

SUMMARY

PROPERTY:	84 Centenary Drive, Strathfield Lots 300 and 301 in DP 1208910
DA NO.:	2015/100
APPLICATION TYPE:	Demolition, tree removal and construction of a staged development containing two (2) apartment buildings and townhouses, internal roads and landscaping.
REPORT BY:	Kerry Gordon – Consultant Town Planner
RECOMMENDATION:	REFUSAL
SUBMISSIONS:	Total of six (6) submissions were received: four (4) to the initial notification and two (2) to the notification of amended plans.
ZONING:	B4 Mixed Use and part R3 – Medium Density Residential
DATE APPLICATION LODGED:	28 August 2015
APPLICANT:	Alceon Group Pty Ltd – C/- Metro Property Group
OWNER:	Strathfield Golf Club

INTRODUCTION

Approval is sought for the demolition of the existing clubhouse and structures, tree removal and Staged construction of (23) x two (2) 2 storey townhouses, (27) x three (3) storey townhouses and two (2) 2 x nine (9) 9 storey apartment buildings (178 dwellings) over two (2) levels of basement car parking for (321) cars. It is also proposed to construct an internal access road and associated landscaping. Stage 1 is to consist of the construction of the townhouses and Stage 2 is the demolition of the clubhouse and construction of the apartment buildings.

The development is permissible in the zones and is generally consistent with the height and FSR controls (minor variations to both), but significantly breaches the Apartment Design Guide privacy separation controls and SDCP 2012 building envelope controls.

The design of the townhouses is not supported as the building footprint, particularly of the northern townhouses, is too long without landscaped separation breaks, the car parking provision for the southern townhouses is inadequate in dimensions and cannot be adequately accessed, the townhouses do not provide appropriate casual surveillance of the internal roads and an inadequate landscape setting is provided for the townhouses.

The design of the apartment buildings is not supported as the building footprint is too long and inadequate articulation and inappropriate material choice emphasise, rather than ameliorate, the visual bulk of the building, there is also inadequate provision for cross ventilation in accordance with the Apartment Design Guide and an inadequate landscaped setback from the northern boundary.

Accordingly, the development application is recommended for refusal.

DESCRIPTION OF THE SITE AND LOCALITY

The site description provided with the application is unclear. The SEE indicates the site comprises of 3 allotments, being Lot 1 and part Lot 2 in DP 854298 and part Lot 1 in DP 130917, No 84 Centenary Drive, Strathfield. The site is not described in the site description of the SEE as being proposed Lots 300 and 301 in the approved subdivision of the above lots, which appears to be the intended site area given the identified site area in the FSR calculations and the site survey plan submitted refers to the area covered by proposed Lots 300 and 301. The applicant was asked to confirm this is the intended site area and has confirmed that this is the case by provision of the registered subdivision which coincides with the subject site. As such the subject site is now legally described as Lots 300 and 301 of DP 1208910 (registered 12.1.2016).

Based on this confirmation, the site has a frontage to Centenary Drive of 116.905m, a rear boundary dimension of 55.5m, a northern boundary dimension of 374.845m and a southern boundary dimension of 290.055m, with an area of 20,267.9m².

The site is burdened by a 1.83m wide easement for drainage running diagonally across the site from the north-east corner of the Strathfield South High School site to run parallel with the rear boundary. The easement appears to be in favour of the Strathfield South High School site and continues northward through the golf course.

The subject site is currently part of a golf course and contains the Strathfield Golf Club, car park, practice greens and a practice fairway. The site contains a scattering of trees, largely around the boundaries of the site. The site falls from south to north by approximately 3.5m along the frontage of the site but is relatively flat near the rear boundary. The site falls approximately 3.6m from the frontage to the rear boundary along the northern boundary and approximately 6.5m along the southern boundary.

The subject site is adjoined to the rear by low density residential development comprised of detached dwellings. To the north-east of the site is a golf course and to the south-west is South Strathfield High School. The site adjoins Centenary Drive, with the golf course also located on the opposite side of Centenary Drive.

An aerial photograph of the site is provided below.



The Site

Image 1: Aerial photo of the subject site

PROPOSAL

Approval is sought for the demolition of the existing clubhouse and structures and tree removal and Staged construction of (23) x two (2) 2 storey townhouses, (27) x three (3) 3 storey townhouses and two (2) 2 x nine (9) 9 storey apartment buildings (178 dwellings) over two (2) levels of basement car parking for (321) cars. It is also proposed to construct an internal access road and associated landscaping.

Stage 1 of the construction works include demolition of two (2) sheds located within the Stage 2 site along the southern boundary. It is unclear whether the work also includes the removal of six (6) 6 golf club parking spaces which straddle the boundaries of the two stages, and the access road thereto. Stage 1 also includes the construction of the townhouses and internal roads and visitor parking thereto and the landscaping of the Stage 1 site. The proposed townhouses are to be two (2) and three (3) storey and comprise (34) x (3) bed and (16) x (4) bed townhouses are proposed.

Stage 2 of the construction works involves the demolition of the clubhouse and car park, and potentially construction of the western portion of the internal loop road to the townhouses, together with the two (2) remaining visitor parking spaces off that portion of road if they are not constructed in Stage 1. Stage 2 also includes the construction of the apartment buildings, access thereto and landscaping within the Stage 2 site.

It is unclear when the existing, and currently in use, underground storage tank onsite is to be removed and remediated (ie Stage 1 or 2). It is also unclear whether it is proposed to retain the two existing lots or to consolidate the lots at the completion of the development. It is noted that the right-

of-way that burdens the front lot in order to provide access to the rear lot does not follow the path of the western portion of the internal loop road providing access to the townhouses and that two (2) of the visitor spaces for the townhouses are located on the front allotment.

Unless the right-of-way is altered and an easement for parking provided, or the site is consolidated, access to the townhouses would be compromised. Further, given no communal open space or car wash bay is proposed on the rear lot, unless easements for use or site consolidation occurs, the townhouses will have inadequate facilities in this regard.

A staging plan and montages are provided following.



Image 2: Staging plan of development. Note the enlarged section above



Image 4: Montage of apartment buildings as viewed from Centenary Drive travelling southward



Image 5: Montage of apartment buildings as viewed from Centenary Drive travelling northward



Image 6: Montage of town houses and apartment buildings as viewed from the golf course

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.

The following statutory controls are relevant to the proposal:

- SEPP 55 – Remediation of Land
- SEPP 65 – Design Quality of Residential Flat Buildings
- SEPP (Infrastructure) 2007
- SEPP (Building Sustainability Index: BASIX) 2004
- Strathfield Local Environmental Plan 2012
- Strathfield Consolidated Development Control Plan 2005:
 - Part C – Multiple-Unit Housing
 - Part H – Waste Management and Minimisation
 - Part L – Notification

A detailed assessment of these statutory planning controls is provided below:

(a) (i) Environmental Planning Instruments:

SEPP 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) requires Council to consider whether the site is suitable in its current state, contaminated state or following the completion of remediation works for the purpose for which development consent is being sought. The site is not located in an area of investigation under Part K of the Strathfield Consolidated DCP 2005 (SCDCP 2005) which identifies past known landfill and potentially contaminated sites in the Strathfield local government area.

The Statement of Environmental Effects includes a Preliminary Site Investigation prepared by SEMC Testing Services Pty Ltd. The investigation found that the site was vacant prior to its development as a golf course around 1940. The golf course infrastructure on the subject site comprises the golf club, car parking area and underground petroleum storage tank within the car park which appears to have been installed around 1960. Soil sampling occurred from ten (10) locations and one (1) onsite groundwater monitoring well was installed. The results of the sampling show that the concentrations of chemical contaminants measured in the soil are generally low and below criteria for protection of human health and the environment for a residential development. The groundwater testing showed the site is not expected to be the source of any unacceptable groundwater impacts and that the underground petroleum storage tank is unlikely to have leaked significantly. Based on the investigation the site was determined to be suitable for the proposed residential development.

