



IRF23/219

## Gateway determination report – PP-2021-7169

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360 Pacific highway, Crows Nest

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# Acknowledgment of Country

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

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

Relevant reports and plans
Attachment A1 – Planning Proposal
Attachment A2 – Concept Design Report (November 2021) and Amended Concept Design Report (March 2022)
Attachment A3 – Survey Plan
Attachment A4 – Preliminary Site Investigation
Attachment A5 – Transport Assessment
Attachment A6 – Heritage Impact Assessment
Attachment A7 – Geotechnical Report
Attachment A8 – Acoustic Report
Attachment A9 – Pedestrian Wind Environment Statement – 2 November 2022
Attachment A10 – Landscape Concept Report
Attachment A11 – Aeronautical Impact Statement
Attachment A12 – Service Infrastructure Report
Attachment A13 – Summary Compliance Table
Attachment A14 – Owners Consent
Attachment A15 –Proposed Mapping
Attachment B – North Sydney Local Planning Panel Recommendation 8 June 2022
Attachment C1a - Council Report - 27 June 2022

Attachment C1b - Council Minutes - 27 June 2022

Attachment C2 – Amendment to the North Sydney DCP

Attachment D – SNPP – Record of Decision – RR-2022-24 – 9 November 2022

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>North Sydney</b>
<b>PPA</b>	<b>Sydney North Planning Panel</b>
<b>NAME</b>	<b>360 Pacific Highway, Crows Nest (72 dwellings, approximately 18 jobs)</b>
<b>NUMBER</b>	<b>PP-2021-7169</b>
<b>LEP TO BE AMENDED</b>	<b>North Sydney LEP 2013</b>
<b>ADDRESS</b>	<b>360 Pacific Highway, Crows Nest</b>
<b>DESCRIPTION</b>	<b>SP72954</b>
<b>RECEIVED</b>	<b>31/01/2023</b>
<b>FILE NO.</b>	<b>IRF23/219</b>
<b>POLITICAL DONATIONS</b>	<b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>
<b>LOBBYIST CODE OF CONDUCT</b>	<b>There have been no meetings or communications with registered lobbyists with respect to this proposal</b>

## 1.2 Objectives of the planning proposal

The revised planning proposal (**Attachment A**) contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- develop the site to its potential and in line with the St Leonards Crows Nest 2036 Plan (SLCN Plan);

- provide a building design that minimises the impact on the adjoining properties and responds appropriately to the heritage items in scale and rhythm;
- contribute to the rejuvenation of Crows Nest with a mix of land uses close to the Crows Nest Metro Station currently under construction; and
- provide public improvements such as landscaping enhancing pedestrian amenity and support street activation.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

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

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

**Table 3 Current and proposed controls**

Control	Current	Proposed
Zone	B4 Mixed Use	B4 Mixed Use
Maximum height of the building	10m	RL 163.8* (18 storeys)
Floor space ratio (FSR)	N/A	5.5:1
Residential FSR	N/A	3.5:1 (4,921m <sup>2</sup> )
Minimum non-residential FSR	0.5:1	2:1 (2,812m <sup>2</sup> )
Number of dwellings	N/A (commercial/retail floorspace)	42
Number of jobs	N/A	18 (to be confirmed)

*\* Note: the planning proposal will require updating to refer to the revised maximum height of RL 163.8 instead of RL 166 and the number of jobs created as a result of the increase to the development standards on the site. This will be included as a condition of the Gateway determination.*

## 1.4 Site description and surrounding area

The site is within the North Sydney Local Government Area (LGA) and covered by the St Leonards and Crows Nest 2036 Plan (SLCN 2036 Plan) which is discussed further in section 3.3.1 (**Figures 1 and 21**). It is also within the Crows Nest Town Centre (**Figure 26**).

The site consists of 1 lot with a total area of 1,406m<sup>2</sup> and a primary frontage to the Pacific Highway and secondary frontage and vehicular access from Nicholson Place.

The site is legally known as SP72954 and currently occupied by commercial and retail uses with a height of 3 storeys built to the boundaries (**Figures 2 to 6**).

To the north-west, adjoining the site at 366-376 Pacific Highway is a 2-storey row of 6 local heritage items known as the 'Higgins Buildings'.

St Leonards Train Station is approximately 800m via the Pacific Highway with services to locations such as the Sydney CBD, Chatswood, Hornsby, West Ryde and regional areas.

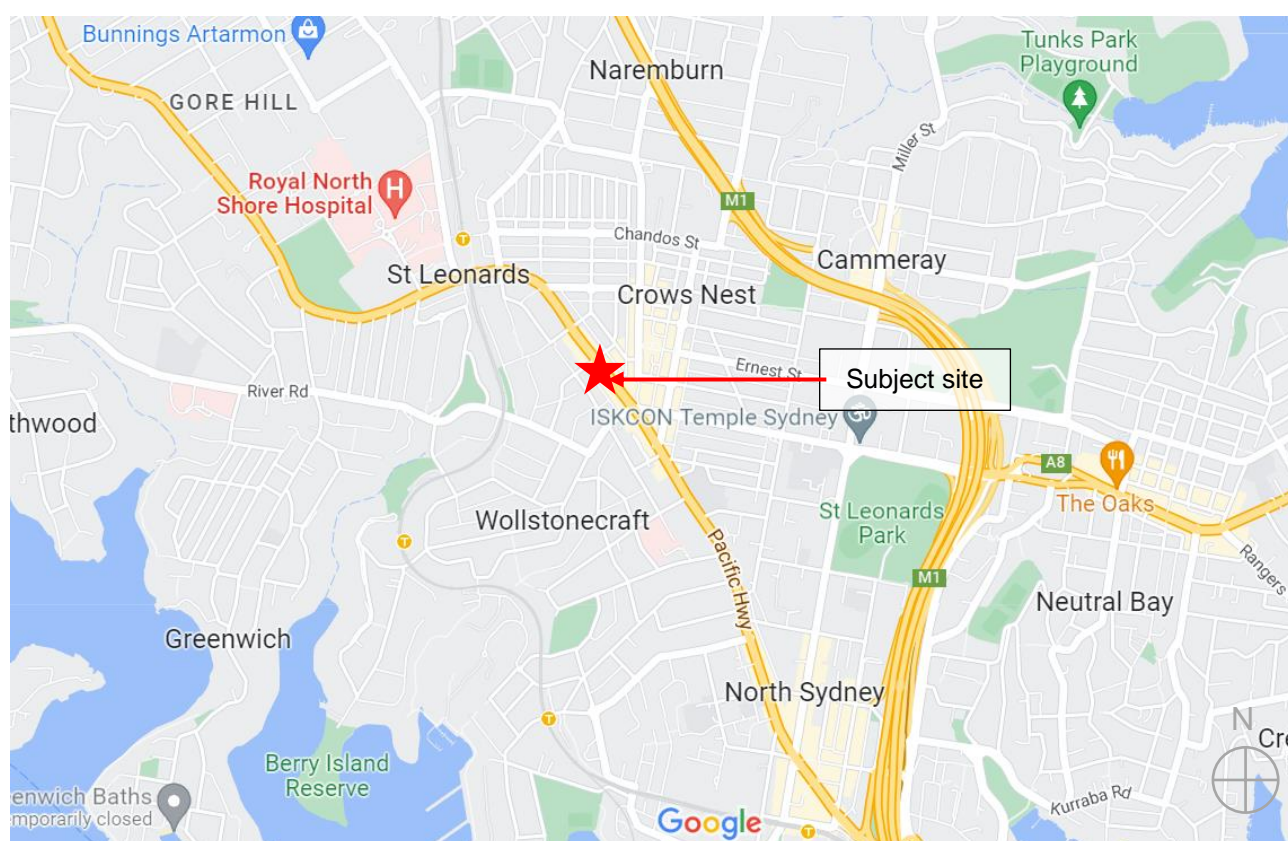
Less than 100m to the north, across the Pacific Highway, is the Crows Nest Metro Station under construction with a proposed over station mixed use development consisting of 3 buildings of 21, 19 and 7 storeys.

To the south adjacent to the site, is a group of 2-storey shops with local heritage items beyond facing Pacific Highway.

To the west, across Nicholson Place, is the suburb of Wollstonecraft with one and two storey residential dwellings and two storey apartments facing Nicholson Street on land zoned R3 Medium Density Residential.

The topography of the site is relatively flat.

The site is not listed as a heritage item or within a heritage conservation area (HCA). However, it is in the vicinity of several local heritage items directly adjoining to the north and further south as mentioned above (**Figures 5, 6 and 14**).

