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**Planning Proposal for Nos. 20-28 Brook Street,
Crows Nest**

November 2009

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Job No/ Document No	Description of Issue	Prepared By/ Date	Reviewed by Project Manager/Director	Approved by Project Manager/Director
29095	Draft	AK 12/11/09	SF	
29095	Final	AK17/11/2009	SF	
				Name: Sue Francis Executive Director
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 explains the intended effect of, and justification for, the proposed amendment to North Sydney Local Environmental Plan 2001. The amendment is a site specific 'principle' LEP for **Nos. 20-28 Brook Street, Crows Nest** (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 Planning Proposal seeks to amend the existing zoning under North Sydney Local Environmental Plan 2001 (NSLEP 2001) **from Residential B to Residential C** (equivalent to Council's Draft Comprehensive LEP R4 High Density Residential zone).

The Planning Proposal will allow the redevelopment of the existing cottages for residential flat buildings (higher yield residential development) and is considered appropriate as the site is surrounded by medium and higher density development and the Warringah Freeway and thus redevelopment of the land would be appropriate in scale and character to this end of Brook Street. Moreover, the amenity of the existing cottages are compromised by the existing topography, the Warringah Freeway and existing surrounding development and an appropriate level of amenity will only be achievable via redevelopment of sites.

A detailed urban design analysis was undertaken by City Plan Urban Design (**Appendix 1**) and demonstrates an appropriate built form for the site within the context of existing surrounding residential flat buildings and the Warringah Freeway. Moreover, the proposed rezoning is considered consistent with the Draft Comprehensive LEP zoning for the site and demonstrates consistency with North Sydney Council's Residential Development Strategy.

2. THE SITE AND CONTEXT

2.1 The Site

The subject site is located at **Nos. 20-28 Brook Street, Crows Nest** this being **Lots 5 to 9 in DP8066**. The subject site is situated at the base of the Brook Street off-ramp extending from the Warringah Freeway (refer **Figure 1**). The subject site consists of five adjoining blocks, is rectangular in shape and features a combined site area of **2,800m²**. Primary vehicular access is obtained from Brook Street. The site demonstrates a slight slope from south-west to north-east.



Figure 1: Aerial view of the site (Source: Google Maps)

The site currently comprises of five single storey dwellings and respective areas of open space to the rear of the dwellings.



Photo 1: View of the site



Photo 2: View of Nos 10; 18 and the subject site



Photo 3: View of existing houses on the site

2.2 Surrounding Development

The subject site is located within a predominantly residential precinct with adjoining boundaries demonstrating a mix of medium density residential development. The subject site is adjoined by a two storey plus basement residential flat building at No. 18 Brook Street (to the south – refer to **Photo 4**). To the southwest of the subject site are tennis courts belonging to a private tennis club and to the west five storey residential flats at No. 13 Weathleigh Street (refer to **Photo 5**). To the north of the site are two storey townhouses at No. 24 Donnelly Street and well established tree plantings.



Photo 4: No 18 Brook Street



Photo 5: No 13 Weathleigh Street (located to the west of the site)



Photo 6: Street view looking south

The existing built form is demonstrated by **Figures 2 & 3** below. From these figures it is clear that the site is dominated by existing higher residential development and the Warringah Freeway. The existing building mass on site is clearly inconsistent with the surrounding area.

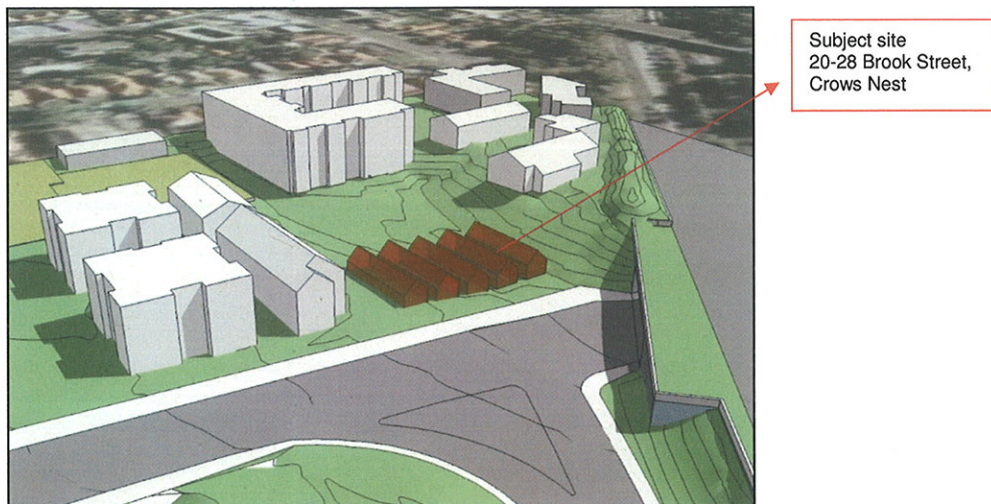


Figure 2: View of existing built form

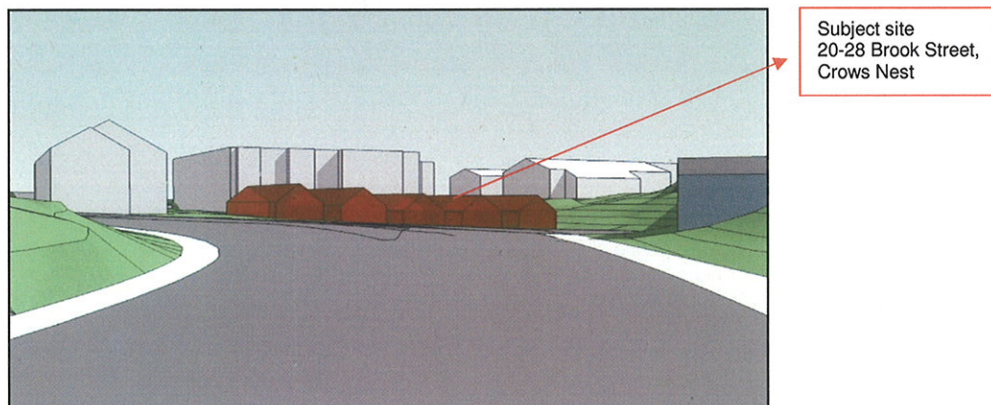


Figure 3: View of existing built form looking south (existing dwellings on subject site in red)

2.3 Site Constraints and Opportunities

A summary of the subject site's opportunities and constraints is provided below:-

Opportunities (refer Figure 4)

- Close proximity to public transport;
- Close proximity to amenities including Crows Nest Village, the "Love 'n Deuce" tennis club adjoining the rear of the subject site, St Leonards town centre, Royal North Shore Hospital, Northern Sydney Institute of TAFE Crows Nest, open space recreational areas (such as Rest Park and St Leonards Park);
- Frontage to Brook Street;
- Good solar access;
- Predominantly residential precinct with a range of medium density residential development.

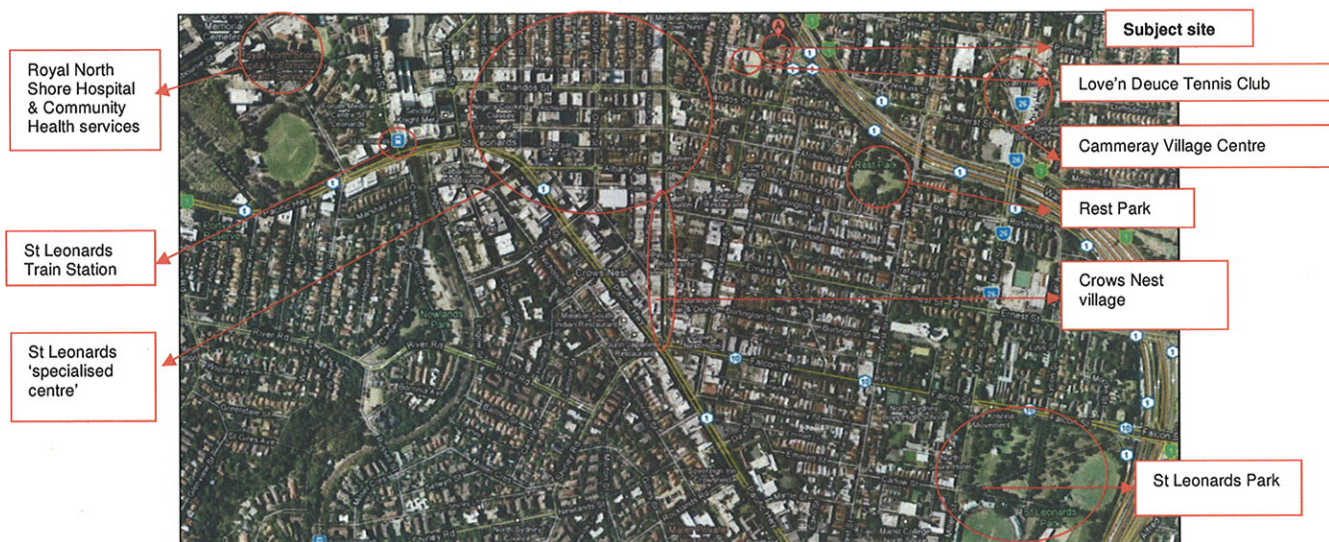


Figure 4: Aerial View of the Crows Nest/St Leonards locality demonstrating key assets/opportunities
(Source: Google Maps)

Constraints (Refer to Figure 5)

- Background noise due to close proximity of the Warringah Freeway;
- Relatively high traffic-flow area due to the presence of the Brook Street off-ramp from the Warringah Freeway; and
- Dominance of massing of existing surrounding built forms.

