

## **SUMMARY**

<b>PROPERTY:</b>	473 & 483 Liverpool Road, Strathfield South
<b>LOT &amp; DP:</b>	473 Liverpool Road - Lot 1 DP444757, Lot 2 DP537025 and Lot 1 DP653875 483 Liverpool Road - Lot 102 DP1134585
<b>DA NO.:</b>	2011/032
<b>APPLICATION TYPE:</b>	Mixed Use Development
<b>REPORT BY:</b>	Penny Anson
<b>REFERRED TO JRPP:</b>	Yes (Capital Investment Value >\$10 million)
<b>RECOMMENDATION:</b>	REFUSAL
<b>SUBMISSIONS:</b>	One (1) written submission was received
<b>ZONING:</b>	Business (Special) 3(b)
<b>DATE APPLICATION LODGED:</b>	8 March 2011
<b>APPLICANT:</b>	Prestige Constructions Ltd
<b>OWNERS:</b>	Eddy & Anne Bechara

## **INTRODUCTION**

Approval is sought for the demolition of existing structures and construction of one (1) x six (6) storey building and one (1) x seven (7) storey building connected by a walkway to accommodate 45 motel rooms, 25 serviced apartments, three (3) consulting rooms, café, restaurant and conference centre with 173 off street car parking spaces over three (3) basement levels at 473 and 483 Liverpool Road, Strathfield.

The Panel should be advised that this report is based on an assessment of the proposed development against the current Environmental Planning Instruments (EPI's). The draft Strathfield Comprehensive Local Environmental Plan 2011 (Draft LEP 2011) contains the most current draft vision for Strathfield South in regard to zoning, permissible uses, FSR and height. The Draft LEP 2011 was lodged with the Department of Planning in September 2010 and the Department has not yet provided approval (Section 65 Certificate) for the Council to place the draft document on public exhibition. The Department has not raised any objection to date in regards to the heights proposed in the Draft LEP for the subject site.

In the absence of height or setback controls in existing planning instruments, Council has advised the applicant on the scale and height of development envisaged for Strathfield South based on the work undertaken in preparing the Draft LEP 2011. This consists of a building spatial hierarchy centred on the Liverpool / Homebush Road intersection and which steps down

away from the corner of the site and is consistent with the spatial typology outlined in the Sydney Metropolitan Plan 2036 (Metropolitan Plan) and the Inner West Sub Regional Strategy December 2010 (Sub Regional Strategy).

An assessment against current EPI's has determined that the proposed development complies with the FSR control for the subject site but is incompatible with height, scale, and character of existing and potential future development in the locality. It is considered the proposal creates unacceptable impacts on adjoining residential properties and the streetscape of Liverpool Road and Homebush Road, which cannot be effectively addressed through mitigation and/or conditions of consent

The applicant has submitted two (2) amendments, most recently on 1 August 2011 to address Council's concerns. The bulk of the development has been redistributed with a reduction in the height at the interface with residential properties and an increase in setback distances at levels 5, 6 and 7 of the proposed development. However the building still presents as a six (6) to seven (7) storey development when viewed from Liverpool Road.

Other outstanding matters at the time of writing include Council's assessment of an acoustic report and the submission of an amended storm water design.

Accordingly the current proposal (received 1 August) has not satisfactorily resolved likely potential height, bulk and scale impacts and the proposal is recommended for refusal having regard to the applicable Environmental Planning Instruments (EPI's) and the spatial typology envisaged in the Sub Regional Strategy and Metropolitan Plan.

## **DESCRIPTION OF THE SITE AND LOCALITY**

### *Site Description*

The site is located on the northern side of Liverpool Road, Strathfield South at the signalised intersection with Homebush Road. The site is zoned Business (Special) 3(b) under the Strathfield Planning Scheme Ordinance 1969 (SPSO) and comprises four (4) parcels being Lot 1 DP444757, Lot 2 DP537025 and Lot 1 DP653875 identified as 473 Liverpool Road and Lot 102 DP1134585 identified as 483 Liverpool Road.

473 Liverpool Road currently accommodates a two (2)-storey motel comprising 32 rooms a restaurant and bar, known as 'The Spanish Motor Inn'. The allotment to the west at 483 Liverpool Road is vacant.

The site is irregular in shape with a frontage to Liverpool Road (southern boundary) of 72m, a 35m frontage to Homebush Road, a northern boundary of 72m and western boundary of 24.5m. The total site area is 2 545m<sup>2</sup>. The land falls from the southeast to the northwest, with a change in level of about 2.2m.

### *Neighbourhood*

The site is bounded by single storey residential development to the north and a Telstra Telecommunication Depot to the northwest. A service lane to the telecommunication depot separates the site from the dwelling to the north. Commercial development, within the Business

(Special) 3(b) zone is located to the east and south of the site and comprises two (2) storey commercial buildings accommodating small retailers including a post office, general store and restaurants servicing the residential population of Strathfield South (refer Figure One below).

The 'Crossways Hotel' (not a Heritage Item) is a two (2) storey brick and tile building located opposite the subject site to the south. A court approved seven (7) storey mixed use development, at the edge of the Business zone is currently under construction at 454 – 458 Liverpool Road.

A second service lane abuts the site's western boundary servicing the Telstra Telecommunication Depot, with an attached two (2)-storey multi unit residential development, fronting Liverpool Road located west of the service lane.

Liverpool Road (also known as the Hume Highway) is a four (4) lane classified road. The signalised intersection adjacent to the site prohibits a right turn into Homebush Road from the east (city).

#### *Sub Region*

The site is located in the suburb of Strathfield South located approximately 3 kilometres south of the Strathfield town centre and 14 kilometres from Sydney CBD

Strathfield South is identified as a 'small village' in the Metropolitan Plan for Sydney 2036. Small villages are defined in the draft subregional strategies as a small strip of shops and adjacent residential area within a 5 to 10 minute walk, containing between 800 and 2,700 dwellings. These fine-grained network of smaller villages are dispersed between a network of villages and town centres creating a spatial hierarchy of development in the Inner West. Enfield East, Homebush and Flemington are identified as other 'small villages' in the Metropolitan Plan. 'Villages' within the vicinity include Bakehouse Quarter and Majors Bay Road in Concord. This centre typology is depicted in Figure Two below.



Figure One: Subject site locality map.