The report also indicated that the underground petroleum storage tank remains in use and that the facility should be removed at the time it becomes disused. At this time the excavated area should be validated to determine if the surrounding soil is impacted with petroleum hydrocarbons. If any significant leaking is found to have occurred then future groundwater sampling would be required.

Conditions of consent would be required in relation to the removal of the underground petroleum storage tank, additional soil and groundwater testing as identified in the report and the remediation of surrounding land if found to be contaminated.

SEPP 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings (SEPP 65) aims to improve the design quality of residential flat development in New South Wales. As the subject application was lodged after 19 June 2015, the revised design principles of SEPP 65 and the newly developed Apartment Design Code apply to the proposal.

Strathfield Council does not have a design review panel referred to under Clause 28 however an assessment of the design quality of the development against the design principles of the SEPP and the relevant design criteria of the Apartment Design Guide has been undertaken in the table below:

Principle	Objective	Proposed
Context and neighbourhood character	<i>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i>	The proposed development is considered to be inappropriate having regard to its context. Whilst the development is largely compliant with the height controls of SLEP 2012, the length of the footprint of the apartment buildings is considered excessive and inadequate setback is provided from the northern boundary to provide an appropriate landscaped setting for the development.

Built form and scale	<p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</i></p> <p><i>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.</i></p>	<p>Inadequate articulation is provided to reduce the visual impact of the buildings. The vicinity of the site does not have a characteristic building form (given the adjoining golf course and setback of the school buildings behind the oval), which means that the development will be a landmark development. Accordingly, it is considered that the bulk and scale is excessive. Inadequate articulation is provided, which together with the proposed materials which emphasise the length of the buildings by providing long horizontal façade elements with minimal vertical components, make the buildings appear significantly more bulky than is necessary or appropriate to the location.</p>
Density	<p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</i></p>	<p>The density of the proposal is controlled by the minimum unit sizes recommended by the Apartment Design Guide (ADG) and the maximum permitted floor area and apartment sizes permitted by the. The density, proposed is generally compliant with the SLEP 2012 (minor variation) however is not supported by a Clause 4.6 Objection as discussed further below.</p>
Sustainability	<p><i>Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs.</i></p> <p><i>Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</i></p>	<p>The proposed development has been designed appropriately to take advantage of the orientation of the site, with appropriate levels of solar access afforded to the apartments. An unacceptable level of natural cross ventilation is provided. The north-western corner apartments of Building B are indicated to be provided with cross ventilation, but in reality do not appear to be cross ventilated. This results in the development failing to meet the ADG cross ventilation requirement.</p>
Landscape	<p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i></p> <p><i>Good landscape design enhances</i></p>	<p>The proposal provides a suitable level of deep soil landscaping along the southern boundary and street frontage to provide for appropriate planting of canopy trees to provide a suitable landscaped setting for the building. However, the lack of setback of the basement car park (2m) and the building (4m) from the northern boundary limits the provision of suitable canopy trees along the northern boundary to soften the visual impact of the extremely large apartment building. Concern is also raised at the proposed</p>

	<p><i>the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</i></p> <p><i>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</i></p>	<p>planting of trees of up to 20m in close proximity to the basement structure (within approximately 400mm) and on top of the basement having regard to the necessity to provide for appropriate soil volume and the need to allow roots to grow to support the structure of the tree. Whilst the height of trees is appropriate to the built form proposed, it is not considered that the trees are likely to be able to grow to maturity, or even potentially to grow safely, in the locations identified on the landscape plans. Whilst smaller trees may be possible in these locations, such trees would provide an inadequate landscaped setting for such bulky buildings as viewed from the north.</p>
Amenity	<p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</i></p> <p><i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</i></p>	<p>The level of amenity afforded to the majority of apartments would be satisfactory, however insufficient apartments are provided with suitable cross ventilation. Accessibility, storage, outlook and privacy are all appropriately provided for. A suitable level of acoustic amenity can be afforded to the development, subject to conditions.</p>
Safety	<p><i>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p> <p><i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</i></p>	<p>The proposed design provides an appropriately located pedestrian access which is visible from Centenary Drive and is separate from the vehicular access. The development provides appropriate passive surveillance of the common open space and Centenary Drive. The visual dominance of garages within the townhouse component of the development is contrary to established CPTED principles.</p>
Housing diversity and social interaction	<p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p>	<p>The proposed development has a significant provision of 2 bedroom apartments, with less 1 bedroom apartments/studio and very few 3 bedroom apartments. Whilst this would normally be of concern, given the townhouses within the development are all 3 and 4 bedroom, the overall mix is acceptable.</p>

	<i>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</i>	An acceptable number of adaptable apartments are provided, which would ensure an acceptable level of choice is provided for persons with mobility disabilities, however, inadequate accessible spaces are provided for the adaptable apartments and they are inappropriately located in relation to distance from the lift cores.
Aesthetics	<i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i>	The design of the proposal does not achieve balanced composition of elements and appropriate use of building materials, nor provide an appropriate landscaped setting as viewed from the north. Whilst the use of white as one of a number of colours may be appropriate, the significant amount of white proposed, together with the limited articulation that emphasises the horizontality of the buildings (and hence their length and bulk), rather than providing a mix of horizontal and vertical elements results in an inappropriately bulky development.

Apartment Design Guide

Design Criteria	Required	Proposed	Compliance
2E - Building Depth	12m – 18m	Maximum 16.2m	Yes
3B – Orientation	Designed to optimise solar access and minimise overlooking	An acceptable level of solar access is available to the apartments.	Yes
	4 hours solar access retained to neighbouring buildings or does not further reduce solar access by more than 20%	The apartment buildings do not cause any shadow impact upon adjoining residential properties.	Yes
3C – Public Domain Interface	Direct street entry to ground floor apartments	The proposal provides for entry into the courtyard for ground floor apartments but as a secondary entry.	In part
	Balconies/windows orientated to overlook the public domain	Passive surveillance of public domain is provided.	Yes
	Front fence design is permeable	No detail is provided of a front fence.	N/A
	Opportunities for concealment minimised Services concealed Access ramps minimised	The entry is equitable and opportunities for concealment have been minimised.	Yes
3D – Communal Open Space	Min. 25% (2,033.75m ²) Min 2h to 50% communal open space at mid-winter Consolidated area	49.1% (3,993m ²) according to the applicant's figures. It is noted that the applicant's calculation is not correct as it includes areas below a	Yes

Design Criteria	Required	Proposed	Compliance
	<p>Min dimension of 3m</p> <p>Equitable access</p>	<p>minimum of 3m in width. Notwithstanding this, given the large area proposed, it is considered that the proposal is compliant.</p> <p>Solar access to the communal open space is acceptable, particularly the area to the north of Building A and the east of Building B.</p> <p>The other requirements are satisfied.</p>	<p>Yes</p> <p>Yes</p>
3E – Deep Soil Zones	<p>Min. 7% (569.45m²) > 1,500m²</p> <p>6m min. dimension</p>	<p>13.4% (1,090m²) according to the applicant's figures. It is noted that the applicant's calculation is not correct as it includes areas below a minimum of 6m in width. Notwithstanding this, given the large area proposed, it is considered that the proposal is compliant.</p>	Yes
3F – Visual Privacy	<p>9 storeys and over: 25+m</p> <ul style="list-style-type: none"> 12m between habitable rooms/balconies 12m between non-habitable rooms <p>(The above control is to be provided on each of adjoining sites)</p> <p>Vertical fins or privacy screens between balconies</p>	<p>The adjoining site to the south has a 9.5m height limit and the proposal has a minimum of 9m setback from the south.</p> <p>An internal minimum setback to the east to the nearest townhouse is 22m from the wall of the building.</p> <p>A minimum setback of 4m to balconies and 6m to the wall is provided to the north.</p> <p>A minimum 19m internal setback is provided at the upper levels of the building.</p>	<p>No (southern), however given the lower limit of the adjoining site and deep soil planting this is considered acceptable.</p> <p>No, but given the height of the townhouses is acceptable</p> <p>No</p> <p>No, however adequate privacy separation is provided</p>

