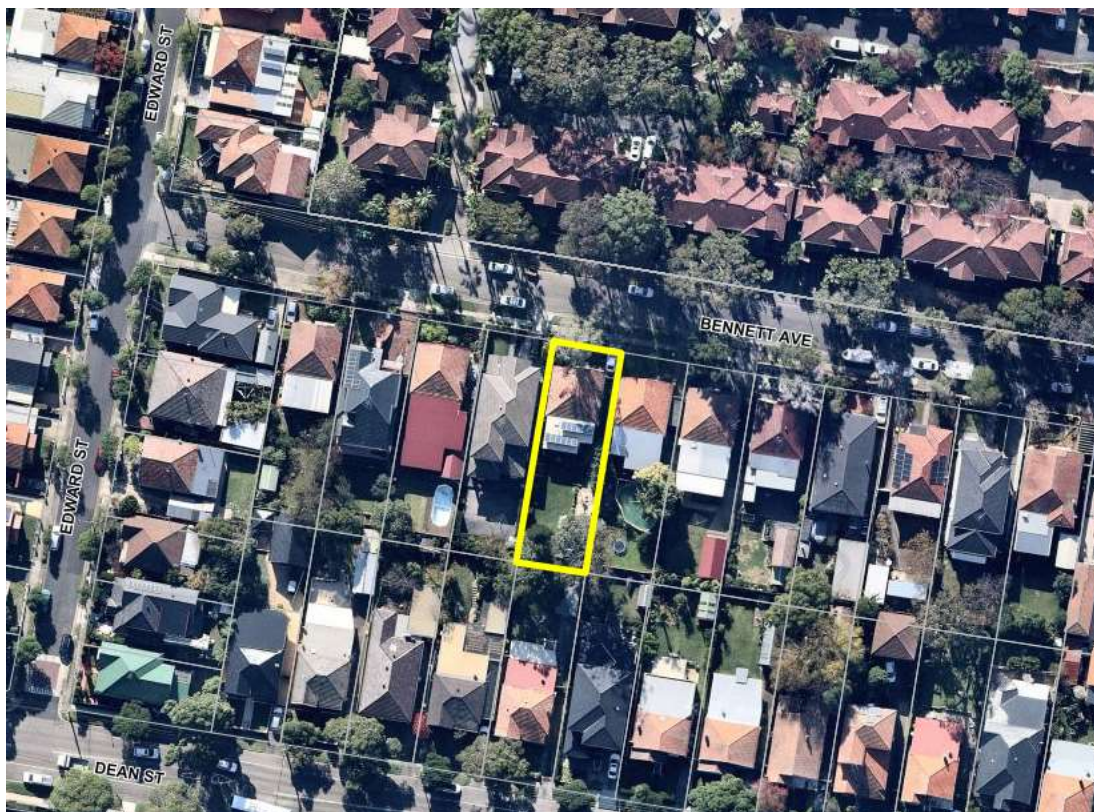


## IDAP REPORT

<b>Property:</b>	18 Bennett Avenue STRATHFIELD SOUTH DA 2020/52
<b>Proposal:</b>	Demolition of existing buildings and construction of a new two-storey dwelling, in-ground swimming pool, cabana, associated landscaping works and boundary fencing.
<b>Applicant:</b>	Roth Architecture Workshop Pty Ltd
<b>Owner:</b>	Marco Coscarella / Sarah Coscarella
<b>Date of lodgement:</b>	18 March 2020
<b>Notification period:</b>	20 March 2020 to 05 April 2020
<b>Submissions received:</b>	None
<b>Assessment officer:</b>	P Santos
<b>Estimated cost of works:</b>	\$1, 362,500.00
<b>Zoning:</b>	R2 – Low Density Residential - SLEP 2012
<b>Flood-affected:</b>	No
<b>RECOMMENDATION OF OFFICER:</b>	REFUSAL

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**Figure 1. Aerial imagery of the subject site and immediate locality**

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is sought for the demolition of the existing buildings and the construction of a new two-storey dwelling, in-ground swimming pool, cabana, associated landscaping works, and boundary fencing.

### **Site and Locality**

The site is identified as 18 Bennett Avenue, Strathfield South and has a legal description of Lot: 81 DP: 12425. The site is a regular shaped parcel of land and is located on the south side of Bennett Avenue between Edward Street and Hillcrest Avenue.

