

Post-Exhibition Report – PP-2021-5353

Increasing the maximum building height, floor space ratio and non-residential floor space ratio to facilitate a mixed-use development at 378 – 390 Pacific Highway, Crows Nest (72 homes and 18 jobs)

1 Introduction

The purpose of this report is to provide a summary of the key matters raised by members of the public, North Sydney Council (the Council) and public agencies during the public exhibition of the planning proposal for 378-390 Pacific Highway, Crows Nest (the site), and to make a recommendation to the Sydney North Planning Panel (the Panel) to submit the proposal to the Department for finalisation following relevant updates.

Table 1 – Timeline of the planning proposal

Element	Description
Date of request to exhibit PP	10 February 2023
Date of panel determination on rezoning review	8 August, 19 September and 12 October 2022
Planning Proposal No.	PP-2021-5353
LGA	North Sydney
LEP to be amended	North Sydney Local Environmental Plan 2013 (NSLEP)
Address	378-390 Pacific Highway, Crows Nest
Brief overview of the timeframe/progress of the planning proposal	<p>29 August 2020: St Leonards and Crows Nest 2036 Plan is finalised by the Department.</p> <p>7 September 2021: Proponent submits the planning proposal to Council.</p> <p>13 April 2022: Proposal is referred to the Panel who recommend the planning proposal not be supported for Gateway Determination.</p> <p>26 April 2022: North Sydney Council Meeting, Councillors resolve to not support the planning proposal as it is inconsistent with Ministerial Direction 7.11 (now 1.13) and will result in a poor planning outcome that would set a negative and detrimental precedent for similar tower forms across the precinct.</p> <p>12 May 2022: Planning proposal is submitted to the Department for Rezoning Review.</p>

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Element	Description
	<p>27 June 2022: Council resolves to not accept the role of the Planning Proposal Authority (PPA) for the planning proposal.</p> <p>8 August 2022: Sydney North Planning Panel (Panel) determined the planning proposal should proceed to Gateway Determination pending amendment.</p> <p>19 September 2022: Panel met with the Department and the Proponent to be briefed on the amended options prepared by the Proponent. Panel deferred the consideration of the planning proposal in order to receive a final amended proposal.</p> <p>12 October 2022: Panel determined the planning proposal should proceed to Gateway Determination pending a revised architectural scheme that includes overshadowing diagrams, visual impact analysis, wind environment statement and a traffic assessment.</p> <p>4 November 2022: The Proponent submitted the amended planning proposal to the Department for Gateway Determination.</p> <p>15 December 2022: Gateway Determination issued.</p> <p>16 December 2022: The Proponent submitted the final planning proposal for public exhibition.</p> <p>10 February 2023: Public exhibition of proposal commenced.</p> <p>10 March 2023: Public exhibition of proposal concludes.</p>
Finalisation date required by Gateway Determination	15 September 2023
Department contact:	Adam Iskander, Senior Planning Officer, Agile Planning

1.1 The Site and local context

The site (**Figure 1**) at 378-390 Pacific Highway, Crows Nest comprises 5 lots (refer to **Table 1**) with a total site area of 1,309m². The site has a primary frontage to the Pacific Highway and a secondary frontage to Hume Street. The site is currently occupied by commercial and retail uses with a height of 2-3 storeys and approximately 3,200m² of gross floor area (GFA).

The site is located within the North Sydney Local Government Area, approximately 700m south-west of the St Leonards Train Station and 4.5km north of the Sydney CBD.

To the north-east of the site on the opposite side of the Pacific Highway is the planned Crows Nest Metro Station that is currently under construction with a proposed over station mixed use development of 21, 19 and 7 storeys. The site is adjoined to the north-west by a 6 storey shop top housing development, a 2 storey multi dwelling housing development to the south-west and 3 single storey residential dwellings to the south-east facing Nicholson Street.

The site does not include a heritage item nor is it within a heritage conservation area. A small group of local heritage items known as the 'Higgins Buildings' are located to the south-east of the site along Pacific Highway.

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The site is located within the St Leonards Town Centre and the St Leonards Crows Nest 2036 Plan (SLCN 2036 Plan) area finalised by the Department in August 2020.



