

IDAP REPORT

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| Property: | 55 Long Street STRATHFIELD DA 2020/138 |
| Proposal: | Demolition of the existing dwelling, construction of a two (2) storey dwelling with basement parking, swimming pool and front boundary fence. |
| Applicant: | B Wang |
| Owner: | M Lin |
| Date of lodgement: | 30 July 2020 |
| Notification period: | 14 to 28 August 2020 |
| Submissions received: | Nil |
| Assessment officer: | M Rivera |
| Estimated cost of works: | \$1,079,660.00 |
| Zoning: | R2 – Low Density Residential – SLEP 2012 Not a heritage item |
| Heritage: | Not adjoining a heritage item Not within a heritage conservation area |
| Flood affected: | Yes |
| Is a Clause 4.6 Variation Proposed: | Yes – Clause 4.4 Floor Space Ratio: 6.4% (28.5m ²) No written request for variation provided. |
| RECOMMENDATION OF OFFICER: | REFUSAL |



Figure 1. Locality plan. The subject site is outlined in yellow.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the demolition of the existing dwelling, construction of a two (2) storey dwelling with basement parking, swimming pool and front boundary fence.

Site and Locality

The site is identified as 55 Long Street, Strathfield and has a legal description of Lot 126 in DP 746. The site is a rectangular shaped parcel of land and is located on the northern side of Long Street.

The site has a width of 15.24m, a depth of 50.8m and an overall site area of 774.2m².

The surrounding locality is low density residential in character and predominantly consists of single storey and multi-storey dwelling houses of varying design, scale and finishes. Most of the housing stock feature pitched roofing, dark brown/red bricks or neutral rendering and low front fencing.

Strathfield Local Environmental Plan

The site is within the R2 – Low Density Residential zone under the provisions of Strathfield Local Environmental Plan 2012 (SLEP 2012) and the proposal is a permissible form of development with Council's consent. The proposal fails to satisfy all relevant objectives contained within the SLEP 2012.

Development Control Plan

The proposed development fails to satisfy certain provisions of Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005). This is discussed in more detail in the body of the report.

Notification

The application was notified in accordance with Council's Community Participation Plan (CPP) from 14 to 28 August 2020. No submissions were received during this period.

Issues

- Site responsiveness
- Basement level
- Bulk and scale
- Compatibility with streetscape character
- Inconsistencies and insufficient information

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Development Application 2020/138 is recommended for refusal.

REPORT IN FULL

Proposal

The application seeks Council approval for the demolition of an existing dwelling, construction of a two (2) storey dwelling with basement parking, swimming pool and front boundary fence. The proposal specifically involves the following elements:

- Demolition of the existing dwelling house;
- Construction of a dwelling house comprising:
 - Basement level with two (2) car spaces and access to the parking, storage room and mechanical room, lift void and stairwell leading to upper floors;
 - Ground floor with home office, study with ensuite, guest room, bathroom, living and dining areas, laundry, kitchen with walk-in-pantry and outdoor BBQ area;
 - First floor with master bedroom with walk-in-robies, baby area, study nook, ensuite and front-facing balcony; three (3) bedrooms with separate bathrooms and several void spaces;
- Construction of an in-ground swimming pool and spa in the rear yard; and
- External works surrounding the new dwelling including landscaping works.

A Site Plan, Floor Plans, Elevations and Section are illustrated in Figures 2 to 8 below.

