

DATE OF DETERMINATION	20 December 2024
DATE OF PANEL DECISION	19 December 2024
DATE OF PANEL MEETING	18 December 2024
PANEL MEMBERS	Peter Debnam (Chair), Nicole Gurran, Brian Kirk, James Harrison and Philippa Hayes
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 18 December 2024, opened at 11.31am and closed at 12pm

MATTER DETERMINED

PPSSNH-396 – Willoughby – DA2023/152 at 54-56 Anderson Street, Chatswood – Consolidation of site, demolition of existing structures, construction of 26 storey mixed use development comprising 84 units, commercial/ retail with 90 car parking spaces. (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.

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. 4.3 (height of buildings) 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. 4.3 (height of buildings) of the LEP and the objectives for development in the MU1 Mixed Use zone; and
- c) the concurrence of the Secretary has been assumed.

The Panel noted the Applicant's advice that the height non-compliance relates to the boundary between the 53m and 90m height limits applying to the site and that during the design competition, jurors had suggested external louvres for shading of the northern façade of the 90m building. To alleviate concerns with operation of the louvres, the Applicant proposed a 1m wide balcony to allow manual operation of the louvres, resulting in a 1m to 1.6m intrusion from the 90m building into the 53m height limit. The Applicant noted the intrusion does not result in an increase in GFA, would have a lightweight appearance and will significantly improve the thermal performance and amenity of the building. The Applicant submitted a written request to vary the height standard.

The height non-compliance is discussed extensively in Council's Assessment Report and the Panel concurs with Council that the Applicant's Clause 4.6 Request is well founded and in the circumstances it adequately justifies the departure from the building height standard to the extent and location shown on the plans.

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 to building height and approve the application for the reasons below and in Council's comprehensive Assessment Report.

The proposal was lodged with Council in June 2023 and has since been extensively discussed with Council and been subject to community feedback. Subsequently, amended plans and further information were lodged.

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

Subject to compliance with the conditions of consent the development satisfies all relevant SEPP, LEP and DCP objectives and contain sufficient elements to achieve design excellence.

The Panel notes the proposal satisfies the Chatswood CBD Planning and Urban Design Strategy 2036 and Council's advice that the proposal's impacts to surrounding residences, open space and the surrounding locality emanate primarily from compliance with the Chatswood CBD Planning and Urban Design Strategy 2036, WLEP and DCP.

The Panel believes the proposal has been properly assessed against relevant planning controls, would make a positive contribution to the CBD and provide additional housing stock and approval would be in the community interest.

CONDITIONS

During the public meeting, the Panel discussed condition amendments with the Applicant and Council to clarify wording in relation to Construction Certificates, remove duplications and include a new condition regarding maintenance of the Right of Way. The Development Application was approved subject to the amended conditions in Council's email of 18th December.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and noted that no members of the community chose to address the public meeting. The Panel notes that written issues of concern include:

- Overshadowing
- Traffic congestion and parking
- Overdevelopment
- Loss of views
- Privacy
- Noise and vibration concerns
- Pressure on infrastructure
- Air pollution
- Wind tunnels
- Visual impacts
- Devaluation of properties
- Heritage impacts
- Loss of trees

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

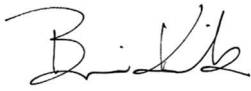
PANEL MEMBERS



Peter Debnam (Chair)



Nicole Gurran



Brian Kirk



Philippa Hayes



James Harrison

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-396 – Willoughby – DA-2023/152
2	PROPOSED DEVELOPMENT	Nominated Integrated Development (Water NSW s90 Water Management Act 2000) - SNPP - Consolidation of site, demolition of existing structures, construction of 26 storey shop top housing development comprising commercial/retail, 84 residential units, publicly accessible through-site link, 4 levels of basement carparking.
3	STREET ADDRESS	54-56 Anderson Street, Chatswood
4	APPLICANT/OWNER	Anderson Chatswood Development 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 (Housing) 2021 - Design of Residential Apartment Development and NSW Apartment Design Guide (ADG) ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Willoughby Development Control Plan • 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: 4 December 2024 • Clause 4.6 variation request: May 2023 • Written submissions during public exhibition: 51 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Public - none ○ Council assessment officer – Peter Wells ○ On behalf of the applicant – Feng Xue, Alistair Smith, Brian Mariotti, Daniel Kim
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 6 September 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurran, Tania Taylor ○ <u>Council assessment staff</u>: Peter Wells, Ritu Shankar ○ <u>Department staff</u>: George Dojas, Adam Iskander, Adam Williams and Suzie Jattan ○ <u>Applicant representatives</u>: Daniel Kim, Harrison Depczynski, Joel Fang

		<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: 18 December 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Nicole Gurran, Brian Kirk, James Harrison and Philippa Hayes ○ <u>Council staff</u>: Peter Wells, Will Robertson, Akshay Bishnoi, Tam Scipio, Clare Woods, Nicholas Kennedy, Peter Lachlan ○ <u>Department staff</u>: Lillian Charlesworth, Jade Buckman • Public meeting: 18 December 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Nicole Gurran, Brian Kirk, James Harrison and Philippa Hayes ○ <u>Council assessment staff</u>: Peter Wells, Will Robertson, Akshay Bishnoi, Tam Scipio, Clare Woods, Nicholas Kennedy, Peter Lachlan ○ <u>Applicant representatives</u>: Daniel Kim, Alistair Smith, Patrick Peng, Kirsty Vogel, Brian Mariotti
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report