

Greater Sydney, Place and Infrastructure

[IRF20/5536](#)

Gateway determination report

LGA	North Sydney
PPA	North Sydney Council
NAME	27-57 Falcon Street, Crows Nest
LEP TO BE AMENDED	North Sydney Local Environmental Plan 2013
ADDRESS	27-57 Falcon Street, Crows Nest
DESCRIPTION	As described in Table 1
DWELLINGS	87
JOBS	17
RECEIVED	30 September 2020
FILE NO.	IRF20/5536
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal (**Attachment A1**) seeks to amend North Sydney Local Environmental Plan (NSLEP) 2013 for the subject site by:

- Rezoning the site from B4 Mixed Use to R4 High Density Residential.
- Increasing the maximum building height from 10m to part 21m and part 14.5m.
- Introducing a maximum floor space ratio (FSR) control of 1.85:1.
- Removing the current non-residential floor space requirement applying to the site.
- Introducing 'retail premises' as an additional permitted land use on the site.
- Including a site-specific provision under Part 6 Division 2 of the LEP to allow minor exceedances to the Height of Building control:
 1. *This clause applies to land at 27-57 Falcon Street, Crows Nest being Lots 25, 26, 32 and 33 DP 1720, Lots X and Y DP 407774 and Lot A DP 377050.*
 2. *Despite any other provision of this plan, development consent can be granted for development that exceeds the maximum building height shown*

on the Height of Buildings map if the part of the development that exceeds the maximum building height is for:

- a. providing lift access to rooftop communal open space;*
- b. mechanical plant.*

A concept design submitted with the planning proposal documentation indicates that the proposal could result in a high-density residential development comprising of:

- Three residential flat buildings between three and six storeys in height.
- Two-three storey townhouses.
- Retail premises at ground floor level at the corner of Falcon Street and Alexander Lane.
- Landscaped communal open space (**Attachment A9**).
- Basement parking.

The planning proposal states that the concept development could provide 87 additional dwellings consisting of townhouses and apartments.

The planning proposal is accompanied by a Voluntary Planning Agreement (VPA) (**Attachment E**) that proposes the following contributions:

- A monetary contribution of \$800,000 towards increased open space opportunities, such as the Hume Street Park upgrade, payable to Council.
- Land dedication including embellishments to the value of \$330,000.

The proposal is also accompanied by a draft site-specific Development Control Plan (DCP) (**Attachment F**) that will guide future detailed design and assessment of the site at the DA stage.

1.2 Site description

The site is located on the eastern edge of the Crows Nest town centre in the North Sydney local government area (LGA) (**Figure 1**) and is described in **Table 1**.

The site has an area of approximately 4,325m² and is bound by Falcon Street to the north, Alexander Lane to the west and Hayberry Lane to the south. The site is 1 kilometre southeast of the St Leonards town centre which offers train and bus services.

The site is also within 400 metres of the future Crows Nest Metro Station which is expected to open in 2024 and will connect Crows Nest to the wider Sydney Metro Network which currently spans from Tallawong and Rouse Hill in the northwest to Chatswood. By 2024 the network will be expanded to include Crows Nest, North Sydney (Victoria Cross), Barangaroo, the Sydney CBD and eventually to Bankstown in the southwest.

The site is currently partially vacant while the remainder of the site is occupied by two two-storey buildings with a rear at grade parking area and two three-storey buildings with under croft parking areas (**Figures 2-4**).

Address	Lot	DP
27 Falcon Street, Crows Nest	33, section 3	DP 1720
	32, section 3	DP 1720

Address	Lot	DP
	X	DP 407774
43 Falcon Street, Crows Nest	Y	DP 407774
47 Falcon Street, Crows Nest	A	DP 377050
49-51 Falcon Street, Crows Nest	26, section 3	DP 1720
55-57 Falcon Street, Crows Nest	25, section 3	DP 1720

Table 1: Legal description of the site.



Figure 1: Site map (source: Ethos Urban, Nearmap).



Figure 2: The vacant land on the site looking south west along Falcon Street (source: Ethos Urban).



Figure 3: The vacant land and existing commercial buildings looking east along Hayberry Lane (source: Ethos Urban).



Figure 4: 43-45 Falcon Street looking north east from Hayberry Lane (source: Ethos Urban).

1.3 Existing planning controls

Under the North Sydney LEP 2013, the site is subject to the following planning provisions:

- A B4 Mixed Use zoning (**Figure 5**).
- A maximum building height of 10m (**Figure 6**).
- No FSR provision (**Figure 7**).
- A non-residential FSR of 0.5:1 (**Figure 8**).
- Clause 6.12A Residential flat buildings in the B4 Mixed Use zone which requires for a genuine mixed use development in B4 zones when a residential flat building is proposed, with activated street frontages and no residential development on the ground floor.

The site is near several local heritage items (**Figure 9**) which include:

- Item I0143 - 'Former Hall' at 14 Hayberry Street (Local Item).
- Item I0144 – 'Former Church of Christ' at 69 Falcon Street (Local Item).
- Heritage Conservation Area (HCA) CA09 – 'Holtermann Estate C' (Local Item).

A comparison of the current and proposed controls has been provided at **Table 2**.

Provision	Current	Proposed
Zone	B4 Mixed Use	R4 High Density Residential
Height	10m	Part 21m and part 14.5m
FSR	N/A	1.85:1
Minimum non-residential FSR	0.5:1	N/A

Provision	Current	Proposed
Additional Permitted Uses	N/A	Retail premises
Part 6 Division 2 site-specific provision	N/A	Allow minor exceedances to the Height of Building control

Table 2: Comparison between current and proposed planning provisions.

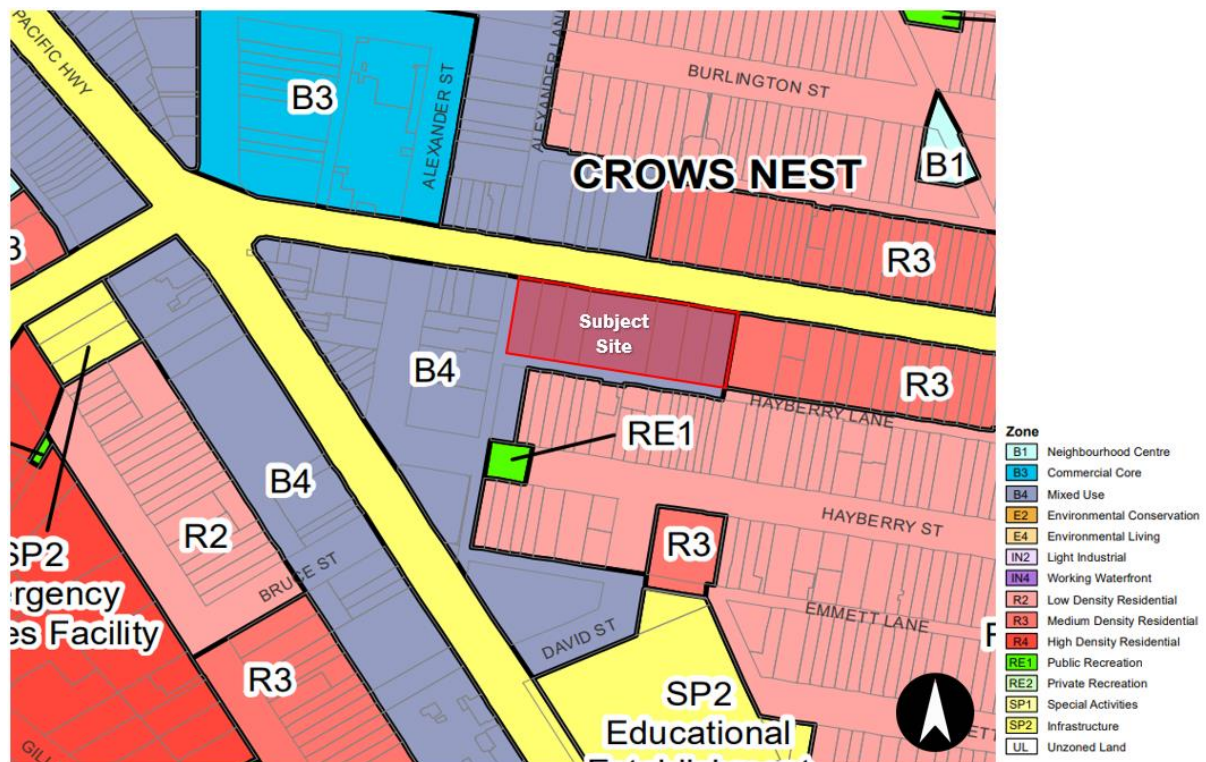


Figure 5: North Sydney LEP 2013 Land Zoning map (source: NSW Legislation).

