

Planning Proposal to North Sydney Council

Panorama, 200-220 Pacific Highway, Crows Nest

Prepared on behalf of B Cap 2 Pty Ltd

December 2014 (Rev 4) | 1020

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B	Existing and Planning Proposal version of NSLEP 2013 Non-Residential FSR Range Map - Sheet LCL_001
C	Crows Nest South Planning Study, prepared by SGS Economics and Planning

1.0 Preliminaries

1.1 Introduction

This Planning Proposal is submitted to North Sydney Council (the **Council**). It has been prepared by Robinson Urban Planning Pty Ltd on behalf of B Cap 2 Pty Ltd (the proponent and land owner). It relates to the mixed use development known as “Panorama” which is located at 200-220 Pacific Highway, Crows Nest (the **site**). Submission of the Planning Proposal follows a meeting between the proponent and Council Officers on 11 February 2014.

Construction of Panorama is complete, the building has been strata titled, the residential apartments have been sold and most are now occupied.

This Planning Proposal would facilitate residential use of six serviced apartments approved on the first floor of Panorama (which have been vacant since completion). As detailed in this Planning Proposal, the proponent has made considerable efforts for an extend period of time both before and after completion of the project, but failed, to find a serviced apartment operator (or alternate non-residential use for the first floor areas). There would be no change to the approved ground floor non-residential uses or Pacific Highway street activation.

The proposed amendment involves a reduction to the minimum non-residential floor space ratio (**FSR**) standard that applies to the site pursuant to North Sydney Local Environmental Plan 2013 (**NSLEP 2013**) as follows:

- Existing non-residential FSR standard 0.5:1 to 2:1
- Proposed non-residential FSR standard 0.24:1 to 2:1

The Planning Proposal explains the background to the requested amendment and consists of the following six parts (consistent with the document titled *A guide to preparing planning proposals*, by NSW Planning & Infrastructure, 2012):

- | | |
|--------|---------------------------------|
| Part 1 | Objectives or intended outcomes |
| Part 2 | Explanation of the provisions |
| Part 3 | Justification |
| Part 4 | Mapping |
| Part 5 | Community Consultation |
| Part 6 | Project timeline |

It is accompanied by the following documents:

- | | |
|-------------------|--|
| Appendix A | Building A - Level 1 Plan and Building A - East Elevation showing the location of the approved serviced apartments (by JPR Architects, CD 4100 and CD 4201, Rev A dated 14 March 2014) |
| Appendix B | Existing and Planning Proposal version of NSLEP 2013 Non-Residential FSR Range Map - Sheet LCL_001 |
| Appendix C | Crows Nest South Planning Study, prepared by SGS Economics and Planning. |

