

IDAP REPORT

Property:	2 Woodward Avenue STRATHFIELD LOT:B DP:383091 DA2021.110
Proposal:	Demolition of existing structures, construction of a two (2) storey dwelling house, in-ground swimming pool and associated landscaping works.
Applicant:	H.A Design Group
Owner:	T Vuong & C Huynh
Date of lodgement:	31 May 2021
Notification period:	7 June 2021 to 21 June 2021
Submissions received:	NIL
Assessment officer:	G I Choice
Estimated cost of works:	\$1,078,242.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	* Yes –The subject site is located within the <i>C17 - Woodward Avenue</i> HCA
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	REFUSAL

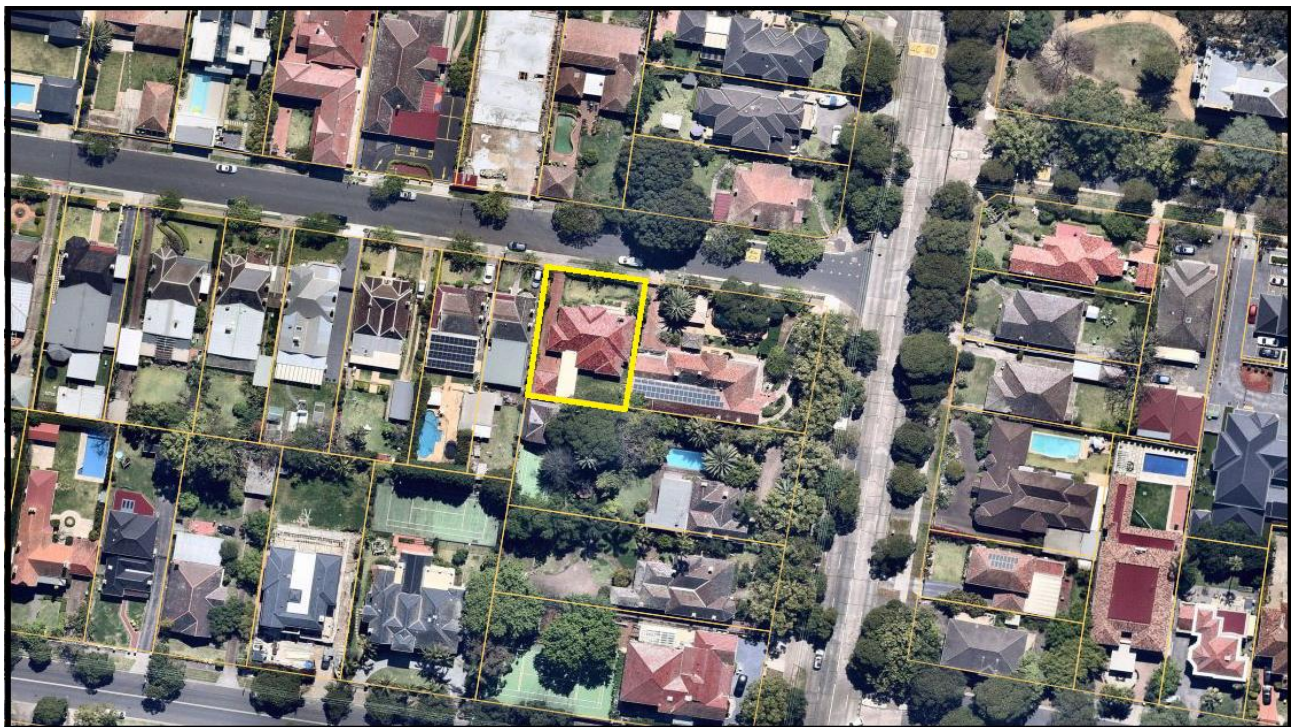


Figure 1: Subject site aerial locality photograph (outlined in yellow)

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the demolition of existing structures, construction of a two (2) storey dwelling house, in-ground swimming pool and associated landscaping works.

Site and Locality

The subject site is legally described as Lot: B DP: 383091 and commonly known as 2 Woodward Avenue Strathfield. It is located on the south side of Woodward Avenue between Torrington Road to the north and Albyn Road to the south.

The site has a width of 21.335m, a depth of 30.48m and an overall site area of 644.7m².

The site is located within the *C17 - Woodward Avenue Conservation Area* (the HCA) which is protected as a Victorian era precinct.

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 fails to achieve key objectives and provisions under the LEP (discussed in more detail below).

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 7 June 2021 to 21 June 2021, where no submissions were received.

Issues

- Impacts to Heritage Conservation Area
- Ground floor levels below recommended Flood Study minimum RLs

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2021/110 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, construction of a two (2) storey dwelling house, in-ground swimming pool and associated landscaping works. More specifically, the proposal includes:

Ground floor level:

- Open plan kitchen/dining/living area w/ scullery
- Formal lounge
- Guest bedroom with WIR and en suite
- Multi-purpose room with WC
- Separate laundry
- Attached garage with two (2) parking spaces

First floor level:

- Master bedroom w/ WIR and en suite
- Three (3) additional bedrooms (B2 – B4)
- B2 w/ WIR and en suite
- B3 with front balcony to Woodward Avenue
- Lounge area
- Separate bathroom

External works:

