

DATE OF DETERMINATION	30 May 2025
DATE OF PANEL DECISION	30 May 2025
DATE OF PANEL MEETING	28 May 2025
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Francis, James Harrison, Tanya Taylor
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 28 May 2025, opened at 11am and closed at 11.34am.

MATTER DETERMINED

PPSSNH-455 – Willoughby – DA-2023/334 at 74 Deepwater Road, Castle Cove – Subdivision of the site to create two lots, demolition of existing golf clubhouse and car park, construction of a new golf clubhouse and associated car parking, construction of part two and three storey building comprising independent living units with basement car parking, bus zone, loading zone, landscaping and associated works (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 meetings and briefings listed at item 8 in Schedule 1.

Application to vary a development standard:

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Willoughby Local Environmental Plan 2012 (LEP), the Panel is satisfied that the applicant has demonstrated that:

- compliance clauses 84 and 108 of SEPP (Housing) 2021 regarding HOB are unreasonable or unnecessary in the circumstances; and
- compliance with clause 108(2)(c) of SEPP (Housing) 2021 regarding FSR is unreasonable or unnecessary in the circumstances, and
- there are sufficient environmental planning grounds to justify contravening the development standards.

The Proposal as amended sought variations to the height and floor space ratio development standards and the Applicant therefore submitted comprehensive Clause 4.6 Written Variation Requests. These requests were considered in Council's Assessment report and are further discussed below.

The Panel concurs with Council that the majority of the building complies with the height limit and the breach is limited to an area of 73.97 square metres or 5.28% of the total roof print. As such the area of non-compliance is small and a result of the site's varying topography. The Panel accepts that the design responds to the undulating topography, accommodates the existing rock formations on the site and has also been sited in a way to maximise separation distances from adjoining properties. The Panel concurs with Council that the height breach will not change the existing character nor hinder the desired future character of the area. Given there are sufficient environmental planning grounds, the variation is accepted in the circumstances.

In relation to the FSR variation, the proposal represents significant increases of 58.9% to the WLEP and 66% to the SEPP standards. However, the Applicant has submitted appropriate justification for the breach and Council's assessment extensively discussed the relevant issues. The Panel concurs with Council that the

proposed bulk and scale are compatible with existing developments on adjoining properties and would not result in unacceptable amenity impacts including view loss, overshadowing or visual intrusion to surrounding development. The Panel concurs with Council that there are sufficient environmental planning grounds to justify the variation and is accepted in the circumstances.

Development application

The Panel determined to approve 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 determined to uphold the Clause 4.6 variations to building height and floor space ratio and approve the application for the reasons below and in Council's comprehensive Assessment Report.

The application is Integrated Development requiring RFS and Water NSW approval, both of which were obtained.

The Panel notes the application was lodged in December 2023 and the design, as amended in November 2024, had benefited from extensive consultation with the community, Council and the Design Review Panel.

The Panel further notes the proposed development achieves the outcomes and objectives of Chapters 3 and 4 of State Environmental Planning Policy – (Housing) 2021, does not conflict with the outcomes and objectives of the WLEP development standards and the proposal is consistent with the objectives of the WDCP development controls.

The Panel believes the proposal has been properly assessed in accordance with relevant planning controls, will provide much-needed seniors housing in the R2 Low Density Residential Zone, will enable the redevelopment of the existing clubhouse building, enhance local amenities and continue a valuable recreational facility. Accordingly, the Panel unanimously resolved to approve the application.

CONDITIONS



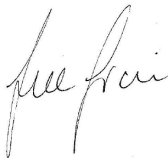


The Development Application was approved subject to the conditions in the Council Assessment Report as amended and uploaded to the Portal on 30 May 2025 (Note: at the Council Briefing held on 28 May, Council discussed changes to their original draft conditions, based on comments from the applicant). The Panel did not add or delete any proposed conditions, although suggested minor changes to clarify or strengthen conditions.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Increased traffic congestion
- Traffic calming measures and pedestrian access
- Loss of on street parking
- Bulk and scale
- Tree removal
- Privacy, amenity and noise issues
- Artificial turfing may contribute to urban heat
- Increased debris and waste
- Lack of screening measures
- Overshadowing

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and the conditions as amended and no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Sue Francis	 James Harrison
 Tanya Taylor	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-455 – Willoughby – DA-2023/334
2	PROPOSED DEVELOPMENT	<p>Subdivision of the site to create two lots, demolition of existing golf clubhouse and car park, construction of a new golf clubhouse and associated car parking, construction of part two and three storey building comprising independent living units with basement car parking, bus zone, loading zone, landscaping and associated works.</p> <p>The application is identified as Integrated development requiring approval from the NSW Rural Fire Service pursuant to s100B of the Rural Fires Act 1997 and the application is also identified as Nominated Integrated development requiring approval from the Water NSW pursuant to s90 the Water Management Act 2000</p>
3	STREET ADDRESS	74 Deepwater Road, Castle Cove
4	APPLICANT/OWNER	Taylor Developments Group Pty Ltd / Castlecove Country Club Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Act 1979 (EP&A Act) ○ Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Sustainable Buildings) 2022 ○ State Environmental Planning Policy (Housing) 2021, Chapters 3 and 4 ○ Willoughby Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Willoughby Development Control Plan 2023 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • Coastal zone management plan: 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	<ul style="list-style-type: none"> • Council Assessment Report: 14 May 2025 • Written submissions during public exhibition: 30 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Elizabeth Torokfalvy, Mark Oxenham, Ken Rutherford (on behalf of the Castle Cove Progress Association) ○ Council assessment officer – Akshay Bishnoi ○ On behalf of the applicant – Clare Swan • Total number of unique submissions received by way of objection: 30

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Preliminary Briefing: 24 April 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurran, Roberston, Sim Adeline ○ <u>Council assessment staff</u>: Akshay Bishnoi, Ritu Shankar, Wil ○ <u>Applicant representatives</u>: Maureece Xuereb, Andreas Antoniadis, Adam, John Rumpler, Marina Savochkina ○ <u>Department staff</u>: George Dojas, Adam Iskander, Suzie Jattan • Briefing: 9 October 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurran, Robert Freestone ○ <u>Council assessment staff</u>: Akshay Bishnoi, Ritu Shankar, Wil Robertson ○ <u>Applicant representatives</u>: Maureece Xuereb, Ian Manton-Hall, Adam Wheat, John Rumpler, Karen Armstrong, Juliet Wittenoom Louw, Andreas Antoniadis, Marina Savochkina • Final briefing to discuss council's recommendation: 28 May 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, James Harrison, Tanya Taylor ○ <u>Council assessment staff</u>: Akshay Bishnoi, Ritu Shankar ○ <u>Department staff</u>: Lillian Charlesworth, Jade Buckman • Public meeting: 28 May 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, James Harrison, Tanya Taylor ○ <u>Council assessment staff</u>: Akshay Bishnoi, Ritu Shankar ○ <u>Applicant representatives</u>: Juliet Wittenoom Louw, Clare Swan, John Rumper, Marina Savochkina, Adam Wheat, Ian Manton-Hall, Chris Palmer ○ <u>Department staff</u>: Lillian Charlesworth, Jade Buckman
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report