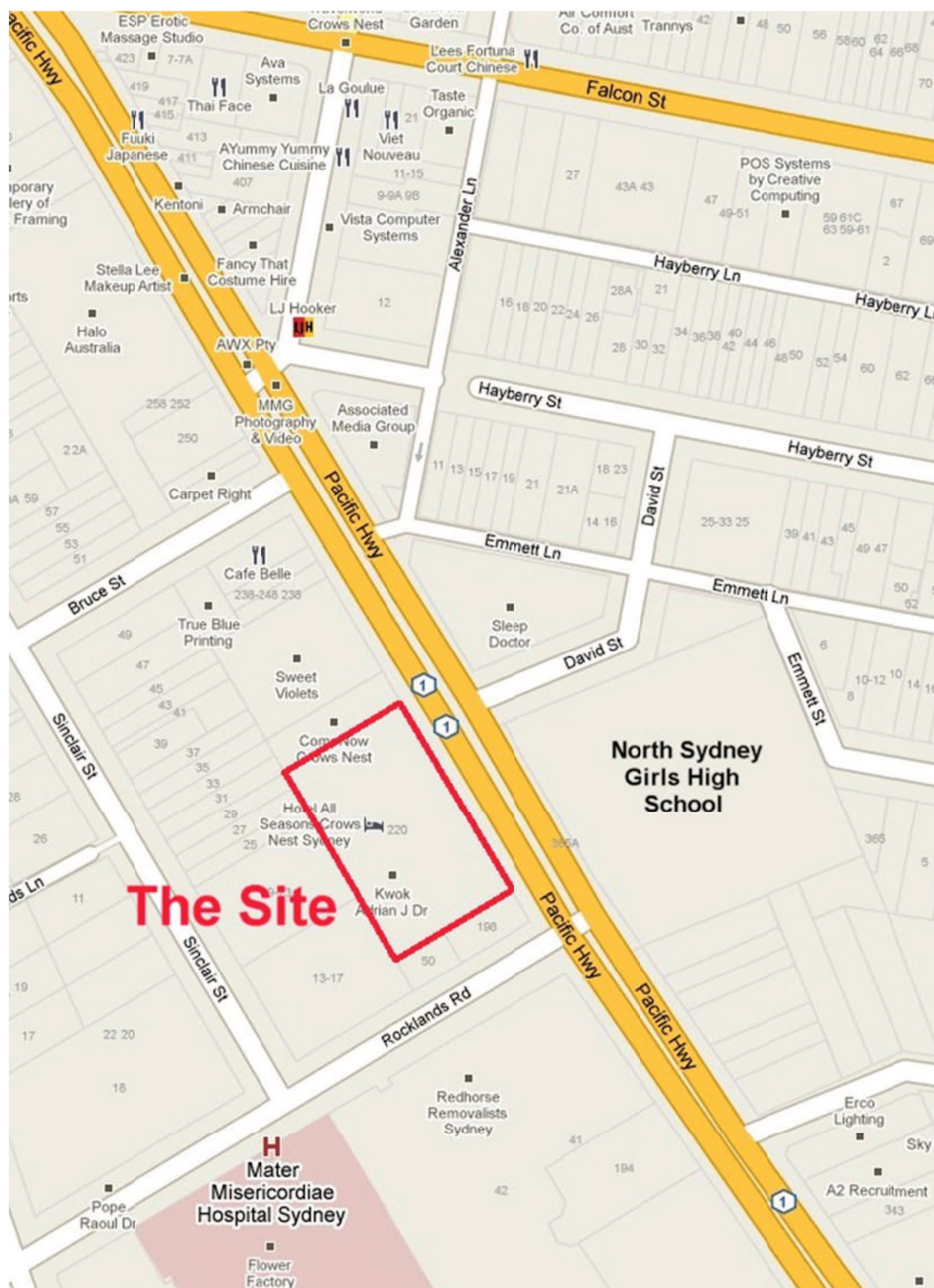


Figure 1 – Location plan

1.2 Background

On 28 April 2014, North Sydney Council considered a previous version of this Planning Proposal. That version of the Planning Proposal sought to amend the minimum non-residential FSR standard under NSLEP 2013 from 0.5:1 to 0.2:1. The officer's report recommended that Council resolve to forward that version of the Planning Proposal to the Minister for Planning in order to receive a Gateway Determination, subject to amending the non-residential FSR range for the subject site to 0.24:1 – 2:1.

As Council did not resolve to make a determination in relation to the Planning Proposal at that time, it was reported back to Council on 19 May 2014 where it resolved in part:

1. *THAT a precinct based Planning Study, similar to that undertaken for Cliff Street, Milsons Point, be undertaken and funded by the applicant.*
2. *THAT if the Planning Study as required by Resolution No.1 meets with the approval of Council's Director Planning and Development Services in supporting the Planning Proposal's objectives, delegated authority be granted to the General Manager to forward the attached Planning Proposal to the Minister for Planning and Environment in order to receive a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act, 1979, subject to the following amendment:*
 - i. *The non-residential floor space ratio range for the subject site be amended to 0.24:1 - 2:1.*

In accordance with Resolution No.1, Council engaged SGS Economics and Planning on 7 August 2014 to prepare a planning study (Crows Nest South Planning Study) of land in Zone B4-Mixed Use under NSLEP 2013, covering both the subject site and southern portion of the Crows Nest Town Centre.

Council received the completed Crows Nest South Planning Study (refer to **Appendix C**) on 12 November 2014.

On 2 December 2014, Council considered a report that specifically addressed Resolution No.2. It was determined that the Crows Nest South Planning Study supports the objectives and intent of the Planning Proposal and therefore is considered to be satisfactory and should be forwarded to the Department of Planning and Environment for Gateway Determination. Council resolved:

2. *THAT under delegated authority, the General Manager resolves 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, subject to the following amendments:*
 - i. *The non-residential floor space ratio range for the subject site be amended to 0.24:1 - 2:1.*
 - ii. *It incorporates discussion with respect to the outcomes of the Crows Nest South Planning Study.*

This Planning Proposal has been revised in accordance with this resolution.

1.3 Brief description of the site

The key characteristics of the site are summarised below:

Location	200-220 Pacific Highway, Crows Nest (Figure 1)
Legal description	Lots and common property in strata plan 88890 Lots and common property in strata plan 88827 Lot 2 in DP 1183313 Lot 4 in DP 1183313
Site area	3,352.4m ²
Existing consent	The Sydney East Joint Regional Planning Panel (JRPP) approved development application (DA) 404/10 (2010SYE088) which operated from 30 March 2011. The consent (which has been modified) approved partial demolition of existing buildings on the site and construction of a 17 storey mixed use building containing 204 residential apartments, six serviced apartments, ground floor retail and 140 car parking spaces. The total approved non-residential FSR is 0.4:1. The position of the approved service apartments (six) is illustrated on the plan and elevation at Appendix A.
Surrounding development	North An old warehouse style two storey building at 222 Pacific Highway is built to the site's northern boundary. A six storey mixed use building, known as "The Cosmopolitan" is further north at 236 Pacific Highway. The latter building has three non-residential tenancies at the street front on the ground level only, with residential uses above (making it <i>shop top housing</i>¹). Further north (on the south side of Bruce Street) are older one and two storey buildings occupied by non-residential uses. South A two storey retail/commercial building is to the south on the corner of Rocklands Road and the Pacific Highway at 198 Pacific Highway. This building has a ground floor shop with a dwelling above. The opposite side of this intersection is occupied by a six storey (plus attic) apartment building at 41 Rocklands Road. Mater Hospital is to the south-west, beyond Rocklands Road. East North Sydney Girls' High School (a heritage item) and commercial/residential uses are to the east of the site, beyond the Pacific Highway. West Residential uses along Sinclair Street; comprising an apartment building (7 Sinclair St), townhouses (19-23 Sinclair Street) and semi-detached dwellings; are to the west (25-37 Sinclair Street).

