

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

DATE OF DETERMINATION	26 April 2023
DATE OF BRIEFING	26 April 2023
PANEL MEMBERS	Peter Debnam (Chair), Blake Cansdale, Sue Francis, Che Wall and John Bohane
APOLOGIES	None
DECLARATIONS OF INTEREST	Karla Castellanos declared a conflict of interest as she had previously worked as a consultant on the planning proposal.

Public meeting held by Public Teleconference on 26 April 2023, opened at **12:30pm** and closed at **1:05pm**. Papers circulated electronically on 19 April 2023.

PLANNING PROPOSAL

PP-2021-2926 - North Sydney LGA - at 253-267 Pacific Highway, North Sydney (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

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

As the Planning Proposal Authority, the Panel determined to recommend to the Minister that the proposed instrument, as described in Schedule 1, should be made.

The Panel decision was 4:1 in favour, against the decision was John Bohane.

REASONS FOR THE DECISION

The Panel noted the Department's Post-Exhibition Report and met with the Department, Applicant and members of the community in a public meeting.

The majority of the Panel concurred with the Department that the proposal demonstrated strategic and site-specific merit, the conditions of the Gateway had been met, agency and community consultation had occurred in accordance with the Gateway Determination and submissions raised had been adequately addressed and as a result the proposal warranted support.

The majority of the Panel also noted the proposal seeks to retain and adaptively reuse the local heritage item 10959 "The Cloisters" at 265 Pacific Highway North Sydney. The Panel was strongly of the view that the heritage item warranted specific protection, which should be a consideration during finalisation of the Planning Proposal.

John Bohane disagreed with the majority decision. John believes, in principle the proposed heights and FSR in relation to the proximity to public transport and services are supportable. However, the location and context of this particular site, make it not supportable.






The local context is one where the proposed development heights will overshadow the local school's (North Sydney Demonstration School) playground, which will result in a significant loss of amenity to the school students and school community. The heights will also create a clumsy juxtaposition of forms/heights next to the heritage conservation houses on Church and McLaren Street which sit at one to two storeys and will also result in significant loss of amenity for those residents.

It could be argued that 6 and 8 storeys would be a better contextual fit for this location (where 8 and 10 storeys are currently proposed).

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included building height and scale, overshadowing, impact on existing character, heritage impacts, and loss of views.

The Panel considers that concerns raised by the community have been adequately addressed in the Department's Report and in the Panel's Determination.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Blake Cansdale
 Sue Francis	 Che Wall
 John Bohane	

SCHEDULE 1		
1	PANEL REF – LGA – PLANNING PROPOSAL NO. - ADDRESS	PP-2021-2926 – North Sydney LGA - at 253-267 Pacific Highway, North Sydney
2	LEP TO BE AMENDED	North Sydney Local Environmental Plan (LEP) 2013
3	PROPOSED INSTRUMENT	<p>Planning proposal to amend North Sydney Local Environmental Plan (LEP) 2013 to facilitate the development of an 8-10 storey mixed use development. The proposal seeks to:</p> <ul style="list-style-type: none"> • Increase the maximum building heights from 10m to 15m, 29m and 37m; • Introduce a maximum floor space ratio (FSR) of part 4.83:1 for 253-261 Pacific Highway and part 1.83:1 to 265-267 Pacific Highway; and • Increase the minimum non-residential FSR from 0.5:1 to 1:1.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • DPE Post Exhibition Report 18 April 2023 • Written submissions during public exhibition: 54 • Verbal submissions at the Panel's public meeting 12.32pm – 1.04pm, 26 April 2023: <ul style="list-style-type: none"> ○ Timothy Harricks; Andrew Day; Andy Lie; and Miranda Budiman ○ On behalf of the applicant – Stephen White on behalf of LegPro 45 Pty Ltd with business name of Legacy Property • Total number of unique submissions received by way of objection: 35
5	BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> • Panel Briefing: 12pm – 12.15pm, 26 April 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Blake Cansdale, Sue Francis, Che Wall and John Bohane ○ <u>DPE staff</u>: Kendall Clydsdale, Renee Ezy, Lisa Kennedy, Mary Francis ○ Discussed: Overview of proposal, exhibition process, and submissions – Transport for NSW issue on servicing vehicles/loading dock, and impacts on adjoining school - did Department of Education provide a submission and overshadowing of playground • Panel Determination: 1.05pm – 1.24pm, 26 April 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Blake Cansdale, Sue Francis, Che Wall and John Bohane ○ <u>DPE staff</u>: Kendall Clydsdale, Renee Ezy, Lisa Kennedy, Mary Francis