

**STRATHFIELD COUNCIL
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**S8.2A- DA2021.74
18 October 2021**



Statement of Environmental Effects

Site

33 Newton Road, Strathfield

Project

Review Application to DA2021.74

Demolition of the existing dwelling and detached garage, and construction of a new two (2) storey dwelling, detached outbuilding and swimming pool.

11 October 2021



Telephone 1300 123 783

Address GPO Box 354 Sydney NSW 2001

Email info@queconsulting.com.au

Web queconsulting.com.au

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Document Management

Date	Revision	Author	Approver
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Statement of Environmental Effects

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1.0 Introduction

This Statement of Environmental Effects (SoEE) Report has been prepared in support a Review Application to DA2021.74 in relation to 33 Newton Road, Strathfield ('the subject site').

The Development Application was reported to and refused by the Strathfield Local Planning Panel on 5 August 2021.

In consideration of the reasons of refusal, the proposal has been amended as follows:

- The dual driveway has been deleted, and a single 3.5m wide driveway is retained to service the basement.
- The proposal is supported by an Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist to remove the southwestern street tree to allow for the construction of the new driveway.
- The carport along the western boundary is deleted.
- The height of the front foyer portico has been reduced in height to achieve compliance with the building height control.
- A privacy screen is included to the western side perimeter of the first floor terrace.
- The front fence entry portico has been deleted.
- The front fence has been reduced in height to 1.8m, stepped to follow the topography of the site, and the masonry component height has been reduced.

A response to the issues raised by council's previous assessment is provided in Section 3 of this Report.

2.0 Site Description

An overview of the site is provided below.

An aerial photograph of the Site is included in **Figure 1** and the location of the site is shown in **Figure 2**. Photographs of the Site are included in **Figures 3 – 4**.

Site Address	33 Newton Road, Strathfield (Lot 42, DP8778)
Site Area	1,416m ²
Lot width	20.115 metres
Easements/Registered Instruments Covenants/Agreements	The site is not affected by any covenants, conservation agreements, or planning agreements.
Current Improvements	The site currently contains: <ul style="list-style-type: none"> • A two (2) storey detached residential dwelling. • A detached tandem garage located along the eastern side boundary. • A tennis court located in the rear yard.
Topography	The site slopes by approximately 1.9 metres, from the rear yard (RL33.60) down towards the street (RL31.70).
Vegetation	The site does not contain any 'Protected Trees' identified under council's Tree Preservation Order.
Vehicle Parking & Road Access	The site includes parking for more than 2 vehicles along the eastern side boundary. Vehicle access to the site is available from Newton Road, which is categorised as a local road.



Figure 1: Aerial photography of the Site.

