

**RECORD OF DEFERRAL
SYDNEY EAST JOINT REGIONAL PLANNING PANEL
MEETING HELD AT CHRISTIE CONFERENCE CENTRE
ON THURSDAY 14 APRIL 2016 AT 12:00 PM**

Panel members:

John Roseth - Chair
David Furlong – Panel Member
Sue Francis – Panel Member
Linda McClure – Panel Member
Michelle Sloane – Panel Member

Council staff in attendance: Annie Leung and Ana Vissarion

Apologies: None

Declarations of interest: None

Matter deferred:

2015SYE139 Willoughby DA-2015/431: Redevelopment of Artarmon Public School at 5 Abbott Road, Artarmon

Public submissions made at this meeting:

Against the application: Don Truong; On behalf of the applicant- Pat Timmins, Lynn McCaig, Lydia Awad, Mark Tyrell, Tony McCabe

Panel Decision:

1. The Panel defers the determination of the application in order to receive additional information on the application.
2. The Panel requests that the applicant supply a comparison between the shadow cast on the eastern living room window of Townhouse 2 at 3 Barton Road by a building of 9m high complying with the setbacks required by the Willoughby DCP 2006 and the shadow cast by the proposal. In order for the Panel to have power to approve the variation of the building height from 9m to 13.6m the Panel must be satisfied that the proposed building does not cast additional shadow on the above building to that cast a building complying with the controls applying in the zone. (The Panel is aware that under SEPP (Infrastructure) 2007 a complying building would be 12m high, 6m from the boundaries but the building proposed in this application is 13.6m high and therefore not complying.)
3. The Panel notes that the applicant objects to condition 2 requiring a contribution under s94A. The Panel does not have the power to impose that condition without the Minister's agreement. Given that the application is for a school, the Panel is not inclined to seek that agreement. Condition 2 is therefore deleted.
4. The applicant should also demonstrate that the proposed acoustic wall does not cast any shadow on the above window beyond that cast by the proposed building.
5. Following the submission of the above information to Council, the Panel requests the assessment officer to provide a supplementary report which evaluates this information. Following the receipt of the supplementary report, the Panel will determine the application by electronic means, unless the Chair or a Panel Member believes that a public meeting is necessary.

6. The Panel notes the discussion that took place in the meeting regarding the overshadowing of the above window. Irrespective of the result of the comparison in paragraph 2, the Panel expects the applicant to reduce the impact on the above window to the maximum extent possible.

Endorsed by

A handwritten signature in dark ink, appearing to read "John Roseth". The signature is fluid and cursive, with the first name "John" and last name "Roseth" clearly distinguishable.

John Roseth
Chair, Sydney East Joint Regional Planning Panel
Date: 14 April 2016