

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at Christie Conference Centre on Wednesday 22 July 2015 at 1:00 pm

Panel Members: John Roseth (Chair), David Furlong, Sue Francis, Linda McClure and Tony Mustaca

Apologies: none Declarations of Interest: None

Determination and Statement of Reasons

2014SYE143 Willoughby DA2014/510 [at 150 Mowbray Road, 670 - 680 Willoughby Road Willoughby] as described in Schedule 1.

Date of determination: 22 July 2015

Decision:

The panel determined to accept the recommendation of the planning assessment report to approve the development application as described in Schedule A pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6 as addressed in the Council Assessment Report, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:


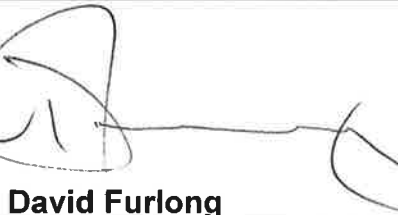
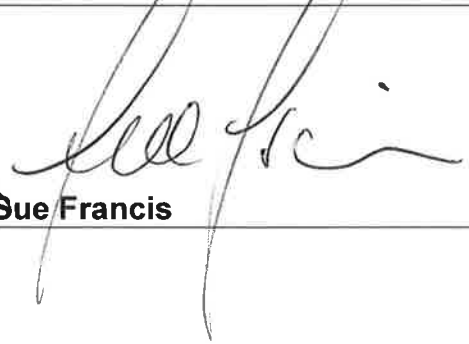


1. The proposal fits into the desired future character of the site, which is for commercial development at the ground floor and housing above.
2. The variation of the height control has been justified under cl 4.6 of the Willoughby LEP 2012. The height of the proposal is consistent with the objectives of the control. The 11m height control applied to 670 Willoughby Road is anomalous and strict compliance with it will not achieve a good planning outcome.
3. The variation of the FSR control has also been justified under cl 4.6. The Panel notes that the calculation of gross floor space includes the wintergardens and the corridor, and that if these areas were excluded, the variation would be in the order of 10%.
4. The Panel considered the concerns of the objectors from 597 Willoughby Road. In the Panel's opinion, the impact on the occupants of this building is not of sufficient magnitude to justify refusal of the application, largely because of the separation provided by Willoughby Road between this site and the objectors' property.
5. The Panel considered the submission of the elected council in relation to a footbridge, additional parking, sustainability measures and site consolidation. As regards the requirement for a footbridge, the Panel notes that this does not form part of any s94 Plan and would therefore not be a lawful requirement. As regards the concern about the shortfall of parking, the Panel notes that there is no shortfall in relation to the requirements of the RMS. Moreover, the spaces provided for the commercial component of the development would be available for residential visitors when the commercial development is not operating. As regards additional sustainability measures, the Panel notes that the proposal has a BASIX certificate and its environmental performance exceeds BASIX requirements. As regards site consolidation, in the opinion of the assessment officer, the three sites at the corner of Penshurst Road and Willoughby Road (132 and 130A Mowbray Road and 684 Willoughby Road) will become less isolated as a result of the development than they now are because of the provision of vehicular access to them. However, even if the three sites were considered as isolated, the owner of the site that would be key to amalgamation, 132 Mowbray Road, has indicated not being interested in selling under any circumstances.

Conditions: The development application was approved subject to the conditions attached to the

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assessment report, except that the two Deferred Commencement Conditions become operational conditions, with the timing being before the lodgement of an application for a Construction Certificate for above-ground works.

Panel members:

 John Roseth (Chair)	 David Furlong	 Sue Francis
 Linda McClure	 Tony Mustaca	

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2014SYE143 Willoughby DA2014/510
2	Proposed development: Demolition of the existing buildings and structures and the construction of three commercial premises and 104 shop-top housing units.
3	Street address: 150 Mowbray Road, 670 - 680 Willoughby Road Willoughby
4	Applicant: Ceerose Pty Ltd
5	Type of Regional development: Capital investment value exceeding \$20 million
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Willoughby Local Environmental Plan 2012 • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development • State Environmental Planning Policy (BASIX) 2004 • State Environmental Planning Policy No. 55 - Remediation of Land • State Environmental Planning Policy (Infrastructure) • Willoughby Development Control Plan • Exhibited Draft Amendments to WLEP 2012 (House Keeping amendments only) • Draft/Amended SEPP 65 and Apartment Design Guide • 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 EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report dated 8 July 2015 Written submissions during public exhibition: five (5) Memorandum regarding site isolation and the definition of shop top housing dated 20 July 2015 Submission of elected Councillors of Willoughby City Council dated 21 July 2015 Verbal submissions at the panel meeting: Against- Raffi Mavlian; On behalf of the applicant- Daniel McNamara and Peter Mayoh
8	Meetings and site inspections by the panel: Briefing meeting on 20 January 2015
9	Council recommendation: Approval
10	Draft conditions: As attached to the Council Assessment Report