

<b>DATE OF DETERMINATION</b>	Thursday 19 December 2019
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Julie Savet Ward, Clare Brown, Mike Ryan, Vivienne Albin
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Fraser Suites, 488 Kent Street, Sydney, on 19 December 2019, opened at 12:44pm and closed at 2:36pm.

#### **MATTER DETERMINED**

PPSSEC-8 – Strathfield – DA2015/100/05 at 86 Centenary Drive Strathfield for modifications to an approved building (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.

The panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

#### **Development application**

The panel determined to approve the modification application pursuant to section 4.55 (2) of the *Environmental Planning and Assessment Act 1979 subject to amendments to the tabled description of development and amendment to conditions*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The panel approves the modification, subject to the removal of the roof top terrace/private open space, for the following reasons:

- The development as modified is considered to result in a well-proportioned building which responds to the context of the surrounding area and is unlikely to result in any significant adverse amenity impacts.
- The provision of a roof top private open space above Building B is not approved as there is sufficient private and communal open space provided within the building and the development. The units also achieve an acceptable level of amenity and solar access without the roof top terraces.
- That DA 2017/168 will be surrendered within 3 months of determination of this application.

#### **CONDITIONS**

The modification application was approved subject to the conditions in the council assessment report with the following amendments.






- Description of development  
Pursuant to section 4.55(2) of the EP&A Act 1979 the proposed modification(s) to development consent No 2015/100/5 involving external and internal changes to Buildings A and B including construction of a half level basement, extension of balconies, and installation of louvres at 86 Centenary Drive Strathfield be APPROVED, subject to

- 124. Development consent to DA2017/168 to be surrendered within three months of the determination of this modified consent (DA2015/100/5).  
Reason: To prevent any inconsistency with this consent.
- 125. A development application detailing the design/architectural detail (including fitout, elevations, sections, and finishes) and the use of the Kiosk must be submitted to Council and approved prior to the issue of a construction certificate for any works relating to the Kiosk.  
Reason: To have clarity on future use and aesthetics of the Kiosk
- Amend Condition 6 with the inclusion of the following:
  - (m) The balcony on units A1.11, A2.11, A3.11, A4.11, A5.09, A6.09 shall be redesigned to be squared off to remove the cut-out.
  - (n) The proposed roof top terraces to units B.803, B.804, and B.805 are not approved including the proposed stairs to the roof top terraces. Amended plans to be submitted showing the deletion of these elements and the amended layout of the units and roof treatment.

### 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 traffic and safety.

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.

PANEL MEMBERS	
 Carl Scully (Chair)	 Julie Savet Ward
 Clare Brown	 Mike Ryan
 Vivienne Albin	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-8 – Strathfield – DA2015/100/05
2	PROPOSED DEVELOPMENT	Section 4.55(2) of the Environmental Planning & Assessment Act 1979 to surrender DA2017/168 and modifications to approved development including enlargement of basement level 3.
3	STREET ADDRESS	86 Centenary Drive Strathfield
4	APPLICANT/OWNER	Joseph El Khawaja &: Builtcom Properties 5 Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>○ State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</li> <li>○ Strathfield Local Environmental Plan 2012</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Strathfield Development Control Plan 2005</li> <li>○ Strathfield Indirect Section 94 Contribution Plan</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 4 December 2019</li> <li>• Written submissions during public exhibition: 6</li> <li>• Verbal submissions at the public meeting 18 December 2019: <ul style="list-style-type: none"> <li>○ In support – Nil</li> <li>○ In objection – Nil</li> <li>○ Council assessment officer – Miguel Rivera and Stephen Clements</li> <li>○ On behalf of the applicant – Jeff Mead, Glenda Lam and Joseph El Khauja</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Final briefing to discuss council's recommendation, 18 December 2019 at 11.30am. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully, Julie Savet Ward, Clare Brown, Mike Ryan, Vivienne Albin</li> <li>○ <u>Council assessment staff</u>: Nicole Doughty, Miguel Rivera and Stephen Clements</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report