

DATE OF DETERMINATION	Wednesday 19 February 2020
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Gail Giles-Gidney, Linda McClure
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Willoughby City Council on 19 February 2020, opened at 2.36pm and closed at 25.04pm.

MATTER DETERMINED

PPSSNH-19 – Willoughby – DA2019/200 for alterations and additions to Chatswood Chase Shopping Centre (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.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Willoughby Local Environmental Plan 2012 (LEP), that has demonstrated that:

- a) compliance with cl.4.3(2) (development standard) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl.4.3(2) (development standard) of the LEP and the objectives for development in the B3 Commercial Core and B4 Mixed Use land use zones; and
- c) the concurrence of the Secretary has been assumed.

Development application

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 accepts the Council assessment recommendation to approve the application.

The Panel supports the written Clause 4.6 variation request to vary to the Height of buildings development standard contained in Clause 4.3(2) of Willoughby Local Environmental Plan 2012 for DA2019/200 (345 Victoria Avenue, 12-14 Malvern Avenue and 5-7 Havilah Street, Chatswood) for the following reasons:

- The proposal generates acceptable amenity impacts on adjoining properties and on surrounding streetscapes and a more compliant scheme would not substantially diminish these impacts.
- The proposal results in an improved response to the adjoining heritage items and to North Chatswood Heritage Conservation Area when compared with approved development application for the same site DA 2017/503.
- The proposed variation will enable the provision of additional commercial office floor space and additional employment in Chatswood CBD.
- The proposals' non-compliance does not hinder the development's ability to satisfy the objectives of the control and the objectives of the B3 Commercial Core and B4 Mixed Use land use zones.

CONDITIONS

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

- **Condition 1** table of plans amended to read as follows:

Type	Plan No.	Description	Revision /Issue No	Plan Date (as Amended)	Prepared by
Architecture	DA1147	Demolition Plan B2	01	17.10.19	Webber Australia
Architecture	DA1148	Demolition Plan B1	01	17.10.19	Webber Australia
Architecture	DA1149	Demolition Plan LG & LGA	01	17.10.19	Webber Australia
Architecture	DA1150	Demolition Plan 00 & 00A	01	17.10.19	Webber Australia
Architecture	DA1151	Demolition Plan 01 & 01A	01	17.10.19	Webber Australia
Architecture	DA1152	Demolition Plan 02 & 02A	01	17.10.19	Webber Australia
Architecture	DA1153	Demolition Plan 03	01	17.10.19	Webber Australia
Architecture	AR-MAK-DRG-DA2007	Level B2	08	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2008	Level B1	09	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2009	Level LG	08	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2009A	Level LGA	06	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2010	Level 00	010	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2010A	Level 00A	07	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2011	Level 01	07	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2011A	Level 01A	07	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2012	Level 02	07	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2012A	Level 02A	07	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2013	Level 03	07	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2013A	Level 03A	06	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2014	Level 04	08	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2014A	Level 04A	06	21.10.19	Make Architects

