

DATE OF DETERMINATION	Wednesday 27 March 2019
PANEL MEMBERS	Peter Debnam (Chair), Sue Francis, John Roseth, Gail Giles-Gidney, Linda McClure
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Willoughby City Council, Council Chambers 31 Victor Street Chatswood on 27 March 2019, opened at 9.40am and closed at 11.41am.

MATTER DETERMINED

2018SNH039 – Willoughby – DA2018/158 at 475-501 Victoria 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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

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 following reasons:

- The Panel accepted the applicant's written submission under clause 4.6 of the Willoughby LEP 2012 that there are sufficient environmental planning grounds to vary the FSR control. The Panel is satisfied that the proposal is consistent with the objectives of the zone and of the FSR development standard and is in the public interest.
- The proposal provides additional commercial floor space and hotel accommodation close to Chatswood Station, which is consistent with the objectives of the Chatswood CBD Planning and Urban Design Strategy.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Deferred Commencement Condition 1 becomes an Operational Condition 1A, to read as follows:

The single storey element (north west corner) of the proposed office building inclusive of the roof top terrace above it shall be deleted by pulling back the northern wall to be in line with the outer edge of the fire stairs and new office lobby area wall.

The proposal shall provide deep soil planting including canopy planting within the north western part of the proposed office building that is required to be deleted.

Plans to be amended and approved by Council prior to the issue of the relevant construction certificate.

- Conditions 5 – 8, 10-15 and 94 are to be updated to add the word “relevant” prior to Construction Certificate or Occupation Certificate.
- Condition 7 amended to read as follows:

Stormwater runoff from the site shall be collected and conveyed to the underground drainage system in Brown Street via a 375 mm connection. A grated drainage pit (min 6000 mm x 600 mm) shall be provided within the property as close as practical to the boundary prior to discharging to the Council’s drainage system. In this regard, full design and construction details showing the methods of disposal of surface and roof water from the site are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
(Reason: Prevent nuisance flooding)

- New Condition 15A to read as follows:

Staging of Construction

This consent permits separate Construction and Occupation Certificates to be issued for the development approved, provided that all appropriate conditions of consent as relevant to each stage of the construction, have been complied with prior to the release of the Construction Certificate and/or Occupation Certificate for the relevant stage.

- Condition 28 amended to read as follows:

Detailed Waste Management Plans demonstrating that the compactor vehicles can service the premises entrances, exits, driveways, vehicles ramps, loading dock way and bin room/s, shall be submitted to Council.

- Condition 30 to be deleted
- Condition 31 to be deleted
- Conditions 53b to be deleted
- Conditions 69 amended to read as follows:

Prior to the issue of an Occupation Certificate, the proposed vehicle access including parking spaces shall comply with the minimum requirements of AS/NZS 2890.1, AS/NZS 2890.6 and Council’s standard specification where affected by the proposed works.
(Reason: Vehicular access)

- New Condition 102A to read as follows:

Active Street Frontage






The Ground Floor Victoria Avenue frontage of the building in the south-western corner of the site is to be occupied for business or retail purposes. In this respect, use for the purposes of Office Premises is contrary to the Active Street frontage provisions and as such not permissible.
(Reason: Ensure compliance)

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from objectors speaking at the public meeting. The Panel notes that issues of concern included:

- Site isolation
- Acoustic Impacts from Chelsea Apartments

The Panel gave consideration to the objections of the owners of the adjoining property to the west. The Panel concluded that this development did not cause the isolation of that property. Nevertheless, the Panel imposed conditions that reduce the length of the wall on the common boundary in order to reduce the impact on development potential of that property.

PANEL MEMBERS	
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 Linda McClure	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SNH039 – Willoughby – DA2018/158
2	PROPOSED DEVELOPMENT	Demolition of existing two (2) storey commercial building and erection of a new four (4) storey commercial building comprising of office space and trafficable roof top at Victoria Avenue frontage and demolition of existing retail tenancy and erection of fifteen (15) storey hotel at Brown Street frontage.
3	STREET ADDRESS	475-501 Victoria Avenue, Chatswood
4	APPLICANT/OWNER	Cromwell Diversified Property Trust/ Cromwell BT 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 - Schedule 3 – Traffic Generating Development ○ State Environmental Planning Policy No.55 Remediation of Land ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ State Environmental Planning Policy No.64 – Advertising and Signage ○ State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development and NSW Apartment Design Guide ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) (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 2012 ○ Chatswood CBD – Planning and Urban Design Strategy • 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: 19 March 2019 • Clause 4.6 variation request • Submission from Philip Brett on behalf of adjoining property 503 Victoria Avenue Chatswood, received at meeting 27 March 2019 • Written submissions during public exhibition: 11 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In objection – Philip Brett, Daniel McNamara & Jon Johannsen (one behalf of adjoining property 503 Victoria Avenue Chatswood) ○ Council assessment officer – Pooja Chugh, Ian Arnott ○ On behalf of the applicant – John Wynne, Ester Dickins, Justin Chevenier, David Brain.

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 5 September 2018 • Final briefing to discuss council's recommendation, 27 March 2019 at 9am. 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, Ian Arnott, Norma Shankie-Williams, Gordon Farrelly, Wil Robertson, Clare Woods
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report