- Alfresco area
- New swimming pool
- Associated landscaping new front fence

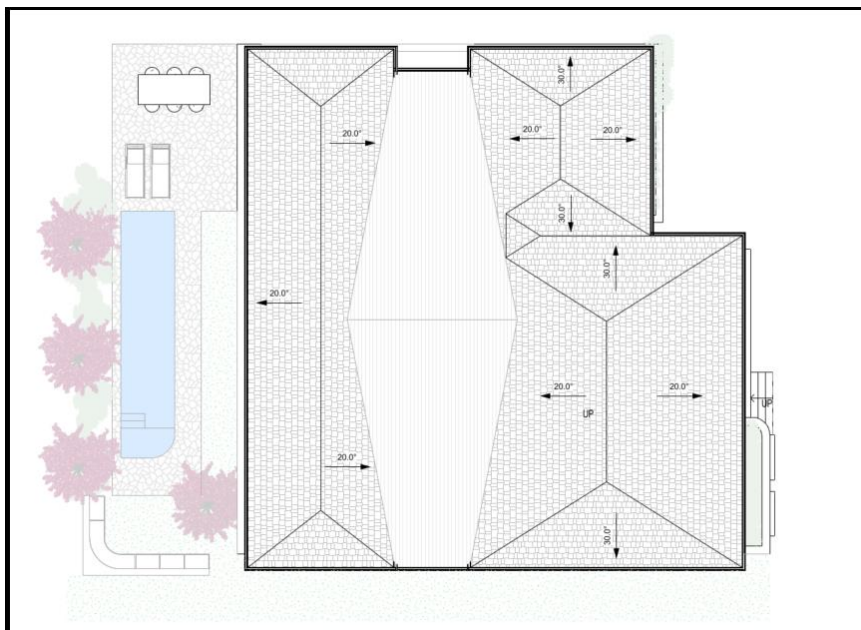


Figure 2: Proposed roof plan

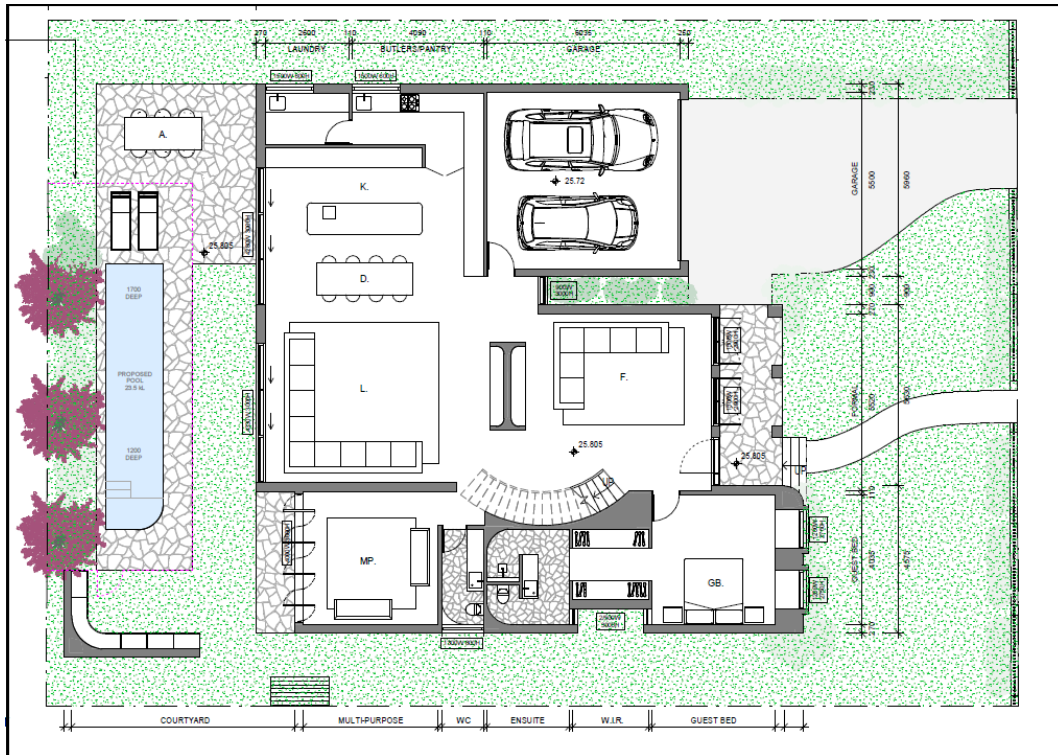


Figure 3: Proposed ground floor plan

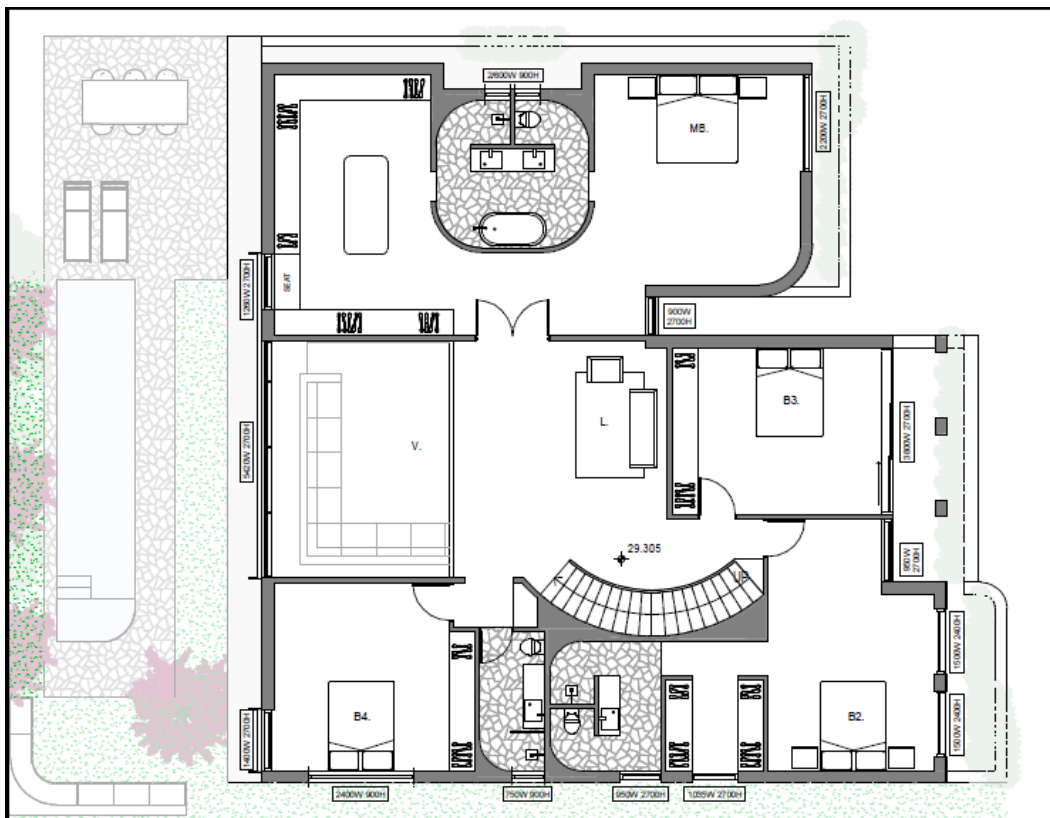


Figure 4: Proposed first floor plan

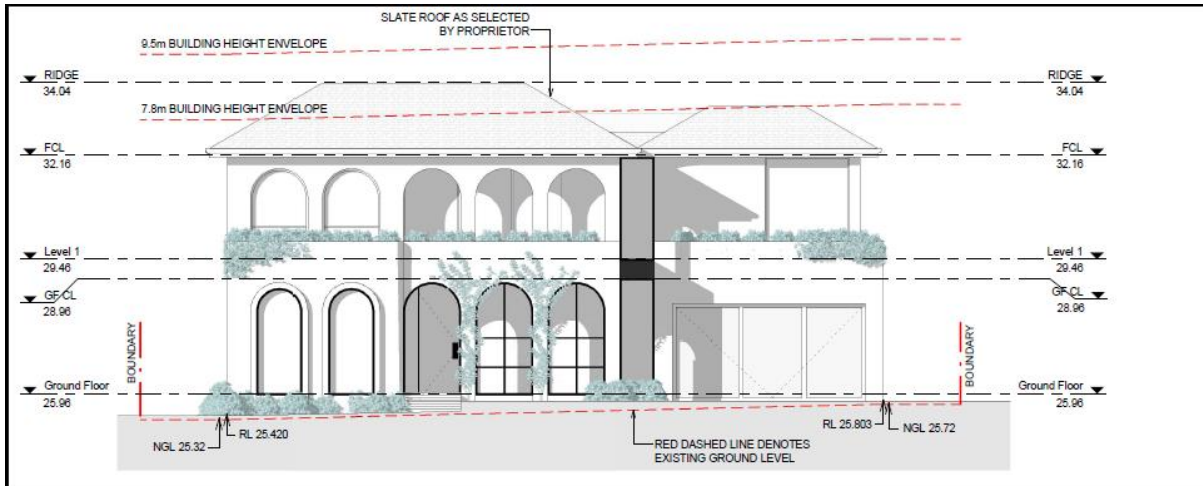


Figure 5: Proposed north elevation



Figure 6: Proposed south elevation

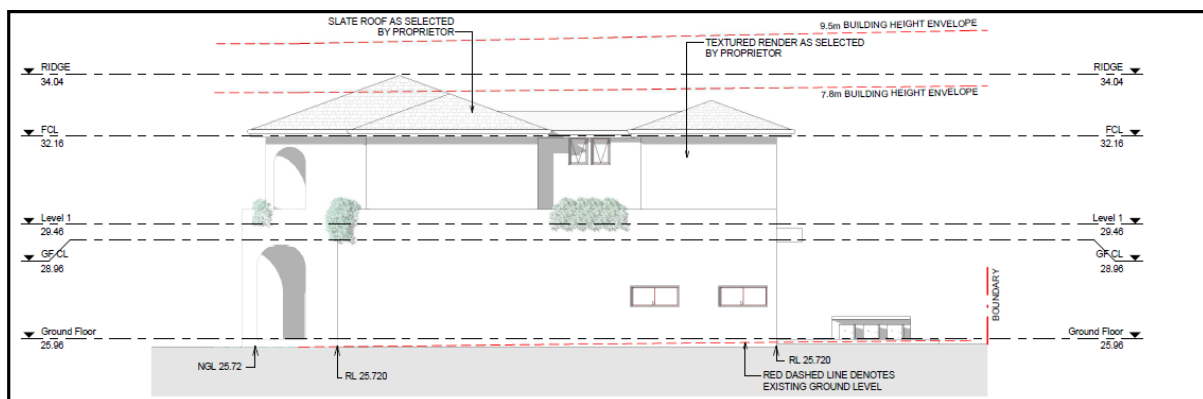


Figure 7: Proposed west elevation

The Site and Locality

The site is rectangular in shape and has a front and rear boundary width of 21.335m, side boundary lengths of 30.48m, and an area of 644.7m².

Existing development on the site comprises a single-storey freestanding brick dwelling with detached brick garage. The existing dwelling house is of a comparatively modern architectural style (circa 1940's) and does not contribute to the prevailing Victorian architecture by which the HCA is signified.

Vehicular access is provided to the site from Woodward Avenue via an existing driveway on the west boundary to the existing garage located in the rear yard.

The adjoining streetscape is characterised by a prevailing row of single-storey late nineteenth Victorian houses which signify the HCA. The adjacent streetscape includes more modern style dwellings and an existing childcare centre. The surrounding area is characterised by low-density residential development of various architectural styles.



