

Planning and Assessment

IRF19/6627

Plan finalisation report

Local government area: North Sydney PP Number: PP_2017_NORTH_001_02

1. NAME OF DRAFT LEP

North Sydney Local Environmental Plan 2013 (Amendment No 25).

2. SITE DESCRIPTION

The planning proposal (**Attachment A**) applies to land at 575-583 Pacific Highway, St Leonards. The site comprises three lots legally known as Lot A DP 431687, Lot 10 DP 660453, and Lot 1 DP 772247.

The site is currently owned by Rozene Pty Ltd and Rosemate Pty Ltd. The subject site is irregular in shape with an area of approximately 1350m². The area is a corner site bounded by Albany Street to the north, Pacific Highway to the north-west and Clarke Lane to the north-east. The site is within 330m of St Leonards train station and within walking distance of the proposed Metro station at Crows Nest (**Figures 1 and 2**).

The site is identified as being within Precinct 1 of North Sydney Council's St Leonards/Crows Nest Planning Study adopted by Council in December 2011. It is also within the St Leonards and Crows Nest Station Precinct which is identified as a Strategic Centre.

Currently on the site is a heritage listed Interwar Functionalist style 'Marco Building' (item I1034) with a later addition to the southern side (**Figure 7 and 8**).

The site is zoned B4 Mixed-Use (**Figure 3**). The site is surrounded by B4 Mixed Use zoned land to the north, east, west and south-east and B3 Commercial Core zoned land to the south-west.



Figure 1: Aerial view of subject site (Source: Near Maps)

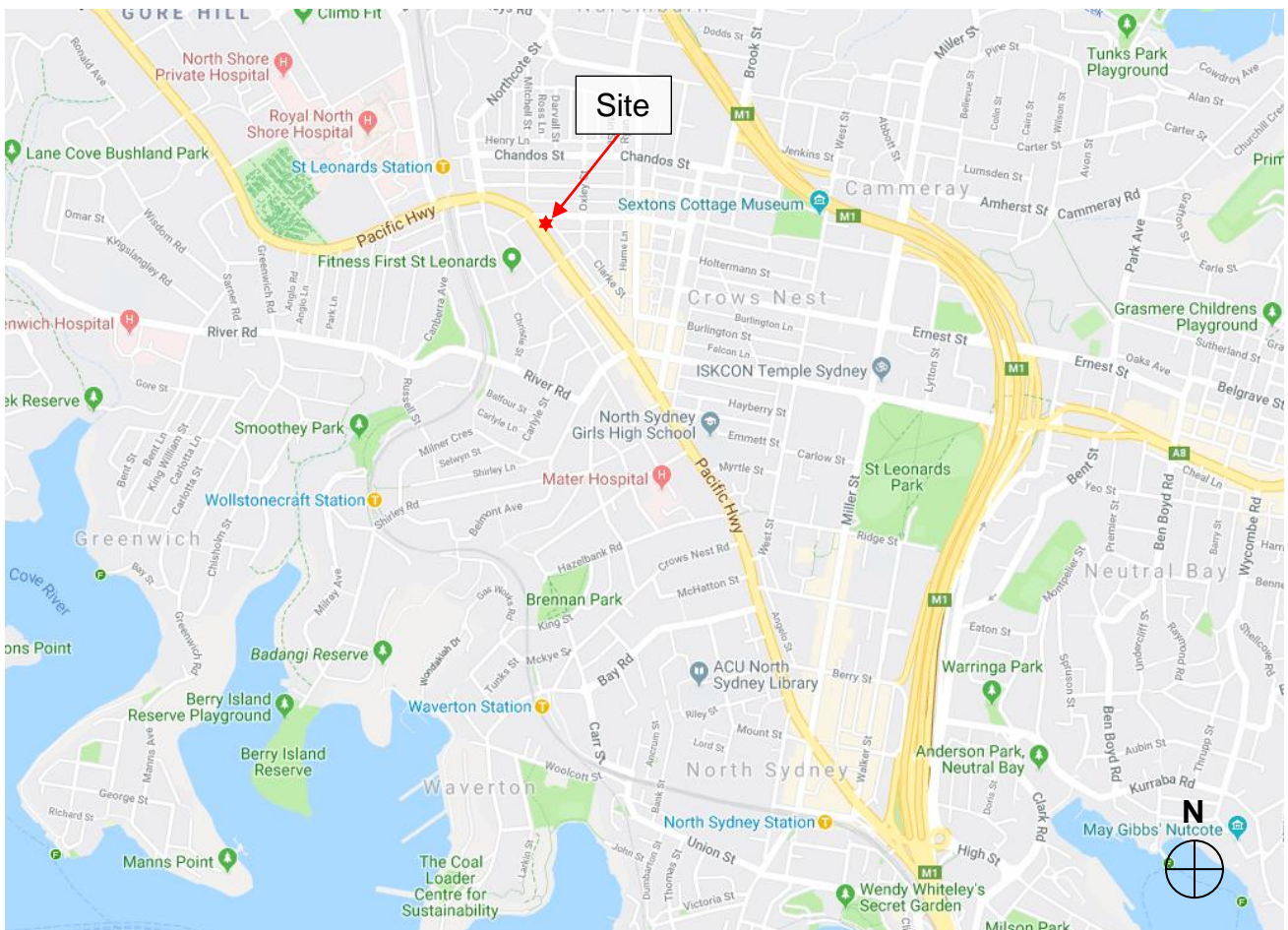


Figure 2: Site location (Source: Near Maps)

