ATTACHMENT 2
SUMMARY

PROPERTY: 24 Kingsland Road, Strathfield
Lot 1 in Deposited Plan 388141

DA NO.: 2007/244/01

APPLICATION TYPE: S82A Review of Determination

REPORT BY: Cameron Byrne

RECOMMENDATION: APPROVAL

SUBMISSIONS: One (1) written submission was received.

ZONING: Residential 2(a)

DATE APPLICATION LODGED: 22 August 2008

COST: $300,000.00

APPLICANT: Amflo Architects Pty Ltd
188 Parramatta Road
ASHFIELD NSW 2131

OWNER: Najib Nehme
24 Kingsland Road
STRATHFIELD NSW 2135

INTRODUCTION

The subject application was lodged with Council on 21 August 2008 seeking a Review under Section 82A of the Environmental Planning & Assessment Act of DA2007/244, which was refused under delegation on 14 April 2008

The application has been made for the demolition of the existing dwelling including the removal of several trees and the construction of a two (2) storey dwelling with basement parking and swimming pool.

During notification one (1) objection was received.

In summary, the proposal is assessed to generally comply with relevant Council controls and has been amended to achieve greater compatibility with the streetscape and the adjoining Draft Heritage item located at 15-17 Wakeford Road, Strathfield.

It is recommended that upon review, the application be approved.
DESCRIPTION OF THE SITE AND LOCALITY

The site is located on the eastern side of Kingsland Road between The Boulevarde, to the East and Homebush Road to the West.

The lot is generally rectangular in shape and has an approximate cross fall of 1.5m from the south eastern corner (at the rear) to the north western corner (at the front of the site).

In terms of streetscape, the site is located within the same block as Heritage Listed items 12-14 Kingsland Road and 13-15 Kingsland Road with Draft LEP item 15-17 Wakeford Road located adjacent to the site. Newer examples of development include double storey rendered dwellings, with pitched tile roofs.

There are twelve (12) trees and shrubs of varying size located at the northern and southern boundaries of the site and one (1) street tree located along the Kingsland Road nature strip. The site has the following site dimensions and site area:

**Site Dimensions:** 22.86m x 31.09m

**Site Area:** 710.7m²

PROPOSAL

The applicant proposes the following works:

**Dwelling House**

*Ground Floor*

- Front entry, kitchen and associated living and dining areas, laundry, pantry, family room, sauna and w/c.

*First Floor*

- Five (5) bedrooms (including two (2) ensuite bedrooms), bathroom, sitting room and Juliet balcony at the rear of bedroom 3.

**Ancillary Works**

- Demolition of a double storey brick and tile dwelling and attached garage;
- Removal of four (4) trees located at the northern and western boundaries;
- Construction of a front fence and solid perimeter fence; and
- Construction of an inground swimming pool at the rear.
BACKGROUND

The subject application was lodged with Council on 21 August 2008 seeking a Review under Section 82A of the Environmental Planning & Assessment Act of DA2007/244, which was refused under delegation on 14 April 2008 for the following reasons:

1. **The non-compliance of the development with the Floor Space Ratio, proposing 0.68:1 as opposed to the maximum 0.60:1 permissible, being contrary to section 2.6.1 of the Strathfield Consolidated DCP 2005 - Part A; (Section 79C(1)(a)(iii) of the Environmental Planning & Assessment (EP&A) Act 1979).**

2. **The proposed finishes are non-complying with the objectives of Clause 2.7 Materials and colours, of the Strathfield Consolidated DCP - Part A; (Section 79C(1)(a)(iii) of the EP&A Act 1979).**

3. **The non-compliance of the development with Council’s drainage code and resultant detrimental impacts in terms of on-site flooding on adjacent properties (Section 79C (1) (b) of the EP&A Act 1979).**

4. **The proposal is not considered to be in the public interest, due to the development being considered to impact on the adjoining properties solar access as detailed in Clause 4.2 Solar Access, of the Strathfield Consolidated DCP - Part A (Section 79C(1)(a)(iii) of the EP&A Act 1979).**

5. **The proposal is not considered to be in the public interest, due to the development and accompanying Statement of Environmental Effects not discussing the proposed dwelling in consideration to the adjoining dwelling as per Clause 41b of the Strathfield Planning Scheme Ordinance and the Draft Strathfield Local Environmental Plan 105 – Heritage (Section 79C(1)(a)(iii) of the EP&A Act 1979).**

Consistent with the original application, the subject 82A Review has been assessed under the DCP under which it was originally refused (prior to DCP Part A in force on 25 May 2008).

Subject application

Prior to submission of the application, the applicant was advised by Council Officers via email and Council’s electronic DA correspondence system (eDA) to submit a Heritage Impact Statement and amended plans for assessment.

The applicant was informed that the application could not be notified in accordance with DCP Part L, until amended plans and additional information had been received.

Amended plans were received by Council on 2 October 2008 and were notified from 14 October to 28 October 2008 with one (1) submission received.

Since this time, further discussions between Council and the applicant have taken place, with amended plans submitted on 8 April 2009 addressing outstanding issues.

**ASSESSMENT - Pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979**
The application has been assessed under the heads of consideration set out in section 79C of the EP&A Act and the following are relevant:

(a) (i) **The Provisions of any Environmental Planning Instrument**

1. **BASIX**

A BASIX Certificate has been 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.

2. **Strathfield Planning Scheme Ordinance 1969**

The subject site is identified as being within the Residential 2 (a) zone under Strathfield Planning Scheme Ordinance, 1969 (SPSO) wherein the proposal is permissible with Council consent.

As amended and subject to the inclusion of appropriate conditions, the proposed dwelling is considered to be compatible with existing dwellings within the street and is unlikely to impact on the adjoining draft heritage item at 15-17 Wakeford Avenue, Strathfield.

Having regard to the above, the design achieves compliance with height, building envelope and side setback controls. In addition, the proposal incorporates the use of facebrick materials, which is consistent with the adjoining heritage item at 15-17 Wakeford Avenue as well as the more traditional housing types evident in Kingsland Road and Wakeford Avenue.

A Heritage impact statement discussing the likely impacts of the proposal has been provided by the applicant and heritage comments prepared by Councils Heritage Advisor have each been considered and implemented into the final design to achieve a positive outcome.

Finally, the proposal is unlikely to impact on the amenity of adjoining landowners in terms of privacy or overshadowing.