The site has a width of 12.8m, a depth of 40.74m and an overall site area of 518.5m<sup>2</sup>.

The locality surrounding the subject site contains a mixture of low and medium density residential developments.

### **Strathfield Local Environmental Plan**

The site is zoned R2-Low Density Residential under the provisions of Strathfield LEP 2012, and the proposed development is permissible with the consent of Council.

### **Development Control Plan**

The proposed development satisfies the provisions of Strathfield Consolidated DCP 2005, and 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 the 20 March 2020 to the 05 April 2020, and no submissions were received.

### **Issues**

- Streetscape
- Height of outbuilding
- Dwelling house side setback
- Landscaping
- Trees
- Visual privacy

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2020/52 is recommended for refusal.

## REPORT IN FULL

### Proposal

Council has received an application for the demolition of the existing buildings and the construction of a new two-storey dwelling, including; an in-ground swimming pool, cabana, associated landscaping works and boundary fencing. More specifically, the proposal includes;

Ground floor level:

- Double-space garage
- Guest master bedroom with en-suite
- Laundry
- Open-plan kitchen, with butler's pantry, dining and living room
- Laundry room
- WC

First-floor level:

- Master bedroom with WIR and en-suite
- Two bedrooms
- Leisure room
- Bathroom

External works:

- New driveway
- Alfresco area
- In-ground pool
- Cabana with attached WC

### The Site and Locality

The subject site is legally described as Lot: 81 DP: 12425 and commonly known as 18 Bennett Avenue, Strathfield South. It is located off the southern side of Bennett Avenue between Edward Street and Hillcrest Avenue.



**Figure 2. Front façade of the existing dwelling on the site**



The site is regular in shape and has a frontage and rear boundary of 12.8m to the north and south, respectively, and side boundary length of 40.74m to both east and west, and an area of 518.5m<sup>2</sup>.

The site falls from the street with a slope of approximately 9%.

The site is occupied by a single-storey, brick and weatherboard dwelling house and an outbuilding. Vehicular access to the site is via an existing driveway from Bennett Avenue to an existing hardstand area located at the rear.

The current streetscape is characterised by single storey and two-storey dwelling houses, and a multi-dwelling house development. With the properties on the same side of the street as the subject site. The gable tiled roofs facing the street is a predominant feature of the dwelling houses in the area. See Figures 3 and 4 below. The multi-dwelling houses are within a gated property and do not have a primary frontage to Bennett Avenue.



**Figure 3. Dwelling houses immediately to the west of the site**



**Figure 4. Dwelling houses to the east of the site**



**Figure 5. Multi-dwelling housing development across from the site**

The surrounding area is characterised by low and medium density residential developments. The subject site is within a low-density residential zone. Immediately across the road from the site is a medium density residential zone. The Australia International Academy is located about 144m northeast, and Strathfield-South Public School is about 400m north-west.

### **Background**

- |               |   |
|---------------|---|
| 18 March 2020 | The development application was lodged.   |
| 20 March 2020 | The application was publicly exhibited until 05 April 2020. No submissions were received as a result of the notification. |

23 April 2020	A site visit was undertaken by the Assessment Officer
06 May 2020	A letter requesting additional information was issued.
22 May 2020	The applicant sought an extension of time of 4 weeks. The Assessment Officer granted an extension of three weeks (21 days).
12 June 2020	Additional information was submitted to Council

## **Referrals – Internal and External**

### **Heritage Comments**

Council's Heritage Advisor offered no objections to the proposal.

### **Tree**

In the initial set of plans submitted to Council, Council's Tree Management Coordinator provided the following comments:

*"My check of Council's ECM record could find no record that the recommendations of the Consultant Arborist had been carried out by the applicant or that their neighbours have been consulted prior to finalising the design or lodging this DA."*

*"On this basis, I cannot support this proposal."*

### **Stormwater**

Council's Development Engineer offered no objections to the proposal, subject to the imposition of conditions of consent.

### **Traffic**

Council's Traffic Officer offered no objections to the proposal, subject to the assessment of the Council's Tree Management Coordinator and the imposition of the conditions of consent.

