

Meeting Date: Tuesday 15 September 2015
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 5.00pm

NOTICE OF BUSINESS

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1 ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON

Report prepared by: Section Manager - Governance

File No.: CLM/15/1/3/2 - BP15/1288

REPORT SUMMARY

The Chairperson and Deputy Chairperson of the Planning and Environment Committee are elected for a one (1) year term and the following procedures are to be followed for the election process:

- (a) Determination of method of voting (ordinary ballot, preferential ballot or open voting).
- (b) Announcement of nominations.
- (c) Conduct of election.

RECOMMENDATION:

- (a) That the Committee determine the method of voting for the election of the Chair and Deputy Chair.
- (b) That the General Manager or his delegate, as Returning Officer, undertake the election of the Chair and Deputy Chair for the ensuing twelve (12) months by announcing the nominations and then conducting the election.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Amanda Janvrin
Section Manager - Governance

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

2 CONFIRMATION OF MINUTES - Meeting held on 1 September 2015

Report prepared by: Section Manager - Governance**File No.:** CLM/15/1/3/2 - BP15/1287

REPORT SUMMARY

In accordance with Council's Code of Meeting Practice, a motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

RECOMMENDATION:

That the Minutes of the Planning and Environment Committee 13/15, held on 1 September 2015, be confirmed.

ATTACHMENTS

1 MINUTES - Planning and Environment Committee Meeting - 1 September 2015

ITEM 2 (continued)

ATTACHMENT 1

**Planning and Environment Committee
MINUTES OF MEETING NO. 13/15**

Meeting Date: Tuesday 1 September 2015

Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde

Time: 5.00pm

Councillors Present: Councillor Yedelian OAM (Chairperson), The Mayor, Councillor Pickering and Councillor Laxale.

Apologies: Nil.

Leave of Absence: Councillors Chung and Simon.

Absent: Councillor Salvestro-Martin.

Note: In the absence of Councillor Chung, the Deputy Chairperson – Councillor Yedelian OAM chaired the meeting.

Staff Present: Acting Group Manager – Environment and Planning, Service Unit Manager – Assessment, Team Leader – Assessment, Planning Consultant (Creative Planning Solutions), Section Manager – Open Space, Business Support Coordinator – Environment and Planning and Governance, Risk and Audit Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 18 August 2015

RESOLUTION: (Moved by Councillor Laxale and The Mayor, Councillor Pickering)

That the Minutes of the Planning and Environment Committee 12/15, held on 18 August 2015, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

ITEM 2 (continued)

ATTACHMENT 1

2 142 MORRISON ROAD, PUTNEY – LOT 7362 – DP1166680. Development Application for Installation of Playing Field Lighting at Morrison Bay Park. LDA2014/0289.

Note: Chris Rutter (representing Putney Rangers Football Club), Lina Candy (representing Gladesville Hornsby Football Association), Kerry Nash and Stephen Cooper (objectors representing Morrison Bay Park Community Action Group), Janine Ligato and Emilia Ligato (representing Gladesville Ravens) and Simon James and Alex Stoker (representing the applicant, City of Ryde) addressed the meeting in relation to this Item.

Note: An email from Donna Gaskill, dated 1 September 2015 was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by The Mayor, Councillor Pickering and Councillor Laxale)

- (a) That LDA2014/0289 at 142 Morrison Road, Putney being LOT 7362 – DP1166680 be **APPROVED** subject to the conditions listed in **ATTACHMENT 1**;
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

The meeting closed at 5.45pm.

CONFIRMED THIS 15TH DAY OF SEPTEMBER 2015.

Chairperson

- 3 7 BRABYN STREET, DENISTONE EAST. LOT 12 DP 13432. Application pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979 to modify an approved Demolition, new two storey dwelling, pool, and front fence. LDA2014/0340. Section 96 No MOD2015/0111.**

Report prepared by: Assessment Officer, Town Planner; Team Leader - Assessment

Report approved by: Manager - Assessment; Acting Group Manager - Environment and Planning

File Number: GRP/09/5/6/2 - BP15/1266

1. Report Summary

Applicant: JPH Architecturals Drafting.

Owner: Anthony J Taffa & Giselle A Taffa.

Date lodged: 07 July 2015.

This report considers a Section 96(2) application to modify an approved consent for demolition, new two storey dwelling, pool, and front fence. The modifications involve changes to the width of the pool, configuration of the rear stairs and minor changes to the size of a number of windows.

The proposed modifications are considered to be substantially the same development in terms of the relevant provisions of the Environmental Planning and Assessment Act, 1979. The proposed modifications are minor and will not impact on the privacy and amenity of the adjoining properties.

The Section 96 (2) application has been notified to neighbours in accordance with Ryde DCP 2014, and one (1) submission was received from the owner of No 5 Brabyn Street, to the west, which opposes the development on the grounds of visual and acoustic privacy impacts.

The Section 96 (2) application is recommended for approval.

Reason for Referral to Development Committee: Requested by Councillor Perram.

Public Submissions: 1 submission was received objecting to the development.

SEPP 1 (or clause 4.6 RLEP 2010) objection required? No.

Value of works? \$638,000

ITEM 3 (continued)

RECOMMENDATION:

- (a) That the Section 96 application to modify Local Development Application No. MOD2015/0111 at 7 Brabyn St Denistone East being LOT 12 DP 13432 be approved subject to the following amended conditions:

- 1. Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Site Plan	28.6.2015	01.2.1
Ground Floor	28.6.2015	01.2.2
Ground Floor Rear	28.6.2015	01.2.3
First Floor	28.6.2015	01.2.4
Roof Plan	28.6.2015	01.2.5
North/South Elevation	28.6.2015	01.3.1
West Elevation	28.6.2015	01.3.2
East Elevation	28.6.2015	01.3.3
Section 1	28.6.2015	01.4.1
Section 2	28.6.2015	01.4.2
Section 3	28.6.2015	01.4.3
Landscape Concept Plan	06.08.2014	001 Revision B
Windows and Doors Schedule	28.6.2015	01.4.4.2

- (b) That the persons who made submissions be advised of Council's decision.

ATTACHMENTS

- 1 Assessment Summary - Proposed Window Modifications
- 2 Submission from neighbour (5 Brabyn Street) - CIRCULATED UNDER SEPARATE COVER - **CONFIDENTIAL**
- 3 Map
- 4 A4 Plans
- 5 A3 Plans - Subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

ITEM 3 (continued)

Report Prepared By:

Rebecca Lockart
Assessment Officer, Town Planner

Chris Young
Team Leader - Assessment

Report Approved By:

Liz Coad
Manager - Assessment

Sam Cappelli
Acting Group Manager - Environment and Planning

ITEM 3 (continued)

2. Site (Refer to attachment 3.)

Address	:	7 Brabyn Street, Denistone East
Site Area	:	670.261m ² Frontage: 13.868 metres Depth: 48.787 metres
Topography and Vegetation	:	Slight slope towards western side boundary being towards No. 5 Brabyn Street. One (1) medium sized tree and shrubs within front setback area.
Existing Buildings	:	One (1) storey dwelling
Planning Controls	:	Ryde LEP 2014
Zoning	:	R2 Low Density Residential
Other	:	Ryde DCP 2014 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004



Aerial photo of site and surrounds

ITEM 3 (continued)

3. Councillor Representations:

Name of Councillor: Councillor Perram

Nature of the representation: Call-up to Planning & Environment Committee

Date: 23/7/2015

Form of the representation (e.g. via email, meeting, phone call): Email to Councillor Help Desk

On behalf of applicant or objectors? Objector

Any other persons (e.g. consultants) involved in or part of the representation: None

4. Political Donations or Gifts

None disclosed in applicant's DA submission or in any submission received.