Figure 1 – Subject site (source: Gateway determination report – PP-2021-5353 – December 2022)

1.2 Planning proposal

Table 2 – Overview of planning proposal

Element	Description
Site Area	1,309m ²
Site Description	<p>The site comprises 5 allotments as follows:</p> <ol style="list-style-type: none">378 Pacific Highway, Crows Nest – Lot 1 DP 577047382 Pacific Highway, Crows Nest – Lot 5 Section 32 DP 4320382 Pacific Highway, Crows Nest – Lot 1 DP 573543388 Pacific Highway, Crows Nest – Lot 4 DP 663560390 Pacific Highway, Crows Nest – Lot 1 DP 177051
Proposal summary	<p>The objectives of the planning proposal are to:</p> <ul style="list-style-type: none">develop the site to its potential and in line with the 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; andprovide public improvements such as landscaping to enhance pedestrian amenity and support street activation.

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Element	Description
	<p>The planning proposal (Attachment A) seeks to amend the NSLEP to enable the future redevelopment of the site for a 24-storey mixed-use development by:</p> <ul style="list-style-type: none">Increasing the maximum building height limit to RL176 AHD.Including a maximum Floor Space Ratio (FSR) control of 7.2:1.Increasing the FSR for non-residential floor area to 2:1. <p>The planning proposal is supported by a concept development scheme which envisages a 24 storey tower, comprising:</p> <ul style="list-style-type: none">72 residential units2,618m² of non-residential floor spaceBasement carparking.
Relevant State and Local Planning Policies, Instruments	<ul style="list-style-type: none">Greater Sydney Region Plan (A Metropolis of Three Cities)North District PlanSection 9.1 Ministerial DirectionsSt Leonards and Crows Nest 2036 Plan (SLCN 2036 Plan)SEPP No 65 – Design Quality of Residential Apartment DevelopmentNorth Sydney Local Environmental Plan (NSLEP) 2013North Sydney Local Strategic Planning Statement (LSPS)North Sydney Local Housing Strategy (LHS)

The planning proposal (**Attachment A** and **Table 1**) seeks to amend the NSLEP as per the changes in **Table 3** below.

Table 3 – Current and proposed controls

Control	Current	Proposed
Zone	MU1 Mixed Use (formerly known as B4 Mixed Use prior to employment zone reforms)	No change – MU1 Mixed Use
Maximum height of the building	16m	RL176 AHD (24 storeys)
Floor space ratio	N/A	7.2:1 (GFA 6,800m ²)
Floor space ratio (non-residential)	1.5:1	2:1 (GFA 2,618m ²)
Number of dwellings	0	72
Number of jobs	N/A	18

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

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1.2.1 Mapping

The planning proposal includes amendments to the following maps:

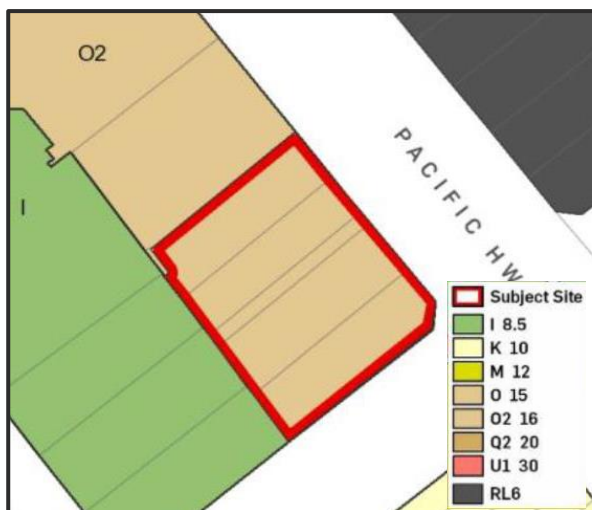


Figure 2 – Current height of building map
(Source: Gateway determination report – PP-2021-5353 – December 2022)

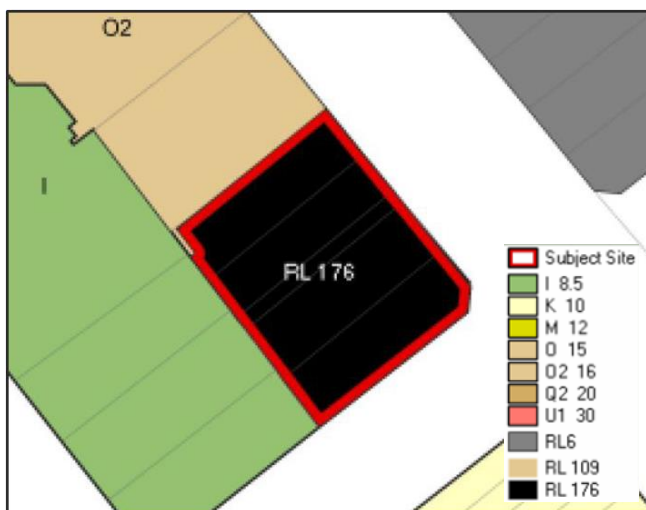


Figure 3 – Proposed amendment to the height of building map
(Source: Gateway determination report – PP-2021-5353 – December 2022)