## **Section 4.15 Assessment – EP&A Act 1979**

The following is an assessment of the application concerning 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 of the subject of the development application:***

#### **(a) *The provision of:***

#### **(i) *Any environmental planning instrument,***

## **Strathfield Local Environmental Plan**

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

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

#### **Clause 2.1 – Land Use Zones**

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

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

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
<b>4.3</b> Height of Buildings	9.5m	9.1m	Yes
<b>4.4</b> Floor Space Ratio	0.625:1	0.49:1	Yes

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

#### **Heritage Conservation**

The subject site is not listed as a Heritage Item, nor located within a Heritage Conservation Area. The site does not adjoin, nor is near a Heritage Item, and as such, the provisions of this clause are not applicable.

### **Part 6 – Additional Local Provisions**

#### **Acid Sulfate Soils**

The subject site is identified as having Class 5 Acid Sulfate Soils, and is not located within 500m of 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 does not include any significant excavation, nor basement works. Any excavation for footings or levelling of the site is considered to be minor and will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

#### **Flood Planning**

The proposed site has not been identified within the flood planning levels, and as such, the provisions of this clause do not apply to the subject development.

#### **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 the Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the proposed development.



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

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

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 (VEGETATION IN NON-RURAL AREAS) 2017**

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

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

The proposal was referred to the Council’s Tree Management Officer who noted that the initial proposed design did not accommodate the recommendations mentioned in the submitted Arborist Report. As a result, the design had been amended and an amended arborist report was provided to Council. The assessment under Part O Tree Management of the SCDPC 2005 below details why the final design is not supportable.

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

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

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

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

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
<b>Building Envelope</b>			
<b>Floor Space Ratio:</b>	As the SLEP 2012: 0.625:1	0.49:1	Yes
<b>Heights:</b> Floor to ceiling heights: Height to underside of eaves: The number of Storeys/Levels:	3.0m 7.2m 2	3m 6.9m 2	Yes Yes Yes
<b>Setbacks:</b> Front: Side: Side: Combined Side Setback:	9m 1.2m (min) 1.2m (min) 2.56m (20%)	6.4m Nil (west) 1.28m (east) 1.28m	No No Yes No



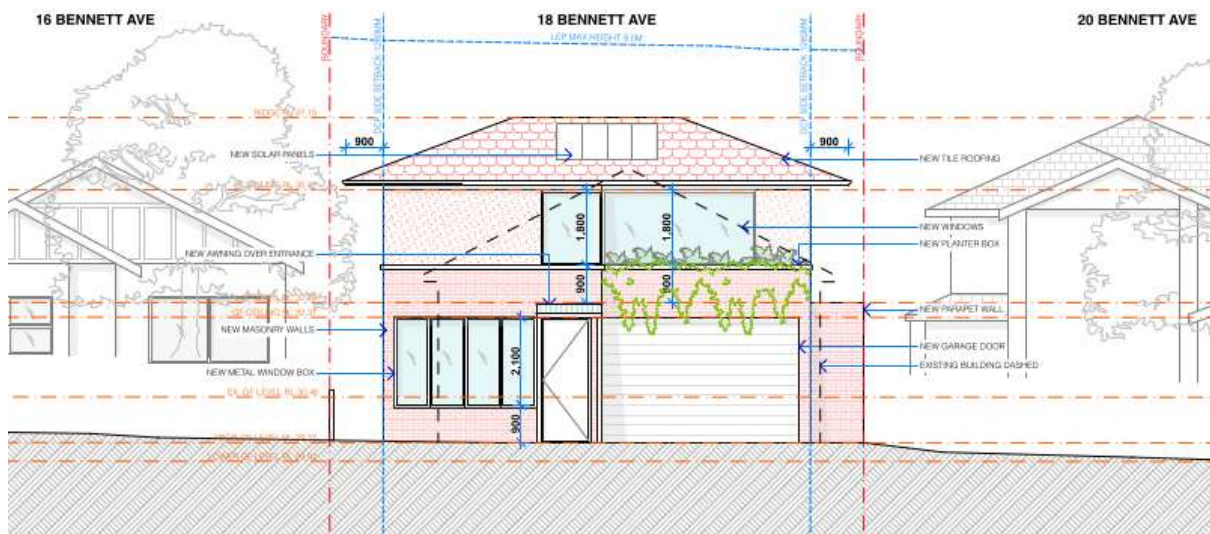
Rear: Detached garage/carport	6m Nil/0.5m/1.5m	13m N/A	Yes -
<b>Landscaping</b>			
Landscaping/Deepsoil Provisions:	200.6m <sup>2</sup>	172.5m <sup>2</sup>	No
Private Open Space Area:	10m <sup>2</sup>	>10m <sup>2</sup>	Yes
Minimum dimension:	3m	>3m	Yes
<b>Fencing</b>			
Height (overall/piers):	1.5m (maximum)	0.9m	Yes
Solid Component:	0.7m	<0.7m	Yes
Secondary Frontage:	1.8m	N/A	
<b>Solar Access</b>			
POS or habitable windows	3hrs to habitable windows and 50% of POS	At least 3hrs to habitable windows and 50% of POS	Yes
<b>Vehicle Access and Parking</b>			
Driveway width at the boundary:	3m	3m	Yes
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	at least 1.28m	Yes
No. of Parking Spaces:	2	2	Yes
<b>Ancillary Development</b>			
<b>OUTBUILDINGS</b>			
Area:	40m <sup>2</sup>	8.5m <sup>2</sup>	Yes
Height:	3.5m	4.5m	No
Side/Rear setback:	0.5m	0.8m	Yes
<b>RETAINING WALLS</b>			
Maximum height:	1.2m	0.6m	Yes
<b>SWIMMING POOL</b>			
Side/Rear Setback	1.0m	>1m	Yes

