

Adrian Panuccio  
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9 March 2018

Dear Adrian

**Request for a Rezoning Review – 2017SNH083 - RR\_2017\_NORTH\_001\_00**

I refer to the request for a Rezoning Review for a proposal at 41 McLaren Street North Sydney to amend the North Sydney Local Environmental Plan 2013 to introduce a site specific provision to increase the height of building control.

The Sydney North Planning Panel (Planning Panel) has determined that the proposal should proceed to Gateway determination stage. In making this decision, the Planning Panel considered the request and advice provided by Council. A copy of the Panel's decision is attached.

Consequently, Council is invited to be the Relevant Planning Authority (RPA) for this proposal and to advise the Planning Panels Secretariat within 42 days of the date of this letter whether it will accept the role of RPA for this proposal. Should Council agree to be the RPA, it will need to prepare a planning proposal under section 3.33 (formerly section 55) of the *Environmental Planning and Assessment Act 1979*, and submit it for a Gateway determination within 42 days after accepting this role.

If Council does not wish to progress this matter, the Planning Panel will be appointed as the RPA to prepare the planning proposal.

If you have any queries on this matter, please contact Stuart Withington, Manager, Planning Panels Secretariat on (02) 8217 2062 or via email to [stuart.withington@planning.nsw.gov.au](mailto:stuart.withington@planning.nsw.gov.au)

Yours sincerely



**Peter Debanm**  
**Chair, Sydney North Planning Panel**

encl. Rezoning Review Record of Decision

<b>DATE OF DECISION</b>	Wednesday 7 March 2018
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), Sue Francis, John Roseth, Veronique Marchandean
<b>APOLOGIES</b>	Michel Reymond
<b>DECLARATIONS OF INTEREST</b>	None

### REZONING REVIEW

2017SNH083 – North Sydney - RR\_2017\_NORTH\_001\_00 at 41 McLaren Street North Sydney (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 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 considers the site and the change in density in the Ward Street Precinct has strategic and site-specific merit, having regard to the increased residential and commercial density requirements of the draft District Plan, the location of the new metro access at the corner of Miller and McLaren Streets and the newly adopted North Sydney CBD Local Environmental Plan, which increases heights to a maximum of RL289.

The Panel is aware that the Council has sought a review of its draft Ward Street Precinct Masterplan and that that is currently underway and close to being finalised by April 2018. In this review, the Panel understands, increased heights and a modified Masterplan may ensue.





The Panel accepts that both the Council and the proponent wish to ensure Grade A commercial floorspace is provided in the Precinct and therefore ensuring that a minimum amount of non-residential floor area is provided to the precinct is essential.

The Panel notes that, while the Planning Proposal and the Alternative Masterplan do not provide for separation distances required by the ADG, this is generally true of most sites in the North Sydney CBD.

As concerns the overshadowing of public open space on Council land, the Panel notes that this would be true of any realistic planning option for the precinct.

Accordingly, the Panel recommends as follows:

1. That the Planning Proposal for increased height, including the "Alternative Masterplan" which justifies it, proceed to Gateway.
2. That the Planning Proposal and Alternative Masterplan not proceed to exhibition until Council exhibits its review of its proposed Strategy (which the Panel understands will have multiple options).
3. That the Planning Proposal and Alternative Masterplan be exhibited as one of the Precinct options.
4. That, in exhibiting the Planning Proposal and Alternative Masterplan, a development standard requiring a minimum of 3:1 floor space ratio be included for non-residential gross floor area.
5. Any Precinct plan should not increase car parking beyond the existing levels.

PANEL MEMBERS	
 Peter Debnam (Chair)	 John Roseth
 Sue Francis	 Veronique Marchandau

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	The Rezoning Review request seeks to amend the North Sydney Local Environmental Plan 2013 to introduce a site specific provision to increase the height of building control at 41 McLaren Street North Sydney.
2	LEP TO BE AMENDED	North Sydney Local Environmental Plan 2013
3	PROPOSED INSTRUMENT	The planning proposal seeks to amend the North Sydney Local Environmental Plan 2013 to introduce a site specific provision to increase the height of building control at 41 McLaren Street North Sydney.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Rezoning review request documentation</li> <li>Briefing report from Department of Planning and Environment</li> </ul>
5	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li><b>Site inspection:</b> 7 March 2018 at 9.30am <ul style="list-style-type: none"> <li>Panel members in attendance: Peter Debnam (Chair), Sue Francis, John Roseth, Veronique Marchandau</li> <li>Department of Planning and Environment (DPE) staff in attendance: Wayne Williamson, Ellen Jones</li> </ul> </li> <li><b>Briefing meeting with Department of Planning and Environment (DPE):</b> 7 March 2018 at 9.50am <ul style="list-style-type: none"> <li>Panel members in attendance: as above</li> <li>DPE staff in attendance: Wayne Williamson, Ellen Jones</li> </ul> </li> <li><b>Briefing meeting with Council:</b> 7 March 2018 at 10.15am <ul style="list-style-type: none"> <li>Panel members in attendance: as above</li> <li>DPE staff in attendance: as above</li> <li>Council representatives in attendance: Emma Booth, Ben Boyd, Simon Williamson</li> </ul> </li> <li><b>Briefing meeting with Proponent:</b> 7 March 2018 at 10.55am <ul style="list-style-type: none"> <li>Panel members in attendance: as above</li> <li>DPE staff in attendance: as above</li> <li>Proponent representatives in attendance: Geoff Teed, Greg Reed, Rick McEwan, John Curro, Michael Harrison, Taylor Vernon, Steve King.</li> </ul> </li> </ul>