

8.10. Planning Proposal 1/21 - 270-272 Pacific Highway, Crows Nest

AUTHOR: Jayden Perry, Strategic Planner

ENDORSED BY: Joseph Hill, Director City Strategy

ATTACHMENTS:

1. 1. NSLPP Report - pp 1 21 - 270-272 Pacific Highway, Crows Nest [**8.10.1** - 158 pages]
2. 2. NSLPP Minutes - 29 September 2021 - pp 1 21 - 270-272 Pacific Highway, Crows Nest [**8.10.2** - 6 pages]
3. 3. Planning Proposal - pp 1 21 - 270-272 Pacific Highway, Crows Nest [**8.10.3** - 86 pages]
4. 4. Urban Design Report - pp 1 21 - 270-272 Pacific Hwy Crows Nest [**8.10.4** - 32 pages]
5. 5. VPA Letter of Offer - pp 1 21 - 270-272 Pacific Highway, Crows Nest [**8.10.5** - 4 pages]

PURPOSE:

To present an assessment report for Planning Proposal No. 1/21 at 270-272 Pacific Highway, Crows Nest after its consideration by the Local Planning Panel on 29 September 2021.

EXECUTIVE SUMMARY:

Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 270-272 Pacific Highway, Crows Nest.

The Planning Proposal seeks to make the following amendments to the North Sydney Local Environmental Plan 2013 (NSLEP 2013):

- Increase the maximum Height of Buildings Map from 16m to 59m;
- Impose a maximum Floor Space Ratio Map of 5.6:1;
- Increase the minimum Non-residential Floor Space Ratio Map from 0.5:1 to 5.6:1;
- Insert a Site-specific clause allowing a maximum FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses.

The indicative concept scheme accompanying the Planning Proposal includes a 13-storey building, comprising approximately 22,853m² Gross Floor Area (GFA), and basement car parking over three levels.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) (Attachment 5) offer which proposes to provide:

- A monetary contribution of \$3.0 million for the provision of local infrastructure and facilities.

A detailed assessment of the proposal and accompanying documentation has been undertaken in the recent report prepared for the North Sydney Local Planning Panel (NSLPP) (Attachment 1).

For the reasons outlined in this NSLPP Assessment Report (Attachment 1), it is recommended that Council support the progression of the Planning Proposal to the DPIE seeking a Gateway determination, noting a recommended reduction in height from 59m to 54m and the recommendation for site-specific DCP provisions to be prepared to help guide future detailed design and development application assessment process.

It is also recommended that Council accept, in principle, the letter of offer to enter into a Voluntary Planning Agreement.

FINANCIAL IMPLICATIONS:

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) offer which proposes to provide a monetary contribution of \$3.0 million for the provision of local infrastructure and facilities.

RECOMMENDATION:

- 1. THAT** the Planning Proposal (Attachment 3) be amended to Council's satisfaction addressing the recommendations outlined in this report including a reduction in maximum building height to 54m.
- 2. THAT** the General Manager be authorised to negotiate the detailed terms and provisions of a Voluntary Planning Agreement consistent with the applicant's offer (Attachment 5) and as outlined in this report.
- 3. THAT** upon satisfactory negotiation of the contents and detailed terms of the draft VPA and completion of Recommendation No.1, the Planning Proposal be forwarded in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979 seeking a Gateway Determination.
- 4. THAT** a draft site specific DCP be prepared and further considered by Council for the purpose of concurrent public exhibition with the Planning Proposal.
- 5. THAT** upon receipt of a Gateway Determination and the completion of Recommendation No. 4, the associated draft Voluntary Planning Agreement be exhibited concurrently with the Planning Proposal and draft DCP.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

2. Our Built Infrastructure

2.2 Vibrant centres, public domain, villages and streetscapes

3. Our Future Planning

3.1 Prosperous and vibrant economy

3.3 North Sydney is smart and innovative

3.4 North Sydney is distinctive with a sense of place and quality design

4. Our Social Vitality

4.1 North Sydney is connected, inclusive, healthy and safe

5. Our Civic Leadership

5.1 Council leads the strategic direction of North Sydney

BACKGROUND

Pre-lodgement discussions

In December 2020 and February 2021, the proponent met with Council officers to present and discuss the preliminary concept for the site.

Planning Proposal

On 19 March 2021, the Planning Proposal was lodged with Council, which sought to:

- Increase the maximum height of buildings from 16m to 59m;
- Impose a maximum floorspace ratio of 6.87:1;
- Increase the minimum non-residential floor space ratio from 0.5:1 to 6.87:1.

The accompanying indicative concept scheme presents a 13-storey commercial building comprising approximately 26,058 m² Gross Floor Area (GFA), and car parking spaces over three basement levels.

The Planning Proposal was accompanied by a letter of offer to enter into a Voluntary Planning Agreement which included an option to construct a community facility on the Bruce Street frontage of the site to be dedicated to Council or a monetary contribution to go towards community facilities.

On 3 June 2021, a preliminary assessment letter was sent to the applicant outlining Council's issues with the proposal, including its level of consistency with the site-specific FSR control identified in the St Leonards and Crows Nest 2036 Plan, section 9.1 Ministerial Direction relating to the Plan and the potential for amenity impacts resulting from the proposal.

Revised Scheme (the subject of this report)

On 13 August 2021, Council received revised documentation from the applicant which included a reduction in the overall bulk and scale of the proposal and seeks to make the following amendments to the North Sydney LEP:

- Increase the maximum Height of Buildings Map from 16m to 59m;
- Impose a maximum Floor Space Ratio Map of 5.6:1;
- Increase the minimum Non-residential Floor Space Ratio Map from 0.5:1 to 5.6:1;
- Insert a Site-specific clause allowing a maximum FSR of 6.02:1(22,853m²), provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses.

The indicative concept scheme accompanying the Planning Proposal includes a 13-storey building, comprising approximately 22,853m² Gross Floor Area (GFA), and basement car parking over three basement levels.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) offer which proposes to provide A monetary contribution of \$3.0 million for the provision of local infrastructure and facilities.

Further detailed background information is provided in the NSLPP Assessment Report (Attachment 1).

PANEL REFERRAL

On 23 February 2018, the Minister for Planning released a section 9.1 Direction which outlines the instances when a planning proposal must be referred to a Local Planning Panel for advice prior to a council determining whether that planning proposal should be forwarded to the DPE for the purposes of seeking a Gateway Determination. All planning proposals are required to be referred to the Local Planning Panel, unless they meet any of the following exemptions:

- the correction of an obvious error in a local environmental plan;
- matters that are of a consequential, transitional, machinery or other minor nature; or
- matters that council's general manager considers will not have any significant adverse impact on the environment or adjacent land.

The Planning Proposal does not meet any of the exemption criteria and therefore the Planning Proposal must be referred to the Local Planning Panel for advice prior to Council making any determination on the matter

CONSULTATION REQUIREMENTS

Community engagement will be undertaken in accordance with Council's Community Engagement Protocol.

DETAIL

1. Panel Recommendation

On 29 September 2021, the North Sydney Local Planning Panel (NSLPP) considered a report on this planning proposal. The minutes of this meeting are provided at Attachment 2. The panel supported its progression, providing the following reasons.

Panel Reason:

The Panel is satisfied the Planning Proposal as amended above is consistent with the 2036 Strategy, and the development of this site for commercial purposes will be an important employment node for the precinct.

The Panel also notes the site is well served by public transport being 400m from the Metro, and 1 kilometre to St Leonards Station.

The Panel recognises the potential impact on dwellings in Sinclair Street, and therefore supports the preparation of the site specific DCP to ameliorate the impacts.

The Panel recommends that the DCP include a provision providing a maximum 13 storeys above ground, and for the additional FSR proposed to be below ground for commercial uses appropriate to this location.

The Panel agrees with the assessment of a maximum height of 54m and acknowledges an architectural design element may be provided over this.

2. Key Issues

A detailed assessment of the proposal and accompanying documentation has been undertaken in the report prepared for the North Sydney Local Planning Panel (NSLPP) (Attachment 1). A brief summary of the key issues has been discussed below:

2.1 Proposed Floor Space Ratio (FSR)

The proposal includes a provision to allow a total FSR of up to 6.02:1, which is above the 5.6:1 identified in the 2036 Plan. As per the proposed site-specific clause, any additional floor space above 5.6:1 is to only be available if provided below ground level and is to comprise non-residential uses. Whilst ordinarily below ground spaces are not supported due to their lesser levels of amenity, in this instance the applicant has indicated commercial interest in such a space and it will be provided over and above the commercial floor space requirements identified in the 2036 Plan. The additional below-ground FSR sought is considered to be appropriate as it will result in a built-form outcome that does not create additional amenity impacts, will have adequate light and ventilation and will provide additional commercial floorspace in line with the objectives of the 2036 Plan.

2.2 Building Height

The 2036 Plan identifies a maximum building height of 13-storeys for the subject site. The Planning Proposal has sought to realise this by seeking a maximum building height of 59m in order to accommodate a 13-storey commercial building on the site.

It is considered that a 59m height limit is excessive for a commercial building of 13 storeys, even when taking into account generous floor to floor heights of 4m with additional height for plant equipment at roof tope level. Furthermore, such a height has the potential to exacerbate amenity impacts on surrounding properties. As such, it is considered that a reduction in the order of approximately 5m could be reasonably accommodated on the site without curtailing the development potential of any future development application and would also assist in reducing the overall bulk, appearance and impacts of the structure. It is noted that Council's existing LEP (Clause 5.6) provides for the consideration of architectural roof features above the maximum identified height limit through the Development Application process.

2.3 Amenity Impacts

Whilst noting that the proposal is largely compliant with the 2036 Plan, the proposal and associated concept design have the potential to impact upon the solar access, privacy and visual amenity of surrounding properties given the bulk and scale of the resulting structure. As such, it has been recommended that a site-specific DCP be developed for the site in conjunction with the Planning Proposal to ensure the increase in height and FSR on the site will be designed in a way so as to adequately reduce the severity of these impacts.

3. CONCLUSION

The Planning Proposal seeks to amend NSLEP 2013 to increase the maximum building height, floor space ratio, minimum non-residential floor space ratio and to introduce a site specific clause allowing additional FSR at the site provided it is below ground level. The proposal;

- Generally complies with the Department of Planning, Industry and Environment's 'A Guide to Preparing Planning Proposals (August 2016);
- On balance, does not contradict the ability to achieve the objectives and actions of high level planning strategies;
- Is generally consistent with and promotes the desired future outcomes of the St Leonards and Crows Nest 2036 Plan; and
- The scale and bulk of any future development on whilst representing a significant change to the current development on site, is as anticipated by the 2036 Plan.

RECOMMENDATION

For the reasons outlined in this report, it is recommended that Council support the progression of the Planning Proposal to the DPIE seeking a Gateway Determination, noting a reduction in height from 59m to 54m and the recommendation for site-specific DCP provisions to be prepared to help guide future detailed design and development application assessment process.

Item PP01 - REPORTS - 29/09/21

N O R T H S Y D N E Y C O U N C I L R E P O R T S



NSLPP MEETING HELD ON 29/09/21

Attachments:

1. Planning Proposal
2. Design Report (Concept Design)

ADDRESS/WARD: 270-272 Pacific Highway, Crows Nest

PROPOSAL NO: PP1/21

PROPOSAL: To amend North Sydney Local Environmental Plan 2013 as follows:

- Amend the Height of Buildings Map from 16m to a maximum height of 59m;
- Amend the Floor Space Ratio Map to apply a maximum FSR of 5.6:1;
- Amend the Non-residential Floor Space Ratio Map to require a minimum non-residential FSR of 5.6:1; and
- Insert a Site-specific clause allowing a maximum FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses.

OWNER: Silvernight (Crows Nest) Landowner Pty Ltd

APPLICANT: Keylan Consulting on behalf of the applicant Silvernight (Crows Nest) Landowner Pty Ltd

AUTHOR: Jayden Perry, Strategic Planner

DATE OF REPORT: 21 September 2021

DATE LODGED: 19 March 2021

EXECUTIVE SUMMARY

Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 270-272 Pacific Highway, Crows Nest.

The Planning Proposal seeks to make the following amendments to the North Sydney Local Environmental Plan 2013 (NSLEP 2013):

- Increase the maximum Height of Buildings Map from 16m to 59m;
- Impose a maximum Floor Space Ratio Map of 5.6:1;
- Increase the minimum Non-residential Floor Space Ratio Map from 0.5:1 to 5.6:1;
- Insert a Site-specific clause allowing a maximum FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses.

The indicative concept scheme accompanying the Planning Proposal includes a 13-storey building, comprising approximately 22,853m² Gross Floor Area (GFA), and basement car parking over three basement levels.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) offer which proposes to provide:

- A monetary contribution of \$3.0 million for the provision of local infrastructure and facilities.

Having completed an assessment of the Planning Proposal and draft VPA against the DPIE's 2036 Plan and relevant Regional and District Plans, it is recommended that the Planning Proposal be supported to proceed to Gateway Determination.

However, having regard to the sensitivity concerning built form and amenity surrounding the site, it is recommended that a site-specific DCP be developed for the site to help manage the transitional relationship and interface with neighbouring low-density sites including overshadowing impacts. In addition, feedback is sought from the panel on an appropriate height for the site, given the proposed height of 59m is somewhat higher than would be ordinarily expected for a 13-storey commercial tower.

DESCRIPTION OF PROPOSAL

Planning Proposal 1/21 seeks to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 270-272 Pacific Highway, Crows Nest.

The Planning Proposal seeks to make the following amendments to the North Sydney Local Environmental Plan 2013 (NSLEP 2013):

- *Increase the maximum Height of Buildings Map from 16m to 59m;*
- *Impose a maximum Floor Space Ratio Map of 5.6:1;*
- *Increase the minimum Non-residential Floor Space Ratio Map from 0.5:1 to 5.6:1;*
- *Insert a Site-specific clause allowing a maximum FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses.*

The primary objective of the Planning Proposal as described by the applicant is as follows:

- *Amend the North Sydney Local Environmental Plan 2013 to enable the future redevelopment of the Site for as a 13 storey commercial office building and basement level car parking.;*

The indicative concept scheme accompanying the Planning Proposal includes a 13-storey building, comprising approximately 22,853m² Gross Floor Area (GFA), and car parking accommodated within basement levels.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) offer which proposes to provide:

- A monetary contribution of \$3.0 million.

PANEL REFERRAL

On 23 February 2018, the Minister for Planning released a section 9.1 Direction which outlines the instances when a planning proposal must be referred to a Local Planning Panel for advice prior to a council determining whether that planning proposal should be forwarded to the DPE for the purposes of seeking a Gateway Determination.

All planning proposals are required to be referred to the Local Planning Panel, unless they meet any of the following exemptions:

- the correction of an obvious error in a local environmental plan;
- matters that are of a consequential, transitional, machinery or other minor nature; or
- matters that council's general manager considers will not have any significant adverse impact on the environment or adjacent land.

The Planning Proposal does not meet any of the exemption criteria and therefore the Planning Proposal must be referred to the Local Planning Panel for advice prior to Council making any determination on the matter.

BACKGROUND

Pre-lodgement discussions

In December 2020 and February 2021, the proponent and project team met with Council officers to present and discuss the preliminary concept for the site. The following key points were discussed:

- Council staff flagged that due to community concerns around the outcomes of the SLCN 2036 Plan, Council would not support any additional overshadowing impacts outside of the precinct boundary (as defined by the SLCN 2036 Plan).
- It was raised that the FSR sought by the proponent was substantially greater than that identified in the 2036 Plan and a variation of this magnitude was unlikely to be supported.
- It was recommended that a site-specific DCP be prepared to accompany any future Planning Proposal.
- General discussions were held on what opportunities there may be for items to be included in a Voluntary Planning Agreement (VPA)

Planning Proposal

On 19 March 2021, the Planning Proposal was lodged with Council, which sought to:

- Increase the maximum height of buildings from 16m to 59m;
- Impose a maximum floorspace ratio of 6.87:1;
- Increase the minimum non-residential floor space ratio from 0.5:1 to 6.87:1.

The accompanying indicative concept scheme presents a 13-storey commercial building comprising approximately 26,058 m² Gross Floor Area (GFA), and car parking spaces over three basement levels.

A numerical overview of the originally proposed concept scheme is provided below:

Height	59m
Gross Floor Area (GFA)	26,058 m ²
Floor Space Ratio (FSR)	6.87:1
Non-Residential FSR	6.87:1
Whole of building setbacks	Northern boundary – Nil Southern boundary – Approx. Nil Eastern boundary (Pacific Highway) – Nil Western boundary – 6m
Tower setbacks	Northern boundary – 3m Southern boundary – Approx. 3m Eastern boundary (Pacific Highway) – 3m Western boundary – 6m (with tower stepping in at levels 11 and above, increasing side-setback).

The Planning Proposal was accompanied by a letter of offer to enter into a Voluntary Planning Agreement which included an option to construct a community facility on the Bruce Street frontage of the site to be dedicated to Council or a monetary contribution to go towards community facilities.

On 3 June 2021, a preliminary assessment letter was sent to the applicant outlining Council's issues with the proposal, in particular relating to:

- It's inconsistency with the site-specific FSR control identified in the St Leonards and Crows Nest 2036 Plan and by virtue of the degree of non-compliance and impacts arising, is inconsistent with the vision, objectives and actions of the 2036 Plan;
- It's inconsistency with Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan to section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act (EP&A Act) 1979, which requires Planning Proposals be consistent with the 2036 Plan (or any inconsistencies be of minor significance); and
- The potential for the Proposal, if implemented, to undermine the integrity of the strategic planning policies relating to the site, including:
 - Greater Sydney Regional Plan and North District Plan;
 - St Leonards and Crows Nest 2036 Plan and supporting Special Infrastructure Contribution (SIC) Plan; and
 - North Sydney Local Strategic Planning Statement (LSPS).

In light of the issues raised, it was requested that the applicant consider amending or withdrawing the proposal.

Revised Scheme (the subject of this report)

On 13 August 2021, Council received revised documentation from the applicant which included a reduction in the overall bulk and scale of the proposal, the changes of which are outlined in detail below:

- Reduction of the proposed maximum Floor Space Ratio from 6.87:1 (26,058m²) to 5.6:1 (21,240m²);
- Reduction of the proposed minimum non-residential Floor Space Ratio from 6.87:1 to 5.6:1;
- Amendments to the proposed maximum building envelope to reflect the revised planning controls;
- Amendments to the proposed reference design scheme to reflect the revised planning controls;
- Introduction of a new a Site-specific clause allowing a maximum FSR of 6.02:1 (22,853m²), provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses, and;
- Revision of the VPA letter to propose a monetary contribution only (i.e., not provide a purpose built structure as previously suggested).

The revised proposal seeks to make the following amendments to the North Sydney LEP:

- Increase the maximum Height of Buildings Map from 16m to 59m;
- Impose a maximum Floor Space Ratio Map of 5.6:1;
- Increase the minimum Non-residential Floor Space Ratio Map from 0.5:1 to 5.6:1;
- Insert a Site-specific clause allowing a maximum FSR of 6.02:1 (22,853m²), provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses.

A numerical overview of the revised concept scheme is provided below:

Height	59m
Floor Space Ratio (FSR)	5.6:1 (21,240m ²)
Floor Space Ratio (FSR)	6.02:1 (inclusive of below ground component)
Gross Floor Area (GFA)	22,853m ² (inclusive of below ground component)
Non-Residential FSR	5.6:1
Whole of building setbacks	Northern boundary – Nil Southern boundary – Approx. Nil Eastern boundary (Pacific Highway) – Nil Western boundary – 6m (on podium level)
Tower setbacks	Northern boundary – 3m Southern boundary – Approx. 3m Eastern boundary (Pacific Highway) – 3m Western boundary – 8m for southern section, 10m for northern section (with tower stepping in at levels 11 and 12 at southern building).

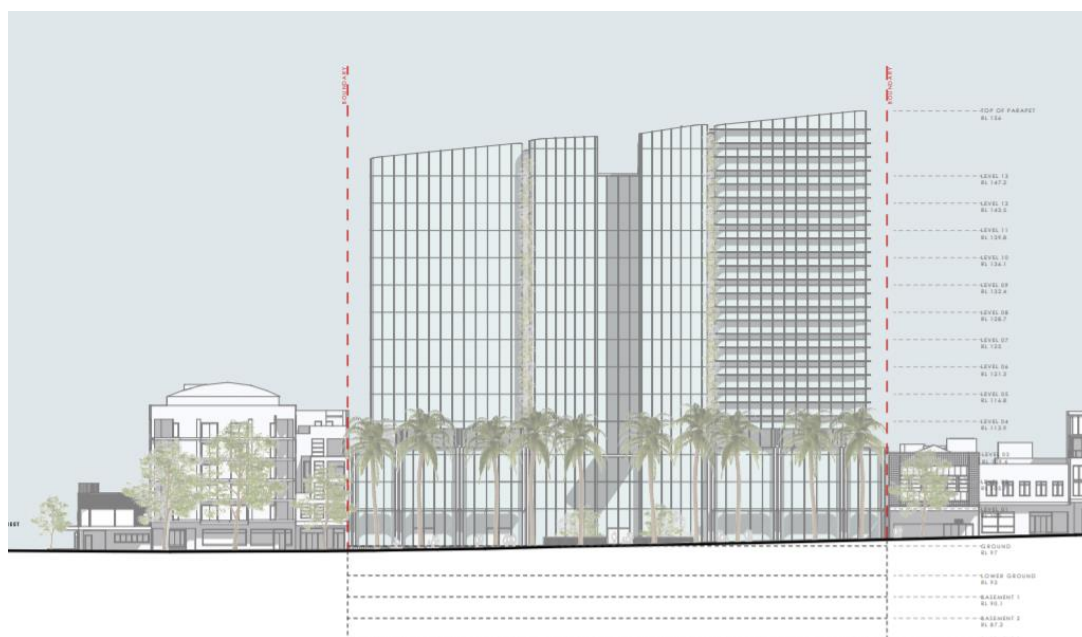


Figure 1. Eastern elevation of concept design (Source: Fitzpatrick + Partners).

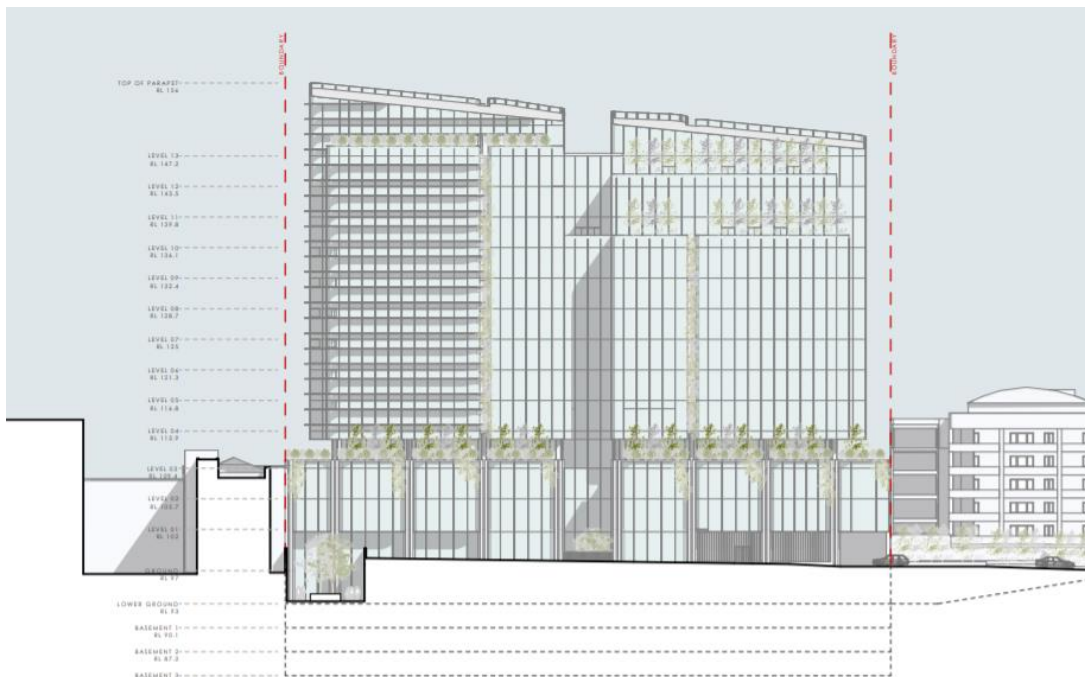


Figure 2. Western elevation of concept design (Source: Fitzpatrick + Partners).

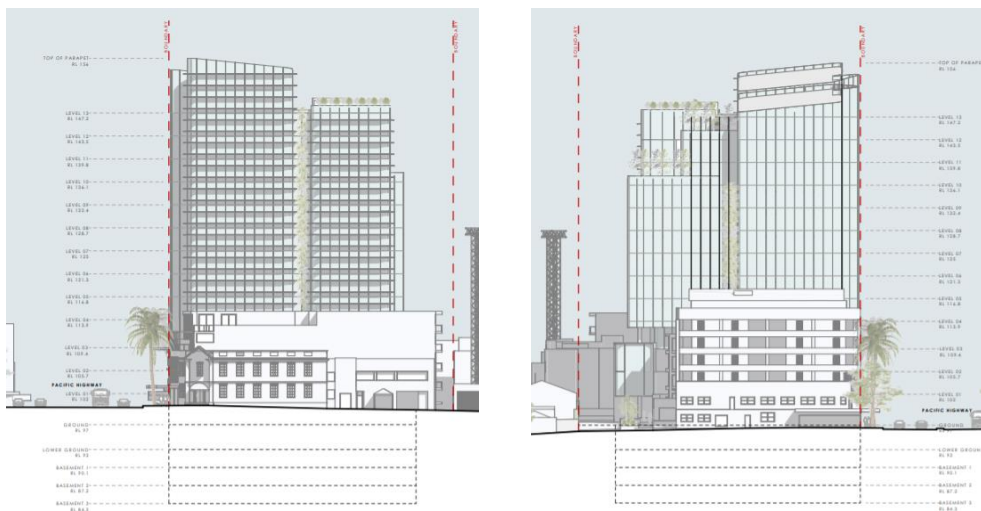


Figure 3. Proposed concept design as seen from the north (left) and south (right) (Source: Fitzpatrick + Partners)

DETAIL

1. Applicant

The Planning Proposal was lodged by Keylan Consulting on behalf applicant Silvernight (Crows Nest) Landowner Pty Ltd, the owners of the subject sites at 270-272 Pacific Highway, Crows Nest.

2. Site Description

The subject site comprises of one (1) allotment of land. The legal property description and existing development is outlined in Table 1 below:

TABLE 1: Property Description		
Property Description	Legal Description	Existing development
270-272 Pacific Highway, Crows Nest	SP 49574	Currently occupied by two mirroring 5 storey mixed use buildings that read as one development. The buildings sit over a single level combined basement which contains approximately 100 parking spaces. The buildings are separated by a small public plaza.

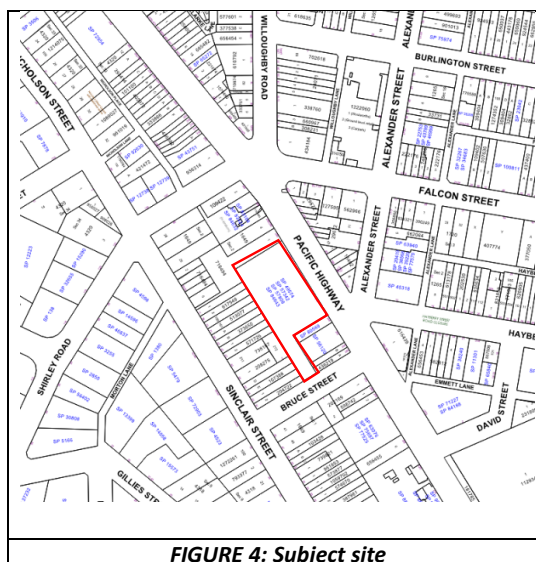


FIGURE 4: Subject site

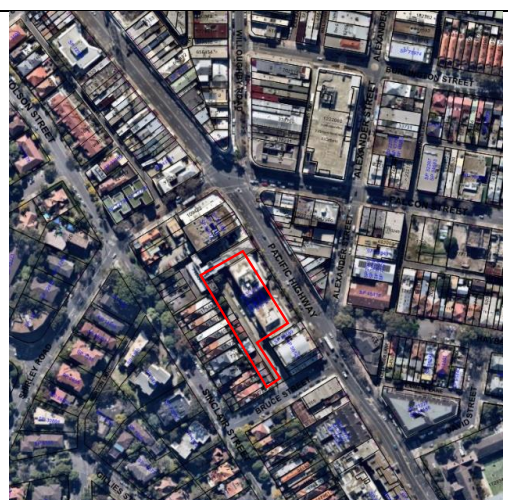


FIGURE 5: Aerial photo of subject site

The Site is located on the western side of Pacific Highway, approximately 70m to the south of the “Five-Ways” intersection. The site is bordered by a commercial property to the north, with residential properties to the west and mixed use (predominantly residential to the south). The allotment includes a ‘handle’ that connects the site to Bruce Street. The site is 3,793m² in area. The land is relatively level, with a slight fall on the western half of the site sloping down toward the western boundary.

The site is currently occupied by two mirroring 5 storey mixed use buildings that read as one development. The buildings sit over a single level combined basement which contains approximately 100 parking spaces. The buildings are separated by a small public plaza. These buildings are shown in figures 6 and 7 below.



FIGURE 6: Photo of subject site as seen from Pacific Highway.

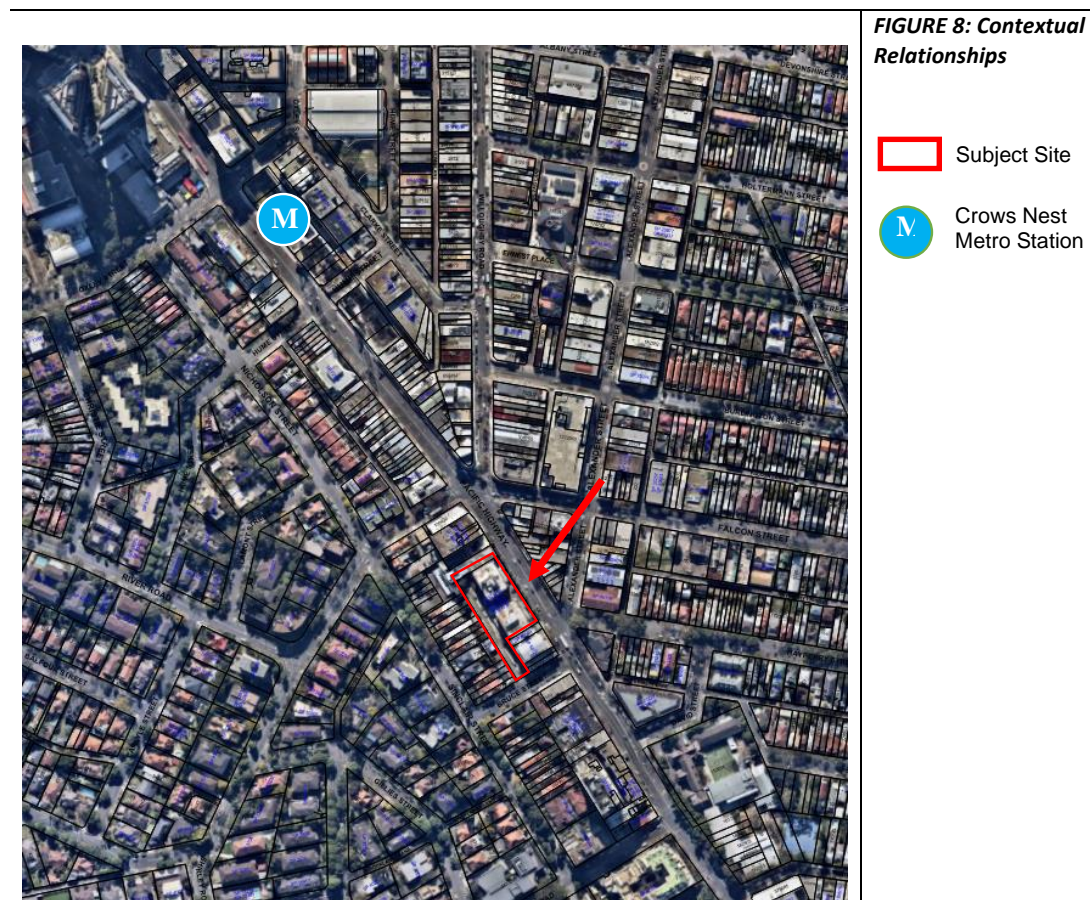


FIGURE 7: Photo of the vehicular entrance to the site as seen from Bruce Street (site is beyond cream residential building).

3. Local Context

The subject site is centrally located within Crows Nest, which is identified as being within the eastern economic corridor under the relevant Regional Plan (A Metropolis of Three Cities) and North District Plan. The area is situated south-west of the central commercial and retail hub of the Crows Nest town centre. The surrounding area includes commercial premises and shopfronts, with low-scale residential development to the west of the site.

St Leonards Railway Station is located approximately 1km walk to the north-west of the subject site, which provides regular services to the south to North Sydney and Sydney CBD, and to the north to Chatswood, Macquarie Park and Hornsby. The future Crows Nest Metro Station (under construction) located approximately 400m to the north-west of the site.



Directly to the north of the site exists a heritage item being the Former North Shore Gas Co office, located at 286-288 Pacific Highway. Land further north includes commercial premises and the heritage item Crows Nest Fire Station. Directly south of the site exists two residential apartment complexes with ground level retail, with a commercial premises located on the corner of Pacific Highway and Bruce Street. To the east of the site is the five-ways triangle site, with the Holtermann estate heritage conservation areas being located further to the east. To the south-west of the site are low-scale semi-detached and terrace houses, having heights of between 1-3 storeys.

4. Current Planning Provisions

The following subsections identify the relevant principal planning instruments that apply to the subject site.

4.1 NSLEP 2013

NSLEP 2013 was made on 2 August 2013 through its publication on the NSW legislation website and came into force on the 13 September 2013. The principal planning provisions relating to the subject site are as follows:

- Zoned B4 – Mixed Use (refer to Figure 9);
- No maximum floor space ratio (refer to Figure 10);
- Maximum building height of 16m (refer to Figure 11);
- Minimum non-residential floor space of 0.5:1 (refer to Figure 12);
- Adjacent to a number of heritage items (refer to Figure 13).

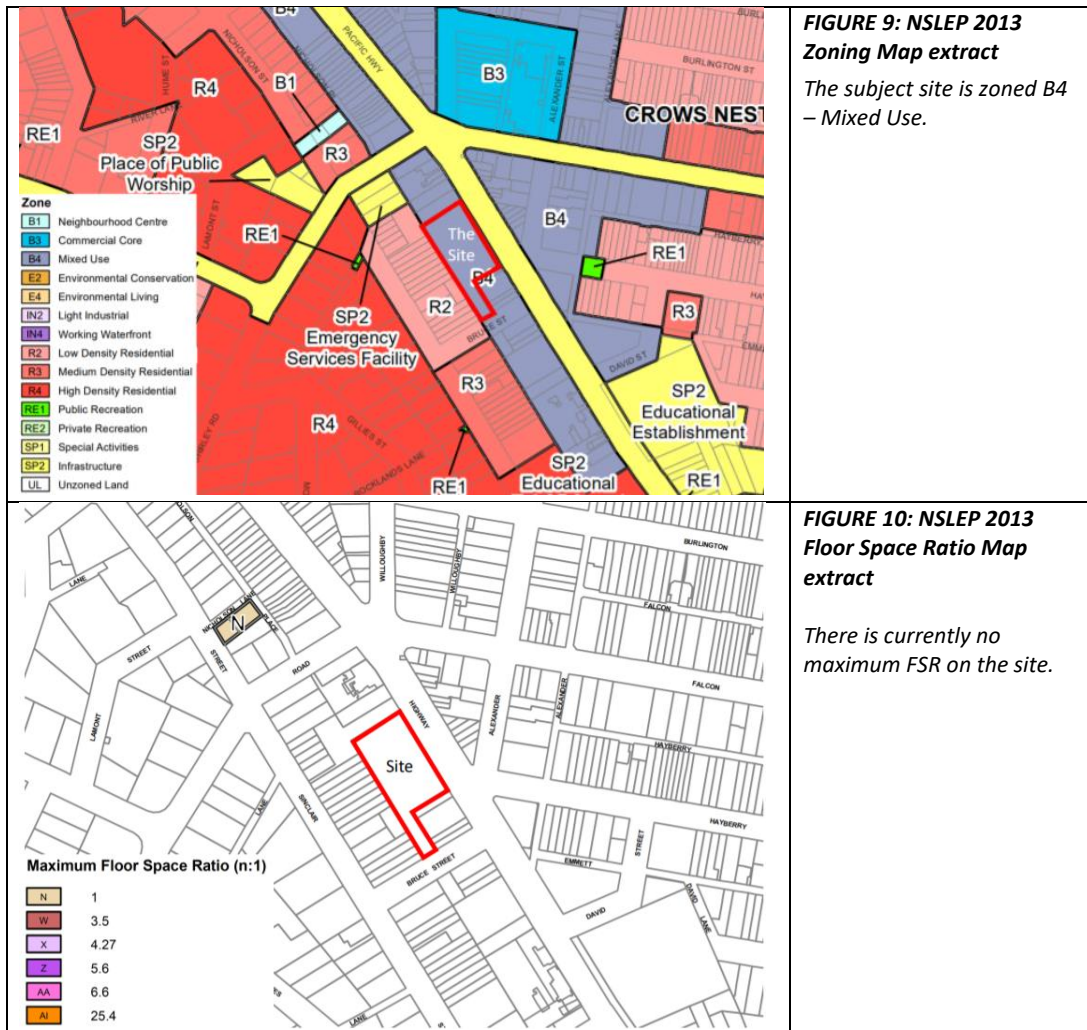




FIGURE 11: NSLEP 2013 Height of Buildings Map extract

The subject site currently has a maximum height limit of 16m.



FIGURE 12: NSLEP 2013 Minimum Non-Residential Floor Space Ratio Map extract

The subject site has a minimum non-residential floor space of 0.5:1.

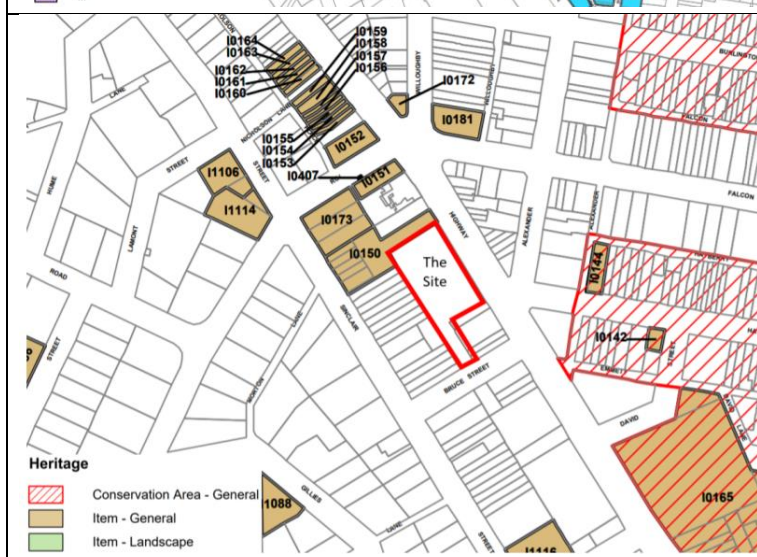


FIGURE 13: NSLEP 2013 Environmental Heritage

The subject site is outlined in red.

5. Proposed Instrument Amendment

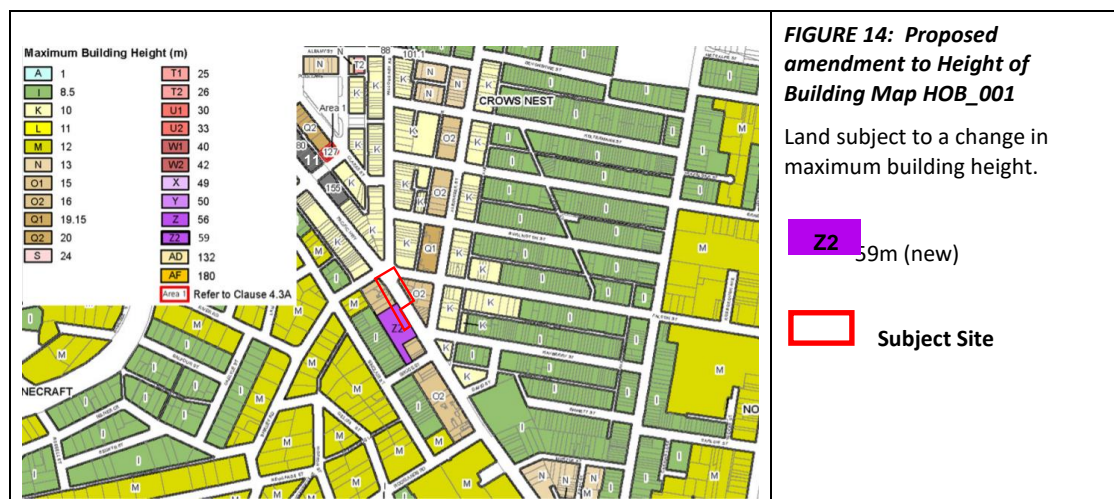
The Planning Proposal seeks to achieve the intended objectives and outcomes by amending NSLEP 2013 as follows:

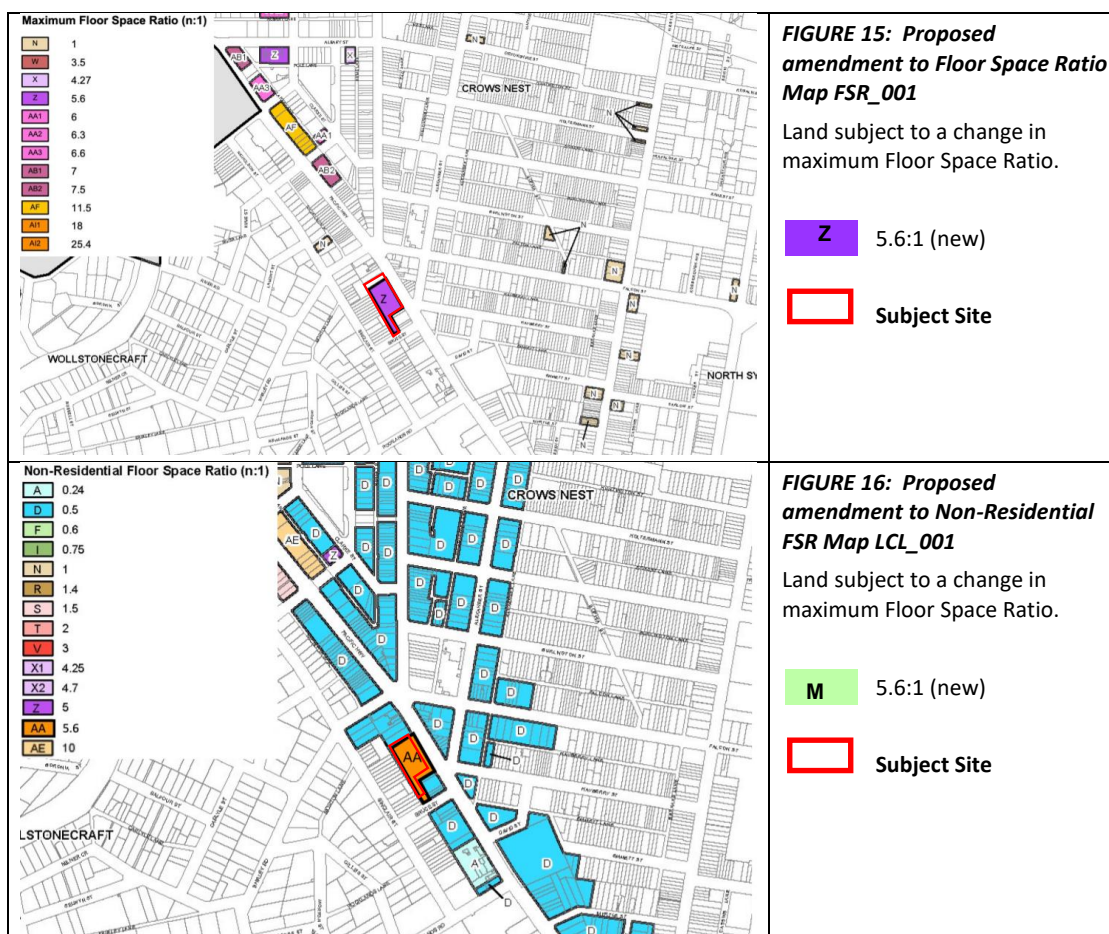
- Increase the maximum Height of Buildings Map from 16m to 59m;
- Impose a maximum Floor Space Ratio Map of 5.6:1;
- Increase the minimum Non-residential Floor Space Ratio Map from 0.5:1 to 5.6:1;
- Insert a Site-specific clause allowing a maximum FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses.

The proposal requires a number of mapping amendments which are described below:

- amend the *Floor Space Ratio Map* (ref: 5950_COM_FSR_001_010_20210727) to NSLEP 2013 such that a maximum FSR of 5.6:1 applies to 270-272 Pacific Highway, Crows Nest;
- amend the *Minimum the Non-Residential Floor Space Ratio Map* (ref: 5950_COM_LCL_001_010_20200810) to NSLEP 2013 such that a Minimum the Non-Residential of 5.6:1 applies to 270-272 Pacific Highway, Crows Nest; and
- amend the *Height of Buildings Map* (ref: 5950_COM_HOB_001_010_20200810) to NSLEP 2013 to apply a maximum building height for 270-272 Pacific Highway, Crows Nest of 59m.

Extracts of the proposed amendments to the relevant maps are illustrated in Figures 14 and 15 below.





6. Draft Voluntary Planning Agreement (VPA)

The amended Planning Proposal was initially accompanied by a draft Voluntary Planning Agreement (VPA) offer proposing to provide a monetary contribution of \$1.5 million.

In consideration of Planning Proposals seeking uplifts to existing development controls, Council typically undertakes an evaluation of the value of the development extent available under the current planning controls and those being sought. The vast majority of these secured to date by Council have related to predominantly residential developments (currently also experiencing highly favourable market conditions).

In this instance, consideration has been given to valuation advice received by Council and alternate methodologies, assumptions and considerations by the applicant. As a result, an amended VPA letter of offer was provided offering to provide a monetary contribution of \$3.0 million towards future local community facilities.

The re-development of the site for commercial purposes is supported by 2036 Plan which aims to facilitate job creation in the area. Given the relative contraction of employment floor space over time within the precinct, Council supports the commercial redevelopment of the site. It is also noted that there are very limited number of sites identified within the 2036 for purely commercial purposes.

In light of the acknowledged challenges facing successful delivery of commercial floorspace (compared to residential development), the monetary contribution proposed under the VPA is considered to constitute a reasonable offer. This is considering the uplift experienced on the site and taking into account the subsequent demand such uplift will have on surrounding local infrastructure. The future site re-development will also be subject to payment of local contributions pursuant to Council's Local Infrastructure Contributions Plan.

Further resolution on the detailed terms of the offer (such as provision of security, timing of payment and other matters) will be required to be negotiated prior to exhibition. To allow the community a full appreciation of what is being proposed, should the application progress to a formal public exhibition, it is recommended that any draft VPA be exhibited concurrently with the Planning Proposal.

ASSESSMENT

7. Planning Proposal Structure

The Planning Proposal is considered to be generally in accordance with the requirements of s.3.33 of the Environmental Planning and Assessment (EP&A) Act 1979 and DPE's '*A guide to preparing planning proposals*' (December 2018). In particular, the Planning Proposal adequately sets out the following:

- A statement of the objectives or intended outcomes of the proposed LEP;
- An explanation of the provisions that are to be included in the proposed LEP;
- Justification for those objectives, outcomes and provisions and the process for their implementation; and
- Details of the community consultation that is to be undertaken on the Planning Proposal.

8. Justification of the Planning Proposal

8.1 Objectives of the Planning Proposal

The primary objective of the Planning Proposal as described by the applicant is as follows:

Amend the North Sydney Local Environmental Plan 2013 to enable the future redevelopment of the Site for as a 13 storey commercial office building and basement level car parking.

The proposed amendments to NSLEP 2013 generally achieve the objectives and intended outcomes of the Planning Proposal as the proposal will;

- Contribute to jobs demand and targets identified,
- Provide employment in close proximity to public transport,
- Deliver significant public domain improvements including active street frontages and high quality public domain,

- Contribute to the rejuvenation of Crows Nest by encouraging and supporting development activity.

8.2 Proposed Floor Space Ratio (FSR)

The proposal includes a provision to allow a total FSR of up to 6.02:1. As per the proposed site-specific clause, any additional floor space above 5.6:1 is to only be available if provided below ground level and is to comprise non-residential uses. An FSR of 6.02:1 yields a GFA of approximately 22,853m² on the subject site. The FSR identified under the 2036 Plan for the subject site is 5.6:1, which equates to a GFA of approximately 21,240m². This represents a potential variation of 1,613m² (or approximately 7.5%). The applicant has provided the following justification for the non-compliance:

- *the proposed amendment to the NSLEP 2013 restricts above ground FSR to 5.6:1 which is consistent with the 2036 Plan. The additional FSR above 5.6:1 must be located below ground, as this space is subterranean it does not contribute to the overall height or scale of the proposal*
- *the proposed building envelope is fully compliant with the building height, street wall height and setback controls within the 2036 Plan, ensuring the bulk and scale of the development is appropriate for the Site*
- *the proposal complies with the solar access requirements within the 2036 Plan, maintaining 2 hours of solar access to residential areas inside the boundary of the 2036 Plan between 9am – 3pm. This includes the properties located to the west of the Site on Sinclair Street which achieve 2 hours of solar access between 1pm – 3pm*

When taking into account the non-compliant FSR, it is necessary to consider the likely impacts resulting from the non-compliance. With respect to built form, the proposal complies with the controls set-out by the 2036 Plan relating to height, setbacks and overall building envelope. It is likely that a fully compliant scheme would result in a similar built form. As such, the impacts associated with the building will be in alignment with those anticipated by the Plan.

In consideration of the internal amenity of the building's future occupants, generally speaking, below ground areas are less acceptable for as many uses and are typically provided as basement and storage areas due to lack of natural light and ventilation. To overcome this, the concept scheme has included atrium areas surrounding the built form to allow light and air to enter the lower ground level. The applicant has expressed in their report that the underground area will provide additional employment floor space. This speaks to the need for flexible commercial floorspace that caters to a variety of uses. It is considered in this instance that a single below-ground floor level, having access to a reasonable degree of natural light and ventilation via the atrium areas, would provide adequate amenity to support secondary uses additional to other commercial uses at the site. It should be noted that this would not have been an acceptable outcome if such floor space, were proposed to comply with minimum commercial floor space requirements.

In this instance, the additional below-ground FSR sought is considered to be appropriate as it will result in a built-form outcome that does not create additional amenity impacts, will have adequate light and ventilation and will provide additional commercial floorspace in line with the objectives of the 2036 Plan.

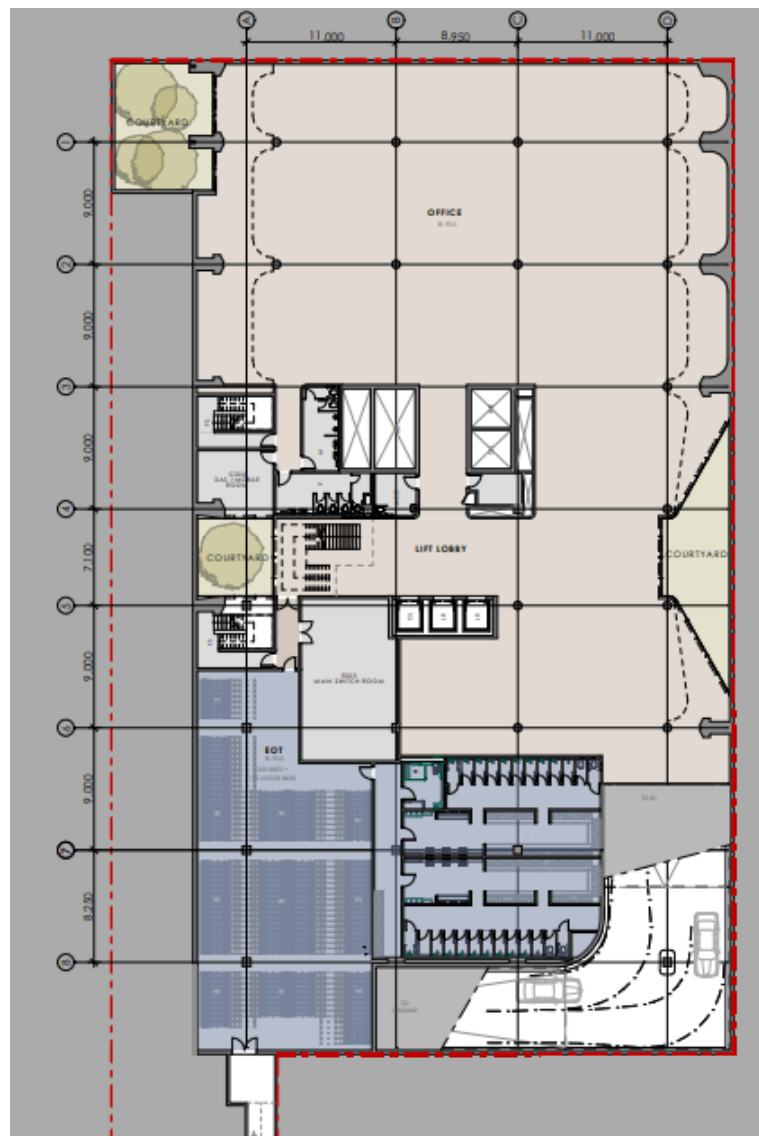


Figure 17. Lower ground level with internal courtyard areas (Source: fitzpatrick + partners 2021).

8.3 Building Height

The 2036 Plan identifies a maximum building height of 13-storeys for the subject site. The Planning Proposal has sought to realise this by seeking a maximum building height of 59m in order to accommodate a 13-storey commercial building on the site.

The concept scheme shows a building with a height of up to RL156 (59m) at its highest point, with the building reducing in height towards the south and west (figure. 18). The scheme shows somewhat typical floor to floor heights for a commercial tower, with most floors showing a floor-to-floor height of 3.7m. However, the scheme shows the ground level with floor-to-floor heights of 5m, podium plant level with height 4.5m and the upper rooftop plant level showing a height of approximately 8.8m.

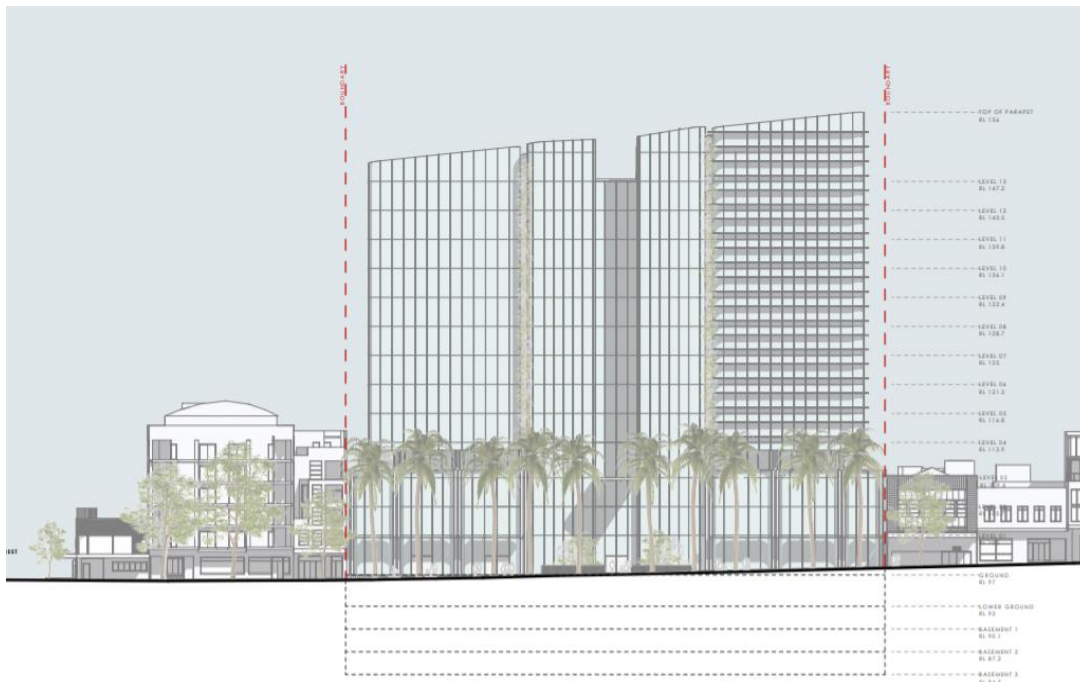


Figure 18. Eastern elevation of concept scheme (Source: fitzpatrick + partners 2021).

The ground level and mid-plant floor-to-floor heights are relatively common and not considered to be an issue. With respect to the roof plant level, it is considered that a height of 8.8m is excessive, ultimately resulting in a building higher than what would be expected for a 13-storey commercial tower.

The applicant has cited flexibility as the reason for seeking additional height, given the design is in its early stages and will likely be subject to changes at the development application stage. Furthermore, they have attested that there is a need for a higher plant room in this instance as the roof plant itself is restricted to the northern half of the building and thus is required to fit a larger number of services.

Whilst it is acknowledged that there is a need to allow flexibility in controls to facilitate future detailed design, there is also a need to ensure that the height being sought is appropriate for the site and reflects the controls envisaged by the 2036 Plan. It is further acknowledged that the applicant has gone to some trouble to provide for an interesting skyline on the development of the proposal. The difficulty with this, however, is that the Planning Proposal is a limited process to afford this type of design refinement and Council must take care not to invite unintended consequences in setting an overly generous height limit in a sensitive environment as is the case with the subject site. It is considered that the total building height being sought by the applicant could be reduced given the site's sensitive setting. A modest reduction of 5m in the building height being sought would not significantly curtail any future design changes, given what is considered an excessive plant height, and would also assist in reducing the overall bulk and appearance of the structure.

In consideration of the argument raised by the applicant and the concerns raised by Council, feedback is sought from the Panel with respect to the overall building height. It is considered that a reduction in the order of approximately 5m could be reasonably accommodated. Furthermore, it is recommended that the roof plant and design be refined as part of a site-specific DCP to add clarity to any future application on the site.

8.4 Building Transition

The 2036 Plan sets a minimum rear setback of 6m, with the proposed concept design showing a setback of 6m for the podium levels and between 8m and 10m for the upper levels. Whilst the proposal is numerically compliant with these controls, it is also necessary to consider the urban design principles of the 2036 Plan.

The Plan includes the 'transition and interfaces' principle, which makes references to the fact that height transitions should be sought for development adjacent to lower scale areas. The concept design included with the proposal shows a 'stepping' of the built form at higher levels. The applicant has provided the following comment on the building transition, with such transition shown in the proposed setbacks in figures 19 and 20.

Proposed 11 "full" storeys + 2 "terraced" storeys is respectful of the solar access goals, aligns with the 2036 Plan intentions, and creates a built form that better responds to future and existing conditions, including the future Five Ways height to create a Gateway to the Precinct

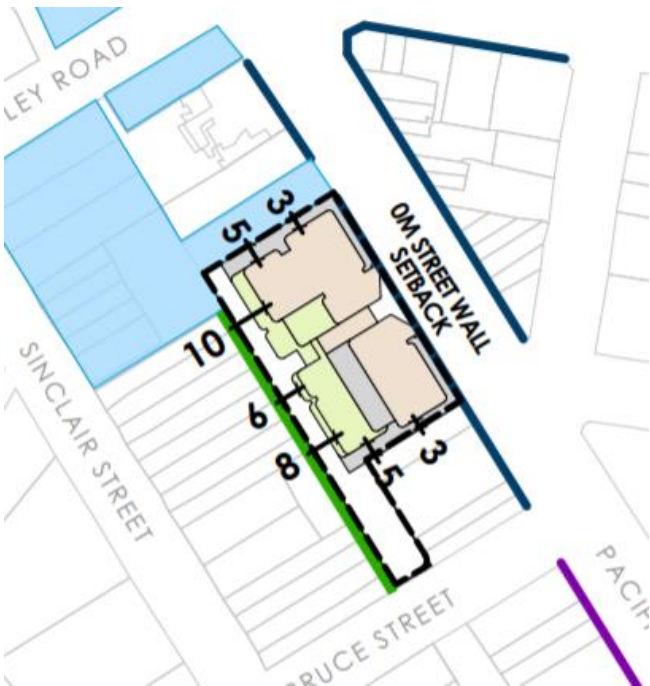


Figure 19. Proposed setbacks under concept plan (Source: fitzpatrick + partners 2021).

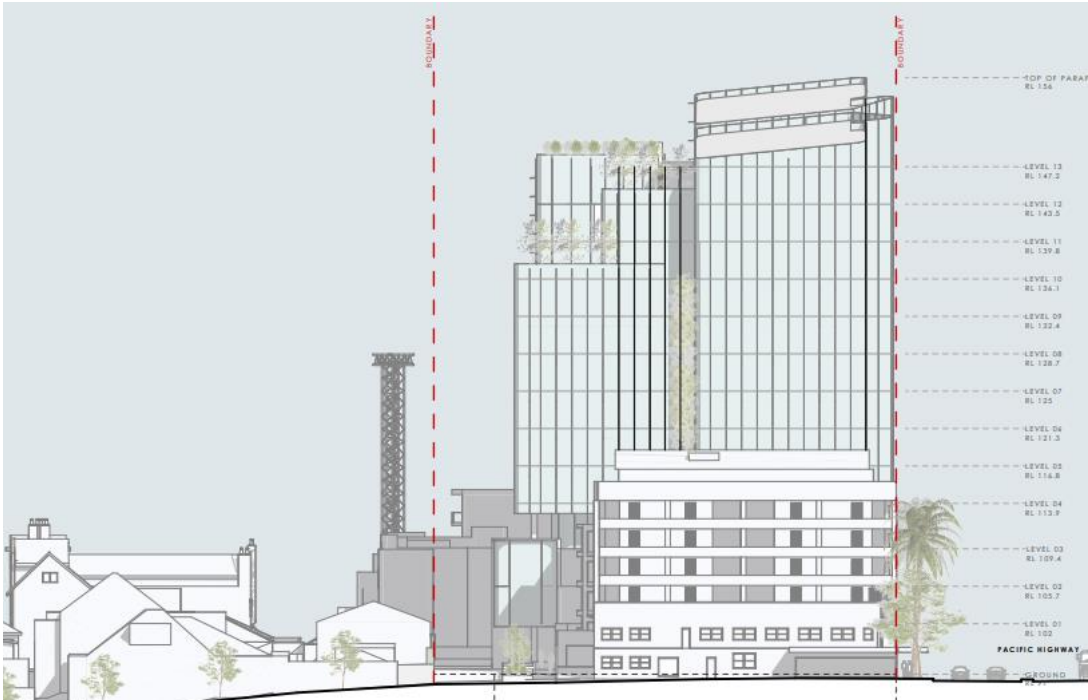


Figure 20 - Building relationship as viewed from the south (Source: fitzpatrick + partners 2021).

Whilst it is observed that the interface or physical spatial relationship between the existing low density residential and that proposed is dramatic, this is difficult to entirely avoid considering the vast difference in allowable heights between the sites as stipulated under the 2036 Plan. The Pacific Highway is identified as a major development corridor in the area, with other sites along Pacific Highway earmarked to present comparable transitions and interfaces to what is proposed. In light of the proposal being compliant with the building envelopes envisaged by the 2036 Plan and considering the future heights and density identified along the corridor and throughout the precinct, the proposed building transition or interface to the rear in this instance is considered to be acceptable in this context.

With respect to the front setback area, the proposed podium height complies with the 2036 Plan and is equivalent to the 2-storey heritage building height to the north. This provides a good contextual response along Pacific Highway. The concept scheme proposes an upper tower setback of 3m, however shows building articulation elements encroaching upon this setback. It is noted that, generally, articulation elements are preferred to be located behind the setback area so as to reduce the visual bulk of the structure.

The 2036 Plan did not stipulate side setbacks for the site. The concept scheme proposes a nil setback to the podium level and a tower setback of 3m to both the northern and southern boundaries. It is noted that the Plan identifies the site to the north and south as having the potential to house up to 8-storey mixed use buildings. Such setbacks in the context of neighbouring developments would be considered small and have potential to reduce amenity to surrounding development. Consideration should be given to increasing these setbacks at the future design stages.

In consideration of the matters raised above, it is recommended that a site-specific DCP be prepared prior to exhibition to ensure that the conceptual transitional interface (provided in the supplied reference design) and setbacks remain key design features of the proposal. Provision for canopy tree planting should also be required to provide for improved visual amenity to the surrounding area and to adjacent residential properties.

8.5 Alternative Options

The DPIE's *'A Guide for Preparing Planning Proposals'* (2016) requires Planning Proposals to consider if there are alternative options to achieving the intent of the proposal.

The Planning Proposal considers whether a Planning Proposal is the best means of achieving the objectives or intended outcomes, or whether there is a better way. It makes reference to the fact that, under existing controls, the development envisaged by the 2036 Plan could not be achieved. There exists no other mechanism to achieve the development set out in the 2036 Plan other than amending the LEP.

As such, the proposed means of amending the Height of Building, FSR and non-residential FSR maps and including the site-specific FSR bonus, is considered by the applicant to be the most appropriate means of achieving the intent of the Planning Proposal.

8.6 Environmental Impacts

Whilst the proposal complies with relevant built form controls under the 2036 Plan, this is a minimum and does not consider privacy, visual and solar amenity to the existing adjacent residential properties in detail. As outlined in sections below, the applicant has gone to some effort to document expected overshadowing and associated impacts as detailed within the attached Planning Proposal and accompanying Indicative Design documents.

8.6.1 Overshadowing

The St Leonards Crows Nest 2036 plan, within Chapter 3 – Built form, contains Urban Design principles Solar Access provisions (page 37) which state;

Retaining solar access to public open space, valued streetscapes, and residential areas is a key objective of the Plan. Solar access controls – are outlined in the Solar Access Map. The solar access controls protect these key places by requiring that new development in the area does not produce substantial additional overshadowing during specific hours in mid-winter (21 June). These requirements can limit the bulk and scale of new development in order to maintain hours of solar access.

The solar access map (page 38) identifies the neighbouring sites along Sinclair Street (map reference 11) and provides

Residential Areas (9-3pm)

Residential areas inside boundary (for at least 2 hours)

The proposal states that it complies with the 2036 Plan's solar access requirements for residential areas inside the precinct boundary to the extent that these residential areas still achieve the minimum required 2 hours solar access between 9am – 3pm. The applicant's Urban Design Report includes shadow diagrams which indicate that there will some minor overshadowing still on the rear yards of properties to the west of the site between 1pm and 1:30pm. These sites will in mid-winter, be largely in shadow prior to this time. Below are extracts from the accompanying reference design provided by the applicant.



Figure 21. Overshadowing resulting from the proposal. (Source: fitzpatrick + partners 2021)



Figure 22. Rear lane between the proposal and properties to the rear.

The impacts to the rear open space of properties along Sinclair Street are somewhat mitigated when considering that there exists garages or rear fences to the rear of the properties adjacent to the shared laneway between the sites which are not habitable and cast some afternoon shadowing themselves under existing conditions. It is also noted that the rear setback identified in the concept scheme is for a 8-10m setback as opposed to the 6m setback identified in the 2036 Plan.

Notwithstanding this, the plan prescribes a relatively modest minimum amount of solar access than would otherwise ordinarily be expected to be maintained in a low-density residential environment and these dwelling will be largely in shadow (mid-winter) prior to 1pm. The shadows cast appear to be largely clear of the dwellings themselves however the rear yards, and potentially some rear living windows, will have some level of overshadowing (after 1pm) which would be preferable to be minimised. Bearing in mind that the concept plans are intended to serve as a “proof of concept” rather than approved building designs, it is considered that further massaging of the built form can reasonably be achieved to offer better solar access outcomes at the development application stage of the process. In this context, it is recommended that further consideration be given to the building design and overall height, particularly to the north-western corner of the building (from which the shadow is cast) to further mitigate overshadowing and improve solar access to these properties to bring into compliance with the plan. It is recommended that this issue be further detailed in a site-specific DCP.

8.6.2 Privacy and Visual Impact

The visual impact of the building will be pronounced from several viewpoints as shown in the view diagrams submitted with the proposal. This will be particularly obvious from properties to the south-west of the site and also from surrounding residential streets.



VIEW 06 - CORNER OF SINCLAIR & BRUCE STREETS

Figure 23. View north-east toward the proposal from the corner of Sinclair Street and Bruce Street (Source: fitzpatrick + partners 2021)..

Notwithstanding this, the visual impacts are largely a result of the primary controls established in the 2036 Plan and it is a reasonable conclusion that the Plan foreshadowed such impacts in its formulation. It is considered that the proposed building has been reasonably articulated in an attempt to reduce the overall apparent bulk and appearance of the structure. It is recommended that substantial tree planting be included on the site to further soften the buildings appearance. This can be further included in a Draft DCP. Furthermore, measures to ensure adequate levels of privacy to surrounding properties should be implemented at the development assessment stage.

8.6.3 Impacts on adjoining Heritage Items

Council's conservation planner provided comments specific to the design of any future building. These can be broken down into two categories focussing on:

1. building scale and form, and
2. specific architectural design and materials.

With respect to building scale and form, it was noted that consideration should be given to a greater front setback to any future tower to better respect the heritage item to the north; that the podium height should respond to the item by way of limiting its height to not be higher than the flat pilasters on the sides of the first floor level of the item and that any future building include a massing and form that better responds to the heritage item.

Having regard to the specific architectural design and materials, it was noted that the awning height should match the heritage item to the north and should be of a design that responds to the form and materials of surrounding awnings, that the character of any future podium respond to the character of surrounding shopfronts, that the proposal include less glazing and more of a solid style and that any future building materials used should reflect the character of the Crows Nest area including exposed brick among other materials.

Council is satisfied that this matter can be addressed in greater detail in any future development application and should not preclude the proposal from progressing.

8.6.4 Views

In terms of view impacts, the proposal will have some minor impacts on the outlook of surrounding properties. However, this is largely a result of the increased height of the building as foreshadowed in the 2036 Plan, with the existing buildings on the site still likely having impact on view potential of surrounding properties. As such, it is not expected that the proposal will result in any significant view loss in the area. Further considerations of view loss could be addressed in greater detail in any future development application if the proposal were it to proceed in its current form.

8.6.5 Parking and access implications

The proposed concept includes a total of 202 off street parking spaces. The proposal also seeks to retain the existing vehicular access via Bruce Street.

Council's strategic transport planner has commented that the proposal should provide visitor / customer cycling parking at grade, either within the site boundary or within the nearby road reserve (with Council's permission), as close as feasible to building entrances for associated land uses. These spaces should be visible from the current/future cycling network (visibility), overlooked by adjacent land uses (security), covered (weather) and well lit (night-time security). Conversely, end of trip facilities such as lockers and showers need only be provided for the workers at the site.

Further comment has been made that the interaction of the "existing (cycle) ramp" and the laneway at the rear of the site does not appear to provide appropriate sight-lines to the laneway for cyclists exiting the site on to the laneway at the top of the ramp. This could have particular safety implications for cyclists. It is also unclear how the ramp links to the basement area where the cycling compound is located. These matters may be addressed as part of any future detailed development application.

Council is satisfied that the parking provided on-site and proposed access arrangements are suitable for the proposal and will not result in significant additional adverse impacts on the surrounding area. Other matters raised can be addressed in greater detail in any future development application and should not preclude the proposal from progressing at this point.

8.6.6 Wind

As outlined in the 2036 Plan under the area wide design principles for 'place', new developments are expected to have consideration to wind impacts demonstrated through a wind assessment.

The applicant has provided a formal wind assessment which indicates that, being slightly larger than most surrounding structures, the proposed development will have some effect on the local wind environment. It notes that any changes in current wind patterns are not expected to be significant from the perspective of pedestrian comfort or safety. Furthermore it makes reference to the fact that measures of local amelioration may be used to mitigate these impacts.

Council is satisfied that this matter can be addressed in greater detail in any future development application and should not preclude the proposal from progressing.

8.7 Policy and Strategic Context

8.7.1 Section 9.1 Ministerial Directions

Section 9.1 of the EP&A Act enables the Minister for Planning to issue directions regarding the content of Planning Proposals. There are a number of Section 9.1 Directions that require certain matters to be addressed if they are affected by a Planning Proposal. Each Planning Proposal must identify which Section 9.1 Directions are relevant to the proposal and demonstrate how they are consistent with that Direction.

The Planning Proposal is considered to be generally consistent with all relevant Ministerial Directions, with the exception of *Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan* as discussed Below.

8.7.1.1 Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan

Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan applies when a relevant planning proposal authority prepares a Planning Proposal for land within the St Leonards and Crows Nest Precinct as identified on Map Sheet LAP_001 St Leonards and Crows Nest 2036 Plan Ministerial Direction Map.

Subclause (4) to the Direction states that a planning proposal authority must ensure that a planning proposal is consistent with the St Leonards and Crows Nest 2036 Plan, as approved by the Minister for Planning and Public Spaces and published on the DPIE website on 29 August 2020. However, subclause (5) to the Direction states:

A planning proposal may be inconsistent with the terms of this direction only if the planning proposal authority can satisfy the Secretary of the Department of Planning, Industry and Environment (or their nominee), that:

- (a) *the provisions of the planning proposal that are inconsistent are **of minor significance**, and*
- (b) *the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of the Plan's vision, objectives and actions.*

As demonstrated at section 8.6.4 of this report, the proposal is generally consistent with the Vision, Objectives and Actions of the 2036 Plan to the extent it will provide flexible upgraded commercial floorspace to support jobs in Crows Nest within close proximity to high frequency public transport, being strategically located within the St Leonards Health and Education Precinct providing opportunities for partnerships with nearby hospitals for health-related uses.

It is noted that the proposal exceeds the maximum FSR by 0.42:1 or 7.5%. As per the proposed site-specific clause, any additional floor space above 5.6:1 is to be located below ground level and is to comprise non-residential uses which will further provide for future employment opportunities.

The 2036 Plan states that, under this Direction, Planning Proposals may be inconsistent with the Plan if, in addition to achieving the vision, objectives, planning principles and actions identified in the Plan, the proposal clearly demonstrates that better outcomes and supporting infrastructure can be delivered.

For reasons outlined in the report, the Planning Proposal demonstrates that, on balance, better outcomes can be delivered through the proposed additional FSR and public benefits proposed, including providing flexibility in commercial space. Subsequently, the concept building envelopes are compatible with the identified future character of the area as established under the 2036 Plan.

8.7.2 Greater Sydney Regional Plan (A Metropolis of Three Cities)

Metropolis of Three Cities (Regional Plan). The Plan sets a 40-year vision (to 2056) and establishes a 20-year Plan to manage growth and change for Greater Sydney within an infrastructure and collaboration, liveability, productivity and sustainability framework.

The Regional Plan is guided by a vision of three cities where most people live within 30 minutes of their jobs, education and health facilities, services and great places. The Regional Plan aims to provide an additional 725,000 new dwellings and 817,000 new jobs to accommodate Sydney's anticipated population growth of 1.7 million people by 2036.

Crows Nest is identified as being within the Eastern Economic Corridor under the Regional Plan.

The Planning Proposal is considered to be generally consistent with the strategic directions, objectives and strategies of the Regional Plan, as it will:

- increase commercial floorspace near the heart of a Strategic Centre in proximity of high frequency public transport and services; and
- support investment and business activity in the Strategic Centre.

The Planning Proposal is considered to be consistent with the directions and objectives identified in the Plan.

8.7.3 North District Plan

In March 2018, the NSW Government released the North District Plan. The Plan provides the direction for implementing the Greater Sydney Regional Plan: *A Metropolis of Three Cities* at a district level and sets out strategic planning priorities and actions for the North District.

