

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY NORTH PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Tuesday 17 December 2019
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), Susan Budd, John Roseth, Gail Giles-Gidney, Linda McClure
<b>APOLOGIES</b>	Sue Francis
<b>DECLARATIONS OF INTEREST</b>	Gail Giles-Gidney declared a non-pecuniary conflict of interest as she is friends with the recently appointed Chairman of the Board of Urbis. The Urbis Chairman is not directly involved in the preparation of the application. Panel Chair determined that this does not preclude her from participating on the Panel.

Public meeting held at Christie Conference Centre, 100 Walker Street North Sydney, on 17 December 2019, opened at 1.12pm and closed at 2.13pm.

#### MATTER DETERMINED

PPSSNH-12 – Willoughby – DA2018/158/A at 475-501 Victoria Avenue Chatswood for modifications to an approved development application (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.

#### Development application

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

The decision was unanimous.

#### REASONS FOR THE DECISION

The modified development is substantially the same as the development originally approved.

The bulk of the proposal remains substantially the same as the approved proposal.

The impact of the modified proposal either remains the same as before or the impact is within acceptable limits.

The Panel considered the applicant's request to delete Condition 102A which requires either retail or business use along the frontage. In the Panel's opinion the wording of that condition provides sufficient flexibility, as it relates to the frontage only rather than the full extent of the ground floor.

#### CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments.

- Condition 10(c) is amended to read as follows:






*50mm thick asphalt resurfacing of the 3m wide road pavement in Victoria Avenue for the full frontage of the new office building.*

- Condition 71 is amended to read as follows:  
*Prior to the issue of any Occupation Certificate, a 50mm thick asphalt resurfacing of the 3m wide road pavement adjoining the full frontage of the new office building in Victoria Avenue in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is 1x106 ESA.*

#### **CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel notes that no written submissions were made during public exhibition. There was, however, a late submission from an occupant of the neighbouring building who was concerned about the modified proposal being closer to his balcony than the original proposal. The Panel accepts the assessment planner's conclusion that the distance between the modified proposal and the objector's balcony meets the requirements of the Apartment Design Guide.

No objector spoke at the public meeting.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Susan Budd
 John Roseth	 Gail Giles-Gidney
 Linda McClure	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-12 – Willoughby – DA2018/158/A
2	PROPOSED DEVELOPMENT	S4.55 – change to built form of hotel and office development – modification to Conditions 1, 1A, 8, 10, 65, 71, 82, 102A and imposition of new Conditions 15B, 102B and 102C.
3	STREET ADDRESS	475-501 Victoria Avenue, Chatswood
4	APPLICANT/OWNER	Cromwell Diversified Property Trust/ Cromwell BT Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(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 (Infrastructure) 2007 - Schedule 3 – Traffic Generating Development</li> <li>State Environmental Planning Policy No.55 Remediation of Land</li> <li>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>State Environmental Planning Policy NO.64 – Advertising and Signage</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>Chatswood CBD – Planning and Urban Design Strategy</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: 3 December 2019</li> <li>Council memo: 16 December 2019</li> <li>Written submissions during public exhibition: Nil</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Council assessment officer – Craig O’Brien, Mark Bolduan, Ritu Shankar, Clare Wood</li> <li>On behalf of the applicant – Simon Wilkes, David Brain, Bernard Waller</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Final briefing to discuss council’s recommendation, 17 December 2019 at 12.15pm. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Peter Debnam (Chair), Susan Budd, John Roseth, Gail Giles-Gidney, Linda McClure</li> <li><u>Council assessment staff</u>: Craig O’Brien, Mark Bolduan, Ritu Shankar, Clare Wood.</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report