

IDAP REPORT

Property:	13 Victoria Street STRATHFIELD DA 2020/110
Proposal:	Demolition of existing building and construction of a two storey dwelling with basement level, inground pool, boundary fencing and associated landscaping.
Applicant:	N Lycenko
Owner:	Yan Liu
Date of lodgement:	19 June 2020
Notification period:	1 July 2020 to 15 July 2020
Submissions received:	2
Assessment officer:	J Gillies
Estimated cost of works:	\$1,815,237.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	Yes, FSR 0.58:1 (19.7%)
RECOMMENDATION OF OFFICER:	REFUSAL



Figure 1 – Aerial imagery of subject site and surrounds

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the demolition of an existing dwelling and ancillary structures and construction of a two storey dwelling with basement level, in-ground swimming pool, boundary fencing and associated landscaping.

Site and Locality

The site is identified as 13 Victoria Street, Strathfield and has a legal description of Lot 26 DP 7343. The site is a regular shaped parcel of land and is located on the northern side of Victoria Street. The site has a width of 18.595m, a depth of 54.865m and an overall site area of 1,021m² and is relatively flat. There is a slight fall from south to north and from west to east.

Strathfield Local Environmental Plan

The site is zoned R2 Low Density Residential under the provisions of Strathfield LEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal satisfies the majority of objectives contained within the LEP, however there is a non-compliance with Section 4.4 Floor Space Ratio.

Development Control Plan

The proposed development is inconsistent with a number of the provisions of Strathfield Consolidated DCP 2005. Primarily, there are inconsistencies with Part A Section 2.2 and 4.2 (Streetscape Presentation, Roof Forms, FSR and Building Height).

Notification

The application was notified in accordance with Council's Community Participation Plan from 1 July to 15 July, where two (2) submissions were received raising the following concerns;

- Privacy and overlooking,
- Overshadowing,
- FSR calculations do not include the basement, and
- Impacts from proposed Water Gum roots.

Issues

- The proposed flat roof outcome is inconsistent with the streetscape character and exceeds height controls under the SCDP 2005,
- The proposal includes an excessive basement size and conspicuous voids that result in FSR exceedances when included in GFA calculations, and
- There is insufficient distance between the proposed driveway crossover and existing street tree.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2020/110 is recommended for refusal subject to the attached reason of refusal.

REPORT IN FULL

Proposal

Council has received an application for the demolition of an existing dwelling and ancillary structures and construction of a two storey dwelling with basement level, in-ground swimming pool, boundary fencing and associated landscaping at 13 Victoria Street, Strathfield. More specifically, the proposal includes;

Demolition:

- Single storey dwelling,
- Two ancillary structures (garden sheds) and a clothes line,
- Low weed like vegetation (rangers have advised tree removal has occurred without consultation with Council – a please explain letter was issued as a compliance matter).

Basement level:

- Three car spaces,
- Lift and stair access to ground floor,
- A/C plant, pool equipment storage, cool room, battery inverter generator,
- General storage, and
- Toilet.

Ground floor level:

- Living Room and front balcony,
- Guest bedroom with ensuite and walk in robe,
- Study,
- Laundry,
- Kitchen, pantry and meals area,
- Lift and stairwell.

First floor level:

- Five (5) bedrooms each with an ensuite and walk in robe,
- A master bedroom with ensuite and walk in robe,
- Two (2) front balconies and one (1) rear balcony,
- Multipurpose room,
- Two (2) voids,
- Lift and stairwell.

External works:

- New driveway crossover and driveway to the basement,
- Pedestrian pathway leading to a portico,
- Landscaping within the front setback comprising turf, low ground cover planting, two trees and stepping stones,
- Stepping stones and screen planting within the side setbacks,
- An alfresco area, in-ground swimming pool and toilet connected to the ground floor portion of the house in the rear of the property,
- Landscaping comprising turf, low ground cover, screen planting and two trees in the rear setback.

The Site and Locality

The subject site is legally described as Lot 26 DP 7343 and commonly known as 13 Victoria Street Strathfield. It is located off the northern side of Victoria Street between Homebush Road and Chalmers Road.

The site is a regular shaped parcel of land with a width of 18.595m, a depth of 54.865m and an overall site area of 1,021m² and is relatively flat. There is a slight fall from south to north and from west to east.

The site is occupied by an existing dwelling house which is set forward within the front setback relative to the two adjoining properties. Landscaping within the front setback is minimal comprising turf and a large hard surface servicing the existing garage accessed directly from Victoria Street. The rear yard comprises turf, weeds and two dilapidated sheds (refer to Figures 1 - 3).

The locality surrounding the subject site contains single and two storey residential dwellings similar to those shown in Figures 4 - 6 below. Victoria Street exclusively features pitched roof dwellings with a mix of facebrick and rendered finishes.

