

## IDAP REPORT

<b>Property:</b>	56 Pemberton Street STRATHFIELD Lot: 124 DP: 15955 DA2022.112
<b>Proposal:</b>	Demolition of existing structures and construction of a two storey dwelling with basement garage and swimming pool.
<b>Applicant:</b>	J Ah-Ching
<b>Owner:</b>	S.Taneja
<b>Date of lodgement:</b>	23 June 2022
<b>Notification period:</b>	28 June 2022 - 12 July 2022
<b>Submissions received:</b>	Nil
<b>Assessment officer:</b>	L Gibson
<b>Estimated cost of works:</b>	\$2,065,011.00
<b>Zoning:</b>	R2-Low Density Residential - SLEP 2012
<b>Heritage:</b>	No
<b>Flood affected:</b>	Yes
<b>Is a Clause 4.6 Variation Proposed:</b>	N/A
<b>RECOMMENDATION OF OFFICER:</b>	<b>REFUSAL</b>



Figure 1: Aerial view of subject site (outlined in yellow) and surrounding context

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for the demolition of existing structures and construction of a two storey dwelling with basement garage and swimming pool.

### **Site and Locality**

The site is identified as 56 Pemberton Street Strathfield and has a legal description of Lot: 124 DP: 15955. The site is a regular shaped parcel of land and is located on the eastern side of Pemberton Street.

The site has a width of 15.23m, a depth of 49.42m and an overall site area of 752.5m<sup>2</sup>.

The locality surrounding the subject site contains a mixture of single and two (2) storey brick and render dwelling development.

### **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 (28 June 2022 - 12 July 2022), where no submissions were received.

### **Issues**

- Floor space ratio exceedance;
- Streetscape compatibility;
- Landscaping;
- Overshadowing;
- Excessive excavation; and
- Bulk and Scale

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2022/112 is recommended for refusal subject to attached reason of refusal.

## REPORT IN FULL

### **Proposal**

Council has received an application for the demolition of existing structures and construction of a two storey dwelling with basement garage and swimming pool. More specifically, the proposal includes;

Demolition of existing structures including existing dwelling.

Construction of a new dwelling including:

Basement level:

- (3) car parking spaces;
- Storage room;
- Bicycle parking room;
- Pool plant room; and
- Internal staircase and lift well.

Ground floor level:

- Guest bedroom with ensuite;
- Formal lounge room;
- Laundry;
- Butler's pantry;
- Media room with bathroom;
- Open plan dining, family and kitchen.
- Alfresco area adjoining kitchen.

First floor level:

- Sitting room;
- 4 bedrooms;
- 2 bathrooms;
- Master suite with bathroom and WIR.

External works:

- Swimming pool; and
- Associated landscaping and stormwater works.

Figures 2 - 7 below are excerpts from the amended architectural package.

