



IRF22/3976

## Gateway determination report – PP-2021-5353

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378-390 Pacific Highway, Crows Nest

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

| Relevant reports and plans  |
|---|
| Attachment A1 – Planning Proposal – 4 November 2022                     |
| Attachment A2 – Survey Plan   |
| Attachment A3 – Revised Urban Design Report – 7 November 2022           |
| Attachment A4 – Revised Landscape Design Report – 8 November 2022       |
| Attachment A5 – Setback Studies   |
| Attachment A6a – Revised Transport Assessment – 8 November 2022         |
| Attachment A6b – Revised Framework Travel Plan – 7 November 2022        |
| Attachment A7 – Preliminary Site Investigation                          |
| Attachment A8 – Acoustic Report   |
| Attachment A9 – Pedestrian Wind Environment Statement – 2 November 2022 |
| Attachment A10 – Aeronautical Impact Statement                          |
| Attachment A11 – Service Infrastructure Report                          |
| Attachment A12 – Applicants Draft Site Specific DCP                     |
| Attachment A13 – Revised Proposed Mapping                               |
| Attachment B – Council Meeting – PPA Role – 27 June 2022                |
| Attachment C – Draft North Sydney DCP 2013 + revised car parking        |
| Attachment D1 – Panel Record of Decision – 8 August 2022                |
| Attachment D2 – Panel Record of Decision – 17 September 2022            |

Attachment D3 – Panel Record of Decision – 12 October 2022

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

|                                 |  |
|---------------------------------|--|
| <b>LGA</b>                      | <b>North Sydney</b>  |
| <b>PPA</b>                      | <b>Sydney North Planning Panel</b>   |
| <b>NAME</b>                     | <b>378-390 Pacific Highway, Crows Nest (72 dwellings, 2,618m<sup>2</sup> commercial floorspace)</b>          |
| <b>NUMBER</b>                   | <b>PP-2021-5353</b>  |
| <b>LEP TO BE AMENDED</b>        | <b>North Sydney LEP 2013</b>   |
| <b>ADDRESS</b>                  | <b>378-390 Pacific Highway, Crows Nest</b>   |
| <b>DESCRIPTION</b>              | <b>Lot 1 DP 577047, Lot 5 DP 4320, Lot 1 DP 573543, Lot 4 DP 663560 and Lot 1 DP 177051, Lot 1, DP724930</b> |
| <b>RECEIVED</b>                 | <b>8/11/2022</b>   |
| <b>FILE NO.</b>                 | <b>IRF22/3976</b>  |
| <b>POLITICAL DONATIONS</b>      | <b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>       |
| <b>LOBBYIST CODE OF CONDUCT</b> | <b>There have been no meetings or communications with registered lobbyists with respect to this proposal</b> |

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- develop the site to its potential and in line with the St Leonards Crows Nest 2036 Plan (SLCN Plan);
- amalgamate 5 lots to deliver a better urban design outcome on a prominent corner site;
- contribute to the rejuvenation of Crows Nest with a mix of land uses near the proposed Crows Nest Metro Station; and
- provide public improvements such as landscaping enhancing pedestrian amenity and support street activation.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the North Sydney LEP 2013 as outlined in **Table 3**.

**Table 3 Current and proposed controls**

| Control                               | Current                            | Proposed  |
|---------------------------------------|------------------------------------|---|
| <b>Zone</b>                           | B4 Mixed Use                       | B4 Mixed Use  |
| <b>Maximum height of the building</b> | 16m                                | RL176 AHD (24 storeys)                                    |
| <b>Floor space ratio (FSR)</b>        | N/A                                | 7.2:1 Revised concept scheme<br>(7.5:1 Original proposal) |
| <b>Minimum non-residential FSR</b>    | 1.5:1                              | 2:1 (GFA 2,618m <sup>2</sup> )                            |
| <b>Number of dwellings</b>            | N/A (commercial/retail floorspace) | 72 dwellings  |
| <b>Number of jobs</b>                 | N/A                                | 18* jobs<br>(2,618m <sup>2</sup> commercial floor space)  |

\*Note: A condition will be attached to confirm job numbers in the updated planning proposal.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

As an updated revised scheme was submitted to the Sydney North Planning Panel (the Panel) to address the Panel comments for amendments, the concept scheme provided an updated scheme that:

- provide an 8m weighed western setback to the western boundary;
- reduced the floorplate by 25m<sup>2</sup> in each level resulting in a reduction in FSR from 7.5:1 to 7.2:1;
- reduced the northern façade of the building length from 20.4m to 16.4m; and
- retains 5 apartments per level and 11.3m vertical void above the podium.

The Panel suggested that the small 5m<sup>2</sup> lot in the north-western corner could be incorporated into the planning proposal. However, the applicant did not include this in the proposal.

The figures stated in the Urban Design Report (**Attachment A3**) and the revised concept scheme for the proposed development standards will be required to be updated in the planning proposal to be consistent throughout the documents.

## 1.4 Site description and surrounding area

The site is within the North Sydney Local Government Area (LGA) and covered by the St Leonards and Crows Nest 2036 Plan (SLCN 2036 Plan) which is discussed further in section 3.3.1 (**Figures 1 and 22**). It is also within the St Leonards Town Centre (**Figure 27**).

The site consists of 5 adjoining lots with a total area of 1,309m<sup>2</sup> and a primary frontage to the Pacific Highway and secondary frontage to Hume Street. An existing vehicular access is via Hume

Street for 378 Pacific Highway and via Pacific Highway for the lot at 382 Pacific Highway (**Figures 2 to 6**).

The site is currently occupied by commercial and retail uses with a height of 2-3 storeys built to the boundary and approximately 3,200m<sup>2</sup> gross floor area (GFA).

The site is legally known as Lot 1 DP577047, Lot 5 DP4320, Lot 1 DP573543, Lot 4 DP663560 and Lot 1 DP177051.

To the north-west, adjoining the site at 398 Pacific Highway is an existing 6 storey shop top housing development. St Leonards Train Station is approximately 700m via the Pacific Highway with services to locations such as the Sydney CBD, Chatswood, Hornsby, West Ryde and regional areas.

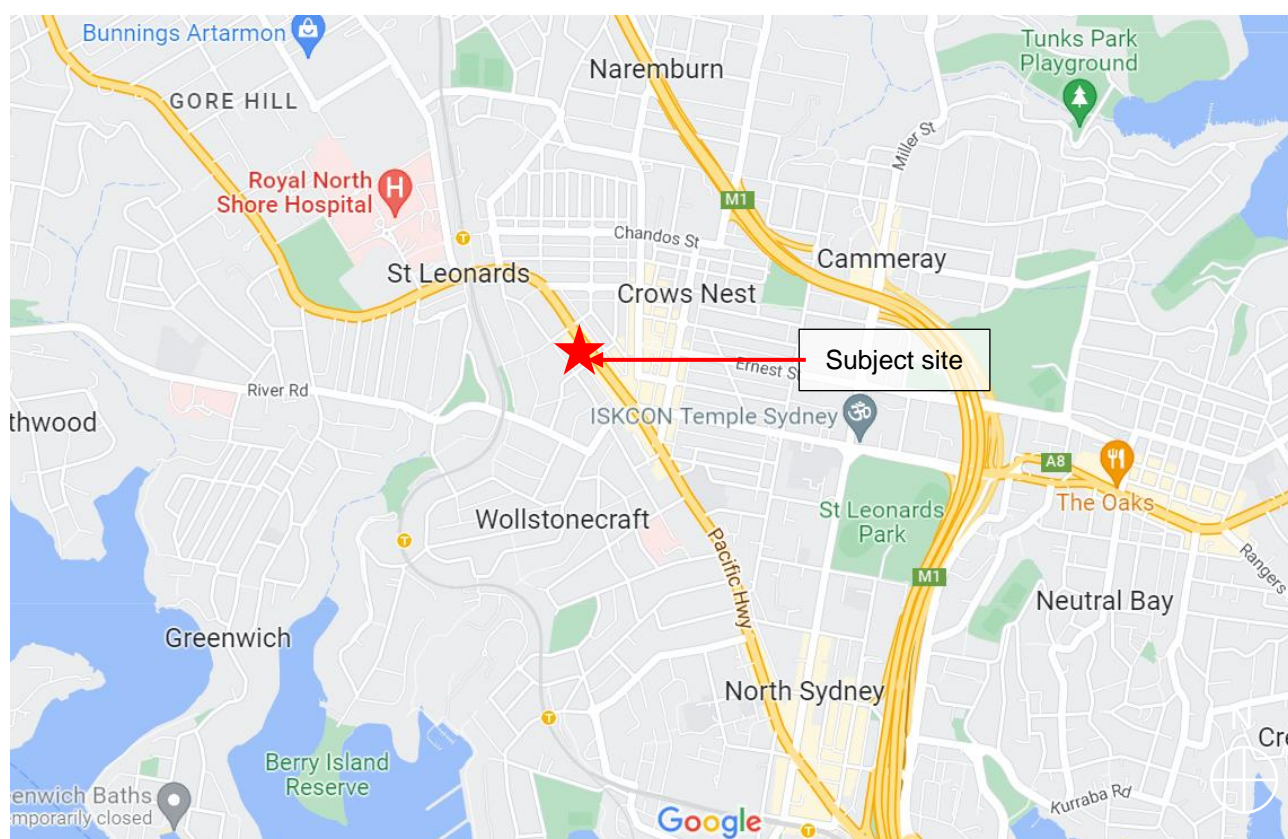
To the east and north-east, across the Pacific Highway, is the Crows Nest Metro Station under construction with a proposed over station mixed use development consisting of 3 buildings of 21, 19 and 7 storeys.

To the south, across Hume Street is a group of local heritage items - 2 storey shop top housing buildings known as 'Higgins Buildings'.

To the west, bordering the site, is the suburb of Wollstonecraft with 3 single storey residential dwellings facing Nicolson Street on land zoned R3 Medium Density Residential.

The topography of the site has a gentle slope from south-east of RL91 to south-west of RL90.6 and RL88.9 south-west to north-west.

The site is not listed as a heritage item or within a heritage conservation area (HCA), however, it is in the vicinity of several local heritage items (**Figures 14 and 31**).



**Figure 1** Locality map (source: Six Maps, overlay by the Department)

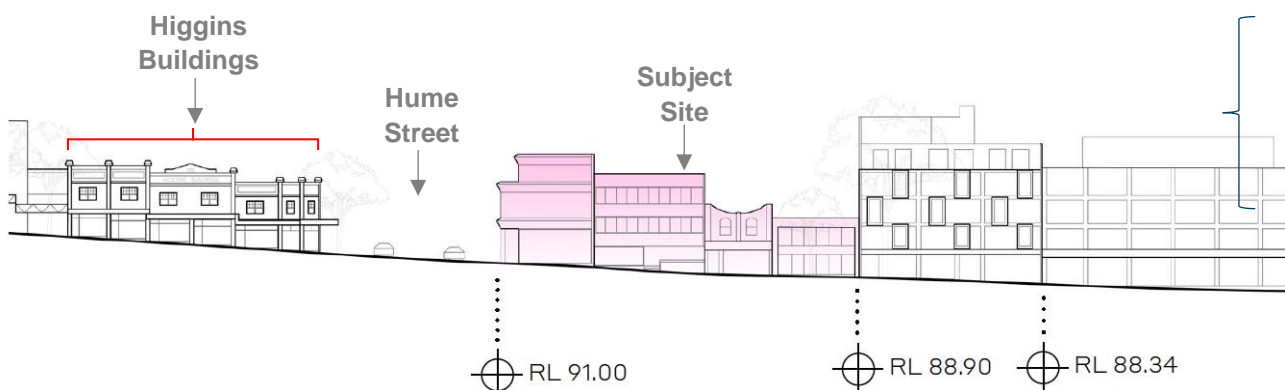




**Figure 2** Subject site (source: Six Maps, overlay by the Department)

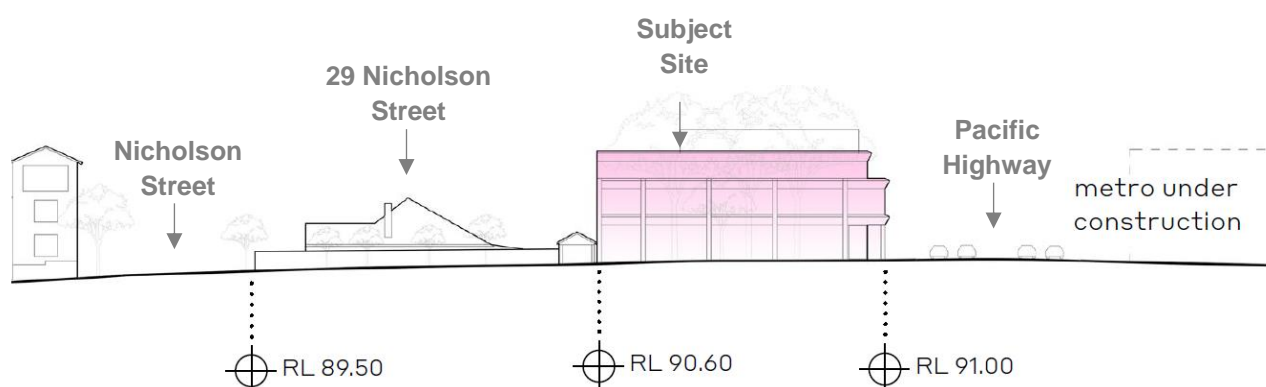


**Figure 3** View of the subject site from the Pacific Highway (source: Google Maps)



**Figure 4** Existing elevation from the Pacific Highway (source: Woods Bagot)





**Figure 5** Existing elevation from Hume Street (source: Woods Bagot)



**Figure 6** View of the subject site looking east (source: Google Maps)

## 1.5 Mapping

The planning proposal (**Attachment A1**) includes mapping showing the proposed changes to the North Sydney LEP 2013 maps. The proposed increase to the development standards on the site is also provided in **Attachment A13**.

