

**JOINT REGIONAL PLANNING PANEL
Sydney East**

JRPP No	2010SYE103
DA Number	600/2010
Local Government Area	City of Canada Bay Council
Proposed Development	New multi-storey mixed use building comprising 3 basement levels for parking, ground floor commercial and 8 storeys of residential apartments
Street Address	29-33 Cooper St & 9 Hilts Rd, Strathfield
Applicant/Owner	Al Maha Pty Ltd
Number of Submissions	3
Recommendation	Refusal
Report by	Edna Sorensen

Assessment Report and Recommendation

Development Assessment

ADDRESS: 29 - 33 Cooper Street and 9 Hilts Road STRATHFIELD 2135

APPLICATION NO: 600/2010

PROPOSAL: Construction of a multi-storey mixed use building comprising three (3) basement levels for parking, ground floor commercial and eight (8) storeys of residential apartments.

SUMMARY

Date Lodged:	19/11/2010
Name of Applicant:	Al Maha Pty Ltd
Name of Owner:	Mr R Lee
Cost of Development Stated:	\$14, 533560.00
Cost of Development against Cordell's: Consistent	

Date Notified: 9/12/2010
Date Additional Information Requested: N/A
No. of objections submitted: 3
Issues, including those matters raised by objectors:

- Building Height/Number of Storeys
- Overshadowing/Solar Access
- Communal Open Space
- FRS/Density
- Waste Bin Collection

Recommendation

On considering those matters contained in section 79C of the Environmental Planning and Assessment Act relevant to the application it is recommended that the proposed development be Refused.

REPORT

1 BACKGROUND

DA 600/2010 was lodged on the 19 November 2010 and notified for a period of fourteen (14) days. To date three (3) submissions have been received from stakeholders.

Following a preliminary review of the proposed development, Council wrote to the applicant on 12 January 2011 requesting withdrawal of the application as it would not be supported in its current form for the following reasons:-

- In response to the SEPP 1 Objection, prepared by BBC Consulting Planners and dated November 2010, Council does not accept that it is unreasonable and/or unnecessary to strictly apply the floor space ratio and maximum height/number of stories in this instance.
- The proposed floor space ratio and number of stories will result in a built form which exceeds the controls of the Strathfield Triangle DCP and is also non-compliant with the current planning proposal to incorporate the Strathfield Triangle into the Canada Bay LEP 2008 and the Draft Strathfield Triangle DCP

On 14 January 2011, the applicant advised in writing that it will not withdraw the application and requested the application be determined in its current form.

The applicant also indicated a willingness to enter into a Voluntary Planning Agreement (VPA) under Section 93F for the additional height and FSR proposed for the site. Council advised the applicant that it has no intention to enter into a VPA as the proposal in its current form cannot be substantiated on planning merits due to the issues outlined in this report.

As the Joint Regional Planning Panel is the consent authority for the application, a briefing meeting was held on the 2 March 2011. Council staff provided a presentation of the proposed development, its key elements and the planning controls that affect it, including an overview of issues of concern and the submissions received. Further, commentary on the assessment process and timing for the submission of this report to the Panel were outlined. Council also advised the Panel that it would be recommending refusal of the application.

2 THE SITE AND ITS CONTEXT

The site is located on the corner of Cooper Street and Hilts Road, Strathfield. The site is known as Nos. 29-33 Cooper Street and No.9 Hilts Road and is rectangular in shape. The site consists of four allotments being:

- Lots 1 and 2 in Deposited Plan 315233;
- Lot E in Deposited Plan 309091; and
- Lot 2 In Deposited Plan 1105697

The subject site has total area of approximately 1795sqm, a frontage to Cooper Street to the south of approximately 39.6m, a frontage to Hilts Road to the east of approximately 45.9m and falls from east to west and from north to south by between 500mm and 1.5m.

Currently situated on the site are 4 free standing single storey dwellings and associated garages, driveways and landscaping including a number of trees. Three of the dwellings face Cooper Street and are vacant. The fourth dwelling faces Hilts Road and has development consent to be used a temporary office until 30 April 2012 (DA167/2009).

The site is located in Precinct F of the Strathfield Triangle Development Control Plan (STDCP). The precinct contains the following development:

- 39 Cooper Street - two buildings with ground floor commercial and eight storeys of residential above and basement car parking. This site contains four affordable housing units which are owned and operated by the City of Canada Bay.
- 4-14 Parramatta Road - three one to two storey buildings which are utilised for automotive repairs and services. The Joint Regional Planning Panel approved DA 217/2010 on 9 February 2011 for the demolition of the existing structures and construction of mixed used development with ground floor commercial, 75 residential apartments and basement car parking with 105 car spaces
- 16-24 Parramatta Road - under construction are three residential flat buildings including: six storey building with ground floor commercial and residential above; nine storey residential building and four storey residential building with basement parking.
- 1-5 Hilts Road - five storey residential flat building with basement car parking.

The following developments surround the subject site.

Development to the north

The site to the immediate north at 39 Cooper Street contains two buildings with ground floor commercial and eight storeys of residential above and basement car parking. This development contains four affordable housing units (DA55/06 and 549/07).

To the north-east at 16-24 Parramatta Road is a development currently under construction (DA118/03) for three residential flat buildings including a six storey building with ground floor commercial and residential above; a nine storey residential building and a four storey residential building with basement parking. Access to this development is via an access handle off Hilts Road to the immediate east of the subject site. The access handle has an approved four storey building above set to the boundary to the subject site.

To the north-west of the subject site is another nine storey mixed use development at No.44-50 Cooper Street (DA651/07) which comprises a ground floor commercial area, basement parking and residential above.

Development to the east

To the immediate east of the subject site is the access handle to 16-24 Parramatta Road. On the eastern side of the access handle at 1-5 Hilts Road which is a five storey residential flat building (DA379/03).

Development to the south

Immediately to the south of the subject site is Hilts Road. On the southern side of Hilts Road at Nos. 8-14 are single storey dwellings. Under the current Strathfield Triangle Development Control Plan 2002 (STDCP 2002) these dwellings are located within Precinct D and 4 - 6 storey residential flat buildings are permitted. However, under the Strathfield Triangle Draft Planning Proposal and Draft Development Control Plan, these sites have been identified as land required for acquisition for a public park.

Development to the west

Adjoining the subject site to the west is Cooper Street. On the western side of Cooper Street are single storey dwellings known as 32 - 42 Cooper Street. Development Application No. 272/2005 for demolition of the dwellings on 38 - 42 Cooper Street and construction of a 7 storey residential flat building containing 34 units with 2 levels of basement carparking was granted development consent on 21 October 2005 and a Construction Certificate for these works was issued on 20 October 2010. Development Application No. 182/2008 was approved by Council on 20 October 2008 for a 9 storey building containing 41 residential units, two commercial tenancies, outdoor dining area and 45 car parking spaces within 3 basement levels of car parking on 32 - 34 Cooper Street.

3 PROPOSED DEVELOPMENT IN DETAIL

The Statement of Environmental Effects by BBC Consulting Planners, dated November 2010 submitted with the application listed the following key features of the proposal:

- Demolition of the existing structures on the site
- Excavation for three basement car parking levels
- Erection of a mixed use development containing the following:
 - 71 residential apartments comprising 13 x 1 bedroom apartments, 56 x 2 bedroom apartments and 2 x 3 bedroom apartments
 - Retail/commercial space containing 328.3sqm of gross floor area
 - North facing common open space at the north-eastern corner of the site containing landscaped private open space
 - Car parking for 95 vehicles for residents, visitors and commercial visitors provided over three basement levels and accessed via a driveway of Hilts Road
 - Pedestrian access from Hilts Road
 - Separate garbage rooms for the commercial component and the residential component
 - Garbage collection bay for commercial waste is located in the north-western corner of the ground floor
 - Facilities for on-site detention of stormwater in a tank within the basement car parking levels
 - Comprehensive landscaping
- Consolidation of the four existing allotments; and
- Strata subdivision of the proposed commercial floor space and residential apartments

It is noted that the architectural plans indicate a total of 89 car spaces and not 95 as listed above. The Traffic Report also makes reference to 89 car spaces.