## Building Envelope

### Roof Form

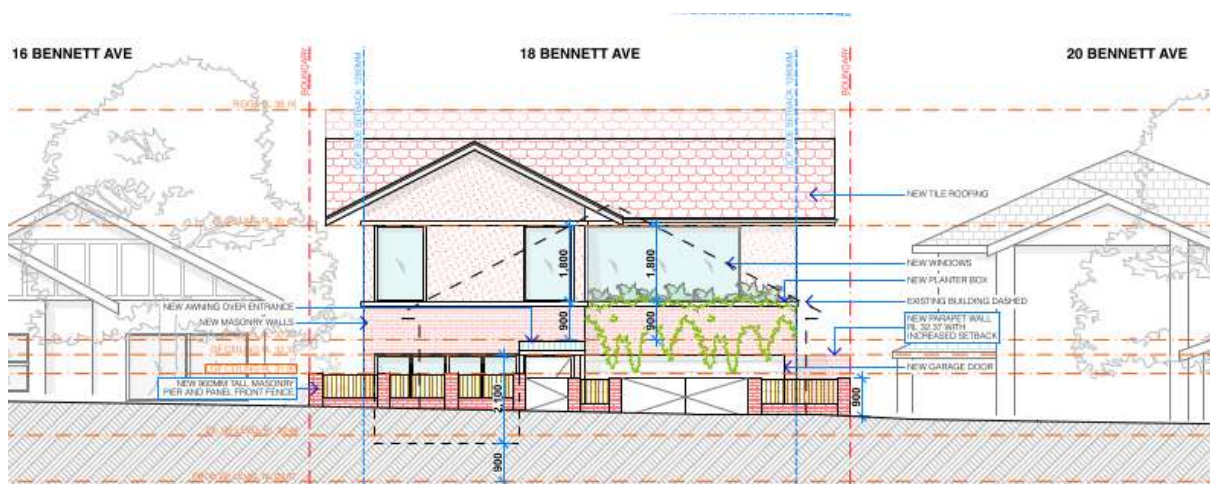
In a preliminary assessment of the application a concern was raised that the initial design of the proposal is not consistent with the current streetscape. While the subject site and neighbouring properties are not within a Heritage Conservation Area, Figures 3 and 4 show that there is a distinguishable character of one to two-storey dwelling houses that have gable roof features facing the street.

As seen in Figure 6 below, the original design incorporated a hipped roof form.



