

DETERMINATION AND STATEMENT OF REASONS

WILLOUGHBY LOCAL PLANNING PANEL

DATE OF DETERMINATION	29 AUGUST 2018
PANEL MEMBERS	Penny Holloway (Chair), Gary Shiels, Annelise Tuor and Robert Freestone.
DECLARATIONS OF INTEREST	NIL

Electronic Determination for WLPP meeting of 29 May 2018.

MATTER DETERMINED

DA-2017/484 at 240 Edinburgh Road, CASTLECRAG NSW 2068 (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at the meeting and the matters observed at the site inspection listed at item 8 in Schedule 1.

The Panel unanimously approved the applicant's request to vary the height of building standard in Clause 4.3 of the *Willoughby Local Environment Plan 2012*. The Panel considered the applicant's submission had demonstrated the matters required by Clause 4.6 and the objectives of the height of building standard will be met notwithstanding the variation.

The Panel determined to **approve** the development application as described in Schedule 1 pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was **unanimous**.

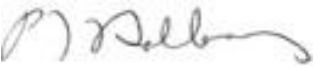
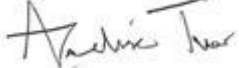


REASONS FOR THE DECISION

- A. Support the Clause 4.6 variation to the height of buildings control contained in Clause 4.3 of *Willoughby Local Environmental Plan 2012* as it is considered unreasonable and unnecessary to comply with the development standard for the following reasons:**
1. The amended proposal lowers the maximum building height, as originally proposed from 12.3m to approximately 11.9m and lowers the ridge height by 300mm.
 2. The uppermost level has been re-designed to better respond to the topography of the site by stepping down the rear balcony/terrace with lightweight roof.
 3. The non-compliance with the building height is primarily to the rear and therefore it is considered to have a minimal impact on the streetscape of Edinburgh Road.
 4. The amended proposal with increased rear setback to the uppermost level and lightweight lower roofing to rear balconies/terraces, is considered to maintain visual quality when viewed from the surrounding areas including The Bulwark.
 5. The design and height of the amended proposal subject to minor amendments, as recommended, is considered to be consistent with the objectives of the E4 - Environmental Living zone.
- B. Approve Development Application DA-2017/484 for alterations and additions to an existing dwelling including first floor addition and associated works at 240 Edinburgh Road, Castlecrag, subject to minor amendments as recommended, for the following reasons:**
1. The Clause 4.6 Variation request in relation to Clause 4.3 - Height of Building standard contained in the *Willoughby Local Environmental Plan 2012* is well founded and demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.
 2. It is considered that the bulk and scale of the proposal, as originally submitted has been reduced to minimise overshadowing, privacy and amenity impacts to the surrounding developments.

3. The revised proposal, subject to minor amendments as recommended, is consistent with the specific objectives of the E4 – Environmental Living zone in terms of its compatibility with the scale and character of surrounding development and its likely adverse impacts in respect to solar access, residential amenity and visual and acoustic privacy.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report 2.

PANEL MEMBERS	
 PENNY HOLLOWAY (CHAIR)	 ANNELISE TUOR
 GARY SHIELS	 ROBERT FREESTONE

SCHEDULE 1		
1)	DA NO.	DA-2017/484
2)	PROPOSED DEVELOPMENT	Alterations and additions to an existing dwelling including first floor addition and associated works.
3)	STREET ADDRESS	240 Edinburgh Road, CASTLECRAG NSW 2068.
4)	APPLICANT/OWNER	Mr A A Marks.
5)	REASON FOR REFERRAL	Departure from standard by more than 10%.
6)	RELEVANT MANDATORY CONSIDERATIONS	<ol style="list-style-type: none"> 1) Environmental planning instruments: <ul style="list-style-type: none"> • SEPP (BASIX). • Sydney Regional Environmental Plan (Sydney and Middle Harbour Catchment)(Deemed SEPP). • Willoughby Local Environmental Plan 2012. 2) Development control plans: <ul style="list-style-type: none"> • Willoughby Development Control Plan • Sydney Harbour Foreshores and Waterways. 3) The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. 4) The suitability of the site for the development. 5) Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations. 6) 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 for meeting of 29 May 2018 2) Addendum to WLPP Determination and Statement undated but emailed 10/7/2018. 3) WLPP Report (2) emailed to Panel on 27 Aug 2018. 4) Verbal submissions at the public meeting of 29 May 2018: <ul style="list-style-type: none"> o Object – Ben Perham. o On behalf of the applicant – Aidan Marks, Ryan Swanson, Ryan Barnett and Jennie Askin.
8)	MEETINGS AND SITE INSPECTIONS BY THE PANEL	Site inspection and briefing meeting dated 29 May 2018.
9)	COUNCIL RECOMMENDATION	Approval