

DATE OF DECISION	25 January 2017
PANEL MEMBERS	Deborah Dearing (Chair), John Roseth, Sue Francis, Linda McClure
APOLOGIES	Gail Giles-Gidney
DECLARATIONS OF INTEREST	Stuart Coppock declared a conflict as he has voted on this proposal in his capacity as Councillor

REZONING REVIEW

2016SYE127 – Willoughby – PGR_2016_WILL_003_00 – AT 31-37 Herbert Street St Leonards (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.

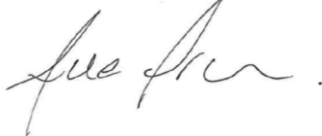
REASONS FOR THE DECISION

The Panel has listened to the arguments put forward by the council and the proponent. It has concluded that the proposal is contrary to the *Productivity Priorities and Actions* of the Draft Sydney North District Plan, which states that the retention of employment, industrial and urban services land is essential. The priorities for managing employment and urban services land are:

- To protect and support employment services land;
- To take a precautionary approach to the conversion of employment and urban services land (in the absence of a district-wide assessment of their values and objectives)
- To develop a better understanding of the value and operation of employment and urban services land.

There is currently a strategic review of the St Leonards and Crows Nest Precinct underway. Approval of this proposal would pre-empt the outcome of that review.

The Panel is of the view that the proposal has little strategic merit. In addition, it does not meet the site-specific merit test as it brings significantly increased population into close proximity of industrial and urban services land. It involves an increase in density from 1.5:1 to 6.5:1 and to a height of up to thirty storeys, which cannot be justified by the context of the site. It would therefore set an inappropriate precedent for future proposals to turn industrial into predominantly residential land.

PANEL MEMBERS	
 Deborah Dearing (Chair)	 John Roseth
 Sue Francis	 Linda McClure

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	2016SYE127 – Willoughby – PGR_2016_WILL_003_00 – AT 31-37 Herbert Street St Leonards
2	LEP TO BE AMENDED	Willoughby Local Environmental Plan 2012
3	PROPOSED INSTRUMENT	The proposal seeks to amend WLEP 2012 to allow the comprehensive redevelopment of the site for the purposes of residential, retail, commercial and medical uses. Accordingly the proposal seeks the following amendments to the WLEP 2012 provisions: - Zoning: A change in zoning from IN2 Light Industrial to B4 Mixed Use; - Height of buildings: Three maximum allowable building heights across the site of RL 180m (30 storey equivalent), RL 155m (23 storey equivalent) and RL 142m (18 storey equivalent); - FSR: An increase in FSR from 1:1 to 6.5:1.
4	MATERIAL CONSIDERED BY THE PANEL	• Rezoning review request documentation • Briefing report from Department of Planning and Environment
5	MEETINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing meeting with Department of Planning and Environment (DPE), 25 January 2017, 1.30 pm to 2.00 pm ○ Panel members in attendance: Deborah Dearing (Chair), Sue Francis, John Roseth, Linda McClure ○ DPE staff in attendance: Karen Armstrong, Coby Tomlins • Briefing meeting with Council, 25 January 2017, 2.00 pm to end time ○ Panel members in attendance: as above ○ DPE staff in attendance: as above ○ Council representative in attendance: Norma Shankie-Williams, Ian Arnott, Jane Gibson • Briefing meeting with Proponent, 25 January 2017, 2.00 pm to end time ○ Panel members in attendance: as above ○ DPE staff in attendance: as above ○ Council representative in attendance: Name(s) ○ Proponent in attendance: Nick Tobin (Aqualand), Greg Dowling (Aqualand), Tony Pizzolato (Aqualand), Sean McPeake (FJMT), John Wynne (Urbis), Alaine Roff (Urbis), Simon Gunasekara (Urbis),s