

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSECC-145
DA Number	DA.2021.79
LGA	Burwood
Proposed Development	Demolition of all existing structures and construction of 1 x three (3) storey and 1 x nine (9) storey residential flat building comprising a total of seventy-one (71) apartments and two (2) retail tenancies with three (3) levels of basement parking, communal open spaces and associated landscaping.
Street Address	3-7 Lyons Street & 18 Parnell Street, Strathfield
Applicant	Mr Georges Jreije c/o Urbanlink Pty Ltd
Owner	Mr John Georges Mr Joseph Michael Georges Mr Michael Tannous Mr Milan Kalina
Date of DA lodgement	10 August 2021
Number of Submissions	One (1)
Recommendation	Approval, subject to the attached conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Cost of development exceeding \$30million <ul style="list-style-type: none"> - Proposed cost of development \$30,111,231.00 (at the time of lodgement) - Amended cost of development \$26,885,286 (amended proposal subject to determination)
List of all relevant 4.15(1)(a) matters	<ul style="list-style-type: none"> ▪ State Environmental Planning Policy (State and Regional Development) 2011 ▪ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ▪ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 ▪ State Environmental Planning Policy 55 – Remediation of Land ▪ State Environmental Planning Policy (Infrastructure) 2007 ▪ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ▪ State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development ▪ Burwood Local Environmental Plan (LEP) 2012 ▪ Burwood Development Control Plan (DCP) 2013 ▪ The likely social, environmental and economic impacts of the development ▪ The suitability of the site for the development ▪ The Public Interest ▪ Submissions made under the Act and Regulations

<p>List all documents submitted with this report for the Panel's consideration</p>	<ul style="list-style-type: none"> ▪ Development Application Form ▪ Statement of Environmental Effects prepared by Planning Ingenuity dated 25 June 2021; ▪ Architectural Plans: DA-000B; DA-001D; DA-002D; DA-003B; DA-004B; DA-101D; DA-102C; DA-103B; DA-104B; DA-105B; DA-106B; DA-107B; DA-109B; DA-201C; DA-202B; DA-203B; DA-204B; DA-205B; DA-206B; DA-207C; DA-208B; DA-301C; DA-302C; DA-303C; DA-901B; DA-902B; DA-1401D; DA-1402B; DA-1403B; DA-1404B; DA-1405B; DA-1406B; DA-1407B; DA-1408B; DA-1409B; DA-1410B; DA-1411B prepared by Urban Link P/L dated 01 March 2022; DA-001C; DA-002C; DA-101C; DA-102C; DA-201C; DA-207C; DA-301C; DA302C; DA-303C; DA1401C dated 03 June 2022; ▪ BASIX Certificate No. 1196162M_02, prepared by Greenworld Architectural Drafting dated 02 March 2022; ▪ NatHERS Certificate No. 0006216310 prepared by Greenworld Architectural Drafting dated 02 March 2022; ▪ Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd dated 30 May 2022; ▪ Swept Path Analysis (B99 Passing 12.5m HRV Waste Truck) prepared by Varga Traffic Planning Pty Ltd dated 8 June 2022; ▪ BCA Compliance Assessment Report prepared by AE&D P/L dated 20 July 2021; ▪ Natural Ventilation Statement prepared by Windtech Consultants dated 2 February 2022; ▪ Acoustic Report prepared by Renzo Tonin & Associates 23 February 2022 ▪ Accessibility Compliance Report prepared by Access Link Consulting dated 03 March 2022 ▪ Arboricultural Impact Assessment Report prepared TALC dated 06 May 2021 ▪ Cost Estimate Report prepared by QPC & C dated 21 February 2022 ▪ Design Verification Statement prepared by Urban Link Pty Ltd dated 28 June 2021; ▪ Design Excellence Letter prepared by Urban Link Pty Ltd; ▪ Landscape Plan: 000F; 101F; 102D, 104D dated 21 February 2021, 501A dated 08 February 2021; ▪ Survey Plan prepared by Veris Australia Pty Ltd dated 04 October 2016; ▪ Waste Management Plan prepared by Dickens Solutions Pty Ltd dated June 2022; ▪ Demolition Plan prepared by Urban Link Pty Ltd dated 08 July 2021; ▪ Stormwater Drainage Concept Plan: SW100C; SW200C; SW201C; SW202C; SW203C; SW300C; SW301C; SW400C; SW500C prepared by SGC Consulting Engineers dated 03 March 2022; ▪ Notification Plans prepared by Urban Link Pty Ltd dated 08 July 2022; ▪ Real Estate Support Letter prepared by ROMANI Estate Agents dated 23 February 2022;
<p>Report prepared by</p>	<p>SJB Planning (Consultant Town Planner)</p>
<p>Report date</p>	<p>9 June 2022</p>

Summary of s4.15 matters	Yes
Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	
Legislative clauses requiring consent authority satisfaction	Yes
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	
<i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	
Clause 4.6 Exceptions to development standards	N/A
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	
Special Infrastructure Contributions	No
Does the DA require Special Infrastructure Contributions conditions (S94EF)?	
<i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	
Conditions	Yes
Have draft conditions been provided to the applicant for comment?	
<i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	

(PPSEC-145) DA.2021.79 – 3-7 LYONS STREET & 18 PARNELL STREET, STRATHFIELD

REPORT BY SJB PLANNING

Property: Nos. 3-7 Lyons Street & 18 Parnell Street, Strathfield

Application: Development Application DA.2021.79 – demolition of all existing structures and construction of 1 x three (3) storey and 1 x nine (9) storey mixed use development comprising a total of 71 apartments and two (2) retail tenancies with three (3) levels of basement parking, communal open spaces, and associated landscaping

Applicant: Urban Link Pty Ltd

Location: Northern side of Lyons Street and southern side of Parnell Street

Zoning: B4 Mixed Use – Burwood Local Environmental Plan (BLEP) 2012

Proposal

Development Application (DA) No. DA.2021.79 seeks consent for the demolition of all existing structures on the site and the construction of 1 x three (3) storey and 1 x nine (9) mixed use development comprising a total of 71 apartments and two (2) retail tenancies with (3) three levels of basement parking, communal open spaces, and associated landscaping at 3-7 Lyons Street & 18 Parnell Street, Strathfield.

