

## DETERMINATION AND STATEMENT OF REASONS WILLOUGHBY LOCAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	14 May 2024
<b>PANEL MEMBERS</b>	Graham Brown (Chair), Helen Lochhead, Stephen Kerr and Emma Rogerson
<b>DECLARATIONS OF INTEREST</b>	None

Electronic determination on 14 May 2024.

Papers circulated electronically 7 May 2024. Electronic communication sent between 7 and 14 May 2024.

### MATTER DETERMINED

DA-2023/268 at Lot 39, 135-145 Sailors Bay Road, Northbridge NSW 2063 change of use of existing community facility to a commercial premises.

### 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. 4.4 (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 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. 4.4 (floor space ratio) of the *WLEP* and the objectives for development in the E1 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 proposed development does not conflict with the desired outcomes and objectives of the development standards contained in the *Willoughby Local Environmental Plan 2012 (WLEP)*.**
2. **The proposal is consistent with the objectives of the development controls contained in *WDCP 2023*.**
3. **The development will allow an unused community facility property to provide funds to meet the current need for community services in the local area.**

### 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. The Panel noted that key issues of concern included:

- Compliance with development consent
- Compliance with FSR

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

PANEL MEMBERS	
 GRAHAM BROWN (CHAIR)	 HELEN LOCHHEAD
 STEPHEN KERR	 EMMA ROGERSON

SCHEDULE 1		
1)	DA NO.	DA-2023/268
2)	PROPOSED DEVELOPMENT	Change of use of existing community facility to a commercial premises.
3)	STREET ADDRESS	Lot 39, 135-145 Sailors Bay Road, Northbridge NSW 2063
4)	APPLICANT/OWNER	Willoughby City Council / Owners Corp Strata Plans 53342, 54400.
5)	REASON FOR REFERRAL	Conflict of Interest: <ul style="list-style-type: none"> <li>• Council application.</li> </ul>
6)	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <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 2023</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: 7 May 2024</li> <li>2) Clause 4.6 variation requests: 4.4 Floor Space Ratio</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 due to COVID-19 precautions.</li> <li>• Panel Members: Graham Brown (Chair), Helen Lochhead, Stephen Kerr and Emma Rogerson.</li> <li>• Papers circulated electronically 7 May 2024.</li> <li>• Panel briefing held on 14 May 2024.</li> <li>• Attendees: <ul style="list-style-type: none"> <li>○ Graham Brown (Chair), Helen Lochhead, Stephen Kerr and Emma Rogerson.</li> <li>○ Council staff: Anthony Blue and Ritu Shankar.</li> </ul> </li> </ul>
9)	COUNCIL RECOMMENDATION	Approval
10)	DRAFT CONDITIONS	Attached to the Council assessment report