The Victoria Street streetscape features landscaped front setbacks, verges comprising turf, street trees and pedestrian footpaths and local road carriageways.



Figure 1 – Existing dwelling façade and frontage at 13 Victoria Street



Figure 2 – Existing rear yard at 13 Victoria Street



Figure 3 – Existing dwelling at 13 Victoria St and adjoining property at 15 Victoria Street

Directly adjoining the site to the west and east and directly opposite the site are dwelling houses designed in a traditional pitched roof form typical of the streetscape (refer to Figures 4 - 6).



Figure 4: Dwellings opposite the site at 12 and 14 Victoria Street



Figure 5: Dwelling adjoining the site to the west (15 Victoria Street)



Figure 6: Dwelling east of the site (11 Victoria Street)

A number of local heritage items are located on Victoria Street and in the vicinity of the subject site as shown in Figure 7 below.

Heritage Item I214 is located diagonally opposite the site and features an 'arts and crafts' style house (refer Figure 8).



Figure 7 – Local Heritage Items in the vicinity of 13 Victoria Street (shown in red)



Figure 8: Dwelling opposite the site and local Heritage Item I214

Background

- 19 June 2020** The subject Application was lodged and publicly notified from 1 July to 15 July 2020, with two submissions received during this period. The submissions were made by the adjoining land owners (11 and 15 Victoria Street) who objected to the proposal considering the potential privacy implications.
- 9 July 2020** A site inspection was undertaken by the Assessment Planner.
- 14 July 2020** A Stop the Clock (STC) Letter was issued raising a number of issues with the proposed development which are summarised below:
- A Quantity Surveyors Detailed Cost Report must be submitted,
 - The gross floor area plans and corresponding FSR calculations should be revised to include the rear void and portions of the basement allocated as general storage and for a third parking bay,
 - The basement design should be revised to remove the three storey appearance,
 - The flat roof design is not supported in consideration of the exclusively pitched roof dwelling theme along Victoria Street. A reduction in the amount of glazing would assist in achieving a site responsive design with regard to the streetscape,
 - The ground level floor to ceiling height should comply with the maximum 3m height under SCDP 2005,
 - A reduction in the number of windows and introduction of privacy mitigation measures are required for Bedroom 5, the Study, Multipurpose room, Bedroom 2, and curved glass design feature,
 - The rear terrace does not comply with the maximum length allowances under SCDP 2005 and privacy implications for properties to the north should be considered,
 - Front fence details are required in plan form.
- 12 August 2020** In response to this letter, the Applicant submitted revised Application material on 12 August 2020 which included the following changes:
- Revisions to the configuration of spaces within the basement (internal walls to create specifically labelled storage spaces and labelling of a disabled car spot). However, no change in the footprint or floor to ceiling heights was made,
 - Changes to window sill heights and introduction of translucent glass to address privacy issues.
 - No changes to the bulk, scale, roof design, basement or voids were included in the revised material.
- 28 August 2020** Following review of the Applicant's response, which was considered to be unsatisfactory, a follow up email was sent to the Applicant on 28 August 2020 which reiterated key points in the letter from 9 July. This email is summarised below:
- Gross floor area – The overall size of the basement has not been reduced and continues to result in unnecessary excavation and unjustifiable impacts on the natural environment and contributes to

an unacceptable bulk and scale for the above ground development,

- The streetscape is one of consistent pitched roofs and should be continued at the subject site. The site being within a conservation area does not address compliance with Part A of the DCP which relates to streetscape character.
- Notwithstanding the need for a pitched roof design, the proposed flat roof design does not comply with height controls under Section 4.2.2 of Part A of the DCP. The height of the building from natural ground level to the uppermost parapet is 8.5m in certain locations which exceeds the 7.8m height requirement for flat roofed dwellings.
- The use of translucent glass is noted for privacy reasons. However, the window schedule still results in excessive glazing.
- The second storey rear terrace length is not supported.
- A description of what the fence will be constructed of and what it will look like is inadequate. This detail must be provided in plan form.
- Tree Referral – Council's Tree Management Coordinator has reviewed the Application and has outlined that the relocation of the driveway crossover is not supported.

1 September 2020 In response to the email from 28 August, the Applicant emailed the Assessment Officer on 1 September requesting further discussion on the roof form, with specific reference to a resolution involving a terra cotta tile pitched roof. It was agreed this would be discussed via phone as no face to face meetings were being undertaken by Council due to COVID 19.

8 September 2020 The Applicant phoned Council to discuss the matters on 8 September 2020 and (contrary to the email from 1 September) established that further changes to the design would not be made and that the size of the basement and dwelling design had been adequately justified in the Application material, as well as by the outcomes of court cases in the locality for developments of a similar nature (basements, flat roofs).

