

DETERMINATION AND STATEMENT OF REASONS WILLOUGHBY LOCAL PLANNING PANEL

DATE OF DETERMINATION	9 April 2024
PANEL MEMBERS	Jacqueline Townsend (Chair), David Ryan, Robert Montgomery, and Emma Rogerson
DECLARATIONS OF INTEREST	None

Electronic determination on 9 April 2024.

Papers circulated electronically 2 April 2024. Electronic communication sent between 2 and 9 April 2024.

MATTER DETERMINED

DA-2014/552/C at 56 Willowie Road, Castle Cove NSW 2069. Modify existing consent including internal and external modifications.

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 is satisfied that the proposed modification:

- is substantially the same development as the development for which consent was originally granted and before that consent was modified;
- has been notified; and
- has been assessed having regard to the relevant matters in s4.15(1) EP&A Act.

The Panel has taken into account the reasons of the consent authority that granted the consent that is sought to be modified.

Modification application

The Panel determined to **approve** the modification application pursuant to section 4.55 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 modification application will not have unreasonable impacts on the streetscape, the residential amenity of the neighbouring properties or the surrounding locality.**
2. **It is considered that the proposed modification application 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 (WDCP)*.**

CONDITIONS

The modification application was approved subject to the conditions in the Council assessment report.

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.

PANEL MEMBERS



JACQUELINE TOWNSEND (CHAIR)



DAVID RYAN



ROBERT MONTGOMERY



EMMA ROGERSON

SCHEDULE 1		
1)	DA NO.	DA-2014/552/C
2)	PROPOSED DEVELOPMENT	Modify existing consent including internal and external modifications.
3)	STREET ADDRESS	56 Willowie Road, Castle Cove NSW 2069.
4)	APPLICANT/OWNER	Plan Urbia / J Xie.
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 Building Sustainability Index: BASIX 2004 (The BASIX SEPP)</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 7.12 (S94A) 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: 27 March 2024 2) Clause 4.6 variation requests: Nil 3) Written submissions during public exhibition: Nil
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 due to COVID-19 precautions. • Panel Members: Jacqueline Townsend (Chair), David Ryan, Robert Montgomery, and Emma Rogerson. • Papers circulated electronically 2 April 2024. • Panel briefing held on 9 April 2024. • Attendees: <ul style="list-style-type: none"> ○ Jacqueline Townsend (Chair), David Ryan, Robert Montgomery, and Emma Rogerson. ○ Council staff: Adiba Kashfi, Patrick Williams and Ritu Shankar.
9)	COUNCIL RECOMMENDATION	Approval
10)	DRAFT CONDITIONS	Attached to the Council assessment report