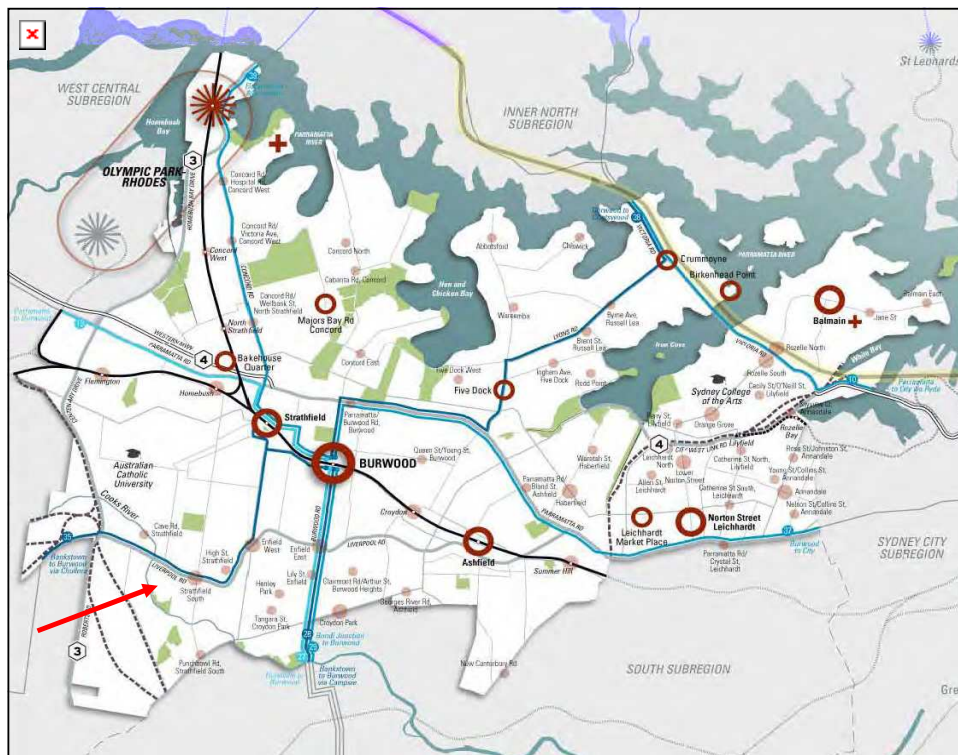


Figure Two: Sub-regional context (Inner West Sub-regional Strategy, Dept. of Planning).



## PROPOSAL

Approval is sought for the demolition of existing structures and construction of one (1) x six (6) storey building and one (1) x seven (7) storey building connected by a walkway to accommodate 45 motel rooms, 25 serviced apartments, three (3) consulting rooms, café, restaurant and conference centre with 173 off street car parking spaces over three (3) basement levels at 473 and 483 Liverpool Road, Strathfield.

Elements of the proposal include:

	Block One	Block Two
Basement 1	31 car parking spaces; Back of house/administration room; Car park lobby; Services and storage areas; Bin storage; Female and male change rooms;	
Basement 2	69 car parking spaces including one (1) accessible space;	
Basement 3	73 car parking spaces including one (1) accessible space;	
Level 1 (Ground)	Two (2) driveways (entry and exit) to the basement level car park and one (1) service lane (exit only) to Homebush Road; Cafe with seating for approx. 100 people; Pedestrian entry to serviced apartments off Homebush Road;	One (1) driveway (entry only) for service vehicles only with access via Liverpool Road; Office; Three (3) consulting rooms; Back of house administration room; Reception and lobby; Site landscaping, including an internal communal open space area;
Level 2	Restaurant and bar area for approximately 130 people; Two (2) bathrooms; Conference room for approximately 100 people;	Three (3) motel units;
Level 3	Five (5) two bedroom serviced apartments;	Ten (10) motel units;
Level 4	Five (5) two bedroom serviced apartments;	Eleven (11) motel units;
Level 5	Five (5) two bedroom serviced apartments;	Eleven (11) motel units;
Level 6	Five (5) two bedroom serviced apartments;	Eleven (11) motel units
Level 7	Five (5) two bedroom serviced apartments;	Swimming pool and communal landscaped open space on the roof of the motel portion of the proposed development;

The proposal submitted on 1 August 2011, proposes the following amendments to the original application:

	Block One	Block Two
Level 1 (Ground)	2.5m wide pedestrian island proposed between the entry and exit to the basement level car park the service lane (exit only) to Homebush Road;	
Level 2		Four (4) motel units;
Level 3	Five (5) two bedroom serviced apartments. Balconies off two (units) relocated to west to accommodate increase setback to north;	Eleven (11) motel units;
Level 4	Five (5) two bedroom serviced apartments. Balconies off two (units) relocated to west to accommodate increase setback to north	Eleven (12) motel units;
Level 5	Five (5) two bedroom serviced apartments. Balconies off two (units) relocated to west to accommodate increase setback to north	Eleven (11) motel units;
Level 6	Four (4) two bedroom serviced apartments. Roof garden to north east corner;	Ten (10) motel units;
Level 7	Three (3) two bedroom serviced apartments. Roof garden to north west corner;	Two (2) two bedroom serviced apartments. Swimming pool and communal landscaped open space to north west corner;

The proposed development will operate 24 hours a days, seven (7) days a week. Anticipated hours of operation for the café on Level 1 are 7.00am - 6.00pm seven days a week, the bar on Level 2, 6.00pm-midnight and the conference centre until midnight.

The total employment numbers are expected to be 24 persons with three (3) to six (6) persons employees in the professional consulting rooms.

A site plan and elevations are **attached (2)**.

## **BACKGROUND**

### **Site History**

A review of aerial photographs carried out by the applicant's environmental consultant indicates that the site (at 473 Liverpool Road) was used for residential purposes between the 1930s and 1960s. The existing development, being The Spanish Motor Inn was constructed in 1969. The east portion of the site was rezoned from Residential 2(b) to Business (Special) 3(b) under Strathfield Local Environment Plan 111) in April 2011.

Land west of the existing development has been used as a car park facility. It was previously owned by Telstra Corporation Limited and is zoned Business (Special) 3(b) under the Strathfield Planning Scheme Ordinance 1969 (SPSO).

### **Development Application History**

The following summary details the assessment process of the subject application:

5 November 2010	Pre – Lodgement meeting. Proposed redevelopment of the subject site including Block One (fronting Homebush Road) at eight (8) storeys and Block Two (fronting Liverpool Road) at ten (10) storeys discussed. Council advised that four (4) storeys with an increase of an additional fifth storey to the corner fronting Liverpool Road and Homebush Road was considered appropriate;
8 March 2011	Subject application lodged. Seven (7) storeys for Block One and six (6) storeys for Block Two proposed;
24 March to 27 April 2011	Application placed on public notification;
20 April 2011	Deferral letter issued;
12 May 2011	JRPP Briefing;
6 June 2011	Amended proposal submitted in response to concerns raised in deferral letter. Height of Block One maintained at seven (7) storeys. Block Two reduced for four (4) storeys at the western boundary. Setback distances to the northern boundary increased;
23 June 2011	Meeting to discuss amended proposal. Redistribution of the bulk of the development across the site was discussed. Council officers recommended a seven (7) storey height limit to the corner fronting Liverpool Road and Homebush Road, stepping down to four (4) storeys across the site ie: east, south and north elevations;
4 July 2011	Conceptual sketches submitted in response to concerns raised at

meeting;

- |               |   |
|---------------|---|
| 20 July 2011  | Second deferral issued in response to conceptual sketches and outstanding matters from amended proposal submitted 6 June 2011;    |
| 1 August 2011 | Detailed architectural plans in accordance with conceptual sketches and addendum to the original SEE dated 4 July 2011 submitted; |

**ASSESSMENT - Pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979**

The application has been assessed pursuant to the heads of consideration of Section 79C of the Environmental Planning and Assessment Act and the relevant matters described in Sub-section (1)(a), (b), (c), (d) and (e) of Section 79C have been considered within this report.

**(a) (i) Environmental Planning Instruments:**

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

A preliminary environmental site assessment carried out by Aargus Australia (received 8 March) has been considered by Council in accordance with Clause 7 of SEPP 55.

Potential environmental concerns regarding the importation of uncontrolled fill use of pesticides and leaks and spills from the adjoining Telstra site have been addressed. The risk to the environment and human health associated with soil contamination is identified as being of low environmental concern and the proposed use of the site for commercial and residential use is considered to be suitable. Council concurs with the assessment by Aargus Australia.

Accordingly, the proposed development satisfies the relevant provisions of State Environmental Planning Policy No. 55 – Remediation of Land.

