

**SUPPLEMENTARY REPORT- Item 6- April IWLPP**

<b>Application No.</b>	DA/2022/0840
<b>Address</b>	95 Louisa Road BIRCHGROVE
<b>Proposal</b>	The proposal seeks approval for the demolition of the existing dwelling and the construction of a new three storey dwelling upon land identified as Lot 1 in DP 215750
<b>Date of Lodgement</b>	8 October 2022
<b>Applicant</b>	Minto Planning Services Pty Ltd
<b>Owner</b>	Mr Joseph Macri
<b>Number of Submissions</b>	Three (3) in objection One (1) in support
<b>Value of works</b>	\$850,000.00
<b>Reason for determination at Planning Panel</b>	Section 4.6 variation exceeds 10%
<b>Main Issues</b>	FSR Breach Landscape Breach Site Coverage Breach Heritage Submission
<b>Recommendation (amended)</b>	Approval with conditions
<b>Attachment D</b>	Submission from 97A Louisa Road prepared by Sky Planning

## SUMMARY

This report concerns the objection on behalf of the property owner at 97a Louisa Road prepared by Sky Planning dated 21 November 2022. The representation was not formally registered in Council's system and therefore not considered in the initial assessment report presented to the Panel. This supplementary report seeks to address this anomaly to ensure the issues raised have been considered in relation to the development application for the proposed demolition of the existing dwelling and construction of a new three storey dwelling, at 95 Louisa Road, Birchgrove.

N.B. It is also noted that the submission refers to 2/97 Louisa Road, however the owner has informed Council that the property for the submission as part of this supplementary report is known as 97A Louisa Road. In the body of the initial report this property was identified as 97 Louisa Road.

### 1. Background

Council was informed by email on the 11 April 2023 that the representation from the owner of 97A Louisa Road prepared by Sky Planning dated the 21 November 2022 was not considered in the assessment of the application due to the mapping not indicating the property (97a Louisa Road) and by the nominated number of representations in the report.

Both 97a Louisa Road and 1/97 Louisa Road used the same private planner, Sky Planning, to represent each party by way of formal representation. Both representations nominated the following issues:

- Excessive FSR and Clause 4.6 objection not well founded
- Over shadowing

- Privacy
- Excessive bulk to street scape
- Amenity and structural impacts caused by construction
- Inadequate documentation

The matters that were addressed in the assessment report addressing the objection prepared by 1/97 Louisa Road, are quite similar as both dwellings are located to the lower foreshore of Snails Bay to the southeast of the subject site. The difference of the two dwellings is that 97a Louisa Road has an elevated Private Open Space (POS) containing a swimming pool and paved area to the north of the site, see figure 1 below.



*Figure 1 – 97a Louisa Road*

## **2. Submission**

The following considers the matters raised in the submission lodged by 97a Louisa Road, Birchgrove that have not already been considered in the body of the original assessment report.

### **Excessive FSR and Clause 4.6 objection not well founded**

Comment: The matter of the Clause 4.6 objection has been addressed in the body of the report see 5(a)(ii)

### **Over shadowing**

Comment: 97a Louisa Road provided an objection relating to overshadowing to skylights located on the roof of their property and over the pool area. The objection raised concern in relation to the plans submitted and the potential mid-summer shadow cast over the pool, the most used time of the area. Due to the dwelling's orientation and elevation at Snails Bay one (out of 4) skylights will be impacted on this roof at 3pm by the proposed development from the higher side of Louisa Road. It is referenced under Clause C3.9 C5 that habitable rooms should have access to natural daylight regardless of the provision of skylights. While all efforts are

taken to protect solar access, it is considered that in this instance the proposed development maintains the existing solar access to the subject skylights between 9am and 12pm at winter solstice and therefore satisfies the prescribed the control.

The location of the pool at 97a Louisa Road is to the east of the subject site. The solar access diagrams illustrate this pool area is already overshadowed predominantly by the dwelling at 99a Louisa Road to the east, the single storey garage located on the land occupied by 1/97 and 97a Louisa Road to the north and the subject dwelling as well as 95 Louisa Road to the west. The proposed development will result in overshadowing between 1pm and 3pm on June 21 winter solstice however this overshadowing is existing whereby this is not only attributed to the existing dwelling on the site but shadowing created by the newly constructed dwelling at 93 Louisa Road and the garage to the north occupied and located on the site of 1/97 and 2/97 Louisa Road. As such no new shadowing occurs to the pool as a result of the proposed development, thereby complying with the objective of clause 3.9 of LDCP 2013. There is no provision in the Leichhardt DCP 2013 to provide equinox diagrams if the controls for solstice have been met.

### **Privacy**

Comment: 97a Louisa Road have acknowledged that their pool area is currently overlooked by the subject site and expect that the redevelopment of the site is an opportunity to remedy this. With regard to this, it is considered that the proposed design does in fact reduce unscreened window elements to the eastern elevation – see figures 2 and 3.



