

DATE OF DECISION	9 December 2022
DATE OF MEETING	7 December 2022
PANEL MEMBERS	Peter Debnam (Chair), Gail Connolly, Julie Savet Ward, Che Wall, Lindsey Dey
APOLOGIES	None
DECLARATIONS OF INTEREST	None
DEPARTMENT OF PLANNING AND ENVIRONMENT	Matthew Rothwell, Charlene Nelson and Brendan Metcalfe

PLANNING PROPOSAL

PP-2021-7451 – Sydney North – at 391-423 Pacific Highway, 3-15 Falcon Street and 8 Alexander Street, Crows Nest, known as **Five Ways Triangle**

The proposal seeks to amend North Sydney Local Environmental Plan 2013 by increasing the maximum height of buildings from 16m to 63.5m, increasing the non-residential floorspace ratio from 0.5 to 2.5:1 and introducing a maximum floorspace ratio of 5.8:1

PANEL DECISION – FORWARDING OF PLANNING PROPOSAL FOR GATEWAY DETERMINATION

As the Planning Proposal Authority, the Panel determined that the planning proposal should be submitted for a Gateway Determination under section 3.34 of the *Environmental Planning and Assessment Act 1979*.

The Panel was briefed by the Department on minor amendments to the planning proposal to address matter (a) podium height amendments and a reduction in the overall height from 63.5m, which has resulted in a 1m reduction in height to 62.5m. Further, the Panel noted Department advice that the remaining matters (b) to (e), as detailed in the Panel's 4th October 2022 Determination, would be resolved or confirmed before proceeding to Gateway.

The decision to proceed to Gateway was a majority decision with Lindsey Dey in the minority and confirming a preference for an overall height of 60.5m.






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 60.5 metres, including centralised lift overrun facilities. This 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 a level of protection for the heritage listed, well known landmark Crows Nest Hotel, and other nearby heritage items.
- 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".
- reduce midwinter overshadowing of residential areas (including Heritage Conservation Areas).
- reflect the advice of the Urban Design Team in relation to building height.

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 Lindsey Dey	