

STRATHFIELD COUNCIL

MINUTES

Of the meeting of the

STRATHFIELD LOCAL PLANNING PANEL MEETING

Held on:

Thursday 5 May 2022

Commencing at 10:00am at Town Hall (Supper Room), 65
Homebush Road, Strathfield



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The meeting of the Strathfield Local Planning Panel Meeting was held in the Town Hall (Supper Room), 65 Homebush Road, Strathfield on Thursday 5 May 2022.

The meeting commenced at 10:00am and closed at 11:26am

The Public Meeting commenced at 10:00am and closed at 10:48am.

The Panel Members conducted site inspections for the purpose of considering items included on the Agenda-

Site inspection time commenced: 8:00am

Site inspection time concluded: 10:00am

PRESENT

The Hon Paul Stein QC AM – Chair

Paul Vergotis- Expert

David Logan - Expert

Julie Erskine - Community Representative

ALSO PRESENT

Stephen Clements, Deputy CEO/General Manager Planning, Environment & Urban Services

Lily Parker, Administration Assistant

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

NIL

TO: Strathfield Local Planning Panel Meeting - 5 May 2022
 REPORT: SLPP – Report No. 10
 SUBJECT: S8.2-DA2021.06- 6 HIGHFIELD CRESCENT STRATHFIELD
 LOT 4 DP 28880
 DA NO. S8.2-DA2021.06

RECOMMENDATION

That Development Application No. S8.2-DA2021.06 for S8.2 Review- Demolition of an existing dwelling house and outbuilding and the construction of a two (2) storey dwelling house with basement level, swimming pool, front fence and associated landscaping works at 6 Highfield Crescent Strathfield be **APPROVED** subjects to 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.

DEVELOPMENT DETAILS

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
Site Plan & Plan Details	DA-A1	17/08/2021	A	H Design Group
Plans (Basement Floor Plan)	DA-A3	17/11/2021	-	H Design Group

Plans (Ground Floor Plan)	DA-A4	17/11/2021	A	H Design Group
Plans (First Floor Plan)	DA-A5	17/11/2021	A	H Design Group
Plans (Roof Plan)	DA-A6	16/12/2020	A	H Design Group
Sections	DA-A7	25/03/2022	B	H Design Group
Sections	DA-A8	25/03/2022	B	H Design Group
Elevations	DA-A9	25/03/2022	A	H Design Group
Elevations	DA-A10	25/03/2022	A	H Design Group
Garden Shed Elevations & Sections	DA-A17	17/11/2021	A	H Design Group
DA Landscape Concept	5679	19/12/2020	A	Monaco Designs PL
External Finishes Schedule	-	Received by council - 5/01/2022	-	H Design Group
Stormwater Drainage / Sediment Control Details	2163-S1/3	10/12/2021	E	John Romanous & Associates
Stormwater Drainage / Sediment Control Details	2163-S2/3	10/12/2021	E	John Romanous & Associates
Stormwater Drainage / Sediment Control Details	2163-S3/3	10/12/2021	E	John Romanous & Associates

Waste Management Plan	-	19/12/2020	-	H Design Group
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SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

2. 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) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.
- (b) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (c) Establishing a "works zone";
- (d) Placing or storing materials or equipment;
- (e) Placing or storing waste containers or skip bins;
- (f) Stormwater & ancillary to public infrastructure on private land
- (g) Erecting a structure or carrying out work

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

- (h) Pumping water from the site into the public road;
- (i) Constructing a vehicular crossing or footpath;
- (j) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (k) Stormwater & ancillary works in the road reserve; and
- (l) Pumping concrete from a public road;

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the activities commencing.

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.

3. Vehicular Crossing - Minor Development

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

To apply for approval, complete the *Works Permit Application Form* which can be downloaded from Strathfield Council's Website at www.strathfield.nsw.gov.au. Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Civic & Urban Services Section in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with *Works Permit* applications.

An approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out in accordance with Council's specifications applicable at the time, prior to the issue of an Occupation Certificate.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

4. Sydney Water – Tap in™

The approved plans must be submitted to a Sydney Water Tap in™ 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 in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

5. BASIX Commitments

The approved BASIX Certificate shall be submitted to the Accredited Certifier with the application for a Construction Certificate.

All measures and commitments as detailed in the BASIX Certificate No. 1163750S_03 must be implemented on the plans lodged with the application for the Construction Certificate.

6. 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.

7. 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.

8. 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.

9. 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).

10. 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.

11. 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:

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation.	\$ 3,457.20

See https://longservice.force.com/bci/s/levy-calculator	
Security Damage Deposit	\$ 12,200.00
Administration Fee for Damage Deposit	\$ 130.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$ 9,877.72

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 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 pursuant to the Strathfield Direct Development Contributions Plan 2010-2030.

A Section 7.12 contribution (s94A) has been levied on the subject development pursuant to the Strathfield Indirect Development Contributions Plan.

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.

Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction 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.

12. Required Design Changes

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

First Floor Balcony	The balcony on the first floor, off bedroom 3 and 4, is to be reduced in
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Depth	depth by 0.5m.
Driveway width at front boundary	The internal driveway is to be tapered so that it will not be more than 3m in width, measured at a right angle from the internal face of the driveway retaining wall, at property boundary.

13. Damage Deposit – Minor 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 damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: \$ 12,200.00
- (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: \$ 130.00
- (c) Submit to Council, before the commencement of work, a photographic record 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 inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.

14. Site Management Plan

Minor Development

A Site Management Plan detailing all weather access control points, sedimentation controls, waste management plans, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.

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.

15. Low Reflectivity Roof

Roofing materials must be low glare and reflectivity. Details of finished external materials including colours and texture must be provided to the Certifying Authority.

16. 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.

17. 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.

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

18. 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.

19. 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.

20. Demolition Work Involving Asbestos Removal

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the [Work Health and Safety Regulation 2011](#).

21. 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.

DURING CONSTRUCTION

22. 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.

23. Ground Levels and Retaining Walls

The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.

24. 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.

25. Swimming Pools – Filling with Water

The pool/spa shall not be filled until the safety fences have been completed in accordance with the approved plans and specifications and inspected by the PCA.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

26. 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.

27. 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.

28. Vehicular Crossing - Minor Development

The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the Works Permit Approval issued by Council's Civic & Urban Services and in accordance with Council's Driveway Specifications.

Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Driveway Specifications.

The work must be completed before the issue of an Occupation Certificate.

29. 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.

30. 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:

- (b) 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.

31. Minor Development

Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface.

OPERATIONAL CONDITIONS (ON-GOING)

32. Entering & Exiting of Vehicles

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

33. Swimming Pools – Resuscitation Notice

An expired air resuscitation warning notice complying with the [Swimming Pools Act 1992](#) must be affixed in a prominent position adjacent to the pool.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

34. Requirement for a Construction Certificate

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

35. 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.

36. 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.

37. 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.

38. 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 61 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021 - NSW Legislation](#).

39. 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.

40. 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

41. Clause 75 – BASIX Commitments

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

42. Clause 69 – 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.

43. Clause 70 – 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.

44. Clause 71 – 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](#).

END CONDITIONS

ADVISORY NOTES

1. Review of Determination

Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney East Planning Panel or the Land & Environment Court.

2. Appeal Rights

Division 8.3 (Reviews and appeals) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

3. Lapsing of Consent

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

4. Access to NSW Legislations (Acts, Regulations and Planning Instruments)

NSW legislation can be accessed free of charge at www.legislation.nsw.gov.au

5. Long Service Levy

The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site

<https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

6. Site Safety Fencing

Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).

7. Register your Swimming Pool

All swimming pools in NSW are required to be registered. Fines apply for pools that are not registered. To register please visit: www.swimmingpoolregister.nsw.gov.au

RESOLUTION

Following the submission of amended plans under Section 8.2, the decision of the development application number DA2021.06 on review is changed from refusal to the granting of consent subject to the recommended conditions in the planning report.