5. Proposal

The proposal involves a modification pursuant to Section 96 (2) of the Environmental Planning and Assessment Act, 1979 of the approved demolition, new two storey dwelling, pool, and front fence.

The proposal involves the following modifications:

- Increase of the width of the approved pool by 300mm;
- Reconfiguration of stairs in rear yard connecting the dwelling to the backyard/pool area; and
- Modifications to the sill level, width and heights of windows 1 and 2 on the ground floor, and windows 7-21, 26-28 on the first floor.

The first two changes above are relatively minor in nature and no planning objections are raised. The proposed changes to the windows are more significant and are subject to a submission received. This is assessed later in this report.

6. Background

The original Development Application (LDA2014/340) was approved on 18 September 2014 (under delegation) for demolition of the existing dwelling, and construction of a new two storey dwelling, pool, and front fence.

ITEM 3 (continued)

During the processing of the original DA, two (2) submissions were received from the owner of 5 Brabyn Street, Denistone East – the neighbour to the west of the subject site. In summary, the key issues raised in the submissions included:

- Privacy – Overlooking and noise levels
- Sunlight and overshadowing
- Bulk and scale
- Cross ventilation
- Environmental considerations
- Character

Each of these issues was addressed in the assessment of the application. The consent was subject to a number of conditions in response to the key issues raised in the submission, including the following that are relevant to this application:

40. **Privacy Screen.** *The eastern side of the ground floor rear deck is to be fitted with a minimum 1.5m high privacy screen or similar treatment that reduces the opportunity for overlooking to the adjoining private open spaces of neighbouring allotment at 9 Brabyn Street, Denistone East. Specific details of the proposed privacy screen or similar are to be submitted and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.*
41. **Privacy Screen.** *The proposed privacy screen on the southern side of the ground floor rear deck is to be a minimum of 1.5m high to reduce the opportunity for overlooking to the adjoining private open spaces of neighbouring allotment at 5 Brabyn Street, Denistone East. Specific details of the proposed privacy screen or similar are to be submitted and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.*
42. **Privacy Screen.** *The proposed privacy screen on the western side of the ground floor side deck/courtyard is to be a minimum of 1.5m high to reduce the opportunity for overlooking to the adjoining dwelling at 5 Brabyn Street, Denistone East. Specific details of the proposed privacy screen or similar are to be submitted and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.*
43. **Window Treatment.** *The rear facing window of the First Floor TV room is to have obscure glazing or similar treatment installed up to a height of at least 1.5m above the finish floor level of the first floor that reduces the opportunity for overlooking to the adjoining private open spaces of the neighbouring allotment at 5 Brabyn Street, Denistone East. Specific details of the proposed window treatment or similar are to be submitted and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.*

Construction has not yet commenced under LDA2014/340.

ITEM 3 (continued)

This Section 96(2) application to modify the consent was lodged on 07 July 2015 for minor modifications to the approved plans relating to the rear yard stairs, width of the pool, and the dimensions of a number of windows.

7. Submissions:

The proposal was notified in accordance with Development Control Plan 2014 - Part 2.1, Notification of Development Applications. Notification of the proposal was from 15 July 2015 until 30 July 2015.

One (1) submission was received from the owner of No. 5 Brabyn Street (see **Attachment 2** – Circulated Under Separate Cover - Confidential), to the west. The issues raised in the submissions are summarised and are discussed as follows:

Amenity Impacts - Privacy

I believe the proposed building; with its modifications will have a significant impact on my amenity with regard to loss of visual privacy and acoustic privacy.

All the windows on the second level will impose on the visual privacy of my residence.

The deck courtyard itself, on the ground level is likely to have a significant impact on our acoustic privacy as the rooms either side of the courtyard are designated dining/living room to one side and rumpus/home theatre to the other.

Assessment Officer's Comment

Visual Privacy

Matters concerning privacy impacts were assessed under the original development consent. The assessment identified three (3) locations where there was potential for unacceptable overlooking of No. 5 Brabyn Street. These locations included the ground floor living room, the side facing courtyard and the first floor TV room. Conditions 40-43 (listed above) were imposed in order to “*minimise the potential for overlooking to an acceptable level*” in these locations.

It is considered that the positioning, dimensions and impacts of the western facing windows has been assessed and were considered satisfactory under the original consent. Under this subject application, only matters relating to the impact of the proposed modifications are subject to assessment. In this regard, an assessment of the impact of the proposed changes on visual privacy - in particular, floor plans showing the location of the windows in question and a table which summarises the proposed window changes including the effect (increase or decrease) in terms of the window size - is held at Attachment 1.

ITEM 3 (continued)

Figure 1 shows the western elevation as approved under the original consent, while Figure 2 shows the proposed western elevation sought under this application.

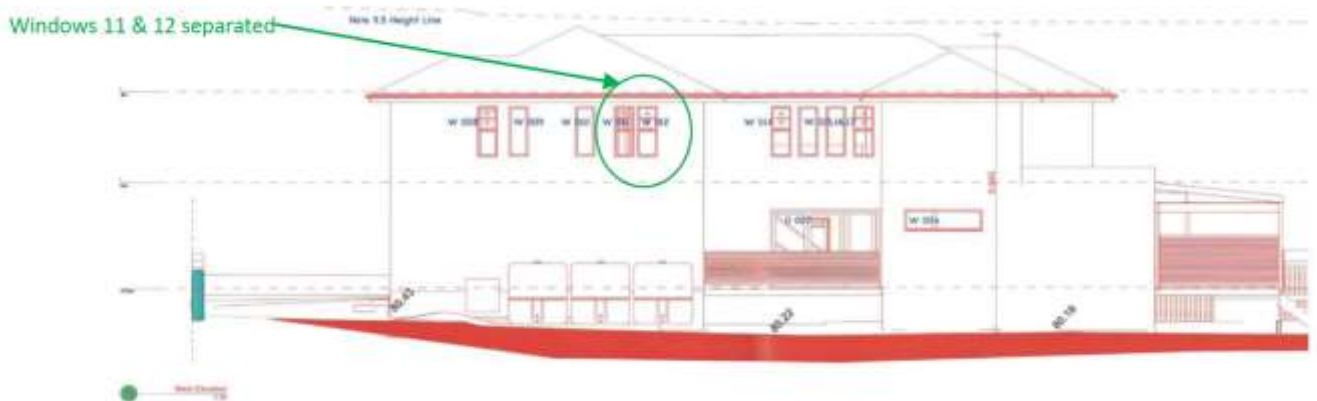


Figure 1. Approved West Elevation

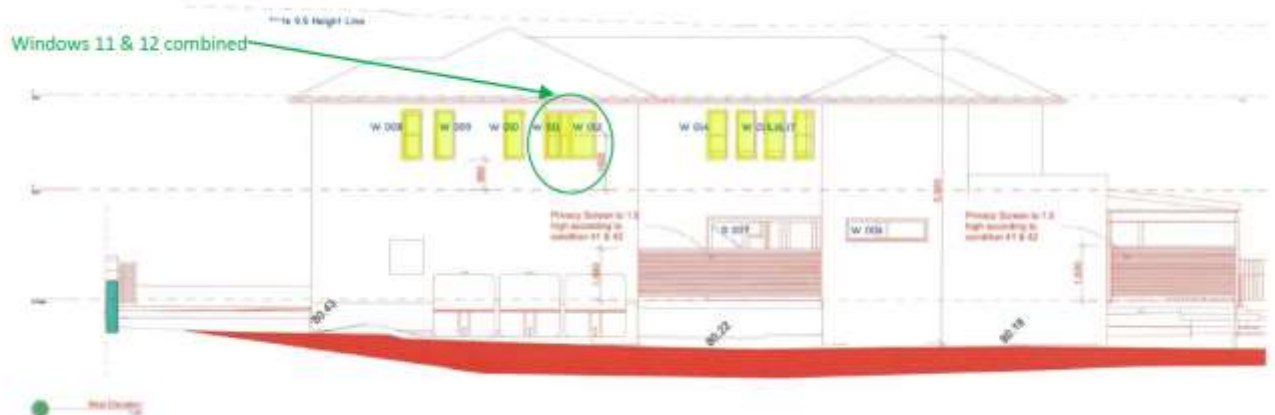


Figure 2. Proposed West Elevation

The only modification to the windows that is considered to result in the potential for increased impact is Windows 11 & 12 (Bedroom 3). The original DA included two (2) windows to this bedroom on the western elevation which are now proposed to be combined and modified as follows and shown at Figure 3:

