



**REZONING REVIEW
RECORD OF DECISION**

STRATEGIC PLANNING PANEL of the
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	18 October 2023
DATE OF DECISION	11 October 2023
PANEL MEMBERS	Peter Debnam (Chair), Cinnamon Dunsford, Sue Francis and Barbara Newman
APOLOGIES	Suzanne Jolly
DECLARATIONS OF INTEREST	Ku-ring-gai Council's two local members - Cr Martin Smith and Cr Kim Wheatley had supported the resolution at the Council meeting 16 May 2023, that the planning proposal is not supported by Council and were therefore unable to sit on the Panel.

REZONING REVIEW

RR-2023-16– Ku-ring-gai LGA – PP-2022-2519 Pymble Golf Club, 4, 12, and 14 Cowan Road, St Ives (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 briefings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel recommends 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
 - ☐ demonstrated strategic merit but not site specific merit

The decision was unanimous.

The Panel recommends that prior to submitting the Planning Proposal for a Gateway determination, the Planning Proposal is to be revised to address the following:

- Prepare an affordable housing viability report and clarify housing affordability rates, including floor space and number of units and method of management to consider the delivery of affordable housing in the development consistent with the governments strategic housing policy. The Greater Sydney Region Plan and North District Plan have affordable housing targets in the range of 5-10% of new residential floor space subject to viability; and
- the amendments proposed by the Ku-ring-gai Local Planning Panel on 24 April 2023.

The Panel recommends that a Site-Specific Development Control Plan (DCP) be prepared by the proponent in consultation with Ku-ring-gai Council and the Department of Planning and Environment and exhibited with the planning proposal.

REASONS FOR THE DECISION

The Panel considered the documentation, was briefed by the Department and heard from the Proponent and Council during the briefing. The Panel noted Council Officers had recommended the proposal proceed to Gateway but Councillors subsequently resolved not to accept that recommendation.

Strategic Merit

The Panel agreed that the planning proposal had Strategic Merit given that:

- The planning proposal is consistent with applicable strategic planning documents, particularly as they relate to the general objectives for housing. These include the Greater Sydney Region Plan, 2018; Sydney North District Plan, 2018; and the Ku-ring-gai Local Strategic Planning Statement, 2020 (LSPS).
- Delivering housing supply is a priority issue for Sydney for all levels of Government.



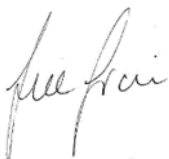

Site Specific Merit

The Panel agreed that the proposal had Site Specific Merit, in that:

- The planning proposal seeks to zone the site consistent with adjoining land with the same/similar maximum building height and Floor Space Ratio controls. A site specific DCP will address future development on the site.

Ku-ring-gai Council has previously refused to progress the proposal. In accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel as delegate of the Minister for Planning has determined to appoint itself as the Planning Proposal Authority (PPA) for this Planning Proposal.

Should the proponent fail to pay the PPA fee by the designated date, then the Panel will no longer proceed with the planning proposal and the making of a local environmental plan amendment.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Cinnamon Dunsford
 Sue Francis	 Barbara Newman

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2023-16– Ku-ring-gai LGA – PP-2022-2519 – at Pymble Golf Club, 4, 12, and 14 Cowan Road, St Ives
2	LEP TO BE AMENDED	Ku-ring-gai Local Environment Plan (LEP) 2015
3	PROPOSED INSTRUMENT	<p>The proposal seeks to:</p> <ul style="list-style-type: none"> • Rezone the site from part R3 Medium Density Residential and part RE2 Private Recreation to part R4 High Density Residential and part RE2 Private Recreation; • Increase the maximum building height (HOB) from no HOB and 11.5m to part 11.5m, 14.5m and 17.5m for R4 zoned land and remove the HOB for RE2 zoned land; • Increase the maximum floor space ratio (FSR) from part 0.8:1 and part no FSR, to 0.92:1 for R4 zoned land and no FSR for RE2 zoned land; • Introduce a minimum lot size of 1,200m² for R4 zoned land and no MLS for RE2 zoned land; • List under Schedule 5 Environmental Heritage Part 1 Heritage Items the timber cottages at 12 and 14 Cowan Road; and • Map on the Heritage Map the timber cottages at 12 and 14 Cowan Road as local heritage items.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Rezoning review request documentation • Briefing report from Department of Planning and Environment, 10 September 2023
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspections were undertaken individually: <ul style="list-style-type: none"> ○ Peter Debnam (Chair) – had previously visited the site ○ Cinnamon Dunsford - 9 October 2023 ○ Sue Francis – 11 October 2023 ○ Barbara Newman – 9 October 2023 • Briefing with Department of Planning and Environment (DPE): 1:30pm – 1:50pm, 11 October 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam (Chair), Cinnamon Dunsford, Sue Francis and Barbara Newman ○ DPE staff in attendance: Isabel Virgona, David Hazeldine, Andy Ng, Douglas Cunningham, Srishti Jagdale, Lisa Kennedy, Adam Williams & Taylah Fenning ○ Key issues discussed: <ul style="list-style-type: none"> • Character of the locality • Current LEP controls & proposal development and LEP changes • Ku-ring-gai Council's and Ku-ring-gai Local Planning Panel's assessment of the planning proposal and proposed required amendments • Preparation of the site-specific Development Control Plan (DCP)

