

# Minutes

Of the meeting of the:

## Strathfield Local Planning Panel Meeting

Held on:

**Thursday, 3 March 2022**

Commencing at 10:00am via online meeting platform  
(Zoom).

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**(Number of Speakers:    Applicant and 0 Submitters)**

**SLPP - Report No. 6**

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**(Number of Speakers:    Applicant and 0 Submitters)**

The meeting of the Strathfield Local Planning Panel Meeting was via online meeting platform (Zoom) on Thursday, 3 March 2022.

The meeting commenced at 9:30am and closed at 11:21am.

The Public Meeting commenced at 10:00am and closed at 10:38am.

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

Site inspection time commenced: Conducted in the Panel's own time.

Site inspection time concluded: Conducted in the Panel's own time.

### **PRESENT**

The Hon Paul Stein QC AM – Chair

Paul Vergotis, Expert

Brian Kirk, Expert

Jennifer Inglis, Community Representative

### **ALSO PRESENT**

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

Joseph Gillies, Senior Planner

Patrick Santos- Planner

Lily Parker, Administration Assistant

### **DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST**

Nil

**TO:** Strathfield Local Planning Panel Meeting - 3 March 2022  
**REPORT:** SLPP – Report No. 5  
**SUBJECT:** S8.2-DA2021.151- 20 WENTWORTH STREET GREENACRE  
 LOT 4 DP 36122  
**DA NO.** S8.2-DA2021.151

## RECOMMENDATION

That Development Application No. S8.2-DA2021.151 for S8.2 Review Application for the demolition of existing structures and construction of a dual occupancy with basement at 20 Wentworth Street Greenacre be **APPROVED**, subject to the following conditions:

### 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
Basement Floor Plan	DA02	25 January 2022	D	ZTA Architects
Ground Floor Plan	DA03	25 January 2022	D	ZTA Architects
First Floor Plan	DA04	25 January 2022	D	ZTA Architects
Roof Plan	DA05	25 January 2022	D	ZTA Architects
Elevation Plan (North and South)	DA06	25 January 2022	D	ZTA Architects
Elevation Plan (East and West)	DA07	25 January 2022	D	ZTA Architects
Finishes Schedule	DA08	25 January 2022	D	ZTA Architects

Section Plan	DA09	25 January 2022	D	ZTA Architects
Streetscape Plan (Fence details)	DA10	25 January 2022	D	ZTA Architects
Demolition Plan	DA14	25 January 2022	D	ZTA Architects
Sediment Control Plan	DA15	25 January 2022	D	ZTA Architects
Stormwater Plans	D00 – D03	4 June 2021	A	ZTA Architects
BASIX Certificate	1212209S and 1212214S	Issued 15 June 2021		
Waste Management Plan				ZTA Architects

## 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](http://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](http://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](http://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.

## 5. 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](http://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.

## 6. 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

## 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](http://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
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://longservice.force.com/bci/s/levy-calculator">https://longservice.force.com/bci/s/levy-calculator</a>	\$ 3,475.00
Security Damage Deposit	\$12,200.00

Administration Fee for Damage Deposit	\$ 130.00
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Strathfield Section 94 Development Contributions - Roads and Traffic Management	\$ 0.00
Strathfield Section 94 Development Contributions – Local Open Space	\$ 3,016.96
Strathfield Section 94 Development Contributions – Major Open Space	\$ 13,709.83
Strathfield Section 94 Development Contributions – Community Facilities	\$ 3,013.35
Strathfield Section 94 Development Contributions - Administration	\$ 259.00
<b>TOTAL CONTRIBUTIONS</b>	<b>\$20,000.00</b>

### 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.

A Section 7.12 contribution has been levied on the subject development pursuant to the Strathfield Section 94A 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](http://www.strathfield.nsw.gov.au).

**8. Required Design Changes**

The following changes are required to be made and to be submitted for the approval of Council's Deputy CEO/General Manager Planning, Environment & Urban Services prior to issue of a Construction Certificate.