*Figure 2 – view from pool area (97a) looking southeast to the elevation of no, 95 Louisa Road*

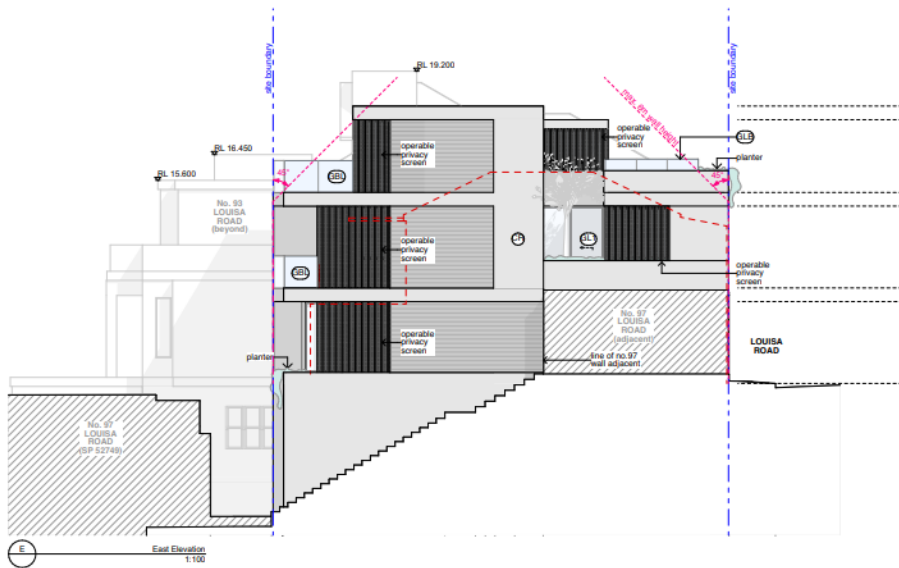


Figure 3 – proposed east elevation with all three levels of glazing screened, improving privacy.

With regard to overlooking into the 4 skylights to the roof of 97a Louisa Road from the proposed two terraces on the ground and first floor, these terraces are being rebuilt to the exact location, R.L and size as per existing dwelling and as such no new privacy impacts are created as a result of the proposed development. (See figure 4.)



Figure 4 – Site inspection view from the ground floor of the subject site over skylights to 97a Louisa Road.

In respect to the third level south balcony and north terrace, which is only accessible via the bedroom, the finished floor level of this terrace is just under that of the approved roof terrace to the rear of 93 Louisa Road. Proposed glass balustrading at a nominal height of 1.2m is proposed to ensure sufficient view sharing. There is a reasonable expectation of view sharing along the southern side of Louisa Road as these properties benefit from uninterrupted easterly city skyline views and the Harbour Bridge.

Terrace 3 on the third floor is orientated to maximise north facing views to the Parramatta River and the city skyline to the east, noting that south easterly views are somewhat obscured by the proposed third floor of the subject site as illustrated below in figure 5

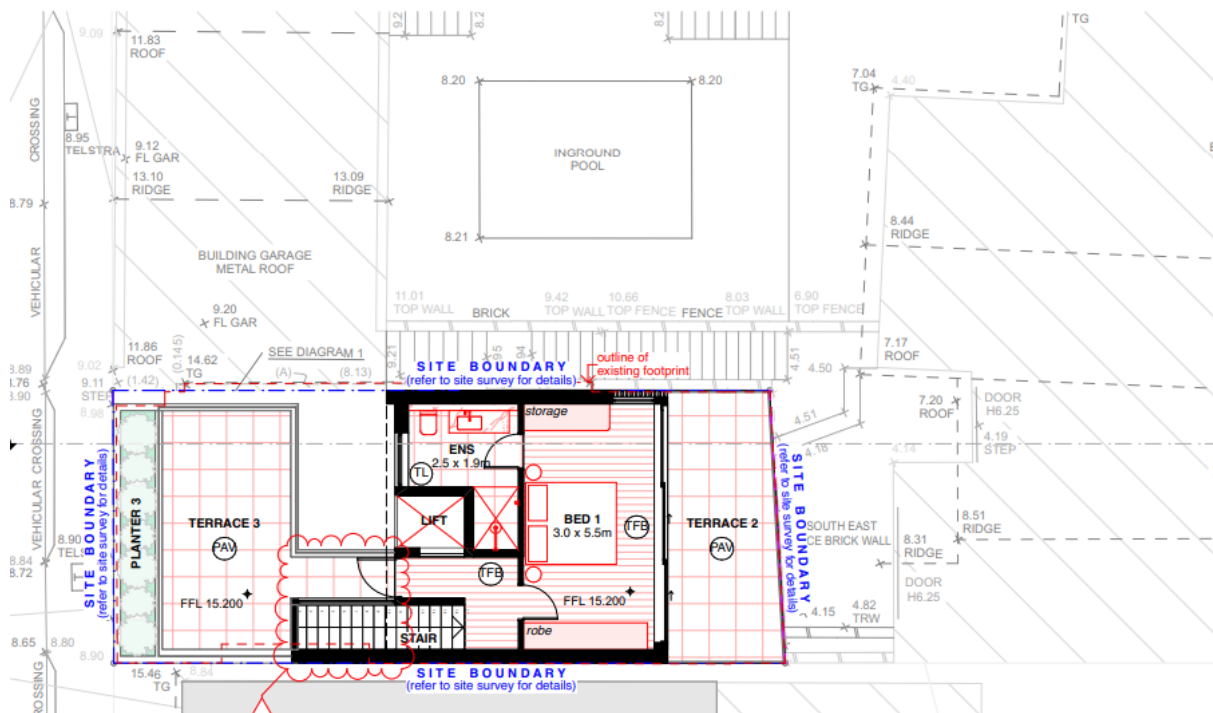


Fig. 5 – Level 3 floor plan indicating partial easterly view from Terrace 3

Having regard to the above, the proposal satisfies the privacy provisions prescribed under LDCP 2011 and is considered acceptable in this regard.

**Excessive bulk to street scape**

Comment: This matter has been addressed in the body of the report – refer to Section 5(a)(iv)

**Amenity and structural impacts caused by construction**

Comment: The matters of construction will be addressed by way of condition and construction methodology that will be proposed when the applicant submits a Construction Certificate.

**Inadequate documentation**

Comment: Council is of the opinion that the documentation provided has been adequate to assess the application on its merits against the Inner West Local Environmental Plan 2022 and Leichhardt Development Control Plan 2013 as outlined in the assessment report.