

IDAP REPORT

Property:	6 Highfield Crescent STRATHFIELD Lot: 4 DP: 28880 DA2021/6
Proposal:	Demolition of an existing dwelling house and outbuilding and the construction of a two (2) storey dwelling house with basement level, swimming pool, front fence and associated landscaping works.
Applicant:	H Habib
Owner:	R Hammoud and I Hammoud
Date of lodgement:	8 February 2021
Notification period:	19 February to 5 March 2021
Submissions received:	Nil
Assessment officer:	M Rivera
Estimated cost of works:	\$987,772.00
Zoning:	R2 – Low Density Residential – SLEP 2012
Heritage:	No
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	REFUSAL

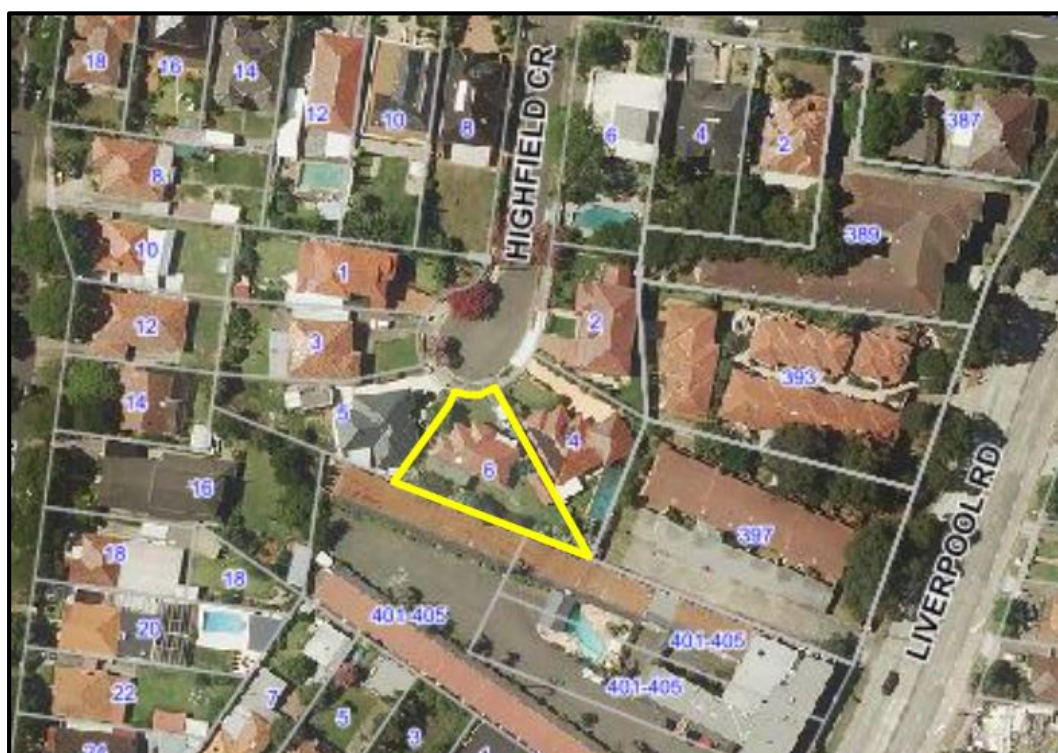


Figure 1. Locality Plan showing subject site (outlined in yellow) and surrounding properties.

EXECUTIVE SUMMARY

Proposal

Demolition of an existing dwelling house and outbuilding and the construction of a two (2) storey dwelling house with basement level, swimming pool, front fence and associated landscaping works.

Site and Locality

The site is identified as No. 6 Highfield Crescent, Strathfield and has a legal description of Lot 4 in DP 28880. The site is an irregular, triangular shaped parcel of land and is located on the southern side of the street.

The site has a north-south orientation, a curved frontage comprising a width of 7.175m, a minimum depth of 21.915m and an overall site area of 578m².

The subject site is within a low density residential suburban area, generally characterised by dwelling houses of diverse architectural style and scale.

Strathfield Local Environmental Plan

The site is zoned R2 – Low Density Residential under the provisions of Strathfield Local Environmental Plan 2012 (SLEP 2012) and the proposal, being a dwelling house and ancillary structures, is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the LEP.

Development Control Plan

The proposed development generally satisfies the 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 19 February to 5 March 2021. No submissions were received during this period.

Issues

- Non-compliance with maximum Floor Space Ratio (FSR) development standard under SLE 2012
- Bulk and scale

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Development Application 2020/209 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for demolition of an existing dwelling house and outbuilding and the construction of a two (2) storey dwelling house with basement level, swimming pool, front fence and associated landscaping works. Specifically, the application involves:

Demolition works

- Demolition of existing dwelling house and outbuilding (detached garage)

Construction of dwelling house comprising:

- Basement level with two (2) car spaces and turning area, car wash facility, access stairs and storage rooms;
- Ground floor with entry porch, foyer, dining room, breakfast nook, family/living room, formal lounge room, guest room/office, bathroom, laundry and kitchen with butler's pantry;
- First floor with master bedroom with walk-in-robe and ensuite, four (4) bedrooms, two (2) bathrooms, hallway and front-facing balcony;

Ancillary structures and other works:

- Construction of an in-ground swimming pool and outdoor bathroom in the rear yard;
- Construction of front fencing;
- External works surrounding the new dwelling house including landscaping works.

A Site Plan, Fencing Details, Floor Plans, Elevations and Section are shown in Figures 2 to 10 below.

