

Crows Nest Plaza - 101-111 Willoughby Road, Crows Nest

Proposal Title : **Crows Nest Plaza - 101-111 Willoughby Road, Crows Nest**

Proposal Summary : **To rezone a portion of the site from SP2 Special Uses - Car Park to B4 Mixed Use, amend the Height of Buildings Map and insert a clause allowing variation of the proposed height controls to a maximum of 1 metre without seeking a formal variation to development standards.**

PP Number : **PP_2014_NORTH_002_00** Dop File No : **14/01477**

Proposal Details

Date Planning Proposal Received : **14-Jan-2014** LGA covered : **North Sydney**

Region : **Sydney Region East** RPA : **North Sydney Council**

State Electorate : **NORTH SHORE WILLOUGHBY** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **101 Willoughby Road**

Suburb : **Crows Nest** City : **North Sydney** Postcode : **2065**

Land Parcel : **Lot 1 Sec 8 DP 1265**

Street : **103-111 Willoughby Road**

Suburb : **Crows Nest** City : **North Sydney** Postcode : **2065**

Land Parcel : **Lot 1001 DP 771247**

DoP Planning Officer Contact Details

Contact Name : **Martin Cooper**

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RPA Contact Details

Contact Name : **Brad Stafford**

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DoP Project Manager Contact Details

Contact Name : **Sandy Shewell**

Contact Number : **0285754115**

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro Inner North subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	70
Gross Floor Area :	9,506.00	No of Jobs Created :	141
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :	The Department of Planning and Infrastructure's Code of Conduct has been complied with. Metropolitan Delivery (CBD) has not met with or communicated with any lobbyist in relation to this planning proposal.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :			

Supporting notes

Internal Supporting Notes :	The planning proposal seeks to enable mixed use development of Crows Nest Plaza, the adjoining Council car park and a portion of Zig Zag Lane in Crows Nest, by rezoning a portion of the site zoned SP2 Infrastructure - Car Park to B4 - Mixed Use and amending the height of building provisions applying to the site. The planning proposal is the result of a collaborative process between the proponent and Council. The resultant proposal aims to achieve significant and tangible planning outcomes for the community, proponent and Council, particularly with regard to traffic, design and public domain improvements. The planning proposal implements Council's strategic vision for the area identified in the Crows Nest Shopping Area Masterplan 2002, the Crows Nest Main Street Strategic Plan 2010 and North Sydney Residential Development Strategy 2009. A draft voluntary planning agreement accompanies the planning proposal, which provides for significant public benefit through the provision of a publicly accessible plaza, reconstructed laneway and dedicated pedestrian walkway, and also public car spaces with 2 hour free parking. The project timeline accompanying the planning proposal indicates that Council will submit the draft LEP to the Department for finalisation in May 2014. Given that the planning proposal is related in part to the sale of Council land, a draft voluntary planning agreement and a formal road closure process, Council considers that the Department should retain plan making delegations.
External Supporting Notes :	Council supports this planning proposal and draft voluntary planning agreement because it will provide sound planning and public benefit outcomes, including: - the delivery of significant public benefit through provision of a publicly accessible plaza, reconstructed laneway and dedicated pedestrian walkway; - contribution to local housing stock through the delivery of an additional 70 dwellings;

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- provision of 4,210 square metres of retail floor space; and
- provision of 140 public car spaces with 2 hour free parking.

The planning proposal implements Council's strategic vision for the area identified in the Crows Nest Shopping Area Masterplan 2002, the Crows Nest Main Street Strategic Plan 2010 and North Sydney Residential Development Strategy 2009.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The objective of the planning proposal is to enable the redevelopment of an existing retail development, adjoining Council car park and laneway for mixed use purposes.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The planning proposal seeks to amend NSLEP 2013 by:

- rezoning a portion of the site, currently used as a Council car park and part of Zig Zag Lane, from SP2 Infrastructure - Car Park to B4 Mixed Use;
- amend the Height of Buildings Map (Sheet_001) from 10m and 13m to 1m, RL87.2 (3m), RL 88.0 (3.5m), RL93.4 (13.5m), RL102.6 (18m) and RL105.7 (26.5m) for the entire site;
- inserting the following subclause under Clause 4.3 Height of Buildings "(2C) Despite subclause (2), the boundaries of the height zones in relation to Nos 101-111 Willoughby Road, Crows Nest (Lot 1001 DP 771247 and Lot 1 DP 1265), the adjoining Council Car Park site and Zig Zag Lane are permitted to be adjusted up to 1 metre in any lateral direction within the site without triggering the necessity of variation under Clause 4.6".

