



**REZONING REVIEW
RECORD OF DECISION**

STRATEGIC PLANNING PANEL of the
SYDNEY NORTH PLANNING PANEL

DATE OF DECISION	12 December 2022
DATE OF MEETING	7 December 2022
PANEL MEMBERS	Peter Debnam (Chair), Donna Rygate, Yvonne Weldon and Che Wall
APOLOGIES	Karla Castellanos and Lindsey Dey
DECLARATIONS OF INTEREST	None

REZONING REVIEW

RR-2022-29 - North Sydney- 1 – 7 Rangers Road & 50 Yeo Street, Neutral Bay, Planning Proposal (PP-2022-1633) sought to amend the North Sydney Local Environmental Plan 2013 (LEP) to increase the maximum building height to a mix of 30m and 40m and increase the minimum non-residential floor space to 1.7:1 to facilitate a mixed use development comprising approximately 3,949m² of non-residential gross floor area (GFA), 3,311m² of supermarket GFA, 12,682m² of residential floor area, and the delivery of significant community benefits in the form of a 65 dedicated public parking spaces and a new 1,013m² public plaza and through site link.

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 considered the documentation, was briefed by the Department and heard extensively from the Proponent and Council during the meeting. The key issues set out in the Department's briefing paper were discussed at length.

During Panel deliberations, it became apparent more time was needed for consideration and the Panel reconvened on 8th December 2022 to discuss whether the proposal met the Strategic Merit Test.



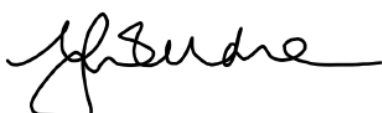

Notwithstanding the erosion of commercial office floor space, the Panel considered the proposal had demonstrated some strategic merit - the previously endorsed Study and Future Directions Report and current work to revise the Study, provide a clear indication of the Council's and Community's desire to revitalise and renew Neutral Bay Town Centre.

However, the Panel noted the proposal did not adequately demonstrate Site Specific Merit and remained unacceptable in terms of number of storeys, human-scale frontage to the proposed plaza, incorporation of public land, non-residential FSR, overshadowing, traffic and transition to low-scale residential areas south of the site. Accordingly, the Panel resolved that the proposal should not be submitted for Gateway determination.

The Panel did note the high level of consultation between Proponent and Council over recent years as the Planning Proposal was progressed and also noted the Proponent's stated willingness to submit a revised proposal to include substantial reductions to height, GFA and number of apartments. While the Panel felt elements of such a revised proposal would have considerable merit, none had been formally submitted or reviewed and the extent of the muted changes were beyond the Panel's discretion to accept as minor changes.

Given the long gestation of this project on a key site in the town centre and the timing of changes to Council's relevant planning strategies, the Panel suggests it would be in the community interest for the Proponent, Council and Department to meet as soon as possible to pursue agreement on a revised proposal.

The Panel also concurred with the North Sydney Local Planning Panel, which when considering this proposal had urged *"Council to finalise its strategy and plans as a matter of priority for all stakeholders, including the community."*

PANEL MEMBERS	
 Peter Debnam (Chair)	 Donna Rygate
 Yvonne Weldon	 Che Wall

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	PP-2022-1633- North Sydney- RR-2022-29 - 1 – 7 Rangers Road & 50 Yeo Street, Neutral Bay
2	LEP TO BE AMENDED	North Sydney Local Environmental Plan 2013
3	PROPOSED INSTRUMENT	The proposal seeks to amend the North Sydney Local Environmental Plan 2013 (LEP) to increase the maximum building height to a mix of 30m and 40m and increase the minimum non-residential floor space to 1.7:1 to facilitate a mixed use development comprising approximately 3,949m ² of non-residential gross floor area (GFA), 3,311m ² of supermarket GFA,

		12,682m ² of residential floor area, and the delivery of significant community benefits in the form of a 65 dedicated public parking spaces and a new 1,013m ² public plaza and through site link.
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 BY THE PANEL	<ul style="list-style-type: none"> Briefing with Department of Planning and Environment (DPE): 11:30am- 11.55am, 7 December 2022 <ul style="list-style-type: none"> Panel members in attendance: Peter Debnam (Chair), Donna Rygate, Yvonne Weldon and Che Wall DPE staff in attendance: Charlene Nelson, Matthew Rothwell and Brendan Metcalfe Key issues discussed: the material identified in the briefing package being the proposal, site location, background and identified key issues Briefing with Council and Proponent: 12:00pm- 1.45pm, 7 December 2022 <ul style="list-style-type: none"> Panel members in attendance: Peter Debnam (Chair), Donna Rygate, Yvonne Weldon and Che Wall DPE staff in attendance: Charlene Nelson, Matthew Rothwell and Brendan Metcalfe Council representatives in attendance: Katerina Papas and Marcelo Occhiuzzi Proponent representatives in attendance: Richard Armitage, Pierre Abrahamse, Andrew Loveday, Kimberley Bautista, Ben Craig, Josh Milston, Georgia Wilson, Rafe Wilson and Nicole Eastaway Key issues discussed: Council and the proponent responded to the key issues in the DPE briefing package including: history of planning proposal's development; strategic planning & housing, commercial and open space requirements in North District Plan, North Sydney Local Strategic Planning Statement & rescinded Military Road Corridor Planning Study; site issues – bulk, traffic, overshadowing, amalgamation with adjoining lot/s; community submissions and revised proposal Panel Discussion: 1:45pm-2.05pm, 7 December 2022 <ul style="list-style-type: none"> Panel members in attendance: Peter Debnam (Chair), Donna Rygate and Che Wall DPE staff in attendance: Charlene Nelson, Matthew Rothwell and Brendan Metcalfe Panel Discussion: 10:00am – 10.25am 8 December 2022 <ul style="list-style-type: none"> Panel members in attendance: Peter Debnam (Chair), Donna Rygate and Che Wall DPE staff in attendance: Charlene Nelson, Matthew Rothwell and Brendan Metcalfe