

RECORD OF DECISION

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

MEMBERS:

John Roseth	Chair
David Furlong	Panel Member
Mary-Lynne Taylor	Panel Member
Patrick Reilly	Panel Member
Steven Head	Panel Member

The Panel considered, by way of email, the amendments to the application arising out of the meeting held on 21 July 2010 . This is a record of the process and decision.

2010SYE023 Willoughby DA No. 2010/202– Demolition Demolition of existing structures on site and erection of 4 storey residential flat building; 260 Penshurst Street, North Willoughby

The Panel at its meeting on 21 July 2010 considered the Council's planning assessment report which recommended deferring the determination of the application pending the submission of amended drawings. The Panel reached a unanimous decision that it would approve the application subject to the amended plans.

Amended plans were lodged with Council on 14 September 2010. Council's assessment officer responded to the amended proposal in a report dated 16 September 2010. (Appendix 1) The report recommended approval of the application subject to the imposition of two additional conditions.

The Panel Secretariat circulated the report (Appendix 1) and original minutes of panel meeting 21 July 2010 (Appendix 2) to panel members.

Resolved

The Panel resolved unanimously that development application 2010SYE023 Willoughby DA No. 2010/202– Demolition of existing structures on site and erection of 4 storey residential flat building; 260 Penshurst Street, North Willoughby, is approved, subject to the additional conditions recommended in the assessment report.

Additional subclause h) to Condition 4

- h) Parapet wall infilling between the fin walls of the street elevation of the approved building is to be no greater than 300 mm above the respective uppermost floor levels.

Additional Condition 8A

The roofing and cladding of the proposed building are to be of minimal reflectance (maximum of 20%) so as to avoid nuisance in the form of glare or reflections to the occupants of nearby buildings, pedestrians and/or motorists. Detailed specifications complying with this condition of consent must be submitted to the certifying authority and endorsed with the Construction Certificate.

Endorsed by

John Roseth
Chair, Sydney East Region Planning Panel
1 October 2010



ENVIRONMENTAL SERVICES

16 September 2010

Panel Secretariat - NSW JRPP
 Level 13
 Thakral House
 301 George Street
 Sydney NSW 2000

Dear Sir/Madam,

**Re: 260 Penshurst Street, NORTH WILLOUGHBY NSW 2068.
 DA-2010/202 (2010SYE023)**

Reference is made to the abovementioned development application, and the minutes of the Sydney East Regional Panel Meeting held at Willoughby City Council on 21 July 2010. The Panel has resolved to determine the application subject to the submission of amended plans, and would approve the application if the proposal is amended as per point 2 of the resolution. Council has received an amended proposal from the applicant on 14 September 2010. Enclosed is a copy of the documentation received, including a CD copy.

1. Amended proposal

The amended proposal has been reviewed against point 2 of the Panel's resolution as outlined below:

A) Roof forms and upper levels

The proposal be amended generally in accordance with submitted sketches numbered SK05/M (Second floor plan), SK06/M (Third floor plan), SK07/M (Roof Plan), SK08/M (Elevations) and SK09/M (Section DD), dated June 10, prepared by Mckenzie Architects, and the following amendments:

Comments: The amended roof forms and their Relative Levels (RLs) are not inconsistent with the abovementioned sketches (attached to the Assessment report to the JRPP). The only issue of concerns with respect to the amendments to the upper most floor relate to the height of the parapet wall infilling between the fin walls on the street façade of the development. The height of the parapet is considered to add to the visual bulk of the uppermost level. Noting no accessible roof / balcony is proposed on the uppermost floor, and the parapet walls are not associated with any roof area, it is recommended the height of these parapet walls be reduced to 300mm above the respective floor levels by an additional subclause to **Condition 4**. Please refer to the *Recommendation* section of this letter.

Reference: 2010/202
 Enquiries: Annie Leung
 Phone: 02 9777 7643
 Availability: 8.30am-10.00am, otherwise by appointment

Willoughby City Council

i) Change in dwelling mix, and reduce the total number of dwellings to 40 as follows: twenty-one (21) 1-bedroom dwellings, seventeen (17) 2-bedrooms dwelling and two (2) 3-bedrooms dwellings.

