

DATE OF DEFERRAL	20 December 2024
DATE OF PANEL MEETING	18 December 2024
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Nicole Gurran, and Cendric Spencer
APOLOGIES	Kim Wheatley
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 18 December 2024, opened at 2:30pm and closed at 3:19pm.

MATTER DEFERRED

PPSSNH-515 – Ku-ring-gai – eDA0223/24 7-9 Merriwa Street, Gordon – Demolition of existing structures, construction of a mixed-use development (shop-top housing) comprising 27 residential apartments, 3 commercial tenancies, basement car parking, tree removal, associated works and strata subdivision (as described in Schedule 1).

REASONS FOR DEFERRAL

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at the meetings observed at the site inspection listed at item 8 in Schedule 1.


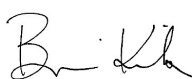


During the public meeting, the Panel heard from one member of the community who wished to address the Panel and then discussed the proposal and Council's reasons for refusal with the Applicant and Council. Following the meeting, the Panel formed the view that key issues could possibly be resolved with the provision of further information and assessment.

The Panel unanimously resolved to defer the determination of the matter until February 2025 to allow for the provision and assessment of the following information:

- Clarification of the Height Variation sought and updating of the Clause 4.6 Written Request;
- Consideration of increased setbacks, deep soil provision and landscaping;
- Clarification of solar analysis;
- Preparation of a comparison between the impacts of a compliant building versus the proposal.

To allow for urgent progression of the Development Application to determination, the Panel requests:

1. The Applicant provide the above information to Council and upload it to the Planning Portal by 17th January 2025.
2. Council provide a Supplementary Assessment Report responding to the matters above by 31st January 2025.
3. When the Supplementary Assessment Report is received, the Panel will convene a further Panel briefing, which is tentatively scheduled for 12 February 2025, to determine the matter.

PANEL MEMBERS	
 Peter Debnam	 Brian Kirk
 Nicole Gurran	 Cedric Spencer

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-515 – Ku-ring-gai – eDA0223/24
2	PROPOSED DEVELOPMENT	Demolition of existing structures, construction of a mixed-use development
3	STREET ADDRESS	7-9 Merriwa Street Gordon
4	APPLICANT/OWNER	Mecone Wei Dong Chen
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"> SEPP (Planning Systems) 2021 (PS SEPP) SEPP (Housing) 2021 (Housing SEPP) SEPP (Biodiversity and Conservation) 2021 (BC SEPP) SEPP (Transport and Infrastructure) 2021 SEPP (Resilience and Hazards) 2021 SEPP (Sustainable Buildings) 2022 Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015) Ku-ring-gai Contributions Plan 2023 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Ku-ring-gai Development Control Plan (KDCP) 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: 13 November 2024 Clause 4.6 variation requests: <ul style="list-style-type: none"> Building height: October 2024 Floor space ratio: November 2024 Active street frontage: November 2024 Written submissions during public exhibition: 20 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Jeffrey Peng Council assessment officer – Brent Pearce On behalf of the applicant – Tyson Ek-Moller, Victor Schneider Total number of unique submissions received by way of objection: 18
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 18 September 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Nicole Gurran and Brian Kirk <u>Council assessment staff</u>: Brent Pearce, Selwyn Segall

		<ul style="list-style-type: none"> ○ <u>Department staff</u>: George Dojas, Adam Iskander ○ <u>Applicant representatives</u>: Wei Dong Chen, Tyson Ek-Moller, Matt Lai, Victor Schneider and Elizabeth Leong <ul style="list-style-type: none"> ● Applicant Briefing: 30 October 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurran, Kim Wheatley and Cedric Spencer ○ <u>Applicant representatives</u>: Wei Dong Chen, Tyson Ek-Moller, Matt Lai, Victor Schneider and Elizabeth Leong ● Final briefing to discuss council's recommendation: 18 December 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurran, Cendric Spencer and Kim Wheatley ○ <u>Council assessment staff</u>: Brent Pearce, Trudi Coutts, Selwyn Segall, Vincent Ooi, Fiona Ambrosino, Kim Wheatley, Kerry Hunter ○ <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), Brian Kirk, Nicole Gurran, Cendric Spencer and Kim Wheatley ○ <u>Council assessment staff</u>: Brent Pearce, Trudi Coutts, Selwyn Segall, Vincent Ooi, Fiona Ambrosino, Kim Wheatley, Kerry Hunter ○ <u>Applicant representatives</u>: Elizabeth Leong, Victor Schneider, Tyson Ek-Moller, Chris Shannon
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	As uploaded to the Portal on 9 Dec 2024