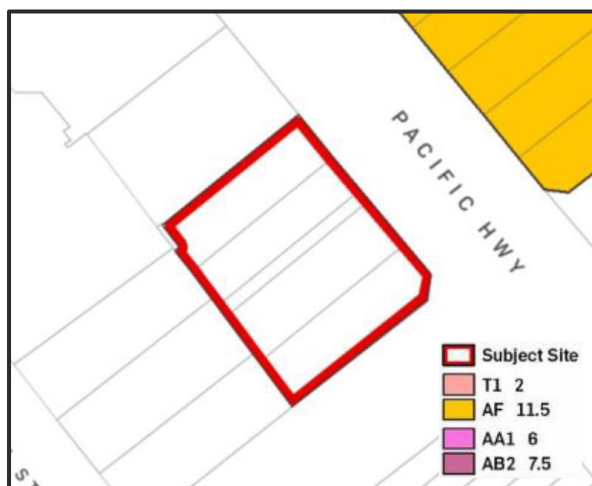


Figure 4 – Existing floor space ratio map
(Source: Gateway determination report – PP-2021-5353 – December 2022)

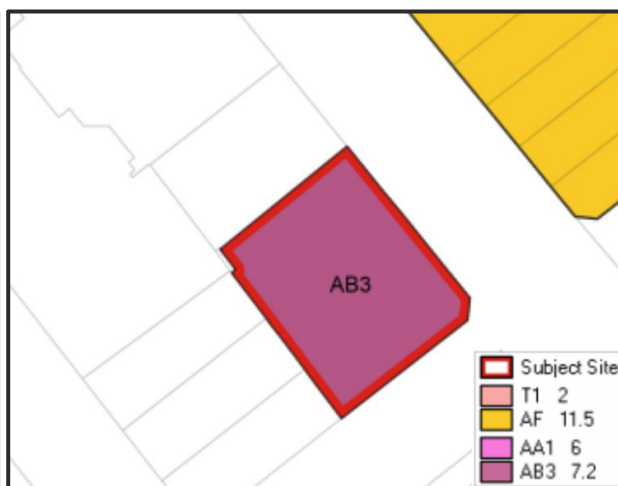


Figure 5 – Proposed floor space ratio map
(Source: Urbis - Final planning proposal – PP-2021-5353 – December 2022)

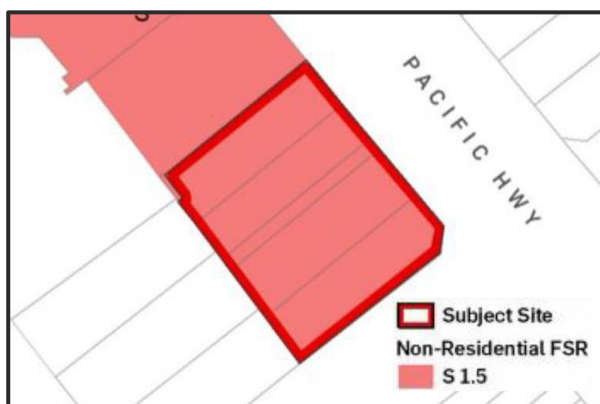


Figure 6 – Existing minimum non-residential floor space map (source: Gateway determination report – PP-2021-5353 – December 2022)

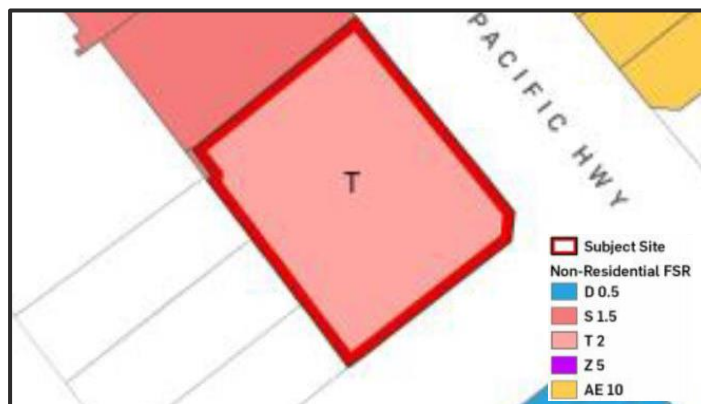


Figure 7 – Proposed minimum non-residential floor space map (source: Gateway determination report – PP-2021-5353 – December 2022)

1.3 Rezoning review

On 8 August 2022, the Panel considered a rezoning review for this planning proposal due to Council notifying the Proponent that it would not support the proposed amendment.