4 PUBLIC SUBMISSIONS

In accordance with Council's Notification Development Control Plan, adjoining and nearby property owners and occupiers were advised of the proposal and invited to comment. The notification generated three submissions objecting to the proposal.

Submissions Received from Adjoining/Nearby Property Owners/Occupiers:

Submitter	Objection/Issue Raised	Outcome/Comments
Jack Zhu - resident of 1-5 Hilts Road, Strathfield, NSW	Increased traffic and noise due to commercial component, reduced air flow, height of building, development not in the interest of the	The application is recommended for refusal on grounds of excessive building height and FSR, Inadequate solar access, inadequate level of

	local community	communal open space and overshadowing.
Yuwen Chen, 11/1-5 Hiltz Road, Strathfield, NSW	Too many high rise buildings in the area already, overshadowing, reduced air flow, development not in the interest of the local community	The application is recommended for refusal on grounds of excessive building height and FSR, Inadequate solar access, inadequate level of communal open space and overshadowing.
West Side Management Pty Ltd, Po Box 151, Yagoona, NSW	Increased traffic and noise due to commercial component, reduced air flow, height of building, development not in the interest of the local community	The application is recommended for refusal on grounds of excessive building height and FSR, Inadequate solar access, inadequate level of communal open space and overshadowing.

5. ASSESSMENT UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

5.1 Environmental Planning Instruments (Section 79C (1) (a) (i & ii))

5.1.1 *State Environmental Planning Policies*

The proposed development is subject to the following State Environmental Planning Policies.

State Environmental Planning Policy No. 1 – Development Standards (SEPP 1).

The applicant has lodged an objection to the development standards relating to floor space ratio contained in the Concord Planning Scheme Ordinance (this is discussed in further detail under Section 5.1.2 of this report)

State Environmental Planning Policy No. 55 (SEPP No. 55) Remediation of Land.

According to clause 7 of SEPP No. 55 Council may not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out.

The applicant submitted an Environmental Site Assessment, prepared by Aargus, Ref: ES3624/2 and dated October 2010. The report is prepared based on commercial/industrial HIL 'D' criteria and not 'B' high density residential criteria.

The report was referred to Council's Health and Environmental Officer who advised that, as the proposal is for residential development with some commercial, the report needs to be prepared with the HIL 'B' criteria in mind and not the HIL 'D' criteria.

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Buildings

The provisions of State Environmental Planning Policy No. 65 (SEPP No. 65) affect the proposed development being a residential flat building of 3 or more storeys. Currently there is no Urban Design Review Panel constituted for Council under the provisions of SEPP 65. However, the proposed development has been assessed against the principles set out in SEPP 65, and the associated Residential Flat Design Code to that SEPP.

Clause 30(2) of SEPP 65 requires residential flat development to be designed in accordance with the design quality principles in Part 2 of SEPP 65. Following is an assessment of the proposal against the ten (10) design quality principles outlined in SEPP 65.

Principle 1: Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

Comment: The Strathfield Triangle precinct has undergone a transition over the past decade from industrial and low density residential into medium to high density residential developments with ancillary commercial components.

The proposed development comprises commercial at ground floor with 8 storeys of residential development above totalling nine storeys. The proposed form, design, materials and finishes are generally consistent with development recently built/approved/currently under construction in the Strathfield Triangle. However, the proposed building height is substantially inconsistent with the height envisaged for the subject site being a maximum of 3-4 storey stepping up to 5 storeys at the corner of Cooper Street and Hilts Road under the STDCP 2002 or the maximum building height of five storeys under the Strathfield Triangle Draft Planning Proposal and Draft Development Control Plan. It will therefore compromise the desired future character and urban pattern of the Triangle with higher built forms located along the railway corridor and Parramatta Road with lower forms towards the centre.

Principle 2: Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

Comment: The proposed development comprises 9 storeys. This is inconsistent with the prescribed building envelope for the subject site being 3-4 storeys stepping up to 5 at the corner of Cooper Street and Hilts Road prescribed in the STDCP 2002 and the 5 storey maximum building height prescribed in the draft Planning Proposal and DCP.

The proposed development would result in a substantially different height and density of development to that identified for the site having an adverse impact on the overall desired future character of the Strathfield Triangle.

On the southern side of Hilts Road at Nos. 8-14 are single storey dwellings. Under the Strathfield Triangle Draft Planning Proposal these sites have been identified as land required for acquisition for a public park as it is centrally located within the Strathfield Triangle and will receive satisfactory solar access during mid-winter. The proposed height will result in unreasonable levels of overshadowing to the envisaged public park.

Principle 3: Built form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Comment: STDCP 2002 outlines that buildings in the centre of the Strathfield Triangle are to be predominantly 4 storeys in height. The objective is to protect residential and on-street amenity. The height and FSR of the proposal is inconsistent with the desired future character of the Strathfield Triangle on grounds that it does not ensure that the centre of the Triangle comprises lower buildings with taller buildings located towards the edges. This will result in the objectives of the STDCP 2002, the draft DCP and the draft Planning Proposal being compromised and undermined and obscure views towards the centre of the Triangle from the upper levels of the buildings at No.39 Cooper Street and along Parramatta Road.

Principle 4: Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density.

Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

Comment: The Concord Planning Scheme Ordinance sets down a maximum floor space ratio for Precinct F of 2.5:1. The proposed development will result in an FSR for Precinct F of 3.0:1 excluding the additional gross floor area, which was subject to the s93F agreement at 39 Cooper Street, Strathfield. When this additional floor space from No.39 Cooper Street is included, the overall FSR for Precinct F will be 3.31:1.

The STDCP 2002 prescribes a maximum building height for the subject site of 3-4 storeys stepping up to 5 storeys on the corner of Cooper Street and Hilts Road. The proposal will have a building height of 9 storeys.

The proposed variations to the maximum number of storeys and FSR would result in a substantially different height and density of development to that envisaged for the site under Council's current and draft controls.

Principle 5: Resource, energy and water efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

Comment: The proposal will incorporate energy saving measures such as solar energy generation (75sqm of photovoltaic panels), energy efficient hot water systems, water saving devices, basement light sensors and timers.

A BASIX Certificate has been submitted in support of the development.

The proposed development fails to comply with natural cross ventilation and direct sunlight to the required number of dwellings provisions of the Residential Flat Design Code (see table below for further details).

Principle 6: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character. Landscape design should optimise usability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

Comment: New canopy planting is proposed to the road reserve/footpath to Cooper Street and Hilts Road with planter boxes proposed within both the Cooper Street and Hilts Road setbacks. Canopy trees, hedges and grassed areas are proposed to the communal open space in the north-eastern corner of the site.

Council's City Assets engineer commented that planter boxes within the street frontage setbacks are set higher than ground level and are not acceptable.

Principle 7: Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility

Comment: The STDCP 2002 prescribes that taller buildings are to be located along the edges of the Strathfield Triangle with lower buildings towards the centre.

The proposed non-compliant 9 storeys building height will create adverse amenity impacts. It will also create unreasonable overshadowing to the site at Nos. 8-14 Hilts Road identified as land required for acquisition for a public park in the Draft Planning Proposal.

The STDCP 2002 requires 10sqm of communal open space per dwelling unit which equates to 710sqm for the subject proposal. The proposal will provide 5.7sqm of communal open space per dwelling or a total of 406.2sqm, thus there is a shortfall of 303.8sqm. This communal open space is divided between a ground floor area of 341.6sqm which is located over the basement carpark below and a hard paved area on level 5 of the proposed building of 64.6sqm. The objectives of communal open space are to provide a breathing space for development and serve many different community needs - for recreation, relaxation and a pleasant outlook and act as a buffer between different dwellings for privacy, and to maximise the potential for semi-continuous vegetation corridors with mature trees and soft landscaping. Neither of the proposed communal open space areas achieve these objectives, and solar access to the ground floor area in particular will be poor during the winter months.

It is noted that although the communal terrace on level five is intended to be used for recreational/ relaxation purposes, it fails to achieve the open space objectives related to providing green space and building separation.

