



Item 38

Strathfield Local Planning Panel Meeting

Proposed Multi-Dwelling Housing

33 Mackenzie Street Homebush

2 December 2021



33
MACKENZIE STREET
HOMEBUSH

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We refer to Item 38 of the Strathfield Local Planning Panel (SLPP) Agenda dated 2 December 2021 and make the following comments on issues set out in the Council Officers report that we disagree with.

Building Height

The proposed upper floor is predominately within the roof form, and complies with the statutory LEP height control of 9.5m and is not constrained by any additional supplementary height restrictions prescribed in Appendix 1 of Strathfield Consolidated DCP 2005 (SCDCP 2005) that was reviewed, adopted by Council on 1 September 2020 and came into force on 8 September 2020.

On page 185 of the planning report before you, specifically Part C Discussion, it incorrectly references 40 Bates Street as a two-storey town house development. We refer to the original planning report, architectural floor plans, SP 81021 and the current controls where the development is clearly defined as a 3-storey development in the same precinct. The above ground basement and additional two levels of habitable floor area that includes two bedrooms and a bathroom to each dwelling on the upper third floor, generates a 3-storey development in the immediate R3 Medium Density Residential zone context.

Further point 4 in the reasons for refusal incorrectly states there is a breach to the maximum height provision. The proposed development strictly complies with the SLEP 2012 building height control and is supported by both *Figure 3 and Figure 5* in the SCDCP 2005 and the absence of any further height control in Appendix 1 of the SCDCP 2005.

Development at 31 Mackenzie Street Homebush was limited in height to minimise any potential adverse shadow cast that would restrict and potentially sterilise the development potential at 40 Bates Street and 33 Mackenzie Street Homebush pursuant to comments made in Council's planning report dated 5 June 2001 for this approved development.

There is no breach to Appendix 1 of the SCDCP 2005, as no supplementary height restrictions are applicable to this site. With reference to *Figure 3 and Figure 5: An example of a solution to the building envelope*, there are two illustrations that clearly demonstrate the proposed development is consistent with the allowable envelope controls permitted under SCDCP 2005. It is noted the upper floor is predominately concealed within the roof form of the building and generally presents as a two-storey development through a carefully considered architectural design that has avoided the use of dormer windows to the northern and southern elevations despite being permissible under SCDCP 2005.

Streetscape

With reference to the photomontage the proposal enhances the streetscape through the high quality sophisticated urban design and use of varied high-quality material is congruent with objectives A, B & C of the streetscape control under subclause 2.5 of the SCDCP 2005. The proposal retains the existing Brush box street tree that will

soften any perceived visual impact from the slender bult form when viewed from the public domain. The upper floor has no horizontal window elements that disguise the apparent existence of the upper level when viewed from the street and presents detailed decorative dry-pressed brick work that adds interest and enhances the streetscape.

The flat facade design rejected by Council officers is clearly illustrated as permissible in *Figure 3* of the SCDCP 2005. Both figures illustrate what can be achieved on all multi-unit sites where there is no breach to any height control. No such breach exists as the site strictly complies with the SLEP 2012 building height standard of 9.5 metres.

In terms of massing the proposed development provides an additional 47% landscape area and the footprint is compliant as setbacks and the built form have been designed to conform with the provisions of SCDCP 2005 building envelope control. The upper level is predominantly located within the roof form and the additional floor space within the roof form meets the objectives of the SLEP 2012 by providing larger townhouses greater than 120 square metres in the R3 zone precinct and therefore delivering a variety of housing in the R3 zone. We note the adjoining sixteen (16) townhouse development at 31 Mackenzie Street provides housing that is typically only 3 bedrooms and approximately 100 square metres internally (refer to Appendix 1). The proposed development provides a variety of housing to the precinct and is consistent with the statutory height and objectives of the R3 zone. This is extensively addressed in the clause 4.6 submission that accompanies the application.

FSR

The site and precinct are not currently (or previously) subject to a statutory numeric FSR standard where it is noted the SLEP 2012 was subject to community workshops, expert reports, an extensive public exhibition and community consultation process.

