



**STRATHFIELD COUNCIL
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**REPORT TO ACCOMPANY A SECTION 4.55(2)
APPLICATION TO MODIFY THE CONSENT TO
DA 2014/035/5 INsofar AS THE CONSENT
APPLIES TO 21 PARRAMATTA ROAD,
HOMEBUSH**

**Prepared for
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1. INTRODUCTION

On 27 August 2014, the JRPP issued “deferred commencement” development consent to DA 2014/035 for demolition of existing buildings and the construction of two (2) eight (8) storey mixed use buildings comprising a total of 221 residential units and 6 commercial tenancies on land known (at the time) as 17-35 Parramatta Road, Homebush.

The deferred commencement consent subsequently became operational on 10 November 2014. At the same time the operational consent was granted, it was simultaneously modified pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979 (i.e. DA 2014/035/1). A copy of the original consent to DA 2014/035/1 is provided in **Appendix 1**.

The consent has subsequently been modified on four other occasions as detailed below: -

- DA 2014/35/2: Section 96 application for minor building footprint changes, reconfiguration of apartment layouts and unit mix. Approved on 12 September 2014. A copy of the modified consent to DA 2014/35/2 is provided in **Appendix 2**.
- DA 2014/35/3: Section 96 application to reconfigure the layout of the approved basement parking levels 1, 2 and 3 and to construct a fourth level of basement parking comprising additional parking spaces to meet the needs of future development. Approved on 2 July 2015. A copy of the modified consent to DA 2014/35/3 is provided in **Appendix 3**.
- DA 2014/35/4: Section 96 application to reconfigure the footprint of the southern building to create two separate buildings (i.e. Buildings B and C) and alter Condition 5 relating to the staging of construction works. Approved on 30 June 2016.
- DA 2014/35/5: Section 96 application to delete and amend conditions relating to undergrounding of overhead wires. Approved on 31 August 2016.

A set of currently approved DA plans is provided in **Appendix 4**.

The consent has been implemented and all of the basement parking and two of the three approved buildings have been constructed. As built, the two new buildings are known as 5 Powell Street and 19 Parramatta Road. The new building on 5 Powell Street was originally referred to as Building A. The new building on 19 Parramatta Road was originally referred to as Building C. The third building (which was originally referred to as Building B) has not been constructed, the reason being that the planning controls applying to the land were changed via a Planning Proposal to permit a tower of 25 storeys. DA 2020/08 for the tower was approved by the Sydney Eastern City Planning Panel on 1 October 2020.

Notwithstanding the granting of this new consent for a tower, the consent to DA 2014/35/5 remains in place and the Applicant now wishes to further modify it pursuant to this Section 4.55 application.

A set of amended architectural plans for Building B is provided in **Appendix 5**. The proposed design modifications are identified in cloud notation on the amended plans and labelled 1 - 6.

The design modification are as follows: -

1. Façade amended to Building B to allow for low maintenance and fire-rated brickwork;
2. Parapet added to Level 7 as part of new brickwork design and provide fall arrest for roof maintenance;
3. 3rd Lift added to Building B to increase the functionality of the building for occupants;
4. Ground floor columns amended to accommodate new façade design;
5. Height plane increased from 25m to 80m; and
6. Floor to floor of residential levels increased by 50mm per level for buildability given new legislative requirement for sprinklers to buildings above 4 storeys.

The GFA of the upper 7 levels remains unchanged. No changes to apartment layouts are proposed.

The GFA of the ground level reduces very slightly as a result of the additional lift.

The ground floor retail space as approved is 444m². As modified it will be 439.7m².

The total GFA is therefore slightly less than in the approved Building B: 5,017.2m² as now proposed, compared to 5,021.5m² in the approved scheme. The height remains much the same as in the approved scheme (increasing by only 1.0m²).

2. LAND TO WHICH THIS MODIFICATION APPLICATION RELATES

2.1 Location

The site is located to the east of the corner of Powell Street and Parramatta Road at Homebush (see **Figure 1**). It is adjoined by Ismay Reserve (which incorporates former Arnott's Reserve and Allen Street Reserve) to the east.

2.2 Real Property Description

The site comprises Lot 3 in DP 1219481, and is known as 21 Parramatta Road, Homebush. A certificate to title is provided in **Appendix 8**.

2.3 Characteristics

The site is irregular in shape, and extends over multiple levels. It has frontages to Parramatta Road and to Powell Street.