The design provides adequate room size and layout, allocated storage space per unit, private open space and access though it fails to comply with cross ventilation and direct sunlight to the minimum required number of units within the proposal and provides insufficient and impractical waste/service areas.

Principal 8: Safety and security

Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

Comment: Residential access to the apartment complex is from Hilts Road and internally via the three basement parking levels. Entry to the ground floor communal space is from one internal door with lighting proposed to improve amenity and surveillance at night.

The apartments and associated balconies will allow for passive surveillance of surrounding public spaces and the communal open space to the rear of the site. All entry points will be access controlled allowing entrance by residents and their visitors only.

Principal 9: Social dimensions

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

Comment: The proposed development contains a range of apartment types which will provide a range of options in terms of price and size to the members of the community. It comprises 4 adaptable units and is located in public transport routes, and in close proximity to the Strathfield Retail Precinct.

Principle 10: Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

Comment: The building has been designed as three separate elements connected by a glazed and framed structure setback from the building line giving the impression of three separate buildings. This design approach provides articulation to the streetscape. In terms of materials, colours and finishes and building elements, bulk, scale and height, the proposed development is not inconsistent with other nearby developments located along Parramatta Road. However, the proposed nine storey building height substantially exceeds the maximum building height for the site by four stories and thus undermines the objectives of the DCP and the future urban character and pattern for the Strathfield Triangle.

Further to these design quality principles, Clause 30(2) of SEPP 65 also requires residential flat development to be designed in accordance with the Department of Planning's publication entitled *Residential Flat Design Code (RFDC)*. A detailed analysis of the proposed development against this Code has been carried out and is attached to this report.

PART 01

LOCAL CONTEXT

Primary Development Controls

Building Height	Where there is an existing floor space ratio (FSR), test height controls against it to ensure a good fit	Proposed building height substantially exceeds the maximum for the site and will result in a building height and density unsuitable for the site in terms of desired future character.						
Building Depth	In general, an apartment building depth of 10-18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.	The building depth ranges from 13.5m to 53.5m.						
Building Separation	<div>Design and test building separation controls in plan and section.</div> <div>Buildings up to 12m it is recommended</div> <table> <tr> <td>12 metres</td> <td>between habitable rooms & balconies</td> </tr> <tr> <td>9 metres</td> <td>between habitable rooms/balconies and non habitable rooms</td> </tr> <tr> <td>6 metres</td> <td>between non habitable rooms</td> </tr> </table> <div>*Habitable room any room or area used for normal domestic activities, including living, dining, family, lounge, bedrooms, study, kitchen, sun room and play room</div> <div>**Non-habitable room spaces of a specialised nature not occupied frequently or for extended periods, including bathrooms, toilets, pantries, walk-in wardrobes, corridors, lobbies, photographic darkrooms and clothes drying rooms.</div>	12 metres	between habitable rooms & balconies	9 metres	between habitable rooms/balconies and non habitable rooms	6 metres	between non habitable rooms	<div>North elevation setback 0-13.9m from adjoining development at No.39 Cooper Street to the north</div> <div>East elevation setback 0-5m from side boundary. Zero setback to approved four storey building above access handle to 16-24 Parramatta Road adjacent to the east.</div> <div>North facing windows and balconies setback 14m from northern boundary adjacent to No.39 Cooper Street</div> <div>North side of east facing balconies setback 3.6m - shielded with solid wall</div> <div>East facing windows setback 3m from boundary - no information provided regarding distance to openings in west facing elevation to 1-5 Hiltz Road (if any).</div> <div>Distance between balconies and windows to habitable spaces within the proposal is less than 12m but set on an</div>
12 metres	between habitable rooms & balconies							
9 metres	between habitable rooms/balconies and non habitable rooms							
6 metres	between non habitable rooms							

		angle
	<p>Test building separation controls for daylight access to buildings and open spaces.</p> <p>Developments that propose less than the recommended distances apart must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved</p>	Proximity between balconies to units 4 and 5 on every level is likely to result in visual and acoustic privacy issues.
Street Setbacks	Identify the Desired Streetscape Character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls.	The building setbacks along Cooper Street and Hilts Road comply with the STDCP 2002.
	Test street setbacks with building envelopes and street sections.	Street setbacks relate to building envelopes and street sections.
Side & rear setbacks	Relate side setbacks to existing streetscape patterns.	Side setbacks relate to existing streetscape pattern to Hilts Road. Does not relate to side setbacks of adjacent development at 16-24 Cooper Street.
Floor space ratio	Test the desired Built Form outcome against proposed floor space ratio to ensure consistency with building height; building footprint; the three dimensional building envelope and open space requirements.	The maximum FSR for Precinct F is 2.5:1. The proposal will result in an FSR for Precinct F of 3.31:1 and a building height of 9 storeys. This is inconsistent with the building envelope for the site being 3-4 storeys stepping up to 5 storeys at the corner of Cooper Street and Hilts Road under STDCP 2002 and maximum 5 storeys under the Draft DCP. Current DCP requires 10sqm of communal open space per dwelling equating to 710sqm for the subject proposal. The proposal will provide 5.7sqm per dwelling, resulting in a shortfall of communal open space of 42.8%.

PART 02 SITE DESIGN

Site Configuration

Deep Soil Zones	A minimum of 25 percent of the open space area of a site should be a deep soil zone; more is desirable. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances,	The proposal provides for deep soil landscaping to the communal open space located in the north-eastern corner of the site. Refer to landscape plan for further details.
-----------------	--	--

	Stormwater treatment measures must be integrated with the design of the residential flat building.	
Open Space.	The area of communal open space required should generally be at least between 25 and 30 percent of the site area. Larger sites and brown field sites may have potential for more than 30 percent	The proposal will have 406.2sqm of communal open space. This equates to 22.6%. The subject site is considered a brown field site.
	Where developments are unable to achieve the recommended communal open space, such as those in dense urban areas, they must demonstrate that residential amenity is provided in the form of increased private open space and/or in a contribution to public open space.	The development complies with the minimum requirement for private open space as per the STDCP 2002.
	The minimum recommended area of private open space for each apartment at ground level or similar space on a structure, such as on a podium or car park, is 25sqm; the minimum preferred dimension in one direction is 4 metres. (see Balconies for other private open space requirements)	Private open space for each apartment at ground floor is minimum of 26.4sqm and has a minimum dimension of 4m in one direction
Safety	Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings.	Applicant has not provided a formal crime risk assessment. The proposal will provide passive surveillance of surrounding public spaces and the communal open space to the rear of the site. All entry points will be access controlled allowing entrance by residents and their visitors only.
Visual Privacy	Refer to Building Separation minimum standards	<p>No information provided regarding distance to openings in affected south elevation to No.39 Cooper Street however, north facing windows and balconies setback a minimum of 12m from north boundary and complies.</p> <p>North side of east facing balconies setback 3.6m - shielded with solid wall</p> <p>East facing windows setback 3m from boundary - no information provided regarding distance to openings in west facing elevation to 1-5 Hiltz Road.</p>

		Distance between balconies and windows to habitable spaces within the proposal is less than 12m but set on an angle
Pedestrian access	Identify the access requirements from the street or car parking area to the apartment entrance.	Access report provided
	Follow the accessibility standard set out in AS 1428 (parts 1 and 2), as a minimum.	Access report provided
	Provide barrier free access to at least 20 percent of dwellings in the development.	Access report provided
Vehicle access	Generally limit the width of driveways to a maximum of six metres.	Vehicle access driveway and garbage loading bay are 6m wide each
	Locate vehicle entries away from main pedestrian entries and on secondary frontages.	The pedestrian and vehicle entries are both accessed from Hilts Road.