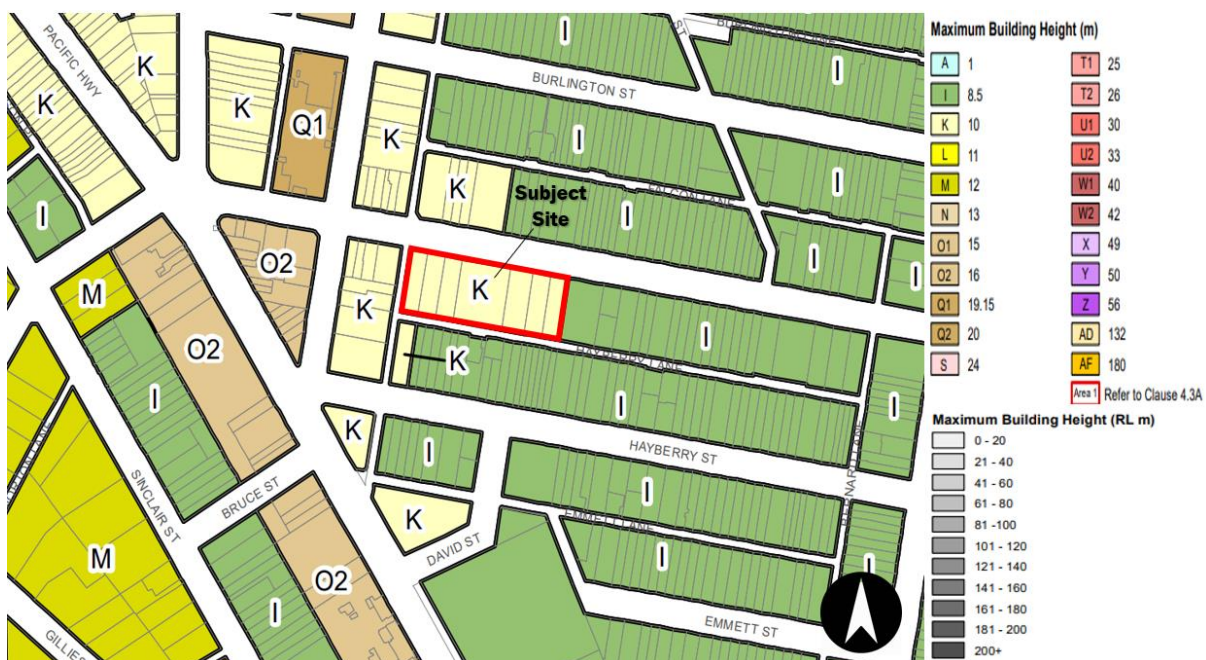


Figure 6: North Sydney LEP 2013 Height of Buildings map (source: NSW Legislation).



Figure 7: North Sydney LEP 2013 Floor Space Ratio map (source: NSW Legislation).

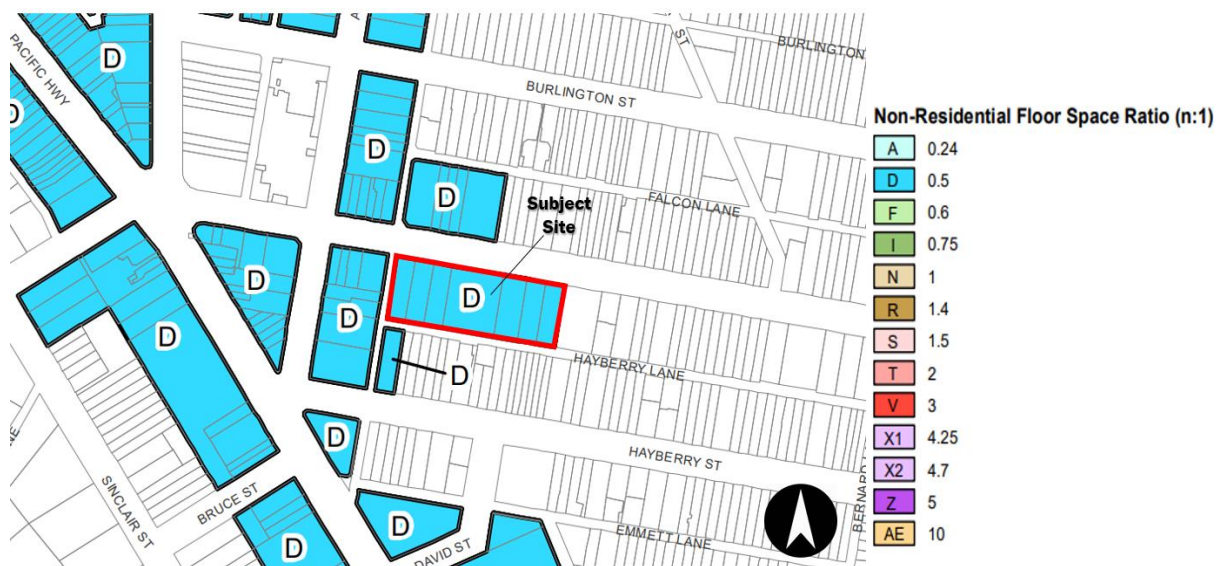


Figure 8: North Sydney LEP 2013 Non-Residential Floor Space Ratio map (source: NSW Legislation).



Figure 9: North Sydney LEP 2013 Heritage map (source: NSW Legislation).

1.4 Surrounding area

The subject site is bound by Falcon Street to the north, Alexander Lane to the west, Hayberry Lane to the south and low to medium density residential development to the east (**Figure 10**).

Two to three storey commercial and retail developments are located on the northern side of Falcon Street while low-density dwellings are located to the southern side of Hayberry Lane. Attached and detached dwellings are located immediately east of the site, with residential flat buildings present further east along Falcon Street. On the western side of Alexander Lane are commercial offices and multi-storey residential buildings.

Crows Nest town centre is 100m northwest of the site. The site is approximately 250m east of the Pacific Highway and its bus services and 400m walking distance from the future Crows Nest Metro Station (**Figure 11**).

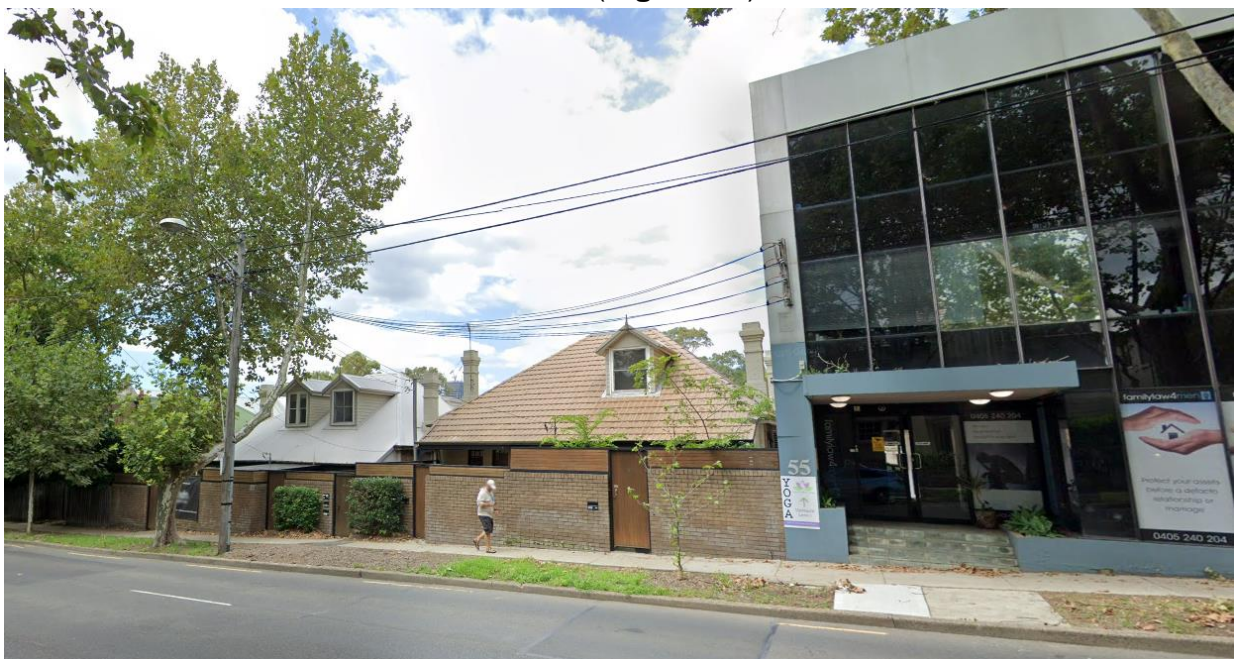


Figure 10: Low to medium density dwellings looking south east along Falcon Street (source: Google Maps).