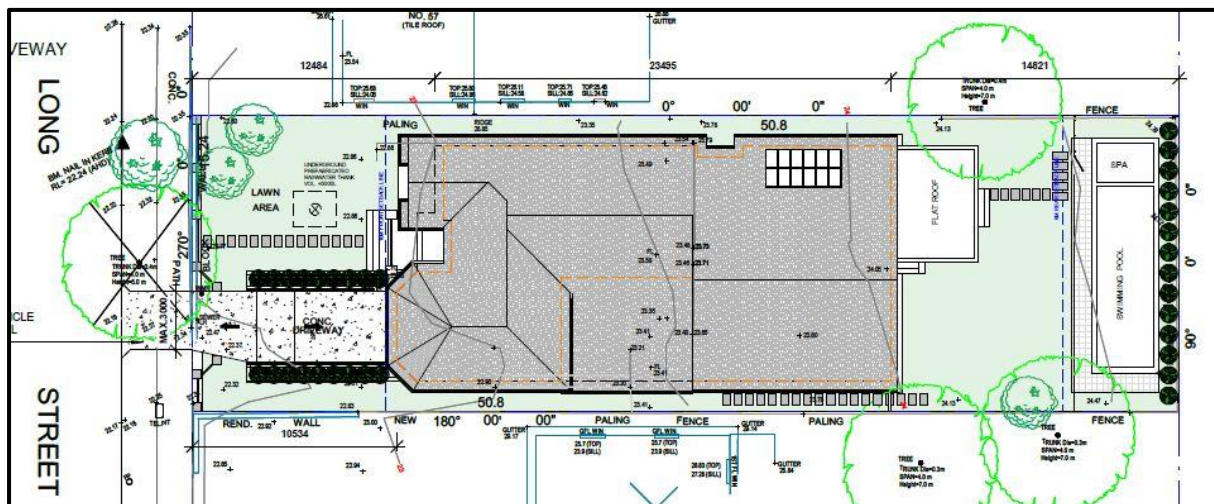


Figure 2. Site Plan

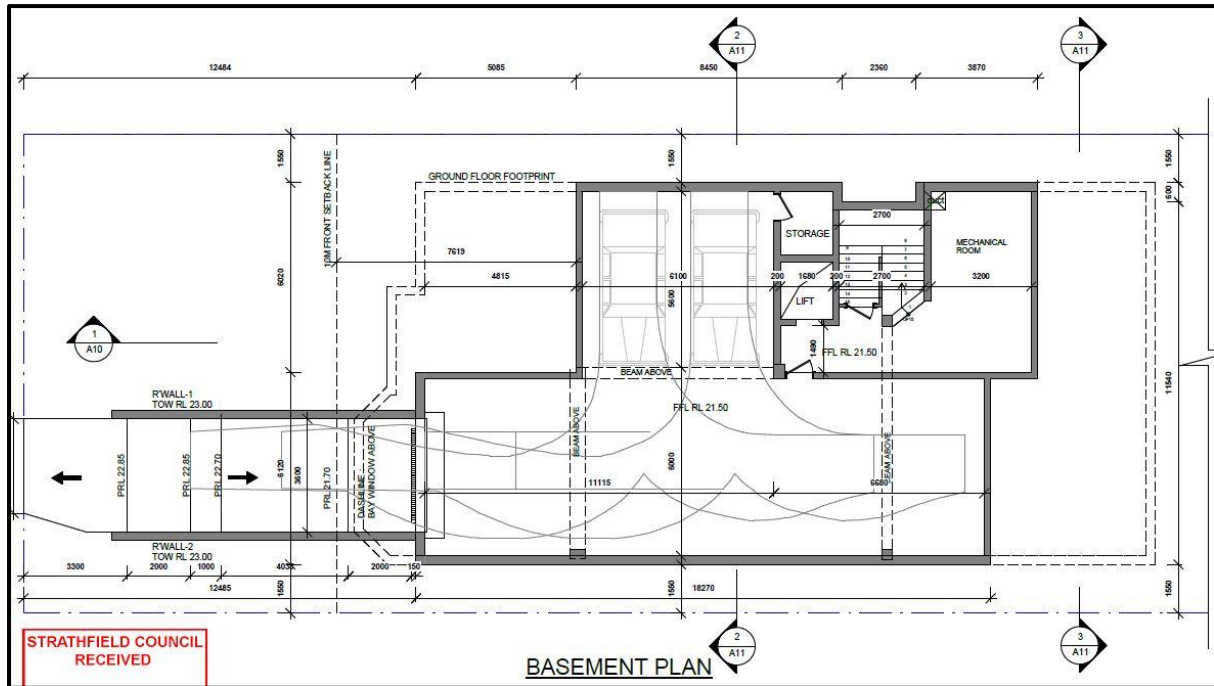


Figure 3. Basement Plan

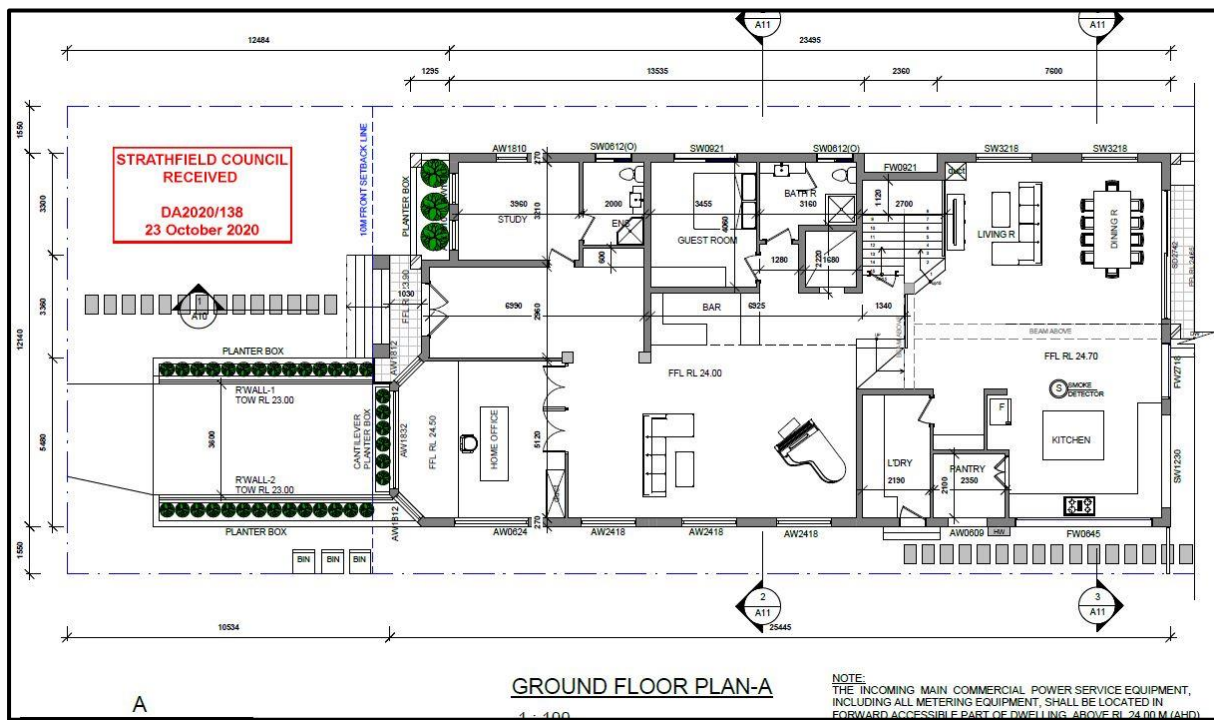


Figure 4. Ground Floor Plan

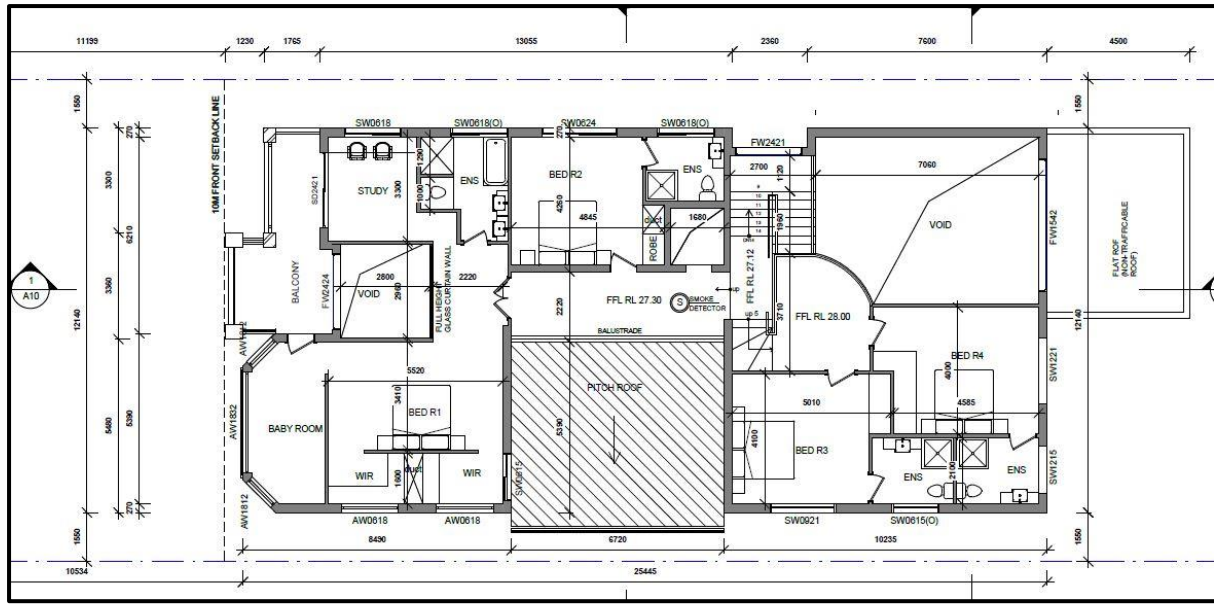


Figure 5. First Floor Plan



Figure 6. Front (South) Elevation

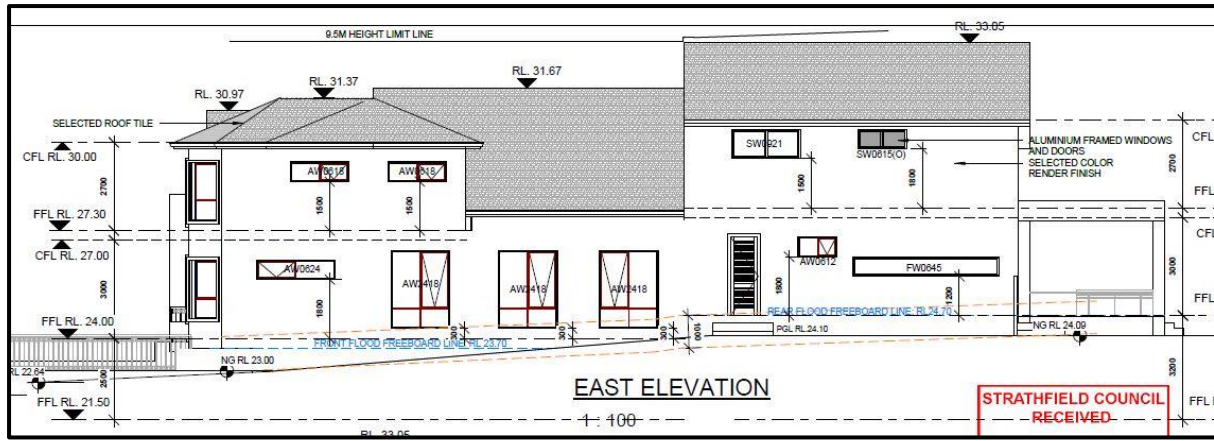


Figure 7. East Elevation

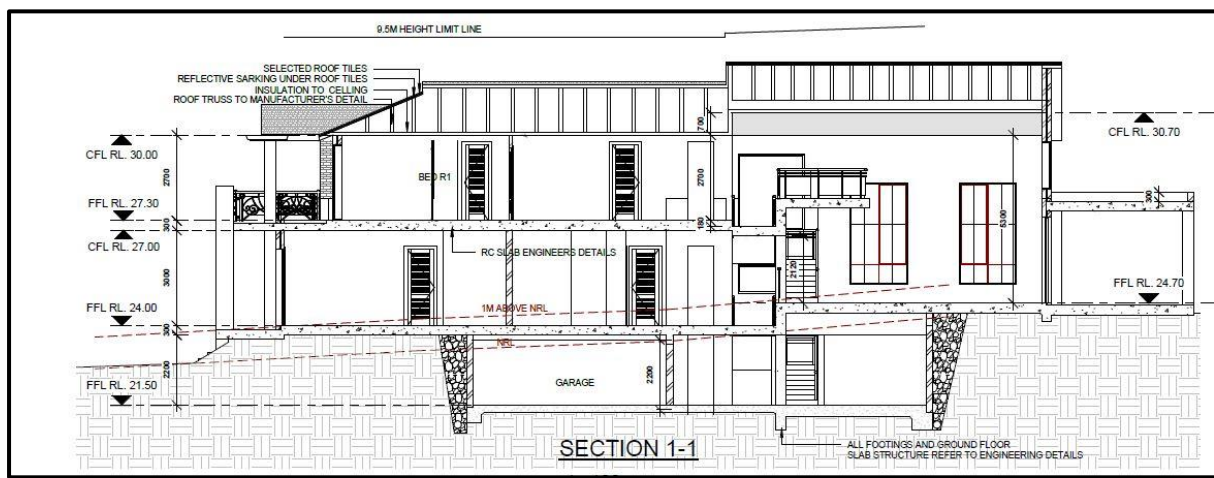


Figure 8. Section 1-1

The Site and Locality

The subject site is legally described as Lot 126 in DP 746 and commonly known as No. 55 Long Street, Strathfield. The site is within the R2 – Low Density Residential zone, pursuant to the provisions of SLEP 2012. It is a rectangular allotment, located on the northern side of Long Street. The site has a width of 15.24m, a depth of 50.8m and an overall site area of 774.2m². The land has a 2m fall to the street.

The site is predominantly modified and currently contains a single storey dwelling house with a front verandah and a detached garage (refer to Figures 9 to 11). The site is mostly devoid of any notable vegetation and there are no trees within the premises. The site benefits from vehicular access via an existing driveway on the eastern side of the front boundary, off Long Street.



Figure 9. Front of existing dwelling house



Figure 10. Rear of existing dwelling house



Figure 11. Existing detached garage

The surrounding locality is low density residential in character and predominantly consists of single storey and multi-storey dwelling houses of varying design, scale and finishes. Most of the housing stock feature pitched roofing, dark brown/red bricks or neutral rendering and low front fencing (refer to Figures 12 and 13). It is noted that most neighbouring dwelling houses do not feature basement levels.



Figure 12. Streetscape – northern side of Long Street (same side as subject site)