The extent of Lot 3 in DP 1219481 at ground level is identified on **Figure 2**. Survey plans are provided in **Appendix 9**.

2.4 Existing Buildings

As shown on **Figure 3A**, there are two completed buildings (i.e. Building A and C) on the northern and south-western parts of the property formerly known as 5 Powell Street and 17-35 Parramatta Road – these buildings are now respectively known as 5 Powell Street and 19 Parramatta Road; the central part is occupied by landscaping; and, the south eastern part (i.e. the subject site) is vacant, pending construction of Building B. Beneath the site are four levels of basement parking accessed from a driveway in Powell Street.

As approved, Building B contains 63 apartments with 444m² of ground level commercial/ retail space in two retail/ commercial tenancies. The mix of residential units, as approved, is: -

- 21 x 1 bedroom;
- 35 x 2 bedroom; and
- 7 x 3 bedroom.

The GFA of Building B as approved is 5,021.5m².

2.5 Utilities

Electricity, telephone, water and sewage services are all available to the site. These services are to be adapted/extended and/or expanded, where necessary, to meet the demands of the proposed development.

2.6 Heritage

The site does not contain any heritage- listed item nor is it located in a heritage conservation area.

2.7 Recent Planning History

2.7.1 5 Powell Street and 17-35 Parramatta Road

The recent approval history of the property previously known as 5 Powell Street and 17-35 Parramatta Road, of which the site formed part, is set out below: -

- DA 2014/35: deferred commencement consent was granted on 12 September 2014 for the demolition of existing buildings and the construction of two (2) eight (8) storey mixed-use buildings comprising a total of 221 residential units and 6 commercial tenancies. The deferred commencement consent subsequently became operational on 10 November 2014 and concurrent with that the consent was modified via a Section 96 application to become DA 2014/35/1.
- DA 2014/35/2: Section 96 application for minor building footprint changes, reconfiguration of apartment layouts and unit mix. Approved on 12 September 2014.
- DA 2014/35/3: Section 96 application to reconfigure the layout of the approved basement parking levels 1, 2 and 3 and to construct a fourth level of basement parking comprising additional parking spaces to meet the needs of future development. Approved on 2 July 2015.
- 2014/35/4: Section 96 application to reconfigure the footprint of the southern building to create two separate buildings (i.e. Buildings B and C) and alter Condition 5 relating to the staging of construction works. Approved on 30 June 2016.
- 2014/35/5: Section 96 application to delete and amend conditions relating to undergrounding of overhead wires. Approved on 31 August 2016.

All works associated with Buildings A and C, have been completed along with most of the central landscaping and all the basement car parking levels.

2.7.2 21 Parramatta Road

Additionally, and as noted in the introduction to this SEE, on 1 October 2020 DA 2020/08 was approved by the Sydney Eastern City Planning Panel for “construction of a 25 storey mixed use development comprising of two (2) ground floor retail tenancies, seven (7) floors of serviced apartments (77 apartments) and seventeen (17) floors of residential apartments (125 apartments) over an existing four level car park”.

The Applicant has undertaken a detailed design review of the approved tower as is typical for developments of this scale and complexity.



As a result of this analysis, the methodology for delivering the tower will be to use the approved Building B as the base with the upper 17 levels being the subject of a separate but concurrent development application.

3. SURROUNDING DEVELOPMENT

3.1 General Observations

The locality which surrounds the site (see **Figure 3B**) has a mixed and evolving land use character with a range of land uses including some mixed-use buildings (residential apartments above ground floor retail/ commercial), residential flat buildings, commercial activities, a pub, major roads, and open space. The locality is undergoing a substantial transition, reflected in and promoted by the zoning, which is transforming the character of the area into a predominantly residential precinct with active ground levels comprising retail and commercial tenancies to serve the increasing number of local residents.

The wider locality includes the “Parramatta Road Corridor”, Homebush and Strathfield railway stations, the Bakehouse Quarter to the east, the M4 to the north, and Ismay Reserve which extends under the M4 and the associated new on-ramp (westbound).

3.2 To the North

To the north of the site, beyond Building A (i.e. 5 Powell Street) is a landscaped footpath which extends between Powell Street and Ismay Reserve. A high concrete retaining wall supporting the new westbound M4 on-ramp (off Parramatta Road) runs along the northern side of the landscaped footpath. The M4 has recently been widened. Further north is a corridor of open space which has been set aside for public recreational use and which is now forms part of and known as Ismay Reserve.