ITEM 3 (continued)

Approved: Windows 11 and 12

Height: 1530mm

Width: 610mm wide each

1220mm total

Separated by 110mm

Area: **0.933m² each**

1.866m² total

Proposed: Combined Window 11&12

Height: 1450mm

Width: 1500mm combined.

Area: 2.175m²

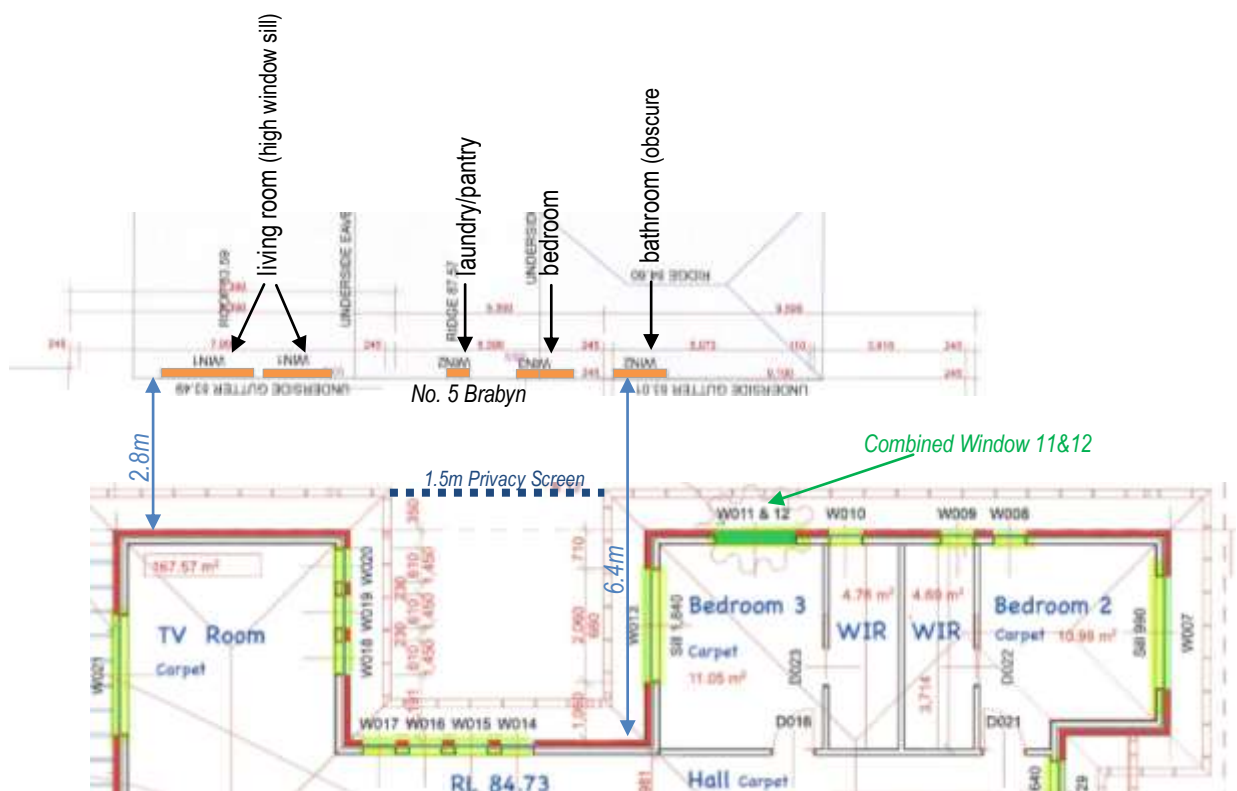


Figure 3. Proposed first floor aligned with ground floor of No. 5 Brabyn

While the proposed combined Window 11&12 results in a larger window off Bedroom 3, the proposed modification does not result in unacceptable privacy impacts to the adjoining property when sight lines, the use of rooms and materials are considered as follows:

- The first floor of No. 5 Brabyn has only one window, none of which face the subject site (see Photo 1), and the combined window does not directly align with the first floor window, nor with any windows on the ground floor (refer Figure 1).

ITEM 3 (continued)

- The nearest window of No. 5 Brabyn to Window 11&12 is the two bathroom windows which have obscured glass (see Photo 3). These are narrow windows and are double hung which will prevent the opportunity for overlooking from Window 11&12 into the bathroom.
- The next nearest window at No. 5 Brabyn to Window 11&12 is the bedroom window (refer Figure 1). This window is considered to be at a sufficient distance away to prevent any direct view between these rooms.

Thus, despite the increased size of Window 11&12 there is not considered to be any unacceptable privacy impacts as a result of the proposed modification.

Further, Section 2.14.2 of Part 3.3 of Ryde DCP 2014 provides controls regarding visual privacy for dwellings and aims to minimise overlooking of neighbouring dwellings. This section states that “*Overlooking from bedroom windows is less of a concern than overlooking from the windows of other habitable rooms.*” Being from Bedroom 3, the impact of the increased window size is not considered to be unacceptable.



1. External - First floor No.5 facing No.7



2. External - Living Room windows No.5



3. Internal - Bathroom windows No.5



4. Internal - Bedroom window No.5

ITEM 3 (continued)



5. Internal –Laundry/pantry windows No.5



6. External – side of house No. 5

The impact of first floor windows from the TV room facing north (Windows 18-20) and the hall way facing to the internal courtyard (Windows 14-17) were also raised by the objector as having the potential to impact the visual privacy of No. 5 Brabyn. These windows were approved under the original consent with a width of 610mm, height of 1530mm, and sill level of 890mm above floor level. The proposed modification to these windows is to reduce the height to 1430mm and raise the sill level to 990mm. Overall the size of these windows is proposed to be reduced slightly, and as such the impact of the modification is negligible.

Acoustic Privacy

The submission raises concern relating to acoustic impacts of the side courtyard and living spaces off the side courtyard. The approved courtyard ground floor is setback 2.8 to 6.4m from the façade of No. 5 Brabyn, with inwards courtyard facing windows setback a minimum 3.1m from the façade of No. 5 Brabyn. The minimum window-to-window distance between the approved windows facing the courtyard and the windows of No. 5 Brabyn is 3.5m as shown at Figure 4.

