STATEMENT OF ENVIRONMENTAL EFFECTS

TO ACCOMPANY A PROPOSED

MIXED USE DEVELOPMENT

AT

No. 30-32 Pomeroy Street,
Homebush

June

Prepared by Nicholas Horiatopoulos
Architect/Town Planner/Urban Designer
Dip, Urban & Regional Planning
Bach, Arch, NSW Uni.
CONTENTS

SECTION 1 BACKGROUND
1.1 Introduction
1.2 Pre-Development Application

SECTION 2 URBAN CHARACTER ANALYSIS
2.1 Local context
2.2 Streetscape/Surrounding land uses
2.3 Desired character
2.4 Site description
2.5 Surrounding Buildings
2.6 Site Analysis
2.7 Design Approach

SECTION 3 THE DEVELOPMENT PROPOSAL
3.1 The proposal
3.2 Numerical Overview
3.3 Height of Buildings
3.4 Floor Space Ratio
3.5 Building Setbacks
3.6 Landscape Design
3.7 Parking & Access
3.8 Pedestrian and Disabled Access
3.9 Design and External Appearance
3.10 Energy Efficient Design
3.11 Stormwater Drainage
3.12 Waste Management
3.13 Utilities
3.14 Building Code of Australia

SECTION 4 ASSESSMENT
4.1 Planning framework - statutory planning requirements
4.2 s79C(1)(a).Provisions
4.3 State Environmental Policy No. 65 - Design Quality of Residential Flat
4.4 State Environmental Policy No. 55 - Remediation of Land (SEPP 55)
4.5 Strathfield Local Environmental Plan 2012
4.6 Strathfield Development Control Plan 2012

SECTION 5 STATEMENT OF ENVIRONMENTAL EFFECTS
5.1 Section 79c - Matters for consideration - general
5.2 Environmental Planning Instruments s79C (1)(a)
5.3 Likely impacts s79C(1)(b)
5.4 Suitability of the site for the redevelopment s79C (1)(c)
5.5 The public interest s79C (1)(e)

SECTION 6 CONCLUSION
SECTION 7 APPENDICES

Appendix 1 – Sepp65 Design Principles and Design Verification Statement
Appendix 2 - Consideration against the Apartment Design Guide
Appendix 3 - Variation to the Building Height Standard
Appendix 4 – BCA Compliance Assessment
SECTION 1: BACKGROUND

1.1 Introduction

This report which includes a Statement of Environmental Effects (SEE) has been prepared to accompany a Development Application (DA) lodged pursuant to Section 78A of the Environmental Planning and Assessment Act (EP&AA), for the erection of a residential/retail development situated at 30-32 Pomeroy Street, Homebush.

The report forms part of the Development Application to Strathfield City Council, the determining authority.

This report:

• Provides a site analysis and describes the site, the context and characteristics of the surrounding locality.
• Defines the statutory planning framework in which the DA is to be assessed and determined
• Describes and evaluates the proposal for its compliance with the Planning instruments: Strathfield Local Environmental Plan 2012 (LEP) and Strathfield Development Control Plan (DCP) 2005.
• Provides an assessment against the ten design principles of SEPP 65 and the Residential Flat Design Guide that supports SEPP 65, and
• Examines the proposal in the context of the Parramatta Road Corridor Urban Transformation Planning and Design Guidelines and the controls that are recommended for the site in the document.

An assessment under the relevant matters for consideration of Section 79C (1) of the Environmental Planning and Assessment Act 1979 (as amended) is also included to assist Council in assessment of the application.

In line with the Aims and Objectives of relevant State Policies, the planning instruments, Strathfield LEP 2012 and Strathfield DCP 2005 this project seeks to provide high quality retail/residential development consistent with the planning intentions of the area.

The proposal is in line with the urban design guidelines and built form urban controls contained in the Parramatta Road Corridor Urban Transformation Planning Tool Kit. The proposal generally complies with the aims and objectives of the LEP, and standards and performance criteria contained in Council’s DCP.

The proposal demonstrates good manners towards its neighbours. It will have a good amenity value with no major adverse impact on the locality.

1.2 Pre-Development Application

Two Pre-development applications (Pre-DA) were held with Council’s officers. The first held at Strathfield Council on 9th October 2014 regarding a proposal for demolition of existing buildings and construction of part five (5) and part four (4) storey mixed use development comprising of forty two (42) apartments with two (2) levels of basement car parking.
A formal response from Council dated 15 December 2014 was received by the applicant. The essential matters that were raised include:

- Vehicular access should be designed to be obtained from Pomeroy Street frontage in lieu of Underwood Road frontage;
- A geotechnical report is to be submitted with any development application;
- SEPP 65 related issues to be addressed:
  - Building Height
  - Side & rear setbacks
  - Deep soil zones/Landscape design
  - Open space
  - Building Entry
  - Bicycle parking
  - Ground floor apartment/pedestrian access
  - Daylight access/natural ventilation/apartment layout
  - Storage areas
  - Façade
- Compliance with the height controls of SLEP 2012;
- Provision of 15% units to be designed as adapted housing;
- Waste Management in accordance with the requirements of DCP 2005. Part H Waste Management;
- Stormwater compliance with Council’s Stormwater Management Code.

The applicant was notified by Urban Growth NSW since his property is situated within the Parramatta Road Growth Strategy.

The applicant held meetings with officers from Urban Growth seeking clarification as to the implications that the strategy will have on his property. He was advised at the time to wait until a decision is made for the Homebush Precinct and as a consequence development of the site has been delayed for 2 years, that is, since the formal Pre-Da was submitted to Council.

Since then acting on information outlined in a Brochure distributed by Urban Growth NSW to owners with properties located within the Parramatta Road Growth Precinct it has been decided to lodge the development application to be considered under the current controls given the proposal constitutes ‘major development’ that is already permissible with consent and the Council is likely to notify and invite Urban Growth NSW to comment on the proposal.

It should be noted that the submitted development application responds to the provisions of the strategy regarding the future urban character envisaged as a result of the likely implementation of the strategic planning policies that will affect the area.

A second Pre-DA for a proposed design incorporating a 4-storey part 6-storey, courtyard type building complying with Council’s building height controls that apply to the site was also submitted to Council on 1/11/2014 for consideration and a meeting was held with Council’s planning officers to discuss the project.

A formal response was received by the applicant on 16/11/2014. The formal response by Council raised the following issues:

- Further refinement is suggested to the design of the development to ensure the building presents a strong urban form to the intersection of Underwood Road and Pomeroy Street with the additional fifth storey contained solely to the area designed as having the 16m height control.
- The Apartment Design Guide should be the primary document referenced in the design of the building
- Provision of 140m² Common Open space
- Minimum unit sizes in accordance with the minimum recommended by the Apartment Design Guide
- Unit mix, the diversity of the unit mix of the proposal be retained
- Parking provisions in accordance with Strathfield’s Council’s DCP (Part C)
- On-site, underground waste collection to the requirements of Council’s truck and 3.6m min clearance
- Compliance to the Stormwater Management Code Requirements

The development proposal was subsequently reconfigured to respond to the issues raised in the Pre-DA and the applicant held further meetings with Council Officers to seek a way forward.

SECTION 2: URBAN CHARACTER ANALYSIS

2.1 Local Context

The site is located within a triangular precinct defined by Homebush Bay Drive forming the southern end to Sydney Olympic Park, the M4 Motorway to the west and Powells Creek to the east. The site is situated approximately 14km from the Sydney CBD and is within 1.5km from the major regional commercial centre in Strathfield.

The site is also ideally located and is in close proximity to major regional uses, sporting and recreational facilities including Sydney Olympic Park, Bicentennial Park Mason Park, the Sydney Fish Markets, Homebush Bay and Concord Hospital.

The site is located within 1 km from Homebush and North Strathfield rail stations and has easy access to public buses services that serve the locality along Underwood Road and Parramatta Road regularly. Refer to Figure 1 below
2.2 Streetscape / Surrounding Land Uses

The character of the immediate locality in which the site is situated varies with mixed uses and buildings. They range from single storey dwellings featuring red face brick walls and traditional pitched roofs, and recently constructed low scale town houses and residential flat buildings to large industrial buildings and factories including some shops buildings with parapet flat roofs.

Located on the corner the site has primary street frontages to both Underwood Road and Pomeroy Street. Immediately adjacent to the south west and south east the site is surrounded by recently constructed residential units.

Diagonally across the site to the north facing Underwood Road is a large industrial estate and to the north east opposite the site on Pomeroy Street is a large site where a new 5-storey mixed-use/residential development is under construction.

Otherwise the character of the streetscape in both Pomeroy Street and Underwood Road in the vicinity of the site is mainly influenced by the established older style houses. Refer to a series of photos below.
2.3 Desired Character

The Local Centre zoning of the site as shown in the Strathfield Local Environmental Plan 2012, indicates that the underlying intention of the Council in terms of the desired future character is to establish a Local Centre “to provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.”

The site is located within the Parramatta Road Corridor Urban Design Guidelines published on behalf of Urban Growth NSW seeks to transform the Homebush precinct as identified in the document into an active and varied hub, blending higher density housing and a mix of different uses.

The proposal in terms built form and land use seeks to introduce a substantial landmark building that is built close to the street boundaries with appropriate massing to reinforce the corner location of the site and includes a retail use to activate both street frontages.

Overall the development has been designed to contribute to the future character and ambience of the local centre and to enhance the nodal qualities of the existing intersection consistent with Council’s aim to establish a Local Centre and the Draft Urban Design Guidelines published for the Parramatta Road Corridor which in urban design terms seek to establish appropriately scaled built form and high rise buildings located to take advantage of views and open space opportunities.

2.4 Site Description

The block of land that is subject to this development application is known as No 30-32 Pomeroy Street, Homebush. It is legally described as Lot 1 in DP 809799.

The site is a square block of land with an area of 1410 m². The site has a frontage of 40.24m to Underwood Road and 35.06m to Pomeroy Street. Existing on the site is a 2 storey flat roof brick building with an existing car parking area on the street corner of the site. Refer to the submitted Survey Plan.

2.4 Surrounding Buildings

Abutting the site to the south and east are the driveways on Pomeroy Street and Underwood Road respectively. Refer to Photo 7 and Photo 8 below.
Access

Vehicular access to the site is currently available via an existing driveway off Pomeroy Street.

Vegetation

There are a number of small trees in rows on the periphery of the site located close to both street frontages. These trees are to be removed to make way for the building which needs to be erected on to the street frontages consistent with built form principles pertaining to retail centres.

Topography

The site is generally flat with very small variations in the slope across the breath and width of the site.

Views

There are no significant views to and from the site, although the presence of the site is visually significant in that it is a large site marking one of the corners at the intersection.

The only views of some note are the views looking both ways along Underwood Road and Pomeroy Street. Refer to Photo 9 and photo 10 below.
Due to the size of the site and its prominent corner location, the development on this site has the potential to contribute to the urban character and further enhance the image for the proposed local centre that is planned by Council in the future.

The site enjoys good exposure to direct solar access all year round and is exposed to the northeast cooling breezes during the summer.

2.6 Site Analysis

An appraisal of the context and analysis of the site dictates that development of the site for residential uses presents a number of constraints and opportunities.

Constraints:

- The proximity of residential uses relative to the side boundaries of the site. The development’s response in relation to these uses is to ensure the environmental impact of the new building in terms of visual and aural privacy and overshadowing is maintained within the limits set by the existing building walls. These are erected on the site boundaries thus maintaining the existing environmental conditions
- Mitigating the effects (visual, noise and privacy) from adjacent non-residential uses.

