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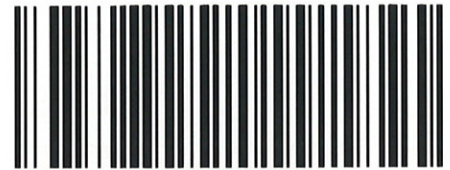
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Ms Faye Roberts
Director Sydney East Region
NSW Department of Planning
GPO Box 39
SYDNEY NSW 2001



PCU002686

Attention: Susan Sky

10 February 2010

Department of Planning
Received
15 FEB 2010
Scanning Room

Dear Ms Roberts

PLANNING PROPOSAL: 20-28 BROOK STREET, CROWS NEST

At Council's meeting on 1 February 2010, Council considered a report regarding a possible rezoning for the sites at 20-28 Brook Street, Crows Nest. The planning proposal seeks to amend NSLEP 2001 to rezone the subject sites from Residential B to Residential C with a maximum building height of 12m. The amendment is sought to allow the redevelopment of the 5 adjoining sites that currently contain single storey dwellings into residential flat buildings.

From this meeting, Council resolved to forward a planning proposal for land at 20-28 Brook Street, Crows Nest in accordance with section 55 of the Environmental Planning and Assessment Act, 1979.

Please find attached the following:

- Officers report to Council including Council's resolution;
- Zone, aerial and location maps;
- Planning proposal.

It would be appreciated if the Planning Proposal be referred to the LEP Review Panel for determination under the 'gateway process'.

Enquiries should be directed to Mark Yee or the undersigned of Council's Strategic Planning Department, on 9936 8100.

Yours faithfully

BENJAMIN BOYD
ACTING MANAGER STRATEGIC PLANNING



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**DECISION OF 3540th COUNCIL & COUNCIL (ASSESSMENTS)
MEETING HELD ON 01 FEBRUARY 2010**

8. PDS02: Planning Proposal at 20-28 Brook Street, Crows Nest

Report of Mark Yee, Strategic Planner, 27 January 2010

On 18 November 2009, Council received a planning proposal for the site known as 20-28 Brook Street, Crows Nest.

The planning proposal seeks to amend NSLEP 2001 to rezone the subject site from Residential B to Residential C with a maximum building height of 12m. The amendment is sought to allow the redevelopment of the site, which currently contains five single-storey dwellings, into a residential flat building.

A draft rezoning proposal was previously submitted to Council on 23 January 2007. At its meeting on 4 February 2008, Council's Planning and Development Committee considered a report regarding a number of proposed spot rezonings that were to be incorporated into North Sydney Draft Local Environment Plan (DLEP) 2009. From this, Council resolved to zone the subject site under DLEP 2009 R4 – High Density Residential, with a building height limit of 10m.

The proposal to amend the planning controls for 20-28 Brook Street, Crows Nest has established support for flat buildings to the height of 10m. The inconsistency in the proposal lies in the request for a 12m height. The proposed increase of the maximum height to 12m has merit, given the justifications provided and the prevalence of existing residential flat buildings of similar heights adjoining the subject site.

The options for forwarding the planning proposal to the Department of Planning for a gateway determination are:

in its current form, or

requesting that an amended planning proposal be submitted to Council that reduces the height limit to 10m, as proposed under DLEP 2009 by Council resolution on 4 February 2008.

Recommending:

THAT Council resolve to forward the attached planning proposal to the Minister for Planning in order to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act, 1979.

OR

THAT Council request the proponent to submit an amended planning proposal that reduces the maximum building height limit to 10m, as proposed for the subject site under North Sydney Draft Local Environment Plan (DLEP) 2009 by Council resolution on 4 February 2008.

Ms Francis addressed the meeting.

It was moved by Councillor Zimmerman and seconded by Councillor Gibson -

THAT Council forward the planning proposal attached to the report of Mark Yee dated 27 January 2010 to the Minister for Planning in order to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act, 1979.

THAT no discount be applied to the fees for the processing of spot rezoning or planning proposals.

