

Post-Exhibition Report – PP-2022-658

Attachment C - Rezoning Review

Rezoning Review

A previous planning proposal (PP-2020-687) for the site was considered by Ku-ring-gai Council in 2018. Council did not support the planning proposal proceeding to Gateway Determination.

On 7 November 2018, the planning proposal was considered by the Sydney North Planning Panel (the Panel) at a Rezoning Review (RR_2018_KURIN_001_00). The Panel supported the planning proposal to progress to Gateway Determination as the proposal demonstrated strategic and site-specific merit. However, the Panel required the following conditions to be satisfied prior to submission to the Department of Planning and Environment for Gateway Determination. The five conditions are as follows:

- The concurrence of the RFS be received in relation to the proposal prior to exhibition.
- That any Masterplan resolution in respect of Item 1 above shall ensure that the maximum height of building permitted is reduced by requiring buildings to utilise the topography and to be “cut into” the site.
- That, due to the site’s location, any proposal shall be required to provide a village bus to access local centres.
- That R3 Medium Density Residential is only acceptable if non-seniors housing is required as a buffer to the bushland to the south. If the resolution to Item 1 above results in no development adjacent to the bushland then R2 Low Density Residential would be a more appropriate zone with only a change to the FSR and height being necessary.
- That prior to any exhibition of the proposal, a site-specific Development Control Plan (DCP) be prepared and placed on exhibition with the planning proposal.

The Panel’s determination and reasons for its rezoning review decision are provided in **Attachment B**.

On 4 December 2018, Council resolved not to take on the role as the Planning Proposal Authority (PPA) for the planning proposal. On 21 December 2018, the Panel was appointed the PPA (**Attachment B**).

On 18 June 2021, a revised planning proposal (PP-2021-4968) addressing the Panel’s conditions was submitted to the Department.

On 8 September 2021, the Department provided a briefing to the Panel regarding the changes made to the proposal since the Rezoning Review and the responses to the Rezoning Review recommendations. The Panel determined to progress the planning proposal to Gateway assessment (**Attachment B**) subject to the following:

- (a) Revision of the western driveway access arrangements to provide better amenity for neighbouring properties on the western boundary (including an appropriate landscape buffer); and
- (b) Reduction in the area allocated to Height of Building R-22m and N-14.5m to better reflect the indicative layout path.

On 21 September 2021, additional information was requested from the proponent relating to feedback provided by the Panel and further consideration of Ministerial Direction 4.3 Planning for Bushfire Protection.

Between October 2021 and January 2022, the Department and the proponent consulted with NSW Rural Fire Service (RFS) to resolve issues related to Direction 4.3.

On 18 January 2022, the RFS provided email confirmation of their satisfaction that the performance-based approach is appropriate to satisfy Direction 4.3, noting that they did not object to the planning proposal progressing.

On 21 February 2022, the Department requested the proponent to provide a consolidated submission by updating the planning proposal and resubmitting on the planning portal, particularly to address the consistency of the proposal with direction 4.3 Planning for Bushfire Protection with reference to the RFS comments and updates requested by the Panel.

On 10 March 2022, the planning proposal (PP-2022-658) was submitted on the Planning Portal for Gateway assessment and determination.