Figure 11: Site context map (source: Allen Jack and Cottier).

1.5 Summary of recommendation

The Department has considered the submitted documentation as part of the proposal and concludes that there is sufficient strategic and site-specific merit in issuing a Gateway determination as:

- It is generally consistent with the North District Plan as it provides additional housing and jobs on the fringe of the Crows Nest town centre, provides greater housing diversity, maximises public transport patronage particularly through its location within walking distance of a future Metro station, and it is well designed and will contribute to Crows' Nest vitality.
- It is generally consistent with the objectives of the now finalised St Leonards and Crows Nest 2036 Plan despite the location of the site being outside the areas recommended for change within the Plan.
- It is consistent with the North Sydney Local Strategic Planning Statement priorities, particularly the provision of diverse housing, vibrant centres and public domain, and respecting the area's heritage.
- It is consistent with the North Sydney Local Housing Strategy vision and its medium-term housing targets.
- The introduction of high-density residential use to the site would not be out of character with the local context, given that high density residential development has been developed on sites in the vicinity of the subject site.

- The proposal will provide approximately 87 additional dwellings within North Sydney LGA which will contribute to North Sydney meeting its additional 2,835 dwellings target over the next 6-10 years as outlined in the North Sydney Local Housing Strategy.

2. PROPOSAL

2.1 Objectives or intended outcomes

The planning proposal identifies that it achieves the following objectives and intended outcomes:

- The amendments to the North Sydney LEP 2013 to enable the development of the subject site for a three to six storey residential development with retail uses at the corner of Falcon Street and Alexander Lane.
- Satisfies the State Government's objective to grow housing within strategic centres and close to public transport, employment and other strategic centres (i.e. St Leonards, North Sydney, Sydney CBD).
- Enable the redevelopment of the land in a manner consistent with the built form envisaged by the St Leonards Crows Nest 2036 Plan.
- Deliver significant public domain improvements including active street frontages and high-quality public areas.
- Contribute to the rejuvenation of Crows Nest by encouraging and supporting residential and retail development activity within the town centre.

The objectives and intended outcomes are not clearly expressed in the planning proposal documentation. The Department recommends that the proposal be updated prior to exhibition to clearly explain the objectives and intended outcomes by introducing them at the beginning of the proposal to clearly identify the intent of the proposal.

2.2 Explanation of provisions

The proposal seeks to amend the North Sydney LEP 2013 for the site by:

- Rezoning the site from B4 Mixed Use to R4 High Density Residential.
- Applying a maximum building height of part 14.5m and part 21m.
- Establishing a maximum FSR of 1.85:1 to the site.
- Removing the minimum non-residential FSR of 0.5:1.
- Amending Schedule 1 Additional permitted uses to include a clause that permits, with development consent, the use of certain land on the site for the purposes of retail premises.
- Including a site-specific provision under Part 6, Division 2 of the LEP to allow specific exceedances of the height of building control:
 1. *This clause applies to land at 27-57 Falcon Street, Crows Nest being Lots 25, 26, 32 and 33 DP 1720, Lots X and Y DP 407774 and Lot A DP 377050.*
 2. *Despite any other provision of this plan, development consent can be granted for development that exceeds the maximum building height shown on the Height of Buildings map if the part of the development that exceeds the maximum building height is for:*

- c. providing lift access to rooftop communal open space;
- d. mechanical plant.

2.4 Mapping

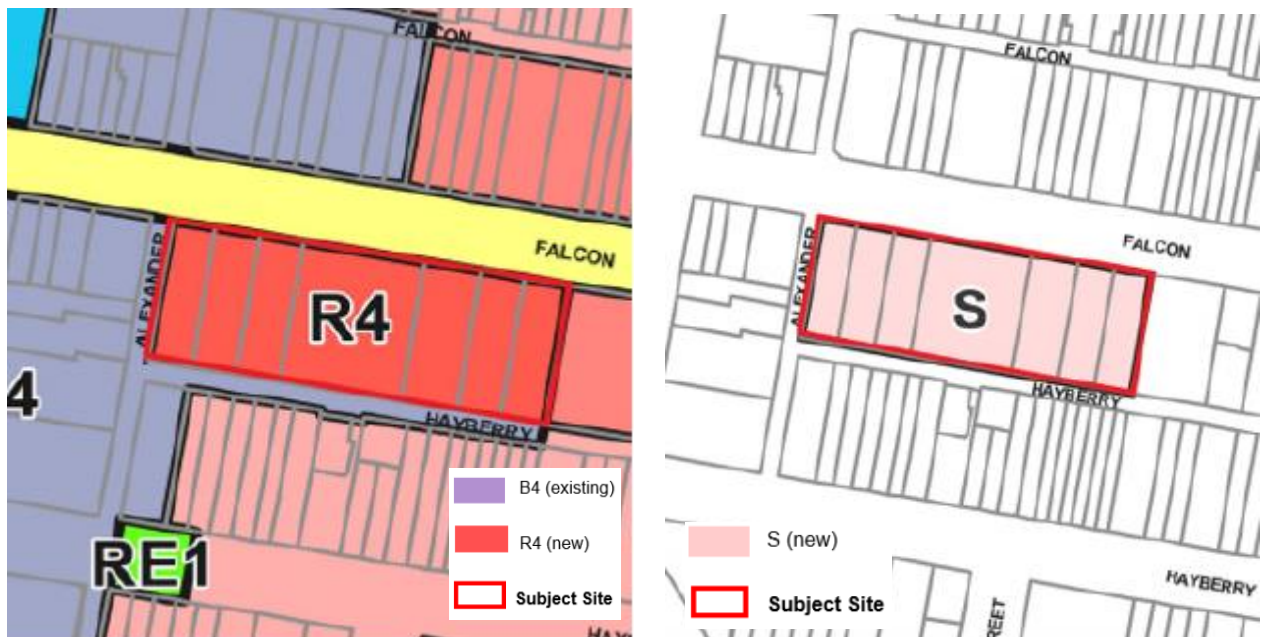
Draft LEP mapping (**Attachment B**) has been provided as part of the planning proposal to demonstrate the proposed changes to the North Sydney LEP 2013. The maps are however recommended to be included within the proposal itself for easier legibility for exhibition.

The draft maps submitted include:

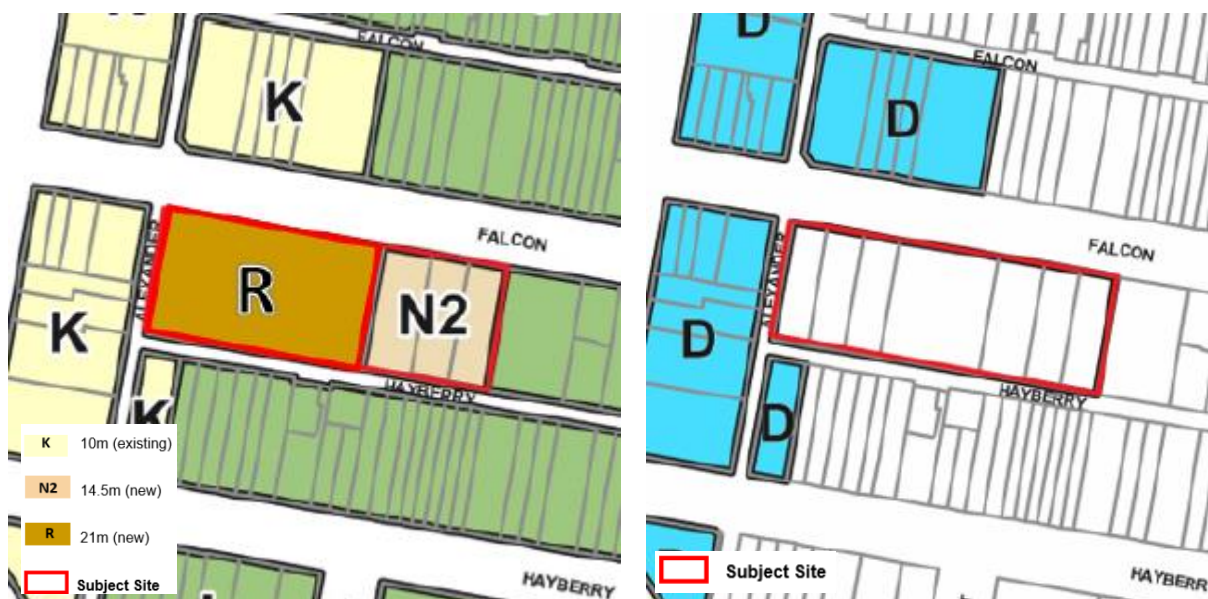
- An amended Land Zoning map (sheet LZN_001) showing the site as R4 High Density Residential (**Figure 12**).
- An amended maximum Height of Building map (sheet HOB_001) showing the site as part 14.5m and part 21m (**Figure 13**).
- An amended maximum FSR map (sheet FSR_001) showing the site as 1.85:1 (**Figure 14**).
- An amended Non-Residential FSR map (sheet LCL_001) showing the site as having no non-residential FSR (**Figure 15**).