Design Criteria	Required	Proposed	Compliance
			and the staggered location of the buildings ensures an appropriate visual separation of the buildings.
3G – Pedestrian Access and Entries	Entry addresses public domain Clearly identifiable Steps and ramps integrated into building design	Pedestrian entry and ramp access are integrated and clearly identified.	Yes
3H – Vehicle Access	Integrated into façade Visual impact minimised Entry behind the building line or from secondary frontage Clear sight lines Garbage collection screened Pedestrian and vehicle access separated	Vehicular entry ramp is located midway along Building A and will not be visible from the street. Waste collection can occur from within the site, however will need to be by private contractor as the internal roads are inadequate for Council collection as vehicles are side loading (for townhouses). Good sight lines with separate vehicle and pedestrian entries.	Yes In part Yes
3J – Bicycle and Car Parking	Within 800m (walking distance) of a railway station: Min. RMS Rate Applies: <u>20 or more units:</u> 1 bedroom: 0.6 spaces 2 bedroom: 0.9 spaces 3 bedroom: 1.4 spaces Visitor 1 per 5 units Parking facilities for motorbikes and bicycles	Not within 800m of railway station, therefore Council's DCP rates apply. Refer to DCP discussion below.	N/A
4A – Solar and Daylight Access	Min. 70% (125 units) receive 2 hours solar access Max. 15% units (27 units) have no solar access Light wells, skylights and	Minimum 2 hours solar access to 125 of 178 units (70.2%) to both private open space and living areas, with an additional 3 units having solar access to living rooms only, increasing to 71.9%. 28 of 178 units (15.7%) have no solar access. No light wells proposed	Yes No Yes

Design Criteria	Required	Proposed	Compliance
	highlight windows are only to be a secondary source where sunlight is limited Design incorporates shading and glare control	No information is provided.	No
4B – Natural Ventilation	Min. 60% (107 units) are cross ventilated in first 9 storeys Cross-over/Cross-through Max 18m depth Light wells are not the primary source of ventilation for habitable rooms Single aspect units have limited depth to maximise ventilation	Natural cross ventilation to 99 of 178 units (55.6%) cross ventilated. It is noted that the north-western corner apartments of Building B are identified as being cross ventilated but they are not Max 14m No light wells Single aspect units have limited depth.	No Yes N/A Yes
4C – Ceiling Heights	Habitable: 2.7m Non-habitable: 2.4m	2.7m throughout	Yes
4D – Apartment Size and Layout	Studio: 35m ² 1 bed: 50m ² 2 bed: 70m ² 3 bed: 90m ² Additional bathrooms +5m ² Each habitable room must have a window > 10% floor area of the room. Habitable room depths =max 2.5 x ceiling height Or if open plan layout =max 8m from a window Master bed: min 10m ² Other bedroom: min 9m ² Living room min. width: Studio and 1 bed: 3.6m 2 and 3 bed: 4m Crossover/through: min 4m	Studio 42m ² 1 bed 50-71m ² 2 bed 70-74m ² - 1 bath 2 bed 73-102m ² - 2 baths 3 bed (2 bath) 103-109m ² It is noted that there are 5 substandard units, having a deficiency of either 1 or 2m ² . The deficiency is considered to be minor and the layouts are appropriate and as such the variation is reasonable in this instance. The bedrooms and master bedrooms are generally compliant with the minimum requirement. The living rooms are generally compliant.	Yes Yes Yes No Yes Yes
4E – Private Open Space and Balconies	Studio: 4m ² 1 bed: 8m ² , min depth 2m 2 bed: 10m ² , min depth 2m 3 bed: 12m ² , min depth 2.4m	All areas of private open space comply, however the location of the balconies to units A210,310 and 410 is inappropriate, being	Yes, subject to condition of consent.

Design Criteria	Required	Proposed	Compliance
		located adjoining bedrooms rather than the living area of the dwelling and as such the layout of the unit is required to be amended to provide living areas adjoining the balcony. A condition of consent to this effect could address this concern.	
4F – Common Circulation and Spaces	Max 8 apartments off a single core > 10 storeys: max 40 units/lift	Max seven (7) off a single core	Yes
4G – Storage	Studio: 4m ³ 1 bed: 6m ³ 2 bed: 8m ³ 3 bed: 10m ³ At least 50% within the basement	Inadequate information has been provided on the plans to show storage areas for individual units in the basement. A table of storage area provision provided with the plans indicates compliance with the control. A condition of consent requiring the layout and confirmation of the storage in the basement could address this concern.	Yes, subject to condition of consent.
4H – Acoustic Privacy	Orientate building away from noise sources Party walls limited or insulated, like rooms together Noise sources (e.g. garage doors, driveways) located at least 3m from bedrooms	An acoustic report has been prepared by Wood & Grieve Engineers. This report identified a series of noise level criteria to be satisfied to ensure unacceptable noise impacts do not occur from Centenary Drive and mechanical plant and a condition of consent would appropriately require compliance with the levels identified in the Tables of that report. Further, the acoustic report specifies the glazing required and identifies where alternative ventilation is required to ensure appropriate noise attenuation from traffic on Centenary Drive. A condition of consent could appropriately require compliance with the specifications identified in the Tables of the report.	Yes, subject to conditions of consent

[illegible]

Design Criteria	Required	Proposed	Compliance
4P – Planting on Structures	Appropriate soil profiles and structural design Irrigation and drainage systems	Appropriate detail not provided. Concern is raised at the ability of the soil depth to support trees of up to 20m as they are proposed to be planted above the basement car park	No
4Q – Universal Design	At least 20% of units to achieve silver level universal design requirements for adaptability	Lift access available to all units.	Yes
4U – Energy Efficiency	Adequate natural light to habitable areas Adequate natural ventilation Screened areas for clothes drying Shading on northern and western elevations	See previous comments in relation to solar access and ventilation.	Yes solar access No cross ventilation
4V – Water Management and Conservation	Efficient fixtures/fittings WSUD integrated Rainwater storage and reuse	The Drainage Engineer is not satisfied with the proposed management and conservation of water information supplied.	No
4W – Waste Management	Minimise impact on streetscape, building entry and amenity	It is not considered that the proposed waste collection arrangements are acceptable to allow for onsite collection by Council. Any waste removal would need to occur by private contractor.	No
4X – Building Maintenance	Material selection reduces ongoing maintenance costs	Inadequate information provided with amended plans.	Unknown

The proposal fails to satisfy a number of the design quality principles and the design guidelines of the Apartment Design Guide, in particular in relation to the design of the building, its visual bulk and the suitability of such bulky structures in the locality and accordingly is recommended for refusal.

SEPP (Infrastructure) 2007

Clause 102 requires Council to take into consideration the impact of road noise upon the amenity of dwellings when assessing an application for residential development that adjoins a road that carried more than 40,000 vehicles per day, which is applicable in this case. An acoustic report was prepared for the proposal indicating that with appropriate glazing to the residences the required attenuation would be achieved. A condition of consent would appropriately require compliance with the specifications identified in the Tables of the report.

In accordance with Schedule 3 of the Infrastructure SEPP, the application is deemed 'Traffic Generating Development' and a referral was made to the Roads and Maritime Services under Clause 104. RMS raised no objection to the proposal in a response received 19 October 2015 however a number of standard conditions were recommended.

Therefore, the proposal has been assessed against the relevant provisions of the Infrastructure SEPP and is satisfactory subject to conditions of consent.

BASIX

All housing in NSW is required to meet a designated target for energy and water reduction.

