

## IDAP REPORT

<b>Property:</b>	7 Mount Street STRATHFIELD Lot: 23 in DP: 5836 DA 2021/256
<b>Proposal:</b>	Construction of an attached double car garage in front of an existing dwelling house.
<b>Applicant:</b>	Everising Pty Ltd
<b>Owner:</b>	Z Huang and Y Zhou
<b>Date of lodgement:</b>	12 October 2021
<b>Notification period:</b>	15 October 2021 to 20 October 2021
<b>Submissions received:</b>	Nil
<b>Assessment officer:</b>	L Fanayan
<b>Estimated cost of works:</b>	\$80,000.00
<b>Zoning:</b>	R2-Low Density Residential - SLEP 2012
<b>Flood affected:</b>	Yes
<b>RECOMMENDATION OF OFFICER:</b>	<b>REFUSAL</b>

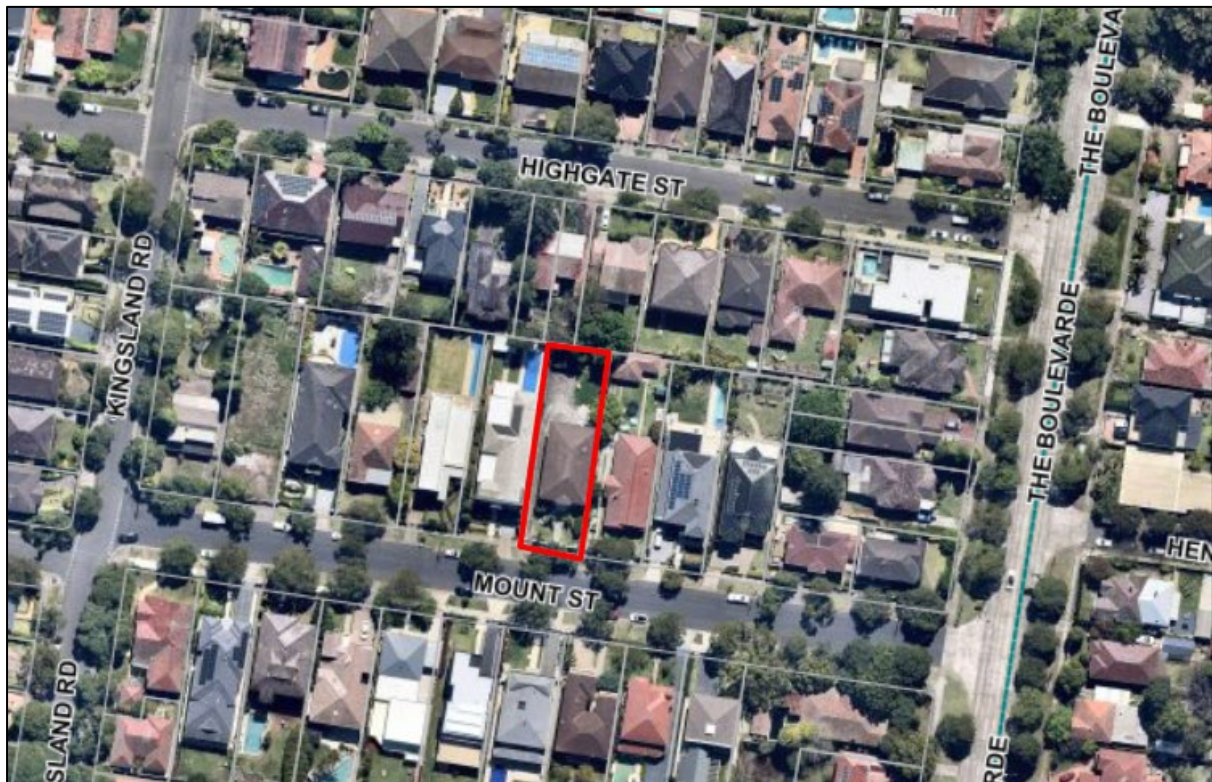


Figure 1: Locality Plan showing subject site (outlined in red) and surrounding properties.