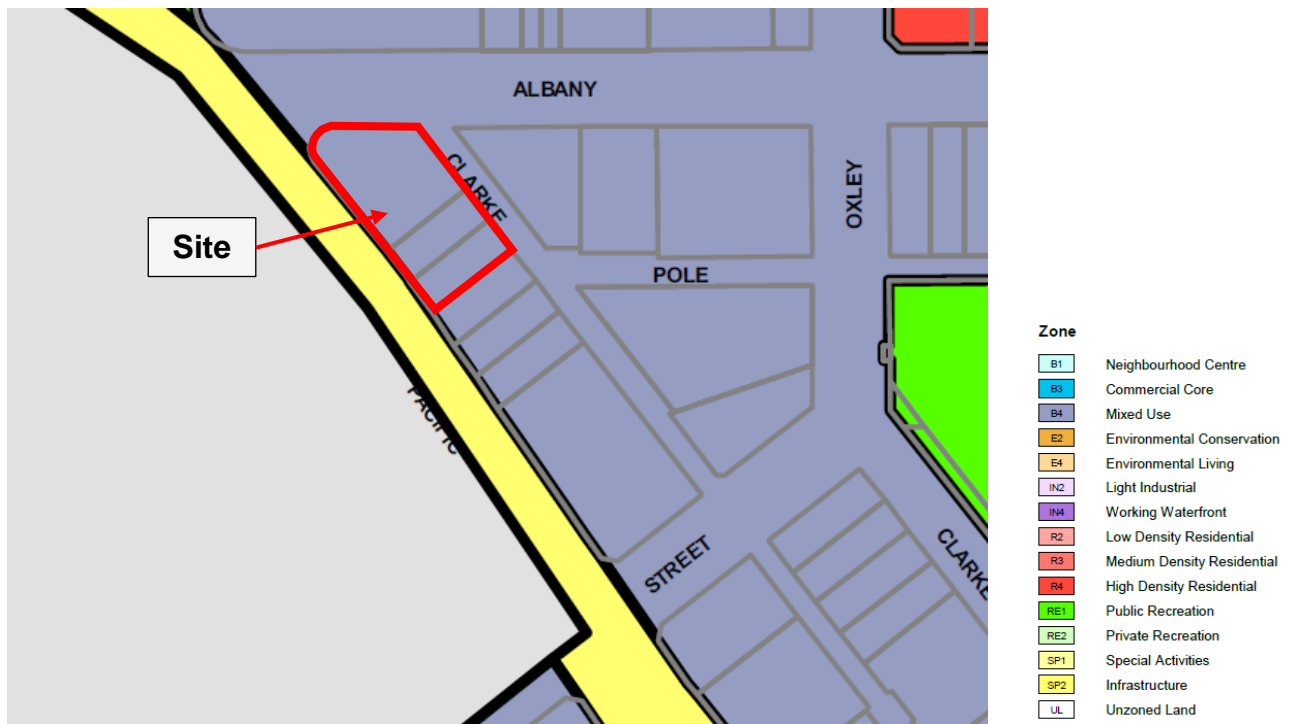


Figure 3: North Sydney LEP Land Zoning Map LZN_001

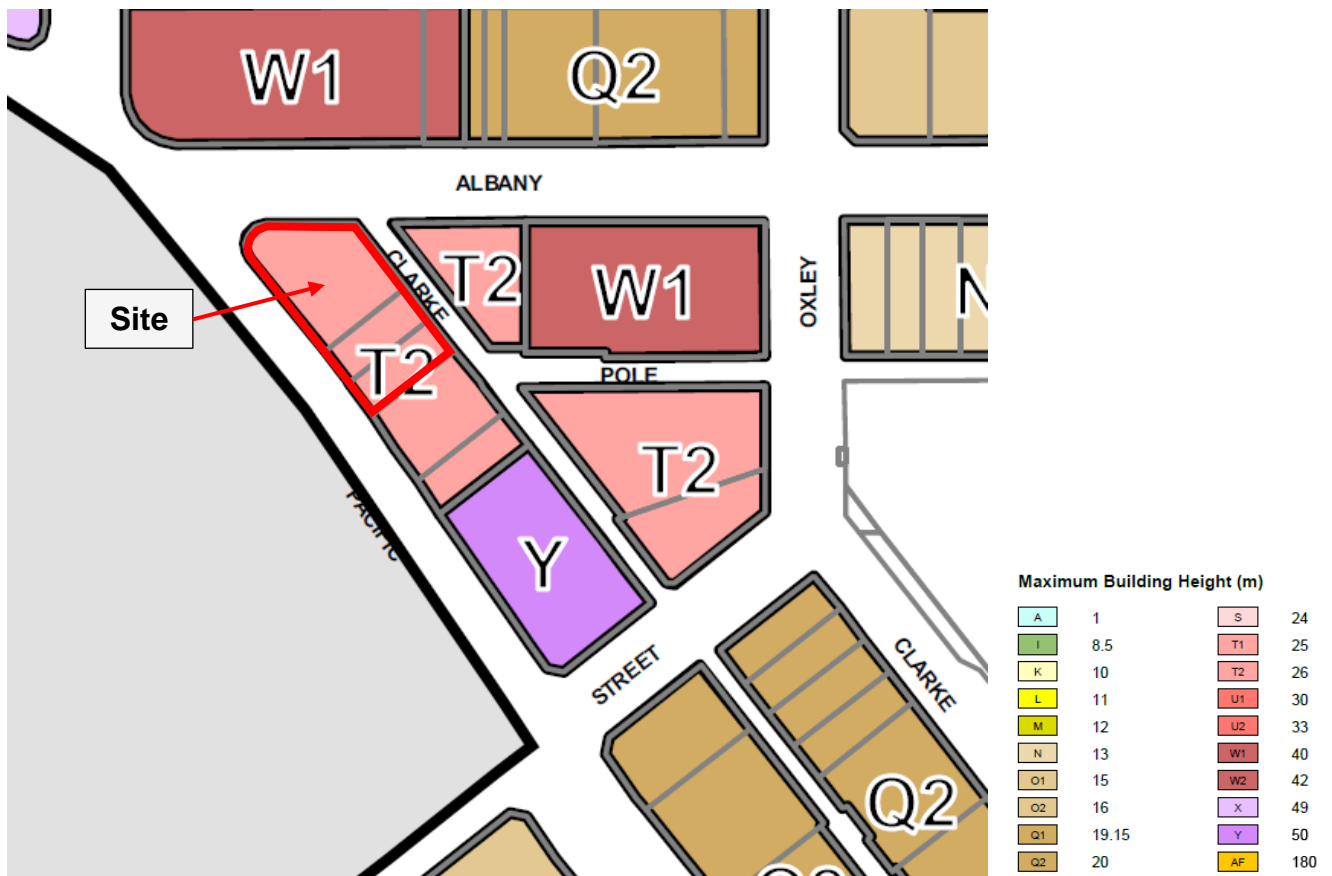


Figure 4: North Sydney LEP Height of Buildings Map HOB_001

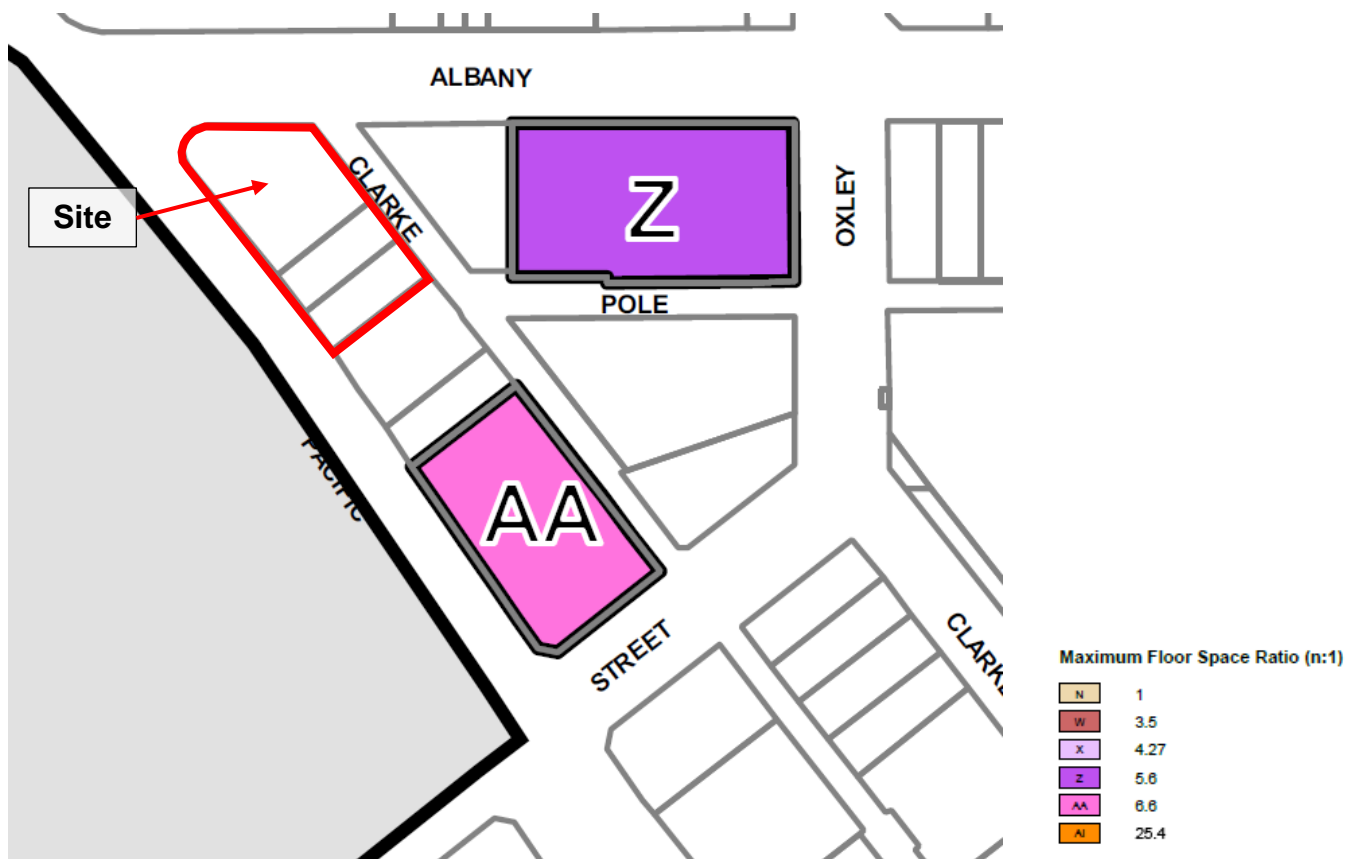


Figure 5: North Sydney LEP FSR Map FSR_001

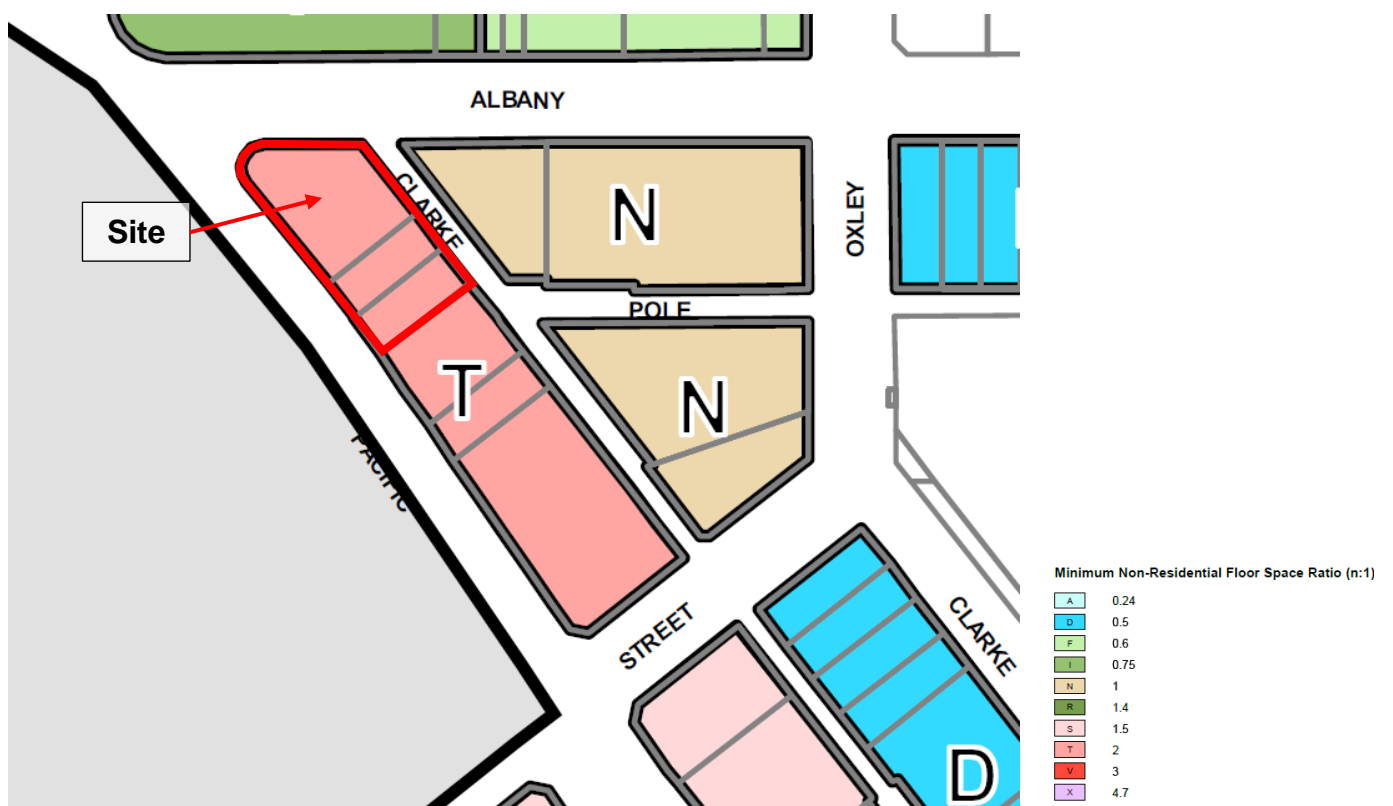


Figure 6: North Sydney LEP Non-residential floor space Map LCL_001

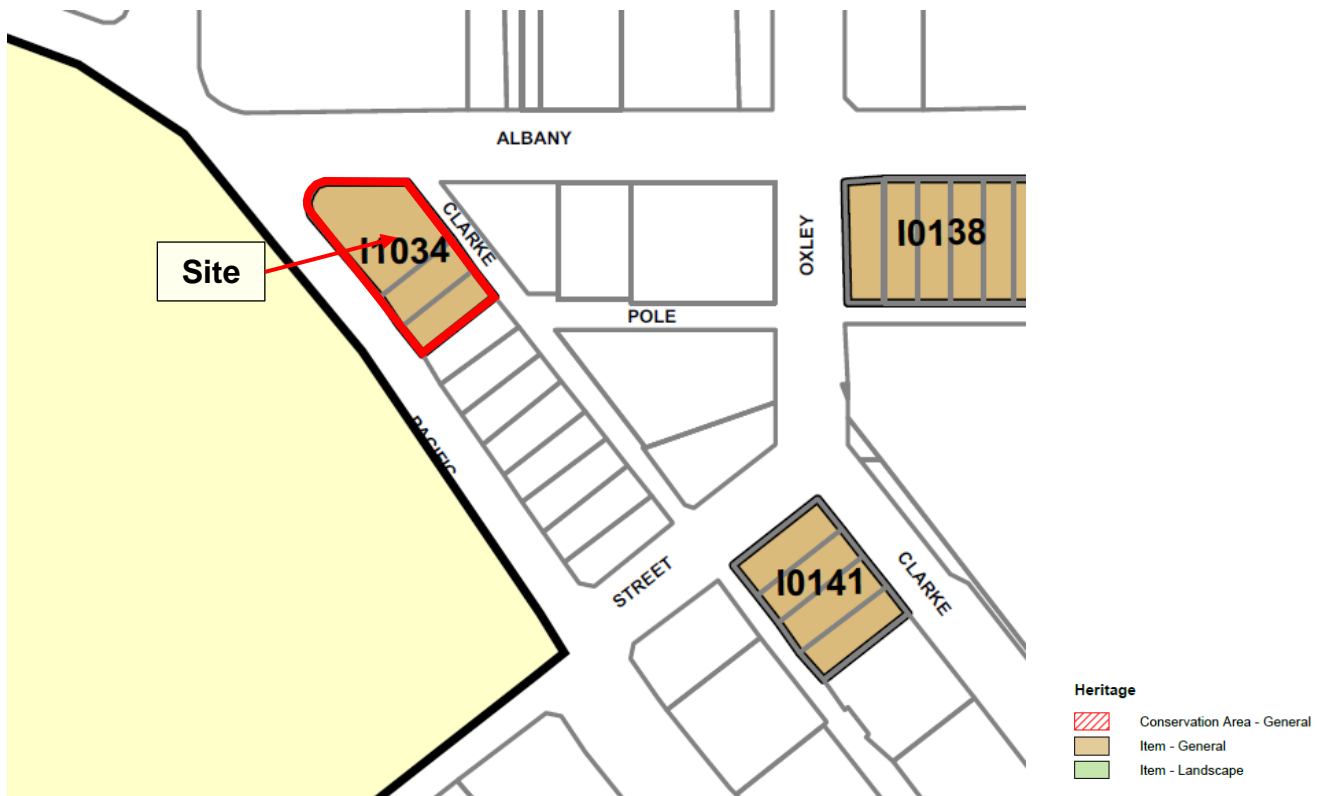


Figure 7: North Sydney LEP Heritage Map HER_001



Figure 8: Heritage listed Marco Building to be retained, looking south-east from the corner of Albany Street and Pacific Highway (Source: Google Maps)



Figure 9: Site viewed looking north from Pacific Highway (Source: Google Maps)



Figure 10: Clarke Lane on the eastern boundary of the site (Source: Google Maps)

3. PURPOSE OF PLAN

The draft LEP seeks to amend North Sydney LEP 2013 to:

- include a maximum floor space ratio (FSR) of 7:1 including a non-residential FSR of 2:1; and
- increase the maximum height of buildings from 26m to 56m.