Type	Plan No.	Description	Revision /Issue No	Plan Date (as Amended)	Prepared by
Architecture	AR-MAK-DRG-DA2015	Level 05	07	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2016	Level 06	06	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2200	Proposed Elevation - East	06	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2201	Proposed Elevation - West	06	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2202	Proposed Elevation - South	10	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2203	Proposed Elevation - North	08	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2260	Wall Sections - Vic Ave	03	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2261	Wall Sections - Facade	04	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2262	Wall Sections - Façade	05	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2263	Wall Sections Facade	02	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2300	Proposed Sections	04	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2301	Proposed Sections	05	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2302	Proposed Sections	04	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2303	Proposed Sections	03	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2304	Proposed Sections	04	21.10.19	Make Architects
Architecture	AR-MAK-DRG-DA2305	Proposed Sections	04	21.10.19	Make Architects
Architecture	AR-MAK- DRG-DA7123	Havilah Street- Elevation 04	02	21.10.19	Make Architects
Architecture	AR-MAK- DRG-DA7124	Havilah Street- Elevation 05	02	21.10.19	Make Architects
Architecture	AR-MAK- DRG-DA7130	Malvern Ave – Elevation 01	02	21.10.19	Make Architects
Architecture	AR-MAK- DRG-DA7131	Malvern Ave – Elevation 02	02	21.10.19	Make Architects
Architecture	AR-MAK-DRG- DA7230	External Wall Systems 16 – Carpark Precast Spandrel Facade	03	21.10.19	Make Architects
Architecture	AR-MAK-DRG- DA7231	External Wall Systems 22 – Carpark Open Mesh for Planting	03	21.10.19	Make Architects
Architecture	AR-MAK-DRG- DA9001	Victoria Avenue Awning Extent	04	21.10.19	Make Architects
Architecture	AR-MAK-DRG- DA9002	Archer Street Awning Extents	04	21.10.19	Make Architects
Architecture	AR-MAK-DRG- DA9003	Havilah Street Awning Extents	03	21.10.19	Make Architects
Architecture	AR-MAK-DRG- DA9050	Awning Types Sections	03	21.10.19	Make Architects
Transport and Traffic	TR-GTA-DWG-03-01 Sheet 1 of 13	Basement B2 Existing Car Park Arrangement (Approximate) - Car Park Compliance Overview – North Zone	P02	24.06.2019	GTA Consultants
Transport and Traffic	TR-GTA-DWG-03-02 Sheet 2 of 13	Basement B2 Existing Car Park Arrangement (Approximate) - Car Park Compliance Overview – West Zone	P02	24.06.2019	GTA Consultants
Transport and Traffic	TR-GTA-DWG-03-03 Sheet 3 of 13	Basement B2 Existing Car Park Arrangement (Approximate) - Car Park Compliance Overview – East	P02	24.06.2019	GTA Consultants

Type	Plan No.	Description	Revision /Issue No	Plan Date (as Amended)	Prepared by
		Zone			
Transport and Traffic	TR-GTA-DWG-03-04 Sheet 4 of 13	Basement B2 Existing Car Park Arrangement (Approximate) - Car Park Compliance Overview – South Zone	P02	24.06.2019	GTA Consultants
Transport and Traffic	TR-GTA-DWG-03-05 Sheet 5 of 13	Basement B1 Existing Car Park Arrangement (Approximate) - Car Park Compliance Overview – North Zone	P02	24.06.2019	GTA Consultants
Transport and Traffic	TR-GTA-DWG-03-06 Sheet 6 of 13	Basement B1 Existing Car Park Arrangement (Approximate) - Car Park Compliance Overview – West Zone	P02	24.06.2019	GTA Consultants
Transport and Traffic	TR-GTA-DWG-03-07 Sheet 7 of 13	Basement B1 Existing Car Park Arrangement (Approximate) - Car Park Compliance Overview – East Zone	P02	24.06.2019	GTA Consultants
Transport and Traffic	TR-GTA-DWG-03-08 Sheet 8 of 13	Basement B1 Existing Car Park Arrangement (Approximate) - Car Park Compliance Overview – South Zone	P02	24.06.2019	GTA Consultants
Transport and Traffic	TR-GTA-DWG-03-09 Sheet 9 of 13	Ground Existing Car Park Arrangement (Approximate) - Car Park Compliance Overview – North Zone	P02	24.06.2019	GTA Consultants
Transport and Traffic	TR-GTA-DWG-03-10 Sheet 10 of 13	Ground Existing Car Park Arrangement (Approximate) - Car Park Compliance Overview – North Zone	P02	24.06.2019	GTA Consultants
Transport and Traffic	TR-GTA-DWG-03-11 Sheet 11 of 13	Level 1 Existing Car Park Arrangement (Approximate) - Car Park Compliance Overview – North Zone	P02	24.06.2019	GTA Consultants
Transport and Traffic	TR-GTA-DWG-03-12 Sheet 12 of 13	Level 1A Existing Car Park Arrangement (Approximate) - Car Park Compliance Overview – North Zone	P02	24.06.2019	GTA Consultants
Transport and Traffic	TR-GTA-DWG-03-13 Sheet 13 of 13	Level 2 Existing Car Park Arrangement (Approximate) - Car Park Compliance Overview – North Zone	P02	24.06.2019	GTA Consultants
Landscape	LA-LAT-DRG-DA-0000	LEVEL LOWER GROUND - OVERALL PLAN	06	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0001	LEVEL GROUND - OVERALL PLAN	06	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0003	LEVEL TWO - OVERALL PLAN	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0004	LEVEL THREE - OVERALL PLAN	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0005	LEVEL FOUR - OVERALL PLAN	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0006	LEVEL FOUR A - OVERALL ROOF PLAN	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0007	HAVILAH STREET ENTRY - DETAIL PLAN	06	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0008	ARCHER STREET ENTRY - DETAIL PLAN	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0009	VICTORIA AVENUE ENTRY - DETAIL PLAN	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0010	LEVEL TWO TERRACE - DETAIL PLAN	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0011	LEVEL THREE SUNKEN OASIS - DETAIL PLAN	05	18.10.19	Lat27