Opportunities:

- Improvements to the local streetscape and land use character of the area.
- Provision of high quality residential apartment within a mixed-use setting
- Provision of local retail employment opportunities to activate the street and provide additional off-street car parking. Refer to Figure 1 - Site Analysis Map
2.7 Design Approach

The client’s brief called for the accommodation of a mix of unit types including some large three bedroom apartments. The site layout is based on the following urban design and environmental criteria:

- Achieving a building of best fit in terms of massing and streetscape character by taking into consideration Council’s building envelope controls that affect the site including the Parramatta Road Corridor Urban Transformation Strategy and the urban design guidelines that apply to the Homebush precinct prepared by the State Government.
- Achieving a residential building layout that maximises residential units facing north, minimising privacy conflicts between residential units within the site and residential units to the south and west of the site;
- Activation of Underwood Road.
- Providing natural ventilation to all units including kitchens and bathrooms where possible.
- Creating a building complex with strong architectural image.
- Providing secure high quality landscaped communal open space for future residents.
- Providing the maximum number of car parking spaces that can be accommodated on site with access from Pomeroy Street.

The proposed development responds to the changing character of the area. It is intended that the new development will significantly contribute to the quality, identity and the future character of the proposed Local Centre for the area and the eminent “up zoned”, where much of the older buildings in the area are anticipated to be replaced with higher density and taller mixed-use/residential development.

The following design statement is provided by the Architect:

“A key design objective in a mixed-use retail/residential building is to reconcile conflicting requirements between creating a vibrant active public domain (external factors affecting the site) and achieving a quite light, airy and attractive residential environment.

Given the context of the development which in the future will be located on a prime and busy corner of a Local Centre and the constraints imposed by the existing residential development to the south and east of the site a perimeter type building type is considered to be the most suitable form of development for the site: a building form that reinforces the two street frontages of the site with setbacks from the respective rear and side boundaries to provide adequate building separation with the existing residential development to the south and west of the site.

The perimeter building form provides the opportunity to introduce appropriate perimeter massing and articulated facades of an appropriate scale on to the street alignment to define, address and activate where necessary the street frontages of the site and to reinforce the corner location as necessary.

The setbacks provided along the southern and western boundaries will be suitably landscaped to provide softening and screening to the adjacent development”.

The design will present itself as a distinct new entity to complement the new architecture that will emerge to supplement the planned the local centre in the future.
SECTION 3: THE DEVELOPMENT PROPOSAL

3.1 The Proposal

The proposal is to erect a single block perimeter building that addresses and defines the public domain and ensures the majority of the units face the street frontages of the site to maximise the outlook and amenity of future residents.

At ground level the corner of the site is to be activated with a proposed commercial/retail unit with two residential units adjacent on each street frontage respectively.

Providing a residential component at ground level is consistent with the pattern of development in the area and will ensure minimal environmental impact to the residential uses abutting the site on both street frontages.

The design of the building thereby, in terms of built form, reconciles conflicting objectives that often presents themselves in mixed use retail/residential developments.

3.2 NUMERICAL OVERVIEW

A numerical overview of the proposed development is provided in Table 1 below.

<table>
<thead>
<tr>
<th>GROSS FLOOR AREA</th>
<th>205m²</th>
<th>4010m²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>4215m² (2.95:1)</td>
<td></td>
</tr>
<tr>
<td>FLOOR SPACE RATIO</td>
<td>3:1 (permissible)</td>
<td>4230m² (1410m²x3)</td>
</tr>
<tr>
<td>MAXIMUM BUILDING HEIGHT</td>
<td>5 storeys and part 6 storeys</td>
<td></td>
</tr>
<tr>
<td>INTERNAL FLOOR CEILING HEIGHT</td>
<td>3.5m and 2.7m</td>
<td></td>
</tr>
<tr>
<td>SETBACKS</td>
<td>Variable – Street frontages nil and up to 3m</td>
<td></td>
</tr>
<tr>
<td>LANDSCAPED AREA</td>
<td>564m² (Required)</td>
<td></td>
</tr>
<tr>
<td>DEEP SOIL AREA</td>
<td>819m² (Provided)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Deep Soil 76m²</td>
<td></td>
</tr>
<tr>
<td>CAR PARKING SPACES</td>
<td>197m² (DCP) or 98 (ADG)</td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>67m² (Provided)</td>
<td></td>
</tr>
<tr>
<td>Visitor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loading bay</td>
<td></td>
<td></td>
</tr>
<tr>
<td>56 Under the TANSW “Guide to Traffic generating Development)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
3.3 Height of buildings

The maximum building height permitted by the LEP for the site is 13m with a section at the mid-point to the corner of the site required to be built up to 16m.

The proposal provides a five storey building up to 16m in height along the street frontage to Underwood Road and the majority of the street frontages A portion of the building long the Pomeroy Street frontage being 19m (6) storeys in height.

At the rear portion of the building drops to a height of 14m (4-storeys)

3.4 Floor Space Ratio

The gross floor space of the proposed building is 4180m² equal to a 2.97:1 floor space ratio just below the 3:1 maximum permitted under the LEP.

3.5 Building Setbacks

The setbacks of the building vary. The building is proposed to be built partly on to the side boundaries of the site on the eastern side and partly onto the street alignment at the corner of the site.

At the rear the building is to be setback 6.7m at the lower level and 3.0m in part at the upper levels at the southern side of the site on Pomeroy Street.

3.6 Landscape Design

Given the urban and mixed-use context of the site, landscaping is to be provided primarily at the rear and on the sides of the development above the car parking podium which covers a substantial part of the site.

Given the constraints imposed by the site deep soil landscaping is to be provided in part along the rear boundary of the site and partly along the Pomeroy Street and Underwood Street frontages.

A relative large common roof terrace are proposed on level 4 which will be suitably landscaped to provide quality communal open space for the use of future residents
For further details on the proposed landscaping treatment refer to the Landscape Architect’s Plans prepared by Light Box Landscape Architect submitted as part of the development application to Council.

3.7 Parking and Access

A total of 63 on site car parking spaces are proposed, to be provided including 6 disable car spaces. These spaces are to be accommodated in the basement-parking level and will be accessible via a 6.1m wide driveway provided adjacent the southern boundary of the site off Underwood Road.

Garbage collection and disposal is to be provided at the basement level as required by Council.

3.8 Pedestrian and Disabled Access

Disabled access from the basement car parking levels to the residential levels above is proposed via an accessible lift.

3.9 Design and External Appearance

The form and external appearance of the building has been intentionally designed to achieve a landmark building commensurate with Council’s intent to create a new local centre for the location, reflected in both the architectural treatment and massing of the building.

The development in that respect adopts a block perimeter building form to reinforce the continuity of both street frontages.

Higher massing is proposed along the majority of the corner of the site on Underwood Road and Pomeroy Street.

The corner of the building at the junction between Underwood Road and Pomeroy Street is given special treatment so that the building becomes a distinguished element in the streetscape. Refer to Figure 2

![Figure 2 illustrating the landmark qualities of the building.](image-url)
The design will introduce solid rhythmical and richly articulated masonry façades on both street frontages incorporating contemporary architectural features by way of vertically and horizontally modulated elements including balconies with blade walls, metal louvre screens and glass and metal balustrades.

Fresh materials and finishes will be introduced including:

- Rendered brick masonry walls;
- Rendered balcony upturns;
- Metal frame glass balustrades;
- Powder coated aluminium frame windows and doors;
- Rendered concrete columns;
- Metal framed louvre privacy screens, and
- Concrete roof canopy

3.10 Energy Efficiency Design

The development will incorporate measures to reduce the operating energy demands of the buildings.

A Basix assessment report for the proposed development has been prepared by Damian O'Toole Town Planning P/L and submitted as part of the development application.

The Basix Certificate demonstrates that the design achieves the required Water, Thermal Comfort and Energy Targets and the development will satisfy the sustainability indices as outlined in the BASIX Report.

Dual aspect orientation for at least 60% of the most living areas has been provided for most apartments to maximise solar access, including natural cross ventilation.

The facade of the buildings will be treated with screen devices such as louver screens mainly for privacy reasons and to provide a flexible response to adverse climatic conditions.

3.11 Stormwater drainage

A comprehensive Stormwater and Drainage Plans have been prepared by Quantun Engineer's and submitted as part of the development application to Council.

3.12 Waste management

A Waste Management Plan will be submitted to support the development application to Council.

3.13 Utilities

Water and gas supplies are available on site including electricity to provide all necessary electrical services for the development.
3.14 Building Code of Australia

The development has been designed to comply with the Building Code and relevant standards. A BCA Compliance Assessment Report has been prepared by Nexus Architecture Pty Ltd. Refer to Appendix 4

SECTION 4: ASSESSMENT

4.1 Planning Framework - Statutory Planning Requirements

4.2 s79C(1)(a). Provisions of any environmental planning instrument, draft instrument, development control plan or a matter prescribed by the regulations.

The planning controls and planning instruments applicable to the proposed development are:

- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65) and the supportive Apartment Design Guide.
- State Environmental Policy No. 55—Remediation of Land (SEPP 55).
- Strathfield Council Local Environmental Plan 2012.
- Strathfield Development Control Plan 2005, and
- The Draft New Parramatta Road Transformation Strategy and the supporting Draft Urban Design Guidelines. Although the Draft Strategy and the Draft Urban Design Guidelines do not supersede or prevail over current development controls it is understood that the Minister for Planning has issued a direction to councils requiring them to take into account the strategy when assessing all planning proposals covering the Parramatta Road corridor.

4.3 State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65)

4.3 State Environmental Planning Policy No 65 applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:

(a) the development consists of any of the following:
   (i) the erection of a new building,
   (ii) the substantial redevelopment or the substantial refurbishment of an existing building,
   (iii) the conversion of an existing building, and
(b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and
(c) the building concerned contains at least 4 or more dwellings.

SEPP 65 has the following aims and objectives:

Aims, objectives:

(1) This Policy aims to improve the design quality of residential apartment development in New South Wales.
This Policy recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.

Improving the design quality of residential apartment development aims:

(a) to ensure that it contributes to the sustainable development of New South Wales:
   (i) by providing sustainable housing in social and environmental terms, and
   (ii) by being a long-term asset to its neighbourhood, and
   (iii) by achieving the urban planning policies for its regional and local contexts, and
(b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and
(c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and
(d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and
(e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and
(f) to contribute to the provision of a variety of dwelling types to meet population growth, and
(g) to support housing affordability, and
(h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.

This Policy aims to provide:

(a) consistency of policy and mechanisms across the State, and
(b) a framework for local and regional planning to achieve identified outcomes for specific places.

It is considered that the proposed development in terms of its built form and aesthetics is entirely consistent with these aims and objectives of the policy. It will provide additional and superior residential accommodation on the site in concert with Council’s planning policies and the State’s Regional and Local growth objectives.

Part 2 of the SEPP sets out design quality principles for residential flat buildings

In the determination of development applications Council must consider:

(a) the advice (if any) obtained from the design review panel, and
(b) the design quality of the development when evaluated in accordance with the design quality principles, and
(c) the Apartment Design Guide

Standards that cannot be used as grounds to refuse development consent or modification of development consent under the policy:

(1) If an application for the modification of a development consent or a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters:
   (a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,
   (b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,
   (c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.

   Note. The Building Code of Australia specifies minimum ceiling heights for residential flat buildings.

(2) Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to:
   (a) the design quality principles, and
(b) the objectives specified in the Apartment Design Guide for the relevant design criteria.