ITEM 3 (continued)

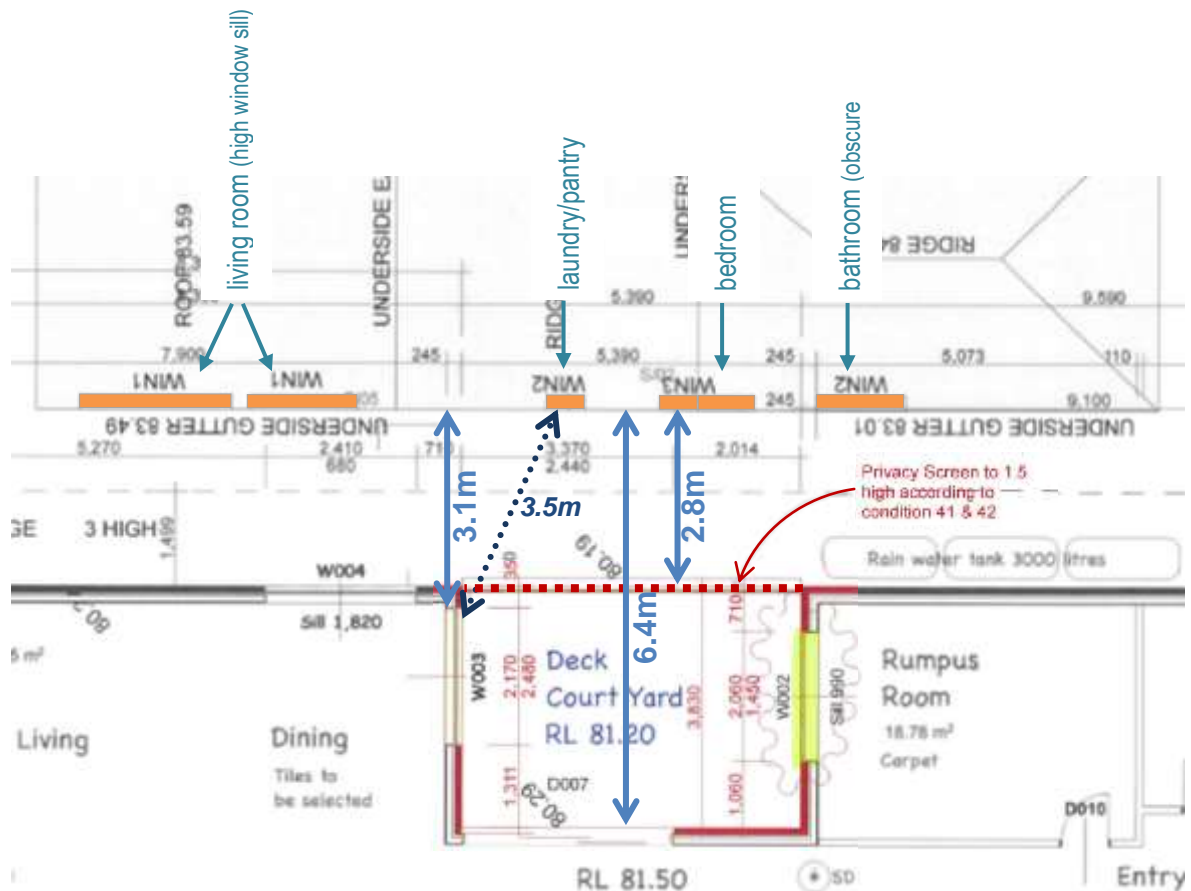


Figure 4. Ground floor deck courtyard and ground floor windows of No. 5 Brabyn

The assessment provided under the original consent stated:

“As for the potential acoustic impacts from this room [the dining room and rumpus room adjoining the courtyard], they are considered to be acceptable given that sufficient separation will be provide between the dwellings with the proposed side setbacks complying with requirements from Ryde DCP2010.”

No modification is proposed to the courtyard area of the development, and the proposed changes to the windows facing the courtyard will not increase or exacerbate any impacts that were considered acceptable under the original consent.

8. SEPP1 Objection received? If yes, provide details and percentage variation.

Not required.

ITEM 3 (continued)

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

Ryde Local Environmental Plan 2014

Zoning

The modification of the approved demolition, new two storey dwelling, pool, and front fence is permissible within the R2 Low Density Residential zone, subject to the approval of Council.

Mandatory Requirements

The proposal is not affected by any controls within the Ryde LEP 2014 other than matters that are discussed elsewhere within the body of this report.

Matters for consideration pursuant to Section 96(2) EPAA:

The provisions of Section 96(2) of the Environmental Planning and Assessment Act, 1979 allow a consent authority to modify the consent where the application meets the following criteria: -

- (a) The development to which the consent as modified relates is substantially the same development.
- (b) Any concurrence authority has been consulted and has not objected.
- (c) The application has been notified in accordance with the regulations.
- (d) Submissions made during the prescribed notification period have been considered.

Under s96 (2) (a) Council must be satisfied that the development as modified is substantially the same as was approved in the original consent. In arriving at this determination there should be no consideration of the merits of the proposal but rather a straight before and after comparison. If it is determined to be substantially the same then the proposed modifications need to be assessed on their merits having regard to submissions received and any relevant council planning controls.

The **current approval** provides for demolition, new two storey dwelling, pool, and front fence.

The **proposed modifications** relate to the width of the swimming pool by 300mm, reconfiguration of stairs in rear yard, and minor modifications to the size and heights of windows 1 and 2 on the ground floor, and windows 7-21, 26-28 on the first floor. There will be no change to the building height, the building footprint remains the same and none of the key elements are changed.

ITEM 3 (continued)

It is the opinion of Council's assessing officer that the modified development is substantially the same as the original and therefore the application can be considered on its merits.

Section 96(2) (b) is not relevant to the current application, as concurrence was not required for the original approval. The proposal meets the requirements of 96(2) (c) and 96(2) (d) listed above, with the submissions received being considered in this report.

Relevant SEPPs

There are none that affect this application

Relevant REPs

There are none that affect this application

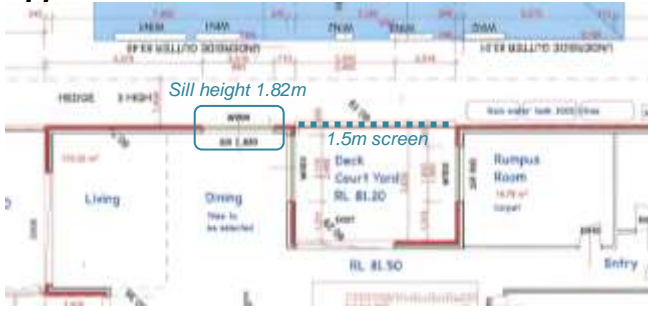
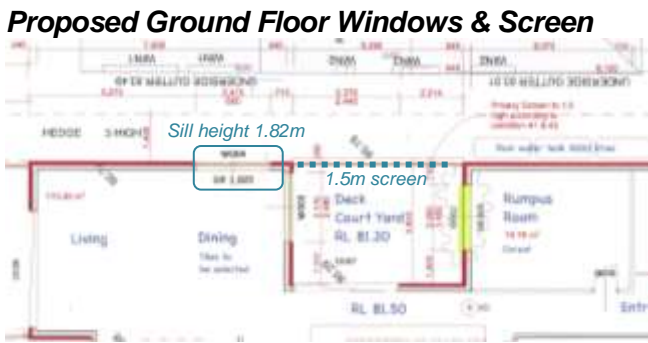
Any draft Local Environmental Plans (LEPs)

There are no relevant Draft Environmental Planning Instruments for the subject site.