3.3 To the East

To the east of the site is Ismay Reserve, a linear open space system adjacent to Powells Creek. An electricity transmission line passes through the reserve. To the east of Ismay Reserve is the new (westbound) on-ramp to the M4. Further to the east is the multi-faceted retail, commercial, entertainment and leisure/ dining precinct known as the Bakehouse Quarter.

3.4 To the South

To the south of the site, beyond Parramatta Road, which is 25m wide, is a 7 storey mixed-use building consisting of retail/commercial premises on the ground floor with residential apartments above. Other land uses to the south include retail shops, a pub, former industrial workshops and sites ear-marked for/ awaiting redevelopment.

3.5 To the West

To the west of the site beyond Building C (i.e. 19 Parramatta Road), on the western side of Powell Street, is a commercial building (two storeys) at the Parramatta Road corner, a mechanic’s workshop and a 5 storey residential flat building.

3.6 Public Transport

The site is located approximately 150 metres north of Homebush Railway Station. Strathfield Railway Station is also within walking distance.

Bus stops are located nearby Parramatta Road. State Bus Services 525 and 526 serve the bus stop. Service 525 operates between Parramatta and Burwood (via University of Western Sydney, Rydalmere, Ermington, Silverwater, Newington, Sydney Olympic Park and Strathfield). Service 526 operates between Rhodes and Burwood (via Wentworth Point, Newington, Sydney Olympic Park and Strathfield).

Both services operate from approximately 6am to 1am (the following day) Monday to Friday, 7am to 1am (the following day) Saturdays and 7am to 11pm Sundays.

The bus services provide easy access to Burwood Westfield, Strathfield Plaza Shopping Centre, the Parramatta Campus of the University of Western Sydney, Sydney Olympic Park as well as several train stations and a ferry terminal.

Therefore, the site is in a locality which is extremely well supported by a range of public transport options.

4. MODIFICATIONS FOR WHICH CONSENT IS SOUGHT

4.1 Consent sought to be modified

The consent sought to be modified by this Section 4.55(2) application is the consent to DA 2014/035/5 (see **Appendices 1-3**). The approved plans as referred to in the consent, as already modified, are provided in **Appendix 4**.

4.2 Details of the modifications which are sought

The purpose of this Section 4.55(2) application is to modify Condition 1 in Part B of the consent so as to refer to the amended architectural plans for Building B in **Appendix 5**.

The detailed design modifications which are sought to the approved plans insofar as they relate to Building B are as follows: -

The design modification are as follows: -

1. Façade amended to Building B to allow for low maintenance and fire-rated brickwork;
2. Parapet added to Level 7 as part of new brickwork design and provide fall arrest for roof maintenance;
- 3.3rd Lift added to Building B to increase the functionality of the building for occupants;
4. Ground floor columns amended to accommodate new façade design;
5. Height plane increased from 25m to 80m; and
6. Floor to floor of residential levels increased by 50mm per level for buildability given new legislative requirement for sprinklers to buildings above 4 storeys.

As approved, Building B is to contain 63 apartments with 444m² of ground level commercial/ retail space in two retail/ commercial tenancies. The mix of residential units, as approved, is: -

- 21 x 1 bedroom;
- 35 x 2 bedroom; and
- 7 x 3 bedroom.

The unit mix remains unchanged. No changes to apartment layouts are proposed.

The GFA of Building B as approved is 5,021.5m². The proposed design amendments reduce this very slightly to 5,017.2m².

Whilst the design detail of Building B is proposed to be modified as per the plans in **Appendix 5**, when compared to the approved building:-

- the number and configuration of apartments in Building B is the same (no changes to apartment layouts are proposed);
- the number of storeys is the same;
- the approved use (shop top housing) remains the same;
- the GFA is very marginally reduced (by 4.3m²);
- the building footprint remains the same;
- the height remains essentially the same (with an increase of only 1.0m);
- the central core and fire stairs remain in the same locations;
- the number of commercial/ retail tenancies is the same; and
- the location of the entry lobby is the same.

4.3 BASIX

A new Basix Certificate is provided in **Appendix 6**.

5. RELEVANT PROVISIONS OF SECTION 4.55(2)

Section 4.55(2) of the Environmental Planning and Assessment Act, 1979 states as follows (as relevant):

“A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1) and (1A) do not apply to such a modification.”

