

5 June 2023

TfNSW Reference: SYD23/00556/01

DPE Reference: PP-2021-7169



Mr Brendan Metcalfe
Director, Metro Central and North
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Attention: Ingrid Zhu

RE: PLANNING PROPOSAL - 360 PACIFIC HIGHWAY, CROWS NEST

Dear Mr Metcalfe,

Transport for NSW (**TfNSW**) appreciates the opportunity to provide comment on the Planning Proposal for 360 Pacific Highway, Crows Nest (the **Proposal**) and the Draft Amendment to North Sydney Development Control Plan 2013 (the **Draft DCP**), referred to us via the NSW Planning Portal on 05 May 2023. It is noted that consultation with TfNSW is a requirement of the Gateway determination issued for the Proposal under section 3.34 of the *Environmental Planning and Assessment Act 1979*.

The Proposal seeks to amend *North Sydney Local Environment Plan 2013* for land at 360 Pacific Highway, Crows Nest to:

- Increase the maximum building height to RL 163.8 (18 storeys);
- Establish a maximum floor space ratio control of 5.5:1 (inclusive of non-residential FSR);
- Introduce a minimum non-residential floor space ratio control from 0.5:1 to 2:1.

The proposal envisions an 18-storey mixed-use development with basement car parking, a retail and commercial podium and a podium garden. The residential levels are in the form of a tower above the podium gardens.

TfNSW has reviewed the submitted documents and provides detailed comments in **Attachment A** for consideration.

Thank you for the opportunity to provide advice on the subject Proposal. Should you have any questions or further enquiries in relation to this matter, Xin Zhao would be pleased to take your call on 0466 599 538 or email: development.sydney@transport.nsw.gov.au.

Yours sincerely,

A handwritten signature in blue ink, appearing to be "Dipen Nathwani".

Dipen Nathwani
Acting Senior Manager, Strategic Land Use
Land Use, Network & Place Planning

ATTACHMENT A - Detailed TfNSW comments on the Proposal and Draft DCP for 360 Pacific Highway, Crows Nest

Car Parking

TfNSW is supportive of travel demand management (TDM) measures, such as appropriate maximum parking rates, to reduce private vehicle dependence and support a shift to public and active transport modes.

The future car parking rates and restrictions should be aligned with the North Sydney Transport Strategy (NSTS) which aims to minimise reliance on private car travel by having fair access to parking as an overall vision. Additionally, the St Leonards and Crows Nest 2036 Plan identifies an action to *“Limit the amount of car parking provided for new developments”* (page 57) and *“It is recommended that each Councils review their existing car parking rates and promote car share facilities and end of trip facilities to support active transport.”* (page 60).

It is noted that the Draft DCP proposes a higher parking rate for both residential and non-residential land uses which is not consistent with the existing DCP. While the residential parking rate proposed is relatively constrained, a significant increase has been introduced in the Draft DCP (1 space / 60m² non-residential GFA) compared to the existing DCP (1 space / 400m² non-residential GFA).

Considering the site’s proximity to the Sydney Metro Crows Nest Station (due to open in 2024) and high frequency bus services on the Pacific Highway, TfNSW encourages that lower parking provision is pursued for the site to align with the existing DCP.

The existing ‘North Sydney DCP 2013 – Part B – Section 10 Car Parking and Transport’ B4 Mixed Used parking rate for residential and non-residential areas could be considered as reference for the proposed maximum parking rates in the Draft DCP.

Active Transport

TfNSW supports objectives and development controls which seek to reduce car dependency and increase the use of sustainable modes of travel including walking, cycling and public transport. It is therefore recommended that the Draft DCP supports, to the greatest extent possible, the aims and objectives of the NSW Government policies and guidelines for supporting walking and cycling; including *TfNSW’s Walking Space Guide and Cycleway Design Toolbox* and the *NSW Government’s Design of Roads and Streets Guide (2022)*. We encourage references to this guidance in relevant parts of the Draft DCP.

TfNSW suggests that the future traffic assessment supporting any future development application should include details of TfNSW’s North Sydney-to-St Leonards Strategic Cycleway Corridor (i.e. Hume Street cycleway between Pacific Highway and Clarke Street, which is a strategic cycleway route for Crows Nest and St Leonards) and demonstrate that cycling access to the site is integrated with TfNSW’s and Council’s planned cycling networks.

Green Travel Plan

TfNSW appreciates that a Green Travel Plan (GTP) has been prepared in the Traffic Assessment by JMT Consulting dated 04 November 2021.

TfNSW suggests that the GTP be developed further as the development progresses, including but not limited to the following:

- End-of-Trip (EoT) facility: the development does not appear to propose any end-of-trip facility for its commercial and retail. It is important to provide EoT facility for commercial and retail staff/employees to encourage use of active transport (cycling). The development should consider EoT facility for its employees.
- Bicycle parking for delivery: due to the increase in online shopping and online food order, consideration should be made to investigate provision of bicycle parking for deliveries so that bikes are not obstructing pedestrian movements on footpaths.
- Car-share parking: the development does not appear to propose any car share parking space in the current concept plan which could be used as an alternative to reducing on-site parking provision.

Ingrid Zhu

From: Sydney Metro Corridor Protection
<SydneyMetroCorridorProtection@transport.nsw.gov.au>
Sent: Tuesday, 6 June 2023 9:06 AM
To: Ingrid Zhu
Cc: Amy van den Nieuwenhof; Renee Ezzy
Subject: RE: Follow up - Planning Proposal PP-2021-7169: Request for agency referral received Ref-2178

Hi Ingrid,

Thank you for your referral.

No additional info required at the PP stage.

We will be issuing a submission with standard Sydney Metro considerations for the subsequent detailed DA lodgement on the ePlanning Portal.

Many thanks,

Jennifer Nguyen
Corridor Protection – Planner
Customer Operations and Outcomes
Sydney Metro

T 0420 248 290

sydnymetro.info

Level 43, 680 George Street, Sydney NSW 2000
PO Box K659, Haymarket NSW 1240



From: Ingrid Zhu <ingrid.zhu@dpie.nsw.gov.au>
Sent: Thursday, 1 June 2023 11:42 AM
To: Sydney Metro Corridor Protection <SydneyMetroCorridorProtection@transport.nsw.gov.au>
Cc: Amy van den Nieuwenhof <Amy.vandenNieuwenhof@dpie.nsw.gov.au>; Renee Ezzy <renee.ezzy@dpie.nsw.gov.au>
Subject: Follow up - Planning Proposal PP-2021-7169: Request for agency referral received Ref-2178

You don't often get email from ingrid.zhu@dpie.nsw.gov.au. [Learn why this is important](#)

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Good morning

I am following up the below request for comments and seeing if there was any additional information needed to assist in your response on the planning proposal.

As noted below, the exhibition period for the proposal will be closing on Tuesday 6 June 2023.

Please feel free to reach out should you have any questions about the attached.

Kind regards,

Ingrid Zhu

Planning Officer | Agile Planning
Delivery, Coordination, Digital and Insights | Planning Group
Department of Planning and Environment

T 02 8275 1493 **E** ingrid.zhu@dpie.nsw.gov.au

www.dpie.nsw.gov.au

4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

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*The Department of Planning and Environment acknowledges that it stands on Aboriginal land.
We acknowledge the traditional custodians of the land and we show our respect for elders past, present
and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing
commitment to providing places in which Aboriginal people are included socially, culturally and economically.*

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Ingrid Zhu

From: Sydney Metro Corridor Protection
<SydneyMetroCorridorProtection@transport.nsw.gov.au>
Sent: Tuesday, 6 June 2023 5:07 PM
To: Renee Ezzy; Ingrid Zhu
Cc: Amy van den Nieuwenhof
Subject: RE: Follow up - Planning Proposal PP-2021-7169: Request for agency referral received Ref-2178

Hi Renee,

I am awaiting multiple internal sign-offs and hopefully will expedite this by the end of this week.

Please note our submission comments in the letter will be as follows:

Sydney Metro requests the following for the lodgement of future development applications:

- *Consideration of the State Environmental Planning Policy (Transport and Infrastructure) 2021.*
- *A report demonstrating compliance with the Sydney Metro Underground Corridor Protection Guidelines and/or Sydney Metro At Grade and Elevated Sections Corridor Protection Guidelines as applicable (available from www.sydneymetro.info).*
- *For future boreholes within the first and second reserve (as defined in the Sydney Metro Underground Corridor Protection Guidelines) Sydney Metro requests that the Applicant provide information about the boreholes to enable Sydney Metro to confirm that there is "no objection" to the works prior to the drilling being carried out.*
- *Consultation with Sydney Metro.*

Many thanks,

Jennifer Nguyen
Corridor Protection – Planner
Customer Operations and Outcomes
Sydney Metro

T 0420 248 290

sydneymetro.info

Level 43, 680 George Street, Sydney NSW 2000
PO Box K659, Haymarket NSW 1240



From: Renee Ezzy <renee.ezzy@dpie.nsw.gov.au>
Sent: Tuesday, 6 June 2023 2:47 PM
To: Sydney Metro Corridor Protection <SydneyMetroCorridorProtection@transport.nsw.gov.au>; Ingrid Zhu <ingrid.zhu@dpie.nsw.gov.au>
Cc: Amy van den Nieuwenhof <Amy.vandenNieuwenhof@dpie.nsw.gov.au>
Subject: RE: Follow up - Planning Proposal PP-2021-7169: Request for agency referral received Ref-2178

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Hi Jennifer,

Thank you for responding to the Department's request on this matter. Could you please arrange for the referral to be closed and completed in the NSW Planning Portal at your earliest convenience to enable us to progress this proposal as appropriate.

Kindest, regards,

Renee Ezzy

Senior Planning Officer, Agile Planning
Delivery, Coordination, Digital and Insights | Planning Group
Department of Planning and Environment

T 82751266 E renee.ezzy@dpie.nsw.gov.au
dpie.nsw.gov.au

4 Parramatta Square
Parramatta NSW 2150

Working days Monday to Friday, 08:30am - 05:00pm



I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Privacy/Legal disclaimers go here.

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Many thanks,

Jennifer Nguyen

Corridor Protection – Planner
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Please feel free to reach out should you have any questions about the attached.

Kind regards,

Ingrid Zhu

Planning Officer | Agile Planning
Delivery, Coordination, Digital and Insights | Planning Group
Department of Planning and Environment

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07/06/2023



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Sydney NSW 2000
All mail to
GPO Box 4009
Sydney NSW 2001
T +61 2 13 13 65
ausgrid.com.au

To Whom it May Concern,

RE: PP-2179

Ausgrid would like to thank you for seeking input and feedback regarding this planning proposal.

Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.

Ausgrid has no comment to make regarding this planning proposal (Re zoning) at this point in time.

Ausgrid however does look forward to reviewing future Development Application submissions for any development attached to this proposal and will then provide further feedback accordingly.

Please do not hesitate to contact me for further information.

Regards,

Paul Nakhle - Portfolio Manager - Asset Protection | Transmission Services
02 9269 7587 | 0419 631 174

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empowering lives



Sydney Water DA Referral Information Sheet

Sydney Water has provided advice to Council on your development application. Further steps are required before Sydney Water connections and final approvals can be issued. Without relevant Sydney Water approval, your Construction Certificate may not be issued. Please read the information below to assist with your development. Further information can also be found on our website: sydneywater.com.au

Building Plan Approval

Why have I been advised a Building Plan Approval?

Building, excavation, and landscaping projects all have the potential to damage or limit access to our water, wastewater or stormwater services. That's why we need to assess and approve your building plans before you start any work.

How do I apply for a Building Plan Approval?

The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

Sydney Water's [Tap in™](#) online service is available at: [Sydney Water Tap in](#)

Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required. This will result in Sydney Water undertaking a detailed review of your building plans.

The developer will be required to pay Sydney Water for the costs associated with the detailed review.

Section 73

Why have I been advised a Section 73 application?

If you are developing or subdividing land, you may need to apply for a Section 73 Compliance Certificate.

If we have noted a requirement for a Section 73 Compliance Certificate in our advice to Council, one must be obtained from Sydney Water under the Sydney Water Act 1994. These include secondary dwellings with a GFA greater than 60m².

For further information on Section 73 requirements for secondary dwellings, refer to the Quick Links at the end of this fact sheet.

How do I apply for a Section 73 Compliance Certificate?

You can choose to use a water servicing coordinator for works of any size. If you only have minor works, you can apply directly through Sydney Water Developer Direct.

We suggest you lodge an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services, buildings, driveways, or landscape designs.

Feasibility

Why have I been advised to carry out a Feasibility enquiry?

If the development presents potentially large water servicing demands or impacts are anticipated, further investigation may be required to determine the servicing requirements for the site. It is recommended that a Water Servicing Coordinator is engaged, and a Feasibility application is lodged with Sydney Water prior to a Section 73 application being made. We advise you do this as soon as possible to prevent potential delays to your development approvals or servicing.

How do I apply for a Feasibility?

To apply for a Feasibility, you will need to contact a Water Servicing Coordinator. Tell them you have been advised to lodge a Feasibility as part of your DA application.

Quick Links

Quick Links

[Building plan approvals](#)

[Section 73 Compliance Certificates](#)

[Water servicing coordinators](#)

[Steps for first time developers](#)

[Section 73 requirements for secondary dwellings](#)

Trade Waste

My development will generate trade waste. What do I do?

If your development is going to generate trade wastewater, the property owner must request permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

Contact

businesscustomers@sydneywater.com.au for further information.

Water Servicing Coordinator

What is a Water Servicing Coordinator?

Water Servicing Coordinators are accredited providers who can manage your Sydney Water applications for you.

They can design new pipes, manage applications for Section 73 Compliance Certificates and Feasibilities, applications for approval to move or extend our pipes, design and construction of new pipes, and applications for approval to build over or next to assets.

All Water Servicing Coordinators have designer accreditation and can provide design services.

How do I find a Water Servicing Coordinator?

Please follow this link to find a list of Water Servicing Coordinators: [Water servicing coordinators \(sydneywater.com.au\)](https://www.sydneywater.com.au/water-servicing-coordinators)

19 May 2023

Our Ref: 207082

Katerina Papas

Planning Proposal Council Officer

North Sydney Council

katerina.papas@northsydney.nsw.gov.au

RE: PP-2021-7169 at 360 Pacific Highway, Crows Nest

Thank you for notifying Sydney Water of the planning proposal listed above which proposes redevelopment of the existing 3-storey podium into an 18-storey mixed-use development consisting of a podium garden level, 3 storeys commercial/retail podium which will generate approximately 130 additional jobs, and 14 storeys of 42 residential apartments. We have reviewed the application based on the information supplied and provide the following comments for your information to assist in planning the servicing needs of the proposed development.

Water Servicing

- Potable water servicing should be available.
- Amplifications, adjustments, and/or minor extensions may be required.

Wastewater Servicing

- Wastewater servicing should be available.
- Amplifications, adjustments, and/or minor extensions may be required.

Trade wastewater requirement

- If this proposed development is going to generate trade wastewater, the developer must submit an application requesting permission to discharge trade wastewater to Sydney Water's wastewater system. Applicant must wait for approval and issue of a permit before any business activities can commence.
- The permit application can be made on Sydney Water's web page through Sydney Water Tap In. <http://www.sydneywater.com.au/tapin/index.htm>

This advice is not a formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our [Land Development](#) web page.

The development servicing advice provided by Sydney Water is based on the best available information at the time of referral (eg. planning proposal) but will vary over time with development and changes in the local systems. This is particularly important in systems with limited capacity (such as Priority Sewerage Program scheme areas) and it is best to approach Sydney Water for an updated capacity assessment (especially where an approval letter is more than 12 months old).

If you require any further information, please contact the Growth Planning Team at urbangrowth@sydneywater.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "K. Leitch", with a large, sweeping flourish extending to the right.

Kristine Leitch

Commercial Growth Manager

City Growth and Development, Business Development Group

Sydney Water, 1 Smith Street, Parramatta NSW 2150

17 May 2023

Michael Cassel
Secretary
NSW Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

Attn: Ingrid Zhu, ingrid.zhu@dpie.nsw.gov.au

Dear Mr. Ingrid,

RE: SINSW SUBMISSION – 360 PACIFIC HIGHWAY, CROW NEST PLANNING PROPOSAL (PP-2021-7169)

School Infrastructure NSW (SINSW), as part of the Department of Education (DoE), welcomes the opportunity to provide comments on the abovementioned Planning Proposal (the proposal).

SINSW has reviewed the available information and noted that the draft proposal will result in an additional 42 dwellings. As a result, SINSW advise that it is likely that the number of students projected to be generated by the proposal can be accommodated by the surrounding schools.

Further to the above, the recent *Local Environmental Plan (LEP) Making Guideline* 2021 (prepared by the Department of Planning and Environment) outlines the following referral criteria for Planning Proposals to be sent to SINSW (refer to Appendix B of the Guideline): SINSW notes that the submitted Statement of Environmental Effects outlines:

- The proposal relates to land within Greater Sydney that will facilitate more than **250 additional dwellings**.
- The proposal relates to land outside of Greater Sydney that will facilitate more than 100 additional dwellings/lots.
- The proposal makes provision for a new public primary and / or secondary school.
- The proposal is located on land adjacent to an existing public school and future development may impact on solar, daylight access, and privacy to the school site.
- The proposal includes new road infrastructure in the vicinity of existing schools.

While this proposal does not meet the new criteria, Council is requested to monitor and consider the cumulative impact of population growth on schools planning in the locality. SINSW has no further comments or particular requirements in relation

to this proposal. Should you require further information about this submission, please contact the SINSW Strategic Planning, team at Strategicplanning@det.nsw.edu.au.

Yours sincerely,

Lincoln Lawler
Director, Statutory Planning and Heritage, SINSW

Following a preliminary review, is the detail provided complete and is the case ready for a decision?

Yes, the application is ready for decision

What is the outcome of your review?

Decision not required

Comments

Decision not required. Northern Sydney Local Health District is not looking to make a submission on this particular development application. However, more broadly we would be interested in the overall planning and population implications with the changes to the Crows Nest/St Leonard area.

Documents

Ingrid Zhu

From: Safeguarding <safeguarding@infrastructure.gov.au>
Sent: Wednesday, 7 June 2023 4:17 PM
To: Ingrid Zhu; Aviation safeguarding
Cc: Amy van den Nieuwenhof; Renee Ezzy
Subject: RE: Follow up - Planning Proposal PP-2021-7169: Request for agency referral received Ref-2183 [SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive

Good afternoon Ingrid,

Thank you for the opportunity to comment on the Planning Proposal *'Exhibition of Planning Proposal 360 Pacific Highway, Crows Nest'* (Ref No.: PP-2021-7169).

I note that Sydney Airport Corporation Limited (SACL) provided a response on Thursday 4 May 2023 (Reg No.: 23/0363). Consistent with SACL's response, any proposed developments (including the construction of buildings, crane operations, etc.) that would result in an intrusion into prescribed airspace for Sydney Airport would constitute a 'controlled activity' under the *Airports Act 1996* (the Act). Controlled activities cannot be carried out without prior approval under the Airports (Protection of Airspace) Regulations 1996 (the Regulations).

Applications for controlled activities are subject to rigorous assessment processes that are separate and in addition to development approvals that are issued by the NSW or Local governments. The Act and Regulations are administered by the Australian Government's Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department); decisions under the Regulations are only issued by an authorised delegate and should not be pre-empted. As such, the Department recommends the Proponent engage early with SACL, to ensure any potential intrusions into prescribed airspace are identified, appropriately assessed and mitigated where possible.

Further information on airspace protection and airport safeguarding matters are available on the Department website via [Aviation | Department of Infrastructure, Transport, Regional Development, Communications and the Arts](#) and our team can be contacted on 02 6274 6125 or via flysafe@infrastructure.gov.au for airspace protection matters or safeguarding@infrastructure.gov.au for airport safeguarding matters.

Thank you again for providing the Department the opportunity to comment.

Kind regards,

Safeguarding

E: safeguarding@infrastructure.gov.au

GPO Box 594 Canberra, ACT 2601

Department of Infrastructure, Transport, Regional Development, Communications and the Arts

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infrastructure.gov.au

I would like to acknowledge the traditional custodians of this land on which we meet, work and live.

I recognise and respect their continuing connection to the land, waters and communities.

I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islanders.

OFFICIAL:Sensitive

From: Ingrid Zhu <ingrid.zhu@dpie.nsw.gov.au>

Sent: Thursday, 1 June 2023 11:47 AM

To: Safeguarding <safeguarding@infrastructure.gov.au>

Cc: Amy van den Nieuwenhof <Amy.vandenNieuwenhof@dpie.nsw.gov.au>; Renee Ezzy <renee.ezzy@dpie.nsw.gov.au>

Subject: Follow up - Planning Proposal PP-2021-7169: Request for agency referral received Ref-2183

Good morning

I am following up the attached request for comments and seeing if there was any additional information needed to assist in your response on the planning proposal.

As noted below, the exhibition period for the proposal will be closing on **Tuesday 6 June 2023**.

Please feel free to reach out should you have any questions about the attached.

Kind regards,

Ingrid Zhu

Planning Officer | Agile Planning

Delivery, Coordination, Digital and Insights | Planning Group

Department of Planning and Environment

T 02 8275 1493 **E** ingrid.zhu@dpie.nsw.gov.au

www.dpie.nsw.gov.au

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Parramatta NSW 2150

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We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Australian Government
Civil Aviation Safety Authority

Air Navigation, Airspace and Aerodromes

File Ref: F22/19956-63
Your Ref No.: PP-2021-7169

18/05/2023

DPIE
Through NSW Planning Portal

PP-2021-7169 - PLANNING PROPOSAL FOR 360 PACIFIC HIGHWAY, CROWS NEST

CASA has reviewed the Planning Proposal of March 2023 by Urbis for a development at 360 Pacific Highway, Crows Nest. CASA has also reviewed the Aeronautical Impact Statement of 5 November 2021 by Strategic Airspace.

The Planning Proposal advises a maximum building height of RL 163.8m (18 stories). The building would infringe prescribed airspace for Sydney Airport. The Obstacle Limitation Surface known as the Outer Horizontal Surface is 156m above AHD. Therefore, the proposal will require a controlled activity approval from the Federal Department of Infrastructure, Transport, Regional Development and Communications (DITRDC). DITRDC administers the Airports (Protection of Airspace) Regulations 1996 (the Airspace Regulations).

In accordance with the Airspace Regulations, (when the planned height of the buildings has been essentially finalised), the proponent should seek a controlled activity approval through Sydney Airports Corporation Ltd (SACL). SACL will confirm the infringement and obtain comments from stakeholders including CASA and Airservices Australia and refer the application to DITRDC. As there are taller buildings in the vicinity and the building is not close to the airport, and the site is approximately 900m from the helipad at Royal North Shore Hospital, it is unlikely that CASA will recommend any mitigations such as obstacle lighting for the building.

CASA does not object to the proposal. CASA agrees with the Aeronautical Impact Statement which advises: *"The maximum penetration of the OLS Outer Horizontal Surface would be 7.8m. The amount of the infringement of the OLS in this location does not present a risk to aviation and would be considered approvable by the aviation authorities. Cranes for construction of these towers would require a separate airspace height application and approval prior to their erection."*

Yours sincerely,

David Alder
Aerodrome Engineer



Reg No.: 23/0363
Your Reference: PP-2021-7169
To: NSW PLANNING & ENVIRONMENT

Thursday, 4 May 2023

Feedback on proposed changes to planning controls

Controlled Activity: OLS ENQUIRY
Location: 360 PACIFIC HIGHWAY CROWS NEST
Council: NSW PLANNING & ENVIRONMENT

Sydney Airport received the above request for comments from you on 04/05/2023.

The height of the Obstacle Limitation Surface (OLS) for Sydney Airport over the site is 156m AHD.

Any proposed development designed to be taller than 156m AHD, would be considered a controlled activity and be subject to the Federal Airports (Protection of Airspace) Regulations 1996.

Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations 1996.

Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

Sincerely,

A handwritten signature in blue ink, appearing to read 'PBleasdale'.

Peter Bleasdale
Manager, Airfield Infrastructure Technical Planning



Renee Ezzy

From: Airport Developments <Airport.Developments@AirservicesAustralia.com>
Sent: Thursday, 1 June 2023 2:26 PM
To: Ingrid Zhu
Cc: Amy van den Nieuwenhof; Renee Ezzy
Subject: RE: Follow up - Planning Proposal PP-2021-7169: Request for agency referral received Ref-2186

OFFICIAL

Hi Ingrid,

Airservices have no specific comments to make on rezoning proposals or any particular aspect of this proposed redevelopment.

All subsequent developments proposed to be built as part of this project, or cranes required during construction, may require separate assessment. Noting the proximity to Sydney Airport, we recommend that you submit any future proposals the airport in the first instance in order for them to conduct their own assessment. The airport will then refer the proposal to us if required.

For any additional information on the assessments Airservices conducts, please refer to the following link [Developments at and around airports - Airservices \(airservicesaustralia.com\)](https://www.airservicesaustralia.com/developments-at-and-around-airports).

If you have any further queries, please let me know.

Kind regards,



Richard Tomlinson

airport developments & engagement advisor

From: Ingrid Zhu <ingrid.zhu@dpie.nsw.gov.au>
Sent: Thursday, June 1, 2023 11:53 AM
To: Airport Developments <Airport.Developments@AirservicesAustralia.com>
Cc: Amy van den Nieuwenhof <Amy.vandenNieuwenhof@dpie.nsw.gov.au>; Renee Ezzy <renee.ezzy@dpie.nsw.gov.au>
Subject: Follow up - Planning Proposal PP-2021-7169: Request for agency referral received Ref-2186

You don't often get email from ingrid.zhu@dpie.nsw.gov.au. [Learn why this is important](#)

CAUTION: This email was sent from an external email address. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good morning

I am following up the attached request for comments and seeing if there was any additional information needed to assist in your response on the planning proposal.

As noted below, the exhibition period for the proposal will be closing on **Tuesday 6 June 2023**.

Please feel free to reach out should you have any questions about the attached.

Kind regards,

Ingrid Zhu

Planning Officer | Agile Planning

Delivery, Coordination, Digital and Insights | Planning Group

Department of Planning and Environment

T 02 8275 1493 **E** ingrid.zhu@dpie.nsw.gov.au

www.dpie.nsw.gov.au

4 Parramatta Square

12 Darcy Street

Parramatta NSW 2150

I work flexibly. Unless it suits you, I don't expect you to read or respond to my emails outside your regular work hours.



The Department of Planning and Environment acknowledges that it stands on Aboriginal land.

We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Ingrid Zhu
Department of Planning and Environment
ePlanning Portal

Re: Planning Proposal – PP-2021-7169

09 June 2023

Dear Ingrid Zhu,

Thank you for your referral request dated 04 May 2023 notifying Sydney Metro that a Gateway Determination has been made for a Planning Proposal (PP-2021-7169) at 360 Pacific Highway, Crows Nest and seeking comments.

Based on this review, Sydney Metro requests the following for the lodgement of future development applications:

- Consideration of the State Environmental Planning Policy (Transport and Infrastructure) 2021.
- A report demonstrating compliance with the Sydney Metro Underground Corridor Protection Guidelines and/or Sydney Metro At Grade and Elevated Sections Corridor Protection Guidelines as applicable (available from www.sydneymetro.info).
- For future boreholes within the first and second reserve (as defined in the Sydney Metro Underground Corridor Protection Guidelines) Sydney Metro requests that the Applicant provide information about the boreholes to enable Sydney Metro to confirm that there is “no objection” to the works prior to the drilling being carried out.
- Consultation with Sydney Metro.

Sydney Metro thanks the Department of Planning and Environment for its assistance.

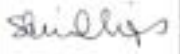
OFFICIAL

Level 43, 680 George Street, Sydney NSW 2000
PO Box K659, Haymarket NSW 1240

sydneymetro.info
ABN 12 354 063 515
SM-23-00334312

Please contact Peter Bourke, Senior Manager Corridor Protection or Jennifer Nguyen, Planner Corridor Protection via sydneymetrocorridorprotection@transport.nsw.gov.au should you wish to discuss this matter further.

Sincerely,



Samantha Phillips
Executive Director
Northwest Operations
Planning Proposal – PP-2021-7169



NSLPP MEETING HELD ON 08/06/2022

Attachments:

1. Planning Proposal
2. Urban Design Report and reference design

ADDRESS/WARD: 360 Pacific Highway, North Sydney

PROPOSAL NO: PP 9/21

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

- amend the maximum building height from 10m to RL166m (18 storeys);
- establish a maximum Floor Space Ratio (FSR) of 5.5:1; and
- amend the minimum non-residential FSR from 0.5:1 to 2:1.

OWNER: Multiple - Peter Gualtieri, BJF Investments Pty Ltd, Swoopro Pty Ltd, Crowsnest Custodian Pty Limited, Cornerstone Media Pty Ltd, Suresh Merani, Kumud Merani, Hillar Poder, Diane Mary Poder, Rain Property Pty Ltd, Seagrove Investments Pty Ltd, Trajkovski Super Pty Ltd, Guasie Holdings Pty Ltd, Forward Learning Pty Ltd Pacific Crows Pty Ltd

APPLICANT: Urbis Pty Ltd (on behalf of Galifrey Property Pty Ltd)

AUTHOR: Neal McCarry, Team Leader Strategic Planning

DATE OF REPORT: 1 June 2022

DATE LODGED: 8 December 2021

EXECUTIVE SUMMARY

On 8 December 2021, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 360 Pacific Highway, Crows Nest. The site is located within the area covered by the *St Leonards Crows Nest 2036 Plan (2036 Plan)*, adopted by the then Department of Planning, Industry and Environment (DPIE) on 29 August 2020. It is accompanied by a s9.1 Ministerial Direction which requires planning decisions be made consistent with the Plan.

The Planning Proposal seeks amendment of NSLEP 2013 to:

- amend the maximum building height from 10m to RL 166m (18 storeys);
- establish a maximum Floor Space Ratio (FSR) of 5.5:1; and
- amend the minimum non-residential FSR from 0.5:1 to 2:1.

The Planning Proposal seeks to deliver an 18-storey mixed-use commercial and residential building with a 3-storey podium and tower above. The indicative reference design scheme includes 42 residential apartments with a 4,921m² Gross Floor Area (GFA), 2,812m² non-residential GFA and approximately 80 car parking spaces.

Having completed an assessment of the Planning Proposal against the provisions of the *2036 Plan* and relevant Regional, District and Local Plans, it is recommended that the Planning Proposal not be supported to proceed to a Gateway Determination for the following reasons:

- The planning proposal will likely result in the isolation of neighbouring sites to the north (366-376 Pacific Highway), which have the same density and height uplift potential under the 2036 Plan as the subject site. This is not considered to be a satisfactory strategic planning outcome as it undermines the ability to achieve the housing objectives of several high-level planning policies including the Greater Sydney Regional Plan and North District Plan, the North Sydney Local Strategic Planning Statement, the 2036 Plan and accompanying Ministerial Directions 1.1 and 1.13; and
- The accompanying indicative reference design does not demonstrate how the site could be acceptably developed to the requested height and density controls without resulting in reduced amenity outcomes and inappropriate interface and transition outcomes. The cumulative impacts of the proposal are not considered to be of minor significance and has the potential to undermine the overall intent of the 2036 Plan and the achievement of the Plan's vision, objectives and actions.

Whilst the planning proposal site is located within a block considered appropriate for increased height and density given its proximity to the future Crows Nest Metro, the planning proposal as submitted does not adequately demonstrate satisfactory strategic and site-specific merit.

LOCATION MAP



1 DESCRIPTION OF PROPOSAL

Planning Proposal 9/21 seeks to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 360 Pacific Highway, Crows Nest as follows:

- amend the maximum building height from 10m to RL 166m (18 storeys);
- establish a maximum Floor Space Ratio (FSR) of 5.5:1; and
- amend the minimum non-residential FSR from 0.5:1 to 2:1.

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

“... 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 accompanying concept design includes an 18-storey mixed use development, with a 3-storey podium with tower above; 42 residential apartments with a residential GFA of 4,921sqm, and 2,812sqm non-residential GFA as well as approximately 80 car parking spaces accommodated within four basement levels.

2 PANEL REFERRAL

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

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

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

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

3 BACKGROUND

3.1 Pre-Lodgement Discussions

On 4 August 2021, a pre-lodgement meeting was held between Council officers and the proponent’s project team. Council highlighted the need for the podium design to respond sympathetically to the adjoining Higgins Buildings, and whether site amalgamation had been considered to avoid site isolation, increase the ability to achieve the non-residential FSR contained in the 2036 Plan and achieve a more contiguous design that locates massing closer to the corner reducing overshadowing impacts.

On 8 October 2021, a second pre-lodgement meeting was held where a revised design was discussed.

Council again raised concerns about site amalgamation, to avoid isolation of the adjoining heritage items to the north (366-376 Pacific Highway) and ensure feasibility and efficiencies of development on the relatively small and constrained subject site. There was also discussion around the need for the lower podium level to better address Pacific Highway with a nil setback as per the 2036 Plan.

3.2 Planning Proposal

On 8 December 2021, the Planning Proposal was lodged seeking amendments to NSLEP 2013 as it relates to land at 360 Pacific Highway, Crows Nest as follows:

- amend the maximum building height from 10m to RL 166m* (18 storeys);
- establish a maximum Floor Space Ratio (FSR) of 5.5:1; and
- amend the minimum non-residential FSR from 0.5:1 to 2:1.

| TABLE 1: Key design elements | |
|--------------------------------------|---|
| Land uses | Commercial office / retail, residential apartments |
| Indicative yield | 42 residential apartments |
| Gross floor area (GFA) | Residential – 4,921sqm Commercial/Retail – 2,812sqm Total – 7,733sqm |
| Floor space ratio (FSR) | 5.5:1 |
| Non-residential FSR | 2:1 |
| Built form | 3-storey commercial/retail podium Podium garden 14-storey residential tower |
| Building heights | A maximum building height of RL 166m* (18 storeys) |
| Car parking rates | Indicatively 80 spaces |
| Podium Setback | Pacific Highway (east): 0m Northern boundary: Nil Southern boundary: Nil Nicholson Place (west): 3m |
| Above Podium (tower) Setbacks | Setback to Pacific Highway: 3m Northern boundary: 12m Southern boundary: 9m Nicholson Place (west): 6m |

* In response to Council concerns the applicant provided (March 2022) a revised reference design demonstrating a maximum building height of RL 163.8m a copy of which is provided at Attachment 2.

The Planning Proposal is accompanied by a concept design prepared by Nettleton Tribe, with Figure 1 containing an artist's impression of the proposed design.



***Figure 1: Artist's impression of proposed concept design accompanying the Planning Proposal.
Source: Nettleton Tribe.***

4 CONSULTATION REQUIREMENTS

Should Council determine that the Planning Proposal can proceed, community engagement will be undertaken in accordance with Council's Community Engagement Protocol and the requirements of any Gateway Determination issued.

5 DETAIL

5.1 Applicant

The Planning Proposal was lodged by Urbis Pty Ltd on behalf of Galifrey Property Pty Ltd representing multiple property owners of the subject site.

5.2 Site Description

The subject site is located at 360 Pacific Highway, Crows Nest (legal description Strata Plan 72954). The site has a total area of 1,406sqm, with a primary frontage to Pacific Highway of 42.67m and a secondary frontage to Nicholson Place of 42.69m providing vehicular access. The site contains a 3-storey retail and commercial building constructed in 1983.



FIGURE 2: Subject site



FIGURE 3: Aerial photo of subject site

5.3 Local Context

The subject site is centrally located within the St Leonards/Crows Nest Precinct. St Leonards is identified as a Strategic Centre under the Greater Sydney Commission's *Regional Plan (A Metropolis of Three Cities)* and *North District Plan*. The area is undergoing a significant transformation towards contemporary mixed-use commercial/residential buildings, with commercial floor space being contained within a podium element and residential apartments above.

The future Crows Nest Metro Station is located opposite the site on Pacific Highway. Anticipated to open in 2024, Sydney Metro will provide high-frequency services to the regional network including Chatswood (4 minutes) and Barangaroo (8 minutes). St Leonards Railway Station is located approximately 800m to the north, which provides regular services to the south to North Sydney and Sydney CBD, and to the north to Chatswood, Macquarie Park and Hornsby.

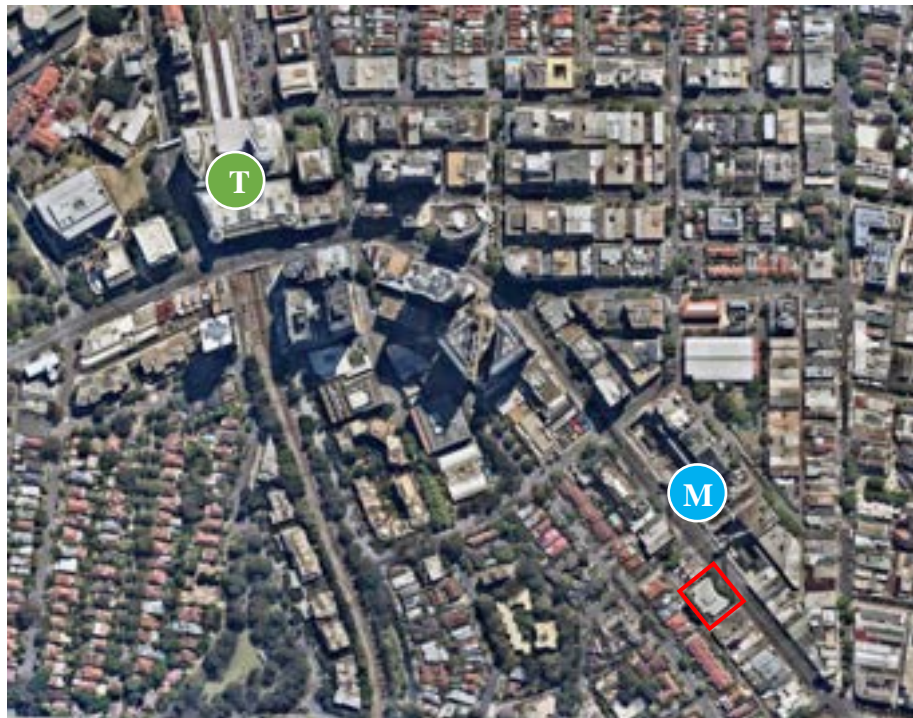





FIGURE 4:
Contextual
Relationships

-  Subject Site
-  St Leonards Train Station
-  Crows Nest Metro Station

The site is adjoined by the following:

- **To the north** of the site are six heritage listed terraces known as the “Higgins Buildings” (366-376 Pacific Highway)
- **To the east** of the site is Pacific Highway, where the site faces the Metro Station (currently under construction) and future Over Station Development (17 storeys).
- **To the south** of the site are both listed and non-listed heritage terrace buildings being occupied by a variety of retail/commercial uses.
- **To the west** of the site is Nicholson Place, a 6m wide laneway shared with residential buildings facing Nicholson Street.



FIGURE 5: Heritage-listed “Higgins Buildings” terraces to the north of the site.



FIGURE 6: View of subject sites from Nicholson Place looking north

5.4 Current Planning Provisions

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

5.4.1 North Sydney Lep 2013

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

- Zoned *B4 - Mixed Use* (refer to Figure 7);
- A maximum building height of 10m (refer to Figure 8);
- A minimum non-residential floor space ratio of 0.5:1 (refer to Figure 9)



FIGURE 7: NSLEP 2013 Zoning Map extract
The subject site is zoned *B4 – Mixed Use*



FIGURE 8: NSLEP 2013 Height of Buildings Map extract
The subject site has a maximum height of 10m



FIGURE 9: NSLEP 2013 Non-residential Floor Space Ratio (FSR) Map extract
The subject site has a minimum non-residential FSR of 0.5:1.

5.4.2 St Leonards And Crows Nest 2036 Plan

In July 2016, the Minister for Planning announced that Department of Planning and Environment (DPE) would undertake a strategic planning investigation into the Crows Nest, St Leonards and Artarmon industrial areas (refer to Figure 10).

On 29 August 2020, the DPE released the finalised *St Leonards and Crows Nest 2036 Plan* (2036 Plan) following a public exhibition period. The 2036 Plan aims to deliver significant residential and employment growth within the precinct, principally as a result of the new Crows Nest Metro station opening in 2024. It is accompanied by a section 9.1 Ministerial Direction which requires planning decisions to be made consistent with the Plan (discussed further in section 6.3 of this report).



FIGURE 10: St Leonards and Crows Nest Precinct (2036 Plan, p.2)

The site-specific height and FSR controls set out in the 2036 Plan for the subject site are as follows:

- A building height of 18 storeys;
- An overall FSR of 5.5:1; and
- A non-residential FSR of 2:1.

The height and FSR controls remained the same for the subject site between the draft and final versions of the 2036 Plan. Importantly, it is noted that consulting firm SJB Urban, who prepared concept urban design modelling to support the Plan, anticipated the subject site being redeveloped with a single tower form running north-south along the Highway, incorporating the adjoining Higgins Buildings. The accompanying urban design report also recommended a minimum 1,500m² site area to access the higher controls and encourage land assembly through site amalgamation to achieve a more cohesive redevelopment outcome (refer Figure 11) and avoid isolation of sites. These recommended concepts and controls were not formally incorporated into the final published 2036 Plan but serve as a useful insight into the urban design basis that the Department generated the final built form recommendations included in the 2036 Plan.

