

DATE OF DECISION	08 August 2022
PANEL MEMBERS	Julie Savet Ward (Chair), Brian Kirk, Graham Brown, Ken Robinson and Kevin Alker
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

REZONING REVIEW

PP-2021-5353 – NORTH SYDNEY – RR-2022-11 - at 378-390 Pacific Highway, Crows Nest (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 4:1 in favour, against the decision was Ken Robinson.

Council has resolved that they do not wish to be the PPA for this matter.

REASONS FOR THE DECISION

The Panel met with the Department, Council officers and the Proponent and discussed the planning proposal, including the amended proposal, and its assessment by Council.

At the meeting the Proponent suggested further significant amendments however these amendments were not formally considered by the Panel but rather provided evidence that further amendments were possible. The Department clarified that the proposal considered by Council remained the subject of the rezoning review.

The Panel unanimously determined that the planning proposal has strategic merit based upon the information contained in the Department's Briefing Report and Council's responses to the Proponent's amended proposal that Council considered. In terms of site-specific merit, the majority of the Panel determined that the planning proposal had the site-specific merit.


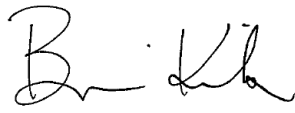


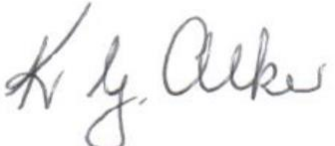
The majority of the Panel determined that the proposal is suitable to proceed to Gateway Determination. However, prior to proceeding, the planning proposal should be further amended to better address the transition between the proposed high rise development and existing and future low rise development and thereby reduce the associated impacts. In particular, further consideration should be given to increasing

the set back to the western boundary and maximising the amenity provided from the north. The Panel believed that the vertical void and associated substantial landscaped garden should remain as part of the proposal given the significant actual and perceived benefits provided to the surrounding development. In addition, the planning proposal should be accompanied by a site-specific DCP which gives full consideration to site specific issues including, amongst other things, building envelope and parking provision, as well as interface issues including set backs.

Panel member Ken Robinson disagreed with the majority decision for the following reasons:

- Although the height and FSR are generally compliant with the 2036 Plan, the proposal fails to demonstrate that the site can accommodate a building of the height and density proposed. The design concept provided with the proposal is excessive and shows a lack of interface and transition to the western boundary. The interface to the R3 zoned land to the west is inadequate and, despite suggested amendments to address this transition matter, it is unlikely to be improved given the available land area in the proposal.

In accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel as delegate of the Minister for Planning has determined to appoint itself as the PPA for this planning proposal.

PANEL MEMBERS	
 Julie Savet Ward (Chair)	 Brian Kirk
 Graham Brown	 Ken Robinson
 Kevin Alker	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	PP-2021-5353 – NORTH SYDNEY – RR-2022-11 - AT 378- 390 PACIFIC HIGHWAY, CROWS NEST
2	LEP TO BE AMENDED	North Sydney Local Environmental Plan 2013
3	PROPOSED INSTRUMENT	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.
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	<ul style="list-style-type: none"> Briefing with Department of Planning, Industry and Environment (DPIE): 03 August 2022, 09.30am – 10.00am <ul style="list-style-type: none"> Panel members in attendance: Julie Savet Ward (Chair), Brian Kirk, Graham Brown, Ken Robinson and Kevin Alker DPIE staff in attendance: Brendan Metcalfe, Geoff Kwok, Matthew Rothwell, Charlene Nelson Briefing with Council and Proponent: 03 August 2022 <ul style="list-style-type: none"> Panel members in attendance: Julie Savet Ward (Chair), Brian Kirk, Graham Brown, Ken Robinson and Kevin Alker DPIE staff in attendance: Brendan Metcalfe, Geoff Kwok, Matthew Rothwell, Charlene Nelson Council Staff in attendance: Ben Boyd, Neal McCarry, Emma Booth, Jing Li Proponent representatives in attendance: Stephen White, Ian Lomas, Sophy Purton, Piers Van Zandvliet, Ben Hopkins, Lucian Gormley Papers were circulated electronically 28 July 2022