The North District Plan has also established the following housing and jobs targets:

Housing Target	North Sydney LGA	North District
5 year (2016-2021)	+3,000 new dwellings	+25,950 new dwellings
20-year (2016-2036)	Council to prepare Local Housing Strategy (LHS)	+92,000 new dwellings

Jobs Target	North Sydney LGA	North District
20-year (2016-2036)	+15,600 – 21,100 new jobs	+54,400-86,900 new jobs

The Planning Proposal is considered to be generally consistent with the planning priorities of the North District Plan, as it will:

- increase in the supply of employment generating floor space to meet the forecast demand of 16,500 jobs within the St Leonards and Crows Nest Precinct by 2036; and
- encourage innovation and growth within the eastern economic corridor.

8.7.4 St Leonards and Crows Nest 2036 Plan

The *St Leonards and Crows Nest 2036 Plan* (2036 Plan) requires all future planning proposals and development applications within the St Leonards and Crows Nest investigation area to have regard to the draft 2036 Plan's vision, area wide design principles, design criteria and proposed planning controls. The proposal's performance against these criteria, including a justification for where the concept proposal seeks to implement an alternate solution to the criteria, is discussed below.

Vision

The Planning Proposal is considered to be generally consistent with the vision of the 2036

Plan insofar as it will:

- Result in the creation of 22,853m² of commercial floorspace in the outer edge of the precinct, providing a much need employment centre in the Crows Nest area;
- Provide uplift in an accessible place and improve permeability and legibility through the provision of improved pedestrian amenity.
- Assist in achieving a vibrant community by providing an active frontage, while avoiding any significant impact on built heritage;

Design Principles

The Planning Proposal is considered to be generally consistent with the area wide design principles of the draft 2036 Plan insofar as it will:

- Provide employment floorspace within close proximity to Crows Nest Metro station and respects the transitional height envisaged by the Plan;
- Result in a sufficiently articulated design which will seek to activate the section of the Pacific Highway.

Proposed Planning Controls

The proposal is generally compliant with the controls envisaged by the 2036 Plan. These have been outlined in the table below:

<i>Control</i>	<i>2036 Plan</i>	<i>Proposal</i>	<i>Compliance</i>
Land use Zone	B4 Mixed Use	B4 Mixed Use	Complies.
Height of Buildings	13 Stories	59m (13 stories)	Complies with the # of stories, however, a reduction of 5m in the numerical height limit will be recommended.
Floor Space Ratio (FSR)	5.6:1	5.6:1 (6.02:1 including site-specific clause)	Considered acceptable. Discussed in detail below.
Non-residential FSR	5.6:1	5.6:1 (up to 6.02:1 including site-specific clause)	Acceptable.
Street Wall Height	3 Storeys	3 Storeys	Complies
Setbacks	Front: 0m	0m (3m above podium setback).	Complies.
	Side: Not specified.	Nil podium setback, 3m tower setbacks	Acceptable.
	Rear: 6m	Between 8m – 10m.	Complies.

Solar Access	No additional overshadowing of nominated public open space between 10am - 3pm	No overshadowing of nominated open space.	Complies.
	No additional overshadowing of nominated streetscapes between 11.30am - 2.30pm	No additional overshadowing of nominated streetscapes.	Complies.
	Maintain at least 2 hours of solar access to residential areas inside the boundary of the plan between 9am – 3pm	Shadow diagrams submitted by the applicant indicate level of solar access to be provided to residential properties to the south-west of the proposal between the hours of 1pm-3pm.	Acceptable subject to further design refinement. See detailed discussion in Overshadowing section of the report.

It is noted that the proposal exceeds the maximum FSR by 0.42:1 or 7.5%. As per the proposed site-specific clause, any additional floor space (approx. 1,600m²) above 5.6:1 is to be located below ground level and is to comprise non-residential uses. In consideration that the additional FSR will be below ground level, it is not anticipated that the additional floor area will significantly add to impact the height, bulk or scale of the future building on the Site.

As such, it is considered in this instance that the proposed controls and indicative built form are not inconsistent with the vision and design of the draft Plan.

8.7.5 North Sydney Local Strategic Planning Statement (LSPS)

New legislative requirements introduced by the NSW Government in March 2018, require all councils prepare a Local Strategic Planning Statement (LSPS) to guide future land use planning and development. The LSPS is required to be consistent with the *Greater Sydney Regional Plan* ('A Metropolis of Three Cities') and the *North District Plan*, providing a clear line-of-sight between the key strategic priorities identified at the regional and district level and the local and neighbourhood level.

Following receipt of a Letter of Support from the Greater Sydney Commission (GSC), Council adopted the North Sydney LSPS on 24 March 2020. This document sets out Council's land use vision, planning principles, priorities and actions for the North Sydney LGA for the next 20 years. It outlines the desired future direction for housing, employment, transport, recreation, environment and infrastructure. The LSPS will guide the content of Council's Local Environmental Plan (LEP) and Development Control Plan (DCP) and support Council's consideration and determination of any proposed changes to development standards under the LEP via Planning Proposals.

An assessment of the proposal against relevant North Sydney LSPS local planning priorities is undertaken in Table 5 below.

TABLE 5: Compliance with <i>North Sydney Local Strategic Planning Statement</i>	
Local Planning Priority	Comment
I1 – Provide infrastructure and assets that support growth and change	The Planning Proposal is accompanied by a draft VPA that proposes to provide monetary and in-kind contributions to Council, commensurate with the growth and change proposed on this site.
I2 – Collaborate with State Government Agencies and the community to deliver new housing, jobs, infrastructure and great places.	The proposal provides commercial floorspace which will deliver jobs close to public transport.
L1 – Diverse housing options that meet the needs of the North Sydney community	N/A
L2 – Provide a range of community facilities and services to support a healthy, creative, diverse and socially connected North Sydney community.	N/A
L3 – Create great places that recognise and preserve North Sydney's distinct local character and heritage.	The proposed site-specific controls are generally consistent with standards set out in Council's Planning Study and the DPIE's 2036 Plan. The proposal scheme generally conforms with the emerging character of the locality and does not adversely impact local heritage.
P1 – Grow a stronger, more globally competitive North Sydney CBD	N/A
P2 – Develop innovative and diverse business clusters in St Leonards/Crows Nest	The proposal will provide a substantial amount of commercial floorspace to support the Crows Nest centre and will facilitate the location of diverse business clusters within the area.
P3 – Enhance the commercial amenity and viability of North Sydney's local centres.	N/A
P4 – Develop a smart, innovative and prosperous North Sydney economy.	The proposal includes commercial floorspace in an area currently lacking in employment floorspace and as such will likely improve the prosperity of the centre and the overall north Sydney economy.
P5 – Protect North Sydney's light industrial and working waterfront lands and evolving business and employment hubs.	N/A
P6 – Support walkable centres and a connected, vibrant and sustainable North Sydney.	The proposal is located within close proximity to public transport and the new metro station, and will likely encourage active transport for workers moving between the site and surrounding public transport.
S2 – Provide a high quality, well-connected and integrated urban greenspace system.	See comment above.
S3 – Reduce greenhouse gas emissions, energy, water and waste.	The site is well located to take advantage of current and proposed public transport infrastructure and measures to reduce car reliance and ownership and improve the share of walking, cycling, car share and public transport trips.
S4 – Increase North Sydney's resilience against natural and urban hazards	The proposal site is not subject to flood or bushfire risk. Potential contamination risk can be addressed at any development application stage. The proposal is not expected to significantly exacerbate urban heating in the locality.

8.7.6 North Sydney Local Housing Strategy (LHS)

The North Sydney Local Housing Strategy (LHS) establishes Council's vision for housing in the North Sydney LGA and provides a link between Council's vision and the housing objectives and targets set out in the GSC's *North District Plan*. It details how and where housing will be provided in the North Sydney LGA over the next 20 years, having consideration of demographic trends, local housing demand and supply, and local land-use opportunities and constraints.

Following public exhibition, on 25 November 2019, Council resolved to adopt the draft North Sydney LHS with an action to forward to the DPIE for their approval. The strategy was approved by DPIE in March of 2021.

The North Sydney LHS identifies the potential for an additional 11,870 dwellings by 2036 under the provisions of NSLEP 2013. Much of these dwelling targets are met by recent strategic studies undertaken by the state government in St Leonards / Crows Nest under the draft 2036 Plan and by Council under the Military Road Corridor Plan and Civic Precinct Study.

Whilst this proposal does not result in additional housing within the precinct, it will create jobs in the area supporting the precincts role as both an employment and residential centre and as such is considered to be compatible with the LHS.

8.7.7 State Environmental Planning Policies (SEPPs)

Each Planning Proposal must identify which State Environmental Planning Policies (SEPP) are relevant to the proposal and demonstrate how they are consistent with that SEPP. The Planning Proposal is considered to be generally consistent with all relevant State Environmental Planning Policies.

9. SUBMISSIONS

There are no statutory requirements to publicly exhibit a Planning Proposal before the issuance of a Gateway Determination.

However, Council sometimes receives submissions in response to planning proposals which have been lodged but not determined for the purposes of seeking a Gateway Determination. The generation of submissions at this stage of the planning process, arise from the community becoming aware of their lodgement through Council's application tracking webpage.

These submissions are normally considered as part of Council's assessment report for a Planning Proposal, to illustrate the level of public interest in the matter before Council makes its determination.

No formal submissions had been received at the time of writing this report. Notwithstanding this, Council has been contacted by a number of surrounding residents who raised concerns with the bulk and scale of the proposal. It is likely that, were the proposal to be formally exhibited, it may attract submissions from surrounding residents and stakeholders.

CONCLUSION

The Planning Proposal seeks to amend NSLEP 2013 to increase the maximum building height, floor space ratio, minimum non-residential floor space ratio and to introduce a site specific clause allowing additional FSR at the site provided it is below ground level.

For the reasons discussed in detail above, the Planning Proposal is supported as it:

- Generally complies with the relevant Local Environment Plan making provisions under the Environmental Planning & Assessment Act 1979;
- Generally complies with the Department of Planning, Industry and Environment's 'A Guide to Preparing Planning Proposals (August 2016)';
- On balance, does not contradict the ability to achieve the objectives and actions of high level planning strategies;
- Is generally consistent with and promotes the desired future outcomes of the St Leonards and Crows Nest 2036 Plan; and
- The scale and bulk of any future development on whilst representing a significant change to the current development on site, is as anticipated by the 2036 Plan.

RECOMMENDATION

For the reasons outlined in this report, it is recommended that the Local Planning Panel support the progression of the Planning Proposal to the DPIE seeking a Gateway Determination, noting a reduction in height from 59m to 54m and the recommendation for site-specific DCP provisions to be prepared to help guide future detailed design and development application assessment process.

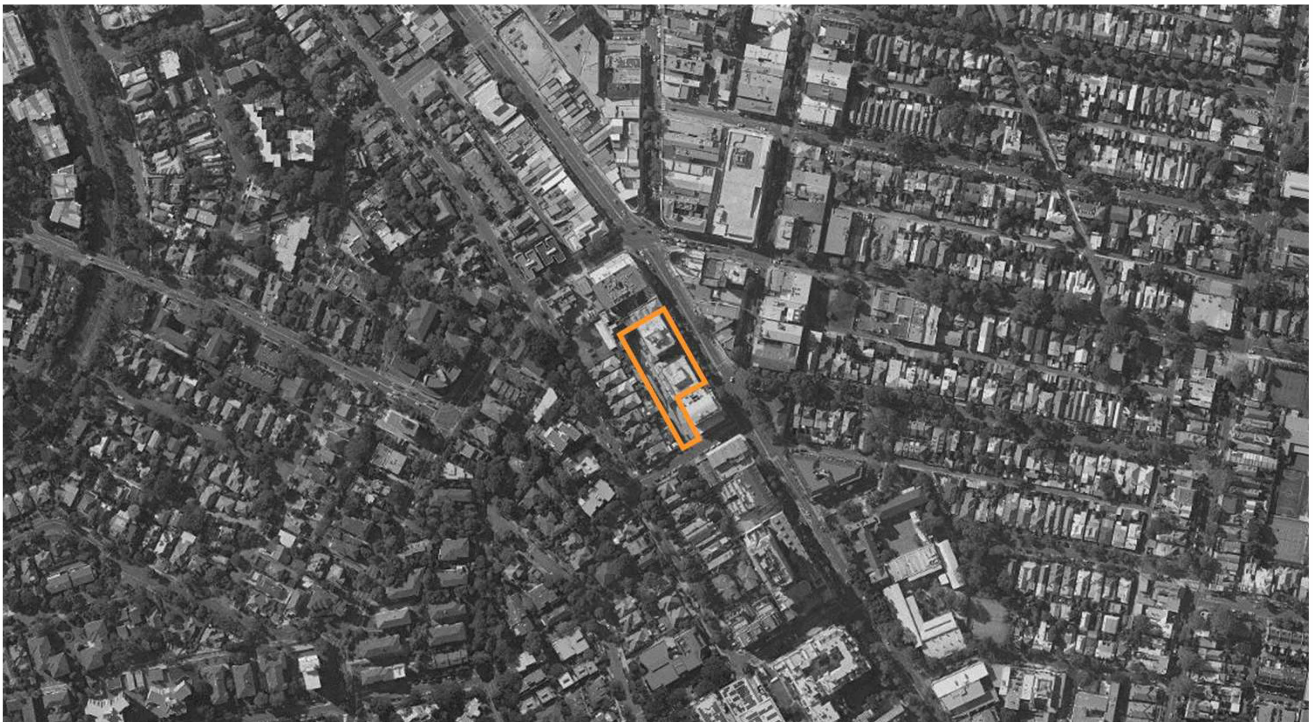
Marcelo Occhiuzzi
MANAGER STRATEGIC PLANNING

Jayden Perry
STRATEGIC PLANNER



Planning Proposal

270-272 Pacific Highway
Crows Nest



Amendment to North Sydney Local Environmental Plan 2013

Prepared for Silvernight (Crows Nest) Landowner Pty Ltd
Submitted to North Sydney Council

August 2021



This report has been prepared by:

Padraig Scollard BA MRUP
Senior Planner
E: padraig@keylan.com.au

This report has been reviewed by:

Dan Keary BSc MURP MPIA
Director
E: dan@keylan.com.au

Cover image: the Site (Source: Keylan)

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Revision	Prepared by	Reviewed by	Date	Revision Type
1	PS	DK	18/2/21	Draft
2	PS	DK	17/3/21	Final
3	PS	DK	5/8/21	Draft (Amended)
4	PS	DK	13/8/21	Final (Amended)



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Appendix 8	Wind Assessment
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Abbreviations

Applicant	Silvernight (Crows Nest) Landowner Pty Ltd
CBD	Central Business District
DA	Development Application
DP	Deposited Plan
DPIE	Department of Planning, Industry and Environment
DR	Design Report
EA	Economic Advice
ESD	Ecologically Sustainable Design
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPI	Environmental Planning Instrument
FSR	Floor space ratio
GFA	Gross floor area
NSDCP 2013	<i>North Sydney Development Control Plan 2013</i>
NSLEP 2013	<i>North Sydney Local Environmental Plan 2013</i>
LEP	Local Environmental Plan
LGA	Local government area
SGS	SGS Economics and Planning
SEPP	State Environmental Planning Policy
TPS	Transport and Parking Study
VPA	Voluntary Planning Agreement



Executive Summary

This Planning Proposal has been prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of *Silvernight (Crows Nest) Landowner Pty Ltd* (the Applicant) for a Site at 270-272 Pacific Highway, Crows Nest (the Site) in the North Sydney Local Government Area (LGA).

The Planning Proposal seeks to amend the current development standards that apply to the Site under the *North Sydney Local Environmental Plan 2013* (NSLEP 2013) to facilitate its future redevelopment as a 13 storey commercial office building and basement level car parking.

The proposal has been designed to capitalise on the Site's strategic location within the St Leonards Health and Education Precinct and in close proximity to the Mater Hospital, Royal North Shore Hospital and the Crows Nest Metro Station, as well as the St Leonards and North Sydney Centres.

The Planning Proposal is intended to facilitate an entirely non-residential development that will strengthen the local and regional economy, stimulate the retail village at Crows Nest, contribute significantly to State level job targets, and help fulfil the vision for the St Leonards Crows Nest Area under relevant strategic plans, including the recently adopted St Leonards Crows Nest 2036 Plan (2036 Plan).

Whilst no change to the Site's current B4 Mixed Use zoning is required, the current planning height control of 16 metres is well below the 13 storeys contained in the 2036 Plan. Accordingly, the current controls do not allow for redevelopment of the Site for employment generating purposes as envisioned under the 2036 Plan and therefore sterilise the otherwise strong strategic potential of the Site.

This Planning Proposal is a revision to PP1/21 which was lodged with North Sydney Council (Council) in March 2021. Following lodgement of the original Planning Proposal, correspondence was received from Council on 3 June 2021 advising that it did not support the proposal in its current form due to the extent to which the proposed FSR of 6.87:1 exceeds the proposed FSR in the 2036 Plan of 5.6:1.

In response, potential revisions to the proposal were discussed with Council officers. In July 2021, Council officers advised that they are able to support a scheme that provides a maximum FSR of 5.6:1 on the site plus additional floorspace (approx. 1,600sqm provided below ground level), on the basis that the additional floor space does not add to the perceived bulk and scale of the building and promotes an employment outcome on the site.

Accordingly, the proposal has been revised to respond to Council's feedback. Assessment within this Planning Proposal only relates to the proposal as amended and does not address the original proposal.

The Site

The Site is situated at 270-272 Pacific Highway, Crows Nest, and is legally described as SP 49574. The Site has an area of approximately 3,793m² with frontages to Pacific Highway and Bruce Street in Crows Nest and is in single ownership. The Site is located on the western side of Pacific Highway, approximately 70 metres to the south of the Five-Ways Intersection.



The Site is situated within the vicinity of the Crows Nest Village in between the St Leonards and North Sydney strategic Centres which are approximately 900m and 1.2km away respectively. The Site is located within 400m of the future Crows Nest Station as well as the Mater Hospital and Melanoma Institute Australia.

The Site is currently occupied by two mirroring 5 storey commercial buildings over a single level basement. The buildings comprise restaurant, medical and office uses. Vehicular access to the Site is from Bruce Street via a private laneway which runs parallel to the Pacific Highway.

The Site does not contain any heritage items under the NSLEP 2013, however, it is in the vicinity of multiple heritage items and conservation areas, including the adjacent Former North Shore Gas Co office at 286 Pacific Highway, Crows Nest.

The Planning Proposal

The Planning Proposal has been developed with regard to the key objectives and proposed development controls in the *St Leonards and Crows Nest 2036 Plan*. It retains the B4 Mixed Use zoning of the Site but seeks to amend the Site's maximum building height and floor space ratio (FSR) controls, as set out in the NSLEP 2013.

The primary objective of the Planning Proposal is to facilitate the future development of a 13 storey commercial building, with potential to include allied health uses, and basement level car parking (subject to a future development application).

The amendments proposed to the existing land use zones and development controls that apply to the Site are summarised in the table below.

Planning control	Existing development controls (NSLEP 2013)	St Leonards & Crows Nest 2036 Plan	Proposed development controls
Land use zone	B4 Mixed Use	B4 Mixed Use	B4 Mixed Use
Height of buildings	16m	13 storeys	59m (13 storeys)
Floor space ratio (FSR)	N/A	5.6:1	5.6:1
Additional FSR clause	N/A	N/A	Site-specific clause allowing a maximum FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses.
Non-residential FSR	0.5:1	5.6:1	5.6:1

Table 1: Summary of Planning Proposal

As noted in Table 1, in response to Council officers' advice, a new clause is proposed to permit an FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses. Given the additional space is located within



the lower ground level, there will be no impact on the height, bulk and scale of the future building on the Site.

The proposed wording for the new clause in the NSLEP 2013 is provided below:

19D 270-272 Pacific Highway Crows Nest—floor space

- (1) *The objective of this clause is to provide for additional floor space on certain land to encourage additional employment.*
- (2) *This clause applies to 270-272 Pacific Highway Crows Nest, being SP 49574.*
- (3) *Despite clause 4.4, the maximum floor space ratio for a building is 6.02:1, but only if—*
 - (a) *the floor space ratio of the part of the building that is above the ground level of the building at the Pacific Highway frontage does not exceed 5.6:1, and*
 - (b) *any additional gross floor area above 5.6:1 is used for non-residential purposes.*

The proposal complies with the building height of 13 storeys but exceeds the maximum FSR control recommended for the Site under the 2036 Plan when the additional below ground FSR is included. This variation is considered to be acceptable as:

- the additional FSR above the recommendation in the 2036 Plan is provided below ground level and therefore will have no impact on the height, bulk and scale of the future building on the Site
- the proposed building envelope is fully compliant with the building height, street wall height and setback controls within the 2036 Plan, ensuring the bulk and scale of the development is appropriate for the Site
- the additional GFA will be used for non-residential purposes and will therefore provide employment generating floorspace that will contribute to the achievement of the employment targets in the 2036 Plan and Council's Local Strategic Planning Statement
- the proposal complies with the solar access requirements within the 2036 Plan, maintaining 2 hours of solar access to residential areas inside the boundary of the 2036 Plan between 9am – 3pm. This includes the properties located to the west of the Site on Sinclair Street which achieve 2 hours of solar access between 1pm – 3pm

Should the Planning Proposal be supported in its current form, the Site is envisaged to support approximately 22,853m² of much needed employment generating floor space, consistent with the 2036 Plan and Council's Local Strategic Planning Statement.

The Planning Proposal is supported by Economic Advice (EA) prepared by SGS Economics and Planning (SGS) (Appendix 5). The EA considers the potential economic opportunities for a development of this type in this location. The key findings of this advice include:

- Mixed use developments dominate the current employment pipeline in St Leonards and Crows Nest. These developments are mostly decreasing the current quantum of commercial floorspace. Consequently, mixed use developments may not provide the consolidated A-grade office floorspace which would be needed to attract large corporate tenants to St Leonards Crows Nest area, enabling it to compete with other major employment centres.
- In addition to currently planned development, between 122,154 – 275,054m² of additional commercial (predominately office) floorspace would be needed to achieve employment growth in line with the St Leonards Crows Nest 2036 plan and employment projections. This gap is higher than the 119,979m² estimated to be needed in the St



Leonards Plan 2036, as a result of increased employment projections and the development pipeline, which contains many mixed use developments currently associated with an overall decrease in the quantum of commercial office floorspace.

- The subject site is located near Willoughby Road and the future Crows Nest Station, increasing its potential level of attractiveness for businesses following redevelopment. There are also likely to be opportunities for medical premises on the subject site given its proximity to the Mater Hospital and other large medical facilities and premises, as well as accommodating local population-serving businesses seeking proximity to the local Crows Nest Centre rather than the more commercial St Leonards centre.

On the basis of the findings of the EA, it is apparent that there is demand for employment generating floor space within the St Leonards and Crows Nest. The proposal will provide approximately 22,853m² of employment generating floorspace which will contribute towards meeting demand without absorbing all forecast demand to the detriment of other potential development.

Furthermore, in the context of the COVID-19 pandemic, commercial tenants are generally seeking decentralised office locations given shifting population trends, an affordable rental profile and ease of access. More particularly, tenants are seeking large, efficient floorplates that promote safe, efficient and collaborative work practices. In addition, medical practices require large floor plates which are accessible at ground level.

The market analysis undertaken for the site has identified demand for modern A-grade commercial office space at an affordable price point. The proposal suitably addresses this demand in an appropriate location.

Strategic context

The Planning Proposal has been prepared in consideration of the following strategic plans and policies prepared by the NSW State government and North Sydney Council (Council):

- *Greater Sydney Region Plan – A Metropolis of Three Cities*
- *North District Plan*
- *St Leonards and Crows Nest 2036 Plan*
- *North Sydney Local Strategic Planning Statement*
- *North Sydney Community Strategic Plan 2018-2028*

The Planning Proposal demonstrates consistency with the relevant objectives and actions set out in the above listed strategic plans and policies. In particular, the Planning Proposal provides for new employment generating floor space for commercial and health-related uses, located in close proximity to the St Leonards Health and Education Precinct, Crows Nest Village and Metro Station.

The Site is located within the Five Ways South Education and Medical Precinct and nearby to the Crows Nest Village as per the *North Sydney Local Strategic Planning Statement* (North Sydney LSPS). In addition, the 2036 Plan establishes a job target of 16,500 additional jobs by 2036, and identifies a commercial floor space target of 119,979m².

The strategic justification for the Planning Proposal and detailed consideration of the above listed strategic plans and policies is discussed in Section 5.3 and Appendix 3.



St Leonards and Crows Nest 2036 Plan

The Planning Proposal gives effect to the St Leonards and Crows Nest 2036 Plan (2036 Plan) in accordance with Ministerial Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan.

The 2036 Plan seeks to facilitate the urban renewal of St Leonards and Crows Nest for an expanding employment centre and growing residential community in the suburbs of St Leonards, Greenwich, Naremburn, Wollstonecraft, Crows Nest, and Artarmon. This is to be achieved through changes to existing planning controls to support the objectives and actions within the 2036 Plan.

The 2036 Plan proposes to maintain the B4 Mixed Use zoning for the Site and provides a building height of 13 storeys and an FSR of 5.6:1 for the Site, which is required to be entirely non-residential. The site is the only 100% non-residential site identified within Crows Nest under the 2036 Plan, indicating its strategically important location and attributes and its recognised role in contributing to the Plan's employment targets.

The Planning Proposal is largely consistent with the 2036 Plan as the B4 Mixed Use zoning is retained and a maximum building height of 59 metres is proposed, equating to 13 storeys.

Whilst a base FSR of 5.6:1 is proposed, it is also proposed to include a new clause to permit an FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and is used for non-residential purposes. The proposed maximum FSR of 6.02:1 results in a minor exceedance of the FSR proposed under the 2036. However, the relevant section 9.1 Ministerial Direction for the 2036 Plan permits minor inconsistencies, if a proposal achieves the overall intent of the 2036 Plan and does not undermine the achieve of the Plan's vision, objectives and actions.

The proposed FSR provisions are considered acceptable as the additional FSR above 5.6:1 is provided entirely below ground level and therefore will have no impact on the height, bulk and scale of the future building on the Site. Subsequently, the concept building envelopes are compatible with the desired future character of the area as established under the 2036 Plan. The resultant bulk and scale does not result in adverse overshadowing impacts to neighbouring residential properties.

Statutory context

The Planning Proposal has been prepared in accordance with the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and in consideration of the Department of Planning, Industry and Environment's (DPIE) *A guide to preparing Planning Proposals* (2018) and *A guide to preparing local environmental plans* (2018). The Planning Proposal is supported by technical information and investigations to justify the proposed amendments.

An assessment has also been undertaken against the relevant environmental planning instruments (EPIs) that apply to the Site and Local Directions issued by the Minister for Planning and Public Spaces under section 9.1 of the EP&A Act (formerly section 117). The Planning Proposal is consistent with the statutory controls, including the relevant EPIs and Local Directions.



Environmental, social and economic considerations

The Planning Proposal is accompanied by various technical reports and studies that assess the relevant environmental, social and economic issues to the proposed amendments to the NSLEP 2013 including the following:

- built form, urban design and public domain
- economic
- heritage
- traffic, access and car parking
- environmentally sustainable design
- wind and reflectivity
- servicing
- aviation

The Planning Proposal is found to have a minimal and acceptable environmental impact and will provide net social and economic benefits for Crows Nest and the wider area. These issues are discussed in further detail in Section 5.3.3.

Public benefits

The Planning Proposal will deliver significant public benefits, including:

- an increase in the supply of employment generating floor space to meet the forecast demand of 16,500 jobs within the St Leonards and Crows Nest Precinct by 2036
- contribute to the urban renewal of Crows Nest by providing supporting land uses and an improved streetscape outcome with an active frontage to Pacific Highway
- streetscape upgrades, including street tree planting that will reinforce and contribute to the character of the locality
- realisation of the economic, social and place making opportunities created by the public investment in the Sydney Metro.
- implementation of the strategic vision identified in the Greater Sydney Regional Plan, the North District Plan, and the St Leonards Crow Nest 2036 Plan.

The Planning Proposal is accompanied by a letter that outlines the monetary contribution that Silvernight (Crows Nest) Landowner Pty Ltd may include in a letter of offer to enter into a VPA with Council.

Next steps

The Planning Proposal is submitted to Council. The intent is for Council to support the proposed amendments to the NSLEP 2013 and refer the Planning Proposal (as the Planning Proposal authority) to DPIE for review and subsequent issue of a Gateway Determination.

Following the issue of a Gateway Determination, the applicant will continue to liaise closely with Council while also commencing comprehensive consultations with DPIE, relevant State agencies and community stakeholders, prior to the formal public exhibition of the Planning Proposal.



Conclusion

The primary objective of the Planning Proposal is to facilitate a 13 storey commercial office building, with potential to include allied health uses, and basement level car parking.

There is a compelling strategic justification for the Planning Proposal as it:

- is one of the largest sites in the St Leonards Crows Nest precinct with capacity for uplift and in the ownership of a single entity
- is strategically located in the St Leonards Health and Education Precinct, providing opportunities for strategic partnerships with nearby hospitals for health-related uses
- would facilitate the redevelopment of the Site for commercial purposes providing new jobs and strengthening the St Leonards Health and Education Precinct
- the Site benefits from access to existing and planned public transport infrastructure including the future Crows Nest Sydney Metro Station, located within 400m of the Site
- multiple proposals in the locality seek to increase height and FSR controls. This demonstrates the evolving built form character and an intensification of commercial, business and residential uses.
- will meet identified demand for modern A-grade commercial office space at an affordable price point in the locality
- is supported by NSW strategic planning framework including the:
 - Greater Sydney Region Plan – increased commercial, business and health/medical floor space within the Eastern Economic Corridor
 - North District Plan – employment growth in the St Leonards Health and Education Precinct close to the future Crows Nest Sydney Metro Station
 - St Leonards and Crows Nest 2036 Plan – health sector growth and contribution to the delivery of 16,500 new jobs required by 2036



1 Introduction

This Planning Proposal has been prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of *Silvernight (Crows Nest) Landowner Pty Ltd* (the Applicant), to support amendments to the *North Sydney Local Environmental Plan 2013* (NSLEP 2013). The Planning Proposal relates to a site located at 270-272 Pacific Highway, Crows Nest in the North Sydney Local Government Area (LGA).

The Proposal seeks to amend the current development standards that apply to the Site under the *North Sydney Local Environmental Plan 2013* (NSLEP 2013) to facilitate its urban renewal and future redevelopment as a 13 storey commercial office building and basement level car parking.

This Planning Proposal is a revision to PP1/21 which was lodged with North Sydney Council (Council) in March 2021. Following lodgement of the original Planning Proposal, correspondence was received from Council on 3 June 2021 advising that it did not support the proposal in its current form due to the extent to which the proposed FSR of 6.87:1 exceeds the proposed FSR in the 2036 Plan of 5.6:1.

In response, potential revisions to the proposal were discussed with Council officers. In July 2021, Council officers advised that they are able to support a scheme that provides a maximum FSR of 5.6:1 on the site plus additional floorspace (approx. 1,600sqm provided below ground level), on the basis that the additional floor space does not add to the perceived bulk and scale of the building and promotes an employment outcome on the site.

The Site is located on the western side of Pacific Highway, approximately 70 metres to the south of the Five-Ways Intersection. The Site encompasses an area of approximately 3,793m² with frontages to the Pacific Highway and Bruce Street in Crows Nest.

The Site is currently occupied by two mirroring 5 storey commercial buildings over a single level basement. The buildings comprise restaurant, medical and office uses. Vehicular access to the Site is from Bruce Street via a private laneway which runs parallel to the Pacific Highway.

The Planning Proposal has been developed with regard to the key aims and proposed development controls in the *St Leonards and Crows Nest 2036 Plan*. It retains the B4 Mixed Use Zoning for the Site but seeks to amend the maximum building height and floor space ratio controls, as set out in the NSLEP 2013. The proposed amendments to the NSLEP 2013 are outlined in the table below.

Planning control	Existing development controls (NSLEP 2013)	St Leonards & Crows Nest 2036 Plan	Proposed development controls
Land use zone	B4 Mixed Use	B4 Mixed Use	B4 Mixed Use
Height of buildings	16m	13 storeys	59m (13 storeys)
Floor space ratio (FSR)	N/A	5.6:1	5.6:1
Additional FSR clause	N/A	N/A	Site-specific clause allowing a maximum FSR of 6.02:1, provided any additional floor



Planning control	Existing development controls (NSLEP 2013)	St Leonards & Crows Nest 2036 Plan	Proposed development controls
			space above 5.6:1 is located below ground level and comprises non-residential uses.
Non-residential FSR	0.5:1	5.6:1	5.6:1

Table 2: Proposed amendments to the NSLEP 2013

As noted in Table 2, in response to Council officers' advice, a new clause is proposed to permit a FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses. Given the additional space is located within the lower ground level, there will be no impact on the height, bulk and scale of the future building on the Site.

The proposed wording for the new clause in the NSLEP 2013 is provided below:

19D 270-272 Pacific Highway Crows Nest—floor space

- (1) *The objective of this clause is to provide for additional floor space on certain land to encourage additional employment.*
- (2) *This clause applies to 270-272 Pacific Highway Crows Nest, being SP 49574.*
- (3) *Despite clause 4.4, the maximum floor space ratio for a building is 6.02:1, but only if—*
 - (a) *the floor space ratio of the part of the building that is above the ground level of the building at the Pacific Highway frontage does not exceed 5.6:1, and*
 - (b) *any additional gross floor area above 5.6:1 is used for non-residential purposes.*

The Planning Proposal is submitted to North Sydney Council (Council). The intent is for Council to support the proposed amendments to the NSLEP 2013 and refer the Planning Proposal (as the Planning Proposal authority) to the Department of Planning, Industry and Environment (DPIE) for review and subsequent issuing of a Gateway determination.

The Planning Proposal has been prepared in accordance with the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and in consideration of the DPIE's *A guide to preparing Planning Proposals* (2018) and *A guide to preparing local environmental plans* (2018). The Planning Proposal is supported by technical information and investigations to justify the proposed amendments.

1.1 Project Team

The project team formed to deliver the Planning Proposal is outlined in Table 3.

Discipline	Consultant
Urban Planning	Keylan Consulting
Architecture and Urban Design Report	Fitzpatrick + Partners
Economic Advice	SGS Economics and Planning
Heritage Impact Statement	NBRS & PARTNERS Pty Ltd
Traffic and Parking Study	SCT Consulting
Wind Assessment	CCP



Discipline	Consultant
Reflectivity Assessment	CCP
Building Services Summary Report	NDY

Table 3: Project Team

1.2 Consultation

1.2.1 Pre-lodgement Consultation (February 2020 to March 2021)

The Applicant and its project team undertook extensive consultation with both Council and DPIE throughout the preparation of the original Planning Proposal, which assisted in the refinement of the proposed development controls that are proposed for the Site.

A summary of the consultation carried out prior to lodgement is provided in the table below.

Date	Authority	Matters discussed
February 2020	Council	<ul style="list-style-type: none"> Introduction of new site owners Establishment of new vision for the site as a wholly commercial redevelopment rather than residential as proposed by previous owners
5 May 2020	DPIE	<ul style="list-style-type: none"> Overview of strategic importance of site Overview of the Site context, site analysis, design principles and proposed built form across the Site Discussion of Draft St Leonards and Crows Nest 2036 Plan and proposed controls across the Site
30 June 2020	DPIE	<ul style="list-style-type: none"> Discussion of how proposed built form and solar access controls in the Draft 2036 Plan apply to site
5 August 2020	DPIE	<ul style="list-style-type: none"> Discussion of how the proposed built form and solar access controls in the Draft 2036 Plan apply to site Status of Draft 2036 Plan
17 December 2020 (formal pre-lodgement meeting)	Council	<ul style="list-style-type: none"> Overview of strategic importance of site, particularly noting the finalisation of the 2036 Plan Overview of the Site context, site analysis, design principles, concept proposed built form across the Site Discussion of design progression and options Proposed scheme provided a building height of 16 storeys and a FSR of 7.47:1 Detailed discussion of the adopted 2036 Plan, in particular building height, FSR and solar access controls Differences of interpretation of the solar access controls adopted by the 2036 Plan were identified and a meeting between Council, DPIE and the proponent was suggested
8 February 2021	Council and DPIE	<ul style="list-style-type: none"> Presentation of revised scheme which responded to Council's feedback at the pre-lodgement meeting Council and DPIE stated support for proposal being entirely commercial Revised scheme provided a building height of 13 storeys and FSR of 6.87:1, as proposed under the Planning Proposal Discussion of how the proposal complies with the recommended built form and solar access controls in the 2036 Plan



Date	Authority	Matters discussed
		<ul style="list-style-type: none"> DPIE confirmed that recommended controls in the 2036 Plan are based on higher-level, precinct wide analyses and that it was up to individual planning proposals to undertake more detailed, site-specific studies and provide appropriate justification for any proposed departures from the recommended controls in the 2036 Plan
19 February 2021	Council	<ul style="list-style-type: none"> Meeting with Council's Strategic Planning and Community Management Teams Presentation of revised scheme and discussion of potential VPA offer comprising a community facilities building fronting Bruce Street Council advised the following: <ul style="list-style-type: none"> specifications of any community facilities building would need to be clearly outlined direct street access is preferred rather than a commercial suite in a tower an estimation of the value of the offer should be included in the offer

Table 4: Consultation with Council and DPIE

1.2.2 Post-lodgement Consultation (March 2021 to Date)

On 19 March 2021, the original Planning Proposal was lodged with Council. The proposal as submitted sought the following amendments to the NSLEP 2013:

- retain the existing B4 Mixed Use zoning
- increase the maximum building height from 16m to 59m
- introduce a maximum FSR of 6.87:1
- increase the non-residential FSR requirement from 0.5:1 to 6.87:1

Following lodgement of the original Planning Proposal, the Applicant and project team continued to consult with Council.

On 3 June 2021, Council formally advised the Applicant that it could not support the Planning Proposal in its current form for the following reasons:

- It is inconsistent with the site-specific FSR control identified in the St Leonards and Crows Nest 2036 Plan and by virtue of the degree of non-compliance and impacts arising, is inconsistent with the vision, objectives and actions of the 2036 Plan;*
- It is inconsistent with Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan to section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act (EP&A Act) 1979, which requires Planning Proposals be consistent with the 2036 Plan; and*
- The Planning Proposal if implemented would undermine the integrity of the strategic planning policies relating to the site, including:*
 - Greater Sydney Regional Plan and North District Plan;*
 - St Leonards and Crows Nest 2036 Plan and supporting Special Infrastructure Contribution (SIC Plan); and*
 - North Sydney Local Strategic Planning Statement (LSPS).*

On 29 June 2021, a meeting was held between the Applicant and Council to present alternative options to progress the proposal.



Following this meeting, Council officers advised on 2 July 2021 that they could support a scheme comprising a maximum FSR of 5.6:1 plus an additional ~1,600m², provided this floorspace is below ground level and promotes an employment outcome on the site.

This revised Planning Proposal has been prepared in response to Council's advice and seeks a base FSR of 5.6:1 with a site-specific clause to permit an FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses. The revised Planning Proposal retains the 59m height and B4 Mixed Use zoning as originally proposed.

This scheme will ensure the site realises its employment potential whilst addressing Council's previous concerns regarding the bulk and scale of any future development on the site.



2 The Site and Locality

2.1 Site Description

The Site is known as 270-272 Pacific Highway, Crows Nest, has a total area of 3,793m², and it is legally described as SP 49574.

The Site is located on the western side of Pacific Highway, approximately 70m to the south of the Five-Ways intersection. The Site is situated within the suburb of Crows Nest, in the North Sydney Local Government Area (LGA).

The Site is within 400m walking distance of both Crows Nest Village and the future Crows Nest Metro station. St Leonards and Wollstonecraft train stations (served by the T1 and T9 Lines) are just beyond 800m walking distance from the Site.

The Mater and Royal North Shore Hospitals are located approximately 400 metres and 1.3km from the Site respectively, while the North Sydney Central Business District (CBD) is approximately 1.2 kilometres to the south of the Site.

The Site has a primary frontage of 73m to the Pacific Highway and a secondary access frontage of 12m to Bruce Street. The Site is bound by 286 Pacific Highway to the north, 246-258 Pacific Highway and Bruce Street to the south and low density residential properties to the west at 51 to 77 Sinclair Street.

The Site is also bound by Pacific Highway to the east which provides a high frequency bus corridor with one service every three minutes during a typical weekday AM peak hour.

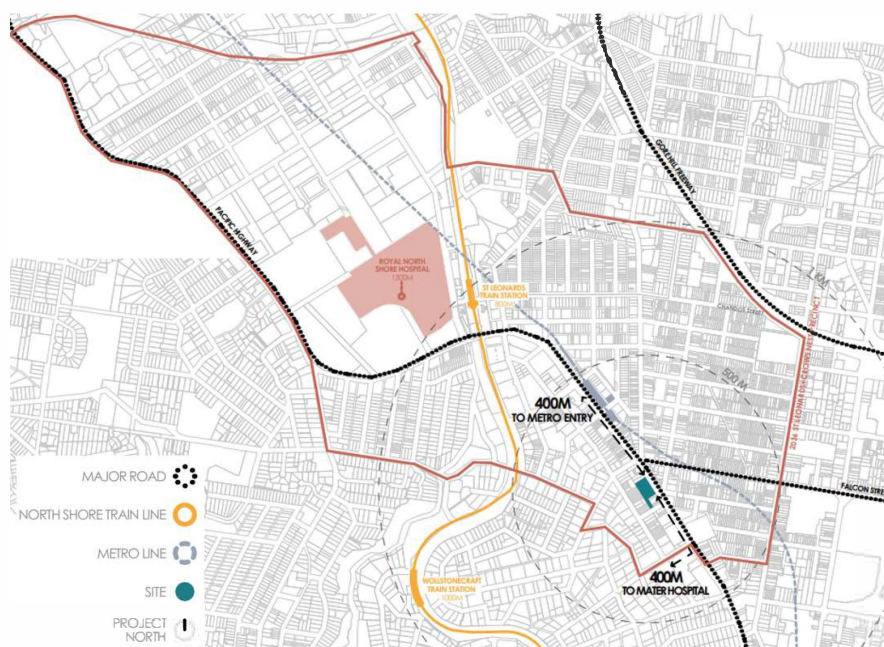


Figure 1: Site locality Plan (Source: Fitzpatrick + Partners)

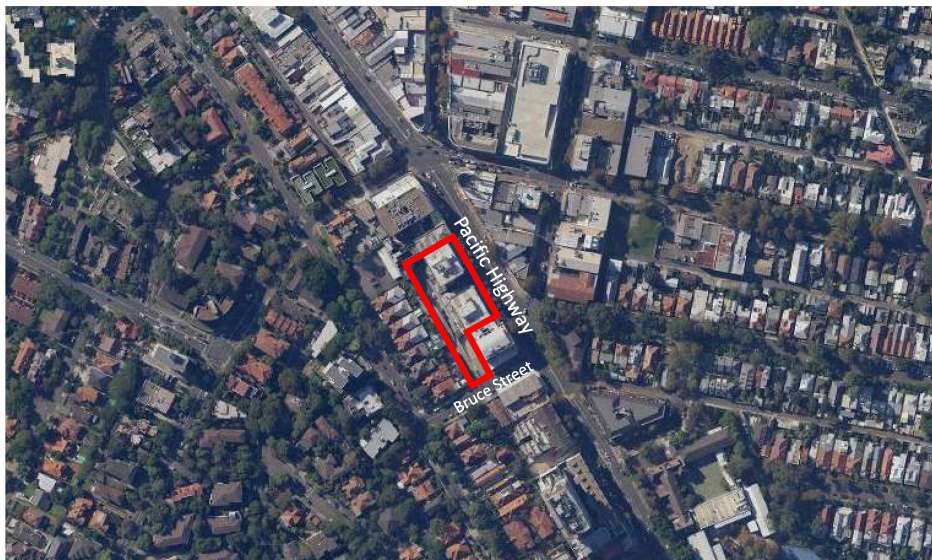


Figure 2: The Site (Source: SixMaps)

2.1.1 Built Form

The Site is currently occupied by two mirroring 5 storey mixed use buildings that read as one development. The buildings sit over a single level combined basement which contains approximately 100 parking spaces. The buildings are separated by a small public plaza with bench seating and planter boxes.

The buildings have a glass and concrete exterior and contain ground level retail and four storeys of commercial office space above. The development is currently tenanted by a range of uses including restaurant, medical and office uses.

The development includes an awning which spans across both buildings to cover the pedestrian pathway along the Pacific Highway, which is interspersed with a row of ten mature palm trees.

The Site also contains a private internal laneway, which provides vehicular access to the Site from Bruce Street and runs parallel to both Pacific Highway and Sinclair Street. This laneway is burdened by a right of carriageway as it also provides vehicular access to the rear of the residential dwellings fronting Sinclair Street.

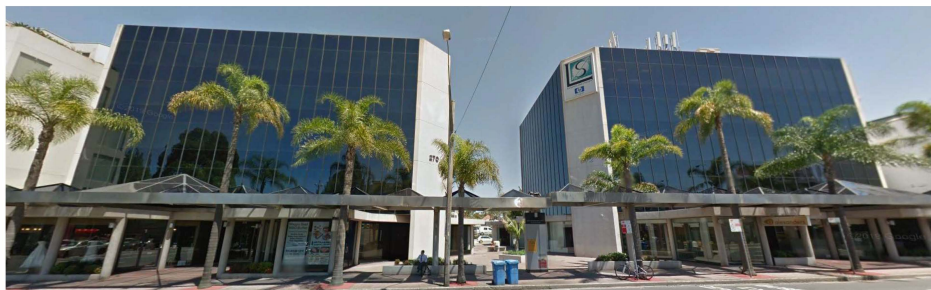


Figure 3: Existing development on the Site (Source: Google)

2.1.2 Services

The Site currently has access to potable water, wastewater, electricity, gas and telecommunications. Notwithstanding, these will need to be upgraded to service the proposal.

A Building Services Summary Report prepared by NDY accompanies the Planning Proposal (Appendix 10). This report provides a high level design brief for the building engineering services.

2.1.3 Transport

The Site is well serviced by public transport in the form of bus and train services. The Site is located within 400m walking distance (5 minute walk) of the future Crows Nest Metro station and is just beyond 800 metres walking distance from both the St Leonards and Wollstonecraft train stations.

The Sydney Metro City & Southwest is a rapid, high frequency transport service, that will connect people to jobs and services, improving Sydney's liveability and supporting economic growth. The metro line is scheduled to commence operation in 2024, with the following indicative timeframes for travel from Crows Nest of:

- 4 minutes to Chatswood Station
- 5 minutes to Barangaroo Station
- 7 minutes to Martin Place Metro Station

St Leonards and Wollstonecraft train stations are serviced by the T1 and T9 lines providing services every 5-10 minutes.

A bus stop is located at the north east corner of the Site along the Pacific Highway and on the opposite side of the road. Bus frequencies on Pacific Highway are mostly greater than one service every three minutes during a typical weekday AM peak hour. Slightly less frequent services are provided at bus stops along Falcon Street and Willoughby Road in the north and east of the Site.

Table 5 shows the frequency of bus services in the vicinity of the Site. The data shows that the Site is well serviced by buses during the peak hours for weekdays with an interval of around one minute per bus, covering origins and destinations including a wide range of strategic centres and local centres across Sydney, such as Bondi Junction, Chatswood, Kingsford, Ryde, Epping, Mascot, Manly and Castle Hill.



Route	Terminals	Total trips in two directions	
		AM (8am to 10am)	PM (4pm to 6pm)
602X	Bella Vista Station - North Sydney	10	12
612X	Castle Hill - North Sydney	14	16
622	Milsons Point - Dural	4	4
252	North Sydney - Gladesville	13	13
254	McMahons Point - Riverview	14	11
257	Mosman - Chatswood	15	14
261	Lane Cove - Sydney	8	9
265	North Sydney - Lane Cove	10	10
286	Denistone East - Milsons Point	3	6
287	Ryde - Milsons Point	4	3
291	McMahons Point - Epping	11	9
143	Manly - Chatswood	11	17
144	Manly - Chatswood	19	17
200	Chatswood - Bondi Junction	13	12
343	Chatswood - Kingsford	26	27
320	Mascot - Gore Hill	19	22
Total		194	202

Table 5: Bus route details for the Site (Source SCT Consulting)

2.1.4 Topography

The Site is relatively flat with a fall of approximately 0.7 metres from north to south and a cross fall of 1.4 metres from west to east. It is noted that the change in levels to the rear/ west of the Site are primarily attributable to the vehicular access arrangements to the rear of the properties that front Sinclair Street.

2.1.5 Vegetation

The Site is currently predominantly built up and paved and contains very minimal vegetation. The Site contains a total of five trees, with two palm trees located within planter boxes fronting Pacific Highway and three located to the north western corner boundary with 286 Pacific Highway. A further 10 palm trees are located just outside of the Site within the footpath to the Pacific Highway street frontage.

2.1.6 Flooding

There are no flooding maps in NSLEP 2013. Notwithstanding, following a review of the North Sydney Council's Flood Study it is understood that the Site is not known to be flood-affected.

2.1.7 Contamination

The Site was previously redeveloped for commercial purposes in the 1980's. It is considered that the Site would have been made suitable for commercial purposes at this stage and that the contamination risk of the Site is low. It is further noted that there are no acid sulphate soils maps in NSLEP 2013 and is therefore considered to have a very low probability of containing acid sulfate soils.



On this basis, and given no land use change is proposed under the Planning Proposal, a contamination report has not been commissioned at this early stage of planning. Nonetheless, any future development application would include a contamination assessment.

2.1.8 Heritage

2.1.8.1 Aboriginal

The Site is not known to have any archaeological potential for items of Aboriginal significance given the Site has been previously developed. The Site is also not known to be a site of Aboriginal significance.

Based on the above, no further assessment of Aboriginal heritage has been undertaken for the purpose of this report.

2.1.8.2 European

The Site does not contain any items of European heritage, nor is it located within a heritage conservation area.

The Site adjoins a heritage item of local significance to the north at 286 Pacific Highway. This item is the Former North Shore Gas Co office (I0150). The item is a two storey commercial building fronting the Pacific Highway, with an at grade carpark to the rear and accessed from Sinclair Street.

There is also a number of other heritage items and heritage conservation areas within close proximity to the Site as detailed in Section 5.3.3. A Heritage Impact Statement has been prepared by NBRS + Partners and is included at Appendix 6.



Figure 4: View of 270-272 Pacific Highway (left) and 286 Pacific Highway (right) (Source: Google)



2.2 Surrounding Locality

The surrounding locality is largely characterised by commercial, health and medical, educational and residential uses. Crows Nest Village is located approximately 70 metres north of the Site and is predominantly occupied by retail and dining premises.

The Site is strategically located along the Pacific Highway within 400 metres of the new Crows Nest Metro Station and between two major strategic centres, with the St Leonards Health and Education Precinct and the North Sydney CBD located 900 metres and 1.2km from the Site respectively.

There is an opportunity for the Site to support growth and jobs as it is able to leverage connections to well established health and education developments in close physical proximity including (measurements are direct):

- Mater Hospital (~250m)
- Royal North Shore Hospital (~1.2km)
- Kolling Institute (~1.3km)
- Greenwich Hospital (~1.6km)
- Northside Mental Health Clinic (~1.5km)
- Melanoma Institute Australia (~200m)
- North Shore Private Hospital (~1.4km)
- TAFE NSW St Leonards (~1.4km)
- ACU North Sydney (~1km)

Surrounding land uses and the Site's local context is shown in Figure 5.

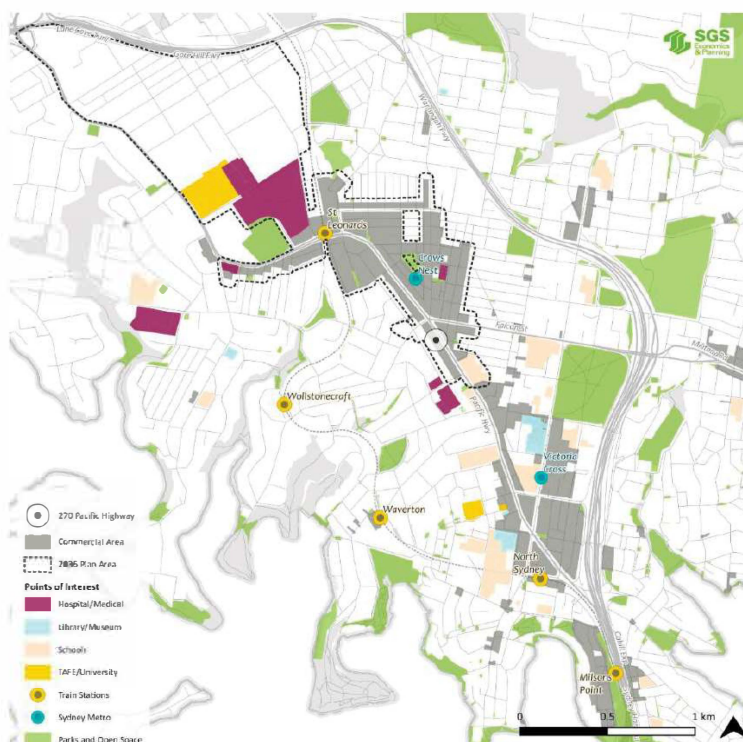


Figure 5: Site context (Source: SGS Economics and Planning)



The surrounding built form is generally in the range of 2 to 6 storey buildings with taller buildings interspersed on Pacific Highway, notably the 17 storey mixed use development to the south of the Site at 220 Pacific Highway, Crows Nest.

The surrounding area is seeing an increase in higher density development particularly with the proposed 8 - 27 storey Crows Nest Over Station Development (SSD 9579) and the Planning Proposal for the Fiveways Triangle Site (Section 2.3). The changing nature of development in Crows Nest reflects the vision for the area under the 2036 plan. The 2036 Plan provides a building height of 13 storeys for the Site, indicating its suitability for uplift. In addition, the 2036 Plan envisages greater height and density for the surrounding locality, establishing the emerging character for the area.

The surrounding built form and proposed heights are shown in Figure 6.

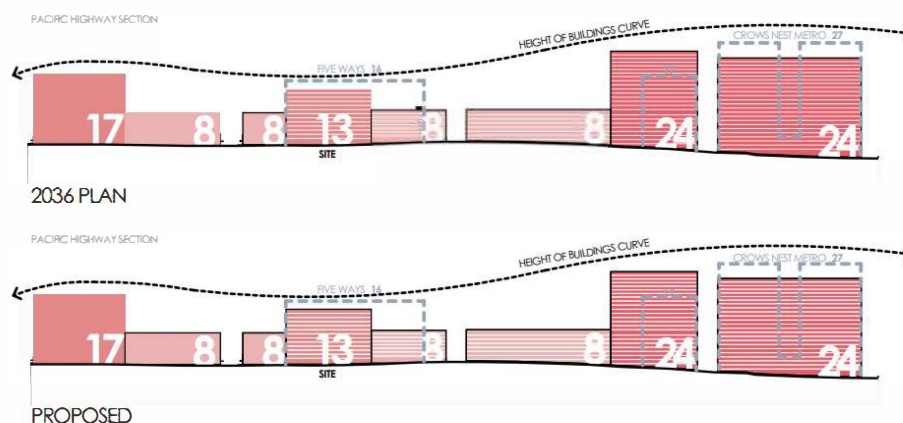


Figure 6: Height transition comparison (Source: Fitzpatrick+Partners)

2.3 Fiveways Triangle Site: Planning Proposal (PP7/20)

On 4 December 2020, a Planning Proposal was submitted for the Site at 3 & 15 Falcon Street and 391-397 Pacific Highway, Crows Nest (Fiveways site) which is located opposite the subject site. The 2036 Plan proposes the following controls for the Site:

- building height of 16 storeys
- FSR of 5.8:1
- non-residential FSR of 2.5:1.

The Planning Proposal seeks the following planning control amendments under the NSLEP 2013 for the Fiveways site:

- increase the Height of Buildings development standard from 16 metres to 75 metres
- increase the Non-Residential FSR from 0.5:1 to 2.5:1
- apply an FSR of 9.3:1



The amendments seek to facilitate a 19 storey mixed use building comprising:

- approximately 233 residential dwellings
- 8,000m² of commercial and retail space
- seven levels of basement car parking (385 spaces)

The Planning Proposal for the Fiveways site reflects the emerging character of the Pacific Highway corridor at Crows Nest with multiple proposals in the locality seeking to increase height and FSR controls. This also demonstrates the evolving built form through an intensification of commercial, business and residential uses.

On 24 May 2021, Council resolved not to support the Planning Proposal for the Fiveways Site proceeding to Gateway Determination for the following reasons:

- the degree of non-compliance with the building height and FSR proposed under the 2036 Plan
- the Planning Proposal will create a precedent for significant non-compliance with the maximum building height and FSR controls contained within the 2036 and will undermine the integrity of all strategic planning policies for the precinct
- the Planning Proposal is inconsistent with section 9.1 Ministerial Directions including Direction 5.10 – Implementation of the Regional Plan and Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan

It is understood that the applicant has since lodged a request for a rezoning review.



Figure 7: Location of the Fiveways site in relation to 270-272 Pacific Highway (Source: SixMaps)



2.4 Surrounding Development Applications and Planning Proposals

A review of the key Planning Proposals and Development Applications in the vicinity of the Site has been undertaken to establish the existing and emerging character of the precinct. This review demonstrates that there has been and will continue to be an increase in heights and densities in Crows Nest, consistent with the evolving built form character of the area envisaged under the 2036 Plan. This includes Council's approval of a 17 storey mixed use development and residential development neighbouring the Site at 220 Pacific Highway.

The tables below are a summary of relevant Planning Proposals and Development Applications nearby to the Site.

Planning Proposal	Description	Decision
PP7/20 15 Falcon Street (Fiveways Site)	Proposed amendment: <ul style="list-style-type: none"> Amend HOB from 16 metres to 75 metres Amend Non-Residential FSR from 0.5:1 to 2.5:1 Amend FSR Map to apply 9.3:1 Planned to facilitate a 19 storey mixed use building with approximately 233 residential dwellings and 8,000m ² of commercial and retail space.	Under assessment (Rezoning Review)
Crows Nest Sydney Metro 14 Clarke Street, 497 Pacific Highway, 477 Pacific Highway	Proposed amendment: <ul style="list-style-type: none"> Amend HOB to up to RL 180m (21 storeys) Introduce FSRs ranging from 6:1 to 11.5:1 Include design excellence clause Rezoned via the <i>State Environmental Planning Policy Amendment (Crows Nest Metro Station) 2020</i> to amend the NSLEP 2013.	Made: 31/08/20
PP6/19 25-57 Falcon Street, Crows Nest	Proposal Seeks to <ul style="list-style-type: none"> Rezone site from B4 to R4 Increase maximum building height from 10m to part 21m and part 14.5m Apply a maximum FSR of 1.85:1 Remove the non-residential floor space ratio requirement Retain 'retail premises' as a permitted land use on the site Include a site-specific provision to allow minor exceedances to the height of building control to facilitate access to roof / lift overrun. Development will involve 4x buildings ranging from 3 to 6 storeys comprising approximately 87 apartments and 340m ² of retail floor area.	Under assessment Returned to DPIE for assessment and drafting of LEP: 12/07/2021
PP-2020-370 31-33 Albany Street, Crows Nest	Proposed amendments: <ul style="list-style-type: none"> An increase in height from 13m to 26m The introduction of a FSR control of 4.27:1 To facilitate an 8-storey mixed use retail and residential building	Made: 25/11/2016

Figure 8: Summary of relevant Planning Proposals



Figure 9: Planning Proposal applications in locality (Base source: Google)

The table below is a summary of relevant DAs within surrounding the Site.

Development Application	Description	Decision
SSD-9579 Crows Nest Metro Over Station Development	Concept DA for an Over Station Development above the new Crows Nest Metro station. Includes residential, tourist and visitor accommodation, commercial and social infrastructure uses. Up to 21 Storeys.	Approved 23/12/2020
SSD-13852803 Crows Nest Metro OSD Site C- Stage 2	Design and construction of a nine storey commercial building at Crows Nest OSD Site C	Under assessment
DA 430/17 137 Alexander Street, Crows Nest	Demolish existing buildings and construction of four storey mixed use building with basement parking. Building comprises retail premises at ground floor and 10 residential units located above.	Approved 04/07/18
DA 453/16 104 Alexander Street, Crows Nest	Development Application - Construction of 4 storey shop top housing development, rooftop communal terrace and basement car parking.	Approved 07/06/17
DA 327/16 31 Albany Street, Crows Nest	Development Application - Demolition and construction of an 8-storey mixed use retail and residential development and basement carpark.	Approved 03/08/15
DA 488/15 88 Alexander Street, Crows Nest	Development Application - Demolition of existing building and construction of 5 storey mixed use building comprising retail and 16 apartments.	Approved 03/08/15



Development Application	Description	Decision
DA 359/17 35 Rocklands Road, Wollstonecraft	Development Application - Alterations and additions to hospital (Mater Hospital) comprising a three storey extension to the existing ward block and a new building off the northern boundary linked by a landscaped level over the existing car parking. This application is to be determined by the Sydney North Planning Panel.	Approved 30/10/18
DA 90/16 118 Alexander Street, Crows Nest	Development Application - Demolition of existing building and construction of 4 storey mixed use development comprising 12 apartments and basement parking. Determined by NSLPP	Approved 05/10/16
DA 473/15 51 Alexander Street, Crows Nest	Development Application - Demolish existing building and construct a 3 storey mixed use development comprising retail, 7 apartments, basement parking and communal rooftop outdoor space. Determined by NSLPP	Approved 06/07/16
DA 471/15 34 Falcon Street, Crows Nest	Development Application - Demolition of existing buildings and construction of part 3, part 4 storey mixed use development containing 16 apartments with basement parking. Determined by JRPP.	Deferred Commencement Approval 07/09/16
DA 127/17 160 Willoughby Road, Crows Nest	Development Application - Demolition of existing building; construction of four (4) storey mixed use building consisting ground floor retail and nine (9) apartments. Determined by NSLPP.	Approved 06/09/17
DA 327/15 101 Willoughby Road, Crows Nest	Development Application - Excavation of site and construction of part 4; part 6 storey mixed use development consisting of supermarket; retail tenancies; 66 apartments; public plaza; public through site link; 4 levels of basement parking. Closure of Zig Zag Lane. Draft Volunteer Planning Agreement to be amended. This application to be determined by the Joint Regional Planning Panel.	Approved 08/06/16
DA 404/10 200-220 Pacific Highway, Crows Nest	The proposal is for demolition of building 1 (2 storeys) and partial demolition of buildings 2 (7 storeys) and 3 (17 storeys), and a mixed use redevelopment of the site, comprising 203 apartments, 7 serviced apartments, ground floor retail and 150 car parking spaces. The redevelopment will result in a 5 storey building to the Pacific Highway, an 8 storey building to the southern part of the site and a 17 storey tower building.	Approved 02/03/11

Table 6: Summary of relevant Development Applications

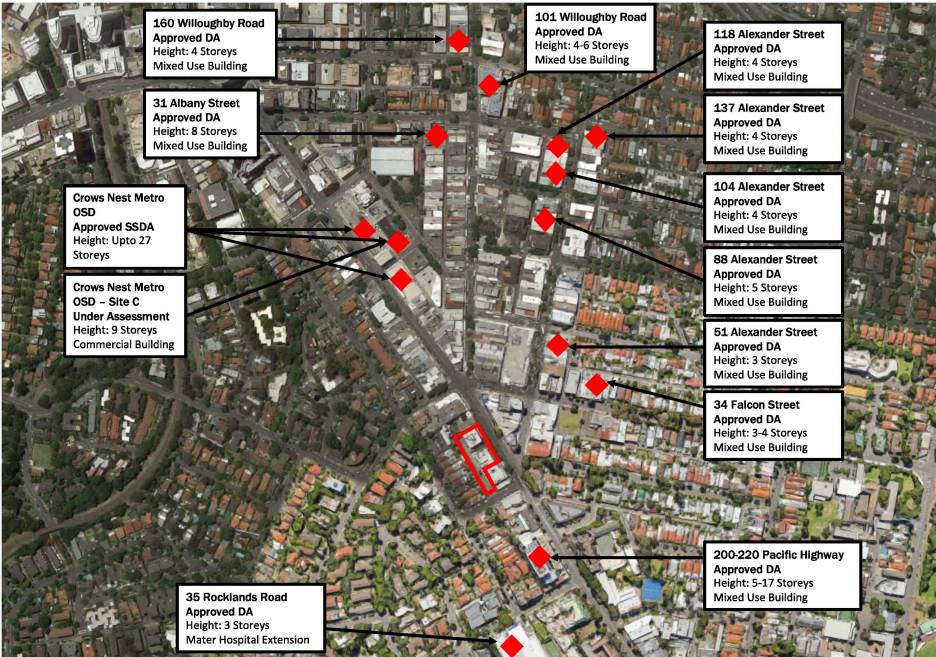


Figure 10: Key Development Applications in the Crows Nest locality (Base source: Google)



2.5 Constraints and Opportunities

An Opportunities and Constraints analysis has been undertaken to inform the development of the Planning Proposal. This work informed the proposed land use and indicative built form as illustrated in the Design Report (Appendix 4).

Constraints to future development on the Site include:

- the Site is located within the vicinity of several heritage items and conservation areas
- Heritage Item I0150 (Former North shore Gas Co) directly adjoins to the north at 286 Pacific Highway
- the Site is burdened by a right of carriageway which provides access to the rear of 51 to 77 Sinclair Street
- existing low to medium density residential development to the west of the Site
- potential to overshadow properties to the east, west and south of the Site, including residential developments
- noise impacts generated by the proposal on neighbouring residential properties during and post construction

The Site **opportunities** include:

- B4 Mixed Use zoning under the NSLEP 2013
- one of the largest sites in the St Leonards Crows Nest precinct with capacity for uplift
- single ownership to ensure certainty of delivery
- the Site is identified by the 2036 Plan as appropriate for uplift
- opportunity to provide a large commercial only development in St Leonards and Crows Nest to satisfy the employment targets identified by the 2036 Plan
- strategically located in the St Leonards Health and Education Precinct, providing opportunities for strategic partnerships with nearby hospitals for health-related uses including the Mater Hospital, Royal North Shore Hospital and North Shore Private Hospital
- access to existing and planned public transport infrastructure including the future Crows Nest Sydney Metro Station
- in close proximity to the Crows Nest Village Centre and between the North Sydney and St Leonards strategic centres
- multiple proposals in the locality seek to increase height and FSR controls. This demonstrates the evolving built form character and an intensification of commercial, business and residential uses.
- substantial frontage to the Pacific Highway with a dedicated access off Bruce Street



3. Existing Planning Controls

The NSLEP 2013 sets out the legislative framework for land use and development in the North Sydney LGA through the application of land use zones and development controls. This Planning Proposal seeks to amend the maximum building height, FSR and non-residential FSR controls that currently apply to the Site by way of an amendment to the NSLEP 2013.

In summary, the Planning Proposal seeks to:

- retain the B4 Mixed Use zone
- amend the height of building controls to 59m
- add a base maximum FSR control of 5.6:1
- amend the non-residential FSR control to 5.6:1
- introduce a site-specific clause to permit an FSR up to 6.02:1 provided any additional floor space above 5.6:1 is located below ground level and used for non-residential purposes

The relevant land use zoning and development controls that currently apply to the Site are outlined in Section 3.1 to Section 3.6. As the Site is within the Area of Recommended Changes to Planning Controls in the 2036 Plan, the recommended controls for the Site under that Plan are also described below (and described in more detail in Section 5).

The proposed amendments that are sought as part of the Planning Proposal are described in Section 5.

3.1 Land Use Zone

The Site is currently zoned B4 Mixed Use under the NSLEP 2013. An extract of the current zoning map is shown in Figure 11 below.

The intended future use of the Site, defined under the NSLEP 2013 as commercial premises and health services facilities, are permissible with consent in the B4 Mixed Use zone and are consistent with the zone objectives, ie:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity.*
- *To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses concentrated on the lower levels and residential uses predominantly on the higher levels.*

The 2036 Plan proposes the retention of the B4 zoning of the Site.

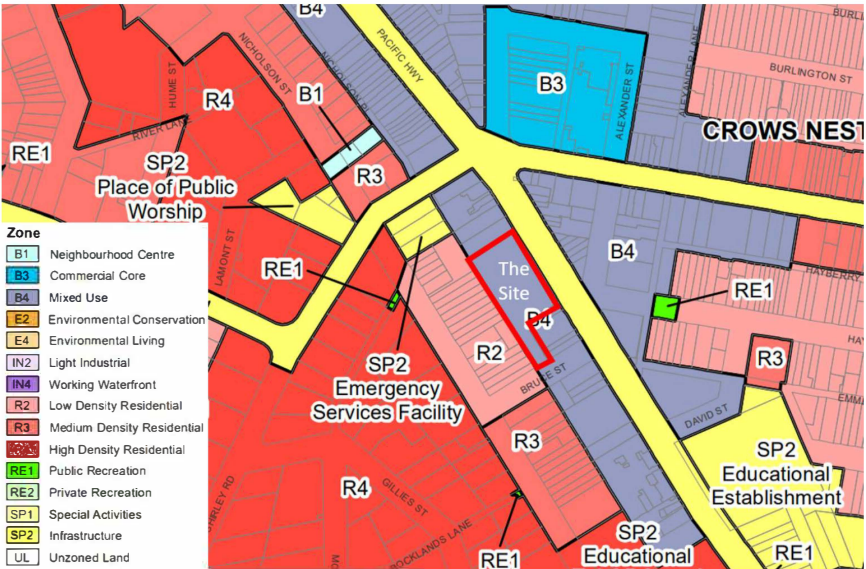


Figure 11: Land Zoning Map (Source: NSLEP 2013)

3.2 Height of Buildings

A maximum building height of 16 metres applies to the Site as shown in Figure 12 below.

The 2036 Plan recommends a 13 storey building height for the Site.

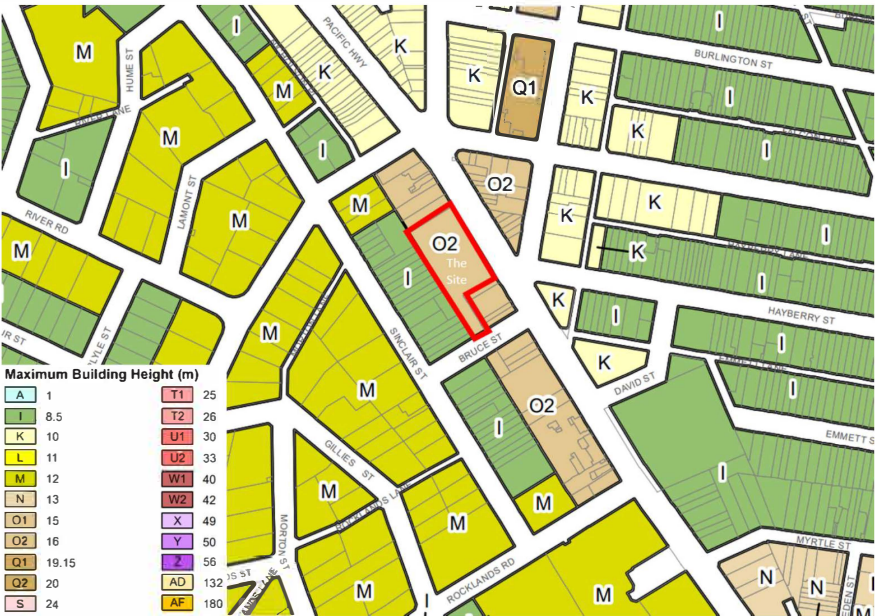


Figure 12: Height of Buildings Map (Source: NSLEP 2013)





Figure 14: Minimum Non-Residential Floor Space Ratio Map (Source: NSLEP 2013)

3.5 Heritage

The Site is not heritage listed, nor is it within a heritage conservation area. However, it is within the vicinity of the following items of heritage significance, as illustrated in Figure 15:

- Item No. I0150 – Former North Shore Gas Co office located at 286-288 Pacific Highway
- Item No. I0173 – Crows Nest Fire Station located at 99 Shirley Road
- Item No. I0151 – Bank located at 306 Pacific Highway
- Item No. I0152 – Former National Australia Bank at 308 Pacific Highway
- Item No. I0172 – Willoughby House, former OJ Williams store at 429 Pacific Highway
- Item No. I0407 – North Sydney Bus Shelter to the west of the Five-Ways intersection on Shirley Road
- Item No. I0181 – Crows Nest Hotel located at 1-3 Willoughby Road
- Item No. I0144 – Former hall located at 14 Hayberry Street
- Item No. I0165 – North Sydney Girls High School located at 365 Pacific Highway

The Site is also located within the vicinity of the following heritage conservation areas:

- Item No. CA08 – Holtermann Estate B
- Item No. CA09 – Holtermann Estate C

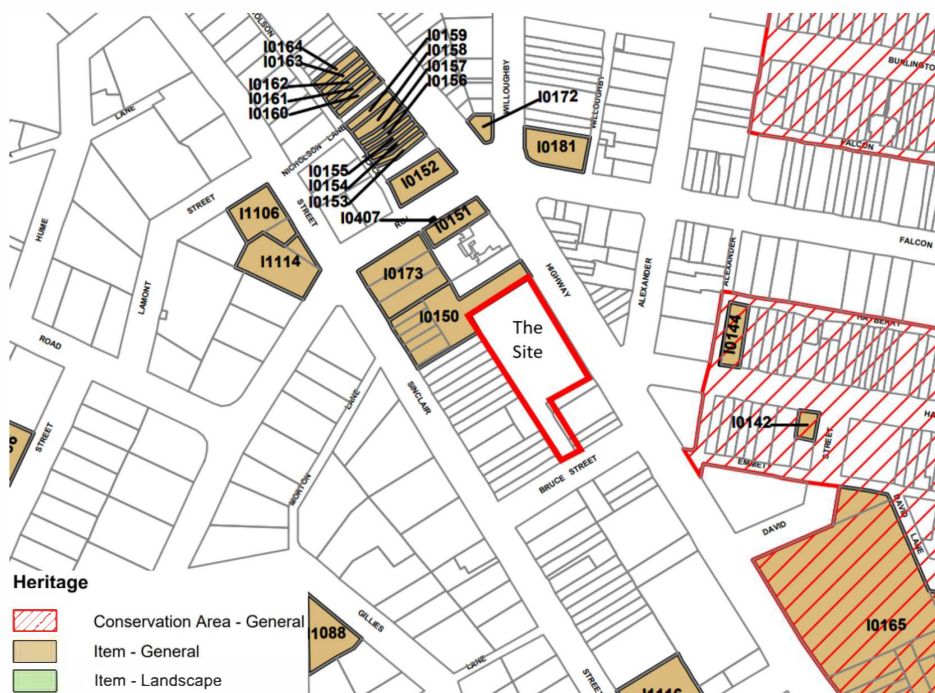


Figure 15: Heritage Map (Source: NSLEP 2013)

There are no recommended changes to the listing of these items under the 2036 Plan.

3.6 Other Provisions

Clause 6.12A of the NSLEP 2013 requires any residential flat building within the B4 Mixed Use zone to be a part of a mixed use development and no residences are permitted on the ground floor facing the street. This does not impact the proposal as no residential uses are proposed.

Clause 6.15 of the NSLEP 2013 establishes that Council may grant consent to development which exceeds the Obstacle Limitation Surfaces of 156m AHD, provided no objection is raised by the relevant Commonwealth body (Sydney Airport). The proposal will be 13 storeys which equates to a height of 156 metres AHD and therefore does not exceed the OLS. The proposal is therefore considered to be compatible with the current and future operations of Sydney Airport. This will be further addressed at the DA stage.

Under the NSLEP 2013, the Site does not have a minimum lot size control, any additional permitted uses and is not identified for acquisition. There are no other planning controls relevant to the Site as part of this Planning Proposal.



4 The Case for Change

This Planning Proposal provides the opportunity to redevelop an underutilised site that is strategically located in close proximity to the Crows Nest Metro Station, the Mater Hospital and Royal North Shore Hospitals, as well as Crows Nest Village and the St Leonards and North Sydney Centres.

On 29 August 2020, DPIE adopted the St Leonards and Crows Nest 2036 Plan which seeks to facilitate the urban renewal of St Leonards and Crows Nest as an expanding employment centre and growing residential community. This is to be achieved through changes to existing planning controls to support the objectives and actions within the 2036 Plan.