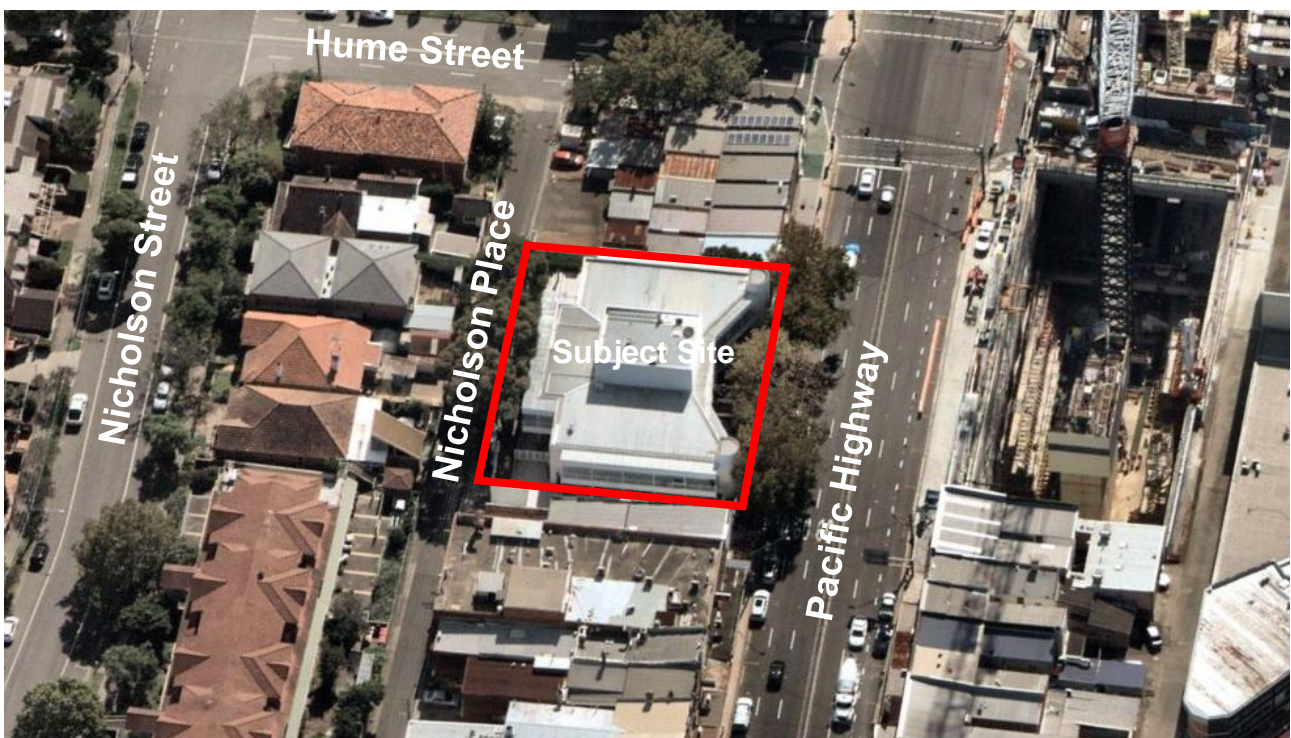


**Figure 1** Locality map (source: Six Maps, overlay by the Department)



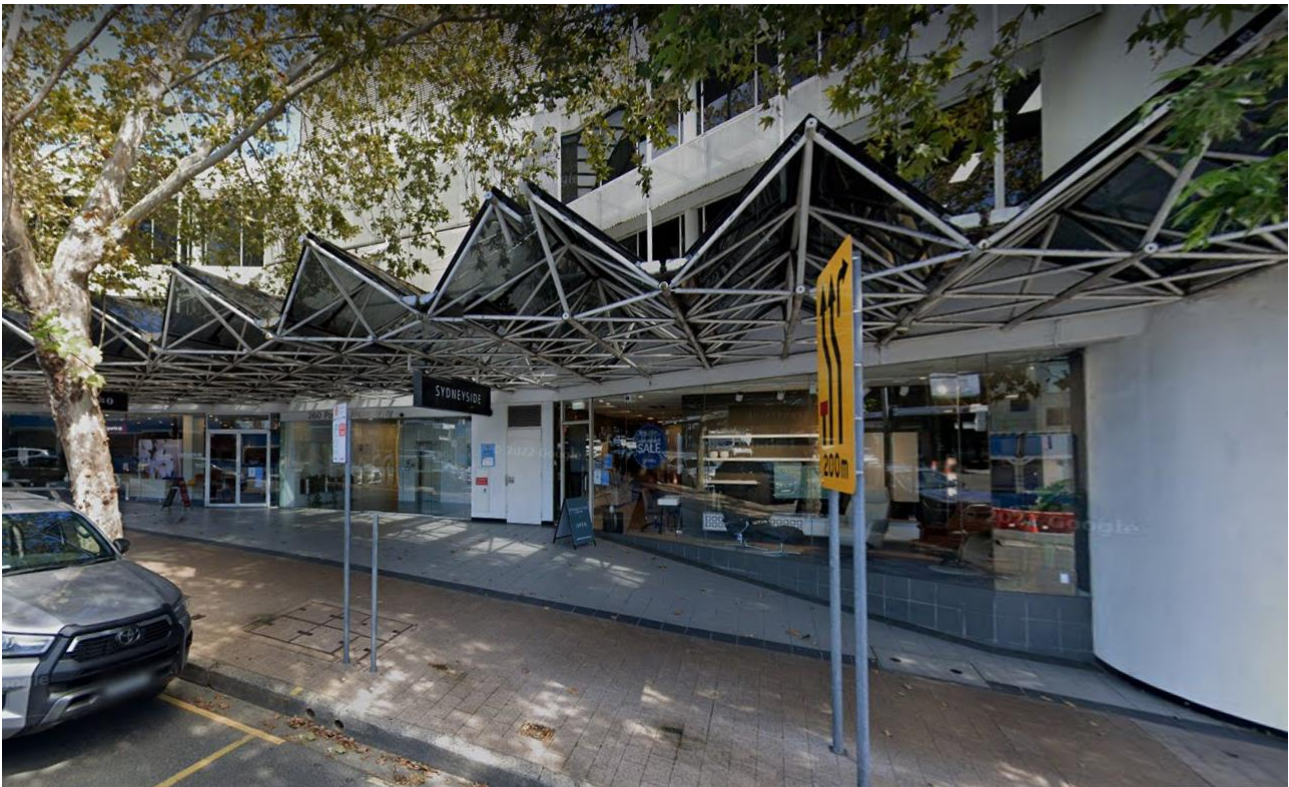


**Figure 2** Subject site (source: Six Maps, overlay by the Department)

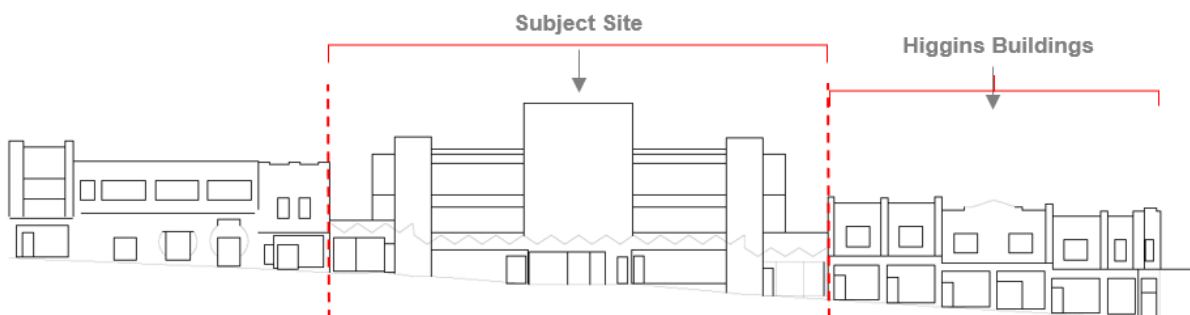


**Figure 3** View of the subject site looking east (source: Near Maps)

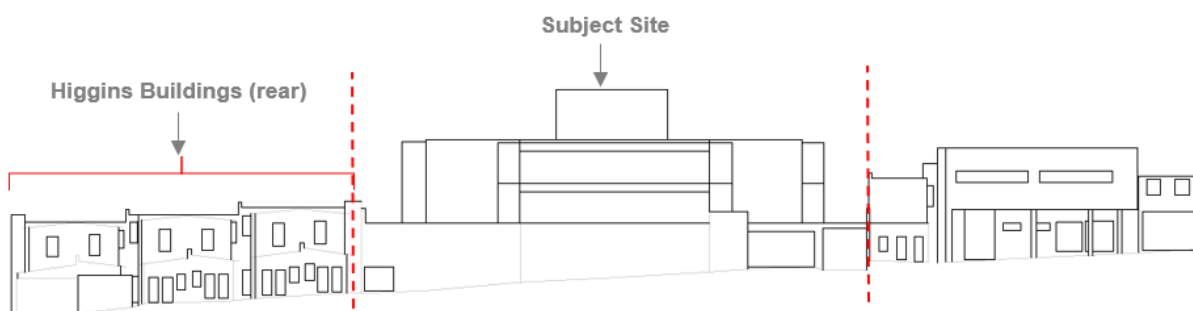




**Figure 4** View of the subject site from the Pacific Highway (source: Google Maps)



**Figure 5** Existing elevation from the Pacific Highway (source: Hill and Blume Surveyors)



**Figure 6** Existing elevation from Nicholson Place (source: Hill and Blume Surveyors)

## 1.5 Mapping

The revised planning proposal (**Attachment A1**) includes mapping showing the proposed changes to the North Sydney LEP 2013 maps. Draft mapping is also provided in **Attachment A15**.

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

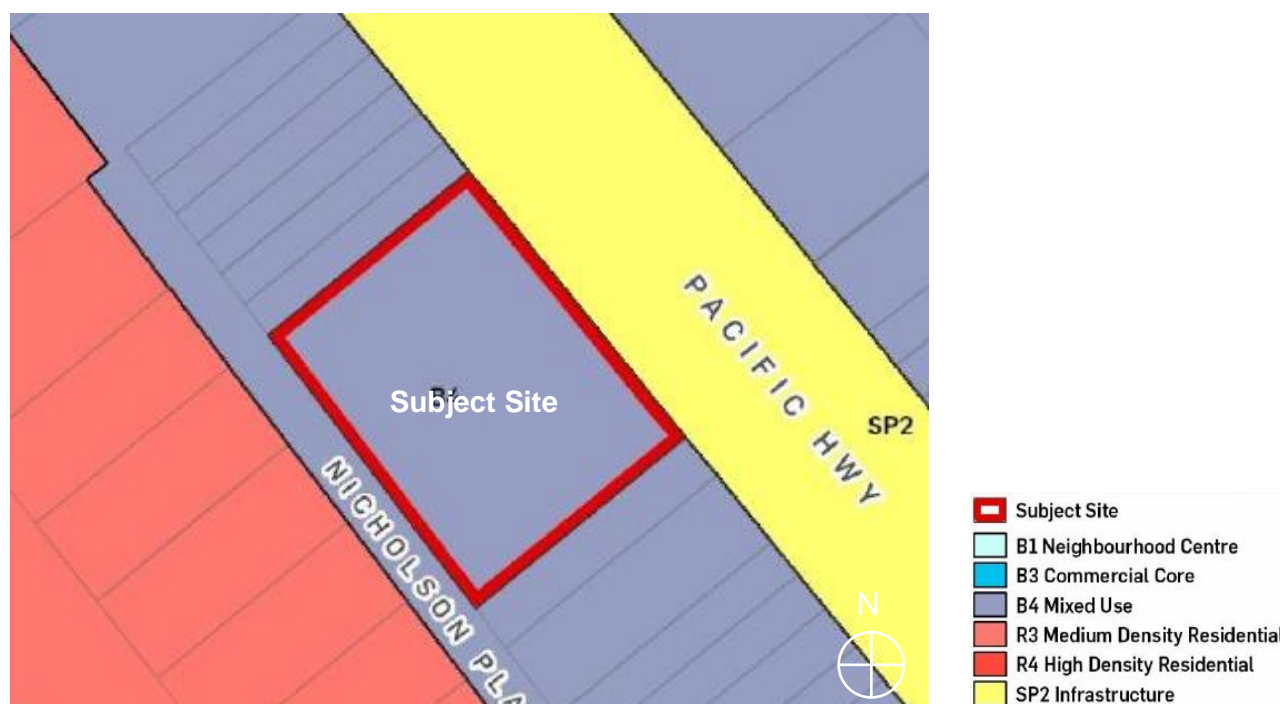
- B4 Mixed Use zone (**Figure 7**);
- maximum HOB of 10m (**Figure 8**);
- no applicable FSR (**Figure 10**); and
- minimum non-residential FSR of 0.5:1 (**Figure 12**).

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

- B4 Mixed Use (no change) (**Figure 7**);
- maximum HOB of RL 163.8\* (**Figure 9**);
- maximum residential FSR of 5.5:1 (**Figure 11**); and
- minimum non-residential FSR of 2:1 (**Figure 13**).

The heritage items in the vicinity of the site are shown at **Figures 5, 6 and 14**.

