

## ADDENDUM IDAP REPORT

<b>Property:</b>	14 Amaroo Avenue STRATHFIELD Lot: 63 DP: 35995 DA2021.294
<b>Proposal:</b>	Demolition of existing structures, construction of a two (2) storey dwelling house with basement level, front fence, attached shed and ancillary landscaping.
<b>Applicant:</b>	T Taouk
<b>Owner:</b>	R Magale
<b>Date of lodgement:</b>	12 November 2021
<b>Notification period:</b>	19 November 2021 to 3 December 2021
<b>Submissions:</b>	1
<b>Assessment officer:</b>	G Choice
<b>RECOMMENDATION OF OFFICER:</b>	REFUSAL

## BACKGROUND

- 29 April 2022      The recommended approval of DA 2021/294 at 14 Amaroo STRATHFIELD was deferred by Strathfield IDAP for further investigation of issues arising from the basement floor plan, the provision of the alfresco area and elements of the dwelling design contributing to unnecessary bulk and overshadowing.
- 30 May 2022      Recommendations for additional amendments were provided to the Applicant (based on IDAP comments) as follows:
- i.      **Basement**
    - All references to the sub floor/perimeter wall outline from the basement plan were to be deleted.
  - ii.     **Bulk and Overshadowing**
    - The large first floor void was not supported as it contributed to bulk and unnecessary overshadowing of the southern adjoining property at 16 Amaroo Avenue. It was recommended that the void be deleted from the plans. The first floor layout was to be reconfigured to reduce bulk form the southern boundary. Possible options included (but were not limited to) shifting the Master en suite and WIR into the void space; or shifting the Junior Master with WIR and en suite north into the void space.

- The alfresco roof which was attached to the main building was to be reduced such that a six (6) metre setback was created between the alfresco roof and the rear boundary. This was to reduce visual bulk and unnecessary overshadowing of the southern adjoining property at 16 Amaroo Avenue

7 June 2022

Amended plans were submitted via the NSW Planning Portal on 7 June 2022 which included the following changes:

i. **Basement level**

- Deletion of sub-floor annotations.

ii. **First floor level**

- Increase southern side setback with 600mm cut-in of southern elevation and reduction of Junior Master floor area; and
- Void roof lowered by 1m to create coffered ceiling.

iii. **External works**

- Detachment of cabana roof from dwelling and height lowered by 600mm.

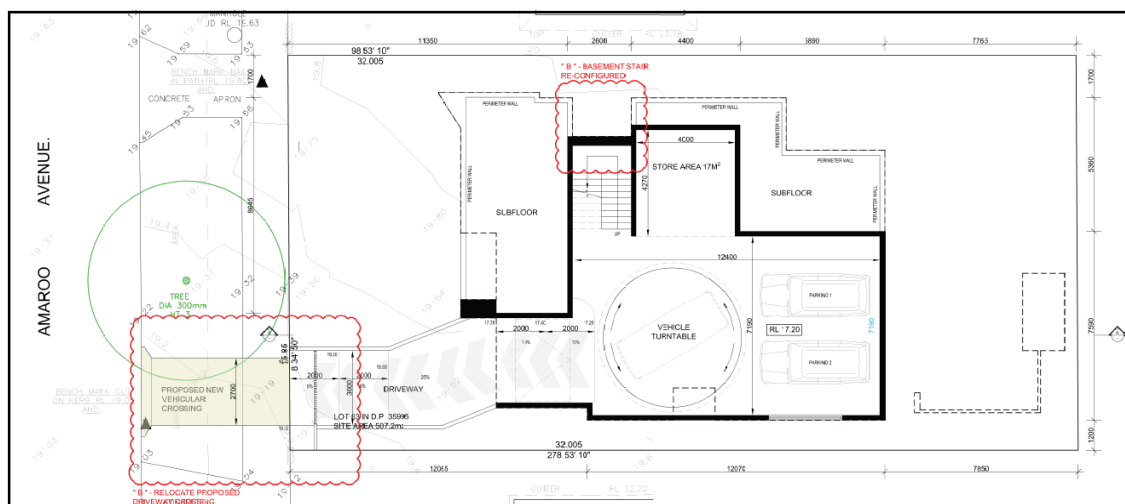


Figure 1: Basement plan 1364 – 01 Rev. B (IDAP assessed 29 April 2022)

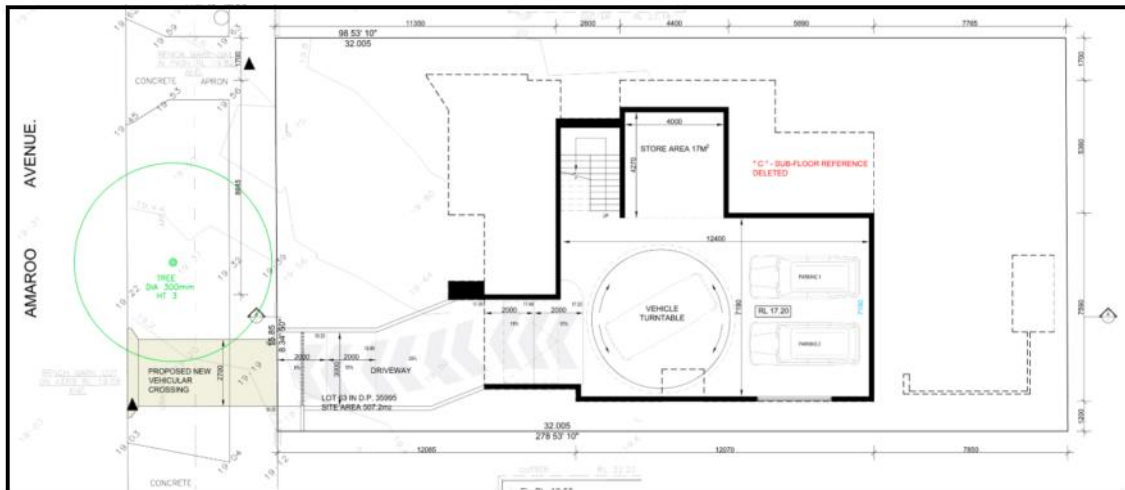


Figure 2: Amended basement plan 1364 – 01 Rev. C

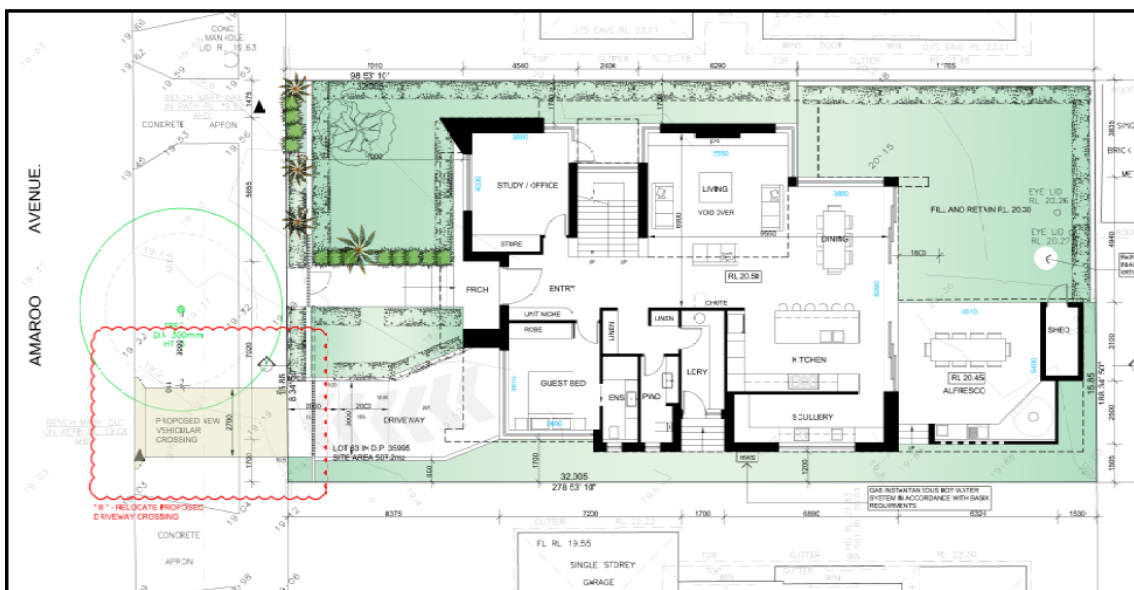


Figure 3: Ground floor plan 1364 - 01 Rev. B (IDAP assessed 29 April 2022)



