

PLANNING PROPOSAL AUTHORITY
RECORD OF DECISION PUBLIC MEETING, POST
EXHIBITION AND FINALISATION
STRATEGIC PLANNING PANEL OF THE
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	Friday, 1 November 2024
DATE OF PANEL DECISION	Thursday, 31 October 2024
PANEL MEMBERS	Peter Debnam (Chair), Donna Rygate, Greg Woodhams, Ché Wall and Karla Castellanos
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by Public Teleconference on 31 October 2024, opened at 1:00pm and closed at 2:00pm. Papers circulated electronically on 24 October 2024.

PLANNING PROPOSAL

PP-2022-4350 – North Sydney LGA – 1-7 Rangers Road and 50 Yeo Street, Neutral Bay (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4, and the material presented at the briefing listed at item 5 in Schedule 1.

As the Planning Proposal Authority, the Panel determined to recommend to the Minister that the proposed instrument, as described in Schedule 1, should be made.

The Panel's decision was 4:1 in favour, with Ché Wall considering the proposal should not be made.

REASONS FOR THE DECISION

The Panel considered the Department of Planning, Housing and Infrastructure's Post-Exhibition Report (24 October 2024) and met with the Department, the proponent (Ethos Urban - consultant and Woolworths [Fabcot] - landholder) and members of the community in a public meeting. The Panel heard extensive debate on the various aspects of the Post-Exhibition Report.

The majority of the Panel concurred with the Department's Post Exhibition Report that the planning proposal demonstrated strategic and site-specific merit, the conditions of the Gateway had been met, agency and community consultation had occurred in accordance with the Gateway Determination requirements and submissions raised had been adequately addressed by the Department and the proponent. Consequently, the proposal warranted support.

The Panel discussed the matter of solar access to the properties in Yeo Street and the advice provided by the proponent at the Panel meeting including the spreadsheet showing an analysis of sunlight to each dwelling. The Panel is unable to deal with development application matters in its deliberations but unanimously recommends that the Council be requested to ensure it is satisfied that any development application demonstrates that the living areas of all of the dwellings in Yeo Street achieve a minimum of 2 hours sunlight in mid-winter.






Planning Panels Team

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Ché Wall in his dissent, considers that the current proposal will result in a considerable decrease in commercial office floor space and related employment opportunities, and the planning proposal has not adequately addressed the economic impact this will have on Neutral Bay Town Centre. The currently proposed building heights and their impact on solar amenity for residents on Yeo Street could be mitigated through further planning consideration. Additionally, the proposed public space is significantly compromised by large portions not being open to the sky and having no deep soil to support green infrastructure. This greatly reduces the public benefits provided.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included overshadowing, solar access, characteristics of future commercial uses on the site, traffic and parking. The Panel considers that the concerns raised by the community have been adequately addressed in the Department's Post-Exhibition Report and this Record of Decision.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Donna Rygate
 Greg Woodhams	 Karla Castellanos
 Ché Wall	

SCHEDULE 1		
1	PANEL REF – LGA – PLANNING PROPOSAL NO. – ADDRESS	PP-2022-4350 – North Sydney LGA – 1-7 Rangers Road and 50 Yeo Street, Neutral Bay
2	LEP TO BE AMENDED	North Sydney Local Environmental Plan 2013
3	PROPOSED INSTRUMENT	<p>The revised planning proposal (9 October 2023) seeks to amend the North Sydney Local Environmental Plan 2013 to:</p> <ul style="list-style-type: none"> increasing the maximum building height from 16m to part 26m and part 31m; and increasing the minimum non-residential Floor Space Ratio (FSR) from 0.5:1 to 1.8:1.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Department of Planning, Housing and Infrastructure Post-Exhibition Report and attachments, 24 October 2024 Previous decisions made by the Strategic Planning Panel of the Sydney North Planning Panel and previous reports prepared by the Department; Council Minutes and Council Officer Reports. Written submissions including emails during and after public exhibition: Total number of unique submissions received by way of objection: 80 Verbal submissions at the Panel's public meeting 1:00pm – 2:01pm, 31 October 2024: <ul style="list-style-type: none"> Registered speakers: Meredith Trevallyn Jones on behalf of Willoughby Bay Precinct, Rob McKay on behalf of Brightmore Precinct, Peter Moor and Aiden Brennan On behalf of the proponent: <ul style="list-style-type: none"> Ben Craig, Ethos Urban Georgia Wilson, Koichi Takada Architects Rafe Wilson, Koichi Takada Architects
5	SITE INSPECTIONS AND BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> Panel Briefing with Department of Planning, Housing & Infrastructure (DPHI): 10:35am – 11:11am, 31 October 2024 <ul style="list-style-type: none"> Panel members: Peter Debnam (Chair), Donna Rygate, Greg Woodhams, Ché Wall and Karla Castellanos DPHI staff: Eleanor Robertson, Jordan Clarkson, James Bellamy, Louise McMahon, Murray Jay, Tim Coorey, Kate McKinnon, Taylah Fenning and Adam Williams Key Issues Discussed: <ul style="list-style-type: none"> Process and historic context of matter Development Control Plan Car parking and overshadowing Panel Determination: 2:05pm – 2:13pm, 31 October 2024 <ul style="list-style-type: none"> Panel members: Peter Debnam (Chair), Donna Rygate, Greg Woodhams, Ché Wall and Karla Castellanos DPHI staff: Eleanor Robertson, Jordan Clarkson, James Bellamy, Louise McMahon, Murray Jay, Tim Coorey, Kate McKinnon, Taylah Fenning and Adam Williams