The subject site comprises four (4) allotments which have frontages to Lyons Street and Parnell Street.

Regional Planning Panel Referral Criteria

The application is referred to the Sydney Eastern City Planning Panel (SECPP) as the proposed development, as lodged, had a capital investment value over \$30 million.

Whilst it is noted that the amended development has a capital investment value of \$26,885,286, the SECPP remains the determining authority.

Background

DA.2015.121 was approved for a residential flat building development at 7 Lyons Street and 18 Parnell Street on 14 July 2016 by way of a Deferred Commencement Consent. The deferred commencement conditions were satisfied, and the consent commenced on 08 May 2017. The approved works have not been undertaken and the consent has lapsed.

Pre-Development Application (Pre-DA) PDA.2019.003 was lodged with Council on 15 March 2019. On 20 May 2019, Council issued to the Applicant a list of issues raised during the assessment of the Pre-DA, including comments made by Council's Urban Design Consultant, GMU. These matters are summarised below.

- GMU recommended adopting or reinstating the approved setbacks along the western boundary for the larger building facing Lyons Street (Building A);
- The recommended interface to the western boundary for Building A will build to the boundary up to level 2 and setback for a distance of 5.5m fully across the height of the side wall and can attach to the common boundary for a short segment of 8m;

- GMU also recommended that the lower building facing Parnell Street (Building B) be brought closer to the boundary (i.e. to 2m) to increase the separation between the buildings. Building B also should be setback from the western boundary by at least 2m;
- It is preferred that the vehicle driveway ramp is from Lyons Street and not from Parnell Street; and
- The upper storey on Building B should be fully setback from all elevations visible from the public domain.

DA.2021.79 (the subject DA) was lodged on 10 August 2021. The DA sought consent for the demolition of all existing structures and construction of 1 x three (3) storey and 1 x eleven (11) storey residential flat building comprising a total of 79 apartments with three (3) levels of basement parking, communal open spaces, and associated landscaping.

The application underwent public exhibition from 18 August 2021 until 15 September 2021.

The application was referred to GMU to undertake a review of the proposed development. On 19 October 2021 a request for additional information was issued to the applicant, raising the following planning and urban design issues:

- Building height, floor space ratio, and building setback non-compliances;
- Disabled access;
- External building materials;
- Apartment mix;
- Streetscape and active street frontage;
- Apartment design guide non-compliances;
- Amenity issues; and
- Insufficient shadow diagrams.

On 29 November 2021 a further request for additional information was issued to the applicant, raising issues relating to waste management.

On 11 January 2022 a further request for additional information was issued to the applicant, raising issues relating to traffic arrangements.

On 10 March 2022 amended plans and documentation were submitted to Council. The amended plans were re-referred to internal Council departments for further review and underwent public exhibition from 16 March 2022 to 31 March 2022.

On 25 May 2022 a further request for additional information was issued to the applicant, raising issues relating to waste and traffic arrangements.

On 07 June 2022 amended plans and documentation were submitted to Council. These plans form the basis of this report.

Locality

Subject Site

The subject site is located at 3-7 Lyons Street and 18 Parnell Street, Strathfield and comprises four (4) adjoining lots that are legally described as Lots 2-5 in DP 17433.

The site's location is indicated in Figures 1 and 2.



Figure 1: Aerial image of site and locality (Source: MetroMap)

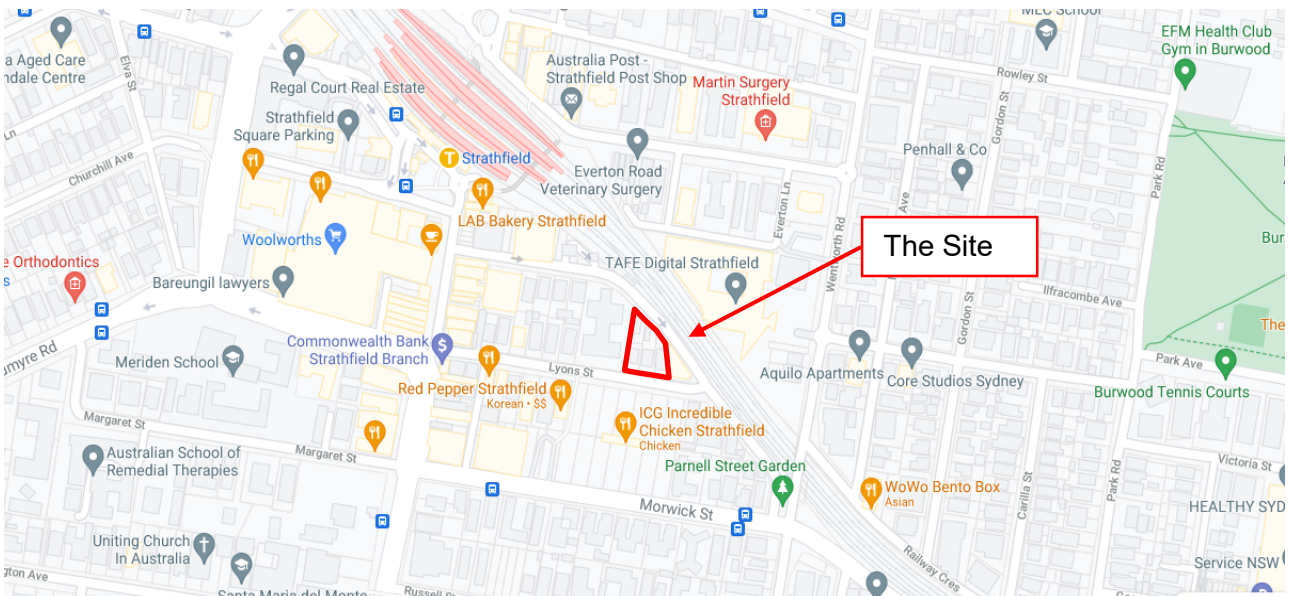


Figure 2: Location plan (Source: Google Maps)

The site has an area of 1,857m² and is irregular in shape. The site has a 44m frontage to Lyons Street and a 46m frontage to Parnell Street. The site falls slightly from north to south (i.e. from Parnell Street to Lyons Street) by approximately 1.3m.

