

DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	6 March 2025
DATE OF PANEL DECISION	6 March 2025
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Stephen O'Connor, Tanya Taylor, James Harrison
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 27 February 2025.

MATTER DETERMINED

PPSSNH-398 – Willoughby – DA-2023/150 at 58 Anderson – Nominated Integrated Development (Water NSW s90 Water Management Act 2000) - SNPP – Demolition of existing structures, construction of 15 storey shop top housing development, comprising commercial/retail, 13 residential units, 3 levels of basement carparking, landscaping (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 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 approve the application for the reasons below and in Council's comprehensive Assessment Report.

The application is Integrated Development and concurrence has been received from Water NSW.

The 565 square metre site is triangular in shape with frontages to Anderson and Wilson Streets and backs onto the railway corridor. Vehicle access is from Wilson Street.

The proposal has been the subject of discussions with Council since 2017 and the design has evolved significantly with the benefit of substantial feedback from the community, Council and the Design Competition Panel. The current application was lodged with Council in 2023 and the Panel has had the benefit of several briefings with the Applicant and Council.

The Panel concurs with Council that, subject to conditions, the development satisfies all relevant SEPP, LEP and DCP objectives and contains sufficient elements to achieve design excellence. Any 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 concurs with Council that the proposal is a reasonable development of the challenging site with acceptable impacts on surrounding properties. Accordingly, the Panel believes approval would be in the community interest.

CONDITIONS

Council's recommended conditions of consent were amended by the Panel to include the following change:


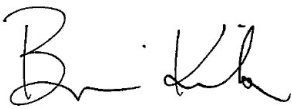



- Condition 30 is to be deleted as these matters have already been addressed in the final design.

CONSIDERATION OF COMMUNITY VIEWS

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

- Privacy
- Overshadowing
- Traffic congestion
- Parking concerns
- Excessive height
- Safety
- Adjoining heritage conservation area

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

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Stephen O'Connor	 Tanya Taylor
 James Harrison	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-398 – Willoughby – DA-2023/150
2	PROPOSED DEVELOPMENT	Nominated Integrated Development (Water NSW s90 Water Management Act 2000) - SNPP – Demolition of existing structures, construction of 15 storey shoptop housing development, comprising commercial/retail, 13 residential units, 3 levels of basement carparking, landscaping.
3	STREET ADDRESS	58 Anderson Street, Chatswood
4	APPLICANT OWNER	Matt Hurst Reza Vakili
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 Willoughby Local Environmental Plan 2012 • 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: 26 February 2025 • Council Memo: 4 March 2025 • Written submissions during public exhibition: 7
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Preliminary Briefing: 6 September 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurran, Tanya Taylor ○ <u>Council assessment staff</u>: Patrick Williams, Ritu Shankar, Peter Wells ○ <u>Department staff</u>: George Dojas, Adam Iskander, Adam Williams, Suzie Jattan • Applicant Briefing: 25 October 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Brian Kirk, Tanya Taylor, James Harrison ○ <u>Council assessment staff</u>: Patrick Williams ○ <u>Applicant representatives</u>: Matt Hurst ○ <u>Department staff</u>: George Dojas, Adam Iskander, Adam Williams

		<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: 5 March 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Stephen O'Connor, Tanya Taylor, James Harrison ○ <u>Council assessment staff</u>: Peter Wells, Askshay Bishnoi, Timothy Keith, Nicolas Kennedy, Lachlan Marshall, Sylvania Mok, Will Robertson, Stephen O'Connor, Clare Woods ○ <u>Applicant representatives</u>: Matt Hurst, Alex de Belin, Hon Diec, Polina Pavlenko ○ <u>Department staff</u>: Lillian Charlesworth, Jade Buckman
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report and amended by the Panel as indicated above.