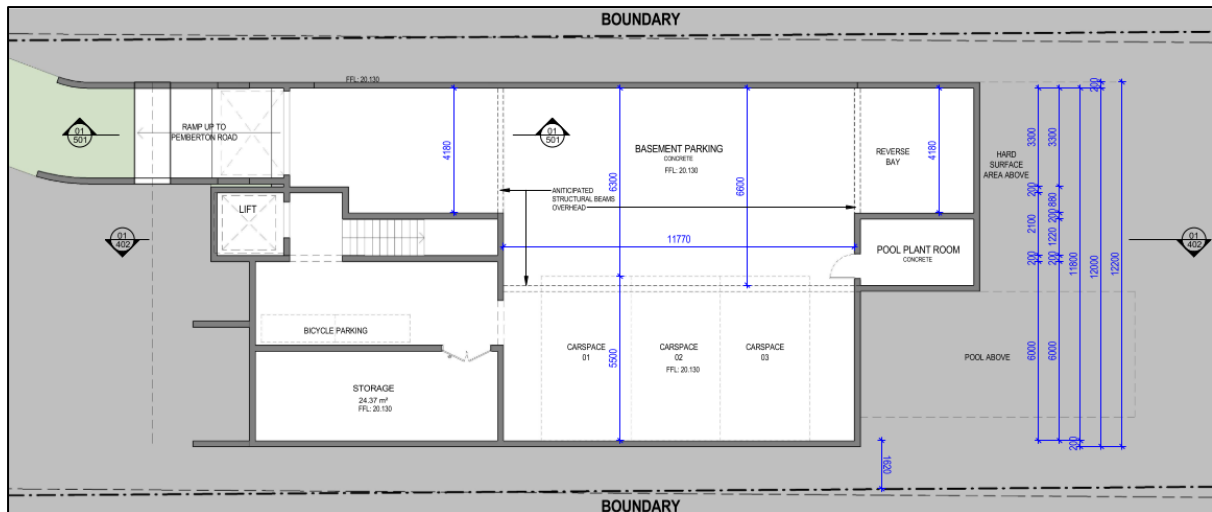


Figure 2: Basement Plan



Figure 3: Ground Floor Plan

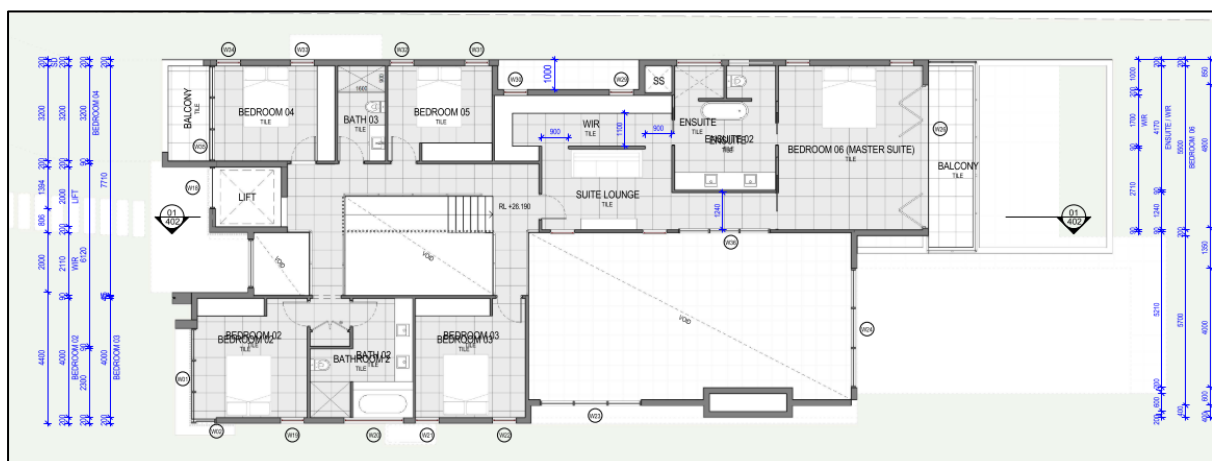


Figure 4: First Floor Plan

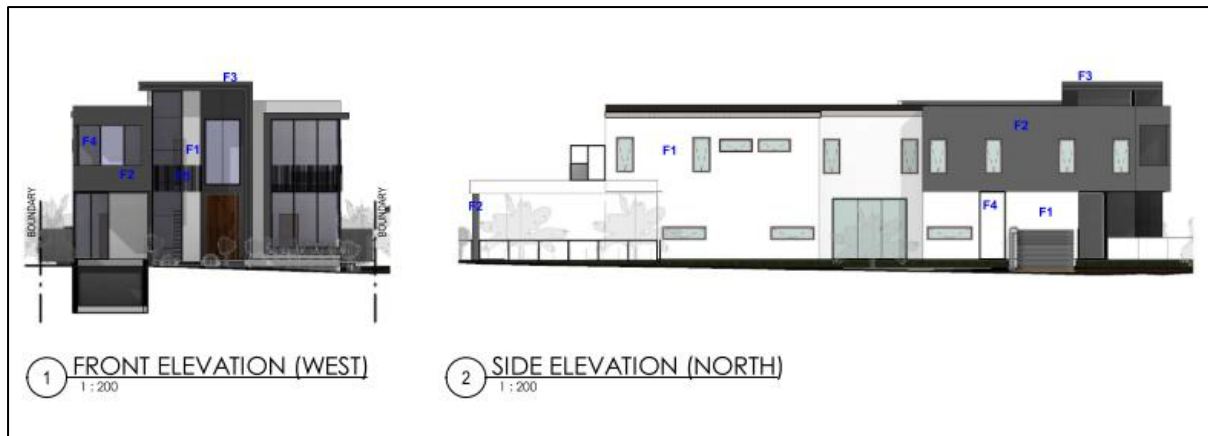


Figure 5: Front Western and Northern Side Elevation Plan



Figure 6: Rear Eastern and Southern Side Elevation Plan

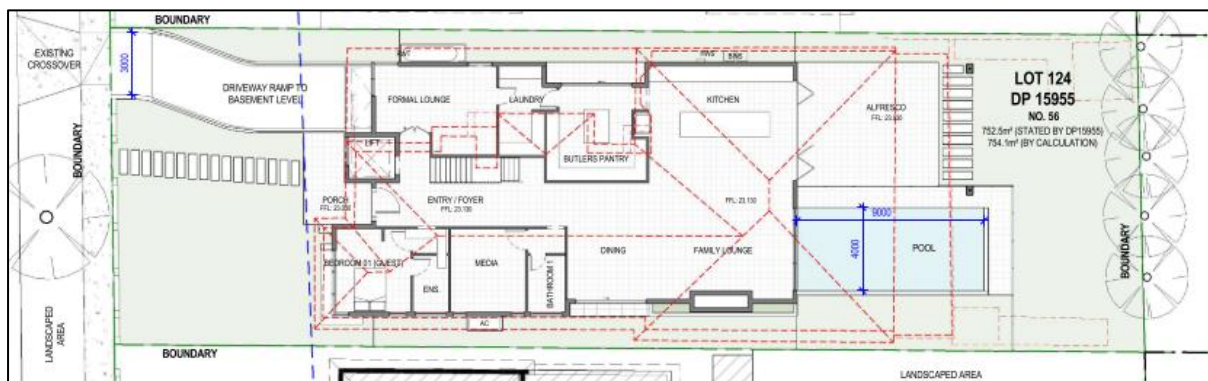


Figure 7: Site plan and Demolition Plan

### **The Site and Locality**

The site is identified as 56 Pemberton Street Strathfield and has a legal description of Lot: 124 DP: 15955. The site is a regular shaped parcel of land and is located on the eastern side of Pemberton Street.

The site has a width of 15.23m, a depth of 49.42m and an overall site area of 752.5m<sup>2</sup>. Existing structures on the site comprise a single storey dwelling house with attached carport spanning across toward the northern side boundary of the site. Vehicular access provided by an existing driveway via the site's far northern side boundary (refer to figure 8).



The locality surrounding the subject site contains a mixture of single and two (2) storey brick and render dwelling developments. All dwellings in the streetscape are typically traditional in style featuring pitched tiled roof forms and well-articulated built forms (refer to Figures 9 – 11).



*Figure 8: Dwelling on subject site*



*Figure 9: Existing dwelling development on Pemberton Street immediately opposite the site.*





*Figure 10: Existing dwelling development on Pemberton Street immediately opposite the site.*



*Figure 11: Existing two (2) storey dwelling development immediately north of the site at 50, 52 and 54 Pemberton St pictured left to right.*

