

## **SUMMARY**

<b>PROPERTY:</b>	124 Wallis Avenue, Strathfield Lot: 39 DP: 16967
<b>DA NO.:</b>	0405/216/2
<b>APPLICATION TYPE:</b>	Section 96 modification application
<b>REPORT BY:</b>	Holly Archer
<b>RECOMMENDATION:</b>	APPROVAL
<b>SUBMISSIONS:</b>	Application was not required to be notified
<b>ZONING:</b>	Residential 2(a)
<b>DATE APPLICATION LODGED:</b>	1 May 2009
<b>APPLICANT:</b>	Claude Bechara 124 Wallis Avenue STRATHFIELD 2135
<b>OWNER:</b>	Claude & Rita Bechara 124 Wallis Avenue STRATHFIELD 2135

## **INTRODUCTION**

Approval is sought for the modification to consent originally granted in relation to the demolition of an existing dwelling and ancillary structures and the construction of a new two (2) storey dwelling with a swimming pool and front and side fencing.

The proposed modification seeks consent to vary the approved landscaped area. The proposal involves the extension of existing paving, from the pool concourse to the BBQ facilities, located towards the rear boundary of the subject site.

## **DESCRIPTION OF THE SITE AND LOCALITY**

The subject site is located on the north eastern corner of the intersection of Wallis Avenue and High Street. Surrounding development is characterised by dwellings of various styles. The subject property is relatively flat and is trapezoidal in shape.

<b>Site Area (approx.):</b>	870m <sup>2</sup>
<b>Dimensions (approx.):</b>	20-28 metres x 40 metres

Existing development on site consists of a recently constructed two (2) storey dwelling with attached garage. The dwelling is orientated in a westerly direction, with main frontage to Wallis Avenue. An in-ground swimming pool and spa are situated at the rear of the property.

The subject allotment has incorporated landscaping elements such as planter boxes, lawn area and indigenous species on site. The secondary street frontage alignment, between the residence and High Street, is extensively landscaped. This open space continues around the residence in an easterly direction, opening into a private open space courtyard with swimming pool, terrace, BBQ and lawn area. The northern aspect of the rear yard contains deep soil landscaping with mature trees established in the north-east corner of the allotment.

## PROPOSAL

The application seeks to modify the approved landscape plan, to incorporate a rear paved area to the east of the residence, adjoining the BBQ and swimming pool.

Key features of the proposal are summarised as follows:

- Inclusion of approximately 41.50m<sup>2</sup> of pavement at the rear of the property, situated between the pool concourse and barbeque area.

A site plan is attached (2).

## BACKGROUND

The following applications are relevant to the subject proposal:

- 12 December 2006 – DA04015/216 for the construction of a new two (2) storey dwelling was granted consent by Council's Planning Committee.
- 2 April 2009- Section 96 application (DA0415/216) proposing paving of soft landscaping to the rear was lodged to Council. This application was cancelled as the application form did not correctly state proposed modification type as a section 96(1A).
- 1 May 2009 – Subject Section 96 application lodged.

## 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**

The subject application is for variation to landscaped area and therefore a BASIX certificate is not required.

**Strathfield Planning Scheme Ordinance 1969**

The subject site is zoned Residential 2(a) under Strathfield Planning Scheme Ordinance 1969 (SPSO) and ancillary development to a dwelling is permissible pursuant to the provisions of Clause 22.

The proposed development is considered to be compatible with the existing and future scale of development in the locality thus satisfying the requirements of Clause 41B. Accordingly, adverse amenity impacts are considered unlikely.

The proposed development satisfies each of the relevant clauses.

**Section 94 Contributions**

Section 94 contributions are not applicable to the proposal.

**(ii) Draft Environmental Planning Instruments:**

**Draft Strathfield Local Environmental Plan 2008**

The proposed development is situated within the Residential 2(a) zone, which permits ancillary development with consent from Council. The proposed development is consistent with the objectives of the zone as modification is compatible with the scale, amenity of the streetscape and landscape characteristics of the neighbourhood.

The relevant clauses have been considered in the assessment of the proposal and found to be satisfactory.

**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:**

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

Section	Development Standard	Required	Proposed	Compliance
4.3.1 / 4.3.2	Neighbourhood Character and Amenity / Scale, Massing and Rhythm of Street	Location and orientation addresses street and complements existing development	Proposed modification is for the rear of the subject property and therefore potential amenity impacts on the streetscape are minimal	Yes
4.3.3	Street Edge and Garden Setting	Existing trees are retained or Arborist Report submitted	The application does not require the removal of any trees and will not alter deep soil landscaped areas located within the front building setback	Yes
10.3.1	Minimum Landscaped Areas	Site Area: 870m <sup>2</sup> 45% or 391.50m <sup>2</sup>	24% being 358.72m <sup>2</sup> (or a shortfall of 32.8m <sup>2</sup> )	No, see discussion
10.3.3	Private Open Space	Provided in a single parcel	Provided in a single parcel	Yes
17.3.1	Onsite Water Management	Applicants must comply with Council Stormwater Management Code	The application was referred to Council's development engineer and the proposal is considered to comply	Yes

**(b) Likely Impacts:**

*Context and Setting*

The proposed development will not alter the character or amenity of the locality or streetscape. Adequate deep soil planting will be retained on site and the proposed modification will not contribute to excess bulk or scale.

