

DATE OF DECISION	12 October 2022
PANEL MEMBERS	Julie Savet Ward (A/Chair), Brian Kirk, Che Wall, John Bohane
APOLOGIES	Peter Debnam, Graham Brown
DECLARATIONS OF INTEREST	Karla Castellanos – previously provided advice for a neighbouring objector
DEPARTMENT OF PLANNING AND ENVIRONMENT	Brendan Metcalfe, Charlene Nelson, Christina Brooks – North District team, Stuart Withington – Panel Secretariat

PLANNING PROPOSAL

RR-2022-11 for 378-390 Pacific Highway, Crows Nest

The proposal seeks to increase maximum building height from 16m to RL176, introduce a FSR of 7.5:1 and increase non-residential FSR from 1.5:1 to 2:1.

PLANNING PROPOSAL AUTHORITY DECISION

The Panel met with Department to be briefed on the final amended proposal generated by the Proponent.

As the planning proposal authority, the majority of the Panel agreed to forward the proposal for a Gateway Determination once the following matters have been addressed to the satisfaction of the Department of Planning and Environment.

The amendments should be presented in an updated planning proposal, rather than just a covering letter and amended building envelope diagrams. All plans and documentation are to be updated to incorporate and reflect the revised architectural scheme. The updated planning proposal should also include and address but not limited to the following matters:


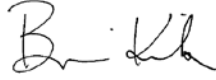

- if the additional lot 1 DP724930 is to be added:
 - revised maps;
 - revised lot size and FSR;
- update the Ministerial Directions to refer to the new numbering and any updated information and remove reference to the revoked Directions;
- update the State Environmental Planning Policies (SEPPs) to refer to the new consolidated SEPPs and any updated information and remove reference to the repealed SEPPs;
- overshadowing diagrams, which incorporate the sloping topography rather than a flat horizontal plane, and which demonstrate the impact of the revised scheme in more detail;
- an updated wind environment statement which includes the impact of wind on the vertical void (and landscaped garden on that void) and the impact on neighbouring properties, and which demonstrates the revised scheme
- consider a revised visual impact analysis;
- revised carparking and traffic generation;
- a revised timeline (which may require further revision based on the signing date of the Gateway determination).

John Bohane took a minority view:

- When considering site specific merit of the proposed envelope, the western setback has potentially the greatest impact on the transition to the small scale residential areas and their

amenity and adherence to this protection mechanism of well-being, afforded by access to sunlight and protection from oppressive bulk and scale.

- The proposal is asking the community to accept reduced amenity in seeking reduced legislated setbacks for the benefit of the developer which is why I cannot endorse this proposal.

PANEL MEMBERS	
Julie Savet Ward (Chair) 	Brian Kirk 
Che Wall 	John Bohane 