In addition, a voluntary planning agreement (VPA) (**Attachment E**) was formally executed by Council on 26 July 2019, to provide public benefit in the form of:

- a monetary contribution for the additional floor space for the provision of new open space within the precinct;
- a setback of 3m from the frontage to the Pacific Highway except to the existing significant elevation of the Marco building;
- a maximum building height to RL102.3 along the southern boundary to 567-573 Pacific Highway; and
- a maximum building height to RL116.5 along the north-western boundary.

The existing heritage listed Marco building is to be retained with the residential tower and commercial podium above (**Figure 11**). It is expected that 82 dwellings and 58 jobs will be created as a result of the proposal.

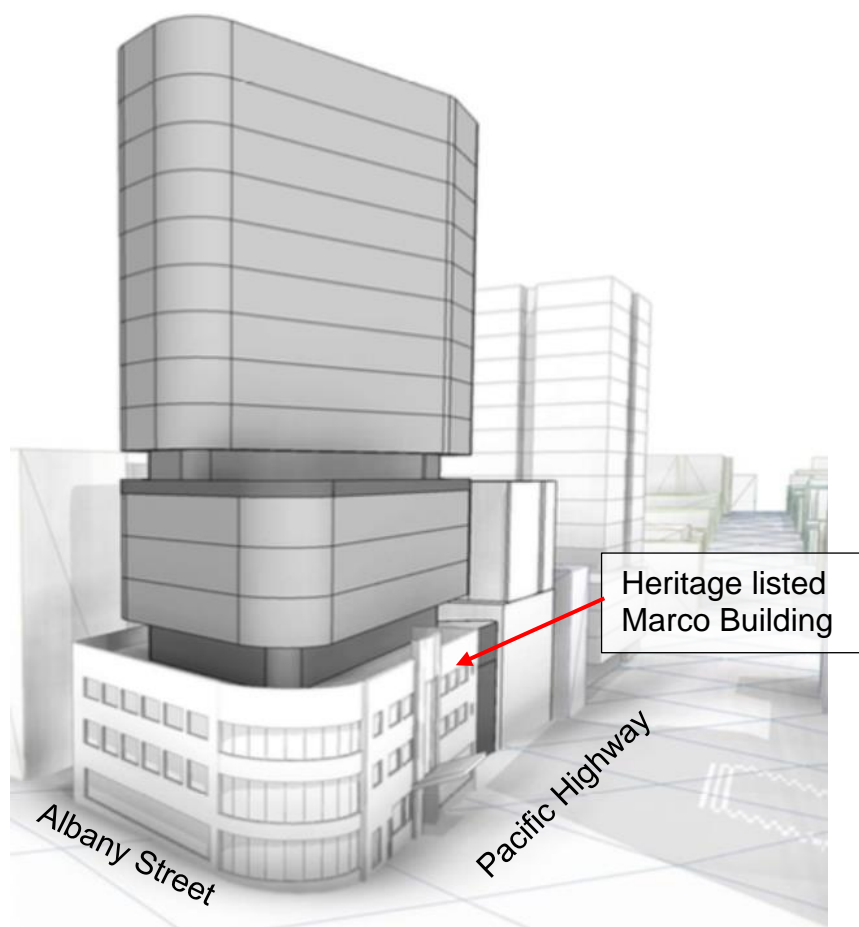


Figure 11: Concept of the proposal looking south-east (Source: PPD Planning)

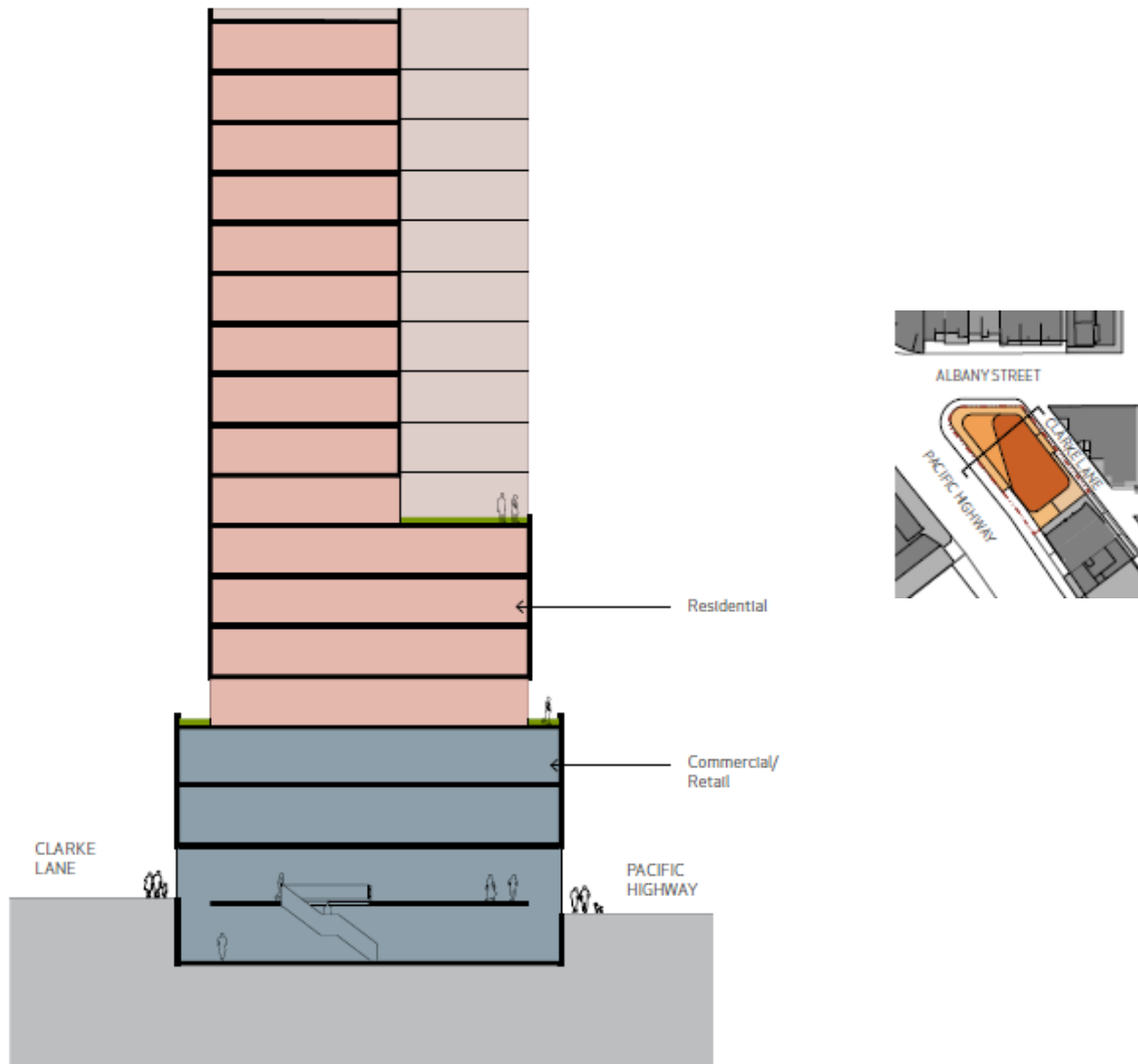


Figure 12: Section of the proposal looking south east from the corner of Albany Street and Pacific Highway (Source: PPD Planning)