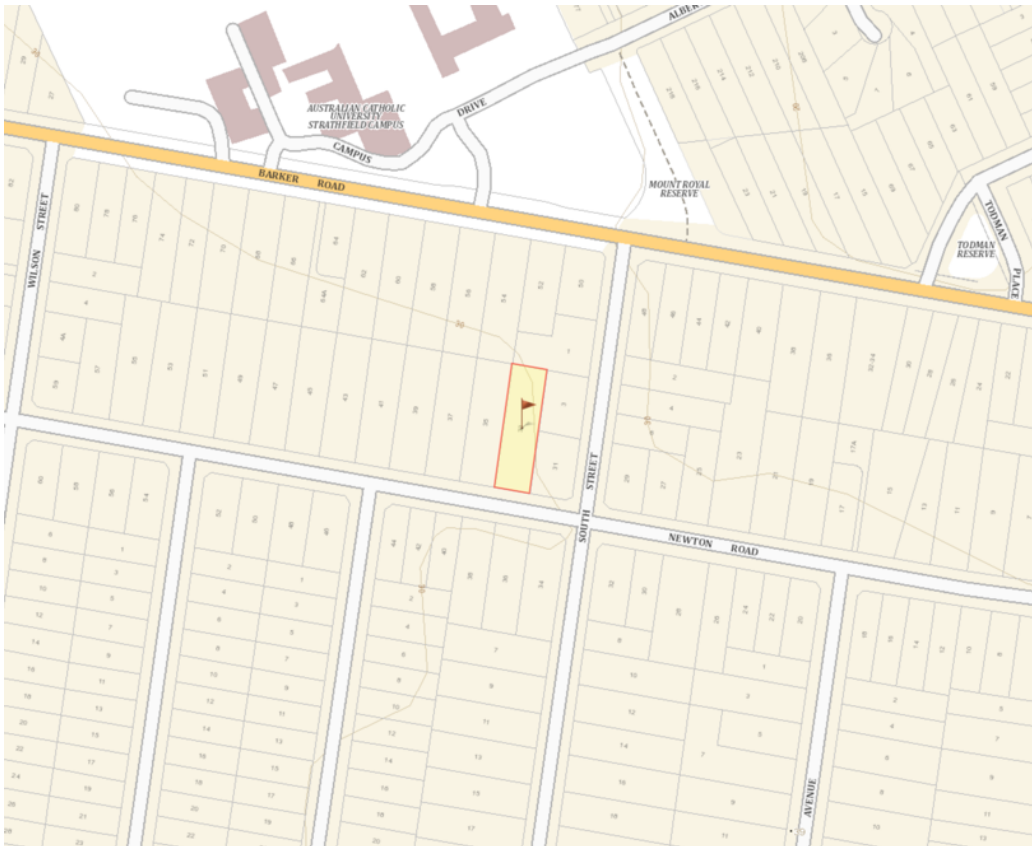


Figure 2: Location of the Site



Figure 3: Front elevation of the existing dwelling.



Figure 4: Rear elevation of the existing dwelling.

3.0 Planning History

Development Application DA2021.74 sought consent for 'demolition of existing structures, retention of tennis court, construction of a two (2) storey dwelling house with basement level, in-ground swimming pool, front fence and entry feature, attached carport, detached outbuilding and associated landscaping'.

The Development Application was reported to and refused by the Strathfield Local Planning Panel on 5 August 2021.

In consideration of the reasons of refusal, the proposal has been amended as follows:

- The dual driveway has been deleted, and a single 3.5m wide driveway is retained to service the basement.
- The proposal is supported by an Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist to remove the southwestern street tree to allow for the construction of the new driveway.
- The carport along the western boundary is deleted.
- The height of the front foyer portico has been reduced in height to achieve compliance with the building height control.
- A privacy screen is included to the western side perimeter of the first floor terrace.
- The front fence entry portico has been deleted.
- The front fence has been reduced in height to 1.8m, stepped to follow the topography of the site, and the masonry component height has been reduced.

A response to the issues raised under DA2021.74 is provided below:

Issues	Comments
<p>Building Height. Non compliance with Clause 4.3 of Strathfield LEP 2012</p>	<p>The height of the front foyer portico has been reduced in height to achieve compliance with the building height control.</p> <p>The new dwelling achieves a maximum height of 9.475 metres (RL41.805) above existing ground level (RL32.330) and complies.</p> <p>The building height is less than the height of the existing building on site proposed to be demolished.</p>
<p>Earthworks. Non-compliance with Clause 6.2 of Strathfield LEP 2012</p>	<p>The proposal has been amended to remove the side basement driveway, and contains the proposed basement level wholly within the footprint of the proposed dwelling.</p> <p>These works are setback more than 1.5m from the side boundaries and are not considered to result in any significant earthworks or associated groundwater dewatering that is likely to be disruptive of, or detrimental effect on, drainage patterns and soil stability in the locality of the development.</p>
<p>Maximum external wall height. Non-compliance with Part 4.2 of Strathfield DCP</p>	<p>The proposed dwelling generally complies with the maximum external wall height control of 7.2m, with minor exceedance of the control (~300mm) limited to the southwest corner of the dwelling due to the existing topography slope of the site down towards the street.</p> <p>This minor exceedance of the wall height is considered consistent with the objectives of the building envelope control or the following reasons:</p> <ul style="list-style-type: none"> • The area of the wall that exceeds the control is further setback from the side boundary in excess of council's side setback control.

- The additional height is minimal and measures ~300mm. A compliant wall height will not result in any perceived noticeable difference when viewed from the street and from 35 Newton Road.
- The additional wall height does not result in any shadow cast upon any window openings or the private open space area of 35 Newton Street.
- There are no significant views across the site and the area of non-compliance enjoyed from adjoining properties.

Loss of Council Street Tree

The proposal is supported by an Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist to remove the southwestern street tree to allow for the construction of the new driveway.

