



**PLANNING PROPOSAL AUTHORITY
RECORD OF DECISION PUBLIC MEETING, POST
EXHIBITION AND FINALISATION**
STRATEGIC PLANNING PANEL OF THE
SYDNEY SOUTH PLANNING PANEL

DATE OF DETERMINATION	27 October 2023
DATE OF PANEL DECISION	23 October 2023
PANEL MEMBERS	Annelise Tuor (Chair), Glennis James and Greg Woodhams
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Cr Nick Katris and Cr Elise Borg declared a conflict of interest when the matter was heard on 31 July 2023, as they have been briefed on the planning proposal and the draft Master Plan for Beverly Hills Town Centre. Cr Sam Stratikopoulos did not advise of his availability to sit on the Panel.

Public meeting held by Public Teleconference on 31 July 2023, opened at 1:12pm and closed at 2.08pm. Papers circulated electronically on 25 July 2023.

Panel deferral briefing held on 23 October 2023. Papers circulated electronically on 19 October 2023.

PLANNING PROPOSAL

PP-2021-6630 - Georges River LGA - 143 Stoney Creek Road, Beverly Hills

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4, and the material presented at the site inspection and briefings listed at item 5 in Schedule 1.

As the Planning Proposal Authority, the Panel determined to not proceed with the planning proposal and to request the Minister's delegate to determine that the matter not proceed. A Gateway determination alteration is to be submitted to the Department of Planning and Environment as the Local Plan Making Authority, requesting the planning proposal no longer proceed.

The Panel's decision was unanimous.

REASONS FOR THE DECISION

On the 31 July 2023, the Panel considered the Department's Post-Exhibition Report, 24 July 2023 and met with the Department, Sutherland & Associates Planning (Proponent), and members of the community in a public meeting and post-exhibition Panel briefing.

The Panel subsequently resolved to defer its decision to obtain further information from the NSW State Emergency Services (SES) and Department of Planning and Environment's Environment and Heritage Group (EHG), on the updated Flood and Risk Impact Assessment dated April 2023 (FRIA), the Proponent's response to these submissions and the proposal's consistency with the Section 9.1 Ministerial Direction 4.1 Flooding (Direction).

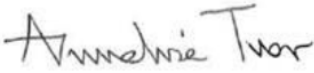
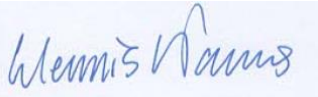

The agencies and the Proponent provided further submissions, which were reported in the Department's Post-Exhibition Report – Addendum, 16 October 2023. That information formed the basis of a further briefing and detailed discussions between the Panel and Department on 23 October 2023.

The Panel noted the SES and EHG further submissions, including the proposal's consistency with the Direction. Neither agency, in particular EHG, supported the proposal to increase residential density on the site due to its level of flood risk, uncertainties in emergency management and potential inconsistency with the Direction.

The Panel found that the proposal did not warrant support to proceed and should not be made, because of:

- the flood risks and uncertainty as to how those risks could be mitigated to an acceptable level;
- the increase in residential density exposes more people to risk; and
- the land is situated in a flood planning area, and the Planning Proposal's inconsistency with the Direction has not been justified when considered in accordance with the *Floodplain Development Manual 2023*.

The Panel noted that there is a DA consent (DA2020/0227) for a medical centre, issued on 21 February 2021 for the site.

PANEL MEMBERS	
 Annelise Tuor (Chair)	 Glennis James
 Greg Woodhams	

SCHEDULE 1		
1	PANEL REF – LGA – PLANNING PROPOSAL NO. – ADDRESS	PP-2021-6630 – Georges River LGA – 143 Stoney Creek Road, Beverly Hills
2	LEP TO BE AMENDED	Georges River Local Environmental Plan (LEP) 2021
3	PROPOSED INSTRUMENT	<p>The planning proposal seeks to amend the Georges River Local Environmental Plan 2021 to:</p> <ul style="list-style-type: none"> • rezone from part SP2 Public Administration and part R2 Low Density Residential to R4 High Density Residential; • increase the minimum lot size (MLZ) from 450m² to 1,000m² on the R2 land • increase Floor Space Ratio (FSR) from 0.55:1 to 1.4:1 on the R2 land; • increase the maximum building height (HOB) from 9m to 16m on the R2 land; • Introduce a MLZ of 1,000m² on the SP2 land; • introduce a FSR of 1.4:1 on the SP2 land; • introduce a HOB of 16m on the SP2 land; and • introduce 'Office Premises' and 'Business Premises' as additional permitted uses under Schedule 1.

4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • DPE Post Exhibition Report, 24 July 2023 • Written submissions during public exhibition: 11 • Verbal submissions at the Panel’s public meeting 1.12pm – 2.08pm, 31 July 2023: <ul style="list-style-type: none"> ○ Registered Speaker: Janine Mayne ○ On behalf of Georges River Council – Catherine McMahon ○ On behalf of the applicant – Aaron Sutherland for Sutherland & Associates Planning ○ Total number of unique submissions received by way of objection: 5 • DPE Post Exhibition Report – Addendum, 16 October 2023 <ul style="list-style-type: none"> ○ Updated submissions from SES and EHG
5	SITE INSPECTION AND BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 10.00am to 10.35am, 31 July 2023 <ul style="list-style-type: none"> ○ Panel members: Annelise Tuor (Chair) and Greg Woodhams ○ DPE staff: Doug Cunningham, Srishri Jagdale, Jasper Allenby, Alexander Galea, William Pruss, Lisa Kennedy & Elliot Brown ○ Key Issues Discussed: <ul style="list-style-type: none"> • Flooding, reports & consultation with agencies; solar access & overshadowing of neighbouring properties; local character & built form; master planning for Beverly Hills town centre. • Panel Briefing: 12.30pm – 1.07pm, 31 July 2023 <ul style="list-style-type: none"> ○ Panel members: Annelise Tuor (Chair), Glennis James and Greg Woodhams ○ DPE staff: Louise McMahon, Doug Cunningham, Srishri Jagdale, Jasper Allenby, Alexander Galea, William Pruss, Lisa Kennedy & Elliot Brown ○ Key Issues Discussed: <ul style="list-style-type: none"> • Flooding, reports & consultation with agencies; • Key issues from submissions – solar access & overshadowing; local character & heritage; and building height and flooding; • VPA and Council’s Contributions Plan; and • Master planning for Beverly Hills town centre. • Panel Determination: 2.10pm – 2.42pm, 31 July 2023 <ul style="list-style-type: none"> ○ Panel members: Annelise Tuor (Chair), Glennis James and Greg Woodhams ○ DPE staff: Louise McMahon, Doug Cunningham, Srishri Jagdale, Jasper Allenby, Alexander Galea, William Pruss & Lisa Kennedy • Panel Briefing: 9.30am – 10.14am, 23 October 2023 <ul style="list-style-type: none"> ○ Panel members: Annelise Tuor (Chair), Glennis James and Greg Woodhams ○ DPE staff: Brendon Roberts, Doug Cunningham, Alexander Galea, Aoife Wynter, Taylah Fenning ○ Key Issues Discussed: <ul style="list-style-type: none"> • Flooding risk and advice from agencies • Panel Determination: 10.14am – 10.46am, 23 October 2023 <ul style="list-style-type: none"> ○ Panel members: Annelise Tuor (Chair), Glennis James and Greg Woodhams ○ DPE staff: Brendon Roberts, Doug Cunningham, Alexander Galea, Aoife Wynter, Adam Williams & Taylah Fenning