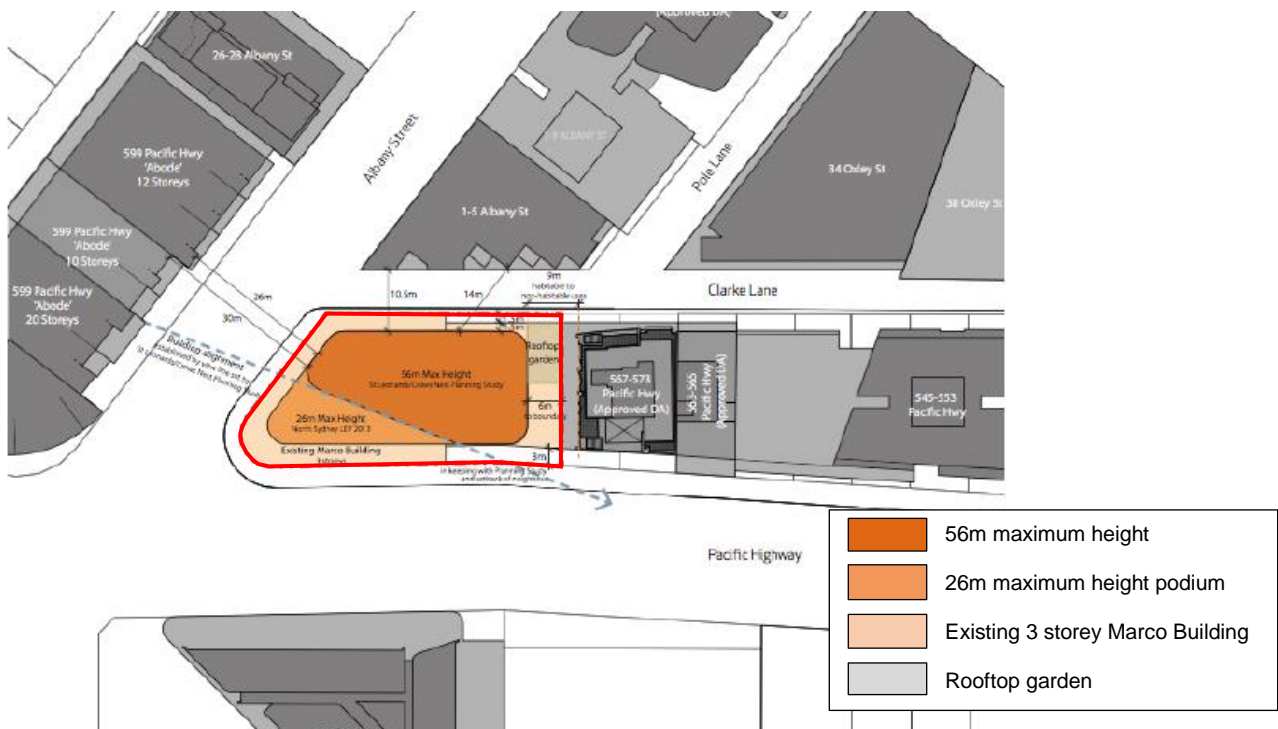


Figure 13: Concept of the proposal (Source: PPD Planning)

4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the North Shore state electorate. Ms Felicity Wilson MP is the State Member.

The site falls within the North Sydney federal electorate. Trent Zimmerman MP is the Federal Member.

To the North District planning team's knowledge, neither MP has made any written representations regarding the proposal.

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this proposal.

NSW Government reportable political donation: There are no donations or gifts to disclose and a political donation disclosure is not required.

5. BACKGROUND

The site was included in the St Leonards/Crows Nest Planning Study Precinct 1 undertaken by North Sydney Council in 2011 with an addendum in 2012. The study identified outcomes to develop the area while minimising the impact on existing residents. The study aimed to provide new open space, increased investment and the rejuvenation of the Pacific Highway among others.

The addendum to the study recommended the retention of the heritage listed Marco building and assumed that the block bounded by the Pacific Highway, Albany Street, Clarke Lane and Oxley Street would be amalgamated (**Figure 14**).

For the proposal, three design options were tested:

- option 1 - envelop as outlined in the planning study;
- option 2 - a 56m tower wholly on 575-583 Pacific Highway; and
- option 3 - a 56m tower within 575-583 Pacific Highway if the sites on 567-573 and 563-565 Pacific Highway were amalgamated.

Option 2 was the preferred as the landowners at 575-583 Pacific Highway were unable to successfully negotiate to amalgamate with the site at 567-573 Pacific Highway, St Leonards. The site at 575-583 Pacific Highway, is to be developed separately.



Figure 14: Landowners identified in the St Leonards/Crows Nest Planning Study

On 2 June 2015, North Sydney Council received a planning proposal for the subject site seeking to increase the maximum height control from 26m to 56m and introduce a maximum FSR of 7.37:1. Accompanying the proposal was a voluntary planning agreement (VPA) proposing a monetary contribution towards the provision of open space.

Council resolved to support the planning proposal at its meeting on 7 December 2015. Council stated that a number of issues relating to the VPA required resolution before forwarding to the Department for Gateway. These issues included a restriction of building heights over certain parts of the site for building separation, appropriate building forms, and view sharing corridors. The built forms proposed by the applicant were originally in a site-specific DCP which was not supported by Council.

As a result of the announcement of the Priority Precinct and the potential imposition of a State Infrastructure Contribution Scheme (SIC), progress on negotiations with the applicant on the VPA stopped. Council stated that if the applicant was seeking increased development potential in accordance with future outcomes of the Priority Precinct work then the planning proposal should be withdrawn, and a new proposal should be submitted addressing all of the relevant matters. Council stated that it would not support the progression of the planning proposal.

On 18 August 2016, the applicant submitted a request for a rezoning review to the Department as Council had not made a determination within 90 days. The assessment of the proposal in November 2016 by the Department found that it demonstrated site-specific merit but raised concerns about the non-compliance with SEPP 65. The Department recommended that the proposal be forwarded to the then Sydney East Joint Regional Planning Panel (now Sydney North Planning Panel) for pre-gateway review.

The Sydney North Planning Panel (SNPP) (**Attachment D**) stated that the proposal had site-specific merit and recommended it proceed to Gateway but requested that:

- the FSR be reduced from 7.37:1 to 7.0:1;
- proposal be updated to address the strategic planning review for the St Leonards and Crows Nest Station Precinct; and
- arrangements be made for the provisions for contributions for infrastructure within the priority precinct.

On 20 March 2017, Council resolved to not exhibit the planning proposal until a satisfactory resolution of the VPA was reached.

The updated planning proposal was forwarded to the Department on 11 April 2017 and the Gateway determination issued 25 May 2017.

On 4 August 2017 the Interim Statement was released outlining the planning principles for the St Leonards/Crows Nest Planned Precinct.

6. GATEWAY DETERMINATION AND ALTERATIONS

The Gateway determination issued on 25 May 2017 (**Attachment B**) determined that the proposal should proceed subject to conditions.

The Gateway determination was altered on 7 December 2018 to extend the timeframe for completion to 25 May 2019 and 6 June 2019 to extend the timeframe for completing the LEP to 25 September 2019 (**Attachments C1 and C2**).

7. PUBLIC EXHIBITION

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 8 March 2018 to 12 April 2018.

A total of 32 submissions were received. Of these submissions there were 28 public submissions, one submission was from the Holtermann Precinct Committee and three submissions were from public authorities (**Attachment F**).

The key issue raised related to amenity impact. One submission supported the proposal, one submission neither supported nor objected to the proposal and 27 objected to the proposal. Councils notes that three of those against the proposal were from the same party of objectors.

The submission in support of the proposal came from the Holtermann Precinct Committee.

Height

Submissions suggested that the height was unacceptable and inconsistent with the St Leonards/Crows Nest Planning Study – Precinct 1.

Council's response

Council stated that the height was considered to provide a 'stepping down' from the Forum site in St Leonards at 109m and a transition towards Hume Street. Council continued that the height is consistent with the recommended heights in the built form masterplan of the St Leonards/Crows Nest Planning Study – Precinct 1 and considered to be an acceptable alternate outcome to the amalgamation masterplan.

The proposed height of 56m will increase employment floorspace and residential dwellings and is appropriate for this location.

The Department considers that Council has responded adequately to this issue.

Heritage

Submissions referred to the rejuvenation of the site as necessary but stated that the proposal was unsympathetic to the heritage listed Marco Building.

Council's response

Council stated that a significant part of the Marco Building would be retained (Figure 4). The Heritage Impact Statement and a preliminary engineer's report that found the proposal is possible while retaining a majority of the significant features of the heritage item. The curved response of the built form of the proposal was an appropriate response.

The Department considers that Council has responded adequately to this issue.

Traffic and parking

Submissions raised traffic congestion as an issue, referring to Pole and Clarke Lane to the east of the site (Figure 1). The loss of street parking during and after construction was raised.

