

DATE OF DETERMINATION	30 June 2023
DATE OF PANEL DECISION	29 June 2023
DATE OF PANEL MEETING	21 June 2023
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, David Kitto, Tania Taylor, Kara Krason
APOLOGIES	Nicole Gurran and James Harrison
DECLARATIONS OF INTEREST	Nil

Papers circulated electronically on 19 June 2023.

MATTER DETERMINED

PPSSNH-340 - DA-2022/305 – Willoughby, 345 Victoria Avenue & 5-7 Havilah Street, CHATSWOOD, Refurbishment of existing retail areas at Chatswood Chase Shopping Centre, installation of new retail facades and awnings on victoria avenue, Havilah Street and Archer Street, a new commercial/office space on level 3, construction of two additional levels of car parking, amended trading hours, signage zone, external landscaping works 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 Panel approved the proposal for the reasons below and in Council's Assessment Report.

Chatswood Chase Shopping Centre has operated on the site since 1983 and in 2007 the owner obtained development consent for a major upgrade, which was carried out in 2009. The applicant then acquired the properties at 12-14 Malvern Avenue and 5-7 Havilah Street for a further major upgrade and expansion of the shopping centre.

This proposal represents the third DA for the redevelopment of the Chatswood Chase development, significantly reducing the scale of the development from that originally approved.

The Panel concurs with Council that the proposed development enhances Willoughby's vision for the CBD area by introducing additional commercial office floor space and jobs. In addition, the development improves the public domain and character in the eastern end of the Chatswood CBD in line with Willoughby Local Planning Statement and the supporting Chatswood CBD Planning and Urban Design Strategy to 2036.

The Panel notes the proposal is consistent with the objectives of the B3-Commercial Core Zone and concurs with Council that the proposed development meets the desired outcomes and objectives of the Willoughby Local Environmental Plan 2012 (WLEP) and the Willoughby Development Control Plan (WDCP). In relation to flooding, the Panel notes that Council's assessment concluded the proposal will result in acceptable flood impacts, subject to appropriate draft conditions of consent. This includes the requirement for site

amalgamation to ensure a coordinated and centralised management across the separate uses during times of flood.



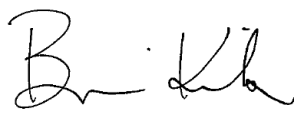


The Development Application PPSSNH-340/DA-2022/305 has been properly assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979, WLEP 2012, WDCP, and other relevant codes and policies and the Panel believes approval would be in the community interest.

CONDITIONS

The Panel discussed Council's draft conditions with both parties in considerable detail. Subsequently, clarifying amendments were made to numerous conditions and the Development Application was approved subject to the revised conditions in Council's email of 28th June 2023.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered one written submission made during public exhibition of the proposal. Issues raised included public safety, trees along Havilah Street and Malvern Avenue, air conditioning noise, light pollution and construction noise. The Panel considers concerns raised in the submissions have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Peter Debnam (Chair)	 David Kitto
 Brian Kirk	 Kara Krason
 Tanya Taylor	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-340 - DA-2022/305 – Willoughby
2	PROPOSED DEVELOPMENT	Refurbishment of existing retail areas at Chatswood chase shopping centre, installation of new retail facades and awnings on victoria avenue, Havilah Street and Archer Street, a new commercial/office space on level 3, construction of two additional levels of car parking, amended trading hours, signage zone, external landscaping works and associated works
3	STREET ADDRESS	345 Victoria Avenue & 5-7 Havilah Street, CHATSWOOD
4	APPLICANT/OWNER	Vicinity Centres 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 (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Industry and Employment) 2021 • SREP (Sydney Harbour Catchment) 2005 • Willoughby Local Environmental Plan 2012 • Chatswood CBD Planning and Urban Design Strategy to 2036 <ul style="list-style-type: none"> • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> • Willoughby Development Control Plan (WDCP) • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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 with draft conditions of consent. • Architectural Plans dated 31/05/2023 • Statement of Environmental Effects dated 24/03/2023 • SEE addendum dated 24/03/2023 • Landscape Plans dated 21/03/2023 • Landscape response dated 23/05/2023 • Flood Modelling Report dated 1/08/2022 • Addendum to Flood Modelling Report 23/03/2023 • Flood risk management report dated 27/07/2020 • Operational Waste Management Plan • Written submissions during public exhibition: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • 19 October 2022 – Kick off briefing • 15 March 2023 - Briefing • 21 June 2023 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, David Kitto, Tania Taylor, Kara Krason ○ <u>Council assessment staff</u>: Patrick Williams, Claire Woods ○ <u>Applicant</u>: Mark Kelley
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report as amended by Council on 28 th June 2023

