

DETERMINATION AND STATEMENT OF REASONS WILLOUGHBY LOCAL PLANNING PANEL

DATE OF DETERMINATION	18 June 2024
PANEL MEMBERS	Jacqueline Townsend (Chair), Heather Warton, Darren Troy, and Linda Tully
DECLARATIONS OF INTEREST	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-2023/269 at 13 Cammaray Road, Castle Cove. Alterations and additions to existing dwelling and Garage and landscaping, with 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.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the *Willoughby Local Environmental Plan 2012 (WLEP 2012)*, the Panel, exercising the functions of Council as consent authority, is satisfied that the matters required to be addressed under the *WLEP 2012* have been demonstrated and that consent may be granted to the development application that contravenes the height of building development standard.

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 outlined in the Council assessment report.

- 1 **The proposal is consistent with the objectives of the C4- Environmental Living Zone and considered to be consistent with the objectives of Part B, Part C, Part G, Part I and Part J of the *Willoughby Development Control Plan 2023 (WDCP)*.**
- 2 **The proposed development will not have unreasonable impacts on the streetscape, the residential amenity of the neighbouring properties or the surrounding locality;**
- 3 **It is considered that the proposed development meets the desired outcomes and objectives of the development standards contained in the *Willoughby Local Environmental Plan 2012 (WLEP)* and objectives of the *Willoughby Development Control Plan 2023 (WDCP)*.**

CONDITIONS

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

Conditions 12, 37 & 54 to be amended to read as follows:

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate.

12. Bushfire Protection

The design and construction of the **alterations and additions are to comply with the recommendations as set out in the Bushfire Assessment Report prepared by Clarke Dowdle & Associates Development Consultants, dated August 2023. ~~proposal shall comply with the requirements of the Planning for Bushfire Protection and Australian Standards 3959-2009.~~** Details of compliance are to be included in plans/specifications prior to the release of the Construction Certificate.
(Reason: Safety and protection of property)

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of an occupation certificate.

37. Bushfire Construction

No Occupation Certificate is to be issued until the building works **demonstrated the recommendations in the Bushfire Assessment Report prepared by Clarke Dowdle & Associates Development Consultants, dated August 2023 have been met. ~~have been constructed in accordance with the appropriate Bushfire Attack level (BAL) determined by the Bushfire Assessment Report and/or Consent Conditions.~~**

(Reason: Bushfire safety)

ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.

54. Bushfire Control

The **entire site shall be managed and the** Asset Protection zones (APZ) **are to be maintained in perpetuity as required by the Bushfire Assessment Report prepared by Clarke Dowdle & Associates Development Consultants, dated August 2023 and with the principles contained in the NSW Rural Fire Service's 'Planning for Bushfire Protection'. ~~being maintained in accordance with the principles contained in the NSW Rural Fire Service's 'Planning for Bushfire Protection'.~~**




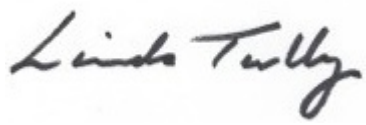
(Reason: Bushfire safety)

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during the public exhibition. The Panel noted that key issues of concern included:

- Privacy
- View loss
- Overshadowing
- Landscape and tree removal

The Panel considered that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
 JACQUELINE TOWNSEND (CHAIR)	 HEATHER WARTON
 DARREN TROY	 LINDA TULLY

SCHEDULE 1		
1)	DA NO.	DA-2023/269
2)	PROPOSED DEVELOPMENT	Alterations and additions to existing dwelling and Garage and landscaping, with associated works.
3)	STREET ADDRESS	13 Cammaray Road, Castle Cove.
4)	APPLICANT/OWNER	Literatrotta / Ms I L O'Connor.
5)	REASON FOR REFERRAL	Departure from standard by more than 10%.
6)	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ <i>SEPP Building Sustainability Index: BASIX 2004 (The BASIX SEPP)</i>. ○ <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> ○ <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> ○ <i>Willoughby Local Environmental Plan 2012</i>. • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ <i>Willoughby Development Control Plan</i> ○ <i>Section 7.12 (S94A) Plan</i> ○ <i>Willoughby Local Infrastructure Contributions Plan</i>. • Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>. • Provisions of the <i>Environmental Planning and Assessment Act 1979</i>. • Planning agreements: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations. • The public interest, including the principles of ecologically sustainable development.
7)	MATERIAL CONSIDERED BY THE PANEL	<ol style="list-style-type: none"> 1) Council assessment report: 29 May 2024 2) Clause 4.6 variation requests: cl. 4.3 Building Height 3) Written submissions during public exhibition: 5
8)	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> • Site inspections were undertaken individually by Panellists at their discretion due to COVID-19 precautions. • Panel Members: Jacqueline Townsend (Chair), Heather Warton, Darren Troy and Linda Tully. • Papers circulated electronically 11 June 2024. • Panel briefing held on 18 June 2024. • Attendees: <ul style="list-style-type: none"> ○ Jacqueline Townsend (Chair), Heather Warton, Darren Troy and Linda Tully. ○ Council staff: Olivia Navratil and Ritu Shankar.
9)	COUNCIL RECOMMENDATION	Approval
10)	DRAFT CONDITIONS	Attached to the Council assessment report