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for the construction of an attached double car garage in front of an existing dwelling house.

### **Site and Locality**

The site is identified as 7 Mount Street STRATHFIELD and has a legal description of Lot 23 in DP 5836. The site is a regular shaped parcel of land and is located on the northern side of the street.

The site has a width of 15.24m, a depth of 50.29m and an overall site area of 766.4m<sup>2</sup>.

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 LEP 2012 and the proposal 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 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 15 October 2021 to 29 October 2021, where no submissions were received.

### **Issues**

- Non-compliance with front and side setback development controls under SCDCP 2005;
- Driveway dimensions;
- Bulk and scale impact on the streetscape.

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Development Application 2021/256 is recommended for refusal subject to attached reason of refusal.

## REPORT IN FULL

### Proposal

Council has received an application for the Construction of an attached double car garage in front of an existing dwelling house. More specifically, the proposal includes;

- Construction of a double garage
- Retention of existing driveway crossover.
- Widened driveway on subject site to 6.02m

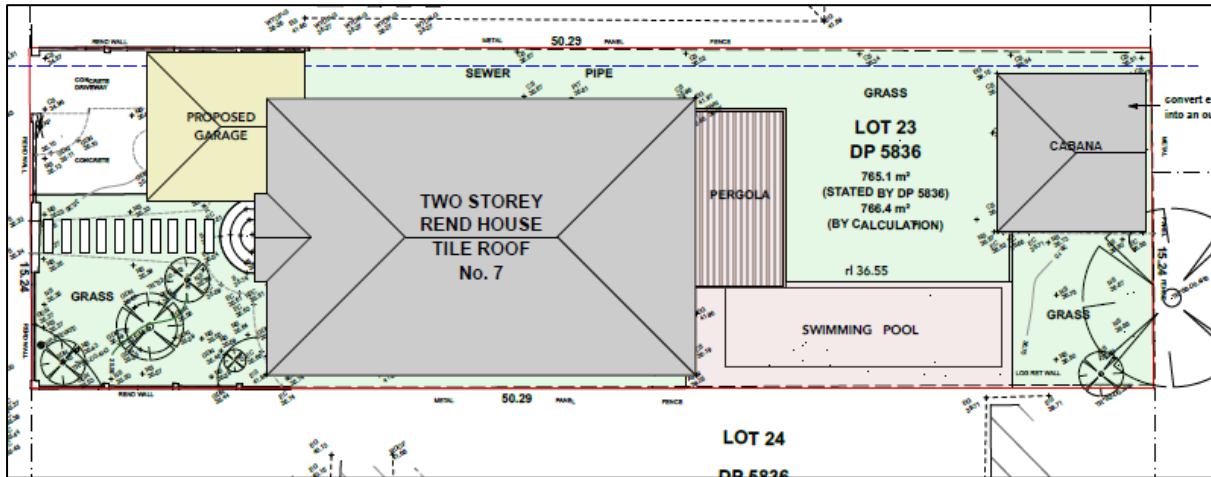


Figure 2: Site Plan