PART 03 BUILDING DESIGN

Building Configuration

Apartment layout	Single-aspect apartments should be limited in depth to 8 metres from a window.	The single aspect units have generally been designed with the 8m suggested depth.
	The back of a kitchen should be no more than 8 metres from a window.	The back of the kitchens are less than 8m from a window
	Buildings not meeting the minimum standards listed above, must demonstrate how satisfactory day lighting and natural ventilation can be achieved, particularly in relation to habitable rooms (see Daylight Access and Natural Ventilation).	The southerly facing single aspect units are two storey units allowing for improved cross ventilation and solar access.
	If council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggest the following minimum apartment sizes, which can contribute to housing affordability: (apartment size is only one factor influencing affordability) - 1 bedroom apartment 50sqm - 2 bedroom apartment 70sqm - 3 bedroom apartment 95sqm	The proposal provides for a mix of unit sizes. Unit sizes vary from: 61.9sqm - 67.0sqm for a 1 bedroom unit 74.7sqm - 92.1sqm for a 2 bedroom unit 102.0sqm - 106.0sqm for a 3 bedroom unit

Apartment Mix

Balconies	Provide primary balconies for all apartments with a minimum depth of 2 metres. Developments which seek to vary from the minimum standards must demonstrate that	The proposed primary balconies will have a minimum depth of 2m
-----------	---	--

	negative impacts from the context-noise, wind – can be satisfactorily mitigated with design solutions.	
Ceiling Heights	The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level (FCL). These are minimums only and do not preclude higher ceilings, if desired. 2.7 metres minimum for all habitable rooms on all floors, 2.4 metres is the preferred minimum for all non-habitable rooms, however 2.25m is permitted. Attic spaces, 1.5 metre minimum wall height at edge of room with a 30 degree minimum – ceiling slope.	Floor to ceiling height to habitable rooms are generally 2.7m
Ground Floor Apartments	Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.	One unit out of 71 units has direct street access to and from Hilts Road through the provision living areas and a private courtyard facing the street.
	Provide ground floor apartments with access to private open space, preferably as a terrace or garden.	Three ground floor units have access to private open space in the form of a court yard.
Internal Circulation	In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight. Exceptions may be allowed: for adaptive reuse buildings where developments can demonstrate the achievement of the desired streetscape character and entry response where developments can demonstrate a high level of amenity for common lobbies, corridors and units, (cross over, dual aspect apartments).	Apartments located off a single corridor as follows: Ground floor - 3 units Level 1, 3, 5, 7 - 10 units - does not comply Level 2, 4, 6, 8 - 8 units
Storage	In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: studio apartments 6m3 one-bedroom apartments 6m3 two-bedroom apartments 8m3 three plus bedroom apartments 10m3	Each unit is provided with additional storage space in the basement.
Building Amenity		
Daylight Access	Living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three	Two hours of sunlight to 56% of units is proposed - does not comply.

	hours direct sunlight between 9 am and 3 pm in mid winter. In dense urban areas a minimum of two hours may be acceptable.	
	Limit the number of single-aspect apartments with a southerly aspect (SWSE) to a maximum of 10% of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed (see Orientation and Energy Efficiency).	9 units are single aspect with a southerly aspect. This equates to 12.67%. The southerly facing single aspect units are two storey units allowing for improved cross ventilation and solar access.
Natural Ventilation	Building depths, which support natural ventilation typically, range from 10 to 18 metres.	The building depth ranges from 13.5m to 53.5m. 41 units or 57.7% of the units are dual aspect, extend over two levels or a corner located.
	Sixty percent (60%) of residential units should be naturally cross ventilated.	41 of the 71 units - 57.7% of the units will receive cross ventilation - does not comply.
Building Performance		
Waste Management	Supply waste management plans as part of the development application submission as per the NSW Waste Board.	Proposed waste management inadequate - see comments by Council's Waste Management Officer
Water Conservation	Rainwater is not to be collected from roofs coated with lead- or bitumen-based paints, or from asbestos- cement roofs. Normal guttering is sufficient for water collections provided that it is kept clear of leaves and debris.	Scope exists to provide water conservation measures should the application be supported.

State Environmental Planning Policy - Building Sustainability Index (2004)

To encourage sustainable residential development, all new dwellings must comply with the provisions of State Environmental Planning Policy – Building Sustainability Index (BASIX).

The proposed development has achieved full compliance with the BASIX commitments as they have reached targets of 40 for water, 20 for energy and the thermal comfort target. The schedule of BASIX Commitments is specified within the BASIX Certificate No. 339746M_03.

5.1.2 Local Environmental Planning Instruments

The proposed development, defined as residential flat building with an ancillary commercial component is permissible with the consent of the Joint Regional Planning Panel - Sydney East, within a 10(b) - Enterprise Area zone under the Concord Planning Scheme Ordinance (CSPO).

Floor Space Ratio

Clause 61H(11) of the CPSO provides a maximum floor space ratio for Precinct F of 2.5:1. The table below details the constructed and approved floor space within Precinct F and the floor space of the proposal.

<i>Precinct F sites</i>	<i>Site area (m²)</i>	<i>Gross floor area (m²)</i>	<i>s93F floor space (m²)</i>	<i>Total (m²)</i>
39 (35 - 41) Cooper St	2,637	6,592.5	3,060.5 Dedicated affordable housing units	9,653
16- 24 Parramatta Rd	2,492	5,781.44	n/a	5,786
1 - 5 Hilts Rd	1,654	4,002.6	n/a	4,002.6
4 - 14 Parramatta Rd	2,111	8,053.6	n/a	8,053.6
29 - 33 Cooper St / 9 Hilts Rd	1,795	7,009.3	n/a	7,009.3
	10,689	32,406.38 (3.0:1)	n/a	35,466.8 8 (3.31:1)

Using this methodology the proposal will result in a non-compliant precinct floor space ratio of 3.0:1, which equates to approximately 5.401m² of additional gross floor area above that permitted within Precinct F. It should be noted that the figure provided above excludes the additional gross floor area, which was subject to the s93F agreement at 39 Cooper Street, Strathfield. Including the additional floor space at 39 Cooper Street, the FSR for Precinct F is 3.31:1 equating 8.102.6sqm above the permitted gross floor area.

The application of the floor space ratio provision within this precinct has varied over time with the floor space ratio typically applied to each individual site within the precinct rather than across the precinct as a whole. If the floor space ratio was applied to this individual site the floor space ratio would be 3.9:1, which equates to approximately 1752.3sqm of additional gross floor area.

Objection pursuant to State Environmental Planning Policy No 1 - Development Standards

In support of the proposed variations to the FSR, the applicant has lodged an objection pursuant to State Environmental Planning Policy No 1 - Development Standards. A summary of the key features of the objection is provided below:

- The height of the development is consistent with the scale of the immediately adjoining development to the north and the scale of the*

development steps down to five stories at the interface with less intensive development to the east;

- The proposed maximum building height is 28m which is marginally higher than the 24m height control;*
- The bulk and scale of the development is suitably ameliorated by high architectural modulation and articulation along the street frontages. In this regard, the street presentation comprises columns of three distinct visual outcomes via different form and materiality to provide articulation and interest. These three separate elements have different visual character but consistent height, bulk and scale;*
- Setbacks along the Cooper Street frontage and around the corner are quite uniform to give the scale of the building a strong character. Along Hilts Road the form varies as balconies and voids provide visual interest;*
- The proposed height of the development allows improved solar access to the proposed apartments. If the proposal was 5 storeys, only 36% of apartments would receive 2 or more hours of solar access. The percentage of apartments above the fifth storey that receive 2 hours of solar access is 81%. Therefore the proposal has needed to protrude above the impacts of the northern development for improved residential amenity;*
- The height and floor space of the proposed development does not give rise to significant adverse amenity impacts on adjoining properties in terms of privacy or overshadowing. The properties to the south of the site (No's 8 - 14 Hilts Road) are to be redeveloped by the Applicant in future and the project architects have approached the design for No's 8 - 14 Hilts Road based on the approval of the proposed development;*
- The proposed development seeks to achieve the Council's vision for the Strathfield Precinct by locating a greater intensity of development close to public transport and community facilities and services within the Strathfield CBB;*
- The proposed apartments will have a high level of amenity: they will be light, well-ventilated, accessible with a variety of types to promote choice and affordability;*
- The traffic generation of the development can be readily accommodated on the surrounding road network;*
- The site is eminently suitable for the proposed development, as the development results in no significant adverse environmental impacts and is compatible with surrounding development. The amenity to be achieved for future occupants of the development is high and impacts on other nearby residential properties are not unreasonable given the planning outcomes which the controls for the Strathfield Triangle Precinct seek to achieve; and*
- The proposed development is accompanied by a Voluntary Planning Agreement in support of increased development potential at the site. The Council is requested to support the Voluntary Planning Agreement due to the net public benefit which will result.*

When the development is tested against the underlying intent of the standards, compliance with the standards would be inconsistent with the aims of the

policy because the scale and characteristics of the proposal are appropriate and acceptable. Therefore, the proposed development is a case where flexibility in the application of the development standards is justified.