However, the mapping in **Attachment A13** will need revising to be suitable for community consultation and will be required to be updated to indicate the site with a proposed:

- HOB of RL176 rather than R180; and
- FSR of 7.2:1 instead of 8.6:1.

This has been attached as a condition of the Gateway determination.

It is noted the proposal was previously amended from a building height of RL80 and FSR of 8.3:1.

The mapping associated with the North Sydney LEP 2013 indicates that the existing site is subject to the following planning provisions:

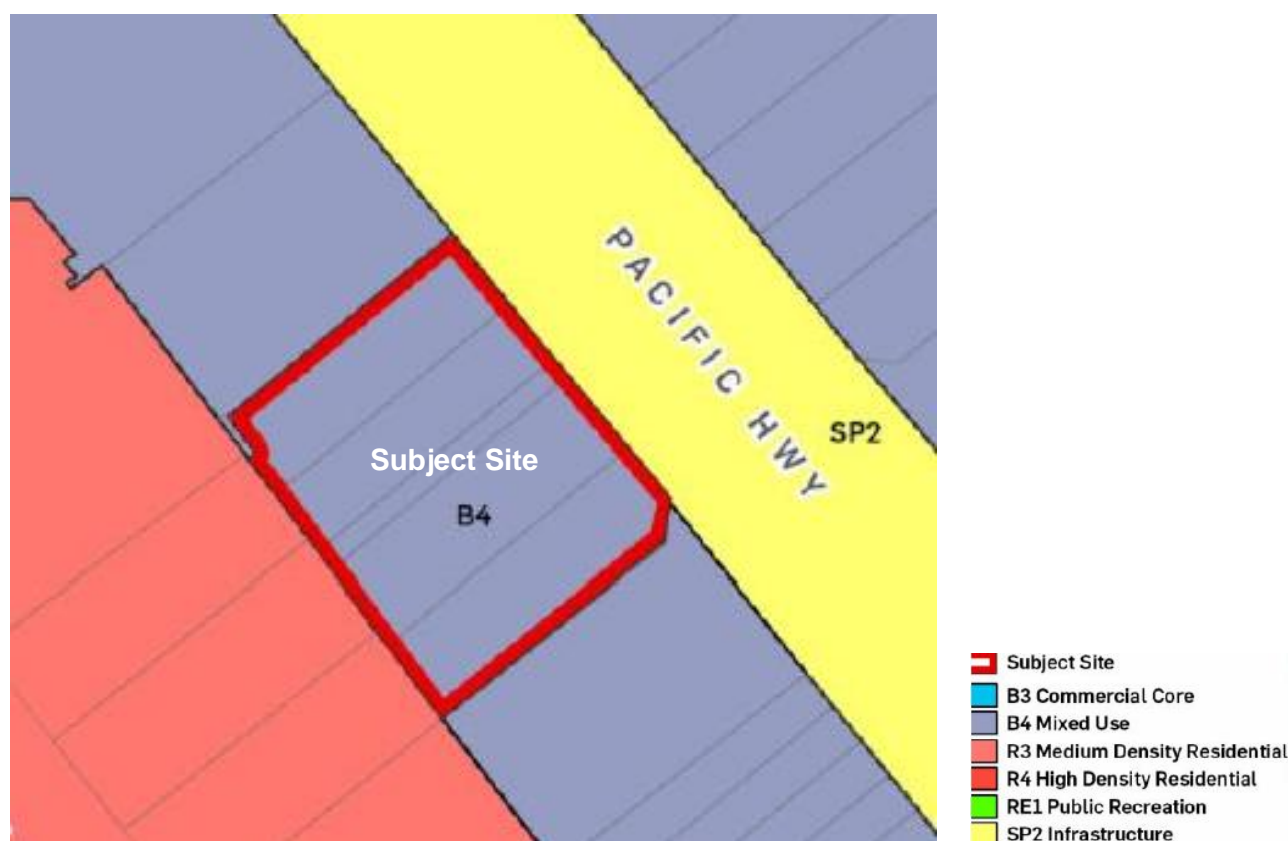
- B4 Mixed Use zone (**Figure 7**);
- maximum HOB of 16m (**Figure 8**);
- no applicable FSR (**Figure 10**); and
- non-residential FSR of 1.5:1 (**Figure 12**).

There are no applicable FSR or non-residential FSR controls for the site.

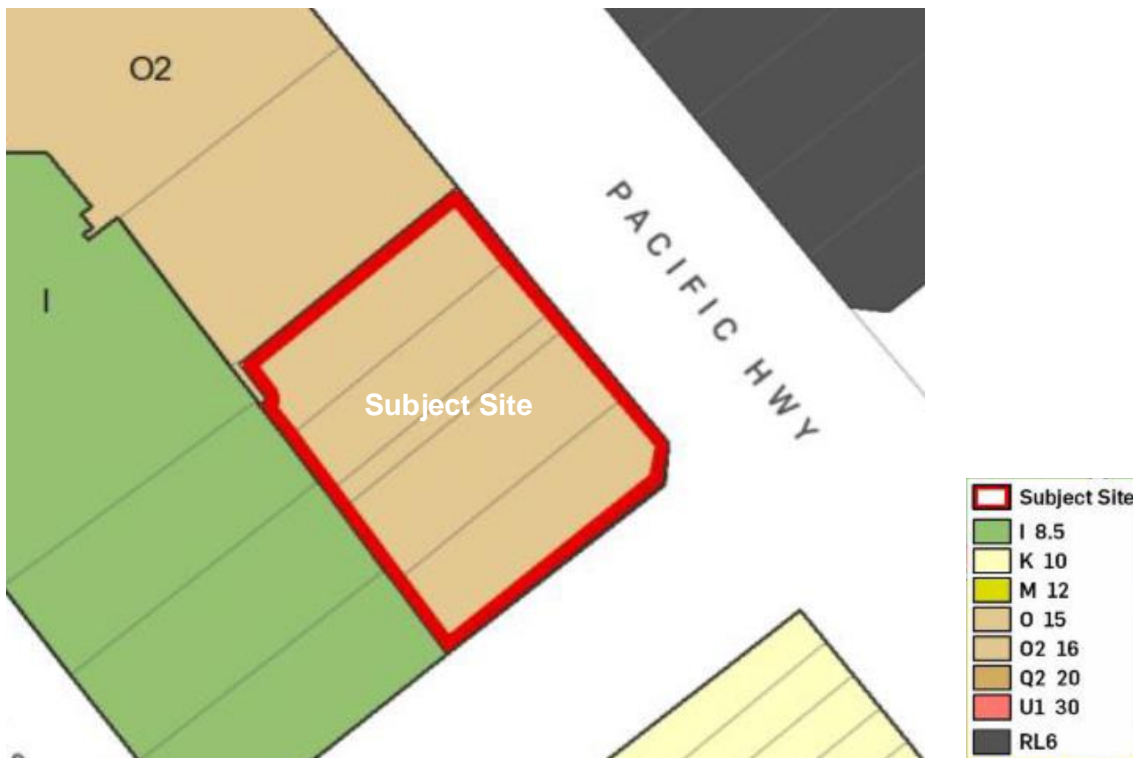
The proposed changes to the mapping indicate that the site will be subject to the following planning provisions:

- B4 Mixed Use (no change) (**Figure 7**);
- maximum HOB of RL176 (**Figure 9**);
- maximum residential FSR of 7.2:1 (**Figure 11**); and
- non-residential FSR of 2:1 (**Figure 13**).

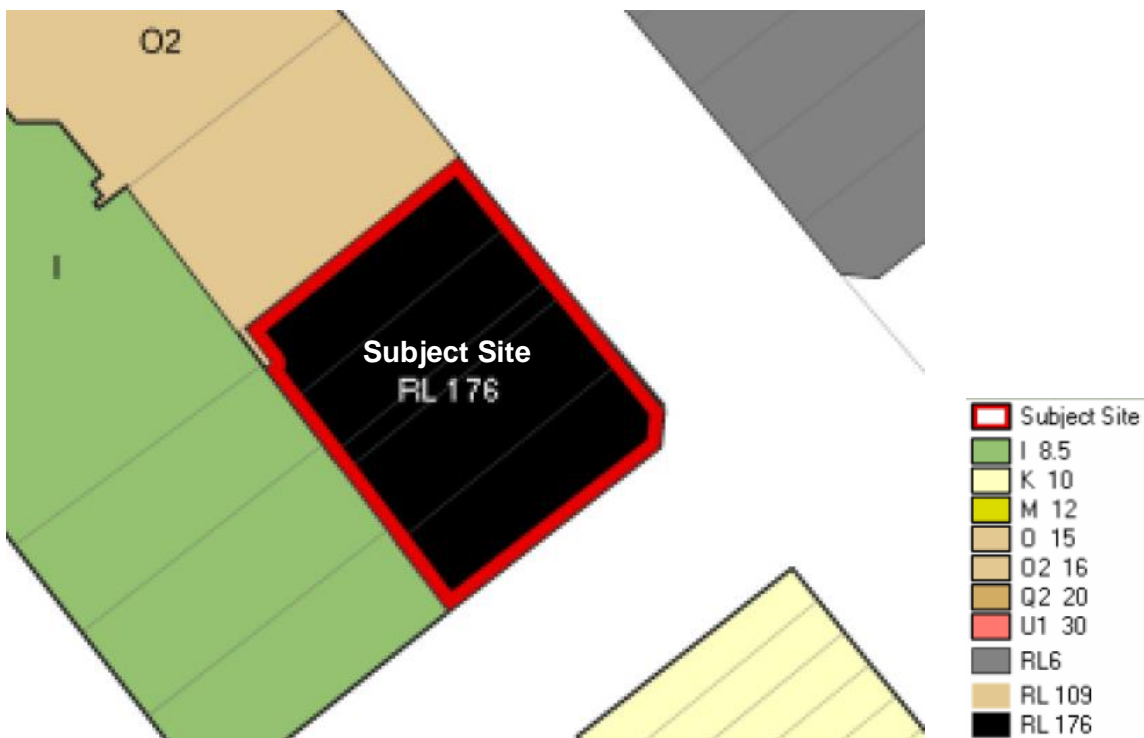
The heritage items in the vicinity of the site are shown at **Figures 4, 14 and 31**.



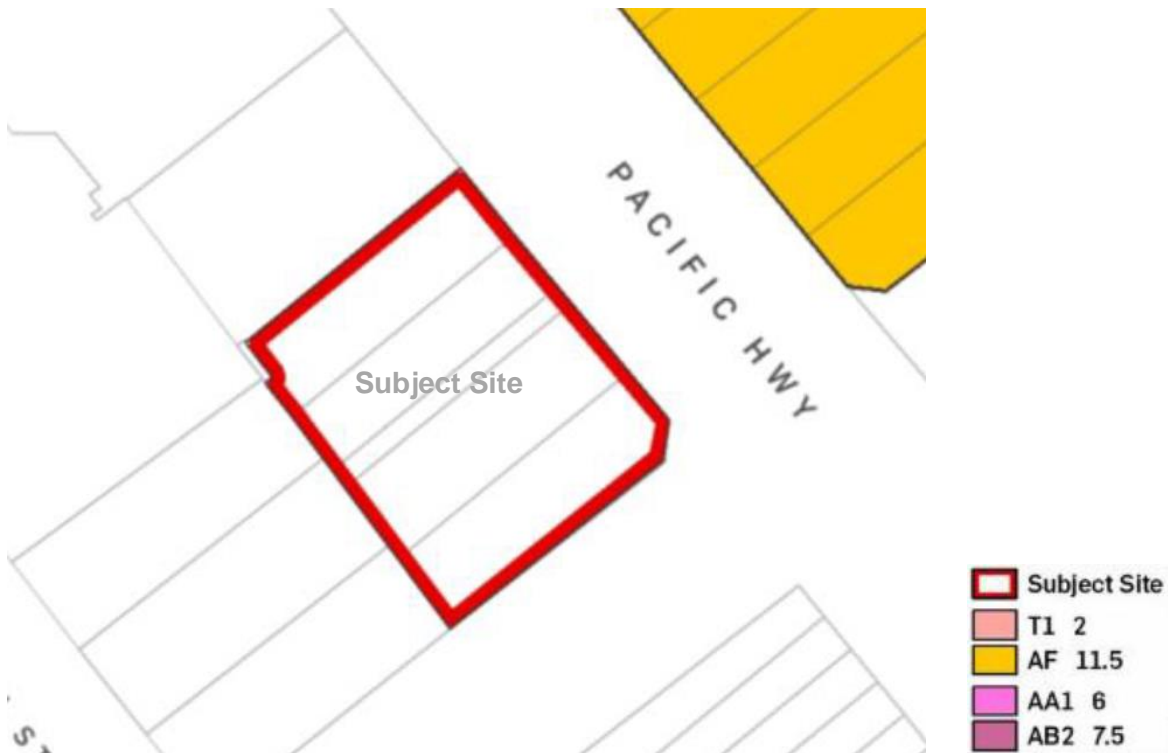
**Figure 7** Current zoning map – B4 Mixed Use – no change proposed (source: Urbis)



