

<b>DATE OF DECISION</b>	12 July 2022
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Ken Robinson, Kevin Alker
<b>APOLOGIES</b>	Virginia Waller
<b>DECLARATIONS OF INTEREST</b>	Nil

### REZONING REVIEW

RR-2022-8 - Rezoning review - 253-267 Pacific Highway, North Sydney.

The rezoning review request seeks to amend the North Sydney Local Environmental Plan 2013 on land at 253-267 Pacific Highway, North Sydney by amending the maximum building height and FSR controls to facilitate a 10-storey mixed use development with basement level car parking.

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 majority of 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 majority Panel decision to proceed to Gateway was approved 3:2, with Ken Robinson and Kevin Alker concluding the proposal lacked site specific merit as outlined below.

### REASONS FOR THE DECISION

The Panel met with the Department, Council officers and Proponent and discussed the proposal and its evolution over the last four years, the extensive consultation between Council Officers and the Proponent and the proposal's assessment by both Council and the Department.



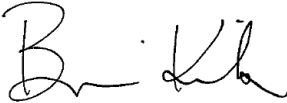

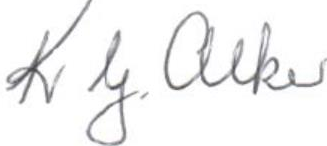
The Panel unanimously determined the proposal has strategic merit based upon the analysis contained in the Department's Briefing Report and Council Officers' responses to the Proponent's amended submission.

In terms of site-specific merit, the majority of the Panel determined the proposal had met site-specific criteria as outlined in the Department's Briefing Report and Council Officers' responses to the Proponent's amended submission.

The majority of the Panel believe the proposal is suitable to proceed to Gateway Determination. In addition and as recommended by Council Officers, the North Sydney's Local Planning Panel and the Independent Design Review, the proposal should be accompanied by a revised site-specific DCP which

gives full consideration to the issues of height, storeys and further setback of the tower above the podium on the Pacific Highway to provide facade articulation and wind mitigation.

Panel members Ken Robinson and Kevin Alker disagreed with the majority decision on site-specific merit to the extent they believe the proposed height, scale and bulk would be to the detriment of the nearby heritage conservation area. This impact would not be able to be managed through the site-specific DCP process. It was also considered that the proposed development did not sufficiently acknowledge the transition between the North Sydney CBD and Crows Nest.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Ken Robinson
 Kevin Alker	

# SCHEDULE 1

1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2022-8 - Rezoning review - 253-267 Pacific Highway, North Sydney.
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 253-267 Pacific Highway, North Sydney by amending the maximum building height and FSR controls to facilitate a 10-storey mixed use development with basement level car parking.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Rezoning review request documentation</li> <li>Briefing report from Department of Planning, Industry and Environment</li> </ul>
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<p><b>Site inspection</b> has been curtailed due to COVID-19. Panel members to undertake site inspection individually.</p> <ul style="list-style-type: none"> <li><b>Briefing with Department of Planning, Industry and Environment (DPIE):</b> 12 July 2022 <ul style="list-style-type: none"> <li>Panel members in attendance: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Ken Robinson, Kevin Alker</li> <li>DPIE staff in attendance: Ashley Richards, Charlene Nelson, Brendan Metcalfe, Matthew Rothwell</li> </ul> </li> <li><b>Briefing with Council and Proponent:</b> 12 July 2022 <ul style="list-style-type: none"> <li>Panel members in attendance: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Ken Robinson, Kevin Alker</li> <li>DPIE staff in attendance: Ashley Richards, Charlene Nelson, Brendan Metcalfe, Matthew Rothwell</li> <li>Council representatives in attendance: Neal McCarry, Marcelo Occhiuzzi and Tom Mojsiejuk</li> <li>Proponent representatives in attendance: Stephen White, Elina Braunstein, Siobhan McInerney, Samantha Polkinghorne, Christopher Croucamp</li> <li>Papers were circulated electronically on 6 June 2022.</li> </ul> </li> </ul>