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**Planning Proposal for Nos. 101-111  
Willoughby Road, Crows Nest,  
adjoining Council Car Park and Zig  
Zag Lane**

**October 2013**

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|----------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------|
| 11179                                                                                                                            | Draft                | HP 24.09.13        | SF 24.09.13          | <br>Name: Sue Francis<br>Executive Director |
| 11179                                                                                                                            | Final                | HP 24.10.13        | SF 24.10.13          |                                                                                                                                  |
| Note: This document is preliminary unless it is approved by a Project Manager or Director of City Plan Strategy and Development. |                      |                    |                      |                                                                                                                                  |

## 1 EXECUTIVE SUMMARY

This Planning Proposal (PP) is being submitted as a proposal by North Sydney Council and Coles Property.

This PP explains the intended effect of, and justification for, the proposed amendment to North Sydney Local Environmental Plan 2013. The amendment is a site specific 'principle' LEP for **Nos. 101-111 Willoughby Road, Crows Nest** and the adjoining **Council owned parking site and Zig Zag Lane** to the rear (the site). It has been prepared in accordance with **Section 55** of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the relevant Department of Planning Guidelines including *"A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals"*.

This PP seeks to amend the existing zoning for the Council parking area and Zig Zag Lane **from SP2 Car Park to B4 Mixed Use**, to allow permissible development of the site. The PP also seeks to amend the building height controls, increasing the building height **from 10 and 13 metres** to accommodate a four to six storey development, with a maximum building to the top of the building of RL 102.7, being a building height of **26.5 metres** as measured from the footpath level at Atchison Street. The proposed zoning and building height allows for orderly development for the site under North Sydney Local Environmental Plan 2013 (NSLEP 2013).

This proposal was put forward to North Sydney Council in a submission to the Draft LEP 2009. Council advised in their report to Council dated 4 July 2011 that they considered this proposal to have merit which should be considered independent of the Draft LEP 2009 via a PP. Since this time, the LEP has been gazetted and came into force on 13 September 2013, which did not adopt the proposed rezoning and building height, given this PP addresses the proposed changes to the controls in the current NSLEP 2013.

This PP will allow the redevelopment of the existing retail development and adjoining Council car park and Zig Zag Lane for mixed use retail / residential development and is considered appropriate as the site is located in a transitional area which can accommodate the demand for additional retail and residential development.

The proposed rezoning of the Council car park and Zig Zag Lane will provide the opportunity for the effective development of the site, which will result in an appropriate built form and resolve the current shortfalls of the site related to the Council car park and lack of public open space, provide the community with an accessible and usable 'plaza' open space area and provide improved vehicular and pedestrian access and traffic mechanisms to the site.

This proposal is supported by a Draft Planning Agreement which supports the public benefits to the community and infrastructure of the immediate locality which are provided as a direct result of this PP.

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The proposal is an appropriate land use which will reinvigorate the northern end of the Crows Nest Town Centre and provide beneficial housing opportunities which are supported by open space, car parking and retail opportunities in a valuable location. Moreover, the proposed rezoning and increase to the building height controls are considered to be a suitable development for the Crows Nest Town Centre and demonstrates consistency with North Sydney Council's Residential Development Strategy.

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## 2 THE SITE AND CONTEXT

### 2.1 The Site

The site currently consists of three sites as demonstrated in the Survey Plan in **Figure 1** below. The portion of the site which contains the existing supermarket and retail shops, Crows Nest Plaza, is known as Nos. 103-111 Willoughby Road, Crows Nest on the corner of Willoughby Road, Atchison Street and Zig Zag Lane with a legal description of Lot 1001 DP 771247. The portion of the site containing the existing dwelling previously occupied for commercial purposes is No. 101 Willoughby Road, Crows Nest on the corner of Willoughby Road and Albany Street with a legal description of Lot 1 Sec 8 DP 1265. These sites (Nos. 101-111 Willoughby Road) are located along the main retail / residential strip on the eastern side of Willoughby Road (between Atchison Street and Albany Street) as demonstrated in **Figure 2** below (highlighted in red). The existing two storey plaza comprises 29 retail shops, 1 supermarket and 74 car parking spaces, with a floor area of 4,054m<sup>2</sup>.

The proposal also seeks to include a portion of Zig Zag Lane and the Council car park to the rear (DP 619403) (see **Figure 2** below highlighted in yellow). These sites currently provide access to the loading and parking area of Crows Nest Plaza via Zig Zag Lane to the rear (see **Photos 1-5**).

The combined area of the site the subject of this Planning Proposal is 4,007.8m<sup>2</sup> as demonstrated in the Site Area Plan provided at **Appendix 1**.

The following series of photographs of the site illustrate Crows Nest Plaza, the residential dwelling, Zig Zag Lane and Council car park in their current form.

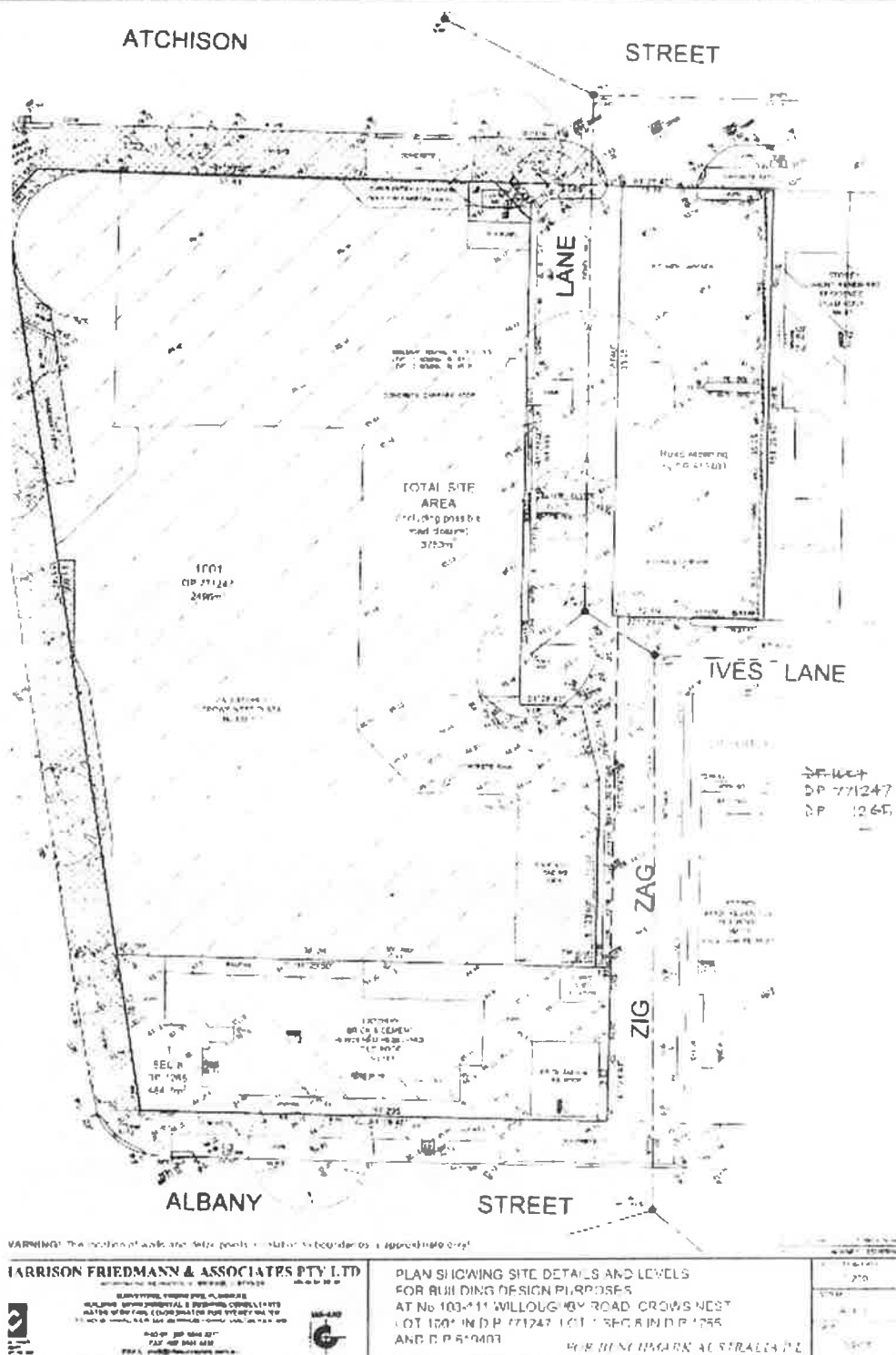


Figure 1: Survey Plan



**Figure 2:** Aerial view of the site. The proposed development site comprises Nos. 101-113 Willoughby Road highlighted in red; and Zig Zag Lane and the Council car park which is highlighted in yellow (Source: Google Maps).



