

DETERMINATION AND STATEMENT OF REASONS

WILLOUGHBY LOCAL PLANNING PANEL

DATE OF DETERMINATION	3 December 2024
PANEL MEMBERS	Stephen O'Connor (Chair), Helen Deegan, Sheridan Burke and Leah Bulfin
DECLARATIONS OF INTEREST	None

Public meeting held at Willoughby City Council on 3 December 2024 by teleconference. The meeting opened at 2.00pm. Papers circulated electronically between 27 November and 3 December 2024.

This item was heard between 2.02pm and 2.33pm.

MATTER DETERMINED

DA-2023/281 at 39 The Scarp, Castlecrag NSW 2068. Construction of a new dwelling house, secondary dwelling, workshop, tree removal, detached carport, car crossing 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 adjourned during the meeting to deliberate on the matter and formulate a resolution.

Development application

The Panel determined to **defer consideration** of the development application until 19th December 2024 to allow additional information to be provided by the Aboriginal Heritage Office in relation to the recommendations and timing of the Aboriginal Heritage Due Diligence investigation that has been undertaken. The Panel also requests additional information from the applicant regarding the Architect's proposed treatment of the western elevation windows in terms of management of privacy issues and more detail on the opportunity to provide increased setback to the western boundary.




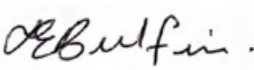
The decision was unanimous.

REASONS FOR THE DECISION

The reasons outlined in the Council assessment report and:

1. **The implications of the recommendations of the Aboriginal Heritage Due Diligence investigation need to be clarified by the Aboriginal Heritage Office.**
2. **To further clarify the implications of increasing the setback to the western boundary.**
3. **To seek clarification from the Architect's proposed treatment of the western elevation windows in terms of management of privacy issues.**

This matter will be determined by Electronic Determination on 19 December 2024

PANEL MEMBERS	
 STEPHEN O'CONNOR (CHAIR)	 HELEN DEEGAN
 SHERIDAN BURKE	 LEAH BULFIN

SCHEDULE 1		
1)	DA NO.	DA-2023/281
2)	PROPOSED DEVELOPMENT	Construction of a new dwelling house, secondary dwelling, workshop, tree removal, detached carport, car crossing landscaping and associated works.
3)	STREET ADDRESS	39 The Scarp, Castlecrag NSW 2068
4)	APPLICANT/OWNER	Mr Lester R Clifford
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 Sustainable Buildings 2022.</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 7.11 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: 26 November 2024. 2) Clause 4.6 variation requests: cl. 4.3 (height of buildings) 3) Written submissions during public exhibition: 10 4) Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In Support: Nil ○ In Objection: <ul style="list-style-type: none"> ○ Anne Hoggett of 37 The Scarp Castlecrag ○ Albert Phillip Hoggett of 35 The Scarp Castlecrag ○ On behalf of the applicant: <ul style="list-style-type: none"> ○ Lester Clifford (Applicant) ○ Jeremy Swan of the Planning Hub ○ Peter Stutchbury of Peter Stutchbury Architecture ○ Council staff: Olivia Navratil and Ritu Shankar
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. • Papers circulated electronically 27 November 2024. • Final briefing to discuss Council's recommendation, 3 December 2024 at 2.35pm-3.27pm • Attendees: <ul style="list-style-type: none"> ○ Stephen O'Connor (Chair), Helen Deegan, Sheridan Burke and Leah Bulfin. ○ Council Olivia Navratil and Ritu Shankar
9)	COUNCIL RECOMMENDATION	Approval
10)	DRAFT CONDITIONS	Attached to the Council assessment report