

## DETERMINATION AND STATEMENT OF REASONS

### WILLOUGHBY LOCAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	25 October 2022
<b>PANEL MEMBERS</b>	Jacqueline Townsend (Chair), James Harrison, John McInerney, and Philippa Hayes
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Willoughby City Council on 25 October 2022 by teleconference. The meeting opened at 2.13pm. Papers circulated electronically between 19 October and 25 October 2022.

This item was heard between 2.13pm and 2.22pm.

#### MATTER DETERMINED

DA-2022/4 at 105 Artarmon Road, Artarmon NSW 2064. Partial demolition of existing dwelling and garage with retention of front facade, sympathetic reconstruction of garage and part of dwelling façade, two storey additions, fencing 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 **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 and:

- The proposal is consistent with the objectives of the R2 - Low Density Residential Zone and considered to be consistent with the objectives of Part D1 & Part H of the *Willoughby DCP*;**
- The proposed development will not have unreasonable impacts on the streetscape, the residential amenity of the neighbouring properties or the surrounding locality;**
- It is considered that the proposed development 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 development application was approved subject to the conditions in the Council assessment report with the following amendment(s).

**Condition 1 to be amended to read as follows:**

#### CONSENT IDENTIFICATION

The following condition provides information on what forms part of the Consent.

##### 1. Approved Plan/Details

The development must be in accordance with the following consent plans electronically stamped by Council:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Floor Plan – Existing	DA-03/B	B	17/10/2022	SWA Group
Floor Plan – Demolition	DA-04/C	C		
Roof and Site Plan	DA-11/C	C		
Floor Plan Overall	DA-12/C	C		

Floor Plan - Ground	DA-13/C	C		
Floor Plan – Level 1	DA-14/C	C		
Elevations – North & South	DA-21/C	C		
Elevations – East & West	DA-22/C	C		
Elevations – Streetscape & Fence	DA-23/C	C		
Sections - A & B	DA-31/B	B		
Sections - 1	DA-32/C	C		
Stormwater drainage Plan	S1	2	26/7/2022	MBC Engineering
Stormwater drainage Plan	S2	2	26/7/2022	MBC Engineering

the application form and any other supporting documentation submitted as part of the application, except for:

- (a) any modifications which are “Exempt Development” as defined under S.4.1(1) of the *Environmental Planning and Assessment Act 1979*;
- (b) otherwise provided by the conditions of this consent.  
(Reason: Information and ensure compliance)

***The following conditions have been added:***

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

**The following conditions of consent must be complied with prior to the issue of a construction certificate.**

##### **13A. Detailed Landscape Design**

Prior to the issue of the Construction Certificate, submit to the registered certifier a detailed landscape design prepared by a qualified landscape design professional. This information is to include the following information:

- (a) Not include environmental weed species and trees listed as undesirable in the Willoughby Development Control Plan;
- (b) Use locally occurring native plant species;
- (c) Comply with ecologically sustainable development landscape principles;
- (d) Comply with WCC Landscape Specification 05/2007 Development Site Bushland Management: Plan and Specification.

(Reason: Landscape amenity)

#### **PRIOR TO COMMENCEMENT**

**The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. All of these conditions are to be complied with prior to the commencement of any works on site, including demolition.**

##### **18A. Project Arborist**

- (a) A Project Arborist is to be appointed prior to commencement of works on site;
- (b) The Project Arborist is to have a minimum qualification AQF Level 5;
- (c) The Project Arborist is to oversee and authorise all tree protection works in accordance with AS4970/2009 and relevant conditions of consent;
- (d) The Project Arborist is to certify that all tree protection measures have been installed prior to commencement of works.





(Reason: Safety, environmental protection, landscape amenity)

### 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
- Overshadowing
- Landscaping
- Heritage
- Construction noise, vibration and dust

The Panel considered that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
	
JACQUELINE TOWNSEND (CHAIR)	JAMES HARRISON
	
JOHN MCINERNEY	PHILIPPA HAYES

SCHEDULE 1		
1)	DA NO.	DA-2022/4
2)	PROPOSED DEVELOPMENT	Partial demolition of existing dwelling and garage with retention of front facade, sympathetic reconstruction of garage and part of dwelling façade, two storey additions, fencing and associated works.
3)	STREET ADDRESS	105 Artarmon Road, Artarmon NSW 2064.
4)	APPLICANT/OWNER	SWA Group / R T Sun and Mr F Wang.
5)	REASON FOR REFERRAL	Contentious Development – more than 10 submissions.
6)	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>SEPP Building Sustainability Index: BASIX 2004 (The BASIX SEPP).</li> <li>Willoughby Local Environmental Plan 2012.</li> </ul> </li> <li>Draft environmental planning instruments: DRAFT Willoughby Local Environmental Plan</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Willoughby Development Control Plan</li> <li>Section 7.12 (S94A) Plan</li> <li>Willoughby Local Infrastructure Contributions Plan.</li> </ul> </li> <li>Provisions of the Environmental Planning and Assessment Regulation 2000.</li> <li>Provisions of the Environmental Planning and Assessment Act 1979.</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 Environmental Planning and Assessment Act 1979 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>Council assessment report: 18 October 2022.</li> <li>Clause 4.6 variation requests: Nil</li> <li>Written submissions during public exhibition: 19</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>In Support: <ul style="list-style-type: none"> <li>Richard Windeyer of 99 Artarmon Rd, Artarmon</li> </ul> </li> <li>In Objection: <ul style="list-style-type: none"> <li>Nil</li> </ul> </li> <li>On behalf of the applicant: <ul style="list-style-type: none"> <li>Steve Wu of SWA Group</li> </ul> </li> <li>Council staff: Patrick Williams and Ritu Shankar</li> </ul> </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>Papers circulated electronically 19 October to 25 October 2022.</li> <li>Final briefing to discuss Council's recommendation, 25 October 2022 at 2.28pm-2.37pm</li> <li>Attendees: <ul style="list-style-type: none"> <li>Jacqueline Townsend (Chair), James Harrison, John McInerney, and Philippa Hayes.</li> <li>Council staff: Patrick Williams and Ritu Shankar</li> </ul> </li> </ul>
9)	COUNCIL RECOMMENDATION	Approval
10)	DRAFT CONDITIONS	Attached to the Council assessment report