

ADDENDUM SLPP REPORT

Property:	626-628 Liverpool Road STRATHFIELD SOUTH DA 2021/233
Proposal:	Demolition of the existing structures and tree removal, construction of building containing five (5) industrial units and a five (5) storey hotel with a pub on the ground floor above two (2) levels of basement (comprising a retail premises and parking) and installation of associated signage.
Applicant:	Hamptons Property Services Pty Ltd
Owner:	Iris Hotels Enfield Property Pty LTD ATF Iris Hotels Enfield Property Trust
Date of lodgement:	17 September 2021
Date of SLPP Meeting:	2 February 2023
Notification period:	24 September 2021 to 16 October 2021
Assessment officer:	G Choice
RECOMMENDATION OF OFFICER:	<ul style="list-style-type: none"> i. Maintain refusal; and ii. Update <i>Refusal Reason 2 – Insufficient Information</i> to specify tree protection and geotechnical information.

ADDENDUM REPORT

DA 2021/233 at 626-628 Liverpool Road STRATHFIELD SOUTH is scheduled for review and determination by the Strathfield Local Planning Panel on Thursday 2 February 2023 and requires explanation of the issues:

i. Geotechnical Report

The submitted geotechnical report prepared by Aargus (Ref. GS8219-1A dated 28 May 2021) was referred to Council's Principal Design and Construction Engineer for comments regarding the feasibility of a third basement level. As an alternative agreement was reached with Council's Traffic Engineer for a parking concession, this was not pursued.

After further review of *Section 5 – Proposed Development*, the following inconsistency has been identified:

'Based on the information provided by the client, the proposed development comprises the demolition of the existing buildings on site and the construction of a new two-storey building (pub with hotel rooms above) with one basement level on the Hume Highway side of the site, plus a new light industrial building on grade at the rear of the site.' (p.7)

Officer comment: As the proposed development as detailed in the subject Geotechnical Report does not accurately reflect the proposed development of a five-storey building with

two (2) basement levels, the Geotechnical Report cannot be considered as part of this application.

The abovementioned issue does not alter the original assessment and recommendation for refusal; however, a minor amendment made to *Refusal Reason 2 – Insufficient Information* is recommended for clarity.

Section 4.15 Assessment – EP&A Act 1979

The following is an assessment of the application with regard to Section 4.15(1) of the EP&A Act 1979.

(1) *Matters for consideration – general*

In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provision of:***
- (i) *any environmental planning instrument,***

Strathfield Local Environmental Plan

Clause 6.2 – Earthworks

The Applicant has not provided sufficient information to enable a full and thorough assessment of the potential impacts on environmental functions and processes, neighbouring uses, or features of the surrounding land.

- (ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and***

There are no draft planning instruments that are applicable to this site.

- (iii) *any development control plan,***

The addendum report does not result in any changes to the DCP assessment of the original application.

- (iv) *Any matters prescribed by the regulations, that apply to the land to which the development application relates,***

The addendum report does not impact on the original assessment to the degree in so far as the original recommendation is concerned.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

The addendum report does not impact the original assessment of this provision. Additional environmental impacts cannot be determined due to insufficient information provided by The Applicant.

(c) the suitability of the site for the development,

The addendum report does not impact the original assessment of this provision. Further issues regarding the suitability of the site cannot be determined due to insufficient information provided by The Applicant.

(d) any submissions made in accordance with this Act or the regulations,

The addendum report was not placed on neighbour notification.

(e) the public interest.

The addendum report does not impact on the original assessment of this provision.

Conclusion

It is considered this addendum report and minor amendment to the refusal reasons, as recommended by the Assessing Officer, are sufficient to maintain the recommendation for refusal.

The following revisions are recommended for the subject approval:

- i. Update *Refusal Reason 2 – Insufficient Information* to specify tree protection and geotechnical information as follows:

Refusal Reason – Insufficient Information

The proposed development cannot be supported as insufficient information has been provided by the Applicant and a full and thorough assessment of the Application cannot be completed. Outstanding issues include tree protection and impacts of earthworks.

The required refusal reason update is minor in nature and does not alter the original assessment of the subject Development Application. This Addendum Report recommends maintaining the refusal subject to the abovementioned revisions.

- I confirm that I have assessed the abovementioned development application with the delegations assigned to my position.



Signed:
G I Choice
Planner

Date: 31 January 2022

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 reasons:

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 Buildings) 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. Refusal Reason – Insufficient Information

The proposed development cannot be supported as insufficient information has been provided by the Applicant and a full and thorough assessment of the Application cannot be completed. Outstanding issues include tree protection and impacts of earthworks.

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 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.
- (b) The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the aims of the Strathfield Local Environmental Plan 2012 to promote the spatially appropriate use of land that is compatible with adjoining land uses.

- (c) The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it 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.
- (d) The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives for the Maximum Building Height under Clause 6.6 of the Strathfield Local Environmental Plan 2012. The proposed above awning signage is prohibited within the Strathfield LGA.

4. 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 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 J (Advertising Signs and Structures) of the Strathfield Consolidated Development Control Plan 2005. The proposed above awning signs are prohibited with Strathfield LGA.
- (b) 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 proposal has not considered impacts to existing trees on adjoining properties.
- (c) 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 Q (Urban Design Controls) of the Strathfield Consolidated Development Control Plan 2005. The proposed mixed-use design is considered inappropriate in terms of:
 - i. Streetscape;
 - ii. Building configuration and site planning;
 - iii. Building envelope;
 - iv. Building massing and scale;
 - v. Safety and security;
 - vi. Car parking and vehicular access; and
 - vii. Development within Mixed Use Zones

5. Refusal Reason – Impacts on the Environment

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.

6. Refusal Reason – Suitability of Site

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 building configuration, and vehicle access and safety and clearing of vegetation. The proposal is considered an overdevelopment of the site.

7. Refusal Reason – Public Interest

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 (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.