**Photo 1:** View of the site taken from the intersection of Willoughby Road and Atchison Street looking south along Willoughby Road.

This photo shows the existing Crows Nest Plaza, which is a two storey development with rooftop parking. The site comprises 1 supermarket, 29 retail shops and 74 parking spaces.

This photo shows No. 101 Willoughby Road (right) being the residential dwelling previously occupied by a dental surgery and beauty salon, and Crows Nest Plaza at Nos. 103-111 Willoughby Road (left).



**Photo 2:** View of the subject site taken from the corner of Willoughby Road and Albany Street showing the site.

This photo shows the existing access to the underground car of Crows Nest Plaza off Atchison Street (centre). The access to Zig Zag Lane, Council car park and rooftop parking is shown to the left.



**Photo 3:** View of the site taken from Atchison Street.

This photo shows the location of the proposed plaza which will be accessible for the use of the public and improve the streetscape presentation of the site.



**Photo 4:** Photo of the existing residential development, No. 101 Willoughby Road, Crows Nest, which has previously been occupied by a dental surgery and beauty salon.

This photo shows the location of the ingress & egress for the basement parking, and the loading dock ingress.



**Photo 5:** Photo of Zig Zag Lane and the Council car park taken from Atchison Street.

## 2.2 Surrounding Development

The site is located in a well-established specialist town centre area and is characterised by predominantly commercial and retail development to the north and south along Willoughby Road (see **Photos 5** and **12**). The properties immediately to the east and to the north-east of the site are residential developments (see **Photos 8, 9** and **10**). This portion of Willoughby Road, Crows Nest is characterised by varied building types generally two to four stories in height for the purpose of mixed use development with shops, commercial premises, cafes and restaurants, community facilities and residential development within the surrounding area.



**Photo 5:** Photo of the commercial and retail developments (left) and residential developments (right) along Willoughby Road opposite the site.



**Photo 6:** Photo of the residential development along Willoughby Road opposite the site, No. 150 Willoughby Road, Crows Nest.



**Photo 7:** Photo of the retail and commercial development along Atchison Street opposite the site.



**Photo 8:** Photo of the neighbouring residential developments located along Atchison Street east of the site. Zig Zag Lane is located to the right. This portion of the road is proposed to be closed to vehicular traffic.



**Photo 9:** Photo of the site showing Zig Zag Lane and the Council car park with the neighbouring residential developments to the left.



**Photo 10:** Photo of the neighbouring residential dwellings taken from Albany Street looking east.



**Photo 11:** Photo taken from the intersection of Willoughby Road and Albany Street showing the neighbouring commercial, retail and residential developments looking south along Willoughby Road.



**Photo 12:** Photo of neighbouring residential flat buildings, at No. 59 Atchison Street (right) being 4 storeys in height and No. 150 Willoughby Road (left) being 3 storeys in height (also shown in **Photo 6** above) taken from Atchison Street.

## 2.3 Background

The following is a history of relevant planning considerations for the site: -

### **The preparation of the North Sydney Draft Comprehensive LEP 2009 (which recently came into force as the NSLEP 2013)**

On 15 October 2007 Council resolved to prepare a new draft Comprehensive Local Environment Plan (LEP) 2009 consistent with the State Government's Standard Template.

On the 8 December 2008, a Section 64 report was presented to Council and Council resolved to adopt the draft North Sydney Draft Local Environmental Plan 2009.

On 20 October 2010, a revised Section 65 Certificate was issued by the Department of Planning (replacing the previous Section 65 Certificate dated 2 July 2010). The certificate was subject to changes, however no changes relate to the subject site.

The draft LEP 2009 and supporting Draft DCP 2010 and Character Statements identified that the site is within the St Leonards Specialist Centre and is to be zoned **B4 Mixed Use** retaining the maximum height of 13 metres. This includes the rezoning of the Special Uses zoned area containing Zig Zag Lane and the Council car park to **B4 Mixed Use**. In response to a submission to the Draft LEP 2009 by the applicant, Council resolved in their report to Council dated 4 July 2011, that the amendment to the height controls should be considered in a PP on the site. As a result, the subject PP is a response to Council's direction for a PP.

The draft LEP is supported by two strategic documents known as the Local Development Strategy and Residential Development Strategy. Both these documents illustrate how the Council's new LEP and DCP will assist in fulfilling the State Government's objectives and

targets set out in the Metropolitan Strategy and draft Inner North Subregional Strategy. Council formally adopted these documents on 20 June 2011.

The Residential Development Strategy demonstrates that Crows Nest has the potential to accommodate additional dwellings to assist in reaching the target of 5,500 additional dwellings between 2004 and 2031. This outcome will also support St Leonards being a 'specialised centre' to promote suitable housing opportunities and extra employment capacity within walking distance of shops, employment, public transport, recreational, educational and health services. The promotion of the mixed use area will provide a distinctive environment which will improve the competitive nature of the immediate locality.

On 21 July 2011 Council forwarded the draft LEP 2009 to the Department of Planning and Infrastructure.

The NSLEP 2013 was gazetted and came into force on 13 September 2013. The zoning for Nos. 101-111 Willoughby Road was maintained at B4 Mixed Use with a building height of 13 metres. The zoning of Zig Zag Lane was also maintained as car parking, with a building height of 10 metres.

### **Previous Approval**

On 16 June 2009, Development Application (DA) 53/08 was approved by North Sydney Council as a deferred commencement consent for the demolition of the existing shopping centre and semi-detached dwelling at Nos. 101-111 Willoughby Road, Crows Nest. The DA included the consolidation of the sites and construction of a mixed-use development comprising 5 basement levels (including car parking for 254 vehicles and a supermarket), 4 levels above ground (including a further supermarket, retail floor space, loading docks and residential apartments) with 8,097.5m<sup>2</sup> of floor space. The approval included Traffic Calming and Management measures in the form of a deed of agreement with Council for the closure of Atchison Street to traffic to the east of Zig Zag Lane and a roundabout at the intersection of Willoughby Road and Atchison Street.

At its meeting on 15 June 2009, Council adopted the recommendation of the Traffic Committee to support the installation of the roundabout at the intersection of Willoughby Road and Atchison Street described above. As a result, the DA was deferred to allow for the Roads and Traffic Authority's 14 day objection period and delegation be given to the General Manager to determine the application should no objection be received within this time period.

At its meeting on 28 September 2009, Council granted deferred commencement consent for DA 53/08. The deferred commencement conditions included a requirement for the applicant to enter into a Deed of Agreement with Council for the essential traffic management and public domain works. This Deed of Agreement is yet to be entered into.