¹ Pursuant to the Dictionary to NSLEP 2013:

Shop top housing means one or more dwellings located above ground floor retail premises or business premises

1.4 Statutory context

An overview of the key planning provisions applying to the site under NSLEP 2013 follows:

- **Zone** – Zone B4 Mixed Use (refer to **Figure 2**). For Zone B4, the land use table shows the following objectives and permitted/prohibited uses:

Zone B4 Mixed Use

1 Objectives of zone

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity.*
- *To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses on the lower levels and residential uses above those levels.*

2 Permitted without consent

Nil

3 Permitted with consent

Amusement centres; Backpackers' accommodation; Boarding houses; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Serviced apartments; Sex services premises; Shop top housing; Signage; Vehicle repair stations; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

- **Height of buildings** – 16m
- **Non-residential FSR** – Area 6 – 0.5:1 to 2:1 (refer to Figure 3)
- **Heritage** – The site is not a heritage item and is not located within a conservation area. Heritage items in the vicinity of the site include the former Mater Maternity Hospital at 7 Sinclair Street, on the corner of Rocklands Road, North Sydney Girls' High School and adjoining buildings to the south (located within the Holtermann Estate Conservation Area).

NSLEP 2013 is supplemented by *North Sydney Development Control Plan 2013 (NSDCP 2013)* which provides guidelines on detailed aspects of development. The NSDCP 2013 contains Character Statements for the various planning areas within the municipality which describe the desired future outcomes for development in the area. The site (and the block on the west side of the Highway between Rocklands Road and Bruce Street) is located within the Waverton/Wollstonecraft Planning Area which is a predominantly residential area (refer to **Figure 4**). All other parts of the mixed use centre are located in the St Leonards/Crows Nest Planning Area.

Land Zoning Map
- Sheet LZN_001

Zone

B1	Neighbourhood Centre
B3	Commercial Core
B4	Mixed Use
E2	Environmental Conservation
E4	Environmental Living
IN2	Light Industrial
IN4	Working Waterfront
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP1	Special Activities
SP2	Infrastructure
UL	Unzoned Land

