

SUMMARY

PROPERTY:	47 Llandilo Avenue, Strathfield
DA NO.:	DA2007/317/03
APPLICATION TYPE:	Section 96 (1A) Modification
REPORT BY:	Cameron Byrne
RECOMMENDATION:	APPROVAL
SUBMISSIONS:	No submissions received.
ZONING:	Residential 2 (a)
DATE APPLICATION LODGED:	29 September 2009
APPLICANT:	St Germain Group Pty Ltd C/- Mr. J. Baini
OWNER:	As above

INTRODUCTION

The applicant seeks approval under the proposed DCP Part A amendments to modify DA2007/317 which was approved for demolition and construction of a two (2) storey dwelling with basement, pool, front fence and associated landscaping. The elements of the subject proposal include the increase in size and reconfiguration of the basement, extended rear terrace and amended BBQ area.

As Council has not formally adopted the proposed amendments to DCP Part A, the application is assessed under controls currently in force.

It is noted that the parent application, DA2007/317 was approved under delegation with a 25m² variation to landscaped area. In this application, the applicant seeks a further reduction to landscaped area of approximately 15m². The applicant also proposes to vary controls relating to the size of the basement.

Despite the variations sought, the proposal is consistent with the existing dwelling and is unlikely to result in privacy or overshadowing impacts on nearby dwellings. The proposal is also unlikely to impact on the nearby heritage item located opposite the subject site.

The application is therefore recommended for approval.

DESCRIPTION OF THE SITE AND LOCALITY

The subject allotment is oriented south-north, is of regular shape and is located on the northern corner of Llandilo Avenue and Cotswold Road. The frontage to Llandilo measures 14.2 metres with the secondary frontage to Cotswold Road being 45.72metres in length. The subject allotment slopes in a southwest direction away from Llandilo Avenue towards Cotswold Road by approximately 2.4 metres.

The subject allotment has the following dimensions and site area:

Dimensions (approx.): 14.2m x 45.72m

Site Area (approx.): 659.6m²

PROPOSAL

The applicant seeks approval under the proposed DCP Part A amendments to modify DA2007/317. The elements of the proposal include the increase in size and reconfiguration of the basement, extended rear terrace and amended BBQ area. The proposal is outlined in detail below:

Basement

- Increase in the size of the basement to match the footprint of the dwelling and occupy 100% of the internal gross floor area of the dwelling at ground level;
- Internal reconfiguration including new gym and store rooms, including pool equipment storage; and
- Relocation of shower room.

Ground Floor

- Increase in size of terrace area;
- New glass roof to extend over the rear terrace;
- New paved area (approximately 15m²); and
- New BBQ enclosure to be erected to a height of 2.5m with 500mm side setback.

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

BACKGROUND

There are three (3) previous applications applicable to the subject proposal.

- 21 May 2008 – DA2007/317 for demolition and new two (2) storey dwelling with basement, inground pool, front fence and associated landscaping approved.
- 11 December 2008 – for modifications to DA2007/317/01 approved. Modifications comprised enlargement of basement, relocation of pool pump and equipment, new stairwell and access to basement and the removal of two (2) trees.
- 21 May 2008 – DA2007/317/02 to delete condition 21 - relating to the undergrounding of cabling approved.

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

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

(a) (i) Environmental Planning Instruments:

BASIX

A BASIX Certificate (176330S) was submitted to and approved by Council under the parent development application. The proposed works are not considered to require an amended BASIX certificate.

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) where modifications to single dwellings are permissible.

The proposal is unlikely to impact on the street, the heritage item at 54 Llandilo Avenue or the amenity of adjoining landowners. Accordingly the proposal is assessed to satisfy the relevant requirements of Clauses 41B, 41C, 59B, 61GA of the SPSO.

(ii) Draft Environmental Planning Instruments:

Draft Strathfield Local Environmental Plan, 2008

Clause 15 - Development which is Allowed or Prohibited in a Zone;
Clause 17 - General Considerations for Development within Residential Zones;
Clause 55 – Demolition;
Clause 70 – Development within vicinity of a heritage item; and
Clause 75 - Waste management.

The intent of the above Clauses has been met as the subject application is permissible within the Residential 2 (a) zone.

The proposed amendments are unlikely to impact on the street or result in amenity impacts to adjoining landowners.

Notwithstanding, the proposal is likely to result in increased volumes of waste due to the proposed excavation. A condition requiring that an amended waste management plan be submitted to the Principal Certifying Authority will be imposed where any consent is granted.

Accordingly, the proposal satisfies the abovementioned clauses under the Strathfield Draft LEP 2008.