**State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)**

The proposed development is not considered to be subject to SEPP 65 as the 25 serviced apartments and 45 motel rooms are considered to be a commercial development. The applicant has submitted an assessment against SEPP 65 and a 'Residential Design Flat Code Design Compliance Summary'. While multiple units housing is permissible, subject to consent on the subject site, consent is not being sought for residential development. As such SEPP 65 is not a relevant matter pursuant to Section 79C.



**State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

A BASIX certificate, relating to the 25 serviced apartments was submitted with the application. The proposed development is not considered a BASIX affected development. Clause 3 of the Environmental Planning and Assessment Regulation 2000 excludes hotels and motels.

**State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)**

Clause 101 of the Infrastructure SEPP requires a consent authority to consider vehicle access to and from the site, the impact of access on the classified road, being Liverpool Road in terms of safety, efficiency and ongoing operation and the design of the development so as to ameliorate potential traffic noise or vehicle emission impacts.

Access for coaches, service vehicles and taxis is proposed via a left turn movement from Liverpool Road with the exit movement via Homebush Road.

The signalised intersection adjacent to the site, prohibits a right turn into Homebush Road from the east (city). Accordingly traffic is directed onto the local streets to the north of Liverpool Road, via a right hand turn into Wallis Avenue, located to the west of the subject site.

A traffic impact assessment carried out by Transport and Urban Planning (received 8 March) and additional correspondence submitted 6 June states that the proposed development is satisfactory having regard to the impact of additional traffic movements on the adjacent road network with little or no change on existing conditions. The proposed development is expected to generate 58 vehicle movements, an additional 33 vehicle movements in the weekday PM peak hour period.

Potential impacts on the signalised intersection at Liverpool and Homebush Road, Liverpool Road and Wallis Avenue and local roads were raised during the assessment process.

The report states,

*‘For the critical PM peak hour assessed for the development the additional vehicles that may use the Hume Highway/ Wallis Avenue intersection would be less than 3 vehicles per hour (i.e.: one vehicle every 20 minutes). Similarly, the impact of an additional 3 vehicles per hour or less, using Wallis Avenue and or High Street would also have negligible impact on the streets, in terms of capacity and amenity’*

The report notes that the Homebush Road/Liverpool Road intersection will continue to operate as satisfactory during the PM peak hour period with the current average vehicle delay of 36 seconds increasing to 39.2 seconds from the proposed development

The proposed 173 parking spaces at basement level will satisfy off street during peak periods. Parking layout, including ramps, aisle width, space size and proposed loading facilities and overnight coach parking have the capacity to be designed to comply with the relevant standards.

The proposal is deemed to be satisfactory by Council's Traffic Engineer and the RTA with respect to the impact on Liverpool Road, subject to recommended conditions.

The proposal has been referred to the RTA for consideration under Clause 104(3) who raises no objection to the proposed development subject to recommended conditions.

Accordingly, the proposed development has satisfied the relevant provisions of the Infrastructure SEPP and is satisfactory.

### **State Environmental Planning Policy (Major Development) 2005**

The proposed development has a capital investment value in excess of \$10 million and is defined as 'Regional Development' pursuant to Clause 13B of the Major Development SEPP.

Therefore, the Sydney East Joint Regional Planning Panel (JRPP) has the function of determining the subject application in accordance with Clause 13F of the abovementioned planning policy.

### **Strathfield Planning Scheme Ordinance, 1969**

Clause		Required	Proposed	Compliance
22	Land Use	Commercial premises; motels; serviced apartments; may carried out in the Special) 3(b) zone with Consent.	Commercial premises including three (3) consulting rooms, 46 motel rooms and 25 apartments proposed and permissible subject to consent.  Proposed refreshment room (café), bar and conference centre ancillary to motel and serviced apartment development.	Yes
32(a)	Consideration of certain applications  Aesthetic appearance	Probable aesthetic appearance when viewed from a main road	Five (5) storey increasing to seven (7) storeys for Block One, four (4) storey increasing to seven (7) storey development for Block Two finished in prefabricated steel, toughened glass, steel framed pergola features with terra cotta battens.	No – refer discussion

32(b)(i)	Hotels, motels impact on vehicular traffic	Adequate vehicular exits and entrances not endangering persons and vehicles	Adequate entrances provided for vehicular traffic. 2.5m wide pedestrian island within a 13m wide vehicle access off Homebush Road favors vehicular at expense of pedestrian movements.	No – refer discussion
32(b)(ii)		Sufficient to provide for the parking	173 parking spaces proposed	Yes
32(b)(iv)		Adequate space for the loading, unloading of vehicles	Loading and unloading of coaches and service vehicles at ground level accessed via Liverpool Road.	Yes
41C(a)	Development adjoining residential zones	Compatible with height, scale, siting and character of existing buildings	Five (5) storeys proposed adjacent to single storey residential development to north. Four (4) storeys proposed adjacent to two (2) storey residential developments to the west.	No – refer discussion.
41C(b)		Goods, plant, equipment to be suitably screened	Location to be determined at detailed design stage. Acoustic report submitted details mitigation.	No – refer discussion.
41C(c)		Elevations of building facing residential zone to be compatible with existing buildings, or suitably screened;	Block One and Two not compatible with respect to bulk and scale however deep perimeter balconies and architectural detailing provides some screening.	No – refer discussion.
41C(d)		Not inhibit solar access to existing buildings between the hours of 9am and 3pm during the winter solstice	Solar access maintained.	Yes.
41C(e)		Noise from fixed sources or motor vehicles to be effectively insulated or minimized	Noise from coaches using service lane along northern boundary may exceed recommended limit.  Noise from vehicles entering and leaving the car park off Homebush Road to be assessed.	No – refer discussion.  No – refer discussion
41C(f)		Nuisance by way of hours of Operation, traffic	Anticipated hours of operation may create noise nuisance when	No – refer discussion.

		movement, parking, headlight glare, security lighting	development is at capacity or during high frequency traffic movements from the basement car park. Head glare impacts anticipated on development at 260 Home bush Road.	
41C(g)		Windows facing residential areas to avoid overlooking of private yard space or windows	Fixed glazing and terra cotta battens at Level 2 Conference mitigate overlooking to north.  Direct overlooking from units 3, 8 and 13 on private yards to north restricted by planters located in deep-set balconies creating horizontal viewing site line.	Yes
44(1)	Floor Space Ratio	3:1  7635m <sup>2</sup> : 2 545 m <sup>2</sup>	2.91:1  7,407.86m <sup>2</sup> : 2 545m <sup>2</sup>	Yes
47	Outdoor Advertising	To complement and conform with the visual appearance of building;	Subject to separate development application.	Yes
61GA(1)(a) to (f)	Developing adjoining residential zones		Refer to assessment against clauses 41C(a) to (f) above.	No

The above assessment has identified non-compliances with Clause 32(a) relating to aesthetic appearances when viewed from Liverpool Road, Clause 41C(a), 41C(c) and 61GA(1)(a) relating to incompatibility with the height, scale, siting, elevations and character of existing residential buildings, Clause 41C(e) concerning potential noise impacts from motor vehicles, Clause 41C(f) relating to nuisance from traffic movements when the development is operating at capacity and head light glare impacts from vehicles exiting the basement car park off Homebush Road.

Overall, the proposed development is considered to be incompatible with the adjoining residential zone and its unsatisfactory having regard to the relevant Clauses of the SPSO.

#### **Section 94 Contributions**

Section 94 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Contributions Plan.

