

IDAP REPORT

Property:	20 Wentworth Street GREENACRE LOT 4 DP 36122 DA2021.151
Proposal:	Demolition of existing structures and construction of a dual occupancy with basement.
Applicant:	ZTA Group
Owner:	R Ibrahim & J Ibrahim
Date of lodgement:	5 July 2021
Notification period:	13 July 2021 – 27 July 2021
Submissions received:	1
Assessment officer:	G I Choice
Estimated cost of works:	\$992,903.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	REFUSAL

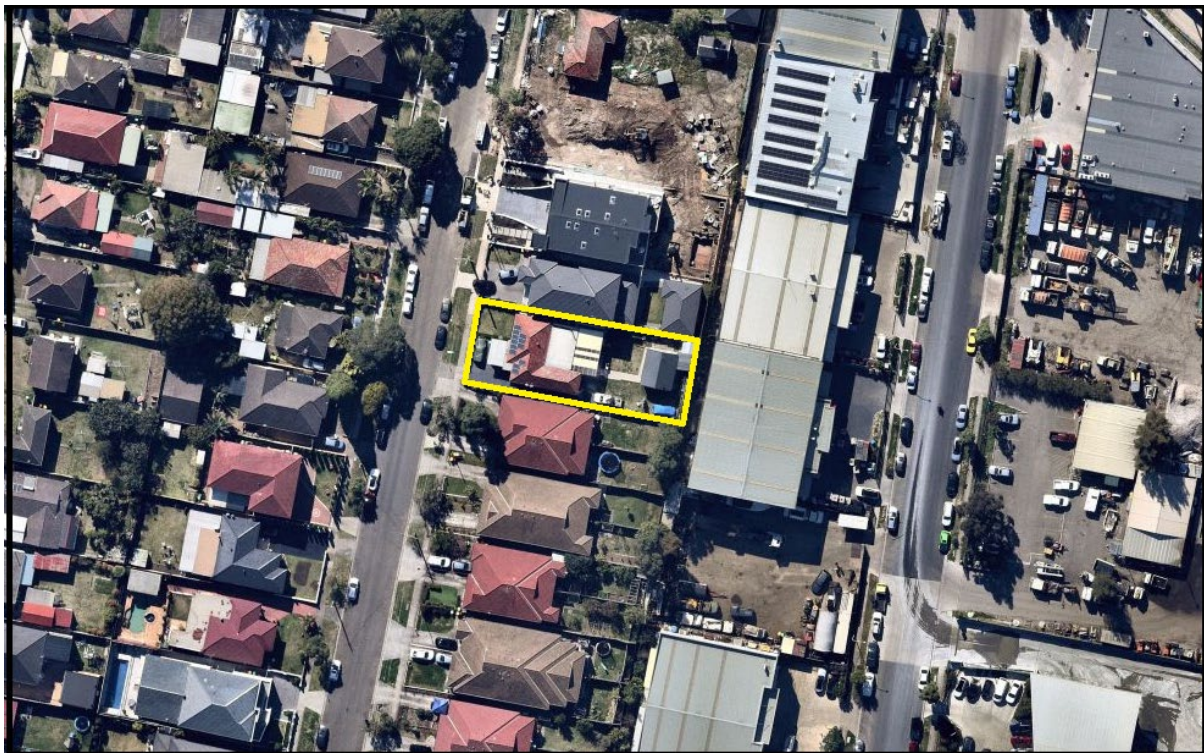


Figure 1: Subject site aerial photograph (highlighted in yellow) and surrounding properties

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the demolition of existing structures and construction of a dual occupancy with basement.

Site and Locality

The site is identified as 20 Wentworth Street GREENACRE and has a legal description of Lot: 4 DP: 36122. The site is a regular shaped parcel of land and is located on the eastern side of the of Wentworth Street (south end) between Drone Street to the north; Juno Parade to the south; and Hebe Street. The site has a width of 16.765m, side boundary lengths of 45.75m (north) and 45.755m (south) and an overall site area of 766.9m².

The locality surrounding the subject site contains a mixture of single-storey and two-storey dwellings to the west and the Bellfrog Street industrial area to the adjacent east.

Strathfield Local Environmental Plan

The site is zoned R2-Low Density Residential under the provisions of Strathfield LEP 2012 and the proposal is a permissible form of development with Council's consent.

Development Control Plan

The proposed development does not satisfy the provisions of Strathfield Consolidated DCP 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 from 13 July 2021 to 27 July 2021, where one (1) was received raising concerns about noise impacts from Enfield Intermodal Logistics Centre and nearby ARTC rail corridor.

Issues

- Basement greater than 1 metre above natural ground level
- Insufficient side setbacks and landscaping shortfall
- Excessive bulk, scale and massing; and overshadowing
- Privacy impacts

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2021/151 is recommended for refusal subject to the attached reasons of refusal.

REPORT IN FULL

Proposal

Council has received an application for the demolition of existing structures and construction of a dual occupancy with basement. More specifically, the proposal includes;

Dwelling A

Basement level:

- Basement parking for two (2) vehicles with turntable
- Storage room and waste nook

Ground floor level:

- Open plan kitchen/living dining area with walk-in pantry
- Laundry
- Water closet
- Separate lounge area
- Front balcony
- Rear alfresco

First floor level:

- Four bedrooms including Master bed with WIR and en suite
- Separate bathroom

External works:

- Associated landscaping

Dwelling B

Basement level:

- Basement parking for two (2) vehicles with turntable
- Storage room and waste nook

Ground floor level:

- Open plan kitchen/living dining area
- Laundry
- Water closet
- Separate lounge area
- Front balcony
- Rear alfresco

First floor level:

- Four bedrooms including Master bed with en suite
- Separate bathroom

External works:

- Associated landscaping

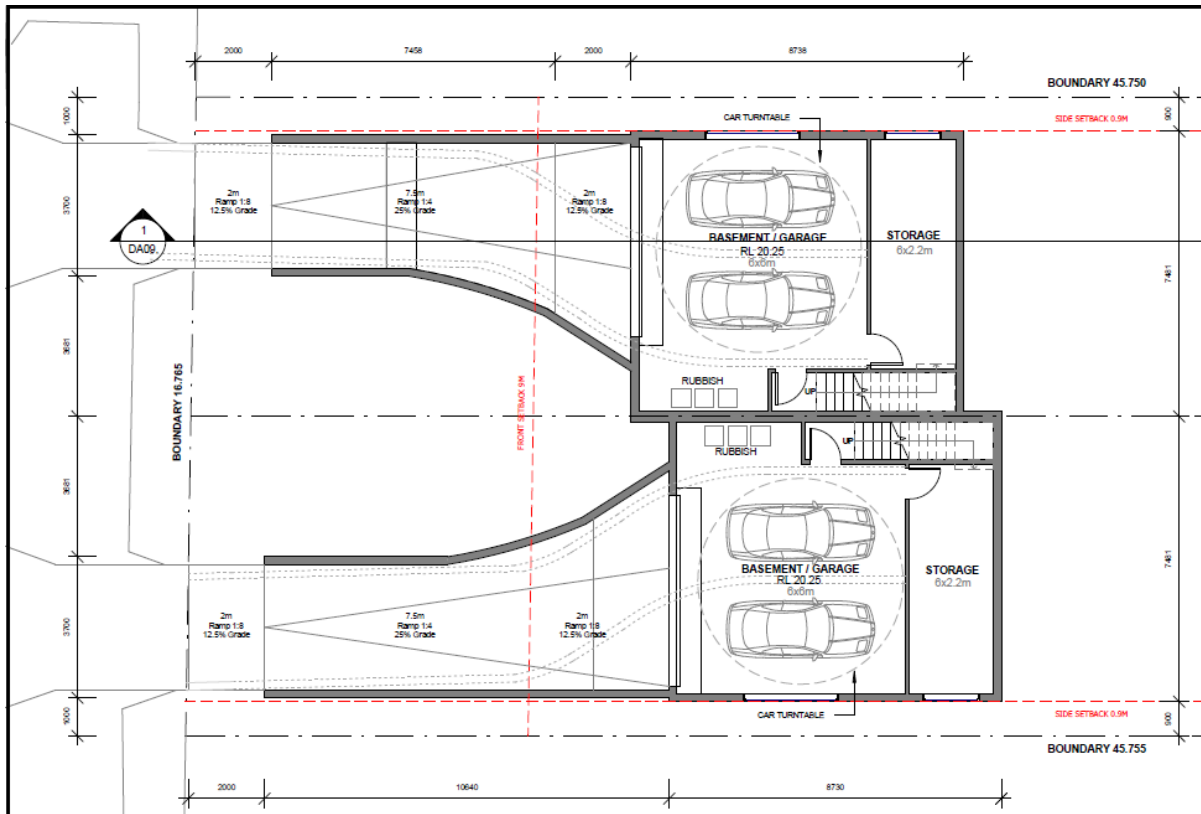


Figure 2: Proposed basement plan

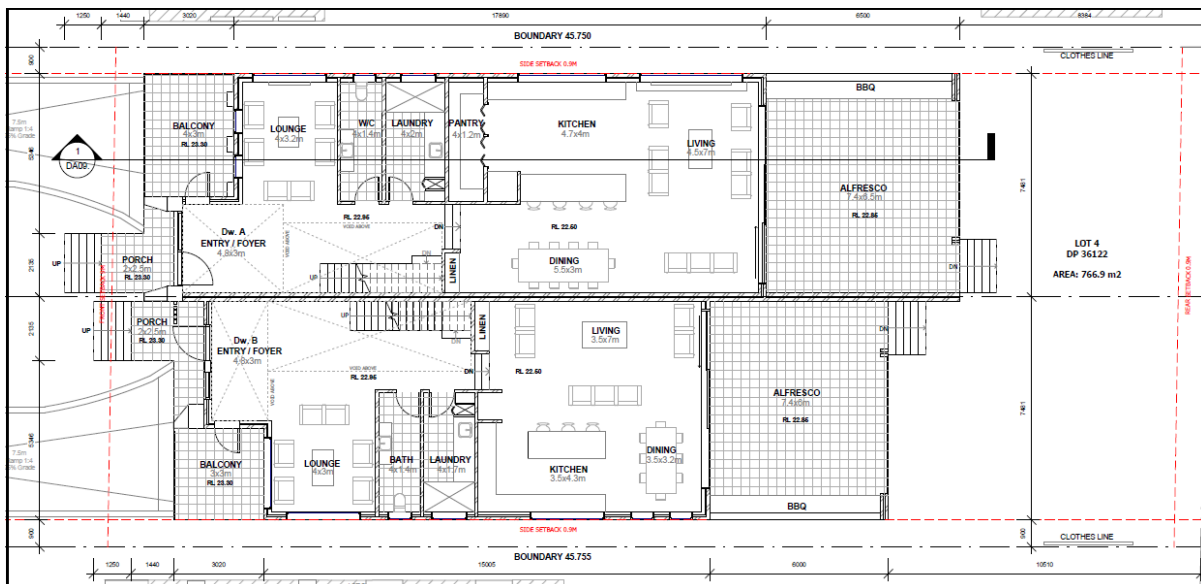


Figure 3: Proposed ground floor plan

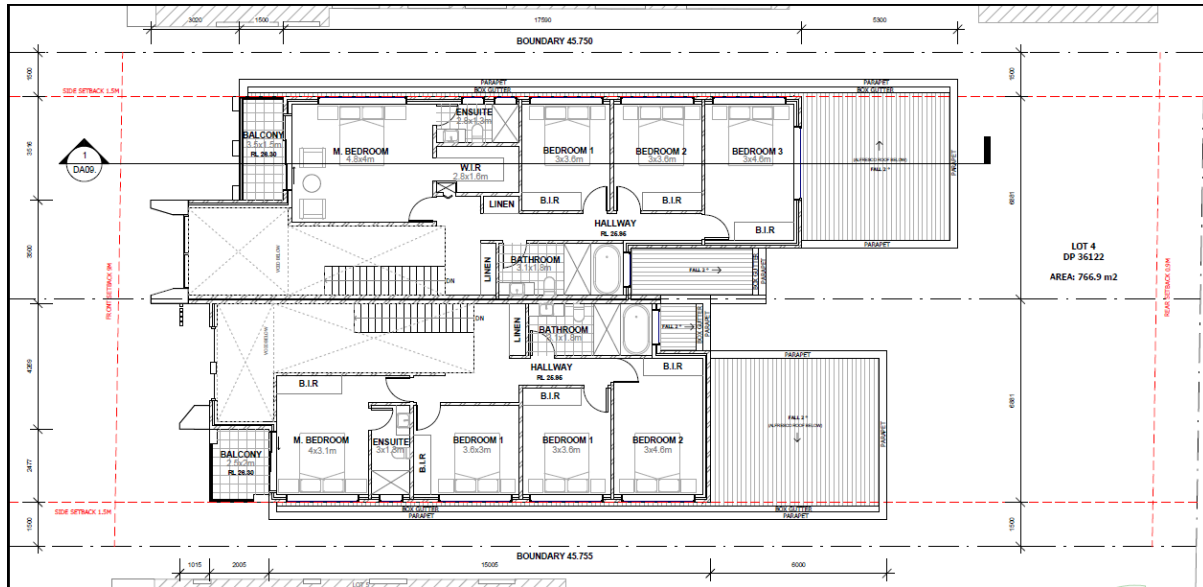


Figure 4: Proposed first floor plan

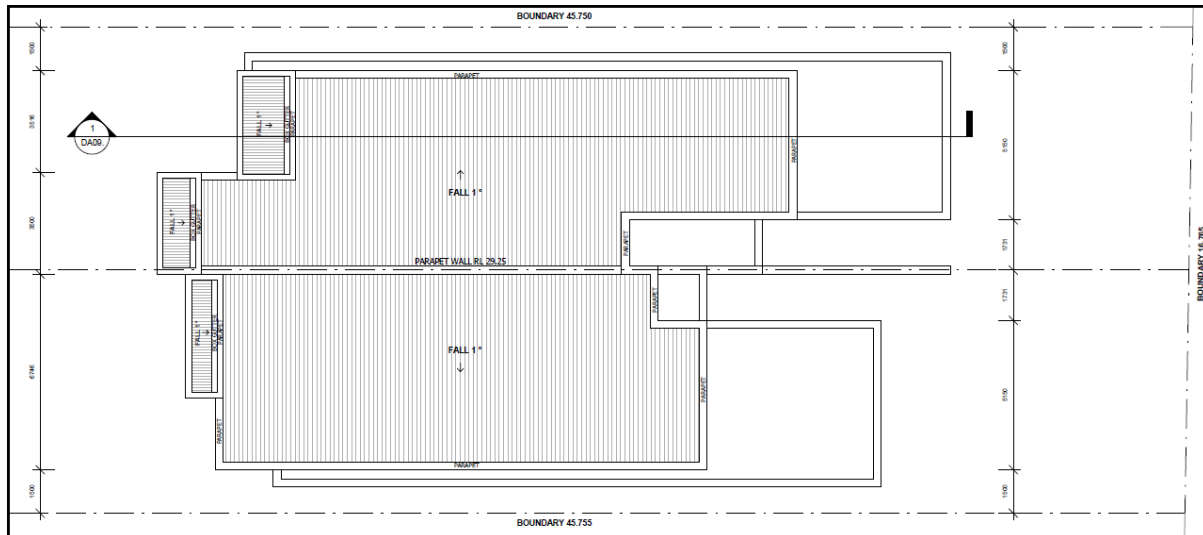


Figure 5: Proposed roof plan

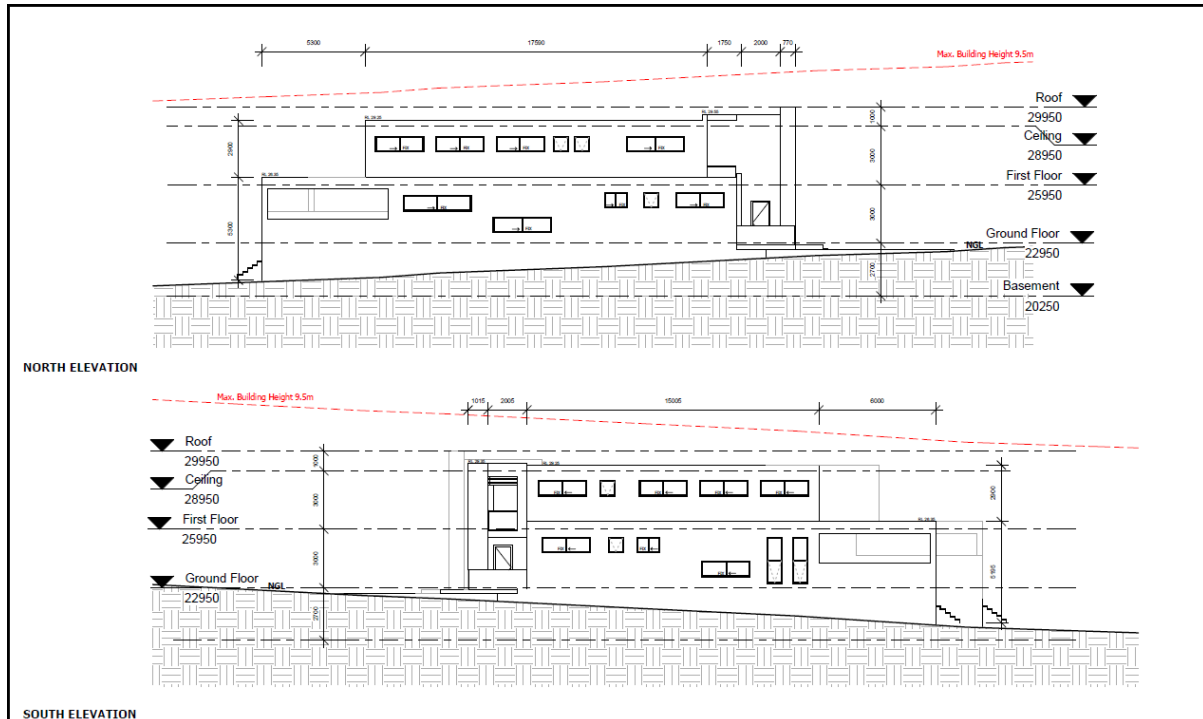


Figure 6: Proposed north & south elevations

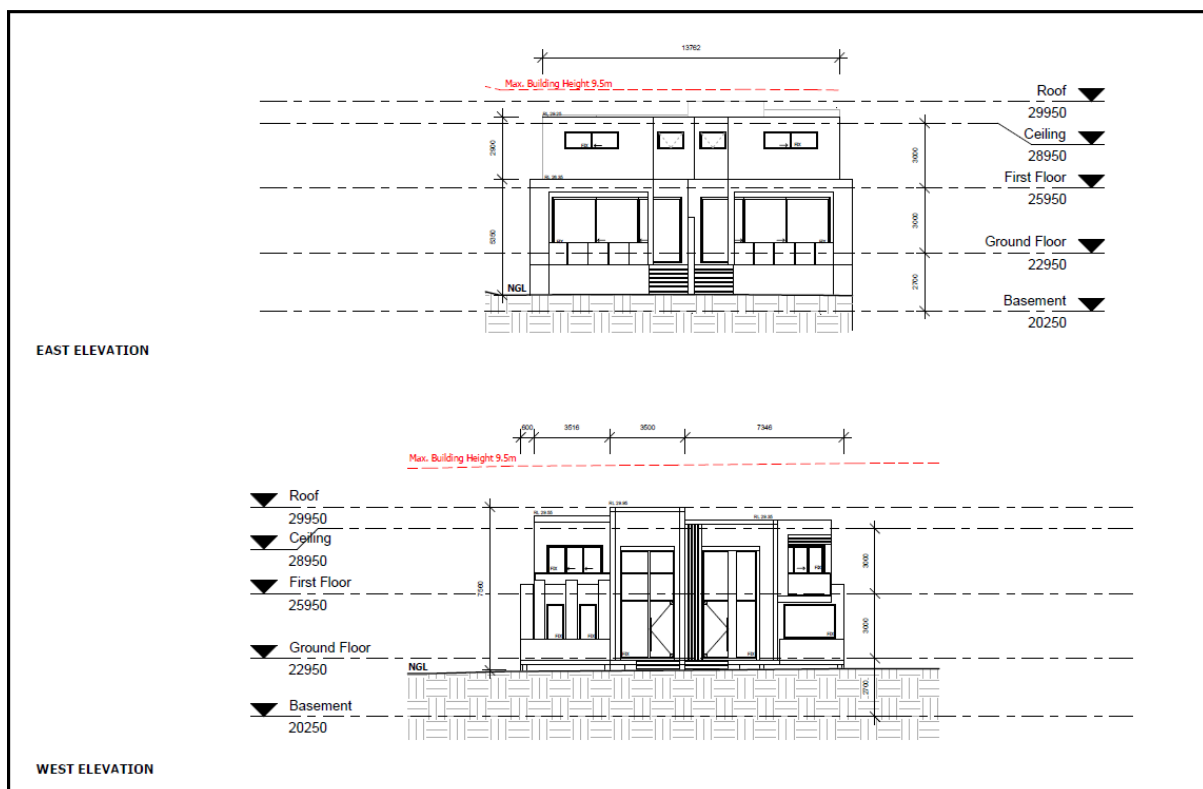


Figure 7: Proposed east & west elevations

The Site and Locality

The site is identified as 20 Wentworth Street GREENACRE and has a legal description of Lot: 4 DP: 36122. The site is a regular shaped parcel of land and is located on the eastern

side of Wentworth Street (southern end) between Drone Street to the north; Juno Parade to the south; and Hebe Street.

The site has a width of 16.765m, side boundary lengths of 45.75m (north) and 45.755m (south) and an overall site area of 766.9m².

The locality surrounding the subject site contains a mixture of single-storey and two-storey dwellings to the west and the Bellfrog Street industrial area to the adjacent east.

The site slopes in a north-east direction and has a cross-fall of 2.3m or 2-3° front of the site to the rear.

Existing development on the site comprises a single-storey weatherboard dwelling with attached carport separate rear garage and rendered masonry front fencing. Vehicular access is provided to the site via an existing driveway from Wentworth Street located on the southern boundary to an existing carport located within the front setback.

Development adjoining the subject site comprises a two-storey brick dwelling at 18 Wentworth Street with brick front fence (north); and a single-storey brick dwelling with pitched tiled roof and open ironwork fence at 22 Wentworth Street (south). Development to the rear of the subject site comprises a two-storey warehouse development.