Draft Local Environmental Plan No. 105

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

(iii) Development Control Plans:

1. *Strathfield Consolidated Development Control Plan 2005 – Part A – Dwelling Houses and Ancillary Structures*

An assessment of the proposal for compliance with the Part A controls is provided in the following table.

Section	Development Standard	Required	Proposed	Compliance
8.3	Floor Space Ratio <i>Include attics with walls more than 1.5m high, stair and floor voids and outbuildings. Basements are excluded from FSR.</i>	Max. 0.61:1 or 402m ² maximum for 660m ² lot. (As per Table 1)	0.61:1 or 402m ² 336.3m ² or 0.51:1.	Yes
9.3.1	Building Height <i>Max 2 storeys Where a basement exceeds NGL by >1m it will be considered a storey</i>	<u>Outbuildings</u> Max height 3.5m.	2.5m	Yes
9.3.1	Building Envelope	3.5m vertically at boundary & project inwards at 45 ^o .	Complies.	Yes
10.3.1	Minimum Landscaped Areas	Min. 40% required for 660m ² lot or 264m ² (As per Table 2)	35% or 230m ² Variation of approximately 33m ² .	No – see discussion.
10.3.3	Private Open Space	Provided in a single parcel.	Single parcel at rear.	Yes
11.3.2 (8)	Min. Side Setbacks for Outbuildings	900mm minimum setback from side and rear boundaries for walls of 3.0m or less in height.	500mm provided from the eastern boundary.	No – see discussion.
13.3	Basements	Max. Area 75% of internal Gross floor area of dwelling at ground level.	100%	No – see discussion.
14.3	Deep Excavation	No cutting permitted within required setbacks.	No cutting proposed within side setbacks for increase to basement.	Yes
15.3.3 15.3.4	Visual Privacy	a. Reduce opportunities for overlooking.	Opportunities for overlooking unlikely. The southern boundary	Yes

		b. Offset windows to neighbours. c. Rear balconies max. 600mm x 2m.	wall to the terrace provides sufficient screening as existing.	
20.2.7	Swimming Pools	The pool filter and pump equipment are to be located where they will not create a nuisance to neighbouring property owners/occupiers.	Suitably located in the basement to reduce noise.	Yes

2. Development Control Plan Part H – Waste Management

An amended Waste Management Plan will be required for the proposed excavation and will be addressed by way of condition.

(b) Likely Impacts:

Minimum Landscaped Area

The proposed development does not achieve the minimum landscaped area requirement of 264m², providing 230m², which is a shortfall of 5% or 34m².

Despite the shortfall, the proposal is considered reasonable where the applicant maintains functional open space to the rear, retains existing trees and ensures deep soil planting is appropriate for the size of the dwelling.

In addition to the above, the proposal has been assessed by Councils drainage engineer, who supports the application subject to the condition that stormwater runoff from all roof and paved surfaces be collected and connected to the existing drainage system within the property. In this regard, the proposal is considered to satisfy the objectives and intent of the minimum landscaped area control.

Side setbacks

It is noted that the BBQ area was previously approved in the parent consent, however the applicant has modified the application by enclosing the BBQ area and is proposing a 2.5m high wall to be located 500mm from the eastern boundary. As the BBQ is located to the rear of the property, view corridors between dwellings are likely to be maintained and access to and from the rear of the property is unlikely to be affected.

In terms of privacy, it is unlikely that the BBQ area would create additional impacts to that which were considered in the parent consent. The proposal is unlikely to create any excessive overshadowing or provide for overlooking opportunities.

Whilst the proposed BBQ wall is considered to be a minor structure it will extend 700mm above the eastern boundary fence. The 2.5m height of the wall is considered to be excessive and is undesirable and likely to be visible from adjoining properties.

To address the issue, a condition will be imposed requiring that the BBQ wall height be reduced to a maximum height of 1.7m above natural ground level and be constructed in a manner so as not to protrude above the boundary fence.

Finally, it is worth qualifying that the BBQ is not contrary to BCA requirements in terms of minimum setback from the boundary and fire safety.

Basement Design

The proposed basement design, whilst non-compliant with numeric controls is considered acceptable on merit. The proposal is unlikely to create disturbances to natural drainage systems and does not propose any amendments to existing basement entries. Whilst the basement will increase the amount of excavation occurring on site, it does not propose any additional excavation within approved side setback areas or in areas close to the boundaries of the site.