Having regard for the above, clauses 41B, 41C, 59B, 61GA of the SPSO have been considered in the assessment of the subject application.

(ii) **The Provisions of any Draft Environmental Planning Instrument**

The Draft Strathfield Local Environmental Plan 2008 (DLEP) is applicable and the following Clauses of DLEP 2008 are relevant.

Clause 15 - Development which is Allowed or Prohibited in a Zone;
Clause 17 - General Considerations for Development within Residential Zones;
Clause 55 – Demolition
Clause 75 – Waste management

The intent of the above Clauses has been met as the subject application is deemed permissible within the Residential 2 (a) zone and seeks Council permission to approve the proposed works. A Waste Management Plan (WMP) in accordance with Section 12.0 appendix 7 of DCP H – Waste Management will be conditioned for submission prior to issue of a construction certificate, satisfying relevant considerations under Clause 75 of DLEP2008.

Finally, the proposal satisfies relevant clauses with regard to bulk, scale, side setbacks, building envelope and height. The proposal is compatible with surrounding development in the street and is unlikely to result in excessive amenity impacts on adjoining neighbours.

Accordingly, the proposal satisfies the abovementioned clauses under the Strathfield Draft LEP 2003.

Local Heritage Items and Conservation Areas in Strathfield Municipality

The Draft Strathfield Local Environmental Plan 105 – Heritage, is applicable as the adjoining dwelling at 15-17 Wakeford Road, Strathfield is listed under Schedule 2 as a heritage item. The objectives of the plans are:

(a) to provide heritage conservation controls for heritage items and heritage conservation areas recommended in the Strathfield Heritage Review 2001-2004

The objectives of the draft plan are:

(a) to conserve the environmental heritage of Strathfield Local Government Areas, and
(b) to conserve the heritage significance of the existing fabric, relics, settings and views associated with the heritage significance of heritage items and heritage conservation areas; and
(c) to ensure that archaeological sites are conserved, and
(d) to allow for the protection of places which have the potential to have heritage significance but are not identified as heritage items, and
(e) to ensure that the heritage conservation areas throughout Strathfield Local Government Area retain their heritage significance.

The proposal was referred to Council’s Heritage advisor for comment who raised several issues with regard to the original design. Since this time, the applicant has amended the proposal and conditions have been designed to negate a number of the original issues raised. The original heritage issues raised are discussed below:
Heritage issue raised

Use of Brickwork and Render – while both materials are appropriate brickwork should be the dominant element and should also be the base element. Placing of face brickwork on upper levels only or in block patches, is not a patterning established by the heritage items/original buildings in the street.

Comment

Although the proposed dwelling incorporates predominately render finishes, both part A of the SCDCP 2005 and SPSO 1969 require that dwellings be compatible with the streetscape with regard to general appearance, materials, colours and heritage items. In this regard, the proposed dwelling is considered compatible insofar as it incorporates a mixture of both facebrick and render reflective of the mix of materials common in Kingsland Road. It is also considered that there are no obvious material and or colour patterns occurring in the street, where old and new dwellings are common.

The proposal does incorporate a pitched roof, consistent with the streetscape and a condition will be imposed to ensure that tiles are used, in an effort to tie the dwelling back to the remnant traditional elements evident in the street.

In addition to the above, no stainless steel elements will be permitted in the front façade or the front fence. Instead, vertical timber pickets as well as bowral blue brickwork will be incorporated into the front fence design and the entry feature will be deleted, as this element is inconsistent with the streetscape.

It is considered that the above measures will contribute to a more compatible design and improved streetscape.

Heritage issue raised

Proportioning of windows – should be typically vertically aligned rather than horizontal. Large walls of glass to the street frontage and facing the boundaries of 15 – 17 Wakeford Avenue should be avoided.

Comment

As amended by 8 April 2009 plans, and where conditioned, the proposal is considered to be more compatible with the street and is considered to achieve a greater streetscape outcome. In general, the proposed conditions are considered to improve the compatibility of the design with regard to the streetscape:

- Deletion of stainless steel from the front fence and front façade of the dwelling;
- Incorporation of bowral blue facebrick vertical timber battens for the proposed front fence; and
- Incorporation of a pitched tile roof to a minimum 23.5 degree angle.
In addition to the above, it is considered that the introduction of two (2) trees of a minimum 100 Litre container size will reduce the visual impact of the ground floor windows and act as a vegetative screen when viewed from the street. In addition, it is considered that the trees will assist in perpetuating the ‘leafy’ character evident in Kingsland Road.

Heritage issue raised

Garden setting – there is no landscape plan to indicate the landscaping of the street front elevation and site in general. There is a significant Angophora on the south west front corner, and also trees within the Balnagowan which should at least be noted and assessed prior to a future determination of the Section 82A appeal. This is important because the other remaining original houses tend to feature the retention of these smooth barked Angophoras, and they are part of the streetscape character.

Comment

There is one (1) Eucalyptus species located at the south western corner of the site at the street frontage which is proposed for removal. This tree, consistent with Councils Landscape Officers comments will be conditioned for retention.

Heritage issue raised

Use of a shallow pitch corrugated iron roof, when surrounding original buildings would have roof pitches of 30 – 40 degrees with tiled roofing. If pitched roofing is to be proposed it should reflect the predominant pitched roof form surrounding.

Comment

Amended plans received 8 April 2009 incorporate a pitched roof with Colorbond roofing. The pitched roof is considered to be acceptable, however, seeks variations from the DCP with regard to the use of Colorbond roofing and minimum pitch provision of 20 degrees. To achieve compliance with DCP controls, compatibility with the streetscape and the adjoining draft heritage item, conditions to incorporate a roof with a minimum of 23.5 degrees together with tile roof materials have been imposed.

Heritage issue raised

Consideration should be given by the proponents to enable their house to be a little taller in some areas (in compliance with the site coverage and envelope controls and in keeping with the ridge and gutter lines of the adjacent heritage item). The proportioning of a 2 storey house that has low and wide storeys, in an area where originally high ceilings and steep roof pitches dominated, further creates an uncomfortable sit within the streetscape. This needs to be looked at in conjunction with the previous noted issues involving the idea of a dominant lower storey and the 85% upper storey provisions of the DCP.
Comment

In order to achieve compliance with DCP controls, the proposal will be conditioned to achieve a maximum 85% of the ground floor level and comply with the maximum provision of 0.60:1 for floor space ratio requirements.