FOR: Paul Stein, Paul Vergotis, David Logan, Julie Erskine

AGAINST: NIL

REASON:

The panel generally agrees with the Planning Officer's report and is satisfied the amended plans subject to the review application overcome the reasons for refusal as set out in the determination of the IDAP meeting on the 23 July 2021.

**** End Minutes - Report No. 10****

TO: Strathfield Local Planning Panel Meeting - 5 May 2022
REPORT: SLPP – Report No. 11
SUBJECT: S8.2A-DA2021.153- 20 MYEE AVENUE STRATHFIELD
LOT 12 DP 15955
DA NO. S8.2A-DA2021.153

RECOMMENDATION

That Development Application No. S8.2A-DA2021.153 for S8.2A Review Application for demolition of existing structures, construction of a two (2) storey dwelling house with basement, outbuilding with bathroom and pool equipment storage, front fence, in-ground swimming pool and associated landscaping works at 20 Myee Avenue Strathfield be **REFUSED**, subject to the following reasons:

REFUSAL REASONS

Under Section 4.16(1)(b) of the Environmental Planning and Assessment (EP&A Act, 1979, this consent is **REFUSED** for the following reason;

1. Refusal Reason – Environmental Planning Instrument

Pursuant to Section 4.15 (1)(a)(i) of the [Environmental Planning and Assessment Act 1979](#), the proposed development does not comply with the relevant environmental planning instruments in terms of the following:

- a) The proposal fails to satisfy the objectives of Clause 1.2(a) of the Strathfield Local Environmental Plan 2012 which seeks to achieve high quality urban form by ensuring that new development exhibits design excellence and reflect the existing and desired future character of particular localities and neighbourhoods in Strathfield. The proposal will result in a considerable loss of solar access to the **southern adjoining property and therefore to the detriment of the resident's amenity** (Section 4.15(a)(i) of the *Environmental Planning and Assessment Act 1979*).
- b) The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it exceeds the maximum Floor Space Ratio under Clause 4.4C (b) of the Strathfield Local Environmental Plan 2012 and is therefore prohibited.
- c) The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it is inconsistent with the objectives for Floor Space Ratio under Clause 4.4(1)(b) of the Strathfield Local Environmental Plan 2012. The proposal will set an undesirable precedence in facilitating and encouraging inappropriate bulk and scale within a low-density residential area.

- d) The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it is inconsistent with the objectives for Floor Space Ratio under Clause 4.4(1)(c) of the Strathfield Local Environmental Plan 2012. The proposed development has not been appropriately designed to minimise the impact of new development on the amenity of adjoining properties.
- e) The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it is inconsistent with the objectives for Earthworks under Clause 6.2 of the Strathfield Local Environmental Plan 2012. The amended **proposal results in a** basement protrusion of 1.2m above NGL and the proposal is likely to effect the existing and likely amenity of adjoining properties.

2. Refusal Reason - Development Control Plan

Pursuant to Section 4.15 (1)(a)(iii) of the [Environmental Planning and Assessment Act 1979](#), the proposed development does not comply with the following sections of the Strathfield Consolidated Development Control Plan 2005 in terms of the following:

