

Planning Proposal to allow a maximum building height of 40 metres and a maximum floor space ratio of 5.3:1 for 521 Pacific Highway, Crows Nest.

Proposal Title : **Planning Proposal to allow a maximum building height of 40 metres and a maximum floor space ratio of 5.3:1 for 521 Pacific Highway, Crows Nest.**

Proposal Summary : **The planning proposal seeks to amend North Sydney Local Environmental Plan 2013, as it applies to the site, by:**

- 1. Increasing the Height of Buildings from 20 metres to 40 metres; and**
- 2. Introducing a Floor Space Ratio of 5.3:1.**

PP Number : **PP_2015_NORTH_002_00** Dop File No : **15/01331**

Proposal Details

Date Planning Proposal Received :	05-Jan-2015	LGA covered :	North Sydney
Region :	Metro(CBD)	RPA :	North Sydney Council
State Electorate :	NORTH SHORE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	521 Pacific Highway		
Suburb :	Crows Nest	City :	North Sydney
		Postcode :	2066
Land Parcel :	Lots A & B DP 374468		

DoP Planning Officer Contact Details

Contact Name : **James Sellwood**
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RPA Contact Details

Contact Name : **Alex Williams**
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DoP Project Manager Contact Details

Contact Name : **Sandy Shewell**
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 Contact Email : **sandy.shewell@planning.nsw.gov.au**

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro Inner North subregion	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	80
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Metropolitan Region (East) has not met any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting Notes : **PLANNING PROPOSAL**

The planning proposal seeks to amend North Sydney Local Environmental Plan 2013, as it applies to 521 Pacific Highway (Lots A & B DP 374468), by:

1. Increasing the Height of Buildings from 20 metres to 40 metres; and
2. Introducing a Floor Space Ratio of 5.3:1.

The proposal will allow for mixed use development providing:

- a mix of lower level uses which activate the public domain;
- residential uses above street level;
- suitable setbacks at ground level, a podium and tower building; and
- 80 residential units.

The site is zoned B4 Mixed Use and as such allows for this type of development, however an increase in building height and floor space ratio is required to accommodate the development proposed.

ST LEONARDS/CROWS NEST PLANNING STUDY - PRECINCT 1

The St Leonards/Crows Nest Planning Study - Precinct 1 was adopted by Council on 22 October 2012 and presents an Open Space and Pedestrian Masterplan and a Built Form Masterplan that together provide a holistic approach to planning and development in the precinct. The Masterplans include provision for:

- An expanded Hume Street Park with a pedestrian link to Willoughby Road;
- Widened footpaths along the Pacific Highway and key pedestrian routes; and
- High amenity mixed use buildings on key sites.

This planning proposal, and the accompanying draft voluntary planning agreement, is the

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third planning proposal to be submitted to Council in accordance with recommendations of the St Leonards/Crows Nest Planning Study - Precinct 1. It contributes towards the implementation of the Built Form Masterplan and Open Space Pedestrian Masterplan for Precinct 1.

The 2 previously submitted planning proposals resulting from the St Leonards/Crows Nest Planning Study - Precinct 1, are:

- 545-553 Pacific Highway, St Leonards (made as Amendment No. 54 to North Sydney LEP 2001) increased the height control from 26 metres to 50 metres, consistent with the Built Form Masterplan, and introduced a site specific FSR control of 6.6:1; and
- 7-19 Albany Street, St Leonards (made as Amendment No. 4 to North Sydney LEP 2013) increased the height control from 26 metres to 40 metres, consistent with the Built Form Masterplan, and by introduced a site specific floor space ratio control of 5.6:1.

SITE DESCRIPTION

The site is located at the corner of the Pacific Highway and Oxley Street with a rear frontage to Clarke Lane, in the St Leonards local centre. The site has an area of 1,668m² with frontages to the Pacific Highway (south west boundary), Oxley Street (north west boundary), Clarke Lane (north east boundary), and existing development (south west boundary). The site slopes 2.77m from a high point (RL 88.17) at the southern corner of the site to a low point (RL 85.4) at the northern corner of the site.

