

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

June 2022

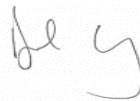


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Abbreviations

Applicant	Silvernight (Crows Nest) Landowner Pty Ltd
CBD	Central Business District
DA	Development Application
DP	Deposited Plan
DPE	Department of Planning 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 first lodged with North Sydney Council (Council) in March 2021 and first revised in August 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 revised Planning Proposal was lodged with Council in August 2021. Following this, the proposal was presented to the North Sydney Local Planning Panel with a recommendation from Council Officers to support the proposal which the Panel endorsed. Despite this, Council resolved to defer consideration of the item in October 2021 and resolved not to support the proposal in February 2022.

In response to delays, the Applicant initiated a Rezoning Review which was considered on 2 March 2022. The Sydney North Planning Panel determined that the proposal should be submitted for a Gateway Determination as it has demonstrated strategic and site-specific merit. However, the panel recommended the proposal be updated to prohibit retail premises in the basement component of the scheme, but permit neighbourhood shops with consent.

Accordingly, the proposal has been revised in response to the Sydney North Planning Panel'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	54m (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,

Planning control	Existing development controls (NSLEP 2013)	St Leonards & Crows Nest 2036 Plan	Proposed development controls
			provided any additional floor space above 5.6:1 is: <ol style="list-style-type: none"> 1. located below ground level 2. comprises non-residential uses 3. does not comprise retail premises (excluding neighbourhood shops)
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 and subsequent advice from the Sydney North Planning Panel, 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 but not retail premises (excluding neighbourhood shops and ancillary development). 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,*
 - (b) *any additional gross floor area above 5.6:1 is used for non-residential purposes; and*
 - (c) *any gross floor area within the part of the building that is below the ground level of the building at the Pacific Highway frontage does not comprise retail premises, excluding:*
 - (i) *neighbourhood shops, and*
 - (ii) *ancillary development (such as parking, storage, utility services access for fire services) for any retail premises that is at or above the ground level of the building at the Pacific Highway frontage.*

*Advisory note: Final wording of the site-specific clause will be drafted by Parliamentary Counsel

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 1.13 – 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 54 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 but not retail premises (excluding neighbourhood shops).

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 and Environment's (DPE) *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 DPE 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 DPE, 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 first lodged with North Sydney Council (Council) in March 2021 and first revised in August 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 revised Planning Proposal was lodged with Council in August 2021. Following this, the proposal was presented to the North Sydney Local Planning Panel with a recommendation from Council Officers to support the proposal which the Panel endorsed. Despite this, Council resolved to defer consideration of the item in October 2021 and resolved not to support the proposal in February 2022.

In response to delays, the Applicant initiated a Rezoning Review which was considered on 2 March 2022. The Sydney North Planning Panel determined that the proposal should be submitted for a Gateway Determination as it has demonstrated strategic and site-specific merit. However, the panel recommended the proposal be updated to prohibit retail premises in the basement component of the scheme but permit neighbourhood shops with consent.

Accordingly, the proposal has been revised in response to the Sydney North Planning Panel's feedback. Assessment within this Planning Proposal only relates to the proposal as amended and does not address the original proposal.

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	54m (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: <ol style="list-style-type: none"> located below ground level comprises non-residential uses does not comprise retail premises (excluding neighbourhood shops)
Non-residential FSR	0.5:1	5.6:1	5.6:1

Table 2: Summary of Planning Proposal

As noted in Table 2, in response to Council officers' advice and subsequent advice from the Sydney North Planning Panel, 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 but not retail premises (excluding neighbourhood shops and ancillary development). 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,*
 - (b) *any additional gross floor area above 5.6:1 is used for non-residential purposes; and*
 - (c) *any gross floor area within the part of the building that is below the ground level of the building at the Pacific Highway frontage does not comprise retail premises, excluding:*
 - (i) *neighbourhood shops, and*

- (ii) ancillary development (such as parking, storage, utility services access for fire services) for any retail premises that is at or above the ground level of the building at the Pacific Highway frontage.

*Advisory note: Final wording of the site-specific clause will be drafted by Parliamentary Counsel

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 and Environment (DPE) 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 DPE'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
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 DPE 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	DPE	<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

Date	Authority	Matters discussed
		<ul style="list-style-type: none"> Discussion of Draft St Leonards and Crows Nest 2036 Plan and proposed controls across the Site
30 June 2020	DPE	<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	DPE	<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, DPE and the proponent was suggested
8 February 2021	Council and DPE	<ul style="list-style-type: none"> Presentation of revised scheme which responded to Council's feedback at the pre-lodgement meeting Council and DPE 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 DPE 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 DPE

1.2.2 Post-lodgement Consultation (March 2021 to August 2021)

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 retained the 59m height and B4 Mixed Use zoning as originally proposed.

This scheme ensured the site realises its employment potential whilst addressing Council's previous concerns regarding the bulk and scale of any future development on the site. The revised Planning Proposal was lodged with Council in August 2021.

1.2.3 Revised Planning Proposal and Rezoning Review (September 2021 to Present)

Following submission of the revised Planning Proposal in August 2021, the proposal was reported to the North Sydney Local Planning Panel on 29 September 2021 with a recommendation from Council Officers to support the proposal.

The Panel determination was as follows:

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.

The Applicant accepted the recommendation to revise the proposed height from 59m to 54m and to prepare a site specific DCP.

On 25 October 2021, the Planning Proposal was reported to Council with a recommendation it be supported and sent to DPE for Gateway Determination subject to the above amendments. Council resolved to defer consideration of this item to the new Council.

In response to the above, the Applicant initiated a Rezoning Review with DPE to be considered by the Sydney North Planning Panel.

On 21 February 2022, the newly elected Council resolved not to support the Planning Proposal on the basis that Council had resolved a position to oppose the heights for several sites under the 2036 Plan.

On 2 March 2022, the Sydney North Planning Panel considered the Rezoning Review initiated by the Applicant. The Sydney North Planning Panel determined that the proposal should be submitted for a Gateway Determination as it has demonstrated strategic and site-specific merit. However, the panel recommended the proposal be updated to prohibit retail premises in the basement component of the scheme but to permit neighbourhood shops with consent.

This revised Planning Proposal has been prepared to implement the above recommendation of the Sydney North Planning Panel and previous resolutions relating to revising the height from 59m to 54m.

Following the successful Rezoning Review, Council was offered the opportunity to be the Planning Proposal Authority which was considered in conjunction with the VPA offer and site-specific DCP at the Council Meeting on 28 March 2022. The Council Report for this meeting including the VPA offer and site specific DCP is included at Appendix 11.

The Council Resolution was as follows:

- 1. THAT** Council accept the role of the Planning Proposal Authority for Planning Proposal 1/21 – 270-272 Pacific Highway, Crows Nest.
- 2. THAT** in accepting the Planning Proposal Authority role, Council advise the Sydney North Planning Panel and Department of Planning and Environment and request that any recommendations of the Sydney North Planning Panel form conditions to any Gateway Determination issued;
- 3. THAT** Council endorse the draft Development Control Plan provisions contained at attachment 4 for the purposes of public exhibition;
- 4. THAT** Council accept, in principle, the contents of the VPA offer with the intention that it be placed on public exhibition upon the satisfactory negotiation of the detailed VPA terms.
- 5. THAT** once a Gateway Determination is issued, the Planning Proposal, any VPA and site specific DCP controls, be placed on public exhibition concurrently.
- 6. THAT** the outcomes of the public exhibition be reported back to Council.

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.