Referrals – Internal and External

Heritage Officer Comments

Council's Heritage Officer has reviewed the Application and provided the following comments in their referral:

The site does not contain a heritage item but is located in the vicinity of a number of heritage items. As such, a Heritage Impact Statement, has been included in the application.

Current development within the street is a mixture of styles. However each house has a consistent pitched roof which reflects the nearby heritage items.

The general size of the development and its siting is supported on heritage grounds. Further information is required for the fence details such as material for infill panels and height of neighboring fences in relation to this fence.

It is recommended that a pitched roof is considered. The current flat roof will not meet relevant controls and objectives within Section 3: Heritage in the vicinity of a heritage item (SDCP 2005 – Part P) as the heritage items and surrounding development have a pitched roof.

Tree Coordinator Comments

The property appears to have been substantially cleared between 28 February 2020 and 18 April 2020. I am not aware of any pruning permits or development consents being issued by Strathfield Council for this work.

Comfortingly, the Street view image does not show any tall trees, however this does not mean the removed trees were not protected and needed Council consent for removal.

Accordingly, could you please refer this matter to the Rangers and provide them with the contact details of the property owner and applicant, in order for them to commence their investigations and send “please explain letters”, etc to them.

I have no tree issues in regard to the dwelling as everything has been removed from the site.

The proposed relocation of the driveway crossing and layback is not supported. Instead, the driveway crossing and layback is to be relocated to 3 metres from the side of the trunk of Council’s street tree. There should also be a bond placed on this tree in accordance with Council’s fees and charges to ensure its protection.

Section 4.15 Assessment – EP&A Act 1979

The following is an assessment of the application with regard to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

(1) *Matters for consideration – general*

In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provision of:***
- (i) *any environmental planning instrument,***

Strathfield Local Environmental Plan

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

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned R2-Low Density Residential and the proposal is a permissible form of development with Council’s consent.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	9.5m	8.6m	Yes
4.4 Floor Space Ratio	Lot area = 1,021 FSR = 0.5:1 Max GFA = 510.5	GFA = 598.4 FSR = 0.58:1	No

The proposed dwelling house exceeds the FSR allowance under Part 4.4 of the LEP. Gross floor area plans submitted with the Application exclude the area of a first floor void and the basement (excluding the bathroom). Figures 9 to 11 below show the first floor, first floor GFA calculation submitted by the Applicant and Basement.

