

**Planning proposal to increase height and floor space ratio at 575-583 Pacific Highway, St Leonards (approx 82 dwellings and 58 jobs)**

Proposal Title : **Planning proposal to increase height and floor space ratio at 575-583 Pacific Highway, St Leonards (approx 82 dwellings and 58 jobs)**

Proposal Summary : **The planning proposal seeks to amend North Sydney Local Environmental Plan 2013 for a site at 575-583 Pacific Highway, St Leonards by:**

- increasing the maximum building height of from 26 metres to 56 metres; and
- introducing a maximum floor space ratio of 7.0:1.

**This proposal was the subject of a Pre-Gateway Review (PGR\_2016\_NORTH\_002\_00) and has been amended in accordance with the Panel's recommendations, endorsed by the Department, to reduce the floor space ratio from 7.37:1 to 7.0:1.**

PP Number : **PP\_2017\_NORTH\_001\_00**      Dop File No : **17/05324**

**Proposal Details**

Date Planning Proposal Received :	<b>10-Apr-2017</b>	LGA covered :	<b>North Sydney</b>
Region :	<b>Metro(CBD)</b>	RPA :	<b>North Sydney Council</b>
State Electorate :	<b>NORTH SHORE</b>	Section of the Act :	<b>55 - Planning Proposal</b>
LEP Type :	<b>Spot Rezoning</b>		

**Location Details**

Street : **575-583 Pacific Highway**

Suburb : **St Leonards**      City : **NSW**      Postcode : **2065**

Land Parcel :

**DoP Planning Officer Contact Details**

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**RPA Contact Details**

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**DoP Project Manager Contact Details**

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**Land Release Data**

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	<b>0</b>	No. of Dwellings (where relevant) :	<b>82</b>
Gross Floor Area :	<b>0</b>	No of Jobs Created :	<b>58</b>

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. Sydney 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 : **The site is located within St Leonards on the northern side of the Pacific Highway within North Sydney local government area.**

**The site is a consolidated corner site of 1,350 square metres and is bounded by Albany Street to the north, Pacific Highway to the west and Clarke Lane to the East. It is within 330 metres of St Leonards Railway Station and is within walking distance of the proposed Metro station at Crows Nest.**

**The site is zoned B4 Mixed Use and is surrounded by B4 Mixed Use zone to the north, east, west and south east and B3 Commercial Core to the south west. The site is also identified as being within Precinct 1 of North Sydney Council's St Leonards / Crows Nest Planning Study.**

**PRE-GATEWAY REVIEW**  
**This proposal was the subject of a pre-Gateway review. Advice received from Sydney North Planning Panel (Panel) stated that the proposal has strategic and site-specific merit and recommended that it proceed to the Gateway for determination.**

**The Panel requested the Department consider reducing the floor space ratio from 7.37:1 to 7.0:1. This would equate to an approximate reduction in floor space of 488m<sup>2</sup> or approximately 6 dwellings. The Panel also recommended that the proposal be updated to address the draft or final strategic planning review for the St Leonards and Crows Nest Station Precinct.**

**North Sydney Council accepted the role of relevant planning authority for the proposal and amended the proposed floor space provisions as recommended by the Panel. The draft strategic planning review for the St Leonards and Crows Nest Station Precinct has not**

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been exhibited and accordingly, the proposal has not been updated to discuss the draft strategy. A condition has been included in the Gateway determination to require an update to the proposal to address the strategy, should it be released prior to finalisation of the planning proposal. The proposal and Gateway determination align with the recommendations of the Panel.

North Sydney Council forwarded the updated planning proposal and supporting documents for Gateway Determination on 11 April 2017.

External Supporting  
Notes :

**DELEGATION OF PLAN MAKING FUNCTIONS**

As the proposal was subject to a pre-Gateway review, delegation is not considered appropriate in this instance.

**Adequacy Assessment**

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

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

Comment : **The statement of objectives states the aim of the proposal is to amend the development control standards for the site to allow the development of a mixed-use tower that will deliver the following:**

- a gateway presence with a development that is visually prominent, particularly to motorists travelling south along Pacific Highway;
- a built form that responds to the heritage building; and
- a building footprint that will minimise obstruction of views for nearby residents of 599 Pacific Highway (Abode Building), while balancing the desire to increase the amenity of other local residents.

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

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

Comment : **The planning proposal seeks to amend the planning controls for 575-583 Pacific Highway, St Leonards under North Sydney Local Environmental Plan 2013 as follows:**

- amend the Height of Building Map (HOB\_001) to change the maximum building height from 26 metres to 56 metres; and
- amend the Floor Space Ratio Map (FSR\_001) to introduce a floor space ratio of 7.0:1.