The 2036 Plan leverages the existing public transport infrastructure and the future Crows Nest Metro Station to support the growing St Leonards and Crows Nest community with the provision of new infrastructure, open spaces, upgraded cycle lanes and planning for health and education. The plan aims to deliver 6,683 new dwellings, an extra 119,979m² employment floor space and 16,500 new jobs in health, education, professional services and the knowledge sector.

In addition, the North Sydney LSPS identifies that the LGA's population is to increase by an additional 19,500 persons by 2036 and forecasts that it will continue to shift towards an economy based on knowledge and innovation with an estimated job growth of between 22,500 to 37,400 by 2036.

The Site is located within the Five Ways South Education and Medical Precinct and nearby to the Crows Nest Village as per the North Sydney LSPS. The proposal provides an opportunity to leverage the Site's strategic location nearby to established health uses including the Mater Hospital, Royal North Shore Hospital and the North Shore Private Hospital through the provision of additional employment generating floorspace, including health-related administrative uses, allied health and other health related uses. Accordingly, the Planning Proposal is consistent with the provisions of the LSPS relating to the provision of additional employment generating floorspace to assist in the achievement of the significant job growth forecast.

The current planning controls under the NSLEP 2013 do not facilitate the redevelopment of the Site as envisioned under the 2036 Plan and sterilise its otherwise strong strategic potential to significantly contribute the employment floor space uplift needed to support the high job growth envisaged in the 2036 Plan.

The Planning Proposal seeks to give effect to the LSPS and the vision of the 2036 Plan through the urban renewal and redevelopment of the Site as a 13 storey commercial building, with potential to include allied health uses to capitalise on its proximity to the Mater Hospital, accommodating approximately 22,853m² of employment generating floor space.

The Planning Proposal is supported by an Economic Advice Report prepared by SGS. This advice considers the potential economic opportunities for a development of this type in this location. The key findings of this report include:



- Mixed use developments dominate the current employment pipeline in St Leonards and Crows Nest. These developments are mostly decreasing the current quantum of commercial floorspace through an increased proportion of residential floor space. Consequently, mixed use developments will not provide the consolidated A-grade office floorspace which would be needed to attract large corporate tenants to St Leonards Crows Nest area, enabling it to compete with other major employment centres.
- In addition to currently planned development, between 122,154 – 275,054m² of additional commercial (predominately office) floorspace would be needed to achieve employment growth in line with the St Leonards Crows Nest 2036 plan and employment projections. This gap is higher than the 119,979m² estimated to be needed in the St Leonards Plan 2036, as a result of increased employment projections and the development pipeline, which contains many mixed use developments currently associated with an overall decrease in the quantum of commercial office floorspace.
- The subject site is located near Willoughby Road and the future Crows Nest Station, increasing its potential level of attractiveness for businesses following redevelopment. There are also likely to be opportunities for medical premises on the subject site given its proximity to the Mater Hospital and other large medical facilities and premises, as well as accommodating local population-serving businesses seeking proximity to the local Crows Nest Centre rather than the more commercial St Leonards centre.

The Economic Advice Report prepared by SGS also identifies that COVID-19 is likely to dampen overall employment growth and office demand in Greater Sydney in the short and perhaps medium term. However, into the longer term there will continue to be a need for more office floorspace to permit economic growth. COVID-19 also creates the potential for reconfiguration of the office market towards out of CBD locations. Crows Nest and St Leonards are ideally located to benefit from this trend, given their location within a designated health and education precinct and excellent public transport access, but modern A-grade office space would be needed to leverage this opportunity.

On the basis of the findings of the Economic Advice Report, it is apparent that there is strong demand for employment generating floor space within the St Leonards and Crows Nest area. The proposal will provide approximately 22,853m² of employment generating floorspace which will contribute towards meeting demand without absorbing all forecast demand to the detriment of other potential development.

The Planning Proposal seeks to act upon the many opportunities of the Site including:

- B4 Mixed Use zoning under the NSLEP 2013
- one of the largest sites in the St Leonards Crows Nest precinct with capacity for uplift
- single ownership to ensure certainty of delivery
- opportunity to provide a large commercial only development in St Leonards and Crows Nest to satisfy the employment targets identified by the 2036 Plan
- strategically located in the St Leonards Health and Education Precinct, providing opportunities for strategic partnerships with nearby hospitals for health-related uses including the Mater Hospital, Royal North Shore Hospital and North Shore Private Hospital
- access to existing and planned public transport infrastructure including the future Crows Nest Sydney Metro Station
- in close proximity to the Crows Nest Village Centre and between the North Sydney and St Leonards strategic centres



- multiple proposals in the locality seek to increase height and FSR controls. This demonstrates the evolving built form character and an intensification of commercial, business and residential uses.
- substantial frontage to the Pacific Highway with a dedicated access off Bruce Street

In addition to the above site opportunities the Planning Proposal is also supported by the NSW strategic planning framework including the:

- *Greater Sydney Region Plan* – increased commercial, business and health/medical floor space within the Eastern Economic Corridor
- *North District Plan* – employment growth in the St Leonards Health and Education Precinct close to the future Crows Nest Sydney Metro Station
- *St Leonards and Crows Nest 2036 Plan* – health sector growth and contribution to the delivery of 16,500 new jobs required by 2036



5 The Planning Proposal

The Planning Proposal has been prepared in accordance with Section 3.33(2) of the EP&A Act which outlines the required contents of a Planning Proposal. Accordingly, this Planning Proposal includes:

- a description of the Site and the surrounding locality (refer Section 2)
- a statement of the objectives or intended outcomes of the proposed instrument (refer Section 5.1)
- an explanation of the provisions that are to be included in the proposed instrument (refer Section 0)
- the justification for those objectives, outcomes and provisions and the process for their implementation, including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1 of the EP&A Act (refer Section 5.3)
- maps to be adopted by the proposed instrument (refer Section 5.4)
- details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument (refer Section 5.5)
- details on the proposed project timeframe for the completion of the Planning Proposal (refer Section 5.6).

The Planning Proposal has also been prepared in accordance with DPIE's *A Guide to Preparing Local Environmental Plans* (2018) and *A Guide to Preparing Planning Proposals* (2018).

5.1 Part 1: Objectives and Intended Outcomes

Objectives

The objective of the Planning Proposal is to:

Amend the *North Sydney Local Environmental Plan 2013* to enable the future redevelopment of the Site for as a 13 storey commercial office building and basement level car parking.

The intended outcomes of the Planning Proposal are to enable the future redevelopment of the Site (subject to a future development application) which provides a unique opportunity to:

- support the urban renewal of St Leonards and Crows Nest through the redevelopment of Site as a vibrant commercial development
- increase the supply of employment generating floor space to meet the forecast demand for the St Leonards and Crows Next Precinct
- integrate the development into the surrounding community through sound planning and environmental considerations
- leverage the strategic location of the Site in between the North Sydney and St Leonards Strategic Centres
- leverage the Site's strategic location nearby to established health uses including the Mater Hospital, Royal North Shore Hospital and the North Shore Private Hospital through



- the provision of additional employment generating floorspace, including health-related administrative uses, allied health and other health related uses
- promote transit-orientated development and support the realisation of the economic, social and place making opportunities created by the public investment in the Sydney Metro
 - support the implementation of the strategic vision identified in the Greater Sydney Regional Plan, the North District Plan, and the St Leonards Crow Nest 2036 Plan

The amendments proposed to the existing land uses and development controls applicable the Site are summarised in Table 7.

Planning control	Existing development controls (NSLEP 2013)	St Leonards & Crows Nest 2036 Plan	Proposed development controls
Land use zone	B4 Mixed Use	B4 Mixed Use	B4 Mixed Use
Height of buildings	16m	13 storeys	59m (13 storeys)
Floor space ratio (FSR)	N/A	5.6:1	5.6:1
Additional FSR clause	N/A	N/A	Site-specific clause allowing a maximum FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses.
Non-residential FSR	0.5:1	5.6:1	5.6:1

Table 7: Summary of proposed amendments to the NSLEP 2013

As noted in Table 7, in response to Council officers' advice, a new clause is proposed to permit a FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses. Given the additional space is located within the lower ground level, there will be no impact on the height, bulk and scale of the future building on the Site.

The proposed wording for the new clause in the NSLEP 2013 is provided below:

19D 270-272 Pacific Highway Crows Nest—floor space

- (1) The objective of this clause is to provide for additional floor space on certain land to encourage additional employment.
- (2) This clause applies to 270-272 Pacific Highway Crows Nest, being SP 49574.
- (3) Despite clause 4.4, the maximum floor space ratio for a building is 6.02:1, but only if—
 - (a) the floor space ratio of the part of the building that is above the ground level of the building at the Pacific Highway frontage does not exceed 5.6:1, and
 - (b) any additional gross floor area above 5.6:1 is used for non-residential purposes.

The proposed amendments to the NSLEP 2013 maps require amendments to the Height of Buildings Map, Floor Space Ratio Map and Non-Residential Floor Space Ratio Map, as shown in Section 5.4 and below.



Figure 16: Proposed height map (Base source: NSLEP 2013)

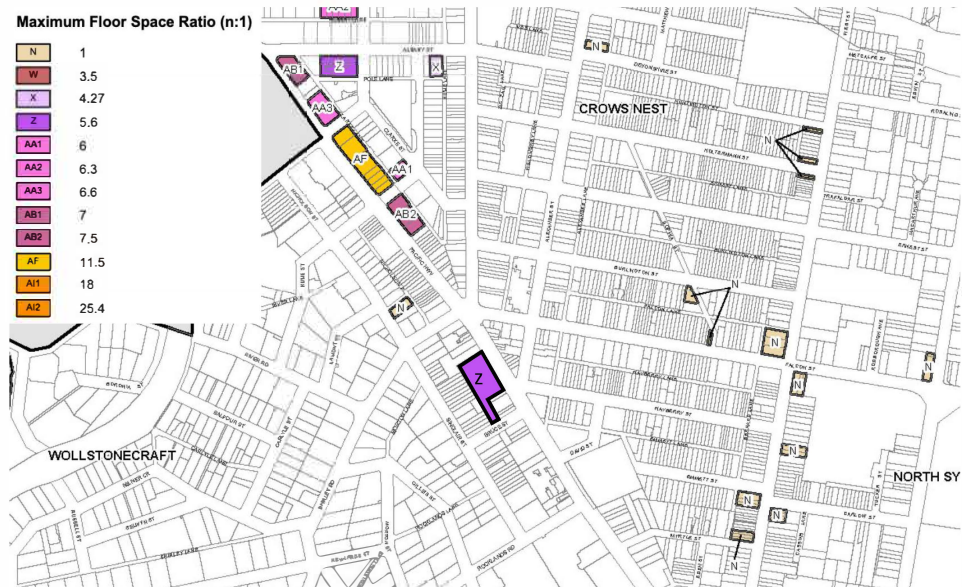


Figure 17: Proposed FSR Map (Base source: NSLEP 2013)



Figure 18: Proposed non-residential FSR map (Base source: NSLEP 2012)

Intended Outcomes

The Planning Proposal is accompanied by a Design Report by Fitzpatrick + Partners (Appendix 4). The study includes a concept building design to demonstrate the form which would be achieved within the proposed planning controls:

The concept design was prepared following a comprehensive site analysis and detailed consideration of the 2036 Plan. Key features of the concept design are described in the below Table.

Element	Proposed
Indicative land uses	<ul style="list-style-type: none"> Commercial Premises, principally office premises and retail premises, comprising ground level retail and café/s Medical centre/s, including allied health uses and specialist medical suites
Building height	13 storeys 59 metres (total height above ground)
FSR	6.02:1 (5.60:1 plus 0.42:1 provided below ground and used for non-residential purposes)
Non-residential FSR	5.6:1 (with any additional FSR up to 6.02:1 being used for non-residential purposes)
GFA	22,853m ²
NLA	18,975m ²
Car parking	202 (approximate)

Table 8: Development overview



Built Form

The concept design (which will be subject to a future development application should the NSLEP 2013 be amended as proposed) is for a 13 storey building, with a 3 storey street wall height to Pacific Highway, in response to adjoining heritage item at 286 Pacific Highway. Both the overall building height and street wall height comply with the controls recommended for the Site under the 2036 Plan.

The proposal provides a maximum permissible FSR of 6.02:1, which is greater than the 5.6:1 recommended under the 2036 Plan. However, this exceedance has no impact in terms of the bulk and scale of the building and is considered acceptable as:

- the proposed amendment to the NSLEP 2013 restricts above ground FSR to 5.6:1 which is consistent with the 2036 Plan. The additional FSR above 5.6:1 must be located below ground, as this space is subterranean it does not contribute to the overall height or scale of the proposal
- the proposed building envelope is fully compliant with the building height, street wall height and setback controls within the 2036 Plan, ensuring the bulk and scale of the development is appropriate for the Site
- the proposal complies with the solar access requirements within the 2036 Plan, maintaining 2 hours of solar access to residential areas inside the boundary of the 2036 Plan between 9am – 3pm. This includes the properties located to the west of the Site on Sinclair Street which achieve 2 hours of solar access between 1pm – 3pm

The scale of the building is effectively broken down through design techniques including the provision of appropriate setbacks, in accordance with the 2036 Plan, and tiering the upper levels of the building. These elements ensure that the proposal is compatible with the desired future character of the area.

Voluntary Planning Agreement

The Planning Proposal is accompanied by a letter that outlines the monetary contribution that Silvernight (Crows Nest) Landowner Pty Ltd may include in a letter of offer to enter into a VPA with Council (Appendix 2).



5.2 Part 2: Explanation of provisions

The Planning Proposal seeks to achieve the intended outcomes outlined under Part 1 (refer Section 5.1) by:

- amending the NSLEP 2013 **Height of Buildings Map**, Sheet 1 (HOB_001)
- amending the NSLEP 2013 **Floor Space Ratio Map**, Sheet 1 (FSR_001)
- amending the NSLEP 2013 **Non-Residential Floor Space Ratio Map**, Sheet 1 (LCL_001)

The proposed amendments to the relevant maps under the NSLEP 2013 are provided Section 5.4 and in Appendix 1.

5.2.1 Rationale for Proposed Development Standards

This Planning Proposal makes the case for change to amend development standards to enable the urban renewal of the Site and facilitating employment generating uses and floor space.

The consideration of an appropriate land use zoning and key built form controls (height and FSR) follows an evidence-based approach which investigated in detail the economic, environmental and social impacts of a new commercial development of the Site.

A planning justification and rationale for the land use and key built form controls is detailed below.

Land Use

This proposal seeks to retain the B4 Mixed Use zone. ***The proposal does not seek to amend the current zoning nor is a Schedule 1 Amendment sought.*** The future land uses are expected to include:

- Commercial Premises, principally modern office premises and retail premises, comprising ground level retail and café/s
- Medical centre/s, including allied health uses and specialist medical suites

These uses are permitted with consent in the B4 Mixed Use zone and are consistent with the zone objectives. In particular, the proposal will:

- support the mixture of compatible land uses within the surrounding B4 Mixed Use zone
- provide employment generating floor space in close proximity to Crows Nest Village and the St Leonards and North Sydney Strategic Centres, supporting the urban renewal and long term development of these areas
- support the St Leonards and Health and Education Precinct, providing opportunities for strategic partnerships with nearby hospitals and health related uses
- encourage walking, cycling and the use of public transport including the future Crows Nest Metro Station



Proposed Built Form Controls (Height & FSR)

The Design Report prepared by Fitzpatrick + Partners (Appendix 4) outlines the guiding methodology and design principles for the proposal. This report investigates the Site and considers potential impacts on adjoining properties and the evolving character of the precinct.

The 13 storey building height is consistent with the controls envisioned under the 2036 Plan for the Site and is reflective of the emerging character of the surrounding area.

The bulk and scale of the building has been limited through the proposed site-specific clause which ensures any additional FSR above 5.6:1 must be located below ground. As this space is subterranean it does not contribute to the overall height or scale of the proposal. Despite being located below ground level, the concept design illustrates that suitable amenity can be achieved to this space including access to sunlight and ventilation.

The building envelope has been effectively managed through the provision of appropriate setbacks and by tiering the upper levels of the building. These elements ensure that the proposal is compatible with the desired future character of the area and also ensure the development does not unnecessarily overshadow neighbouring residential properties.

The proposal complies with the solar access requirements within the 2036 Plan, maintaining 2 hours of solar access to residential areas inside the boundary of the 2036 Plan between 9am – 3pm. This includes the properties located to the west of the Site on Sinclair Street which achieve 2 hours of solar access between 1pm – 3pm

The adopted street wall height responds to and maintains a human-scale to development in Crows Nest, which is a highly valued attribute of this part of the precinct. The podium level also responds to and aligns with the height of the adjoining heritage item at 286 Pacific Highway.



5.3 Part 3: Justification

5.3.1 Section A: Need for a Planning Proposal

Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

On 29 August 2020, DPIE adopted the St Leonards and Crows Nest 2036 Plan which seeks to facilitate the urban renewal of St Leonards and Crows Nest as an expanding employment centre and growing residential community. This is to be achieved through changes to existing planning controls to support the objectives and actions within the 2036 Plan.

The 2036 Plan leverages the existing public transport infrastructure and the future Crows Nest Metro Station to support the growing St Leonards and Crows Nest community with the provision of new infrastructure, open spaces, upgraded cycle lanes and planning for health and education. The plan aims to deliver 6,683 new dwellings, an extra 119,979m² employment floor space and 16,500 new jobs in health, education, professional services and the knowledge sector.

The Planning Proposal is consistent with and seeks to give effect to the vision of the 2036 Plan through the urban renewal and redevelopment of the Site as a 13 storey commercial building, with potential to include allied health uses to capitalise on its proximity to the Mater Hospital, accommodating approximately 22,853m² of employment generating floor space.

The 2036 Plan states that it will be the responsibility of each relevant Council to progress Planning Proposals through amendments to their respective local environmental plans to give effect to the built form recommendations in the Plan.

The Planning Proposal is also consistent with the goals and priorities outlined in the following Council strategic plans and reports:

- *North Sydney Local Strategic Planning Statement*
- *North Sydney Community Strategic Plan 2018-2028*

The above listed plans are addressed in further detailed below.

North Sydney Local Strategic Planning Statement

The North Sydney Local Strategic Planning Statement (LSPS) was adopted in March 2020. The LSPS sets out Council's land use vision, planning principles, priorities, and actions for the next 20 years. It outlines the desired future direction for housing, employment, transport, recreation, environment and infrastructure for North Sydney LGA.

The population of the North Sydney LGA to increase by an additional 19,500 persons by 2036. In addition, the LSPS forecasts the LGA will continue to shift towards an economy based on knowledge and innovation with an estimated job growth of between 22,500-37,400 by 2036.



The LSPS identifies that the intensification of health and education facilities at St Leonards will continue to support jobs growth within the precinct and acknowledges that supporting all the opportunities that the existing education, medical, telecommunications and multimedia clusters can bring will ensure North Sydney remains competitive and nationally significant.

The LSPS lists 15 Planning Priorities and sets out specific actions to deliver these priorities consistent with Council's and the community's future vision for the LGA. The Planning Priorities relate to the following key areas:

- Infrastructure and collaboration
- Liveability
- Productivity
- Sustainability

The LSPS includes a Structure Plan that provides the land use vision for the North Sydney LGA. The structure plan aligns with the regional and district strategic directions outlined in the Greater Sydney Region Plan and the North District Plan. The Site is located within the Five Ways South Education and Medical Precinct and nearby to the Crows Nest Village.

The proposal provides an opportunity to leverage the Site's strategic location nearby to established health uses including the Mater Hospital, Royal North Shore Hospital and the North Shore Private Hospital through the provision of additional employment generating floorspace, including health-related administrative uses, allied health and other health related uses.

The proposal is consistent with the LSPS as it provides employment generating floor space in a suitable location. A large amount of additional commercial and office floorspace is needed in the North Sydney LGA to meet the employment targets in line with employment projections to 2036. The Site is strategically located within the Five Ways South Education and Medical Precinct, nearby to the Crows Nest Village and the future Crows Nest Metro Station. An assessment against the relevant planning priorities is provided in Appendix 3.

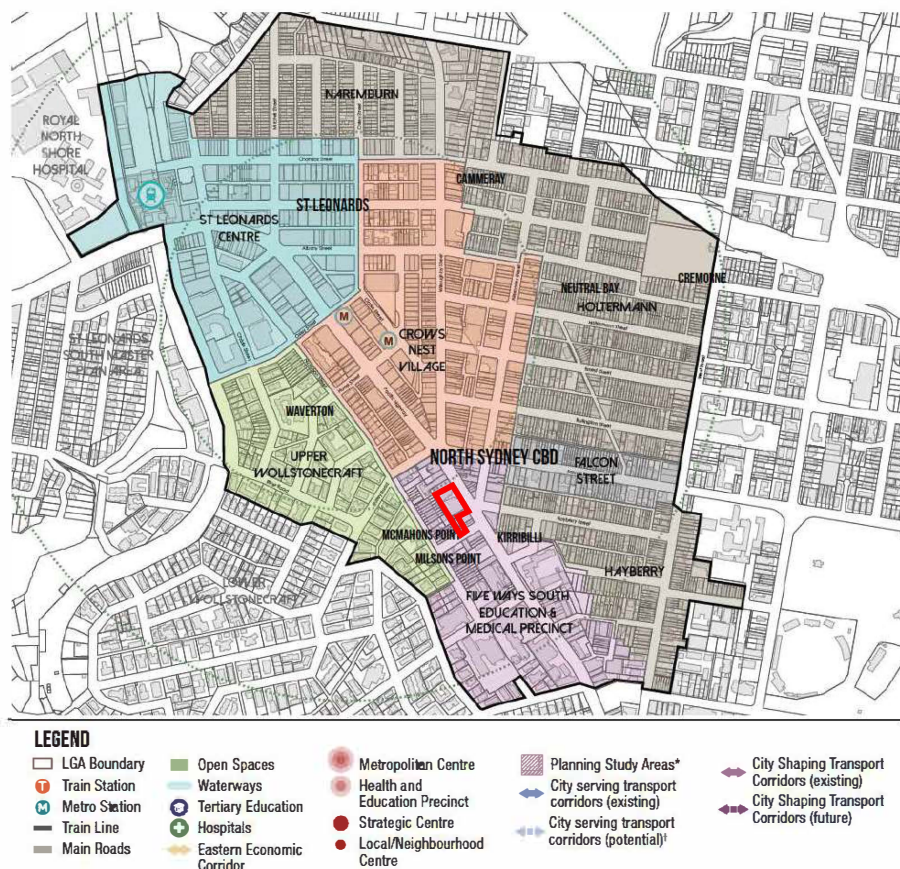


Figure 19: Structure Plan (Source: LSPS)

North Sydney Community Strategic Plan 2018-2028

North Sydney Community Strategic Plan 2018-2028 (Community Strategic Plan) is the Council's vision and priorities for the LGA, the Community Strategic Plan has a broader focus than the LSPS as it addresses long term social, environmental and economic goals for the community that have been developed following extensive community consultation and engagement.

Relevant outcomes sought as part of the Community Strategic Plan include:

- 2.1: Infrastructure and assets meet community needs
- 2.2: Vibrant centres, public domain, villages and streetscapes
- 2.3: Sustainable transport is encouraged
- 3.1: Prosperous and vibrant economy
- 3.3: North Sydney is smart and innovative
- 3.4: North Sydney is distinctive with a sense of place and quality design
- 4.1: North Sydney is connected, inclusive, healthy and safe



The proposal is consistent with the Community Strategic Plan as it will:

- promote a prosperous and vibrant economy
- encourage a diverse mix of business type and size
- support existing businesses and attract and foster new businesses
- promote public transport use
- exhibit a high quality design

The proposal will help grow and contribute to North Sydney's national status as a prosperous and vibrant CBD that attracts businesses and visitors to form a successful commercial hub for the region, NSW and Australia.

Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best and most appropriate means of achieving the desired future redevelopment of the Site. As demonstrated in this proposal, the existing built form controls under the NSLEP 2013 do not allow the Site to be developed in a manner that will deliver opportunities to support existing businesses or attract and foster new businesses.

The current built form controls sterilise the Site for future redevelopment and prohibit the Site from realising its strategic potential. The existing controls are inconsistent with the built form controls and uplift envisioned for the Site under the 2036 Plan.

The 2036 Plan states that it will be the responsibility of each relevant Council to progress Planning Proposals through amendments to their respective local environmental plans to give effect to the built form recommendations in the Plan.

Furthermore, detailed site analysis undertaken as part of this Planning Proposal confirm that the Site is capable of achieving a higher FSR than recommended in the 2036 Plan through the lower ground level. The proposal remains compliant with other key recommended controls in the 2036 Plan including height and solar access.

The Planning Proposal is therefore considered the best means of providing an increase in the supply of employment generating floor space within the Site and the wider St Leonards and Crows Nest Precinct.

The Economic Advice prepared by SGS (Appendix 5) found that there are few prospects for a large commercial-only development in St Leonards and Crows Nest, with only mixed-use developments found on the Cordell Connect development database and little land intended to be zoned B3 Commercial Core in St Leonards.

Given the Sites consolidated ownership it provides an opportunity to facilitate commercial-only development in the short-medium term. Increased development would support the economic objectives in the 2036 Plan and other strategic planning documents, as well as supporting Crows Nest Village as a vibrant local centre.

Accordingly, the proposed amendments of built form controls for the Site through an amendment to the NSLEP 2013 is considered the most appropriate method to deliver the desired outcomes.



5.3.2 Section B: Relationship to Strategic Planning Framework

Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The Planning Proposal aims to give effect to the objectives and actions of the following metropolitan, district and other plans:

- *Premier's Priorities*
- *Greater Sydney Region Plan – A Metropolis of Three Cities*
- *North District Plan*
- *St Leonards Crows Nest 2036 Plan*
- *NSW Future Transport 2056*

Premier's Priorities

In June 2019, the Premier provided an update on the Premier's Priorities. The NSW Government's key areas of focus include a strong economy, highest quality education, well connected communities with quality local environments, putting customer at the centre of everything the NSW Government does, and breaking the cycle of disadvantage.

- | | |
|--|---|
| • Bumping up education results for children | • Reducing homelessness |
| • Increasing the number of Aboriginal young people reaching their learning potential | • Improving service levels in hospitals |
| • Protecting our most vulnerable children | • Improving outpatient and community care |
| • Increasing permanency for children in out-of-home care | • Towards zero suicides |
| • Reducing domestic violence reoffending | • Greener public spaces |
| • Reducing recidivism in the prison population | • Greening our city |
| | • Government made easy |
| | • World class public service |

The proposal is consistent with these State-level strategic objectives as it will support jobs through the creation of employment generating floor space. In addition, the Site's strategic location nearby to established health uses including the Mater Hospital, Royal North Shore Hospital and the North Shore Private Hospital, provides the opportunity for allied health uses at the Site.

Greater Sydney Region Plan

The *Greater Sydney Region Plan* (Region Plan) outlines how Greater Sydney will manage growth and change in the context of social, economic and environmental matters. It sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans. The overriding vision for Greater Sydney in the Region Plan is to rebalance Sydney into a metropolis of 3 unique but connected cities:

- the established Eastern Harbour City
- the developing Central River City
- the emerging Western Parkland City



Historically, Greater Sydney's jobs and transport have been focused to the east, requiring many people to make long journeys to and from work and other services. The 3 cities vision allows opportunities and resources to be shared more equitably while enhancing the local character we value in our communities.

By integrating land use, transport links and infrastructure across the three cities, more people will have access within 30 minutes to jobs, schools, hospitals and services.

The Region Plan provides broad *Priorities and Actions* which focus on the following 4 key themes:

- *Infrastructure and collaboration*
- *Liveability*
- *Productivity*
- *Sustainability*

As part of the vision for the Eastern Harbour City, the Region Plan identifies Crows Nest and St Leonards for urban renewal. The Region Plan identifies the Site as part of the Eastern Economic Corridor which includes St Leonards as a Health and Education Precinct and North Sydney as part of the Harbour CBD.

The proposal seeks to optimise its location in relation to surrounding strategic centres, in particular the Health and Education Precinct. The applicant is investigating opportunities for collaboration with surrounding hospitals including the nearby Mater Hospital.

An analysis of the consistency of the Planning Proposal with the objectives of the Region Plan is provided in Appendix 3.

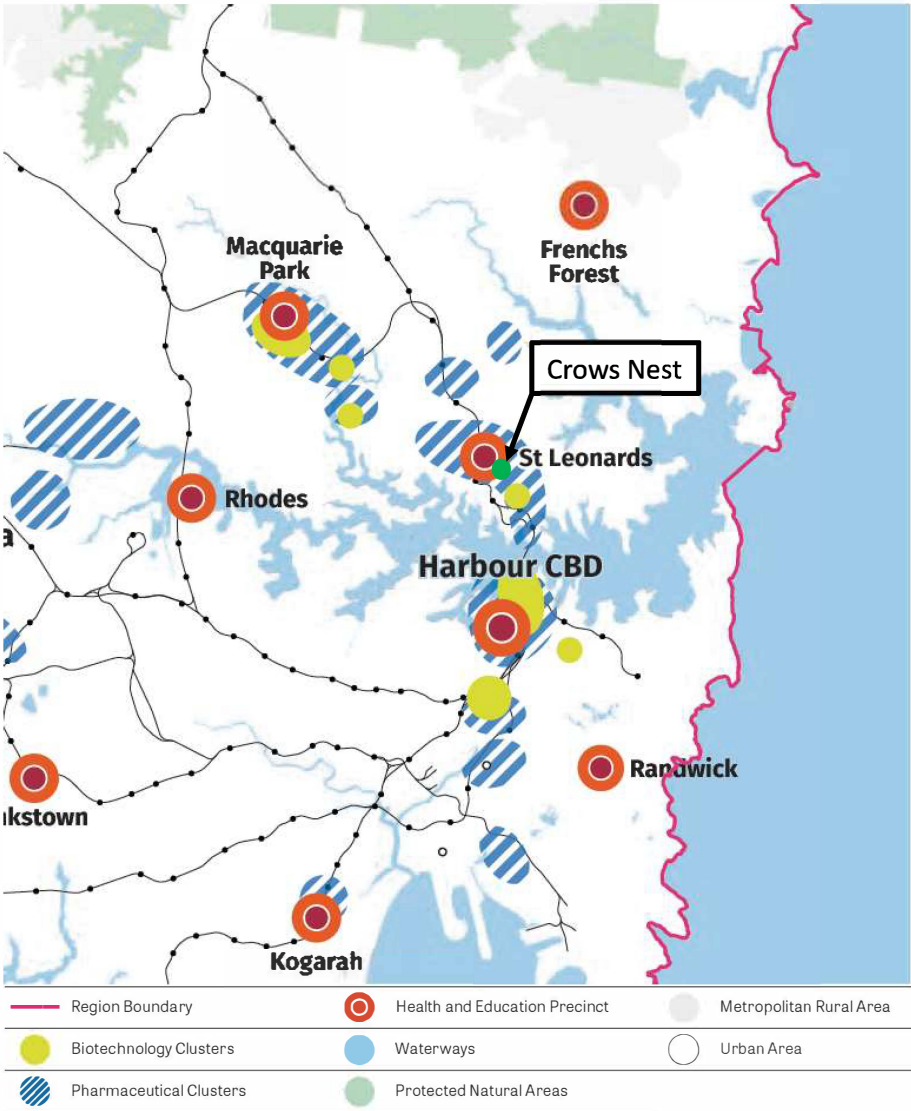


Figure 20: Health and Education Precincts and Industry Clusters (Source: GSC)

North District Plan

The *North District Plan* (District Plan) was prepared by the Greater Sydney Commission (GSC) in March 2018. It seeks to manage growth in the context of economic, social and environmental matters in the North District. It provides the district level framework to implement the goals and directions outlined in the Region Plan.



The District Plan states that Crows Nest is a great, dynamic place due to its street life and vibrant restaurant and retail strip along Willoughby Road. The plan further highlights the opportunity for renewal and activation in Crows Nest as a result of the new Metro station.

The plan also emphasises the strategic value and potential of the St Leonards Health and Education Precinct. St Leonards has been assigned a baseline jobs target of 54,000 jobs by 2036 and a higher target of 63,500 jobs by 2036. The proposed commercial development on the Site resulting from the Planning Proposal will provide new jobs at the Site, with additional jobs generated throughout the wider local economy.

The Site's location within the precinct and the employment areas within the precinct are shown in the figure below.

An analysis of the proposal against the relevant planning priorities of the District Plan is provided in Appendix 3.



Figure 21: Location of jobs and services within the St Leonards Health and Education Precinct (Source: North District Plan)



St Leonards and Crows Nest 2036 Plan

The St Leonards and Crows Nest 2036 Plan was prepared by DPIE and finalised in August 2020. The precinct plan coordinates the planning for a precinct which encompasses land in three separate local government areas and includes a new Sydney Metro Station which is considered as the catalyst for rejuvenation of St Leonards and Crows Nest.

The precinct plan sets a vision to 2036 for the urban renewal of the St Leonards and Crows Nest area which seeks to expand the area's role as an employment centre, improve its public spaces and connections.

The plan guides future land use planning and consideration of the plan is required by the associated section 9.1 Ministerial Direction (addressed in Section 5.3).

The 2036 Plan leverages the existing public transport infrastructure and the future Crows Nest Metro Station to support the growing St Leonards and Crows Nest community with the provision of new infrastructure, open spaces, upgraded cycle lanes and planning for health and education. The plan will deliver 6,683 new dwelling, planning capacity for an extra 119,979m² employment floor space and 16,500 new jobs in health, education, professional services and the knowledge sector.

The 2036 Plan has been shaped by a number of objectives and priorities for the St Leonards and Crows Nest Precinct. It also identifies indicative changes to the existing planning controls that have been developed to achieve the key urban design principles envisioned by the plan.

The controls recommended for the Site under the 2036 Plan are identified in the below table.

Planning control	St Leonards & Crows Nest 2036 Plan	Compliance
Land use zone	B4 Mixed Use	Complies
Height of buildings	13 storeys	Complies
Floor space ratio (FSR)	5.6:1	Yes, subject to proposed additional FSR clause, discussed below
Non-residential FSR	5.6:1	Complies
Street wall height	3 storey street wall height	Complies
Setbacks	Front: 0 metres (to Pacific Highway):	Complies
	Rear: 6 metres (to rear of properties fronting Sinclair Street)	Complies
Solar Access	No additional overshadowing of nominated public open space between 10am - 3pm	Complies
	No additional overshadowing of nominated streetscapes between 11.30am - 2.30pm	Complies
	Maintain at least 2 hours of solar access to residential areas inside the boundary of the plan between 9am - 3pm	Complies



Planning control	St Leonards & Crows Nest 2036 Plan	Compliance
	Maintain at least 3 hours solar access to Heritage Conservation Areas inside the boundary of the plan for at between 9am – 3pm	Complies
	Maintain solar access to residential areas outside the boundary of the plan for the whole time between 9am – 3pm	Complies

Table 9: 2036 Plan Controls for the Site

The Planning Proposal is generally consistent with the 2036 Plan as the B4 Mixed Use zoning is retained and a maximum building height of 59 metres is proposed, equating to 13 storeys.

A base FSR of 5.6:1 is proposed accompanied by a new clause to permit a FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and used for non-residential purposes. The proposed maximum FSR of 6.02:1 on the site results in a minor exceedance of the FSR proposed under the 2036. However, the relevant section 9.1 Ministerial Direction for the 2036 Plan permits minor inconsistencies, if a proposal achieves the overall intent of the 2036 Plan and does not undermine the achieve of the Plan's vision, objectives and actions.

The proposed FSR & new clause is acceptable as the additional FSR above 5.6:1 is provided entirely below ground level and therefore will have no impact on the height, bulk and scale of the future building on the Site. Subsequently, the concept building envelopes are compatible with the desired future character of the area as established under the 2036 Plan.

The resultant bulk and scale does not result in adverse overshadowing impacts to neighbouring residential properties. These issues are further addressed in Sections 5.3.3.

Furthermore, the additional GFA above 5.6:1 is to be used for non-residential purposes only, which will increase the site's contribution towards meeting the targets of 16,500 new jobs in the precinct established of in the 2036 Plan.

The proposal is consistent with the relevant objectives as detailed in the below table. The proposal also satisfies the relevant priorities of the 2036. An assessment against the relevant priorities is provided in Appendix 3.



Objective	Comment
Infrastructure and collaboration	<p>The proposal increases the quantum of employment generating floorspace in a location that is well served by existing road, public transport (bus and rail) and active travel (cycling and pedestrian) infrastructure.</p> <p>The Site is also located within 400 metres of the future Crows Nest Metro Station and facilitates the realisation of the economic, social and place making opportunities created by public investment.</p> <p>The Sites location, within walking distance of rail, metro and bus services, will ensure that infrastructure use is optimised.</p> <p>This Planning Proposal will implement the outcomes of St Leonards Crows Nest 2036 plan, which was collaboratively developed by government, the community, businesses and key stakeholders. This is to be achieved through collaboration with existing health and education uses within the St Leonards and Crows Nest area to strengthen and develop the wider health and education precinct.</p>
Liveability	<p>The Site is strategically located in proximity to services and infrastructure including the Crows Nest Village, the St Leonards and North Sydney Strategic Centres.</p> <p>The Site has good access to infrastructure services including the future Crows Nest metro station and St Leonards and Wollstonecraft train stations.</p> <p>The Plan states that integrated planning for health services is required to make it easier for people to access a comprehensive health system, including allied health services. The Site is strategically located in the St Leonards Health and Education Precinct, providing opportunities for strategic partnerships with nearby hospitals, including the Mater Hospital, Royal North Shore Hospital and North Shore Private Hospital, for allied health-related uses.</p> <p>The Planning Proposal is accompanied by a letter that outlines the monetary contribution that Silvernight (Crows Nest) Landowner Pty Ltd may include in a letter of offer to enter into a VPA with Council.</p>
Productivity	<p>The North District Plan includes three health and education precincts, including the St Leonards Health and Education Precinct.</p> <p>The Site is strategically located in this precinct, providing opportunities for strategic partnerships with nearby hospitals for health-related uses including the Mater Hospital, Royal North Shore Hospital and North Shore Private Hospital.</p> <p>The North District Plan establishes an employment target of between 54,000 and 63,500 jobs in the St Leonards Health and Education Precinct by 2036.</p> <p>There are few prospects for a large commercial-only development in St Leonards and Crows Nest. Sites with consolidated ownership such as the subject site provide opportunities to facilitate commercial-only development in the short-medium term.</p> <p>The Planning Proposal supports the economic objectives of the North District Plan as it represents a significant investment in the St Leonards Health and Education Precinct and will provide additional employment generating floor space, required to achieve the abovementioned job targets.</p>



Objective	Comment
Sustainability	<p>This Planning Proposal seeks to facilitate greater use of public transport to combat the use of private vehicles and in doing so reduce greenhouse emissions.</p> <p>The Applicant is committed to managing resource consumption by minimising waste, increasing energy efficiencies and lessening environmental impact where possible. Such measures will be explored in greater detail at the detailed design stage. A Building Services Summary Report (Appendix 10) has been prepared by NDY which outlines the sustainability targets of the proposal which include a Green Star Design and As Built equivalency performance of 5 Star and a NABERS Office Energy 5.5. Star.</p>

Table 10: Assessment against the objectives of the 2036 Plan

Future Transport 2056 Strategy

The *NSW Future Transport Strategy 2056* was published in March 2018 and acknowledges the vital role transport plays with regards to land use, tourism and economic development. The Strategy is supported by a suite of plans to achieve a 40-year vision for transport in New South Wales to cater for the estimated increase in population to 12 million by 2056.

The strategy focuses on the role of transport in delivering movement and place outcomes that support the character of the places and communities for the future. It emphasises technology-enabled mobility and its role in transforming the mass transit network.

The proposed site is strategically located near existing and future transport links such as St Leonards and Wollstonecraft train stations and the Crown Nest metro station. The strategy identifies Crows Nest as being located within both a city-serving corridor and along a city-shaping corridor. The proposal aims to support Greater Sydney by providing further employment opportunities and business growth within an established economic corridor.

As detailed within the Traffic and Parking Study prepared by SCT Consulting (Appendix 7) the location of the development near supports the aspiration of 30-minute access to employment centres by public transport for everyone. The development will capitalise on its location near to the metro and rail stations to support sustainable travel behaviours.

Strategic and site-specific merit

The strategic and site-specific merit test is outlined in DPIE's *A Guide to Preparing Planning Proposals* to assist proponents in justifying a Planning Proposal. An assessment against this test is provided in the below table.



Provision	Consistency
Does the proposal have strategic merit? Will it:	
<ul style="list-style-type: none"> give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the Site, including any draft regional, district or corridor/precinct plans released for public comment; or 	<ul style="list-style-type: none"> The Planning Proposal is consistent with the relevant objectives and planning priorities of the Region Plan, District Plan, and the 2036 Plan as it retains the B4 Mixed Use zoning for the site and provides for significant additional employment generating floor space to meet the job targets contained in these plans. The site is strategically located in the St Leonards Health and Education Precinct, providing opportunities for strategic partnerships with nearby hospitals for health-related uses including the Mater Hospital, Royal North Shore Hospital and North Shore Private Hospital. The provision of 22,853m² of employment generating floorspace is likely to provide opportunities for medical premises on the subject site which will support and strengthen the health and education precinct.
<ul style="list-style-type: none"> give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or 	<ul style="list-style-type: none"> As detailed in this report, the Planning Proposal is consistent with the: <ul style="list-style-type: none"> North Sydney Local Strategic Planning Statement North Sydney Community Strategic Plan 2018-2028
<ul style="list-style-type: none"> responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans. 	<ul style="list-style-type: none"> The Planning Proposal responds to the investment in infrastructure within the St Leonards and Crows Nest Planning Precinct, including the delivery of the new Crows Nest Metro Station, and the employment trends and targets for St Leonards-Crows Nest outlined in the Region, District and 2036 Plans and Council's LSPS. The site is situated in close proximity to transport infrastructure links and within 400 metres walking distance of the new Crows Nest Metro Station.
Does the proposal have site-specific merit, having regard to the following?	
<ul style="list-style-type: none"> the natural environment (including known significant environmental values, resources or hazards) and 	<ul style="list-style-type: none"> The site is heavily modified and there are no known site-specific environmental considerations identified in the Planning Proposal and supporting material that would preclude further consideration of the proposed urban renewal.
<ul style="list-style-type: none"> the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and 	<ul style="list-style-type: none"> The site is located within the St Leonards and Crows Nest Precinct. The 2036 Plan recommends the site remain zoned B4 Mixed Use. The Planning Proposal retains the B4 zoning for the site and the identified potential future uses are permitted with consent in the zone. The 2036 Plan recommends increased building heights and densities within the Precinct. The Planning Proposal is consistent with the emerging built form character of the area. The proposal complies with the solar access requirements within the 2036 Plan, maintaining 2 hours of solar access to residential areas inside the boundary of the 2036 Plan between 9am – 3pm. This includes the properties located



Provision	Consistency
<ul style="list-style-type: none"> the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision. 	<p>to the west of the Site on Sinclair Street which achieve 2 hours of solar access between 1pm – 3pm</p> <ul style="list-style-type: none"> The site is well serviced by existing infrastructure, utilities and services. The Applicant proposes to deliver further benefits to the community through a VPA.

Table 11: Strategic and site-specific merit test

Is the Planning Proposal consistent with a Council's Local Strategy or Other Local Strategic Plan?

Yes. The Planning Proposal is consistent with the following local strategies prepared by Council:

- North Sydney Local Strategic Planning Statement*
- North Sydney Community Strategic Plan 2018-2028*

The above listed local strategies are addressed in detail at Section 5.3.1 and Appendix 3.



Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) aims to facilitate the effective delivery of infrastructure across the State. This includes identifying matters to be considered in the assessment of development adjacent to types of infrastructure development and providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.

Many of the provisions relate to development by the Crown and exempt development of certain development by on behalf of the Crown, which is not relevant to the Planning Proposal.

The ISEPP also contains provisions that, while not relevant to the Planning Proposal, would be considered at future DA stage:

- Clause 101 stipulates that the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that vehicular access to the land is provided by a road other than the classified road and the safety, efficiency and ongoing operation of the classified road will not be adversely affected.

The development fronts the Pacific Highway, which is a classified road. However, vehicular access to the Site is proposed from Bruce Street, as currently provided.

- Clause 104 requires that development applications for certain traffic generating development, as set out in Schedule 3 of the policy, be referred to the RMS (now known as Transport for NSW (TfNSW)). The proposal exceeds the threshold criteria for commercial premises and the future DA will therefore require referral to TfNSW.

Noise considerations to and from the proposed development can be addressed through the detailed design stage and would not be a determinative factor in the Planning Proposal.

State Environmental Planning Policy No.55 – Remediation of Land

State Environmental Planning Policy No 55 – Remediation of Land aims to provide for a State-wide consistent planning approach to the remediation of contaminated land, with various objectives and provisions, particularly to reduce the risk of harm to human health and the environment.

Clause 7 of the SEPP requires a consent authority, in determining a development application, to consider whether a site is contaminated and whether the site is suitable for the proposed use (before or after remediation).

The Site was previously redeveloped for commercial purposes in the 1980's. It is considered that the Site would have been made suitable for commercial purposes at this stage and that the contamination risk of the Site is low. It is further noted that there are no acid sulphate soils maps in NSLEP 2013 and is therefore considered to have a very low probability of containing acid sulfate soils.



On this basis, a contamination report has not been commissioned at this early stage of planning. Nonetheless, any future development application would include an appropriate contamination assessment.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) was one of a suite of Land Management and Biodiversity Conservation (LMBC) reforms that commenced on 25 August 2017. The Vegetation SEPP works together with the *Biodiversity Conservation Act 2016* and the *Local Land Services Amendment Act 2016* to create a framework for the regulation of clearing of native vegetation in NSW.

The Site is predominantly built up and contains very minimal vegetation. The Site contains a total of five trees, with two palm trees located within planter boxes fronting Pacific Highway and three located to the north western corner. A further 10 palm trees are located just outside of the Site within the footpath to the Pacific Highway street frontage. The Site is not mapped as containing areas of remnant vegetation within maps published by the NSW Office of Environment and Heritage.

State Environmental Planning Policy No. 64 – Advertising and Signage

State Environmental Planning Policy 64 Advertising and Signage (SEPP 64) aims to ensure that advertising and signage is well located, compatible with the desired amenity of an area and of high quality.

SEPP 64 applies to all signage, advertisements that advertise or promote any goods, services or events and any structure that is used for the display of signage that is permitted under another environmental planning instrument.

SEPP 64 is not relevant to this Planning Proposal. Any signage and associated SEPP 64 assessment will be addressed at future DA stage.

Draft State Environmental Planning Policy (Environment)

Draft State Environmental Planning Policy (Environment) (Environment SEPP) aims to promote the protection and improvement of key environmental assets for their intrinsic value and the social and economic benefits they provide. Once adopted it will consolidate the following existing SEPPs:

- *State Environmental Planning Policy No.19 – Bushland in Urban Areas*
- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*
- *State Environmental Planning Policy No.50 – Canal Estate Development*
- *Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment*
- *Sydney Regional Environmental Plan No.20 – Hawkesbury-Nepean River (No.2-1997)*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Willandra Lakes Regional Environmental Plan No.1 – World Heritage Property*

The Site is not zoned open space and is not identified as having biodiversity significance. Furthermore, the Site is not mapped as containing areas of remnant vegetation within maps published by the NSW Office of Environment and Heritage.



Draft Remediation of Land State Environmental Planning Policy

Draft Remediation of Land State Environmental Planning Policy (Remediation SEPP) aims for better management of remediation works by aligning the need for development consent with the scale, complexity and risks associated with the proposed works.

Once adopted, the Draft Remediation SEPP will:

- Provide a state-wide planning framework for the remediation of land
- Require consent authorities to consider the potential for land to be contaminated when determining DAs
- Clearly list the remediation works that require development consent
- Introduce certification and operational requirements for remediation works that can be undertaken without development consent

As discussed, the Site was previously redeveloped for commercial purposes in the 1980's. It is considered that the Site would have been made suitable for commercial purposes at this stage and that the contamination risk of the Site is low. It is further noted that there are no acid sulphate soils maps in NSLEP 2013 and is therefore considered to have a very low probability of containing acid sulfate soils.

On this basis, a contamination report has not been commissioned at this early stage of planning. Nonetheless, any future development application would include an appropriate contamination assessment.

Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 directions)?

Yes. The Planning Proposal is consistent with the Directions issued by the Minister for Planning and Public Spaces under section 9.1 of the EP&A Act (formerly section 117). The Directions that are relevant to the Planning Proposal are addressed in Table 12.

Relevant Ministerial Direction	Consideration
Employment and Resources	
Direction 1.1: Business and Industrial Zones	<p>The objective of Direction 1.1 is to:</p> <ul style="list-style-type: none"> • encourage employment growth in suitable locations, • protect employment land in business and industrial zones, and • support the viability of identified centres, <p>The proposal is consistent with this direction as it retains the B4 zoning of the Site and will facilitate a significant uplift in commercial and employment generating use floor space that could provide between 730 to 1,154 new jobs at the Site.</p> <p>The Site is located between and will support the North Sydney and St Leonards strategic centres which are considered identified centres under the Greater Sydney Region Plan.</p>



Relevant Ministerial Direction	Consideration
Direction 1.2: Rural Zones	Not applicable to the site.
Direction 1.3: Mining, Petroleum Production and Extractive Industries	Not applicable to the site.
Direction 1.4: Oyster Aquaculture	Not applicable to the site.
Direction 1.5: Rural Lands	Not applicable to the site.
Environment and Heritage	
Direction: 2.1 Environment Protection Zones	Not applicable to the site.
Direction: 2.2 Coastal Management	Not applicable to the site.
Direction 2.3: Heritage Conservation	<p>The objective of Direction 2.3 is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The Site does not contain any heritage items nor is it located within a heritage conservation area.</p> <p>An item of local heritage significance known as the Former North Shore Gas Co office (I0150) adjoins the northern site boundary.</p> <p>The Site is also in close proximity to a number of locally listed heritage items, including several which have landmark status in Crows Nest and which define the Five Ways intersection and form the character of the Crows Nest shopping strip along the Pacific Highway.</p> <p>In addition to these individually listed items, the Site is also in the vicinity of the Holtermann Estate C Conservation Area, the western edge of which is bordered by the Pacific Highway.</p> <p>A HIS has been prepared by NBRS + Partners which identifies that the proposal will retain the established cultural significance of the Holtermann Estate Conservation Area and the heritage items in the vicinity. The contribution each heritage item makes to the historic character of the area will be retained, albeit in the altered urban context as envisaged in the 2036 Plan. These items will continue to be legible as historic buildings of high architectural quality, making an important contribution to the streetscape.</p> <p>The HIS concludes that the proposed amendments are acceptable from a heritage perspective and are consistent with the heritage objectives of the NSLEP 2013 and the NSDCP 2013.</p>
Direction 2.4: Recreation Vehicle Areas	Not applicable to the site.
Direction 2.5: Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable to the site.



Relevant Ministerial Direction	Consideration
Direction 2.6: Remediation of Contaminated Land	<p>The Site was previously redeveloped for commercial purposes in the 1980's. The Planning Proposal does not propose any land use change to the Site. Furthermore, it is considered that the Site would have been made suitable for commercial purposes at this stage and that the contamination risk of the Site is low. It is further noted that this site is not identified as containing acid sulphate soils under the NSLEP 2013 and is therefore considered to have a very low probability of containing acid sulfate soils.</p> <p>On this basis, a contamination report has not been commissioned at this early stage of planning. Nonetheless, any future development application would include an appropriate contamination assessment.</p>
Housing, Infrastructure and Urban Development	
Direction 3.1: Residential Zones	<p>The objectives of Direction 3.1 is to:</p> <ul style="list-style-type: none"> encourage a variety and choice of housing types to provide for existing and future housing needs make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services minimise the impact of residential development on the environment and resource lands. <p>Despite residential development being permitted within the B4 Mixed Use zone, the primary objective of the Planning Proposal is to facilitate a commercial development and associated employment generating floor space. The proposed land uses are permitted with consent in the B4 Mixed Use zone and will contribute to achieving the employment target of an additional 16,500 jobs established by the 2036 Plan.</p>
Direction 3.2: Caravan Parks and Manufactured Home Estates	Not applicable to the site.
Direction 3.3: Home Occupations	Not applicable to the site.
Direction 3.4: Integrating Land Use and Transport	<p>The objectives of Direction 3.4 is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> improving access to housing, jobs and services by walking, cycling and public transport increasing the choice of available transport and reducing dependence on cars reducing travel demand including the number of trips generated by development and the distances travelled, especially by car supporting the efficient and viable operation of public transport services providing for the efficient movement of freights



Relevant Ministerial Direction	Consideration
	<p>The Site is located within a highly accessible location in close proximity to Crows Nest Village and the St Leonards and North Sydney Strategic Centres.</p> <p>The Site is within walking distance of the Crows Nest metro station and the St Leonards and Wollstonecraft train stations. In addition, a bus stop is located along the Sites frontage on Pacific Highway which provides frequent bus services.</p> <p>The proposal is consistent with this direction as it will increasing the number of jobs available close to public transport and will increase the viability of public transport services within the area.</p>
Direction 3.5: Development Near Regulated Airports and Defence Airfields.	<p>The objectives of Direction 3.5 is to ensure the operations of airports and airfields are not compromised by development.</p> <p>This direction requires appropriate height controls for land affected by the prescribed airspace. Prescribed airspace under the <i>Airports (Protection of Airspace) Regulations 1996</i> includes anywhere above any part of an Obstacle Limitation Surface (OLS). The OLS map for Sydney Airport assigns the OLS at 156 metres AHD for the Site.</p> <p>The proposal will be 13 storeys which equates to a height of 156 metres AHD and therefore does not exceed the OLS. The proposal is therefore considered to be compatible with the current and future operations of Sydney Airport.</p>
Direction 3.6: Shooting Ranges	Not applicable to the site.
Direction 3.7: Reduction in non-hosted short term rental accommodation period	Not applicable to the site.
Hazards and Risk	
Direction 4.1: Acid Sulfate Soils	<p>The objective of Direction 4.1 is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>The Site is not identified as being affected by Acid Sulfate Soils under the NSLEP 2013 and is therefore considered to have a very low probability of containing acid sulfate soils.</p>
Direction 4.2: Mine Subsidence and Unstable Land	Not applicable to the site.
Direction 4.3: Flood Prone Land	<p>The objectives of Direction 4.3 are:</p> <ul style="list-style-type: none"> to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and to ensure that the provisions of an LEP on flood prone land is commensurate with flood behaviour



Relevant Ministerial Direction	Consideration
	and includes consideration of the potential flood impacts both on and off the subject land. The NSLEP 2013 does not contain any flood mapping. Notwithstanding, following a review of the North Sydney Council's Flood Study it is understood that the Site is not known to be flood-affected.
Direction 4.4: Planning for Bushfire Protection	The Site is not identified as being bushfire prone land.
Regional Planning	
Direction 5.1: Implementation of Regional Strategies (Revoked 17 October 2017)	Not applicable to the site.
Direction 5.2: Sydney Drinking Water Catchment	Not applicable to the site.
Direction 5.3: Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to the site.
Direction 5.4: Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to the site.
Direction 5.5: Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	Not applicable to the site.
Direction 5.6: Sydney to Canberra Corridor (Revoked 10 July 2008)	Not applicable to the site.
Direction 5.7: Central Coast (Revoked 10 July 2008)	Not applicable to the site.
Direction 5.8: Second Sydney Airport: Badgerys Creek (Revoked 20 August 2018)	Not applicable to the site.
Direction 5.9: North West Rail Link Corridor Strategy	Not applicable to the site.
Direction 5.10: Implementation of Regional Plans	The objective of Direction 5.10 is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. The Greater Sydney Region Plan is addressed in Section 5.3.2 and the proposal is considered to be consistent with the plan. The proposal is consistent with this direction.
Direction 5.11: Development of Aboriginal Land Council Land	The Site is not in the ownership of the Aboriginal Land Council nor are there any known Aboriginal objects or places of heritage significance within the Site.
Local Plan Making	
Direction 6.1: Approval and Referral Requirements	The objective of Direction 6.1 is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The Planning Proposal does not include consultation, concurrence or referral above and beyond the existing



Relevant Ministerial Direction	Consideration
	provisions of the NSLEP 2019. The Planning Proposal is consistent with this Direction.
Direction 6.2: Reserving Land for Public Purposes	The Site is not identified on the Land Reservation Acquisition Map under the NSLEP 2013 and has not been identified by any authority with acquisition powers.
Direction 6.3: Site Specific Provisions	<p>The objective of Direction 6.3 is to discourage unnecessarily restrictive site specific planning controls.</p> <p>The Planning Proposal includes a site specific provision to permit a FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and used for non-residential purposes. The site specific provision ensures the above ground portion of the development does not exceed an FSR of 5.6:1 as recommended by the 2036 Plan.</p> <p>The site specific provision is required to maximise employment generating floorspace on the site whilst ensuring the additional GFA does not alter the height, bulk and scale envisaged for the site in the 2036 Plan.</p> <p>Inconsistency with this Direction is considered to be of minor significance and justifiable as the proposed additional FSR will strengthen employment outcomes on the site without resulting in additional building height or bulk.</p>
Metropolitan Planning	
Direction 7.1: Implementation of A Plan for Growing Sydney	Revoked 9 November 2020.
Direction 7.2: Implementation of Greater Macarthur Land Release Investigation	Revoked 28 November 2019.
Direction 7.3: Parramatta Road Corridor Urban Transformation Strategy	Not applicable to the site.
Direction 7.4: Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable to the site.
Direction 7.5: Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable to the site.
Direction 7.6: Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable to the site.
Direction 7.7: Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable to the site.
Direction 7.8: Implementation of the Western Sydney Aerotropolis Plan	Not applicable to the site.



Relevant Ministerial Direction	Consideration
Direction 7.9: Implementation of Bayside West Precincts 2036 Plan	Not applicable to the site.
Direction 7.10: Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable to the site.
Direction 7.11: Implementation of St Leonards and Crows Nest 2036 Plan	<p>The objective of this direction is to ensure development within the St Leonards and Crows Nest Precinct is consistent with the St Leonards and Crows Nest 2036 Plan (the Plan).</p> <p>The 2036 Plan is addressed in detail at Section 5.3.2. In particular, the proposal complies with the building height of 13 storeys but exceeds the maximum FSR control recommended for the Site under the 2036 Plan when the additional below ground FSR is included. As outlined in this report, this variation is considered to be acceptable as:</p> <ul style="list-style-type: none"> the additional FSR above 5.6:1 is provided below ground level and therefore will have no impact on the height, bulk and scale of the future building on the Site the proposed building envelope is fully compliant with the building height, street wall height and setback controls within the 2036 Plan, ensuring the bulk and scale of the development is appropriate for the Site the proposal complies with the solar access requirements within the 2036 Plan, maintaining 2 hours of solar access to residential areas inside the boundary of the 2036 Plan between 9am – 3pm. This includes the properties located to the west of the Site on Sinclair Street which achieve 2 hours of solar access between 1pm – 3pm <p>Direction 7.11 for the 2036 Plan permits minor inconsistencies, if a proposal achieves the overall intent of the 2036 Plan and does not undermine the achieve of the Plan's vision, objectives and actions. As addressed in Section 5.3.2, the proposal is consistent with the 2036 Plan and the proposed minor variation does not undermine it's vision, objectives and actions.</p>
Direction 7.12: Implementation of Greater Macarthur 2040	Not applicable to the site.
Direction 7.13: Implementation of the Pyrmont Peninsula Place Strategy	Not applicable to the site.

Table 12: Section 9.1 Directions by the Minister



5.3.3 Section C: Environmental, Social and Economic Impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Proposal?

The Site is currently developed and located within a heavily urbanised, built up area with minimal natural vegetation, as addressed in Section 2.1.5. The Site is not identified within any environmental planning instrument as containing critical habitat, threatened species or ecological communities.

It is therefore considered that the proposal is extremely unlikely to have any adverse biodiversity impacts.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The Planning Proposal includes a detailed consideration of a range of relevant issues which demonstrates that it will have minimal environmental impact and is an appropriate response to the Site and its context. These issues include:

- built form and urban design
- overshadowing
- heritage
- traffic, access and car parking
- environmentally sustainable design
- wind and reflectivity
- servicing
- aviation

Built Form and Urban Design

Bulk and Scale

The 2036 Plan indicates a building height of 13 storeys for the Site. The proposal is consistent with this building height providing 13 storeys (156 AHD) above ground level. The Site is in close proximity to existing taller buildings with heights of up to 17 storeys at 220 Pacific Highway.

As detailed in Section 2, a number of proposals have recently been approved or are under assessment that will further increase the building height of the surrounding area. These include including:

- 19 storeys directly opposite the Site at the Five-Ways intersection (PP7/20)
- 21 storeys above the Crown Nest Metro Station site

These building heights are reflective of the emerging character of the area and the increased densities and heights envisaged under the 2036 Plan.



The Planning Proposal includes a proposed maximum permissible FSR of 6.02:1, which is greater than the 5.6:1 recommended under the 2036 Plan. However, this exceedance has no impact in terms of the bulk and scale of the building and is considered acceptable as:

- the proposed amendment to the NSLEP 2013 restricts above ground FSR to 5.6:1 which is consistent with the 2036 Plan. The FSR above 5.6:1 must be located below ground, as this space is subterranean it does not contribute to the overall height or scale of the proposal.
- the proposed building envelope is fully compliant with the building height, street wall height and setback controls within the 2036 Plan, ensuring the bulk and scale of the development is appropriate for the Site
- the proposal complies with the solar access requirements within the 2036 Plan, maintaining 2 hours of solar access to residential areas inside the boundary of the 2036 Plan between 9am – 3pm. This includes the properties located to the west of the Site on Sinclair Street which achieve 2 hours of solar access between 1pm – 3pm

The scale of the building is effectively broken down through design techniques including the provision of appropriate setbacks and tiering the upper levels of the building. These elements ensure that the proposal is compatible with the desired future character of the area.

A view analysis is provided in the Design Report prepared by Fitzpatrick + Partners (Appendix 4) which demonstrates that the proposed bulk and scale of the development is appropriate for the Site and that it will sit comfortably within its surroundings. Extracts of the view analysis are provided below in Figures 22 to 24.



VIEW 01 - PACIFIC HIGHWAY NORTH

Figure 22: Indicative view analysis – View 1 (Source: Fitzpatrick + Partners)



VIEW 02 - HAYBERRY STREET

270-272 PACIFIC HIGHWAY



VIEW 03 - PACIFIC HIGHWAY (SOUTH)



VIEW 04 - WILLOUGHBY ROAD

Figure 23: Indicative view analysis - Views 2 to 4 (Source: Fitzpatrick + Partners)



VIEW 05 - CORNER OF SHIRLEY RD & SINCLAIR ST



VIEW 06 - CORNER OF SINCLAIR & BRUCE STREETS

Figure 24: Indicative view analysis – Views 5 to 6 (Source: Fitzpatrick + Partners)

Street Wall Height

The 2036 Plan identifies a street wall height of 3 storeys for this site, which responds to the neighbouring heritage street wall height. The Planning Proposal provides a 3 storey street wall height to Pacific Highway.

The Site is adjoined to the north by a 2 storey local heritage item known as the Former North Shore Gas Co office (I0150). Due to the large floor to ceiling heights this building is equivalent to a 3 storey podium. To the south the Site is adjoined by a residential building with a 4 storey street wall height. The proposed 3 storey street wall height aims to address the existing conditions by creating an articulated podium that respects the scale and fine grain of the existing heritage listed item.

Setbacks

The 2036 Plan provides a nil (0 metre) street setback to Pacific Highway and a 6 metre rear setback. The proposal is consistent with these controls.



The proposed development responds to these controls by creating a podium and tower built to the street boundary (Pacific Highway - 0m setback). The two components are separated by a recessed floor set by the heritage street height of the Former Northshore Gas Co. creating a shadow gap between the two volumes

The podium is proposed to be built to the boundary on 3 sides except facing west where a 6 metre setback is proposed to maintain a level of privacy and amenity to the existing neighbouring properties. The tower takes a similar approach, but with a 3 metre setback to the north and south to minimise constraints of potential developments on neighbouring sites. As per the podium, a 6 metre setback is proposed to the west with terraced top floors to respond to the solar height plane controls.

Overshadowing

Retaining solar access to public open space, valued streetscapes, and residential areas is a key objective of the 2036 Plan. The proposed building envelope has been carefully designed to ensure compliance to the solar access objectives and principles outlined in the 2036 Plan. These controls include:

- no additional overshadowing of nominated public open space between 10am - 3pm
- no additional overshadowing of nominated streetscapes between 11.30am - 2.30pm
- maintain at least 2 hours of solar access to residential areas inside the boundary of the plan between 9am – 3pm
- maintain at least 3 hours solar access to Heritage Conservation Areas inside the boundary of the plan for at between 9am – 3pm
- maintain solar access to residential areas outside the boundary of the plan for the whole time between 9am – 3pm

As illustrated in the below Figure the proposal complies with the above controls. In particular:

- the proposal does not overshadow any nominated area of public open space between 10am - 3pm
- the proposal does not overshadow any nominated streetscapes between 11.30am - 2.30pm
- the proposal maintains 2 hours of solar access to residential areas inside the boundary of the plan between 9am – 3pm. This includes the properties located to the west of the Site on Sinclair Street which achieve 2 hours of solar access between 1pm – 3pm
- the proposal does not overshadow any nominated Heritage Conservation Areas inside the boundary of the plan between 9am – 3pm
- the proposal does not overshadow any residential areas outside the boundary of the plan for the whole time between 9am – 3pm. In particular, the shadows cast by the proposal extend to but not beyond the boundary of the 2036 Plan at 9am. From 9am the shadows move eastward away from the boundary.

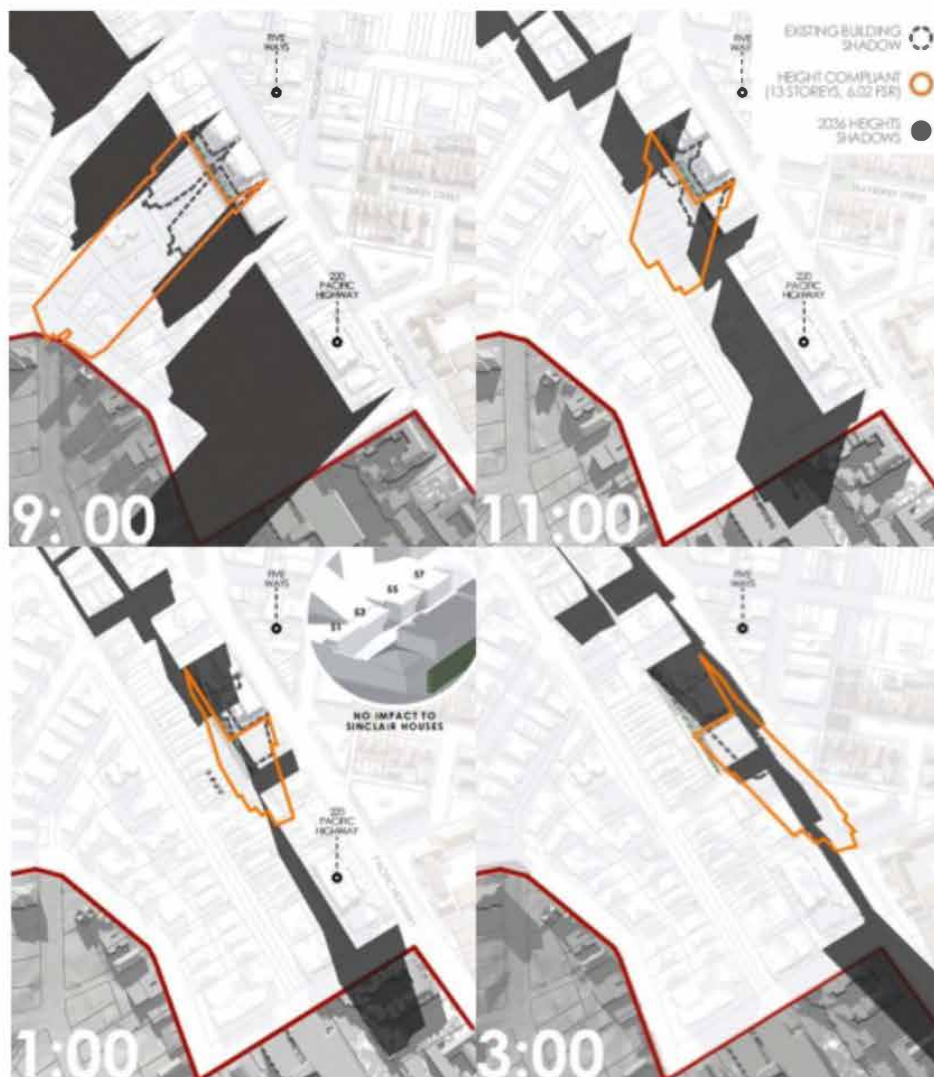


Figure 25: Shadow impacts at 9:00am, 11:00am, 1:00pm and 3:00pm (Source: Fitzpatrick + Partners)

Heritage

A detailed assessment of heritage impacts has been undertaken for the Site by NBRS + Partners (Appendix 6). The Heritage Impact Statement (HIS) has been prepared in accordance with the assessment criteria contained within the *North Sydney LEP 2013*, the *North Sydney Development Control Plan (DCP) 2013* and the New South Wales Heritage Office (now NSW Heritage Division) guidelines, *Altering Heritage Assets* and *Statements of Heritage Impact*, which is subsequently contained within the NSW Heritage Manual.

The HIS presents a number of key findings which are summarised:



- the proposed amendments to the North Sydney LEP 2013 will allow for the commercial redevelopment of the Site, which will be guided by a series of heritage principles to ensure that the resulting building is respectful of the heritage items in its vicinity.
- the Site is bounded to the north by the locally listed heritage item at 286 Pacific Highway, the Former North Shore Gas Co Building (I0150). The front façade of this heritage item comprises two storeys, of which the ground floor has been substantially altered and includes a single glazed entry at the northern end.
- the podium design of the new building is an important aspect responding to the scale of the neighbouring heritage item. The height of the podium will align with the height of this heritage item and design principles will ensure the proposal appropriately responds to the façade design of the Former North Shore Gas Co Building.
- in the wider context, the Site is located to the south of the Five Ways intersection containing four heritage items. These buildings, together with the heritage listed shops on the Pacific Highway north of the intersection, play a key role in contributing to the historic character of the area where the urban form is generally fine grain, particularly at streetscape level. The small lot sizes in this location make a substantial contribution to the character of the streetscape. While the large lot size of PP site represents a transition away from the historic character of the intersection, the HIS found that the heritage character and views along the Pacific Highway to and from the Five Ways intersection will be retained.
- the concept design supporting the Planning Proposal presents an architectural response which will address the prevailing pattern of development in this part of the Pacific Highway which comprises the articulation of the podium element of the building as multiple fine grain forms, similar to the existing smaller lots in this part of the Pacific Highway.
- the HIS states that the 13-storey height limit for the subject site will alter the immediate context of the neighbouring heritage item and those in the vicinity. Notwithstanding the HIS identifies that the proposed height and FSR will not make a substantial difference to this context as the heights of the heritage items (generally two to four storeys) have already been substantially exceeded.
- the Site is in the vicinity of the Holtermann Estate Conservation Area of which the western edge is bordered by the Pacific Highway. In response to the proximity of the Conservation Area, the massing of the proposal has been articulated to avoid overshadowing onto this area. Accordingly, the amenity of this conservation area will be retained and not affected by the increase in the height control at this development site.

Overall, the Planning Proposal is considered consistent with the heritage objectives contained within the North Sydney LEP 2013 and the heritage assessment guidelines prepared by NSW Heritage.

Traffic, Access and Car Parking

The Traffic and Parking Study (TPS) accompanying the Planning Proposal (Appendix7) considers the proposed vehicle access, servicing, car parking and bicycle parking provision and a preliminary assessment of the traffic and transport impacts associated with the redevelopment of the Site.

The TPS has assumed the proposal would contain a GFA of approximately 22,853m² and 202 car parking spaces. The findings of the TSP are summarised as follows:



- The Site is located within the 400m walking catchment of Crows Nest metro station and hence supports the aspiration of 30-minute access to employment centres such as North Sydney, Chatswood and Sydney CBD by high frequency and high-quality mass transit.
- The Site's proximity to frequent bus services along Pacific Highway / Falcon Street will encourage future employees to commute by bus.
- The Site's proximity to future cycling network and continuous footpath system will also encourage local short trips to be made by walking and cycling. Pedestrian crossing on Bruce Street at the Pacific Highway intersection is recommended.
- The provision of end of trip facility on site caters for future cycling demand of the Site and facilitate both employee and visitor's travel by bike.
- Vehicular and bicycle access to the development is proposed via Bruce Street. The access will be shared with current access to individual properties at 63-77 Sinclair Street. Traffic safety measures would be taken on internal road to mitigate potential conflicts between different vehicular movements.
- A three-level basement car park is designed that could accommodate up to 202 parking spaces, which is significantly less than the maximum standard set out in the NSDCP 2013. The proposal of restrained parking at this site would restrict private car use and minimise the impact on road network.
- The proposed development is expected to generate up to 79 additional vehicle trips during each of the peak hours based on similar office land use in Sydney with restrained parking and located in proximity to frequent public transport services. Given the good connectivity of the surrounding network, this level of increase of trips will spread out further in various directions further reducing the impacts on the surrounding road network. Hence, traffic modelling is considered not necessary at the planning proposal stage.
- The 302 additional person trips will be mainly using public transport and active transport, which is considered to be accommodated by the existing and planned services.
- On site car share spaces can be designated to densify the car share locations in the local area and further reduce business-related car trips.

Ecologically Sustainable Design

The future redevelopment of the site will seek to incorporate energy efficiency and sustainable measures to reduce its carbon footprint. A Building Services Summary Report has been prepared by NDY (Appendix 10). This report outlines the sustainability targets of the proposal which include the following:

- Green Star Design and As Built equivalency performance of 5 Star
- NABERS Office Energy 5.5. Star
- NABERS Office Water 4 Stars
- Optimisation of building orientation and shading to minimise air conditioning energy consumption.
- Photovoltaic Panels will provide on-site renewable energy
- A rainwater tank is proposed to capture rainwater for irrigation and toilet flushing reuse.



In addition to the above, the proposal seeks to facilitate greater use of public transport and sustainable modes of transport including walking and cycling through the provision of end of trip facilities. This approach will combat the use of private vehicles and contribute to a reduction in greenhouse emissions.

These matters will be addressed in more detail at future development application stage.

Wind

A Qualitative Wind Assessment has been prepared by CPP (Appendix 8) and provides an assessment of the impact of the proposal on the local wind environment in and around the development site.

Given the scale of the future development, it will have some effect on the local wind environment, however any changes are not expected to be significant from the perspective of pedestrian comfort or safety.

Wind conditions around the development are expected to be classified as acceptable for pedestrian standing or walking. Local amelioration would likely be necessary for areas intended for long term stationary or outdoor dining activities and can be appropriately addressed at detailed design stage through a future development application.

Reflectivity

A Solar Reflectivity Assessment has been prepared by CPP (Appendix 9). This report reviewed the proposal to determine the potential for sunlight to reflect off exterior cladding surfaces of the development and generate solar disability glare onto vehicular traffic using surrounding public roadway locations.

Surrounding existing buildings will provide solar blockage to many potential receiver locations surrounding the Site and most of the investigated locations were found the experience levels of glare within criteria levels. Notwithstanding, the Solar Reflectivity Assessment recommends the reflectivity coefficient of glazing to the east façade should not exceed 10% to minimize impact of glare at all locations.

The Solar Reflectivity Assessment concludes that the proposed development as currently configured, and subject to recommendations contained in this report, will not produce significant disability glare onto vehicles travelling toward the development. These issues will be further addressed through a future development application.

Servicing

The Site currently has access to potable water, wastewater, electricity, gas and telecommunications. It is acknowledged that these services will need to be upgraded to service the proposal. Notwithstanding this can be addressed at the detailed design stage.



Has the Planning Proposal Adequately Addressed Any Social and Economic Effects?

Economic Impact Assessment

An Economic Advice Report has been prepared by SGS Economics and Planning (Appendix 5) and considers the potential economic opportunities for a development of this type in this location. This advice provides an analysis of the current development pipeline, demand and opportunities for the Site.