Figure 4: Amended ground floor plan 1364 - 01 Rev. C

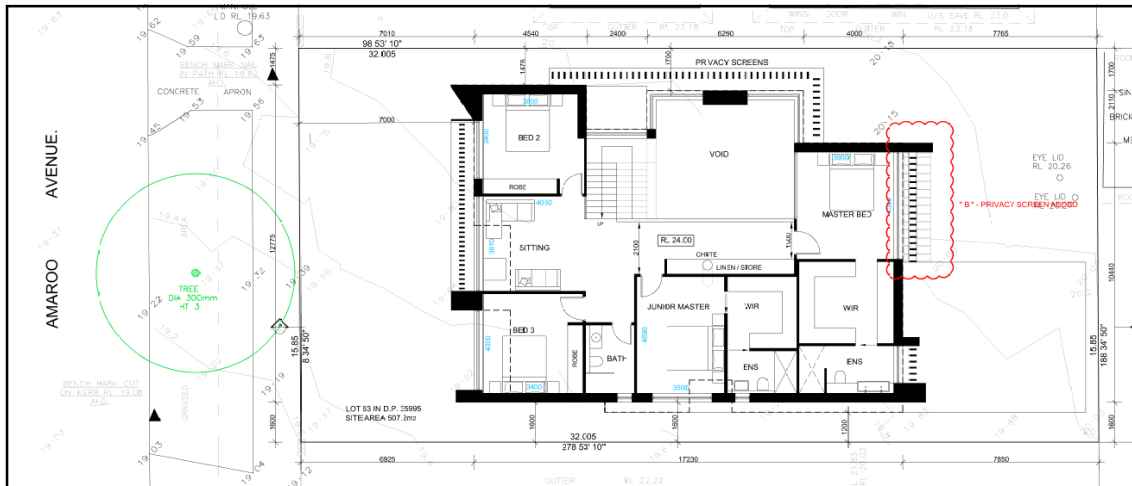


Figure 5: First floor plan 1364 – 02 Rev. B (IDAP assessed 29 April 2022)

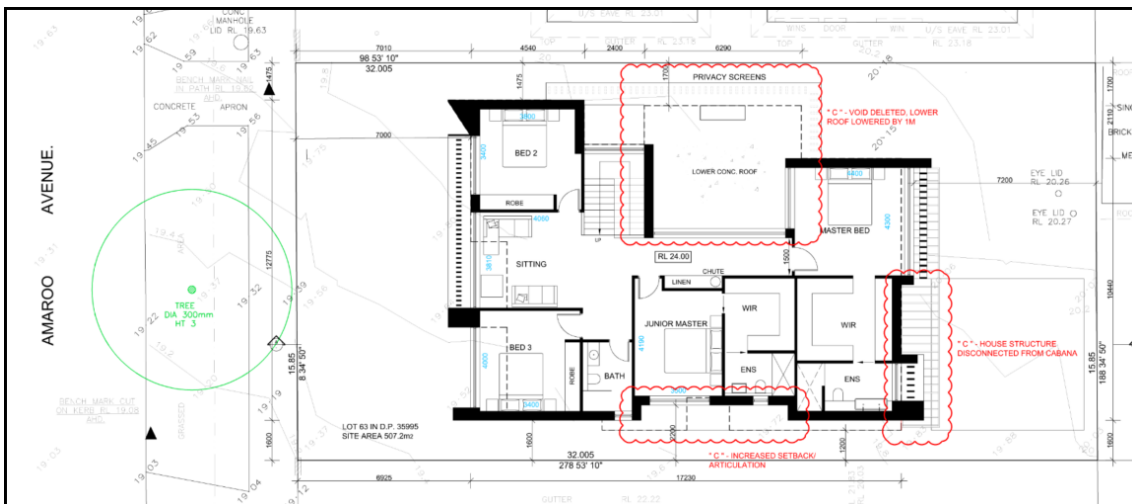


Figure 6: Amended first floor plan 1364 – 02 Rev. C

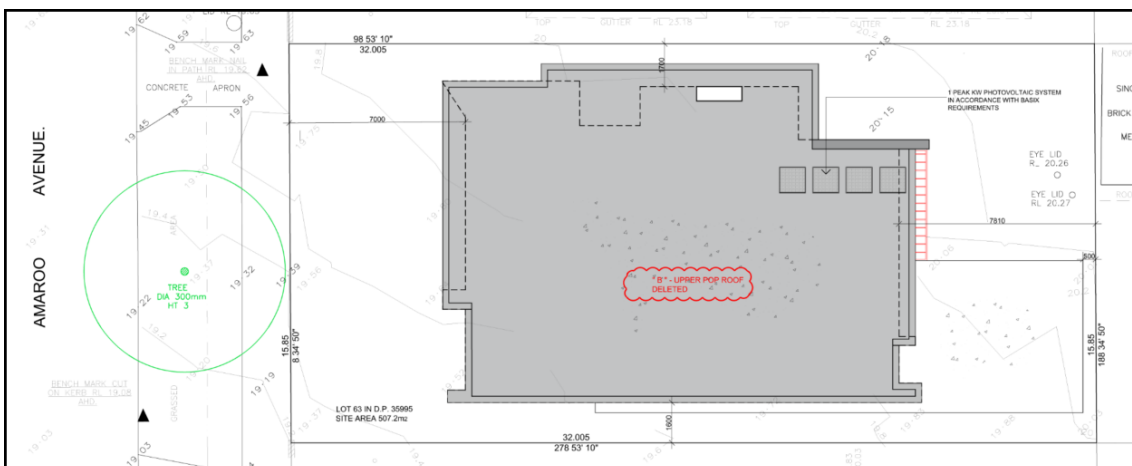


Figure 7: Roof plan 1364 - 02 Rev. B (IDAP assessed 29 April 2022)