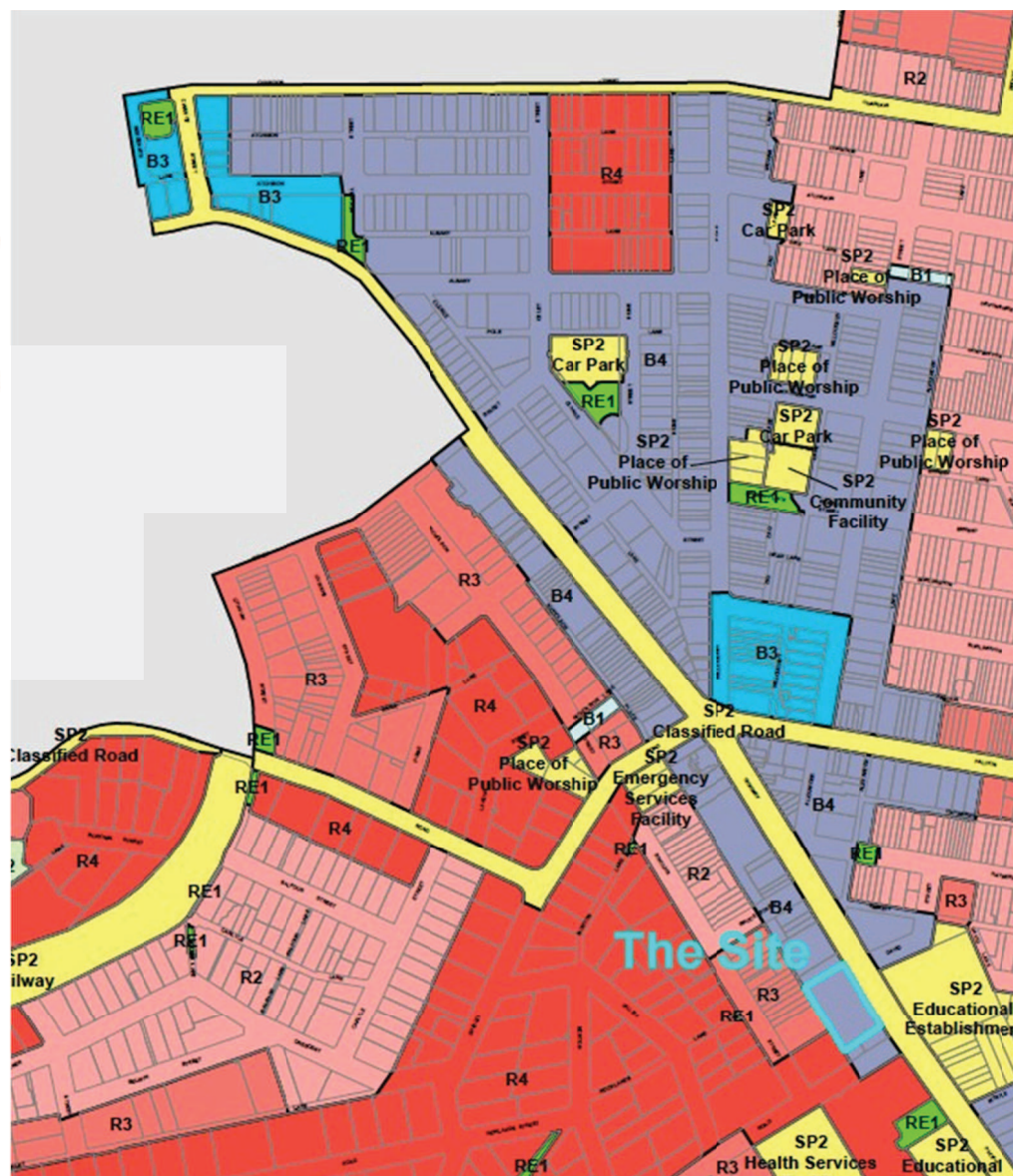


Figure 2 – Extract from NSLEP 2013, Land Zoning Map - Sheet LZN_001 showing the site's location at the southern extremity of the Zone B4 lands

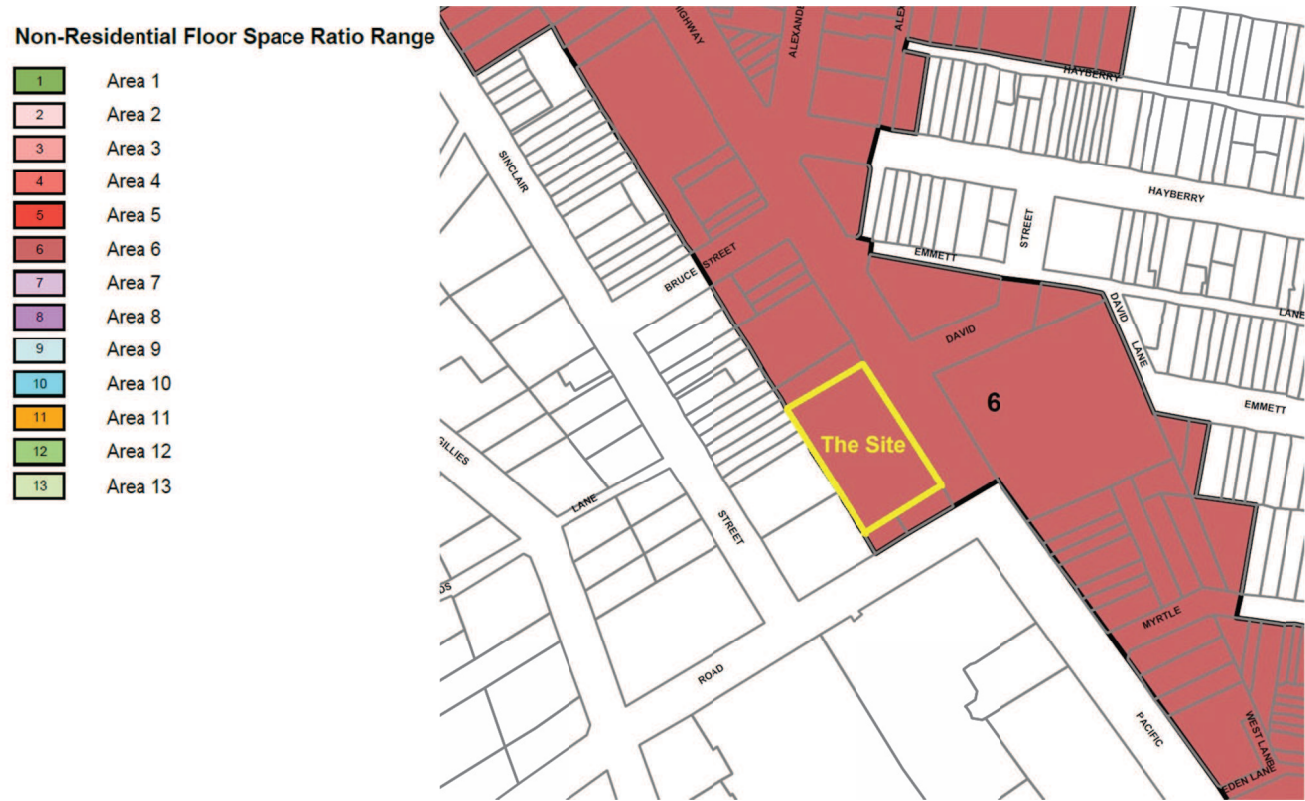


Figure 3 – Extract from NSLEP 2013, Non-Residential FSR Range Map - Sheet LCL_001

