

IDAP REPORT

Property:	130 Homebush Road STRATHFIELD Lot 1 in DP 170353 DA2021.168
Proposal:	Demolition of existing structures and construction of a two (2) storey dwelling house with basement level, secondary dwelling, front fence with gates, in-ground swimming pool and associated landscaping works.
Applicant:	Studio Make Made Architecture
Owner:	Y Ru and Y Gao
Date of lodgement:	23 July 2021
Notification period:	23 July to 13 August 2021
Submissions received:	Five (5) submissions
Assessment officer:	M Rivera
Estimated cost of works:	\$2,022,447.00
Zoning:	R2 – Low Density Residential - SLEP 2012
Heritage:	Adjoins a heritage item – I125 – “Cotswold” – Inter-war Californian bungalow (7-11 Cotswold Road)
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	Yes – Clause 4.4C – Floor Space Ratio Variation of 7.4% (37.9m ²)
RECOMMENDATION OF OFFICER:	REFUSAL



EXECUTIVE SUMMARY

Proposal

Council received a development application seeking approval for the demolition of existing structures and construction of a two (2) storey dwelling house with basement level, secondary dwelling, front fence with gates, in-ground swimming pool and associated landscaping works.

Site and Locality

The site is identified as No. 130 Homebush Road, Strathfield and has a legal description of Lot 1 in DP 170353. The site is a rectangular shaped parcel of land and is located on the eastern side of the street.

The subject site has a west-east orientation, a front boundary width of 20.1m, a minimum depth of 48.8m and an overall site area of 980.9m². It is within a low density residential suburban area, generally characterised by dwelling houses of mixed 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, secondary dwelling and ancillary structures, is a permissible form of development with Council's consent. The proposal fails to satisfy certain critical objectives and development standards contained within the LEP.

Development Control Plan

The proposed development is unable to satisfy key 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 23 July to 13 August 2021. Five (5) submissions were received during this period. The main issues discussed in these submissions were as follows:

- Streetscape impacts – new dwelling house is out of character;
- Loss of an iconic house – existing dwelling house should be heritage listed; and
- Secondary dwelling impacting rear-adjointing heritage item (No. 7-11 Cotswold Road).

Issues

- Non-compliance with maximum Floor Space Ratio (FSR) development standard under SLEP 2012.
- Excessive 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 2021/168 is recommended for refusal (see below reasons for refusal).

REPORT IN FULL

Proposal

Council received a development application seeking approval for the demolition of existing structures and construction of a two (2) storey dwelling house with basement level, secondary dwelling, front fence with gates, in-ground swimming pool and associated landscaping works. Specifically, the proposed development involves:

Demolition works

- Demolition of existing dwelling house and detached shed.

Construction of a new dwelling house comprising:

- Basement level with four (4) car spaces and turning areas, pool pump room, storage/plant room;
- Ground floor with entry porch and lobby, office, guest bedroom with en suite, powder room, northern side courtyard with pond, laundry, southern side courtyard with clothes drying area, open plan kitchen with butler's pantry, living room, dining room, shower room and rear alfresco area;
- First floor with master bedroom with walk-in-robe and en suite, four (4) bedrooms, three (2) bathrooms, hallway, family room and two (2) front-facing balconies;

Construction of a secondary dwelling comprising:

- A single bedroom, laundry room, bathroom, combined living/dining area and kitchen.

Ancillary structures and other works:

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

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

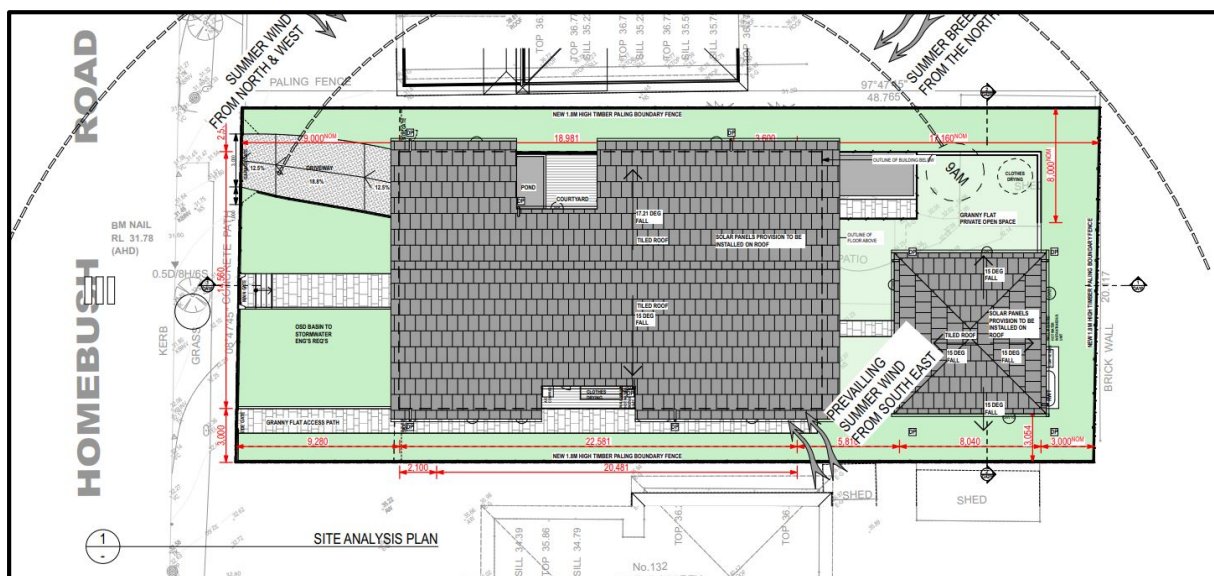


Figure 2. Site Analysis Plan

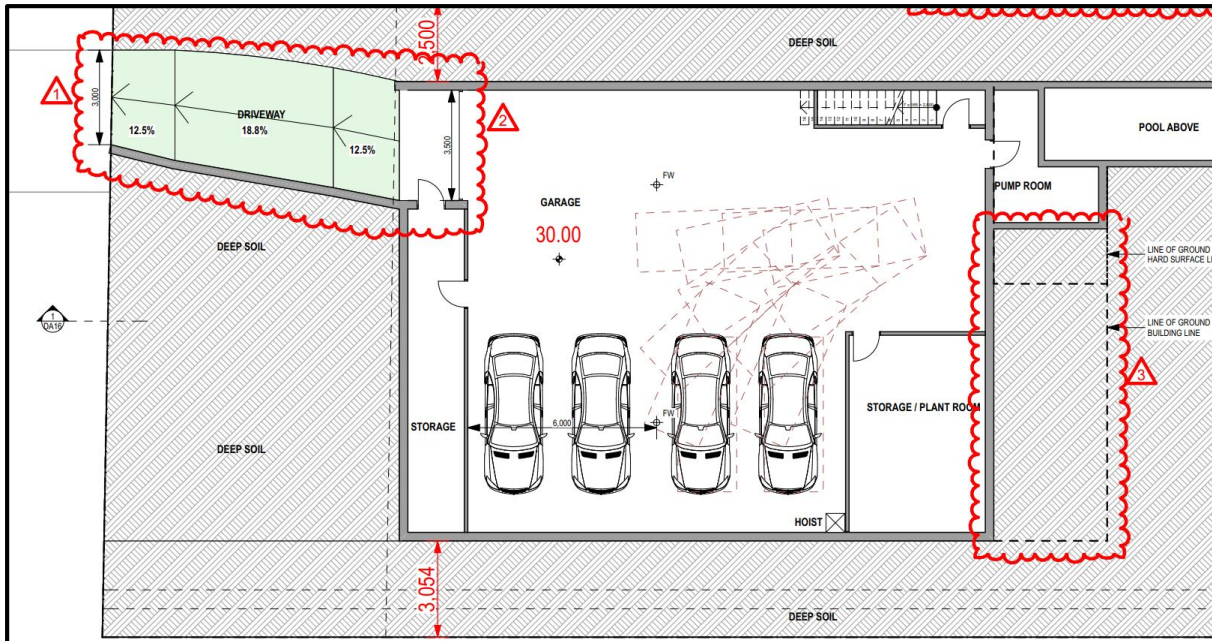


Figure 3. Basement Plan

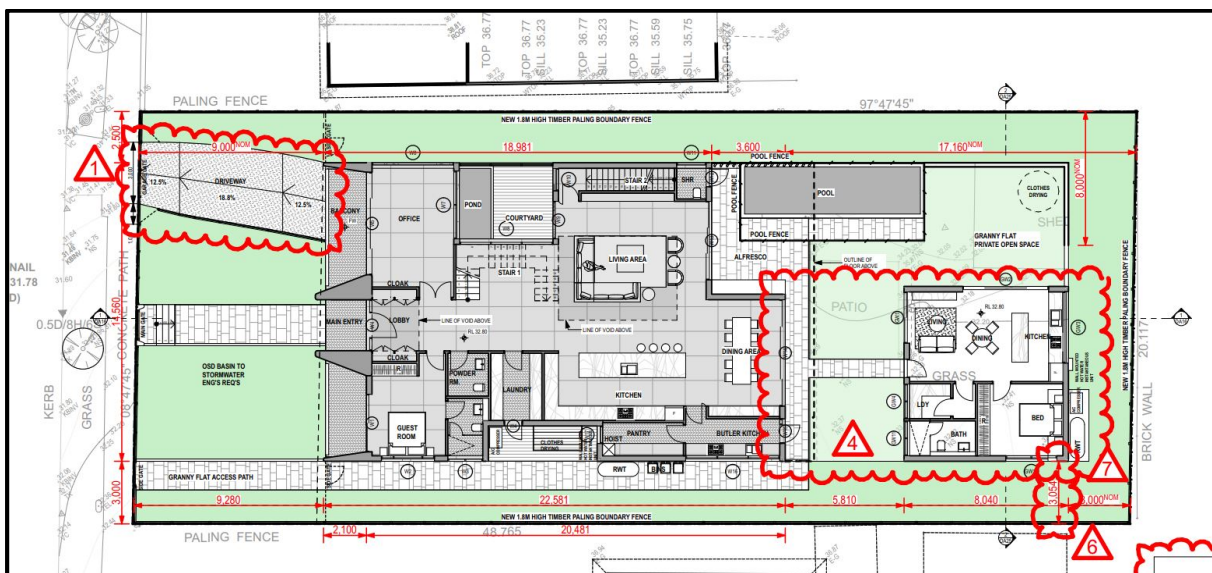
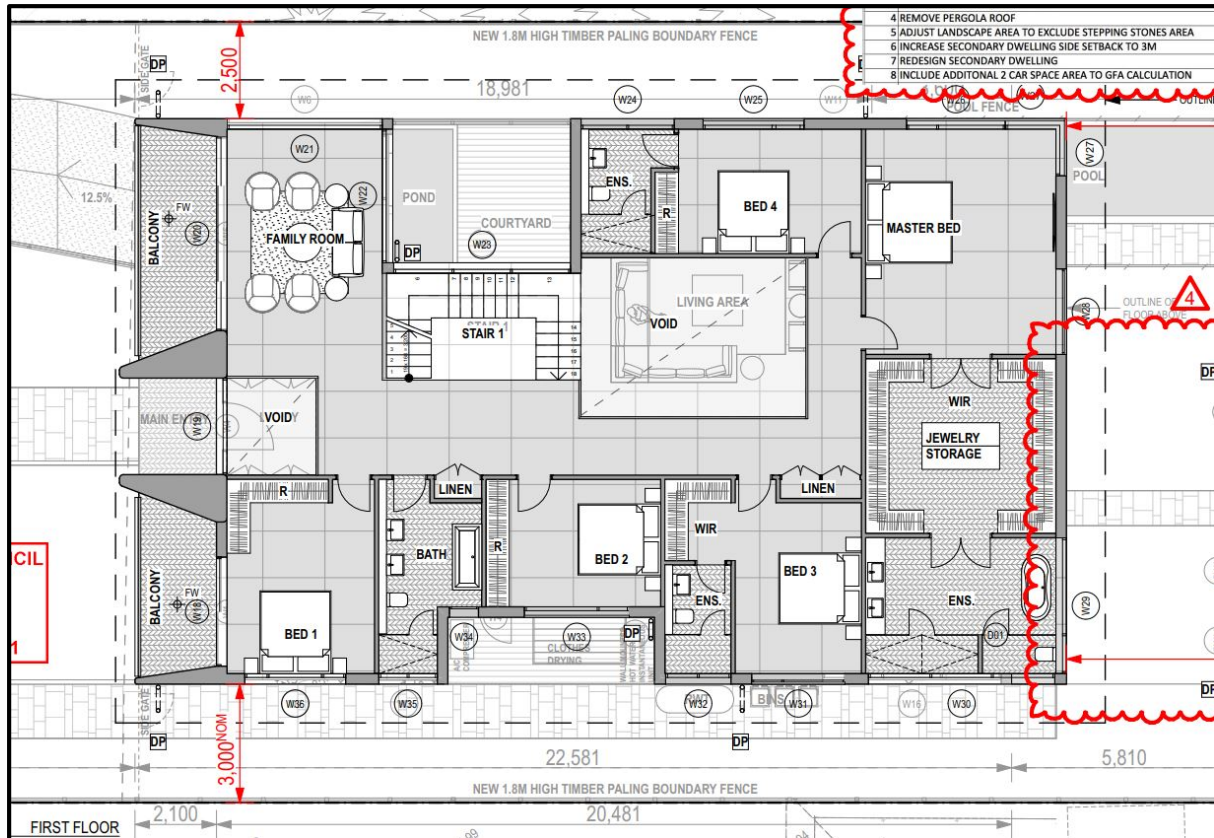


Figure 4. Ground Floor Plan



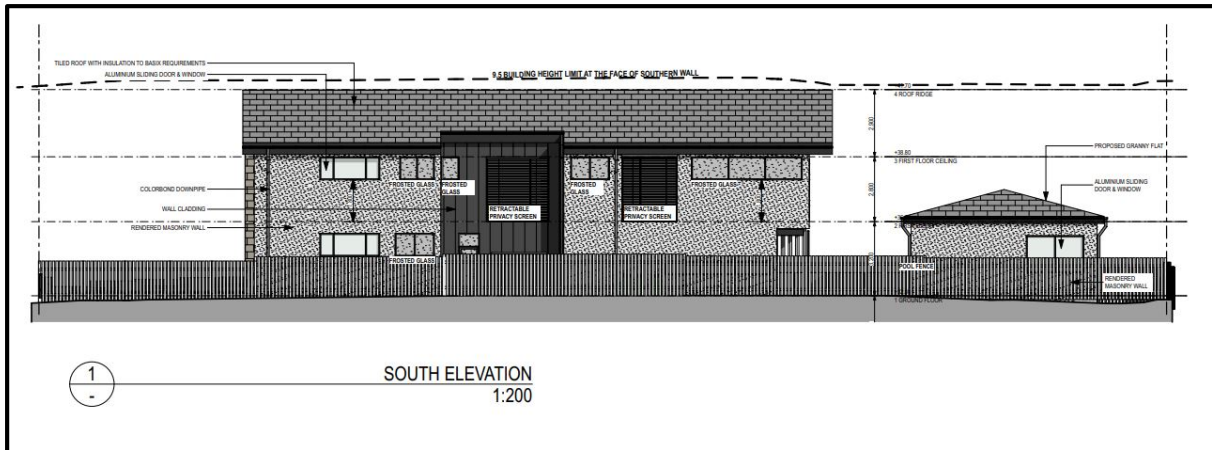


Figure 7. South Elevation

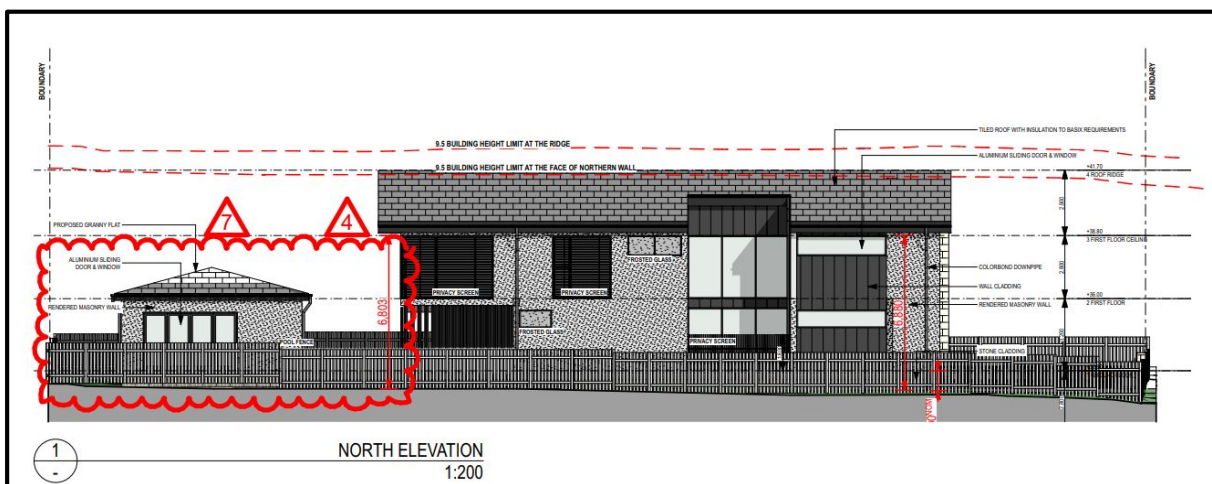


Figure 8. North Elevation

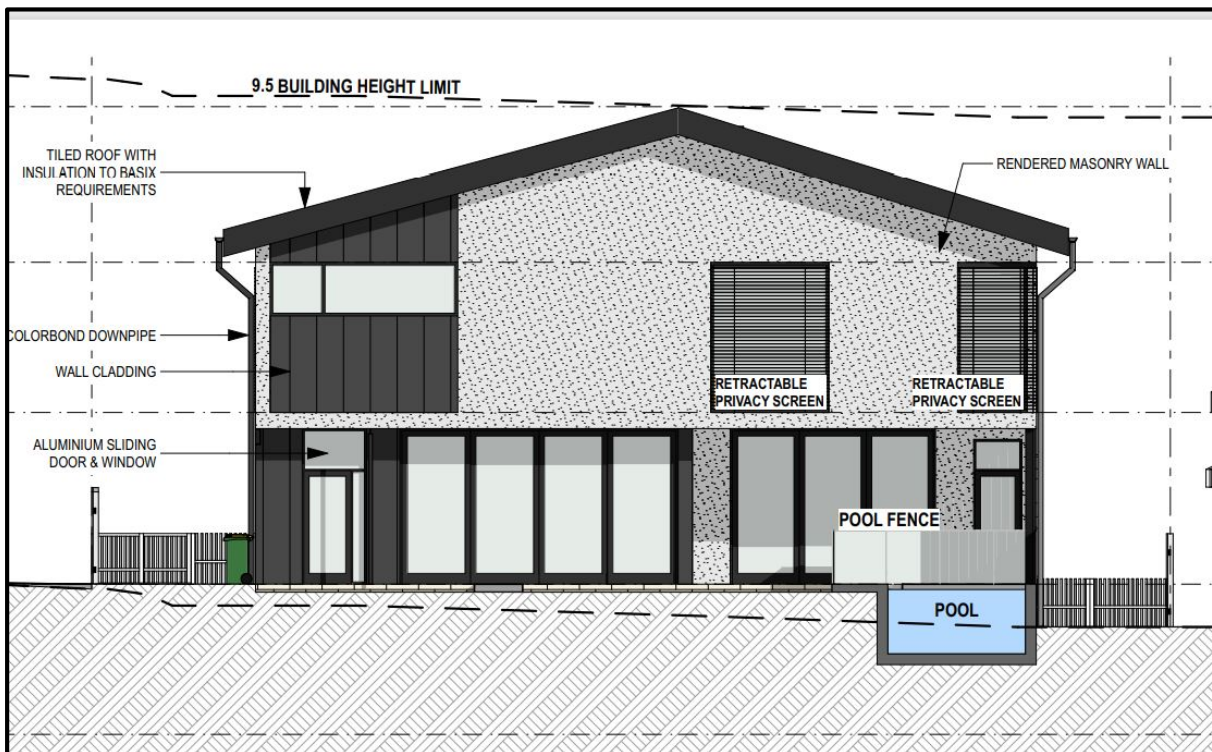


Figure 9. East Elevation (dwelling house only)

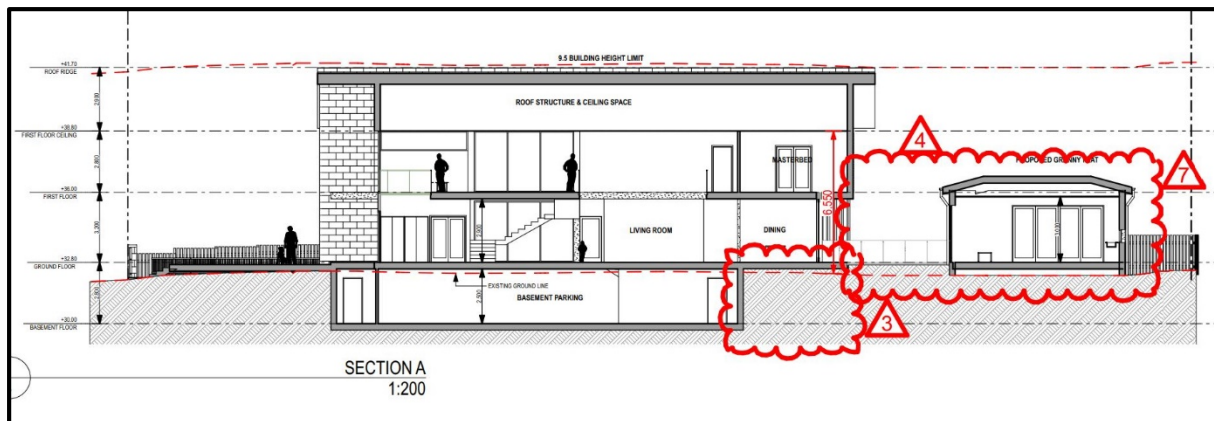


Figure 10. Long Section

The Site and Locality

The site is identified as No. 130 Homebush Road, Strathfield and has a legal description of Lot 1 in DP 170353. The site is a rectangular shaped parcel of land and is located on the eastern side of the street.

The site has a west-east orientation, a front boundary width of 20.1m, a minimum depth of 48.8m and an overall site area of 980.9m².

The site is occupied by an existing two (2) storey dwelling house and detached shed (refer to Figure 11). The site is predominantly modified with some scattered vegetation consisting of grassed lawn areas and garden beds situated in the front and rear yards. Vehicular access to the site is via an existing driveway off Homebush Road.

The current streetscape features a suburban, low density residential character, featuring dwelling houses of diverse architectural styles and scale (refer to Figures 12 to 16). Most of the dwelling houses are either single or two (2) storey, feature pitched tiled roofing, dark brown/red brick or neutral coloured concrete rendered façades walls and front masonry fencing.



Figure 11. Dwelling house at No. 130 Homebush Road



Figure 12. Dwelling house at No. 132 Homebush Road – south-adjointing neighbour



Figure 13. Dwelling house at No. 128 Homebush Road – north-adjointing neighbour



Figure 14. Dwelling house at No. 121 Homebush Road – across the street



Figure 15. Streetscape along Homebush Road – north of the site



Figure 16. Streetscape along Homebush Road – showing subject site.

Background

23 July 2021 The subject application was lodged.

- 23 July 2021** The application was publicly notified as per Council's CPP, with final submissions due by 17 August 2021. Five (5) submissions were received during this period.
- 4 August 2021** A site visit was undertaken by Council's assessment officer.
- 13 August 2021** A 'Stop the Clock' letter was sent to the applicant raising the following issues:
- Floor space ratio (FSR);
 - Void – bulk and scale;
 - Excessive basement;
 - Landscaped area;
 - Roofed/ pergola sections – bulk and scale;
 - Side setback of secondary dwelling; and
 - Traffic Manager comments in relation to driveway design and basement entry/ramp.
- 26 August 2021** The applicant requested for an extension to 10 September 2021 for providing additional information in response to the letter.
- 10 September 2021** The applicant provided additional information to address the issues raised in the letter. A review of this information indicated that several substantive matters remain unresolved. The applicant acknowledged that there is departure from the maximum FSR development standard and included a Clause 4.6 written request in the additional information package.

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 on the initial sign of the proposed development:

Driveway width	The vehicular access driveway width must be reduced from the proposed 3.5 metres to 3 metres to achieve a maximum allowed width of 3m at the property boundary. The new driveway is to have a minimum 1.2m clearance from the existing power pole. Any front fence or gate opening adjustments required as a result of this reduction must be illustrated on the plans lodged with the application for the Construction Certificate.
Driveway sight splay	A minimum 1m x 1m splay to be provided on both side of the vehicular access, within the property boundary. The areas should be kept clear from obstructions and only allow ground cover landscaping, to maintain sight distances for pedestrians and motorists. Any front fence or gate opening adjustments required as a result of this splay must be illustrated on the plans lodged with the application for the Construction Certificate.

Basement entries and ramps	The basement entry/ramp width must be reduced to achieve a maximum allowed width of 3.5m within the property. Any adjustments required as a result of this reduction must be illustrated on the plans lodged with the application for the Construction Certificate.
----------------------------	---

The applicant provided additional information and an amended design that satisfies the above comments from Council's Traffic Manager. If the application is supported, conditions can be imposed accordingly.

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, being a dwelling house with secondary dwelling and ancillary structures, 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	9.36m	Complies
4.4 Floor Space Ratio	0.525:1 514.5m ²	0.56:1 552.4m ²	No. Variation of 7.4% (37.9m²)

Clause 4.6 Exceptions to Development Standards

Under Clause 4.6 of the SLEP 2012, the consent authority may consider a variation, where that variation would achieve a better outcome.

The proposed development fails to comply with maximum FSR provision under Clause 4.4C of the SLEP 2012 by 7.4% or 37.9m².

The area of non-compliance primarily relates to the two (2) additional car spaces located in the basement level.

Clause 4.6(3) of the SLEP 2012 states the following:

“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.”*

The applicant provided a written request that seeks to justify the proposed contravention to the maximum FSR development standard. Excerpts of the written request to justify the variation to the maximum FSR development standard are provided below:

“The proposed development of the subject land at 130 Homebush Road, Strathfield is a development that can comply in all respects with the Strathfield Local Environmental Plan 2012, except for a minor exceedance of the floor space ratio development standard to accommodate two additional car parking spaces.

This report seeks to justify the non-compliance with clause 4.4C of the SLEP 2012 under clause 4.6 of that Plan.

An exception to the floor space ratio development standard is considered justified for the following reasons:

- 1. The proposed development is consistent with the objectives of clause 4.4 and the R2 Zone,*
- 2. The proposed development will fit in with the character of the area and will have minimal amenity impacts,*
- 3. The benefit of providing additional on-site parking is in the public interest, and*
- 4. The variation is relatively minor.*

For these reasons, it is considered unreasonable and unnecessary to require compliance with the floor space ratio standard in this case. This report outlines the environmental planning grounds that justify approval of the modification despite the non-compliance. The public interest is served by the approval of a development application that in all other respects complies with relevant LEP objectives and provisions and has minimal to no environmental or amenity impacts.”

The applicant's written request does not adequately address the matters required to be demonstrated in subclause 4.6(3), in that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

The development is considered excessive in bulk and scale and the design presents numerous opportunities to reduce these. There are no site constraints that would inhibit compliance with the FSR provision. There are no environmental planning grounds as:

1. The request is unsubstantiated as a compliant FSR could be achieved and compliant high quality development can be achieved as admitted by the statement; and
2. The claim of a minor variation is not an adequate environmental planning ground to justify the variation.

It is further noted that under Section 1.2.1.13 of Part A of the SCDCP 2005, secondary dwellings do not require additional parking or driveway access. As such, any argument for providing two (2) extra spaces for the secondary dwelling is considered superfluous.

Clause 4.6(4) of the SLEP 2012 states the following:

“Development consent must not be granted for a development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)

The applicant's written request to justify the contravention of the maximum FSR standard does not adequately address the matters required to be demonstrated in subclause 4.6(3), specifically, that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The written request is not considered to provide sufficient substantive information and justification in relation to environmental planning grounds for supporting the contravention. The proposed variation will result in:

- A bulky and excessive built form that necessitates additional excavation. The removal of additional spaces in the basement will not only result in improved compliance but further reduction to bulk and excavation. Achieving compliance provides greater opportunity to minimise the massing of the development and facilitate better modulation and articulation of the design;
- An overdevelopment of the site that is not consistent within the streetscape; and
- An undesirable precedence that reflects a disproportionate and poorly balanced design and planning outcome that fails to achieve key SLEP and zone objectives.

The proposal is not considered to be consistent with the aims of the SLEP 2012 as well as the objectives of Clause 4.4 in that the excessive bulk and scale of the development represents an overdevelopment of the site that is not compatible with surrounding development and will have unacceptable impacts in terms of streetscape.

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

The IDAP may assume the concurrence of the Director-General under the Planning Circular PS 18-003 issued on 21 February 2018.

In conclusion, the applicant's written request to justify the contravention of Clause 4.4C – maximum FSR development standard is not considered to be well-founded in that the applicant is unable to satisfactorily demonstrate that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

Part 5 – Miscellaneous Provisions

Clause 5.4 – Controls relating to miscellaneous permissible uses

Under Clause 5.4(9) stipulates that the maximum floor area of a secondary dwelling proposed on a site that is not in a rural zone is as follows:

“Secondary dwellings on land other than land in a rural zone If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

(a) 60 square metres,

(b) 20% of the total floor area of the principal dwelling.”

The proposed secondary dwelling features a maximum gross floor area of 60m² and therefore, demonstrates compliance with maximum area for secondary dwellings under Clause 5.4(9).

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. The extent of excavation is considered excessive – given it reflects the unreasonably sized basement level proposed. There is ample opportunity for the design to limit the depth and extent of excavation. In this instance, the proposed excavation works are not considered to satisfactorily address the objectives of this clause. As such, the entire scheme, which represents an overdevelopment of the site, as well as the associated earthworks cannot be supported.

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 was provided as part of the development application. If supported, conditions can be imposed to ensure any commitments required by the BASIX Certificate are 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. 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:	0.525:1 514.5m ²	0.56:1 552.4m ²	No
Heights:			
Floor to ceiling heights:	3.0m (max)	2.8-2.9m	Complies
Height to underside of eaves:	7.2m (max)	6.8m	Complies
Number of Storeys/Levels:	2 (max)	2	Complies
Setbacks:			
Front:	9m (min)	9.28m	Complies
Side:	1.2m (min)	2.5m	Complies
Side:	1.2m (min)	3m	Complies
Combined Side Setback:	4m (20%)	5.5m (>20%)	Complies
Rear:	6m (min)	15.5m	Complies
Landscaping			
Landscaping/deep soil provisions:	45% (441m ²) (min)	45% (441m ²)	No
Front landscaped area	50% (min)	>50%	Complies
Private Open Space Area:	10m ²	>10m ²	Complies

Minimum dimension:	3m	>3m	Complies
Fencing Max height:	1.5m	1.6m	No
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	4 spaces	Complies
Basement:			
Basement protrusion:	Less than 1.0m	0.9m	Complies
Basement ramp/driveway	3.5m	3.5m	Complies
Internal height:	2.2m	Min. 2.5m	Complies
Ancillary Development			
SECONDARY DWELLING			
Total floor area	60m ² ; or 20% of the total floor area of the dwelling.	60m ²	Complies
Setbacks			
Side:	Min. 1.5m	3m	Complies
Rear:	Min. 3m	3m	Complies
SWIMMING POOL			
Side/Rear Setback	1.0m	Side: 2.5m Rear: >10m	Complies Complies

Architectural Design and Streetscape Presentation

The general design of the new dwelling house adopts certain architectural and landscaping elements such as pitched roofing, exposed bricks, front porches, front fencing and garden beds that appear to tie-in with the character and setting of the locality. As such, the architectural expression of the proposed development appears to be an acceptable for the streetscape.

Streetscape presentation could be improved and the massing and bulk of the built form could be further minimised. It is noted that the proposed uniform glazing to the front façade makes the built form appear as a residential flat building. This is discussed further below. In light of the above, the final design of the scheme cannot be supported.

Bulk, Scale and Building Envelope

As mentioned above, the proposed development fails comply with the maximum FSR development standard under the SLEP 2012. The proposal represents an overdevelopment of the site and is considered a poorly balanced design outcome. The bulk and scale of the development is further exacerbated by the design's inclusion of a centralised void on the first floor (above the living room) (refer to Figure 17).

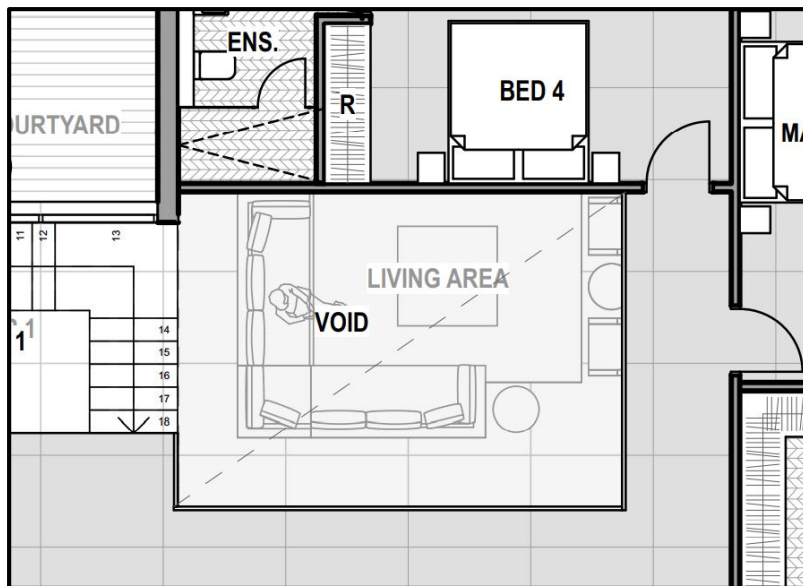


Figure 17. Proposed void above living area

This void space does not provide any additional amenity for the living room (i.e. it does not facilitate additional solar access and ventilation for this space) and contributes to the excess massing of the development. This issue was highlighted to the applicant in the 'Stop the Clock' letter. It was recommended that Bedroom 4 could be re-located to the void space and the area occupied by Bedroom 4 can be deleted to provide additional setback and modulation, and thus, a reduced bulk can be achieved. In their response, the applicant confirmed that the recommendation from Council will not be incorporated into the final design.

The proposed variation to the maximum FSR development standard, combined with the provision of an unnecessary and large void space, as well as the lack of articulation and modulation of the building, ensures that the proposal is unable to satisfy the objectives and controls within the development control plan relevant to bulk, scale and FSR.

Landscaping and Open Space

The proposed development complies with and satisfies the relevant objectives and controls of the SDCDP 2005. The development is considered to enhance the existing streetscape, adequate areas for deep soil planting have been provided and can accommodate large canopy trees and where possible trees have been retained and protected.

Front Fencing

The design of the proposed front fencing, which comprises 1.6m tall, stone piers and metal infills, fails to comply with the maximum front fencing height control under the DCP. There are no circumstances that require this variation nor prevent compliance with the control. It is further noted that the entire front fence and gates feature the 1.6m height and variation. There is an opportunity for the fence design to integrate better with the existing front fencing in the streetscape whilst achieving compliance with the height control. In this regard, the proposed variation is not supported.

Solar Access

Given the west-east orientation of the site ensures that solar access for the south-adjointing neighbour will be impacted. However, these impacts are considered reasonable given that the design incorporates a generous setback to the southern side of 3m. It is noted that the design

attempts to provide some solar access to the habitable rooms of the neighbour. Most of the north-facing windows of this neighbour will not receive any solar access during mid-winter; however, their east-facing and west-facing windows will receive at least three (3) hours of sunlight. It is noted that the development facilitates solar access to at least 50% of the private open space for all neighbouring properties. On balance, the proposal is considered to generally satisfy the relevant objectives and controls of the SCDCP 2005 that relate to equitable solar access.

Privacy

The proposed development 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. Windows are offset from adjoining dwellings where required, they are screened, obscured or off low active use rooms so as not to negatively impact on adjoining properties. The front-facing balconies are recessed and provide adequate passive street surveillance.

It is noted that both the dwelling house and secondary dwelling are elevated 0.6m (maximum) above the existing ground. This tapers down as the site slopes up towards the southern side – to about 0.4m or less. The elevated finished floor levels are considered acceptable and reflective of the topography of the site. Ample setbacks from property boundaries for both buildings ensure that any potential privacy and visual amenity impacts from the elevated finished floor levels can be mitigated.

Vehicular Access, Parking and Basement Level

The proposed development mostly 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. However, it fails to meet objective G in that excavation was not kept to a minimum due to the excessive basement footprint. The basement has been kept to maximum 0.9m above natural ground level and most of it does not extend beyond the ground floor above. The only exception is the pool pump room which is beneath the alfresco area. The applicant intended for this as it is located adjacent to the pool area. This protrusion would generally be considered acceptable; however, the overall basement level is considered excessive in size and there is an opportunity to reduce the scale and footprint of the basement and situate spaces to ensure the footprint is wholly within the ground floor area. In this instance, the design of basement level, assessed as a whole, is not considered a reasonable and supportable outcome – contributing to excess bulk and scale and significant excavation.

Cut and Fill

The proposed development is not considered to satisfy the relevant objectives and controls of the SCDCP 2005, as the need for cut (excavation) has not been kept to a minimum.

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. A Soil Erosion Management 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 SCDCP 2005. Separate pedestrian and vehicle access provisions are provided, passive surveillance of the public street has been provided through windows and front-facing balconies addressing Homebush Road.

ANCILLARY STRUCTURES

Secondary Dwelling

The proposed secondary dwelling satisfies the relevant objectives and controls with SCDCP 2005. This building has been adequately designed and comprises adequate setbacks from property boundaries.

Swimming Pools, Spas & Associated Enclosures

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 has been located in the basement level. The swimming pool fence/enclosure will comply with the swimming pools act and relevant standards.

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 addresses Part H and considered satisfactory.

PART P – Heritage (SCDCP 2005)

The proposed development is situated on land that adjoins the rear of a heritage item – I125 – “Cotswold” – Inter-war Californian bungalow at No. 7-11 Cotswold Road. The proposal is not considered to have any significant impacts on this item as the only component of No. 7-11 Cotswold Road that adjoins the site is an expansive open tennis court that is not considered to contribute to the heritage significance and value of this item. As such, the relevant provisions under Part P of the DCP that relate to impacts on adjoining heritage items are considered to be satisfied by the proposal.

(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 considered to comprise of a scale and character that is in keeping with other developments being constructed in the locality. Accordingly, the proposal will have significant streetscape impacts.

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

It is considered that the proposed development reflects an overdevelopment of the subject site that is not of a scale and design that is suitable for the site. The built form features a density that is disproportionate to the site and will relate poorly with the locality, streetscape and adjoining developments. It is evident that the proposed development is not suitable for the site.

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

In accordance with the provisions of Council's Community Participation Plan, 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. Five (5) submissions were received.

The following concerns/issues were raised in these submissions:

1. Streetscape impacts

Comment: The architectural style and expression of the proposed development is generally in-alignment with the diverse range of architecture and built forms within the locality and along Homebush Road. It is noted, however, that the bulk and scale and subsequent presentation of the proposal are considered excessive and unacceptable. As such, the proposal should employ a reduced mass that enables improved streetscape presentation and that generates minimal streetscape impacts.

2. Loss of an iconic house/property that provides notable historical value and positive contribution to the locality

Comment: The existing dwelling house, whilst potentially having design elements that contribute positively to the local character in the immediate context – is not a locally listed heritage item and is not within a heritage conservation area. As such, the proposed demolition of this house is considered an acceptable outcome. It is further noted that demolition works could be undertaken through a Complying Development pathway that does not require Council consent.

3. Existing dwelling house should be heritage listed and should not be demolished

Comment: As mentioned above (refer to commentary for Item 2).

4. New dwelling house is out of character for the locality

Comment: The general design of the new dwelling house is acceptable in that it incorporates certain architectural and landscaping elements such as pitched roofing, exposed bricks, front porches, front fencing and garden beds that appear to tie-in with the character and setting of the locality. The primary issue identified by Council is the bulk and scale of the proposal – which are considered excessive and disproportionate to the site. In this regard, the new dwelling house is out of character for the locality as it reflects an unreasonable overdevelopment of the property.

5. Secondary dwelling impacting rear-adjointing heritage item (No. 7-11 Cotswold Road)

Comment: This has been assessed as per above. Any potential impacts on the heritage item are deemed acceptable.

6. Inaccurate plans of secondary dwelling

Comment: The amended documentation provided by the applicant is considered acceptable. The proposal is not supported and the application is recommended for refusal.

7. Modification/damage to existing rear fencing will affect rear-adjointing heritage item.

Comment: This has been assessed as per above. Any potential impacts on the heritage item are considered acceptable.

(e) *the public interest.*

The proposed development is of a scale and character that does conflicts with the public interest as it fails to comply with the maximum FSR development standard and will set an undesirable precedence.

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 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan. Notwithstanding, as the proposal is recommended for refusal, a calculation has not been provided.

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 SCDP 2005.

Following detailed assessment it is considered that Development Application No. 2021/168 should be refused for the reasons outlined below.



Signed:
Miguel Rivera
Senior Planner

Date: 24 September 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:
Gary Choice
Planner

Date: 27 September 2021

In consideration of the written request made by the applicant pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012, the consent authority is not satisfied that compliance with the development standard contained in Clause 4.4 – Floor Space Ratio of the SLEP 2012 is well founded. The consent authority has identified that there are no sufficient environmental planning grounds to justify contravening the development standard.

That Development Application No. DA2020/168 for demolition of existing structures and construction of a two (2) storey dwelling house with basement level, secondary dwelling, front fence with gates, in-ground swimming pool and associated landscaping works at 130 Homebush Road, Strathfield be **REFUSED**, given 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 proposal fails to satisfy the objectives of Clause 1.2(a) of the Strathfield Local Environmental Plan 2012 which seeks to achieve a high quality urban form. The proposal is an overdevelopment of the site that is excessive in bulk and scale and fails to demonstrate consistency and compatibility with existing and future desired development in the vicinity. The resultant urban form is considered disproportionate to the site area.

- b) The proposal fails to satisfy the objectives of Clause 1.2(b) of the Strathfield Local Environmental Plan 2012 which seeks to promote an efficient and spatial use of land. The proposal is an overdevelopment and is a poorly balanced design outcome.
- c) The proposal fails to comply with the maximum FSR provision under Clause 4.5 and the following objectives of this standard: 4.4(1)(a) and (b). The proposal is not in keeping with the built form character of the local area and fails to demonstrate consistency with regard to bulk and scale.
- d) The application fails to provide sufficient planning grounds to satisfy Clause 4.6(4) to the extent that the proposed variation under Clause 4.4 can be considered acceptable and supportable.
- e) The proposal fails to satisfy the objectives of Clause 6.2 of the Strathfield Local Environmental Plan 2012 with regard to earthworks. The proposed development involves excessive excavation (in association with the non-compliant built form and large basement). The development fails to respect the features of the site and streetscape and requires an unnecessary amount of excavation to facilitate overdevelopment.

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 built form with bulk and scale that fails to complement the existing streetscape. The development has limited articulation, is disproportionate to the site dimensions and comprises a non-compliant front fence.
- 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 objectives of Clause 5.1 (Landscaping) of Part A of the Strathfield Consolidated Development Control Plan 2005. The proposal features a front fence that fails to comply with the maximum fence height control. The proposed fence combined with the excessive bulk and scale of the new dwelling house ensures that the overall scheme is unable to provide a positive and equitable contribution to the landscape setting of the locality.
- d) The proposed development is considered unacceptable as it fails to meet the objective of Clause 8.1 of Part A of the Strathfield Consolidated Development Control Plan 2005. The proposal involves an excessive basement level and does not minimise excavation, particularly adjacent to site boundaries.

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 impacts.
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) Lack of spatial distribution and excessive bulk and scale that presents poorly to public domain and adjoining properties.
 - b) Poorly balanced development outcome that will create an undesirable precedence and have unacceptable impacts.
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 proposal involves an unreasonable and significant contravention to the maximum FSR permissible for the site that fails to demonstrate merit. The proposal is unable to appropriately address substantive issues and represents an overdevelopment of the site.