The Report concludes:

- The tree species is a weed.
- The tree species is problematic in regards to root growth and displacement of surrounding infrastructure
- The tree has been classified as having a short term retention value.
- The tree crown has been damaged to clear the overhead electrical wires, and is experiencing dieback of the lower order leaders
- The site is the only street frontage that contains two street trees. The removal of the tree will not

	<p>result in any noticeable difference to the aesthetic and environmental qualities of the streetscape.</p>
<p>Height of the front fence.</p>	<p>The front fence entry portico has been deleted.</p> <p>The front fence has been reduced in height to 1.8m, stepped to follow the topography of the site, and the masonry component height has been reduced.</p>
<p>Dual Driveway</p>	<p>The dual driveway has been deleted, and a single 3.5m wide driveway is retained to service the basement.</p>

4.0 The Project

4.1 Proposed Development.

The application seeks approval from Council to:

- Demolish the existing dwelling, detached BBQ outbuilding and detached garage outbuilding. The existing Tennis court will be retained.
- Construction of a new two (2) storey dwelling comprising:
 - Basement level accommodating parking for five (5) vehicles, cinema, storage, wine cellar and gym.
 - Ground floor level accommodating a kids retreat, guest suite, laundry, powder room, living room, kitchen, walk in pantry and dining room.
 - First floor level accommodating four (4) bedrooms and four (4) bathrooms **(Figure 5)**.
- Construction of a new front fence and entry feature.
- Construction of a swimming pool with alfresco area and outdoor BBQ cooking facilities.
- Construction of a detached outbuilding associated with the tennis court, with a wet bar and toilet facilities.

The following provides further description of the proposed works:



Figure 5: Front elevation of the proposed new dwelling.

4.1.1 Development Statistics

A summary of the development particulars is provided in **Table 1** below:

Development Particulars	Proposed
Site Area	1,416m ²
Gross Floor Area	
Total GFA	685.5m ²
Floor Space Ratio (FSR)	0.48:1
Landscape	
Landscape Area	709.1m ² (50% of site area)
Landscape Area (Behind Building Line)	584.5m ²

Table 1: Development Summary

4.1.2 Proposed Works

Excavation

The proposal includes bulk excavation works to accommodate the new basement level of the building.

Demolition

Consent is sought to demolish the existing dwelling, detached BBQ outbuilding and detached garage outbuilding. The existing Tennis court will be retained.

Vegetation

The proposal does not seek to remove, or undertake any construction works within 3 metres of any existing significant trees identified on Council's Tree Preservation Order within the boundaries of the site.

The new driveway crossing location will result in the removal and replacement of Council's Street tree.

Parking

The proposal includes a new basement level accommodating parking for five (5) vehicles.

Public Domain

The proposal seeks to relocate the existing driveway crossing from the eastern side boundary of the site to the western side boundary of the site. This single driveway crossing will be 3.5m wide and allows vehicles to access a driveway down to the basement level.

The proposed driveway configuration and grades have been designed in accordance with AS2890.1.

The new driveway crossing location will result in the removal and replacement of Council's Street tree.

Land Tenure

No change.

5.0 Planning Assessment: Planning Controls

The proposed development is defined as local development under Part 4 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*, and Strathfield Council is the consent authority.

The proposal is not defined as Integrated Development and does not require any additional approvals as outlined under Section 4.46 of the *EP&A Act 1979*.

The relevant statutory and policy controls applicable to the subject site and proposed development include:

State Government Controls (State Environmental Planning Instruments)

- State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Local Government Controls (Local Environmental Planning Instruments)

- Strathfield Local Environmental Plan 2012

Local Government Policies (Local Development Control Plans and Policies)

- Strathfield Consolidated Development Control Plan 2005

6.0 Planning Assessment: Section 4.15 Assessment

Section 4.15 of the *Environmental Planning and Assessment Act 1979* requires the consideration of the following matters:

Section 4.15(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) *the provisions of:*

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

An assessment of the proposal against these matters is provided in the following Sections:

6.1 Provisions of Relevant Environmental Planning Instruments (clause 4.15(1)(a)(i))

6.1.1 State Environmental Planning Policy No. 55 – Site Remediation

This SEPP requires the consent authority to consider whether the land is contaminated, and whether the land is suitable for the proposed use (or will be suitable, after remediation).

A review of Council files and previous planning approvals relating to the site has determined the site has historically been used for residential purposes.