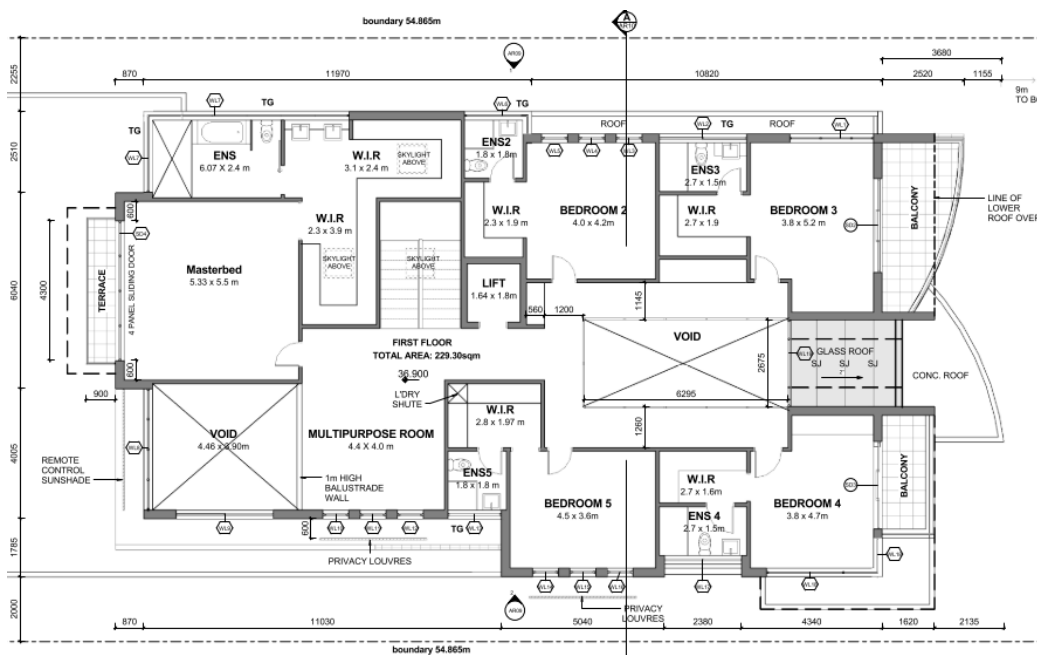


Figure 9 – Proposed First Floor Layout

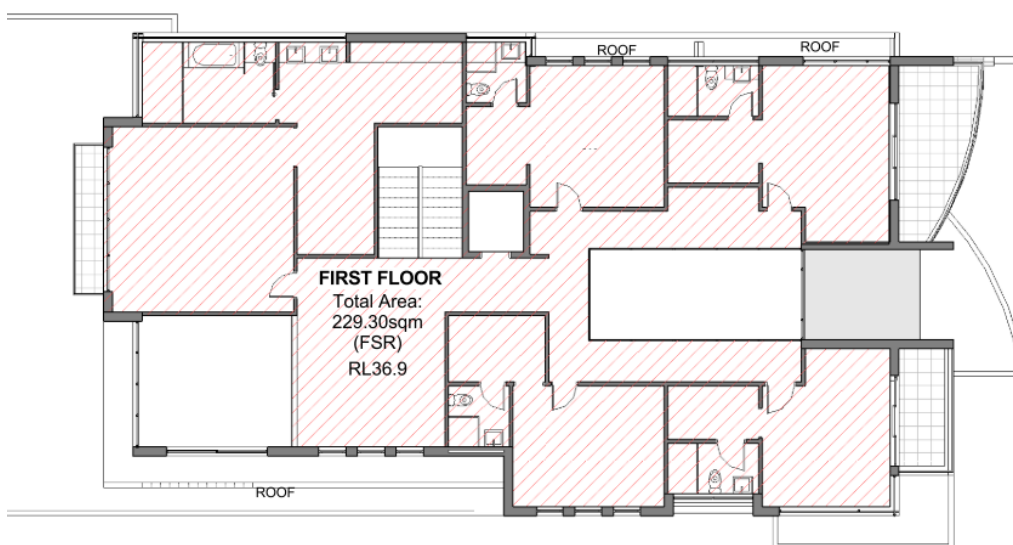


Figure 10 – Submitted First Floor GFA areas

The Applicant's FSR calculations suggest the total GFA is 508.3m² with an FSR of 0.497:1. However, this calculation excludes the first floor void located at the north western corner which has the dimensions and floor to ceiling height of a bedroom or habitable room of some sort. The Applicant was advised to include the area of this void in GFA calculations and revise the design to fit within the allowable GFA. The option of lowering the roof height in the location of the void to restrict the floor to ceiling height to 2.1m was suggested by Council, however the Applicant did not accept this suggestion.

As such, the rear void which has an area of 17.4m² has been included in the GFA and FSR calculations for the proposal.