No changes are proposed to any other LEP maps.

The proposed draft LEP maps are considered acceptable for the purposes of public exhibition.



Figures 12 and 13: Draft North Sydney LEP 2013 Land zoning map (left) and maximum FSR map (right).



Figures 14 and 15: Draft North Sydney LEP 2013 maximum height of buildings map (left) and minimum non-residential FSR map (right).

2.5 Proposed Development Concept

A concept design submitted with the planning proposal indicates that the proposal could deliver a high density residential development comprising of 4 buildings ranging from 2 storeys to 6 storeys, with the upper levels being setback from the street frontages.

The planning proposal states that the concept scheme could provide 87 dwellings.

The GFA breakdown based on the type of land use has been provided in **Table 3**.

Land use type	GFA
Residential	7,625m ²
Retail	340m ²
Total	7,965m²

Table 3: Proposed GFA allocation of concept design.

Drawings of the proposed concept design have been provided at **Figures 16-21** and within the proponent's Urban Design Report, prepared by Allen Jack and Cottier (**Attachment A2**).

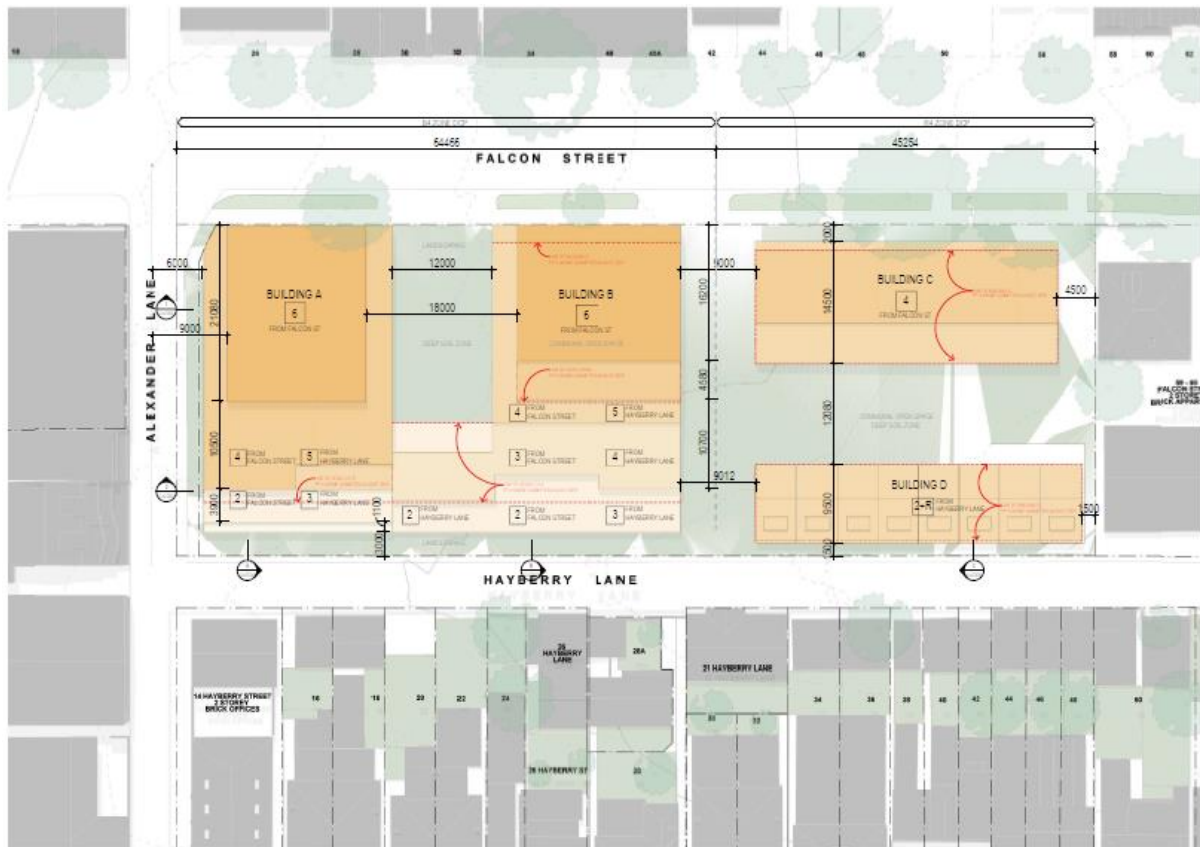


Figure 16: Proposed concept site plan (source: Allen Jack and Cottier).



Figure 17: Proposed north and south elevations (source: Allen Jack and Cottier).

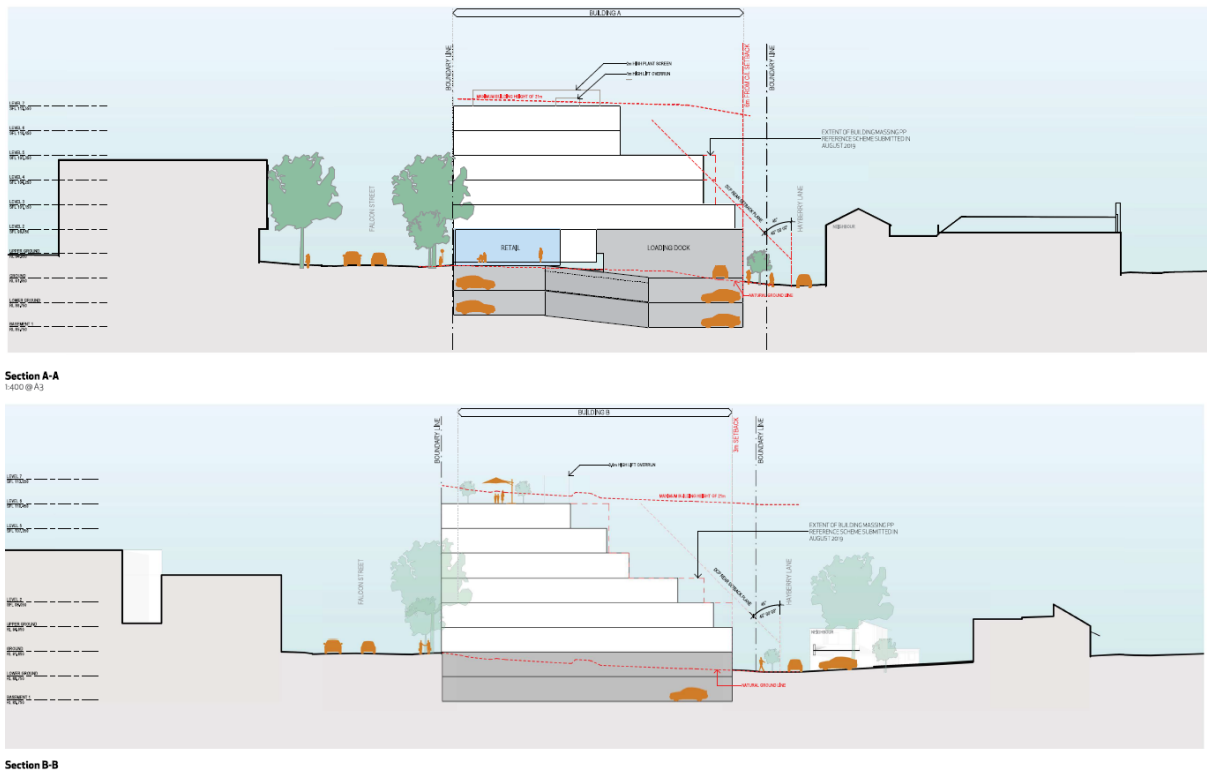


Figure 18: Proposed east and west sections (source: Allen Jack and Cottier).