The Panel determined to support the planning proposal pending amendments, as the proposal demonstrated strategic and site-specific merit for the following reasons:

- *The Panel unanimously determined that the planning proposal has strategic merit based upon the information contained in the Department's Briefing Report and Council's responses to the Proponent's amended proposal that Council considered. In terms of site-specific merit, the majority of the Panel determined that the planning proposal had the site-specific merit.*
- *The majority of the Panel determined that the proposal is suitable to proceed to Gateway Determination. However, prior to proceeding, the planning proposal should be further amended to better address the transition between the proposed high rise development and existing and future low rise development and thereby reduce the associated impacts. In particular, further consideration should be given to increasing the setback to the western boundary and maximising the amenity provided from the north. The Panel believed that the vertical void and associated substantial landscaped garden should remain as part of the proposal given the significant actual and perceived benefits provided to the surrounding development. In addition, the planning proposal should be accompanied by a site-specific DCP which gives full consideration to site specific issues including, amongst other things, building envelope and parking provision, as well as interface issues including setbacks.*

It is noted that a Panel member disagreed with the majority decision for the following reasons:

- *Although the height and FSR are generally compliant with the 2036 Plan, the proposal fails to demonstrate that the site can accommodate a building of the height and density proposed. The design concept provided with the proposal is excessive and shows a lack of interface and transition to the western boundary. The interface to the R3 zoned land to the west is inadequate and, despite suggested amendments to address this transition matter, it is unlikely to be improved given the available land area in the proposal.*

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The panel also appointed itself and the Planning Proposal Authority (PPA)

On 19 September 2022, the Panel met with the Department and the Proponent to be briefed on the amended options prepared by the Proponent. The Panel made the following determinations:

- *As the planning proposal authority, the Panel agreed to defer consideration of the planning proposal in order to receive a final amended proposal which would be considered a minor change when compared to the planning proposal which was considered by Council and is the subject of this rezoning review.*
- *The Panel emphasised that the vertical void and associated substantial landscape garden should be maintained and the set back to the western boundary should be increased. The Panel was also of the view that:*
 - *A reduction in gross floor area was likely.*
 - *The floor plate of five apartments was appropriate.*
 - *Amenity to the building from the north should be increased.*
 - *The site-specific DCP should be updated to reflect the final amended proposal.*

On 12 October 2022, the Panel met with the Department to be briefed on the final amended proposal prepared by the Proponent.

The Panel agreed to forward the proposal for Gateway Determination once the planning proposal amendments are presented in an updated planning proposal, and all plans and documentation are updated to incorporate and reflect the revised architectural scheme. The Panel requested that the updated planning proposal should include and address but not be limited to the following matters:

- *If the additional lot 1 DP724930 is to be added:*
 - *Revised maps;*
 - *Revised lot size and FSR;*
- *Update the Ministerial Directions to refer to the new numbering and any updated information and remove reference to the revoked Directions;*
- *Update the State Environmental Planning Policies (SEPPs) to refer to the new consolidated SEPPs and any updated information and remove reference to the repealed SEPPs;*
- *Overshadowing diagrams, which incorporate the sloping topography rather than a flat horizontal plane, and which demonstrates the impact of the revised scheme in more detail;*
- *An updated wind environment statement which includes the impact of wind on the vertical void (and landscaped garden on that void) and the impact on neighbouring properties, and which demonstrates the revised scheme;*
- *Consider a revised visual impact analysis;*
- *Revised carparking and traffic generation;*
- *A revised timeline (which may require further revision based on the signing date of the Gateway determination).*

It is noted that a Panel member disagreed with the majority decision for the following reasons:

- *When considering the site-specific merit of the proposed envelope, the western setback has potentially the greatest impact on the transition to the small scale residential areas and their amenity and adherence to this protection mechanism of well-being, afforded by access to sunlight and protection from oppressive bulk and scale.*
- *The proposal is asking the community to accept reduced amenity in seeking reduced legislated setbacks for the benefit of the developer which is why I cannot endorse this proposal.*

The Panel's determination and reasons for its decision are provided in **Attachment B**.

The proposal was submitted to the Department for a Gateway determination on 12 October 2022.

