

STRATHFIELD COUNCIL

# MINUTES

Of the meeting of the

## STRATHFIELD LOCAL PLANNING PANEL MEETING

Held on:

Thursday 2 February 2023

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 2 February 2023.

The meeting commenced at 8:00am and closed at 12:11pm.

The Public Meeting commenced at 10:00am and closed at 11:03am.

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**

Jan Murrell – Chair

Brian Kirk - Expert

Lindsay Fletcher - Expert

Geoff Markwell - Community Representative

**ALSO PRESENT**

Kandace Lindeberg, Manager, Planning & Development

Joseph Gillies, Senior Planner

Lily Parker, Business Support, Landuse, Place and Development

Gary Choice, Planner

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

NIL

TO: Strathfield Local Planning Panel Meeting - 2 February 2023  
REPORT: SLPP – Report No. 1  
SUBJECT: DA2021.233- 626-628 LIVERPOOL ROAD STRATHFIELD SOUTH  
LOT: 231 DP: 844782  
DA NO. DA2021.233

## RECOMMENDATION

That Development Application No. DA2021.233 for 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 at 626-628 Liverpool 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 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.

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.

## RESOLUTION

This application be **DEFERRED** to provide the opportunity for the applicant to submit further information and amended plans to Council for assessment, via the NSW Planning Portal in accordance with the Environmental Planning and Assessment Regulation 2021. A revised Capital Investment Value (CIV) must be prepared to reflect the amended plans and this must be considered in order that the consent authority is correctly identified (whether this is a matter for the Strathfield Local Planning Panel or Sydney East Planning Panel). If the matter remains one for the SLPP, this Panel will then electronically determine the application as soon as practicable upon the completion of the Council Officer's assessment report.

In the event that the CIV is below \$30M, this Panel requires the applicant to submit information including:

- A security lighting plan (particularly external lighting), wayfinding plan, and carpark allocation plan as part of comprehensive CPTED Report.
- A supplementary traffic report to provide further details and evidence to support the proposed parking demand management strategies and to demonstrate the adequacy of the total quantum of parking. The allocation for the various land uses and staff is to be identified and separated if necessary.
- An arborist report for the trees on the adjoining land of the western boundary to ensure the protection and ongoing viability.

- An updated Geotechnical Report is to be submitted that correctly refers to the amended plans and provides information on the methodology, if required, to mitigate vibration and noise having regard to the sensitive land use as a school opposite.
- An amended Statement of Environmental Effects to reflect the changes to the proposed development.
- An amended set of plans to include: changes to the rear right of way access to factory units; loading and unloading facilities to be shared by all the factory units that allows for appropriate sized vehicles; and reduction in the height to be compliant and other consequential amendments as necessary.

In the event that the information required is not provided by the **20 February 2023**, the Panel may determine the matter on the information currently before the Panel.

**FOR:** Jan Murrell, Brian Kirk, Lindsay Fletcher, Geoff Markwell

**AGAINST:** NIL

**REASON:**

The Panel considers that deferring the matter will allow the applicant the opportunity to resolve a number of issues and given the nature of the development, it is in the public interest to defer to ensure future development of the site provides a satisfactory planning outcome.

Endorsed Jan Murrell:

\*\*\*\* End Minutes - Report No. 1\*\*\*\*

TO: Strathfield Local Planning Panel Meeting - 2 February 2023  
REPORT: SLPP – Report No. 2  
SUBJECT: TABLING OF THE DECLARATION OF PECUNIARY INTEREST AND OTHER MATTERS FOR PERIODS 30 JUNE 2021 AND 30 JUNE 2022.  
DA NO. N/A

### **RESOLUTION**

A full set of annual DOIs have been tabled by the Panel for periods 30 June 2021 to 30 June 2022 to comply with clause 4.21 of the Local Planning Panels Code of Conduct August 2020 and an appropriate copy will be available on Council's website within 7 days.

Endorsed Jan Murrell:

\*\*\*\* End Minutes - Report No. 2\*\*\*\*