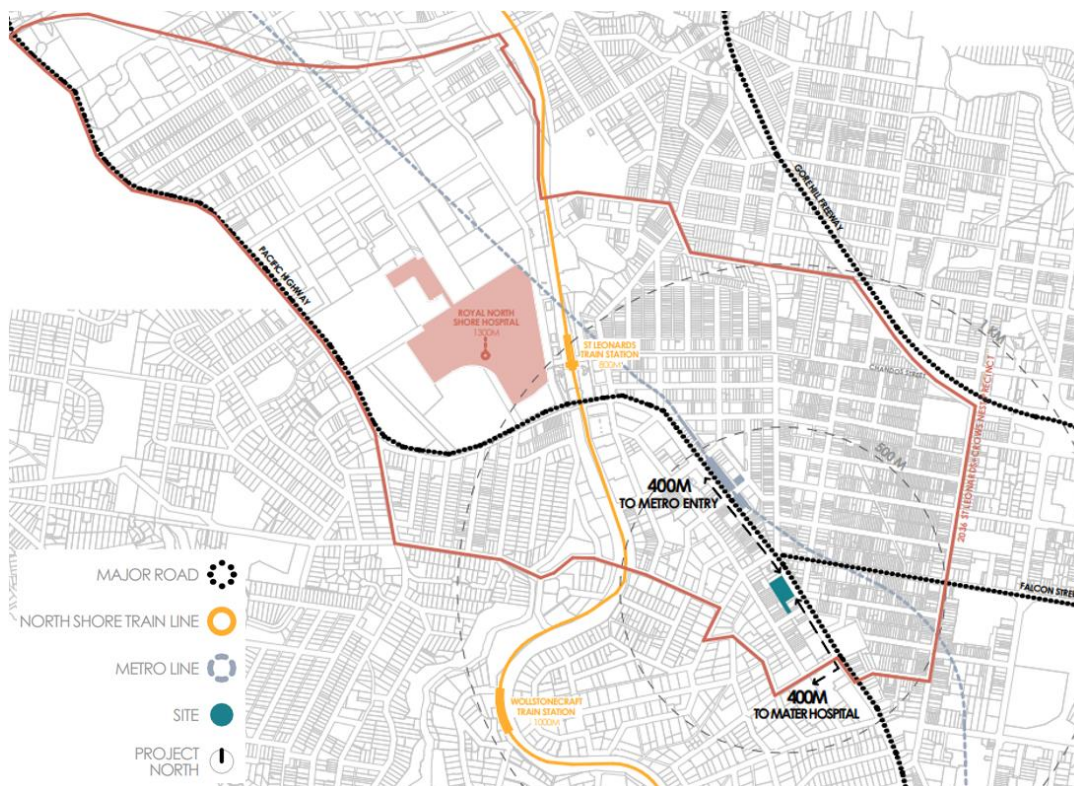


Figure 1: Site locality Plan (Source: Fitzpatrick + Partners)

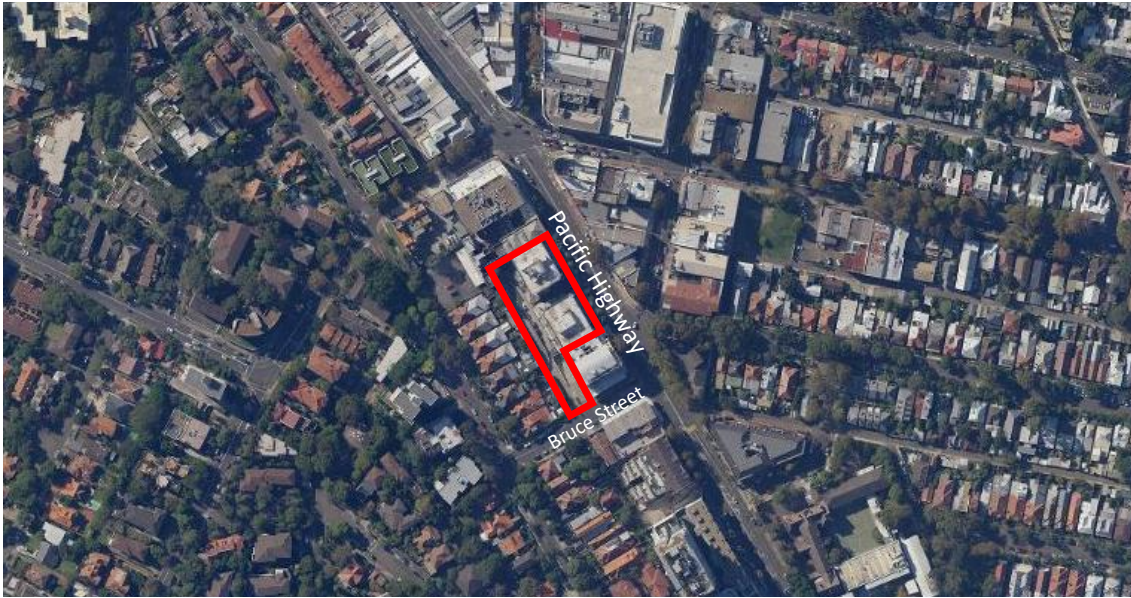


Figure 2: The Site (Source: SixMaps)

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.

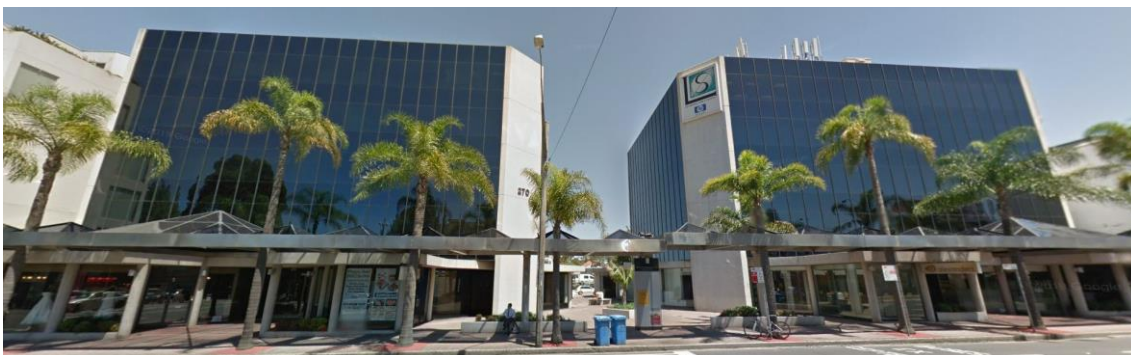


Figure 3: Existing development on the Site (Source: Google)

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

Route	Terminals	Total trips in two directions	
		AM (8am to 10am)	PM (4pm to 6pm)
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.

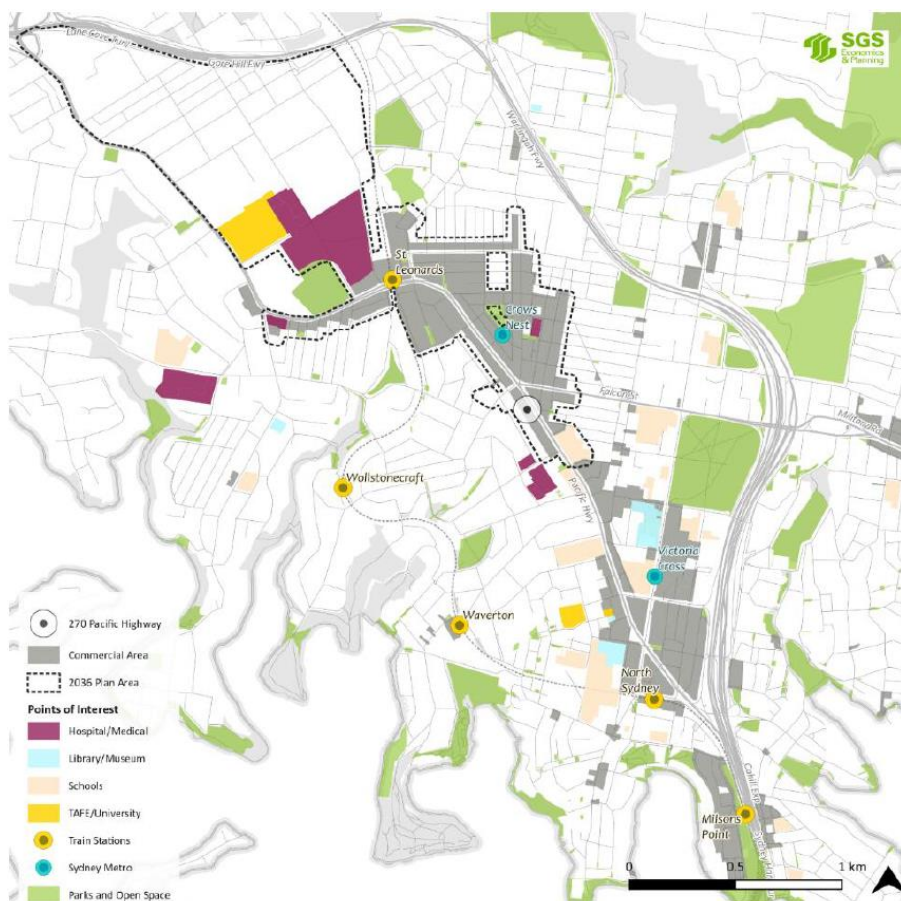


Figure 5: Site context (Source: SGS Economics and Planning)

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.