The site currently contains a glass and cement rendered building, the prior use of which was for a motor showroom with basement workshops located to the south-east of the site. The remainder of the site consists of a raised concrete and bitumen open parking area. The premises have not been occupied for some time.

The site has a high level of access to public transport. St Leonards train station is within 500 metres of the site, and a number of bus routes run along the Pacific Highway past the site.

SURROUNDING AREA

The site is adjacent to the 'St Leonards Centre', a multi storey commercial development which is also a heritage item, as well as 22-26 Clarke Street, a multi storey mixed use development.

The site is also adjacent to 38 Oxley Street, a 5 storey commercial premises, and the North Sydney Sports Centre and Hume Street car park.

The remainder of the Pacific Highway block on which the site is situated is subject to future redevelopment. These sites are currently a mix of two and three storey retail showrooms.

The opposite side of the Pacific Highway consists of a 4 storey mixed use development, and a mix of 2 and 3 storey commercial and showroom premises. The opposite side of the Pacific Highway is within the Lane Cove Local Government Area which is also the subject of future redevelopment and uplift.

The St Leonards Specialised Precinct is located to the north of the site, and comprises a series of tower forms including The Forum at 38 storeys, the Abode residential building at 20 storeys, the IBM mixed use building at 20 storeys, and the 'Air' mixed use development at 26 storeys at 6-16 Atchison Street currently under construction.

External Supporting Notes :

The Minister delegated plan making powers to councils in October 2012. North Sydney Council has accepted this delegation.

This planning proposal is considered to be a spot rezoning, and of a local nature, it is

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therefore considered appropriate for Council to exercise delegation to make this plan.

Adequacy Assessment

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

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

Comment : **The objectives of this planning proposal are:**

- To allow for a taller mixed use development on the site;
- To provide an economic and orderly use for the land;
- Ensure the use of land is appropriate to managing and minimising environmental risks; and
- To allow for contributions to local public domain and public open space improvements.

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

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

Comment : **The explanation of provisions is as follows:**

- Proposed maximum Height of Buildings: 40 metres; and
- Proposed maximum Floor Space Ratio: 5.3:1.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **7.1 Implementation of the Metropolitan Plan for Sydney 2036**

* May need the Director General's agreement

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

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

d) Which SEPPs have the RPA identified? **SEPP No 22—Shops and Commercial Premises
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 65—Design Quality of Residential Flat Development**

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

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

If No, explain : **7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036**

The proposal is generally consistent with the actions within the Department's former 'Metropolitan Plan for Sydney 2036'. The proposal will need to be revised prior to public exhibition to include a discussion on the new metropolitan strategy 'A Plan for Growing Sydney'.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Indicative mapping for the site is provided. However, prior to public exhibition the planning proposal will need to be revised to provide mapping which is to the LEP mapping standards and shows both the existing and proposed controls for both Height of Buildings and Floor Space Ratio for the site.**

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Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed to exhibit the planning proposal for a minimum of 14 days, as Council argues the proposal is minor in nature. This is supported.**

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment : **Overall, the proposal is consistent with relevant strategic planning instruments, both at the State and Local level.**

Delegation of plan making functions is considered appropriate in this instance.

Proposal Assessment

Principal LEP:

Due Date : **August 2013**

Comments in relation to Principal LEP : **North Sydney Local Environmental Plan 2013 (NSLEP 2013) was notified on 2 August 2013.**

Assessment Criteria

Need for planning proposal : **The planning proposal is required to allow for the development of the land in accordance with North Sydney Council's strategic planning framework, namely the St Leonards/Crows Nest Planning Study - Precinct 1.**

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Consistency with strategic planning framework :

The planning proposal is consistent with the Department's previous metropolitan strategy, the 'Metropolitan Plan for Sydney 2036' and the draft Inner North Subregional Strategy. The planning proposal will need to be updated prior to public exhibition to address the new metropolitan strategy 'A Plan for Growing Sydney'.

