

PLANNING PROPOSAL

360 Pacific Highway

URBIS

Prepared for
GALIFREY PROPERTY
March 2023

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	John Wynne
Associate Director	Belinda Thomas
Consultant	Kate Riley
Project Code	P0035866
Report Number	Final

Urbis acknowledges the important contribution that Aboriginal and Torres Strait Islander people make in creating a strong and vibrant Australian society.

We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

© Urbis Pty Ltd
50 105 256 228

All Rights Reserved. No material may be reproduced without prior permission.

You must read the important disclaimer appearing within the body of this report.

urbis.com.au

CONTENTS

Executive Summary	1
Background	1
Site Context	1
Future Context	1
Concept Design	2
Planning Outcomes	2
1. Introduction	3
1.1. Overview	3
1.2. Vision and Objectives	3
1.3. Proposed Amendments to the NSLEP 2013	3
1.1. Report Structure	3
1.4. Specialist Inputs	4
2. Site Context	5
2.1. Site Description	5
2.2. Existing Development	7
2.3. Surrounding Development	7
2.4. Locality Context	8
2.5. Surrounding Road, Rail and Bus Network	9
3. Background and Pre-lodement Discussion	11
3.1. Pre-Planning Proposal Advice from Council	11
4. Statutory Context	13
4.1. North Sydney Local Environmental Plan 2013	13
4.1.1. Land Use Zone	13
4.1.2. Building Height	14
4.1.3. Floor Space Ratio	15
4.1.4. Heritage Conservation	16
4.2. North Sydney Development Control Plan 2013	16
4.3. Planning Agreements and Developer Contributions	16
5. Indicative Concept	17
5.1. Indicative Concept Scheme	17
5.2. Key Design Elements	18
5.2.1. Urban Design Principles	18
5.2.2. Setbacks	19
5.2.3. Parking and Access	20
5.2.4. Indicative podium design and layout	21
5.2.5. Podium Garden Concept	22
5.2.6. Residential Tower	23
5.2.7. Apartment Layout	24
6. Strategic Context	25
6.1. Greater Sydney Region Plan: A Metropolis of Three cities	25
6.2. Our Greater Sydney 2056: North District Plan	27
6.3. St Leonards Crows Nest 2036 Plan	29
6.4. North Sydney Local Strategic Planning Statement	32
6.5. North Sydney Local Housing Strategy	33
6.6. Future Transport Strategy 2056	33
7. Planning Proposal Assessment	34
7.1. Objectives and Intended Outcomes	34
7.2. Explanantion of Provisions	34
7.3. Justification	34
7.3.1. Built form and Context	45
7.3.2. Heritage	45

7.3.3.	Overshadowing.....	46
7.3.4.	Landscape	46
7.3.5.	Visual Impact	47
7.3.6.	Residential Amenity	47
7.3.7.	Traffic and Parking	47
7.3.8.	Contamination	48
7.3.9.	Geotechnical.....	48
7.3.10.	Services Infrastructure.....	49
7.3.11.	Acoustic	49
7.3.12.	Wind.....	50
7.4.	Mapping	50
7.5.	Project Timeline	52
8.	Conclusion	53
	Disclaimer.....	54

FIGURES

Figure 1	– Location Plan	6
Figure 2	– Aerial Photograph	6
Figure 3	– Site Photos	7
Figure 4	– Local Context.....	9
Figure 5	– Local Context.....	10
Figure 6	- Land Use Zoning Map	13
Figure 7	- Height of Building Map	15
Figure 8	- Floor Space Ratio Map.....	15
Figure 9	– Heritage Map	16
Figure 10	– Photomontage	18
Figure 11	– Building setbacks.....	19
Figure 12	– Nicholson Place Setback and building separation	20
Figure 13	– Proposed Vehicle Site Access.....	20
Figure 14	– Typical Basement Plan	21
Figure 15	– Podium design	21
Figure 16	– Typical Podium level floor plates	22
Figure 17	– Landscape Concept Design	23
Figure 18	– Podium Garden Concept	23
Figure 19	– Massing	24
Figure 20	– Typical residential floor plate	24
Figure 21	– Overshadowing diagrams.....	46
Figure 22	– Proposed LEP Mapping Amendments	51

PICTURES

Picture 1	– Pacific Highway frontage (site shadow)	7
Picture 2	– Crows Nest Metro site to the north east of the site	7
Picture 3	– Heritage terraces adjoining site to the northern boundary	7
Picture 4	– Nicholson Place rear lane access to subject site.	7
Picture 5	– Ground floor plate.....	22
Picture 6	– Typical floor plate for Levels 1 and 2	22

Picture 7– Podium garden concept	23
Picture 8– Sun Access to Floor plate	23
Picture 9 – Low-rise floor plan	24
Picture 10 – High-rise floor plan	24
Picture 11 – Shadows at 9am – 3pm.....	46
Picture 12 – Shadows at 9am.....	46
Picture 13 – Existing HOB Map	51
Picture 14 – Proposed HOB Map	51
Picture 15 – Existing FSR Map.....	51
Picture 16 – Proposed FSR Map	51
Picture 17 – Existing Min Non-Residential FSR Map	51
Picture 18– Proposed Min Non-Residential FSR Map	51

TABLES

Table 1 Specialist Consultant Inputs.....	4
Table 2 Site Description	5
Table 3 Pre- Planning Proposal Summary Response	11
Table 4 B4 Mixed Use Zone Objectives and Permissibility.....	13
Table 5 Key Numeric Details.....	17
Table 6 Consistency with the Greater Sydney Region Plan	25
Table 7 Consistency with the North District Plan	28
Table 8 Consistency with St Leonards Crows Nest 2036 Plan.....	29
Table 9 Consistency with North Sydney LSPS	32
Table 10 Relationship to Strategic Planning Framework	36
Table 11 Consistency with SEPPs.....	37
Table 12 Consistency with Section 9.1 Directions	39
Table 13 Anticipated Project Timeline.....	52

EXECUTIVE SUMMARY

This Planning Proposal request has been prepared on behalf of Galifrey Property Pty Ltd (**the Proponent**) to support an amendment of the North Sydney Local Environmental Plan 2012 (NSLEP 2013) as it related to land at 360 Pacific Highway, Crows Nest (**the site**).

In accordance with the NSLEP 2013, the site is zoned B4 Mixed Use and has a maximum building height control of 10 metres and a minimum non-residential floor space control of 0.5:1. The site is not subject to a maximum floor space ratio (FSR) and adjoins six (6) heritage listed terrace buildings known as the Higgins Buildings at nos. 366 – 379 Pacific Highway.

This Planning Proposal seeks to amend the NSLEP 2013, by way of the following:

- Amend the maximum building height to RL 163.8
- Establish a maximum floor space ratio control of 5.5:1 (inclusive of non-residential FSR)
- Amend a minimum non-residential floor space ratio control to 2:1

The Planning Proposal seeks to unlock the potential of the site to deliver a high-quality mixed-use development within proximity to the future Crows Nest Metro Station which is envisioned for increased density under the St Leonards/ Crows Nest Plan 2036 (**the 2036 Plan**). The future redevelopment will deliver a mix of residential dwellings and enhanced commercial floor space in a strategically important location.

The Planning Proposal request has been prepared in accordance with Section 3.33 of *the Environmental Planning and Assessment Act 1979 (EP&A Act)* and the Department of Planning, Industry and Environment (**DPIE**) guidelines *‘Planning Proposals: A guide to preparing planning proposals’* dated December 2018.

BACKGROUND

In November 2015, the State Government committed to a new metro railway station at Crows Nest, which is currently under construction and set to open in 2024. This triggered a State Government -led investigation into the land use opportunities in the St Leonards and Crows Nest area.

On 7 July 2016, DPIE formally commenced a “strategic planning investigation” into Crows Nest, St Leonards and Artarmon industrial area. On 1 June 2017, Crows Nest and St Leonards was declared a “Planned Precinct.” In August 2020, the 2036 Plan was endorsed by DPIE.

The SLCN Plan facilitates the urban renewal of St Leonards and Crows Nest with an expanding employment centre and growing residential community, supported by significant investment in infrastructure.

This Planning Proposal has been prepared reflecting the recommended planning controls provided for the site with the 2036 Plan, including height in storeys (18 storeys), street wall height (same as adjoining heritage storey wall height), FSR (5.5:1 inclusive of 2:1 non-residential FSR), ground floor setbacks (0m) and solar protection to residential areas outside the 2036 Plan boundary.

In accordance with the St Leonards and Crows Nest Special Infrastructure Contribution (**SIC**) Plan, SIC levies will be paid at the Development Application (**DA**) stage to fund infrastructure upgrades to support the increased density.

SITE CONTEXT

The Planning Proposal request applies to 360 Pacific Highway, Crows Nest within the North Sydney Local Government area (LGA). The site is a singular lot with a total area of 1406m²

The site has primary frontage to Pacific Highway and a secondary frontage to Nicholson Place both 42 metres in length. The site currently comprises a three-storey retail and commercial building which is built to the building boundary.

FUTURE CONTEXT

The Crows Nest precinct is identified as a strategic centre through a suite of high-level planning documents including the Greater Sydney Region Plan and the North Sydney District Plan. The opening of the Crows Nest Metro will be a catalyst for change, creating a new arrival and departure point and ultimately changing

the way people move and will change the way people move around the area and presents an opportunity for renewal and activation in the area.

The St Leonards and Crows Nest 2036 Plan provides capacity for up to 6,683 new dwellings within the Precinct and 1,950 to 3,020 new jobs within Crows Nest. This is to support the North District Plan housing targets for an additional 92,000 dwellings by 2036 and 54,000 – 63,500 jobs by 2036. The proposal provides approximately 620sqm of retail floor space, which could provide an additional 20 retail jobs, utilising 30sqm per job for the retail floor space. The proposal provides 2192sqm of commercial space, which could provide an additional 110 commercial jobs, utilising the approximate calculation of 20sqm per job for commercial floor space. The proposal would provide a total of 130 additional jobs, once operational. Please note approximately 30 jobs are existing and 100 jobs are additional, totalling 130 jobs.

The proposal responds to the State Governments vision for Crows Nest, as reflected in the newly adopted 2036 Plan by contributing housing and employment floor space strategically located within close proximity to the new Crows Nest Metro.

CONCEPT DESIGN

The indicative concept design includes the redevelopment of the site including a 3-storey podium with a two-storey primary facade element and a recessive third level. The podium is set back 0 metres to Pacific Highway and respects the adjacent heritage shopfronts in relation to scale, rhythm and materiality, whilst accommodating a variety of retail and commercial tenants to invigorate the precinct and provide activation along Pacific Highway. The podium will be capped by an extensive landscaped garden providing active and passive green commercial spaces.

Over the commercial podium is a tall slender residential tower form of 18 storeys, creating two clearly distinguishable building languages that express their internal land uses.

Set between the commercial podium and the residential tower is the transition level which will be predominately circulation space include lifts and a common area.

PLANNING OUTCOMES

Establishing new planning controls enabling mixed use redevelopment of the site has considerable planning merit, aligns with the State and Local Government policy, is sympathetic to the adjacent heritage buildings and fits in with the evolving character of the Crows Nest town centre.

The Planning Proposal would achieve the following key planning outcomes and community benefits:

- **Delivers on the State Governments vision for the St Leonards and Crows Nest Precinct:** The proposal responds to the State Governments vision for Crows Nest, as reflected in the newly adopted 2036 Plan. It maximises the site opportunity for a range of uses, including retail, commercial and residential within a strategic centre that is well serviced by public transport. It will generate employment and housing opportunities within immediate proximity to major employment, retail, health and education facilities and excellent public transport connectivity to other major centres.
- **Deliver a podium design that respects the adjacent heritage buildings:** The proposed podium will respect the adjacent heritage shopfront in relation to scale, rhythm and materiality.
- **Integrate the site with the broader area through ground floor streetscape activation and enhance the greening of the street:** The Planning Proposal delivers on the vision for public domain improvements by providing active uses on along Pacific Highway that will contribute to the vibrancy of the precinct. The retention of street tree planting and extensive landscaping on the podium rooftop garden will enhance the greening of the street.
- **Provide strategically located housing within proximity to public transport:** the proposal will contribute to the dwelling supply needed to meet the dwelling targets for the North District that is within close proximity to public transport connections
- **Co-locates density to take advantage of public transport infrastructure:** The site is ideally located to delivery the density envisaged by the Plan, leveraging off the State Governments investment in Sydney Metro and contributing to the urban renewal of this key strategic centre.

1. INTRODUCTION

1.1. OVERVIEW

This Planning Proposal has been prepared by Urbis Pty Ltd (**Urbis**) on behalf of Galifray Property Pty Ltd (**the Proponent**) to initiate an amendment of the *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* as it relates to land at 360 Pacific Highway, Crows Nest (**the site**).

In accordance with the NSLEP 2013, the site is zoned B4 Mixed Use and has a maximum building height control of 10m and a minimum non-residential floor space ratio (**FSR**) control of 0.5:1. The site is not subject to a maximum FSR. The site adjoins six (6) heritage listed terrace buildings being Higgins Buildings nos. 366 – 379 Pacific Highway.

1.2. VISION AND OBJECTIVES

The Planning Proposal seeks to unlock the potential of the site to deliver a high-quality mixed-use development that is strategically located within proximity to the future Crows Nest Metro Station which is envisioned for density uplift by Council and the DPIE. The future redevelopment will provide a mix of residential dwellings and enhanced commercial floor space in a strategically valuable location.

The key objectives of the Planning Proposal are to:

- Realise the development potential of the site envisaged by the 2036 Plan;
- Provide a building design that is sympathetic to the existing heritage shops adjacent to the site in terms of scale and rhythm;
- Provide a building that achieves an appropriate relationship and minimising impacts with adjoining properties;
- Provide compatible mix of land uses that contribute to the creation of a vibrant and active community, including residential, commercial and retail; and
- Integrate the site with the broader area through streetscape activation at the ground floor to contribute to the highway frontage character and complement the Metro site activation and pedestrian movement

1.3. PROPOSED AMENDMENTS TO THE NSLEP 2013

This Planning Proposal seeks to amend the NSLEP 2013, by way of the following:

- Amend the maximum building height to 18 storeys (RL 163.8);
- Establish a maximum floor space ratio control of 5.5:1 (inclusive of the 2:1 non-residential floor space); and
- Amend the minimum non-residential floor space ratio control to 2:1.

The Planning Proposal retains the site's B4 Mixed Use zone.

1.1. REPORT STRUCTURE

The Planning Proposal has been prepared in accordance with Section 3.33(1) and (2) of the *Environmental Planning and Assessment Act 1979 (EP& Act)* and the Department of Planning, Industry and Environment guidelines '*Planning Proposals: A guide to preparing planning proposals*'.

The relevant sections of the report are listed below:

- **Section 2:** Detailed description of the site, the existing development and local and regional context.
- **Section 3:** Project background including pre-planning proposal advice from Council.
- **Section 4:** Current statutory planning framework relevant to the site, including the State and local planning controls and development contributions.
- **Section 5:** Key features of the indicative development concept plan associated with the requested Planning Proposal.

- **Section 6:** State and local strategic planning policies relevant to the site and the Planning Proposal.
- **Section 7:** comprehensive description and assessment of the requested Planning Proposal in accordance with the DPIE guidelines.
- **Section 8:** Conclusion

1.4. SPECIALIST INPUTS

This Planning Proposal is accompanied by the following specialist reports, which provide an analysis of the site complexities and characteristics.

Table 1 Specialist Consultant Inputs

Report	Consultant	Appendix
Concept Design Report	Nettletontribe	Appendix A
Survey Plan	Hill & Blume	Appendix B
Heritage Impact Assessment	Architectural Projects	Appendix C
Wind Environment Statement Report	Windtech Consultants	Appendix D
Landscape Concept Report	Site Image	Appendix E
North Sydney Summary Compliance Assessment	Urbis	Appendix F
Preliminary Site Investigation	Aargus	Appendix G
Traffic Assessment	JMT Consulting	Appendix H
Acoustic Report	Stantec Australia Pty Ltd	Appendix I
Services Infrastructure Report	Stantec Australia Pty Ltd	Appendix J
LEP Mapping	Urbis	Appendix K
Aeronautical Impact Statement	Strategic Airspace	Appendix L
Geotechnical Report	Aargus	Appendix M

2. SITE CONTEXT

2.1. SITE DESCRIPTION

The site is located at 360 Pacific Highway, Crows Nest and is within the North Sydney Local Government Area (LGA).

The site has a primary frontage to Pacific Highway of approximately 42m and a secondary frontage to Nicholson Place of approximately 42m, whereby vehicle access is obtained. The site currently comprises a three-storey retail and commercial building which is built to the building site's boundary.

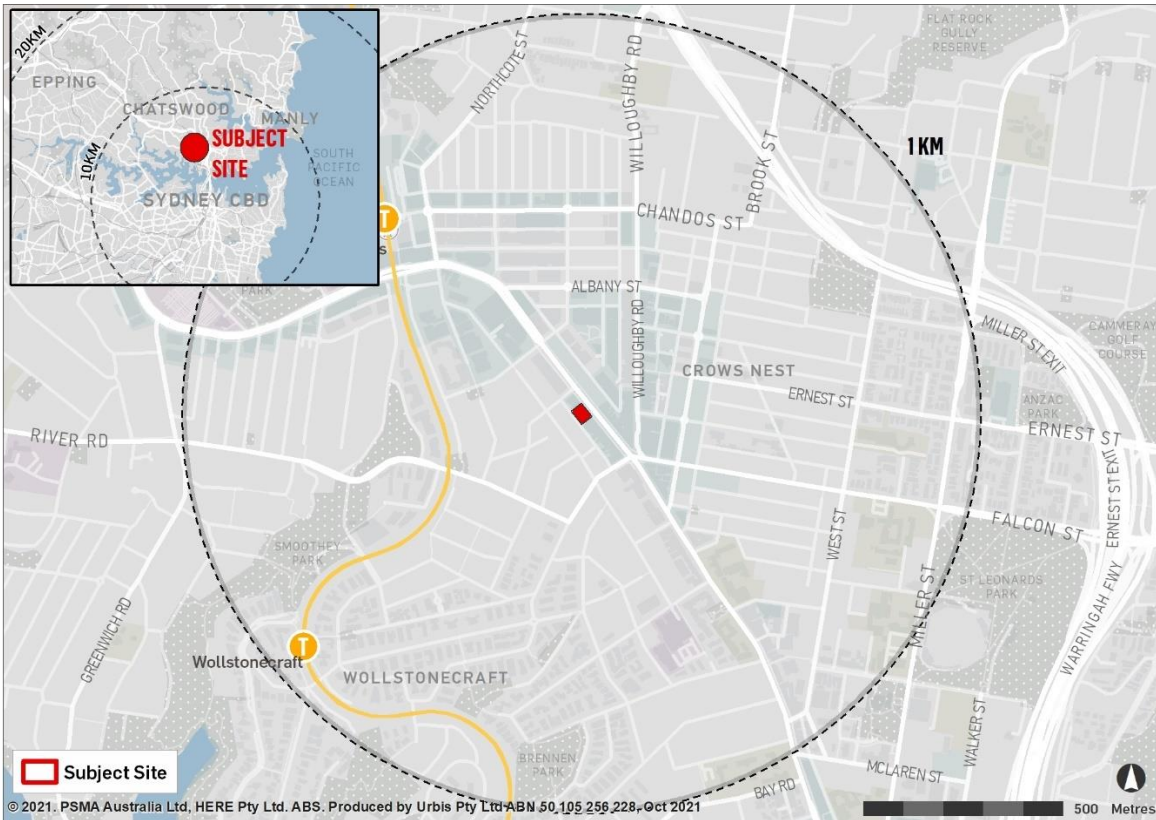
The key features of the site are summarised in the following table.

Table 2 Site Description

Feature	Description
Street Address	360 Pacific Highway, Crows Nest
Legal Description	SP72954
Site Area	1406m ²
Site Dimensions	42.67m frontage to Pacific Highway 42.69m frontage to Nicholson Place 32.2m frontage to northern boundary 337m frontage to southern boundary
Easements and Restrictions	Site is/ is not affected by easements or restrictions
Vegetation	There are mature street trees along Pacific Highway frontage and at the rear of the site.

Refer to the Survey Plan contained within **Appendix B** for site details. Aerial images of the site and site photographs are provided below.

Figure 1 – Location Plan



Source: Urbis

Figure 2 – Aerial Photograph



Source: Urbis

2.2. EXISTING DEVELOPMENT

The site currently comprises a three-storey retail and commercial building which is built to the site's boundary.

Figure 3 – Site Photos



Picture 1 – Pacific Highway frontage (site shadow)



Picture 2 – Crows Nest Metro site to the north east of the site



Picture 3 – Heritage terraces adjoining site to the northern boundary



Picture 4 – Nicholson Place rear lane access to subject site.

Source: Google Maps

2.3. SURROUNDING DEVELOPMENT

The immediately surrounding development includes:

North:

- The site adjoins six (6) heritage listed terrace buildings to the north known as the “Higgins Buildings” at nos. 366 – 379 Pacific Highway with ground floor retail uses vacating the site. The heritage listed buildings are built to the boundary. Under the 2036 Plan, this group of heritage buildings is mapped for heights of 18 storeys with an FSR of 5.5:1 and therefore has the potential to be redeveloped.
- Further north is the Hume Street and Pacific Highway intersection.

East

- The site's primary frontage is to Pacific Highway. On the eastern side of the Pacific Highway is the Crows Nest Metro site, which is currently under construction.
- The DPIE granted consent for the concept building envelope for the Crows Nest Over Station Development (OSD) on 23 December 2020 (SSD 9579). The OSD includes three buildings of 21 storeys (Building A), 17 storeys (Building B) and 9 storeys (Building C).

South

- The site adjoins non-heritage listed terrace buildings that are currently being occupied by retail land uses.
- Further south of the site is a cluster of heritage listed terrace buildings. Under the 2036 Plan, this group of heritage listed, and non-heritage listed terrace buildings are mapped for heights of 8 metres with an FSR of 4:1 which indicates the potential uplift is lesser than the subject site.

West

- The western/ rear boundary of the site interfaces with the R3 Medium Density Residential zone and further west is R4 High Density Residential. These properties are currently developed with single dwelling houses with outbuildings in the north and residential terraces to the south. The dwellings have frontage to Nicholson Place. This block currently has a maximum height of 8.5m and 12m under the North Sydney LEP 2013.
- Under the 2036 Plan, this block is mapped as having an overall height of 4storeys, an FSR of 1.6:1, a 3-storey street wall height to Hume Street and Nicholson Place and a 3m frontage setback from Nicholson Place.

2.4. LOCALITY CONTEXT

The site and surrounding locality forms part of the St Leonards and Crows Nest Precinct. The 2036 Plan is a State Government endorsed strategic planning document that was finalised in August 2020. The 2036 Plan will 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.

The precinct has been planned to provide:

- Crows Nest Metro Station over-station development for a significant number of new jobs, as well as housing and public domain upgrades.
- Funding for open space and infrastructure upgrades through a new State infrastructure levy.
- A variety of mixed-use sites, both for short-term and long-term development.

The surrounding locality is at the start of its urban renewal transformation and is set to undergo intensive urban transformation, with improved public domain outcomes, increased pedestrian linkages, infrastructure improvements and new tower forms.

Figure 4 – Local Context



Source: Urbis

2.5. SURROUNDING ROAD, RAIL AND BUS NETWORK

The site is well connected to significant road and rail infrastructure, including the Pacific Highway, the Crows Nest Metro Station (opening 2024) and various bus routes, providing direct access to the Sydney CBD, Bondi Junction, Epping, Chatswood and Gladesville.

Sydney Metro is Australia's largest public transport project, delivering 31 metro stations between Rouse Hill in the north-west to Bankstown in the south-west. Construction for the Crows Nest Metro Station began in January 2021 with the service expected to be operational in 2024. Trains will depart every 4 minutes, connecting Crows Nest to Barangaroo in 5 minutes and Martin Place in 7 minutes.

Figure 5 – Local Context



Source: Urbis

3. BACKGROUND AND PRE-LODEMENT DISCUSSION

3.1. PRE-PLANNING PROPOSAL ADVICE FROM COUNCIL

The applicant has met with North Sydney Council on three separate occasions to discuss the proposal. Nettletontribe presented their vision for the site and the design rationale and a Pre-Planning Proposal meeting with Council was held on the 8th of October 2021.

A summary of the key issues and how the proposed concept design addresses those matters are provide in the table below.

Table 3 Pre- Planning Proposal Summary Response

Issue	North Sydney Council Comment	Response
Site isolation of Site A (Heritage items to our north)	The Planning Proposal needs to demonstrate how the heritage listed site to the north (Site A) can be developed as a standalone site and proven this can be a feasible/ economic option.	<p>A potential design concept has been included in the Concept Design Report at Appendix A for the adjacent heritage listed buildings to the north of the subject site. The Strategy concept plan illustrates the first option to amalgamate both sites to provide a single wide building. The second option illustrates a feasible building footprint using the 2036 Plan development controls for two separate buildings on separate sites.</p> <p>An indicative floor plan has been provided for the single tower option which demonstrates how a 2 and 3 bedroom apartment can exist within the tower as a feasible option addressing relevant built form planning controls.</p>
Heritage	Council has requested that a more detailed investigation of the fabric of the heritage items to the north be provided as part of the Planning Proposal.	A Heritage Impact Assessment has been prepared by Architectural Projects Pty Ltd at Appendix C which provides a detailed investigation of the significance of the fabric of the heritage items
Apartment mix and size	The Planning Proposal needs to show a variation of apartment size and mix.	<p>The details of the apartment size and mix will be explored further at the detailed DA stage however, the proposal includes an example floor plate which demonstrated compliance with the ADG and North Sydney Council's apartment mix.</p> <p>Refer to Reference Concept Design Report at Appendix A.</p>

Issue	North Sydney Council Comment	Response
Podium/ transition level	Council has requested for the podium/ transition level to be included in the plans and GFA calculations (if not circulation space).	The transition level in between the podium and the residential tower will include lifts as the main building circulation space and 57m ² of common area. This has been shown in the floor plans at Appendix A .
Building Height	Council has requested that the ground to floor heights are revised.	Minimum floor to ceiling heights of >2.7m will be provided as per the ADG requirements.
FSR	Council has requested that the Proposal comply with 2036 2:1 & 3.5:1	The proposed scheme complies with the 2036 Plan with an overall FSR of 5.5:1 (inclusive of the 2:1 non-residential FSR).

4. STATUTORY CONTEXT

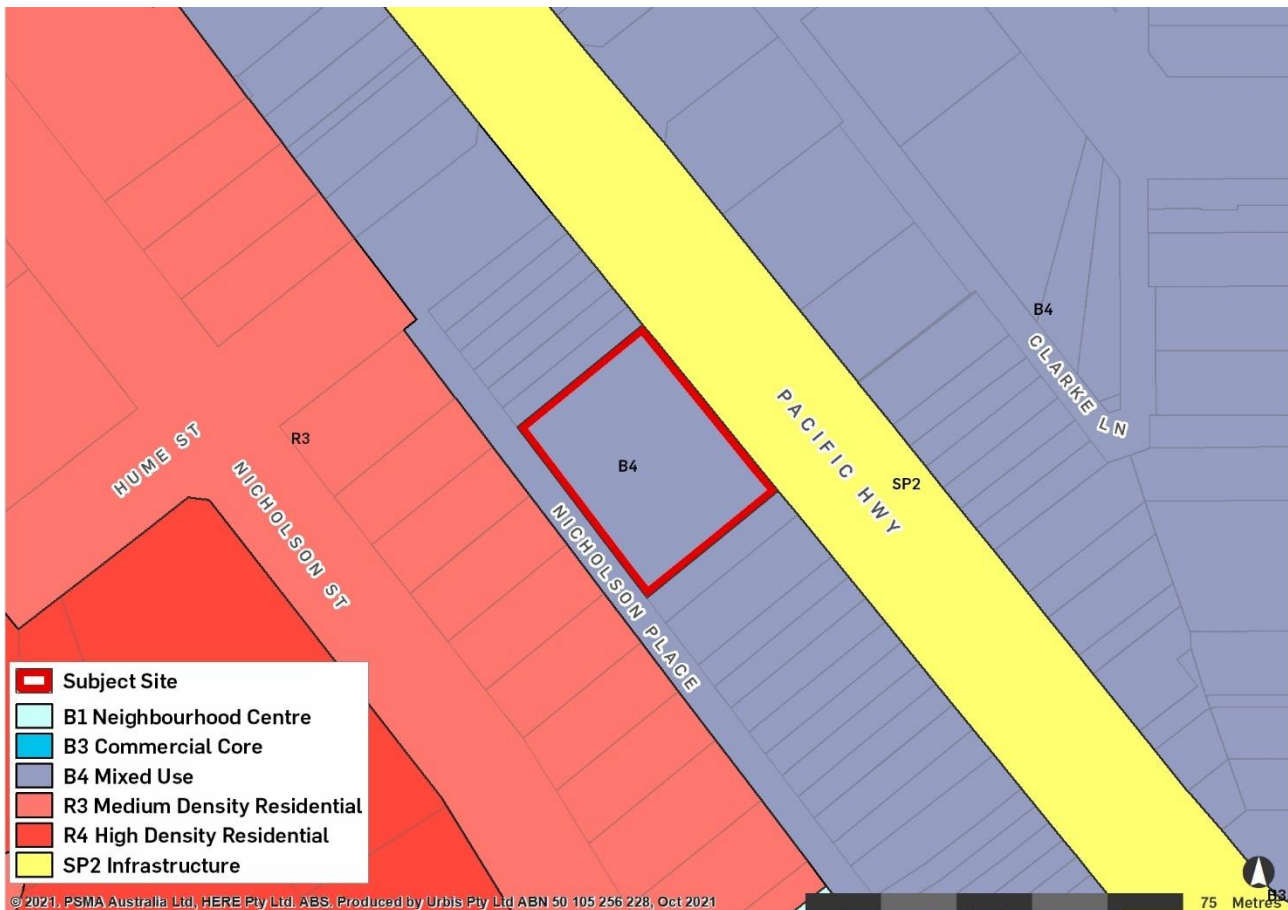
4.1. NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

The NSLEP 2013 is the principal Environmental Planning Instrument governing and guiding development within the North Sydney LGA. The NSLEP 2013 was gazetted on 13 September 2013.

4.1.1. Land Use Zone

In accordance with the NSLEP 2013 and as illustrated in **Figure 6** below, the site is zoned B4 Mixed Use. **Table 4** details the zone objectives and land use permissibility.

Figure 6 - Land Use Zoning Map



Source: Urbis

Table 4 B4 Mixed Use Zone Objectives and Permissibility

Objectives	Permissibility
Objectives of the zone	<p><i>To provide a mixture of compatible land uses.</i></p> <p><i>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.</i></p> <p><i>To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity.</i></p> <p><i>To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses</i></p>

Objectives	Permissibility
	<i>concentrated on the lower levels and residential uses predominantly on the higher levels.</i>
Permitted without consent	Nil
Permitted with consent	<i>Amusement centres; Backpackers' accommodation; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Serviced apartments; Sex services premises; Shop top housing; Signage; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals</i>
Prohibited	Pond-based aquaculture; Any other development not specified in item 2 or 3

The proposal will be consistent with the B4 mixed use zone as it will provide a mixed use commercial and residential development in close proximity to the Metro Station.

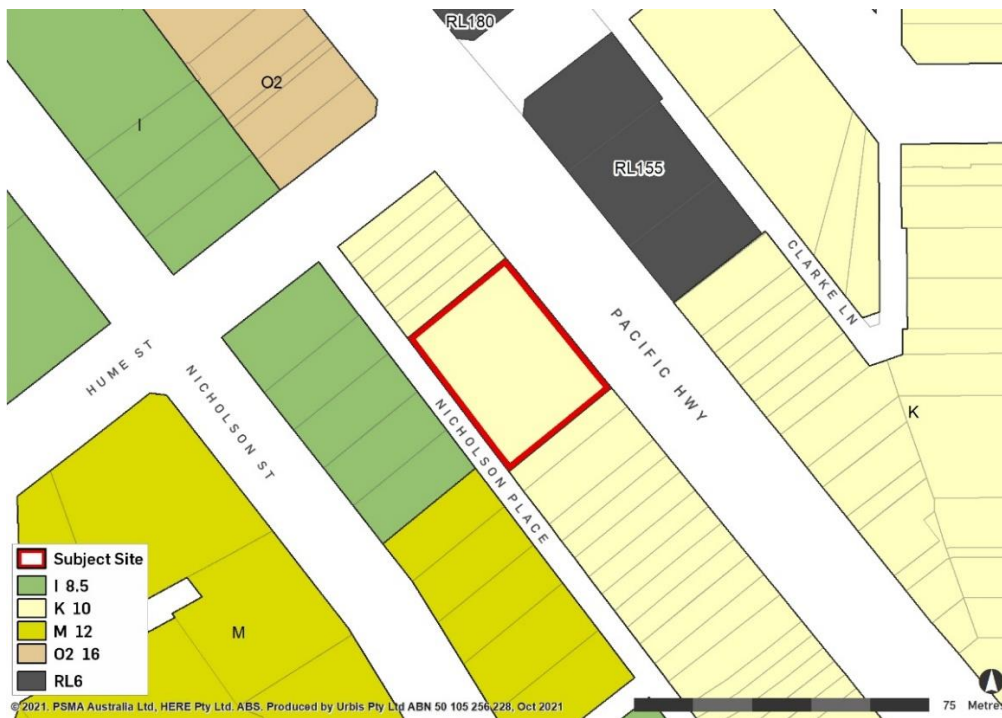
Note: In May 2021, the Department proposed that the existing [Business \(B\) and Industrial \(IN\) zones](#) be replaced with five employment zones and three supporting zones under Standard Instrument (Local Environmental Plans) Order 2006 (SI LEP Order).

The employment zone reforms were introduced into 134 individual LEPs through six self-repealing SEPPs on 16 December 2022 but will not commence until 26 April 2023. The B4 Mixed Use Zone will convert to MU1 Mixed Use Zone.

4.1.2. Building Height

Pursuant to Clause 4.3 of the NSLEP 2013 and as illustrated in **Figure 7** below, the site is subject to a maximum building height control of 10m.

Figure 7 - Height of Building Map

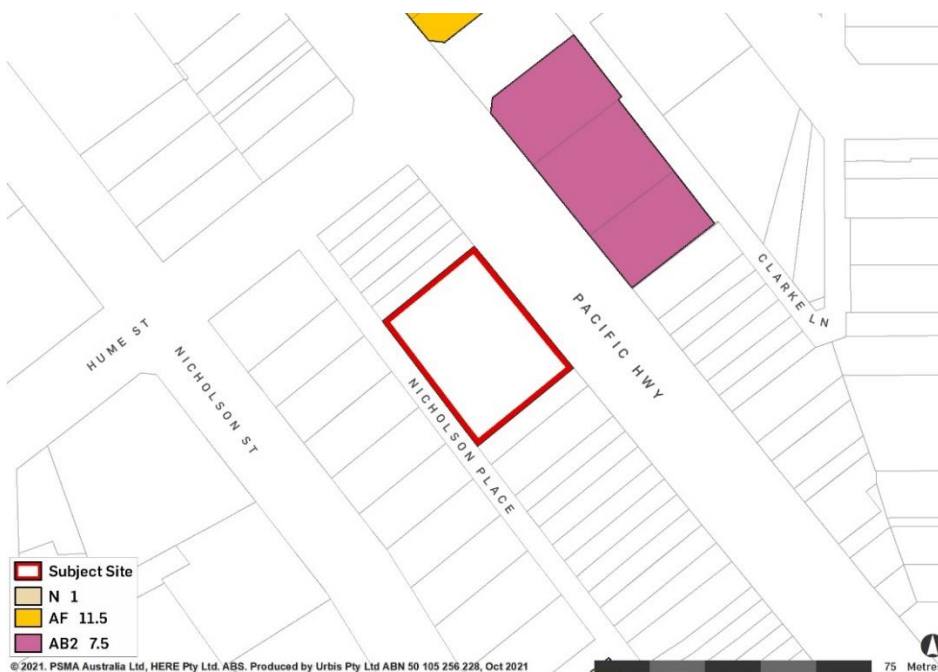


Source: Urbis

4.1.3. Floor Space Ratio

Pursuant to Clause 4.4 of the NSLEP 2013 and as illustrated in **Figure 8** below, the site is not encumbered by an FSR control.

Figure 8 - Floor Space Ratio Map



Source: Urbis

4.1.4. Heritage Conservation

In accordance with the NSLEP 2013, the site adjoins a group of locally listed heritage terrace buildings (the 'Higgins's building') to the north of the site. They are referred to as heritage items 166, 167, 168, 169, 170, 171.

Figure 9 – Heritage Map



Source: Urbis

4.2. NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

North Sydney Development Control Plan 2013 (**the DCP**) provides the detailed development controls which apply to land across the North Sydney local government area. Whilst there are controls that are relevant to the site, the DCP did not contemplate a high-density tower on the site. These controls are therefore somewhat outdated. Notwithstanding, an assessment of the Planning Proposal and indicative design concept against the relevant DCP controls is contained in the Summary Compliance Table at **Appendix F**.

4.3. PLANNING AGREEMENTS AND DEVELOPER CONTRIBUTIONS

In accordance with the St Leonards and Crows Nest Special Infrastructure Contribution (**SIC**) Plan, SIC levies will be paid at the Development Application (**DA**) stage to fund infrastructure upgrades to support the increased density.

5. INDICATIVE CONCEPT

The intended outcome of this Planning Proposal is to amend the NSLEP 2013 to allow uplift on the site as follows:

- Establish a site-specific height control, with a maximum height of 18 storeys.
- Establish a site-specific FSR control, with a maximum FSR of 5.5:1 (inclusive of 2:1 non-residential FSR).
- Establish a site-specific minimum non-residential floor space ratio control, with a minimum FSR of 2:1.

This Planning Proposal has been prepared to give effect to the development controls and intended development outcome identified for the site within the 2036 Plan

5.1. INDICATIVE CONCEPT SCHEME

A Concept Design Report, incorporating an indicative development concept scheme by Nettletontribe supporting the Planning Proposal is attached in **Appendix A**.

The indicative concept scheme demonstrates how the site could be redeveloped reflecting the controls sought contained in the 2036 Plan, including building height in storey, non-residential FSR, street wall height and setback.

The proposal envisions a mixed-use development with basement car parking, retail tenancies at the ground level and commercial offices within the podium levels and a podium garden. Residential apartments are contained within the slender tower form above the podium form.

Key numerical details of the Indicative Concept Scheme are provided in the table below.

Table 5 Key Numeric Details

Element	Indicative Development Outcome
Land Use	Retail, commercial and residential.
Gross Floor Area	Commercial: 2812m ² (FSR 2:1) Residential: 4915m ² (FSR 3.5:1) Indicative yield: approximately 42 apartments, comprising: 2 bed –33.3 % 3 bed – 66.7% (Subject to change during detailed design stage)
Floor Space Ratio	5.5:1 (inclusive of 2:1 non-residential floor space)
Building height	18 storeys RL163.8
Built Form	3 storey commercial / retail podium Podium garden and transition/ circulation level 14 storeys of residential apartments within the tower

Figure 10 – Photomontage



Source: Nettletontribe

5.2. KEY DESIGN ELEMENTS

The submitted Concept Design Report prepared by Nettletontribe (**Appendix A**) include the following urban design elements.

5.2.1. Urban Design Principles

The key guiding principles that have informed the built form are discussed below:

- **Future 2036 Context:** Comply with the design principles identified in the 2036 vision for the site and future surrounding developments;

- **Land Use:** Provide mixed and active uses to promote social and economic sustainability;
- **Landscape:** Provide extensive podium gardens to satisfy requirements and create opportunities for shared outdoor green spaces;
- **Heritage Response:** Consider the podium treatment in terms of scale and rhythm in relation to existing heritage shops adjacent to the site;
- **Built Form:** Setbacks, building separation and height will be used to generate the maximum built form envelope. Architectural expression and built form articulation will manipulate the envelope to create a sculptural built form;
- **Streetscape Contribution:** Retail activation at Ground floor will contribute to the highway frontage character and compliment the Metro site activation and pedestrian movement. The podium design character will be distinctive and create an identifiable address to the building;
- **Shadow + Solar Access:** Comply with overshadowing requirement identified in the 2036 Plan and ADG solar access to the site and surrounding properties; and
- **Amenity and Sustainability:** Residential apartments will comply with solar access and cross ventilation requirements of ADG. Views will be maximised.

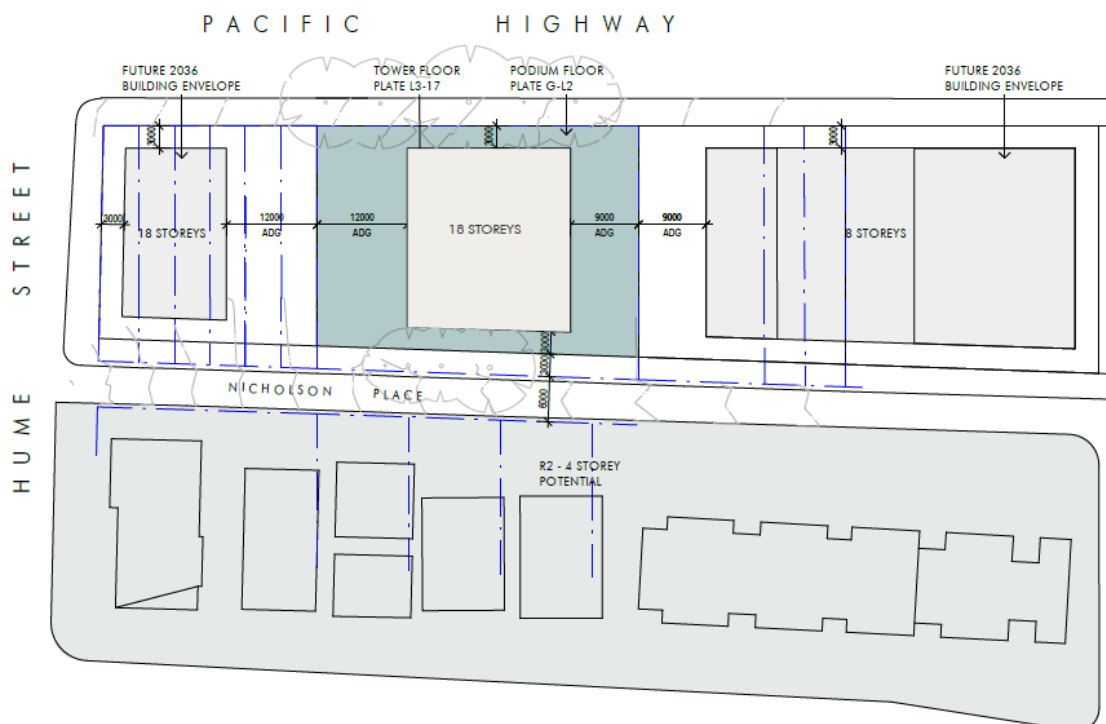
These guiding principles have informed the urban design response to the overarching planning objectives set out in the 2036 Plan.

5.2.2. Setbacks

The podium element will be setback 0 metres from Pacific Highway in accordance with the 2036 Plan and to align with the building lines of the neighbouring properties. The podium will be setback 3 metres at the rear to Nicholson Place which satisfies the 15 metre building separation requirements as outlined in the ADG as shown in **Figure 12**.

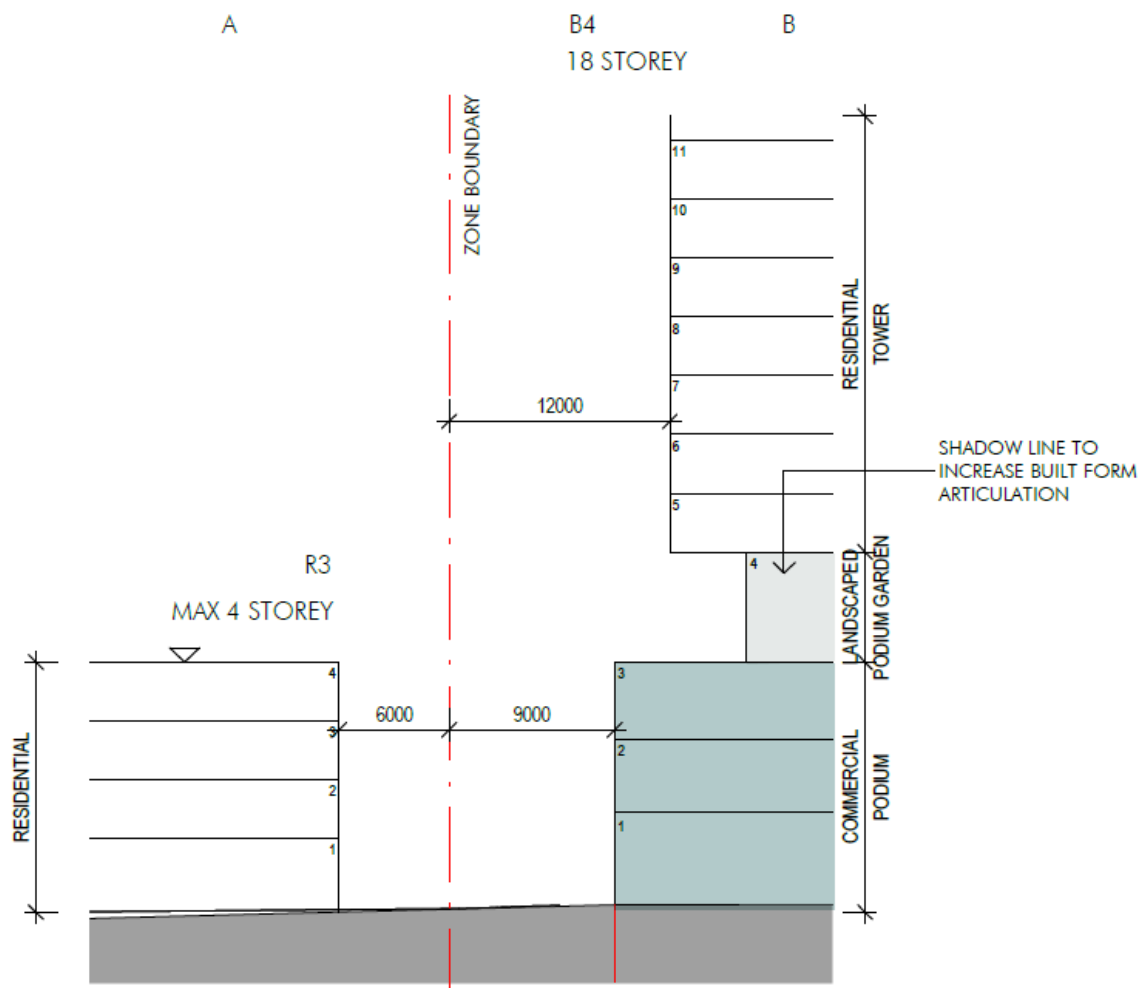
The tower element will be setback 3 metres from Pacific Highway, 12 metres to the north (adjoining the heritage items), 9 metres to the south and 3 metres to the west/ rear from Nicholson Place.

Figure 11 – Building setbacks



Source: Nettletontribe

Figure 12 – Nicholson Place Setback and building separation

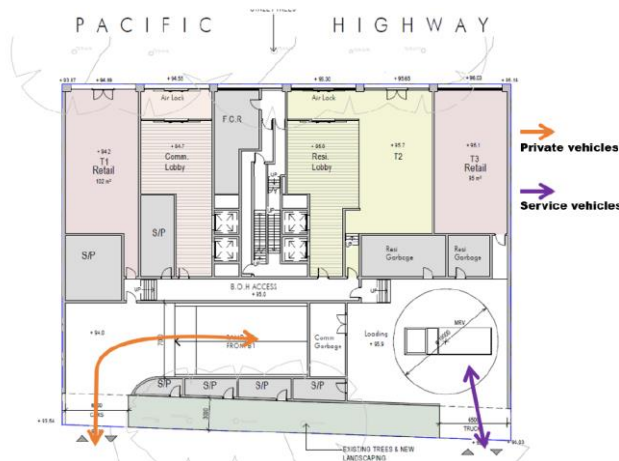


Source: Nettletontribe

5.2.3. Parking and Access

Vehicular access to the site will be retained off Nicholson Place. Two vehicle access points are provided including the driveway at the south-western end of the site to support private vehicle access and the driveway at the south-eastern end of the site which will accommodate service vehicles as shown in **Figure 13**.

Figure 13 – Proposed Vehicle Site Access

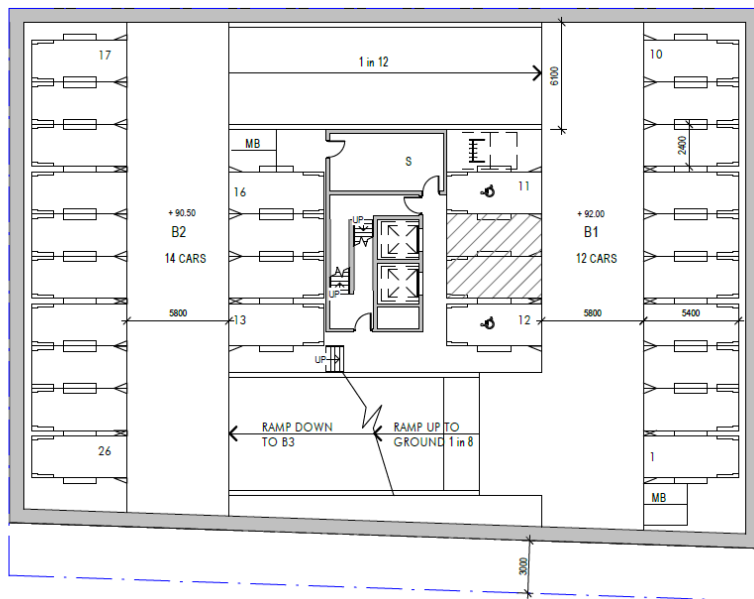


Source: Nettletontribe

The proposal includes four basement levels of car parking for residential and commercial/ retail uses with car parking spaces and motorbike spaces proposed. The final design of the car park will be carried out at the Development Application stage of the project with specific parking numbers proposed. The basement car park will also accommodate servicing and loading. The detailed design of this on-site loading area will be progressed as part of a future development application for the site. Access to the podium and tower will be via the lifts located at the core of the building. A typical basement plan is provided at **Figure 14**.

The parking rates to be adopted on site will be generally consistent with those noted in the North Sydney Council DCP which will be 80 or more parking spaces depending on the final residential dwelling mix to be adopted and the nature of the non-residential uses provided on site. This will be confirmed during the detailed development application stage.

Figure 14 – Typical Basement Plan

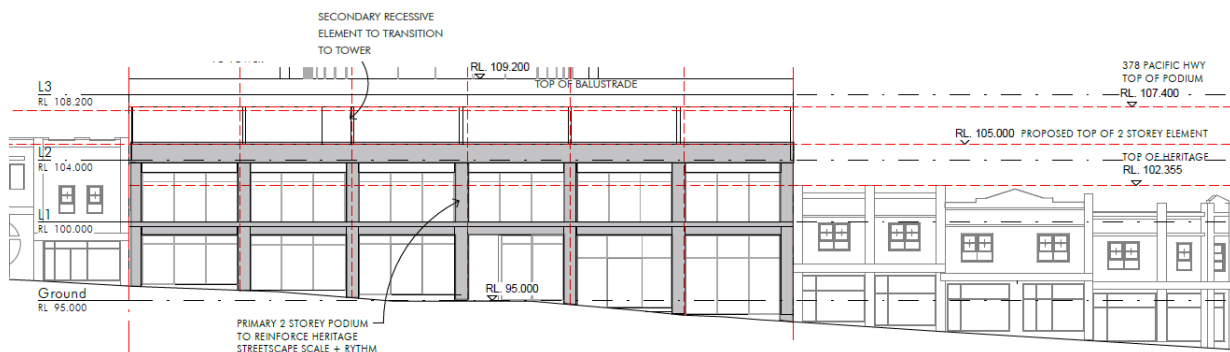


Source: Nettletontribe

5.2.4. Indicative podium design and layout

The 3-storey podium has a two-storey primary facade element and a recessive third level with planter boxes sitting above the podium that transition into the tower. The podium is set back 0 metres from Pacific Highway and 3 metres from Nicholson Place. The design of the podium responds to the vertical rhythm of the adjoining heritage buildings to the north and the adjoining buildings to the south.

Figure 15 – Podium design

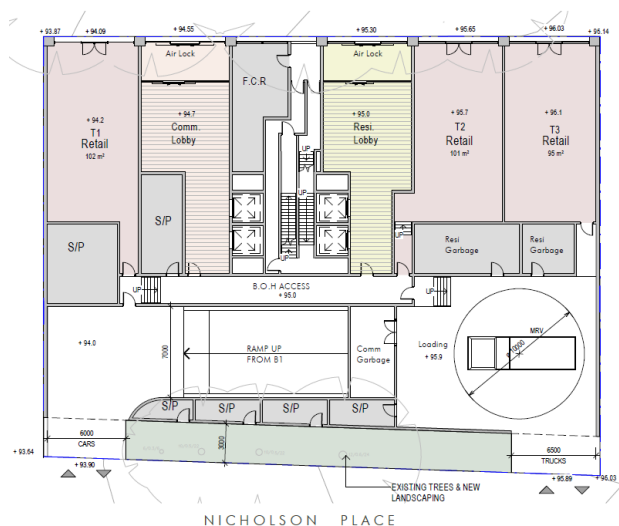


Source: Nettletontribe

The ground floor of the podium will feature retail land uses on the ground floor with space for 3 tenants that will activate Pacific Highway frontage. The ground floor will also provide access to the commercial and residential lobbies off Pacific Highway.

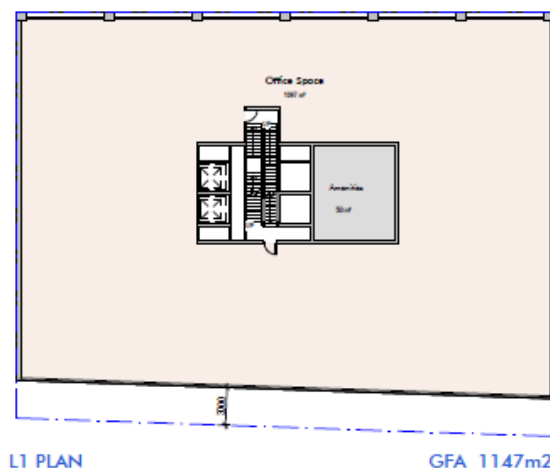
Levels 1 and 2 of the podium is proposed to be commercial office space. The commercial space will be flexible and have access to the landscape terrace. The commercial floorplate can accommodate a range of business types.

Figure 16 – Typical Podium level floor plates



Picture 5 – Ground floor plate

Source: Nettletontribe



Picture 6 – Typical floor plate for Levels 1 and 2

5.2.5. Podium Garden Concept

A Landscape Concept Report has been prepared by Site Image at **Appendix E** which illustrates a high-quality landscape outcome for the podium garden concept. The podium garden will be 1077sqm of active and passive shared green space and will feature variety of gardens and amenities for residents and their visitors. The detailed design of the podium garden will be confirmed at the DA stage but will include the following:

- Raised planter bed with cascading planting along the northern frontage to green the Pacific Highway façade
- An outdoor dining area to provide social communal facilities for residents and their visitors
- Play equipment and seating for supervision
- Fitness area with basic static gym equipment and undercover area for exercise
- Curated garden areas with seating to provide a quiet respite area
- A small lawn area for residents to relax
- Cooking facilities and seating including outdoor brusque.

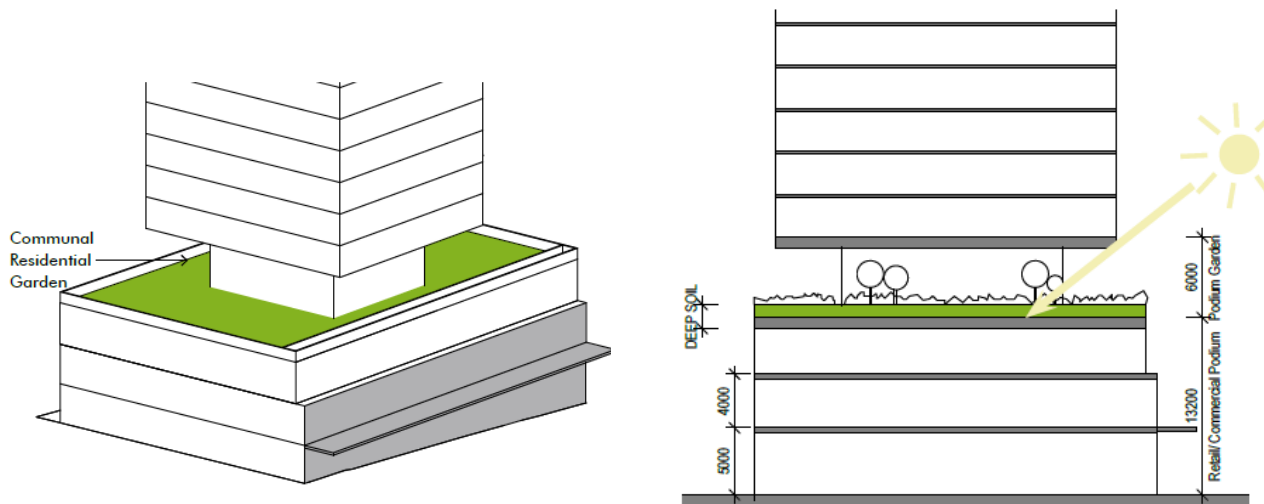
A Planting Strategy has been outlined in the Landscape Concept Report (Appendix E) and the concept design is provided at **Figure 17**.

Figure 17 – Landscape Concept Design



Source: Site Image

Figure 18 – Podium Garden Concept



Picture 7– Podium garden concept

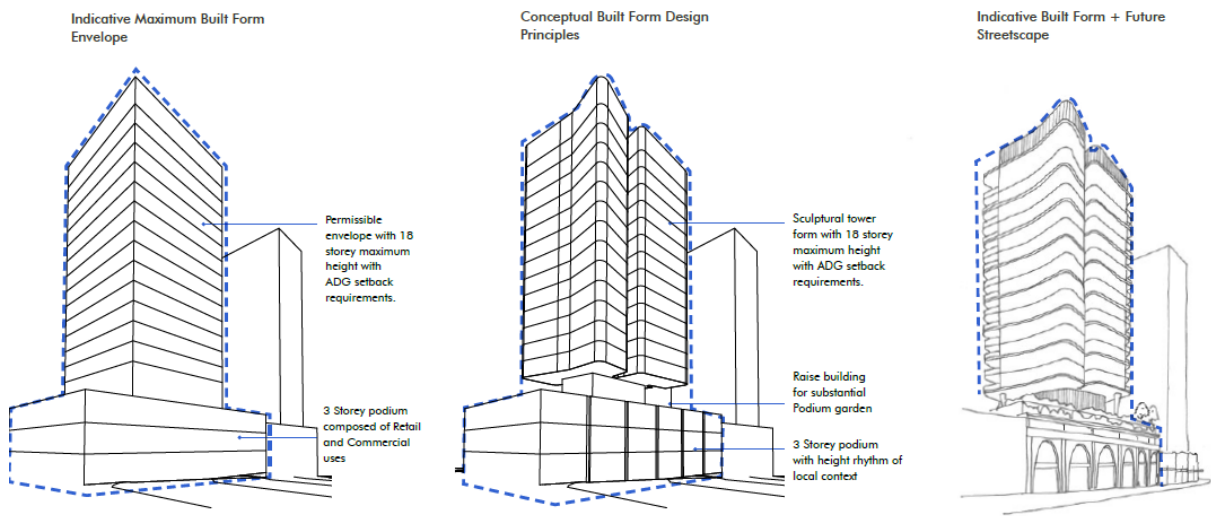
Picture 8– Sun Access to Floor plate

Source: Nettletontribe

5.2.6. Residential Tower

The residential tower is 14 storeys and is stepped back from the residential podium 3 metres along Pacific Highway, 12 metres along the adjacent heritage site at the north, 3 metres along Nicholson Place at the rear and 9 metres along the adjacent site at the south. The tower sits above the transition floor which separated the rooftop podium garden from the tower. The curvature of the tower will be the main sculptural feature, which will be explored further in the detailed design phase.

Figure 19 – Massing



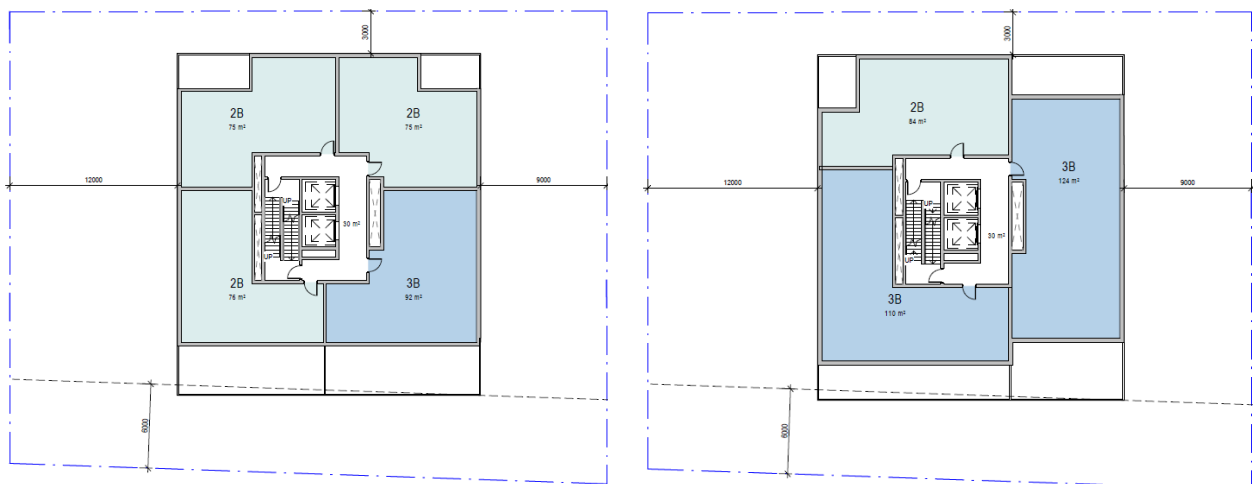
Source: Nettletontribe

5.2.7. Apartment Layout

The floor plates and orientation of apartments have been designed to capture North Sydney, city and harbour views, optimise solar access, respond to acoustic conditions on the Pacific Highway and minimise overshadowing. Each apartment is provided with a balcony as private open space.

The tower will feature 2- and 3-bedroom apartments that will meet the ADG requirements for minimum apartment size. The indicative design for the low-rise and high-rise tower floor plate has an approximate GFA of 347m² and is provided in **Figure 20** below.

Figure 20 – Typical residential floor plate



Picture 9 – Low-rise floor plan

Picture 10 – High-rise floor plan

Source: Nettletontribe

6. STRATEGIC CONTEXT

This section of the report identifies the relevant State and local strategic planning policies which are relevant to the site and the proposal. It outlines the key objectives, planning priorities and actions required to deliver the vision for the Greater Sydney Region, the North district, and the North Sydney LGA.

6.1. GREATER SYDNEY REGION PLAN: A METROPOLIS OF THREE CITIES

The Greater Sydney Region Plan (**the Region Plan**) provides the overarching strategic plan for growth and change in Sydney. It is a 20-year plan with a 40-year vision that seeks to transform Greater Sydney into a metropolis of three cities – the Western Parkland City, Central River City and Eastern Harbour City.

It identifies key challenges facing Sydney including increasing the population to eight million by 2056, 817,000 new jobs and a requirement of 725,000 new homes by 2036.

The Plan includes objectives and strategies for infrastructure and collaboration, liveability, productivity and sustainability. The Planning Proposal is consistent with the relevant objectives of Region Plan, as discussed in the following table.

Table 6 Consistency with the Greater Sydney Region Plan

Planning Priorities	Consistency
Direction 1: A city supported by infrastructure	
<p><i>Objective 2: Infrastructure aligns with forecast growth</i></p> <p><i>Objective 4: Infrastructure use is optimised</i></p>	<p>The proposed increase in density within close proximity (approximately 120m north east) to the future Crow's Nest Metro Station Entrance, capitalises on the State Government's investment in transport infrastructure.</p> <p>Once complete, the Sydney Metro will provide a high frequency service connecting major employment hubs such as Macquarie Park, Chatswood and the North Sydney and Sydney CBDs.</p> <p>Delivering density in close proximity to public transport will help to drive better travel behaviour in future residents and workers, encouraging increased reliance on public transport.</p>
Direction 2: A Collaborative City	
<p><i>Objective 5: Benefits of growth realised by collaboration of governments, community and business.</i></p>	<p>The St Leonards and Crows Nest Precinct is identified as a 'Collaboration Area' and a Planned Precinct.</p> <p>The Planning Proposal will assist in the collaboration of government, community and business as follows:</p> <ul style="list-style-type: none"> • The proposed uplift of the site to unlocks the full development potential of the site to accommodate a tall tower form. • Renewal of this site for a mixed-use development would assist government in contributing towards housing and employment targets for the Precinct and provides funding to support local infrastructure investment. • The Planning Proposal will positively contribute to the local community through adequate street setbacks, public domain upgrades and land uses that contribute to the 18-hour

Planning Priorities	Consistency
	<p>economy and a high-quality built form outcome that positively contributes to the local and emerging character of the area.</p> <ul style="list-style-type: none"> The Planning Proposal is consistent with the Design Criteria and the St Leonards and Crows Nest Local Character Statement.
Direction 4: Housing the City	
<p><i>Objective 10: Greater housing supply</i></p> <p><i>Objective 11: Housing is more diverse and affordable</i></p>	<p>The GSRP provides housing targets for 2016- 2036 (Northern District), as per the following:</p> <ul style="list-style-type: none"> 0–5-year target (2016-2021): 25,950 additional homes; 20-year (2016-2036): 92,000 additional homes. <p>The GSC has confirmed, through their review and assurance of the NS LSPS, that Council is forecasted to supply 2,835 dwellings for the period 2022 to 2026. To meet the mandated dwelling targets, Council is required to increase this supply to 3,000 – 3,500 dwellings during this period.</p> <p>This Planning Proposal has the ability to deliver 4915m² of residential GFA that would directly contribute to the dwelling supply needed to meet the dwelling targets for the district.</p> <p>The concentration of density within those areas identified in the Plan will enable the retention of existing low-density residential areas surrounding Crows Nest, preserving local character and heritage buildings and is best located to maximise the benefits associated with the Metro.</p>
Direction 5: A city of great places	
<p><i>Objective 12: Great places that bring people together</i></p>	<p>This Planning Proposal and the submitted Concept Design Report and Landscape Concept Report demonstrates how the sites' future redevelopment can positively contribute to and significantly enhance the public domain, to create a place for the people.</p> <p>The proposed podium is setback 0 metres from Pacific Highway and will accommodate a range of future uses, which will ensure activation throughout the day and evening, which will in turn create a lively space for pedestrians. The podium will be capped by an extensive landscaped garden providing active and passive green communal spaces that will enhance the public domain.</p> <p>The street frontage is currently lined by street trees that will be retained and enhanced by the podium façade as a backdrop.</p> <p>The proposal includes a podium roof top garden level that is open to the elements, creating a place for residents to gather and enjoy.</p>

Planning Priorities	Consistency
Direction 6: A well-connected city	
<i>Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</i>	<p>Crows Nest is defined in the GSRP as forming part of the ‘Eastern Economic Corridor.’</p> <p>The Planning Proposal positively contributes to this through the provision of increased commercial floor space on the site and improved floor plates to attract a range of tenants and safeguards employment floor space on the site.</p> <p>Residential land uses will also be delivered, within the tower above the commercial podium. This will assist in providing jobs close to home and optimising a liveable and walkable city.</p> <p>The proximity of the site to existing and planned transport and the provision of a high-quality, dense development outcome on this site, directly aligns with the State Governments key objective of creating a 30-minute city.</p>
Direction 7: Jobs and skills for the city	
<i>Objective 22: Investment and business activity in centres</i>	<p>This Planning Proposal will deliver 2812m² of commercial floor space and 4915m² of residential floor space opposite the future Crows Nest Metro Station.</p> <p>The commercial floorplate has been designed to be flexible and to accommodate a wide range of uses that will activate the streetscape whilst providing opportunities for retail offerings that meet the needs of the local residents and those in the tower above.</p> <p>The proposal would provide a total of 130 additional jobs once operational. Please note approximately 30 jobs are existing and 100 jobs are additional, totalling 130 jobs.</p>
Direction 9: An efficient city	
<i>Objective 33: a low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change</i>	<p>The Planning Proposal facilitates the promotion of walkable neighbourhoods and low carbon transport options due to its proximity to the future Crows Nest Metro Station.</p> <p>The site’s proximity to public transport would provide opportunities for residents to conveniently use public transport thereby reducing private vehicle trip movements and assisting the objective to create low-carbon cities.</p>

6.2. OUR GREATER SYDNEY 2056: NORTH DISTRICT PLAN

The North City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to implement the objectives of the Greater Sydney Region Plan. The intent of the District Plan is to inform local strategic planning statements and local environmental plans, guiding the planning and support for growth and change across the district.

The District Plan contains strategic directions, planning priorities and actions that seek to implement the objectives and strategies within the Region Plan at the district-level. The Structure Plan identifies the key centres, economic and employment locations, land release and urban renewal areas and existing and future transport infrastructure to deliver growth aspirations.

The North District Plan reflects the broader vision of Sydney as a three-city metropolitan, and contains the following key metrics:

- Housing target – The North District has a housing target of an additional 92,000 dwellings by 2036, with a total forecast dwelling count of 464,500.
- Job target – The St Leonards/ Crows Nest area has a job target of 54,000- 63,500 by 2036, representing a minimum target of 7,000 new jobs over 20 years.

A description of how this Planning Proposal directly aligns with the relevant priorities of the North District Plan, are set out in the table below.

Table 7 Consistency with the North District Plan

Planning Priorities	Consistency
<p>N1. <i>Planning for a city supported by infrastructure</i></p> <p>N12. <i>Delivering integrated land use and transport planning and a 30-minute city</i></p>	<p>The Planning Proposal leverages off the new Crows Nest Metro, providing employment and housing in close proximity to established and planned infrastructure.</p> <p>The indicative travel time from Crows Nest Station will be 11 minutes to Central Station and 5 minutes to North Sydney, locating the site well within the desired 30 minute travel mode.</p> <p>The site is ideally located within proximity to the Metro station, with the proposed mix of land uses support the growth of Crows Nest and activation of this revitalised Precinct.</p>
<p>N5. <i>Providing housing supply, choice and affordability, with access to jobs and services</i></p> <p>N6. <i>Creating and renewing great places and local centres and respecting the District's heritage</i></p>	<p>The Planning Proposal will facilitate the delivery of new dwellings with access to public transport and employment opportunities. The Proposal can assist North Sydney Council in meeting the mandated housing targets, which the GSC requiring Council to delivery 3,000 – 3,500 dwellings between the 2022 – 2026 period.</p> <p>Increased housing supply and the provision of an appropriate mix of 2 and 3 bedroom apartments will provide greater housing choice and will assist in alleviating the housing pressure faced by the current under supply of available dwellings within accessible locations.</p> <p>The Planning Proposal fulfils the vision for the St Leonards / Crows Nest Precinct by creating a built form outcome that responds to the local character and overarching design principles that underpin the Plan.</p>
<p>N8 <i>Eastern economic corridor is better connected and more competitive</i></p> <p>N10. <i>Growing investment, business opportunities and jobs in strategic centres</i></p>	<p>This substantial development parcel is located in a prime position, within close proximity to the new Crows Nest Metro.</p> <p>The Planning Proposal will enable a 3-storey commercial podium (2853m² of commercial GFA) with desirable floor plates suited to a range of commercial and retail uses, providing an attractive offering for renewal and activation. The proposal would provide a total of</p>

Planning Priorities	Consistency
	<p>130 additional jobs, once operational. Please note approximately 30 jobs are existing and 100 jobs are additional, totalling 130 jobs.</p> <p>The increased density on the site co-located to the new Metro means more people will have easy access to employment and with a rejuvenated urban environment, this will boost productivity. The proposal would provide a total of 130 additional jobs, once operational.</p> <p>The Planning Proposal directly aligns with the State Governments vision for employment growth and urban renewal in this key strategic centre.</p>
N19. Increasing urban tree canopy cover and delivering Green Grid connections.	<p>The Landscape Concept Report (Appendix E) outlines the concept for the primary landscaped area which is the podium rooftop garden, which will provide a variety of gardens and amenities for residents and their visitors, whilst contributing to the urban tree canopy cover.</p> <p>Raised planter beds with cascading planting along the northern frontage will be visible from the street and will contribute to greening along Pacific Highway.</p> <p>Additionally, the existing street trees and landscaping along Pacific Highway and Nicholson Lane will be protected and retained as part of the proposal to continue to maintain green grid connections.</p>

6.3. ST LEONARDS CROWS NEST 2036 PLAN

The St Leonards and Crows Nest 2036 Plan will 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.

The following table details how the Planning Proposal aligns with the 2036 Plan, by responding to the area wide vision and adopting the built form parameters for the site.

Table 8 Consistency with St Leonards Crows Nest 2036 Plan

Action	Planning Proposal Response	Compliance
Area wide design principles and design criteria		
Place <i>Site specific vision: introduce new laneways and public spaces</i>	<ul style="list-style-type: none"> The indicative concept design envisages a podium that provides for an attractive public domain at ground floor with activate land uses and floor plates have been designed to attract F&B offerings that would contribute to the 18-hour economy. The proposed building envelope has been designed to fit within the solar access controls, with neighbouring residents maintaining 2 hours solar access and no overshadowing to public open spaces or beyond the Plan boundary. 	Yes

Action	Planning Proposal Response	Compliance
	<ul style="list-style-type: none"> The proposed podium street wall height relates appropriately to the existing heritage shop fronts north of the site to reduce the impact on the cultural significance of those buildings. 	
Landscape <i>Site specific vision: Amenities and terracing have been designed to create shared outdoor green spaces</i>	<p>A Landscape Concept Report prepared by Site Image accompanies this Planning Proposal and is attached at Appendix E.</p> <p>Future redevelopment of the site will incorporate a podium rooftop garden and planters above the balustrade at the top of the podium that will provide opportunity for greening within the site that will be visible from street level.</p> <p>Additionally, the existing street trees and landscaping along Pacific Highway and Nicholson Lane will be protected and retained as part of the proposal to continue to maintain green grid connections.</p>	Yes
Built Form <i>Site specific vision: A mix of retail, commercial and residential uses will contribute to the 18-hour economy</i>	<p>The Plan includes the site within the high-density area, located between St Leonards Station and Crows Nest Metro.</p> <p>The built form controls nominate a height of 18 storeys and an FSR of 5.5:1, inclusive of a non-residential FSR of 2:1. The Planning Proposal and built form outcome is largely compliant with the built form controls by way of the following:</p> <ul style="list-style-type: none"> Relates to a large development parcel (1,406m² in area) that is highly suitable for a tall tower form of 18 storeys (RL163.8), as nominated in the Plan. An FSR of 5.5:1. Complies with the nominated building setbacks (0m to Pacific Highway and 0m to Nicholson Place) and street wall heights as adjoining heritage storey wall height. The site is adjacent to six (6) heritage listed terrace buildings being Higgins Buildings. The proposal provides a sympathetic response to the Higgins Buildings and other heritage items in the streetscape through the prominence of the two-storey portion of the podium. The public and users will still be able to view and appreciate the significance of the Higgins Buildings and recognise the contemporary infill that responds to that character. Additionally, the proposal does not affect views to, and from, the Heritage Item in the vicinity and no new development is proposed on the Higgins Buildings. Retains solar access to public open spaces and residential areas inside the Plan boundary. The proposed building 	Yes

Action	Planning Proposal Response	Compliance
	envelope also retains the required 2 hours solar access to the western residential neighbours.	
Land Use <i>Site specific vision: Activated retail integrated into the finer grain laneways will contribute to the local character.</i>	<p>The overall 2036 Plan provides capacity for up to 6,683 new dwellings within the Precinct and 1,950 to 3,020 new jobs within Crows Nest.</p> <p>This Planning Proposal retains the sites B4 Mixed-Use zone while providing increased heights and density to achieve the State Governments vision by delivering 4915m² of residential floor space and 2812m² of commercial floor space (at ground level and above), contributing to jobs within the Precinct.</p> <p>This Planning Proposal directly responds to the land use actions of the plan which seeks to concentrate higher density housing along Pacific Highway.</p> <p>Future residential development will contain a mix of dwelling typologies that responds to the market demands.</p>	Yes
Movement <i>Site specific vision: The scheme will strengthen Pacific Highway as a TOD, providing residents with easy commute to the city.</i>	<p>Future redevelopment of the site will include the provision of an end of trip facility that encourages the use of active transport.</p> <p>The site's location directly adjacent to the Crows Nest Metro and the improved public domain works will be a catalysed for increased public transport patronage.</p>	Yes
Implementing the Plan		
Land Zoning		
Land Zoning	The Plan maps the site as B4 Mixed Use. The Planning Proposal retains the sites land use zoning.	Yes
Building storey height		
18 storeys	The indicative concept includes an 18 storey tower form that is located on the southern extent of the site. The Planning Proposal seeks to apply a maximum height of building control of RL163.8.	Yes
Floor Space Ratio (FSR)		
FSR: 5.5:1	The Planning Proposal seeks to apply a maximum FSR of 5:51 for the development site.	Yes
Minimum non-residential FSR: 2:1	Consistent with the Plan, the Planning Proposal seeks to apply a minimum non-residential FSR of 2:1.	Yes

Action	Planning Proposal Response	Compliance
Street wall height		
As adjoining street wall height (Pacific Highway)	Consistent with the Plan, the indicative concept includes a 3-storey street wall height to Pacific Highway.	Yes
Setback		
0m setback to Pacific Highway	Consistent with the Plan, the new tower site includes a 0m setback to the Pacific Highway	Yes

6.4. NORTH SYDNEY LOCAL STRATEGIC PLANNING STATEMENT

On 24 March 2020, Council adopted the North Sydney Local Strategic Planning Statement (**LSPS**), which is part of the DPIE mandated LEP review.

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 Planning Proposal can contribute to the visions and planning priorities outlined in the LSPS and this is demonstrated below.

Table 9 Consistency with North Sydney LSPS

Planning Priorities	Consistency
Liveability	
<i>L1: Diverse housing options that meet the needs of the North Sydney community</i>	The Planning Proposal will broaden the range of housing choices provided in the LGA by accommodating residential apartments with a mix of apartment types to appeal to a wide range of household types.
<i>L2: Provide a range of community facilities and services to support a healthy, creative, diverse and socially connected North Sydney community</i>	A mix of retail, commercial and residential uses will provide street activation spanning a wide variety of daily and evening hours.
Productivity	
<i>P1 – Grow a stronger, more globally competitive North Sydney CBD</i>	<p>The future redevelopment of the site can contribute towards the economic growth of the locality by providing new commercial land uses that provide for a diverse range of businesses. Additionally, land uses on the ground floor including retail and potentially food and beverage premises will activate the public domain.</p> <p>Accordingly, this Planning Proposal can respond to Council's productivity objectives for St Leonards/ Crows Nest Precinct, by providing the opportunity to accommodate a growing and evolving economy, that supports skills growth and attracts investment.</p>

Planning Priorities	Consistency
<i>P3: Enhance the commercial amenity and viability of North Sydney's local centres.</i>	The Planning Proposal will provide space for commercial office and retail, and improve the amenity, services and appeal of the Crows Nest.
<i>P6: Support walkable centres and a connected, vibrant and sustainable North Sydney</i>	<p>The site is highly accessible to current and future public transport, which will optimise public transport usage and represent opportunities for land use density and diversity within a walkable distance to commercial, mixed-use and neighbourhood centres.</p> <p>The location of the site and the concept design would support Council's 30-minute city vision and is a logical location for increased density from a transit-oriented development perspective.</p> <p>By concentrating employment and housing growth in proximity to the new Crows Nest Metro Station this will support the desired integrated land use and transport model and encourage walkable centres.</p>

6.5. NORTH SYDNEY LOCAL HOUSING STRATEGY

On 10 May 2021, DPIE approved the North Sydney Local Housing Strategy (**LHS**). DPIE, in approved the LHS, stated that the “*direction and strategic planning approaches endorsed in State-led precinct plans are to prevail in the event of any inconsistency with Council's LHS.*”

In implementing the LHS, Council is to prepare an implementation plan that is to include and reflect the strategic planning work Council commits to undertaking to implement the St Leonards Crows Nest 2036 Plan.

This Planning Proposal has been prepared in direct response to the Plan and aligns with the visions, actions and objectives of the Plan.

Specifically, the State-led precinct plan has nominated sites for greater heights and densities which increases the capacity within the Plan boundary to accommodate 6,683 new dwellings. The Planning Proposal will deliver 4915m² of residential GFA and 2,812m² of commercial GFA, providing 130 additional jobs, contributing to the jobs growth target of 1,950-3,020 for Crows Nest. Please note approximately 30 jobs are existing and 100 jobs are additional, totalling 130 jobs.

In this regard, the Planning Proposal is consistent with the LHS, as it delivers housing and employment in an area identified for growth and on a key strategic site.

6.6. FUTURE TRANSPORT STRATEGY 2056

The *Future Transport Strategy 2056* outlines the vision for the Greater Sydney mass transit network, detailed Crows Nest within the 30 minute city. The Future Transport vision sets six state-wide outcomes to guide investment, policy and reform and service provision. They provide a framework for network planning and investment aimed at supporting transport infrastructure.

The site is well placed to gain from the future transport network, including the Crows Nest Metro (approximately 120m north east from the site) and the St Leonards train station (further north of the site), through both the frequency of transport services projected as well as upgraded infrastructure for all forms of mobility.

The opening of the Crows Nest Metro will be a catalyst for change, creating a new arrival and departure point and ultimately changing the way people move and will change the way people move around the area.

This Planning Proposal provides the opportunity to significantly enhance the quality of the public domain and create a key pedestrian focal point at, what is set to become, a key pedestrian node.

7. PLANNING PROPOSAL ASSESSMENT

The Planning Proposal request has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and the Department of Planning, Industry and Environment guidelines '*Planning Proposals: A guide to preparing planning proposals*' dated December 2018.

This section addresses each of the matters to be addressed as outlined in the guidelines, including:

- Objectives and intended outcomes.
- Explanation of provisions.
- Justification including need for proposal, relationship to strategic planning framework, environmental, social and economic impacts and State and Commonwealth interests.
- Draft LEP maps which articulate the proposed changes.
- Likely future community consultation.

7.1. OBJECTIVES AND INTENDED OUTCOMES

The primary objective of the Planning Proposal is to amend the NSLEP 2013 building height and FSR controls to deliver a high density, mixed use tower form, as envisioned by the 2036 Plan. No change to the current B4 Mixed Use zoning is proposed.

The proposed amendments to the NSLEP 2012 have the following objectives of enabling future development:

- Realise the development potential and encourage development activity in this identified key location, supporting the evolution of this Precinct and contributing to the rejuvenation of Crows Nest;
- Deliver a podium design that responds to the adjacent heritage items in terms of scale and rhythm and materiality;
- Provide a compatible mix of land uses that contribute to the creation of a vibrant and active community, including the potential for residential, commercial, retail directly within proximity to the Crows Nest Metro Station; and
- Integrate the site with the broader area through ground floor streetscape activation.
- Contribute to the dwelling supply needed to meet the dwelling targets for the North district that is within close proximity to public transport connections.

7.2. EXPLANATION OF PROVISIONS

The objectives and intended outcomes of the Planning Proposal will be achieved by amending the NSLEP 2013, as follows:

- Amend the NSLEP 2013 Height of Buildings Map to provide an amended building height control of RL163.8 across the site.
- Amend the NSLEP 2013 Maximum Floor Space Ratio Map to provide a maximum floor space ratio control of 5.5:1 across the site.
- Amend the NSLEP 2013 Minimum Non-Residential Floor Space Ratio Map to provide a minimum non-residential floor space ratio control of 2:1 across the site.

The proposed mapping amendments are provided within **Section 7.4** of this report.

7.3. JUSTIFICATION

Section A – Need for the planning proposal

- Q1.** *Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?*

Yes – The site is subject to the 2036 Plan adopted by DPIE. The plan specifies increased height and density uplift as well as specific built form controls that apply to the site. The Planning Proposal has been prepared to give effect to the intended development outcome identified for the site, in accordance with the 2036 Plan. The Planning Proposal is also consistent with the North Sydney LSPS as outlined in **Section 6.4**.

Q2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes. This Planning Proposal is the best means of achieving the objectives and intended outcomes for the site as:

- The Implementation Strategy outlined in the 2036 Plan directs Proponents to prepare planning proposals. The SLCN 2036 Plan states *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*. North Sydney Council has elected not to advance a precinct wide planning proposal, therefore, landowner led Planning Proposals are required to achieve the vision of the 2036 Plan.
- This Planning Proposal is consistent with the built form controls of the 2036 Plan and the overarching strategic direction.

Other statutory measures to give effect to the objectives and intended outcome of the Planning Proposal were considered however were not pursued as the best means to achieve the intended outcome. These include:

- Lodging a Development Application under the current NSLEP controls with a Clause 4.6.
- ‘Do nothing’ – wait for Council initiated Planning Proposal to amend NSLEP.

Option 1 – Lodging Development Application

Lodging a Development Application was considered as the current B4 Mixed-Use zone permits the mix of land uses reflecting in the indicative concept scheme. However, the current LEP maximum building height control is 10m (approximately 3 storeys) and a minimum non-residential FSR of 0.5:1. These controls are now considered obsolete and not reflective of the local and State strategic planning direction for the site and thus would constitute an under-development of a strategically valuable site.

The strategic direction of the site is to accommodate for an 18-storey tower. A Development Application could be submitted with a Clause 4.6 variation to the building height control and FSR; however, this would be inconsistent with the Implementation Strategy of the 2036 Plan and would result in a significant departure from the current statutory control. In this instance, a Clause 4.6 would not be the most appropriate mechanism to achieve the intended outcome, as the magnitude of variation does not meet the intended application of clause 4.6.

‘Do nothing’

Council has made it clear they do not wish to prepare a precinct wide planning proposal. It is therefore Council’s preference that proponents submit Planning Proposals to seek amendments to the LEP controls having regard to the 2036 Plan. The Planning Proposal is largely consistent with the built form controls of the final 2036 Plan and is consistent with the strategic direction and vision of the 2036 Plan, so there is no reason to delay development on the site.

Therefore, a site-specific Planning Proposal is the best means of achieving the objectives and intended outcomes.

Section B – Relationship to strategic planning framework

Q3. *Will the planning proposal give effect to the objectives and actions of the applicable regional, of district plan or strategy (including any exhibited draft plans or strategies)?*

Yes – the Planning Proposal will give effect to the objectives and actions of the applicable regional and district planning policies and strategies as outlined in **Section 6** and as summarised in the following table.

Table 10 Relationship to Strategic Planning Framework

Strategic Plan	Consistency
<i>Greater Sydney Region Plan: A Metropolis of Three Cities</i>	<p>Refer to Section 6.1.</p> <p>Crows Nest and St Leonards is identified as one of 15 growth areas and urban renewal corridors. This Planning Proposal would directly contribute to the dwelling supply needed to meet the dwelling targets for the North district.</p> <p>This Planning Proposal seeks to provide 2,812m² of employment floor space and 4915m² of residential floor space in Crows Nest.</p>
<i>Our Greater Sydney 2056: North District Plan</i>	<p>Refer to Section 6.2</p> <p>The site is strategically located within close proximity of the Crows Nest Metro Station, which is currently under construction. The Metro Station will change the way people move around the area, and this Planning Proposal will enable a development outcome that supports the growth of St Leonards/ Crows Nest.</p> <p>The Planning Proposal will deliver greater housing and employment opportunities at the door step of the Metro Station, connecting people to jobs and creating an active transport hub within St Leonards Strategic Centre.</p>
<i>St Leonards Crows Nest 2036 Plan</i>	<p>Refer to Section 6.3.</p> <p>This Planning Proposal has been prepared to give effect to the vision, objectives and actions of the 2036 Plan, as well the specific built form intent for the site. The proposed FSR and height for the site is consistent with the controls as outlined in the 2036 Plan.</p> <p>The intended outcome is a tower form that exhibits design excellence, activates the streetscape, considers the scale and rhythm of the existing heritage items adjacent to the site.</p>

Assessment Criteria

The Planning Proposal addresses the Assessment Criteria within the DPIE guidelines as summarised below:

(a) *Does the proposal have strategic merit?*

Yes – the Planning Proposal is consistent with the objectives and actions of the following strategies, demonstrating the strategic merit of the site:

- Greater Sydney Region Plan (**Section 6.1**)
- North District Plan (**Section 6.2**)
- St Leonards Crows Nest 2036 Plan (**Section 6.3**)
- North Sydney Local Strategic Planning Statement (**Section 6.4**)
- North Sydney Local Housing Strategy (**Section 6.5**)
- Future Transport Strategy 2056 (**Section 6.6**)

(a) *Does the proposal have site-specific merit?*

Yes – the Planning Proposal has site-specific merit having regard to the following matters:

- Natural environment;
- Existing, approved and likely future uses; and
- Available and proposed services and infrastructure.

The site-specific merit of the Planning Proposal is discussed in **Section C – Environmental, social and economic impacts**.

Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Yes – the Planning Proposal is consistent with the endorsed North Sydney LSPS (**Section 6.4**) and the North Sydney LHS (**Section 6.5**).

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes – the Planning Proposal is consistent with relevant SEPPs as identified and discussed in the following table.

Table 11 Consistency with SEPPs

SEPP	Consistency
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)</i>	<p>Chapter 4 of the Resilience and Hazards SEPP provides the planning framework for the management of contaminated land in NSW.</p> <p>The site is currently zoned as B4 Mixed Use and is located in an urban environment. The present buildings have been established on the site since the late 1980's and the site conditions have remained largely unchanged.</p> <p>Clause 4.6 of the Resilience and Hazards SEPP states that a consent authority must not consent to development unless it has considered whether the land is contaminated and if required, it is satisfied that the land will be remediated before the land is used for that purpose.</p>

SEPP	Consistency
	<p>Whilst this Planning Proposal does not seek development consent for building works, a Preliminary Site Investigation (PSI) has been undertaken by Aargus and is provided at Appendix G.</p> <p>The PSI documents potential contaminants that may be present on site. These are considered to be of a low significance, including imported fill, pesticide use, car parking and asbestos based building products.</p> <p>The PSI concludes that at the Development Application stage, and subject to a Detailed Site Investigation, the site can be made suitable for future redevelopment.</p>
SEPP 65 Design Quality of Residential Flat Buildings	<p>SEPP 65 provides a statutory framework to guide the design quality of residential flat developments. The indicative concept has been designed to facilitate future detailed building design in accordance with SEPP 65 and the accompanying Apartment Design Guide (ADG). Refer to Summary Compliance Table at Appendix F for ADG assessment.</p> <p>Nettletontribe (Concept Design Report Appendix A) have tested the performance of the building envelope and undertaken a preliminary assessment of the residential tower in relation to the matters prescribed under SEPP 65. This demonstrates that:</p> <ul style="list-style-type: none"> ▪ All residential apartments are capable of meeting the minimum room size and private open space requirements; ▪ Minimum floor to ceiling heights of >2.7m will be provided ▪ At least 70% of apartments can achieve 2 hours solar access between 9am – 3pm on June 21st; ▪ 60% of apartments are capable of being naturally cross ventilated; ▪ A communal open space area that is 25% of the site area can be provided at the podium rooftop garden level which will receive adequate solar access; and ▪ ADG compliant separation distances can be achieved on the site. <p>Ultimately, a detailed assessment of SEPP65 compliance will be undertaken at the DA stage when the nuances of the detailed design have been developed.</p>
SEPP (Buildings Sustainability Index: BASIX) 2004	<p>The BASIX SEPP requires residential development to achieve mandated levels of energy and water efficiency.</p> <p>The indicative concept design has been designed with building massing and orientation to facilitate future BASIX compliance. This will be documented at the development application stage.</p>
<i>State Environmental Planning Policy (Transport and</i>	This SEPP provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for

SEPP	Consistency
<i>Infrastructure) 2021 (Transport and Infrastructure SEPP)</i>	consultation with relevant public authorities during the assessment process.
<i>State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)</i>	<p>The new Sustainable Buildings SEPP encourages the design and delivery of more sustainable buildings across NSW. The SEPP sets sustainability standards for residential and non-residential development and starts the process of measuring and reporting on the embodied emissions of construction materials.</p> <p>The requirements of this SEPP and the associated Regulation amendments will commence on 1 October 2023.</p> <p>The purpose of this new SEPP is to:</p> <ul style="list-style-type: none"> ▪ minimise the consumption of energy and potable water. ▪ reduce greenhouse gas emissions from energy use. ▪ monitor the embodied emissions of building materials. ▪ deliver buildings that are comfortable in summer and winter. <p>The proposal will deliver best practice sustainability initiatives with a detailed assessment of the SEPP compliance to be undertaken at the DA stage, when the nuances of the detailed design have been developed.</p>

Q6. *Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?*

Yes – the Planning Proposal is consistent with relevant Ministerial directions under Section 9.1 of the EP&A Act as identified and summarised in the following table.

Table 12 Consistency with Section 9.1 Directions

Direction	Consistency
Planning Systems	
1.1 Implementation of Regional Plans	<p>The Planning Proposal gives effect to the Greater Sydney Region Plan and the North District Plan in accordance with Direction 1.1.</p> <p>The Planning Proposal is consistent with the planning principles, directions and priorities contained in the Greater Sydney Region Plan. This is further discussed in Section 6.1 of this report.</p>
1.2 Development of Aboriginal Land Council land	Not applicable
1.3 Approval & Referral Requirements	This is an administrative requirement for the PPA
1.4 Site Specific Provisions	The Planning Proposal has been prepared in accordance with the provisions of the Standard

Direction	Consistency
	Instrument and in a manner consistent with the NSLEP 2013.
1.5 Parramatta Road Corridor Transformation Strategy	Not applicable
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
1.10 Implementation of Western Sydney Aerotropolis Plan	Not applicable
1.11 Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	<p>Section 6.3 details how this Planning Proposal aligns with the 2036 Plan. This Planning Proposal achieves the vision, objectives and actions of the Plan and is consistent with this Ministerial Direction, this is summarised below:</p> <p>The Planning Proposal:</p> <p>Relates to a large development parcel (1,406m² in area) that is highly suitable for a tall tower form of 18 storeys (RL163.8), as nominated in the Plan.</p> <p>Complies with the nominated FSR of 5.5:1.</p> <p>Complies with the nominated building setbacks (0m to Pacific Highway and 0m to Nicholson Place) and street wall heights as adjoining heritage storey wall height.</p> <p>The site is adjacent to six (6) heritage listed terrace buildings being Higgins Buildings. The proposal provides a sympathetic response to the Higgins Buildings and other heritage items in the</p>

Direction	Consistency
	<p>streetscape through the prominence of the two-storey portion of the podium. The public and users will still be able to view and appreciate the significance of the Higgins Buildings and recognise the contemporary infill that responds to that character. Additionally, the proposal does not affect views to, and from, the Heritage Item in the vicinity and no new development is proposed on the Higgins Buildings.</p> <p>The planning proposal retains solar access to public open spaces and residential areas inside the Plan boundary. The proposed building envelope also retains the required 2 hours solar access to the western residential neighbours.</p>
1.14 Implementation of Greater Macarthur 2040	Not applicable
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable
1.16 North West Rail Link Corridor Strategy	Not applicable
Design and Place	
3. Biodiversity and Conservation	
3.1 Conservation Zones	Not applicable
3.2 Heritage Conservation	The site has no identified or known items of European or Aboriginal significance, as such this provision is not applicable. The locally listed 'Higgins Buildings' are located to the north of the site. The design of the concept design has given consideration to the Higgins Buildings, as further discussed in Section 7.3.2.
3.3 Sydney Drinking Water Catchment	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5 Recreation Vehicle Areas	Not applicable
4. Resilience and Hazards	
4.1 Flooding	Not applicable
4.2 Coastal Management	Not applicable
4.3 Planning for Bushfire Protection	Not applicable

Direction	Consistency
4.4 Remediation of Contaminated Land	<p>A preliminary site investigation report was prepared by Aargus at Appendix G. The purpose of the PSI was to determine the potential for onsite contamination. The report provided a preliminary assessment of any site contamination, through aerial photographs, land title information and a site visit.</p> <p>The findings of the assessment indicated the potential environmental concern, including importation of uncontrolled fill, pesticide uses, car parking, and asbestos based building products. The report notes that contaminants that may be present in some of these areas were considered to be of low significance in terms of risk to the human and environmental receptors identified. The report recommends a Detailed Site Investigation (DSI) is required to confirm the presence and extent of contamination in order to determine the suitability of the site for the proposed development application.</p> <p>The report confirms that the site will be suitable subject to the completion of a Detailed Site Investigation (and after remediation and validation, if required) for the proposed multistorey tower composed of retail and residential/commercial use with basement car parking</p>
4.5 Acid Sulfate Soils	<p>The site is not mapped as being subject to potential acid sulphate soils.</p> <p>The PSI has reviewed relevant mapping data provided by the NSW Department of Land & Water Conservation and this indicates that there “no known occurrence” of acid sulphate materials at the site and the presence of acid sulphate soils is unlikely.</p>
4.6 Mine Subsidence & Unstable Land	Not applicable
5. Transport and Infrastructure	
<p>5.1 Integrating Land Use & Transport</p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p>	<p>The Planning Proposal is consistent with the direction for the following reasons:</p> <p>The site exhibits excellent access to public transport, being located opposite the future Crows Nest Metro Station and existing bus services.</p> <p>The increased density on the site also supports the patronage of the future metro and accords with the</p>

Direction	Consistency
<p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight</p>	<p>key direction from the state government, which seeks to co-locate increased densities within the walker catchment of public transport nodes.</p> <p>The provision of increased housing supply within a walkable neighbourhood reduces the need for car dependency.</p> <p>The provision of residential accommodation adjacent to key employment and transport nodes encourages a walkable neighbourhood.</p> <p>The proposal would provide a new mix of employment opportunities (retail and commercial) within the North Sydney LGA, within close proximity to existing services and infrastructure.</p>
5.2 Reserving Land for Public Purposes	The proposal does not seek to create, alter or reduce any existing zonings or reservations for public purposes.
5.3 Development Near Regulated Airports and Defence Airfields	<p>An Aeronautical Impact Statement has been prepared by Strategic Airplace at Appendix L.</p> <p>The site is not located in close proximity to Sydney Airport however it is affected by the obstacle limitation surface (OLS) of 156m AHD, and the proposal seeks to exceed this. Accordingly the provisions of clause (4) of this Direction apply.</p> <p>The PANS-OPS surface is at 340m AHD and the OLS Outer Horizontal Surface is at 156m AHD. The proposed maximum permanent structure has a height of RL163.8, which protrudes within the OLS surface by 7.8m however is below the PANS-OPS surface (340) by 176.2m, being the critical height limit.</p> <p>It is noted that at a height of RL163.8, any future development will penetrate the OLS and there will be classified as a “controlled activity” and will require assessment and approval from aviation authorities. These will be matters for consideration at the DA stage.</p>
5.4 Shooting Ranges	Not applicable
6. Housing	
6.1 Residential Zones The objectives of this direction are to: (a) encourage a variety and choice of housing types to provide for existing and future housing needs, (b) make efficient use of existing	The Planning Proposal is seeking to broaden the range of housing choices provided in the LGA through the delivery of residential floor space that is capable of being developed with a mix of apartment

Direction	Consistency
infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) minimise the impact of residential development on the environment and resource lands.	typologies and layouts. The site is suitably located to accommodate a high rise residential development, as it is located opposite the future Crows Nest Metro Station and meets residential amenity and locational criteria. A mixed use development in this location would make efficient use of existing services and infrastructure. A B4 Mixed Use zone creates the potential to provide housing and to help meet infill housing targets, which reduce the need for land release on the metropolitan fringe. It also focuses new housing development in an identified urban renewal area, which benefits from excellent (existing and future) public transport service and improves accessibility. Optimising high density residential accommodation in a strategic centre will minimise impacts on the natural environment or resource lands as the precinct and sites are already developed. Future residential accommodation can be provided on the site without significantly impacting the land or neighbouring development.
6.2 Caravan Parks & Manufactured Home Estates	Not applicable
7. Industry and Employment	
<p>7.1 Business & Industrial Zones</p> <p>The objectives of this direction are to:</p> <p>(a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in business and industrial zones, and</p> <p>(c) support the viability of identified centres.</p>	<p>The Planning Proposal does not seek to change the B4 Mixed Use zone and increases the statutory minimum non-residential FSR requirement under NSLEP 2013 from 0.5:1 to 2:1. Therefore, the Planning Proposal seeks to increase employment generating land uses and upgrade to provide for more contemporary commercial space, thus is consistent with this Direction.</p> <p>The intention of the Planning Proposal is to optimise a development outcome onsite, by amending the built form controls to provide additional retail/commercial uses collocated with residential use.</p> <p>The Planning Proposal facilitates the provision of both increased residential densities and commercial spaces within the identified commercial centre, supporting the viability of the centre and encouraging employment growth in the area.</p>
7.2 Reduction in non-hosted short term rental accommodation period	Not applicable

Direction	Consistency
7.3 Commercial and retail development along the Pacific Highway, North Coast	Not applicable
8. Resources and Energy	
8.1 Mining, Petroleum Production & Extractive Industries	Not applicable
9. Primary Production	
9.1 Rural Zones	Not applicable
9.2 Rural Lands	Not applicable
9.3 Oyster Aquaculture	Not applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable

Section C – Environmental, Social and Economic Impact

Q7. *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?*

No. The site is fully developed for urban purposes and comprises little vegetation. As a result, there are no known critical habitats, threatened species or ecological communities located on the site and therefore the likelihood of any negative impacts will be negligible.

Q8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The site is free of major constraints. There are no likely environmental effects associated with the future development of the land that cannot be suitably mitigated through further design development.

Preliminary investigations have been undertaken as outlined below.

7.3.1. Built form and Context

The proposal provides a three-storey podium and is 18 storeys, in height equivalent to 65m consistent with the envisaged height in the 2036 Plan. The height and scale of the proposal transitions from 18 storeys at the site to the future allowable height of 8 storeys at 348 Pacific Highway. The proposed development has been designed with appropriate setbacks, to mitigate opportunities for overlooking between the site and the neighbouring dwellings and façade elements to achieve a human scale at street level. The proposal will facilitate a built form and land use outcome that responds to and respects heritage item to the north of the site. The proposal will not adversely impact on any notable existing views and will maintain appropriate levels of solar access to the surrounding dwellings and public domain. Due to the site's proximity to the Metro, the proposed level of density is appropriate and consistent with 2036 plan. The proposal will result in a development that is compatible with the surrounding development and the desired future character in the 2036 plan.

7.3.2. Heritage

A Heritage Assessment has been prepared by Architectural Projects Pty Ltd (**Appendix C**) to address the impacts of the proposal on the adjacent heritage items. Six heritage listed terrace buildings adjoin the site to the north being the Higgins buildings (nos. 366-376 Pacific Highway).

The Assessment concludes that the proposed development provides a sympathetic response to the Higgins Buildings and other heritage items in the streetscape through the prominence of the two-storey portion of the

podium. The public and users will still be able to view and appreciate the significance of the Higgins Buildings and recognise the contemporary infill that responds to that character. Additionally, the proposal does not affect views to, and from, the Heritage Item in the vicinity and no new development is proposed on the Higgins Buildings.

The 2036 Plan sets out site-specific built form controls which exceed the existing built form envelope therefore the proposed development is required to be adjacent to the heritage item.

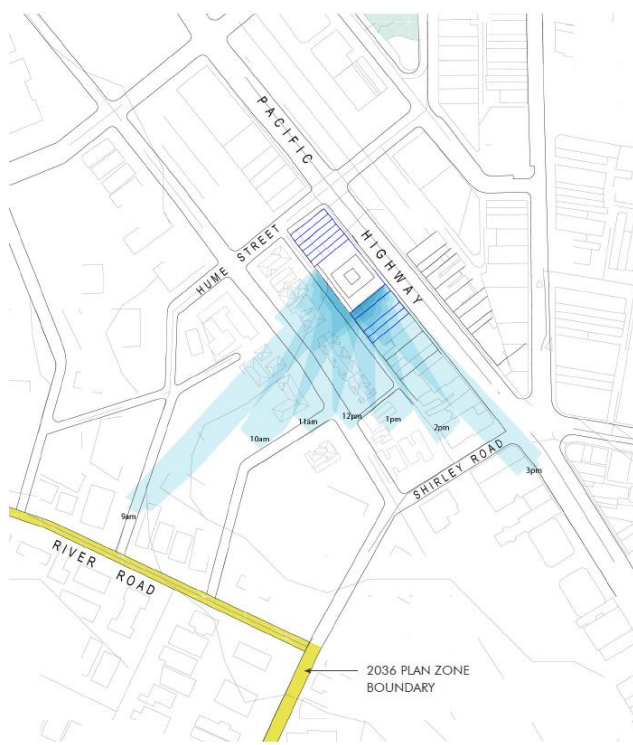
7.3.3. Overshadowing

Retaining solar access to public open space and residential areas is a key objective of the 2036 Plan. An analysis of the cumulative impacts associated with the existing and approved overshadowing of building envelopes has been undertaken by Nettletontribe.

As shown in **Figure 21** below, the properties south to west of the site will experience overshadowing between 9am – 11am, noting that overshadowing will be limited to 1 – 2 hours for these affected properties. Regardless, these properties will be able to retain a complaint degree of overshadowing and will not overshadow past the 2036 Plan Zone Boundary line.

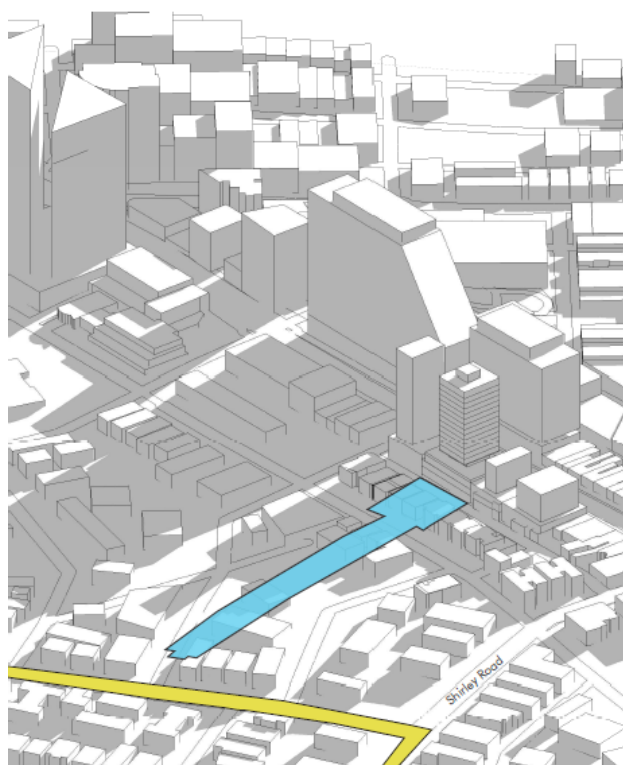
There is no overshadowing of public open spaces as a result of the building envelope.

Figure 21 – Overshadowing diagrams



Picture 11 – Shadows at 9am – 3pm

Source: Nettletontribe



Picture 12 – Shadows at 9am

7.3.4. Landscape

A Landscape Concept Report has been prepared by Site Image at **Appendix E** which illustrates a high-quality landscape outcome for the site including the podium garden concept and the retention of street tree planting. The podium garden will provide active and passive shared green space, featuring a variety of gardens and amenities for residents and their visitors. The detailed design of the podium garden will be confirmed at the DA stage and is discussed in **Section 5.2.5**.

The 2036 Plan and associated Local Character Statement establishes a vision for the Crows Nest and surrounding streets to become active pedestrian and cycling areas, with increased permeability and

connectivity and leafy green streets. This can be achieved through street tree planting and active building edges. The indicative Landscape Concept delivers on this vision through the following initiatives:

- The protection and retention of existing street tree planting along Pacific Highway and Nicholson Place to continue to provide shade and leafy green streets as envisioned.
- Raised planter beds with cascading planting along the northern frontage will be visible from the street and will contribute to greening along Pacific Highway.

7.3.5. Visual Impact

The character of the subject site and immediate visual context is transitioning from predominantly lower commercial buildings to taller mixed-use towers.

The visual effects of the concept design as part of the planning proposal will be predominantly restricted to the closest locations and adjacent roads including Pacific Highway and Nicholson Place. The upper part of the tower form will be visible from distant locations.

Visual impact can be appropriately managed through design with consideration being given to well-scaled and proportioned street edge and human scale design as well as the incorporation of landscaping throughout the design that can be visible from a range of locations. Materials and finishes will be further developed to respond to those in the surrounding environment to reduce any perceived visual impacts.

7.3.6. Residential Amenity

The residential tower component of the planning proposal has been designed to meet the requirements of the ADG as demonstrated in the Concept Design Report at **Appendix A**. Notably, the design demonstrates that the site can accommodate high density residential development that will provide:

- apartments of greater size than 70sqm and 90sqm for 2- and 3-bedroom apartments;
- a variety of apartment types and sizes;
- balconies and private open spaces of greater than 10sqm and 12sqm for 2 and 3 bedrooms;
- a minimum of two hours solar access to greater than 70% of the apartments;
- natural cross ventilation to greater than 60% of the apartments;
- circulation cores that service no more than 3 apartments per floor;
- a minimum of 2.7m floor to ceiling height for the apartments; and
- at least 50% storage provided within the apartments,

The residential tower element of the proposed development will maintain appropriate separation distances for surrounding residential properties which would potentially be impacted by privacy. Specifically, the following setbacks have been applied to the development to maintain visual privacy to neighbouring dwellings:

- A 6m setback from the site boundary on the Pacific Highway.
- A 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.
- A 9m setback along the south eastern side boundary to 348 Pacific Highway; and
- A 12m setback the north western side boundary to 368 Pacific Highway is proposed.

Adequate building separation and setbacks have been applied to minimise potential privacy and overlooking issues to surrounding sites.

7.3.7. Traffic and Parking

A Traffic and Parking Assessment has been prepared by JMT Consulting at **Appendix H**. The purpose of the Assessment is to assess the traffic and transport implications as a result of the proposal including the additional traffic movements, impacts to the adjacent road network and proposed parking rates to be adopted as part of the future development. Parking provided on the site will be delivered in accordance with

the parking rates outlined in the North Sydney DCP, with the final number of spaces to be determined at the Development Application stage of the project.

The Assessment concludes that based on the reference scheme prepared for the proposal, the site is forecast to generate an additional 24 vehicle trips in the AM peak hour and 23 vehicle trips in the PM peak hour. This level of traffic generation would not significantly impact the operation of the adjacent road network. Of further relevance is that the Planning Proposal is generally consistent with the controls and densities identified in the St Leonards and Crows Nest 2036 Plan. To support the 2036 Plan a detailed future year traffic modelling assessment was carried out by Cardno on behalf of DPIE to assess the traffic implications of the envisaged uplift in the precinct through to 2036.

The St Leonards and Crows Nest Station Precinct Traffic and Transport Study – Future Year Modelling Report 2020 did not identify any future upgrades at the Pacific Highway / Hume Street intersection to support the development of the broader St Leonards and Crows Nest precinct. In this context no additional traffic works would be required to accommodate the Planning Proposal.

7.3.8. Contamination

A preliminary site investigation report was prepared by Aargus at **Appendix G**. The purpose of the PSI was to determine the potential for onsite contamination. The report provided a preliminary assessment of any site contamination, through aerial photographs, land title information and a site visit.

The findings of the assessment indicated the potential environmental concern, including importation of uncontrolled fill, pesticide uses, car parking, and asbestos based building products. The report notes that contaminants that may be present in some of these areas were considered to be of low significance in terms of risk to the human and environmental receptors identified. The report recommends a Detailed Site Investigation (DSI) is required to confirm the presence and extent of contamination in order to determine the suitability of the site for the proposed development application.

The report confirms that the site will be suitable subject to the completion of a Detailed Site Investigation (and after remediation and validation, if required) for the proposed multistorey tower composed of retail and residential/commercial use with basement car parking.

7.3.9. Geotechnical

A Geotechnical Desktop Study was carried out by Aargus at **Appendix M** which provides comments on the feasibility of the proposed development from a geotechnical perspective in regards to the regional geology and sub-surface conditions including groundwater. The main geotechnical aspects addressed within the study are the following:

- **Excavation conditions:** The proposed development includes excavation for a four-level basement car park. Aargus recommends conducting an on-site geotechnical investigation to establish subsurface conditions prior to selecting a shoring or retaining wall system. In particular the groundwater level and measured infiltration rates will play a role in selection of the shoring wall type.
- **Vibration monitoring:** It is recommended that a vibration monitoring plan is developed to monitor the potential vibration effects of demolition and excavation works on existing buildings within adjoining properties and road reserves along the site boundary.
- **Stability of Excavation:** Due to the proximity of the basement with the boundaries, the use of temporary batter slopes may be unsuitable in most areas and therefore temporary shoring should be provided.
- **Foundations:** Aargus provides typical geotechnical parameters recommended for design of shallow and piled foundations within the study.
- **Groundwater:** Aargus recommends further investigation and assessment of the groundwater regime, after demolition of the existing infrastructure and prior to commencement of bulk excavation.

A Geotechnical Site Investigation is recommended to be undertaken in accordance with Australian Standard AS 1726-2017 by a suitably experienced Geotechnical Practitioner familiar with the contents of this report, to confirm ground conditions and preliminary recommendations presented in this desktop study.

7.3.10. Services Infrastructure

A services report was prepared by Stantec at **Appendix J**. The purpose of the report is to provide opportunities for utility infrastructure provision for future development of the sites. It was based on Dial Before You Dig information.

- **Electricity**

Based on the load calculation it will be necessary to provide 1 off substation to the development. Substation options would be as follows Kiosk type substation and a mini chamber substation and basement chamber.

- **Telecommunications**

The site is well serviced by existing carrier networks including NBN.

- **Sewer Services**

The site has rear access to a 225mm sewer, and likely will connect to the existing services, there are no upgrades deemed necessary. There will be minor sewer works to extend a sideline into the site for connection.

- **Water Services**

The site has access to mains in Pacific Highway, there is a 100mm main in Pacific Highway and a 150mm Main in the Pacific Highway. There are options to upgrade the 100mm water main on Hume Street or connect to a 150mm water main on the eastern side of the Pacific Highway.

- **Gas**

It is anticipated the potential gas load to be circa 5,000MJ/hr. This is considered to be a small to medium load and could be serviced by the 50mm 210kPa main within Pacific Hwy.

- **Stormwater**

No on site detention is required. The stormwater design will likely consist of an end of line filter chamber with stormfilter cartridges. The incorporation of a rainwater tank for water reuse is highly recommended in order to decrease the amount of treatment post tank.

7.3.11. Acoustic

Stantec Australia have prepared an Acoustics Report which accompanies the Planning Proposal at **Appendix I**. The purpose of the report was to review potential acoustic risks and opportunities for the proposal. The high-level assessment of the following is discussed the potential noise and vibration impact of the surrounding environment on the development such as the Pacific Highway and the Metro and noise impact from the development on its surroundings from mechanical plant equipment, operational activities and traffic generation.

The report recommended following acoustic mitigation measures to achieve natural ventilation for the apartments:

- All balconies on the façade facing Pacific Highway are to have a partially enclosed balcony with an acoustically absorptive soffit.
- Apartments on levels 4 to 14 on the North West and South East facades towards Pacific Highway with line of sight to the road are to have a partially enclosed balcony/ with an acoustically absorptive soffit.
- Apartments on levels 4 to 14 on the North West and South East facades towards Pacific Highway with line of sight to the road are to have a balcony with solid balustrade, and absorptive soffit.
- Passive acoustic ventilators may also be used in lieu of the above noise attenuation methods for natural ventilation.
- All other balconies do not require acoustic mitigation due to distance and shielding from the traffic noise on the Pacific Highway.
- Given the high traffic volumes on the Pacific Highway, the glazing will likely require a high performance single or double glazed unit on the façade facing the Pacific Highway of Rw 36 to Rw 40.

Stantec consider that acoustic criteria for the site are able to be achieved with reasonable and feasible noise mitigation measures.

7.3.12. Wind

Windtech has prepared a Pedestrian Wind Environment Statement which accompanies the Planning Proposal at **Appendix D**. The report includes testing to determine the potential wind impacts and assess the pedestrian safety and amenity. An analysis of the wind effects has been conducted considering the predominant wind directions for the area, building morphology of surrounding development and the land topography.

Windtech conclude that the wind impacts identified on the site can be reduced through implementation of the following mitigation measures:

- Retention of densely foliated trees and awning along the street frontage
- Impermeable balustrades along the entire perimeter edge of the communal terraces
- Restrict seating away from podium perimeter edge and central core
- Densely foliating vegetation and localised vertical screening or pergolas within and around the podium rooftop
- Compartmentalising of the podium rooftop area
- Full height end screens along one of the exposed perimeter edges of the corner of private balconies to

The indicative design concept has incorporated these measures. The wind testing will be further developed at the DA stage to ensure an adequately level of pedestrian and residential comfort is achieved.

Section D – State and Commonwealth interests

Q10. *Is there adequate public infrastructure for the planning proposal?*

Yes. Preliminary investigations indicate that:

- The Planning Proposal leverages from the future Crows Nest Metro station. As envisioned by the 2036 Plan, the future redevelopment of this key site has the potential to contribute to a transit orientated development and enhance walking and cycle connections between the stations.
- Preliminary traffic investigations confirm that there is sufficient capacity within the road network and the indicative yield is likely to have a negligible impact on the road network.
- The site is serviced by existing utility services and is located to allow incoming residents and workers to capitalise on the existing and planned infrastructure and services within the area.

Q11. *What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?*

North Sydney Council has been consulted prior to the submission of this Planning Proposal, as discussed in Section 3. It is acknowledged that North Sydney Council will consult with relevant public authorities following the Gateway determination

7.4. MAPPING

The Planning Proposal seeks to amend the following NSLEP 2013 Maps:

- Height of Buildings Map Sheet HOB_001
- Maximum Floor Space Ratio Map FSR_001 (inclusive of non-residential)
- Minimum Non-Residential Floor Space Ratio Map LCL_001

Figure 22 – Proposed LEP Mapping Amendments



Picture 13 – Existing HOB Map



Picture 14 – Proposed HOB Map



Picture 15 – Existing FSR Map



Picture 16 – Proposed FSR Map



Picture 17 – Existing Min Non-Residential FSR Map



Picture 18 – Proposed Min Non-Residential FSR Map

Source: Urbis

The proposed amendments to the LEP maps are provided in the figures below and contained in Community Consultation

Section 3.34 of the *Environmental Planning and Assessment Act 1979* requires the relevant planning authority to consult with the community in accordance with the gateway determination.

In accordance with the requirements of “A Guide to Preparing Local Environmental Plans,” it is expected that the Planning Proposal will be publicly exhibited for 28 days. As part of the Gateway Determination, consultation will be undertaken with any relevant agencies and stakeholders.

7.5. PROJECT TIMELINE

The following table sets out the anticipated project timeline in accordance with the DPIE guidelines. The key milestones and overall timeframe will be subject to further detailed discussions with Council and the DPIE.

Table 13 Anticipated Project Timeline

Process	Indicative Timeframe
Planning Proposal submitted to North Sydney Council	November 2021
Local Planning Panel recommend the Planning Proposal be submitted to DPIE for Gateway Determination	January 2022
DPIE issue Gateway Determination	March 2023
Post Gateway	March 2023
Public exhibition and review of submissions	April 2023-July 2023
Finalisation of Planning	August 2023 - September 2023
Gazettal of LEP	9 months from issue of Gateway Determination

8. CONCLUSION

This Planning Proposal seeks an amendment to the North Sydney Local Environmental Plan 2013 to establish planning controls enabling high density mixed use development at 360 Pacific Highway, Crows Nest.

This Planning Proposal has been prepared in response to the SLCN 2036 Plan endorsed in August 2020 by the NSW Department of Planning, Industry and Environment.

This Planning Proposal is consistent with the recommended planning controls in the 2036 Plan, including building height in storeys, street wall height, non-residential FSR, ground floor setbacks and solar protection.

The Planning Proposal sets out the justification for the proposed LEP amendment. It is supported by an Urban Design Report that includes site and context analysis, which informed the Planning Proposal and to demonstrate the proposal is suitable in its locality.

It is considered that the proposed amendments to NSLEP 2013 would result in a superior development outcome and generate significant economic and community benefit for the following reasons:

- **Local Context:** The Planning Proposal is considered to have site specific merit, as it facilitates future development that would achieve an appropriate built form and scale outcome within close proximity to the future Crows Nest Metro Station.
- **Strategic Context:** The Planning Proposal has strategic merit, as it would positively contribute to the achievement of State and Local Government strategic planning goals including the 2036 Plan. The proposed concept scheme is fully compliant with the built form controls as set out in the 2036 Plan and contributes towards housing and employment targets as set out in multiple strategic documents.
- **Community benefits:** The Planning Proposal has the potential to create a range of benefits for the community including:
 - Enabling new housing to be accommodated within the site, which increases housing choice and diversity in close proximity to the Metro and St Leonards Crows Nest area
 - Providing new commercial office space and ground floor retail premises that will activate the ground floor and strengthen the Crows Nest character as a highly desirable place to live, work and socialise.
 - Direct and economic benefits and the creation of additional employment during the construction stage and ongoing operations.
 - Provide a built form outcome that positively responds to the adjacent heritage items.
- **Environmental Impacts:** The Concept Design has been designed to minimise adverse environmental impacts such as privacy, wind and traffic on the locality. The Planning Proposal has assessed shadow impact to nearby residents and has demonstrated that the proposed density will not create an unreasonable amount of overshadowing on the public domain.

In summary, it is considered that the Planning Proposal would result in significant public benefits by proposing planning controls that are consistent with the SLCN 2036 Plan to facilitate the redevelopment of a key urban renewal site.

In considering the community and economic benefits of the Planning Proposal, it is respectfully requested that the Council resolve to forward this Planning Proposal to DPIE for LEP Gateway determination.

DISCLAIMER

This report is dated 21 March 2023 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Galifrey Property (**Instructing Party**) for the purpose of Planning Proposal (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