Figure 13. Streetscape – southern side of Long Street

The site is surrounded by the following properties:

- Adjoining the eastern boundary: a two (2) storey dwelling house at No. 53 Long Street, Strathfield (refer to Figure 14);
- Adjoining the western boundary: a single storey dwelling house at No. 57 Long Street (refer to Figure 15);
- Adjoining the northern (rear) boundary: a dwelling house at No. 64 Mintaro Avenue, Strathfield; and
- South of the site and across the road: a two (20 storey dwelling house at No. 54 Long Street, Strathfield (refer to Figure 16).



Figure 14. Dwelling house at No. 53 Long Street



Figure 15. Dwelling house at No. 57 Long Street



Figure 16. Dwelling house at No. 55 Long Street

Background

| | |
|-------------------|--|
| 30 July 2020 | The subject application was lodged. |
| 14 August 2020 | The application was placed on exhibition, with the last date for submissions being 28 August 2020. No submissions were received during this period. |
| 18 August 2020 | A site visit was undertaken by Council's assessment officer. |
| 18 August 2020 | <p>A 'Stop the Clock' letter was sent to the applicant raising the following issues:</p> <ul style="list-style-type: none"> • Floor space ratio; • Building height; • Flood prone land; • Bulk and scale; • Basement level; • Landscape quality; • Splay in front fencing; and • Roof above BBQ area. |
| 9 September 2020 | Council officers discussed the matters raised in the 'Stop the Clock' letter in a face-to-face informal meeting. The applicant was advised that any additional information must be provided via the Planning Portal. The applicant mentioned that they will be discussing the outcomes of the meeting with their clients and agreed to submit additional information via the Planning Portal. |