Figure 19: Example ground floor plan (source: Allen Jack and Cottier)



Figure 20: Example concept design viewed from Falcon Street looking south east (source: Allen Jack and Cottier)



Figure 21: Example concept design viewed from Falcon Street looking west (source: Allen Jack and Cottier)

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal itself is not the result of any specific strategic study or report. However, the proposal revives the previous strategic planning process that was commenced by Council for the site in 2015, including the previous planning proposal for this site. This proposal gives effect to the key elements of the North Sydney Local Housing Strategy, prepared by Council, which is currently being assessed by the Department for endorsement.

The planning proposal is the best means of achieving the intended outcome as the current planning controls restrict redevelopment of the site.

4. STRATEGIC ASSESSMENT

4.1 North District Plan

The North District Plan (District Plan) requires the North Sydney LGA to deliver a minimum of 3,000 new homes between 2016 and 2021. The District Plan acknowledges that more group homes, adaptable homes and smaller homes are required to meet the needs of the changing community.

The District Plan also recommends that new housing be provided in the right locations, close to local infrastructure, and of the right design, contributing to safe and vibrant neighbourhoods.

The planning proposal documentation (**Attachment A**) has identified that the concept for the current proposal would provide 87 additional homes, close to jobs, services and public transport, on a site that cannot deliver housing or jobs under existing planning controls. The proposal would also provide 340m² of retail floorspace on the fringe of the town centre and would therefore contribute to the street life and vitality of Crows Nest.

The accompanying concept design for the proposal includes road widening of Alexander Lane, communal open space and landscaping, and more active street frontages.

Based on the above and subject to a future detailed design at the development application stage, it is considered that the proposal can deliver a development that is generally consistent with the North District Plan. **Table 4** outlines the relevant priorities of the District Plan and how the proposal demonstrated consistency with these priorities.

District Plan Priority	Consistency
N5 Providing housing supply, choice and affordability, with access to jobs, services and public transport	By providing 87 additional dwellings on a site near to existing jobs, services and public transport.
N6 Creating and renewing great places and local centres, and respecting the District's heritage	By revitalising the currently rundown and partially vacant site, particularly through the activation of street frontages. The proposal also seeks to transition the built form to lower levels as it nears the heritage conservation area. It also maintains as much solar access into the conservation area as possible.

District Plan Priority	Consistency
N8 Eastern Economic Corridor is better connected and more competitive	By retaining some commercial use on site, the St Leonards and Crows Nest area can maintain its competitive status.
N10 Growing investment, business opportunities and jobs in strategic centres	By providing additional housing near to existing jobs, goods and services. The proposed retail premises also provide the opportunity for new businesses to be located on the fringe of the Crows Nest town centre.
N12 Delivery integrated land use and transport planning and a 30-minute city	By providing additional housing near to existing and future transport infrastructure including bus stops, St Leonards Station and the future Crows Nest Metro. The proposal seeks to maximise use of existing bus services to and from other employment and strategic centres as well as the site's location within walking distance of the future Metro Station, connecting to North Sydney, Barangaroo and Sydney CBD.

Table 4: Summary of proposal's consistency with the North Sydney LSPS.

4.2 St Leonards and Crows Nest 2036 Plan

The St Leonards and Crows Nest 2036 Plan (SLCN Plan) was finalised on 29 August 2020 and outlines the strategic vision for the St Leonards Crows Nest precinct over the next 16 years.

The SLCN Plan will inform future development and infrastructure decisions within the area to support the delivery of new housing, job opportunities and improved public domain.

Although the site is located outside the areas recommended for change within the SLCN Plan (**Figure 22**), the Department considers the proposal to be consistent with the SLCN Plan's vision, objectives and actions as it will:

- Respect the history of the area by providing a transition in the development down towards the Hayberry heritage conservation area to be in keeping with the existing two storey character of Hayberry Lane.
- Reduce reliance on private vehicles due to the site's location near to the Crows Nest town centre, bus stops along the Pacific Highway and the future Crows Nest Metro station.
- Revitalise the site and improve its relationship with the wider Crows Nest area through more active frontages along Hayberry Lane and Falcon Street.
- Reflect the surrounding built environment and character of Crows Nest, in particular apartments (high density) and townhouses (medium density).
- Provide a more vibrant public domain, particularly through the activation of Hayberry Lane.
- Maintain some commercial uses in the form of retail premises on the ground floor at the corner of Falcon Street and Alexander Lane.

- Provide housing choice through the additional 87 dwellings consisting of 1, 2 and 3 bedroom apartments as well as townhouses.
- Achieve the vision and objectives of the SLCN Plan and be consistent with Section 9.1 Direction 7.11 (Implementation of St Leonards and Crows Nest 2036 Plan), even though the site is located outside the recommended area for uplift, including preserving heritage items and conservation areas, providing transitions and setbacks between different development types, providing active street frontages, providing a variety of housing types, mitigate the impact of overshadowing and view losses.

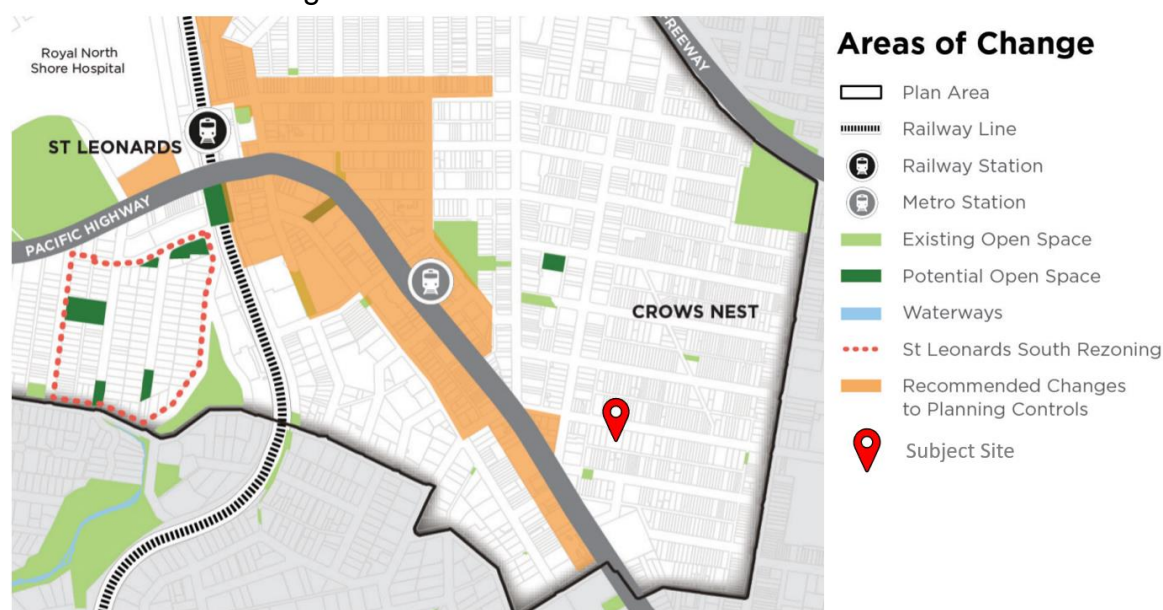


Figure 22: Location of subject site within St Leonards Crows Nest 2036 Plan area of change map (source: DPIE).

4.3 Local Strategic Planning Statement

Council's Local Strategic Planning Statement (LSPS) was adopted by Council on 24 March 2020. It outlines Council's 20-year vision for land use, planning principles, priorities and actions.

Council's LSPS was endorsed by the GSC on 20 March 2020. Notwithstanding this, the planning proposal is generally consistent with the LSPS as outlined in **Table 5**.

LSPS Priority	Consistency
L1 Providing a diversity of housing in the right locations that meet community needs	By providing 87 additional dwellings of different types and sizes on a site near to existing jobs, services and public transport.
L3 Strengthening social connections through safe and accessible vibrant centres, public domain, villages and streetscapes	By renewing the site, improving the public domain along Hayberry Lane and Falcon Street, widening Alexander Lane, and activating the corner of Falcon Street and Alexander Lane.
L4 Preserving, maintaining and celebrating North Sydney's history and heritage	By transitioning the built form from six storeys along Falcon Street to three storeys along Hayberry Lane to allow for the preservation of the Hayberry heritage conservation area.