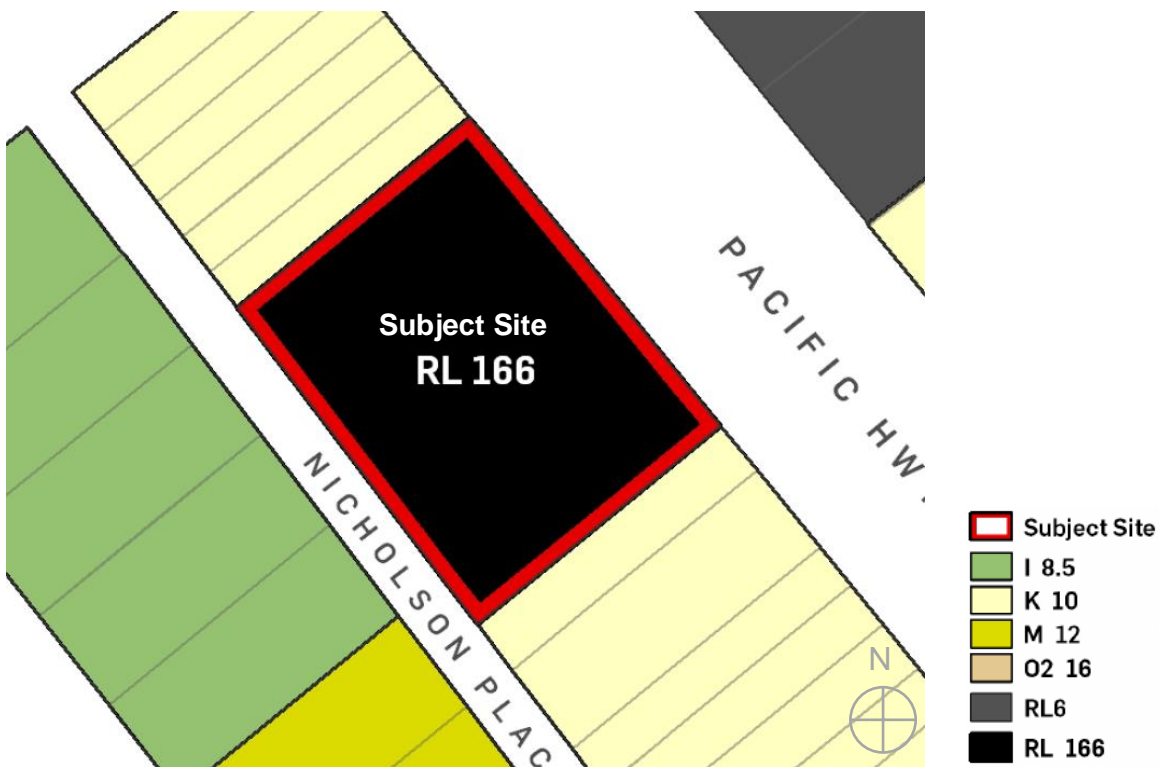
\* Note that **Figure 9** indicates a maximum height of RL166. The proposed mapping will require revising to state a maximum height of RL163.8 as indicated in the revised concept drawings.



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

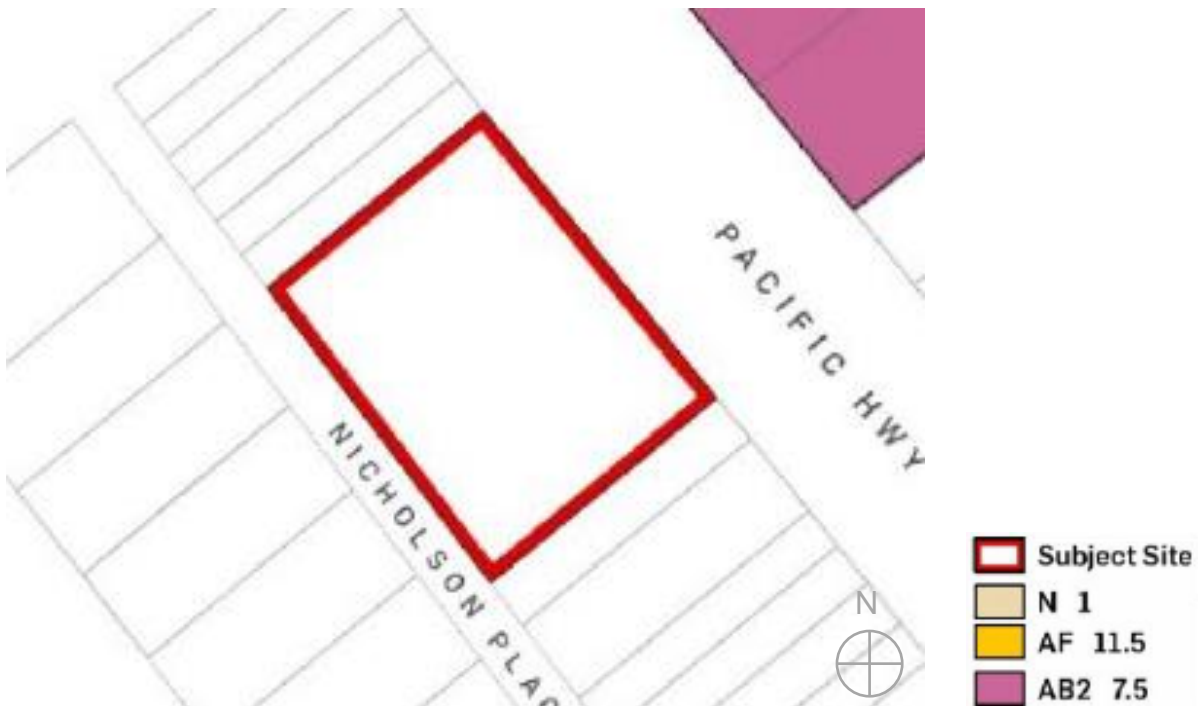


**Figure 8** Current height of building map – indicating a maximum height of 10m (source: Urbis)

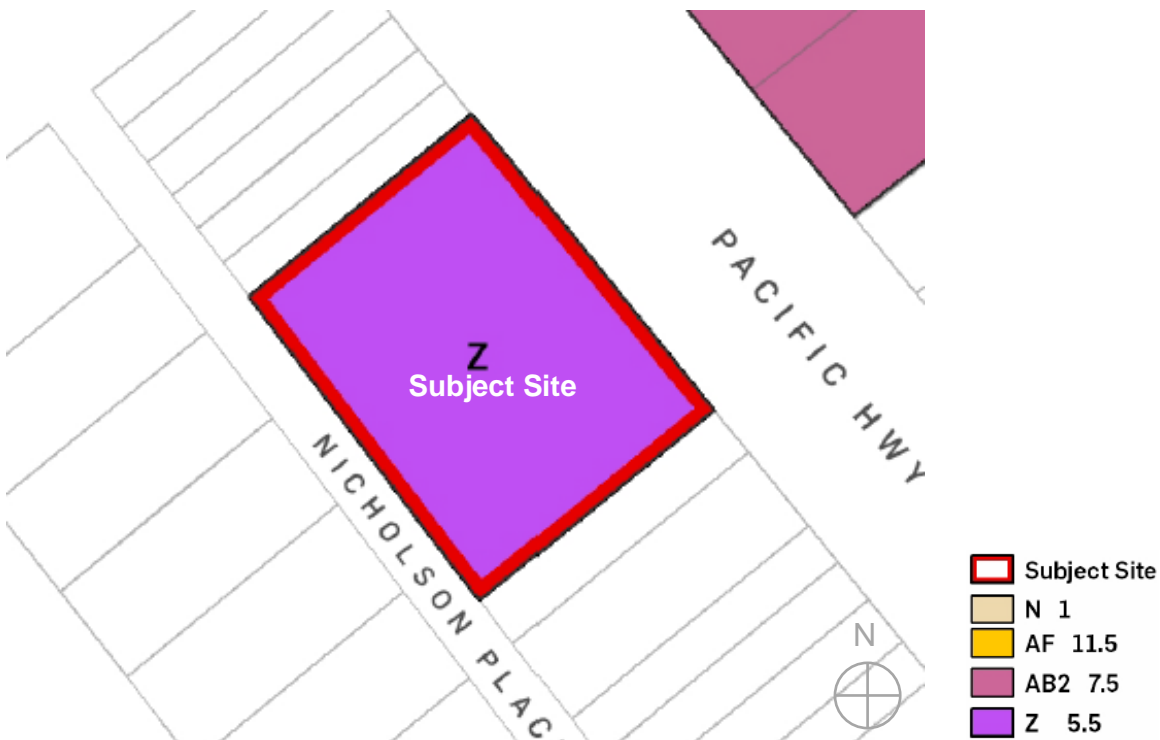


**Figure 9** Proposed height of building map – indicates a proposed maximum height of RL166 (source: Urbis)





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

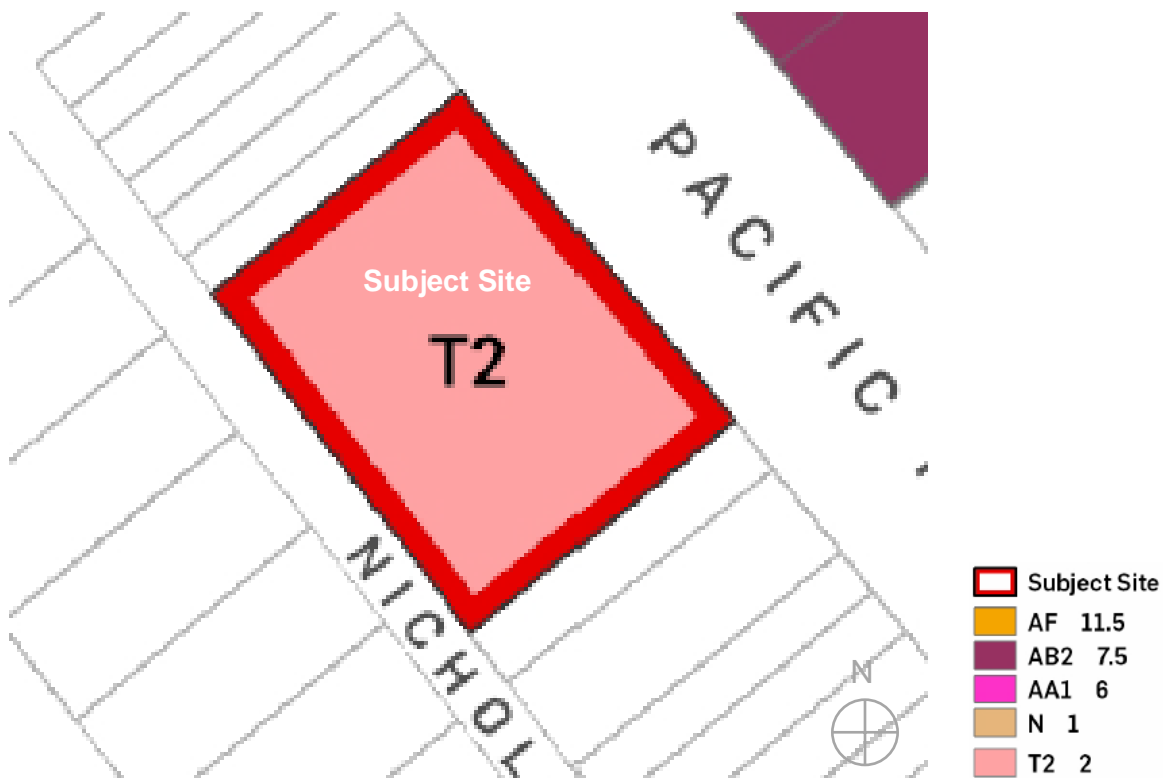


**Figure 11** Proposed floor space ratio map – introducing a 5.5:1 floor space ratio (source: Urbis)





**Figure 12** Current minimum non-residential floor space map – indicating a non-residential FSR of 0.5:1 (source: NSW Legislation)



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



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

## 1.6 Rezoning Review and Planning Proposal Authority

### *Rezoning Review*

On 6 May 2022, Urbis on behalf of Galifrey Property Pty Ltd added rezoning review request documents to the NSW Planning Portal as Council notified the applicant that it would not support the amendment to the LEP. A rezoning review case (RR-2022-24) was initiated by the applicant on the NSW Planning Portal on 23 September 2022.