Current development pipeline and economic prospects

The Economic Advice Report provides an analysis of the development pipeline for commercial floorspace in the St Leonards Crows Nest Area, including development completed since 2016. This analysis found in most cases the amount of commercial floorspace is expected to decrease through redevelopment. This is a result of solely commercial buildings being replaced by mixed use developments, of which only a portion is re-provided for commercial purposes. Consequently, there is a net loss of commercial floorspace per site.

As development economics generally favour the provision of residential over commercial floorspace (due to the high returns provided by residential development), continued, mixed-use redevelopments in the St Leonards-Crows Nest area are unlikely to provide the consolidated A-grade office floorspace needed to attract large corporate tenants to the area to enable it to compete with other major employment centres.

As a result, the expected decrease in the quantum of commercial floorspace represents a reduction in the employment potential of the St Leonards Crows Nest precinct, which is contrary to the 2036 Plan.

Demand

The Economic Advice Report identifies that large amounts of additional commercial and office floorspace are needed in the St Leonards-Crows Nest Strategic Centre to meet employment targets of the 2036 Plan.

The report has undertaken an analysis of floorspace projections utilising both low and high demand scenarios. This analysis found that in addition to currently planned development, between 122,154m² – 275,054m² of additional commercial (predominately office) floorspace would be required in order to achieve employment growth in line with the 2036 plan.

This gap is higher than the 119,979m² estimated to be needed in the St Leonards Plan 2036, as a result of increased employment projections and the development pipeline, which contains many mixed use developments that result in an overall decrease in the quantum of commercial office floorspace

The report therefore concludes that a commercial development of around 22,853m² GFA, as per this Planning Proposal, would contribute to meeting modelled demand, but would not flood the market to the detriment of other potential opportunity sites and developments.

The report also states that while COVID-19 is likely to dampen overall employment growth and office demand in Greater Sydney in the short and perhaps medium term, in the longer



term there will continue to be a need for more office floorspace to permit economic growth. COVID-19 also creates the potential for reconfiguration of the office market towards out of CBD locations. Crows Nest and St Leonards could benefit from this trend, but modern A-grade office space is needed to leverage this opportunity.

Opportunities for the Site

The report also identifies that there are few prospects for a large commercial-only development in St Leonards and Crows Nest.

Sites with consolidated ownership, such as the subject site, provide opportunities to facilitate commercial-only development in the short-medium term. This will support the economic objectives in the St Leonards and Crows Nest 2036 Plan and the North Sydney LSPS, as well as supporting Willoughby Road as a vibrant local centre.

Crows Nest offers proximity to the CBD, high amenity and cheaper rents than other sub-markets on the North Shore and than the Sydney CBD. It is also well placed to leverage proximity to office markets in both North Sydney and St Leonards.

The subject site is located near Willoughby Road and the future Crows Nest metro station, increasing its potential level of attractiveness for businesses following redevelopment. There are also likely to be opportunities for medical premises on the subject site given its proximity to the Mater Hospital and other large medical facilities and premises, as well as accommodating local population-serving businesses seeking proximity to the local Crows Nest Centre rather than the more commercial St Leonards centre.

On the basis of the findings of the Economic Advice, it is apparent that there is demand for employment generating floor space within the St Leonards and Crows Nest. The proposal will provide approximately 22,853m² of employment generating floorspace which will contribute towards meeting demand without absorbing all forecast demand to the detriment of other potential development.

Social Impact

The proposal will have significant positive social impacts as it:

- will provide approximately 22,853m² of employment generating floor space in a suitable location in close proximity to existing and planned public transport infrastructure including the future Crows Nest Sydney Metro Station, located within 400m of the Site
- future occupants will support Crows Nest Village and associated commercial and retail businesses, ensuring their long term viability
- will provide new jobs at the Site, with additional jobs generated throughout the wider local economy
- contribute to the urban renewal of Crows Nest by providing supporting land uses and an improved streetscape with an active frontage to Pacific Highway
- streetscape upgrades, including street tree planting that will reinforce and contribute to the character of the locality
- realisation of the economic, social and place making opportunities created by the public investment in the Sydney Metro



- the Planning Proposal is accompanied by a letter that outlines the monetary contribution that Silvernight (Crows Nest) Landowner Pty Ltd may include in a letter of offer to enter into a VPA with Council.

5.3.4 Section D: State and Commonwealth interests

Is there Adequate Public Infrastructure for the Planning Proposal?

Future development on the Site will make use of existing public infrastructure and services including connections to water, sewerage, electrical and telecommunications infrastructure.

What are the views of State and Commonwealth Public Authorities Consulted in Accordance with the Gateway Determination?

The applicant has consulted with DPIE and Council prior to the lodgement of this proposal. Consultation with DPIE will continue once the Planning Proposal has been referred for its review and subsequent issuing of a Gateway determination. Consultation with other State and Commonwealth public authorities will also be carried out at the Gateway determination stage.

5.4 Part 4: Mapping

The Planning Proposal is accompanied by height and FSR maps, which have been prepared in accordance with the Planning Proposal guidelines and if approved will be consistent with the standard technical requirements for LEP maps:



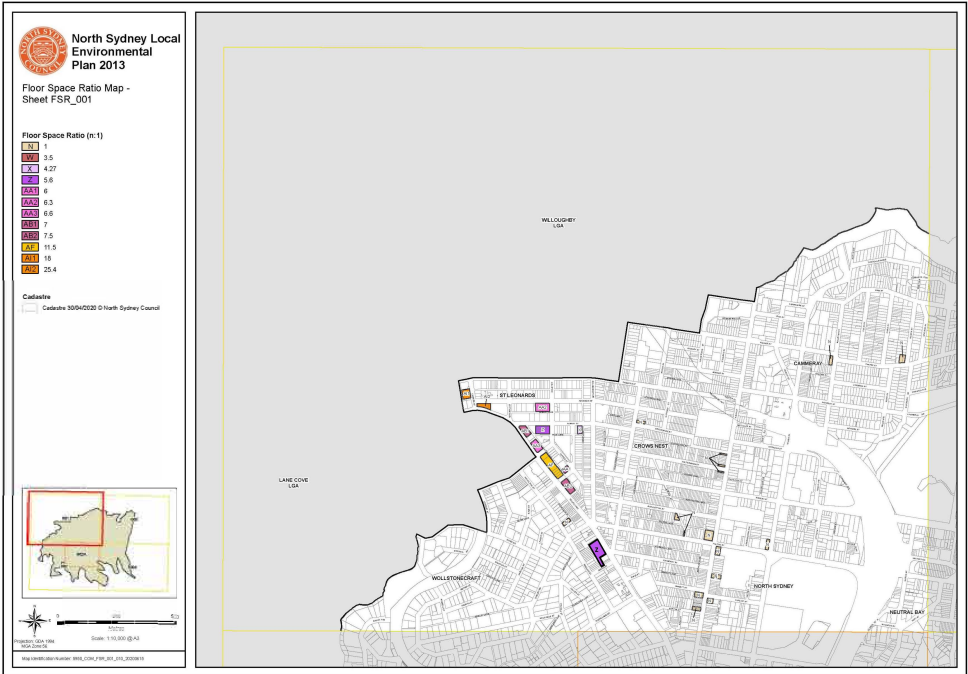


Figure 27: Proposed FSR Map (Base source: NSLEP 2013)

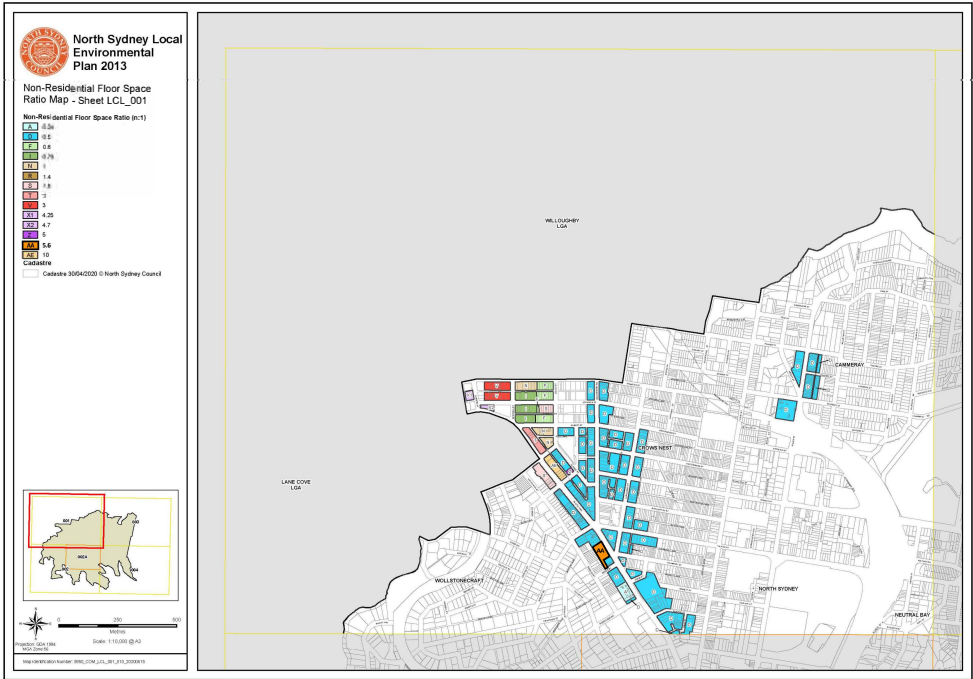


Figure 28: Proposed Non-Residential FSR Map (Base source: NSLEP 2013)



5.5 Part 5: Community consultation

Community consultation will take place following a Gateway Determination.

5.6 Part 6: Project Timeline

The proposed project timeframe for the completion of the Planning Proposal is dependent on the nature of any additional information that may be required by Council and DPIE, including the need for agency and community consultation. The application proposes to work in collaboration with Council, DPIE and other relevant agencies on a proposed project timeline which will include the following key milestones:

- anticipated commencement date (date of the Gateway determination)
- anticipated timeframe for the completion of any additional technical information required to support the Planning Proposal
- the timeframe for government agency consultation (pre- and post-exhibition, as required by the Gateway determination)
- commencement and completion dates for public exhibition period
- the timeframe for consideration of submissions
- the date of submission to DPIE to finalise the LEP
- anticipated date the Relevant Planning Authority will make the plan (if delegated).



6 Conclusion

The Planning Proposal has been prepared in accordance with section 3.33 of the EP&A Act, as well as DPIE's *A Guide to Preparing Local Environmental Plans* (2018) and *A Guide to Preparing Planning Proposals* (2018) and relevant section 9.1 Directions. The Planning Proposal is supported by technical information and investigations to justify the proposed amendments to the NSLEP 2013.

The Planning Proposal seeks to amend the current maximum building height and FSR controls that apply to the Site under the *North Sydney Local Environmental Plan 2013* (NSLEP 2013) to enable its future redevelopment as a 13 storey commercial office building, with potential to include allied health uses, and basement level car parking.

The Planning Proposal has been developed with regard to the key objectives and proposed development controls in the St Leonards and Crows Nest 2036 Plan. It retains the B4 Mixed Use zoning of the Site but seeks to amend the Site's maximum building height and floor space ratio (FSR) controls, as set out in the NSLEP 2013.

The proposal has been designed to capitalise on the Site's strategic location near to the Mater Hospital, Royal North Shore Hospital and the Crows Nest Metro Station, as well as the St Leonards and North Sydney Centres.

The proposed development will comprise solely employment generating and ancillary floor space that will strengthen the local and regional economy, contribute significantly to job targets, and help fulfil the vision for the St Leonards Crows Nest Area under relevant strategic plans, including the recently adopted St Leonards Crows Nest 2036 Plan (2036 Plan).

The current planning controls do not allow for redevelopment of the Site as envisioned under the 2036 Plan and sterilise the otherwise strong strategic potential of the Site.

The Planning Proposal demonstrates consistency with the aims and objectives set out in the NSW State Government's strategic plans including the *Greater Sydney Region Plan*, *North District Plan* and the *St Leonards and Crows Nest 2036 Plan*.

The Planning Proposal also demonstrates consistency with the goals and objectives set out in the following strategic plans and reports that have been prepared and endorsed by Council:

- *North Sydney Local Strategic Planning Statement*
- *North Sydney Community Strategic Plan 2018-2028*

Consistent with DPIE's guidelines, there is a convincing strategic justification for the Planning Proposal as it:

- is one of the largest sites in the St Leonards Crows Nest precinct with capacity for uplift and in the ownership of a single entity
- is strategically located in the St Leonards Health and Education Precinct, providing opportunities for strategic partnerships with nearby hospitals for health-related uses
- will provide new jobs, strengthening the St Leonards Health and Education Precinct
- the Site benefits from access to existing and planned public transport infrastructure including the future Crows Nest Sydney Metro Station, located within 400m of the Site



- multiple proposals in the locality seek to increase height and FSR controls. This demonstrates the evolving built form character and an intensification of commercial, business and residential uses
- will meet identified demand for modern A-grade commercial office space at an affordable price point.

The Planning Proposal will also deliver significant public benefits to the local community and the wider North Sydney LGA, including the following:

- will provide approximately 22,853m² of employment generating floor space in a suitable location in close proximity to existing and planned public transport infrastructure including the future Crows Nest Sydney Metro Station, located within 400m of the Site
- future occupants will support Crows Nest Village and associated commercial and retail businesses, ensuring their long term viability
- will provide new jobs at the Site, with additional jobs generated throughout the wider local economy
- contribute to the urban renewal of Crows Nest by providing supporting land uses and an improved streetscape with an active frontage to Pacific Highway
- streetscape upgrades, including street tree planting that will reinforce and contribute to the character of the locality
- realisation of the economic, social and place making opportunities created by the public investment in the Sydney Metro
- the Planning Proposal is accompanied by a letter that outlines the monetary contribution that Silvernight (Crows Nest) Landowner Pty Ltd may include in a letter of offer to enter into a Voluntary Planning Agreement (VPA) with Council

In consideration of the above listed strategic justification and public benefits, it is considered that a compelling case is provided to Council to refer the Planning Proposal (as the Planning Proposal authority) to DPIE for review and subsequent issue of a Gateway determination.

2006 ST LEONARDS CROWN



270 PACIFIC HIGHWAY

CROWS NEST NSW 2065

270 PACIFIC HIGHWAY PLANNING PROPOSAL - Rev. 01

03 AUGUST 2021

fitzpatrick+partners

AGENDA

SITE ANALYSIS

03	LOCATION
04	EXISTING CONTEXT + CURRENT DEVELOPMENTS
05	ORIENTATION + TOPOGRAPHY
06	TREE CANOPY + VISTAS
07	FINE GRAIN + STREETScape
08	HERITAGE + CONSERVATION

CONTROLS ANALYSIS

10	ZONING + HERITAGE
11	MOVEMENT + LANDSCAPE
12	HEIGHT OF BUILDINGS
13	FSR + STREET WALL HEIGHT
14	SETBACKS + SOLAR HEIGHT PLAN

PLANNING STUDY

16	BASEMENT FLOOR PLANS
17	LOWER GROUND + GROUND FLOOR PLANS
18	PODIUM FLOOR PLANS
19	TYPICAL TOWER FLOOR PLANS
20	TOP OF TOWER FLOOR PLANS
21	CROSS SECTION
22	CROSS SECTION
23	LONG SECTION
24	EAST ELEVATION
25	WEST ELEVATION
26	NORTH ELEVATION
27	SOUTH ELEVATION

SHADOWS STUDY

29	9:00 - 10:00 WINTER SOLSTICE SHADOWS
30	10:30 - 1:00 WINTER SOLSTICE SHADOWS
31	1:30 - 3:00 WINTER SOLSTICE SHADOWS

STREETScape VIEWS STUDY

33	STREETScape VIEWS I
34	STREETScape VIEWS II
35	STREETScape VIEWS III

SCHEDULE OF AREAS

37	SCHEDULE OF AREAS
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SITE ANALYSIS

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+partners

The site lies within the 2036 S1 Leonards and Crows Nest plan. This area is being densified and developed into a vibrant community, employment hub, greener and accessible place while protecting its past.

+ Located opposite the Five Ways special precinct

+ 400m from Mater hospital and health and education precinct

+ 400m from future Crows Nest metro

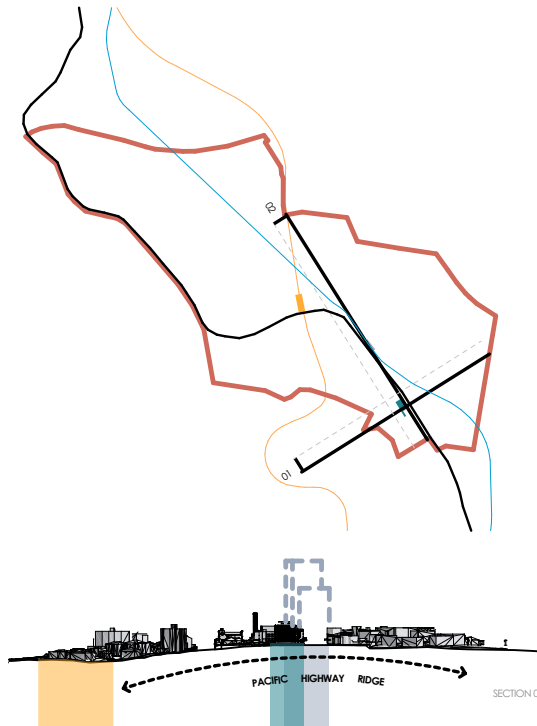


ORIENTATION + TOPOGRAPHY

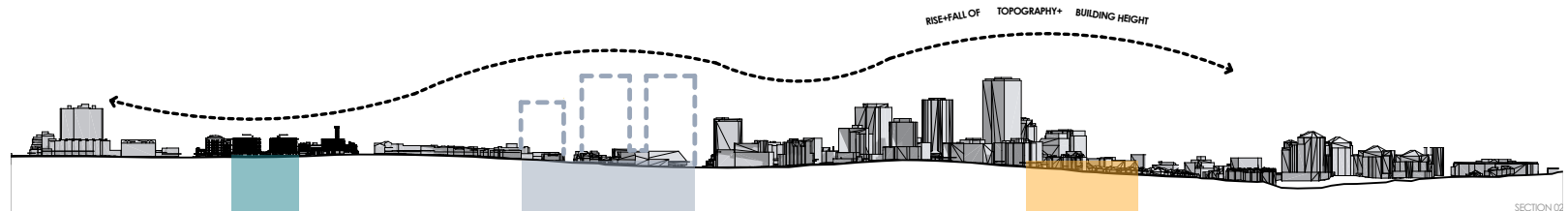
fitzpatrick
+partners

The site is receptive to the seasonal winds from the south east and south west with access to sunlight due to its topographical location.

- Site with a northeast/southwest orientation
- Long east and west exposed facades will require sun shading
- North and south facades are blocked by existing developments up to podium level
- Potential overshadowing to residential properties to the west



- ST LEONARDS STATION
- METRO STATION
- SITE
- PROJECT NORTH





1. WILLOUGHBY+BURLINGTON
ASYMMETRICAL PLANTING+ MATURE TREES BLOCK
POTENTIAL VIEWS OF THE SITE



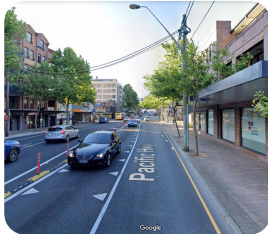
2. FALCON+ALEXANDER
OPPORTUNITY TO SEE SITE IS DIMINISHED BY LEAFY
ROAD+WOOLWORTHS



3. FALCON+ALEXANDER
LESS TREE CANOPY ALLOWS MORE OPPORTUNITY FOR
VIEWING OF THE SITE FROM AFAR



4. HAYBERRY
DENSE TREE CANOPY AT STREET PARK ALLOWS VERY
LOW VISIBILITY OF SITE



5. PACIFIC HIGHWAY
MAIN APPROACH TO THE SITE ALLOWS OPTIMUM VISIBILITY
FROM SIDE-ON



6. SINCLAIR+BRUCE
TOPOGRAPHY OF THE SITE ALONG THE PACIFIC
HIGHWAY RIDGE SHOULD ALLOW BETTER VISIBILITY

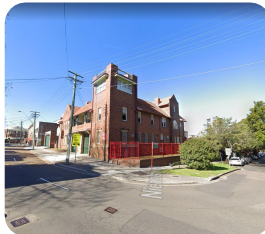
The street tree planting is sporadic but generally mature in surrounding streets, in particular, Willoughby Road, leading to reduced distant vistas toward the site.

PUBLIC OPEN SPACE
(RE1 ZONE)

TREE CANOPY

SITE

PROJECT
NORTH



7. SINCLAIR+SHIRLEY
TREE CANOPY CLEARS AROUND THE HERITAGE LISTED
BUILDINGS AND IMPORTANCE IS PLACED ON SEEING
THE HERITAGE FACADES







3. CROWS NEST RETAIL GROUP
RARE SURVIVING BUILDINGS IN INTERWAR FUNCTIONALIST STYLE + ART DECO DETAILING: FEDERATION FREE STYLE WITH UNUSUAL ART NOUVEAU DECOR (ITEM NOS. 10153-10164)



6. FORMER NATIONAL AUSTRALIA BANK
PROMINENT CORNER SITE + EARLIEST BUILDING OF THE COHESIVE INTERWAR COMMERCIAL (ITEM NO. 10152)



7. FORMER BANK
PROMINENT STREETSCAPE ITEM + INTERWAR REVIVAL OF GEORGIAN ARCHITECTURE (ITEM NO. 10151)



9. CROWS NEST FIRE STATION
ARTS + CRAFTS STYLE IN PUBLIC UTILITY: ONE OF LAST STATIONS DESIGNED BY GOVERNMENT ARCHITECT (ITEM NO. 10173)

The site is surrounded by over 15 heritage listed entities of the interwar revival period.

The alignment of the building's podium with adjoining heritage should describe the built form as prescribed by the 2036 Plan.

+ Former north shore gas co. to the north (2 storeys)

+ Street wall to match height of neighbouring heritage buildings

PODIUM TO MEET STATION DESIGN REQUIREMENTS

2 STOREY STREET WALL

3 STOREY STREET WALL

4 STOREY STREET WALL

STREET WALL TO MATCH NEIGHBOURING HERITAGE SITE

HERITAGE LISTED SITE

CONSERVATION AREA

SITE

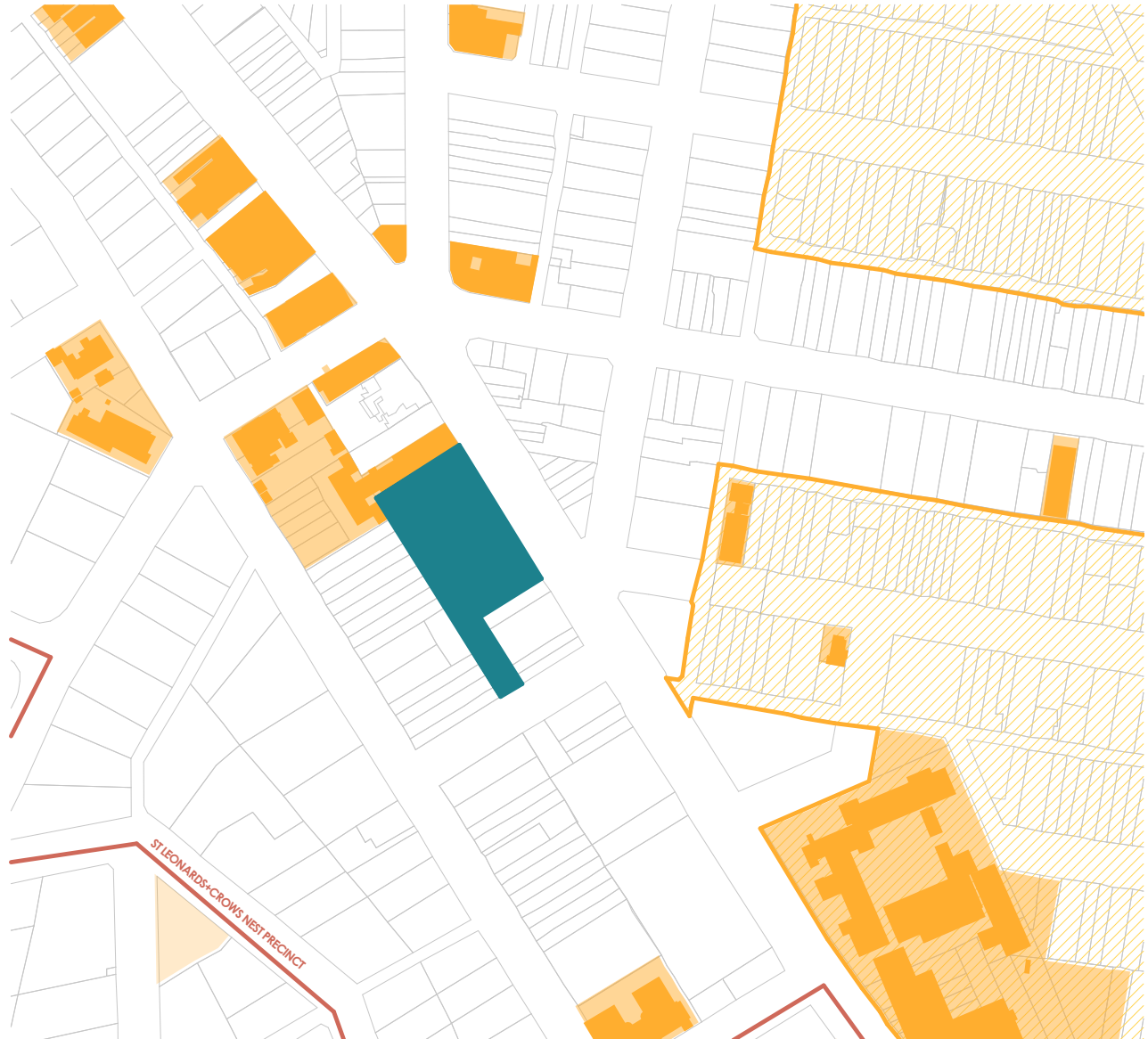
PROJECT NORTH



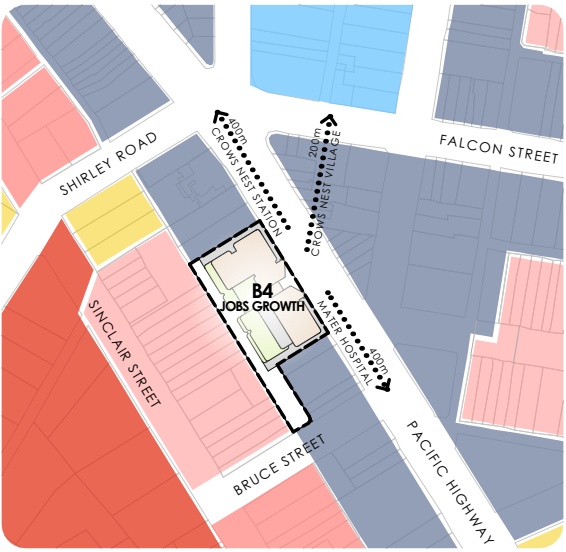
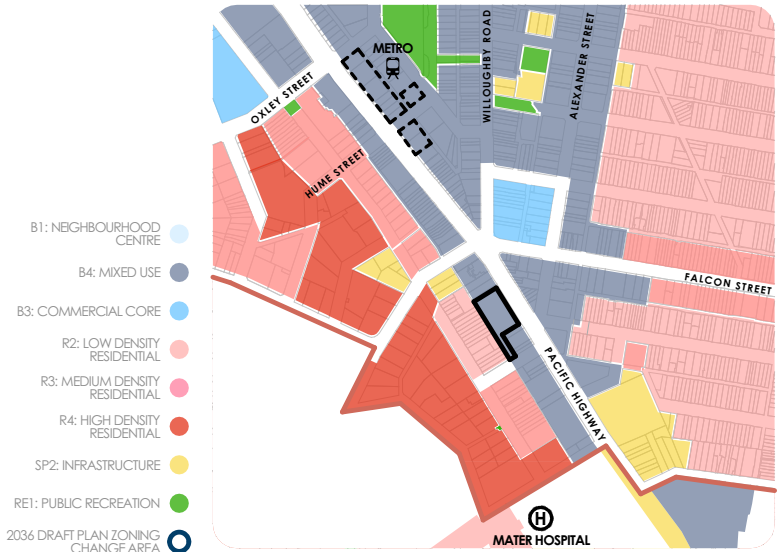
10. FORMER GAS CO.
TRADITIONAL RETAIL STREETSCAPE: ART DECO SHOP WITH SCALLOPED FACADE IN GLAZED TERRACOTTA (ITEM NO. 10151)



14. HOUSE
ITEM NO. 11088



CONTROLS ANALYSIS



LAND ZONING

The site is located in a Mixed Use Zone (B4) along Pacific Highway and in close proximity of the heart and vibrancy of Crows Nest village.

The site has a total area of 3,793 m² in single ownership and it is located between the future Crows Nest metro station to the north and the existing health and education precinct to the south, making it a prime site to promote employment growth in the Crows Nest and Mater Hospital area as intended in the 2036 Plan.

The 2036 Plan aims for 1950 to 3020 new jobs in the Crows Nest area and a further 700 to 1440 in the Mater Hospital, of which some can be supported by adjacent sites along the Pacific Highway corridor.

OUTCOME

Commercial and health related uses to promote employment growth in Crows nest area as envisaged by the 2036 Plan.

COMPLIES ✓

HERITAGE+CONSERVATION

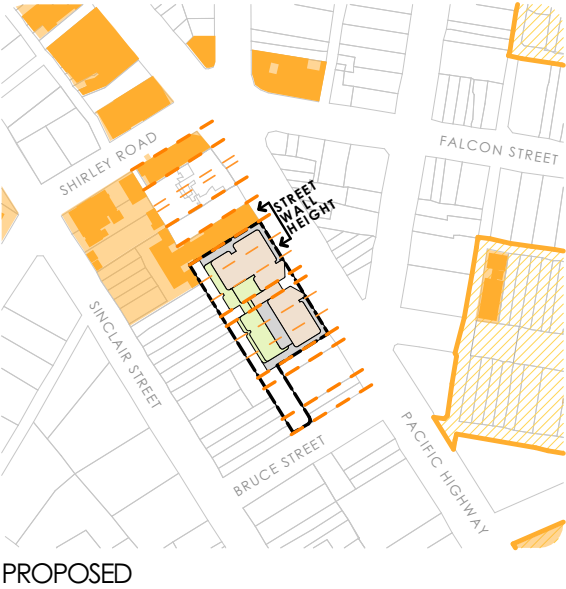
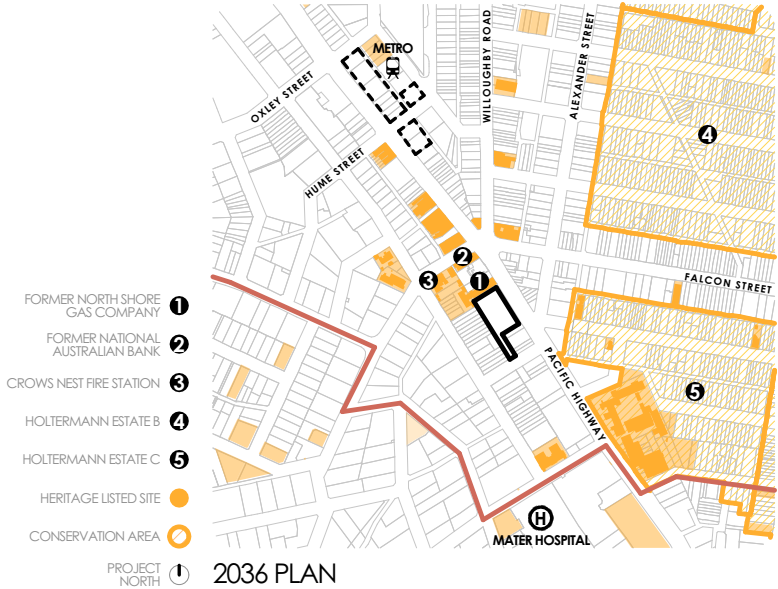
The site is in close proximity of various heritage listed items and conservation areas. To the east, at the corner of Emmett and Alexander lanes, is the edge of the Holtermann Estate C. To the north the Former Gas Co adjoins the site and in the corner of Shirley Road and Pacific Highway is the Former National Australia Bank.

The proposed development will consider the surrounding heritage fabric, in particular, those adjoining the site to ensure a sensitive built form that addresses the existing street height wall and fine grain.

OUTCOME

Podium to be defined by the heritage street height alignment and fine grain.

COMPLIES ✓



MOVEMENT + LANDSCAPE

MOVEMENT

The site is well serviced by public transport being located on Pacific Highway and 400m from the future Crov's Nest metro station.

Existing pedestrian and bike routes are proposed to be improved in the 2036 Plan with better links across Pacific Highway and new shared zones along Pacific Highway to the new station.

To take advantage and complement the vision of the draft plan, the new development will consider an articulated street frontage to improve pedestrian movement along the site and will provide a new end of trip facility to promote the use of the bike as a mode of transportation. The new development will also consider reducing the existing parking rate to reduce dependency on private transport.

OUTCOME

Articulated street frontage to improve pedestrian safety, Reduce existing control's parking rates to minimise private transport dependency, and Provide new EOT to promote bike use and public transport.

COMPLIES ✓

LANDSCAPE

The site is in close proximity of three landscaped pockets classified as RE1 (public recreation). Two are located west of the site on Sinclair Street and one is on the east on Hayberry Street.

Existing tree planting along Pacific Highway and the site is scattered but the draft plan envisages improving the existing conditions.

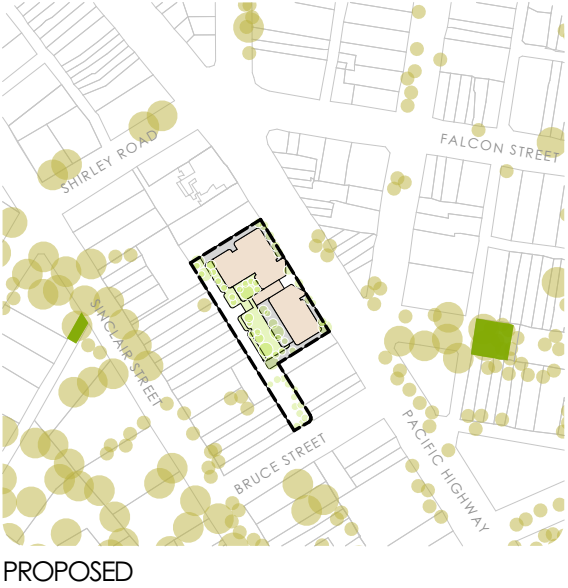
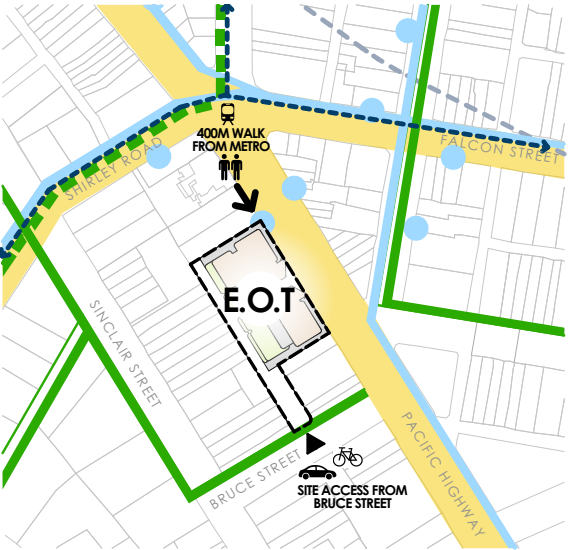
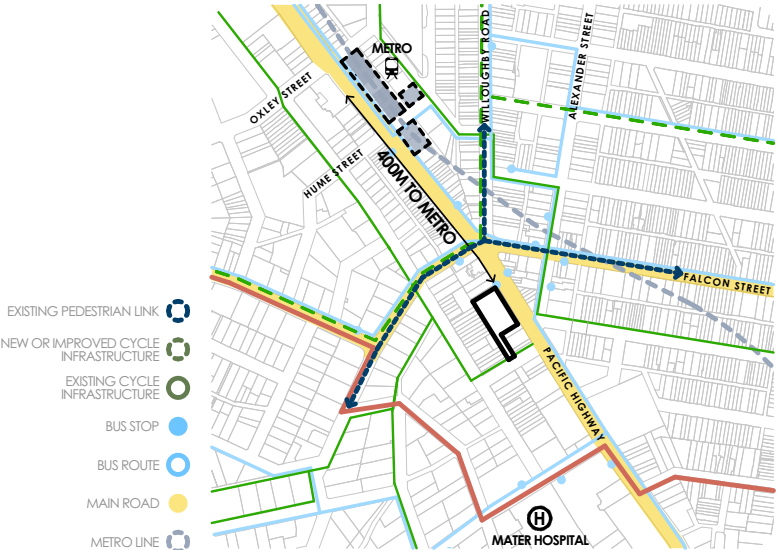
The new development will respect its surroundings by creating a built form that won't cast extra shadows over any of the existing RE1 zones between the hours of 10am and 3pm.

To improve the overall amenity of the area, the new development will provide a public accessible landscaped podium roof top that will provide a protected environment from the busy Pacific Highway.

OUTCOME

Retain and or improve street planting along Pacific Highway, No overshadowing of adjacent RE1 zones, and Landscaped podium roof will improve amenity and provide a public accessible space for the wider community.

COMPLIES ✓





HEIGHT OF BUILDINGS

HEIGHT OF BUILDINGS

The 2036 plan envisages two clusters of high density where the new station will be located and a transition in height away from Pacific Highway and towards low density areas.

Based on the 2036 Plan, the site has a height of 13 storeys and is in close proximity of 17 to 27 storeys buildings to the north (metro station) and a 17 storey building to the south (220 Pacific Highway). Directly east is the Five Ways site identified as 16 storeys.

The 2036 plan vision of transitioning the height away from the Crows Nest Metro Station is compromised by existing conditions (17 storey building at the southern end of the precinct). Considering the above and the site's unique conditions (size, location and land use), we believe a building of similar scale to the tall buildings in the precinct could be accommodated along the Pacific Highway ridge line and opposite the significant site of Five Ways.

A taller building that meets view sharing requirements can be accommodated in the site without overshadowing residential areas outside the precinct's boundary, heritage conservation areas, and REI zones.

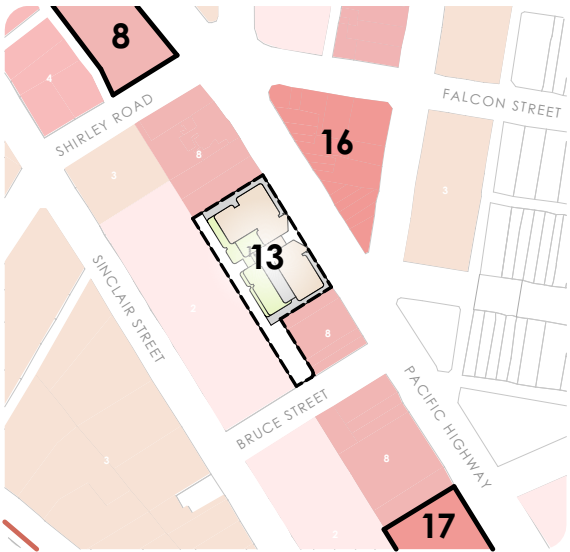
OUTCOME

Proposed 11 "full" storeys + 2 "terraced" storeys is respectful of the solar access goals, aligns with the 2036 Plan intentions, and creates a built form that better responds to future and existing conditions, including the future Five Ways height to create a Gateway to the Precinct.

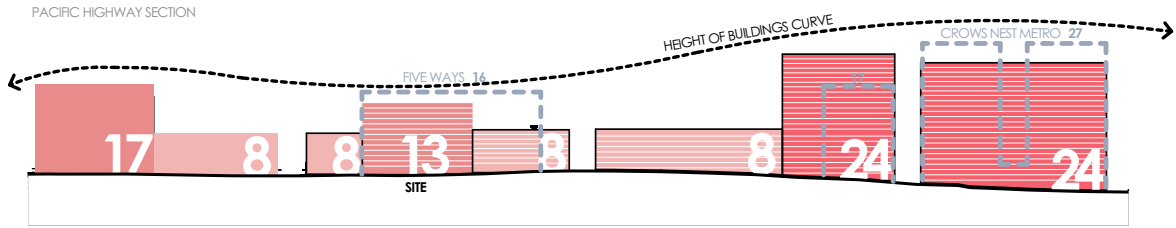
COMPLIES ✓



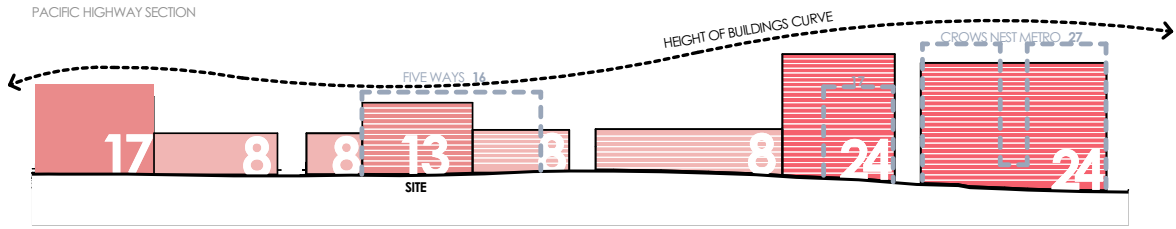
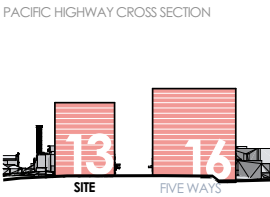
PROJECT NORTH 2036 PLAN



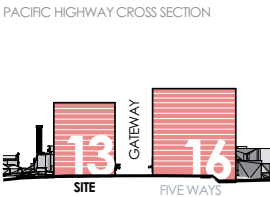
PROPOSED



2036 PLAN



PROPOSED



Attachment 8.10.1
FSR + STREET WALL HEIGHT



FSR

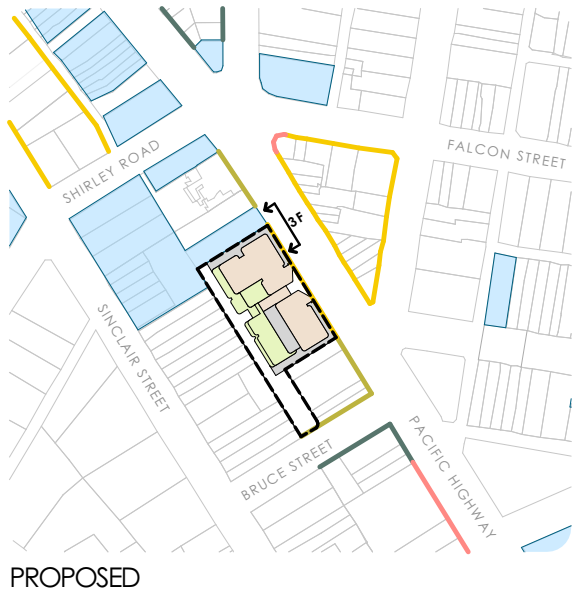
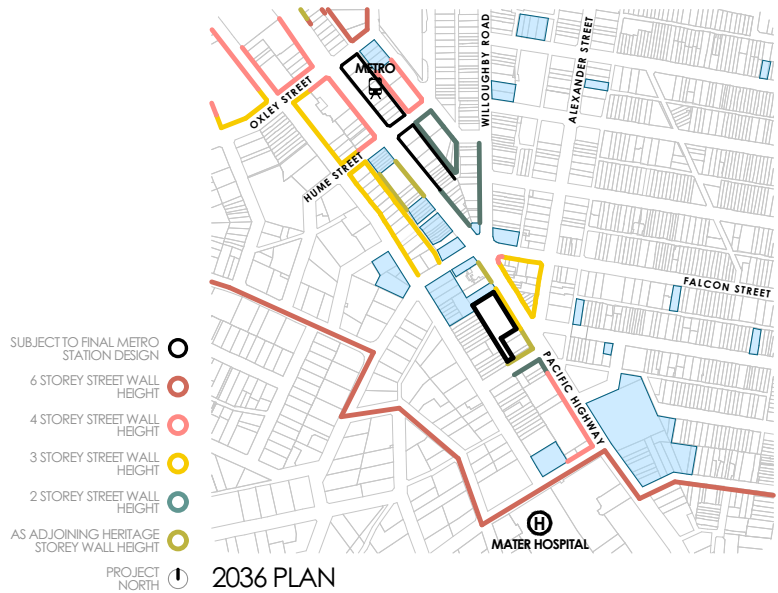
The 2036 Plan proposes an FSR of 5.6:1 with minimum non-residential FSR of 5.6, locking the site's potential future development. Directly opposite the site is the Five Ways precinct with an FSR of 5.8 and in close proximity, there are sites with FSR's that vary between 6.5:1 and 11.5:1.

Considering the site's close proximity to the future Crows Nest station, the Five Ways "Special Precinct" and Mater Hospital, it's important that the planning controls allow the site to reach it's full development potential. The site is one of the biggest singled-own in the area, well serviced by road infrastructure and public transport, conveniently located close to the existing education and health facilities which will be attractive to new workers on site, and will contribute to the employment growth in the area as envisioned by the plan.

The proposed 6.02:1 FSR is made of the compliant 5.6:1 for the component above ground and 0.6:1 for the area in the lower ground making the future redevelopment of the site feasible and would satisfy the overshadowing and view sharing requirement. The new FSR would result in a built form that is consistent with the vision of the 2036 Plan for teh Pacific Highway streetscape and specifically, the buildings located around the new metro station.

OUTCOME

Proposed 6.02:1 FSR to create a built form that is in keeping with the density and employment growth envisaged for the area by the 2036 Plan.



STREET WALL HEIGHTS

The 2036 Plan identifies the site's street wall height as 3 which matches the neighbouring heritage street wall height.

The site is adjoined to the north by a 2 storey heritage-listed Former North Shore Gas Co. (equivalent to a 3 storey podium) and to the south by a residential building with a 4 storey street wall height. The proposed development aims to address the existing conditions by creating an articulated podium that respects the scale and fine grain of the existing heritage listed item.

OUTCOME

Articulated podium that addresses the heritage street wall height to the north.

COMPLIES ✓

SETBACKS + SOLAR HEIGHT PLAN

STREET SETBACKS

The site is identified in the 2036 Plan's Built Form Street Setback map as having a 0m street setback facing Pacific Highway.

The proposed development responds to the control by creating a podium and tower built to the street boundary (Pacific Highway - 0m setback). The two components are separated by a recessed floor set by the heritage street height of the Former Northshore Gas Co. creating a shadow gap between the two volumes.

The podium is proposed to be built to the boundary on 3 sides except facing west where a 6m setback is proposed to maintain a level of privacy and amenity to the existing neighbouring properties. The tower takes a similar approach, but with a 3 & 5m setback to the north and south and a 8 & 10m to the west with terraced top floors to respond to the solar height plane controls.

OUTCOME

Podium - 0m street setback to Pacific Highway and 6m to the rear

Tower - 3m street setback to Pacific Highway, 3m on sides, and 6m to the rear

COMPLIES ✓

SOLAR HEIGHT PLANE

The site is in proximity of a couple of smaller Public Open Spaces (RE1) along Sinclair Street, the precinct's Outside Boundary to the south and west, and the Conservation Area (Holtermann Estate C) to the southeast.

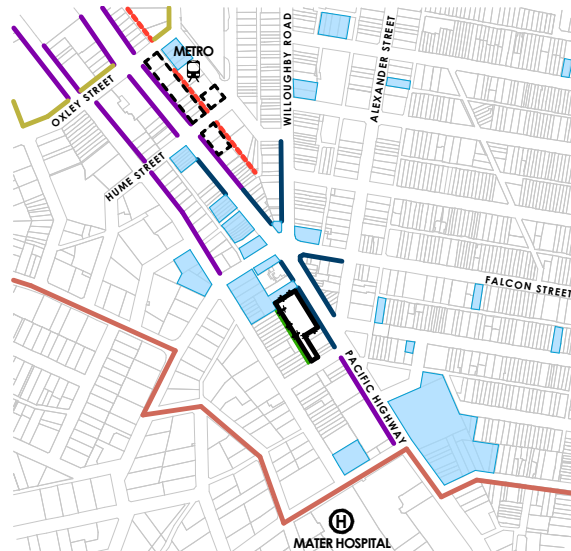
The proposed massing considered the solar access constraints and resulted in an articulated volume that is terraced to the west to avoid overshadowing the residential areas outside the boundary and has its highest point to the north to avoid overshadowing the conservation areas. Due to the site's location, there is no possible overshadowing of any of the protected streetscapes and public open spaces.

OUTCOME

No overshadowing of residential inside Conservation Areas, Outside Boundary, protected Streetscapes and Public Open Spaces.

COMPLIES ✓

- 6M SETBACK ●
- 5M SETBACK ●
- 3M SETBACK ●
- 0M SETBACK ●
- 1M REVERSE SETBACK ●
- HERITAGE ●



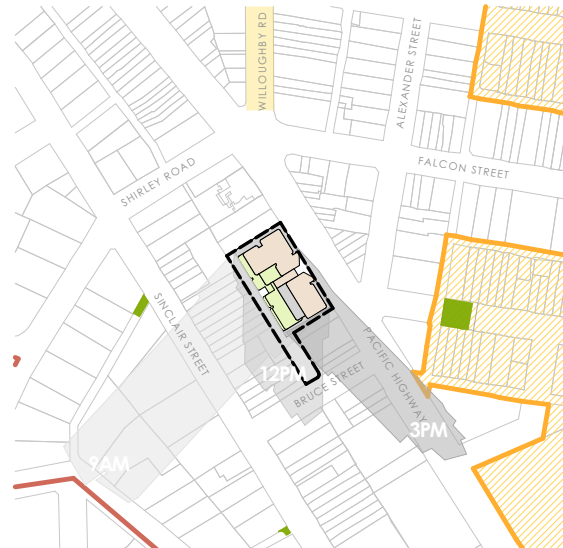
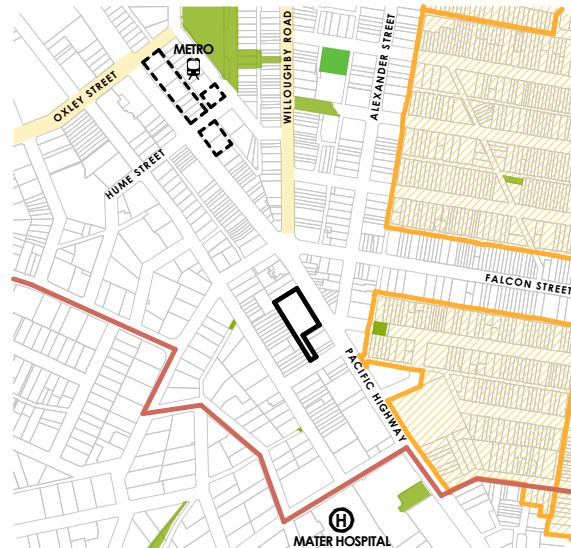
SOLAR ACCESS
Public Open Space 10am to 3pm
Christie Park, Newlands Park, St Leonards South, Propsting Park, Hume Street Park, Ernest Place, Gore Hill Oval and Talus Reserve

Streetscape 11:30am to 2:30pm
Mitchell Street, Oxley Street and Wiloughby Road

Residential areas 9am to 3pm
Residential areas inside boundary (for at least 2 hours), Heritage Conservation areas inside boundary (for at least 3 hours) and Residential outside boundary (for the whole time between 9am and 3pm)

- POTENTIAL OPEN SPACE ●
- RE1 ZONE ●
- CONSERVATION AREA ●

PROJECT NORTH

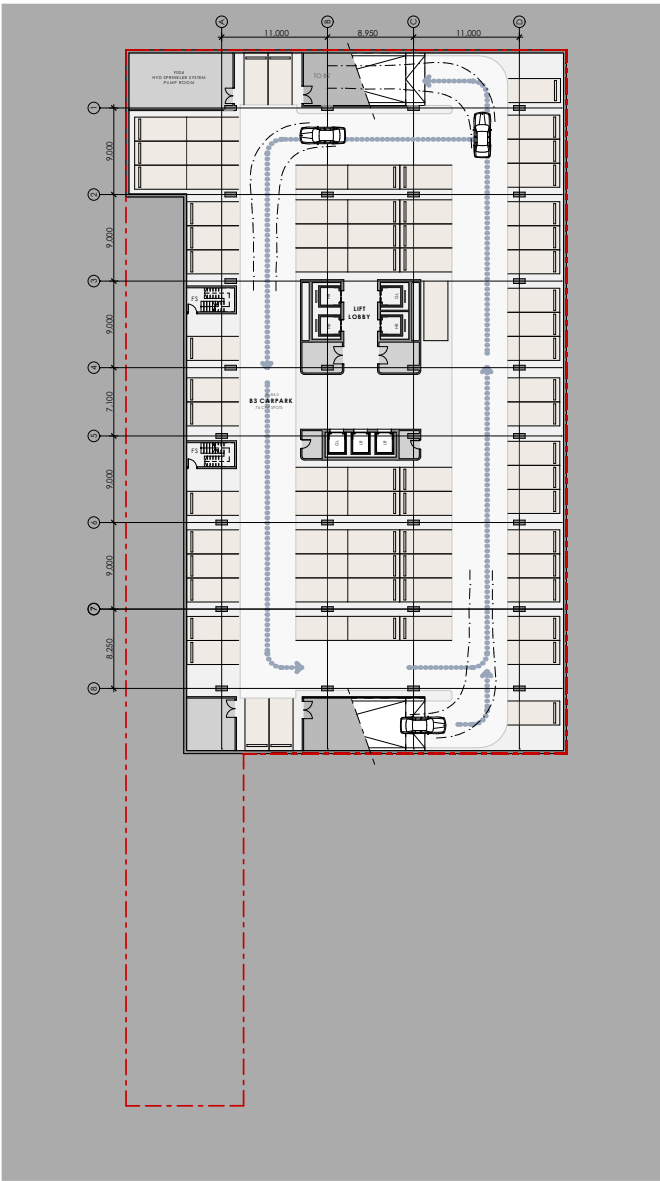


PROPOSED

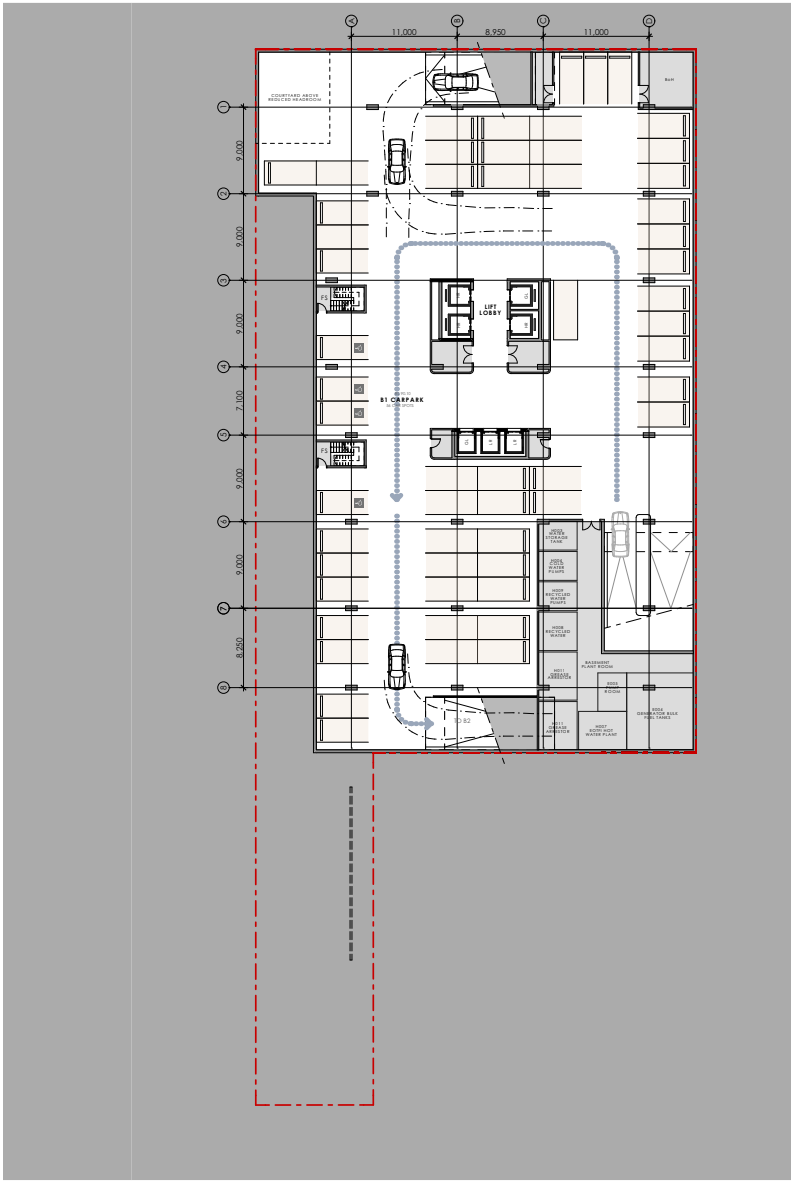
PLANNING STUDY



BASEMENT FLOOR PLANS

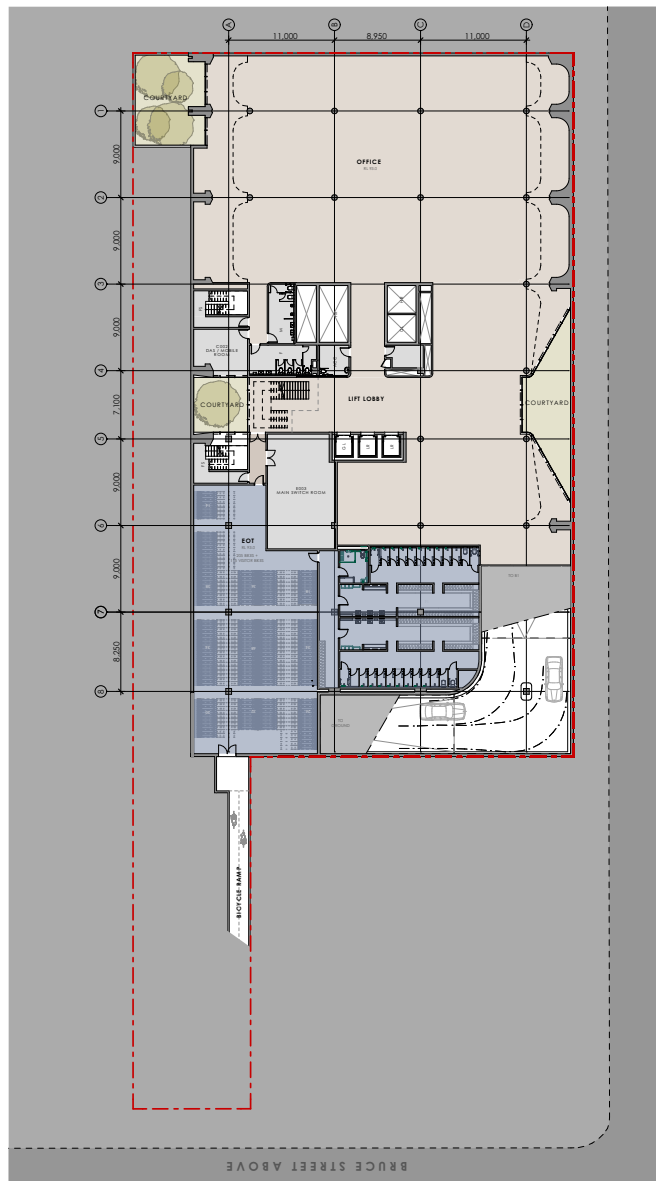


BASEMENT 03+02
Parking for 74 cars on B3 and 72 cars on B2

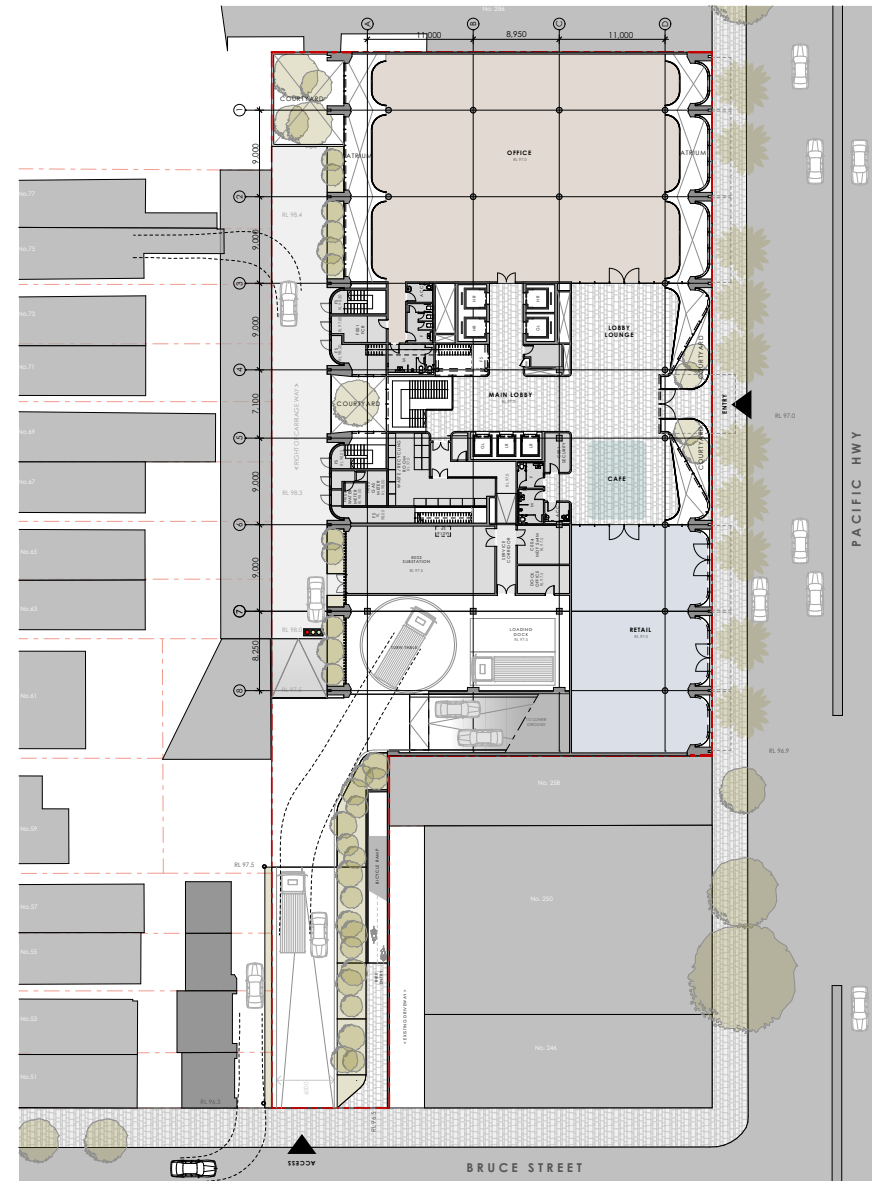


BASEMENT 01
Parking for 56 cars

LOWER GROUND + GROUND FLOOR PLANS

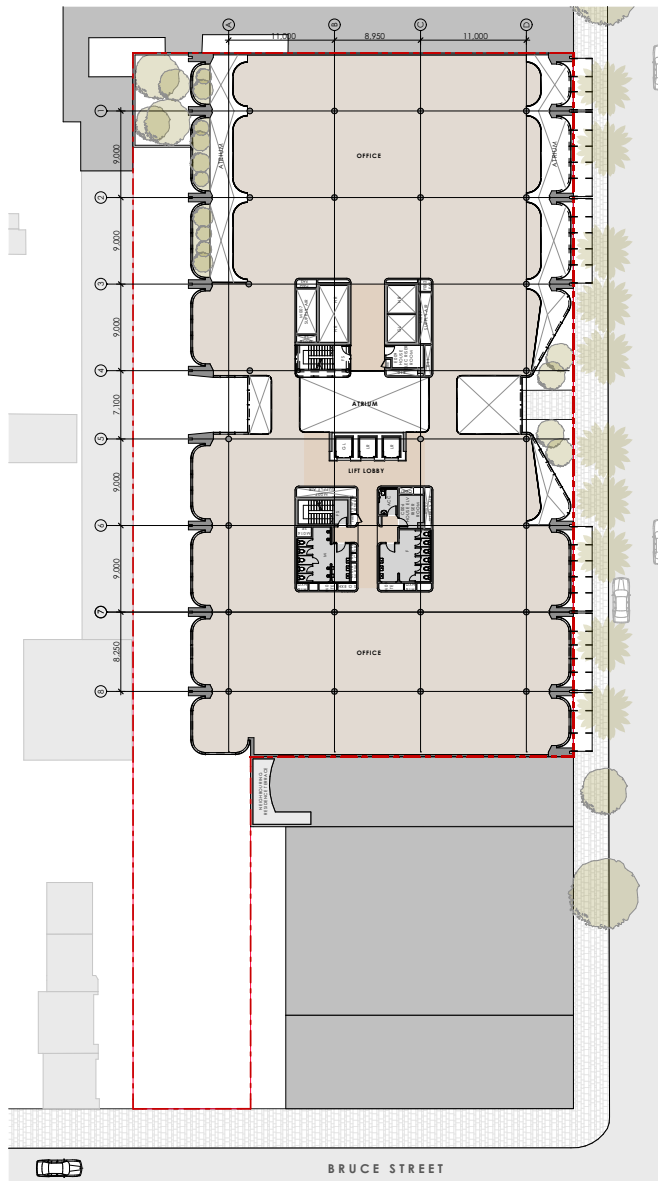


LOWER GROUND

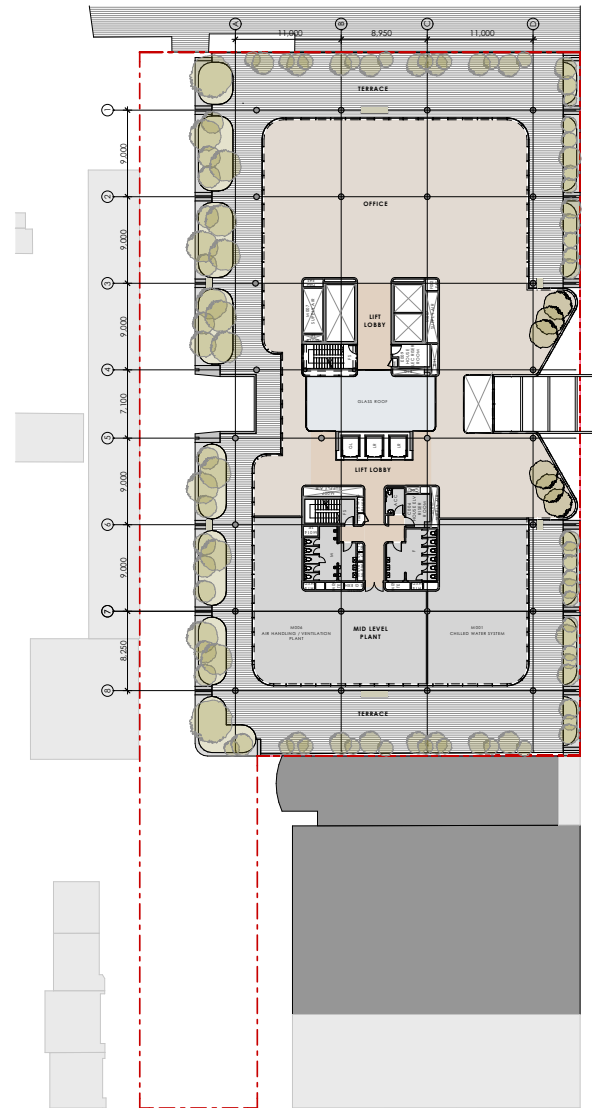
End of Trip Facilities, Tenant Space, GFA: 1,505 M²

GROUND

Main access of Pacific Highway, Lobby with Cafe, Retail, Tenant Space Main Building, GFA: 1,535 M²,
Parking and Loading Entry of Bruce Street270 PACIFIC HIGHWAY 17
1:500 CONCEPT PLANNING

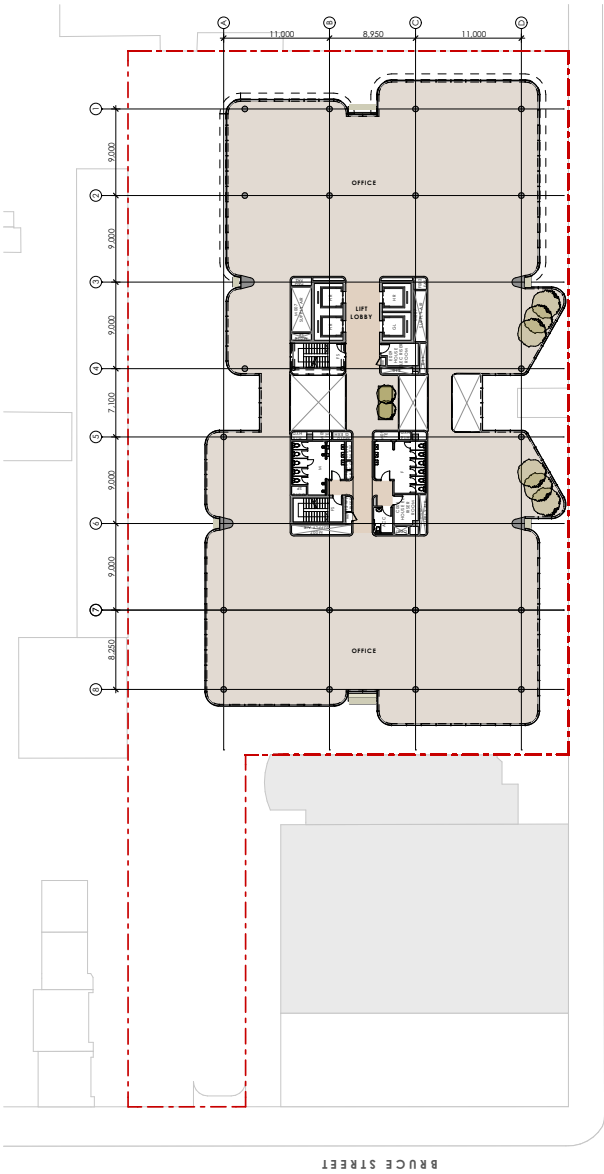


TYPICAL PODIUM FLOOR (L1)
Tenant Space Main Building, GFA 2,165 m²

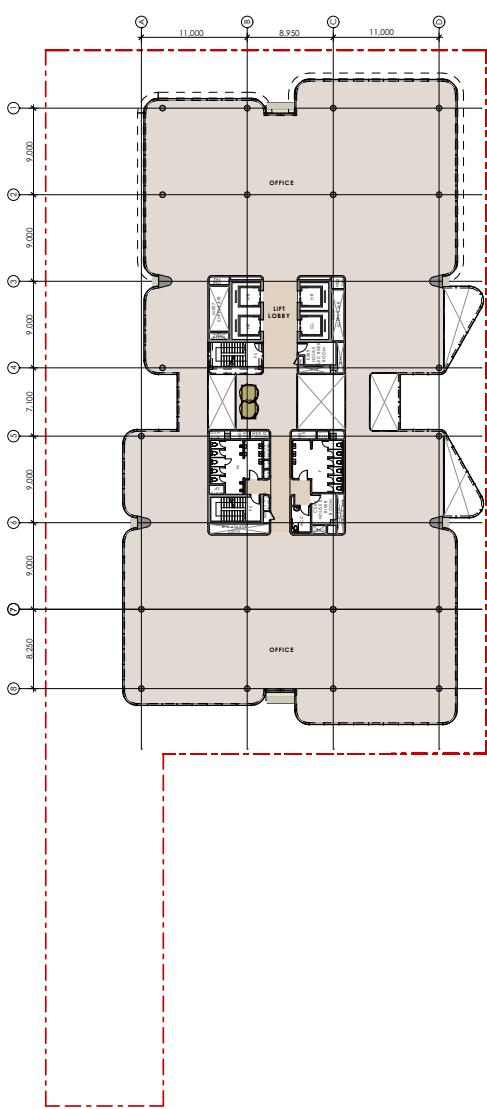


LOW PODIUM ROOF TOP (L3)
Tenant Space, GFA 975m²

TYPICAL TOWER FLOOR PLANS

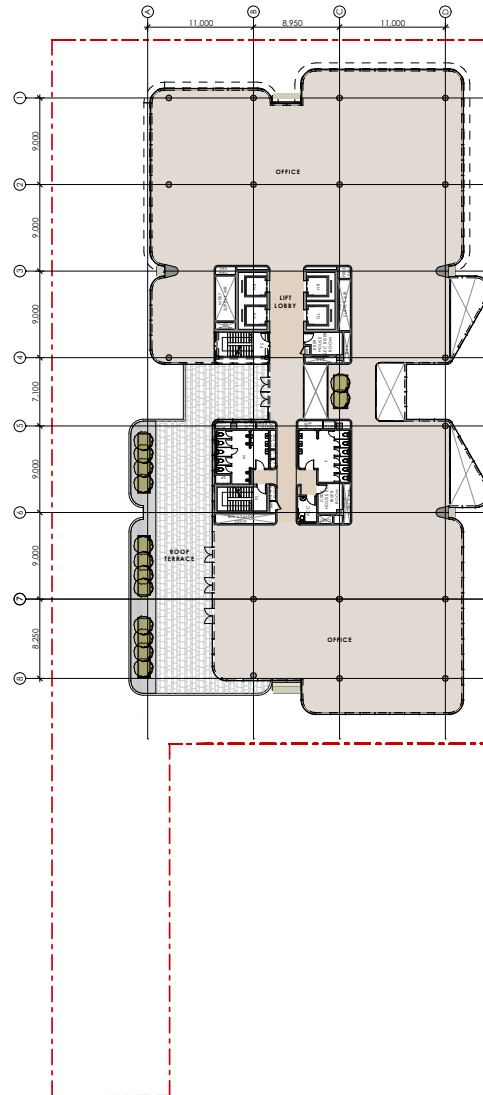


TYPICAL TOWER FLOOR (WITH PLANTER)
Tenant Space, GFA 1,820m²

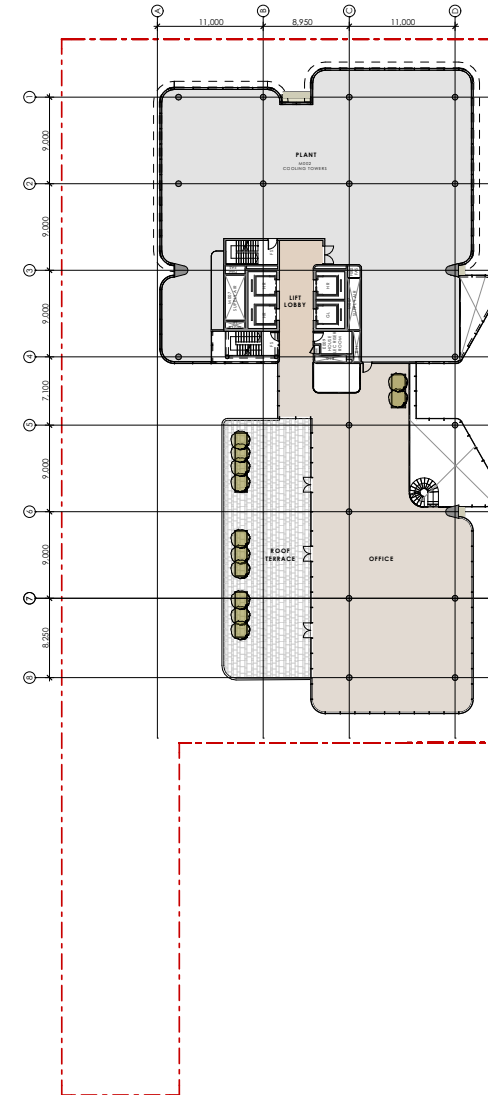


TYPICAL TOWER FLOOR (WITH BALCONY)
Tenant Space, GFA 1,785 m²

TOP OF TOWER FLOOR PLANS

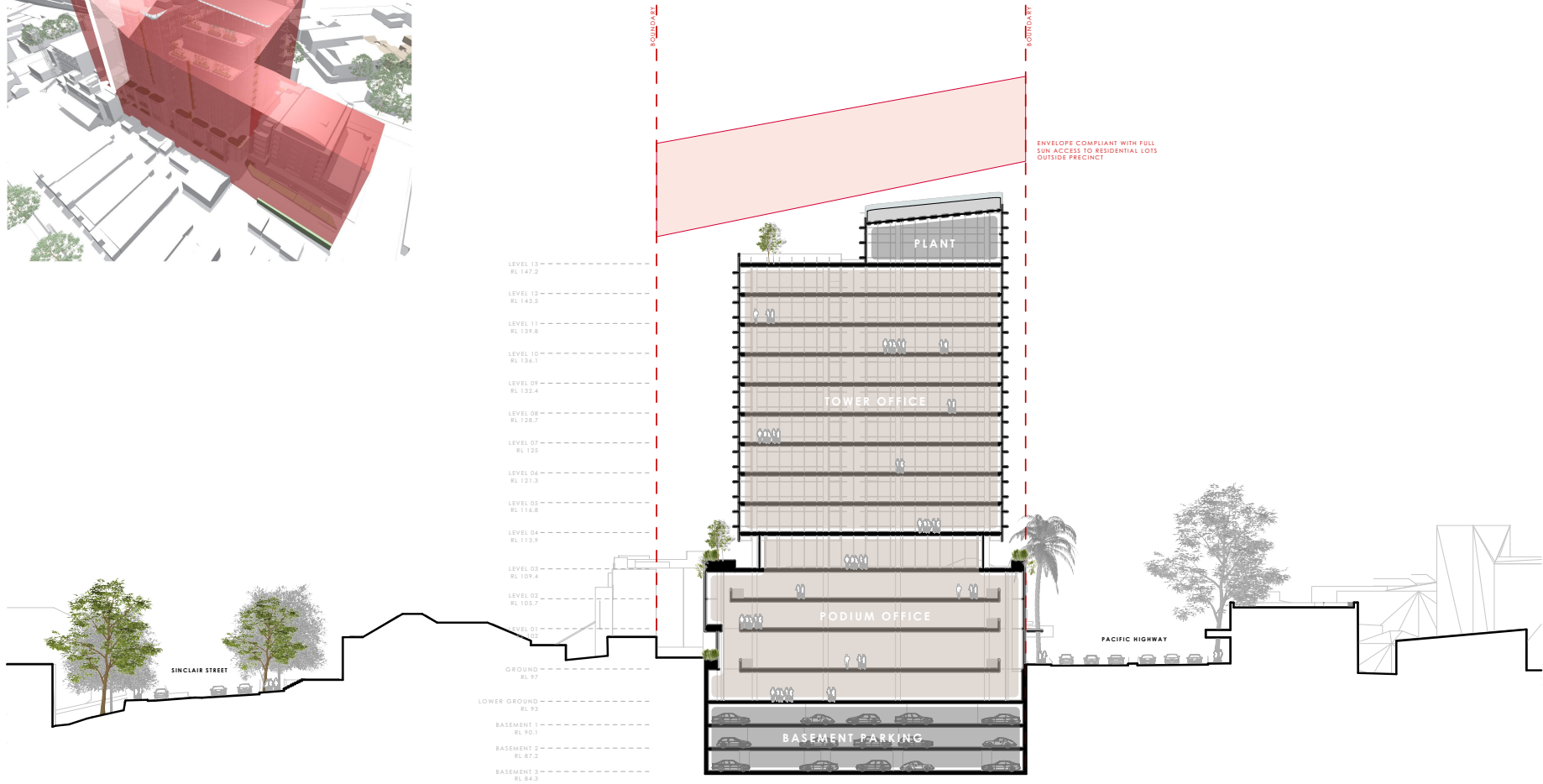
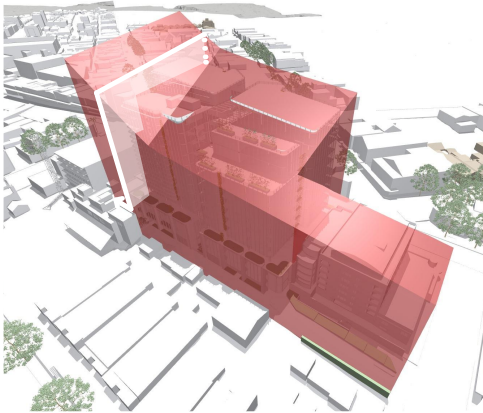


