

## DETERMINATION AND STATEMENT OF REASONS WILLOUGHBY LOCAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	18 June 2024
<b>PANEL MEMBERS</b>	Jacqueline Townsend (Chair), Heather Warton, Darren Troy and Linda Tully
<b>DECLARATIONS OF INTEREST</b>	None

Electronic determination on 18 June 2024.  
Papers circulated electronically 11 June 2024. Electronic communication sent between 11 and 18 June 2024.

### MATTER DETERMINED

DA-2023/318 at 108 and 1/108 Penshurst Street, Willoughby NSW 2068. Removal of rear planter box and front façade pergola and associated works.

### PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 6, the material listed at item 7, the material presented at the meeting and briefings and the matters observed at site inspections listed at item 8 in Schedule 1 of this Determination and Statement of Reasons.

### Development application

The Panel determined to **approve** the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

### REASONS FOR THE DECISION

The reasons as outlined in the Council assessment report,




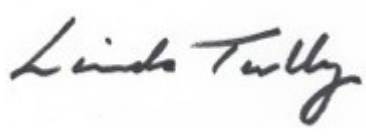
- 1 **The demolition of the pergola does not significantly change the presentation of the street elevation, particularly in consideration of its dilapidated condition.**
- 2 **The removal of the planter box does not have any impact on the streetscape or significantly impact on the amenity of the development.**

### CONDITIONS

The development application was approved subject to the conditions in the Council assessment report.

### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel noted that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 <b>JACQUELINE TOWNSEND (CHAIR)</b>	 <b>HEATHER WARTON</b>
 <b>DARREN TROY</b>	 <b>LINDA TULLY</b>

SCHEDULE 1		
1)	DA NO.	DA-2023/318
2)	PROPOSED DEVELOPMENT	Removal of rear planter box and front façade pergola and associated works.
3)	STREET ADDRESS	108 and 1/108 Penshurst Street, Willoughby.
4)	APPLICANT/OWNER	Ms C B McNally / Mrs S L Bingham and Mr R E Sturch.
5)	REASON FOR REFERRAL	Conflict of Interest: <ul style="list-style-type: none"> <li>Staff member application.</li> </ul>
6)	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li><i>Willoughby Local Environmental Plan 2012.</i></li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li><i>Willoughby Development Control Plan 2023</i></li> </ul> </li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2021.</i></li> <li>Provisions of the <i>Environmental Planning and Assessment Act 1979.</i></li> <li>Planning agreements: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>The suitability of the site for the development.</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations.</li> <li>The public interest, including the principles of ecologically sustainable development.</li> </ul>
7)	MATERIAL CONSIDERED BY THE PANEL	<ol style="list-style-type: none"> <li>Council assessment report: 05 June 2024</li> <li>Clause 4.6 variation requests: Nil</li> <li>Written submissions during public exhibition: 0</li> </ol>
8)	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> <li>Site inspections were undertaken individually by Panellists at their discretion due to COVID-19 precautions.</li> <li>Panel Members: Jacqueline Townsend (Chair), Heather Warton, Darren Troy and Linda Tully.</li> <li>Papers circulated electronically 11 June 2024.</li> <li>Panel briefing held on 18 June 2024.</li> <li>Attendees: <ul style="list-style-type: none"> <li>Jacqueline Townsend (Chair), Heather Warton, Darren Troy and Linda Tully.</li> <li>Council staff: Anthony Blue and Ritu Shankar.</li> </ul> </li> </ul>
9)	COUNCIL RECOMMENDATION	Approval
10)	DRAFT CONDITIONS	Attached to the Council assessment report