

## **SUMMARY**

|                                 |  |
|---------------------------------|--|
| <b>PROPERTY:</b>                | 6-12 Courallie Avenue, Homebush West                       |
| <b>LOT &amp; DP:</b>            | Lots 3, Lot 4, Lot 5, and Lot 6 in DP 11427                |
| <b>DA NO.:</b>                  | 2011/109   |
| <b>APPLICATION TYPE:</b>        | Residential Flat Building                                  |
| <b>REPORT BY:</b>               | Penny Anson  |
| <b>REFERRED TO JRPP:</b>        | Yes (Capital Investment Value >\$10 million)               |
| <b>RECOMMENDATION:</b>          | REFUSAL  |
| <b>SUBMISSIONS:</b>             | Seven (7) written submissions were received                |
| <b>ZONING:</b>                  | Residential 2(b)   |
| <b>DATE APPLICATION LODGED:</b> | 21 June 2011   |
| <b>APPLICANT:</b>               | Kin Wai Chan (PCArch Pty Ltd)                              |
| <b>OWNERS:</b>                  | Kean Kap Lee, JHB Developments & Maxum Investments Pty Ltd |

## **INTRODUCTION**

Approval is sought for the demolition of existing structures and construction of a five (5) storey residential flat building accommodating 49 apartments, 83 off street parking spaces at basement level and strata subdivision.

The proposed development fails to satisfy the design quality principles in State Environmental Planning Policy No. 65 – Design Quality of Residential flat buildings (SEPP 65) and the ‘rules of thumb’ guidelines of the *Residential Flat Design Code* relating to context, scale, built form density and landscaping. Variations to numerical controls in Part C of the Strathfield Consolidated Development Control Plan 2005 (DCP) are also proposed.

Seven (7) written submissions opposing the proposal have been received with concerns relating to height, scale, streetscape, parking and traffic impacts.

The applicant has met with Council to discuss the proposed variations to the aforementioned Environmental Planning Instruments. Additional information was submitted on 5 September 2011, which sets out justification for the proposed five (5) storey height. The overall height was reduced by 500mm however no other substantial changes to the built form, density and landscaping were provided.

Overall the proposal is considered to be an overdevelopment of the site and will create adverse streetscape and amenity impacts and adverse internal amenity impacts, which cannot be effectively mitigated via conditions of consent. The application is recommended for refusal.

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

### *Site Description*

The subject site is located at 6-12 Courallie Avenue Homebush West and comprises four (4) lots legally identified as Lots 3, Lot 4, Lot 5, and Lot 6 in DP 11427 with a total site area of 1932.4m<sup>2</sup>. The site is rectangular in shape with a frontage of 48.76m to Courallie Avenue.

The four (4) lots each accommodate single storey brick and tile dwellings, with a separate vehicular access to Courallie Avenue. The site is zoned Residential 2(b) under the Strathfield Planning Scheme Ordinance 1969 (SPSO) which encompasses Courallie Avenue, Marlborough Avenue to the east and Telopea Avenue to the west.

The site is identified as potentially being a past landfill area under Park K of the Strathfield Consolidated Development Control Plan 2005.

### *Neighbourhood*

The Courallie Avenue streetscape is in transition. The west side of the street accommodates single storey detached dwellings and is zoned for town house and villa development (refer Figure Two). The west side of Courallie Ave is flood affected.

Three (3) storey residential flat buildings are located immediately to the east of the site at 14-16 Courallie Avenue and 18-20 Courallie Avenue. Four (4) storey residential flat buildings are located on Marlborough Road, as permitted by the Strathfield Development Control Plan No. 20 – Parramatta Road Corridor Area (DCP-20) High density residential development (marketed as 'Centenary Park') is currently under construction towards the south of the site at 78 Marlborough Road (refer Strathfield Development Control Plan No. 25).

A warehouse development abuts the subject site to the north east and a car park is located along the site's eastern boundary. Land to the north, at the corner of Parramatta Road and Courallie Avenue is zoned Special Business 3(b) and accommodates a petrol station.

The Flemington Railway station is located approximately 750m south-east of the site and is not accessible via a safe walking route. Public bus services are located within 750m to 1km from the subject site.

Sydney Markets is located east of the development, with the Sydney CBD, located approximately 15km to the west.

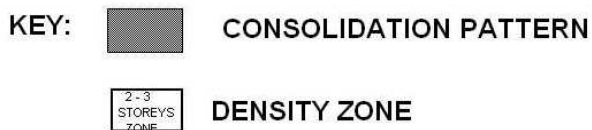


*Figure One: Subject site locality map.*

**HOMEBUSH WEST - COURALLIE AVENUE PRECINCT**



**MAP 8**



*Figure Two: Appendix 1 Maps – Part C Strathfield Consolidated Development Control Plan 2005.*

**PROPOSAL**

Approval is sought for the demolition of existing structures and construction of a five (5) storey residential flat building accommodating 49 apartments, 83 off street parking spaces at basement level and strata subdivision at 6-12 Courallie Avenue, Homebush West.

Elements of the proposal include:



- Demolition of four (4) single storey dwellings located at 6, 8, 10 and 12 Courallie Avenue;
- Construction of a five (5) storey residential flat building containing 49 apartments comprising six (6) x one (1) bedroom apartments, 39 x two (2) bedroom and four (4) x three (3) bedroom apartments;
- Parking at basement level including 78 spaces for residents, nine (9) for visitors, four (4) disabled spaces, two (2) shared areas and one (1) car wash bay;
- Roof top communal garden and associated landscaping, new front, side and rear fences; and
- Strata subdivision.

An application to remove five (5) trees from the site is being processed by Council's Tree Co-Ordinator at the time of writing.

## **BACKGROUND**

### **Development Application History**

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

|                             |   |
|-----------------------------|---|
| November 2004               | DA0304/293 for a four (4) storey multi unit housing development with three (3) levels of basement parking was approved by Council's Planning Committee;   |
| February 2007               | DA0304/293 lapsed;  |
| 21 June 2011                | Subject application lodged;   |
| 21 July -<br>11 August 2011 | Application placed on public notification;  |
| 15 July 2011                | Deferral letter concerning traffic matters issued;  |
| 29 July 2011                | Deferral letter concerning height, scale, solar access, privacy, landscaping, unit design, and contamination matters issued;  |
| 3 August 2011               | Deferral letter concerning storm water matters issued;  |
| 3 August 2011               | JRPP Briefing;  |
| 19 August 2011              | Meeting at Council offices to discuss issues raised in deferral letter and public submissions. The proposed five (5) storey height and potential adverse impacts were considered;                 |
| 5 September 2011            | Additional information submitted, including justification of the proposed height and an analysis of the surrounding built form and shadowing to the adjoining development. Minor modifications to |

the original application were submitted including:

- Reduction to the building height by 500mm;
- Two (2) additional adaptable dwellings, resulting in a total of seven (7);
- Access ramp for pedestrians at ground floor;
- Modifications to front fence;
- Privacy screens and increase to window sill heights on units on south elevation facing the adjoining development;
- Double glazing to windows facing north and east.

**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 Stage Two Environmental Site Assessment carried out by Environmental Investigations (received 5 September) has been considered by Council in accordance with Clause 7 of SEPP 55.

The site has no history of industrial or commercial use with residential development commencing around 1920. However potential environmental concerns regarding leakage of contaminants from the petrol station located to the north of the site at 334-336 Parramatta Road, the importation of uncontrolled fill to the site, and potential ground water contamination from adjoining land uses is addressed in the report.