The site is currently occupied by four (4) single storey detached dwellings and ancillary outbuildings. There are no significant trees or vegetation on the site.

Photographs of the site and existing buildings shown in Figures 3-5.



Figure 3: Existing dwellings on subject site, viewed to north from Lyons St



Figure 4: Existing dwellings on subject site, viewed to south from Parnell St



Figure 5: Existing dwellings on subject site, viewed to south from Parnell St (Source: Google Maps)

Surrounding Development

The site is located within the Strathfield Town Centre and is in proximity to the Strathfield Railway Station. Surrounding development within the immediate locality comprises a mix of residential and recreational uses. Nearby residential development includes two (2) to three (3) storey residential flat buildings, inter-war brick cottages, and contemporary higher density flat buildings.

Land to the north of the site (i.e. on the opposite side of Parnell Street) forms part of the railway corridor servicing the T1 North Shore & Western Line, T2 Inner West & Leppington Line, and T9 Northern Line. Refer to Figure 6.



Figure 6: Railway line to north of site, viewed to north east from Parnell St

Development to the south of the site, on the opposite side of Lyons Street, comprises sporting facilities (i.e. tennis courts) and a car park which form part of Strathfield Sports Club (refer Figure 7).

It is noted that construction works are currently being undertaken at this site.



Figure 7: Tennis court car park, viewed to south from Lyons St

Adjoining the site to the west is a part three (3) part four (4) storey residential flat building (refer to Figure 8). The building, at 11-15 Lyons Street and 20-24 Parnell Street, has an 'H' shaped built form and includes large areas of open space and landscaping. The building is of brick construction and contains several window openings and balconies oriented towards the subject site.



Figure 8: RFB at 11-15 Lyons St & 20-24 Parnell St, viewed to north from Lyons St

To the east of the site, at 1 Lyons Street, is a recently completed nine (9) storey building. The construction and use of this building as a boarding house was approved by Council on 12 May 2016 under DA10.2015.1.

As shown in Figure 9, the building has a three (3) storey podium with the upper storeys set back and articulated by way of the balcony design. The building has a nil setback blank wall adjoining the subject site.



Figure 9: Nine (9) storey building at 1 Lyons St, viewed to north from Lyons St

Description of Development

The application, as amended, proposes the demolition of all existing structures on the site and the construction of 1 x three (3) storey and 1 x nine (9) storey mixed use development comprising a total of 71 apartments and two (2) retail tenancies with (3) three levels of basement parking, communal open spaces, and associated landscaping. The specifics of the proposal are as follows:

Building A

- Basement Level 1
Contains 32 car spaces (including four (4) accessible spaces), lift access, and fire stair.
- Basement Level 2
Contains 32 car spaces (including four (4) accessible spaces), storage cages, lift access, and fire stair.
- Basement Level 3
Contains 20 car spaces (including one (1) accessible space), five (5) motorcycle spaces, 18 bicycle parking spaces, storage cages, lift access, fire stair, and plant.

- Ground Floor Level
Lobby areas including lift and fire stair access, vehicular entrance (from Lyons Street), loading area, substation, residential and bulky waste storage, two (2) retail tenancies, 2 x three (3) bed apartments, 1 x one (1) bed apartment, and communal open space.
- Level 1
1 x three (3) bed apartment, 4 x two (2) bed apartments, 2 x one (1) bed apartments, and communal open space.
- Level 2
2 x three (3) bed apartments, 3 x two (2) bed apartments, and 2 x one (1) bed apartments.
- Level 3 – Level 8
5 x two (2) bed apartments and 2 x one (1) bed apartments at each floor level.

Building B

- Ground Floor – Level 2
4 x studio apartments at each floor level.

Proposed Apartment Mix

- 12 (17%) x studio apartments;
- 17 (24%) x one (1) bed apartments;
- 37 (52%) x two (2) bed apartments; and
- 5 (7%) x three (3) bed apartments.

Statutory Requirements

Heads of Consideration

The application is assessed under the provisions of Section 4.15 of the *Environmental Planning and Assessment (EP&A) Act 1979* which include:

- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- State Environmental Planning Policy 55 – Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;
- Burwood Local Environmental Plan (BLEP) 2012;
- Burwood Development Control Plan (BDGP) 2013;
- The likely social, environmental and economic impacts of the development;
- The suitability of the site for the development;
- The Public Interest; and
- Submissions made under the Act and Regulations.

These matters are considered in this report.

Newly Adopted State Environmental Planning Policies

On 1 March 2022, the following State Environmental Planning Policies (SEPPS), among others, were gazetted:

- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021; and
- State Environmental Planning Policy (Transport and Infrastructure) 2021.

These SEPPs now form matters for consideration under Section 4.15 of the *EP&A Act 1979*. However general savings provisions apply to development applications that have been made but not yet determined, on or before the commencement date.

As the subject development application was lodged on 10 August 2021, it is considered to have been made prior to the commencement date of the SEPPs. The abovementioned SEPPs have been considered as a matter for consideration under S4.15 of the *EP&A Act 1979*. However, the existing legislation in force at time of lodgment of the development application prevails to the extent of any inconsistency.