Clause 61H(11) of the CPSO provides a maximum floor space ratio for Precinct F of 2.5:1.

The proposal will result in a non-compliant precinct floor space ratio of 3.0:1. This figure excludes the additional gross floor area, which was subject to the s93F agreement at 39 Cooper Street, Strathfield. Including the additional floor space at 39 Cooper Street, the FSR for Precinct F is 3.31:1.

The applicant has lodged an objection pursuant to State Environmental Planning Policy 1 - Development Standards in support of the proposed variation to the FSR (see above for a summary of the key features of the objection).

It is considered that the applicant's written request to vary the FSR standards does not satisfactorily demonstrate why compliance is unreasonable or unnecessary in the circumstances of the case.

In terms of the arguments put forward by the applicant in support of the contravention of the FSR control, the assessment of the proposal has concluded the applicant's arguments not upheld because of the following:

- The STDCP 2002 has been adopted by Council following a public advertising process and therefore reflects the community's expectations in terms of development in the precinct. The proposed non-complying FSR would result in a substantially different height and density of development to that envisaged in the precinct based STDCP 2002
- The scale of the proposed development is inconsistent with the Draft Planning Proposal and Draft DCP
- The proposed FSR undermines the planning controls established in Council's DCP and draft DCP
- The proposed level of communal space of 5.7sqm per dwelling is substantially less than that prescribed in the Strathfield Precinct DCP 2002 being a minimum of 10sqm per dwelling. A compliant FSR would result in increased communal open space
- The non-complying FSR will translate into excessive building height which will have an adverse impact on
 - views towards the centre of the Triangle from buildings along Parramatta Road;
 - solar access to Nos. 8-14 Hiltz Road which has been identified for acquisition for a public park due to its central location and adequate solar access in the Draft DCP.
 - the on-street amenity of the precinct

It is considered that there are insufficient environmental planning grounds to justify contravening the standard. The proposed FSR and the objection under SEPP No. 1 is therefore not supported.

Heritage

Clause 61H(7) requires Council to consider the potential impacts of proposed development on the heritage significance of heritage items within the Strathfield Triangle.

There are no heritage items on the site and the site is not located in a heritage streetscape or in a heritage conservation area. There are no heritage items immediately adjoining the site. There is a heritage item, comprising a cottage at No.36 Cooper Street, diagonally opposite the south-western corner of the subject site.

The planning controls for the Strathfield Triangle allow multi storey residential flat buildings to be constructed within the Triangle.

As detailed in section 5.2 below the Draft Planning Proposal seeks to remove the heritage listing to all properties within the Strathfield Triangle as these are contrary to the designation of the precinct as an area for urban renewal

5.2 Draft Environmental Planning Instruments (Section 79C (1) (a) (i & ii))

On the 20 September 2010 Council submitted the Strathfield Triangle draft Planning Proposal to the Department of Planning for a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979. On the 8 November 2010 a delegate for the Minister of Planning determined that the planning proposal should proceed subject to conditions.

On the 7 September 2010, Council resolved to publicly exhibit the planning proposal from the 28 October 2010 for a period of three months. As such this Draft Statutory Instrument will be considered as a Draft Environmental Planning Instrument.

The objectives or intended outcomes of the Draft Planning Proposal are to:

- Include the Strathfield Triangle in the Canada Bay Local Environmental Plan 2008
- Identify land for acquisition to:
 - a. Improve access into and through the precinct, and
 - b. Enable the provision of a public park
- Remove local heritage affectations that are contrary to the designation of the precinct as an area for urban renewal
- Facilitate additional dwellings in a location that is centre based and close to public transport
- Improve the streetscape and urban design.

The proposed development, defined as residential flat building and the additional permitted use of retail premises and business premises on the ground floor of residential flat buildings would be permissible with the consent of Council, within a High Density Residential R4 zone under the Draft Planning Proposal.

Following is a summary table indicating the performance of the proposal against relevant Draft statutory standards.

Statutory Standards

<i>Control</i>	<i>Standard</i>	<i>Proposed</i>	<i>Compliance</i>
Height	17m	28m	No

The floor space ratio provision for the individual precincts within the Strathfield Triangle is proposed to be removed through this Draft Planning Proposal. The built form will be controlled through the envelope controls within the Draft Strathfield Triangle Development Control Plan.

The Draft Planning Proposal seeks to remove the heritage listing to all properties within the Strathfield Triangle to allow for their potential redevelopment in line with the densities created through this instrument.

5.3 Development Control Plans, Council Policies or Codes (Section 79C(1)(a)(iii))

The proposed development is affected by the provisions of the Strathfield Triangle Development Control Plan 2002. Following is a summary table indicating the performance of the proposal against relevant statutory standards.

Non Statutory Standards

<i>Part / Control</i>	<i>Standard</i>	<i>Proposed</i>	<i>Compliance</i>
3.2 Uses	Locate commercial uses at highly visible edges and corners	Ground floor commercial with residential above	Yes
3.5 Floor to floor heights	- Min 3.6m for ground and first floor.	Ground - 4m First - 3m	Yes No
	- Min 3m for all floors above the first two	Third and above - 3m	Yes
3.6 Setbacks	4m to Cooper Street 3m to Hiltz Road	4m to Cooper Street 3m to Hiltz Road	Yes Yes

4.10 Relevant Precinct F Controls			
FSR	Max 2.5:1	Refer to table above	No
Height (storeys)	3-4 stepping up to 5 at the corner of Cooper Street and Hiltz Road	9 storeys	No
Front setbacks	4m to Cooper Street 3m to Hiltz Road	Ground floor (commercial) to Cooper Street - 4.9m with residential above - 4m Ground floor (commercial to Hiltz Road - 4.9 with residential above - 3m	Yes
Rear setbacks	Building separation - 12m	North (adjoining property at No.39 Cooper Street) - predominantly 13.9m but also 0m, 3.8m and 11.6m East (adjoining access handle to No.16-24 Parramatta Road) - 3m and 0m Distance to No.1-5 Hiltz Road (east of access handle) not provided	No No No information provided
6.3 - open space	Communal open space - 10m ² / dwelling Private open space Depth - 1.8 to 4m Area - 8m ² Secondary	5.7sqm per dwelling Min depth -2m Area varied - min 8sqm Depth -1.1m	No Yes Yes

	balconies Depth - 0.9 to 1.5m		
6.4.1 - Visual privacy	12m habitable window to balcony / 12m between habitable windows 9m between windows and balcony to non habitable	At the closest point - 14m to adjacent habitable room of 39 Cooper Street to the north Complies East facing windows setback 3m from boundary - no information provided regarding distance to and type, if any openings in west facing elevation to 1-5 Hills Road. Distance between balconies and windows to habitable spaces within the proposal is less than 12m but set on an angle	Yes Yes Yes No information provided No
6.4.2 - Acoustic privacy	Minimise noise impact	Acoustic report provides list of recommendations to mitigate noise impacts from Cooper Street.	Yes
6.4.3 - solar access and overshadowing	Living rooms and private open space or at least 90% of dwelling receive 3 hours sunlight between 9am and 3pm in mid winter	The proposal provides solar access to the living rooms / balconies of 56% of apartments for 2 hours between 9am to 3pm in mid winter. 56% equates to 40 units of 71 units.	No
6.4.7 - Storage	1 Bed 6m3 2 Bed 8m3 3+ bed 12m3	Proposal provides storage space within the apartments and in	Yes

