

Minutes

Of the meeting of the:

Strathfield Local Planning Panel Meeting

Held on:

Thursday, 2 December 2021

Commencing at at Town Hall (Supper Room), 65
Homebush Road, Strathfield

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The meeting of the Strathfield Local Planning Panel Meeting was held online via online meeting platform Zoom on Thursday 2 December 2021.

The meeting commenced at 10:02am and closed at 1:47pm

The Public Meeting commenced at 10:02am and closed at 11:55am.

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

Site inspection time commenced: Conducted in the Panels own time.

Site inspection time concluded: Conducted in the Panels own time.

PRESENT

The Hon Paul Stein QC AM – Chair

Community Representative Alexander Ashely- Carrington

Expert Sue Hobley

Expert Peter Brennan

ALSO PRESENT

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

Kandace Lindeberg, Executive Manager, Landuse Planning & Development

George Andonoski- Specialist Strategic Planner

Miguel Rivera- Senior Planner

Gary Choice- Planner

Sarah Evans, Administration Officer

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

NIL

TO: Strathfield Local Planning Panel Meeting - 2 December 2021
REPORT: SLPP – Report No. 37
SUBJECT: 109 HOMEBUSH ROAD STRATHFIELD- LOT: 7 SEC: 2 DP: 581
DA NO. DA2021.170

RECOMMENDATION

That Development Application No. DA2021.170 for Alterations and additions to existing secondary dwelling and change of use to a permanent group home with a maximum capacity of six (6) occupants comprising five (5) residents and one (1) overnight staff.at 109 Homebush Road Strathfield be **APPROVED**, subject to the following conditions:

Reasons for Conditions

- (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	DA-0001 B	30 Jul 2021	B	Kennedy Associates Architects
Existing Main Building – Access Upgrades	DA-0002	29 Jul 2021	B	Kennedy Associates Architects
Existing Granny Flat	DA-0003 B	27 Jun 2021	B	Kennedy Associates Architects
Elevation Granny Flat	DA-0004 A	30 Jul 2021	A	Kennedy Associates Architects
Landscape Plan	D982_LP_01	21 Jul 2021	B	CPS

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Planting Details and Preliminary Specification	D982_LP_02	21 Jul 2021	B	CPS
BASIX Certificate	Cert No. 1175131S_02	10 Feb 2021	-	Solar Smart
BCA Design Assessment Report	P221-081-3	6 Jul 2021	-	Design Confidence
DA Access Report	21024	8 Nov 2021	B	Vista Access Architects
Management Statement of Proposed Usage of 109 Homebush Road, Strathfield	-	Rec 8 Oct 2021	-	Nationwide Care Plus

SEPARATE 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.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

3. 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.

4. Notice of Requirements for a Section 73 Certificate

A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

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

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

5. Section 73 Compliance Certificate

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

6. Required Design Changes

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

Proposed and existing works	The approved development only involves external works in relation to access ramp/s for the rear building and landscaping works. All approved plans and documents must be modified to reflect all proposed works. None of the existing works and any unauthorised development are approved by this development – this must be reflected in the approved plans and documents.
Building of Australia (BCA)	<p>All approved plans and documents must be modified to ensure that the development is able to comply with the above BCA requirement for Class 1b buildings by reducing floor space or providing performance based solutions to the certifier.</p> <p>Alternatively, all approved plans and documents must be modified to address the requirements of a Class 3 building as per BCA requirements including NCC Volume 1, Specification C1.1 Fire-resisting construction5. Type C Fire-Resisting Construction.</p> <p>The certifier is to provide documentation to Council confirming compliance with BCA including the above matters resolved.</p>
Driveway sight splays	A minimum 2m x 2.5m splay to be provided on the southern side of the vehicular access, within the property boundary as per AS/NZS2890.1:2004 Clause 3.2.4. The areas should be kept clear from obstructions and only allow ground cover landscaping, to maintain sight distances for pedestrians and motorists. Any front fence or gate opening adjustments required as a result of this splay must be illustrated on the plans lodged with the application for the Construction Certificate.
Existing fencing	<p>The existing internal solid fencing (Colourbond fencing) between the dwelling house/parking area and the secondary dwelling must be removed completely and must be replaced by a low (maximum 1.2m high), open form and visually permeable fencing that is designed to provide appropriate separation and safety whilst reflecting a singular and collective land use that does not provide clear delineations within the site that appear to divide buildings and that allow these to be viewed as separate occupancies.</p> <p>The new fence is to include an openable gate to facilitate access to the southern landscape</p>
Front setback – provision of canopy trees	The approved landscape plan must be modified to provide two (2) canopy trees, at least 3m away from any building/structure, within the front setback of the dwelling house. These canopy trees must be of a species capable of reaching a mature height of at least 10m and in accordance with the Strathfield Council Recommended Tree List. The provision of these trees is required to improve the presentation of the development, when