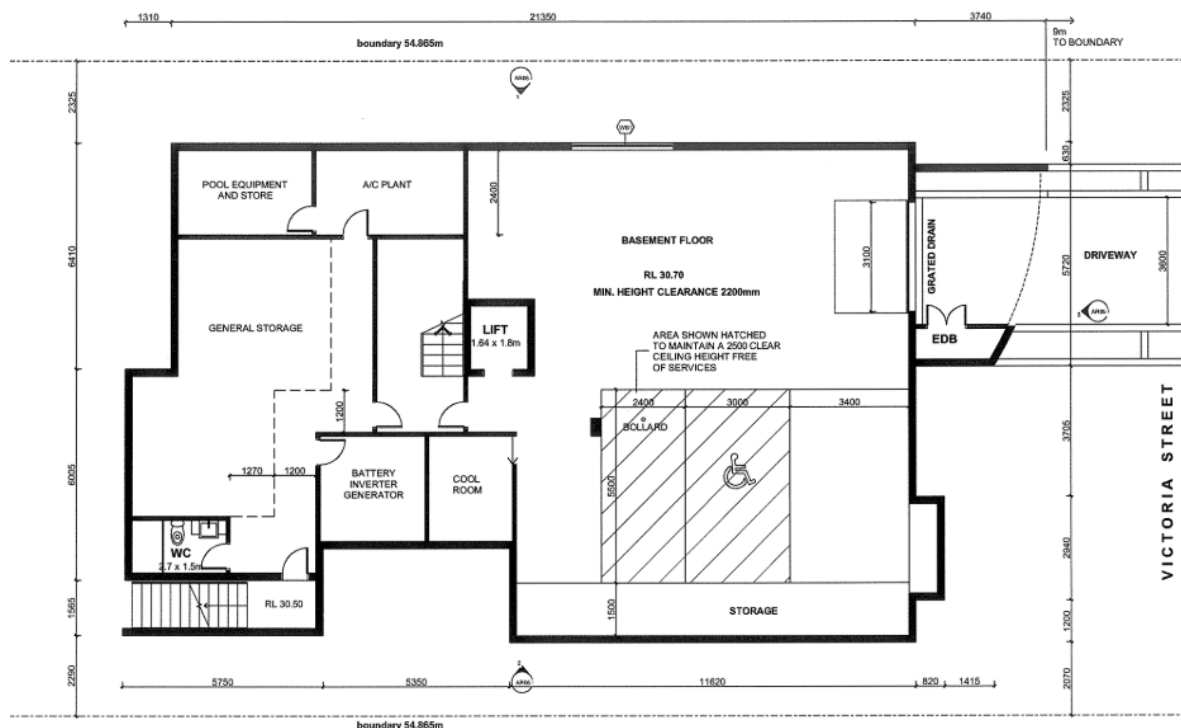


Figure 11 – Proposed Basement

The Applicant's FSR calculations do not include areas of excessive storage and parking surplus within the basement.

In the revised Architectural Drawings submitted with the Application (refer to Figure 11), the Applicant responded to the request to justify excessive storage spaces with illustration of partitions and labels for various different storage purposes. While the size of most storage spaces are excessive, these have been accepted. However, the General Storage space is not justified and presents as a space that could be used for a home theatre or the like.

The third car space has also be included in GFA calculations and the Applicant's use of an illustration showing a wheelchair accessible car space is not relevant considering the development will be required to comply with BCA standards and the basement includes a lift.

Accordingly, these areas have been included in the FSR calculation undertaken as part of this assessment and contribute to an exceedance of the allowable GFA.

Part 5 – Miscellaneous Provisions

5.10 Heritage Conservation

The subject site is not listed as a heritage item or located within a heritage conservation area. However, the subject site is located within the vicinity of a number of heritage items and accordingly clause 5 of Part 5.10 applies to the proposed development.

A Heritage Impact Statement was submitted with the Application satisfying the requirement for a heritage management document that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item. The Heritage Impact Statement submitted with the Application makes the following conclusions:

The demolition and redevelopment of 13 Victoria Street, Strathfield is considered acceptable as it will have no impact on the heritage significance of any heritage items in the vicinity, including the closest house at 8-10 Victoria Street. The significance of these houses, their integrity and ability to contribute to the streetscape will be retained.

There will be no impact on views between the proposed development subject site and any heritage items in the vicinity, including 86 Albyn Road (rear), as they have no direct visual connection to the site. There are no views that have been identified as contributing factors to the cultural heritage significance of any of these places.

Council's Heritage Officer has reviewed the Application and generally agrees with the conclusions of the Heritage Impact Statement in relation to the impact on views to surrounding heritage items as a result of the proposed development.

However, Council's heritage advisor has made comment on the proposed developments contribution to the Victoria Street streetscape, which incorporates unobtrusive dwellings that do not detract or provide a significant contrast to heritage items. The proposed flat roof dwelling will have a negative impact on the setting of the heritage items along Victoria Street, with the proposal being the first flat roofed outcome.

The Heritage Impact Assessment has not adequately addressed this.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

The subject site is identified as having Class 5 Acid Sulfate Soils but is not located within 500m of a Class 1, 2 3 or 4 soils. Therefore, Development Consent under the provisions of this section is not required and as such an Acid Sulfate Soils Management Plan is not required.

Earthworks

The proposal involves significant excavation works for the provision of a basement, driveway ramp and ancillary works.

The depth and extent of excavation has been identified as excessive in area. Clause 5 of Part 6.2 requires the consent authority to consider the following matters before granting development consent:

(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.*

The width and depth of the proposed basement requires unnecessary excavation to accommodate excessive 'general storage' spaces and a third parking bay, and has not been designed to minimise the impacts of the development.

It is possible the proposed works could disrupt or effect existing drainage patterns or soil stability in the locality or effect the future use or development of the land.

Considering the size of the basement, if development consent is granted a condition of consent requiring a suitably qualified engineers report demonstrating consistency with Part 6.2 will be required to be submitted to the principal certifying authority prior to issue of a construction certificate.

Flood Planning

The proposed site has not been identified within the flood planning levels and as such, the provisions of this Clause are not applicable to the subject development.

Essential Services

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

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

STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

A BASIX Certificate has been issued for the proposed development and the commitments required by the BASIX Certificate have been satisfied.

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND (SEPP 55)

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration.

A review of Council's records for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

The objectives outlined within SEPP55 are considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of SLEP 2012 relating to the preservation of trees and vegetation.

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site.

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

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

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

There are no draft planning instruments that are applicable to this site.

