

DETERMINATION AND STATEMENT OF REASONS

WILLOUGHBY LOCAL PLANNING PANEL

DATE OF DETERMINATION	29 MAY 2018
PANEL MEMBERS	Penny Holloway (Chair), Annelise Tuor, Gary Shiels and Robert Freestone
DECLARATIONS OF INTEREST	NIL

Public meeting held at Willoughby City Council Chambers on 29 May 2018 opened at 3.09pm and closed at 3.19pm.

MATTER DETERMINED

DA-2017/336 at 31 Euroka Street, NORTHBRIDGE NSW 2063 (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel unanimously supports the applicant's request to vary the height standard in Clause 4.3 of the *Willoughby LEP 2012*. The Panel considered the applicant's submission had demonstrated the matters required by Clause 4.6(3) and the objectives of the height standard and the zone will be met notwithstanding the variation.

The Panel determined to **approve** the development application as described in Schedule 1 pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was **unanimous**.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- A. Support the Clause 4.6 variation to the Height to Building contained in Clause 4.3 of *Willoughby Local Environmental Plan 2012* as it is considered unreasonable and unnecessary to comply with the development standard for the following reasons:
 - 1) The existing roof height (RL 71.68) is approximately 800mm above the 8.5 height limit.
 - 2) The adjoining dwelling at No. 29 Euroka Street has a skillion roof with roof height of RL 72.61 as opposed to the proposed roof height of RL 72.435 for No. 31 Euroka Street. Therefore the proposed height variation will not be out of keeping in relation to the streetscape and height of adjoining development. Further, when viewed from the street, the proposed development will have the appearance of a two-storey dwelling.
 - 3) The submitted shadow diagrams indicate the proposal will not result in any additional overshadowing to the northern windows of No. 29 Euroka Street.

- B. Approve Development Application 2017/336 for alterations and additions to dwelling, garage and driveway, swimming pool and associated works at 31 Euroka Street Northbridge, subject to the conditions contained in Attachment 1, for the following reasons:
 - 1) The proposal has acceptable amenity impacts to the neighbouring properties with regard to bulk, height, privacy and overshadowing.
 - 2) The proposal is consistent with the objectives for development contained in Willoughby Local Environmental Plan and Willoughby Development Control Plan.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment report with the following change: Delete the Schedule 1 Deferred Commencement consent requirements and relocate the proposed Deferred Commencement condition to Schedule 2 of **Attachment 1** as follows:

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The following condition of consent must be complied with prior to the lodgement of application for a construction certificate

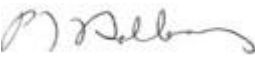



1a. Submit the Following Information to Willoughby City Council

Prior to the lodgement of an application for a construction certificate, the applicant shall submit plans and specifications satisfying the following requirements to Willoughby City Council for approval. Documentation confirming approval by Willoughby City Council shall then be submitted to the Certifying Authority for the application of a construction certificate.

Submit detailed stormwater management plans for collection of stormwater drainage from the site. As the site falls to the rear, details are to be provided of the method of disposal, in accordance with the requirements of Part C.5 of the Willoughby DCP.

- (a) Pursuant to Part C.5 of Council's DCP, Council may consider the use of an on-site absorption method if the applicant can demonstrate that no interallotment drainage easement can be obtained from downstream property through negotiation or all other alternatives have been comprehensively examined. In this regard, the applicant is required to submit the following information to Council for further assessment:
- (b) Demonstrate that no interallotment drainage easement can be obtained from downstream property(s). To satisfy Council that all reasonable efforts have been made to obtain the easement, the applicant shall provide documentary evidence by way of a letter stating the detail of a fair and reasonable monetary compensation offer and a signature from the downstream property owner(s) refusing the offer.
- (c) Infiltration or dispersal systems are only to be used when all other methods of disposal are not possible and details have been provided of measures undertaken to achieve other methods. All details for the disposal system including the location of any trenches are to be in accordance with the requirements of Part C.5 of the Willoughby DCP.
- (d) The plans shall include a rainwater re-use tank(s) system with a minimum storage volume of 10 m³, with all roof water from the site draining to the tank. The tanks shall be in accordance with Sydney Water's requirements and Part C.5 of the Willoughby DCP and Technical Standard No. 1 and 2. The rainwater reuse tank system shall be connected to supply non-potable use including landscape, pool top up, irrigation and car washing.
- (e) Overflow from the rainwater tank/s shall be above the 1%AEP flood level. The rainwater re-use tank shall be located behind the front alignment of the building to which the tank is connected. Tanks are to be located outside the footprint of the buildings.
- (f) Overflow from the rainwater tank shall either be directed to the existing drainage easement by gravity or via new an interallotment drainage easement. If an interallotment drainage easement cannot be obtained from downstream property(s), an on-site absorption system shall be designed so that the trench is 1 lineal metre long for every 10m² of the impervious area draining to it. The system shall consist of the use of *Evertrench Jumbo 410* or similar product with 20mm river gravel wrapped with geofabric. The system shall be positioned at least 5 metres from the downstream property boundaries, at least 3 metres from any structures and side boundaries, and the system shall not be located where it could have an adverse impact on any existing or proposed trees. Supporting calculations shall be provided on the drawings.
- (g) The construction drawings and specifications shall be prepared by a qualified and experienced civil engineer or suitably qualified stormwater drainage consultant and shall be in accordance with the stormwater management plans. All drawings shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS3500.3 – *Plumbing and Drainage Code*, Sydney Water's requirements and the National Construction Code.

(Reason: Ensure compliance)

PANEL MEMBERS	
 PENNY HOLLOWAY (CHAIR)	 ANNELISE TUOR
 GARY SHIELS	 ROBERT FREESTONE

SCHEDULE 1		
1)	DA NO.	DA-2017/336.
2)	PROPOSED DEVELOPMENT	Alterations and additions to dwelling, garage and driveway, swimming pool and associated works.
3)	STREET ADDRESS	31 Euroka Street, NORTHBRIDGE NSW 2063.
4)	APPLICANT/OWNER	Mr J B Renshaw and Ms C M Renshaw.
5)	REASON FOR REFERRAL	Departure from standard by more than 10%.
6)	RELEVANT MANDATORY CONDITIONS	<ol style="list-style-type: none"> 1) Environmental planning instruments: <ul style="list-style-type: none"> • <i>SEPP BASIX.</i> • <i>Sydney Regional Environmental Plan (Sydney and Middle Harbour Catchment)(Deemed SEPP).</i> • <i>State Environmental Planning Policy (Coastal Management) 2018.</i> • <i>Willoughby Local Environmental Plan 2012.</i> 2) Development control plans: <ul style="list-style-type: none"> • <i>Willoughby Development Control Plan 2016.</i> • Section 94A Plan. 3) The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. 4) The suitability of the site for the development. 5) Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations. 6) The public interest, including the principles of ecologically sustainable development.
7)	MATERIAL CONSIDERED BY THE PANEL	Council assessment report for meeting 29 May 2018.
8)	MEETINGS AND SITE INSPECTIONS BY THE PANEL	Site inspection and briefing meeting dated 29 May 2018.
9)	COUNCIL RECOMMENDATION	Deferred Commencement Approval.