<p>Amended Landscape Plan</p> <p>Laundry facilities</p>	<p>viewed from Homebush Road.</p> <p>An amended landscape plan shall be submitted to council for approval showing :</p> <ul style="list-style-type: none"> 1- The front garden to be landscaped to provide a pleasant accessible space for residential passive recreation. 2- The central courtyard is to be landscaped to provide a comfortable and pleasant environment for outdoor sitting area for residents. 3- Adequate outdoor clothes drying facilities are to be provided in locations or of a design that ensures they do not interfere with the enjoyment of the space. 4- The southern landscape area associated with the secondary dwelling shall be made fully accessible for the use of residents of the entire group home. <p>The laundries are to be provided with adequate washing and drying facilities</p>
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7. 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.	\$ 97.00

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See https://longservice.force.com/bci/s/levy-calculator	
Security Damage Deposit	\$ 1400.00
Administration Fee for Damage Deposit	\$ 130.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94 Development Contributions - Roads and Traffic Management	\$ 1353.17
Strathfield Section 94 Development Contributions – Local Open Space	\$ 1609.16
Strathfield Section 94 Development Contributions – Major Open Space	\$ 4695.25
Strathfield Section 94 Development Contributions – Community Facilities	\$ 1031.99
Strathfield Section 94 Development Contributions - Administration	\$ 477.70

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.

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.

8. 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: \$1400.00.
- (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.

9. 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.

10. 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. 1175131S_02 must be implemented on the plans lodged with the application for the Construction Certificate.

11. Fire Safety Measures

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

12. Structural Details

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

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

13. Access for Persons with a Disability

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

14. Commonwealth Disability (Access to Premises) Standard

The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (i.e. Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.

15. 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).

16. Waste Management Plan

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

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

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

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

17. Waste, Recycling and Bulky Storage Rooms

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

The waste storage area shall be large enough to accommodate the proposed number of bins at a minimum rate of 1.1m² per 240L bin and 2.03m² per 660L bin, and located in an area to suitably facilitate servicing on waste collection day.

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

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

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

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

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

19. Onsite Waste Collection

Development for the purposes of group homes must provide onsite underground or at-grade collection of waste, which must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005).

Waste servicing and collection arrangements should be clearly depicted and annotated on architectural drawings, which should indicate adequate turning circles to allow collection vehicles to enter and exit the site in a forward direction.

20. Group Home Waste

Appropriate waste and recycling containers and facilities will need to be provided according to Waste Management Plan for any group home developments and business uses in accordance with the waste generation rates provided at Part H of Strathfield Council DCP 2005 – Appendix B.

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

The collection of commercial and industrial waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm on weekends and public holidays, to avoid noise disruption to the surrounding area. All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

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

Note: Refer to the EPA's [Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities](#)

21. Landscape Plans

All landscape works shall be carried out in accordance with the approved landscape plans.

The landscaping shall be maintained in accordance with the approved plans in perpetuity.

22. 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.

23. Tree Protection and Retention

All existing site trees and trees within the road reserve adjoining the site are to be retained and protected. This consent does not permit the removal of any existing trees on site and any trees within the road reserve.

Details of the trees to be retained must be included on the Construction Certificate plans.