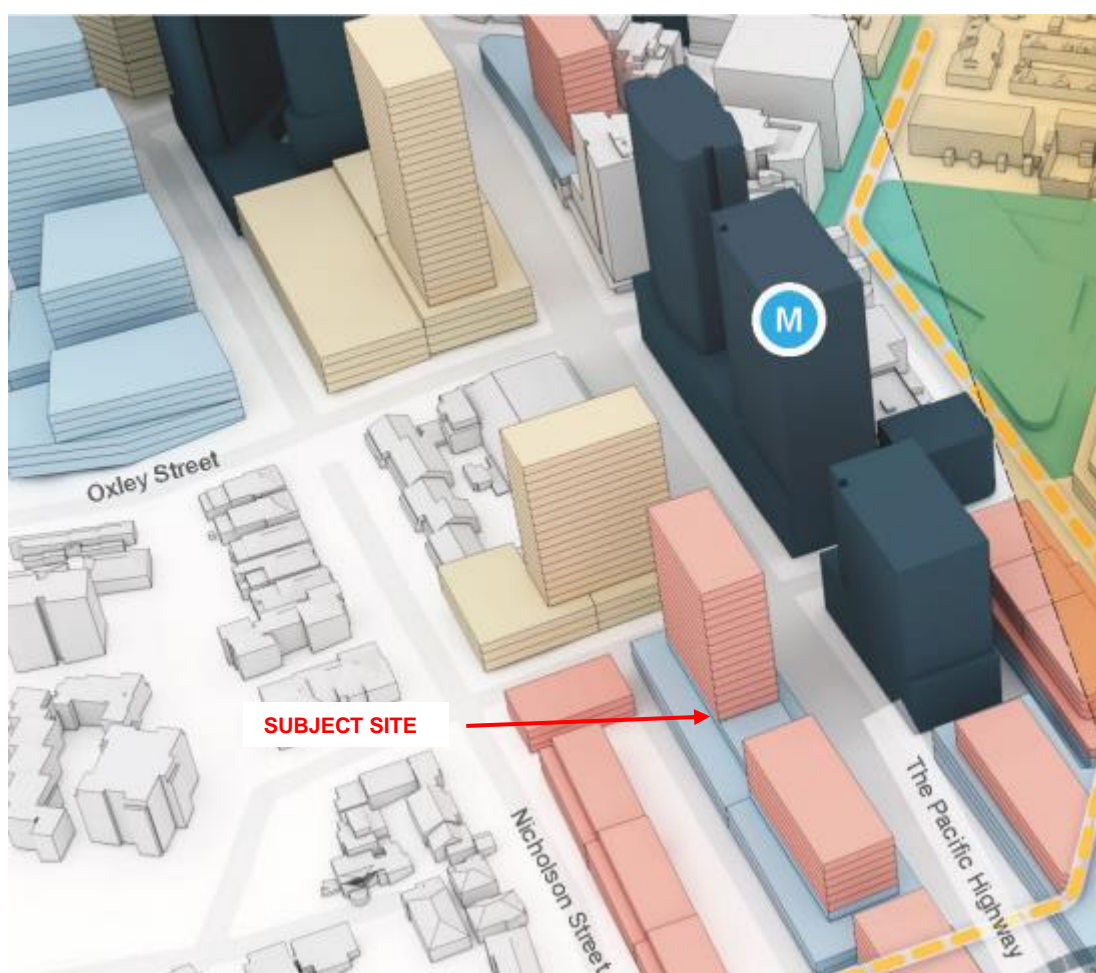


FIGURE 11: SJB Urban indicative conjoined massing model across the subject site and northern neighbours.
(SJB Urban Design Report, p. 67).

5.4.3 Mapping Amendments

The Planning Proposal seeks a number of mapping amendments which are described below:

- amend the Height of Buildings Map (ref: 5950_COM_HOB_001_010_20180411) to NSLEP 2013 such that a maximum building height for 360 Pacific Highway, Crows Nest, is increased from 10m to RL166m; and

- amend the Floor Space Ratio Map (ref: 5950_COM_FSR_001_010_20180411) to NSLEP 2013 such that a maximum FSR of 5.5:1 applies to 360 Pacific Highway, Crows Nest; and
- amend the Non-Residential Floor Space Ratio Map (ref: 5950_COM_FSR_001_010_20180411) to NSLEP 2013 such that a maximum non-residential FSR of 2:1 applies to 360 Pacific Highway, Crows Nest.

The applicant's Planning Proposal anticipates that the Maps would be amended similar to those depicted below in Figures 12, 13 and 14.



FIGURE 12: Proposed amendment to Height of Building Map HOB_001

Land subject to a change in maximum building height.

 Subject Site



FIGURE 13: Proposed amendment to Floor Space Ratio Map FSR_001

Land subject to a change in maximum Floor Space Ratio.

 Subject Site



FIGURE 14: Proposed amendment to Non-Residential Floor Space Ratio Map FSR_001

Land subject to a change in maximum Non-Residential Floor Space Ratio.

 Subject Site

6 POLICY AND STRATEGIC CONTEXT

6.1 Greater Sydney Regional Plan

In March 2018, the NSW Government released *A Metropolis of Three Cities – Greater Sydney Region Plan* (Regional Plan). It provides a 40-year vision of Sydney to be a city where people will live within 30 minutes of jobs, education and health facilities, services and great places.

The Regional Plan seeks to provide an additional 725,000 homes and 817,000 new jobs by 2036 to accommodate Sydney's anticipated population growth of 1.7 million people. It identifies five districts within Greater Sydney, of which the North Sydney LGA is part of the North District. The District Plans, consistent with the Regional Plan, were released at the same time as the Regional Plan.

St Leonards is identified a 'Strategic Centre' and part of the 'Eastern Economic Corridor' under the Regional Plan, which is considered to be of national significance. The St Leonards and Crows Nest area is also identified as a 'Planned Precinct,' of which the NSW Department of Planning and Environment (DPE) is identified as the agency responsible for land use and infrastructure planning and delivery within the identified Planned Precincts.

6.2 North District Plan

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

The North District Plan establishes the following housing and jobs targets:

| Housing Target | North Sydney LGA | North District |
|---------------------|---|-----------------------|
| 5 year (2016-2021) | +3,000 new dwellings | +25,950 new dwellings |
| 20-year (2016-2036) | North Sydney Local Housing Strategy (LHS) +11,870 new dwellings by 2036 | +92,000 new dwellings |

| Jobs Target | North Sydney LGA | North District |
|---------------------|---------------------------|------------------------|
| 20-year (2016-2036) | +15,600 – 21,100 new jobs | +6,900-16,400 new jobs |

Following the directions from the Greater Sydney Commission (GSC), North Sydney Council has put in place its Local Housing Strategy (LHS) and the Local Strategic Planning Statement (LSPS) which form part of the hierarchy of plans and provides alignment with the North District Plan.

6.3 St Leonards Crows Nest 2036 Plan (2036 Plan)

As indicated above, the 2036 Plan identifies indicative changes to planning controls as well as specific design provisions applicable to the subject site along with vision, objectives, actions and more qualitative outcomes.

The 2036 Plan is implemented under section 9.1 of the *Environmental Planning & Assessment Act (EP&A Act)* 1979. The supporting Ministerial Direction requires planning proposals for land within the precinct to be consistent with the *2036 Plan*. It further states that the provisions of planning proposals may be inconsistent with the *2036 Plan*, but only if the inconsistencies are of ‘minor’ significance and the proposal achieves the overall intent of the Plan and does not undermine the achievement of the *2036 Plan’s* Vision, Objectives and Actions.

The 2036 Plan is accompanied by a Special Infrastructure Contribution (SIC) which pools funds across the precinct to help provide open space and infrastructure upgrades. This is separate from standard local government infrastructure contributions which continue to apply.

6.4 North Sydney Local Strategic Planning Statement (LSPS)

The North Sydney LSPS was adopted by Council on 25 November 2019, and subsequently “assured” by the GSC on 20 March 2020.

One of the key roles of the LSPS is to draw together, in one document, the priorities and actions for future land use planning, and present an overall land use vision for the North Sydney LGA for the next 20 years. The LSPS is required to be consistent with the Regional Plan and North District Plan and provide a clear line-of-sight between the key strategic priorities identified at the regional and district level and the local and neighbourhood level.

The LSPS incorporates the *North Sydney Local Housing Strategy (LHS)* and *St Leonards and Crows Nest 2036 Plan (2036 Plan)* into the strategic planning framework and links its implementation to the planning priorities under the North District Plan and the objectives of the Regional Plan.

North Sydney Local Housing Strategy (LHS)

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

The North Sydney *LHS* identifies the potential for an additional 11,870 dwellings to be delivered by 2036 under the provisions of *NSLEP 2013* and the proposed changes envisaged by the DPE under the *2036 Plan*. The *2036 Plan* supports the delivery of an additional 3,515 dwellings within St Leonards and Crows Nest.

7. ASSESSMENT

7.1 Planning Proposal Structure

The Planning Proposal is considered to be in general accordance with the requirements of section 3.33 of the *EP&A Act 1979* and the DPE's '*Local Environmental Plan Making Guideline*' (December 2021). The Planning Proposal adequately sets out the following:

- A statement of the objectives or intended outcomes of the proposed local environmental plan;
- An explanation of the provisions that are to be included in the proposed local environmental plan;
- Justification of the proposal's strategic and site specific merit;
- Identification of associated mapping amendments;
- Details of the community consultation that is to be undertaken in relation to the Planning Proposal;
- A project timeline identifying how the planning proposal is to be implemented, should it progress.

7.2 Need for the Planning Proposal

A key objective of the planning proposal is to implement the planning framework identified in the *2036 Plan*. That Plan states that changes to a site's existing statutory planning controls will be required to allow development to occur in accordance with the Plan. It explains that it is the responsibility of each relevant council to progress planning proposals and give effect to the provisions of the *2036 Plan*.

7.3 Assessment Criteria

Part 3 of the DPE's '*LEP Making Guideline*' (December 2021) outlines the criteria for assessing planning proposals. For a Planning Proposal to be supported to proceed to a Gateway Determination, it must demonstrate:

- **strategic merit** - alignment with the NSW strategic planning framework; and
- **site-specific merit** - identify potential environmental, social and economic impacts and proposed mitigation measures and justification.

A planning proposal is deemed to have strategic merit where it will:

- *Give effect to the relevant district plan within the Greater Sydney Region, and/or corridor/precinct plans applying to the site; or*
- *Demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional and district plan; or*
- *Respond to a change in circumstances that has not been recognised by the existing planning framework.*

A Planning Proposal must also demonstrate that the proposal is suitable for the site and the site is (or can be made) suitable for the resultant development. In particular, it must give regard and assess impacts to:

- *The natural environment on the site to which the proposal relates and other affected land;*
- *Existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates; and*
- *Services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

As discussed in section 6.3 of the report, the prevailing relevant precinct plan applying to the subject site is the *2036 Plan*. Council must therefore be satisfied that the provisions of the Planning Proposal will give effect to the intended outcomes of the *2036 Plan*.

The Planning Proposal and accompanying studies/reports go to some effort to test the indicative reference design and demonstrate the implications of the proposed uplift in height and density in relation to overshadowing, visual, heritage and traffic impacts. Council must be satisfied that the potential impacts arising from the Planning Proposal are not significantly different to those envisaged for the site under the *2036 Plan*, as reflected in the Plan's recommended built form controls, accompanying urban design principles, and the *2036 Plan's* Vision, Objectives and Actions for the precinct.

Planning Proposals are also required to be consistent with applicable State Environmental Planning Policies (SEPPs) and section 9.1 Ministerial Directions.

7.4 Proposed Building Height

The Planning Proposal seeks an 18 storey height limit for the site which is consistent with that allocated in the *2036 Plan* (refer Figure 15 further below). At RL166m, the height is considered generous for an 18 storey building and the proponent was approached to consolidate the amenities level, the top residential floor and plant area to reduce the size of the building. In response, the plant area and top floor residential level have reduced heights, to reduce the overall height to RL163.8m.

The proponent argues that a 6m slab-to-slab 'amenities' level above the podium is required to accommodate deep soil and associated drainage that supports mature trees being located on that floor. Further, a higher ceiling height is sought to avoid a sense of enclosure and opens the space to the sky to achieve sufficient sunlight and ventilation. The additional height sought whilst not overtly excessive is considered to unnecessarily raise the building height required to reasonably accommodate an 18 storey building. In doing so this will increase the extent of overshadowing that arises. Following is a section indicating the different levels within a future building on the site as well setbacks relative to front and rear property boundaries.



Figure 15: Floor to ceiling heights of indicative concept accompanying the Planning Proposal. (Nettleton Tribe, March 2022).

7.5 Proposed Floor Space Ratio (FSR)

No specific maximum FSR currently applies to the site under NSLEP 2013. An FSR of 5.5:1 is proposed across the site. This is consistent with that identified in the 2036 Plan.

7.6 Proposed Non-residential FSR

The indicative concept design allows for a total of 2,812sqm of non-residential floor space resulting in a FSR just under 2:1, which is within the range of compliance with the minimum non-residential FSR in the 2036 Plan.

7.7 Building transition and setbacks

In considering the appropriateness of the planning controls being sought, careful consideration has been given to the likely built form that may result and issues arising. Council has consistently held (at Planning Proposal stage) that the indicative built form should be able to be comfortably accommodated within an envelope established by the Apartment Design Guidelines and other pertinent site or DCP considerations. The following sections discuss changes made as a result of negotiations following a preliminary assessment.

Podium

The 2036 Plan contains a provision for street wall height for the subject site which states “As adjoining street wall height”. This requires the podium and building design to reflect the predominant two-storey terrace forms running on either side of the site. The proponent analysed the existing streetscape and “vertical rhythm” already established in determining a response for the podium (refer Figure 16 below).

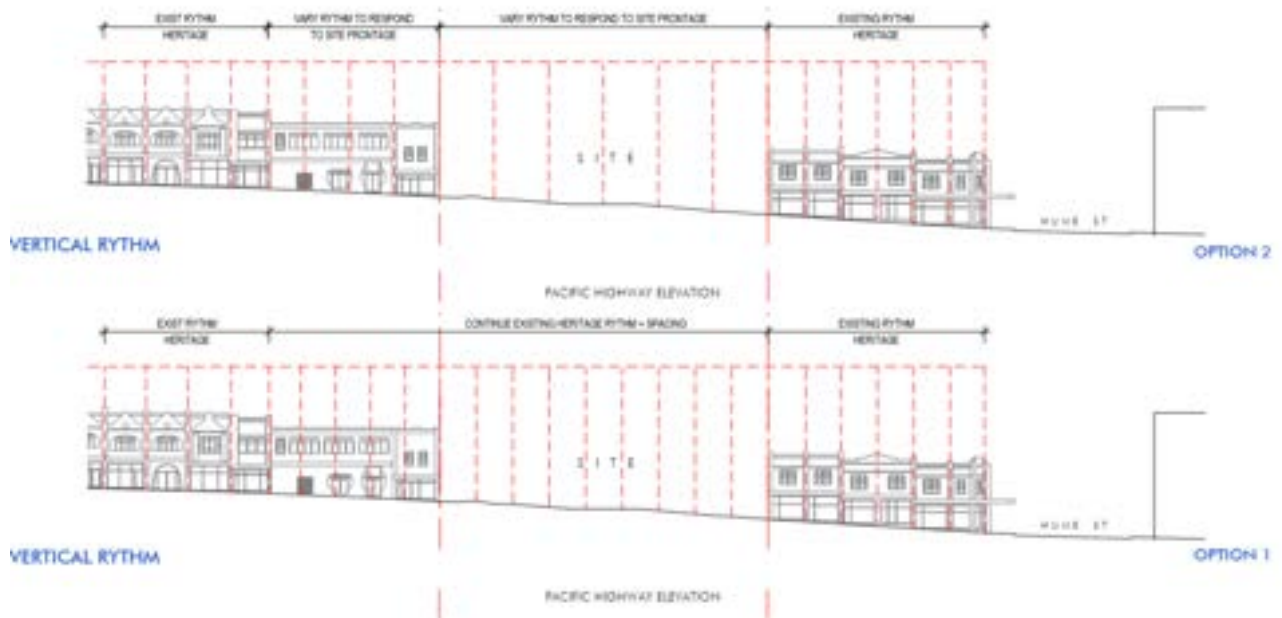


Figure 16: Design analysis of adjoining heritage facades for subject site. (Source: Nettleton Tribe).

Following this analysis, the proponent’s preferred concept design is in Figure 17 below. It shows a three storey podium with slightly recessed third level. In order to achieve a more suitable and cohesive streetscape response to the site’s context, the proponent was requested to set back the third podium level by 3m, to align with the tower setback. This would enable the building façade to better read as a two storey built form from the street without significantly impacting on required provision of Non-Residential FSR. The proponent agreed to this change.

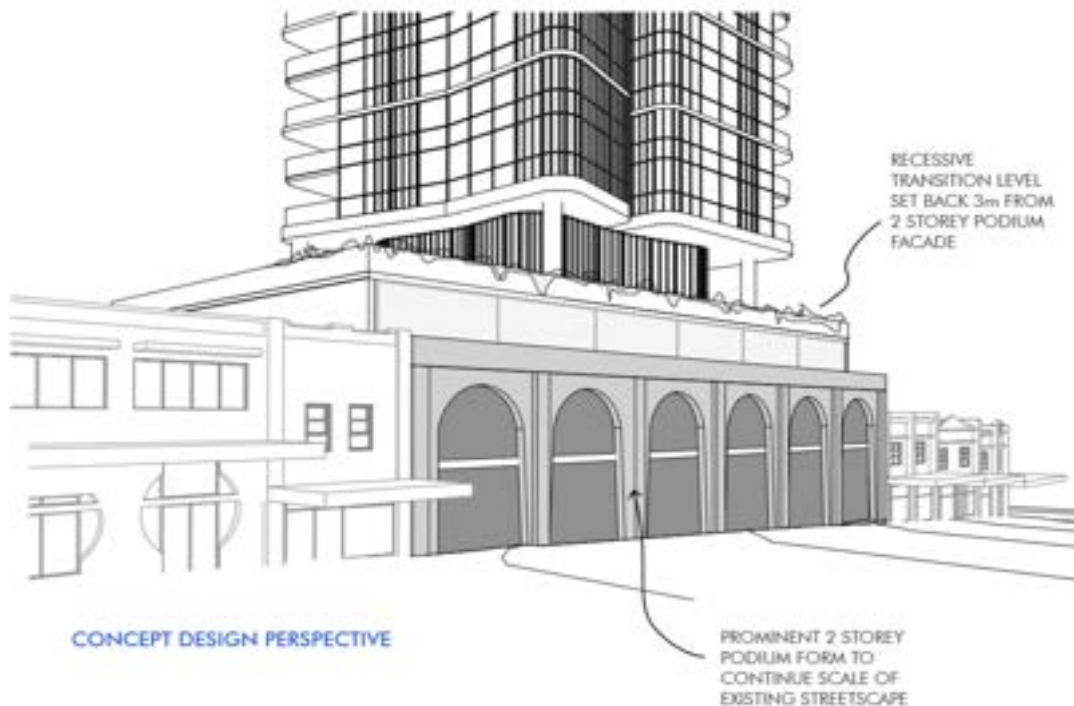


Figure 17: Proponent's revised concept design response to façade with 3m upper storey setback. (Source: Nettleton Tribe, March 2022).

Western elevation

The Planning Proposal concept design includes a 3m whole of building setback to the western boundary. This is required due to the change between mixed use and residential zones. A 9m tower setback is proposed from the boundary of the site to the centreline of the laneway (refer Figure 18).

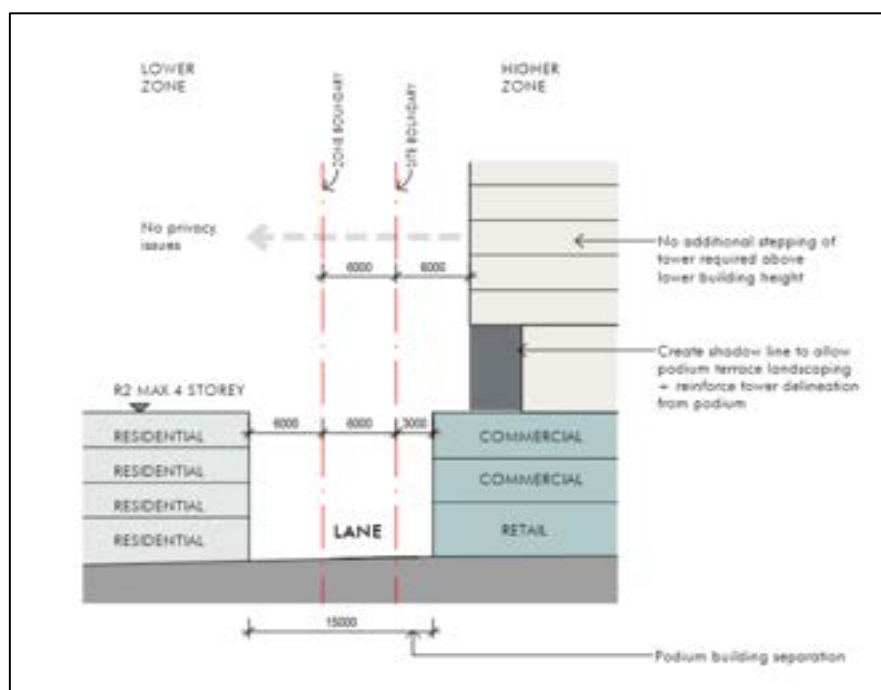


Figure 18: Proposed western setback dimensions. (Source: Nettleton Tribe).

The interface between the existing lower density residential and the proposed development is dramatic. Ultimately this is difficult to entirely avoid considering the substantial difference in identified heights towards the west stipulated in the 2036 Plan. The 2036 Plan contains a Precinct Objective which states:

“In transition areas between low and high-rise developments, new development should consider the prevailing scale and existing character in the design of their interfaces” (p. 9). A related Action within the Plan states: “New development should be sympathetic to existing buildings with appropriate setbacks and street wall height” and “Provide appropriate transitions in height to adjoining low scale residential areas” (p. 33).

A 9m setback is proposed between the 18-storey tower and the centreline of the laneway separating lower density residential properties to the west. This represents a poor urban transition and interface that does not satisfy these objectives within the 2036 Plan.

A 6m setback is the minimum distance required for towers with non-habitable rooms above 9 storeys in the ADG. However, due to the change in land use zones between the subject site’s B4 Mixed Use zone and R3 Residential zone immediately west, an additional 3m setback is required. This means a minimum 9m setback is required to meet ADG requirements for towers with non-habitable rooms and increasing to 15m for habitable rooms. The submitted reference design includes habitable rooms and windows along this elevation and it is reasonable to expect that habitable rooms would be provided given the highly desirable outlook and views to the west.

The provision of an additional setback increase would help to reduce overlooking and privacy impacts and improve solar access and visual amenity by providing a less overbearing transition and interface between the existing and future built forms. This would represent a better urban design outcome and transition given the extreme change of height at this interface. Council’s urban design assessment and testing indicates that with the provision of this setback, along with a 12m setback to the south the FSR being sought could not be accommodated on the site.

It is also acknowledged that there is a 3m podium setback to Pacific Highway stipulated in the 2036 Plan which limits the location of the tower on the site, preventing it from being built closer to the highway to achieve the outcomes described above.

The proponent also highlights that there will be no corresponding tower form on the western side, being limited to four storeys in the 2036 Plan, which negates the need for increased setbacks. However, the ADG does not contain exemptions from setback requirements in such circumstances. Consolidation of the application site with the sites to the north is considered a more appropriate option that would ameliorate this issue and achieve a cohesive redevelopment of the sites.

As one of the early Planning Proposals received for this precinct, consistent application of the 2036 Plan objectives and actions, and related design controls, is imperative to set a high standard for similar proposals in the vicinity. This will avoid establishing negative planning precedents for Crows Nest that may undermine the future built form character and amenity of the precinct particularly in these dramatic interface instances. Council must give sufficient weight to the ADG as the predominant urban design control applying across the metro area, and ensure it is upheld and consistently applied wherever possible for fair and equitable planning decision-making across the LGA.

Northern Elevation

The applicant has prepared the diagram below (refer to Figure 19), to attempt to demonstrate how the adjacent properties to the north could be developed under the provisions of the 2036 Plan. An examination of the resulting footprint indicates only 220 sqm GFA per level is able to be achieved on the adjacent site to the north. This, along with similar western elevation setbacks as the application site, has led to the conclusion that the neighbouring site could not be viably redeveloped in a manner anticipated by the 2036 Plan, were the Planning Proposal for 360 Pacific Highway to progress on its own.

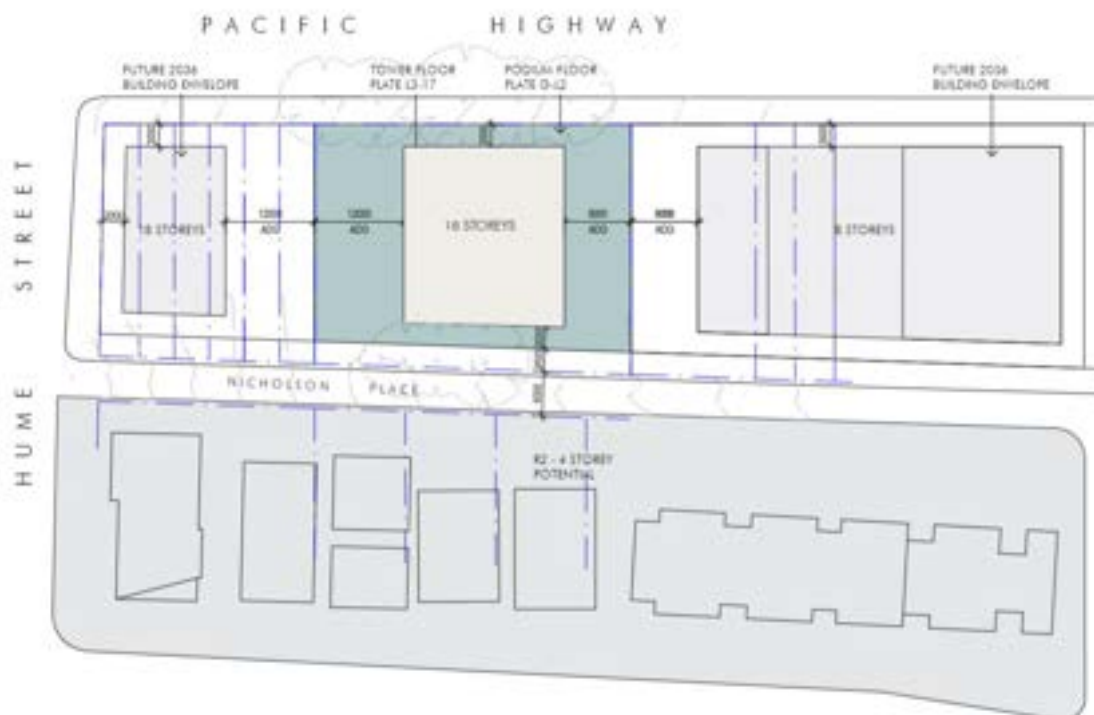


Figure 19: Setbacks to proposed tower. (Source: Nettleton Tribe).

7.8 Environmental Impacts

The Planning Proposal and accompanying studies/reports go to some effort to test the concept design and demonstrate the implications of the proposed uplift in height and density in relation to overshadowing, visual, heritage and traffic and parking impacts. Council must be satisfied that potential impacts arising from the Planning Proposal are not significantly different to those envisaged under the 2036 Plan. The anticipated impacts are discussed below.

7.8.1 Overshadowing

The 2036 Plan's solar access controls require that new development retain:

- at least 2 hours solar access between 9am – 3pm to residential areas inside the precinct boundary; and
- solar access to residential areas outside the boundary the whole time between 9am – 3pm (i.e. no impact).

The proposed concept design has been accompanied by solar access and overshadowing diagrams prepared by Nettleton Tribe (refer to Figure 20). Based on the overshadowing assessment provided, there is no overshadowing impact to the residential areas outside the St Leonards and Crows Nest boundary. Within the boundary, the proposed built form can still enable residential areas to the west to retain at least two hours of solar access between 9am-3pm in mid-winter. The length of shadow (and extent of impact) would be reduced by a reduction in building height as discussed under section reduced building height will help to minimise the shadow impact to residential areas, as discussed under Section 7.4 of this report.

It is however noted, that the requirement to retain at least 2 hours solar access in mid-winter, is undermined when a cumulative approach is adopted for all tall buildings, especially along the western side of the Pacific Highway. Individual proposals may well be able to demonstrate compliance with this requirement, but when considered together, it is highly unlikely that residential development to the west and south west of this corridor of development, will retain at least 2 hours solar access in mid-winter. This is a failing of the 2036 Plan.





Figure 20 – Shadow diagrams – 9-3pm mid winter. (Source Nettleton tribe)

7.8.2 Visual impact

The visual impact of the building will be pronounced from several viewpoints. This will be particularly obvious from properties to the south-west of the site and from surrounding residential streets. These visual impacts are largely a result of the primary controls identified in the 2036 Plan which provides for substantial heights running along Pacific Highway, as well as the future Over Station Development directly across Pacific Highway. The provision of an increased setback towards the west as discussed under Section 7.7 would help reduce the abruptness of the visual impact at the interface with lower density development to the west. Further consideration of visual impact would also be addressed in greater detail as part of any future development application that may occur on the site.

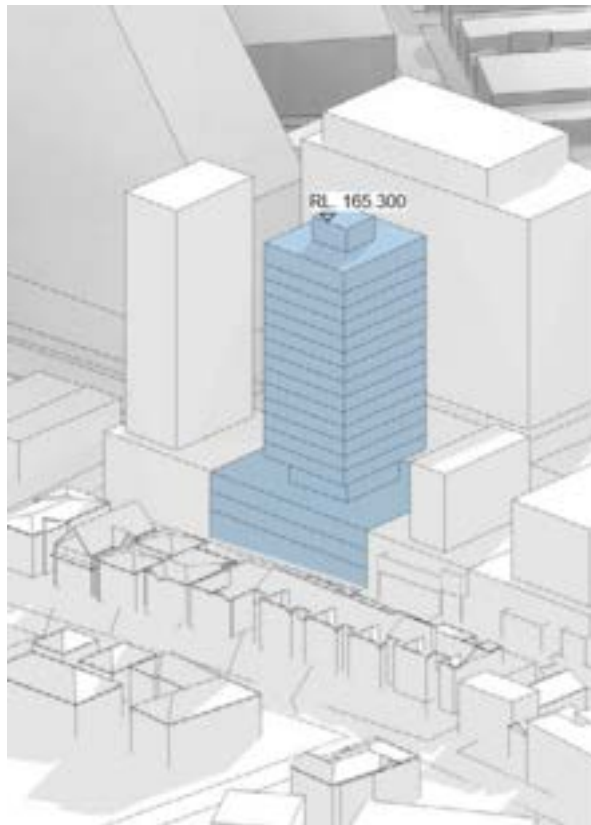


FIGURE 21: The proposed building massing in the context of potential future development.

7.8.3 Heritage considerations

Ministerial Direction 3.2 – Heritage Conservation applies to planning proposals with the intent “to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance”.

As the Planning Proposal adjoins six heritage-listed terraces, the Higgins Buildings, it is accompanied by a heritage assessment prepared by Architectural Projects Pty Ltd. The subject site contains a building constructed in 1983 by Phillip Cox Architects. It is not a scheduled heritage item on NSLEP 2013, the NSW State Register or the National Trust Register, nor is it located within a conservation area. The site is however, located in the vicinity of several groups of heritage items which collectively provide a generally consistent character, form, massing and scale to the Pacific Highway between Crows Nest junction and Hume Street.

The proponent’s Heritage Impact Statement has the following key observations:

- *“The significance of the existing building on the site does not warrant its listing as a heritage item or its retention*
- *Options for a podium with a prominent two storey portion which relates to the scale of the Higgins Buildings is most appropriate”*

Council's conservation Planner had the following comments:

- *"The existing three-storey commercial building was constructed in the mid 1980s. Although identifiable as a late twentieth century building, it successfully has a neutral impact upon the nearby heritage items because the building facades have been splayed by 30 ° and the visual emphasis is on the concertinaed tubular steel awning design rather than the three storey tower.*
- *It has been designed in the Structuralist style and would have appeared lightweight and different when constructed, particularly when compared to other 1980s commercial buildings in the Brutalist style located within St Leonards/ Crows Nest. The sculptural awning is a typical example of the style's quest to use the least amount of material to achieve the greatest outcome as it not only provides environmental protection but assists in diminishing the building's scale.*

Due to the eminence of the architect, the Australian Institute of Architects was invited to comment and provided the following observations:

"The building at 360 Princess Highway holds potential significance as part of a portfolio of work of John Richardson and Phillip Cox, dating from the late 1970s to the early 1990s. The building was designed by Director John Richardson with Phillip Cox having a "major hand" in the design.

We recommend that further research and consultation is made by the proponent, including:

- *Further independent assessment to determine the significance of the building, particularly in relation to remaining work of Cox Richardson in Sydney of this style.*
- *Consultation with Phillip Cox and John Richardson, who retain moral rights over their work, regarding any proposed alteration or demolition of the building."*

While noting the pre-eminence of the original architect and the period of work it represents, the implications of retaining in full or part the existing structure no longer respond to a changed urban context. Retention would significantly prevent strategic planning opportunities for increased housing and commercial land uses adjacent to the new metro station.

As discussed in section 7.7 above relating to the upper level podium setback, the design concept requires modification to suitably respond to the two storey heritage form to ensure a sympathetic design response. This could be further addressed during the detailed Development Application stage.

7.8.4 Wind

The Planning Proposal is accompanied by a statement of wind effects undertaken by Windtech, which analyses future winds expected within and around the proposed development. The report acknowledges that the existing site conditions mean pedestrians are already exposed to direct winds along Pacific Highway, but the effect is not expected to be exacerbated as a result of the development. It recommends a number of wind mitigation options, including:

- Vegetation such as trees or hedges, vertical screening or pergolas around the ground floor footpaths and podium rooftop (amenities level)
- Balustrades along north-facing private balconies and communal terraces
- Consideration of seating placement to avoid building perimeters

The concept design accompanying the Planning Proposal illustrates that the intended built form will incorporate such measures to help mitigate wind impacts on the public domain to pedestrian comfort and safety. Council is satisfied that this matter can be addressed in greater detail in any future development application.

7.8.5 Transport Implications

Ministerial Direction 5.1 Integrating Land Use and Transport seeks to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- a) improving access to housing, jobs and services by walking, cycling and public transport, and*
- b) increasing the choice of available transport and reducing dependence on cars, and*
- c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- d) supporting the efficient and viable operation of public transport services, and*
- e) providing for the efficient movement of freight.*

The increased density on the site supports the patronage of the metro station by co-locating increased residential density and job-generating commercial land uses within walking distance of public transport nodes.

Traffic generation and car parking

The subject site directly adjoins Pacific Highway, a classified State Road. Clause 101(2) of *SEPP (Infrastructure) 2007* requires that developments with a frontage to a classified road be provided with an alternative access where possible, and that the volume and frequency of vehicle to/from the site not impact on the safety, efficiency and ongoing operation of the classified road. It also requires that future development contain traffic noise and vehicle emission mitigation options.

The Planning Proposal maintains vehicular access off Nicholson Place for both private vehicles and deliveries with no direct access onto Pacific Highway. The proposal contains noise-sensitive residential uses, and is accompanied by an acoustic report containing measures and recommendations to ameliorate potential traffic noise arising from Pacific Highway. The impact of the proposal on the operation of Pacific Highway is further discussed below.

Car Parking

The subject site currently has high levels of access to public transport (Pacific Highway bus services and future Crows Nest Metro Station). The metro station will provide a high frequency, high capacity public transport service in close proximity to the site, which will have the effect of reducing reliance on private vehicles, lowering on-street parking demands and reducing traffic movements generated by existing and future residents.

Based on the Council's current DCP 2013 parking rate for the B4 – Mixed Use zone, the following maximum parking provisions for this development are required:

| Development | DCP 2013 parking rate | Max. car parking spaces |
|--|----------------------------|-------------------------|
| Residential | | |
| 42x 2+ bedroom | 1 | 42 |
| Commercial | | |
| Non-residential (2,812m ²) | 1 space / 60m ² | 47 |
| Total No. car spaces | | 89 |

The Design Concept allows for two vehicular entries off Nicholson Place, one for residential car parking and one for deliveries and servicing. It provides 80 car parking spaces over four basement levels, and this number is subject to change depending on apartment configuration. This is less than the car parking requirement under NSDCP 2013. However, it is important to note that the current car parking provisions are outdated and precede the announcement of the Metro line and density envisaged in the 2036 Plan.

A reduction on private vehicle use is preferred in this location to maximise the alternative transport modes available, reduce car dependency and limit further traffic congestion. Amendments to the DCP are recommended to adopt the St Leonards Precincts 2 and 3 rates across the 2036 Plan area. These rates applied to the site would reduce car parking spaces to 28, a reduction of 61 bays when compared with existing rates:

| Development | DCP 2013 parking rate | Max. car parking spaces | St Leonards Precinct 2 & 3 | Max car parking spaces |
|--|----------------------------|-------------------------|-----------------------------|------------------------|
| Residential | | | | |
| 42x 2+ bedroom | 1 | 42 | 0.5 | 21 |
| Commercial | | | | |
| Non-residential (2,812m ²) | 1 space / 60m ² | 47 | 1 space / 400m ² | 7 |
| Total No. car spaces | | 89 | | 28 |

Should the Planning Proposal proceed, it is recommended that a site-specific DCP Amendment be prepared applying the St Leonards Precinct 2 & 3 car parking rates to this development to reduce the car parking from 89 to 28 spaces. This responds to a changed planning context, helps to reduce car dependency and influences more sustainable travel behaviour near the adjoining metro station.

Appropriate car parking numbers and vehicular access may be further be determined during the future development application stage.

Traffic generation

The planning proposal is accompanied by a Traffic Impact Assessment prepared by JMT Consulting. The net increase in traffic is expected to be generated for the residential component is 14 vehicles per hour in the AM peak and 19 vehicles per hour in the PM peak. For the commercial and retail component is 9 vehicles per hour in the AM peak and 7 vehicles per hour in the PM peak.

| | JML | | My calculation | |
|-----------------------|-----|-----|----------------|-----|
| | AM | PM | AM | PM |
| Residential | +24 | +23 | +14 | +19 |
| Commercial and retail | | | +9 | +7 |

Council's traffic engineer recommends minimising the vehicle numbers entering and exiting the site to ensure minimal net traffic generation and queuing at key intersections, as Crows Nest traffic numbers are already at capacity.

Whilst the proposed number of car parking spaces is consistent with NSDCP 2013, the maximum parking rates within Crows Nest do not contemplate a development of this scale. It is clear from the analysis undertaken that the proposed number of car parking spaces and associated net traffic generation will have a significant impact on the efficiency and performance of the surrounding road network, particularly the Five Ways intersection. This is inconsistent with:

- *Ministerial Direction 5.1 – Integrating Land Use and Transport* and the principles of sustainable transit-oriented development;
- clause 2.118(2) of *SEPP (Transport and Infrastructure) 2021*, which requires the volume and frequency of vehicles to/from a site fronting a classified road not impact on the safety, efficiency and ongoing operation of the classified road; and

The Traffic Impact Assessment also includes a very brief Green Travel Plan. Typically, a Green Travel Plan should provide: an empirical analysis of parking demand for the proposal; a Vision, Objectives and Targets for travel demand management for the site; identify actions and parties responsible for delivery to achieve identified Targets; and a commitment to ongoing review of the Green Travel Plan.

7.8.6 Aeronautical implications

Ministerial Direction 5.3 – Development Near Regulated Airports and Defence Airfields applies when a relevant planning authority prepares a Planning Proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.

Despite not being located in close proximity to Sydney Airport, the proposed height of the building, at RL166, exceeds the Obstacle Limitation Surface applicable to Sydney Airport of RL156m in this location by 10m. Activities associated with the construction of the concept proposal would further encroach above the OLS on a temporary basis.

The Planning Proposal is accompanied by a preliminary aeronautical impact assessment which was referred to the Commonwealth Department of Infrastructure and Regional Development and Sydney Airport Corporation for comment. The two agencies confirmed that the development of the site at the proposed height would be classified as a controlled activity, requiring approval under the *Airports (Protection of Airspace) Regulations 1996* prior to construction.

Given the above, there is no impediment to progressing the Planning Proposal from the perspective of aviation legislation. These matters can be considered as part of any future Development Application.

8. STRATEGIC MERIT ASSESSMENT

Strategic Merit Summary

The Planning proposal is not considered to satisfy the following key aspects of Strategic Merit;

- North District Plan with respect to precinct-wide place and place based planning;
- North District Plan with respect to delivery of housing;
- St Leonards Crows Nest 2036 Plan with respect to transition and interfaces;
- St Leonards Crows Nest 2036 Plan with respect to vision, objectives and actions including isolation of neighbouring sites;
- SEPP 65 – Design Quality of Residential Flat Buildings with respect to setbacks;
- Ministerial Direction 5.1 – Integrating Land Use and Transport with respect to reducing travel demand by car

These aspects of Strategic Merit are discussed in further detail below.