### **Background**

23 June 2022	The subject application was lodged with Council.
28 June 2022 - 12 July 2022	The subject application was put on public exhibition until 12 July 2022. No submissions were received by Council during this period.
19 July 2022	A Site inspection was carried out by the assessing officer.

19 July 2022	A Request for Additional Information Letter was issued to the Applicant raising concern for the following matters: <ul style="list-style-type: none"> <li>• FSR exceedance;</li> <li>• Streetscape compatibility;</li> <li>• Excessive Bulk and Scale;</li> <li>• Insufficient Landscaping;</li> <li>• Overshadowing;</li> <li>• Visual Privacy; and</li> <li>• Basement size</li> </ul>
31 August 2022	Additional information by way of amended architectural plans were submitted to Council via the online Planning Portal to address concerns raised.

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

#### **Stormwater**

The application was referred to Council's Development Engineer who provided the following comments:

*Roof runoff drains into above ground rainwater tank in accordance with BASIX requirements via downpipes. Overflow from the tank drains into the boundary pit by gravity means via overflow pipe. Proposed basement drains into pump pit by gravity means via subsoil drainage and grated trench drain. Rising main from the pump pit connects to the boundary pit. From engineering perspective, concept plan is feasible.*

Further to the above, Council's engineer offered no objection to the proposal, subject to the imposition of relevant conditions of consent.

