

## DETERMINATION AND STATEMENT OF REASONS

### WILLOUGHBY LOCAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	3 December 2024
<b>PANEL MEMBERS</b>	Stephen O'Connor (Chair), Sheridan Burke and Leah Bulfin
<b>DECLARATIONS OF INTEREST</b>	Helen Deegan – Employed by Gyde Consulting who lodged a submission.

Electronic determination on 3 December 2024.

Papers circulated electronically 27 November 2024. Electronic communication sent between 27 November and 3 December 2024.

#### **MATTER DETERMINED**

DA-2023/325 at 20 Greenfield Avenue, Middle Cove NSW 2068. Alterations and a third floor addition to existing dwelling, 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 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)*, that has demonstrated that:

- a) compliance with cl. 4.3 (height of buildings) 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:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the *WLEP*; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 (height of buildings) of the *WLEP* and the objectives for development in the C4 zone; and
- c) the concurrence of the Secretary has been assumed.

#### **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 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 amendment.



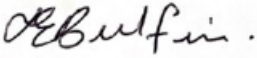
***Condition 10 relating to Upper Floor Eastern Elevation privacy screen is deleted.***

**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
- Traffic and parking
- Compliance with FSR
- Construction noise, vibration and dust
- Compliance with height
- Compliance with side boundary setback

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

<b>PANEL MEMBERS</b>	
 <b>STEPHEN O'CONNOR (CHAIR)</b>	 <b>SHERIDAN BURKE</b>
 <b>LEAH BULFIN</b>	

SCHEDULE 1		
1)	DA NO.	DA-2023/325
2)	PROPOSED DEVELOPMENT	Alterations and a third floor addition to existing dwelling, and associated works.
3)	STREET ADDRESS	20 Greenfield Avenue, Middle Cove NSW 2068
4)	APPLICANT/OWNER	Douglas Design
5)	REASON FOR REFERRAL	Departure from standard by more than 10%.
6)	RELEVANT MANDATORY CONSIDERATIONS	<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>State Environmental Planning Policy (Biodiversity and Conservation) 2021</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)	MATERIAL CONSIDERED BY THE PANEL	<ol style="list-style-type: none"> <li>1) Council assessment report: 21 November 2024</li> <li>2) Clause 4.6 variation requests: cl. 4.3 (height of buildings)</li> <li>3) Written submissions during public exhibition: 5</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.</li> <li>• Panel Members: Stephen O'Connor (Chair), Sheridan Burke and Leah Bulfin.</li> <li>• Papers circulated electronically 27 November 2024.</li> <li>• Panel briefing held on 3 December 2024.</li> <li>• Attendees: <ul style="list-style-type: none"> <li>○ Stephen O'Connor (Chair), Sheridan Burke and Leah Bulfin.</li> <li>○ Council staff: Mark Graczyk and Caitlin McNally.</li> </ul> </li> </ul>
9)	COUNCIL RECOMMENDATION	Approval
10)	DRAFT CONDITIONS	Attached to the Council assessment report