General Tree Protection Measures

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

Specific Street Tree Protection Measures

- (g) A sound protection barrier anchored firmly into the ground 1.8m in height x 2 metres clear of the base of the tree at any one point and that the fence is to extend up to the back of the kerb and to the edge of the footpath.

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

24. 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

25. Site Sign – Soil & Erosion Control Measures

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

26. 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.

27. 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.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

28. Fire Safety Certificate before Occupation or Use

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

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

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

29. Slip Resistance

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

OPERATIONAL CONDITIONS (ON-GOING)

30. Housing for Seniors & People with a Disability

The development approved under this consent constitutes “Housing for Seniors or People with a Disability” as defined under [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#). Accordingly only those people who meet the following criteria may occupy this accommodation:

- (a) seniors or people who have a disability,
- (b) people who live within the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

“Seniors” are any of the following:

- i. people aged 55 or more years,
- ii. people who are resident at a facility at which residential care (within the meaning of the [Aged Care Act 1997](#) of the Commonwealth) is provided,
- iii. people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

“People with a disability” are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.

31. Hours of Operation and Maximum Number of Staff

The approved hours of operation shall be restricted to the following:

9:00 am to 8:00 pm, seven (7) days a week

The approved maximum number of staff is three (3) staff / employees at any one time.

One (1) staff / employee must manage and stay within the premises overnight, on a daily basis, 365 days a year.

32. Plan of Management

The group home premises must be operated as per the approved Plan of Management, titled Management Statement of Proposed Usage of 109 Homebush Road, Strathfield, prepared by Nationwide Care Plus, with receipt date: 8 October 2021.

33. Maximum Occupancy

The maximum occupancy of the group home must be limited to six (6) occupants, comprising of five (5) residents and one (1) overnight staff / employee at any time.

The maximum occupancy only relates to any person/s staying overnight within the group home premises. It does not relate to any temporary visitors (including friends, family members and relatives) to the premises who are not staying overnight.

34. Maintenance of Landscaping

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

35. Resident Parking Permits

The owner, occupier/s and any visitor/s of the group home are not eligible for any resident or visitor parking permit, under any existing or future residential parking schemes.

Note: this condition has been imposed to reduce parking impacts on the neighbourhood.

36. Noise Control

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the [Protection of the Environment Operations Act 1997](#) (as amended).

37. Loading & Unloading of Vehicles

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

38. Entering & Exiting of Vehicles

All vehicles shall enter and exit the premises in a forward direction. Under any circumstances, no vehicles are permitted to travel across the centre line of Albyn Road (on the wrong side of the road and opposite the direction of travel) to gain access to the premises.

39. Annual Fire Safety Statement

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

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

ASSESSMENT ACT 1979**40. Requirement for a Construction Certificate**

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

41. 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.

42. 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.

43. 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.

44. 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.

45. 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**46. Clause 97A – BASIX Commitments**

This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX

Certificate to which the development relates.

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

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

48. Clause 98A – Erection of Signs

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

49. Clause 98B – Home Building Act 1989

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

50. Clause 98F – Site Excavation

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. All excavations associated with the erection or demolition or building must be properly guarded and protected to prevent them from being dangerous to life or property. If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods or preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

51. 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.

52. Tree Protection and Retention

All existing site trees and trees within the road reserve adjoining the site are to be retained and protected. This consent does not permit the removal of any existing trees on site and any trees within the road reserve.

Details of the trees to be retained must be included on the Construction Certificate plans.

General Tree Protection Measures

- (h) All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- (i) The tree protection measures must be in undertaken in accordance *AS4970 -2009 Protection of trees on development sites*.
- (j) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).

- (k) The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.
- (l) Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- (m) No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

Specific Street Tree Protection Measures

- (n) A sound protection barrier anchored firmly into the ground 1.8m in height x 2 metres clear of the base of the tree at any one point and that the fence is to extend up to the back of the kerb and to the edge of the footpath.

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

53. 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

54. Site Sign – Soil & Erosion Control Measures

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

55. 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.