Notwithstanding, the approval of the development application would not adversely affect the objectives of the newly adopted SEPPs and is considered to be consistent with this policy. The SEPP consolidation does not change the legal effect of the SEPPs being repealed and section 30A of the *Interpretation Act 1987* applies to the transferred provisions. Savings and transitional provisions, which preserve particular rights and obligations from the SEPPs being repealed, have not been transferred. However, all savings and transitional provisions of the repealed SEPPs are still in force despite their repeal, due to sections 5(6) and 30(2)(d) of the *Interpretation Act 1987*.

Planning Assessment

State Environmental Planning Policy (State and Regional Development) 2011

Under Section 2.12, Division 2.4 of Part 2 of the *EP&A Act 1979*, the Sydney Eastern City Planning Panel (SECPP) is nominated as the consent authority for certain types of development listed in Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)*.

Development that has a Capital Investment Value (CIV) over \$30 million is identified in Schedule 7 of the SRD SEPP. At the time of lodgment, the proposal had a CIV of \$30,111,231. Accordingly, the SECPP is the relevant consent authority for this application.

It is noted that the CIV of the DA decreased to \$26,885,286 as a result of the amendments made to the application in response to Council's request for additional information. Notwithstanding, the SECPP remains the determining authority for the application.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.

The Vegetation SEPP states that a Development Control Plan may make a declaration in any manner relating to species, size, location and presence of vegetation.

Accordingly, Part 6.1 of BDCP 2013 prescribes works that can be undertaken with or without consent to trees.

The proposed development does not seek to remove any existing trees from the subject site and as such, further consideration of the Vegetation SEPP is not necessary.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour SREP)*.

The proposed development is supported by a suitably designed stormwater management system and sufficient landscaped area that will contribute to the protection and enhance the hydrological and ecological health of the catchment.

The proposed development is of a scale and form consistent with adjoining residential development. The visual qualities of the Harbour will not be diminished as a result of the development. On this basis, the development is consistent with the Sydney Harbour SREP.

State Environmental Planning Policy 55 – Remediation of Land

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55) prescribes a statutory process associated with the development of land that is contaminated and needs remediation. The site has historically been used for residential purposes and the proposal seeks approval for the construction of a mixed use development. On this basis, the proposal is consistent with the provisions of SEPP 55.

State Environmental Planning Policy (Infrastructure) 2007

Clause 86 of *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)* applies as the subject site is located within 25m of a rail corridor and the development involves excavation of more than 2m depth.

Accordingly, the application has been referred to Sydney Trains pursuant to the requirements of clauses 86(3) and 86(4). By letter dated 1 November 2021, Sydney Trains has provided its concurrence, subject to conditions being imposed on the consent.

Clause 87 of the ISEPP requires the consent authority to consider whether the development is likely to be adversely affected by rail noise or vibration. These matters have been addressed in the submitted Acoustic Assessment, which concludes that, subject to inclusion of the recommendations made, the proposed development can comply with the relevant criteria and is acceptable with regard to rail noise and vibration impacts.

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

The application has been assessed against the requirements of *State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004*. The proposal includes a BASIX Certificate for the proposed development which meets the requirements of the SEPP. A condition is recommended in Schedule 1 requiring the recommendations of the BASIX Certificate be complied with.

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

SEPP 65 applies to the proposed development as it is characterised as a mixed use development comprising a residential component. Clause 28(2) stipulates that the consent authority is to take into consideration the advice of a design review panel (if any), the design quality principles, and the Apartment Design Guide (ADG).

Council does not have a design review panel however the application was referred to an external Urban Design Consultant, GMU, for review and comment. The issues raised by GMU are considered to have been addressed in the amended plans which form the basis of this report.

Design Quality Principles

A design statement addressing the quality principles prescribed by SEPP 65 was prepared by the project architect and submitted with the application. The amended proposal is considered to be consistent with the Design Quality Principles as outlined in Table 1 below.

Principles	Comments
<i>Principle 1: Context and Neighbourhood Character</i>	The proposed development is consistent with the desired future character of Strathfield Town Centre and is permissible in the B4 Mixed Use zone. The development is consistent with the objectives of development controls contained in BLEP 2012 and BDCP 2013.
<i>Principle 2: Built Form and Scale</i>	The proposed built form is appropriate for this site and is compliant with the FSR and building height controls applying to the site under BLEP 2012. The proposed building façades are articulated and comprise a mix of materials/finishes, so as to minimise the perceived bulk and scale of the development.
<i>Principle 3: Density</i>	The density and massing of the proposed development is an appropriate response to the desired future character of the site and surrounding locality.
<i>Principle 4: Sustainability</i>	A BASIX Certificate has been submitted with the development application and demonstrates that sustainable development features can be installed. The development achieves a good level of natural light and cross ventilation. The proposed development also includes bicycle parking for both visitors and residents and is in a location well served by public transport.
<i>Principle 5: Landscape</i>	A landscape scheme has been prepared by a qualified Landscape Architect which provides appropriate planting to the communal open space and street setbacks, creating a high quality landscape setting.
<i>Principle 6: Amenity</i>	The proposal is considered to achieve good amenity, contributing to the positive living environment of residents, optimising internal amenity through complying room dimensions and efficient layouts, access to sunlight, natural ventilation, visual and acoustic privacy, storage, and indoor and outdoor space. 339sqm of communal open space is provided at ground level and 127sqm is provided at level 1. This equates to a total of 466sqm (i.e. 25.1%), which complies with the ADG requirement of a minimum area equal to 25% of the site.
<i>Principle 7: Safety</i>	The proposal is considered to provide appropriate safety for occupants and the public as it allows for the passive surveillance of private and public communal open spaces from residential windows and balconies. Retail and residential lobby activation at ground level also provides for passive surveillance of the public domain.
<i>Principle 8: Housing Diversity and Social Interaction</i>	The proposal optimises the provision of housing to suit local needs, delivering residential accommodation and retail uses in a location close to public transport links and other services and facilities.
<i>Principle 9: Aesthetics</i>	The composition of building textures, materials, and colours reflect the use, internal design, and structure of the proposed buildings. The proposed development aesthetically responds to the environment and context of the site, and appropriately contributes to the desired future character of the area.