It was moved as an amendment by Councillor McCaffery and seconded by Councillor Raymond -

THAT Council request the proponent to submit an amended planning proposal that reduces the maximum building height limit to 10m, as proposed for the subject site under North Sydney Draft Local Environment Plan (DLEP) 2009 by Council resolution on 4 February 2008.

THAT no discount be applied to the fees for the processing of spot rezoning or planning proposals.

The amendment was put and **lost**.

Voting on the amendment was as follows: For/Against 5/6

Councillors For	Councillors Against
McCaffery Raymond Marchandean Raymond Robjohns	Gibson Christie Barbour Zimmerman Baker Carland

The motion was put and **carried**.

Voting was as follows: For/Against 7/4

Councillors For	Councillors Against
Gibson Christie Raymond Barbour Zimmerman Baker Carland	McCaffery Marchandean Raymond Robjohns

RESOLVED:

THAT Council forward the planning proposal attached to the report of Mark Yee dated 27 January 2010 to the Minister for Planning in order to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act, 1979.

THAT no discount be applied to the fees for the processing of spot rezoning or planning proposals.

**Report to General Manager**

Attachment: Planning Proposal for Nos. 20-28 Brook Street, Crows Nest
(Available on Council's Website for the information of the public)

SUBJECT: Planning Proposal at 20-28 Brook Street, Crows Nest

AUTHOR: Mark Yee, Strategic Planner, 27 January 2010

EXECUTIVE SUMMARY:

On 18 November 2009, Council received a planning proposal for the site known as 20-28 Brook Street, Crows Nest.

The planning proposal seeks to amend NSLEP 2001 to rezone the subject site from Residential B to Residential C with a maximum building height of 12m. The amendment is sought to allow the redevelopment of the site, which currently contains five single-storey dwellings, into a residential flat building.

A draft rezoning proposal was previously submitted to Council on 23 January 2007. At its meeting on 4 February 2008, Council's Planning and Development Committee considered a report regarding a number of proposed spot rezonings that were to be incorporated into North Sydney Draft Local Environment Plan (DLEP) 2009. From this, Council resolved to zone the subject site under DLEP 2009 R4 – High Density Residential, with a building height limit of 10m.

The proposal to amend the planning controls for 20-28 Brook Street, Crows Nest has established support for flat buildings to the height of 10m. The inconsistency in the proposal lies in the request for a 12m height. The proposed increase of the maximum height to 12m has merit, given the justifications provided and the prevalence of existing residential flat buildings of similar heights adjoining the subject site.

The options for forwarding the planning proposal to the Department of Planning for a gateway determination are:

1. in its current form, or
2. requesting that an amended planning proposal be submitted to Council that reduces the height limit to 10m, as proposed under DLEP 2009 by Council resolution on 4 February 2008.

RECOMMENDATION:

THAT Council resolve to forward the attached planning proposal to the Minister for Planning in order to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act, 1979.

OR

THAT Council request the proponent to submit an amended planning proposal that reduces the maximum building height limit to 10m, as proposed for the subject site under North Sydney Draft Local Environment Plan (DLEP) 2009 by Council resolution on 4 February 2008.

Sustainability Implications

The environmental, social, economic and governance implications are set out in this report.

Signed _____

ORIGINAL SIGNED

Endorsed by _____
Manager Strategic Planning

LINK TO MANAGEMENT PLAN

This work is most directly linked to:

Direction: 2. Neighbourhoods and Streetscapes

Program: 2.1 Strategic Planning, Policy and Design

SUSTAINABILITY ASSESSMENT

A sustainability assessment was required for this project. The following table provides a summary of the key sustainability implications which are addressed in full in this report:

QBL Pillar	Implications
Environment	• The planning proposal seeks to increase the development potential of a site that is reasonably serviced by public transport and is in close proximity to local services; • The rezoning will increase the potential number of vehicles on the site. This may be alleviated by the site's reasonable proximity to public transport routes; • Redevelopment of the site offers the developer the opportunity to incorporate water and energy efficiency measures to increase the sustainability of the site.
Social	• It is considered that planning proposal would not result in any significant social considerations.
Economic	• The increase in residents near the St Leonards centre and Crows Nest Village will likely improve their economic vitality.
Governance	• Should the planning proposal receive approval from the gateway determination, it is likely that it will have a condition requiring the public exhibition of the planning proposal.

