

*Report by Thomas Watt, Trainee Development Planner*

## **RECOMMENDATION**

***That the Planning Committee note that the Section 96 Application to modify the consent for a two (2) storey dwelling at 29 Carrington Avenue, Strathfield has been approved subject to conditions addressing the concerns raised by an objector to the proposal.***

## PURPOSE OF REPORT

To inform the Planning Committee that the Section 96 Application DA2008/442/01 has been approved under delegated authority and advise of the objector's concerns and how these were addressed.

## REPORT

The subject Section 96 Application DA2008/442/01 for internal and external modifications to the approved new single dwelling at 29 Carrington Avenue, Strathfield was granted approval under delegated authority on 4 November 2009.

The application was placed on public notification for 14 days in accordance with Part L of the Strathfield Consolidated DCP 2005 during which one (1) submission was received.

The single submission received raised objections to the proposed development being relocated away from the approved front setback, thereby resulting in adverse overlooking and overshadowing impacts to the objector's adjoining property.

Further concerns were raised in relation to the installation of the indoor gas heater and external flue. The concern specifically relates to health matters for both the residents and the objector who operates a dental practice from the adjoining property.

The assessment considered the objector's concerns and resolved the concerns as follows:

- Overshadowing was not exacerbated by the proposed development as both the subject site and the objector's property benefit from orientations which mitigate adverse overshadowing to the objector's property;
- Overlooking was not considered to result in an unacceptable impact as the window of concern (W23) was considered to be adequately offset, would not increase opportunities for overlooking as a result of the modification and was adjoining a commercial use (dental surgery).

It should be noted that the room to which views were of concern is approved as a "spare room" within the dental surgery under DA0405/104; and

- The installation of the indoor gas heater and external flue was not considered to be likely to result in adverse public health and safety concerns where conditions requiring compliance with the relevant Australian Standards for gas installation and ventilation were imposed.

#### REFERRAL FROM OTHER DEPARTMENT

Council's Environmental Health Officer assessed the subject application as being acceptable subject to the imposition of conditions of consent ensuring compliance with AS1668.2-2002 for The Use of Ventilation and Air Conditioning in Buildings – Ventilation Design for Indoor Air Contaminant Control and AS5601.2004 for Gas Installation.

It should also be noted that contact was made with the Department of Environment, Climate Change and Water (DECC) and NSW Health. Neither the DECC or NSW Health raised concerns with the proposed gas flue.

#### FINANCIAL IMPLICATIONS

There are no financial implications.

#### Report approved by:

Silvio Falato	Patrick Wong
<b>Manager Development Assessment</b>	<b>Director Technical Services</b>