

DATE OF DECISION	09 November 2022
DATE OF MEETING	09 November 2022
PANEL MEMBERS	Peter Debnam (Chair), Gail Connolly, Blake Cansdale, Che Wall, Karla Castellanos
APOLOGIES	None
DECLARATIONS OF INTEREST	None

REZONING REVIEW

Request for a rezoning review – RR-2022-24 – North Sydney– 360 Pacific Highway, Crows Nest

The rezoning review request seeks to amend the North Sydney LEP 2013 to increase the maximum height of buildings from 10m to a maximum RL166, introduce a floor space ratio of 5.5:1 and increase the non-residential floor space ratio from 0.5:1 to 2:1.

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 Panel majority decision was 4:1 with Karla Castellanos dissenting for the reasons detailed below.

REASONS FOR THE DECISION

The Panel considered the planning proposal documentation and heard extensively from Council and the Proponent during the meeting including debate on the key issues of consistency with the St Leonards and Crows Nest 2036 Plan; building height; site isolation / impact on neighbouring properties; and setbacks.






The Panel noted that during consultation with the Department and Council, the Proponent had reduced the proposed 18 storeys building height to RL 163.8m. The majority of the Panel further noted the proposed zoning of the site, the height of 18 storeys at RL 163.8m floor, the floor space ratio (FSR) of 5.5:1 and the non-residential FSR of 2:1 are all consistent with the St Leonards and Crows Nest 2036 Plan.

The Panel concurred unanimously with the Proponent that the planning proposal had adequately demonstrated strategic merit and the majority of the panel agreed that the proposal had demonstrated site-specific merit with only one dissenting opinion. On balance, the majority of the panel agreed that the proposal should proceed to gateway determination.

Karla Castellanos disagreed with the majority decision that the proposal meets the site-specific merit test as the proposal has failed to demonstrate how the proposed height will have a good contextual fit in terms of transition of scale with the existing and future development of the rest of the subject block which has a fragmented ownership and a high number of heritage items. While future development potential of the sites to the north has been investigated, no investigation has been conducted of the transition and separation distances to potential future development to the south or the proposal's visual impacts from the "five way" intersection.

The Council has notified the Panel that it has declined to remain the PPA for this 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	
 Peter Debnam (Chair)	 Gail Connolly
 Blake Cansdale	 Che Wall
 Karla Castellanos	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2022-24 – North Sydney– 360 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 LEP 2013 to increase the maximum height of buildings from 10m to a maximum RL166, introduce a floor space ratio of 5.5:1 and increase the non-residential floor space ratio from 0.5:1 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 and Environment
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<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 and Environment (DPE): 9am, 09 November 2022 <ul style="list-style-type: none"> Panel members in attendance: Peter Debnam (Chair), Gail Connolly, Blake Cansdale, Che Wall, Karla Castellanos DPE staff in attendance: Christina Brooks, Charlene Nelson and Brendan Metcalfe

		<ul style="list-style-type: none">• Briefing with Council and Proponent: 9:30am, 09 November 2022<ul style="list-style-type: none">○ Panel members in attendance: Peter Debnam (Chair), Gail Connolly, Blake Cansdale, Che Wall, Karla Castellanos○ DPE staff in attendance: Christina Brooks, Charlene Nelson and Brendan Metcalfe○ Council representatives in attendance: Neal McCarry and Marcelo Occhiuzzi○ Proponent representatives in attendance: John Wynne, Jeremy Bishop, Belinda Thomas, Barrie Nesbitt and Curtis Field
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