

IDAP REPORT

Property:	2 Hydebrae Street STRATHFIELD
Proposal:	Demolition of an existing brick dwelling house and construction of a new two-storey detached dwelling house with in-ground swimming pool and removal of trees.
Applicant:	Y SQUARE STUDIO
Owner:	Yi Tong / Min Zhu
Date of lodgement:	8 April 2020
Notification period:	14 April 2020 to 30 April 2020
Submissions received:	One written submission received
Assessment officer:	PS
Estimated cost of works:	\$1,842,500
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	Subject site is immediately adjacent to a Heritage Item and a Heritage Conservation Area
Flood affected:	No
RECOMMENDATION OF OFFICER:	Refusal

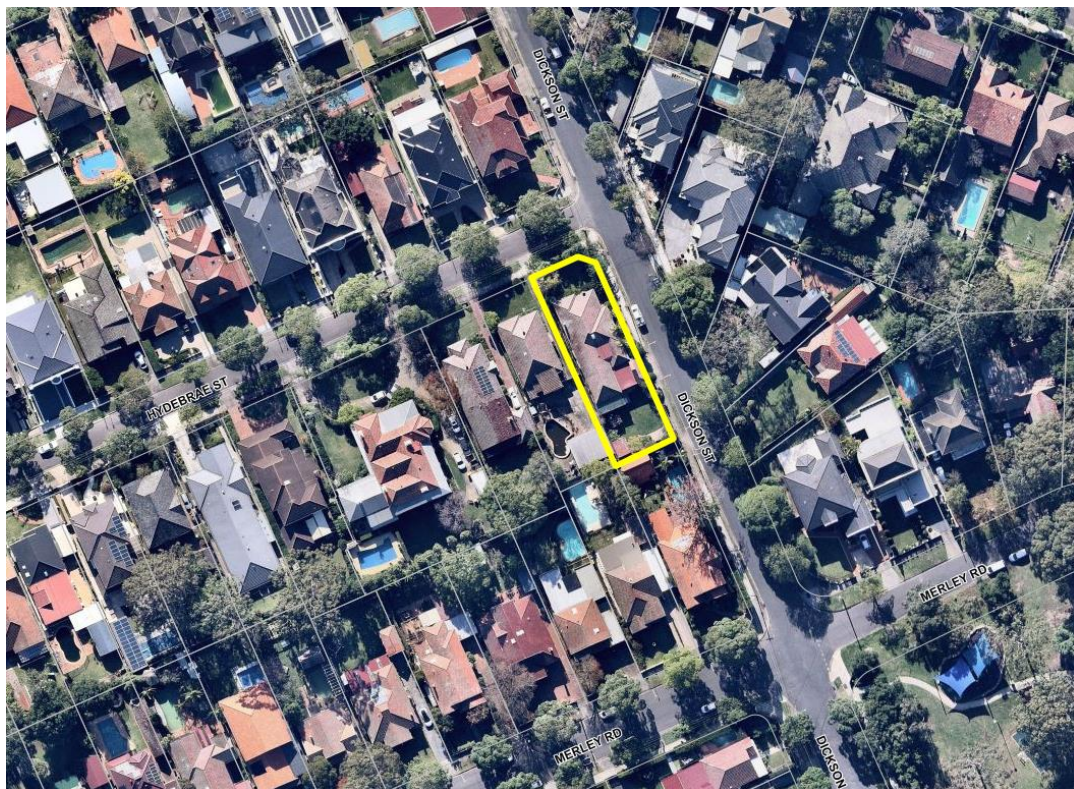


Figure 1. Aerial Imagery of the subject site

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the demolition of existing single brick dwelling and construction of a new two-storey detached dwelling house with an in-ground swimming pool to the back yard and includes removal of trees.

Site and Locality

The site is identified as 2 Hydebrae Street, Strathfield South and has a legal description of Lot 40 DP 11424. The site is a regular-shaped parcel of land, located on the south side corner of the intersection of Hydebrae Street and Dickson Street.