65. 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.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

67. Fire Safety Certificate before Occupation or Use

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

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

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

58. Slip Resistance

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

OPERATIONAL CONDITIONS (ON-GOING)

59. Housing for Seniors & People with a Disability

The development approved under this consent constitutes "Housing for Seniors or People with a Disability" as defined under [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#). Accordingly only those people who meet the following criteria may occupy this accommodation:

- (d) seniors or people who have a disability,
- (e) people who live within the same household with seniors or people who have a disability,
- (f) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

"Seniors" are any of the following:

- iv. people aged 55 or more years,

- v. people who are resident at a facility at which residential care (within the meaning of the [Aged Care Act 1997](#) of the Commonwealth) is provided,
- vi. people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

“People with a disability” are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.

60. Hours of Operation and Maximum Number of Staff

The approved hours of operation shall be restricted to the following:

9:00 am to 8:00 pm, seven (7) days a week

The approved maximum number of staff is three (3) staff / employees at any one time. One (1) staff / employee must manage and stay within the premises overnight, on a daily basis, 365 days a year.

61. Plan of Management

The group home premises must be operated as per the approved Plan of Management, titled Management Statement of Proposed Usage of 109 Homebush Road, Strathfield, prepared by Nationwide Care Plus, with receipt date: 8 October 2021.

62. Maximum Occupancy

The maximum occupancy of the group home must be limited to six (6) occupants, comprising of five (5) residents and one (1) overnight staff / employee at any time.

The maximum occupancy only relates to any person/s staying overnight within the group home premises. It does not relate to any temporary visitors (including friends, family members and relatives) to the premises who are not staying overnight.

63. Maintenance of Landscaping

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

64. Resident Parking Permits

The owner, occupier/s and any visitor/s of the group home are not eligible for any resident or visitor parking permit, under any existing or future residential parking schemes.

Note: this condition has been imposed to reduce parking impacts on the neighbourhood.

65. Noise Control

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the [Protection of the Environment Operations Act 1997](#) (as amended).

66. Loading & Unloading of Vehicles

All loading and unloading of vehicles in relation to the use of the premises shall take place

wholly within a dedicated loading dock/area.

67. Entering & Exiting of Vehicles

All vehicles shall enter and exit the premises in a forward direction. Under any circumstances, no vehicles are permitted to travel across the centre line of Albyn Road (on the wrong side of the road and opposite the direction of travel) to gain access to the premises.

68. Annual Fire Safety Statement

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

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

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

69. Requirement for a Construction Certificate

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

70. Appointment of a PCA

The erection of a building must not commence until the applicant has:

- (f) appointed a PCA for the building work; and
- (g) 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:

- (h) 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
- (i) notify the PCA of the details of any such appointment; and
- (j) 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.

71. 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.

72. 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.

73. 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.

74. 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

75. Clause 97A – BASIX Commitments

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

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

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

77. Clause 98A – Erection of Signs

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

78. Clause 98B – Home Building Act 1989

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

79. Clause 98F – Site Excavation

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition or building must be properly guarded and protected to prevent them from being dangerous to life or property. If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods or preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

ADVISORY NOTES

i. 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.

ii. 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.

iii. 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.

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

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

v. 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.

vi. Disability Discrimination Act

This application has been assessed in accordance with the [Environmental Planning and](#)

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[Assessment Act 1979](#). No guarantee is given that the proposal complies with the [Disability Discrimination Act 1992](#). The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The [Disability Discrimination Act 1992](#) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

vii. 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).

RESOLUTION

This application be **APPROVED** subject to the draft conditions attached to the planner's report as amended by the panel

REASON:

The panel generally agrees with the planning officer's report but has added conditions relating to the improved landscape of private open space and accessibility thereto.