#### **(ii) Draft Environmental Planning Instruments:**

**Draft Strathfield Local Environmental Plan 2008 (2003)**

The Draft Strathfield Local Environmental Plan 2008 (Draft LEP) was lodged with the Department of Planning in September 2010. Council is awaiting final comments before proceeding with approval to exhibit.

Clause		Required	Proposed	Compliance
15	Development allowed in the zone	Commercial premises; hotels, professional consulting rooms, refreshment room, tourist accommodation may carried out in the 3B zone with Consent.	Commercial premises including three (3) consulting rooms, 46 motel rooms and 25 apartments, refreshment room (café) bar and conference centre proposed	Yes
22(a) to 22(g)	Development adjoining residential zones.	Refer requirements of clauses 41C(a) to 41C(g) of the SPSO.	Refer assessment under SPSO.	No – refer discussion.
24	Floor Space Ratio	3:1 7635m <sup>2</sup> : 2 545 m <sup>2</sup>	2.91:1 7,407.86m <sup>2</sup> : 2 545m <sup>2</sup>	Yes
56(a)	Community Safety	The provision of community safety in relation to provision of active street frontages	Activated edges provided at corner of Liverpool Road and Homebush Road only via Level 1 Café. Vehicle accesses and entrance to serviced apartment proposed off Homebush Road Consulting Rooms proposed along Liverpool Road. Little opportunities for interaction with public domain provided.	No – refer discussion.
56(b)		Provision of lighting for pedestrian site access between public and shared areas, Parking areas and building entrances	Space between Block One and Two enclosed. Considered to be semi-private rather than public space. Entry identified by 2.4m x 0.6m colour panels. Secure pedestrian entry to serviced apartments provided off Homebush Road. Lighting details subject to condition, in event of approval.	Yes
56(c)		Visibility and legibility of building entrances from	Pedestrian entry off Liverpool Road identified by colour panels off glazed	No – refer discussion.



		streets, public areas or internal Driveways.	façade. Entrance to café via second set of doors accessed off internal shared space. Access to three (3) consulting Rooms identified by single entry.	
62	Contaminated Land	Assessment of whether remediation is required or whether development may be restricted	Soil contamination is identified as being of low environmental concern with site being suitable for the proposed development.	Yes
63(2)(a)	Excavation and filling of land	Disruption and/or detrimental effect on, drainage flooding, patterns, soil stability	Disruption to drainage unlikely. Storm water Design Report proposes onsite treatment of storm water. Preliminary site assessment considers development with basement to be acceptable as imported fill located above natural clays.	Yes
63(2)(b)		Effect on likely future use or redevelopment	Proposed excavation and filling of land is unlikely to impact future use of the land.	Yes
63(2)(c)		Quality of the fill or of the soil to be excavated	Uncontrolled fill was imported to the site prior to construction of existing development. Contains low levels of B(a)P and PAH concentrations. Soil removals to be undertaken in accordance with NSW DECC guidelines.	Yes
63(2)(d)		Effect on the existing and likely amenity of adjoining Properties	Applicant has offered conditions relating to the provision of a Construction Management Plan (CMP) and Environmental Management Plan. The RTA requires geotechnical reports relating to excavation prior to the issue of a CC.	Yes
63(2)(e)		Source of any fill material or the destination of any excavated material	Subject to condition in the event of approval.	Yes
63(2)(f)		Likelihood of disturbing relics	Site not identified as item of heritage significance	Yes
65	Outdoor Advertising	To complement and conform with	Subject to separate development application.	Yes

		the visual appearance of building;		
75(a)	Waste Management	Re-use and recycling of building and construction	Subject to condition in the event of approval requiring detailed waste management plan. Proposed materials including terracotta, steel, glass and layered fibre panels from non-renewable and renewable sources. 1749 tonnes of recycled materials will be generated during demolition phase.	Yes
75(b)		Re-use and recycling of commercial waste	Subject to condition in the event of approval requiring detailed waste operation plan.	Yes
75(c)		Site requirements for construction, and managing commercial waste	Subject to condition in the event of approval requiring Construction Management Plan (CMP). Pre-fabricated construction process utilised where approaches.	Yes
76(a)	Ecologically sustainable development	Building and allotment orientation,	Design optimises north/south orientation.	Yes
76(b)		Opportunities for alternative energy sources	Limited alternative energy sources proposed. Details for rainwater harvesting for landscaping irrigation subject to condition in event of approval.	Yes
76(c)		Energy efficiency of site planning	Shading/screening devices proposed on all elevations.	
76(d)		Building layout, envelope and materials,	Micro climates created within balconies and Level 1 Plaza. No deep soil landscaping provided.	Yes
76(e)		Provision of solar hot water	No details provided.	No
76(f)		Efficiency of fixtures	Subject to condition in the event of approval.	Yes
76(g)		Conservation of embodied energy	Pre fabricated materials utilised during construction. Low maintenance materials reduce energy requirements during operation.	
76(h)		Bicycle and pedestrian access	Nine (9) bicycle spaces provided on Level 2 Basement in accordance with AS2890 0(1993). Alternative	Yes

			location should be considered in the event of approval.	
76(i)		Landscaping	Amended proposal (received 1 August) reduces roof top garden on Block Two at Level 7. Amended landscape plan required for Levels 4 to 7 of Blocks One and Two. Detailed waste management plan shall address use of compostable material on site.	Yes
76(j)		Storm water collection	OSD proposed. No water sensitive urban design proposed.	Yes
77	Landscaping and biodiversity	Consider opportunities for landscaping with native plants	Combination of native and exotic species proposed. Opportunities to increase biodiversity limited due to location abutting major road corridor.	Yes

The above assessment has identified non-compliances with Clauses 22(a) and 22(c) relating to incompatibility with the height, scale, siting, elevations and character of existing residential buildings and Clause 56(c) concerning the visibility and legibility of building entrances. The proposal generally satisfies the principles of ecologically sustainable development however it is considered there is scope to conceive a more environmentally sustainable design on the subject site.

While the proposed development will provide a range of commercial, entertainment and professional services within walking distance to the residential catchment, it fails to satisfy the other objectives of the Local Business 3B zone. In particular the objectives relating to the improvement of the environmental amenity and the incorporation of urban design principles.

As such, the proposed development is considered to be incompatible with the adjoining residential zone and its unsatisfactory having regard to the relevant clauses of the Draft LEP.

#### **Draft Local Environmental Plan No. 105**

The subject property is not identified as an item of heritage significance and is not located within a heritage conservation area under Council's Draft LEP No. 105.

#### **(iii) Development Control Plans:**

#### **Part C – 'Multiple Unit Housing' Strathfield Consolidated Development Control Plan 2005**

The applicant has provided an assessment of the proposed development against the Part C – ‘Multiple Unit Housing’ Strathfield Consolidated Development Control Plan 2005 (Part C - DCP). The proposed development is not for residential development therefore an assessment of the application against Part C - DCP has not been undertaken.

**Part H – ‘Waste Management’ Strathfield Consolidated Development Control Plan 2005**

The Waste Management Plan submitted with the application does not satisfy the requirements of Part H of the Strathfield Consolidated Development Control Plan 2005 (Part H – DCP). A condition requiring a comprehensive Plan detailing waste and recycling procedures during construction and operation of the development is recommended in the event of an approval.

**Part K – ‘Contamination’ Strathfield Consolidated Development Control Plan 2005**

The risk to the environment and human health associated with soil contamination is identified as being of low environmental concern. Refer to the assessment against the relevant provisions of State Environmental Planning Policy No. 55 – Remediation of Land above.