*Site Design and Internal Design*

Landscaping

For the purposes of calculating minimum landscape areas, the General Introduction to the DCP provides the following definition:

**"Landscaped Area"** means the portion of a site, which is designed, developed and capable of being maintained and used as natural deep soil planted gardens, trees and turf. For the purpose of calculating minimum landscaped area, the following elements are excluded: house, garage, vehicular driveways & manoeuvring areas, stairways, side setback areas between the boundary and house (paved or unpaved) that are 1.5 metres or less in width, unenclosed ground level pedestrian terraces or walkways, swimming pools, covered awnings, tennis courts (except natural grass courts), outbuildings, sheds, BBQs, gazebos, rainwater tanks and the like (refers to Part A – Dwelling Houses and Ancillary Structures only).

In light of the above, the proposed development does not achieve the minimum landscaped area requirement of 391.50m<sup>2</sup>, providing 358.72m<sup>2</sup>, a shortfall of 32.78m<sup>2</sup>.

Notwithstanding the above definition, it is noteworthy that the definition of 'Landscaped Area' as it relates to dual occupancy permits the inclusion of swimming pools. It maybe argued that in allowing swimming pools as landscaping for the purpose of dual occupancy development, Council recognises the limitation on the provision of standard residential amenities on undersized allotments.

Part A of the SCDCP 2005 for Dwelling Houses and Ancillary Structures is presently being reviewed by Council Officers with a view to aligning and rationalizing the definition of landscaped areas, for single residential development with the definition applied to dual occupancy and multi unit housing.

Taking into account the above, a landscaped area calculation for the subject property which includes the swimming pool would be equal to 409.72m<sup>2</sup> or 47% (compliant with Council's controls).

In this instance the proposed modification to landscaped area is located to the rear of the subject dwelling and is considered to contribute positively to the functional capacity of private open space without compromising the streetscape or landscape quality of the subject site.

Accordingly, the proposal is consistent with the planning context objectives of the control, and the additional impervious area at the rear yard will not be to the detriment of the residents or have any impacts external to the site, a variation is considered reasonable.

**(c) Suitability of the Site:**

The site is suitable for the development as the proposed application meets the requirements of the Strathfield Planning Scheme Ordinance and Draft Local Environmental Plan. The proposal seeks variation to on site landscaping, which is considered to be acceptable as development does not adversely impact upon the amenity of the streetscape or surrounding development.

**(d) Submissions:**

The subject application was not required to be notified.

**(e) Public Interest:**

It is considered that the proposal is not contrary to the public interest as it complies with the Strathfield Planning Scheme Ordinance 1969 and Draft Local Environmental Plan 2008.

It is considered that the proposal is consistent with the objectives of 'Landscaped Areas' in accordance with SCDCP 2005 and as such will not be of detriment to the public. The site retains sufficient areas for deep planting to enable the growth of substantial trees and shrubs. The extensive landscaped areas, provided near the primary and secondary street frontages, contribute to the amenity of the streetscape and therefore development is within the public interest.

## INTERNAL REFERRALS

The proposal was referred to Council's Development Engineer and found to be compliant with Council's adopted stormwater drainage code.

## CONCLUSION

The proposed development complies with the Strathfield Planning Scheme Ordinance 1969, Draft Local Environmental Plan 2008 and Consolidated Development Control Plan 2005. The modification is deemed suitable for the subject site as development will have no detrimental impact on the amenity of the streetscape or surrounding residents.

## RECOMMENDATION

That DA 0405/216/2 for the modification to site coverage at 124 Wallis Avenue be APPROVED subject to the following conditions:

## CONDITIONS OF CONSENT

Condition No.1(1) be modified to read:

1. The development shall be completed in accordance with the approved endorsed plans prepared by N Lycenko Architect, listed below, prior to the building being used or occupied, but subject to any variation as required by the conditions detailed herein.

Drawing Nos.

Date Received

Landscape Plan

1 May 2009

Condition No. 18 be modified to read:

18. A landscape plan, consistent with the approved site plan (Site Plan, received by Council on 1 May 2009) and conditions of consent, showing plant species prepared by a suitably qualified landscape architect in accordance with Council's Landscaping Code, shall be submitted to and approved by the Principal Certifying Authority **prior to issue of a Construction Certificate.**

## LIST OF ATTACHMENTS

### 1. Locality map

Key:

Extent of Notification	Subject development site	Submissions
		

### 2. Site plan