Table 1: Assessment against SEPP 65 Design Quality Principles

Apartment Design Guide

The development has been assessed against the relevant key Design Criteria within Parts 3 and 4 of the ADG as demonstrated in Table 2.

Design Criteria	Consistency / Compliance
Part 3 Siting the Development	
3D Communal & Public Open Space	
Communal open space has a minimum area equal to 25% of the site.	Complies. The quantum of communal open space equates to 25.1% of the site area.
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (midwinter)	Complies. The submitted shadow diagrams demonstrate that more than two (2) hours of direct sunlight will be provided to at least 50% of the principal usable part of the communal open space between 9am and 3pm midwinter.
3E Deep Soil Zones	
Deep soil zones for sites over 1500m ² are to meet the following minimum requirements: <ul style="list-style-type: none"> • Minimum Dimension: 6m • Percentage of site area: 7% 	Complies. The quantum of deep soil area equates to 7.1% of the site area and dimensions of at least 6m are provided.
3F Visual Privacy	
Minimum required separation distances from buildings to the side and rear boundaries are as follows: <ul style="list-style-type: none"> • Buildings up to 12m (4 storeys): <ul style="list-style-type: none"> – Habitable rooms & balconies: 6m – Non-habitable rooms: 3m • Buildings up to 25m (5-8 storeys): <ul style="list-style-type: none"> – Habitable rooms & balconies: 9m – Non-habitable rooms: 4.5m • Buildings over 25m (9+ storeys): <ul style="list-style-type: none"> – Habitable rooms & balconies: 12m – Non-habitable rooms: 6m 	Partially complies. A nil setback is proposed to the eastern side boundary. Non-compliance is considered acceptable in this instance noting that the building will directly abut the blank wall of the building at 1 Lyons St (i.e. no window openings on either building). Setbacks to the western side boundary are as follows: <ul style="list-style-type: none"> • Building A (Ground Floor - Level 2): Nil setback. Does not comply however acceptable noting that no window openings are proposed to this façade; • Building A (Level 3 - Level 8): 4.5-9m setback. Does not comply however acceptable noting that there is a narrow window opening to each bedroom only which will be screened by way of vertical louvres; and • Building B: 2m setback. Does not comply however acceptable noting that there is a clerestory window opening to each studio only. A condition of consent is recommended at Schedule 1 requiring that frosted glazing be provided to these windows in lieu of clear glazing.
3J Bicycle & Car parking	
For development in the following locations: <ul style="list-style-type: none"> • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in	Complies. <ul style="list-style-type: none"> • Required: 83 car parking spaces (68 residential spaces, 14 visitor spaces, 1 retail space) • Proposed: 84 car parking spaces

the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less	
The car parking needs for developme must be provided off street.	
Part 4 – Designing the Building	
4A Solar & Daylight Access*	
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in Sydney Metro Area and Newcastle and Wollongong LGAs.	Complies. 77% of apartments (55 out of 71) will receive at least 2 hours direct sunlight between 9am and 3pm midwinter.
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3pm at mid winter	Complies. 12% of apartments (9 out of 71) will receive no direct sunlight between 9am and 3pm midwinter.
4B Natural Ventilation*	
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	Complies. 64.8% of apartments (46 out of 71) are naturally ventilated.
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	Complies. Apartments do not exceed 18m in depth.
4C Ceiling Heights	
<ul style="list-style-type: none"> • Habitable rooms 2.7m • Non-habitable 2.4m 	Complies. <ul style="list-style-type: none"> • Habitable rooms: 2.7m (minimum) • Non-habitable rooms: 2.4m (minimum)
4D Apartment Size & Layout *	
Apartments are required to have the following minimum internal areas: <ul style="list-style-type: none"> • Studio: 35m² • 1 bedroom: 50m² • 2 bedroom: 70m² • 3 bedroom: 90m² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each.	Complies. All apartments have an internal area equal to or above the minimum required sizes.
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Complies. All habitable rooms have access to a window with an area less than 10% of the floor area of the room.

Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	Complies. All habitable rooms have a depth of less than 6.75m (i.e. 2.5 x ceiling height).
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Complies. All habitable rooms within an open plan layout have a depth of less than 8m.
Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)	Complies. All bedrooms have a size of at least 9sqm (10sqm for master bedrooms).
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Complies. All bedrooms have dimensions equal to 3m or greater.
Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments	Complies. All living rooms have a width equal to or greater than 3.6m (for studio and 1 bed apartments) or 4m (2 and 3 bed apartments).
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	Complies. Apartments are greater than 4m in width.
4E Private Open Space & Balconies*	
All apartments are required to have primary balconies as follows: • Studio: 4m ² area • 1 bedroom apartments: 8m ² area, minimum 2m depth • 2 bedroom apartments: 10m ² area, minimum depth 2m • 3+ bedroom apartments: 12m ² area, minimum depth 2.4m For apartments at ground level or on a podium or similar structure, private open space is to be a minimum depth of 3m and area of 15m ² .	Complies. All apartments are provided with private open space equal to or above the minimum required sizes.
4F Common Circulation & Spaces*	
The maximum apartments off a circulation core on a single level is eight	Complies. A maximum of seven (7) apartments at each level are accessible off a circulation core.
4G Storage*	
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: • Studio: 4m ³ • 1 bedroom apartments: 6m ³ • 2 bedroom apartments: 8m ³ • 3+ bedroom apartments: 10m ³ At least 50% of the required storage is to be located within the apartment	Complies. All apartments are provided with storage equal to or above the minimum required sizes. At least 50% of the required storage is located within the apartments.