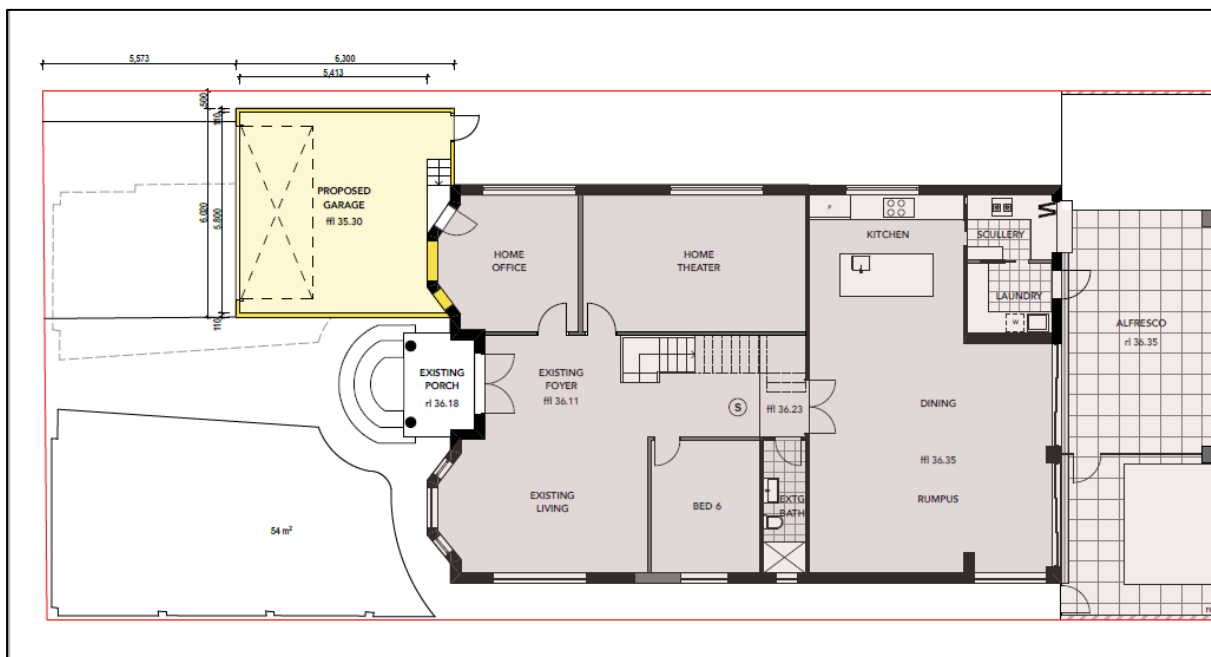


Figure 3: Floor Plan

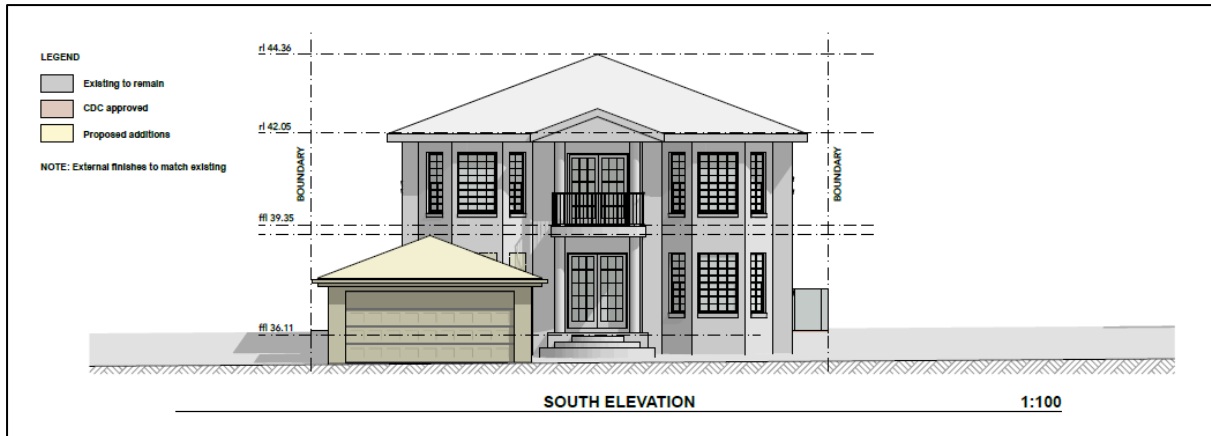


Figure 4: South Elevation

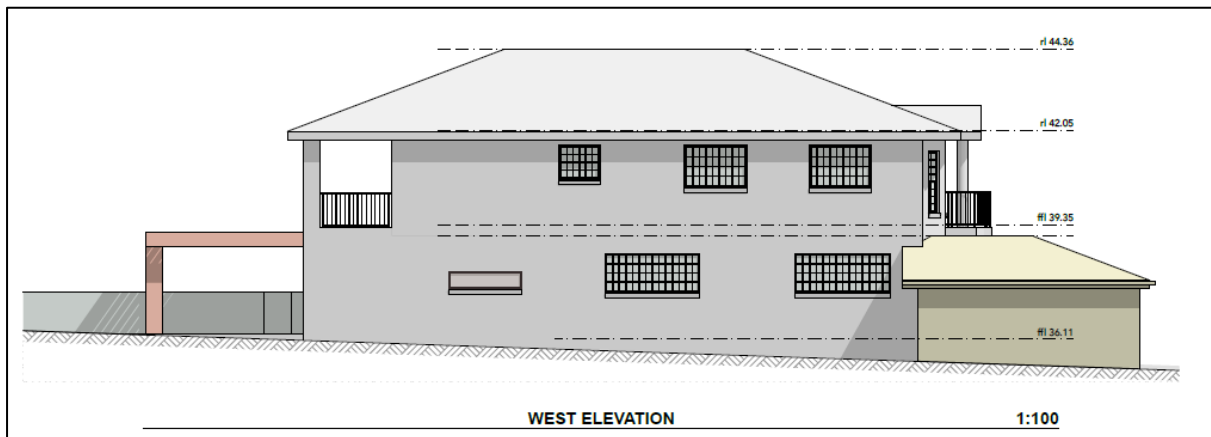


Figure 5: West Elevation

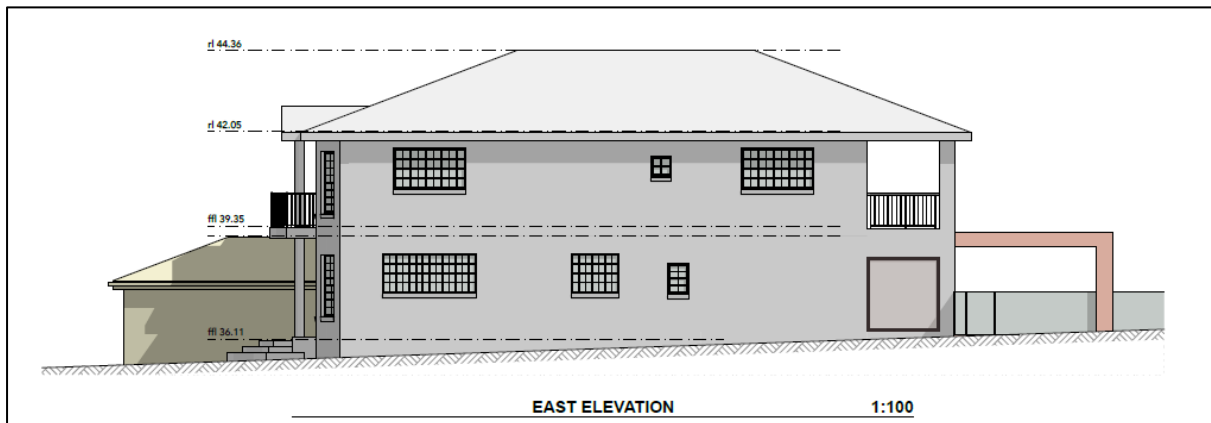


Figure 6: East Elevation

### **The Site and Locality**

The subject site is legally described as Lot 23 in DP 5836 and commonly known as 7 Mount Street Strathfield. It is located off the north side of Mount Street between Kingsland Road and The Boulevard.

The site is rectangular in shape and has a frontage of 15.24m to the south, rear boundary of 15.24mm to the north, side boundary lengths of 50.29m to the east and west, and an area of 766.4m<sup>2</sup>.