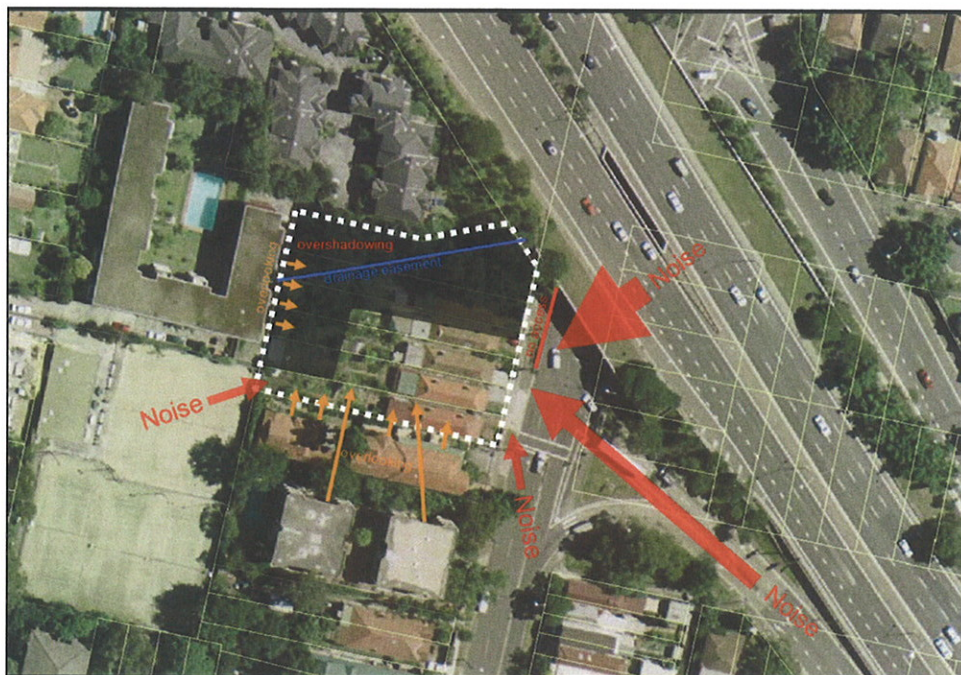


Figure 5: Site constraints

2.4 Background

Site history

- DA (390/03) for demolition of 20-24 Brook Street and erection of 2-storey apartment building for housing for aged and disabled with basement parking refused on the grounds that it is inappropriate location, poor amenity for residents and poor access.
- 21 May 2004 - L and E Court appeal dismissed
- 26 July 2004 – Rezoning request from Residential B to Residential C for 20-24 Brook Street is made by Kerry Gordon Planning Services on behalf of owner
- 20 October 2004 – Rezoning request discussed at Councillor Briefing – Council Staff recommend against the rezoning
- 23 January 2007 – Draft rezoning proposal submitted

Spot rezoning

A number of spot rezoning requests have been received relating to various parcels of land throughout the North Sydney local government area. The current review of NSLEP 2001 and subsequent transfer of the document into the Standard Instrument format has presented an opportunity for the review of each spot-rezoning proposal.

Council officers presented a report to Council on 11 February 2008 (refer to **Appendix 2**), which presented an overview of the proposed spot rezonings and outcomes from preliminary consultation with Council Staff, Councillors and certain rezoning proponents. It recommended that Council resolves to incorporate those spot rezoning proposals that are supported by Council into the preparation of the draft comprehensive LEP.

The spot rezoning review ascertained the merits of each proposal. A Project Control Group (PCG) was established comprising Senior Planning Staff to discuss any potential issues that may arise as a result of the spot rezoning requests, including potential impacts on the amenity and character of surrounding areas. The outcomes from the PCG meetings were further discussed at a number of Councillor Briefings. Proponents of significant rezoning requests were given the opportunity to present their proposals during these Briefings.

The subject spot rezoning report recommended a Residential C Zone (equivalent zone under Standard Instrument: zone R4 – high density) for the site. Council resolved, having regard to the timeframe established by the Department for North Sydney Council, to respond to the preparation of a draft comprehensive LEP in accordance with the Standard Instrument, for certain spot rezonings and to have them incorporated into the draft comprehensive LEP.

Draft Comprehensive LEP 2009

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

It would appear that a number of matters needed to be address prior to Council receiving permission from the Department of Planning to publicly exhibit the Draft Comprehensive LEP (obtain S65 certificate). This includes the two strategic documents known as the Local Development Strategy and Residential Development Strategy. Both these documents will also illustrate how the Councils 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. It is Councils intention to publicly exhibit these documents concurrently with the Draft Comprehensive LEP.

To date no Section 65 certificate has been issued by the Department of Planning.

3 DESCRIPTION OF THE PLANNING PROPOSAL

This Planning Proposal seeks to amend the existing zoning under North Sydney Local Environmental Plan 2001 (NSLEP 2001) **from Residential B to Residential C** (equivalent to Council's Draft Comprehensive LEP R4 High Density Residential zone) consistent with the resolution of the Council on 11 February 2008 but with a 12m height limit consistent with Clause 17(5) of NSLEP 2001 in respect of Residential C Zoned land.

This amendment to the NSLEP 2001 or rezoning will allow development for "residential flat buildings" as well as other uses permitted under the Residential C zoning. The proposal will allow for a greater number of permissible land uses for the site and to achieve an appropriate height (bulk and scale) within the context and setting of Nos 20-28 Brook Street, Crows Nest. An urban design analysis was undertaken (See **Appendix 1**).

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

The Planning Proposal will allow the redevelopment of the existing cottages for residential flat buildings (higher yield residential development) and is considered appropriate for the following reasons:

- Existing cottages are old, require repair and maintenance and reconfiguration to provide accommodation in line with modern lifestyle requirements.
 - Site is surrounded by high density development and the Warringah Freeway and thus redevelopment of the land would be appropriate in scale and character to this end of Brook Street.
 - Site is isolated from the single dwelling area located further south.
 - Amenity of existing cottages are compromised by Warringah Freeway and an appropriate level of amenity will only be achievable via redevelopment of sites to incorporate appropriate design and noise attenuation measures
 - Such redevelopment is only financially viable with a higher density due to the need to design to attenuate the traffic noise from freeway and allow for greater residential amenity.
 - Location of sites is within walking distance to Crows Nest Village and public transport and thus well located for an increase in density.
-

4 PLANNING PRINCIPLES

An urban design analysis has been undertaken for the site (**Appendix 1**) which identified a series of broad planning principles for the site. It is intended that these will be refined throughout the planning process. The Proposed Planning Principles for the renewal of the site are:

- **Housing:**
Provide housing that contributes to subregional and local housing targets for market and affordable housing. Housing will be diverse in type, size, form and design, providing for a range of housing needs, including aging in place, affordable housing, and adaptable and accessible housing (also refer to **Section 6.4** relating to relevant Section 117 directions).
 - **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.
 - **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 minimised, having regard to the North Sydney parking policy which addresses accessibility to public transport and services.
 - **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 residential flat buildings (see **Figure 6 and Appendix 1**). The bulk, scale
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and location of buildings will consider local views into, over, through and from within the site.

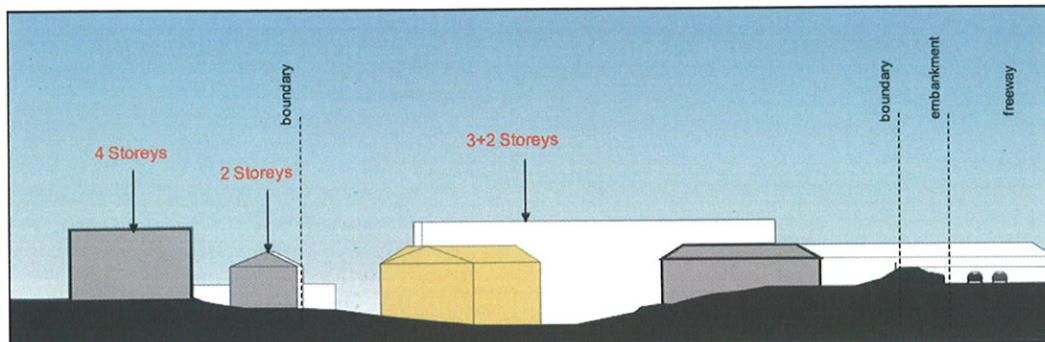


Figure 6: Urban Design analysis section showing existing and potential built form

4.1 Objectives of the proposal

This section of the Planning Proposal sets out the objectives or intended outcomes of the Planning Proposal. The objectives herein are based on the aforementioned Planning Principles. The objectives of the Planning Proposal are to:-

1. 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;
2. Protect and enhance the local environment including amenity of adjoining premises;
3. Encourage the development of buildings that achieve design excellence and that would be appropriate in scale and character to this end of Brook Street;
4. 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;
5. Ensure the use of land is appropriate to managing and minimising environmental risks;
and
6. Provide for the orderly and economic use of land.

5 JUSTIFICATION

5.1 Technical Studies

An urban design analysis was undertaken to inform and support the Planning Proposal. City Plan Urban Design Pty Ltd prepared an urban design analysis which examined the appropriate built form for the site, including proposed building envelopes, open space and heights (See **Appendix 1**).

5.2 Need for Planning Proposal

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

The Planning Proposal is not as a result of any strategic study or report. However a detailed urban design analysis was undertaken by City Plan Urban Design (**Appendix 1**) and demonstrates the appropriate built form for the site within the context of existing surrounding residential flat buildings; the Warringah Freeway and the proposed zoning in the Draft Comprehensive LEP.

5.2.2 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.

Council resolved at a meeting held on 11 February 2008, that the proposed spot rezoning of Nos. 20-28 Brook Street, Crows Nest be incorporated into the Draft Comprehensive LEP (see copy of report attached at **Appendix 2**). Councils Draft LEP is not on public exhibition as yet, however the draft available on Councils website is consistent with the Council resolution in that the site is earmarked for R4 High Density Residential Zone. However, the maximum height identified on the draft height maps are limited to 8.5m (See **Figures 8 & 9** below).

Currently, North Sydney Local Environmental Plan 2001 applies to the subject site. The subject site is zoned **Residential B** under the NSLEP 2001 (refer **Figure 7**) however, by agreeing to zone the site R4 under the Draft Comprehensive LEP (Residential C equivalent

under the existing NSLEP 2001) the Council has accepted a higher density form of development.