| 18 September 2020 | The applicant requested to provide some preliminary conceptual designs to Council with the intention of getting some feedback. It is noted that the conceptual designs were not to formally lodged via the Planning Portal. |
| 21 September 2020 | <p>Council provided feedback in correspondence. The following issues were identified following a review of the conceptual designs:</p> <ul style="list-style-type: none"> • Floor space ratio; • Basement level; • Bulk and scale; • Window schedule; • Roof detail; • Landscape quality; and • Flood prone land. <p>A second correspondence was provided on the same date, which detailed issues raised by Council's Tree Management Coordinator and Traffic Engineer.</p> |
| 6 October 2020 | The applicant formally lodged additional information in the form of amended plans, new landscape plan and letter responses. It is noted that a Flood Impact Assessment Report was not provided. |

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| 12 October 2020 | A Deferral Letter was provided to the applicant raising the following issues: <ul style="list-style-type: none">• Site responsiveness, bulk and scale;• Design and streetscape compatibility; and• Inconsistencies and inaccuracies in plans. |
| 23 October 2020 | The applicant provided additional information including amended plans, Tree Inspection Report and Flood Impact Assessment Report. |
| 25 November 2020 | The applicant provided a Car Swept Path Test. |

Referrals – Internal and External

INTERNAL REFERRALS

Stormwater Engineer Comments

Council's Stormwater Engineer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

Traffic Engineer Comments

Council's Traffic Engineer confirmed objections to the proposal due to the non-conformance with Australian Standard *AS2890.1:2004*. The gradient of the driveway is unable to facilitate appropriate entry of vehicles without scraping.