LEVEL 10 (LAST FULL OFFICE FLOOR)
Tenant Space + Terrace, GFA 1,500 m²

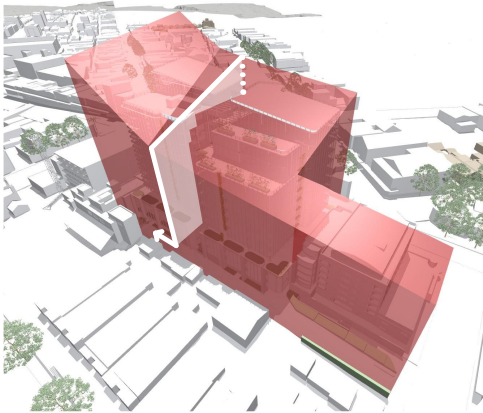


LEVEL 12 (TOP FLOOR)
Plant, Tenant Space connected to level below + Terrace, GFA 553m²

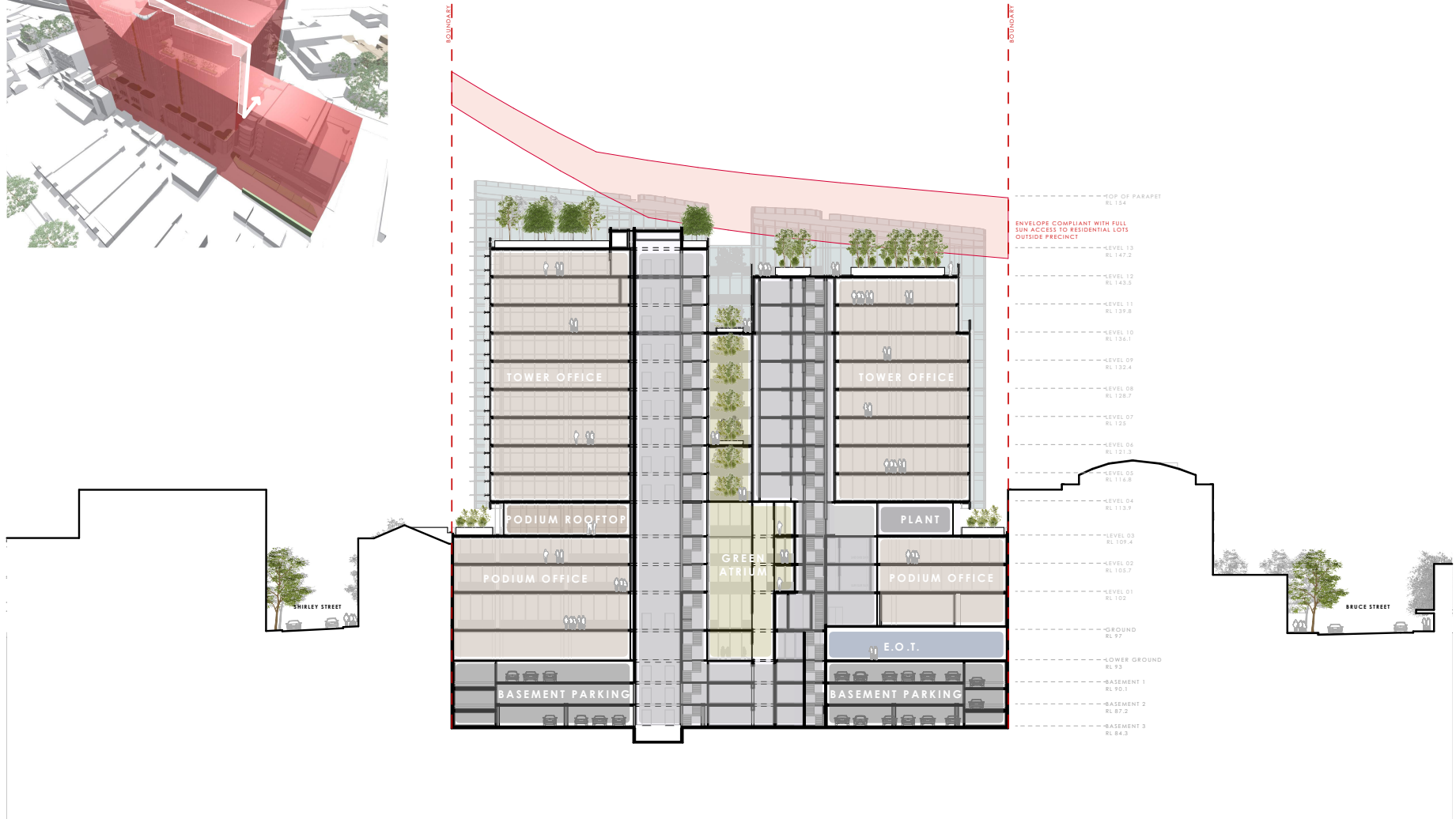
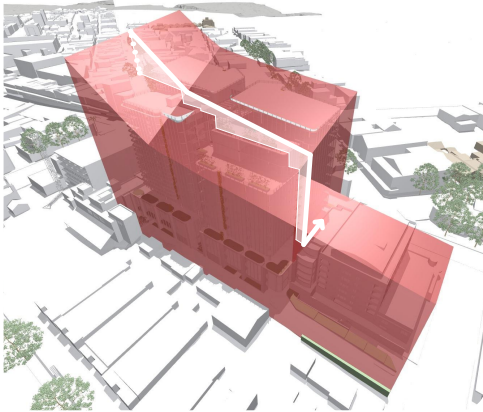
fitzpatrick
+partners

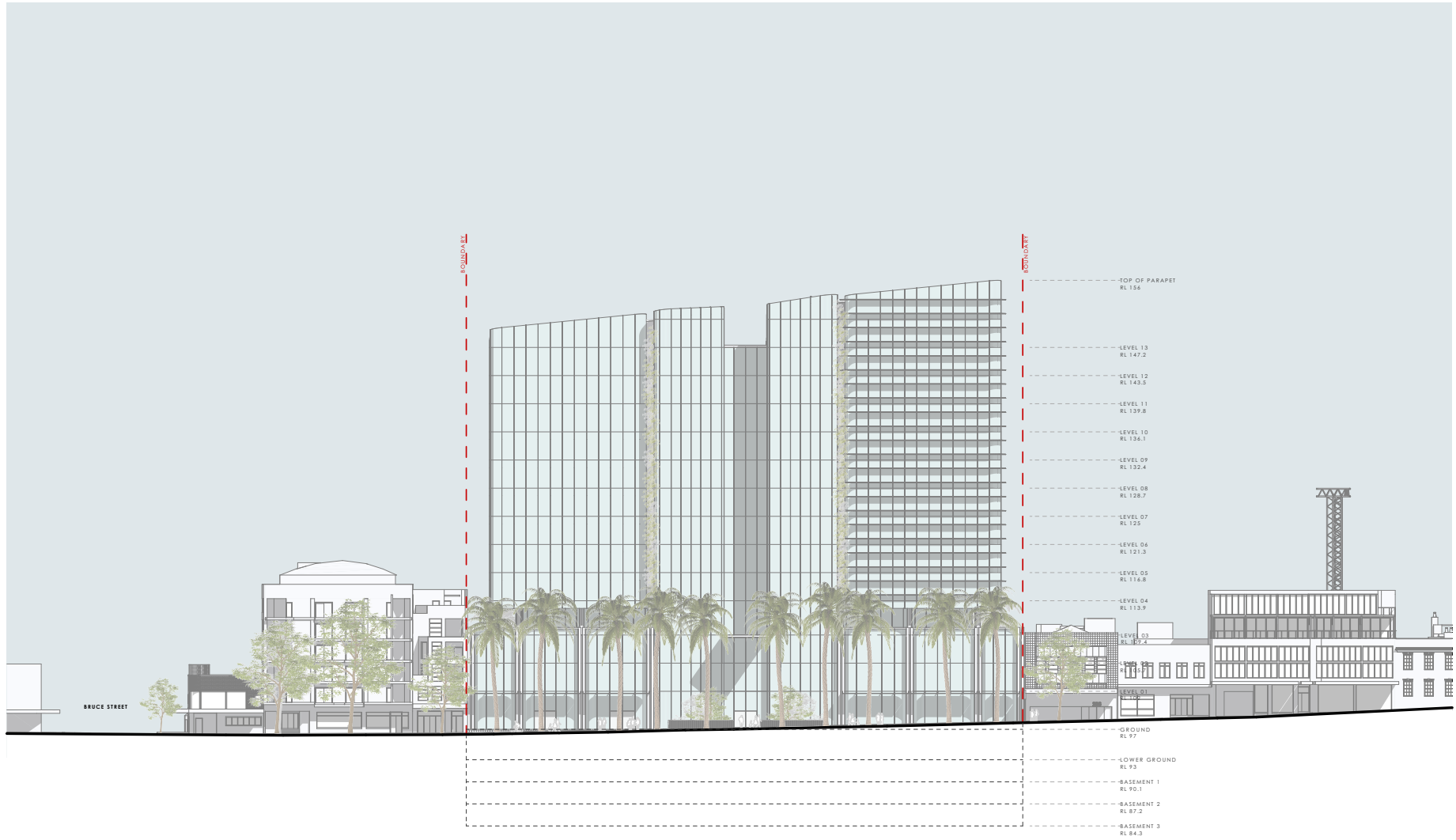


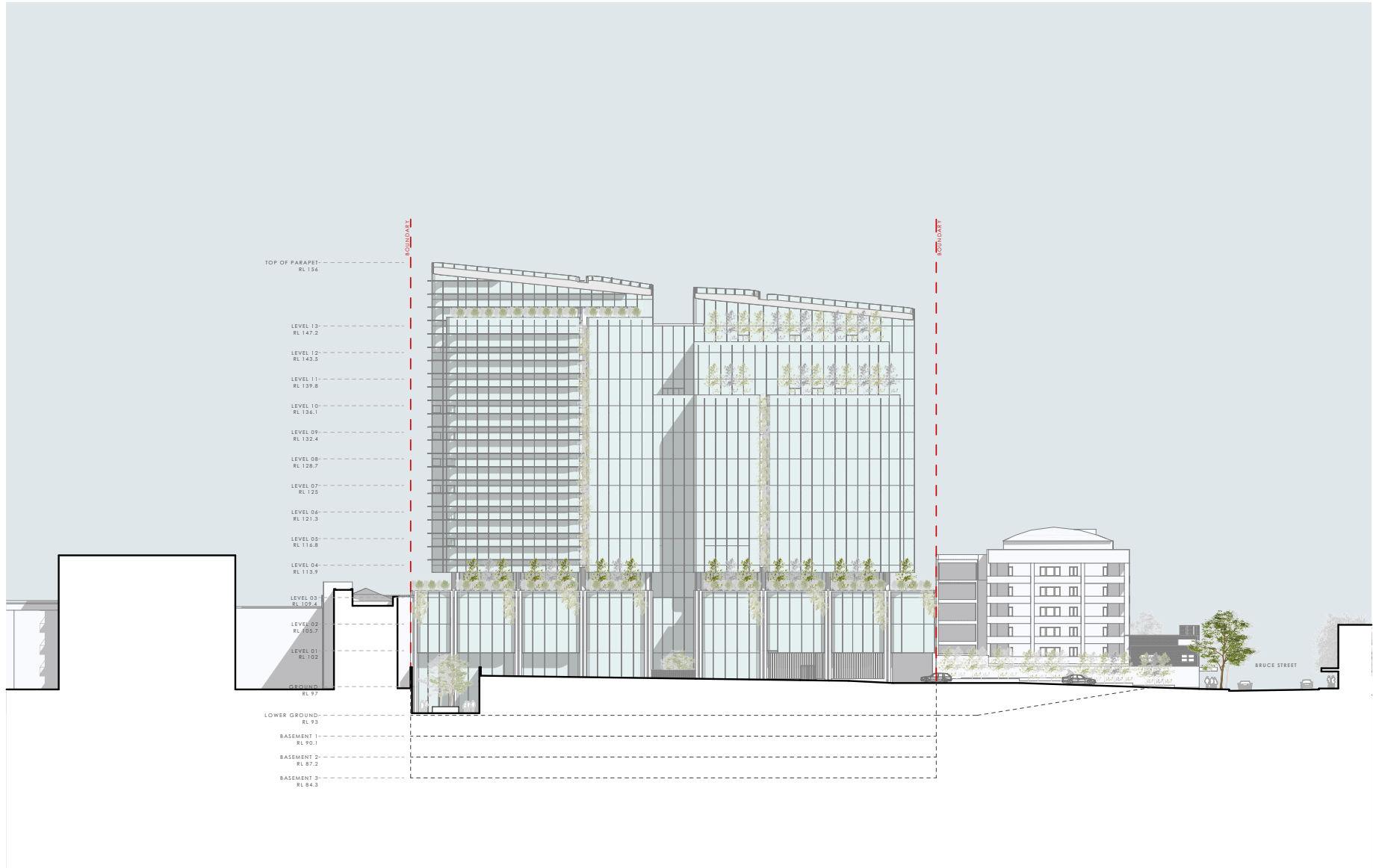
fitzpatrick
+partners

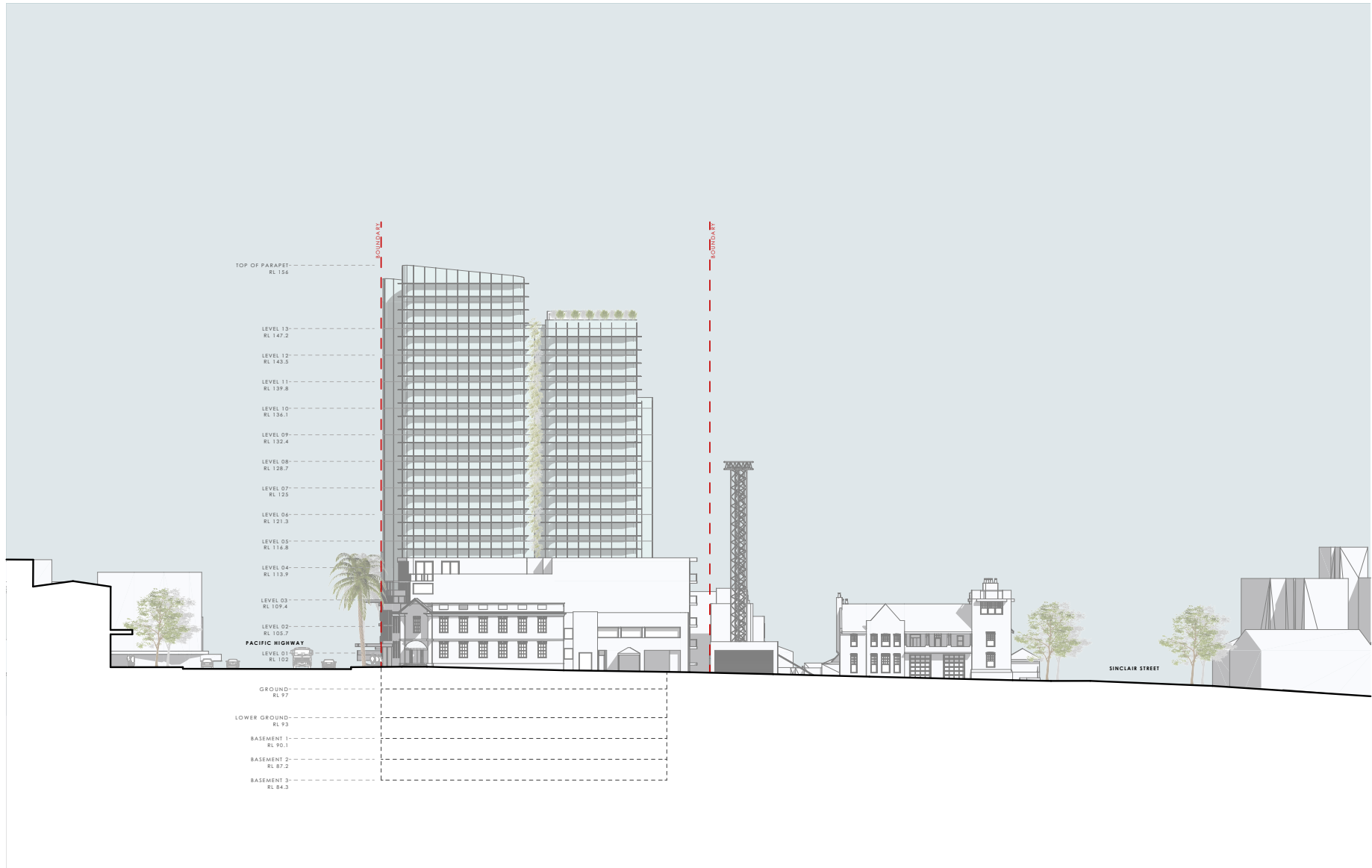


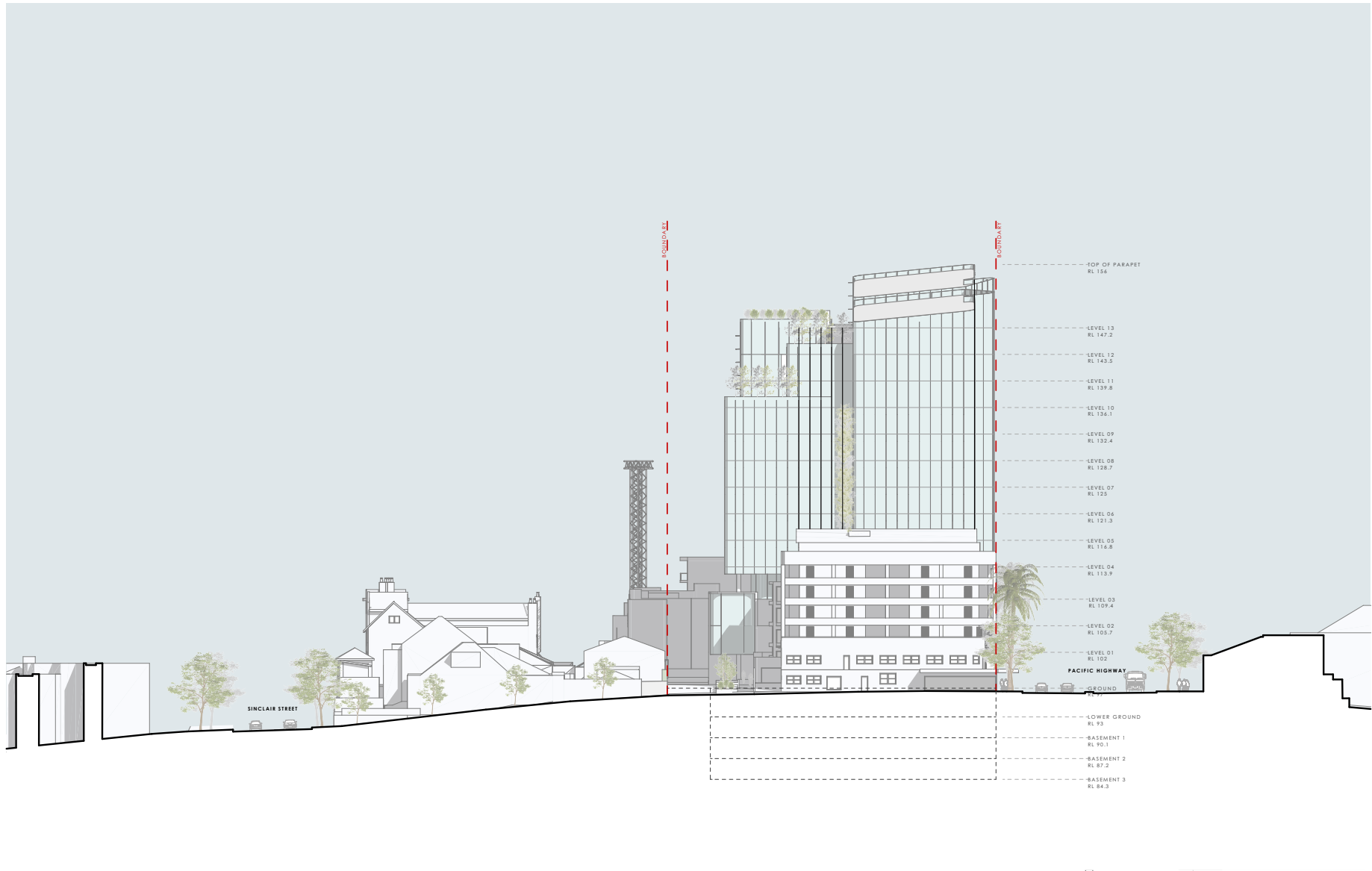
fitzpatrick
+partners







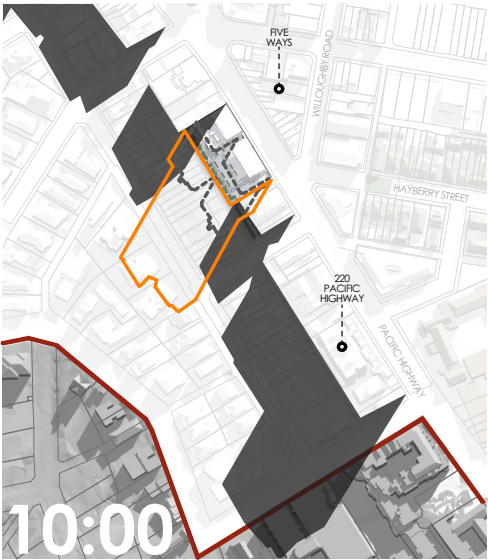
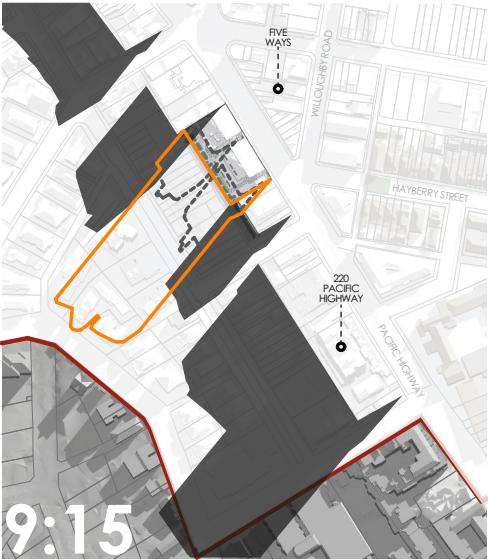
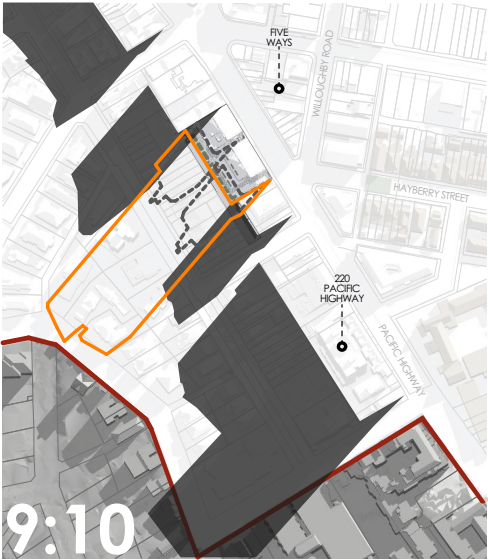
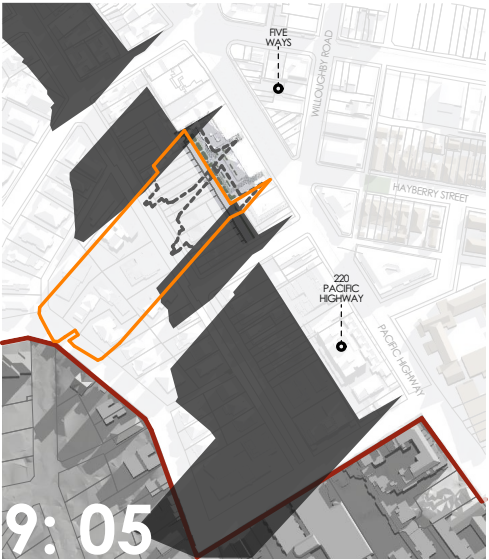




SHADOWS STUDY

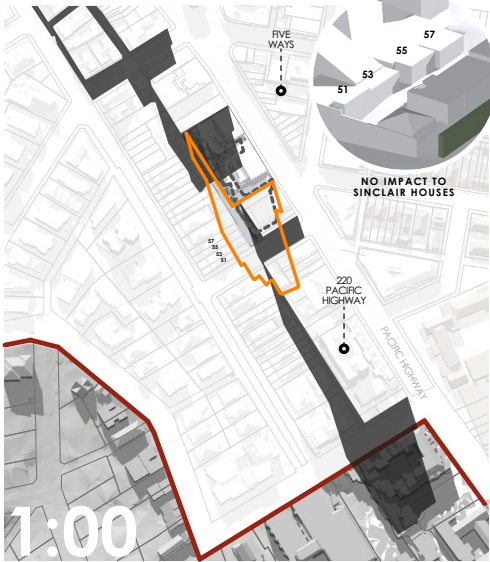
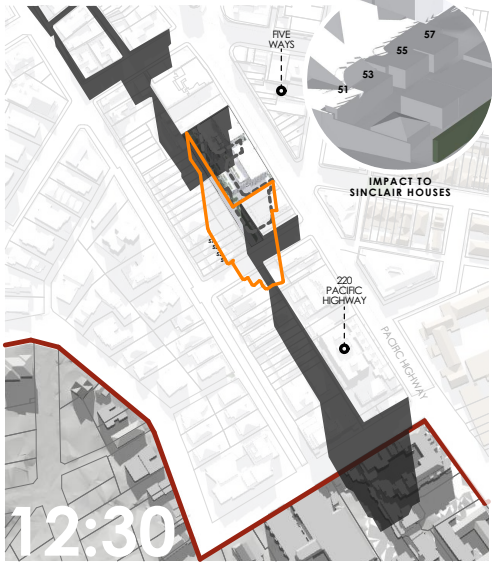
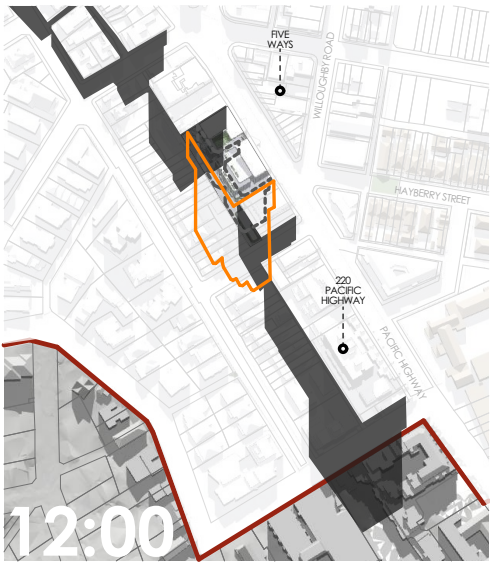
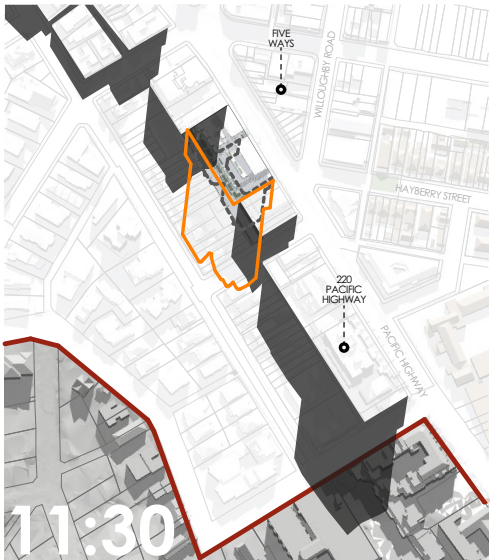
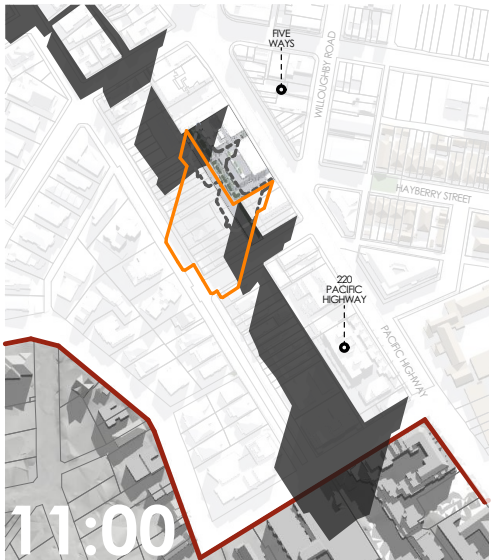
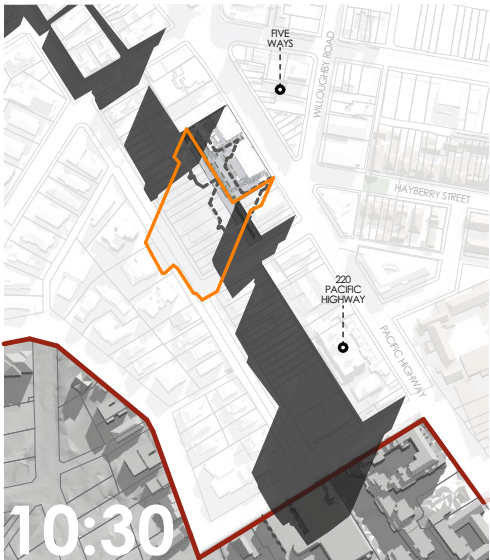


9:00 - 10:00 WINTER SOLSTICE SHADOWS



EXISTING BUILDING SHADOW 
HEIGHT COMPLIANT (13 STOREYS, 6.02 FSR) 
2036 HEIGHTS SHADOWS 

10:30 - 1:00 WINTER SOLSTICE SHADOWS

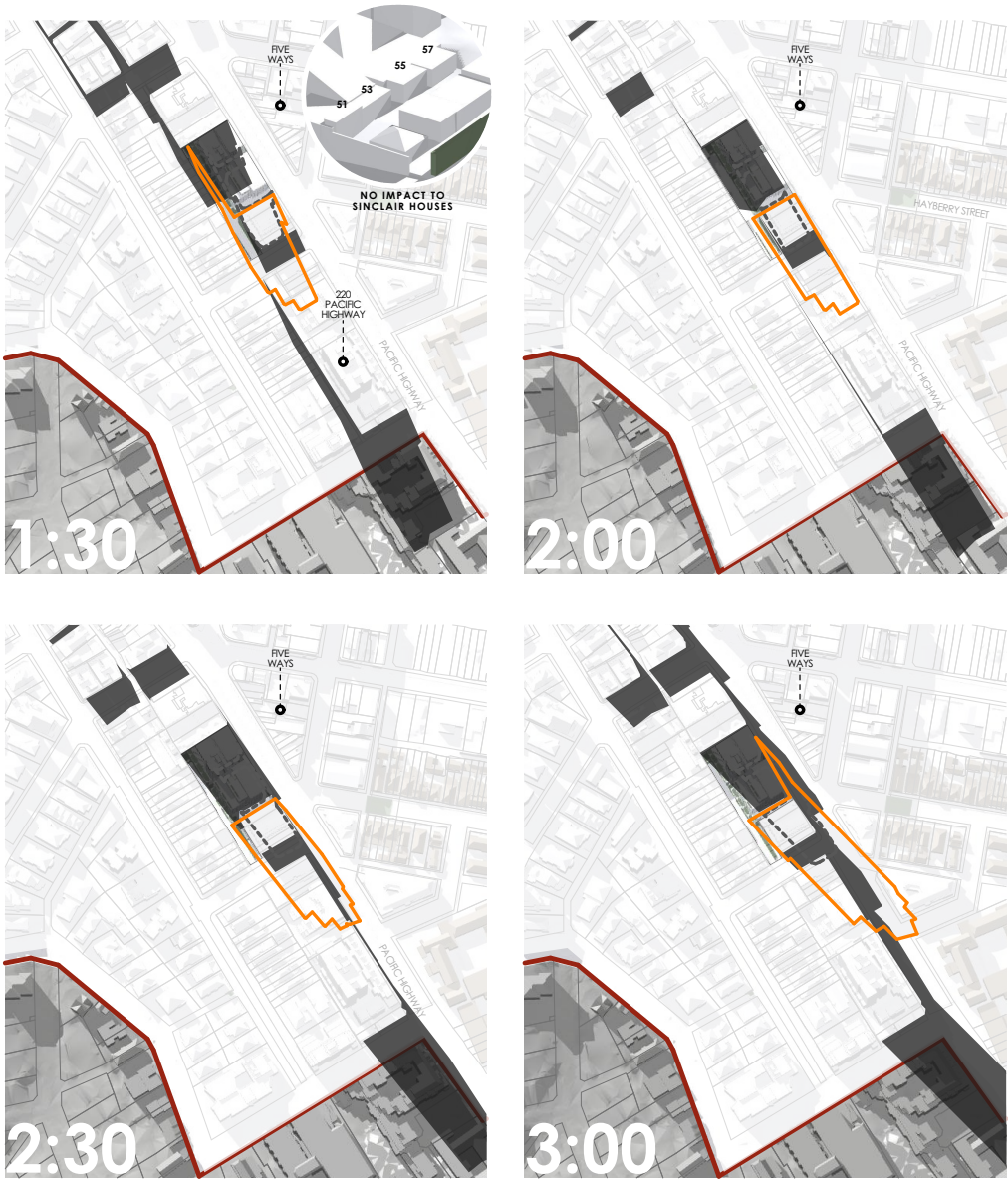


EXISTING BUILDING SHADOW

HEIGHT COMPLIANT (13 STOREYS, 6.02 FSR)

2036 HEIGHTS SHADOWS

1:30 - 3:00 WINTER SOLSTICE SHADOWS



EXISTING BUILDING SHADOW

HEIGHT COMPLIANT (13 STOREYS, 6.02 FSR)

2036 HEIGHTS SHADOWS

STREETSCAPE VIEWS STUDY



VIEW 01 - PACIFIC HIGHWAY NORTH



VIEW 02 - HAYBERRY STREET



VIEW 03 - PACIFIC HIGHWAY (SOUTH)



VIEW 04 - WILLOUGHBY ROAD



VIEW 05 - CORNER OF SHIRLEY RD & SINCLAIR ST



VIEW 06 - CORNER OF SINCLAIR & BRUCE STREETS

SCHEDULE OF AREAS

UPDATED SCHEME
(13 STOREYS, NO OVERSHADOWING AT ALL TO OUTSIDE BOUNDARY)

Site	
Site Area	3,796m ²
Allowable FSR	5.60
Proposed FSR Excl. LG GFA	5.60:1
Proposed FSR Incl. LG GFA	6.02:1
Allowable GFA	21,258m ²
Proposed GFA Above Ground	21,258m²
Proposed GFA Below Ground	1,595m ²
Proposed Total GFA	22,853m²
Allowable Height	13 Storeys
Proposed Height	13 Storeys
Total height above ground	59.00m

Level	Use	RL (m)	Floor-to-Floor (m)	GBA (sqm)	GFA* (sqm)	NLA* (sqm)	GBA/GFA (%)	GFA/NLA (%)
roof	Roof Parapet	156.00						
Level 12	Commercial / Plant	143.50	6.00	1,575	553	470	35%	85%
Level 11	Commercial	139.80	3.70	1,790	1,520	1,290	85%	85%
Level 10	Commercial	136.10	3.70	1,765	1,500	1,275	85%	85%
Level 9	Commercial	132.40	3.70	2,140	1,820	1,550	85%	85%
Level 8	Commercial	128.70	3.70	2,100	1,785	1,515	85%	85%
Level 7	Commercial	125.00	3.70	2,140	1,820	1,550	85%	85%
Level 6	Commercial	121.30	3.70	2,100	1,785	1,515	85%	85%
Level 5	Commercial	117.60	3.70	2,140	1,820	1,550	85%	85%
Level 4	Commercial	113.90	3.70	2,100	1,785	1,515	85%	85%
Level 3	Commercial / Plant	109.40	4.50	1,755	975	745	56%	76%
Level 2	Commercial	105.70	3.70	2,580	2,195	1,865	85%	85%
Level 1	Commercial	102.00	3.70	2,550	2,165	1,840	85%	85%
Ground	Lobby / Commercial / Loading	97.00	5.00	2,725	1,535	940	56%	61%
Lower Ground	EOT / PARKING	93.00	4.00	3,000	1,595	1,355	53%	85%
Basement 1	Parking	90.10	2.90	3,000				
Basement 2	Parking	87.20	2.90	3,000				
Basement 3	Parking	84.30	2.90	1,500				
202 spaces			52.5m	37,960m ²	21,258m²	17,620m²	56%	83%
					22,853m²	18,975m²		

Notes

- 1) Area schedule is a draft and subject to review and update with design development
2) GBA for basement levels not included in the overall calculations

Definitions**Gross Floor Area**

GFA is typically defined by the relevant Planning Authority for a project.
GFA is measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor.

Net Lettable Area

NLA as defined by PCA Method of Measurement 2008.
NLA means the sum of its whole floor lettable area and is measured by the internal finished surfaces of permanent internal walls and internal finished surfaces of dominant portions of the permanent outer building walls.



NORTH SYDNEY LOCAL PLANNING PANEL

PLANNING PROPOSAL

DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 29 SEPTEMBER 2021, AT 2.00PM.

PRESENT

Chair:

Jan Murrell in the Chair.

Panel Members:

John McInerney, Panel Member
James Harrison, Panel Member
Ken Robinson, Community Representative

Staff:

Administrative Support

Marcelo Occhiuzzi, Manager Strategic Planning
Ben Boyd, Executive Strategic Planner
Neal McCarry, Team Leader Policy
Jayden Perry, Strategic Planner
Peita Rose, Governance Officer (Minutes)

In accordance with the Covid 19 Public Health Order this meeting was conducted by remote (Zoom) means.

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of Wednesday, 5 May 2021 were confirmed following that meeting.

2. Declarations of Interest

Nil.

This is Page No 1 of the Minutes of the North Sydney Local Planning Panel Meeting – Planning Proposal held on Wednesday, 29 September 2021.

3. Business Items

The North Sydney Local Planning Panel is a NSW Government mandated Local Planning Panel exercising the functions of North Sydney Council, as the Consent Authority, under Section 4.8(2) of the Environmental Planning and Assessment Act, 1979 as amended, and acts pursuant to a Direction of the Minister for Planning issued under Section 9.1 of the Act, dated 23 February 2018.

The Panel has considered the following Business Items and resolves to determine each matter as described within these minutes.

ITEM 1

PP No:	1/21
ADDRESS:	270-272 Pacific Highway, Crows Nest
PROPOSAL:	<p>To amend North Sydney Local Environmental Plan 2013 as follows:</p> <ul style="list-style-type: none"> • Amend the Height of Buildings Map from 16m to a maximum height of 59m; • Amend the Floor Space Ratio Map to introduce a Floor Space Ratio. This is to be a maximum of 5.6:1; • Amend the Non-residential Floor Space Ratio Map to increase the minimum non-residential FSR from 0.5:1 to 5.6:1; and • Insert a Site-specific clause allowing a maximum FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses.
REPORT BY NAME:	Jayden Perry, Strategic Planner
APPLICANT:	Keylan Consulting on behalf of the applicant Silvernight (Crows Nest) Landowner Pty Ltd

Public Submissions

1 written submission prior to public meeting

Submitter	Applicant/Representative
	Paul Reidy - Project Architect
	Steven Papadopoulos - Applicant
	Dan Keary - Applicant
	Cameron Thomson - Keylan Consulting (observing only)

This is Page No 2 of the Minutes of the North Sydney Local Planning Panel Meeting – Planning Proposal held on Wednesday, 29 September 2021.

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and considered all submissions, both written and oral.

The Council Officer's Report is endorsed by the Panel,

The reasons are as outlined in the Officer's Report, and the Panel recommends to the Council the progression of the Planning Proposal to the DPIE seeking a Gateway Determination, noting a reduction in height from 59m to 54m and the recommendation for a site specific DCP. All to be prepared to help guide future detailed design and development application assessment process. The DCP is to be exhibited concurrently with the Planning Proposal.

Panel Reason:

The Panel is satisfied the Planning Proposal as amended above is consistent with the 2036 Strategy, and the development of this site for commercial purposes will be an important employment node for the precinct.

The Panel also notes the site is well served by public transport being 400m from the Metro, and 1 kilometre to St Leonards Station.

The Panel recognises the potential impact on dwellings in Sinclair Street, and therefore supports the preparation of the site specific DCP to ameliorate the impacts.

The Panel recommends that the DCP include a provision providing a maximum 13 storeys above ground, and for the additional FSR proposed to be below ground for commercial uses appropriate to this location.

The Panel agrees with the assessment of a maximum height of 54m and acknowledges an architectural design element may be provided over this.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Ken Robinson	Y	
John McInerny	Y				
James Harrison	Y				

ITEM 2

PP No:	4/21
ADDRESS:	153 & 157 Walker Street, North Sydney

PROPOSAL:	To amend North Sydney Local Environmental Plan 2013 by inserting a site specific clause to permit a 23m height bonus at 153 and 157 Walker Street, if the two properties are redeveloped under a single proposal and meet a number of criteria relating to setbacks delivery of a through-site link and sustainability outcomes.
REPORT BY NAME:	Ben Boyd, Executive Strategic Planner
APPLICANT:	APP Corporation Pty Limited

Public Submissions

No written submissions

Submitter	Applicant/Representative
	Nathan Michael - On behalf of Marprop - Fund Management
	Carina Cowham - On behalf of Marprop (Observing Only)
	Alyce Kliese - Applicant
	Marko Damic - Architect
	Josh Owen - Planner
	Rick Miller - Owner 153 Miller (Observing Only)

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and considered all submissions, both written and oral.

The Council Officer's Report and Recommendation is noted.

The applicant requested that the matter be deferred to allow the opportunity to address issues raised in the report. To this end the Panel has decided to allow the deferral to provide the applicant the opportunity to discuss the issues with Council Officers, and for a meaningful dialogue with the owner of No. 157 Walker Street.

The Panel considers that a better urban design outcome could be achieved by the amalgamation of the two sites. The Panel noted that an amalgamated site could deliver a development with additional height without overshadowing public open space and could provide a significant public benefit in the form of a through site link between Walker Street and Little Walker Street, and public domain benefits to both streets. In this regard greater certainty needs to be provided by the applicant to accompany the Planning Proposal.

The applicant is to liaise with Council's relevant officers in submitting further and refined details to address issues raised, and any other necessary documentation.

The timing for the amendments and additional information submitted by the applicant to allow a supplementary report by Council Officers should take place to facilitate the matter to come back before the Panel in early 2022.

This is Page No 4 of the Minutes of the North Sydney Local Planning Panel Meeting – Planning Proposal held on Wednesday, 29 September 2021.

Panel Reason:

The Panel to provide the applicant with the opportunity to address issues raised in the report and liaise with the adjoining owner.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Ken Robinson	Y	
John McNerny	Y				
James Harrison	Y				

ITEM 3

PP No:	8/21
ADDRESS:	North Sydney Centre
PROPOSAL:	To amend North Sydney Local Environmental Plan 2013 by amending clauses 6.3(3) and 6.3(5) and thereby confine all applications that seek to vary the building height development standards to clause 4.6 (<i>Exceptions to Development Standards</i>) ensuring greater consistency and transparency.
REPORT BY NAME:	Marcelo Occhiuzzi, Manager, Strategic Planning
APPLICANT:	North Sydney Council

Public Submissions

No written submissions

Submitter	Applicant/Representative
	Marcelo Occhiuzzi - Manager Strategic Planning, North Sydney Council

Panel Determination

The Panel members have considered the Officer's Report and Recommendation. The Council Officer's Report is endorsed by the Panel.

That the Panel resolves to recommend to the Council that the Planning Proposal be forwarded to the Department of Planning and Environment to seek a Gateway Determination.

Panel Reason:

The Panel considers the proposal to amend Clause 6.3(3) and 6.3(5) provisions of the North Sydney LEP, is the appropriate course of action and will provide greater clarity to the community for variations to be considered under the mechanism of Clause 4.6, which is more comprehensive of the issues to be addressed for such variations.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Ken Robinson	Y	
John McInerney	Y				
James Harrison	Y				

The public meeting concluded at 1.25 pm.

The Panel Determination session commenced at 1.35 pm.

The Panel Determination session concluded at 2.33 pm.

Endorsed by Jan Murrell
North Sydney Local Planning Panel
29 September 2021



KEYLAN
consulting pty ltd

Suite 2, Level 1
1 Rialto Lane
Manly NSW 2095

Planning Proposal

270-272 Pacific Highway
Crows Nest



Amendment to North Sydney Local Environmental Plan 2013

Prepared for Silvernight (Crows Nest) Landowner Pty Ltd
Submitted to North Sydney Council

August 2021



This report has been prepared by:

Padraig Scollard BA MRUP
Senior Planner
E: padraig@keylan.com.au

This report has been reviewed by:

Dan Keary BSc MURP MPIA
Director
E: dan@keylan.com.au

Cover image: the Site (Source: Keylan)

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Revision	Prepared by	Reviewed by	Date	Revision Type
1	PS	DK	18/2/21	Draft
2	PS	DK	17/3/21	Final
3	PS	DK	5/8/21	Draft (Amended)
4	PS	DK	13/8/21	Final (Amended)



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Abbreviations

Applicant	Silvernight (Crows Nest) Landowner Pty Ltd
CBD	Central Business District
DA	Development Application
DP	Deposited Plan
DPIE	Department of Planning, Industry and Environment
DR	Design Report
EA	Economic Advice
ESD	Ecologically Sustainable Design
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPI	Environmental Planning Instrument
FSR	Floor space ratio
GFA	Gross floor area
NSDCP 2013	<i>North Sydney Development Control Plan 2013</i>
NSLEP 2013	<i>North Sydney Local Environmental Plan 2013</i>
LEP	Local Environmental Plan
LGA	Local government area
SGS	SGS Economics and Planning
SEPP	State Environmental Planning Policy
TPS	Transport and Parking Study
VPA	Voluntary Planning Agreement



Executive Summary

This Planning Proposal has been prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of *Silvernight (Crows Nest) Landowner Pty Ltd* (the Applicant) for a Site at 270-272 Pacific Highway, Crows Nest (the Site) in the North Sydney Local Government Area (LGA).

The Planning Proposal seeks to amend the current development standards that apply to the Site under the *North Sydney Local Environmental Plan 2013* (NSLEP 2013) to facilitate its future redevelopment as a 13 storey commercial office building and basement level car parking.

The proposal has been designed to capitalise on the Site's strategic location within the St Leonards Health and Education Precinct and in close proximity to the Mater Hospital, Royal North Shore Hospital and the Crows Nest Metro Station, as well as the St Leonards and North Sydney Centres.

The Planning Proposal is intended to facilitate an entirely non-residential development that will strengthen the local and regional economy, stimulate the retail village at Crows Nest, contribute significantly to State level job targets, and help fulfil the vision for the St Leonards Crows Nest Area under relevant strategic plans, including the recently adopted St Leonards Crows Nest 2036 Plan (2036 Plan).

Whilst no change to the Site's current B4 Mixed Use zoning is required, the current planning height control of 16 metres is well below the 13 storeys contained in the 2036 Plan. Accordingly, the current controls do not allow for redevelopment of the Site for employment generating purposes as envisioned under the 2036 Plan and therefore sterilise the otherwise strong strategic potential of the Site.

This Planning Proposal is a revision to PP1/21 which was lodged with North Sydney Council (Council) in March 2021. Following lodgement of the original Planning Proposal, correspondence was received from Council on 3 June 2021 advising that it did not support the proposal in its current form due to the extent to which the proposed FSR of 6.87:1 exceeds the proposed FSR in the 2036 Plan of 5.6:1.

In response, potential revisions to the proposal were discussed with Council officers. In July 2021, Council officers advised that they are able to support a scheme that provides a maximum FSR of 5.6:1 on the site plus additional floorspace (approx. 1,600sqm provided below ground level), on the basis that the additional floor space does not add to the perceived bulk and scale of the building and promotes an employment outcome on the site.

Accordingly, the proposal has been revised to respond to Council's feedback. Assessment within this Planning Proposal only relates to the proposal as amended and does not address the original proposal.

The Site

The Site is situated at 270-272 Pacific Highway, Crows Nest, and is legally described as SP 49574. The Site has an area of approximately 3,793m² with frontages to Pacific Highway and Bruce Street in Crows Nest and is in single ownership. The Site is located on the western side of Pacific Highway, approximately 70 metres to the south of the Five-Ways Intersection.



The Site is situated within the vicinity of the Crows Nest Village in between the St Leonards and North Sydney strategic Centres which are approximately 900m and 1.2km away respectively. The Site is located within 400m of the future Crows Nest Station as well as the Mater Hospital and Melanoma Institute Australia.

The Site is currently occupied by two mirroring 5 storey commercial buildings over a single level basement. The buildings comprise restaurant, medical and office uses. Vehicular access to the Site is from Bruce Street via a private laneway which runs parallel to the Pacific Highway.

The Site does not contain any heritage items under the NSLEP 2013, however, it is in the vicinity of multiple heritage items and conservation areas, including the adjacent Former North Shore Gas Co office at 286 Pacific Highway, Crows Nest.

The Planning Proposal

The Planning Proposal has been developed with regard to the key objectives and proposed development controls in the *St Leonards and Crows Nest 2036 Plan*. It retains the B4 Mixed Use zoning of the Site but seeks to amend the Site's maximum building height and floor space ratio (FSR) controls, as set out in the NSLEP 2013.

The primary objective of the Planning Proposal is to facilitate the future development of a 13 storey commercial building, with potential to include allied health uses, and basement level car parking (subject to a future development application).

The amendments proposed to the existing land use zones and development controls that apply to the Site are summarised in the table below.

Planning control	Existing development controls (NSLEP 2013)	St Leonards & Crows Nest 2036 Plan	Proposed development controls
Land use zone	B4 Mixed Use	B4 Mixed Use	B4 Mixed Use
Height of buildings	16m	13 storeys	59m (13 storeys)
Floor space ratio (FSR)	N/A	5.6:1	5.6:1
Additional FSR clause	N/A	N/A	Site-specific clause allowing a maximum FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses.
Non-residential FSR	0.5:1	5.6:1	5.6:1

Table 1: Summary of Planning Proposal

As noted in Table 1, in response to Council officers' advice, a new clause is proposed to permit an FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses. Given the additional space is located within



the lower ground level, there will be no impact on the height, bulk and scale of the future building on the Site.

The proposed wording for the new clause in the NSLEP 2013 is provided below:

19D 270-272 Pacific Highway Crows Nest—floor space

- (1) *The objective of this clause is to provide for additional floor space on certain land to encourage additional employment.*
- (2) *This clause applies to 270-272 Pacific Highway Crows Nest, being SP 49574.*
- (3) *Despite clause 4.4, the maximum floor space ratio for a building is 6.02:1, but only if—*
 - (a) *the floor space ratio of the part of the building that is above the ground level of the building at the Pacific Highway frontage does not exceed 5.6:1, and*
 - (b) *any additional gross floor area above 5.6:1 is used for non-residential purposes.*

The proposal complies with the building height of 13 storeys but exceeds the maximum FSR control recommended for the Site under the 2036 Plan when the additional below ground FSR is included. This variation is considered to be acceptable as:

- the additional FSR above the recommendation in the 2036 Plan is provided below ground level and therefore will have no impact on the height, bulk and scale of the future building on the Site
- the proposed building envelope is fully compliant with the building height, street wall height and setback controls within the 2036 Plan, ensuring the bulk and scale of the development is appropriate for the Site
- the additional GFA will be used for non-residential purposes and will therefore provide employment generating floorspace that will contribute to the achievement of the employment targets in the 2036 Plan and Council's Local Strategic Planning Statement
- the proposal complies with the solar access requirements within the 2036 Plan, maintaining 2 hours of solar access to residential areas inside the boundary of the 2036 Plan between 9am – 3pm. This includes the properties located to the west of the Site on Sinclair Street which achieve 2 hours of solar access between 1pm – 3pm

Should the Planning Proposal be supported in its current form, the Site is envisaged to support approximately 22,853m² of much needed employment generating floor space, consistent with the 2036 Plan and Council's Local Strategic Planning Statement.

The Planning Proposal is supported by Economic Advice (EA) prepared by SGS Economics and Planning (SGS) (Appendix 5). The EA considers the potential economic opportunities for a development of this type in this location. The key findings of this advice include:

- Mixed use developments dominate the current employment pipeline in St Leonards and Crows Nest. These developments are mostly decreasing the current quantum of commercial floorspace. Consequently, mixed use developments may not provide the consolidated A-grade office floorspace which would be needed to attract large corporate tenants to St Leonards Crows Nest area, enabling it to compete with other major employment centres.
- In addition to currently planned development, between 122,154 – 275,054m² of additional commercial (predominately office) floorspace would be needed to achieve employment growth in line with the St Leonards Crows Nest 2036 plan and employment projections. This gap is higher than the 119,979m² estimated to be needed in the St



Leonards Plan 2036, as a result of increased employment projections and the development pipeline, which contains many mixed use developments currently associated with an overall decrease in the quantum of commercial office floorspace.

- The subject site is located near Willoughby Road and the future Crows Nest Station, increasing its potential level of attractiveness for businesses following redevelopment. There are also likely to be opportunities for medical premises on the subject site given its proximity to the Mater Hospital and other large medical facilities and premises, as well as accommodating local population-serving businesses seeking proximity to the local Crows Nest Centre rather than the more commercial St Leonards centre.

On the basis of the findings of the EA, it is apparent that there is demand for employment generating floor space within the St Leonards and Crows Nest. The proposal will provide approximately 22,853m² of employment generating floorspace which will contribute towards meeting demand without absorbing all forecast demand to the detriment of other potential development.

Furthermore, in the context of the COVID-19 pandemic, commercial tenants are generally seeking decentralised office locations given shifting population trends, an affordable rental profile and ease of access. More particularly, tenants are seeking large, efficient floorplates that promote safe, efficient and collaborative work practices. In addition, medical practices require large floor plates which are accessible at ground level.

The market analysis undertaken for the site has identified demand for modern A-grade commercial office space at an affordable price point. The proposal suitably addresses this demand in an appropriate location.

Strategic context

The Planning Proposal has been prepared in consideration of the following strategic plans and policies prepared by the NSW State government and North Sydney Council (Council):

- *Greater Sydney Region Plan – A Metropolis of Three Cities*
- *North District Plan*
- *St Leonards and Crows Nest 2036 Plan*
- *North Sydney Local Strategic Planning Statement*
- *North Sydney Community Strategic Plan 2018-2028*

The Planning Proposal demonstrates consistency with the relevant objectives and actions set out in the above listed strategic plans and policies. In particular, the Planning Proposal provides for new employment generating floor space for commercial and health-related uses, located in close proximity to the St Leonards Health and Education Precinct, Crows Nest Village and Metro Station.

The Site is located within the Five Ways South Education and Medical Precinct and nearby to the Crows Nest Village as per the *North Sydney Local Strategic Planning Statement* (North Sydney LSPS). In addition, the 2036 Plan establishes a job target of 16,500 additional jobs by 2036, and identifies a commercial floor space target of 119,979m².

The strategic justification for the Planning Proposal and detailed consideration of the above listed strategic plans and policies is discussed in Section 5.3 and Appendix 3.



St Leonards and Crows Nest 2036 Plan

The Planning Proposal gives effect to the St Leonards and Crows Nest 2036 Plan (2036 Plan) in accordance with Ministerial Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan.

The 2036 Plan seeks to facilitate the urban renewal of St Leonards and Crows Nest for an expanding employment centre and growing residential community in the suburbs of St Leonards, Greenwich, Naremburn, Wollstonecraft, Crows Nest, and Artarmon. This is to be achieved through changes to existing planning controls to support the objectives and actions within the 2036 Plan.

The 2036 Plan proposes to maintain the B4 Mixed Use zoning for the Site and provides a building height of 13 storeys and an FSR of 5.6:1 for the Site, which is required to be entirely non-residential. The site is the only 100% non-residential site identified within Crows Nest under the 2036 Plan, indicating its strategically important location and attributes and its recognised role in contributing to the Plan's employment targets.

The Planning Proposal is largely consistent with the 2036 Plan as the B4 Mixed Use zoning is retained and a maximum building height of 59 metres is proposed, equating to 13 storeys.

Whilst a base FSR of 5.6:1 is proposed, it is also proposed to include a new clause to permit an FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and is used for non-residential purposes. The proposed maximum FSR of 6.02:1 results in a minor exceedance of the FSR proposed under the 2036 Plan. However, the relevant section 9.1 Ministerial Direction for the 2036 Plan permits minor inconsistencies, if a proposal achieves the overall intent of the 2036 Plan and does not undermine the achievement of the Plan's vision, objectives and actions.

The proposed FSR provisions are considered acceptable as the additional FSR above 5.6:1 is provided entirely below ground level and therefore will have no impact on the height, bulk and scale of the future building on the Site. Subsequently, the concept building envelopes are compatible with the desired future character of the area as established under the 2036 Plan. The resultant bulk and scale does not result in adverse overshadowing impacts to neighbouring residential properties.

Statutory context

The Planning Proposal has been prepared in accordance with the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and in consideration of the Department of Planning, Industry and Environment's (DPIE) *A guide to preparing Planning Proposals* (2018) and *A guide to preparing local environmental plans* (2018). The Planning Proposal is supported by technical information and investigations to justify the proposed amendments.

An assessment has also been undertaken against the relevant environmental planning instruments (EPIs) that apply to the Site and Local Directions issued by the Minister for Planning and Public Spaces under section 9.1 of the EP&A Act (formerly section 117). The Planning Proposal is consistent with the statutory controls, including the relevant EPIs and Local Directions.



Environmental, social and economic considerations

The Planning Proposal is accompanied by various technical reports and studies that assess the relevant environmental, social and economic issues to the proposed amendments to the NSLEP 2013 including the following:

- built form, urban design and public domain
- economic
- heritage
- traffic, access and car parking
- environmentally sustainable design
- wind and reflectivity
- servicing
- aviation

The Planning Proposal is found to have a minimal and acceptable environmental impact and will provide net social and economic benefits for Crows Nest and the wider area. These issues are discussed in further detail in Section 5.3.3.

Public benefits

The Planning Proposal will deliver significant public benefits, including:

- an increase in the supply of employment generating floor space to meet the forecast demand of 16,500 jobs within the St Leonards and Crows Nest Precinct by 2036
- contribute to the urban renewal of Crows Nest by providing supporting land uses and an improved streetscape outcome with an active frontage to Pacific Highway
- streetscape upgrades, including street tree planting that will reinforce and contribute to the character of the locality
- realisation of the economic, social and place making opportunities created by the public investment in the Sydney Metro.
- implementation of the strategic vision identified in the Greater Sydney Regional Plan, the North District Plan, and the St Leonards Crow Nest 2036 Plan.

The Planning Proposal is accompanied by a letter that outlines the monetary contribution that Silvernight (Crows Nest) Landowner Pty Ltd may include in a letter of offer to enter into a VPA with Council.

Next steps

The Planning Proposal is submitted to Council. The intent is for Council to support the proposed amendments to the NSLEP 2013 and refer the Planning Proposal (as the Planning Proposal authority) to DPIE for review and subsequent issue of a Gateway Determination.

Following the issue of a Gateway Determination, the applicant will continue to liaise closely with Council while also commencing comprehensive consultations with DPIE, relevant State agencies and community stakeholders, prior to the formal public exhibition of the Planning Proposal.



Conclusion

The primary objective of the Planning Proposal is to facilitate a 13 storey commercial office building, with potential to include allied health uses, and basement level car parking.

There is a compelling strategic justification for the Planning Proposal as it:

- is one of the largest sites in the St Leonards Crows Nest precinct with capacity for uplift and in the ownership of a single entity
- is strategically located in the St Leonards Health and Education Precinct, providing opportunities for strategic partnerships with nearby hospitals for health-related uses
- would facilitate the redevelopment of the Site for commercial purposes providing new jobs and strengthening the St Leonards Health and Education Precinct
- the Site benefits from access to existing and planned public transport infrastructure including the future Crows Nest Sydney Metro Station, located within 400m of the Site
- multiple proposals in the locality seek to increase height and FSR controls. This demonstrates the evolving built form character and an intensification of commercial, business and residential uses.
- will meet identified demand for modern A-grade commercial office space at an affordable price point in the locality
- is supported by NSW strategic planning framework including the:
 - Greater Sydney Region Plan – increased commercial, business and health/medical floor space within the Eastern Economic Corridor
 - North District Plan – employment growth in the St Leonards Health and Education Precinct close to the future Crows Nest Sydney Metro Station
 - St Leonards and Crows Nest 2036 Plan – health sector growth and contribution to the delivery of 16,500 new jobs required by 2036



1 Introduction

This Planning Proposal has been prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of *Silvernight (Crows Nest) Landowner Pty Ltd* (the Applicant), to support amendments to the *North Sydney Local Environmental Plan 2013* (NSLEP 2013). The Planning Proposal relates to a site located at 270-272 Pacific Highway, Crows Nest in the North Sydney Local Government Area (LGA).

The Proposal seeks to amend the current development standards that apply to the Site under the *North Sydney Local Environmental Plan 2013* (NSLEP 2013) to facilitate its urban renewal and future redevelopment as a 13 storey commercial office building and basement level car parking.

This Planning Proposal is a revision to PP1/21 which was lodged with North Sydney Council (Council) in March 2021. Following lodgement of the original Planning Proposal, correspondence was received from Council on 3 June 2021 advising that it did not support the proposal in its current form due to the extent to which the proposed FSR of 6.87:1 exceeds the proposed FSR in the 2036 Plan of 5.6:1.

In response, potential revisions to the proposal were discussed with Council officers. In July 2021, Council officers advised that they are able to support a scheme that provides a maximum FSR of 5.6:1 on the site plus additional floorspace (approx. 1,600sqm provided below ground level), on the basis that the additional floor space does not add to the perceived bulk and scale of the building and promotes an employment outcome on the site.

The Site is located on the western side of Pacific Highway, approximately 70 metres to the south of the Five-Ways Intersection. The Site encompasses an area of approximately 3,793m² with frontages to the Pacific Highway and Bruce Street in Crows Nest.

The Site is currently occupied by two mirroring 5 storey commercial buildings over a single level basement. The buildings comprise restaurant, medical and office uses. Vehicular access to the Site is from Bruce Street via a private laneway which runs parallel to the Pacific Highway.

The Planning Proposal has been developed with regard to the key aims and proposed development controls in the *St Leonards and Crows Nest 2036 Plan*. It retains the B4 Mixed Use Zoning for the Site but seeks to amend the maximum building height and floor space ratio controls, as set out in the NSLEP 2013. The proposed amendments to the NSLEP 2013 are outlined in the table below.

Planning control	Existing development controls (NSLEP 2013)	St Leonards & Crows Nest 2036 Plan	Proposed development controls
Land use zone	B4 Mixed Use	B4 Mixed Use	B4 Mixed Use
Height of buildings	16m	13 storeys	59m (13 storeys)
Floor space ratio (FSR)	N/A	5.6:1	5.6:1
Additional FSR clause	N/A	N/A	Site-specific clause allowing a maximum FSR of 6.02:1, provided any additional floor



Planning control	Existing development controls (NSLEP 2013)	St Leonards & Crows Nest 2036 Plan	Proposed development controls
			space above 5.6:1 is located below ground level and comprises non-residential uses.
Non-residential FSR	0.5:1	5.6:1	5.6:1

Table 2: Proposed amendments to the NSLEP 2013

As noted in Table 2, in response to Council officers' advice, a new clause is proposed to permit a FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses. Given the additional space is located within the lower ground level, there will be no impact on the height, bulk and scale of the future building on the Site.

The proposed wording for the new clause in the NSLEP 2013 is provided below:

19D 270-272 Pacific Highway Crows Nest—floor space

- (1) *The objective of this clause is to provide for additional floor space on certain land to encourage additional employment.*
- (2) *This clause applies to 270-272 Pacific Highway Crows Nest, being SP 49574.*
- (3) *Despite clause 4.4, the maximum floor space ratio for a building is 6.02:1, but only if—*
 - (a) *the floor space ratio of the part of the building that is above the ground level of the building at the Pacific Highway frontage does not exceed 5.6:1, and*
 - (b) *any additional gross floor area above 5.6:1 is used for non-residential purposes.*

The Planning Proposal is submitted to North Sydney Council (Council). The intent is for Council to support the proposed amendments to the NSLEP 2013 and refer the Planning Proposal (as the Planning Proposal authority) to the Department of Planning, Industry and Environment (DPIE) for review and subsequent issuing of a Gateway determination.

The Planning Proposal has been prepared in accordance with the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and in consideration of the DPIE's *A guide to preparing Planning Proposals* (2018) and *A guide to preparing local environmental plans* (2018). The Planning Proposal is supported by technical information and investigations to justify the proposed amendments.

1.1 Project Team

The project team formed to deliver the Planning Proposal is outlined in Table 3.

Discipline	Consultant
Urban Planning	Keylan Consulting
Architecture and Urban Design Report	Fitzpatrick + Partners
Economic Advice	SGS Economics and Planning
Heritage Impact Statement	NBRS & PARTNERS Pty Ltd
Traffic and Parking Study	SCT Consulting
Wind Assessment	CCP



Discipline	Consultant
Reflectivity Assessment	CCP
Building Services Summary Report	NDY

Table 3: Project Team

1.2 Consultation

1.2.1 Pre-lodgement Consultation (February 2020 to March 2021)

The Applicant and its project team undertook extensive consultation with both Council and DPIE throughout the preparation of the original Planning Proposal, which assisted in the refinement of the proposed development controls that are proposed for the Site.

A summary of the consultation carried out prior to lodgement is provided in the table below.

Date	Authority	Matters discussed
February 2020	Council	<ul style="list-style-type: none"> Introduction of new site owners Establishment of new vision for the site as a wholly commercial redevelopment rather than residential as proposed by previous owners
5 May 2020	DPIE	<ul style="list-style-type: none"> Overview of strategic importance of site Overview of the Site context, site analysis, design principles and proposed built form across the Site Discussion of Draft St Leonards and Crows Nest 2036 Plan and proposed controls across the Site
30 June 2020	DPIE	<ul style="list-style-type: none"> Discussion of how proposed built form and solar access controls in the Draft 2036 Plan apply to site
5 August 2020	DPIE	<ul style="list-style-type: none"> Discussion of how the proposed built form and solar access controls in the Draft 2036 Plan apply to site Status of Draft 2036 Plan
17 December 2020 (formal pre-lodgement meeting)	Council	<ul style="list-style-type: none"> Overview of strategic importance of site, particularly noting the finalisation of the 2036 Plan Overview of the Site context, site analysis, design principles, concept proposed built form across the Site Discussion of design progression and options Proposed scheme provided a building height of 16 storeys and a FSR of 7.47:1 Detailed discussion of the adopted 2036 Plan, in particular building height, FSR and solar access controls Differences of interpretation of the solar access controls adopted by the 2036 Plan were identified and a meeting between Council, DPIE and the proponent was suggested
8 February 2021	Council and DPIE	<ul style="list-style-type: none"> Presentation of revised scheme which responded to Council's feedback at the pre-lodgement meeting Council and DPIE stated support for proposal being entirely commercial Revised scheme provided a building height of 13 storeys and FSR of 6.87:1, as proposed under the Planning Proposal Discussion of how the proposal complies with the recommended built form and solar access controls in the 2036 Plan



Date	Authority	Matters discussed
		<ul style="list-style-type: none"> DPIE confirmed that recommended controls in the 2036 Plan are based on higher-level, precinct wide analyses and that it was up to individual planning proposals to undertake more detailed, site-specific studies and provide appropriate justification for any proposed departures from the recommended controls in the 2036 Plan
19 February 2021	Council	<ul style="list-style-type: none"> Meeting with Council's Strategic Planning and Community Management Teams Presentation of revised scheme and discussion of potential VPA offer comprising a community facilities building fronting Bruce Street Council advised the following: <ul style="list-style-type: none"> specifications of any community facilities building would need to be clearly outlined direct street access is preferred rather than a commercial suite in a tower an estimation of the value of the offer should be included in the offer

Table 4: Consultation with Council and DPIE

1.2.2 Post-lodgement Consultation (March 2021 to Date)

On 19 March 2021, the original Planning Proposal was lodged with Council. The proposal as submitted sought the following amendments to the NSLEP 2013:

- retain the existing B4 Mixed Use zoning
- increase the maximum building height from 16m to 59m
- introduce a maximum FSR of 6.87:1
- increase the non-residential FSR requirement from 0.5:1 to 6.87:1

Following lodgement of the original Planning Proposal, the Applicant and project team continued to consult with Council.

On 3 June 2021, Council formally advised the Applicant that it could not support the Planning Proposal in its current form for the following reasons:

- It is inconsistent with the site-specific FSR control identified in the St Leonards and Crows Nest 2036 Plan and by virtue of the degree of non-compliance and impacts arising, is inconsistent with the vision, objectives and actions of the 2036 Plan;*
- It is inconsistent with Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan to section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act (EP&A Act) 1979, which requires Planning Proposals be consistent with the 2036 Plan; and*
- The Planning Proposal if implemented would undermine the integrity of the strategic planning policies relating to the site, including:*
 - Greater Sydney Regional Plan and North District Plan;*
 - St Leonards and Crows Nest 2036 Plan and supporting Special Infrastructure Contribution (SIC Plan); and*
 - North Sydney Local Strategic Planning Statement (LSPS).*

On 29 June 2021, a meeting was held between the Applicant and Council to present alternative options to progress the proposal.



Following this meeting, Council officers advised on 2 July 2021 that they could support a scheme comprising a maximum FSR of 5.6:1 plus an additional ~1,600m², provided this floorspace is below ground level and promotes an employment outcome on the site.

This revised Planning Proposal has been prepared in response to Council's advice and seeks a base FSR of 5.6:1 with a site-specific clause to permit an FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses. The revised Planning Proposal retains the 59m height and B4 Mixed Use zoning as originally proposed.

This scheme will ensure the site realises its employment potential whilst addressing Council's previous concerns regarding the bulk and scale of any future development on the site.



2 The Site and Locality

2.1 Site Description

The Site is known as 270-272 Pacific Highway, Crows Nest, has a total area of 3,793m², and it is legally described as SP 49574.

The Site is located on the western side of Pacific Highway, approximately 70m to the south of the Five-Ways intersection. The Site is situated within the suburb of Crows Nest, in the North Sydney Local Government Area (LGA).

The Site is within 400m walking distance of both Crows Nest Village and the future Crows Nest Metro station. St Leonards and Wollstonecraft train stations (served by the T1 and T9 Lines) are just beyond 800m walking distance from the Site.

The Mater and Royal North Shore Hospitals are located approximately 400 metres and 1.3km from the Site respectively, while the North Sydney Central Business District (CBD) is approximately 1.2 kilometres to the south of the Site.

The Site has a primary frontage of 73m to the Pacific Highway and a secondary access frontage of 12m to Bruce Street. The Site is bound by 286 Pacific Highway to the north, 246-258 Pacific Highway and Bruce Street to the south and low density residential properties to the west at 51 to 77 Sinclair Street.

The Site is also bound by Pacific Highway to the east which provides a high frequency bus corridor with one service every three minutes during a typical weekday AM peak hour.