It is not considered plausible to encourage the designer to incorporate steeper roof pitches where newer development in the street does not incorporate such elements.

The provision of low and wide storeys is considered acceptable as the design complies with side setback controls, building envelope and height and has been appropriately designed for a wide allotment.

(iii) Development Control Plans

1. Development Control Plan Strathfield Consolidated Development Control Plan 2005

<table>
<thead>
<tr>
<th>Section</th>
<th>Development Standard</th>
<th>Required</th>
<th>Proposed</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2</td>
<td>Streetscape &amp; general appearance.</td>
<td>Buildings to compliment the type, height &amp; scale of development in the street.</td>
<td>Inconsistent with streetscape, proposing different architectural style, type and form and predominant use of render adjacent to and in proximity to heritage items.</td>
<td>Yes.</td>
</tr>
<tr>
<td>2.5.1</td>
<td>Site coverage.</td>
<td>Lots between 600m² &amp; 711m² not to exceed 390m².</td>
<td>375m² proposed 87m² paving Garage 248m² Pool 40m².</td>
<td>Yes.</td>
</tr>
<tr>
<td>2.6.1</td>
<td>Floor space ratio.</td>
<td>0.60:1.</td>
<td>Ground floor 232m² First floor 207m².</td>
<td>No.</td>
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<td></td>
<td>0.618:1 or approximately 13m² non-compliance</td>
<td></td>
</tr>
<tr>
<td>2.6.2.1</td>
<td>Front setback.</td>
<td>9m.</td>
<td>9m</td>
<td>Yes.</td>
</tr>
<tr>
<td>2.6.2.2</td>
<td>Side &amp; rear setbacks.</td>
<td>Two storey = 25% or 5.715m required with a minimum of 1m on one side. Rear setback</td>
<td>5.7m proposed with a minimum of 1.55m on one side provided.</td>
<td>No – but acceptable</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
<td>Condition</td>
<td></td>
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<tr>
<td><strong>2.6.2.2</strong></td>
<td>Length of side boundary walls.</td>
<td>Walls greater than 10m in length to be broken or staggered. No walls greater than 10m. Yes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2.6.3</strong></td>
<td>Building envelope.</td>
<td>4.5m vertically at boundary &amp; project inwards at 45°. No projections – complies. Yes.</td>
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<tr>
<td><strong>2.6.3</strong></td>
<td>Building height.</td>
<td>Maximum 9.5m. 8.5m. Yes.</td>
<td></td>
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</tr>
<tr>
<td><strong>2.7</strong></td>
<td>External materials &amp; colours.</td>
<td>Brick &amp; earth tones. No amended materials and colours schedule provided. Statement of Environmental Effects indicates use of ‘Bowral Blue’ facebrick for the front façade and front fence. Yes – ‘bowral blue’ face brick proposed, however amended materials and colours schedule will be conditioned for submission prior to the issue of a construction certificate.</td>
<td></td>
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</tr>
<tr>
<td><strong>2.8.2</strong></td>
<td>Visual Privacy.</td>
<td>1) reduced opportunity for overlooking. 2) offset windows Rear bedrooms 3, 4 and 5 provide opportunities for overlooking to the rear neighbour (less than 9m to the rear boundary from an elevated position. Submission received. No – conditions to be imposed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>3.2</strong></td>
<td>Private open space.</td>
<td>95m² located behind front façade. 98m² provided behind front façade. Yes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4.2</strong></td>
<td>Energy Efficiency Solar Access.</td>
<td>4 hours to adjoining allotments 4 hours achieved to adjoining dwellings. Yes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>BASEX</strong></td>
<td>BASEX.</td>
<td>Compliance Details noted on plan. Yes.</td>
<td></td>
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</tr>
<tr>
<td><strong>4.7</strong></td>
<td>Mandatory rainwater tanks.</td>
<td>Minimum 1000L min 900mm from boundary &amp; behind building line. 6000L provided underground in accordance with BASEX requirements. Yes.</td>
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<tr>
<td>Item</td>
<td>Description</td>
<td>Details</td>
<td>Decision</td>
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<tr>
<td>5.1</td>
<td>Garages &amp; carports.</td>
<td>1) 2 spaces for new dwellings 2) garages shall not dominate façade of dwellings</td>
<td>Basement garage for two (2) car spaces provided.</td>
<td>Yes.</td>
</tr>
<tr>
<td>5.2</td>
<td>Driveways.</td>
<td>Max.3m wide opening at street alignment.</td>
<td>3m provided at property boundary.</td>
<td>Yes.</td>
</tr>
<tr>
<td>6.2</td>
<td>Front fences.</td>
<td>1.8m height 1m solid section. Fence is to be sympathetic to surrounding development.</td>
<td>Fence is not considered to be sympathetic to adjoining heritage picket fence.</td>
<td>No – condition to be imposed.</td>
</tr>
<tr>
<td>6.2 &amp; 6.3</td>
<td>Front &amp; side fences.</td>
<td>3 metre spacing between piers sympathetic in design to dwelling &amp; streetscape.</td>
<td>Unsatisfactory design. Side return and other boundary fencing on property boundaries not ideal.</td>
<td>No – conditions to be imposed.</td>
</tr>
<tr>
<td>6.5</td>
<td>Swimming Pool.</td>
<td>To be sited at least 3m from adjoining dwellings and 5m from adjoining habitable rooms. 1m landscape provided between outside edge of pool and boundary fence.</td>
<td>Site survey does not indicate the distance of the adjoining dwelling to the rear. 1m provided.</td>
<td>No – conditions to be imposed, to ensure compliance.</td>
</tr>
<tr>
<td>7.1</td>
<td>Air Conditioning Equipment.</td>
<td>To be located within a proposed dwelling to reduce noise.</td>
<td>A/C equipment located underground.</td>
<td>Yes.</td>
</tr>
</tbody>
</table>
(iv) Any Matters Prescribed by the Regulations

In accordance with the Regulations 2000, the proposed demolition will be conditioned to be undertaken in accordance with Australian Standards 2601 (AS2601).

(b) The Likely Impacts of the Development

Context and Setting

As previously mentioned, the proposed development is considered to be of sympathetic design where numerical and/or objective compliance is achieved with regard to side setbacks, height, building envelope, materials, colours, finishes, front fence, roof form and pitch.

It is recognised that the amended plans received by Council on 8 April 2009 do not address all of the outstanding issues previously raised by Council, however the imposition of several conditions to these are considered to improve the level of compliance and outcome of the proposal.