8.1 Regional and District Plan consistency

The planning proposal may be considered in general terms to be consistent with the Greater Sydney Regional Plan (*'A Metropolis of Three Cities'*) and the North District Plan to the extent that it provides for additional housing and commercial floorspace within a highly accessible location and identified Planned Precinct. However, the provision of additional housing and employment on the subject site alone does not satisfy the test of consistency.

A key direction of the *'A Metropolis of Three Cities'* is creating a 'city of great places.' This direction underlines the importance of place-based, design-led planning to improve liveability in urban environments. To deliver high-quality places that engage and connect people and communities, the North District Plan states (on page 45) that: *"planning for the district should integrate site specific planning proposals with precinct-wide place and public domain outcomes through place-based planning."*

A core objective of the *St Leonards and Crows Nest 2036 Plan* is that: *"in transition areas between low and high-rise developments, new development should consider the prevailing scale and existing character in the design of their interfaces."* Council's analysis indicates that a more optimal built form scale and transition/interface outcome could be achieved on the site than that reflected in the applicant's proof of concept.

Furthermore, the progression of the planning proposal without incorporating the neighbouring sites to the north (366-376 Pacific Highway) will likely result in the isolation of these sites, which have the same density and height uplift potential under the 2036 Plan as the subject site. This is inconsistent with the intended outcomes of the 2036 Plan and undermines the ability to achieve the housing objectives of the North District Plan.

8.2 St Leonards and Crows Nest 2036 Plan consistency

The Planning Proposal is consistent with the 2036 Plan to the extent that it is requesting an overall maximum FSR of 5.5:1 and minimum non-residential FSR 2.0:1, which is generally consistent with the recommendations of the 2036 Plan. The requested maximum building height of RL166 is, however, greater than that required to deliver an 18storey mixed-use building with discernible overshadowing impacts to surrounding low density residential areas contrary to the intended outcomes of the 2036 Plan.

To ensure the future bulk, scale and massing of development on the site is consistent with the urban design principles and objectives of the 2036 Plan, and the impacts (overshadowing, visual, heritage and traffic) arising from the Planning Proposal are not significantly different to those envisaged for the site under the 2036 Plan, it is recommended the proposal be reconsidered having regard to the issues raised in this assessment report namely, site isolation, setbacks and interface with surrounding lower density development, overshadowing, heritage, car parking.

The progression of the planning proposal in its current form will likely result in reduced amenity outcomes and inappropriate interface and transition outcomes, contrary to the objectives of the 2036 Plan. The proposal is also likely to result in the isolation the adjacent sites to the north, and a reduced level of new dwellings than that envisaged within the precinct under the 2036 Plan. The cumulative impacts of the proposal are not considered to be of minor significance and has the potential to undermine the overall intent of the 2036 Plan and the achievement of the Plan's vision, objectives and actions.

8.3 Local Strategic Planning Statement (LSPS) consistency

The Planning Proposal may be considered, in general terms, to be consistent with the LSPS to the extent that it will accommodate approximately 42 additional residential within a highly accessible location. This equates to approximately 1.2% of the anticipated dwellings to be accommodated within the B4 mixed use zone in St Leonards. The progression of the site on its own, however, may result in a reduced overall employment and residential capacity within the precinct, as it will likely isolate or sterilise the site to the north.

8.4 State Environmental Planning Policy (SEPPs)

The proposals consistency with applicable SEPPs is considered below:

SEPP No. 65 - Design Quality of Residential Apartment Development

The planning proposal includes a response to the provisions of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*, and the associated Apartment Design Guide (ADG), in relation to building separation/visual privacy, solar access, natural ventilation, common circulation, apartment layout and apartment mix.

While the proposal states that it complies with key development standards, Council's assessment differs in its application of the relevant setbacks and separation distances prescribed in the ADG. Given the site attributes and extent of uplift envisaged under the 2036 Plan, compliance with minimum ADG requirements and a high level of residential amenity is expected on the site. This could be more readily resolved through consolidation with the neighbouring sites to the north.

SEPP (Transport and Infrastructure) 2021

The subject site directly adjoins a classified State roads being the Pacific Highway. Clause 2.118(2) of *SEPP (Transport and Infrastructure) 2021* requires that developments with a frontage to a classified road be provided with an alternative access where possible, and that the volume and frequency of vehicles to/from the site not impact on the safety, efficiency and ongoing operation of the classified road.

The reference design accompanying the Planning Proposal allows for future vehicular access off Nicholson Place. However, the significant net increase in traffic generated by the proposal will impact the overall efficiency and performance of the surrounding road network. To reduce car dependency and impacts to the surrounding road network, it is recommended that were any Planning proposal to progress that a site-specific DCP Amendment be prepared applying St Leonards Precinct 2 & 3 car parking rates to this development to reduce car parking to 28 spaces.

8.5 Section 9.1 Ministerial Directions

Section 9.1 of the EP&A Act 1979 enables the Minister for Planning to issue directions regarding the content of Planning Proposals. There are a number of section 9.1 Directions that require certain matters to be addressed if they are affected by a Planning Proposal. Each Planning Proposal must identify which section 9.1 Directions are relevant and demonstrate how they are consistent with that Direction.

The Planning Proposal is considered to be generally consistent with all relevant Ministerial Directions, with the exception of:

- *Direction 1.1 – Implementation of Regional Plans*
- *Direction 1.13 – Implementation of the St Leonards and Crows Nest 2036 Plan*
- *Direction 4.4 – Remediation of Contaminated Land*
- *Direction 5.1 – Integrating Land Use and Transport*

The proposals consistency with Ministerial Directions 1.1 and 1.13 is considered in sections 8.1 and 8.2 of this report.

Direction 4.4 – Remediation of Contaminated Land

Council records indicate that the subject site may have been used in the past for a potentially contaminating activity.

Direction 4.4 – Remediation of Contaminated Land states that a planning proposal authority must be satisfied that the land is suitable (or will be suitable, after remediation) for all permitted uses within the zone, and if the land requires remediation to be made suitable, the planning proposal authority is satisfied that the land will be so remediated before it is used for its intended purpose.

The Planning Proposal is accompanied by a Preliminary Site Investigation (PSI) report. The report also found that impacted soils and groundwater do exist on the site and that further site investigations are required to achieve adequate environmental characterisation.

Due to the presence of closely spaced buildings and structures across the site, the report states that data gap closure investigations are currently prevented and should be implemented after building demolition, at which stage the site is made accessible for the completion of intrusive investigations.

Council's Environment and Building Compliance Officer has reviewed the PSI report and notes the following investigations will be required:

- *a hazardous materials survey of the building structures. This will be required pre-demolition and carried out by a suitably qualified person. The recommendations of the survey report will be required to be adhered to with regard to the presence and treatment of any hazardous materials;*
- *a detailed site investigation. This will be required to be undertaken post-demolition and prior to any excavation at the site by a suitably qualified environmental consultant. A Remediation Action Plan (RAP) will be required addressing any land or ground water contamination at the site. The RAP will be required to be adhered to and the site validated as being suitably remediated and fit for its intended use prior to any construction works commencing.*
- *An accredited site auditor may need to be engaged to oversee this aspect of the project and to sign off on the validation report.*

Direction 5.1 – Integrating Land Use and Transport

Direction 5.1 – Integrating Land Use and Transport seeks to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- a) Improving access to housing, jobs, and services by walking, cycling and public transport, and*
- b) Increasing the choice of available transport and reducing dependence on cars, and*
- c) Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- d) Supporting the efficient and viable operation of public transport services, and*
- e) Providing for the efficient movement of freight.*

The increased density on the site supports the patronage of the metro station by co-locating increased residential density and employment generating commercial land uses within walking distance of public transport nodes. However, the significant net increase in traffic generated by the proposal is unreasonable considering the site's highly accessible location and a significant reduction in car parking should be provided.

9. SITE-SPECIFIC MERIT ASSESSMENT

Site-specific Merit Summary

The Planning proposal is not considered to satisfy the following key aspects of Site-specific Merit;

- The overshadowing impact arising is likely greater than is necessary due to the proposed building height and setbacks being sought;
- The proposed rear (western) and southern boundary setbacks are less than identified in the Apartment Design Guideline resulting in a poor interface with lower density development to the west;
- The planning proposal would drive a suboptimal design and poor planning outcome on the neighbouring sites to the north.

These aspects of site-specific merit criteria are considered in further detail below.

9.1 Environmental Impacts

As outlined in earlier sections of this report, the proposed increase in height and density on the site will result in additional overshadowing, visual, wind and traffic impacts. It needs to be recognised that the precinct is undergoing significant change. The St Leonards and Crows Nest area is identified a 'strategic centre' and planned precinct through a suite of high-level planning documents, including the Regional and District Plans. There is an opportunity to renew, activate and manage growth within the precinct through the delivery of the objectives and outcomes as outlined within the 2036 Plan.

Council's analysis indicates that a more optimal built form scale and height transition could be achieved on site that minimises overshadowing and visual impacts to the surrounding area. It is also considered that the application of lower maximum parking rates (i.e. the Leonards Precincts 2 & 3 rates under NSDCP 2013) would significantly reduce net traffic generation from the proposed development.

To ensure the potential impacts arising from the proposal are not significantly different to those envisaged under the 2036 Plan, the planning proposal will need to be reconsidered and before progressing to the next stage of the plan making process. The consolidation of the site with the adjoining sites to the north would allow for a more cohesive re-development that is able to provide greater setbacks and transition of the site at its interface with lower density development to the west. This would also allow for the more effective and efficient delivery of housing and employment on the site and not effectively isolate or sterilise the sites to the north by virtue of necessitating an unviable floorplate on those sites.

9.2 Social Impacts

The proposal, if progressed would result in the creation of approximately 42 additional dwellings. This is a considerable increase in density on the subject site and is likely to place additional demand on existing services and facilities. Payment of applicable section 7.11 and 7.12 local infrastructure contributions will help alleviate potential impacts on existing local infrastructure. Payment of the applicable Special Infrastructure Contribution (SIC) will contribute towards the delivery of regional infrastructure upgrades to support new growth.

The proposal also provides the opportunity to provide activated street frontages and help meet the objectives of the *St Leonards and Crows Nest 2036 Plan*.

9.3 Economic Impacts

If the proposal proceeds it would result in opportunity to provide 80-100 direct jobs on the site as a result of the proposed (2800sqm commercial floorspace). Construction is estimated to generate an additional 100-150 jobs directly on-site. Long term occupation of the site by future residents would also contribute to the local economy through retail and service expenditure.

9.4 Adequacy of Public Infrastructure

The site is located in proximity to existing and proposed transport infrastructure, including existing road connections and high frequency public transport. The site is in a locality that would allow future residents and workers to capitalise on the wide range of infrastructure and services available and planned within the area.

At the development application stage, consultation would be required with utility providers to ensure that sufficient capacity exists in water, sewer, gas, telecommunications and other utility services.

There is likely to be adequate services and infrastructure in the area to accommodate the proposed increases in demand, alternatively the applicant will be required to pay for any upgrades required.

10. SUBMISSIONS

There are no statutory requirements to publicly exhibit a Planning Proposal before the issuance of a Gateway Determination. However, Council sometimes receives submissions in response to Planning Proposals which have been lodged but not determined for the purposes of seeking a Gateway Determination. The generation of submissions at this stage of the planning process arise from the community becoming aware of their lodgement through Council's application tracking webpage and on-site signage.

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

No submissions have been received at the time of reporting.

11. CONCLUSION

The Planning Proposal seeks to amend NSLEP 2013 to increase the maximum building height requirements and to incorporate new FSR and non-residential FSR requirements as it relates to the subject site. The proposal is accompanied by an indicative reference scheme to demonstrate how the site could be developed to the requested height and density controls.

Whilst the planning proposal site is located within a block considered appropriate for increased height and density given its proximity to the future Crows Nest Metro, the planning proposal as submitted does not adequately demonstrate satisfactory strategic and site-specific merit for the following reasons:

- The planning proposal will likely result in the isolation of neighbouring sites to the north (366-376 Pacific Highway), which have the same density and height uplift potential under the 2036 Plan as the subject site. This is not considered to be a satisfactory strategic planning outcome as it undermines the ability to achieve the housing objectives of several high-level planning policies including the Greater Sydney Regional Plan and North District Plan, the North Sydney Local Strategic Planning Statement, the 2036 Plan and accompanying Ministerial Directions 1.1 and 1.13; and
- The accompanying indicative reference design does not demonstrate how the site could be acceptably developed to the requested height and density controls without resulting in reduced amenity outcomes and inappropriate interface and transition outcomes. The cumulative impacts of the proposal are not considered to be of minor significance and has the potential to undermine the overall intent of the 2036 Plan and the achievement of the Plan's vision, objectives and actions.

12. RECOMMENDATION

For the reasons outlined in this report, it is recommended that the Local Planning Panel not support the progression of the Planning Proposal to the DPE seeking a Gateway Determination.

Marcelo Occhiuzzi
MANAGER STRATEGIC PLANNER

Neal McCarry
TEAM LEADER, POLICY

PLANNING PROPOSAL

360 Pacific Highway

URBIS

Prepared for
GALIFREY PROPERTY
November 2021

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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| 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.

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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..... | 15 |
| 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..... | 45 |
| 7.3.4. | Landscape – | 46 |
| 7.3.5. | Visual Impact | 46 |
| 7.3.6. | Residential Amenity | 47 |
| 7.3.7. | Traffic and Parking | 47 |
| 7.3.8. | Contamination | 47 |
| 7.3.9. | Services Infrastructure..... | 48 |
| 7.3.10. | Acoustic | 49 |
| 7.3.11. | Wind..... | 49 |
| 7.4. | Mapping | 50 |
| 7.5. | Project Timeline | 51 |
| 8. | Conclusion | 53 |
| | Disclaimer | 54 |

FIGURES

| | |
|--|----|
| Figure 1 – Location Plan | 5 |
| 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 | 14 |
| Figure 8 - Floor Space Ratio Map..... | 15 |
| Figure 9: Heritage Map | 15 |
| Figure 10 – Massing | 18 |
| Figure 11 – Building setbacks..... | 20 |
| Figure 12 – Typical Basement Plan..... | 21 |
| Figure 13 – Podium design | 21 |
| Figure 14: Typical Podium level floor plates..... | 22 |
| Figure 15: Podium Garden Concept..... | 23 |
| Figure 16 – Massing | 24 |
| Figure 17: Typical residential floor plate..... | 24 |
| Figure 28: Proposed LEP Mapping Amendments | 50 |

PICTURES

| | |
|-----------------------------|---|
| Picture 1 Site Photos | 7 |
|-----------------------------|---|

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 | 35 |
| Table 11 Consistency with SEPPs | 37 |
| Table 12 Consistency with Section 9.1 Directions | 39 |
| Table 14 Anticipated Project Timeline | 51 |

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 2:1. 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 166
- 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 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 1.5:1. 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 166);
- 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.

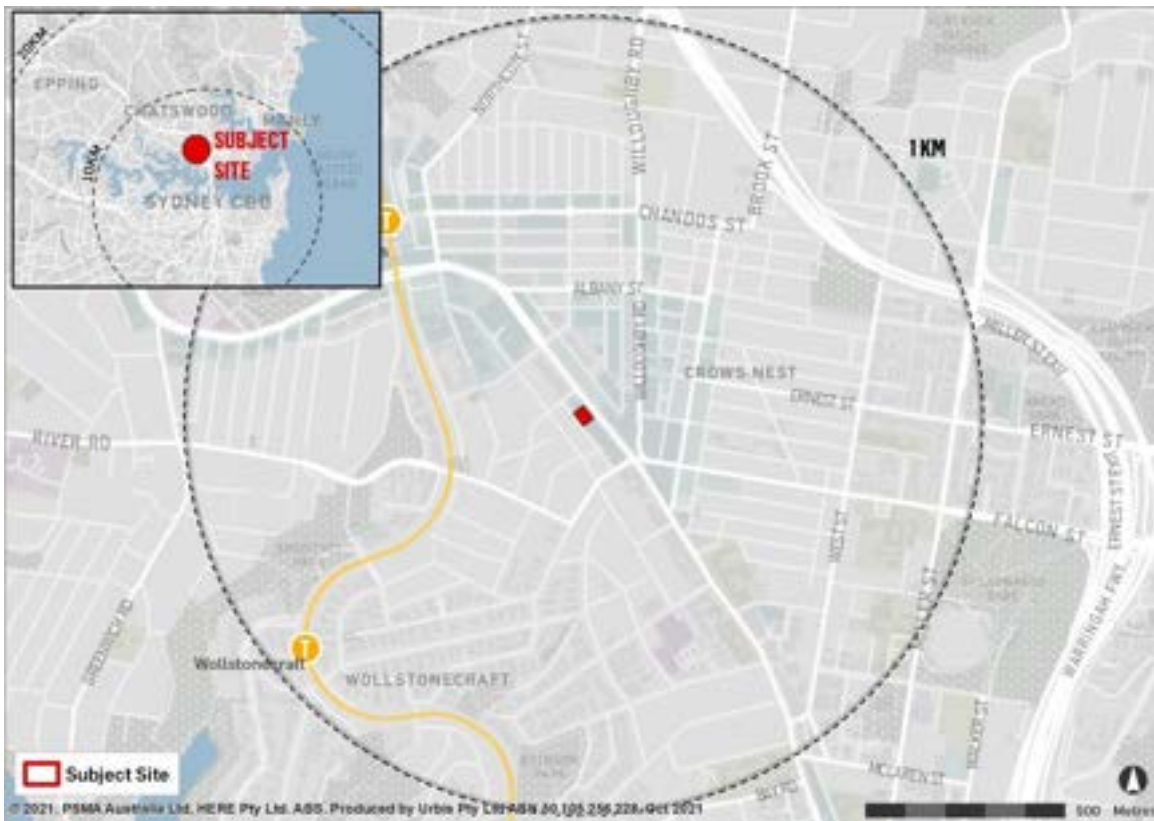
The key features of the site are summarised in the following table.

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> |

| Objectives | Permissibility |
|---------------------------|--|
| | <i>To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses concentrated on the lower levels and residential uses predominantly on the higher levels.</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.

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: 4921m 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 RL166 |
| 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.

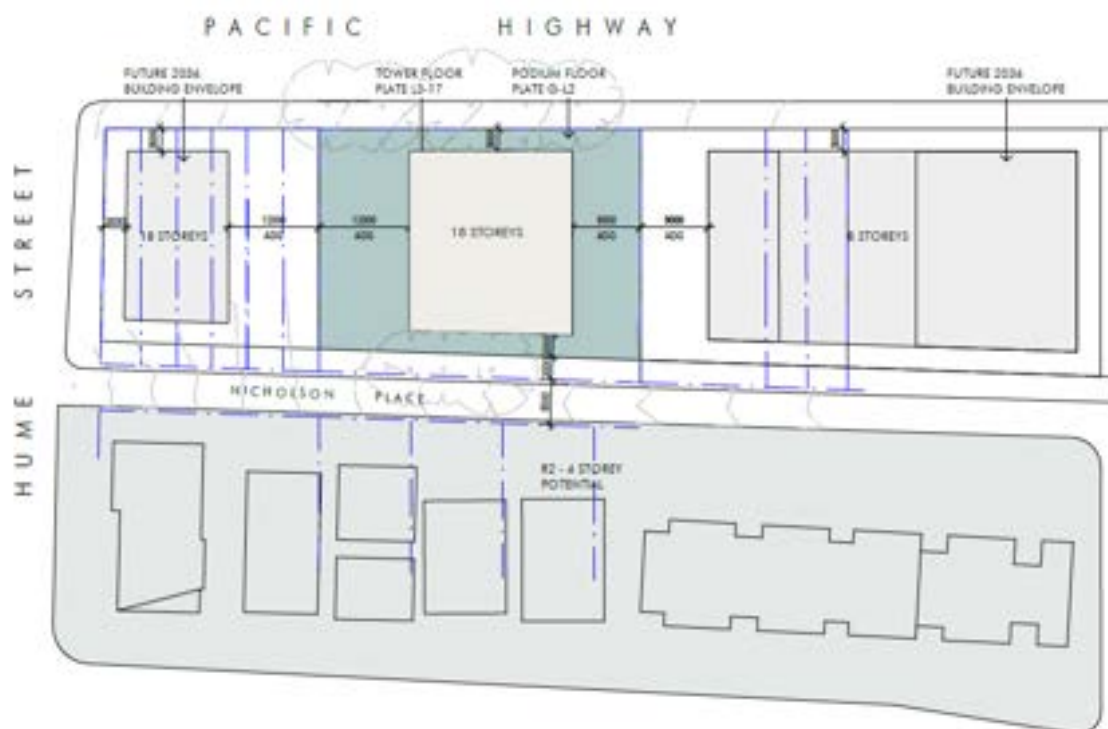
5.2.2. Setbacks

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.

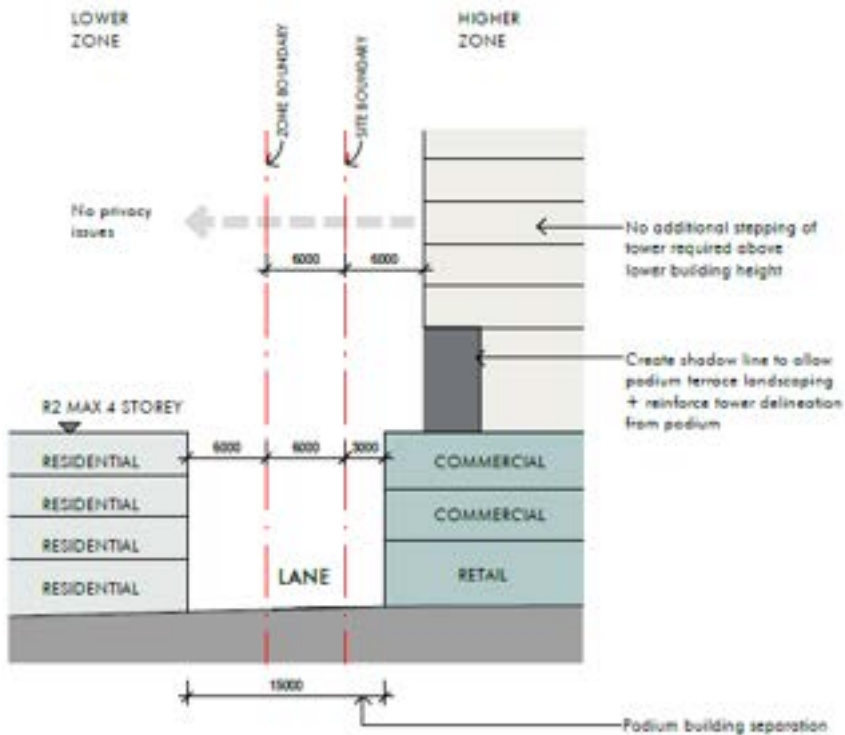
The tower element will be setback 3 metres from Pacific Highway, 12 metres to the north (adjoining the heritage items), 9 metres to the south and 3 metres to the west/ rear from Nicholson Place.

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

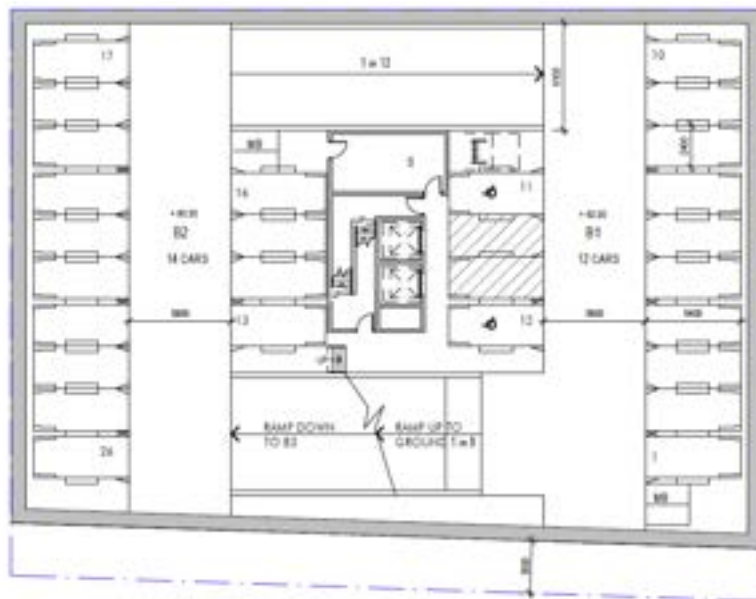


Source: Nettletontribe

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.
80 or more spaces depending on the use

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



Picture 6: Typical floor plate for Levels 1 and 2

Source: Nettletontribe

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.

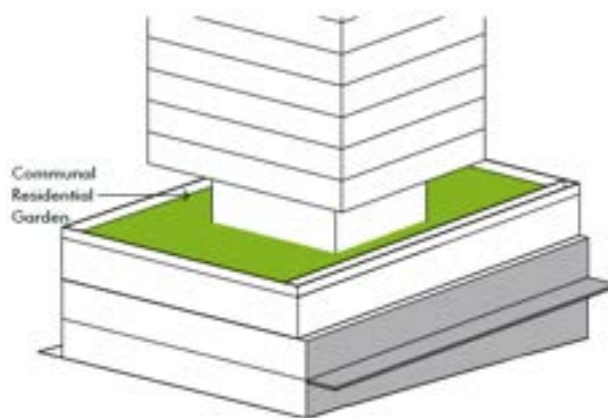
A Planting Strategy has been outlined in the Landscape Concept Report (Appendix E) and the concept design is provided at **Figure 17**.

Figure 17 – Landscape Concept Design



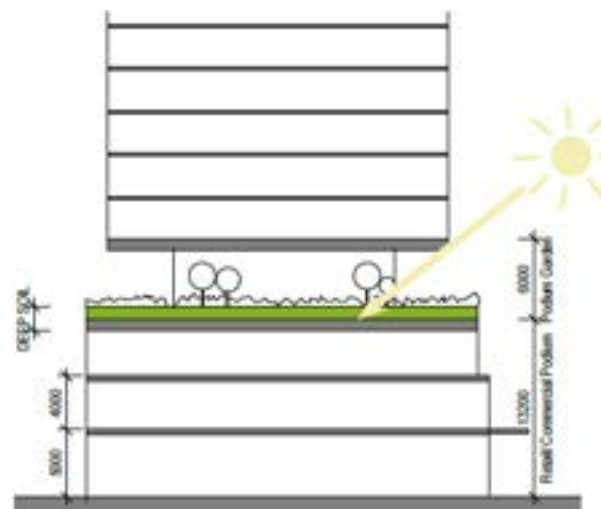
Source: Site Image

Figure 18: Podium Garden Concept



Picture 7: Podium garden concept

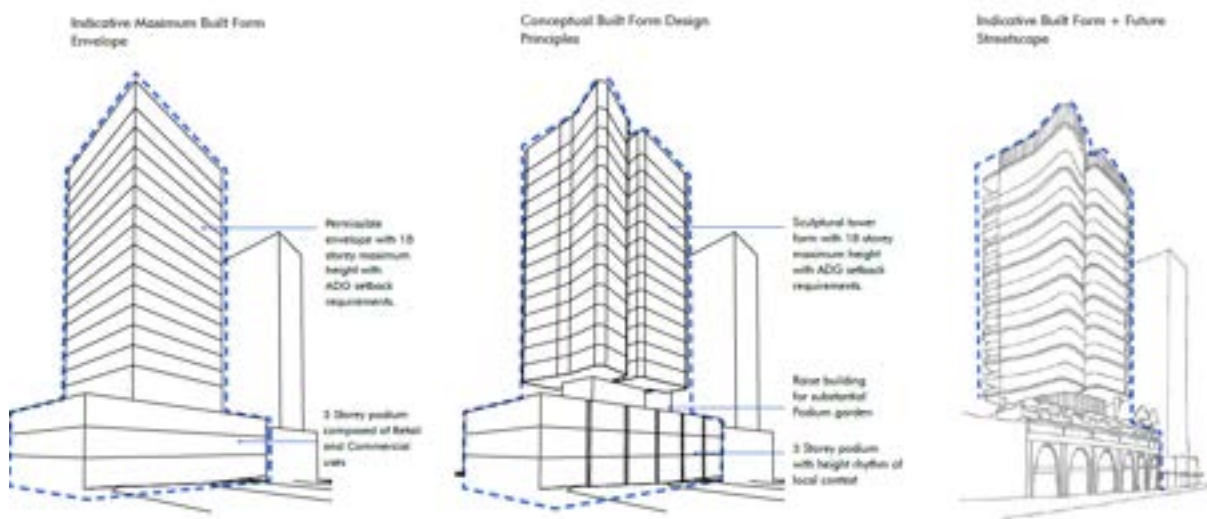
Source: Nettletontribe



Picture 8: Sun Access to Floor plate

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.

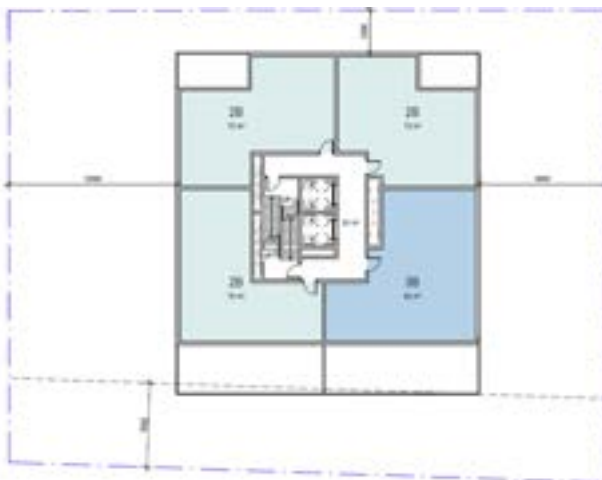
Figure 19 – Massing

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 |

| Planning Priorities | Consistency |
|---|--|
| | <p>upgrades and land uses that contribute to the 18-hour 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 4921m² 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 4921m² 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> |
| 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 (2812m² of commercial GFA) with desirable floor plates suited to a range of commercial and retail uses, providing an attractive offering for renewal and activation.</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.</p> |

| Planning Priorities | Consistency |
|---|---|
| | The Planning Proposal directly aligns with the State Governments vision for employment growth and urban renewal in this key strategic centre. |
| 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. 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. | Yes |
| Landscape <i>Site specific vision: Amenities and</i> | A Landscape Concept Report prepared by Site Image accompanies this Planning Proposal and is attached at Appendix E. | Yes |

| Action | Planning Proposal Response | Compliance |
|---|--|------------|
| <i>terracing have been designed to create shared outdoor green spaces</i> | <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> | |
| 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 (RL166), 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 envelope also retains the required 2 hours solar access to the western residential neighbours. | Yes |
| Land Use <i>Site specific vision: Activated retail integrated into the finer grain laneways</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 4921m² of residential</p> | Yes |

| Action | Planning Proposal Response | Compliance |
|---|---|------------|
| <i>will contribute to the local character.</i> | <p>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> | |
| 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 RL166. | 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 |
| 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 | | |

| Action | Planning Proposal Response | Compliance |
|-------------------------------|---|------------|
| 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> |
| <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> | The site is highly accessible to current and future public transport, which will optimise public transport usage and represent opportunities for land |

| Planning Priorities | Consistency |
|---------------------|--|
| | <p>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 4921m² of residential GFA and 2,812m² of commercial GFA, contributing to the jobs growth target of 1,950-3,020 for Crows Nest.

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 RL166 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 4921m² 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 |
|-----------------------------|---|
| SEPP 55 Remediation of Land | <p>SEPP55 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 7 of SEPP55 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> |
| SEPP (Infrastructure) 2007 | <p>This SEPP provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for</p> |

| SEPP | Consistency |
|------|--|
| | consultation with relevant public authorities during the assessment process. |

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 |
|--|---|
| 1. Employment and Resources | |
| 1.1 Business and Industrial Zones | <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> |
| 1.2 Rural Zones | Not applicable. |
| 1.3 Mining, Petroleum Production and Extractive Industries | Not applicable. |
| 1.4 Oyster Aquaculture | Not applicable. |
| 1.5 Rural Lands | Not applicable. |
| 2. Environment and Heritage | |
| 2.1 Environment Protection Zones | Not applicable. |
| 2.2 Coastal Management | Not applicable. |
| 2.3 Heritage Conservation | The locally listed 'Higgins Buildings' are adjacent 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 . |
| 2.4 Recreation Vehicle Areas | Not applicable. |

| Direction | Consistency |
|---|---|
| 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs | Not applicable. |
| 2.6 Remediation of contaminated land | <p>This Planning Proposal does not seek to change the B4 Mixed Use zoning applicable to the site. Notwithstanding, the Planning Proposal will enable the intensification of the site for commercial and residential purposes. Accordingly, a Preliminary Site Investigation has been prepared by Aargus and is provided at Appendix G.</p> <p>As stated in Table 11 above, the site potentially contains low risk contamination associated with the existing buildings, which have been present on the site since the late 80's.</p> <p>As the site is fully developed, detailed investigations are unable to be carried out at this stage. A DSI will be undertaken at the DA stage to verify any potential contaminations and, if required a remediation action plan can be prepared.</p> <p>Upon undertaken these further studies, it is determined that the site can be made suitable for the proposed land uses.</p> |
| 3. Housing, Infrastructure and Urban Development | |
| 3.1 Residential Zones (1) The objectives of this direction are: | The Planning Proposal is consistent with the Direction as outlined below. |
| <i>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</i> | <p>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 typologies and layouts.</p> <p>The site is suitably located to accommodate a high-rise residential development, as it is located within close proximity to the future Crows Nest Metro Station and meets residential amenity and locational criteria.</p> |
| <i>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</i> | 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. |
| <i>(c) to minimise the impact of residential development on the environment and resource lands.</i> | 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. |

| Direction | Consistency |
|--|--|
| | Future residential accommodation can be provided on the site without significantly impacting the land or neighbouring development. |
| 3.2 Caravan Parks and Manufactured Home Estates | Not applicable. |
| 3.3 Home Occupations | Not applicable. |
| <p>3.4 Integrating Land Use and Transport</p> <p><i>(1) 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:</i></p> <p><i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i></p> <p><i>(b) increasing the choice of available transport and reducing dependence on cars, and</i></p> <p><i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></p> <p><i>(d) supporting the efficient and viable operation of public transport services, and</i></p> <p><i>(e) providing for the efficient movement of freight.</i></p> | <p>The Planning Proposal is consistent with the direction for the following reasons:</p> <ul style="list-style-type: none"> ▪ The site exhibits excellent access to public transport, being approximately 120 metres to the Crows Nest Metro Station and existing bus services. ▪ The increased density on the site also supports the patronage of the future metro and accords with the key direction from the state government, which seeks to co-locate increased densities within the walker catchment of public transport nodes. ▪ The provision of increased housing supply within a walkable neighbourhood reduces the need for car dependency. ▪ The provision of residential accommodation adjacent to key employment and transport nodes encourages a walkable neighbourhood. ▪ 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. |
| 3.5 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 RL166, which protrudes within the OLS surface by 9.7m however is below the PANS-OPS surface (340) by 174.7m, being the critical height limit.</p> |

| Direction | Consistency |
|--|--|
| | It is noted that at a height of RL166, 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. |
| 3.6 Shooting Ranges | Not applicable. |
| 3.7 Reduction in non-hosted short term rental accommodation period | Not applicable. |
| 4. Hazard and Risk | |
| 4.1 Acid Sulphate 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> |
| 4.2 Mine Subsidence and Unstable Land | Not applicable. |
| 4.3 Flood Prone Land | Not applicable. |
| 4.4 Planning for Bushfire Protection | Not applicable. |
| 5. Regional Planning | |
| 5.1 Implementation of Regional Strategies | Revoked. |
| 5.2 Sydney Drinking Water Catchments | Not applicable. |
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast | Not applicable. |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast | Not applicable. |
| (5.5-5.8 – revoked) | Revoked. |
| 5.9 North West Rail Link Corridor Strategy | Not applicable. |
| 5.10 Implementation of Regional Plans | The Planning Proposal is consistent with this Direction, as discussed within Question 3. |

| Direction | Consistency |
|---|--|
| 5.11 Development of Aboriginal Land Council land | Not applicable. |
| 6. Local Plan Making | |
| 6.1 Approval and Referral Requirements | This is an administrative requirement for Council. |
| 6.2 Reserving Land for Public Purposes | This is an administrative requirement for Council. |
| 6.3 Site Specific Provisions | The Planning Proposal has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with the NSLEP 2013. |
| 7. Metropolitan Planning | |
| 7.1 Implementation of A Plan for Growing Sydney | <p>A Plan for Growing Sydney is now superseded.</p> <p>The Planning Proposal gives effect to the Greater Sydney Region Plan and the North District Plan in accordance with Direction 7.1.</p> <p>The Planning Proposal is consistent with the planning principles, directions and priorities contained in the Greater Sydney Region Plan, discussed in Section 6.</p> |
| 7.2 Implementation of Greater Macarthur Land Release Investigation | Not applicable. |
| 7.3 Parramatta Road Corridor Urban Transformation Strategy | Not applicable. |
| 7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan | Not applicable. |
| 7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | Not applicable. |
| 7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | Not applicable. |
| 7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor | Not applicable. |
| 7.8 Implementation of Western Sydney Aerotropolis Interim Land | Not applicable. |

| Direction | Consistency |
|--|--|
| Use and Infrastructure Implementation Plan | |
| 7.9 Implementation of Bayside West Precincts 2036 Plan | Not applicable. |
| 7.10 Implementation of Planning Principles for the Cooks Cove Precinct | Not applicable. |
| 7.11 Implementation of St Leonards and Crows Nest 2036 Plan | <p>Section 6.3 details how this Planning Proposal aligns with the 2036 Plan.</p> <p>The Planning Proposal and the proposed minor variation to the nominated FSR, continues to achieve the vision, objectives and actions of the Plan and is consistent with this Ministerial Direction. This is summarised as follows:</p> <ul style="list-style-type: none"> - The building envelope is consistent with be built form controls for the site as outlined in the 2036 Plan including height, FSR, setbacks and street wall height. - Retains solar access to public open spaces and residential areas outside the Plan boundary. The proposed building envelope also retains the required 2 hours solar access to the western residential neighbours. - The treatment of the podium in terms of scale, rhythm, massing and design is considerable of the adjacent heritage items and maintains the horizontal datum line along Pacific Highway as in the 2036 Plan. - The proposal will result in approximately 42 additional apartments in the area which represents 0.6% of the 6,683 homes projected within the Precinct. This is subject to change during the detailed design stage. - 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. - 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. |
| 7.12 Implementation of Greater Macarthur 2040 | Not applicable. |
| 7.12 Implementation of the Pyrmont Peninsula Place Strategy | 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.

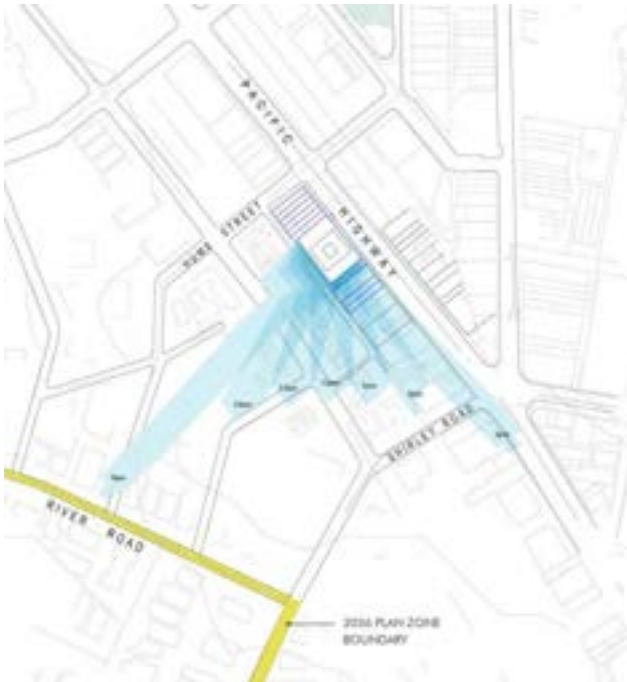
7.3.3. Overshadowing

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.

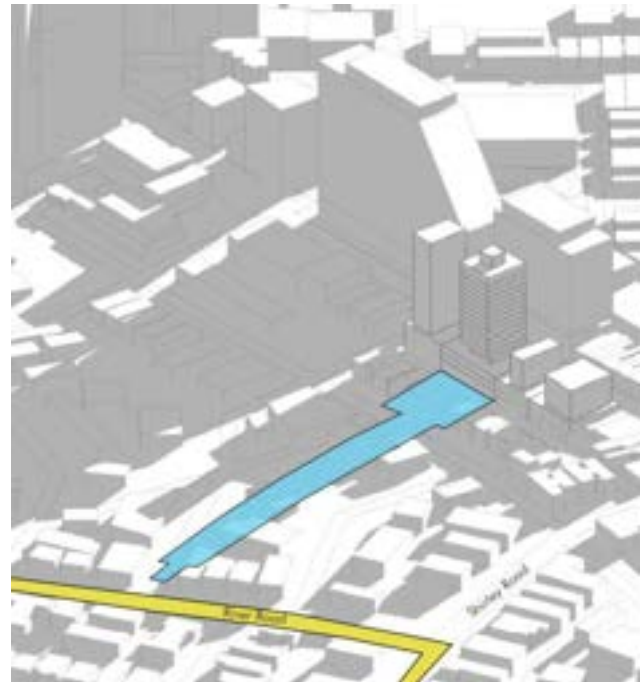
There is no overshadowing of public open spaces as a result of the building envelope.

