

## DETERMINATION AND STATEMENT OF REASONS WILLOUGHBY LOCAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	26 July 2022
<b>PANEL MEMBERS</b>	Graham Brown (Chair), John McInerney, Gary Shiels and Philippa Hayes
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Willoughby City Council on 26 July 2022 by teleconference. The meeting opened at 2.00pm. Papers circulated electronically between 20 July and 26 July 2022.

This item was heard between 2.28pm and 2.44pm.

### MATTER DETERMINED

DA-2021/130 at 20 Strathallen Avenue, Northbridge NSW 2063. Demolish existing dwelling and construct three storey boarding house, accommodating 10 boarding rooms, private open space, communal living space, storage areas and motorcycle and bicycle parking.

### 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 **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 reasons outlined in the Council assessment:

1. **The proposal disregards the immediate context of the site and its characteristics, especially the consequences deriving from no vehicular access from Strathallen Avenue, by proposing a scheme that is not supported by Transport for NSW (TfNSW) and by Council engineers in regard to vehicular access, traffic/ parking.**
2. **The proposal is incompatible with the character of the local area, failing to meet Clause 30A Character of local area in Division 3 Boarding Houses of the *State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP)* and failing to address other requirements of the AHSEPP in a satisfactory manner.**
3. **The proposed development does not satisfactory meet the relevant objectives of the R2 Low Density Residential.**
4. **The proposed development does not meet the intent and controls contained in the *Willoughby Development Control Plan (WDCP)*, especially in Part C, Part D and Part G.2.**
5. **The proposal does not provide sufficient information in critical areas of the proposal.**
6. **Approval of the proposal would not be in the interest of the public and would establish an undesirable precedent.**

The development application is refused for the reasons contained in the Council assessment report.





The Panel noted the concerns of the neighbours and agreed that the refusal of the application was justified. The Panel also noted that any development of the site will raise critical issues that would need to be addressed as part of any future application. For example, these issues would include but would not be limited to the type and form of development proposed, the extremely steep site, the location on a classified road, the difficulty in providing safe ingress and egress for vehicles and pedestrians, safe collection of waste and a construction methodology without major impacts to vehicular traffic and nearby residential 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:

- Amenity impacts
- Privacy
- Traffic and parking
- Landscaping
- Viability of construction
- Construction noise, vibration and dust
- Character of the area
- Tree loss
- Access and safety
- Waste collection safety

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.

<b>PANEL MEMBERS</b>	
 <b>GRAHAM BROWN (CHAIR)</b>	 <b>JOHN MCINERNEY</b>
 <b>GARY SHIELS</b>	 <b>PHILIPPA HAYES</b>

<b>SCHEDULE 1</b>		
1)	<b>DA NO.</b>	DA-2021/130
2)	<b>PROPOSED DEVELOPMENT</b>	Demolish existing dwelling and construct three storey boarding house, accommodating 10 boarding rooms, private open space, communal living space, storage areas and motorcycle and bicycle parking.
3)	<b>STREET ADDRESS</b>	20 Strathallen Avenue, Northbridge NSW 2063.
4)	<b>APPLICANT/OWNER</b>	Attena Group Pty Ltd / J Liu and J Zhang.
5)	<b>REASON FOR REFERRAL</b>	Contentious Development – more than 10 submissions.
6)	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ <i>State Environmental Planning Policy (Housing) 2021 (Housing SEPP)</i></li> <li>○ <i>State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP)</i></li> <li>○ <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></li> <li>○ <i>SEPP BASIX.</i></li> <li>○ <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></li> <li>○ <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></li> <li>○ <i>Willoughby Local Environmental Plan 2012.</i></li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ <i>Willoughby Development Control Plan</i></li> <li>○ <i>Sydney Harbour Foreshores and Waterways.</i></li> <li>○ <i>Section 7.12 (S94A) Plan</i></li> <li>○ <i>Willoughby Local Infrastructure Contributions Plan.</i></li> </ul> </li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000.</i></li> <li>• Provisions of the <i>Environmental Planning and Assessment Act 1979.</i></li> <li>• Planning agreements: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations.</li> <li>• The public interest, including the principles of ecologically sustainable development.</li> </ul>
7)	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ol style="list-style-type: none"> <li>1) Council assessment report: 18 July 2022.</li> <li>2) Clause 4.6 variation requests: Nil</li> <li>3) Written submissions during public exhibition: 25</li> <li>4) Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In Objection <ul style="list-style-type: none"> <li>○ Andrew Martin of Andrew Martin Planning on behalf of Greg Bodulovic of 6 Calbina Rd</li> <li>○ Taira Ratnam of 18 Strathallen Ave</li> <li>○ Kristina Dodds of 28 Calbina Rd</li> <li>○ Alison Ashdown of 16 Strathallen Ave</li> <li>○ Ben Lutze of 15 Strathallen Ave</li> </ul> </li> <li>○ On behalf of the applicant <ul style="list-style-type: none"> <li>○ Arash Pourtalebi of Attena Group Pty Ltd</li> <li>○ Council Staff – Ana Vissarion and Ritu Shankar</li> </ul> </li> </ul> </li> </ol>
8)	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY</b>	<ul style="list-style-type: none"> <li>• Site inspections were undertaken individually by Panellists at their discretion due to COVID-19 precautions.</li> <li>• Papers circulated electronically 20 July 2022.</li> <li>• Final briefing to discuss Council's recommendation, 26 July 2022</li> </ul>

		<p>at 10:45am</p> <ul style="list-style-type: none"> <li>• Attendees: <ul style="list-style-type: none"> <li>○ Graham Brown (Chair), John McInerney, Gary Shiels and Philippa Hayes.</li> <li>○ Council Staff: Ana Vissarion and Ritu Shankar</li> </ul> </li> </ul>
<b>9)</b>	<b>COUNCIL RECOMMENDATION</b>	Refusal
<b>10)</b>	<b>DRAFT CONDITIONS</b>	N/A