Comments: The amended proposal's overall dwelling mix complies with the above requirement. It is noted that the amended proposal includes a study room on the uppermost level of the northern wing of the building for Unit 26, and create an additional bedroom on the ground floor for Unit 5 by reduction of plant room. These changes are not considered to create additional external impacts and the internal amenity of the Units and rooms are considered acceptable. Please refer to the *SEPP 1 Matters* section of this letter with respect to FSR calculations.

ii) The third floor of the northern wing of the building must provide the following minimum setbacks as measured from the outer face of the external walls to the respective boundary:

- 11m from the northern boundary or the glass line of the terrace area of Units 39 and 40 (whichever is less)
- 12.5m from the western boundary

iii) The third floor of both the northern and southern wings of the building must be setback a minimum of 9.9m from the street boundary of the site as measured from the outer face of the external walls;

iv) The third floor of the southern wing of the building must be setback a minimum of 7m from the outer face of the southern external walls of the level below, as measured from the outer face of the external walls on the third floor;

Comments: Submitted Drawing numbered SK06c noted the required setbacks with correct dimensions.

v) All dormer windows shown on side and rear elevations of the third floor are limited to 1.2m wide and the head of the dormer windows must be at least 300mm below the ridge height of the associated roof plane.

Comments: The dormer windows shown on the amended proposal are 1.2m in width, and are greater than 300mm below the ridge of their associated roof plane.

vi) All revised dwelling layouts must comply with Part 3 of SEPP65 including:

1. Apartment layout:

a) single aspect apartment depth is maximum 8m from a window

b) The back of a kitchen is a maximum 8m from a window

c) The width of cross over or cross through apartment if over 15m in depth must be at least 4m in width

d) Minimum apartment sizes at:

- 1 bedroom - 50m²
- 2 bedroom - 70m²
- 3 bedroom - 95m²

2. Minimum Balcony width of 2m and size of 10m²;

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3. Minimum Ceiling height of 2.7m for all habitable rooms and 2.4m for all non-habitable rooms,

4. Minimum storage areas at:

- studio apartments 6m³
- one-bedroom apartments 6m³
- two-bedroom apartments 8m³
- 3 plus bedroom apartments 10m³

Comments: The amended proposal complies with the above requirements. It is noted that single aspect units, Unit 2, 12, 24, 40 are greater than 8m in depth (up to 9m), but these units have windows to the common central lightwell, and are considered to have an acceptable level of internal amenity with regards to SEPP 65 principles.

Amendments to "link" element (comprising Unit 5, Unit 17 and Unit 31)

The front fence line enclosing the private open space of ground floor Unit 5 is to be setback a further 2.5m from the general high fence line enclosing the private open space of the ground floor dwellings fronting Penshurst Street. The resulting increased setback area is to be occupied by a feature landscaped area complying with Deferred Commencement Condition B.

Comments: The front fence line of Unit 5 has been setback a further 2.5m as shown on submitted Drawing numbered SK03c. The front fence of Unit 5 is setback 5.6m from the street boundary, and the general high fence line is setback 3.1m from the street boundary.

B) Feature Landscaped Area

Submission of a revised landscaped plan showing a feature landscaped area garden required by deferred commencement condition A subclause b) that includes but not limited to the following features:

- i. Provide visual break in the uniform landscaped strip along the frontage of the site with differentiable landscaped feature that will attract greater visual interest.*
- ii. A feature tree of a suitable flowering species with mature height not less than 8m, and a minimum of 200L pot size*
- iii. Dense but low height and low maintenance species be provide near the street boundary that would prevent pedestrian access.*

Comments: The amended landscape plan accompanying the amended proposal shows a "Feature Alcove" incorporating a Weeping Lilly Pilly as a native flowering species with mature height of 10-15m, and complemented by feature rocks and low and dense planting such as Flax Lilly with mature height of 200mm.

C) Driveway gradient

Submission of a revised driveway design and associated changes to the ground floor units (Unit 1 & Unit 2) and basement floor plans to comply with the followings. The revised design must be documented with driveway longitudinal sections at 1:20 scale, driveway plan at 1:50 scale, and revised architectural drawings.