LSPS Priority	Consistency
P2 Providing opportunities for long-term employment growth in St Leonards/Crows Nest across a range of sectors	By providing additional housing near the Crows Nest and St Leonards town centres and maintaining the role of Willoughby Road as Crows Nest's employment and vibrant centre. The removal of the non-residential FSR control is considered acceptable due to the site's location on the periphery of the St Leonards Crows Nest 2036 Plan.

However, the proposal still refers to the Draft North Sydney LSPS within the planning proposal documentation. It is therefore recommended that prior to public exhibition the planning proposal be updated to remove all references to the Draft LSPS.

Table 5: Summary of proposal's consistency with the North Sydney LSPS.

4.4 North Sydney Local Housing Strategy

The North Sydney Local Housing Strategy (LHS) sets out Council's vision for housing within the LGA and was adopted by Council on 25 November 2019. Council's LHS is currently with the Department for assessment.

The planning proposal is consistent with the LHS as the LHS identifies capacity for an additional 11,870 dwellings by 2036 under the NSLEP 2013 controls and provisions of the SLCN Plan. More specifically, the LHS outlines the 2,835 forecasted dwellings to be delivered in the next 6-10 years and a further 3,160 dwellings to be delivered in the next 11-15 years.

The SLCN Plan envisages an additional 3,515 dwellings to be provided within the planned precinct by 2036. The concept design supporting the planning proposal comprises 87 additional dwellings, which relates to about 2.5% of the potential dwellings earmarked to be delivered by the SLCN Plan within the precinct and therefore contributes to the housing targets for North Sydney LGA.

Although the SLCN Plan does not recommend any uplift for the subject site, the proposal is still consistent with Council's LHS as it provides additional housing of different types and size near to existing jobs, services and public transport, as well as future planned public transport, while respecting the surrounding character of the built environment.

4.5 North Sydney's Civic Precinct and Surrounding Planning Study (2020)

Council's draft Civic Precinct and Surrounds Planning Study (2020) sets out a vision and desired character for the identified Civic Precinct stretching from North Sydney CBD to Falcon Street, Crows Nest.

Council endorsed the Study on 18 May 2020 for public exhibition. A map of the Civic Precinct is provided at **Figure 23** in relation to the subject site and the St Leonards and Crows Nest 2036 Precinct Area. The Department considers the proposal to be consistent with the Study as it will:

- Contribute to the contemporary and accessible precinct.
- Encourage walking journeys to and from the site.
- Emphasise the periphery of Crows Nest town centre.
- Offer housing choice in terms of housing types and prices.

- Provide a residential development that reflects the transitional character of the site between the higher density town centre to the north and the lower density detached dwellings to the south.

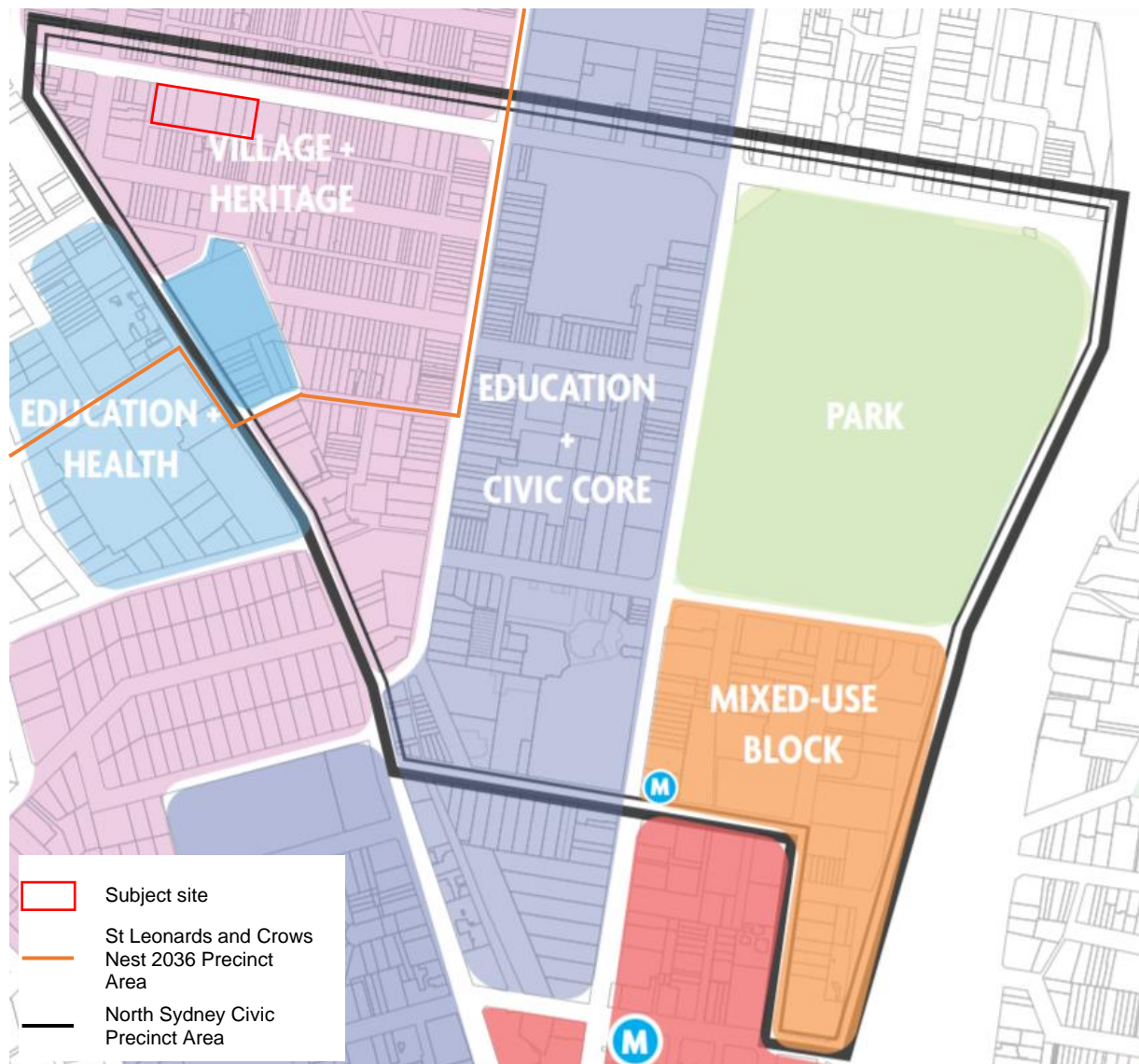


Figure 23: North Sydney Civic Precinct Area (black) in relation to the subject site (red) and the St Leonards and Crows Nest 2036 Precinct Area (orange) (source: North Sydney Council, DPIE).

4.6 Section 9.1 Ministerial Directions

The proposal is considered consistent with all relevant Ministerial Directions except for Direction 1.1 as discussed below in **Table 6**.

Directions under s9.1	Comment
1.1 Business and Industrial Zones	<p>While the proposal involves the removal of the non-residential FSR control and an amendment to the zoning from B4 Mixed Use to R4 High Density Residential, the boarded up commercial buildings on the site convey the inability of the market to maintain the site as employment land.</p> <p>Although the proposal is inconsistent with this direction it is considered not to get in the way of achieving the objective as the proposal is expected to increase expenditure on local goods and services by approximately \$3.4 million annually and contribute to the vitality and amenity of Crows Nest town centre.</p> <p>The future Crows Nest Metro Station is also expected to house a greater concentration of jobs for the area. Additionally, the proposal seeks to retain some retail premises pursuant to residential outcomes.</p>
2.3 Heritage Conservation	<p>The site is located near the Holtermann Estate C Heritage Conservation Area to the south and the Former Church of Christ, No. 69 Falcon Street and the Former Hall, No. 14 Hayberry Street.</p> <p>Any heritage impacts to these items or areas are considered minor and of no adverse impacts. The proposal is located outside of the conservation area and transitions to 2 and 3 storeys along Hayberry Lane.</p>
2.6 Remediation of Contaminated Land	<p>Although the site is considered uncontaminated and has previously been remediated, contamination will need to be further explored and responded to in greater detail at the development application stage.</p> <p>However, the proposal is not considered to include provisions that would be inconsistent with the application of this s9.1 direction.</p>
3.1 Residential Zones	<p>The planning proposal is consistent with this direction as it will increase the housing choice and residential density within the area.</p> <p>The proposal is also near services, employment, public transport (bus stops, St Leonards Station, future Metro Station), open space and the Sydney and North Sydney CBDs.</p>
3.4 Integrating Land Use and Transport	<p>The proposal is consistent with this direction as it provides additional housing that will maximise the use of the nearby public transport (buses, trains and future Metro) that connects the site to other employment centres and encourages walking, thereby reducing car dependence.</p>
6.2 Reserving Land for Public Purposes	<p>The proposal is consistent with the objectives of this direction as it involves the widening of Alexander Lane and improvements to Hayberry Lane, resulting in an overall enhancement to the surrounding public domain.</p>
6.3 Site Specific Provisions	<p>The proposal seeks to incorporate an additional use for retail premises on the site that do not require any further development standards and is considered not to be unnecessarily restrictive.</p>

