

DETERMINATION AND STATEMENT OF REASONS

WILLOUGHBY LOCAL PLANNING PANEL

| | |
|---------------------------------|---|
| DATE OF DETERMINATION | 29 March 2022 |
| PANEL MEMBERS | Jacqueline Townsend (Chair), James Harrison, Kara Krason and Robert Freestone |
| DECLARATIONS OF INTEREST | None |

Public meeting held at Willoughby City Council on 29 March 2022 by teleconference. The meeting opened at 2.00pm. Papers circulated electronically between 23 March and 29 March 2022.

This item was heard between 2.00pm and 2.52pm.

MATTER DETERMINED

DA-2021/264 at 315 Penshurst Street, NORTH WILLOUGHBY NSW 2068. Extend Willoughby Hotel ground and first floor trading hours from 12.00am to 2.00am Monday to Saturday and 10.00pm to 12.00am Sunday.

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 during the meeting to deliberate on the matter and formulate a resolution.

Development application

The Panel determined to **refuse** the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION


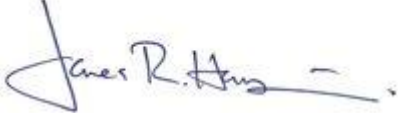


The Panel resolved to refuse the development application for the following reasons:

1. The proposal is not in the public interest.
2. The proposal is considered incompatible with the surrounding low and medium density residential neighbourhood.
3. Uncertainty that any additional anti-social behaviour of patrons leaving and arriving can be effectively managed to protect the nearby residential areas and the potential for widespread amenity impacts.
4. The proposal is inconsistent with the role of hotels in a neighbourhood centre
5. The proposal will create an undesirable precedent for extended hours of operation of hotels on the residential amenity of neighbourhoods in Willoughby.

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:

- Anti-social behaviour
- Incompatibility with the neighbourhood
- Noise particularly associated with patrons arriving and leaving the premises
- Littering
- Traffic and parking
- No public benefit to the community

| PANEL MEMBERS | |
|---|---|
|  JACQUELINE TOWNSEND (CHAIR) |  JAMES HARRISON |
|  KARA KRASON |  ROBERT FREESTONE |

| SCHEDULE 1 | | |
|------------|--|--|
| 1) | DA NO. | DA-2021/264 |
| 2) | PROPOSED DEVELOPMENT | Extend Willoughby Hotel ground and first floor trading hours from 12.00am to 2.00am Monday to Saturday and 10.00pm to 12.00am Sunday. |
| 3) | STREET ADDRESS | 315 Penshurst Street, NORTH WILLOUGHBY NSW 2068. |
| 4) | APPLICANT/OWNER | Redcape Hotel Group Pty Ltd / MAHF Custodian Pty Ltd. |
| 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"> State Environmental and Planning Policy (Infrastructure 2007). SEPP 55 – Remediation of Land (Land Contamination). Sydney Regional Environmental Plan (Sydney Harbour Catchment) (Deemed SEPP). Willoughby Local Environmental Plan 2012. Draft environmental planning instruments:- Draft Willoughby LEP Development control plans: <ul style="list-style-type: none"> Willoughby Development Control Plan Provisions of the Environmental Planning and Assessment Regulation 2000. Provisions of the Environmental Planning and Assessment Act. 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 Environmental Planning and Assessment Act 1979 or regulations. The public interest, including the principles of ecologically sustainable development. |
| 7) | MATERIAL CONSIDERED BY THE PANEL | <ol style="list-style-type: none"> Council assessment report: 22 March 2022. Clause 4.6 variation requests: N/A Written submissions during public exhibition: 56 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In Support - Nil. In Objection – <ul style="list-style-type: none"> Marita Nasic of 8/214 Sydney St North Willoughby Stephen & Karlie Kinsey of 30A MacMahon St North Willoughby Steve McGuire of 32 MacMahon St North Willoughby On behalf of the applicant – <ul style="list-style-type: none"> Dan Brindle of BBC Consulting Planners Joe Saleh of Redcape Lisa Bartlett of Willoughby Hotel William Wang of Day Design Pty Ltd Council Staff – Peter Wells and Ritu Shankar/Ian Arnott |
| 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 23 March 2022. Final briefing to discuss Council's recommendation, 29 March 2022 at 2.00pm-2.52pm Attendees: <ul style="list-style-type: none"> Jacqueline Townsend (Chair), James Harrison, Kara Krason and Robert Freestone. Council staff: Peter Wells and Ritu Shankar |
| 9) | COUNCIL RECOMMENDATION | Approved |
| 10) | DRAFT CONDITIONS | Attached to Council Report |