Heritage

Several elements introduced into the design, by way of condition are considered to largely improve the responsiveness of the proposed dwelling to the adjoining draft heritage item at 15-17 Wakeford Road. These include the introduction of a pitched tiled roof to a minimum 23.5 degrees, introduction of ‘bowral blue’ face brick to the front fence and deletion of stainless steel elements to the front façade and front fence and the planting of two (2) 100L minimum container size trees within the front setback.

The above conditions are considered to improve the relationship of the proposed dwelling by introducing traditional architectural elements and materials whilst deleting non-sympathetic elements such as stainless steel and metal roofing.

In addition, a condition requiring the introduction of vertical timber battens and predominate use of ‘bowral blue’ brickwork for the front fence are considered to be more sympathetic elements which improves the relationship with the adjoining draft heritage item and the streetscape.

Finally, the conditioning of two (2) x 100L minimum sized trees will enhance the ‘leafy’ setting of Kingsland Road and reduces the visual impact of any glazing presented to the street.

Construction

Construction operating hours will be conditioned accordingly to minimise any amenity impacts to adjoining landowners.
Privacy

The low traffic nature of bedrooms together with sufficient building separation of approximately 8-9m to the rear boundary are considered sufficient to minimise opportunities for overlooking.

Waste

As previously stated A Waste Management Plan will be conditioned for submission in accordance with relevant Council controls to ensure the proper disposal, reuse and recycling of waste material.

(c) Suitability of the Site for the Proposal

The dwelling is situated in the Residential 2 (a) zone where detached residential dwellings are common and deemed permissible. The proposed dwelling has adequate utilities and services available, is unlikely to be affected by hazardous land uses, flooding or bushfire or generate additional traffic demand.

In addition, the proposal, as amended is considered unlikely to detract or impact on the adjoining draft heritage item at 15-17 Wakeford Avenue, Strathfield or the surrounding streetscape.

(d) Any Submissions Made to the Proposal

Adjoining persons were notified in accordance with DCP No. L for a period of 14 days. The application was notified from 14 November 2008 to 28 October 2008 during which time one (1) submission was received. The issues raised are generally consistent with those raised in the original submission prepared by the same objector for DA2007/244 dated 3 December 2007.

The current submission for the subject application dated 18 November 2008 relates to the following:

Issue 1 – Trees:

- Concerns have been raised about the protection of two significant trees, one on the subject property (lilli pilli) and one located on the adjoining property (angophora) to ensure that they remain healthy.
- Removal and protection of trees, inaccurate tree location shown on plans.
Comment

- Councils Landscape Officer has supported the removal of several trees proposed, however does not support the removal of the following:

Trees

1 x Nerium species located at Kingsland Road
1 x Lophostemon Confertus (Kingsland Road Street tree)
1 x Eucalyptus species located at the south western corner of the site
1 x Syzigium species located at the rear setback at north eastern corner of the site
1 x Corymbia Citriodora located at the boundary of 15-17 Wakeford Avenue, Strathfield.

A condition will be imposed to ensure the protection of these trees during demolition and construction of the proposed dwelling to ensure that they are retained in a healthy condition.

Issue 2 - Front Fence and Drainage:

- Fence – The proposed front fence and perimeter fence is non-compliant with DCP requirements and the front fence is unsympathetic to the streetscape.
- Drainage – overland flow will be impeded by the solid perimeter boundary/perimeter fence which could prevent water from being dispersed;

Comment

The proposed boundary fencing does not allow for the passage of water between properties, and does not comply with DCP requirements or Strathfield Councils Stormwater Management Code. In this regard, the proposed boundary fence is not supported and will be deleted by way of condition.

Notwithstanding, a condition will be imposed to also alter the front fence to include more sympathetic materials, colours and finishes.

Issue 3 - Floor Space Ratio:

- A reduction in FSR is requested

Comment

The proposal does not comply with DCP requirements for floor space ratio with a non-compliance of approximately 13m². The proposal is presented to Council seeking approval for this variation.
Issue 4 – View:
Loss of existing views;

Comment
The proposal is unlikely to impact upon the northern views at first floor level of 15-17 Wakeford Avenue as the ridge height of the proposed dwelling is below the bottom of the subject window sill height by approximately 750mm.

Issue 5 – Overshadowing:
- Shadowing – Information requested will adequately address the issue raised in the submission;

Comment
The proposed solar access diagrams indicate 4 hours of solar access is achieved to adjoining dwellings.

Issue 6 – Scale:
- Scale – of the proposed dwelling to the property and surrounding dwellings is not suitable;

Comment
The proposal complies with building envelope, height and side setback controls, which are considered to control the above concerns. However, it is acknowledged that the dwelling does not comply with floor space ratio controls, of which the applicant seeks Council approval.

Issue 7 – Setbacks
- Closeness to boundaries – given that rear setbacks have not been dimensioned nor is the finished floor height of the pool concourse -additional information should be provided to determine the effect of these areas on the adjoining property.

Comment
A condition will be imposed to ensure that the proposed pool is setback a minimum 3m from the boundary and 5m from habitable rooms of the adjoining dwelling. In addition, a condition will be imposed to ensure that the pool is constructed at or below ground level where possible.

Issue 8 – Shadowing:

Comment
The proposed shadow diagrams provide a minimum of four (4) hours solar access to habitable rooms and private open space of adjoining dwellings.
Issue 9 – Scale:

The proposed dwelling complies with building envelope, height and side setback controls and does not contribute to excessive overshadowing to adjoining neighbours. The proposal also satisfies relevant objectives of the DCP where sufficient areas for planting and landscaping are provided and where privacy is conditioned to reduce opportunities for overlooking.

Issue 10 – Excavation:

Comment

Several conditions will be imposed to ensure that excavation is executed safely and in accordance with appropriate professional standards.

Issue 11 – Visual Privacy

- Privacy – windows to the southern and eastern elevation provide opportunities to visually intrude on the adjoining properties;

Comment

A building separation of 11m to the rear boundary is considered to be a sufficient distance required to negate any visual privacy issues at ground and first floor level.

(e) Public Interest

As amended, the proposal is compatible with the streetscape and adjoining draft heritage item, and incorporates traditional architectural materials, finishes and roof forms consistent with the streetscape.

Finally, it is unlikely that the proposal will result in any amenity impacts as the proposal complies with relevant controls for solar access and is unlikely to result in any privacy issues where conditions are imposed.

