

**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY NORTH PLANNING PANEL

<b>DATE OF DETERMINATION</b>	17 November 2017
<b>PANEL MEMBERS</b>	John Roseth (Chair), Sue Francis, Julie Savet Ward, Linda McClure, Hugh Eriksson
<b>APOLOGIES</b>	Deborah Dearing, Gail Giles-Gidney
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Christie Conference Centre, 100 Walker Street North Sydney, on 4 December 2017, opened at 12.35pm and closed at 1.05pm.

**MATTER DETERMINED**

2017SNH059 – Willoughby – DA2014/445/D at 36-38 Hercules Street & 256-260 Avenue Chatswood (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 approve the development application as described in Schedule 1 pursuant to section 96 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

**REASONS FOR THE DECISION**






Three positions were put to the Panel. The elected council's position is that the proposal should provide three hours of free parking. The applicant's position is that there should be one hour of free parking in the development. The assessment officer's recommendation is that there should be two hours of free parking. In response to this recommendation, the applicant accepts a condition requiring two hours of free parking.

The Panel accepted the assessment officer's recommendation on the grounds that:

1. There is no consistency in the Chatswood CBD in the hours of free parking required by planning consents;
2. There is no planning policy requiring a minimum length of free parking;
3. The size of the retailing at 3000 square metres is relatively small; and
4. Two hours are long enough for shopping in the development as well as outside.

**CONDITIONS**

The development application was approved subject to the conditions in the Council Assessment Report.

PANEL MEMBERS	
 John Roseth (Chair)	 Sue Francis
 Julie Savet Ward	 Linda McClure
 Hugh Eriksson	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SNH059 – Willoughby – DA2014/445/D
2	PROPOSED DEVELOPMENT	S96 - to include changes to driveway, lift, apartments layouts, heritage building and modification to conditions.
3	STREET ADDRESS	36-38 Hercules Street, 17 Albert Avenue & 256-260 Victoria Avenue, Chatswood
4	APPLICANT/OWNER	Chatswood Place Pty Ltd / Oscar Pty Ltd & Hercules Thirty Six Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	Section 96(2) Modification Application
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 State and Regional Development 2011</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 Design Quality of a Residential Apartment Development</li> <li>Residential Flat Design Code</li> <li>New South Wales Apartment Design Guide</li> <li>Sydney Regional Environmental Plan Sydney Harbour Catchment 2005 (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> <li>Section S94A Plan</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</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: 8 November 2017</li> <li>Late submission from Willoughby Council: 17 November 2017</li> <li>Written submissions during public exhibition: 0</li> <li>Written submission received after assessment report published: 1</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>In objection – Ian Arnott on behalf of Willoughby Council</li> <li>On behalf of the applicant – Jonathan Leib</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing meeting: 13 September 2017</li> <li>Final briefing meeting to discuss council's recommendation, 4 December 2017 at 11.30am. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: John Roseth (Chair), Sue Francis, Julie Savet Ward, Linda McClure, Hugh Eriksson</li> <li><u>Council assessment staff</u>: Ian Arnott, Ana Vissarion, Ritu Shankar</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report