	50% accessible from hall or living area and 50% in basement	the basement	
6.5.1 Vehicular access	Car park entries and access are to be from secondary streets and lanes where possible.	Vehicular access provided from Hilt Road	Yes
	Pedestrian and vehicle access is to be clearly differentiated, and separated by at least 3 metres	Vehicle access and pedestrian are spatially separated and each is obvious	Yes
	Driveways and car park entries are to be limited in number and no wider than 6 metres	There is one driveway for vehicle access and one garbage loading bay. Each is 6m wide	Yes
	Set back doors to car park entries from the building line by at least 500mm	Garage door setback from street boundary. No garage door to garbage collection bay.	Yes
6.5.2 Onsite parking	<i>Residential</i> 0.6 spaces per 1 bedroom unit + 0.9 spaces per 2 bedroom unit + 1.4 spaces per 3 bedroom unit = 62 spaces	64 spaces	Yes
	<i>visitor parking</i> 1 space per 5 units (71/5) = 14.2 spaces	15 spaces	Yes
	<i>Commercial</i>	10 spaces	Yes

	1 space per 40m ² (328.3/40) = 8.2 spaces Total - 84 spaces required	Total - 89 spaces	Yes
6.5.3 Pedestrian access	barrier free access to at least 20% of dwellings	Access report provided	Yes
6.6.1 Flexibility and adaptability	5% to be adaptable	4 adaptable units provided which equate to 5%	Yes
6.6.2 Mix of apartment types	Provide suitable mix of apartments	A mix of one, two and three bedroom apartments has been provided within the proposal.	Yes
6.6.3 Passive solar performance	North facing windows to be 75% of site	22 units have north facing windows. This equates to 30.98%	No

As indicated in the compliance table above, the proposed development fails to achieve compliance with the floor to floor heights for first floors, FSR, building height (storeys), rear setbacks, open space, visual privacy, solar access and overshadowing, passive solar performance of the Strathfield Triangle Precinct Development Control Plan 2002. A detailed discussion of these aspects of the proposal is carried out in Section 5.3 below.

The proposal has also been assessed against the Strathfield Triangle Draft Development Control Plan.

5.4 Likely Impacts of the Development (Section 79C (b))

The likely impacts of the proposed development upon the surrounding area are discussed as follows:

Overshadowing

Located south of the subject site is No.8-14 Hilts Road. Under the Strathfield Triangle Draft Planning Proposal these sites have been identified as land required for acquisition for a public park as it is centrally located within the Strathfield Triangle and will receive satisfactorily solar access during mid-winter. The proposed height will result in unreasonable levels of overshadowing to the envisaged public park having a detrimental impact on the amenity of the park rendering it a less attractive green open public space to be used by the local community.

The Strathfield Triangle DCP 2002 requires living rooms and private open space of at least 90% of dwellings within a proposal to receive 3 hours of

sunlight between 9am and 3pm in mid winter. SEPP 65 requires living rooms and private open space of 70% of apartments to receive a minimum of 3 hours of sunlight between 9am and 3pm mid winter unless in dense urban areas where a minimum of two hours may be acceptable.

The proposal provides solar access to the living rooms / balconies of 56% of the apartments for 2 hours between the hours of 9am and 3pm in mid winter.

The proposed variation to the minimum requirements in terms of solar access relates to 14% which is significant. The proposal is therefore considered to perform unsatisfactorily in terms of solar access to apartments within the proposal as well as to the public park south of the subject site as envisaged under the Draft Planning Proposal.

View Corridors/View Sharing

The proposed development is located within the Strathfield Triangle. No significant view corridors have been identified within the Triangle. However, the STDCP 2002 prescribes the desired urban character and built form to the Triangle to have taller buildings situated along the railway corridor and along Parramatta Road with lower buildings towards the centre. The subject site is located towards the centre of the Triangle and therefore has a maximum building height of 3-4 stepping up to 5 on the corner of Cooper Street and Hilts Road or 5 storeys under the Draft Planning Proposal. The proposed 9 storey building will obscure views to the centre from the upper levels of the buildings located at No.39 Cooper Street and along Parramatta Road.

Traffic generation, parking and loading

A Traffic and Parking Assessment Report, prepared by Transport and Traffic Planning Association (reference 10130, dated October 2010) was submitted in support of the application. The report:

- Describes the development proposal and its context in the developing precinct;
- Describes the road network servicing the site and prevailing traffic conditions;
- Assesses the adequacy of the proposed parking provisions;
- Assesses the potential traffic implications; and
- Assesses the suitability of the proposed vehicular access, internal circulation and servicing arrangements

The report concluded that the assessment provided demonstrates that the proposed off-street parking is suitable and appropriate.

The proposal will provide parking at the following rates:

- Residential - 64
- Commercial - 10
- Visitor - 15

This complies with the parking controls of the Strathfield Triangle DCP. The proposal will also provide for the provision of twelve bicycle parking spaces which complies with the Strathfield Triangle DCP requirement of one space per 12 dwellings.

Noise Impact

The applicant submitted an Acoustic Report by Vipac Engineers (reference 20C-10-0256-TRP-462456-0 and dated 27th October 2010) in support of the application.

The report concluded that subject to implementation of the recommendations, the proposal will perform adequately in terms of noise.

Floor Space Ratio

See discussion under Section 5.1.2 of this report above.

Height (Number of Stories)

The Strathfield Triangle DCP 2002 sets the building height at 3-4 storeys stepping up to 5 storeys at the corner of Cooper Street and Hilts Road and the Draft DCP prescribes a maximum height of 5 storeys. Further, the DCP 2002 prescribes that taller buildings shall be stepped in above the sixth storey and the Draft DCP stipulates that the five storey building height permitted at the subject site shall be stepped in 2 metres at the fifth storey. The proposal is non-compliant with nine stories and not being stepped in at the upper levels.

The applicant has lodged an objection pursuant to State Environmental Planning Policy 1 - Development Standards, it is noted that a SEPP 1 objection is not required as Clause 631(3) of the Concord PSO does not apply to this site and Strathfield North.

The proposal will have a maximum height of approximately 28m which substantially exceeds the maximum height of 17m permitted within the Draft Strathfield Triangle Planning Proposal for the subject site. The proposal is therefore inconsistent with the future built form proposed within this precinct of the Strathfield Triangle.

The principles of the Strathfield Triangle DCP and Draft DCP are to allow taller buildings along the railway corridor and Parramatta Road with the height of the buildings stepping down towards the centre of the Triangle to protect residential and on-street amenity. The DCP 2002 identifies a building height of 4-6 stories being of an appropriate human scale for people in the buildings and on the street.

The Draft Planning Proposal has identified land at Nos. 8-14 Hilts Road as land required for acquisition for a public park due to its central location and adequate solar access.

The non-complying building height will result in unacceptable impacts on solar access to the envisaged public park resulting in a less attractive and usable public open space. The nine storey building height will also result in adverse

impact on the on-street amenity of residents and visitors to the precinct and obscure views towards the centre of the Triangle from the upper levels of the buildings located at No.39 Cooper Street and along Parramatta Road.

The building height is inconsistent with and undermines the objectives of the STDCP 2002 and the Draft DCP and is therefore unacceptable.

Side Setbacks

The STDCP 2002 does not prescribe a side setback for developments. Instead buildings should generally be separated by 12m

The proposal provides the following side setbacks;

- North (adjoining property at No.39 Cooper Street) - predominantly 13.9m but also 0m, 3.8m and 11.6m
- East (adjoining access handle to No.16-24 Parramatta Road) - 3m and 0m

The proposal does not comply with the side setback requirement. Any potential impact on privacy and streetscape are discussed within this report.

Front Setbacks

The STDCP 2002 prescribes a front/street setback of 4m to Cooper Street and 3m to Hilts Road from the proposed road widening.

The ground floor (commercial) elevation to Cooper Street is setback 4.9m with the residential storeys above setback 4m. The ground floor (commercial) elevation to Hilts Road is setback 4.9m with the residential storeys above setback 3m. The proposed development complies in terms of street setbacks.

Privacy

The north elevation is setback predominantly 13.9m from the adjoining property to the north at No.39 Cooper Street but also 0m, 3.8m and 11.6m in parts. At their closest point, windows and balconies of the proposal are setback approximately 14 metres from the adjacent building. The closer sections of the north elevation of the proposal do not contain any window or balcony openings.

The north side of east facing balconies are setback 3.6m from the boundary and approximately 5.8m from the adjacent building at No.39 Cooper Street; however; are screened with a solid wall.