The risk to the environment and human health associated with soil and ground water contamination is identified as being of low environmental concern with the proposed development considered to be suitable subject to recommendations including a Remediation Action Plan (RAP), removal of lead and asbestos impacted shallow fill and preparation of a final site validation report. Council concurs with the assessment by Environmental Investigations.

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)**

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings (SEPP 65) aims to improve the design quality of medium to high density accommodation in New South Wales. The SEPP requires Council in determining development applications for residential flat building's to take into consideration the advice of a Design Review Panel, the design quality of the proposal when evaluated

against the ten (10) design quality principles in the SEPP and the 'rules of thumb' guidelines of the *Residential Flat Design Code*. Furthermore, SEPP 65 requires a registered Architect to confirm in writing that they have directed or carried out the design of the proposal in accordance with the design quality principles of the SEPP (referred to as a design verification statement).

A design verification statement has been received from a registered Architect however as Strathfield Council is not subject to a Design Review Panel constituted under the SEPP, the proposal is assessed against the (10) design quality principles and the *Residential Flat Design Code* as follows:

*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 predominant built form within the immediate locality is defined by single storey brick and tile dwellings on the west side of Courallie Avenue and three (3) storey residential flat buildings (with attic levels) on the east side of the street which reflect the zoning and built form controls.

The proposed development does not respond to the existing and likely future context with the proposed five (5) storeys exceeding the permissible height on the east side of Courallie Avenue by two (2) storeys, contrary to the future desired character of the area.

Council's DCP's set out the anticipated built form for the wider locality. Four (4) storey residential development is permissible along Marlborough Road (refer DCP 20) and Part C of the Strathfield Development Control Plan 2005 (SCDCP - Part C) establishes a two (2) to three (3) storey height limit along the east side of Courallie Avenue. A further reduction in density and height is required under the Courallie Avenue Precinct Master Plan (refer Figure 2) on the west side of Courallie Avenue and Telopea Avenue in the form of town house and villa development. Accordingly the proposed five (5) storey development fails to respect the existing and likely future character of the area.

*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

Existing residential flat buildings in the immediate streetscape conform to the three (3) storey height limit, (with attic levels on some developments) as set out in SCDCP - Part C. The scale of existing built form increases to the north along the Parramatta Road Corridor and the east along Marlborough Road as reflected by the zoning and built form controls. Four (4) storey development is considered appropriate in these locations as taller buildings do not appear out of scale relative to the width of the street.

The proposed five (5) storey development conflicts with the built form transition and interrupts the graduation in scale from east to west in the locality. Furthermore the proposed scale is incompatible with existing development adjoining the site to the south, thereby disrupting the streetscape, contrary to the above design quality principle.

*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

The proposed building's proportions are discordant with existing development on the east side of Courallie Avenue as the five (5) storey development provides no transition to existing and likely future development and fails to respect the character of the streetscape. Furthermore the proposed residential flat building occupies 90% of the site's 48.74m long frontage with minimal setbacks proposed at levels four (4) and five (5) only, thereby failing to mitigate the building's excessive proportions.

*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 proposal fails to comply with the height and building envelope controls in SCDCP - Part C, which determine the permissible density for the site. The proposed 49 units will



create unacceptable bulk, scale, streetscape, traffic and parking impacts inconsistent with the desired density. Furthermore the locality does not contain the physical infrastructure to support more intensive development, with Courallie Avenue providing one-way traffic due to a narrow carriageway. The site is not located within 400m of public transport services thereby limiting future resident's transport options.

*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 proposed development complies with the mandatory BASIX commitments, which seek to improve the sustainability of future development and a waste management plan has identified materials for re-use, re-cycling and disposal in accordance with Council's requirements under Part H of the DCP.

However the proposal fails to provide adequate light and solar access to units on the south elevation, thereby increasing dependence on artificial heating and cooling devices. The proposed width of the block also exceeds the recommended building width of 8m-10m, restricting natural ventilation. No information has been provided concerning the maintenance and irrigation of the proposed roof top garden.

*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 useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.*

Comment

The proposed development relies on the provision of private balconies and a roof top garden and neglects to consider the landscape and building as an integrated sustainable system contrary to the above principle. In particular the proposed development:

- Provides 5% (90m<sup>2</sup>) of the site for deep soil landscaping therefore contributing little amenity through inadequate space for the planting of large and medium sized trees;
- Provides a communal open space at roof level which offers no contribution to the public domain and little opportunity for passive surveillance;
- An onsite detention system (OSD) is located in the front yard which also accommodates the primary communal open space area at ground level.

*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 proposal fails to provide an acceptable standard of internal amenity for future residents. It is acknowledged that adequate room size, balcony sizes and service areas are provided and privacy screens are proposed on the south elevation to mitigate potential privacy impacts but the design fails to consider the spatial quality of the development in relation to adjoining land uses.

The internal depth of units exceeds the recommended 8m width and the total building width (30.2m by 38.7m) compromises natural ventilation. Inadequate separation distances are proposed between balconies on the south elevation and existing habitable rooms at the existing development at 14-16 Courallie Avenue. Therefore the environmental quality of the development is compromised by the proposed building footprint.

*Principle 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

The proposed design provides acceptable passive surveillance external to the site, with balconies and habitable rooms overlooking Courallie Avenue. However internal safety and security is compromised by narrow setbacks on the north, south and east boundaries thereby creating dark, non-visible areas. Furthermore no overlooking opportunities are provided to the roof top garden, which forms the site's major communal open space.

*Principle 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 mix of units is sufficient in meeting the demands of the local community including the provision of adaptable housing options. However the proposal is considered an overdevelopment of the site creating pressure on the provision of physical and social infrastructure, thereby compromising the quality of the future local community.

*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 proposed materials, including brick, render and glass elements generally integrate with existing and likely future development however the potential positive contribution to the Courallie Avenue streetscape is undermined by the bulk, mass and scale of the built form.

*Residential Flat Design Code*

Further to the design quality principles, the proposal has been considered against the various provisions of the *Residential Flat Design Code* in accordance with Clause 30 (2)

(c) of SEPP 65. The proposed development fails to meet the following 'Rules of Thumb' controls for the design of residential flat buildings.

| Development Standard   | Required   | Proposed   | Compliance    |
|------------------------|--|--|---------------|
| Building Height        | Test height controls against existing floor space ratio to ensure good fit.  | Three (3) storeys permissible with five (5) storeys proposed.  | No            |
| Building Depth         | 10m -18m   | The proposed building measures 30.2m (west to east) and 38.7m (north to south).  | No            |
| Building Separation    | 12m between habitable rooms/ balconies   | Located approx 7m from adjoining balconies at 14-16 Courallie Avenue   | No            |
| Street Setbacks        | Consistent with existing   | 9m setbacks are consistent.  | Yes           |
| Side and rear Setbacks | Relate side setbacks to existing streetscape patterns.   | 2.5m side setbacks proposed. Other lots have narrow frontages with minimal setbacks. Proposal replicates this setback.   | Yes           |
| Floor Space Ratio      | Built form outcome against proposed floor space ratio is to be consistent with:<br>- building height<br>- building footprint<br>- building envelope<br>- open space requirements | No FSR control for the subject site. Density controlled by height (non-compliant), building envelope (non-complaint with 3m and 45 degree plane) and open space (non-complaint). | No            |
| Deep Soil Zones        | Minimum 25% of the open space to be deep soil zone.  | 23% (90m <sup>2</sup> ) deep soil proposed.  | No            |
| Open Space             | Communal open space between 25–30% of the site area.   | 41% (783.840m <sup>2</sup> )<br>Communal open space includes front yard, setbacks and roof top garden.   | Yes           |
| Safety                 | Crime risk assessment required for developments of more than 20 new dwellings.   | Not provided.  | No            |
| Pedestrian Access      | Identify access from the street to apartment entrance.   | Access is clearly identified for pedestrians and vehicles.   | Yes           |
| Vehicle Access         | Driveway width maximum of 6m. Vehicle entries and main pedestrian entries to be separated.   | Vehicle access is 5.2m wide.<br><br>Pedestrian access clearly differentiated.  | No<br><br>Yes |
| Apartment layout       | Single-aspect apartments should be limited in depth to   | Single aspect units from 8.5m.   | No            |