The site is not considered to be contaminated, and the remediation of the site is not required for the following reasons:

- The site does not appear to be used by the activities listed in Table 1 of the NSW Government's Managing Land Contamination - Planning Guidelines 1998, SEPP 55 Remediation of Land.
- The site currently contains a residential dwelling, and has historically been used for residential purposes.
- The proposal does not seek to undertake any excavation works to the site, and is unlikely to expose any contaminants, if any.
- The proposal does not seek to alter the current land use of the site.

The site will remain for a residential use, and for the above reasons it is reasonable to conclude that the site is suitable for the proposed use. The site is unlikely to pose a significant risk of harm to human health or the environment and is suitable for the intended use. No further investigation or remediation is deemed necessary.

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

This SEPP requires a BASIX Certificate to be lodged when the development involves a 'BASIX affected development' as defined under *Environmental Planning and Assessment Regulation 2000*, as follows:

- the construction of a new residential dwelling
- the change of use of a building by which a building becomes a BASIX affected building (a new residential dwelling)
- the alteration, enlargement or extension of an existing dwelling, where the estimated construction cost of the development exceeds \$50,000
- development for the purpose of a swimming pool or spa, or combination of swimming pools and spas, that services or service only one dwelling and that has a capacity, or combined capacity, of 40,000 litres or more.

BASIX does not apply to any of the following development (BASIX excluded development):

- development for the purpose of a garage, storeroom, car port, gazebo, verandah or awning,
- alterations, enlargements or extensions to a building listed on the State Heritage Register under the Heritage Act 1977,
- alterations, enlargements or extensions that result in a space that cannot be fully enclosed (for example, a verandah that is open or enclosed by screens, mesh or other materials that permit the free and uncontrolled flow of air), other than a space can be fully enclosed but for a vent needed for the safe operation of a gas appliance

The proposal is deemed to be 'BASIX affected development', and accordingly a BASIX Certificate has been issued and is submitted with this application.

6.1.3 Strathfield Local Environmental Plan 2012

Part 2 – Land Use

Permissibility

The site is zoned R2 – Low Density Residential under *Strathfield Local Environmental Plan 2012*.

The proposed works seeks to construct a dwelling house and this is permissible within the zone.

Part 4 - Development Standards

Clause 4.3 - Height of buildings

A 9.5 metre building height control applies to the site.

The new dwelling achieves a maximum height of 9.475 metres (RL41.805) above existing ground level (RL32.330) and complies.

Clause 4.4 - Floor space ratio

Refer to Clause 4.4C

Clause 4.4C – Exceptions to Floor space ratio (Zone R2)

The floor space ratio control for the site is 0.5:1 for a site area greater than 1,000m²

The proposed development achieves a floor space of 685.5m², resulting in a FSR of 0.48:1, and is less than the permitted maximum floor space ratio. The proposal complies with the development standard.

Clause 4.6 – Exceptions to Development Standards.

Not applicable.

Part 5 – Miscellaneous Provisions

Clause 5.10 - Heritage conservation

The site is not identified as a heritage item, and is not located within a heritage conservation area. Accordingly, this clause is not applicable to the proposed development.

Part 6 – Local Provisions

Clause 6.1 - Acid sulfate soils

The site is identified as containing Class 5 acid sulfate soils.

Subclause (2) requires consent for works that are *'within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land'*.

Considering the proposed depth of the excavation works are not located within 500 metres of Class 2 Acid Sulfate Soils, and do not extend below RL5.00AHD, and nor will the development penetrate the water table, an Acid Sulfate Soil Management Plan is not required.

Clause 6.2 - Earthworks

The proposal seeks to undertake bulk earthworks within the footprint of the proposed dwelling to construct the new basement level of the dwelling.

These works are setback more than 1.5m from the side boundaries and are not considered to result in any significant earthworks or associated groundwater dewatering that is likely to be disruptive of, or detrimental effect on, drainage patterns and soil stability in the locality of the development.

No further environmental assessment is required under this clause.

Clause 6.3 – Flood Planning

The site is not identified as being located within flood liable land, as identified by *Strathfield Local Environmental Plan 2012*.

Clause 6.11 - Terrestrial biodiversity

The site is not identified as 'Biodiversity' on the Natural Resource – Biodiversity Map, and accordingly this clause does not apply.

6.2 Provisions of Draft Proposal Environmental Planning Instruments (clause 4.15(1)(a)(ii))

There are no relevant Draft Environmental Planning Instruments applicable to the site and the proposed development.