In relation to **Section 4.55(2)(1)**, Council can be satisfied that the development as modified will be substantially the same development as the development for which consent was originally granted.

In relation to **Section 4.55(2)(b)**, no consultation is required.

In relation to **Section 4.55(2)(c)** and **4.55(2)(d)**, Council will need to notify the modification application in accordance with its Development Control Plan and consider any submissions made during the notification period.

Section 4.55(3) states as follows:-

“(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the



matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.”

The modifications to the consent for which approval is now sought do not alter the original assessment made by Council in relation to DA 2014/035 regarding the reasonableness and appropriateness of the approved development when considered in the light of the matters listed in Section 4.15(1) of the Environmental Planning and Assessment Act, 1979. These matters are addressed overleaf.

6. STATEMENT OF ENVIRONMENTAL EFFECTS

6.1 Strathfield Local Environmental Plan 2012

6.1.1 General Aims

The modification application's performance against the general aims of the Strathfield LEP 2012 (SLEP 2012) is addressed below: -

Cl. 1.2(2)	Aims	Complies
(a)	<i>To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield</i>	Yes
(b)	<i>To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development</i>	Yes
(c)	<i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i>	Yes
(d)	<i>To provide opportunities for economic growth that will enhance the local community</i>	Yes
(e)	<i>To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use</i>	Yes
(f)	<i>To identify and protect environmental and cultural heritage</i>	N/A
(g)	<i>To promote opportunities for social, cultural and community activities</i>	N/A
(h)	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	N/A

6.1.2 Zoning, Zone Objectives and Permissible Uses

The site is zoned B4 Mixed-Use (see **Figure 4A**), the objectives of which are as follows: -

- *“To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To facilitate mixed-use urban growth around railway stations and transport nodes and corridors, commercial centres and open space.*
- *To provide local and regional employment and live and work opportunities.”*

The proposed modification to the design of Building B are consistent with the above objectives.

The following development is permissible with consent in the B4 Mixed-Use zone (item 3) in the land use table:-

*“Boarding houses; Centre-based child care centres; **Commercial premises**; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Multi dwelling housing; Oyster aquaculture, Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Serviced apartments; **Shop top housing**; Tank-based aquaculture; Any other development not specified in item 2 or 4” (our emphasis).*

The following development is prohibited in the B4 Mixed-use zone (item 4) in the land use table:-

“Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Rural industries; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Water recreation structures; Water supply systems; Wholesale supplies”

The approved building comprises ground level “commercial premises” (the definition of which includes “retail premises”) with “shop top housing” above and is permissible with consent in the B4 Mixed Use zone. The proposed modifications are also permissible with consent.

6.1.3 Building Height

Clause 4.3 of SLEP 2012 provides that the maximum height of a building should not exceed the height on the Height of Buildings Map (see **Figure 4B**). “Building height” is defined to mean:-

“(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or

(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.”

Clause 4.3A of SLEP 2012, applies to land in the Parramatta Road Corridor and states:-

“Despite clause 4.3, the height of a building on land in “Area 1” identified on the Height of Buildings Map that comprises a key site shown in Column 1 of the Table to this clause and is identified as a key site on the Key Sites Map is not to exceed the maximum height shown opposite in Column 2. “

Column 1	Column 2
Key site number	Maximum height
33	80 metres

The site is within “Area 1” on the height of buildings map (see **Figure 4B**) and is identified as a “Key Site” (i.e. Key Site 33) on the “Key Sites Map” in SLEP 2012 (see **Figure 4F**) and, as a result is subject to a maximum building height of 80 metres.

Building B, both as approved and as proposed to be modified, readily complies with this height limit. The height of Building B as modified remains fundamentally the same as in Building B as approved, increasing overall by only 1.0m as a consequence of increasing the floor to floor heights of 50mm to improve buildability and to comply with new regulatory requirements for buildings over 4 storeys.

6.1.4 Floor Space Ratio

Clause 4.4 of SLEP 2012 provides that the maximum Floor Space Ratio (FSR) for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map (see **Figure 4C**).

Gross Floor Area (GFA) is defined under SLEP 2012 to mean:-

“the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and*
- (b) habitable rooms in a basement or an attic, and*
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:*
- (d) any area for common vertical circulation, such as lifts and stairs, and*
- (e) any basement:

 - (i) storage, and*
 - (ii) vehicular access, loading areas, garbage and services, and**
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*

- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.”