### **3 OBJECTIVES OR INTENDED OUTCOMES**

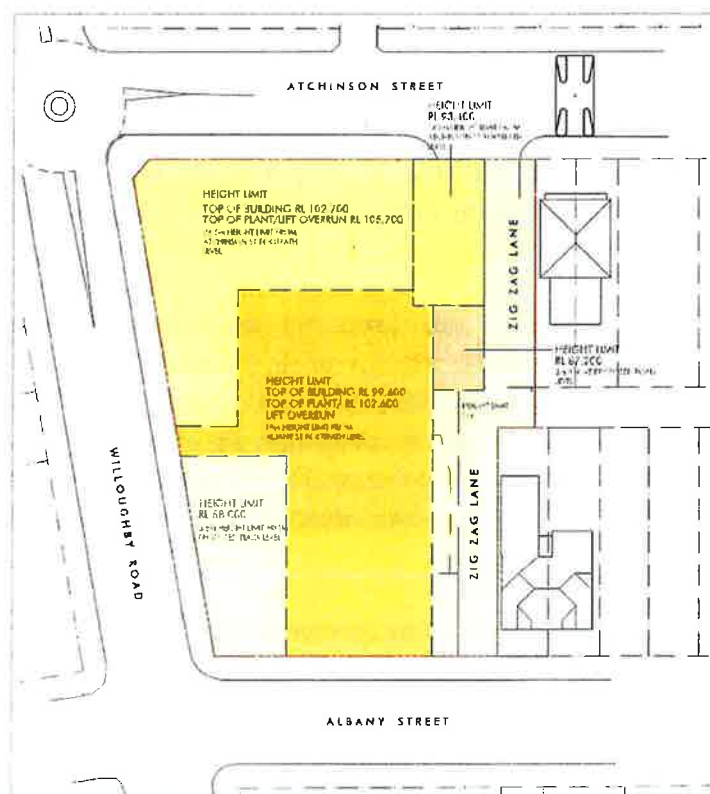
The objectives or intended outcomes of the PP are to: -

- i. Enable the redevelopment of the site for higher density residential development that provides a quantum of housing that will reasonably contribute to sub regional housing targets without adverse impacts to the amenity and environment of the local area, consistent with the Metropolitan Strategy and Draft Sub-regional Strategy as well as relevant Section 117 directions;
- ii. Identify the relevant community public benefits and infrastructure contributions which are provided as a direct result of this PP via a Draft Planning Agreement;
- iii. Amalgamate the lots to enable a development site of an appropriate size with suitable provision of access;
- iv. Enable the redevelopment of the site for improved retail opportunities to support the livelihood of the Specialist Centre;
- v. Provide a public plaza which offers improved public domain and public open space provision;
- vi. Protect and enhance the local environment including amenity of adjoining premises;
- vii. Provide for the orderly and economic use of land;
- viii. Encourage the development of buildings that achieve design excellence and that would be appropriate in scale and character to this part of Willoughby Road;
- ix. Maximise the use of public transport, walking and cycling for trips to, by integrating accessibility to services and public transport as well as the provision of on-site parking; and
- x. Ensure the use of land is appropriate to managing and minimising environmental risks.

## 4 EXPLANATION OF THE PROVISIONS

This PP is being submitted as a joint proposal between North Sydney Council and Coles Property and seeks the following modifications to the provisions of the North Sydney Local Environmental Plan (NSLEP) 2013: -

- a rezoning for the Council car park and Zig Zag Lane **from Car Park to B4 Mixed Use** under the North Sydney Local Environmental Plan (NSLEP) 2013 to enable the redevelopment of the sites as demonstrated in the Indicative Concept Site Plan (**Appendix 2**); and
- Amending the NSLEP 2013 Height of Buildings Map (001) to defer the subject site and reference the proposed Height of Building Schedule as shown in **Figure 3** below (**Appendix 3**). The proposed site specific height control results in a maximum RL 105.700 being **26.5 metres** as measured from the footpath level of Atchison Street to the top of the plant / lift over run. The building height across the site relates to the indicative building footprint and height across the site.



**Figure 3:** Extract of the proposed building height map for the subject site

The proposal also seeks the introduction of the following additional clause to the NSLEP 2013: -

#### ***“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 a variation under Clause 4.6.”*

#### **Explanation for the proposed building height map provision**

In order to ensure that the outcome of the PP results in the provision of a suitable building footprint and building height arrangement, in particular with respect to the main roof form and the rooftop plant and equipment and lift overrun facilities, it is considered appropriate to provide a building height map with designated RLs, to supplement the indicative maximum building heights as measured in metres. The application of the RLs is proposed due to the difficulties in applying the standard definition of building heights pursuant to the NSLEP which requires measurements from “*ground level (existing)*.” Given the site has an existing development with levels below street level and the substantial slope of the site, the development would need to measure height from the lowest level and thus lose storeys. In the circumstance, it is more appropriate to apply RLs as a maximum building height to avoid an immediate transgression of the height development standard.

The indicative building heights as shown on the proposed building heights map, reference the proposed building heights as measured from the existing footpath level which they adjoin. This reference point has been provided to demonstrate a relative building height measurement in relation to the public domain.

The proposed site specific building height plan also takes into account an allowance to ‘adjust’ the height boundaries laterally, within the site, by up to 1 metre to allow for the maximum building heights to suit future design considerations with regard to building siting to achieve the most appropriate built form outcome. In circumstances where the Council’s own Design Excellence Panel may have input into the future DA and where the heights on the height map may be too rigid, this flexible clause is considered desirable to ensure design excellence without statutory rigidity.

This 1.0 metre lateral allowance is considered to be a key component of the objectives of the PP, to allow for the redevelopment of the site which demonstrates full compliance with the amended development controls. This PP has undergone careful consideration with regard to the future development of the site to provide an appropriate planning outcome, and it is considered to be in the public benefit to ensure that the proposed building height map can be accurately applied to the future development form. The 1m lateral allowance for the boundaries of the building height within the site are an appropriate planning mechanism, and avoids the onerous and undesirable need for a future Clause 4.6 Exceptions to Development Standards for the future Development Application should design excellence require

adjustment to the detailed design. This approach is not considered to set a precedent for any future planning proposals, as it should be applied on a site by site basis and only if appropriate.

In addition, the portion of the site which is to accommodate utility services such as substations, etc, has been nominated to allow for these services to be provided without triggering a Clause 4.6 exception where it would exceed a 1m building height limit.

Similarly, the current design approach for the plaza area is likely to include a covered walkway along portions of the Willoughby Road frontage for shade and rain protection purposes for pedestrians as well as street furniture to support the future non-residential (retail) uses at plaza level to enhance the public domain, as well as other potential public domain items such as bollards, etc. In response, the proposed Height of Buildings Map provides an allowance for ancillary structures such as this.

In the circumstances, the proposed building height map provides appropriate consideration of the overall built form with respect to the roof form and the rooftop plant and equipment to enable a development which achieves an appropriate development outcome.

### **Building Height Plane Development Control**

It is noted that the previous NSLEP 2002 included Clause 30 Building Height Standard. This clause is not within the current NSLEP 2013. However there is a similar provision in the North Sydney DCP. The site directly adjoins land to the east zoned R2 Low Density Residential and Clause P7 of the DCP is relevant, as follows: -

*"... a development proposed on land adjoining or adjacent to a Residential or Recreation zone must not exceed a building height plane commencing:*

*(a) at 3.5m above ground level (existing) and projected at an angle of 45 degrees internally to the site from all boundaries that directly adjoin land zoned R2 – Low Density Residential, R3 – Medium Density Residential, R4 – High Density Residential, RE1 – Public Recreation.*

The indicative Concept Proposal has been designed in consideration of this Building Height Plane requirement, and is capable of achieving appropriate setbacks to satisfy this requirement and enable a reduction in the impact of the scale of the built form when considered in light of the residential properties to the east.

## 5 DESCRIPTION OF THE PLANNING PROPOSAL

This amendment to the NSLEP 2013 will allow the redevelopment of the site to achieve an appropriate height, bulk and scale within the context and setting of Willoughby Road, Crows Nest. An indicative concept "mixed-use development" has been prepared to indicate the likely future development.

The development is proposed to comprise a 4-6 storey mixed use building including:

- 3 levels of residential and non-residential parking; and
- residential and commercial floor space.

The PP has the potential to incorporate aspects of the previously approved Development Consent (DA 53/08) which were supported by Council, including the Traffic Calming and Management techniques being the closure of Atchison Street to vehicular access east of Zig Zag Lane and a roundabout at the intersection of Willoughby Road and Atchison Street.

