

DETERMINATION AND STATEMENT OF REASONS

WILLOUGHBY LOCAL PLANNING PANEL

DATE OF DETERMINATION	29 November 2022
PANEL MEMBERS	Abigail Goldberg (Chair), Trevor Bly, James Harrison, and Linda Tully
DECLARATIONS OF INTEREST	None

Public meeting held at Willoughby City Council on 29 November 2022 by teleconference. The meeting opened at 2.00pm.

Papers circulated electronically between 23 November and 29 November 2022.

This item was heard between 2.03pm and 2.26pm.

MATTER DETERMINED

DA-2022/105 at 3A Dorset Road, Northbridge NSW 2063. Alterations to existing boatshed, relocation & building of cabana to pool area, new spa pool, garden shed 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.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

Development application

The Panel determined to **approve** the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to conditions.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons outlined in the Council assessment /supplementary report and:

1. **The proposal is of minimal environmental impact. The works below the mean high water mark are related to re-roofing and cladding of the existing boatshed and some minor access works. New environmental impact to the foreshore and surrounds from this work will be negligible.**
2. **The proposal will cause minimal new impacts to surrounding residences in terms of overshadowing, overlooking or visual intrusion.**
3. **The proposal is generally compliant with the relevant planning controls including the relevant objectives and performance criteria set out in the WDCP 2006 and the Sydney Harbor: Foreshores and Waterways Area DCP 2005.**

CONDITIONS

The development application was approved subject to the conditions in the Council assessment report with the following amendment.

Condition 2A has been added to read to follows:

2A. Amendments

Prior to the issue of the Construction Certificate, the proposal is to be amended in the following manner:

- (a) The 1m high 'Safety wall for wheel chair access' is to be constructed out of clear glass or be a rail design that is not solid.

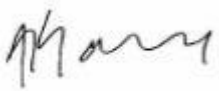
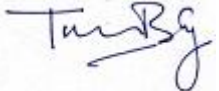

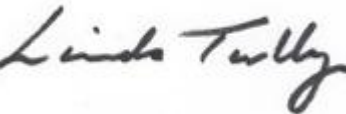
Plans detailing these amendments are required to be shown on the Construction Certificate plans.
(Reason: Ensure transparency in the waterfront location)

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:

- Compliance with FSR
- Landscaping
- Overdevelopment of the site
- Impact on public land
- Setback of the cabana
- Noise resulting from the pool pump and the spa.

The Panel considered that concerns raised by the community in submissions during the public exhibition and afterwards, and at the public meeting have been adequately addressed in the assessment report and subsequent Council Officer advice, and through addition to conditions by the Panel.

PANEL MEMBERS	
 ABIGAIL GOLDBERG (CHAIR)	 TREVOR BLY
 JAMES HARRISON	 LINDA TULLY

SCHEDULE 1		
1)	DA NO.	DA-2022/105
2)	PROPOSED DEVELOPMENT	Alterations to existing boatshed, relocation & building of cabana to pool area, new spa pool, garden shed and associated works.
3)	STREET ADDRESS	3A Dorset Road, Northbridge NSW 2063.
4)	APPLICANT/OWNER	John Bradley Architect / S C Wyzenbeek and Mr N A Wyzenbeek.
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"> SEPP Building Sustainability Index: BASIX 2004 (The BASIX SEPP). State Environmental Planning Policy (Resilience and Hazards) 2021. State Environmental Planning Policy (Biodiversity and Conservation) 2021. Willoughby Local Environmental Plan 2012. Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Willoughby Development Control Plan Section 7.12 (S94A) Plan Willoughby Local Infrastructure Contributions Plan. Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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"> Council assessment report: 23 November 2022. Clause 4.6 variation requests: Nil Written submissions during public exhibition: 11 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In Support: <ul style="list-style-type: none"> Nil In Objection: <ul style="list-style-type: none"> Stephen Mallyon of 1 Dorset Road Northbridge Alex Welch of 7 Dorset Road Northbridge On behalf of the applicant: <ul style="list-style-type: none"> John Bradley of John Bradley Architect (Applicant) Sharon Wyzenbeek of 3A Dorset Road Northbridge (Owner) Norbert Wyzenbeek of 3A Dorset Road Northbridge (Owner) Council staff: Patrick Williams, Ritu Shankar and Mitchell Noble
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 23 November 2022. Final briefing to discuss Council's recommendation, 29 November 2022 at 3.03pm-3.37pm Attendees: <ul style="list-style-type: none"> Abigail Goldberg (Chair), Trevor Bly, James Harrison, and

		Linda Tully. ○ Council staff: Patrick Williams and Ritu Shankar
9)	COUNCIL RECOMMENDATION	Approval
10)	DRAFT CONDITIONS	Attached to the Council assessment report