| Development Standard    | Required  | Proposed  | Compliance  |
|-------------------------|---|---|---|
|                         | 8m from a window.   |   |   |
| Apartment Mix           | Provide a diversity of apartment types to cater for different household requirements.   | Appropriate mix provided.   | Yes   |
| Balconies               | Provide primary balconies for all apartments with a Minimum depth of 2m.  | Minimum 2m deep balconies provide to each apartment.  | Yes   |
| Ceiling Heights         | 2.7m minimum floor to ceiling height for habitable rooms,<br>2.4m preferred<br>Minimum for all non-habitable rooms, with 2.25m permitted. | Each habitable area within each storey has a 2.7metre of ceiling areas.   | Yes   |
| Ground Floor Apartments | Optimize the number of ground floor apartments with separate entries  | Ground floor apartments accessed via single entry. Internal separate access provided only.  | Yes   |
| Internal Configuration  | Units accessible from a single core/corridor limited to eight (8)   | Unit accessible from single corridor is less than eight (8).  | Yes   |
| Storage                 | Storage areas rates:<br>- 1 bed 6m <sup>3</sup><br>- 2 bed 8m <sup>3</sup><br>- 3 plus bed 10m <sup>3</sup>                               | 0.8m <sup>2</sup> storage area provided for each unit at Basement Level 1.  | Not enough information provided to determine compliance |
| Daylight access         | Living rooms and POS for at least 70% of apartments should receive minimum 3hrs direct sunlight between 9am and 3pm in mid winter.        | 73% of units receive required sunlight access.<br>13 units on south elevation (no's 2-4, 13-15, 25-27, 37-38, and 44-45) do not satisfy minimum solar access requirements). | Yes   |
| Natural Ventilation     | Building depths, which support natural ventilation typically range from 10 to 18m   | Proposed depth 30.2m to 38.7m does not support natural ventilation.   | No  |
| Waste                   | Supply waste management plans as part of the development.   | Suitable waste management is provided   | Yes   |

The proposal fails to satisfy a number of the design quality principles and 'rules of thumb' controls, indicating that 49 residential units can not be accommodated on the site while



maintaining reasonable levels of amenity and respecting the streetscape. Accordingly, the proposed development has failed to satisfy SEPP 65.

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP) requires residential development to nominate and incorporate sustainability commitments to reduce water and energy consumption.

In accordance with the BASIX SEPP, a Certificate confirming the sustainability commitments required in the proposed development has accompanied the proposed development.

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

The proposal has been referred to the RTA for consideration under Clause 104(3) as more than 50 vehicles are proposed with access to a classified road or to road that connects to classified road.

The site is located approximately 25m south from the intersection with Parramatta Road and Courallie Avenue, which is an uncontrolled intersection.

Right hand turn movements into Parramatta Road from Courallie Avenue incur excessive delays as vehicles have to negotiate four (4) lanes of traffic. A signalised intersection is provided at the corner of Marlborough Road and Parramatta Road, which is expected to accommodate the majority of traffic movements generated by the proposal. East bound exit movements from the site are expected to access Parramatta Road by heading south down Courallie Avenue, heading left into Mandamar Avenue, then left into Marlborough Road utilising the signals to facilitate right turn movements to Parramatta Road and Centenary Drive.

A traffic impact assessment carried out by Traffix (received 5 August) states that the proposed development will have a 'moderate' impact on the adjacent road network and the additional traffic movements are 'considered acceptable'.

The RTA raises no objection to the proposed development subject to recommended conditions. Accordingly, the proposed development has satisfied the relevant provisions of the Infrastructure SEPP.

**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 | Development Standard                     | Required  | Proposed   | Compliance |
|--------|--|---|--|------------|
| 22     | Land Use                                 | Multiple Unit housing may be carried out in the Residential 2(b) zone with consent.                           | Multiple unit development comprising 49 dwellings is permissible within the subject zone.  | Yes        |
| 41(1)  | Allotment sizes within residential zones | Subdivision in the Zone 2(b) where allotments an area of not less than 560m <sup>2</sup> and 15m width.       | Site has a 48m frontage to Courallie Avenue and site area of 1932.4m <sup>2</sup>  | Yes        |
|        |  | Construction in Zone 2(b) where allotments an area of not less than 560m <sup>2</sup> and 15m width.          | Site has a 48m frontage to Courallie Avenue and site area of 1932.4m <sup>2</sup>  | Yes        |
| 41B(a) | Development within residential zones     | Compatible with other development that is proposed or Likely to be carried out in the vicinity.               | Proposed development is five (5) storeys high where adjoining development to the south is three (3) storeys. Proposal is also incompatible with townhouse and villa development likely to be carried out on the west side of Courallie Avenue. | No         |
| 41B(c) |  | Unlikely to adversely affect amenity of existing development by way of overshadowing, overlooking, noise, etc | Adverse impacts on residential amenity by proposed height, bulk, scale and density of development (i.e.: traffic and parking impacts generated by 49 units).   | No         |

Overall, the development is considered to be incompatible with existing and likely future development with respect to the proposed height and scale. The proposed 49 units can not be accommodated on the site without compromising existing levels of amenity, the character of the streetscape.

Accordingly the development is considered 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. A condition requiring a Section 94 payment could be imposed if the application were to be approved.

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

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

| Clause                  | Development Standard                          | Required  | Proposed  | Compliance |
|-------------------------|---|---|---|------------|
| 17                      | Development in the residential zone:          | Compatible with the character and amenity of existing and likely future buildings               | Refer assessment against Clause 41B(a) of the SPSO.   | No         |
| 18(1)<br>18(2)<br>18(3) | Allotment sizes within residential zones      | Subdivision in the Zone 2(b) 560m <sup>2</sup> and 15m width.                                   | Refer assessment against Clause 41(1) of the SPSO.  | Yes        |
|                         |   | Construction in Zone 2(b) 560m <sup>2</sup> and 15m width.                                      | Refer assessment against Clause 41(1) of the SPSO.  | Yes        |
|                         |   | Multiple Unit housing 1000m <sup>2</sup> and 30m width  | Site has a 48m frontage to Courallie Avenue and site area of 1932.4m <sup>2</sup>   | Yes        |
| 20                      | Housing for aged and people with disabilities | 15% of the total number of dwellings, in accordance with AS 4299 - Adaptable Housing (Class C). | 15% - 49 units = 7 units<br>Proposal amended to comply.   | Yes        |
| 56                      | Community Safety                              | Visibility and legibility of building entrances, lighting etc.                                  | Entrance identified by fencing treatment and portico feature.   | Yes        |
| 62                      | Contaminated Land                             | Assessment of whether remediation is required or whether development may be restricted          | Phase Two Site Environmental Assessment identifies soil and ground water contamination as low environmental concern. Remediation conditions recommended in the event of the approval. | Yes        |
| 63(2)(a)                | Excavation and filling of land                | Disruption and/or detrimental effect on drainage flooding, patterns and soil stability          | Sediment control measures recommended during construction.  | 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   | Soil removal to be  | Yes        |