INTERNAL REFERRALS

The application was forwarded to Councils Landscape Officer, Development Engineer and Heritage Consultant for comment with no objections raised.

BCA CLASSIFICATION

Class 1a & Class 10a

CONCLUSION

The proposal meets the requirements and relevant clauses of the SPSO 1969, Draft LEP 2008 and Part A of the SCDCP 2005 with the exception of the floor space ratio.
In addition, it is considered that the proposal for 24 Kingsland Road, Strathfield maintains a reasonable level of amenity to adjoining dwellings whilst achieving a design compatible with the streetscape.

FINDINGS OF SECTION 82A REVIEW

The review has been undertaken in accordance with Section 82A of the Environmental Planning and Assessment Act which states as follows:

(1) If the consent authority is a council, an applicant may request the council to review a determination of the applicant’s application, other than:
   (a) a determination to issue or refuse to issue a complying development certificate, or
   (b) a determination in respect of designated development, or
   (c) a determination in respect of integrated development, or
   (d) a determination made by the council under section 116E in respect of an application by the Crown.

(2) A request for a review may be made at any time, subject to subsection (2A).

(2A) A determination cannot be reviewed:
   (a) after the time limited for the making of an appeal under section 97 expires, if no such appeal is made against the determination, or
   (b) after an appeal under section 97 against the determination is disposed of by the Court, if such an appeal is made against the determination.

The application for review of the determination has been rightfully made, pursuant to subclauses (1), (2) and (2A).

(3) The prescribed fee must be paid in connection with a request for a review.

The prescribed fee for a review had been paid to Council.

(3A) In requesting a review, the applicant may make amendments to the development described in the original application, subject to subsection (4) (c).

The applicant has made acceptable amendments to the development described in the original application and provided reasonable additional information for consideration in the review.

(4) The council may review the determination if:
   (a) it has notified the request for review in accordance with:
      (i) the regulations, if the regulations so require, or
      (ii) a development control plan, if the council has made a development control plan that requires the notification or advertising of requests for the review of its determinations, and
(b) it has considered any submissions made concerning the request for review within any period prescribed by the regulations or provided by the development control plan, as the case may be, and

(c) in the event that the applicant has made amendments to the development described in the original application, the consent authority is satisfied that the development, as amended, is substantially the same development as the development described in the original application.

The application was notified from 14 October 2008 to 28 October 2008 with one (1) submission received objecting to the proposal.

Concerns raised have been assessed and are addressed by the imposition of appropriate conditions.

(4A) As a consequence of its review, the council may confirm or change the determination.

Satisfactory amendments have been made to the development described in the original application to warrant a change in the determination.

As amended, the proposal is considered to be sympathetic to the adjoining Draft Heritage Item at 15-17 Wakeford Avenue and is consistent and compatible with the streetscape with regard to materials, finishes and roof form.

(5) The decision whether or not to review the determination must not be made by the person who made the determination unless that person was the council, but is to be made by a person who is qualified under subsection (6) to make the review.

The decision to undertake the review has been referred to the Director being the delegate of Council who is not subordinate to the delegate who made the determination.

(6) If the council reviews the determination, the review must be made by:

(a) if the determination was made by a delegate of the council—the council or another delegate of the council who is not subordinate to the delegate who made the determination, or

(b) if the determination was made by the council—the council.

The review has been referred to the relevant delegate of the Council for determination.

(7) The council must give notice of the result of the review to the applicant as soon as practicable after the review.

Noted

(8) If on the review the council grants development consent, or varies the conditions of a development consent, the council must endorse on the notice the date from which the consent, or the consent as varied, operates.
Note

(9) If on a review the council changes a determination, the changed determination replaces the earlier determination as from the date of the review.

Note

(10) If on a review the council grants development consent, or varies the conditions of a development consent, the council is entitled, with the consent of the applicant and without prejudice to costs, to have an appeal made under section 97 in respect of its determination withdrawn at any time prior to the determination of that appeal.

Note

(11) A decision on a review may not be further reviewed under this section.

Note

RECOMMENDATION

Upon review, it is recommended that DA2007/244/01 for the demolition of an existing dwelling including the removal of several trees; and the construction of a two (2) storey dwelling with basement parking and swimming pool at 24 Kingsland Road, Strathfield be approved subject to the following conditions.

CONDITIONS OF CONSENT

Plans

1. The development shall be completed in accordance with the approved plans and documents listed below, prior to the building being used or occupied, and subject to any amendments “in red” and any variation as required by conditions of this consent:

<table>
<thead>
<tr>
<th>Drawing numbers</th>
<th>Date received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Analysis (Demolition Plan)</td>
<td>8 April 2009</td>
</tr>
<tr>
<td>DWG No 07524-01 prepared by AMFLO Architects</td>
<td></td>
</tr>
<tr>
<td>Basement Plan</td>
<td>8 April 2009</td>
</tr>
<tr>
<td>DWG No 07524-02 prepared by AMFLO Architects</td>
<td></td>
</tr>
<tr>
<td>Site &amp; Ground Floor Plan</td>
<td>8 April 2009</td>
</tr>
<tr>
<td>DWG No 07524-03 prepared by AMFLO Architects</td>
<td></td>
</tr>
<tr>
<td>First Floor Plan</td>
<td>8 April 2009</td>
</tr>
<tr>
<td>DWG No 07524-04 prepared by AMFLO Architects</td>
<td></td>
</tr>
<tr>
<td>Roof Plan</td>
<td></td>
</tr>
</tbody>
</table>
2. A Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction/demolition associated with this consent. The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.

3. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

Special Conditions

4. (i) A materials and colours schedule for the dwelling, detailing earthy coloured rendering and roof tiles and bowral blue face brick shall be submitted to the Principal Certifying Authority for approval prior to the issue of a construction certificate; and

(ii) The metal roofing is not permitted.

5. The roof shall be constructed with a projected pitch of between 23.5 degrees and 45 degrees.

6. The front fence shall incorporate the following features:
   
   • ‘Bowral Blue’ facebrick construction consistent with the front façade and rear elevation as stated in the Statement of Environmental Effects prepared by Andrew Martin Planning and received by Council on 2 October 2008;
• Any stainless steel elements proposed between brick piers, including gates shall be replaced with vertical timber battens;

• The gate entry structure shall be deleted; and

• The front fence and entry gates are not to exceed 1.8m in height as measured from existing footpath level and shall swing inward toward the property.

