

## DETERMINATION AND STATEMENT OF REASONS

### WILLOUGHBY LOCAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	26 March 2019
<b>PANEL MEMBERS</b>	Garry West (Chair), Trevor Bly, Julie Savet Ward and Robert Wilson.
<b>DECLARATIONS OF INTEREST</b>	NIL

Public meeting held at Willoughby City Council Chambers on 26 March 2019 opened at 3.11pm and closed at 4.05pm.

#### **MATTER DETERMINED**

DA-2018/247 at 518 Willoughby Road, WILLOUGHBY 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 site inspection listed at item 8 in Schedule 1.

The Panel unanimously refused the applicant's Clause 4.6 request to vary the height of building and minimum lot size in Clause 4.1 of the *Willoughby Local Environment Plan 2012*.

The Panel determined to refuse 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 Panel resolved to:

Refuse Development Application DA-2018/247 for the following reasons:

- 1) Fails to fully achieve the design quality principles identified in *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65)* and associated *Apartment Design Guide*, impacting the daylight access, privacy, natural ventilation, sense of intrusion of adjoining residential properties and failing to provide suitable area for a communal open space and for landscaping, acceptable car parking on site and adequate stormwater disposal.
- 2) Does not comply with the Maximum Height of buildings & the Minimum allotment size development standards as required by the *Willoughby Local Environmental Plan 2012 (WLEP 2012)* and the request to vary these standards is not supported as the Clause 4.6 variation requests in relation to these development standards fail to demonstrate that compliance with the standards is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standards, or that contravening the standards is in the public interest.
- 3) Is inconsistent with the objectives for development in the R3 Medium Density Residential Zone by "providing a comfortable and sustainable living environment that also has regard to solar access, privacy, noise, views, vehicular access, parking and landscaping."
- 4) Does not comply with the *Willoughby Development Control Plan (WDCP)* controls in respect to height, setbacks, site coverage, common open space, landscaping, car parking, stormwater and flooding, and is proposing permanent structures over a stormwater pipe.
- 5) Does not comply with the *Willoughby Development Control Plan (WDCP)* controls in respect to providing suitable amenity for neighbours as it impacts solar access of neighbours, privacy and intrudes in an unacceptable manner.

PANEL MEMBERS



GARRY WEST (CHAIR)



TREVOR BLY



JULIE SAVET WARD



ROBERT WILSON

<b>SCHEDULE 1</b>		
1)	<b>DA NO.</b>	DA-2018/247
2)	<b>PROPOSED DEVELOPMENT</b>	Demolition of existing dwelling and construction of residential flat building comprising of (3) three storey (4) four unit building with carparking, landscaping and associated works.
3)	<b>STREET ADDRESS</b>	518 Willoughby Road, WILLOUGHBY NSW 2068.
4)	<b>APPLICANT/OWNER</b>	D E Kerr.
5)	<b>REASON FOR REFERRAL</b>	Departure from standard by more than 10%.
6)	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ol style="list-style-type: none"> <li>1) Environmental planning instruments: <ul style="list-style-type: none"> <li>• <i>State Environmental and Planning Policy (Infrastructure 2007)</i>.</li> <li>• <i>SEPP 65 – Design Quality of Residential Apartment Development</i>.</li> <li>• <i>SEPP BASIX</i>.</li> <li>• <i>SEPP 55 – Remediation of Land (Land Contamination)</i>.</li> <li>• <i>Sydney Regional Environmental Plan (Sydney and Middle Harbour Catchment) (Deemed SEPP)</i>.</li> <li>• <i>Willoughby Local Environmental Plan 2012</i>.</li> </ul> </li> <li>2) Development control plans: <ul style="list-style-type: none"> <li>• <i>Willoughby Development Control Plan</i></li> </ul> </li> <li>3) The suitability of the site for the size of the development.</li> <li>4) 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>5) Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations.</li> <li>6) The public interest, including the principles of ecologically sustainable development.</li> </ol>
7)	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ol style="list-style-type: none"> <li>1) Council assessment report for meeting dated 26 March 2019.</li> <li>2) Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>• Object – <ul style="list-style-type: none"> <li>• Sylvia Howes of 10/520 Willoughby Road, Willoughby</li> <li>• Danny Ruspandini of 10/520 Willoughby Road, Willoughby</li> </ul> </li> <li>• Support - Nil</li> <li>• On behalf of the applicant – <ul style="list-style-type: none"> <li>• Donald Kerr (applicant)</li> <li>• Wayne Gersbach of Memphis Strategic (Town Planner)</li> <li>• Sven Ollman of Martin &amp; Ollman Architects</li> </ul> </li> </ul> </li> </ol>
8)	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	Site inspection and briefing meeting on 26 March 2019.
9)	<b>COUNCIL RECOMMENDATION</b>	Refusal.