

**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY EAST JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Thursday 3 November 2016
PANEL MEMBERS	John Roseth (Chair), Sue Francis, Clare Brown, Gail Giles-Gidney, Linda McClure
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Christie Conference Centre, 3 Spring Street Sydney on Wednesday 12 October 2016, opened at 10.00 am and closed at 10.35 am.

**MATTER DETERMINED (AS DESCRIBED IN SCHEDULE 1)**

2016SYE068 – Willoughby – DA2014/445/C at 256 - 260 Victoria Ave, 36 - 50 Hercules Street & 17 Albert Ave Chatswood

**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 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 96 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.




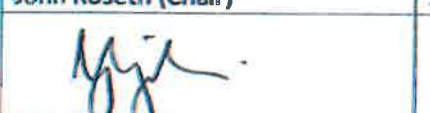

**REASONS FOR THE DECISION**

The reasons for the decision of the Panel were:

1. The proposal under the amendment application is substantially the same proposal as the original.
2. While there is a slight change to the residential component, the proposal continues to comply with the maximum permissible FSR of 2.5:1.
3. While the additional breach of the height control is not subject to consideration under cl 4.6 of Willoughby LEP 2012, the Panel agrees with the assessment report that that breach leads to a better planning outcome and does not cause material impact.

**CONDITIONS**

The development application was approved subject to the conditions recommended in the Council Assessment Report as amended by Attachment 3 to the council's memorandum of 2 November 2016, and further amended by deleting Conditions 15A(i) and 26(j).

PANEL MEMBERS		
 John Roseth (Chair)	 Sue Francis	 Clare Brown
 Gail Giles-Gidney	 Linda McClure	

**SCHEDULE 1**

<b>1</b>	<b>PANEL REF – LGA – DA NO.</b>	2016SYE068 – Willoughby – DA2014/445/C
<b>2</b>	<b>PROPOSED DEVELOPMENT</b>	S96 - Incorporation of 17 Albert Ave, increase number of apartments from 213 to 226. Increase FSR from 2.49:1 to 2.5:1 and changes to the retail layout.
<b>3</b>	<b>STREET ADDRESS</b>	256 - 260 Victoria Ave, 36 - 50 Hercules Street & 17 Albert Ave Chatswood
<b>4</b>	<b>APPLICANT: OWNER:</b>	Chatswood Place Pty Ltd Oscar Pty Ltd & Hercules Thirty Six Pty Limited
<b>5</b>	<b>TYPE OF REGIONAL DEVELOPMENT</b>	Section 96 Modification
<b>6</b>	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (State and Regional Development 2011)</li> <li>○ Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment)</li> <li>○ State Environmental Planning Policy No. 55 (Remediation of Land)</li> <li>○ State Environmental Planning Policy Building Sustainability Index: BASIX 2004</li> <li>○ State Environmental Planning Policy No. 65 Residential Flat Design Code</li> <li>○ Willoughby Local Environmental Plan 2012</li> </ul> </li> <li>• Draft environmental planning instruments: <ul style="list-style-type: none"> <li>○ Draft Willoughby Local Environmental Plan</li> <li>○ Draft Apartment Design Guide</li> </ul> </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>• Regulations: <ul style="list-style-type: none"> <li>○ Section 94A Plan</li> </ul> </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> and <i>Environmental Planning and Assessment Regulation 2000</i>.</li> <li>• The public interest, including the principles of ecologically sustainable development.</li> </ul>
<b>7</b>	<b>MATERIAL CONSIDERED BY THE PANEL</b>	Council Assessment Report: 12 October 2016 Council Memorandum dated 2 November 2016 Written submissions during public exhibition: 1 Verbal submissions at the panel meeting: <ul style="list-style-type: none"> <li>• Support –</li> <li>• Object –</li> <li>• On behalf of the applicant – Jacinta Reid,</li> </ul>
<b>8</b>	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	Briefing Meetings: 1 August and 3 November 2016
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approve
<b>10</b>	<b>DRAFT CONDITIONS</b>	As per council assessment report