

DETERMINATION AND STATEMENT OF REASONS WILLOUGHBY LOCAL PLANNING PANEL

DATE OF DETERMINATION	16 July 2024
PANEL MEMBERS	Elizabeth Kinkade (Chair), Jason Perica, Robert Montgomery, and Emma Rogerson
DECLARATIONS OF INTEREST	None

Electronic determination on 16 July 2024.

Papers circulated electronically 9 July 2024. Electronic communication sent between 9 and 16 July 2024.

MATTER DETERMINED

DA-2024/8 at 365 Sailors Bay Road, Northbridge NSW 2063. Alterations and additions to existing dwelling including partial demolition, roofing, landscaping 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.

Application to allow a development that contravenes development standards

Following consideration of written requests from the applicant, made under cl 4.6 (3) of the *Willoughby Local Environmental Plan 2012 (WLEP 2012)*, that has demonstrated that:

- a) compliance with cl. 4.3 (height of buildings) and cl. 4.4A (exceptions to floor space ratio) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

The Panel is satisfied that the applicant's written requests adequately address the matters required to be addressed under cl 4.6 (3) of the *WLEP*.

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





1. **The proposed development will not have unreasonable impacts on the streetscape, the residential amenity of the neighbouring properties or the surrounding locality;**
2. **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 (WDCP)*.**

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	
 ELIZABETH KINKADE (CHAIR)	 JASON PERICA
 ROBERT MONTGOMERY	 EMMA ROGERSON

SCHEDULE 1		
1)	DA NO.	DA-2024/8
2)	PROPOSED DEVELOPMENT	Alterations and additions to existing dwelling including partial demolition, roofing, landscaping and associated works.
3)	STREET ADDRESS	365 Sailors Bay Road, Northbridge NSW 2063.
4)	APPLICANT/OWNER	Mr A J France / Mr A J France and Mrs S J France.
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: 2 July 2024 2) Clause 4.6 variation requests: <ul style="list-style-type: none"> 4.3 Building Height 4.4A (exceptions to floor space ratio) 3) Written submissions during public exhibition: Nil
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: Elizabeth Kinkade (Chair), Jason Perica, Robert Montgomery, and Emma Rogerson. • Papers circulated electronically 9 July 2024. • Panel briefing held on 16 July 2024. • Attendees: <ul style="list-style-type: none"> ○ Elizabeth Kinkade (Chair), Jason Perica, Robert Montgomery, and Emma Rogerson. ○ Council staff: Caitlin McNally and Ritu Shankar.
9)	COUNCIL RECOMMENDATION	Approval
10)	DRAFT CONDITIONS	Attached to the Council assessment report