A BASIX Certificate was submitted with the application which indicates that the proposal meets the required reduction targets and an appropriate condition of consent will be imposed to ensure future compliance with these targets. An amended BASIX certificate was lodged with the amended plans.

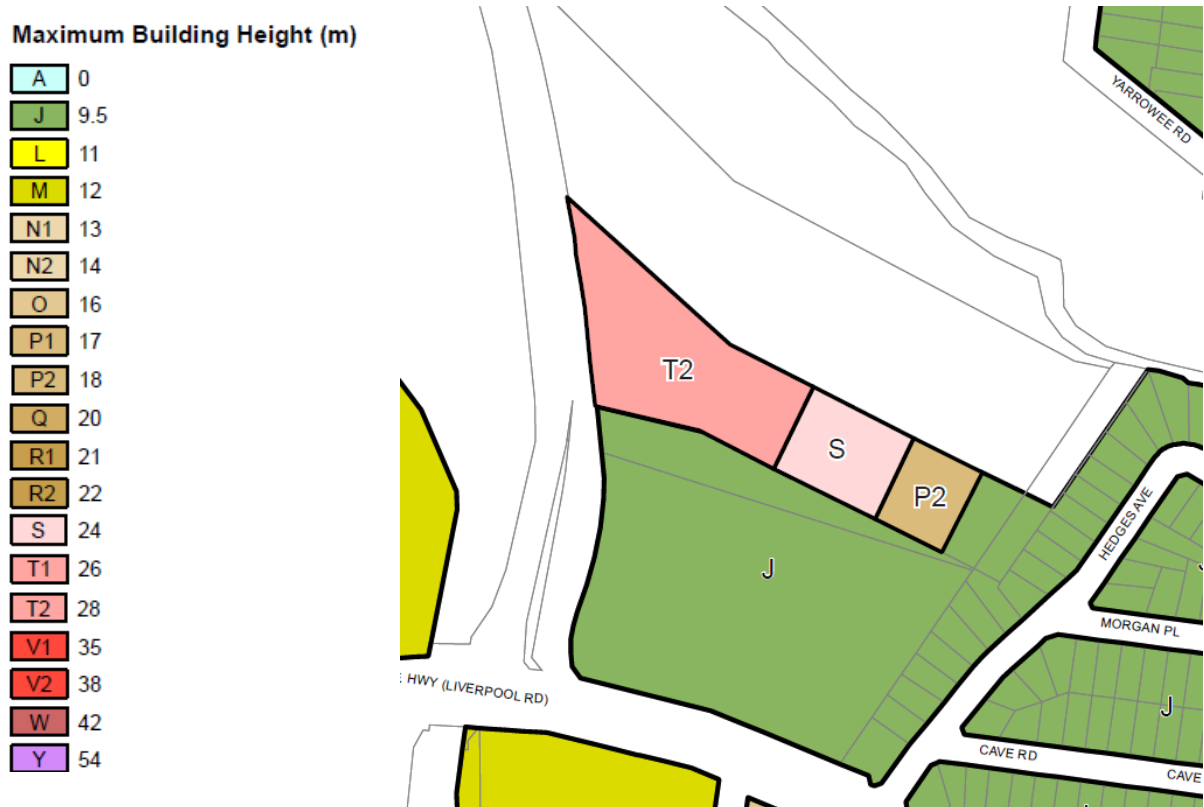
Strathfield Local Environmental Plan 2012

The site is zoned part B4 Mixed Use (fronting Centenary Drive) and part R3 Medium Density Residential under the Strathfield Local Environmental Plan (SLEP), 2012 wherein development for the purpose of a Residential Flat Building and multi dwelling housing is permissible with Council consent. The proposal is generally consistent with the objectives of the R3 Medium Density Residential zone which seek to provide for the housing needs of the community within a medium density residential environment and to provide a variety of housing types and of the B4 Mixed Use zone which are to provide a mix of compatible land uses, to facilitate mixed use urban growth, provide employment opportunities and integrate suitable uses in accessible locations.

The following table provides an assessment of the proposal against the relevant numeric controls of the SLEP 2012:

Clause	Required	Proposed	Compliance
4.1A Minimum Site Area: Residential Flat Building	1,000m ²	20,267.9m ²	Yes
4.3 Height of Buildings	28m, 24m, 18m and 9.5m from Centenary Drive frontage to rear of site (see following plan of height controls)	27.41m and 28.07m to top of lift overruns Building A and 28.30m and 28.61m to top of lift overruns Building B 9.38m to top of parapet townhouses	No. Lift overruns breach the control. Yes
4.4 Floor Space Ratio	1.2:1 (max 24,321.5m ²)	24,324m ² , 1.2003:1 (breach by 2.5m ²)	No

The height control provisions for the site can be seen in the following extract from the SLEP 2012 height map.



The applicant has indicated that whilst they are aware of the breaches of the FSR and height control, a clause 4.6 variation request would not be submitted and they have requested a condition requiring compliance with the controls.

It is not considered that such a condition is appropriate, particularly in relation to the height of the lift overruns. Such a condition would effectively require Building B to be lowered by in the order of 600mm which would affect the levels of the basement and other design aspects, such as the levels for accessibility from the street, which is located at a higher level than the site. It is noted that neither of the variations is numerically significant and as such, were a clause 4.6 variation request submitted, it would have a reasonable chance of being successful. This would be the appropriate way of dealing with the variations to the controls. However, as a written request to vary the standards has not been received, development consent is unable to be granted in accordance with Clause 4.6(3).

Accordingly, the proposal has failed to satisfy the relevant clauses of the SLEP.

Section 94 Contributions

Section 94 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

Provision of Community Facilities	\$ 253,999.30
Provision of Major Open Space	\$1,188,733.70
Provision of Local Open Space	\$ 217,794.50
Provision Roads and traffic Management	\$ 37,588.00
Administration	\$ 50,564.40
TOTAL	\$1,748,679.90

(ii) Draft Environmental Planning Instruments:

There are no Draft Environmental Planning Instruments applicable to the subject site.

(iii) Development Control Plans:

Strathfield Consolidated Development Control Plan

The following table provides an assessment of the proposed development against Strathfield Consolidated Development Control Plans (the DCP).

Part C – Multiple-Unit Housing of the DCP is of relevance to the assessment of an application for a residential flat building and to townhouses and as such applies to the subject application. It is noted, however, that where the DCP is inconsistent with the provisions of the Apartment Design Guide identified in SEPP 65, it is overridden by those instruments and has no effect.

In the recent revision to SEPP 65, Clause 6A confirms that in the instance of any inconsistency between the controls of the ADG and Council's Development Control Plan, the objectives, design criteria and design guidance set out in the ADG prevail. This confirms that if a development control plan contains provisions that specify requirements, standards or controls in relation to the following matters, those provisions are of no effect:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation, and
- (h) storage.

These matters have been addressed in the ADG assessment above where it has been determined that the proposal is in part unsatisfactory.