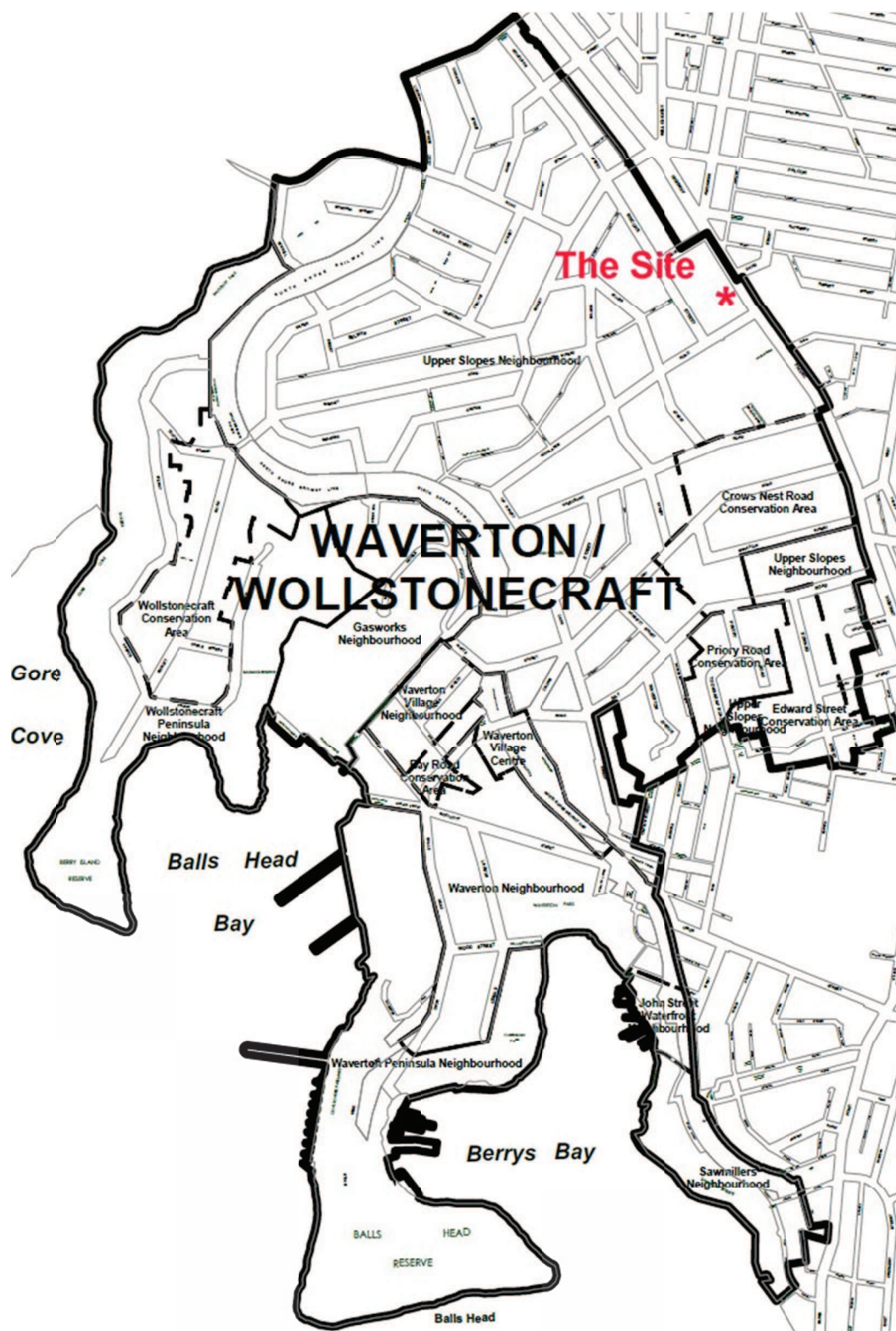


Figure 4 – NSDCP 2013 Waverton/Wollstonecraft Planning Area showing the location of the site

2.0 Planning proposal

2.1 Part 1 - Objectives or intended outcomes

The objective of the Planning Proposal is to reduce the minimum non-residential FSR standard applying to the site. The intended outcome is to enable residential use of the approved first floor serviced apartments constructed on the site.

2.2 Part 2 – Explanation of provisions

The objective and intended outcome set out above will be achieved by the following amendments to NSLEP 2013:

1. Map amendment

Amend the Non-Residential Floor Space Ratio Range Map - Sheet LCL_001 to nominate the site as Area 14 and add Area 14 to the Key (refer to the existing and Planning Proposal map at **Appendix B**)

2. Instrument amendment

Amend Clause 4.4A(2) - Non-residential floor space ratio ranges as follows (deleted words are shown in ~~strike through~~ and new words are shown in **red bold**):

4.4A Non-residential floor space ratio ranges

- (1) *The objectives of this clause are as follows:*
- (a) *to provide for development with continuous and active street frontages on certain land in Zone B1 Neighbourhood Centre, Zone B4 Mixed Use and Zone SP2 Infrastructure,*
 - (b) *to encourage an appropriate mix of residential and non-residential uses,*
 - (c) *to provide a level of flexibility in the mix of land uses to cater for market demands,*
 - (d) *to ensure that a suitable level of non-residential floor space is provided to reflect the hierarchy of commercial centres.*
- (2) *The non-residential floor space ratio for all buildings within a site on land identified on the Non-Residential Floor Space Ratio Range Map as specified in Column 1 of the Table to this subclause must not be less than the ratio shown for that land in Column 2 of that Table and must not exceed the ratio shown for that land in Column 3 of that Table.*

Column 1	Column 2	Column 3
Area 2	0.75:1	2:1
Area 3	3:1	4:1
Area 4	1:1	2:1
Area 5	0.6:1	2:1
Area 6	0.5:1	2:1
Area 7	0.5:1	1:1
Area 8	3:1	4:1
Area 14	0.24:1	2:1

- (3) *The non-residential floor space ratio for all buildings within a site on land identified as follows on the Non-Residential Floor Space Ratio Range Map must not be less than the ratio shown for that land:*