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The gradient for the driveway is limited to a maximum of 1:6.5 to allow access for a small rigid vehicle to access the loading area on Basement Level 1. The design of this driveway, including any change in gradient, and headroom clearance must comply with the relevant provisions of AS2890.1 and AS2890.2. All vehicles must be permitted to enter and exit the site in a forward direction. Consequential Reduction of building footprint/floor area on the Ground floor of the development is required to comply with this Deferred Commencement Condition.

Reduction of dwelling size and revision of apartment layout on the Ground floor (Unit 1 and Unit 2) to cater for the required driveway access must comply with subclause vi) of Deferred Commencement Condition A)a), and a minimum open space of 35m² with minimum 4m width with direct access from living area must be maintained for any Ground floor dwellings.

Comments: The amended proposal includes amendments to the private open space of Unit 1, and minor changes to the access stairs from the basement car park. This allows a minor increase of the length of the ramp down to the basement to reduce its overall gradient. Council's Traffic Engineer has reviewed the amended proposal, including amended driveway profiles (Drawings numbered SK10C and SK14C), and is satisfied that the gradient of the ramp and layout of the loading area to allow access for a Small Rigid Vehicle.

D) Revised Schedule of external finishes

Submission of a revised schedule of external finishes complying with the following requirements:

- i. The roofing and cladding of the proposed building are to be of minimal reflectance (maximum of 20%) so as to avoid nuisance in the form of glare or reflections to the occupants of nearby buildings, pedestrians and/or motorists.*
- ii. External finishes on all elevations form a cohesive scheme. In this regard, the use of facebrick be deleted from the material schedule, and replaced with either the use of splitface block work or banded render; and the use of metal cladding is to be limited to the uppermost level only.*
- iii. The side elevation of street facing terraces/balconies on the southern and northern elevations of the development are to be provided with matching privacy screens comprises of aluminium frames and opaque fixed glazing (matching to windows shown on the northern elevation of Unit 13 and 25.) to provide suitable fenestration to the side elevations of the building as viewed from the street.*
- iv. The colours of the revised external finishes are to be generally consistent with the submitted colour schedule, using neutral and recessive colours.*
- v. All glass balustrades to balconies are to be provided with obscured glass.*

Comments: A revised schedule has been received with the amended proposal together with a coloured elevation drawing (SKSK13C) showing the application of the selected finishes. The schedule meets the above requirements, but contains insufficient information

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on the reflectance of the materials. In this regard, it is recommended that an additional condition of consent **8A** be imposed as noted in the *Recommendation* section of this letter.

2. SEPP 1 Matters

The application is subject to two SEPP 1 objections against Clause 23(b) - FSR and Clause 24 – Height of the WLEP. The amended proposal will have the following implications to these SEPP 1s:

- Reduction of the uppermost floor (4th Storey) that is above the 3 storey height standard contained in Clause 24.
- The FSR of the development is reduced as follows:

Reported (21 July 2010)	Amended proposal	Standard (Clause 23)
G: 948.27 1st: 977.73 2nd: 928.39 3rd: 511.93 Total: 3391.28m ²	963 ¹⁾ 977.73 928.39 496.31 Total: 3365.43m ²	2675.7 m ²
FSR 1.14:1	1.13:1	0.9:1

1) Creation of an additional bedroom on the ground floor for Unit 5 by reduction of plant room

3. Recommendations

Based on the above, Council's officer is satisfied that the amended proposal received by Council 14 September 2010 is not inconsistent with the amendments required by Point 2 of the Panel's minutes of 21 July 2010. It is recommended that the Panel considers the following amendments in the form of additional conditions of consent to address minor issues noted on the amended proposal:

- **Additional Subclause h) to Condition 4**
h) Parapet wall infilling between the fin walls of the street elevation of the approved building is to be no greater than 300mm above the respective uppermost floor levels.
- **Additional Condition 8A**
The roofing and cladding of the proposed building are to be of minimal reflectance (maximum of 20%) so as to avoid nuisance in the form of glare or reflections to the occupants of nearby buildings, pedestrians and/or motorists. Detailed specifications complying with this condition of consent must be submitted to the certifying authority and endorsed with the Construction Certificate.

Should the Panel require further information, please do not hesitate to contact the undersigned.