Directions under s9.1	Comment
7.11 Implementation of St Leonards and Crows Nest 2036 Plan	<p>As the subject site falls within the St Leonards and Crows Nest 2036 Plan area, this s9.1 direction applies.</p> <p>The s9.1 direction has been adopted to include flexibility for Council's to consider minor inconsistencies or variations to the plan on a case by case basis where appropriate when preparing planning proposals for Gateway determination.</p> <p>While the site has not been recommended for uplift by the SLCN Plan, the planning proposal is still consistent with the vision and precinct objectives outlined in the SLCN Plan.</p> <p>It is clear that the site demonstrates sufficient site specific and strategic merit within the wider planning framework and despite its inconsistencies with the specific recommendations of the SLCN Plan, it can still achieve the wider vision, actions and objectives of the Plan. This reflects the overall intention of the Plan and it is recommended that the desertion in built into the s9.1 direction is applied to this planning proposal.</p>

Table 6: Summary of proposal's consistency with the s9.1 Ministerial Directions.

4.7 State environmental planning policies (SEPPs)

SEPP 65 Design Quality of Residential Apartment Development

The concept design has illustrated its ability to comply with this SEPP and the Apartment Design Guide (ADG), including the requirements for natural ventilation, solar access and other amenity requirements to each dwelling.

Greater detail of compliance with this SEPP is required at the development application stage including a SEPP 65 ADG compliance assessment.

SEPP (BASIX) 2004

The concept design supporting this planning proposal is to exhibit compliance with this SEPP at the future development application stage.

SEPP (Infrastructure) 2007

Consistency with this SEPP will require the proponent to undergo consultation with Transport for NSW as the proposal is considered to be development near a classified road, that being Falcon Street. This is recommended to be included as a condition of the Gateway determination.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

30-minute city

The idea of a 30-minute city is the main strategic vision of the North District Plan. The site's location near the Crows Nest town centre, the future Crows Nest Metro Station, other employment centres, and high frequency bus stops positions future residents of the proposed residential development within 30 minutes of their place of work.

The District Plan also recognises the need for an additional 3,000 dwellings of different types and sizes within the North Sydney LGA. The proposal, therefore,

provides a variety of housing choices; 1, 2 and 3 bedroom apartments as well as townhouses and is considered to achieve the goal of a 30-minute city.

Public amenity

The concept design for the proposal intends to improve the public domain surrounding the site, particularly along the Hayberry Lane and Falcon Street frontages.

The future redevelopment would also facilitate the renewal of vacant land and rundown buildings which would provide for greater activation of the site and streetscape and be in the public interest.

The VPA intends to provide some of these embellishments and public benefits through a \$330,000 monetary contribution including the widening of Alexander Lane, Alexander and Hayberry Lane footpaths and landscaping setbacks.

5.2 Built form

Overshadowing

Detailed shadow diagrams are provided at **Figures 24-30** and within the Urban Design Report (**Attachment A2**). These diagrams show the extent of overshadowing caused by the concept design for the planning proposal. It is noted that the proposal:

- Maintains solar access to properties south of the site in Hayberry Lane and Hayberry Street at a minimum of 4m² of private open space for 3 hours in mid-winter.
- Improves solar access in mid-winter to properties east of the site and to properties in Hayberry Lane immediately behind the existing commercial buildings due to building setbacks at higher storeys.

It is considered that the planning proposal provides sufficient information for a Gateway determination to be issued; however, more detailed designs will need to be explored at the development application stage to further reduce the impacts of overshadowing.



Figures 24-25: Concept shadow diagrams on Winter Solstice: 9am – 10am (source Allen Jack and Cottier)



11am



12pm

Figure 26-27: Concept shadow diagrams on Winter Solstice: 11am – 12pm (source Allen Jack and Cottier)

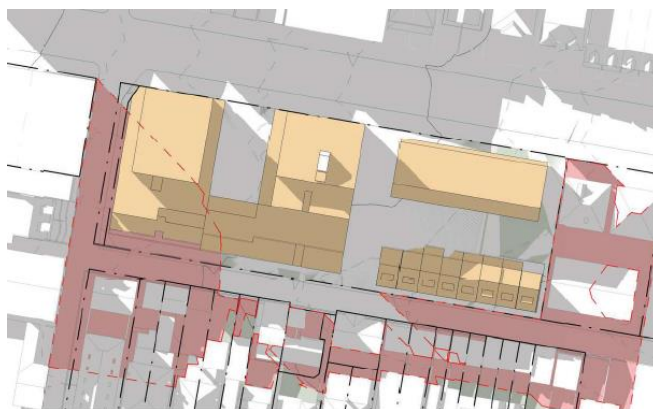


1pm



2pm

Figure 28-29: Concept shadow diagrams on Winter Solstice: 1pm – 2pm (source Allen Jack and Cottier)



3pm

KEY:

PROPOSED ENVELOPE

EXISTING SHADOW



Figure 30: Concept shadow diagrams on Winter Solstice: 3pm (source Allen Jack and Cottier)

Traffic and parking

The provided Traffic Report (**Attachment A6**) considers that the planning proposal will not have any adverse traffic impacts on the surrounding road network, subject to the widening of Alexander Lane to allow for two-way traffic movement and access to basement parking.

It is estimated that the proposal will generate on average one vehicle movement every 2 to 3 minutes during the peak. While this would cause greater traffic generation than what is currently on the site, it is considered that a compliant development under the current planning controls would generate more traffic than the planning proposal due to the existing commercial zoning and therefore greater predicted traffic activity.

The revised draft DCP proposes 90 parking spaces, reduced from 121, which is less than currently required under the North Sydney DCP for R4 High Density Residential sites.

While this is greater than what is recommended under the St Leonards Crows Nest Planning Study stages 2/3, which would allow for a maximum of 62 parking spaces, 90 parking spaces are permitted under the current DCP. **Table 7** provides a breakdown of each parking provision.

	North Sydney DCP 2013	TfNSW Development Guidelines	Proposed site-specific DCP
Studio and one bed apartments	0.5 space per apartment	0.4 spaces per unit	12 x studio apartments = 6 spaces 15 x one bed apartments = 8 spaces
Two and three bed apartments	1.0 space per apartment	0.7 spaces per two bed 1.2 spaces per three bed	47 x two bed apartments = 47 spaces 11 x three bed apartments = 11 spaces
Retail (GFA)	1 space per 60m ²	6.1 spaces per 100m ²	4 spaces
Visitors		1 space per 5 apartments – 1 space per 7 apartments	1 per 6 apartments = 14 spaces
Total	94 spaces	75 spaces	90 spaces

Table 7: Breakdown of recommended and proposed parking provisions.

Setbacks

The revised concept design for the planning proposal and the draft DCP provide setbacks to all street frontages and adjacent buildings in order to preserve the existing character of the surrounding streets and the heritage conservation area to the south, particularly Hayberry Lane.

Setbacks are also provided for the upper levels to allow for a transition from higher density (4-6 storeys) to medium density (2-3 storeys). The site plan with building setbacks is provided at **Figure 16**. It is noted that the site specific DCP includes the following setbacks:

- Building A: 3m setback to 2/3 storeys, 8m setback to 4/5 storeys, 18.5m setback to 6 storeys, 6m setback from Alexander Lane, 3m setback from Hayberry Lane.
- Building B: 3m setback to 2/3 storeys, 8.1m setback to 3/4 storeys, 17m to 4/5 storeys, 23.4m to 6 storeys, 3m setback from Hayberry Lane.
- Building C: 2m setback from Falcon Street, 4.5m setback from eastern site boundary.
- Building D: 1.5m setback from Hayberry Lane, 1.5m setback from eastern site boundary.

It is considered that the planning proposal provides sufficient information for a Gateway determination to be issued subject to conditions.

