
- (c) Photographs showing the existing condition of the footpath pavement fronting the site,
- (d) Photographs showing the existing condition of any retaining walls within the footway or road, and
- (e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (f) The full name and signature of the structural engineer.
- (g) The Dilapidation Report must be prepared by a qualified structural engineer.

The report must be provided to the PCA and a copy provided to the Council.

The Dilapidation Report must be prepared by a professional engineer. The report must be provided to the PCA and a copy provided to the Council.

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

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

71. Existing Drainage Easement, Drainage Reserve or Stormwater Drainage System Benefiting Council

Council drainage easement(s) drainage reserve(s) or stormwater system either pass through or are adjacent to the site. No building or other structure must be placed over the drainage easement or stormwater system or within the zone of influence taken from the invert of any pipe.

The applicant must determine the exact location, size and level details of the potentially affected stormwater drainage systems and without causing any damage to the public system ensure its protection. The owner, principal contractor or owner builder must not obstruct or otherwise remove, disconnect or render inoperable the Stormwater Drainage System.

Works such as fences must not obstruct the natural stormwater flowpath or alter the flowpath in such a way as to direct or concentrate stormwater on to neighbouring properties.

Where the relocation or reconstruction of Council's drainage system is approved then all work carried out on Council's assets will revert to the ownership, care, control or management of Council.

Therefore, upon handover to Council, the asset must comply with Council's Construction of drainage and associated works specification.

The applicant must meet all costs associated with such works.

Note: This condition does not set aside the need to obtain relevant approvals under the [Roads Act 1993](#) or [Local Government Act 1993](#) for works within Roads and other public places.

72. Registered Surveyors Report - During Development Work

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

- (a) Set out before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent

boundaries and floor levels relative to the datum shown on the approved plans.

In multi-storey buildings a further survey must be provided at each subsequent storey.

- (e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

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

73. Utility Arrangements

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

74. Site Audit Report and Site Audit Statement

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

Note: The Applicant must comply with clauses 17 'Guidelines and notices: all remediation work' and clause 18 'Notice of completion of remediation work' under State

Environmental Planning Policy No.55—Remediation of Land.

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

75. Structural Engineers Details – Supporting Council Road/Footway

Prior to the commencement of work in connection with the excavation of the site associated with the basement carpark, structural engineer's details relating to the method of supporting Council's roadways/footways must be submitted to the satisfaction of Council.

76. Dust Control

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

Major Works

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

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

DURING CONSTRUCTION

77. Site Sign – Soil & Erosion Control Measures

Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

78. Hours of Construction for Demolition and Building Work

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

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

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

79. Obstruction of Road or Footpath

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted

unless separately approved by Council under Section 138 of the [Roads Act 1993](#) and/or under Section 68 of the [Local Government Act 1993](#). Penalty infringement Notices may be issued for any offences and severe penalties apply.

80. Construction Management Plan

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

81. Archaeological Discovery During Excavation

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the [Heritage Act 1977](#).
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the [National Parks and Wildlife Act 1974](#).

82. Physical Connection of Stormwater to Site

No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to Council's infrastructure.

83. Cost of Work to be Borne by the Applicant

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

84. Obstruction of Road or Footpath

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

85. Waste Management Facility

All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifying Authority.

86. Tree Removal on Private Land

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

87. Excavation Works Near Tree to be Retained

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

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

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

88. Section 7.11 Direct Development Contributions to be Paid

DEVELOPMENT 7.11 CONTRIBUTIONS	CONTRIBUTIONS	– STRATHFIELD SECTION
Provision of Community Facilities		\$ 699,552.01
Provision of Major Open Space		\$3,182,752.20
Provision of Local Open Space		\$ 2,075,198.00
Provision Roads and traffic Management		\$218,623.22
Administration		\$60,694.40
TOTAL		\$6,236,819.83

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

Indexation

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

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

Timing of Payment

The contribution must be paid and receipted by Council and evidence of such payment is to be provided to the Principle Certifying Authority prior to the issue of any Occupation Certificate.

Further Information

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

89. BASIX Certificate

All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.

90. BASIX Compliance Certificate

A Compliance Certificate must be provided to the PCA regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.

91. Completion of Landscape Works

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

92. Post Construction Dilapidation Report – Private Land

At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the following adjoining premises:

- (a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.