Amendments made in red on approved plans	All changes made in red on the approved plans shall be updated and shown on the Construction Certificate plans.
Privacy Screen	A privacy screen shall be provided to the northern alfresco window opening and to the southern alfresco window opening. The screen is to comprise a material that cannot be seen through, such as translucent glazing. If louvres are to be used, they are to be fixed in a position that does not allow direct viewing of the adjoining properties.
Rear Alfresco Roofs	The roofs of the rear alfresco areas for each dwelling are to be notated on the plans as non-trafficable areas.
Colour Palette	The colour palette as shown in Plan Drawing DA08 shall be amended with recessive colour tones and the elevations are to include notations of the position of materials and colours to match the amended drawing DA08.
Balustrades	All balustrades on the front and rear elevations in shall be clear or translucent glass in accordance with the requirements of the BCA/NCC.

**9. 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.

## 10. 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.

## 11. 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. 1212209S and 1212214S must be implemented on the plans lodged with the application for the Construction Certificate.

## 12. 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.

## 13. 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.

#### 14. On Site Detention

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

An on-site detention (OSD) facility designed by a professional engineer who specialises in Hydraulic Engineering must be designed, approved and installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

- (a) **peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden,**
- (b) **at Annual Recurrence Intervals of 2 years, 10 years and 100 years.**

**The OSD facility shall be designed to meet all legislated safety requirements and childproof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:**

***"BEWARE: This is an on-site detention basin/tank for rainwater which could overflow during heavy storms."***

Full details shall accompany the application for the Construction Certificate.

#### 15. Stormwater Drainage Plan Details

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

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

#### 16. Landscape Plan

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

- (a) Location of existing and proposed structures, services and existing trees;
- (b) Details of earthworks including mounding and retaining walls and planter boxes;
- (c) Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width.
- (d) Details showing provision of a minimum of **1 canopy tree planting within the front setback** capable of achieving a minimum mature height of 7m.
- (e) Details of planting procedure and maintenance;
- (f) Landscape specification;
- (g) Details of drainage and watering systems;

- (h) Details of garden edging and turf; and
- (i) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.

#### 17. Allocation of Street Addresses

In the event of any future strata subdivision of the site, the street numbering must comply with AS/NZS 4819:2011 Rural and Urban Addressing & the NSW Addressing User Manual (Geographical Names Board of NSW) and Strathfield Council's requirements, the street addresses for the subject development must be allocated as follows:

Proposed Lot No.	Premises / Dwelling Number	Location within development	Proposed street address to comply with AS/NZS 4819:2011 and NSW Addressing Manual
Lot 1	1	Northern most dwelling	1/20 Wentworth Street, Greenacre
Lot 2	2	Southern most dwelling	2/20 Wentworth Street, Greenacre

Details indicating compliance with this condition must be shown on the plans lodged with any Construction Certificate for approval.

#### 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](http://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.

## 22. Registered Surveyors Report - During Development Work

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

- (a) Set out before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the PCA is satisfied that the height and location

of the building is proceeding in accordance with the approved plans.

### 23. Utility Arrangements

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

## DURING CONSTRUCTION

### 24. 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.

### 25. 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.

### 26. Construction Management Plan

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

## PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

### 27. BASIX Certificate

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

### 28. 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.

**29. Completion of Landscape Works**

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

**30. 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.

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

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

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

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

**32. 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.

**33. Maintenance Schedule – On-site Stormwater Management**

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

**34. 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.

### **OPERATIONAL CONDITIONS (ON-GOING)**

#### **35. 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.

#### **36. Entering & Exiting of Vehicles**

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

#### **37. Greywater System**

In order to conserve and re-use water, Council encourages all developments to incorporate a greywater reuse system. The system can incorporate a *greywater diversion device* or a *domestic greywater treatment system*. Any system installed is to ensure that it complies with the Plumbing Code of Australia, maintained at all times and does not result in any adverse amenity impacts on the subject premises and surrounding properties.

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

#### **38. 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.

#### **39. 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.



**40. 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.

**41. Critical Stage Inspections**

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

**42. 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.

**43. 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****44. Clause 97A – BASIX Commitments**

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

**45. 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.

**46. 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.

**47. 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](#).

**48. Clause 98E – Protection & Support of Adjoining Premises**

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

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**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.