Details of the front fence shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

7. The swimming pool shall be located a minimum of 3m from any boundary and 5m from the habitable rooms of any adjoining dwellings.

8. The 1.8m high brick perimeter fence shall be deleted and alternative fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other surrounding property.

General

9. The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.

10. Prior to issue of Construction Certificate, photographs documenting any existing damage to the kerb and gutter and footpaths adjacent to the property shall be submitted to the consent authority. In the absence of this documentation, the applicant is liable for all damage that occurs to Councils’ assets.

Financial Matters

11. A security payment of $12,372 in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council prior to issue of Construction Certificate. The security payment is GST inclusive and comprises the following:

<table>
<thead>
<tr>
<th>Bond Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refundable landscape bond</td>
<td>$1,000</td>
</tr>
<tr>
<td>Refundable tree protection bond</td>
<td>$5,000</td>
</tr>
<tr>
<td>Refundable drainage bond</td>
<td>$2,000</td>
</tr>
<tr>
<td>Refundable works bond</td>
<td>$4,000</td>
</tr>
<tr>
<td>Non-refundable administration fee</td>
<td>$372</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$12,372</strong></td>
</tr>
</tbody>
</table>

The security payment covers the following matters:

(a) installation and maintenance of sediment control measures for the duration of construction activities;

(b) road and stormwater drainage works in roadways and public areas.

and will be released upon satisfactory completion of these items.
12. Fees are payable where Council is appointed as principal certifying authority to carry out the post-approval inspections. A quotation for the fees can be obtained by contacting Council and the fees shall be paid prior to the carrying out of any of the inspections. Any re-inspection which is necessary due to site access not being available, defective work, or the matter not being ready for inspection will be charged in accordance with Council's Fees and Charges Policy. Council will advise in writing if an additional re-inspection is required and the re-inspection fee shall be paid prior to release of the damage deposit. If the additional fee is not paid it will be deducted from the damage deposit.

Parking/Traffic Matters

13. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.

14. A vehicular access crossing shall be constructed:
   a) For the development
      in accordance with Council’s standard drawing 500-01 or 500-02. Crossings shall be located a minimum of 1.0m clear of any existing stormwater pits, lintels or poles and 2m clear of any trees within the road reserve. The maximum width of crossings within the road reserve shall be 3 metres.

15. (1) A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/Council controlled areas. This includes any work on the nature strip, footpaths, driveways, stormwater outlets, Council's drainage, kerb & guttering and roadways.

   (2) The permit must be retained on site at all times and produced on request from any Council Officer.

Drainage/Stormwater

16. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.

17. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.

18. Prior to issue of Occupation Certificate written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.
In addition, detailed works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to and approved by the Principal Certifying Authority. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels.

19. **The following documents shall be submitted to the principal Certifying Authority prior to the issue of Occupation Certificate.**

   a. Written verification from a suitably qualified professional civil engineer, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.

   b. Full work-as-executed plans prepared and signed by a registered surveyor or engineer. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and locations for all drainage structures and works, buildings, and finished ground and pavement surface levels, and the extent of pervious and impervious areas.

20. Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted to and approved by the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.**

21. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of $10 million, and shall provide proof of such cover prior to carrying out the works.

22. Clause 162A of the Environmental Planning and Assessment Regulation 2000, prescribes critical stage inspections which must be carried out by the Principal Certifying Authority (PCA) or by another authority if the PCA so agrees. The following critical stage inspections must be carried out for the various classes of building as defined in the Building Code of Australia:

   a. Sediment control measures (inspected prior to work commencing and in conjunction with other inspections listed below) to ensure they are maintained during construction to prevent pollution of the stormwater system and impacts on adjoining properties;

   b. Any drainage lines including any agricultural subsoil drainage lines (if these are a component of this project) prior to any covering or filling;

23. Habitable floor levels shall be set at a minimum of 150mm above the surrounding finished ground levels and/or maximum water level in storage.

**Landscaping/Tree Matters**
24. Before any site works begin (including any demolition/excavation), a tree protection zone shall be established around each tree. The tree protection zone shall cover a minimum area of 2m radius (or as specified in the related condition) from the base of the tree and the following shall be carried out and/or complied with during the entire development phase:-

(a) A tree protection barrier shall be constructed around the whole perimeter of the tree protection zone. The tree protection barrier shall be a minimum 1.2m height and constructed so as to preclude pedestrian and vehicular entry into the tree protection zone.

(b) No concrete slurry or wash shall enter the tree protection zone.

(c) No building materials, builders’ rubble, excavation spoil or similar shall be placed or stored within the tree protection zone. No site sheds or amenities are to be located within the tree protection zone.

(d) The whole of the tree protection zone shall be mulched to a minimum depth of 75mm. Mulch shall be organic, free from deleterious and extraneous matter including soil, weeds, rocks, twigs and the like.

(e) A satisfactory temporary irrigation system is to be provided to the tree protection zone.

25. (1) No Council street tree shall be removed, lopped or pruned in any way except with the written consent of Council.

(2) No excavations or driveway crossing construction shall occur within two (2) metres of any street tree. Any excavations outside of the two (2) metre exclusion zone and within the dripline of any Council street tree shall be performed by hand.

(3) Any major structural roots encountered shall be pruned either by a qualified arborist or under direct supervision of Council’s landscape officers.

26. A minimum 600mm deep root deflection barrier shall be provided on both sides of the proposed driveway crossing(s) and footpaths.

27. (1) The existing trees listed below have been identified following a site inspection. These trees shall be retained during all site works, including any demolition or excavation works and shall:

(a) be protected by the establishment of a tree protection zone including the erection of a protection barrier which is to be erected at the stated distance from the trunk, and

(b) shall have no excavation or construction carried out within the stated distances (Excavation Zone) from the base of the trunk surface:

<table>
<thead>
<tr>
<th>Species</th>
<th>Height/ Girth (m)</th>
<th>Location</th>
<th>Protection Zone (m)</th>
<th>Excavation Zone (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5. 23
ITEM 5. DA2007/244/01 – 24 KINGSLAND ROAD, STRATHFIELD

| a) 1 x Nerium species | 2m x 2m | Kingsland Road | 2m | 2m |
| b) 1 x Lophostemon Confertus | 5m x 6m | Kingsland Road Street tree | 2m | 2m |
| c) 1 x Eucalyptus species | 9m x 10m | south western corner of the site | 1.5m | 1.5m |
| d) 1 x Syzigium species | 9m x 8m | rear setback at north eastern corner of the site | 3m | 3m |
| e) 1 x Corymbia Citriodora | 12m x 12m | the boundary of 15-17 Wakeford Avenue, Strathfield | 4m | 4m |

(2) Hereinafter these trees shall be referred to only by their corresponding reference number as per the above list.

