

DETERMINATION AND STATEMENT OF REASONS
WILLOUGHBY LOCAL PLANNING PANEL

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| DATE OF DETERMINATION | 26 March 2019 |
| PANEL MEMBERS | Garry West (Chair), Trevor Bly, Julie Savet Ward and Robert Wilson |
| DECLARATIONS OF INTEREST | NIL |

Public meeting held at Willoughby City Council Chambers on 26 March 2019 opened at 2.42pm and closed at 3.10pm.

MATTER DETERMINED

DA-2017/484/A at 240 Edinburgh Road, CASTLECRAG NSW 2068 (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 the meeting and the site inspection listed at item 8 in Schedule 1.

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 Panel resolved to:

Approve Development Application DA-2017/484/A subject to the amended conditions contained in the Council Assessment Report for meeting dated 26 March 2019, for the following reasons:

1. The development as modified remains substantially the same development as originally approved.
2. The amended proposal maintains the approved roof ridge (RL 79.72) as the extended part of the rear first floor level terrace is located below the approved roof ridge level.
3. The proposal, subject to amendments as recommended, is considered to maintain visual quality when viewed from the surrounding areas including The Bulwark.
4. The proposal, subject to amendments as recommended, is consistent with the specific objectives of the E4 – Environmental Living zone in terms of its compatibility with the scale and character of surrounding development and its likely impacts in respect to solar access, residential amenity and visual and acoustic privacy.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

Condition 3 to be amended to read as follows:

3. Privacy Measures

Revised Architectural Plans incorporating the following privacy measures shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate:

- ~~(a) The rear balconies/terraces at the ground floor and the first floor levels shall provide privacy screens along the eastern and western sides in the following manner.~~
- ~~• The privacy screens shall be fitted with translucent glazing or include fixed louvres angled at 45° in a southern (vertical) direction.~~
 - ~~• The total height of the privacy screens including balustrade shall be 1.6m from the relevant finished floor level.~~

- (a) The rear balcony/terrace at the ground floor shall provide privacy screens along the eastern and western sides in the following manner:
- The privacy screens shall be fitted with translucent glazing or include fixed louvres operable between zero degrees to a maximum of 45 degrees in a southern (vertical) direction.
 - The total height of the privacy screens including balustrade shall be 1.6m from the relevant finished floor level.
- (b) The ground floor level full height windows (GW02, GW03 and GW04) associated with the laundry, en-suite and robe shall provide privacy measures to prevent overlooking of the property to the east, such as translucent glazing or louvres.
- (c) The ground floor level full height window (~~GW01 and~~ GW05) associated with bedroom shall provide fixed translucent glazing or louvres to a height of 1.6m from the relevant finished floor level.

Alternatively, dimensions of the window (GW05) shall be reduced to provide a minimum sill height of 1.5m from the relevant finished floor level.





- (d) The first floor level full height powder room window (FW03) shall provide privacy measures to prevent overlooking of the property to the east, such as translucent glazing or louvres.
- (e) The first floor level full height living/dining room windows (~~FW04 and~~ FW05) shall provide fixed translucent glazing or louvres operable between zero degrees to a maximum of 45 degrees angled at 45° in a southern in a southern (vertical) direction to a height of 1.6m from the relevant finished floor level.
- (f) The aluminium privacy screen proposed to the first floor level staircase window (FW07) shall provide fixed louvres angled in such a way that does not provide a direct view of the adjoining rear yard/s operable between zero degrees to a maximum of 45 degrees in a southern (vertical) direction.
- (g) The rear first floor level balcony/terrace shall provide privacy measures in the following manner:

- A solid wall to a height of 1.2m with a built in bar-be-que attached to the inside of the solid wall shall be provided along the eastern edge of the balcony/terrace.

Alternatively, 1.6m high privacy screen from the relevant finished floor level fitted with translucent glazing or include fixed louvres operable between zero degrees to a maximum of 45 degrees in a southern (vertical) direction shall be provided.

- A 1.6m high privacy screen from the relevant finished floor level fitted with translucent glazing or include fixed louvres operable between zero degrees to a maximum of 45 degrees in a southern (vertical) direction shall be provided to the entire western edge of the rear balcony/terrace. The privacy screen shall be flush with the balustrade and shall not encroach within 0.9m side setback area.

(Reason: Amenity and Privacy)

| PANEL MEMBERS | |
|-----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
|  GARRY WEST (CHAIR) |  TREVOR BLY |
|  JULIE SAVET WARD |  ROBERT WILSON |

| SCHEDULE 1 | | |
|-------------------|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1) | DA NO. | DA-2017/484/A |
| 2) | PROPOSED DEVELOPMENT | Modification to approved alterations and additions to dwelling. |
| 3) | STREET ADDRESS | 240 Edinburgh Road, CASTLECRAG NSW 2068. |
| 4) | APPLICANT/OWNER | Mr A A Marks. |
| 5) | REASON FOR REFERRAL | Departure from standard by more than 10%. |
| 6) | RELEVANT MANDATORY CONSIDERATIONS | <ol style="list-style-type: none"> 1) Environmental planning instruments: <ul style="list-style-type: none"> • SEPP BASIX. • Sydney Regional Environmental Plan (Sydney and Middle Harbour Catchment) (Deemed SEPP). • Willoughby Local Environmental Plan 2012. 2) Development control plans: <ul style="list-style-type: none"> • Willoughby Development Control Plan • Sydney Harbour Foreshores and Waterways. • Section 7.12 (S94A) 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 | <ol style="list-style-type: none"> 1) Council assessment report for meeting dated 26 March 2019. 2) Verbal submissions at the public meeting: <ul style="list-style-type: none"> • Object – Nil • Support - Nil • On behalf of the applicant – <ul style="list-style-type: none"> • Aidan Marks (applicant) • Ryan Swanson (owner) • Jennie Askin of aSquare Planning Pty Ltd |
| 8) | MEETINGS AND SITE INSPECTIONS BY THE PANEL | Site inspection and briefing meeting on 26 March 2019 |
| 9) | COUNCIL RECOMMENDATION | Approval. |