Council's response

Council stated that the proposal seeks to amalgamate three adjoining allotments and could be potentially reduced to a singular vehicular access point. The proposal was reviewed by Council's Transport Planner who stated that it would result in minimal increase in traffic and a greater reliance on public transport.

The North Sydney DCP requires the applicant to submit a 'Green Travel Plan'. This should outline no net increase to traffic generation as the site is in close proximity to public transport encouraging active transport and car sharing and will have reduced on-site car parking. Increasing parking would result in increased traffic and congestion and reduced uptake of public transport.

The VPA specifies a 3m setback to the Pacific Highway for widening of the footpath except where the existing Marco Building is situated. Future design must ensure pedestrian circulation between the development and surrounding community infrastructure and public transport nodes.

Council stated that the applicant has assessed bike parking requirements for residential accommodation but has not included workers or visitors to the site. The future development would need to apply bicycle rates as required by Council.

The Department considers that Council has responded adequately to this issue.

Building Separation

A number of owners of the 'Trinity Building' at 1-5 Albany Street objected to the proposal due to the close proximity of the proposal. The objection raised concerns with visual and acoustic privacy.

Council's response

Council stated that the indicative plans show a 10.5m separation from the 9-storey mixed-use building at 1-5 Albany Street and as such the proposal can comply with the distances set out in the Apartment Design Guide (APG). The maximum 14m separation measured diagonally will not achieve the required 24m separation required in the APG. Clarke Lane is narrow, and a similar separation would occur with any development.

Amenity impacts have been addressed including the lowering of the southern podium and the inclusion of a podium garden (**Figure 15**). Design elements have been included and

with the orientation of habitable rooms visual and acoustic impacts can be mitigated. This can be further addressed at the development stage.

The Department considers that Council has responded adequately to this issue.

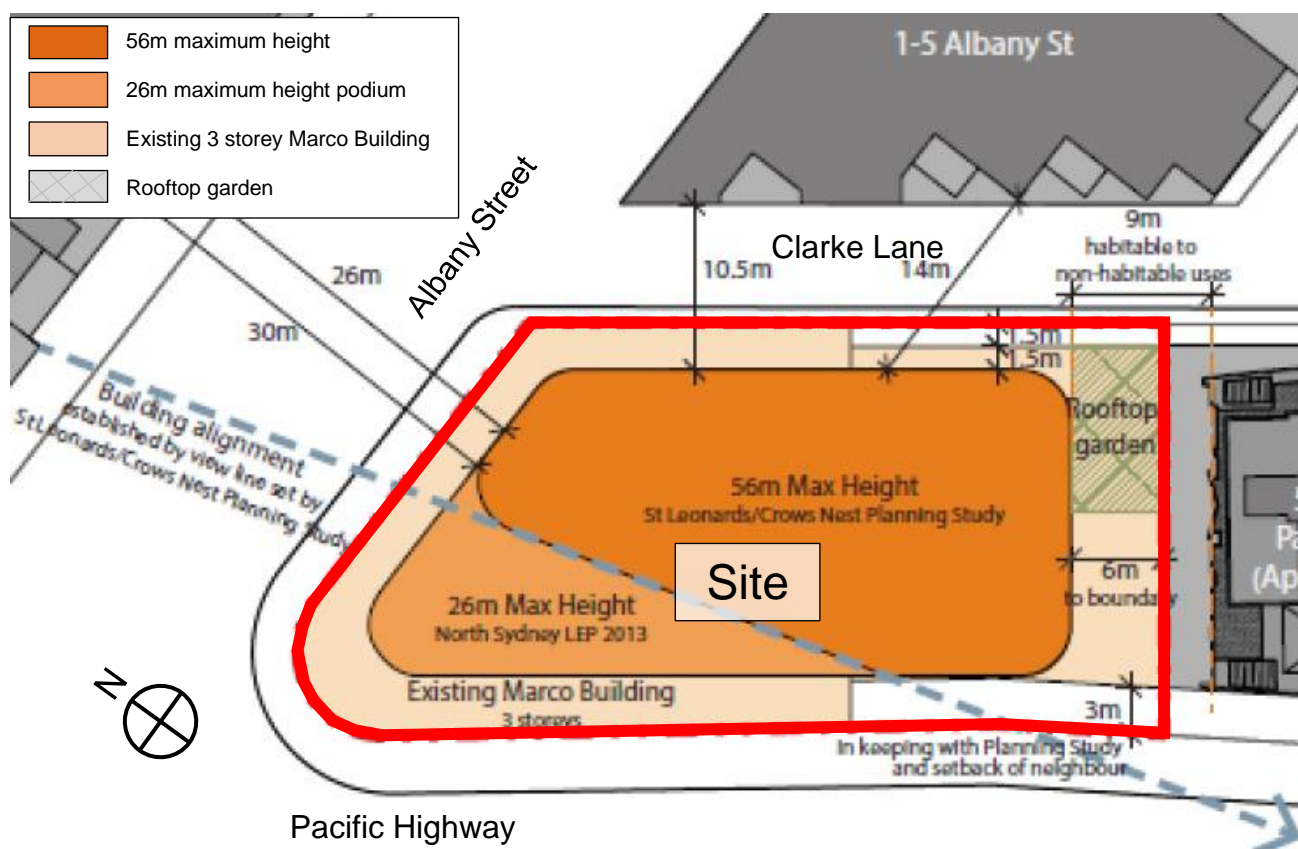


Figure 15: Concept of the proposal showing site separation (Source: PPD Planning)

Overshadowing

Shadow diagrams were provided in the Urban design report by Allen Jack and Cottier (**Figure 16 to 18 and Attachment L**). Submissions were made from the owners and occupants of apartments of the 'Trinity Building', 1-5 Albany Street to the east of the site objecting to the overshadowing caused by the increased height.

Council's response

Council stated that 1-5 Albany Street will receive some solar access between the hours of 9.00am to 3.00pm with minimal overshadowing in the afternoon. The solar access and ventilation rates supplied with the proposal indicate that 70% of surrounding apartments can receive at least 2 hours of solar access during mid-winter. As such the impact is not sufficient to refuse the proposal. No submissions came from the owners of 567-573 Pacific Highway adjoining the site to the south.

The Department considers that Council has responded adequately to this issue.



Figure 16: Shadow diagram 9am



Figure 17: Shadow diagram 12pm



Figure 18: Shadow diagram 3pm

Views

Submissions were made by the owners and occupants at the 'Trinity Building', 1-5 Albany Street concerning the loss of views.

Council's response

Council stated that in a dense urban environment undergoing significant change there was an expectation that there would be an impact on views. The existing building controls provided a maximum height of 26m could be achieved and a similar impact as the new proposed provisions. The proposal is consistent with preserving high priority views identified in the St Leonards/Crows Nest Planning Study – Precinct 1.

The VPA limits heights on the northern part of the site to RL116.5 to retain view corridors and view loss impacts. The western elevation of the concept design contains a diagonal edge aiming to mitigate view loss.

Visual Bulk and scale

A submission from the strata executive committee of 1-5 Albany Street stated that the FSR and height that was proposed for an amalgamated site would have a significant impact on the visual bulk and scale.

Council's response

Council stated that the maximum FSR of 7:1 under a height control of 56m is considered appropriate. The three components of podium, lower tower and upper tower will present a built form to offset bulk when viewed from the public domain. The Council's Design Excellence Panel has evaluated and generally supported the form and scale of the concept.

The Department considers that Council has responded adequately to this issue.

Strategic Merit

The submission from the strata executive committee of 1-5 Albany Street stated that the proposal does not have strategic merit.

Council's response

Council stated that the site is located within St Leonards which is identified as a strategic centre in the regional and district plans. The planning proposal will assist in increasing housing supply targets while maintain employment floor space in close proximity to existing and proposed public transport, facilities and services. The proposal is an appropriate outcome for the heritage listed Marco Building. It is considered consistent with the actions and objectives of the regional and district plans.

The Department considers that Council has responded adequately to this issue.

