

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-2021/123/A at 46, 48 & 48A Eastern Valley Way, Northbridge NSW 2063. Internal and external changes to approved development including modifications to RL's, gross floor area, 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.

The Panel is satisfied that the proposed modification:

- is substantially the same development as the development for which consent was originally granted and before that consent was modified;
- has been notified; and
- has been assessed having regard to the relevant matters in s4.15(1) EP&A Act.

The Panel has taken into account the reasons of the consent authority that granted the consent that is sought to be modified.

Modification application decision

The Panel determined to **approve** the modification application pursuant to section 4.56 of the *Environmental Planning and Assessment Act 1979* subject to the conditions included in Council's assessment report.

The decision was unanimous.

REASONS FOR THE DECISION

1. **The modifications are a result of detailed design of engineering services,**
2. **The modifications have been designed to maintain compliance with the height limits under *Willoughby LEP 2012* and minimise impacts due to overshadowing,**
3. **The proposed reduction in deep soil zone and soft landscaping has been minimised by good design,**
4. **The modifications are generally considered to be minor and of minimal environmental impact, and**
5. **The Panel formed a view that the proposal is considered substantially the same development as approved.**

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the written submission made during the public exhibition which raised concerns regarding a proposed swimming pool which is not part of the current proposal.

PANEL MEMBERS



ELIZABETH KINKADE (CHAIR)



JASON PERICA



ROBERT MONTGOMERY



EMMA ROGERSON

SCHEDULE 1		
1)	DA NO.	DA-2021/123/A
2)	PROPOSED DEVELOPMENT	Internal and external changes to approved development including modifications to RL's, gross floor area, landscaping and associated works.
3)	STREET ADDRESS	46, 48 & 48A Eastern Valley Way, Northbridge NSW 2063
4)	APPLICANT/OWNER	WINIM Developments Pty Ltd / WFM NO. 9 PTY LTD and CA NORTHBRIDGE PTY LTD.
5)	REASON FOR REFERRAL	Section 4.56 modification (consent issued by the court), the original application was refused by the WLPP and there is no delegation to staff to determine the application.
6)	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> ○ <i>SEPP 65 – Design Quality of Residential Apartment Development.</i> ○ <i>SEPP Building Sustainability Index: BASIX 2004 (The BASIX SEPP).</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 2006 and 2023</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: Nil 3) Written submissions during public exhibition: 1
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: Anthony Blue and Ritu Shankar.
9)	COUNCIL RECOMMENDATION	Approval
10)	DRAFT CONDITIONS	Attached to the Council assessment report