1.4 Gateway determination

The Gateway determination issued on 15 December 2022 (**Attachment C**) determined that the proposal should proceed subject to the following conditions:

1. *Prior to community consultation, the planning proposal is to be updated to address the following:*
 - (a) *include the number of jobs that may be created as a result of the increase to the planning controls on the site;*
 - (b) *provide consistency throughout the documents to refer to a maximum FSR of 7.2:1 including a non-residential FSR of 2:1 and revise references to GFA accordingly;*
 - (c) *provide revised mapping to indicate an FSR of 7.2:1 and a HOB of RL 176 AHD;*
 - (d) *address the draft SEPP (Sustainable Buildings) 2022;*
 - (e) *include an advisory note referencing the Employment Zones Reform Framework and noting the proposed translation of employment zones as it relates to the proposed amendments; and*
 - (f) *include an updated timeline based on this Gateway determination.*
2. *Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:*
 - (a) *the planning proposal is categorised as standard as described in the Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of 28 days; and*
 - (b) *the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2021).*

Exhibition must commence within 3 months following the date of the gateway determination.

3. *Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:*
 - *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*
 - *Sydney Airport Corporation Limited (SACL)*
 - *Airservices Australia*
 - *Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA)*

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

4. *A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, if reclassifying land).*
5. *The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.*

The Gateway determination identifies that the proposal is to be finalised before 15 September 2023.

The Proponent provided an updated planning proposal in accordance with the Gateway conditions on 16 December 2022.

All conditions of the Gateway determination have been met (see **Attachment D**).

2 Community Consultation

2.1 Public Exhibition

In accordance with the Gateway determination, the planning proposal and supporting material were publicly exhibited on the NSW Planning Portal for 28 days, from 10 February 2023 to 10 March 2023.

3 Submissions

3.1 Submissions during exhibition

There were 33 unique submissions received during the exhibition period from individuals, organisations and government agencies, including North Sydney Council, AusGrid, Sydney Water Corporation, Transport for NSW, Sydney Metro, Department of Infrastructure, Transport, Regional Development, Communications and the Arts, School Infrastructure NSW, Sydney Airport Corporation and Health Infrastructure NSW.

There were 24 individual submissions received, all of which objected to the proposal. Of the 24 submissions, one (1) was on behalf of a precinct interest group and 11 were received via email after the exhibition closing date. An additional email submission was received which was a replica of a previous email submission. The submitter had also previously made a submission via the ePlanning Portal.

A table summarising the Department and Proponent's response to submissions is provided as **Attachment F** and the Proponent's response to the submissions is provided at **Appendix J1** and **Attachment J2**.

3.1.1 Submissions from the public

A total of 24 public submissions were received during the exhibition period. All 24 public submissions raised objections to the proposal. Key issues raised in public submissions included:

- Building height
- Overshadowing and loss of sunlight
- Traffic generation and demand for parking

- Visual amenity and loss of views
- Overdevelopment, density and bulk and scale

Redacted copies of the public submissions are provided at **Attachment I**.

3.1.2 Submissions from Agencies and Council

In accordance with the Gateway Determination, the following agencies were consulted:

- 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
- Sydney Airport Corporation Limited
- Airservices Australia
- Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA)

North Sydney Council provided a submission by email on 2 May 2023. The key issues raised by Council included:

- Strategic Merit
- Height
- Building Transition and setbacks
- Overshadowing

A table summarising the Department and Proponent's response to Council's submissions is provided as **Attachment F**, Council's submission is provided at **Attachment G**.

Submissions were received from the following agencies:

- AusGrid
- Transport for NSW
- Sydney Metro
- Sydney Water
- School Infrastructure NSW
- Health Infrastructure NSW
- Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

The key issues raised by the agencies included:

- Compliance with the relevant provisions relating to controlled activities under the Federal Airports Act 1996 (the Act) and the Airports (Protection of Airspace) Regulations 1996.
- Vehicle access and traffic impact assessment, landscaping controls, active transport and travel demand management.

All agency submissions are provided in full at **Attachment H**.

3.2 Key Issues from submissions

The key issues raised in the community submissions are discussed below.

3.2.1 Issue No.1 – Impact of increased building heights

The proposed maximum building heights are not appropriate for this location.

Community view

Concerns were raised regarding the disregard of the adjacent low-density area and how the proposed heights will result in a significant height disparity. It is considered that the proposal will set a precedent along Pacific Highway and will negatively affect the existing architectural character of the area. In view of this, the community provided suggestions to reduce the height limit to allow for a scale of only 5-12 storeys. A concern was also noted relating to the proposed floor-to-floor heights for the roof and plant and residential floors being excessive and non-compliant (e.g. 7.3m and 3.2m, respectively) and should be reconsidered to reduce the overall height.

