

IDAP REPORT

Property:	14 Wentworth Street GREENACRE LOT 2 DP 36122 DA2022.62
Proposal:	Strata Subdivision of approved attached dual occupancy.
Applicant:	L Ibrahim
Owner:	Zar Developments Pty Ltd
Date of lodgement:	29 March 2022
Notification period:	N/A
Submissions received:	Nil
Assessment officer:	P Santos
Estimated cost of works:	\$25,000.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	N/A
Flood affected:	Yes
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1. Aerial imagery of the subject site (outlined) and the immediate locality.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the for the strata subdivision of the approved attached dual occupancy.

Site and Locality

The subject site is legally described as Lot 2 DP 36122 and commonly known as 14 Wentworth Street, Greenacre. It is located off the eastern side of Wentworth Street, towards the northern cul-de-sac, with Drone Street being the nearest cross section.

The site is rectangular in shape and has a frontage of 18.3m with an average depth of 45.74m, with a total area of 836.9m².

The current streetscape is mostly a mix of dwelling houses and dual occupancy developments. An industrial building is located on the north-western side of the cul-de-sac but with its frontage facing Bellfrog Road.

Strathfield Local Environmental Plan

The site is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the LEP.

Development Control Plan

The proposed development generally satisfies the objectives and provisions of Strathfield Consolidated DCP 2005. This is discussed in more detail in the body of the report.

Notification

The application was not required to be notified, in accordance with Council's Community Participation Plan.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2022/62 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the strata subdivision of the approved attached dual occupancy. More specifically, the proposal includes the following:

Strata Subdivision

- Existing lot area = 836.9m²
- Proposed lots:
 - Lot A = 418.45m²
 - Lot B = 418.45m²

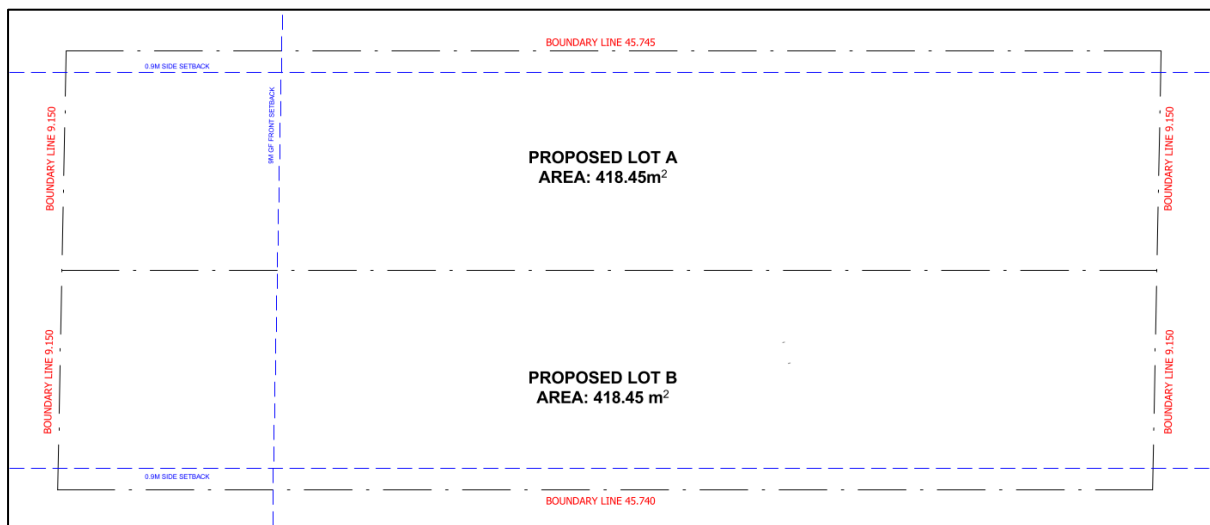


Figure 2. Extract of the proposed strata subdivision

The Site and Locality

The subject site is legally described as Lot 2 DP 36122 and commonly known as 14 Wentworth Street, Greenacre. It is located off the eastern side of Wentworth Street, towards the northern cul-de-sac, with Drone Street being the nearest cross section.

The site is rectangular in shape and has a frontage of 18.3m with an average depth of 45.74m, with a total area of 836.9m².

The aerial imagery shown in Figure 3 below, captured on 3 April 2022, shows the site is currently under construction for the purpose of the approved dual occupancy.

The current streetscape is mostly a mix of dwelling houses and dual occupancy developments. An industrial building is located on the north-western side of the cul-de-sac but with its frontage facing Bellfrog Road.

The locality is a mixture of low density residential, comprised of single dwellings and dual occupancies, and industrial developments, mostly located along Bellfrog Road on the northern and eastern side of Greenacre.



Figure 3. A closer aerial imagery of the subject site (outlined) and neighbouring properties.