On 9 November 2022, the Sydney North Planning Panel (SNPP) considered the rezoning review request and determined that the proposal should be submitted for a Gateway determination as it demonstrated strategic and site-specific merit.

The decision was not unanimous as one panel member considered that the proposal did not demonstrate site-specific merit. The panel member stated that it was not a good contextual transition with the existing and future development to the heritage items in the block and future development to the south and further investigation was needed.

### *Planning Proposal Authority*

As Council had notified the proponent that it will not support the proposed amendment. As such, in line with the Department's *Local Environmental Plan Making Guideline 2022* and section 3.32(1) of the *Environmental Planning and Assessment Act 1979* the SNPP may appoint itself as the Planning Proposal Authority (PPA).

## 1.7 Reference Scheme

The indicative reference scheme is outlined in **Table 3**.

A revised concept report dated March 2022 was submitted to Council (**Attachment A2b**).

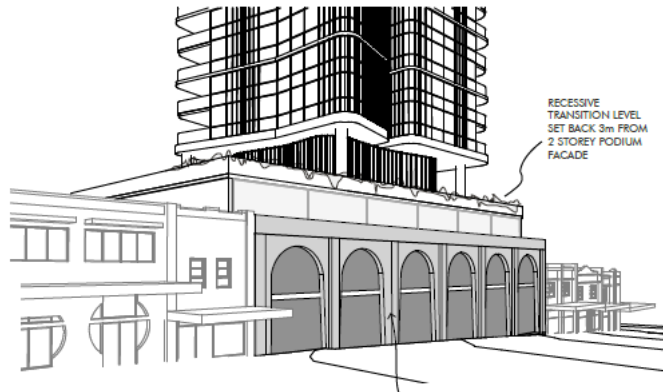
The revised scheme indicates:

- a reduction in the maximum height from RL166 to RL163.8 (**Figure 15**); and

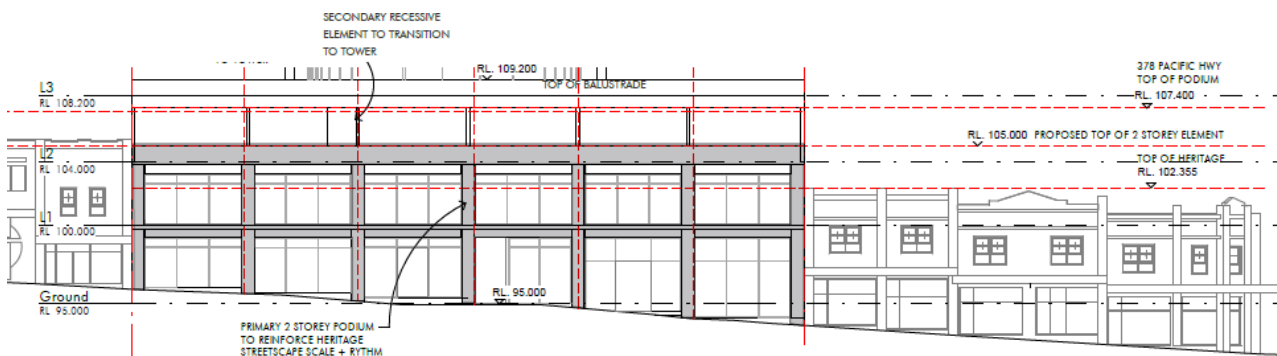




**Figure 17** Proposed revised east podium elevation (to Pacific Highway) with a 3m setback from the 2 storey façade (source: Nettletontribe)



**Figure 18** Proposed revised concept from the Pacific Highway with a 3m setback from the 2 storey podium façade in response to the adjacent heritage items (source: Nettletontribe)



**Figure 19** Proposed scale and rhythm of the concept from the Pacific Highway (source: Nettletontribe)



**Figure 20** Proposed concept (source: Nettletontribe)



## 2 Need for the planning proposal

The planning proposal states that it has been prepared in accordance with the SLCN 2036 Plan. The SLCN 2036 Plan was released in August 2020 and recommends changes to the planning controls which include the subject site at 360 Pacific Highway Crows Nest (**Figures 21 to 25**).

The planning proposal outlines options for the site:

**Option 1:** Lodge a development application (DA) - The current LEP will allow height of 10m and minimum non-residential FSR of 0.5:1. A clause 4.6 variation could result in increased height but still not be less than specified under the SCLN 2036 Plan.

**Option 2:** Do nothing – Council's preference is for applicants to submit site specific planning proposals consistent with the SLCN 2036 Plan.

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

The SLCN 2036 Plan is discussed further in section 3.3.

## 3 Strategic assessment

### 3.1 Regional Plan

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

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

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

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

Regional Plan Objectives	Justification
<b>A City Supported by Infrastructure</b>	<p>The proposed increase to the development controls will facilitate increased density that will leverage off existing and new public transport connections. The subject site is opposite the new Crows Nest Metro station site, approximately 120m to the north-east across the Pacific Highway. The station at Crows Nest is one of 6 new stations for the Sydney Metro 'City and Southwest' extending the network from Chatswood under Sydney Harbour to the Sydney CBD to Bankstown.</p> <p>The proposal is considered to be consistent with this objective.</p>

<b>A City of Great Places</b>	<p>Providing higher density in certain areas of the Local Government Area (LGA) will protect the existing low density residential areas while providing a more diverse choice of dwellings.</p> <p>The nil podium setback to the Pacific Highway will accommodate a range of uses to provide a pedestrian friendly space throughout the day and evening.</p> <p>Additional amenity will be provided with landscaping including trees and planters to the podium and at street level.</p> <p>The proposal is considered to be consistent with this objective</p>
<b>A Well-Connected City</b>	<p>As part of the Eastern Economic corridor, the North Sydney LGA is well-connected to the neighbouring strategic centres of Macquarie Park, St Leonards Crows and Chatswood and the Sydney CBD with a variety of transport options. Maximising the use of public transport assets such as the new Metro at Crows Nest will contribute to the 30-minute city and help reduce the need for additional infrastructure and private vehicle usage.</p> <p>The proposal is considered to be consistent with this objective</p>
<b>Jobs and Skills for the City</b>	<p>The provision of services in close proximity to existing and proposed public transport will enable people to access jobs easily within the LGA and other areas.</p> <p>It is proposed that the redevelopment of the site will deliver 2,812m<sup>2</sup> of commercial floor space and increased residential accommodation for people to live and work in the North Sydney LGA.</p> <p>The proposal is considered to be consistent with this objective</p>
<b>Housing the City</b>	<p>To meet its dwelling targets, Council is required to increase housing supply to 3,000-3,500 dwellings between the period of 2022 to 2026.</p> <p>The planning proposal will facilitate the provision of approximately 42 new residential dwellings with a range of dwelling sizes to meet the needs of the community close to existing infrastructure and services.</p> <p>Concentrating housing in certain areas will maximise the use of the proposed Metro while preserving the local character and heritage items.</p>
<b>An Efficient City</b>	<p>The site is close to the new Crows Nest Metro station with links to other major employment centres, reducing the need for private vehicle use and reducing carbon emissions.</p>

## 3.2 North District Plan

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

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

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

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

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

District Plan Priority	Justification
Infrastructure	
N1 Planning for a city supported by infrastructure	The planning proposal is consistent with this priority as it will leverage off the new Crows Nest Metro with minimal travel times to the Sydney CBD and the North Sydney CBD supporting the 30-minute city.
N12 Delivering integrated land use and transport planning and a 30-minute city	
Liveability	
N5 Providing housing supply, choice and affordability with access to jobs, services and public transport	<p>The planning proposal will facilitate 42 new residential dwellings in a variety of sizes close to existing and proposed public transport to various strategic locations and beyond.</p> <p>The site is close to the St Leonards Health and Education Precinct and existing jobs and services in the North Sydney CBD.</p>
N6 Creating and renewing great places and local centres, and respecting the district's heritage	<p>The planning proposal is consistent with this priority as it will amend the planning controls in the North Sydney LEP 2013 to provide increased residential dwellings and enable people to live and work in close proximity to existing infrastructure, services and employment.</p> <p>Additional landscaping will enhance the streetscape and increase amenity and pedestrian activity and safety.</p> <p>The podium levels respect the neighbouring local heritage items in height and the concept indicates that it will respond appropriately to the existing character at street level to these buildings.</p> <p>The redevelopment of the site is in line with the design principles that support the SCLN 2036 Plan.</p>
Productivity	
N8 Eastern Economic Corridor is better connected and more competitive	<p>North Sydney is within the Eastern Economic Corridor and well-connected to the neighbouring strategic centres of Macquarie Park, St Leonards and Crows Nest and Chatswood and the Sydney CBD.</p>
N10 Growing investment, business opportunities and jobs in strategic centres	Enabling increased development in a location across from the proposed Crows Nest Metro station will provide key employees with accommodation close to employment and maximise the use of public transport assets and reduce the need for additional infrastructure.

The proposed commercial/retail area will suit a variety of uses for activation and renewal of the site in a key strategic area.

## Sustainability

N19 Increasing urban tree canopy cover and delivering Green Grid connections

The proposal was submitted Landscaping Plans (**Attachment A10**) that demonstrate that the proposal will preserve the existing trees and landscaping along the Pacific Highway and Nicholson Lane. Landscaping will be provided at podium level and increased to the Pacific Highway.

## 3.3 Local

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

### 3.3.1 St Leonards Crows Nest 2036 Study

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

The site is in the SLCN 2036 Plan area (**Figure 21**) and the revised planning proposal achieves the overall intent of the SLCN 2036 Plan, which focuses on delivering greater employment floor space and jobs.

An assessment of the revised planning proposal against Section 9.1 Ministerial Direction 7.11 Implementation of St Leonards and Crows Nest 2036 Plan is outlined in section 3.5.

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

Strategies	Justification
<i>Vision</i>	<p>The revised planning proposal is generally consistent with the vision of the SLCN 2036 Plan as it will promote an active street frontage and contribute to the night-time economy and catering to a wider range of services for a growing population that is compatible with the future character of the area.</p> <p>The building envelop will maintain 2 hours of solar access to neighbouring residents and will not overshadow public open spaces or beyond the SLCN boundary.</p> <p>The podium height responds appropriately to the existing neighbouring heritage items.</p> <p>It will also provide a variety of residential dwellings to suit a mix of household sizes on a site that has been designated for potential uplift within the plan area.</p>
<i>Design principles</i>	<p>The revised planning proposal is generally consistent with the design principles of the SLCN 2036 Plan as;</p> <ul style="list-style-type: none"> <li>the provision of commercial floorspace at ground level will contribute to an active street frontage;</li> <li>it complies with the built form of reducing the height away from the station;</li> <li>it will improve street amenity and streetscape with the provision of additional landscaping; and</li> <li>it is compatible with the surrounding area and will not raise strategic issues concerning cumulative overshadowing, wind and view loss impacts.</li> </ul>



*Design criteria*

The revised planning proposal complies with the following design criteria;

- the B4 Mixed Use zone will be retained;
- the built form to 18 storeys with an FSR of 5.5:1 including a non-residential FSR of 2:1 (**Figures 22 to 25**);
- a podium responds in scale to the neighbouring R3 Medium Density Residential area to the west of the site;
- solar access is retained to public open spaces and residential areas outside the SLCN 2036 Plan area and retain the required 2 hours solar access to the adjoining residential properties to the west;
- the development of the site will facilitate 42 new residential dwellings and approximately 2,812m<sup>2</sup> of commercial space at ground level contributing to jobs.