FOR:

Paul Stein
Alexander Ashely-Carrington
Sue Hobley
Peter Brennan

AGAINST:

NIL

**** End Minutes - Report No. 37****

TO: Strathfield Local Planning Panel Meeting - 2 December 2021
REPORT: SLPP – Report No. 38
SUBJECT: 33 MACKENZIE STREET HOMEBUSH LOT: 2 DP: 1035608
DA NO. 2021.235

RECOMMENDATION

In consideration of the written request made by the applicant pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012, the consent authority is not satisfied that the justification for the non-compliance with the development standard contained in Clause 4.1A – Minimum lot sizes for multi dwelling housing and residential flat buildings of the SLEP 2012 is well founded, and that the applicant fails to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard.

That Development Application No. DA2021/235 for Demolition of existing structures and construction of four (4), three-storey townhouses above a single basement level, associated driveway and landscaping works be **REFUSED** for the following reasons:

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

1. 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 fails to meet the objectives for minimum lot size for multi-dwelling development under Clause 4.1A of the Strathfield Local Environmental Plan 2012. The proposal will also set an undesirable precedent in facilitating and encouraging incompatible built forms that breach the maximum height provision.
2. 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 fails to meet the **aims and objectives** of the Strathfield Local Environmental Plan 2012 relating to achieving high quality urban form that reflects the existing and desired future character of the locality. The proposal fails to demonstrate a high quality urban design as its bulk, scale and overall design are not reflective of the desired future character of the surrounding locality.

MODIFIED DA2020.240 DATE: 2 December 2021

3. 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 fails to satisfy the objectives of the R3 Medium Density Residential zone. As the basement carpark plan is not supported, the proposal fails to provide for the housing needs of the community within a medium density residential environment.
4. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*. The proposed

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- excavation for the entire width of the site is not supported as it will impact on the assets of adjoining properties and does not therefore satisfy the aims of Clause 6.2 (Earthworks) of the Strathfield Local Environmental Plan 2012.
5. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to satisfy the development controls for Clause 2.2 of Part C of the Strathfield Consolidated Development Control Plan 2005. The proposed development is considered to be excessive in FSR, and is of a storey height, bulk, scale and massing that will impact negatively on the amenity, character and environmental quality of the immediate locale.
 6. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to satisfy the development controls for Clause 2.5 of Part C of the Strathfield Consolidated Development Control Plan 2005. The proposed townhouse development and front fence is of a type, height and scale that is generally incompatible with the appearance of existing buildings and will contribute negatively to the future character of the street.
 7. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to satisfy the development controls for Clause 2.8.3 of Part C of the Strathfield Consolidated Development Control Plan 2005. The proposed development does not ensure acoustic privacy by separating bedrooms from adjoining living areas which is considered to be indicative of the overdevelopment of the site.
 8. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to satisfy the development controls for Clause 2.9 of Part C of the Strathfield Consolidated Development Control Plan 2005. The proposed basement carpark does not provide sufficient manoeuvring areas to access the site and required parking spaces.
 9. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to satisfy the development controls for Clause 2.12 of Part C of the Strathfield Consolidated Development Control Plan 2005. The proposed excavation is not properly setback from the southern boundary to protect private assets on adjoining properties.
 10. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* as it will result in unacceptable adverse impacts in terms of built form, streetscape and amenity of adjoining properties.
 11. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* as it fails to demonstrate that the subject site is suitable for the proposed built form including significant shortfall of minimum lot size, earthworks, excessive FSR, and inappropriate storey height. The proposal is considered an overdevelopment of the site.
 12. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*. The proposed

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development is not in the public interest as it fails to meet the key provisions, objectives and development standards under; Strathfield Local Environmental Plan 2012 and the Strathfield Consolidated Development Control Plan 2005; and will have unacceptable adverse impacts.

RESOLUTION

That this application is **REFUSED** for the reasons attached to the planning officer's report as amended by the panel.

FOR:

Paul Stein
Alexander Ashely-Carrington
Sue Hobley
Peter Brennan

AGAINST:

NIL

**** End Minutes - Report No. 38****

TO: Strathfield Local Planning Panel Meeting - 2 December 2021
REPORT: SLPP – Report No. 39
SUBJECT: 2-34 DAVIDSON STREET, GREENACRE- LOT: 1 DP: 1022436
DA NO. DA2021.52

RECOMMENDATION

In consideration of the written request made by the applicant pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012, the consent authority is not satisfied that the justification for the non-compliance with the development standard contained in Clause 4.3 – Height of buildings of the SLEP 2012 is well founded, and that the applicant fails to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard.