#### **Traffic**

The application was referred to Council's Traffic Manager for comment. No concerns were raised subject to standard conditions of consent including all driveways, access ramps, vehicular crossings and car parking spaces to be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1

### **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,***



## **STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021**

### **Chapter 2 – Vegetation in non-rural areas**

The intent of this Chapter within the SEPP is 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. In the event of an approval, standard conditions of consent would be imposed requiring protection of the Council street tree.

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

### **Chapter 10 – Sydney harbour Catchment**

All stormwater from the proposed development as modified can be treated in accordance with Council's Stormwater Management Code and would satisfy the relevant planning principles of Chapter 10 - Sydney Harbour Catchment.

## **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 Chapter 4 of the SEPP are considered to be satisfied.

### **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	8.48m	Yes
<b>4.4</b> Floor Space Ratio	0.575:1 (432.69m <sup>2</sup> )	0.644:1 (484.4m <sup>2</sup> )  <u>Basement:</u> 79.8m <sup>2</sup>  <u>Ground Floor:</u> 239.4m <sup>2</sup>  <u>First floor:</u> 165.2m <sup>2</sup>	No

### Clause 4.6 Variation

Under Clause 4.6 of the SLEP 2012, the consent authority may consider a variation, where that variation would achieve a better outcome. Whilst it was requested in the Request for Additional Information Letter that a Clause 4.6 Variation request be submitted to Council during the assessment process to justify the floor space exceedance, no such documentation has been submitted. Accordingly, as per Clause 4.6 of the SLEP 2012, development consent cannot be granted without submission of a written request from the applicant seeking to justify the contravention of the development standard. On this basis alone, the application is recommended for refusal.

## Part 5 – Miscellaneous Provisions

### Heritage Conservation

The subject site is not listed as a heritage item or located within a heritage conservation area. The site does not adjoin nor is in close proximity to a heritage item and as such, the provisions of this clause are not applicable.

### 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 a Flood Impact Assessment was not required given that the site is only partially flood affected. 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 basement exceeds the ground floor building footprint to both the western, northern and eastern areas of the dwelling. Based on the floor space calculations undertaken for the site, it is easily achievable for the basement footprint to be reduced so as not to exceed the ground floor footprint. It is further noted that the proposal seeks a basement floor to ceiling height of 2.4m across the entire floor. For areas such as storage and pump rooms, a floor to ceiling height to this extent is considered excessive and unnecessary. A 2.2m floor to ceiling height would be considered more appropriate in this instance and assist in reducing the amount of excavation required without sacrificing the functionality of such rooms.

In this regard, the basement size is not supported and has potential to adversely impact on the existing and likely amenity of adjoining properties. The proposed excavation works are considered to unsatisfactorily address the objectives of this clause and is therefore included as a reason for refusal.

## 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.

**(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.

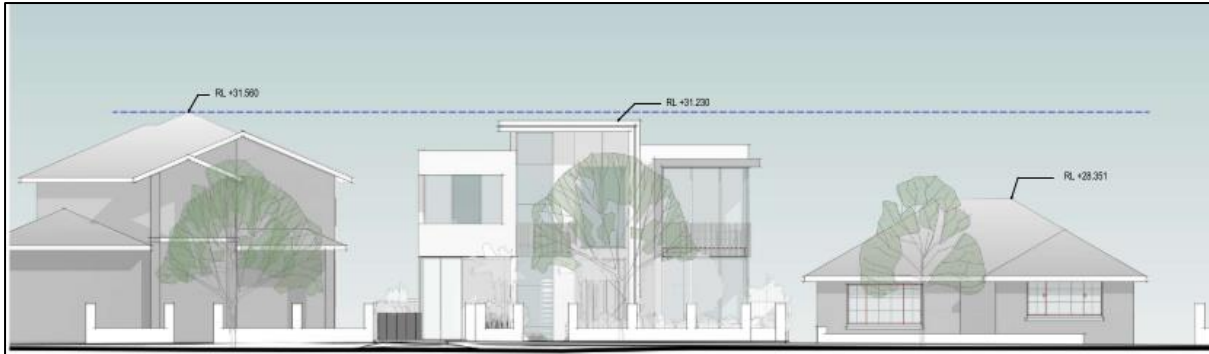
Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
<b>Heights:</b>			
Floor to ceiling heights:	3.0m	3m – 7.8m	No – refer discussion.
Height to underside of eaves:	7.2m	7.8m	No – refer discussion.
Basement height above NGL:	1.0m	580mm	Yes
Number of Storeys/Levels:	2	2	Yes
<b>Setbacks:</b>			
Front:	9m	9.27m	Yes