Clause 4.4A of SLEP 2012 applies to land in the Parramatta Road Corridor, states:-

“Despite clause 4.4, the floor space ratio of a building on land in “Area 1” identified on the Floor Space Ratio Map that comprises a key site shown in Column 1 of the Table to this clause and is identified as a key site on the Key Sites Map is not to exceed the floor space ratio shown opposite in Column 2.”

Column 1	Column 2
Key site number	Floor space ratio
33	4.5:1

The site is within “Area 1” on the FSR map (see **Figure 4C**) and is identified as a “Key Site” (i.e. Key Site 33) on the “Key Sites Map” in SLEP 2012 (see **Figure 4F**) and as such is subject to a maximum FSR limit of 4.5:1. The GFA in Building B as proposed to be modified (i.e. 5,017.2m²) when added to the GFA of the two existing buildings (i.e Buildings A and C) being 11,892.5 m² gives a total GFA of 16,909.7m². On a site area of 6,256.7m², this equates to an FSR of 2.7:1.

6.1.5 Heritage Conservation

The site does not contain a heritage item and is not in a heritage conservation area (see **Figure 4D**).

6.1.6 Acid Sulphate Soils

The site is identified as Class 5 on the Acid Sulphate Soils Map in SLEP 2012 (see **Figure 4E**). The site is also located within 800m of Class 2 and 3 soils, located to the west and north-west of the site, respectively. As the basement car park beneath the proposed building has already been constructed no issues arise from an acid sulphate soils perspective.

6.1.7 Earthworks

Clause 6.2 of the SLEP 2012 requires consideration to be given to the potential impact of proposed ancillary earthworks on drainage within the locality, the future redevelopment of the site, adjoining development and any environmental sensitive area.

The proposal involves no earthworks as the basement parking levels beneath the proposed buildings are already constructed.

6.1.8 Flood Planning

Clause 6.3 of SLEP 2012 requires that consideration be given to the compatibility of development on flood prone land with the flood hazard risk of the land.

Powells Creek is located to the east of Ismay Reserve which adjoins the eastern boundary of the site. Powells Creek has been the subject of several flood studies, the most recent being the “Powells Creek and Saleyards Creek Revised Flood Study” dated November 2016.

Building B is already approved. In relation to the proposed design modifications, Council can be satisfied that Building B, as modified, remains compatible with the flood hazard of the land, is not likely to significantly affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or water courses and will not result in unsustainable social and economic costs to the community as a consequence of flooding.

6.1.9 Essential services

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services which are available to the subject site. The subject site is well-serviced, being located in an area in which substantial future growth is anticipated by the planning controls which apply.

6.2 Strathfield Development Control Plan No. 20 – Parramatta Road Corridor 2006

6.2.1 Introduction

Development Control Plan No.20 – Parramatta Road Corridor (“DCP 20”) applies to the site. It was formulated on the findings of the Parramatta Road Corridor Study 1997 and the Parramatta Road Corridor Analysis and Masterplan 1999.

Clause 6(1) of SEPP 65 provides that, in the event of any inconsistency between the controls in the ADG and the controls in Council’s DCP, the objectives, design criteria, and design guidance set out in the ADG prevail. This provision in SEPP 65 confirms that if a DCP 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; and
- i) parking.

DCP 20 is structured into 2 main parts each with sub-sections which relate to specific advice or controls. The provisions of DCP 20 are addressed below.

6.2.2 Objectives

The aim of DCP 20 is to achieve development within the Parramatta Road Corridor Area which is sympathetic and appropriate for the natural and built environment, optimises opportunities for utilising public transport, acceptable to the community, and economically feasible.

6.2.3 Compliance with General Controls

The following table sets out the modified proposal's compliance with the relevant controls in DCP 20 – Parramatta Road. Council at its meeting on 06 October 2020 resolved to adopt amendments to the Strathfield Consolidated Development Control Plan 2005 (SDCP 2005) and Site Specific DCP's including DCP 20 – Parramatta Road Corridor Area which came in to force on 13 October 2020.

