

DETERMINATION AND STATEMENT OF REASONS WILLOUGHBY LOCAL PLANNING PANEL

DATE OF DETERMINATION	12 September 2023
PANEL MEMBERS	Abigail Goldberg (Chair), Jason Perica, Robert Montgomery and Philippa Hayes
DECLARATIONS OF INTEREST	None

Public meeting held at Willoughby City Council on 12 September 2023 by teleconference. The meeting opened at 2.00pm.

Papers circulated electronically between 4 September and 12 September 2023.

This item was heard between 3.09pm and 3.12pm.

MATTER DETERMINED

DA-2023/59 at 1 Wilkes Avenue, Artarmon NSW 2064. Change of use from existing retail business to proposed food and beverage premises in existing Local Heritage Item

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7, the material presented at the meeting and briefings and the matters observed at site inspections listed at item 8 in Schedule 1 of this Determination and Statement of Reasons.

The Panel adjourned after the meeting to deliberate on the matter and formulate a resolution.

Development application

The Panel determined to **approve** the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*, subject to the recommended conditions in the Council staff assessment report.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons outlined in the Council assessment report and:

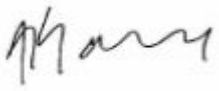



1. **The proposal is consistent with the zone objectives and objectives within the WDCP.**
2. **The proposal respects the heritage values of the site through maintaining significant heritage features and activation of the heritage asset.**
3. **The impacts of the proposal are viewed to be of a reasonable extent and do not excessively impact the locality in a detrimental manner.**
4. **The potential environmental impacts are appropriately managed and mitigated by the design and subject to conditions.**

CONSIDERATION OF COMMUNITY VIEWS

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

- Traffic and parking
- Parking during construction
- Construction noise, vibration and dust
- Visual impact/heritage
- Waste disposal

The Panel considered that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 ABIGAIL GOLDBERG (CHAIR)	 JASON PERICA
 ROBERT MONTGOMERY	 PHILIPPA HAYES

SCHEDULE 1		
1)	DA NO.	DA-2023/59
2)	PROPOSED DEVELOPMENT	Change of use from existing retail business to proposed food and beverage premises in existing Local Heritage Item.
3)	STREET ADDRESS	1 Wilkes Avenue, Artarmon NSW 2064.
4)	APPLICANT/OWNER	Ocp Artarmon Pty Ltd / Ms T Y W Chiu.
5)	REASON FOR REFERRAL	Contentious Development – more than 10 submissions.
6)	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ <i>Willoughby Local Environmental Plan 2012.</i> • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ <i>Willoughby Development Control Plan</i> ○ <i>Section 7.12 (S94A) Plan</i> ○ <i>Willoughby Local Infrastructure Contributions Plan.</i> • Provisions of the <i>Environmental Planning and Assessment Regulation 2000.</i> • Provisions of the <i>Environmental Planning and Assessment Act 1979.</i> • Planning agreements: 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	<ol style="list-style-type: none"> 1) Council assessment report: 29 August 2023. 2) Clause 4.6 variation requests: Nil 3) Written submissions during public exhibition: 19 4) Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In Support: <ul style="list-style-type: none"> ○ Nil ○ In Objection: <ul style="list-style-type: none"> ○ Nil ○ On behalf of the applicant: <ul style="list-style-type: none"> ○ Zi Low, Applicant ○ Council staff: Eric Kim and Ritu Shankar
8)	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> • Site inspections were undertaken individually by Panellists at their discretion due to COVID-19 precautions. • Papers circulated electronically 4 September 2023. • Final briefing to discuss Council's recommendation, 12 September 2023 at 3:49pm-3:55pm • Attendees: <ul style="list-style-type: none"> ○ Abigail Goldberg (Chair), Jason Perica, Robert Montgomery and Philippa Hayes. ○ Council staff: Eric Kim and Ritu Shankar
9)	COUNCIL RECOMMENDATION	Approval
10)	DRAFT CONDITIONS	Attached to the Council assessment report