|          |                                      |  |  |     |
|----------|--------------------------------------|--|--|-----|
| c)       |                                      | be excavated   | undertaken in accordance with NSW DECC guidelines.   |     |
| 63(2)(d) |                                      | Effect on the existing and likely amenity of adjoining properties        | A comprehensive Traffic Management Plan will be required in the event of an approval to address traffic impacts to Courallie Avenue and surrounding streets during construction. | 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 |
| 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 include brick, glass and aluminium.                                   | Yes |
| 76(a)    | Ecologically sustainable development | Building and allotment orientation                                       | Building orientated east/west. Units facing south do not receive adequate solar access to private open space (POS) and habitable rooms.  | No  |
| 76(c)    |                                      | Energy efficiency of site planning                                       | Shading/screening devices proposed in accordance with BASIX.   | Yes |
| 76(d)    |                                      | Building layout, envelope and materials.                                 | Proposal exceeds building envelope control, with minimal setback distances provided. Materials generally consistent.   | No  |
| 76(e)    |                                      | Provision of solar hot water   | Details in accordance with BASIX   | Yes |
| 76(f)    |                                      | Efficiency of fixtures   | Subject to condition in the event of approval.   | Yes |
| 76(g)    |                                      | Conservation of embodied energy  | No details provided.   | No  |
| 76(h)    |                                      | Bicycle and pedestrian access  | 21 bicycle spaces provided in storage area in the basement.  | Yes |
| 76(i)    |                                      | Landscaping  | Insufficient deep soil landscaping provided. Roof top garden provides  | No  |

|       |                              |   |   |     |
|-------|------------------------------|---|---|-----|
|       |                              |   | some amenity  |     |
| 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 confirms that the proposed building footprint compromises landscaping and solar access provision for future residents of the proposed development. Moreover minimal side setback distances and infringements to the building envelope would adversely impact the Courallie Avenue Streetscape.

Accordingly the development is considered 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**

| Section | Development Control | Required  | Proposed  | Compliance |
|---------|---------------------|---|---|------------|
| 2.2.1   | Site Requirements   | 1,000m <sup>2</sup> site area (min)   | 1932.4m <sup>2</sup>  | Yes        |
|         |                     | 30m (min) frontage  | 48m   | Yes        |
| 2.2.1   | Building Envelope   | Map 8 –Two (2) to three (3) storey height limit.                              | Five (5) storeys proposed.  | No         |
|         |                     | Finished Floor Level (FFL) no more than 1.2m from natural ground level (NGL). | 0.45m – 0.65m (from street NGL)   | Yes        |
| 2.2.1   | Front Setbacks      | 9m  | 9m  | Yes        |
| 2.2.1   | Building Envelope   | 3.5m vertically at boundary & project inwards at 45 <sup>0</sup>              | The proposal protrudes into the building envelope to the north and south (side boundaries) at Levels, 3, 4 and 5 for a portion of the | No         |



| Section     | Development Control                      | Required   | Proposed   | Compliance                           |
|-------------|--|--|--|--------------------------------------|
|             |  |  | corner apartments (excludes balustrades).  |                                      |
| 2.2.4       | Side Setbacks                            | Side setbacks for development involving two (2) or more storeys are to be governed by the application of the building envelope, solar access and privacy controls.<br><br>Basement walls shall be setback in accordance with side and rear setbacks. | The proposal fails to comply with the building envelope control. Minimum solar access provided to units on south elevation. Privacy addressed through provision of privacy screens<br><br>Basement wall respect ground floor setbacks.   | No<br><br>Yes                        |
| 2.3.1       | Dwelling Unit Design                     | 15% (seven (7) units) to be designed in accordance with Adaptable Housing Standard C.  | Seven (7) units in accordance with Adaptable Housing Standard C are proposed.  | Yes                                  |
| 2.3.4       | Dwelling unit design                     | One main entry (min) to provide convenient barrier free entry to ground floor units.   | Proposal amended to provide ramp access to ground floor units.   | Yes                                  |
| 2.3.5       | Dwelling unit design                     | Walls along property boundaries to be broken and staggered at 10m intervals.   | Balconies provide sufficient articulation.   | Yes                                  |
| 2.3.6-2.3.9 | Dwelling unit design (mobility impaired) | Barrier free access to common areas required.<br><br>Adequate & convenient seating and amenities<br><br>Adequate parking for disabled persons (basement parking shall incorporate lift)<br><br>Design to comply with AS standards.                   | The proposal provides barrier free common areas (lift access to roof top garden).<br><br>Seating and BBQ facilities provided in the common open space at roof level.<br><br>Six (6) disabled parking spaces are provided with a lift from the basement level 2 providing access to all levels.<br><br>Provision of off-street disabled parking is in accordance with AS 2890.2:2009. | Yes<br><br>Yes<br><br>Yes<br><br>Yes |
| 2.3.10      | Dwelling unit design                     | Building materials and finishes are to be consistent with streetscape and Strathfield Palette.   | The proposed materials and colours are consistent with the existing streetscape.   | Yes                                  |

| Section | Development Control                     | Required  | Proposed  | Compliance                |
|---------|---|---|---|---------------------------|
| 2.3.14  | Dwelling Unit Size                      | 1 bed unit min. 70m <sup>2</sup><br><br>2 bed unit min. 85m <sup>2</sup><br><br>3 bed unit min. 100m <sup>2</sup>   | Six (6) x one (1) bed units 70m <sup>2</sup><br><br>39 x two (2) bed units 85m <sup>2</sup> - 99 m <sup>2</sup><br><br>Four (4) x three (3) bed units 100m <sup>2</sup> - 103m <sup>2</sup>   | Yes<br><br>Yes<br><br>Yes |
| 2.4     | Energy and Water Conservation           | Residential Flat building must achieve 3.5 star energy rating   | The proposal is subject to BASIX SEPP, which prescribes the minimum sustainability requirements that are to be met in the development.  | Yes                       |
| 2.4.2   | Solar Access (shadow diagrams required) | Main living areas and 50% of the principal private open space (POS) to have min. 3 hrs solar access between 9am and 3pm on winter solstice (22 June).<br><br>Windows of habitable rooms and majority of POS of adjoining properties to have min. 3 hrs solar access between 9am and 3pm on winter solstice (22 June). | The proposed development is unable to provide the minimum required solar access to main living areas and 50% of principal POS for 13 units due to existing adjoining development, orientation of the site and minimal side setbacks.<br><br>3hr min (after 3pm) to main living areas of units at Level 2 of property at 14-16 Courallie Avenue to south. No residential properties to north, west and east of subject site. | No<br><br>Yes             |
| 2.4.3.  | Natural lighting                        | Design to maximize natural lighting   | 22 units facing north maximise natural lighting, however lighting to south facing units restricted by privacy screens and window size.  | No                        |
| 2.4.6   | Water Management                        | First 10 dwellings min. 500l per dwelling (5000l)<br><br>Ea. Dwelling thereafter additional 250l per dwelling   | The proposal will comply with BASIX requirements for rain water tank provision.   | Yes                       |

