

DETERMINATION AND STATEMENT OF REASONS WILLOUGHBY LOCAL PLANNING PANEL

DATE OF DETERMINATION	30 October 2018
PANEL MEMBERS	Garry West (Chair), Annelise Tuor, Julie Savet Ward, Philippa Hayes.
DECLARATIONS OF INTEREST	NIL

Public meeting held at Willoughby City Council Chambers on 30 October 2018 opened at 2.18pm and closed at 2.52pm.

MATTER DETERMINED

DA-2017/429 at 7 & 9 Warners Avenue, WILLOUGHBY NSW 2068 (as described in Schedule 1)

The following people addressed the meeting:

- 1) Leah Bulfin of 14 Warners Ave Willoughby
- 2) Jeff Bulfin of 14 Warners Ave Willoughby
- 3) Kai Tse of 5 Warners Ave Willoughby
- 4) Tony Bellia of 11 Warners Ave Willoughby
- 5) Danny Yeung of Giles Tribe Architects on behalf of the applicant.

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 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. Approve Development Application DA-2017/429 for Demolition of two (2) dwellings and construction of six (6) townhouse with basement carparking and associated works at 7 & 9 Warners Avenue, Willoughby, subject to the conditions contained in Attachment 1, for the following reasons:**
- 1) **The proposed development is considered to be consistent with the desired future character of the locality in providing medium density residential housing.**
 - 2) **The proposal is consistent with the objectives of R3 – Medium Density Residential zone and objectives of the development standards and development controls under *WLEP 2012*.**
 - 3) **The proposal is not considered to create likely impacts on traffic, streetscape or residential amenity of adjoining properties.**
 - 4) **All reasons for deferral by the Panel on 26 June 2018 have been satisfactorily addressed.**

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment report with the following amendments.

Condition 2 to be amended to read as follows:

2. Amendments

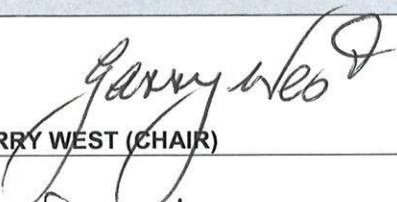



Prior to the issue of the Construction Certificate, the proposal is to be amended in the following manner:

- (a) Install privacy screen of 1.6m high measured from the floor level on the western side of first floor balcony of Townhouse 1 and eastern side of first floor balcony of Townhouse 6 to reduce overlooking to adjoining properties.
- (b) In order to protect existing tree roots, plans are to be amended to maintain existing ground levels within 3 metres of the rear **boundary adjacent to Townhouse 1, 2 and 3**.
- (c) In order to accommodate tree planting as indicated on the Landscape Plan, plans are to be amended to provide a minimum soil depth of 800mm over the portion of the On Site Detention

Tank located in the western side setback area, north of the bin enclosure.

- (d) **Remove the garbage collection area on the south west corner of the site and replace with a soft landscaped area.**

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

PANEL MEMBERS	
 GARRY WEST (CHAIR)	 ANNELISE TUOR
 JULIE SAVET WARD	 PHILIPPA HAYES

SCHEDULE 1		
1)	DA NO.	DA-2017/429
2)	PROPOSED DEVELOPMENT	Demolition of two (2) dwellings and construction of six (6) townhouse with basement carparking and associated works.
3)	STREET ADDRESS	7 & 9 Warners Avenue, WILLOUGHBY NSW 2068
4)	APPLICANT/OWNER	Ms D Wong and Mr E Foo.
5)	REASON FOR REFERRAL	Contentious Development – More than 10 submissions.
6)	RELEVANT MANDATORY CONSIDERATIONS	<ol style="list-style-type: none"> 1) Environmental planning instruments: <ul style="list-style-type: none"> • <i>State Environmental and Planning Policy (Infrastructure 2007)</i>. • <i>SEPP BASIX</i>. • <i>SEPP 55 – Remediation of Land</i> • <i>Sydney Regional Environmental Plan (Sydney and Middle Harbour Catchment)(Deemed SEPP)</i>. • <i>State Environmental Planning Policy (Coastal Management) 2018</i>. • <i>Willoughby Local Environmental Plan 2012</i>. 2) Development control plans: <ul style="list-style-type: none"> • <i>Willoughby Development Control Plan</i> • Sydney Harbour Foreshores and Waterways. • Section 94A Plan. 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 30 October 2018. 2) Verbal submissions at the public meeting: <ul style="list-style-type: none"> • Object – Tony Bellia, Leah and Jeff Bulfin, Kai Tse. • On behalf of the applicant – Danny Yeung.
8)	MEETINGS AND SITE INSPECTIONS BY THE PANEL	Site inspection and briefing meeting on 30 October 2018.
9)	COUNCIL RECOMMENDATION	Approval.