Views

While the proposal will impact the outlook for residents to the north of Falcon Street, the current outlook onto the site comprises vacant land and run-down commercial buildings. The view impacts are considered acceptable in an increasingly more urban environment, particularly as the concept design is expected to activate the site's street frontages and provide a more modern appearance.

Heritage impacts

As identified in the Heritage Impact Assessment (**Attachment A3**), the subject site itself does not consist of any heritage items; however, the Holtermann Estate C Heritage Conservation Area is located to the south of the site in addition to item I0143 Former Church of Christ, No. 69 Falcon Street and item I0144 the Former Hall, No. 14 Hayberry Street.

Any heritage impacts to these items or areas are considered minor and of no adverse impacts. Additionally, the increased setbacks to the upper levels of Building A and B reduce the bulk and scale of the development and are considered to further mitigate any impacts to heritage items. This reduced bulk and scale also expands sightlines from dwellings within the conservation area, ensuring that less of the proposal is visible from these dwellings.

Further to the reduced bulk and scale, the proposal seeks to maintain as much solar access to the heritage conservation area as possible, particularly into the living rooms of the dwellings located within the conservation area, in accordance with the North Sydney DCP 2013.

5.3 Environmental

Except for the vacant land, the site has previously been developed for urban purposes. No known critical habitat or threatened species populations or ecological communities or their habitats would be adversely affected by the proposal.

5.4 Economic

Although the proposal involves the removal of the minimum non-residential FSR control for the site, the vacant land and boarded up buildings demonstrate the underutilisation of the site and that the market is unable to provide the desired employment under the current planning controls.

The proposal seeks to retain some business development on-site through the provision of an additional permitted use for retail premises, contributing 340m² to the total GFA.

The proposal will contribute to the economic growth of the St Leonards and Crows Nest town centres through increased retail expenditure of approximately \$3.4 million annually. The proposal will place an increased demand on goods and services within the area and will, therefore, support greater employment.

The planning proposal is thus considered to have a positive economic impact on the site and the wider St Leonards and Crows Nest area.

5.5 Infrastructure

Public transport

The site is well serviced by public transport with high frequency bus stops located within 250 metres walking distance and the future Crows Nest Metro Station located within 400 metres. The future Metro Station will further enhance the St Leonards and Crows Nest precinct as a strategic centre.

The planning proposal supports the principles of integrated land use and transport as it will:

- Rely upon existing and future transport services to encourage the use of public transport to and from other employment centres.
- Facilitate development that positions new housing near to employment in St Leonards and Crows Nest.

5.6 Draft VPA and DCP

The draft VPA (**Attachment E**) proposes the following contributions to Council:

- A monetary contribution of \$800,000 towards increased open space opportunities, such as the Hume Street Park upgrade, payable to Council.
- Land dedication including embellishments to the value of \$330,000.

The draft VPA is in the public interest as it contributes to public open space in the area and helps activate street frontages around the site, particularly along Hayberry and Alexander Lanes.

The revised draft DCP (**Attachment F**) reflects the indicative concept design for the site including desired future character, built form, residential apartment building design, site coverage, communal open space, landscaping, and traffic and parking.

The desired built form outlines provisions for maximum building heights and building setbacks from the street and adjacent properties so that these are in keeping with the concept scheme for the planning proposal.

6. CONSULTATION

6.1 Community

The proponent has recommended a 28-day exhibition period for the planning proposal in accordance with '*A guide to preparing local environmental plans*'. This is considered adequate for the purposes of this plan and has been recommended as a Gateway condition.

Council will exhibit the planning proposal, draft DCP, draft VPA and all supporting documentation at Council's Administration Centre and on Council's website. Affected and adjoining landowners will be notified where relevant as per statutory requirements.

6.2 Agencies

Consultation is to be undertaken with the relevant public agencies as per statutory requirements. Consultation with the following agencies is recommended for the purposes of this Gateway:

- Transport for NSW.
- Transport for NSW (Roads and Maritime Branch).
- Ausgrid.
- Sydney Water Corporation.

7. TIME FRAME

The planning proposal has not recommended a timeframe for completion. Given the scale of the proposal, it is recommended that the proposal follow the recommended timeframe following Gateway determination:

- 3 months to proceed to public exhibition.
- 6 months to proceed to a Council meeting.
- 9 months to be forwarded to the Department for finalisation.

8. LOCAL PLAN-MAKING AUTHORITY

Council has not requested to be the local plan-making authority; however as the planning proposal is technically inconsistent with the numeric recommendations of the St Leonards and Crows Nest 2036 Plan, it is recommended that Council should not be given plan making authority in this instance.

9. CONCLUSION

The planning proposal seeks to redevelop the site at 27-57 Falcon Street, Crows Nest as a high-density residential development comprising 87 dwellings (a mix of apartments and townhouses) and 340m² of retail floor space. The proposal also includes road widening of Alexander Lane, communal open space and landscaping.

The Department considers the proposal to have strategic merit because:

- It is generally consistent with the North District Plan as the concept design would contribute 87 additional dwellings to the area that needs to deliver 3,000 new homes by 2021, maximise public transport usage, encourage expenditure within the local economy.
- It is consistent with the objectives of the St Leonards and Crows Nest 2036 Plan by providing approximately 2.5% of the new housing to be delivered under the SLCN Plan and by providing housing close to the St Leonards employment centre near the future Crows Nest Metro Station.
- The introduction of high density residential uses to the site would not be out of character with the local context and would provide a transition from the town centre to low density housing.

- The introduction of a retail premises on the corner of Falcon Street and Alexander Lane would contribute to the vitality of Crows Nest and would activate this area.
- The concept development will provide 87 dwellings on a site that adheres to the 30-minute city outcomes under the North District Plan.
- The proposed building setbacks under the concept design and draft DCP provide an appropriate transition from the higher density town centre to the north of the site to the low density housing to the south.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions (1.1 Business and Industrial Lands) are minor or justified

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to public exhibition to:
 - (a) address the now finalised St Leonards and Crows Nest 2036 Plan and accompanying section 9.1 Direction (7.11 Implementation of St Leonards and Crows Nest 2036 Plan). The proposal is also to remove all references to the draft Plan.
 - (b) The planning proposal is to be updated to remove references to the Draft North Sydney Local Strategic Planning Statement.
 - (c) Clearly explain the objectives and intended outcomes and bring these to the start of the planning proposal report.
 - (d) Include a timeframe and milestones for the completion of the planning proposal, including a time for the Department to prepare a finalisation report and make an LEP.
 - (e) Update the status of the Planning Process and Next Stages section within the planning proposal report.
 - (f) Include draft LEP mapping within the planning proposal report.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the following public authorities:
 - Transport for NSW.
 - Ausgrid.
 - Sydney Water Corporation.
4. The time frame for the making of this planning proposal is to be in accordance with the following milestones from the date of this Gateway determination:
 - 3 months to proceed to public exhibition.
 - 6 months to proceed to a Council meeting.
 - 9 months to be forwarded to the Department for finalisation.

5. Given the nature of the planning proposal and its location within the St Leonards and Crows Nest 2036 Plan area, Council should not be the local plan-making authority.

A handwritten signature in black ink, appearing to read 'Nick Armstrong', with a long horizontal stroke extending to the right.

Nick Armstrong
Acting Manager, North District
Eastern Harbour City

Assessment officer: Taylor Cole
Student Planner, North District
Phone: 9995 6628

Attachments

Attachment Gateway – Gateway Determination

Attachment Letter – Letter to Council advising of decision

Attachment A – Planning proposal documentation

- **A1** – Planning proposal report, Ethos Urban
- **A2** – Urban design report Parts 1 and 2, Allen Jack and Cottier
- **A3** – Heritage impact statement, Weir Phillips Heritage and Planning
- **A4** – Heritage letter, Weir Phillips Heritage and Planning
- **A5** – Estimate of market value uplift, Savills
- **A6** – Traffic report, TTPA
- **A7** – Embellishment area, Allen Jack and Cottier
- **A8** – External works estimate, Rider Levett Bucknall
- **A9** – Landscape concept, Place Design Group
- **A10** – Site survey, Project Surveyors

Attachment B – Proposed LEP maps

Attachment C – Council correspondence

- **C1** – Council assessment report
- **C2** – Council resolution, July 2020
- **C3** – Council cover letter to DPIE

Attachment D – North Sydney Local Planning Panel Minutes, 5 February 2020

Attachment E – Voluntary Planning Agreement

Attachment F – Draft site-specific DCP