The site is occupied by an existing double storey dwelling house. Vehicular access is provided to the site via an existing driveway on the western side of the site to an existing garage located in the rear yard via a drive varying in width between 2.6-2.7m.

The current streetscape features a suburban, low density residential character, featuring dwelling houses of diverse architectural styles and scale. Most of the dwelling houses are either single or two (2) storey, featuring brick and/or rendered facades.

### **Background**

- 1 September 2021** CDC-2021/7116/1 was approved for alterations and additions to existing dwelling, detached swimming pool and car space.
- 12 October 2021** The subject application was lodged.
- 15 October 2021** The application was notified as per Council's Community Participation Plan, with the final date for public submissions being 29 October 2021. No submissions were submitted during this period.
- 4 November 2021** A site visit was undertaken by Council's assessment officer.

### **Referrals – Internal and External**

#### **Traffic Manager Comments**

Council's Traffic Manager provided the following commentary:

*"Should approval be recommended, the following conditions are to be imposed:*

- *Existing public utilities must not be disturbed.*
- *All vehicles shall enter and exit the premises in a forward direction.*
- *Any driveway modification must conform to current /existing Council specifications (refer to Strathfield Council Engineering specifications)*
- *Solid fences adjoining vehicular access driveways (including driveways on adjoining properties) are to be provided with a minimum 1m x 1m splay to maintain sight distances for pedestrians and motorists.*
- *The remaining areas created by providing a splay adjacent to a road intersection or driveway entrance must be landscaped with low-growing vegetation or suitable paving."*

Council's Traffic Manager offered no objections to 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

### **Part 2 – Permitted or Prohibited Development**

#### **Clause 2.1 – Land Use Zones**

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

### **Part 4 – Principal Development Standards**

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
<b>4.3</b> Height of Buildings	9.5m	3.7m	Compliant

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

### **Part 5 – Miscellaneous Provisions**

#### **Flood Planning**

The subject site has been identified as being at or below the flood planning level. As the recommendation is for refusal, the provisions of this clause in the SLEP are not applicable

### **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.

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

As the recommendation is for refusal, the provisions of this SEPP are not applicable.

### **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 SEPP55 are considered to be satisfied.



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

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

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

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

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

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

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

**(iii) any development control plan,**

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

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
<b>Building Envelope</b>			
<b>Heights:</b> Height of garage:	9.5m	3.7m	Compliant
<b>Setbacks:</b> Front:	9m	5.573m	No – see comments below
Side (east):	1.2m (min)	1.1m (existing)	No – see comments below
Side (west):	1.2m (min)	0.5m	No – see comments below
Combined Side Setback:	3.05m (20%)	1.6m (10.5%)	No – see comments below
<b>Vehicle Access and Parking</b>			
Driveway width at Boundary:	3m	6.02m	No – see comments below
Vehicular Crossing:	1	1m	Compliant
Driveway setback – side:	0.5m	0.0m	No – see comments below
No. of Parking Spaces:	2	2	Compliant

### Bulk, Scale and Building Envelope

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

The proposed design is not integrated into the design on the dwelling it is an unconsidered addition that impacts the streetscape. Ultimately, there is a cumulative effect of non-compliances which means this proposal is not supported.

#### *Front Setback*

The dwelling on the property is currently setback 11.1m from the front boundary. The proposed double garage has a 5.573m setback from the front boundary for the width of the garage. This variation is not considered to have merit given the reduced setback negatively impacts on the streetscape, does not maintain the desired setback from the street and infringes upon a defined street edge. This is a 38% variation from the development control and generates additional bulk which is not considered appropriate with regard to the site and surrounds. This proposal does not reflect the desired character for the area under the SCDCP 2005.

#### *Side setback*

The site has an existing double story dwelling with a 1.1m side setback on the eastern boundary and 2.7m setback on the western boundary which is utilised as access to the rear yard located garage. The proposed development reduces the western boundary to 0.5m, thus creating a non-compliance with the combined setback of 1.6m (10.5%), this is a 52.5% variation and is not supported. Further, non-compliance occurs as the minimum side setback of 1.2m is not achieved on the western boundary.