The remaining matters of relevance provided in the DCP are addressed in the table below:

Section	Development Standard	Required	Proposal	Compliance
2.2	Site Requirements	Minimum site area of 1000m ² and a minimum street frontage of 30m. Arterial Roads – min frontage of 25m	Cl.4.1A SLEP prevails	N/A
	Building Height	Not identified	N/A	N/A

	Building Street Setback	9m No predominant setback in street	7m-25.6m The setback (measured to the wall) is considered acceptable notwithstanding the breach of part of Building B by up to 2m given the increased setback of other built elements compensates for this non-compliant component. Given the scale of the proposed buildings it is appropriate that the majority of Building B and all of Building A is setback a significantly greater distance than the minimum 9m.	No
	Building Envelope	3.5m vertically at boundary & project inwards at 45°.	Townhouses comply with building envelope to the rear, northern and southern boundaries. Apartment buildings breach the building envelope controls by up to 11.6m at the southern boundary and up to 20.6m at the northern boundary. Given the site specific 28m height control that applies to the site for Stage 2 and the width of the site, any development that reached the maximum height control in the form of two adjacent buildings such as is proposed would breach the building envelope unless it provided setbacks of 23m from the southern and northern boundaries, which would be unreasonable. It is therefore considered that the control is inconsistent with the LEP height control and as such should not be given determinative weight.	Yes No

			Notwithstanding this, it is considered that an inadequate northern boundary setback is proposed for the reasons given previously.	
	Rear Setback	Determined by the building envelope, exceptions are for sites which adjoin open space.	5.8m-10.8m	Yes
	Side setback	4m.	Northern RFB 4m-7m Southern RFB 10m-17.6m Northern townhouses 4m-6m Southern townhouses 6.3m-10.2m	Yes Yes Yes Yes
2.3	Dwelling Unit and Building Design	15% of the development is required to be designed as adaptable housing for older people or people with disabilities.	29/178 units are adaptable (16.3%)	Yes
	Dwelling Unit and Building Design for residential flat buildings	At least one main convenient entry is to have barrier free access to ground floor units (for people with disabilities)	Front entrance to each apartment building is barrier free.	Yes
	Dwelling Unit and Building Design	Walls greater than 10m in length to be broken down or staggered.	The two apartment buildings are extremely long at 57m (Building A) and 67m (Building B). Whilst the facades are provided with some articulation, it is not considered to be adequate for the extreme length of the façade.	No
	Dwelling Unit and Building Design	Access to common areas without unnecessary barriers.	Common areas access is barrier free.	Yes
	Dwelling Unit and Building Design	Parking for people with disabilities.	(27) accessible spaces are provided, which is inadequate. (30) accessible parking spaces are required, being one (1) for each accessible apartment and one (1) for visitors. The location of the accessible spaces are also inappropriate with travel distances of in excess of 50m to the lift in a number of cases.	No

	Dwelling Unit and Building Design	Building materials and finishes are to be sympathetic to with the adjoining buildings and the streetscape with the preferred materials and finishes being brickwork of dark and light tones of the same colour or a mixture of face brick and painted cement render, however brickwork is to be dominant. Colours are to be natural/subdued tones and not bright or white.	<p>The material and colour choice for the RFB portion of the development is wholly inconsistent with the DCP provision. The colours/materials identified for the apartment buildings are considered to be (inappropriate), with an excessive amount of white proposed. Whilst white may be suitable as one of a number of colours, the excessive use of white emphasises the bulk of the buildings.</p> <p>In terms of the townhouses, whilst white is again a predominant colour, it is proposed in two different materials and is balanced by a different colour and material for the garage doors and copper colour cladding for parts of the facades, resulting in an acceptable aesthetic.</p>	<p>No</p> <p>Yes</p>
	Unit Sizes and Lot Layout	<p>1 bed = 70m² 2 bed = 85m² 3 bed = 100m² more than 3 bed = 110m² 2 bed townhouse = 100m² 3 bed townhouse = 110m² < than 3 bed t/house = 120m²</p>	<p>Overridden by provisions of ADG for apartment building.</p> <p>For townhouses, the minimum floor space provided for 3 bedrooms is 155m² and for 4 bedrooms is 166m².</p>	<p>N/A</p> <p>Yes</p>
	Attic space	Not to be used as habitable space. Storage only and no dormer windows	No attic proposed.	N/A
2.4	Energy Efficiency	Application is required to provide a NatHERS certificate. Each dwelling must achieve 3.5 star NatHERS rating.	A BASIX certificate has been provided.	Yes
2.4.2.2	Solar Access	50% of the principle private open space achieves a minimum of 3 hours sunlight during the winter solstice.	<p>Overridden by provisions of ADG for apartment building.</p> <p>In relation to the townhouses, 20m² of</p>	<p>N/A</p> <p>No</p>

			private open space is to receive solar access for 3 hours. All townhouses comply with this with the exception of southern townhouses 1-4, which due to their substandard size of 28m ² never achieve 20m ² of solar access in midwinter.	
	Solar Access	Solar access to habitable rooms and private open space of adjoining properties be provided for a minimum of 3 hours during the winter solstice.	<p>The shadow diagrams show the townhouses result in no shadow impact of the school buildings or adjoining dwellings to the rear between approximately 9am and 2pm at midwinter. Some additional shadowing occurs to the western facades of the dwellings to the rear between 2pm and 3pm at midwinter. Given the orientation of the western facades of the dwellings, which is north-western, solar access to the façade will be retained between approximately 11am and 2.30pm in midwinter.</p> <p>The townhouses result in additional shadowing of the principle private open space of the adjoining dwellings to the rear of the site from approximately 1.30-3.00pm in midwinter. Again, given the north-western orientation of the rear yards of the dwellings, solar access will be retained to in excess of 50% of the yard between approximately 9am and 1-1.30pm.</p> <p>The apartment buildings will result in additional shadowing of the adjoining school grounds, in particular the sportsfield. It is not considered that the</p>	Yes

			shadowing is likely to have a detrimental impact upon the amenity of the sportsfield.	
2.4.3	Natural Space Heating and Cooling	Reduce the need to artificially heat and cool dwellings.	Overridden by ADG for apartments. Cross ventilation is acceptable for townhouses.	N/A Yes
2.4.4	Natural Lighting	Reduce reliance on artificial lighting	Acceptable solar access to all dwellings.	Yes
2.4.6	Water Management	Mandatory water storage 10 dwell= 500lt / dwell each dwell thereafter = 250 lt/ dwelling	Council's engineer raises concerns with the water management plan for the site.	No
	Water Management	Tanks to be located underground or at least behind the front building line. Located 900mm from front boundary	Council's engineer raises concerns with the water management plan for the site.	Yes
2.5	Streetscape orientation	Compatible with the existing character and address the street frontage.	The orientation and setback is appropriate.	Yes
	Streetscape orientation	Dwellings facing the street will have frontage and apparent access.	No dwellings front the street given the size of the proposed front setback and the difference in level between the site and the street.	N/A
	Streetscape orientation	Garages do not dominate the street frontage.	Underground parking provided for apartments.	Yes
2.5	Front Fences	Sympathetic to street. Height of fence is to be less than 900mm of solid material	No front fence information is provided.	N/A
	Side and rear fences	1.8m maximum height.	No information provided.	Unknown
2.7	Open space and landscaping	50% of RFBs site area to be open space at ground level. Landscaping for townhouses to be 40% (4,853.2m ²). For townhouses driveways and other unbuilt upon areas can be included in the landscape area calculation if at least 70% (3,397.2m ²) of total landscaped area is soft landscaping	Overridden by provisions of SEPP65 and ADG for apartment buildings. 6,078m ² , with 2,969m ² of soft landscaping using the applicant's figures. It is noted that the applicant's soft landscaping figure is not accurate as it appears to include the deck areas within the private courtyards and as such the real soft landscape provision is significantly lower.	N/A No, refer to likely impacts discussion.

