

DATE OF DETERMINATION	30 September 2021
PANEL MEMBERS	Carl Scully (Chair), Jan Murrell, Roberta Ryan, Philippa Frecklington, Michael Mason
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by videoconference on 23 September 2021, opened at 11am and closed at 12.30pm.

MATTER DETERMINED

PPSSEC-112 – Strathfield – DA2020/256 at 2-6 Pilgrim Avenue & 11-13 Albert Road, Strathfield (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application subject to a deferred commencement condition and operational conditions as recommended in the Council Officer's assessment report.

- The Panel is satisfied the built form as shown in the amended plans is an improved built form outcome in urban design terms than what would have been achieved by strict adherence to the DCP provisions.
- The Panel notes that during the public meeting the applicant committed to the dedication of the 8 units (4 x 2 and 4 x 1 bedroom) to the Council in perpetuity in accordance with Condition 85.
- The Panel also notes that the additional community benefit from the project is the dedication to Council of 30 commuter parking spaces.
- The Panel notes the Council's assessment that a Clause 4.6 variation request in the circumstances is not necessary.

CONDITIONS

The development application was approved subject to the conditions in the Council Officer's assessment report with the following amendments.

- Amend Deferred Condition 1 by deleting 6 months and inserting 12 months.
- Amend Condition 9 by deleting NSW Roads and Maritime Services and inserting Transport for NSW.
- Delete Condition 22.
- Delete Condition 26.
- Amend Condition 29 by inserting the following words after the word 'design': "certified by a practising engineer".






- Amend Condition 40 by inserting the detail of the recommendations referred to in the Condition in relation to contamination site assessment as follows:
 - Prior to proposed site demolition, a suitably qualified and experienced consultant should be engaged to perform a Hazardous Materials Survey on existing site structures to identify potentially hazardous building produces that may be released to the environment during demolition works. All identified hazardous materials must be appropriately managed to maintain worker health and safety during demolition works and to prevent spreading of hazardous materials on site.
 - Fill material within the proposed basement footprint, which will include the lead impacted surficial fill, is to be classified and disposed off-site in accordance with EPA (2014) Waste Classification Guidelines as part of bulk excavation works for the construction of the four level basement carpark. All soil to be disposed offsite is to be classified in accordance with EPA (2014) Waste Classification Guidelines, (including VENM).
 - A construction environmental management plan (CEMP) is prepared by the principal or earthworks contractor. The CEMP should consider the normal environmental issues that may occur during development such as but not limited to dust, noise, odour, vibration, safety and traffic and also include:
 - Waste management of soils (including fill) to ensure they are appropriately classified for disposal in accordance with the NSW EPA Waste Management Guidelines (Part 1 Classifying Waste); and
 - Provide unexpected finds protocols should any unexpected hydrocarbons contamination or hazardous materials are identified during the site earthworks.
 - Prior to construction, an additional groundwater monitoring event should be conducted to confirm groundwater results. The groundwater monitoring wells are to be surveyed to provide indicative groundwater flow direction.
 - Any materials being imported to the site (i.e. for landscaping purposes) should be assessed for potential contamination in accordance with NSW EPA guidelines as being suitable for the intended use or be classified as VENM.
 - Preparation of a final site validation report by a suitably qualified environmental consultant, certifying the site suitability of soils and groundwater for future proposed land uses.
- Amend Condition 59 by deleting the word 'unknown' and inserting 'refer to Condition 18'.
- Amend Condition 85 requiring the dedication of 4 units to Council for affordable housing is to include that a covenant be placed on the property under Section 88D of the Conveyancing Act prior to the issue of any Occupation Certificate.
- Renumber Condition 109 'Public Parking Spaces' and renumber as Condition 108 and list under the conditions required prior to the issue of the occupation certificate. Accordingly, Condition 108 renumbered as Condition 109 and remaining under the section titled 'Prior to the issue of the subdivision certificate'.
- Delete Condition 115.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Safety and operational issues raised by Viva Energy who operate the adjoining service station
- Impacts on solar access, views and privacy and increased vehicular and pedestrian congestion
- Tree removal and associated environmental impacts
- Traffic safety in and around the site
- Excavation issues

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing these issues appropriate conditions have been imposed.

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 Roberta Ryan	 Philippa Frecklington
 Michael Mason	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-112 – Strathfield – DA 2020/256
2	PROPOSED DEVELOPMENT	Site preparation works including demolition, tree removal, remediation works, and excavation, and construction of a part 11, part 15 storey mixed-use development comprising 168 dwellings, two (2) ground floor commercial spaces and four (4) basement levels, as well as ancillary and landscaping works.
3	STREET ADDRESS	2-6 Pilgrim Avenue & 11-13 Albert Road, Strathfield
4	APPLICANT/OWNER	Convertia Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 Strathfield Local Environmental Plan (SLEP) 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005) Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 1 September 2021 Written submissions during public exhibition: 48 Verbal submissions at the public meeting: <ul style="list-style-type: none"> John Wong Council assessment officer – Kandace Lindeberg, Stephen Clements, Joseph Gillies On behalf of the applicant – Christopher Curtis, Steve Kennedy, John Mouawad, Duncan Reed, Ben Craig Total number of unique submissions received by way of objection: 48
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 22 April 2021 <ul style="list-style-type: none"> Panel members: Jan Murrell (Chair), Roberta Ryan, Philippa Frecklington, Michael Mason

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Joseph Gillies, Kandace Lindeberg, Stephen Clements ○ Panel members visited the site independently, prior to 23 September 2021 ● Final briefing to discuss council's recommendation: 23 September 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Roberta Ryan, Philippa Frecklington, Michael Mason ○ <u>Council assessment staff</u>: Joseph Gillies, Kandace Lindeberg, Stephen Clements
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council assessment report