DETERMINATION AND STATEMENT OF REASONS

WILLOUGHBY LOCAL PLANNING PANEL

DATE OF DETERMINATION	31 May 2022
PANEL MEMBERS	Abigail Goldberg (Chair), Trevor Bly, Gary Shiels and Linda Tully
DECLARATIONS OF INTEREST	None

Electronic determination on 31 May 2022.
Papers circulated electronically 25 May 2021. Electronic communication sent between 25 and 31 May 2022.

MATTER DETERMINED
DA-2022/10 at 1 Willowie Road, Castle Cove NSW 2069. Alterations and first floor addition to existing dwelling, internal modifications 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.

Applications to vary a development standard
Following consideration of written requests from the applicant, made under cl 4.6 (3) of the *Willoughby Local Environmental Plan 2012 (WLEP 2012)*, that have demonstrated that:

a) compliance with cl. 4.3 (height of buildings), cl. 4.4 (floor space ratio), and cl. 4.4A (exceptions to floor space ratio) are unreasonable or unnecessary in the circumstances; and
b) there are sufficient environmental planning grounds to justify contravening the development standards.

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, specifically:

1. **The design of the proposal is consistent with the design of the existing dwelling and with the eclectic Willowie Road streetscape.**

2. **The height, bulk and scale of the proposed alterations and additions are not incompatible with neighbouring buildings.**

3. **The proposed alterations and additions will not have unacceptable amenity impacts to adjoining properties.**

4. **Notwithstanding the numerical non-compliances with the Height of Building and FSR standards, the proposed alterations and additions are considered to be consistent with the objectives of the development standards and the objectives for development in the C4 zone, and therefore in the public interest.**

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 a written submission made during the public exhibition. The Panel noted that key issues of concern included:

- Privacy
- Overshadowing
- Bulk and scale
- Security
- View loss.

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

PANEL MEMBERS	
ABIGAIL GOLDBERG (CHAIR)	**TREVOR BLY**
GARY SHIELS	**LINDA TULLY**

SCHEDULE 1		
1)	**DA NO.**	DA-2022/10
2)	**PROPOSED DEVELOPMENT**	Alterations and first floor addition to existing dwelling, internal modifications and associated works.
3)	**STREET ADDRESS**	1 Willowie Road, Castle Cove NSW 2069.
4)	**APPLICANT/OWNER**	Cape Cod Australia Pty Ltd / W Shi and F Yuan.
5)	**REASON FOR REFERRAL**	Departure from standard by more than 10%.
6)	**RELEVANT MANDATORY CONSIDERATIONS**	• Environmental planning instruments: o *SEPP BASIX.* o SEPP (Biodiversity and Conservation) 2021. o SEPP (Resilience and Hazards) 2021 o *Willoughby Local Environmental Plan 2012.* • Draft environmental planning instruments:- no Draft SEPPs that apply • Development control plans: o *Willoughby Development Control Plan* o Sydney Harbour Foreshores and Waterways. o *Section 7.12 (S94A) Plan* o *Willoughby Local Infrastructure Contributions Plan*. • Provisions of the *Environmental Planning and Assessment Regulation 2000*. • Provisions of the *Environmental Planning and Assessment Act.* • 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 *Environmental Planning and Assessment Act 1979* or regulations. • The public interest, including the principles of ecologically sustainable development.
7)	**MATERIAL CONSIDERED BY THE PANEL**	1) Council assessment report: 24 May 2022 2) Clause 4.6 variation requests: 4.3 Building Height and 4.4 Floor Space Ratio 3) Written submissions during public exhibition: 1
8)	**MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY**	• Site inspections were undertaken individually by Panellists at their discretion due to COVID-19 precautions. • Panel Members: Abigail Goldberg (Chair), Trevor Bly, Gary Shiels and Linda Tully. • Papers circulated electronically 25 May 2022. • Panel briefing held on 31 May 2022. • Attendees: o Abigail Goldberg (Chair), Trevor Bly, Gary Shiels and Linda Tully. o Council staff: Ana Vissarion and Mark Bolduan.
9)	**COUNCIL RECOMMENDATION**	Approval
10)	**DRAFT CONDITIONS**	Attached to the Council assessment report