Development Control Plan No.20 – Parramatta Road Corridor

Section	Development Control	Required	Proposed	Compliance
2.2	Built form / footprint	<i>Proposal to conform generally with the building footprint shown in figures 8 to 10.</i>	The building footprint generally accords with the approved building footprint for Building B. The modification of the approved footprint to orientate the eastern end of the new building away from Parramatta Road is an improvement.	No longer applicable. Footprint already approved.
	Land Consolidation	<i>In order to establish lot consolidation patterns relating to building footprints, a Consolidation Masterplan is illustrated in Figures 11 to 13.</i>	The approved development (and the proposed development) conforms with the consolidation pattern of SLEP 2012 .	No longer applicable. Site no longer identified on the DCP Consolidation Maps.
2.3	Building Height	<i>Buildings within the corridor area are to comply with the height limits illustrated on Figures 8 to 10 of the DCP</i>	The maximum height for the site in SLEP 2012 is now 80m, however was previously 26m.	No longer applicable, either when the height limit was 26m or now that the height limit is 80m.
2.4	Minimum Unit Sizes	<i>Proposal to comply to the following min. unit sizes: 1 bed- 70m² 2 bed – 85m² 3 bed – 100m²</i>	1 bed – 21 - 55m ² ; 2 bed – 35 – 80m ² ; 3 bed – 7 – 100m ²	All units are SEPP 65 compliant
2.5	Roof Form	<i>Lift and service plant concealed within roof structure</i>	The lift overrun is suitably and appropriately concealed.	Yes

		<i>Provide and interesting skyline and enhance views from adjoining developments.</i>	The proposed building will contribute positively to the skyline.	Yes
2.6	Façade Composition	<i>Entrance should be distinguishable in the façade</i>	The entrances will be distinguishable.	Yes
		<i>Facades should maintain a human scale to the street by incorporating appropriate architectural features</i>	The proposal has an appropriate presentation at pedestrian level and the facades are modulated and articulated to ensure a high quality design outcome.	Yes
		<i>Materials and finishes should blend together with min. 30% to incorporate face brickwork</i>	The materials and finishes are of a high quality and respond appropriately to the two existing buildings in Stage 1.	Yes
		<i>Consider the use of glass in facades on northern and western elevations in terms of glare impacts</i>		Yes
2.8	Visual and Acoustic Privacy	<i>Visual privacy to be provided by separation or screening</i>	The orientation of balconies maintains privacy for existing and future residents.	Yes
		<i>Main living areas oriented to the street or rear garden to prevent overlooking</i>	Main living areas are appropriately located and oriented.	Yes
		<i>Acoustic privacy must be considered in relation to proposal and surrounding environment</i>	The modifications ensure an improved level of acoustic amenity.	Yes
		<i>Buildings designed and sited to minimize transmission of noise to adjoining developments</i>	The proposed building will not emit or transmit unreasonable noise level to adjoining development.	Yes
		<i>Developments adjoining major road or railway line to consider potential noise impacts</i>	The modifications result in an improved acoustic environment for residents of Building B.	Yes
		<i>Shared pedestrian entries shall be capable of being locked and serve a limited no. of dwellings</i>	The pedestrian entry to the residential lobby will be secured.	Yes

		<i>Casual surveillance maintained of public streets and spaces with at least one habitable room window facing that area.</i>	The ground level retail tenancies and configuration of apartments provide excellent surveillance.	Yes
2.9	Private Open Space	<i>Proposal to provide 35% deep soil landscape area on the site</i>	The approved development provides 20.5% of the site as open space with 44% of that area provided as deep soil. The modifications to Building B do not change that provision.	Yes
		<i>Retain and protect existing significant trees</i>	There are no trees on the part of the site on which Building B is to erected.	Yes
		<i>Each contiguous landscape area shall provide large trees.</i>	The landscape plans provide for suitable planting consistent with the existing landscaping already installed.	Yes
		<i>Trees and pergolas to shade external areas and control sunlight into buildings</i>	The landscaping is appropriate.	Yes
		<i>Proposal to provide common open space to the following dimensions: 10% of site or 100m² (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.</i>	The common open space already provided equates to 20.5% of 5 Powell Street and 17-35 Parramatta Road.	Yes
	Balconies	<i>Dwellings without ground level open space shall have balconies to the following requirements: (i) 12m² up to 2 bed; and</i>	All balconies comply with the ADG in terms of their areas, minimum dimensions and design.	Yes