- a) The proposal will result in unacceptable void spaces providing a floor to ceiling height of 5.8m contrary to Section 4.2.2 of Part A of the SCDCP 2005. This results in additional and unnecessary bulk and scale to the development which further increased overshadowing impacts to the southern adjoining property (Section 4.15(a)(i) *of the Environmental Planning and Assessment Act 1979*).
- b) The proposal fails to satisfy objective B for solar access under 6.1 of Part A of the Strathfield Consolidated Development Control Plan 2005 which requires development to minimise overshadowing of adjoining properties. The southern adjoining property at 22 Myee Avenue will be cast in shadow throughout the entirety of the day as a result of the proposal.
- c) The proposal fails to satisfy the minimum 43% (331.7m²) deep soil zone requirements as provided by Section 5 of Part A of the Strathfield Consolidated Development Control Plan 2005. The deep soil zones proposed on the site appear inadequate and unsuitable to both the scale of the development as well as to existing landscaping in the streetscape (Section 4.15(a)(iii) *of the Environmental Planning and Assessment Act 1979*).
- d) The proposal fails to satisfy the requirements as per Section 8.2.3 of Part A of the SCDCP 2005 which requires the maximum height of the basement above natural ground level measured to the floor level of the storey immediately above is to be less than 1 metre. The protrusion is not accepted as it contributes to an exceedance of FSR and will adversely impact the bulk and scale of the dwelling and the amenity of the adjoining southern property at 22 Myee Avenue Strathfield.

3. Refusal Reason – Impacts on the Environment

Pursuant to Section 4.15 (1)(b) of the [Environmental Planning and Assessment Act 1979](#), the proposed development is likely to have an adverse impact on the following aspects of the environment:

- (a) The proposal results in the southern adjoining property receiving poor solar access throughout the day and thus resulting in poor amenity for residents at 22 Myee Avenue.

4. Refusal Reason – Suitability of Site

Pursuant to Section 4.15 (1)(c) of the [Environmental Planning and Assessment Act 1979](#), the site is not considered suitable for the proposed development for the following reasons:

- (a) The proposal is considered unsuitable for the site as it exceeds the allowable floor space ration for the site which contributes to an oversized development, excessive in bulk and scale that will generate significant overshadowing impacts to the southern adjoining property at 22 Myee Avenue, Strathfield.
- (b) The proposal results in an unacceptable loss of solar access received by the southern adjoining property at 22 Myee Avenue.

5. Refusal Reason – Public Interest

Pursuant to Section 4.15 (1)(e) of the [Environmental Planning and Assessment Act 1979](#), the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent. The proposal involves an unacceptable variation to local development standards and development controls that are unacceptable and fail to demonstrate merit.

ADVISORY NOTES

1. Appeal Rights

Division 8.3 (Reviews and appeals) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

RESOLUTION

This application is refused for the reasons set out in the **attachment to the Planning Officer's report**.

REFUSAL REASONS

Under Section 4.16(1)(b) of the Environmental Planning and Assessment (EP&A Act, 1979, this consent is **REFUSED** for the following reason;

1. Refusal Reason – Environmental Planning Instrument

Pursuant to Section 4.15 (1)(a)(i) of the [Environmental Planning and Assessment Act 1979](#), the proposed development does not comply with the relevant environmental planning instruments in terms of the following:

- a) The proposal fails to satisfy the objectives of Clause 1.2(a) of the Strathfield Local Environmental Plan 2012 which seeks to achieve high quality urban form by ensuring that new development exhibits design excellence and reflect the existing and desired future character of particular localities and neighbourhoods in Strathfield. The proposal will result in a considerable loss of solar access to the **southern adjoining property and therefore to the detriment of the resident's amenity** (Section 4.15(a)(i) *of the Environmental Planning and Assessment Act 1979*).
- b) The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it exceeds the maximum Floor Space Ratio under Clause 4.4C (b) of the Strathfield Local Environmental Plan 2012 and is therefore prohibited.
- c) The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it is inconsistent with the objectives for Floor Space Ratio under Clause 4.4(1)(b) of the Strathfield Local Environmental Plan 2012. The proposal will set an undesirable precedence in facilitating and encouraging inappropriate bulk and scale within a low-density residential area.
- d) The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it is inconsistent with the objectives for Floor Space Ratio under Clause 4.4(1)(c) of the Strathfield Local Environmental Plan 2012. The proposed development has not been appropriately designed to minimise the impact of new development on the amenity of adjoining properties.
- e) The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it is inconsistent with the objectives for Earthworks under Clause 6.2 of the Strathfield Local Environmental Plan 2012. The amended

proposal results in a basement protrusion of 1.2m above NGL and the proposal is likely to effect the existing and likely amenity of adjoining properties.