**2. 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.

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

NSW legislation can be accessed free of charge at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

**4. 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.

**5. Disability Discrimination Act**

This application has been assessed in accordance with the [Environmental Planning and 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.

**6. Stormwater & Ancillary Works – Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993**

To apply for approval under Section 138 of the [Roads Act 1993](#):

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).
- (b) In the Application Form, quote the Development Consent No. (eg. Year/DA DA2021/151) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to 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 by a private contractor in accordance with Council's specifications prior to the issue of an Occupation Certificate.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

**7. 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](http://www.SafeWork.nsw.gov.au)).

**8. SYDNEY WATER SECTION 73 CERTIFICATES**

The Section 73 Certificate must be a separate certificate that relates specifically to this development consent. For example, if the development consent relates to the subdivision of the land, a Section 73 Certificate for the construction of the building that is subject to a different development consent will not suffice.

**9. Electricity Supply**

This development may need a connection to the Ausgrid network which may require the network to be extended or its capacity augmented. You are advised to contact Ausgrid on 13 13 65 or [www.ausgrid.com.au](http://www.ausgrid.com.au) (Business and Commercial Services) for further details and information on lodging your application to connect to the network.

**10. Australia Post – Letter Box Size and Location**

The size and location of letterboxes servicing the development are to comply with the requirements and standard of Australia Post (see attached link: [https://auspost.com.au/content/dam/auspost\\_corp/media/documents/Appendix-02.pdf](https://auspost.com.au/content/dam/auspost_corp/media/documents/Appendix-02.pdf) )

**RESOLUTION**

The decision of the development application number DA2021.151 on review be changed from refusal to the granting of consent subject to the recommended conditions in the planning report as amended by the panel.

**FOR: Paul Stein, Paul Vergotis, Brian Kirk, Jennifer Inglis**

**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 on 8 October 2021.**

\*\*\*\* End Minutes - Report No. 6\*\*\*\*

**TO: Strathfield Local Planning Panel Meeting - 3 March 2022**  
**REPORT: SLPP – Report No. 6**  
**SUBJECT: DA2021.302- 12 MOUNT STREET STRATHFIELD**  
**LOT: 12 DP: 5836**  
**DA NO. DA2021.302**

## RECOMMENDATION

That Development Application No. DA2021.302 for Demolition of existing structures and construction of a two (2) storey dwelling house with basement, alfresco area, swimming pool, outbuilding and ancillary landscaping at 12 Mount Street Strathfield be **REFUSED**, subject for the following reasons:

Under Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979, this development application is recommended to be **REFUSED** for the following reasons:

1. Pursuant to Clause 4.6(3) of the Strathfield Local Environmental Plan 2012 which prohibits Council to grant consent on development that contravenes a development standard unless an adequate written variation statement has been considered. No Clause 4.6 variation statement was submitted to Council. Council considers that there is no sufficient environmental planning ground to justify the excessive gross floor area proposed. As a result, no request for a Clause 4.6 variation statement was made by Council.

The habitable flood levels that are more than 1m from the existing ground level demonstrate that the site is incapable of accommodating a basement level development as it will not satisfy the definition of a basement in the SLEP 2012.

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 (SLEP 2012) which seeks to achieve a high quality urban form. The proposed development is an overdevelopment of the site with an excessive gross floor area that contributes to the excessive bulk and scale. It fails to demonstrate consistency and compatibility with the existing and desired future development in the locality.
  - b) The proposal fails to satisfy the objectives of Clause 1.2(h) of the SLEP 2012 which seeks to minimise the risk to the community by restricting incompatible developments in lands subject to flooding. The site is flood-affected and has habitable flood levels of RL 34.1m AHD and 34.8m AHD, both over 1m from the existing ground level, essentially disallowing the development of a basement.
  - c) The proposal fails to satisfy the objectives of Clause 4.4(1)(a) and (b) of the SLEP 2012 which seek to ensure that dwellings are in keeping with the built form character of the local area and provide consistency in the bulk and scale of new dwellings. The proposed development involves excessive gross floor area of 529.7m<sup>2</sup> that exceeds the maximum GFA permitted on the site (440.68m<sup>2</sup>) by 89.02m<sup>2</sup>, resulting to a built form that is not consistent with the existing and future developments within the immediate vicinity.