Figure 10: Subject site existing dwelling and power pole



Figure 11: Subject site existing front fence



Figure 12: Existing dwelling at 4 Woodward Avenue



Figure 13: East boundary perspective of 95-97 The Boulevard



Figure 14: Existing dwelling at 95-97 The Boulevard (north elevation)

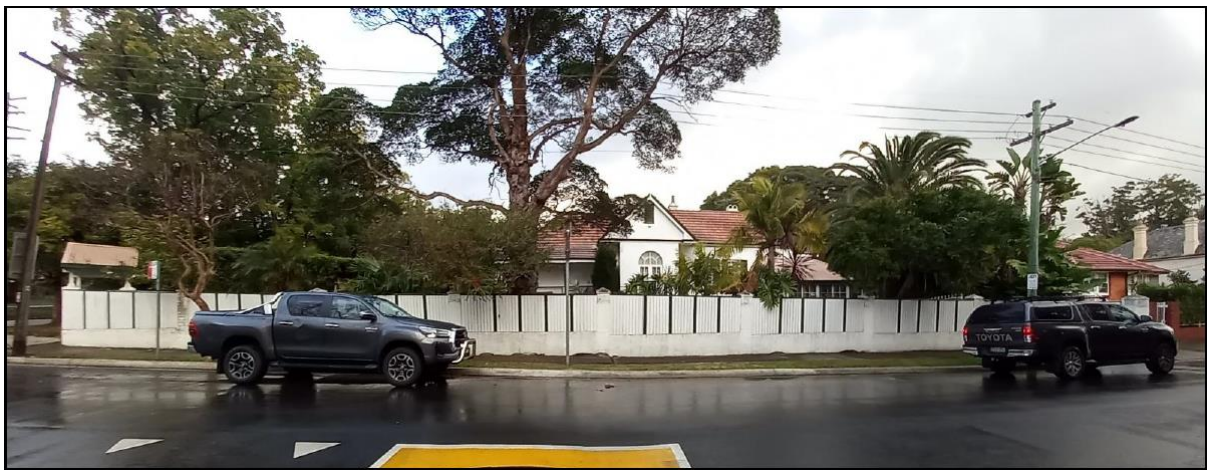


Figure 15: 95-97 The Boulevard north elevation and adjoining west streetscape



Figure 16: Subject site and adjoining HCA streetscape



Figure 17: Subject site and adjoining HCA streetscape



Figure 18: 2 - 10 Woodward Avenue HCA (left to right)



Figure 19: 6 – 12 Woodward Avenue HCA (left to right)



Figure 20: 8 – 20 Woodward Avenue HCA (left to right)



Figure 21: 8 – 10 Woodward Avenue adjacent streetscape (right to left)



Figure 22: 6 - 8 Woodward Avenue adjacent streetscape (right to left)



Figure 23: Subject site rear yard (west-facing)

Background

22 January 2021

An advisory letter was issued to the Applicant (T Harb) following a pre-development application meeting held at Strathfield Council on 22 January 2021 application for regarding a proposal for the demolition of the existing house and construction of a two-storey dwelling with a double garage and swimming pool at the subject site.