The most recently approved development in the precinct at 40 Bates Street Homebush supports an FSR of up to approximately 1.1:1. Building height subsequently restricted gross floor area at 31 Mackenzie Street Homebush due to the adverse shadow cast to the remaining isolated sites at 33 Mackenzie Street Homebush and 40 Bates Street Homebush as noted in the planning report in 2001. It is critical to note the corresponding site to the subject proposal at 40 Bates Street has been developed to a higher FSR and provides guidance as to what density is acceptable in the R3 zone in the absence of a statutory numeric control.

Minimum Lot Size

This matter was addressed in the amended clause 4.6 previously submitted to Council on 27 October 2021.

Council's Suggested Alternate Use - Dual Occupancy Development

Further, we add with reference to Clause 2.5 *Additional permitted uses for particular land* of the SELP 2012 reference is made to *Schedule 1 Additional permitted uses*:

1 Use of certain land at Greenacre

(1) This clause applies to land at Greenacre, identified as "Item 1" on the Additional Permitted Uses Map.

(2) Development for the purpose of a dual occupancy is permitted with development consent.

In referring to Additional Permitted Uses Map - Sheet APU_003 of the SLEP 2012 it is clear the only area to which dual occupancies are developed in the Council is in the R2 low density zone bounded by this map. There are recent examples of dual occupancy development in the R2 zone including Sylvanus Street, Pomona Street and Hebe Street Greenacre due to the fact the lot sizes of these blocks typically range from 601-604 m² and are eligible for a maximum FSR of 0.6:1 with reference to *Clause 4.4C Exceptions to floor space ratio (Zone R2) of the SLEP 2012*.

We agree with Council's comment on page 173 of the SLPP report that dual occupancy development in Greenacre has achieved a density greater than 0.5:1 as with reference to Clause 2.5 and 4.4C of the SLEP 2012 permit this exceedance. That is, the FSR mapped in the SLEP 2012 will always supersede any relevant FSR identified in the SCDCP 2005. Conversely, in the instance of 33 Mackenzie Street Homebush, as there is no FSR standard applicable to the site in the SLEP 2012 mapping instrument, the FSR control in Part B of SCDCP 2005 will take effect should a dual occupancy development be elected. Therefore, a maximum FSR of 0.5:1 is applied that equates to a lower density for the same site area in an R2 low density.

Irrespective of the density limit the mere fact development of dual occupancy is only being carried out in an R2 zone in the Council area is further evidence to our position that a dual occupancy development does not constitute a form of medium density development and the statutory objectives of the R3 medium density zone will be defeated or thwarted. Conversely, no examples of dual occupancy development in the R3 zone can be located in the Council area recently

This is further evidence the statements made by Council in the assessment report below on pages 179 and 183 respectively are clearly flawed,

"A high quality dwelling house or dual occupancy could be achieved that is compliant with all relevant SLEP and SDCP controls", and

"The subject site is currently occupied by an existing dwelling house and, as this report asserts, could be improved with a higher-density residential development such as a dual occupancy"

Clearly, these statements are incorrect and generally form the basis for the Council recommendation for refusal as neither a single dwelling house or dual occupancy would constitute medium density development and therefore the objectives of the R3 medium density zone will be defeated or thwarted.

Roof Design

The mansard-style roof responds to the SCDCP 2005 controls and is permitted and encouraged by Council's policy controls and is compatible with the adjoining roof styles in the R3 zone including 31-33 Mackenzie Street and 40 Bates Street Homebush. In also considering the surrounding R2 zone, reference is made to subclause 2.2.1 Streetscape Presentation of PART A of SCDCP 2005 Dwelling Houses and Ancillary Structures where it is stated,

“Historically, roofs in Strathfield were nearly always pitched (sloping): either pyramidal, or hipped and gabled. Architectural elements such as bay windows, and gables are important design details and add visual interest, thereby enriching the architectural character of Strathfield”

Side Setbacks

We do not agree with Council's side setback assessment and reference: the SCDCP 2005 control and objectives, the side setback next door (2 metre southern setback on Strata Plan 73064) and the setbacks permitted under Part A and Part B of the SCDCP 2005. Subclause 4 ii) supersedes subclause 4 i) as the development is two or more storeys and setbacks are governed by the building envelope and the objectives of the setback controls have been met in subclause 4. Regardless, any strict application of the 4m side setback would be unreasonable on a 15m frontage as this control is assumed to apply for wider blocks in excess of 30m (or 26.67% combined). The proposed setbacks are 40-50% of the site frontage, proposing combined side setbacks of 6-7.5m at ground floor and 7m at level 1. In comparison a dual occupancy only requires 900mm up to 3m in height (or 11.8% combined) and 1500mm above 3m (or 19.68% combined) to the upper floor with reference to Part B of SCDCP 2005. Further, in considering development in the surrounding R2 zone a single dwelling only requires a combined side setback of 20% or minimum 1.2m each side with reference to Part A of SCDCP 2005. The proposed slender built form offers a better planning outcome that minimises any perceived bulk and mass where 40-50% of the site is allocated as side setbacks.

South Elevation

The south elevation provides sufficient modulation and articulation where the ground floor walls are staggered and the first floor provides further vertical modulation by setting back the first-floor building wall by 1 metre that reduces potential impacts of bulk and massing. Design elements such a window cowls/boxes add interest and articulation to the facade and also restrict opportunities for overlooking into the private open spaces of dwellings to the south in the R2 zone. The use of a variety of materials including high quality dry pressed brickwork ensure a blank face elevation is not presented when viewed from the south.

Further, it important to note the upper level is entirely concealed within the roof form when viewed from the south elevation and the setbacks are considerably more generous when compared to side setback controls of a single dwelling or dual occupancy development. It is noted existing trees and vegetation will provide

adequate screening of the development and window boxes restrict any opportunities for viewing. Any further potential adverse privacy concerns can be addressed with a suitable condition of consent requiring obscure glass to a prescribed height.

Swept Paths

An updated swept path set has been submitted to Council and uploaded on the Planning Portal demonstrating all eight (8) resident and additional one (1) visitor car space can enter and exit their designated car spaces in a forward direction.

Basement Design

The insignificant umbrella tree, vegetation and protection of adjoining properties can be addressed with a suitable condition of consent requiring protection of these assets. The basement has been designed to comply with SCDCP 2005 controls and Australian Standards and is consistent with the basement setbacks and footprint of the townhouse development at 31 Mackenzie Street.

Further, comment within the planning report with respect to protection of roots to the umbrella tree at 5 Badgery Avenue Homebush is unsubstantiated as a large underground OSD tank already exists within the property at 33 Mackenzie Street directly adjacent to the tree (refer to site survey) and a full-length concrete driveway already exists along the southern boundary fence line.

Suitable conditions of consent can be imposed with respect to protection of assets on adjoining properties including measures to protect trees and vegetation. This may include the preparation of an arborist report, a geotechnical report recommending a suitable shoring wall design to protect neighbouring properties and a pre-dilapidation report to be issued to certifying authority prior to issue of CC.

Acoustic Design

The potential acoustic issue only relates to two bedrooms that can be addressed with a suitable condition of consent requiring compliance with Australian Standards prior to issue of the CC through the provision and compliance with an acoustic report. We reject the Council's claim that the wall treatment of two ground floor bedroom walls provides further indication of an overdevelopment of the site.

Front Fence

The solid brick fence proposed is consistent with SCDCP 2005 and is setback 1.5 metres per Council's controls and aims to protect the amenity of the private open space of town house 1 including the security and privacy of the area. The fence includes dry-pressed face brick material that is consistent with the architecture of the development and is compatible with the adjoining solid fence design at 31 Mackenzie Street Homebush. I have been advised that the wall height ranges

from 1.7m at the northern end to a maximum of 1.95m adjacent to the driveway due to the cross fall of the site. We are agreeable to a maximum wall height of 1.8m to be imposed as a condition of consent.

Streetscape Analysis

With reference to the streetscape analysis elements in Appendix 2 of the SCDCP 2005 ALL elements have been considered, addressed and satisfied.

The mature Brush Box Street is retained and continues to form a framed vista in the street maintaining the quality and character of the street. The 9m front setback has been maintained and side setbacks for the proposed development comply with the DCP envelope control and will be significantly larger in comparison to a dual occupancy or single dwelling development. The front boundary fence has been addressed above where the landscape area is 47% above the minimum requirement supporting the building footprint. The bulk and mass are supported with reference to strict compliance with the SLEP 2012 and SCDCP 2005 controls. With reference to Appendix 2 of the SCDCP 2005 it is clearly stated,

“Roof forms should relate to those in the adjoining neighbourhood in style and pitch”

The streetscape analysis refers to the word ‘*should*’ and not ‘*must*’, and adopts the word ‘*relate*’ and not ‘*be identical*’.

The proposed roof form clearly relates to the adjoining neighbourhood in style and pitch and adopts a roof form related to 31 Mackenzie Street and 40 Bates Street Homebush, all located within the R3 medium density zone.

Reasons For Refusal

1. Disagreed, refer to discussion above.
2. Disagreed, refer to discussion above.
3. Disagreed, refer to discussion under headings Swept Paths and Basement design.
4. Disagreed, refer to discussion above and Clause 4.6 submission. There is no breach to maximum building height provision as incorrectly stated in Council report for this reason for refusal.
5. Disagreed, refer to under heading Basement design. This matter can be resolved with standard conditions of consent.
6. Disagreed, refer to discussion above.
7. Disagreed, refer to discussion under headings Front Fence and Streetscape Analysis.
8. Disagreed, refer to under heading Acoustic Design. This matter can be resolved with standard conditions of consent.
9. Disagreed, refer to discussion under headings Swept Paths.
10. Disagreed, refer to under heading Basement Design. This matter can be resolved with standard conditions of consent.


11. Disagreed, refer to discussion above. Please note any additional privacy concerns can be resolved with standard conditions of consent requiring obscure glazing to a prescribed height.
12. Disagreed, refer to discussion above.
13. Disagreed, refer to discussion above and amended clause 4.6 submission.

In our view, the proposal reconciles the site existing opportunities and constraints into a solution that warrants your approval.

Yours sincerely,



Allan Caladine
Town Planning Consultant

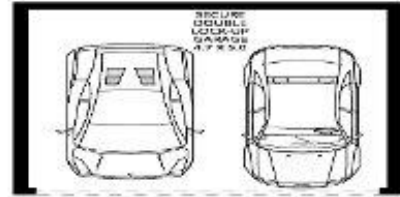
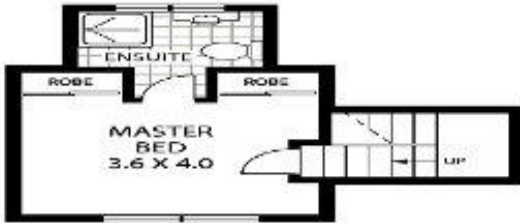
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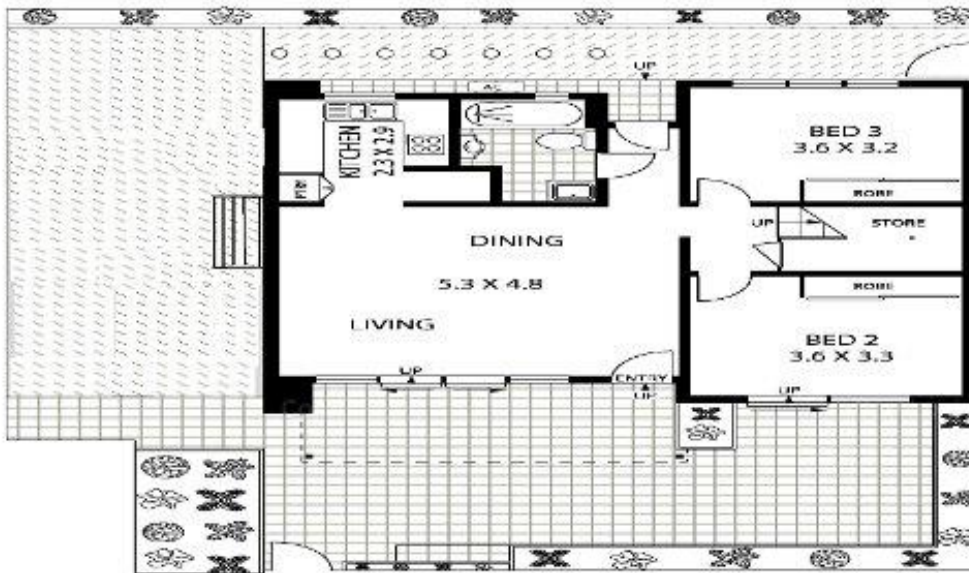
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APPENDIX 1



TOP FLOOR



GROUND FLOOR

Area: 195 SQM (INCLUDING COURTYARD)
Total Area: 221 SQM (INCLUDING LOCK UP GARAGE)



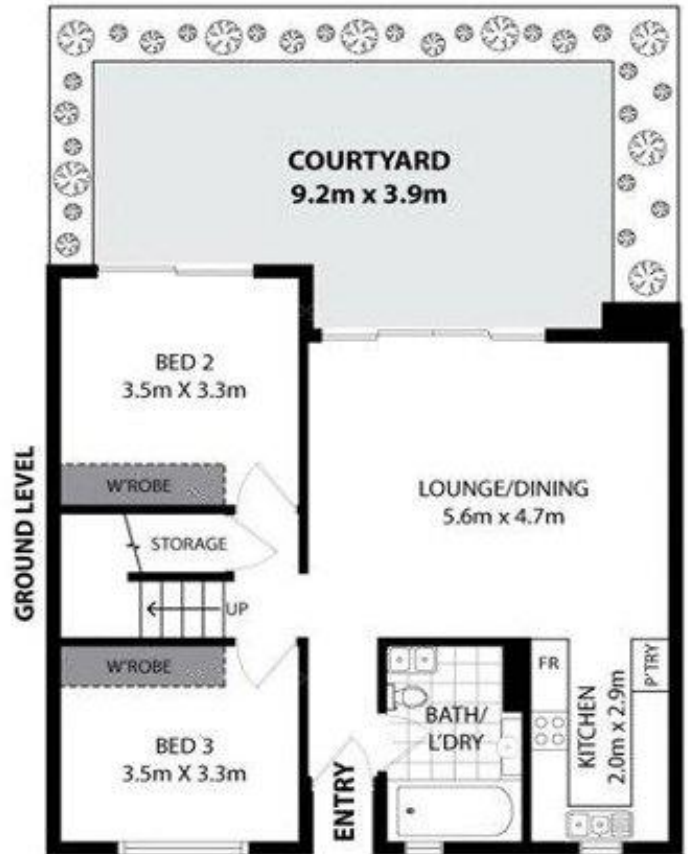
12/31-33 MACKENZIE STREET

HOMEBUSH



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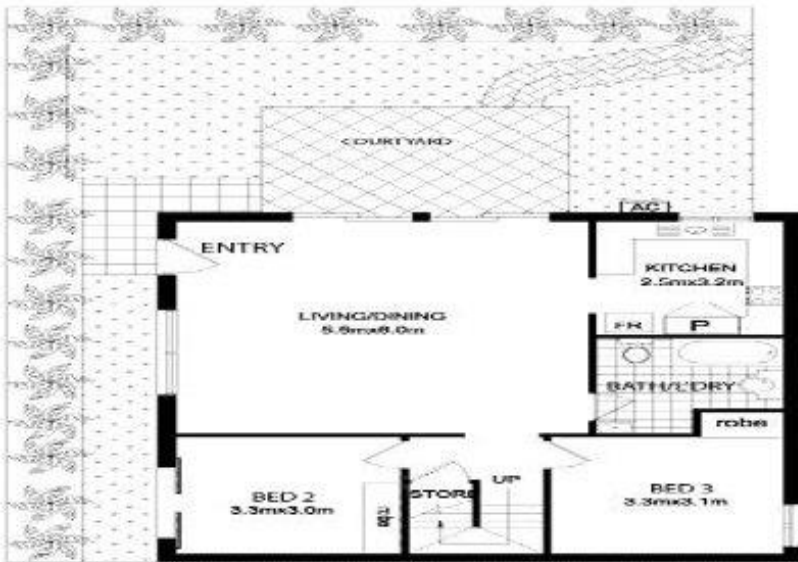


13/31 MACKENZIE ST, HOMEBUSH Floorplan by Only Real Estate Ph: 1300 760 390

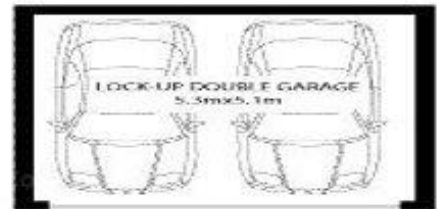
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Jul 13



FACING STREET



GROUND FLOORPLAN



BASEMENT



UPPER LEVEL

16/31 MACKENZIE STREET, HOMEBUSH

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