The proposed variation is not considered to have merit given that the existing eastern side boundary is already below the minimum requirement and further non-compliance on the western boundary exacerbates the scale and massing of the development. The design and bulk of the final scheme does not demonstrate alignment with the development pattern along Mount Street and surrounds, nor does it maintain view corridors between dwellings.

The proposed plans show the garage structure in the rear yard to be a cabana which was neither applied for in this application (Statement of Environmental Effects) nor approved in CDC-2021/7116/1. The existing garage in the rear recently received an approval to be converted to a carport, providing sufficient car parking spaces for the dwelling.

#### **Vehicular access and parking**

The proposed development fails to achieve the relevant objectives and controls of the SCDCP 2005 that relate to the provision of adequate vehicular access.

The proposed double car garage visually dominates the street façade of the dwelling. The garage is not recessed behind the building line, the proposed driveway is 6.02m at the building line and is not setback from the side boundary by 0.5m.

Further, the reduced front setback does not provide adequate and convenient on-site car parking. Vehicles do not have to enter and exit in a forward motion, regardless, from the planning perspective the driveway area in front of the garage is considered too small to provide well-functioning access to the double garage without expanding the driveway width at the boundary. As such, the proposed variations to the garage location and driveway design are not considered reasonable and not acceptable.



## **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.

## **PART H – Waste Management (SCDCP 2005)**

In accordance with Part H of Strathfield CDCP 2005, a waste management plan is to be applied as a condition if the application were to be approved.

**(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 not 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,***

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, particularly the significant variations to the front and side setback controls under the SCDCP 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 and scale impact to the streetscape and unsuitable vehicle access arrangement.

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

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. No submissions were received.

**(e) *the public interest.***

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

## **Local Infrastructure Contributions**

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

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


#### STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

Section 7.12 Contributions are not applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan as the cost of works is below \$100,000.00.

#### 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. 256/2021 should be refused for the reasons attached.

Signed:   
**L Fanayan**  
**Planner**

**Date: 3 October 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 not applicable to this development;

Report and recommendations have been peer reviewed and concurred with.

  
**P Santos**  
**Planner**

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

## **REFUSAL REASONS**

Under Section 4.16(1)(b) of the Environmental Planning and Assessment (EP&A Act, 1979, this consent is REFUSED for the following reason;

### **1. Refusal Reason – Environmental Planning Instrument**

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 existing or desired character of particular localities and neighbourhoods in Strathfield.

### **2. Refusal Reason - Development Control Plan**

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 4.1 (Building Envelope) of Part A of the Strathfield Consolidated Development Control Plan 2005. The proposal will result in significantly reduced setbacks to the front and side boundaries of the property.
- (b) The proposal does not ensure that dwellings are compatible with the built form of the local area and that overall bulk and scale does not respond to the desired future character of the area. The proposal fails to maintain the desired setbacks from the street, define the street edge and maintain view corridors between dwellings.
- (c) The proposed development is considered unacceptable as it fails to meet the objectives of Clause 8.1 (Vehicle Access and Parking) of Part A of the Strathfield Consolidated Development Control Plan 2005. The proposal visually dominates the street façade of the dwelling. The reduced setback, and thus, the driveway design is considered inconvenient and inefficient in providing for appropriate movements of vehicles on site.

### **3. Refusal Reason – Impacts on the Environment**

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) Built environment – The proposal does not achieve the desired future character of the area and may cause adverse impact to the streetscape and visual amenity.

**4. Refusal Reason – Suitability of Site**

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 not considered suitable for the site as it locates a double garage in front of the building line, significantly reducing the front setback and adversely impacting on the streetscape.
- (b) The proposed development is not considered suitable for the site as it does not provide a suitable access design.

**5. Refusal Reason – Public Interest**

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 amenity and suitable vehicle access.