Figure 21: Overshadowing diagrams



Picture 11: 9am – 3pm

Source: Nettletontribe



Picture 12: 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 |

| Process | Indicative Timeframe |
|---|-----------------------------|
| DPIE issue Gateway Determination | April 2022 |
| Applicant response to matters in Gateway Determination (eg updated reports) | May 2022 |
| Public exhibition and agency consultation | June 2022 (28 days) |
| Post exhibition review of submissions | July 2022 |
| Submission to DPIE for finalisation | September 2022 |
| Legal drafting of LEP | November 2022 |
| Gazettal of LEP | November 2022 |

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 5 November 2021 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).

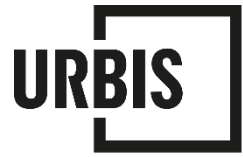
In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

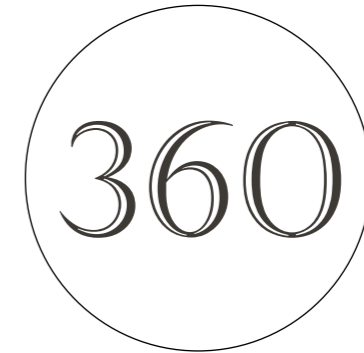
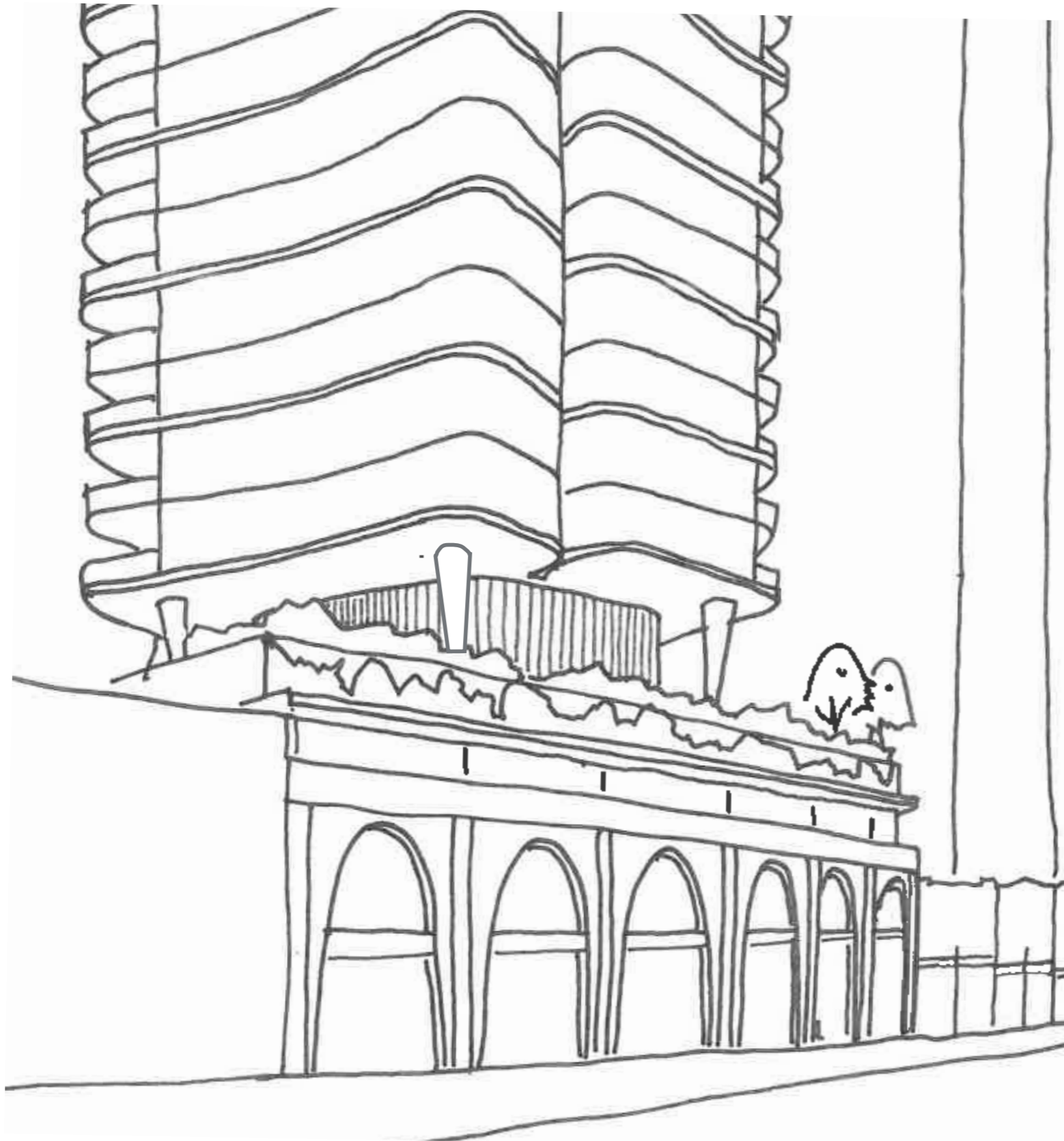
All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will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

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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.





PACIFIC HIGHWAY
CROWS NEST

PLANNING PROPOSAL
CONCEPT DESIGN REPORT

Nov 2021

TABLE OF CONTENTS

| | |
|-----------------------------|----|
| 1. The Context / Background | 4 |
| i The Site + Context | 4 |
| ii. Strategic Planning | 6 |
| iii. Adjacent Site Strategy | 12 |
| iv. Site Analysis | 13 |
| v. Design Principles | 14 |
| 2. The Proposal | 15 |
| i. Design Vision Statement | 16 |
| ii. Setbacks | 17 |
| iii. Height | 19 |
| iv. Parking + Access | 20 |
| 3. Podium | 21 |
| i. Heritage Response | 22 |
| ii. Scale + Rythmn | 24 |
| iii. Landscaped Garden | 26 |
| iv. Floor Plans | 27 |
| 4. The Tower | 28 |
| i. Envelope / Massing | 29 |
| ii. Floor Plans | 31 |
| iii. Views + Solar Amenity | 32 |
| iv Materials and Finishes | 33 |
| 5. The Metrics | 34 |
| i. Shadow Analysis | 35 |
| ii. ADG Compliance | 38 |
| iii. Development Schedule | 40 |

THE CONTEXT / BACKGROUND

1

1 THE CONTEXT / BACKGROUND

The Site + Context



Mixed Use



Commercial



Recreation



Community



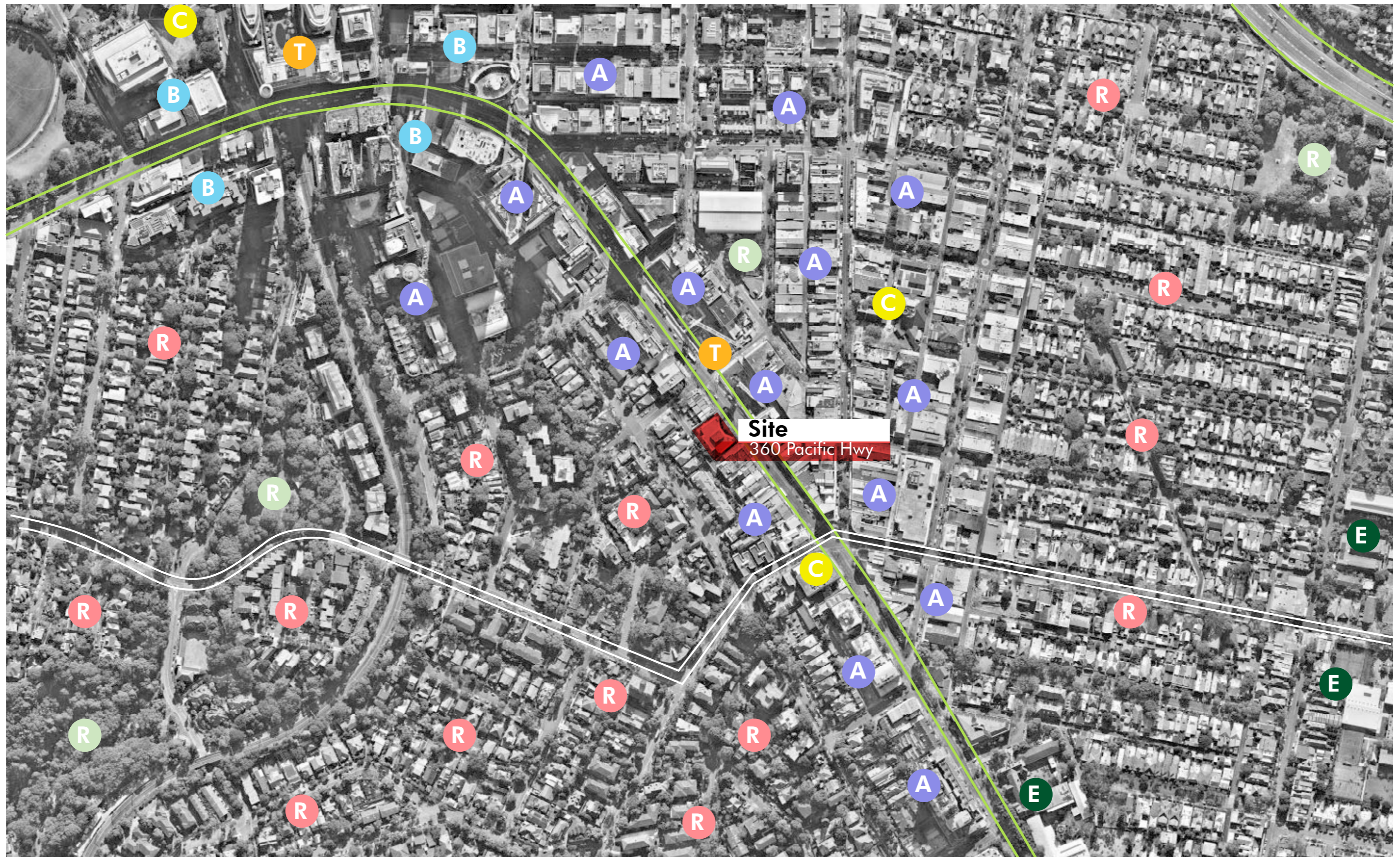
Train Station



Residential



Educational



1 THE CONTEXT / BACKGROUND

The Site + Context



PACIFIC HIGHWAY BUILDINGS



FUTURE METRO CROWS NEST



PACIFIC HIGHWAY BUILDINGS VIEW FROM SOUTH



PACIFIC HIGHWAY BUILDINGS VIEW FROM NORTH



NICHOLSON ST BUILDINGS

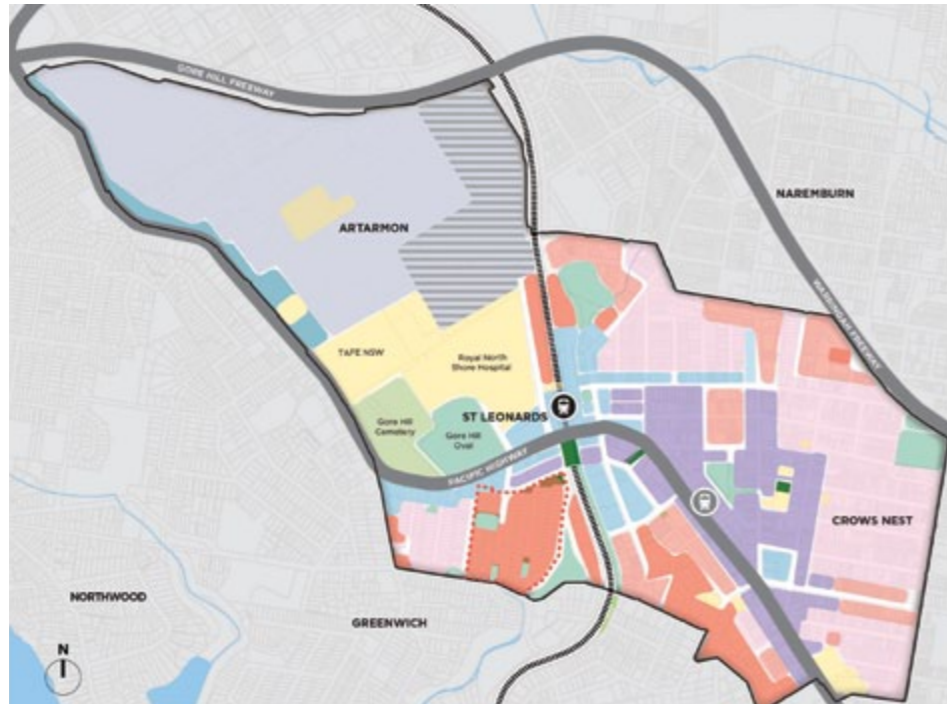


NICHOLSON LANE



STRATEGIC PLANNING

2036 PLAN - Zoning & Solar Amenity



Source : St Leonards & Crows Nest Final 2036 Plan

Land Zoning:

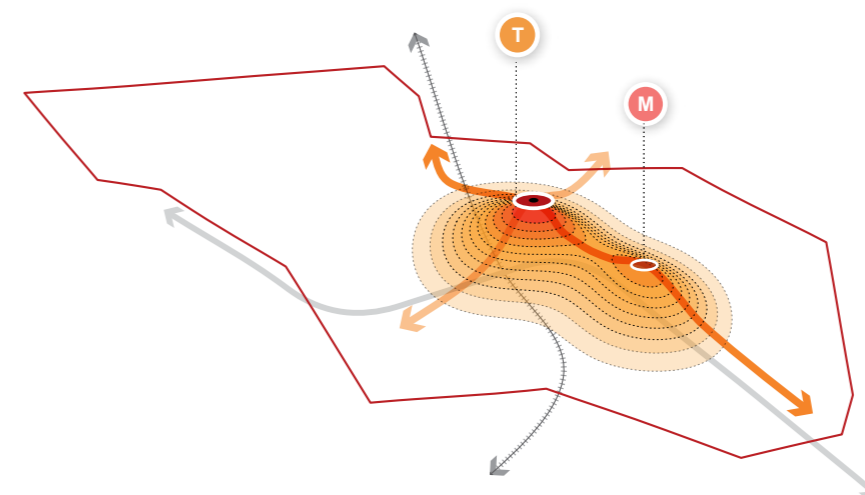
- Proposed Land Zoning has been changed to B4 Mixed Use



Source : St Leonards & Crows Nest Final 2036 Plan

Solar Access Plane:

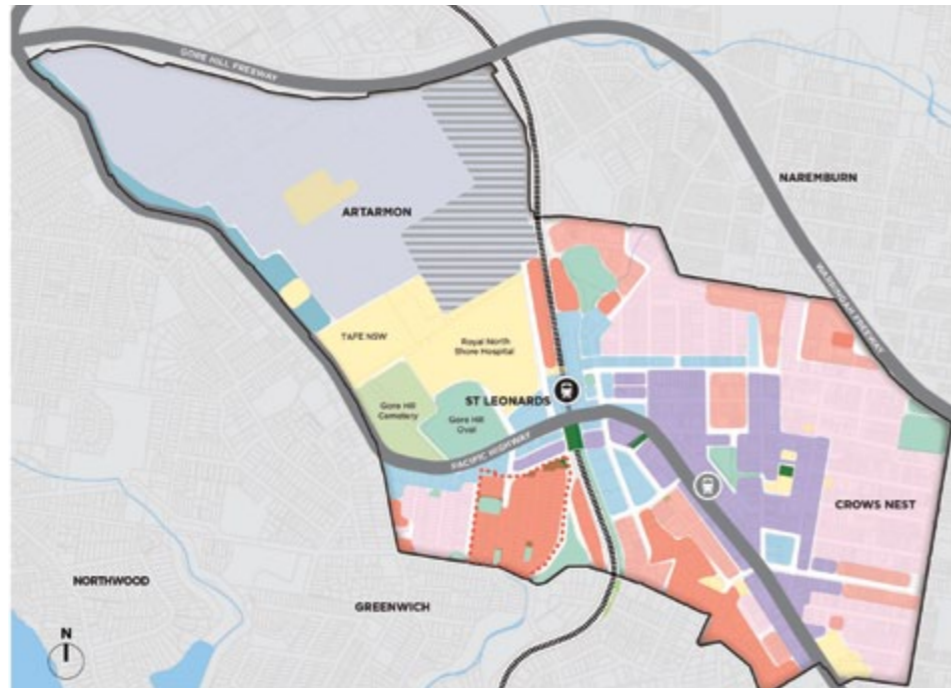
- Public Open Space : 10:00am - 3:00pm
- Residential Areas inside boundary : at least 2 hrs between 9:00am - 3:00pm
- Residential Areas outside boundary : no additional shadowing between 9:00am - 3:00pm
- No additional overshadowing of the nominated places during the specified hours in winter

**Density:**

- Concentrate tallest buildings in close proximity to the Metro Station and St Leonards Station.
- Include building podiums and set towers back to manage amenity impacts.
- Appropriate tower separation and setbacks.

STRATEGIC PLANNING

2036 PLAN - Built Form & Land Use



Source : St Leonards & Crows Nest Final 2036 Plan

Built Form:

- Focus greatest heights along Pacific Highway between the two stations



Source : St Leonards & Crows Nest Final 2036 Plan

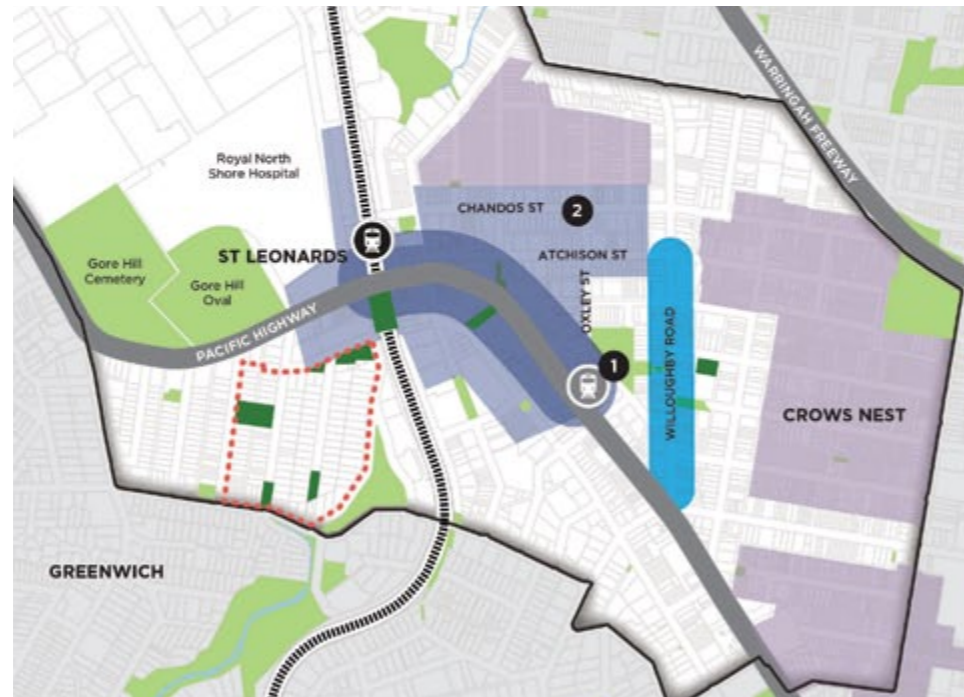
Land Use:

- New minimum non-residential floor space requirements in the mixed use zone to ensure significant space for new jobs is provided

1 THE CONTEXT / BACKGROUND

STRATEGIC PLANNING

2036 PLAN - Place & Landscape + Height & FSR



Source : St Leonards & Crows Nest Final 2036 Plan

Relevant to our Site

- Contain Tall Buildings in purple zone
- Improve connections
- Planting along Pacific Highway
- No overshadowing to Christie St, Newlands Park, Foreshore link (Rail Line)



Source : St Leonards & Crows Nest Final 2036 Plan

Built Form Height Changes (in storeys)

- Metro Station 27 Storeys (RL 183)
- Expectation of taller buildings (up to 50 storeys) between St Leonards and Crows Nest stations.
- Pacific Highway Sites 18 Storeys



Source : St Leonards & Crows Nest Final 2036 Plan

Built Form Overall FSR Changes

- St Leonards Square 12:1
- The Landmark 17.1:1
- Metro Station 12:1 (Amendment to FSR controls led by State Government)
- Pacific Highway Sites 5.5:1

STRATEGIC PLANNING

2036 PLAN - Non Resi FSR & Significant Site Criteria + Street Wall and Setbacks



Land Use Non-Residential FSR Changes

- 2:1

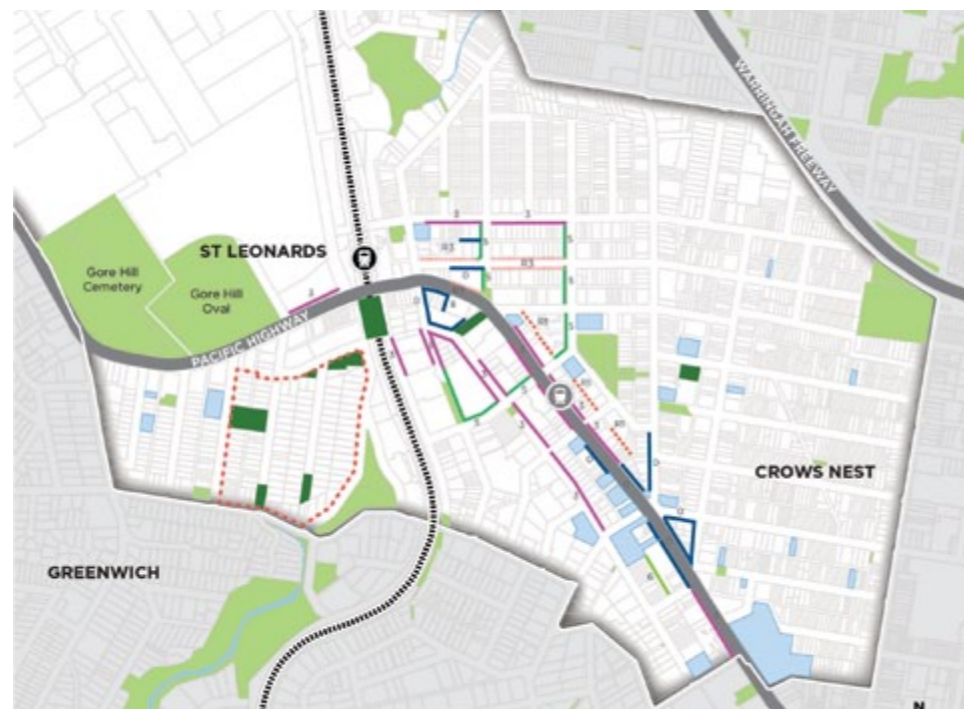
Source : St Leonards & Crows Nest Final 2036 Plan



Built Form Street Wall Heights (Storeys)

- Pacific Highway: 3 Storeys

Source : St Leonards & Crows Nest Final 2036 Plan



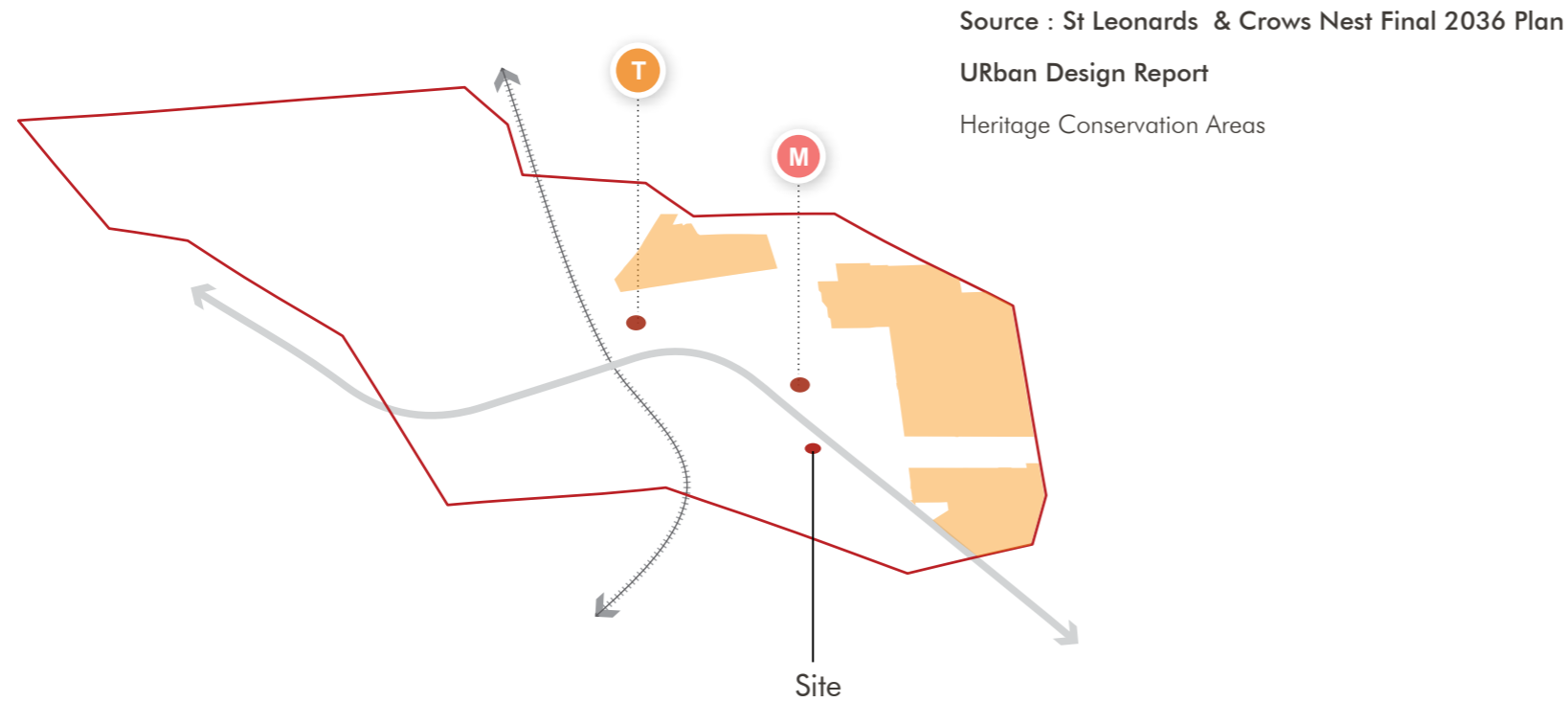
Built Form Street Setback Directions

- Pacific Highway :
Podium 0m
Tower 3m

Source : St Leonards & Crows Nest Final 2036 Plan

STRATEGIC PLANNING

ST Leonards & North Sydney Heritage Controls



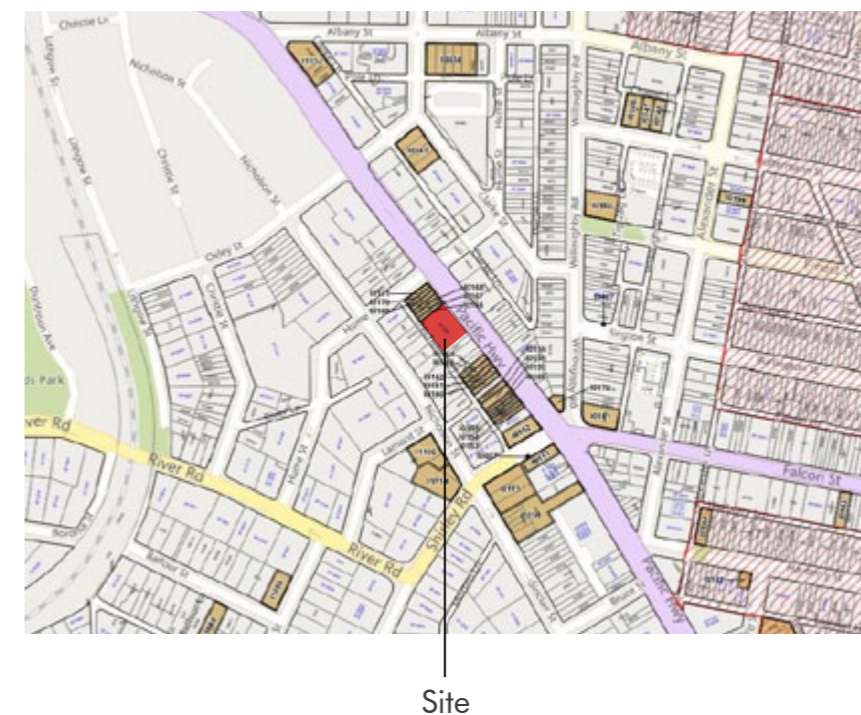
Excerpt from the 2036 Plan

Solar access controls will not allow additional overshadowing for Heritage Conservation Areas (for at least 3 hours) between 9:00am - 3:00pm. Additional solar controls include protection of public parks, existing residential areas, and key streets such as Willoughby Road.

Relevance to Site

The site falls within the North Sydney Council LGA. As shown on the 2036 plan excerpt above, the Heritage Conservation areas identified fall - per our preliminary shadow analysis, our site does not have a solar access impact on the heritage conservation area identified.

As identified in the LEP heritage maps on the right, the heritage items shown in the NSC LGA are not within the prescribed Heritage COnservation Area identified in the 2036 plan & NSC LEP.



North Sydney LEP Map

Heritage Conservation Areas

STRATEGIC PLANNING

Final 2036 Plan - Summary of Control Assumptions

Land Zoning

- B4 Mixed Use

Floor Space Ratio

- Floor Space Ratio 3.5:1 (Refer map for extent)
 - Non- Residential Floor Space Ratio 2:1 required
- Total 5.5:1

Street Wall Heights

- Pacific Highway 3 Storeys
- Nicholson Place 2 Storeys

Street Wall Setbacks

- Pacific Highway 0m
- Nicholson Place 3m

Tower Setbacks

- Tower Front Setback 3m

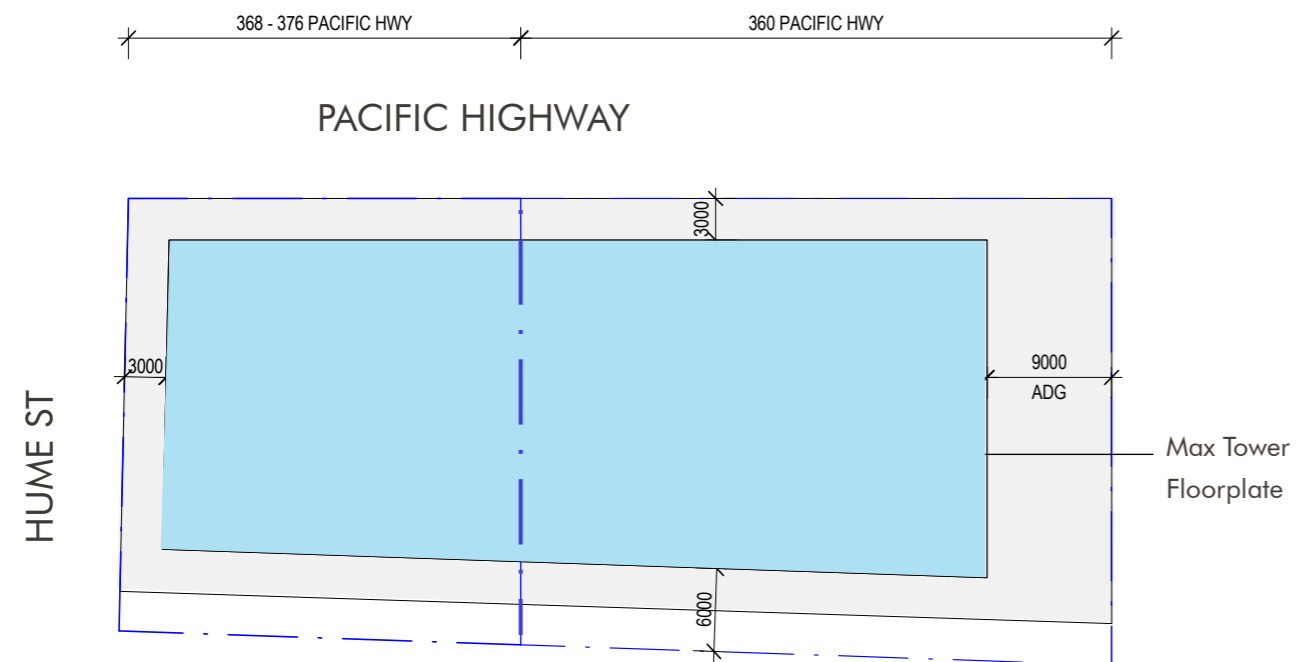
Tower Height

- Responds to Height Concept Map & Solar Access Plane
- 18 Storey maximum for Pacific Highway
- Metro Station Integrated Station Development RL 183 / 27 Storeys
- PAN-OPS and OLS Assessment : 156m AHD Outer Horizontal Surface Sydney. Application Required.

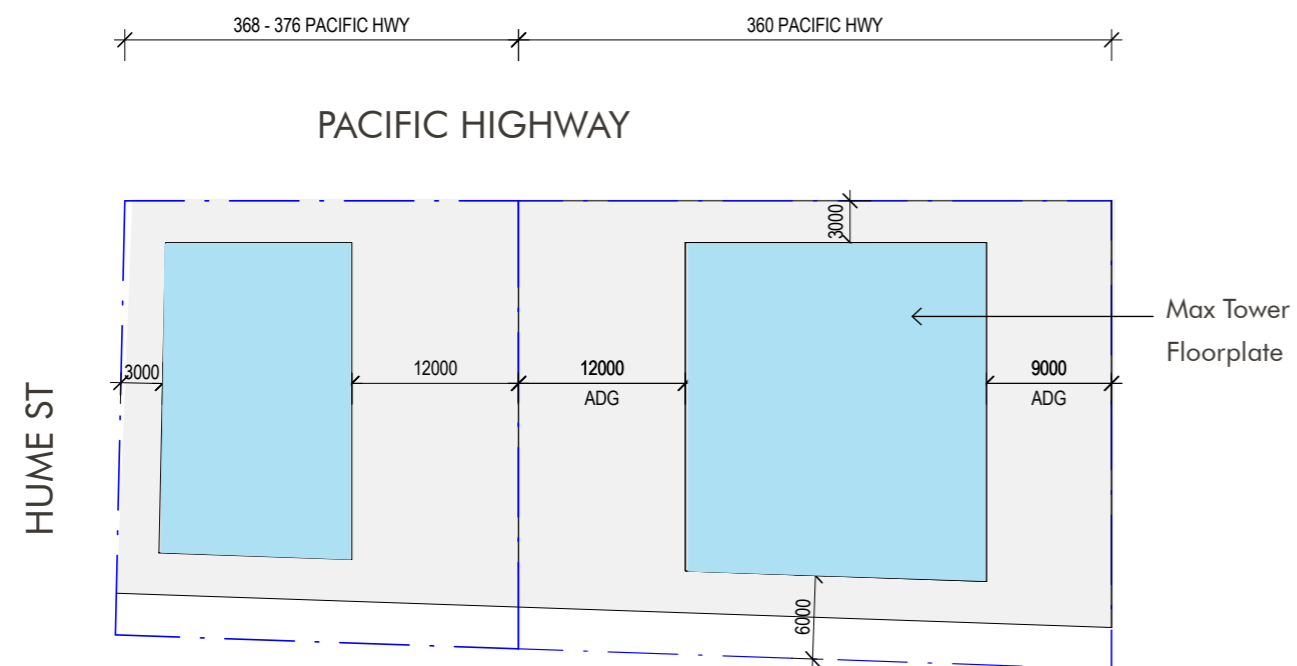


1 THE CONTEXT / BACKGROUND

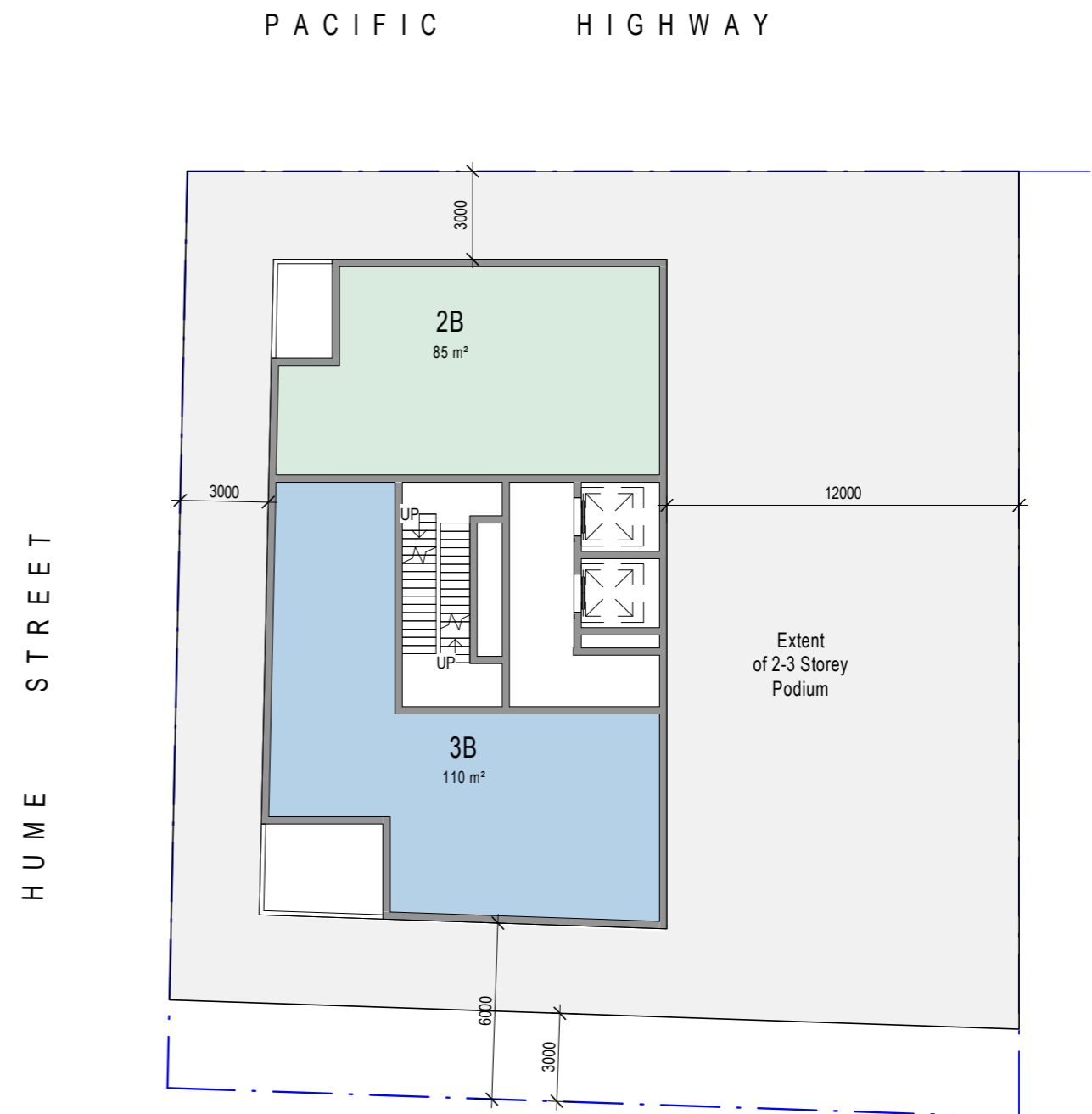
ADJACENT SITE STRATEGY



- 2036 - AMALGAMATED SITES
- SINGLE WIDE BUILDING



- PROPOSED SEPARATE SITES
- SLENDER TOWERS



GFA 220 m²

Footprint 308 m²

368 - 376 PACIFIC HIGHWAY
Indicative Floor Plan

1 THE CONTEXT / BACKGROUND

SITE ANALYSIS

Site Description

- Site Area 1406 m²
- Pacific Highway frontage 42 m
- Nicholson Place frontage 42 m
- B4 Mixed Use Zone

SWOT Analysis

Strengths

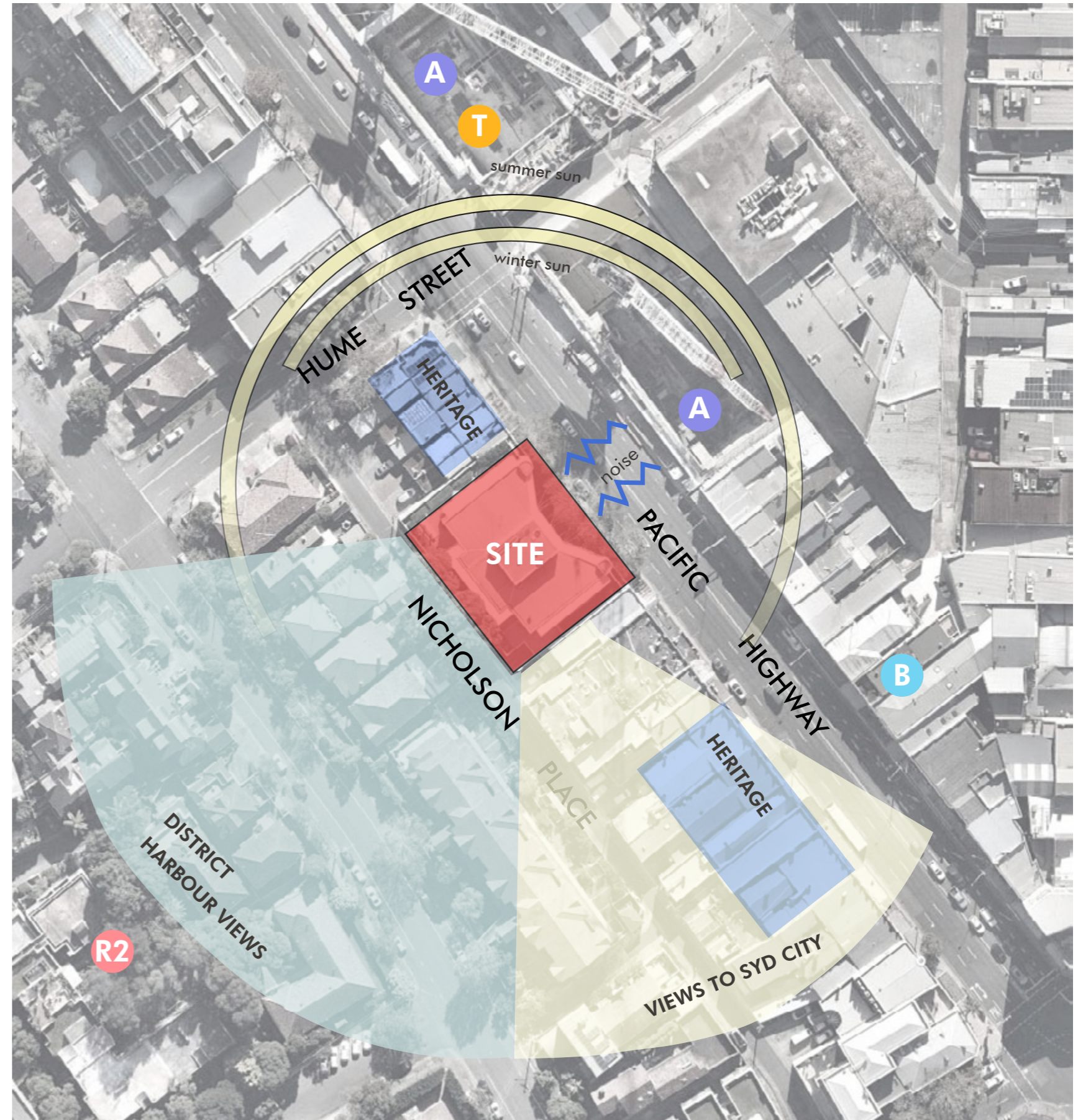
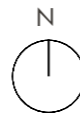
- Medium scale land holding
- Proximity to services and public transport
- Excellent views to harbour to west/south
- Allowable height to provide good amenity
- Quality Mixed use development

Weakness

- Busy/ Hostile frontage to Pacific Highway
- Orientation of site and potential overshadowing impacts on existing dwellings to southwest.