Type	Plan No.	Description	Revision /Issue No	Plan Date (as Amended)	Prepared by
Landscape	LA-LAT-DRG-DA-0012	LEVEL FOUR SUNKEN OASIS - DETAIL PLAN	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0013	LEVEL FOUR A(4a) CAR PARK- DETAIL PLAN	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0014	ARCHER STREET ENTRY - SECTION	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0015	HAVILAH STREET ENTRY - SECTION	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0016	HAVILAH STREET INTERFACE - SECTION 1	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0017	HAVILAH STREET INTERFACE - SECTION 2	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0018	VICTORIA AVENUE ENTRY - SECTION 1	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0019	VICTORIA AVENUE ENTRY - SECTION 2	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0020	MALVERN AVENUE INTERFACE - SECTION	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0021	LEVEL THREE SUNKEN OASIS - SECTION 1 & 2	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0022	LEVEL THREE SUNKEN OASIS - SECTION 3 & 4	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0023	LEVEL LOWER GROUND - SOIL DEPTH PLAN	06	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0024	LEVEL GROUND - SOIL DEPTH PLAN	06	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0026	LEVEL TWO - SOIL DEPTH PLAN	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0027	LEVEL THREE - SOIL DEPTH PLAN	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0028	LEVEL FOUR - SOIL DEPTH PLAN	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0030	ELEVATION Victoria (Southern) & Archer (Western)	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0031	ELEVATION Havilah (Eastern) & Malvern (Northern)	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0033	Level two Maintenance Plan	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0034	Level Three Maintenance Plan	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0035	Level Four Maintenance Plan	05	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0037	Plant Palette	06	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0038	Plant Schedule	06	18.10.19	Lat27
Landscape	LA-LAT-DRG-DA-0039	Level Three Urban St Section	01	18.10.19	Lat27

- Condition 2 amended to read as follows (note Conditions 2(a) and 2(b) is deleted):**
Notice of modification of consent DA2017/503 dated 7 June 2019 shall be submitted to council in accordance with the Environmental Planning and Assessment Regulation 2000 prior to the issue of any construction certificate.

Schedule – Plans to be replaced by the plans listed in Condition 1 of this consent.

Type	Plan No.	Description	Revision/ Issue No	Plan Date (as Amend- ed)	Prepared by
Architecture	AR0001	Demolition Plan – Basement 2	03-WIP		Make Architects
Architecture	AR0002	Demolition Plan – Basement 1	03-WIP		Make Architects
Architecture	AR0003	Demolition Plan – LG and LGA	03-WIP		Make Architects
Architecture	AR0004	Demolition Plan – L00 and L00A	03-WIP		Make Architects
Architecture	AR0005	Demolition Plan – L01 and L01A	03-WIP		Make Architects
Architecture	AR0006	Demolition Plan – L02 and L02A	03-WIP		Make Architects
Architecture	AR0007	Demolition Plan – L03	03-WIP		Make Architects
Architecture	AR0190	Demolition Elevations	-		Make Architects
Architecture	DA2007	Level B2	05	13.05.19	Make Architects
Architecture	DA2008	Level B1	06	13.05.19	Make Architects
Architecture	DA2009	Level LG	05	13.05.19	Make Architects
Architecture	DA2009A	Level LGA	02	31.07.18	Make Architects
Architecture	DA2010	Level 00	07	16.05.19	Make Architects
Architecture	DA2010A	Level 00A	04	13.05.19	Make Architects
Architecture	DA2011	Level 01	04	13.05.19	Make Architects
Architecture	DA2011A	Level 01A	04	13.05.19	Make Architects
Architecture	DA2012	Level 02	04	13.05.19	Make Architects
Architecture	DA2012A	Level 02A	04	13.05.19	Make Architects
Architecture	DA2013	Level 03	04	13.05.19	Make Architects
Architecture	DA2013A	Level 03A	03	13.05.19	Make Architects
Architecture	DA2014	Level 04	05	13.05.19	Make Architects
Architecture	DA2014A	Level 04A	03	13.05.19	Make Architects
Architecture	DA2015	Level 05	04	13.05.19	Make Architects
Architecture	DA2015A	Level 05A	03	13.05.19	Make Architects
Architecture	DA2016	Level 06	03	13.05.19	Make Architects
Architecture	DA2200	Elevation –East	04	13.05.19	Make Architects
Architecture	DA2201	Elevation –West	04	13.05.19	Make Architects
Architecture	DA2202	Elevation–South	08	16.05.19	Make Architects
Architecture	DA2203	Elevation–North	06	16.05.19	Make Architects
Architecture	DA2260	Wall Sections	01	23.11.18	Make Architects
Architecture	DA2261	Wall Sections	02	12.12.18	Make Architects
Architecture	DA2262	Wall Sections	03	13.05.19	Make Architects
Architecture	DA2263	Wall Sections	00	27.07.18	Make Architects
Architecture	DA2300	Sections	02	13.05.19	Make Architects
Architecture	DA2301	Sections	03	13.05.19	Make Architects
Architecture	DA2302	Sections	02	13.05.19	Make Architects

