



DATE OF DETERMINATION	4 October 2022
DATE OF PANEL DECISION	28 September 2022
PANEL MEMBERS	Peter Debnam (Chair), Gail Connolly, Julie Savet Ward, Che Wall Lindsey Dey
APOLOGIES	Brian Kirk, Karla Castellanos
DECLARATIONS OF INTEREST	Nil

REZONING REVIEW

Request for a rezoning review – RR-2022-14 – Five Ways Triangle, Crows Nest

The rezoning review request seeks to amend the North Sydney LEP 2013 for the site known as the 'Five Ways Triangle', 391-423 Pacific Highway, 3-15 Falcon Street and 8 Alexander Street, Crows Nest to increase the maximum height of buildings from 16m to 63.5m, increase the non-residential floorspace ratio from 0.5 to 2.5:1 and introduce a maximum floorspace ratio of 5.8:1.

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 decision to accept the planning proposal was by a majority (Peter Debnam, Julie Savet Ward, Gail Connolly, Che Wall) with Lindsey Dey in the minority.

REASONS FOR THE DECISION

The Panel met with the Department, Council officers and the Proponent and discussed the planning proposal, including suggestions made by the Proponent to adjust the planning proposal to better address the concerns of Council outlined in their assessment of the planning proposal.

The majority of the Panel accepted the Proponent's Planning Proposal subject to the following issues being resolved or confirmed before proceeding to Gateway:

- a) The Proponent should work with the Department to reduce the podium height (by approximately 1-2 metres consistent with the change in levels across the site) to provide a characteristic three storeys, possibly with four storeys at the north-western corner of the site, producing a corresponding reduction in the overall height from 63.5m. The final height of building is to accommodate all roof structures including the lift overrun.

- b) The proposal would be a total of 16 storeys including 13 residential storeys;
- c) A site specific DCP should be prepared by the Proponent in consultation with the Department and Council and it must include: Best practice sustainability outcomes; Affordable Housing percentage, Design Excellence process, Setbacks; Through-site links; and appropriate percentages of Parking Spaces for car share, motor bike / scooters, bicycles and electric vehicle charging;
- d) The Proponent should work with Council and the Department to agree a VPA;
- e) All specialist reports should be checked for accuracy and updated to post-Covid conditions.





Minority reasons

While in agreement with the majority decision in relation to the proposed content of the DCP and the need to update specialist studies Lindsey Dey was in the minority for the following reasons –

The maximum height of building provision on the site should be 56 metres, with an additional allowance for centralised lift overrun facilities. The schematic podium height should be reduced to better reflect the historical shopfronts in the vicinity of the site. This change will:

- better maintain the desired future character of the locality in the broader strategic framework.
- achieve a more acceptable transition between the southern end of commercial Crows Nest to low scale residential neighbourhoods.
- provide additional spatial/visual separation from the heritage listed, well known landmark Crows Nest Hotel.
- reflect recent, nearby approvals in Crows Nest for comparable sites i.e. that are not in very close proximity to St. Leonard's Station or the new Crows Nest Metro Station e.g. 575-583 Pac Hwy, 23-25 Atchison and 50-56 Atchison.
- mitigate the visual impact of future development on a prominent site that is topographically at the crest of the Five Ways "Hill".
- improve future conditions at street level for pedestrians and road users.
- reduce midwinter overshadowing of residential areas (including Heritage Conservation Areas).

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)	 Che Wall
 Julie Savet Ward	 Gail Connolly



Lindsey Dey

SCHEDULE 1

1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2022-14 – Five Ways Triangle, 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 for the site known as the ‘Five Ways Triangle’, 391-423 Pacific Highway, 3-15 Falcon Street and 8 Alexander Street, Crows Nest to increase the maximum height of buildings from 16m to 63.5m, increase the non-residential floorspace ratio from 0.5 to 2.5:1 and introduce a maximum floorspace ratio of 5.8:1.
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	<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): 28 September 2022<ul style="list-style-type: none">○ Panel members in attendance: Peter Debnam (Chair), Gail Connolly, Julie Savet Ward, Che Wall, Lindsey Dey○ DPIE staff in attendance: Matthew Rothwell, Brendan Metcalfe, Charlene Nelson• Briefing with Council: 28 September 2022<ul style="list-style-type: none">○ Panel members in attendance: Peter Debnam (Chair), Gail Connolly, Julie Savet Ward, Che Wall, Lindsey Dey○ DPIE staff in attendance: Matthew Rothwell, Brendan Metcalfe, Charlene Nelson○ Council representatives in attendance: Joseph Hill, Neal McCarry, Katerina Papas, Emma Booth, Jing Li• Briefing with Proponent: 28 September 2022<ul style="list-style-type: none">○ Panel members in attendance: Peter Debnam (Chair), Gail Connolly, Julie Savet Ward, Che Wall, Lindsey Dey○ DPIE staff in attendance: Matthew Rothwell, Brendan Metcalfe, Charlene Nelson○ Council representatives in attendance: Joseph Hill, Neal McCarry, Katerina Papas, Emma Booth, Jing Li○ Proponent representatives in attendance: Greg Colbran, Allie Cornish, Stephen Kerr, Lucy Langley, Nick Turner, Stephen Cox, Josh Milston○ Papers were circulated electronically on 6 September 2022.