Opportunities

- Maximize harbour views
- Small, boutique tower footprint with limited number of apartments per floor
- Proximity to transport, shops + amenity



1 THE CONTEXT / BACKGROUND

DESIGN PRINCIPLES



FUTURE 2036 CONTEXT

- Comply with the design principles identified in the 2036 vision for the site and future surrounding developments.
- 18 storey
- 2:1 non- residential FSR
- 3.5:1 Residential FSR



LAND USE

- Provide mixed and active uses to promote social and economic sustainability.



LANDSCAPE

- Provide extensive podium gardens to satisfy regulatory 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 complement 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.



AMENITY + SUSTAINABILITY

- Residential apartments will comply with solar access and cross ventilation requirements of ADG.
- Views to be maximized.

THE PROPOSAL

2

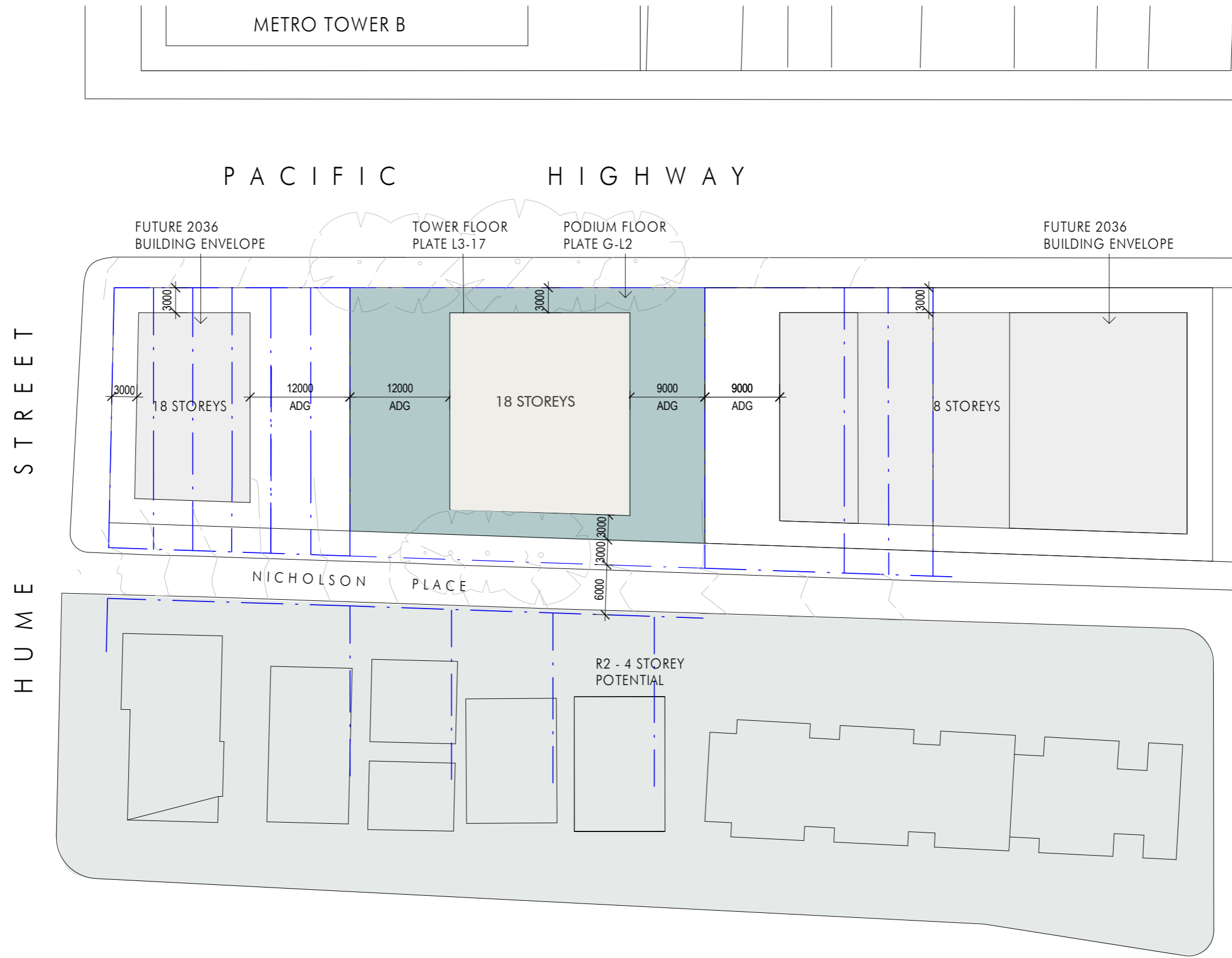
2 THE PROPOSAL

DESIGN VISION STATEMENT



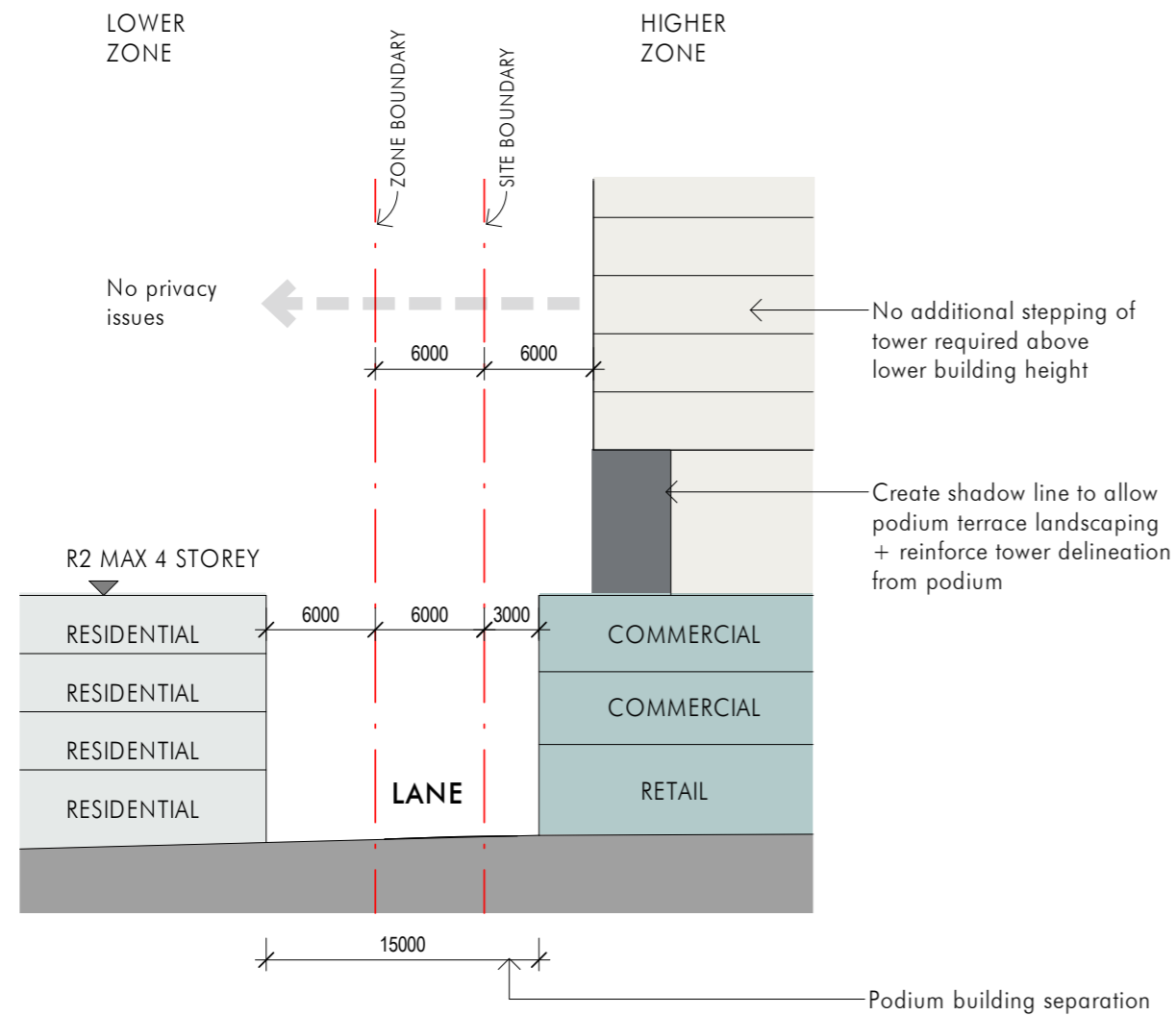
- Situated across the road from the emerging Crows Nest Metro Station, precinct 360 Pacific Highway provides the opportunity for a new, distinctive building which will contribute to the new activation precinct : a mix of retail, commercial , residential living uses.
- The podium will respect the adjacent heritage shopfronts in relation to scale + rythm + materiality, whilst acommodating a variety of retail and commerical tenants to invigorate the precinct.
- The podium will be capped by an extensive landscaped garden providing active + passive green communal spaces.
- Above the podium garden, an elegant and articulated residential tower will rise above the natural ridge line to take advantage of panoramic views to the harbour to the south and west.
- The tower form will be soft and organic, shaped by the edge of balconies + glass facade to create a dynamic but comfortable form.
- Careful considerations of apartment orientations will be taken to ensure views are maximized and high levels of amenity are provided.

2 THE PROPOSAL
SETBACKS

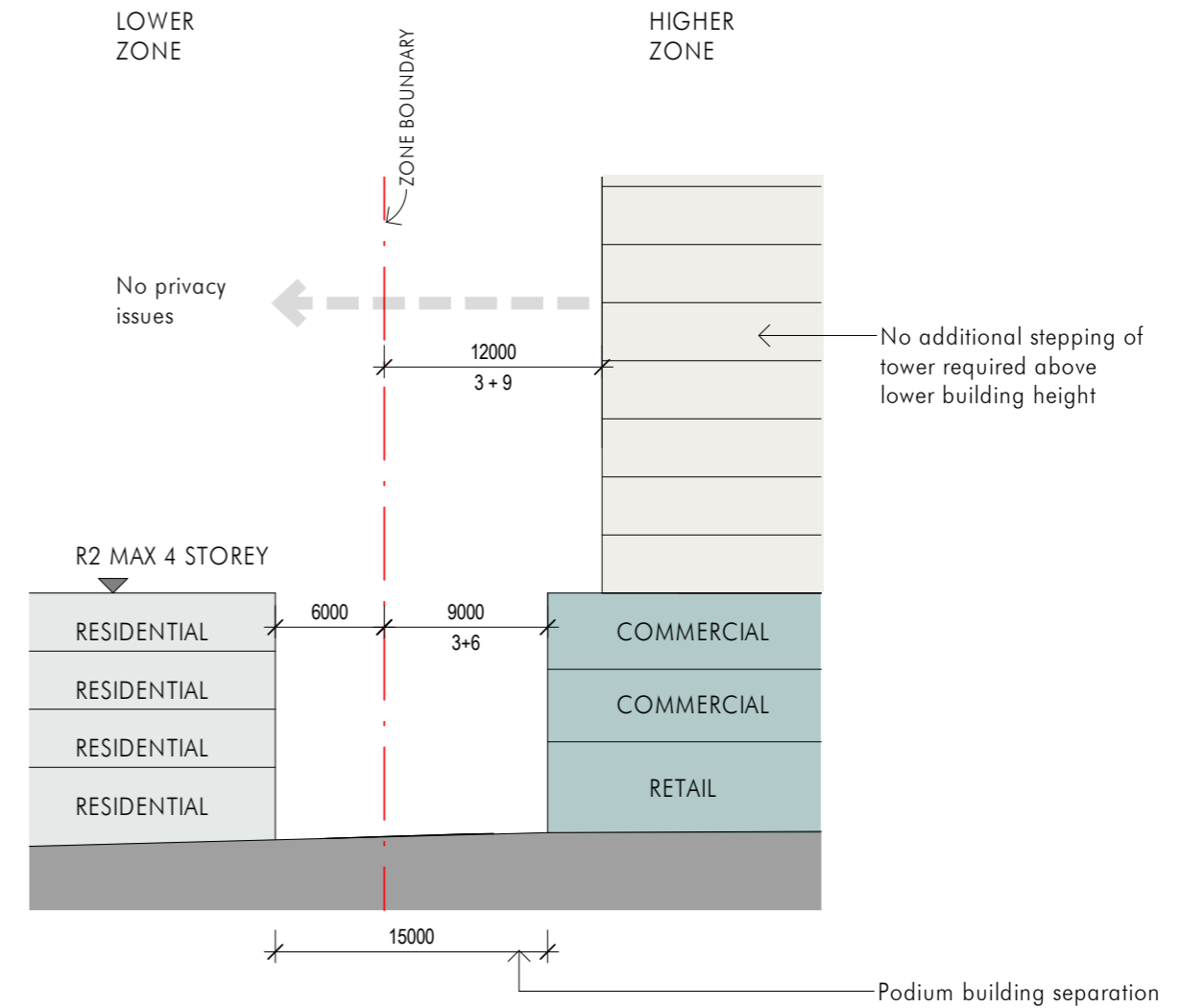


2 THE PROPOSAL

REAR SETBACK



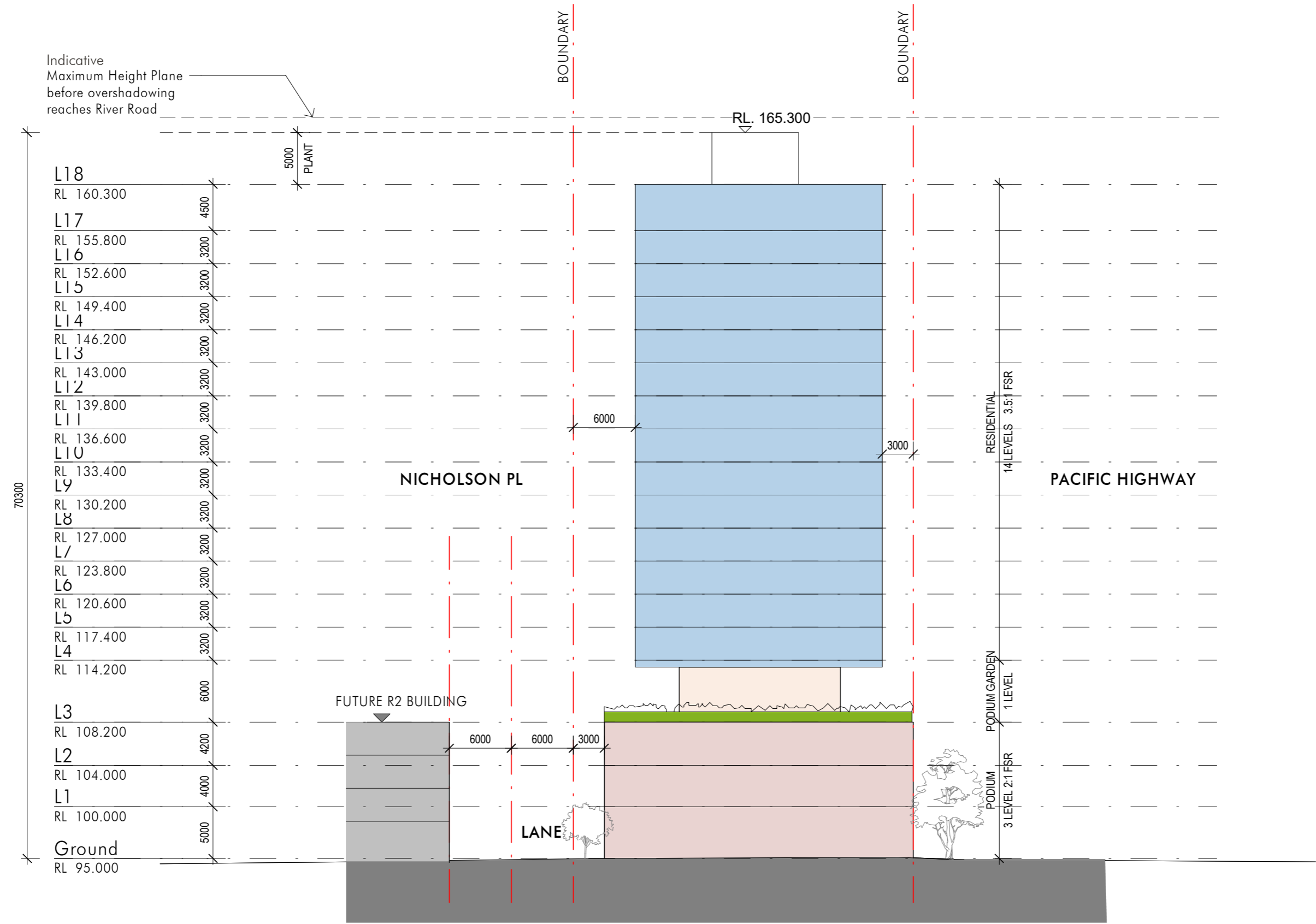
PROPOSED BUILDING SEPARATION



ADG BUILDING SEPARATION

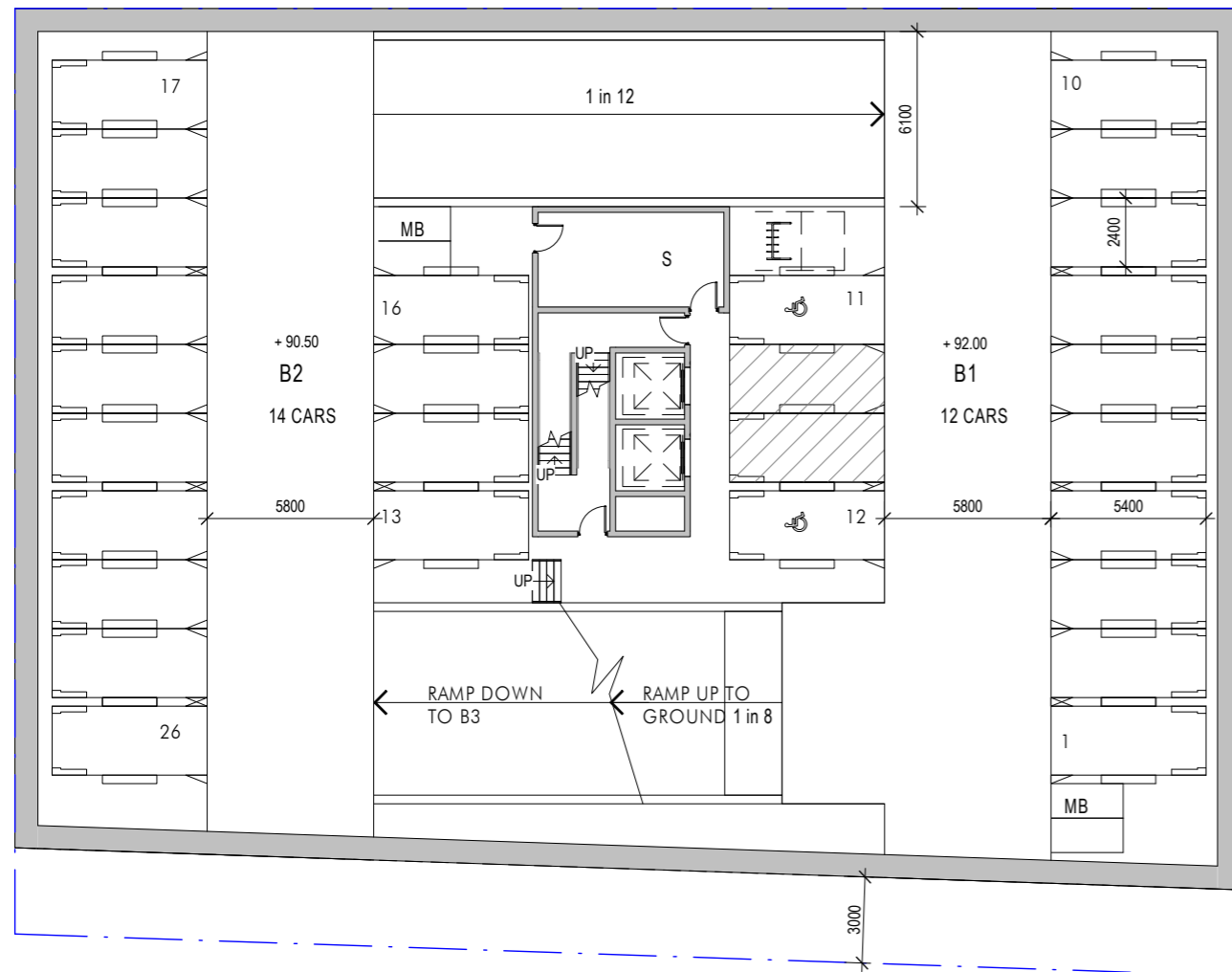
2 THE PROPOSAL

Height



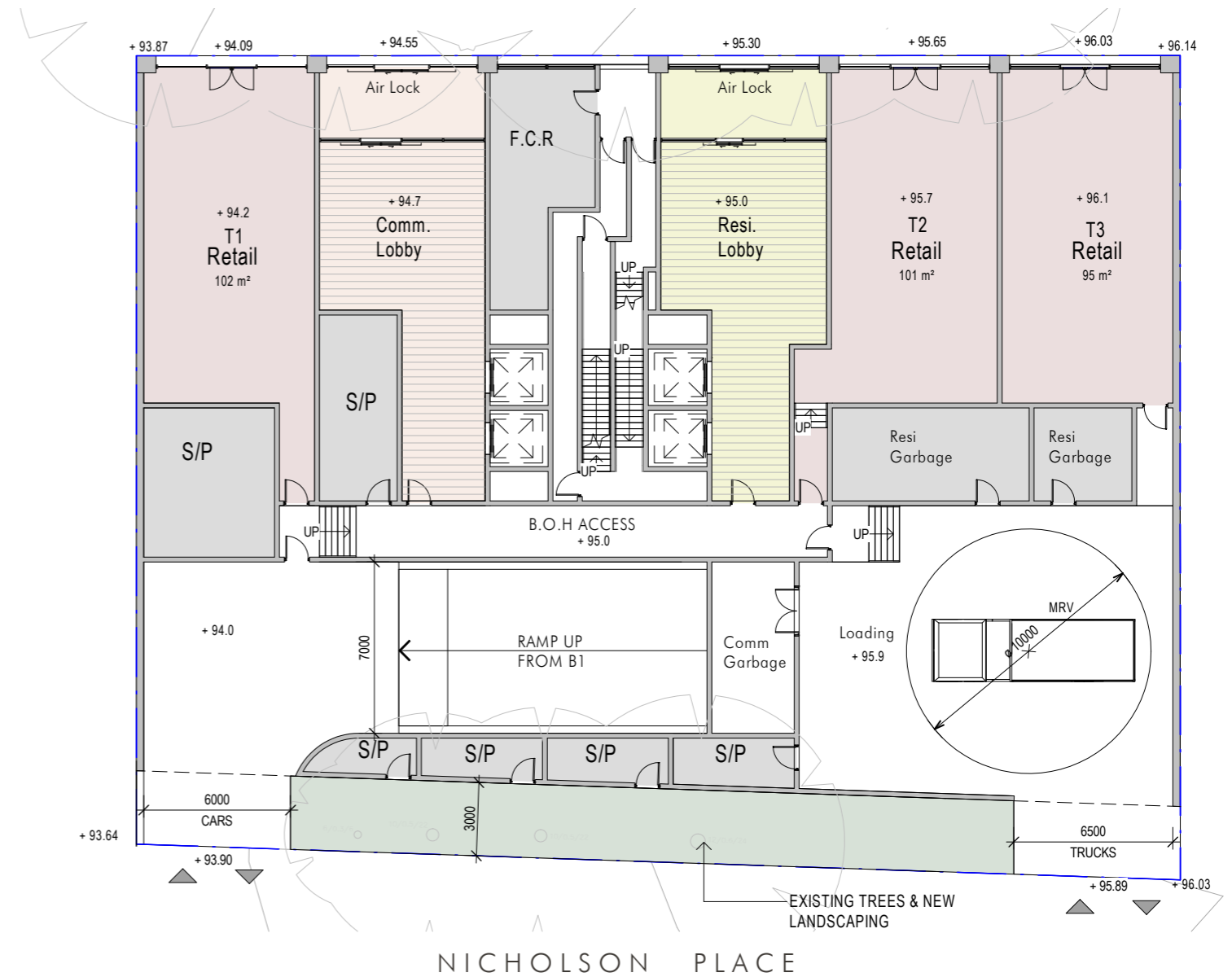
2 THE PROPOSAL

Parking + Access



Typical Basement Plan

- Vehicle access from Nicholson Place
- Parking rates in accordance with the DCP



Ground Floor Plan

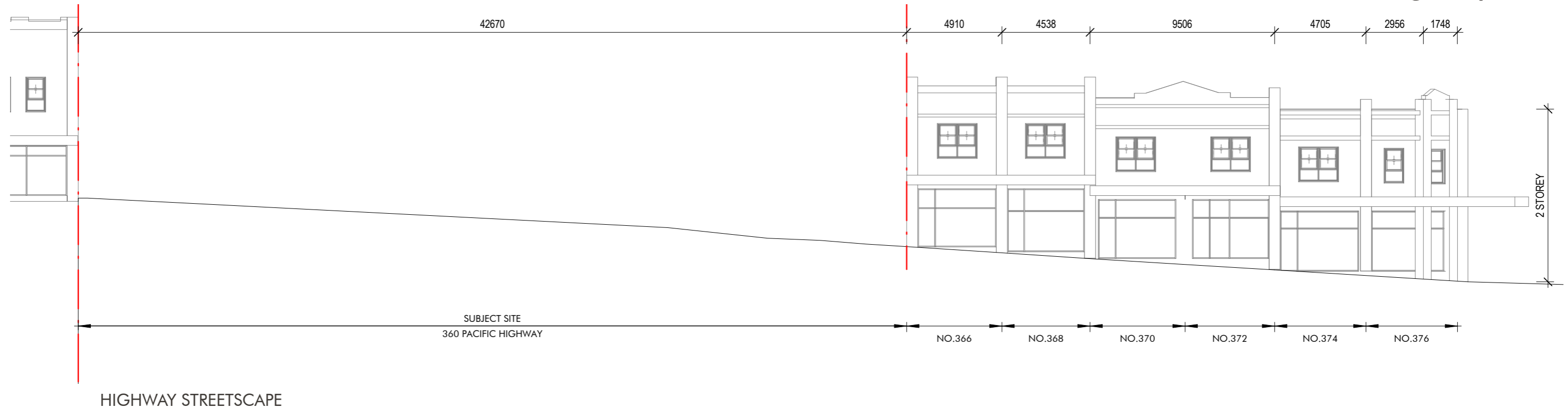
THE PODIUM

3

3. THE PODIUM

Heritage Response

Adjacent Heritage Item - Higgins Building since 1923 - 366 -376 Pacific Highway



366-368

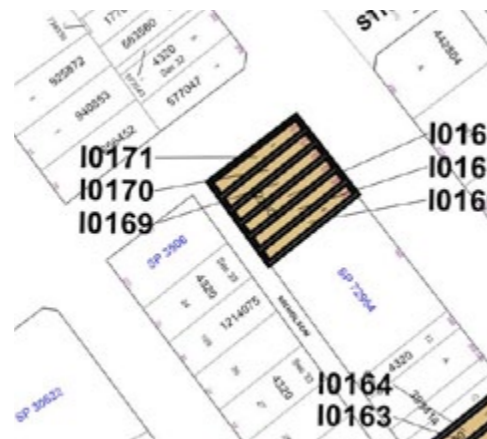
- 2 Storey commercial building, with double frontage ground floor retail
- Ground floor facade poorly preserved, finished in unoriginal tiles
 - Second storey white painted brick facade

370-372

- 2 Storey commercial building, two ground floor retailers
- Second storey exposed brick facade with well preserved parapet and pediment

374-376

- 2 Storey commercial building, two ground floor retailers
- Entrance to retail on chamfered corner
 - Awning, with pressed metal underside, wraps around onto Hume Street



- Listed as General Heritage Items in the 2013 North Sydney Council LEP

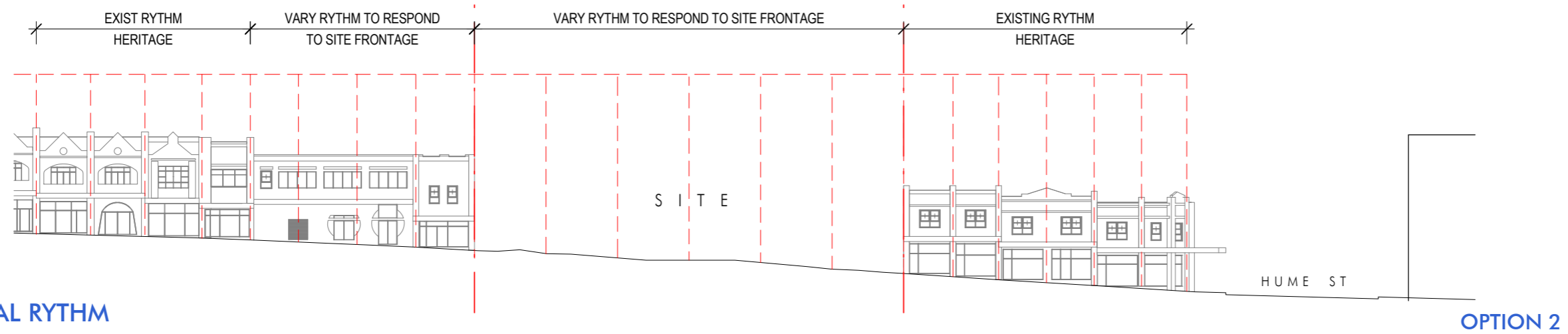
- Item numbers 10166, 10167, 10168, 10169, 10170, 10172

 General Heritage Items

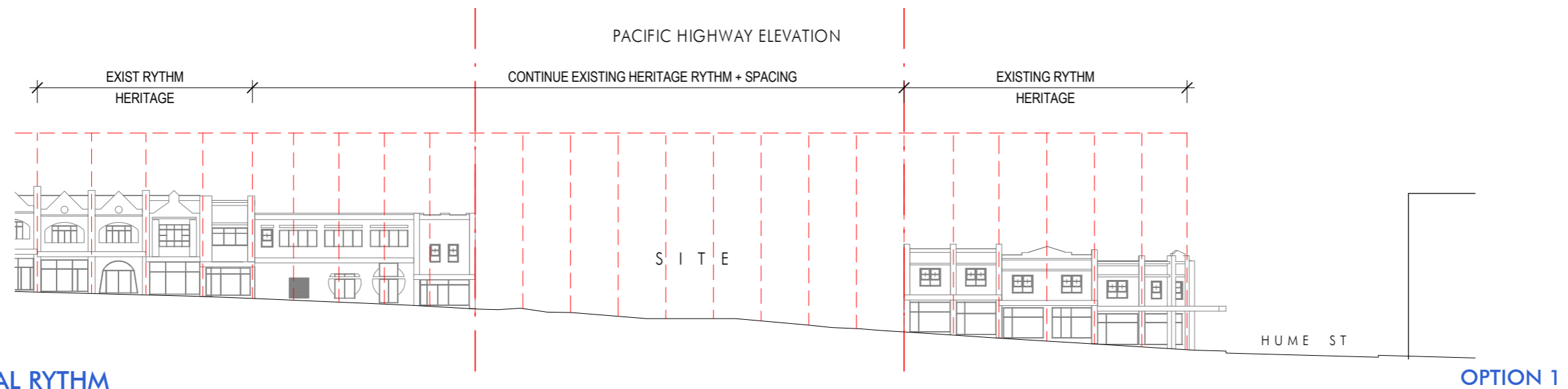


3. THE PODIUM

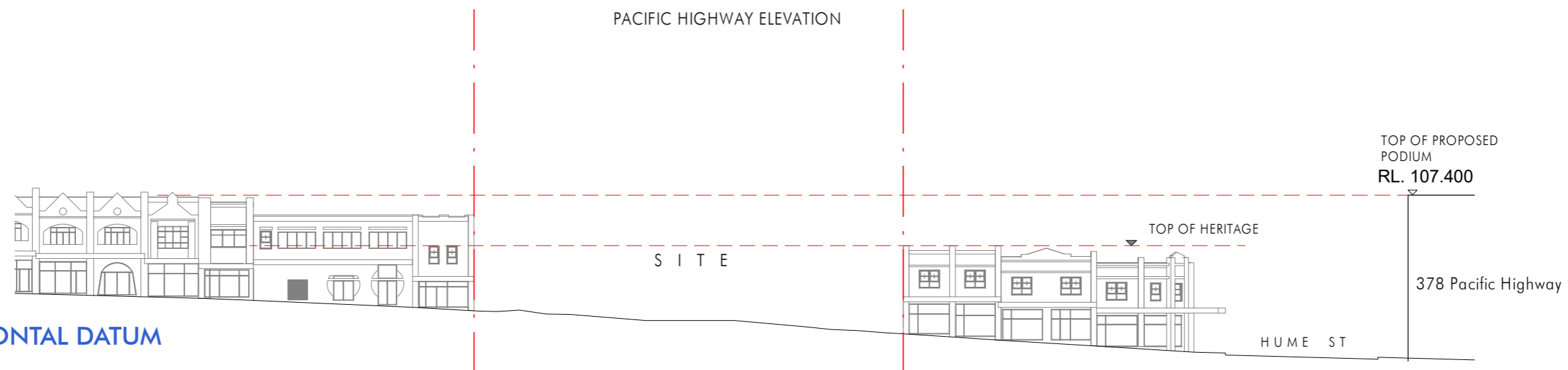
Heritage Response



VERTICAL RYTHM



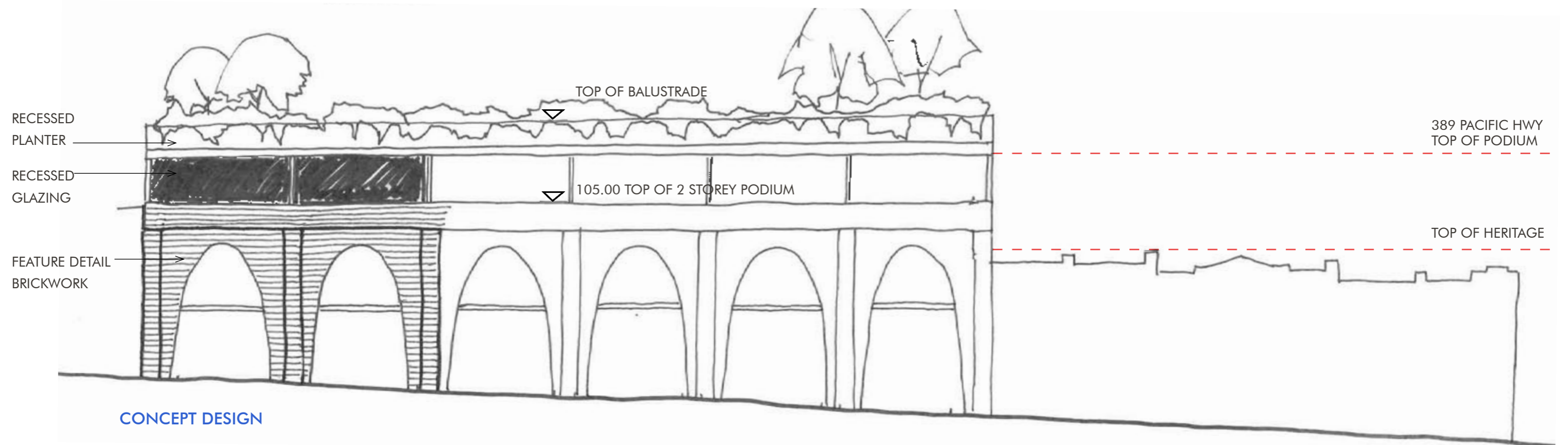
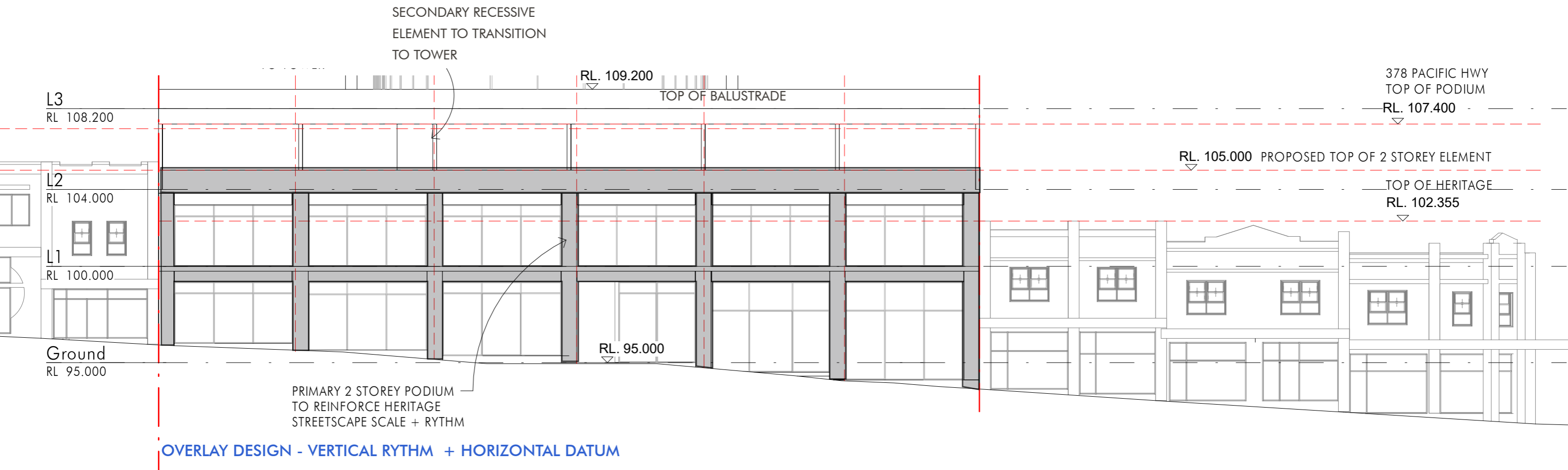
VERTICAL RYTHM



