

DETERMINATION AND STATEMENT OF REASONS

WILLOUGHBY LOCAL PLANNING PANEL

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| DATE OF DETERMINATION | 28 May 2019 |
| PANEL MEMBERS | Abigail Goldberg (Chair), Kara Krason, John McInerney and Robert Freestone. |
| DECLARATIONS OF INTEREST | Robert Freestone had no knowledge of this project but the applicant (architect) Alec Tzannes is a former Dean of Built Environment at UNSW and could be considered a social acquaintance. |

Public meeting held at Willoughby City Council Chambers on 28 May 2019 opened at 2.45pm and closed at 2.47pm.

MATTER DETERMINED

DA-2018/432 at 9 Coorabin Road, NORTHBRIDGE NSW 2063 (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 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

The Panel resolved to:





- A. Support the Clause 4.6 variation to the Height of Building 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:**
- (a) The proposal to provide lift access to the dwelling house from the garage level is to enable the occupants to continue living in their residence. The approval of the lift is consistent with the objective of Clause 4.6 (1) (b) *to achieve better outcomes for development by allowing flexibility in particular circumstances*.
 - (b) The height of the proposed lift at RL 34.223 is below the level of Coorabin Road so there will be no significant impact to the streetscape or significant view issues for the houses on the southern side of Coorabin Road.
 - (c) The height of the proposed lift of RL 34.223 is below the ridge heights of the adjoining buildings at 7 Coorabin Road of RL 37.58 and 11 Coorabin Road of RL 41.47 making it in harmony with the bulk and scale of surrounding buildings and the streetscape.
 - (d) The height non-compliance occurs at the garage or upper level due to the topography of the site and is due to the unique characteristics of the site. Therefore numeric compliance with the height of buildings standard in this case is unreasonable and unnecessary.
 - (e) The proposed height non-compliance will not have unreasonable amenity impacts to neighbouring properties with regard to privacy, views, building bulk and overshadowing so that there are sufficient environmental planning grounds to justify contravening the development standard.
 - (f) The proposal is consistent with the objectives of the height of buildings standard and the E4 Environmental Living Zone so that it is considered to be in the public interest.
 - (g) The proposal is sympathetic to the local heritage listing of the building, Snelling House, and is responsive to the architectural qualities of this award winning building.

B. Approve Development Application DA-2018/432 for construction of new elevator, steel bridge, internal alterations and associated works. at 9 Coorabin Road, NORTHBRIDGE, subject to the conditions contained in the Council Assessment Report for meeting dated xx, for the following reasons:

- (a) The proposal is for minor alterations and additions to a dwelling house, including the installation of a lift, to improve amenity for the occupants.
- (b) The proposal will not have unreasonable amenity impacts to neighbouring properties with regard to privacy, views, visual bulk or overshadowing.
- (c) The proposal has an acceptable impact on scenic quality and views to and from Sydney Harbour.
- (d) It is considered that the proposed development complies with the objectives of the development standards contained in the *Willoughby LEP 2012* and the objectives of the *Willoughby DCP*.

CONDITIONS

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

| PANEL MEMBERS | |
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|  ABIGAIL GOLDBERG (CHAIR) |  KARA KRASON |
|  JOHN MCINERNEY |  ROBERT FREESTONE |

| SCHEDULE 1 | | |
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| 1) | DA NO. | DA-2018/432 |
| 2) | PROPOSED DEVELOPMENT | Construction of new elevator, steel bridge, internal alterations and associated works. |
| 3) | STREET ADDRESS | 9 Coorabin Road, NORTHBRIDGE NSW 2063. |
| 4) | APPLICANT/OWNER | Mr A Tzannes. |
| 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"> • <i>SEPP 55 – Remediation of Land (Land Contamination)</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 7.12 (S94A) 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 dated 28 May 2019. 2) No verbal submissions at the public meeting. |
| 8) | MEETINGS AND SITE INSPECTIONS BY THE PANEL | Site inspection and briefing meeting on 28 May 2019. |
| 9) | COUNCIL RECOMMENDATION | Approval. |