

DETERMINATION AND STATEMENT OF REASONS WILLOUGHBY LOCAL PLANNING PANEL

DATE OF DETERMINATION	3 May 2022
PANEL MEMBERS	Graham Brown (Chair), Trevor Bly, James Harrison, and Robert Freestone
DECLARATIONS OF INTEREST	None

Public meeting was held by teleconference on 3 May 2022. The meeting opened at 2.04pm. Papers circulated electronically between 27 April and 3 May 2022.

This item was heard between 2.08pm and 2.51pm.

MATTER DETERMINED

DA-2021/393 at 201 Pacific Highway, St Leonards NSW 2065. Reconfiguration of existing fifteen car parking spaces to construct End of Trip facilities on Level 2 and reconfigure two existing car parking spaces on level 3 to a pump station and hot water plant and associated works.

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.

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 reasons outlined in the Council assessment report and:

1. **The proposal is consistent with the objectives of the B3 Commercial Core Zone and considered to be generally consistent with the objectives of the *Willoughby DCP*.**
2. **The proposed development will not have unreasonable impacts on neighbourhood amenity.**
3. **The proposed development will not have unreasonable impacts on the operation of the existing carpark.**
4. **The development provides significant social benefits that are aligned with Willoughby Council's strategic objectives for the St Leonards area.**
5. **It is considered that the proposed development application meets the desired outcomes and objectives of the development standards contained in the *Willoughby Local Environmental Plan 2012 (WLEP)* and objectives of the *Willoughby Development Control Plan (WDCP)*.**

CONDITIONS

The development application was approved subject to the conditions in the Council assessment report. The Panel considered it appropriate to include a condition that required a Traffic Management Plan to ensure the safety of pedestrians, bicycles and cars using the carpark.

Condition 15A is added as follows:

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an occupation certificate.

15A Carpark Operation Management Plan


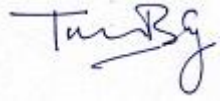


**A Carpark Operation Management Plan is to be prepared and approved by Council. The report shall detail the nature of operations and use of the End of Trip Facilities within the site. The Plan should include details of the measures and management strategies to ensure that cyclists have minimal conflict with motor vehicles, incorporating physical constraints, signage and enforcement methods by the owner/operator of the carpark.
(Reason: Public safety and amenity)**

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, specifically conflict between pedestrians, bicycles and cars
- Consultation with Strata and residents on the proposal
- Sewerage connection

The Panel considered that concerns raised by the community have been adequately addressed in the assessment report and the additional condition requiring a Carpark Operation Management Plan. The Panel also took into account the advice the applicant’s representative provided on Strata Titling and operational issues.

PANEL MEMBERS	
 GRAHAM BROWN (CHAIR)	 TREVOR BLY
 JAMES HARRISON	 ROBERT FREESTONE

SCHEDULE 1		
1)	DA NO.	DA-2021/393
2)	PROPOSED DEVELOPMENT	Reconfiguration of existing fifteen car parking spaces to construct End of Trip facilities on Level 2 and reconfigure two existing car parking spaces on level 3 to a pump station and hot water plant and associated works.
3)	STREET ADDRESS	201 Pacific Highway, St Leonards NSW 2065.
4)	APPLICANT/OWNER	Geyer Design / Centuria Property Funds Limited.
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.</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: 26 April 2022. 2) Clause 4.6 variation requests: N/A 3) Written submissions during public exhibition: 23 4) Verbal submissions at the public teleconference meeting: <ul style="list-style-type: none"> ○ In Support - Nil ○ In Objection – <ul style="list-style-type: none"> ○ Jennifer Cooke of 1701/1 Sergeants Lane St Leonards (secretary for Strata Owners) ○ Ann Storr of 3203/1 Sergeants Lane St Leonards on behalf of Helen Pearson of 3403/1 Sergeants Lane St Leonards ○ On behalf of the applicant – <ul style="list-style-type: none"> ○ Nick Prichett on behalf of Centuria ○ Matthew McQueen on behalf of Centuria ○ Cesar Valencia of Geyer – Applicant on behalf of Centuria ○ Council staff: Patrick Williams 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 27 April 2022 and 3 May 2022. • Final briefing to discuss Council's recommendation, 3 May 2022 at 3.00pm-4.00pm • Attendees: <ul style="list-style-type: none"> ○ Graham Brown (Chair), Trevor Bly, James Harrison and Robert Freestone. ○ Council staff: Patrick Williams and Ritu Shankar
9)	COUNCIL RECOMMENDATION	Approval
10)	DRAFT CONDITIONS	Attached to the Council assessment report