



REZONING REVIEW RECORD OF DECISION

STRATEGIC PLANNING PANEL of the
SYDNEY SOUTH PLANNING PANEL

DATE OF DETERMINATION	9 August 2024
DATE OF DECISION	29 July 2024
PANEL MEMBERS	Annelise Tuor (Chair), Glennis James, David Ryan, Luke Murtas & Elizelle Cilliers
APOLOGIES	None
DECLARATIONS OF INTEREST	Three of the local members for Sutherland Shire Council are unable to sit on the panel due to a conflict of interest. Councillors Carol Provan, Hassan Awada and Stephen Nikolovski voted on the matter at the Planning and Growth Committee meeting of 1 July 2024.

REZONING REVIEW

RR-2024-8 – Sutherland LGA – PP-2023-2683

544-550 Box Road, Jannali (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.
- ☐ The council has not submitted the planning proposal for a Gateway determination within 28 days of indicating its support for the proposal.

PANEL CONSIDERATION AND DECISION

The Panel considered the material listed at item 4 and the matters raised and/or observed at briefings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel recommends 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
 - ☒ 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 of Planning, Housing and Infrastructure (DPHI), and heard extensively from Sutherland Shire Council (Council) and the proponent, TCQ Constructions (Proponent).

Strategic Merit

The Panel agreed that the planning proposal had Strategic Merit given that:

- The planning proposal is consistent with applicable strategic planning documents, particularly as they relate to the general objectives for housing. These include Greater Sydney Region Plan, South District Plan, Sutherland Shire Local Strategic Planning Statement (LSPS), Sutherland Shire Housing Strategy 2031, Draft Sutherland Shire Local Housing Strategy 2041, and Sutherland Shire Community Strategic Plan 2032.
- Delivering housing supply is a priority issue for Sydney for all levels of Government.
- The provision of additional housing in this location has strategic merit due to its proximity to Jannali Railway Station.
- The provision of additional housing on the site is unlikely to place unreasonable demand on the provision of infrastructure, services or transport.

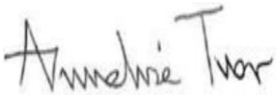
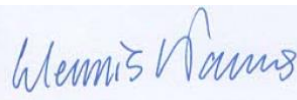



Site Specific Merit

The Panel agreed that the planning proposal did not have Site Specific Merit given that:

- The feasibility studies undertaken by the Proponent and Council indicate that the existing context of the site is unlikely to change given the adjoining low density residential zoned land and the difficulty in amalgamating surrounding commercial zoned land for re-development under the current planning controls.
- The proposed height and FSR would result in a building that:
 - Is incompatible with the existing context.
 - does not provide an appropriate transition to the surrounding context, particularly given the site's elevated position on Box Road.
 - may result in non-compliance with the ADG guidelines and subsequently result in poor amenity and design outcomes for the site, future development on surrounding land and the public domain.
 - only accommodates the proposed FSR within the proposed height if there are limited setbacks, resulting in a building that presents a blank wall when viewed from the commercial centre.

The Panel acknowledged the need for renewal and investment in the Jannali Town Centre but considered that any increased height and density on the site should be achieved through a coordinated planning proposal for the Centre and its adjoining low density residential land. The Panel encourages Council, the Proponent and/or other landowners to prepare a planning proposal for the wider centre, which would take into consideration feasibility constraints, urban form, appropriate transitions, traffic generation, provision of affordable housing, open space and other infrastructure, including widening of Leopold Lane.

The Panel noted that the Planning Proposal had been considered by Council officers, the elected Council and the Sutherland Local Planning Panel, and has not been supported for referral to DPHI for Gateway Determination.

