

DATE OF DECISION	Thursday, 6 June 2019
PANEL MEMBERS	Peter Debnam (Chair), Sue Francis, Abigail Goldberg, Linda McClure and Judith Rutherford
APOLOGIES	John Roseth and Gail Giles-Gidney
DECLARATIONS OF INTEREST	None

REZONING REVIEW

2018SNH060 – Willoughby City Council – RR_2018_WILLO_002_00 - AT 3-31 Walter Street, Willoughby

(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 3:2 in favour, against the decision were Judith Rutherford and Linda McClure.

REASONS FOR THE DECISION

The majority of the Panel considered the site is a remnant area of low density housing surrounded by high density residential at the Channel Nine site and the freeway. The zoning in the area has not been reviewed for over 7 years and given the change in planning circumstances the Panel considers there is sufficient strategic planning merit to justify the matter proceeding to gateway.



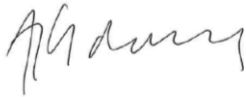


In relation to site specific merit, the proposal has merit which can be adequately addressed at DA stage through a site specific DCP. The Panel notes that the traffic generation of the consolidated proposal would be less than the existing approvals in Walter St for RFBs and the child care centre. Further that the proponent has offered via a VPA to provide traffic lights at the end of Walter St and this has been supported by the RMS.

However, the Panel would suggest to the delegate that in issuing any Gateway approval the following occur:

- That the two sites (3-31 Walter and 1-1A Walter and 450-462 Willoughby Road) be considered as an amalgamated site for rezoning;

- That the heights and proposed floorspace ratios across the integrated site be master planned to better respond to the site circumstances, including at the corner of Willoughby Rd and Walter St;
- That an amalgamated DCP be prepared prior to the matter going to Gateway; and
- That any DCP ensure that all vehicular access for the amalgamated site occur from Walter St and NOT Willoughby Road.

Judith Rutherford and Linda McClure disagreed with the majority decision as the proposal does not have strategic merit. The proposal undermines “the orderly and economic use of the land” object of the Act, by proceeding ahead of Council’s strategic planning processes.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Sue Francis
 Abigail Goldberg	 Linda McClure
 Judith Rutherford	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	2018SNH060 – Willoughby City Council – RR_2018_WILLO_002_00 - AT 3-31 Walter Street, Willoughby
2	LEP TO BE AMENDED	Willoughby Local Environmental Plan 2012
3	PROPOSED INSTRUMENT	2018SNH060: The proposal seeks to amend Willoughby Local Environmental Plan 2012 to change the zoning from R3 Medium Density Residential to R4 High Density Residential and increase the maximum permitted height and FSR at 3-31 Walter Street Willoughby.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Rezoning review request documentation • Briefing report from Department of Planning and Environment
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> • Site inspection: Thursday, 6 June 2019 <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam, Sue Francis, Abigail Goldberg, Linda McClure and Judith Rutherford ○ Department of Planning and Environment (DPE) staff in attendance: Nick Armstrong, Kris Walsh and Alex Hill • Briefing with Department of Planning and Environment (DPE): Thursday, 6 June 2019 at 11:00am

		<ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam, Sue Francis, Abigail Goldberg, Linda McClure and Judith Rutherford ○ DPE staff in attendance: Nick Armstrong, Kris Walsh and Alex Hill ● Briefing with Council: Thursday, 6 June 2019 at 11:30am <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam, Sue Francis, Abigail Goldberg, Linda McClure and Judith Rutherford ○ DPE staff in attendance: Nick Armstrong, Kris Walsh and Alex Hill ○ Council representatives in attendance: Ian Arnott and Jane Hosie ● Briefing with Proponent: Thursday, 6 June 2019 at 11:30am <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam, Sue Francis, Abigail Goldberg, Linda McClure and Judith Rutherford ○ DPE staff in attendance: Nick Armstrong, Kris Walsh and Alex Hill ○ Proponent representatives in attendance: Andrew Darroch and Marcelo Occhiuzzi and Ted Manny
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