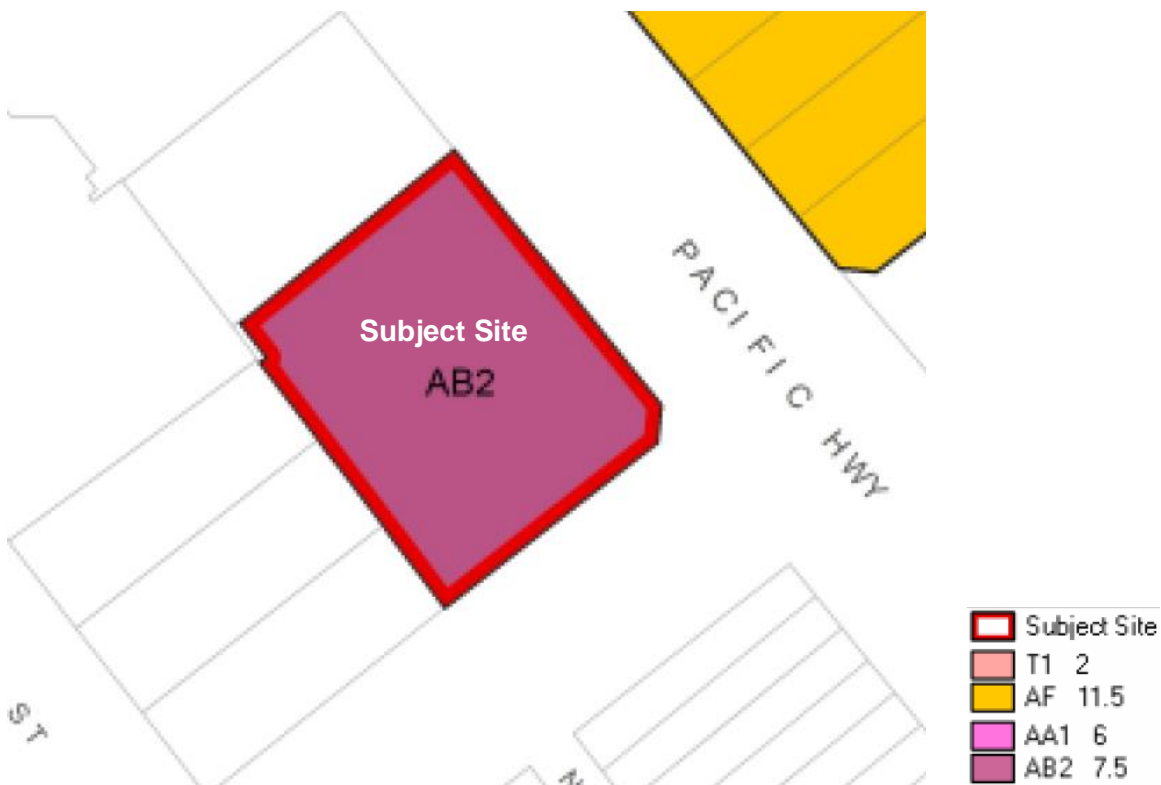
**Figure 8** Current height of building map – indicating a maximum height of 16m (source: Urbis)



**Figure 9** Proposed height of building map – indicates a proposed maximum height of RL176 (source: Urbis)

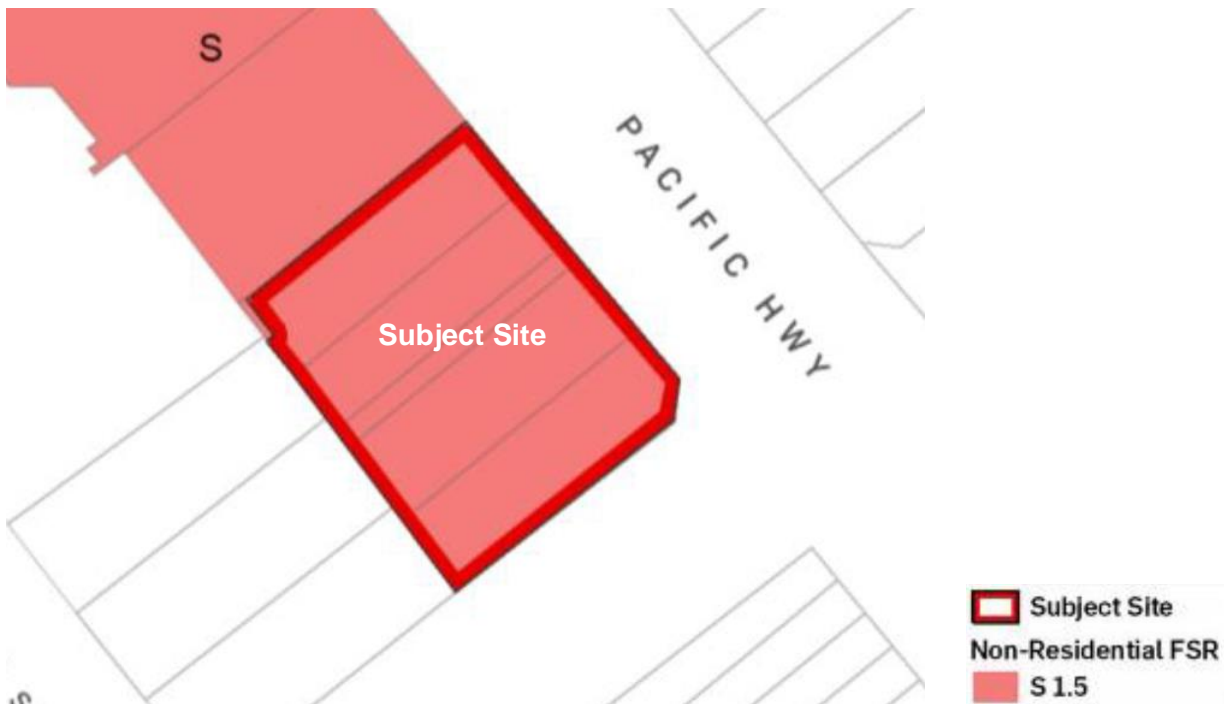


**Figure 10** Current floor space ratio map – indicates no applicable FSR (source: Urbis)

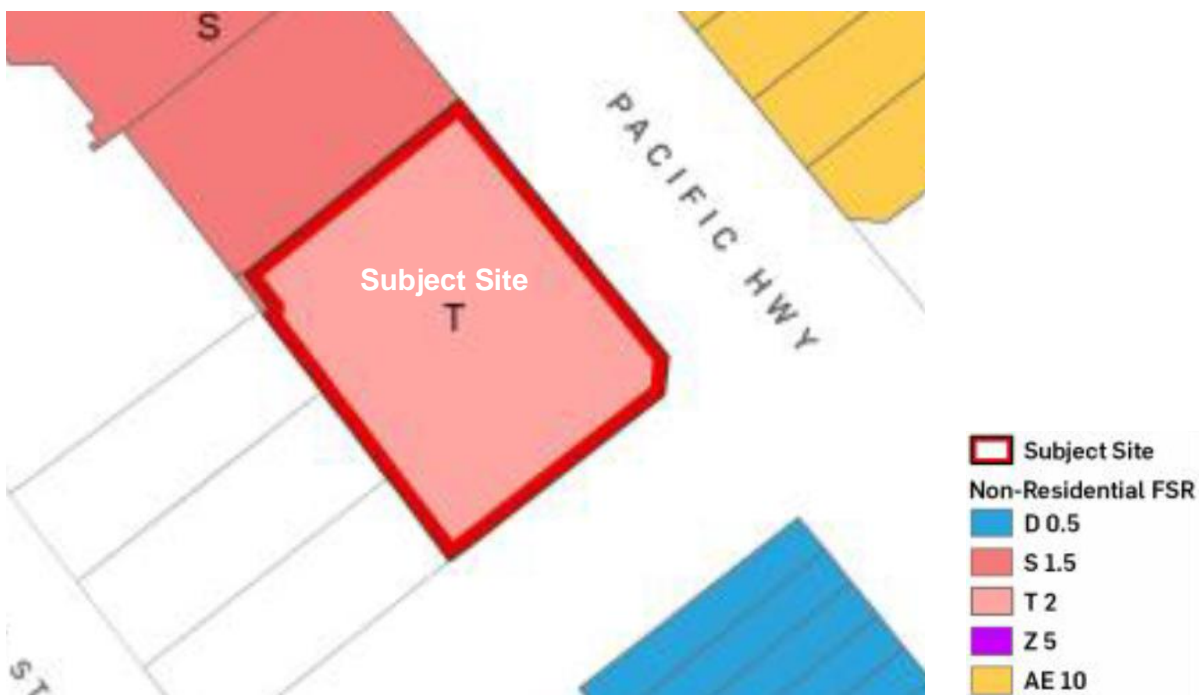


**Figure 11** Proposed floor space ratio map indicating an FSR of 7.5:1 – this will map require revision to introduce a 7.2:1 floor space ratio (source: Urbis)





**Figure 12** Current minimum non-residential floor space map – indicating a non-residential FSR of 1.5:1 (source: Urbis)



**Figure 13** Proposed minimum non-residential floor space map – indicating a non-residential FSR of 2:1 (source: Urbis)





**Figure 14** Current heritage map – no change proposed (source: Urbis)

## 1.6 Rezoning Review and Planning Proposal Authority

### Rezoning Review

On 12 May 2022, a rezoning review was lodged on the NSW Planning Portal as Council notified the applicant that it would not support the amendment to the LEP.

On 8 August 2022, the Sydney North Planning Panel (the Panel) considered the planning proposal and determined that the planning proposal demonstrated strategic merit and a majority of the Panel members determined that it demonstrated site-specific merit (**Attachment D**).

One member stated that the height and FSR although generally in line with the SCLN 2036 Plan failed to demonstrate site specific-merit due to the lack of interface and transition to the lower scale residential development to the western boundary.

However, the Panel recommended that the planning proposal should:

- be submitted for Gateway;
- be amended to better address the transition to the existing low-rise development to the west, with further consideration to increasing the setback to the western boundary and maximising the amenity provided from the north;
- retain the vertical void and associated landscape garden; and
- be accompanied by a site-specific development control plan (DCP) to guide development including building envelope and parking.

### *Planning Proposal Authority*

On 27 June 2022, Council staff recommended that Council not accept the role of planning proposal authority (PPA) (**Attachment B**). As Council had notified the proponent that it will not support the proposed amendment and in line with the Department's *Local Environmental Plan Making Guideline* the Panel may appoint itself as the PPA. The Panel appointed itself the PPA on 8 August 2022 (**Attachment D1**).

On 19 September 2022, the Panel as the PPA considered the massing studies and options generated by the proponent to address the amendments required relating to the transition between the proposed high rise development and existing and future low rise development. The Panel deferred consideration of amendments in order to receive final amended plans to retain the vertical void, increase setback to western boundary, noting reduction in gross floor area was likely, the floor plate of five apartments was appropriate and the amenity to the building from the north should be increased. (**Attachment D2**).

On 12 October 2022, the Panel considered a revised concept scheme which added an additional lot (DP724930) of approx. 5m<sup>2</sup> at the north west corner of the site and provided a revised FSR of 7.2:1 in the concept scheme. It was agreed the proposal could be progressed for Gateway determination once an updated planning proposal had been prepared for submission (**Attachment D3**). The applicant did not progress with the inclusion of the additional 5m<sup>2</sup> lot.