| Section | Development Control                  | Required   | Proposed  | Compliance     |
|---------|--------------------------------------|--|---|----------------|
| 2.5     | Streetscape and Building Orientation | Design shall integrate with streetscape and be sympathetic to existing predominant style.<br><br>Garage and parking areas are not to be visually dominant.   | The proposal exceeds the height storey limit permitted on the site and fails to comply with numerous development controls thereby indicating that the proposal is an overdevelopment of the site and will not integrate with the streetscape.<br><br>Basement parking is not visually dominant. | No<br><br>Yes  |
| 2.5     | Front Fences                         | Design of fence sympathetic to development<br><br>Solid fence to max of 900mm above footpath level. Fence no greater than 1.8m overall.  | Design remains inconsistent with existing fencing treatment. The gatehouse has been removed however no rendered base is proposed. Existing fences have vertical infill with horizontal infill proposed.<br><br>No solid section. Powder coated horizontal infill with overall height of 1.2m.   | No<br><br>No   |
| 2.5     | Side and Rear Fences                 | No more than 1.8m (inc retaining).   | Retaining wall proposed for OSD and along north, south and east boundaries. Insufficient information provided.  | No             |
| 2.7     | Open space and Landscaping           | 50% of the site (966.2m <sup>2</sup> ) is to be landscaped area.   | 18% (352.83m <sup>2</sup> ) at ground level proposed (excludes setbacks in accordance with the definition).   | No             |
| 2.7.2   | Landscaping                          | 35% of required landscaped area (338.17m <sup>2</sup> ) to be deep soil.   | 23% (90m <sup>2</sup> )   | No             |
| 2.7.3   | Communal Open Space                  | 10% of total site area (193.41m <sup>2</sup> or 100m <sup>2</sup> (whichever is greater) to be common open space.<br><br>Communal open space to have minimum dimensions of 7.0m.<br><br>Communal open space positioned to receive sunlight and be clearly visible from the | 783.840m <sup>2</sup><br><br>7.5m – Ground Level and at Roof Top<br><br>Ground Level open space visible from dwellings on west elevation and received   | Yes<br><br>Yes |

| Section | Development Control                            | Required  | Proposed  | Compliance  |
|---------|--|---|---|---|
|         |  | majority of dwellings and ensure adequate recreational space and equipment for children.  | adequate sunlight.<br><br>Roof top garden lacks passive surveillance. No shade provided.<br><br>There is no provision of play equipment for children.   |   |
| 2.7.6   | Residential Flat Building - Private Open Space | Dwellings that do not have access to ground level open space shall have balconies as follows:<br><br>2 bedroom units: 12m <sup>2</sup><br><br>3+ bedroom units: 15m <sup>2</sup><br><br>Minimum depth of 2.0m   | <br><br>12m <sup>2</sup><br><br>16-28m <sup>2</sup><br><br>2.0m   | <br><br>Yes<br><br>Yes<br><br>Yes   |
| 2.8     | Privacy and Security                           | Windows and doors to be located to reduce direct overlooking between adjoining dwellings (within the complex).<br><br>Windows less than 9.0m apart shall: <ul style="list-style-type: none"> <li>• be off set by a distance of 0.5m; or</li> <li>• have a sill height of at least 1.7m; or</li> <li>• be fixed and obscured below 1.7m.</li> </ul><br>Suitable screening to be implemented to protect privacy between areas of POS. | Windows and doors on south elevation have been suitably treated and designed so as to ensure that unacceptable opportunities for overlooking are minimised.<br><br>Windows on south elevation have been suitably treated in accordance with the relevant requirements where 9.0m distance of separation can not be provided.<br><br>Privacy screening incorporated into south facing balconies where necessary. | Yes<br><br><br><br><br><br><br><br><br><br>Yes<br><br><br><br><br><br><br><br><br><br>Yes |
| 2.8.3   | Acoustic Privacy                               | Active vehicle entry areas to be separated from dwelling living areas.  | Vehicle entry is via driveway to basement car park and is unlikely to have adverse noise impacts on adjoining or future residents. Additional glazing proposed for units located above basement entrance.   | Yes   |

| Section | Development Control | Required   | Proposed  | Compliance |
|---------|---------------------|--|---|------------|
|         |                     | Bedrooms of one dwelling shall not adjoin living rooms of another.   | Bedrooms located in units 7, 21, 23, 42, 45 and 48. adjoin living rooms of adjoining units.                                   | No         |
| 2.8.4   | Security (CPTED)    | Shared pedestrian entry that are lockable and serve a limited number of dwellings                                  | The proposed development is serviced by one (1) walk up entry.  | Yes        |
|         |                     | Dwellings adjacent to public streets promote casual surveillance – 1 habitable room window should face the street. | Passive surveillance to Courallie Avenue provided through positioning of windows and balconies overlooking the public domain. | Yes        |
|         |                     | External common areas to be well lit.  | No specific details provided.   | No         |
| 2.9     | Access and Parking  | Provision of off-street parking space:   |   |            |
|         |                     | 1 bedroom requires 1 space<br>$6 \times 1 = 6$ spaces  | 6 spaces provided.  | Yes        |
|         |                     | 2 bedrooms requires 1.5 spaces<br>$39 \times 1.5 = 59$ spaces  | 59 spaces provided.   | Yes        |
|         |                     | 3+ bedrooms requires 2 spaces<br>$4 \times 2 = 8$ spaces   | 8 spaces provided.  | Yes        |
|         |                     | Visitor parking requires 1 space per every 5 dwellings or part thereof<br>$49/5 = 10$ spaces                       | 10 spaces provided  | Yes        |
|         |                     | Total required off-street parking spaces = (83)  | Total of (83) off-street parking spaces provided.   | Yes        |
|         |                     | Bicycle provisions should be made.   | (21) bicycle spaces provided within the proposed basement.  | Yes        |
| 2.9.5   | Parking             | Minimum bay size   |   |            |
|         |                     | 5.5m x 2.5m (open)<br>Developments in excess of 10 dwellings a designated car washing bay shall be provided.       | 5.4m x 2.5m<br>Shared car wash bay provided.  | Yes<br>Yes |



| Section | Development Control                | Required   | Proposed   | Compliance |
|---------|------------------------------------|--|--|------------|
| 2.9     | Driveway                           | Min. land width 3.0m   | 5.2m - width of 5.5m recommended to ensure two way flow and sufficient visibility.   | No         |
|         |                                    | Max. transition zone gradient 1:10.  | 1:6 – 1:8<br>Traffic Report submitted recommends redesign to 1:20 for the first 6m.  | No         |
|         |                                    | Max. transition zone length 2.0m.  | Traffic Report recommends re-design to comply with standard.   | No         |
|         |                                    | Max. ramp gradient 1:5.  | Traffic Report recommends re-design to comply with standard.   | No         |
|         |                                    | Designed in accordance with AS2890.1:1993.   | Traffic Report recommends re-design to comply with standard.   | No         |
| 2.10.1  | Site Drainage and Water Management | Storm water design to comply with the Strathfield Storm water Code.                    | The proposed concept storm water management plan is not considered to be acceptable (refer comments from Council's Storm water Engineer).  | No         |
| 2.10.2  | Garbage                            | In accordance with Part H 'Waste Management' of the Strathfield Consolidated DCP 2005. | A waste management plan has considered the waste streams generated by the proposed development including demolition, excavation, construction and the future ongoing use of the proposal. Waste storage area provided within basement. | Yes        |
| 2.10.4  | Letterboxes                        | Adequate number and convenient location for residents and Australia Post               | Letter boxes to be incorporated into the front fence immediately accessible from the front of the property.  | Yes        |
| 2.10.6  | Clothes drying facilities          | Outdoor drying areas must be provided  | The proposal accommodates outdoor drying areas in courtyards or on balconies.  | Yes        |

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

The Waste Management Plan submitted with the application generally satisfies 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.