**Justification - s55 (2)(c)**

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

b) S.117 directions identified by RPA : **2.3 Heritage Conservation**  
**3.4 Integrating Land Use and Transport**  
\* May need the Director General's agreement **7.1 Implementation of A Plan for Growing Sydney**

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

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

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered : **The planning proposal is generally consistent with all relevant section 117 Directions, except for Direction 2.3 Heritage Conservation. The proposal is consistent with relevant SEPPs, with the exception of SEPP 65 - Design Quality of Residential Flat Development.**

**2.3 Heritage Conservation**

**S117 Direction 2.3 Heritage Conservation is relevant to the planning proposal as the site includes a local heritage item, the Marco Building (Council Reference I1034).**

**The proposal seeks to restore and retain the heritage item. A heritage impact letter prepared by Urbis, dated September 2015, identified that the proposal will retain the**

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extent of significant features of the Marco Building and restore its original features which have previously been unsympathetically altered. This is expected to achieve an improved heritage outcome. The heritage impact letter recommends that a heritage impact statement be prepared for future development proposals.

Should the proposal proceed to the Gateway, it is recommended that a heritage impact statement be undertaken to determine the full impact of the proposal on the heritage item and demonstrate consistency with Direction 2.3 Heritage Conservation.

**SEPP 65 - Design Quality of Residential Flat Development**

This policy aims to improve the design quality of residential apartment development in New South Wales. The controls under the policy as well as the Apartment Design Guide (ADG) are to be considered by consent authorities when reviewing development or modification applications that seek approval for new residential flat development.

Whilst this policy does not apply to LEP amendments, the Sydney North Planning Panel recommended a reduced FSR at the site based on the guiding controls under the ADG. During its consideration of the pre-Gateway review for this proposal, the Panel considered that a reduced FSR would enable better apartment design, achieve better building separation and better privacy at the north-east boundary. A reduced FSR was supported by the proponent and Council and was included in the planning proposal submitted at Gateway.

SEPP 65 and the associated ADG will continue to provide as a resource for ensuring an appropriate design outcome is achieved at the site.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

**Mapping Provided - s55(2)(d)**

Is mapping provided? **Yes**

Comment : Preliminary maps provided in the proposal are considered adequate for exhibition purposes.

**Community consultation - s55(2)(e)**

Has community consultation been proposed? **Yes**

Comment : Public consultation will be undertaken in accordance with the Gateway determination. The planning proposal anticipates that community consultation will be undertaken in accordance with the requirements of the Gateway determination. It is proposed that the planning proposal will be exhibited for 28 days.

The proposal is within the St Leonards Crows Nest Station Precinct, which is the responsibility of Lane Cove, Willoughby and North Sydney Councils. Therefore, it is recommended that consultation be undertaken with Willoughby Council and Lane Cove Council. This is included in the Gateway Conditions.

**PROJECT TIMELINE**

The proponent has provided an indicative project timeline with a completion date of January 2018. The Department considers a 12 month project timeline for completion is adequate.

**Additional Director General's requirements**

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

If Yes, reasons :

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**Overall adequacy of the proposal**

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

If No, comment : **The planning proposal and supporting information is considered adequate for the purposes of the Department's assessment.**

**Proposal Assessment**

**Principal LEP:**

Due Date : **August 2013**

Comments in relation to Principal LEP : **North Sydney Local Environmental Plan 2013 was notified on 2 August 2013 and commenced 42 days later on 13 September 2013.**

**Assessment Criteria**

Need for planning proposal : **A planning proposal is the best way to amend the current planning provisions and achieve the redevelopment objectives for the site.**

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Consistency with strategic planning framework :

**A PLAN FOR GROWING SYDNEY**

The proposal is consistent with the A Plan for Growing Sydney as it will introduce investment, jobs and housing within a strategically located centre supported by established services, facilities and public transport infrastructure.

**DRAFT NORTH DISTRICT PLAN**

The planning proposal does not address the proposal's consistency with the draft North District Plan. The proposal appears to be consistent with the relevant priorities and actions in the draft North District Plan as it will provide additional dwellings and commercial floor space within the strategic centre of St Leonards and within close proximity to public transport. It is recommended that the proposal be updated to demonstrate consistency with the plan. This is included in the Gateway conditions.

**ST LEONARDS CROWS NEST STATION REVIEW**

The site is within the broader investigation area for St Leonards and Crows Nest Station Precinct, which is currently being undertaken by the Department in consultation with North Sydney, Lane Cove and Willoughby councils and Transport for NSW. It is expected the strategic study will inform the long term growth of St Leonards and guide future decisions in managing the impacts associated with planned growth for this Strategic Centre.