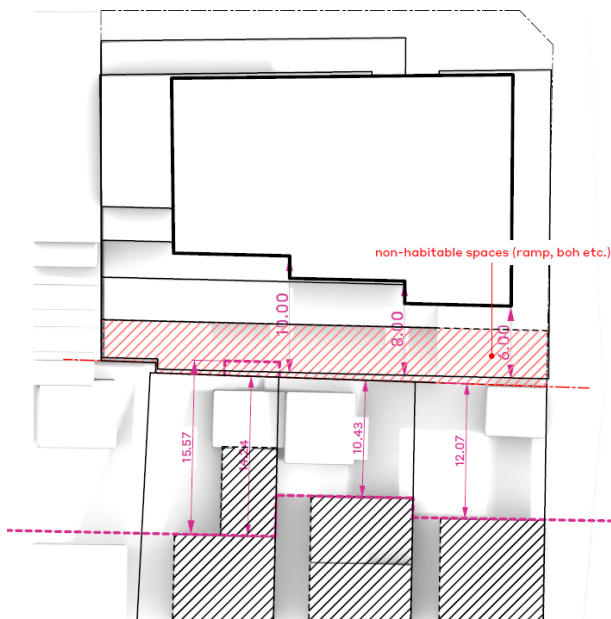
## 1.7 Reference Scheme

On 8 November 2022, a revised planning proposal (**Attachment A1**) and an amended Urban Design Report (**Attachment A3**) provided a reference scheme (**Figures 15 to 20**) to respond to the recommendations of the Sydney North Planning Panel (Panel) (**Attachment D**) including:

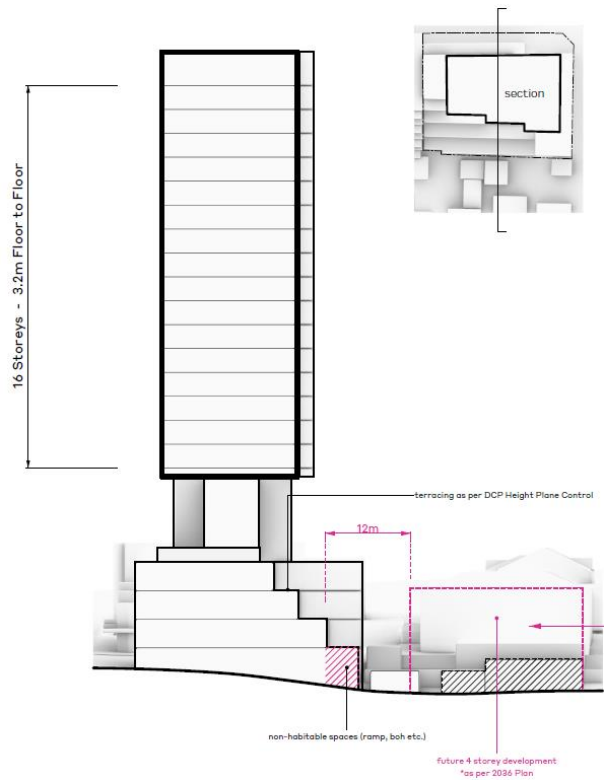
- consideration of increasing the setback to the western boundary with a variable setback;
- consideration of maximising the amenity from the north;
- retaining the 11.3m vertical void; and
- preparation of a site-specific DCP.

The revised planning proposal was supported by an amended Traffic Impact Assessment (**Attachment A6a**), an amended Framework Travel Plan (**Attachment A6b**), an amended Landscape Design Report (**Attachment A4**), an amended Wind Report (**Attachment A9**) and a Draft Site Specific DCP (**Attachment A12**).

The revised proposal reduced the dwelling numbers from 87 apartments to 72 apartments.



**Figure 15** Plan view of the revised built form with increased setbacks to the R3 Medium Density Residential zone to the west (source: Woods Bagot)



**Figure 16** North-south section of the revised built form (source: Wood Bagot)



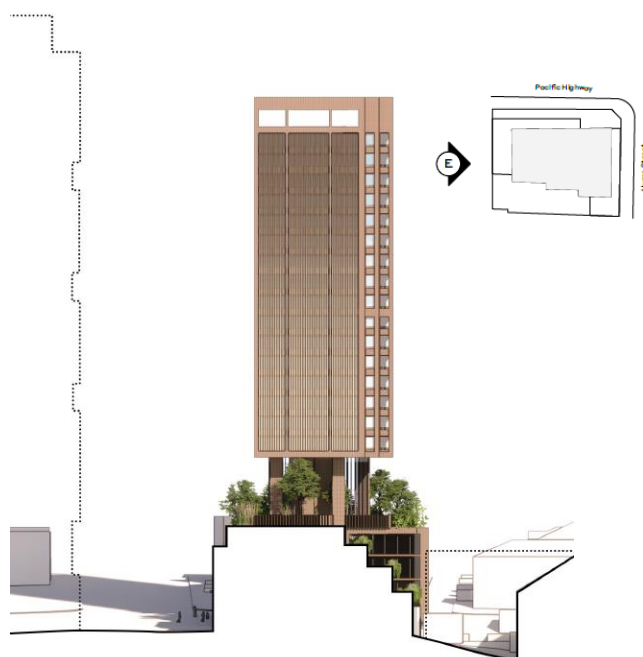
**Figure 17** Proposed east elevation (from Pacific Highway) (source: Wood Bagot)



**Figure 18** Proposed south elevation (from Hume Street) (source: Wood Bagot)



**Figure 19** Proposed revised west elevation (source: Wood Bagot)



**Figure 20** Proposed revised north elevation (source: Wood Bagot)



**Figure 21** Proposed concept looking approximately east from the corner of the Pacific Highway and Hume Street (source: Wood Bagot)

## 2 Need for the planning proposal

The original planning proposal was submitted to North Sydney Council pursuant to the framework provided by the St Leonards/Crows Nest Planning Study adopted by Council in May



2015 and is identified as having potential for uplift in accordance with the strategy (**Figures 23 and 24**).

The SLCN 2036 Plan was released in August 2020 and indicates the recommended changes to the planning controls encompassing the subject site at 378-390 Pacific Highway Crows Nest.

The site is in a designated growth area and the planning proposal is the best means of achieving the objectives and intended outcomes.

The SLCN 2036 Plan is discussed further in section 3.3.

## 3 Strategic assessment

### 3.1 Regional Plan

The Greater Cities Commission's (GCC) (formerly the Greater Sydney Commission) Greater Sydney Region Plan – A Metropolis of Three Cities (GSRP) was released in March 2018 and provides a vision for the growth and development of Greater Sydney by instilling the idea of the 30-minute city where people live no further than 30 minutes from their jobs, education, health facilities, services and great places.

North Sydney is located within the Eastern Economic Corridor of the Eastern Harbour City and is identified as a strategic centre being a major commercial precinct.

The Greater Sydney Region Plan establishes a series of directions to ensure planning proposals are consistent with the intended vision of Sydney. Directions relevant to this planning proposal are included in **Table 4**.

**Table 4. Consistency of the planning proposal against the Regional Plan**

| Regional Plan Objectives                  | Justification  |
|---|--|
| <b>A City Supported by Infrastructure</b> | <p>The proposed increase to the development controls will facilitate increased density that will leverage off existing and proposed public transport with connections. The subject site is opposite the new Crows Nest Metro station site, approximately 25m to the east across the Pacific Highway. The station at Crows Nest is one of 6 new stations for the Sydney Metro 'City and Southwest' extending the network from Chatswood under Sydney Harbour to the Sydney CBD to Bankstown.</p> <p>The proposal is considered to be consistent with this objective.</p>  |
| <b>A City of Great Places</b>             | <p>Providing higher density in certain areas of the Local Government Area (LGA) will protect the existing low density residential areas while providing a more diverse choice of dwellings.</p> <p>Increased setbacks are proposed to be provided to the corner of the Pacific Highway and Hume Street providing greater amenity for pedestrians. The provision of an internal lane will provide activation shelter from the Pacific Highway and acoustic and wind impacts.</p> <p>Additional amenity will be provided with street trees and planters to the podium.</p> <p>The proposal is considered to be consistent with this objective.</p> |



|                                     |   |
|-------------------------------------|---|
| <b>A Well-Connected City</b>        | <p>As part of the Eastern Economic corridor, the North Sydney LGA is well-connected to the neighbouring strategic centres of Macquarie Park, St Leonards Crows and Chatswood and the Sydney CBD with a variety of transport options. Maximising the use of public transport assets such as the proposed Metro at Crows Nest will contribute to the 30-minute city and help reduce the need for additional infrastructure and private vehicle usage.</p> <p>The proposal is considered to be consistent with this objective.</p> |
| <b>Jobs and Skills for the City</b> | <p>The provision of services in close proximity to existing and proposed public transport will enable people to access jobs easily within the LGA and other areas.</p> <p>It is proposed that the redevelopment of the site will deliver 2,618m<sup>2</sup> of commercial floor space and increased residential accommodation for people to live and work in the North Sydney LGA.</p> <p>The proposal is considered to be consistent with this objective.</p>  |
| <b>Housing the City</b>             | <p>The planning proposal will facilitate the provision of approximately 72 new residential dwellings with a range of dwelling sizes to meet the needs of the community close to existing infrastructure and services.</p> <p>Concentrating housing in certain areas will maximise the use of the proposed Metro while preserving the local character and heritage items.</p>  |

## 3.2 North District Plan

The North Sydney LGA is within the North District and the GSC released the North District Plan on 18 March 2018. The plan contains planning priorities and actions to guide to provide housing close to jobs, services and infrastructure while improving its social, economic and environmental assets.

It identifies the corridor between Sydney CBD and Macquarie Park via the North Sydney CBD, Chatswood and St Leonards, as an 'Economic Corridor.'

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined in **Table 5**.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

**Table 5 Consistency of the planning proposal with the North District Plan**

| District Plan Priority                             | Justification   |
|--|---|
| <b>Infrastructure</b>                              |   |
| N1 Planning for a city supported by infrastructure | The planning proposal is consistent with this priority, which seeks to align increased residential density with access to and use of existing and proposed infrastructure, including public transport, cultural, education, health, community and utilities, jobs and services. |

**Liveability**

|  |  |
|--|--|
| N5 Providing housing supply, choice and affordability with access to jobs, services and public transport | <p>The planning proposal will facilitate 72 new residential dwellings in a variety of sizes close to existing and proposed public transport to various strategic locations and beyond.</p> <p>The site is close to the St Leonards Health and Education Precinct and existing jobs and services in the North Sydney CBD.</p>   |
| N6 Creating and renewing great places and local centres, and respecting the district's heritage          | <p>The planning proposal is consistent with this priority as it will amend the planning controls in the North Sydney LEP 2013 to provide increased residential dwellings and enable people to live and work in close proximity to existing infrastructure and services.</p> <p>Additional landscaping will enhance the streetscape and increase amenity and safety.</p> <p>The redevelopment of the site is in line with the SCLN 2036 Plan and increased development in certain areas will preserve the existing local heritage items for the enjoyment of the community.</p> |

**Productivity**

|  |  |
|--|--|
| <p>N8 Eastern Economic Corridor is better connected and more competitive</p> <p>N10 Growing investment, business opportunities and jobs in strategic centres</p> | <p>North Sydney is within the Eastern Economic Corridor and well-connected to the neighbouring strategic centres of Macquarie Park, St Leonards and Crows Nest and Chatswood and the Sydney CBD.</p> <p>Enabling increased development in a location across from the proposed Crows Nest Metro station will provide key employees with accommodation close to employment and maximise the use of public transport assets and reduce the need for additional infrastructure.</p> <p>The proposed commercial/retail area will suit a variety of uses for activation and renewal of the site in a key strategic area.</p> |
| N12 Delivering integrated land use and transport planning and a 30-minute city   | <p>Increased development in North Sydney is consistent with this priority and the increase to the planning controls will facilitate the provision of 72 dwellings and retail/commercial floorspace to leverage off the proposed Metro line and existing public transport options supporting the 30-minute city.</p>  |

**Sustainability**

|  |  |
|--|--|
| N19 Increasing urban tree canopy cover and delivering Green Grid connections | <p>The proposal is supported by Landscape Plans (<b>Attachment A4</b>) that demonstrate that the proposal will increase landscaping and the tree canopy including street trees to the Pacific Highway and Hume Street and at podium level.</p> |
|--|--|

### 3.3 Local

The revised proposal states that it is consistent with the following local plans and endorsed strategies.

### 3.3.1 St Leonards Crows Nest 2036 Study

The SLCN 2036 Plan was finalised on 29 August 2020. It requires that future planning proposals within the St Leonards and Crows Nest investigation area reflect the SLCN 2036 Plan vision, design principles and recommended planning controls as outlined in **Table 6**.

The site is within the area covered by the SLCN 2036 Plan (**Figure 22**) and the revised planning proposal achieves the overall intent of the SLCN 2036 PLAN, which focuses on delivering greater employment floor space and jobs.

An assessment of the revised planning proposal against Section 9.1 Ministerial Direction 7.11 Implementation of St Leonards and Crows Nest 2036 Plan is outlined in section 3.3.

