

DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	27 November 2025
DATE OF PANEL DECISION	27 November 2025
DATE OF PANEL MEETING	26 November 2025
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Martin Smith, Kim Wheatley
APOLOGIES	Alec Taylor, Indu Balachandran
DECLARATIONS OF INTEREST	Sue Francis

Public meeting held by videoconference on 26 November 2025, opened at 3:00 pm and closed at 4:01 pm

Papers circulated electronically on 13 November 2025.

MATTER DETERMINED

PPSSNH-638 – Ku-ring-gai – eDA0219/25 at 24-26 Russell Avenue, Lindfield NSW 2070 – Construction of residential flat building and associated works (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 written requests from the applicant, made under cl 4.6 (3) of the Ku-ring-gai Local Environmental Plan 2015 (LEP) and cl. 16(3) of the State Environmental Planning Policy (Housing) 2021 (SEPP) that seek to contravene;

- a) cl. 4.3 of the LEP with regard to maximum building height;
- b) cl. 6.6(2) (b) with regard to the minimum allotment dimension requirements for residential flat buildings; and
- c) cl. 16 (3) of the SEPP with regard to the affordable housing requirements for additional floor space ratio (FSR);

The Panel is NOT satisfied that:

- a) the applicant's written requests have demonstrated that compliance with the development standards is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Development application

The Panel determined to refuse 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 oppose the Clause 4.6 variation requests to the maximum height of buildings and the minimum allotment dimension requirements for residential flat buildings and refuse the application for the reasons below and in Council's Assessment Report.

The Panel had the benefit of briefings with Council and applicant in the months since the proposal was formally lodged. Significant concerns had been identified in those meetings but remained unresolved in the final proposal.

The applicant indicated during the public meeting that significant design changes were being prepared but the Panel must determine the matter based upon the proposal lodged and assessed.

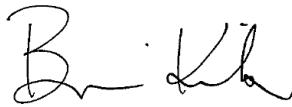
Consequently, the Panel concurs with Council that the current proposal does not warrant approval.

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. The Panel notes that issues of concern included:

- Neighbourhood character
- Inconsistent with KRG TOD Alternate Scheme
- Inconsistent with DCP and SEPP
- Bulk and scale
- Traffic impacts
- Privacy impacts
- Impacts on heritage conservation areas
- Landscaping
- Overshadowing
- Visual impact
- Setbacks
- Stormwater management
- Outstanding geotechnical report
- Pedestrian risks

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

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Martin Smith	 Kim Wheatley

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-638 – Ku-ring-gai – eDA0219/25
2	PROPOSED DEVELOPMENT	Construction of residential flat building and associated works
3	STREET ADDRESS	24-26 Russell Avenue, Lindfield NSW 2070
4	APPLICANT/OWNER	Applicant: Babak Chegini Owner: Su-Lynn Lee, XLY Investment Pty Ltd.
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Housing) 2021 - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Sustainable Buildings) 2022 - Ku-ring-gai Local Environmental Plan 2015 - Draft environmental planning instruments: Nil - Development control plans: - Ku-ring-gai Development Control Plan 2024 - Planning agreements: Nil - Relevant provisions of the Environmental Planning and Assessment Regulation 2021 - 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	- Council Briefing Report: 17 July 2025 - Council Assessment Report: 12 November 2025 - Council Briefing Report: 12 July 2025 - Clause 4.6 variation request (height of buildings) report: 2 May 2025 - Clause 4.6 variation request (minimum allotment dimensions) report: 9 May 2025 - Written submissions during public exhibition: 24 - Verbal submissions at the public meeting: - Robert McKern, Isabel Heaven, Ursula Bonzol, Robert Boyd-Boland - Council assessment officer – Brent Pearce - On behalf of the applicant – Bobby Chegini, Wieger Meijer
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Preliminary Briefing: 23 July 2025 <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk <u>Council assessment staff</u>: Brent Pearce, Stuart Wilson <u>Applicant representatives</u>: Bobby Chegini, William Fleming, Wieger Meijer <u>Department staff</u>: Lillian Charlesworth, Jade Buckman - Public Determination Meeting to discuss council's recommendation: 26 November 2025 <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Martin Smith, Kim Wheatley <u>Council assessment staff</u>: Brent Pearce, Brodee Gregory, Shaun Garland, Constanza Bottazzini, Ross Guerra, Joseph Piccoli, Kieran

		McInerney ○ <u>Applicant representatives:</u> Bobby Chegini, Wieger Meijer, Greg Boston, William Fleming ○ <u>Department staff:</u> Anaise Nagy
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Have not been provided by Council or attached to the Council Assessment Report as uploaded by Council to the Planning Portal on 12 November 2025