Table 2: Assessment against ADG Design Criteria

Burwood Local Environmental Plan (BLEP) 2012

BLEP 2012 contains several development standards which apply to the proposed development. An assessment of the application against the relevant planning controls within BLEP 2012 is shown in Table 3 below.

Development Standard	Proposal	Compliance
2.3 Zone objectives and Land Use Table B4 Mixed Use	The proposed land use is a 'residential flat building' and 'commercial premises', which are permitted with consent in the B4 zone. The development satisfies the objectives of the zone in that it will provide a mix of compatible uses, including 71 residential apartments of various sizes and layouts, as well as two (2) retail units at ground floor. The development will encourage active transport as it will provide high-quality residential accommodation within walking distance of Strathfield Station and with access to the wide range of services and facilities within the Strathfield Town Centre.	Yes
4.1 Minimum subdivision lot size Minimum 500sqm	The proposal will amalgamate four (4) existing lots into one (1) lot which will have a site area of 1,857sqm.	Yes
4.3 Height of Buildings Maximum 30m	The proposed development will have a maximum height of 29.8m which complies with the maximum height prescribed by Clause 4.3.	Yes
4.4 Floor space ratio Maximum 3:1	The development proposes a gross floor area (GFA) of 5,493m ² and FSR of 2.96:1, which complies with the maximum floor space ratio (FSR) prescribed by Clause 4.3.	Yes
6.1 Acid Sulfate Soils	The site is identified as Class 5 Acid Sulfate Soils. The subject site is not located within 500m of Class 1, 2, 3 and 4 land. Given the levels of the proposed basement are above 0m AHD, the water table is unlikely to be lowered.	Yes
6.5 Design Excellence in B2 and B4	It is considered that the proposal, as amended, demonstrates design excellence and satisfies the provisions of clause 6.5, as summarised below: a) The proposed built form massing and architectural design is appropriate to the context of the site and its mixed use locality; b) The proposed landscape and urban design demonstrates a high quality and amenity for users of the building and creates an active frontage; c) The two (2) ground floor retail tenancies will activate the streetscape at Lyons Street; d) The podium element appropriately references the pattern and modulation of surrounding development and minimises	Yes

	<p>the perceived bulk and scale of the building to achieve a human scale;</p> <p>e) The proposed vehicular access driveway at the south-western corner of the site is located away from pedestrian movement pathways and has been designed with regard to maximising traffic safety;</p> <p>f) The proposed through-site link supports a direct and activated link to Strathfield Station;</p> <p>g) The provision of diverse communal open spaces at ground floor and Level 1 supports the flexibility of use of the development;</p> <p>h) The built form massing, with a recessed upper storey form, has been designed to mitigate overshadowing impacts and reduce the perceived building bulk; and</p> <p>i) Sustainable design elements have been incorporated into the building design including provision of solar panels and passive solar shading devices.</p>	
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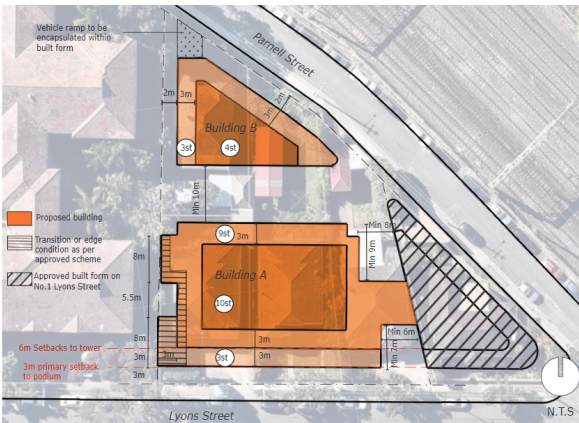
Table 3: Assessment against BLEP 2012

Burwood Development Control Plan (BDCP) 2013

An assessment of the application has been made against the provisions of BDCP 2013, as detailed in Table 4 below.

BDCP 2013 Provision	Proposal	Compliance
Part 3 – Development in Centres and Corridors		
Section 3.2 – General Building Design Controls in Centres and Corridors		
3.2.1 Building Design	<p>The proposed development is considered to demonstrate architectural design excellence, as detailed in Table 2 of this report.</p> <p>The building design has significantly improved throughout the assessment process and now provides a numerically compliant built form with ground floor retail uses which will activate the Lyons Street frontage. The increased setbacks to the northern and western side will maximise privacy to/from neighbouring properties and will allow for landscaping to enhance the public domain and streetscape presentation of the development.</p> <p>The proposed mix of external materials and colours, as well as the articulation of the building façades, enhances the visual interest of the proposal in a manner which is compatible with surrounding development.</p>	Yes
3.2.2 Materials and Finishes	<p>The proposed materials, modulation and façade design ensure that the development will have a positive visual impact on the streetscape and is compatible with the character of development envisaged within the Strathfield Town Centre.</p> <p>The proposed podium element is of brick construction, which is consistent with nearby brick buildings. The main tower form comprises pre-finished barestone panels with metal balustrading and clear glazing. The selected materials are suitable for the site and are consistent with Part 3.2.2 of BDCP 2013.</p>	Yes

