



DATE OF DETERMINATION	02 March 2023
DATE OF PANEL DECISION	02 March 2023
DATE OF PANEL MEETING	01 March 2023
PANEL MEMBERS	Peter Debnam (Chair), Nicole Gurran, Brian Kirk, Tanya Taylor, James Harrison
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nicole Gurran noted in recent years she had briefly worked with one of the architects on the Design Review Panel.

Public meeting held by teleconference on 01 March 2023, opened at 9.41am and closed at 10.58am.

MATTER DETERMINED

PPSSNH-307 - DA-2022/161 – Willoughby, 871-877 Pacific Highway, Chatswood, Demolition of all site structures and construction of 27 storey mixed use residential building consisting of 5 levels of basement car parking, ground level to level 2 commercial and retail premises, level 3 communal open space and facilities, levels 2 to 26 providing 70 residential apartments and associated works (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 listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The Panel's decision was unanimous.

REASONS FOR DECISION

The prominent site has been a subject of review by Applicant, Council and Community for the last five years and the resulting proposal has benefited from extensive consultation over that time. Notwithstanding the level of consultation, several major issues (podium, sub-station location and affordable housing) remained unresolved as at the date of determination.

Prior to the public meeting, the Panel considered Council's comprehensive Assessment Report as well as extensive advice from the Applicant. The Panel had also received briefings on the project and its significant issues in recent years.

No members of the public asked to speak or attend the public meeting. During the public meeting, the Panel heard from both Applicant and Council in relation to the podium storeys, sub-station location and provision of affordable housing. The opposing positions on these matters were debated and considered at length.

After deliberating on the project and key issues, the Panel resolved to approve the application and accepted the Applicant's arguments in favour of their podium design especially given the advice from the Design Excellence Jury and subsequent Design Integrity Panel that the part two / part three storey podium street wall height to the Pacific Highway would "*result in better architectural, urban and landscape outcome for this site compared to the podium setback controls required by the DCP.*"

In relation to the location of the sub-station, the Panel concurred with Council that the electrical substation is to be relocated from the ground plan and incorporated within the building form.

In relation to Affordable Housing, the Panel considered the arguments from both Applicant and Council and on balance concurred with Council but asked that the relevant condition be clarified.

The Panel also concurs with Council that the proposal satisfies the requirements of the LEP (as amended) and generally satisfies the requirements for the site specific DCP with the exception of the Pacific Highway podium height (which is part 2 / part 3 storeys). The proposal is suitable for the prominent site and approval would be in the community interest.






CONDITIONS

The development application was approved subject to the amended conditions (affordable housing, enclosure of fire hydrants and use of spaces) in Council's email of 3rd March 2023 (Annexure 1), with Panel amending the following conditions:

- Delete Schedule 1 (including Part A) (deferred commencement)
- Amend Conditions 8 (previously Condition 5A) and 45 (previously Condition 27)
- Add new Conditions 7, 46, 77, 113 and 185

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 11 written submissions made during the public exhibition of the proposal. Issues included building height, traffic impacts, views, overshadowing, privacy, streetscape, landscaping, construction noise, and visual bulk. The Panel considers concerns raised in submissions have been adequately addressed in the Assessment Report and in the amended conditions.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Nicole Gurran
 Brian Kirk	 Tanya Taylor
 James Harrison	

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	PPSSNH-307 - DA-2022/161 – Willoughby
2	PROPOSED DEVELOPMENT	Demolition of all site structures and construction of 27 storey mixed use residential building consisting of 5 levels of basement car parking, ground level to level 2 commercial and retail premises, level 3 communal open space and facilities, levels 2 to 26 providing 70 residential apartments and associated works.
3	STREET ADDRESS	871-877 Pacific Highway, Chatswood
4	APPLICANT/OWNER	Mike Armstrong / Megland Group Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital investment value (CIV) 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 (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • SEPP No 65 - Design Quality of Residential Apartment Development and NSW Apartment Design Guide (ADG) • 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 (including SS DCP) • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: • Coastal zone management plan: Nil • Other relevant plans: 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"> • Assessment Report • Schedule of Conditions • Site Description and Aerial Photo • Notification, Controls, Developer Contributions and Referrals • Submissions Table • Section 4.15 (79c) Assessment

		<ul style="list-style-type: none"> • Notification Map • Written submissions during public exhibition: 11 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Members of the community – Nil ○ Council Assessment Officers – Peter Wells, Ritu Shankar ○ On behalf of the applicant – Mike Armstrong, Lachlan Thomson, Simon Lincoln, James Chase, Christophe Charkos, John Wynne, Rob Battersby, John Manahan and Josh Milton.
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • 17 August 2022 - Briefing • 22 February 2023 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Nicole Gurrán, Brian Kirk, James Harrison, Tanya Taylor ○ <u>Council assessment staff</u>: Peter Wells, Timothy Keith, Mitchell Noble, Clare Woods, Mok Sylvania.
9	COUNCIL RECOMMENDATION	Deferred commencement approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report