The indicative concept mixed use development recognises that the applicant has offered to enter into a Draft Planning Agreement with North Sydney Council as part of the PP. The objective of the draft Planning Agreement is to secure the preservation of public open space and the delivery of public benefit works in connection with the development. The effect of the Draft Planning Agreement is to require the owner to: -

- (a) purchase of Part Zig Zag Lane including the widened area currently subject to car parking (refer to the plan accompanying the Draft Planning Agreement);
- (b) carry out works to redevelop Zig Zag Lane, including a Public Pedestrian Walkway, develop a plaza with an area of approximately 415m<sup>2</sup> for use as public open space and construct 2 basement levels of public / retail car park;
- (c) on completion of the works, to redevelop the Laneway and construct the Public Pedestrian Walkway. The Owner will register easements in gross in favour of the Council permitting public access to the Laneway and the Public Pedestrian Walkway, to maintain and repair the Laneway and the Public Pedestrian Walkway to the satisfaction of Council, and maintain sufficient public liability insurance covering the use of these items;
- (d) construct a minimum of 140 car parking spaces to be used as retail and public car parking to be owned and operated by the Owner, to be available for use as a public car parking in perpetuity with a minimum of two hours of free parking during retail trading hours, to be accessible by the general public;
- (e) enter into a covenant, to be registered on the title of the Land, prohibiting the use of the Plaza Area for any purpose other than public open space and prohibiting

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any building or development (other than general public open space embellishment) on the Plaza Area; and

- (f) ensure the works listed above are designed and constructed to the Australian Standard applicable to the construction of the relevant works.

The Planning Agreement states that Council will be responsible for making an application under section 34 of the Roads Act 1993 to close Part Zig Zag Lane including the widened area currently subject to car parking (refer to the plan provided with the Draft Planning Agreement).

The Contributions are to be taken into consideration by Council under s94(6) of the Act in determining development contributions applicable to the Development under section 94 of the Act. The resulting works in kind which are capable of providing a material public benefit will be assessed with regard to the 2004 North Sydney Contributions Plan.

An Interim Occupation Certificate / Occupation Certificate is permitted to be issued prior to easement being formally registered if it can shown that all steps have been taken to enable registration.

The Planning Agreement is intended to come into effect upon the grant of a satisfactory development consent.

The indicative proposal is demonstrated in **Figure 4** below.



**Figure 4:** Indicative Concept Floor Plan of the Plaza Level (Source: Nettleton Tribe)

This PP has been prepared in accordance with **Section 55 of the EP&A Act, 1979** and the Department of Planning guide to preparing Planning Proposals. A Gateway determination under **Section 56 of the Act** is requested.

## 6 JUSTIFICATION

The PP will allow the redevelopment of the existing Crows Nest Plaza and adjoining Zig Zag Lane and Council parking area for mixed use development and is considered appropriate for the following reasons: -

- the existing Crows Nest Plaza is declining in its ability to attract customers, is old and requires repair and maintenance. Its replacement with a more modern and attractive development will offer improved retail opportunities to the locality;
- the existing residential development at No. 101 Willoughby Road, which has more recently been occupied as a commercial premises is an isolated site which provides limited benefits to the community;
- the existing vehicular access and parking arrangements provide a poor urban form and are ineffective;
- the existing site does not provide any public open space;
- the consolidation of the Crows Nest Plaza, residential site, Zig Zag Lane and Council car park will improve the presentation of the development to the public domain and provide a modern development which cohesively integrates with the retail strip along Willoughby Road;
- the site is in a locality which is transitioning and has the services available to accommodate high density development with the Warringah Freeway and Pacific Highway in close proximity;
- the proposed redevelopment of the land would be appropriate in scale and character to the retail / mixed use strip which is the future urban design intent of Willoughby Road; and
- the desirable location of the site within walking distance to the 'five-ways' at Crows Nest and public transport and thus well located for an increased building height.

The PP seeks to allow the redevelopment of the land and to resolve current limitations of the site. In particular, the lack of public open space and Council car parking which is limited in terms of access as it conflicts with the Plaza's loading area and Laneway and its significant slope. The proposed Planning Principles for the redevelopment of the site are intended to be refined throughout the planning process, and are as follows: -

### • **Public Domain Improvements:**

The proposal provides the opportunity to substantially improve the quality of the public domain. These improvements include: -

- the introduction of a Public Plaza with an area of approximately 415m<sup>2</sup>. This Public Plaza will also improve the relationship with the immediate area through the removal of the existing built form and the construction of an aesthetically pleasing plaza area for the use of the public at the corner of Willoughby Road and Albany Street, which is

framed by generous building setbacks. The plaza creates a sense of openness in relation to the public domain;

- the removal of the existing parking arrangement comprising council parking in the laneway and parking within the existing building which has limited accessibility and a poor relationship with the public domain. The proposal increases the existing parking provision on the site from 74 spaces to a minimum of 140 public car parking spaces. The proposed public parking provision is to be used as retail and public car parking which is available for public use during retail trading hours;
- improved treatments to the pedestrian footpath areas adjoining the street providing a consistent presentation; and
- the implementation of suitable traffic management measures, such as the closure of Atchison Street to the east of the site and improvements at the intersection of Willoughby Road and Atchison Street. These works will improve and manage vehicular access to the site and improve the functionality of vehicular and pedestrian safety in the immediate vicinity.

The introduction of these items ensure that the redevelopment of the site results in positive physical benefits to the public domain and create a sense of connectivity which directly benefits the local community. The public domain improvements result in a high level of amenity for the future occupants and the general public.

- **Housing:**

Provide housing that contributes to subregional and local housing targets for market and affordable housing. The proposed housing forms will respond to the needs of the local community, and provide a mix of dwelling types to provide aging in place, affordable housing, and adaptable and accessible housing (also refer to **Section 8.4** relating to relevant Section 117 directions).

- **Retail:**

Provide modern retail opportunities which will contribute to the generation of employment and economic growth for the local neighbourhood. The proposed development will strengthen the retail precinct of the main street and effectively amalgamate the sites to enable a larger scale development which will add flexibility to the broadening retail mix and support the viability of the distinctive retail potential of Crows Nest.

- **Built Form and Design:**

Demonstrate design excellence across a suite of diverse architectural responses. Buildings will have a diverse design, and pattern, with active frontages and articulated elevations. The development will be of a compatible scale at its interfaces with surrounding mixed use buildings. The bulk, scale and location of buildings will consider local views into, over, through and from within the site. The public plaza will feature appropriate open space and

embellishment elements which provide a high level of amenity and integration with the future desired character of Crows Nest.

- **Transport and Access:**

Prioritise sustainable transport opportunities, including walking and cycling, by maximising access to connectivity with surrounding areas, public transport and nearby centres and activity hubs. The provision of car parking on the site will be provide much needed parking services, having regard to the North Sydney parking policy which addresses accessibility to public transport and services.

- **Sustainability:**

Implement best practice ESD principles in design and construction and allow for the ongoing sustainable use of buildings to reduce greenhouse gas emissions, reduce potable water use, reduce waste and improve the local ecosystem, including enhancing remnant vegetation and landscape features. Development of the site will take a whole of catchment approach to water cycle management integrating the provision of open space with opportunities for water sensitive urban design that manages water onsite, reduces pollutants flowing to the harbour, improves waterway health and reduces potable water use.

## 7 Need for Planning Proposal

### 7.1 Is the Planning Proposal a result of any strategic study or report?

The PP was considered in a submission to the Draft LEP 2009 and as a result, Council advised that a rezoning should be considered independently of the Draft LEP via a PP as detailed in Council's Report to the General Manager dated 4 July 2011.

In addition, North Sydney Council approved Development Application 53/08 on 16 June 2009 for a mixed use development for Nos. 101-111 Willoughby Road, Crows Nest. This approval demonstrates that the site is suitable for this form of development, however it is considered the site and development is capable of an improved urban form which can provide greater benefits to the community. As such, the subject PP has been submitted to amend the current NSLEP 2013 to accommodate a built form and urban design outcome.

