



<b>DATE OF DETERMINATION</b>	1 August 2025
<b>DATE OF PANEL DECISION</b>	1 August 2025
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), Brian Kirk, Tanya Taylor, Robert Freestone
<b>APOLOGIES</b>	James Harrison
<b>DECLARATIONS OF INTEREST</b>	Sue Francis

A determination briefing was held by video conference on 25 June 2025.

The Panel deferred its decision on 25 June 2025.

The Council Supplementary Assessment Report was electronically circulated to the Panel on 24 July 2025.

#### **MATTER DETERMINED**

PPSSNH-433 – Willoughby – DA-2023/256 at 629-639 Pacific Highway, Chatswood – Demolition of existing structures and construction of shop top housing development comprising 52 residential units; 4 level basement with 42 car parking spaces, strata subdivision, landscaping and associated works, Nominated Integrated Development - Water Management Act 2000 s90 (WaterNSW) (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.

On the 25 June 2025, the Panel deferred its determination of the matter to allow additional time for discussions, provision of additional information and further assessment.

On the 23 July 2025, the Council uploaded a supplementary assessment report and amended conditions as requested by the Panel. Revised conditions were uploaded to the portal on the 30 July 2025, with agreement of the applicant.

#### **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. 6.25 (Shop top housing in Zone MU1 (formerly known as Shop top housing at certain sites at Chatswood)) 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. 6.25 (Shop top housing in Zone MU1) of the LEP and the objectives within the zone in which the development is proposed to be carried out and,
- c) the concurrence of the Planning Secretary has been obtained.

#### **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 determined to uphold the Clause 4.6 variation cl. 6.25 (Shop top housing in Zone MU1); and approve the application for the reasons below and in Council’s Assessment Report.

At the June meeting, Council’s reasons for refusal were discussed extensively and it became apparent to the Panel that further communication between Council and Applicant may resolve outstanding issues. In the following weeks, Applicant and Council met and resolved the original reasons for refusal as detailed in the Supplementary Assessment Report.

The Panel notes the proposal has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* and satisfies the relevant provisions of applicable SEPPs and the *Willoughby Local Environmental Plan 2012*.

The Panel concurs with Council that the proposal will have positive social and economic benefits by increasing housing supply in the Willoughby LGA, creating employment through construction, and facilitating greater expenditure in the area in general.

The Panel believes the amended proposal warrants approval.

**CONDITIONS**

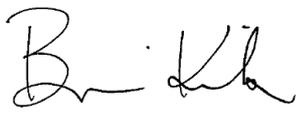
The Development Application was approved subject to the conditions in Council’s Supplementary Assessment Report.

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes issues of concern included:

- Building separation and visual privacy
- Overshadowing
- Vehicle and loading access
- Traffic impact
- Affordable housing

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and conditions.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Robert Freestone	 Tanya Taylor

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-433 – Willoughby – DA-2023/256
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of shop top housing development comprising 52 residential units; 4 level basement with 42 car parking spaces, strata subdivision, landscaping and associated works, Nominated Integrated Development - Water Management Act 2000 s90 (WaterNSW)
3	STREET ADDRESS	629-639 Pacific Highway, Chatswood
4	APPLICANT/OWNER	Polytec Australia Four Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>○ State Environmental Planning Policy (Planning Systems) 2021</li> <li>○ State Environmental Planning Policy (BASIX) 2004</li> <li>○ SEPP No 65 - Design Quality of Residential Apartment Development and NSW Apartment Design Guide (ADG)</li> <li>○ Willoughby Local Environmental Plan 2012</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Willoughby Development Control Plan</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council Assessment Report: 18 June 2025</li> <li>• Supplementary Assessment Report: 23 July 2025</li> <li>• PPSSNH-433 Supplementary Memo to Panel 30 July 2025</li> <li>• PPSSNH-433 Attachment to Memo 30 July 2025 Draft Conditions</li> <li>• Amended Clause 4.6: Non-Residential Floor Space – July 2025</li> <li>• Written submissions during public exhibition: 5</li> <li>• Total number of unique submissions received by way of objection: 5</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Preliminary Briefing: 28 February 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk</li> <li>○ <u>Council assessment staff</u>: Patrick Williams, Ritu Shankar</li> <li>○ <u>Applicant representatives</u>: Richard Kinninmont, Kenny Ji, Hector Valderrama, Eddie Tran</li> <li>○ <u>Department staff</u>: George Dojas, Adam Iskander, Suzie Jattan</li> </ul> </li> <li>• Preliminary Briefing: 29 January 2025</li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurrán, James Harrison</li> <li>○ <u>Council assessment staff</u>: Ritu Shankar, Wil Robertson, Peter Wells, Clare Woods, Will Kennedy</li> <li>○ <u>Applicant representatives</u>: Richard Kinninmont, Hector Valderrama, Eddie Tran</li> <li>○ <u>Department staff</u>: Lillian Charlesworth</li> </ul> <ul style="list-style-type: none"> <li>● Final briefing to discuss council’s recommendation: 25 June 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Robert Freestone, Tanya Taylor</li> <li>○ <u>Council assessment staff</u>: Ritu Shankar, Wil Robertson, Peter Wells, Clare Woods, Nicholas Kennedy, Tam Scipio, Anthony Powe</li> <li>○ <u>Applicant representatives</u>: Richard Kinninmont, Hector Valderrama, Eddie Tran, Hannah Wilkes, Ken Hollyoak, Kenny Ji, Mark Wu, Paul Buljevic, Tina Christy, Timothy Keith, Michael Barnett</li> <li>○ <u>Department staff</u>: Lillian Charlesworth, Jade Buckman</li> </ul> </li> <li>● Final briefing to discuss council’s recommendation: 30 July 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Robert Freestone, Tanya Taylor</li> <li>○ <u>Council assessment staff</u>: Ritu Shankar, Clare Woods, Kevin Morgan, Nicholas Kennedy, Peter Wells, Scipio Tam</li> <li>○ <u>Department staff</u>: Nikita Lange, Jade Buckman</li> </ul> </li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the Council Assessment Report