		<i>(ii) 15m² for 3 or more bed; Min. dimension of 2.0m; Located off living areas and with good solar access; and Balustrades designed to provide privacy and conceal service areas whilst allowing passive surveillance.</i>		
		<i>Achieve required BASIX rating</i>		Yes
2.10.2	Solar Access	<i>Main living and 50% of POS receive min. 3 hours solar access. Min. 3 hours solar access maintained to habitable rooms and POS of adjoining development.</i>	75% of apartments receive a minimum of 2 hours solar access in mid-winter which significantly exceeds the ADG requirement.	Yes
2.11	Stormwater, Sewerage and Drainage	<i>Site to be adequately serviced by stormwater, sewerage and drainage in accordance with Council's Stormwater Management Code.</i>	No changes are proposed to the stormwater management regime on the land.	Yes
2.12	Disabled Access	<i>One main entrance barrier free and accessible</i>	The entrances and ground level spaces are barrier free and accessible.	Yes
2.13	Vehicle Access and Parking	<i>Accessible parking provided</i>		Yes
		<i>15% (15 units) of units designed to allow occupation by older people and people with disabilities.</i>		Yes
		<i>Car parking to be provided on the following basis: 1 and 2 bed – 1 space 3 bed – 1.5 spaces Visitor – 1 space per 5 units Commercial – 1 space per 50m² Wash bay – 1</i>	No change is proposed to the approved parking. No additional parking is required as a result of the proposed modification of the consent.	Yes

		<i>Comply with driveway ramp gradient and dimension requirements</i>	No changes are proposed to the existing driveway.	Yes
2.14	Site Facilities and Services	<i>Ensure site facilities are adequate convenient and easy to maintain</i>		Yes
		<i>Electricity and telecommunication supplies shall be undergrounded</i>	The necessity for undergrounding of these services was removed for Buildings A, B and C pursuant to a modification to the original consent. No change is proposed to the existing servicing arrangement to the site.	
		<i>Letterbox provision</i>	Letter boxes will be provided in the lobby area of the new building.	Yes
		<i>Master TV antenna provided</i>	Will be provided.	Yes
		<i>Clothes drying facilities provided</i>	Clothes drying racks or balconies will not be visible from public areas.	Yes
		<i>Comply with BCA</i>		Yes
2.16		<i>Dilapidation report for all adjoining development</i>	Should not be required as Building B is already approved and the proposed building occupies the same site.	Yes

6.3 State Environmental Planning Policy 65 – Design Quality of Residential Flat Building

As the proposed modification relates to an approved residential flat building, the project architect has prepared a design verification statement as required by SEPP 65 (see **Appendix 8**).

6.4 Impacts on the Environment

6.4.1 Impacts on the natural environment

The proposed modifications will have no new or additional impacts on the natural environment.

6.4.2 Impacts on the built environment

The proposed modifications will have no new or additional impacts on the built environment.

6.4.3 Social and economic impacts in the locality

The social and economic impacts of the proposed modification will be positive. Approval of this modification application will facilitate construction of Building B which will provide additional housing and economic activity during construction and operation.

6.5 Suitability of the Site

The site is zoned B4 Mixed Use in which “mixed use development” comprised of “shop top housing”, “commercial premises” and residential flat buildings are permissible with consent, and is adjoined by other land in the same zone to the west and south.

A mixed use development is a suitable use on a site zoned B4 Mixed Use. The proposed design amendments to the approved development do not impact on or lessen this suitability.

6.6 Submissions Received

Any relevant submissions will need to be considered by Council in the determination of the Section 4.55 application.

6.7 The Public Interest

The public interest is generally best served by development that is reasonable and appropriate, that is consistent with the character of the area and that does not create any significant adverse impacts on the environment or on neighbouring properties. Given the above, the proposal is in the public interest.

7. REQUESTED MODIFICATION TO THE CONSENT

Council is requested to modify Condition 1 in Part B of the consent by adding at the end of the condition the following words, or words to the following effect:-

“As amended by the following plans forming part of the Section 4.55 application approved on [insert date]:-

[insert reference to the plans approved as part of the Section 4.55 application]”.



8. SUMMARY

The Section 4.55 application is intended to facilitate design changes to Building B. The proposed design modifications have minimal environmental impact. The modification application has merit and warrants positive consideration by Council.



FIGURES



APPENDICES



APPENDIX 1

Development Consent to DA 2014/035/1



APPENDIX 2

Section 96 modification DA 2014/035/2



APPENDIX 3

Section 96 modification DA 2014/035/3



APPENDIX 4

Set of currently approved architectural plans



APPENDIX 5

Set of amended architectural plans for Building B



APPENDIX 6

BASIX Certificate and ABSA Stamped Plans



APPENDIX 7

Design Verification Statement



APPENDIX 8

Certificate of Title



APPENDIX 9

Survey Plan