Relevant issues pertaining to the subject site at Woodward Avenue in the Pre-DA are summarised as follows:

i. **Flooding**

The subject site is mapped as affected by overland flows of stormwater from adjoining properties of the 1 in 100yr ARI storm event. Any future dwelling DA would require a Flood Impact Assessment report and stormwater drainage concept plan.

ii. **Heritage**

The proposed dwelling design was considered intrusive and unsympathetic to the Victorian era landscape of the HCA. The dwelling fails to comply with Part P of the SCDGP 2005 and is not supported. Council's Heritage Advisor has recommended the following design changes:

- New development should complement the asymmetrical facade designs that are characteristic of the HCA.
- The first floor wrap-around screen should be deleted.
- The roof pitch should be increased to 30-35%.
- The dwelling should incorporate bay windows on the first floor.
- The dwelling should incorporate a bull nose veranda.
- The garage should be setback further behind the building line so that it is not visually dominant from the street. The applicant should consider deleting the courtyard area (south of the garage) to allow for an increased setback from the building line, or relocating the garage so that it is oriented towards the western side.
- The dwelling should incorporate a slate roof and wooden double hung windows.
- Front fencing should be of a Victorian in style.
- A Heritage Impact Statement will need to be submitted with any future dwelling application.

iii. **Landscaping**

A minimum landscaped area of 41. 5% (267. 55m²) was to be provided as per Part A - 5. 2. 1 of the SDCP 2005.

iv. **Setbacks**

The proposed development was deficient in side and rear setbacks. The proposal was advised to comply with the minimum requirement for Part A SDCP 2005 controls. Any departure from the development controls of Council would require strong justification as to why the non-compliance will result to a better planning outcome.

v. **Front Entry**

The arched front door required a revised design to distinguish the entrance to the dwelling from the adjacent arch windows to minimise any way finding issues.

vi. **South Elevation**

Additional articulation was suggested of the southern (rear) facade of the dwelling to improve visual appeal and reduce the exposure of blank walls.

vii. **Void Area**

The first floor void above the living area was to be reduced or deleted to reduce the bulk and scale of the dwelling.

viii. **External Materials and Finishes**

The colours and materials of the dwelling were to accord with the colours, materials and dominant architectural elements existing in the Woodward Avenue Conservation Area.

31 May 2021	The subject DA was lodged via the NSW Planning Portal.
21 June 2021	End of neighbour notification period.
30 June 2021	A site inspection was completed by the Assessing Officer.

13 July 2021

A Council letter was issued to the Applicant following a preliminary assessment of the proposal which identified the following issues:

i. **Heritage**

The following issues were raised by Council's Specialist Heritage Planner:

- The scale and form of the dwelling, upper storey screen, front fence, driveway and path was out of character with the HCA and will dominate the streetscape and therefore impact the significance of the HCA. The proposal was considered to be more intrusive than the existing development.
- The Statement of Heritage Impact (SoHI) (POC and P Architects) has been reviewed. No assessment was undertaken against the *Consolidated Strathfield Council Development Control Plan (DCP)* - Heritage controls.
- Reference to the Burra Charter did not refer to the conservation of an "appropriate setting" (Article 8). The proposal was not considered to respect the prevailing heritage character of Woodward Avenue and would result in an unacceptable impact on the heritage significance of the area.

ii. **Building design**

The large first floor void was not supported.

iii. **Setbacks**

The proposed 500mm rear setback was not supported as there was no strong justification for such a design feature which would result in a bulky and visually obtrusive structure on the southern boundary.

iv. **Solar Access**

The proposed development did not provide the minimum 3 hours solar access between 9.00am and 3.00pm on June 21 to at least 50% of the proposed private open space area. The proposed dwelling design could not be supported.

Based on the abovementioned issues, comments from Heritage in the HCA, and an apparent disregard for the recommendations provided within the pre-lodgement advice letter from 22 January 2021, the Applicant was advised that the proposed development was unlikely to be supported and it was advised that application should be withdrawn.

30 August 2021	Additional information including amended plans and an updated SOHI were submitted by the Applicant via the NSW Planning Portal. Design changes included: <ul style="list-style-type: none">• Removal of the first floor screen;• Roof design change; and• Deletion of the rear alfresco wall, bathroom and pump room.
13 October 2021	A streetscape analysis was requested by Council's Specialist Heritage Planner following an assessment of the additional information submitted.
18 October 2021	The Applicant confirmed via telephone that a streetscape analysis would be prepared and submitted to support the amended design.
10 November 2021	A streetscape analysis was submitted by the Applicant.
25 November 2021	Additional comments were provided to the Applicant following referral comments from Council's Specialist Heritage Planner.
14 December 2021	Applicant request to Council Executive for re-assessment and a review of the previous Heritage comments.
5 January 2022	Additional design recommendations were provided by the Assessing Officer and cognisant of previous Heritage Referral comments to the Applicant.

A number of outstanding issues remain with the proposed development, however it is considered there is sufficient information to complete a full and thorough assessment of the subject Development Application.

Referrals – Internal

Heritage

The proposal was referred to Council's Specialist Heritage Planner whom provided the following comments:

"The proposed development is located on a small lot adjoining a contributing Victorian dwelling (4 Woodward Ave). The proposed dwelling style is a two-storey Mediterranean dwelling with a double garage. From the streetscape analysis it dominates the adjoining contributory items, as it introduces a new style and form into the HCA.

I do not support the application due to the following issues and concerns:

- a) The application is contrary to SLEP 2012 Clause 5.10 objective (b) which aims to conserve the heritage significance of the heritage conservation areas, including associated fabric, settings and views. The height, bulk and the form of the proposed dwelling is intrusive and will impact on the adjoining row of Victorian contributory dwellings. The replacement of a single-storey dwelling with a two-storey modern Mediterranean style dwelling with a double garage and dominated by a concrete driveway and modern fence is likely to impact on the setting of the HCA.*
- b) The proposed dwelling is contrary to the objectives and controls of Part P – Heritage - Section 4 Conservation Areas. The setting aims to “provide an appropriate visual setting including landscaping, fencing and parking and that the new development should respect the established patterns (setback siting, landscaping, parking and fencing”. Clause 4.7 - Car Parking aims to minimise the visual impact of the garage. The development has removed the driveway which led to a rear separate garage. The double garage at the front of the property is intrusive and does not reflect the pattern where the parking is located behind the dwelling. The garage is likely to dominate the site and the setting. [and]*
- c) The proposed dwelling is contrary to Part P – 4.2 Scale - Objective A and control (i) and (ii) which state that new development should be of a similar scale to the nearest contributory dwelling (4 Woodward Ave), which is a single-storey Victorian dwelling. The larger scale Mediterranean type dwelling with the curved arches competes with this Victorian dwelling and will adversely impact the identifiable character of the Conservation Area.*
- d) The proposed development does not relate positively to the dominant forms of existing contributory Victorian buildings in the Conservation Area. The Mediterranean style does not contribute to the Victorian character of the HCA but competes with it (given the setback and dominance of the arches. It therefore will not comply with DCP Part 4.3 – Form where new development should relate positively to the dominate form of the area.*
- e) Fencing is important in a Victorian Heritage Conservation Area. New infill fencing is to be “in keeping” with the period fencing of the HCA. It is noted that there is a wide variety of period styles in the street from picket, palisade and low brick fences. However, the modernisation of the existing fence with aluminium slats...will detract from this period fencing and is contrary to DCP Part P – Heritage 4.8 Fencing.*