3.2.3 Lighting and Signage	Lighting and signage details have not been provided as part of the subject DA. Relevant conditions of consent are recommended at Schedule 1.	Yes, subject to conditions
3.2.4 Street-Front Activities and Building Access	<p>The proposed development incorporates opportunities for street-front activation, including the two (2) retail units at ground floor which address Lyons Street and the through-site pedestrian link.</p> <p>Residential and non-residential windows overlooking both Lyons Street and Parnell Street will provide for passive surveillance. Pedestrian and vehicular entry points are suitably separated and clearly defined to avoid conflict between pedestrians and vehicles.</p> <p>Relevant conditions of consent relating to the provision of mail box and postal facilities are recommended at Schedule 1.</p>	Yes
3.2.6 Site Isolation	The proposal will not isolate any sites. The adjoining sites have sufficient size and dimensions for future redevelopment.	Yes
3.2.7 Residential Flat Buildings and Shop Top Housing	The proposal comprises 71 residential apartments and two (2) ground floor retail units. Sufficient communal area, in the form of communal open space, is provided for use by residents.	Yes
3.2.8 Apartment Mix and Minimum Dwelling Sizes	<p>The proposed apartment mix is as follows:</p> <ul style="list-style-type: none"> • 12 (17%) x studio apartments; • 17 (24%) x one (1) bed apartments; • 37 (52%) x two (2) bed apartments; and • 5 (7%) x three (3) bed apartments. <p>Whilst the proposed dwelling sizes do not strictly accord BDCP 2013, the size of dwellings accord with the relevant provisions of the ADG, which prevail to the extent of any inconsistency with a DCP.</p>	No but acceptable
3.2.9 Minimum Site Area	The subject site has an area of 1,857m ² .	Yes
3.2.11 Ceiling Height	<p>Minimum floor to ceiling heights are proposed as follows:</p> <ul style="list-style-type: none"> • Ground floor: 3.3m – 3.8m. • Upper (residential) floors: 2.7m. 	Yes
3.2.12 Natural Ventilation	Refer ADG compliance table.	Yes
3.2.13 Daylight Access	Refer ADG compliance table.	Yes
3.2.14 Visual and Acoustic Privacy	<p>Generally compliant building separation is provided in accordance with the ADG (refer Table 2).</p> <p>A condition of consent is recommended at Schedule 1 requiring that frosted glazing be provided to west-facing windows of Building B in lieu of clear glazing so as to maximise visual privacy.</p>	Generally, and acceptable
3.2.15 Private Open Space	All dwellings are provided with private open space of a suitable size and dimension (i.e. greater than 2m width) capable of accommodating outdoor dining furniture.	Yes
3.2.16 Lobbies and Internal Circulation	The ground floor lobby area will receive suitable natural ventilation and natural light. Common area corridors are of a suitable size and design for the efficient movement of people and furniture.	Yes

3.2.18 Safety and Security	<p>The proposal incorporates activation at street level and above, promoting passive surveillance. Pedestrian and vehicular entries will be separated and secure.</p> <p>Relevant conditions of consent relating to the provision of security devices (i.e. intercom system) are recommended at Schedule 1.</p>	Yes
3.2.19 Access and Mobility	<p>Equitable and safe access is provided to the development in accordance with the relevant Australian Standards. Eight (8) out of the proposed 71 units are adaptable, equating to 11.2% of the development.</p> <p>It is noted that Building B does not contain a lift. Council's technical officers have confirmed that, in accordance with the Building Code of Australia and <i>Disability Discrimination Act 1992</i>, a three (3) storey RFB does not require provision of a lift.</p>	Yes
Section 3.3 – Area Based Controls		
Chapter 3.3.3 – Strathfield Town Centre		
Street Front Setbacks	<p>Figure 14 of the DCP prescribes a 3m setback to Parnell Street and Lyons Street.</p> <p>The proposed development provides a 2m setback to Parnell Street and a 3m setback to Lyons Street. The non-compliant setback to Parnell Street is considered acceptable in this instance noting that the proposed built form of Building B is generally consistent with the Envelope Study prepared for the site by GMU dated 29/04/19 (refer Figure 10 below)</p>  <p>Figure 10: Extract of Envelope Study (Source: GMU)</p> <p>The setbacks at ground level are finished at-grade with the Council footpath. The proposed two (2) retail units and landscaping at ground level will activate the street frontages.</p>	Generally, and acceptable
Secondary Setbacks	<p>The part of Building A which exceeds 11m in height is, for the most part, setback 6m from the Lyons Street frontage. Balconies and planter boxes will encroach 1.5m into the front setback area however do not significantly contribute to building mass.</p> <p>Rather, the balconies have been designed to articulate the street façade and provide visual interest. In this instance, minor numeric non-compliance is considered</p>	Generally, and acceptable

	acceptable as it provides for an improved urban design outcome.	
Side and Rear Setbacks	Refer ADG compliance table.	
Building Separation/Frontage	Refer ADG compliance table.	
Communal Open Space	Whilst the front setback areas are not provided as communal open space, sufficient communal open space is provided at ground level and first floor level in consolidated areas which achieve better solar access and privacy. Landscaping has been provided within the front setbacks and will soften the façade and provide suitable visual interest.	No, but acceptable
Section 3.4 – Transport and Parking in Centres and Corridors		
Chapter 3.4.2 – Burwood Town Centre, Burwood Road North and Strathfield Town Centre		
Car parking rates: • 0.5 spaces per studio • 1 space per 1 and 2 bed unit • 1.5 space per 3 bed unit • 1 visitor space per 5 units • Shops: 1 space for first 400sqm	Required: 83 car parking spaces (68 residential spaces, 14 visitor spaces, 1 retail space) Proposed: 84 car parking spaces	Yes
Part 6 – Environmental Management		
6.1 Preservation of Trees or Vegetation	The proposed development does not seek to remove any trees from the site.	Yes
6.2 Waste Management	A Waste Management Plan was submitted with the DA. The proposed waste management arrangements are considered acceptable, subject to standard conditions of consent. Waste collection will be undertaken by Council or its appointed contractor and will be provided by a Heavy Rigid Vehicle (HRV). Council's Waste Officer confirmed that the collection vehicle may reverse onto or off of the site in order to park at the designated collection area on the driveway apron. On 08 June 20202, the applicant confirmed (by way of swept path diagrams) that the driveway apron is capable of accommodating one (1) HRV to service waste collection with sufficient space to also allow a B99 vehicle to enter/exit the basement car park.	Yes
6.5 Stormwater Management	A Stormwater Management Plan was submitted with the DA. The proposed stormwater system is acceptable, subject to standard conditions of consent.	Yes
6.6 Landscaping for Development	The proposed landscape scheme has been reviewed by Council's Tree Management Officer and is considered acceptable, subject to standard conditions of consent.	Yes
6.7 Energy Efficiency and Sustainability	A BASIX Certificate was submitted with the DA. The proposed development is considered acceptable with regard to sustainability.	Yes

