

DATE OF DECISION	Wednesday 14 April 2021
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Gail Giles-Gidney, Linda McClure
APOLOGIES	None
DECLARATIONS OF INTEREST	Gail Giles-Gidney declared a non-pecuniary, non-significant interest in that she is a resident of Castlecrag and the site is her local shopping precinct.

REZONING REVIEW

2021SNH003 – Willoughby LGA at 100 Edinburgh Road, Castlecrag (AS DESCRIBED IN SCHEDULE 1)

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 determined the planning proposal did not meet the test for strategic merit.



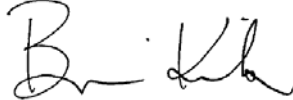


The Panel concurred with Council that the Planning Proposal is inconsistent with the building heights, bulk and scale proposed in Willoughby's Local Centres Strategy for the site and therefore fails the strategic test. The Panel is of the view that a Planning Proposal should be compliant with such a recently approved Local Centres Strategy.

While the Panel felt the indicative design concept had merit for such a key site, the Panel's focus is necessarily on changes to FSR and Height. In both cases, the Planning Proposal sought significant variations to Willoughby's LEP 2012. The proposal sought heights of 18.5m to 22.5 m as opposed to the current maximum 9m under the LEP and sought to increase FSR to 2:1 from the existing 1:1 in the LEP.

In arguing the proposal, both Council and the Proponent relied on the new FSR and Heights for the site in Willoughby's recently adopted Local Centres Strategy. The Proponent submitted a comprehensive proposal and justified the proposal's FSR and Height variations in relation to the Willoughby Local Centres Strategy as *"The FSR of the proposal at 2.0:1 is marginally above that postulated in the Strategy (1.8:1) as*

is the height of the proposal above Edinburgh Road.”. However, as noted above, the Panel is of the view a proposal should be compliant with such a recently approved strategy.

Additionally, given the importance of the site, the Panel believes the proposed FSR and Height variations and the interpretation of heights, could and should have been further resolved between Applicant and Council before the Proposal came to the Panel.

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

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	2021SNH003 – Willoughby LGA at 100 Edinburgh Road, Castlecrag
2	LEP TO BE AMENDED	Willoughby Local Environmental Plan 2012
3	PROPOSED INSTRUMENT	<p>The planning proposal, lodged with Willoughby City Council (Council) on 26 June 2020, proposes to amend the Willoughby Local Environmental Plan (LEP) 2012 by:</p> <ul style="list-style-type: none"> Increasing the maximum floor space ratio (FSR) for the site from 1:1 to 2:1. Increasing the maximum building height for the site from 9m to heights ranging from 18.5m to 22.5m.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation Briefing report from Department of Planning, Industry and Environment
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> Site inspection: due to COVID-19 safety measures, panel members were requested to undertake site visits independently. Briefing with Department of Planning, Industry and Environment (DPIE): 14 April 2021 <ul style="list-style-type: none"> Panel members in attendance: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Gail Giles-Gidney, Linda McClure DPIE staff in attendance: Geoff Kwok, Nick Armstrong Briefing with Council & Proponent: 14 April 2021 <ul style="list-style-type: none"> Panel members in attendance: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Gail Giles-Gidney, Linda McClure DPIE staff in attendance: Geoff Kwok, Nick Armstrong Council representatives in attendance: Norma Shankie Williams, Ian Shillington Proponent representatives in attendance: Michael Neustien, Richard Francis Jones, Dr Stanley Quek, David Butt, Marcus Chang, Jerremy Lynch, Daniel Nolan, Michael Goldrick, Ellini Danias Papers were circulated electronically: 30 March 2021