Yours faithfully

Annie Leung

Development Officer (Development Planner)

Reference: 2010/202
Enquiries: Annie Leung
Phone: 02 9777 7643
Availability: Available 8.30 -10 am, otherwise by appointment

**MINUTES OF THE SYDNEY EAST REGIONAL PANEL MEETING
HELD AT WILLOUGHBY CITY COUNCIL
ON WEDNESDAY, 21 JULY 2010 AT 6:00 PM**

PRESENT:

John Roseth	Chair
David Furlong	Panel Member
Mary-Lynne Taylor	Panel Member
Patrick Reilly	Panel Member
Steven Head	Panel Member

IN ATTENDANCE

Annie Leung	Council Assessment Officer, Willoughby City Council
Greg Woodham	Director of Planning, Willoughby City Council

APOLOGY:

1. The meeting commenced at 6.00 pm

2. **Declarations of Interest -**

No Declarations of Interest were made

3. **Business Items**

***ITEM 1 - 2010SYE023 Willoughby DA No. 2010/202– Demolition
Demolition of existing structures on site and erection of 4 storey
residential flat building; 260 Penshurst Street, North Willoughby***

4. **Public Submission -**

Greg Woodham	Spoke in support of submission by the elected council requesting two additional conditions to be included in the consent.
Garry Chapman (Planner)	Addressed the panel in favour of the application

5. **Business Item Recommendations**

***2010SYE023 Willoughby DA No. 2010/202–260 Penshurst Street, North
Willoughby***

The Sydney East Joint Regional Planning Panel has reached unanimous agreement, as follows:

1. The Panel has resolved to defer the determination of the application pending the submission of amended drawings.

APPENDIX 2

2. The Panel would approve the application if it were amended along the following lines:

- **Amended Plans**

A) Roof forms and upper levels

The proposal be amended generally in accordance with submitted sketches numbered SK05/M (Second floor plan), SK06/M (Third floor plan), SK07/M (Roof Plan), SK08/M (Elevations) and SK09/M (Section DD), dated June 10, prepared by Mckenzie Architects, and the following amendments:

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 - 12.5m from the western boundary
- iii) The third floor of both the northern and southern wings of the building must be setback a minimum of 9.9m from the street boundary of the site as measured from the outer face of the external walls;
- iv) The third floor of the southern wing of the building must be setback a minimum of 7m from the outer face of the southern external walls of the level below, as measured from the outer face of the external walls on the third floor;
- v) All dormer windows shown on side and rear elevations of the third floor are limited to 1.2m wide and the head of the dormer windows must be at least 300mm below the ridge height of the associated roof plane.
- vi) All revised dwelling layouts must comply with Part 3 of SEPP65 including:
 - 1. Apartment layout:
 - a) single aspect apartment depth is maximum 8m from a window
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 - d) Minimum apartment sizes at:
 - 1 bedroom - 50m²
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APPENDIX 2

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APPENDIX 2

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 - iii. The side elevation of street facing terraces/balconies on the southern and northern elevations of the development are to be provided with matching privacy screens comprises of aluminium frames and opaque fixed glazing (matching to windows shown on the northern elevation of Unit 13 and 25.) to provide suitable fenestration to the side elevations of the building as viewed from the street.
 - iv. The colours of the revised external finishes are to be generally consistent with the submitted colour schedule, using neutral and recessive colours.
 - v. All glass balustrades to balconies are to be provided with obscured glass.
3. The Panel will include one of the two conditions suggested by the elected Council:

Replace Condition 63 with:

“Construct a 2m wide concrete footpath for the full frontage of the development site in Penshurst Street. A grass verge is to be planted between the footpath and the kerb/gutter. The turf shall be maintained and kept watered until established and thereafter maintained by the owner’s corporation of the development. All works shall be carried out in accordance with Council’s standard specifications and drawings.”
4. The panel will not include the second condition suggested by the elected Council regarding a shared car scheme space. The Panel accepts the benefits of shared car scheme space but considers it impractical in this case.
5. Following the receipt of amended drawings, the Panel will make a final decision by means of electronic communication, unless events indicate that a second public meeting is necessary
6. David Furlong would not require the additional setbacks required by the majority of the Panel because he considers that there is no planning benefit in increased setbacks to the top story.

MOTION CARRIED.

The meeting concluded at 7:54 pm.

Endorsed by

John Roseth
Chair, Sydney East Joint Regional Planning Panel
29 July 2010