Whilst the draft DCP amendments are yet to be formally adopted, allowing for basements to occupy 100% of the internal gross floor area of the dwelling at the ground level is considered to have its advantages. In particular 100% basements allow applicants to simplify basement designs by allowing the footprint of the dwelling at the ground floor level to continue through to the basement. This negates the need for specifically engineered boundary walls at ground floor level which also assists in simplifying the construction of dwellings.

Amenity

The proposed glass roof to the terrace area at the rear of the property is likely to be highly reflective. The roof is oriented to the north and will receive ample exposure to sunlight throughout the course of the day, which has the potential to cause nuisance to adjoining landowners. A condition requiring that the roof be fitted with suitable low-reflective glazing will be conditioned to reduce any potential impacts.

(c) Suitability of the Site:

The proposal is comparable to adjoining dwellings in Llandilo Avenue. The proposal does not modify the height, bulk, scale or style of the dwelling and is unlikely to result in any overshadowing or privacy impacts to adjoining landowners.

Subject to conditions relating to the BBQ area and glass terrace roof, the proposal is considered suitable for the site.

(d) Submissions:

Strathfield Consolidated Development Control Plan Part L Public Notification

The application was notified in accordance with Part L of the Strathfield Consolidated DCP 2005 for a period of fourteen (14) days from 2 October 2009 to 19 October 2009 with no submissions received.

(e) Public Interest:

It is considered that the proposal is not contrary to the public interest.

INTERNAL REFERRALS

The application was forwarded to Council's Development Engineer, Environmental Health Officer, Building Surveyor and Landscape Officer.

No issues were raised with the proposal subject to conditions.

CONCLUSION

The proposed development does not comply with the numeric controls for basements and minimum landscaped area, however on merit and having regard for draft DCP amendments the proposal is considered acceptable.

Where any approval is granted, issues relating to glare and visual amenity will be addressed by way of condition.

The proposal complies with relevant SPSO and Draft LEP requirements and subject to the imposition of conditions, achieves compliance with the numeric's and objectives of DCP Part A controls. It is therefore recommended that the application be approved subject to conditions.

RECOMMENDATION

That DA2007/317/03 to increase and reconfigure the basement, extend the rear terrace and amend the BBQ area at 47 Llandilo Avenue, Strathfield be approved subject to the following conditions:

1. Condition No. 1 be modified to read as follows:
- 1 (5) The development shall be completed in accordance with the approved plans listed at 1 (1) and the following endorsed plans:

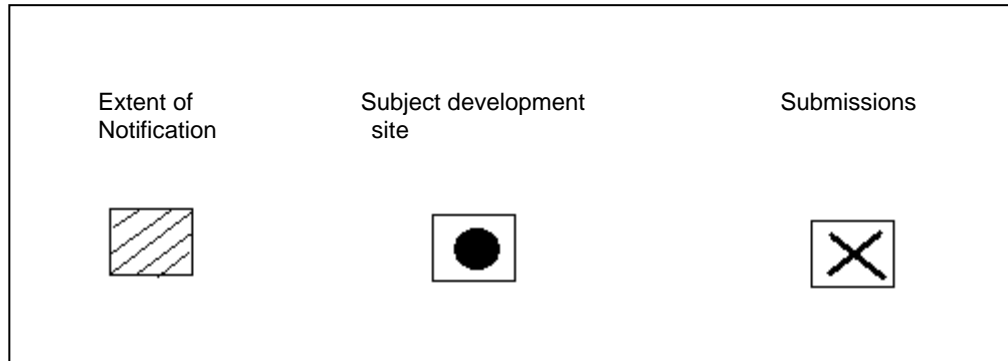
<u>Drawing Nos.</u>	<u>Date Received</u>
Site & Ground Floor Plan Prepared by Mr. N Lyckenko	29 September 2009
Basement Plan Prepared by Mr. N Lyckenko	29 September 2009
Section AA Prepared by Mr. N Lyckenko	29 September 2009
West & East Elevation Prepared by Mr. N Lyckenko	29 September 2009
North Elevation Prepared by Mr. N Lyckenko	29 September 2009

2. Condition No. 95 to 99 inclusive are inserted as follows:
95. The BBQ wall adjacent to the eastern boundary shall not exceed a height of 1.7m as measured from natural ground level and shall be constructed in a manner so as not to protrude above the boundary fence at any point.
96. The proposed glass roof shall comprise low reflective material or have a reflectivity index of less than 20%. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
97. An amended Waste Management Plan shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
98. Stormwater runoff from new roof areas shall be collected and connected to the previously approved drainage system.
99. The proposed modifications shall comply with the Building Code of Australia and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.**

LIST OF ATTACHMENTS

1. Locality map.

Key:



2. Site plans and elevations.