That Development Application No. DA2021/52 for the demolition to part of existing structures, site preparation works, construction of three (3) new warehouses and ancillary offices and operational use of proposed warehouses be **REFUSED** for the following reasons:

- 1) 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 fails to meet the objectives for the Maximum Building Height under Clause 4.3(1)(a) of the Strathfield Local Environmental Plan 2012. The proposal will set an undesirable precedent in facilitating and encouraging incompatible built forms that breach the maximum height provision. **The clause 4.6 variation relating to the height development standard is not supported and is not well founded.**

MODIFIED DA2020.240 DATE: 2 December 2021

2. The proposed development cannot be supported as insufficient information has been provided to allow full and thorough assessment to be completed.
3. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*. Insufficient information has been provided to demonstrate if the proposed development will comply with the provisions of the State Environmental Planning Policy (Infrastructure) 2007 with regard to:
 - Impacts of stormwater; and
 - Excavation exceeding 2m within 25m of railway tracks
4. 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 fails to comply with the provisions of the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.
5. 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 fails to meet the

aims of the Strathfield Local Environmental Plan 2012 relating to promote spatially appropriate use of land that is incompatible with the adjacent residential development.

6. 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 fails to meet the aims of the Strathfield Local Environmental Plan 2012 to identify and protect environmental and cultural heritage. The proposal to remove a significant street tree goes against Council's recommendations for street tree retention and protection.
7. 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 fails to satisfy the objectives of the IN1 General industrial zone. Specifically the proposal fails to minimise any adverse effect of industry on other land uses.
8. 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 fails to meet the objectives for the Maximum Building Height under Clause 4.3(1)(a) of the Strathfield Local Environmental Plan 2012. The proposal will set an undesirable precedence in facilitating and encouraging incompatible built forms that breach the maximum height provision.
9. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*. Insufficient information has been provided to demonstrate if the proposed development will comply with the provisions of the Clause 5.21 (Flooding) of the Strathfield Local Environmental Plan 2012.
10. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*. Insufficient information has been provided to demonstrate if the proposed development will comply with the provisions of the Clause 6.2 (Earthworks) of the Strathfield Local Environmental Plan 2012.
11. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to comply the controls of 2.10.1.8 (Landscaping - setbacks) of Part D of the Strathfield Consolidated Development Control Plan 2005. The proposal does not provide continuous deep soil landscape buffer zones along common boundaries.
12. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to comply the controls of 2.10.2 (Fencing) of Part D of the Strathfield Consolidated Development Control Plan 2005. The proposed 3 metre sound barrier wall adjoining Davidson Street will result in inappropriate visual impacts to the existing streetscape.
13. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to comply the controls of 2.12 (Site Drainage and Water Management) of Part D of the Strathfield Consolidated Development Control Plan 2005. Insufficient information has been provided to complete a full and thorough assessment of the stormwater management plan.

14. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to comply the controls of 2.14.2 (Noise) of Part D of the Strathfield Consolidated Development Control Plan 2005. The proposed hours of operation are not appropriate in the immediate context and will impact the existing residential buildings directly west of the site.
15. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to comply the controls of 2.3 (Landscaping and Fencing) of Strathfield Consolidated Development Control Plan No. 14. The proposed development seeks to significantly reduce landscaped area across the site resulting in deficient deep soil area along the site boundary and street frontage.
16. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to comply with the controls of 2.4 (Streetscape) of Strathfield Development Control Plan No. 14. The proposed four (4) metre wide landscaped buffer is a significant variation to the required 10m to be provided adjacent to the eastern alignment of Davidson Street and will reduce screening and increase visual impacts of the development to the existing streetscape.
17. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to comply the controls of 2.7.2 (Stormwater Drainage) of Strathfield Development Control Plan No. 14. Insufficient information has been provided to complete a full and thorough assessment of the stormwater management plan.
18. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to comply the controls of Clause 2.10 (Impact on Surrounding Residential Development) of Strathfield Development Control Plan No. 14. It is considered the proposed hours of operation will be a nuisance to residents of surrounding residential properties by way of hours of operation, traffic movement, parking, headlight glare, security lighting or the like.
19. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the aims of Part N (Water Sensitive Urban Design) of the Strathfield Consolidated Development Control Plan 2005. Insufficient information has been provided to complete a full and thorough assessment of stormwater management on the site.
20. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the aims of Part O (Tree Management) of the Strathfield Consolidated Development Control Plan 2005. The proposed removal of 92 trees in not supported.
21. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* as it will result in unacceptable adverse impacts in terms of built form, streetscape and tree preservation.