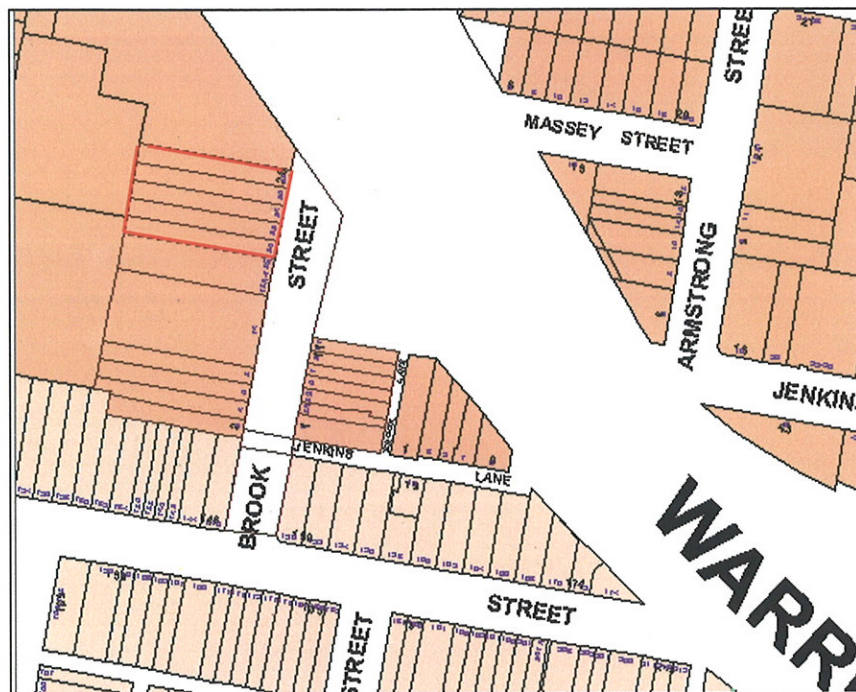


Figure 7: Existing zoning map (site outlined in red)

Notwithstanding this, it is noted that the proposed maximum height under the new Draft LEP at 10m is inconsistent with the current maximum building height requirement of the existing Residential C zones under the current NSLEP 2001. Moreover, the Draft LEP Maps demonstrate inconsistency with the existing situation on the ground, in that the existing surrounding buildings are a combination of 2 to 5 storey residential flat buildings with maximum building heights varying from 8.5m to 15m (or more) (refer to urban design analysis at **Appendix 1 and Figure 8 below**).

The Planning Proposal will therefore provide a set of provisions which will achieve the objectives as outlined in Section 4.1 above through the "upzoning" of the land from Residential B to Residential C (equivalent to R4 high density residential under the comprehensive LEP) and a maximum height of 12m consistent with the current NSLEP 2001 for Residential C land and the surrounding built form.



Figure 8: Existing multi unit development

Moreover, as illustrated by **Figures 9 & 10** of the Draft LEP appear to ignore the existing built environment by zoning the existing 3 to 5 storey (10-15m high) Residential Flat Building development surrounding the subject site to R3 medium density development and permitting only 8.5m high development. This would appear to be entrenching existing non-conforming uses. In addition, it appears that under the Draft Comprehensive LEP the subject site is the only site earmarked for a R4 Zoning within the vicinity, with a 8.5m height limit, whilst most other R4 zoned sites will have a maximum height of 12m.

It would appear that a more appropriate urban design and sound planning outcome would be not to create land in isolation (R4 zoning) surrounded by existing multi unit development which is likewise constrained, but rather extend the R4 zone to include some of these existing larger developments (See **Figure 11**) and make these conforming uses with appropriate height limits.

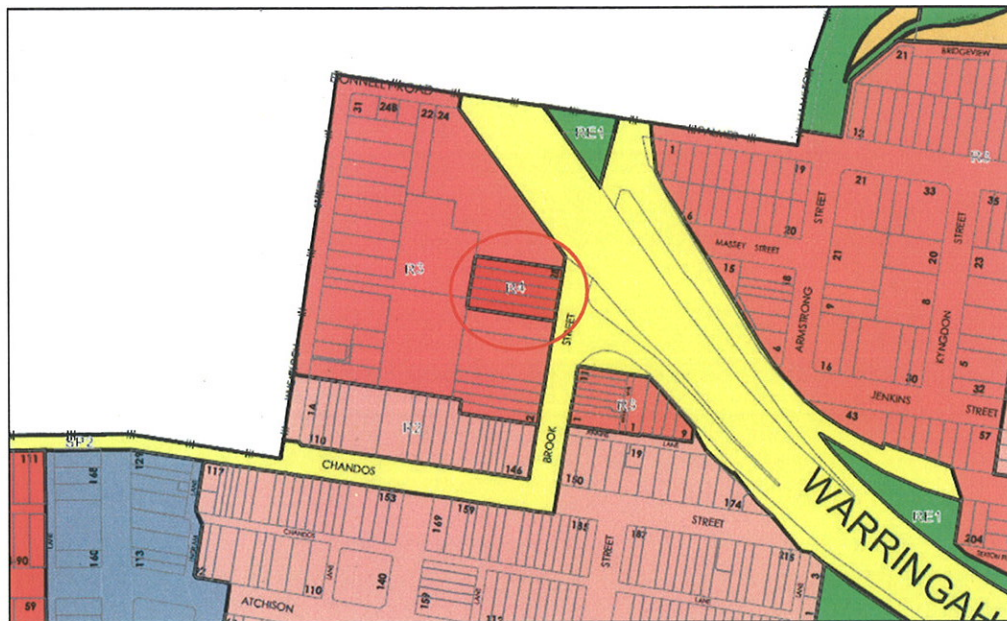


Figure 9: Zoning map under Draft LEP (R4 High Density Residential) surrounded by R3 Medium Density Residential



Figure 10: Height map under Draft LEP (maximum height of 10m) surrounded by 8.5m

Whilst this Planning Proposal does not specifically seek this outcome, at this time, it is considered that an appropriate land use and urban design outcome for this area would be to allow the R4 zone land over these existing residential flat building and increase the height limit to at least 12m.



Figure 11: Land that should be considered for R4 zoning shown hatched

The current zoning of the site limits its renewal for purposes that would contribute to local and state strategic planning objectives. The proposed “up-zoning” to Residential C (equivalent to R4 high density residential) is consistent with Councils Draft LEP. However the Draft LEP gazettal is some time away (approximately 18 months) and due to the time constraints involved, it is considered that the Planning Proposal is the best means of achieving the intended outcome and is wholly consistent with future directions.

Whilst it has been identified that adjoining land proposed R3 should best be zoned R4 under the Draft Comprehensive LEP, it is not necessary to undertake such an action at this time since that land is already developed beyond the density/height of that zone and so will not be constrained by the lack of any immediate change to the zoning of the land.

The Department of Planning's current position on LEPs, such as the type described in this Planning Proposal, 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 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 Planning Proposal will provide for increased housing on a site that is strategically located within 1km of St Leonards (specialised centre). See Table 2 in Section 6.1 for further detail on the compatibility of the Planning Proposal 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. It considered that the Planning Proposal 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. See Tables 2, 3 & 4 in Section 6 for further detail on the consistency of the Planning Proposal 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 Planning Proposal is strategically located within the St Leonards specialised centre catchment. Relationship between the Planning Proposal and nearby Centres and Corridors is also addressed in Table 2 in Section 6.1. Centres and Corridors .
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The Planning Proposal is for higher residential yield and will not facilitate permanent employment generating activities.
Will the LEP be compatible/complementary with surrounding land uses?	Yes, the Planning Proposal will be compatible with surrounding land uses, which is predominantly medium to high density housing. The urban design analysis demonstrates how the proposal 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 Planning Proposal will not create a precedent. This is because this Site is considered to be a unique in its location adjoining larger residential buildings and the Warringah Freeway. The current land owner has approached both Council and the Department of Planning seeking consideration to change its current land use. 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 Planning Proposal.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	There are not other Planning Proposals/LEP amendments within the Crows Nest locality.

5.2.3 Is there a net community benefit

It is considered that by allowing a higher residential yield and height consistent with the existing controls (being 12m) on the subject site, the Planning Proposal will facilitate the continuation of a land use that has the appearance of the current use. Allowing more residential yield will enable an appropriate re-development of an outdated site consistent with the character of surrounding development, contributing to achieving Council's housing targets as identified within the Draft Inner North Sub-Regional Strategy (See **Section 6.1**).

Traffic and Parking

The proposed zoning is unlikely to result in an adverse increase in traffic generation or parking requirement. Residents travelling in peak periods are likely to travel by public transport. The close proximity (located 300m from the nearest bus stop) to regular bus services enable people to use alternative transport. Future parking requirements can easily be met on site. More importantly, the site will utilize the existing excellent public transport options and introduce an increase yield to maximise public transport use.

Residential Amenity

The higher residential yield will not adversely impact on the amenity of surrounding residential properties. An appropriate built form responding to an envelope established by appropriate building setbacks and maximum building heights, consistent with the surrounding development, will achieve an appropriate planning outcome and maintain residential amenity.

Moreover the amenity of the existing residences are compromised by Warringah Freeway. An appropriate level of amenity will only be achieved via redevelopment of the site which will incorporate appropriate design and noise attenuation measures to increase amenity for occupants of these sites.

6 STRATEGIC PLANNING FRAMEWORK

6.1 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 Planning Proposal 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 Planning Proposal and discuss whether the Planning Proposal is consistent with those actions.

Table 2: Consistency with Draft Sub-regional strategy

ACTION	RESPONSE
Economy and Employment	An increased residential density of the subject site would not directly impact upon the local economy and employment. However, the greater residential yield would further support the growth of the neighbouring suburb of St Leonards and the allocated 'special centre' of St Leonards.
Centres and Corridors	St Leonards 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".
Housing	According to North Sydney's Draft 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 Planning Proposal will meet the provisions of this land use policy and the policies held under the Draft North Sydney Residential Development Strategy 2008. 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 1,565 additional dwellings 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".
Transport	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.

	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.
Environment, Heritage and Resources	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.
Parks and Public Places	The site is located in close proximity to existing open space recreational areas such as Rest Park and St Leonards Park. The urban design analysis demonstrates a built form with supports appropriate open space on site.

The Planning Proposal 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 an improved and increasingly integrated transport system; and
- Improve the quality of the built and natural environment while aiming to decrease the subregion's ecological footprint.

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

North Sydney Council's Draft 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 Draft RDS will be placed on public exhibition concurrently with the new comprehensive LEP and DCP.