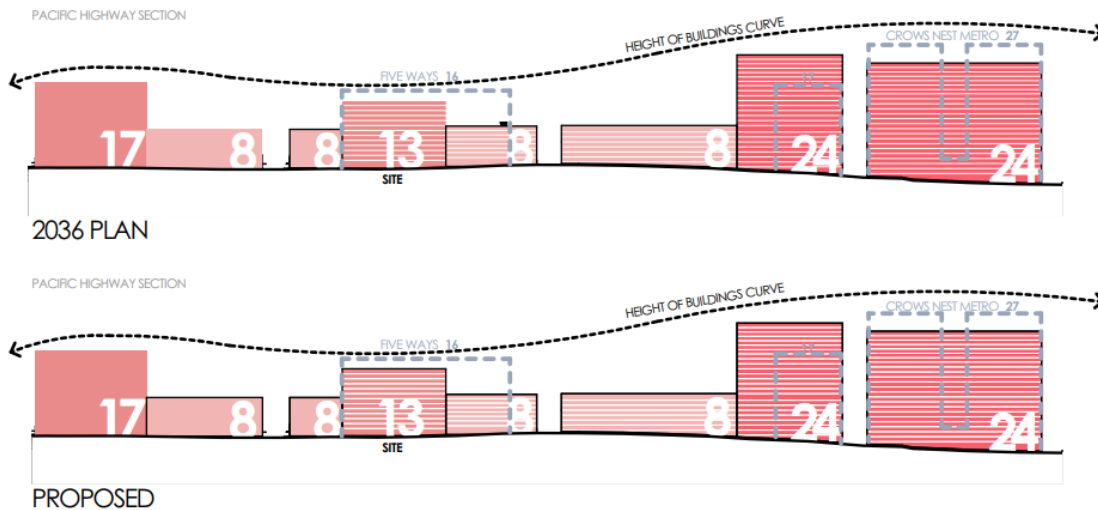


Figure 6: Height transition comparison (Source: Fitzpatrick+Partners)

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 1.1 – Implementation of the Regional Plans and Direction 1.13 – Implementation of St Leonards and Crows Nest 2036 Plan

Following Council's resolution, the applicant lodged a request for a rezoning review. On 18 October 2021, the Sydney North Planning Panel resolved not to support the Planning Proposal for Gateway Determination on the basis that the proposal has not demonstrated strategic merit. This was due to the scale of departures from the 2036 Plan.



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.	Not supported: 18/10/2021
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 DPE 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 23/12/20
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	Approved 17/12/21
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

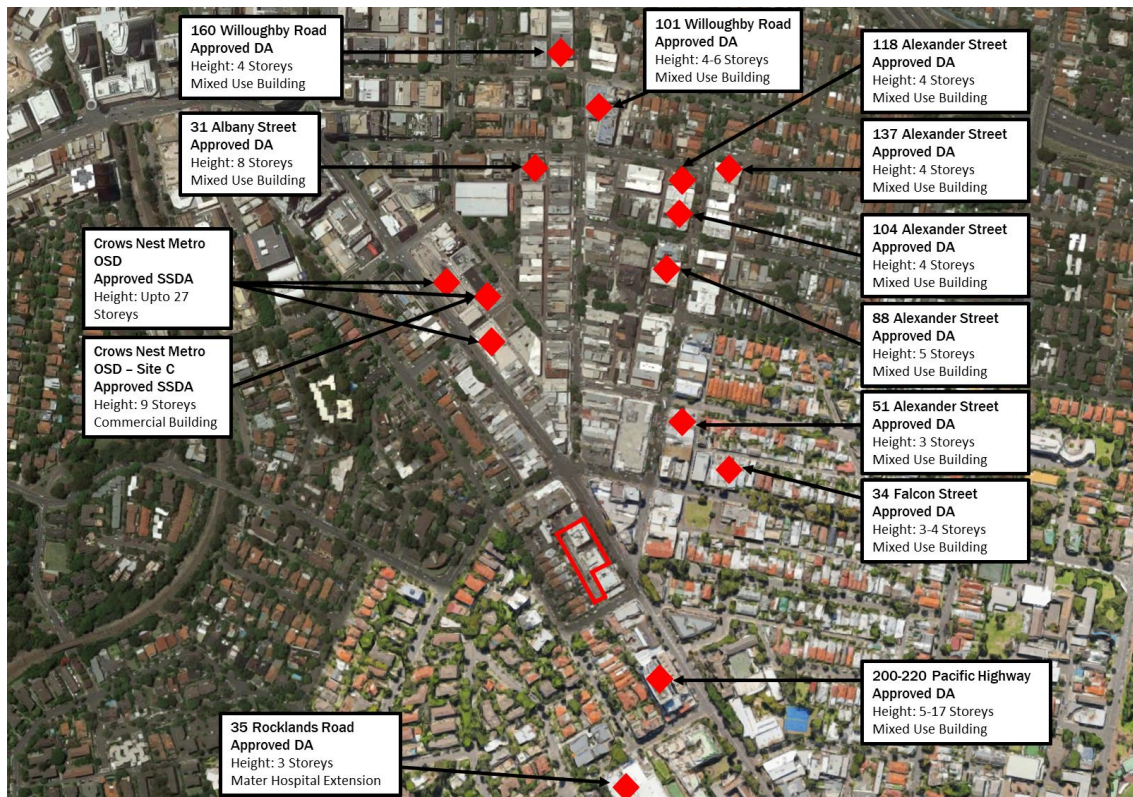


Figure 10: Key Development Applications in the Crows Nest locality (Base source: Google)

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 54m
- 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
 - used for non-residential purposes
 - does not comprise retail premises (excluding neighbourhood shops and ancillary development)

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.

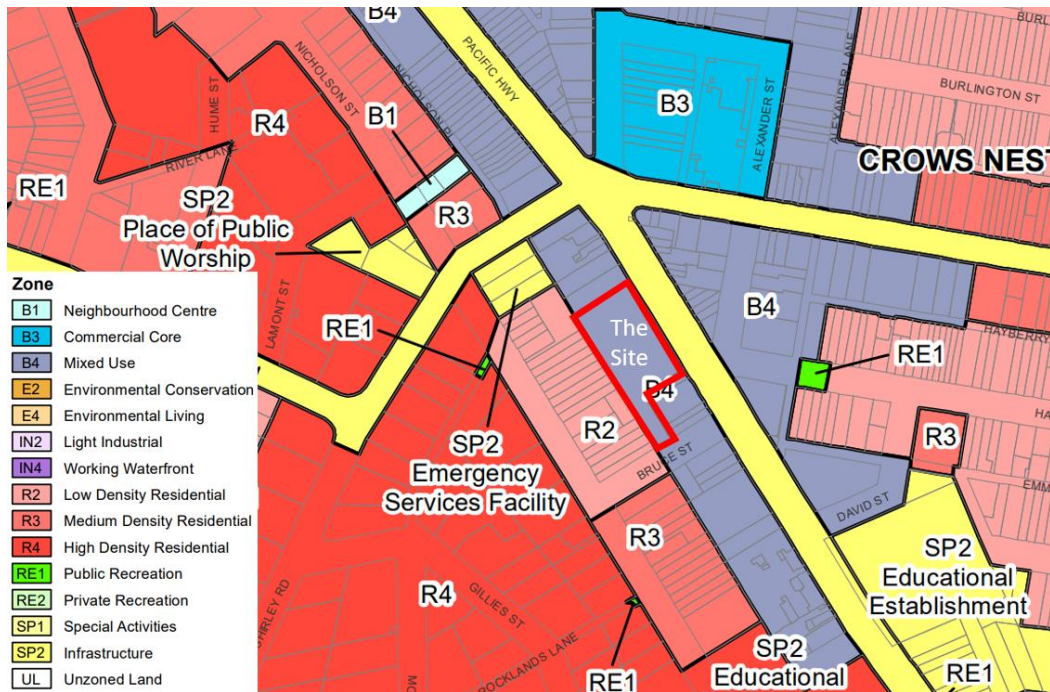


Figure 11: Land Zoning Map (Source: NSLEP 2013)

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.