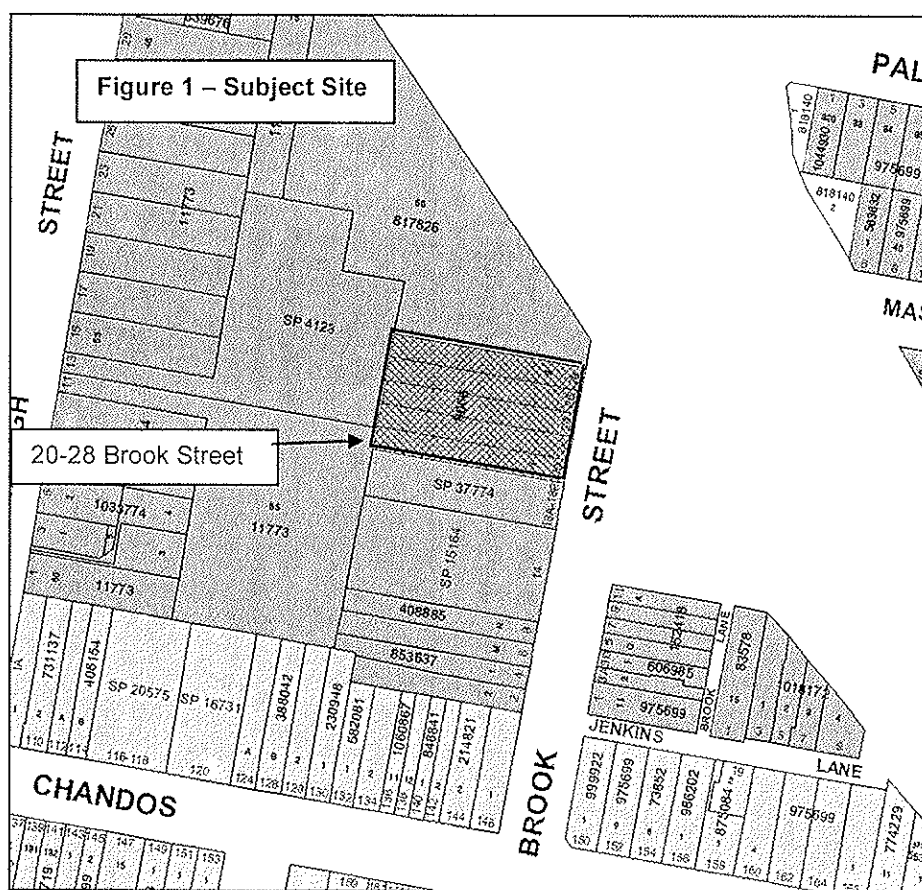
BACKGROUND

A development application (DA 390/03) for 20-24 Brook Street, Crows Nest for the demolition of existing buildings and the erection of a two storey apartment building was refused by Council on 23 December 2003. A subsequent appeal was dismissed by the Land and Environment Court on 21 May 2004.

A request to rezone the sites 20-24 Brook Street from Residential B to Residential C was submitted to Council on 26 July 2004. This request was addressed at a Councillor Briefing on 20 October 2004. The applicant was subsequently informed that Council would not support the rezoning at that time.

On 18 November 2009, Council received a planning proposal for the site at 20-28 Brook Street, Crows Nest. The proposal seeks to amend NSLEP 2001 to rezone the subject site from Residential B to Residential C, with a maximum building height of 12m. This amendment is sought to allow the redevelopment of the site, which contains five single-storey dwellings, into residential flat buildings.

SITE DESCRIPTION



The subject site is comprised of five adjoining lots located at Nos. 20-28 Brook, Crows Nest. The lots are occupied by five single storey detached dwellings and their respective areas of open space, and have a combined site area of approximately 2,800m².