2. Refusal Reason - Development Control Plan

Pursuant to Section 4.15 (1)(a)(iii) of the [Environmental Planning and Assessment Act 1979](#), the proposed development does not comply with the following sections of the Strathfield Consolidated Development Control Plan 2005 in terms of the following:

- a) The proposal will result in unacceptable void spaces providing a floor to ceiling height of 5.8m contrary to Section 4.2.2 of Part A of the SCDCP 2005. This results in additional and unnecessary bulk and scale to the development which further increased overshadowing impacts to the southern adjoining property (Section 4.15(a)(i) *of the Environmental Planning and Assessment Act 1979*).
- b) The proposal fails to satisfy objective B for solar access under 6.1 of Part A of the Strathfield Consolidated Development Control Plan 2005 which requires development to minimise overshadowing of adjoining properties. The southern adjoining property at 22 Myee Avenue will be cast in shadow throughout the entirety of the day as a result of the proposal.
- c) The proposal fails to satisfy the minimum 43% (331.7m²) deep soil zone requirements as provided by Section 5 of Part A of the Strathfield Consolidated Development Control Plan 2005. The deep soil zones proposed on the site appear inadequate and unsuitable to both the scale of the development as well as to existing landscaping in the streetscape (Section 4.15(a)(iii) *of the Environmental Planning and Assessment Act 1979*).
- d) The proposal fails to satisfy the requirements as per Section 8.2.3 of Part A of the SCDCP 2005 which requires the maximum height of the basement above natural ground level measured to the floor level of the storey immediately above is to be less than 1 metre. The protrusion is not accepted as it contributes to an exceedance of FSR and will adversely impact the bulk and scale of the dwelling and the amenity of the adjoining southern property at 22 Myee Avenue Strathfield.

3. Refusal Reason – Impacts on the Environment

Pursuant to Section 4.15 (1)(b) of the [Environmental Planning and Assessment Act 1979](#), the proposed development is likely to have an adverse impact on the following aspects of the environment:

- (a) The proposal results in the southern adjoining property receiving poor solar access throughout the day and thus resulting in poor amenity for residents at 22 Myee Avenue.

4. Refusal Reason – Suitability of Site

Pursuant to Section 4.15 (1)(c) of the [Environmental Planning and Assessment Act 1979](#), the site is not considered suitable for the proposed development for the following reasons:

- (a) The proposal is considered unsuitable for the site as it exceeds the allowable floor space ration for the site which contributes to an oversized development, excessive in bulk and scale that will generate significant overshadowing impacts to the southern adjoining property at 22 Myee Avenue, Strathfield.
- (b) The proposal results in an unacceptable loss of solar access received by the southern adjoining property at 22 Myee Avenue.

5. **Refusal Reason – Public Interest**

Pursuant to Section 4.15 (1)(e) of the [Environmental Planning and Assessment Act 1979](#), the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent. The proposal involves an unacceptable variation to local development standards and development controls that are unacceptable and fail to demonstrate merit.

FOR: Paul Stein, Paul Vergotis, David Logan, Julie Erskine

AGAINST: NIL

REASON: NIL

**** End Minutes - Report No. 11****

TO: Strathfield Local Planning Panel Meeting - 5 May 2022
REPORT: SLPP – Report No. 12
SUBJECT: DA2019.94.4- 421 LIVERPOOL ROAD STRATHFIELD
LOT: 1 DP: 119223
DA NO. DA2019.94.4

RECOMMENDATION

That Development Application No. DA2019.94.4 for Section 4.55(2) application to modify DA2019.94 involving internal and external modifications including the addition of balconies to a number of lodger rooms at 421 Liverpool Road Strathfield be **REFUSED** for the following reasons:

REFUSAL REASONS:

1. The proposal is considered to be unacceptable pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 (the Act) in that:
 - a) The proposed balconies do not satisfy the separation requirements under the Apartment Design Code, as required by Clause 25(2)(c) of State Environmental Planning Policy (Housing) 2021.
2. The proposal is considered to be unacceptable pursuant to Section 4.15(1)(a)(iii) of the Act in that:
 - a) The proposal will result in unacceptable loss of privacy amenity (visual and aural) to the adjoining properties, which is contrary to Section 3.3.3 of Part Q: Urban Design Controls of Strathfield Consolidated Development Control Plan 2005.
3. The proposal is contrary to Special Conditions 2 (*Separation distance*), 2B (*Open areas behind the level 2 parapets*) and 2C (*All windows on the south western elevation*) of the consent.
4. The proposal is considered to be unacceptable pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 (the Act) in that:
 - a) The small setbacks to the side and rear balconies do not support further encroachment by the proposed balconies. In this regard, the proposed modifications are unsuitable to the site.
5. The proposal is considered unacceptable pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 (the Act) in that the proposal is not in the public interest as it would give rise to unacceptable privacy impacts.

RESOLUTION

This application is refused for the reasons set out in the attachment to the Planning Officer's report.

REFUSAL REASONS:

1. The proposal is considered to be unacceptable pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 (the Act) in that:
 - a) The proposed balconies do not satisfy the separation requirements under the Apartment Design Code, as required by Clause 25(2)(c) of State Environmental Planning Policy (Housing) 2021.
2. The proposal is considered to be unacceptable pursuant to Section 4.15(1)(a)(iii) of the Act in that:
 - a) The proposal will result in unacceptable loss of privacy amenity (visual and aural) to the adjoining properties, which is contrary to Section 3.3.3 of Part Q: Urban Design Controls of Strathfield Consolidated Development Control Plan 2005.
3. The proposal is contrary to Special Conditions 2 (*Separation distance*), 2B (*Open areas behind the level 2 parapets*) and 2C (*All windows on the south western elevation*) of the consent.
4. The proposal is considered to be unacceptable pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 (the Act) in that:
 - a) The small setbacks to the side and rear balconies do not support further encroachment by the proposed balconies. In this regard, the proposed modifications are unsuitable to the site.
5. The proposal is considered unacceptable pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 (the Act) in that the proposal is not in the public interest as it would give rise to unacceptable privacy impacts.

FOR: Paul Stein, Paul Vergotis, David Logan, Julie Erskine

AGAINST: NIL

REASON: NIL

**** End Minutes - Report No. 12****

TO: Strathfield Local Planning Panel Meeting - 5 May 2022
REPORT: SLPP – Report No. 13
SUBJECT: PLANNING PROPOSAL
PP2019.11
17-20 LOFTUS CRESCENT HOMEBUSH
DA NO. PP2019.11

RECOMMENDATION

That the Panel:

1. Approve the Planning Proposal to proceed to a Gateway determination because the Proposal has both strategic and site-specific merit.
2. Include a condition that the Planning Proposal be updated prior to finalisation to:
 - a) Address the recommendations of the completed precinct-wide traffic study,
 - b) Relate to 17-20 Loftus Crescent only, and
 - c) Provide an undertaking to provide a minimum 5% residential GFA as affordable housing.

RESOLUTION

The panel supports the planning proposal and recommends that it proceed to gateway determination.

The panel also recommends these condition to be included:

- a) Address the recommendations of the completed precinct-wide traffic study,
- b) Relate to 17-20 Loftus Crescent only, and
- c) Provide an undertaking to provide a minimum 5% residential GFA as affordable housing.

FOR: Paul Stein, Paul Vergotis, David Logan, Julie Erskine

AGAINST: NIL

**** End Minutes - Report No. 13****

TO: Strathfield Local Planning Panel Meeting - 5 May 2022
REPORT: SLPP – Report No. 14
SUBJECT: PLANNING PROPOSAL
PP2018.1
11-16 LOFTUS CRES, 2 SUBWAY LANE, 5 & 9-11 KNIGHT STREET & 88-92A
PARRAMATTA ROAD, HOMEBUSH
DA NO. PP2018.1

RECOMMENDATION

That the SLPP do not support the Planning Proposal in its current form for the above reasons.

