

**RECORD OF DEFERRAL
SYDNEY EAST JOINT REGIONAL PLANNING PANEL
MEETING HELD AT CHRISTIE CONFERENCE CENTRE
ON THURSDAY 10 SEPTEMBER 2015 AT 3:30 PM**

Panel members:

David Furlong – Panel Chair
Sue Francis – Panel Member
Tim Moore – Panel Member
Linda McClure – Panel Member
Tony Mustaca – Panel Member

Council staff in attendance:

Dominic Johnson
Ian Arnott
Ana Vissarion
Annie Leung

Apologies: None

Declarations of interest: None

Matter deferred:

2014SYE128 Willoughby DA-2014/445: Demolition of existing structures and construction of five (5) mixed use buildings containing retail premises, business premises, shop-top housing, carparking, childcare centre, landscaping, restoration of a heritage building and associated works at 36-38 Hercules Street & 256 Victoria Avenue, CHATSWOOD

Public submissions made at this meeting:

On behalf of the elected councillors of Willoughby City Council: Dominic Johnson

On behalf of the applicant: Alison McCabe, Michael Staunton and Jonathan Leib.

Panel Decision:

1. The Panel resolves unanimously to defer the application for the submission of an amended Clause 4.6 variation request.

As submitted to the Panel, the proposal exceeds the relevant residential floor space ratio and the building height control. While a request to vary the standards under Clause 4.6 of the Willoughby LEP was submitted, it failed to justify the variations in terms of the issues raised in the recent Court matter *'Four2Five v Ashfield Council'*.

In specific terms, the outcome of the above decision requires demonstration that compliance with the relevant controls is unreasonable or unnecessary in the circumstances of the site.

Additionally, the Panel notes that a number of conditions remain in dispute between the applicant and the Council.

Accordingly, the panel requests:

2. The applicant provide an amended Clause 4.6 variation request dealing with the matters raised in the *Four2Five* decisions. This information should be submitted to Council by C.O.B. Wednesday 30 September 2015.
3. Council provide a Supplementary Assessment Report to the Regional Panels' Secretariat by 7 October 2015 indicating satisfactory compliance with the matters contained in point 2 above.
4. During this period the parties shall consider and reach agreement on the remaining disputed conditions, which largely relate to the timing of additional details prior to the lodgement or approval of a C.C.
5. Should the requirements of points 2, 3 & 4 above be satisfied, the Panel will reconsider this matter and determine it by electronic means, unless the Panel Chair considers it necessary to hold another public meeting.

NOTE: The Panel notes than an objector had registered to address the Panel, but did not attend.

Endorsed by

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a long, horizontal, wavy line that ends in a small loop.

David Furlong
Acting Chair, Sydney East Joint Regional Planning Panel