Side:	1.2m (min)	1.5m (south)	Yes
Side:	1.2m (min)	1.47m (north)	Yes
Combined Side Setback:	3.048m (20%)	2.97m	No – refer discussion.
Rear:	6m	7.9m	Yes
<b>Landscaping</b>			
Landscaping/Deepsoil Provisions:	43% (323.575m <sup>2</sup> )	42% (316m <sup>2</sup> ) deep soil zone provided	No – refer discussion.
<b>Fencing</b>			
Height (overall/piers):	1.5m (maximum)	1.457m	Yes
Solid Component:	0.7m	514mm	Yes
<b>Solar Access</b>			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	The site provides an east-west orientation which inevitably results in substantial overshadowing to the southern adjoining dwelling.	No – refer discussion.
<b>Vehicle Access and Parking</b>			
Driveway width at Boundary:	3m	3m	Yes
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	Nil	Yes – existing driveway utilised.
No. of Parking Spaces:	2	3	Yes
<b>Basement:</b>			
Basement protrusion:	Less than 1.0m	580mm	Yes
Basement ramp/driveway	3.5m	3.0m	Yes
Internal height:	2.2m	2.4m	Yes
<b>Ancillary Development</b>			
<b>SWIMMING POOL</b>			
Side/Rear Setback	1.0m	2.6m from northern side boundary & 6.3m from rear site boundary.	Yes

## Streetscape

The proposal has been revised throughout the assessment process in an attempt to address Council's concerns relating to streetscape compatibility. Pemberton Street is comprised of dwelling developments that is relatively traditional in style providing pitched tiled roof forms with brick and rendered facades. Figure 12 below is an indicative streetscape elevation plan showing the proposed dwelling alongside adjoining dwellings.



*Figure 12: Indicative streetscape elevation plan*

The proposal seeks a modern and flat roofed design. Whilst a modern design may be considered within the streetscape, the design fails to incorporate a similar bulk and scale that complements the prevailing development in the streetscape as required by Section 2 of Part A of the SCDP 2005. The proposal seeks large expanses of glazing to the façade which is further accentuated by the blade wall which extends up through the façade and continues across the roof line which forms the parapet. The proposal consequently results in a building height of 8.48m, which exceeds the maximum permitted 7.8m building height as per Section 4.2.2 of Part A of the SCDP 2005.

In addition to the excessive voids, excessive height and lack of vertical articulation to the façade, the dwelling fails to achieve the minimum 20% combined setback requirements as per Section 4.2.3.1 of Part A of the SCDP 2005. The intent of these controls is to maintain view corridors between dwellings and achieve a sense of openness in the street.

Overall, the expansive height paired with the excessive bulk and scale proposed is considered excessive. This renders the development of being incompatible with both the prevailing and anticipated future development of the streetscape. The proposal is not supportable in this regard.

## Floor to Ceiling Heights / Void Spaces

The proposal incorporates three voids throughout the dwelling each to a height of 7.8m. This exceeds the maximum 3m floor to ceiling heights required to be provided as per Section 4.2 of Part A of the SCDP 2005. The voids are located at the front entrance, the stairwell and over the proposed living area to the rear. In total, the voids comprise a total size of 79.7m<sup>2</sup> which exacerbates the dwelling's height, bulk and scale. Notwithstanding the exclusion of voids from the floor space calculations, the site already exceeds the permissible floor space provisions applying to the land. This clearly demonstrates that with voids excluded, the proposal is already excessive and not consistent with the anticipated bulk and scale envisaged for the site.

It is further noted that the site's unfavourable east-west orientation results in an unavoidable degree of overshadowing to the southern adjoining neighbour. The proposal's excessive use of voids particularly to the southern rear portion of the dwelling combined with the proposed elongated built form across the site further exacerbates overshadowing impacts to the detriment of the southern adjoining resident. The excessive use of voids are not necessary in this instance and fail to provide any meaningful benefit to future residents of the site. Accordingly, the proposal is not supported in this instance.