The site has a width of 15.24m, a depth of 49.99m and an overall site area of 758.8m².

The locality surrounding the subject site contains a mixture of single and two-storey dwelling houses. Several Heritage Items and a conservation area is located in close proximity to the site.

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.

Notification

The application was notified in accordance with Council's Community Participation Plan from 14 April 2020 to 30 April 2020. One submission was received raising the following concerns:

- Height;
- Overshadowing;
- Proposed water tank;
- Visual Privacy;
- Inadequate Landscaping Information; and
- Legibility of the Stormwater Plans.

Issues

- Arborist report and tree management plan;
- Floor space ratio; and
- Heritage.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2020/61 is recommended for refusal, in accordance with the attached reasons of refusal.

REPORT IN FULL

Proposal

Council has received an application for the demolition of an existing single brick dwelling and construction of a new two-storey detached dwelling house with an in-ground swimming pool to the back yard and includes removal of some existing trees on the site. More specifically, the proposal includes;

Ground floor level:

- Bedroom with ensuite;
- Open plan kitchen, living and dining areas;
- Sitting area;
- Laundry room;
- Water closet;
- Double garage; and
- Alfresco.

First floor level:

- Three bedrooms with WIR and ensuite, two with attached balconies;
- Two bedrooms;
- Home theatre room; and
- Common bathroom.

External works:

- In-ground swimming pool;
- Ancillary landscaping.

Similar with the existing dwelling's parking provision, the proposed parking spaces face the secondary street frontage – Dickson Street.

The Site and Locality

The subject site is legally described as Lot 40 DP 11424 and is commonly known as 2 Hydebrae Street, Strathfield South. It is a corner property, located off the south side of Hydebrae Street, with Dickson Street being the nearest cross section.

The site is rectangular in shape and has a primary frontage of 12m to the north, secondary frontage of 47m to the east, rear boundary of 15m to the south, side boundary length of 50m to the west, and an area of 758.8m².

The subject land falls towards the rear, in particular to the south west, and has a cross-fall of 0.7m.

The site is currently occupied by a single-storey brick dwelling house. Vehicular access is provided to the site via an existing driveway from Dickson Street to an existing carport located at the rear of the property, adjacent to the secondary frontage.



Figure 2. Closer aerial imagery of the subject site (source: Nearmap)



Figure 3. Primary frontage of the dwelling house on the site



Figure 4. Secondary frontage of the dwelling house on the site



Figure 5. Secondary frontage of the dwelling house on the site, showing the existing carport entry (to the left of the image)

The current streetscape is predominantly characterised by traditional single to two storey brick or rendered dwelling houses with terracotta roof tiles on both street frontages. Several modern-style dwellings have been constructed on both Hydebrae and Dickson Street, as shown in Figures 9 and 10.



Figure 6. Subject site to the left and 4 Hydebrae Street to the right



Figure 7. 1 Hydebrae Street, Strathfield (source: Google Maps)



Figure 8. 3 Hydebrae Street, Strathfield (source: Google Maps)



Figure 9. 9 Hydebrae Street, Strathfield (source: Google Maps)



Figure 10. 4 Dickson Street, Strathfield

The surrounding area is characterised by low density residential developments. Several heritage items are located in close proximity to the site including the inter-war Californian bungalow at 21 Merley Road and a Victorian villa at 8-10 Hydebrae Street. Merley Road Conservation Area (C13) abuts the subject site to the south.