- d) The proposal fails to satisfy Clause 4.4C of the SLEP 2012 which limits the allowable FSR on the site to 0.575:1 (440.68m<sup>2</sup>). The proposal involves a FSR of 0.69:1 (529.7m<sup>2</sup>), which presents an excessive 20.2% variation.
  - e) The proposal fails to satisfy Clause 6.2(3)(h) of the SLEP 2012 which requires the consent authority to consider any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. Council considers that the proposed development was not designed with minimising the extent of necessary excavation in mind. The number of generously-sized rooms with questionable use as a storage or plant room and unnecessary spaces in the proposed basement are considered unreasonable and unwarranted.
3. 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 fails to satisfy Clause 4.2.2(7) of Part A of the Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005) which requires a dwelling house and any ancillary structures to be no more than two-storey high. The proposed development, with the proposed basement having a floor level above that is over 1m from the existing ground, does not satisfy the definition of a basement in the Strathfield Local Environmental Plan 2012, and is therefore considered another storey. In total, the proposed development involves a three-storey dwelling house, which is not permissible.
  - b) The proposal fails to satisfy Clause 5.2.1(1) of Part A of the Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005) which requires 43% (329.55m<sup>2</sup>) of the site to be landscaped. The proposed development involves a landscaped area of 26.2% (200.8m<sup>2</sup>) which contravenes the required landscaping by 39% (128.75<sup>2</sup>).
  - c) The proposal fails to satisfy Clause 7.2.3(1), (2) and (3) of Part A of the SCDCP 2005 which considers visual privacy concerns that may arise from elevated decks, verandahs and balconies. The proposed development, on the ground floor, involves alfresco that have levels that are 1m (western alfresco) and 1.3m (rear alfresco) from the existing ground level and permit overlooking onto neighbouring properties. The first floor is comprised of three balconies, including two that are close to the side boundaries. The western balcony off Bedroom 2, despite having a privacy screen, has an unobstructed view to the south-west, onto the western neighbour's private open space. The eastern balcony off Bedroom 4 and the rear balcony off the master bedroom are both considered significant in size. The eastern balcony is not supported due to its unwarranted size and faces the side boundary. The rear balcony is excessive in size which encourages longer use of the structure, which could potentially raise the opportunity to overlook onto adjoining properties' private open spaces.
  - d) The proposal fails to satisfy Clause 8.2.3(8) of the SCDCP 2005 which requires the design of the basement to allow vehicles enter and exit the basement in a forward direction. The proposed development does not demonstrate that the two vehicles that will be parked in the proposed basement will have adequate space to manoeuvre and be able to go in and out in a forward manner.
  - e) The proposal fails to satisfy the objectives of Clause 9.1(A) of Part A of the SCDCP 2005 which seeks to minimise cut and fill to reduce site disturbance. The proposed development comprises unreasonably sized storage and plant rooms and unnecessary extra spaces in the basement that contribute to the excessive extent of the proposed excavation.

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4. 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:
- Built form (i.e. bulk and scale),
  - Visual privacy,
  - Inadequate landscaped area, and
  - Excessive amount of excavation.
5. (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:
- The site is flood-affected which has habitable flood levels that are more than 1m than the existing ground level, rendering the development of a basement not feasible.
  - The three-storey dwelling house development nature of the proposal is not a built-form that would be permitted on the site.
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. The proposed development involving a three-storey built form, excessive gross floor area with inadequate landscaping and unreasonable basement size will have a detrimental impact to the existing and desired future built and environmental character of the area.

## **RESOLUTION**

This development application be **refused** for the reasons attached to the Planning Officer's report.

**FOR: Paul Stein, Paul Vergotis, Brian Kirk, Jennifer Inglis**

**AGAINST: Nil**

\*\*\*\* End Minutes - Report No. 7\*\*\*\*