

DETERMINATION AND STATEMENT OF REASONS WILLOUGHBY LOCAL PLANNING PANEL

DATE OF DETERMINATION	19 December 2024
PANEL MEMBERS	Stephen O'Connor (Chair), Helen Deegan and Sheridan Burke
DECLARATIONS OF INTEREST	Leah Bulfin – President of Willoughby South Progress Association who made a submission on the original Development Application

Electronic determination on 19 December 2024.

Electronic Determination meeting was held on 3 December 2024 and the decision was deferred for the following reasons:

1. **Concern regarding the level of change and the sustainability of the Project.**
2. **Noting the Heritage listing of the site and the community interest.**

The supplementary report dated 13 December 2024 was sent to the Panel electronically 13 December 2024. Electronic communication sent between 13 and 19 December 2024.

MATTER DETERMINED

DA- 2021/5/B at 1A Burra Road, Artarmon NSW 2064. Modification of DA-2021/5 for alterations to the approved building materials, including changes to the external floor finishes and changes to the levels of the accessible drop off zone and car space.

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 6, the material listed at item 7, the material presented at the meeting and briefings and the matters observed at site inspections listed at item 8 in Schedule 1 of this Determination and Statement of Reasons.

The Panel is satisfied that the proposed modification:

- is substantially the same development as the development for which consent was originally granted and before that consent was modified;
- has been notified; and
- has been assessed having regard to the relevant matters in s4.15(1) EP&A Act.

The Panel has taken into account the reasons of the consent authority that granted the consent that is sought to be modified.

MODIFICATION APPLICATION

The Panel determined to **approve** the modification application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was not unanimous, 2:1 in favour, against the decision was Sheridan Burke. Sheridan Burke considered the recommendations regarding sustainability outcomes to not be adequate.

REASONS FOR THE DECISION

The reasons outlined in the Council assessment report and the follow up advice provided.

PANEL ADVICE

In considering the additional information provided, our Heritage Panel Expert carefully reviewed the material and identified an inconsistency in the overall heritage considerations of the building in particular the original materiality of the roof. The Panel conferred with Lachlan Marshall, Council's Heritage Adviser who also agreed with the inconsistency. Therefore, the Panel recommends that the Applicant give further consideration to modifying the existing approval to ensure that the roof materials on the gable roof be amended to reflected the comments below, which would then make it consistent with the Artarmon Heritage Conservation area.

- The original material of the gable roof appears to be terracotta roof tiles (see photograph figure 6 Movable Heritage Survey and Salvage Strategy dated February 2020 and prepared by Artefact Heritage). The Panel strongly recommend that Council replace the gable roof with the original material (terracotta tiles).

CONDITIONS




The development application was approved subject to the conditions in the Council supplementary report dated 13 December 2024.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during the public exhibition. The Panel noted that key issues of concern including:

- Materiality
- Non-compliance with the DCP as regards to sustainability
- Height of Disabled area

The Panel considered that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
 STEPHEN O'CONNOR (CHAIR)	 HELEN DEEGAN
 SHERIDAN BURKE	

SCHEDULE 1		
1)	DA NO.	DA-2021/5/B
2)	PROPOSED DEVELOPMENT	Modification of DA-2021/5 for alterations to the approved building materials, including changes to the external floor finishes and changes to the levels of the accessible drop off zone and car space.
3)	STREET ADDRESS	1A Burra Road, Artarmon NSW 2064
4)	APPLICANT/OWNER	SJB Planning Pty Ltd
5)	REASON FOR REFERRAL	Conflict of Interest: <ul style="list-style-type: none"> Council application.
6)	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021. State Environmental Planning Policy (Biodiversity and Conservation) 2021. State Environmental Planning Policy (Sustainable Buildings) 2022 Willoughby Local Environmental Plan 2012. Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Willoughby Development Control Plan Section 7.12 (S94A) Plan Willoughby Local Infrastructure Contributions Plan. Provisions of the Environmental Planning and Assessment Regulation 2021. Provisions of the Environmental Planning and Assessment Act 1979. Planning agreements: 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 Environmental Planning and Assessment Act 1979 or regulations. The public interest, including the principles of ecologically sustainable development.
7)	MATERIAL CONSIDERED BY THE PANEL	<ol style="list-style-type: none"> Council supplementary report: 13 December 2024 Clause 4.6 variation requests: Nil Written submissions during public exhibition: 3
8)	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> Site inspections were undertaken individually by Panellists at their discretion. Panel Members: Stephen O'Connor (Chair), Helen Deegan and Sheridan Burke. Papers circulated electronically 13 December 2024. Panel briefing held on 19 December 2024. Attendees: <ul style="list-style-type: none"> Stephen O'Connor (Chair), Helen Deegan and Sheridan Burke. Council staff: Peter Wells, Ritu Shankar and Lachlan Marshall.
9)	COUNCIL RECOMMENDATION	Approval
10)	DRAFT CONDITIONS	Attached to the Council assessment report