

<b>DATE OF DETERMINATION</b>	Wednesday 26 July 2017
<b>PANEL MEMBERS</b>	Deborah Dearing (Chair), Sue Francis, John Roseth, Linda McClure, Gail Giles-Gidney
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Willoughby City Council 31 Victor Street Chatswood on 26 July 2017, opened at 5:30 pm and closed at 6:40 pm.

#### **MATTER DETERMINED**

**2017SNH035 – Willoughby – DA2016/263 at 1-1A Walter Street, 452-460 Willoughby Road Willoughby**  
(AS DESCRIBED IN SCHEDULE 1)

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, 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.

The Panel determined to refuse the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

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

The decision was unanimous.

#### **REASONS FOR THE DECISION**






The Panel considered the application DA2016/263 as submitted and is aware that a revised proposal is the subject of an L&E Court s34 conference scheduled for 4 August 2017 at which a revised proposal will be considered. The Panel was not provided with the revised proposal and therefore can determine only the proposal that is before it.

In considering the application as it was lodged, the Panel accepts the council's recommendation to refuse the application and adopts its reasons for refusal. Of these reasons, the Panel considers the determinative reasons to be as follows.

- The setback provided along Willoughby Road frontage is not consistent with either the Development Control Plan for the area, which requires a setback of 7.5m, or the Draft Childcare Planning Guidelines, Educational Establishment and Childcare Facilities SEPP which requires 10m from a classified road. The inadequacy results in the proposal being incompatible with the desired future character of Willoughby Road.
- The proposal does not provide the setbacks that would otherwise be required for medium density development in the R3 zone.
- The proposal provides <20% landscaped area which is inadequate and below the requirement of 35% for the R3 zone, and does not maintain the prominent landscape character that would be required of the future development in the area.
- The upper level outdoor play spaces impact negatively on the acoustics and privacy of the adjoining residential uses.
- The expansive outdoor play areas at upper level restrict solar access and negatively impact the amenity of indoor and ground floor play spaces.

The verbal submissions raised issues regarding traffic impacts and the scale of the childcare operation. In regards to the traffic management concerns, the Panel notes that Council traffic engineer and the Roads and Maritime Services are satisfied that traffic impacts can be satisfactorily managed.

Further, the Panel notes that submissions raised in regard to the number of children at the centre are beyond the scope of planning considerations.

PANEL MEMBERS	
 Deborah Dearing (Chair)	 Sue Francis
 John Roseth	 Gail Giles-Gidney
 Linda McClure	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SNH035 – Willoughby – DA2016/263
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a childcare centre and associated works.
3	STREET ADDRESS	1-1A Walter Street and 452-560 Willoughby Road Willoughby
4	APPLICANT/OWNER	Artmade Architects
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No.55 Land Remediation</li> <li>○ State Environmental Planning Policy No.64 Advertising and Signage</li> <li>○ State Environmental Planning Policy (Infrastructure)</li> <li>○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) (Deemed SEPP)</li> <li>○ Willoughby Local Environmental Plan 2012</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Willoughby Development Control Plan 2012</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Education and Care Services National Regulations</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 12 July 2017</li> <li>• Written submissions during public exhibition: 62</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In objection: Bob Taffel,</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing meeting: 28 June 2017</li> <li>• Final briefing meeting to discuss council's recommendation, 26 July 2017, 4:45 pm. Attendees: <ul style="list-style-type: none"> <li>○ Panel members: Deborah Dearing (Chair), Sue Francis, John Roseth, Linda McClure, Gail Giles-Gidney</li> <li>○ Council assessment staff: Pooja Chugh, Ian Arnott</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not applicable