The east elevation is setback 0m, 3, and 5m from the side boundary and the adjacent access handle to 16-24 Parramatta Road. A four storey development is approved to be located above the access handle with a zero side setback to the subject site. It does not comprise any windows or balcony openings. The part of the east elevation with a zero setback will match the approved development above the access handle.

The east elevation also comprises one window associated with a habitable room on each level setback 3m from the side boundary. No information has

been provided regarding the openings in the west facing elevation of the development at No.1-5 Hilts Road. A thorough assessment in terms of potential privacy issues to No.1-5 Hilts Road can not be under taken.

Furthermore, from level five, the east elevation will comprise an additional window associated with a non-habitable room on each remaining level setback 5m from the boundary. Level five also comprises a communal open space with a zero setback to the eastern boundary. Furthermore, the east elevation also comprises non-openable glazed areas associated with the stairwells located 8m from the side boundary on each level.

Due to the development at No.1-5 Hilts Road being five storeys, the windows above the fifth floor of the proposal are not considered to generate unreasonable privacy issues though it is noted that some overlooking from the communal open space is likely.

The distance between balconies and windows to habitable spaces within the proposal is less than 12m. It is noted that the balconies concerned are set on an angle and privacy screens installed to reduce privacy impacts, however, due to the proximity, some overlooking is still likely.

Bulk and Scale

Bulk is generally controlled by the numerical controls relating to FSR, building height and side setbacks. As discussed above, the proposed development substantially exceeds all three controls and can therefore not be considered to generally perform well in terms of bulk and scale.

It is noted that the proposal relates to the bulk and scale of nearby developments in the precinct such as No.39 Cooper Street and other developments along Parramatta Road. However, as prescribed above, the STDCP allows for taller developments along the railway corridor and along Parramatta Road with lower buildings in the centre of the Triangle.

The proposed bulk and scale is inconsistent with the objectives of the DCP 2002 and the Draft Planning Proposal and hence, inconsistent with the desired future character and urban pattern of the Triangle.

Intensity of Use

The proposed development will intensify the use of the subject site. The proposed density is inconsistent with the controls in the Concord Planning Scheme Ordinance and the STDCP 2002.

The STDCP was adopted by Council following a public advertising process and therefore reflects the Communities expectations in terms of development in the precinct. The proposed development would result in a substantially different density to that envisaged in the precinct based STDCP.

Social/Economic

The proposed unit mix including 1, 2 and 3 bedroom units is appropriate for the Strathfield Triangle. The proposed design will provide for a variety of unit

sizes and a unit mix which will promote diversity, affordability and housing choice.

It is considered likely that the inadequate levels of communal open space will result in amenity and social impacts to the residents and their visitors. In addition, the proposed development involves an impractical design/layout for the transportation of garbage bins for waste collection. The location of waste storage is remotely located from the goods/commercial lift to the street frontage/garbage collection bay making it difficult for full bins to be transported to the street for collection.

Landscaping / Communal Open Space

New canopy planting is proposed to the road reserve/footpath to Cooper Street and Hilt Road with planter boxes proposed within both the Cooper Street and Hilt Road setback. Canopy trees, hedges and grassed areas are proposed to the communal open space in the north-east corner of the site.

STDCP requires 10sqm of communal open space per dwelling unit which equates to 710sqm for the subject proposal. The proposal will provide 5.7sqm of communal open space per dwelling or a total of 406.2sqm, thus there is a shortfall of 303.8sqm. The objectives of communal open space are to provide a breathing space for development and serve many different community needs - for recreation, relaxation and a pleasant outlook and act as a buffer between different dwellings for privacy.

It is noted that although the communal terrace on level five is intended to be used for recreational/ relaxation purposes, it fails to achieve the open space objectives related to providing green space and building separation. In addition, it is poorly located with respect to access to all.

It is considered that the proposed communal open space areas are inadequate in terms of providing sufficient green space.

Streetscape and urban character

This report has found that the proposal will present an inappropriate building height, FSR, bulk and scale and insufficient green open space. The proposal undermines the relevant objectives of the STDCP 2002 and the Draft DCP and will therefore have an adverse impact on the desired future character of the Strathfield Triangle.

5.5 Suitability of the Site for the Development Proposed (Section 79(c))

The subject site would generally be suitable for the intended development. However, given the adverse impacts on the streetscape due to the bulk, scale and height of the building in addition to inadequate solar access to a number of apartments within the proposal and the envisaged future public park located south of the proposal and the insufficient level of communal open space provided, the site is considered unsuitable for the particular development sought.

5.6 The Public Interest (Section 79C (e))

The proposed development is inconsistent with the objectives of the Environmental Planning and Assessment Act in so far as it does not promote the co-ordinated and orderly, and economic use and development of the land. As a result Council may be satisfied that the development subject to conditions is inconsistent with the public interest.

6. INTERNAL REFERRALS

6.1 Landscaping/Tree Removal

The proposed development was referred to Council's landscape architect who raised no objections to the proposal on grounds of landscaping.

6.2 Drainage/Traffic/Civil Engineering

The proposal was referred to council's engineering section for review. The following comments were returned:

Stormwater Management:

- The pumping of sub-surface water to the kerb is not permitted. In consideration of the Geotechnical Report which was included with the DA submission, it would appear that seepage water is low. In this regard, the basement walls are to be fully waterproofed (tanked) to prevent any ingress of sub-surface water into the basement. Alternatively, any pumping of sub-surface water can be discharged within the site to an absorption/level spreader trench and not to the kerb. The stormwater and basement plans are to be updated to show this either of the two options above.
- The dimensions of the On-site Stormwater Detention (OSD) tank are to be shown on the plans.
- Full calculations of the OSD system are to be submitted to Council for assessment.
- The proposed first flush device shows an outlet in the plant room. Any collected water from the first flush device is to be directed into the stormwater drainage system. The first-flush device detail is to be provided. A maintenance schedule is to be provided in accordance with Council's Rainwater Re-use Policy. This Schedule is to be incorporated into the 88B instrument for the stormwater system.
- The BASIX Certificate requires that a minimum of 760 square metres of roof area be directed to the 10,00L rainwater tank. The ground floor plan appears to contradict this. The Designer is to verify/confirm collected area.

Driveway / Access:

- The driveway crossing is to comply with Council's Driveway Construction Specification and the maximum/minimum gradients and scraping provisions given in AS/NZS2890.1:2004 "Off Street Car Parking" Code.
- The driveway, circulation ramps, aisle widths, and parking are to comply with AS/NZS2890.1:2004 and AS/NZS2890.5: 2009. A suitably Qualified Traffic Engineer is to certify that the design complies with these Codes.

- A longitudinal section through the ramps is to be submitted to Council for approval, which demonstrates compliance with the scraping and headroom clauses of the standards.

Construction Management:

- A Construction Management Plan is to be submitted to Council. Any associated implications to traffic must be addressed. A Traffic Management Plan by an RTA accredited person is to be submitted.

Civil:

- The Geotechnical report supplied with the development application advises that Rock Anchorage is likely to be required for construction on the site. A statement from a Qualified Structural or Geotechnical Engineer that addresses the method of anchoring and de-stressing of any rock-anchors is required to ensure that Council does not accept any liability caused by 'live' anchors once the works are completed.

Building Set-back and Ancillaries:

- The current Strathfield Triangle Development Control Plan requires that any proposed building be set back from the new road alignment/boundary, at a distance of 4 meters. Whilst the proposed development shows that there is a 3 meter road widening (land dedication) and a set back of the building face of 4 meters, the landscaping and structures (pedestrian ramps, steps) are within the 4m meter zone.
- Whilst landscaping within the 4 meters zone is acceptable, the landscaping should not be in planter boxes which are set higher than ground level. To be able to set the landscaping at ground level, it may be necessary to move the basement parking inwards such that deep soil planting can be achieved.

6.3 Access Committee

The Access Report by Access Associates was referred to Council's Access Committee for review who advised that all access recommendations in the report are to be adopted.

