

DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	17 September 2024
DATE OF PANEL DECISION	17 September 2024
DATE OF PANEL MEETING	11 September 2024
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Nicole Gurran, Tanya Taylor and Philippa Hayes
APOLOGIES	James Harrison
DECLARATIONS OF INTEREST	None

Public meeting held by videoconference on 11 September 2024, opened at 2pm and closed at 2:39pm.

MATTER DETERMINED

PPSSNH-401 – Willoughby - DA 2023/160 at 3 and 5 Help Street, Chatswood – mixed use (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 listed at item 8 in Schedule 1.

Development application

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

REASONS FOR THE DECISION

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

The development application is for demolition of existing structures, construction of a 27 storey mixed use development comprising commercial tenancies, 127 residential units, 3 levels of basement parking, landscaping, associated works and a pedestrian through-site link.

The proposal is Integrated Development and Water NSW has issued General Terms of Approval.

The project has been in discussion with Council for five years and a Planning Proposal preceded the current development application. In 2022, Willoughby's LEP was amended to change the zoning, increase FSR and height and make shop top housing and residential flat buildings permissible. A further change to the WLEP was made in June 2023 to incorporate a Site Specific DCP pertaining to 3-5 Help Street.

In late 2022, an architectural design competition was completed and in June 2023, the subject development application was submitted. The application was amended in early 2024 to increase the number of units, change the mix of units, reduce basement levels from 4.5 to 3.5 and reduce parking spaces from 120 to 84.

The Panel concurs with Council that the development application has been properly assessed against all relevant planning legislation and controls and generally satisfies WLEP and WDCP requirements and constitutes reasonable development of the site. Accordingly, the Panel believes approval of the development application would be in the community interest.

CONDITIONS



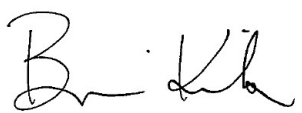


The draft conditions were discussed with the Council and Applicant during the public meeting and were subsequently amended to ensure the enclosure of fire hydrant equipment, require more tree plantings and make minor corrections. The Development Application was approved subject to the amended conditions in Council's email of 11th September inclusive of the two following changes:

Condition No. 40: The species of the three street trees required to McIntosh Street were specified as *Pyrus calleryana* 'Cleveland Select'

Condition No. 56: The spelling of the word compliment was changed to complement

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 82 written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel noted issues of concern included privacy, neighbour amenity, building height, podium, ADG compliance, overshadowing, views, ventilation, traffic, parking, pedestrian safety, setbacks, density, affordable housing and demolition implications. The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and conditions.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Nicole Gurran
 Brian Kirk	 Tanya Taylor
 Philippa Hayes	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-401 – Willoughby - DA 2023/160
2	PROPOSED DEVELOPMENT	<p>Nominated Integrated Development - Water Management Act 2000 s90 (WaterNSW).</p> <ul style="list-style-type: none"> a) Demolition of existing structures b) Construction of 27-storey mixed use development comprising 4 x commercial tenancies and residential flat building containing 127 residential units adopting the following mix, 3 basement levels comprising 75 residential spaces and 10 commercial spaces c) Landscaping and associated works d) Pedestrian through-site link (4.5m wide pedestrian path incorporating adjoining landscaping strip) with rights of way to allow public use.
3	STREET ADDRESS	3 – 5 Help Street, Chatswood
4	APPLICANT/OWNER	Loftex Chatswood 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 (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) ○ Willoughby Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Willoughby Development Control Plan 2023 • 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: 28 August 2024 • Written submissions during public exhibition: 82 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Ms Lisa Bella Esposito ○ Paulina Martin ○ Council assessment officer – Peter Wells ○ On behalf of the applicant – Rob Turcini, Ian Cady, Ryan Lidgard

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 4 October 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair) and Brian Kirk ○ <u>Council assessment staff</u>: Ritu Shankar, Peter Wells, Clare Woods and Will Robertson ○ <u>Department staff</u>: George Dojas, Adam Iskander and Adam Williams • Council briefing: 11 September 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Nicole Gurrán, Brian Kirk, Tanya Taylor and Philippa Hayes ○ <u>Council assessment staff</u>: Peter Wells, Keith Timothy, Wil Robertson, Clare Woods and Adeline Sim ○ <u>Department staff</u>: George Dojas and Adam Iskander
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report