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22. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* as it fails to demonstrate that the subject site is suitable for the proposed built form including significant earthworks and clearing of vegetation.. The proposal is considered an overdevelopment of the site.
23. **The landscape plan is unacceptable in terms of proposed species because it includes potential weed species and is not optimal in terms of proposed species in a region that supports or supported Turpentine/ Ironbark Forest in the Sydney Basin.**

ADDED DA2020.240 DATE: 2 December 2021

24. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*. The proposed development is not in the public interest as it fails to meet the key provisions, objectives and development standards under the State Environmental Planning Policy (Infrastructure) 2007 and State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017; Strathfield Local Environmental Plan 2012 and the Strathfield Consolidated Development Control Plan 2005; and will have unacceptable adverse impacts.

RESOLUTION

The application for deferral was considered but refused.

This application is **REFUSED** for the reasons attached to the planning officer's report as amended by the panel.

FOR:

Paul Stein
Alexander Ashely-Carrington
Sue Hobley
Peter Brennan

AGAINST:

NIL

**** End Minutes - Report No. 39****

TO: Strathfield Local Planning Panel Meeting - 2 December 2021

REPORT: SLPP – Report No. 40

SUBJECT: DA2020/240 - ADDENDUM REPORT - 2-4 PARRAMATTA ROAD, HOMEBUSH - LOTS A AND B DP 171468 AND LOT 1 DP 124584

DA NO. DA2020/240

That Development Application No. DA2020/240 for consolidation of three (3) allotments into two (2) allotments and alterations and additions to the existing storage premises including office and storage space at 2-4 Parramatta Road, Homebush be **REFUSED** and that that recommended reasons for refusal, as outlined in the SLPP report for DA2020/240, remain applicable. The application is recommended for **REFUSAL** due to the following reasons:

1. In consideration of the written request made by the applicant pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012, the consent authority is not satisfied that compliance with the development standard contained in Clause 4.4 – Floor Space Ratio of the SLEP 2012 is well founded. The consent authority has identified that there are no sufficient environmental planning grounds to justify contravening the development standard.
2. 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 a high quality urban form. The proposal is an overdevelopment of the site that is excessive in bulk and scale and fails to demonstrate consistency and compatibility with existing and future desired development in the vicinity. A resultant urban form that is not contextually appropriate and not site responsive is achieved, as a consequence.
 - b) The proposal fails to satisfy the objectives of Clause 1.2(b) of the Strathfield Local Environmental Plan 2012 which seeks to promote an efficient and spatial use of land. The proposal is an overdevelopment and is a poorly balanced design outcome. The isolation and restriction of redevelopment of the remaining key site is a critical consideration with regard to satisfying this aim.
 - c) The proposal fails to satisfy the objectives of Clause 1.2(b) of the Strathfield Local Environmental Plan 2012 which seeks to integrate transport and land use planning. The proposed vehicular access and parking are not designed appropriately and are not supported.
 - d) The proposal fails to satisfy the aim/s of the R4 – High Density Residential zone as it fails to facilitate housing to meet the needs of the community.
 - e) The proposal fails to satisfy the aim/s of the B4 – Mixed Use zone as it is unable to provide compatible land uses.
 - f) The proposal fails to comply with the maximum building height provision under Clause 4.3 and the relevant objectives of this standard.
 - g) The proposal fails to comply with the maximum FSR provision under Clause 4.5 and the relevant objectives of this standard.
 - h) The application fails to provide sufficient information in order for the consent authority to consider the variation under Clause 4.3 – in accordance with Clause 4.6. A written request was not provided by the applicant to vary this development standard. In this regard, development consent cannot be granted as the consent authority was unable to consider a written request from the applicant that seeks to justify the contravention of this development standard.
 - i) The application fails to provide sufficient planning grounds to satisfy Clause 4.6(4) to the extent that the proposed variation under Clause 4.4 can be considered acceptable and supportable.

