

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 May 2023
DATE OF DECISION	24 May 2023
PANEL MEMBERS	Peter Debnam (Chair), Blake Cansdale, Sue Francis, Che Wall and John Bohane
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>Greg Woodhams has declared a conflict of interest in the matter, as he is a neighbour to the site.</p> <p>Karla Castellanos has previously declared a conflict of interest in the matter, as she (as a consultant) has previously provided advice for a neighboring objector.</p>

Public meeting held by Public Teleconference on 24 May 2023, opened at 2:02pm and closed at 2.42pm.
 Papers circulated electronically on 18 May 2023.

PLANNING PROPOSAL

PP-2021-5353 – North Sydney LGA – RR-2022-11 at 378 - 390 Pacific Highway, Crows Nest (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's 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. Consequently, the proposal warranted support.

John Bohane disagreed with the majority. John considers that the overall envelope design and urban strategy is well considered in the framework of the NSW Planning Department's St Leonards and Crows Nest 2036 Plan vision. However, it is unclear that a minimum of two hours of sunlight will be afforded to the south and western residents if a second northern tower is modelled of the same scale that this scheme relies upon for its siting, setbacks and height. For this reason, the proposed 24 storeys may not be considered 'as of right' unless this basic principle of shared solar access can be demonstrated.

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 development and implementation of St Leonards and Crows Nest 2036 Plan, building height, overshadowing, setbacks and transition to adjoining 1-2 storey residential housing. The Panel considers that concerns raised by the community have been adequately addressed in the Department's Report.

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

SCHEDULE 1		
1	PANEL REF – LGA – PLANNING PROPOSAL NO. ADDRESS	PP-2021-5353 – North Sydney LGA – 378 - 390 Pacific Highway, Crows Nest.
2	LEP TO BE AMENDED	North Sydney Local Environmental Plan (LEP) 2013
3	PROPOSED INSTRUMENT	<p>The planning proposal seeks to amend the North Sydney Local Environmental Plan (LEP) 2013 to:</p> <ul style="list-style-type: none"> • Increase the maximum building height from 16m to RL176; • Introduce a FSR of 7.2:1 and • Increase non-residential FSR from 1.5:1 to 2:1.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • DPE Post Exhibition Report 18 April 2023 • Written submissions during public exhibition: 24 • Verbal submissions at the Panel’s public meeting 2.02pm – 2.42pm, 24 May 2023: <ul style="list-style-type: none"> ○ John Hancox on behalf of the Wollstonecraft Precinct; Daniel McNamara from DMPS on behalf of owners of 398 Pacific Highway Crows Nest; Bruce Donald; Caroline Chung; Stewart Chung; & Martin Caldwell ○ On behalf of the applicant – Sophy Burton from Urbis on behalf of FUTURO NO.1 Pty Ltd ○ Total number of unique submissions received by way of objection: 24
5	BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> • Panel Briefing: 1:30pm – 1.43pm, 24 May 2023 <ul style="list-style-type: none"> ○ Panel members: Peter Debnam (Chair), Blake Cansdale, Sue Francis, Che Wall and John Bohane ○ DPE staff: Kendall Clydsdale, Adam Iskander, Srishti Jagdale, Lisa Kennedy & Mary Francis ○ Key Issues Discussed: process and history of rezoning review and planning proposal; summary of proposal; community & agency consultation; issues – overshadowing, height, setbacks; recommendation • Panel Determination: 2.43pm – 2.50pm, 24 May 2023 <ul style="list-style-type: none"> ○ Panel members: Peter Debnam (Chair), Blake Cansdale, Sue Francis, Che Wall and John Bohane ○ DPE staff: Kendall Clydsdale, Adam Iskander, Srishti Jagdale, Lisa Kennedy & Mary Francis