- (a) Area 1—3:1,
 - (b) Area 9—0.5:1,
 - (c) Area 10—1:1,
 - (d) Area 12—2:1,
 - (e) Area 13—1.5:1.
- (4) *The non-residential floor space ratio for all buildings within a site on land identified as Area 11 on the Non-Residential Floor Space Ratio Range Map must not exceed 2:1.*
- (5) *Development consent must not be granted to the erection of a building on land identified as Area 1—~~13~~ 14 on the Non-Residential Floor Space Ratio Range Map unless the consent authority is satisfied that the building will have an active street frontage after its erection.*
- (6) *Despite subclause (5), an active street frontage is not required for any part of a building that is used for any of the following:*
- (a) *entrances and lobbies (including as part of a mixed use development),*
 - (b) *access for fire services,*
 - (c) *vehicular access.*
- (7) *In this clause, a building has an active street frontage if no part of the ground floor of the building facing a street is used for residential accommodation.*
- (8) *In this clause, non-residential floor space ratio means the ratio of the gross floor area of that part of a building used or proposed to be used for any purpose other than residential accommodation, a car park or a telecommunications facility, in all buildings within a site to the site area.*

2.3 Part 3 – Justification

A. Need for the Planning Proposal

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

The Planning Proposal follows and is consistent with the recommendations contained in the precinct based planning study prepared by SGS Economics & Planning (particularly the recommendations that relate to the site).

When the original version of the Planning Proposal was considered by Council on 19 May 2014, Council resolved that it would only progress the Planning Proposal to Gateway Determination if it could be supported by the outcomes of a planning study undertaken for the locality.

Council engaged SGS Economics and Planning on 7 August 2014 to prepare a planning study (Crows Nest South Planning Study) of land in Zone B4 - Mixed Use under NSLEP 2013, covering both the subject site and southern portion of the Crows Nest Town Centre. Council received the completed Crows Nest South Planning Study (refer to **Appendix C**) on 12 November 2014. In summary, the planning study concluded that:

- Based on the feasibility assessment, it was found that the minimum non-residential FSR (of 0.5:1) applying to the study area is generally feasible, particularly on the western side of the Pacific Highway. However, development on the eastern side of the Highway is found to be less feasible, due to the lower building height limit.
- With consideration to other development impediments, including lot amalgamation requirements and weak demand for retail and commercial floor space (hence higher holding costs), it is recommended that the minimum non-residential FSR on the western

side of the Pacific Highway be kept at 0.5:1. On the eastern side of the Pacific Highway, it is recommended that Council consider lowering the minimum non-residential FSR or relaxing the building height to make mixed use redevelopment more viable.

- Due to the limited redevelopment opportunities within the study area, the policy decision concerning the non-residential FSR requirements are unlikely to have a significant impact on the overall supply of non-residential floor space in the study area.
- In response to development at 200-220 Pacific Highway, it was considered that:
 - The provision of serviced apartments within this development is considered unfeasible;
 - The small building footprints has resulted in non-residential floor space being provided at the first floor level, where there is little demand for commercial floor space at this level in the study area;
 - The requirement could have easily been met if the site had been developed as a wholesale redevelopment;
 - The site should be considered in isolation and would not establish a precedent for relaxing non-residential floor space ratios in the Study Area as a whole.
- That consideration be given to a number of actions to assist in maximising street activation.

It is considered that the Crows Nest South Planning Study supports the objectives and intent of the Planning Proposal.

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

Alternatives to the Planning Proposal, that are not achievable in the circumstances, include the following:

- Section 96 application for modification
The applicant lodged a Section 96 application for modification seeking consent to reduce the non-residential FSR approved for the site down to 0.24:1 from 0.4:1 approved (Application No. 404/10/5).
On 30 March 2012, Council refused the Section 96 application. One of the reasons being that the variation required an amendment to North Sydney Local Environmental Plan 2009 (the applicable instrument at the time).
- Compliance with the non-residential FSR standard
The development is complete and fully utilises the site's development potential. Buildings have been strata subdivided, residential apartments have been sold and are now mostly occupied. The provision of additional non-residential GFA (to say increase the number of serviced apartments to a viable level) is impossible as the development potential of the site has been fully utilised and the site ownership is now fragmented.

Given that Council has determined that a Section 96 is not an appropriate means to achieve the objectives and intended outcome described above at Section 2.1, and that compliance with the non-residential FSR standard is impossible, a Planning Proposal is the best mechanism.

B. Relationship to strategic planning framework

3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Assessment Criteria

- a. Does the proposal have strategic merit and:

- Is consistent with a relevant local strategy endorsed by the Director General or
- Is consistent with the relevant regional strategy or Metropolitan Plan or
- Can it other demonstrate strategic merit, giving consideration to the relevant section 117 Directions applying to the site and other strategic considerations (e.g. proximity to existing urban areas, public transport and infrastructure accessibility, providing jobs closer to home etc)

The Planning Proposal is consistent with the *Draft Metropolitan Strategy for Sydney to 2031* and the *Draft Inner North Subregional Strategy (DINSS)*. The DINSS identifies housing choice as a key direction for the subregion. The DINSS also requires that an additional 5,500 dwellings be provided in the North Sydney LGA by 2031. The Planning Proposal will make a contribution to achieving local and regional residential targets.