8. ADVICE FROM PUBLIC AUTHORITIES

In accordance with the Gateway determination Council was required to consult with:

- former Office of Environment and Heritage (OEH);
- Transport for NSW (TfNSW);
- Lane Cove Council; and
- Willoughby Council.

Council has consulted these authorities and responses were received from:

Office of Environment of Heritage (OEH)

OEH responded in 17 April 2018 (**Attachment H**) and had no objection due to the proposal having no direct impact on the Electricity Powerhouse (SHR 00931) located at 23 Albany Street, Crows Nest, 130m east of the subject site.

OEH noted that there are other locally listed heritage items in the vicinity at 366-376 Pacific Highway, Crows Nest and St Leonards Centre at 28-34 Clarke Street, Crows Nest. It was noted that the planning proposal was accompanied by a Heritage Impact Statement.

Transport for NSW (TfNSW)

The submission from TfNSW (**Attachment I**) stated that the:

- proposal should demonstrate consistency with the vision and strategic intent for the St Leonards and Crows Nest Station Precinct;
- voluntary planning agreement (VPA) should include contributions towards the regional infrastructure identified under the Land Use Infrastructure Implementation Plan (LUIIP) in the absence of the State Infrastructure Contribution (SIC);
- traffic impact assessment (TIA) should provide more information in regards to the existing traffic generation and distribution;
- TIA should be revised to illustrate the difference of traffic distribution between the existing and proposed development, and hence further demonstrate the difference in traffic generation and subsequent impact on nearby intersections; and
- TIA should take into consideration of the future background traffic growth as a result of the potential development intensification of the precinct.

Council comment

Council stated that the proposal was assessed against the objectives and principles of the Interim Statement for the Priority Precinct as the LUIP had not been finalised. Council outlined that the planning proposal was generally consistent as it will:

- provide employment space contributing to targets identified in the Regional and District Plans;
- create future employment leveraging off the new metro station;
- create a network of new and existing open spaces to prioritise active transport and access to transport thereby contributing to a healthier urban environment and encouraging social interaction;
- provide a commercial and mixed-use development close to existing and future transport contributing to transit-oriented development;
- provide high-quality and diverse residential areas for sustainable and liveable communities;
- preserve, strengthen and enhance the existing character of the St Leonards Centre;

A draft VPA was exhibited with the planning proposal which includes a contribution of \$4,095,803 for the provision of open space. Council stated that Clause 9.2 of the VPA will trigger a review in the event that monetary contributions have not been paid and a SIC is determined. Clause 9.2(c) provides for a reduction of the monetary contribution payable by the developer if the SIC is calculated on any height or FSR bonuses.

Council stated that the current and future recreational needs and infrastructure identified in the LUIP will be met under the terms of the VPA and further contributions towards a SIC will not be required. Council considers that they have made satisfactory arrangements to secure the appropriate level of developer contributions for infrastructure upgrades should a SIC be implemented. The VPA (**Attachment E**) was formally adopted by Council on 26 July 2019.

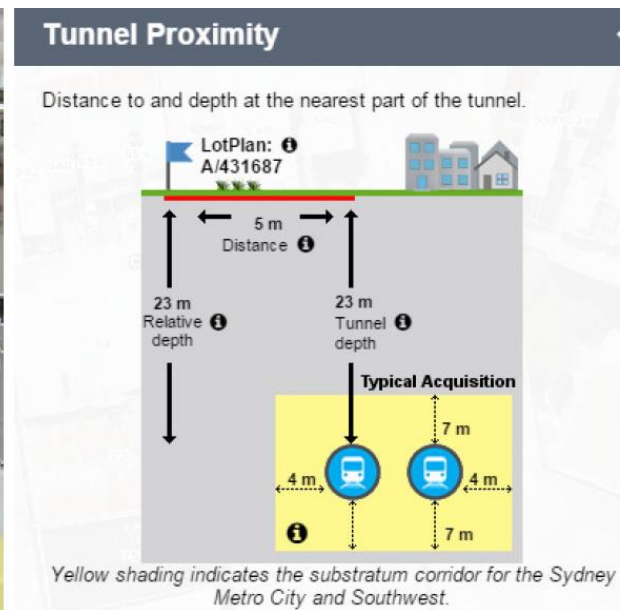
Traffic Impact Assessment (TIA)

Council did not address TfNSW comments on the TIA. On 12 September 2019, the Department sought clarification to gauge if these issues had been resolved with TfNSW. On 13 September 2019, Council stated that the provision of on-site carparking will be constrained by the proposed metro due to limitations for excavation (**Figure 19**) and not generate excessive traffic flows. The carparking rate was significantly below the maximum rates and the site is in close proximity to St Leonards train station and the proposed Crows Nest Metro site.

On 2 October 2019, the Department asked TfNSW to comment on Council's response. On 3 October TfNSW responded and stated that Council would need to further consider how this initiative would be implemented in the planning proposal (**Attachment J**).



Figure 19: location of the proposed metro



Lane Cove Council

Lane Cove Council's submission dated 5 April 2018 (**Attachment K**) stated that they raised no objection. It was noted that the potential impact on the proposed development at 472-520 Pacific Highway was considered. Lane Cove Council stated that Friedlander Place plaza will be upgraded for open space providing links to the over-rail plaza. They also stated that the intersection of Albany Street and the Pacific Highway will be crucial to achieve better connectivity for pedestrians and cyclists.

Council's comment

North Sydney Council stated that they are currently investigating improvements to 'place' and 'movement' of the Pacific Highway undertaken for the St Leonards and Crows Nest Planned Precinct.

Willoughby Council

No response was received from Willoughby Council.

9. POST-EXHIBITION CHANGES

No changes have been made to the proposal following public exhibition.

10. ASSESSMENT

The Department has considered submissions from the public during the exhibition period and advice from public authorities.

It is recommended that the draft LEP be supported as the proposal will:

- increase residential and employment floorspace in a strategic centre;
- provide housing and employment close to existing and proposed public transport infrastructure and services;
- will not result in significant traffic impacts; and
- is consistent with the outcomes identified in the St Leonards/Crows Nest Planning Study – Precinct 1.

9.1 Section 9.1 Directions

The proposal is consistent with the following relevant Section 9.1 Ministerial Directions:

1.1 Business and Industrial Zones

The planning proposal is consistent with this direction as it does not reduce the employment floor space. The proposal includes the addition of retail space and it is likely that the employment density on the site will increase.

2.3 Heritage Conservation

The assessment of heritage issues undertaken by Urbis Pty Ltd (**Attachment M**) states that the planning proposal will facilitate development that will not adversely impact the heritage item on the site. The increase in height and FSR is appropriate. The heritage fabric and form of the Marco Building would be retained. The removal of later additions and alterations and reconstruction of original elements would be in the public benefit. As such it is consistent with this direction.

Council's Heritage Conservation Planner (**Attachment G**) and the Office of Environment and Heritage (**Attachment H**) reviewed the proposal and no objections were raised.

3.1 Residential Zones

The proposal is consistent with this direction as it will provide more choice, accessibility and distribution of housing in a strategic centre reducing the consumption of fringe urban land. The area is close to existing and proposed infrastructure and services.

3.4 Integrating Land Use and Transport

The site is in close proximity to existing and proposed public transport which will reduce car dependency encourage active transport such as walking and cycling.

9.2 State environmental planning policies

This proposal is consistent with the following relevant State environmental planning policies (SEPP):

SEPP 55 Remediation of Land

There is no evidence or history to suggest the site is contaminated.

SEPP 65 (Design Quality of Residential Apartment Development)

Overall, the planning proposal shown in the AJC's Urban Design Report (**Attachment L**) shows a concept that results in:

- increased residential density that is accessible to well-connected existing and proposed transport infrastructure;
- built forms that can achieve good levels of solar access and natural ventilation;
- a suitable separation between buildings to allow for privacy and views; and
- the delivery of a precinct based and integrated development outcomes for the site.

The detailed design of the proposed buildings will be assessed during the DA stage where compliance with SEPP65 will need to be demonstrated.

Council have entered into a voluntary planning agreement (VPA) (**Attachment E**). Part of that agreement is to provide restrictions to the site in relation to height, setback, built form and contribution to the provision of public open space.