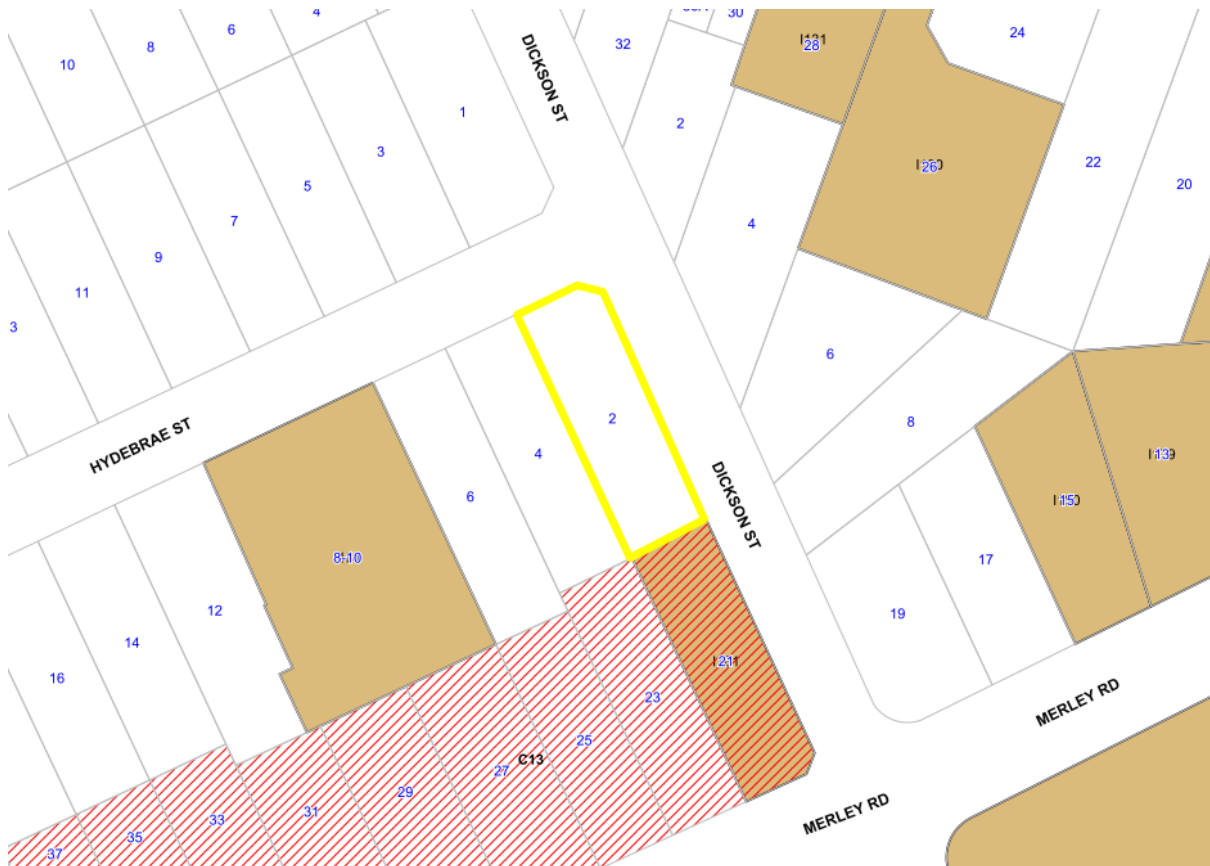


Figure 11. Locality map of the subject site showing Heritage Items and a Heritage Conservation Area



Figure 12. Victorian villa at 8-10 Hydebrae Street (source: Google Maps)



Figure 13. Inter-war bungalow at 21 Merley Road (source: Google Maps)

Background

08 April 2020	The development application was lodged
15 April 2020	A stop the clock letter was issued to the applicant regarding the insufficient cost of works nominated in the application form
29 April 2020	An additional application fee letter was issued
01 May 2020	Assessment Officer carried out site visit
07 May 2020	<p>Additional information letter was issued, raising the following concerns:</p> <ul style="list-style-type: none">• Tree management• Floor space ratio• True north point• Shadow diagram – elevation• Internal ceiling height• Secondary street setback• Primary and secondary street frontage fencing• Balcony• Driveway and existing power pole• Swimming pool• BASIX requirements

19 May 2020 The applicant requested for an extension of the additional information due date by a week

29 May 2020 Additional information provided to Council

Referrals – Internal and External

Traffic

The initial design was referred to Council's Traffic Engineer, who provided the following recommendations:

"The proposed driveway is to be reduced to 5.5m in width as per AS2890.1."