(iii) any development control plan,

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

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Building Envelope			
Floor Space Ratio:			See SLEP assessment
Heights:			
Floor to ceiling heights:	3.0m	3.4m and 2.7m	No
Height to underside of eaves:	7.2m	7.6m	No
Parapet height:	0.8m	N/A	N/A
Overall height for flat roof dwelling:	7.8m	8.6m	No
Basement height above NGL:	1.0m	1m	Yes
Number of Storeys/Levels:	2	2	Yes
Setbacks:			
Front:	9m	9m	Yes
Side:	1.2m (min)	2.25	Yes
Side:	1.2m (min)	2.0	Yes
Combined Side Setback:	3.72 (20%)	4.25	Yes
Rear:	6m	10.6	Yes

Landscaping			
Landscaping/Deepsoil Provisions:	(45% = 459.45m ²)	425m ² (41.5%)	No
Private Open Space Area:	10m ²	160 m ²	Yes
Minimum dimension:	3m	8.7 m ²	Yes
Fencing			
Height (overall/piers):	1.5m (maximum)	No detail provided	No
Solid Component:	0.7m		
Secondary Frontage:	1.8m		
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	Yes	Yes
Vehicle Access and Parking			
Driveway width at Boundary:	3m	3m	Yes
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	3.4m	Yes
No. of Parking Spaces:	2	3	No
Basement:			
Basement protrusion:	Less than 1.0m	1m	Yes
Basement ramp/driveway	3.5m	3.6m	No
Internal height:	2.2m	3m	Yes
Ancillary Development			
RETAINING WALLS			
Maximum height:	1.2m	Not shown, can be conditioned.	Yes
SATELITE DISH			
Height:	2.4m	Not shown, can be conditioned.	Yes
Setback:	3m		
SWIMMING POOL			
Side/Rear Setback	1.0m	10.6 and 2.25	Yes

The proposed dwelling house incorporates a flat roofed design that does not achieve compliance with the height requirements under Section 4.2.2 of the DCP and the minimum requirements for deep soil landscaping under Section 5.2.1 Landscaped Area are not achieved. Discussion with regard to the objectives relevant to each of these numerical non-compliances is provided below.

Architectural Design and Streetscape

The proposed development is inconsistent with a number of controls under Section 2 of Part A of the DCP. Victoria Street comprises pitched roofed dwellings and the proposed dwelling has not incorporated this identifiable characteristic of the streetscape into the design. Accordingly, the proposal is inconsistent with the following controls:

- 2.2.1 Streetscape Presentation – New buildings should reflect the dominant rhythm in the street and roof design must be similar in pitch, materials and colour to roofs in the immediate streetscape.

The Applicant has made reference (in the submitted SEE and in correspondence) to the mix of architectural periods along Victoria Street as justification for introduction of a flat roofed outcome at the subject site. This disregards the need to achieve a site responsive design and does not address the objectives of Part 2. The architectural style along Victoria Street is one of consistent pitched roofs, irrespective of period, and this should be continued at the subject site.

The Applicant has also referred to the site not being within a heritage conservation area as justification for not delivering a pitched roof outcome. This reasoning disregards the controls and objectives under Part 2.

The proposal's inconsistency with streetscape has not been offset by a flat roof dwelling with a low profile that would allow the dwelling to achieve a more sympathetic outcome. Additional comment on building envelope is provided below.

Building Envelope

The proposed development is inconsistent with a number of building envelope controls. In the context of the proposed flat roof dwelling on a street with consistently pitched roof outcomes, ensuring the development achieves a low profile and bulk that does not create an undesirable environmental impact is paramount.

- 4.2.1 Floor Space Ratio – As discussed under the SLEP 2012 FSR assessment, the Application has excluded a rear void which does not present as a design based feature of the dwelling and could be converted into an additional bedroom. With the inclusion of the rear void the dwelling would exceed FSR maximums and this contributes to excessive bulk. The development also includes excessive storage space in the basement, to an extent that areas could be used for home cinemas with floor to ceiling heights of 3m.
- 4.2.2 – Building Height – The proposed dwelling exceeds the 7.8m dwelling height for flat roofed dwellings, with an 8.5m height from the uppermost building feature to the finished ground level. This measurement includes the architectural feature at the top of the building. The dwelling also incorporates floor to ceiling heights on the first floor greater than 3m.

This control is essential to ensuring flat roofed dwellings achieve unobtrusive design outcomes along streets where the interface with the public domain is stepped and gradual due to the presence of pitched roofs.

Landscaping and Open Space

The site plan details an overall landscaped area of 481sqm (with the minimum requirement being 459.45sqm or 45% of the site). However this calculation includes landscaping of the side setbacks which is shown as stepping stones and pebbles.

The proposed development does not incorporate a clear demonstration of whether landscaping requirements are achieved and based on approximate calculations which exclude stepping stone areas, the proposal delivers 425m² (41.5%) of landscaped area and is inconsistent with the DCP requirement.