The current streetscape is characterised by a mix of single-storey and two-storey dwellings (predominantly bare-brick) with pitched/hipped tiled roofs. Front fencing along the street comprises open construction masonry fences with decorative metal work as well as open metal fences. The locality surrounding the subject site contains a mixture of single-storey and two-storey dwellings to the west and the Bellfrog Street industrial area to the adjacent east.



Figure 8: Subject site existing dwelling



Figure 9: Existing dwelling 18 Wentworth Street

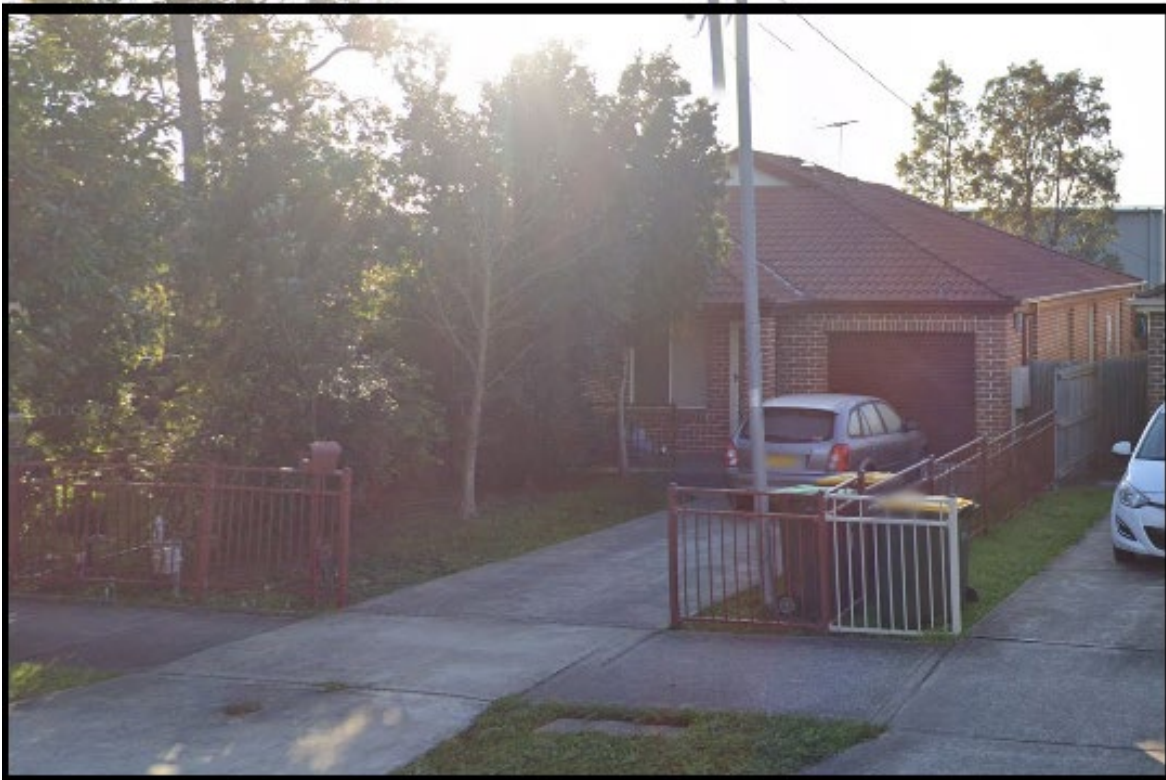


Figure 10: Existing dwelling 22 Wentworth Street

Background

- 5 July 2021 The subject DA 2021/151 was lodged.
- 27 July 2021 End of neighbour notification period.
- 9 August 2021 An additional information request letter was issued by Council to the Applicant which raised the following issues:
- i. An assessment of the submitted floor plans showed a significant discrepancy with the Applicant calculations of gross floor area and subsequent floor space ratio.
 - ii. The basement protrusion of 1.65m above natural ground level was not supported as it is considered to adversely impact the bulk and scale of the dwelling.
 - iii. A general reduction of the finished floor levels – particularly the rear alfresco areas - and general vertical stacking of the rear building design was required to minimise the appearance of bulk and massing, minimise overlooking to adjoining properties and generally improve visual appearance and preserve neighbour privacy.
 - iv. Amended plans were to indicate windows of buildings on adjoining properties to demonstrate that impacts to visual privacy are minimised.
 - v. Amended shadow diagrams were required to include development on adjoining properties to better indicate the impacts of overshadowing to adjoining buildings and private open space
 - vi. Amended basement plans were required to demonstrate that all vehicles can enter and exit the site safely in a forward direction; and B85 vehicle swept paths were required to demonstrate all parking spaces are adequately accessible
 - vii. It was recommended that the Applicant should consider above-ground parking if the basement design could not achieve adequate manoeuvrability and/or achieve the maximum 1m protrusion above NGL.
- 30 August 2021 Amended plans received by the Applicant.

Council notes that a number of issues remain with the development design. The proposed development is assessed on the information available.

NOTE: Due to NSW government Health Order following the COVID-19 outbreak in greater Sydney, the Assessing Officer was unable to attend the site and subsequently relies on the site inspection photos taken by the Applicant. The application has been assessed utilising a thorough suite of photographic evidence, Council's geographic information systems data and other available information relating to the existing site conditions.

Referrals – Internal and External

Development Engineer

The proposal was referred to Council's Development Engineer whom provided the following comments:

"From an engineering perspective, the concept plan is feasible and there are no objections to its approval...Based on Cooks River and Coxs Creek flood study the overland flow of stormwater of the 1 in 100yr ARI storm event is very minimal and there are no issues with the basement from engineering perspective."