**Part I – ‘Provision of Off Street Parking Facilities’ Strathfield Consolidated Development Control Plan 2005**

The proposed development provides 173 off street parking spaces (including two (2) accessible spaces). This includes the provision of 22-stacked spaces.

Part I of the Strathfield Consolidated Development Control Plan 2005 (Part I – DCP) specifies parking provision for causal accommodation and associated land uses including restaurants and function spaces, as outlined below;

Clause	Parking Rate	Use / Room	Proposed	Parking per use	Parking Shared use (Column 6)
3.2.1	1 space per room	Motel	71 units	71 spaces	71
	15/100m <sup>2</sup> GFA or 1/3 seats	Café	225m <sup>2</sup> or 100 seats	33.3 spaces	(a)
	15/100m <sup>2</sup> GFA or 1/3 seats	Restaurant / Bar	317m <sup>2</sup> and 130 seats	43.3 spaces	30
	15/100m <sup>2</sup> GFA or 1/3 seats	Function Centre	216.5m <sup>2</sup> and 100 seat	33 spaces	23
	3 / room Plus 1 / 2 employees	Consulting Rooms	174m <sup>2</sup> and 3 rooms	10.5 spaces	11
	0.5 space	Employees	24	12 spaces	12

	per employee				
<b>TOTAL</b>				203.1 spaces	147 spaces

<sup>(a)</sup> Parking requirement for Cafe is included in the Restaurant/Bar area as these uses are complementary with the maximum parking demand for each use occurring at different times.

The traffic assessment submitted with the application has provided a calculation of parking demand based on the sharing of some uses (refer column 6 above). The report states that,

*'A number of the uses in the Spanish Inn are complimentary uses and would either not attract parking demand at the same time and or generate additional parking demand.*

*For example the cafe will operate during the day and attract its maximum parking demand at this time. While the restaurant will also operate at lunch times, it is unlikely to be busy unless a conference/function is held at the same time and in this circumstance the parking demand for the restaurant, cafe and conference function areas will be shared.....*

*In addition to this a proportion of users of both the cafe as well as the restaurant / bar are expected to be motel guests, as will be a proportion of people who attend functions and conferences at the motel. In summary, there will be an overlap between all the major uses of the motel and this will reduce its overall parking demand and parking requirement and the calculated parking requirement based on some sharing of the uses.'*

The shared parking requirement is based on an assumption that 30% of the café/restaurant/bar/function centre users are guests at the development. This assumption is considered to be acceptable, as parking for each use would require the provision of 233 spaces. This would be the maximum parking rate for the proposal and is not considered to be sustainable, as excavation to greater depth would be required to accommodate an additional basement level.

Overall, the proposed development is considered to be compatible with the relevant Clauses of Part I of the DCP.

#### **iiia) Planning Agreements (or Draft Agreements)**

The proposed development is not subject to a planning agreement pursuant to Section 93F of the Environmental Planning and Assessment Act 1979.

#### **iv) Matters Prescribed by the Regulations**

The *Government Coastal Policy* does not apply to the site and the operation of AS2601-1991 for the demolition of structures could be dealt with by way of a condition of consent in the event of an approval.



**(b) Likely Impacts:**

**Context & Setting**

The proposed development is likely to adversely affect the context and setting of the subject site and Strathfield South. The proposal complies with the only development control for the site (an FSR of 3:1 is permissible with 2.91:1 being proposed) however the height, bulk and scale of the development is considered to be incompatible with adjoining residential properties to the north and west, the spatial typology outlined in the Sub Regional Strategy and the objectives of the subject zone.

*Height*

The applicant has submitted amendments to the original application to address Council's concerns with the proposed height. The proposed redistribution of existing accommodation creates a five (5) storey increasing to seven (7) storey development to Homebush Road (Block One) and a four (4) storey increasing to seven (7) storey development to Liverpool Road (Block Two). However the amended application (received 1 August) is still considered to be incompatible with existing and likely future development.

The applicant's justification in support of the proposed height can be summarised as follows:

- The proposed height is appropriate given the context of the site as:
  - The site is located along a potential enterprise corridor (Liverpool Road – Hume Highway);
  - A seven (7) storey mixed use development approved by the Land and Environment Court is under construction at 454-458 Liverpool Road; and
  - The proposal of is a scale that is economically viable and will revitalise the Strathfield South commercial precinct;
- Potential impacts of the proposed height are mitigated by:
  - Increasing the setback distances to the north and west (up to 15m at Levels 5 and 6 on the western elevation and 7.6m on the northern elevation);
  - Negligible overshadowing to the north and west; and
  - Relocation of units on the north elevation to reduce overlooking and visual privacy impacts;
- Strategic Plans (including the Inner West Sub Regional Strategy and the Metropolitan Plan) do not specify building height targets;
- The SPSO and Draft LEP do not have a height control;
- The proposed height has been reduced from eight (8) and ten (10) storeys since the pre-lodgement meeting;

In response to the applicant's justification, Council Officers contend that:

- The proposed height is more appropriate to the context and setting of the Parramatta Road Enterprise Corridor;
- Council did not support the Court approved development at 454-458 Liverpool Road;
- A development which satisfies the anticipated height for the subject site (being seven (7) storeys at the corner stepping down to four (4) storeys across most of the site) can revitalise Strathfield South whilst complementing the context and setting;
- The proposed development does not sufficiently step down in height across the site ie: along the south and east elevations;
- The subject site is elevated from surrounding properties being approximately 4m higher than the property located approximately 50m to the north thereby accentuating height impacts when viewed from Homebush Road;
- The proposed height is not in accordance with the spatial typology for a 'small village' or surrounding villages and town centres as reflected in the Sub Regional Strategy (refer Figure Two);
- The applicant was advised at pre-lodgment that four (4) storeys with an increase of an additional fifth storey to the corner fronting Liverpool Road would be appropriate. A concession to seven (7) storeys at the south eastern corner of the site was offered during assessment of the application subject to stepping down to four (4) storeys across the site; and
- Council's advice is consistent with the building spatial hierarchy for the Liverpool Road/Homebush Road intersections as outlined in the Draft LEP 2011 (currently with the Department of Planning for approval);

#### *Bulk and Scale*

The applicant has amended the original application to address Council concerns with bulk and scale impacts on adjoining residential development to the north and west. In particular the northern setback of Block One at Levels 5 and 6 has been increased and the bulk on the western elevation has been reduced through the relocation of units to the centre of the site. However the proposed bulk and scale of the development when viewed from Liverpool Road is still considered contrary to the context and setting.

An addendum (received 1 August) to the Statement of Environmental Effects offers the following justification for potential bulk and scale impacts on the Liverpool Road streetscape;

*‘The proposed south elevation presents as a series of discreet massings, with a clearly articulated void and entrance which breaks up the southern façade appropriately. The use of various architectural finishes provides a distinctive suite of scaling textures to provide further articulation.....*

*The proposed relocation of Units 18 and 23 to Block Two within the originally proposed building envelope / roofing structure above the swimming pool area means that there is no additional “height” or massing at this point.. Previous amendments to the massing at the western site boundary interface also results in a reduction in the visual massing of the Liverpool Road façade with a stepping-down of Block Two from seven (7) storeys to four (4) at the western interface’*

Council considers finishes and landscaping to secondary considerations. The primary consideration is the form, bulk and scale which remains incompatible with existing and likely future development. The amended development is viewed as one long continuous building, and is inconsistent with the grain of the development on the southern side of Liverpool Road where a finer grain of built form and a vertical form is predominant. Overall the amended development is incongruous with the visual setting of a ‘small village’.

