



**REZONING REVIEW  
RECORD OF DECISION**

STRATEGIC PLANNING PANEL of the  
SYDNEY SOUTH PLANNING PANEL

<b>DATE OF DECISION</b>	1 November 2022
<b>PANEL MEMBERS</b>	Helen Lochhead (Chair), Barbara Crossley, Stephen O'Connor
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Nick Katris declared a conflict of interest / conflict of duties as he has been directly involved with the Mortdale Master Plan and indicated all Councillors would be similarly conflicted for this matter.

**REZONING REVIEW**

Rezoning Review - PP-2022-2849 & RR2022-30 Mortdale RSL - 19-25 Macquarie Place & 46-56 Pitt Street, Mortdale

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:

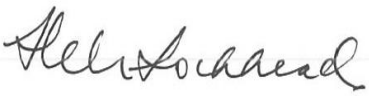
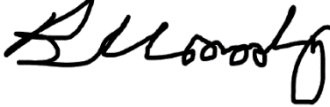

- should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- should not** be submitted for a Gateway determination because the proposal has
  - not demonstrated strategic merit
  - has demonstrated strategic merit but not site specific merit

The decision was unanimous

**REASONS FOR THE DECISION**

1. The Planning Proposal lacks strategic merit at this time:
  - I. It does not have regard to the cumulative impact of the increases to planning controls, especially in terms of infrastructure, traffic and development feasibility in the Mortdale Local Centre.
  - II. Proceeding with the planning proposal would result in an ad hoc planning approach, as Council's place-based controls, the draft Mortdale Local Centre Master Plan, the draft Mortdale Affordable Housing Contribution Scheme and the draft Activating Our Centres Policy were not adopted by Council.
  - III. Council is currently preparing options for a revised Mortdale Local Centre Master Plan based on heights of four and six stories respectively. Further traffic and public domain studies are required to verify these options and a revised draft Master Plan is expected by March 2023.
2. The Planning Proposal lacks site specific merit as:
  - I. The proposed development controls that seek to increase the maximum building height from no height and 12m (four storeys) to 28m (equivalent to nine storeys) is

- out of context and would likely result in significant adverse impacts on the adjoining residential properties, including overshadowing and visual impacts
- II. It may set a precedent for other B2 Local Centres leading to inconsistency with the hierarchy set out in the Commercial Centres Strategy Part 1.
  - III. The planning proposal does not provide adequate consideration of the buildings street-edge interface , residential amenity, traffic and parking issues
  - IV. The concept built form and scale of the development supporting the planning proposal demonstrates an inappropriate response to the context of the subject site and its locality.
  - V. The excessive bulk and scale of the concept proposed development is not justified on this site
  - VI. The concept proposed development remains out of context with any existing or approved development within the Mortdale Local Centre.
3. The Planning Proposal provides a VPA offer which fails to address the infrastructure requirements needed to support the proposed changes in land use. A VPA offer would need to fully consider the physical, social and monetary implications of any future development. Council is not willing to consider a VPA for affordable housing without an adopted Affordable Housing Contribution Scheme in place.

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Barbara Crossley
 Stephen O'Connor	

SCHEDULE 1		
1	<b>PANEL REF – LGA – DEPARTMENT REF - ADDRESS</b>	Rezoning Review - PP-2022-2849 & RR 2022-30 - Mortdale RSL - 19-25 Macquarie Place & 46-56 Pitt Street, Mortdale
2	<b>LEP TO BE AMENDED</b>	Georges River Local Environmental Plan 2021
3	<b>PROPOSED INSTRUMENT</b>	<p>The proposal seeks to amend the Georges River Local Environmental Plan 2021 to allow for the redevelopment of the site for the purposes of a mixed use development by:</p> <ul style="list-style-type: none"> <li>• Rezoning the land parcels (19-25 Macquarie Place and 46-56 Pitt Street, Mortdale) from R4 High Density to B2Local Centre</li> <li>• Amending the Maximum Building Height to be 28m (to accommodate 2 levels of commercial space, 7 levels of residential and lift overrun).</li> <li>• Amending the Maximum Floor Space Ratio to 3.0:1; comprising 0.75:1 non-residential and 2.25:1 residential.</li> <li>• A VPA offer.</li> </ul>

		<ul style="list-style-type: none"> <li>Permitting up to an additional 0.5:1 of non residential floorspace where it is provided below ground level.</li> </ul>
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 with Attachments A through to G.</li> </ul>
5	<b>BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY</b>	<ul style="list-style-type: none"> <li><b>Briefing with Department of Planning and Environment (DPE): 1 November 2022, 11:00am</b> <ul style="list-style-type: none"> <li>Panel members in attendance: Helen Lochhead (Chair), Barbara Crossley, Stephen O'Connor</li> <li>DPE staff in attendance: Patrick Connor, Kendall Clysdale, Kris Walsh</li> <li>Key issues discussed: <ul style="list-style-type: none"> <li>Background and history of the Planning Proposal</li> <li>Summary and explanation of proposed provisions</li> <li>Overview of issues raised by the Applicant and Council</li> </ul> </li> </ul> </li> <li><b>Briefing with Council: 1 November 2022, 11:45am</b> <ul style="list-style-type: none"> <li>Panel members in attendance: Helen Lochhead (Chair), Barbara Crossley, Stephen O'Connor</li> <li>DPE staff in attendance: Patrick Connor, Kendall Clysdale, Kris Walsh</li> <li>Council representatives in attendance: Meryl Bishop, Catherine McMahon, Michelle Fawcett, Stephanie Lum, Anne Qin, Henry Huynh and Nerida Stores</li> <li>Key issues discussed: <ul style="list-style-type: none"> <li>History of the Planning Proposal</li> <li>Council's strategic planning framework and initial community concerns including status of the Draft Mortdale Local Centre Masterplan and Draft Activating Our Centres Policy</li> <li>Urban Design, traffic and infrastructure issues</li> <li>Voluntary Planning Agreement</li> </ul> </li> </ul> </li> <li><b>Briefing with Proponent: November 2022, 12:30pm</b> <ul style="list-style-type: none"> <li>Panel members in attendance: Helen Lochhead (Chair), Barbara Crossley, Stephen O'Connor</li> <li>DPE staff in attendance: Patrick Connor, Kendall Clysdale, Kris Walsh</li> <li>Proponent representatives in attendance: Adam Byrne, Geoff Denver and Tony Lycakis</li> <li>Key issues discussed <ul style="list-style-type: none"> <li>Background and history of the site and Planning Proposal</li> <li>Response to Council's position</li> <li>Urban design</li> <li>Voluntary Planning Agreement</li> </ul> </li> </ul> </li> </ul>