MINUTES

- j) The application fails to achieve the provisions under Clause 5.3 as the proposal fails to meet key zone objectives.
- k) The proposal fails to achieve the provisions under Clause 6.9 as it fails to provide a balanced and appropriately designed planning outcome that encourages commercial and residential uses.
3. 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:
- Streetscape.
 - Visual amenity.
 - Site isolation and restriction of development potential.
 - **Potential overshadowing of communal open space.**
 - **Lack of access to landscape area for maintenance.**

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4. 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:
- Lack of spatial distribution and excessive bulk and scale that presents poorly to public domain and adjoining properties.
 - Poorly balanced development outcome that will create an undesirable precedence and have unacceptable impacts.
5. 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 involving a significant expansion and intensification of a prohibited land use, fails to address substantive issues and numerous variations and non-compliant matters that are unacceptable and fail to demonstrate merit.

RESOLUTION

This application is **REFUSED** for the reasons attached to the planning officer's report as amended by the panel.

FOR:

Paul Stein
Alexander Ashely-Carrington
Sue Hobley
Peter Brennan

AGAINST:**NIL**

**** End Minutes - Report No. 40****

TO: Strathfield Local Planning Panel Meeting - 2 December 2021
REPORT: SLPP – Report No. 41
SUBJECT: DA2020/250/2 - CHISHOLM STREET, BELFIELD (84-108 MADELINE STREET, STRATHFIELD SOUTH) - LOT 1 DP 556743
DA NO. DA2020/250/2

RECOMMENDATION

Pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, the proposed modification(s) to Development Consent No. DA2020/250 involving amendments to Conditions 1, 4, 5, 12 and 13 of the consent be **REFUSED** for the following reasons:

1. 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) Fails to satisfy Section 4.55(1A)(a) of the *Environmental Planning and Assessment Act 1979* in that the proposed modification will result in adverse environmental impacts that are significant and not minor in nature. The consent authority is unable to grant consent for the proposed modification as it fails this test and the proposal is not considered a Section 4.55(1A) modification.
 - b) Fails to satisfy Section 4.55(3) of the *Environmental Planning and Assessment Act 1979* in that the proposed modification is unable to satisfy the reason/s for granting approval for the development and will result in adverse environmental impacts.
 - c) Fails to meet the objectives of the IN1 – General Industrial zone in that the proposed modification fails to minimise adverse effects of industry on other land uses.
2. 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) Fails to achieve the objective under Section 2.14 of Part D of the DCP in that the proposed modification is unable to ensure that the facility does not create a pollution problem by the discharge of an unacceptable level of noise pollution.
 - b) Fails to satisfy the guidelines under Section 2.14 of Part D of the DCP in that the proposed modification will not result in the design of the development being able to inhibit the transmission of noise and
 - c) Fails to satisfy the guidelines under Section 2.14 of Part D of the DCP in that the proposed modification is unable to ensure that the use of the premises is able to comply with noise policies and pollution guidelines under NSW Government.
3. 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) Noise impacts.
4. 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) Modifications/changes proposed will result in the generation of adverse noise impacts that cannot be resolved and will contravene operational requirements of the facility including the Heads of Agreement (issued by the Land and Environment Court).
6. 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.

RESOLUTION

This modification application is **REFUSED** for the reasons attached to the planning officer's report.

FOR:

Paul Stein
Alexander Ashely-Carrington
Sue Hobley
Peter Brennan

AGAINST:

NIL

**** End Minutes - Report No. 41****