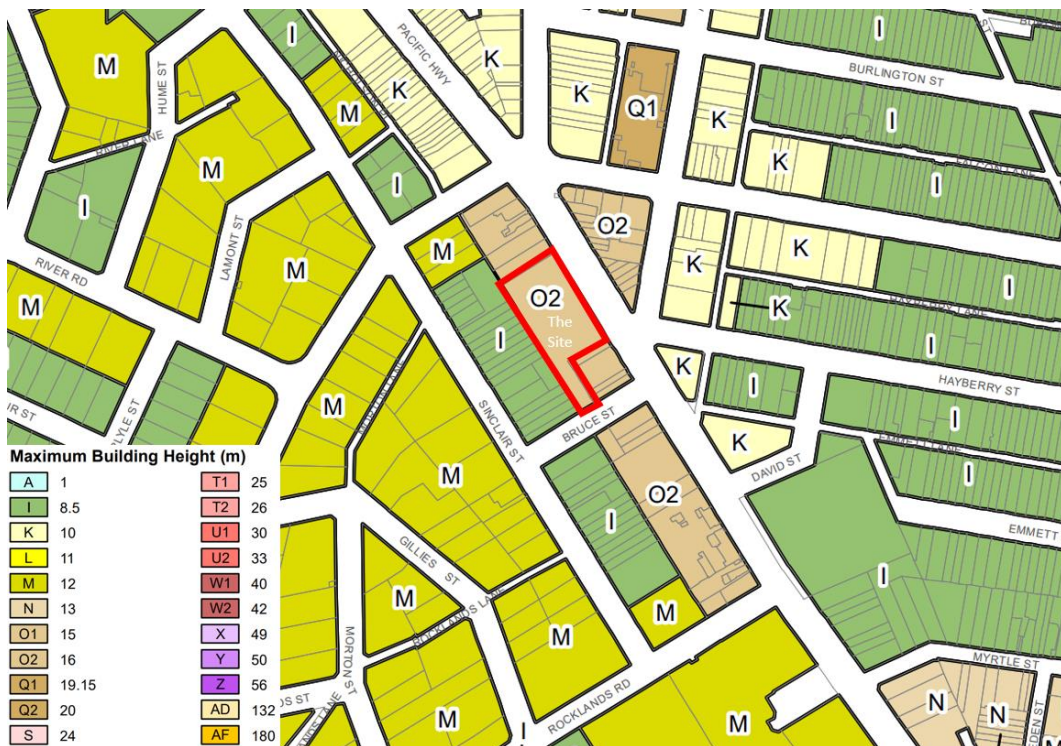


Figure 12: Height of Buildings Map (Source: NSLEP 2013)

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).

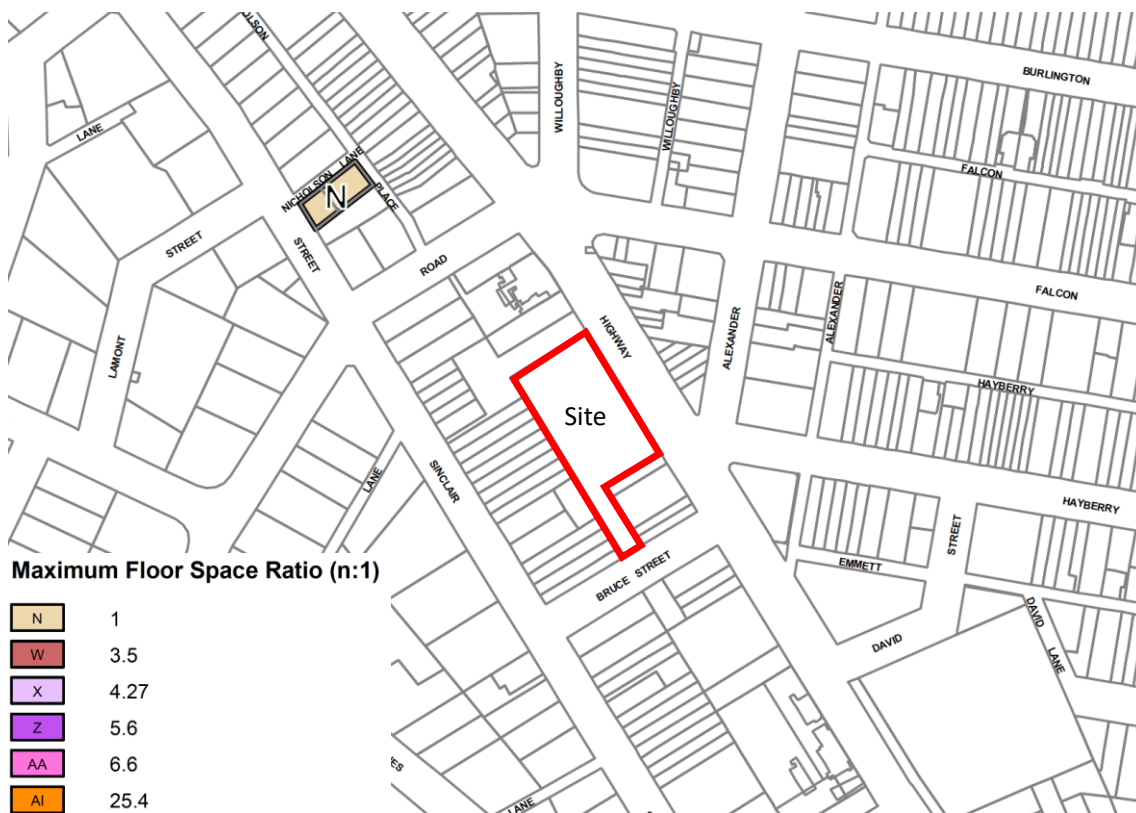


Figure 13: FSR Map (Source: NSLEP 2013)

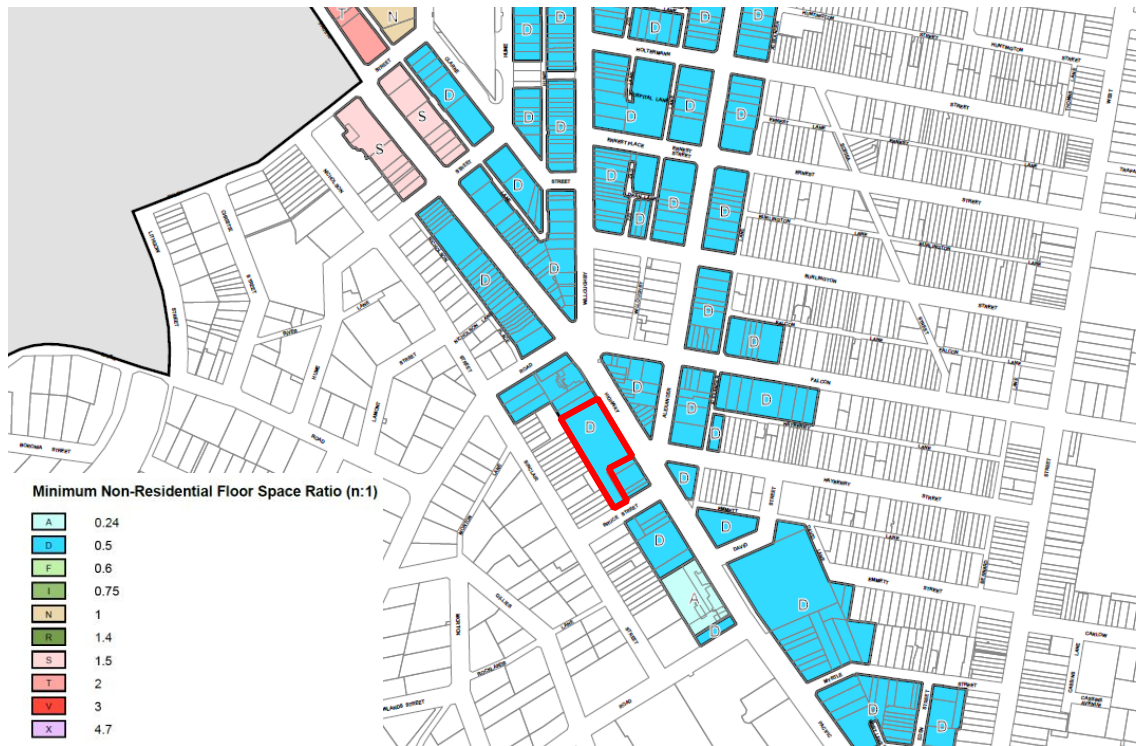


Figure 14: Minimum Non-Residential Floor Space Ratio Map (Source: NSLEP 2013)