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

- Contain 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;
- Concentrate 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;
- Deliver housing choice for a range of socio-economic groups throughout North Sydney to meet the needs of existing and future residents; and
- Minimise the impact of new development on local character, amenity, environment and heritage.

The Draft RDS will form the basis for residential zonings and development standards under the new comprehensive North Sydney Local Environmental Plan 2009. 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 preparation of 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 Planning Proposal is considered to be consistent with objectives and principles of the Draft RDS 2008 as the proposal provides for higher density residential development within an appropriate location, being within the St Leonards specialised centre catchment area, adjoining the Warringah Freeway; close to public transport and within walking distance of shops. The Planning Proposal delivers a housing choice and a quantum of housing that will reasonably contribute to subregional housing targets. The Planning Proposal had due regard for the local character as demonstrated in the urban design analysis which supports

a higher density and higher built form on the site without adversely impacting on the surrounding premises or the natural environment. Moreover the Planning Proposal assists in retaining intact areas of detached and semi detached housing by appropriately locating it within a medium to high density area consistent with the Comprehensive Draft LEP zoning.

6.3 Is the Planning Proposal consistent with applicable state environmental planning policies

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

SEPP TITLE	CONSIS- TENCY	COMMENT
1. Development Standards Consistent.	Yes	The Standard Instrument clause 4.6 will supersede the SEPP.
4. Development Without Consent and Miscellaneous Exempt and Complying Development	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.
6. Number of Storeys in a Building	Yes	The Planning Proposal will use the Standard Instrument definitions to control building heights.
14. Coastal Wetlands	NA	Not applicable
15. Rural Landsharing Communities	NA	Not applicable
19. Bushland in Urban Areas	NA	Not applicable
21. Caravan Parks	NA	Not applicable
22. Shops and Commercial Premises	NA	Not applicable
26. Littoral Rainforests	NA	Not applicable
29. Western Sydney Recreation Area	NA	Not applicable
30. Intensive Agriculture	NA	Not applicable
32. Urban Consolidation (Redevelopment of Urban Land)	Yes	The Planning Proposal 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	NA	Not applicable
36. Manufactured Home Estates	NA	Not applicable
39. Spit Island Bird Habitat 41. Casino Entertainment	NA	Not applicable
44. Koala Habitat Protection	NA	Not applicable
47. Moore Park Showground	NA	Not applicable
50. Canal Estate Development	NA	Not applicable
52. Farm Dams, Drought Relief and Other Works	NA	Not applicable
53. Metropolitan Residential Development	NA	Not applicable
55. Remediation of Land	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP. The sites historical use was for residential purposes and the proposed use will continue for residential purposes
59. Central Western Sydney	NA	Not applicable

Economic and Employment Area		
60. Exempt and Complying Development	NA	Not applicable
62. Sustainable Aquaculture	NA	Not applicable
64. Advertising and Signage	NA	Not applicable
65. Design Quality of Residential Flat Development		The Planning Proposal 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)	Yes	If a requirement for affordable housing is introduced in the Planning Proposal, the relevant provisions will be consistent with this SEPP.
71. Coastal Protection	NA	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	Yes	The Planning Proposal 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 Planning Proposal 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 Planning Proposal 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 Planning Proposal 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 Planning Proposal 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 Planning Proposal.

6.4 Is the Planning Proposal consistent with the applicable ministerial directions?

It is considered that the Planning Proposal 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- TENCY	COMMENT
Employment and Resources		
1.1 Business and Industrial Zones	Yes	The site is located within an existing residential zone and the Planning Proposal only "up-zones" the land to a higher density residential zone. Accordingly, Direction 1.1 is not applicable.
1.2 Rural Zones	NA	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries	NA	Not applicable
1.4 Oyster Aquaculture	NA	Not applicable
1.5 Rural Lands	NA	Not applicable
Environment and Heritage		
2.1 Environment Protection Zones	NA	Not applicable
2.2 Coastal Protection	NA	Not applicable
2.3 Heritage Conservation	NA	Not applicable
2.4 Recreation Vehicle Areas	NA	Not applicable
Housing, Infrastructure and Urban Development		
Direction 3.1 Residential zones	Yes	The Planning Proposal 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 Planning Proposal through the urban design analysis demonstrates appropriate built form whilst minimising the impact of residential development on the environment. The subject site is located within an urban area well serviced by existing infrastructure. Any new development will connect to existing infrastructure networks.
3.2 Caravan Parks and Manufactured Home Estates	NA	Not applicable
3.3 Home Occupations	NA	Not applicable
3.4 Integrating land use and transport	Yes	The Planning Proposal 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	NA	Not applicable
Hazard and Risk		
4.1 Acid sulphate soils	NA	The site is not located on acid sulphate soils. Accordingly, Direction 4.1 is not applicable.
4.2 Mine Subsidence and Unstable Land	NA	Not applicable
4.3 Flood prone land	NA	The site is not located within flood prone land. Accordingly, Direction 4.3 is not applicable.
4.4 Planning for Bushfire Protection	NA	The site is not located within a Bushfire prone area. Accordingly, Direction 4.4 is not applicable.
5 Regional Planning	NA	Not applicable
6 Approval and Referral Requirements		
6.1 Approval and Referral Requirements	Yes	The Planning Proposal will be consistent with this Ministerial Direction.
6.2 Reserving Land for Public Purposes	Yes	The Planning Proposal will be consistent with this Ministerial Direction.
6.3 Site Specific Provisions	Yes	The Planning Proposal will be consistent with this Ministerial Direction.

Implementation of the Metropolitan Strategy		
Planning Proposals shall be consistent with: (a) the NSW Government's Metropolitan Strategy: City of Cities, A Plan for Sydney's Future, published in December 2005 ('the Metropolitan Strategy').	Yes	Refer to Table 2 Section 6.2 of the Planning Proposal for detail.

7 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

7.1 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.

7.2 Are there any other likely environmental effects as a result of the Planning Proposal?

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

7.3 How has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal 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 Specialised Centre (St Leonards) and 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.

Accordingly, it is considered that the Planning Proposal will have a neutral or positive effect on the local economy and community.

8 STATE AND COMMONWEALTH INTERESTS

8.1 Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal 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 Planning Proposal.

Existing bus routes run along Willoughby Road some 300m 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.

8.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

At this first iteration of the Planning Proposal, 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 Planning Proposal from the Department of Planning.

9 COMMUNITY CONSULTATION

This Planning Proposal is considered to be of a type that falls within the definition of a '*low impact Planning Proposal*'.¹ 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 Planning Proposal;
- Indicate the land affected by the Planning Proposal;
- State where and when the Planning Proposal 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 Planning Proposal, in the form approved for community consultation by the Director General of Planning;
- The Gateway determination; and
- Any studies relied upon by the Planning Proposal.

¹ 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, resents no issues with regard to infrastructure servicing, is not a principle LEP, and does not reclassify public land.

10 CONCLUSION

This Planning Proposal seeks to amend the existing zoning under North Sydney Local Environmental Plan 2001 (NSLEP 2001) **from Residential B to Residential C** (equivalent to Council's Draft Comprehensive LEP R4 High Density Residential zone) and to establish a 12m height limit.

The Planning Proposal is:

1. Consistent with the zoning anticipated by the Draft Comprehensive LEP;
2. Consistent with the existing built form and adjoining sites;
3. Establishes a proposed height (12m) consistent with the height limit of existing Residential C land within the vicinity pursuant to NSLEP 2001;
4. Establishes a proposed height (12m) limit consistent with the height limit of other R4 draft zoned land within the vicinity; and
5. 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.