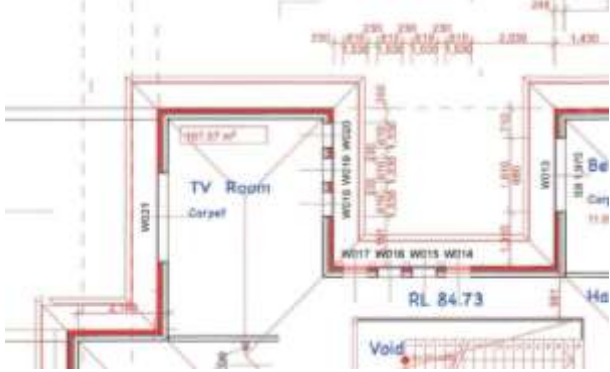
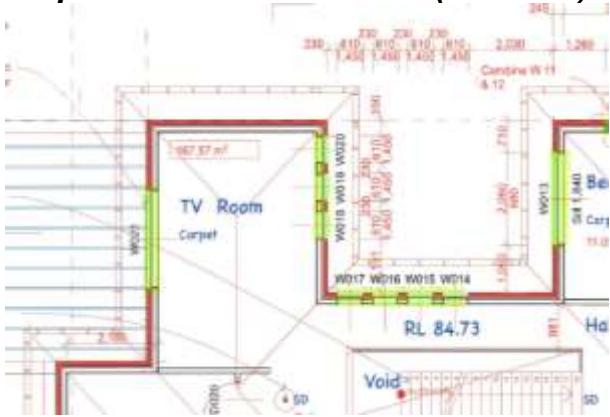
Any DCP

The compliance with the Ryde DCP 2010 is illustrated by the development standards below.

ITEM 3 (continued)

DCP 2014 Part 3.3	Proposed modification	Compliance
2.14.2 Visual Privacy		
<p>a) <i>Orientate the windows of the main internal living spaces such as living rooms, dining rooms, kitchens, family rooms and the like, generally to the front or to the rear of allotments</i></p> <p>Approved Ground Floor Windows & Screen</p>  <p>Proposed Ground Floor Windows & Screen</p> 	<p>The main internal and external living spaces are generally orientated to the rear and front of the dwelling.</p> <p>Windows of living rooms, dining rooms, kitchens, family rooms on the ground floor are oriented to the rear of the property, to the internal courtyard (which has a 1.5m privacy screen), or have a sill height of 1.82m.</p> <p>The first floor TV room window (Window 21A) faces to the rear of the site (with obscure glazing 1.5m above floor level), and narrow windows that face towards the internal courtyard (Windows 18-20). The proposed modification of these windows reduces their overall size, and thus is considered to reduce potential impacts.</p>	<p>Yes</p>

ITEM 3 (continued)

DCP 2014 Part 3.3	Proposed modification	Compliance
<p>b) <i>Orientate terraces, balconies and outdoor living areas to either the front or the rear of allotments, and not to the side boundaries</i></p> <p>Approved 1st Floor Windows (W14-21A)</p>  <p>Proposed 1st Floor Windows (W14-21A)</p> 	<p>The location of the courtyard and impacts of visual privacy was subject to assessment under the original consent. A 1.5m privacy screen is to be positioned along the courtyard to reduce visual privacy impacts.</p> <p>First floor windows that face the courtyard (Windows 14-17 and 18-20) are narrow in nature (see Figure 5) which reduces potential for overlooking while allowing solar access to internal areas of the dwelling.</p>	<p>Yes</p>
<p>c) <i>Terraces and balconies are not to overlook neighbour's living areas and private open space</i></p>	<p>This was subject to assessment under the original consent. No modifications of terraces or balconies are proposed.</p>	<p>N/A</p>

ITEM 3 (continued)

DCP 2014 Part 3.3	Proposed modification	Compliance
d) <i>Living room and kitchen windows, terraces and balconies are not to allow a direct view into neighbouring dwellings or neighbouring private open space.</i>	The proposed modification to living room and kitchen windows, terraces and balconies will not create a direct view into neighbouring dwellings or private open space.	Yes
e) <i>Side windows are to be offset by distances sufficient to avoid visual connection between windows of the subject dwelling and those of the neighbouring dwelling.</i>	The side windows are offset by a distance greater than 2.8m when measured from the façade of both dwellings. Appendix 1 provides an assessment of the distances of direct view between windows. It is considered that the distances will avoid any visual connection between the windows, taking into consideration the use of the proposed and neighbouring windows, height difference between the dwellings, and dimensions of the proposed windows.	Yes
f) <i>Splayed walls with windows are not to be located above ground level where the windows will provide views into neighbouring allotments.</i>	N/A	N/A

ITEM 3 (continued)

DCP 2014 Part 3.3	Proposed modification	Compliance
2.12 Swimming Pools & Spas		
- Must comply with all relevant Acts, Regulations and Australian Standards.	Standard condition imposed on consent.	Yes
- Must at all times be surrounded by a child resistant barrier and located to separate pool from any residential building and/or outbuildings (excluding cabanas) and from adjoining land.	Glass pool fencing proposed. Standard condition imposed on consent.	Yes
- No openable windows, door or other openings in a wall that forms part of barrier	No openable windows, door or other opening in a wall forms part of barrier.	Yes
- Spa to have lockable lid if not fenced or covered	No spa proposed.	N/A
- Pools not to be in front setback	Pool proposed in rear setback	Yes
Pool coping height		
- 500mm maximum above existing ground level <i>(maximum only allowed if no impact on privacy)</i>	No change. 480mm max coping height in north-western corner. (ie. Coping RL80.93 – EGL RL80.45). Max height occurs in the north-western corner. Remaining coping is lower and along the eastern boundary is only minimally raised.	Yes
Pool Setback		
- 900mm min from outside edge of pool coping, deck or surrounds to allow sufficient space for amenity screen planting	No change. 900mm space provided.	Yes
- Screen planting extend for length of pool. Dense hedging, min height 2m, min spacing 1m.	No change.	Yes
- Pool setback 3m+ from tree >5m height on subject or adjacent property.	No trees within 3m of pool.	Yes

ITEM 3 (continued)

DCP 2014 Part 3.3	Proposed modification	Compliance
– Pool filter located away from neighbouring dwellings, and in an acoustic enclosure.	No change. Pool filter located in rear south-east corner away from neighbouring dwellings. Standard condition imposed on consent to ensure acoustic enclosure to comply with control.	Yes

There are no other parts of Ryde DCP 2014 relevant to this application

10. Likely impacts of the Development
(a) Built Environment

Issues regarding impacts on the built environment are discussed throughout this report (in particular compliance with 'The Act') and are considered satisfactory for approval in terms of its impacts on the built environment.

(b) Natural Environment

The proposed modifications do not impact on the landscaping and other measures included in the original consent.

11. Suitability of the site for the development

A review of Council's map of Environmentally Sensitive Areas (held on file) identifies that the subject site is affected by the following natural environmental constraints, neither of which will be impacted as a result of the proposed modifications:

Overland Flow Area: The finished floor levels will not be modified.

Urban Bushland – Non Conservation: No modification to the approved landscaping, and no significant vegetation or trees are located on or adjacent to the subject site.

12. The Public Interest

Having regard to the assessment contained in this report, it is considered that approval of the development is in the public interest.

ITEM 3 (continued)

13. Consultation – Internal and External

None.

14. Critical Dates

There are no critical dates or deadlines to be met.

15. Financial Impact

Adoption of the option(s) outlined in this report will have no financial impact.

16. Other Options

None relevant.

17. Conclusion:

The proposal has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979 and is generally considered to be satisfactory for approval.