Architecture	DA2303	Sections	01	13.05.19	Make Architects
Architecture	DA2304	Sections	02	13.05.19	Make Architects
Architecture	DA2305	Sections	02	13.05.19	Make Architects
Architecture	AR-MAK-DRG-DA7123	Havilah Street- Elevation 04	00	13.05.19	Make Architects
Architecture	AR-MAK-DRG-DA7124	Havilah Street- Elevation 05	00	13.05.19	Make Architects
Architecture	AR-MAK-DRG-DA7130	Malvern Ave – Elevation 01	00	13.05.19	Make Architects
Architecture	AR-MAK-DRG-DA7131	Malvern Ave – Elevation 02	00	13.05.19	Make Architects
Architecture	AR-MAK-DRG-DA7221	External Wall Systems 21	01	16.05.19	Make Architects
Architecture	AR-MAK-DRG-DA7230	External Wall Systems 30	01	16.05.19	Make Architects
Architecture	AR-MAK-DRG-DA7231	External Wall Systems 31	01	16.05.19	Make Architects
Architecture	DA9001	Victoria Avenue Awning Extent	02	16.05.19	Make Architects
Architecture	DA9002	Archer Street Awning Extents	02	16.05.19	Make Architects
Architecture	DA9003	Havilah Street Awning Extents	01	13.05.19	Make Architects
Architecture	DA9050	Awning Types Section	01	13.05.19	Make Architects
Architecture		Elevation Havilah Street			Make Architects
Waste Management Plan				31 July 2018	Compass Project Management
Arboricultural Impact Appraisal and Method Statement				13 December 2017	Naturally Trees
Sustainability Score card				31 July 2018	Compass Project Management
Noise Impact Assessment				2 August 2018	Norman Disney and Young
Landscape	LA-LAT-DRG-XX-00-0003	Legend Sheet 1	02	13.05.19	Lat 27
Landscape	LA-LAT-DRG-XX-00-0004	Legend Sheet 2	02	13.05.19	Lat 27
Landscape	LA-LAT-DRG-XX-00-0030	Planting Schedule Sheet 1	03	17.05.19	Lat 27
Landscape	LA-LAT-DRG--00-C1-0101	Ground C1 Finishes Plan Sheet 1	02	13.05.19	Lat 27
Landscape	LA-LAT-DRG--00-C3-0102	Ground C3 Finishes Plan Sheet 2	02	13.05.19	Lat 27
Landscape	LA-LAT-DRG--00-D2-0103	Ground D2 Finishes Plan Sheet 3	02	13.05.19	Lat 27