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

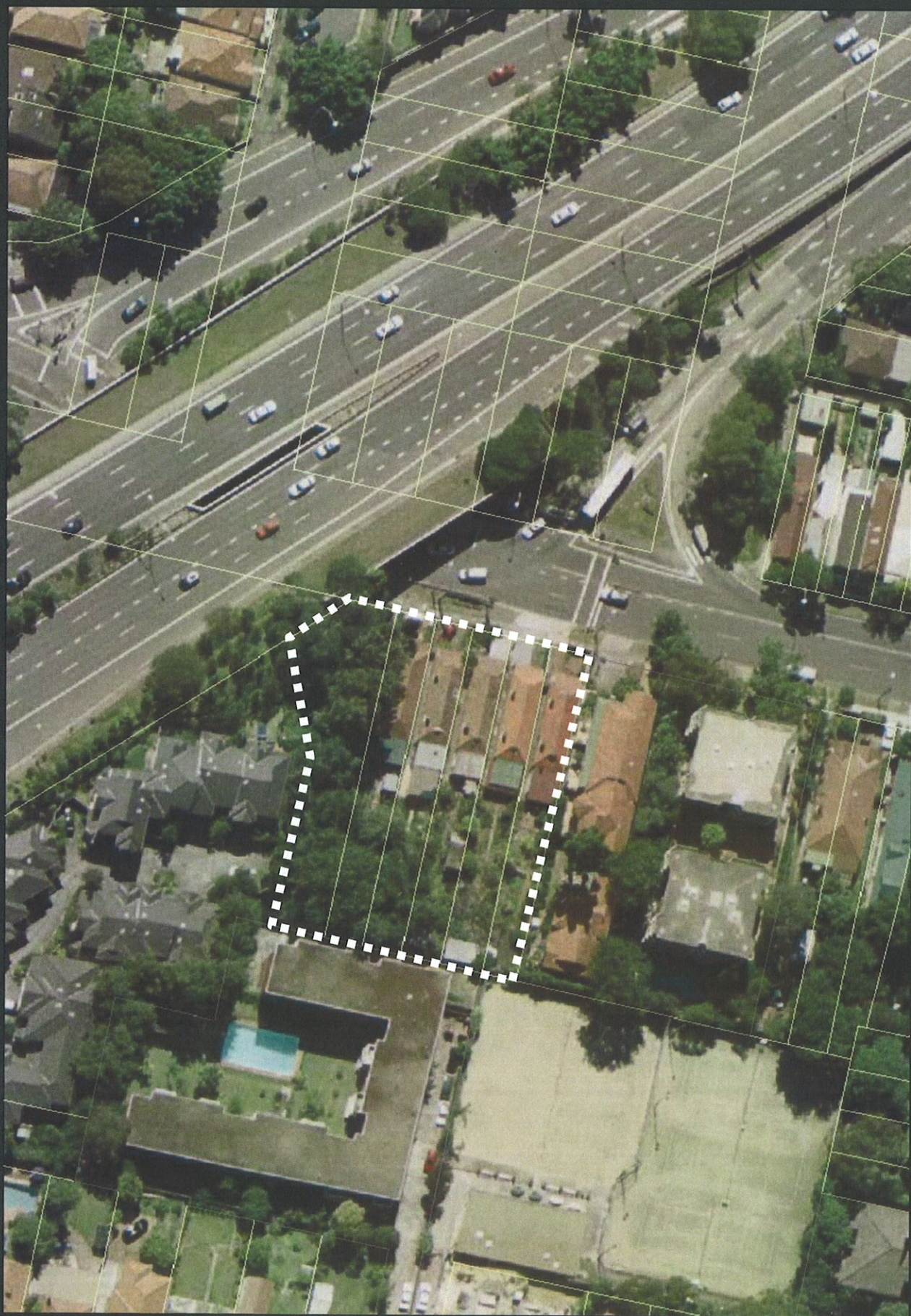
APPENDIX 1

URBAN DESIGN ANALYSIS

20-28 Brook Street, CROWS NEST

Urban Design Analysis – 12 July 2007

CITY
PLAN
URBAN DESIGN



THE SITE

Site Area: 2,800m²

CITY
PLAN
URBAN DESIGN





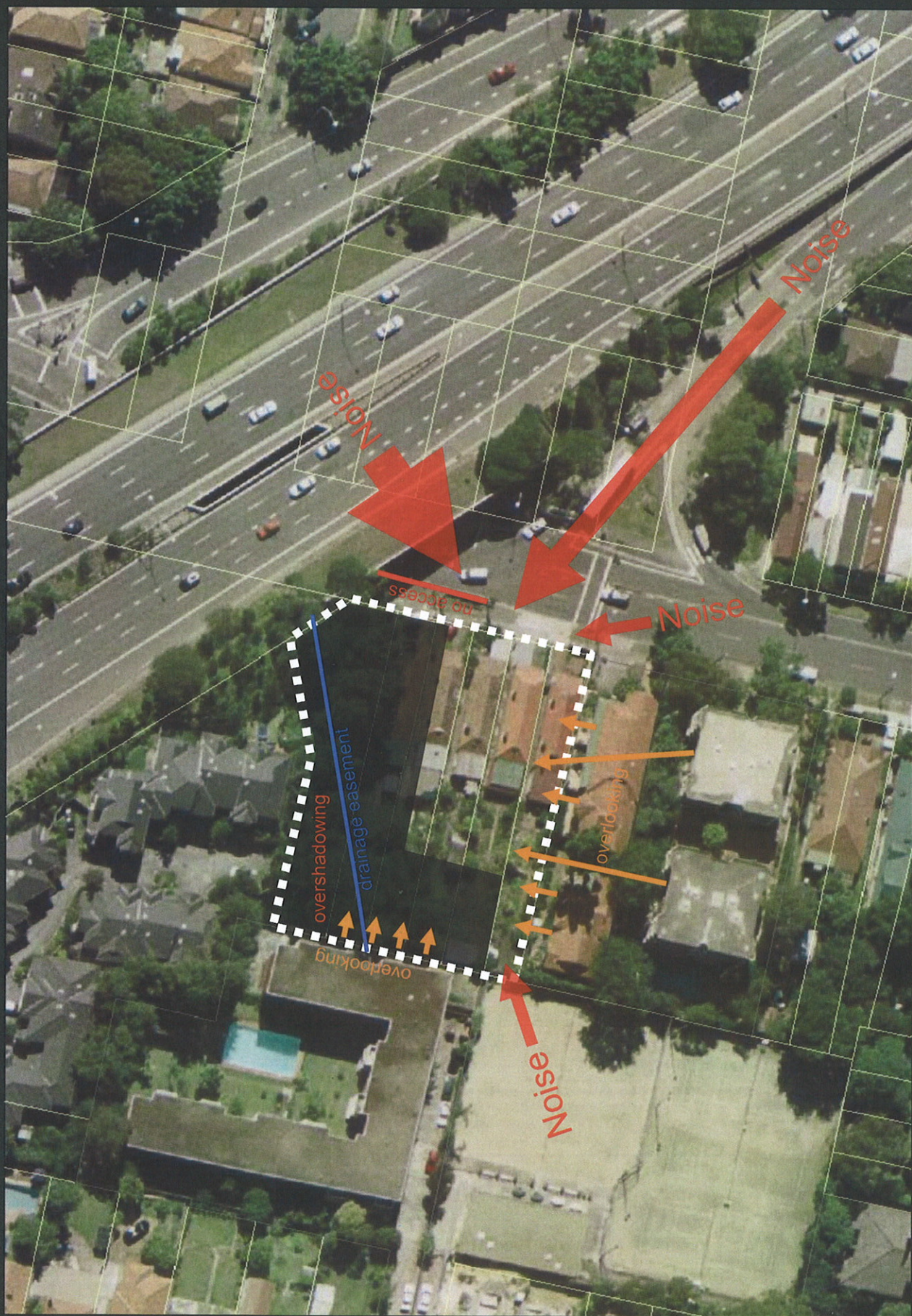
VIEW TO THE EAST

CITY
PLAN
URBAN DESIGN



THE NEIGHBOURHOOD TODAY

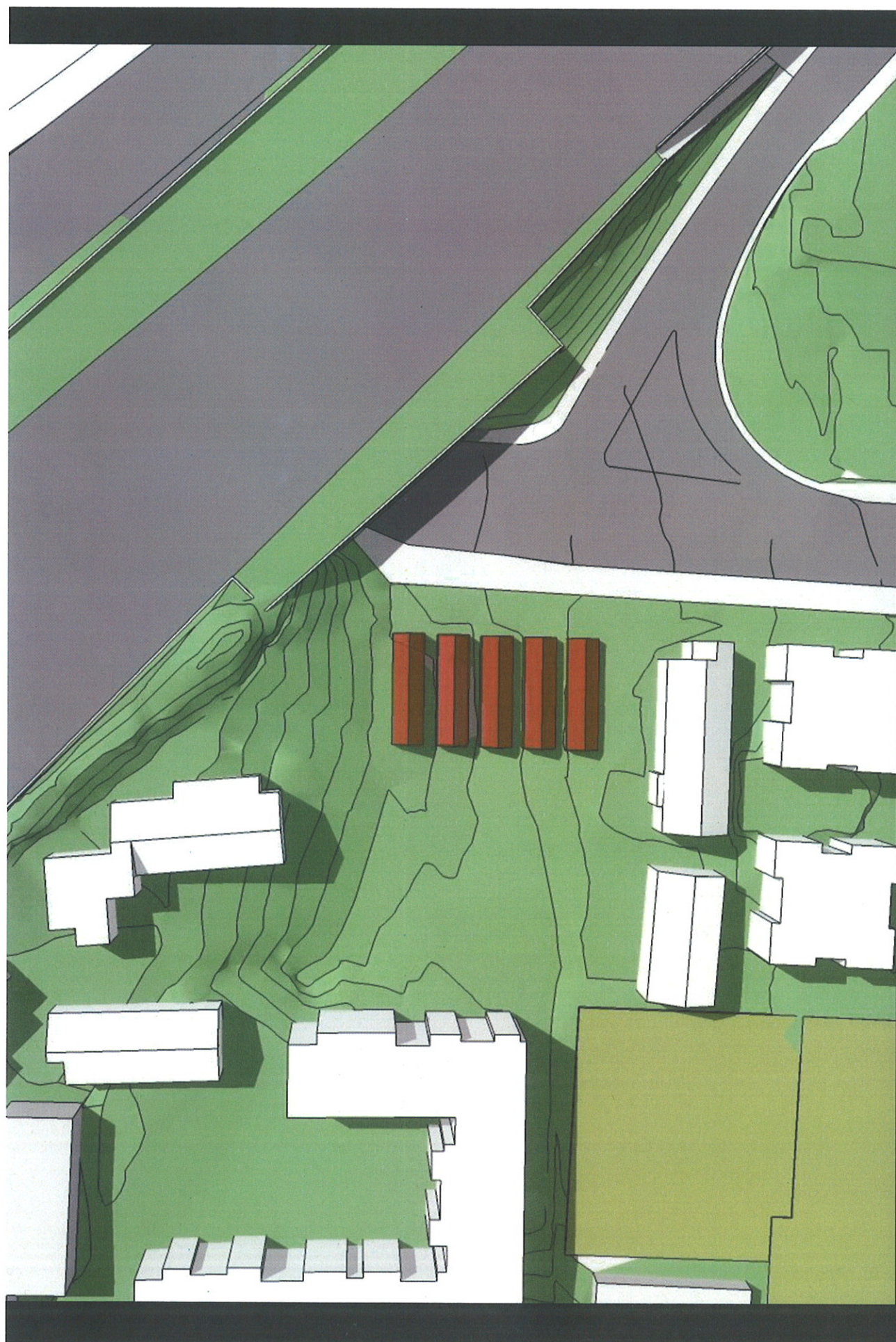
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CONSTRAINTS