HORIZONTAL DATUM

3. THE PODIUM

Scale + Rythmn

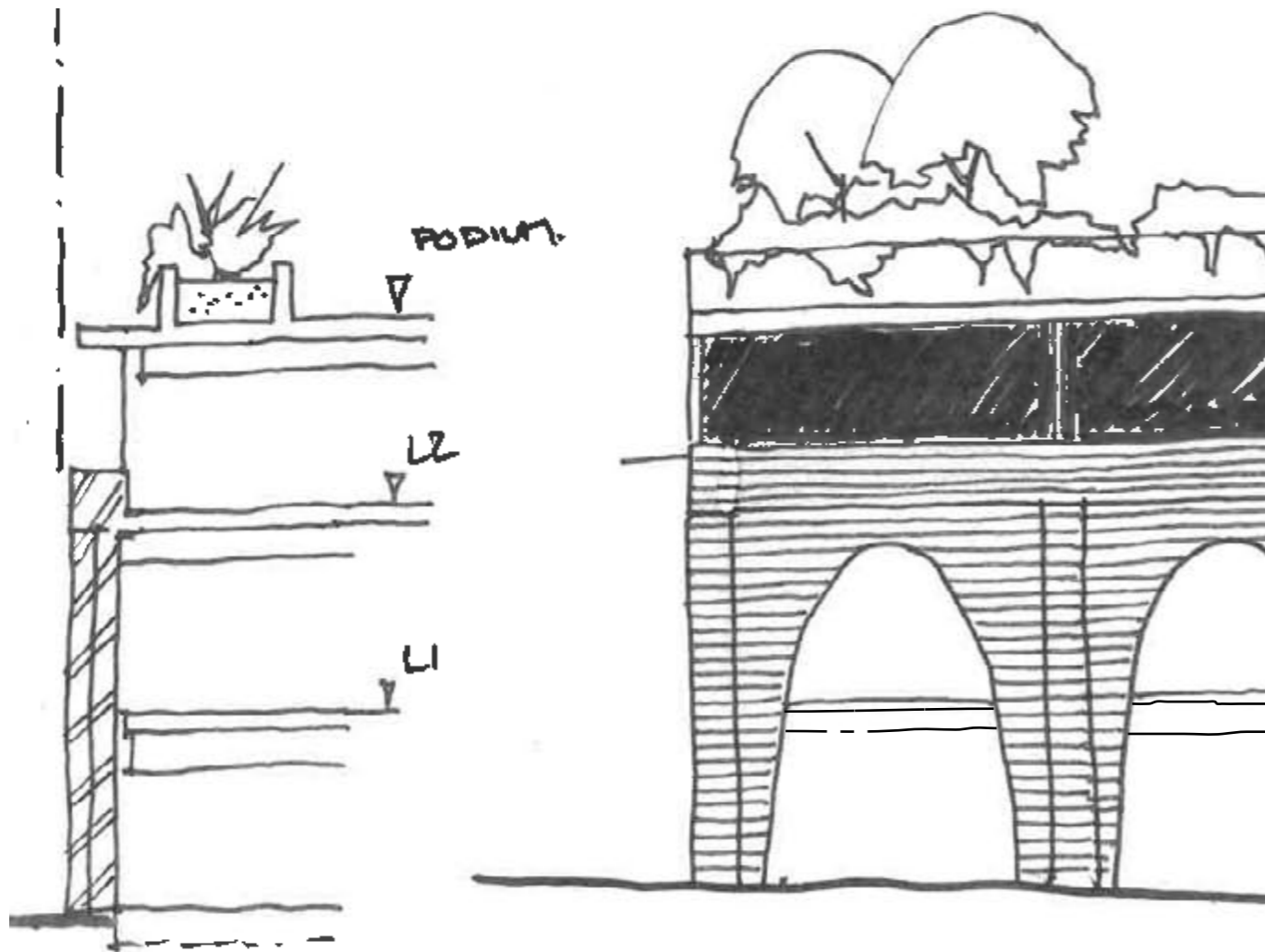


3. THE PODIUM

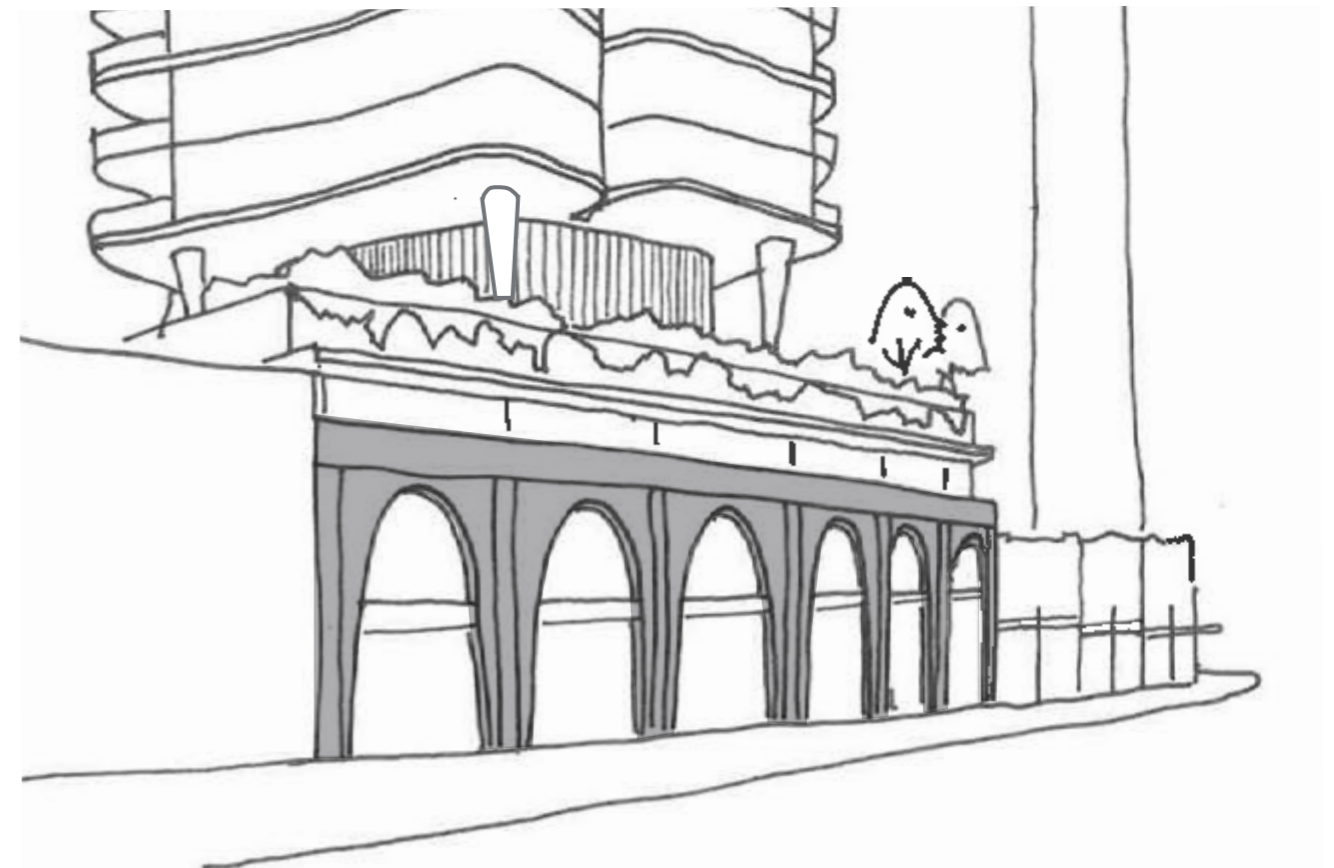
Scale + Rythmn



SCALE AND RYTHM OVERLAY PERSPECTIVE



PODIUM DETAIL

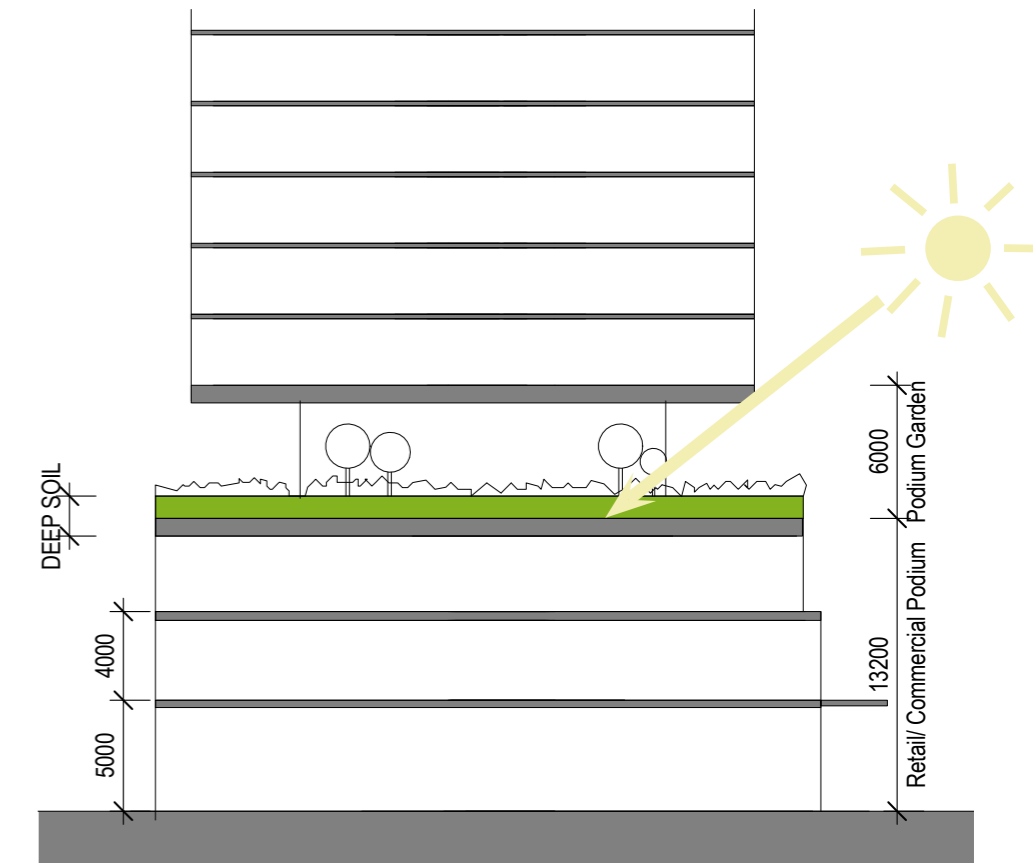
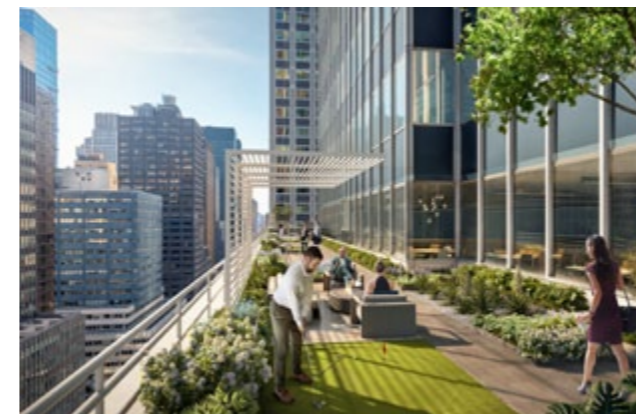
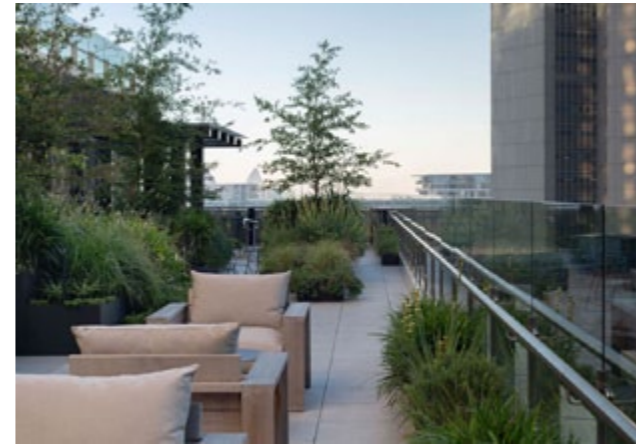
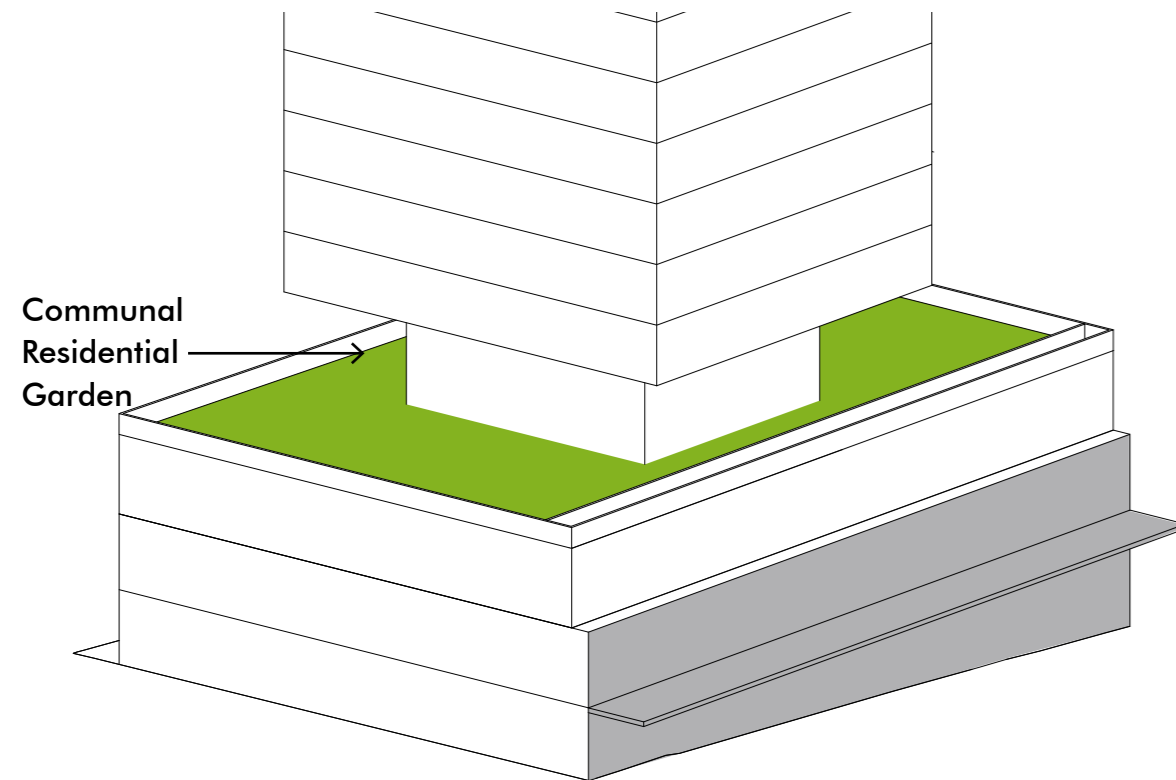


CONCEPT DESIGN PERSPECTIVE

3. THE PODIUM

Landscaped Garden

Podium Garden Concept

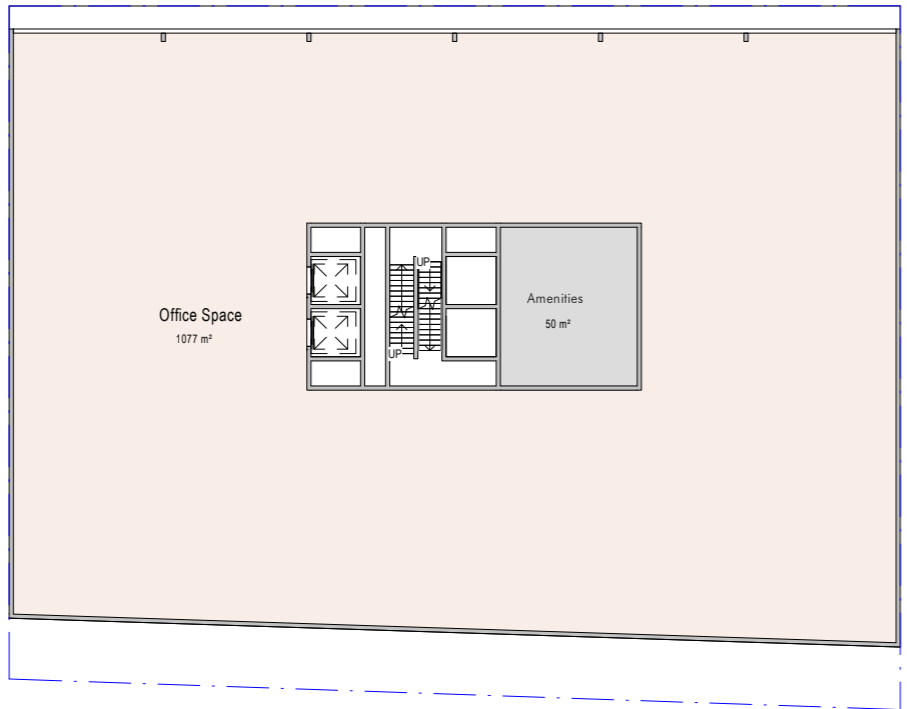


- Extensive Podium Garden 1100sqm approx.
- Active + Passive Shared Green Space
- Perimeter Planting / Screening

- Sunlight penetration and substantial planting under tower.

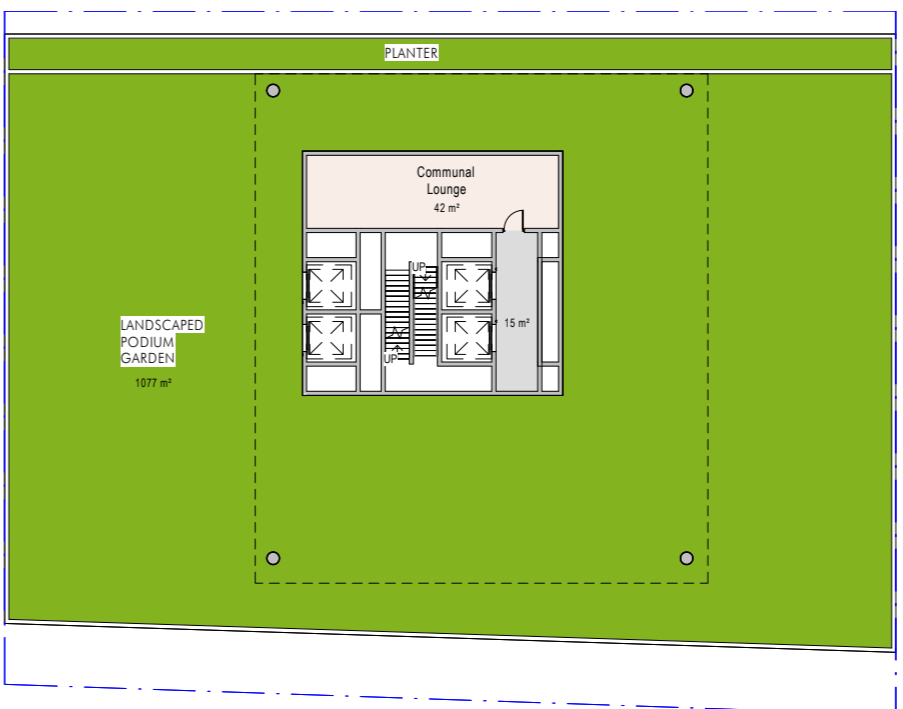
3. THE PODIUM

Floor Plans



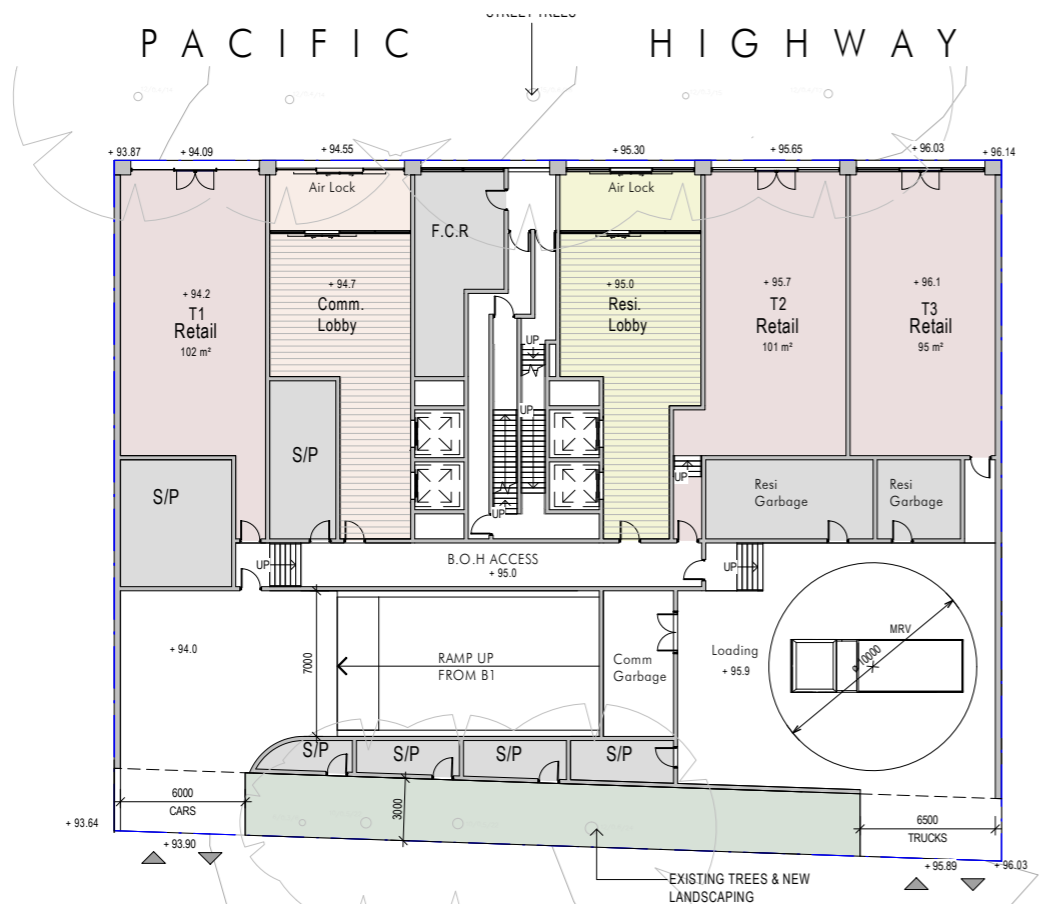
L1, L2 PLAN

GFA 1099m2



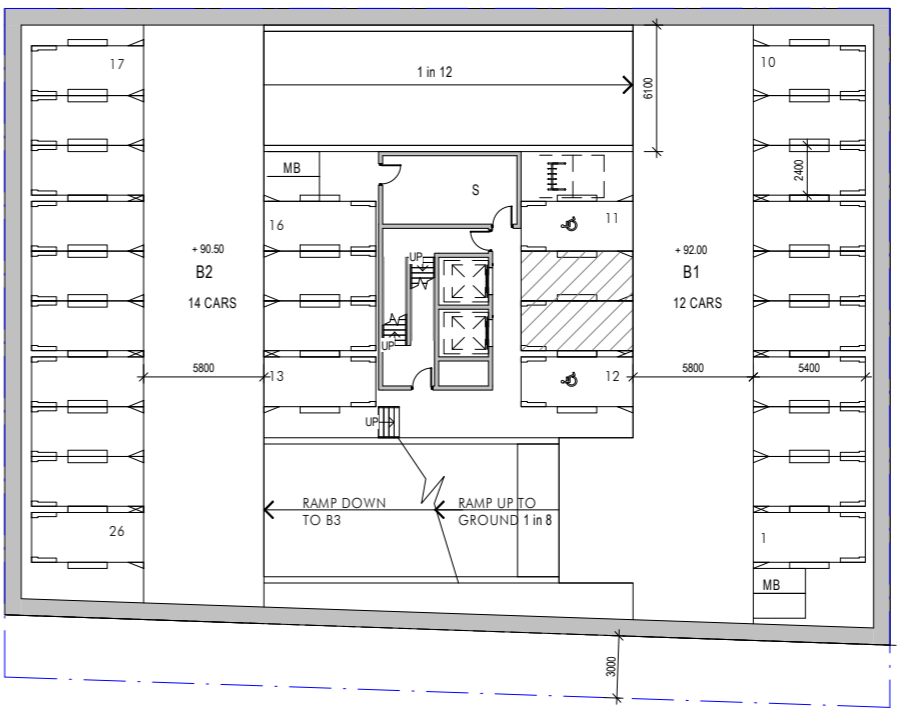
L3 PODIUM FLOOR PLAN

GFA 57m2



GROUND FLOOR PLAN

GFA 614m2



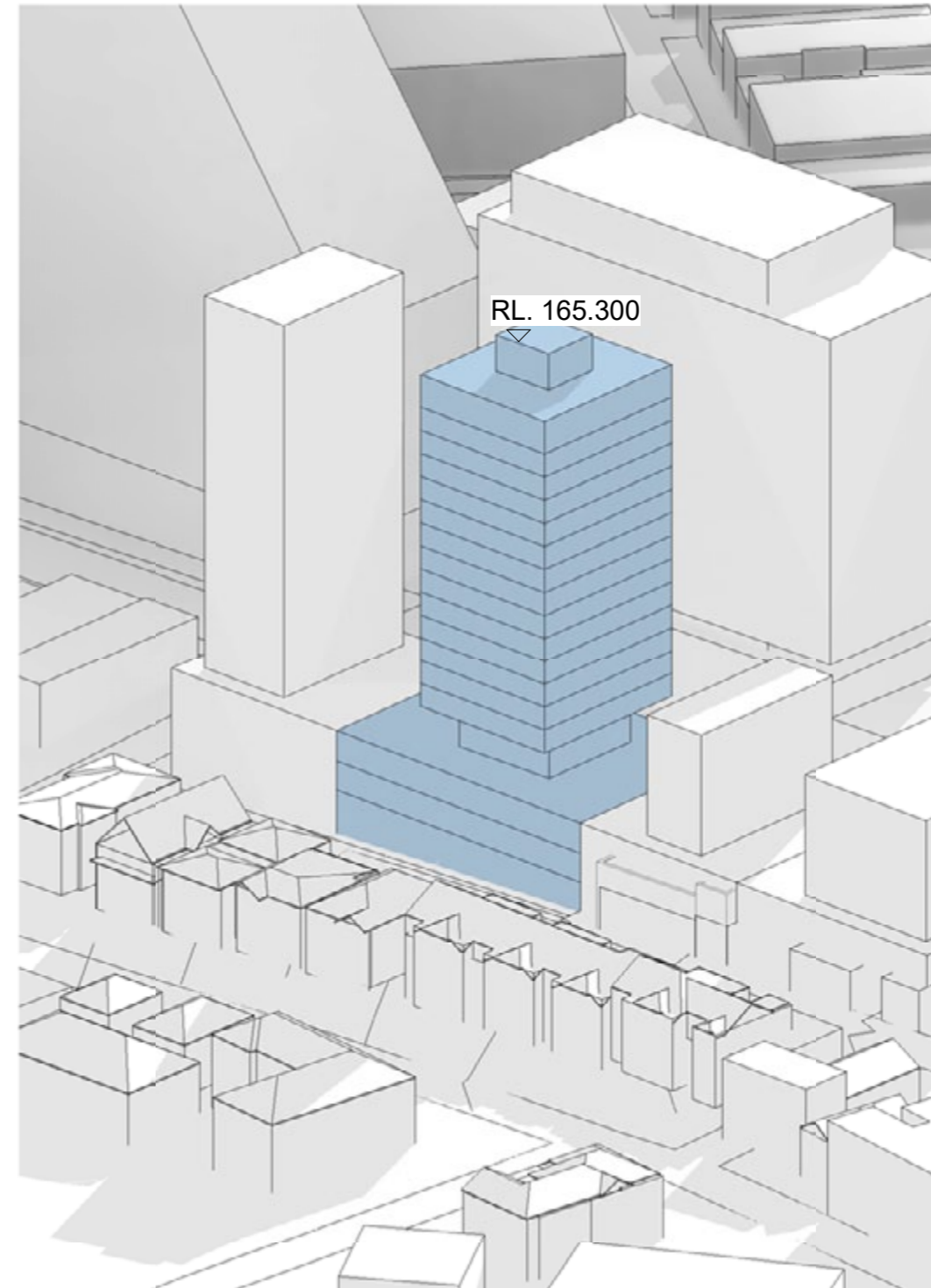
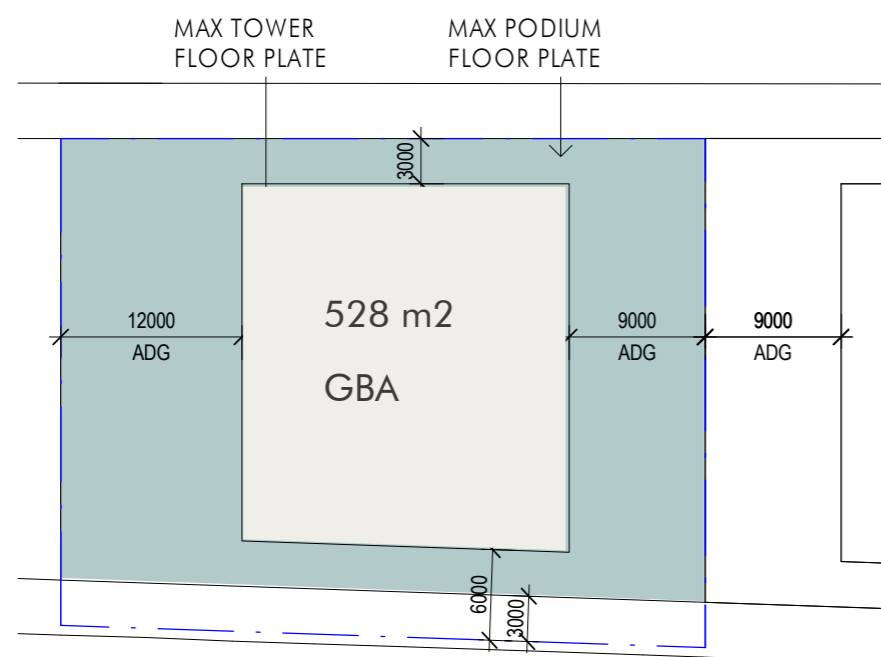
TYPICAL BASEMENT CARPARK

THE TOWER

4

4. THE TOWER

Envelope / Massing

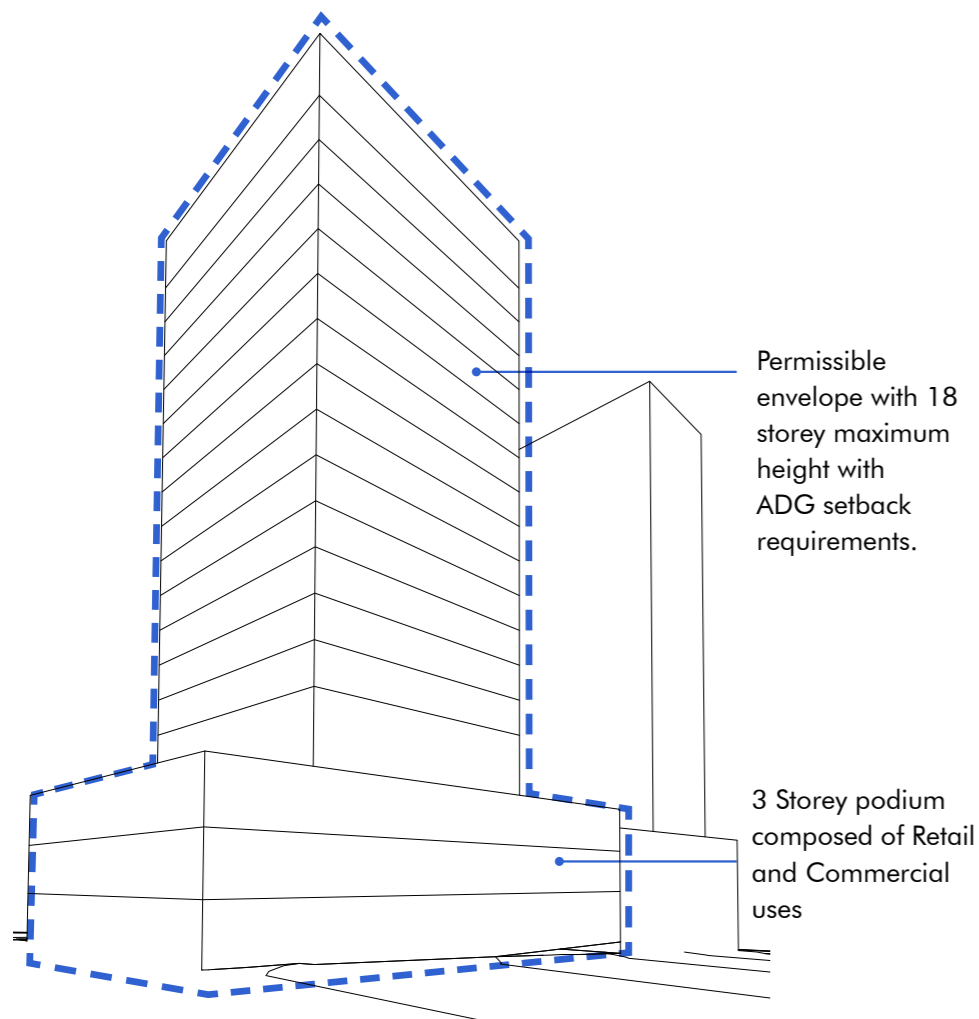


- Maximum Permissive Building Height, Floor Plate, FSR and ADG Controls Determine Maximum Building Envelope.

