

DATE OF DECISION	2 March 2022
PANEL MEMBERS	Peter Debnam (Chair), Sue Francis and Kevin Alker
APOLOGIES	Stuart McDonald, Brian Kirk and Julie Savet Ward
DECLARATIONS OF INTEREST	Ken Robinson declared that this matter was considered by the North Sydney LPP on 29 September 2021. He was a member of that panel which endorsed the Council officers report in favour of the proposal proceeding to gateway determination.

REZONING REVIEW

Request for a rezoning review - RR-2021-95 – North Sydney - 270-272 Pacific Highway, Crows Nest. The rezoning review request seeks to amend the North Sydney Local Environmental Plan 2013 on land at 270-272 Pacific Highway, Crows Nest by amending the maximum building height and FSR controls to facilitate redevelopment of the site as a 13 storey commercial office building and basement level car parking (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 believes the planning proposal reflects the benefit of extensive negotiation with Council including the reduction in height from 59 to 54 metres.

The proposal is also largely compliant with the 2036 Plan with the minor variation that FSR in total is 6.02:1, but above-ground the FSR is compliant at 5.6:1.

The Panel considers it prudent to also add a proviso that prior to submission the planning proposal is updated to remove retail premises in the basement component of the scheme, but allow neighbourhood shops.

In relation to the impact of bulk and scale, the proponent has actively worked with Council to prepare a site-specific DCP to ensure future development reduces any impact on surrounding properties.

Given the above the Panel believes the planning proposal should proceed to Gateway determination.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Sue Francis
 Kevin Alker	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2021-95 – North Sydney - 270-272 Pacific Highway, Crows Nest
2	LEP TO BE AMENDED	North Sydney Local Environmental Plan 2013
3	PROPOSED INSTRUMENT	The rezoning review request seeks to amend the North Sydney Local Environmental Plan 2013 on land at 270-272 Pacific Highway, Crows Nest by amending the maximum building height and FSR controls to facilitate redevelopment of the site as a 13 storey commercial office building and basement level car parking
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation Briefing report from Department of Planning, Industry and Environment
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<p>Site inspection has been curtailed due to COVID-19. Panel members to undertake site inspection individually.</p> <ul style="list-style-type: none"> Briefing with Department of Planning, Industry and Environment (DPIE): 2 March 2022 <ul style="list-style-type: none"> Panel members in attendance: Peter Debnam (Chair), Sue Francis, and Kevin Alker DPIE staff in attendance: Charlene Nelson, Geoff Kwok and Brendan Metcalfe Briefing with Council: 2 March 2022 <ul style="list-style-type: none"> Panel members in attendance: Peter Debnam (Chair), Sue Francis and Kevin Alker DPIE staff in attendance: Charlene Nelson, Geoff Kwok and Brendan Metcalfe Council representatives in attendance: Neal McCarry, Jayden Perry and Marcelo Occhiuzzi. Briefing with Proponent: 2 March 2022 <ul style="list-style-type: none"> Panel members in attendance: Peter Debnam (Chair), Sue Francis, Stuart McDonald, Kevin Alker and Stephen Barbour DPIE staff in attendance: Charlene Nelson, Geoff Kwok and Brendan Metcalfe Council representatives in attendance: Neal McCarry, Jayden Perry and Marcelo Occhiuzzi.

		<ul style="list-style-type: none">○ Proponent representatives in attendance: Steven Papadopoulos, Paul Reidy (Fitzpatrick + Partners), Dan Keary (Keylan Consulting), Cameron Thomson (Keylan Consulting)● Papers were circulated electronically on 23 February 2022.
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