Traffic

Council's Traffic Manager provided the comments below following a preliminary assessment of the proposed modifications:

"The proposal involves a steep driveway section of 25% gradient for 7.5m for each lot. There is no turning around area which would require drivers to either reverse in or reverse out. This reverse movement in combination of horizontal manoeuvring required on a daily basis does not provide a safe and convenient access for residents or visitors. Moreover, the frontage pedestrian safety is likely to be compromised due to the reverse movements at a steep gradient where drivers have minimal sight lines."

The amended basement floor plan includes turntables for each of the proposed parking areas to allow entry and exit of vehicles in a forward direction. Outstanding issues with basement and driveway design are discussed elsewhere in this report.

Section 4.15 Assessment – EP&A Act 1979

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

(1) Matters for consideration – general

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

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

Strathfield Local Environmental Plan

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

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned R2-Low Density Residential and the proposal is a permissible form of development with Council's consent under Clause 2.5 – Additional permitted uses for particular land and *Schedule 1 – Additional permitted uses* of the SLEP 2012.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	Maximum allowable 9.5m	8.34m	Yes
4.4C Floor Space Ratio	Site area 766.9m ² 0.575:1 or 440.9m ²	Assessed GFA 424.6m ² 424.6 / 766.9 = 0.56:1 (55.4%)	Yes

Part 5 – Miscellaneous Provisions

Flood Planning

The subject site has been identified as being at or below the flood planning level. The application has been reviewed by Council's Engineer who has advised that subject to suitable conditions, the development is considered compatible with the flood hazard of the land, will not result in significant adverse effects on flood behaviour or environment and is not likely to result in unsustainable social and economic loss. The proposed development is considered to satisfy the objectives of this clause.

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 has been limited to the footprint of the ground floor above and access to and from the basement. The depth of excavation has been limited to provide access to and from the basement. The proposed works are unlikely to disrupt or effect existing drainage patterns or soil stability. The extent of excavation is such that the basement area will protrude above the NGL for the site, therefore impacting on the existing and likely amenity of adjoining properties as discussed elsewhere in this report. On balance, the proposed excavation works generally address 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.

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

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

The application is accompanied by two (2) *Single Dwelling* BASIX Certificates for the proposed development with the following targets:

Water: 43

Thermal Comfort: Pass

Energy: 60

As per BASIX guidelines, a *Multi-dwelling* BASIX Certificate is required for new dual occupancy development. Given the proposed single dwelling targets as shown, however, it is considered the commitments required by a Multi-dwelling BASIX Certificate could be satisfied and an updated BASIX Certificate could be conditioned as necessary. The proposal is considered satisfactory against the provisions of the SEPP.

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 relevant SCDCP parts including:

- Part B - Dual Occupancy Housing;
- Part H - Waste Minimisation and Management; and
- Part I – Provision of Off-Street Parking

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Part B - Dual Occupancy Housing			
Allotment Requirements:	Minimum lots size for dual occupancy 560m ²	Site area: 766.9m ²	Yes
Site Coverage:	65% or 498.5m ²	62.9% 483.1m ²	Yes
Setbacks: Front: Side: Dwelling A (north) Ground floor Wall height 3m or more:	9m 1.5m	9m 0.9m	Yes

Side: Dwelling B (south) Ground floor Wall height 3m or more:	1.5m	0.9m	No – see discussion
Rear: Dwelling A Dwelling B	Merit based Merit based	Min 8.3m Min 10.5	No – see discussion Accepted Accepted
Site Requirements			
	45 degree building envelope height plane off side and rear boundaries.	Proposal extends beyond the horizontal 45° building envelope	No – see discussion
	No section of wall on side or rear boundary setback should be longer than 10 metres or 40% of the length of the boundary, whichever is lesser.	Dwelling A Ground floor: 20.4m (44.5%) First floor 17.6m (39.3%) Dwelling B Ground floor: 18.2m (39.8%) First floor: 15m (32.8%)	No – see discussion No – no see discussion
Density, Bulk and Scale			
Floor Space Ratio:	Maximum FSR for Dual Occupancy 0.5:1 or 383.45m ² / 766.9m ²	0.56:1 or 424.6 m ² / 766.9m ²	Compliance with cl 4.4C of SLEP 2012 prevails
Landscaping			
Landscaping / Deep soil Provisions:	Minimum of 40% of the site area: 306.8m ² or 153.4m ² per dwelling	Dwelling A: 91.8m ² Dwelling B: 104m ²	No No – see discussion
Fencing			
Height (overall/piers):	1.5m (maximum)	1.5m	Yes

Solid Component:	0.9m	1.2m	No – see discussion
Vehicle Access and Parking			
Driveway width at Boundary:	3m	3m	Yes
No. of Parking Spaces:	2 per dwelling	2 per dwelling	Yes
Basement:			
Basement protrusion:	Less than 1.0m	1.2m	No
Internal height:	2.2m	Min 2.2m	Yes

SCDCP 2005 Discussion

Floor space ratio

The proposed ground floor level is calculated at 1.2m above NGL. Subsequently, the proposed basement area excluding parking spaces has been included in the FSR calculation. Additionally, the ground floor stairs - as excluded from GFA calculations by the Applicant – should have been included in the Ground Floor GFA calculations.