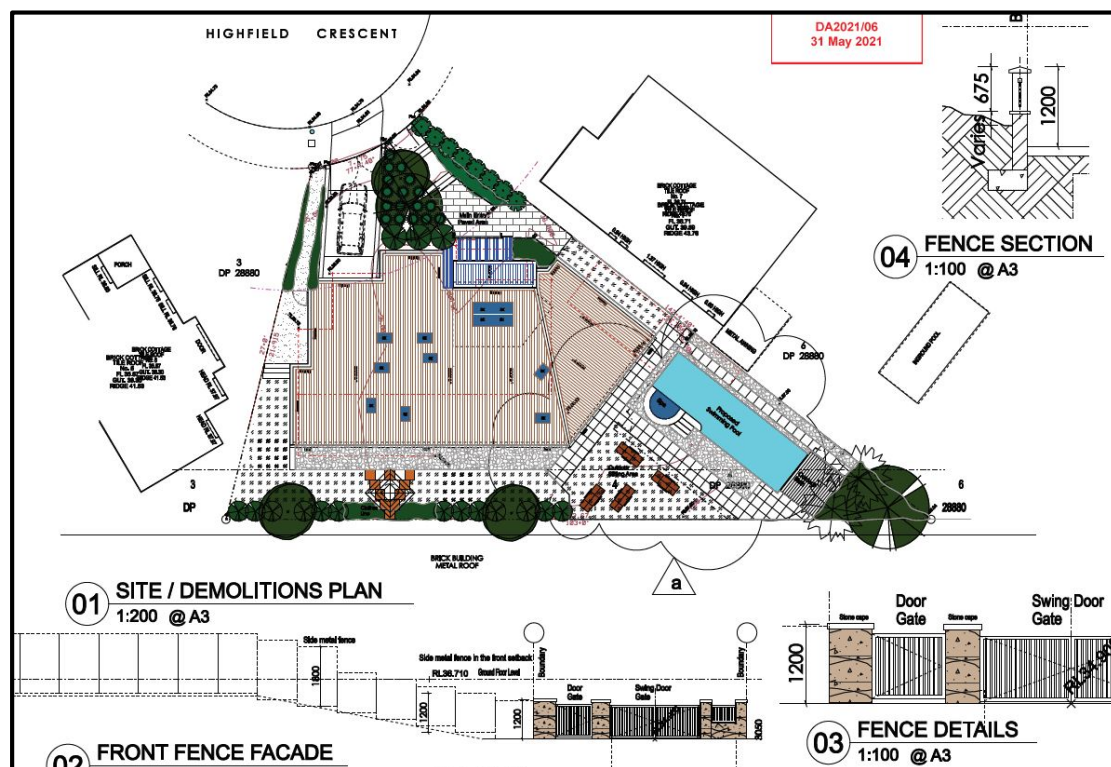


Figure 2. Site Plan and Fencing Details

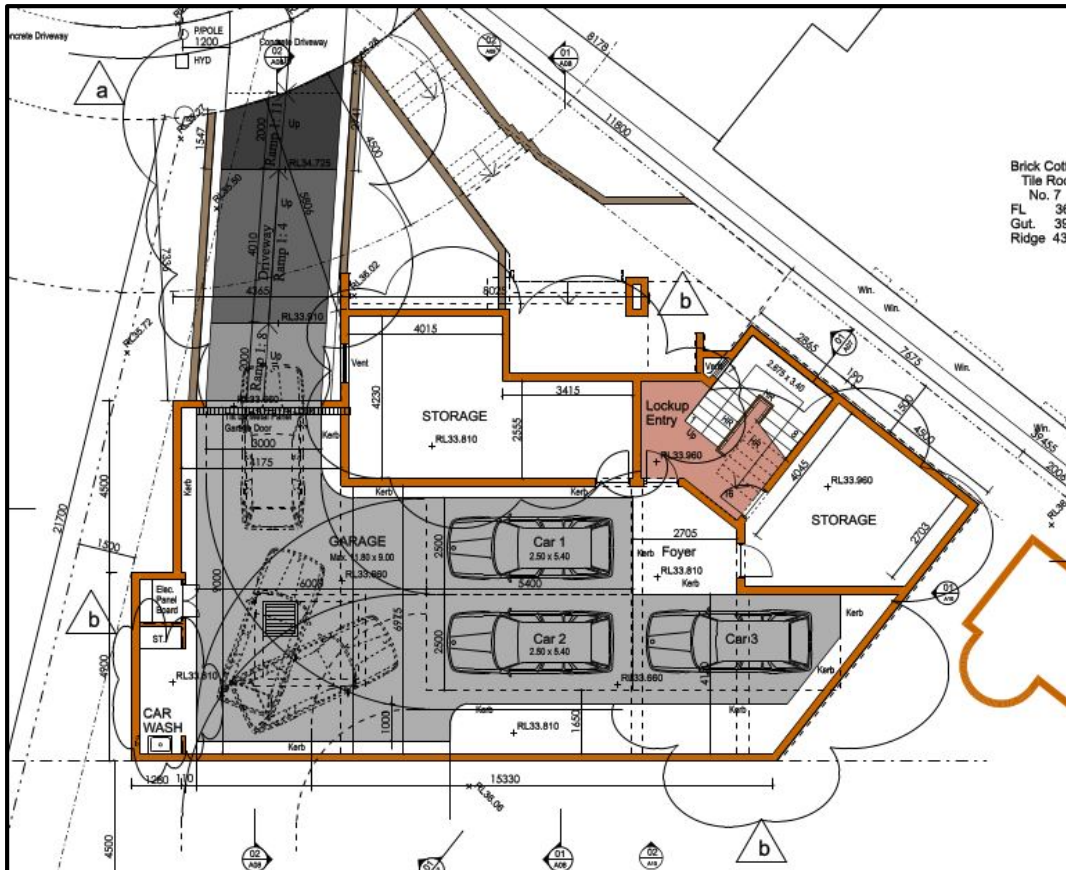


Figure 3. Basement Floor Plan

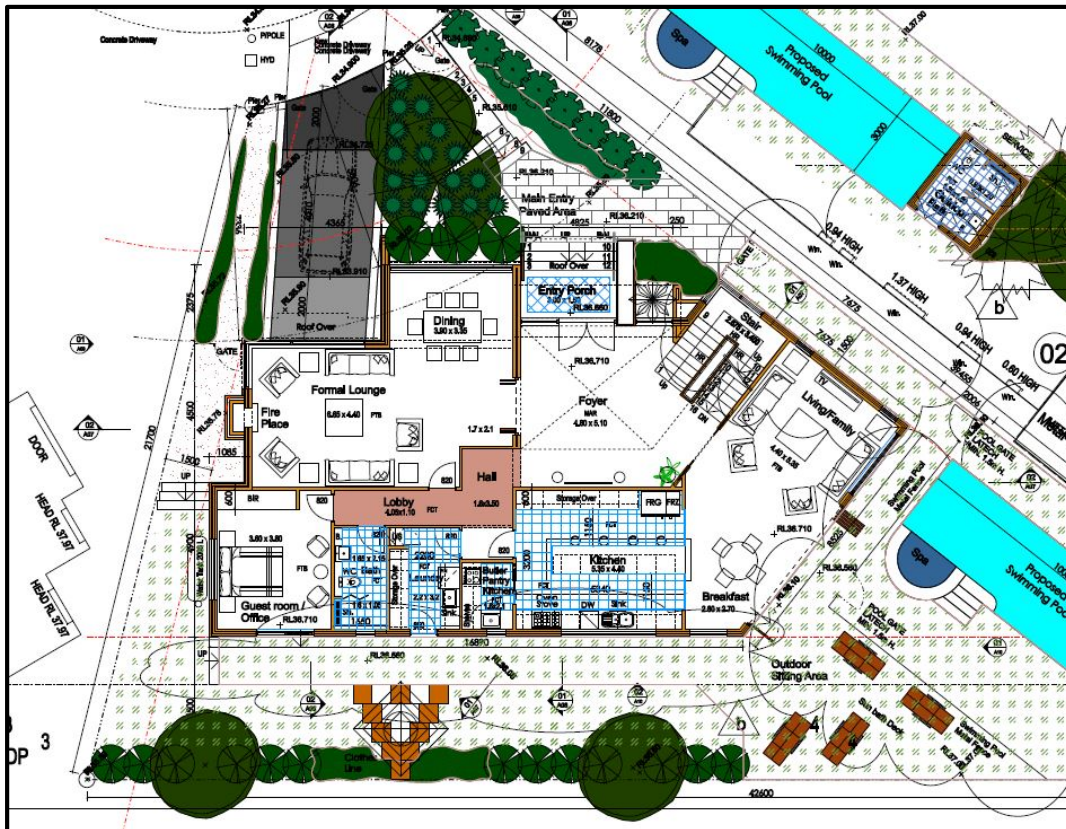


Figure 4. Ground Floor Plan

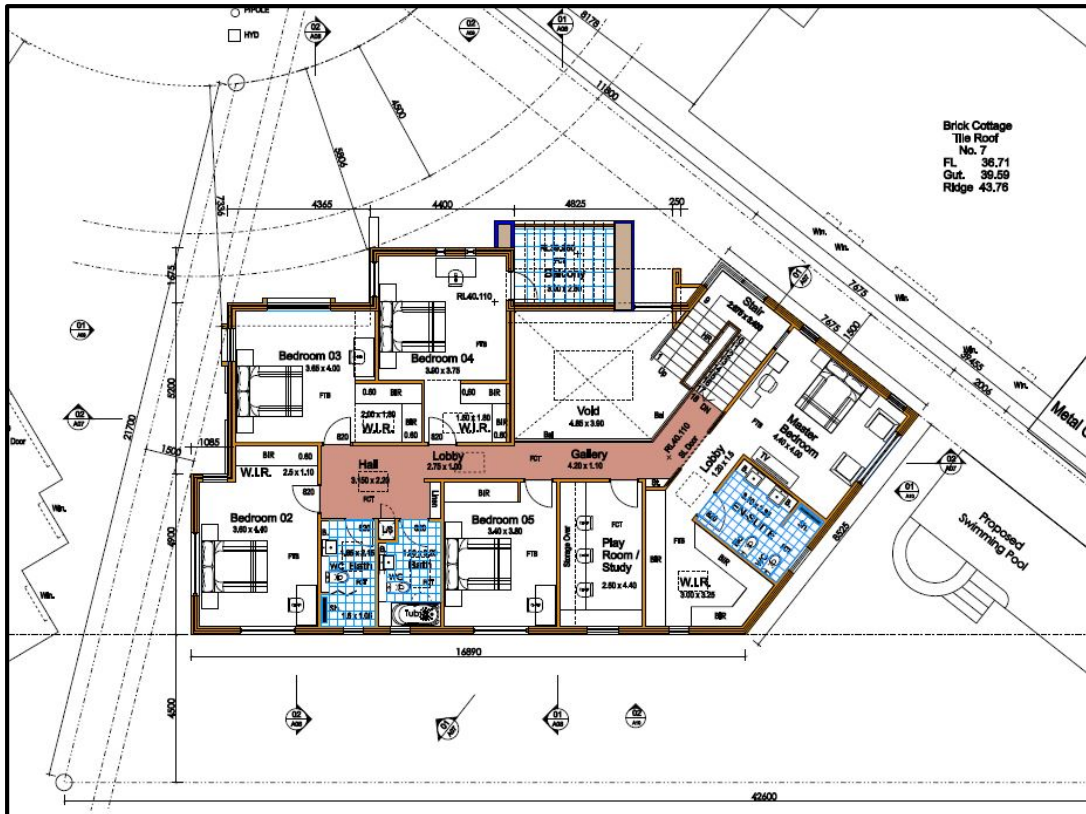


Figure 5. First Floor Plan

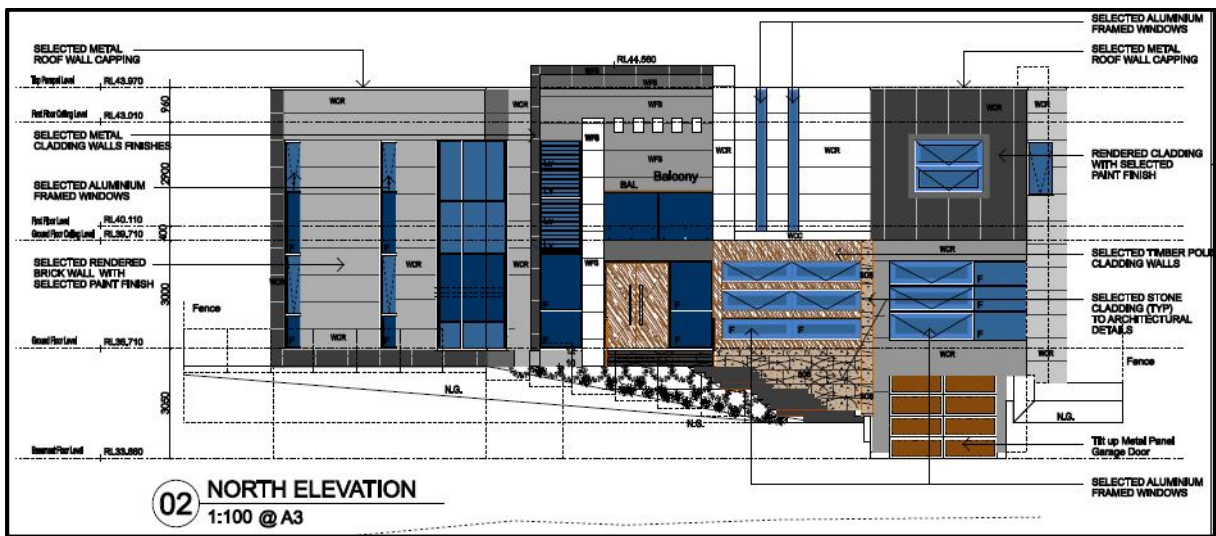


Figure 6. North Elevation

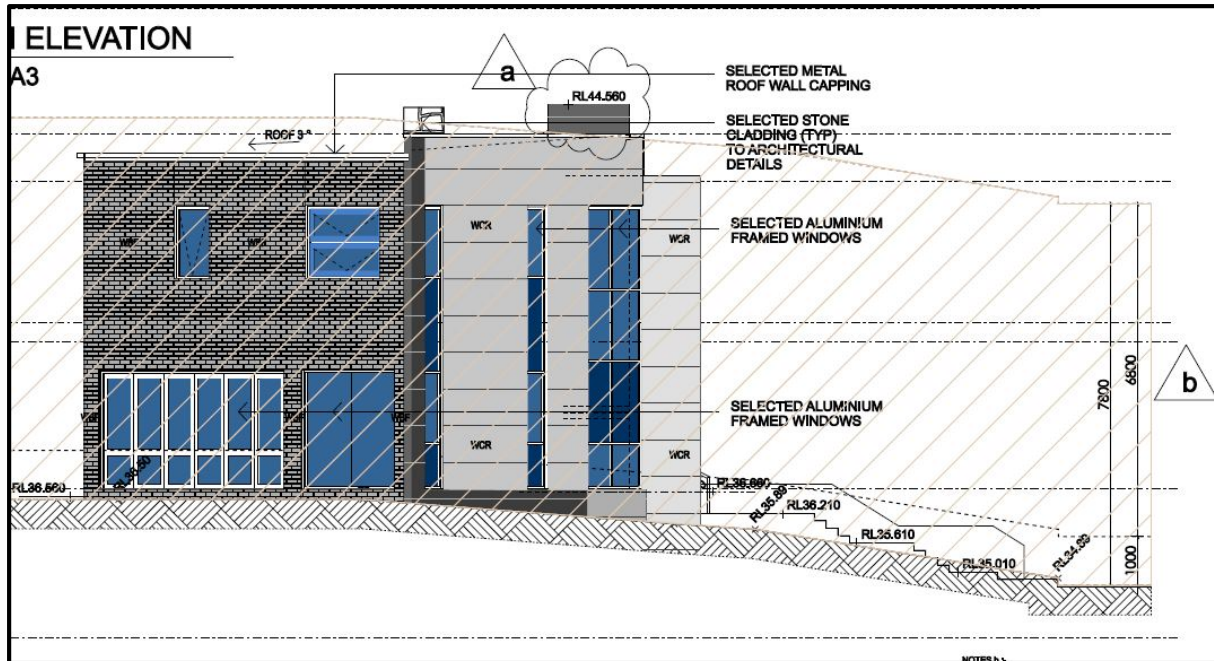


Figure 7. East Elevation

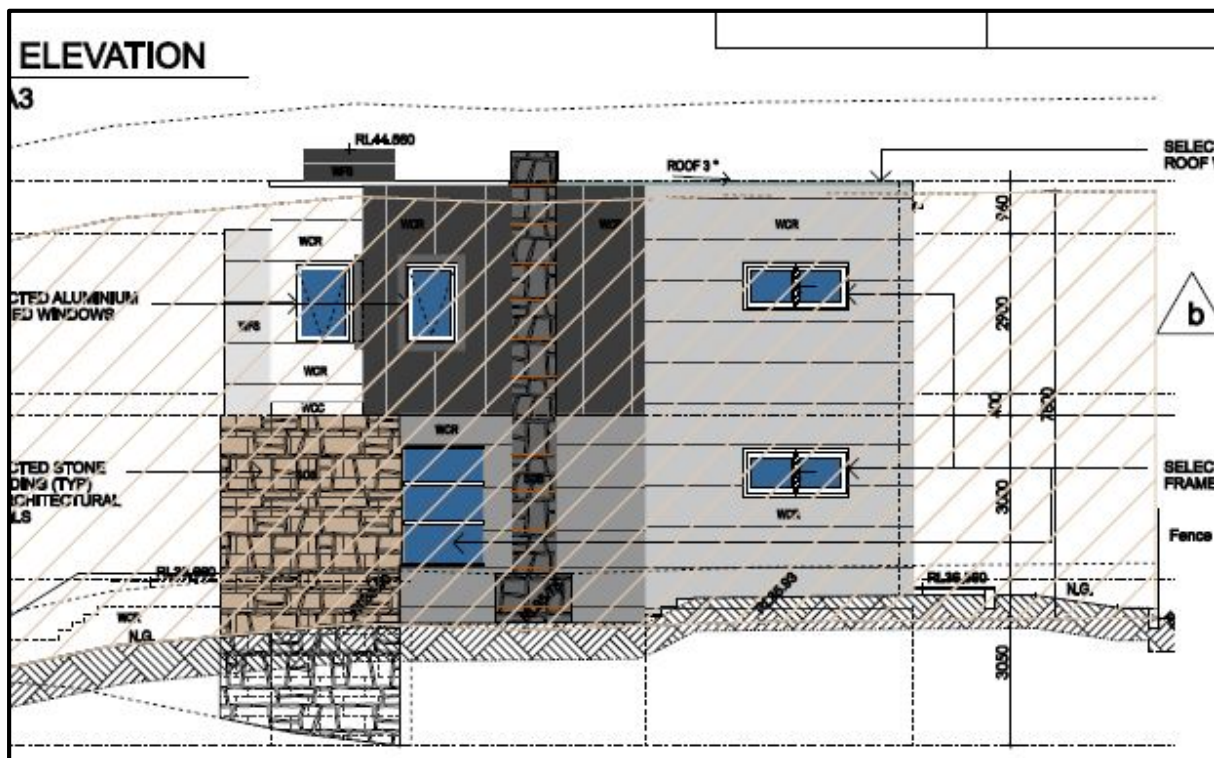


Figure 8. West Elevation

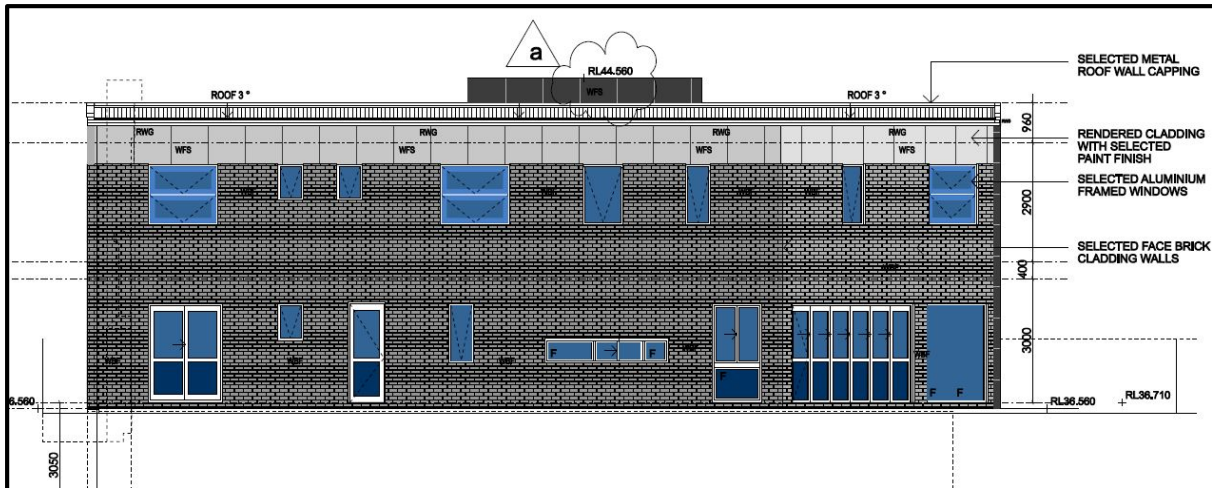


Figure 9. South Elevation

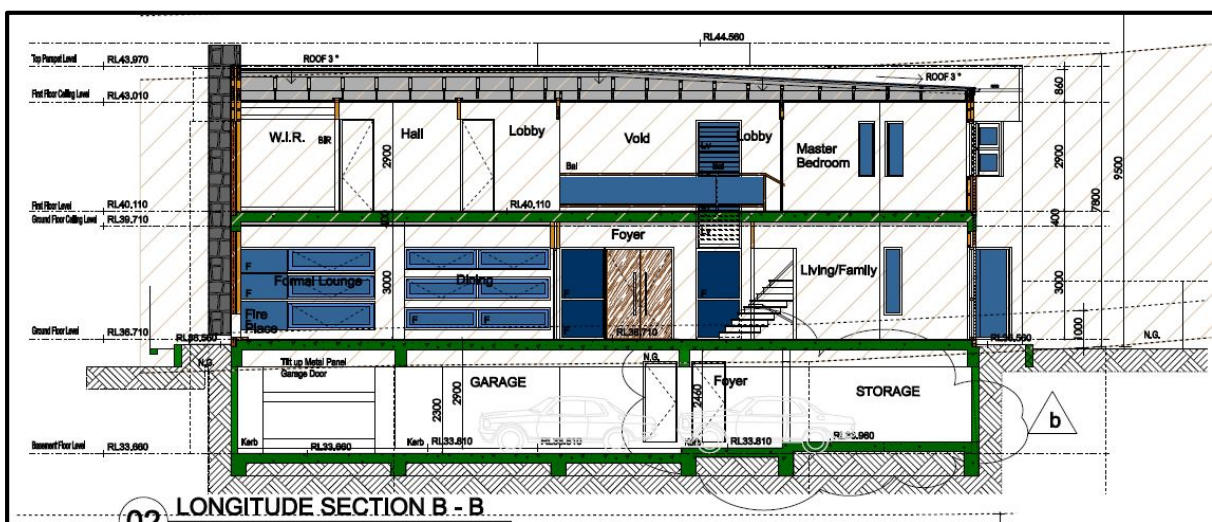