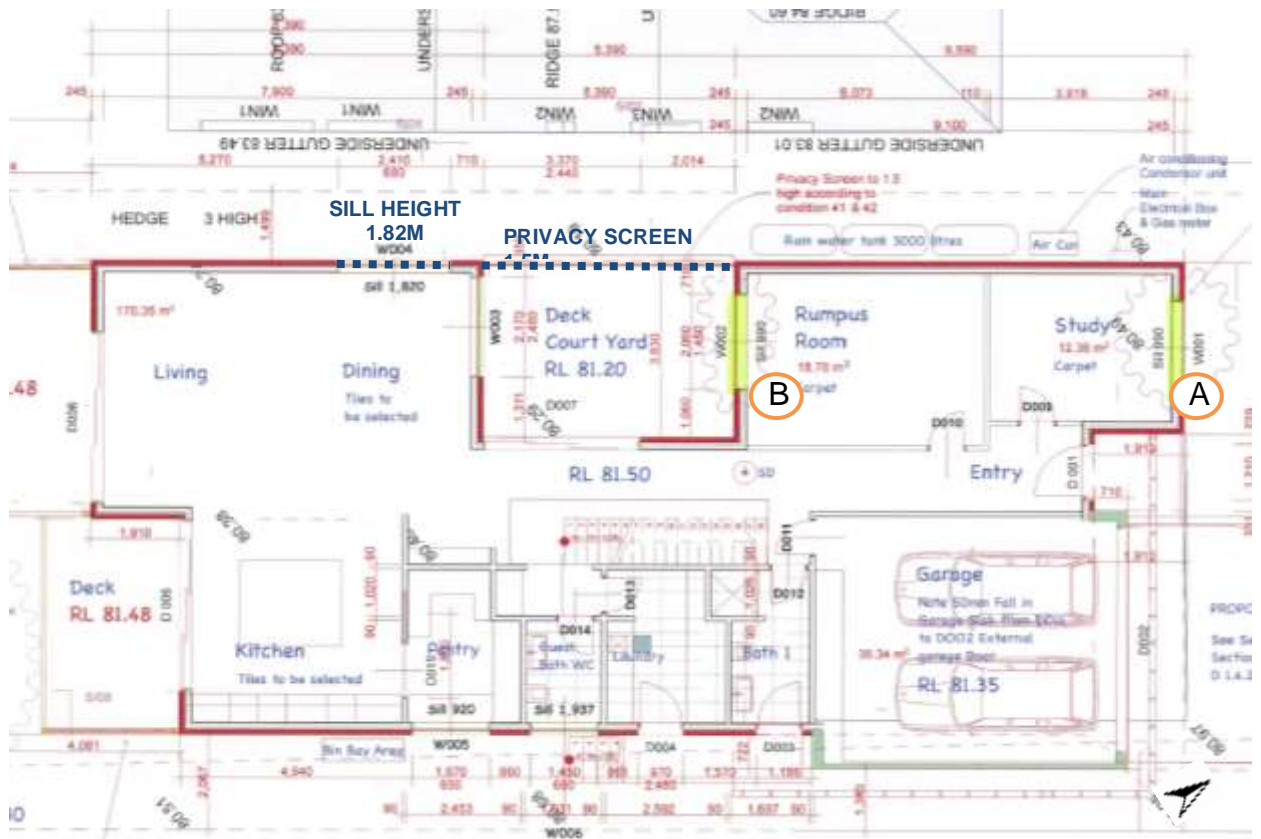
The Section 96(2) application is recommended for approval.

ITEM 3 (continued)

ATTACHMENT 1

Assessment Summary – Proposed Window Modifications

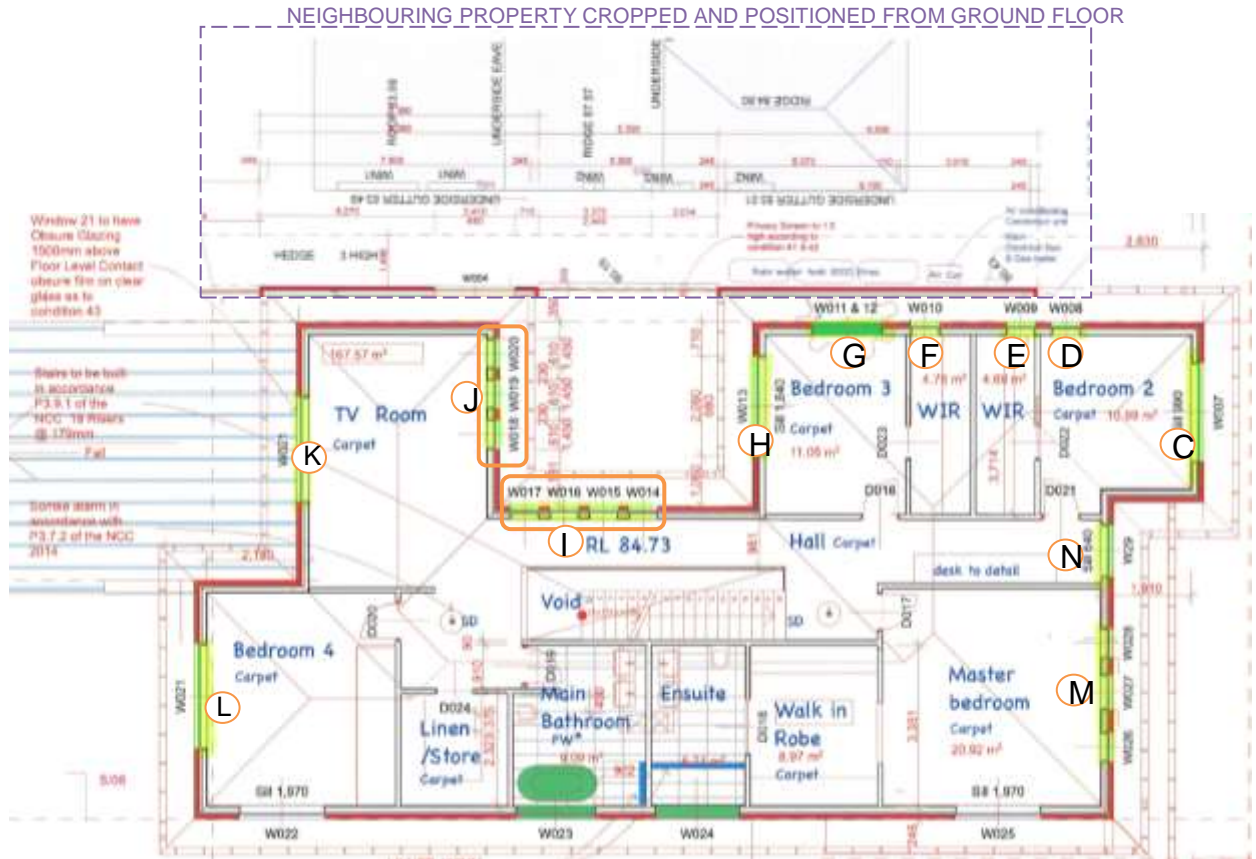
GROUND FLOOR



ITEM 3 (continued)

ATTACHMENT 1

FIRST FLOOR



ITEM 3 (continued)

ATTACHMENT 1

Ref	Window /Room	Setback From No. 5	View	Comment	Impact/Size Of Window
GROUND FLOOR					
A	Window 1/ study	N/A	Towards street	Approved Width: 2060mm. No change to width proposed. Approved Height: 2140mm Proposed Height: 1450mm Window area reduced from 4.4084m² to 2.987m².	Reduced
B	Window 2 / Rumpus Room	Min. 4m sight line distance	S/ SW Screened by privacy screen along the courtyard of 1.5m	Approved Width: 1810mm. Proposed Width: 2060mm. Approved Height: 1500mm Proposed Height: 1450mm Window area increased from 2.71m² to 2.99m²	Window size increased. Screened by privacy screen. The 0.28m² increase will not cause additional impacts as a result of the window size.
FIRST FLOOR					
C	Window 7/ Bed 2	N/A	Towards street	Approved Width: 2060mm. No change to width proposed. Approved Height: 1540mm Proposed Height: 1450mm Window area reduced from 3.1724m² to 2.987m².	Reduced
D	Window 8/ Bed 2	2.8m	West	Width: 610mm. No change to width proposed. Approved Height: 1530mm Proposed Height: 1450mm Window area reduced from 0.933m² to 0.8845m²	Reduced