"Plans are to clearly indicate the existing power pole location on Dickson Street, with reference to the new driveway location. As per Council's engineering specifications, driveways are to be no closer than 1.2m from a power pole. Should the existing power pole require relocation as a result of the new driveway, approval must be sought from the energy authority and the associated cost is to be borne by the applicant."

"The proposed driveway is to satisfy the requirements from Tree Section."

The amended plans have been referred back to the Traffic Engineer for assessment, who commented that should the application be approved, a deferred commencement approval must be given subject to approval of the energy authority regarding the relocation of the power pole and other relevant conditions of consent.

Waste

Council's Environmental Project Officer offered no objections to the proposal, subject to conditions of consent.

Stormwater

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

Tree

The application was referred to Council's Tree Management Coordinator, who provided the following comments:

"The applicant has not provided a detailed arborist report and tree management plan from an AQF level 5 qualified arborist."

"This report should be submitted prior to the issue of the development consent."

"The landscape plan is basic and does not provide effective replacement canopy tree planting."

"The above issues should be resolved prior to the issue of the DC."

Amended plans, as a result of an additional information request letter issued to the applicant, were referred back to Council's Tree Management Coordinator for further review. No arborist report and tree management plan were submitted to Council.

Heritage

The application was referred to Council's Heritage Advisor, who provided the following comments:

"The site is adjoining a heritage site which is also part of the heritage conservation area and therefore will need to meet the Objectives a and b of Clause 5.10 Heritage Conservation of the SLEP 2012."

"It will also need to address the relevant section of the DCP – Part P – Heritage – Section 3 Development in the Vicinity of a Heritage Item."

"No Heritage Impact Assessment has been submitted which assesses the full extent of the development on the heritage conservation area and items."

The plans have been amended and referred back to the Heritage Officer, who provided the following further comments:

"...the bulk from the North East elevation will continue to dominate the streetscape and nearby heritage items."

"The fence is also not sympathetic to the period of the surrounding heritage items in the area and will be a modern intrusive element into the streetscape."

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	9.5m	9.04m	Yes
4.4C Exceptions to FSR (Zone R2)	0.575:1 (435.31m ²)	0.59:1 (444.8m ²)	No

Floor Space Ratio

The SLEP 2012 permits a maximum of 0.575:1 (435.31m²) of the site. The initial proposal sought an FSR of 0.63:1 (476m²). The applicant was requested to amend the proposal, satisfying Clause 4.4C of the SLEP 2012.

The amended plans submitted to Council demonstrate a reduced GFA. However, this still exceeds the maximum FSR permitted for the site.

The revised calculations table submitted with the amended plans proposes an FSR of 0.575:1 (436.31m²). However, Council's calculation resulted to 444.8m² of GFA or 0.59:1.

The definition of gross floor area in the SLEP 2012 excludes “*car parking to meet any requirements of the consent authority (including access to that car parking)*”. Council's parking requirements in the SCDP 2005 refer to the Australian Standard for the minimum dimension, which is 2.5m W x 5.4m D. In this instance, Council has provided a generous exclusion of 40m² to the FSR calculation. However, the total GFA still exceeds the minimum required. As a result, the proposed development is not supportable.

Clause 4.6 Variations

No Clause 4.6 variation statement has been submitted. In accordance with Clause 4.6(4)(a)(i) of the SLEP 2012, an application that contravenes a development standard must be accompanied with a written justification. As a result, the proposed development cannot be supported.

Part 5 – Miscellaneous Provisions

Heritage Conservation

The proposal has been identified to be within a Heritage Conservation Area C13 and is immediately adjacent to a heritage item. The provided Statement of Environmental Effects states the following:

“The design of the proposed new dwelling will not have an adverse impact on the heritage integrity of the heritage item and the HCA adjoining the site to the rear. The proposed dwelling complies with the building height and setback requirements and will comprise of materials and finishes that are aesthetically pleasing and that will blend in with the area.”

