

DATE OF DETERMINATION	28 February 2023
PANEL MEMBERS	Jacqueline Townsend (Chair), Trevor Bly, Deborah Laidlaw, and Robert Freestone
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Willoughby City Council on 28 February 2023 by teleconference. The meeting opened at 2.00pm. Papers circulated electronically between 22 February and 28 February 2022.

This item was heard between 2.05pm and 2.25pm.

MATTER DETERMINED

DA-2021/189/A at 48 Chandos Street, St Leonards NSW 2065 to modify original proposal to include changes to conditions of consent wording, infill ground level approved under croft parking area to a new commercial suite, amend design of osd tank 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.

The Panel adjourned the meeting to deliberate on the application and to formulate a resolution.

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 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*.**
- 1. The modification results in a better active street frontage design consistent with the desired character of the area.**
- 3. The proposal has a bulk and scale that is consistent with the neighbourhood character**
- 4. It is considered that the proposed modification 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 modification was approved subject to the conditions in the Council assessment report with the following amendment.

The Panel considered the concerns raised in the submissions at the public meeting and agreed to the inclusion of a supplementary condition 82A to lessen the impacts on the Naremburn Heritage Conservation area.

82A. Use of Commercial Balcony


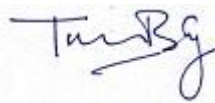


To minimise the impact of noise on the amenity of the surroundings, the balcony associated with the commercial tenancy 02 shall close at 6pm.
(Reason: Protect Amenity)

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 the key issues of concern included:

- Parking
- Compliance with FSR
- Landscaping
- Impact on the Naremburn Heritage Conservation Area

The Panel resolved the concerns raised by the community have been adequately addressed in the assessment report and by the inclusion of Condition 82A that addresses an issue raised during the public meeting.

PANEL MEMBERS	
 JACQUELINE TOWNSEND (CHAIR)	 TREVOR BLY
 DEBORAH LAIDLAW	 ROBERT FREESTONE

SCHEDULE 1		
1)	DA NO.	DA-2021/189/A
2)	PROPOSED DEVELOPMENT	Modify original proposal to include changes to conditions of consent wording, infill ground level approved under croft parking area to a new commercial suite, amend design of osd tank and associated works.
3)	STREET ADDRESS	48 Chandos Street, St Leonards NSW 2065.
4)	APPLICANT/OWNER	Avm Project Management / Australian Village No. 16 - 48 Chandos St Pty Ltd.
5)	REASON FOR REFERRAL	Departure from standard by more than 10%. Development to which <i>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</i> applies.
6)	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ <i>SEPP 65 – Design Quality of Residential Apartment Development.</i> ○ <i>SEPP Building Sustainability Index: BASIX 2004 (The BASIX SEPP).</i> ○ <i>State Environmental Planning Policy (Housing) 2021 (Housing SEPP).</i> ○ <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 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	1) Council assessment report: 21 February 2023. 1) Written submissions during public exhibition: 11 2) 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"> ○ Alan Waddington of 10 Darvall St, Naremburn ○ On behalf of the applicant: (names of speakers of company/address or type Nil) <ul style="list-style-type: none"> ○ Kate Bartlett of The Planning Studio ○ Rino Criola (Applicant) ○ Council staff: Patrick Williams and Mitchell Noble

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 22 February 2023. • Final briefing to discuss Council's recommendation, 28 February 2023 at 2:45pm-3:07pm • Attendees: <ul style="list-style-type: none"> ○ Jacqueline Townsend (Chair), Trevor Bly, Deborah Laidlaw and Robert Freestone. ○ Council staff: Name and Mitch Noble
9)	COUNCIL RECOMMENDATION	Approval
10)	DRAFT CONDITIONS	Attached to the Council assessment report