**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 considered to be contrary to the existing and future desired context of Courallie Avenue and the immediate locality.

The built form, which contributes to the local context decreases in height and density from east to west with four (4) storey development located along Marlborough Road and three (3) storey residential flat buildings with attic levels located on Courallie Avenue.

The proposed development does not appropriately respond to this context and setting as it provides a significant increase of an additional two (2) storeys, to the three (3) storey built form established in Courallie Avenue. Furthermore, it exceeds numerous development controls that seek to regulate a compatible bulk, scale and mass having regard to existing development in the streetscape.

Likely future development in Courallie Avenue should not exceed the height control as the street is narrow, (measuring approximately 13m between the kerb edge) and can not support the proposed residential density. The SCDP - Part C, DCP 20 and DCP25 permit higher development in Marlborough Road, Parramatta Road and at 78 Marlborough Road as these streets (and site) can support a greater built form and the traffic impacts created by the associated increase in density.

The applicant has submitted a minor amendment to the original application (dated 5 September) to address Council's concerns with the proposed height. However, the proposed 500m reduction to the building's height fails to mitigate bulk, scale and mass impacts.

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

- The proposed development retains the existing amenity of surrounding dwellings by retaining the existing level of solar access and not increasing overshadowing;
- Clause 2.2 of SCDOP - Part C permits departures to the building envelope for characteristic design elements where there are no significant non-compliances to privacy and overshadowing provisions;
- The proposed building will act as a landmark entry to the Courallie Avenue streetscape;
- The proposed 'indented building envelope' enhances the streetscape through visual interest and relief;
- The proposed replacement of four (4) dilapidated dwellings, with an architecturally designed residential flat building is a significant contribution to the streetscape;
- Surrounding development (Marlborough Road and Centenary Park) ranges in height from three (3) to five (5) storeys, with the height of existing development increasing as you travel south along Courallie Avenue.

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

- The proposed development fails to provide sufficient solar access to habitable rooms and private open space for future residents of units located on the south elevation of the development (Units 2-4, 13-15, 25-27, 37-38, 44-45);
- The proposed development infringes the 3m and 45 degree building envelope control to the north and south (side boundaries) at Levels, 3, 4 and 5 for a significant portion of the corner apartments;
- The site is located 25m from the corner of Courallie Avenue and Parramatta Road, which is not a suitable location for a landmark development;
- The proposed building footprint occupies 90% of the site's 48.74m long frontage, with indentation at levels four (4) and five (5) providing minimal articulation;
- A residential flat building which complies with the height control, satisfies the design quality principles in the SEPP, the 'rules of thumb' guidelines and the

numerical controls in SCDCP - Part C can make a significant contribution to the streetscape;

Accordingly the proposed development is considered to be incompatible with the context and setting of the Courallie Avenue streetscape. In particular the amended proposal is contrary to the context, scale, built form design principles of SEPP 65, the 'rules of thumb' guidelines relating to building height and Clauses 41B(a) of the SPSO, Clause 17 of the Draft LEP and Clauses 2.2.1, 2.2.4 and 2.2.5 of SCDCP - Part C.

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

The site satisfies the minimum 1,000m<sup>2</sup> required under Clause 2.2 of SCDCP - Part C, however the proposed size and location of the building footprint creates unacceptable impacts on the streetscape and within the site through variations to the landscaping, open space, built form and solar access requirements of SEPP 65 and SCDCP - Part C.

#### *Landscaping*

The proposed development is required to provide 25% - 30% of the site as landscaped area under SEPP 65 and 50% under SCDCP - Part C. The proposed building footprint occupies 1168.74m<sup>2</sup> of the site at the expense of landscaping, with approximately 352.83m<sup>2</sup> (18%) provided at ground level. Moreover, the quality and provision of deep soil landscaping is compromised by the proposed building footprint, the 204m<sup>2</sup> on site detention tank and rainwater tank located which are located in the front yard. Accordingly only 90m<sup>2</sup> deep soil landscaping is provided at the southwest corner of the site, severely restricting the growth of canopy trees on the site.

The applicant proposes a 431.01m<sup>2</sup> roof top garden to mitigate the loss of landscaping at street level. The reliance on the roof top garden to satisfy open space requirements is not considered to satisfy the landscaping and open space objectives of the SCDCP – Part C. In particular:

- No passive surveillance opportunities are provided to the roof top garden;
- Utilization of the roof top garden is at the expense of interaction with the public domain at ground level;
- The roof offers no shade;
- The roof top garden does not satisfy the 'rules of thumb' including equitable access and opportunities for social interaction required by SEPP 65.

The site is also located within close proximity to a major corridor with limited access to public reserves thereby increasing future residents' reliance on private and communal landscaped spaces within the site.

#### *Solar Access*

Clause 2.4.2(2)(ii) of SCDCP - Part C requires that the main living areas and at least 50% of the private open space of each dwelling have at least three (3) hours of sunlight between the hours of 9am and 3pm on June 22 (winter solstice).

The apartments on the south side of the development (units 2 to 4, 13 to 15, 26, 27, 36 to 38) fail to receive at least three (3) hours of sunlight at the winter solstice. This accounts for 22% of the total apartments and is considered unsatisfactory, as residents will not receive the benefits of solar access or adequate light to living areas.

Natural light to these units is further restricted by the proposed privacy screens and reduced window sizes, which the applicant has offered to mitigate potential visual privacy impacts on the existing development at 14 -16 Courallie Avenue. This illustrates the compromises required to accommodate the proposed 49 units on the site.

#### *Built Form*

The proposal fails to comply with the 'rule of thumb' guidelines in the *Residential Flat Design Code*, which guide a built form, which respects the streetscape while providing acceptable levels of onsite amenity. Numerous variations are proposed which highlight overdevelopment of the site. In particular

- 12m separation from habitable rooms in adjoining dwellings is required where 7m is proposed providing inadequate solar access to future residents;
- A 30.2m by 38.7m building depth where 10m-18m is recommended to ensure adequate natural ventilation;
- Significant protrusions into the building envelope (excluding architectural design elements); and
- Insufficient deep soil landscaping.

Accordingly, the proposed development is an overdevelopment of the site, which in turn will adversely affect the rhythm of development in the Courallie Avenue streetscape and compromise the existing amenity afforded to adjoining residents and future residents of the proposed residential flat building.

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

##### *Access - Internal*

A combined entry-exit driveway crossing measuring 5.2m wide is proposed to Courallie Avenue. The proposed width is contrary to Clause 2.5 of the SCDCP – Part C, as the width does not provide sufficient visibility between Courallie Avenue and the basement level for two way traffic.



Access ramps between the three (3) basements levels are also of insufficient width to safely accommodate two-way traffic. The traffic impact assessment carried out by Traffix (received 5 August) submitted with the application, recommends widening of the ramps to permit passing or a signal control system to provide adequate visibility between basement levels. Further non-compliances with AS2890: 1 have been identified, for example the maximum grade of the basement ramps, which are also contrary to Clause 2.9.1(1) of SCDOP – Part C.

The applicant has offered conditions of consent to address safety, access and visibility concerns with the proposed development.

#### *Access - External*

Courallie Avenue is narrow allowing for one directional traffic movement when vehicles are parked on both sides of the street. The proposed 49 units will generate an additional 22 trips, which will compound safety and access concerns created by existing medium density residential development. A development, which complies with the built form and height controls in SEPP 65 and the SCDOP - Part C, would accommodate approximately 39 units. It is considered the additional trips generated by a complying development will minimise safety and access impacts on the local road network.