Note that no Heritage Impact Statement/Report was submitted with the application.

The application was referred to Council's Heritage Officer, her comments are detailed in the DCP section of this report.

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 does not include any significant excavation or 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.

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.

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005

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 NO. 55 – REMEDIATION OF LAND (SEPP 55)

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration.

A review of Council's records of the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

The proposed development includes removal of five trees on the site. Three of which are palm trees, located on the way of the proposed driveway.

The application was referred to Council's Tree Management Officer who commented that an Arborist Report and Tree Management Plan are required to be provided prior to any development consent be issued.

The applicant was ample the opportunity to provide the requested documents by the additional information request letter sent on 07 May 2020. The applicant has failed to submit any of the requested documentation.

In accordance with the above, the proposal cannot be supported.

(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			
Floor Space Ratio:	0.575:1 (435.31m ²)	0.59:1 (444.8m ²)	No
Heights:			
Floor to ceiling heights:	3.0m	3.0m	Yes
Height to underside of eaves:	7.2m	6.6m	Yes
Number of Storeys/Levels:	2	2	Yes
Setbacks:			
Primary Front:	9m	9m	Yes
Side:	1.2m (min)	1.5m	Yes
Side:	1.2m (min)	1.2m	Yes
Combined Side Setback:	3m (20%)	2.7m	No
Rear:	6m	>6m	Yes
Landscaping			

Landscaping/Deepsoil Provisions:	43% (325.9m ²)	43% (327m ²)	Yes
Private Open Space Area:	10m ²	>10m ²	Yes
Minimum dimension:	3m	>3m	Yes
Fencing			
Height (overall/piers):	1.5m (maximum)	1.5m	Yes
Solid Component:	0.7m	0.7m	Yes
Secondary Frontage:	1.8m	1.8m	Yes
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	At least 3hrs	Yes
Vehicle Access and Parking			
Driveway width at Boundary:	3m	5.5m	No
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	N/A	N/A
No. of Parking Spaces:	2	2	Yes
Ancillary Development			
SWIMMING POOL			
Side/Rear Setback	1.0m	1m	Yes

Building Envelope

Floor Space Ratio

As discussed under the Principal Development Standards section of this report.

Combined Side Setback

The SCDCP 2005 requires a combined side setback of 20%, in this case a total of 3m is required. The provided setbacks to the east and west side boundaries are 1.5m and 1.2m, respectively. The provided side setbacks therefore do not satisfy the requirements of the SCDCP 2005.

Landscaping and Open Space

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005.

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 SCDCP 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. While the proposed driveway has 2.5m more in width than the 3m that the DCP requires, Council's Traffic Engineer had provided a comment that the proposed driveway is in accordance with the Australian Standard and acceptable, subject to conditions.

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.

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 of the SCDCP 2005. The pool has been adequately setback from all adjoining boundaries, allowing for screen planting as required. The swimming pool fence/enclosure appears to 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 addresses Part H and considered satisfactory.

PART P – Heritage (SCDCP 2005)

The subject site immediately adjoins a Heritage Item and a Heritage Conservation Area to the south. Part P of the SCDP has not been referenced in the Statement of Environmental Effects, in particular *Section Three – Development in the Vicinity of Heritage Items*.

The application was referred to Council's Heritage Advisor, who provided the following comments:

- The (amended) plans show a reduced height and rear setback. However, the bulk from the North East elevation will continue to dominate the streetscape and nearby heritage items.
- The fence is also not sympathetic to the period of the surrounding heritage items in the area and will be a modern intrusive element into the streetscape.

PART O – Tree Management (SCDCP 2005)

The SCDCP 2005 indicates, under Clause 4.2(a) of Part O, that an Arboricultural Impact Assessment Report and Tree Protection Plan (Tree Management Plan) are required to be provided to Council where there are trees that may be affected by a development. The Assessment Officer's site visit revealed that the property contains several trees that are under the Tree Preservation Order of Strathfield Council. The proposal failed to submit a Survey Plan that shows all existing trees on site was provided to Council. The Existing Site Plan prepared by Y Square Studio, dated 20 May 2020, only shows the five trees that are proposed to be removed.