Streetscape, Building Orientation and Materials

The proposed development does not satisfy the objectives and controls within the development control plan relevant to:

- Building Scale, height and floor space ratio
- Rhythm of Built Elements in the Streetscape,
- Fenestration and External Materials, and
- Street Edge

The protrusion of the proposed basement levels and subsequent raised upper floor levels contributes to a flat roof building height of 8m which is marginally higher than the typical 7.8m maximum height for flat roof dwellings in the Strathfield R2 low density zone. The proposed parapet RL 30.4 will sit above the adjoining roof lines of 18 Wentworth Street (RL 30.12) and 22A (RL 28.00). Further, the basement protrusion will result in a more visible basement garage entrance that will likely dominate the street frontage. Bulk and massing is further exacerbated by large first floor voids above the entry foyer of each new dwelling and deficient side setbacks of 900mm which result in an unreasonable breach of the north-south **45° building envelope. An improved internal design with better circulation on the first floor could remedy these impacts.**

It is noted that the Wentworth Street locale is an area in transition and it is likely similar flat roof design dwellings shall be developed on surrounding sites, however, the proposed flat roof building height and minimal building setback from side boundaries does not provide an appropriate transition between the adjoining dwellings or the prevailing roof form of the street. **It is considered that the proposed development lacks regard for scale, bulk or massing and will introduce an inappropriate contrast that detracts from the quality of the streetscape.**

Setbacks

The protrusion of the basement level above NGL, raised upper floor levels and proposed ground floor to ceiling height of 3.25m will result in ground floor external wall heights exceeding 4m on either side boundary. It is considered minimum 1.5m side setbacks are more appropriate than the proposed 900mm to reduce the visual impacts of bulk and massing on streetscape and adjoining properties. Further, increased setbacks would allow greater deep soil landscaping and potentially increase solar access to 22a Wentworth Street.

Part B of SCDCP 2005 requires walls along boundary setbacks to be broken or staggered to avoid the appearance of appearing unduly massive or long walls. No section of wall built on a side or rear boundary setback should be longer than 10 metres or 40% of the length of the boundary, whichever is the lesser. As shown in the DCP table above, proposed ground floor and first floor wall lengths are 20.4m and 17.6m (Dwelling A); and 18.2m and 15m (Dwelling B) respectively. Based on a merit assessment of the proposed development with regard to overshadowing and privacy issues, it is considered the proposal does not provide adequate treatments to avoid the appearance of unduly massive or long walls or minimise impacts as mentioned.

Cut and fill

The proposed development does not satisfy the relevant objectives and controls of the SCDCP 2005, in that the basement protrusion and raised floor levels results in unnecessary fill which results in visual impact of bulk and massing as well as impacts to the visual privacy of adjoining properties.

Fencing

The proposed front fencing does not satisfy the relevant objectives and controls within SCDCP 2005 as the proposed solid section of 1.2m with 1.5m brick piers does not taper down appropriately to the height of the prevailing front fence line. It is considered to be unsympathetic to the existing and desired character of the locality and is incompatible to the height and style of adjoining fences.

Landscaping and Open Space

Part B of the SCDCP 2005 requires a minimum landscaped area of 40% of the total site area or 153.4m² for each proposed new dwelling. The proposed development provides 195m² or an overall 25.5% landscaped area for the site: 91.8m² (Dwelling A) and 104m² (Dwelling B). This results in an overall landscaping shortfall of 111m². A reduction of the dwelling footprint and a reduction of the oversized alfresco areas could achieve the minimum 40% landscaping area as required. The proposal does not satisfy the relevant objectives and controls of the SCDCP 2005.

Solar Access

Given the east-west orientation of the site, it is acceptable that solar access to the southern Dwelling B is less attainable, and that impacts to solar access to windows of habitable rooms and private open space on the adjoining southern property are inevitable. The proposed

design of the dual occupancy could be amended – including reduction of the Dwelling A footprint and decrease of the rear alfresco area - to improve solar access to the habitable rooms of Dwelling B.

An assessment of the shadow diagrams shows that solar access to private open space at 22A Wentworth Street is achieved for a minimum period of 3 hours between 9.00am-3:00pm at the winter solstice. The protrusion of the basement and additional building height, coupled with reduced setbacks and poor articulation on side boundaries contributes to additional overshadowing of the adjoining southern property.

With regard to solar access, the proposed dual occupancy is not supported as it is considered that the design could be further amended to better satisfy the relevant objectives and controls of the SCDCP 2005.

Privacy

Windows are inadequately offset from adjoining dwellings, although they could be screened or obscured so as not to negatively impact on adjoining properties.

The raised rear alfresco areas at an RL 22.85 (AHD) result in 1.85m viewing platforms and will result in significant impacts to the visual privacy of adjoining properties. It is noted that alfresco areas are raised above the kitchen/living areas of each proposed dwelling (RL 22.5). Privacy screening could be applied to the open areas of alfresco side walls and rear, however it is considered this would reduce fenestration and further contribute to the overall bulky appearance of the side elevations.

The proposed development does not satisfy the relevant objectives and controls of the SCDCP 2005, in that adequate privacy is not maintained between adjoining properties and any potential overlooking is not minimised.

Access and Parking

The proposed development provides the minimum two (2) required parking spaces for each dwelling. Adequate vehicular access is provided through a basement turntable design which allows vehicles to enter and exit in a forward direction and a minimum internal height of 2.2m is maintained. The basement protrudes to 1.2m above natural ground level and does not adequately minimise the visual impacts to the streetscape as discussed elsewhere in this report, however the proposal is considered to generally satisfy this control.

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 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 providing safety and perception of safety in the street.

PART H – Waste Management (SCDCP 2005)

In accordance with Part H of Strathfield CDCP 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.

PART I – Provision of Off-Street Parking (SCDCP 2005)

The proposed dual occupancy provides four (4) parking spaces behind the building line as per the 3.1.1 *Parking Schedule* of Part I DCP controls.

(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 involves the demolition of a building. Appropriate conditions of consent could 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 of an inappropriate scale and character that is excessive in comparison to other developments being constructed in the locality. The numerous non-compliance associated with the protrusion of the basement and excessive FSR will result in an inappropriate dwelling design that is deficient in landscaping and lacks general regard for adjoining properties and development in the immediate context. It is considered that the proposed development, if approved, would result in an overdevelopment of the site and set an unwanted precedent for future development in the area.