Landscape	LA-LAT-DRG--01-D2-0101	Level 1 D2 Finishes Plan Sheet 1	02	13.05.19	Lat 27
Landscape	LA-LAT-DRG--02-D2-0101	Level 2 D2 Finishes Plan Sheet 1	02	13.05.19	Lat 27
Landscape	LA-LAT-DRG--02-D2-0102	Level 2 D2 Finishes Plan Sheet 2	02	13.05.19	Lat 27
Landscape	LA-LAT-DRG--03-D2-0101	Level 3 D2 Finishes Plan Sheet 1	02	13.05.19	Lat 27
Landscape	LA-LAT-DRG--03-D2-0102	Level 3 D2 Finishes Plan Sheet 2	03	17.05.19	Lat 27
Landscape	LA-LAT-DRG--03-D3-0103	Level 3 A3 Finishes Plan Sheet 1	03	17.05.19	Lat 27
Landscape	LA-LAT-DRG--04-A2-0101	Level 4 A2 Finishes Plan Sheet 1	02	13.05.19	Lat 27
Landscape	LA-LAT-DRG--04-A3-0102	Level 4 A3 Finishes Plan Sheet 2	02	13.05.19	Lat 27
Landscape	LA-LAT-DRG--04-A3-0103	Level 4 A3 Finishes Plan Sheet 3	02	13.05.19	Lat 27
Landscape	LA-LAT-DRG--04-C1-0104	Level 4 C1 Finishes Plan Sheet 4	02	13.05.19	Lat 27
Landscape	LA-LAT-DRG--04-C2-0105	Level 4 C2 Finishes Plan Sheet 5	02	13.05.19	Lat 27
Landscape	LA-LAT-DRG--04-C3-0106	Level 4 C3 Finishes Plan Sheet 6	02	13.05.19	Lat 27
Landscape	LA-LAT-DRG--04-C3-0107	Level 4 C3 Finishes Plan Sheet 7	02	13.05.19	Lat 27
Landscape	LA-LAT-DRG--04-D2-0108	Level 4 D2 Finishes Plan Sheet 8	03	17.05.19	Lat 27
Landscape	LA-LAT-DRG--04-D3-0109	Level 4 D3 Finishes Plan Sheet 9	02	13.05.19	Lat 27
Landscape	LA-LAT-DRG--LG-A2-0101	Lower Ground A2 Finishes Plan Sheet 1	02	13.05.19	Lat 27
Landscape	LA-LAT-DRG--LG-A3-0102	Lower Ground A3 Finishes Plan Sheet 2	02	13.05.19	Lat 27
Landscape	LA-LAT-DRG--LG-A3-0103	Lower Ground A3 Finishes Plan Sheet 3	02	13.05.19	Lat 27
Landscape	LA-LAT-DRG--LG-B3-0104	Lower Ground B3 Finishes Plan Sheet 4	02	13.05.19	Lat 27
Landscape	LA-LAT-DRG--LG-C3-0105	Lower Ground C3 Finishes Plan Sheet 5	02	13.05.19	Lat 27

- Condition 5(h) amended to read as follow:**

The natural (Gosford) sandstone proposed on Archer Street and Victoria Avenue (external to the site boundary, within the public domain) shall be replaced with paving equal to treatment used in the external spaces within the Concourse Plaza space (Granite finish - Melocco Austral Black Granite).

- **New Condition 5(i) to read as follows:**

The planter box over Level 3 and opposite to 1-3 Havilah Street over Level 3 shall be relocated to provide for a minimum of 4.3m setback to the eastern boundary of the site for the full length of the building at 1-3 Havilah Street.

- **Condition 5, last paragraph, amended to read as follows:**

Details of these amendments are required to be shown in the relevant Construction Certificate plans and documentation.

- **Condition 7, last paragraph, amended to read as follows:**

Approved plans by Sydney Water shall form part of the relevant Construction Certificate.

- **Condition 9, first paragraph, amended to read as follows:**

Prior to the issue of the relevant Construction Certificate, written permission shall be obtained from all private property owners affected by any encroachment into the air space above as a result of the installation of suspended scaffold and associated temporary structures installed along property boundaries. Copies of these permissions shall be provided to Council. Permanent encroachment following completion of building works is prohibited.

- **Condition 10, dot point 5, amended to read as follows:**

Water level sensors which are to be located throughout Levels B1 and B2. The water level sensors are to be linked to suitably designed SCADA system which shall trigger the operation of the flood gates when the depth of ponding in any basement reaches a depth of no more than 0.2 m.