As previously mentioned, the Arborist Report and Tree Management Plan, as required by the SCDCP 2005, were requested to be provided to Council by the additional information request letter sent on 07 May 2020. These were not submitted.

(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 involves 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 not in keeping with other developments in the locality. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

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

It is considered that the proposed development is not of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments.

(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. One submission was received raising the following concerns:

1. Height

The submission states:

- *“The height of the proposed development design is excessive, blocking views of the sky from a wide variety of nearby properties...”*
- *“The excessive height of the proposed development,..., would leave us feeling as if we lived in a canyon, which would significantly contribute to a claustrophobic atmosphere for us and future residents of 4 Hydebrae Street.”*
- *“The overall appearance of the proposed development,..., dwarfs both the mass of modern neighbouring properties and in particular the residence on 4 Hydebrae Street, and would place an unreasonable constraint on us or any future owners of 4 Hydebrae Street to redevelop our property in the future. Such constraints would adversely impact the value of our property.”*

The proposed development has been measured to have a height of 9m, which is 0.5m lower than the maximum permissible 9.5m building height for the site. Further, the Assessment Officer is of the opinion that there is no view that requires Planning consideration that the new dwelling will block.

Note that the value of a property is not a matter for consideration that Council looks into when doing assessment.

2. Overshadowing

The submission states:

- *“Loss of sunlight for general health reasons...”*
- *“Loss of sunshine required to dry clothes on the clothesline located in our back yard,...”*
- *“...all natural light into the sunroom at the rear of the property and dining room would be inadequate to provide sufficient lighting.”*

The submitted shadow diagrams demonstrate that sufficient solar access can be achieved by the neighbouring property – 4 Hydebrae Street. The lot orientation of the subject site suggests that sufficient sunlight can be achieved by the western neighbour.

3. Proposed water tank

The submission states:

- *“The 30,000-litre water tank is proposed to be placed in a position which is immediately opposite our front door.”*
- *“We object to the lack of consideration given to the proposed water tank, its position and size. We are concerned that when the tank is full that water will overflow onto our property causing damage.”*

Note that the proposed rainwater tank is 3,000 litres and not 30,000 litres, as indicated in the submission. The location of the water tank is away from the public's view, which is encouraged by Council.

The proposed rainwater tank will be connected to the existing stormwater drainage for any overflow.

4. Visual privacy

The submission states:

- *“Loss of privacy to the residents of 4 Hydebrae Street arising from windows on the boundary side with our property proposed for the second storey would be very material, unreasonable and unacceptable.”*

The south west elevation of the proposed dwelling house is the nearest to 4 Hydebrae Street. It is recognised that four windows on the elevation are next to the first floor living room and the stairway. See Figure 14 below. The areas next to the windows are considered of high activity use that can cause overlooking to the neighbouring property. Should the proposal be supported, the windows will be needed to be obscured or amended to highlight windows.