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

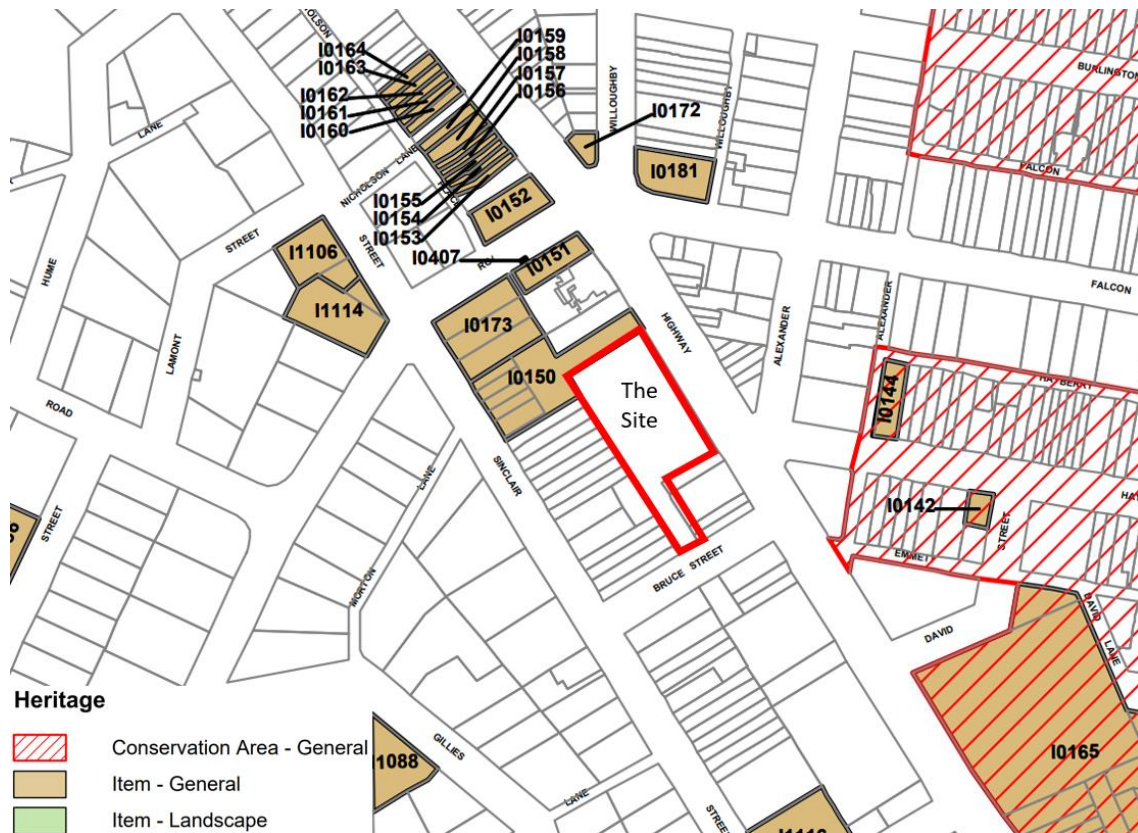


Figure 15: Heritage Map (Source: NSLEP 2013)

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 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, DPE 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 5.2)
- 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 DPE'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 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	54m (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: <ol style="list-style-type: none"> 4. located below ground level 5. comprises non-residential uses 6. does not comprise retail premises (excluding neighbourhood shops)
Non-residential FSR	0.5:1	5.6:1	5.6:1

Table 7: Summary of Planning Proposal

As noted in Table 7, in response to Council officers' advice and subsequent advice from the Sydney North Planning Panel, 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 but not retail premises (excluding neighbourhood shops and ancillary development). 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,*
 - (b) *any additional gross floor area above 5.6:1 is used for non-residential purposes; and*

- (c) any gross floor area within the part of the building that is below the ground level of the building at the Pacific Highway frontage does not comprise retail premises, excluding:
- (i) neighbourhood shops, and
 - (ii) ancillary development (such as parking, storage, utility services access for fire services) for any retail premises that is at or above the ground level of the building at the Pacific Highway frontage.

*Advisory note: Final wording of the site-specific clause will be drafted by Parliamentary Counsel

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 54 metres (total height above ground)
FSR	6.02:1 (5.60:1 plus 0.42:1 provided below ground and comprising non-residential purposes but not retail premises [excluding neighbourhood shops])
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.

Further design controls are also proposed for the site within the Draft Site-Specific DCP (Appendix 11)

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, DPE 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 detail 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 is forecast 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.

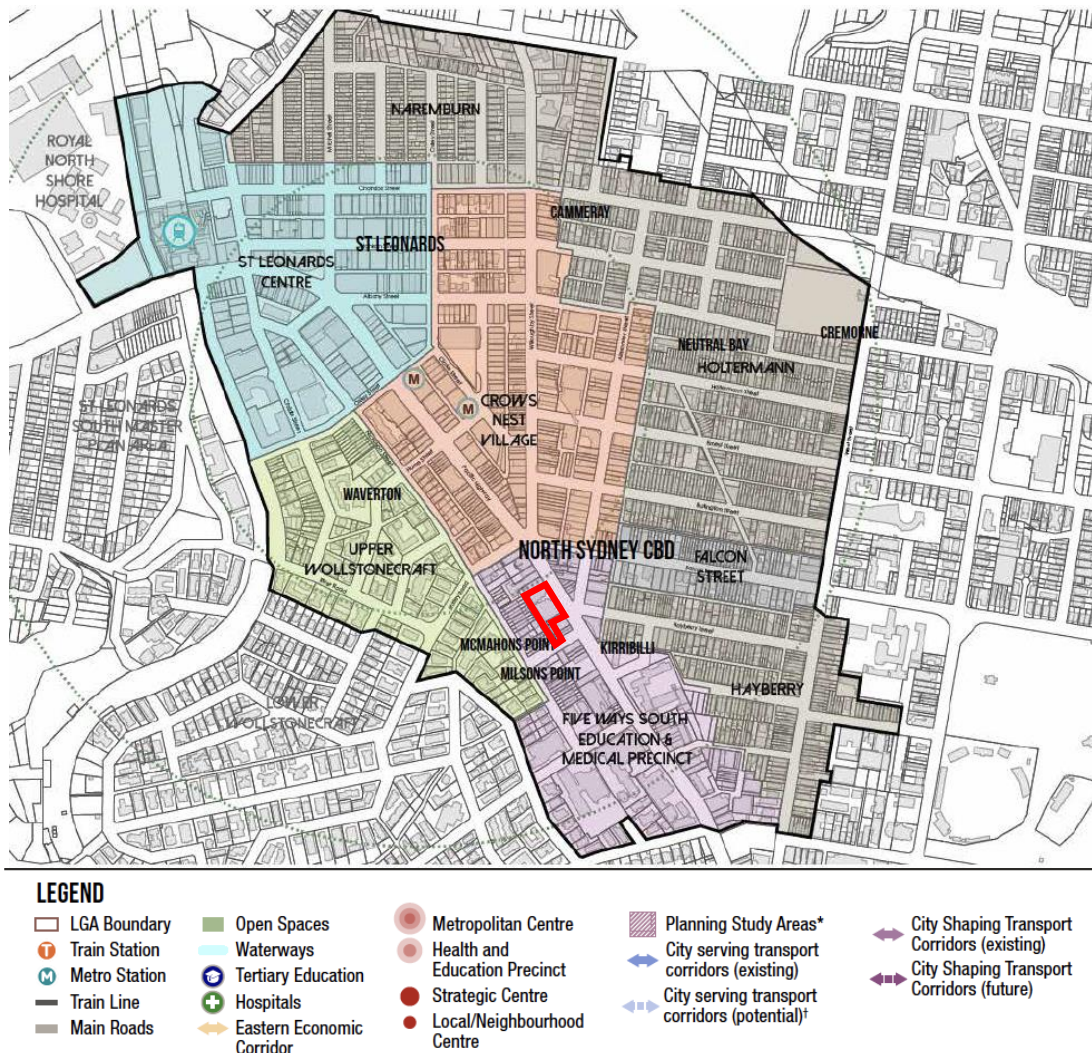


Figure 19: Structure Plan (Source: LSPS)

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:

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

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.