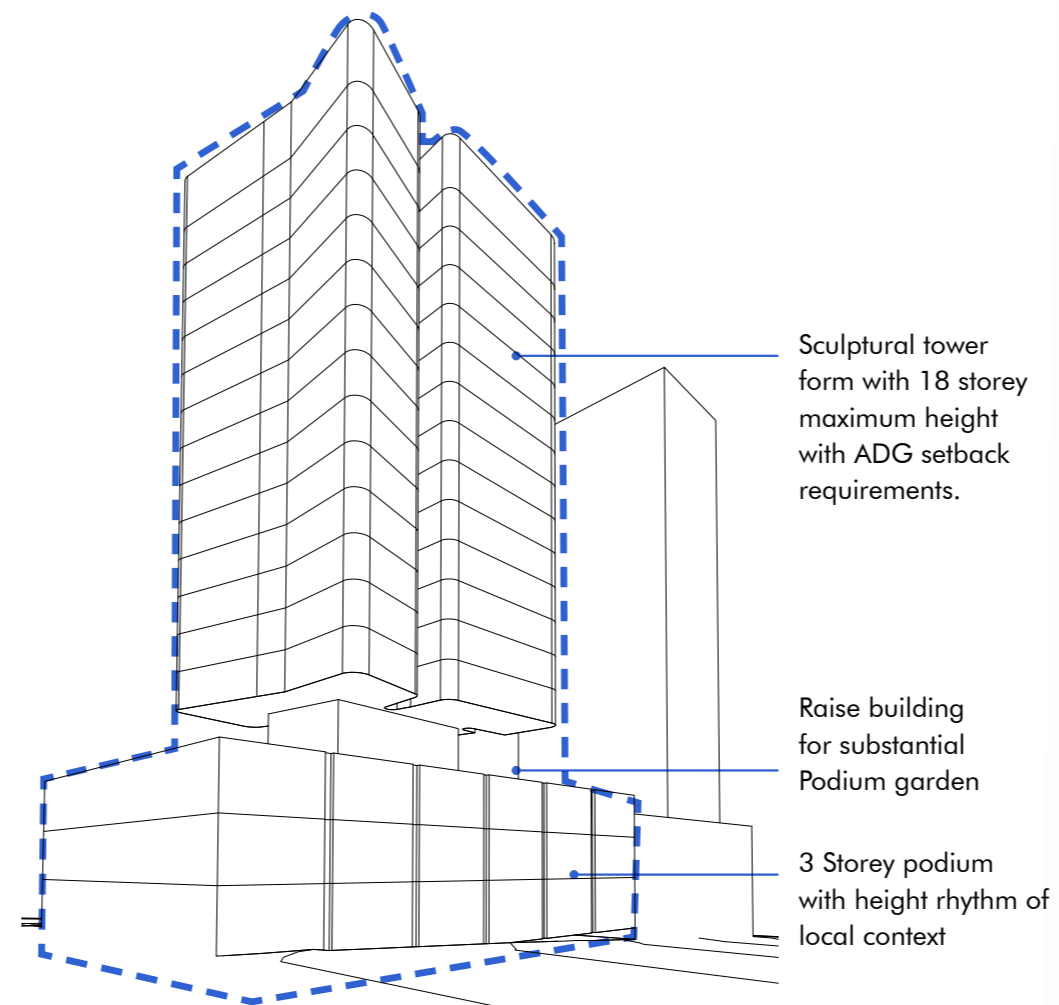
4. THE TOWER

Envelope / Massing

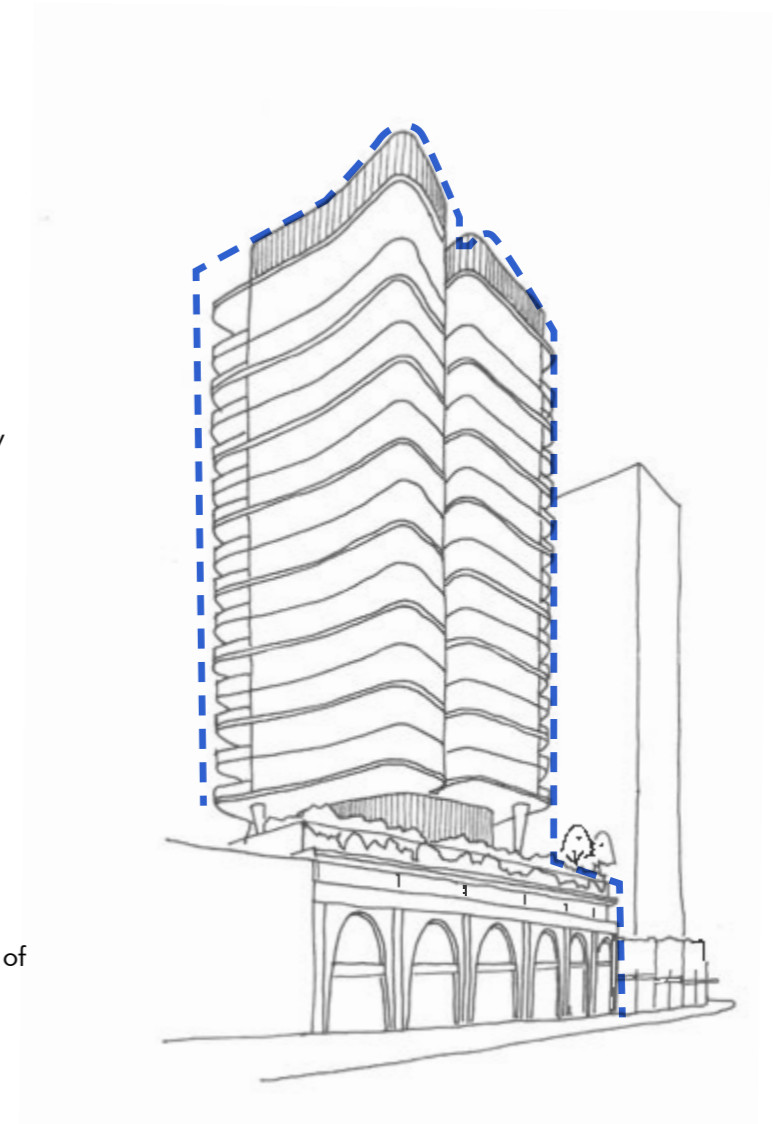
Indicative Maximum Built Form Envelope



Conceptual Built Form Design Principles

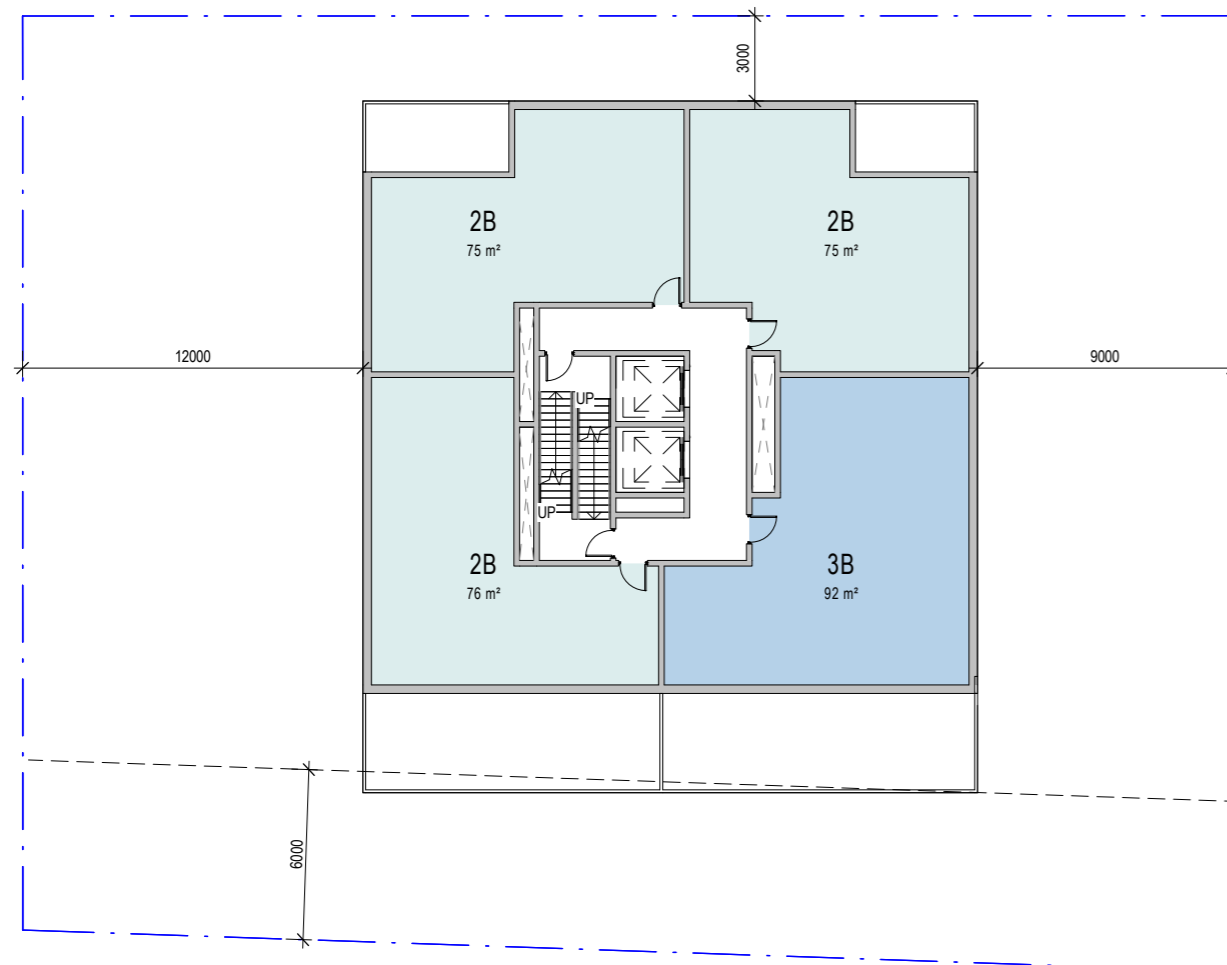


Indicative Built Form + Future Streetscape



4. THE TOWER

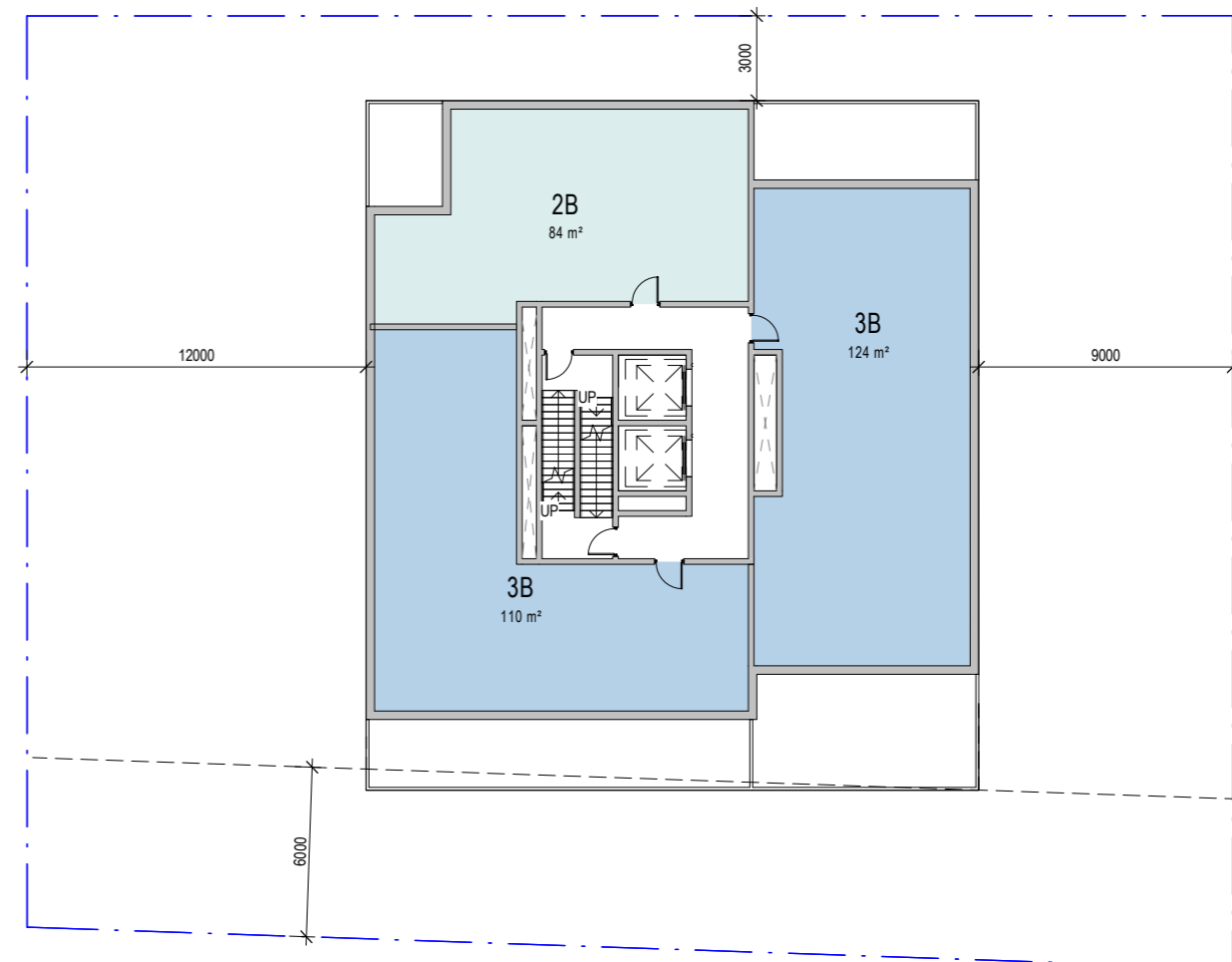
Floor Plans



TYPICAL PLAN OPTION 1

GFA = 347m²

- Floor plate flexibility to provide a mix of apartment sizes + types.

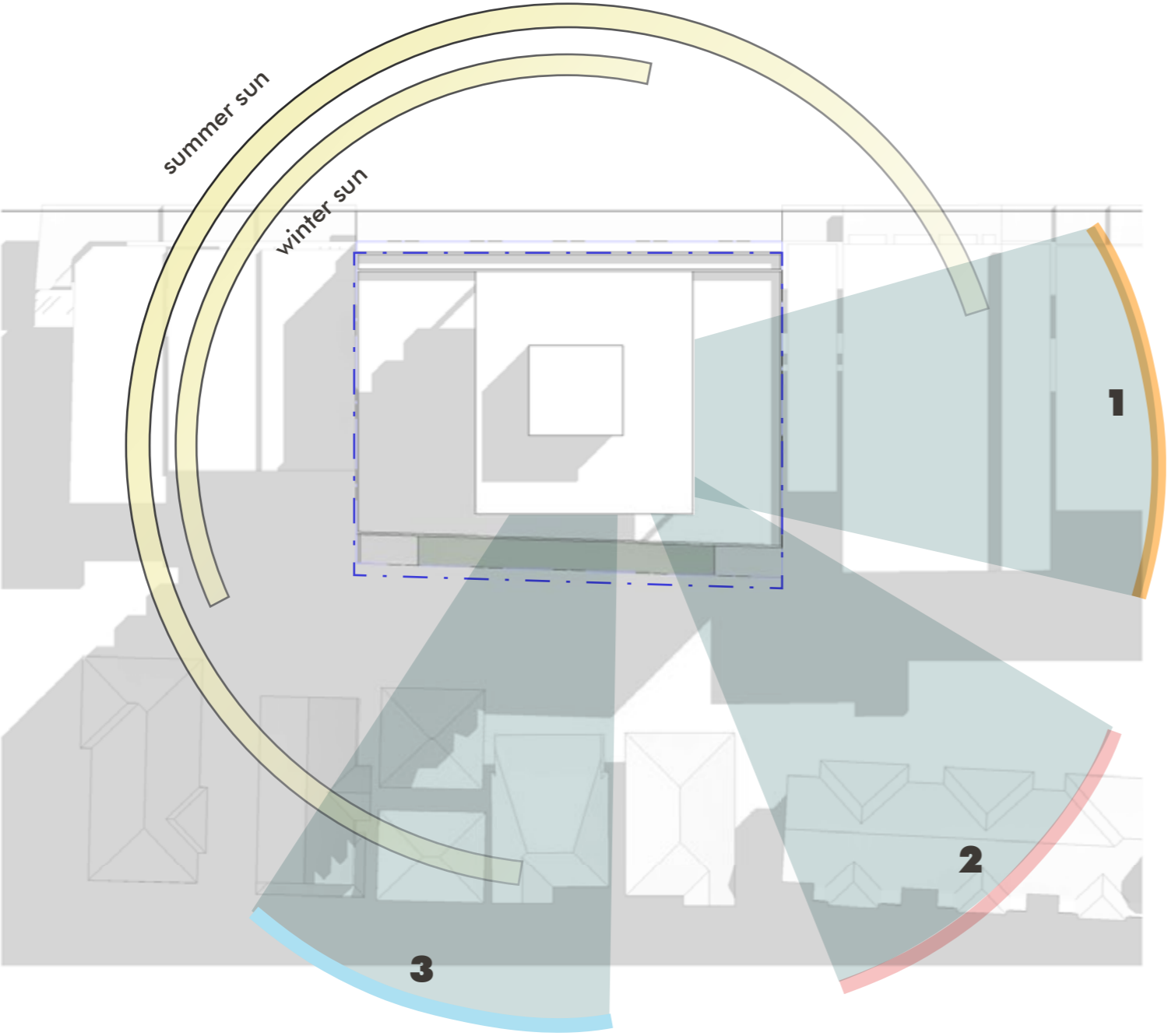


TYPICAL PLAN OPTION 2

GFA = 347m²

VIEWS AND SOLAR

3. The Tower



1



NORTH SYDNEY + CITY VIEW

2



MAIN HARBOUR VIEWS

3



DISTRICT + HARBOUR VIEWS

6. Materials and Finishes



①
TOWER
PRIMARY FACADE

An organic glass form created by contiguous balconies and facade planes



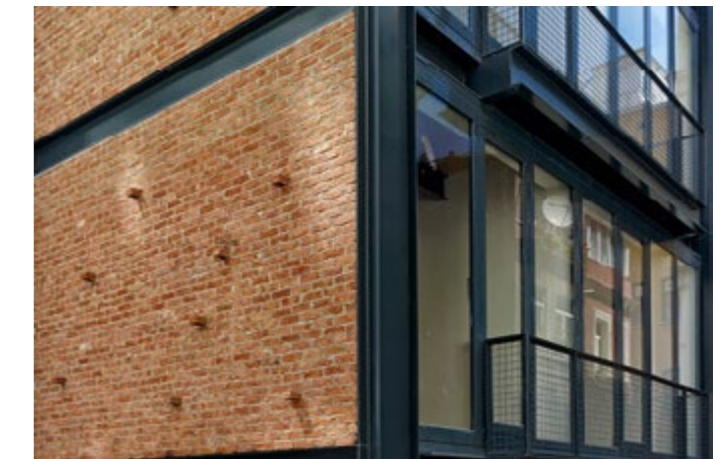
②
TOWER
FACADE DETAIL

Horizontal, projecting banding every 2nd floor extends around the whole tower perimeter. Privacy Screening space between the bands to overlay a texture of material, light and shade to the main glass form.



③
PODIUM
PRIMARY FACADE

Slim profile, beautifully detailed face brickwork will define a scale, texture and rhythm of the podium to a human scale.



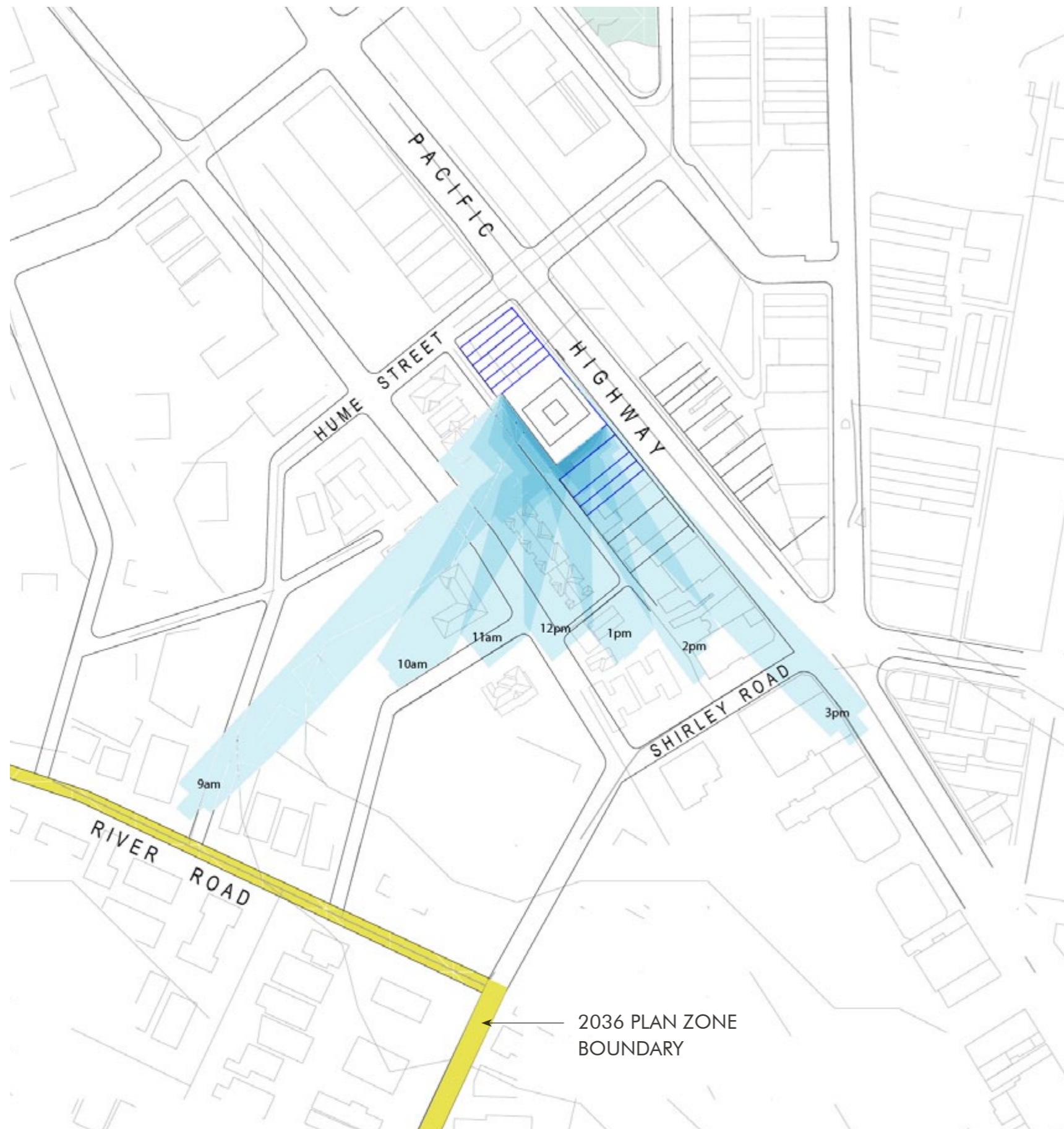
④
PODIUM
FACADE DETAIL

Recessive elements of glass, concrete and steel will be used to subtly address containment, amenity and functionality within the primary facade.

THE METRICS

5

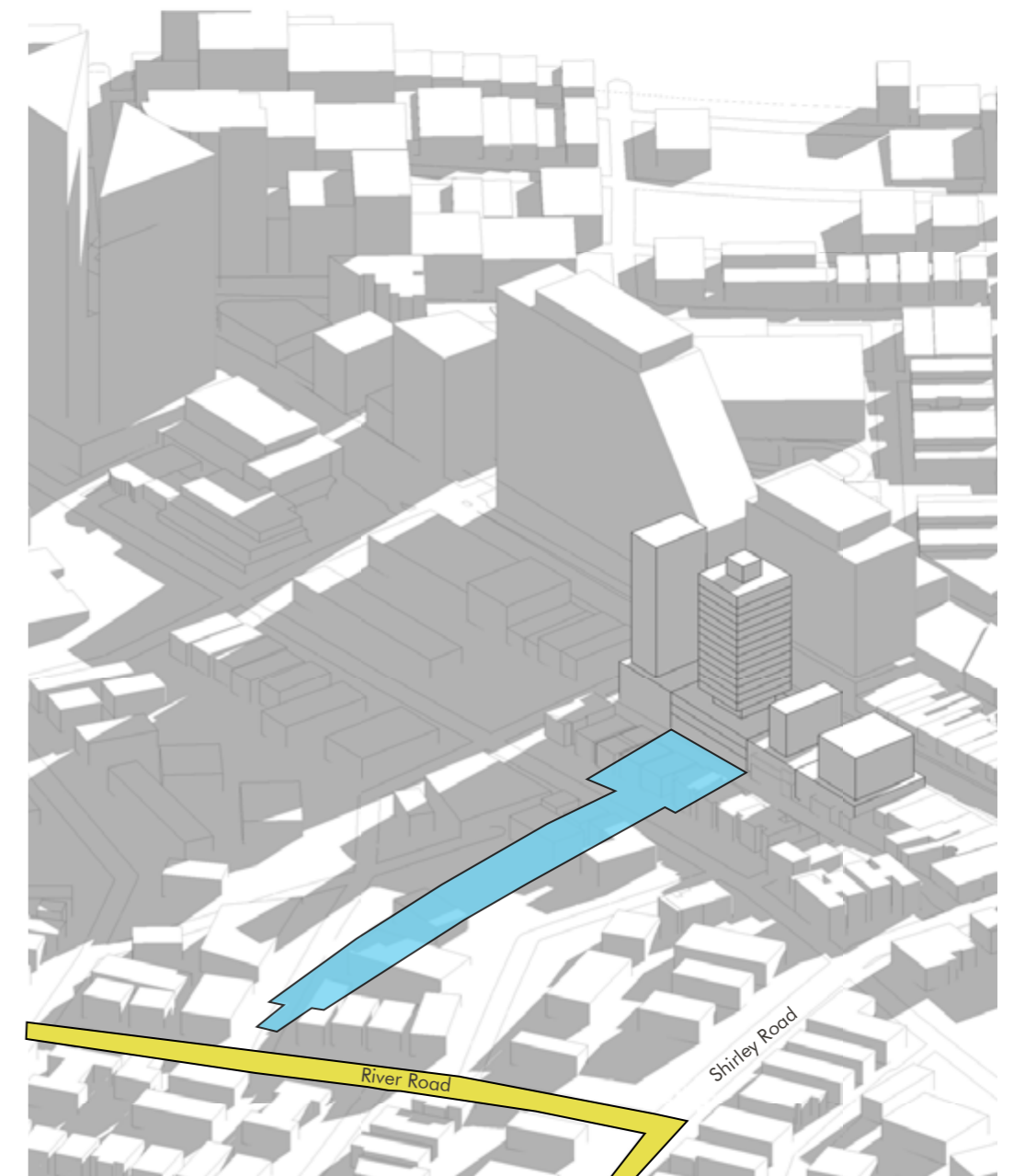
4.Shadow Impact Analysis



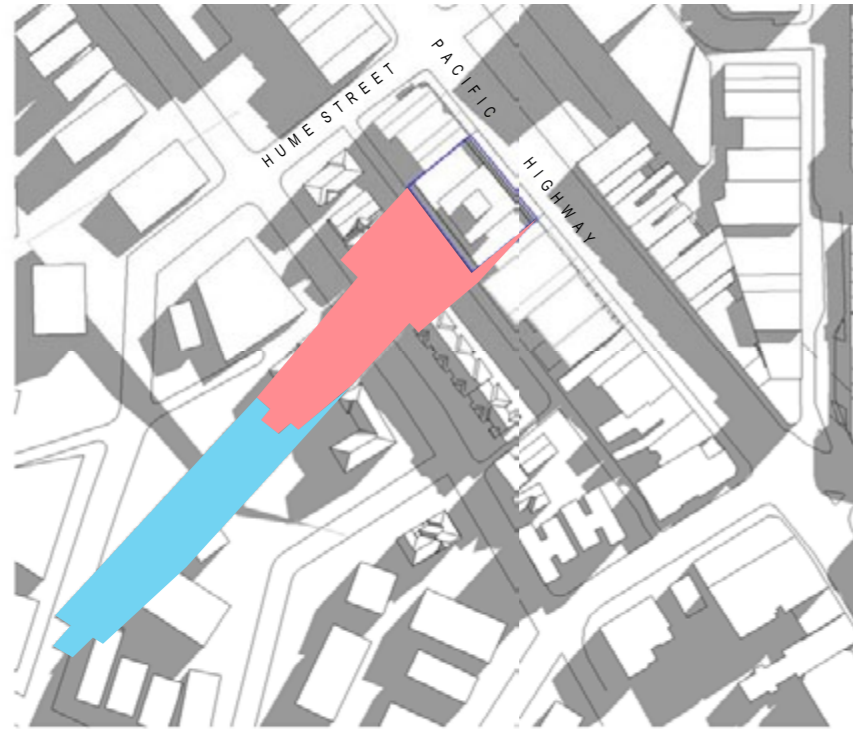
Building Envelope Preliminary Shadow Study

The diagrams indicate the preliminary shadow impact study of the identified scenario from 9am-3pm on June 21st.

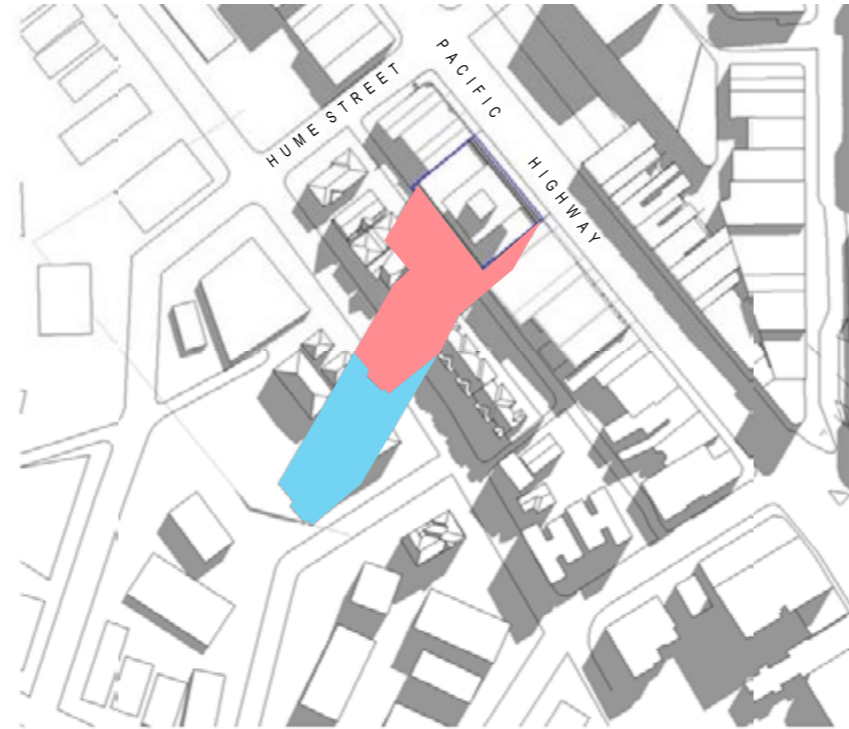
All shadow studies are based on preliminary massing information and subject to a detailed site survey.



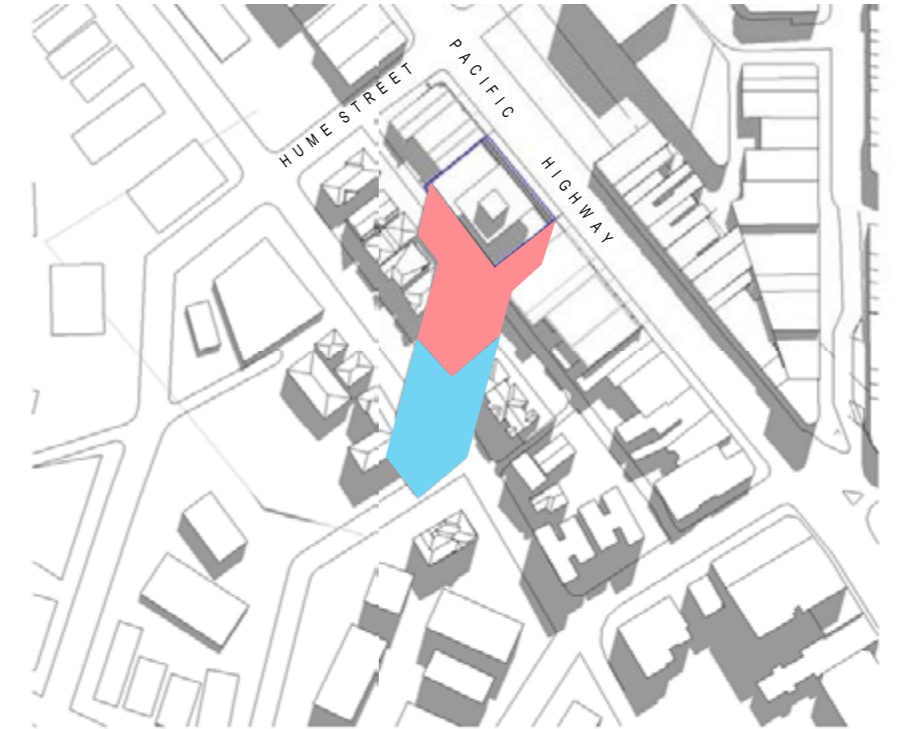
4.Shadow Analysis



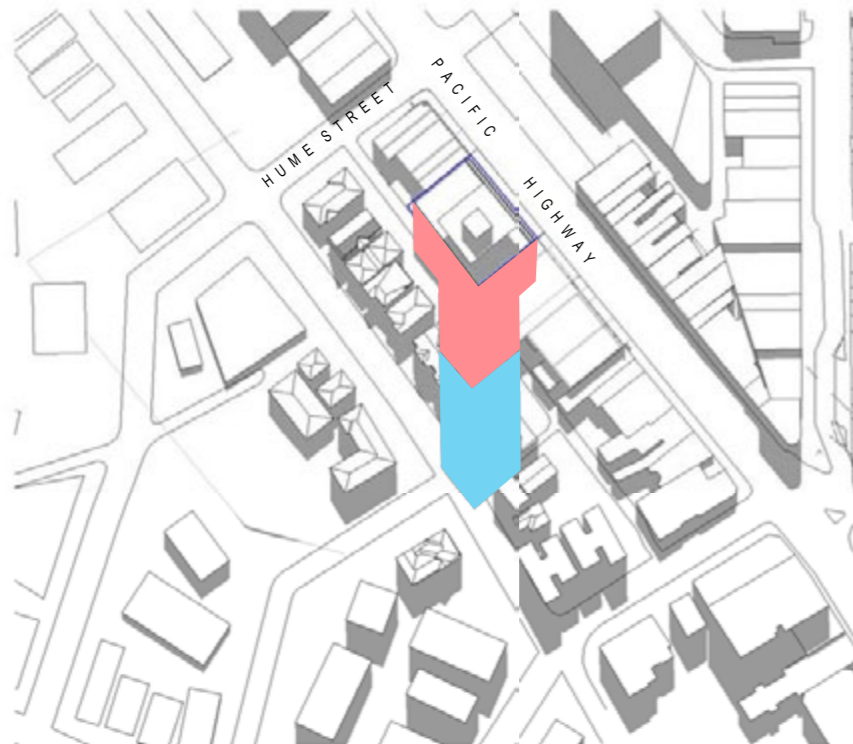
1 Winter 9am
1 : 3000



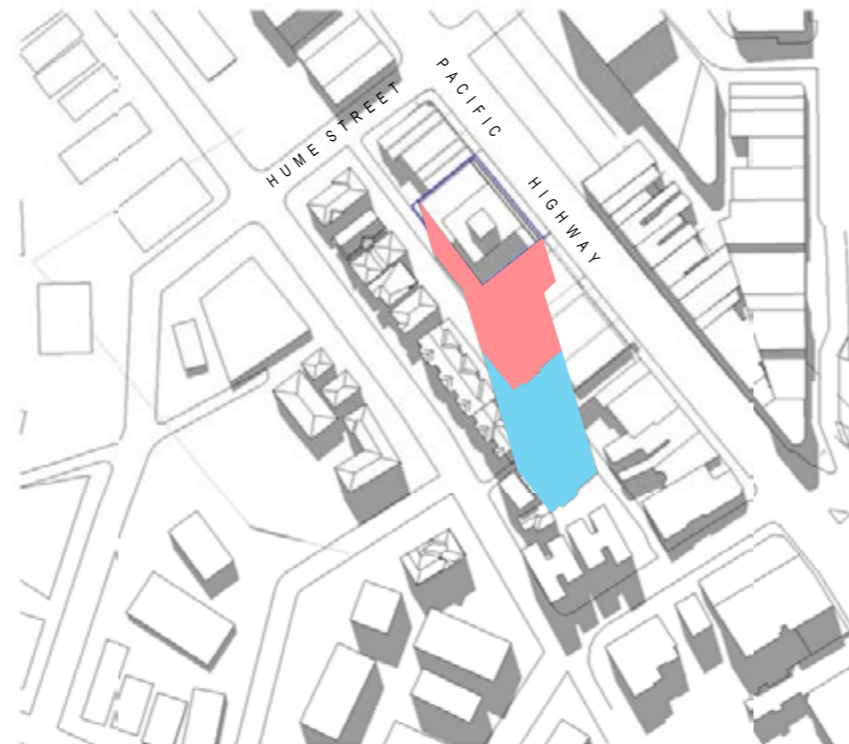
2 Winter 10am
1 : 3000



3 Winter 11am
1 : 3000



4 Winter 12pm
1 : 3000

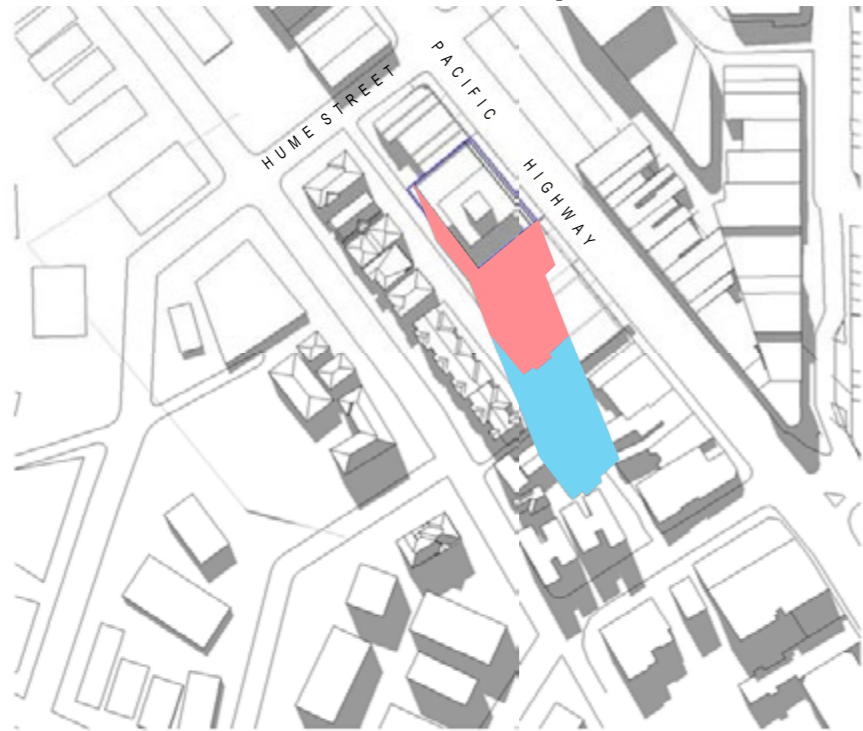


5 Winter 1pm
1 : 3000

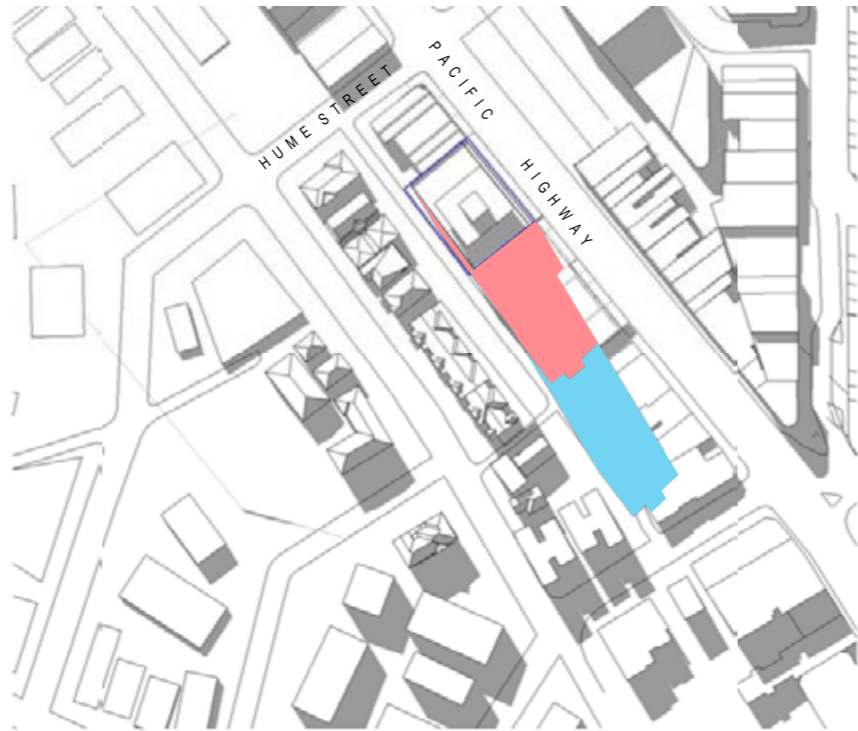
Current 8-Storey Building Shadow

Proposed 2036 18-Storey Building Shadow

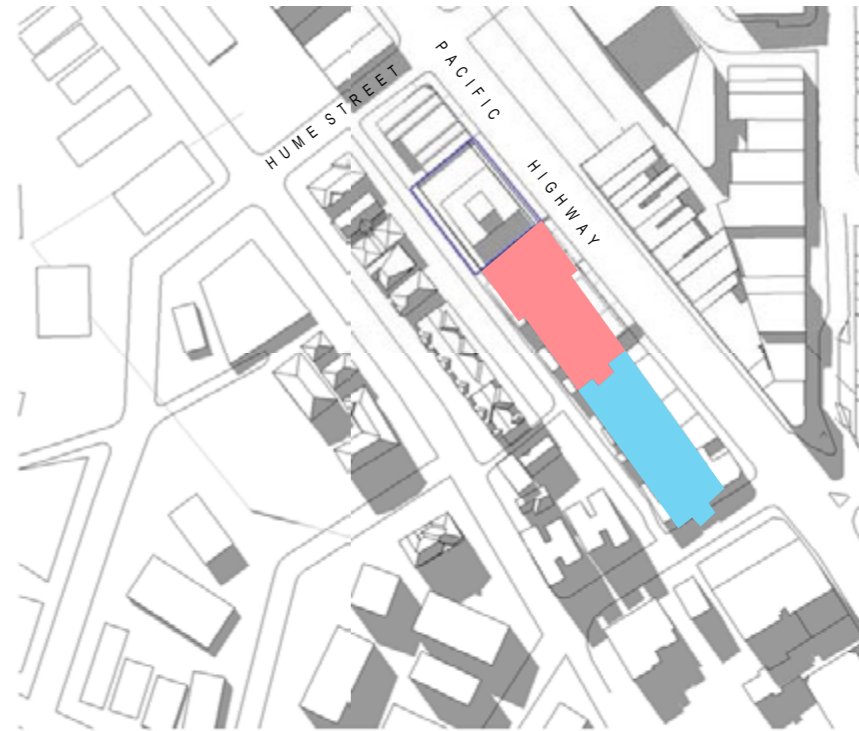
4.Shadow Analysis



1 Winter 1.20pm
1 : 3000



2 Winter 2pm
1 : 3000



3 Winter 2.20pm
1 : 3000

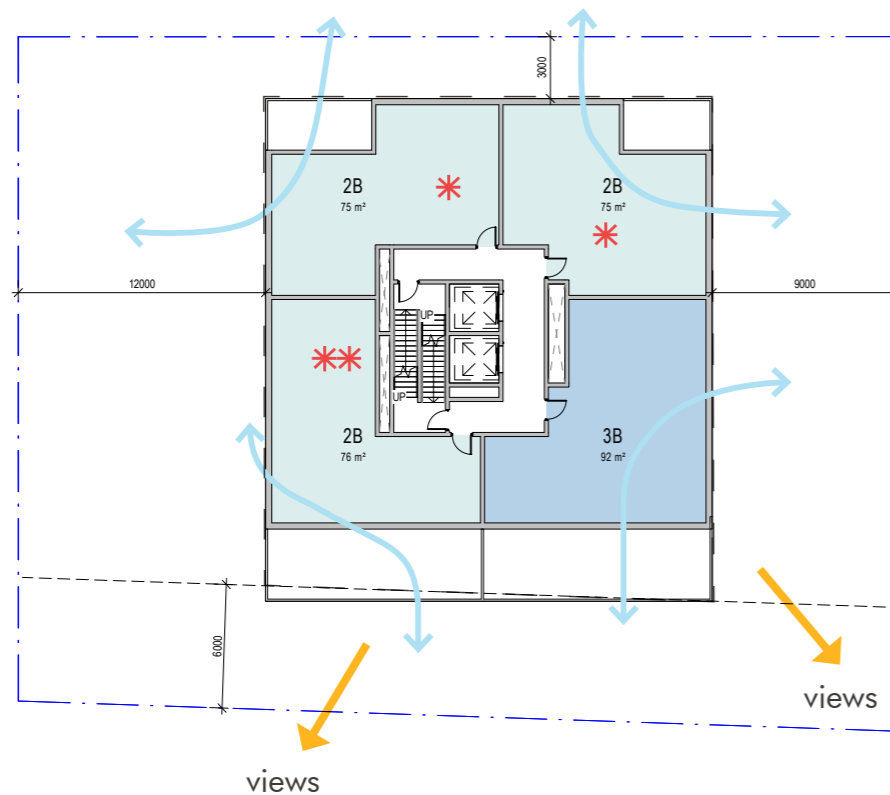
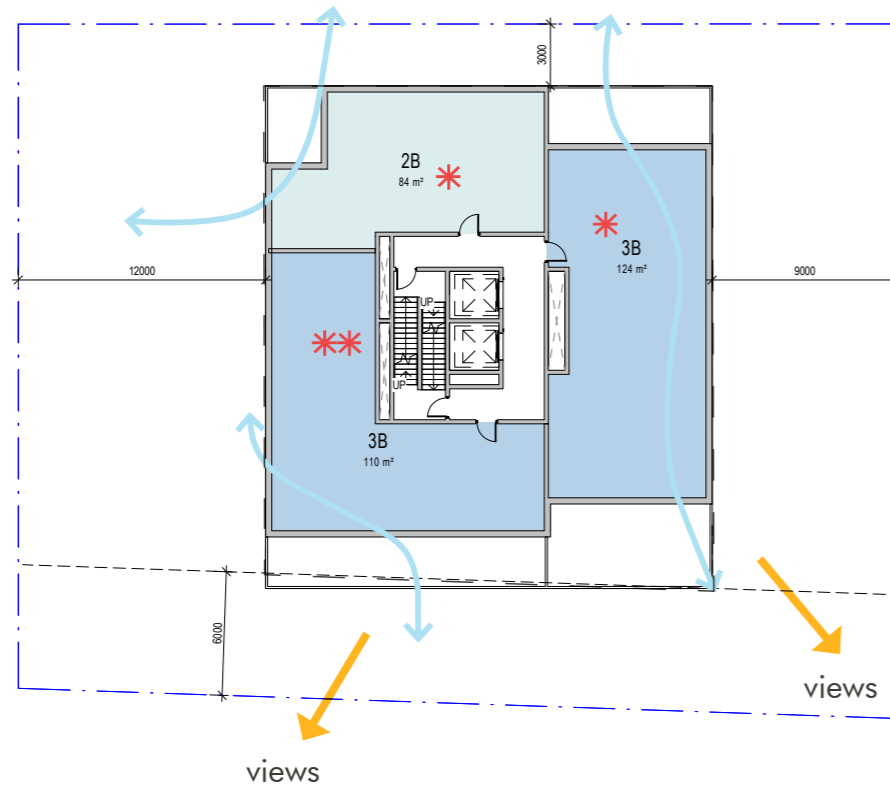