(3) All plans will be modified to mark the trees to be retained as per the above condition prior to issue of construction certificate.

28. The following listed trees are existing and may be removed to accommodate the proposed development:

<table>
<thead>
<tr>
<th>Species</th>
<th>Height/ Girth (m)</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) 1 x Jacaranda mimosifolia (Jacaranda)</td>
<td>8m x 7m</td>
<td>North western corner of site</td>
</tr>
<tr>
<td>2) 1 x cinnamon camphora</td>
<td>5m x 4m</td>
<td>Front setback centre of site</td>
</tr>
<tr>
<td>3) 1 x cinnamon camphora</td>
<td>8m x 6m</td>
<td>Rear setback northern boundary</td>
</tr>
<tr>
<td>4) 1 x Celtis occidentalis (Hackberry)</td>
<td>5m x 4m</td>
<td>Front setback, southern boundary</td>
</tr>
<tr>
<td>5) 1 x prunus species</td>
<td>5m x 5m</td>
<td>Front setback northern boundary</td>
</tr>
<tr>
<td>6) 1 x Jacaranda mimosifolia (Jacaranda)</td>
<td>5m x 6m</td>
<td>Rear setback northern boundary</td>
</tr>
<tr>
<td>7) 1 x Archontophoenix species (palm)</td>
<td>5m x 4m</td>
<td>Rear setback northern boundary</td>
</tr>
<tr>
<td>8) 1 x Erythrina species (Coral tree)</td>
<td>8m x 8m</td>
<td>Rear setback northern boundary</td>
</tr>
<tr>
<td>9) 1 x Ceratopetalum gummiferum (NSW Christmas Bush)</td>
<td>5m x 4m</td>
<td>Rear setback southern boundary</td>
</tr>
</tbody>
</table>

29. All trees permitted to be removed by this consent shall be replaced by species selected from Council’s recommended planting list or landscape code. Replacements shall be a minimum 50 litre container size unless otherwise specified and shall be maintained until maturity.

30. General maintenance of Council’s nature strip adjoining the development site, including regular lawn mowing, edging, irrigation of the lawn and street trees and restricting the storage of materials, rubbish and parking or driving of vehicles on the nature strip, must be carried out during the full period of all approved works (including any demolition and excavation).
31. (1) A minimum of two (2) 100 litre size trees, which have a minimum mature height of 6 metres shall be planted between the front of the building and the street frontage boundary.

(2) The trees required by in (1) above are inclusive to the tree requirement quantities required by Condition 31.

Site Operation

32. The storage of goods, materials, equipment, machinery, refuse, or refuse bins (including industrial waste containers) shall be carried out in an area specifically designed for that purpose and not within the road reserve except in accordance with Council’s Materials on the Footpath Policy.

Construction Matters

33. The proposed development shall comply with the Building Code of Australia and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to issue of Construction Certificate.

34. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

35. If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- Must preserve and protect the building from damage; and
- If necessary, must underpin and support the building in an approved manner, and
- Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

36. If there are built structures which may be in the zone of influence of the proposed works and excavations on the site. A qualified practicing geotechnical engineer must prepare a Construction Methodology Report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.

The report must be submitted with the application for a Construction Certificate and must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include;

a) the location and level of nearby foundations and footings (site and neighbouring);
b) proposed method of excavation;
c) Permanent and temporary support measures for excavation;

d) Potential settlements affecting footings and foundations;

e) Ground water levels (if any);

f) Batter slopes;

g) Potential vibration cause by method of excavation; and

h) De-watering including seepage and off site disposal rate (if any).

Excavation, retention, underpinning and construction must be undertaken onsite by an excavation contractor with specialist excavation experience. A suitably qualified geotechnical engineer, specialising in excavation must supervise the excavation procedure.

37. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

38. If the soil conditions require it retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.

39. The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.

If the existing ground levels are altered during construction, Council may require a survey plan of the finished ground levels to be prepared and submitted prior to issue of Occupation Certificate to determine if there have been changes to the pre-development levels and if there are any impacts on adjoining properties as a result.

40. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.

Sustainability

41. Water collected in the rainwater tank must be roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:

- Toilet flushing;
- Clothes washing;
- Garden irrigation;
- Car washing and similar outdoor uses;
- Filling swimming pools, spa pools and ornamental ponds; and
- Fire fighting.

Swimming Pool
42. The swimming pool shall be provided with safety fencing as required by the Swimming Pool Act, 1992 and in accordance with Australian Standard 1926.1-1993 or any subsequent standard and comply with the following:

- Any discharge of water from the pool shall be drained to the sewer in accordance with the requirements of Sydney Water.
- Vertical depth markers shall be permanently fitted so as to be clearly visible at the deep and shallow ends of the pool.
- A weatherproof resuscitation poster (similar to those by the Royal Life Saving Society) shall be displayed in a prominent location adjacent to the pool prior to the pool being filled with water.

**Note:** Resuscitation posters can be purchased from Council’s Customer Service Centre.

43. A permit shall be obtained from Sydney Water prior to the filling of the swimming pool.

**Demolition**

44. Demolition shall be carried out in accordance with Australian Standard 2601 - ‘The demolition of structures’ or any subsequent standard and the relevant legislation.

45. The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority **prior to any work commencing on site**.

46. Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority **prior to any work commencing on site**.

47. The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

**Waste Management**

48. A Waste Management Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. The waste management plan shall be prepared in accordance with DCP Part H appendix 7 and shall include the name, address and location of any waste and demolition contractors and recycling facilities.
LIST OF ATTACHMENTS

1. Locality map.

Key:

<table>
<thead>
<tr>
<th>Extent of Notification</th>
<th>Subject development site</th>
<th>Submissions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. Site plans and elevations.

3. Objection Letter.
ATTACHMENT 1
ATTACHMENT 2
ATTACHMENT 3
28 October 2008

General Manager
Strathfield Council
PO Box 120
Strathfield NSW 2135.

As owner/occupier of the above property, that is above 7 behind the property:

24 Kingsland Rd, Strathfield
DA No. 2007/244/01/cb

I am writing with several objections to the above DA.
I enclose the letter I originally sent regarding the original DA. I will refer to the numbered points I raised in that letter.

