

## DETERMINATION AND STATEMENT OF REASONS WILLOUGHBY LOCAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	15 October 2024
<b>PANEL MEMBERS</b>	Elizabeth Kinkade (Chair), David Milliken, Christopher Young and Annelize Kaalsen
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Willoughby City Council on 15 October 2024 by teleconference. The meeting opened at 2.01pm. Papers circulated electronically between 8 October and 15 October 2024.

This item was heard between 2.08pm and 2.18pm.

### MATTER DETERMINED

DA-2023/271 at 27 Lamette Street, Chatswood NSW 2067. Alterations and additions to rear of existing dwelling, new patio, carport, garage and workshop 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 adjourned during the meeting to deliberate on the matter and formulate a resolution.

### 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 Panel agrees with the reasons outlined in the Council Officer's assessment report and the reasons for approval as outlined in the recommendation, and as follows:

1. **The proposed development is compliant with *WLEP* controls and meets the objectives and performance criteria of the *WDCP* controls.**
2. **The proposed development does not deliver any detrimental impacts to the neighbouring properties.**
3. **Impacts on surrounding development will be minimal and it will maintain the objectives of R2 zone as well as the characteristics of North Chatswood Heritage Conservation area.**
4. **The proposal is in the public interest.**
5. **The proposal will have no unacceptable impacts on the built or natural environment.**
6. **The proposal does not create any unacceptable amenity impacts.**
7. **The proposal adequately satisfies the relevant state and local planning provisions.**

### 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 considered written submissions made during the public exhibition and heard from all those wishing to address the Panel. The Panel noted that key issues of concern included:

- Privacy
- Visibility and impact on Heritage streetscape
- Overshadowing
- Setbacks
- Traffic and parking
- Tree removal and replacement landscaping
- Construction noise, vibration and dust
- Stormwater management

- Contamination (asbestos removal)
- Mass and bulk impact on the neighbouring property

The Panel considered that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The Panel noted that in addressing these issues, appropriate conditions have been imposed, including for stormwater management and excavation, and appropriate design has been achieved.

<b>PANEL MEMBERS</b>	
 <b>ELIZABETH KINKADE (CHAIR)</b>	 <b>DAVID MILLIKEN</b>
 <b>CHRISTOPHER YOUNG</b>	 <b>ANNELIZE KAALSEN</b>

<b>SCHEDULE 1</b>		
1)	<b>DA NO.</b>	DA-2023/271
2)	<b>PROPOSED DEVELOPMENT</b>	Alterations and additions to rear of existing dwelling, new patio, carport, garage and workshop and associated works.
3)	<b>STREET ADDRESS</b>	27 Lamette Street, Chatswood NSW 2067.
4)	<b>APPLICANT/OWNER</b>	N G Build Design / K Szymanski.
5)	<b>REASON FOR REFERRAL</b>	Contentious Development – more than 10 submissions.
6)	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ <i>SEPP Building Sustainability Index: BASIX 2004 (The BASIX SEPP)</i>.</li> <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</i></li> <li>○ <i>Section 7.12 (S94A) Plan</i></li> <li>○ <i>Willoughby Local Infrastructure Contributions Plan</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)	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ol style="list-style-type: none"> <li>1) Council assessment report: 27 September 2024.</li> <li>2) Clause 4.6 variation requests: Nil</li> <li>3) Written submissions during public exhibition: 17</li> <li>4) Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In Support: Nil</li> <li>○ In Objection: <ul style="list-style-type: none"> <li>○ Written statement by John Hurrell of 25 Lamette St Chatswood</li> </ul> </li> <li>○ On behalf of the applicant: <ul style="list-style-type: none"> <li>○ Korad Szymanski (Owner) of 27 Lametter St Chatswood</li> </ul> </li> <li>○ Council staff: Saumya, Caitlin McNally and Dyalan Govender</li> </ul> </li> </ol>
8)	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY</b>	<ul style="list-style-type: none"> <li>• Site inspections were undertaken individually by Panellists at their discretion.</li> <li>• Papers circulated electronically 8 October 2024.</li> <li>• Final briefing to discuss Council's recommendation, 15 October 2024 at 2:21pm-2.36pm</li> <li>• Attendees: <ul style="list-style-type: none"> <li>○ Elizabeth Kinkade (Chair), David Milliken, Christopher Young and Annelize Kaalsen.</li> <li>○ Council staff: Saumya Shah and Caitlin McNally</li> </ul> </li> </ul>
9)	<b>COUNCIL RECOMMENDATION</b>	Approval
10)	<b>DRAFT CONDITIONS</b>	Attached to the Council assessment report