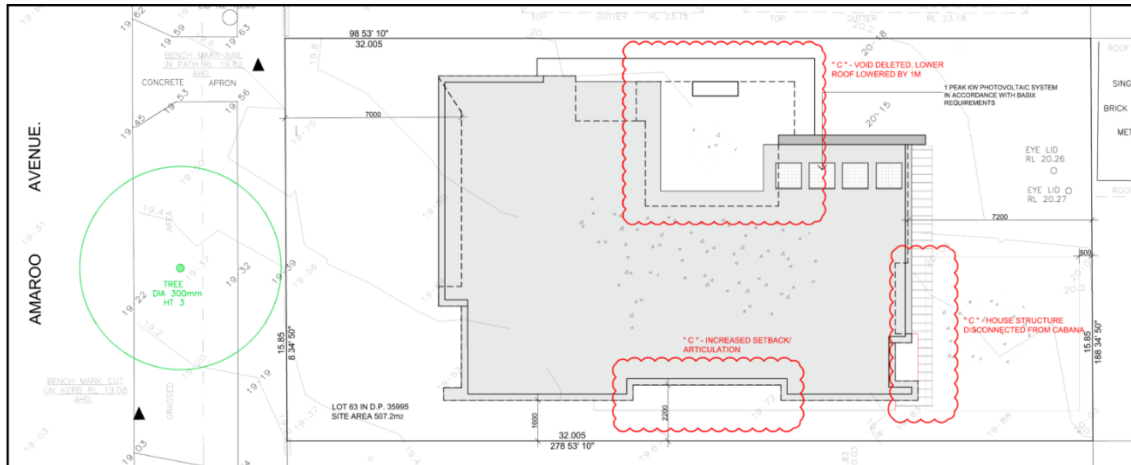


Figure 8: Amended roof plan 1364 - 02 Rev. C



Figure 9: Elevations 1364 - 03 Rev. B (IDAP assessed 29 April 2022)



Figure 10: Amended elevations 1364 - 03 Rev. C

## **Strathfield Local Environmental Plan**

The amended plans result in the following changes with regard to the Strathfield Local Environmental Plan 2012

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

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
<b>4.3</b> Height of Buildings	Maximum 9.5m	7.93m	Yes
<b>4.4</b> Floor Space Ratio	Site area 507.2m <sup>2</sup>  0.625:1 (317m <sup>2</sup> )	  0.615:1 (312m <sup>2</sup> )	Yes - Change from 0.622:1 (315.5m <sup>2</sup> )

### **Outstanding Issues**

#### **i. Notations on the basement plan**

Reference labels to the sub floor and perimeter wall outline have been deleted and replaced with a single dashed line to indicate the ground floor footprint. Although, this is not a complete removal of the ground floor footprint or indicative of a sub-floor wall, plans could be further redacted via condition with any consent.

#### **ii. Bulk and Overshadowing**

The large first floor void has not been deleted as per the recommendations of IDAP. Instead, the Applicant has lowered the void ceiling by 1m to create a coffered ceiling effect. It is noted that this design change does enhance articulation to the dwelling frontage. Additionally, the first floor southern elevation includes a 600mm cut-in and reduction of Junior Master floor area to create greater articulation at the first floor along the southern boundary. The proposal will result in a void space providing a floor to ceiling height of 5.5m contrary to Section 4.2.2 of Part A of the SCDP 2005. This does not adequately reduce the bulk of the first floor plan as raised in the IDAP review.

The proposed cabana height has been reduced by 600mm so as to sit under the Master bed WIR and en suite. Additionally, a small section has been cut from the cabana roof to detach the structure from the dwelling. The rear setback of the structure remains 500mm from the rear boundary.

Amended shadow diagrams show a marginal increase in solar access to the north-east bounds of the rear yard at 16 Amaroo Avenue (see **Figure 11** to **Figure 24**). It is considered the proposed development (as amended) does not reflect the recommended design changes as per the IDAP comments and the issues raised by the IDAP with regard to bulk and overshadowing have not, therefore, been adequately addressed.



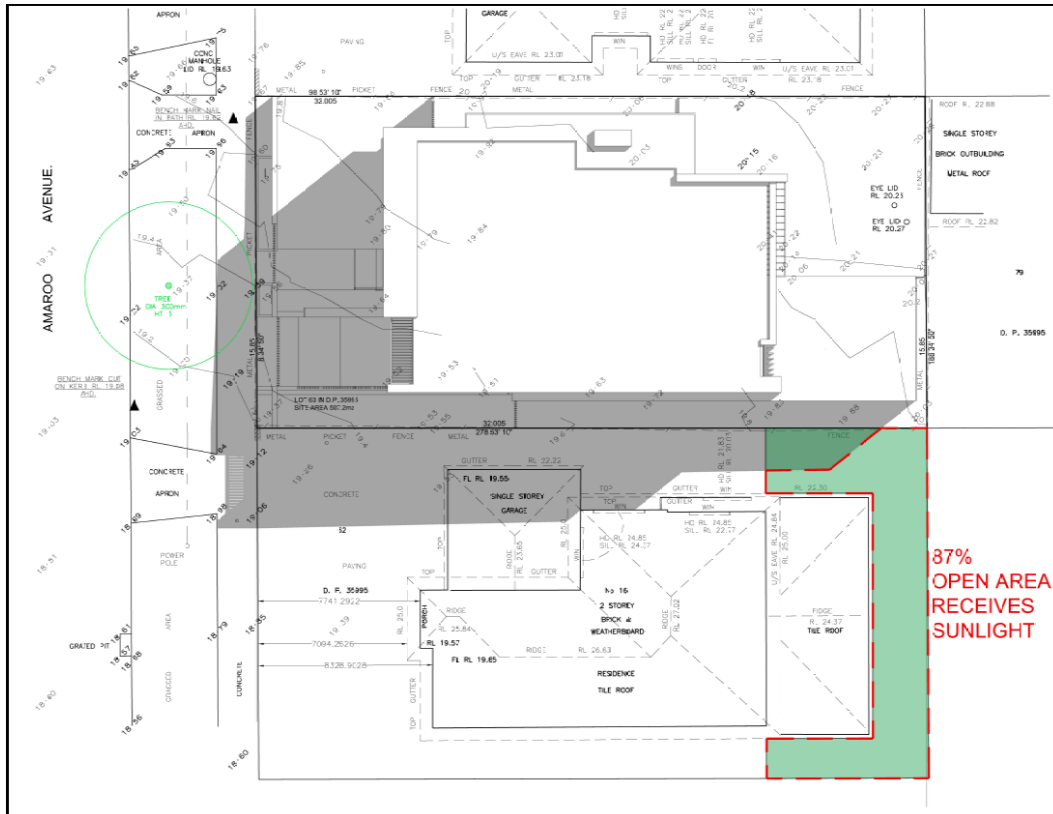


Figure 11: Shadow diagrams at 9am winter (IDAP assessed 29 April 2022)

