

## 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), Helen Deegan, Sheridan Burke and Leah Bulfin
<b>DECLARATIONS OF INTEREST</b>	None

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-2024/162 at 29 Coolawin Road, Northbridge NSW 2063. Alterations and additions to existing dwelling to include internal changes, pedestrian bridge, stair and lift, extend east facing balcony with spa addition, convert garage to carport, remove skylight and parapet, new glass balustrade to landscaped carport roof and walkway, pergola over first floor balcony 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 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. 4.3A (exceptions to 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:

- a) the applicant's written requests adequately address 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. 4.3A (exceptions to height of buildings) and cl. 4.4A (exceptions to floor space ratio) 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 C4 – Environmental Living zone and objectives of the development standards and does not increase the existing FSR of the subject site.**
2. **The proposed development is considered to be consistent with the objectives for dwelling houses contained in Part C4- Development in C4 zone 2023 of the *Willoughby DCP*.**
3. **The proposed development will have acceptable amenity impacts on neighbouring properties and is consistent with the streetscape and natural character of the locality.**

**CONDITIONS**

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

The Panel included a supplementary condition 49 Single Dwelling Only.

**Condition 49 is added as follows:**




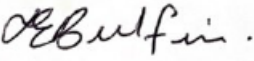
**OCCUPATION AND ONGOING USE**

**49. Single Dwelling Only**

To maintain the use of the premises as a single dwelling and maintain the building classification as that of a single dwelling with commensurate fire safety requirements, only one kitchen is approved by this consent. The premises is to be used at all times as a single dwelling only and must not be used for dual occupancy or as a boarding house or as a secondary dwelling (granny flat) without obtaining prior written development consent.  
(Reason: Ensure compliance)

**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.

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

SCHEDULE 1		
1)	DA NO.	DA-2024/162
2)	PROPOSED DEVELOPMENT	Alterations and additions to existing dwelling to include internal changes, pedestrian bridge, stair and lift, extend east facing balcony with spa addition, convert garage to carport, remove skylight and parapet, new glass balustrade to landscaped carport roof and walkway, pergola over first floor balcony and associated works.
3)	STREET ADDRESS	29 Coolawin Road, Northbridge NSW 2063
4)	APPLICANT/OWNER	Mrs Susannah J Gallagher
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 (Resilience and Hazards) 2021</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: 20 November 2024</li> <li>2) Clause 4.6 variation requests: <ul style="list-style-type: none"> <li>cl. 4.3A (exceptions to height of buildings)</li> <li>cl. 4.4A (exceptions to floor space ratio)</li> </ul> </li> <li>3) Written submissions during public exhibition: Nil</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), Helen Deegan, 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), Helen Deegan, Sheridan Burke and Leah Bulfin.</li> <li>○ Council staff: Saumya Shah and Ritu Shankar.</li> </ul> </li> </ul>
9)	COUNCIL RECOMMENDATION	Approval
10)	DRAFT CONDITIONS	Attached to the Council assessment report