On 28 April 2017, the Department's Urban Renewal team provided comments in relation to the proposal and recommended that two conditions be included in the Gateway determination as follows:

- o ensuring consistency with the findings of the Department's strategic investigation for the St Leonards and Crows Nest Station Precinct; and
- o satisfactory arrangements for contributions towards State infrastructure.

As part of the pre-Gateway Review, the Department supported the Panel's request for the proposal to be updated to demonstrate consistency with any available findings of the St Leonards Crows Nest planning review and achieve satisfactory arrangements for provision of contributions to infrastructure. As a draft strategic planning review has not been exhibited, the proposal has not been updated to discuss this future strategy. It is considered suitable that the proposal proceeds in this regard and a Gateway condition is included to update the proposal to address the strategy, should it be released prior to finalisation. The proposal and Gateway determination therefore align with the recommendations of the Panel.

**COUNCIL'S ST LEONARDS CROWS NEST PLANNING STUDY 2011**

The St Leonards Crows Nest Planning Study aims to guide redevelopment and renewal in the portion of St Leonards within the North Sydney Local Government Area and includes the subject site.

The Planning Study identified the site as being located within the 'Redevelopment Strip' and proposed three development options for the site. The proposal is most consistent with option two for the site, which includes a Floor Space Ratio of 6.7:1, building height of 62 metres (northern tower) and 56 metres (southern tower), ground level setbacks of 3 metres on Pacific and Highway and Oxley Street frontages and a 4 storey podium.

The proposal provides for a tower element along Pacific Highway, which is in keeping with the indicative northern tower location identified in the Planning Study. However, the planning proposal notes that the location of the tower in the planning proposal is positioned slightly north of where it is indicated in the Planning Study. This is due to attempts being made to amalgamate with the adjoining site (south) failing to reach any satisfactory agreement.

The proposal is consistent with the intent of the Planning Study in that it aims to provide a built form and mixed-use development that is similar to that identified in the Planning Study.

Environmental social  
economic impacts :

#### **ENVIRONMENTAL IMPACTS**

There are no known critical habitats, threatened species or ecological communities / habitats. The proposed increase in height and floor space ratio is unlikely to have any adverse environmental impacts.

#### **SOCIAL AND ECONOMIC IMPACTS**

The proposal contributes to the achievement of Council's Planning Study through retention of the heritage item and the introduction of a high amenity tower above podium elements.

The indicative development design is sympathetic to surrounding development located within an area which has been undergoing transformation and is characterised by shop top housing above ground floor retail and commercial floor space.

The proposal will provide additional housing mix and employment opportunities which are within close proximity to public transport services. The proposed development has the ability to reduce reliance on private car use as the site is in close proximity to employment, retail facilities and services. The proposal will also improve pedestrian amenity and facilitate ground floor activation along Pacific Highway.

#### **BUILT FORM AND BUILDING SEPARATION**

The scale of the proposed tower (56m) is considered to be consistent with surrounding built form in the St Leonards area.

There is a building separation of 12 metres between the proposed development and residences at 1-5 Albany Street, east of the site. The building separation is inconsistent with the Apartment Design Guidelines, which requires buildings of nine storeys (approximately 25 metres) and above to have a separation of 24 metres between habitable rooms/ balconies. The non-compliance with setbacks will impact on the amenity of the 1-5 Albany Street residents on the eastern boundary. However, surrounding buildings do not comply with currently prescribed setbacks. The proponent identifies that visual and acoustic privacy can be achieved through the careful orientation of habitable rooms and the use of materials and privacy screens. This matter will be further considered at the development application stage.

#### **OVERSHADOWING**

The proposal does not achieve the 2 hours of solar access required for apartments in mid winter for some apartments, as recommended in the Apartment Design Guide, due to the overshadowing of the adjoining Abode building (north).

Shadow diagrams within the design report demonstrate the proposed building's shadows modelled on the winter solstice at three intervals: 9am, 12pm and 3pm. The diagrams do not clearly illustrate shadows cast by the existing three storey building and proposed 56m building on site and therefore it is difficult to ascertain the additional impacts of shadowing to residential properties surrounding the site.

It is acknowledged that existing developments already create extensive overshadowing of the surrounding area, however this matter should be further considered at the development application stage.

#### **VIEWS AND VISTAS**

The proposal is designed to retain substantial views from the Abode Building (599 Pacific Highway) to the north, which presently achieves views to the south to Sydney Harbour Bridge, Sydney Harbour and the Sydney CBD. Views to and from the Abode Building, north of the site have been maintained in accordance with Council's Planning Study.

