

STRATHFIELD COUNCIL

# MINUTES

Of the meeting of the

## STRATHFIELD LOCAL PLANNING PANEL MEETING

Held on:

Thursday 6 October 2022

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



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The meeting of the Strathfield Local Planning Panel Meeting was held in the Town Hall (Supper Room), 65 Homebush Road, Strathfield on Thursday 6 October 2022.

The meeting commenced at 10:00am and closed at 11:56am.

The Public Meeting commenced at 10:00am and closed at 10:52am.

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

Site inspection time commenced: 8:00am

Site inspection time concluded: 10:00am

#### **PRESENT**

The Hon Paul Stein QC AM – Chair

Paul Vergotis - Expert

Heather Warton - Expert

Jennifer Inglis - Community Representative

#### **ALSO PRESENT**

Joseph Gillies, Senior Planner

Judith Clark, Planning Specialist

Patrick Santos, Senior Planner

Lily Parker, Business Support, Landuse Place and Development

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

NIL

TO: Strathfield Local Planning Panel Meeting - 6 October 2022  
REPORT: SLPP – Report No. 28  
SUBJECT: DA2017.114.3- 9-13 BERESFORD ROAD STRATHFIELD  
LOT 45 SP 83492  
DA NO. DA2017.114.3

## RECOMMENDATION

That Development Application No. DA2017.114.3 for Section 4.55(1A) Modification Application for internal alterations to change configuration of rooms in an approved boarding house at 9-13 Beresford Road STRATHFIELD be **REFUSED**, for the following reasons:

### REFUSAL REASONS

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

#### 1. Refusal Reason – Environmental Planning Instrument

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

- (a) The proposal fails to satisfy s3(c) principle of the State Environmental Planning Policy (Housing) 2021 ('Housing SEPP') as the rooms with a size that is less than the minimum permitted by s69(1)(a)(i) do not provide residents with a reasonable level of amenity.
- (b) The proposal fails to satisfy s69(1)(a)(i) of the Housing SEPP where two rooms are shown to have less than the minimum considered to be adequate by the policy.
- (c) The proposal fails to satisfy CI1.2(2)(f), CI5.10(1)(a) and (b) of the Strathfield Local Environmental Plan 2012 ('SLEP 2012') where the proposed internal alterations to the heritage item do not satisfy the objectives of the plan which seek to identify and protect environmental and cultural heritage and the clause which seek to conserve the environmental heritage and the significance of the subject heritage item, including its fabric.

#### 2. Refusal Reason - Development Control Plan

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

- (a) The proposal fails to satisfy CI2 Development of Heritage Items of Part P Heritage where

the proposal is not supported with an adequate Heritage Impact Statement that ensures the works will not have adverse impact on to the heritage significance of the heritage item.

**3. Refusal Reason – Impacts on the Environment**

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

- (a) Environmental Impact – the proposal is considered to have an adverse environmental impact to the heritage significance of the heritage item with the inadequacy of the provided Heritage Impact Statement which is required to demonstrate that the internal works, including the internal demolition, will not diminish the significance of the heritage fabric of the subject building.
- (b) Social Impact – the proposal involves two rooms that are less than 12m<sup>2</sup>, which is what is considered as adequate by the Housing SEPP with rooms 12 and 15 having 9.72m<sup>2</sup> and 11.3m<sup>2</sup>, respectively.

**4. Refusal Reason – Insufficient information and documentation**

Pursuant Section 4.15(1)(a) (iv) of the [Environmental and Planning Assessment Act 1979](#), the application is not supported by sufficient information and documentation, in particular in relation to inconsistent information and a lack of dimensions on the submitted plans. The submitted plans are inconsistent with the approved plans in terms of the placement of wall widths in the corridors and room dimensions.

**5. Refusal Reason – Public Interest**

Pursuant to Section 4.15 (1)(e) of the [Environmental Planning and Assessment Act 1979](#), the proposed development is not considered to be in the public interest as it involves rooms with sizes that are less than what is considered to be adequate and would provide a satisfactory amenity for the occupants. The proposal would likely to set an undesirable precedent.

**RESOLUTION**

This Section 4.55(1A) Modification Application be **REFUSED** subject to the listed reasons for refusal in the officer's report and with the added reason 4.

FOR: Paul Stein, Paul Vergotis, Heather Warton, Jennifer Inglis

AGAINST: NIL

**NOTE:** The panel is of the view that the matter be referred to the Council's compliance unit for investigation in relation to existing internal configuration of the building, including its internal rooms.

\*\*\*\* End Minutes - Report No. 28\*\*\*\*

TO: Strathfield Local Planning Panel Meeting - 6 October 2022  
REPORT: SLPP – Report No. 29  
SUBJECT: DA2022.103- 125 COSGROVE ROAD STRATHFIELD SOUTH  
LOT 2 DP 866977  
DA NO. DA2022.103

## RECOMMENDATION

That Development Application No. DA2022.103 for use of existing industrial warehouse as a resource recovery facility at 125 Cosgrove Road STRATHFIELD SOUTH be **REFUSED**, for the following reasons:

### REFUSAL REASONS

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

**1. Refusal Reason – Environmental Planning and Assessment Act 1979**

The application is a designated development and is required to be supported by an Environment Impact Statement (EIS) and none has been submitted.