The report is to be prepared at the expense of the applicant and submitted to the PCA prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damaged has occurred to the adjoining premises, the PCA, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the PCA prior to the issue of any Occupation Certificate.

93. Allocation of Parking Spaces

Parking associated with the development is to be allocated as follows: (a) Residential dwellings: 305

- (b) Residential visitors: 72 (including 4 car share spaces)
- (c) Commercial (staff): 4
- (d) Loading/Unloading (utes and vans): 4

For the residential component, the allocation of on-site parking shall satisfy the following minimum rates:

- 0.6 spaces per 1 bedroom unit,
- 0.9 spaces per 2 bedroom unit,
- 1.4 spaces per 3 bedroom unit,
- 1 space per 5 units (visitor parking).

94. Major Development

Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742, 'Australian Standard Manual of Uniform Traffic Control Devices' and the relevant guidelines published by the RMS.

96. SEPP 65 Design Verification Statement

The PCA must not issue an Occupation Certificate to authorise a person to commence occupation of the residential flat development unless the PCA has received a design verification from a qualified designer, being a statement in which the qualified designer 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 [State Environmental Planning Policy No 65—Design Quality of Residential Flat Development](#).

97. Noise Impact Assessment

Preparation of an acoustic assessment, by a suitably qualified acoustic consultant, that demonstrates LAeq levels are achieved in accordance with the EPAs Noise Policy for Industry is to be undertaken and provided to the PCA.

98. Restriction to User and Positive Covenant for On-Site Detention Facility

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, water sensitive urban design, surface flow path, finished pavement and ground levels etc.).

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88E and or 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

99. Maintenance Schedule – On-site Stormwater Management

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

100. Stormwater Certification of the Constructed Drainage Works (Minor)

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

101. Works as Executed and Certification of Stormwater Works

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

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

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

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

102. Consolidation of Site

The site shall be consolidated into one allotment and by a Plan of Consolidation being prepared by a Registered Surveyor. This Plan shall be registered at the NSW Land Registry Services (LRS) prior to the issue of a final occupation certificate.

103. Requirements Prior to the Issue of the Occupation Certificate

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

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) Construct any new vehicle crossings required.
- (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
- (e) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
- (f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.
- (g) The construction of the building shall be completed in accordance with the conditions and specifications of the Section 68 Activity Approval.

104. Vehicular Crossing & Frontage Work – Major Development

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

- (a) The owner is to bear all costs associated with the development and provision of vehicular crossings, road frontage works, public domain works, and road construction to facilitate access to and from the development site. All external civil works are to be in accordance with the works identified in the approved Architectural Drawings prepared by mpa and dated 15 July 2020 and should be designed and built in accordance with Council's specifications and apply to a separate works application with Council.

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

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

105. Completion of Major Works

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

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

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

106. Dilapidation Report on Public Land for Major Development Only

Upon completion of works, a follow up dilapidation report must be prepared for the items of Council infrastructure adjoining the development site.

The dilapidation report must be prepared by a professional engineer specialising in structural engineering, and include:

- (a) Photographs showing the condition of the road pavement fronting the site
- (b) Photographs showing the condition of the kerb and gutter fronting the site
- (c) Photographs showing the condition of the footway including footpath pavement fronting the site
- (d) Photographs showing the condition of retaining walls within the footway or road
- (e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (f) The full name and signature of the professional engineer.

The report must be provided to the PCA and a copy provided to the Council. The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

NOTE: Council will use this report to determine whether or not to refund the damage deposit.

Council's Engineering Services Division must advise in writing that the works have been completed to their satisfaction prior to the issue of an Occupation Certificate.

107. Stormwater Drainage Works – Works As Executed

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

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

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

108. Flood Prone Land – Survey of Levels

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

109. Fire Safety Certificate Before Occupation or Use

In accordance with Clause 153 of the [Environmental Planning and Assessment Regulation 2000](#), on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the [Environmental Planning and Assessment Regulation, 2000](#). In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:

- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
- (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

110. Slip Resistance

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

111. Acoustic Compliance

Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the PCA certifying that the construction has incorporated the recommendations in the DA Acoustic Report titled Acoustic Assessment Report, prepared by EMM and dated 17 July 2020.