There will be a view loss for adjoining residential properties to the east at 1-5 Albany Street. However, view loss of surrounding properties impacted as a result of the proposal are already susceptible to view loss under existing controls over the subject site. This matter should be further considered at the development application stage.

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**TRAFFIC**

Vehicular access and egress is proposed via a singular access point on Clarke Lane. The applicant has requested that this option be considered at the development application stage as the proposal is in keeping with Council's Planning Study (2011) for the area.

The planning proposal is not supported by a Traffic Impact Statement and the proposal does not clearly indicate any potential traffic impacts or detailed parking provisions. However, as part of the St Leonards Crows Next Station Precinct Strategic Review, the Department is working with Transport for NSW to identify the cumulative traffic impact of increased density in the precinct. The preparation of a Traffic Impact Statement is included in the Gateway conditions in order to determine the traffic impact of the proposal.

The urban design report identifies the provision of 84 car parking spaces (77 residential spaces and 7 commercial spaces) and is consistent with Council's car parking requirements relating to apartment provisions and gross floor area for commercial space. However, plans provided in the urban design report for the indicative development do not show detailed designs for car, motorcycle, disabled or bicycle parking. This matter should be considered further at development application stage.

On 3 April 2017 Transport for NSW – Sydney Metro wrote to the Sydney North Planning Panel raising concerns about the potential impact of the development on the future construction, operation and maintenance of the Sydney Metro City and Southwest. Sydney Metro requested that prior to the lodgement of a development application, the applicant consult with Transport for NSW.

**HERITAGE**

As discussed under the S117 Direction section above, the site contains a local heritage item, the Marco Building, built in 1945 in the interwar style (Council Reference I1034). There are other heritage items within the vicinity of the site, however the proposal will not have an impact on any surrounding heritage items. The visual and overshadowing impact of the new development on the surrounding heritage items will be further considered at the development application stage.

A heritage impact letter provided by Urbis, dated September 2015 was submitted as part of the planning proposal. The heritage impact letter identified that the proposal will retain the extent of significant features of the Marco Building and restore its original features which have previously been unsympathetically altered. The heritage impact letter does not provide detailed information relating to the impact of the proposal on the heritage item. It is recommended that a Heritage Impact Statement be prepared to determine the full extent of the heritage impact from the proposal at Gateway determination stage.

**Assessment Process**

Proposal type :	<b>Routine</b>	Community Consultation Period :	<b>28 Days</b>
Timeframe to make LEP :	<b>12 months</b>	Delegation :	<b>Nil</b>
Public Authority Consultation - 56(2)(d) :	<b>Office of Environment and Heritage Transport for NSW Adjoining LGAs</b>		

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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? **Yes**

If Yes, reasons : **On 6 February 2016, the Government endorsed expanding the use of determinations of State Infrastructure Contributions (SICs) to priority precincts and priority growth areas, to contribute towards the cost of State and regional infrastructure.**

**Documents**

Document File Name	DocumentType Name	Is Public
Planning Proposal.pdf	Proposal	Yes
RPA Acceptance - Request for Gateway.pdf	Proposal Covering Letter	Yes
Urban Design Report.pdf	Proposal	Yes
Urban Design Report.pdf	Proposal	Yes

**Planning Team Recommendation**

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

S.117 directions: **2.3 Heritage Conservation  
 3.4 Integrating Land Use and Transport  
 7.1 Implementation of A Plan for Growing Sydney**

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

1. Prior to community consultation the planning proposal is to be updated to:
  - a) demonstrate consistency with the draft North District Plan;
  - b) include a satisfactory arrangements provision for contributions to designated State public infrastructure identified as part of a draft or final strategic planning review for St Leonards / Crows Nest; and
  - c) include additional information to address potential impacts of the proposal, including:
    - traffic impact and access assessment; and
    - heritage impact statement.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - a) the planning proposal must be made publicly available for a minimum of 28 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

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to Preparing Local Environmental Plans (Department of Planning and Environment 2016).

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

- Transport for NSW;
- Lane Cove Council;
- Willoughby Council; and
- Office of Environment and Heritage – Heritage Office.

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.

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.

5. Prior to Council requesting the Department to finalise the Plan, the planning proposal is to be updated to demonstrate consistency with any available findings of a draft or final strategic planning review for the St Leonards and Crows Nest Station Precinct.

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway Determination.

Supporting Reasons :

The Department supports the intent of the proposal to locate residential growth within walking distance of St Leonards station and the proposed Metro station at Crows Nest, while retaining existing commercial floor space on the site.

It is also considered that the proposal will contribute to the ability to reduce reliance on private car use as the site is in close proximity to employment, retail facilities and services.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_