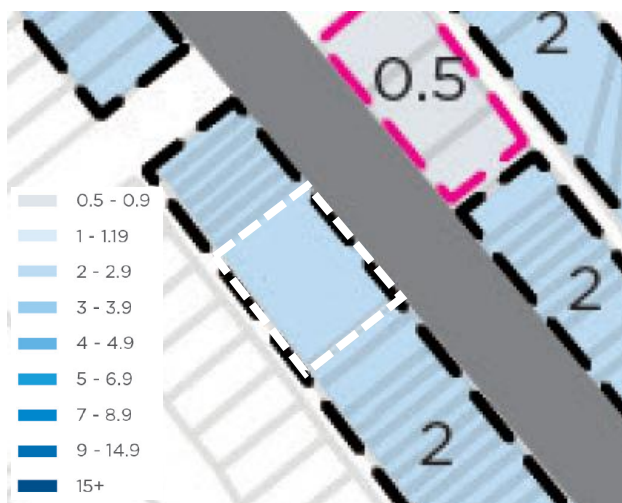
**Figure 21** SLCN 2036 Plan map (source: the Department)



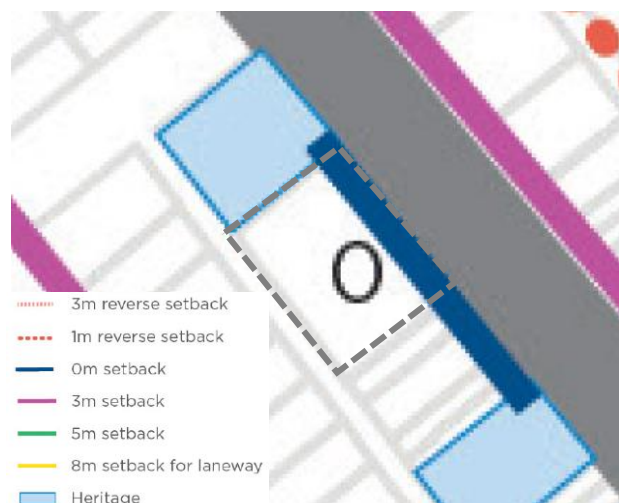
**Figure 22** SLCN 2036 Plan recommended height of 18 storeys (source: the Department)



**Figure 23** SLCN 2036 Plan recommended FSR of 5.5:1 (source: the Department)



**Figure 24** SLCN 2036 Plan recommended non-residential FSR of 2:1 (source: the Department)



**Figure 25** SLCN 2036 Plan indicates nil setback to the Pacific Highway and to Nicholson Place (source: the Department)

### 3.3.2 Local Strategic Planning Statement (LSPS)

The Local Strategic Planning Statement (LSPS) was adopted by Council on 24 March 2020. It guides future land use planning and development in the North Sydney LGA to 2036. The LSPS guides the content of the North Sydney LEP and the Development Control Plan (DCP). The consistency of the revised planning proposal with the relevant planning priorities in the LSPS as outlined in **Table 7**.

**Table 7** Local strategic planning assessment

Planning Priority	Justification
Planning priority L1 – Diverse housing options that meet the needs of the North Sydney community	The planning proposal is consistent with this priority as it will provide a variety of additional residential dwellings in an area well serviced by existing and proposed public transport, services, jobs, infrastructure and public open space.



Planning priority L2 – Provide a range of community facilities and services to support a healthy, creative, diverse and socially connected North Sydney community.	Public domain upgrades will contribute to a diverse and socially connected community. Upgraded commercial/retail floorspace will provide activation and services to suit an increased and changing demographic.
Planning priority L3 – Create great places that recognise and preserve North Sydney's distinct local character and heritage	The proposal generally conforms with the emerging character of the area and the reference scheme responds adequately to the local heritage items to the north.
Planning Priority P1 – Grow a stronger, more globally competitive North Sydney CBD  Planning Priority P3 – Enhance the commercial amenity and viability of North Sydney's local centres	The commercial component and retail floor space as part of the redevelopment will contribute to the objectives of the SLCN 2036 Plan by activating the street and increasing amenity in an area close to existing and proposed transport options.
Planning Priority P6 – Support walkable centres and a connected, vibrant and sustainable North Sydney	The site is in close proximity to existing and proposed public transport infrastructure, including the new Crows Nest Metro Station 25m to the west across the Pacific Highway.  Concentrating additional housing near accessible transport will encourage walkable centres and easy access to employment and services.

### 3.3.3 Local Housing Strategy (LHS)

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

The new Metro Stations will provide increased connectivity, accessibility and opportunities for jobs, open space, infrastructure and dwellings. The revised planning proposal is consistent with the LHS as it will provide 42 new dwellings in an area identified for potential additional housing close to existing and proposed public transport with links to other strategic centres and beyond. The planning proposal will support 2,812m<sup>2</sup> of commercial floorspace which will contribute to the jobs growth target for Crows Nest.

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

Council is currently reviewing the controls in the DCP as they relate to the St Leonards Crows Nest Planning Area and the Crows Nest Metro Over Station Development (OSD). The amendments were exhibited for community feedback until 15 November 2022.



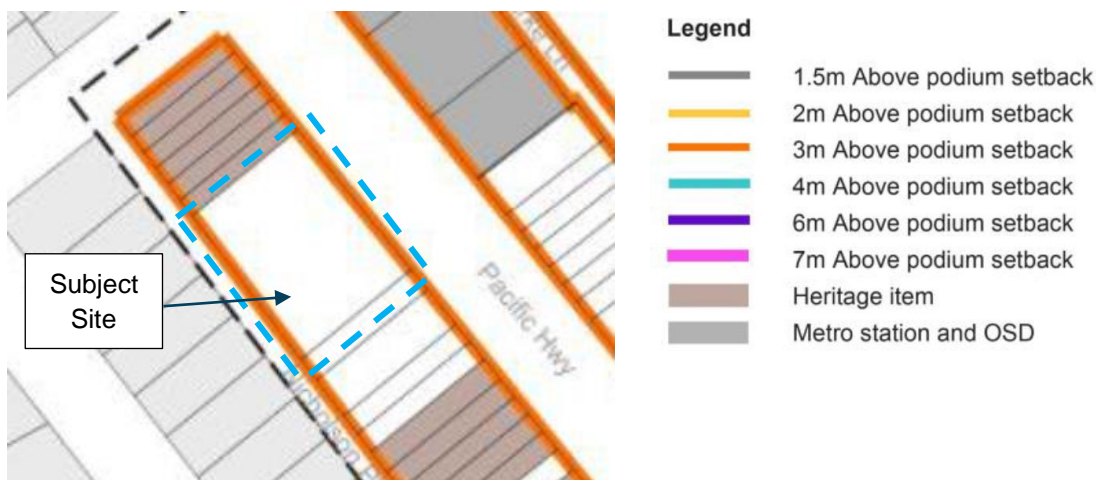




**Figure 27** The draft NSDCP recommends a nil whole of building setback to the Pacific Highway and 3m setback to Nicholson Place (source: Council)



**Figure 28** The draft NSDCP recommends a 2-storey podium to the Pacific Highway (source: Council)



**Figure 29** The draft NSDCP recommends a 3m above podium setback to the Pacific Highway (source: Council)

### 3.3.5 Future Transport Strategy 2056

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

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

Council is proposing to update the NSDCP2013 to reduce onsite car parking rates for new development in the St Leonards Town Centre and Crows Nest Town Centres close to accessible transport. The traffic, transport and parking are addressed further in section 4.1.1.

## 3.4 Local planning panel recommendation

On 8 June 2022, the North Sydney Planning Panel (NSLPP) considered the planning proposal and determined that the planning proposal should not proceed to a Gateway determination in line with Council officer's recommendation (**Attachment B** and **C1a**).

The NSLPP acknowledged the appropriateness of higher densities near infrastructure. However, a more holistic approach to the SLCN 2036 Plan should be implemented considering a block-by-block basis for a more sensitive resolution.

## 3.5 Section 9.1 Ministerial Directions

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

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

The planning proposal's consistency with relevant section 9.1 Directions is discussed in **Table 8**.

**Table 8 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
<b>Planning Systems – Place Based</b>		
1.13 Implementation of St Leonards and Crows Nest 2036 Plan (previously 7.11)	Yes	<p>The objective of this direction is to ensure development within the St Leonards and Crows Nest Precinct is consistent with the <i>St Leonards and Crows Nest 2036 Plan</i>.</p> <p>The site is in an area of North Sydney LGA covered by the SLCN Plan 2036 and the proposed amendment to the planning controls is consistent with this Direction.</p> <p>The SLCN 2036 Plan is discussed further in section 3.3.1.</p>

## Biodiversity and Conservation

3.2 Heritage Conservation (previously 2.3)	Yes	<p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage and indigenous significance.</p> <p>This direction applies as the site is in the vicinity of a local heritage items.</p> <p>A Heritage Impact Assessment (<b>Attachment A6</b>) was submitted with the planning proposal that states that any new development must appropriately respond to the heritage items in to respect to scale and form.</p> <p>The heritage impact is discussed further in section 4.1.3 of this report.</p>
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## Resilience and Hazards

4.4 Remediation of Contaminated Land (previously 2.6)	Yes	<p>This Direction was introduced on 17 April 2020 and aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered at the planning proposal stage.</p> <p>A preliminary site investigation (PSI) (<b>Attachment A4</b>) submitted with the planning proposal recommended that a Detailed Site Investigation (DSI) be undertaken to confirm the presence and extent of contamination and to determine the suitability for the intended use.</p> <p>A Geotechnical Desktop Study (<b>Attachment A7</b>) was submitted with the planning proposal. A site walkover was conducted in November 2021 to inform the study relating to regional geology including groundwater. The study recommends that the subsurface conditions be confirmed by actual onsite geotechnical investigation after demolition of the existing structures.</p> <p>The contamination impact is discussed further in section 4.1.2.</p>
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## Transport and Infrastructure

5.1 Integrating Land Use and Transport (previously 3.4)	Yes	<p>The key objectives of this Direction are to improve access to housing, jobs and services by walking, cycling and public transport and reducing dependency on private vehicles.</p> <p>The planning proposal intends to increase the planning controls on the site to facilitate 42 new residential dwellings and renewed commercial/retail floor space leveraging off</p>
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		<p>existing public transport and the proposed Crows Nest Metro approximately 25m to the east.</p> <p>The planning proposal is consistent with this direction.</p>
5.3 Development Near Regulated Airports and Defence Airfields (previously 3.5)	Yes	<p>This Direction aims at ensuring the effective and safe operation of airports and to ensure development is not adversely affected by aircraft noise.</p> <p>The planning proposal was submitted with an Aeronautical Impact Statement (<b>Attachment A11</b>) that states:</p> <ul style="list-style-type: none"> <li>the site is affected by an Obstacle Limitation Surface (OLS) of 156m AHD. The planning proposal seeks to increase the maximum height of buildings to RL165 protruding into the OLS. However, the maximum outer OLS surface penetration is 9.3m and the proposed height would not be considered a risk to aviation;</li> <li>any crane activity will require a separate approval prior to the commencement of work</li> <li>the concept is below the PANS OPS surface; and</li> <li>it will not affect the flight activity from the Royal North Shore Hospital helipad as it is not under the published recommended flight paths and the nearby Crows Nest OSD is of a greater height than what is proposed on this site.</li> </ul> <p>It should be noted that the concept has been reduced in height to RL163.8.</p> <p>* Note: ground level is approximately RL95 indicating that the built form could potentially be under 70m in height.</p> <p>In accordance with regulation 139.165 of the <i>Civil Aviation Safety Regulations 1998</i>, Civil Aviation Safety Authority (CASA) is to be notified of buildings or structures that will have a height of 100m or more above ground level. As such consultation will not be required with CASA.</p>