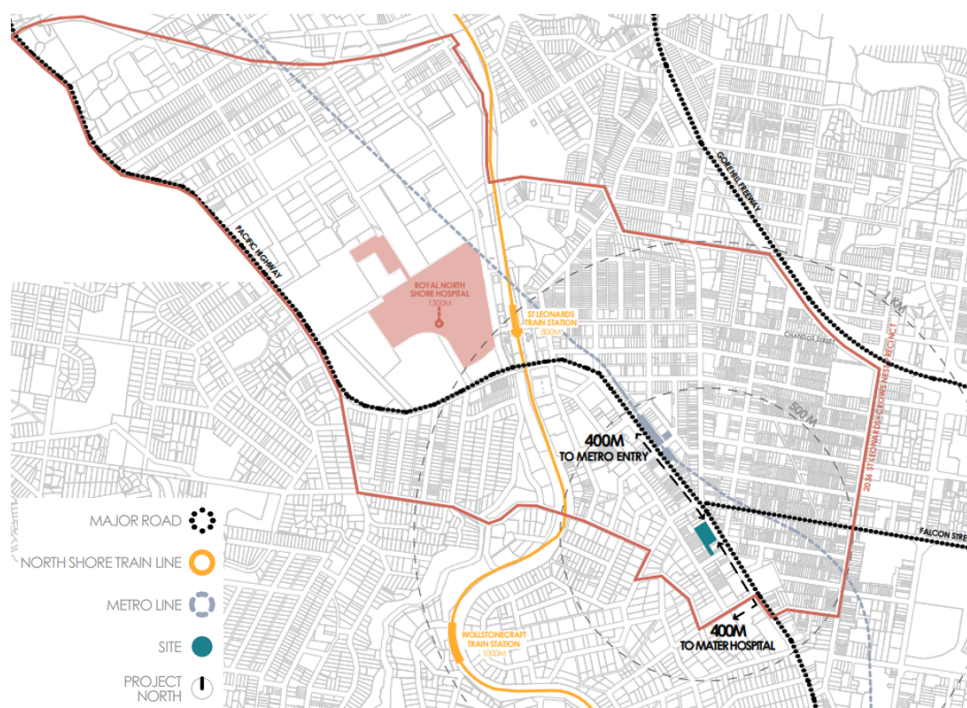


Figure 1: Site locality Plan (Source: Fitzpatrick + Partners)

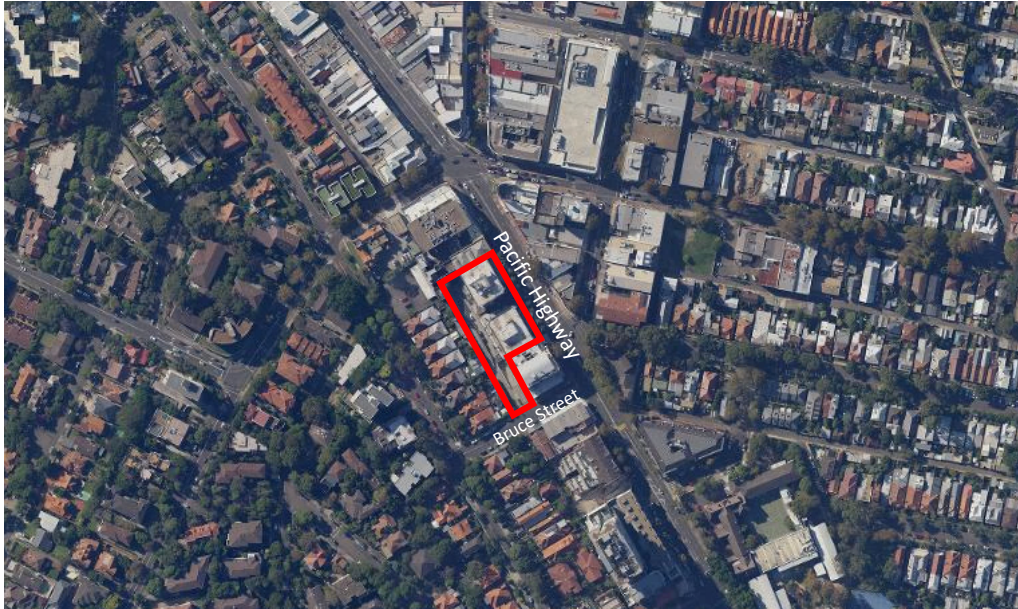


Figure 2: The Site (Source: SixMaps)

2.1.1 Built Form

The Site is currently occupied by two mirroring 5 storey mixed use buildings that read as one development. The buildings sit over a single level combined basement which contains approximately 100 parking spaces. The buildings are separated by a small public plaza with bench seating and planter boxes.

The buildings have a glass and concrete exterior and contain ground level retail and four storeys of commercial office space above. The development is currently tenanted by a range of uses including restaurant, medical and office uses.

The development includes an awning which spans across both buildings to cover the pedestrian pathway along the Pacific Highway, which is interspersed with a row of ten mature palm trees.

The Site also contains a private internal laneway, which provides vehicular access to the Site from Bruce Street and runs parallel to both Pacific Highway and Sinclair Street. This laneway is burdened by a right of carriageway as it also provides vehicular access to the rear of the residential dwellings fronting Sinclair Street.



Figure 3: Existing development on the Site (Source: Google)

2.1.2 Services

The Site currently has access to potable water, wastewater, electricity, gas and telecommunications. Notwithstanding, these will need to be upgraded to service the proposal.

A Building Services Summary Report prepared by NDY accompanies the Planning Proposal (Appendix 10). This report provides a high level design brief for the building engineering services.

2.1.3 Transport

The Site is well serviced by public transport in the form of bus and train services. The Site is located within 400m walking distance (5 minute walk) of the future Crows Nest Metro station and is just beyond 800 metres walking distance from both the St Leonards and Wollstonecraft train stations.

The Sydney Metro City & Southwest is a rapid, high frequency transport service, that will connect people to jobs and services, improving Sydney's liveability and supporting economic growth. The metro line is scheduled to commence operation in 2024, with the following indicative timeframes for travel from Crows Nest of:

- 4 minutes to Chatswood Station
- 5 minutes to Barangaroo Station
- 7 minutes to Martin Place Metro Station

St Leonards and Wollstonecraft train stations are serviced by the T1 and T9 lines providing services every 5-10 minutes.

A bus stop is located at the north east corner of the Site along the Pacific Highway and on the opposite side of the road. Bus frequencies on Pacific Highway are mostly greater than one service every three minutes during a typical weekday AM peak hour. Slightly less frequent services are provided at bus stops along Falcon Street and Willoughby Road in the north and east of the Site.

Table 5 shows the frequency of bus services in the vicinity of the Site. The data shows that the Site is well serviced by buses during the peak hours for weekdays with an interval of around one minute per bus, covering origins and destinations including a wide range of strategic centres and local centres across Sydney, such as Bondi Junction, Chatswood, Kingsford, Ryde, Epping, Mascot, Manly and Castle Hill.



Route	Terminals	Total trips in two directions	
		AM (8am to 10am)	PM (4pm to 6pm)
602X	Bella Vista Station - North Sydney	10	12
612X	Castle Hill - North Sydney	14	16
622	Milsons Point - Dural	4	4
252	North Sydney - Gladesville	13	13
254	McMahons Point - Riverview	14	11
257	Mosman - Chatswood	15	14
261	Lane Cove - Sydney	8	9
265	North Sydney - Lane Cove	10	10
286	Denistone East - Milsons Point	3	6
287	Ryde - Milsons Point	4	3
291	McMahons Point - Epping	11	9
143	Manly - Chatswood	11	17
144	Manly - Chatswood	19	17
200	Chatswood - Bondi Junction	13	12
343	Chatswood - Kingsford	26	27
320	Mascot - Gore Hill	19	22
Total		194	202

Table 5: Bus route details for the Site (Source SCT Consulting)

2.1.4 Topography

The Site is relatively flat with a fall of approximately 0.7 metres from north to south and a cross fall of 1.4 metres from west to east. It is noted that the change in levels to the rear/ west of the Site are primarily attributable to the vehicular access arrangements to the rear of the properties that front Sinclair Street.

2.1.5 Vegetation

The Site is currently predominantly built up and paved and contains very minimal vegetation. The Site contains a total of five trees, with two palm trees located within planter boxes fronting Pacific Highway and three located to the north western corner boundary with 286 Pacific Highway. A further 10 palm trees are located just outside of the Site within the footpath to the Pacific Highway street frontage.

2.1.6 Flooding

There are no flooding maps in NSLEP 2013. Notwithstanding, following a review of the North Sydney Council's Flood Study it is understood that the Site is not known to be flood-affected.

2.1.7 Contamination

The Site was previously redeveloped for commercial purposes in the 1980's. It is considered that the Site would have been made suitable for commercial purposes at this stage and that the contamination risk of the Site is low. It is further noted that there are no acid sulphate soils maps in NSLEP 2013 and is therefore considered to have a very low probability of containing acid sulfate soils.



On this basis, and given no land use change is proposed under the Planning Proposal, a contamination report has not been commissioned at this early stage of planning. Nonetheless, any future development application would include a contamination assessment.

2.1.8 Heritage

2.1.8.1 Aboriginal

The Site is not known to have any archaeological potential for items of Aboriginal significance given the Site has been previously developed. The Site is also not known to be a site of Aboriginal significance.

Based on the above, no further assessment of Aboriginal heritage has been undertaken for the purpose of this report.

2.1.8.2 European

The Site does not contain any items of European heritage, nor is it located within a heritage conservation area.

The Site adjoins a heritage item of local significance to the north at 286 Pacific Highway. This item is the Former North Shore Gas Co office (I0150). The item is a two storey commercial building fronting the Pacific Highway, with an at grade carpark to the rear and accessed from Sinclair Street.

There is also a number of other heritage items and heritage conservation areas within close proximity to the Site as detailed in Section 5.3.3. A Heritage Impact Statement has been prepared by NBRS + Partners and is included at Appendix 6.



Figure 4: View of 270-270 Pacific Highway (left) and 286 Pacific Highway (right) (Source: Google)



2.2 Surrounding Locality

The surrounding locality is largely characterised by commercial, health and medical, educational and residential uses. Crows Nest Village is located approximately 70 metres north of the Site and is predominantly occupied by retail and dining premises.

The Site is strategically located along the Pacific Highway within 400 metres of the new Crows Nest Metro Station and between two major strategic centres, with the St Leonards Health and Education Precinct and the North Sydney CBD located 900 metres and 1.2km from the Site respectively.

There is an opportunity for the Site to support growth and jobs as it is able to leverage connections to well established health and education developments in close physical proximity including (measurements are direct):

- Mater Hospital (~250m)
- Royal North Shore Hospital (~1.2km)
- Kolling Institute (~1.3km)
- Greenwich Hospital (~1.6km)
- Northside Mental Health Clinic (~1.5km)
- Melanoma Institute Australia (~200m)
- North Shore Private Hospital (~1.4km)
- TAFE NSW St Leonards (~1.4km)
- ACU North Sydney (~1km)

Surrounding land uses and the Site's local context is shown in Figure 5.

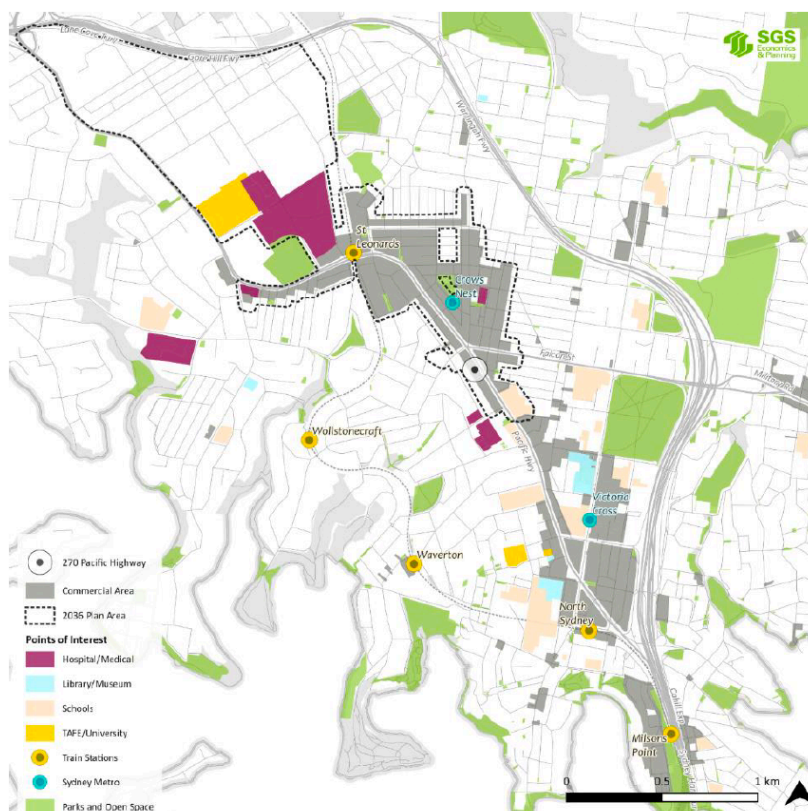


Figure 5: Site context (Source: SGS Economics and Planning)



The surrounding built form is generally in the range of 2 to 6 storey buildings with taller buildings interspersed on Pacific Highway, notably the 17 storey mixed use development to the south of the Site at 220 Pacific Highway, Crows Nest.

The surrounding area is seeing an increase in higher density development particularly with the proposed 8 - 27 storey Crows Nest Over Station Development (SSD 9579) and the Planning Proposal for the Fiveways Triangle Site (Section 2.3). The changing nature of development in Crows Nest reflects the vision for the area under the 2036 plan. The 2036 Plan provides a building height of 13 storeys for the Site, indicating its suitability for uplift. In addition, the 2036 Plan envisages greater height and density for the surrounding locality, establishing the emerging character for the area.

The surrounding built form and proposed heights are shown in Figure 6.

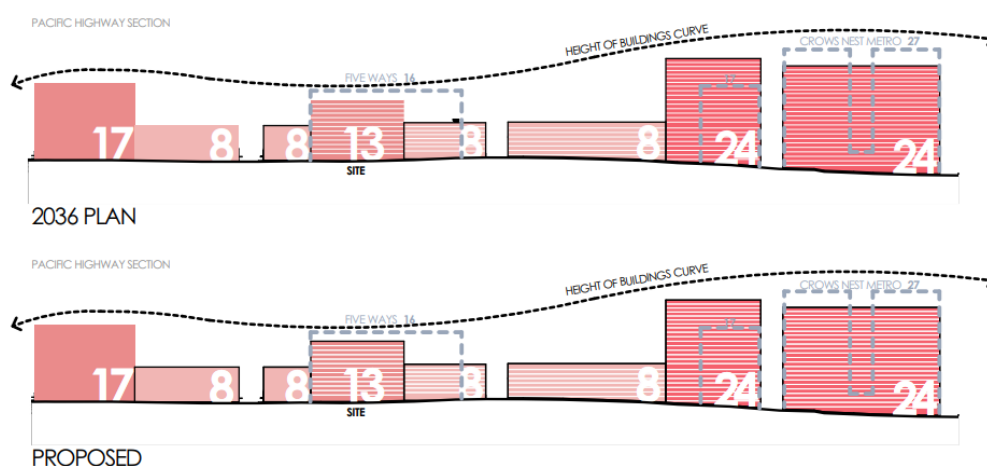


Figure 6: Height transition comparison (Source: Fitzpatrick+Partners)

2.3 Fiveways Triangle Site: Planning Proposal (PP7/20)

On 4 December 2020, a Planning Proposal was submitted for the Site at 3 & 15 Falcon Street and 391-397 Pacific Highway, Crows Nest (Fiveways site) which is located opposite the subject site. The 2036 Plan proposes the following controls for the Site:

- building height of 16 storeys
- FSR of 5.8:1
- non-residential FSR of 2.5:1.

The Planning Proposal seeks the following planning control amendments under the NSLEP 2013 for the Fiveways site:

- increase the Height of Buildings development standard from 16 metres to 75 metres
- increase the Non-Residential FSR from 0.5:1 to 2.5:1
- apply an FSR of 9.3:1



The amendments seek to facilitate a 19 storey mixed use building comprising:

- approximately 233 residential dwellings
- 8,000m² of commercial and retail space
- seven levels of basement car parking (385 spaces)

The Planning Proposal for the Fiveways site reflects the emerging character of the Pacific Highway corridor at Crows Nest with multiple proposals in the locality seeking to increase height and FSR controls. This also demonstrates the evolving built form through an intensification of commercial, business and residential uses.

On 24 May 2021, Council resolved not to support the Planning Proposal for the Fiveways Site proceeding to Gateway Determination for the following reasons:

- the degree of non-compliance with the building height and FSR proposed under the 2036 Plan
- the Planning Proposal will create a precedent for significant non-compliance with the maximum building height and FSR controls contained within the 2036 and will undermine the integrity of all strategic planning policies for the precinct
- the Planning Proposal is inconsistent with section 9.1 Ministerial Directions including Direction 5.10 – Implementation of the Regional Plan and Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan

It is understood that the applicant has since lodged a request for a rezoning review.



Figure 7: Location of the Fiveways site in relation to 270-272 Pacific Highway (Source: SixMaps)



2.4 Surrounding Development Applications and Planning Proposals

A review of the key Planning Proposals and Development Applications in the vicinity of the Site has been undertaken to establish the existing and emerging character of the precinct. This review demonstrates that there has been and will continue to be an increase in heights and densities in Crows Nest, consistent with the evolving built form character of the area envisaged under the 2036 Plan. This includes Council's approval of a 17 storey mixed use development and residential development neighbouring the Site at 220 Pacific Highway.

The tables below are a summary of relevant Planning Proposals and Development Applications nearby to the Site.

Planning Proposal	Description	Decision
PP7/20 15 Falcon Street (Fiveways Site)	Proposed amendment: <ul style="list-style-type: none"> Amend HOB from 16 metres to 75 metres Amend Non-Residential FSR from 0.5:1 to 2.5:1 Amend FSR Map to apply 9.3:1 Planned to facilitate a 19 storey mixed use building with approximately 233 residential dwellings and 8,000m ² of commercial and retail space.	Under assessment (Rezoning Review)
Crows Nest Sydney Metro 14 Clarke Street, 497 Pacific Highway, 477 Pacific Highway	Proposed amendment: <ul style="list-style-type: none"> Amend HOB to up to RL 180m (21 storeys) Introduce FSRs ranging from 6:1 to 11.5:1 Include design excellence clause Rezoned via the <i>State Environmental Planning Policy Amendment (Crows Nest Metro Station) 2020</i> to amend the NSLEP 2013.	Made: 31/08/20
PP6/19 25-57 Falcon Street, Crows Nest	Proposal Seeks to <ul style="list-style-type: none"> Rezone site from B4 to R4 Increase maximum building height from 10m to part 21m and part 14.5m Apply a maximum FSR of 1.85:1 Remove the non-residential floor space ratio requirement Retain 'retail premises' as a permitted land use on the site Include a site-specific provision to allow minor exceedances to the height of building control to facilitate access to roof / lift overrun. Development will involve 4x buildings ranging from 3 to 6 storeys comprising approximately 87 apartments and 340m ² of retail floor area.	Under assessment Returned to DPIE for assessment and drafting of LEP: 12/07/2021
PP-2020-370 31-33 Albany Street, Crows Nest	Proposed amendments: <ul style="list-style-type: none"> An increase in height from 13m to 26m The introduction of a FSR control of 4.27:1 To facilitate an 8-storey mixed use retail and residential building	Made: 25/11/2016

Figure 8: Summary of relevant Planning Proposals



Figure 9: Planning Proposal applications in locality (Base source: Google)

The table below is a summary of relevant DAs within surrounding the Site.

Development Application	Description	Decision
SSD-9579 Crows Nest Metro Over Station Development	Concept DA for an Over Station Development above the new Crows Nest Metro station. Includes residential, tourist and visitor accommodation, commercial and social infrastructure uses. Up to 21 Storeys.	Approved 23/12/2020
SSD-13852803 Crows Nest Metro OSD Site C- Stage 2	Design and construction of a nine storey commercial building at Crows Nest OSD Site C	Under assessment
DA 430/17 137 Alexander Street, Crows Nest	Demolish existing buildings and construction of four storey mixed use building with basement parking. Building comprises retail premises at ground floor and 10 residential units located above.	Approved 04/07/18
DA 453/16 104 Alexander Street, Crows Nest	Development Application - Construction of 4 storey shop top housing development, rooftop communal terrace and basement car parking.	Approved 07/06/17
DA 327/16 31 Albany Street, Crows Nest	Development Application - Demolition and construction of an 8-storey mixed use retail and residential development and basement carpark.	Approved 03/08/15
DA 488/15 88 Alexander Street, Crows Nest	Development Application - Demolition of existing building and construction of 5 storey mixed use building comprising retail and 16 apartments.	Approved 03/08/15



Development Application	Description	Decision
DA 359/17 35 Rocklands Road, Wollstonecraft	Development Application - Alterations and additions to hospital (Mater Hospital) comprising a three storey extension to the existing ward block and a new building off the northern boundary linked by a landscaped level over the existing car parking. This application is to be determined by the Sydney North Planning Panel.	Approved 30/10/18
DA 90/16 118 Alexander Street, Crows Nest	Development Application - Demolition of existing building and construction of 4 storey mixed use development comprising 12 apartments and basement parking. Determined by NSLPP	Approved 05/10/16
DA 473/15 51 Alexander Street, Crows Nest	Development Application - Demolish existing building and construct a 3 storey mixed use development comprising retail, 7 apartments, basement parking and communal rooftop outdoor space. Determined by NSLPP	Approved 06/07/16
DA 471/15 34 Falcon Street, Crows Nest	Development Application - Demolition of existing buildings and construction of part 3, part 4 storey mixed use development containing 16 apartments with basement parking. Determined by JRPP.	Deferred Commencement Approval 07/09/16
DA 127/17 160 Willoughby Road, Crows Nest	Development Application - Demolition of existing building; construction of four (4) storey mixed use building consisting ground floor retail and nine (9) apartments. Determined by NSLPP.	Approved 06/09/17
DA 327/15 101 Willoughby Road, Crows Nest	Development Application - Excavation of site and construction of part 4; part 6 storey mixed use development consisting of supermarket; retail tenancies; 66 apartments; public plaza; public through site link; 4 levels of basement parking. Closure of Zig Zag Lane. Draft Volunteer Planning Agreement to be amended. This application to be determined by the Joint Regional Planning Panel.	Approved 08/06/16
DA 404/10 200-220 Pacific Highway, Crows Nest	The proposal is for demolition of building 1 (2 storeys) and partial demolition of buildings 2 (7 storeys) and 3 (17 storeys), and a mixed use redevelopment of the site, comprising 203 apartments, 7 serviced apartments, ground floor retail and 150 car parking spaces. The redevelopment will result in a 5 storey building to the Pacific Highway, an 8 storey building to the southern part of the site and a 17 storey tower building.	Approved 02/03/11

Table 6: Summary of relevant Development Applications

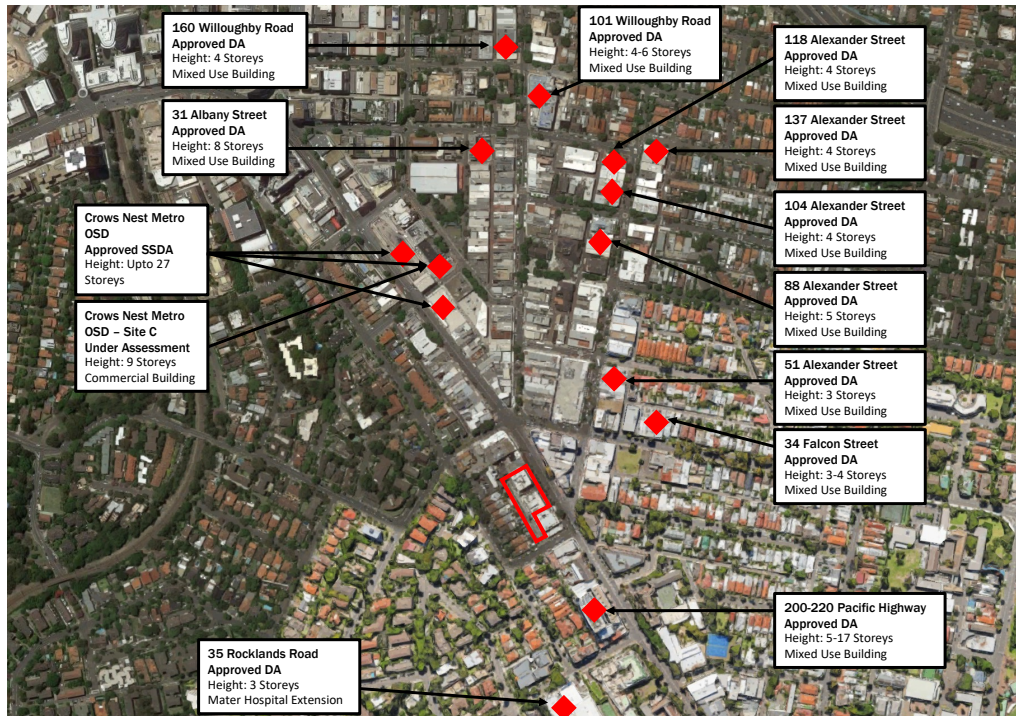


Figure 10: Key Development Applications in the Crows Nest locality (Base source: Google)



2.5 Constraints and Opportunities

An Opportunities and Constraints analysis has been undertaken to inform the development of the Planning Proposal. This work informed the proposed land use and indicative built form as illustrated in the Design Report (Appendix 4).

Constraints to future development on the Site include:

- the Site is located within the vicinity of several heritage items and conservation areas
- Heritage Item I0150 (Former North shore Gas Co) directly adjoins to the north at 286 Pacific Highway
- the Site is burdened by a right of carriageway which provides access to the rear of 51 to 77 Sinclair Street
- existing low to medium density residential development to the west of the Site
- potential to overshadow properties to the east, west and south of the Site, including residential developments
- noise impacts generated by the proposal on neighbouring residential properties during and post construction

The Site **opportunities** include:

- B4 Mixed Use zoning under the NSLEP 2013
- one of the largest sites in the St Leonards Crows Nest precinct with capacity for uplift
- single ownership to ensure certainty of delivery
- the Site is identified by the 2036 Plan as appropriate for uplift
- opportunity to provide a large commercial only development in St Leonards and Crows Nest to satisfy the employment targets identified by the 2036 Plan
- strategically located in the St Leonards Health and Education Precinct, providing opportunities for strategic partnerships with nearby hospitals for health-related uses including the Mater Hospital, Royal North Shore Hospital and North Shore Private Hospital
- access to existing and planned public transport infrastructure including the future Crows Nest Sydney Metro Station
- in close proximity to the Crows Nest Village Centre and between the North Sydney and St Leonards strategic centres
- multiple proposals in the locality seek to increase height and FSR controls. This demonstrates the evolving built form character and an intensification of commercial, business and residential uses.
- substantial frontage to the Pacific Highway with a dedicated access off Bruce Street



3. Existing Planning Controls

The NSLEP 2013 sets out the legislative framework for land use and development in the North Sydney LGA through the application of land use zones and development controls. This Planning Proposal seeks to amend the maximum building height, FSR and non-residential FSR controls that currently apply to the Site by way of an amendment to the NSLEP 2013.

In summary, the Planning Proposal seeks to:

- retain the B4 Mixed Use zone
- amend the height of building controls to 59m
- add a base maximum FSR control of 5.6:1
- amend the non-residential FSR control to 5.6:1
- introduce a site-specific clause to permit an FSR up to 6.02:1 provided any additional floor space above 5.6:1 is located below ground level and used for non-residential purposes

The relevant land use zoning and development controls that currently apply to the Site are outlined in Section 3.1 to Section 3.6. As the Site is within the Area of Recommended Changes to Planning Controls in the 2036 Plan, the recommended controls for the Site under that Plan are also described below (and described in more detail in Section 5).

The proposed amendments that are sought as part of the Planning Proposal are described in Section 5.

3.1 Land Use Zone

The Site is currently zoned B4 Mixed Use under the NSLEP 2013. An extract of the current zoning map is shown in Figure 11 below.

The intended future use of the Site, defined under the NSLEP 2013 as commercial premises and health services facilities, are permissible with consent in the B4 Mixed Use zone and are consistent with the zone objectives, ie:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity.*
- *To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses concentrated on the lower levels and residential uses predominantly on the higher levels.*

The 2036 Plan proposes the retention of the B4 zoning of the Site.

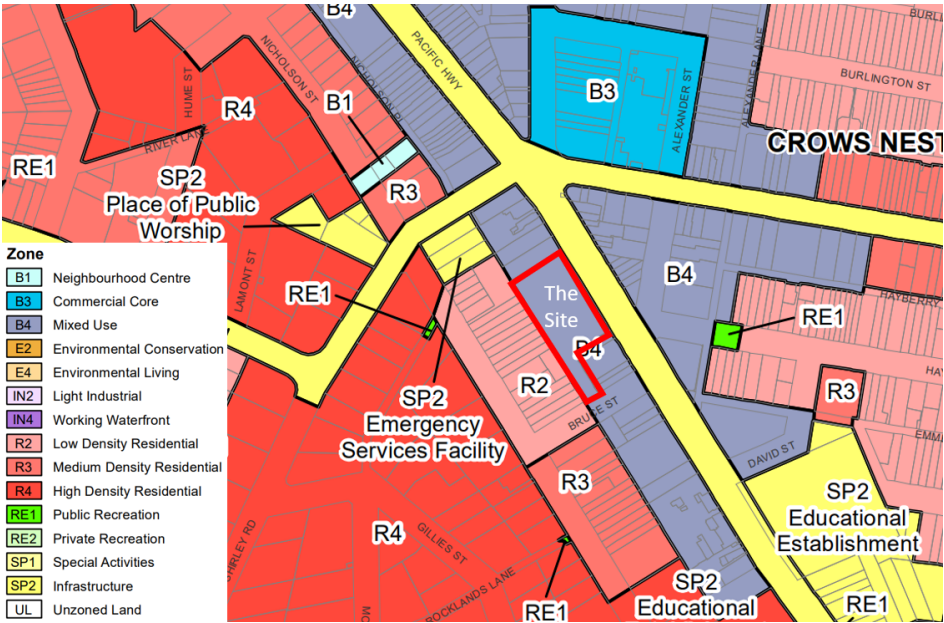


Figure 11: Land Zoning Map (Source: NSLEP 2013)

3.2 Height of Buildings

A maximum building height of 16 metres applies to the Site as shown in Figure 12 below.

The 2036 Plan recommends a 13 storey building height for the Site.

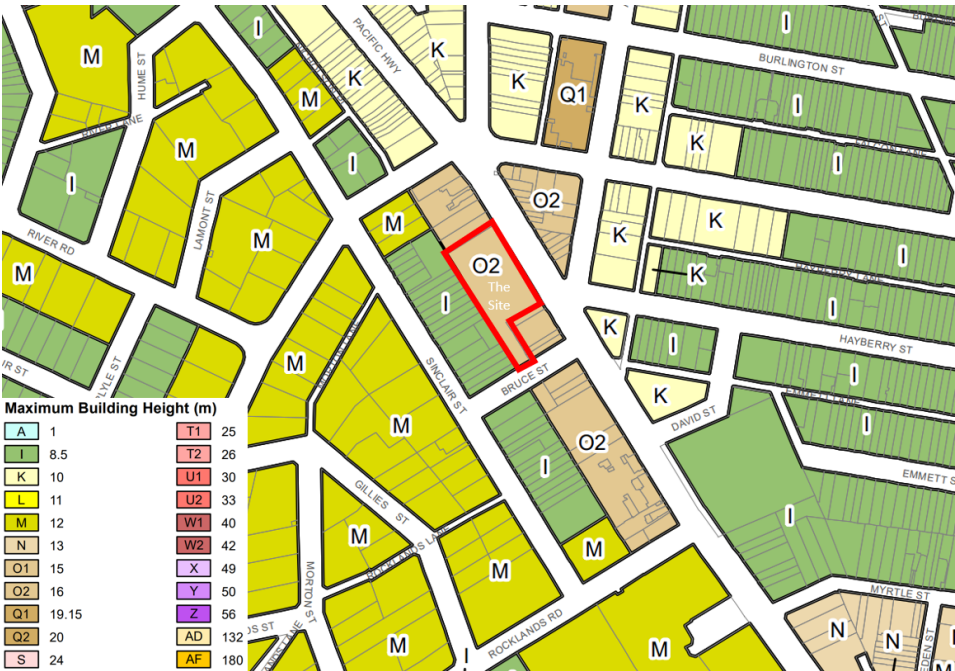


Figure 12: Height of Buildings Map (Source: NSLEP 2013)



3.3 Floor Space Ratio

The NSLEP 2013 does not establish a maximum FSR for the Site, as illustrated in Figure 13.

The 2036 Plan recommends a FSR of 5.6:1.

3.4 Non-Residential Floor Space Ratio

Under the NSLEP 2013, a minimum non-residential FSR of 0.5:1 applies to the Site. This has been applied to ensure commercial floor space is provided within the Crows Nest Village Centre and along the Pacific Highway.

An extract from the non-residential FSR Map is provided at Figure 14.

The 2036 Plan recommends a minimum non-residential FSR of 5.6:1 for the Site (ie, all floor space is to be used for non-residential purposes).

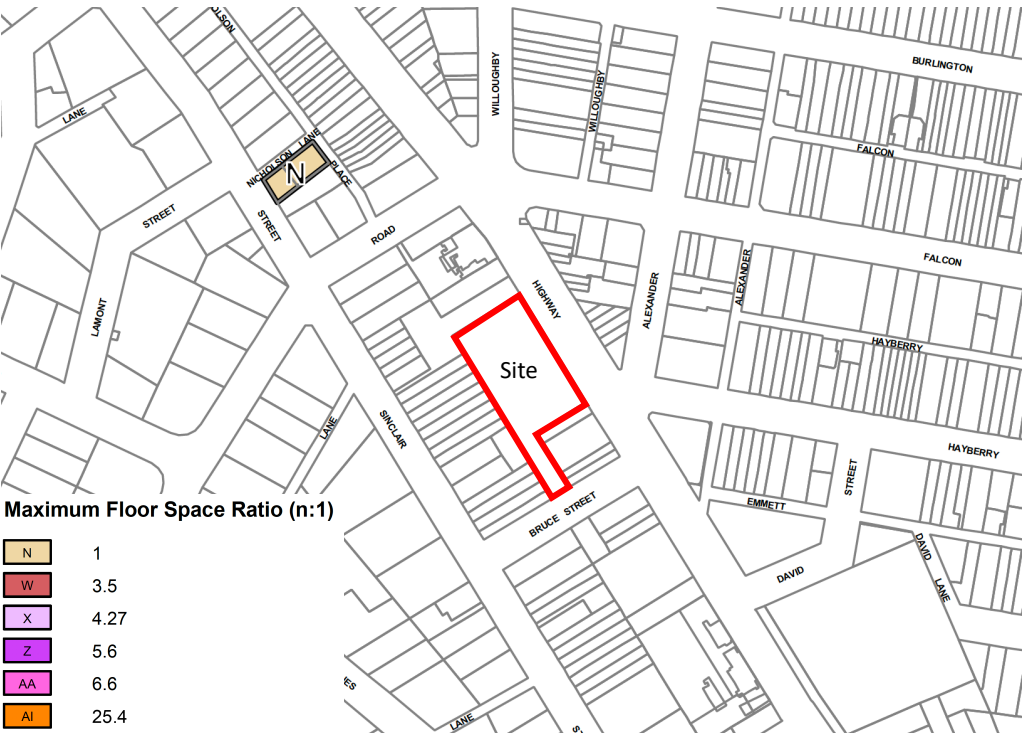


Figure 13: FSR Map (Source: NSLEP 2013)

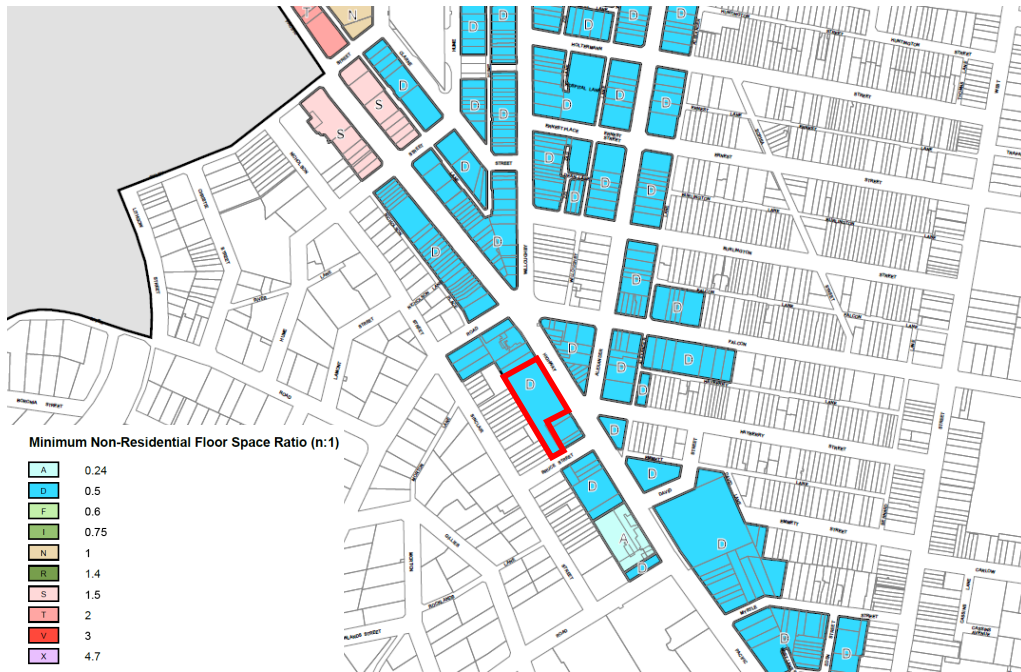


Figure 14: Minimum Non-Residential Floor Space Ratio Map (Source: NSLEP 2013)

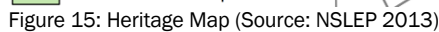
3.5 Heritage

The Site is not heritage listed, nor is it within a heritage conservation area. However, it is within the vicinity of the following items of heritage significance, as illustrated in Figure 15:

- Item No. I0150 – Former North Shore Gas Co office located at 286-288 Pacific Highway
- Item No. I0173 – Crows Nest Fire Station located at 99 Shirley Road
- Item No. I0151 – Bank located at 306 Pacific Highway
- Item No. I0152 – Former National Australia Bank at 308 Pacific Highway
- Item No. I0172 – Willoughby House, former OJ Williams store at 429 Pacific Highway
- Item No. I0407 – North Sydney Bus Shelter to the west of the Five-Ways intersection on Shirley Road
- Item No. I0181 – Crows Nest Hotel located at 1-3 Willoughby Road
- Item No. I0144 – Former hall located at 14 Hayberry Street
- Item No. I0165 – North Sydney Girls High School located at 365 Pacific Highway

The Site is also located within the vicinity of the following heritage conservation areas:

- Item No. CA08 – Holtermann Estate B
- Item No. CA09 – Holtermann Estate C



3.6 Other Provisions

Clause 6.15 of the NSLEP 2013 establishes that Council may grant consent to development which exceeds the Obstacle Limitation Surfaces of 156m AHD, provided no objection is raised by the relevant Commonwealth body (Sydney Airport). The proposal will be 13 storeys which equates to a height of 156 metres AHD and therefore does not exceed the OLS. The proposal is therefore considered to be compatible with the current and future operations of Sydney Airport. This will be further addressed at the DA stage.

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4 The Case for Change

This Planning Proposal provides the opportunity to redevelop an underutilised site that is strategically located in close proximity to the Crows Nest Metro Station, the Mater Hospital and Royal North Shore Hospitals, as well as Crows Nest Village and the St Leonards and North Sydney Centres.

On 29 August 2020, DPIE adopted the St Leonards and Crows Nest 2036 Plan which seeks to facilitate the urban renewal of St Leonards and Crows Nest as an expanding employment centre and growing residential community. This is to be achieved through changes to existing planning controls to support the objectives and actions within the 2036 Plan.

The 2036 Plan leverages the existing public transport infrastructure and the future Crows Nest Metro Station to support the growing St Leonards and Crows Nest community with the provision of new infrastructure, open spaces, upgraded cycle lanes and planning for health and education. The plan aims to deliver 6,683 new dwellings, an extra 119,979m² employment floor space and 16,500 new jobs in health, education, professional services and the knowledge sector.

In addition, the North Sydney LSPS identifies that the LGA's population is to increase by an additional 19,500 persons by 2036 and forecasts that it will continue to shift towards an economy based on knowledge and innovation with an estimated job growth of between 22,500 to 37,400 by 2036.

The Site is located within the Five Ways South Education and Medical Precinct and nearby to the Crows Nest Village as per the North Sydney LSPS. The proposal provides an opportunity to leverage the Site's strategic location nearby to established health uses including the Mater Hospital, Royal North Shore Hospital and the North Shore Private Hospital through the provision of additional employment generating floorspace, including health-related administrative uses, allied health and other health related uses. Accordingly, the Planning Proposal is consistent with the provisions of the LSPS relating to the provision of additional employment generating floorspace to assist in the achievement of the significant job growth forecast.

The current planning controls under the NSLEP 2013 do not facilitate the redevelopment of the Site as envisioned under the 2036 Plan and sterilise its otherwise strong strategic potential to significantly contribute the employment floor space uplift needed to support the high job growth envisaged in the 2036 Plan.

The Planning Proposal seeks to give effect to the LSPS and the vision of the 2036 Plan through the urban renewal and redevelopment of the Site as a 13 storey commercial building, with potential to include allied health uses to capitalise on its proximity to the Mater Hospital, accommodating approximately 22,853m² of employment generating floor space.

The Planning Proposal is supported by an Economic Advice Report prepared by SGS. This advice considers the potential economic opportunities for a development of this type in this location. The key findings of this report include:



- Mixed use developments dominate the current employment pipeline in St Leonards and Crows Nest. These developments are mostly decreasing the current quantum of commercial floorspace through an increased proportion of residential floor space. Consequently, mixed use developments will not provide the consolidated A-grade office floorspace which would be needed to attract large corporate tenants to St Leonards Crows Nest area, enabling it to compete with other major employment centres.
- In addition to currently planned development, between 122,154 – 275,054m² of additional commercial (predominately office) floorspace would be needed to achieve employment growth in line with the St Leonards Crows Nest 2036 plan and employment projections. This gap is higher than the 119,979m² estimated to be needed in the St Leonards Plan 2036, as a result of increased employment projections and the development pipeline, which contains many mixed use developments currently associated with an overall decrease in the quantum of commercial office floorspace.
- The subject site is located near Willoughby Road and the future Crows Nest Station, increasing its potential level of attractiveness for businesses following redevelopment. There are also likely to be opportunities for medical premises on the subject site given its proximity to the Mater Hospital and other large medical facilities and premises, as well as accommodating local population-serving businesses seeking proximity to the local Crows Nest Centre rather than the more commercial St Leonards centre.

The Economic Advice Report prepared by SGS also identifies that COVID-19 is likely to dampen overall employment growth and office demand in Greater Sydney in the short and perhaps medium term. However, into the longer term there will continue to be a need for more office floorspace to permit economic growth. COVID-19 also creates the potential for reconfiguration of the office market towards out of CBD locations. Crows Nest and St Leonards are ideally located to benefit from this trend, given their location within a designated health and education precinct and excellent public transport access, but modern A-grade office space would be needed to leverage this opportunity.

On the basis of the findings of the Economic Advice Report, it is apparent that there is strong demand for employment generating floor space within the St Leonards and Crows Nest area. The proposal will provide approximately 22,853m² of employment generating floorspace which will contribute towards meeting demand without absorbing all forecast demand to the detriment of other potential development.

The Planning Proposal seeks to act upon the many opportunities of the Site including:

- B4 Mixed Use zoning under the NSLEP 2013
- one of the largest sites in the St Leonards Crows Nest precinct with capacity for uplift
- single ownership to ensure certainty of delivery
- opportunity to provide a large commercial only development in St Leonards and Crows Nest to satisfy the employment targets identified by the 2036 Plan
- strategically located in the St Leonards Health and Education Precinct, providing opportunities for strategic partnerships with nearby hospitals for health-related uses including the Mater Hospital, Royal North Shore Hospital and North Shore Private Hospital
- access to existing and planned public transport infrastructure including the future Crows Nest Sydney Metro Station
- in close proximity to the Crows Nest Village Centre and between the North Sydney and St Leonards strategic centres



- multiple proposals in the locality seek to increase height and FSR controls. This demonstrates the evolving built form character and an intensification of commercial, business and residential uses.
- substantial frontage to the Pacific Highway with a dedicated access off Bruce Street

In addition to the above site opportunities the Planning Proposal is also supported by the NSW strategic planning framework including the:

- *Greater Sydney Region Plan* – increased commercial, business and health/medical floor space within the Eastern Economic Corridor
- *North District Plan* – employment growth in the St Leonards Health and Education Precinct close to the future Crows Nest Sydney Metro Station
- *St Leonards and Crows Nest 2036 Plan* – health sector growth and contribution to the delivery of 16,500 new jobs required by 2036



5 The Planning Proposal

The Planning Proposal has been prepared in accordance with Section 3.33(2) of the EP&A Act which outlines the required contents of a Planning Proposal. Accordingly, this Planning Proposal includes:

- a description of the Site and the surrounding locality (refer Section 2)
- a statement of the objectives or intended outcomes of the proposed instrument (refer Section 5.1)
- an explanation of the provisions that are to be included in the proposed instrument (refer Section 0)
- the justification for those objectives, outcomes and provisions and the process for their implementation, including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1 of the EP&A Act (refer Section 5.3)
- maps to be adopted by the proposed instrument (refer Section 5.4)
- details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument (refer Section 5.5)
- details on the proposed project timeframe for the completion of the Planning Proposal (refer Section 5.6).

The Planning Proposal has also been prepared in accordance with DPIE's *A Guide to Preparing Local Environmental Plans* (2018) and *A Guide to Preparing Planning Proposals* (2018).

5.1 Part 1: Objectives and Intended Outcomes

Objectives

The objective of the Planning Proposal is to:

Amend the *North Sydney Local Environmental Plan 2013* to enable the future redevelopment of the Site for as a 13 storey commercial office building and basement level car parking.

The intended outcomes of the Planning Proposal are to enable the future redevelopment of the Site (subject to a future development application) which provides a unique opportunity to:

- support the urban renewal of St Leonards and Crows Nest through the redevelopment of Site as a vibrant commercial development
- increase the supply of employment generating floor space to meet the forecast demand for the St Leonards and Crows Next Precinct
- integrate the development into the surrounding community through sound planning and environmental considerations
- leverage the strategic location of the Site in between the North Sydney and St Leonards Strategic Centres
- leverage the Site's strategic location nearby to established health uses including the Mater Hospital, Royal North Shore Hospital and the North Shore Private Hospital through



- the provision of additional employment generating floorspace, including health-related administrative uses, allied health and other health related uses
- promote transit-orientated development and support the realisation of the economic, social and place making opportunities created by the public investment in the Sydney Metro
 - support the implementation of the strategic vision identified in the Greater Sydney Regional Plan, the North District Plan, and the St Leonards Crow Nest 2036 Plan

The amendments proposed to the existing land uses and development controls applicable the Site are summarised in Table 7.

Planning control	Existing development controls (NSLEP 2013)	St Leonards & Crows Nest 2036 Plan	Proposed development controls
Land use zone	B4 Mixed Use	B4 Mixed Use	B4 Mixed Use
Height of buildings	16m	13 storeys	59m (13 storeys)
Floor space ratio (FSR)	N/A	5.6:1	5.6:1
Additional FSR clause	N/A	N/A	Site-specific clause allowing a maximum FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses.
Non-residential FSR	0.5:1	5.6:1	5.6:1

Table 7: Summary of proposed amendments to the NSLEP 2013

As noted in Table 7, in response to Council officers' advice, a new clause is proposed to permit a FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses. Given the additional space is located within the lower ground level, there will be no impact on the height, bulk and scale of the future building on the Site.

The proposed wording for the new clause in the NSLEP 2013 is provided below:

19D 270-272 Pacific Highway Crows Nest—floor space

- (1) The objective of this clause is to provide for additional floor space on certain land to encourage additional employment.
- (2) This clause applies to 270-272 Pacific Highway Crows Nest, being SP 49574.
- (3) Despite clause 4.4, the maximum floor space ratio for a building is 6.02:1, but only if—
 - (a) the floor space ratio of the part of the building that is above the ground level of the building at the Pacific Highway frontage does not exceed 5.6:1, and
 - (b) any additional gross floor area above 5.6:1 is used for non-residential purposes.

The proposed amendments to the NSLEP 2013 maps require amendments to the Height of Buildings Map, Floor Space Ratio Map and Non-Residential Floor Space Ratio Map, as shown in Section 5.4 and below.



Figure 16: Proposed height map (Base source: NSLEP 2013)

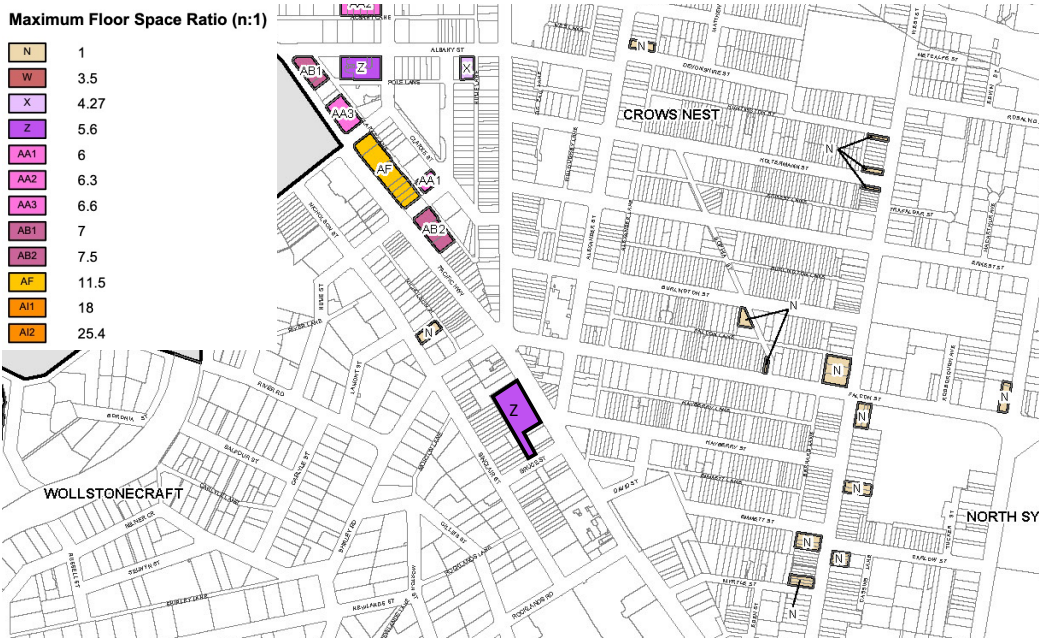


Figure 17: Proposed FSR Map (Base source: NSLEP 2013)



Figure 18: Proposed non-residential FSR map (Base source: NSLEP 2012)

Intended Outcomes

The Planning Proposal is accompanied by a Design Report by Fitzpatrick + Partners (Appendix 4). The study includes a concept building design to demonstrate the form which would be achieved within the proposed planning controls:

The concept design was prepared following a comprehensive site analysis and detailed consideration of the 2036 Plan. Key features of the concept design are described in the below Table.

Element	Proposed
Indicative land uses	<ul style="list-style-type: none"> Commercial Premises, principally office premises and retail premises, comprising ground level retail and café/s Medical centre/s, including allied health uses and specialist medical suites
Building height	13 storeys 59 metres (total height above ground)
FSR	6.02:1 (5.60:1 plus 0.42:1 provided below ground and used for non-residential purposes)
Non-residential FSR	5.6:1 (with any additional FSR up to 6.02:1 being used for non-residential purposes)
GFA	22,853m ²
NLA	18,975m ²
Car parking	202 (approximate)

Table 8: Development overview



Built Form

The concept design (which will be subject to a future development application should the NSLEP 2013 be amended as proposed) is for a 13 storey building, with a 3 storey street wall height to Pacific Highway, in response to adjoining heritage item at 286 Pacific Highway. Both the overall building height and street wall height comply with the controls recommended for the Site under the 2036 Plan.

The proposal provides a maximum permissible FSR of 6.02:1, which is greater than the 5.6:1 recommended under the 2036 Plan. However, this exceedance has no impact in terms of the bulk and scale of the building and is considered acceptable as:

- the proposed amendment to the NSLEP 2013 restricts above ground FSR to 5.6:1 which is consistent with the 2036 Plan. The additional FSR above 5.6:1 must be located below ground, as this space is subterranean it does not contribute to the overall height or scale of the proposal
- the proposed building envelope is fully compliant with the building height, street wall height and setback controls within the 2036 Plan, ensuring the bulk and scale of the development is appropriate for the Site
- the proposal complies with the solar access requirements within the 2036 Plan, maintaining 2 hours of solar access to residential areas inside the boundary of the 2036 Plan between 9am – 3pm. This includes the properties located to the west of the Site on Sinclair Street which achieve 2 hours of solar access between 1pm – 3pm

The scale of the building is effectively broken down through design techniques including the provision of appropriate setbacks, in accordance with the 2036 Plan, and tiering the upper levels of the building. These elements ensure that the proposal is compatible with the desired future character of the area.

Voluntary Planning Agreement

The Planning Proposal is accompanied by a letter that outlines the monetary contribution that Silvernight (Crows Nest) Landowner Pty Ltd may include in a letter of offer to enter into a VPA with Council (Appendix 2).



5.2 Part 2: Explanation of provisions

The Planning Proposal seeks to achieve the intended outcomes outlined under Part 1 (refer Section 5.1) by:

- amending the NSLEP 2013 **Height of Buildings Map**, Sheet 1 (HOB_001)
- amending the NSLEP 2013 **Floor Space Ratio Map**, Sheet 1 (FSR_001)
- amending the NSLEP 2013 **Non-Residential Floor Space Ratio Map**, Sheet 1 (LCL_001)

The proposed amendments to the relevant maps under the NSLEP 2013 are provided Section 5.4 and in Appendix 1.

5.2.1 Rationale for Proposed Development Standards

This Planning Proposal makes the case for change to amend development standards to enable the urban renewal of the Site and facilitating employment generating uses and floor space.

The consideration of an appropriate land use zoning and key built form controls (height and FSR) follows an evidence-based approach which investigated in detail the economic, environmental and social impacts of a new commercial development of the Site.

A planning justification and rationale for the land use and key built form controls is detailed below.

Land Use

This proposal seeks to retain the B4 Mixed Use zone. ***The proposal does not seek to amend the current zoning nor is a Schedule 1 Amendment sought.*** The future land uses are expected to include:

- Commercial Premises, principally modern office premises and retail premises, comprising ground level retail and café/s
- Medical centre/s, including allied health uses and specialist medical suites

These uses are permitted with consent in the B4 Mixed Use zone and are consistent with the zone objectives. In particular, the proposal will:

- support the mixture of compatible land uses within the surrounding B4 Mixed Use zone
- provide employment generating floor space in close proximity to Crows Nest Village and the St Leonards and North Sydney Strategic Centres, supporting the urban renewal and long term development of these areas
- support the St Leonards and Health and Education Precinct, providing opportunities for strategic partnerships with nearby hospitals and health related uses
- encourage walking, cycling and the use of public transport including the future Crows Nest Metro Station



Proposed Built Form Controls (Height & FSR)

The Design Report prepared by Fitzpatrick + Partners (Appendix 4) outlines the guiding methodology and design principles for the proposal. This report investigates the Site and considers potential impacts on adjoining properties and the evolving character of the precinct.

The 13 storey building height is consistent with the controls envisioned under the 2036 Plan for the Site and is reflective of the emerging character of the surrounding area.

The bulk and scale of the building has been limited through the proposed site-specific clause which ensures any additional FSR above 5.6:1 must be located below ground. As this space is subterranean it does not contribute to the overall height or scale of the proposal. Despite being located below ground level, the concept design illustrates that suitable amenity can be achieved to this space including access to sunlight and ventilation.

The building envelope has been effectively managed through the provision of appropriate setbacks and by tiering the upper levels of the building. These elements ensure that the proposal is compatible with the desired future character of the area and also ensure the development does not unnecessarily overshadow neighbouring residential properties.

The proposal complies with the solar access requirements within the 2036 Plan, maintaining 2 hours of solar access to residential areas inside the boundary of the 2036 Plan between 9am – 3pm. This includes the properties located to the west of the Site on Sinclair Street which achieve 2 hours of solar access between 1pm – 3pm

The adopted street wall height responds to and maintains a human-scale to development in Crows Nest, which is a highly valued attribute of this part of the precinct. The podium level also responds to and aligns with the height of the adjoining heritage item at 286 Pacific Highway.



5.3 Part 3: Justification

5.3.1 Section A: Need for a Planning Proposal

Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

On 29 August 2020, DPIE adopted the St Leonards and Crows Nest 2036 Plan which seeks to facilitate the urban renewal of St Leonards and Crows Nest as an expanding employment centre and growing residential community. This is to be achieved through changes to existing planning controls to support the objectives and actions within the 2036 Plan.

The 2036 Plan leverages the existing public transport infrastructure and the future Crows Nest Metro Station to support the growing St Leonards and Crows Nest community with the provision of new infrastructure, open spaces, upgraded cycle lanes and planning for health and education. The plan aims to deliver 6,683 new dwellings, an extra 119,979m² employment floor space and 16,500 new jobs in health, education, professional services and the knowledge sector.

The Planning Proposal is consistent with and seeks to give effect to the vision of the 2036 Plan through the urban renewal and redevelopment of the Site as a 13 storey commercial building, with potential to include allied health uses to capitalise on its proximity to the Mater Hospital, accommodating approximately 22,853m² of employment generating floor space.

The 2036 Plan states that it will be the responsibility of each relevant Council to progress Planning Proposals through amendments to their respective local environmental plans to give effect to the built form recommendations in the Plan.

The Planning Proposal is also consistent with the goals and priorities outlined in the following Council strategic plans and reports:

- *North Sydney Local Strategic Planning Statement*
- *North Sydney Community Strategic Plan 2018-2028*

The above listed plans are addressed in further detailed below.

North Sydney Local Strategic Planning Statement

The North Sydney Local Strategic Planning Statement (LSPS) was adopted in March 2020. The LSPS sets out Council's land use vision, planning principles, priorities, and actions for the next 20 years. It outlines the desired future direction for housing, employment, transport, recreation, environment and infrastructure for North Sydney LGA.

The population of the North Sydney LGA to increase by an additional 19,500 persons by 2036. In addition, the LSPS forecasts the LGA will continue to shift towards an economy based on knowledge and innovation with an estimated job growth of between 22,500-37,400 by 2036.



The LSPS identifies that the intensification of health and education facilities at St Leonards will continue to support jobs growth within the precinct and acknowledges that supporting all the opportunities that the existing education, medical, telecommunications and multimedia clusters can bring will ensure North Sydney remains competitive and nationally significant.

The LSPS lists 15 Planning Priorities and sets out specific actions to deliver these priorities consistent with Council's and the community's future vision for the LGA. The Planning Priorities relate to the following key areas:

- Infrastructure and collaboration
- Liveability
- Productivity
- Sustainability

The LSPS includes a Structure Plan that provides the land use vision for the North Sydney LGA. The structure plan aligns with the regional and district strategic directions outlined in the Greater Sydney Region Plan and the North District Plan. The Site is located within the Five Ways South Education and Medical Precinct and nearby to the Crows Nest Village.

The proposal provides an opportunity to leverage the Site's strategic location nearby to established health uses including the Mater Hospital, Royal North Shore Hospital and the North Shore Private Hospital through the provision of additional employment generating floorspace, including health-related administrative uses, allied health and other health related uses.

The proposal is consistent with the LSPS as it provides employment generating floor space in a suitable location. A large amount of additional commercial and office floorspace is needed in the North Sydney LGA to meet the employment targets in line with employment projections to 2036. The Site is strategically located within the Five Ways South Education and Medical Precinct, nearby to the Crows Nest Village and the future Crows Nest Metro Station. An assessment against the relevant planning priorities is provided in Appendix 3.

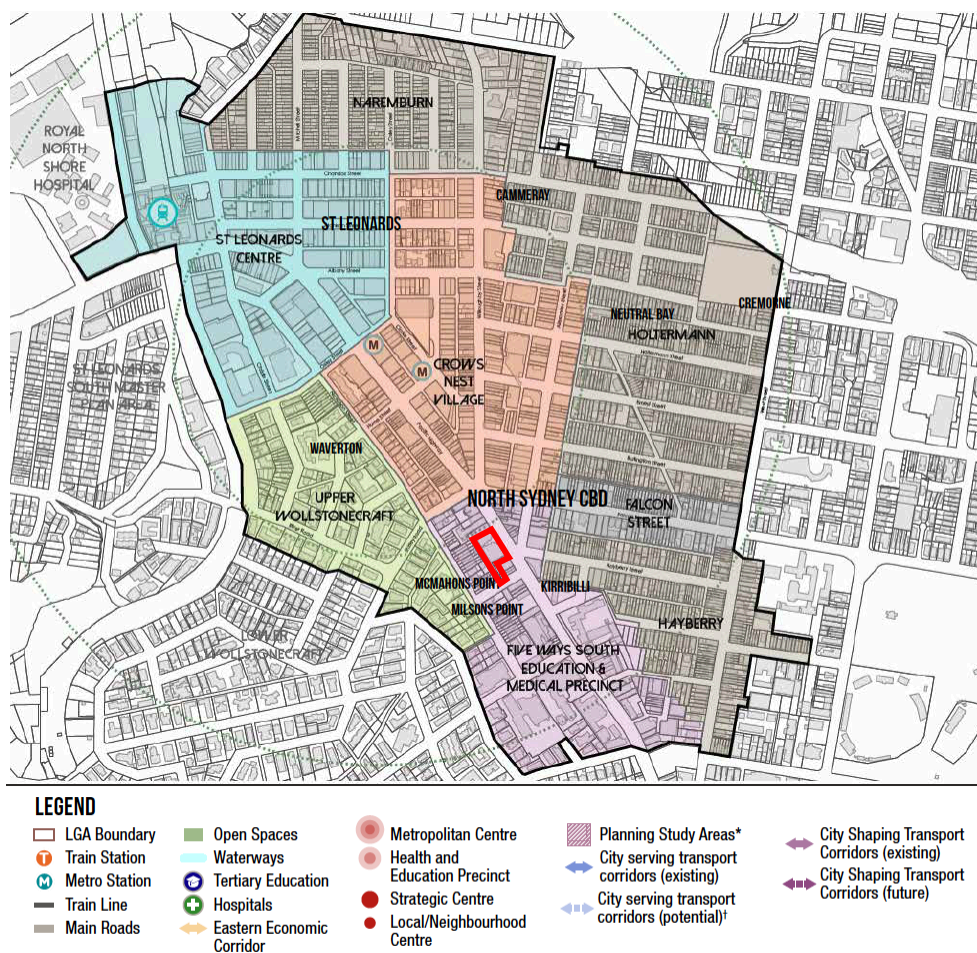


Figure 19: Structure Plan (Source: LSPS)

North Sydney Community Strategic Plan 2018-2028

North Sydney Community Strategic Plan 2018-2028 (Community Strategic Plan) is the Council's vision and priorities for the LGA, the Community Strategic Plan has a broader focus than the LSPS as it addresses long term social, environmental and economic goals for the community that have been developed following extensive community consultation and engagement.

Relevant outcomes sought as part of the Community Strategic Plan include:

- 2.1: Infrastructure and assets meet community needs
- 2.2: Vibrant centres, public domain, villages and streetscapes
- 2.3: Sustainable transport is encouraged
- 3.1: Prosperous and vibrant economy
- 3.3: North Sydney is smart and innovative
- 3.4: North Sydney is distinctive with a sense of place and quality design
- 4.1: North Sydney is connected, inclusive, healthy and safe



The proposal is consistent with the Community Strategic Plan as it will:

- promote a prosperous and vibrant economy
- encourage a diverse mix of business type and size
- support existing businesses and attract and foster new businesses
- promote public transport use
- exhibit a high quality design

The proposal will help grow and contribute to North Sydney's national status as a prosperous and vibrant CBD that attracts businesses and visitors to form a successful commercial hub for the region, NSW and Australia.

Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best and most appropriate means of achieving the desired future redevelopment of the Site. As demonstrated in this proposal, the existing built form controls under the NSLEP 2013 do not allow the Site to be developed in a manner that will deliver opportunities to support existing businesses or attract and foster new businesses.

The current built form controls sterilise the Site for future redevelopment and prohibit the Site from realising its strategic potential. The existing controls are inconsistent with the built form controls and uplift envisioned for the Site under the 2036 Plan.

The 2036 Plan states that it will be the responsibility of each relevant Council to progress Planning Proposals through amendments to their respective local environmental plans to give effect to the built form recommendations in the Plan.

Furthermore, detailed site analysis undertaken as part of this Planning Proposal confirm that the Site is capable of achieving a higher FSR than recommended in the 2036 Plan through the lower ground level. The proposal remains compliant with other key recommended controls in the 2036 Plan including height and solar access.

The Planning Proposal is therefore considered the best means of providing an increase in the supply of employment generating floor space within the Site and the wider St Leonards and Crows Nest Precinct.

The Economic Advice prepared by SGS (Appendix 5) found that there are few prospects for a large commercial-only development in St Leonards and Crows Nest, with only mixed-use developments found on the Cordell Connect development database and little land intended to be zoned B3 Commercial Core in St Leonards.

Given the Sites consolidated ownership it provides an opportunity to facilitate commercial-only development in the short-medium term. Increased development would support the economic objectives in the 2036 Plan and other strategic planning documents, as well as supporting Crows Nest Village as a vibrant local centre.

Accordingly, the proposed amendments of built form controls for the Site through an amendment to the NSLEP 2013 is considered the most appropriate method to deliver the desired outcomes.



5.3.2 Section B: Relationship to Strategic Planning Framework

Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The Planning Proposal aims to give effect to the objectives and actions of the following metropolitan, district and other plans:

- *Premier's Priorities*
- *Greater Sydney Region Plan – A Metropolis of Three Cities*
- *North District Plan*
- *St Leonards Crows Nest 2036 Plan*
- *NSW Future Transport 2056*

Premier's Priorities

In June 2019, the Premier provided an update on the Premier's Priorities. The NSW Government's key areas of focus include a strong economy, highest quality education, well connected communities with quality local environments, putting customer at the centre of everything the NSW Government does, and breaking the cycle of disadvantage.

- | | |
|--|---|
| • Bumping up education results for children | • Reducing homelessness |
| • Increasing the number of Aboriginal young people reaching their learning potential | • Improving service levels in hospitals |
| • Protecting our most vulnerable children | • Improving outpatient and community care |
| • Increasing permanency for children in out-of-home care | • Towards zero suicides |
| • Reducing domestic violence reoffending | • Greener public spaces |
| • Reducing recidivism in the prison population | • Greening our city |
| | • Government made easy |
| | • World class public service |

The proposal is consistent with these State-level strategic objectives as it will support jobs through the creation of employment generating floor space. In addition, the Site's strategic location nearby to established health uses including the Mater Hospital, Royal North Shore Hospital and the North Shore Private Hospital, provides the opportunity for allied health uses at the Site.

Greater Sydney Region Plan

The *Greater Sydney Region Plan* (Region Plan) outlines how Greater Sydney will manage growth and change in the context of social, economic and environmental matters. It sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans. The overriding vision for Greater Sydney in the Region Plan is to rebalance Sydney into a metropolis of 3 unique but connected cities:

- the established Eastern Harbour City
- the developing Central River City
- the emerging Western Parkland City



Historically, Greater Sydney's jobs and transport have been focused to the east, requiring many people to make long journeys to and from work and other services. The 3 cities vision allows opportunities and resources to be shared more equitably while enhancing the local character we value in our communities.

By integrating land use, transport links and infrastructure across the three cities, more people will have access within 30 minutes to jobs, schools, hospitals and services.

The Region Plan provides broad *Priorities and Actions* which focus on the following 4 key themes:

- *Infrastructure and collaboration*
- *Liveability*
- *Productivity*
- *Sustainability*

As part of the vision for the Eastern Harbour City, the Region Plan identifies Crows Nest and St Leonards for urban renewal. The Region Plan identifies the Site as part of the Eastern Economic Corridor which includes St Leonards as a Health and Education Precinct and North Sydney as part of the Harbour CBD.

The proposal seeks to optimise its location in relation to surrounding strategic centres, in particular the Health and Education Precinct. The applicant is investigating opportunities for collaboration with surrounding hospitals including the nearby Mater Hospital.

An analysis of the consistency of the Planning Proposal with the objectives of the Region Plan is provided in Appendix 3.

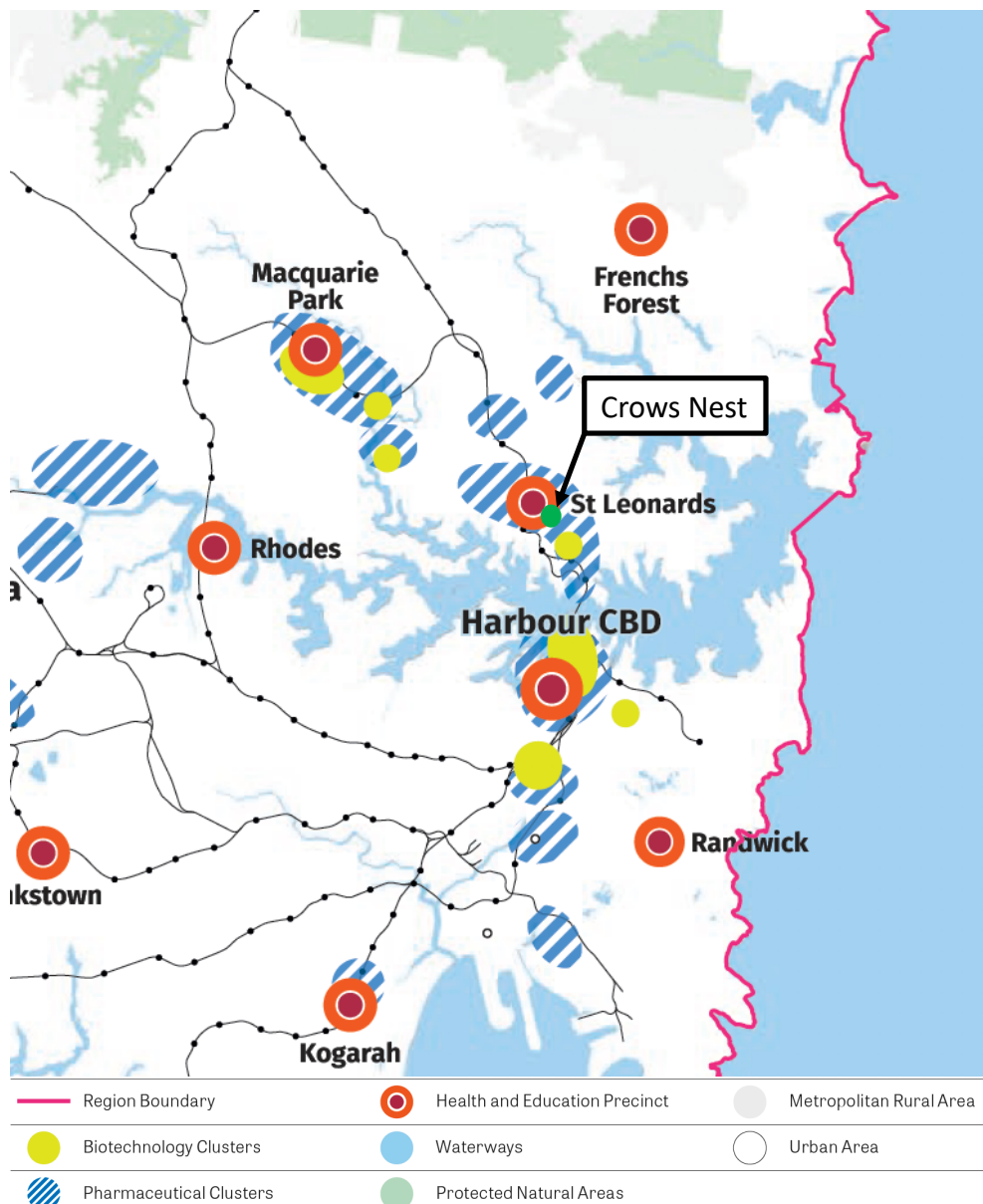


Figure 20: Health and Education Precincts and Industry Clusters (Source: GSC)

North District Plan

The *North District Plan* (District Plan) was prepared by the Greater Sydney Commission (GSC) in March 2018. It seeks to manage growth in the context of economic, social and environmental matters in the North District. It provides the district level framework to implement the goals and directions outlined in the Region Plan.



The District Plan states that Crows Nest is a great, dynamic place due to its street life and vibrant restaurant and retail strip along Willoughby Road. The plan further highlights the opportunity for renewal and activation in Crows Nest as a result of the new Metro station.

The plan also emphasises the strategic value and potential of the St Leonards Health and Education Precinct. St Leonards has been assigned a baseline jobs target of 54,000 jobs by 2036 and a higher target of 63,500 jobs by 2036. The proposed commercial development on the Site resulting from the Planning Proposal will provide new jobs at the Site, with additional jobs generated throughout the wider local economy.

The Site's location within the precinct and the employment areas within the precinct are shown in the figure below.

An analysis of the proposal against the relevant planning priorities of the District Plan is provided in Appendix 3.

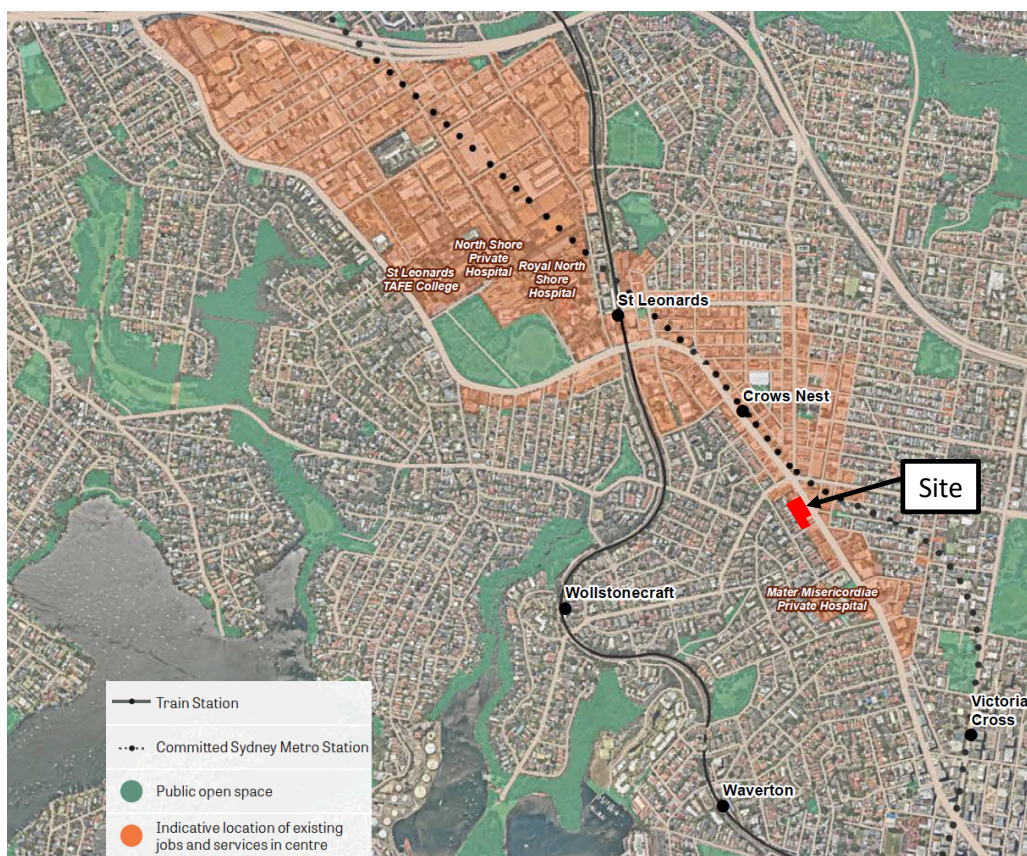


Figure 21: Location of jobs and services within the St Leonards Health and Education Precinct (Source: North District Plan)



St Leonards and Crows Nest 2036 Plan

The St Leonards and Crows Nest 2036 Plan was prepared by DPIE and finalised in August 2020. The precinct plan coordinates the planning for a precinct which encompasses land in three separate local government areas and includes a new Sydney Metro Station which is considered as the catalyst for rejuvenation of St Leonards and Crows Nest.

The precinct plan sets a vision to 2036 for the urban renewal of the St Leonards and Crows Nest area which seeks to expand the area's role as an employment centre, improve its public spaces and connections.

The plan guides future land use planning and consideration of the plan is required by the associated section 9.1 Ministerial Direction (addressed in Section 5.3).

The 2036 Plan leverages the existing public transport infrastructure and the future Crows Nest Metro Station to support the growing St Leonards and Crows Nest community with the provision of new infrastructure, open spaces, upgraded cycle lanes and planning for health and education. The plan will deliver 6,683 new dwelling, planning capacity for an extra 119,979m² employment floor space and 16,500 new jobs in health, education, professional services and the knowledge sector.