Council view

The proposed height assigned to the site is more than that needed to accommodate a 24-storey development. The reference design, as amended, includes an 11.3m transition between the podium and tower components. The reference scheme has no formal status so the design feature may not proceed.

Proponent view

The Proponent acknowledges that the height concerns were generally targeted at the making of the SLCN 2036 Plan. As the Planning Proposal has been prepared in accordance with the design outcomes of the Plan, general objections towards the heights nominated in the Plan are now being carried through.

The Proponent stated the following:

- the proposed building height has been selected so as to not result in overshadowing outside of the boundary of the SLCN 2036 Plan, noting that the nominated heights have been specifically chosen so that the apex of the commercial podium aligns with the existing established height datum to the north, providing for continuity.
- the proposed residential floor heights of 3.2m is standard, and that the minimum 3.1m height results in very tight cavity spaces to fit ducted aircon and all servicing requirements (which is supported by industry advice). The Proponent notes that the proposal includes one plant level and as the commercial uses are unknown, adequate space is necessary. The Proponent states that such plant height is considered common practice for developments with this quantum of floor space.

As the planning proposal includes a maximum FSR, it would not be possible to convert the plant level to residential without exceeding that FSR control. The height of the building is also controlled by overshadowing, in that the building envelope must be of a height that does not result in overshadowing outside of the boundary of the SLCN 2036 Plan.

Department Response

The increased height limit for the site will enable the delivery of 72 new dwellings, supported by accessibility to jobs, services, transport, social infrastructure and recreational areas in the North Sydney LGA where there is a growing demand for new housing. The proposed building heights are in accordance with the SLCN 2036 Plan. Furthermore, the proposed amendments respond to

nearby development for the Crows Nest Metro Station and will allow for a moderate increase to housing supply within the Crows Nest precinct of the North Sydney LGA. Floor-to-floor heights will be further considered and assessed at the future DA stage.

3.2.2 Issue No.2 – Overshadowing and loss of sunlight

The proposed height increase will result in overshadowing impacts to nearby residential properties.

Community view

Concerns were raised regarding the increased building heights will result in excessive overshadowing to surrounding residential land uses.

Council view

Due to the heights identified in the 2036 Plan, significant solar access impacts are anticipated. The proposed maximum height adds unnecessarily to the overall building height which results in a shadow length 34m longer than necessary to accommodate a 24-storey tower. Reduction in height would assist in reducing the extent of the overshadowing impacts.

Proponent view

The Proponent provides that the planning proposal is fully compliant with all overshadowing controls identified in the SLCN 2036 Plan, including retention of solar access to public open space and residential areas. The overshadowing does not extend past the Plan boundary.

As demonstrated in the Urban Design accompanying the proposal, the concept design encompasses a tall, slender building, that will ultimately result in a thinner and faster moving shadow, and the overshadowing experienced by neighbouring properties would be limited to a 2-hour window, which complies with the ADG requirements.

The Proponent considers that as a result of the site being located directly west of the Crows Nest Over Station Development (CNOSD), site and residential land uses to the west of the site are already significantly overshadowed by the approved development for the CNOSD and that the future building envelope on the site will not result in any additional overshadowing. Detailed solar and overshadowing studies will be undertaken at the DA stage.

Department Response

The CNOSD poses the greatest overshadowing impact on the properties to the west, including the site, and the submitted Urban Design Report clearly indicates there will be no additional overshadowing impacts to those already experienced by CNOSD.

The development concept scheme is controlled by a solar plane to ensure future development does not exceed the extent of the overshadowing approved in the SLCN 2036 Plan. The scheme demonstrates compliance with this solar plane including compliance with the ADG solar access requirements for neighbouring properties.

The concept scheme supporting the planning proposal is an indicative built form only. Further specific detailed shadow analysis and solar studies can be prepared and assessed at any future DA stage.

3.2.3 Issue No.3 – Traffic generation and demand for parking

The proposal will add to the existing traffic congestion problems in the area and is considered to provide insufficient parking.

Community view

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The community are concerned about the proposal creating additional unwanted traffic and congestion along Hume Street and the Pacific Highway, including other local streets being too small to handle the increase. Additionally, the projected number of the projected number of trips indicated in the Traffic Impact Assessment (TIA) being significantly understated.

The community also raised varying concerns related to the proposed parking rates. The majority of submissions raised the lack of adequate parking and the potential increased pressure on the availability of on-street parking in the area. There were also a small number of submissions that consider the parking rates to be excessive considering the proximity to the public transport available.

