

DETERMINATION AND STATEMENT OF REASONS

WILLOUGHBY LOCAL PLANNING PANEL

DATE OF DETERMINATION	6 December 2022
PANEL MEMBERS	Graham Brown (Chair), John McNerney, Gary Shiels and Robert Freestone
DECLARATIONS OF INTEREST	None

Public meeting held at Willoughby City Council on 6 December 2022 by teleconference. The meeting opened at 2.00pm. Papers circulated electronically between 1 December and 6 December 2022.

This item was heard between 2.01pm and 2.33pm.

MATTER DETERMINED

DA-2021/27/C at 16 & 18 Warners Avenue, Willoughby NSW 2068. Modify original proposal to include lift location and details, changes to landscaping, façade and windows of townhouse 1, revised tank design 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.

Modification application

The Panel determined to **approve** the modification application pursuant to section 4.55 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 proposed development will not have unreasonable impacts on the streetscape, the residential amenity of the neighbouring properties or the surrounding locality;**
2. **It is considered that the proposed development 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)*.**
3. **The Panel imposed additional conditions to ensure that the retaining wall and OSD tank adjoining 14 Warners Avenue, Willoughby do not unreasonably impact on this property.**

CONDITIONS

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

Condition 12 to be amended to read as follows:

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate.

12. Construction Management Plan (CMP)

Prior to the issue of the Construction Certificate, submit, for approval by the Certifier, detailed Construction Management Plan (CMP). The CMP shall address:

- (a) Construction vehicles access to and egress from the site
- (b) Parking for construction vehicles
- (c) Locations of site office, accommodation and the storage of major materials related to the project
- (d) Protection of adjoining properties, pedestrians, vehicles and public assets
- (e) Location and extent of proposed builder's hoarding and Work Zones
- (f) Tree protection management measures for all protected and retained trees.

(g) The construction methodology for the boundary retaining wall and the OSD tank is to be provided, taking into account any comments from the Geotechnical requirements provided by condition 15A.





(Reason: Compliance)

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
- Method of construction
- Impact to adjoining property

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. The Panel noted that in addressing these issues additional conditions were imposed.

PANEL MEMBERS	
 GRAHAM BROWN (CHAIR)	 JOHN MCINERNEY
 GARY SHIELS	 ROBERT FREESTONE

SCHEDULE 1		
1)	DA NO.	DA-2021/27/C
2)	PROPOSED DEVELOPMENT	Modify original proposal to include lift location and details, changes to landscaping, façade and windows of townhouse 1, revised tank design and associated works.
3)	STREET ADDRESS	16 & 18 Warners Avenue, Willoughby NSW 2068.
4)	APPLICANT/OWNER	Willowtree Planning / Warners Willoughby 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"> SEPP Building Sustainability Index: BASIX 2004 (The BASIX SEPP). Willoughby Local Environmental Plan 2012. Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Willoughby Development Control Plan Section 7.12 (S94A) Plan Willoughby Local Infrastructure Contributions Plan. 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"> Council assessment report: 30 November 2022. Clause 4.6 variation requests: Nil Written submissions during public exhibition: 15 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"> Jeff Bulfin of 14 Warners Avenue Willoughby Leah Bulfin of 14 Warners Avenue Willoughby On behalf of the applicant: <ul style="list-style-type: none"> Tara Jasmin Kahrovic of Minter Ellison Luke Hartman of Metro Property Josh Partridge of Metro Property Sophie Litherland of Willowtree Planning (Applicant) Council staff: Patrick Williams, 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 1 December 2022. Final briefing to discuss Council's recommendation, 6 December 2022 at 3:20pm-4:03pm Attendees: <ul style="list-style-type: none"> Graham Brown (Chair), John McInerney, Gary Shiels and Robert Freestone. Council staff: Patrick Williams and Ritu Shankar
9)	COUNCIL RECOMMENDATION	Approval
10)	DRAFT CONDITIONS	Attached to the Council assessment report