Relevant s. 117 directions are considered later in **Table 1**.

- b. Does the proposal have site-specific merit and is it compatible with the surrounding land uses, having regard to the following:

- the natural environment (including known significant environmental values, resources or hazards) and
- the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and
- the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision

There are no natural environmental constraints or issues relevant to the Planning Proposal.

As demonstrated above in the Justification at Section 2.3, the Planning Proposal has site specific merit, is compatible with surrounding land uses and is consistent with the precinct based planning study by SGS Economics & Planning.

4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

Productive/residential occupation of the approved serviced apartments would make a small contribution towards achieving local residential capacity targets for North Sydney (Council's *Residential Development Strategy 2009* targets 1,453 additional dwellings in St Leonards/Crows Nest).

The Planning Proposal is also consistent with Council's *North Sydney Community Strategic Plan 2013-2023* vision to the extent that the provision of additional dwellings responds to State and regional planning initiatives.

Importantly, the Planning Proposal would not reduce the amount of non-residential GFA located on the Ground Floor of the development, ensuring that the mixed use character of the area and street activation along the Pacific Highway is retained.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent all relevant State Environmental Planning Policies (SEPPs), notably it promotes urban consolidation consistent with *SEPP 32—Urban Consolidation (Redevelopment of Urban Land)* which includes the following aims and objectives

2 Aims and objectives

(1) This Policy aims:

- (a) *to promote the orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development, and*
- (b) *to implement a policy of urban consolidation which will promote the social and economic welfare of the State and a better environment by enabling:*
 - (i) *the location of housing in areas where there are existing public infra-structure, transport and community facilities, and*
 - (ii) *increased opportunities for people to live in a locality which is close to employment, leisure and other opportunities, and*
 - (iii) *the reduction in the rate at which land is released for development on the fringe of existing urban areas.*

(2) The objectives of this Policy are:

- (a) *to ensure that urban land suitable for multi-unit housing and related development is made available for that development in a timely manner, and*
- (b) *to ensure that any redevelopment of urban land for multi-unit housing and related development will result in:*
 - (i) *an increase in the availability of housing within a particular locality, or*
 - (ii) *a greater diversity of housing types within a particular locality to meet the demand generated by changing demographic and household needs, and*
- (c) *to specify:*
 - (i) *the criteria which will be applied by the Minister to determine whether the redevelopment of particular urban land sites is of significance for environmental planning for a particular region, and*
 - (ii) *the special considerations to be applied to the determination of development applications for multi-unit housing and related development on sites of such significance.*

6. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

It is considered that the Planning Proposal is generally consistent with the relevant Directions issued under Section 117(2) of the *Environmental Planning and Assessment Act, 1979* by the Minister to Councils, as demonstrated in the assessment at **Table 1**.

Table 1 – Consistency with Ministerial Directions

Direction	Consistency	Comment
1. Employment and Resources		
1.1. Business & Industrial Zones	Minor inconsistency	The Planning Proposal has a minor inconsistency with this direction as the achievement of the existing non-residential FSR standard could provide employment. However, given the proponent's inability to find a viable use for the Level 1 non-residential GFA (see Section 2.3 A. 1 above), the site is not a suitable location for serviced apartments or Level 1 commercial office space. This position was supported by the conclusions of the Crows Nest South Planning Study. Furthermore, it concluded that a reduction of non-residential floor space on the site is unlikely to adversely impact on employment generation in the locality. Given this, the inconsistency is of minor significance as the site is unlikely to accommodate significant employment potential.
2. Environmental Heritage	N/A	Not applicable
3. Housing, Infrastructure & Urban Development		
3.1. Residential Zones	Yes	The Planning Proposal will provide more housing and make a contribution to house choice in a location that has excellent access to existing infrastructure and services. Additionally, residential use of the Level 1 serviced apartments will not have any adverse environmental impacts.
3.4. Integrating Land Use & Transport	Yes	The Planning Proposal will facilitate additional housing in a location that has access to jobs and services that can be readily accessed by walking, cycling and public transport. The development also includes bicycle parking and space for a car share scheme.
4. Hazard and Risk	N/A	Not applicable
5. Regional Planning	N/A	Not applicable
6. Local Plan Making	N/A	Not applicable
7. Metropolitan Planning		
7.1. Implementation of the Metropolitan Plan for Sydney 2036	Yes	The Planning Proposal is consistent with the Metropolitan Strategy as discussed above in Section 2.3, B.4 above.

C. Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

In theory, the proposed change of use from six serviced apartments to six dwellings will reduce the potential availability of visitor accommodation in the locality. In reality, the proponent has been unable to find a serviced apartment operator, therefore the serviced apartments have not been available to visitors to the area. Additionally, the Mater Hospital which is located very close to the site, has confirmed that it is not interested in taking up the serviced apartments for visiting specialist or for the families of patients.

9. Has the Planning Proposal adequately addressed any social and economic effects?

Potential social effects include the merit of providing additional housing in the Waverton/Wollstonecraft Planning Area which is predominantly residential in character. This positive has been addressed above.

Potential economic impacts include a diminution in mixed use character and non-residential uses in Crows Nest. These issues have been adequately addressed above.