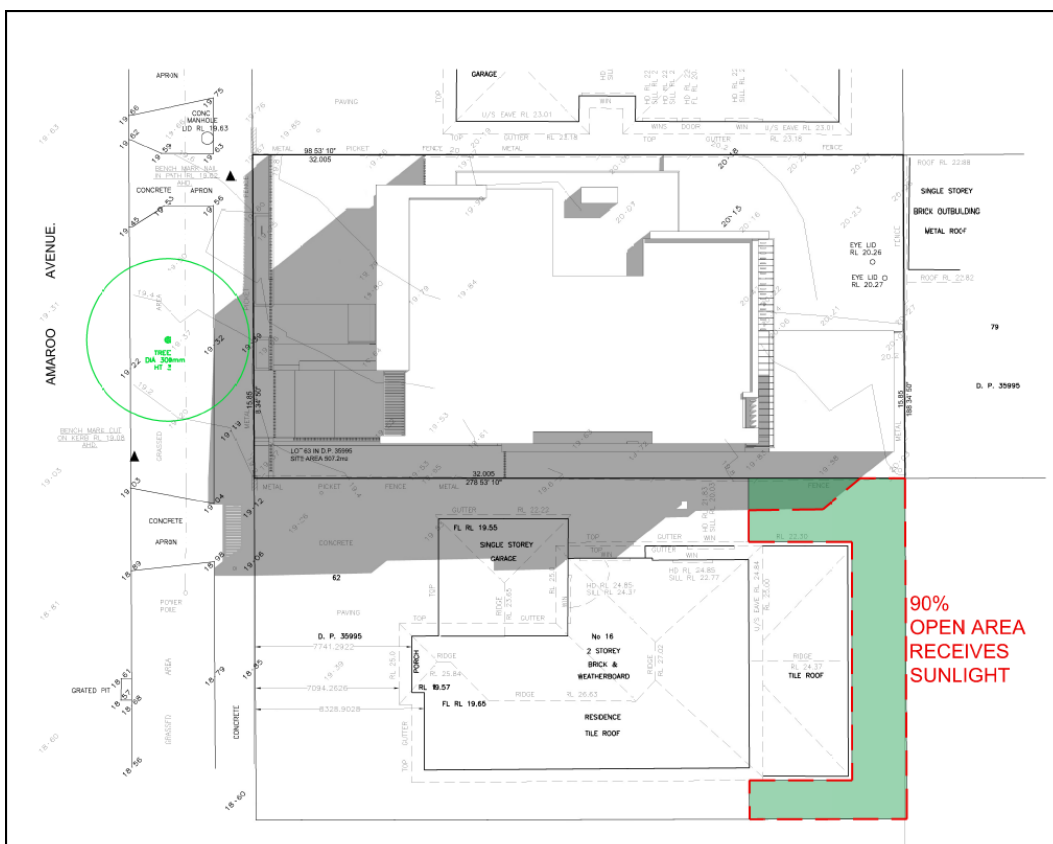


Figure 12: Amended shadow diagrams at 9am winter

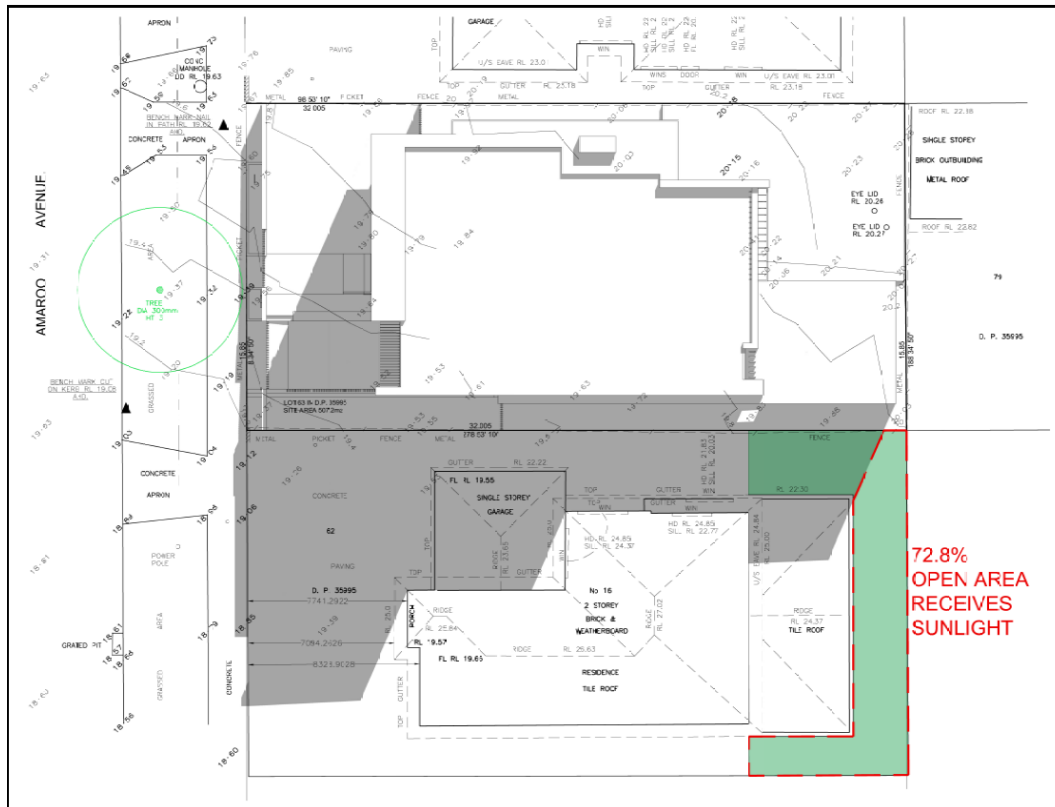


Figure 13: Shadow diagrams at 10am winter (IDAP assessed 29 April 2022)