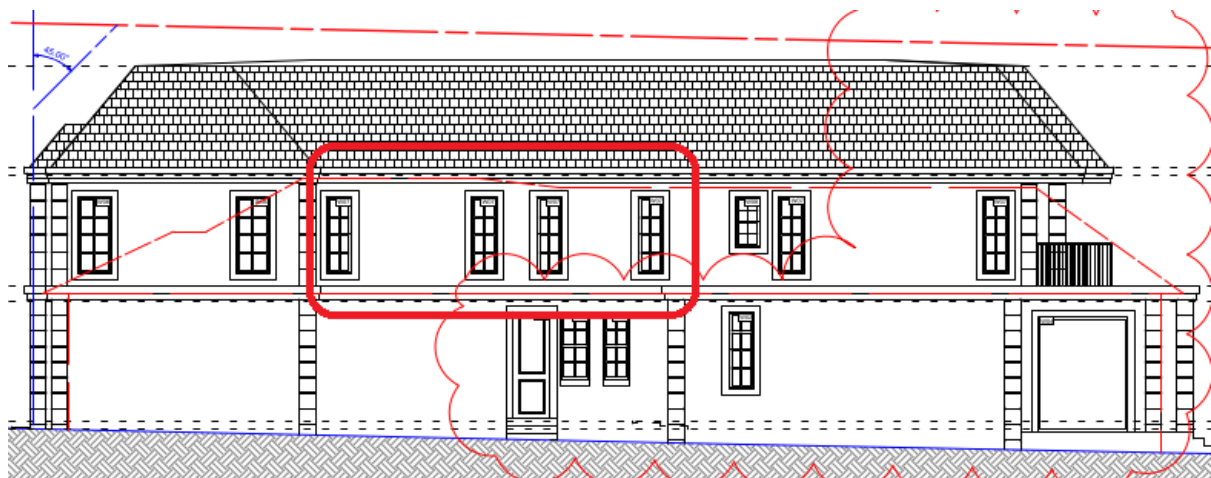


Figure 14. South west elevation of the dwelling house

5. Inadequate landscaping information

The submission states the following:

- *“The proposed plans do not provide details of what trees or other plants will be planted near the boundary with our property at 4 Hydebrae Street.”*
- *“There is no description of the types of trees or plants nor any details about the size of the proposed trees and/or plants once fully grown...”*

The submitted landscape plan prepared by Studio Botanica, dated 10 March 2020, includes information about the type of trees and plants to be planted along the western boundary as well as their pot and mature sizes.

(e) the public interest.

Following the assessment above, the proposed development is of a scale and character that conflicts with the public interest.

Local Infrastructure Contributions

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

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

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

Section 7.12 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan, should it be supported.

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 the assessment, it is considered that Development Application No. 61/2020 should be refused.

Signed: 
PS
Development Assessment Planner

Date: 22 July 2020

☒ 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: **L Gibson**
Senior Planner

Date: 22 July 2020

REFUSAL REASONS

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

1. The application is considered not acceptable 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 Clause 1.2 of the SLEP 2012, in particular Subclauses (2)(a) and (f).
2. The application is considered not acceptable under the provisions of S4.15(1)(a)(i) of the EP&A Act in that the proposed development fails to satisfy the floor space development standard – Clause 4.4C of the SLEP 2012.
3. The application is considered not acceptable under the provisions of S4.15(1)(a)(iii) of the EP&A Act in that the proposed development fails to satisfy Part P of the SCDCP 2005, in particular Section Three – Development in the Vicinity of Heritage Items.
4. The application is considered not acceptable under the provisions of S4.15(1)(a)(iii) of the EP&A Act in that the proposal fails to satisfy Part O of the SCDCP 2005, in particular Clause 4.2(a), requiring an Arboricultural Impact Assessment Report and Tree Protection (Management) Plan where trees may be affected by a development.
5. The application is considered not acceptable under the provisions of S4.15(1)(a)(iii) of the EP&A Act in that the proposal fails to satisfy the minimum Side and Rear Setbacks development controls under Part A of the SCDCP 2005.
6. The application is considered not acceptable under the provisions of S4.15(1)(b) of the EP&A Act in that the proposal is considered to have adverse impacts to the locality's built and cultural environments.
7. The application is considered not acceptable under the provisions of S4.15(1)(c) of the EP&A Act in that the proposal is of a scale and design which is not suitable for the site.
8. The application is considered not acceptable under the provisions of S4.15(1)(d) of the EP&A Act in that the proposal has failed to consider the windows to the high use activity area on the first floor that may overlook onto the immediate neighbour, which causes a visual privacy concern.
9. The application is considered not acceptable under the provisions of S4.15(1)(a)(e) of the EP&A Act in that the proposal fails to satisfy the relevant development standards of the SLEP 2012 and development controls of the SCDCP 2005.