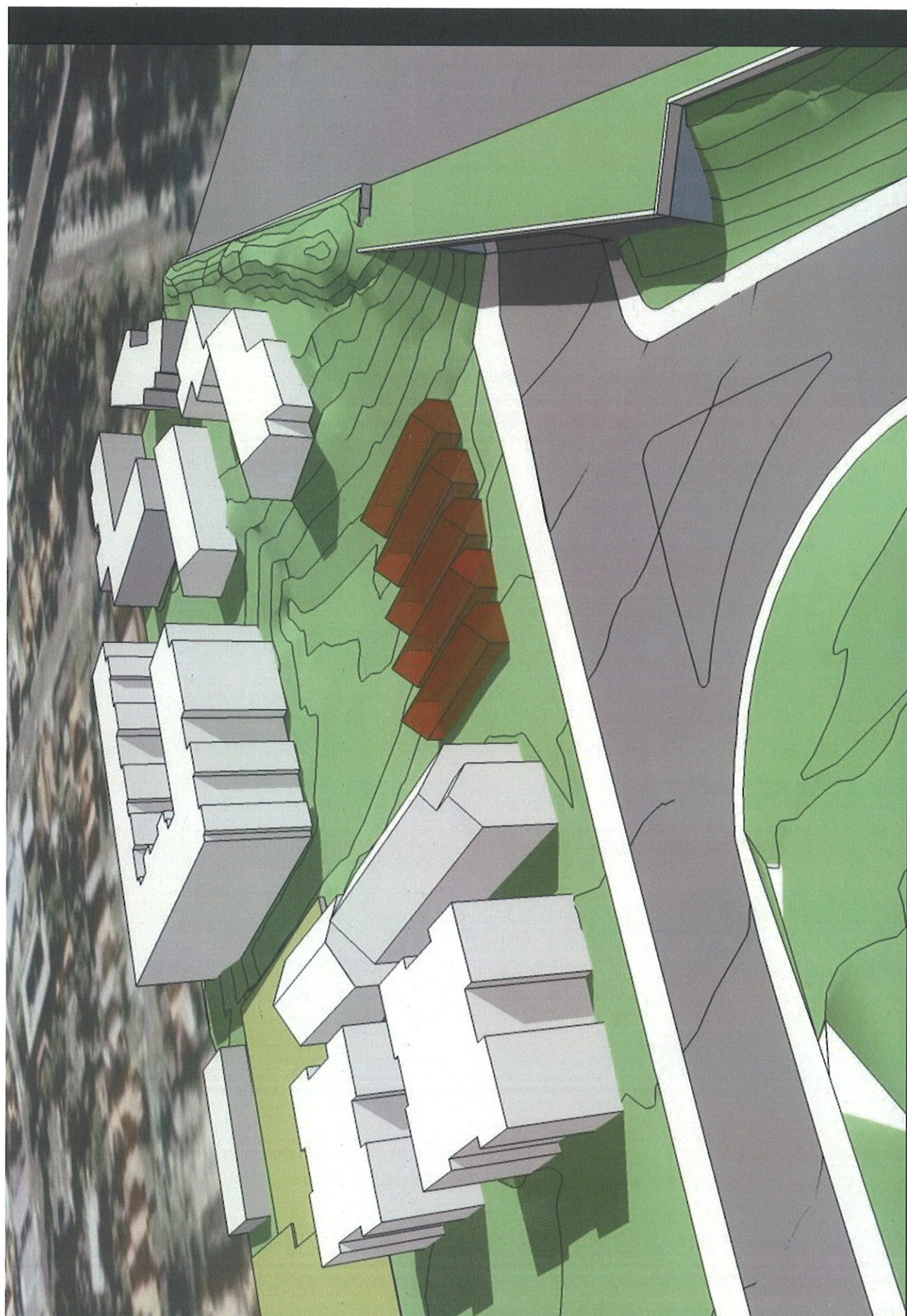
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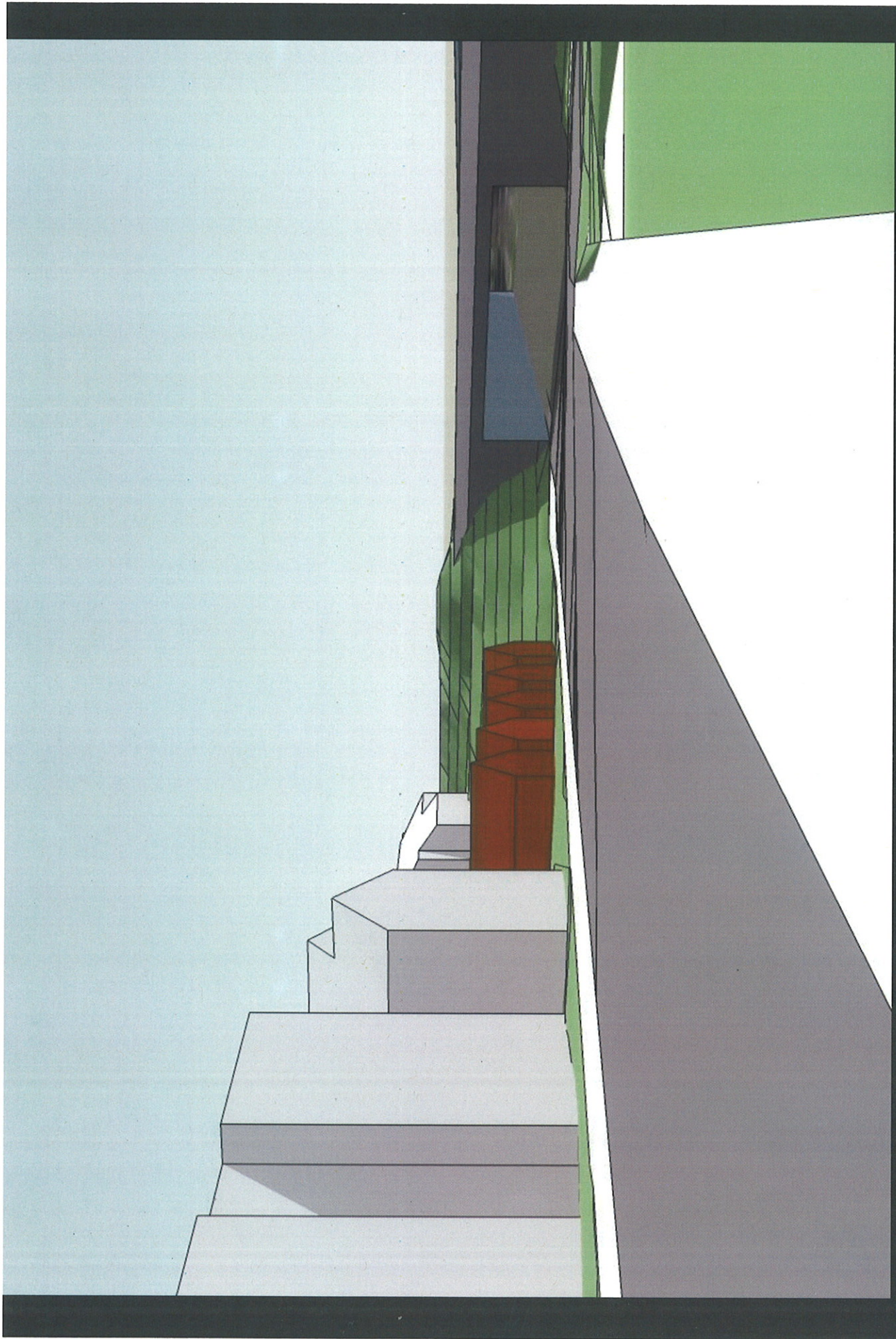
3D MODEL: EXISTING BUILDINGS