- **Condition 13, first paragraph, amended to read as follows:**

Prior to the issue of the relevant Construction Certificate the Applicant shall submit, for approval by the Certifying Authority, certification from a suitably qualified and experienced traffic engineer. This certification must be based on the architectural drawings and the structural drawings for all new works, and must make specific reference to the following:

- **Condition 17(c) is deleted.**

- **Condition 19(a) amended to read as follows:**

Bicycle storage and end of trip facilities must be provided for employees and located in a convenient and secure location in as close proximity to the retail areas as possible. A total of eight (8) showers and associated change rooms are to be provided for staff use.

- **Condition 22, in regard to “Noisy activities”, is amended to read as follows:**

Noisy activities

Rock breaking, rock hammering, sheet piling, pile driving and similar activities as well as noisy demolition activities may only be carried out between the following hours:

- a) 9:00 am to 12:00 pm, Monday to Saturdays, and*
- b) 2:00 pm to 5:00 pm Monday to Saturdays.*

- **Condition 23, paragraph 2, amended to read as follows:**

A Chartered Professional Engineer shall monitor adjoining public infrastructures to detect any ground heaving or settlement during and after the installation of the piling and any ground anchors. A rectification report shall be submitted to Council should unacceptable displacements occur within the zone of influence.

- **Condition 27, paragraph 1, amended to read as follows:**

Prior to the issue of any Occupation Certificate for level 2, half road pavements including any necessary associated works adjoining the full frontage of the development site in Havilah Street, Archer Street, Victoria Avenue and Malvern Avenue shall be reconstructed in accordance with Council’s approved drawings, conditions and specification (AUS-SPEC). Council’s standard design traffic for these pavements is 5 x 10⁶ ESA.

- **Condition 29, first paragraph, amended to read as follows:**

Prior to the issue of the relevant Occupation Certificate the Applicant shall submit, for approval by the Principal Certifying Authority, certification of all new works from a suitably qualified and experienced traffic engineer. This certification must be based on a site inspection of the constructed vehicle access car park and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:




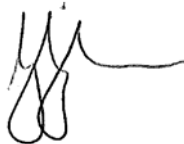

- **Condition 29(g) amended to read as follows:**

That the headroom clearance of minimum 2.1m has been provided between the basement floor and any overhead obstruction to comply with AS 2890.1 and Section 2.4 of AS2890.6.

CONSIDERATION OF COMMUNITY VIEWS

The Panel read community submissions and heard from 1 - 3 Havilah Street residents during the meeting who raised issues relating to solar access, machinery noise, potential damage to their buildings from construction, signage, night-time office light, use of adjoining space by smokers and retention or removal of trees.

The Panel was of the view that these issues were satisfactorily addressed by Council's Assessment Report, Consent Conditions as amended and responses from the Applicant during the meeting. The Applicant also expressed a willingness to work with neighbouring residents to identify noise mitigation measures and for Centre management to work with staff and neighbours to better manage the space adjoining 1 - 3 Havilah Street to improve residential amenity.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Gail Giles-Gidney
 Linda McClure	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-19 – Willoughby – DA2019/200
2	PROPOSED DEVELOPMENT	Reconstruction and expansion of Chatswood Chase shopping centre and associated works.
3	STREET ADDRESS	345 Victoria Avenue, 12-14 Malvern Avenue and 5 Havilah Street, Chatswood
4	APPLICANT/OWNER	Urbis Pty Ltd / CC NO 1 Pty Ltd and CC NO 2 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 - Clause 104 - Traffic Generating Development ○ State Environmental Planning Policy 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 February 2020 • Clause 4.6 Request to vary Height of Building • Council Memo re Amendments - Conditions: 18 February 2020 • Council Memo re Amendments - Plans: 18 February 2020 • Applicant response: 19 February 2020 • Written submissions during public exhibition: 16 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In objection – David Starte, Ghee Tan, Michael Loveday, Sandy Gao, ○ Council assessment officer – Ana Vissarion ○ On behalf of the applicant – Jacqui Parker, Paul Nielsen, James Chase
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 19 February 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Save Ward, Brian Kirk (note panel members Linda McClure and Gail Giles-Gidney are familiar with the site having visited for previous development applications. • Final briefing to discuss council's recommendation, 19 February 2020 at 2pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Gail Giles-Gidney, Linda McClure <u>Council assessment staff</u>: Ana Vissarion, Ian Arnott

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report