#### *Traffic Generation*

The traffic impact assessment, submitted with the application states that the proposed development will have 'moderate' impact on the adjacent road network and the additional traffic movements are 'considered acceptable'. The proposed development is expected to result in 25 vehicle movements, where the existing development generates three (3) trips in the weekday PM peak hour period, an increase of 22 vehicle movements above existing traffic volumes.

The intersection delay at the corner of Mandamar Avenue and Marlborough Road is expected to increase from 25.8 seconds to 28 seconds, with the Level of Service (relating to the average vehicle delay per vehicle) remaining at Level B. However the traffic report does not provide an assessment of the existing Level of Service on the impact of the signalized intersection of Parramatta Road and Marlborough Road. Therefore it is not clear whether the additional 22 vehicle movements will impact this intersection during the PM peak hour period.

Accordingly, insufficient information has been provided to determine whether the additional 22 vehicle movements generated by the proposed development will impact the major signalized intersection to residential development on the south side of Parramatta Road.

Overall, the proposed development fails to satisfy internal access concerns and traffic generation impacts external to the site. While conditions of consent have been offered to address access issues it is considered the proposed 49 unit development will generate trip numbers which will adversely impact local intersections with respect to waiting times.

### **Economic Impact**

The proposed consolidation of four (4) lots, removal of four (4) derelict dwellings and construction of 49 apartments is consistent with housing objectives of the Inner West Sub Regional Strategy and the Metropolitan Plan for Sydney 2036 which requires Council to provide an additional 8300 homes by 2031. However the Metropolitan Plan also seeks to improve the design quality of new development. This strategic direction is enforced by the objectives of the SCDP - Part C, which directs Council to:

- Maintain and improve the amenity and character of medium density residential areas;
- Ensure that new residential development is of a type, scale, height, bulk and character that is compatible with the particular streetscape;
- Promote residential development that is attractive, functional, innovative and is of a high quality; and
- Ensure that adequate provision is made for landscaped open space for the enjoyment of residents.

The applicant contends that the proposed development must be economically feasible and that a residential flat building that complies with Council's controls will unlikely proceed through to construction.

It is considered that a development which complies with Council's controls can be undertaken on the subject site, while remaining economically viable as demonstrated by the redevelopment of other lots along Courallie Avenue and the lodgement of other complying developments within the vicinity (refer to Council approved developments at 38-40 Parramatta Road and 153 Parramatta Road).

Accordingly 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 numerous non-compliances with relevant environmental planning instruments (EPI's) and development controls are indicative that the proposed development is an overdevelopment that is unsuitable for the subject site.

The amended proposal (received 5 August) does not satisfactorily resolve likely impacts on the context, setting and local road network or internal amenity impacts including landscaping and solar access due to the proposed height, scale and bulk of the development. 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 21 July to 11 August 2011.

Seven (7) written submissions were received.

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

**Parking**

The proposed development should be required to provide sufficient on site and visitor parking. Residents of existing residential flat buildings in Marlborough Road and Courallie Avenue commonly have more than one (1) car per unit. Overflow parking in visitor spaces, the street and nature strip is a problem. Business on Parramatta Road use Courallie Avenue for parking

Public transport options within the locality are poor (located greater than one kilometre away, via unsafe walking routes) thereby increasing the reliance on cars as the preferred transport option.

The proposed development will create cumulative parking impacts as there is no on street parking in the vicinity.

**Comment:**

The proposed development provides sufficient onsite parking in accordance with parking provisions outlined in Clause 2.9 of the SCDP – Part C. Allocation of parking to units will be determined upon lodgement of the strata plan.

Previously approved developments within the vicinity would have been approved in accordance with the parking rate of 1 space per 1 bedroom unit.

**Traffic**

Courallie Avenue is narrow allowing for one directional traffic movement when vehicles are parked on both sides of the street.

The existing traffic situation is unsuitable with a delay (of up to 30 minutes in the peak PM period) when turning left onto Parramatta Road from Marlborough Road, which creates access difficulties and delays for residents trying to access units. The proposed development will create cumulative traffic impacts from an additional 49 apartments

**Comment:**

The Traffic Report submitted with the application provides an assessment of the impact the proposal will have on the intersection of Mandamar and Marlborough Roads only. The report concludes that this intersection will continue to operate at the existing service level. No assessment of the Marlborough Road/ Parramatta Road impact has been provided.

Council's Traffic Engineer recommends the road outside the subject site shall be widened to match the existing kerb line south of 12 Courallie Avenue, in the event of an approval.

The proposal is considered an overdevelopment of the site. A complying three (3) storey development will provide approximately 39 units which will reduce the number of proposed trips generated by the proposal.

#### Height and Scale

The proposed five (5) storey development is contrary to the three (3) storey height control in the DCP.

Existing residential flat buildings provide a hipped roof where the proposed development provides a flat roof contrary to the existing built form.

The proposal is 'opportunistic' and is disproportionate to the land size and the zoning.

#### Comment:

The proposal is contrary to built form guidelines in the Residential Flat Design Code and the principles of SEPP 65 relating to context bulk and scale. The SCDP - Part C (refer Figure Two) restricts development to three (3) storeys along the western side of Courallie Avenue with four (4) to five (5) storey development permissible on Marlborough Road and within the Parramatta Road corridor only where taller buildings do not appear out of scale relative to the width of the street.

Hipped roof developments are located at 14-16 Courallie and 18-20 Courallie Avenue, however flat roof developments are located in the Marlborough Road streetscape. The SCDP - Part C does not seek to control roof form however proposed developments shall respect the existing streetscape.

#### Solar Access

Units located within the centre of the development will not meet the three (3) hours required sunlight between 9.00am and 3.00pm.

The proposed development blocks solar access to existing development to the south which is limited to two (2) to three (3) storeys in height.

#### Comment:

Units located within the centre of the development facing west and east receive adequate solar access during the winter solstice however units orientated south do not meet this control due to insufficient separation from the adjoining development and proposed variations to the building envelope.

Disability Access

The proposed development does not provide the 15% minimum adaptable housing units or barrier free access at street level.

Comment:

The applicant has amended to proposal to provide 15% (seven (7)) units as adaptable and a ramp access to the front entry of the development.

Landscaping

Landscaping at ground level is less than what is required. Proposed gravel mulch within the front yard setback is not aesthetically pleasing.

Comment:

The proposed development provides 352.83m<sup>2</sup> (18%) landscaping at ground level where 25% - 30% landscaping is required under SEPP 65 and 50% under SCDP - Part C.

The applicant has amended the original landscape plan to replace the proposed gravel mulch over the OSD tank in the front yard with turf.

**(e) Public Interest:**

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments (EPI's), development control plans and by Council ensuring that any adverse effects on the surrounding area and the environment are minimised.

Furthermore, the public's expectations of development are articulated in the SCDP – Part C and further reinforced in the seven (7) written submissions received objecting to the proposed development. It is evident that the public expect a development which is compatible with existing development on the east side of Courallie Avenue as sought by Council's planning policies and controls.

Accordingly, the proposed development has failed to appropriately respond to the public's expectations by proposing 49 residential units on a site which can not accommodate the proposed density while providing a reasonable level of amenity and respecting the streetscape. Therefore, 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.

#### **INTERNAL REFERRALS**

The application was referred to Traffic Engineer, Development and Drainage Engineer's, Waste and Environmental Health Officers for comment.

##### Traffic Engineer

The proposed development is considered acceptable subject to recommended conditions including the redesign of the proposed access ramp and driveway in accordance with AS/NZ. 2890.1.2004.