Tree Management Coordinator Comments

Council's Tree Management Coordinator offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

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 (SLEP 2012).

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned R2 – Low Density Residential under SLEP 2012.

Dwelling houses are permissible within the R2 – Low Density Residential zone with consent and is defined under SLEP 2012 as follows:

“Dwelling house means a building containing only one dwelling.”

The proposed development for the purpose of a boarding house is consistent with the definition above and is permissible within the R2 – Low Density Residential zone with consent.

Zone Objectives

An assessment of the proposal against the objectives of the R2 – Low Density Residential zone is included below:

| Objectives | Complies |
|---|-----------------|
| ➤ <i>To provide for the housing needs of the community within a low density residential environment.</i> | Yes |
| ➤ <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> | Yes |
| ➤ <i>To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation areas.</i> | Yes |

Comments: The proposed development satisfies the above objectives as it will retain the existing land use as a single dwelling house.

Part 4 – Principal Development Standards

| Cl. | Standard | Controls | Proposed | Complies |
|------------|--------------------|-----------------|-----------------|-----------------|
| 4.3 | Height of Building | 9.5m | 8.96m | Yes |

| | Objectives | Complies |
|------------|--|-----------------|
| (a) | <i>To ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area</i> | Yes |
| (b) | <i>To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area</i> | Yes |
| (c) | <i>To achieve a diversity of small and large development options.</i> | Yes |

| Cl. | Standard | Controls | Proposed | Complies |
|------------|-------------------|-------------------------------------|----------------------------------|-----------------|
| 4.4 | Floor Space Ratio | 0.575:1 (445.165m ²) | 0.61:1 (473.7m ²) | No |

| | Objectives | Complies |
|------------|--|-----------------|
| (a) | <i>To ensure that dwellings are in keeping with the built form character of the local area</i> | No |
| (b) | <i>To provide consistency in the bulk and scale of new dwellings in residential areas</i> | No |
| (c) | <i>To minimise the impact of new development on the amenity of adjoining properties</i> | Yes |

| | | |
|------------|---|------------|
| (d) | <i>To minimise the impact of development on heritage conservation areas and heritage items</i> | Yes |
| (e) | <i>In relation to Strathfield Town Centre:</i> <i>i. to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and</i> <i>ii. to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development</i> | N/A |
| (f) | <i>In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor</i> | N/A |

Comments: It is noted that the above calculation of Floor Space Ratio (FSR) includes 25.8m² of the basement level, which comprises additional vehicular turning area. Council's Traffic Engineer confirmed that the additional turning area is unnecessary and not required for facilitating parking and forward entry/exit for vehicles. The applicant confirmed disagreement with Council and did not intend on providing a variation request under Clause 4.6. Notwithstanding this, even with a discount of the entire basement level from the FSR calculation the proposal would still involve a slight contravention to the maximum FSR provision as per Clause 4.4.

The proposal involves an additional 28.5m² of gross floor area, which represents a variation of 6.4%. This is considered an unacceptable contravention to Clause 4.4. The proposed development is considered an excessively bulky and massed built form that will interrupt the streetscape pattern along Long Street and create unreasonable adverse streetscape and visual amenity impacts. The proposed variation fails to ensure that dwellings are in keeping with the character of the local area and fails to maintain consistency in the bulk and scale of new dwellings. Further, the development will set an undesirable precedence by introducing a building that is not site-responsive, not contextually appropriate and that represents an overdevelopment of the site.

Clause 4.6 – Exceptions to development standards

Clause 4.6(3) stipulates that:

“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.”*

Regardless of the applicant's failure to provide a written request as per Clause 4.6, Council is unable to support the proposed variation of 6.4% (28.5m²) to the maximum FSR provision under Clause 4.3 of SLEP 2012 given that:

- There are no substantive merits and justification for the excess FSR;
- There are no site constraints and contextual considerations that would warrant a contravention to the development standard;
- The contravention to the development standard creates an incompatible built form that is excessive in bulk and scale and represents a significant overdevelopment of the site;

- The basement level is extensive and contributes to excess massing of the building;
- The large void spaces, which have not been included in the FSR calculation, significantly contribute to the unacceptable bulk and scale of the proposal;
- The proposal fails to achieve a high quality urban form;
- The proposal fails to promote a spatially appropriate use of land;
- The proposal fails to respond appropriately to the specific constraints of the site including topography and flooding conditions. The proposal fails to demonstrate site suitability – it is evident that the site is unsuitable for the development;
- The proposal fails to achieve key objectives under Clause 4.4;
- The proposal will have unacceptable visual amenity and streetscape impacts as its design is neither compatible nor consistent with the streetscape; and
- The proposal is not in the public interest as it will introduce an excessively massed and bulky built form in the surrounding locality that will have adverse impacts and will set an undesirable precedence.