**Table 6 Consistency of the planning proposal with the SLCN 2036 Plan**

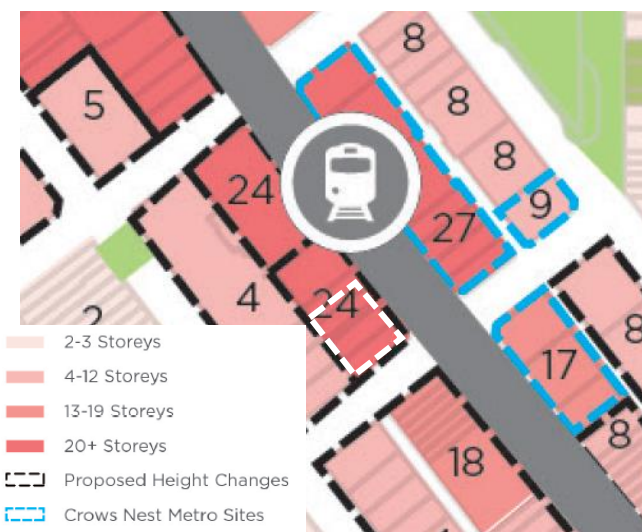
| Strategies               | Justification   |
|--------------------------|---|
| <i>Vision</i>            | <p>The proposal will facilitate a renewed development and an increase to commercial floor space on the subject site to cater to a wider range of services for a growing population that is compatible with the future character of the area. It will also provide a variety of residential dwellings to suit a mix of household sizes on a site that has been designated for potential uplift within the plan area.</p> <p>The planning proposal is generally consistent with the vision of the SLCN 2036 Plan as it will promote an active street frontage and include a through site link to improve permeability.</p>  |
| <i>Design principles</i> | <p>The planning proposal is generally consistent with the design principles of the SLCN 2036 Plan as:</p> <ul style="list-style-type: none"> <li>• it complies with the built form of locating taller buildings between St Leonards Station and the future Crows Nest Metro Station;</li> <li>• the provision of an active street front and pedestrian laneway will contribute to the fine grain network;</li> <li>• it will improve street amenity and streetscape with the provision of setbacks, awnings;</li> <li>• the inclusion of a non-residential FSR above the minimum requirement will cater to a wider range of business types and sizes and the through-site link will increase appeal for commercial take up; and</li> <li>• it is consistent with proposed height and FSR under the plan and is generally compatible with the surrounding area. A site specific DCP will address overshadowing, wind and view loss impacts.</li> </ul> |
| <i>Design criteria</i>   | <p>The planning proposal complies with the following design criteria:</p> <ul style="list-style-type: none"> <li>• the B4 Mixed Use zone will be retained;</li> <li>• the built form is proposed to be 24 storeys with a FSR of 7.2:1 including a non-residential FSR of 2:1 (<b>Figures 23 to 25</b>);</li> <li>• setbacks of 3m to the Pacific Highway (<b>Figures 26</b>) and a 4-storey street wall to the Pacific Highway and Hume Street;</li> <li>• a podium responds in scale to the neighbouring R3 Medium Density Residential area to the west directly adjoining the site;</li> <li>• solar access is retained to public open spaces and residential areas outside the SLCN 2036 Plan area including retaining the required 2 hours solar access to the adjoining residential properties to the west;</li> </ul>   |



- the development of the site will facilitate 72 new residential dwellings and approximately 2,618m<sup>2</sup> of commercial space at ground level contributing to jobs; and
- a pedestrian laneway will contribute to the desired fine grain character in the SCLN 2036 Plan.



**Figure 22** SLCN 2036 Plan map and overlay of draft DCP town centre boundaries (source: DPE)



**Figure 23** SLCN 2036 Plan recommended height of 24 storeys (source: the Department)

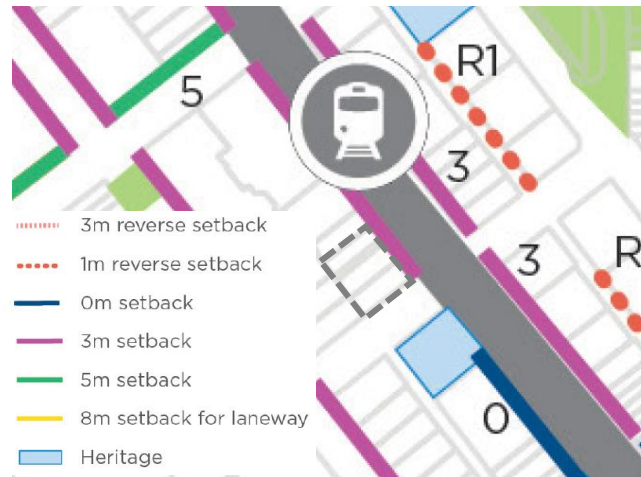


**Figure 24** SLCN 2036 Plan recommended FSR of 7.5:1 (source: the Department)





**Figure 25** SLCN 2036 Plan recommended non-residential FSR of 2:1 (source: the Department)



**Figure 26** SLCN 2036 Plan recommended 3m setback to the Pacific Highway (source: the Department)

### 3.3.2 Local Strategic Planning Statement (LSPS)

The Local Strategic Planning Statement (LSPS) was adopted by Council on 24 March 2020. It guides future land use planning and development in the North Sydney LGA to 2036. The LSPS guides the content of the North Sydney LEP and the Development Control Plan (DCP).

The consistency of the revised planning proposal with the relevant planning priorities in the LSPS as outlined in **Table 7**.

**Table 7** Local strategic planning assessment

| Planning Priority  | Justification   |
|--|---|
| Planning priority L1 – Diverse housing options that meet the needs of the North Sydney community   | The planning proposal is consistent with this priority as it will provide a variety of additional residential dwellings in an area well serviced by existing and proposed public transport, services, jobs, infrastructure and public open space. |
| Planning priority L2 – Provide a range of community facilities and services to support a healthy, creative, diverse and socially connected North Sydney community. | Public domain upgrades will contribute to a diverse and socially connected community. Upgraded commercial/retail floorspace will provide activation and services to suit an increased and changing demographic.                                   |
| Planning priority L3 – Create great places that recognise and preserve North Sydney's distinct local character and heritage  | The proposal generally conforms with the emerging character of the area and the reference scheme will not adversely impact on local heritage item to the south-east across Hume Street.   |
| Planning Priority P1 – Grow a stronger, more   | The commercial component and retail floor space as part of the redevelopment will contribute to the objectives of the SLCN 2036 Plan area and a growing and evolving economy. The renewal of the site will  |



|  |   |
|--|---|
| globally competitive North Sydney CBD<br><br>Planning Priority P3 – Enhance the commercial amenity and viability of North Sydney’s local centres | increase amenity in an area close to existing and proposed transport options.   |
| Planning Priority P6 – Support walkable centres and a connected, vibrant and sustainable North Sydney  | The site is in close proximity to existing and proposed public transport infrastructure, including the new Crows Nest Metro Station 25m to the west across the Pacific Highway.<br><br>Concentrating additional housing near accessible transport will encourage walkable centres and easy access to employment and services. |

### 3.3.3 Local Housing Study (LHS)

The North Sydney LHS was endorsed by the Department on 10 May 2021. The LHS aligns with the Regional and District Plans and outlines the strategic direction for housing in the North Sydney LGA over the next 20 years. By 2036, the population of the LGA is expected to increase by 19,500 representing a 21% growth and predicted to require a further 11,450 dwellings.

The future Metro Stations will provide increased connectivity, accessibility and opportunities for jobs, open space, infrastructure and dwellings. The planning proposal is consistent with the LHS as it will implement the St Leonards and Crows Nest 2036 plan and will provide 72 new dwellings in an area identified for potential additional housing close to existing and proposed public transport with links to other strategic centres and beyond. The planning proposal will support 2,618m<sup>2</sup> of commercial floorspace which will contribute to jobs growth target for Crows Nest.

### 3.3.4 Draft North Sydney DCP – SLCN 2036 Plan

Council is currently reviewing the controls in the DCP as they relate to the St Leonards Crows Nest Planning Area and the future Crows Nest Metro Over Station Development (OSD). A draft amendment to the North Sydney LEP was exhibited for community consultation from 4 October to 15 November 2022.

The amalgamated site is within the St Leonards Town Centre (**Figure 27**) and draft NSDCP (**Attachment C**) proposes that the site will require:

- 3m whole of building setback to the Pacific Highway and nil setback to Hume Street (**Figure 28**);
- 3m above podium setback to the Pacific Highway and to Hume Street (**Figure 29**); and
- 4-storey podium height to the Pacific Highway and to Hume Street (**Figure 30**).

The draft NSDCP does not specify any setbacks to the lower density residential properties adjacent to the western boundary of the site.

Council’s draft DCP provides for:

- additional building setbacks and above podium setback controls, particularly on sites that directly adjoin residential zones to encourage a more sympathetic transition to low density areas and to ensure towers are adequately separated;
- a maximum tower façade length control of 45m to encourage a slender tower and reduce overshadowing on surrounding areas;

- solar access recommendations from the 2036 Plan for Holtermann Park, Christie Street Reserve, Hume Street Park, Ernest Place and Willoughby Road reserve.

The applicant made a submission on the draft DCP to council as follows:

- supports Council's objectives to amend the DCP to give effect to the 2036 Plan and key objectives;
- requests Council adopt the setbacks on the site as documented within the planning proposal and site-specific DCP, which was supported by the Panel; and
- requests that the draft DCP minimum setbacks be consistent with the ADG and allow for a degree of variation, as identified in the ADG.

The Council officer's response to the submission on the draft DCP is that the consideration of the controls documented in the planning proposal and draft-site specific DCP is subject to the process and outcome of a public exhibition and the submissions received. This will be further considered once that exhibition period has been completed for the planning proposal. Council will consider the draft DCP for adoption on 12 December 2022.

However, it is noted that if adopted by Council, only one DCP can apply to the site, and the planning proposal will need to be updated to refer to the DCP and compliance with any adopted amendments.

### Car parking rates

A draft DCP amendment including the revision of the car parking rates for new high-density developments in areas with high accessibility to public transport has also been prepared by Council. The revision to the car parking rates for residential development in the B4 Mixed Use zone is on exhibition from 13 September to 13 December 2022.

The draft DCP seeks to reduce the rate of off-street parking in areas identified as having high public transport accessibility including the St Leonards Crows Nest area. Council is proposing to reduce the rate of parking as follows:

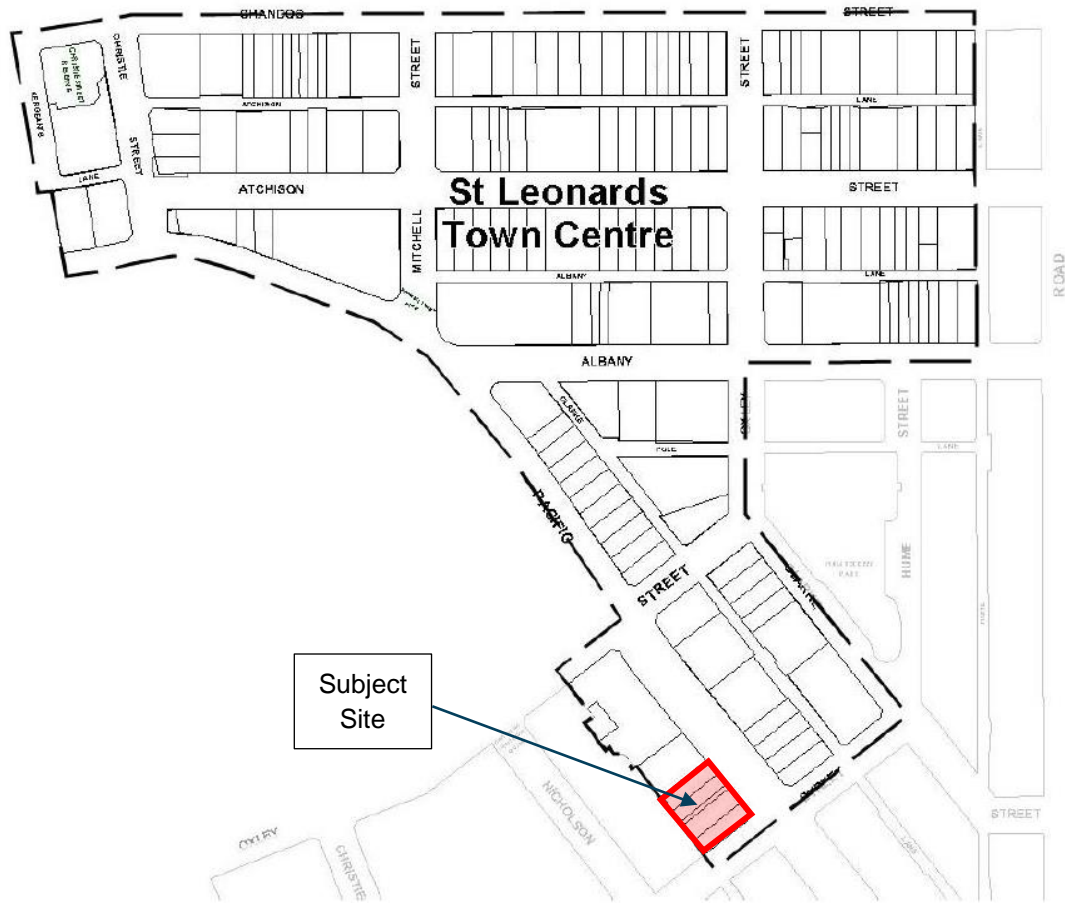
**Table 8: Recommended parking rates under Councils draft DCP amendment**

| Apartment Type  | Current Parking rate | Proposed Parking rate |
|-----------------|----------------------|-----------------------|
| Studio          | 0.5                  | 0.3                   |
| 1 bed           | 0.5                  | 0.4                   |
| 2 beds          | 1.0                  | 0.6                   |
| 3 beds          | 1.0                  | 0.7                   |
| Non-residential | 1/60m <sup>2</sup>   | 1/400m <sup>2</sup>   |