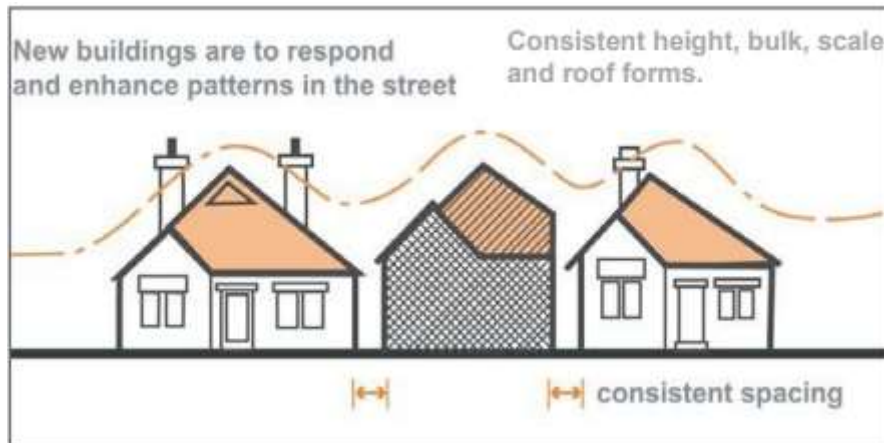
**Figure 6. Extract of the north elevation prepared by Roth Architects, dated 13/03/2020**

The application was requested to include a similar feature, which resulted in the final design shown in Figure 7 below.



**Figure 7. Extract of the north elevation prepared by Roth Architects, dated 29/05/2020**

While the final design presents a gable feature to the street, the roof-form also included gable features that face the neighbouring dwellings. These result to a squared roof when viewed from the street, which deters the characteristic rhythm of gabled houses along Bennett Avenue—as illustrated in Figure 8 below, taken from Council’s SDCP 2005.



**Figure 8. Guide on how to reflect the dominant building rhythm in the street in Council's DCP**

### Front Setback

The proposal includes a front setback of 6.4m. Council's DCP requires a front setback of at least 9m. However, the DCP also gives a concession to front setbacks taking into consideration the established setback of neighbouring dwellings.

The proposal will be consistent with the established front building line of the neighbouring dwellings. As such, the proposed front setback is acceptable in this regard.

### Side Setback

The SCDP 2005 requires a side setback of 20% of the lot width. This means at least 1.28m setback to both sides of the dwelling. While adequate separation is provided on the eastern elevation, the attached garage on the western side of the dwelling proposes nil setback.

The nil side-setback to the western boundary was raised with the applicant in the letter requesting additional information, dated 06 May 2020. The amended ground floor plan, dated 29/05/2020, still presents an unchanged garage location. An addendum to the Statement of Environmental Effects has been provided, which includes justification of non-compliance concerning the side setback. The addendum provides, but is not limited to, the following:

- *"...the proposed garage will not be largely visible from the public domain and therefore won't adversely affect the overall bulk, scale, size and height of the proposal. As such, this responds to the adjoining dwellings, topography, and desired future character. As such, this responds to the adjoining dwellings, topography, and desired future character."*
- *"The proposed garage is a recessed single-storey structure which does not impact on the amenity of adjoining properties."*
- *"New hedge planning in front will further reduce the garage's visibility as viewed from the public domain."*
- *"The proposed non-compliant garage walls provide a barrier between the public space at Bennett Avenue and the secluded private clothes drying area and dwelling side access point."*
- *"The small setback non-compliance created by the garage walls will allow the proposal to comply with the DCP requirements of having two car parking spaces behind the front building line while also being recessed behind the front façade of the new dwelling."*

The proposed nil side-setback to the attached garage is not supportable. While new planting will reduce the garage's visibility from the street, it will not take away the fact the proposal will create a precedent along the street of an unwanted built-form. Undoubtedly, there is a degree of public interest that must be taken into consideration, and it is not a sufficient planning justification to argue that because a structure is screened off from the public domain, a development control can be contravened.

The SCDCP requires a dwelling house to have two parking spaces on the site. The proposal satisfies this development control of the Council. However, the controls also specify that the minimum dimensions for off-street parking areas, at the minimum, should be 5m in width x 5.4m in-depth, under the Australian Standard. The proposal includes double parking spaces with the following internal dimensions – 6m in width x 5.4m in depth. Using the Australian Standard dimensions would mean that an adequate side-setback can be provided to west of the garage.

In conclusion the proposal will not be compatible with the built-form of the local area and the applicant could comply with the requirements of the DCP by reducing the size of the garage to the Australian Standard dimensions.