6.3 Provisions of Development Control Plans (clause 4.15(1)(a)(iii))

6.3.1 Strathfield Consolidated Development Control Plan 2005

Control	Comment
<i>Part 2.2.1 – Streetscape Presentation</i>	<p>The proposed building has been orientated to address the street with a clearly identifiable entry.</p> <p>The proposed building has a gable and hip roof form and an identifiable entry portico with vertically proportion window/door openings which is consistent with the architectural character of the streetscape.</p>
<i>Part 2.2.2 – Scale, Massing and Rhythm of Street</i>	<p>The Newtown Road streetscape is in transition with a variety of older single and two storey dwellings, with recent larger two storey grand home dwellings.</p> <p>The proposal is consistent with the larger two storey grand home topology and is appropriately proportioned given the substantial width (20.1m) and area of the lot (1,416m²).</p> <p>The proposal will retain a single dwelling in a detached building form sited within the landscaped setting.</p> <p>The central gable roof form associated with the entry portico and entry foyer is compliant with councils height control. This building element represents less than 25% of the frontage of the site and displays as a decorative element to the front façade of the building. This design</p>

	<p>element does not contribute to a substantial bulk and scale impact upon the streetscape or when viewed from adjoining properties.</p> <p>The remainder of the building including the external wall heights, and remaining roof geometry along each side boundary is generally consistent with the height of the existing building on the site, and consistent with the two (2) storey grand home dwelling recently approved and constructed within the local area.</p> <p>As further demonstrated within this report, the setbacks, building form, height, scale and siting of the dwelling is considered appropriate and proportioned to the larger land holding.</p>
Part 2.2.3 – Building Forms	The building form is appropriately articulated with wall lengths not greater than 10 m in length.
Part 2.2.4 – Architectural Detailing	<p><u>Roof Forms</u></p> <p>The Newtown Road streetscape is in transition with a variety of older single and two storey dwellings, with recent larger two storey grand home dwellings.</p> <p>The proposed building has a gable and hip roof form with a roof pitch that is appropriate and in proportion to the scale and mass of the building.</p> <p><u>Materials</u></p> <p>The proposed walls of the dwelling are predominantly painted cement render with the portico and corners of the buildings complemented with natural stone. These traditional building materials are appropriate to the streetscape.</p> <p><u>Colours</u></p> <p>The proposal includes natural earthy tones and this colour scheme is compatible with the streetscape.</p>
Part 2.2.5 – Two (2) Storey Porticoes	The proposed Portico is limited to the ground floor level (single storey) component of the proposed dwelling.

Part 4.2.1 – Floor Space Ratio	Refer to clause 4.3C discussions under the <i>Strathfield LEP 2012</i> .
Part 4.2.2 – Building Height	<p><u>Overall Building Height</u></p> <p>Refer to clause 4.4 discussions under the <i>Strathfield LEP 2012</i> in regard to maximum building height</p> <p><u>Internal Floor Height</u></p> <p>The maximum internal floor-to-ceiling height is 3m in accordance with control 5.</p> <p><u>External Wall Height Control</u></p> <p>The proposed dwelling generally complies with the maximum external wall height control of 7.2m, with minor exceedance of the control (~300mm) limited to the southwest corner of the dwelling due to the existing topography slope of the site down towards the street.</p> <p>This minor exceedance of the wall height is considered consistent with the objectives of the building envelope control or the following reasons:</p> <ul style="list-style-type: none"> • The area of the wall that exceeds the control is further setback from the side boundary in excess of council's side setback control. • The additional height is minimal and measures ~300mm. A compliant wall height will not result in any perceived noticeable difference when viewed from the street and from 35 Newton Road. • The additional wall height does not result in any shadow cast upon any window openings or the private open space area of 35 Newton Street. • There are no significant views across the site and the area of non-compliance enjoyed from adjoining properties.

