

DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	24 July 2025
DATE OF PANEL DECISION	24 July 2025
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Tanya Taylor, Robert Freestone
APOLOGIES	James Harrison
DECLARATIONS OF INTEREST	Sue Francis

Papers circulated electronically on 16 July 2025.

MATTER DETERMINED

PPSSNH-506 – Willoughby – DA-2024/106 at 57-69 Strathallen Avenue, Northbridge – Integrated Development – Demolition of existing structures and excavation of shop top housing consisting of retail tenancies, residential apartments, basement car parking, landscaping and associated (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), the Panel is satisfied that the applicant 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 original Clause 4.6 Request considered at the June Meeting did not demonstrate how objectives (b) and (d) of the WLEP building height standard, related to view sharing, could be satisfied. The Applicant subsequently submitted a revised Clause 4.6, which adequately demonstrated how the amended design satisfies the objectives of (b) and (d), as detailed in the Supplementary Assessment Report. The Panel concurs with Council that the Applicant's amended design and revised Clause 4.6 written request adequately justifies the proposed variation to the height of buildings development standard.

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 Assessment Report.

The Panel met twice to consider this determination initially at a public meeting on 4th June and again on 23rd July in a briefing with Council and the Applicant. At the June meeting, it became apparent to the Panel that further discussion between Council and Applicant may resolve the remaining points of concern: analysis of view impacts; resolution of Design Review Panel comments; clarification of public access to walkway and courtyard; and resolution of waste management.

During June and early July, the Applicant met with Council and the Design Review Panel and provided additional information including amended plans and a revised Clause 4.6 Request for Building Height. This additional information resolved the deferral points of concern to the satisfaction of Council.

The Panel concurs with Council that the application complies with the Willoughby Local Environmental Plan 2012, Willoughby Development Control Plan 2012 and the Apartment Design Guide. Additionally, the proposal satisfies the Willoughby City Council Local Centres Strategy to 2036.

In summary, the Panel believes the amended proposal has been properly assessed against relevant planning controls and warrants approval.

CONDITIONS


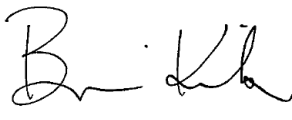


The draft conditions were discussed with Council and the Applicant during the briefing. The Panel suggested changes to two conditions and the Applicant requested changes to three draft conditions. As a result, the development application was approved subject to Council's updated recommended conditions (uploaded to the Portal 24 July 2025).

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel at a public meeting held on 4 June 2025. The Panel notes that issues of concern included:

- View loss
- Privacy Impacts
- Overshadowing and loss of light
- Amenity impacts
- Loss of heritage and local character
- Traffic and parking impacts
- Loss of property values
- Height of building, scale and overdevelopment
- Impact on Tree 7
- Pollution impacts
- Loss of affordable housing
- Security
- Lack of infrastructure
- Site contamination

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and amended conditions and that no new issues requiring assessment were raised during the public meeting.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-506 – Willoughby – DA-2024/106
2	PROPOSED DEVELOPMENT	Integrated Development – Demolition of existing structures and excavation works and construction of shop top housing consisting of retail tenancies, residential apartments, basement car parking, landscaping and associated.
3	STREET ADDRESS	57-69 Strathallen Avenue, Northbridge
4	APPLICANT/OWNER	SJD NB Pty Ltd/ Stuart Oldbury 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 Environmental Planning and Assessment Regulation 2021 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 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: 4 June 2025 Supplementary Assessment Report: 16 July 2025 Clause 4.3 Height of Buildings: 5 July 2024 Clause 4.4 Floor Space Ratio: 29 October 2024 Written submissions during public exhibition: 50 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Kimberley Brown, Daniel McGirr, John Chase, John Kelly Council assessment officer – Ben Tesoriero On behalf of the applicant – Camilla Firman, John Aspinall, Michael Lee
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 4 September 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurran <u>Council assessment staff</u>: Akshay Bishnoi, Clare Woods, Kennedy Nicolas <u>Applicant representatives</u>: Alex Zhao, Tania Gordon, Lucy Hammond, Camilla Firman, Guy Lake <u>Department staff</u>: Adam Iskander

		<ul style="list-style-type: none"> • Briefing to discuss council's recommendation: 4 June 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Robert Freestone, Tanya Taylor ○ <u>Council assessment staff</u>: Ben Tesoriero, Ritu Shankar, Clare Woods, Nicholas Kennedy, Lachlan Marshall, Kevin Morgan, Wil Robertson ○ <u>Department staff</u>: Lillian Charlesworth, Jade Buckman • Public meeting: 4 June 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Robert Freestone, Tanya Taylor ○ <u>Council assessment staff</u>: Ben Tesoriero ○ <u>Applicant representatives</u>: Camilla Firman, Michael Lee, Alex Zhao, Lucy Hammond, Tina Christy, Guy Lake, Tania Gordon, Kate Paterson, John Aspinall, Nicole Min, Sid Gao, Gary Xu ○ <u>Department staff</u>: Lillian Charlesworth, Jade Buckman • Final briefing to discuss council's recommendation: 23 July 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Tanya Taylor, Robert Freestone ○ <u>Council assessment staff</u>: Ben Tesoriero, Kevin Morgan, Ritu Shankar, Wil Robertson, Clare Woods ○ <u>Applicant representatives</u>: Lucy Hammond, Tina Christy, Tania Gordon, Guy Lake, John Aspinall, Michael Lee, Jo Drummond, Alex Zhao, Nicole Min, Sud Gao ○ <u>Department staff</u>: Lillian Charlesworth, Jade Buckman
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	The Draft Conditions attached to the Council Supplementary Report were superseded by revised recommended conditions uploaded to the Portal on 24 July 2025.