The planning proposal is considered to be consistent with all relevant State Environmental Planning Policies (SEPP).

9.3 State, regional and district plans

North District Plan

The North District Plan contains planning priorities and actions to guide the growth of the North District while improving the district's social, economic and environmental assets. It contains planning priorities and actions for implementing the Greater Sydney Region Plan at a district level.

The proposal is located within the North District and is generally consistent with the priorities and actions of the plan.

Planning Priority N3: Providing services and social infrastructure to meet peoples changing needs

The planning proposal will provide a greater choice of housing that is close to public transport and jobs in Chatswood, Macquarie Park, North Sydney and the CBD.

Planning Priority N5: Providing housing supply, choice and affordability with access to jobs, services and public transport

The planning proposal will provide greater housing choice with access to good public transport and services, allowing people to remain in the North District.

Planning Priority N6: Creating and renewing great places and local centres and respecting the District's heritage

The Marco Building is on a prominent corner position and will be retained and restored with unsympathetic additions removed. The provision of the new tower element is a curved form complementing the heritage list building.

St Leonards Strategy 2006

The Strategy was adopted by Land Cove, North Sydney and Willoughby Council. The planning proposal is inline with this strategy as it:

- provides new dwelling in a location within close proximity to public transport, facilities, employment and services;
- maintains and provides additional employment floorspace; and
- has minimal impact on local character, amenity, environment and heritage.

St Leonards/Crows Nest Draft Plan 2036

This draft plan was released on 15 October 2018 and provides the framework to guide development in the St Leonards and Crows Nest Station Precinct. Planning proposals in the investigation area should consider the vision, design principles and criteria and proposed planning controls outlined in the draft plan.

The planning proposal was given a Gateway determination on 25 May 2017, prior to the draft plan being released for public exhibition. The proposal is generally consistent with the draft plan as:

- it has a height of 16-storeys and an FSR of 7:1 (**Figures 19 and 20**);
- the heritage listed Marco Building is to be retained and refurbished;
- it provides a setback of 3m to the frontage to the Pacific Highway except to the existing significant elevation of the Marco building;
- part of the built form fronting Clarke Lane is to be setback of 1.5m;
- the proposal provides mixed-use floor space close to existing and proposed public transport and supports the objective of transit-oriented development; and

- it will provide a variety of housing with access to good public transport and services.

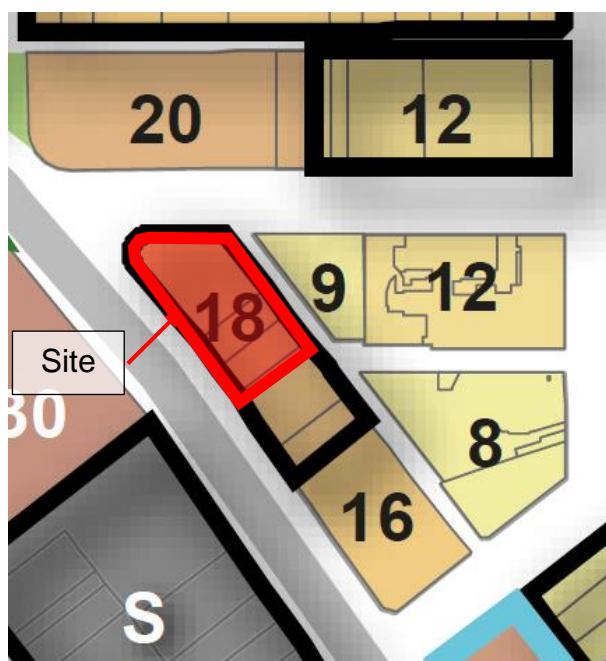


Figure 19: proposed height of buildings in storeys in the draft St Leonards/Crows Nest Draft Plan 2036

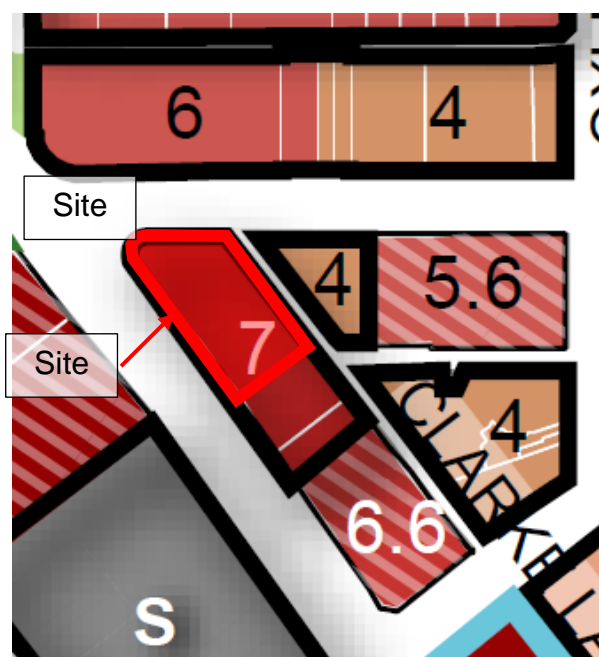


Figure 20: proposed FSR in storeys in the draft St Leonards/Crows Nest Draft Plan 2036

St Leonards/Crows Nest Planning Study – Precinct 1

The study was adopted by Council on 5 December 2011 to develop new strategies and initiatives for:

- the provision of open space in St Leonards and Crows Nest;
- increased investment with a focus on the rejuvenation of the Pacific Highway between St Leonards train station and the intersection of Pacific Highway and Willoughby Road;
- improved urban design and amenity particularly in St Leonards and along the Pacific Highway; and
- improved building design and residential amenity in St Leonards.

The planning proposal generally responds to the Study as:

- the tower element is positioned slightly north of that indicated in the study due to separation requirements caused by the inability to amalgamate with adjacent sites;
- it has a non-residential FSR of 2:1 and a residential FSR of 5.0:1 equating to 7.0:1;
- the upper tower is angled to retain views from the Adobe building at 599 Pacific Highway;
- the Marco building is to be retained, returning it to a previous state by refurbishing the original section and removing newer additions;
- the tower on top of the Marco building will not detract from the building's heritage significance; and
- the built form is the best option to deliver the Planning Study's Built Form Masterplan along the Pacific Highway (**Figure 21**).



Figure 21: the site at 575-583 Pacific Highway is identified in the study as an underutilised site

11. MAPPING

The following maps are to be adopted as part of this LEP amendment (**Attachment MCS and Map 1-15**):

Map Sheet	Map Identification Number
Height of Buildings Map	
HOB_001	5950_COM_HOB_001_010_20180604
HOB_002	5950_COM_HOB_002_010_20180604
HOB_002A	5950_COM_HOB_002A_005_20180604
HOB_003	5950_COM_HOB_003_010_20180604
HOB_004	5950_COM_HOB_004_010_20180604
Floor Space Ratio Map	
FSR_001	5950_COM_FSR_001_010_20180604
FSR_002	5950_COM_FSR_002_010_20180604
FSR_002A	5950_COM_FSR_002A_005_20180604
FSR_003	5950_COM_FSR_003_010_20180604
FSR_004	5950_COM_FSR_004_010_20180604
Intensive Urban Development Map	
IUD_001	5950_COM_IUD_001_010_20190731

12. CONSULTATION WITH COUNCIL

On 24 February 2020, Council was consulted on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979* (**Attachment N**). Upon writing Council has yet to raise any concerns with the plan being made.

13. PARLIAMENTARY COUNSEL OPINION

On 3 April 2020, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

14. RECOMMENDATION

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- it is consistent with all relevant section 9.1 Directions, or justified in accordance with the Direction, and SEPPs;
- it is consistent with and gives effect to the North District Plan and Greater Sydney Region Plan;
- it is consistent with the draft St Leonards and Crows Nest 2036 Plan and the St Leonards/Crows Nest Planning Study – Precinct 1;
- the heritage listed Marco building will be retained while still being able to develop the site; and
- all community concerns have been adequately addressed by Council and there are no outstanding or unresolved issues raised in agency submissions.



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Luke Downend
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