### **Landscaping and Open Space**

Council's development controls require, a minimum, landscaping of 38.5% or 200m<sup>2</sup>. The proposal includes landscaping of 172m<sup>2</sup>, with the required absorption trench also excluded. The applicant has provided in the addendum justification for the non-compliance, as follows:

- *"The proposal allows for ample landscaping that is appropriate to the style and scale of the dwelling, adjoining development, and to the streetscape."*
- *"The proposal makes an equitable contribution to the landscape setting of the locality by including more landscaping than what is currently on the subject site, as well as by replacing all removed trees at a 2:1 ratio, particularly in the front lawn which is visible from the public domain."*
- *"...the landscaped area non-compliance should be seen as acceptable as the proposal is in line with the Landscaping objectives in the Strathfield Consolidated DCP 2005."*

The submitted Survey Plan, prepared by DA Surveys dated 30/09/2019, and Council's Assessment Officer's site visit revealed that the existing landscaping on the site is approximately 252m<sup>2</sup> or 48%. This means that the proposed landscaping is not an improvement of the current landscaped area on the site.

The proposed development does not comply with landscaping development controls, and it is considered that the proposal does not have adequate landscaping that is appropriate to the style and scale of the proposed dwelling.

### **Fencing**

The proposed front and side fencing satisfies the relevant objectives and controls within SCDCP 2005. It is considered to be sympathetic to the existing and desired future character of the locality, and is compatible with the height and style of adjoining fences.

### **Solar Access**

The solar access to windows of habitable rooms and at least 50% of the private open-space is achieved or maintained for a minimum period of 3 hours between 9.00 am-3:00 pm at the winter solstice. Solar access is maintained or achieves the minimum required to the private



open space of the adjoining premises. The proposal is considered to generally satisfy the relevant objectives and controls of the SCDCP 2005.

### **Privacy**

The window on the first-floor leisure room shall be obscured to limit the potential of visual intrusion from the site to the eastern neighbour. While the current dwelling house immediately to the east of the site, being a single dwelling, does not raise any concern regarding visual privacy, the potential future development on the neighbouring land must be considered .

### **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 reduce site disturbance. Existing trees and shrubs have been retained where possible, and groundwater 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 the Council's Stormwater Management Code. A Soil Erosion Plan has been submitted with the application to illustrate how the applicant will prevent, or minimise soil disturbances during construction.

### **ANCILLARY STRUCTURES**

#### Outbuildings

The proposed development does not satisfy the relevant objectives and controls the SCDCP 2005. The proposed Cabana with attached water closet will be about 4.5m in height to its roof ridge, which exceeds the development control by a metre. As such, the proposed outbuilding is not supportable.

#### Retaining Walls

The proposed development satisfies the relevant objectives and controls within SCDCP 2005 and has been kept to a maximum height of 1.2 metres. All retaining walls higher than 600mm are required to be designed by a suitably qualified engineer.

#### 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. The pool pump equipment has been located in a soundproof enclosure, and the pool coping has been designed to suit the current ground level of the site. The swimming pool fence/enclosure must comply with the Swimming Pools Act and the relevant standards.

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

Under Part H of Strathfield Councils DCP 2005, a Waste Management Plan was submitted with the application. The plan details procedures for management of waste during demolition and construction, and the on-going waste generated by the

development during its use. It is considered that this plan adequately addresses Part H and found satisfactory.

