

Exhibition of Planning Proposal - The Five Ways Triangle (PP-2021-7451)

The planning proposal seeks to increase the maximum building height and floor space ratio on the site to accommodate commercial and residential uses.

Site description

The site comprises of nineteen lots bounded by the Pacific Highway, Falcon Street and Alexander Street and is known as the Five Ways Triangle. The site is triangular and approximately 3200m² and is currently occupied by a mix of 1-4 storey commercial buildings. The site is currently zoned B4 Mixed Use under the North Sydney Local Environment Plan (LEP) 2013.



Figure 1 - Subject site (Source: Nearmap, 2023)

What the planning proposal will do

The planning proposal seeks to amend the North Sydney LEP 2013 to facilitate the delivery of 129 apartments and additional commercial floor space to accommodate approximately 295 additional jobs on the site (approximately 441 total).

In summary, it seeks to:

- Increase the maximum building height from 16m to 62.5m;
- Introduce a floor space ratio (FSR) control of 5.8:1; and
- Increase the minimum non-residential FSR control from 0.5:1 to 2.5:1.

What is a planning proposal?

A planning proposal (or “PP”) explains the intended effect of a proposed LEP or proposed amendments to an LEP. It describes the intended outcomes and proposed LEP provisions, identifies and addresses the potential impacts that the changes may have and provides justification for making the LEP.

A planning proposal is a key part of the LEP making process because it describes how a new or amended LEP will ‘give effect’ to strategic and site-specific planning outcomes. It is the first step in making the statutory link between strategic plans and planning controls which apply to development.

Note: Any physical development of the land occurs under separate planning processes.

What is an LEP?

An LEP provides a statutory framework for the way land can be developed and used.

An LEP contains land use zones which establish where residential, commercial, recreation and other uses can occur. It has development controls for buildings and land, including controls for maximum building heights, floor space, subdivision and lot size.

LEPs also include provisions which address local matters, hazards and constraints, such as flooding, protection of biodiversity, heritage conservation, or land that is being reserved by the government to build more public infrastructure in the future.

An LEP is made under the *Environmental Planning and Assessment Act 1979*.

What are the Council’s, the Sydney North Planning Panel and the Departments role in the process?

The Council’s role for this planning proposal

This planning proposal originally was submitted to North Sydney Council in January 2022. On 27 June 2022, Council resolved not to support the planning proposal. The proponent subsequently lodged a rezoning review request for the proposal, which resulted in the

Sydney North Planning Panel supporting the proposal progression for Gateway determination on 9 December 2022. The Department issued a Gateway determination for the proposal on 2 March 2023, requiring the proposal be placed on public exhibition.

Sydney North Planning Panel's role for this proposal

The Sydney North Planning Panel acts as the independent body in rezoning reviews within the North Sydney Local Government Area. Given Council did not support the progression of the planning proposal, the Panel was requested by the proponent to review the rezoning request.

The Panel determined that the proposal demonstrated strategic and site-specific merit and should proceed to Gateway determination. The Panel was appointed as the Planning Proposal Authority and is therefore responsible for preparing the package of planning proposal documents for public exhibition and running the public consultation. The Panel will consider public submissions on the planning proposal prior to making a decision about whether the planning proposal should proceed to finalisation.

The Department's role for this planning proposal

The Department assesses and guides planning proposals through the LEP making process. This includes active management of the planning proposal through the LEP making process, issue resolution, and finalising the LEP (if the Minister is the local plan-making authority).

On 21 December 2022, the planning proposal was submitted to the Department for Gateway determination. An assessment of the proposal was undertaken, and a Gateway determination was issued on 2 March 2023 stating the proposal should proceed subject to the conditions, including the public exhibition of the proposal.

A final assessment of the planning proposal will be undertaken by the Department after the public exhibition. At this stage further amendments may be made to respond to matters raised by community members or public authorities. The Department is the local plan-making authority and will determine if the LEP amendment will be made.

Additional information about the planning proposal

More information about the proposal and details about how you can get involved can be found on the NSW Planning Portal. Go to <https://www.planningportal.nsw.gov.au/ppr/under-exhibition/five-ways-triangle-391-423-pacific-hwy-3-15-falcon-st-and-8-alexander-st-crows-nest>.

What is a Planning Proposal Authority (PPA)?

In the planning proposal process, the PPA is responsible for preparing the package of planning proposal documents and submitting them to the Department for a Gateway determination.

A Gateway determination is an approval required before the proposal can proceed to public exhibition. This approval is usually subject to conditions.

The PPA is responsible for satisfying the conditions of the Gateway determination, public exhibition of the planning proposal, and finalisation.

An alternate PPA may be appointed under certain circumstances, where directed by the Minister. As the planning proposal is the result of a rezoning review the Sydney North Planning Panel is the Planning Proposal Authority and the

What is a Local Plan-Making Authority (LPMA)?

The LPMA is the authority responsible for making the LEP as identified by the Gateway determination. This may be the Minister (or delegate) or the relevant council. The LMPA undertakes the statutory functions in making the LEP.