

DETERMINATION AND STATEMENT OF REASONS WILLOUGHBY LOCAL PLANNING PANEL

DATE OF DETERMINATION	ELECTRONIC DETERMINATION dated 14 April 2020
PANEL MEMBERS	Abigail Goldberg (Chair), Trevor Bly, Julie Savet Ward and Philippa Hayes
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically between 8 April 2020 and 14 April 2020.

MATTER DETERMINED

DA-2019/357 at 1 Frederick Street, ARTARMON NSW 2064. (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 6, the material listed at item 7 in Schedule 1 of this Determination and Statement of Reasons and determined this electronically.

The Panel is satisfied that:

- a) the development is in the public interest because it is consistent with the objectives for development in the IN1 zone; and
- b) the concurrence of the Secretary has been assumed.

Development application

The Panel determined to **approve** the development application pursuant to section 4.16 (previously section 80) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons outlined in the Council assessment report dated 12 March 2020 and electronic communication between the Panel and Council staff between 8 April and 14 April 2020.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments.

Condition 32 is deleted.

Conditions 30 and 43 are to be amended to read 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.

30. On-site Water Management System

Prior to the issue of any Occupation Certificate, the stormwater runoff from the new development shall be collected and disposed of via the **existing** OSD system in accordance with Sydney Water's requirements AS/NZS3500.3, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved design stormwater management plans and Council's specification (AUS-SPEC).
(Reason: Prevent nuisance flooding)

The Panel raised an issue with the hours of operation to be consistent with that of the previous DA-2014/578/A determination. The Assessment Officer addressed this issue by amending condition 43 to remove public holidays.

ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.

43. Hours of Operation

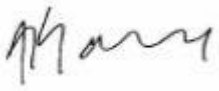
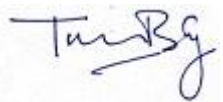


The hours of operation of the business are to be restricted to those times listed below, i.e.:

Monday to Saturday 7:00am to 12:00 midnight
Sundays & ~~Public Holidays~~ 7:00am to 10:00pm

Any variation to these hours is to be subject to the prior consent of Council.
(Reason: Amenity)

CONSIDERATION OF COMMUNITY VIEWS

The application was advertised and no submissions from the public were received.

PANEL MEMBERS	
 ABIGAIL GOLDBERG (CHAIR)	 TREVOR BLY
 JULIE SAVET WARD	 PHILIPPA HAYES

SCHEDULE 1		
1)	DA NO.	DA-2019/357
2)	PROPOSED DEVELOPMENT	Proposed first use and fitout of mall extension at the front (west) of existing building for cafe/restaurant and landscaping including an ancillary children play area in the northern court yard.
3)	STREET ADDRESS	1 Frederick Street, ARTARMON NSW 2064.
4)	APPLICANT/OWNER	Tully Heard Consulting / Willoughby City Council.
5)	REASON FOR REFERRAL	Conflict of Interest: <ul style="list-style-type: none"> • Council owns the building.
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> • Planning agreements:- Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>:- Nil • The likely impacts of the development, including environmental impacts on the 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 - Nil • 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: 12 March 2020. 2) Clause 4.6 variation requests: Nil 3) Written submissions during public exhibition: Nil
8)	PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> • Site inspections were undertaken individually by Panellists at their discretion due to COVID-19 precautions. • Panel Members: Abigail Goldberg (Chair), Trevor Bly, Julie Savet Ward and Philippa Hayes • Council assessment Staff: Chi Kong and Ritu Shankar
9)	COUNCIL RECOMMENDATION	Approval
10)	DRAFT CONDITIONS	Attached to the Council assessment report