Considering the landscape plan, which shows planter boxes on structures surrounding the basement entry ramp, it is also unclear whether the front setback achieves the 50% deep soil requirement.

The proposed development seeks to retain an existing street tree, however Council's tree officer has identified that the proposed driveway crossing and layback is to be relocated to 3 metres from the side of the trunk of Council's street tree. The Applicant has been consulted on this matter, however no response has been provided.

The development complies with other Landscaping and Open Space requirements.

Fencing

The proposed side fencing satisfies the relevant objectives and controls within SCDCP 2005.

Following requests for front fencing details in plan form, the Applicant has only provided a description of what the fence will be constructed of. This is inadequate and no front fencing is taken to be proposed under this Application. This would form a special condition of consent under an approval.

Solar Access

Given the orientation of the site, solar access to living areas and to at least 50% of the private open space is achieved or maintained for a minimum period of 3 hours between 9.00am-3:00pm at the winter solstice. Solar access is also achieved or maintained to the private open space of the adjoining premises. The proposal is considered to generally satisfy the relevant objectives and controls of the SCDCP 2005.

Privacy

The Applicant was previously advised that the development presented excessive amounts of glazing and that this created privacy concerns and inconsistencies with the controls and objectives of Section 7 of Part A of the DCP. The proposed window schedule incorporates excessive amounts of glazing resulting in direct matching of windows with the adjoining properties. The Applicant was asked to reduce the number of windows and/or raise sill heights to 1.7m.

In response, the Applicant has amended the design to incorporate translucent glass on windows up to 1.8m high. Typically, a side fence height of 1.8m will assist in screening high use rooms located at ground level, however the raised basement (1m) exposes these spaces to neighbouring properties, especially to the east at 11 Victoria Street.

While the outcome of translucent glass is considered to result in a reduced aesthetic in comparison to raised sill heights and reduced number of windows, it generally addresses privacy concerns.

The width of the rear balcony was also raised with the Applicant as it is greater than 2m in length and therefore inconsistent with Condition 7.2.3 (Elevated Decks, Verandahs and Balconies), creating potential privacy and overlooking concerns. The Applicant was requested to provide presentation of how site lines from this balcony would impact on neighbouring properties to the north, however, no such information was provided. Considering the shallow depth of the balcony (.9m), activity on the balcony is likely to be minimal and the matter is not a major concern of the assessment.

Vehicular access, Parking and Basements

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005 in that it provides the minimum number of required parking spaces and adequate vehicular access provisions.

The basement has been kept to less than 1m above natural ground level, however it does extend beyond the ground floor above at the eastern boundary by 0.1m.

While the basement does allow for vehicles to enter and exit in a forward direction, the basement size is unnecessarily large, with provision for three parking spaces and excessive storage.

The basement achieves the minimum internal height of 2.2m, however in the context of the unnecessarily large size of the basement, the proposed floor to ceiling height of 3m should be reduced to restrict use for habitable purposes. It was requested that the design be revised to achieve this, however the Applicant was unwilling to make these amendments.

There is a minor noncompliance with the drive width which is 3.6m (must be no more than 3.5m wide under part 8.2.3). Ordinarily, this would not be of major concern, however Council's Tree Officer has raised objection to the proposed driveway location and new crossover with regard to the location of the existing street tree.

Cut and fill

The proposed development is consistent with the controls under Part 9 Altering Natural Ground Level (Cut and Fill). However, as discussed elsewhere in this report, the basement size and associated excavation is unnecessary and has not been designed to reduce site disturbance.

Water and Soil Management

The proposed development satisfies the relevant objectives and controls of the SCDP 2005 and complies with Council's Stormwater Management Code. A soil erosion plan has been submitted with the application to prevent or minimise soil disturbances during construction.

Access, Safety and Security

The proposed development satisfies the relevant objectives and controls of the SCDP 2005. Separate pedestrian and vehicle access provisions are provided, passive surveillance of the public street has been provided providing safety and perception of safety in the street.

ANCILLARY STRUCTURES

Swimming Pools, Spas & Associated Enclosures

The proposed development satisfies the relevant objectives and controls with SCDP 2005. The pool has been adequately setback from all adjoining boundaries, allowing for screen planting if required. The pool pump equipment has been located in a sound proof enclosure and the pool coping has been designed to suit the existing ground level of the site. The swimming pool fence/enclosure will comply with the swimming pools act and relevant standards.

PART H – Waste Management (SCDP 2005)

A waste management plan was not submitted with the application. Conditions of consent can ensure submission of a waste management plan that addresses Part H of Strathfield CDCP 2005 to the PCA prior to issue of a construction certificate.

PART P – Heritage (SCDP 2005)

Council's Heritage Officer has reviewed the Application and considered Part P in their referral comments provided to the assessing officer. They have also reviewed the Statement of Heritage Impact submitted with the Application.