The proposed development has been assessed and reviewed against the design principles in the performance criteria and controls contained in the Residential Flat Design Guide. In that regard the proposal is considered satisfactory and compliant with the respective provisions of SEPP 65 including the Apartment Design Guide.

A Design Verification Statement from John Horiatopoulos Director of Nexus Architecture has been prepared and an assessment of the development against the design quality principles is provided in Appendix 1. Included in Appendix 2 is also the required assessment of the development against the Apartment Design Guide.

4.4 State Environmental Policy No. 55 - Remediation of Land (SEPP 55)

The subject land has not been used in the past by uses that would potentially contaminate the land as to inhibit a retail/residential development on the site.

4.5 Strathfield Council Local Environmental Plan 2012 (LEP)

- Demolition

The proposed development includes the demolition of all structures on the site and consent is sought pursuant to Clause 2.7 of the LEP accordingly.

- Zoning

Under the provisions of the Strathfield Local Environmental Plan 2012 the site is located within a Zone B2 Local Centre. Refer to Figure 3 below

![Figure 3 Zoning Map (Extract from Strathfield LEP 2012)](image)

Under the zone retail and residential flat buildings are permissible with Council consent.

Zone Objectives:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

The proposed development is consistent with the above objectives insofar that:
• It will provide a non-residential use along Underwood Road to supplement the proposed new Local Centre; and
• It will provide additional residential apartments in a good accessible location
• The site satisfies the minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

Under the provisions of Clause 4.1A(2) of the LEP a minimum site area of 1,000m² is required for residential flat buildings within the B2 Zone.

The total site area of the site is 1410m² and in that respect it complies.

• Height of buildings

The building height that applies to the site under the LEP is 13m with a section on the corner of the site required to be built to 16m. Refer to Figure 4 below

![Figure 4 Height of Buildings Map (Extract from Strathfield LEP 2012)](image)

The proposal does not comply with the numerical heights specified in the Height of Buildings Map of the LEP.

The footprint of the building where the height variation occurs also does not correspond with the height lines as indicated on the LEP map.

The LEP map shows the 16m height zone to apply at the corner of the site 25% of the site area. It assumed that the intent is to provide higher building mass to reinforce the corner.

The same height controls apply to the site opposite on Underwood Road which is to be the principle street of the future Local Centre.

Accordingly, it is more appropriate from an urban design point of view to provide the higher massing of the building along the Underwood Road frontage. This would better define the future character and activity of the local centre and, where the concentration of pedestrian movement is likely to occur, to enhance the public domain.
It is also more appropriate from an environmental point of view to distribute the higher massing along the Underwood Road frontage to minimise overshadowing to adjacent residential properties to the south.

A written request is therefore sought pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012 to vary the building height and the distribution of the massing on the site which is not consistent with the LEP Building Height Map. Refer to Appendix 3.

- **Floor Space Ratio**

  The maximum floor space ratio (FSR) permitted by the Strathfield Local Environmental Plan 2012 is 3:1. Refer to Figure 5 below

  ![Figure 5 Height of Buildings Map (Extract from Strathfield LEP 2012)]

  The total floor space proposed for the development is 2.98:1 (4215m²) which complies with the maximum floor space ratio applying to the site at 3:1 (4230m²)

- **Preservation of Trees**

  There are a number of small trees in rows on the periphery of the site located close to both street frontages. These trees are to be removed to make way for the underground car parking and for the building which is to be erected close to the street boundaries.

  In terms of the requirements of Clause 5.9 of the LEP it is considered that the existing trees on the site are not very small and not significant. In that respect an Arborist Report justifying the removal of the trees on the site is not warranted.

- **Acid Sulfate soils**

  The site is located within the Class 5 as identified in the Acid Sulfate Soils LEP Map.

  Clause 6.1 of the LEP applies to the proposal which states that consent is required for works within 500 meters adjacent Class 1, 2, 3 or 4 land that is below 5 meters Australian Height datum and by which the water table is likely to be lowered below 1 meter Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.
Considering the above consent is sought from Council to carry the excavation works on the site.

- **Earthworks**

According to the provisions of Clause 6.2(2) of the LEP Development consent is required for earthworks unless:

(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or  
(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.

In part (3) the Clause also states that before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,  
(b) the effect of the development on the likely future use or redevelopment of the land,  
(c) the quality of the fill or the soil to be excavated, or both,  
(d) the effect of the development on the existing and likely amenity of adjoining properties,  
(e) the source of any fill material and the destination of any excavated material,  
(f) the likelihood of disturbing relics,  
(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,  
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development

A Geotechnical Investigation Report has been prepared by Aargus that accompanies the development application. The comments and recommendations contained therein relating to:

- Excavation Conditions;  
- Stability of basement excavation;  
- Suitable foundations;  
- Allowable bearing pressure (and shaft adhesion of piles);  
- Lateral pressure for design of retaining walls;  
- Groundwater; and  
- Site earthquake classification

will be taken into consideration in the construction phase of the development.

- **Flood planning**

The site is not affected by flooding.

- **Essential Services**

The site is fully serviced with the essential services required including:

- Supply of water,  
- Supply of electricity,  
- Disposal and management of sewage,  
- Disposal and recycling of waste,  
- Stormwater drainage or on-site conservation, and
- Suitable vehicular access

The development will comply with Council’s waste management requirements including making provision for waste vehicles to access the car parking area at basement level.

The development application is accompanied by stormwater/drainage plans and sediment and erosion control plans.

Vehicular access to the car parking areas complies with the relevant Australian Standards.

4.6 Strathfield Development Control Plan 2005(DCP)

Part C - Multiple-Unit Housing of the DCP applies to the development including the following relevant site planning and design provisions. However, as noted in Item 3 of Council’s Pre-Da formal response, dated 15 July 2016. The Apartment Design Guide should be the primary document reference in the design of the building.

Part C Section 2.1

- Site Analysis and Design Principles

A detailed site analysis in accordance with the requirements of the DCP has been prepared by Nexus Architecture and is provided in Section 2 of this report.

The site analysis, which includes a thorough consideration of the context of the site, the identification of the constraints and opportunities affecting the site has informed the design of the development.

In that respect the massing of the building has been distributed towards the corner and the street frontages of the site to minimise privacy issues and overshadowing to the residential properties to the south and west of the site. Although the height of the proposal exceeds the numerical maximum height limit set the building has been designed to reinforce the corner of the site as intended by the LEP and it has been designed to act as a landmark to the future local centre planned for the area and respond to the future scale of buildings in the area which is likely to be predominantly 6-8 storey buildings.

Part C Section 2.2

- Density, Bulk and Scale

The objectives as outlined in the DCP relating to the density, bulk and scale of the development are:

a) To establish appropriate building envelopes for multiple-unit residential development throughout the Strathfield Municipality, while allowing flexibility in siting buildings;

b) To ensure that the amenity, character and environmental quality of the Strathfield Municipality is maintained by grouping together compatible residential development;
c) To clearly define appropriate site requirements for multiple-unit residential development; and
d) To encourage vertical, rather than stepped or terraced building forms, as appropriate to an area’s predominant built character

It is considered that the design of the proposal in terms of scale and bulk is entirely consistent with the above objectives in that;

- Flexibility in the siting of the building is required in this instance. This is because there is a need to limit environmental impact on affected adjacent properties, achieve a mixed use/residential building given the density as expressed by the maximum floor space ratio permissible on the site and to respond to the future scale and character of the area envisaged by both Council’s LEP and the Draft Urban Design Guidelines that support the Urban Growth Strategy for the Parramatta Road Corridor;
- The building is to be built forming a symbiotic relationship with the new large scale development currently under construction diagonally opposite the site on Underwood Road. These two sites have been earmarked and zoned in the LEP accordingly to create the future local centre of the area. In that sense the development is grouped with that development which has similar architectural qualities and character;
- The extra height that is sought to be distributed at the corner and along the street frontages of the site is consistent with the proposition outlined in the DCP to encourage vertical rather than stepped or terraced built form as appropriate to establish the predominant built character of the area.

- Site Requirements

The site has an area of 1410m² and a frontage of 40.24m and 30.50m to Underwood Road and Pomeroy Street respectively. In that respect the proposal complies with the DCP site requirements.

Building Envelope (Height, Scale and Setbacks)

- Building height and Scale

The building height controls specified in this section of the DCP 2005 are inconsistent with the maximum height permitted by the Strathfield LEP and in that respect the LEP height controls prevail.

It should also be noted that the building envelope controls that are applicable to the types of development as outlined in the DCP included in the Maps in Appendix 1 of the DCP have been effectively superseded by the requirements of the Apartment Design Guide and the Draft Urban Design Guidelines for the Parramatta Road Corridor. Both documents require quite different built form which characteristically can be described as “perimeter type buildings” that reinforced the street boundaries of the site and activate street frontages.

Accordingly the development in terms of building height and scale has been designed to reflect the built form and predominant scale of development that is intended in the future for this area and the issue of the proposed height of the building is fully considered in other sections of this report.
The residential units that are located at ground level along Pomeroy Street and Underwood Road are within 600mm above street level and in that respect are not more that 1m above ground level and comply with the DCP.

- **Front setbacks**

As stated above the front setbacks required by the DCP is not relevant to the type of development proposed.

The site is a corner allotment, where minimal setbacks are required to provide a strong streetscape presence, activate and address street frontages particularly on business zones.

- **Building Envelope and Side and Rear Setbacks**

As stated above the same applies to the requirements of the DCP having regard to the side and rear setbacks dictated by the required building envelope. This is not applicable to the proposed development which is required to comply with the provisions of the Apartment Design Guide.

In that regard a stepped building envelope is not considered appropriate given the corner location of the site and the need to reinforce the street frontages of the site and provide a strong presence to the streetscape.

The building has been designed to provide a minimum setback from the side/rear boundary of 6m to satisfy the building separation provisions of the Apartment Design Guide.

The side boundary setbacks provided respond to the constraints and opportunities offered by the site as outlined in the site analysis prepared for the site.

In business zones the DCP permits buildings that may be erected to the side and rear boundaries.

The proposal is to erect part of the building on the eastern boundary of the side and on to the street alignment on both Underwood Road and Pomeroy Street.

The building at the rear has been designed to ensure that there are no unreasonable adverse amenity impacts in relation to adjacent properties having regard to overshadowing and privacy.

- **Basement setbacks**

The basement has been designed to minimal setbacks from the side boundaries to permit efficient vehicle circulation including manoeuvring of garbage trucks which is required by Council for the collection of garbage underground.

**Part C Section 2.3**

- **Dwelling Unit and building design**
The proposal provides six (6) adaptable dwellings and corresponding disable car parking spaces. This complies with the 15% provision required by the DCP.

All units are accessible by lift and the main entry to the building has been designed to provide barrier free and accessible entrance in compliance with the BCA and with AS1428.1 to ground floor units.

The circulation corridor associated with the lift core to the building complies with the DCP requirements including the Apartment Design Guide.

- Building materials & finishes

The building is highly articulated and the all facades will be finished with a combination of masonry materials including face brickwork cement rendered walls, glass balustrades and aluminium windows and doors.

The proposed palette of colours is neutral earthly colours compatible with the mostly brick coloured schemes of adjacent buildings.

- Unit sizes and layout

The size of unit varies but the areas are slightly above the minimum floor area requirements of the Apartment Design Guide.

**Part C Section 2.4**

- Energy Efficiency and water conservation

The proposed development has been designed having regard to the requirements of Part 4 of the DCP.

With respect to energy efficiency and water conservation the following conservation measures and energy efficiency elements have been incorporated in the design.