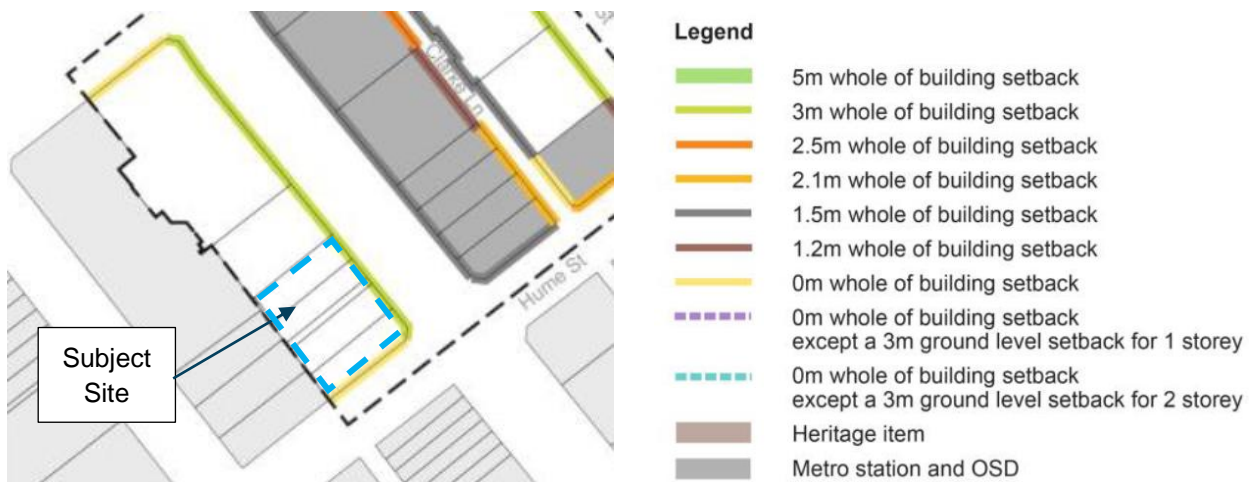
*(Source: draft DCP amendment)*

A revised traffic report has been submitted to support the proposal dated 8 November 2022 (**Attachment A6a**).

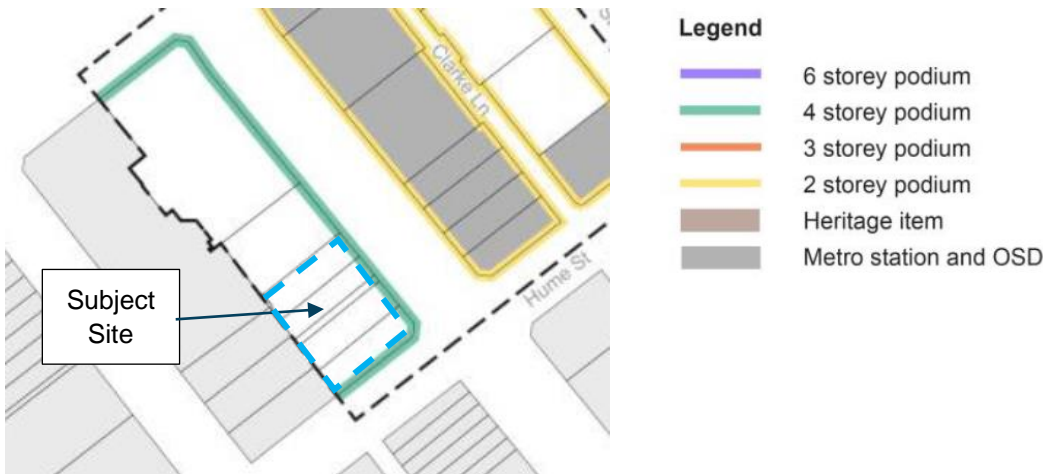
Under the current DCP controls the proposal will provide 132 car parking spaces, which comprises 54 spaces for 72 dwellings and 44 spaces for commercial floor space. Under the draft DCP controls the proposal will require a reduction of car parking space to 44 car parking spaces, comprising 37 spaces for 72 dwellings and 7 spaces for the commercial floor space.



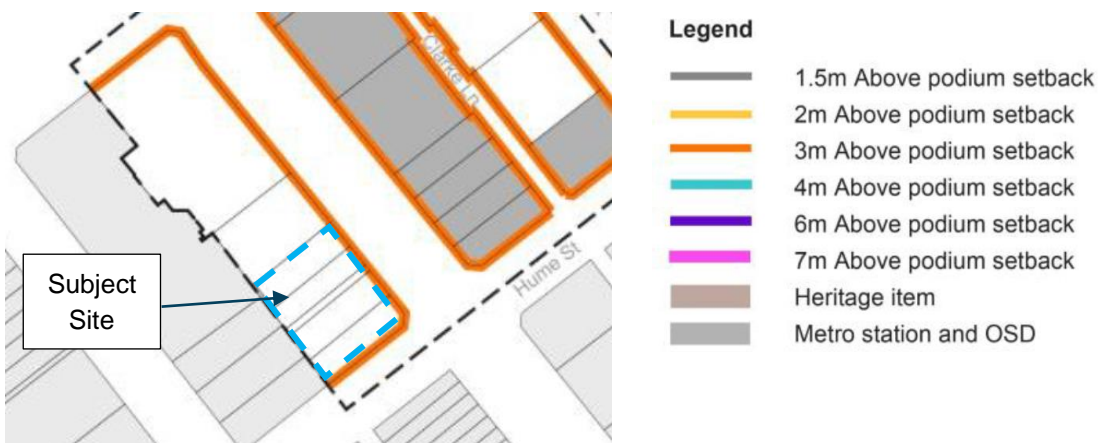
**Figure 27** The St Leonards Town Centre subject to amend in the draft NSDCP 2013 (source: Council)



**Figure 28** Draft NSDCP recommends a 3m whole of building setback to the Pacific Highway and nil setback to Hume Street (source: Council)



**Figure 29** Draft NSDCP recommends a 4-storey podium to the Pacific Highway and to Hume Street (source: Council)



**Figure 30** Draft NSDCP recommends a 3m above podium setback to the Pacific Highway and to Hume Street (source: Council)

### 3.3.5 Future Transport Strategy 2056

The Future Transport 2056 Strategy (the Strategy) is a 40-year plan to improve infrastructure to unlock investment with a customer centric focus. The Strategy builds on the Long Term Transport Master Plan and aligns with the Greater Sydney Region Plan to support the 30-minute city for access to jobs, services and infrastructure. It recognises that transport is fundamentally entwined with land use, tourism and economic development.

The planning proposal is generally consistent with the Strategy as it provides development close to existing and proposed public transport with direct connection to employment areas, reducing the need for private vehicle use.

Council is proposing to update the NSDCP 2013 to reduce onsite car parking rates for new development in the St Leonards Town Centre and Crows Nest Town Centres close to accessible transport. The traffic, transport and parking is addressed further in section 3.3.4 and 4.1.1.

## 3.4 Local Planning Panel (LPP) recommendation

On 13 April 2022, the LPP considered the planning proposal submitted on 7 September 2021. This planning proposal sought to amend the maximum height of buildings from 16m (RL189 (24-

storeys), introduce a maximum FSR of 8.6:1 and amend the minimum non-residential FSR from 1.5:1 to 2:1. The LPP recommended to Council that the proposal not proceed to Gateway determination. The LPP raised concern regarding the significant increase in density/floor space ratio to 7.5:1 together with an increase to 24 storeys and that consideration should be given to ensure an appropriate built form outcome to achieve satisfactory separation distances and demonstration of ADG compliance. Additionally, it was considered that further work with mass modelling should be undertaken to achieve an appropriate built form outcome and to manage adverse impacts for both the amenity of adjoining areas and residents of the future development.

The Sydney North Planning Panel (the Panel) considered the LPP comments as part of the rezoning review briefing report. The Panel considered the proposal demonstrated strategic and site specific merit to progress to Gateway determination subject to minor amendments to address the transition between the proposed high rise and existing and future low rise development and to increase the setback to the western boundary.

## 3.5 Section 9.1 Ministerial Directions

On 1 March 2022, the Section 9.1 Ministerial Directions were renumbered and ordered into thematic framework focus areas.

The planning proposal will require updating to refer to the new numbering, remove any revoked directions and with regard to any updated information contained within the directions. This will be a condition of the Gateway determination.

The planning proposal's consistency with relevant section 9.1 Directions is discussed in **Table 9**.

**Table 9 9.1 Ministerial Direction assessment**

| Directions  | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency   |
|---|----------------------------|--|
| <b>Planning Systems – Place Based</b>                   |                            |  |
| 1.3 Approval and Referral Requirements (previously 6.1) | No                         | <p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>The planning proposal does not state any agencies for the referral for comment on the planning proposal.</p> <p>Referral to the appropriate agencies for comment will be a condition of the Gateway determination.</p>   |
| 1.4 Site Specific Provisions (previously 6.3)           | Yes                        | <p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls. This includes not imposing any development standards or requirements in addition to those already contained in the principle environmental planning instrument being amended.</p> <p>The proposal intends to introduce site specific provisions in clause 4.4A Non-residential floor space ratios and in clause 6.12A Residential flat buildings. These provisions are not restrictive and the intention is to amend provisions in the current LEP.</p> |



|  |     |  |
|--|-----|--|
| 1.13<br>Implementation of<br>St Leonards and<br>Crows Nest 2036<br>Plan (previously<br>7.11) | Yes | <p>The objective of this direction is to ensure development within the St Leonards and Crows Nest Precinct is consistent with the <i>St Leonards and Crows Nest 2036 Plan</i>.</p> <p>The site is in an area of North Sydney LGA covered by the SLCN Plan 2036 and the proposed amendment to the planning controls is consistent with this Direction.</p> <p>The SLCN 2036 Plan is discussed further in section 3.3.1.</p> |
|--|-----|--|

### Biodiversity and Conservation

|  |     |   |
|--|-----|---|
| 3.2 Heritage<br>Conservation<br>(previously 2.3) | Yes | <p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage and indigenous significance.</p> <p>This direction applies as the site is in the vicinity of a local heritage item.</p> <p>The heritage impact is discussed further in section 4.1.3 of this report.</p> |
|--|-----|---|

### Resilience and Hazards

|   |     |  |
|---|-----|--|
| 4.4 Remediation of<br>Contaminated Land<br>(previously 2.6) | Yes | <p>This Direction was introduced on 17 April 2020 and aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered at the planning proposal stage.</p> <p>A preliminary site investigation (PSI) (<b>Attachment A7</b>) submitted with the planning proposal recommended that a Detailed Site Investigation (DSI) be undertaken to confirm the presence and extent of contamination and to determine the suitability for the intended use.</p> <p>The contamination impact is discussed further in section 4.1.2.</p> |
|---|-----|--|

### Transport and Infrastructure

|  |     |   |
|--|-----|---|
| 5.1 Integrating<br>Land Use and<br>Transport<br>(previously 3.4) | Yes | <p>The key objectives of this Direction are to improve access to housing, jobs and services by walking, cycling and public transport and reducing dependency on private vehicles.</p> <p>The planning proposal intends to increase the planning controls on the site to facilitate 72 new residential dwellings and renewed commercial/retail floor space leveraging off existing public transport and the proposed Crows Nest Metro approximately 25m to the west.</p> |
|--|-----|---|

|  |     |  |
|--|-----|--|
|  |     | The planning proposal is consistent with this direction.   |
| 5.3 Development Near Regulated Airports and Defence Airfields (previously 3.5) | Yes | <p>This Direction aims at ensuring the effective and safe operation of airports and to ensure development is not adversely affected by aircraft noise.</p> <p>The proposed development could result in a height of 180m AHD.</p> <p>The planning proposal was submitted with an Aeronautical Impact Statement (<b>Attachment A10</b>) that states:</p> <ul style="list-style-type: none"> <li>the site is affected by an Obstacle Limitation Surface (OLS) of 156m AHD. The amended Planning Proposal seeks to increase the maximum height of buildings to RL176 protruding into the OLS by 20m and will be classified as a controlled activity;</li> <li>the concept is below the PANS OPS surface; and</li> <li>it will not affect the flight activity from the Royal North Shore Hospital helipad as it is not under the published recommended flight paths.</li> </ul> <p>In accordance with regulation 139.165 of the <i>Civil Aviation Safety Regulations 1998</i>, Civil Aviation Safety Authority (CASA) is to be notified of buildings or structures that will have a height of 100m or more above ground level. As such consultation will not be required with CASA.</p> |

## Housing

|  |     |  |
|--|-----|--|
| 6.1 Residential Zones (previously 3.1) | Yes | <p>Under this Direction, a planning proposal must broaden housing choice, make efficient use of existing infrastructure, reduce consumption of land for housing on the urban fringe and be of good design.</p> <p>The proposal will retain the B4 Mixed Use to facilitate redevelopment to provide 72 new residential dwellings in an urban area located close to existing and proposed services and public transport.</p> |
|--|-----|--|

## Industry and Employment

|  |     |   |
|--|-----|---|
| 7.1 Business and Industrial Zones (previously 1.1) | Yes | This direction refers to retaining areas and locations of existing business and industrial zones and not reducing the total potential floor space |
|--|-----|---|

area for employment uses in business zones, or for industrial uses in industrial zones.

