

DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	9 October 2024
DATE OF PANEL DECISION	9 October 2024
DATE OF PANEL MEETING	9 October 2024
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Nicole Gurran, Robert Freestone
APOLOGIES	Tanya Taylor, James Harrison, Philipa Hayes
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 4 October 2024.

MATTER DETERMINED

PPSSNH-403 - DA-2023/170 - 5-9 Gordon Ave, Chatswood - Demolition of existing structures and construction of shop top housing consisting of ground and first floor of 6 commercial premises, 25 storey residential tower comprising of 64 units, communal facilities, car parking and associated works. The application is nominated as integrated development requiring approval from Water NSW pursuant to s90 of the Water Management Act (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 original and Supplementary Assessment Reports.

The Panel originally considered the DA on 28th August but deferred their determination until 9th October to allow sufficient time for the Applicant and Council to come to an agreement on the questions of on-site car parking and landscaped area.

Subsequently Council received amended plans, which included changes to the basement levels and footprint and also to the landscaping plan and as a result, Council recommended deleting the two related Deferred Commencement conditions. The proposal now complies with the WDCP 2023 car parking requirements and, in the case of landscaping, the amended plans provide an increase to the deep soil area and improved landscaping to the Gordon Avenue and Hammond Lane corner. Numerous condition changes were also discussed between Council and Applicant and amendments were made to the draft conditions as detailed in the Supplementary Assessment Report.

As noted in the Deferral, this DA has been a matter of discussion between Council and the Applicant for fifteen months since lodgement. The site had also been the subject of a planning proposal to rezone the site for uplift in accordance with the Chatswood CBD Strategy 2036 and approval was gazetted in 2022. Since lodgement, there have been several meetings between the Applicant and Council and with the Panel to progress the assessment of the proposal. Significant changes have been made to the design to improve

the proposal and as a result, the Panel concurs with Council that the amended proposal is acceptable in the location.


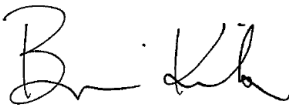

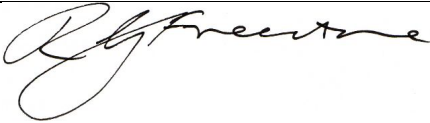
The Panel concurs with Council that the proposal has been properly assessed against relevant planning legislation and controls, is consistent with the objectives of the WDCP and satisfies the Chatswood CBD Planning and Urban Design Strategy 2036. The Panel believes approval of the amended proposal would be in the community interest.

CONDITIONS

The Panel amended the draft conditions to clarify enclosure of fire hydrants and traffic arrangements in relation to Hammond Lane. The Development Application was approved subject to the conditions in Council’s email of 9th October 2024.

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 parking, access, setbacks, trees, wind and glare effects. The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Reports and amended conditions.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Nicole Gurran	 Robert Freestone

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-403 - DA-2023/170
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of shop top housing consisting of ground and first floor of 6 commercial premises, 25 storey residential tower comprising of 64 units, communal facilities, car parking and associated works. The application is nominated as integrated development requiring approval from Water NSW pursuant to s90 of the Water Management Act.
3	STREET ADDRESS	5-9 Gordon Ave, Willoughby
4	APPLICANT/OWNER	Applicant: Steven Macdessi - MAINWAY MANAGEMENT PTY LTD Owner: LFD 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"> Environmental Planning and Assessment Act 1979 (EP&A Act) Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) 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 (Industry and Employment) 2021 State Environmental Planning Policy (Housing) 201, Chapter 4 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: 21 August 2024 Written submissions during public exhibition: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 4 October 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair) and Brian Kirk <u>Council assessment staff</u>: Patrick Williams Applicant Briefing: 4 October 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair) and Brian Kirk <u>Applicant representatives</u>: Gemma Bassett and KC Lee Deferral: 28 August 2024

		<ul style="list-style-type: none"> ○ <u>Panel members</u>: Brian Kirk (Chair), Nicole Gurran, Sue Francis, Tanya Taylor and Phillipa Hayes ○ <u>Council assessment staff</u>: Akshay Bishnoi ○ <u>Applicant representatives</u>: Gemma Bassett and KC Lee • Determination briefing: 9 October 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurran and Robert Freestone. ○ <u>Council assessment staff</u>: Akshay Bishnoi ○ <u>Applicant representatives</u>: Gemma Bassett and KC Lee
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report