- f) *The proposed development is contrary to Part P – Heritage 5.3 Building Form, SLEP Clause 5.10 (b) and EPAA 1.3 Aims (f) which aims for the sustainable management of built heritage (see attachment 1). The proposal does not retain the Victorian character of the Heritage Conservation Area, the two-storey Mediterranean style, coupled with a modern fence and double garage doors adjoining a contributory dwelling will dominate the setting of the HCA due to its bulk and style. This is not sustainable management of a heritage area and is contrary to the aims of the EP&AA 1979.”*

Stormwater

The proposal was referred to Council’s Development Engineer whom has advised that the development was to be designed to conform to the recommendations and conclusions of the submitted flood risk assessment prepared by C.K. Engineering Services (ref no. 2114713, dated May 2021). This is discussed further 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.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	Maximum 9.5m	8.71m	Yes
4.4C Floor Space Ratio Exceptions to floor space ratio (Zone R2)	Site area 644.7m ² 0.6:1 or 386.8m ²	0.57:1 (365m ²)	Yes

Part 5 – Miscellaneous Provisions

Heritage Conservation

The proposal is mapped within the *C17 - Woodward Avenue* Heritage Conservation Area - as listed in Schedule 5(2) of the SLEP 2012 – and a revised Heritage Impact Statement has been submitted with the amended application.

The proposal was referred to Council's Specialist Heritage Planner whom has determined that the height, bulk and the form of the proposed dwelling is intrusive and will impact on the adjoining row of Victorian contributory dwellings. The replacement of a single-storey dwelling with a two-storey modern Mediterranean style dwelling with a double garage and modern fence will diminish the existing character and streetscape in the immediate context of the HCA. The proposed two-storey dwelling cannot be supported as it does not satisfy the objectives of cl 5.10(1), specifically:

- *(b) to conserve the heritage significance of the heritage conservation areas, including associated fabric, settings and views.*

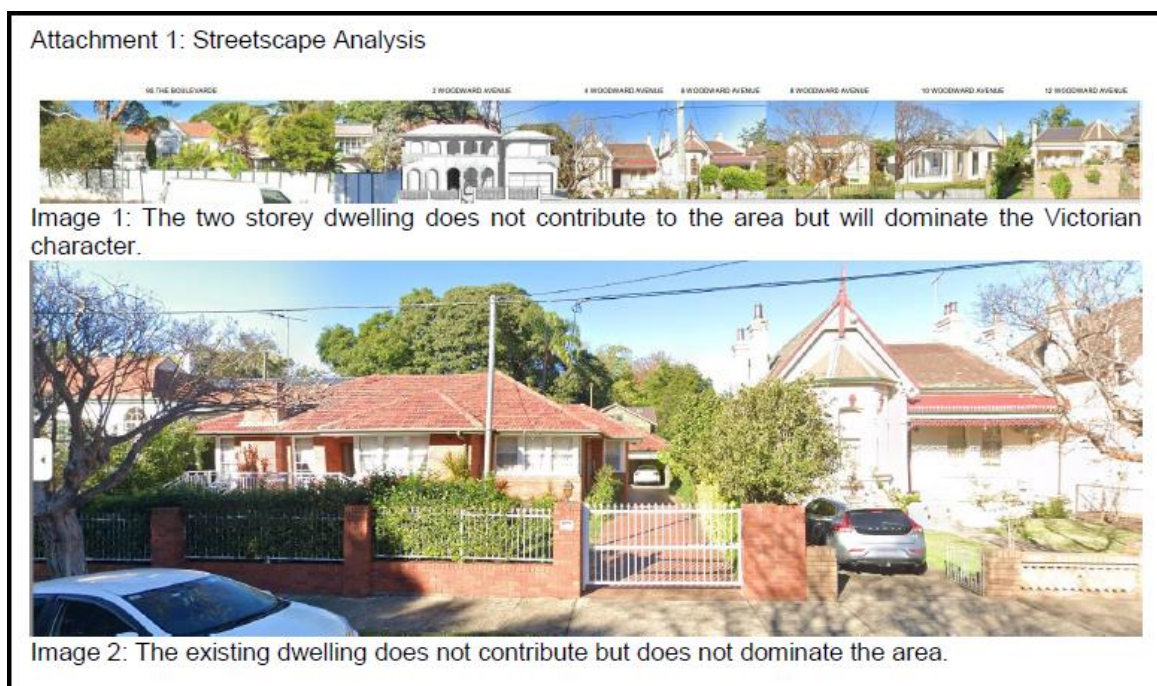


Figure 24: Heritage referral streetscape analysis comments

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 reviewed the submitted Flood Risk Assessment (FRA) prepared by C.K. Engineering Services (ref no. 2114713, dated May 2021). An assessment of the proposal against the minimum floor levels as recommended by the abovementioned report are as follows:

Floor levels recommended by FRA	Proposed floor levels
Non-habitable rooms (garage): RL 25.72	RL 25.72
Habitable rooms: RL 26.33	<i>RL 25.96</i>

As the above table shows, the proposed ground floor level of RL 25.805 is 370mm below the recommended RL for habitable rooms. The proposed development does not comply with the minimum floor levels as recommended with the submitted FRA. In accordance with Clause 6.21(3)(b) the consent authority must consider the intended design and scale of buildings resulting from the development. An increase of the minimum floor level height for habitable rooms would further add to the height, bulk and scale of the proposed dwelling. It is considered the visual impacts of the design and scale of the dwelling will exacerbate the visual impacts of the development upon the heritage character of the streetscape.

In this regard, the proposal does not satisfy the provisions of Clause 5.21.

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 new swimming pool. The depth of excavation has been kept to minimum requirements to comply with Council's DCP controls. The proposed works are unlikely to disrupt or effect existing drainage patterns or soil stability in the locality or effect the future use or development of the land. It is unlikely to effect the existing and likely amenity of adjoining properties and there is no potential for adverse impacts on any waterways, drinking water catchment or environmentally sensitive areas. The proposed excavation works are considered to satisfactorily 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 (BIODIVERSITY AND CONSERVATION) 2021

Chapter 2 – Vegetation in non-rural areas

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.