			<p>The applicant argues the control should not apply to sites where there is a need to provide a private road and as such the private road should be excluded from the calculation. This suggestion is not supported, it being noted that this is already taken into consideration by allowing such roads to be counted as landscaping, subject to the 70% soft landscape rule. The problem with the design is not the fact that roads need to be included, but rather that the design of the townhouse component of the development is inappropriate, increasing paved surfaces by providing the lengthy loop road and the internal connections between the two roads as well as the excessively long footprint of the townhouses. This does not allow for the provision of soft landscaping between the townhouses as would normally be required by the townhouse controls under the DCP where 6m landscaped setbacks are required between groups of townhouses. As the DCP has not been updated since the site was rezoned, this provision does not apply to the site, however it is considered that more separation between the townhouses for provision of soft landscaping is appropriate.</p>	
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			A significant increase in landscape setting could be provided by the deletion of the single storey elements of the two storey townhouses and deletion of the internal north/south connecting roads, to be replaced by landscaping.	
		35% of the landscaped area is to be provide as deep soil landscaping this excludes basement underneath areas.	Overridden by provisions of SEPP65/ADG for apartment buildings. See above calculation in relation to soft landscaping for townhouses (ie 70% of 40% of site).	N/A No
		10% (1,213.3m ²) of the site area is to be provided as communal open space, with a minimum dimension of 7m.	No usable communal open space is provided within Stage 1. The application is unclear as to whether it is intended for Stage 1 residents to use the open space facilities within Stage 2. If the facilities are to be shared the communal space provided within Stage 2 is adequate for Stage 1, subject, of course, to Stage 2 proceeding. If the sites are not to be consolidated or another legal right of use provided then inadequate communal open space is provided for the townhouses.	Unknown
		A minimum private open space of 40m ² is required for each townhouse with a minimum dimension of 4m	The development largely complies or provides an area of 37m ² , which is considered to be acceptable given the small variation to the control and the compliance with the solar access provisions. However, Townhouses S1-4 have a private open space of only 28m ² notwithstanding they are 3-4 bedroom	No

			townhouses. The size of the courtyard is unacceptably small for the size of the townhouse.	
		RFBs – where dwellings do not have access to ground level open space at least one main balcony is to have a size of 12 ² (up to 2 bed) and 15m ² (3 or more bed). Balconies must have a depth of 2m.	Overridden by provisions of SEPP 65.	N/A
2.8	Privacy and Security	Windows are not to be located less than 9m apart from other dwellings.	Overridden by provisions of SEPP 65 for apartment buildings. Townhouses comply with the provision.	N/A Yes
		Windows to be offset from adjoining dwelling by 0.5m; Have a sill height of 1.7m or have obscure glazing to a height of 1.7m.	Overridden by provisions of SEPP 65 for apartment buildings. Townhouses comply with the provision.	N/A Yes
		Bedrooms not to adjoin living rooms/ garages of adjoining dwellings.	Generally satisfactory	Yes
		Locked Shared pedestrian entries.	Can be conditioned.	Yes, subject to conditions
		Casual surveillance of street and public areas.	Casual surveillance available for apartment buildings. Inadequate casual surveillance is provided within the townhouse component of the development of the southern portion of the loop road due to the visual dominance of garages.	Yes No
2.9	Car Parking	<u>RFB (Stage 2)</u> Car parking is required to be provided as follows 1 bed = 1 space • 29x 1bed = 29 2 bed = 1.5 spaces • 140 x 2bed = 210 3 + bed = 2 spaces • 9 x 3 bed = 18 1 space per 5 dwellings for visitors • 178 / 5 = 36	 320 spaces proposed in basement to RFB	 Yes

		<p>Total Required: 293</p> <p><u>Townhouses (Stage 1)</u></p> <p>3 or more bedroom: 2 spaces All townhouses are 3 or 4 bedrooms</p> <p>1 space per 5 dwellings for visitors</p> <ul style="list-style-type: none"> 10 visitor spaces required 	<p>All townhouses require 2 parking spaces however Townhouses S2-S9, S12-s17 and S20-26 only have 1 parking space as the second proposed space is of a location and dimension as to make it unusable.</p> <p>The width of the space is only 2.7m, making it too narrow for a car space and access to the dwelling. Further, the space is located such that even if it extends to the front door (which would prevent access into the door), a width of only 4.4m would be available to turn into and out of the car space from the access road which is insufficient.</p> <p>The proposal provides 10 visitor spaces along the internal roadway</p>	<p>No</p>
		<p>Dimensions of garage car spaces</p>	<p>Car parking space dimension is acceptable, other than for the spaces identified above.</p>	<p>No</p>
		<p>1 visitor space is to be provided per 5 units.</p>	<p>The visitor spaces for the RFBs and townhouses are addressed above.</p> <p>There are 50 townhouses and as such 10 visitor spaces are required, with 10 provided. It is noted that 3 spaces are provided on the Stage 2 land and it is unclear what legal ownership is proposed, with no indication provided that the sites are to be consolidated.</p>	<p>N/A</p> <p>Yes</p>

		Developments with greater than 10 units must provide one designated car washing bay.	A car wash bay is provided within the apartment building. It is not known if this will be able to be used by the residents of the townhouses as the ownership details are unknown with no indication the sites are to be consolidated.	Unknown
	Ramp Driveway Gradient/ design		Council's engineer raises no concern with the gradient of the ramp.	Yes

Part H – 'Waste Management' of the Strathfield Consolidated Development Control Plan (DCP) 2005

The proposal makes provision for on-site collection of waste, with waste storage provided in a basement of the apartment buildings. It is unclear as to whether Council's collection vehicle would be able to enter the basement to undertake collection as it requires a 3.6m clearance and turning circle for a medium rigid vehicle.

Concern is also raised in relation to waste storage and collection for the townhouses. The plans show inadequate area for storage of waste bins within the double garages. Further, the road width of the internal loop road is inadequate to allow for collection by Council's trucks, which are side loading. Furthermore, inadequate information has been provided to establish that a private contractor can service the townhouses.

As such the proposal is inconsistent with the requirement for onsite collection contained in Control 3.6.3 of Part H – Waste Minimisation and Management Plan of Strathfield Consolidated Development Control Plan 2005.

Waste generated through construction and demolition activities can be appropriately managed by way of standard conditions of consent.

(iia) 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

Clause 92 of the Environmental Planning and Assessment Regulation requires Council to take into consideration the provisions of the Government Coastal Policy and the relevant Australian Standard for the demolition of buildings in the determination of a development application.

Having regard to these prescribed matters, the proposed development is not located on land subject to the Government Coastal Policy as determined by Clause 92 (1) (a) (i) however does involve the demolition of a building for the purposes of Australian Standard (AS) 2601 – 1991: The Demolition of Structures.

(v) Any Coastal Zone Management Plan:

The NSW Government projects sea levels to rise by 40cm in 2050 and by 90cm in 2100 above the relative mean sea level in 1990. These planning benchmarks are to be considered in the assessment of development applications through the applicable coastal zone management plan or alternatively the provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

The proposed development is located on a site that is not subject to flooding attributed to either Powell's Creek or Cook's River and is therefore not required to be considered under the provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

(b) Likely Impacts:

The impacts of the development upon the amenity of the area are largely related to the aesthetic impact of the development, which has been addressed previously.

The townhouses have the potential to result in shadow and privacy impacts upon properties to the east. The shadow impact has been addressed previously and assessed as acceptable. In relation to privacy, the eastern end townhouses have windows at the first and second floor level facing the adjoining properties which would allow overlooking into the rear yards. A condition requiring the windows to have either fixed or awning style windows with frosted glazing at these two levels would ensure an appropriate level of privacy is maintained.

(c) Suitability of the Site:

Whilst the site is considered to be suitable for a townhouse and apartment building redevelopment, the design proposed is not suitable for the subject site for the reasons detailed in this report.

It is considered that the concerns with the design of the proposal stem from the proposal being an inappropriate design choice for the site given the controls applicable and the setting of the site. The controls provide for heights to step up from 9.5m at the rear to 28m at the front of the site. Only a small portion at the rear of the site has a 9.5m height limit, with over 2/3 of the site having a height limit of 24m or 28m. Notwithstanding the controls, the proposal seeks to occupy the majority of the site as townhouses. The effect of this is that in order to achieve the maximum permitted FSR, the proposed apartment buildings are extremely large in footprint and are not provided with an appropriate setback from the northern boundary. The effect upon the townhouse design is that the footprint is elongated and much of the site is occupied by an unnecessarily long loop road which provides inadequate access to the southern townhouses car parking and limits the landscaped setting of the proposal.