That the SLPP endorse the following recommendations as a way forward for the subject Planning Proposal.

Urban Design Strategy Option 1 – Council led and Precinct wide

That the SLPP recommend preparation of a Council-led Urban Design Strategy for the Homebush Precinct which would allow for a holistic review of the recommended PRCUTS heights, FSRs and allow for application of the PRCUTS fine grain design recommendations in a way that considers local context to achieve the best outcomes across the precinct. The Strategy would allow for identification of ideal lot amalgamations informed by massing exercises that consider interfaces with road networks, laneway extensions, through site links and pocket parks.

The recommendations from this Urban Design Strategy could inform a precinct wide DCP.

This Option is the preferred option, as it allows Council to approach the precinct holistically, addressing uncertainties and concerns associated with the site subject of this Planning Proposal, as well as future sites.

Urban Design Strategy Option 2 – Proponent led and a ‘whole of block approach’

That, should the Urban Design Strategy Option 1 not be supported by the SLPP, a revised Urban Design Strategy be prepared by the Proponent and peer reviewed by a consultant of Council’s choosing or be Council-led with a consultant selected by Council.

The Urban Design Strategy must be of a significantly higher standard than the report submitted with the Planning Proposal and must include but not be limited to the following details:

- A ‘whole of block’ approach, where massing is provided for an integrated approach across the block. This should factor in the need for the laneway, the proximity to heritage items and other fine grain requirements under the PRCUTS including requirements for pocket parks and height transitioning.
- Improved ADG details with consideration of features such as the location of communal open space and solar access.

- Appropriate amalgamation patterns.

An approach where all of the density is concentrated on the land subject of this Planning Proposal will not be acceptable, unless it can be demonstrated that is the best outcome possible for the entire block.

The Urban Design Strategy would inform the preparation of a site specific DCP and Planning Proposal.

Review of the 'Better Planning Outcome' feature of the Planning Proposal

The assessment of the Planning Proposal in this report establishes that the features of the Proponent's 'Better Planning Outcome' are inadequate and public benefits presented are required to accommodate the substantial uplift under the recommended PRCUTS controls, not in addition to the controls (i.e. an FSR of 7:1). Council may consider exceedance of the recommended heights and FSRs under PRCUTS, however this must be supported by one of the urban design processes above.

Accordingly, it is recommended that the SLPP require the Proponent to review the 'Better Planning Outcome' to justify any exceedance to the recommended height and FSR controls using urban design analysis.

It is also recommended that the 'Better Planning Outcome' not be tied to the Key Sites Provision under SLEP 2012 as this is inconsistent with the use of this clause which aims to achieve ideal amalgamation patterns and provide bonus height and FSR where these sites are amalgamated.

Affordable Housing

That the SLPP recommend the Proponent provide a letter of offer for the following:

- 5% of the units at the site and/or more broadly across the land areas rezoned under PRCUTS be dedicated to Council as affordable housing in perpetuity.
- That Council's draft Value Sharing Policy be applied to the site and/or more broadly across the land areas rezoned under PRCUTS.
- That if re-lodged, the subject Planning Proposal include a letter of offer for the above contributions.
- That any DCP prepared within the PRCUTS include the requirement for the 5% affordable housing dedication and Value Sharing Policy requirements.

Timing / Next Steps

That the SLPP recommend the Planning Proposal is re-lodged following completion of one of the Urban Design Processes above (whichever is preferred) and that a draft DCP be prepared that applies to the subject land (whether precinct wide or for the block) prior to progression of the Planning Proposal to a Gateway Determination.

RESOLUTION

This Planning Proposal is **DEFERRED** and be referred back to the Panel as constituted on the 5 May 2022.

**** End Minutes - Report No. 14****