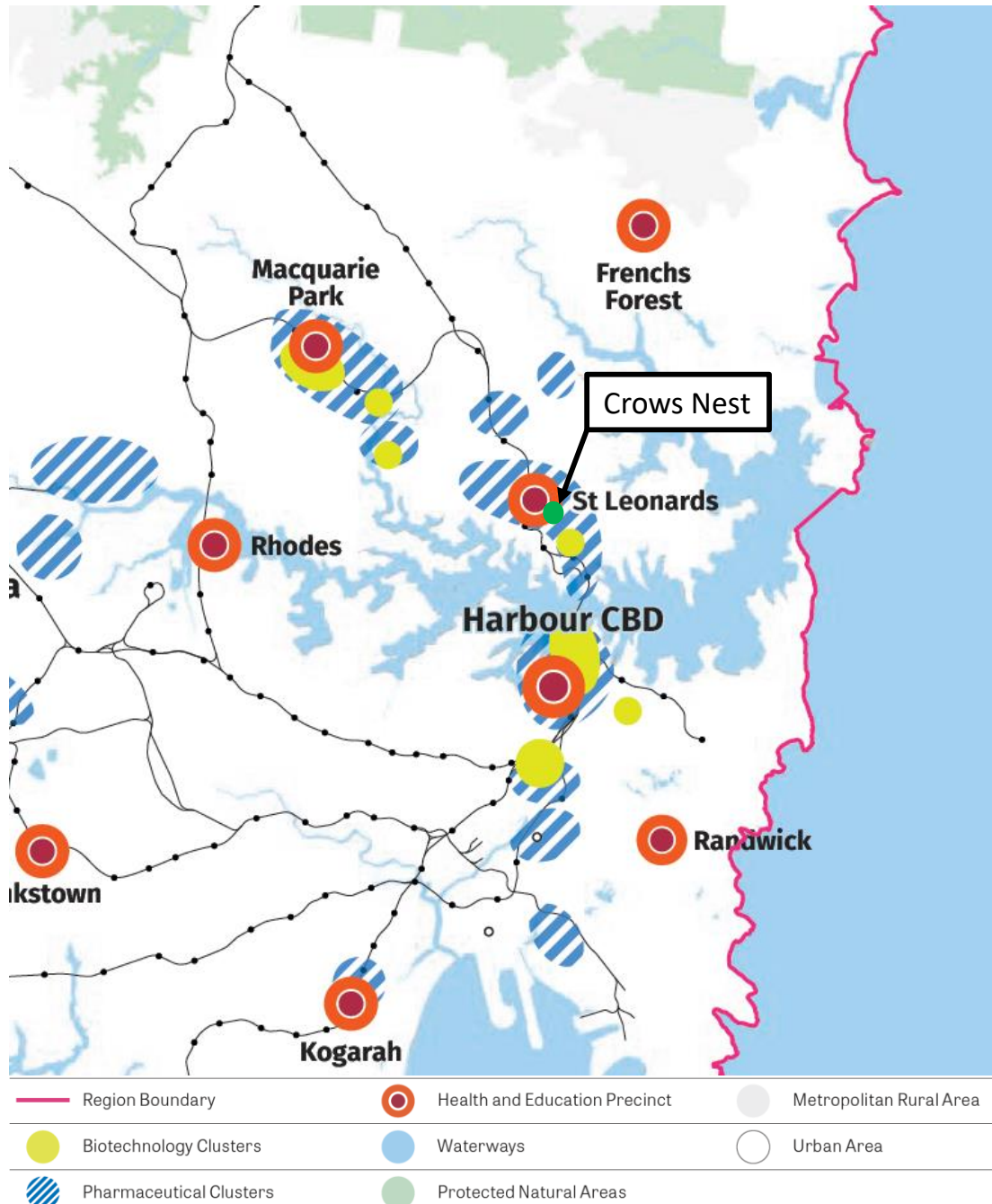


Figure 20: Health and Education Precincts and Industry Clusters (Source: GSC)

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 DPE 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 54 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 but not retail premises (excluding neighbourhood shops and ancillary development).

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 Silvernights (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 DPE'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 (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Chapter 2 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* 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.

Chapter 2 also contains provisions that, while not relevant to the Planning Proposal, would be considered at future DA stage:

- Section 2.118 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.

- Section 2.121 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 (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* 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.

Section 4.6 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 (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

Chapter 2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* was one of a suite of Land Management and Biodiversity Conservation (LMBC) reforms that commenced on 25 August 2017. Chapter 2 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 (Industry and Employment) 2021

Chapter 3 of *State Environmental Planning Policy (Industry and Employment 2021)* 2021 aims to ensure that advertising and signage is well located, compatible with the desired amenity of an area and of high quality.

Chapter 3 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.

Chapter 3 is not relevant to this Planning Proposal. Any signage and associated assessment against the SEPP will be addressed at future DA stage.

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
Focus area 1: Planning Systems	
Direction 1.1: Implementation of Regional Plans	<p>The objective of Direction 1.1 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 1.2: Development of Aboriginal Land Council Land	<p>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.</p>
Direction 1.3: Approval and Referral Requirements	<p>The objective of Direction 1.3 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 provisions of the NSLEP 2019. The Planning Proposal is consistent with this Direction.</p>
Direction 1.4: Site Specific Provisions	<p>The objective of Direction 1.4 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</p>

Relevant Ministerial Direction	Consideration
	<p>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>
Focus area 1: Planning Systems – Place-based	
Direction 1.13: 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 1.13 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>
Focus area 3: Biodiversity and Conservation	
Direction 3.1: Conservation Zones	Not applicable to the site.
Direction 3.2: Heritage Conservation	<p>The objective of Direction 3.2 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>

Relevant Ministerial Direction	Consideration
	<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 3.3: Sydney Drinking Water Catchment	Not applicable to the site.
Direction 3.5: Recreation Vehicle Areas	Not applicable to the site.
Focus area 4: Resilience and Hazards	
Direction 4.1: Flooding	<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 and includes consideration of the potential flood impacts both on and off the subject land. <p>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.</p>
Direction 4.2: Coastal Management	Not applicable to the site.
Direction 4.3: Planning for Bushfire Protection	The Site is not identified as being bushfire prone land.
Direction 4.4: Remediation of Contaminated Land	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

Relevant Ministerial Direction	Consideration
	<p>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>
Direction 4.5: Acid Sulfate Soils	<p>The objective of Direction 4.5 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 4.6: Mine Subsidence and Unstable Land	Not applicable to the site.
Focus area 5: Transport and Infrastructure	
Direction 5.1: Integrating Land Use and Transport	<p>The objectives of Direction 5.1 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 <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 5.2: 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 5.3: Development Near Regulated Airports and Defence Airfields.	<p>The objectives of Direction 5.3 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</i></p>

Relevant Ministerial Direction	Consideration
	<p>(Protection of Airspace) Regulations 1996 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 5.4: Shooting Ranges	Not applicable to the site.
Focus area 6: Housing	
Direction 6.1: Residential Zones	<p>The objectives of Direction 6.1 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 6.2: Caravan Parks and Manufactured Home Estates	Not applicable to the site.
Focus area 7: Industry and Employment	
Direction 7.1: Business and Industrial Zones	<p>The objective of Direction 7.1 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>
Direction 7.2: Reduction in non-hosted short term rental accommodation period	Not applicable to the site.
Focus area 8: Resources and Energy	

Relevant Ministerial Direction	Consideration
Direction 8.1: Mining, Petroleum Production and Extractive Industries	Not applicable to the site.
Focus area 9: Primary Production	
Direction 9.1: Rural Zones	Not applicable to the site.
Direction 9.2: Rural Lands	Not applicable to the site.
Direction 9.3: Oyster Aquaculture	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 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 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.