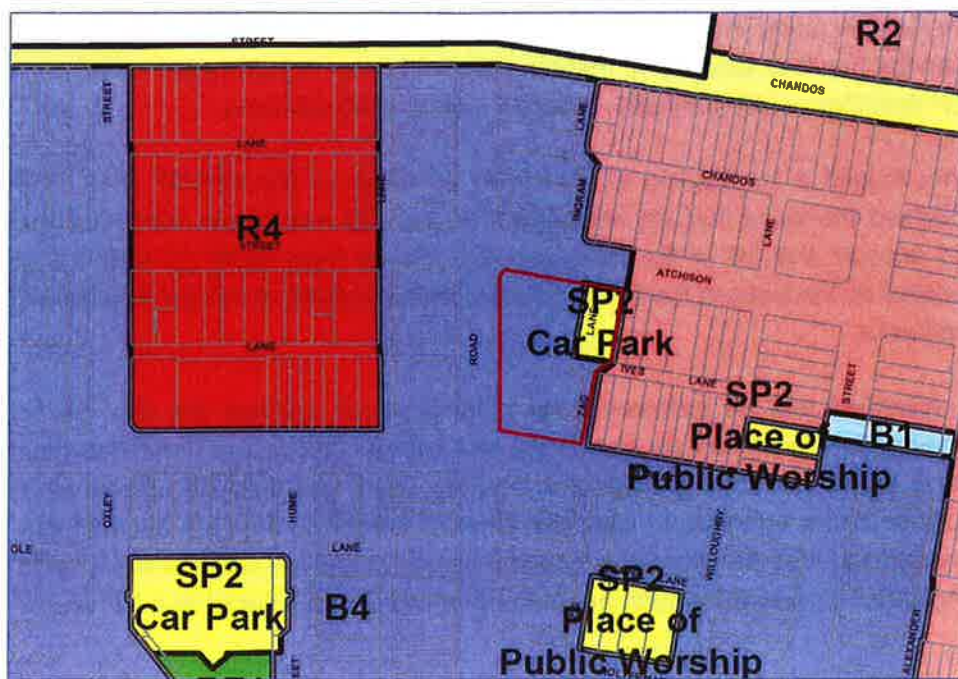
This PP is also the result of ongoing consultation with Council to ascertain the preferred planning outcome for this site. Council was initially approached in January 2012 to discuss the indicative future development options for the amalgamated site, and Council's preference with regard to addressing the public domain and road closure of Atchison Street to the north-east of the site. Following the outcome of this initial meeting with Council, this scheme was revised and further discussions with Council were held early February 2012. This scheme included the inclusion of Zig Zag Lane and Council's car park only. Council provided a further response which indicated a preference for the scheme to create a public open space / plaza at the corner of Willoughby Road and Albany Street and that the main building form should be towards the Atchison Street frontage. This scheme is representative of the final indicative concept scheme submitted with this PP (**Appendix 2**). A final presentation was made to Council's officers on 4 June 2012 which established the planning pathway for this PP and Draft Planning Agreement.

This process is considered to be an ongoing analysis and strategic study which has been endorsed by both the proponent and Council and has been informed by ongoing consultation between these parties.

### 7.2 Is the Planning Proposal the best means of achieving the objective or intended outcomes or is there a better way?

This section sets out the means through which the objectives described in **Section 4.1** will be achieved.

The North Sydney Local Environmental Plan (NSLEP) 2013 applies to the subject site, which is zoned **B4 Mixed Use** with a maximum height of 13 metres (10 metres for the car park area) as demonstrated in **Figures 5 and 6** below.



**Figure 5:** Extract from NSLEP 2013 zoning map identifying Nos. 101-111 Willoughby Road, Crows Nest as B4 Mixed Use and the Car Park as SP2 Car Park, with R2 Low Density Residential to the east and R4 High Density Residential to the west (sites outlined in red).



**Figure 6:** Extract from the Height Map under the NSLEP 2013 demonstrating a maximum height of 13m for 'N' and 10m for 'K' for the subject sites (outlined in red). The maximum building heights of the neighbouring sites are 8.5 metres for 'I', 16 metres for 'O2.'

Specifically however, it is noted that the height limit at 13 metres under the NSLEP 2013 is actually lower than the previous existing 13 metre height limit under NSLEP 2001 by virtue of the Standard LEP definition, which inter alia, includes plant and lift overruns.

The current owner lodged a submission to the public exhibition of the NSLEP 2013. The submission highlighted the issue that the height limit on the site was overly restrictive and did not take into account the fall of the land (some 5 metres from south to north). The submission requested an increase to the building height with a building envelope established by appropriate setbacks.

The submission identified that by increasing the building height controls the site will be capable of redevelopment to create an interesting and vibrant mix of uses within a high quality environment whilst maintaining residential amenity, which satisfies the objectives of the zone. In response to this submission, inter alia, Council's report to the General Manager on 4 July 2011 recognised that the alternative concept design submitted with the submission had merit, and indicated its desire for such an amendment to be considered in a PP on the site.

The subject PP is therefore a response to Council's resolution of the meeting dated 4 July 2011. This PP responds to the current zoning and development controls pursuant to the NSLEP 2013 which recently came into effect.

The Department of Planning's current position on LEPs, such as the type described in this PP, is found in the Department of Planning Circular No. PS06- 005, dated 16 February 2006, titled "Local environmental plan review panel". The Circular requires Council to address the following pro-forma evaluation criteria when notifying the Director-General of its decision to prepare an LEP:

**Table 1: Evaluation criteria for new LEP's:**

| DEPARTMENT OF PLANNING<br>CRITERIA                                                                                                                                                                  | COMMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg, land release, strategic corridors, development within 800 metres of a transit node)? | Yes, the PP will provide for increased housing on a site that is strategically located within 1km of St Leonards (specialised centre).<br><br>See <b>Table 2 in Section 8.1</b> for further detail on the compatibility of the PP with State and regional strategic directions for development.                                                                                                                                                                                      |
| Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (section 117) directions?                                                             | The Draft Subregional Strategy identifies this Site as located within the St Leonards specialised centre catchment area.<br><br>It considered that the PP will be generally consistent with State and regional policies and Ministerial (section 117) Directions. Further technical work to demonstrate this is also proposed as a part of the planning approval process for any future DA on the site.<br><br>See <b>Tables 2, 3 &amp; 4 in Section 8</b> for further detail on the |

|                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                               | consistency of the PP with State and regional policies and Ministerial Directions.                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy? | The PP is strategically located within the St Leonards specialised centre catchment.<br><br>The relationship between the PP and nearby Centres and Corridors is also addressed in <b>Table 2</b> in <b>Section 8.1</b> 'Centres and Corridors.'                                                                                                                                                                                                                                                                                           |
| Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?                                                   | The PP is for higher residential yield and the redevelopment of an existing retail site, which will not result in a loss of permanent employment generating activities.                                                                                                                                                                                                                                                                                                                                                                   |
| Will the LEP be compatible / complementary with surrounding land uses?                                                                                        | Yes, the PP will be compatible with surrounding land uses, which is predominantly retail development and low to medium density housing. The PP responds to the character of the existing built form and how it will be complementary to surrounding land uses.                                                                                                                                                                                                                                                                            |
| Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?                                          | No, it is considered that the PP will not create a precedent. This is because the PP is permissible in this zoning, the site already features a retail development and the neighbouring properties along Willoughby Road are also existing mixed use developments.<br><br>The current land owner has approached Council seeking consideration to change the development standards for the building height controls. This planning process will enable Council to work with this land owner to provide for the urban renewal of this site. |
| Will the LEP deal with a deferred matter in an existing LEP?                                                                                                  | No. This is not applicable to the PP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?                   | There are no other current PPs / LEP amendments within the Crows Nest locality.                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

### 7.3 Is there a net community benefit

It is considered that by allowing the rezoning of the site with an increased building height, the PP will facilitate a more appropriate development of the land than that of the existing development. The PP will enable in a built form which allows for increased provision of parking, residential yield consistent with the transitioning nature of the locality which will contribute to achieving Council's housing targets as identified within the Draft Inner North Sub-Regional Strategy (see **Section 8.1**). Most notably, the proposal will offer an attractive and usable public plaza fronting Willoughby Road and Albany Street to the invaluable benefit to the community. Further community benefits are achieved through improvements to the pedestrian footpath areas, a minimum of 140 car parking spaces for retail and public use during the hours of retail trade and traffic management improvements to the intersection of Willoughby Road and Atchison Street. Such a proposal would not be possible without the site consolidation, rezoning and adjustment to the development controls.