	<p><u>Outbuilding Building Height</u></p> <p>The proposed outbuilding (RL37.542) has an overall building height of 3.832m above EGL33.71, exceeding the Control by 332mm. The additional height is considered reasonable given increased side setbacks and the additional height of 332mm at the roof ridge will not be visually noticeable from adjoining properties and will not result in any adverse impacts upon adjoining properties.</p>
<p><i>Part 4.2.3.1 – Street Setbacks</i></p>	<p>The proposed dwelling has a primary Street setback of 10 m and is consistent with the front building line of 29 and 31 Newton Road, and complies with Table A.1.</p>
<p><i>Part 4.2.3.2 – Side and Rear Setbacks</i></p>	<p>The width of the lot is 20.115m, and a cumulative side setback of 4.023m is required.</p> <p>The proposal includes 2.852m setback from the western boundary and a 1.3m setback from the eastern boundary, resulting in a cumulative setback of 4.152m and complies.</p> <p>The dwelling includes a rear setback in excess of 6m and complies.</p>
<p><i>Part 5.2.1 – Landscape Area</i></p>	<p><u>Control 1 – Minimum Landscape Area</u></p> <p>The minimum landscape area for the site under Table A.3 is 45% of the site area.</p> <p>The proposal provides a minimum landscape area of 709.1m² representing 50% of the site area and complies.</p> <p><u>Control 2 – Landscape Area Behind the Building Line</u></p> <p>Control 2 requires '<i>At least 50% of the minimum landscaped area should be located behind the building line to the rear boundary</i>'.</p> <p>The proposal provides 584.5m² of landscape area located behind the front building line, representing 92% of the required landscape area, and complies with this control.</p>

	<p><u>Control 3 – Front Yard Landscape Area</u></p> <p>The area forward of the front building line measures 214m².</p> <p>The proposal provides at least 110m² of landscape area forward of the front building line, representing 52% of the front yard area, and complies with this control.</p>
<p><i>Part 5.2.2 – Tree Protection</i></p>	<p>The proposal does not seek to remove, or undertake any construction works within 3 metres of any existing significant trees located on the site identified on Council's Tree Preservation Order.</p> <p>The proposal seeks to remove the existing council street tree to facilitate the construction of the new driveway.</p> <p>The proposal is supported by an Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist to remove the southwestern street tree to allow for the construction of the new driveway.</p> <p>The Report concludes:</p> <ul style="list-style-type: none"> • The tree species is a weed. • The tree species is problematic in regards to root growth and displacement of surrounding infrastructure • The tree has been classified as having a short term retention value. • The tree crown has been damaged to clear the overhead electrical wires, and is experiencing dieback of the lower order leaders • The site is the only street frontage that contains two street trees. The removal of the tree will not result in any noticeable difference to the aesthetic and environmental qualities of the streetscape.

<p>Part 5.2.3 – Private Open Space</p>	<p>The proposal provides adequate private open space for the enjoyment of the occupants of the building.</p>
<p>Part 5.2.4 – Fencing</p>	<p>The proposed fence includes a solid cement render base that aligns with the ground floor level of the dwelling, and the mass is broken into bays by slimline piers.</p> <p>Located above is an elegant palisade fence that allows views into the front yard of the property.</p> <p>The overall height of the fence varies between 1.7m to 1.8m, and this height is reasonable as it is architecturally proportioned with the architecture and mass of the proposed grand dwelling on a larger lot.</p>
<p>Part 6 – Solar Access</p>	<p><u>31 Newton Road, Strathfield</u></p> <p>The proposal results in minor overshadowing between 1 – 2pm in mid-winter upon the north western habitable of this dwelling. This is considered reasonable, given this room is able to receive solar access from 9am to 12 midday through the northern elevation windows. No overshadowing will occur into the private open space of this property.</p> <p><u>35 Newton Road, Strathfield</u></p> <p>The proposal results in minor overshadowing between 9 – 10am in mid winter upon the vehicle driveway. No overshadowing will occur upon habitable windows or the private open space area of this property.</p> <p><u>3 South Street, Strathfield</u></p> <p>No overshadowing will occur upon habitable windows or the private open space area of this property.</p>

Part 7 – Privacy

Ground Floor Windows

The ground floor window openings have an outlook towards the common boundary fence and do not raise any overlooking impacts upon the adjoining properties.

First Floor Windows

The proposed first floor windows are not located within 9m of any first floor windows of an adjoining dwelling.

First Floor Balconies

The proposal includes a first floor balcony located off Bedroom 2 orientated towards the rear, a first floor balcony located off Bedroom 1 orientated towards the west over the swimming pool.

The Bedroom 2 balcony includes a privacy screen along the western side perimeter of the balcony to prevent views into the rear yard of 35 Newton Road. No privacy impacts are expected from this balcony.

The Bedroom 1 balcony is located 13.466m from the side boundary of 35 Newton Road and views to this balcony is screened by the Balcony 2 structure and landscaping. No privacy impacts are expected from this balcony.