The Basix Report and accompanied Certificate which has been prepared outlines the energy and water conservation measures adopted for the development. The development meets the required targets.

**Part C Section 2.5**

- Streetscape and Building orientation

The proposal has been designed to address both street frontages.

The proposal accordingly will introduce a 5-6-storey contemporary residential flat building that incorporates a potential mixed-use at ground level.

It will define and reinforce the corner of the site and it will act as a suitable ‘infill’ to the streetscape whilst maintaining an appropriate scale and adequate
building at the rear of the site to ensure the protection of the environmental amenity of adjacent residential properties.

The architecture as well responds to both the current and future streetscape character by introducing a mixed of masonry materials and façade treatment that is articulated and compatible with the character of the area and other new development in the area.

The ground floor dwellings that have been provided will have direct access from the street. All entry points to the building are easily identifiable.

The car parking spaces including garbage collection and disposal are to be provided underground and in the respect they will not be visible from the street. Landscaping is to be provided along the Pomeroy Street frontages to soften the visual impact of the driveway.

A DA Environment Assessment has been prepared by Acoustic Logic and has been submitted as part of the development application to Council.

The design will adopt the acoustic treatments set out in Section 5 of the report to ensure the development complies with noise impacts from external traffic that affect the site.

The balustrades associated with the residential units at ground level along both street frontages are minimal in height and have been designed to be sympathetic and an integral part of the architectural aesthetic of the building.

Given the slight raise in the floor level of the building relative to the footpath the fences are slightly higher than 900mm in height. The fences will have landscaping in front of them to enhance the public domain. No solid balustrades are proposed. The balustrades have been designed to incorporate a part solid balustrade base with a metal balustrade above.

**Part C. Section 2.7**

- **Open Space and Landscaping**

The Strathfield DCP 205 specifies landscaping at 40% of the site must be provided at ground and at least 35% of the total landscaped area must be for deep soil landscaping.

The proposal does not comply with the above mentioned landscaping requirements largely due to the extensive coverage of the basement car parking which includes a much longer vehicular driveway access to be provided because Council insisted in providing garbage truck access to the basement.

The proposal overall provides 761m$^2$ of landscaping at ground level and on the roof at fifth and sixth floor levels of the building which is in excess of the DCP requirements.

Unexcavated ground has been provided in part on the north-eastern and north-western boundaries of the site to allow soft landscaping to be provided in the
order of 76m². This is to be used to provide landscaping to screen residential properties adjacent the site to the east and to provide landscaping in front of the terraces to units facing the two street frontages.

Considering the commercial zoning of the site strict compliance with the landscaping requirements which really apply to green field residential site is considered unreasonable.

Notwithstanding the above high quality of landscaping is to be provided for the use and benefit of future residents commensurate with the mixed-use type of building that is proposed. Refer to the Landscape Plans submitted as part of the development application.

It is considered that the provision of landscaping on the site in this instance is acceptable for the following reasons;

• The proposal provides an appropriate balance of private and communal open space overall;
• The private and communal open space areas meet the minimum requirements of the Apartment Design Guide;
• The generous roof top landscaping that is to be provided will be of high quality and will be easily and readily available for the enjoyment of future residents.

Part C. Section 2.8

• Privacy and security

The proposal development has been designed to provide privacy and security to section of the building.

The internal circulation to the building will be secure and will only be accessible via intercom.

All units have been designed not to be overlooked by adjacent units and units that overlook adjacent properties will be provided with 1.8m high privacy screens.

Part C. Section 2.9

• Access and parking

The Traffic Report prepared by EB Traffic Solutions PTY LTD submitted in support of the development application in relation to car parking and vehicular access concludes that;

• The car parking supply accords with the requirements stipulated in the City of Strathfield DCP (2005) and the TANSW ‘Guide to Traffic Generating Development (2002);
• The car parking layout has generally been designed in accordance with the requirements of the Australian Standards AS 2890.1 (2004), AS 2890.2 (2002) and AS 2890.6 (2009); and
• Traffic generated by the proposal will be minimal and is not expected to adversely impact upon the safety or operation of the surrounding road network.

Part C. Section 2.10

• Site facilities and waste management

The DA is accompanied by a detailed Waste and Storm Water Erosion/Management Plan addressing the waste and stormwater management requirement in respect to Council’s policies.

Part C. Section 2.12

• Excavation of sites

The basement car parking levels which are proposed to be excavated close to the perimeter of the site is contrary to the setback requirements of the DCP.

The non-compliance arises as a result of the requirement for circulation and car parking and vehicular access requirements in compliance with relevant Australian Standards. Refer to the Geotechnical Report submitted in support of the Development Application which provides all necessary detail in respect to the design of the building.

Part C. Section 3.0

• Residential development in business zones

The following key principles and standards apply to the development;

1. Street Frontages/Retail uses

Development is required to provide frontage to the street alignment including any retail uses to maintain the continuity of the street or existing shopping centres.

Commensurate with the intention to create a new local centre the proposal is to erect the building and retail uses to the street boundaries including the residential component above to reinforce the street alignment of the site.

2. Side and Rear setbacks

Buildings may be erected to the side and rear boundaries.

The proposal is to erect part of the building on both side boundaries of the site which are currently occupied by solid external walls of the existing industrial building up to 4-stories in height.

Walls with glazing are to be setback a minimum 3m from the side boundaries.

3. Building Heights
The development responds to the maximum building heights set by the LEP.

4. Open space

The residential component is to be erected above retail and car parking area at ground level. At first floor level a large landscape courtyard will be provided for the open space requirements of residential units including large balconies off the main living areas.

5. Vehicular access/car parking

Vehicular access is to be provided from Pomeroy Street preferred by Council to provide vehicular access to the development. The total number of car parking spaces to be provided complies with Council's car parking code.

SECTION 5: STATEMENT OF ENVIRONMENTAL EFFECTS

5.1 SECTION 79 C - MATTERS FOR CONSIDERATION—GENERAL

Reference is made to Matters for Consideration outlined in Section 79c of the EPA Act 1979. A response is given outlining the steps taken to satisfy each particular matter.

5.2 ENVIRONMENTAL PLANNING INSTRUMENTS S79C (1)(a)

- Zoning

Under the provisions of the Strathfield Local Environmental Plan 2012 the site is located within Local Centre B2 zone.

The proposed development is permissible within the above mentioned zoning and, the exception of the building height, the proposal satisfies the objectives and complies with the provisions of the Local Environmental Plan.

5.3 LIKELY IMPACTS, S79C (1)(b)

Most of these issues are covered elsewhere in the report. Additional comments include:

- Context and Streetscape

The proposed development will acts as a catalyst towards the implementation of the planned Local Centre and it will provide sought after retail space and additional housing in the area. The proposal as such is of a sound concept given the existing and envisaged character of the area.

The proposed development is a successful site-specific architectural design solution.

The exterior design carefully addresses the site-specific streetscape and design issues relative to adjacent properties. The design of the proposed building
responds positively to the scale and character of the streetscape and no major adverse impacts are anticipated as a result of the proposed development.

- **Hazards**

The proposed development will have no significant impact in terms of flooding, pollution, soil degradation, loss of plant life, destruction of fauna and their habitat or loss of heritage.

- **Traffic Generation and Parking**

As required by Council the building has been designed to allow garbage trucks to enter the basement car parking for the disposal of garbage. Notwithstanding this, the traffic generation of the development is acceptable and it will have no detrimental impact to the road capacity on the surrounding street network.

The proposal satisfies retail and resident parking demand based on Council's code requirements. The geometry and access arrangements are considered satisfactory and consistent with relevant Australian Standards. The number of resident spaces provided is in accordance with the minimum and maximum standards outlined in the DCP.

- **Overshadowing**

The massing of the building has been setback away from the rear boundaries to ensure the shadows cast as a result of the development are contained as far as possible within the shadows that are cast by the walls of the existing building on the site which are built on to the site boundaries of the site. Refer to shadow diagrams prepared as part of the development indicating the shadows cast by the proposed building during the winter months.

During the prescribed times at winter solstice, the proposed development does not inhibit solar access to adjacent residences in accordance with Council requirements.

Given the orientation of the site, shadows from the new building will be cast on adjoining properties during the morning and afternoon periods respectively.

The rear and side setbacks relative to adjacent properties have been increased in accordance with DCP requirements.

Accordingly the overshadowing of the development is reasonable and is consistent with environmental planning expectation given the intended increase of density in the area.

**5.4 SUITABILITY OF THE SITE FOR THE REDEVELOPMENT S79C (1)(c)**

The site is suitable for residential development.

The land is not affected by:

- Any adverse proclamation;
• Council policy by reason, likelihood of flooding, land slip, bushfire, tidal inundation, subsidence or any other risk; and
• The development will not have any adverse impact on any wetlands, water body or bush land.

Solar access to units and to communal open spaces will be more than adequate including cross ventilation to all units.

The design ensures that the buildings will relate well to their neighbours.

Transport, shopping and recreational facilities are conveniently close. Water, gas, electricity and sewerage are available to the property.

The size of the development and the proposed residential use indicate that the existing services will be more than adequate.

5.5 THE PUBLIC INTEREST S79C (1)(e)

The proposed development will provide a number of benefits that are considered to be in the public interest such as:

• The development will make an important contribution towards Council’s vision to create a new Local Centre for the precinct;
• It will introduce a landmark quality building not found in the area;
• It will increased housing accommodation in the suburb of Homebush relatively close to major sporting and retail facilities

In my opinion there is nothing in this proposal that is contrary to the public interest because the reasonable requirements of the Council have been met and the proposed development is well designed and respects neighbouring properties.

There is no other prescribed matter.

SECTION 6: CONCLUSION

The assessment undertaken concludes that the site is suitable for the proposed retail/residential development.

The scale and siting of the building is consistent with Council’s urban design objectives for the area.

The impression of the development from Underwood Road and Pomeroy Street will be positive and the development by comparison to existing urban fabric will enhance and improve the visual quality of the streetscape.

The form, height and scale, proportions, articulation and modulation and colours used in the treatment of the building are such that the overall design is in line with urban design objectives and principles outlined in the Apartment Design Guide. The proposal is consistent with this document, incorporating sound ecologically sustainable, energy efficient design elements reflected in the architecture and internal layout of the units.
It is requested that Council give due consideration to this application on its merit.
STATE ENVIRONMENTAL PLANNING POLICY NO 65
DESIGN QUALITY OF RESIDENTIAL
APARTMENT DEVELOPMENT –

DESIGN VERIFICATION STATEMENT

PREPARED BY NEXUS ARCHITECTURE PTY LTD
FOR A PROPOSED DEVELOPMENT
AT
NO. 39-32 POMEROY STREET,
HOMEBUSH
A  SEPP 65 DESIGN PRINCIPLES
PRINCIPLE 1: CONTEXT AND NEIGHBOURHOOD CHARACTER

“Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area’s existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change”.

Response:

The existing context of the development is Pomeroy Street and Underwood Road, Homebush varies with mixed uses and buildings, ranging from single storey dwellings featuring red face brick walls and traditional pitched roofs and more recently constructed low scale town houses and residential flat buildings to large industrial buildings and factories. However given the current and future controls that will apply the existing character will evolve evident by the large development that is under construction diagonally across the site. This development which is for a 5-storey part 6 storey mixed use/ residential flat building is typical of the type of development that will occur in the future within the precinct.

The proposal responds to the evolving context of the site with a new residential/ mixed-use building having a building typology that is consistent with the intent to create a new identity and streetscape character that is based on new larger residential flat buildings with small scale retail uses at ground level that address and define the streetscape.