In light of the above, the proposed contravention is unreasonable and unacceptable and therefore, is not supported.

Part 5 – Miscellaneous Provisions

None of the provisions under Part 5 of the SLEP 2012 are triggered by the proposal.

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 ramps and ancillary works. Whilst the extent of excavation is generally limited to the footprint of the ground floor above, the basement level features an excess of spaces that have been annotated as vehicular turning bays but have been assessed as unnecessary. Accordingly, these areas have been included in the FSR calculation and contribute to the contravention to Clause 4.4 of the SLEP 2012 and to excess bulk, massing and poor presentation of the development. As such, the proposed excavation works are unacceptable and not supported.

Flood Planning

The subject site has been identified as being at or below the flood planning level. A Flood Impact Assessment Report was provided by the applicant. The application was evaluated by Council's Stormwater Engineer who confirmed that the proposal is supportable, subject to conditions ensuring it is designed to conform to the recommendations and conclusions stated in the Flood Impact Assessment Report. Accordingly, the proposed development satisfies the objectives of this clause.

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

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 the available history 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 SEPP 55 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 (SCDCP 2005). The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

PART A – Dwelling Houses and Ancillary Structures (SCDCP 2005)

| Applicable DCP Controls | DCP Controls | Development Proposal | Compliance/ Comment |
|---|--|--|--|
| Building Envelope | | | |
| Floor Space Ratio: | 0.575:1 (445.165m ²) | 0.61:1 (473.7m ²) | No – see below |
| Heights: Floor to ceiling heights: Height to underside of eaves: Basement height above NGL: | 3.0m (max) 7.2m (max) 1.0m (max) | 6m 6.6m 1.05m | No – see below Complies No – see below |
| Number of Storeys/Levels: | 2 (max) | 2 | Complies |
| Setbacks: Front: | 9m (min) | 9.5m (GF) 9.5m (FF) | Complies Complies |
| Side: | 1.2m (min) | 1.55m | Complies |
| Side: | 1.2m (min) | 1.55m | Complies |
| Combined Side Setback: | 3.048m (20%) | 3.1m (20.3%) | Complies |
| Rear: | 6m (min) | >10m (GF) >14.5m (FF) | Complies Complies |
| Landscaping | | | |
| Landscaping/Deep soil Provisions: | 43% (332.9m ²) (min) | 43.4% (335.8m ²) | Complies |
| Private Open Space Area: Minimum dimension: | 10m ² 3m | >10m ² >3m | Complies Complies |
| Fencing | | | |
| Height (overall/piers): Solid Component: | 1.5m (maximum) 0.7m | 1.5m 1.5m (columns) | Complies No – acceptable on merit. |
| Solar Access | | | |
| POS or habitable windows | 3 hours to habitable windows and to 50% of POS | 3 hours to habitable windows and to 50% of POS | Complies |
| Vehicle Access and Parking | | | |
| Driveway width at Boundary: Vehicular Crossing: Driveway setback – side: No. of Parking Spaces: | 3m 1 0.5m 2 | 3m 1 crossing 1.55m 2 spaces | Complies Complies Complies Complies |
| Basement: Basement protrusion: | Less than 1.0m | 1.05m | No – see below |
| Basement ramp/driveway | 3.5m | 3.6m | Can be conditioned to comply. |
| Internal height: | 2.2m | 2.2m | Complies |

| Ancillary Development | | | |
|---|------|--------------------------|----------------------------------|
| RETAINING WALLS Maximum height: | 1.2m | 1.8m | No – acceptable on merit. |
| SWIMMING POOL Side/Rear Setback | 1.0m | 2m (side) 1.3m (rear) | Complies Complies |

Architectural Design and Streetscape Presentation

The proposed development fails to meet the architectural feature and design requirements under SCDP 2005. The design pattern of the existing housing stock along Long Street and the immediate vicinity is dominated by simple pyramidal roof forms that are typically on a single plane. The roof design of the new dwelling features three (3) distinct roof forms, and at varying levels that are staggered throughout the site. This confusing pattern is uncharacteristic of the design pattern within the vicinity. It is evident that these roof forms intend to respond to the site's constraints including its topography and flood affectations. For instance, a set of stairs has been incorporated to split the levels on the first floor, which further necessitates the need to change the roof form and further exacerbate bulk and scale. In attempting to respond to the site constraints as well as facilitating large void spaces and an excessive basement level, the overall design delivers large expanses of roofing. To combination with the excess massing and presentation created by the additional FSR, the proposed roof design further contributes to the bulk and scale of the proposal and significantly disrupts the pattern of development within the streetscape. Consequently, the final design:

- Will have unacceptable streetscape and visual amenity impacts;
- Fails to demonstrate appropriate consistency and compatibility within the streetscape;
- Provides limited articulation, modulation and visual interruption of the built form that adequately minimises the bulk, scale and presentation of the development; and
- Is considered an undesirable outcome that does not respond to the site's constraints, topography and context.

Given the above considerations, the final design of the proposal is considered unacceptable and is not supported.