Part 8 – Vehicle Access and Parking

Driveway and Grades

The proposal seeks to relocate the existing driveway crossing from the eastern side boundary of the site to the western side boundary of the site. This single driveway crossing will be 3.5m wide and allows vehicles to access a driveway down to the basement level.

The proposed driveway configuration and grades have been designed in accordance with AS2890.1.

	<p><u>Basements</u></p> <p>The basement level is confined to the footprint of the dwelling and the height of the basement does not exceed more than 1 metre above existing ground level.</p> <p>The basement driveway does not exceed 3.5m wide.</p>
<i>Part 9 – Altering Natural Ground Level</i>	The extent of bulk excavation is limited to the footprint of the proposed dwelling. The site levels to the remainder of the site remain generally unchanged.
<i>Part 10 – Water and Soil Management</i>	Refer to submitted soil erosion and sediment control plan and stormwater concept plans.
<i>Part 11 – Access, Safety and Security</i>	The proposal includes an identifiable entry, a front door that is visible to the street, habitable windows to the street to maximise casual surveillance and perimeter fencing to enhance security. The proposal complies with this Part.
<i>Part 12.2.2 – Outbuildings</i>	The proposed Tennis House is located 900mm from the side boundary and measures a maximum of 40m ² . The proposal complies with this Part.
<i>Part 12.2.6 – Swimming Pools</i>	The swimming pool is located more than 1m from the side boundaries and has a coping level that is less than 1m above existing ground level. The proposal complies with this Part.
<i>Part 12.2.7 – Tennis Courts</i>	No change is proposed to the existing Tennis Court.

6.4 Planning Agreements (clause 4.15(1)(a)(iii))

None applicable.

6.5 Environmental Planning and Assessment Regulations 2000 (clause 4.15(1)(a)(iv))

There are no relevant matters for consideration

6.6 Any Coastal Zone Management Plans (clause 4.15(1)(a)(v))

None applicable.

6.7 The Likely Impacts of the Development (clause 4.15(1)(b))

The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and environmental impacts in the locality have been adequately addressed within the body of this report.

The report demonstrates the development complies with Council's relevant LEP and DCP's controls. Where non-compliance has been identified, it has been demonstrated that the development satisfies the objectives of the relevant control.

Overall, the development will provide a positive urban development outcome for the site, and positive contribution to the locality. It has been designed to satisfy Council's desire future character for the local area, and has been designed to limit impacts upon adjoining properties.

6.8 Suitability of the Site (clause 4.15(1)(c))

The preceding sections of this report demonstrate that the site is suitable for the proposed development. There are no significant constraints that would hinder the proposal to be carried out as outlined in this report.

6.9 Any submissions made in accordance with this Act or the regulations (clause 4.15(1)(d))

This matter is to be considered by the consent authority.

6.10 Public Interest (clause 4.15(1)(e))

The preceding sections of this report demonstrate that the proposal satisfies the provisions of the LEP and DCP. The proposal will not result in any unacceptable detrimental social, environmental and economic impacts upon adjoining properties. Consequently, the proposal is considered to be in the public interest.

7.0 Conclusion

The application seeks approval to undertake demolition of the existing dwelling and detached garage, and the construction of a new two (2) storey dwelling, detached outbuilding and swimming pool.

As further demonstrated in this report, the proposed additions are considered appropriate and reasonable for the following reasons:

- The proposal will retain a single dwelling in a detached building form sited within the landscaped setting. The proposal is compliant with council's setbacks and density controls. The proposal does not alter the low density residential environment of the Newton Road streetscape and local area. The proposal is therefore consistent with the relevant objectives for development in the R2 Low-Density Residential Zone.
- The proposed building height complies with council's building height control. The building height is less than the height of the existing building on site proposed to be demolished.
- The external wall heights, and remaining roof geometry along each side boundary is consistent with the height of the existing building on the site.
- The proposal is compliant with council's floor space ratio density controls.
- The proposed dwelling is compliant with, and substantially exceeds council's side and rear setback controls.
- The proposal provides greater landscape area than that required by council's controls.
- The proposed development does not result in the removal of any significant or protected trees.
- The proposal maintains adequate solar access to the adjoining dwellings in accordance with Council's controls.
- The proposal does not result in any privacy impacts upon adjoining properties.
- The proposal does not result in any loss of views enjoyed from adjoining properties.

The proposal is considered suitable and is a good planning outcome for the site, and the locality. It is therefore recommended that Council approve the development application.