The proposal accordingly will introduce a 4-5 part 6 storey contemporary residential flat building that incorporates a potential mixed-use at ground level. It will define and reinforce the corner of the site and it will act as a suitable ‘infill’ to the streetscape whilst maintaining an appropriate scale and adequate building separation at the rear of the site to ensure the protection of the environmental amenity of adjacent residential properties.

The architecture as well responds to both the current and future streetscape character by introducing a mixed of masonry materials and façade treatment that is articulated and compatible with the character of the area and other new development.

PRINCIPLE 2: BUILT FORM AND SCALE

“Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building’s purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook”.

Response:

Although Council’s LEP has set an overall building height of 4 stories across the site with a higher portion at the corner of the site there seems to be a mismatch
between the permitted floor space ratio that applies to the site and the constraints imposed by building footprint that is somewhat loosely prescribed in the LEP zoning map.

The suggested footprint imposed in the LEP map has not taken into consideration setback and building separation requirements that now apply to the site pursuant to the Apartment Design Guide which the development must comply with.

In that respect the proposal in terms of built form and scale responds to the context and environmental constraint of the site by seeking to increase the scale of the building slightly at the corner and along the street frontages of the site. That is consistent with the Strathfield Comprehensive Local Environmental Plan - Parramatta Road Corridor Urban Design Study which recommends that in order to address the issue of providing greater amenity for higher density developments, the concept of shifting the horizontal massing vertically rather than horizontally to provide open space and greater separation between buildings.

In that respect the proposal responds appropriately to the established urban design intention which is to reinforce the corner of the site and to provide a building height that will be compatible overall with the scale of the streetscape in the future overall and a building that achieves an appropriate transition and building separation with adjacent residential properties.

The development overall achieves an appropriate scale in terms of bulk and height and it will fit well with the diverse character of the streetscape. The building defines the public domain and it incorporates balconies that are built to the boundary to reinforce the alignment of the street. The various building elements (unit layout and definition of main entry to the building etc) have been used to arrive at a façade composition that reflects the proportions, material and fenestration patterns of the streetscape.

**PRINCIPLE 3: DENSITY**

“Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area’s existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment”.

Response:

The yield proposed on the site is considered suitable and consistent with Council’s floor space controls that apply to the site.

The size of the retail area and the number of dwellings proposed for the site is sustainable given the availability of infrastructure and community facilities, open space and other resources in close proximity to the site.

The site is ideally located close to Homebush and North Strathfield Railway Stations, the M4 Motorway and to a number of public transport bus routes along Parramatta. The site is also relatively closed to the major shopping Centre of
Strathfield and a mixed use precinct to the east of the site along Georges Street, North Strathfield.

PRINCIPLE 4: SUSTAINABILITY

“Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of for groundwater recharge and vegetation”.

Response:

The development is environmentally sensitive and has been designed in response to sustainable design and energy efficiency design criteria including:

- narrow building footprint where possible and thin cross sections to all units for good solar access and cross ventilation
- living areas with balconies oriented to maximise solar access. The majority of the units either face directly north or they are oriented east and west oriented towards the street frontages of the site.
- shaded west facing facade;
- grouped utility rooms where possible;

The proposal will include recycling including recycling of waste and re-use of ground water and it will incorporate energy efficient appliances to reduce energy consumption as recommended by the BASIX Energy Efficiency Report.

PRINCIPLE 5: LANDSCAPE

“Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development’s environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours’ amenity and provides for practical establishment and long term management”.

Response:

The provision of underground car parking together with the required building footprint impose constraints on the amount of soft landscaping that can be provided on site.

Notwithstanding the above an adequate amount of landscaping will be provided at ground and at roof level to soften the impact of the development and to provide privacy, visual relief and landscaped common open space for the enjoyment of future residents as indicated by the Landscaping Plans for the project.

The landscaping to be provided with on- site automatic watering system to ensure its long term vitality and it will be maintained by the Strata Body Corporate.
PRINCIPLE 6: AMENITY

“Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility”.

Response:

The proposal will provide good internal amenity to future residents. All apartments are to be provided with good size living rooms and a large balcony. Attention has been given to ensure maximum visual and acoustic privacy between the units and adjacent properties is achieved through the design and orientation of the living areas and the provision of appropriate screening to balconies if required.

The size of the units including internal rooms satisfies the minimum Council’s and the Apartment Design Guide requirements. The development provides adequate storage and all units including service and common open space is accessible by lift to all persons including those with any disability.

PRINCIPLE 7: SAFETY

“Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose”.

Response:

All apartments are accessible through a secure entrance lobby which includes a lift and is to be provided with a private intercom system. The lobby is wheelchair accessible and will be well lit and the design ensures easy and safe access to all units at the upper levels. The car parking areas below ground level will be provided with a secure private gate and all entries to the private areas of the building are clearly visible and will be controlled by electronic intercom system. Passive surveillance is encouraged in all common circulation areas within the building and the public domain by the layout and entrances to the units.

PRINCIPLE 8: HOUSING DIVERSITY AND SOCIAL INTERACTION

“Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents”.
Response:

The proposal is for a residential development providing a mix of 3 bedroom, 2-bedroom and 1-bedroom units at a reasonable cost commensurate with the market and social demographic of the inner city area.

The site is located within the Parramatta Road Corridor targeted for higher intensity development many of which are currently under construction which will provide in the future access to more retail and community facilities for the betterment of the area.

PRINCIPLE 9: AESTHETICS

“Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape”.

Response:

The built form, general massing and configuration of the building responds to the planning controls and the design principles established by Council, the Apartment Design Guide and the future Urban Design Controls published for the Parramatta Urban Growth Corridor.

The design achieves a sympathetic relationship with adjacent buildings and will contribute significantly to the streetscape and future local character of the area.

It seeks to introduce a new building having a an appropriate scale with well-proportioned and articulated street façades.

Architecturally the building will be detailed and finished with a mixture of high quality materials including cement render and featured face brick walls on the exposed side boundary of the building.

The colour scheme will primarily introduce off white colour combined with red brown brick work on the external walls with grey tones at ground level to ensure the architectural treatment to the building overall achieves a certain level of compatibility with the streetscape.
CONSIDERATION AGAINST THE APARTMENT DESIGN GUIDE (ADG)
B  APARTMENT DESIGN GUIDE (ADG)

The Apartment Design Guide supports SEPP 65 and is designed to:

- Deliver better quality design for buildings that respond appropriately to the character of the area, landscape setting and surrounding built form.
- Improve liveability through enhanced internal and external apartment amenity; including better layout, apartment depth and ceiling heights, solar access, natural ventilation and visual privacy.
- Deliver improved sustainability through better traffic and transport solutions, greater building adaptability and robustness, improved energy efficiency and water sensitive urban design.
- Improve the relationship of apartments to the public domain including streets, lanes and parks.
- Deliver design guidance and assist in the provision of more diverse housing mix and choice.
- Support councils in developing planning controls and master plans through improved guidance.

Clause 6A of SEPP 65 requires that Development Control Plans cannot be inconsistent with a number of Apartment Design Guide standards with respect to:

(a) visual privacy,
(b) solar and daylight access,
(c) common circulation and spaces,
(d) apartment layout,
(e) ceiling heights,
(f) balconies and private open space,
(g) natural ventilation,
(h) storage.

As required by SEPP 65 the proposed development is assessed against the objectives, design criteria and design guidance of the Apartment Design Guide.

PART 1 – IDENTIFYING THE CONTEXT

1A – Apartment Building Types

“Apartment development occurs in a variety of arrangements, configurations and types. Apartments can occupy different sized lots from large redevelopment areas to small infill sites, can consist of a mix of building types or uses and be situated in suburban, transitional or inner city locations”.

Comment:

The proposal is for a 5-6 storey perimeter block that responds to the urban design objectives and environmental constraints of the site, that is;

- To reinforce the corner qualities of the site in the streetscape, the height of the building has been increase at the corner and along the street frontages.
- The scale and massing of the building including its architectural treatment will be sympathetic to the scale of development currently under construction on the corner diagonally across the site.
- It has been designed to act as an “infill” to the streetscape to reinforce the street alignment and address the public domain.
- The design incorporates side by side units in a T-shape form organised around a lift core over 5 to 6 levels.
- The site layout suits the proportions of the site, the local context and achieves the best solar access and cross ventilation for the residential
units. It also resolves privacy and amenity issues in respect to adjacent residential premises.

1B – Local Character and Context

“Good design responds and contributes to its context. Context is everything that has a bearing on an area and comprises its key natural and built features. Context also includes social, economic and environmental factors. Understanding the context means understanding how the inter-relationships between all these factors, including between the local area and the region, will impact on the area over time. The process of defining the context’s setting and scale has direct implications for design quality of apartments. It establishes the parameters for individual development and how new buildings should respond to and enhance the quality and identity of an area.”

Comment:

The visual impact of the building in the streetscape will be positive. The form, height, scale, proportions, articulation, modulation, colour scheme and landscaping are such that the development overall is consistent with urban design principles and objectives sought by Council and design criteria set out in the Apartment Design Guide and the built form controls established in the Draft Parramatta Road Urban Design Guidelines. For example:

- The site is located on one of the corners between Underwood Road and Pomeroy Street in Homebush and is located within the Parramatta Urban Growth Corridor, which is undergoing urban transformation.
- The character of the precinct where the site is situated will change in the future with the gradual redevelopment of existing sites to predominantly mixed use residential.
- The general scale of the precinct is envisaged to be a mixture of 4 storey up to 8 storey mixed use/ residential development, built close to the street alignment.

1C – Precincts and Individual Sites

“Residential apartment developments are generally developed on individual sites or within precincts.”

Comment:

A site analysis has been prepared by Nexus Architecture, which forms an integral part of the documentation submitted for the Development Application. The proposal has been designed to address the issues identified in the site analysis.

The development accordingly has been designed to suite the streetscape and environmental context of the site:

- In terms of unit layout the design provides for at least two third of the proposed units to face the street frontages and to the corner qualities of the site.
- The building at the rear is scaled down and is setback from rear and side boundaries to ensure privacy of the rear yards and habitable rooms to existing residential units are protected.
Notwithstanding the building separation, any potential overlooking to those units from proposed balconies is restricted by the provision of privacy screens on those balconies overlooking adjoin properties.

PART 2 – DEVELOPING THE CONTROLS

2A – Primary Controls

“Primary development controls are the key planning tool used to manage the scale of development so that it relates to the context and desired future character of an area and manages impacts on surrounding development.”

Comment:

The primary statutory development controls have been set by Council through the Strathfield Local Environmental Plan 2012, Council’s Development Control Plan 2005, the requirements of the Apartment Design Guide that supports SEPP 65 and the Draft Urban Design Guidelines published as part of the Parramatta Urban Growth Corridor as they apply to the Homebush area. In that respect the development has been designed to reflect the desired future character of the area.

The scale and massing of the building overall varies between five and six storeys which although is higher than the current building height controls, it would be consistent with the primary development controls that are most likely to affect the site in the future.

2B – Building Envelopes

“A building envelope is a three dimensional volume that defines the outermost part of a site that the building can occupy. Building envelopes set the appropriate scale of future development in terms of bulk and height relative to the streetscape, public and private open spaces, and block and lot sizes in a particular location.”