Scale, Massing and Rhythm of Street

Basement level protrusion

As mentioned above, the proposed development is considered excessive in terms of bulk and scale. It is apparent that the excess bulk and scale are the result of both the contravention to the FSR development standard and poor site response of the design. Of particular note is the manner in which the design responds to the flooding conditions of the site whilst trying to accommodate a basement level and large void spaces. For instance, the finished floor levels are raised significantly higher than the freeboard levels for the site and this is likely due to the required headroom for vehicular access into the basement. The basement level involves a protrusion that is greater than the maximum 1.0m control in the SCDP 2005. The excess height adds to the bulk and scale of the proposal. As highlighted in the SCDP 2005, basements are not encouraged on flood affected sites and the proposal highlights the unresolved matter associated with being able to design a site-responsive building of reasonable bulk and scale, whilst facilitating a basement level, on a flood-affected site. The proposed development fails to reconcile this matter and therefore, the excess basement level protrusion is unacceptable and not supported.

Floor to ceiling height

The large void space over the living and dining room is excessive and features a 6m floor to ceiling height. This excess internal wall height is partially due to the void and partially due to the unnecessary splitting of the finished floor levels on the first floor. The size of the void space combined with the excess height creates a highly bulky built form. Thus, the variation to the maximum floor to ceiling height control is not supported.

It is evident that any opportunities to adequately reduce the bulk, scale and massing of the proposed development are severely limited by the proposed basement and the large void spaces. Therefore, with regard to matters relating to bulk, massing and rhythm of street, the proposal fails to achieve relevant requirements and is considered unacceptable and not supported.

Building Envelope

Floor space ratio

As mentioned above, the proposed development will have a 28.5m² (6.4%) contravention to the maximum FSR development standard as per Clause 4.4 of the SLEP 2012. This contravention is not supported.

Setbacks

The proposed development complies with the minimum setback controls as per the SCDCP 2005.

Landscaping and Open Space

The proposed development generally satisfies the relevant objectives and controls of the SCDCP 2005 that relate to landscaped area and private open space. The development is considered to have an acceptable level and quality of landscaped area and private open space; however, the excessive massing and scale of the new dwelling results in an imbalance of structural and hardscaped elements, a poor design outcome and an undesirable streetscape presentation.

Front Fencing

Solid component

The design of the proposed front fencing features open metal palisade panels supported by masonry columns. These columns are greater than the maximum height for solid components for front fences (0.7m); however, the proposed design demonstrates sufficient merit as it still presents a primarily open visual aesthetic that is compatible with existing front fencing within the streetscape.

Solar Access

Given the orientation of the site, solar access to windows of habitable rooms and to at least 50% of the private open space is achieved or maintained for a minimum period of three (3) hours during winter solstice. Solar access is also achieved or maintained to the private open space of adjoining properties. The proposal is considered to generally satisfy the relevant objectives and controls of the SCDCP 2005.

Privacy

The proposed development generally satisfies the relevant objectives and controls of the SCDCP 2005, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised. It is noted that all of the windows on the first floor are from

bedrooms, bathrooms, a hallway, study nook and stairwell – which are considered low activity spaces. The front facing balcony will not result in significant privacy issues and is considered an acceptable articulation of the front facade. It is noted that the roof above the open BBQ area is annotated as a non-trafficable flat roof and the final design has been amended to have openings above the roof to appear as appropriately scaled windows. The likelihood of this space to be converted to a roof top terrace has been reduced.

The east-facing windows in the centralised living space are of concern as the finished floor level is elevated by over 1m above natural ground level. The west-facing windows in the living and dining room may also result in some overlooking. The BBQ area is also elevated by at least 0.5m above natural ground level. If supported, conditions can be incorporated to modify the relevant windows to have obscured glazing to 1.5m and to provide a privacy screen across the western elevation of the BBQ area, to minimise potential privacy impacts from these spaces.

Vehicular access, Parking and Basements

The proposed development generally satisfies the relevant objectives and controls of the SCDCP 2005 in that it provides the minimum number of required parking spaces; however, as mentioned above, Council's Traffic Engineer confirmed that vehicular access is not in accordance with Australian Standard AS2890.1:2004.

The matter relating to the excess protrusion of the basement level has been discussed in detail above.

Cut and Fill

The proposed development fails to satisfy the relevant objectives and controls of the SCDCP 2005, in that the need for cut and fill was not kept to a minimum. The proposal involves significant excavation works for the provision of a basement, driveway ramps and ancillary works. The extent of excavation contributes to excess bulk, massing and poor presentation of the proposed development. As such, the proposed ground disturbance is unacceptable and not supported.

Water and Soil Management

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005 and complies with Council's Stormwater Management Code. If supported, conditions can be imposed to prevent or minimise soil disturbances during construction.

Access, Safety and Security

The proposed development satisfies the relevant objectives and controls of the SCDCP 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

Retaining Walls

The proposed development generally satisfies the relevant objectives and controls within SCDCP 2005. Retaining walls comprising a maximum height of 1.8m will be required along the perimeter of the driveway. Given that these internal walls step up with the gradient of the driveway the excess height demonstrates merit and is acceptable.

Swimming Pools

The proposed development satisfies the relevant objectives and controls with SCDCP 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 is able to demonstrate compliance with relevant legislation and standards relating to private swimming pools.

PART H – Waste Management (SCDCP 2005)

In accordance with Part H of SCDCP 2005, a waste management plan was submitted with the application. The plan details measure for waste during demolition and construction, and the on-going waste generated by the development during its use. It is considered that this plan adequately address Part H and considered satisfactory.

