

DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	29 September 2023
DATE OF PANEL DECISION	29 September 2023
DATE OF PANEL MEETING	27 September 2023
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Nicole Gurran and James Harrison
APOLOGIES	N/A
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 27 September 2023, opened at 1.32pm and closed at Closing 2.18pm. Papers circulated electronically on 8 September 2023.

MATTER DETERMINED

PPSSNH-378 - DA 2023/64 – Willoughby, 3 ABBOTT ROAD ARTARMON for the demolition of the existing building and construction of a 3-storey residential flat building containing 12 units (9 x 2 bed, 3 x 3 bed), and basement carparking for 8 cars (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 briefings and the listed at item 8 in Schedule 1.

Application to vary a development standard

Nil

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons below and in the Independent Assessor's Report.

The Panel noted Council owned the subject land and also planned to undertake the development. Accordingly, Council appointed an Independent Assessor to review the proposal.

The site contains two parts being 3 Abbott Road (1,458.2 square metres) and a 1.2m wide strip of land (80.25 square metres) identified as an unused "pathway". The site has a fall of approximately 5.3m and is surrounded by 3-storey residential flat buildings.

In relation to the use of the strip of "pathway" land, the Panel notes that Council was advised the DA could be approved subject to a deferred commencement condition that the strip of land be closed - on the proviso that the deferred commencement condition is clear, unambiguous and capable of achievement. The Panel concurs with the Independent Assessor that, in the circumstances, the deferred commencement condition is suitable.

The Panel further notes the proposal is the result of extensive Council planning and consultation with the local community over recent years and given Council's ownership, the Applicant sought to ensure the proposal is largely compliant with Council's controls.

The Panel agrees the proposal has been properly assessed in accordance with relevant planning controls, is suitable for the site and the design is reflective of the desired future character of the precinct.

Consequently, given the proposal will also provide much needed affordable housing for the local workforce, the Panel believes approval of the proposal is in the community interest.


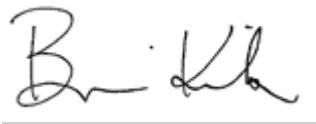


CONDITIONS

During the public meeting numerous changes to the conditions were discussed with the Applicant and Independent Assessor to incorporate typographical corrections and also clarify the Affordable Housing nature of the development and ensure the enclosure of Services and Fire Hydrants. The Development Application was then approved subject to the updated conditions in the Independent Assessor's email of 27th September.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 12 written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes issues of concern included: non-compliance with LEP and DCP, Local Environmental Plan and Development Control Plan, noise impacts, traffic impacts, over-development, streetscape character, privacy and overshadowing.

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and by Applicant and Assessor responses during the public meeting.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Nicole Gurran	
 James Harrison	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-378 – Willoughby City Council – DA-2023/64
2	PROPOSED DEVELOPMENT	Demolition of the existing building and construction of a 3-storey residential flat building containing 12 units (9 x 2 bed, 3 x 3 bed), and basement carparking for 8 cars. (as described in Schedule 1).
3	STREET ADDRESS	3 ABBOTT ROAD ARTARMON
4	APPLICANT/OWNER	Margaret Blackman - Chapman Planning Pty Ltd Willoughby City Council
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 (EP&A Act); Environmental Planning and Assessment Regulation 2021 (EP&A Regulation); Willoughby Local Environmental Plan 2012 (Willoughby LEP); State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Willoughby Development Control Plan (WDCP) Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Willoughby Development Control Plan 2006 & 2023 Planning agreements: Nil Relevant provisions of the Environmental Planning and Assessment Regulation 2021 Coastal zone management plan: 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	<ul style="list-style-type: none"> Council Assessment Report: 13 September 2023 List any clause 4.6 variation requests: Nil Written submissions during public exhibition: 12 submissions Verbal submissions at the public meeting: <ul style="list-style-type: none"> Edwina Warry Elaine Cheng Total number of unique submissions received by way of objection: 12
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: Kick Off Briefing – 19 April 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair) and Brian Kirk <u>Council assessment staff</u>: Peter Wells
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	N/A