**2. Refusal Reason – Environmental Planning Instrument**

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

- (a) The proposal fails to satisfy the objectives of the State Environmental Planning Policy (Resilience and Hazards) 2021 – particularly Section 3.1(e) which seeks for the consent authority to have sufficient information to consider whether the development is hazardous or offensive and to enable the imposition of relevant conditions to minimise any adverse impact.
- (b) The proposal fails to satisfy the aims of the Strathfield Local Environmental Plan 2012 ('SLEP 2012') – particularly Clause 1.2(2)(h), which seeks to minimise the risk to the community by identifying land subject to flooding and restricting incompatible development.
- (c) The proposal fails to satisfy the objectives of Clause 5.21 Flood Planning of the SLEP 2012 – particularly Clause (1)(a), (b) and (c) which seek the following:
  - i. Minimise the flood risk to life
  - ii. Allow compatible development
  - iii. Avoid adverse or cumulative impacts on the environment

- (d) The proposal fails to satisfy the provisions of Clause 5.21 Flood Planning of the SLEP 2012 due to the lack of supporting documentation that would satisfy council whether the proposal is a compatible land use on the site that would not result to adverse environmental and amenity impact to neighbouring properties and stakeholders.

**3. Refusal Reason - Development Control Plan**

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

- (a) The proposal fails to satisfy the objective of Clause 2.14 Air, Noise and Water Pollution due to the inadequate documentation supporting the proposal that would have enabled council to properly assess any potential air and noise pollution.

**4. Refusal Reason – Impacts on the Environment**

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

- (a) Natural environment – the site is within the floodplain and there is no adequate information that would have satisfied council whether the proposed use and its operation could be managed effectively in an event of a flood, the proposal is considered to have adverse environmental impact.

**5. Refusal Reason – Suitability of Site**

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

- (a) Due to the site's flood affectation and lack of adequate supporting documentation regarding how the operation of the site will be managed in an event of a flood, the site is considered not suitable for the development.

**6. Refusal Reason – Public Interest**

Pursuant to Section 4.15 (1)(e) of the [Environmental Planning and Assessment Act 1979](#), the proposed development is not considered to be in the public interest as it poses potential risks to the environment and life.



**RESOLUTION**

This Development Application be **REFUSED** subject to the listed reasons for refusal in the officer's report and with the added reason 1.

FOR: Paul Stein, Paul Vergotis, Heather Warton, Jennifer Inglis

AGAINST: NIL

**NOTE:** The panel is of the view that the matter be referred to the Council's compliance unit for investigation in relation to the use and activities occurring on the site.

\*\*\*\* End Minutes - Report No. 29\*\*\*\*

TO: Strathfield Local Planning Panel Meeting - 6 October 2022  
REPORT: SLPP – Report No. 30  
SUBJECT: DA2021.272- 74-76 MARLBOROUGH ROAD HOMEBUSH WEST  
LOT: 3 DP: 1261802  
DA NO. DA2021.272

## RECOMMENDATION

That Development Application No. DA2021.272 for removal of identified trees/vegetation, demolition of all existing structures, construction of a part 4, part 6 storey residential flat building with a total of 47 residential units over two basement levels containing 92 car parking spaces at 74-76 Marlborough Road Homebush West be **REFUSED**, for the following reasons:

### REFUSAL REASONS

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

#### 1. Refusal Reason – Clause 4.6 Variation Request

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 4.3 – Height of Building of the SLEP 2012 is well founded. The consent authority has identified that there are not sufficient environmental planning grounds to justify contravening the development standard.

#### 2. Refusal Reason – Integrated Development

Pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979, the proposed development is identified as integrated development due to the need for a water management work approval and General Terms of Approval have not been received from Water NSW due to insufficient information provided by the Applicant.

#### 3. Refusal Reason – Environmental Planning Instrument

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

- (a) The proposal is inconsistent with Principles 1, 2 and 3 in Schedule 1 of State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development. The proposed development does not respond to the context, does not achieve a bulk and scale that is appropriate for the local character, and does not achieve a high level of amenity for each apartment.

- (b) The proposal is inconsistent with Section 28 Part 2(c) of State Environmental Planning

Policy No 65 – Design Quality of Residential Apartment Development in that the following is not complied with under the Apartment Design Guideline:

- 3F-2 and 4H – The proposal results in unacceptable privacy and overlooking impact and a numerous bedrooms are located off common circulation areas, communal areas and adjoining living areas.

#### 4. Refusal Reason – Impacts on the Environment

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

Built environment – The proposed development results in unacceptable overlooking and privacy impacts.

(a) Built Environment – The proposed development has not been supported by an Acoustic Assessment that addresses internal apartment amenity due to the location of certain bedrooms of high use communal areas.

~~(b) Natural Environment – The subject site has been identified as potentially impacted by contamination due to proximity to known contaminated areas. The Application is not supported by adequate site investigations to address this concern.~~

**To be deleted**

#### 5. Refusal Reason – Suitability of Site

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

(a) The proposed development is of a scale and design that is not suitable for the site. This is primarily the result of the fourth floor and interface with the northern and north-western boundaries where adjoining developments establish a three storey development character.

#### 6. Refusal Reason –Public Interest

~~Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the application is not in the public interest.~~

**RESOLUTION**

This Development Application be **REFUSED** subject to the listed reasons for refusal in the officer's report with the added reason 6 and deleted 4(b).

FOR: Paul Stein, Paul Vergotis, Heather Warton, Jennifer Inglis

AGAINST: NIL

\*\*\*\* End Minutes - Report No. 30\*\*\*\*