The B4 Mixed Use zone is to be retained.

The proposed increase to the development standards on the site will facilitate approximately 2,618m<sup>2</sup> of retail/commercial floorspace with a minimum non-residential FSR of 2:1, increased from the requirement in the LEP from 1.5:1.

The existing site supports approximately 3,200m<sup>2</sup> of commercial/retail consistent with an FSR of 2.5:1. The proposal will result in a minor reduction of employment floorspace. This reduction is considered to be of minor significance.

### 3.6 State environmental planning policies (SEPPs)

On 1 March 2022, the Department consolidated 45 SEPPs and deemed SEPPs into 11 new thematic SEPPs. The 45 SEPPs were consequently repealed. The provisions contained in the repealed SEPPs have been carried over into the new SEPPs as 'chapters'.

The SEPP consolidation does not substantially change the effect of the repealed SEPPs.

However, any redundant or outdated provisions of the repealed SEPPs have not been carried over to the new consolidated SEPPs.

The consistency of the planning proposal with the SEPPs as discussed in **Table 10**.

**Table 10 Assessment of planning proposal against relevant SEPPs**

| SEPPs                                       | Requirement  | Consistent/<br>Not<br>Applicable | Reasons for Consistency or<br>Inconsistency  |
|---|--|----------------------------------|--|
| SEPP<br>(Resilience<br>and Hazards)<br>2021 | On 1 March 2022, 3 SEPPs relating to resilience and hazards were consolidated into one SEPP. The consolidated SEPP aims to manage risks and build resilience in the face of hazards. | Yes                              | <p>The site is not identified as being within coastal use area in the map associated with SEPP (Resilience and Hazards) 2021 (former SEPP (Coastal Management) 2018).</p> <p>The proposed changes to the development controls will facilitate a residential flat building and any hazardous or offensive development is not proposed.</p> <p>A PSI (<b>Attachment A7</b>) has been submitted with the planning proposal indicating that there could be potential for</p> |

| SEPPs  | Requirement   | Consistent/<br>Not<br>Applicable | Reasons for Consistency or<br>Inconsistency   |
|--|---|----------------------------------|---|
|  |   |                                  | <p>contamination and recommended a DSI be undertaken.</p> <p>Further investigation can be carried out as part of a future DA.</p> <p>The contamination impact is discussed further in section 4.1.2.</p>  |
| SEPP<br>(Transport<br>and<br>Infrastructure)<br>2021         | On 1 March 2022, 3 SEPPs relating to transport and infrastructure were consolidated into one SEPP. The consolidated SEPP aims to provide well-designed and located transport and infrastructure integrated with land use. | Yes                              | <p>The planning proposal was accompanied by a revised Traffic Impact Assessment (TIA) (<b>Attachment A6a</b>) that indicates that the development will not have a significant impact on the surrounding road network.</p> <p>A revised Travel Plan (<b>Attachment A6b</b>) was submitted with the planning proposal in response to Council feedback to maximise and encourage sustainable transport choices for residents, staff and visitors.</p> <p>Access and egress are via Hume Street which directly connects to the State classified Pacific Highway zoned SP2 Infrastructure (Classified Road) and greater than 50 parking spaces are to be provided. Referral to TfNSW will be included as a condition of the Gateway determination. Referral to TfNSW will also be required prior to the construction phase due to the close locality of the proposed Metro station.</p> <p>Residential development fronting a classified road must consider the acoustic impact. An Acoustic Pre-Planning Report (<b>Attachment A8</b>) provides recommendations for future development. The acoustic impact is discussed further in section 4.1.4.</p> <p>The transport, traffic and parking impact are discussed further in section 4.1.1.</p> |
| SEPP<br>(Building<br>Sustainability<br>Index:<br>BASIX) 2004 | This SEPP aims to encourage sustainable residential development through establishing targets for thermal comfort, energy and water use.   | Yes                              | <p>Development applications (DAs) for all future residential development will need to comply with the targets established under BASIX.</p> <p>The reference scheme has been designed to comply with any future BASIX</p>  |



| SEPPs  | Requirement   | Consistent/<br>Not<br>Applicable                | Reasons for Consistency or<br>Inconsistency  |
|--|---|---|--|
|  |   |   | compliance. Further consideration of this SEPP can occur at a future DA stage.   |
| SEPP 65 -<br>Design<br>Quality of<br>Residential<br>Apartment<br>Development | The aim of this policy is to improve the design quality of residential apartment development in NSW.  | Yes   | <p>The proposal states that it is generally consistent with the principles of this SEPP.</p> <p>Any future development application for residential flat buildings, shop top housing or mixed-use development with a residential component will be required to have regard to SEPP 65 and the Apartment Design Guide (ADG).</p> <p>The consistency can be further assessed as part of a future DA.</p> <p>The built form is discussed further in section 4.1.6.</p> |
| SEPP<br>(Sustainable<br>Buildings)<br>2022                                   | This policy will commence on 1 October 2023. This will ensure the buildings are more comfortable. This SEPP will introduce thermal performance measures, water and energy saving measures and emission reporting for all buildings. | Can be further assessed as part of a future DA. | <p>Savings and transitional provisions will be included so that the SEPP will not apply to development applications or modification applications that have already been submitted, but not yet determined by the commencement date.</p> <p>It is recommended that the planning proposal be updated to address this SEPP.</p>   |

## 3.7 Other policies

### 3.7.1 Standard Instrument - Employment Zones Reform

The Department is currently undertaking a suite of reforms which includes the delivery of a simplified employment zones framework that will support jobs growth and productivity.

A key outcome will be to ensure employment zones provide clear strategic intent, include clarity around their application and increase flexibility around land uses.

The existing Business (B) and Industrial (IN) zones are intended to be replaced with five new employment zones and three supporting zones under Standard Instrument Principal Local Environmental Plan (2006) (SI LEP) (**Table 11**). The implementation of the new employment zones is proposed to be finalised mid-2022.

This framework intends to:

- maximise productivity while minimising land use conflicts and ensuring they are fit for purpose;

- address current barriers within the planning system that limit the ability of businesses to establish, expand or adapt; and
- better support councils in the delivery of the strategic vision contained in their Local Strategic Planning Statements and background studies.

The changes will apply to the site as the land is proposed to be rezoned B4 Mixed Use. It is proposed that B4 Mixed Use zone will be translated to MU1 Mixed Use in the translation of the employment zones.

A condition will be included in the Gateway determination to amend the planning proposal to include information regarding the translation of the B4 Mixed Use zone to the MU1 Mixed Use.

Further information on the proposed changes to the employment zones is available at <https://www.planning.nsw.gov.au/Employment-Zones-Reform>.

**Table 11: Proposed changes to the employment zones**

| Existing zone           | Direct translation zone                  |
|-------------------------|--|
| B1 Neighbourhood Centre | E1 – Local centre                        |
| B2 Local Centre         | E1 – Local centre                        |
| B3 Commercial Core      | E2 – Commercial centre                   |
| B4 Mixed Use            | MU1 – Mixed use                          |
| B5 Business Development | E3 – Productivity support                |
| B6 Enterprise Corridor  | E3 – Productivity support                |
| B7 Business Park        | E3 – Productivity support                |
| B8 Metropolitan Centre  | Contact the employment zones reform team |
| IN1 General Industrial  | E4 – General Industrial                  |
| IN2 Light Industrial    | E4 – General Industrial                  |
| IN3 Heavy Industrial    | E5 – Heavy Industrial                    |
| IN4 Working Waterfront  | W4 – Working Waterfront                  |

## 4 Site-specific assessment

### 4.1 Environmental

The site is within an established urban environment with no known critical habitats, threatened species or ecological communities. The following provides an assessment of the potential environmental impacts associated with the proposal.

### 4.1.1 Transport, Traffic and Parking Impact

A revised Transport Assessment dated 8 November 2022 (**Attachment A6a**) was submitted to support the revised planning proposal and was carried out with a proposed development of 72 dwellings and 2,618m<sup>2</sup> of commercial floorspace.

The Traffic Assessment notes that the surrounding developments include low-medium density residential to the west, heritage building to the south-east and the construction site for the future Crows Nest Metro Station is to the east.

The site has a main frontage to the Pacific Highway which is a major 6 lane arterial road and a secondary frontage to Hume Street with 2 lanes. Vehicular access/egress will be provided from Hume Street, removing the current vehicular access/egress via the Pacific Highway.

A revised Framework Travel Plan (**Attachment A6b**) has been submitted ahead of a Green Travel Plan (GTP) which intends to encourage alternative transport to private vehicles. An increase in active and public transport is considered to be achievable due to the close proximity of the proposed Crows Nest Metro station, existing bus routes and cycleways.

#### Transport

St Leonards Train Station is approximately 700m to the north-west along the Pacific Highway. The nearest bus stop is approximately 40m to the south on the Pacific Highway with regular bus services to locations such as the Royal North Shore Hospital, Chatswood, Sydney CBD, Bondi Junction and North Sydney.

The assessment states that there are approximately 28 GoGet carshare locations providing 1 or more cars including vans, 4WDs, and smaller hatchbacks within 800 metres radius of the site.

#### Traffic

Based on the information in the Traffic Assessment, the proposal will result in a reduction of vehicular trips compared to the existing. The proposal not expected to have an impact on the performance of the surrounding road network and intersections.

**Table 12: Traffic generation**

| Use                                    |             | Number                  | Rate per unit or 100m <sup>2</sup> GFA |         | Vehicle Trips |          |
|--|-------------|-------------------------|--|---------|---------------|----------|
|  |             |                         | AM Peak                                | PM Peak | AM Peak       | PM Peak  |
| Proposed uses                          | Residential | 72                      | 0.14                                   | 0.07    | 10            | 5        |
|  | Commercial  | 2,618m <sup>2</sup> GFA | 1.6                                    | 1.2     | 41            | 31       |
| Exiting uses                           | Commercial  | 3,200m <sup>2</sup> GFA | 1.6                                    | 1.2     | 51            | 38       |
| <b>Net increase in trips generated</b> |             |                         |  |         | <b>0</b>      | <b>2</b> |

#### Parking

The revised Traffic Assessment states that the parking rates are guided by the North Sydney DCP, designed to discourage the use of private vehicles. The Traffic Assessment states that parking is to be provided for 132 private vehicles.

As discussed in Section 3.3.4, the draft NSDCP 2013 amendment relating to car parking rates was on exhibition for public feedback until 13 December 2022. Council is currently revising their parking rates for residential development in the B4 Mixed Use zones and the R4 High Density Residential

zones to manage off street parking in new residential developments in areas of high public transport accessibility.

If adopted, this amendment will require the available parking spaces to be reduced substantially to 44 spaces. The applicant submitted a site-specific DCP (**Attachment A12**) referring to Council's draft DCP car parking rates (**Table 13**).

**Table 13: Proposed car parking**

| Land Use     |             | Parking Rate per Dwelling         | Dwellings/GFA        | Draft Council DCP |
|--------------|-------------|-----------------------------------|----------------------|-------------------|
| Residential  | 1 bedroom   | 0.4 spaces                        | 36 units             | 14.4              |
|              | 2 bedrooms  | 0.6 spaces                        | 28 units             | 16.8              |
|              | 3+ bedrooms | 0.7 spaces                        | 8 units              | 5.6               |
|              | subtotal    |                                   | 72 units             | 37                |
| Commercial   |             | 1 space per 400m <sup>2</sup> GFA | 2,618 m <sup>2</sup> | 7                 |
| <b>Total</b> |             |                                   |                      | <b>44</b>         |

#### 4.1.2 Contamination Impact

A Preliminary Site Investigation (PSI) (**Attachment A7**) dated August 2021 was submitted with the planning proposal. The findings of the report are based on a site inspection undertaken on 6 August 2021 and research of records and historical information relating to the site and aerial photographs.

The Environmental Protection Authority records does not list the subject lots as contaminated, and the site is not within close proximity to any other contaminated sites. However, the report concluded that there may be contaminants present in uncontrolled fill, pesticide uses, former site activities, vehicle leaks, and asbestos based building products.

The report recommended that a Detailed Site Investigation (DSI) should be carried out to determine if contaminants are present and to carry out remediation and validation if necessary for the purposes of a mixed-use development.

#### 4.1.3 Heritage Impact

The site is not a listed as a heritage item and is not within a heritage conservation area. It is close to local heritage items known as the 'Higgins Buildings' to the south-west across Hume Street (**Figure 14** and **24**). A heritage impact statement was not submitted with the planning proposal.





**Figure 31** Local heritage items 'Higgins Buildings' 366-376 Pacific Highway Crow Nest (source: Google Maps)

#### 4.1.4 Acoustic Impact

An Acoustic Pre-Planning Report (**Attachment A8**) dated 23 August 2021 was submitted with the planning proposal.

The report noted that the proposal was to facilitate a 24-storey development consisting of a 4-storey podium and 20-storey residential tower above.

A desktop analysis was undertaken to determine the extent of measures required to mitigate noise and vibration as the main façade was to the State classified road, the Pacific Highway and the proposed Crows Nest Metro station 25m from the site.