Chapter 10 – Sydney Harbour Catchment

All stormwater from the proposed development can be treated in accordance with Council's Stormwater Management Code and would satisfy the relevant planning principles of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

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

A BASIX Certificate has been issued for the proposed development and the commitments required by the BASIX Certificate have been satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 – Remediation of land

Chapter 4 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.

(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			
Heights:			
Floor to ceiling heights:	3.0m	Ground: 3m First: 2.7m	Yes
Height to underside of eaves:	7.2m	6.83m	Yes
Number of Storeys/Levels:	2	2	Yes
Setbacks:			
Front:	9m	6.69m	No – see discussion
Side east:	1.2m (min)	2.265m	Yes
Side:	1.2m (min)	2.005m	Yes
Combined Side Setback:	4.27m (20%)	4.27m (20%)	Yes
Rear:	6m	6.48m	Yes
Landscaping			
Landscaping/Deep soil Provisions:	644.7m ² x 41.5% = 267.6m ²	41.5% (267.6m ²)	Yes

Fencing			
Height (overall/piers):	1.5m (maximum)	1.5m	Yes
Solid Component:	0.7m	0.7m	Yes
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	Solar access to 50% of POS for 3 hours can be achieved	Yes
Vehicle Access and Parking			
Driveway width at Boundary:	3m	3m	Yes
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	2.4m	Yes
No. of Parking Spaces:	2	2	Yes
Ancillary Development			
SWIMMING POOL			
Side/Rear Setback	1.0m	Min. 1.8m	Yes

The proposed floor to ceiling heights are generally a compliant three (3) metres or less, with the exception of the space 6.2m length within the void space above the ground floor living room. It is considered that a reduction or removal of the first floor void and a reconfiguration of the first floor area could reduce bulk and reduce overshadowing to the rear yard, however, the proposal is technically compliant.

The proposed front setback at 6.69m does not comply with the minimum 9m front setback control as per Part A - 4.2.3.1 of SCDCP 2005. The front setback is considered acceptable as it is consistent with the predominant front setback in the street which is less than 9m; and the proposed setback, in isolation, would not conflict with the character of the existing streetscape.

Architectural Design and Streetscape Presentation

The proposed development has been assessed against the controls of Part A of the SCDCP 2005 with consideration given to the following:

- i. 95 – 97 The Boulevard: A large two-storey dwelling on the adjoining east property.
- ii. 4 Woodward Avenue: Victorian dwelling to the adjoining west; and
- iii. 6 to 18 Woodward Avenue: Row of Victorian dwellings which signify the Woodward Avenue HCA.
- iv. 20 Woodward Avenue: Two-storey Victorian-style dwelling.

An analysis of existing development of the adjoining east and west properties reveals a visible relationship between the two dwellings. Both dwellings present gabled pendant façades and steep pitched tiled roofs. Existing development at 4 to 18 Woodward Avenue comprises a row of single-storey Victorian dwellings. Predominant features are pitched tiled roofs, bull-nosed verandas, pendant gables, bay windows, iron fringes, and tall chimneys with terracotta flue caps.

It is considered appropriate that any two-storey dwelling proposed should incorporate design features from the adjoining dwellings as well as the existing dwelling at 20 Woodward Avenue, Strathfield (see **Figure 25**). The existing 20 Woodward Avenue dwelling features a gabled façade with non-bar sash windows at ground and first floor. The abovementioned property offers the best example of a two-storey heritage dwelling that contributes to the heritage character of the existing streetscape in the immediate context of Woodward Avenue.

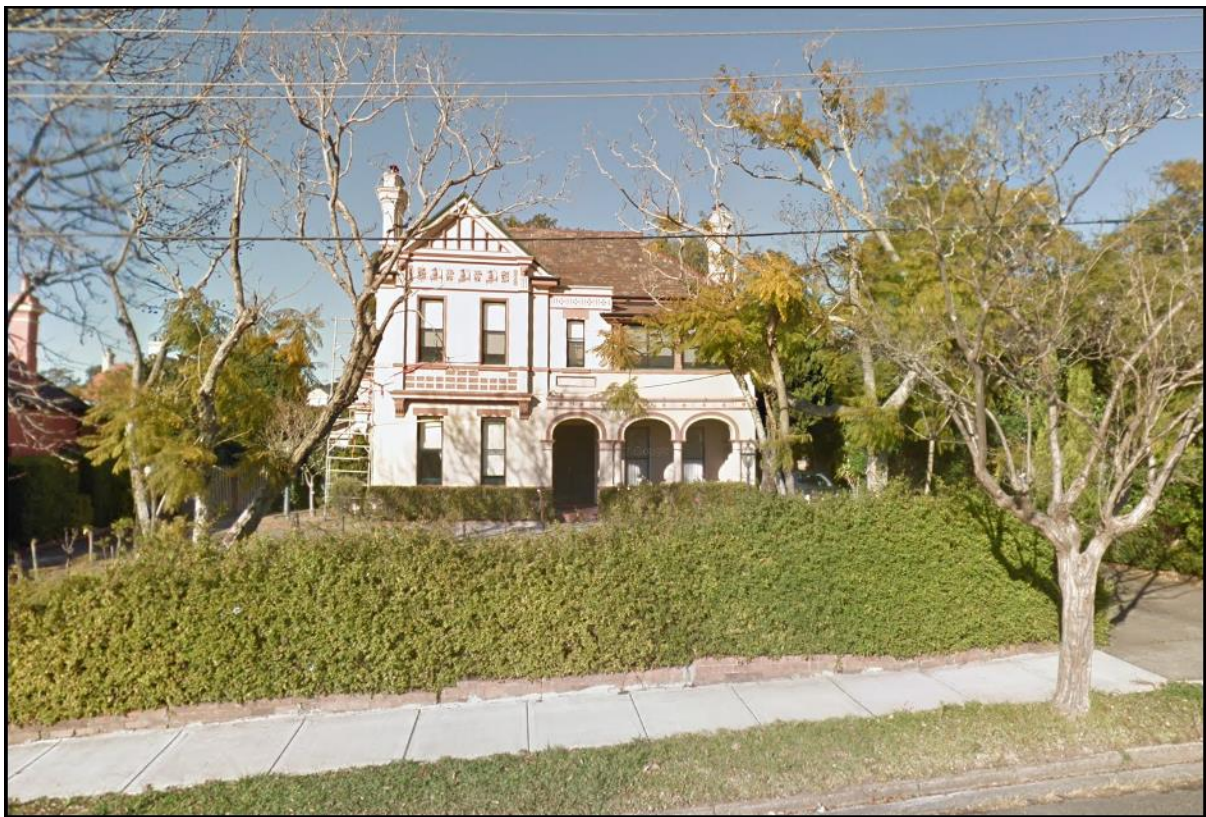


Figure 25: Existing dwelling at 20 Woodward Avenue STRATHFIELD

Given the location within the HCA, any new dwelling should be of a height, bulk and scale which minimises impacts to the existing streetscape and is generally in-keeping with the Victorian style heritage character of the surrounding locale. Unlike the above existing HCA development, the design, built form and scale of the proposed development are considered inappropriate and not responsive to the prevailing streetscape and character of the immediate locality.