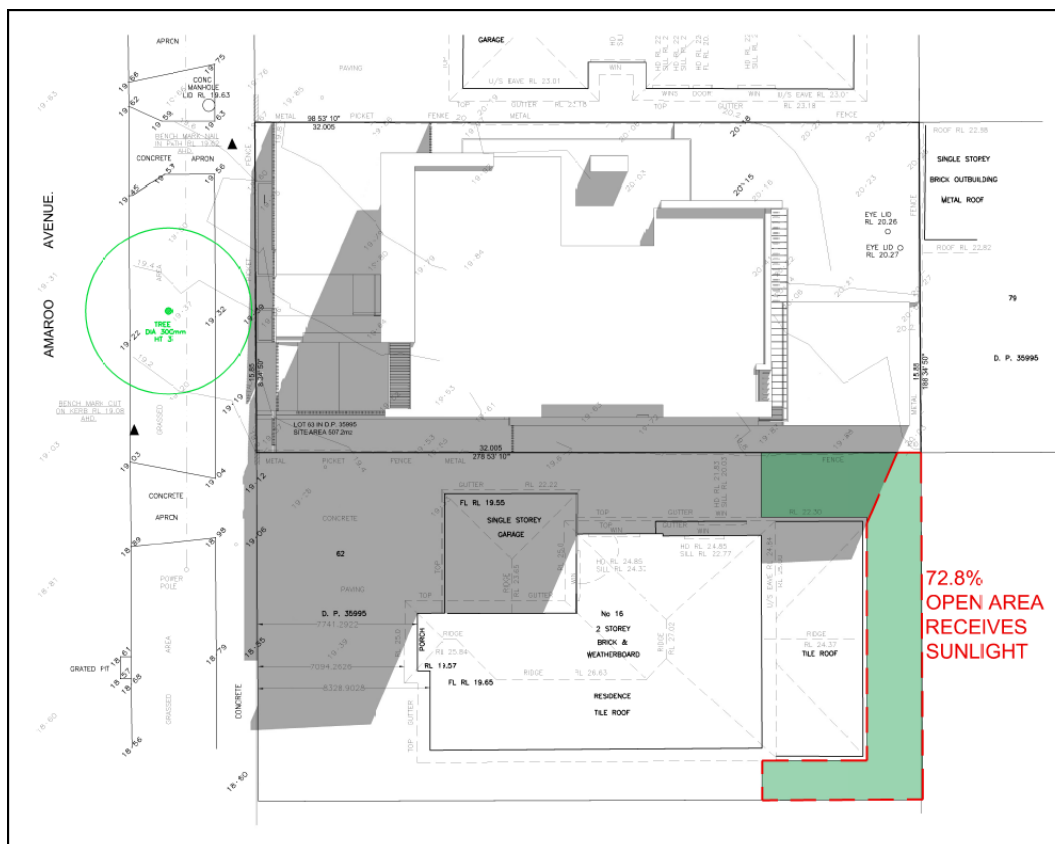


Figure 14: Amended shadow diagrams at 10am winter



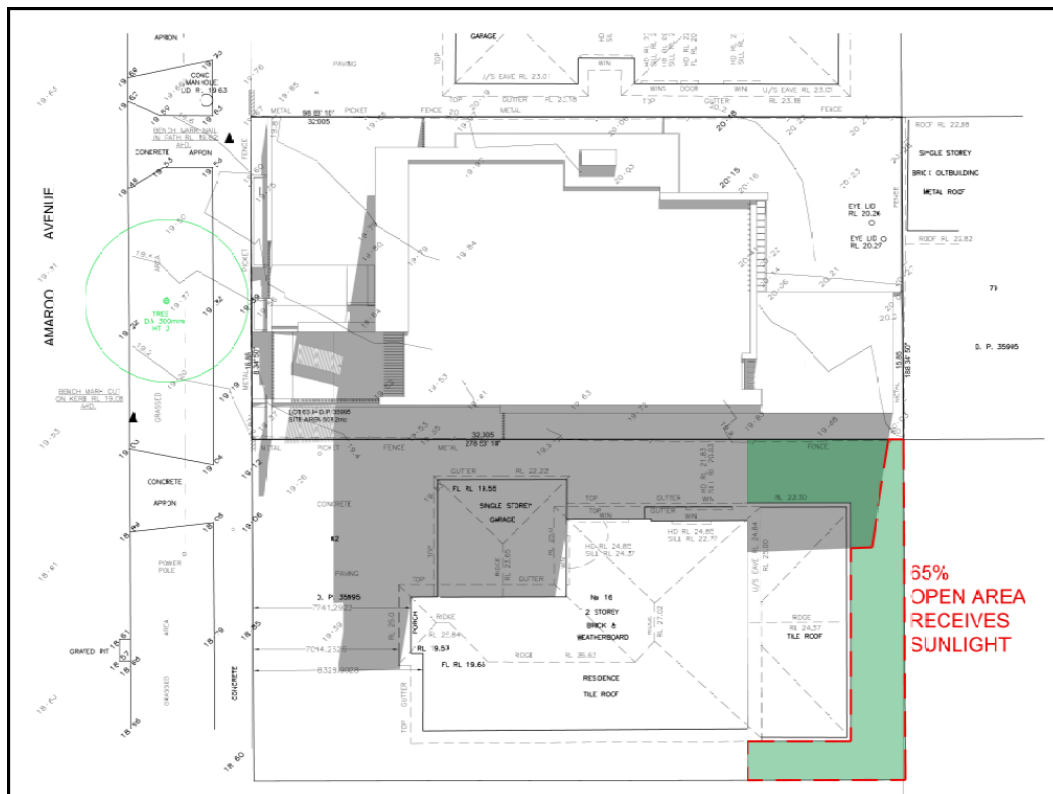


Figure 15: Shadow diagrams at 11am winter (IDAP assessed 29 April 2022)

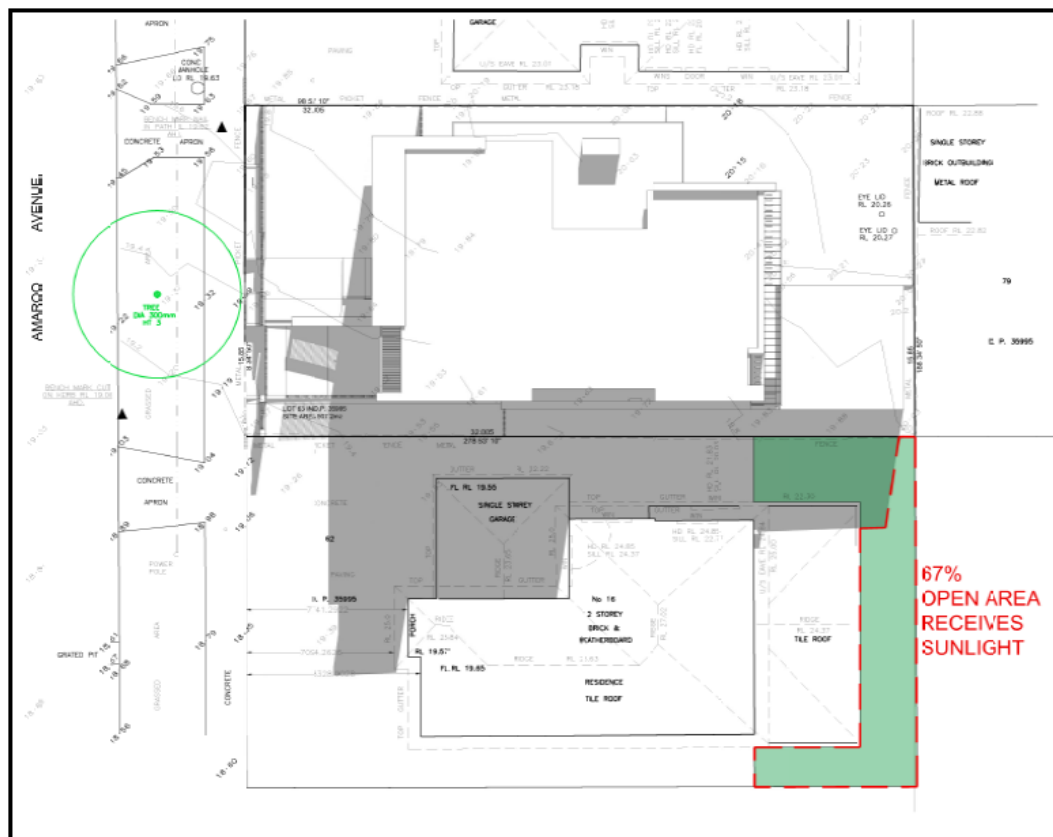


Figure 16: Amended shadow diagrams at 11am winter

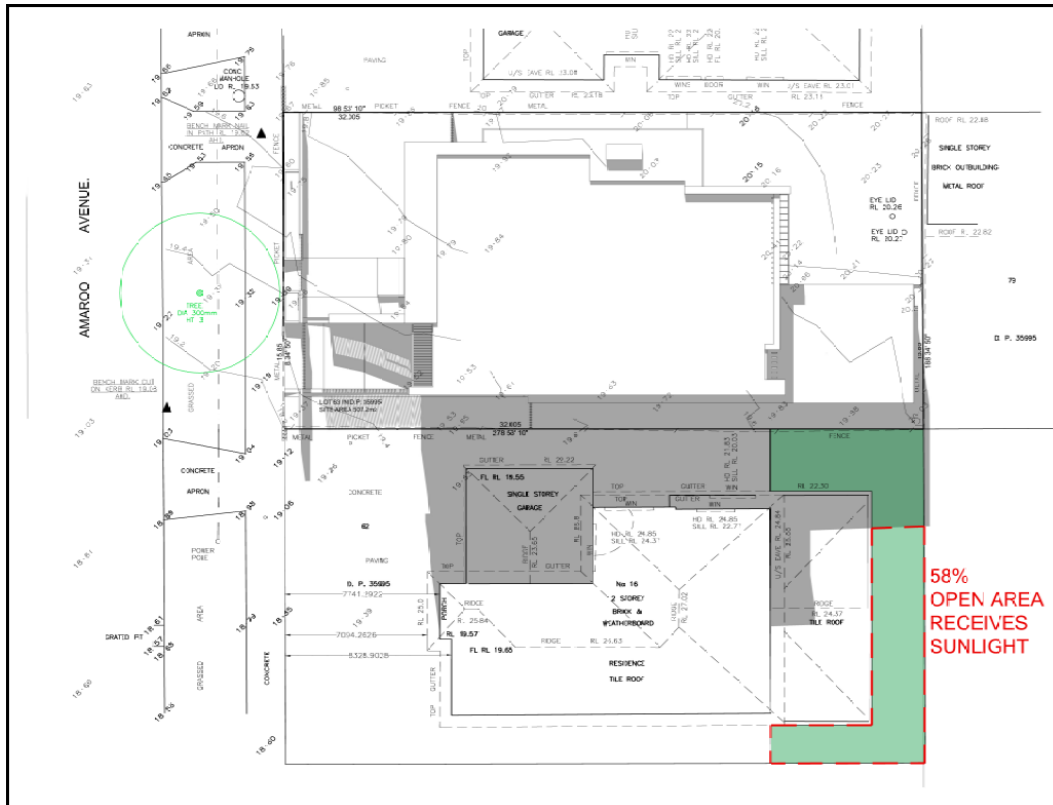


Figure 17: Shadow diagrams at 12pm winter (IDAP assessed 29 April 2022)