## Solar Access

The dwelling provides an east-west orientation resulting in an unavoidable degree of overshadowing to the south. The proposal results in overshadowing to the south resulting in a further loss of solar access to the windows and private open space area of the southern adjoining property. This is contrary to Section 6.2.1 of Part A of the SCDP 2005.

The southern adjoining dwelling at 58 Pemberton Street is provided with a number of north-facing windows to its northern side elevation. The proposed development would inevitably result in additional shadows cast over the southern adjoining neighbour including to these northerly windows (refer to Figures 13, 14 and 15 below for reference).

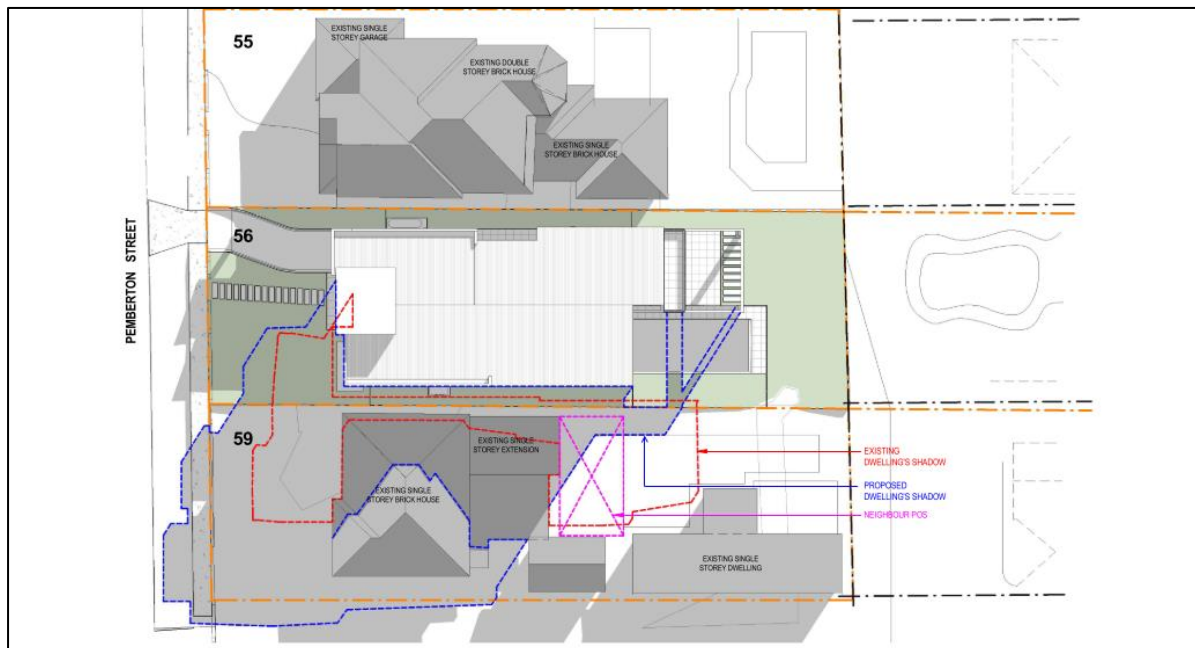


Figure 13: 9AM shadow diagrams (Winter Solstice)