Furthermore, a concern was raised regarding the proposed vehicular access point on Hume Street may result in a build-up of traffic for cars turning left off Pacific Highway.

TfNSW view

TfNSW confirmed that the proposed retention of the vehicular access via Hume Street is supported, however consideration for left-in-left-out (LILLO) movements only and the driveway being positioned a suitable distance away from Pacific Highway is recommended to prevent potential traffic queues extending back onto the Pacific Highway. It is recommended that the above vehicle access suggestion is incorporated into the draft DCP.

TfNSW also highlights that the residential and retail parking rates proposed in the draft DCP are considered relatively generous. TfNSW supports travel demand management measures, including consideration of reducing the requirement for car parking at this site given the site's proximity to the Crows Nest Metro, St Leonards train station and various bus routes. As such, TfNSW recommends the Proponent to align the draft DCP (in consultation with Council) with the North Sydney Transport Strategy (NSTS) and the North Sydney DCP 2013 'St Leonards Precincts 2 & 3' B4 Mixed Use residential parking rates.

TfNSW is supportive of development controls which seek to reduce car dependency and increase opportunities for active transport. TfNSW has identified that the existing active transport mode share of workers within the Crows Nest area is 15% walking and 5% cycling, and the site is therefore well served by prioritising active transport.

As a result of the considerations above, TfNSW has provided suggestions to be incorporated into the TIA supporting any future DA. TfNSW notes its appreciation of the work has been completed on the Revised Framework Travel Plan, however requests further amendments at the DA stage.

Proponent view

The Proponent considers that the site's location is directly adjacent to the Crows Nest Metro Station and the improved public domain works will be a catalyst for increased public transport patronage and therefore it is not envisaged that residents would be heavily reliant on private transport. As a result, the proposed parking requirements have been proposed in accordance with the draft amendment to the North Sydney DCP rates for sites in proximity to high frequent public transport.

The Proponent notes that the SLCN 2036 Plan was supported by a traffic impact assessment prepared by the State Government to confirm the capacity of the roads to accommodate the increased population, as such, there is suitable evidence to support the intended uplift at the site and the roads are capable of accommodating the growth. Any road infrastructure upgrades that may be required in the future will be funded through the Special Infrastructure Contributions levies.

The supporting TIA identifies that based on the planned future residential, retail and commercial uses, a total of 10 trips in the morning peak hour and 5 trips in the evening peak hour is expected

as a result of the development, which is considered to have a negligible impact on the local road network.

Department Response

The planning proposal enables increased commercial and residential density near the Crows Nest Metro Station (currently under construction), St Leonards Railway Station and North Sydney CBD. The proposal is consistent with the SLCN 2036 Plan and North District Plan as it is accessible to public transport and encourages a walkable neighbourhood to reduce the need for car dependency.

The TIA forecasts a negligible vehicle generation impacts as the proposed commercial and retail uses will service not only the residential units above, but also surrounding development within the walking catchment. Additionally, as North Sydney is a central business district with high rates of employment, the reliance on private vehicles may be further reduced.

The vehicular access to the site will be addressed and assessed at any future DA stage, any future proposed development would be required to address the car parking requirements of Council's DCP. Car parking requirements can be further resolved and assessed at any future DA stage.

The proposal was referred to TfNSW who have supported the proposal subject to several recommendations (largely relating to detailed design and DA matters) and is also supportive of the development controls which seek to reduce car dependency and increase opportunities for active transport.

3.2.4 Issue No. 4 – Visual amenity impacts and loss of views

The proposal will impact on existing views and set a precedent for view loss in the area.

Community view

The community is concerned that the development will result in loss of views and set a precedent for destruction of views in the area.

Council view

Council has previously advised in their submission to the rezoning review application for the proposal that the building will be pronounced from several viewpoints, particularly obvious from properties to the south-west and surrounding residential areas. Visual impacts are largely a result of the primary controls identified in the 2036 Plan which provide for substantial height along the Pacific Highway.

Proponent view

No response was provided by the Proponent in relation to visual amenity impacts and loss of views.

Department Response

The site is located within an area undergoing significant transition due to the construction of the Crows Nest Metro Station and the SLCN 2036 Plan. The proposal is amending the maximum building height, FSR and minimum non-residential FSR to align with SLCN 2036 Plan.

The concept scheme supporting the planning proposal is an indicative built form only. View sharing and minimising visual impact on neighbouring properties can be considered and assessed at any future DA stage.