Setback controls are also included within the Draft Site-Specific DCP (Appendix 11).

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.

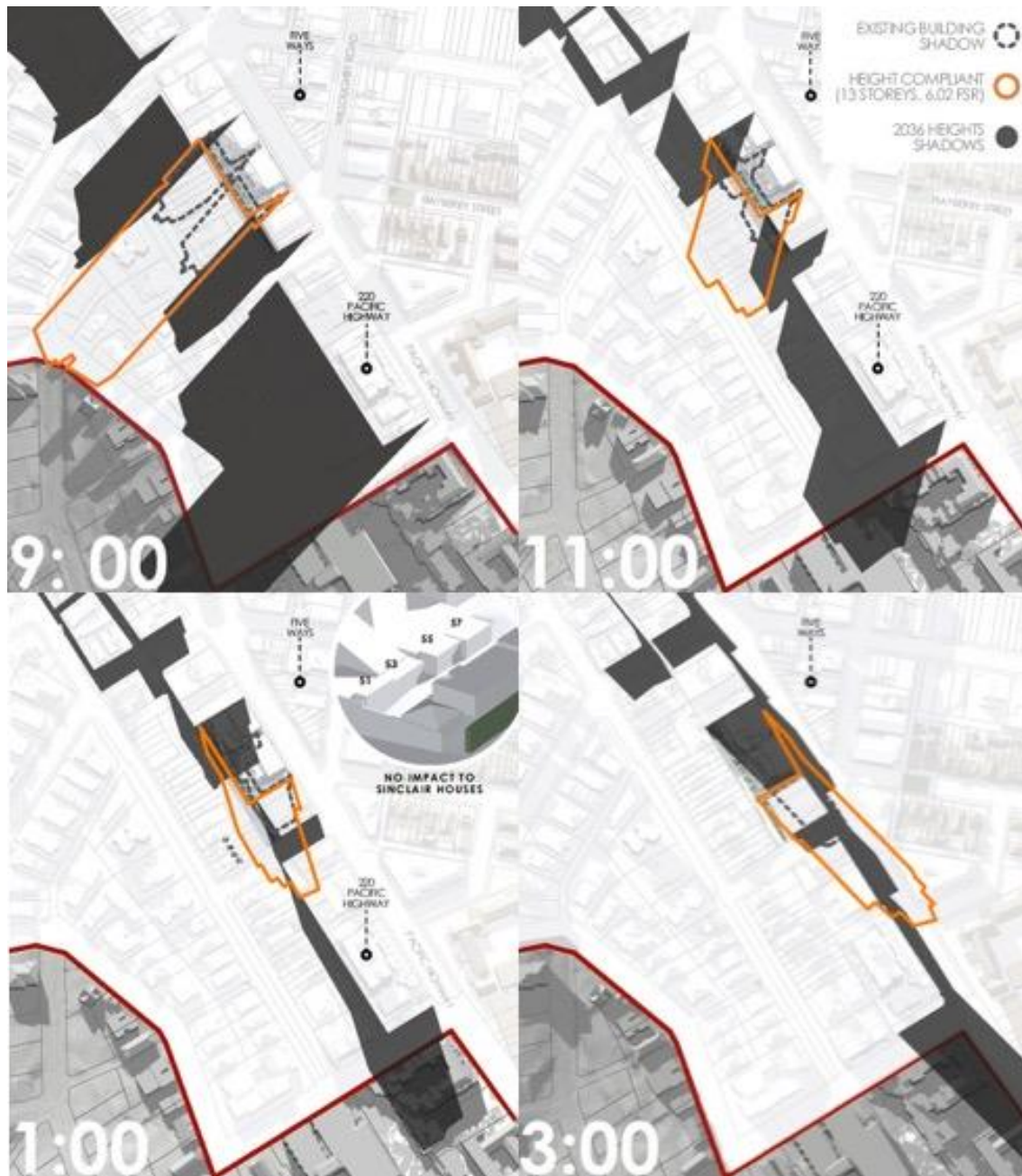


Figure 25: Shadow impacts at 9:00am, 11:00am, 1:00pm and 3:00pm (Source: Fitzpatrick + Partners)

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 DPE and Council prior to the lodgement of this proposal. Consultation with DPE 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:

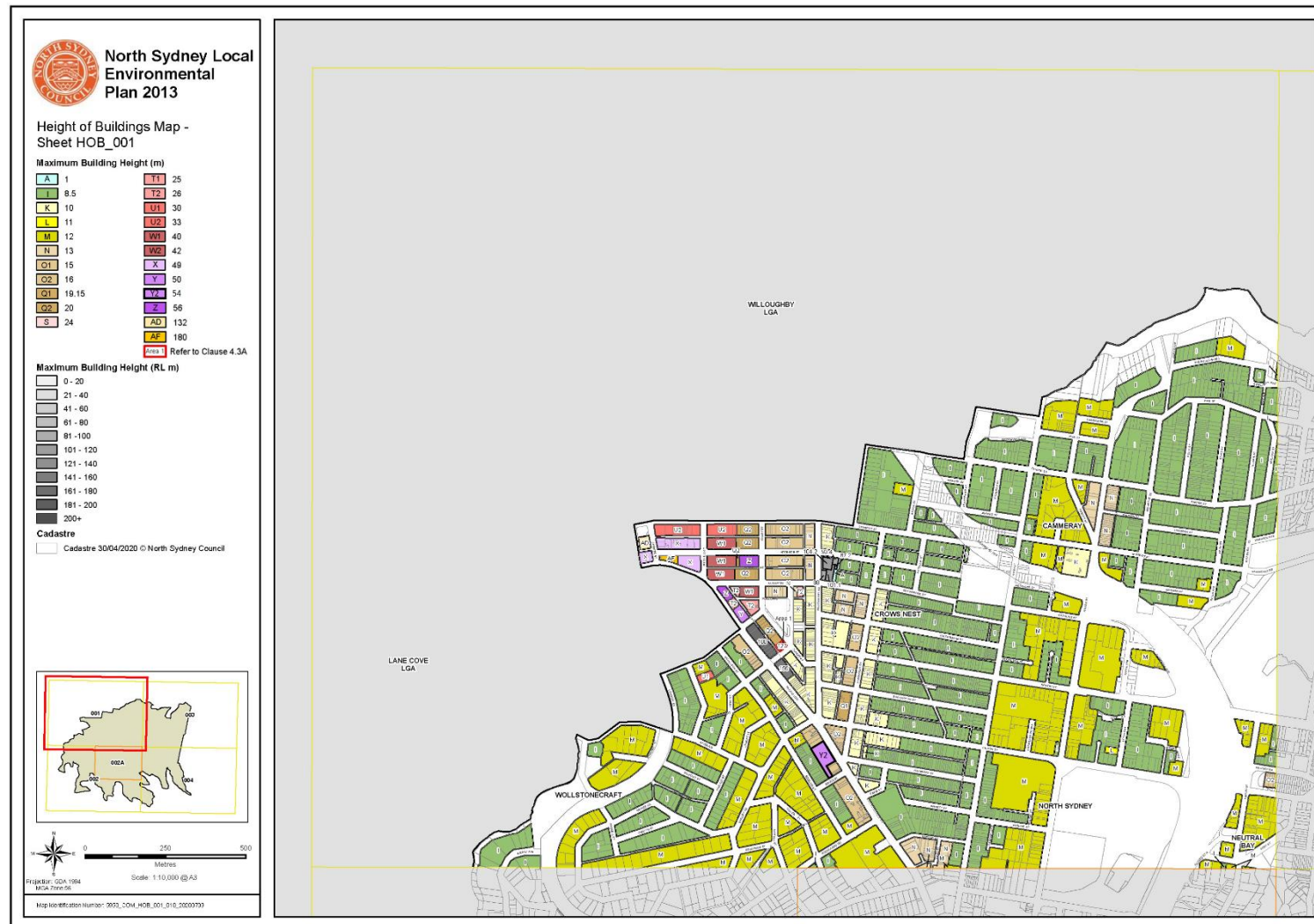


Figure 26: Proposed Height Map (Base source: NSLEP 2013)