Background

- 11 December 2020 A consent was granted to the development application DA2020/154 for the purpose of the demolition of the existing dwelling and construction of a dual occupancy development with basement level car parking.
- 6 August 2021 A modification application (DA2020/154/2) was given consent by Council's Internal Development Assessment Panel for the purpose of alterations and additions to the approved dual occupancy and construction of an in-ground swimming pool with attached outbuilding.
- 29 March 2022 The development application was lodged.

Referrals – Internal and External

The nature of the proposal did not warrant a referral to be made.

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 Environmental Planning and Assessment 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,***

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

Chapter 2 – Vegetation in non-rural areas

The intent of this Chapter within the SEPP is related to the protection of the biodiversity values of trees and other vegetation on the site.

The proposed development does not result in the removal or loss of any trees or vegetation subject to the provision of this SEPP.

The aims and objectives outlined within the SEPP are considered to be satisfied.

Strathfield Local Environmental Plan

The development site is subject to the Strathfield Local Environmental Plan 2012.

Part 2 – Permitted or Prohibited Development

Clause 2.6 - Subdivision

The proposal is a permissible form of development with consent.

Part 4 – Principal Development Standards

The nature of the proposal did not warrant an assessment against the provisions under this part of the LEP.

Part 5 – Miscellaneous Provisions

The nature of the proposal did not warrant an assessment against the provisions under this part of the LEP.

Part 6 – Additional Local Provisions

Essential Services

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development

It is considered that the proposed development satisfies the aims, objectives and development standards, where relevant, of the Strathfield LEP 2012.

- (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 proposed development is subject to the provisions of the Strathfield Consolidated Development Control Plan 2005. The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

The proposal is for strata subdivision of an already approved dual occupancy development. The proposed development equally divides the two dwellings into two 418.45m² lots. The parking spaces for each resulting lot are considered in the proposed subdivision. As such, the proposed development is considered to satisfy the relevant requirements of the SCDCP 2005.

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

The requirements of Australian Standard AS2601–1991: *The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

The proposed development does not involve the demolition of a building. As such, no further action is necessary to be taken.

(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 nature of the proposed development is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

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

It is considered that the nature of the proposed development will not impact the approved development's suitability for the site.

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

In accordance with the provisions of Councils Community Participation Plan, the nature of the proposed works in the application did not warrant neighbour notification.

(e) the public interest.

The nature of the proposed development is considered to not conflict with the public interest.

Local Infrastructure Contributions

Section 7.13 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

Despite the above, the nature of the proposal does not warrant a contribution to be levied.

Conclusion

The application has been assessed having regard to the Heads of Consideration under Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*, the provisions of the SLEP 2012 and SCDCP 2005.

Following detailed assessment it is considered that Development Application No. 2022/62 should be approved subject to the conditions of consent.



Signed:

**P Santos
Senior Planner**

Date: 20 May 2022

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position.
- ☒ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are not applicable to this development.

Report and recommendations have been peer reviewed and concurred with.



Signed:

**L Gibson
Senior Planner**

Date: 23 May 2022

The following conditions of consent are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instrument and/or Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To protect the environment.
- (c) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- (d) It is in the public interest.

DEVELOPMENT DETAILS

1. Approved Plans & Documentation

The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Proposed Subdivision	DA02	10/03/2022	A	ZTA Architects

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

2. Notice of Requirements for a Section 73 Certificate

A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

3. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be submitted to the Principal Certifier prior to the issue of the Occupation/Subdivision Certificate.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

4. Final Subdivision Plan Requirements

A final Subdivision Plan shall be prepared by a Registered Surveyor.

ADVISORY NOTES

i. Review of Determination

Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney East Planning Panel or the Land & Environment Court.

ii. Appeal Rights

Division 8.3 (Reviews and appeals) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

iii. Lapsing of Consent

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

iv. Access to NSW Legislations (Acts, Regulations and Planning Instruments)

NSW legislation can be accessed free of charge at www.legislation.nsw.gov.au

Strata Subdivisions

- (a) Council will check the consent conditions on the relevant Strata Subdivision consent. Failure to submit the required information will delay endorsement of the plan of subdivision.
- (b) Council will undertake the required inspections to satisfy the requirements of the [Strata Schemes Development Regulation 2016](#) to determine the Strata Certificate.
- (c) Strata Plans, Administration Sheets, 88B Instruments and copies must not be folded.
- (d) All Strata Plans, Strata Plan Administration Sheets and 88B Instruments shall be submitted to Council enclosed in a protective cardboard tube (to prevent damage during transfer).

v. SYDNEY WATER SECTION 73 CERTIFICATES

The Section 73 Certificate must be a separate certificate that relates specifically to this development consent. For example, if the development consent relates to the subdivision of the land, a Section 73 Certificate for the construction of the building that is subject to a different development consent will not suffice.