Accordingly the proposed development is considered to be incompatible with the context and setting of Strathfield South. In particular the amended proposal (received 1 August) is contrary to Clauses 32(a), 41C(a) and (c) of the SPSO and Clauses 22(a), 22(c) and Clause 56(c) of the Draft LEP.

### **Public Domain**

An addendum to the Statement of Environmental Effects (received 2 August) provides comments in response to urban design concerns raised by Council Officers during the assessment process relating to the lack of active frontages, lack of consideration to the human scale of the development, materials and the proposed vehicular access of Homebush Road.

In response to concerns with illegibility of pedestrian accesses and the development’s impact on the streetscape the architect states,

*‘The Café and Restaurant address Liverpool Road with a double height, fully glazed façade (south facing). The attractive interior and exposure for indoor-outdoor café dining is therefore communicated to the corner of the Liverpool road/Homebush Road intersection and fully discernible from the footpath zone.*

*The glazed screen to the public accessible Plaza is similarly designed as a visually inviting and fully accessible entry. The double height glazed screen (located 15m from the intersection) has been designed to reduce the traffic noise impact on the Plaza. The Plaza has been designed to be a sunny haven for locals, motel guests and visitors that will become a natural community focus for South Strathfield.....”*

The architect also draws attention to entries to the three (3) commercial consulting rooms on the southern elevation.

Council's officers contend that the application still fails to respond to the pedestrian scale and 'small village' context of Strathfield South with urban design concerns accentuated by the bulk and scale of the proposal. In response to the justification provided by the applicant it is considered that;

- The double height, fully glazed façade (south facing) encloses the development off from the street creating a building which lacks permeability from the public domain;
- The development does not respect the corner of the site which occupies a 'gateway' location, with the seven (7) storey bulk of the development occupying the majority of the 72m long frontage to Liverpool Road;
- The café at Level 1 does not sufficiently address the corner and is orientated away from the public domain. Furthermore, no direct pedestrian access is provided to the café and the restaurant at Level 2 with pedestrians required to negotiate two (2) sets of doors to gain access;
- The entrances to the development do not correspond with pedestrian sightlines i.e.: access to the development is not legible for pedestrians crossing Homebush Road or Liverpool Road from the east and south; and
- The enclosed open space between Blocks One and Two will promote pedestrian activity and interaction within the development at the expense of pedestrian interaction outside the site. The enclosed 'haven' is considered to be semi-private space with access controlled by the applicant;

In response to issues raised with the proposed 13m wide vehicular access off Homebush Road, a 2.5m wide pedestrian island has been included. The architect states,

*'The pedestrian island, which in itself is a landscaped zone, creates a safety zone for pedestrians, as the driveway at ground level (Grid 13 – northern boundary) will be infrequently used as it is intended only for coaches, taxis and VIP vehicles (e.g.: wedding cars).... It should also be emphasized, that electronically controlled retractable bollards could be added to this eastern boundary as a measure for control exiting of vehicles from this driveway. The bollards would be controlled from the Motel Reception via CCTV monitoring.'*

The width of the vehicular access and proposed mitigation is still considered unsatisfactory, as:

- Approximately 34% of the east elevation is allocated to vehicular access;
- The proposed vehicle entry/exit point is located next to the existing access servicing the telecommunications depot located to the north west which increases the amount of footpath allocated to vehicular crossover;

- The number of vehicles using the service lane (exit to Homebush Road) is minimal and does not justify a separate exit (total of 5-6 service vehicle trips per day and 2-3 coach movements per week is expected); and
- Residential development to the north of the site is an important pedestrian catchment for the Strathfield South and the proposed 2.5m wide pedestrian refuge does not effectively mitigate pedestrian safety concerns.

The proposed development utilizes a variety of finishes and materials, including terra cotta battens which make reference to unglazed terracotta detailing in Strathfield's heritage Federation architecture. However as noted above the proposed finishes are deemed to be a secondary consideration and do not effectively mitigate the mass and bulk of the development. The applicant contends that,

*'The expanse of terracotta battens on the south elevation (Grids F-M) represent a carefully scaled extent providing a finely grained façade texture representing approximately one third of the total facade. This façade has been carefully modeled to incorporate rhythms of materials through their extent, element scaling and detailing'.*

It is considered the proposed terracotta battens to the south elevation is considered to be a monotonous treatment and lacks the detail, diversity and human scale required for a small-scale small centre.

Accordingly the proposed development is likely to adversely affect the public domain and fails to sufficiently respond to the pedestrian scale and likely future development in Stratified South contrary to Clause 32(a), 32(b)(i), 41C(a) and 41C(c) of the SPSO and Clauses 22(a), 22(c) and 56(a) and 56(c) of the Draft LEP.

### **Access, Transport & Traffic**

#### *Parking*

The application has been supported by an assessment by Transport and Urban Planning (received 8 March), which confirms that the proposed development is adequately supplied with off street car parking with 173 spaces proposed. No impacts the existing on street parking provision on Homebush Road of adjoining streets in anticipated.

#### *Traffic Generation*

The proposed development will generate an estimated maximum of 58 vehicle movements (cars in) the weekday PM peak hour an increase of 33 vehicles as compared to the existing development. The likely impacts of the increase in vehicular traffic on the local road network has been discussed above in relation to the Infrastructure SEPP with impacts on the operation of signalized intersections in the vicinity of the subject site considered to be satisfactory.



### *Pedestrian Safety*

The proposed development is likely to impact pedestrian safety with respect to the 13m wide vehicle entry/exit point on the Homebush Road frontage. The traffic assessment submitted with the application identifies 36 pedestrian movements during the peak PM period, which can be partially attributed to pupils attending Strathfield South Public School and residents accessing bus services on Liverpool Road. As discussed above the provision of three (3) driveways off the Homebush Road frontage is considered excessive given that only five (5) to six (6) service vehicles are expected to use the service lane each day.

Accordingly the proposed development is likely to adversely affect pedestrian safety and the public domain contrary to Clause 32(b)(i) and 41C(f) of the SPSO and Clause 56(c) of the Draft LEP.

### **Water**

The development provides no deep soil landscaping with all storm water proposed to be directed into two (2) OSD tanks located at the north east corner and south east corner of the site via a pit and piped drainage system. Two (2) outlet pipes are proposed across the footpath to pits on Homebush Road.

Council officers have requested further detail concerning connection of outlet pipes to junction pits at the property boundary, provision of a storage sump and twin pumps in the basement and details of a rainwater tank for irrigation purposes. The applicant has partially addressed concerns in written correspondence (received 6 June) however an amended detailed design remains outstanding at the time of writing this report. The provision of a rainwater tank in accordance with BASIX is not acceptable given that the proposal is not a BASIX affected development.

Accordingly, the proposed development is likely to result in adverse impacts on the surrounding environment, as it has been unable to present a satisfactory design for the disposal of stormwater from the site.

### **Site Design and Internal Design**

#### *Noise*

The applicant has submitted an acoustic report to address acoustic privacy concerns raised during the assessment process on residential properties to the north, generated from the following activities/sources:

- The service lane on the northern boundary, as noise from coaches may exceed recommended limit (73dBA);
- The vehicle entry/exit to the basement off Homebush Road;
- The outdoor café with proposed seating to the north west of Block One and the flexible outdoor reception/cocktail space between both Blocks One and Two;

- The bar and function centre at Level 2 as the application does not include details concerning window fittings and openings on the north; and
- The waste collection point located approximately 8m to the western boundary.