Figure 10. Longitudinal Section

The Site and Locality

The subject site is legally described as Lot 4 in DP 28880 and commonly known as No. 6 Highfield Crescent, Strathfield. It is located on the southern side of the street.

The site is an irregular, triangular shaped parcel of land and features a north-south orientation, a curved width measured at 7.175m, a minimum depth of 21.915m and an overall site area of 578m².

The site is occupied by an existing single storey dwelling house and ancillary structures (including an outbuilding/garage and an attached pergola (refer to Figures 11 to 14). The site is predominantly modified with some vegetation comprising grassed lawn areas, garden beds and some small trees and shrubs in the front setback and rear yard. Vehicular access to the site is via an existing driveway from Highfield Crescent.

The current streetscape features a suburban, low density residential character, featuring dwelling houses of diverse architectural styles and scale (refer to Figures 15 to 17). Most of the dwelling houses are either single or two (2) storey, feature dark brown/red brick walls and pitched, tiled roofing and masonry/brick front fencing. Several unique architectural forms occur within 110m of the site – including No. 6 and 19 High Street (refer to Figures 18 and 19).



Figure 11. Front of existing dwelling house.



Figure 12. Rear of existing dwelling house.



Figure 13. Existing garage and carport



Figure 14. Existing alfresco.



Figure 15. Highfield Crescent streetscape – in front of subject site.



Figure 16. East-adjointing neighbour – No. 4 Highfield Crescent.



Figure 17. West-adjointing neighbour – No. 5 Highfield Crescent.



Figure 18. No. 6 High Street – facing Highfield Crescent.

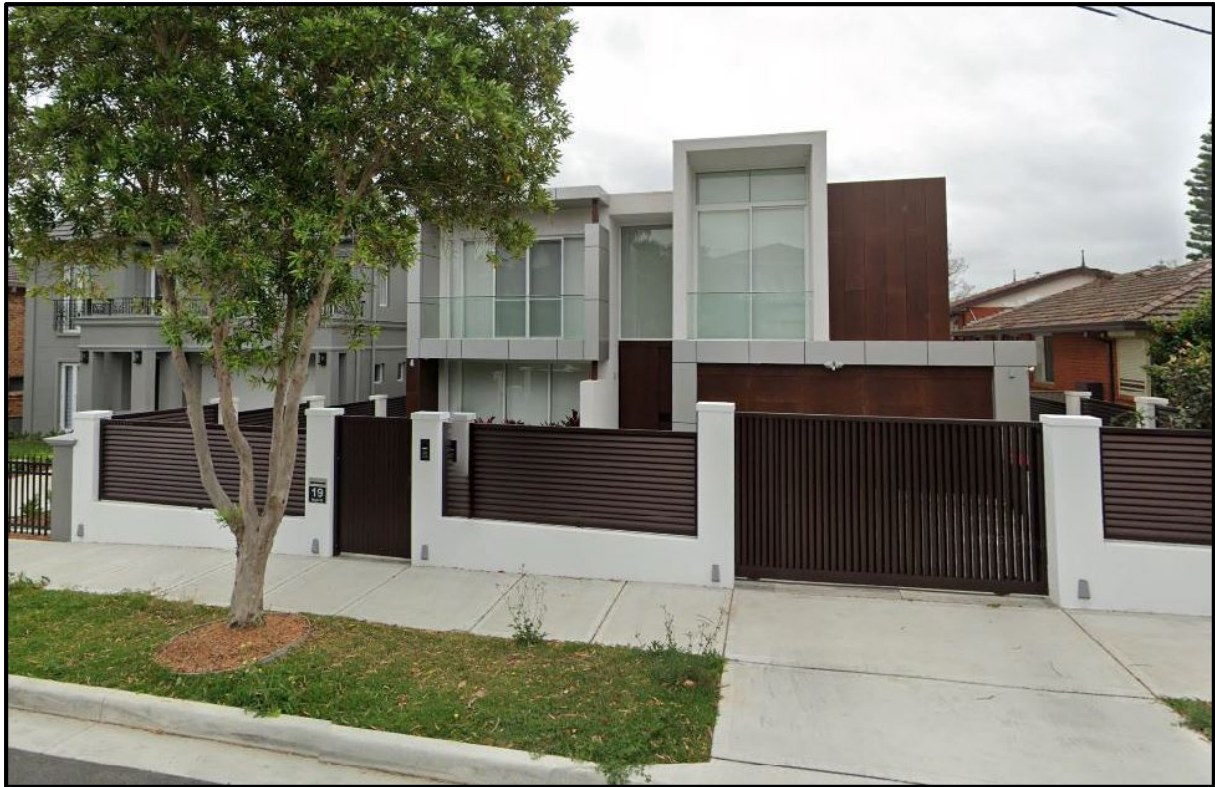


Figure 19. No. 19 High Street.

Background

8 February 2021	The subject application was lodged.
5 May 2021	A site visit was undertaken by Council's assessment officer.
6 May 2021	<p>A deferral letter was sent to the applicant raising the following issues:</p> <ul style="list-style-type: none"> • Floor space ratio (FSR); • Basement level; • Streetscape presentation and compatibility; • Landscaped area; • Driveway; • Garage ceiling; and • Front fencing.
8 June 2021	The applicant provided additional information to address the issues raised in the letter.
8 June 2021	<p>A 2nd deferral letter was sent to the applicant raising the following issues:</p> <ul style="list-style-type: none"> • Outbuilding details; • Height for flat-roofed houses; • Basement level and FSR; • Landscaped area; and • Construction traffic management plan.
9 July 2021	The applicant provided additional information and an amended design in response to the 2 nd deferral letter.

- 14 July 2021** The assessment officer corresponded with the applicant, advising them that the amended design fails to comply with the maximum FSR requirement and needs to be modified to comply.
- 15 July 2021** The applicant provided a response letter advising Council that there is disagreement in the FSR calculations and the design complies with the maximum FSR development standard according to their interpretation of gross floor area and FSR definitions under SLEP 2012.

Referrals – Internal and External

Development Engineer Comments

Council's Development Engineer offered no objections to the final design of the proposal subject to the imposition of conditions.

Traffic Manager Comments

Council's Traffic Manager provided the following commentary:

"All aspects of the off-street parking has been assessed against the AS2890 series and is considered satisfactory. Due to the site constraints, it is requested that a construction traffic management plan (CTMP) is to be prepared to Council's satisfaction prior to the release of any construction certificate (CC), to minimise the construction traffic impacts in particular access impacts to the neighbouring properties. The applicant shall modify the internal driveway design in such a way that a vehicle leaving the property can be positioned fully perpendicular to the property boundary."

Council's Traffic Manager offered no objections to the final design of the proposal subject to the imposition of conditions.

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 dwelling house is consistent with the definition above and is permissible within the R2 – Low Density Residential zone with consent.

Part 4 – Principal Development Standards

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>	N/A

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	8.56m	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

Comments: The proposed development, as amended, demonstrates compliance with the maximum building height development standard.

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor Space Ratio	0.625:1 (361.25m ²)	0.66:1 (381.1m 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)	To minimise the impact of development on heritage conservation areas and heritage items	N/A
(e)	In relation to Strathfield Town Centre: <ol style="list-style-type: none"> to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development 	N/A
(f)	In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor	N/A

Comments: The proposed development, as amended, fails to demonstrate compliance with the maximum FSR development standard. The bulk and scale of the final scheme are considered not consistent with the built form character of the existing and new housing development within the streetscape and surrounding locality. The proposal will have unacceptable visual amenity and streetscape impacts and is considered an overdevelopment of the subject land.

The gross floor area is calculated as follows:

- Ground floor – with no excluded areas = 182.8m²;
- First floor – with the exclusion of a stairwell void and a large void over the foyer (18.9m²) = 158.4m²;
- Basement level – the only areas included in the calculation are the 3rd car space, foyer and excess kerb areas that are not necessary for vehicular access = 34.6m²; and
- Outdoor bathroom = 5.3m².

Total gross floor area is **381.1m²**, which results in a **FSR of 0.66:1**.

The areas calculated by Council are illustrated in areas shaded in yellow in Figures 20 to 23 below.

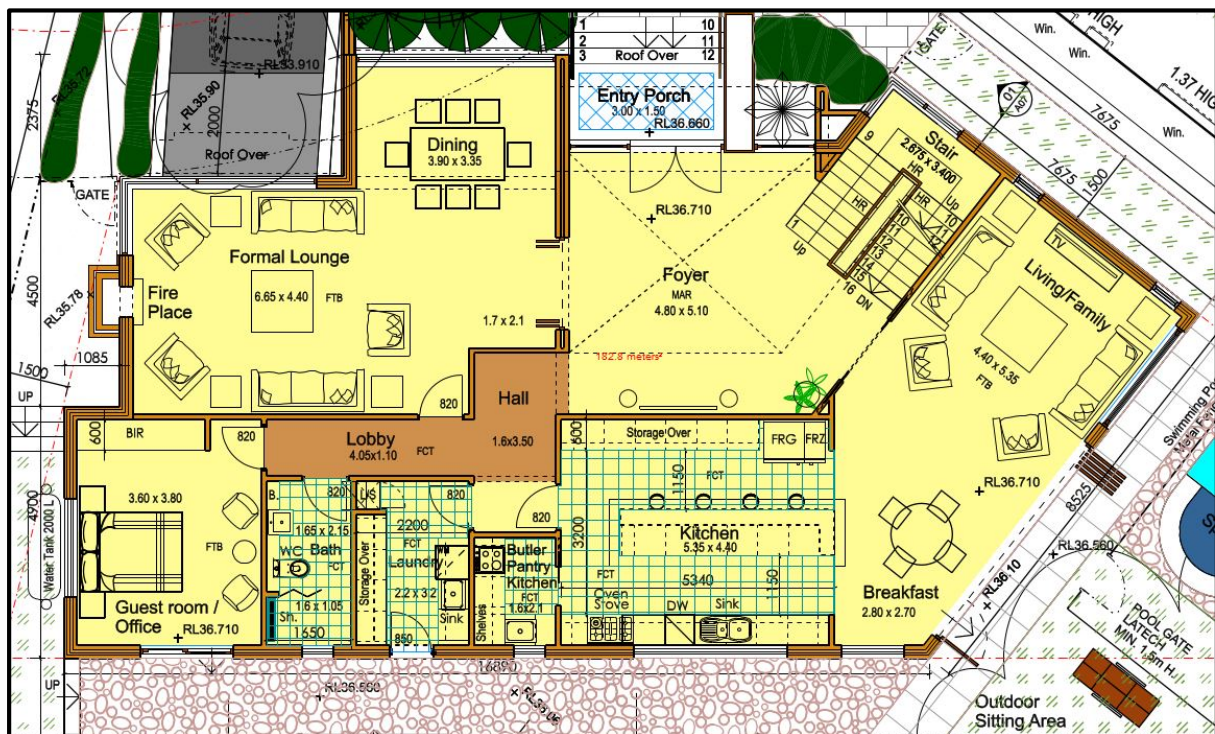


Figure 20. Gross floor area calculation – ground floor.