(d) Submissions:

The original application and plans were notified in accordance with Part L of the Strathfield Consolidated DCP 2005 from 15 September 2015 to 16 October 2015 and there were four (4) objections received. The amended plans were notified from 26 January 2016 to 11 February 2016 and two (2) submissions objecting to the application were received (one on

behalf of two properties). The concerns raised in the submissions for both notifications are similar and are addressed following:

1. Development is not compatible with the predominant height, bulk and scale of the locality

The height of the proposed development, whilst different to the predominant character would be acceptable, subject to the receipt of an acceptable clause 4.6 variation request as it is generally compliant with the control. However, the bulk and scale is not acceptable for the reasons discussed in this report.

2. Development will adversely impact residents in Hedges Avenue in terms of overshadowing, privacy, excess noise (during construction and from vehicles after construction and from increased density of use) and loss of views.

The application has been assessed in relation to shadow impact and whilst there will be some additional shadowing, the shadow impact is acceptable having regard to the controls under SDCP 2005. The potential privacy impacts could satisfactorily be ameliorated by the use of frosted glazing and a combination of fixed and awning style windows which could be conditioned.

Noise during construction is inevitable and would be managed by appropriate conditions. Additional noise from the residential use may occur, however given the zoning of the site, again it is unavoidable. The views to be lost are of the existing golf course which is currently located on the site. Whilst these views will be lost, their loss is again inevitable given the rezoning of the site which changes the use to residential and mixed use.

3. Development will cause headlight glare impacts upon No. 29 Hedges Avenue as the access driveway adjoins the property.

With an appropriate rear fence headlight glare will be minimised. The glare could further be reduced with appropriate landscaping and a condition of consent could address this concern.

4. Impact upon property value.

Impact of development upon property values is not a matter for consideration in the assessment of a development application.

5. Loss of security to No. 21 Hedges Avenue.

The proposal will not result in any unacceptable additional security impacts upon this property.

6. Guarantee is sought that access to the development will not be provided through Hedges Avenue as previously sought. Even provision of a footpath through to Hedges Avenue would encourage its use for parking.

The application does not provide for pedestrian or vehicular access to Hedges Avenue. No guarantee is possible about any potential future applications.

7. Overdevelopment of the site as it significantly exceeds the maximum FSR.

This concern related to the originally lodged plans. The amended plans are almost compliant with the FSR control, with the variation minor.

8. Breach of FSR is larger than indicated by the applicant as the calculation excludes the stairs of the townhouses which are not common areas of circulation.

This issue has been considered in judgements of the Land and Environment Court which found that stairs are excluded from the definition of gross floor area regardless of whether they are internal to one dwelling or servicing a number of dwellings.

9. Inadequate landscaping in relation to bulk and scale of development.

It is agreed that inadequate landscaping is provided in relation to the townhouse component of the site, with building footprints of excessive length and negligible landscaping. The landscape provision for the apartment buildings is of appropriate size, however, inadequate landscaped setback is provided along the northern boundary to provide a suitable landscape setting for the bulk and length of the buildings proposed.

10. Buildings are elongated due to breach of FSR, preventing suitable landscape provision.

The proposal, as amended, is generally compliant with the FSR control however the building footprints remain elongated. It is considered that the elongation of the buildings is a result of the design choice to provide townhouses on the majority of the site rather than some townhouses on the rear portion of the site and apartment buildings of smaller footprint in more appropriate landscape settings on the remainder of the site, gaining in height as the street frontage is approached.

11. Three storey building forms are unacceptable.

The three storey buildings are permissible under the height control and subject to being provided in a suitable landscaped setting, would be acceptable on the site.

12. The driveway design looping around the buildings results in excessive hardstand and limits landscape opportunities and is a poor design approach. A central two way driveway would allow appropriate landscape provision at the side and rear boundaries.

It is agreed that the above approach would result in a better landscaped setting for the development. Again, it is considered that the wrong design approach has been taken to the site by the provision of townhouses over the majority of the site. In order to provide private open space with suitable solar access for such a large number of townhouses requires an excessively long double driveway. Extending the number of apartment buildings (of lower height) further into the site would have reduced hard surfaces, permitted better landscape provision and limited the need for the loop road to a small section of the site, if any.

13. The rear setback is dominated by a driveway and visitor parking and should be landscaped to reduce the visual impact of the development.

Additional landscaping could be provided in the rear setback area by relocation of the visitor parking spaces. Was the application otherwise acceptable such a condition would

have been recommended. This would also have provided for visitor parking closer to the townhouses where visitors would be going.

14. Location of driveway and visitor parking at the rear maximises noise impacts upon neighbouring properties.

Noise from the driveway could be appropriately managed by a sound attenuating rear fence. See above comment in relation to location of parking.

15. The proposal is inconsistent with the zone objectives

The proposal is considered to be generally consistent with the zone objectives.

16. The building designs are unattractive.

Concern is raised with the aesthetic appeal of the buildings, particularly in relation to their bulk and scale as well as the choice of colour and materials.

(e) Public Interest:

Given the excessive bulk and scale of the design and the lack of a landscape setting likely to attain an appropriate scale in relation to the scale of the proposed buildings, it is not considered that approval of the development is in the public interest.

INTEGRATED DEVELOPMENT

A referral was made to the NSW Office of Water as the application constitutes integrated development under the provisions of the Water Management Act. The Office of Water have provided General Terms of Approval.

INTERNAL REFERRALS

Development Engineer

The subject application has been referred to Council's Drainage Engineer who requested additional information, including a plan and long section of the drainage pipes downstream of the OSD, details of the diameter and invert level of the pipes and surface and invert level of the pits and details of the junction pits where pipes change direction and the pit outside the embankment of the channel.

Amended plans were received which show an elongated and inefficient OSD being provided under the loop road to the townhouses, with this component of the system being 124m long by 1.8m wide.

The drainage design is being made to fit around the architectural design approach chosen for the site, rather than provision of an appropriate and efficiently constructed stormwater system. Given the size of the site, the inability to provide an appropriate onsite OSD system again is indicative that the wrong design approach has been taken with the site by attempting to provide townhouses on the majority of the site accessed by the loop road.

Waste Education Officer

The subject application has been referred to Council's Waste Education Officer. Primarily concern was raised in relation to the loop road being insufficient in width in order to enable waste to be

collected from the townhouses by Council's side loading vehicle. The townhouses are intended to function as dwellings and would be provided with individual bins (rather than shared, larger bins) requiring kerbside collection by Council's side loading garbage truck. This truck would be unable to turn at the eastern corner of the site and as a result, Council would be unable to service the townhouse portion of the development. This would require private collection and additional information would be necessary to show this was possible.

Concern was also raised as to the lack of information in relation to waste collection arrangements for Stage 1 prior to the completion of Stage 2 and clearance/turning circle detail to demonstrate Council's collection vehicle is able to enter the basement beneath the RFB component of the development in Stage 2.

Environmental Health Officer

The subject application was referred to Council's Environmental Health Officer and concern was raised with the acoustic report. This has since been resolved through the submission of a revised report which is satisfactory. Compliance with the measures recommended in the Acoustic Report could be addressed by way of standard conditions of consent.

Arborist

The subject application was referred to Council's Arborist who responded by indicating that the removal of the group of trees located along the southern boundary is required in order to support the proposed drainage infrastructure.

As discussed above, Council's Development Engineer is not supportive of the design of the stormwater system within the site. An alternate system which satisfies Council's Engineer may also avoid the loss of a number of the mature and healthy trees located along the southern boundary.

Aside from this, the northern group of trees are in various stages of maturity and it is considered that with remedial tree work and subject to conditions, these trees can be retained.

Council's Arborist has indicated that the retention of trees has been poorly considered in the design of the development. Particularly noting that only two trees with high retention values are present onsite, and only one is proposed to be retained, with the other being removed due to placement of the substation. The substation could potentially be relocated in order to retain this tree.