1. HERITAGE

No objections as long as it satisfies the council heritage officer.

2. TREES.

- The new site plan shows 2 large trees in their backyard. Without council permission, one has been completely removed & the other severely pruned. Are these to be replaced?
- A tall Christmas Bush is not shown on the plan. No reference is made to how the Angophora on the property is to be protected from root damage. We need an arborist report & a guarantee that it
will not be killed or damaged.

3. FENCE
The same fence is still shown on their plans, so we still object - see paragraph previous letter.

4. DRAINAGE
This has not been addressed - see paragraph previous letter.

FLOW SPACE RATIO
No objection.

6. VIEW
See previous letter. This issue has not been addressed satisfactorily as the plans say "details on neighbouring properties are approximate only".
Their plans do not show:
- Their roof height
- The exact height of our windows
- Whether, when seen from our upstairs windows, their roof height will be seen as higher than our downhill neighbour.

7. STATE
Relatively unchanged - see previous letter.

7. SHADOWING
Not addressed & appears unchanged. Please see our previous letter.

8. SCALE
Relatively unchanged - please see previous letter.
9. Closeness to Their Rear + Our Western Boundary
This appears to be unchanged + we still have objections. Please see previous letter.

10. Privacy
Only one of the 2 windows upstairs on their southern wall has been made opaque. The other window is still clear, as is the full length glazing on the eastern side of their house. Please see our previous letter.

Excavation
This has not been addressed. Please see previous letter.

Yours sincerely,

Melinda Edstein
MELINDA EDESTEIN
3 December 2007

General Manager
Strathfield Municipal Council
PO Box 120
STRATHFIELD NSW 2135

As owner/occupier of the above property, that is beside and behind the property:
24 Kingsland Road, Strathfield
DA No. 2007/204/es
I would like to raise several objections.

1. HERITAGE
Our property, “Balnagowan”, circa 1915, is an original Arnotts’ family house, built in the arts and crafts style. 24 Kingsland Road and 13 Wakeford Road were originally part of the property belonging to our house. It is a sprawling house, designed to sit in the middle of a large property. We have been meticulously restoring our home for the past 10 years. We are currently working on the final stage of erecting a new front fence and landscaping the front yard.

15-17 Wakeford Road is part of the Heritage Draft 105 of 2005, currently with the Department of Planning. Its heritage listing has been adopted by Strathfield Council and must be considered when any building work is to be done on adjoining properties.

The applicant’s DA makes no mention of the heritage importance of our home. The photos of the streetscape do not show our house. “Plate 3” is supposed to be of our house but shows little more than the street tree outside it.

The DA, under “Development Within Residential Zones”, states that their property “is not on land adjoining a heritage conservation area.” It also states that it meets the objectives of Part A of the DCP 2005 in that “historical values are not affected.”

DA 2007/204 ignores the historical significance of our adjoining property. It needs to demonstrate how their proposal will be sympathetic to our home.

2. TREES
The DA states that significant trees will not be affected. A large, very mature lilli pilli exists on the NE corner of their property. A very large and very valuable angophora tree is on our property near their rear boundary. From the proposed building works, the lilli pilli would probably be completely destroyed and the angophora would have to have both its roots and its branches severely pruned – perhaps fatally.

The protection of these 2 trees needs to be addressed.
3. **FENCE**
   The DA proposes an 1800mm high brick, cement rendered fence which is “sympathetic in design to dwelling and streetscape” and whose “design matches house.”

   We currently have an adequate timber fence which blends in and is consistent with most fences in the area. We are happy with that. We do not wish to have a cement rendered fence. Any fence should match our historic home. 24 Kingsland Road is lower than our property along both their southern and eastern boundaries. Adequate retaining walls must be included. Any fence needs to be at least 6ft high from our side.

   Any major fence work (including retaining walls) will cause damage to our established garden, and major problems in containing our 2 dogs for an extended period.

4. **DRAINAGE**
   We live on a significant hill. There is a lot of run off through our property, including from the intersection and gate on our SW corner. No mention of drainage is made in the DA. The size of the proposed house and its southern wall, and also the proposed brick fence, would act as a dam wall along the lower side of our property. This needs to be addressed.

5. **FLOOR SPACE RATIO**
   The DA does not comply with this by 2%. It states “given that all other requirements of the DCP are met this is not believed to be a significant or onerous departure from the code.” The fact that other requirements that must be met have been met is not an excuse for non-compliance with this one.

6. **VIEW**
   A proper height analysis has not been included. We have a large (4m x 1.5m) window in our upstairs north wall, giving us views all the way to Ryde. We do not wish to lose this view.

7. **SHADOWING**
   This is a major issue for us. The DA states that “as can be expected from an east west oriented site overshadowing will occur in morning and afternoon to the south. The shadows do not, however, fall on the southern neighbour’s house nor on their major garden area.”

   “There are no shadows falling on neighbouring houses or their major outdoor spaces.”

   These statements are incorrect as shown by their shadow diagrams. In winter, our sunny pool will be shadowed all day. At lunch time and into the afternoon our built in BBQ and outdoor eating area, which are to the east of the pool, will be in shadow and rendered useless during winter. Our established garden will also be affected.

8. **SCALE**
   We have a large house on a large block of land. The scale of the proposed work is for a very big house on a small block of land. This is not consistent with surrounding homes.

9. **CLOSENESS TO THEIR REAR AND OUR WESTERN BOUNDARY**
   The unusual layout of our 2 properties makes this particularly important. If the new house is too close to their rear boundary, it virtually puts it in the middle of our backyard.

   The current home is between 9.5m and 11m from their rear fence. The proposed home appears to be 3m from the rear fence (although there is no proper scale to read). Thus, from
our well used verandah we will be confronted by a 2 storey building all along our boundary. Their rear walls will only be 3m from our garden. This is far too close and the house needs to be set back from the rear fence. The eastern end of the pool also appears to be very close to our fence.

10. PRIVACY
The 1st floor windows on their southern wall need to be opaque as they look over our pool and directly onto our verandah where we do a lot of entertaining.

Their fixed full length glazing on the eastern side of their house looks directly over our garden and is also undesirable to us.

11. EXCAVATION
This DA will involve major excavation work down hill from our property. Provisions should be included to show that no damage will be caused to our house or pool.

Yours sincerely,

Melinda Edstein