

DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	18 November 2022
DATE OF PANEL DECISION	16 November 2022
DATE OF PANEL MEETING	16 November 2022
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Tanya Taylor, James Harrison
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 9 November 2022.

MATTER DETERMINED

PPSSNH-310 -DA 2022/166 – Willoughby, 753 Pacific Highway and 15 Ellis Street, Chatswood, Demolition of existing structures and construction of a 17-storey mixed use development comprising 4-storey commercial / retail / residential podium, and 13-storey residential tower comprising 49 apartments, with 5-level basement carpark comprising 62 car spaces

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 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 decision was unanimous.

REASONS FOR THE DECISION

The Panel resolved to approve the development application for the reasons set out below and in Council's Assessment Report.

As detailed in Council's Assessment Report, the current application benefits from significant changes made to the Willoughby LEP in recent years and also extensive consultations with Council over the last two years. The Development Application (DA) was submitted in May 2022 and was the subject of several meetings between Applicant, Council and the Panel before the final determination meeting on 16th November 2022. Significant issues of waste collection, vehicle access height and parking space allocation were discussed at length in those meetings and the vehicle access and parking issues were finally resolved on determination.

The Panel concurs with Council that the DA has been properly assessed in accordance with Section 4.15 of the EP&A Act, WLEP 2012, WDCP and other relevant codes and policies. The proposal also satisfies the objectives of the Chatswood CBD Planning and Urban Design Strategy 2036. The development does not create any unreasonable impacts to surrounding residences and locality and in summary the Panel believes approval would be in the public interest.

CONDITIONS



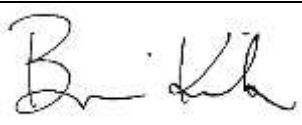


As a result of extensive discussions between the Panel, Council and Applicant during the meeting, numerous conditions were amended to clarify the intent of some and amend the design in relation to vehicle access and parking.

The DA was approved subject to the amended conditions in Council's email of 16th November, which updated conditions in Council's Assessment Report in relation to the following:

Condition 12 - Shared Path and Right-of-Way
 Condition 25 - Design of Works in Public Road
 Condition 35 - Mechanical Ventilation – Provisions for Future Use of Commercial/Retail Tenancy
 Condition 36 - Walls – Solid Construction – Food Premises
 Condition 57 - Waste Storage Room Construction
 Condition 58 - Access for Waste Collection Vehicles
 Condition 59 – Waste chute design
 Condition 97 - Visitor Parking Spaces
 Condition 136 – Public Art
 Condition 138 - On-site Car Parking.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered three written submissions made during public exhibition, which raised issues of concerns including excessive development and wind tunnel effect. The Panel considers that concerns raised by the community were adequately addressed in Council's Assessment Report.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Tanya Taylor
 James Harrison	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-310- Willoughby City Council-DA 2022/166
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of 17 storey shop top housing development comprising 2 storeys of commercial/retail use, and residential tower comprising 15 levels containing 49 residential apartments, communal indoor and outdoor facilities, and 5 levels of basement car parking comprising 62 car spaces, landscaping and associated works.
3	STREET ADDRESS	753 Pacific Highway and 15 Ellis Street, Chatswood
4	APPLICANT/OWNER	Daniel Dalton/Ellis Street Developments PTY LTD
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value > \$30M

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 ○ Willoughby Development Control Plan (including SS DCP) • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Willoughby Development Control Plan (including SS DCP) • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • 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: 9 November 2022 • Written submissions during public exhibition: 3 • Total number of unique submissions received by way of objection: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Kick-off Briefing: 15 June 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward ○ <u>Council assessment staff</u>: Peter Wells, Ritu Shanker ○ <u>Applicant</u>: Daniel Barber, Jason Rudd, Harrison Depczynski, Rachel Yabsley, Adam Haddow • Council Briefing: 17 August 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Julie Savet Ward (Acting Chair), Brian Kirk, Tanya Taylor ○ <u>Council assessment staff</u>: Peter Wells, Ritu Shankar, Gordon Farrelly, Clare Woods, Craig O'Brian, Gordon Farrelly

		<ul style="list-style-type: none"> • Applicant Briefing: 5 October 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, James Harrison ○ <u>Applicant representatives</u>: Daniel Barber, Harrison Depczynski, Ian Katie, Rachel Yabsley, Jason Rudd • Final briefing to discuss council's recommendation: 16 November 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Tanya Taylor, James Harrison ○ <u>Council assessment staff</u>: Peter Wells, Ritu Shankar ○ <u>Applicant representatives</u>: Jason Rudd, Harrison Depezynski, Rachel Yabsley, Benjamin Rahme, Adam Haddow, Georgia Hopkins, Daniel Barber, Roger Jasprizza, Clare Woods
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report