ITEM 3 (continued)

ATTACHMENT 1

Ref	Window /Room	Setback From No. 5	View	Comment	Impact/Size Of Window
E	Window 9/ Walk in Robe of BR2 <i>Obscure Glass</i>	2.8m	West	Width: 610mm. No change to width proposed. Approved Height: 1530mm Proposed Height: 1450mm Window area reduced from 0.933m² to 0.8845m².	Reduced
F	Window 10/ Walk in Robe of BR3 <i>Obscure Glass</i>	2.8m	West	Width: 610mm. No change to width proposed. Approved Height: 1530mm Proposed Height: 1450mm Window area reduced from 0.933m² to 0.8845m²	Reduced
G	Window 11 & 12 / Bed 3	2.8m	West	<u>Approved: W11 & W12:</u> Height:1530mm Width: 610mm each 1220mm total 110mm gap Area: 0.933m² each 1.866m² total <u>Proposed: Combined W11/12</u> Height:1450mm Width: 1500mm combined. Area: 2.175m²	Increased.
H	Window 13/ Bed 3	Min. 4m sight line distance	South West	Sill height approved: 1970mm Sill height proposed: 1840mm Approved Width: 1810mm. Proposed Width: 2060mm. Approved Height: 680mm Proposed Height: 680mm Overall window area increased from 1.2308m² to 1.4008m²	Window size increased. Sill height is still above eye level. The 0.17m² increase will not cause additional impacts as a result of the window size.

ITEM 3 (continued)

ATTACHMENT 1

Ref	Window /Room	Setback From No. 5	View	Comment	Impact/Size Of Window
I	Windows 14 – 17 / Hall	6.63m	West	Sill height approved: 890mm Sill height proposed: 990mm Width: 610mm. No change to width proposed. Approved Height: 1530mm Proposed Height: 1450mm Overall window area reduced from 0.933m² to 0.8845m².	Reduced
J	TV Room/ Windows 18-20	Min. 4m sight line	North West	Sill height approved: 890mm Sill height proposed: 990mm Width: 610mm. No change to width proposed. Approved Height: 1530mm Proposed Height: 1450mm Overall window area reduced from 0.933m² to 0.8845m².	Reduced
K	TV Room/ Window 21A	N/A	South	Only change - Sill height increased by 100mm. Window 21A to have obscure glazing 1500mm above floor level.	Nil.
L	Window 21/ Bed 4	N/A	South	Only change - Sill height increased by 100mm.	Nil.

ITEM 3 (continued)

ATTACHMENT 1

Ref	Window /Room	Setback From No. 5	View	Comment	Impact/Size Of Window
M	Master Bed/ Windows 26-28	N/A	North	Sill height approved: 900mm Sill height proposed: 990mm Approved Width (all): 730mm. Proposed Width (W26&28): 610mm Proposed Width (W27): 730mm Approved Height: 1530mm Proposed Height: 1450mm Overall window areas reduced: W26 & W28: 1.1169m² to 0.8845m² W27: 1.1169 m² to 1.0585m²	Reduced
N	Front of Hallway/Window 29	N/A	North	No change proposed.	Nil

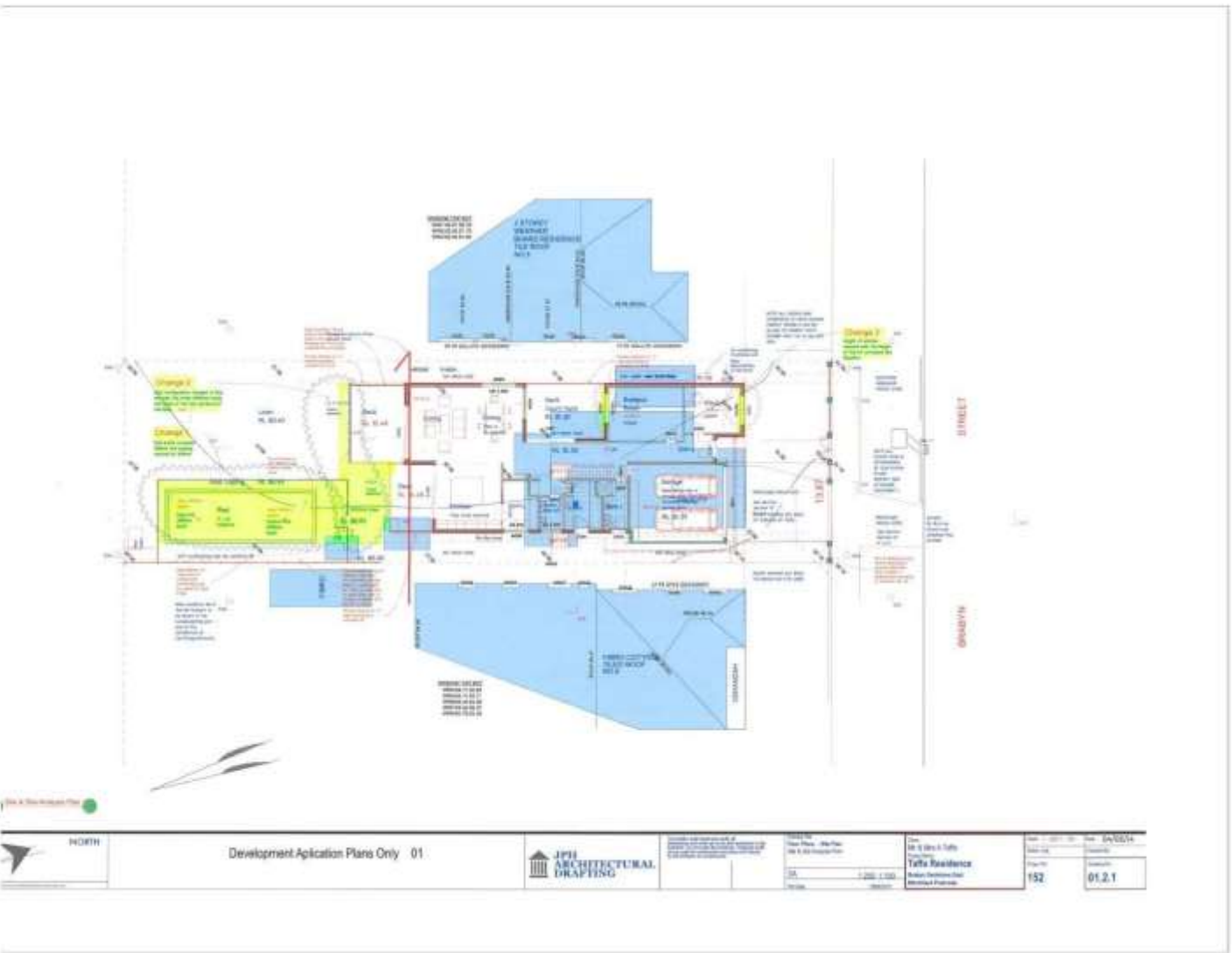
ITEM 3 (continued)

ATTACHMENT 3



ITEM 3 (continued)