## Housing

6.1 Residential Zones (previously 3.1)	Yes	<p>Under this Direction, a planning proposal must broaden housing choice, make efficient use of existing infrastructure, reduce consumption of land for housing on the urban fringe and be of good design.</p>
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		The proposal will retain the B4 Mixed Use to facilitate redevelopment to provide 42 new residential dwellings in an urban area located close to existing and proposed services and public transport.
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### Industry and Employment

7.1 Business and Industrial Zones (previously 1.1)	Yes	<p>This direction refers to retaining areas and locations of existing business and industrial zones and not reducing the total potential floor space area for employment uses in business zones, or for industrial uses in industrial zones.</p> <p>The B4 Mixed Use zone is to be retained.</p> <p>The proposed increase to the development standards on the site will facilitate approximately 2,812m<sup>2</sup> of retail/commercial floorspace with a minimum non-residential FSR of 2:1, increased from the requirement in the LEP from 0.5:1.</p> <p>The planning proposal is consistent with this Direction.</p>
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## 3.6 State environmental planning policies (SEPPs)

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

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

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

The planning proposal will require updating to address the consolidated SEPPs and remove reference to the repealed SEPPs.

The consistency of the planning proposal with the consolidated SEPPs is discussed in **Table 9**.

**Table 9 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Resilience and Hazards) 2021	On 1 March 2022, 3 SEPPs relating to resilience and hazards were consolidated into one SEPP. The consolidated SEPP aims to manage risks and build resilience in the face of hazards.	Yes	<p>The site is not identified as being within coastal use area in the map associated with SEPP (Resilience and Hazards) 2021 (former SEPP (Coastal Management) 2018).</p> <p>The proposed changes to the development controls will facilitate a residential flat building and any</p>



SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
			<p>hazardous or offensive development is not proposed.</p> <p>A PSI (<b>Attachment A4</b>) has been submitted with the planning proposal indicating that there could be potential for contamination and recommended a DSI be undertaken.</p> <p>Further investigation can be carried out as part of a future DA.</p> <p>The contamination impact is discussed further in section 4.1.2.</p> <p>The planning proposal will require updating to address the consolidated SEPP instead of SEPP 55 Remediation of Land.</p>
SEPP (Transport and Infrastructure) 2021	On 1 March 2022, 3 SEPPs relating to transport and infrastructure were consolidated into one SEPP. The consolidated SEPP aims to provide well-designed and located transport and infrastructure integrated with land use.	Yes	<p>The planning proposal was accompanied by a revised Transport Assessment (<b>Attachment A5</b>) that indicates that the development will not have a significant impact on the surrounding road network.</p> <p>Access and egress are to be maintained via Nicholson Place.</p> <p>Referral to TfNSW will be required prior to the construction phase due to the location along a classified road, the Pacific Highway and close locality of the proposed Metro station.</p> <p>Residential development fronting a classified road must also consider the acoustic impact. An Acoustic Pre-Planning Report (<b>Attachment A8</b>) provides recommendations for future development. The acoustic impact is discussed further in section 4.1.4.</p> <p>The transport, traffic and parking impact are discussed further in section 4.1.1.</p> <p>The planning proposal will require updating to address the consolidated SEPP instead of SEPP (Infrastructure) 2007.</p>

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Building Sustainability Index: BASIX) 2004	This SEPP aims to encourage sustainable residential development through establishing targets for thermal comfort, energy and water use.	Yes	Development applications (DAs) for all future residential development will need to comply with the targets established under BASIX.  The reference scheme has been designed to achieve any future BASIX compliance. Further consideration of this SEPP can occur at a future DA stage.
SEPP 65 - Design Quality of Residential Apartment Development	The aim of this policy is to improve the design quality of residential apartment development in NSW.	Yes	The proposal states that it is generally consistent with the principles of this SEPP.  Any future development application for residential flat buildings, shop top housing or mixed-use development with a residential component will be required to have regard to SEPP 65 and the Apartment Design Guide (ADG).  The consistency can be further assessed as part of a future DA.  The built form is discussed further in section 4.1.6.
SEPP (Sustainable Buildings) 2022	This policy will commence on 1 October 2023. This will ensure the buildings are more comfortable. This SEPP will introduce thermal performance measures, water and energy saving measures and emission reporting for all buildings.	Can be further assessed as part of a future DA.	Savings and transitional provisions will be included so that the SEPP will not apply to development applications or modification applications that have already been submitted, but not yet determined by the commencement date.  It is recommended that the planning proposal be updated to address this SEPP.

## 3.7 Other policies

### 3.7.1 Standard Instrument - Employment Zones Reform

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

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

The existing Business (B) and Industrial (IN) zones are intended to be replaced with five new employment zones and three supporting zones under Standard Instrument Principal Local Environmental Plan (2006) (SI LEP) (**Table 10**).

The implementation of the new employment zones was finalised on 16 December 2022 and scheduled to commence 26 April 2023.

This framework intends to:

- maximise productivity while minimising land use conflicts and ensuring they are fit for purpose;
- address current barriers within the planning system that limit the ability of businesses to establish, expand or adapt; and
- better support councils in the delivery of the strategic vision contained in their Local Strategic Planning Statements and background studies.

The changes will apply to the site as the B4 Mixed Use zone is to be retained. The B4 Mixed Use zone will be translated to MU1 Mixed Use in the translation of the employment zones.

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

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

**Table 10: Proposed changes to the employment zones**

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

## 4 Site-specific assessment

### 4.1 Environmental

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

#### 4.1.1 Transport, Traffic and Parking Impact

A revised Transport Assessment (TA) dated 4 November 2022 (**Attachment A5**) was submitted to support the planning proposal. The TA was carried out with a proposed development of 42 dwellings and 2,812m<sup>2</sup> of commercial floorspace.

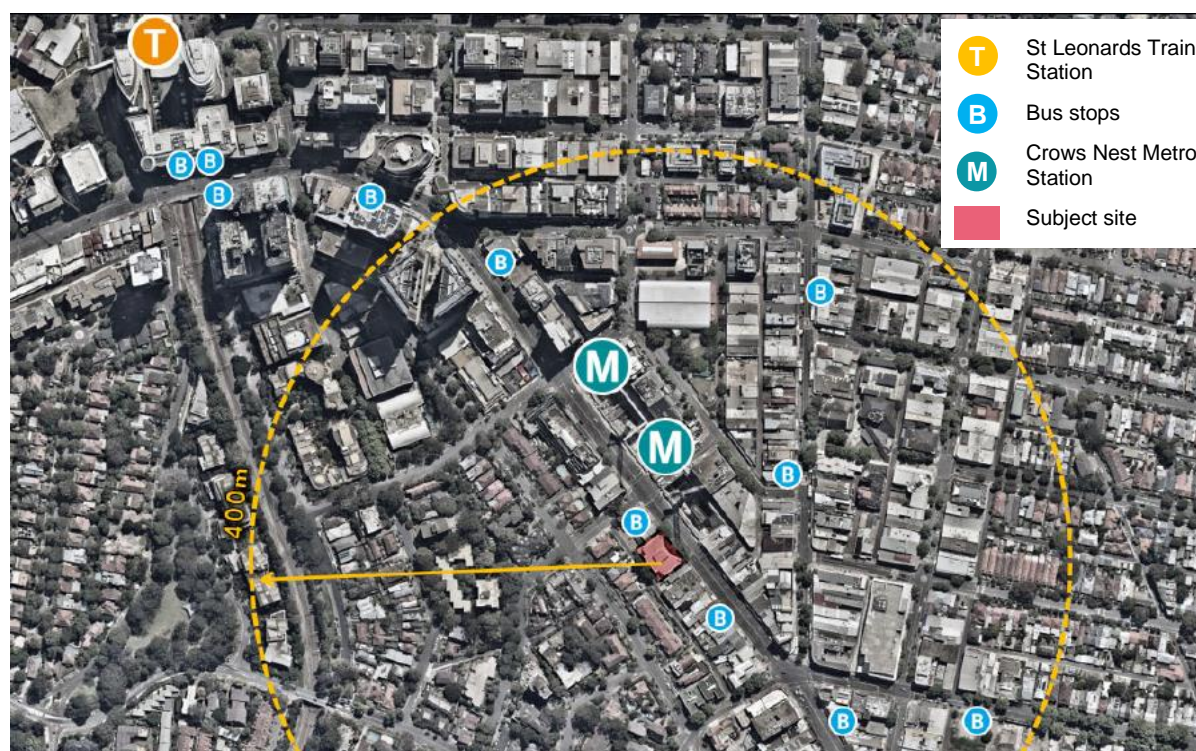
The TA states that currently on the site is a 3-storey commercial development. The surrounding developments include 6 heritage buildings adjoining the site to the north and similar terraces further south. To the south-west are residential dwellings across Nicholson Place. The construction site for the future Crows Nest Metro Station is to the east.

The site has a main frontage to the Pacific Highway which is a major 6 lane arterial road and a secondary frontage to Nicholson Place. Vehicular access/egress will be retained from Nicholson Place.

#### *Transport*

St Leonards Train Station is approximately 800m to the north-west along the Pacific Highway. The nearest bus stop is approximately 30m to the north on the Pacific Highway with frequent bus services to locations such as the Royal North Shore Hospital, Chatswood, Sydney CBD, Bondi Junction and North Sydney (**Figure 31**).

The site has a good network of pedestrian footpaths and well connected to existing cycling routes.



**Figure 31** Public transport options close to the subject site (source: JMT)

### Traffic

An estimate of the traffic generation based on the mix of apartments in the planning proposal is outlined in **Table 11**. Based on the information provided, the proposal is not expected to have an impact on the performance of the surrounding road network and intersections.

**Table 11: Traffic generation**

Use		Number	Car parking spaces	Peak hour traffic generation rate		Vehicle Trips	
				AM Peak	PM Peak	AM Peak	PM Peak
Proposed uses	Residential	42	35	0.14 per unit	0.07 per unit	6	3
	Commercial	2,254m <sup>2</sup> GFA	38	0.4 per space	0.25 per space	15	10
	Retail	614m <sup>2</sup> GFA	12	0.25 per space	0.8 per space	3	10
<b>Net trips generated</b>						<b>24</b>	<b>23</b>

### Parking

The TA states that the parking rates are guided by the NSDCP which is based on the sites proximity to accessible transport. The TA states that parking is to be provided for 77 private vehicles (**Table 12**).

Council is revising their parking rates for residential development in the B4 Mixed Use zones and the R4 High Density Residential zones to manage off street parking in new residential developments in areas of high public transport accessibility. The draft NSDCP 2013 amendment relating to car parking rates was on exhibition for public feedback until 13 December 2022.

If adopted, this amendment will require the total number of available parking spaces to be reduced substantially. For example, the proposed parking rate in the draft NSDCP 2013 for a 1 bedroom dwelling is proposed to be reduced to 0.4 car spaces (**Table 13**).

The final amount can be determined at a future detailed design phase.

**Table 12: Proposed car parking**

Land Use	Number of Units/GFA	User	Rate	Number of Spaces
Residential	42	Residents	1 per unit	42
		Visitors	1 per 10 units	4
Commercial	2,254m <sup>2</sup>	Staff	1 per 150m <sup>2</sup>	15
		Visitors	1 per 400m <sup>2</sup>	6
Retail	614m <sup>2</sup>	Staff	1 per 250m <sup>2</sup>	2



Land Use	Number of Units/GFA	User	Rate	Number of Spaces
		Visitors	2 plus 1 per 100m <sup>2</sup> over 100m <sup>2</sup>	8
<b>Total</b>				<b>77</b>

**Table 13: NSDCP revised parking rates**

Apartment Type	Current NSDCP Parking Rate	Number of Spaces per Dwelling
Studio	0.5	0.3
1 Bedroom	0.5	0.4
2 Bedroom	1.0	0.6
3 Bedroom	1.0	0.7
Non-residential	1 per 60m <sup>2</sup>	1 per 400m <sup>2</sup>

#### 4.1.2 Contamination Impact

A Preliminary Site Investigation (PSI) (**Attachment A4**) dated October 2021 was submitted with the planning proposal. The findings of the report are based on a site inspection undertaken on 7 October 2021 and research of records and historical information relating to the site and aerial photographs.

The report states that contaminants such as uncontrolled fill, leakage from vehicles, pesticides and asbestos based products may be present in some areas. These contaminants may not be in significant levels to be a risk. However, a Detailed Site Investigation (DSI) would be required to confirm the presence and extent of any contamination to determine the suitability of the site for the proposed mixed-use development.

A Geotechnical Desktop Study (**Attachment A7**) dated November 2021 was submitted with the planning proposal. This study provided information on the geology of the site and surrounds including groundwater and based on a site walkover and additional written material.

Geotechnical site investigation by borehole drilling would be required to confirm the underlying subsurface conditions and to establish groundwater levels.

Further assessment of the geological conditions can be carried out as part of a future DA and after the demolition of the existing structures.

#### 4.1.3 Heritage Impact

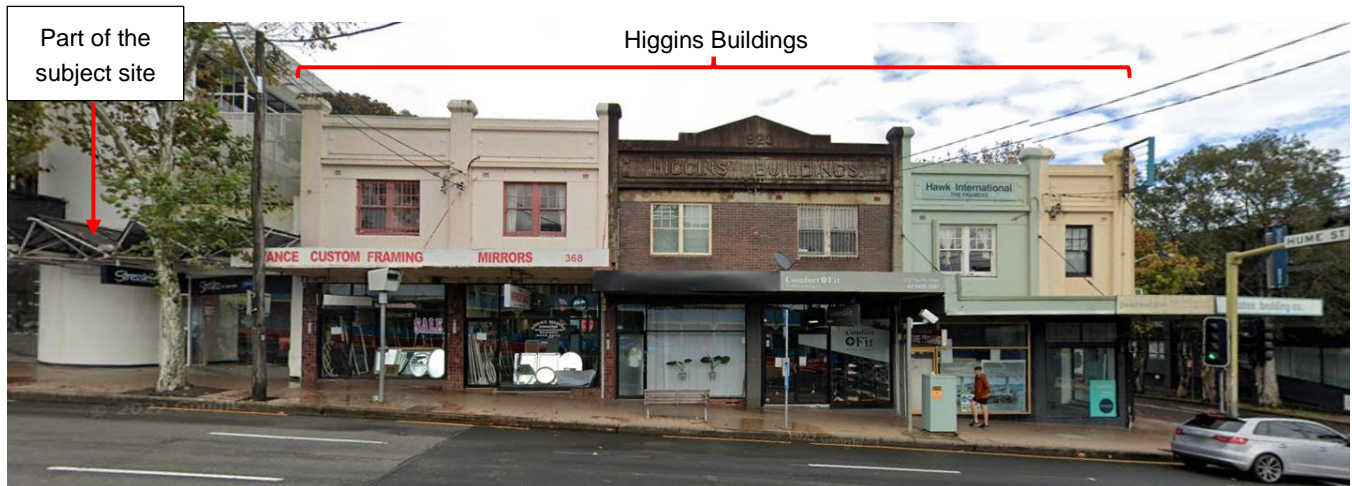
The site is not a listed as a heritage item and is not within a heritage conservation area. It is adjacent to local heritage items known as the 'Higgins Buildings' to the north (**Figures 14 and 32**).

A heritage impact statement (HIS) (**Attachment A6**) was submitted with the planning proposal. The HIS states that any new building must respond to heritage items in the vicinity in scale, form

and detail. The form and finish of the new building should respond to the heritage items in the vicinity and respect the prominence of the heritage items in the streetscape.

The planning proposal states that the concept is a sympathetic response to the heritage items with a 2-storey podium and views to the 'Higgins Buildings' will not be interrupted.

The Concept Design Report (**Attachment A2a**) and the updated version (**Attachment A2b**) provides details on the design response to the adjacent heritage items (**Figures 17 to 19**).



**Figure 32** Local heritage items 'Higgins Buildings' 366-376 Pacific Highway Crow Nest (source: Google Maps)

#### 4.1.4 Acoustic Impact

An Acoustic Pre-Planning Report (**Attachment A8**) dated 8 November 2021 was submitted with the planning proposal.

The report noted that the proposal was to facilitate a 24-storey development consisting of a 3-storey podium and 18-storey residential tower above.

A desktop analysis was undertaken to determine the extent of measures required to mitigate noise and vibration as the main façade was to the State classified road, the Pacific Highway and opposite the new Crows Nest Metro currently under construction.

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

The report recommended:

- balconies on the façade facing the Pacific Highway are to have a partially enclosed balcony with an acoustically absorptive soffit;
- apartments on levels 4 to 10 to the north-west and south-east facades towards the Pacific Highway with a sightline to the road to have partially enclosed balconies with an acoustically absorptive soffit;
- apartments on levels 10 to 14 to the north-west and south-east facades towards the Pacific Highway with a sightline to the road to have a balcony with solid balustrade and acoustically absorptive soffit;
- living rooms or bedrooms to the façade with predicted noise above the recommended levels will require to be closed with alternative methods for ventilation; and
- glazing facing the Pacific Highway will likely need to be high performance single or double glazing.

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

#### 4.1.5 Wind Impact

A revised Pedestrian Wind Environment Statement (**Attachment A9**) dated 29 October 2021 was submitted with the revised planning proposal. No wind tunnel testing has been carried out and the report addresses localised effects that are identifiable in the examination of the amended massing drawings.

The report states that the conditions at ground level are not expected to differ from the existing. The report recommends the retention of the trees to the front.

The report states that there are potential wind effects that can impact the wind comfort and amenity on the podium rooftop. These effects can be minimised by design features such as compartmentalising the podium area or providing separation gateways and providing solid balustrading to at least the height of 1.5m along the perimeter edge, screening and landscaping.

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

#### 4.1.6 Built Form and Visual Impact

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

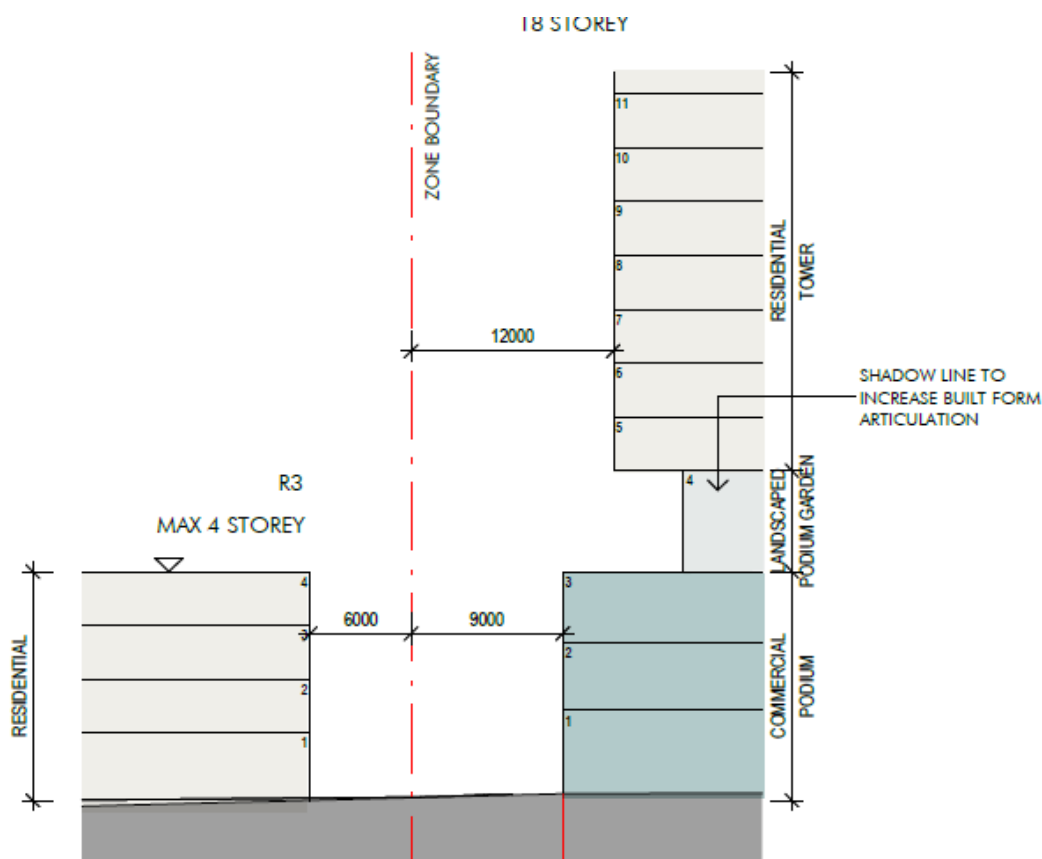
- with a 3-storey commercial podium to the Pacific Highway with the 3<sup>rd</sup> storey recessed back by 3m to appear as a 2-storey podium to better respond to the adjacent heritage items;
- with landscaping at street and podium level and rooftop;
- maintaining views and solar access to the surrounding existing residential dwellings and public domain; and
- compliant proposed increase with the SCLN 2036 Plan and the future desired character of the area.

The design response to the heritage items is in the Concept Design Report (**Attachment A2a**) and revised Concept Design Report (**Attachment A2b**).

The revised Concept Design Report indicates that the separation and setbacks are appropriate for the surrounding residential developments (**Figure 33**). For the residential tower:

- 6m setback from the site boundary on the Pacific Highway;
- 6m setback along Nicholson Place, with a 12m setback from the centre of the lane and 18m setback from the rear boundary of Nicholson Street properties;
- 9m setback along the south-east side boundary to 348 Pacific Highway; and
- 12m setback the north-west side boundary to 368 Pacific Highway is proposed.