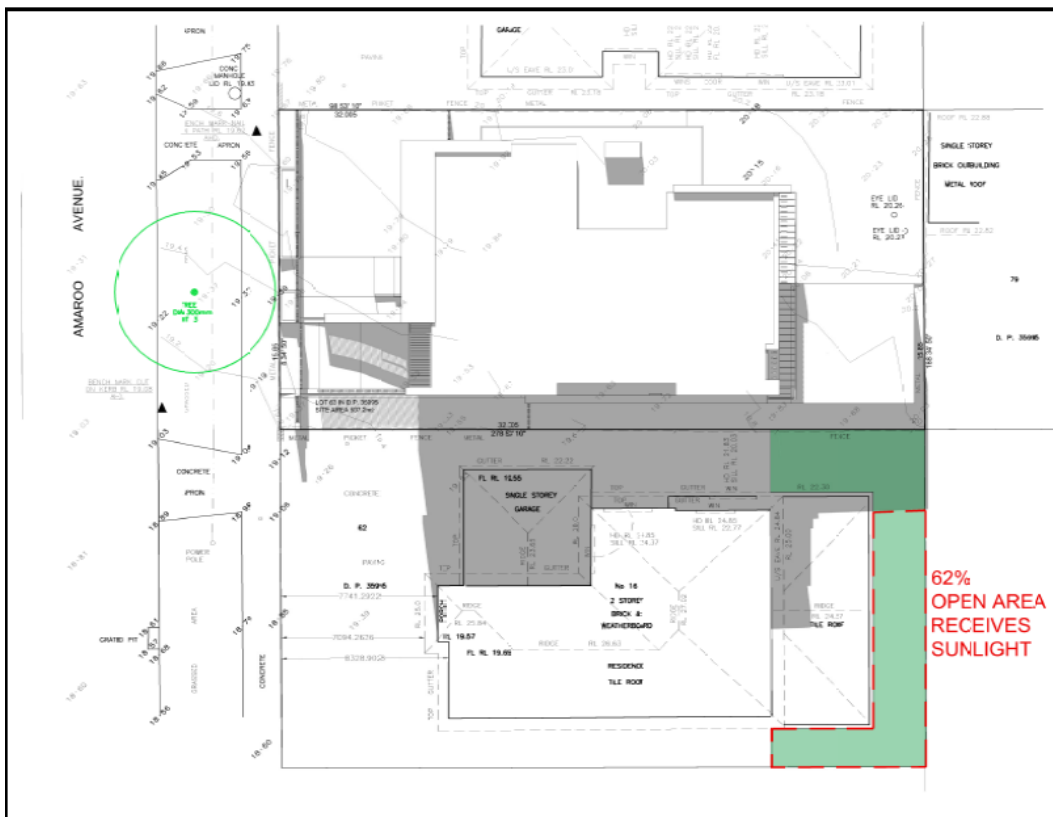


Figure 18: Amended shadow diagrams at 12pm winter

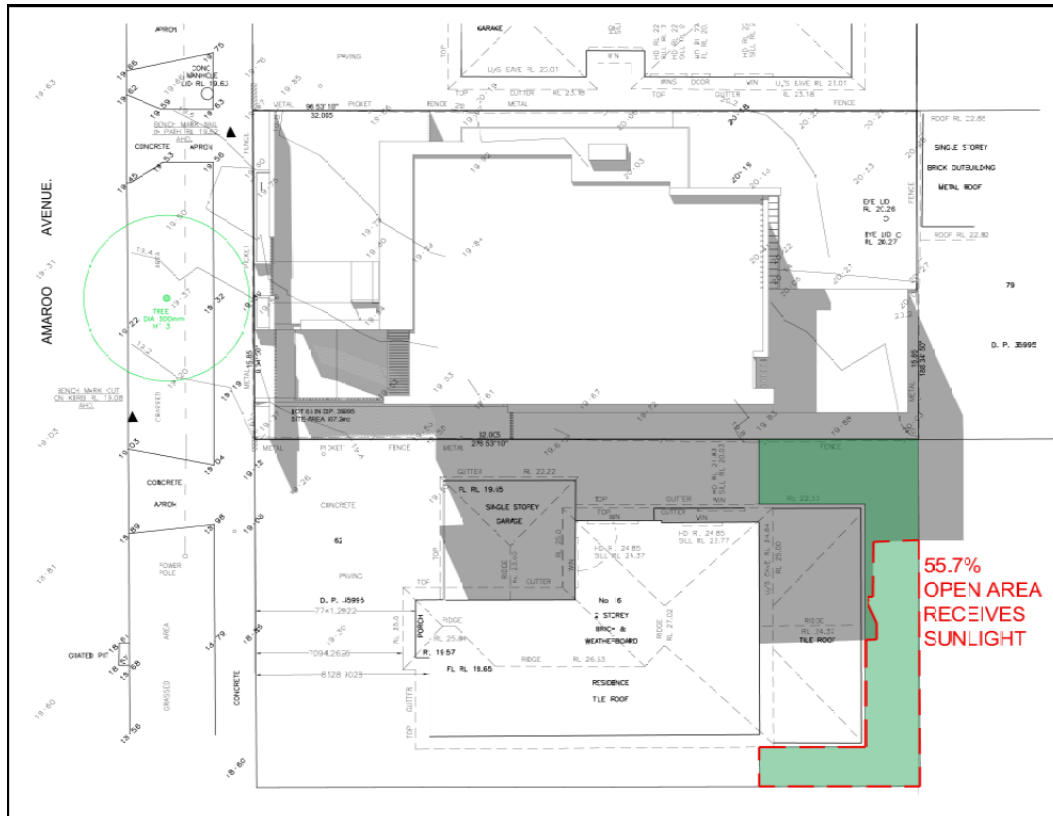


Figure 19: Shadow diagrams at 1pm winter (IDAP assessed 29 April 2022)