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It is anticipated that in consideration of any future DA on the site, Council will consider the offset of the s94 Contributions applicable to the development to have regard for the Public Domain improvements and works in kind which result. Any such consideration will be made under the provisions of the 2004 North Sydney Contributions Plan.

## 8 STRATEGIC PLANNING FRAMEWORK

### 8.1 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The State Government's Draft Inner North Subregional Strategy sets directions and actions for the implementation of the Sydney Metropolitan Strategy – City of Cities: A Plan for Sydney's Future (Metro Strategy) at a more detailed local level. Subregional planning provides a framework for coordinating planning, development, infrastructure, transport, an open space network and environmental actions across local and state government agencies.

This section outlines whether the PP is consistent with the intended outcomes and actions of the Metro Strategy and Draft Subregional Strategy. The following table identifies the actions that are directly relevant to the PP and discuss whether the PP is consistent with those actions.

**Table 2: Consistency with Draft Sub-regional Strategy**

| ACTION                        | RESPONSE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Economy and Employment</b> | The PP will provide an increased and improved provision of retail opportunities and will introduce residential dwellings to the site. The PP will support the local economy and employment and will contribute to the growth of the locality and neighbouring suburbs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Centres and Corridors</b>  | Crows Nest has been identified by the Metropolitan Strategy and the draft Subregional Strategy as a 'special centre.' Increasing the residential density of the subject site that is in close proximity (within walking radius) to the 'special centre' of St Leonards would make this centre more vibrant and provide much needed housing choice consistent with "B2.1 Plan for Housing in Centres consistent with their employment role."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Housing</b>                | According to North Sydney's North Sydney Residential Development Strategy 2008, the suburb of Crows Nest will support the new role of 'special centre' allocated to St Leonards. By increasing the residential density of the subject site in Crows Nest and ultimately increasing the level of housing choice in an appropriate location, supporting the growth of St Leonards, and the local neighbourhood of Crows Nest, the PP will meet the provisions of this land use policy and the policies held under the North Sydney Residential Development Strategy 2008.<br><br>Ultimately, the proposal would strengthen the role of St Leonards as a 'special centre' and would aid in achieving the targets of increasing housing capacity and housing mix near jobs, transport and services in Crows Nest / St Leonards (determined to be 1,453 additional dwellings from 2004-2031 by North Sydney Council) consistent with "C1.3 Plan for increased housing capacity targets in existing areas" |

|                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                            | and "C2 Plan for a housing mix near jobs, transport and services."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Transport</b>                           | <p>The "Transport Strategy" primarily relates to increasing opportunities for walking or cycling and enhancing public transport infrastructure, for instance through the establishment of Strategic Bus Corridors.</p> <p>Whilst the proposal has no direct impact on public transport infrastructure, it will increase the amount of people working and living within close proximity of the existing public transport network, therefore increasing its efficiency. To reiterate, the subject site is within close proximity (walking radius) to St Leonards 'special centre.' Ultimately, an increased density of the subject site will provide accessibility to this 'special centre' and nearby public transport infrastructure to a greater number of residents.</p> |
| <b>Environment, Heritage and Resources</b> | <p>An increase in the residential density of the subject site will not result in an adverse impact to environment or heritage. Thus, the proposal would remain consistent with this land use policy.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Parks and Public Places</b>             | <p>The PP includes an open Plaza fronting Willoughby Road and Albany Street with appropriate open space embellishment which will provide an invaluable public place for the use of the community.</p> <p>There is currently only one other Park in the Crows Nest Town Centre, at Ernest Place.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

The PP is considered consistent with the Draft Subregional Strategy. It is considered that the renewal of the site will also contribute to the following 'key directions' articulated in the Draft Subregional Strategy:

- Plan for housing choice in an appropriate location;
- Develop and support improvements to the increasingly integrated transport system; and
- Improve the quality of the built and natural environment while aiming to decrease the subregion's ecological footprint.

## **8.2 Is the Planning Proposal consistent with the local Council's Community Strategic Plan, or local strategic plan?**

North Sydney Council's Residential Development Strategy 2008 (RDS) guides the development of North Sydney's residential zoned land over the next 25 years. The strategy draws upon the State Government's Metropolitan Strategy and prescribed dwelling targets, as well as statistical information on the area. The RDS was formally adopted by Council on 20 June 2011 and informed the draft comprehensive LEP and DCP.

The RDS illustrates that North Sydney Council's new draft comprehensive LEP: -

- Contains sufficient capacity to accommodate over 7,000 additional dwellings over the next 25 years, and therefore meet the State Government's housing target of 5,500 additional dwellings by 2031;
- Concentrates the bulk of new dwellings in Mixed Use centres in close proximity to retail, office, health, education, transport, leisure, entertainment facilities and community and personal services;
- Delivers housing choice for a range of socio-economic groups throughout North Sydney to meet the needs of existing and future residents; and
- Minimises the impact of new development on local character, amenity, environment and heritage.

The RDS formed the basis for residential zonings and development standards under the new comprehensive North Sydney Local Environmental Plan 2009 (now in force as the NSLEP 2013). The objectives of this residential development strategy are to:

- *"Establish a strategic framework for the location, type and extent of new residential development to be accommodated in North Sydney and to inform the preparation of the new comprehensive North Sydney Local Environmental Plan 2009;*
- *Accommodate and manage the anticipated population growth for North Sydney in a sustainable manner; and*
- *Deliver housing choice throughout North Sydney to meet the needs of existing and future residents."*

The following principles have been developed to provide a clear and concise direction for the RDS 2008. The principles are:

- *"Concentrate new dwellings in centres within walking distance of shops, jobs, public transport, facilities and services;*
- *Minimise the impact of new development on local character, amenity, environment and heritage;*
- *Preserve existing and potential commercial floor space in the commercial core of the North Sydney CBD;*
- *Maintain existing mixed use areas as village centres for the local community;*
- *Discourage intensification and inappropriate redevelopment in sensitive areas, the foreshores or adjoining bushland, or where traffic access is limited, by maintaining existing lower density zones;*
- *Maintain housing choice by retaining intact areas of detached and semi detached housing and allowing for further development of apartments and attached dwellings only in appropriate locations; and*

- *Discourage further intensification in the areas of Kirribilli, McMahon's Point, Waverton, Wollstonecraft and Cremorne Point which are considered fully developed in terms of the impacts of existing development on parking, traffic, heritage and infrastructure."*

The PP is considered to be consistent with objectives and principles of the RDS 2009 as the proposal provides for higher density residential development within an appropriate location, being within the Crows Nest mixed use development area, in close proximity to the Warringah Freeway and Pacific Highway; close to public transport and within walking distance of shops.

The PP provides a indicative concept mixed use development demonstrating that the redevelopment is capable of comprising approximately 70 residential units with a Gross Floor Area (GFA) of 5,296m<sup>2</sup>, a supermarket with a GFA of 3,190m<sup>2</sup> (excluding office and BOH areas) and 10 specialty retail shops with a total Net Leasable area (NLA) of approximately 1,020m<sup>2</sup>. Approximately 220 basement parking spaces can also be provided. This mixed use development is anticipated to generate an additional 1,098m<sup>2</sup> of GFA than that already provided, which is likely to increase the quantum of employment due to both additional GFA and improved retailing facilities. In addition, the development will result in multiplier effects which will indirectly stimulate ongoing employment in the locality, and the proposed development will also generate employment as a result of the construction process. Crows Nest is characterised by smaller predominantly retail suburban centres and individual businesses. The redevelopment of the site will provide the opportunity to generate direct and indirect employment and strengthen the retail and cafe / restaurant precinct.