PANEL MEMBERS	
 Annelise Tuor (Chair)	 Glennis James
 David Ryan	 Luke Murtas
 Elizelle Juanee Cilliers	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2024-8 – Sutherland LGA – PP-2023-2683 – at 544-550 Box Road, Jannali
2	LEP TO BE AMENDED	Sutherland Local Environmental Plan (LEP) 2015
3	PROPOSED INSTRUMENT	<p>The proposal seeks to:</p> <ul style="list-style-type: none"> increase the maximum height of building from 20m to 30m; increase the floor space ratio (FSR) from 2:1 to 3.8:1; and insert an additional permitted use clause to allow 0.6:1 of FSR to be retail/business
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation Department of Planning, Housing and Infrastructure, Rezoning Review Briefing Report, 17 July 2024 Slide presentations from Sutherland Shire Council, 19 July 2024 and TCQ Constructions, 25 July 2024
5	SITE INSPECTIONS AND BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> Site inspection with Department of Planning, Housing and Infrastructure (DPHI): 10:00am – 10:35am, 29 July 2024 <ul style="list-style-type: none"> Panel members in attendance: Annelise Tuor (Chair), Glennis James, David Ryan, Luke Murtas & Elizelle Cilliers DPHI staff in attendance: Louise McMahon, Kimberley Beencke, Kate McKinnon & Taylah Fenning Key issues discussed: <ul style="list-style-type: none"> Proposed building height in relation to existing ground levels, streetscape, and surrounding developments New residential development in the broader surrounding area and the rezoning of Jannali carpark. Public Domain Plan for Jannali Town Centre Briefing with Department of Planning, Housing and Infrastructure (DPHI): 11:10am – 11:55am, 29 July 2024 <ul style="list-style-type: none"> Panel members in attendance: Annelise Tuor (Chair), Glennis James, David Ryan, Luke Murtas & Elizelle Cilliers DPHI staff in attendance: Louise McMahon, Kimberley Beencke, Jasper Allenby, Kate McKinnon & Taylah Fenning Key issues discussed: <ul style="list-style-type: none"> Proposed building height in relation to fall across site and slope of streetscape. Building height in relation to FSR. Traffic modelling undertaken and baseline assumptions. Affordable housing feasibility. Briefing with Sutherland Shire Council: 12:05pm – 12:45pm, 29 July 2024 <ul style="list-style-type: none"> Panel members in attendance: Annelise Tuor (Chair), Glennis James, David Ryan, Luke Murtas & Elizelle Cilliers

		<ul style="list-style-type: none"> ○ DPHI staff in attendance: Louise McMahon, Kimberley Beencke, Jasper Allenby, Kate McKinnon & Taylah Fenning ○ Council representatives in attendance: Mark Carlon, Yuwen Wang & Jaya Bray ○ Key issues discussed: <ul style="list-style-type: none"> ● Proposed height of building in relation to topography of site and surrounding context. ● Traffic capacity of town centre and public transport. ● Impact of proposed building height and FSR on ADG compliance and presentation to the street. ● Feasibility of development within the centre under the current control. ● Briefing with TCQ Constructions (Proponent): 1:45pm – 2:45pm, 29 July 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Annelise Tuor (Chair), Glennis James, David Ryan, Luke Murtas & Elizelle Cilliers ○ DPHI staff in attendance: Louise McMahon, Kimberley Beencke, Jasper Allenby, Kate McKinnon & Taylah Fenning ○ Proponent representatives in attendance: Brett Matterson & Jim Matterson ○ Key issues discussed: <ul style="list-style-type: none"> ● Bulk and scale of future development on the site and its context. ● Matters raised by Design Review Panel. ● Feasibility of development in the centre and affordable housing options and pathways. ● VPA offer for widening Leopold Lane in accordance with DCP requirements. ● Panel Discussion: 2:45pm – 3:45pm, 29 July 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Annelise Tuor (Chair), Glennis James, David Ryan, Luke Murtas & Elizelle Cilliers ○ DPHI staff in attendance: Louise McMahon, Kimberley Beencke, Jasper Allenby, Carina Lucchinelli, Kate McKinnon & Taylah Fenning
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