

DATE OF DEFERRAL	Wednesday 19 December 2018
PANEL MEMBERS	Peter Debnam (Chair), John Roseth, Sue Francis, Gail Giles-Gidney, Linda McClure
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Willoughby City Council Coachwood Room 31 Victor Street Chatswood on 19 December 2018, opened at 3.45pm and closed at 5.20pm.

MATTER DEFERRED

2018SNH002 – Willoughby – DA2017/503 at 345 Victoria Avenue, 12-14 Malvern Avenue and Havilah Street, Chatswood (as described in Schedule 1)

REASONS FOR DEFERRAL

The Panel has read the assessment report and would be unanimously minded to accept its recommendation to approve the application subject to conditions. The Panel has read the written objections and listened to the objectors at the public meeting. The Panel notes that those objections related to the appearance of the high external wall and to landscaping and considers that they have been responded to by the proposed conditions of consent.

However, the Panel notes that the Council and the applicant have failed to reach agreement on all the conditions. The Panel believes that additional time will allow them to find an agreed position in relation to all remaining issues, except the condition dealing with flooding, on which the parties are far apart. In this respect the Panel requires that the parties engage the services of a mutually acceptable, independent hydraulic expert, who is to be funded by the applicant to undertake a peer review of the advice to the Panel (that is the council's and the applicant's flooding analysis and recommendations). The Panel expects that, under the guidance of such an expert, the parties will be able to reach full agreement as to how to address the issue of flooding. If not, the Panel will be guided by all experts' opinion.

As concerns the design conditions generally, and specifically the appearance of the external wall, the Panel suggests that, in the intervening period, the applicant attempt to resolve the concerns of Council. Should this not occur, then any condition of consent should clearly express the desired outcome more precisely than is the case with the current draft conditions. If a three-dimensional cladding, for example, is desired, the condition should express this. This condition and any other matter related to those in dispute or the subject of a deferred commencement condition should be made operational and, if required, prior to the submission of an application for the relevant construction certificate.

Following this, the Panel requests the council submit a revised set of agreed conditions. The Panel will then determine the application by communicating by electronic means, unless the Chair believes that a further public meeting is necessary






The Panel requests that the revised set of conditions be submitted by 31 January 2019. Should this not be achievable, the Panel should be advised by 20 January 2019 as to the anticipated date.

Accordingly, the Panel unanimously agreed to defer the determination of the matter until the information requested above is provided.

The decision to defer the matter was unanimous. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

CONSIDERATION OF COMMUNITY VIEWS

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Sue Francis
 John Roseth	 Gail Giles-Gidney
 Linda McClure	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SNH002 – Willoughby – DA2017/503
2	PROPOSED DEVELOPMENT	Demolition of 2 commercial buildings, reconstruction and expansion of Chatswood Chase Shopping Centre.
3	STREET ADDRESS	345 Victoria Avenue, 12-14 Malvern Avenue and 5-7 Havilah Street, Chatswood
4	APPLICANT/OWNER	Vicinity Centres PM Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No.55 – Remediation of Land Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) Willoughby Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Willoughby Development Control Plan Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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: 7 December 2018 Applicant memo (response): 14 December 2018, 18 December 2018 Council memo (response): 18 December 2018 Written submissions during public exhibition: 17 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In objection – Steve Wu, Howard Sandler, Roger Donnelley Council assessment officer – Ian Arnott, Mark Bolduan On behalf of the applicant – Jacqueline Parker, Tracey Willis, Vince Russo, David Waldren
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 23 May 2018, 5 September 2018 Final briefing to discuss council's recommendation, 19 December 2018 at 3pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, John Roseth, Gail Giles-Gidney, Linda McClure <u>Council assessment staff</u>: Pooja Chugh, tim Keith, Ana Vissarion, Joseph Bazergy, Gordon Farrelly, Scott Kavanagh, Ian Arnott, Mark Bolduan
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report