It is noted that if the 13 metre building height is maintained, the site would be incapable of providing many, if any residential units. The PP delivers a housing choice and a quantum of housing that will reasonably contribute to subregional housing targets. The PP will provide a retail / residential mix which will improve the viability of the specialty centre and will be responsive to the constraints of the site and amenity of the surrounding premises and the natural environment. Moreover the PP promotes the form of mixed use development which is consistent with the NSLEP 2013 zoning for a mixed use development and car parking.

### **8.3 Is the Planning Proposal consistent with applicable state environmental planning policies**

**Table 3: Consistency with state environmental planning policies (SEPP's)**

| SEPP TITLE                             | CONSISTENCY | COMMENT                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Development Standards<br>Consistent | Yes         | The Standard Instrument Clause 4.6 will supersede the SEPP.<br>The proposed building height map contains a provision to allow the building height zones to be adjusted up to 1 metre in any lateral direction within the site without triggering the necessity of a variation under Clause 4.6.<br>In addition, the proposed building height map |

|                                                                                   |            |                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                   |            | provides maximum RLs for both the top of the building and the top of the plant and equipment to allow for these building elements, without triggering the necessity of a variation under Clause 4.6.                                                                       |
| 4. Development Without Consent and Miscellaneous Exempt and Complying Development | <b>Yes</b> | The PP will not contain provisions that will contradict or would hinder the application of this SEPP.                                                                                                                                                                      |
| 6. Number of Storeys in a Building                                                | <b>Yes</b> | The PP will use the Standard Instrument definitions to control building heights. The proposed building height map provides maximum RLs for both the top of the building and the plant and equipment to allow for these building elements.                                  |
| 14. Coastal Wetlands                                                              | <b>NA</b>  | Not applicable                                                                                                                                                                                                                                                             |
| 15. Rural Landsharing Communities                                                 | <b>NA</b>  | Not applicable                                                                                                                                                                                                                                                             |
| 19. Bushland in Urban Areas                                                       | <b>NA</b>  | Not applicable                                                                                                                                                                                                                                                             |
| 21. Caravan Parks                                                                 | <b>NA</b>  | Not applicable                                                                                                                                                                                                                                                             |
| 22. Shops and Commercial Premises                                                 | <b>NA</b>  | Not applicable                                                                                                                                                                                                                                                             |
| 26. Littoral Rainforests                                                          | <b>NA</b>  | Not applicable                                                                                                                                                                                                                                                             |
| 29. Western Sydney Recreation Area                                                | <b>NA</b>  | Not applicable                                                                                                                                                                                                                                                             |
| 30. Intensive Agriculture                                                         | <b>NA</b>  | Not applicable                                                                                                                                                                                                                                                             |
| 32. Urban Consolidation (Redevelopment of Urban Land)                             | <b>Yes</b> | The PP aims to be consistent with the SEPP having regard to the range of uses that may be appropriate for the site.                                                                                                                                                        |
| 33. Hazardous and Offensive Development Complex                                   | <b>NA</b>  | Not applicable                                                                                                                                                                                                                                                             |
| 36. Manufactured Home Estates                                                     | <b>NA</b>  | Not applicable                                                                                                                                                                                                                                                             |
| 39. Spit Island Bird Habitat 41. Casino Entertainment                             | <b>NA</b>  | Not applicable                                                                                                                                                                                                                                                             |
| 44. Koala Habitat Protection                                                      | <b>NA</b>  | Not applicable                                                                                                                                                                                                                                                             |
| 47. Moore Park Showground                                                         | <b>NA</b>  | Not applicable                                                                                                                                                                                                                                                             |
| 50. Canal Estate Development                                                      | <b>NA</b>  | Not applicable                                                                                                                                                                                                                                                             |
| 52. Farm Dams, Drought Relief and Other Works                                     | <b>NA</b>  | Not applicable                                                                                                                                                                                                                                                             |
| 53. Metropolitan Residential Development                                          | <b>NA</b>  | Not applicable                                                                                                                                                                                                                                                             |
| 55. Remediation of Land                                                           | <b>Yes</b> | The PP will not contain provisions that will contradict or would hinder the application of this SEPP. The sites historical use was for retail purposes and the proposed use will continue for retail / residential purposes                                                |
| 59. Central Western Sydney Economic and Employment Area                           | <b>NA</b>  | Not applicable                                                                                                                                                                                                                                                             |
| 60. Exempt and Complying Development                                              | <b>NA</b>  | Not applicable                                                                                                                                                                                                                                                             |
| 62. Sustainable Aquaculture                                                       | <b>NA</b>  | Not applicable                                                                                                                                                                                                                                                             |
| 64. Advertising and Signage                                                       | <b>NA</b>  | Not applicable                                                                                                                                                                                                                                                             |
| 65. Design Quality of Residential Flat Development                                | <b>Yes</b> | The PP will achieve consistency with the SEPP through application of design excellence provisions. The Urban Design Analysis investigated the implications for realising the design quality principles in the SEPP and demonstrated an appropriate built form on the site. |
| 70. Affordable Housing (Revised Schemes)                                          | <b>Yes</b> | If a requirement for affordable housing is introduced in the PP, the relevant provisions will be consistent with this SEPP.                                                                                                                                                |
| 71. Coastal Protection                                                            | <b>NA</b>  | Not applicable                                                                                                                                                                                                                                                             |

|                                                                     |     |                                                                                                   |
|---------------------------------------------------------------------|-----|---------------------------------------------------------------------------------------------------|
| SEPP (Building Sustainability Index: BASIX) 2004                    | Yes | The PP will not contain provisions that will contradict or would hinder application of this SEPP. |
| SEPP (Housing for Seniors or People with a Disability) 2004         | Yes | The PP will not contain provisions that will contradict or would hinder application of this SEPP. |
| SEPP (Major Projects) 2005                                          | NA  | Not applicable                                                                                    |
| SEPP (Sydney Region Growth Centres) 2006                            | NA  | Not applicable                                                                                    |
| SEPP (Infrastructure) 2007                                          | Yes | The PP will not contain provisions that will contradict or would hinder application of this SEPP. |
| SEPP (Kosciuszko National Park-Alpine Resorts) 2007                 | NA  | Not applicable                                                                                    |
| SEPP (Mining, Petroleum Production and Extractive Industries) 2007  | NA  | Not applicable                                                                                    |
| SEPP (Temporary Structures and Places of Public Entertainment) 2007 | NA  | Not applicable                                                                                    |
| SEPP (Exempt and Complying Development Codes) 2008                  | Yes | The PP will not contain provisions that will contradict or would hinder application of this SEPP. |
| SEPP (Rural Lands) 2008                                             | NA  | Not applicable                                                                                    |
| SEPP (Western Sydney Parklands) 2009                                | NA  | Not applicable                                                                                    |
| SEPP (Affordable Rental Housing) 2009                               | Yes | The PP will not contain provisions that will contradict or would hinder application of this SEPP. |

There are no deemed State Environmental Planning Policies (former Regional Environmental Plans (REPs)) applicable to the PP.