D. State and Commonwealth interests

10. Is there adequate public infrastructure for the Planning Proposal?

It is considered that the Planning Proposal will have no adverse effect on the demand or availability of public infrastructure. As noted above, additional section 94 contributions can be levied (if relevant) at the development application stage.

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

The views of State and Commonwealth agencies will be made known after the gateway determination (noting that the only agency likely to have an interest in the Planning Proposal is the Planning and Infrastructure (P&I)).

2.4 Part 4 – Mapping

Mapping included in the Planning Proposal comprises:

- Site location plan (**Figure 1**)
- Extract from NSLEP 2013, Land Zoning Map - Sheet LZN_001 showing the site's location at the southern extremity of the Zone B4 lands (**Figure 2**)
- Extract from NSLEP 2013, Non-Residential FSR Range Map - Sheet LCL_001 (**Figure 3**)
- NSDCP 2013 Waverton/Wollstonecraft Planning Area showing the location of the site (**Figure 4**)
- Building A - Level 1 Plan and Building A - East Elevation showing the location of the approved serviced apartments (by JPR Architects, CD 4100 and CD 4201, Rev A dated 14 March 2014) (**Appendix A**)
- Relevant existing and Planning Proposal version of NSLEP 2013 Non-Residential FSR Range Map - Sheet LCL_001 (**Appendix B**).

2.5 Part 5 – Community consultation

Community consultation will be undertaken in accordance with Council's guidelines and any specific requirement made by the P&I's gateway determination. At this stage, public exhibition of the Planning Proposal is likely to be undertaken in the following manner:

- Notification in a newspaper that circulates in the area affected by the Planning Proposal (North Shore Times)
- Notification on Council's website
- Notification in writing to affected and adjoining landowners.

It is considered that the Planning Proposal is a "low impact proposal"² requiring exhibition for 14 days.

2.6 Part 6 – Project timeline

An indicative timeline for the Planning Proposal is set out below:

- | | |
|--|---------------|
| • Submission of Planning Proposal to Council | March 2014 |
| • Reporting of Planning Proposal to Council | May 2014 |
| • Precinct based planning study | October 2014 |
| • Referral to Minister for Gateway determination | December 2014 |
| • Date of Gateway determination | February 2015 |
| • Public exhibition period (14 days) | March 2015 |
| • Timeframe for government agency consultation | March 2015 |
| • Timeframe for consideration of submissions | March 2015 |
| • Reporting of exhibition of Planning Proposal | April 2015 |
| • Date of submission to Department to finalise LEP | April 2015 |
| • Anticipated date RPA will make plan | May 2015 |
| • Anticipated date RPA will forward to Department for notification | May 2015 |

² Pursuant to A guide to preparing local environmental plans p. 24 (Planning & Infrastructure, April 2013)

A 'low' impact planning proposal is 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
- consistent with the strategic planning framework
- presents no issues with regard to infrastructure servicing
- not a principal LEP
- does not reclassify public land.

3.0 Summary and conclusion

This Planning Proposal relates to the mixed use development known as “Panorama” located at 200-220 Pacific Highway, Crows Nest. It has been prepared by Robinson Urban Planning Pty Ltd on behalf of B Cap 2 Pty Ltd (the proponent and landowner).

The objective of the Planning Proposal is to reduce the minimum non-residential FSR standard applying to the site under NSLEP 2013 as follows:

- Existing non-residential FSR standard 0.5:1 to 2:1
- Proposed non-residential FSR standard 0.24:1 to 2:1

The intended outcome of the Planning Proposal is to enable residential use of the approved first floor serviced apartments constructed on the site.

Following Council's initial assessment of the Planning Proposal, it was recommended that a planning study be prepared to determine whether the Planning Proposal could be supported and therefore proceed to Gateway Determination or not.

SGS Economics and Planning completed a planning study (Crows Nest South Planning Study) of land zoned *B4-Mixed Use* under NSLEP 2013, covering both the subject site and southern portion of the Crows Nest Town Centre in November 2014. Council received the completed Crows Nest South Planning Study (refer to **Appendix C**) on 12 November 2014. In summary, the planning study concluded that:

- The minimum non-residential FSR (of 0.5:1) applying to the study area is generally feasible, particularly on the western side of the Pacific Highway, but less feasible on the eastern side.
- the minimum non-residential FSR on the western side of the Pacific Highway be kept at 0.5:1
- Consideration be given to lowering the minimum non-residential FSR on the eastern side of the Pacific Highway or relaxing the building height to make mixed use redevelopment more viable.
- Amending the non-residential FSR requirements in the study area are unlikely to have a significant impact on the overall supply of non-residential floor space.
- In response to development at 200-220 Pacific Highway it was considered that:
 - The provision of serviced apartments within this development is considered unfeasible;
 - The small building footprints has resulted in non-residential floor space being provided at the first floor level, where there is little demand for commercial floor space at this level in the study area;
 - The requirement could have easily been met if the site had been developed as a wholesale redevelopment;
 - The site should be considered in isolation and would not establish a precedent for relaxing non-residential floor space ratios in the Study Area as a whole.
- That consideration be given to a number of actions to assist in maximising street activation.

Council's assessment of the Crows Nest South Planning Study against the objectives and intent of the Planning Proposal show that the Planning Proposal can be supported without any adverse impacts.

