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| <b>DATE OF DETERMINATION</b>    | 1 September 2022   |
| <b>DATE OF PANEL DECISION</b>   | 1 September 2022   |
| <b>PANEL MEMBERS</b>            | Julie Savet Ward (Acting Chair), Chris Wilson, Sue Francis |
| <b>APOLOGIES</b>                | Peter Debnam and Brian Kirk                                |
| <b>DECLARATIONS OF INTEREST</b> | Nil  |

### REZONING REVIEW

Request for a Rezoning Review - RR-2022-13 - 12-14 Waters Road, Neutral Bay

The rezoning review request seeks to amend the North Sydney Local Environment Plan 2013 on land at 12-14 Waters Road, Neutral Bay to facilitate a 5-6 storey mixed-use development by increasing the maximum height of buildings from 16m to 24m, to introduce a minimum floor space ratio of 1.2:1 and introduce a site-specific clause to enable rooftop facilities for an overall height of 26m.

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

### PANEL CONSIDERATION AND DECISION

The Panel met with the Department, Council officers and the Proponent and discussed the planning proposal, including suggestions made by the Proponent to adjust the planning proposal to better address the concerns of Council outlined in their assessment of the planning proposal.

The Panel was cognisant of the existing approval on the site for a five-storey mixed use development with open space and community facilities on its rooftop with a clause 4.6 variation to a maximum height of 21.3 metres. This development is under construction.

The Panel recognised the process for the Neutral Bay Town Centre – Future Directions Planning Study and Council’s rescission and directive for the preparation of a new development framework and strategy which was to find a ‘better balance between height and the provision of additional public space’




The Panel unanimously agreed that the planning proposal has strategic merit given its alignment with Council’s planning and community consultation over the last four years for the local area and Council’s direction to find a balance between additional height, employment generating opportunities and additional open space.

However, in terms of site-specific merit, the Panel unanimously agreed that the planning proposal needs to be amended to decrease the maximum mapped height of the building from 26 metres to 22 metres with a site-specific provision of 2 metres for rooftop open space and community facilities. The Panel also recommends reconsideration of the floor to ceiling height of the below ground commercial area and the ground level void in light of the overall maximum height of the building to better allow equitable access to roof top facilities. All documentation, including the site-specific DCP, needs to be adjusted accordingly.

The Panel was satisfied that the Planning Proposal as amended would be consistent with Council's objective of finding an appropriate balance between additional height, employment generating opportunities, and additional open space. Consequently, the proposal is suitable to proceed to Gateway Determination.

In accordance with Section 3.32(1) of the Environmental Planning and Assessment Act 1979, the Planning Panel, as delegate for the Minister for Planning, has determined to appoint itself as the Principal Planning Authority for this planning proposal.

The Panel's decision was unanimous.

| PANEL MEMBERS  |   |
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| <br>Julie Savet Ward (Acting Chair) | <br>Sue Francis |
| <br>Chris Wilson                  |   |

| SCHEDULE 1 |   |  |
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| 1          | <b>PANEL REF – LGA –<br/>DEPARTMENT REF - ADDRESS</b>   | RR-2022-13 – North Sydney - 12-14 Waters Road, Neutral Bay   |
| 2          | <b>LEP TO BE AMENDED</b>  | North Sydney Local Environment Plan 2013   |
| 3          | <b>PROPOSED INSTRUMENT</b>  | The rezoning review request seeks to amend the North Sydney Local Environment Plan 2013 on land at 12-14 Waters Road, Neutral Bay to facilitate a 5-6 storey mixed-use development by increasing the maximum height of buildings from 16m to 24m, to introduce a minimum floor space ratio of 1.2:1 and introduce a site-specific clause to enable rooftop facilities for an overall height of 26m.  |
| 4          | <b>MATERIAL CONSIDERED BY<br/>THE PANEL</b>   | <ul style="list-style-type: none"> <li>Rezoning review request documentation</li> <li>Briefing report from Department of Planning and Environment</li> </ul>   |
| 5          | <b>BRIEFINGS AND SITE<br/>INSPECTIONS BY THE<br/>PANEL/PAPERS CIRCULATED<br/>ELECTRONICALLY</b> | <p><b>Site inspection</b> has been curtailed due to COVID-19. Panel members to undertake site inspection individually.</p> <ul style="list-style-type: none"> <li><b>Briefing with Department of Planning and Environment (DPE):</b> 31 August 2022               <ul style="list-style-type: none"> <li>Panel members in attendance: Julie Savet Ward (Acting Chair), Chris Wilson, Sue Francis</li> <li>DPIE staff in attendance: Matthew Rothwell, Brendan Metcalfe, Charlene Nelson</li> </ul> </li> </ul> |

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|  |  | <ul style="list-style-type: none"><li>• <b>Briefing with Council:</b> 31 August 2022<ul style="list-style-type: none"><li>○ Panel members in attendance: Julie Savet Ward (Acting Chair), Chris Wilson, Sue Francis</li><li>○ DPIE staff in attendance: Matthew Rothwell, Brendan Metcalfe, Charlene Nelson</li><li>○ Council representatives in attendance: Marcelo Occhiuzzi, Neal McCarry</li></ul></li><br/><li>• <b>Briefing with Proponent:</b> 31 August 2022<ul style="list-style-type: none"><li>○ Panel members in attendance: Julie Savet Ward (Acting Chair), Chris Wilson, Sue Francis</li><li>○ DPIE staff in attendance: Matthew Rothwell, Brendan Metcalfe, Charlene Nelson</li><li>○ Council representatives in attendance: Marcelo Occhiuzzi, Neal McCarry</li><br/><li>○ Proponent representatives in attendance: Daniel Barber, Benjamin Knowles, Adam Haddow, Wesley Grunsell</li></ul></li><br/><li>• Papers were circulated electronically on 24 August 2022.</li></ul> |
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