CITY
PLAN
URBAN DESIGN



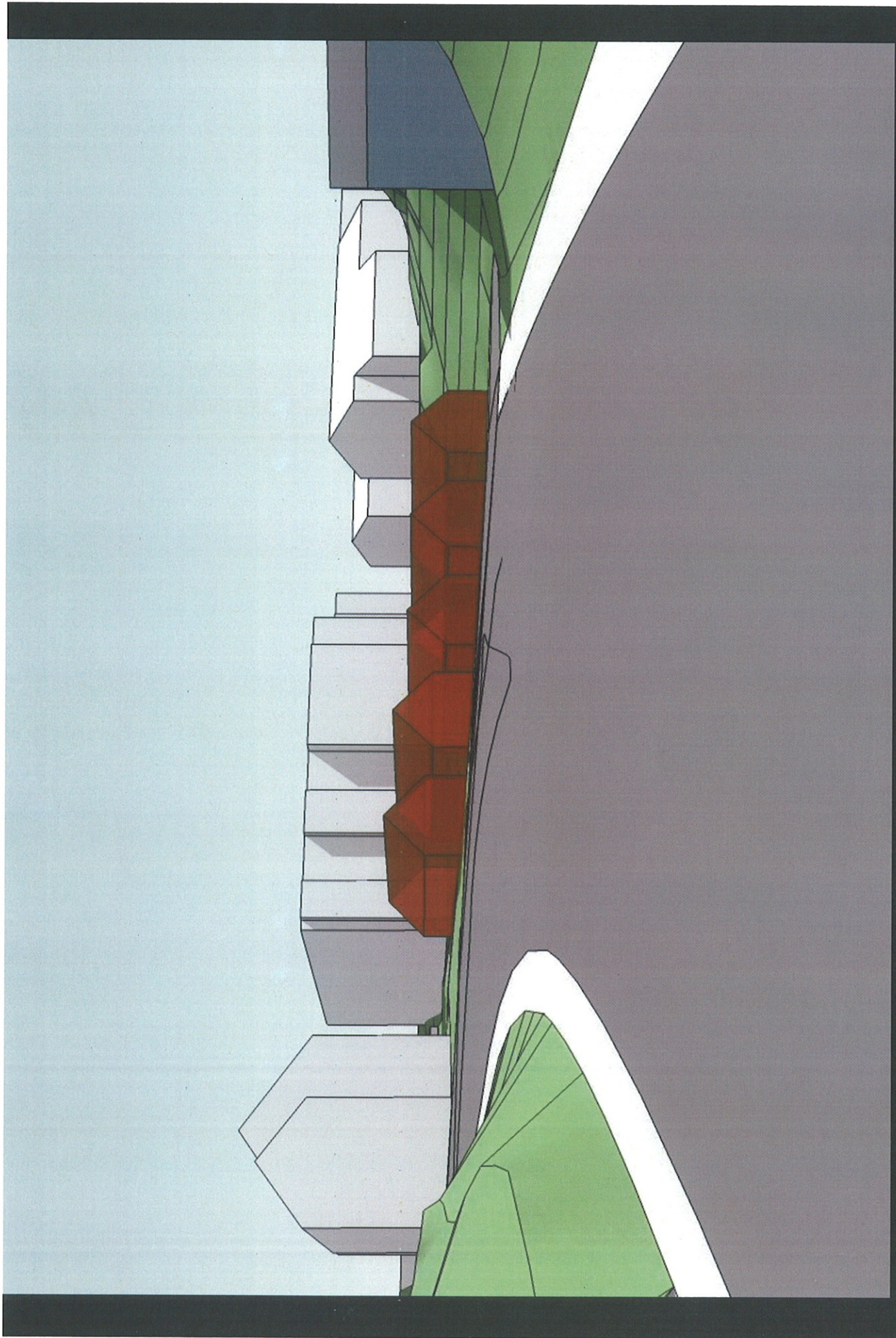
3D MODEL: EXISTING BUILDINGS

CITY
PLAN
URBAN DESIGN



3D MODEL: EXISTING BUILDINGS

CITY
PLAN
URBAN DESIGN



3D MODEL: EXISTING BUILDINGS

CITY
PLAN
URBAN DESIGN



PLAN

CITY
PLAN
URBAN DESIGN



BIRD EYE VIEW

CITY
PLAN
URBAN DESIGN

SECTION

CITY
PLAN
URBAN DESIGN

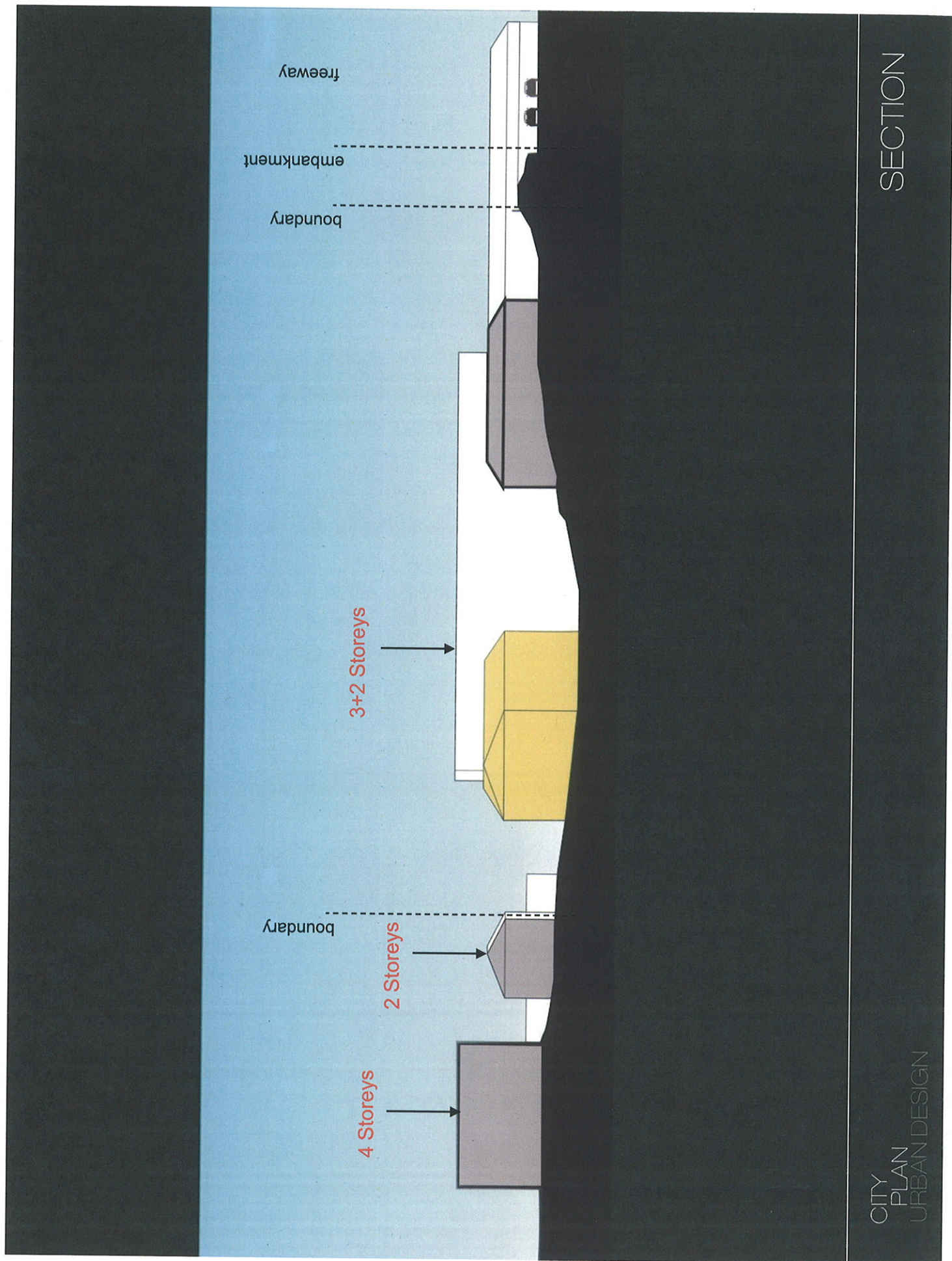
freeway
embankment
boundary

3+2 Storeys

boundary

2 Storeys

4 Storeys



APPENDIX 2

**COUNCIL MEETING
11 FEBRUARY 2008**

DECISION OF 3478th COUNCIL MEETING HELD ON 11/02/08

66. G05: Report of Planning & Development Committee

Re Minute No 5: (PD03) Proposed spot rezonings to incorporate into the preparation of the comprehensive Local Environmental Plan for North Sydney

Report of David Parsell, Senior Strategic Planner, 21 January 2008

Recommending:

- A. **THAT** the following proposed spot rezonings be incorporated into the draft comprehensive LEP:
- 10 Wharf Road, Cremorne Point (Cremorne Point Kiosk)
 - Ixion Lane, Bellevue Street Road Reserve, Cammeray
 - Warringah Expressway Land Cammeray (51 Bellevue Street)
 - Palmer, Brook Street Road Reserve, Cammeray
 - Land adjacent to 8 and 10 Spofforth Street, Cremorne
 - 20-28 Brooke Street, Crows Nest
 - Sexton Place, Amherst Street, Warringah Expressway Road Reserve, Cammeray
- B. **THAT** Council notes the report.

Committee recommendation:

- A. **THAT** the following proposed spot rezonings be incorporated into the draft comprehensive LEP:
- 10 Wharf Road, Cremorne Point (Cremorne Point Kiosk)
 - Ixion Lane, Bellevue Street Road Reserve, Cammeray
 - Warringah Expressway Land Cammeray (51 Bellevue Street)
 - Palmer, Brook Street Road Reserve, Cammeray
 - Land adjacent to 8 and 10 Spofforth Street, Cremorne
 - 20-28 Brooke Street, Crows Nest
 - Sexton Place, Amherst Street, Warringah Expressway Road Reserve, Cammeray
- B. **THAT** Council notes the report.
- C. **THAT** Council investigate the most appropriate course of action regarding 2 Thomas Street, McMahan's Point.

RESOLVED:

- A. **THAT** the following proposed spot rezonings be incorporated into the draft comprehensive LEP:
- 10 Wharf Road, Cremorne Point (Cremorne Point Kiosk)
 - Ixion Lane, Bellevue Street Road Reserve, Cammeray
 - Warringah Expressway Land Cammeray (51 Bellevue Street)
 - Palmer, Brook Street Road Reserve, Cammeray
 - Land adjacent to 8 and 10 Spofforth Street, Cremorne
 - 20-28 Brooke Street, Crows Nest
 - Sexton Place, Amherst Street, Warringah Expressway Road Reserve, Cammeray
- B. **THAT** Council requests advice on the most appropriate option on rezoning of the Thomas Street Café, 2 Thomas Street to permit the continuation of its current use at the current level.

The Motion was moved by Councillor Reymond and seconded by Councillor Zimmerman.

Voting was as follows:

For/Against 11/1

Councillors For	Councillors Against
McCaffery Gibson Reymond Marchandean Oglesby Conaghan Zimmerman Predavec Pearson Burke Carland	Ritten



Report to General Manager

Planning & Development Committee

Attachments: Summary datasheets & maps

SUBJECT: Proposed spot rezonings to incorporate into the preparation of the comprehensive Local Environmental Plan for North Sydney

AUTHOR: David Parsell, Senior Strategic Planner, 21 January 2008

SUMMARY:

A number of spot rezoning requests have been received from the community, Councillors and Council Staff relating to various parcels of land throughout the North Sydney Local Government Area.

On 15 October 2007 Council resolved to commence preparation of a (draft) comprehensive Local Environmental Plan (LEP) and to notify the Department of Planning of its intentions to do so, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979.

The proposed rezonings will be considered as part of the preparation of the draft comprehensive LEP. This report presents an overview of the proposed spot rezonings and recommends that Council resolves to incorporate those spot rezoning proposals that are supported into the preparation of the draft comprehensive LEP.

RECOMMENDATION:

A. **THAT** the following proposed spot rezonings be incorporated into the draft comprehensive LEP:

- 10 Wharf Road, Cremorne Point (Cremorne Point Kiosk)
- Ixion Lane, Bellevue Street Road Reserve, Cammeray
- Warringah Expressway Land Cammeray (51 Bellevue Street)
- Palmer, Brook Street Road Reserve, Cammeray
- Land adjacent to 8 and 10 Spofforth Street, Cremorne
- 20-28 Brooke Street, Crows Nest
- Sexton Place, Amherst Street, Warringah Expressway Road Reserve, Cammeray

B. **THAT** Council notes the Report.

Financial Implications

There are no additional financial implications for Council.

ORIGINAL SIGNED BY:

Signed _____

Endorsed by _____
Manager Strategic Planning

BACKGROUND

Planning Reform and the Standard Instrument

The NSW State Government has embarked on a program of planning reforms aimed at simplifying and streamlining the NSW Planning System. The main objective of the planning reforms is to develop a unified system for the delivery of land use controls throughout NSW.

A major initiative of the State Government's planning reforms has been the development of a standard format for local environmental plans to be adopted by all councils in NSW within the next 2 to 5 years. The Standard Instrument (also known as the standard template) for Local Environmental Plans (LEPs) was gazetted on 28 March 2006. It incorporates standard planning provisions, clauses, definitions and zones into the one document. The Department of Planning (DoP) has given North Sydney Council until March 2009 to have a Standard LEP gazetted. Council began preparation of the draft comprehensive LEP in early 2007.