Table 4: Assessment against BDCP 2013

Impacts of the Development

Social, Environmental, and Economic Impacts

All likely impacts of the proposed development have been considered within the context of this report and are deemed acceptable.

Suitability of the Site

As demonstrated in this report, the site is suitable for the proposed development. The proposal is permissible in the B4 Mixed Use zone and is consistent with the objectives of the zone.

The Public Interest

The application satisfactorily addresses Council's criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Approval of the proposal would be in the public interest.

Consultation

Referrals

The application was referred to the following internal Council departments:

- Development Engineer – no objections, subject to conditions of consent;
- Traffic Engineer – no objections, subject to conditions of consent;
- Waste Officer – no objections, subject to conditions of consent;
- Tree Management Officer – no objections, subject to conditions of consent; and
- Building Officer – no objections, subject to conditions of consent.

The following external referral comments were received:

- Urban Design Consultant (GMU): Council's Urban Design Consultant provided comments to inform the planning assessment of the DA. Overall, the amended proposal is generally consistent with the comments and recommendations made; and
- Sydney Trains: The application was referred to Sydney Trains and concurrence was provided in a letter dated 1 November 2021.

Neighbour Notification

The proposed development was placed on public exhibition from 18 August 2021 until 15 September 2021. No submissions were received in response to the notification of these plans.

The amended proposal was re-exhibited from 16 March 2022 to 31 March 2022. One (1) submission was received in response to the notification of the amended plans. The submission raised the following issues:

- *Exceedance of 30m height control and resultant overshadowing of tennis courts on opposite side of Lyons Street*

Planner Comment: Whilst it is acknowledged that the original proposal exceeded the 30m height of buildings development standard, the amended proposal will have a maximum height of 29.8m which complies with the maximum height prescribed by Clause 4.3.

The amended proposal will result in some overshadowing of the tennis courts on the opposite side of Lyons Street. Notwithstanding, approximately three (3) hours of sunlight access will be achieved between 1pm and 3pm midwinter.

It is noted that the shadow diagrams demonstrate the 'worst case scenario' for overshadowing, and that the affected areas will not experience this level of overshadowing all year-round. As the site is currently underdeveloped, additional overshadowing resulting from the proposal is to be expected and is acceptable on merit.

The proposed building envelope, which complies with the relevant building height and GFA standards, is consistent with that which is envisaged and appropriate for the site.

- *Increased traffic generation and parking impacts*

Planner Comment: The submitted Traffic and Parking Impact Assessment Report demonstrates that the proposal will not generate an increase in traffic beyond the capacity of the existing road network and is therefore considered acceptable.

The proposed development is consistent with Chapter 3.4.2 of BDCP 2013 which requires the provision of 83 car parking spaces. The development comprises a total of 84 on-site car parking spaces, and as such, is unlikely to result in increased demand for on-street parking.

Council's Traffic Engineer has reviewed the DA and raises no concern with regard to traffic and parking, subject to relevant conditions of consent.

- *Lack of documentation demonstrating the proposed 'elevation height' and overshadowing*

Planner Comment: The DA is supported by sufficient documentation, including detailed architectural plans and shadow diagrams prepared at hourly intervals between 9am and 3pm at 21 March (i.e. equinox) and 21 June (i.e. midwinter). Refer comments in response to dot point 1 above.

- *Lack of clarification from Council regarding traffic management and parking impacts*

Planner Comment: Refer comments in response to dot point 2 above.

Conclusion

The proposed development, as amended, is for the demolition of all existing structures and construction of 1 x three (3) storey and 1 x nine (9) storey mixed use development comprising a total of 71 apartments and two (2) retail tenancies with three (3) levels of basement parking, communal open spaces, and associated landscaping at 3-7 Lyons Street & 18 Parnell Street, Strathfield.

The proposal is consistent with the relevant planning instruments including SEPP 65, the Apartment Design Guide, BLEP 2012, and BDCP 2013. The development is permissible in the B4 zone and complies with FSR and the building height plane development standards.

The proposal generally achieves compliance with the key ADG design criteria including building separation, deep soil area, car parking, solar access, cross ventilation, private open space, communal open space, and apartment sizes and layouts.

The proposed design provides a high-quality development which will achieve a good level of internal amenity for future occupants and minimises adverse impacts on the amenity of neighbouring properties. The proposed apartments will have high levels of amenity and are oriented to maximise solar access.

The site is located in an area with excellent access to public transport, retail shops, services, and local recreation facilities. The incorporation non-residential floor space (i.e. two (2) retail units) will contribute to the vibrancy and vitality of the Strathfield Town Centre.

On this basis, the proposal is recommended for approval.

Recommendation

That Development Application No. DA.2021.79 for the demolition of all existing structures and construction of 1 x three (3) storey and 1 x nine (9) storey mixed use development comprising a total of 71 apartments and two (2) retail tenancies with three (3) levels of basement parking, communal open spaces, and associated landscaping at 3-7 Lyons Street & 18 Parnell Street, Strathfield be approved, subject to the conditions included at Schedule 1.