The 2036 Plan has been shaped by a number of objectives and priorities for the St Leonards and Crows Nest Precinct. It also identifies indicative changes to the existing planning controls that have been developed to achieve the key urban design principles envisioned by the plan.

The controls recommended for the Site under the 2036 Plan are identified in the below table.

Planning control	St Leonards & Crows Nest 2036 Plan	Compliance
Land use zone	B4 Mixed Use	Complies
Height of buildings	13 storeys	Complies
Floor space ratio (FSR)	5.6:1	Yes, subject to proposed additional FSR clause, discussed below
Non-residential FSR	5.6:1	Complies
Street wall height	3 storey street wall height	Complies
Setbacks	Front: 0 metres (to Pacific Highway):	Complies
	Rear: 6 metres (to rear of properties fronting Sinclair Street)	Complies
Solar Access	No additional overshadowing of nominated public open space between 10am - 3pm	Complies
	No additional overshadowing of nominated streetscapes between 11.30am - 2.30pm	Complies
	Maintain at least 2 hours of solar access to residential areas inside the boundary of the plan between 9am - 3pm	Complies



Planning control	St Leonards & Crows Nest 2036 Plan	Compliance
	Maintain at least 3 hours solar access to Heritage Conservation Areas inside the boundary of the plan for at between 9am – 3pm	Complies
	Maintain solar access to residential areas outside the boundary of the plan for the whole time between 9am – 3pm	Complies

Table 9: 2036 Plan Controls for the Site

The Planning Proposal is generally consistent with the 2036 Plan as the B4 Mixed Use zoning is retained and a maximum building height of 59 metres is proposed, equating to 13 storeys.

A base FSR of 5.6:1 is proposed accompanied by a new clause to permit a FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and used for non-residential purposes. The proposed maximum FSR of 6.02:1 on the site results in a minor exceedance of the FSR proposed under the 2036. However, the relevant section 9.1 Ministerial Direction for the 2036 Plan permits minor inconsistencies, if a proposal achieves the overall intent of the 2036 Plan and does not undermine the achieve of the Plan's vision, objectives and actions.

The proposed FSR & new clause is acceptable as the additional FSR above 5.6:1 is provided entirely below ground level and therefore will have no impact on the height, bulk and scale of the future building on the Site. Subsequently, the concept building envelopes are compatible with the desired future character of the area as established under the 2036 Plan.

The resultant bulk and scale does not result in adverse overshadowing impacts to neighbouring residential properties. These issues are further addressed in Sections 5.3.3.

Furthermore, the additional GFA above 5.6:1 is to be used for non-residential purposes only, which will increase the site's contribution towards meeting the targets of 16,500 new jobs in the precinct established of in the 2036 Plan.

The proposal is consistent with the relevant objectives as detailed in the below table. The proposal also satisfies the relevant priorities of the 2036. An assessment against the relevant priorities is provided in Appendix 3.



Objective	Comment
Infrastructure and collaboration	<p>The proposal increases the quantum of employment generating floorspace in a location that is well served by existing road, public transport (bus and rail) and active travel (cycling and pedestrian) infrastructure.</p> <p>The Site is also located within 400 metres of the future Crows Nest Metro Station and facilitates the realisation of the economic, social and place making opportunities created by public investment.</p> <p>The Sites location, within walking distance of rail, metro and bus services, will ensure that infrastructure use is optimised.</p> <p>This Planning Proposal will implement the outcomes of St Leonards Crows Nest 2036 plan, which was collaboratively developed by government, the community, businesses and key stakeholders. This is to be achieved through collaboration with existing health and education uses within the St Leonards and Crows Nest area to strengthen and develop the wider health and education precinct.</p>
Liveability	<p>The Site is strategically located in proximity to services and infrastructure including the Crows Nest Village, the St Leonards and North Sydney Strategic Centres.</p> <p>The Site has good access to infrastructure services including the future Crows Nest metro station and St Leonards and Wollstonecraft train stations.</p> <p>The Plan states that integrated planning for health services is required to make it easier for people to access a comprehensive health system, including allied health services. The Site is strategically located in the St Leonards Health and Education Precinct, providing opportunities for strategic partnerships with nearby hospitals, including the Mater Hospital, Royal North Shore Hospital and North Shore Private Hospital, for allied health-related uses.</p> <p>The Planning Proposal is accompanied by a letter that outlines the monetary contribution that Silvernight (Crows Nest) Landowner Pty Ltd may include in a letter of offer to enter into a VPA with Council.</p>
Productivity	<p>The North District Plan includes three health and education precincts, including the St Leonards Health and Education Precinct.</p> <p>The Site is strategically located in this precinct, providing opportunities for strategic partnerships with nearby hospitals for health-related uses including the Mater Hospital, Royal North Shore Hospital and North Shore Private Hospital.</p> <p>The North District Plan establishes an employment target of between 54,000 and 63,500 jobs in the St Leonards Health and Education Precinct by 2036.</p> <p>There are few prospects for a large commercial-only development in St Leonards and Crows Nest. Sites with consolidated ownership such as the subject site provide opportunities to facilitate commercial-only development in the short-medium term.</p> <p>The Planning Proposal supports the economic objectives of the North District Plan as it represents a significant investment in the St Leonards Health and Education Precinct and will provide additional employment generating floor space, required to achieve the abovementioned job targets.</p>



Objective	Comment
Sustainability	<p>This Planning Proposal seeks to facilitate greater use of public transport to combat the use of private vehicles and in doing so reduce greenhouse emissions.</p> <p>The Applicant is committed to managing resource consumption by minimising waste, increasing energy efficiencies and lessening environmental impact where possible. Such measures will be explored in greater detail at the detailed design stage. A Building Services Summary Report (Appendix 10) has been prepared by NDY which outlines the sustainability targets of the proposal which include a Green Star Design and As Built equivalency performance of 5 Star and a NABERS Office Energy 5.5. Star.</p>

Table 10: Assessment against the objectives of the 2036 Plan

Future Transport 2056 Strategy

The *NSW Future Transport Strategy 2056* was published in March 2018 and acknowledges the vital role transport plays with regards to land use, tourism and economic development. The Strategy is supported by a suite of plans to achieve a 40-year vision for transport in New South Wales to cater for the estimated increase in population to 12 million by 2056.

The strategy focuses on the role of transport in delivering movement and place outcomes that support the character of the places and communities for the future. It emphasises technology-enabled mobility and its role in transforming the mass transit network.

The proposed site is strategically located near existing and future transport links such as St Leonards and Wollstonecraft train stations and the Crown Nest metro station. The strategy identifies Crows Nest as being located within both a city-serving corridor and along a city-shaping corridor. The proposal aims to support Greater Sydney by providing further employment opportunities and business growth within an established economic corridor.

As detailed within the Traffic and Parking Study prepared by SCT Consulting (Appendix 7) the location of the development near supports the aspiration of 30-minute access to employment centres by public transport for everyone. The development will capitalise on its location near to the metro and rail stations to support sustainable travel behaviours.

Strategic and site-specific merit

The strategic and site-specific merit test is outlined in DPIE's A Guide to Preparing Planning Proposals to assist proponents in justifying a Planning Proposal. An assessment against this test is provided in the below table.



Provision	Consistency
Does the proposal have strategic merit? Will it:	
<ul style="list-style-type: none"> give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the Site, including any draft regional, district or corridor/precinct plans released for public comment; or 	<ul style="list-style-type: none"> The Planning Proposal is consistent with the relevant objectives and planning priorities of the Region Plan, District Plan, and the 2036 Plan as it retains the B4 Mixed Use zoning for the site and provides for significant additional employment generating floor space to meet the job targets contained in these plans. The site is strategically located in the St Leonards Health and Education Precinct, providing opportunities for strategic partnerships with nearby hospitals for health-related uses including the Mater Hospital, Royal North Shore Hospital and North Shore Private Hospital. The provision of 22,853m² of employment generating floorspace is likely to provide opportunities for medical premises on the subject site which will support and strengthen the health and education precinct.
<ul style="list-style-type: none"> give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or 	<ul style="list-style-type: none"> As detailed in this report, the Planning Proposal is consistent with the: <ul style="list-style-type: none"> North Sydney Local Strategic Planning Statement North Sydney Community Strategic Plan 2018-2028
<ul style="list-style-type: none"> responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans. 	<ul style="list-style-type: none"> The Planning Proposal responds to the investment in infrastructure within the St Leonards and Crows Nest Planning Precinct, including the delivery of the new Crows Nest Metro Station, and the employment trends and targets for St Leonards-Crows Nest outlined in the Region, District and 2036 Plans and Council's LSPS. The site is situated in close proximity to transport infrastructure links and within 400 metres walking distance of the new Crows Nest Metro Station.
Does the proposal have site-specific merit, having regard to the following?	
<ul style="list-style-type: none"> the natural environment (including known significant environmental values, resources or hazards) and 	<ul style="list-style-type: none"> The site is heavily modified and there are no known site-specific environmental considerations identified in the Planning Proposal and supporting material that would preclude further consideration of the proposed urban renewal.
<ul style="list-style-type: none"> the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and 	<ul style="list-style-type: none"> The site is located within the St Leonards and Crows Nest Precinct. The 2036 Plan recommends the site remain zoned B4 Mixed Use. The Planning Proposal retains the B4 zoning for the site and the identified potential future uses are permitted with consent in the zone. The 2036 Plan recommends increased building heights and densities within the Precinct. The Planning Proposal is consistent with the emerging built form character of the area. The proposal complies with the solar access requirements within the 2036 Plan, maintaining 2 hours of solar access to residential areas inside the boundary of the 2036 Plan between 9am – 3pm. This includes the properties located



Provision	Consistency
	to the west of the Site on Sinclair Street which achieve 2 hours of solar access between 1pm – 3pm
<ul style="list-style-type: none"> the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision. 	<ul style="list-style-type: none"> The site is well serviced by existing infrastructure, utilities and services. The Applicant proposes to deliver further benefits to the community through a VPA.

Table 11: Strategic and site-specific merit test

Is the Planning Proposal consistent with a Council's Local Strategy or Other Local Strategic Plan?

Yes. The Planning Proposal is consistent with the following local strategies prepared by Council:

- *North Sydney Local Strategic Planning Statement*
- *North Sydney Community Strategic Plan 2018-2028*

The above listed local strategies are addressed in detail at Section 5.3.1 and Appendix 3.



Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) aims to facilitate the effective delivery of infrastructure across the State. This includes identifying matters to be considered in the assessment of development adjacent to types of infrastructure development and providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.

Many of the provisions relate to development by the Crown and exempt development of certain development by on behalf of the Crown, which is not relevant to the Planning Proposal.

The ISEPP also contains provisions that, while not relevant to the Planning Proposal, would be considered at future DA stage:

- Clause 101 stipulates that the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that vehicular access to the land is provided by a road other than the classified road and the safety, efficiency and ongoing operation of the classified road will not be adversely affected.

The development fronts the Pacific Highway, which is a classified road. However, vehicular access to the Site is proposed from Bruce Street, as currently provided.

- Clause 104 requires that development applications for certain traffic generating development, as set out in Schedule 3 of the policy, be referred to the RMS (now known as Transport for NSW (TfNSW)). The proposal exceeds the threshold criteria for commercial premises and the future DA will therefore require referral to TfNSW.

Noise considerations to and from the proposed development can be addressed through the detailed design stage and would not be a determinative factor in the Planning Proposal.

State Environmental Planning Policy No.55 – Remediation of Land

State Environmental Planning Policy No 55 – Remediation of Land aims to provide for a State-wide consistent planning approach to the remediation of contaminated land, with various objectives and provisions, particularly to reduce the risk of harm to human health and the environment.

Clause 7 of the SEPP requires a consent authority, in determining a development application, to consider whether a site is contaminated and whether the site is suitable for the proposed use (before or after remediation).

The Site was previously redeveloped for commercial purposes in the 1980's. It is considered that the Site would have been made suitable for commercial purposes at this stage and that the contamination risk of the Site is low. It is further noted that there are no acid sulphate soils maps in NSLEP 2013 and is therefore considered to have a very low probability of containing acid sulfate soils.



On this basis, a contamination report has not been commissioned at this early stage of planning. Nonetheless, any future development application would include an appropriate contamination assessment.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) was one of a suite of Land Management and Biodiversity Conservation (LMBC) reforms that commenced on 25 August 2017. The Vegetation SEPP works together with the *Biodiversity Conservation Act 2016* and the *Local Land Services Amendment Act 2016* to create a framework for the regulation of clearing of native vegetation in NSW.

The Site is predominantly built up and contains very minimal vegetation. The Site contains a total of five trees, with two palm trees located within planter boxes fronting Pacific Highway and three located to the north western corner. A further 10 palm trees are located just outside of the Site within the footpath to the Pacific Highway street frontage. The Site is not mapped as containing areas of remnant vegetation within maps published by the NSW Office of Environment and Heritage.

State Environmental Planning Policy No. 64 – Advertising and Signage

State Environmental Planning Policy 64 Advertising and Signage (SEPP 64) aims to ensure that advertising and signage is well located, compatible with the desired amenity of an area and of high quality.

SEPP 64 applies to all signage, advertisements that advertise or promote any goods, services or events and any structure that is used for the display of signage that is permitted under another environmental planning instrument.

SEPP 64 is not relevant to this Planning Proposal. Any signage and associated SEPP 64 assessment will be addressed at future DA stage.

Draft State Environmental Planning Policy (Environment)

Draft State Environmental Planning Policy (Environment) (Environment SEPP) aims to promote the protection and improvement of key environmental assets for their intrinsic value and the social and economic benefits they provide. Once adopted it will consolidate the following existing SEPPs:

- *State Environmental Planning Policy No.19 – Bushland in Urban Areas*
- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*
- *State Environmental Planning Policy No.50 – Canal Estate Development*
- *Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment*
- *Sydney Regional Environmental Plan No.20 – Hawkesbury-Nepean River (No.2-1997)*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Willandra Lakes Regional Environmental Plan No.1 – World Heritage Property*

The Site is not zoned open space and is not identified as having biodiversity significance. Furthermore, the Site is not mapped as containing areas of remnant vegetation within maps published by the NSW Office of Environment and Heritage.



Draft Remediation of Land State Environmental Planning Policy

Draft Remediation of Land State Environmental Planning Policy (Remediation SEPP) aims for better management of remediation works by aligning the need for development consent with the scale, complexity and risks associated with the proposed works.

Once adopted, the Draft Remediation SEPP will:

- Provide a state-wide planning framework for the remediation of land
- Require consent authorities to consider the potential for land to be contaminated when determining DAs
- Clearly list the remediation works that require development consent
- Introduce certification and operational requirements for remediation works that can be undertaken without development consent

As discussed, the Site was previously redeveloped for commercial purposes in the 1980's. It is considered that the Site would have been made suitable for commercial purposes at this stage and that the contamination risk of the Site is low. It is further noted that there are no acid sulphate soils maps in NSLEP 2013 and is therefore considered to have a very low probability of containing acid sulfate soils.

On this basis, a contamination report has not been commissioned at this early stage of planning. Nonetheless, any future development application would include an appropriate contamination assessment.

Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 directions)?

Yes. The Planning Proposal is consistent with the Directions issued by the Minister for Planning and Public Spaces under section 9.1 of the EP&A Act (formerly section 117). The Directions that are relevant to the Planning Proposal are addressed in Table 12.

Relevant Ministerial Direction	Consideration
Employment and Resources	
Direction 1.1: Business and Industrial Zones	<p>The objective of Direction 1.1 is to:</p> <ul style="list-style-type: none"> • encourage employment growth in suitable locations, • protect employment land in business and industrial zones, and • support the viability of identified centres, <p>The proposal is consistent with this direction as it retains the B4 zoning of the Site and will facilitate a significant uplift in commercial and employment generating use floor space that could provide between 730 to 1,154 new jobs at the Site.</p> <p>The Site is located between and will support the North Sydney and St Leonards strategic centres which are considered identified centres under the Greater Sydney Region Plan.</p>



Relevant Ministerial Direction	Consideration
Direction 1.2: Rural Zones	Not applicable to the site.
Direction 1.3: Mining, Petroleum Production and Extractive Industries	Not applicable to the site.
Direction 1.4: Oyster Aquaculture	Not applicable to the site.
Direction 1.5: Rural Lands	Not applicable to the site.
Environment and Heritage	
Direction: 2.1 Environment Protection Zones	Not applicable to the site.
Direction: 2.2 Coastal Management	Not applicable to the site.
Direction 2.3: Heritage Conservation	<p>The objective of Direction 2.3 is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The Site does not contain any heritage items nor is it located within a heritage conservation area.</p> <p>An item of local heritage significance known as the Former North Shore Gas Co office (I0150) adjoins the northern site boundary.</p> <p>The Site is also in close proximity to a number of locally listed heritage items, including several which have landmark status in Crows Nest and which define the Five Ways intersection and form the character of the Crows Nest shopping strip along the Pacific Highway.</p> <p>In addition to these individually listed items, the Site is also in the vicinity of the Holtermann Estate C Conservation Area, the western edge of which is bordered by the Pacific Highway.</p> <p>A HIS has been prepared by NBRS + Partners which identifies that the proposal will retain the established cultural significance of the Holtermann Estate Conservation Area and the heritage items in the vicinity. The contribution each heritage item makes to the historic character of the area will be retained, albeit in the altered urban context as envisaged in the 2036 Plan. These items will continue to be legible as historic buildings of high architectural quality, making an important contribution to the streetscape.</p> <p>The HIS concludes that the proposed amendments are acceptable from a heritage perspective and are consistent with the heritage objectives of the NSLEP 2013 and the NSDCP 2013.</p>
Direction 2.4: Recreation Vehicle Areas	Not applicable to the site.
Direction 2.5: Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable to the site.



Relevant Ministerial Direction	Consideration
Direction 2.6: Remediation of Contaminated Land	<p>The Site was previously redeveloped for commercial purposes in the 1980's. The Planning Proposal does not propose any land use change to the Site. Furthermore, it is considered that the Site would have been made suitable for commercial purposes at this stage and that the contamination risk of the Site is low. It is further noted that this site is not identified as containing acid sulphate soils under the NSLEP 2013 and is therefore considered to have a very low probability of containing acid sulfate soils.</p> <p>On this basis, a contamination report has not been commissioned at this early stage of planning. Nonetheless, any future development application would include an appropriate contamination assessment.</p>
Housing, Infrastructure and Urban Development	
Direction 3.1: Residential Zones	<p>The objectives of Direction 3.1 is to:</p> <ul style="list-style-type: none"> • encourage a variety and choice of housing types to provide for existing and future housing needs • make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services • minimise the impact of residential development on the environment and resource lands. <p>Despite residential development being permitted within the B4 Mixed Use zone, the primary objective of the Planning Proposal is to facilitate a commercial development and associated employment generating floor space. The proposed land uses are permitted with consent in the B4 Mixed Use zone and will contribute to achieving the employment target of an additional 16,500 jobs established by the 2036 Plan.</p>
Direction 3.2: Caravan Parks and Manufactured Home Estates	Not applicable to the site.
Direction 3.3: Home Occupations	Not applicable to the site.
Direction 3.4: Integrating Land Use and Transport	<p>The objectives of Direction 3.4 is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> • improving access to housing, jobs and services by walking, cycling and public transport • increasing the choice of available transport and reducing dependence on cars • reducing travel demand including the number of trips generated by development and the distances travelled, especially by car • supporting the efficient and viable operation of public transport services • providing for the efficient movement of freights



Relevant Ministerial Direction	Consideration
	<p>The Site is located within a highly accessible location in close proximity to Crows Nest Village and the St Leonards and North Sydney Strategic Centres.</p> <p>The Site is within walking distance of the Crows Nest metro station and the St Leonards and Wollstonecraft train stations. In addition, a bus stop is located along the Sites frontage on Pacific Highway which provides frequent bus services.</p> <p>The proposal is consistent with this direction as it will increase the number of jobs available close to public transport and will increase the viability of public transport services within the area.</p>
Direction 3.5: Development Near Regulated Airports and Defence Airfields.	<p>The objectives of Direction 3.5 is to ensure the operations of airports and airfields are not compromised by development.</p> <p>This direction requires appropriate height controls for land affected by the prescribed airspace. Prescribed airspace under the <i>Airports (Protection of Airspace) Regulations 1996</i> includes anywhere above any part of an Obstacle Limitation Surface (OLS). The OLS map for Sydney Airport assigns the OLS at 156 metres AHD for the Site.</p> <p>The proposal will be 13 storeys which equates to a height of 156 metres AHD and therefore does not exceed the OLS. The proposal is therefore considered to be compatible with the current and future operations of Sydney Airport.</p>
Direction 3.6: Shooting Ranges	Not applicable to the site.
Direction 3.7: Reduction in non-hosted short term rental accommodation period	Not applicable to the site.
Hazards and Risk	
Direction 4.1: Acid Sulfate Soils	<p>The objective of Direction 4.1 is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>The Site is not identified as being affected by Acid Sulfate Soils under the NSLEP 2013 and is therefore considered to have a very low probability of containing acid sulfate soils.</p>
Direction 4.2: Mine Subsidence and Unstable Land	Not applicable to the site.
Direction 4.3: Flood Prone Land	<p>The objectives of Direction 4.3 are:</p> <ul style="list-style-type: none"> to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and to ensure that the provisions of an LEP on flood prone land is commensurate with flood behaviour



Relevant Ministerial Direction	Consideration
	and includes consideration of the potential flood impacts both on and off the subject land.
	The NSLEP 2013 does not contain any flood mapping. Notwithstanding, following a review of the North Sydney Council's Flood Study it is understood that the Site is not known to be flood-affected.
Direction 4.4: Planning for Bushfire Protection	The Site is not identified as being bushfire prone land.
Regional Planning	
Direction 5.1: Implementation of Regional Strategies (Revoked 17 October 2017)	Not applicable to the site.
Direction 5.2: Sydney Drinking Water Catchment	Not applicable to the site.
Direction 5.3: Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to the site.
Direction 5.4: Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to the site.
Direction 5.5: Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	Not applicable to the site.
Direction 5.6: Sydney to Canberra Corridor (Revoked 10 July 2008)	Not applicable to the site.
Direction 5.7: Central Coast (Revoked 10 July 2008)	Not applicable to the site.
Direction 5.8: Second Sydney Airport: Badgerys Creek (Revoked 20 August 2018)	Not applicable to the site.
Direction 5.9: North West Rail Link Corridor Strategy	Not applicable to the site.
Direction 5.10: Implementation of Regional Plans	<p>The objective of Direction 5.10 is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>The Greater Sydney Region Plan is addressed in Section 5.3.2 and the proposal is considered to be consistent with the plan. The proposal is consistent with this direction.</p>
Direction 5.11: Development of Aboriginal Land Council Land	The Site is not in the ownership of the Aboriginal Land Council nor are there any known Aboriginal objects or places of heritage significance within the Site.
Local Plan Making	
Direction 6.1: Approval and Referral Requirements	<p>The objective of Direction 6.1 is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>The Planning Proposal does not include consultation, concurrence or referral above and beyond the existing</p>



Relevant Ministerial Direction	Consideration
	provisions of the NSLEP 2019. The Planning Proposal is consistent with this Direction.
Direction 6.2: Reserving Land for Public Purposes	The Site is not identified on the Land Reservation Acquisition Map under the NSLEP 2013 and has not been identified by any authority with acquisition powers.
Direction 6.3: Site Specific Provisions	<p>The objective of Direction 6.3 is to discourage unnecessarily restrictive site specific planning controls.</p> <p>The Planning Proposal includes a site specific provision to permit a FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and used for non-residential purposes. The site specific provision ensures the above ground portion of the development does not exceed an FSR of 5.6:1 as recommended by the 2036 Plan.</p> <p>The site specific provision is required to maximise employment generating floorspace on the site whilst ensuring the additional GFA does not alter the height, bulk and scale envisaged for the site in the 2036 Plan.</p> <p>Inconsistency with this Direction is considered to be of minor significance and justifiable as the proposed additional FSR will strengthen employment outcomes on the site without resulting in additional building height or bulk.</p>
Metropolitan Planning	
Direction 7.1: Implementation of A Plan for Growing Sydney	Revoked 9 November 2020.
Direction 7.2: Implementation of Greater Macarthur Land Release Investigation	Revoked 28 November 2019.
Direction 7.3: Parramatta Road Corridor Urban Transformation Strategy	Not applicable to the site.
Direction 7.4: Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable to the site.
Direction 7.5: Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable to the site.
Direction 7.6: Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable to the site.
Direction 7.7: Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable to the site.
Direction 7.8: Implementation of the Western Sydney Aerotropolis Plan	Not applicable to the site.



Relevant Ministerial Direction	Consideration
Direction 7.9: Implementation of Bayside West Precincts 2036 Plan	Not applicable to the site.
Direction 7.10: Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable to the site.
Direction 7.11: Implementation of St Leonards and Crows Nest 2036 Plan	<p>The objective of this direction is to ensure development within the St Leonards and Crows Nest Precinct is consistent with the St Leonards and Crows Nest 2036 Plan (the Plan).</p> <p>The 2036 Plan is addressed in detail at Section 5.3.2. In particular, the proposal complies with the building height of 13 storeys but exceeds the maximum FSR control recommended for the Site under the 2036 Plan when the additional below ground FSR is included. As outlined in this report, this variation is considered to be acceptable as:</p> <ul style="list-style-type: none"> the additional FSR above 5.6:1 is provided below ground level and therefore will have no impact on the height, bulk and scale of the future building on the Site the proposed building envelope is fully compliant with the building height, street wall height and setback controls within the 2036 Plan, ensuring the bulk and scale of the development is appropriate for the Site the proposal complies with the solar access requirements within the 2036 Plan, maintaining 2 hours of solar access to residential areas inside the boundary of the 2036 Plan between 9am – 3pm. This includes the properties located to the west of the Site on Sinclair Street which achieve 2 hours of solar access between 1pm – 3pm <p>Direction 7.11 for the 2036 Plan permits minor inconsistencies, if a proposal achieves the overall intent of the 2036 Plan and does not undermine the achieve of the Plan's vision, objectives and actions. As addressed in Section 5.3.2, the proposal is consistent with the 2036 Plan and the proposed minor variation does not undermine it's vision, objectives and actions.</p>
Direction 7.12: Implementation of Greater Macarthur 2040	Not applicable to the site.
Direction 7.13: Implementation of the Pyrmont Peninsula Place Strategy	Not applicable to the site.

Table 12: Section 9.1 Directions by the Minister



5.3.3 Section C: Environmental, Social and Economic Impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Proposal?

The Site is currently developed and located within a heavily urbanised, built up area with minimal natural vegetation, as addressed in Section 2.1.5. The Site is not identified within any environmental planning instrument as containing critical habitat, threatened species or ecological communities.

It is therefore considered that the proposal is extremely unlikely to have any adverse biodiversity impacts.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The Planning Proposal includes a detailed consideration of a range of relevant issues which demonstrates that it will have minimal environmental impact and is an appropriate response to the Site and its context. These issues include:

- built form and urban design
- overshadowing
- heritage
- traffic, access and car parking
- environmentally sustainable design
- wind and reflectivity
- servicing
- aviation

Built Form and Urban Design

Bulk and Scale

The 2036 Plan indicates a building height of 13 storeys for the Site. The proposal is consistent with this building height providing 13 storeys (156 AHD) above ground level. The Site is in close proximity to existing taller buildings with heights of up to 17 storeys at 220 Pacific Highway.

As detailed in Section 2, a number of proposals have recently been approved or are under assessment that will further increase the building height of the surrounding area. These include including:

- 19 storeys directly opposite the Site at the Five-Ways intersection (PP7/20)
- 21 storeys above the Crown Nest Metro Station site

These building heights are reflective of the emerging character of the area and the increased densities and heights envisaged under the 2036 Plan.



The Planning Proposal includes a proposed maximum permissible FSR of 6.02:1, which is greater than the 5.6:1 recommended under the 2036 Plan. However, this exceedance has no impact in terms of the bulk and scale of the building and is considered acceptable as:

- the proposed amendment to the NSLEP 2013 restricts above ground FSR to 5.6:1 which is consistent with the 2036 Plan. The FSR above 5.6:1 must be located below ground, as this space is subterranean it does not contribute to the overall height or scale of the proposal.
- the proposed building envelope is fully compliant with the building height, street wall height and setback controls within the 2036 Plan, ensuring the bulk and scale of the development is appropriate for the Site
- the proposal complies with the solar access requirements within the 2036 Plan, maintaining 2 hours of solar access to residential areas inside the boundary of the 2036 Plan between 9am – 3pm. This includes the properties located to the west of the Site on Sinclair Street which achieve 2 hours of solar access between 1pm – 3pm

The scale of the building is effectively broken down through design techniques including the provision of appropriate setbacks and tiering the upper levels of the building. These elements ensure that the proposal is compatible with the desired future character of the area.

A view analysis is provided in the Design Report prepared by Fitzpatrick + Partners (Appendix 4) which demonstrates that the proposed bulk and scale of the development is appropriate for the Site and that it will sit comfortably within its surroundings. Extracts of the view analysis are provided below in Figures 22 to 24.



VIEW 01 - PACIFIC HIGHWAY NORTH

Figure 22: Indicative view analysis – View 1 (Source: Fitzpatrick + Partners)



VIEW 02 - HAYBERRY STREET



VIEW 03 - PACIFIC HIGHWAY (SOUTH)



VIEW 04 - WILLOUGHBY ROAD

Figure 23: Indicative view analysis – Views 2 to 4 (Source: Fitzpatrick + Partners)



VIEW 05 - CORNER OF SHIRLEY RD & SINCLAIR ST



VIEW 06 - CORNER OF SINCLAIR & BRUCE STREETS

Figure 24: Indicative view analysis – Views 5 to 6 (Source: Fitzpatrick + Partners)

Street Wall Height

The 2036 Plan identifies a street wall height of 3 storeys for this site, which responds to the neighbouring heritage street wall height. The Planning Proposal provides a 3 storey street wall height to Pacific Highway.

The Site is adjoined to the north by a 2 storey local heritage item known as the Former North Shore Gas Co office (I0150). Due to the large floor to ceiling heights this building is equivalent to a 3 storey podium. To the south the Site is adjoined by a residential building with a 4 storey street wall height. The proposed 3 storey street wall height aims to address the existing conditions by creating an articulated podium that respects the scale and fine grain of the existing heritage listed item.

Setbacks

The 2036 Plan provides a nil (0 metre) street setback to Pacific Highway and a 6 metre rear setback. The proposal is consistent with these controls.



The proposed development responds to these controls by creating a podium and tower built to the street boundary (Pacific Highway - 0m setback). The two components are separated by a recessed floor set by the heritage street height of the Former Northshore Gas Co. creating a shadow gap between the two volumes

The podium is proposed to be built to the boundary on 3 sides except facing west where a 6 metre setback is proposed to maintain a level of privacy and amenity to the existing neighbouring properties. The tower takes a similar approach, but with a 3 metre setback to the north and south to minimise constraints of potential developments on neighbouring sites. As per the podium, a 6 metre setback is proposed to the west with terraced top floors to respond to the solar height plane controls.

Overshadowing

Retaining solar access to public open space, valued streetscapes, and residential areas is a key objective of the 2036 Plan. The proposed building envelope has been carefully designed to ensure compliance to the solar access objectives and principles outlined in the 2036 Plan. These controls include:

- no additional overshadowing of nominated public open space between 10am - 3pm
- no additional overshadowing of nominated streetscapes between 11.30am - 2.30pm
- maintain at least 2 hours of solar access to residential areas inside the boundary of the plan between 9am – 3pm
- maintain at least 3 hours solar access to Heritage Conservation Areas inside the boundary of the plan for at between 9am – 3pm
- maintain solar access to residential areas outside the boundary of the plan for the whole time between 9am – 3pm

As illustrated in the below Figure the proposal complies with the above controls. In particular:

- the proposal does not overshadow any nominated area of public open space between 10am - 3pm
- the proposal does not overshadow any nominated streetscapes between 11.30am - 2.30pm
- the proposal maintains 2 hours of solar access to residential areas inside the boundary of the plan between 9am – 3pm. This includes the properties located to the west of the Site on Sinclair Street which achieve 2 hours of solar access between 1pm – 3pm
- the proposal does not overshadow any nominated Heritage Conservation Areas inside the boundary of the plan between 9am – 3pm
- the proposal does not overshadow any residential areas outside the boundary of the plan for the whole time between 9am – 3pm. In particular, the shadows cast by the proposal extend to but not beyond the boundary of the 2036 Plan at 9am. From 9am the shadows move eastward away from the boundary.

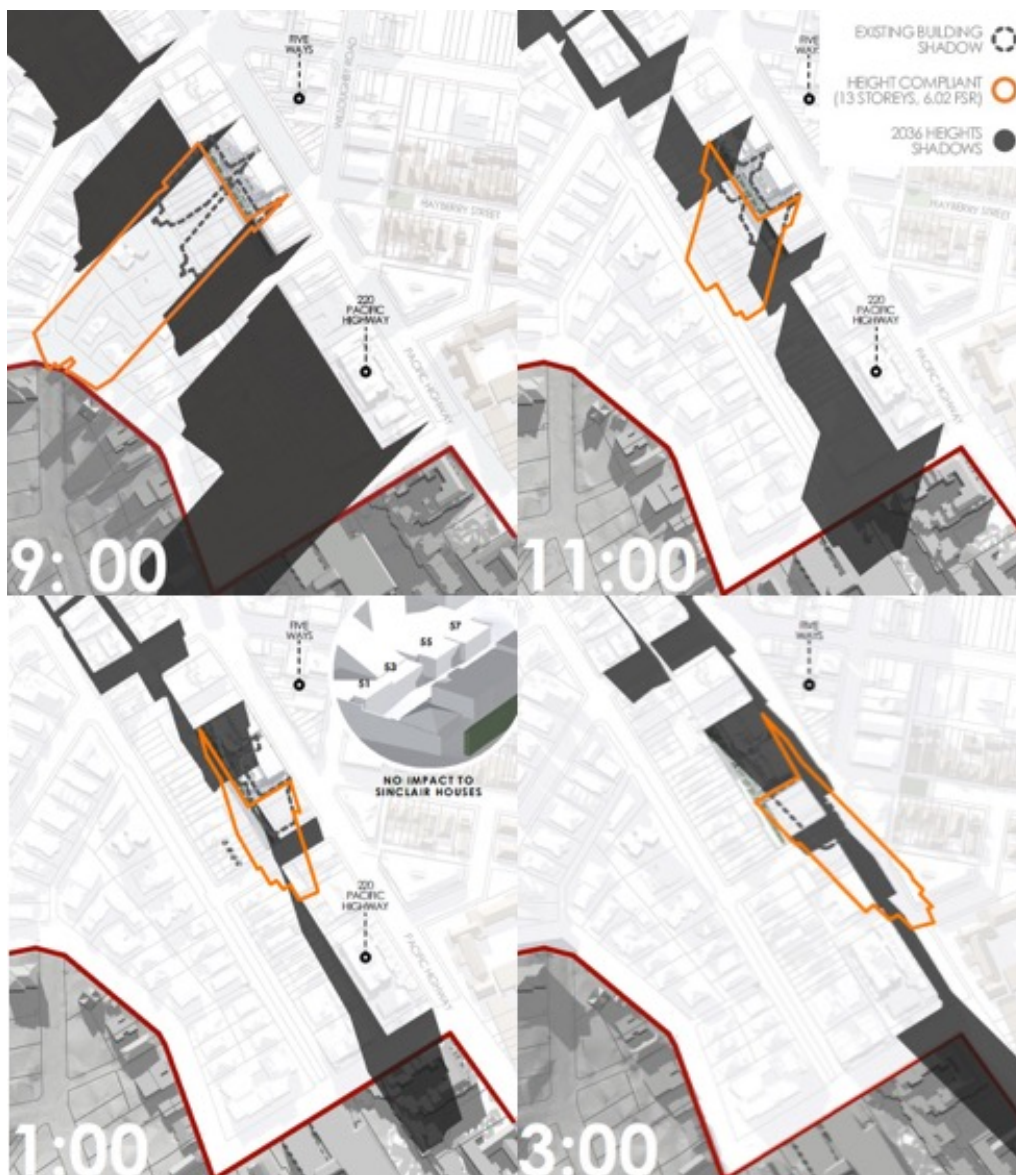


Figure 25: Shadow impacts at 9:00am, 11:00am, 1:00pm and 3:00pm (Source: Fitzpatrick + Partners)

Heritage

A detailed assessment of heritage impacts has been undertaken for the Site by NBRS + Partners (Appendix 6). The Heritage Impact Statement (HIS) has been prepared in accordance with the assessment criteria contained within the *North Sydney LEP 2013*, the *North Sydney Development Control Plan (DCP) 2013* and the New South Wales Heritage Office (now NSW Heritage Division) guidelines, *Altering Heritage Assets* and *Statements of Heritage Impact*, which is subsequently contained within the NSW Heritage Manual.

The HIS presents a number of key findings which are summarised:



- the proposed amendments to the North Sydney LEP 2013 will allow for the commercial redevelopment of the Site, which will be guided by a series of heritage principles to ensure that the resulting building is respectful of the heritage items in its vicinity.
- the Site is bounded to the north by the locally listed heritage item at 286 Pacific Highway, the Former North Shore Gas Co Building (I0150). The front façade of this heritage item comprises two storeys, of which the ground floor has been substantially altered and includes a single glazed entry at the northern end.
- the podium design of the new building is an important aspect responding to the scale of the neighbouring heritage item. The height of the podium will align with the height of this heritage item and design principles will ensure the proposal appropriately responds to the façade design of the Former North Shore Gas Co Building.
- in the wider context, the Site is located to the south of the Five Ways intersection containing four heritage items. These buildings, together with the heritage listed shops on the Pacific Highway north of the intersection, play a key role in contributing to the historic character of the area where the urban form is generally fine grain, particularly at streetscape level. The small lot sizes in this location make a substantial contribution to the character of the streetscape. While the large lot size of PP site represents a transition away from the historic character of the intersection, the HIS found that the heritage character and views along the Pacific Highway to and from the Five Ways intersection will be retained.
- the concept design supporting the Planning Proposal presents an architectural response which will address the prevailing pattern of development in this part of the Pacific Highway which comprises the articulation of the podium element of the building as multiple fine grain forms, similar to the existing smaller lots in this part of the Pacific Highway.
- the HIS states that the 13-storey height limit for the subject site will alter the immediate context of the neighbouring heritage item and those in the vicinity. Notwithstanding the HIS identifies that the proposed height and FSR will not make a substantial difference to this context as the heights of the heritage items (generally two to four storeys) have already been substantially exceeded.
- the Site is in the vicinity of the Holtermann Estate Conservation Area of which the western edge is bordered by the Pacific Highway. In response to the proximity of the Conservation Area, the massing of the proposal has been articulated to avoid overshadowing onto this area. Accordingly, the amenity of this conservation area will be retained and not affected by the increase in the height control at this development site.

Overall, the Planning Proposal is considered consistent with the heritage objectives contained within the North Sydney LEP 2013 and the heritage assessment guidelines prepared by NSW Heritage.

Traffic, Access and Car Parking

The Traffic and Parking Study (TPS) accompanying the Planning Proposal (Appendix7) considers the proposed vehicle access, servicing, car parking and bicycle parking provision and a preliminary assessment of the traffic and transport impacts associated with the redevelopment of the Site.

The TPS has assumed the proposal would contain a GFA of approximately 22,853m² and 202 car parking spaces. The findings of the TSP are summarised as follows:



- The Site is located within the 400m walking catchment of Crows Nest metro station and hence supports the aspiration of 30-minute access to employment centres such as North Sydney, Chatswood and Sydney CBD by high frequency and high-quality mass transit.
- The Site's proximity to frequent bus services along Pacific Highway / Falcon Street will encourage future employees to commute by bus.
- The Site's proximity to future cycling network and continuous footpath system will also encourage local short trips to be made by walking and cycling. Pedestrian crossing on Bruce Street at the Pacific Highway intersection is recommended.
- The provision of end of trip facility on site caters for future cycling demand of the Site and facilitate both employee and visitor's travel by bike.
- Vehicular and bicycle access to the development is proposed via Bruce Street. The access will be shared with current access to individual properties at 63-77 Sinclair Street. Traffic safety measures would be taken on internal road to mitigate potential conflicts between different vehicular movements.
- A three-level basement car park is designed that could accommodate up to 202 parking spaces, which is significantly less than the maximum standard set out in the NSDCP 2013. The proposal of restrained parking at this site would restrict private car use and minimise the impact on road network.
- The proposed development is expected to generate up to 79 additional vehicle trips during each of the peak hours based on similar office land use in Sydney with restrained parking and located in proximity to frequent public transport services. Given the good connectivity of the surrounding network, this level of increase of trips will spread out further in various directions further reducing the impacts on the surrounding road network. Hence, traffic modelling is considered not necessary at the planning proposal stage.
- The 302 additional person trips will be mainly using public transport and active transport, which is considered to be accommodated by the existing and planned services.
- On site car share spaces can be designated to densify the car share locations in the local area and further reduce business-related car trips.

Ecologically Sustainable Design

The future redevelopment of the site will seek to incorporate energy efficiency and sustainable measures to reduce its carbon footprint. A Building Services Summary Report has been prepared by NDY (Appendix 10). This report outlines the sustainability targets of the proposal which include the following:

- Green Star Design and As Built equivalency performance of 5 Star
- NABERS Office Energy 5.5. Star
- NABERS Office Water 4 Stars
- Optimisation of building orientation and shading to minimise air conditioning energy consumption.
- Photovoltaic Panels will provide on-site renewable energy
- A rainwater tank is proposed to capture rainwater for irrigation and toilet flushing reuse.



In addition to the above, the proposal seeks to facilitate greater use of public transport and sustainable modes of transport including walking and cycling through the provision of end of trip facilities. This approach will combat the use of private vehicles and contribute to a reduction in greenhouse emissions.

These matters will be addressed in more detail at future development application stage.

Wind

A Qualitative Wind Assessment has been prepared by CPP (Appendix 8) and provides an assessment of the impact of the proposal on the local wind environment in and around the development site.

Given the scale of the future development, it will have some effect on the local wind environment, however any changes are not expected to be significant from the perspective of pedestrian comfort or safety.

Wind conditions around the development are expected to be classified as acceptable for pedestrian standing or walking. Local amelioration would likely be necessary for areas intended for long term stationary or outdoor dining activities and can be appropriately addressed at detailed design stage through a future development application.

Reflectivity

A Solar Reflectivity Assessment has been prepared by CPP (Appendix 9). This report reviewed the proposal to determine the potential for sunlight to reflect off exterior cladding surfaces of the development and generate solar disability glare onto vehicular traffic using surrounding public roadway locations.

Surrounding existing buildings will provide solar blockage to many potential receiver locations surrounding the Site and most of the investigated locations were found the experience levels of glare within criteria levels. Notwithstanding, the Solar Reflectivity Assessment recommends the reflectivity coefficient of glazing to the east façade should not exceed 10% to minimize impact of glare at all locations.

The Solar Reflectivity Assessment concludes that the proposed development as currently configured, and subject to recommendations contained in this report, will not produce significant disability glare onto vehicles travelling toward the development. These issues will be further addressed through a future development application.

Servicing

The Site currently has access to potable water, wastewater, electricity, gas and telecommunications. It is acknowledged that these services will need to be upgraded to service the proposal. Notwithstanding this can be addressed at the detailed design stage.



Has the Planning Proposal Adequately Addressed Any Social and Economic Effects?

Economic Impact Assessment

An Economic Advice Report has been prepared by SGS Economics and Planning (Appendix 5) and considers the potential economic opportunities for a development of this type in this location. This advice provides an analysis of the current development pipeline, demand and opportunities for the Site.

Current development pipeline and economic prospects

The Economic Advice Report provides an analysis of the development pipeline for commercial floorspace in the St Leonards Crows Nest Area, including development completed since 2016. This analysis found in most cases the amount of commercial floorspace is expected to decrease through redevelopment. This is a result of solely commercial buildings being replaced by mixed use developments, of which only a portion is re-provided for commercial purposes. Consequently, there is a net loss of commercial floorspace per site.

As development economics generally favour the provision of residential over commercial floorspace (due to the high returns provided by residential development), continued mixed-use redevelopments in the St Leonards-Crows Nest area are unlikely to provide the consolidated A-grade office floorspace needed to attract large corporate tenants to the area to enable it to compete with other major employment centres.

As a result, the expected decrease in the quantum of commercial floorspace represents a reduction in the employment potential of the St Leonards Crows Nest precinct, which is contrary to the 2036 Plan.

Demand

The Economic Advice Report identifies that large amounts of additional commercial and office floorspace are needed in the St Leonards-Crows Nest Strategic Centre to meet employment targets of the 2036 Plan.

The report has undertaken an analysis of floorspace projections utilising both low and high demand scenarios. This analysis found that in addition to currently planned development, between 122,154m² – 275,054m² of additional commercial (predominately office) floorspace would be required in order to achieve employment growth in line with the 2036 plan.

This gap is higher than the 119,979m² estimated to be needed in the St Leonards Plan 2036, as a result of increased employment projections and the development pipeline, which contains many mixed use developments that result in an overall decrease in the quantum of commercial office floorspace

The report therefore concludes that a commercial development of around 22,853m² GFA, as per this Planning Proposal, would contribute to meeting modelled demand, but would not flood the market to the detriment of other potential opportunity sites and developments.

The report also states that while COVID-19 is likely to dampen overall employment growth and office demand in Greater Sydney in the short and perhaps medium term, in the longer



term there will continue to be a need for more office floorspace to permit economic growth. COVID-19 also creates the potential for reconfiguration of the office market towards out of CBD locations. Crows Nest and St Leonards could benefit from this trend, but modern A-grade office space is needed to leverage this opportunity.

Opportunities for the Site

The report also identifies that there are few prospects for a large commercial-only development in St Leonards and Crows Nest.

Sites with consolidated ownership, such as the subject site, provide opportunities to facilitate commercial-only development in the short-medium term. This will support the economic objectives in the St Leonards and Crows Nest 2036 Plan and the North Sydney LSPS, as well as supporting Willoughby Road as a vibrant local centre.

Crows Nest offers proximity to the CBD, high amenity and cheaper rents than other sub-markets on the North Shore and than the Sydney CBD. It is also well placed to leverage proximity to office markets in both North Sydney and St Leonards.

The subject site is located near Willoughby Road and the future Crows Nest metro station, increasing its potential level of attractiveness for businesses following redevelopment. There are also likely to be opportunities for medical premises on the subject site given its proximity to the Mater Hospital and other large medical facilities and premises, as well as accommodating local population-serving businesses seeking proximity to the local Crows Nest Centre rather than the more commercial St Leonards centre.

On the basis of the findings of the Economic Advice, it is apparent that there is demand for employment generating floor space within the St Leonards and Crows Nest. The proposal will provide approximately 22,853m² of employment generating floorspace which will contribute towards meeting demand without absorbing all forecast demand to the detriment of other potential development.

Social Impact

The proposal will have significant positive social impacts as it:

- will provide approximately 22,853m² of employment generating floor space in a suitable location in close proximity to existing and planned public transport infrastructure including the future Crows Nest Sydney Metro Station, located within 400m of the Site
- future occupants will support Crows Nest Village and associated commercial and retail businesses, ensuring their long term viability
- will provide new jobs at the Site, with additional jobs generated throughout the wider local economy
- contribute to the urban renewal of Crows Nest by providing supporting land uses and an improved streetscape with an active frontage to Pacific Highway
- streetscape upgrades, including street tree planting that will reinforce and contribute to the character of the locality
- realisation of the economic, social and place making opportunities created by the public investment in the Sydney Metro



- the Planning Proposal is accompanied by a letter that outlines the monetary contribution that Silvernight (Crows Nest) Landowner Pty Ltd may include in a letter of offer to enter into a VPA with Council.

5.3.4 Section D: State and Commonwealth interests

Is there Adequate Public Infrastructure for the Planning Proposal?

Future development on the Site will make use of existing public infrastructure and services including connections to water, sewerage, electrical and telecommunications infrastructure.

What are the views of State and Commonwealth Public Authorities Consulted in Accordance with the Gateway Determination?

The applicant has consulted with DPIE and Council prior to the lodgement of this proposal. Consultation with DPIE will continue once the Planning Proposal has been referred for its review and subsequent issuing of a Gateway determination. Consultation with other State and Commonwealth public authorities will also be carried out at the Gateway determination stage.

5.4 Part 4: Mapping

The Planning Proposal is accompanied by height and FSR maps, which have been prepared in accordance with the Planning Proposal guidelines and if approved will be consistent with the standard technical requirements for LEP maps:

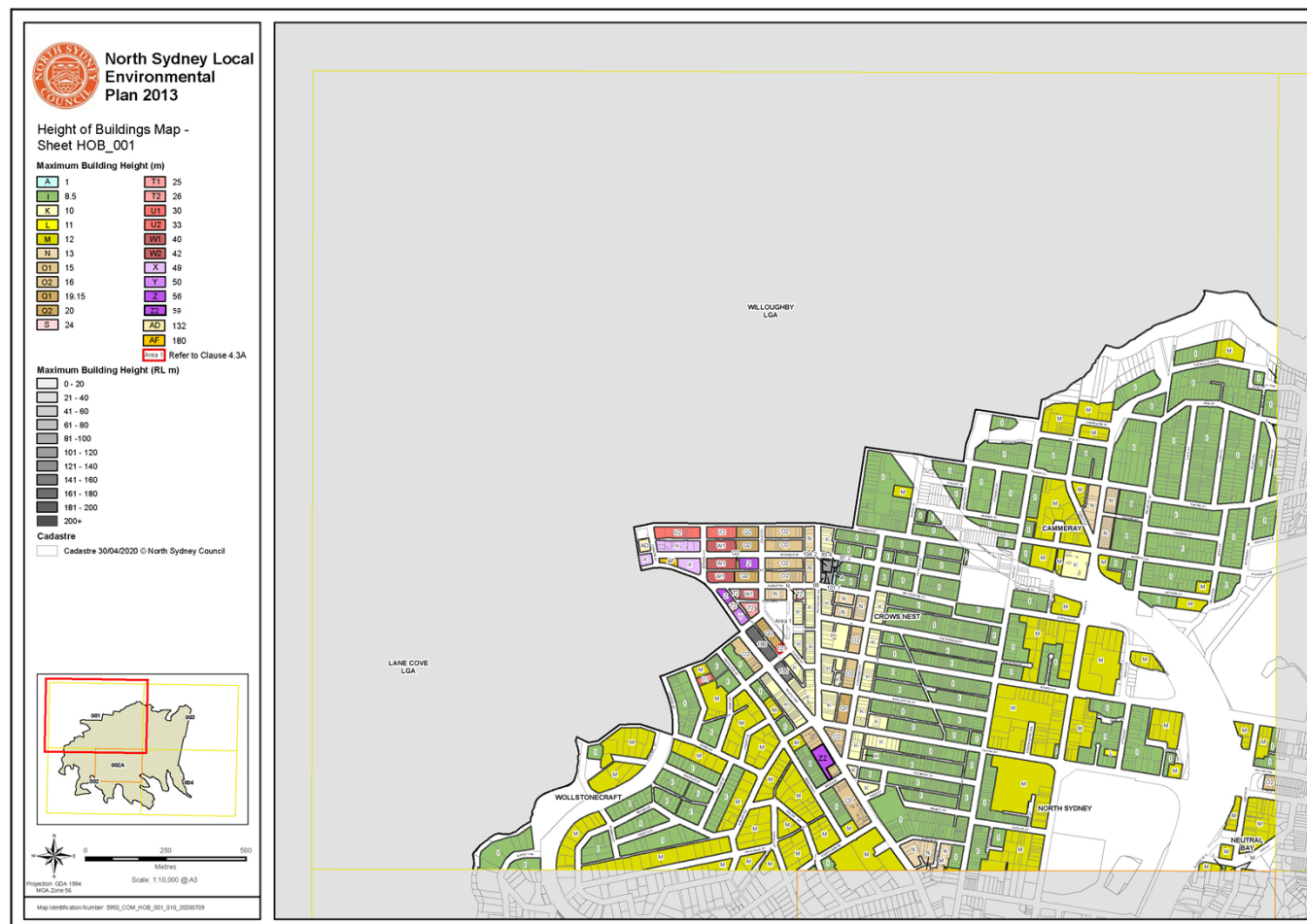


Figure 26: Proposed Height Map (Base source: NSLEP 2013)

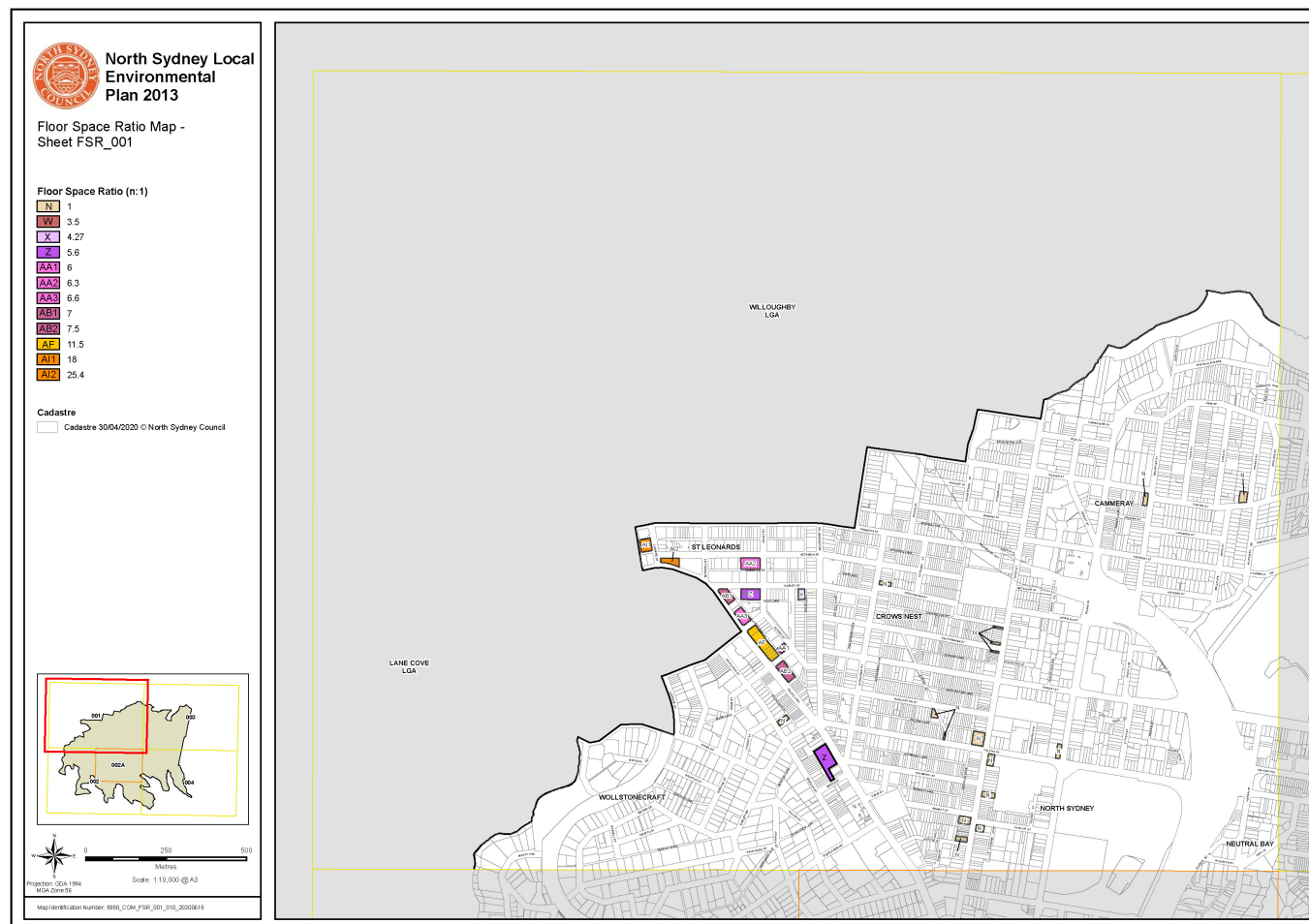


Figure 27: Proposed FSR Map (Base source: NSLEP 2013)

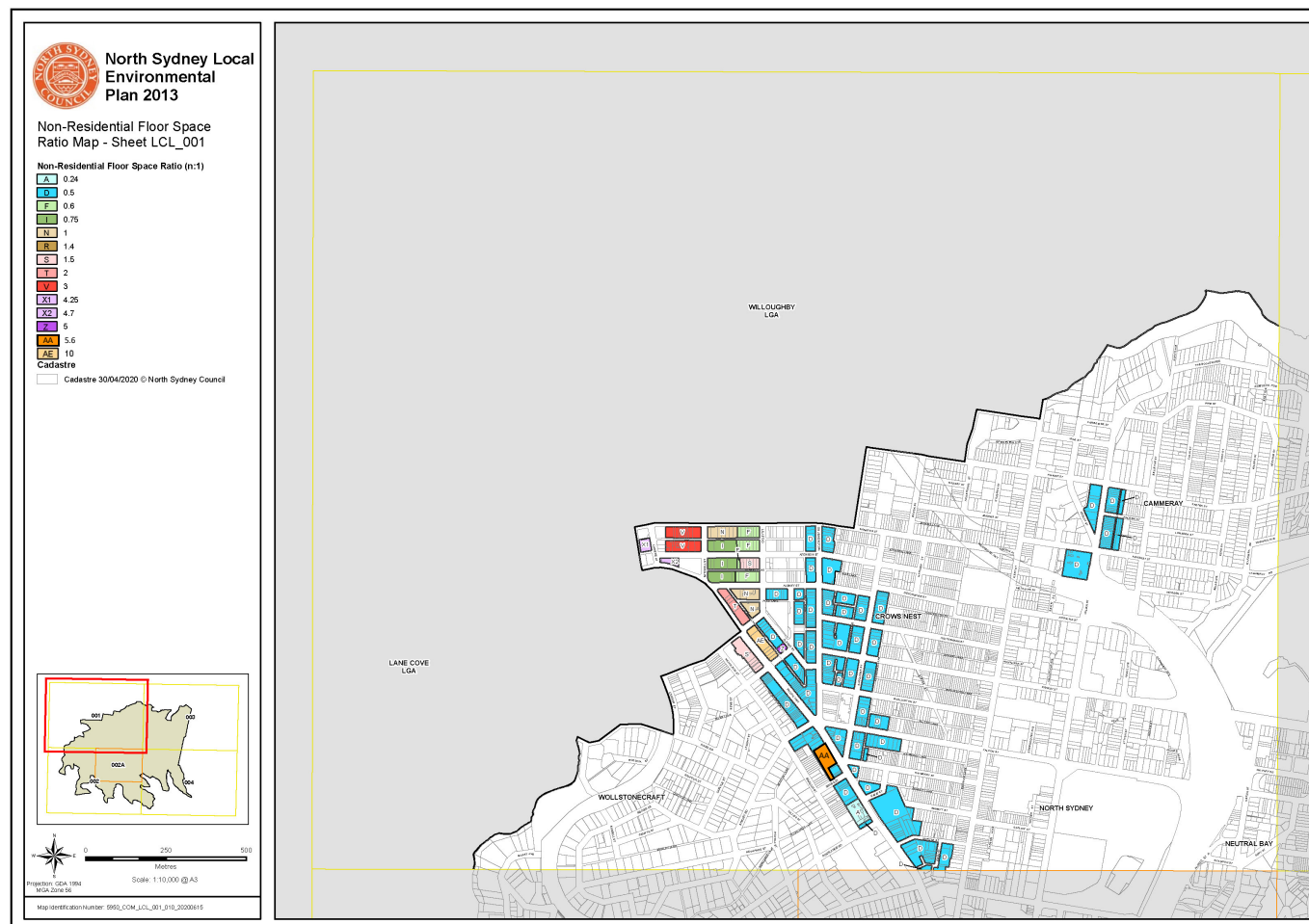


Figure 28: Proposed Non-Residential FSR Map (Base source: NSLEP 2013)



5.5 Part 5: Community consultation

Community consultation will take place following a Gateway Determination.

5.6 Part 6: Project Timeline

The proposed project timeframe for the completion of the Planning Proposal is dependent on the nature of any additional information that may be required by Council and DPIE, including the need for agency and community consultation. The application proposes to work in collaboration with Council, DPIE and other relevant agencies on a proposed project timeline which will include the following key milestones:

- anticipated commencement date (date of the Gateway determination)
- anticipated timeframe for the completion of any additional technical information required to support the Planning Proposal
- the timeframe for government agency consultation (pre- and post-exhibition, as required by the Gateway determination)
- commencement and completion dates for public exhibition period
- the timeframe for consideration of submissions
- the date of submission to DPIE to finalise the LEP
- anticipated date the Relevant Planning Authority will make the plan (if delegated).



6 Conclusion

The Planning Proposal has been prepared in accordance with section 3.33 of the EP&A Act, as well as DPIE's *A Guide to Preparing Local Environmental Plans* (2018) and *A Guide to Preparing Planning Proposals* (2018) and relevant section 9.1 Directions. The Planning Proposal is supported by technical information and investigations to justify the proposed amendments to the NSLEP 2013.

The Planning Proposal seeks to amend the current maximum building height and FSR controls that apply to the Site under the *North Sydney Local Environmental Plan 2013* (NSLEP 2013) to enable its future redevelopment as a 13 storey commercial office building, with potential to include allied health uses, and basement level car parking.

The Planning Proposal has been developed with regard to the key objectives and proposed development controls in the St Leonards and Crows Nest 2036 Plan. It retains the B4 Mixed Use zoning of the Site but seeks to amend the Site's maximum building height and floor space ratio (FSR) controls, as set out in the NSLEP 2013.

The proposal has been designed to capitalise on the Site's strategic location near to the Mater Hospital, Royal North Shore Hospital and the Crows Nest Metro Station, as well as the St Leonards and North Sydney Centres.

The proposed development will comprise solely employment generating and ancillary floor space that will strengthen the local and regional economy, contribute significantly to job targets, and help fulfil the vision for the St Leonards Crows Nest Area under relevant strategic plans, including the recently adopted St Leonards Crows Nest 2036 Plan (2036 Plan).

The current planning controls do not allow for redevelopment of the Site as envisioned under the 2036 Plan and sterilise the otherwise strong strategic potential of the Site.

The Planning Proposal demonstrates consistency with the aims and objectives set out in the NSW State Government's strategic plans including the *Greater Sydney Region Plan*, *North District Plan* and the *St Leonards and Crows Nest 2036 Plan*

The Planning Proposal also demonstrates consistency with the goals and objectives set out in the following strategic plans and reports that have been prepared and endorsed by Council:

- *North Sydney Local Strategic Planning Statement*
- *North Sydney Community Strategic Plan 2018-2028*

Consistent with DPIE's guidelines, there is a convincing strategic justification for the Planning Proposal as it:

- is one of the largest sites in the St Leonards Crows Nest precinct with capacity for uplift and in the ownership of a single entity
- is strategically located in the St Leonards Health and Education Precinct, providing opportunities for strategic partnerships with nearby hospitals for health-related uses
- will provide new jobs, strengthening the St Leonards Health and Education Precinct
- the Site benefits from access to existing and planned public transport infrastructure including the future Crows Nest Sydney Metro Station, located within 400m of the Site



- multiple proposals in the locality seek to increase height and FSR controls. This demonstrates the evolving built form character and an intensification of commercial, business and residential uses
- will meet identified demand for modern A-grade commercial office space at an affordable price point.

The Planning Proposal will also deliver significant public benefits to the local community and the wider North Sydney LGA, including the following:

- will provide approximately 22,853m² of employment generating floor space in a suitable location in close proximity to existing and planned public transport infrastructure including the future Crows Nest Sydney Metro Station, located within 400m of the Site
- future occupants will support Crows Nest Village and associated commercial and retail businesses, ensuring their long term viability
- will provide new jobs at the Site, with additional jobs generated throughout the wider local economy
- contribute to the urban renewal of Crows Nest by providing supporting land uses and an improved streetscape with an active frontage to Pacific Highway
- streetscape upgrades, including street tree planting that will reinforce and contribute to the character of the locality
- realisation of the economic, social and place making opportunities created by the public investment in the Sydney Metro
- the Planning Proposal is accompanied by a letter that outlines the monetary contribution that Silvernight (Crows Nest) Landowner Pty Ltd may include in a letter of offer to enter into a Voluntary Planning Agreement (VPA) with Council

In consideration of the above listed strategic justification and public benefits, it is considered that a compelling case is provided to Council to refer the Planning Proposal (as the Planning Proposal authority) to DPIE for review and subsequent issue of a Gateway determination.

270 ST LEONARDS CROWN



270 PACIFIC HIGHWAY

CROWS NEST NSW 2065

270 PACIFIC HIGHWAY PLANNING PROPOSAL

16 MARCH 2021

fitzpatrick+partners

	SITE ANALYSIS
03	LOCATION
04	EXISTING CONTEXT + CURRENT DEVELOPMENTS
05	ORIENTATION + TOPOGRAPHY
06	TREE CANOPY + VISTAS
07	FINE GRAIN + STREETScape
08	HERITAGE + CONSERVATION
	CONTROLS ANALYSIS
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	PLANNING STUDY
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18	PODIUM FLOOR PLANS
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	STREETScape VIEWS STUDY
27	STREETScape VIEWS I
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	SCHEDULE OF AREAS
31	SCHEDULE OF AREAS

SITE ANALYSIS

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The site lies within the 2036 St Leonards and Crows Nest plan. This area is being densified and developed into a vibrant community, employment hub, greener and accessible place while protecting its past.

+ Located opposite the Five Ways special precinct

+ 400m from Mater hospital and health and education precinct

+ 400m from future Crows Nest metro



EXISTING CONTEXT + CURRENT DEVELOPMENTS



1. EMBASSY TOWER (BUILT)
29-STORY TOWER; FIRST HIGH RISE IN THE AREA BEFORE OTHER DEVELOPMENTS PROPOSED



2. 88 BY JQZ (DA APPROVED)
3 HIGH RISE TOWER DEVELOPMENT NEXT TO ST LEONARDS TRAIN STATION; TWO RESIDENTIAL TOWERS (26-STORIES AND 47-STORIES) AND ONE 14-STORY COMMERCIAL TOWER



3. THE LANDMARK (UNDER CONSTRUCTION)
44-STORY TOWER-EQUALLY TALL TOWERS ARE BEING CONSTRUCTED IN THE CENTRE+STATION



4. ST LEONARDS SQUARE (UNDER CONSTRUCTION)
TWO RESIDENTIAL TOWERS (27-STORIES AND 35-STORIES)



5. GATEWAY TO THE PRECINCT
THE SITE+FIVE WAYS INTERSECTION FORM THE GATEWAY TO THE PRECINCT FROM THE SOUTH

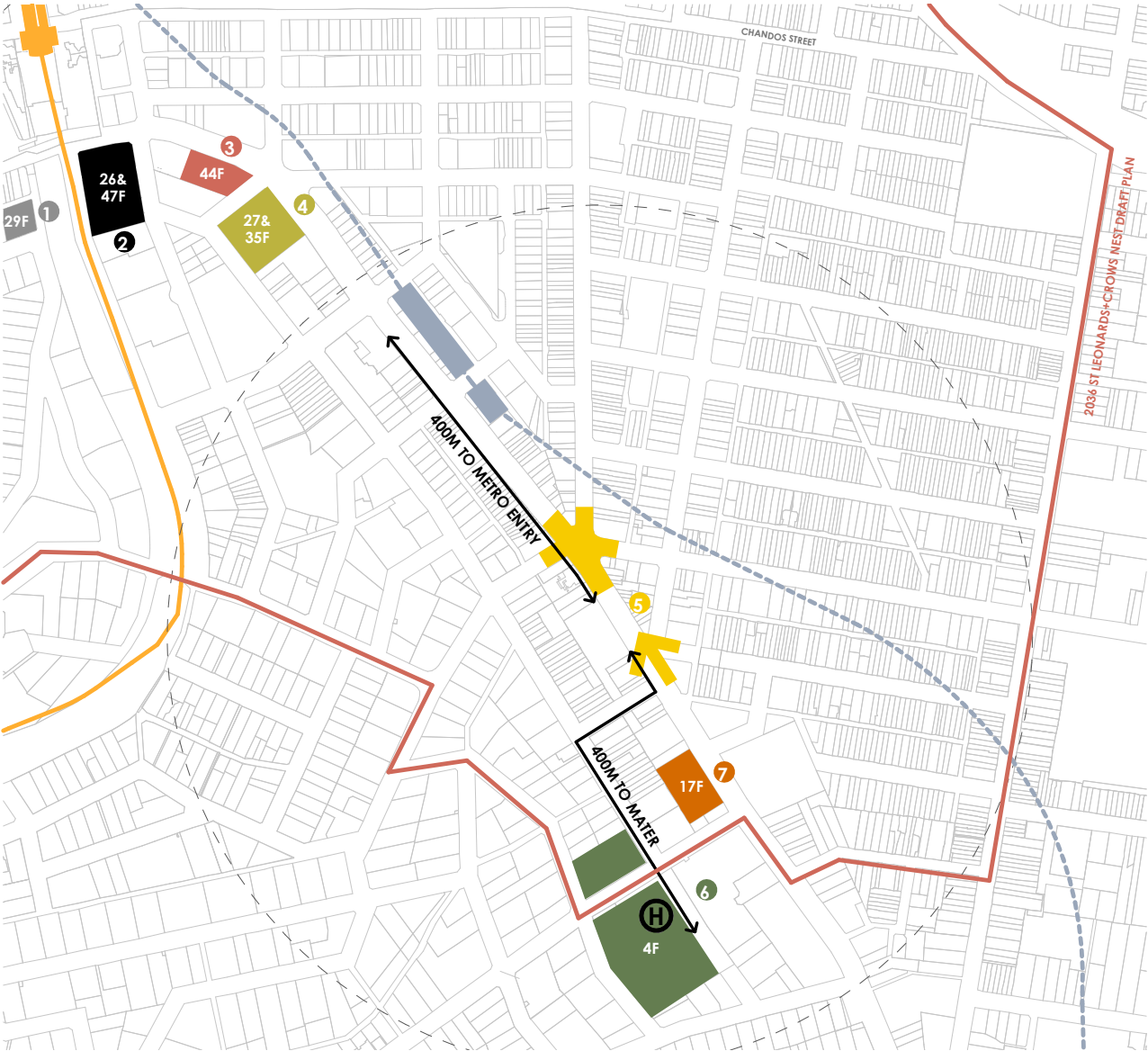


6. MATER HOSPITAL (BUILT)
THE SITE CAN CATER TO THE EXISTING HEALTH DISTRICT DIRECTLY SOUTH (4 STOREYS)



7. 200-220 PACIFIC HIGHWAY (BUILT)
17 STOREY RESIDENTIAL TOWER

The site is unique in that it is surrounded by heritage listed sites such as the crows nest hotel and fire station but still has been declared a precinct for densification and high rise towers.



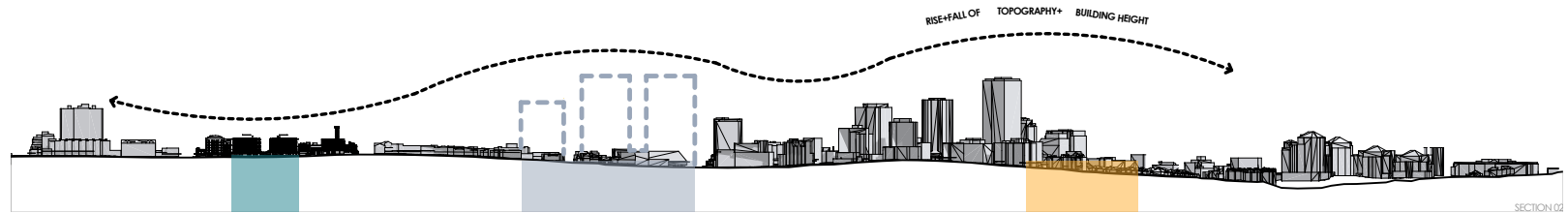
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+ partners

The site is receptive to the seasonal winds from the south east and south west with access to sunlight due to its topographical location.

- Site with a northeast/southwest orientation
- Long east and west exposed facades will require sun shading
- North and south facades are blocked by existing developments up to podium level
- Potential overshadowing to residential properties to the west



- ST LEONARDS STATION
- METRO STATION
- SITE
- PROJECT NORTH





1. WILLOUGHBY+BURLINGTON
ASYMMETRICAL PLANTING+ MATURE TREES BLOCK
POTENTIAL VIEWS OF THE SITE



2. FALCON+ALEXANDER
OPPORTUNITY TO SEE SITE IS DIMINISHED BY LEAFY
ROAD+WOOLWORTHS



3. FALCON+ALEXANDER
LESS TREE CANOPY ALLOWS MORE OPPORTUNITY FOR
VIEWING OF THE SITE FROM AFAR



4. HAYBERRY
DENSE TREE CANOPY AT STREET PARK ALLOWS VERY
LOW VISIBILITY OF SITE



5. PACIFIC HIGHWAY
MAIN APPROACH TO THE SITE ALLOWS OPTIMUM VISIBILITY
FROM SIDE-ON



6. SINCLAIR+BRUCE
TOPOGRAPHY OF THE SITE ALONG THE PACIFIC
HIGHWAY RIDGE SHOULD ALLOW BETTER VISIBILITY

The street tree planting is sporadic but generally mature in surrounding streets, in particular, Willoughby Road, leading to reduced distant vistas toward the site.



7. SINCLAIR+SHIRLEY
TREE CANOPY CLEARS AROUND THE HERITAGE LISTED
BUILDINGS AND IMPORTANCE IS PLACED ON SEEING
THE HERITAGE FACADES

PUBLIC OPEN SPACE
(RE1 ZONE)

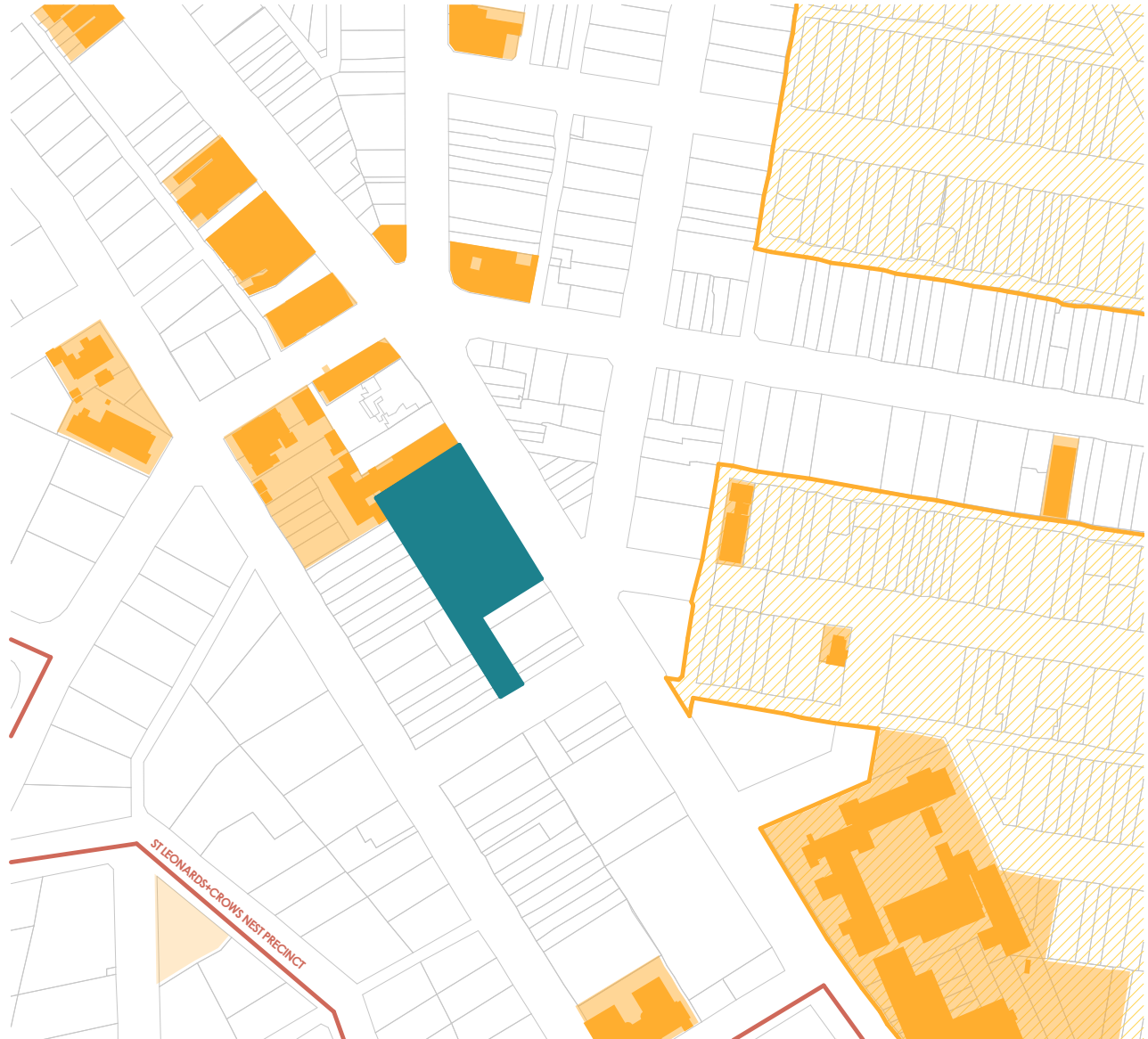
TREE CANOPY

SITE

PROJECT
NORTH





PROJECT NORTH 

CONTROLS ANALYSIS

LAND ZONING

The site is located in a Mixed Use Zone (B4) along Pacific Highway and in close proximity of the heart and vibrancy of Crows Nest village.