Council's Heritage Officer has outlined that the proposed flat roof dwelling is inconsistent with Section 3.2 'Setting' under Part P, recommending construction of a pitched roof dwelling at the site. Victoria Street comprises buildings of a consistent form being detached dwellings with pitched roofs and continuation of this outcome will continue unobtrusive dwellings with regard to heritage items.

It is noted by the assessing officer that the Statement of Heritage Impact submitted with the Application does not address in detail controls under Part P directly and provides no discussion on the proposed developments impact to the setting the heritage items along Victoria Street.

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

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

The proposed development does involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

(b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

The proposed dwelling incorporates a flat roof design which does not comply with height controls under the DCP and exceeds GFA allowances under the LEP with the inclusion of a void space and excessive basement areas. The result is a dwelling bulk and scale that does not respond to the streetscape and prevalence of pitched roof dwellings along Victoria Street and is likely to negatively impact on the built environment.

The size of the basement has not been designed to minimise site disturbance, with a footprint that is far beyond what is required for storage and parking for a 2 storey residential dwelling in a low density residential environment. The potential site disturbance has not been addressed or justified in supporting material submitted with the Application.

Otherwise, negative impacts on the natural environment or any negative social or economic impacts on the locality are unlikely.

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

It is considered that the proposed development is of a scale and design that is not suitable for the site having regard to the large and obtrusive flat roof design in the context of a streetscape characterised by pitched roofs and heritage items.

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

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. 2 submissions were received raising the following concerns:

1. **The window schedule, curved glass design feature and first floor rear terrace create overlooking and privacy concerns (raised by both neighbours):**

As outlined under Privacy comments in the DCP Assessment above, privacy related impacts from the proposed window schedule have been addressed through the introduction of translucent glazing.

The privacy impacts of the rear first floor terrace have been considered in the assessment and are unlikely to facilitate high amounts of activity and associated overlooking due to the shallow depth of the terrace.

2. **The basement area is above ground and should be included as part of the floor space ratio**

Basements are counted as an additional storey if they protrude above natural ground level by more than a metre and in this case, the basement is kept below the 1m height and windows are limited to areas required for parking. However, the basement does exceed a reasonable area required for parking and storage and therefore, portions of the basement have been included in FSR calculations.

3. **The placement of the proposed Water Gum will impact on the existing brick fence and hanging electrical line**

Council's Planning controls do not require restrictions on tree planting locations. This tree could be planted at the subject site as exempt development.

(e) *the public interest.*

The proposed development is of a scale and character that does conflict with the public interest. The proposed dwelling design, especially the roof line, and overall bulk and scale is likely to disrupt the streetscape and detract from the setting (i.e. the streetscape) of heritage items within the vicinity of the site.

Local Infrastructure Contributions

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

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

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

Section 7.11 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan as follows:

Local Amenity Improvement Levy	\$18,152.37
--------------------------------	--------------------

Conclusion

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

Following detailed assessment it is considered that Development Application No. 110/2020 should be **Refused** for the reasons attached.

Signed:

**JG Gillies
Senior Planner**

Date: 29 October 2020

☐ I confirm that I have determined the abovementioned development application with the delegations assigned to my position;

☐ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are not applicable to this development;

-or-

☐ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.

Signed:

Patrick Santos

Date: 2 November 2020

Recommendation

Under Section 4.16(b) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979), this consent is **REFUSED** for the following reasons:

1. The Application is considered not acceptable under the provisions of S4.15(1)(a)(i) of the EP&A Act 1979 in that the proposed development fails to satisfy the floor space development standard – Clause 4.4C of the SLEP 2012.
2. The Application is considered not acceptable under the provisions of S4.15(1)(a)(iii) of the EP&A Act 1979 in that the proposed development fails to satisfy Part A of the SCDCP 2005, in particular the following sections:
 - a. Section 2 – Architectural Design and Streetscape Presentation,
 - b. Section 4 – Building Envelope,
 - c. Section 5 – Landscaping,
 - d. Section 8 – Vehicle Access and Parking.
3. The Application is considered not acceptable under the provisions of S4.15(1)(b) of the EP&A Act 1979 in that the proposed dwelling design is of a scale and design which is likely to have adverse impacts on the built environment (streetscape) and may have adverse impacts on the natural environment (excavation).
4. The Application is considered not acceptable under the provisions of S4.15(1)(c) of the EP&A Act 1979 in that the proposed dwelling design is of a scale and design which is not suitable for the site.
5. The Application is considered not acceptable under the provisions of S4.15(1)(e) of the EP&A Act 1979 in that the proposed dwelling design is of a scale and design which is not in the public interest.