

MEMORANDUM

TO: Panel Chair and Panel Members

FROM: Ms Nicole Askew – Coordinator Development Assessment

CC: Mrs Judy Clark– Manager Development and Building

DATE: 7 April 2022

REFERENCE: DA2021/0005 – 1034 Forest Road Lugarno, NSW 2210

SUBJECT: Report LPP002-22 Meeting of 03 February 2022

Dear Panel Chairs and Panel Members,

At the meeting of 3 February 2022, the Panel resolved to defer the application for the applicant to address the following criterion of the Panel:

Deferral

The Determination of Development Application No. DA2021/0005 for the demolition works, tree removal and construction of an attached two storey dual occupancy development, detached cabanas, inground swimming pools, landscaping and site works at 1034 Forest Road, Lugarno, is deferred and invites the applicant to submit amended details:

- 1. The Panel was concerned with the impact of the proposal on the overshadowing and privacy of the private open space of townhouse 1 of 1036 Forest Road Lugarno. The Panel appreciates the sites orientation and that development to the north will always shadow to the south, however, with modifications to the front setback the impact of overshadowing can be mitigated.*
- 2. The Panel therefore requests the applicant provide amended plans which allow for improved solar access to the private open space of townhouse 1 by increasing*

the front setback, particularly at the first floor by a minimum of 2m and increasing the southern setback of the WIR of bedroom 1 by approximately a minimum of 600mm. The design resolution to achieve these amendments will require internal “shuffling” of rooms but not necessarily removal of bedrooms. The Panel understands there may be a minor reduction in the western setback.

- 3. In so doing, the proposed first floor balcony on the southeast corner of D2 shall be removed to reduce privacy impacts on townhouse 1.*
- 4. The Panel heard from the resident of townhouse 2 and his concerns regarding overlooking of the rear private open space of D2. It was suggested to the Panel that an increase in fence height of 500mm would address his concerns. The Panel is mindful of the potential for increased overshadowing to the south and would therefore request that in preparing amended plans the rear western boundary of D2 and the western end of the southern boundary up until the eastern end of the pool, be enclosed by a boundary fence of 2.1m.*
- 5. The Panel requests amended plans be prepared and submitted to Council for consideration addressing these points within 28 days. The Council to prepare a supplementary report to the Panel addressing the reasons for deferral and that report be considered at an electronic meeting unless otherwise determined by the Chair.*

Following the deferral of the Panel, the applicant was informed of the above criterion.

The applicant has responded with the documents attached to this email outlining in their opinion the request of the Panel has no material benefit for the neighbours, as a result they are seeking to justify their design with the documents attached to this memorandum.

As a result, the proposal remains unchanged from the plans and documents that supported the proposal when presented to the Panel on 3 February 2022.

Attached to this memo are the following documents for consideration in the determination of the application:

- Original Report from the meeting of 3 February 2022 and the attachments.
- A link to the plans and documents supporting the report.
- The email from the applicant dated 1 March 2022 and the three (3) attachments entitled:

- Additional Setback
- Original Shadows
- CDC Example

As a result, we seek the Panels consideration of the information attached and determine the application as recommended or as the Panel determines.

Should further information please do not hesitate to forward your requests via the Panel Secretariat email so that it can be circulated to all.

Kind regards,

A handwritten signature in black ink, appearing to read 'NA', is positioned above the typed name.

Nicole Askew
Coordinator Development Assessment