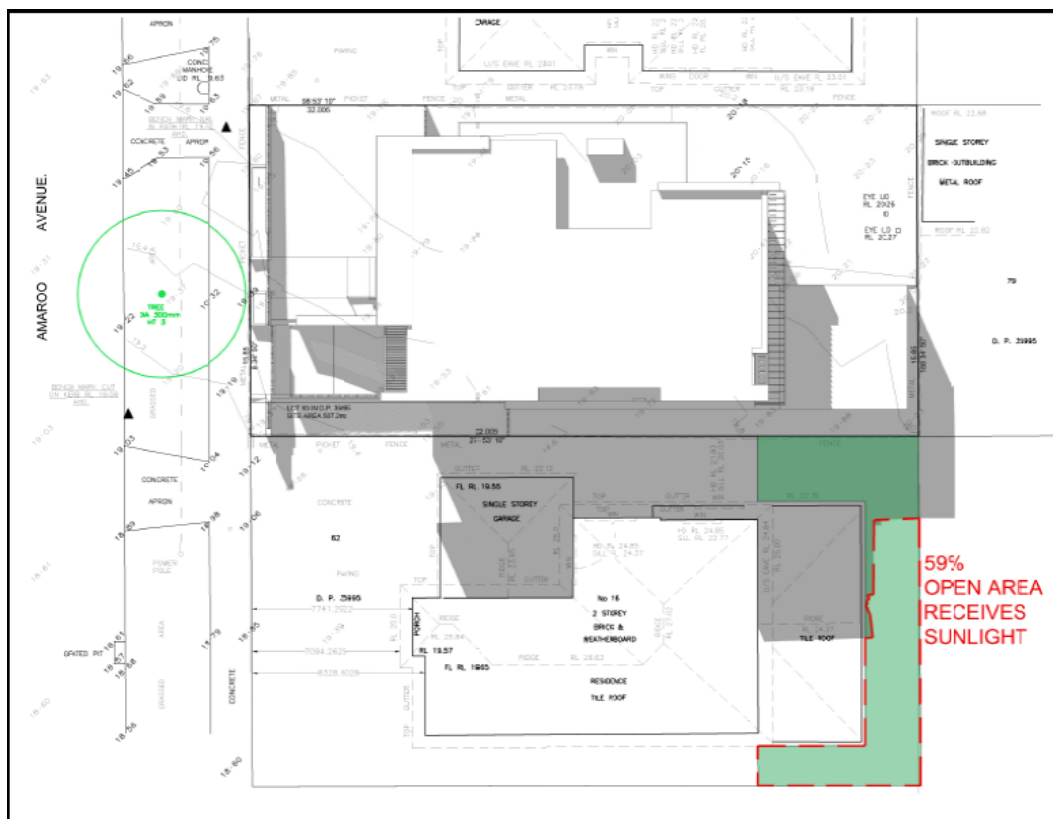


Figure 20: Amended shadow diagrams at 1pm winter

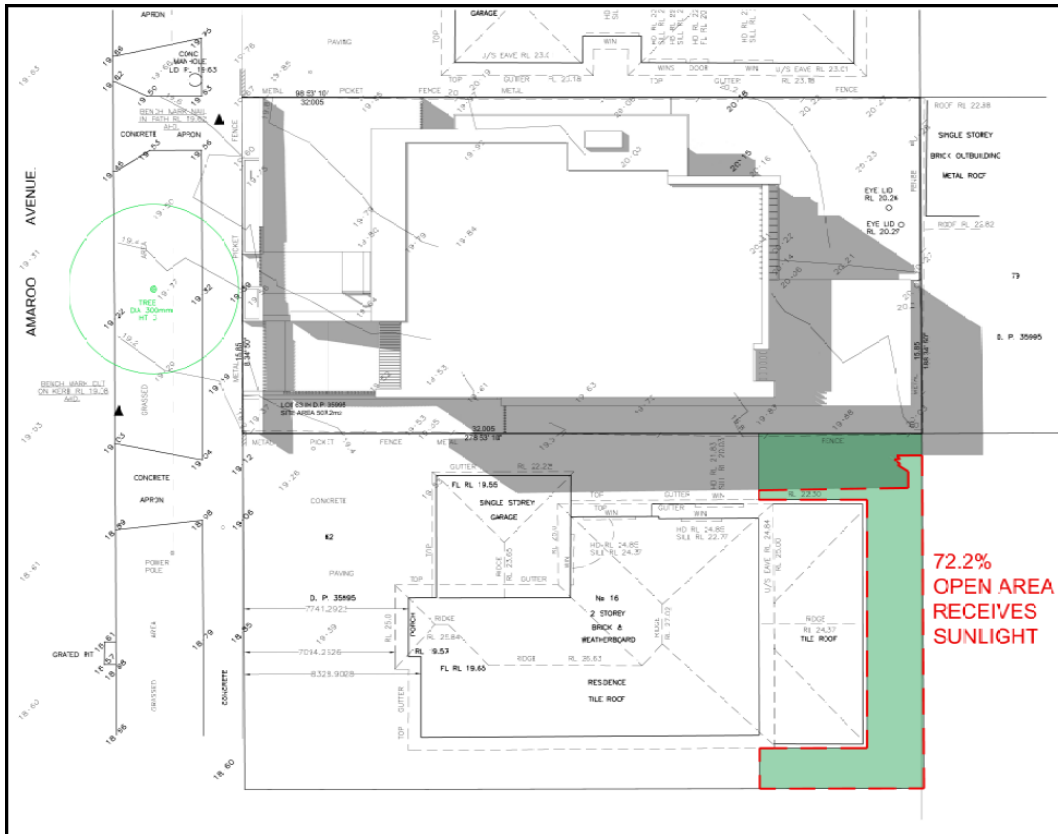


Figure 21: Shadow diagrams at 2pm winter (IDAP assessed 29 April 2022)