The site has a total area of 3,793 m² in single ownership and it is located between the future Crows Nest metro station to the north and the existing health and education precinct to the south, making it a prime site to promote employment growth in the Crows Nest and Mater Hospital area as intended in the 2036 Plan.

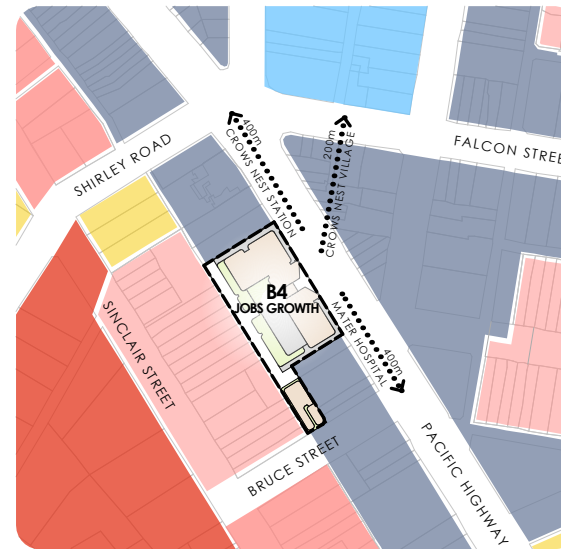
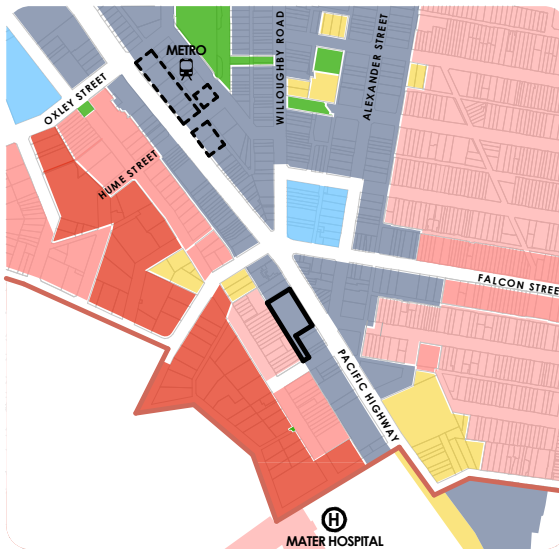
The 2036 Plan aims for 1950 to 3020 new jobs in the Crows Nest area and a further 700 to 1440 in the Mater Hospital, of which some can be supported by adjacent sites along the Pacific Highway corridor.

OUTCOME

Commercial and health related uses to promote employment growth in Crows nest area as envisaged by the 2036 Plan.

COMPLIES ✓

- B1: NEIGHBOURHOOD CENTRE
- B4: MIXED USE
- B3: COMMERCIAL CORE
- R2: LOW DENSITY RESIDENTIAL
- R3: MEDIUM DENSITY RESIDENTIAL
- R4: HIGH DENSITY RESIDENTIAL
- SP2: INFRASTRUCTURE
- RE1: PUBLIC RECREATION
- 2036 DRAFT PLAN ZONING CHANGE AREA



HERITAGE+CONSERVATION

The site is in close proximity of various heritage listed items and conservation areas. To the east, at the corner of Emmett and Alexander lanes, is the edge of the Holtermann Estate C. To the north the Former Gas Co adjoins the site and in the corner of Shirley Road and Pacific Highway is the Former National Australia Bank.

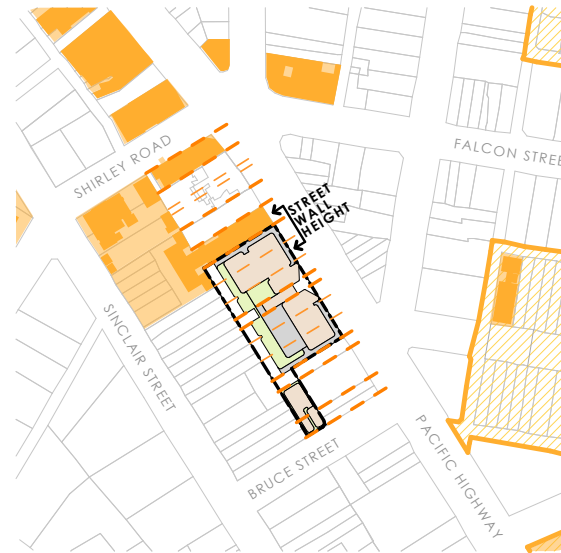
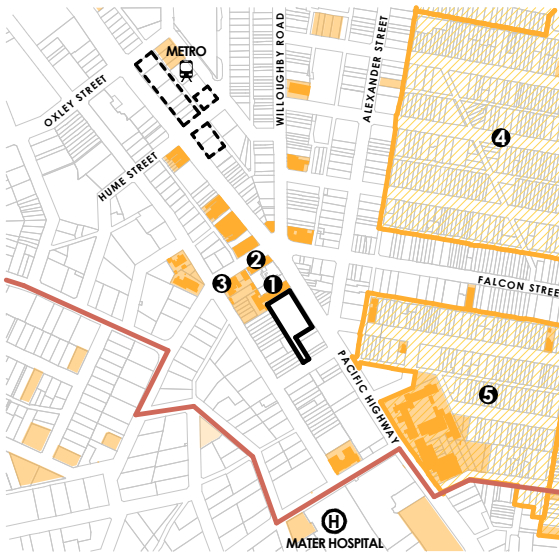
The proposed development will consider the surrounding heritage fabric, in particular, those adjoining the site to ensure a sensitive built form that addresses the existing street height wall and fine grain.

OUTCOME

Podium to be defined by the heritage street height alignment and fine grain.

COMPLIES ✓

- FORMER NORTH SHORE GAS COMPANY ①
- FORMER NATIONAL AUSTRALIAN BANK ②
- CROWS NEST FIRE STATION ③
- HOLTERMANN ESTATE B ④
- HOLTERMANN ESTATE C ⑤
- HERITAGE LISTED SITE
- CONSERVATION AREA
- PROJECT NORTH



2036 PLAN

PROPOSED

MOVEMENT

The site is well serviced by public transport being located on Pacific Highway and 400m from the future Crows Nest metro station.

Existing pedestrian and bike routes are proposed to be improved in the 2036 Plan with better links across Pacific Highway and new shared zones along Pacific Highway to the new station.

To take advantage and complement the vision of the draft plan, the new development will consider an articulated street frontage to improve pedestrian movement along the site and will provide a new end of trip facility to promote the use of the bike as a mode of transportation. The new development will also consider reducing the existing parking rate to reduce dependency on private transport.

OUTCOME

Articulated street frontage to improve pedestrian safety, Reduce existing control's parking rates to minimise private transport dependency, and Provide new EOT to promote bike use and public transport.

COMPLIES ✓

LANDSCAPE

The site is in close proximity of three landscaped pockets classified as RE1 (public recreation). Two are located west of the site on Sinclair Street and one is on the east on Hayberry Street.

Existing tree planting along Pacific Highway and the site is scattered but the draft plan envisages improving the existing conditions.

The new development will respect its surroundings by creating a built form that won't cast extra shadows over any of the existing RE1 zones between the hours of 10am and 3pm.

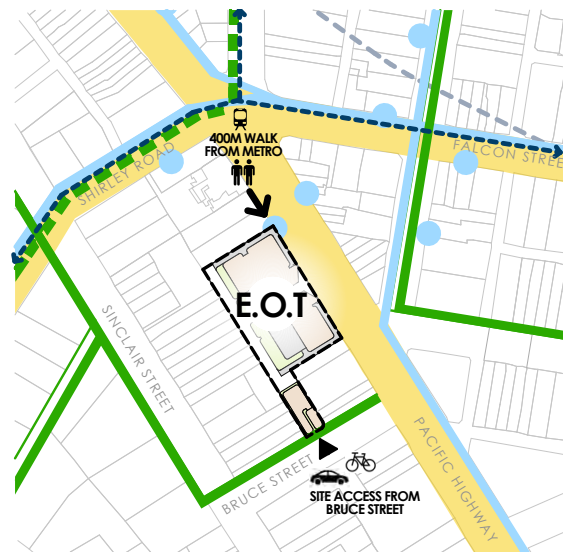
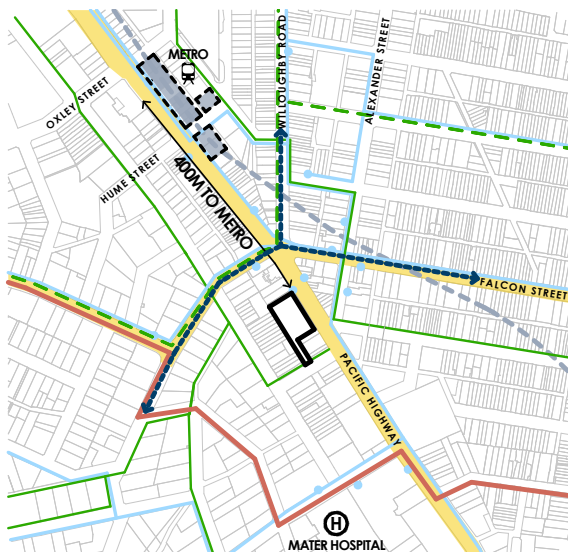
To improve the overall amenity of the area, the new development will provide a public accessible landscaped podium roof top that will provide a protected environment from the busy Pacific Highway.

OUTCOME

Retain and or improve street planting along Pacific Highway, No overshadowing of adjacent RE1 zones, and Landscaped podium roof will improve amenity and provide a public accessible space for the wider community.

COMPLIES ✓

- EXISTING PEDESTRIAN LINK
- NEW OR IMPROVED CYCLE INFRASTRUCTURE
- EXISTING CYCLE INFRASTRUCTURE
- BUS STOP
- BUS ROUTE
- MAIN ROAD
- METRO LINE



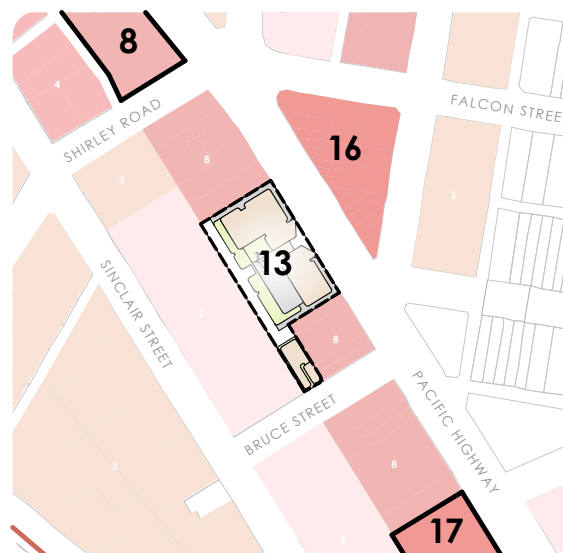
- PROPOSED OPEN SPACE
- RE1 ZONE
- TREE LINED GREEN STREET
- EXISTING TREE CANOPY
- PROJECT NORTH



PROPOSED



PROJECT NORTH 2036 PLAN



PROPOSED

HEIGHT OF BUILDINGS

The 2036 plan envisages two clusters of high density where the new station will be located and a transition in height away from Pacific Highway and towards low density areas.

Based on the 2036 Plan, the site has a height of 13 storeys and is in close proximity of 17 to 27 storeys buildings to the north (metro station) and a 17 storey building to the south (220 Pacific Highway). Directly east is the Five Ways site identified as 16 storeys.

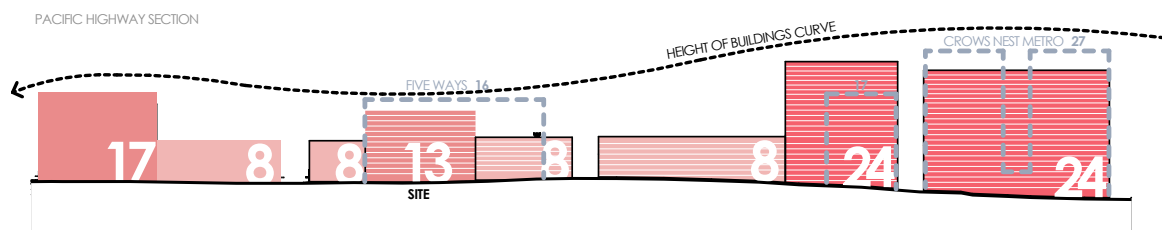
The 2036 plan vision of transitioning the height away from the Crows Nest Metro Station is compromised by existing conditions (17 storey building at the southern end of the precinct). Considering the above and the site's unique conditions (size, location and land use), we believe a building of similar scale to the tall buildings in the precinct could be accommodated along the Pacific Highway ridge line and opposite the significant site of Five Ways.

A taller building that meets view sharing requirements can be accommodated in the site without overshadowing residential areas outside the precinct's boundary, heritage conservation areas, and RET zones.

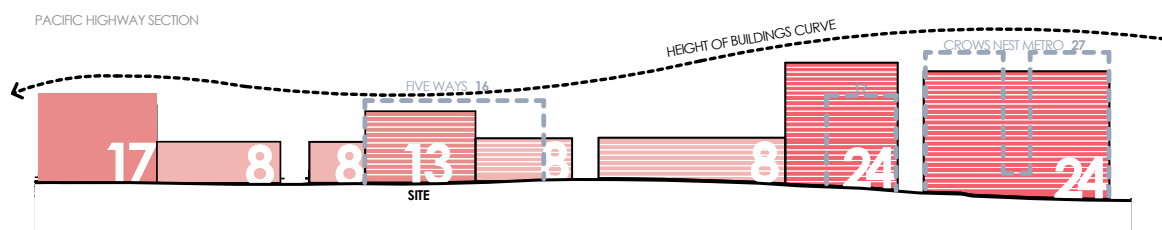
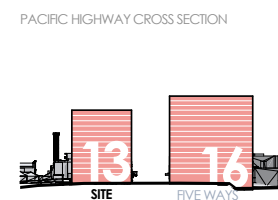
OUTCOME

Proposed 11 "full" storeys + 2 "terraced" storeys is respectful of the solar access goals, aligns with the 2036 Plan intentions, and creates a built form that better responds to future and existing conditions, including the future Five Ways height to create a Gateway to the Precinct.

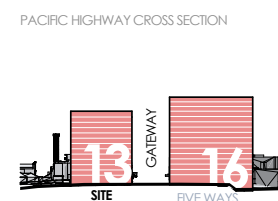
COMPLIES ✓

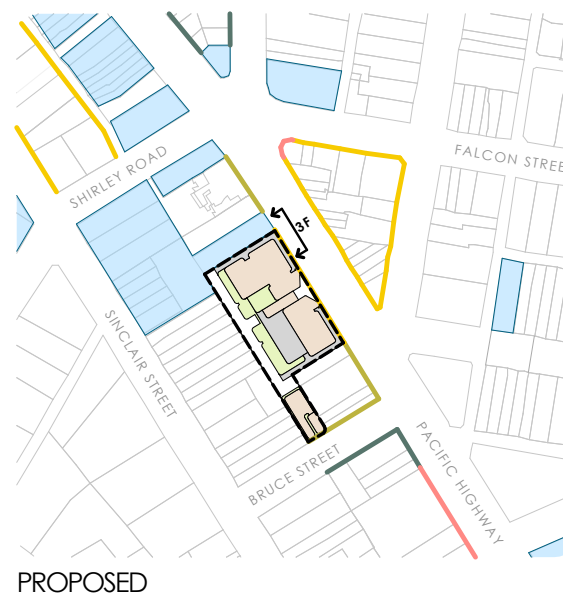
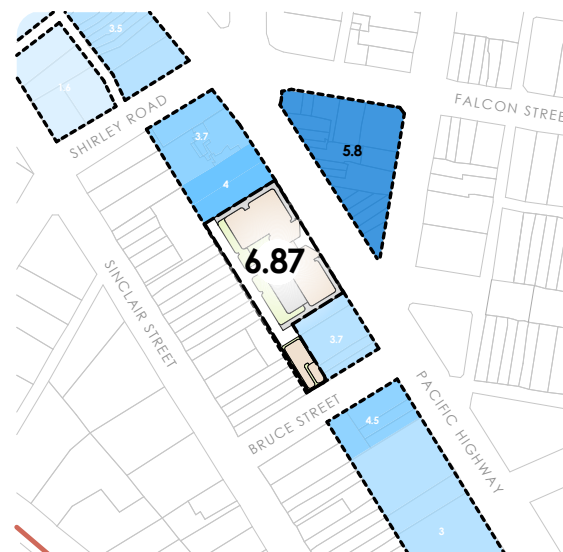
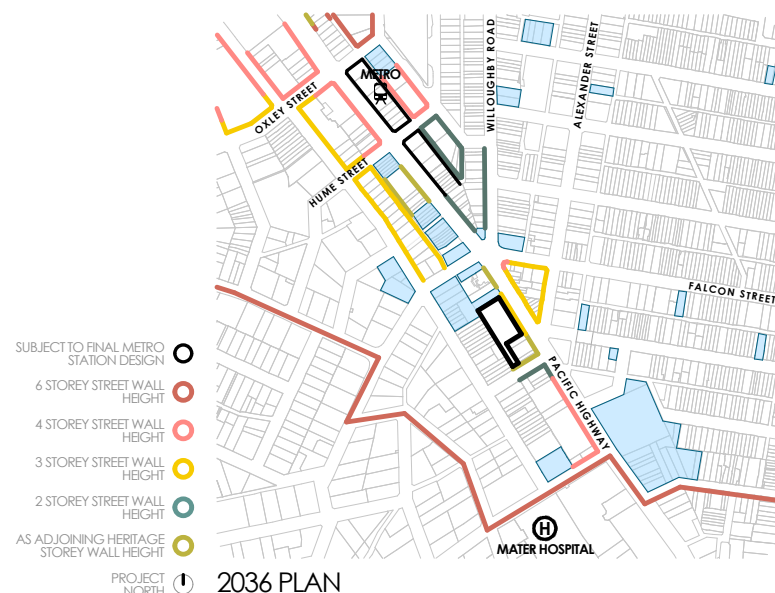


2036 PLAN



PROPOSED





FSR

The 2036 Plan proposes an FSR of 5.6:1 with minimum non-residential FSR of 5.6, locking the site's potential future development. Directly opposite the site is the five ways precinct with an FSR of 5.8 and in close proximity, there are sites with FSRs that vary between 6.5:1 and 11.5:1.

Considering the site's close proximity to the future Crows Nest station, the Five Ways "Special Precinct" and Mater Hospital, it's important that the planning controls allow the site to reach it's full development potential. The site is one of the biggest singled-own in the area, well serviced by road infrastructure and public transport, conveniently located close to the existing education and health facilities which will be attractive to new workers on site, and will contribute to the employment growth in the area as envisioned by the plan.

An increased FSR for the site (6.87:1) would make the future redevelopment of the site feasible and would satisfy the overshadowing and view sharing requirement. The new FSR would result in a built form that is more consistent with the Pacific Highway streetscape and specifically, the buildings located around the new metro station.

OUTCOME

Proposed 6.87:1 FSR to create a built form that is more in keeping with the density and employment growth envisaged for the area by the 2036 Plan.

STREET WALL HEIGHTS

The 2036 Plan identifies the site's street wall height as 3 which matches the neighbouring heritage street wall height.

The site is adjoined to the north by a 2 storey heritage-listed Former North Shore Gas Co., (equivalent to a 3 storey podium) and to the south by a residential building with a 4 storey street wall height. The proposed development aims to address the existing conditions by creating an articulated podium that respects the scale and fine grain of the existing heritage listed item.

OUTCOME

Articulated podium that addresses the heritage street wall height to the north.

COMPLIES ✓

SETBACKS + SOLAR HEIGHT PLAN

STREET SETBACKS

The site is identified in the 2036 Plan's Built Form Street Setback map as having a 0m street setback facing Pacific Highway.

The proposed development responds to the control by creating a podium and tower built to the street boundary (Pacific Highway - 0m setback). The two components are separated by a recessed floor set by the heritage street height of the Former Northshore Gas Co. creating a shadow gap between the two volumes.

The podium is proposed to be built to the boundary on 3 sides except facing west where a 6m setback is proposed to maintain a level of privacy and amenity to the existing neighbouring properties. The tower takes a similar approach, but with a 3m setback to the north and south to minimise constraints of potential developments on neighbouring sites. As per the podium, a 6m setback is proposed to the west with terraced top floors to respond to the solar height plane controls.

OUTCOME

Podium - 0m street setback to Pacific Highway and 6m to the rear

Tower - 3m street setback to Pacific Highway, 3m on sides, and 6m to the rear

COMPLIES ✓

SOLAR HEIGHT PLANE

The site is in proximity of a couple of smaller Public Open Spaces (RE1) along Sinclair Street, the precinct's Outside Boundary to the south and west, and the Conservation Area (Haltermann Estate C) to the southeast.

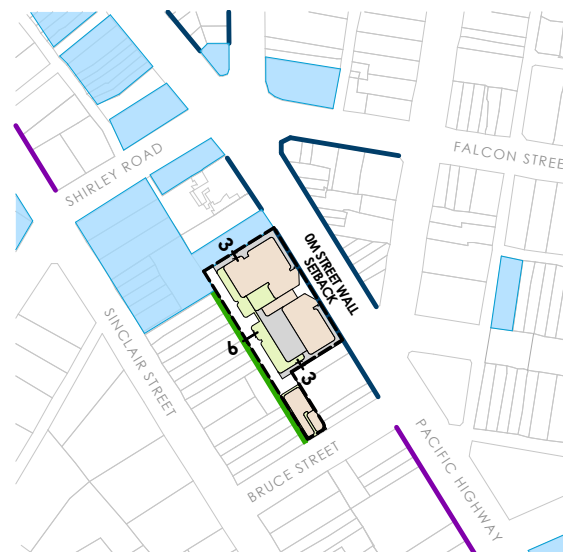
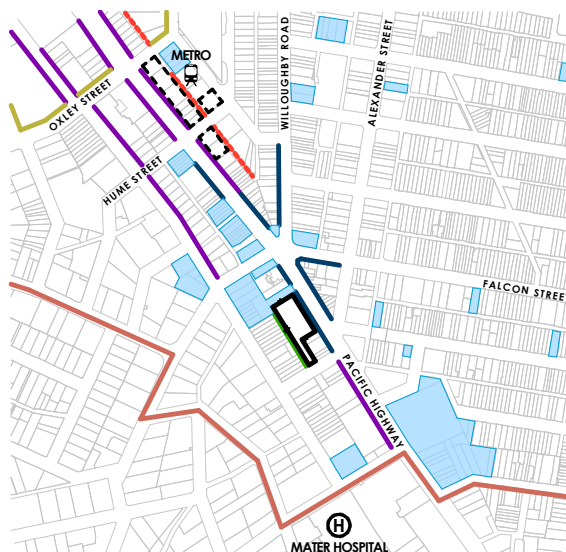
The proposed massing considered the solar access constraints and resulted in an articulated volume that is terraced to the west to avoid overshadowing the residential areas outside the boundary and has its highest point to the north to avoid overshadowing the conservation areas. Due to the site's location, there is no possible overshadowing of any of the protected streetscapes and public open spaces.

OUTCOME

No overshadowing of residential inside Conservation Areas, Outside Boundary, protected Streetscapes and Public Open Spaces.

COMPLIES ✓

- 6M SETBACK ●
- 5M SETBACK ●
- 3M SETBACK ●
- 0M SETBACK ●
- 1M REVERSE SETBACK ●
- HERITAGE ●

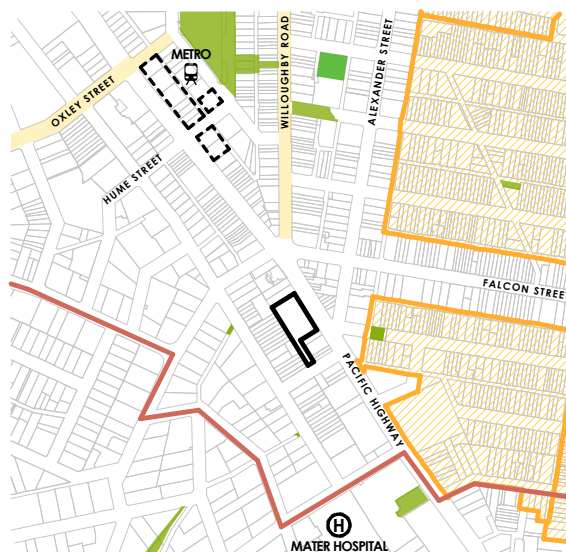


SOLAR ACCESS
Public Open Space 10am to 3pm
Christie Park, Newlands Park, St Leonards South, Propsting Park, Hume Street Park, Ernest Place, Gore Hill Oval and Talus Reserve

Streetscape 11:30am to 2:30pm
Mitchell Street, Oxley Street and Willoughby Road

Residential areas 9am to 3pm
Residential areas inside boundary (for at least 2 hours), Heritage Conservation areas inside boundary (for at least 3 hours) and Residential outside boundary (for the whole time between 9am and 3pm)

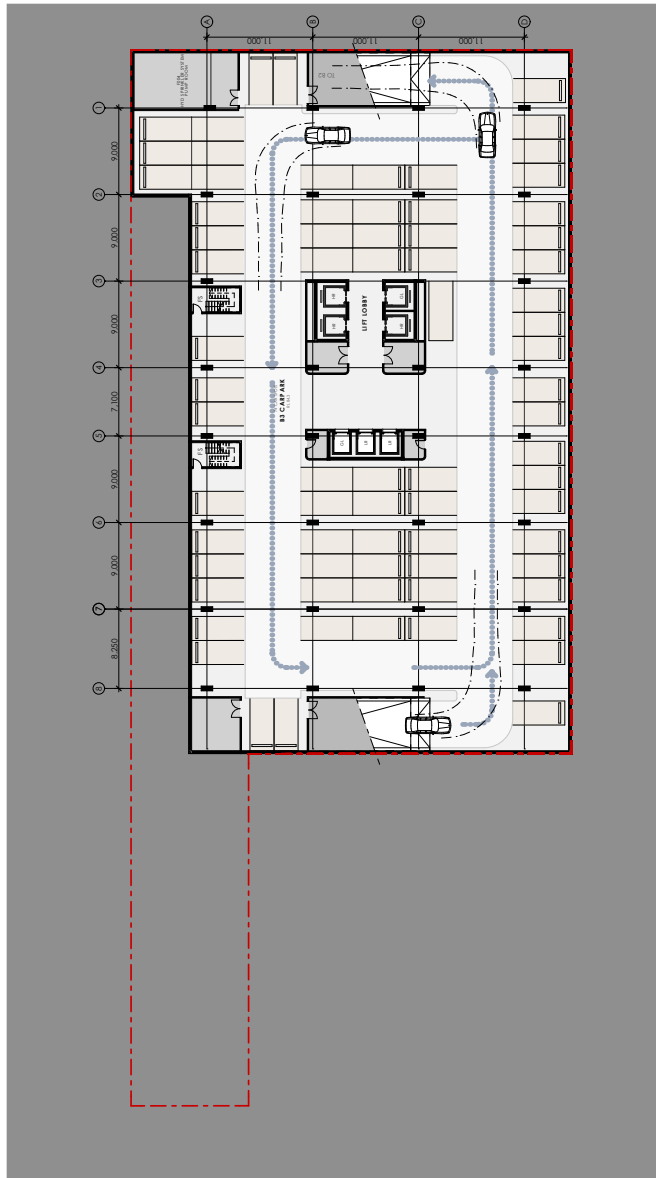
- POTENTIAL OPEN SPACE ●
- RE1 ZONE ●
- CONSERVATION AREA ●
- PROJECT NORTH



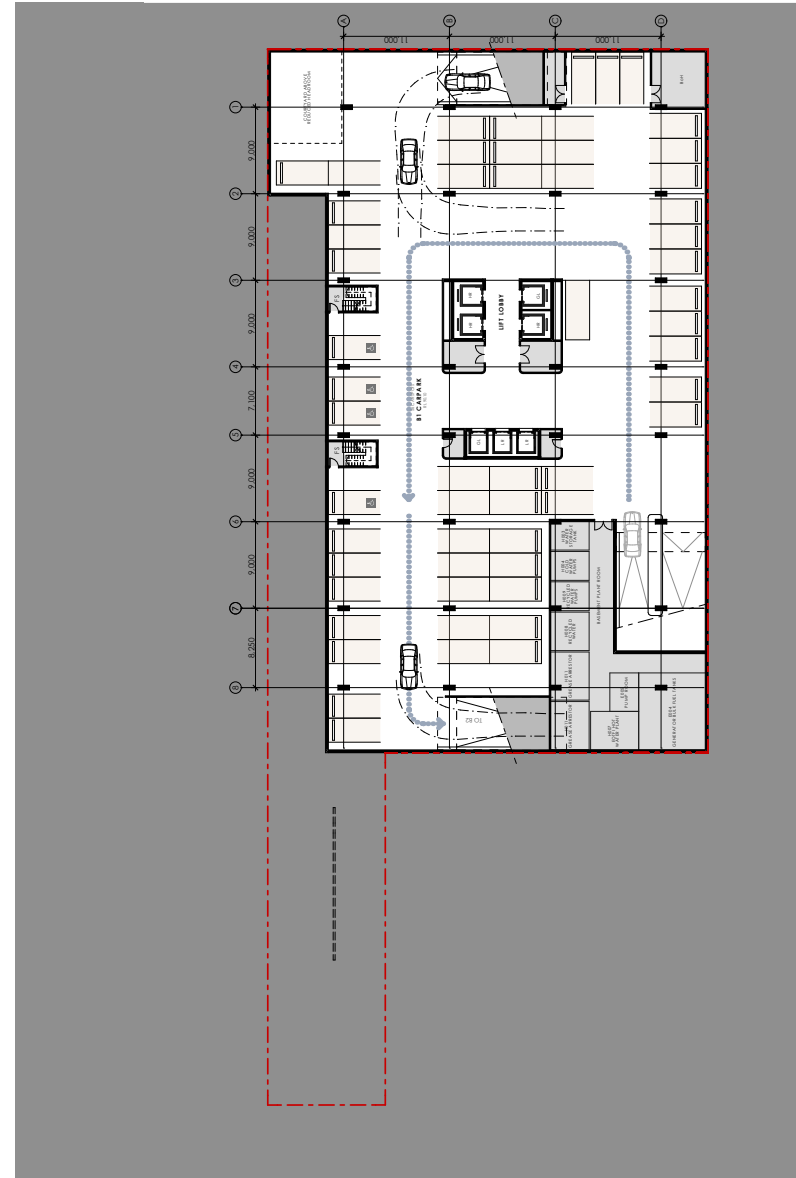
2036 PLAN

PROPOSED

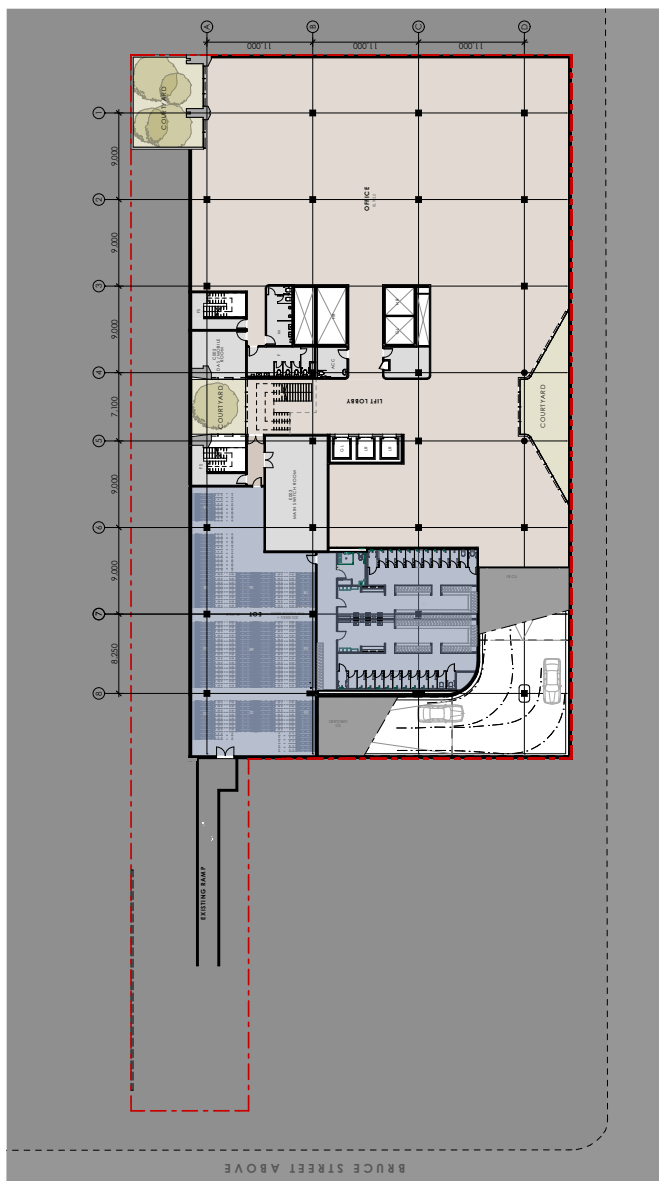
PLANNING STUDY



BASEMENT 03+02
Parking for 74 cars on B3 and 72 cars on B2

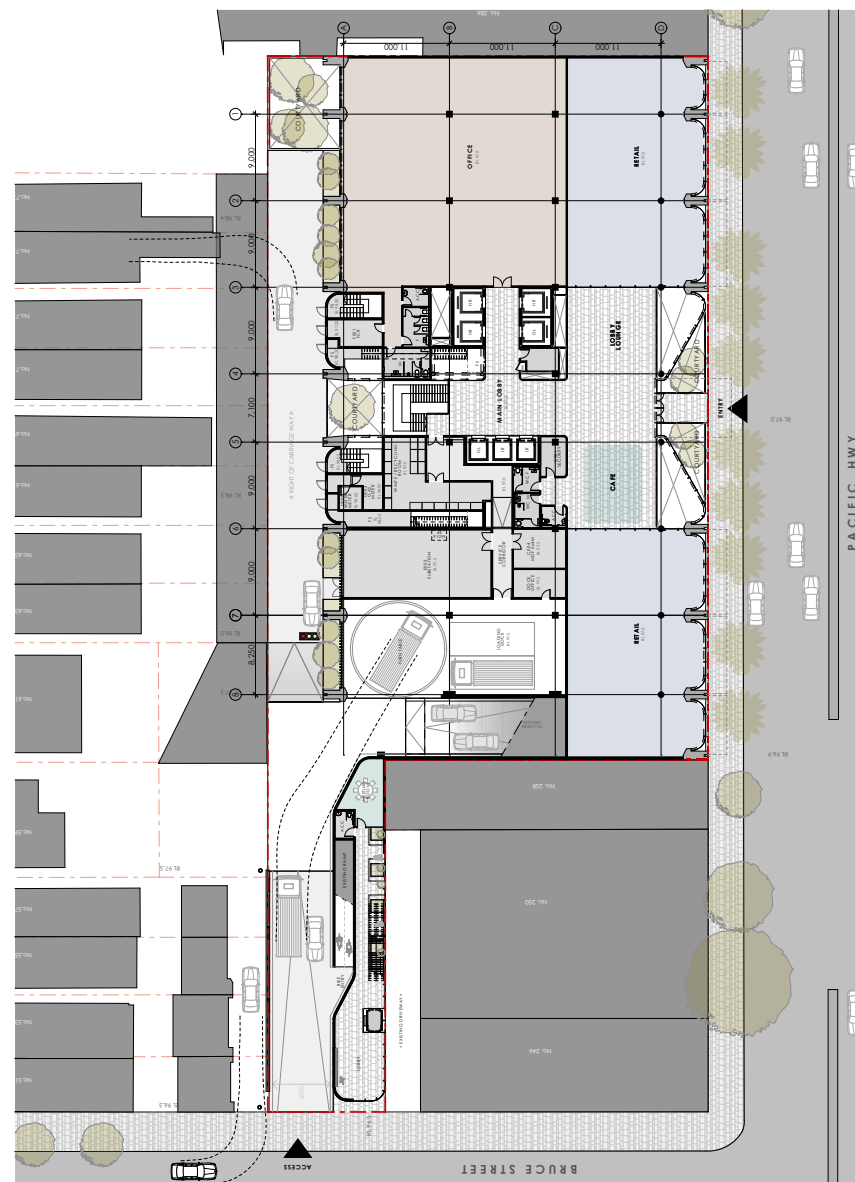


BASMENT 01
Parking for 56 cars



LOWER GROUND

End of Trip Facilities, Tenant Space, NLA: 1505 M²

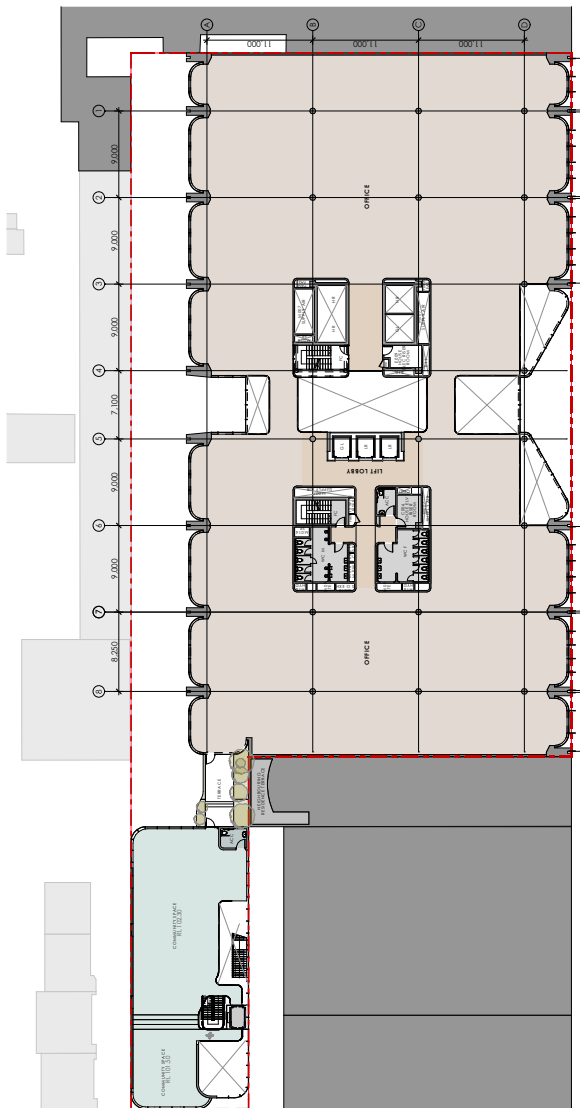


GROUND

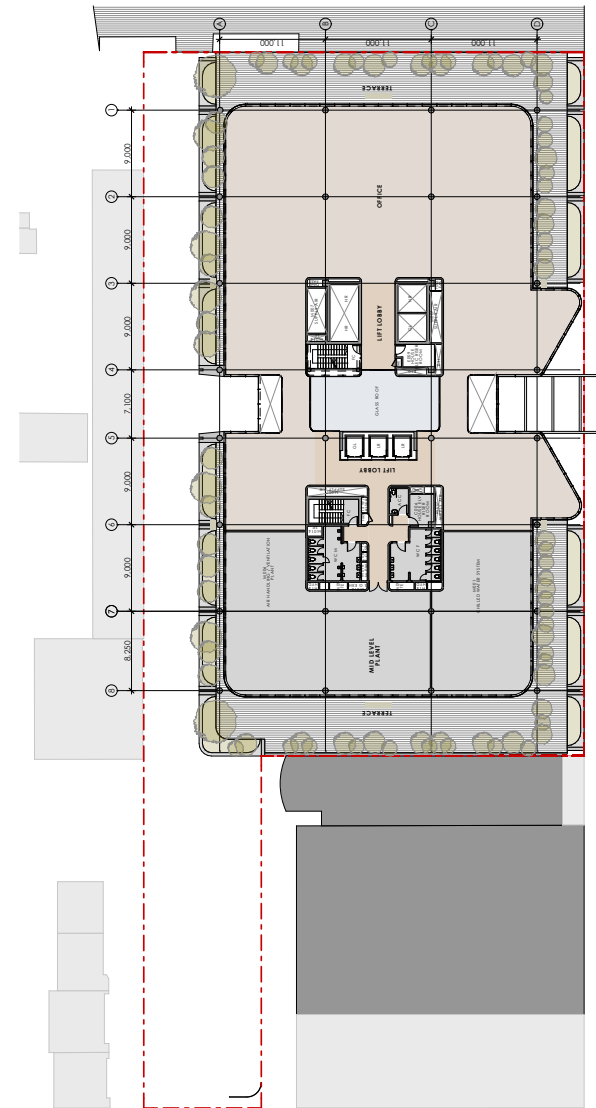
Main access off of Pacific Highway, Lobby with Cafe, Retail, Tenant Space Main Building, NLA: 1296M²,
Parking and Loading Entry off of Bruce Street, Tenant Space Small Building, NLA: 74M²

MR, **270**
1:500

SIFIC HIGHWAY 17
CONCEPT PLANNING

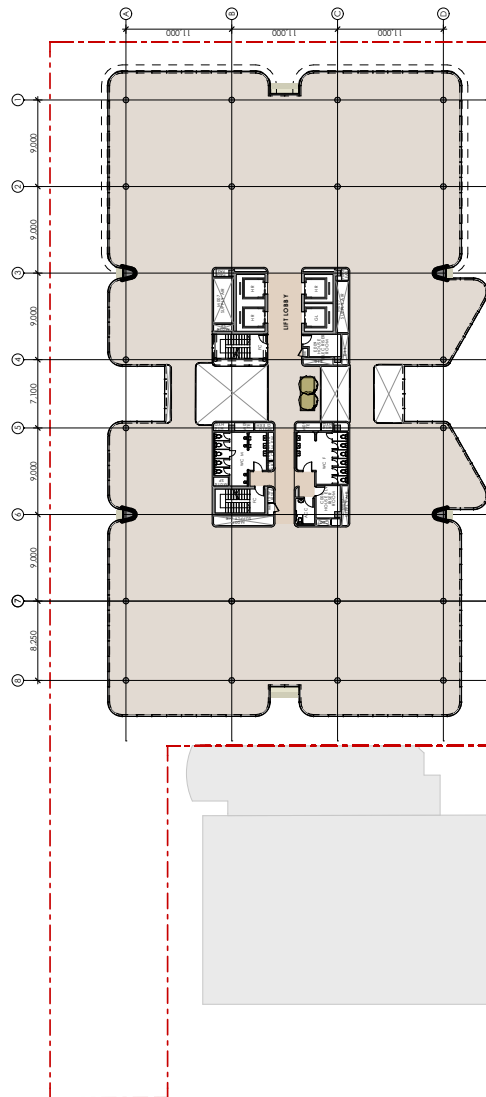


TYPICAL PODIUM FLOOR (L1)
Tenant Space Main Building, NLA 2096 M², Tenant Space Small
Building, NLA 258 M²

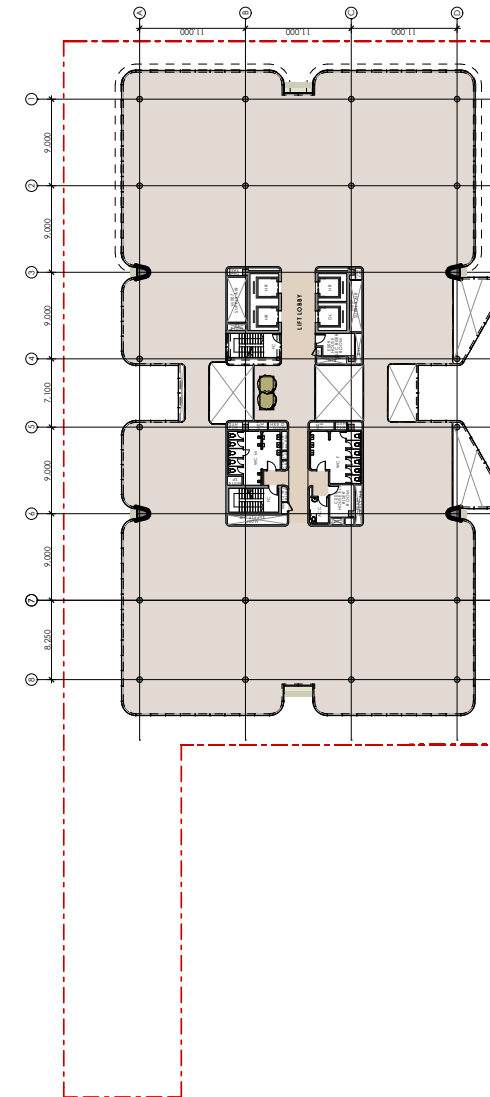


LOW PODIUM ROOF TOP (L3)
Tenant Space, NLA 989M²

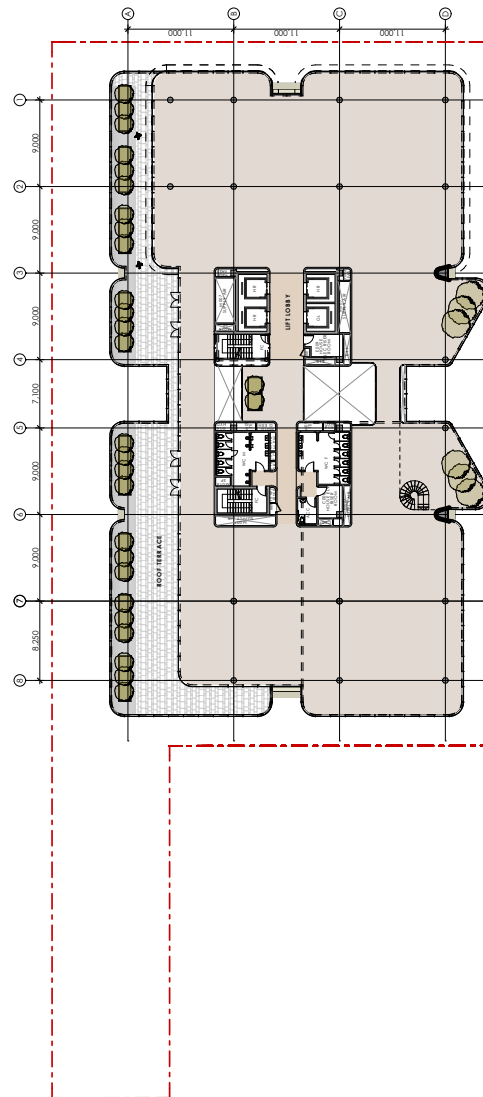
TYPICAL TOWER FLOOR PLANS



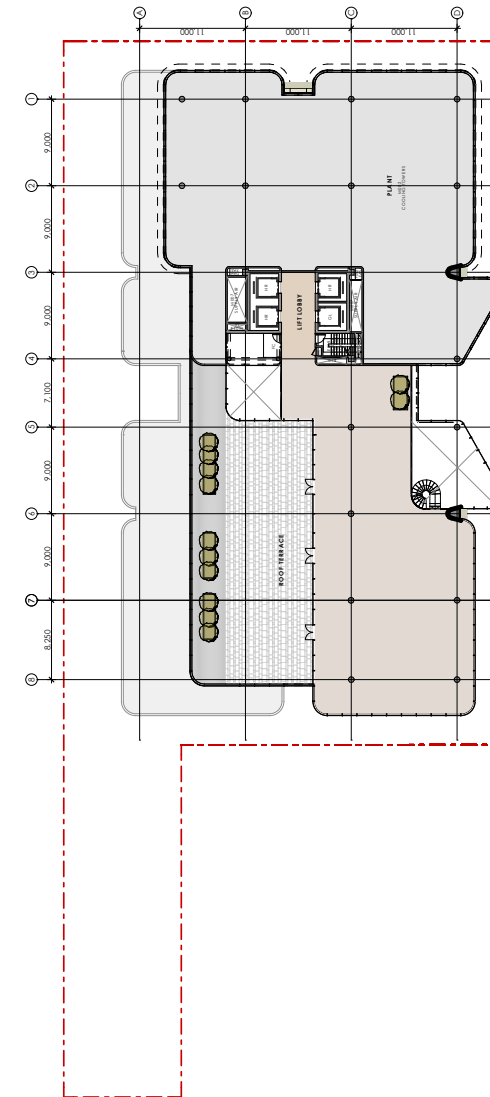
TYPICAL TOWER FLOOR (WITH PLANTER)
Tenant Space, NLA 1922M²



TYPICAL TOWER FLOOR (WITH BALCONY)
Tenant Space, NLA 1872 M²



LEVEL 11 (LAST FULL OFFICE FLOOR)
Tenant Space + Terrace, GFA 1696 m² NLA 1551 m²



LEVEL 12 (TOP FLOOR)

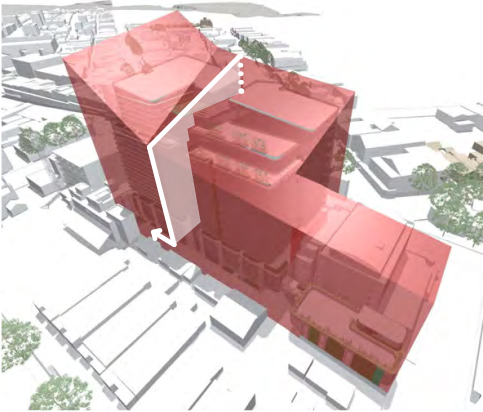
Plant, Tenant Space connected to level below + Terrace, GFA 534M², NLA 522 M²

VR **270**
 **1:500**

270 PACIFIC HIGHWAY 20

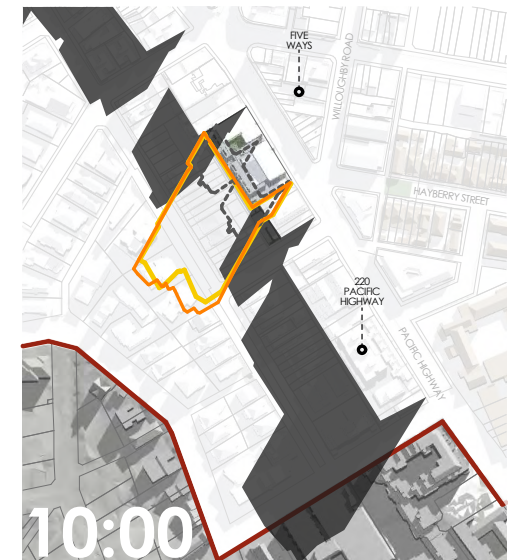
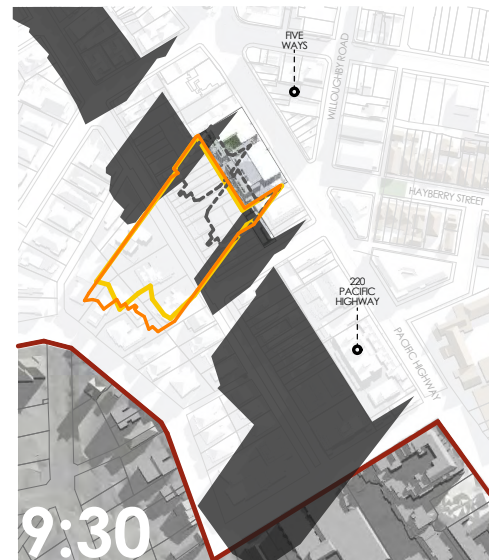
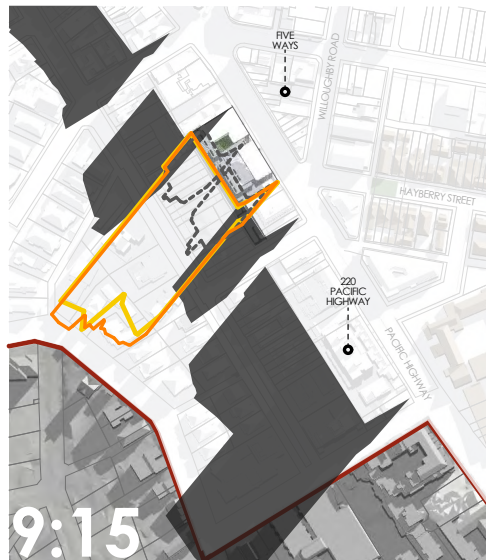
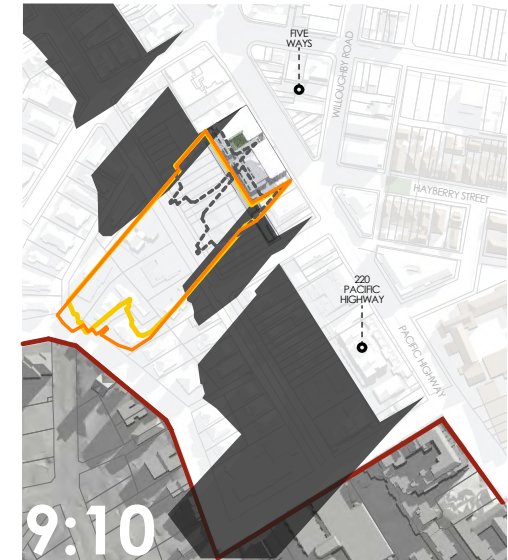
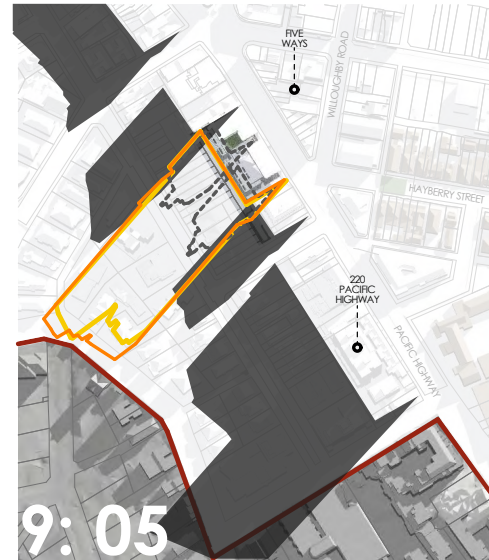
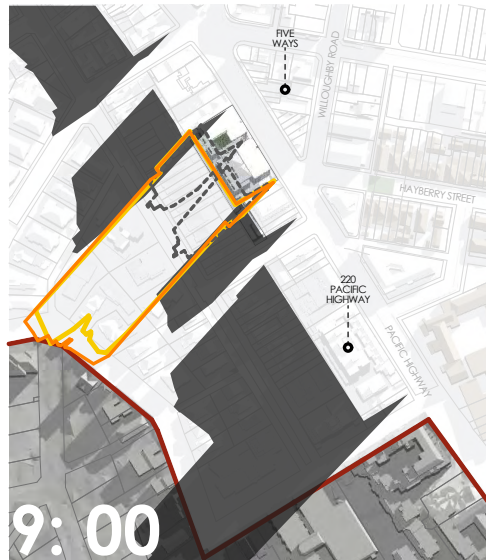
CONCEPT PLANNING

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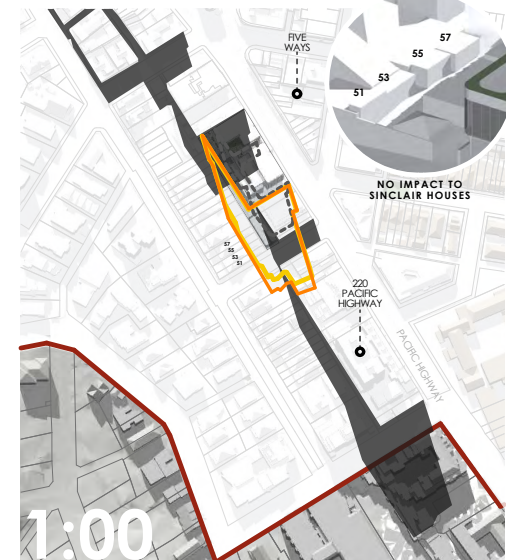
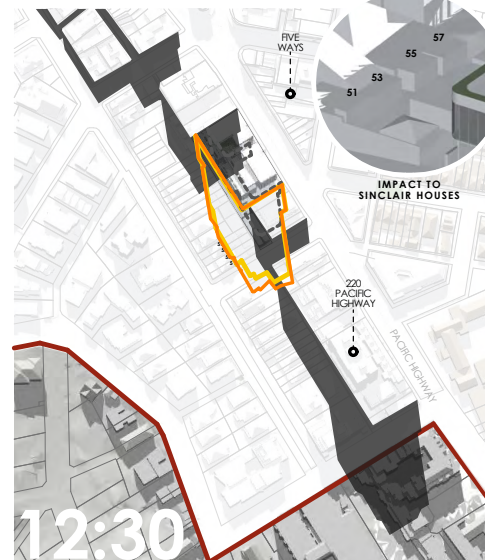
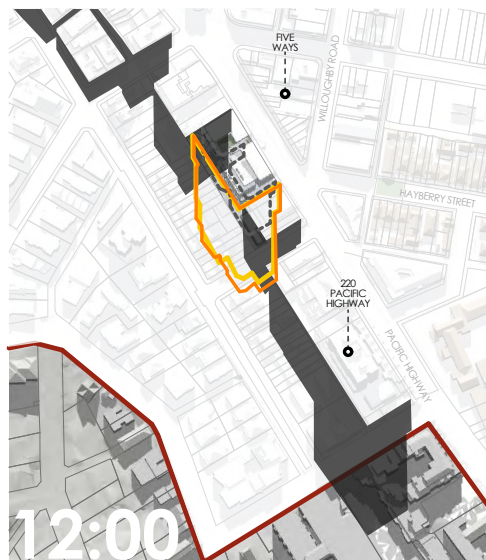
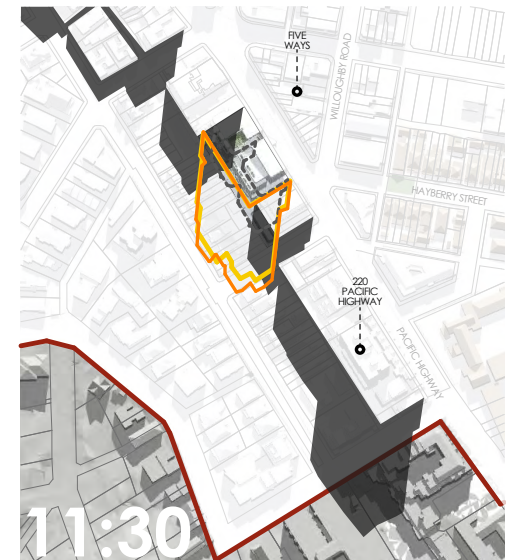
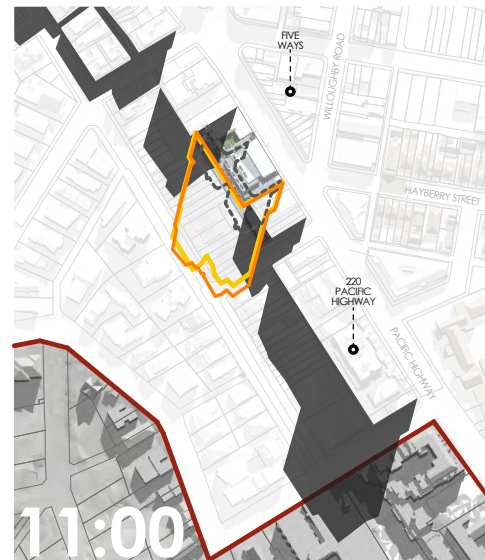
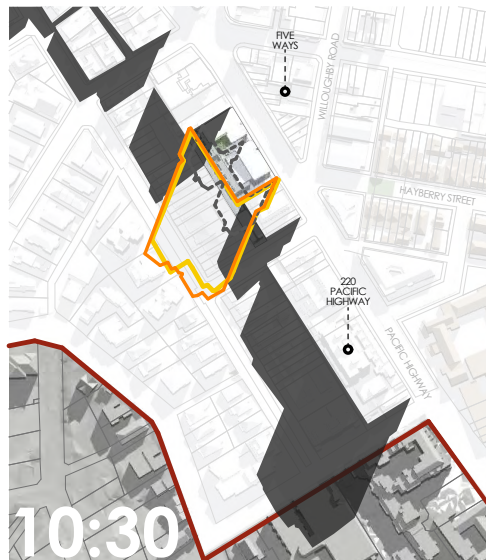


SHADOWS STUDY

9:00 - 10:00 WINTER SOLSTICE SHADOWS

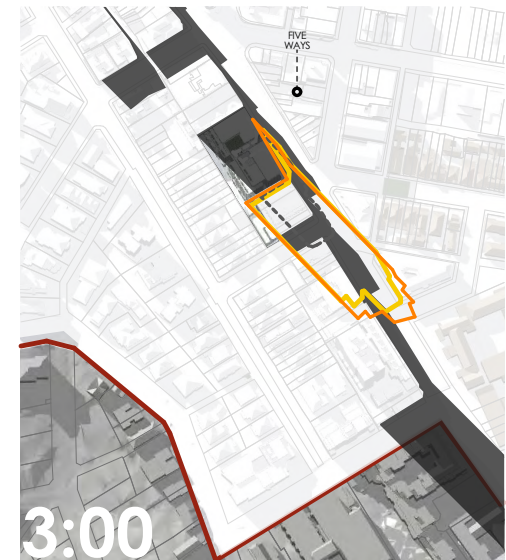
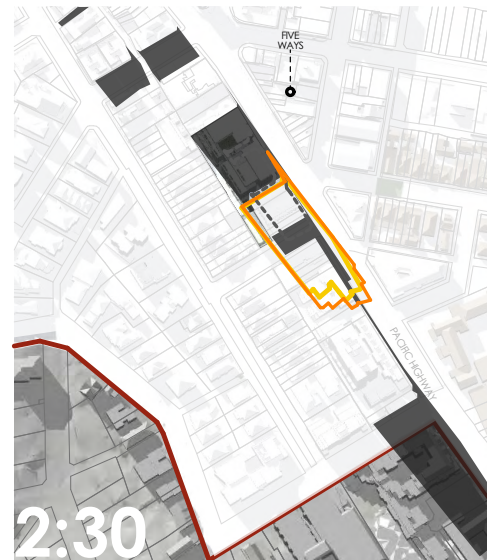
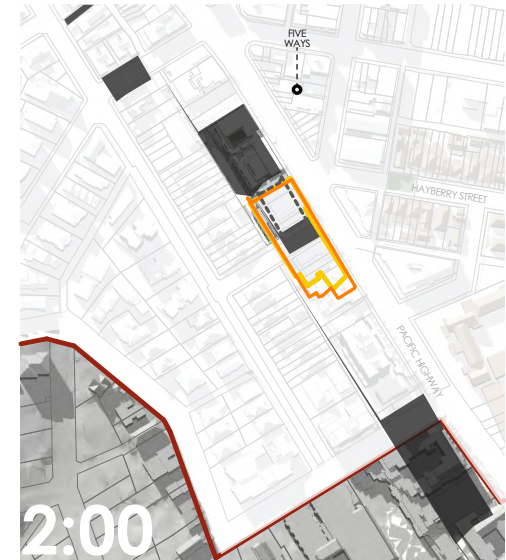
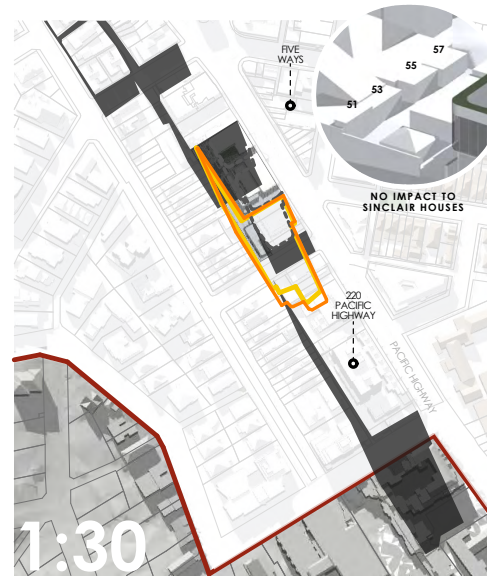


- EXISTING BUILDING SHADOW
- HEIGHT COMPLIANT (13 STOREYS, 6.3 FSR)
- HEIGHT+FSR COMPLIANT (13 STOREYS, 5.6 FSR)
- 2036 HEIGHTS SHADOWS



- EXISTING BUILDING SHADOW
- HEIGHT COMPLIANT (13 STOREYS, 6.3 FSR)
- HEIGHT+FSR COMPLIANT (13 STOREYS, 5.6 FSR)
- 2036 HEIGHTS SHADOWS

1:30 - 3:00 WINTER SOLSTICE SHADOWS



- EXISTING BUILDING SHADOW 
- HEIGHT COMPLIANT (13 STOREYS, 6.3 FSR) 
- HEIGHT+FSR COMPLIANT (13 STOREYS, 5.6 FSR) 
- 2036 HEIGHTS SHADOWS 

STREETSCAPE VIEWS STUDY



VIEW 01 - PACIFIC HIGHWAY NORTH



VIEW 02 - HAYBERRY STREET



VIEW 03 - PACIFIC HIGHWAY (SOUTH)



VIEW 04 - WILLOUGHBY ROAD



VIEW 05 - CORNER OF SHIRLEY RD & SINCLAIR ST



VIEW 06 - CORNER OF SINCLAIR & BRUCE STREETS

SCHEDULE OF AREAS

UPDATED SCHEME
(13 STOREYS, NO OVERSHADOWING AT ALL TO OUTSIDE BOUNDARY)

Project Title / Address 270-272 Pacific Highway, Crows Nest

Document	
Issue	D
Date	16/03/2021
Prepared by	MM
Checked by	PR

Site	
Site Area	3,796m ²
Allowable FSR	5.6
FSR excl lower ground & Bruce Street	6.34:1
Proposed FSR total	6.87:1
Allowable GFA	21,258m ²
GFA excl lower ground & Bruce Street	24,052m ²
Proposed GFA	26,049m ²
Allowable Height	13 Storeys
Proposed Height	13 Storeys
Total height above ground	59.00m

Level	Use	RL (m)	Floor-to-Floor (m)	GBA (sqm)	GFA* (sqm)	NLA* (sqm)	GBA/GFA (%)	GFA/NLA (%)	Comments
Roof	Roof Parapet	156.00							
Level 12	Commercial+ Tall Plant	143.50	6.00	1,822	534	522	29%	98%	
Level 11	Commercial	139.80	3.70	2,390	1,696	1,551	71%	91%	
Level 10	Commercial	136.10	3.70	2,390	2,029	1,865	85%	92%	
Level 9	Commercial	132.40	3.70	2,390	2,102	1,952	88%	93%	
Level 8	Commercial	128.70	3.70	2,390	2,025	1,866	85%	92%	
Level 7	Commercial	125.00	3.70	2,390	2,082	1,923	87%	92%	
Level 6	Commercial	121.30	3.70	2,390	2,031	1,872	85%	92%	
Level 5	Commercial	117.60	3.70	2,390	2,082	1,922	87%	92%	
Level 4	Commercial	113.90	3.70	2,390	2,025	1,865	85%	92%	
Level 3	Commercial / Plant	109.40	4.50	2,080	1,195	989	57%	83%	
Level 2	Commercial	105.70	3.70	2,840	2,306	2,097	81%	91%	7sqm on Bruce Street
Level 1	Commercial	102.00	3.70	3,130	2,571	2,354	82%	92%	269sqm on Bruce Street
Ground	Lobby / Commercial / EOT / Loading	97.00	5.00	2,910	1,776	1,370	61%	77%	133sqm on Bruce Street
Lower Ground	Commercial	93.00	4.00	3,030	1,595	1,505	53%	94%	
Basement 1	Parking	90.10	2.90	3,003					
Basement 2	Parking	87.20	2.90	3,003					
Basement 3	Parking	84.30	2.90	3,003					
202 spaces									
			52.5m	34,932m ²	24,052m ²	21,816m ²	69%	91%	
					26,049m ²	23,833m ²			

Notes

- 1) Area schedule is a draft and subject to review and update with design development Authority for a project.
- 2) GBA for basement levels not included in the overall calculations

Definitions

Gross Floor Area	Net Lettable Area
GFA is typically defined by the relevant Planning Authority for a project.	NLA as defined by PCA Method of Measurement 2008.
GFA is measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor.	NLA means the sum of its whole floor lettable area and is measured by the internal finished surfaces of permanent internal walls and internal finished surfaces of dominant portions of the permanent outer building walls.



11 August 2021

Confidential

Mr Kenneth Gouldthorp
General Manager
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059

By email: council@northsydney.nsw.gov.au
marcelo.occhiuzzi@northsydney.nsw.gov.au

Attention: Mr Marcelo Occhiuzzi

Dear Mr Gouldthorp

Letter of offer: Proposed planning agreement in relation to 270-272 Pacific Highway Crows Nest, SP49574

We act for Silvernight (Landowner) Crows Nest Pty Ltd and The Owners – Strata Plan No 49574 (**our clients**).

Our clients are (respectively) the owners of all of the lots within SP49574 and the common property of that scheme. This accounts for the totality of the land within the parcel known as 270-272 Pacific Highway Crows Nest (**the site**).

This is an offer to enter into a planning agreement.

The offer relates to a planning proposal seeking a change to planning controls for the site.

Detail

1. Mandatory matters — section 7.4(3) of the EP&A Act

- 1.1 The *Planning agreements: Practice Note — February 2021*, published by the Department of Planning, Industry and Environment (**the practice note**), requires (in section 4.2) that this offer:

Outline in sufficient detail the matters required to be included in a planning agreement as specified in s7.4(3) of the ... [*Environmental Planning and Assessment Act 1979* (**the EP&A Act**)] to allow proper consideration of the offer by the planning authority.

A description of the land to which the agreement would apply — section 7.4(3)(a)

- 1.2 The site (that is, all of the land held within SP49574).

A description of the change to the environmental planning instrument to which the agreement would apply— section 7.4(3)(b)

- 1.3 Any change to an environmental planning instrument (insofar as it applies to the site) such that:
- (a) the maximum height of buildings for the site is 59 metres (and, in any event, sufficient to permit 13 commercial storeys, including plant) — up from the current 16 metres;

- (b) the maximum floor space ratio for the site is 6.02:1, but only if the floor space ratio of the part of the building that is above the ground level of the building at the Pacific Highway frontage:
 - (i) does not exceed 5.6:1; and
 - (ii) any additional gross floor area above 5.6:1 is used for non-residential purposes,
 (there is no current maximum floor space ratio);
- (c) the minimum non-residential floor space ratio for the site is 5.6:1 (currently 0.5:1)
- (d) no change to the current 'B4 Mixed Use' zoning; and
- (e) there are no other new or amended provisions of the local environmental plan (when compared with what was in place on the date of this letter) that would have the practical effect of preventing the realisation of a commercial premises (within the meaning of the *North Sydney Local Environmental Plan 2013 (the LEP)*) of the height, bulk and scale anticipated by the above numerical constraints on the site.

A description of the development to which the agreement applies — section 7.4(3)(b)

- 1.4 The development of commercial premises (within the meaning of the LEP) of the height, bulk and scale anticipated by the above numerical constraints on the site.

The nature and extent of the provision to be made by the developer under the agreement, the time or times by which the provision is to be made and the manner by which the provision is to be made — section 7.4(3)(c)

- 1.5 The development contribution would be monetary contribution of \$1.5 million (approximately \$950 per square metre of gross floor area actually realised). The contribution would be payable prior to the issue of an occupation certificate.
- 1.6 The key preconditions **before** there is any requirement to provide the contribution would be **all** of the following:
 - (a) The making and commencement of the change to an environmental planning instrument referred to in paragraph 1.3 above.
 - (b) The grant of development consent for the development referred to in paragraph 1.4.
 - (c) The issue of a construction certificate under that development consent.

Whether the agreement would exclude (wholly or in part) or would not exclude the application of section 7.11, 7.12 or 7.24 of the PE&A Act to the development — section 7.4(3)(d)

- 1.7 The agreement would not exclude:
 - (a) local infrastructure contributions that are set under a contributions plan (section 7.11);
 - (b) fixed infrastructure contributions that are set outside of a contributions plan (section 7.12); and
 - (c) special infrastructure contributions (section 7.24).

Whether benefits under the agreement would or would not to be taken into consideration in determining a development contribution under section 7.11 of the EP&A Act— section 7.4(3)(e)

- 1.8 The benefits under the agreement are not to be taken into consideration in determining a development contribution under section 7.11 of the EP&A Act.

A mechanism for the resolution of disputes under the agreement— section 7.4(3)(f)

- 1.9 Disputes would not affect or be the subject of a mediation process, before the commencement of any Court proceedings. This would not affect the right of our clients to commence a merit ('class 1') appeal in the Land and Environment Court.

The enforcement of the agreement by a suitable means— section 7.4(3)(g)

- 1.10 The agreement will provide for the enforcement of the agreement by a suitable means as follows:
- (a) the agreement would be registered on the title of the site; and
 - (b) no occupation certificate could be issued prior to the making of a development contribution.
- 1.11 The practice note (which is a mandatory consideration for the Council) says that tying the performance of the developer's obligations to the issuing of construction, subdivision or occupation certificates may provide a suitable means of enforcing the planning agreement (page 14).
- 1.12 The practice note does not anticipate that security will need to be provided unless (in cases such as this one) the developer seeks the release of the occupation certificate before the payment of the contribution. Accordingly, there is no need in this instance for the provision of any other security (and none is offered).

2. Council's planning agreements policy

- 2.1 The practice note also requires that this offer:
- Address in sufficient detail any relevant matters required to be included in an offer as specified in any applicable planning agreements policy published by the planning authority to allow proper consideration by the planning authority.
- 2.2 There are no such matters, beyond those outlined above.

3. Other key terms and conditions

- 3.1 A party would be able to terminate the agreement by giving 42 days written notice to the other party if either:
- (a) the change to an environmental planning instrument referred to in paragraph 1.3 has not been commenced within 12 months of the date of the agreement; or
 - (b) after the change to an environmental planning instrument, it is (or becomes) unlawful for a development consent to be granted for the development set out in paragraph 1.4.
- 3.2 The agreement would have other terms of a not unusual nature that are intended to provide reasonable protection for the legitimate interests of all parties.

4. Acceptance of an offer

- 4.1 This offer may only be accepted:
- (a) after the full text of a planning agreement and explanatory note have been negotiated and agreed;

- (b) after 28 days following the giving of public notice under section 7.5(1) of the EP&A Act; and
 - (c) by means of the formal execution of the formal agreement by all parties.
- 4.2 No legal or equitable rights or obligations arise (for either party) in connection with this offer or the proposed agreement prior to such acceptance being completed.

If you or any Council staff (other than your legal staff) wish to discuss this offer, please contact Padraig Scollard (padraig@keylan.com.au) on 8459 7508 or Dan Keary (dan@keylan.com.au) on 8459 7511.

If your legal representatives have any queries regarding this offer they may contact either Kalinda Doyle on (02) 8035 7918 or me on (02) 8035 7858.

Yours sincerely



Aaron Gadiel
Partner

Accredited Specialist—Planning and Environment Law