

DATE OF DECISION	28 May 2020
PANEL MEMBERS	Carl Scully (Chair), Roberta Ryan, Jan Murrell
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>Toni Zeltzer and Mary Lou Jarvis declared a conflict of interest and did not participate in the Panel for this decision.</p> <p>While both members declared an interest at full Council meeting and withdrew accordingly; Mary Lou Jarvis chaired the Environmental Planning Committee meeting on this issue on December 2, a meeting in which Toni Zeltzer moved a motion.</p> <p>Neither member realised this would constitute a conflict of interest until after the briefing with the Department on 28 May 2020; at which time the declared the conflict and withdrew from the Panel for this matter.</p>

REZONING REVIEW

2020ECI004 – Woollahra – RR_2020_WOOLL_001_00 - AT 294-298 New South Head Road and 2-10 Bay Street, Double Bay (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 was of the view that the Planning Proposal would not result in sufficient certainty as to the built outcome with a blanket 21.5 metre height limit.
- The Panel is concerned that the Planning Proposal is inconsistent with the surrounding context, in particular the presentation of the scale and bulk to Bay Street, Double Bay.
- The Panel is concerned the Planning Proposal would be an undesirable precedent which is exacerbated by the topography of this key site as a gateway to Bay Street and the Double Bay Centre

- The Panel considers that because of the importance of the site it is premature to proceed with a site- specific rezoning ahead of the Council’s own urban design review and associated studies currently being undertaken for the local centre of Double Bay. This includes: an assessment of heights; floor space ratios; and the introduction of a non-residential component given the need to reinforce the role of this local centre. This rezoning would undermine that process.
- Given the above reasons, the Panel is not persuaded that the Planning Proposal has site specific or strategic merit.

PANEL MEMBERS	
 Carl Scully (Chair)	 Roberta Ryan
 Jan Murrell	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	2020ECI004 – Woollahra – RR_2020_WOOLL_001_00 - AT 294-298 New South Head Road and 2-10 Bay Street, Double Bay
2	LEP TO BE AMENDED	Woollahra Local Environmental Plan 2014
3	PROPOSED INSTRUMENT	<p>The Rezoning Review request relates to the planning proposal for 294-298 New South Head Road and 2-10 Bay Street, Double Bay to amend the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) by:</p> <ul style="list-style-type: none"> •amending the maximum building height control from 14.7m (4 storeys) to 21.5m (6 storeys) across the entire site; •amending the maximum floor space ratio (FSR) control from part 2.5:1/part 3:1 to 3:1 across the entire site; and •including a minimum non-residential FSR control of 1.3:1 to be applied as part of the maximum 3:1 FSR control.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Rezoning review request documentation • Briefing report from Department of Planning, Industry and Environment
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> • Site inspection: due to Coronavirus precautions, panel members visited the site independently, prior to 28 May 2020. • Briefing with Department of Planning, Industry and Environment (DPIE): 28 May 2020, 11am <ul style="list-style-type: none"> ○ Panel members in attendance: Carl Scully (Chair), Roberta Ryan, Jan Murrell, Toni Zeltzer, Mary Lou Jarvis ○ DPIE staff in attendance: Brendan Metcalfe, Simon Ip, Kieran Aranha • Joint Briefing with Council and Proponent: 28 May 2020, 12pm <ul style="list-style-type: none"> ○ Panel members in attendance: Carl Scully (Chair), Roberta Ryan, Jan Murrell ○ DPIE staff in attendance: Brendan Metcalfe, Simon Ip, Kieran Aranha ○ Council representatives in attendance: Jorge Alvarez ○ Proponent representatives in attendance: Lotti Wilkinson, Rob Tuchini, Mladen Prnjatovic