		<ul style="list-style-type: none"> • Briefing with Ku-ring-gai Council: 2.00pm - 2:10pm, 11 October 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam (Chair), Cinnamon Dunsford, Sue Francis and Barbara Newman ○ DPE staff in attendance: Isabel Virgona, David Hazeldine, Andy Ng, Douglas Cunningham, Srishti Jagdale, Lisa Kennedy, Adam Williams & Taylah Fenning ○ Council representatives in attendance: Anthony Fabbro, Craige Wyse & Vanessa Holtham ○ Key issues discussed: <ul style="list-style-type: none"> • Preparation of a site-specific DCP • Future priority bus infrastructure along Mona Vale Road as foreshadowed in Council's Local Strategic Planning Statement • Council not having an affordable or social housing strategy. • Proposing 5 storeys, potential for additional storeys through future bonus floorspace affordable housing SEPP incentives. • Briefing with Daniel McNamara Planning Services (Proponent): 2:18pm – 2:24pm, 11 October 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam (Chair), Cinnamon Dunsford, Sue Francis and Barbara Newman ○ DPE staff in attendance: Isabel Virgona, David Hazeldine, Andy Ng, Douglas Cunningham, Srishti Jagdale, Lisa Kennedy, Adam Williams & Taylah Fenning ○ Proponent representatives in attendance: Emma Brown, Peter Hinteregger, Peter Mayoh & Jason Atkins ○ Key issues discussed: <ul style="list-style-type: none"> • Preparation of a site-specific DCP • Provisions to preserve trees – tree management plan, zone boundaries & location of building envelopes • Ku-ring-gai Council's and Ku-ring-gai Local Planning Panel's assessment of the planning proposal and proposed required amendments • Panel Discussion: 2:24pm – 2:30pm, 11 October 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam (Chair), Cinnamon Dunsford, Sue Francis and Barbara Newman ○ DPE staff in attendance: Isabel Virgona, David Hazeldine, Andy Ng, Douglas Cunningham, Srishti Jagdale, Lisa Kennedy, Adam Williams & Taylah Fenning
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Summary of Ku-ring-gai Local Planning Panel recommendations and Ku-ring-gai Council Officer's recommended Table of Assessment

The Minutes of the Ku-ring-gai Local Planning Panel (KLPP) meeting of 24 April 2023 recommended that the planning proposal, as amended by the Table of Assessment in the Officer's assessment report, be submitted to the Department of Planning and Environment for a Gateway determination.

The amendments involve:

- Update the proposal to reflect the updated Heritage Impact Assessment and the intent to heritage list no. 12 and 14 Cowan Road.
- Nominate Heritage NSW to the list of agencies to be consulted.
- Amend the proposed heritage map to include the access handle of the lot between the two cottages.
- Remove 2.2 Amendment to Ku-ring-gai Development Control Plan 2021 and enter into Q4 of Section A – make reference to the KDCP and outline the intended amendments provided in the summary.
- Remove 'Land to which this Planning Proposal applies' as this has been covered in the overview and background section.
- Update the 'comment' against Objective 13 of the Greater Sydney Region Plan and Planning Priority N4 and N6 of the North District Plan to reflect the updated Heritage Impact Assessment and the intent to heritage list 12 and 14 Cowan Road, St Ives.
- Amend 3.2 Heritage Conservation to complete sentence and to reflect the updated Heritage Impact Assessment and the intent to heritage list 12 and 14 Cowan Road, St Ives.
- Correct error to remove 'Items or places of non-Aboriginal or Aboriginal cultural heritage not already addressed elsewhere.'
- The recommended amendments to include the *Angophora costata* on the eastern boundary of 10 Cowan Road, Pymble will be incorporated into Council's upcoming review of the Greenweb mapping within the Development Control Plan.

The KLPP minutes also advise that the planning proposal, be amended as follows:

- Further clarification be sought to justify the inconsistency with the Ku-ring-gai Local Strategic Planning Statement and the Ku-ring-gai housing strategy.
- Council should investigate whether a community title and or other mechanism be sought to achieve a long term objectives for delivery of the development and the maintenance of the design quality of the site and its heritage items in the long term future.
- Advise Council that prior to the development of the site, a Conservation Management Plan be prepared for the two proposed heritage items.
- Advise Council to investigate further the bonus provisions that generally apply to sites containing heritage items, and such provisions should not extend to the whole of the development site but should only apply to curtilage lots of the heritage items.