The effectiveness of the proposed 1.2m high terra cotta batten steel fences along the north and west boundaries as appropriate acoustic buffers between the proposal and adjoining residential zone has been queried.

The acoustic report prepared by SLR Global Environmental Solutions (received 6 June) offers mitigation to potential adverse impacts identified above however a full and proper assessment of the report is outstanding at the time of writing.

#### *Lighting*

The proposed development may create adverse glare impacts to properties located to the east of the site on Homebush Road contrary to Clause 41C(f) of the SPSO. Coaches and vehicles exiting the service lane and potentially vehicles exiting the basement car park may create a nuisance to residential development at 260 and 258 Homebush Road.

#### *Visual Privacy*

The applicant has resolved potential overlooking concerns identified during the assessment process. In particular the development has been setback 2m to 5.6m at Level 5 and 4m to 7.6m at Level 6 of Block One. Overlooking impacts from the north facing balconies from Levels 2, 3, and 4 of Block One have been addressed through the provision of deep perimeter planters to the outside edge. A similar treatment to the balconies on the west elevation is recommended in the event of an approval.

An addendum to the Statement of Environmental Effects (received 6 June) states that potential visual privacy impacts from the function centre at Level 2 to the adjoining property at 233 Homebush Road are mitigated by the 12m setback with the north facing fenestration comprising fixed glazing with external terra cotta batten screens.

Accordingly, while potential visual privacy impacts have been resolved a full and proper assessment of likely adverse impacts relating to noise and lighting has to be finalised. Therefore at the time of writing the proposal is considered contrary to Clauses 41C (e), 41C (f) of the SPSO and Clauses 22(e) and 22(f) of the Draft LEP.

#### **Earthworks**

Excavation and backfilling is proposed to the boundaries of the subject site to accommodate the three (3) levels of basement parking.

Service lanes accessing the telecommunications depot provide a separation buffer of a minimum width of 3.2m between the proposed development and adjoining residential properties. This separation distance will provide some mitigation to likely potential

health, safety and amenity impacts for neighbouring residents during construction in particular noise, dust and vibration issues created by the demolition of existing structures and excavation works. The applicant accepts conditions in the event of an approval relating to the provision of Construction, Traffic and Environmental Management Plans.

### **Economic Impact**

The proposed redevelopment of the existing motor inn will create employment during the construction stage and ongoing employment opportunities during operation of the motel, serviced apartments, café and restaurant. The provision of three (3) professional consulting rooms at Level 1 of Block Two have the potential to be subdivided to commercial tenants, thereby increasing the diversity of services offered within Strathfield South.

However it is considered that a development, which respects the context, setting and public domain, can still generate the same level of economic benefit to the locality as the proposed development.

### **(c) Suitability of the Site:**

The subject site is a gateway development for Strathfield South, located in a prominent position at the corner of Liverpool and Homebush Road. The east portion of the site currently accommodates the “Spanish Motor Inn” which has contributed to the social and economic vitality of the area since the early 1970’s. The west portion of the site is vacant and the preliminary site assessment carried out by Aargus Australia (received 8 March) confirms that the risk to the environment and human health associated with soil contamination is of low environmental concern and that the site is suitable for the proposed redevelopment.

However the amended proposal (received 1 August) does not satisfactorily resolve likely impacts on the context, setting and public domain due to the proposed height, scale and bulk of the development and is inconsistent the objectives of the subject site and the spatial typology envisaged by the Sub Regional Strategy and the Metropolitan Plan.

Accordingly the site is not considered suitable for the proposed development.

### **(d) Submissions:**

The application and plans were notified in accordance with Part L of the Strathfield Development Control Plan 2005 from 24 March 2011 to 27 April 2011.

Two (2) written submissions were received.

The concerns raised in the submissions are outlined and discussed below.

#### **1. Overdevelopment**

Concerns relate to the proposed height of the development, the number of motel rooms, increased vehicular traffic and the impact on pedestrians, particularly children attending Strathfield South Public School located east of the subject site.

*Comment*

There is no relevant control relating to the number of proposed motel rooms and the proposed development complies with the FSR control of 3:1 for the subject site. However the height of the development is considered incompatible with existing and likely future development and does not respond to the context and setting of Strathfield South. The amended proposal provides a 2.5m wide pedestrian refuge within the 13m wide vehicle entry/exit off Homebush Road however this does not satisfactorily resolve pedestrian safety concerns as discussed above.

2. Electricity Supply Arrangements

An application to Ausgrid shall be made in the event of an approval to determine electricity supply arrangements.

**(e) Public Interest:**

Approval of the development will justify a precedent for six (6) to seven (7) storey high built form in Strathfield South. Development of this scale is considered to be contrary to the public interest as:

- The proposal is likely to be used by other property owners as justification for developments of similar scale and act as a de facto policy for the strategic direction of Strathfield South;
- Seven (7) storey built form will create adverse overshadowing impacts to residential properties located to the south of Liverpool Road;
- Development of the proposed scale will alter the context and setting of Strathfield South as a small village and potentially other villages and town centres within LGA's in the Inner West; and
- It may undermine the spatial typology as envisaged by the Sub Regional Strategy, the Metropolitan Plan and potentially controls contained within the Draft LEP 2011.

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments (EPI's), the promotion of the objectives of land use zones and by Council ensuring that any adverse effects on the surrounding area and the environment are minimised. As the proposed development is contrary to a number of these matters, approval of the application is not in the public interest.

## **EXTERNAL REFERRALS**

### **RTA**

The proposed development was referred to the RTA for concurrence under Clause 104 of the State Environmental Planning Policy (Infrastructure) 2007.

The RTA raises no objection to the proposed development and provides recommended conditions in the event of an approval. Conditions include restricting the access to the site from Liverpool Road to buses and service vehicles only and the submission of detailed design and geotechnical reports relating to excavation of the site and support structures.

## **INTERNAL REFERRALS**

The application was referred to Council's Building Surveyor, Traffic Engineer, Development Engineer, Drainage Engineer, Environmental Health Officer, Landscape Officer and Strategic Planning Manager for comment.

### **Building Surveyor**

The proposed development is considered acceptable subject to the imposition of conditions in the event of an approval. Recommended conditions include the submission of a report from an accredited access consultant certifying that the development has been designed with regard to the requirements of the Building Code of Australia, AS1428.1 "Design for access and mobility and the Disability Discrimination Act.

An approval in accordance with the requirements of the Roads Act for the erection of "hoarding/scaffolding" will also be required.

### **Traffic Engineer**

The amended proposal (dated 6 June) generally satisfies traffic, parking and access concerns identified during the assessment process. However the proposed layout of stacked parking spaces at Basement Level 2 (bays 56-72 and 74-84) and Level 3 (bays 121-137 and 139-146) remains unacceptable. Amended plans will be required prior to the issue of a Construction Certificate in the event of an approval.

### **Development Engineer**

The submission of amended storm water plans addressing matters identified during the assessment process remain outstanding at the time of writing, in particular details relating to the rainwater tank, outlet pipes and the storage sump and twin pumps in the basement.

### **Environmental Health Officer**

The proposal is considered to be acceptable subject to conditions relating to trade waste agreements, mechanical ventilation and the fit out of kitchens associated with the café and restaurant.



The Waste Management Plan submitted with the application does not satisfy the requirements of Part H of the DCP. In the event of an approval a condition requiring a Plan that includes: waste and recycling contractors for demolition and construction, quantities of the amount of waste generated and recycled on a daily and weekly basis and a waste collection schedule is recommended

Soil removed from the site should be undertaken in accordance with the recommendations contained within the Preliminary Environmental Site Assessment submitted with the application.