Garage
Max. 1.80 x 9.00
Car 1: 2.50 x 5.40
Car 2: 2.50 x 5.40
Car 3: 4.0 m x 5.40 m

Storage
4015
4230
3415
2555
2705
2703

Foyer
2705
2673 x 3.40

Lockup Entry
Up
HR
HR
HR

Car Wash
1260
1110

Other Features:
Ramp 1: 8
Vent
Kerb
Elec. Panel Board
ST.
Win.
D1 A10

Dimensions:
4500
1500
4900
9000
6000
6975
1000
1530
1650
15330
4015
4230
3415
2555
2705
2703
190
1500
4500
1500
1260
1110

Room Labels:
Garage
Storage
Foyer
Lockup Entry
Car Wash
Ramp
Vent
Kerb
Elec. Panel Board
ST.
Win.
D1 A10

Figure 22. Gross floor area calculation – basement level.



Figure 23. Gross floor area calculation – outdoor bathroom.

It is noted that the applicant expressed disagreement in the above calculations. Council has taken a consistent approach when calculating gross floor area and FSR for dwelling houses and ancillary structures and the annotated diagrams above reflect this approach.

As such a written justification in accordance with the provisions under Clause 4.6 of the SLEP 2012 was not provided to Council as the applicant believes the final design is compliant with the maximum FSR development standard. Nevertheless, a written request for Clause 4.6 was not requested by the assessment officer as it was clearly expressed that a departure from the development standard will not be 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 excavation works for the provision of the basement level and in-ground swimming pool. In principle, the depth of excavation can be considered acceptable. It is noted that the proposed basement level is considered excessive and contributes to an unreasonable amount of bulk and mass; resulting in an overdevelopment of the site. As such, the extent of the excavation works cannot be supported as these contribute to the undesirable planning and design outcome for the site and locality.

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 involve the removal of any significant trees or other vegetation. The proposed development will involve new landscaping treatments including the establishment of garden beds and trees. Therefore, 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 the DCP.

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Building Envelope			
Floor Space Ratio:	0.625:1 (361.25m ²)	0.66:1 (381.1m ²)	Complies
Heights:			
Floor to ceiling heights:	3.0m (max)	3m	Complies
Height to underside of eaves:	7.2m (max)	7m	Complies
Parapet height:	0.8m	0.59m	Complies
Overall height for flat roof dwelling:	7.8m	8.56m	No
Number of Storeys/Levels:	2 (max)	2	Complies
Setbacks:			
Front:	9m (min) A reduced setback can be considered if predominant front setback is less than 9m.	5.8m The predominant front setback is less than 9m and the reduced setback demonstrates merit.	Complies
Side:	1.2m (min)	1.5m	Complies
Side:	1.2m (min)	1.5m	Complies
Combined Side Setback:	Widest point: 3.54m (25%)	3m (<20%)	No
Where an allotment is deemed to be undersized or irregular, a variation to the minimum setback may be considered (e.g. blocks less than 12m wide).	Narrowest point: 2.4m (25%)	3m (<20%)	No
Note: For irregular shaped allotments where the frontage is wider or narrower than the rear, the side setback is to be 25% of the width of the block at each point.			
Rear:	6m (min)	4.5m	No
Landscaping			
Landscaping/Deep soil Provisions:	38.5% (222.53m ²) (min)	33.7% (194.5m ²)	No
Front landscaped area	50% (min)	25%	No
Private Open Space Area:	10m ²	>10m ²	Complies
Minimum dimension:	3m	>3m	Complies
Fencing			
Max height:	1.5m	1.2m	Complies
Solar Access			

POS or habitable windows	3hrs 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:	3m	3m	Complies
Vehicular Crossing:	1	1 crossing	Complies
Driveway setback – side:	0.5m	>0.5m	Complies
No. of Parking Spaces:	2	3 spaces	Complies
Ancillary Development			
SWIMMING POOL			
Side/Rear Setback	1.0m	Side: 1.5m Rear: >3m	Complies Complies
OUTBUILDING			
Side/Rear Setback	0.5m	Side: 1.5m Rear: >1.5m	Complies Complies
Max GFA of 40m ²	40m ²	<6m ²	Complies

Architectural Design and Streetscape Presentation

The final design of the proposed development is contemporary – with modern textures and finishes, flat roof, boxy shape and a basement level. In general, this contemporary built form is considered a variation to the dominant designs featured within the streetscape – which feature pitched roofing and exposed dark brick façade. Notwithstanding this and the non-compliance against the maximum FSR development standard, the flat roof design demonstrates merit and is in-line with newer housing stock that features a cubic shape, flat roof and rendered brick façade. The architectural expression of the design is considered appropriate and acceptable in this regard.

Bulk, Scale and Building Envelope

The final design of the proposed development fails to demonstrate compliance with all relevant height and setback controls under the SCDP 2005.

Overall height for flat roof dwelling

The maximum height for flat roof dwelling under Part A of the SCDP 2005 is 7.8m. The proposed development features a maximum building height of 8.56m, which represents a departure of 0.76m (9.7%). This is attributed to a portion of a single parapet that is located in the sloping section of the front setback. The majority of the new dwelling has a height of 7.65m to 7.97m – where the highest points of the building are attributed to the natural topography. The slight exceedance to the control is considered a minor departure that will not have significant impacts nor create an undesirable precedence. In this instance, the departure to the maximum overall height for flat roof dwelling demonstrates merit and is considered acceptable and supportable.

Combined side setback

The site is uniquely shaped (i.e. is triangular) and has uneven and variable widths. At the narrowest point the width is 19.2m and 25% of this width is 4.8m. At the widest point the width is 28.3m and 25% of this width is 7.08m. Requiring the building to have a minimum side setbacks of approximately 2.4-3.54m on each side is considered excessive unreasonable to achieve. A reduced combined side setback of 3m is considered to demonstrate merit and will

result in development that has similar setbacks to the existing dwelling houses in Highfield Crescent. Further, the reduced setback will post minimal streetscape, amenity, privacy and overshadowing impacts.

Rear setback

As mentioned above, the site features an unusual triangular shape and the development features a widened rear portion in response. A reduced rear setback is considered appropriate and supportable given the site shape and given that the rear adjoining neighbour is a hardstand area comprising the parking area of the Town and Country Motel (No. 401-405 Liverpool Road) – any impacts from a reduced rear setback are considered minor.

Landscaping and Open Space

The proposed development fails to achieve the relevant objectives and controls of the SCDCP 2005 that relate to landscaped area and private open space. The proposal involves limited deep soil landscaped areas that sufficiently soften and balance the building and any hardscaped elements and is unable to provide an optimal and appropriate design outcome that complements the streetscape and is compatible with surrounding dwellings.

The proposed development complies with the relevant controls in relation to private open space and front fencing.