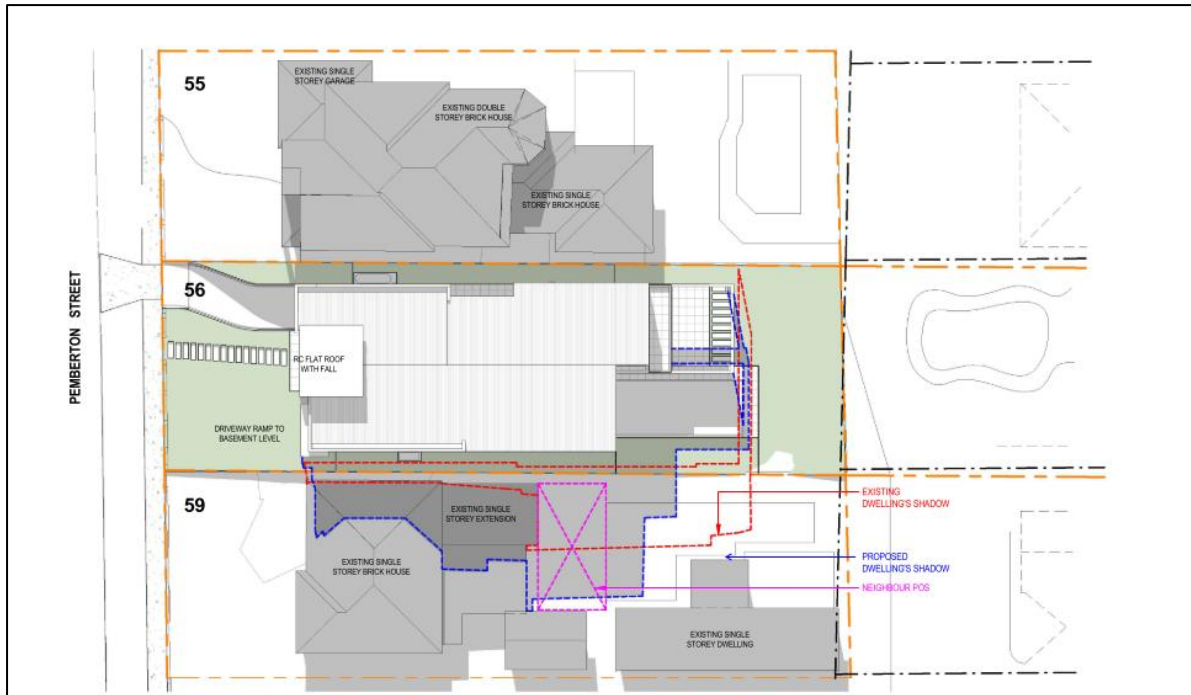


Figure 15: 12PM shadow diagrams (Winter Solstice)



Figure 17: 3PM shadow diagrams (Winter Solstice)

Further analysis could have been prepared and submitted to Council to demonstrate the degree of impact to the southern adjoining dwelling. As previously discussed, the elongated building footprint is attributed by its excessive floor space and voids all of which result in additional overshadowing impacts to the southern adjoining resident. Whilst it is acknowledged that the proposal will inevitably result in additional overshadowing impacts, there is considerable opportunity to reduce the overshadowing impact to the southern adjoining resident through adopting a more considered design approach. This should include deletion of voids, achieving a compliant floor space and reduction in the building footprint to what is currently proposed. The proposal is therefore unable to be supported in this regard.

## **Landscaping and Open Space**

The proposal seeks to provide 42% (316m<sup>2</sup>) which falls 7.575m<sup>2</sup> short of the minimum 43% (323.575m<sup>2</sup>) deep soil zone required to be provided for the site in accordance with Section 5 of Part A of the SCDCP 2005. Opportunities for deep soil zone should be maximised on the site so to preserve landscape elements on the site and ensure the deep soil zone is appropriate to the scale of the development. It is also expected that a new dwelling development on a relatively unconstrained allotment should be capable of achieving the minimum deep soil zone requirements for the site. The proposal is not supported in this regard.

## **Fencing**

The proposal seeks a rendered brick fence to a height of 1.457m comprised of solid 514mm base and wrought iron batten infill. The proposal generally complies with the relevant objectives and controls of the SCDCP 2005.

## **Cut and fill**

The proposed development fails to satisfy the relevant objectives and controls of the SCDCP 2005. There is considerable excavation required to accommodate the basement with portions of the basement footprint exceeding beyond the ground floor building envelope. The extent of excavation is therefore considered to be excessive in this instance.

## **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 planting if required.

## **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.

- (iv) Any matters prescribed by the regulations, that apply to the land to which the development application relates,**

The requirements of Australian Standard AS2601–1991: *The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

The proposed development does involve the demolition of a building. As the application is recommended for refusal, no conditions have been imposed to ensure compliance with these standards.

**(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 out of scale and character with other developments being constructed in the streetscape. The proposal is considered to have a significant impact on the natural and built environment and is not acceptable in this regard.

**(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, vegetation and relationship to adjoining developments. The application is therefore not supportable in this instance.

**(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).

Given that the application is recommended for refusal. Contributions have not been calculated.

