

DETERMINATION AND STATEMENT OF REASONS WILLOUGHBY LOCAL PLANNING PANEL

DATE OF DETERMINATION	28 June 2022
PANEL MEMBERS	Graham Brown (Chair), Trevor Bly, Deborah Laidlaw, and Linda Tully
DECLARATIONS OF INTEREST	NIL

Public meeting held at Willoughby City Council on 28 June 2022 by teleconference. The meeting opened at 2.00pm. Papers circulated electronically between 21 June and 28 June 2022.

This item was heard between 2.18pm and 2.55pm.

MATTER DETERMINED

DA-2021/307 at 1 Dorset Road, Northbridge NSW 2063. Installation of inclinator 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.

Development application

The Panel determined to **defer** the decision on the development application.

The decision was unanimous.

REASONS FOR THE DECISION

The Willoughby Local Planning Panel was not satisfied that sufficient information was available for a Determination. The Panel requested the following additional information to be submitted by the applicant within 3 weeks from the date of the deferral.

1. The provision of the plans and elevations showing the location of the inclinator and the adjoining residential development of 3A Dorset Road, Northbridge as approved and under construction. All plans are to be fully dimensioned showing the height of the inclinator rail above existing and proposed finished ground level of the subject property. The plans and elevation must show the accurate location and dimensions of windows and the rooms that these windows relate to at 3A Dorset Road, Northbridge where the windows adjoin the proposed inclinator.
2. The provision of an additional section elevation taken through the centre line of the inclinator rail showing the relationship of the structure to the existing ground level including all natural features such as rock outcrops, proposed excavation and retaining walls.
3. The provision of an amended landscaping plan to indicate the variations to the approved landscape plans for DA 2021/6 and to provide for satisfactory replacement planting to mitigate the impact of the inclinator and in compliance with the requirements for NSW RFS *Planning for Bushfire Protection*.

On submission of the additional information, a supplementary assessment report is to be provided by Council within 3 weeks of the receipt of the additional information. The supplementary assessment report should be referred back to current Panel, if available and if not, a newly constituted panel.

The Panel was also not satisfied that appropriate notice of the Panel hearing was given to those members of the public that provided submissions when the application was advertised. Prior to the matter being heard by a Panel, the writers of each submission are to be advised individually of the time and date for the Panel hearing and requested whether they wish to be heard.

CONSIDERATION OF COMMUNITY VIEWS

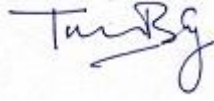
In coming to its decision, the Panel considered written submissions made during the public exhibition and heard from all those wishing to address the Panel. The Panel noted that key issues of concern included:

- Privacy
- Proximity to boundary
- Height of the inclinator

PANEL MEMBERS



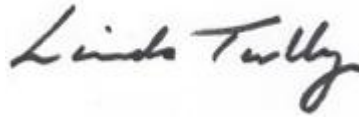
GRAHAM BROWN (CHAIR)



TREVOR BLY



DEBORAH LAIDLAW



LINDA TULLY

SCHEDULE 1		
1)	DA NO.	DA-2021/307
2)	PROPOSED DEVELOPMENT	Installation of inclinor and associated works.
3)	STREET ADDRESS	1 Dorset Road, Northbridge NSW 2063.
4)	APPLICANT/OWNER	S Downes / F M Mallyon.
5)	REASON FOR REFERRAL	Contentious Development – more than 10 submissions.
6)	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ <i>State Environmental and Planning Policy (Infrastructure 2007).</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> ○ Sydney Harbour Foreshores and Waterways. ○ <i>Section 7.12 (S94A) Plan</i> ○ <i>Willoughby Local Infrastructure Contributions Plan.</i> • Provisions of the <i>Environmental Planning and Assessment Regulation 2000.</i> • Provisions of the <i>Environmental Planning and Assessment Act.</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: 21 June 2022. 2) Clause 4.6 variation requests: Nil 3) Written submissions during public exhibition: 14 4) Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In Objection – (names of speakers of company/address or type Nil). <ul style="list-style-type: none"> ○ John Bradley of John Bradley Architect (on behalf of 3A Dorset Road) ○ Sharon Wyzenbeek of 3A Dorset Road Northbridge ○ On behalf of the applicant – <ul style="list-style-type: none"> ○ Stephen Mallyon (Owner) ○ Alex Cassar of Design King Company ○ Simon Downes of Peter Downes Designs ○ Council staff: Ana Vissarion 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 due to COVID-19 precautions. • Papers circulated electronically 21 and 28 June 2022. • Final briefing to discuss Council's recommendation, 28 June 2022 at 4:30pm • Attendees: <ul style="list-style-type: none"> ○ Graham Brown (Chair), Trevor Bly, Deborah Laidlaw, and Linda Tully. ○ Council staff: Ana Vissarion and Ritu Shankar
9)	COUNCIL RECOMMENDATION	Approval
10)	DRAFT CONDITIONS	Attached to the Council assessment report