Landscaped area and front landscaped area

The proposed development will have a total landscaped area of 33.7% (194.5m²) of the site. This represents a departure of 28.03m² (12.6%). It is also proposed that 25% of the front setback is to comprise of landscaped area. This represents a departure of 50%. The proposal involves significant departures to the minimum landscaped area and minimum front landscaped area controls under Part A of the SCDCP 2005. Accordingly, the proposal fails to:

- Encourage landscaping that is appropriate to the style and scale of the dwelling and to the streetscape;
- Enhance the existing streetscape;
- Encourage integration of landscaping into the design of the new dwelling house; and
- Ensure an equitable contribution to the landscape setting is achieved.

The lack of deep soil landscaped areas is not justified and is considered unacceptable and is therefore, not supported. The lack of vegetation ensures the excess bulk and scale of the built form will be highlighted, enhanced and appear harsh. The mass of the building is not proportionate to the site area, is unable to be softened and absorbed sufficiently by landscaping treatments and will appear uncharacteristic and inconsistent with the conservative streetscape.

Solar Access

The north-south orientation of the site and adjoining properties as well as the siting and design of the proposed development ensures that compliance is achieved against the relevant objectives and controls of the SCDCP 2005 with regard to solar access and overshadowing impacts.

Privacy

The proposed development generally complies with the relevant requirements with regard to providing appropriate building separation and privacy to both future occupants and neighbouring properties.

The windows on the first floor are mostly within bedrooms, bathrooms, walk-in-robe and study – which are considered low activity spaces. The front facing balcony provides passive street surveillance.

The entire ground floor including rear alfresco and pool areas are not elevated and sit close to the natural ground level. As such, any overlooking from these areas are considered minimal and acceptable.

Vehicular access, Parking and Basements

The proposed development meets the relevant requirements under the SCDCP 2005 with regard to vehicular access, parking and manoeuvring.

Cut and Fill

As mentioned above, in principle the proposed excavation works for the basement level can be accepted; however, given that the basement level is considered excessive and contributes to bulk and scale and results in an overdevelopment of the site – these works cannot be 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

Swimming Pools, Spas & Associated Enclosures

The proposed development satisfies the relevant objectives and controls with SCDCP 2005. The pool is 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 1992* and relevant standards.

The outdoor bathroom is considered a supportable outcome as it meets the relevant controls under the SCDCP 2005 including minimum setbacks and maximum gross floor area.

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 can 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,*

All likely impacts on the natural and built environment as well as social and economic impacts, have been addressed elsewhere in this report. Impacts relating to streetscape and visual amenity are considered unacceptable and unreasonable.

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

The proposed development is not considered to be suitable to the site due to the issues and impacts relating to its design and poor response to the site's constraints and context. The proposed development fails to demonstrate general compliance with the relevant considerations and provisions under Council policy. Of particular note are the significant variations to the maximum FSR development standard under the SLEP 2012 as well as to the minimum landscaped area and minimum front landscaped area controls under the SCDPC 2005. The proposal is considered a gross overdevelopment of the site.

It is evident that the site is not suitable for the proposed development – in particular, with regards to its bulk, scale and massing and an equitable and sufficient balance of built form, hardscaped and landscaped elements.

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

In accordance with the provisions of Strathfield Council's CPP, the application was placed on neighbour notification for a minimum 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 this period.

(e) *the public interest.*

The proposed development is of a scale and character that conflicts with the public interest.

Local Infrastructure Contributions

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.”

STRATHFIELD INDIRECT DEVELOPMENT CONTRIBUTIONS PLAN

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 \$987,772.00 (the estimated cost of development identified in the development application). Therefore, the Section 94 Indirect Contributions for the proposed development is **\$9,877.72**. If the application was supported, conditions can be imposed to reflect that the above contributions are to be paid.

Conclusion

The application has been assessed having regard to Section 4.15 of the *Environmental Planning and Assessment Act 1979*, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005 and is considered unsatisfactory for approval



Signed:

Miguel Rivera
Senior Planner

Date: 16 July 2021

- ☒ 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 applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.



Signed:

Patrick Santos
Planner

Date: 19 July 2021

Following detailed assessment it is considered that Development Application No. 2021/06 should be **REFUSED** for the following reasons:

1. Pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with the relevant environmental planning instruments in terms of the following:
 - a) The proposed development is considered unacceptable 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 desired future character of the surrounding locality.
 - b) The proposed development is considered unacceptable 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.
 - c) The proposed development is considered unacceptable as it fails to comply with the maximum floor space ratio under Clauses 4.4C of the Strathfield Local Environmental Plan 2012.
 - d) The proposed development is considered unacceptable as it fails to meet the objectives for the maximum floor space ratio under Clauses 4.4(1)(a), (b) and (f) 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.
2. Pursuant to Section 4.15 (1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with the following sections of the Strathfield Consolidated Development Control Plan 2005 in terms of the following:
 - a) The proposed development is considered unacceptable 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, dominant, harshly presented built form with limited deep soil landscaped areas and is not considered quality architecture that is of an appropriate quality and character to both the street and to Strathfield. The overall scale, massing, bulk and layout of the final scheme fails to complement the existing streetscape.
 - b) The proposed development is considered unacceptable 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 design, bulk and scale of the proposal is not compatible with the built form of the local area and is a poor response to the adjoining dwellings, topography and desired future character.
 - c) The proposed development is considered unacceptable as it fails to meet the comply with the minimum landscaped area and minimum front landscaped area controls of Clause 5.2 (Landscaping) of Part A of the Strathfield Consolidated Development Control Plan 2005.

- d) The proposed development is considered unacceptable as it fails to meet the objectives of Clause 5.1 (Landscaping) of Part A of the Strathfield Consolidated Development Control Plan 2005. The proposal features a significant lack of landscaped areas – ensuring the development does not encourage adequate landscaping to balance and soften the visual impact of the built form and hardscaped elements. It does not provide an appropriate and equitable contribution to the landscape setting of the locality.
- 3. Pursuant to Section 4.15 (1)(b) of the *Environmental Planning and Assessment Act 1979*, the proposed development is likely to have an adverse impact on the following aspects of the environment:
 - a) Streetscape and visual amenity.
- 4. Pursuant to Section 4.15 (1)(c) of the *Environmental Planning and Assessment Act 1979*, the site is not considered suitable for the proposed development for the following reasons:
 - a) The proposed development is considered an overdevelopment of the site as reflected by the non-compliant built form comprising excess bulk, scale and mass.
- 5. Pursuant to Section 4.15 (1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent. The proposed development is not in the public interest as it fails to meet the objectives, provisions and controls under Strathfield Local Environmental Plan 2012 and the Strathfield Consolidated Development Control Plan 2005 and will have unacceptable adverse impacts in terms of streetscape and visual amenity. The proposal will set an undesirable precedence by encouraging an overdevelopment of sites and a design that is excessive and poorly responds to site constraints and unique locational features.