Comment:

Council’s LEP has dictated the building envelope and the building envelope controls that are contained in the Draft Urban Design Guidelines relating to the Parramatta Urban Growth Corridor. The proposed building envelope reflected by the footprint and variable height of the building between four and six stories is considered appropriate and in proportion with the size and shape of the site and those of the adjacent sites. The building height overall achieves an adequate transition between the 3-storey residential flat buildings to the south and east of the site respectively.

2C – Building Height

“Height controls should be informed by decisions about daylight and solar access, roof design and use, wind protection, residential amenity and in response to landform and heritage.”
Comment:

The height of the proposal is 5-6 storeys which does not comply with the current statutory maximum building height and storey controls as identified in the Strathfield LEP 2012.

However given that the development has to comply with building separation requirements of the Apartment Design Guide and the urban design intentions for the site and the area in the future, it is considered that there is adequate and well founded justification to support a variation and a slight increase of building height on the site.

2D – Floor Space Ratio

“Ensure that development aligns with the optimum capacity of the site and the desired density of the local area. Provide opportunities for building articulation and creativity within a building envelope by carefully setting the allowable floor space.”

Comment:

A maximum floor space ratio of 3:1 applies to the site. The proposal complies with the prescribed maximum floor space ratio.

E – Building Depth

“Ensure that the bulk of the development relates to the scale of the desired future context. Ensure building depths support apartment layouts that meet the objectives, design criteria and design guidance within the Apartment Design Guide.”

Comment:

The proposed building primarily faces the street frontages of the site. A central light well has been provided to ensure the development does not exceed the maximum 18m building depth recommended by the Apartment Design Guide and that all apartment layouts meet the objectives, design controls and guidelines of the Apartment Design Guide.

All units will enjoy good solar access and cross ventilation.

2F – Building Separation

“Ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings. Assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook. Provide suitable areas for communal open spaces, deep soil zones and landscaping.”

Comment:

The proposed units:

- Provide the required separation between the proposed building and existing dwellings on adjacent sites. Where the building separation is less
than the distance recommended by the Apartment Design Guide, the design responds by avoiding windows of habitable rooms facing windows on adjoining properties. Within the development a limited number of bedroom windows are fully screened for total privacy.

- Within the development units are organised side by side and in that respect unit separation is not an issue.
- Landscaping is provided at ground level at the rear of the site above the car parking area and at roof level where a landscaped roof-top is proposed to form the main communal open space of the development.

2G – Street Setbacks

"Establish the desired spatial proportions of the street and define the street edge. Provide space that can contribute to the landscape character of the street where desired. Create a threshold by providing a clear transition between the public and private realms. Assist in achieving visual privacy to apartments from the street. Create good quality entries to lobbies, foyers or individual dwellings. Promote passive surveillance and outlook to the street."

Comment:

The development is to be built close to the street alignment along both street frontages of the site to address and define the public domain.

At ground level a 2m setback transition is provided between ground level units which also have separate entries from street level.

The main entry to the building is clearly visible from the street.

2H - Side and Rear Setbacks

"Provide access to light, air and outlook for neighbouring properties and future buildings. Provide for adequate privacy between neighbouring apartments. Retain or create a rhythm or pattern of spaces between buildings that define and add character to the streetscape. Achieve setbacks that maximise deep soil areas, retain existing landscaping and support mature vegetation consolidated across sites. Manage a transition between sites or areas with different development controls such as height and land use."

Comment:

The setback of the building along the rear side boundaries achieves a setback between 3m and 6m to ensure compliance with BCA fire requirements and to satisfy the minimum building separation requirements.

The setbacks of the building in respect to the objectives of the Apartment Design Guide are considered appropriate given the context of the site and the development achieves the desired performance criteria.

PART 3 – SITING THE DEVELOPMENT

A – Site Analysis

"Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context."
Comment:

A thorough Site Analysis has been prepared by the architect that fully describes the setting and context of the site as well as identifying the constraints and opportunities affecting the site. Refer to the Statement of Environmental Effects supporting the Development Application.

3B – Orientation

“Building types and layouts respond to the streetscape and site while optimising solar access within the development. Overshadowing of neighbouring properties is minimised during midwinter”.

Comment:

Existing on the site currently is an industrial building that is built on to the southern and eastern boundaries of the site up to a height of 9.2m. The wall is at a distance of some 2m and 4m from residential units located adjacent the southern and eastern boundaries of the site.

The proposed development has been designed so that by and large the shadows cast from the new building are within the shadows cast by the existing walls located on the southern and eastern boundaries of the site.

C – Public Domain Interface

“Transition between private and public domain is achieved without compromising safety and security. Amenity of the public domain is retained and enhanced.”

Comment:

The public domain currently is detrimentally affected by the existing industrial use of the site which primarily presents an open service yard to the streetscape and a building that does not activate the street frontages.

The proposed development will vastly enhance the streetscape by introducing a new well-designed building that addresses and activates the street frontages of the site and at the corner where a generous retail or commercial space is proposed.

The entire frontage of the site will be enhanced with new paving and trees to enhance the public domain.

3D – Communal and Public Open Space

An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.

- Communal open space has a minimum area equal to 25% of the site.
- Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter).
- Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.
- Communal open space is designed to maximise safety. Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.”
Comment:

Based on Council’s DCP 564m2 (40% of the site area) of common open space is to be provided for the development.

The total open common open space that is to be proposed for the site is in the order of 761m2 comprising of:

- private landscaped open space of 189m2 at ground floor level,
- landscaped common open space of 288m2 at the roof at the fourth floor level; and
- landscaped common open space of 284m2 at the roof of the fifth floor level.

Collectively the open space provided on the site is well above the minimum required and the proposal satisfies the minimum 25% standard recommended by the Apartment Design Guide.

The common open space that is to be provided at the roof will receive uninterrupted solar access for most of the day in winter and in that respect the development will achieve the minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (midwinter).

3E – Deep Soil Zones

“Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. Deep soil zones are to meet the minimum requirements as set out in the Table Design Criteria 3E-1. Achieving the design criteria may not be possible on some sites including where:

- The location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres).
- There is 100% site coverage or non-residential uses at ground floor level.
- Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure.”

Comment:

Soft Landscaping in the order of 197m2 and 98m2 is required to be provided on site under Council’s DCP provisions and the Apartment Design Guide respectively. The proposal does not satisfy these provisions.

The Council insisted in providing the waste disposal area underground, which requires an extensive part of the site at ground level to be allocated to driveway access to the basement. And this, together with the amount of car parking that is required to be provided underground, means it has not been possible to retain the amount of unexcavated site area required.

Unexcavated ground has been provided in part on the north-eastern and north-western boundaries of the site to allow soft landscaping to be provided in the order of 67m2 which is to be used to provide landscaping to screen residential properties adjacent the site to the east and to provide landscaping in front of the terraces to units facing the two street frontages.
3F – Visual Privacy

“Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy. Minimum required separation distances are to be provided as set out in the Table Design Criteria 3F-1. Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.”

Comment:

The four storey rear portion of the building has been setback 6m from the side and rear boundaries of the site and the top 2 levels, along the two street frontages are setback more than 23m relative to those boundaries.

This ensures the building (except for the ends of the two wings that are proposed to be built up to the eastern boundary and 3m from the southern boundary) complies with the building separation distances applying to the half the minimum separation distance measured to the boundary as outlined in the Apartment Design Guide.

To ensure the privacy and visual amenity of the adjacent residential is protected all balconies to units facing the respective side and rear boundaries will be fitted with 1.8m privacy screen to ensure there is no overlooking.

It is considered that the proposed development satisfies the objectives of building separation principles and overall satisfactory building separation distances are achieved without compromising daylight and air access enjoyed by adjoining dwellings.

3G – Pedestrian Access and Entries

“Building entries and pedestrian access connects to and addresses the public domain. Access, entries and pathways are accessible and easy to identify. Large sites provide pedestrian links for access to streets and connection to destinations.”

Comment:

Access to the building is clearly defined with a highlighted entrance through a clearly visible lobby area at Pomeroy Street. The main entrance to the building has been featured architecturally on the street facade. Clear pedestrian entries to all residential units and the proposed commercial units are provided directly accessible from the public domain.

A lift within generous lobby areas provides access to all units. All apartments will be accessible to people with disabilities.

3H – Vehicle Access

“Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.”
Comment:

A single two way, 5.5m wide driveway vehicular entry/exit point is to be provided from Pomeroy Street located at the southern end of the building. The underground car park of the building is accessible from the units via a lift and stairs. The vehicular driveway to the car park and pedestrian access point is clearly separated. Vehicular access off Pomeroy Street required by Council ensures that the more active street frontage along Underwood Road will not be affected.

J – Bicycle and car parking

Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.

- Minimum car parking requirements are to be provided based on requirements set out in Table the Design Criteria 3J-1.
- Parking and facilities are provided for other modes of transport.
- Excavation should be minimised through efficient car park layouts and ramp design.
- Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles.
- Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites.
- Natural ventilation should be provided to basement and sub basement car parking areas.
- Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design.
- Car park design and access is safe and secure.
- Visual and environmental impacts of on-ground, above ground or underground car parking are minimised.

Comment:

The development is well serviced by public transport with bus routes along Parramatta Road. The site is within easy walking distance to Homebush and North Strathfield Railway Stations.

Secure car parking in compliance with Council's Parking Code requirements is to be provided for the development. The parking area is to be provided below ground in two basement car parking levels and in that respect the provision of parking on the site will not be intrusive or visible in the streetscape.

Access to the car parking design is safe and secure and the layout efficient complying with Australian Standards.

Storage for twelve (12) bicycles will also be provided at the mezzanine basement floor level near the lift lobby to the building. The number of bicycle storage to be provided complies with Council’s Code requirements.

PART 4 – DESIGNING THE BUILDING

4A – Solar and Daylight Access

*Optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space:*
1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at midwinter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.

2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at midwinter.

3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at midwinter.

4. Daylight access is maximised where sunlight is limited. Design incorporates shading and glare control, particularly for warmer months.

Comment:

The building footprint has been designed to maximise the number of units facing north on the site. Thirty (30) out of 42 that is (70%) of the units provided have north orientation. The remainder 12 units south/east and south/west orientation and there are two south facing units.

Shadow Diagrams prepared for the development indicated that 70% of the apartments will receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter. The reminder 8 will receive at least 2hrs and only 4 will not receive direct sunlight during the winter period.

Shading and glare protection to the living areas to all units is provided by the provision of covered balconies.

4B – Natural Ventilation

“All habitable rooms are naturally ventilated. The layout and design of single aspect apartments maximises natural ventilation. The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents:

1. At least 60% of apartments are naturally cross-ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.

2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.

Comment:

The layout of the building and the use and the central lift lobby allows access to natural ventilation for all rooms. All apartments are provided with open plan shallow living spaces to facilitate cross ventilation and no apartment exceeds the maximum 18m depth between windows to the rear wall of units.

The layout of the plan has been designed so that the proposal satisfies the minimum 60% of the apartments to be naturally cross ventilated as required by the Apartment Design Guide. This has been achieved by the number of units that are located at the corners of the building and by the top level units which have been provided with rear high light windows which will allow natural ventilation across the living areas. Refer to the Figure 1 below.

4C – Ceiling Heights

“Ceiling height achieves sufficient natural ventilation and daylight access. Ceilings are to comply with minimum ceiling heights set out in the Table under 4C-1. Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms. Ceiling heights contribute to the flexibility of building use over the life of the building.”
Comment:

Floor to ceiling heights comply with the requirements specified in Table under 4C-1 of the Apartment Design Guide.

4D – Apartment Size and Layout

*The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.*

1. Apartments are required to have the minimum internal areas as set out under 4D-1.
2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.