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



**Figure 33** Proposed setbacks (source: Nettletontribe)

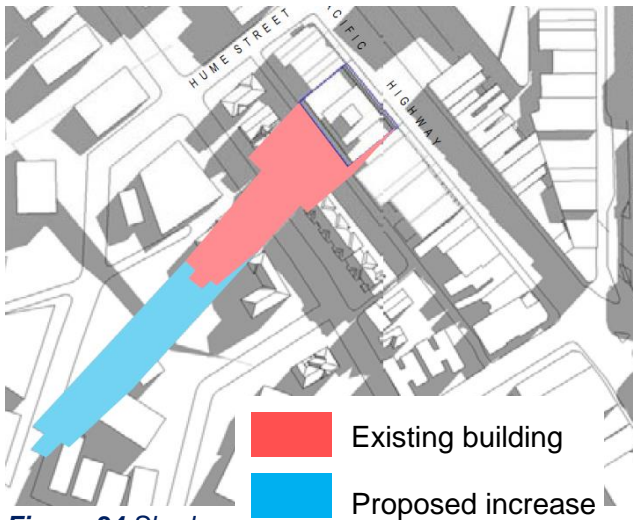
#### 4.1.7 Overshadowing Impact

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

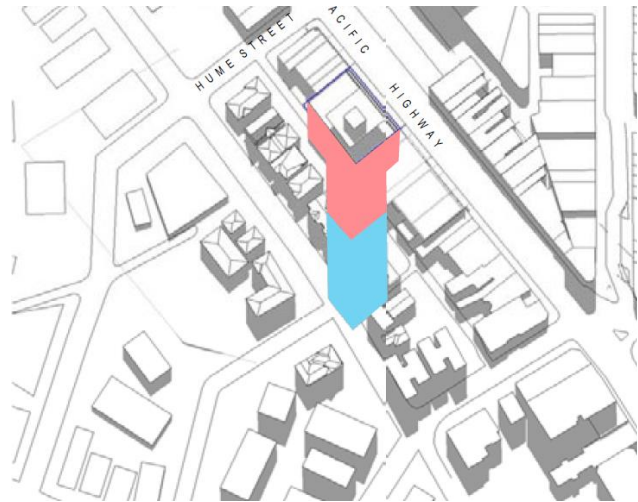
- the properties south and west will experience overshadowing between 9am and 11am but limited to 1 to 2 hours;
- the proposed increase to the development standards will not result in overshadowing beyond the SCLN 2036 Plan boundary; and
- there is not overshadowing to public open space.

**Figures 34 to 37** indicate the overshadowing impact as a result of the proposed reference scheme. **Figure 38** shows the cumulative overshadowing impact of the proposed concept with the overshadowing of the new Crows Nest Metro Station OSD.





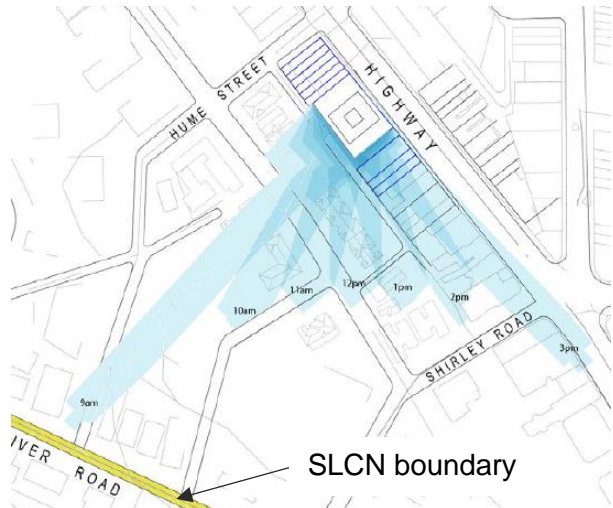
**Figure 34** Shadow  
Nettletontribe)



**Figure 35** Shadow diagram 12pm, 21 June  
(source: Nettletontribe)



**Figure 36** Shadow diagram 3pm, 21 June (source:  
Nettletontribe)



**Figure 37** Shadow impact overview, 21 June  
(source: Nettletontribe)



**Figure 38** Cumulative shadow impact including the new  
Crows Nest Metro OSD, 21 June (source: Nettletontribe)



### 4.1.8 Solar Access and Ventilation

The Concept Design Report (**Attachment A2a**) states that 70% of the apartments can obtain the required 2 hours of solar access. A maximum of 15% of apartments will receive no direct sunlight on June 21 between 9am and 3pm.

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

## 4.2 Social and economic

An assessment of the potential social and economic impacts associated with the proposal is outlined in **Table 14**.

**Table 14 Social and economic impact assessment**

Social and Economic Impact	Assessment
Social	The renewal of the site will provide upgrades to the public domain and increase amenity in the area that is close to the proposed Crows Nest Metro station with access to existing services and employment.
Economic	<p>The planning proposal will facilitate 2,812m<sup>2</sup> of commercial/retail floorspace to support approximately 18 jobs.</p> <p>Residential dwellings on the site will leverage off the proposed Metro line and provide easy access other strategic centres and employment opportunities.</p>

## 4.3 Infrastructure

An assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal is outlined in **Table 15**.

**Table 15 Infrastructure assessment**

Infrastructure	Assessment
Public transport	<p>The site is in accessible location well-connected to proposed and existing road and rail infrastructure.</p> <p>Bus services run along the Pacific Highway and the metro rail is proposed to be completed in 2024 with the Crows Nest Metro Station 25m west with future connections from Rouse Hill to Bankstown.</p> <p>No further public transport infrastructure will be required to support the proposed increase in development on the site.</p>
Utilities	The amended planning proposal is supported by a Services Infrastructure Report ( <b>Attachment A12</b> ). The assessment addressed the availability of public utilities and likely requirements to support the new development and was based on the concept facilitating 42 residential apartments.

	<p>The Geotechnical Report (<b>Attachment A7</b>) states that based on the documents available, services such as telecommunication, stormwater, gas power and sewer service were already in situ near the site.</p> <p>The site is in an established urban area and the assessment found that all services are available for connection and/or extension to the proposed development.</p> <p>Further assessment of the site can be undertaken as part of a future DA. However, a Gateway condition will be included to refer the planning proposal to the relevant utility providers.</p>
St Leonards and Crows Nest Special Infrastructure Contribution (SIC)	<p>The St Leonards and Crows Nest Special Infrastructure Contribution (SIC) applies in this area to new additional residential development. Contributions will help fund new and upgraded infrastructure to support the St Leonards and Crows Nest 2036 plan and support new growth. The funds will contribute to the provision of open space, pedestrian and cycle movements, education and road crossing improvements.</p> <p>The full rate will apply from 1 July 2022.</p>
Draft NSDCP 2013	<p>The site is in the Crows Nest Town Centre.</p> <p>The draft NSDCP amendment was prepared to better manage the increase in density to the SLCN 2036 Plan area by:</p> <ul style="list-style-type: none"> <li>• mitigating potential impacts such as protecting solar and daylight access and reducing overshadowing to the surrounding area and public spaces;</li> <li>• providing street wall heights, street setbacks and podium setbacks respond to the character of the surrounding area;</li> <li>• improving public spaces with footpath widening and providing active street frontages and encouraging through site links and landscape treatments; and</li> <li>• reducing the impact of off street car parking in new development in the vicinity of accessible transport.</li> </ul> <p>The draft NSDCP is discussed further in section 3.3.4.</p>

## 5 Consultation

### 5.1 Community

The planning proposal proposes a community consultation period of 20 working days.

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

### 5.2 Agencies

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

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

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

- Transport for NSW (TfNSW);
- Transport for NSW (Sydney Metro);
- Ausgrid;
- Sydney Water Corporation;
- NSW Department of Education / Schools Infrastructure NSW;
- NSW Department of Health – Northern Sydney Local Health District;
- Airservices Australia;
- Sydney Airport Corporation Limited (SACL); and
- Department of Transport, Infrastructure, Regional Development and Communications and the Arts (DTIRDCA).

## 6 Timeframe

The planning proposal provides an indicative project timeline with an anticipated completion date for the LEP amendment by November 2022.

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

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

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

## 7 Local plan-making authority

Council cannot request delegation to be the Local Plan-Making Authority as it is not the PPA.

Council has previously notified the applicant that it does not support the proposed amendment to the LEP. In line with the Department's *Local Environmental Plan Making Guideline 2022*, the SNPP may appoint itself as PPA.

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

## 8 Assessment summary

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

- it is generally consistent with the LSPS, LHS and the SLCN 2036 Plan;
- it is generally consistent with the actions of the Greater Sydney Region Plan and North District Plan by facilitating additional residential dwellings and maximising public transport patronage;

- the increase to the planning controls on the site will facilitate an increase and a variety of residential dwellings close to existing and proposed public transport with good access to services and employment; and
- the amended reference scheme will have minimal impact on the heritage items in the immediate vicinity.

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

- refer to the proposed maximum height of RL163.8 throughout and revised mapping to indicate a HOB of RL163.8;
- incorporate the changes as indicated in the revised Concept Design Report including updating shadow diagrams and any other supporting documents as necessary;
- refer to the new renumbered Ministerial Directions and remove reference to revoked Directions;
- address the consolidated SEPPs and remove reference to the repealed SEPPs;
- it is recommended to address the proposed SEPP (Sustainable Buildings) 2022;
- include the number of jobs that may be created as a result of the increase to the planning controls on the site;
- include an advisory note referencing the Employment Zones Reform Framework; and
- include an updated timeline based on the issuing of the Gateway determination.

## 9 Recommendation

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

1. The planning proposal is to be updated to:
  - refer to the proposed maximum height of RL163.8 throughout and revised mapping to indicate a HOB of RL163.8;
  - incorporate the changes as indicated in the revised Concept Design Report dated March 2022 including updated shadow diagrams and any other supporting documents;
  - include the number of jobs that may be created as a result of the increase to the planning controls on the site;
  - refer to the new renumbered Ministerial Directions and remove reference to revoked Directions;
  - address the consolidated SEPPs and remove reference to the repealed SEPPs;
  - it is recommended to address the proposed SEPP (Sustainable Buildings) 2022;
  - it is recommended that a copy of the St Leonards Crows Nest 2036 Plan be exhibited with the planning proposal;
  - include an advisory note referencing the Employment Zones Reform Framework; and
  - include an updated timeline based on the issuing of the Gateway determination.
2. Consultation is required with the following public authorities:
  - Transport for NSW (TfNSW);
  - Transport for NSW (Sydney Metro);
  - Ausgrid;
  - Sydney Water Corporation;
  - NSW Department of Education / Schools Infrastructure NSW;



- NSW Department of Health – Northern Sydney Local Health District; and
  - Department of Transport, Infrastructure, Regional Development and Communications and the Arts (DTIRDCA);
  - Sydney Airport Corporation Limited (SACL); and
  - Airservices Australia.
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
  4. The planning proposal must be exhibited **3 months** from the date of the Gateway determination.
  5. The planning proposal must be reported to council for a final recommendation **6 months** from the date of the Gateway determination.
  6. The timeframe for completing the LEP is to be **9 months** from the date of the Gateway determination.
  7. Given Council is not the PPA it cannot be authorised to be the local plan-making authority.



1 March 2023

Brendan Metcalfe

Director, North District

Assessment officer

Christina Brooks

A/Senior Planning Officer, North District

9274 6045