### **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. 2022/112 should be refused for the reasons attached.





**Signed:**

**L Gibson  
Senior Planner**

**Date: 7 September 2022**

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position; and
- ☒ 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.

Report and recommendations have been peer reviewed by;



**Signed:**

**J B Brown  
Planner**

**Date: 7 September 2022**

## **REFUSAL REASONS**

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

### **(1) Refusal Reason – Clause 4.6 Variation Request**

A Clause 4.6 variation request was not submitted as part of the application to justify the contravention of the Clause 4.4C Exceptions to floor space ratio (Zone R2) of the Strathfield Local Environmental Plan 2012. The consent authority is therefore unable to grant development consent in the absence of a written variation request so to consider whether the request is reasonable or necessary.

### **(2) 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 ('SLEP 2012') which seeks to achieve a high quality urban form that reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield. The proposed development is an overdevelopment of the site, which is not the desired future character of the area.

- b) The proposal fails to satisfy the objectives of Clause 5.21(b) of the *Strathfield Local Environmental Plan 2012*, which requires consideration for the intended design and scale of buildings resulting from the development. The proposed basement applies additional bulk and scale to the development, which is incompatible with existing development in the streetscape.
- c) The proposal fails to satisfy the provisions under Clause 6.2 of the *Strathfield Local Environmental Plan 2012*, which requires consideration for earthworks and ensuring that it will not have a detrimental impact on environmental functions and processes, neighbouring uses resulting from the development. The proposed excavation extends beyond the ground floor footprint resulting in excessive excavation, which would undermine the stability of the earth underground and would have an adverse impact to the flow of the ground water.

**(3) 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 fails to satisfy the architectural design and streetscape presentation objectives provided by Section 2 of Part A of the Strathfield Consolidated Development Control Plan 2005, which requires new development to respect the predominant height, scale, character, type, form and architectural qualities of the surrounding neighbourhood and reflect the dominant building rhythm in the street.
- b) The proposal fails to satisfy the roof forms objectives provided under Section 2.2.4 of Part A of the Strathfield Consolidated Development Control Plan 2005, which requires the height of the parapet to flat roofed dwellings to be kept to the minimum height required to ensure adequate screening of the proposed flat roof.
- c) The proposal fails to satisfy the objectives and provisions of Section 4 of Part A of the Strathfield Consolidated Development Control Plan 2005 which requires the site to achieve a combined 20% side setback for the site and for a sense of openness to be maintained in the street.
- d) The proposal fails to satisfy the deep soil requirements as provided by Section 5 of Part A of the Strathfield Consolidated Development Control Plan 2005 which requires the site to achieve 43% deep soil zone for the site.
- e) The proposal fails to achieve 3 hours of direct solar access to adjoining properties as required by Section 6.2 of Part A of the SCDCP 2005.
- f) The proposal fails to satisfy the vehicle access and parking objectives provided by Section 8.1 of Part A of the Strathfield Consolidated Development Control Plan 2005, which requires excavation to be minimised where possible and reducing the disturbance to natural ground levels.

- g) The proposal fails to satisfy the basement design requirements as provided by Section 8.2.3 of Part A of the Strathfield Consolidated Development Control Plan 2005, which requires the basement to be limited to and contained within the footprint of the dwelling at ground level and for basements not to result in excessive bulk and scale applied to the development.
- h) The proposal results in an excessive basement footprint which fails to satisfy the objectives of Part 9.1 of the Strathfield Consolidated Development Control Plan 2005 requiring development to maintain existing ground levels and minimise cut and fill to reduce site disturbance.

**(4) 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 excessive excavation as well as additional and unnecessary bulk and scale applied to the development which is incompatible with the streetscape and affects natural ground levels (Section 4.15(b) of the *Environmental Planning and Assessment Act 1979*)

**(5) 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 an overdevelopment of the site that is not consistent with the planned residential density as dictated by the size of the subject site including the floor space provisions prescribed under the *Strathfield Local Environmental Plan 2012*.
- b) The proposed excavation that would have adverse impacts to the environment is a reflection of the overdevelopment of the proposal.
- c) The proposal is considered unsuitable for the site resulting in excessive excavation for the basement on the site unnecessarily altering the natural ground level

**(6) 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 numerous variations and non-compliant matters that are unacceptable and fail to demonstrate merit.