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

3.1 Residential Zones

3.4 Integrating Land Use and Transport

5.1 Implementation of Regional Strategies

5.2 Sydney Drinking Water Catchments

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards

SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

SEPP No 6—Number of Storeys in a Building

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

SEPP No 70—Affordable Housing (Revised Schemes)

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The planning proposal has the potential for inconsistency with s117 Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones. The planning proposal seeks to zone the entirety of the subject site to Zone B4 Mixed Use, which permits both commercial premises and residential uses. Clause 4.4A of NSLEP 2013 specifies a non-residential floor space ratio of 0.5:1 for the site.

Although Council has proposed residential (70 dwellings), retail and commercial uses (with potential for 141 jobs), in accordance with the concept plans submitted with the planning proposal, the final configuration of mixed use floor space will be subject to a future development application. Therefore, future development could potentially reduce the floor space for employment uses and residential uses. The gateway determination should request Council to address the potential inconsistency and demonstrate the manner in which the intended outcomes outlined in the concept plan will be achieved.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal includes maps showing the existing height of buildings and land use zoning controls for the site and a proposed height of buildings map. It is recommended that the planning proposal is updated prior to the commencement of community consultation to include maps showing current and proposed height of buildings and land use zone controls. The proposed amendment maps are to be prepared in accordance with the SI Mapping Guidelines.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The planning proposal recommends community consultation for a minimum of 14 days, consistent with a low impact proposal. This recommendation is supported.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **August 2013**

Comments in relation to Principal LEP :

North Sydney LEP 2013 (NSLEP 2013) was notified on 2 August 2013. The planning proposal will proceed as an amendment to NSLEP 2013.

Assessment Criteria

Need for planning proposal :

The planning proposal is a result of a collaborative process between the proponent and Council. The planning proposal and accompanying draft voluntary planning agreement will

result in:

- the delivery of significant public benefit through provision of a publicly accessible plaza, reconstructed laneway and dedicated pedestrian walkway;
- contribution to local housing stock through the delivery of an estimated 70 additional dwellings;
- the provision of 4,210 square metres of retail floor space with the capacity for approximately 141 additional jobs; and
- the provision of 140 public car spaces with 2 hour free parking.

Consistency with strategic planning framework :

The planning proposal is consistent with the Sydney Metropolitan Strategy 2036, draft Metropolitan Strategy 2031 and draft Inner North Subregional Strategy.

Environmental social economic impacts :

It is not envisaged that the planning proposal will have adverse environmental, social or economic impacts.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation :

Public Authority Consultation - s56(2)(d) : **Transport for NSW - Roads and Maritime Services**
Adjoining LGAs

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
North Sydney Council Letter & Resolution to prepare Planning Proposal.pdf	Proposal Covering Letter	Yes
North Sydney Council Report - 2 December 2013.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Appendix 1 - Site Area Plan.pdf	Drawing	Yes

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Appendix 2 - Indicative Concept Plans.pdf	Drawing	Yes
Appendix 3 - Proposed Building Height Map.pdf	Map	Yes
Draft Voluntary Planning Agreement.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 5.1 Implementation of Regional Strategies
 5.2 Sydney Drinking Water Catchments
 6.1 Approval and Referral Requirements
 6.2 Reserving Land for Public Purposes
 6.3 Site Specific Provisions
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the planning proposal proceed subject to the following conditions:**

- 1. The draft voluntary planning agreement be placed on public exhibition with the planning proposal.**
- 2. The planning proposal is exhibited for 14 days.**
- 3. The planning proposal be completed within 9 months.**
- 4. A public hearing is not required to be held.**
- 5. Council must consult with Transport for NSW - Roads and Maritime Service and Adjoining LGAs under section 56(2)(d) of the Environmental Planning and Assessment Act, 1979.**
- 6. Council must address the potential inconsistency with S117 Direction 1.1 Business and Industrial Zones and 3.1 Residential zones in the planning proposal prior to the commencement of community consultation.**
- 7. Prior to the commencement of community consultation, Council must amend the planning proposal to include maps showing the existing and proposed height of building and land use zoning controls. The proposed amending maps are to be prepared in accordance with the SI Mapping Guidelines.**
- 8. Written authorisation to exercise delegation under section 59 of Environmental Planning and Assessment Act, 1979 should not be issued to Council in relation to the planning proposal.**

Supporting Reasons : **The planning proposal should be approved as it provides for:**

- the delivery of significant public benefit through provision of a publicly accessible plaza, reconstructed laneway and dedicated pedestrian walkway;**
- contribution to local housing stock through the delivery of an estimated 70 additional dwellings; and**
- an additional 4,210 square metres of retail floor space with the capacity for approximately 141 additional jobs.**

Signature:

Sherwell

Printed Name:

Sandy Sherwell

Date:

5.2.14