The report determined that suitable measures can be incorporated into the design of the development to achieve natural ventilation while providing the appropriate level of noise intrusion. The report recommended:

- balconies on the façade facing the Pacific Highway are to have a partially enclosed balcony with an acoustically absorptive soffit;
- the Hume Street façade balconies on levels 5 to 15 are to have a partially enclosed balconies and levels 16 to 23 are to have a balcony with solid balustrade, and all with absorptive soffit; and
- glazing will likely require a high performance single or double glazing to the façade facing the Pacific Highway.

The report stated that the proposed Metro line will have noise and vibration mitigation measures and the likely impact is low. Further assessment of the acoustic impact on the development can be carried out at a future DA stage.

#### 4.1.5 Wind Impact

A revised Pedestrian Wind Environment Statement (**Attachment A9**) dated 2 November 2022 was submitted with the revised planning proposal. No wind tunnel testing has been carried out and the report addresses localised effects that are identifiable in the examination of the amended massing drawings.

The report stated that some areas are likely to be exposed to stronger winds and these can be minimised by treatments such as awnings or at ground level, tree planning to Hume Street, end full height screens on corner balconies to private balconies, planter boxes around seating areas and other landscaping measures.

With the recommendations in the report, it is expected that the trafficable areas around and in the proposed development will be suitable for their intended use. This can be further assessed as part of the detailed design phase.

#### 4.1.6 Built Form and Visual Impact

The revised planning proposal intends to increase the development standards on the site that could facilitate a building with:

- a 4 storey commercial podium to the Pacific Highway and Hume Street;
- a setback of 5m to the corner of Pacific Highway and Hume Street;
- cascading landscaped terraces to the west facing the lower density residential zone;
- a elevated 16 storey residential tower with open space and landscaping below on the podium roof top level; and
- setbacks compliant with the Apartment Design Guide (ADG).

The visual impact is in keeping with the likely future character of the precinct with regard to bulk and scale and as recommended in the SLCN 2036 Plan. The indicative visual assessment is shown in the revised Urban Design Report (**Attachment A3**).

Compliance with SEPP 65 Design Quality of Residential Flat Buildings and SEPP (Buildings Sustainability Index: BASIX) 2004 can be undertaken at the DA stage.

#### 4.1.7 Overshadowing Impact

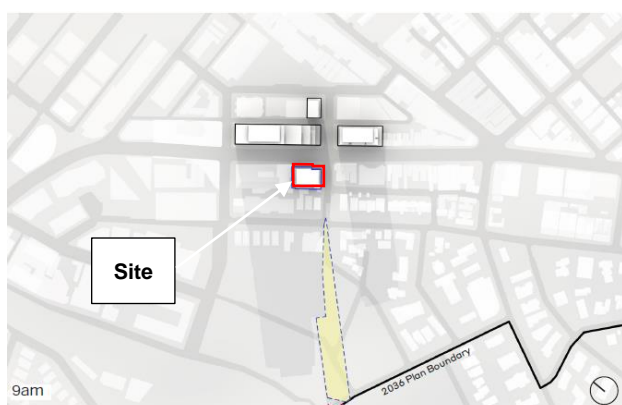
The SLCN 2036 Plan includes an objective to increase upper level setbacks to achieve optimal transitions that minimise overshadowing.

Solar access is to be maintained between 9am and 3pm for:

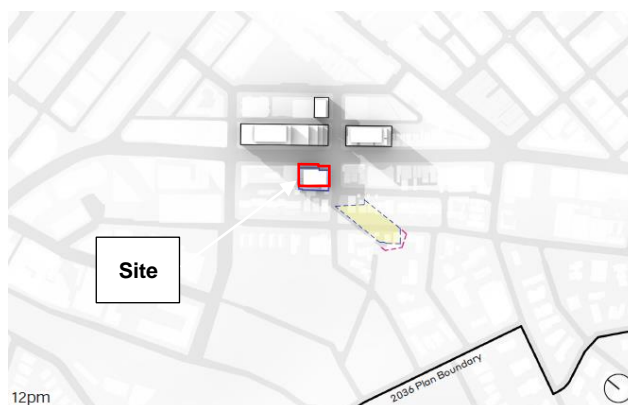
- residential areas outside the SLCN 2036 Plan boundary;
- residential areas inside the boundary for at least 2 hours; and
- heritage areas inside the boundary for at least 3 hours.

The revised planning proposal seeks to facilitate a tall slender built form resulting in a faster moving shadow and overshadowing limited to an approximate 2 hour window. **Figures 32 to 34** indicate the overshadowing impact as a result of the proposed reference scheme.

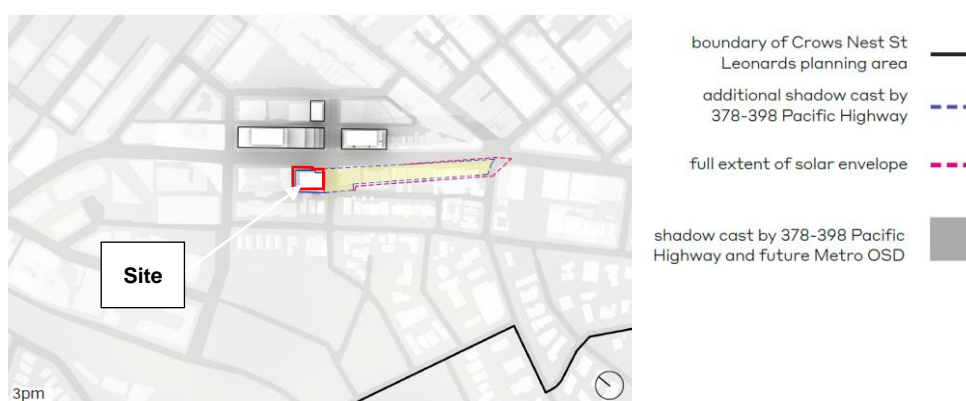
The revised Urban Design Report (**Attachment A3**) states that the low density residential area to the west, including the sites at 29-33 Nicholson Street will be overshadowed by the Over Station Development (OSD) of the Crows Nest Metro.



**Figure 32** Shadow diagram 9am, 21 June (source: Wood Bagot)



**Figure 33** Shadow diagram 12pm, 21 June (source: Wood Bagot)



**Figure 34** Shadow diagram 3pm, 21 June (source: Wood Bagot)

### 4.1.8 Solar Access and Ventilation

The revised planning proposal states that testing carried out on the envelope and indicative floor plate has been tested and confirmed that 70% of the apartments can obtain the required 2 hours of solar access. A maximum of 15% of apartments will receive no direct sunlight on June 21 between 9am and 3pm.

Solar access is maintained between 1pm and 3pm to the adjoining lower density residential properties to the west in Nicholson Street. In the morning, these properties will be overshadowed by the OSD.

The revised planning proposal states that at least 60% of apartments are naturally cross ventilated in the first 9 storeys.

## 4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 14 Social and economic impact assessment**

| Social and Economic Impact | Assessment   |
|----------------------------|--|
| Social                     | The renewal of the site will provide upgrades to the public domain and increase amenity in the area that is close to the proposed Crows Nest Metro station   |
| Economic                   | <p>The planning proposal will facilitate 2,618m<sup>2</sup> of commercial/retail floorspace to support approximately 18 jobs.</p> <p>Residential dwellings on the site will leverage off the proposed Metro line and provide easy access other strategic centres and employment opportunities.</p> |

## 4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

**Table 15 Infrastructure assessment**

| Infrastructure   | Assessment  |
|--|---|
| Public transport   | <p>The site is in accessible location well-connected to proposed and existing road and rail infrastructure.</p> <p>Bus services run along the Pacific Highway and the metro rail is proposed to be completed in 2024 with the Crows Nest Metro Station 25m west with future connections from Rouse Hill to Bankstown.</p> <p>No further public transport infrastructure will be required to support the proposed increase in development on the site.</p>   |
| Utilities  | <p>The amended planning proposal is supported by a Services Infrastructure Report (<b>Attachment A11</b>). The assessment addressed the availability of public utilities and likely requirements to support the new development and was based on the concept facilitating 104 residential apartments.</p> <p>The site is in an established urban area and the assessment found that all services are available for connection and/or extension to the proposed development.</p> <p>Further assessment of the site can be undertaken as part of a future DA. However, a Gateway condition will be included to refer the planning proposal to the relevant utility providers.</p>   |
| St Leonards and Crows Nest Special Infrastructure Contribution (SIC) | <p>The St Leonards and Crows Nest Special Infrastructure Contribution (SIC) applies in this area to new additional residential development. Contributions will help fund new and upgraded infrastructure to support the St Leonards and Crows Nest 2036 plan and support new growth. The funds will help provide open space, pedestrian and cycle movements, education and road crossing improvements.</p> <p>The full rate will apply from 1 July 2022.</p>  |
| Draft NSDCP 2013   | <p>The site is in the Crows Nest Town Centre.</p> <p>The draft NSDCP amendment was prepared to better manage the increase in density to the SLCN 2036 Plan area by:</p> <ul style="list-style-type: none"> <li>• mitigating potential impacts such as protecting solar and daylight access and reducing overshadowing to the surrounding area and public spaces;</li> <li>• providing street wall heights, street setbacks and podium setbacks respond to the character of the surrounding area;</li> <li>• improving public spaces with footpath widening and providing active street frontages and encouraging through site links and landscape treatments; and</li> <li>• reducing the impact of off street car parking in new development in the vicinity of accessible transport.</li> </ul> <p>The draft NSDCP is discussed further in section 3.3.4.</p> |



## 5 Consultation

### 5.1 Community

The planning proposal proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

### 5.2 Agencies

The proposal does not specifically raise which agencies will be consulted. The Department recommends that consultation is to be undertaken with the relevant public agencies and adjoining landowners as per statutory requirements.

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- Transport for NSW;
- Transport for NSW (Sydney Metro)
- Ausgrid;
- Sydney Water Corporation;
- NSW Department of Education;
- NSW Department of Health;
- Commonwealth Department of Transport, Infrastructure, Regional Development, Communications and the Arts (DTIRDCA);
- Sydney Airport; and
- Airservices Australia

## 6 Timeframe

The planning proposal provides an indicative project timeline with an anticipated completion date for the LEP amendment by mid 2023.

Given that the Panel is appointed as the planning proposal authority (PPA) for this proposal, the Department recommends a time frame of 9 months to ensure it is completed in line with its commitment to reduce processing times.

The planning proposal is to be amended to provide an updated timeline for completion. It is recommended that a 9 month timeframe is appropriate for this planning proposal from the date of the Gateway determination.

A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making Authority.

Council resolved to not be the PPA for this proposal and in line with the Department's *Local Environmental Plan Making Guideline*, the SNPP may appoint itself as PPA.

As the Panel is the PPA for the subject proposal, the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- it is generally consistent with the Local Housing Strategy, Local Strategic Planning Statement and the SLCN 2036 Plan;
- it is generally consistent with the actions of the Greater Sydney Region Plan and North District Plan by facilitating additional residential dwellings and maximising public transport patronage;
- the increase to the planning controls on the site will facilitate an increase and a variety of residential dwellings close to existing and proposed public transport with good access to services and employment; and
- the amended reference scheme will have minimal impact on the heritage items in the immediate vicinity.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- provide consistency in the documents to state an FSR of 7.2:1 including a residential FSR of 5.2:1 and revise the GFA accordingly;
- provide revised mapping to indicate an FSR of 7.2:1 and a HOB of RL176;
- it is recommended to address the draft SEPP (Sustainable Buildings) 2022;
- include the number of jobs that may be created as a result of the increase to the planning controls on the site; and
- include an updated timeline based on the issuing of the Gateway determination.

## 9 Recommendation

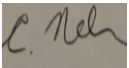
It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
  - provide consistency in the documents to state an FSR of 7.2:1 including a residential FSR of 5.2:1 and revise the GFA accordingly;
  - provide revised mapping to indicate an FSR of 7.2:1 and a HOB of RL176;
  - it is recommended to address the draft SEPP (Sustainable Buildings) 2022;
  - include the number of jobs that may be created as a result of the increase to the planning controls on the site; and
  - include an updated timeline based on the issuing of the Gateway determination.
2. Consultation is required with the following public authorities:
  - Transport for NSW (TfNSW);
  - Transport for NSW (Sydney Metro);
  - Ausgrid;
  - Sydney Water Corporation;
  - NSW Department of Education;
  - NSW Department of Health – Northern Sydney Local Health District;
  - Commonwealth Department of Transport, Infrastructure, Regional Development, Communications and the Arts (DTIRDCA).
  - Sydney Airport Corporation Limited (SACL); and

- Airservices Australia.

Consultation regarding height limitation with airspace intrusion has been previously undertaken with the implementation of the SLCN 2036 Plan. No additional consultation is required prior to the public exhibition of the planning proposal.

3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The planning proposal must be exhibited **3 months** from the date of the Gateway determination.
5. The timeframe for completing the LEP is to be **9 months** from the date of the Gateway determination.
6. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



**9/12/2022**

Charlene Nelson

Manager, Place and Infrastructure



15 December 2022

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