112. Acoustic Compliance – General Operation of Premises

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

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

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

113. Notice to Council – Allocation of Street Addresses

Prior to the issue of any Occupation Certificate, 'as-built' drawings detailing the installed and allocated street/unit address and numbering must be submitted to the satisfaction of Council.

114. Electricity Supply

Evidence shall be provided demonstrating that the development has been connected to the Ausgrid, if required.

115. Dedication of Land for Road Widening

The applicant, at no cost to Council, shall dedicate the land to Council for road widening purposes as part of the Nipper Street extension and any widening of Gramophone Lane as detailed on the approved Architectural Drawings prepared by mpa and listed under Condition 2 of this consent. The land shall be dedicated as road widening on

a plan of subdivision prepared by a Registered Surveyor and must be submitted to Council with an application for a Subdivision Certificate.

Prior to dedication to Council, the PCA will provide Council with a Structural Engineers report confirming the road way (Nipper Street and Gramophone Lane) is capable of accommodating the anticipated vehicular movements.

As outlined in the condition 44, a plan detailing the RL of the finished surface level for Nipper Street is to inform the dedication of land in the survey plan. Council will not be responsible for structural components of the basement underneath Nipper Street.

OPERATIONAL CONDITIONS (ON-GOING)

116. Maintenance of Landscaping

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

117. Maintenance of Sound Attenuation

Sound attenuation must be maintained in accordance with the Acoustic Assessment Report, prepared by EMM and dated 17 July 2020.

118. Final Acoustic Report – Verification of Noise Report

Within three months from the issue of an Occupation Certificate, an acoustic assessment is to be carried out by an appropriately qualified acoustic consultant, in accordance with the [EPA's Industrial Noise Policy](#) and submitted to Council for consideration. This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report (submitted by EMM, titled Acoustic Assessment Report and dated 17 July 2020 are effective in attenuating noise to an acceptable noise level and that the use is not calculated to give rise to 'offensive noise' as defined under the provision of the [Protection of the Environment Operation Act 1997](#) (as amended).

119. Outdoor Lighting

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

120. Lighting – General Nuisance

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

Flashing, moving or intermittent lights or signs are prohibited.

121. Car Share Scheme

A commercial operated car share scheme is operated within the subject property and is accessible to eligible tenants and public members. Three dedicated car parking spaces must be assigned to the shared vehicles within the basement.

122. Resident Parking Permits

The owner, occupier and visitor are not eligible for a resident or visitor parking permit, under any existing or future residential parking schemes.

123. Loading & Unloading of Vehicles

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

124. Entering & Exiting of Vehicles

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

125. Annual Fire Safety Statement

The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:

- (a) Within 12 months after the date on which the fire safety certificate was received.
- (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
- (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the [Environmental Planning and Assessment Regulation 2000](#).
- (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

126. Responsibility of Owners Corporation

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

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

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

127. Requirement for a Construction Certificate

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

128. Appointment of a PCA

The erection of a building must not commence until the applicant

has: (a) Appointed a PCA for the building work; and

(b) If relevant, advised the PCA that the work will be undertaken as an Owner - Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

(c) Appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and

(d) Notify the PCA of the details of any such appointment;
and

(e) Notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

129. Notification of Critical Stage Inspections

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

(a) The consent authority and the Council (if not the consent authority) of his or her appointment; and

(b) The applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

130. Notice of Commencement

The applicant must give at least two days' notice to the Council and the PCA of their intention to commence the erection of a building.

131. Critical Stage Inspections

The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the [Environmental Planning and Assessment Regulation 2000](#).

132. Notice to be Given Prior to Critical Stage Inspections

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

133. Occupation Certificate

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

PRESCRIBED CONDITIONS

134. Clause 97A – BASIX Commitments

This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

135. Clause 98 – Building Code of Australia & Home Building Act 1989

Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the [Home Building Act 1989](#) relates, there is a requirement for a contract of insurance to be in force before any work commences.

136. Clause 98A – Erection of Signs

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.

137. Clause 98B – Home Building Act 1989

If the development involves residential building work under the [Home Building Act 1989](#), no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the [Home Building Act 1989](#).

138. Clause 98E – Protection & Support of Adjoining Premises

If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.

139. Clause 98E – Site Excavation

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

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 shall be provided and adequate provision shall be made for drainage.