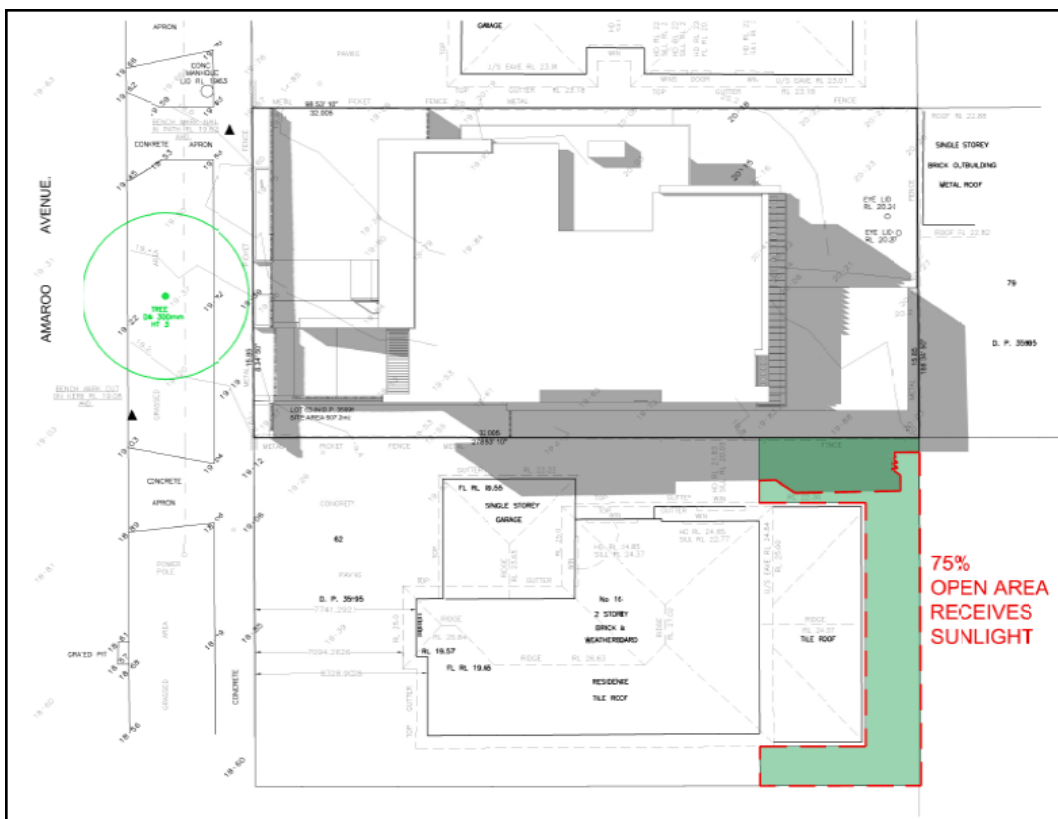


Figure 22: Amended shadow diagrams at 2pm winter

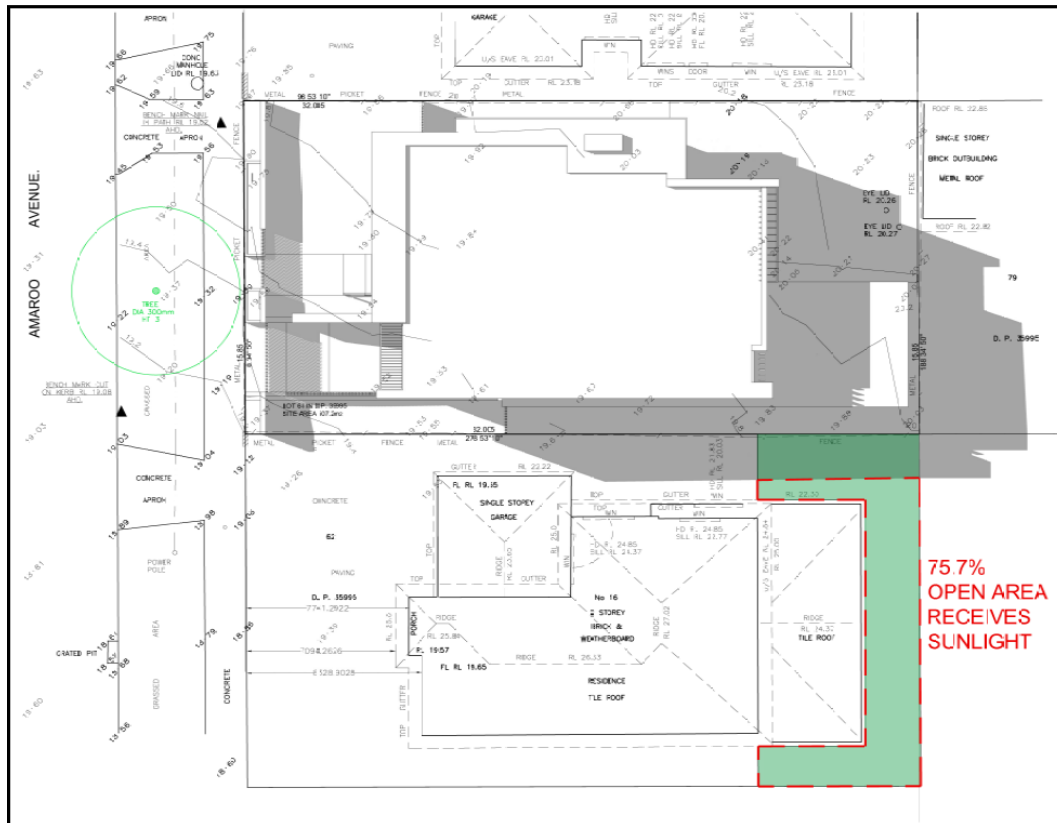


Figure 23: Shadow diagrams at 3pm winter (IDAP assessed 29 April 2022)

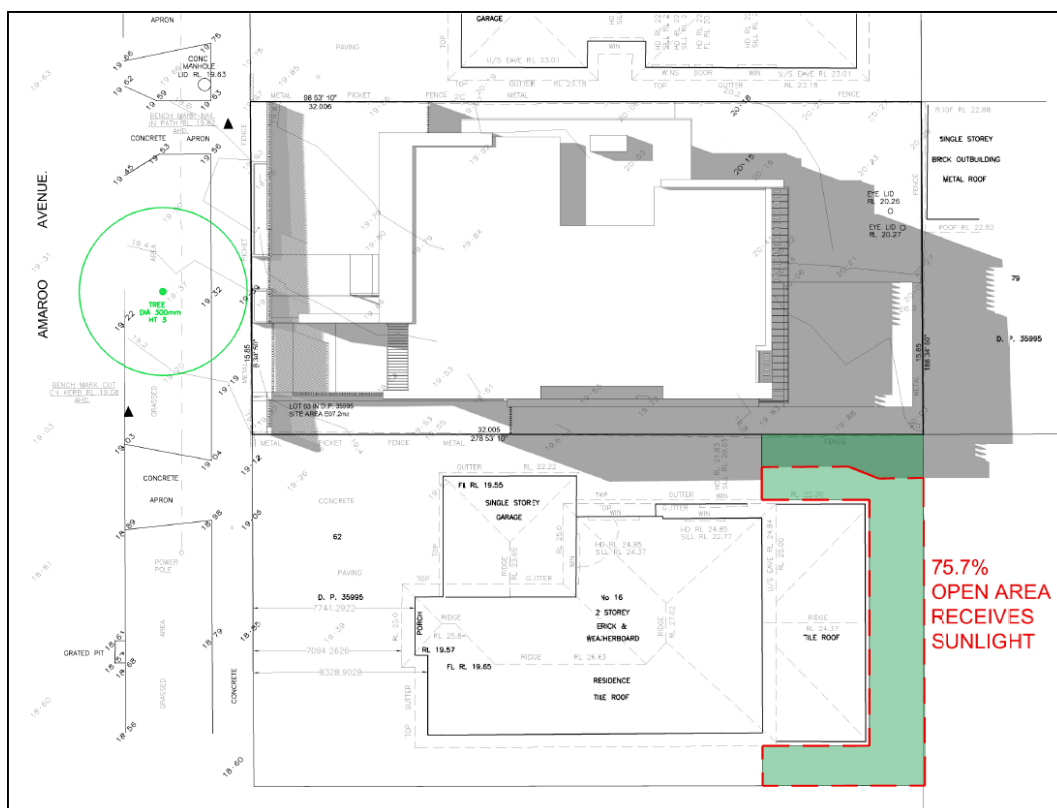


Figure 24: Amended shadow diagrams at 3pm winter

## Conclusion

It is considered this addendum report provides a sufficient assessment - and discussion of - the proposed development (as amended) against the issues raised by the Strathfield IDAP at meeting 29 April 2022. On this basis, it is considered that the proposal (as amended) does not adequately address the abovementioned issues and Development Application No. 2021/294 should, therefore, be refused for the following reasons:



Signed:  
G I Choice  
Planner

Date: 6 July 2022

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 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 reflect the existing and desired future character of particular localities and neighbourhoods in Strathfield. The proposal will result in a loss of solar access to the southern adjoining property and therefore to the detriment of the resident's amenity (Section 4.15(a)(i) of the *Environmental Planning and Assessment Act 1979*).

### 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 proposal will result in unacceptable void space providing a floor to ceiling height of 5.5m contrary to Section 4.2.2 of Part A of the SCDCP 2005. This results unnecessary bulk and scale to the dwelling and subsequent overshadowing impacts to the southern adjoining property (Section 4.15(a)(i) of the *Environmental Planning and Assessment Act 1979*).
- b) The proposal fails to satisfy objective B for solar access under 6.1 of Part A of the Strathfield Consolidated Development Control Plan 2005 which requires development to minimise overshadowing of adjoining properties. The southern adjoining property at 16 Amaroo Avenue will be impacted by unnecessary overshadowing as a result of the proposal.

### 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) The proposal results in the southern adjoining property receiving reduced solar access and thus resulting in poor amenity for residents at 16 Amaroo Avenue.

### 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 is considered unsuitable for the site as it is excessive in bulk and scale that will generate unnecessary overshadowing impacts to the southern adjoining property at 16 Amaroo Avenue, Strathfield.
- (b) The proposal results in an unacceptable loss of solar access received by the southern adjoining property at 16 Amaroo Avenue.

### 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 proposal involves an unacceptable variation local development controls that are unacceptable and fail to demonstrate merit.

## ADVISORY NOTES

### 1. Appeal Rights

Division 8.3 (Reviews and appeals) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.