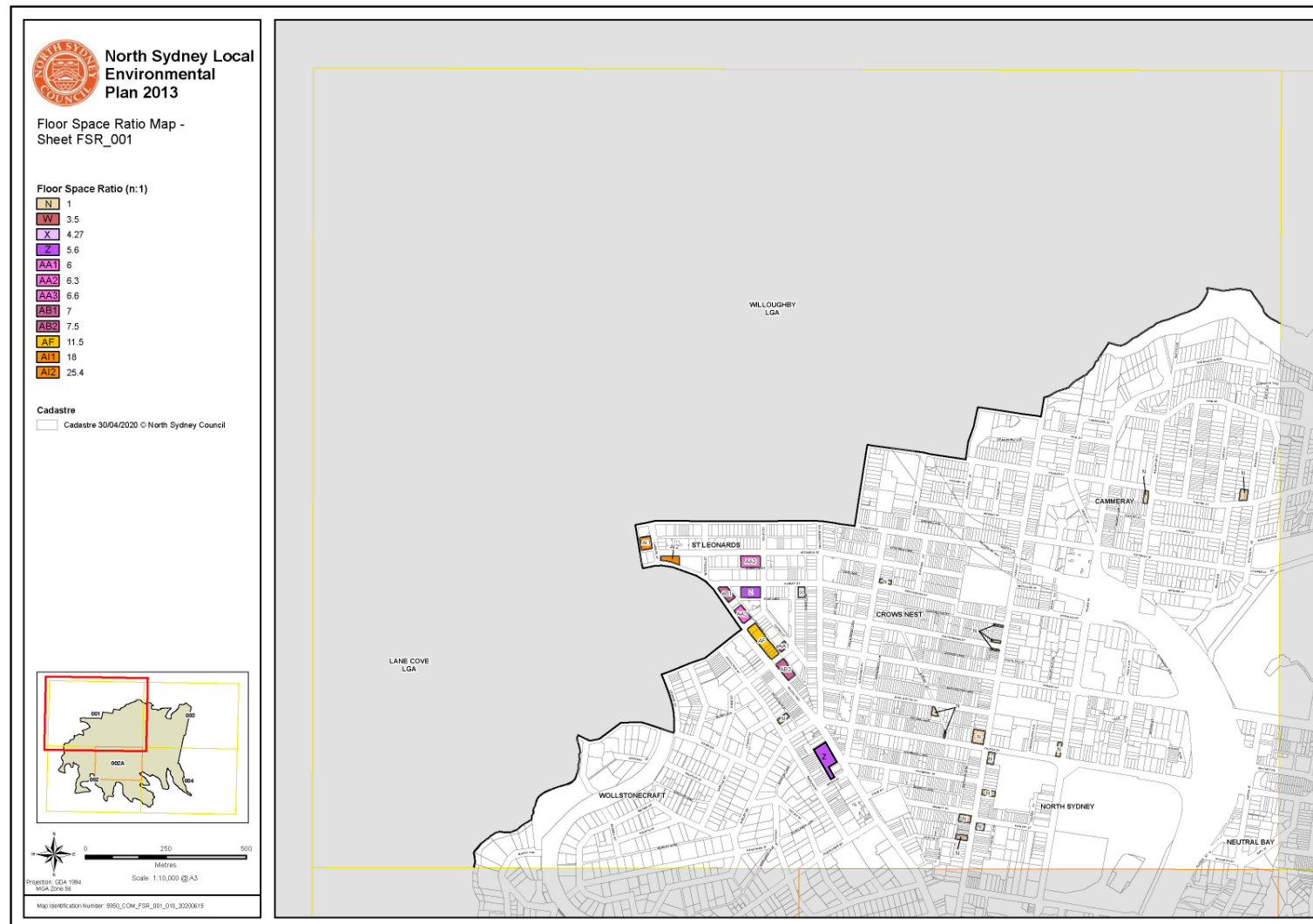


Figure 27: Proposed FSR Map (Base source: NSLEP 2013)

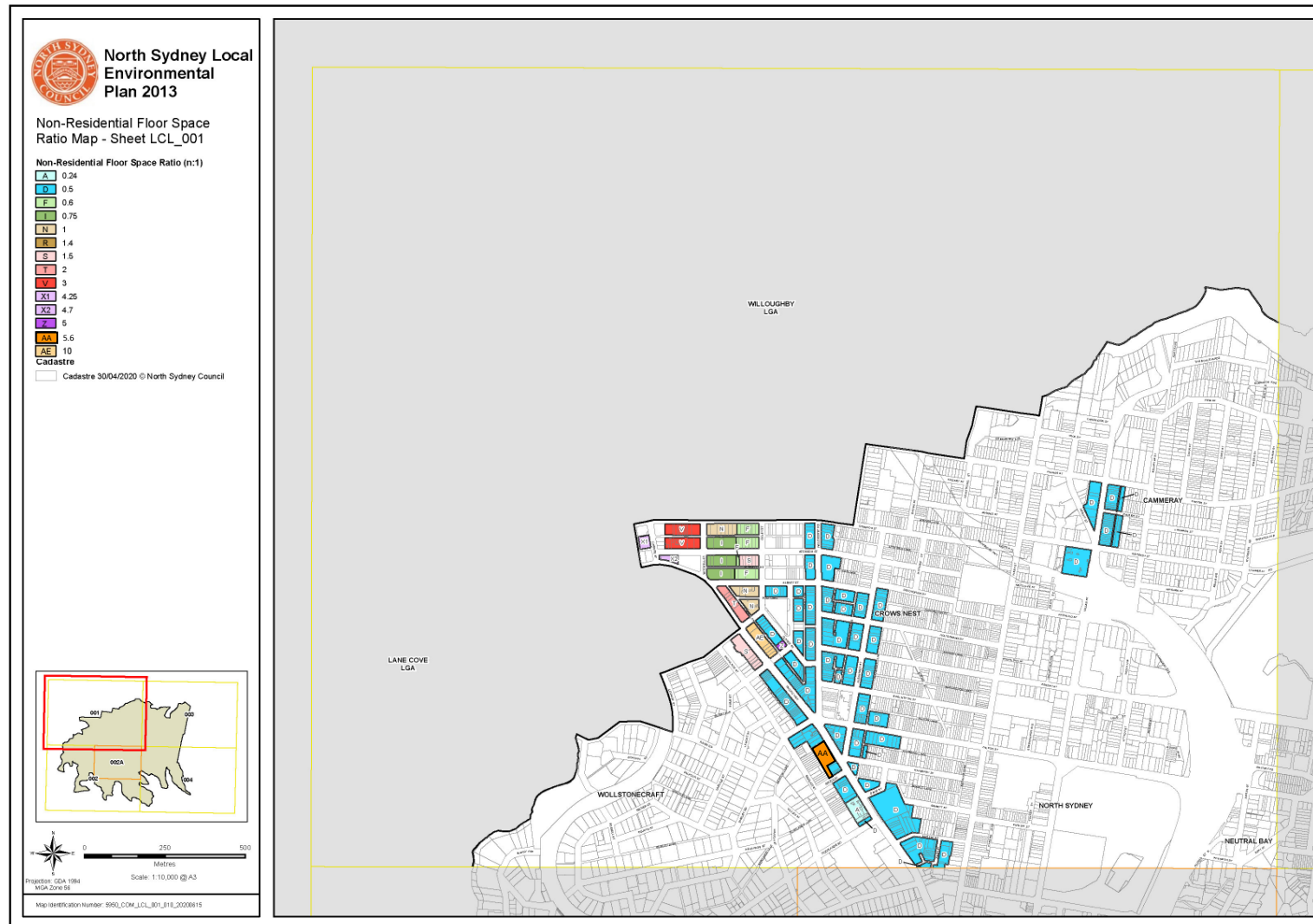


Figure 28: Proposed Non-Residential FSR Map (Base source: NSLEP 2013)

5.5 Part 5: Community consultation

Community consultation will take place following Gateway Determination. This Planning Proposal has been updated in accordance with the Gateway Determination for the purposes of public exhibition.

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 DPE, including the need for agency and community consultation. The application proposes to work in collaboration with Council, DPE 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 DPE 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 DPE'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 DPE'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 DPE for review and subsequent issue of a Gateway determination.