3.2.5 Issue No. 5 – Overdevelopment, density and bulk and scale

The proposal will further drive overdevelopment in the area and increase densities to a scale that cannot be accommodated.

Community view

The community has raised that the proposed high-density towers in the area will irrevocably change the nature of the built environment and will destroy much of the character that makes Crows Nest unique. Suggestions to reduce the maximum storey height to 12 storeys have been provided as a more suitable compromise for this area that would not lead to the same problems experienced in St Leonards.

The community also considers this area of Sydney to be already overpopulated and overcrowded, and this development would drive pollution and traffic to small streets never developed for the level of traffic anticipated to be generated from the development.

Council view

Council reiterates their concerns on building transition and setbacks as raised in their submission on the proposal's rezoning review application. The relationship and concerns arising of the tower to neighbouring sites remains, with the site not incorporating adjacent properties, the proposal will facilitate a built form that does not comply with the ADG and result in a poor and unresolved interface with the adjacent lower density areas to the west and southwest.

Proponent view

The Proponent provides that the proposal is consistent with the mapped planning controls under the SLCN 2036 Plan, including height in storeys (24 storeys), floor space ratio (7.2:1), non-residential FSR (minimum 2:1), street wall height (4 storeys), ground floor setback (3m) and solar protection to residential areas outside the Plan boundary.

The SLCN 2036 Plan aims to facilitate the urban renewal of St Leonards and Crows Nest by providing increased heights and density to increase jobs within this strategic corridor and grow the residential community to support the significant investment in the precinct (e.g. Crows Nest Metro Station). The Proponent also notes that the planning proposal now proposes a reduced FSR (7.2:1) than what was envisaged for the site under the SLCN 2036 Plan, being 7.5:1.

The North Sydney LSPS states that by 2036, the North Sydney LGA population is expected to increase 19,500 representing a 21% growth and predicted to require a further 11,450 dwellings. This planning proposal is essential for the region to ensure the necessary housing for this residential population can be accommodated.

Department Response

The site is located within an area undergoing significant transition as a result of the Crows Nest Metro Station and the SLCN 2036 Plan. The proposal is amending the maximum building height, FSR and minimum non-residential FSR consistent with SLCN 2036 Plan.

A detailed urban design report supports the proposal which indicates the proposed future development on the site is capable of satisfying ADG principles and requirements. The concept scheme supporting the planning proposal is an indicative built form only. Fine grain detail on bulk and scale matters, including ADG compliance, will be considered during any subsequent detailed design and DA stage.

4 Next Steps

The Department is the Local Plan-Making Authority (LPMA) for this planning proposal.

The Panel's decision and the final planning proposal will be submitted to the Department through the NSW Planning Portal for finalisation.

The Department will prepare a finalisation report in accordance with the LEP Making Guidelines (September 2022) and will determine whether to make the LEP, with or without variation. The Department may defer the inclusion of a matter in the proposed LEP or not make the LEP.

In accordance with section 3.36(1) of the EP&A Act, the Department will organise drafting of the LEP and finalisation of maps and will consult the panel on any draft instrument.

5 Recommendation

Based on this post-exhibition report, it is recommended that the Sydney North Planning Panel determine that the planning proposal should be submitted to the Department for finalisation.

The planning proposal is considered suitable for finalisation because:

- The proposal demonstrates strategic and site-specific merit.
- Submissions raised have been adequately addressed and the proposal warrants support.
- Agency and community consultation has occurred in accordance with the Gateway determination.
- All conditions of the Gateway have been met.

Post-Exhibition Report

PP-2021-5353

5.1 Attachments

Attachment A1-A13 – Planning Proposal as exhibited, (December 2022)

Attachment B1-B3 – Rezoning Review Records of Decision (August 2022, September 2022, October 2022)

Attachment C – Gateway Determination (December 2022)

Attachment D – Assessment Against Gateway Determination

Attachment E – Authorisation of exhibition (February 2023)

Attachment F – Summary of community submissions and responses

Attachment G – Council submission

Attachment H – Agency submissions

Attachment I – Community submissions (redacted)

Attachment J1 – Proponent responses to agency and community submissions (April 2023)

Attachment J2 – Proponent response to Council submission (May 2023)



(Signature)

12 May 2023 (Date)

Kendall Clydsdale

Specialist Planning Officer, Agile Planning and Programs



(Signature)

15/5/23

(Date)

Louise McMahon

Director, Agile Planning and Programs

Assessment officer

Adam Iskander

Senior Planning Officer, Agile Planning and Programs

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