As such, it is considered that the removal of many of the trees, most of which are located on the adjoining property, should not be supported. Again, the impact on trees is largely due to the design choice of placing townhouses on the majority of the site and providing a loop road too close to the southern boundary. As the proposal provides for no tree planting along the southern boundary, the retention of the trees in the school grounds is considered critical.

EXTERNAL REFERRALS

The application was forwarded to the Roads and Maritime Services, the NSW Office of Water, the NSW Police and NSW Fire and Rescue for comment.

The NSW Office of Water have issued GTAs for the development and RMS have raised no objection subject to the inclusion of requested conditions of consent. NSW Police provided a response having regard to their Crime Prevention Through Environmental Design assessment and have raised no objections to the proposal.

NSW Fire and Rescue have raised concerns with the design of the loop road around the townhouses in relation to the turning circle for emergency vehicles and compliance with *Policy No. 4: Guidelines for Emergency Vehicle Access*. Particular reference is made to the loop road in the stage 1 portion of the development and difficulties NSW Fire and Rescue may have in passing through the curved sections of the road.

CONCLUSION

Approval is sought for the demolition of the existing clubhouse and structures, tree removal and Staged construction of (23) x 2 storey townhouses, (27) x 3 storey townhouses and two (2) x 9 storey apartment buildings (178 dwellings) over two (2) levels of basement car parking for (321) cars. It is also proposed to construct an internal access road and associated landscaping. Stage 1 is to consist of the construction of the townhouses and Stage 2 is the demolition of the clubhouse and construction of the apartment buildings.

The development is permissible in the zones and is generally consistent with the height and FSR controls (minor variations to both), but significantly breaches the Apartment Design Guide privacy separation controls and SDGP 2012 building envelope controls.

The design of the townhouses is not supported as the building footprint, particularly of the northern townhouses, is too long without landscaped separation breaks, the car parking provision for the southern townhouses is inadequate in dimensions and cannot be adequately accessed, the townhouses do not provide appropriate casual surveillance of the internal roads and an inadequate landscape setting is provided for the townhouses.

The design of the apartment buildings is not supported as the building footprint is too long and inadequate articulation and inappropriate material choice emphasis, rather than ameliorate, the visual bulk of the building, inadequate provision is provided for cross ventilation in accordance with the Apartment Design Guide and an inadequate landscaped setback is provided from the northern boundary.

It is considered that the concerns with the design of the proposal stem from the proposal being an inappropriate design choice for the site given the controls applicable and the setting of the site. The controls provide for heights to step up from 9.5m at the rear to 28m at the front of the site. Only a small portion at the rear of the site has a 9.5m height limit, with over 2/3 of the site having a height limit of 24m or 28m. Notwithstanding the controls, the proposal seeks to occupy the majority of the site with townhouses. The effect of this is that in order to achieve the maximum FSR permitted, the proposed apartment buildings are extremely large in footprint and cannot be provided with an appropriate setback from the northern boundary. The effect upon the townhouse design is that the footprint is elongated and much of the site is occupied by an unnecessarily long loop road which provides inadequate access to the southern townhouses car parking, requires removal of trees on adjoining properties and limits the landscaped setting of the proposal.

Whilst some of the design concerns with the proposal could potentially be addressed by amended plans, it is considered that the fundamental concern with the design is that the wrong design choice has been made at the commencement of the design process and that addressing this would require a comprehensive redesign of the proposal.

Accordingly, the development application is recommended for refusal.

RECOMMENDATION

That DA2015/100 for demolition of the existing clubhouse and structures, tree removal and Staged construction of (23) x 2 storey townhouses, (27) x 3 storey townhouses and two (2) x 9 storey apartment buildings (178 dwellings) over two (2) levels of basement car parking for (321) cars at 84 Centenary Drive, Strathfield be REFUSED for the following reasons

REASONS FOR REFUSAL

1. The proposal seeks to vary the height control contained in Clause 4.3 and the FSR control contained in Clause 4.4 of the *Strathfield Local Environmental Plan 2012* and no clause 4.6 variation request has been provided to substantiate the variation (*Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979*).
2. The proposed apartment buildings are of inappropriate design and fail to meet the design principles of *SEPP 65 - Design Quality of Residential Flat Development* as the development fails to adequately consider the context of the site, providing a development that has an inappropriate built form and scale in an inadequate landscaped setting (*Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979*).
3. The proposed townhouse development is of inappropriate design, providing buildings of excessive length in an inadequate landscaped setting contrary to the objectives and controls of clause 2.7 of Part C of *Strathfield Consolidated Development Control Plan* (*Section 79 C (1) (a)(iii) of the Environmental Planning and Assessment Act 1979*).
4. The proposal fails to comply with the cross ventilation requirement established by Clause 4B – Natural Ventilation of the *Apartment Design Guide*, resulting in a poor level of amenity for future occupants (*Section.79 C (1) (a)(i) of the Environmental Planning and Assessment Act 1979*).
5. The proposal fails to comply with the requirement for balconies in relation to size and location for Apartments A210, A310 and A410 established by Clause 4G – Private Open Space and Balconies of the *Apartment Design Guide*, resulting in a poor level of amenity for future occupants (*Section.79 C (1) (a)(i) of the Environmental Planning and Assessment Act 1979*).
6. The proposal fails to provide adequate private open space for Townhouses S1-4 which are contrary to the objectives and controls of Section 2.7 of Part C of *Strathfield Consolidated Development Control Plan* and provide an unacceptable level of amenity for future residents (*Section 79 C (1) (a)(iii) of the Environmental Planning and Assessment Act 1979*).
7. The proposal fails to provide an adequate level of parking and access thereto for townhouses S2-9, S12-17 and S20-26, which are providing only one usable parking space where two are required by Section 2.9 Access and Parking of Part C of *Strathfield Consolidated Development Control Plan* as the proposed second space is of inadequate dimensions and is inappropriately located such that it prevents pedestrian access to the front door and cannot be entered and exited in an appropriate manner from the internal loop road (*Section.79 C (1) (a)(iii) of the Environmental Planning and Assessment Act 1979*).
8. The proposed design of the southern townhouses fails to provide an appropriate level of casual surveillance of the southern loop road, reducing the level of safety of that road (*Section 79 C (1) (b) of the Environmental Planning and Assessment Act 1979*).

9. The proposed loop road design is of inadequate dimensions to allow access by emergency vehicles, failing to satisfy the requirements of *Policy No. 4: Guidelines for Emergency Vehicle Access*, placing future residents in danger in the case of an emergency (*Section 79 C (1) (b) and (e) of the Environmental Planning and Assessment Act 1979*).
10. The proposal fails to provide an adequate level of accessible parking for the proposed development, not providing an accessible space for each accessible apartment and not providing an accessible visitor parking space. The location of the accessible spaces is also inappropriate, being an excessive distance from the relevant lift core that services the accessible apartments (*Section.79 C (1) (b) of the Environmental Planning and Assessment Act 1979*).
11. The proposal has been designed with inadequate consideration of the need to retain trees of high retention value on the subject site and adjoining sites and the extent of tree removal proposal is excessive (*Section.79 C (1) (b) of the Environmental Planning and Assessment Act 1979*).
12. The application is not sufficiently clear to allow assessment of the suitability of several aspects of the proposal as follows:
 - a. Inadequate information is provided of whether it is proposed to consolidate the two allotments or to retain two separate allotments. Such information is required to allow assessment of the suitability of the provision of access, visitor parking, communal open space and car wash bays for the townhouses.
 - b. Insufficient information is provided of when (i.e. Stage 1 or 2) the western portion of the loop road and visitor parking spaces adjacent would be constructed to allow assessment of whether adequate access and parking is provided to the townhouses.
 - c. Insufficient information is provided of the timing for removal of the underground storage tank (i.e. Stage 1 or 2) and remediation works (if required).
 - d. Inadequate information is provided about the conflict of the location of the proposed townhouses with the location of the easement for drainage that runs along the rear portion of the site.