6.4 Environmental Health

The following comments were returned from Council's Environmental Health section:

Noise

No issues were raised by Council's Health and Environmental Officer in terms of noise subject to relevant conditions.

Contamination

The proposed development is for a residential flat building with an ancillary commercial component. The Contamination report should thus be based on the HIL 'B' criteria for high density residential and not HIL 'D' criteria for commercial/industrial development.

Waste Management:

The demolition and construction parts of the waste management are considered acceptable.

However, the following issues were identified from the development proposal in regards to ongoing waste management.

Waste Generation Rates - Domestic

The quoted waste generation rates have been underestimated. The applicant has used the rate of 80ltrs of waste and 40ltrs of recycling per week per unit.

- Council's standard weekly waste generation rate for each property within the City is 120ltrs of garbage and 120ltrs of recycling each week.

Waste and Recycling Bin Sizes

While the applicant has quoted 240ltr bins to be used on site Council currently has The Strathfield Triangle DCP on exhibition which states 660ltr bins to be used on site. The DCP also has provision for twice weekly collections. These controls have been developed to free up the storage space required to store bins and ensure efficient removal of wastes.

- Based on the above two points the bin storage room would need to be designed and constructed to accommodate the following number of bins:

71 units x 120ltrs garbage = 8,520ltrs per week / 660ltrs / 2 (compaction ratio) = 7 x 660ltr garbage bins

71 units x 120ltrs recycling = 8520ltrs per week / 660ltrs = 13 x 660ltr recycle bins

If the applicant did not have sufficient storage space for the required number of bins above they could be halved again, and we would implement a twice weekly collection service. However storage space is not an issue at this site.

Recycling Storage Per Floor

The applicant has allowed for only 100ltrs of recycling storage per floor to be stored in the waste compartment room. This volume is inadequate as the standard volume of recycling generated per single dwelling or unit is 120ltrs per week which = 17ltrs per unit per day. Rotating a day's volume every day would mean there was no recycling service available to residents for most of every day. This will ensure residents place recycling in the garbage chute.

- Council requires 34ltrs of communal recycling storage per unit per floor – 2 days volume in order to maximise resource recovery.

Bulky Household Items

The applicant has not identified on the drawings or in the Waste Management Plan how bulky household items are to be addressed. As Council will not be supplying this service in the future to this type of development the applicant needs to:

- Amend the drawings and waste management plan to show bulk household items storage space and how the issue is to be managed on an ongoing basis.

The following issues should be given consideration

Allocated space for the storage of garden organics bin/s

- If the maintenance of the grounds is to be outsourced and includes removal of organics they still need some storage space for organics generated between grounds maintenance servicing. Garden organics cannot be disposed of in Councils domestic waste garbage bins. Council will not be supplying a garden organics service to this type of development in Strathfield Triangle

An adaptable chute system for waste disposal/recovery of recycling

- At the present time recycling cannot be recovered via a chute system due to the breaking of glass. The recycling technology available at the present time cannot remove these glass shards however future technology may. If this were to eventuate, recycling bins on all floors and the need to rotate them would become obsolete saving considerable time and ongoing labour costs to the body corporate.

Bulk Household Items - Disposal/ Recovery Area

- Storage should be divided into sections to maximise resource recovery, i.e. whitegoods and metals, e-waste, furniture and mattress's, and to reduce ongoing disposals costs to residents. To this end consideration should also be given to obtaining a Charity Clothing, Printer Cartridge and Mobile Phone bin as these items will be recovered free of charge by the supplier of the service.

6.5 **Building**

Council's building and compliance officer advised that the preliminary review of the proposal suggests that compliance with the requirements of the Building Code of Australia can be met.

7. **EXTERNAL REFERRALS INCLUDING THE RESULT OF ANY REFERRALS TO AN APPROVED AUTHORITY**

7.1 **Energy Australia**

The proposal was referred to Energy Australia. No comments have been received.

7.2 **RailCorp**

The proposal was referred to RailCorp. No comments have been received.

8. **CONCLUSION**

The proposal is unacceptable having regard to Section 79C of the Environmental Planning and Assessment Act 1979 and Council policies, for the reasons provided in the recommendation below.

Recommendation

Pursuant to Sections 80/91 of the Environmental Planning and Assessment Act 1979 (as amended)

THAT Council as the determining authority resolve to refuse development consent to Development Application No 600/2010 for Development of a mixed use development on land at 29, 31, 33 Cooper Street and 5 Hiltz Road, Strathfield as shown on plans numbered DA001, DA0101, DA1001, DA1002, DA1003, DA1100, DA1101, DA1102, DA1003, DA1104, DA1105, DA 1106, DA1107, DA1108, 1109, DA2000, DA2001, DA2002, DA2003, DA3000, DA3001, DA3100 for the following reasons;

1. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act, 1979, the proposed development is considered unsatisfactory as it fails to satisfy the objectives of the Concord Planning Scheme Ordinance as it does not comply with the provisions of Clause 61H(11) which provides a maximum floor space ratio for Precinct F of the Strathfield Triangle of 2.5:1. The proposed development will result in a FSR for Precinct F of 3.0:1. This figure excludes the additional gross floor area, which was subject to the s93F agreement at 39 Cooper Street, Strathfield. Including the additional floor space at 39 Cooper Street, the FSR for Precinct F is 3.31:1.
2. Pursuant to the State Environmental Planning Policy No 65 - Design Quality of Residential Flat Buildings, the proposed development fails to provide:
 - a suitable building height/depth and FSR appropriate for the desired future character of the area;
 - adequate communal open space;
 - adequate solar access and natural ventilation to apartments within the proposal; and
 - adequate waste management
3. Pursuant to Section 79C(1)(a)(ii) of the Environmental Planning and Assessment Act, 1979, the proposed development is considered unsatisfactory as it fails to satisfy the objectives of the Strathfield Triangle Draft Planning Proposal for the following reasons:
 - The Draft Planning proposal prescribes a maximum 5 storey building height for the subject site. The proposed development comprises 9 storeys.
 - The Draft Planning Proposal has identified the sites at 8-14 Hiltz Road south of the subject site as land required for the acquisition for a public park as it is centrally located within the Strathfield Triangle and will receive satisfactory solar access during mid-winter. The proposed 9 storey development will result in unreasonable overshadowing to these sites and the envisaged public park.
4. Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979, the proposed development is considered

unsatisfactory as it fails to satisfy the objectives of the Strathfield Triangle Development Control Plan 2002 for the following reason:

- The proposal development will provide 5.7sqm of communal space per dwelling which is substantially less than the required 10sqm per dwelling. The shortfall will result in adverse amenity impact to the resident and visitors.
 - The site is located in precinct F of the Strathfield Triangle Development Control Plan. The precinct plan identifies the maximum number of storeys for the subject site to be 3-4 stepping up to 5 at the corner of Cooper Street and Hilts Road. The proposed development comprises 9 storeys.
 - The proposed development fails to provide adequate side/rear setbacks
 - The proposed development would result in a substantially different height and density of development to that envisaged in the precinct based STDCP 2002.
 - The proposed development does not provide direct sunlight to 90% of the apartments for a minimum of three hours between 9am and 3pm mind winter
5. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979, the proposed development involves an impractical design/layout for the transportation of garbage bins for waste collection. The location of waste storage is remotely located from the goods/commercial lift to the street frontage/garbage location bay making it difficult for full bins to be transported to the street for collection.
6. Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act, 1979, and having regard to the above reasons, approval of the application is not in the public interest.

**Development Assessment
Officer
Ms E Sorensen
Date: 18 March 2011**

**Coordinator Statutory Planning Services
Mr Shannon Anderson
Date:**

**Narelle Butler
Manager Statutory Planning
Date:**

RESOLUTION

The Director Planning and Environment acting under authority delegated pursuant to S378 of the Local Government Act, 1993 having considered the report dated 16 March 2011 in respect of DA No 600/2010 in accordance with the relevant provisions of the Environmental Planning and Assessment Act, 1979, specifically S.79C and applicable environmental planning instruments hereby resolved that the report be adopted and implemented as recommended.

A handwritten signature in dark ink, appearing to read 'Tony McNamara', is written in a cursive style.

Tony McNamara
Director, Planning & Environment
Date: