



**REZONING REVIEW  
RECORD OF DECISION**

STRATEGIC PLANNING PANEL of the  
SYDNEY SOUTH PLANNING PANEL

<b>DATE OF DECISION</b>	15 December 2022
<b>DATE OF MEETING</b>	13 December 2022
<b>PANEL MEMBERS</b>	Helen Lochhead (Chair), Glennis James, Donna Rygate
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Nick Katris and Sam Stratikopoulos declared a conflict of interest having previously voted on the matter at council.

**REZONING REVIEW**

**Rezoning Review - RR-2022--26- PP-2021-6630** – 143 Stoney Creek Road Beverly Hills - Rezone subject site from SP2/R2 to R4 High Density Residential, introduce a FSR of 1.4:1, introduce a maximum building height of 16m and introduce 'Office Premises' and 'Business Premises' as additional permitted uses under Schedule 1 of the Georges River Local Environmental Plan 2021.

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


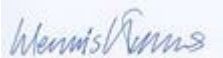

The decision was unanimous.

**REASONS FOR THE DECISION**

The Panel considers that the Planning Proposal demonstrates strategic and site-specific merit however in coming to this decision, the Panel was of the view that the Council should consider a review of its Development Contributions Plan.

The Panel recommends that the LEP amendment and site specific DCP be supported subject to the inclusion of minimum lot sizes in the instrument consistent with the R4 zone.

The Council was consulted and did not express a view on retaining the PPA role. In accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel as delegate of the Minister for Planning has therefore determined to appoint itself as the PPA for this planning proposal.

PANEL MEMBERS	
Helen Lochhead (Chair) 	Glennis James 
Donna Rygate 	

SCHEDULE 1		
1	<b>PANEL REF – LGA – DEPARTMENT REF - ADDRESS</b>	Rezoning Review - RR-2022--26- PP-2021-6630 – 143 Stoney Creek Road Beverly Hill
2	<b>LEP TO BE AMENDED</b>	Georges River Local Environmental Plan 2021.
3	<b>PROPOSED INSTRUMENT</b>	The proposal seeks to rezone the subject site from SP2/R2 to R4 High Density Residential, introduce a FSR of 1.4:1, introduce a maximum building height of 16m and introduce 'Office Premises' and 'Business Premises' as additional permitted uses under Schedule 1 of the Georges River Local Environmental Plan 2021.
4	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>Rezoning review request documentation</li> <li>Briefing report from Department of Planning and Environment and associated attachments A, A1-A7, B, B1-B4 and C.</li> </ul>
5	<b>BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li><b>Briefing with Department of Planning and Environment (DPE): 1.15pm 13/12/2022</b> <ul style="list-style-type: none"> <li>Panel members in attendance: Helen Lochhead (Chair), Glennis James, Donna Rygate</li> <li>DPE staff in attendance: Kendall Clydsdale, Claire Mirow, Bailey Williams, Leanne Harris, Lisa Kennedy and Sharon Edwards</li> </ul> </li> <li><b>Key issues discussed:</b> <ul style="list-style-type: none"> <li>Site and surrounds</li> <li>Existing land-use context and LEP provisions</li> <li>Intended land-use outcomes</li> <li>Current DA approval on the site</li> <li>Flooding and proximity to ethane pipeline</li> <li>Other potential land-use outcomes</li> <li>Proposed controls</li> <li>Beverly Hills Masterplan</li> <li>Key policies, plans and strategies</li> <li>Council comments and recommendations</li> </ul> </li> <li><b>Briefing with Council: 1.45pm 13/12/2022</b> <ul style="list-style-type: none"> <li>Panel members in attendance: Helen Lochhead (Chair), Glennis James, Donna Rygate</li> <li>DPE staff in attendance: Kendall Clydsdale, Claire Mirow, Bailey Williams, Leanne Harris, Lisa Kennedy and Sharon Edwards</li> <li>Council representatives in attendance: Catherine McMahon, Meryl Bishop, Stephanie Lum, Henry Huynh, and Rebecca Lau</li> </ul> </li> </ul>

		<p><b>Key issues discussed:</b></p> <ul style="list-style-type: none"> <li>○ Site and surrounds</li> <li>○ Existing LEP provisions</li> <li>○ Proposed controls</li> <li>○ Current approval</li> <li>○ Original and amended PP</li> <li>○ Strategic merit</li> <li>○ Draft Beverly Hills Masterplan</li> <li>○ Stormwater and flooding</li> <li>○ Site specific DCP and site constraints</li> <li>○ Lack of VPA and details regarding the value of contributions and shortfall in local infrastructure</li> </ul> <p>• <b>Briefing with Proponent:</b> 2.30pm 13/12/2022</p> <ul style="list-style-type: none"> <li>○ Panel members in attendance: Helen Lochhead (Chair), Glennis James, Donna Rygate</li> <li>○ DPE staff in attendance: Kendall Clydsdale, Claire Mirow, Bailey Williams, Leanne Harris, Sharon Edwards and Lisa Kennedy</li> <li>○ Proponent representatives in attendance: Aaron Sutherland, Chris Ryan</li> </ul> <p>Key issues discussed</p> <ul style="list-style-type: none"> <li>○ Background and existing planning controls</li> <li>○ Existing approval</li> <li>○ Initial and amended PP</li> <li>○ Lack of VPA and reasoning for not offering one</li> <li>○ Need for the PP</li> <li>○ Strategic merit</li> <li>○ Applicant not having access to Council's Hill PDA report</li> </ul>
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