Environmental performance of the apartment is maximised.

1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height.
2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.

Apartment layouts are designed to accommodate a variety of household activities and needs.

1. Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space).
2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space).
3. Living rooms or combined living/dining rooms have a minimum width of:

   - 3.6m for studio and 1-bedroom apartments.
   - 4m for 2 and 3 bedroom apartments.

4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.

Comment:

The proposed building satisfies the above requirements because:

- The width of all living rooms to 2 and 3 bedroom units is a minimum of 4m and not less than 3.5m for single bedroom units.
- The internal floor area of the 1-bedroom units is between 52m2 and 58m2, 81m2 for 2 bedroom units and over 90m2 for three bedroom units.
- All bedrooms are at least 3m wide excluding wardrobes and the internal floor area of the main bedroom to all units is at least 10m2.
- All habitable rooms are provided with large glazing areas above the minimum size requirements and all units satisfy the minimum requirements regarding depth of units.
- The amenity achieved to all units is high. There are generous living areas open up to large balconies facing the two street frontages of the site or courtyard at the rear of the building.
- Kitchens are designed to supplement modern open plan living areas and no kitchen is more than 7 metres away from a window opening. The utility
rooms and internal circulation are efficiently arranged away from the window to allow flexibility for furnishings.

- All the living rooms provided are not more than 7.5 deep which satisfies the maximum 8m depth required by the ADG.

4E – Private Open Space and Balconies

Apartments provide appropriately sized private open space and balconies to enhance residential amenity.

1. All apartments are required to have primary balconies with minimum area and depth as set out under the Table 4E-1.
2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m2 and a minimum depth of 3m.
3. Primary private open space and balconies are appropriately located to enhance liveability for residents. Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building. Private open space and balcony design maximises safety.

Comment:

A large balcony is provided for each apartment at ground and at the upper floor levels located adjacent to the living room. Balconies are designed to maintain visual privacy for residents whilst providing opportunities for passive surveillance of the public domain.

The main balconies off the living areas are at least 2m deep and have a total area of at least 8m2 and 10m2 for the 1-bedroom and 2-bedroom units respectively.

4F – Common Circulation and Spaces

“Common circulation spaces achieve good amenity and properly service the number of apartments.

1. The maximum number of apartments off a circulation core on a single level is eight.
2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.
3. Common circulation spaces promote safety and provide for social interaction between residents.”

Comment:

Access to all units are provided off the main lift core to the building, which incorporates a void over the upper floor levels with a roof skylight to facilitate light and air through the building.

The width of the common circulation space complies with the minimum width of 2m required by the Apartment Design Guide.

4G – Storage

“Adequate, well designed storage is provided in each apartment.

1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided as set out under the table in 4G-1. At least 50% of the required storage is to be located within the apartment.
2. Additional storage is conveniently located, accessible and nominated for individual apartments.”
Comment:

Adequate storage space is to be provided in the underground car parking levels for the respective use of each unit.

Each apartment is provided with one storage area of at least 3m³.

The storage area to be provided for each unit combined complies with the 6m³ for 1-bedroom units and 8m³ for 2-bedroom units respectively.

4H – Acoustic Privacy

“Noise transfer is minimised through the siting of buildings and building layout. Noise impacts are mitigated within apartments through layout and acoustic treatments.”

Comment:

Adequate building separation is provided to maintain acoustic privacy between apartments. No living rooms in any apartment overlook the living rooms in another apartment. Generally, the development has been designed to minimise overlooking into adjacent properties. Any affected balconies will be designed to screen noise and overlooking to and from adjacent apartments.

4J – Noise and Pollution

“In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings. Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.”

Comment:

The site is currently located in a relatively quiet precinct. However, the construction of the WestConnex Motorway is not far from the site to the south of Pomeroy Street so acoustic protection from vehicular noise may be required. An Acoustic Report to ascertain as to whether the development is affected has been commissioned and all the recommendations made in that report will be adopted for the development.

Configuration

4K – Apartment Mix

“A range of apartment types and sizes is provided to cater for different household types now and into the future. The apartment mix is distributed to suitable locations within the building”

Comment:

The objective has been to provide a variety of apartment types. The proposed development will incorporate 12 x 1 bedroom units, 12 x 2 bedroom units and 10 x 3 bedroom units with good amenity.

4L – Ground Floor Apartments
“Street frontage activity is maximised where ground floor apartments are located. Design of ground floor apartments delivers amenity and safety for residents.”

Comment:

Two side-by-side residential units are to be provided on the respective street frontages of the site to enhance activity along the street. The units are provided with secondary entries from Underwood Road and Pomeroy Street and are to be provided with secure and private terraces to ensure the amenity of future occupants.

4M – Facades

“Building facades provide visual interest along the street while respecting the character of the local area. Building functions are expressed by the façade.”

Comment:

The building layout and configuration is expressed on the building facades through the articulation of balconies and fenestration pattern.

4N – Roof Design

“Roof treatments are integrated into the building design and positively respond to the street. Opportunities to use roof space for residential accommodation and open space are maximised. Roof design incorporates sustainability features.”

Comment:

The roof at both fifth floor and sixth floor level are to be been used to provide useful common open space for the enjoyment of future residents. Overall the design utilises a flat roof form to reduce the apparent scale of the building and to maintain an appropriate scale relative to adjacent buildings. A cantilevered roof has been featured at the corner of the building to enhance the corner location of the site

4O – Landscape Design

“Landscape design is viable and sustainable. Landscape design contributes to the streetscape and amenity.”

Comment:

Landscape common open space comprising of at least 63% of the total site area is to be provided at ground floor level and along the street frontages of the building. At the roof top levels partly at the rear of the T-shape building and facing Underwood Road facing the north

All landscaped areas will be provided with automatic watering systems to ensure the long-term sustainability.

4P – Planting on Structure

“Appropriate soil profiles are provided. Plant growth is optimised with appropriate selection and maintenance. Planting on structures contributes to the quality and amenity of communal and public open spaces.”
Comment:

- Planting on structures is to be provided at ground and upper roof levels to enhance the amenity of the common open space that is proposed.
- The development provides units with generous size balconies and small courtyard at ground level, which can be embellished with planting at the discretion of individual owners.

4Q – Universal Design

“Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are provided. Apartment layouts are flexible and accommodate a range of lifestyle needs.”

Comment:

The building will be constructed utilising a reinforced concrete structural frame with infill masonry external walls. Internal non-load bearing partitions will allow flexibility and make alterations to the internal layout of the building possible.

4R – Adaptive Reuse

“New additions to existing buildings are contemporary and complementary and enhance an area’s identity and sense of place. Adapted buildings provide residential amenity while not precluding future adaptive reuse.”

Comment:

The proposal is a residential mixed-use building. At ground level a generous commercial space is proposed to activate the public domain and the ground level units provide the opportunity to be converted to other uses based on market expectations.

4S – Mixed Use

“Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement. Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.”

Comment:

The building is located within a Local Centre B2 zone. The pattern of development taking place in the area is predominantly residential with a portion of non-residential uses at ground level. The proposal responds to the provision of mixed uses and the building has been designed to incorporate a non-residential component to activate the corner of the site and to provide potential retail or commercial uses in the future.

4T – Awnings and Signage

“Awnings are well located and complement and integrate with the building design. Signage responds to the context and desired streetscape character.”
Comment:

An awning is to be provided at the corner of the site in relation to the proposed commercial unit at ground level. Any signage relating to future retail or commercial uses will be considered as part of any future DA.

Performance

4U – Energy Efficiency

“Development incorporates passive environmental design. Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer. Adequate natural ventilation minimises the need for mechanical ventilation.”

Comment:

The following energy efficiency principles are to be used in the design of the building:

- passive solar design techniques: insulation, sun control devices and maximisation of north-facing apartments,
- control of any mechanical space cooling and heating,
- use of efficient appliances and fittings, and
- maximisation of reliance on natural ventilation.

The Basix Report prepared for the development demonstrates that the design meets all the required energy targets

4V – Water Management and Conservation

“Potable water use is minimised. Urban stormwater is treated on site before being discharged to receiving waters. Flood management systems are integrated into site design.”

Comment:

The following water conservation principles have been adopted:

- use of AAA rated appliances,
- use of rainwater storage tank, and
- grey water recycling will be considered.

4W – Waste Management

“Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents. Domestic waste is minimised by providing safe and convenient source separation and recycling.”

Comment:

The waste management storage area is to be provided adjacent the vehicular access driveway within an enclosed structure at the lower ground floor level with vehicular access arrangement as required by Council.
Waste Management is to be provided in accordance with Council’s requirements. Refer to the waste management plan for details of waste management.

4X – Building Maintenance

*Building design detail provides protection from weathering. Systems and access enable ease of maintenance. Material selection reduces ongoing maintenance costs.*

Comment:

The building will be constructed with materials that require less maintenance such as the use of concrete floors and masonry including metal cladding, aluminium windows and pre-finished surfaces where possible.
WRITTEN REQUEST TO VARY THE BUILDING HEIGHT STANDARD
PURSUANT TO CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT
STANDARDS OF THE STRATHFIELD LOCAL ENVIRONMENTAL
PLAN 2012.
1.0 Introduction

Under the provisions of Clause 4.3 of the Strathfield Local Environmental Plan 2012 the maximum building height applying to the site is 13m across the site and 16m at the corner measured as the vertical distance between the ground level (existing) to the highest point of the building or in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The proposal is for a building up to 19m and 16m in height at the corner and along the street frontages respectively and in that respect it does not correspond with the height lines as indicated on the LEP Map. Refer to the architectural plans for details.

Accordingly an exception in the form of a written request to the height of buildings standard is requested pursuant to Clause 4.6 Exceptions to Development Standards of the Strathfield Local Environmental Plan 2012.

2.0 Written Request – Assessment

The justification to the proposed variation to the building height standard is assessed with a response in the order that the provisions are prescribed in Clause 4.3 in the Strathfield Local Environmental Plan 2012;

2.1 Clause 4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

a. to provide an appropriate degree of flexibility in applying certain development standards to particular development,
b. (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Response to objective (a)

By interpreting the objectives of the zoning, the planning intent in respect to the subject site is to provide “a range of retail, business, entertainment and community uses that serve the needs of people that, work in and visit the local area and to encourage employment opportunities in accessible locations”.

The objectives pertaining to the zoning are generic and one would expect that such objectives would apply to a Local Centre which characteristically encompasses a larger area or at least an area associated with a local street which is wholly zoned for that purpose.

The subject site together with a number of small parcels of land located diagonally across at the north-eastern between Underwood Road and Pomeroy Street (consolidated into one block of land) are the only sites that are zoned Local Centre under the SLEP 2012. Accordingly it is fair to say that it would be highly unlikely that there is a market demand that would allow these two sites
alone to accommodate the range of uses that are outlined in the LEP objective alone.

The consolidated block opposite the subject site which is currently under construction as approved by Council is to provide predominantly residential accommodation with a small component of a non-residential use at ground level.

The proposed development is similarly to accommodate predominantly a residential component with a non-residential use at ground.

The two sites accordingly will not be developed accommodating purely non-residential or commercial or any other community uses as prescribed in the LEP objectives.

It is imperative to note that the development under construction across the subject site did not comply with the building height lines prescribed in the LEP. Council approved a variation to the distribution of the 5-storey component of the building pursuant to the provisions of Clause 4.6 - Exceptions to development standards of the SLEP.

It is apparent that the variation to the height approved by Council was justified on the grounds that the spatial requirements of a predominantly residential development in terms of built form and site coverage are different by comparison to a purely commercial development and at an FSR of 2:1 site it was necessary to vary the height of the building in order to provide the setbacks and open space normally associated with a residential development.

