

<b>DATE OF DECISION</b>	14 July 2021
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), Brian Kirk, Julie Savet Ward, Gail Giles-Gidney
<b>APOLOGIES</b>	Kara Krason
<b>DECLARATIONS OF INTEREST</b>	None

### REZONING REVIEW

Rezoning Review – Willoughby - RR-2021-76 - 45 Victor Street and 410-416 Victoria Avenue, Chatswood - To amend the Willoughby LEP 2012 to increase the maximum height of buildings to RL 262 (solar access plane), increase the maximum FSR to 20:1 including a non-residential FSR of 8:1 and a residential FSR of 12:1; and amend Schedule 1 Additional permitted uses to expand 'Area 5' to allow shop top housing on the entire amalgamated site at 45 Victor Street and 410-416 Victoria Avenue, Chatswood.

Reason for Review:

- ☒ The Council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The Council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

### PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site-specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has
  - ☒ not demonstrated strategic merit
  - ☐ has demonstrated strategic merit but not site-specific merit

The decision was unanimous.

### REASONS FOR THE DECISION




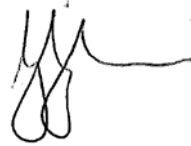
The Panel considered the extensive documentation on the proposal from the Proponent, Council and Department and heard from each party during the briefing.

Preparation and assessment of the proposal required a very significant amount of work over seven years for redevelopment of this important site in Chatswood's CBD and the Panel noted the proposal was largely well presented with substantial supportive detail, including offering affordable housing and other community benefits.

However, the proposal unfortunately did not specifically demonstrate how the proposed minimum non-residential FSR of 8:1 on this key site would satisfy the expectations of the 2036 North District Strategic Plan. Therefore the Panel determined the proposal did not demonstrate strategic merit.

Given the importance of this site to the Proponent, Council and Community, the Panel stresses it would have warranted further negotiations between Council and the Proponent to further resolve the one major point of disagreement, ie the non-residential FSR, and then provide the research to demonstrate that the proposed FSR satisfies the 2036 Strategic Plan.

It seems to the Panel that all other points of disagreement between Proponent and Council were relatively minor and could have been also resolved in negotiation or would be resolved during the Gateway and subsequent DA & Design Excellence process.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Julie Savet Ward	 Gail Giles-Gidney

SCHEDULE 1		
1	<b>PANEL REF – LGA – DEPARTMENT REF - ADDRESS</b>	<b>Rezoning Review – Willoughby - RR-2021-76</b>  45 Victor Street and 410-416 Victoria Avenue, Chatswood
2	<b>LEP TO BE AMENDED</b>	Willoughby Local Environmental Plan 2012
3	<b>PROPOSED INSTRUMENT</b>	The proposal seeks to amend the Willoughby LEP 2012 to increase the maximum height of buildings to RL 262 (solar access plane), increase the maximum FSR to 20:1 including a non-residential FSR of 8:1 and a residential FSR of 12:1; and amend Schedule 1 Additional permitted uses to expand 'Area 5' to allow shop top housing on the entire amalgamated site at 45 Victor Street and 410-416 Victoria Avenue, Chatswood.
4	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>Rezoning review request documentation</li> <li>Briefing report from Department of Planning, Industry and Environment</li> </ul>
5	<b>BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY</b>	<ul style="list-style-type: none"> <li><b>Site inspection:</b> Panel members visited the site individually on different dates due to Covid precautions</li> <li><b>Briefing with Department of Planning, Industry and Environment (DPIE):</b> 14 July 2021               <ul style="list-style-type: none"> <li>Panel members in attendance: Peter Debnam (Chair), Brian Kirk, Julie Savet Ward, Gail Giles-Gidney</li> <li>DPIE staff in attendance: Christina Brooks, Nick Armstrong, Brendan Metcalfe</li> </ul> </li> <li><b>Briefing with Council:</b> 14 July 2021               <ul style="list-style-type: none"> <li>Panel members in attendance: Peter Debnam (Chair), Brian Kirk, Julie Savet Ward, Gail Giles-Gidney</li> <li>DPIE staff in attendance: Christina Brooks, Nick Armstrong, Brendan Metcalfe</li> <li>Council representatives in attendance: Craig O'Brien, Ian Arnott, Norma Shankie-Williams</li> </ul> </li> <li><b>Briefing with Proponent:</b> 14 July 2021               <ul style="list-style-type: none"> <li>Panel members in attendance: Peter Debnam (Chair), Brian Kirk, Julie Savet Ward, Gail Giles-Gidney</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>○ DPIE staff in attendance: Christina Brooks, Nick Armstrong, Brendan Metcalfe</li><li>○ Proponent representatives in attendance: Adrian Checchin, Toby Long, Michael File, Chris Stott, Charles Maxwell</li></ul>
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