Spot Rezoning Requests

Following the gazettal of NSLEP 2001, a number of spot rezoning requests have been received from the community, Councillors and Council Staff relating to various parcels of land throughout the North Sydney local government area. The current review of NSLEP 2001 and subsequent transfer of the document into the Standard Instrument format has presented an opportunity for the review of each spot-rezoning proposal. This report presents an overview of the proposed spot rezonings and outcomes from preliminary consultation with Council Staff, Councillors and certain rezoning proponents. It recommends that Council resolves to incorporate those spot rezoning proposals that are supported by Council into the preparation of the draft comprehensive LEP.

SPOT REZONING REVIEW

A spot rezoning review was undertaken to ascertain the merits of each proposal. The subject review included desktop research and individual site visits. A Project Control Group (PCG) was established comprising Senior Planning Staff to discuss any potential issues that may arise as a result of the spot rezoning requests, including potential impacts on the amenity and character of surrounding areas. The outcomes from the PCG meetings were further discussed at a number of Councillor Briefings. Proponents of *significant* rezoning requests were given the opportunity to present their proposals during these Briefings.

Summary data sheets for each of the spot rezoning supported by Council are attached to this report and document key issues, Council Staff and Councillor recommendations. Maps of each site are also included.

The rezoning proposals, outcomes from the Councillor Briefings and the PCG meetings are summarised in the following table. The table also includes a number of proposed spot rezonings related to resolutions made during previous Council meetings.

Summary of Spot Rezonings

DATA SHEET NO.	ADDRESS	CURRENT ZONING (NSLEP 2001)	PROPOSED ZONING (Standard Instrument Zones)	COUNCILLOR RECOMMENDATION/ RESOLUTION
1.	10 Wharf Road, Cremorne Point (Cremorne Point Kiosk)	Residential/ Neighborhood Business D	R2 - Low density residential	Proposal supported at Councillor Briefing held 5 June 2007.
2.	Ixion Lane and Bellevue Street Road Reserve, Camberay	Road Zone	RE1 - Public recreation	Proposal supported at Councillor Briefing held 9 October 2007.
3.	Warringah Expressway Land, Cammeray (51 Bellevue Street)	Road Zone	R2 - Low density residential	Proposal supported at Councillor Briefing held 9 October 2007.
4.	Palmer, Brook Street Road Reserve, Cammeray	Road Zone	RE1 - Public recreation	Council resolved to rezone the land at its meeting held 29 November 2004.
5.	Land adjacent to 8 and 10 Spofforth Street, Cremorne	Road Zone	RE1 - Public recreation	Council resolved to rezone the land at its meeting held 7 August 2006.
6.	20-28 Brook Street, Crows Nest	Residential B Zone	R4 - High density residential (10m height limit)	Proposal supported at Councillor Briefing held 9 October 2007.
7.	Sexton Place, Amherst Street/Warringah Expressway Road Reserve, Camberay	Road	RE1 - Public recreation	Council resolved to rezone the land at its meeting held 29 November 2004.

CONCLUSION

The proposed spot rezonings outlined within this report reflect a number of zoning changes throughout the LGA. Having regard to the timeframe established by the Department for North Sydney Council to respond to the preparation of a draft comprehensive LEP in accordance with the Standard Instrument, it is recommended that those spot rezonings which are supported by Council be incorporated into the draft comprehensive LEP.

NSLEP 2001 REVIEW – SPOT REZONING #6

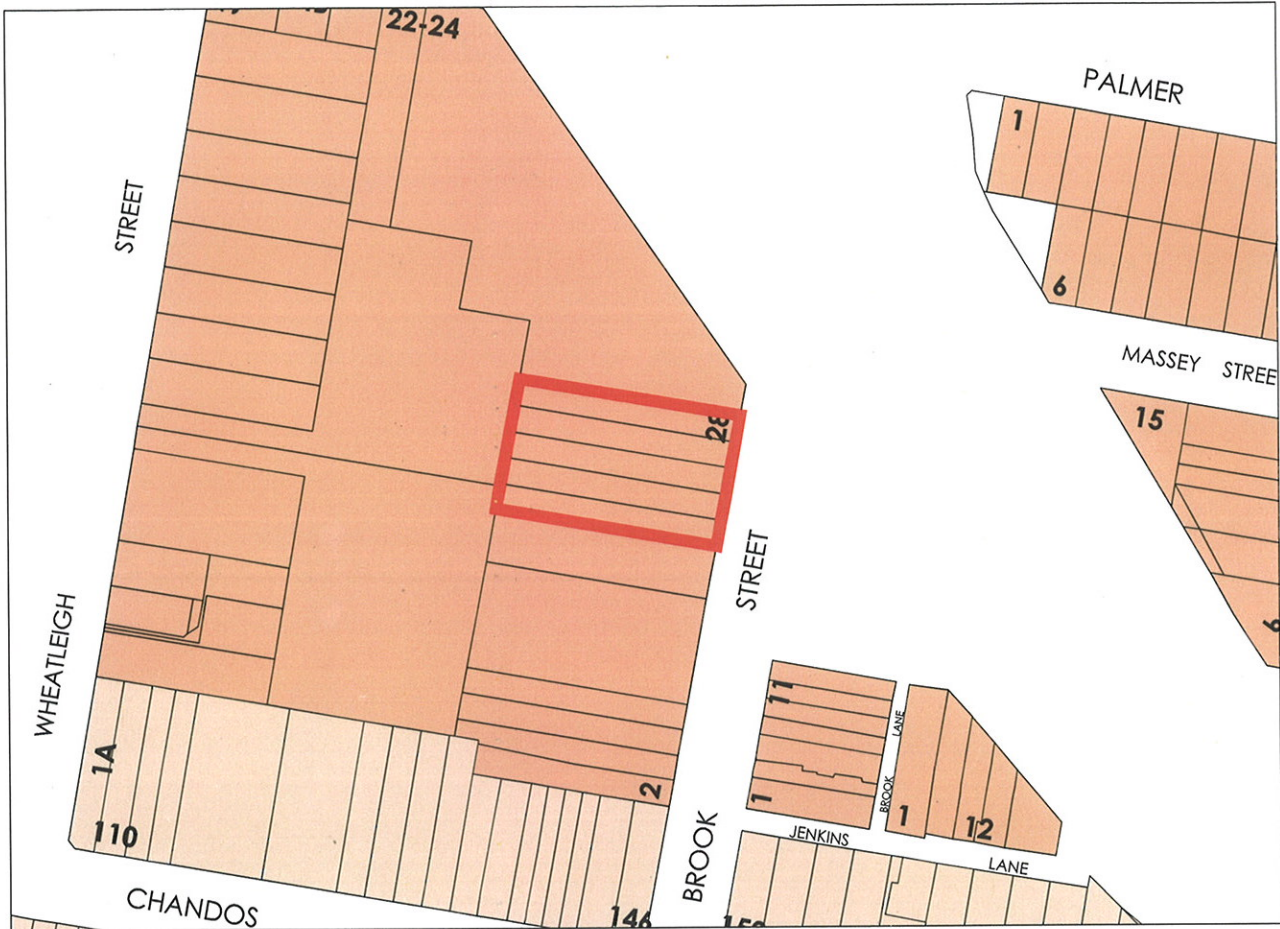
Spot Rezoning No.	6
Address	20, 22, 24, 26 and 28 Brook Street, Crows Nest
Lot/DP	5/8066, 6/8066, 7/8066, 8/8066, 9/8066,
Property Owner	20-24 Brook Street, Zio Georgakis and 26-28 Brook Street, Suzanne Donnellan
Rezoning Applicant	Achilles Apostolellis Architecture on behalf of owners
Current Zoning - NSLEP 2001	Residential B Zone
Requested Zoning	• Under NSLEP 2001: <i>Residential C Zone</i> • Equivalent zone under Standard Instrument: <i>Zone R4 – High density</i>
Applicants Reasons for Rezoning	• Rezone to Residential C Zone to allow the redevelopment of the existing cottages into apartment building development for the following reasons: ◦ Existing cottages are old, require repair and maintenance and reconfiguration to provide accommodation in line with modern lifestyle requirements. ◦ Site is surrounded by high density development and the Warringah Freeway and thus redevelopment of the land would be appropriate in scale and character to this end of Brook Street. ◦ Site is isolated from the single dwelling area located further southward. ◦ Amenity of existing cottages is compromised by Warringah Freeway off-ramp and an appropriate level of amenity only achievable via redevelopment of sites to incorporate appropriate design and sound proof mechanisms and such redevelopment is only financially viable with a higher density due to the need to design to attenuate the traffic noise from freeway. ◦ Location of sites are within walking distance to Crows Nest Village and public transport and thus well located for an increase in density.
Background Information	• DA (390/03) for demolition of 20-24 Brook Street and erection of 2-storey apartment building for housing for aged and disabled with basement parking refused on the grounds that it is inappropriate location, poor amenity for residents and poor access. • 21 May 2004 - L and E Court appeal dismissed • 26 July 2004 – Rezoning request from Residential B to Residential C m for 20-24 Brook Street is made By Kerry Gordon Planning Services on behalf of owner • 20 October 2004 – Rezoning request discussed at Councillor Briefing – Council Staff recommend against the rezoning • 23 January 2007 – Draft rezoning proposal submitted
Staff Recommendation	• The applicant's reasons for the rezoning are valid and an apartment building on the site would be consistent with surrounding development. The current zoning on the site prohibits the most appropriate built form outcome for the site given the range of constraints on the site.
Councillor Recommendation	• At a briefing held 9 October 2007, Council has provided in principle support for: ◦ the rezoning of 20-24 Brook Street, Crows Nest to the Standard Instrument zone <i>R4 - High Density Residential</i>; and ◦ a 10 metre maximum height limit to apply across the site.

NSLEP 2001 REVIEW – SPOT REZONING #6

Relevant Correspondence	Doc No. 3593196 – (23 January 2007) – Draft rezoning proposal (Achilles Apostolellis Architecture) Doc No. 2747167 – (12 October 2004) – Councillor Briefing rezoning request notes Doc No. 2667129 (26 July 2004) – Rezoning request (Kerry Gordon) Doc No. 2450202 – (8 December 2003) -DA Council report.
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Sheet 6 - 20-28 Brook Street, Crows Nest

Current Zoning



Aerial Photograph 2001