#### 8.4 Is the Planning Proposal consistent with the applicable ministerial directions?

It is considered that the PP is consistent with the relevant Directions issued under Section 117(2) of the Act by the Minister to Councils, as demonstrated in the assessment of the following:-

**Table 4: Consistency with S117 Ministerial Directions**

| DIRECTION TITLE                                            | CONSIS-<br>TENCY | COMMENT                                                                                                                                                                                                  |
|------------------------------------------------------------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Employment and Resources</b>                            |                  |                                                                                                                                                                                                          |
| 1.1 Business and Industrial Zones                          | Yes              | The PP promotes employment growth and supports the viability of the specialised Crows Nest Centre, which is a suitable location for the protection and improvement of the mixed use zoning of this site. |
| 1.2 Rural Zones                                            | N/A              | Not applicable                                                                                                                                                                                           |
| 1.3 Mining, Petroleum Production and Extractive Industries | N/A              | Not applicable                                                                                                                                                                                           |
| 1.4 Oyster Aquaculture                                     | N/A              | Not applicable                                                                                                                                                                                           |
| 1.5 Rural Lands                                            | N/A              | Not applicable                                                                                                                                                                                           |

| <b>Environment and Heritage</b>                      |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.1 Environment Protection Zones                     | N/A        | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 2.2 Coastal Protection                               | N/A        | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 2.3 Heritage Conservation                            | N/A        | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 2.4 Recreation Vehicle Areas                         | N/A        | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Housing, Infrastructure and Urban Development</b> |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Direction 3.1 Residential zones                      | <b>Yes</b> | The PP encourages a variety and choice of housing types to provide for existing and future housing needs, whilst making efficient use of existing infrastructure and services. The PP demonstrates appropriate built form whilst minimising the impact of residential development on the environment.<br><br>The subject site is located within a retail / urban area where residential development is permitted in the form of mixed use development. |
| 3.2 Caravan Parks and Manufactured Home Estates      | N/A        | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 3.3 Home Occupations                                 | N/A        | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 3.4 Integrating land use and transport               | <b>Yes</b> | The PP will enable residential development in close proximity to jobs and services encouraging walking, cycling and use of public transport.                                                                                                                                                                                                                                                                                                           |
| 3.5 Development Near Licensed Aerodromes             | N/A        | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 3.6 Shooting Ranges                                  | N/A        | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Hazard and Risk</b>                               |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 4.1 Acid sulphate soils                              | N/A        | The site is not located on acid sulphate soils. Accordingly, Direction 4.1 is not applicable.                                                                                                                                                                                                                                                                                                                                                          |
| 4.2 Mine Subsidence and Unstable Land                | N/A        | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 4.3 Flood Prone Land                                 | N/A        | The site is not located within flood prone land. Accordingly, Direction 4.3 is not applicable.                                                                                                                                                                                                                                                                                                                                                         |
| 4.4 Planning for Bushfire Protection                 | N/A        | The site is not located within a Bushfire prone area. Accordingly, Direction 4.4 is not applicable.                                                                                                                                                                                                                                                                                                                                                    |
| <b>Regional Planning</b>                             |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 5.1 Implementation of Regional                       | <b>Yes</b> | The PP will be consistent with this Ministerial                                                                                                                                                                                                                                                                                                                                                                                                        |

| Strategies                                                                   |            | Direction.                                                 |
|------------------------------------------------------------------------------|------------|------------------------------------------------------------|
| 5.2 Sydney Drinking Water Catchments                                         | <b>Yes</b> | The PP will be consistent with this Ministerial Direction. |
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast   | N/A        | Not applicable                                             |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast | N/A        | Not applicable                                             |
| 5.5 Second Sydney Airport: Badgerys Creek                                    | N/A        | Not applicable                                             |
| <b>Local Plan Making</b>                                                     |            |                                                            |
| 6.1 Approval and Referral Requirements                                       | <b>Yes</b> | The PP will be consistent with this Ministerial Direction. |
| 6.2 Reserving Land for Public Purposes                                       | <b>Yes</b> | The PP will be consistent with this Ministerial Direction. |
| 6.3 Site Specific Provisions                                                 | <b>Yes</b> | The PP will be consistent with this Ministerial Direction. |
| <b>Metropolitan Planning</b>                                                 |            |                                                            |
| 7.1 Implementation of the Metropolitan Plan for Sydney 2036                  | <b>Yes</b> | Refer to <b>Table 2 Section 6</b> of the PP for detail.    |

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## **9 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

### **9.1 Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The subject site is located within an existing urban environment and does not apply to land that has been identified as containing critical habitat or threatened species, population or ecological communities, or their habitats.

### **9.2 Are there any other likely environmental effects as a result of the Planning Proposal?**

The PP is unlikely to result in any environmental effects. Future development applications will investigate the potential for other likely environmental effect arising for future development applications.

### **9.3 How has the Planning Proposal adequately addressed any social and economic effects?**

The PP will help to alleviate the pressure in terms of the provision of residential accommodation. The proposal promotes the efficient utilisation of land, services and support facilities and encourages the orderly growth of the area in support of the local neighbourhood (Crows Nest).

The proposed development contributes to the continued social growth of the area by encouraging a pattern of development which will help to diversify and increase housing choice.

The proposal demonstrates that it positively contributes to the quality of the public domain and provides direct social benefits. This is achieved via the provision of a Public Plaza Area, a minimum of 140 car parking spaces to be used as retail and public car parking available for public use during retail trading hours, improved treatments to the pedestrian footpath areas adjoining the street and the implementation of suitable traffic management measures at the intersection of Willoughby Road and Atchison Street.

Accordingly, it is considered that the PP will have a positive effect on the local economy and community.

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## **10 STATE AND COMMONWEALTH INTERESTS**

### **10.1 Is there adequate public infrastructure for the Planning Proposal?**

The PP is unlikely to place significant additional burden on public infrastructure. Existing utility services will adequately service the any future development proposal as a result of this PP.

Existing bus routes run along Willoughby Road within 50 metres from the site.

Waste management and recycling services will be available through North Sydney Council.

The site is approximately 1.5 km from the Royal North Shore Hospital and TAFE NSW. The area is generally well-served with Police, ambulance Fire and other emergency services.

### **10.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

At this first iteration of the PP, the appropriate State and Commonwealth public authorities have not yet been identified, and the Gateway Determination has yet to be issued by the Minister for Planning. Notwithstanding, there has been early support for this PP from the Department of Planning and Infrastructure.

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## 11 COMMUNITY CONSULTATION

This PP is considered to be of a type that falls within the definition of a '*low impact Planning Proposal*'.<sup>1</sup> Therefore, it is likely to be on exhibition for a minimum period of 14 days. The community will be notified of the commencement of the exhibition period via a notice in a local newspaper and via a notice on North Sydney Council's website. The written notice will:-

- Give a brief description of the objectives or intended outcomes of the PP;
- Indicate the land affected by the PP;
- State where and when the PP can be inspected;
- Give the name and address of the RPA for the receipt of any submissions and
- Indicate the last date for submissions.

During the exhibition period, the following material will be made available for inspection:-

- The PP, in the form approved for community consultation by the Director General of Planning and Infrastructure;
- The Gateway determination; and
- Any studies relied upon by the PP.

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<sup>1</sup> Low impact planning proposal means a planning proposal that in the opinion of the person making the Gateway determination is consistent with the pattern of surrounding land use zones and/or land uses, is consistent with the strategic planning framework, presents no issues with regard to infrastructure servicing, is not a principle LEP, and does not reclassify public land.

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## **12 CONCLUSION**

This Planning Proposal is a proposal between North Sydney Council and Coles Property to amend the existing zoning of Zig Zag Lane and the Council car park to enable the redevelopment of these sites, in conjunction with Nos. 101-111 Willoughby Road, Crows Nest, including increased height controls. The Planning Proposal will enable the construction of a 4-6 storey mixed use development comprising: -

- 3 levels of residential and non-residential parking; and
- residential and commercial floor space.

The Planning Proposal: -

- Is consistent with the objectives of the B4 Mixed Use zoning pursuant to the current North Sydney Local Environmental Plan (LEP) 2013 which was recently gazetted;
- Resolves the zoning of Council land in Zig Zag Lane;
- Is a suitable development which is consistent with the existing and future built form and will not adversely impact on the locality;
- Establishes a proposed building height across the site which provides an appropriate transition along the business strip of Willoughby Road and the adjoining residential zoning with an appropriate range relevant to each concept building form;
- Is consistent with the Metro Strategy and Sub-regional Strategy objectives to locate increased residential density closer to public transport and access to mature road networks and existing urban centres;
- Provides via a Draft Planning Agreement development designed with a Public Plaza on Willoughby Road and Albany Street and associated valuable public benefits;
- Is consistent with the Ministerial Directions; and
- Positively contributes net community benefits.

In summary there is no reasonable planning basis for retaining the current land use zoning nor from allowing the proposed zoning.