The proposed roof ridge height at 34.04 will sit above the existing two-storey dwelling at 95 – 97 The Boulevard (RL 33.81 to RL 33.93) to the east; and 4 Woodward Avenue (RL 32.83 to RL 32.85). In this regard, the proposed dwelling does not provide an appropriate transition between the two adjoining properties. Visual impacts to the Woodward Avenue streetscape would be further impacted by the proposed roof form and front façade which lack regard for the Victorian row of houses to the west. The proposed two-storey dwelling is inconsistent in scale when compared to the single-storey dwelling at the adjoining 4 Woodward Avenue. The proposed roof pitch of 20° is comparatively flatter than the pitched roofs within the HCA streetscape and presents an inconsistent scale which lacks regard for the adjoining streetscape, and will disrupt the rhythm of the prevailing roof form.

The proposed dwelling incorporates a series of arches at ground floor and first floor which is similar to the arch window at 95-97 The Boulevard. It is considered this presents as an isolated design feature which does not relate to the adjoining Victorian dwellings to the west. The repetition of arches is considered excessive and signifies a visual bias to the adjoining east dwelling.

It is considered the proposed two-storey dwelling design is unsympathetic to the existing HCA streetscape. The dwelling design has not adequately incorporated prominent building façade features of the existing streetscape which including roof shape, pitch and overhangs; fenestrations, colours and detailing; and the location and proportion of windows and doors.

Landscaping and Open Space

The proposed development satisfies the relevant objectives and controls of the SCDP 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.

Fencing

The proposed front fencing (as amended) has changed from a catenary arch design to an open construction brick pier fence which is sympathetic to the existing fencing in Woodward Avenue. A condition could be imposed requiring the proposed vertical slats to be replaced with hedging or decorative metal work similar to the existing fence. Subject to a condition as such, the front fencing satisfies the relevant objectives and controls within SCDP 2005. It is considered to be sympathetic to the existing and desired character of the locality and is compatible to the height and style of adjoining fences.

Solar Access

Given the orientation of the site, solar access to windows of habitable rooms and to at least 50% of the private open space is achieved or maintained for a minimum period of 3 hours between 9.00am-3:00pm at the winter solstice. Solar access is also achieved or maintained to the private open space of the adjoining premises. The proposal is considered to generally satisfy the relevant objectives and controls of the SCDP 2005.

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. Balconies are either screened, setback or of limited size so as to not impact on the amenity or privacy of the adjoining dwellings whilst providing good amenity to the occupant of the dwelling.

Vehicular access, Parking and Basements

The proposed development 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.

Cut and fill

The proposed development is considered to satisfy the relevant objectives and controls of the SCDCP 2005, in that the need for cut and fill has been kept to a minimum and existing ground levels have been maintained where appropriate to reduced site disturbance. Existing trees and shrubs have been retained where possible and ground water tables are maintained and impact on overland flow and drainage is minimised.

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.

ANCILLARY STRUCTURES

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 panting if required. The pool pump equipment can be located in a sound proof enclosure and the pool coping has been designed to suit the existing ground level of the site. Appropriate conditions can be imposed to ensure 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 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 P – Heritage (SCDCP 2005)

Part P (4) *Development in Conservation Areas* of SCDCP 2005 aims to ensure that new development respects the established patterns in the streetscape of a Heritage Conservation Area, including setbacks, siting, landscaped settings, car parking and fencing. An analysis of the proposed development against the relevant controls of Part P is discussed below.

The subject site is located within the Woodward Avenue Conservation Area (C17) which is significant for its Victorian era Precinct (Features of the Conservation Area include predominantly single storey, asymmetrical facades, projecting bays, slate roofs, rendered brick construction and front verandas) (see **Figures 12 to 20 & 25**).

4.1 Setting

Setting relates to the space and details around buildings in a Conservation Area that contribute to its heritage significance and may include the visual catchment of a Conservation Area.

The side and front setbacks of new development in a Conservation Area should be typical of the spacing of existing buildings in the vicinity of the proposed development in that Conservation Area, such that the rhythm of buildings in the streetscape is retained. Council advised that any new development should retain as much of the existing driveway along the western boundary as possible as this contributes to the uniformity of the HCA. The western setback should be increased to provide greater visual relief from the adjoining single-storey cottages to the west and accommodate a tandem carport. The large first floor void should be deleted or significantly reduced. The deletion of the garage would trigger a reconfiguration of the first floor layout and bulk could be shifted back. It is considered the development lacks regard for the established pattern of dwellings to the west of the site

4.2 Scale

Scale is the size of a building and its relationship with its surrounding buildings or landscape. It is important that new development in Conservation Areas respects the scale of the existing buildings and/ or landscape elements that contribute to the significance of the Conservation Area. The scale of new development adjacent to or within a Conservation Area should relate to the scale of the adjacent or nearest contributory elements of the Conservation Area. Development of a larger scale is allowable only if it can be demonstrated that the new development will not adversely impact the identifiable character of the Conservation Area. The adjoining single-storey dwelling at 4 Woodward Avenue (No.4 see **Figure 12**) presents a 1 third: 2 thirds horizontal proportioned façade. The proposed two-storey dwelling incorporates a three-section staggered façade scale with curved arches at ground floor and first floor. This results in a dwelling façade that is almost twice the breadth of the adjoining No.4 dwelling. It is considered the proposed design is inconsistent with the existing development in the vicinity of the site that contributes to the character of the in the Heritage Conservation Area.

4.3 Form

The form of a building is its overall shape and volume and the arrangement of its parts. The rooflines of buildings, and elements such as chimneys, parapet walls and verandahs can contribute greatly to the character of an area. Defining features of the adjoining single-storey dwelling at No.4 include pendant gable, bay window facade, minimal filigree iron fringes, bullnose veranda and tall chimneys with terracotta flue caps. Several houses exhibit a hexagonal roof from with bay window façade. Consideration is also given to the existing dwelling at No.20 Woodward Avenue as an appropriate example of existing two-storey development within the HCA locale. Council advised that all arches be removed from the entire first floor façade and the ground floor guest bedroom façade, and the roof pitch was to be increased to 30-35%. This advice was disregarded. An amended façade design should incorporate double hung windows of a non-bar; or centre-bar design. Swept head windows would be considered for the B2 and ground floor guest bedroom façade to add some individual character. This advice was ignored.