Considering the above the subject site which has in fact a smaller total site area than the development under construction is affected by a higher FSR of 3:1 and in that respect the Council needs to exercise a certain degree of flexibility not only to ensure that the development complies with all other requirements but also to allow the implementation of urban consolidation to the extent practicable for the site.

Response to objective (b)

Allowing a certain degree of flexibility will ensure a better outcome is achieved given the current conditions and context of the site.

- The distribution of permissible floor space towards the street frontages of the site above the maximum permissible height as proposed would ensure the environmental conditions which currently affect the adjacent residential properties will considerably improve.

Currently these properties are detrimentally affected by effectively 3-storey high masonry walls that are erected on the southern and eastern boundaries of the site. The removal of these walls together with the increased building setbacks that is to be provided will improve the amenity and outlook of the affected residential units on the adjacent properties.

- It is also considered that a better urban design outcome will result with a taller landmark building that is proposed which will define and reinforc
the corner qualities of the site and a building that in the future will be compatible and more appropriate with the emerging character of the area which is more likely to evolve to accommodate higher density residential development incorporating taller buildings.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

2.2 Status of the Building Height Control

In consideration of Clause 4.6(2) above, the building height control contained in the SLEP 2012 is a development standard and in that respect it is not excluded from the operation of Clause 4.6(2) of the Strathfield Local Environmental Plan 2013.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Secretary must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
(b) the public benefit of maintaining the development standard, and
(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

2.3 Justification for contravening the Building Height Standard

Pursuant to the provisions of Clause 4.6 Strathfield Local Environmental Plan 2013 strict compliance with the Height of Buildings standard in this instance is considered unnecessary and unreasonable for the following reasons:

- The proposal is consistent with the relevant objectives of the zoning.

Under the SLEP the site is zoned B2 Local Centre and the objectives of the zone are:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
The proposed development is consistent with the above objectives in that the proposal it will introduce two compatible permissible uses within the zoning which can co-exist together to define and enhance the streetscape at an important local intersection.

The proposal will maintain a component of non-residential use at ground level with residential apartments above which has been designed to provide vibrancy at the corner of the site and residential units that will have good quality residential amenity.

The proposal will provide additional residential apartments in a good accessible close to public transport and within walking distance to a mixed use urban village located nearby to the north of the site in George Street providing access to services that encourage community interaction.

- **The proposal is also consistent with the purpose and objectives of the Building Height Standard**

The objectives of the Building height standards as outline in Clause 4.3 of the SLEP 2012 are;

(a) to ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area,

The maximum building height set for the site is 4-stories over the whole site with a 5-storey portion extending some 15m towards the east and west at the corner of the site.

The proposed development adopts essentially the same built form envisaged by the LEP except that the building is one storey (3m) higher along the two street frontages and at the corner of the site.

The building envelope at the rear is 4-stories and it has been setback and designed so that it achieves an appropriate transition and a scaling down towards the 2-3 storey residential flat building to the south and east of the subject site.

It is considered that not-withstanding the extra one level, the development will be compatible with the scale of building that is currently under construction on the “sister site” located diagonally across on Pomeroy Street.

The scale of the building that is proposed will appropriately reinforce the corner qualities of the site and better define the streetscape and positively contribute to the image of the precinct commensurate with Council’s intention to achieve a Local Centre for the area.

- **The advent of the WestConnex Project and the State Government proposed Parramatta Urban Renewal Strategy.**

The site is located within the designated Homebush precinct as identified in the Parramatta Urban Renewal Urban Design Guidelines which have been
prepared to establish a new vision and to provide new built form controls for Homebush to guide new larger scale mixed-use development envisaged in the future.

“Sitting between Sydney’s two main CBDs, Homebush can be transformed into an active and varied hub, blending higher density housing and a mix of different uses, supported by a network of green links and open spaces with walking access to four train stations”. Refer to Figure 1 and Figure 2 below.

Figure 1 Recommended land uses Urban Design Guidelines for Homebush
Figure 2 Recommended Building heights

Based on the maps shown above the area where the site is situated is targeted to accommodate higher density residential development and a building height up to 30m (up to 8 stories) within 100m from the WestConnex project which is under construction near the site to the east.

Whether or not the above zoning and building height controls as indicated in the maps are actually adopted, it must be acknowledged that based on the State Government goals published to-date noticeable urban change is most likely to occur.

The proposed development accordingly needs to be considered in that context and given such a planning scenario, the building height that is proposed will be consistent with the scale and type of development that is likely to evolve.

(b) to encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area,

The site is one of only two large sites that have a B2 Local Centre zoning and in that respect the site does not require consolidation. However given the size and proportions of the site, it provides the opportunity to achieve optimum and sustainable height appropriate for the area.

The distribution of the building height towards the corner and the two street frontages of the site will ensure that the environmental capacity of the site is maximized with minimal impact on to adjacent properties.

In that regard the proposed development will not cause any significant or unreasonable overshadowing on any surrounding dwellings. Adequate building
separation exists between the development and adjacent properties to ensure privacy impacts are minimised.

(c) to achieve a diversity of small and large development options

The proposed development exactly conforms to the objective above.

The site is a significant block of land located in an important intersection and it presents the opportunity to provide a large development option consistent with the planning intent for the area.

The development complies with the maximum floor space permissible. In that regard the likely additional traffic generation associated with the development will have no significant impact on the efficiency or safe operation of the local road system.

2.4 Compliance with the standard is considered unreasonable and unnecessary given the circumstances of the proposal.

It has been well established by the Department’s “Varying development standards – A Guide (August 2011) and by decisions of the Land Environment Law involving a variation to a development standard that it is not the numerical amount that a development departs from the standard that is significant but rather it is whether the development achieves the underlying purpose of the standard and whether the development is consistent with the planning objectives of the locality and in particular with the underlying objectives of the standard.

The views of the Land and Environment Court expressed by Preston CJ in Wehbe v Pittwater Council (2007) NSWLEC 827 have been adopted by the Guide which outlines five (5) different ways in which compliance with a development standard can be considered unreasonable or unnecessary.

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard:

The proposed built form is essentially the same as the building envelope suggested by the LEP controls. Architecturally the building has been designed to define the streetscape and to establish a “landmark” at an important intersection significant for the future character of the local centre.

Development standards are not mutually exclusive and do not operate in isolation to other development standards that apply to the site. The proposal complies with the maximum FSR that is permitted on the site. It has been designed to comply with the objectives pertaining to the floor space controls and to comply with the setback and open space requirements of Council’s DCP. More significantly the building has been designed to satisfy the design quality principles of SEPP 65 and to comply with the requirements of the Apartment Design Guide.

Roseth SC in Veloshin v Randwick Council (2007) NSW LEC 428 also established a planning principle in terms of a series of questions which could be applied in assessing issues affecting the height, bulk and scale of buildings.
Are the impacts consistent with impacts that may be reasonably expected under the controls?

Where the planning controls are aimed at creating a new character, is the proposal consistent with the bulk and character intended by the planning controls?

The response to both questions above is in the affirmative.

Roseth SC differentiates between bulk and scale, stating that "bulk refers to the mass of the building and scale is properly used when referring to the relative size of two or more things".

The propose development will have a scale relationship matching the scale of the building that is under construction diagonally opposite the site but unlike that development it will have higher massing added at the corner to reinforce the corner of the site as intended by the prescribed LEP building envelope controls. In terms of scale and character the proposal accordingly will appear to have similar proportions with its relative neighbour and it is considered that the appearance of the proposal overall will be appropriate for the context consistent with the scale and character of the streetscape including the new character of the area that will evolve given the State Government’s future strategic planning goals for a new vision for Homebush with higher density mixed-use development incorporating taller buildings.

As well Council’s responsibility is to assess the development on its merits having regard to all the statutory and non-statutory controls that apply to the site in unison.

In that respect it is considered that the objectives of the standard have been achieved notwithstanding the variation to the building height.

2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary:

The objectives of the building height control remain relevant, and the proposed development notwithstanding the building height variation is consistent with the underlying purpose of the objectives. The proposed development does not contravene the outcome intended by the planning controls.

3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

Notwithstanding the proposed building exceeds the height limit it is considered that the built form and the bulk of the development overall will be compatible with the type and scale of building that is taking place in the precinct.

The proposed building together the building under construction opposite the site on Pomeroy Street will introduce a suitable street wall height to enhance the streetscape and hence better define the identity of the proposed local centre.

It is therefore contended that the underlying purpose of the building height control as prescribed in the SLEP which is to regulate the height and scale of buildings and to ensure that the development reflects the desired character of the locality is totally satisfied and in that respect the development passes the test as to whether it achieves the underlying purpose of the standard.
4. **The development standard has been virtually abandoned or destroyed by council's own actions in granting consents departing from the standard and hence compliance with the standard is unreasonable and unnecessary;**

There is no evidence from other development that have been approved in the area that the building height control has been abandoned or destroyed by Council's actions.

It appears that Council quite rightly has taken a flexible approach in the implementation of the building height control with the development across the site under construction where the Council supported a height variation.

By supporting a variation to the building height also on the subject site the Council can be confident that the objectives of the height controls will not be undermined.

5. **Compliance with the development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is the particular parcel of land should not have been included in the zone.**

The subject parcel of land is appropriately zone to implement Council’s intent to establish a local centre. However there is nothing in the provisions of the zoning that restricts the amount of residential uses that can be accommodated on site notwithstanding that the zoning objectives tend to suggest otherwise.

It is also accepted that purely commercial uses can be accommodated on the site with full compliance with the height controls that apply to the site.

Under the circumstances however strict application of the height control on behalf of Council in this instance would be unreasonable and unnecessary given the building has not been designed to accommodate purely commercial functions as there is no market demand for such development.

In that respect the numerical building height needs to be applied flexibly to ensure the impact on the amenity of adjacent properties is minimised.

**2.5 There are sufficient environmental planning grounds to justify contravening the Building Height Standard.**

Apart from building height Council’s other LEP and DCP objectives and controls affect the development of the area and in effect allow the proposed development in the building form that it has taken. The development complies with the key floor space ratio permitted on the site and it complies generally with all other controls applying to the site.

Under these circumstances there is justification to contravene the development standard for the following reasons;

- From Underwood Road and Pomeroy Street the massing of the building height will match and will be consistent with the 5-storey scale of the development opposite the subject site;
- The form of the building in terms of its building footprint and massing responds to the environmental conditions of the site and its context;
- The building height at the rear maintains a 4-storey scale so that the massing achieves an appropriate transition between the adjacent residential units to the south and east of the site;
- The building at the rear has been setback from the side boundaries to protect the amenity and privacy of the residential units to the south and east and to achieve an appropriate building separation between the adjacent units.

2.6 Has this written request adequately addressed the matters required to be demonstrated by sub-clause 4.6(3)?

Yes

2.7 Is the development in the public interest because it is consistent with the objectives of the building height standard and the objectives for development within the zone in which the development is proposed to be carried out?

Yes

2.5 Matters of State or regional significance

The proposed variation to the building height standard does not raise any matters of State or regional significance.

(3) Conclusion

Having regard to all of the above, it can be concluded that compliance with the building height standard is unreasonable and unnecessary in the circumstances of the case that there are sufficient strategic planning and environmental planning grounds to justify the non-compliance and that the proposal is in the public interest because it will not have any unexpected and reasonable impacts and it is consistent with the objectives both of the building height standard and of the B2 Local Centre zone.