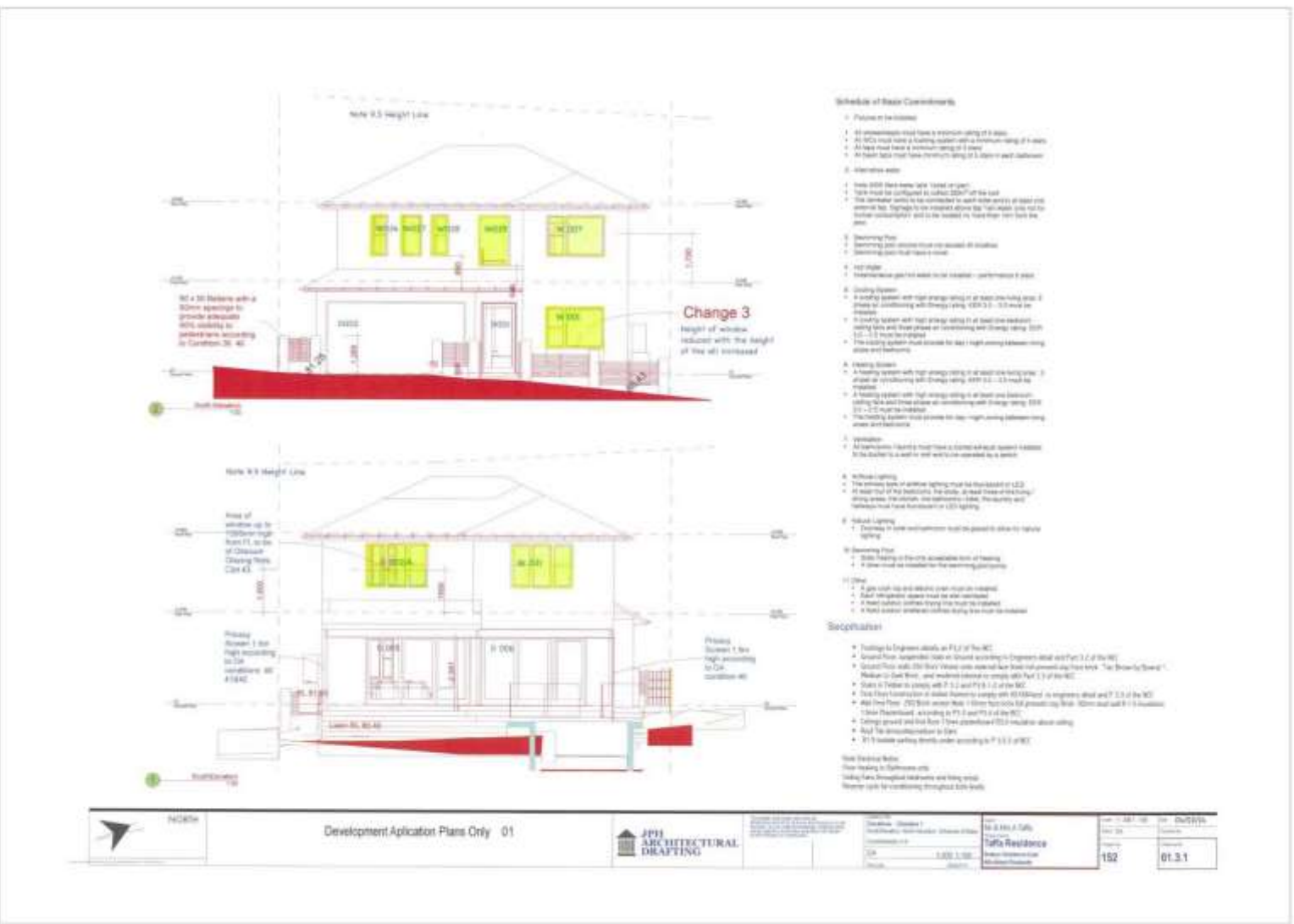
ATTACHMENT 4



General Page 1

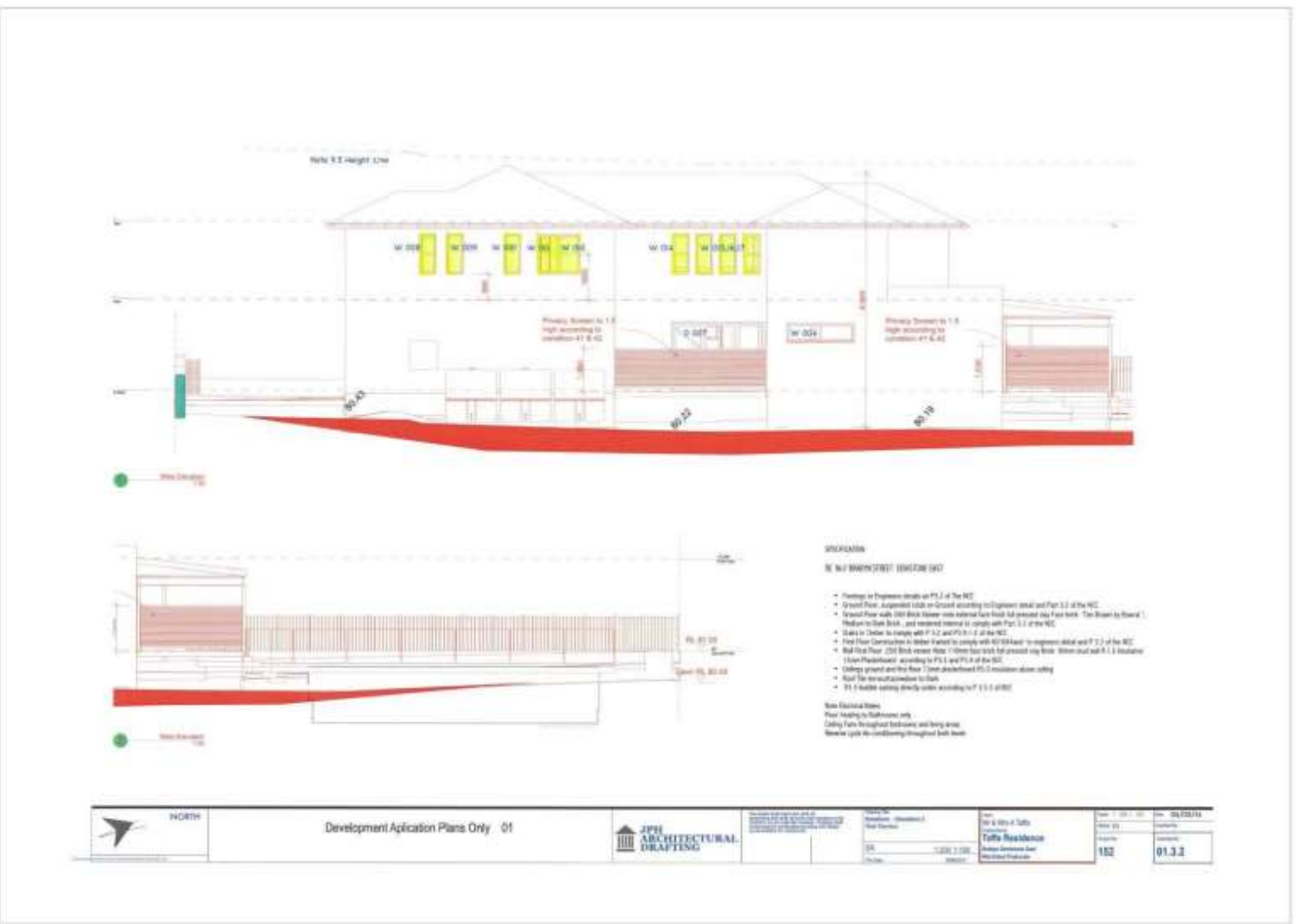
ITEM 3 (continued)

ATTACHMENT 4



ITEM 3 (continued)

ATTACHMENT 4



ITEM 3 (continued)

ATTACHMENT 4