Multi-unit residential buildings adjoin the property on all sides. The building heights range between 8-15m with the residential flat buildings being 12-15m (4-5 stories) and the remaining multi-unit dwellings at 8-10m (2-3 storeys).

JUSTIFICATION FOR PLANNING PROPOSAL

Suitability of Site

The site is within walking distance of amenities located within the St Leonards centre and Crows Nest Village. The site has reasonable access to public transport at St Leonards railway station and various public bus services. The site will therefore have access to the infrastructure needed to support higher density residential development.

Character of Area

Brook Street and the surrounding area consist of a combination of Residential A2 and Residential B zones. However there are existing residential flat buildings neighbouring the subject site with a 2 storey plus basement building located on the southern boundary of the site at 18 Brook Street, a 3 storey residential flat building at 14 Brook Street and a 3 storey building located on the western boundary of the site at 13 Wheatleigh Street. The site is also located next to an overpass for the Warringah Freeway.

Given that the area already has some level of residential flat building development, it is considered that both the proposed zone of Residential C and the proposed height of 12m would not be detrimental to the character of the area.

Residential Amenity

As the proposal will maintain a residential use and is adjoined by existing multi-unit dwellings, it is considered in principle that the proposal would be unlikely to result a significant detrimental impact to the residential amenity of neighbouring properties. Issues regarding the design of the development and their potential impact to residential amenity would be further addressed at the development assessment stage.

Policy and Strategic Context

Draft Inner North Subregional Strategy - In July 2007, the State Government released the draft Inner North Subregional Strategy, under which the North Sydney LGA falls. The Inner North Subregion is to provide 30,000 new dwellings by 2031. From this total the target for the North Sydney LGA is 5,500 additional dwellings.

The strategy, amongst other things, aims to focus residential development near jobs, transport and services. It is considered that the planning proposal is consistent with this objective, given its proximity to St Leonards and Crows Nest Village.

Draft North Sydney Local Development Strategy 2008 - The draft North Sydney Local Development Strategy 2008 generally follows the rationale of the Draft Inner North Subregional Strategy.

The strategy states that the majority of new residential development will comprise of high density residential flat buildings, concentrated in and around centres. Crows Nest and St Leonards are both identified as centres for this development.

North Sydney LEP 2001 - It is considered that planning proposal is consistent with the objectives of the Residential C zone. The proposed maximum height control of 12m is consistent with the height control for all of the other sites in the LGA zoned Residential C.

Draft North Sydney LEP 2009 - The subject site is proposed to be zoned R4 - High Density with a site specific building height of 10m.

COMMENT

The proposed rezoning from Residential B to Residential C is consistent with the zoning of the site under DLEP 2009, which Council resolved to zone R4 - High Density Residential.

The presence of multi-unit buildings illustrated by Figure 8 of the attached planning proposal shows existing multi-unit development on the northern, north-western, western and southern boundaries. The building heights range between 8-15m with the residential flat buildings being 12-15m (4-5 storeys) and the remaining multi-unit dwellings at 8-10m (2-3 storeys). That said, the proposed height of 12m in the planning proposal is inconsistent with the previous Council resolution of 4 February 2008, which was set by resolution at 10m.

Any support of Residential C 12m height limit for this site would suggest a precedent for height increases in the immediate area as it would be difficult to refute similar planning proposals based on the same justifications.

CONCLUSION

The proposal to amend the planning controls for 20-28 Brook Street, Crows Nest has established support for flat buildings to the height of 10m. The inconsistency in the proposal lies in the request for a 12m height. However, the proposed increase of the maximum height to 12m has merit, given the justifications provided in the planning proposal and the presence of existing residential flat buildings of similar heights adjoining the subject site.

The options for forwarding the planning proposal to the Department of Planning for a gateway determination are:

1. in its current form, or
2. requesting that an amended planning proposal be submitted to Council that reduces the height limit to 10m, as proposed under DLEP 2009 by Council resolution on 4 February 2008.

It is recommended that Council determines its position on this matter.