(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 development is not of a scale and character that is in keeping with other developments being constructed in the locality. Accordingly, the proposal will generate unacceptable, unreasonable, adverse and significant impacts on the natural and built environment, particularly in relation to streetscape and visual amenity.

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

It is considered that the proposed development is excessive in terms of design, bulk, scale and massing. It is evident that the site is not suitable for proposal as its design has little regard for the site's dimensions, shape and constraints including topography, flood affectations and relationship to adjoining developments.

(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. No submissions were received during the notification period.

(e) the public interest.

The proposed development is of a scale and character that does conflict with the public interest as it demonstrates failure to comply with the maximum FSR development standard

under Clause 4.4 of the SLEP 2012 and is unable to achieve key objectives and requirements under the SLEP 2012 and SCDCP 2005. The proposal introduces a non-compliant built form that will set an undesirable precedence for the locality that represents an overdevelopment of the site.

Local Infrastructure Contributions

Section 7.13 of the *Environmental Planning and Assessment 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 DEVELOPMENT CONTRIBUTIONS PLAN

Section 7.12 (previously Section 94A) of the *Environmental Planning and Assessment Act 1979* relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. Section 7.12 of the *Environmental Planning and Assessment Act 1979* reads as follows:

“A consent authority may impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan, of the proposed cost of carrying out the development.”

The proposed development has a value of greater as \$100,000. In order to provide additional public facilities and infrastructure to meet the demand created by development, the proposed development will attract Section 7.12 Indirect Contributions in accordance with the Strathfield Indirect Development Contributions Plan (3 September 2010). This contribution is based on the proposed cost of works for the development and has been calculated at 1% of \$1,079,660 (the estimated cost of development identified in the development application). Therefore, the Section 94 Indirect Contributions for the proposed development is **\$10,796.60**.

If granted approval, the above Section 7.11 contributions will apply to the proposed development.

Conclusion

The application has been assessed having regard to the Heads of Consideration under Section 4.15 (1) of *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. 138/2020 should be **REFUSED**.



Signed:

M Rivera
Senior Planner

Date: 1 December 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;

Report and recommendations have been peer reviewed and concurred with.

Signed:

Date: 3 December 2020

K Lindeberg

Executive Manager, Landuse Planning and Development

Recommendation

In accordance with Clause 4.6(3) of the Strathfield Local Environmental Plan 2012, a written request from the applicant seeking justification for the contravention of the development standard – Clause 4.3 (Floor Space Ratio) was not provided to Council. Accordingly, the consent authority is unable to grant development consent.

That Development Application No. DA2020/138 for demolition of the existing dwelling, construction of a two (2) storey dwelling with basement parking, swimming pool and front boundary fence at 55 Long Street, Strathfield be **REFUSED**, for the following reasons:

1. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the aims of the Strathfield Local Environmental Plan 2012 relating to achieving high quality urban form that reflects the existing and desired future character of the locality. The proposal fails demonstrate achieving a high quality urban design as its bulk, scale and overall design are not reflective of the existing or desired future character of the surrounding locality.
2. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the aims of the Strathfield Local Environmental Plan 2012 relating to promoting efficient and spatially appropriate use of land. The proposal represents an overdevelopment of the site and features a design that is excessive in bulk and scale, and is unable to provide an appropriate and equitable balance of building, hardscaped and soft landscaped elements.
3. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to comply with the maximum floor space ratio provision under Clause 4.4C of the Strathfield Local Environmental Plan 2012.
4. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives for the maximum floor space under clauses 4.4(1)(a), (b) and (c) of the Strathfield Local Environmental Plan 2012. The proposal features a design, bulk and scale that is not in keeping with the built form character of the local area and

does not maintain consistency with any existing and new residential development within the surrounding locality.

5. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives of Clause 2.1 (Architectural Design and Streetscape Presentation) of Part A of the Strathfield Consolidated Development Control Plan 2005. The proposal will result in an excessive built form that does not respect the predominant height, scale, character, type, form and architectural qualities of surrounding development. The overall design of the proposal does not complement the character of the public domain and does not provide a positive contribution to public domain. The proposal will not ensure the public domain maintains is attractive and interesting setting.
6. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives of Clause 4.1 (Building Envelope) of Part A of the Strathfield Consolidated Development Control Plan 2005. The proposal will result in a building that is not compatible with the built form of the local area and is of a bulk and scale that is not relative to the natural ground level and does not respect the site's context, adjoining dwellings, topography and desired future character.
7. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives of Clause 5.1 (Landscaping) of Part A of the Strathfield Consolidated Development Control Plan 2005. The proposed landscaping is unable to sufficiently balance the building and structural elements of the proposal and does not adequately soften the visual impact of these elements.
8. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives of Clause 8.1 (Vehicle Access and Parking) of Part A of the Strathfield Consolidated Development Control Plan 2005. The proposed driveway is unable to facilitate safe vehicular access.
9. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to comply with the control under Clause 8.2.3 (Basement) of Part A of the Strathfield Consolidated Development Control Plan 2005. The proposed basement level comprises a protrusion of more than 1m above ground level.
10. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* as it will result in unacceptable adverse impacts in terms of streetscape and visual amenity.
11. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* as it fails to demonstrate that the subject site is suitable for the proposed built form.
12. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*. It is considered that in the circumstances of the case approval of the proposed development would set an undesirable precedent for similar excessively massed and inappropriate development and it is therefore not in the public interest.