ST LEONARDS/CROWS NEST PLANNING STUDY - PRECINCT 1

The planning proposal has been prepared in accordance with the St Leonards/Crows Nest Planning Study - Precinct 1. This study was adopted by Council on 5 December 2011, with an Addendum adopted by Council on 22 October 2012.

The Addendum provided an Open Space and Pedestrian Masterplan and a Built Form Masterplan which provided a holistic approach to planning and development in the precinct. The masterplans include provision for:

- an expanded Hume Street Park with a pedestrian link to Willoughby Road;
- widened footpaths along the Pacific Highway and key pedestrian routes; and
- high amenity mixed use buildings on key sites.

Since the adoption of the study, two site specific planning proposals have been submitted to North Sydney Council:

- 545-553 Pacific Highway, St Leonards (made as Amendment No. 54 to North Sydney LEP 2001) increased the height control from 26 metres to 50 metres, consistent with the Built Form Masterplan, and introduced a site specific FSR control of 6.6:1. A Development Application for a 50 metre building has subsequently approved for this site.

- 7-19 Albany Street, St Leonards (made as Amendment No. 4 to North Sydney LEP 2013) increased the height control from 26 metres to 40 metres, consistent with the Built Form Masterplan, and by introduced a site specific floor space ratio control of 5.6:1. A Development Application for a 40 metre building was approved by the Joint Regional Planning Panel on 6 November 2014.

This planning proposal is the third such proposal which seeks to implement the St Leonards/Crows Nest Planning Study - Precinct 1.

Environmental social economic impacts :

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

The draft voluntary planning agreement which accompanies the planning proposal provides for building setbacks to allow for an improved public domain and a monetary contribution towards the provision of new open space in the precinct. This constitutes a positive social outcome.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :			

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
1 - Cover Letter.pdf	Proposal Covering Letter	Yes
2 - Council Report and Resolution.pdf	Proposal	Yes
3 - Planning Proposal.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **7.1 Implementation of the Metropolitan Plan for Sydney 2036**

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

1. Prior to undertaking public exhibition, Council is to update the planning proposal to include Site Identification, Height of Buildings, and Floor Space Ratio Maps which clearly show both the existing and proposed controls for the site.

Note: Maps should be prepared to the standards identified in Standard Technical Requirements for LEP Maps (Department of Planning and Environment 2013).

2. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:

(a) the planning proposal must be made publicly available for a minimum of 14 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013).

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Transport for NSW – Roads and Maritime Services**

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- Willoughby City Council
- Lane Cove Council

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment.

Public authorities may request additional information or additional matters to be addressed in the planning proposal. The planning proposal is to be revised to address submissions from these public authorities, copies of all submissions must be included with the revised proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. Prior to undertaking public exhibition, the planning proposal is to be revised to demonstrate consistency with A Plan for Growing Sydney, released on 14 December 2014.

6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

7. A written authorisation to exercise delegation under section 59 of the Environmental Planning and Assessment Act, 1979 is issued to Council in relation to the planning proposal.

Supporting Reasons :

The site is considered suitable for higher density mixed use development.

It is close to public transport, surrounded by similar or complimentary uses and will result in public benefits in the upgrade and expansion of local recreational land.


The planning proposal is generally consistent with the Department's previous metropolitan strategy, the 'Metropolitan Plan for Sydney 2036' and the draft Inner North Subregional Strategy. Prior to public exhibition the proposal will need to be revised to demonstrate consistency with the Department's new metropolitan strategy 'A Plan for Growing Sydney'.

The proposal is also informed by North Sydney Council's strategic planning, specifically the St Leonards / Crows Nest Planning Study - Precinct 1.

The Department supports the planning proposal proceeding, to allow for public exhibition and feedback.

The proposal is of a local nature and is considered of minor impact, it is considered suitable for delegation to Council.

Signature:



Printed Name:

Tim Archer

Date:

23.1.15