##### Development Engineer

The proposed development is considered acceptable subject to recommended conditions including widening of the road along the eastern side of Courallie Avenue outside the subject site to match the kerb to the south of 12 Courallie Avenue.

##### Drainage Engineer

The proposed development is not considered satisfactory with respect to stormwater disposal. In particular:

- Surface inlet pits have not been provided in each courtyard on the south side of the site which is considered unacceptable as this portion of the site is not being drained to the onsite storm water detention (OSD) basin;
- No levels have been provided for the pit located within the front yard;
- No detailed information has been provided for the new kerb inlet pit and existing council pipeline or a detailed long section providing the exact depth of council pipelines;
- The top of the wall of the OSD basin on the eastern side is to be a minimum of 100mm above the surface pit located within the courtyard and no detailed calculations of the OSD system have been submitted; and
- The proposed basement pump out has not been designed in accordance with Council's Storm water Management Code 2007.

##### Waste Services

The proposed development will be entitled to 25 x 240L red lid garbage bins and 25 x recycling bins. No parking signs shall be used for bin collection areas on the nature strip.

##### Environmental Health Officer

The recommendations in the Stage Two Environmental Site Assessment prepared by Environmental Investigations are considered acceptable. The proposed development is considered to acceptable with respect to noise, subject to recommended conditions.

The applicant has lodged a tree removal application with Council's Parks Department for the proposed removal of five (5) trees within the subject site. This application is being processed.

### **CONCLUSION**

The proposed development fails to satisfy the design quality principles and 'Rules of Thumb' guidelines of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and relevant clauses of Part C of the Strathfield Consolidated Development Control Plan 2005.

The proposal infringes height, building envelope and separation, solar access, landscaping, site access controls and insufficient information has been provided to determine the impact on the signalised crossing onto Parramatta Road. Furthermore the proposed storm water design fails to satisfy the Council's Storm Water Management Code.

As such the proposal is considered to be incompatible with existing and likely future development with respect to the proposed height and scale. The proposed 49 units can not be accommodated on the site without compromising existing levels of amenity and the character of the streetscape. The site is unsuitable for the proposal and approval is not in the public interest.

Accordingly, the application is recommended for refusal.

### **RECOMMENDATION**

That DA2011/109 for the demolition of existing structures and construction of a five (5) storey Residential flat building accommodating 49 apartments, 83 off street parking spaces at basement level and strata subdivision at 6-12 Courallie Avenue, Homebush West be **REFUSED** for the following reasons:

### **REASONS FOR REFUSAL**

1. The proposed development is an overdevelopment of the site that fails to achieve a compatible height, density, side and rear setbacks having regard to existing development in the Courallie Avenue Road streetscape, and is therefore contrary to Design Quality Principles 1, 2, 3, 4 and 6 of State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (*Environmental Planning and Assessment Act, 1979 Section 79C (1) (a) (i) and (b)*).
2. The proposed development fails to provide an acceptable level of residential amenity to future residents, having regard to solar access to units on the south elevation and access to communal open space and landscaped areas and is therefore contrary to Design Quality Principles 6, 7 and 9 of State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (*Environmental Planning and Assessment Act, 1979 Section 79C (1) (a) (i) and (c)*).
3. The proposed development fails to satisfy the following 'Rules of Thumb' guidelines of the *Residential Flat Design Code*:



- (a) A five (5) storey development is proposed which fails to fit with the height and context of adjoining three (3) storey development and the Courallie Avenue streetscape;
  - (b) Fails to achieve a minimum separation distance to existing residential flat buildings on adjoining land of 7.0m contrary to the minimum desired 12.0m;
  - (c) Provides 49 residential units which is considered an overdevelopment due to the significant proposed variations to Council's height, building envelope and landscaping requirements;
  - (d) Provides 23% (90m<sup>2</sup>) deep soil landscaping contrary to the minimum desired deep soil zone of 25%;
  - (e) Has not been subject to a Crime Risk Assessment which is recommended for developments of more than 20 new dwellings;
  - (f) Provides a vehicle access width of 5.2m wide contrary to the required 6m to enable safe two-way traffic flow;
  - (g) Fails to provide adequate depth for single-aspect apartments with 8.5m+ proposed contrary to a minimum depth to 8m from a window; and
  - (h) Proposes a building depth 30.2m to 38.7m contrary to the minimum recommended depth of 10m to 18m to support natural ventilation.  
(*Environmental Planning and Assessment Act, 1979 Section 79C (1) (a) (i), (iii), (b) and (c)*).
4. The proposed development is an overdevelopment of the site that fails to achieve a compatible height, density and side and rear setbacks having regard to existing development in the Courallie Avenue streetscape. The proposal is therefore contrary Clause 41B (a) of the Strathfield Planning Scheme Ordinance, 1969, Clause 16 – Objectives, Clause 17 of the draft Strathfield Local Environmental Plan, 2008 and Clauses 2.2.1 and 2.2.4 of Part C of the Strathfield Consolidated DCP 2005. (*Environmental Planning and Assessment Act, 1979 Section 79C (1) (a) (i), (ii), (iii) and (b)*).
5. The proposed development protrudes into the building envelope to the north and south (side boundaries) at Levels, 3, 4 and 5 for a portion of the corner apartments contrary to the 3m and 45 degree building envelope thereby failing to provide adequate sunlight and ventilation to living areas and private open spaces of new residential apartments on the south elevation contrary to Clauses 2.2.1 and 2.2.4 of Part C of the Strathfield Consolidated DCP 2005. (*Environmental Planning and Assessment Act, 1979 Section 79C (1) (a) (iii) and (b)*).
6. The proposed development provides 18% (352.83m<sup>2</sup>) of landscaped area contrary to the minimum required 50% (966.2m<sup>2</sup>) contrary to Clause 2.7 of Part C of the Strathfield Consolidated DCP 2005. The contribution of the site to the landscaped amenity of Courallie Avenue and the amenity of future residents is therefore limited as a result of the

above non compliances (*Environmental Planning and Assessment Act, 1979 Section 79C (1) (a) (iii) and (b)*).

7. The proposed driveway and basement ramp has not been designed in accordance with the relevant Australian Standard with transition zones contrary to Clause 2.9 of Part C of the Strathfield Consolidated DCP 2005. The proposal is therefore likely to adversely affect safety and visibility within the site (*Environmental Planning and Assessment Act, 1979 Section 79C (1) (a) (iii) and (b)*).
8. The proposed development is an overdevelopment of the site that fails to comply with the provisions of relevant environmental planning instruments and development controls as reflected by the submissions received objecting to the proposed development. Accordingly, approval of the application is not in the public interest (*Environmental Planning and Assessment Act, 1979 Section 79C (1) (d) and (e) respectively*).
9. The proposed development is likely to set precedents replicating the height and bulk of future development on Courallie Avenue creating an urban form out of scale with the context of Courallie Avenue as a narrow road accommodating three (3) level residential flat buildings, town houses and villas, contrary to strategic direction set in the Courallie Avenue Precinct Map, Appendix One of Part C of the Strathfield Consolidated DCP 2005. (*Section 79C (a) (iii) and (b) of the Environmental Planning and Assessment Act, 1979*)'.
10. 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*).
11. The proposed development is likely to adversely affect the operation of the local road network, due to an increase in density, greater than what is permitted under the height and building envelope controls set out in the Part C of the Strathfield Consolidated DCP 2005. (*Section 79C 1(b) of the Environmental Planning and Assessment Act, 1979*)'.