An assessment of the acoustic report remains outstanding at the time of writing.

#### **Landscape Officer**

The proposed development is considered acceptable subject to landscaping being implemented in accordance with the Landscape Plan (submitted 10 June) and the imposition of conditions in the event of an approval. The amended proposal (submitted 1 August) provides two (2) roof top gardens to the north of Block One and reduces the communal landscaped area at Level 7 of Block Two to accommodate relocated units. An amended landscape plan will be required in the event of an approval.

#### **Strategic Planning Manager**

‘The amended application (submitted 1 August) offers no significant built form differences to the plans submitted on 6 June. The changes involve swapping units from the north end of Block One to reducing the northern corner to six (6) storeys and adding these to the top of Block Two to increase this section to seven (7) storeys. In addition, numerous roof top vegetation and trees have been indicated in an attempt to soften the impact of the buildings excessive height and bulk.’

‘Overall the proposed development is considered an overly tall and bulky structure for the hierarchy of this centre and this section of the Liverpool Road corridor. This scale and height does not match the human scale of this small to medium size centre where a smaller scale and more fine grain approach are required.....’

‘The proposed height and bulk is a scale more suitable for a larger scale commercial centre such as Five Dock or Drummoyne which are defined as ‘Villages’ in the Inner West Sub regional Strategy as compared to a ‘Small Village’ such as Strathfield South. The potential future accumulation effects of precedents replicating the height and bulk of the proposed development to the four corners of the intersection of Liverpool / Homebush Roads would create a urban form significantly out of scale with the hierarchy, character and role of this centre and the surrounding predominately detached dwelling precinct.’

### **CONCLUSION**

The application has been assessed against the heads of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979 and all relevant instruments and policies.

The outcome of this assessment, against current Environmental Planning Instruments (EPI's), is that the proposed height, bulk and scale of the development is likely to adversely impact the context, setting and public domain and is contrary to current land use objectives and the spatial typology envisaged in the Inner West Sub Regional Strategy and the Metropolitan Plan for Sydney 2036. As such the proposed development is likely to result in adverse impacts on the existing character and residential amenity, site context and setting of the locality and is overall unsatisfactory.

The proposed development is also considered to be incompatible with the scale and height of development envisaged for Strathfield South based on the work undertaken in preparing the Strathfield Comprehensive Local Environmental Plan 2011 (Draft LEP 2011), which consists of a building spatial hierarchy centred on the Liverpool / Homebush Road intersection and which steps down away from the corner of the site. At the time of writing the Department has not yet provided approval (Section 65 Certificate) for the Council to place the draft document on public exhibition.

Accordingly, the application is recommended for refusal.

#### **RECOMMENDATION**

That DA2011/032 for the demolition of existing structures and construction of one (1) x six (6) storey building and one (1) x seven (7) storey building connected by a walkway to accommodate 45 motel rooms, 25 serviced apartments, three (3) consulting rooms, café, restaurant and conference centre with 173 off street car parking spaces over three (3) basement levels at 473 and 483 Liverpool Road, Strathfield be **REFUSED** for the following reasons:

#### **REASONS FOR REFUSAL**

1. The probable aesthetic appearance of the proposed development, when viewed from Liverpool Road is incompatible with other development that is proposed or likely to be carried out in the vicinity of the site with respect to the proposed height, bulk and scale contrary to Clause 32(a) of the Strathfield Planning Scheme Ordinance, 1969 (*Section 79C 1(a) (i) of the Environmental Planning and Assessment Act, 1979*).
2. The 13m wide vehicle access off Homebush Road favours vehicular movements at expense of pedestrian movements contrary to Clause 32(b)(ii) of the Strathfield Planning Scheme Ordinance, 1969 (*Section 79C 1(a) (i) of the Environmental Planning and Assessment Act, 1979*).
3. The proposed development is contrary to the following clauses concerning development adjoining residential zones contained in the Strathfield Planning Scheme Ordinance, 1969 (*Section 79C 1(a) (i) of the Environmental Planning and Assessment Act, 1979*).
  - a. Clause 41C(a), as the proposed development is incompatible with height, scale, siting and character of existing residential buildings to the north and west as four (4) storeys are proposed adjacent to two (2) storey residential development to the west and four (4) to five (5) storeys are proposed adjacent to single storey development to the north;

- b. Clause 41C(c), as the west and north elevations of the building are incompatible with the existing two (2) storey and single storey residential development; and
  - c. Clause 41C(e) and 41C(f) as a full and proper assessment of potential noise from motor vehicles and the impact from headlight glare has not been satisfactorily resolved;
- 4. The proposed development is contrary to the following clauses concerning development adjoining residential zones contained in the Draft Strathfield Local Environmental Plan, 2008 (*Section 79C 1(a) (ii) of the Environmental Planning and Assessment Act, 1979*).
  - a. Clause 22(a) as the proposed development is incompatible with height, scale, siting and character of existing residential buildings to the north and west as four (4) storeys are proposed adjacent to two (2) storey residential developments to the west and four (4) to five (5) storeys are proposed adjacent to single storey development to the north;
  - b. Clause 22(c) as the west and north elevations of the building are incompatible with the existing two (2) storey and single storey residential development; and
  - c. Clause 22(e) and 22(f) as a full and proper assessment of potential noise from motor vehicles and the impact from headlight glare has not been satisfactorily resolved.
- 5. The proposed development fails to address urban design considerations contrary to Clause 56(a) concerning pedestrian safety and Clause 56(c) concerning the viability and legibility of entrances contained in the Draft Strathfield Local Environmental Plan, 2008 (*Section 79C 1(a) (ii) of the Environmental Planning and Assessment Act, 1979*).
- 6. The proposed development fails to address urban design considerations as the proposed height and bulk is incompatible with the scale of existing and likely future development in Strathfield South contrary to Objective 2(g) of the Local 3B Business Zone which seeks to incorporate urban design principles in the development of commercial centres (*Section 79C 1(a) (ii) of the Environmental Planning and Assessment Act, 1979*).
- 7. The proposed development fails to create active local centres by channeling pedestrians and activity away from the street into the site and is therefore contrary to Objective 2(b) of the Local 3B Business Zone under the Draft Strathfield Local Environmental Plan, 2008 (*Section 79C 1(a) (ii) of the Environmental Planning and Assessment Act, 1979*).
- 8. The proposed development is likely to adversely affect the context and setting of the surrounding environment as it has been unable to provide a satisfactory design for storm water disposal from the site for review (*Section 79C 1(b) of the Environmental Planning and Assessment Act, 1979*).
- 9. The proposed development is likely to set precedents replicating the height and bulk of the proposed development to the four corners of the intersection of Liverpool / Homebush Roads creating an urban form out of scale with the hierarchy, character and role of Strathfield South as a 'small village and the surrounding detached dwelling precinct

*(Section 79C 1(b) of the Environmental Planning and Assessment Act, 1979)'.*

10. The proposed, height, bulk and scale is considered incompatible with existing and likely future development on Liverpool Road and existing and likely future residential development to the north and west, making the site unsuitable *(Section 79C 1(c) of the Environmental Planning and Assessment Act, 1979)*.
11. The proposed development is contrary to spatial typology outlined in the Inner West Sub Regional Strategy and the Sydney Metropolitan Plan 2036 *(Section 79C 1(e) of the Environmental Planning and Assessment Act, 1979)*.

#### **LIST OF ATTACHMENTS**

1. **Site Plan and Elevations**