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

It is considered that the proposed development is of an inappropriate scale and design that is unsuitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments. The additional building height and raised floor levels due to the protrusion of the proposed basement level; coupled with an excessive dwelling footprint and reduced side setbacks will result in a dual occupancy development that is visually obtrusive in terms of bulk, scale and massing. The proposed development presents unacceptable impacts to the visual privacy of neighbouring properties and is significantly

deficient in landscaping. The proposed development is not considered acceptable in the context of the Strathfield R2 low density zone.

(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 14 days where adjoining property owners were notified in writing of the proposal and invited to comment. One (1) submission was received raising the following concerns:

Issue 1: A submission from NSW Ports has identified the subject site as being within proximity to the EILC and therefore potentially affected by noise impacts associated with the operation of the Enfield ILC and supporting industrial areas. A condition was recommended by NSW Ports as follows:

“the applicant is required to demonstrate to the Certifying Authority prior to the issue of a construction certificate how the proposed development will comply with the Department of Planning document titled 'Development Near Rail Corridors and Busy Roads – Interim Guidelines’.

Comment: With regard to Part C - 3.5.1 of the *Development Near Rail Corridors and Busy Roads – Interim Guidelines*, the subject site is located approximately 140m from the Enfield to Leightonfield ARTC freight rail line and 296m south-west of existing and proposed warehousing facilities associated with the EILC Facilities. According to Part C of *The Guidelines* determines the subject site is located beyond the *Zone B* threshold for noise-sensitive development (see **Figure 11**). It is considered that the proposed development does not require such a condition for additional noise attenuation measures beyond the proposed building materials. This issue has been considered and addressed.

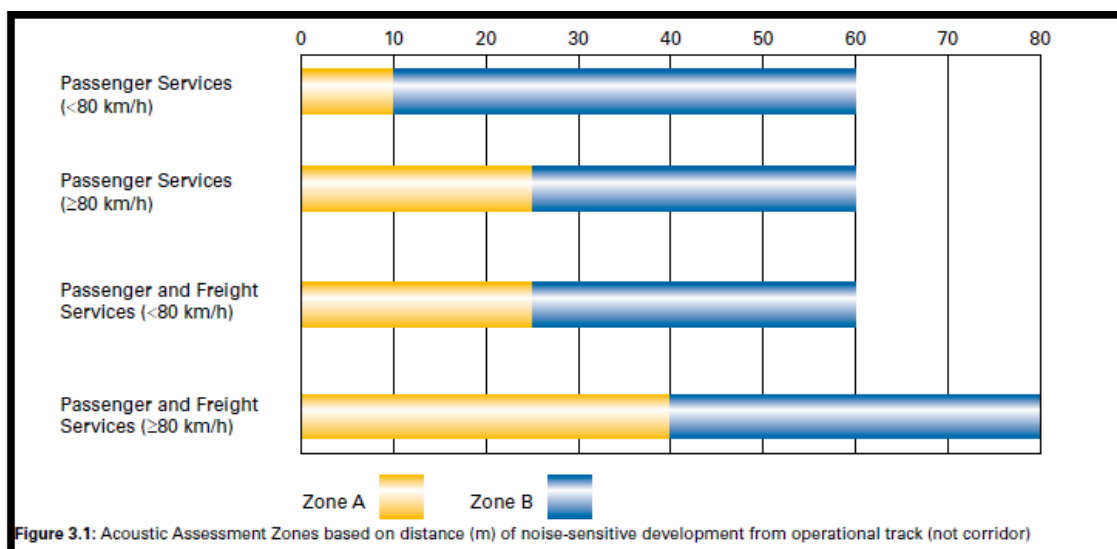


Figure 11: Acoustic Assessment Zones based on distance (m) of noise-sensitive development from operational track (not corridor) - *Development Near Rail Corridors and Busy Roads – Interim Guidelines* (p.15)

(e) *the public interest.*

It is considered that the proposed development is of a scale and character that is not in keeping with the public interest for the reasons as discussed elsewhere in this report and should not be supported.

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, no contributions payment will be imposed.

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. 2021/151 should be refused for the reasons outlined below.



**G I Choice
Planner**

- ☒ 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.



Patrick Santos
Planner

That Development Application No. DA2020/151 the demolition of existing structures and construction of a dual occupancy with basement at 20 Wentworth Street, Greenacre 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, deficient in landscaped area 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.
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 (Site Analysis and Design Principles) of Part B 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 2.2 (Site Requirements) of Part B of the Strathfield Consolidated Development Control Plan 2005. The proposal fails to comply with minimum side setbacks and lacks adequate articulation to reduce bulk and scale, overshadowing and privacy impacts.

- c) The proposed development is considered unacceptable as it fails to meet the objectives of Clause 2.4 (Energy Efficiency and Water Conservation) of Part B of the Strathfield Consolidated Development Control Plan 2005. The proposal fails to provide sufficient solar access to habitable rooms or mitigate against overshadowing impacts to the adjoining property at 22A Wentworth Street.
 - d) The proposed development is considered unacceptable as it fails to meet the objectives of Clause 2.5 (Streetscape and Building Orientation and Materials) Part B of the Strathfield Consolidated Development Control Plan 2005. The protrusion of the basement above natural ground level will result in a basement garage entry that will dominate the street frontage, and
 - e) The proposed development is considered unacceptable as it fails to meet the objectives of Clause 2.5 (Streetscape and Building Orientation and Materials) Part B of the Strathfield Consolidated Development Control Plan 2005. The protrusion of the basement above natural ground level will result in a basement garage entry that will dominate the street frontage and the site frontage comprises a non-compliant front fence.
 - f) The proposed development is considered unacceptable as it fails to meet the objectives of Clause 2.7 (Open Space and Landscaping) Part B of the Strathfield Consolidated Development Control Plan 2005. The proposed development poses a significant shortfall of landscaped area and cannot be supported.
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;
 - (b) Amenity of adjoining properties
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.