The proposed two-storey dwelling Mediterranean-style with curved arches at ground and first floor speaks marginally to No.20, it is considered that the proposed dwelling does not generally incorporate any identifiable characteristics of the adjoining dwellings to the west within the HCA. The treatment of the street façade of new development does not relate to existing nearby buildings that contribute to the Conservation Area.

4.7 Car parking

The proportions of garage door do not relate to the smaller and more vertical proportions of windows and doors found on the contributory buildings within the C17 HCA. The development has removed the driveway which led to a rear separate garage. The proposed new driveway, reduced side setback and double garage at the front of the property will result in a visually obtrusive design that does not reflect the pattern where the parking is located beside or behind the dwellings of the Woodward Avenue HCA. The garage is likely to dominate the site and erode the character of the streetscape.

Part P Clause 5 - Additional controls for development within the Residential Conservation Areas (SCDCP) (2005)

5.3 Building Form

Clause 5.3 of Part P requires any proposed development to retain the particular building character of each Residential Conservation Area as identified in the particular Statement of Significance for the Conservation Area. The proposal does not retain the Victorian character of the Heritage Conservation Area, the two storey Mediterranean style, coupled with a modern fence and double garage doors adjoining a contributory dwelling will dominate the setting of the HCA due to its bulk and style. This is not sustainable management of a heritage area and is contrary to the aims of the EP&AA 1979.

5.7 Garages and Carports

Clause 5.3 of Part P requires new garages and carports to be located at the back or at the side of the house. Council advised that the proposed front façade garage should be setback further behind the building line so that it is not visually dominant from the street. This could include an increase of the western side setback to provide greater visual relief from the adjoining single-storey cottages to the west and accommodate a tandem carport or garage. A driveway consisting of wheel tracks with central grass/planting strip could replace the fully paved driveway space as a gesture to the existing streetscape.

In summary, it is considered that the proposed development lacks regard for the heritage character of the existing C17 HCA. This is demonstrated by a dwelling design that shows little to no identifiable features consistent with the established patterns and form of the Woodward Avenue streetscape. The proposed development does not satisfy the provisions of Part P.

- (i) ***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 of a scale and character that is inconsistent with the existing contributory development of the Woodward Avenue Heritage Conservation Area. Accordingly, the proposal is considered to significantly impact on the built environment of the locality.

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

It is considered that the proposed development is of a scale and design that is unsuitable for the site having regard to its size and shape, its topography and relationship to adjoining developments with the Woodward Avenue Heritage Conservation Area. To approve such a proposal would likely set a precedent for future overdevelopment in Strathfield's Heritage areas and diminish the value of such significance.

(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. No submissions were received during this period.

(e) *the public interest.*

The proposed development is of a scale and character that is unsympathetic to the Woodward Avenue C17 HCA, hence the proposed development 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).

Section 7.12 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. 2021/110 should be refused for the reasons outlined below.



Signed:

**G I Choice
Planner**

Date: 29 March 2022

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- ☒ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are not applicable to this development;

Report and recommendations have been peer reviewed and concurred with.



Signed:

**L Gibson
Senior Planner**

Date: 30 March 2022

Recommendation

That Development Application No. DA2020/110 the demolition of existing structures, construction of a two (2) storey dwelling house, in-ground swimming pool and associated landscaping works at 2 Woodward Avenue Strathfield be REFUSED, given 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 reasons:

1. Refusal Reason - Development Control Plan

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 high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield.
- b) The proposal fails to satisfy the objectives of Clause 1.2(f) of the Strathfield Local Environmental Plan 2012 which seeks to identify and protect environmental and cultural heritage.
- c) The proposal fails to satisfy objectives 1(b) of Clause 5.10 - Heritage conservation - of the Strathfield Local Environmental Plan 2012 which seeks to conserve the heritage significance of the heritage conservation areas, including associated fabric, settings and views. The height, bulk and the form of the proposed dwelling will impact on the adjoining row of Victorian contributory dwellings and on the setting of the HCA.
- d) The proposal fails to satisfy the objectives of Clause 5.21 (Flood Planning) of the Strathfield Local Environmental Plan 2012. The subject site has been identified as being at or below the flood planning level and the proposed ground floor level of RL has been designed below the recommended RL for habitable rooms.

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 2 (Architectural Design and Streetscape Presentation) of Part A of the Strathfield Consolidated Development Control Plan 2005. The proposed dwelling lacks regard for the predominant height, scale, character, type, form and architectural qualities of the surrounding heritage conservation area.
- b) The proposed development is considered unacceptable as it fails to meet the objectives of Clause 4.1 (Setting) of Part P of the Strathfield Consolidated Development Control Plan 2005. The proposed dwelling design has little to no regard for the established patterns in the streetscape of a Heritage Conservation Area, including setbacks, siting, landscaped settings, car parking and fencing

- c) The proposed development is considered unacceptable as it fails to meet the objectives of Clause 4.2 (Scale) of Part P of the Strathfield Consolidated Development Control Plan 2005. The proposed dwelling is of a scale inconsistent with the existing development in the vicinity of the site that contributes to the character of the in the Heritage Conservation Area
- d) The proposed development is considered unacceptable as it fails to meet the objectives of Clause 4.3 (Form) of Part P of the Strathfield Consolidated Development Control Plan 2005. The proposed two-storey dwelling will result in a visually obtrusive structure the does not relate positively to the dominant forms of existing contributory buildings in the Conservation Area and will erode the character of a Conservation Area.
- e) The proposed development is considered unacceptable as it fails to meet the objectives of Clause 4.7 (Car Parking) of Part P of the Strathfield Consolidated Development Control Plan 2005. The proposed front garage has not been designed to minimise the visual impact on the streetscape of Conservation Areas.
- f) The proposed development is considered unacceptable as it fails to meet the general objectives of Clause 5 (Additional controls for development within the Residential Conservation Areas) of Part P of the Strathfield Consolidated Development Control Plan 2005. The proposed two-storey dwelling design is considered to be unsympathetic development is sympathetic to the relevant Woodward Avenue Conservation Area in terms of siting, form, massing, articulation and detail composition.

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:

Built environment – The proposed development is of a scale and character that is inconsistent with the existing contributory development of the Woodward Avenue Heritage Conservation Area. Accordingly, the proposal significantly impact on the built environment of the locality and erode the existing streetscape and local character within the Woodward Avenue Heritage Conservation Area.

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 proposal does not retain the Victorian character of the Heritage Conservation Area, the two storey Mediterranean style, coupled with a modern fence and double garage doors adjoining a contributory dwelling will dominate the setting of the HCA due to its bulk and style.

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 as it is likely to set an undesirable precedent and detract from the well-preserved Heritage Conservation within which the site is located