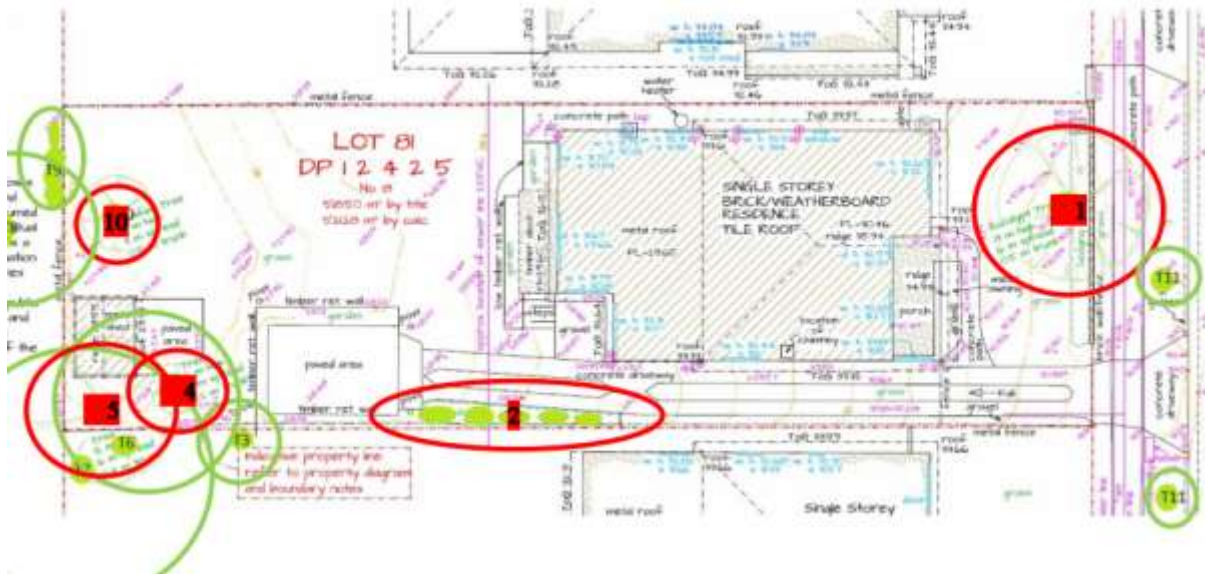
### **PART O – Tree Management (SCDCP 2005)**

The primary concern under this part of the SCDCP 2005 is the street tree. The provided survey and site plans do not have any information about the street tree, shown in the image below.



***Figure 9. Street view of the subject site (source: Google Maps)***

The site visit undertaken by the Assessment Officer has revealed that a street tree will be on the way of the proposed new driveway. The submitted arborist report discussed the street tree. However, the location of the tree in the report is incorrect.



**Figure 10. Extract of the Tree Location Map (source: The Tree MD)**

The report indicates that the subject tree in front of the dwelling house that is on Council verge is located closer to the existing driveway. As shown in Figure 9, the tree is actually located closer to the western boundary of the subject site, which is estimated to be, if not on the way of the new driveway, closer to it than what the Arborist Report indicates.

The SDCDP 2005 states that – “Council will not give Consent for a new vehicular crossing including layback to be installed closer than 2m (radial measurement, measured from the tree’s base) from a street tree”. As such, the proposal is not supportable in this regard.

**(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. 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 inadequate landscaping on the site will pose potential adverse amenity and environmental impacts to the residents of the subject site and the neighbouring properties.

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

The proposed development is considered to be suitable to the site in that the zone – R2 Low-Density Residential, permits the development with consent. The current land-use of dwelling house will not be altered as a result of the proposal.

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

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

**(e) The public interest.**

The public interest is served through the detailed assessment of this development application under the relevant local planning controls, and legislation and consideration of any submissions received relating to it by Council. The proposed development is considered to be contrary to the public interest.

**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 SCDCP 2005.

Following a detailed assessment, it is considered that Development Application No. 52/2020 should be refused.

**Signed:**

**Date: 20/07/2020**

**Patrick Santos  
Development Assessment Planner**

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

Report and recommendations have been peer-reviewed and concurred with.

**Signed:**

**Date: 17/07/2020**

**Jeff Cooke  
Senior Planner**



## 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. The application is considered unacceptable under the provisions of S4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 ('EP&A Act) in that the proposed development fails to satisfy the aims of SLEP 2012, in particular, Subclause (2)(a).
2. The application is considered unacceptable under the provisions of S4.15(1)(a)(iii) of the EP&A Act, in that the proposed development fails to comply with the controls of Architectural Design and Streetscape Presentation, Building Envelope, Landscaping, Privacy and Ancillary Development under Part A of the SCDCP 2005.
3. The application is considered unacceptable under the provisions of S4.15(1)(a)(iii) of the EP&A Act, in that the proposed development fails to comply with the controls of Clause 4.2(c) of Part O of the SCDCP 2005.
4. The application is considered unacceptable under the provisions of S4.15(1)(b) of the EP&A Act, in that the proposed development will pose potential adverse environmental impacts with the inadequate landscaping on the site.
5. The application is considered unacceptable under the provisions of S4.15(1)(e) of the EP&A Act, in that the proposed development fails to satisfy the relevant planning controls of Council.