4 Winter 3pm
1 : 3000

- Current 8-Storey Building Shadow
- Proposed 2036 18-Storey Building Shadow

TYPICAL FLOOR PLATE

3. The Tower



Tower Floorplates - ADG Checklist

✓ 01 Solar and Daylight

- At least 70% off apartments receive at least 2 hours of direct sunlight on June 21 between 9am and 3pm
- A maximum of 15% of apartments receive no direct sunlight on June 21 between 9am and 3pm

- * Receives at least 2 hours of sun
- ** Receives at least 2 hours of sun to upper levels only

✓ 02 Natural Ventilation

- At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building

↔ Cross ventilated apartment

✓ 03 Minimum Ceiling

- Habitable rooms :2.7m
- Non habitable rooms: 2.4m

✓ 04 Minimum Apartment Sizes

- 1 Bedroom: 50m2
- 2 Bedroom: 70m2
- 3 Bedroom : 90m2

✓ 05 Minimum Balconies

- 1 Bedroom: 8 m2
- 2 Bedroom: 10 m2
- 3 Bedroom : 12 m2

✓ 06 Common Circulation

- Maximum number of apartments off a circulation core is 3
- Windows should be provided in common circulation spaces

✓ 07 Storage Requirements

At least 50% provided within apartments

- 1 Bedroom: 6m2
- 2 Bedroom: 8m2
- 3 Bedroom : 10m2

✓ 08 Visual Privacy

- Adequate separation provided within the development and from neighbouring buildings

✓ 09 Noise & Pollution

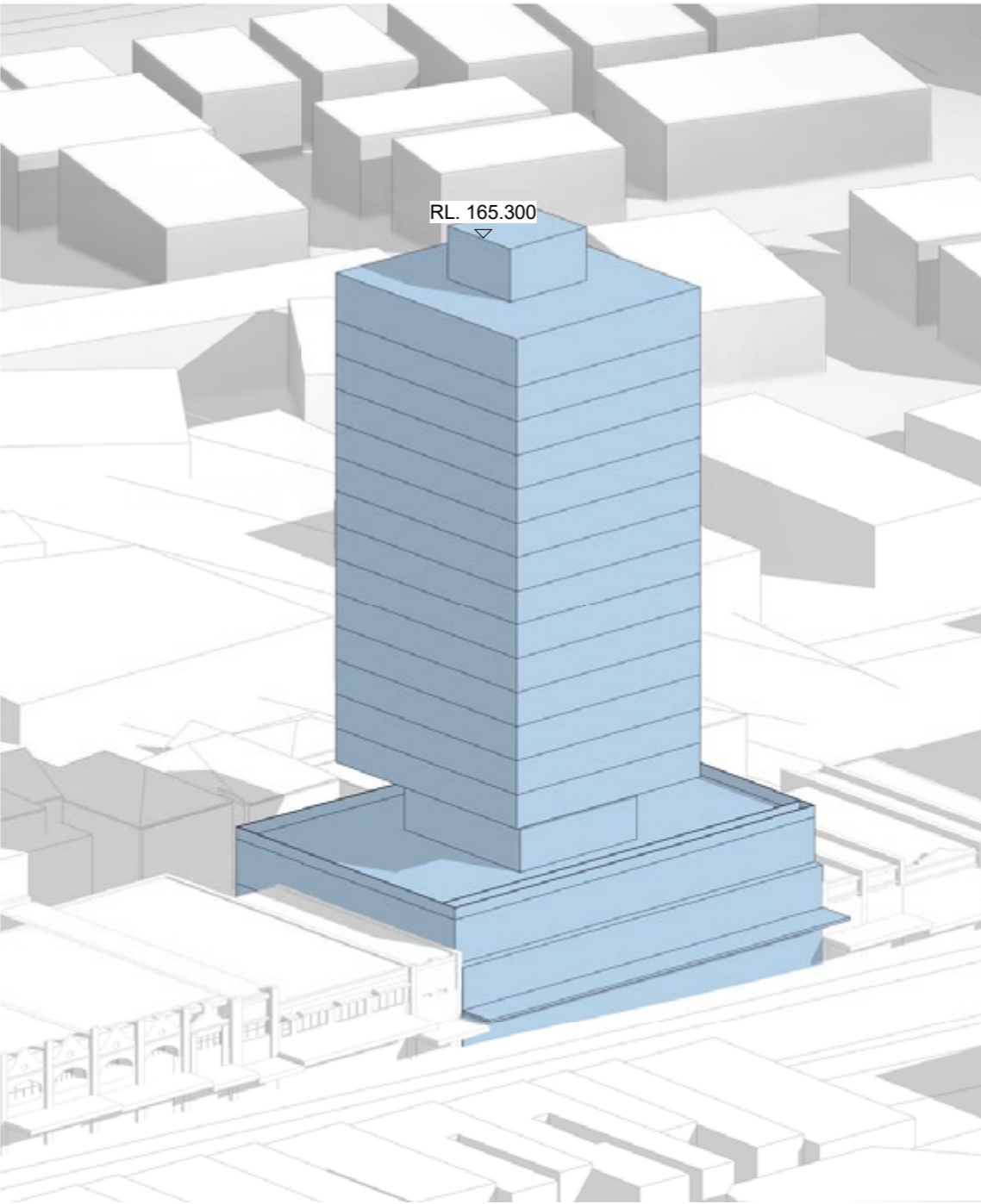
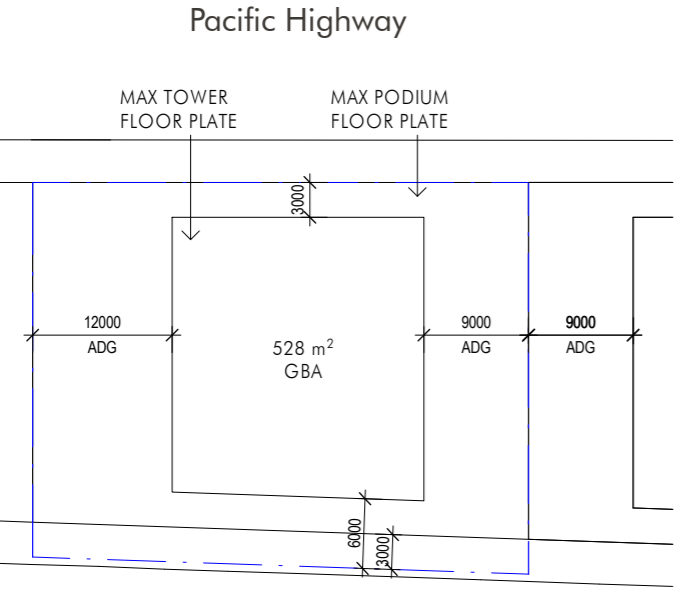
- Non-Residential uses sited at lower levels

✓ 10 Apartment Mix

- A variety of apartment types and sizes are offered

Indicative Massing Summary

| Control Type | Site Specific | Indicative Massing |
|--------------------------|-----------------------------------|--|
| Height Limit | 18 Storeys Maximum (2036 Plan) | 18 Storey |
| Overall FSR | 5.5:1 (2036 Plan) | 5.5 :1 |
| Min Non- Residential FSR | 2:1 (2036 Plan) | 2:1 |
| Max Residential FSR | 3.5:1 (2036 Plan) | 3.5:1 |
| Tower Setbacks | 2036 Plan & DCP | 3m to Pacific Highway 6m to Nicholson Place |



Regulatory Summary

| Regulatory Document | As Stated |
|---------------------------|--|
| 2036 DOP Development Plan | - p70 map indicateds 3m Pacific Highway setback |
| North Sydney Council DCP | - Part C 3.1.3 P10 Above Podium Setbacks map indicates 3m setbacks to Pacific Highway. |
| ADG Guidelines | - 9-12m habitable wall facing possible future residential development. |

5. Development Summary

Controls

| | |
|-------------------------------|------------|
| Site area | 1406 |
| Min FSR Retail/ Commercial | 2.0 : 1 |
| Min Retail/ Commercial GFA | 2812 |
| Max FSR Residential | 3.5 : 1 |
| Max Allowable Residential GFA | 4921 |
| Max Height | 18 Storeys |

Proposed - 18 Storeys

| Level | GFA (m2) | |
|-----------------------|--------------------------|-------------------|
| | Retail/Commercial | Residential |
| Ground Retail | 614 | |
| Level 1 Commercial | 1099 | |
| Level 2 Commercial | 1099 | |
| Subtotal | 2812 m2 FSR 2.0:1 | |
| Level 3 Podium Garden | | 57 |
| Level 4 | | 347 |
| Level 5 | | 347 |
| Level 6 | | 347 |
| Level 7 | | 347 |
| Level 8 | | 347 |
| Level 9 | | 347 |
| Level 10 | | 347 |
| Level 11 | | 347 |
| Level 12 | | 347 |
| Level 13 | | 347 |
| Level 14 | | 347 |
| Level 15 | | 347 |
| Level 16 | | 347 |
| Level 17 | | 347 |
| Subtotal | | 4915 m2 3.5:1 FSR |
| Total | 7727 m2 5.5:1 FSR | |



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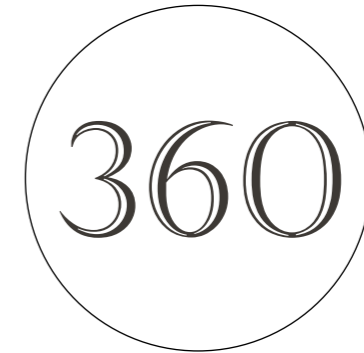
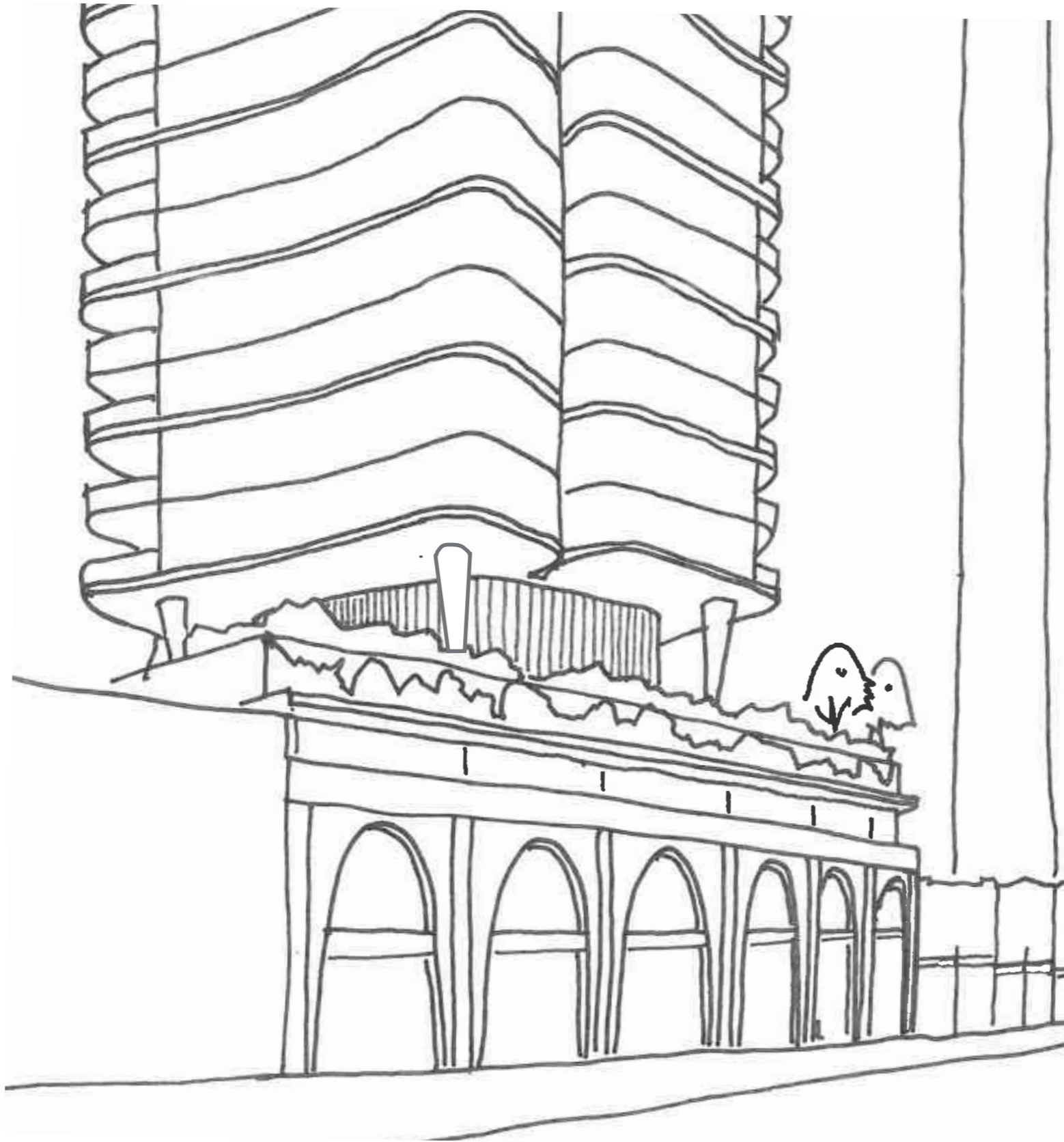
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PACIFIC HIGHWAY
CROWS NEST

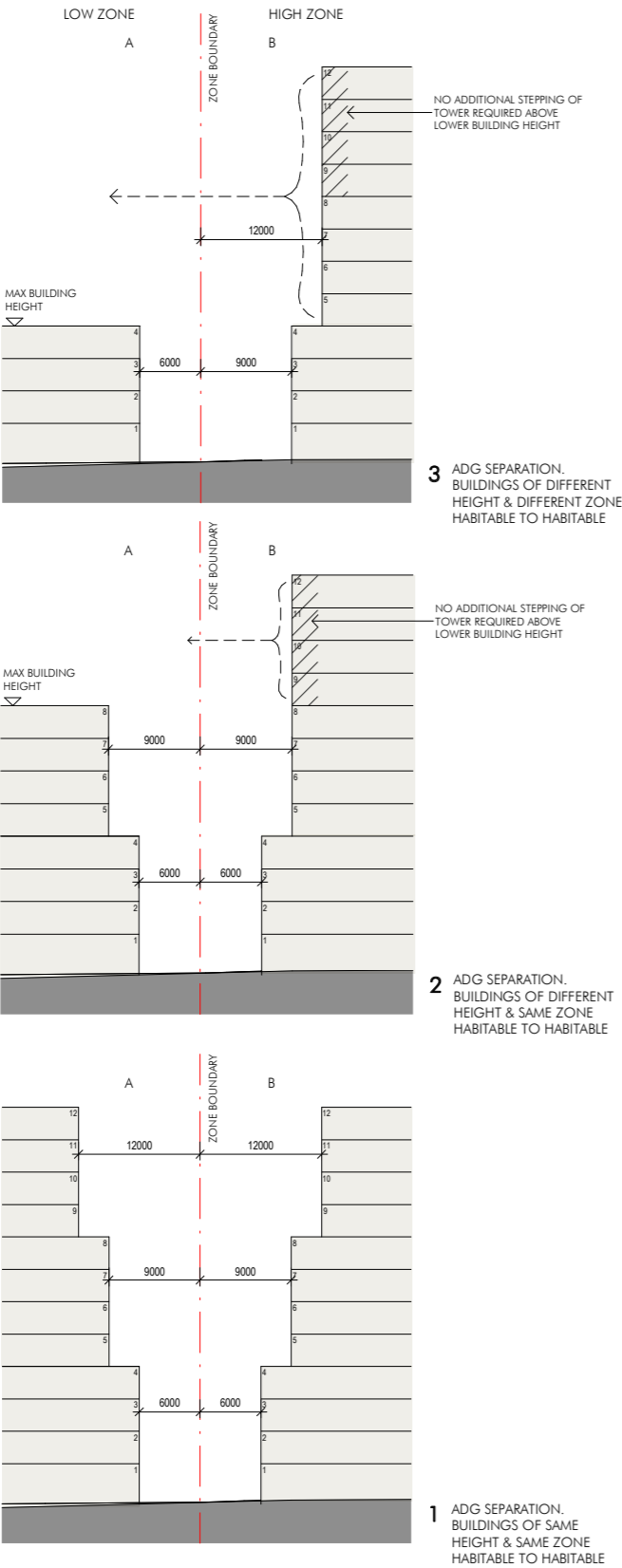
PLANNING PROPOSAL
CONCEPT DESIGN REPORT

Revision 1 - Mar 2022

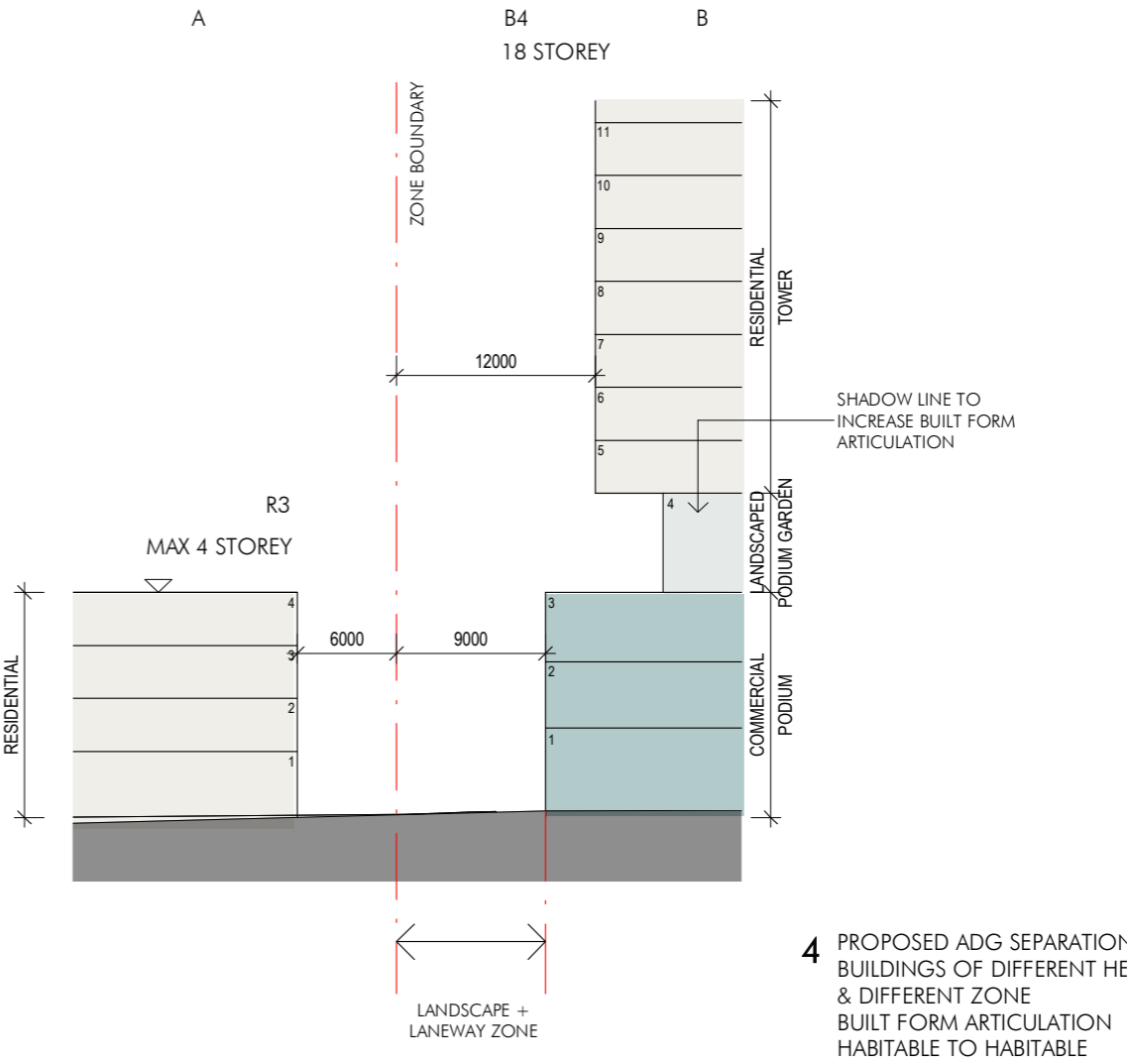
2 THE PROPOSAL

Rear Setback - Revised

LOGICAL EVOLUTION



REAR SETBACK ANALYSIS



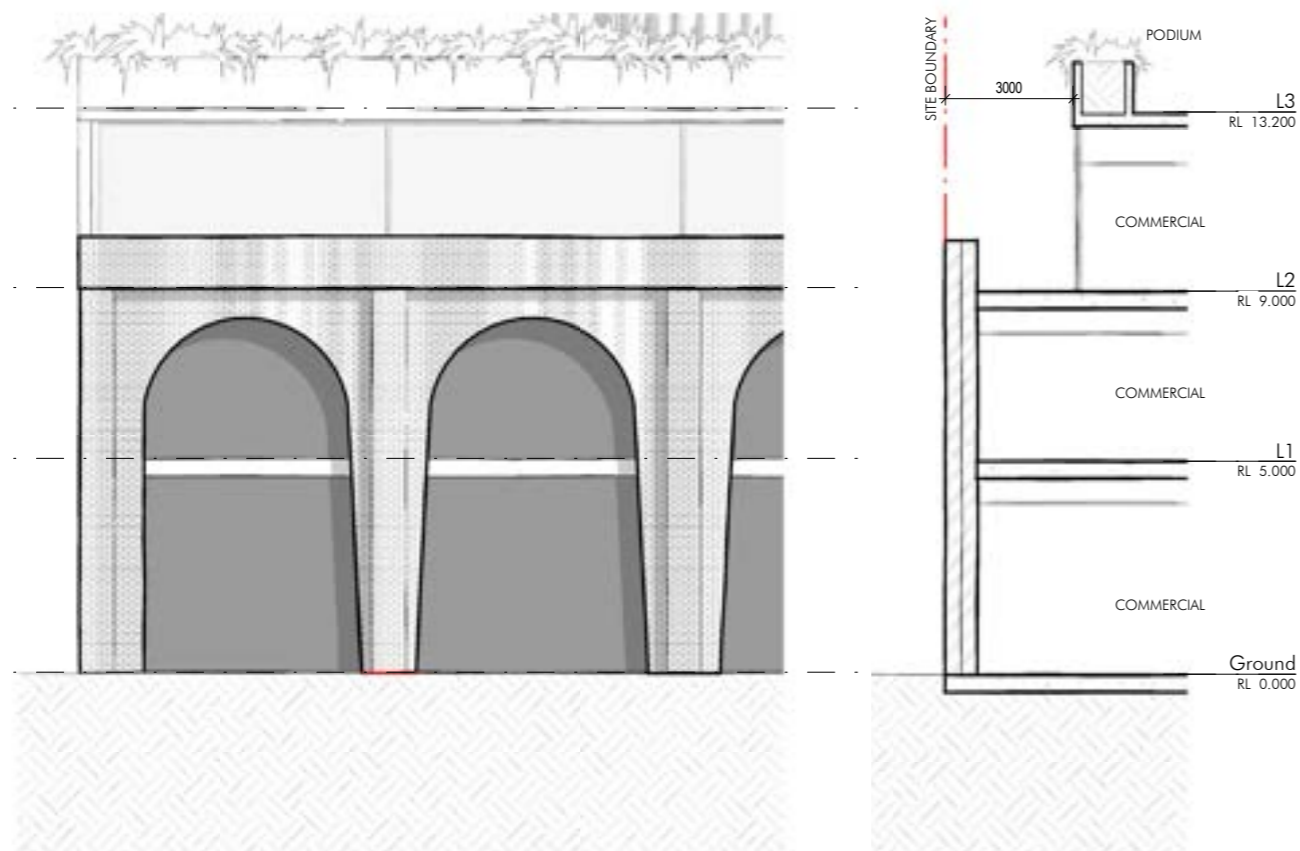
PROPOSED REAR SETBACK

Height - Revised



3. THE PODIUM

Proposed Scale + Rhythm - Revised



PODIUM DETAIL

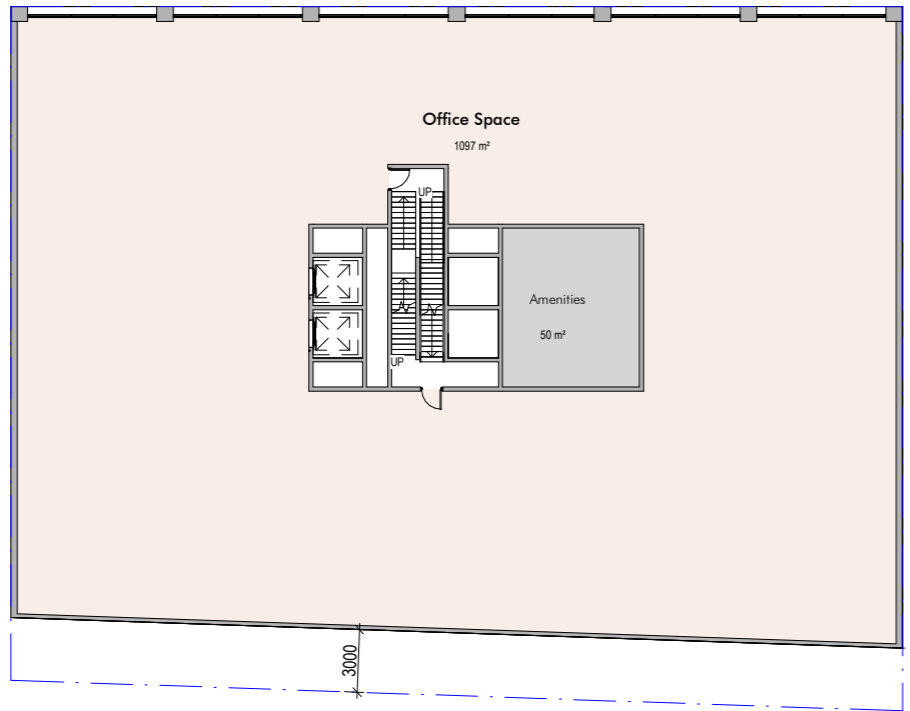


CONCEPT DESIGN PERSPECTIVE

PROMINENT 2 STOREY
PODIUM FORM TO
CONTINUE SCALE OF
EXISTING STREETSCAPE

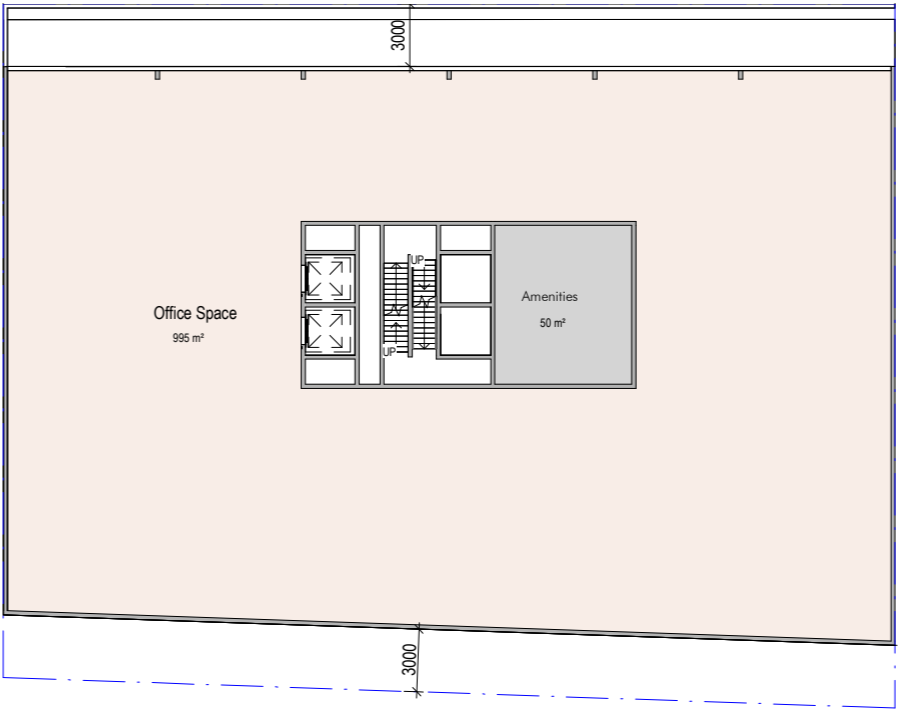
3. THE PODIUM

Podium Floor Plans - Revised



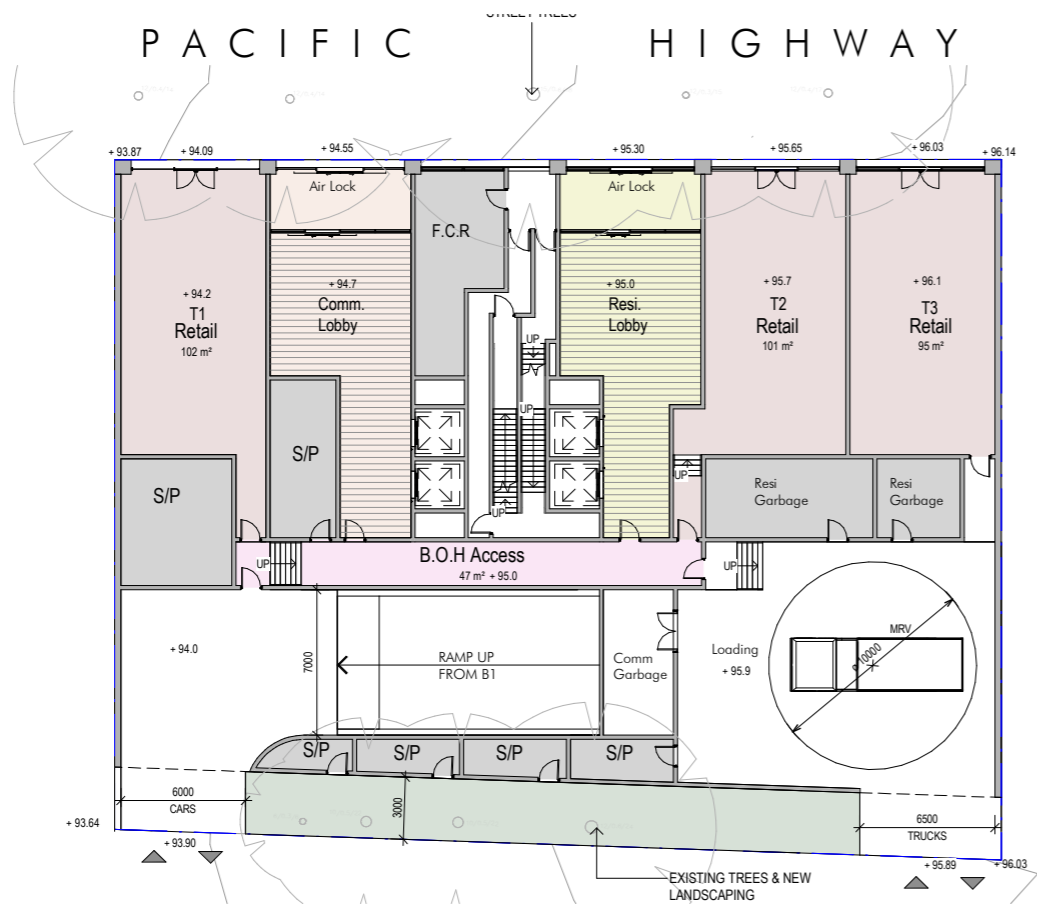
L1 PLAN

GFA 1147m2



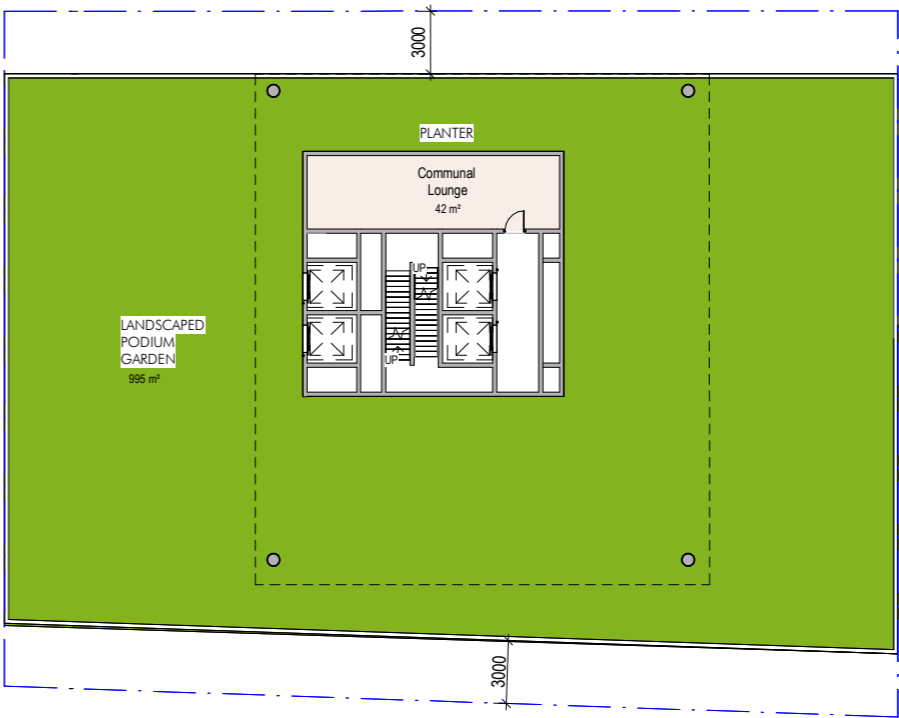
L2 PLAN

GFA 1045m2



GROUND FLOOR PLAN

GFA 661m2



L3 PODIUM FLOOR PLAN

GFA 57m2

TOTAL NON-RESIDENTIAL
GFA = 2853m²
FSR = 2.03:1



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Our Ref: PP9/21
KP (CIS)

Via email: christina.brooks@planning.nsw.gov.au

ATTENTION: CHRISTINA BROOKS

20 October 2022

Dear Mr Metcalfe

REQUEST FOR A REZONING REVIEW (RR-2022-24) - 360 PACIFIC HIGHWAY, CROWS NEST

I refer to your letter, dated 29 September 2022, notifying Council of the lodgement of a request for a Rezoning Review in relation to the Planning Proposal at 360 Pacific Highway, Crows Nest.

The following comprises Council's response to your invitation to provide comment on the proposal.

1. Background

Prior to the lodgement of the Planning Proposal, the proponent met with Council officers on two separate occasions to present and discuss a preliminary concept scheme for the site. Council officers highlighted the need for the building envelope to respond sympathetically to adjoining buildings and whether site amalgamation had been considered to avoid site isolation and ensure feasibility and efficiencies of development on the relatively small and constrained site.

2. Planning Proposal Assessment

The Planning Proposal (PP9/21) was formally lodged with Council for assessment on 8 December 2021, and seeks to amend NSLEP 2013 as it relates to 360 Pacific Highway, Crows Nest as follows:

- Increase the maximum building height from 10m to RL 166 (18 storeys).
- Establish a maximum floor space ratio of 5.5:1; and
- Increase the minimum non-residential floor space ratio from 0.5:1 to 2:1.

The Planning Proposal is accompanied by a concept design to demonstrate what could be achieved on the site if the proposed amendments were implemented. It includes an eighteen-storey mixed use development with a three-storey podium and tower above; 42 residential apartments and approximately 80 car parking spaces accommodated within four basement levels.

Various discussions were held with the proponent and project team throughout early 2022 to discuss Council's preliminary assessment feedback, including interface and amenity issues resulting from the stark transition between high and low built form, insufficient setbacks on the western boundary, and response to the heritage streetscape and existing built form. In response to Council's concerns, the applicant provided (March 2022) a revised reference design demonstrating a maximum building height of RL 163.8 m.

A detailed assessment of the Planning Proposal was undertaken in a report referred to the North Sydney Local Planning Panel (NSLPP) for its consideration on 8 June 2022. The NSLPP concurred with the recommendations outlined in the Council Officer's assessment report and recommended the Planning Proposal not be supported to proceed to a Gateway Determination for the reasons contained in the report. They were:

- *The planning proposal will likely result in the isolation of neighbouring sites to the north (366-376 Pacific Highway), which have the same density and height uplift potential under the 2036 Plan as the subject site. This is not considered to be a satisfactory strategic planning outcome as it undermines the ability to achieve the housing objectives of several high-level planning policies including the Greater Sydney Regional Plan and North District Plan, the North Sydney Local Strategic Planning Statement, the 2036 Plan and accompanying Ministerial Directions 1.1 and 1.13; and*
- *The accompanying indicative reference design does not demonstrate how the site could be acceptably developed to the requested height and density controls without resulting in reduced amenity outcomes and inappropriate interface and transition outcomes. The cumulative impacts of the proposal are not considered to be of minor significance and has the potential to undermine the overall intent of the 2036 Plan and the achievement of the Plan's vision, objectives and actions.*

Whilst the planning proposal site is located within a block considered appropriate for increased height and density given its proximity to the future Crows Nest Metro, the planning proposal as submitted does not adequately demonstrate satisfactory strategic and site-specific merit.

At its meeting on 27 June 2022, Council considered the detailed assessment report and NSLPP recommendation and resolved the following:

1. **THAT** *the Planning Proposal not be supported to proceed to a Gateway Determination as it is inconsistent with Ministerial Direction 7.11 - St Leonards and Crows Nest 2036 Plan in that it has not demonstrated consistency with the objectives and actions of the 2036 Plan as it will result in isolation of the sites to the north and does not ensure that a suitable interface and transition to the west can be achieved.*
2. **THAT** *the proposal as lodged is not supported as it represents a poor planning outcome and approval would set a negative and detrimental precedent for similar tower forms across the precinct.*

Further justification for these recommendations is provided in the subsections below.

2.1 Strategic Merit

The Planning proposal is not considered to satisfy the following key aspects of Strategic Merit.

- *North District Plan* with respect to precinct-wide place and place-based planning and delivery of housing.
- *St Leonards Crows Nest 2036 Plan* with respect to transition and interfaces.
- *St Leonards Crows Nest 2036 Plan* with respect to its vision, objectives and actions, including isolation of neighbouring sites.
- *SEPP 65 - Design Quality of Residential Flat Buildings* with respect to setbacks.
- *Ministerial Direction 5.1 - Integrating Land Use and Transport* with respect to reducing travel demand by car.

The primary intent of the *St Leonards and Crows Nest 2036 Plan (2036 Plan)*, as expressed in its Vision statement, is to provide planning capacity for an additional 16,500 new jobs and 6,683 new homes within the precinct to realise the North District Plan's targets for St Leonards by 2036. This capacity is based on the uplift potential identified under the Plan across all sites with the precinct.

The progression of the planning proposal on its own will likely isolate or sterilise the neighbouring sites to the north (366-376 Pacific Highway), which have the same density and height uplift potential under the *2036 Plan* as the subject site. This is inconsistent with the intended outcomes of the *2036 Plan* and undermines the ability to achieve the housing objectives of the North District Plan.

Furthermore, a core objective of the *2036 Plan* is that: "*in transition areas between low and high-rise developments, new development should consider the prevailing scale and existing character in the design of their interfaces.*" Council's analysis indicates that a more optimal built form scale and transition/interface outcome could be achieved on the site than that reflected in the applicant's proof of concept (refer to site-specific merit). The progression of the planning proposal in its current form will likely result in reduced amenity outcomes and inappropriate interface and transition outcomes, contrary to the objectives of the *2036 Plan*.

The cumulative impacts of the proposal are not considered to be of minor significance and have the potential to undermine the overall intent of the *2036 Plan* and the achievement of the Plan's vision, objectives and actions.

2.2 Site-Specific Merit

The Planning proposal is not considered to satisfy the following key aspects of Site-specific Merit.

- The overshadowing impact arising is greater than is necessary due to the proposed building height being greater than that required to deliver 18-storeys and proposed setbacks.
- The proposed rear (western) and southern boundary setbacks are less than identified in the Apartment Design Guidelines resulting in a poor interface with lower density development to the west.

- The planning proposal would drive a suboptimal design and poor planning outcome on the neighbouring sites to the north.

To ensure the future bulk, scale and massing of development on the site is consistent with the urban design principles and objectives of the *2036 Plan*, and the impacts (overshadowing, visual, heritage and traffic) arising from the Planning Proposal are not significantly different to those envisaged for the site under the *2036 Plan*, it is recommended the proposal be reconsidered having regard to the issues raised in the subsections below. These include: building height, setbacks and interface with surrounding lower density development and heritage items, site isolation and car parking.

Building Height

The requested building height of RL166 m (71 m) is considered overly generous to accommodate an eighteen-storey mixed-use building on the site and there is potential for the tower to be further rationalized to reduce overshadowing impacts. The proponent was approached to consolidate the amenities level, top residential floor and plant area to reduce the overall building height. In response, the plant area and top floor residential level were reduced, and an overall reduction in height to RL163.8m (68.8 m) was proposed. This is reflected in the proponent's amended scheme submitted to Council in March 2022. However, the proposed height of the amenities level (at 6m) remains excessive. Based on ADG requirements, a maximum building height of RL160 (65m) is recommended. This is based on a 3.7 m amenities level, 4.0 m plant and standard residential floor-to-floor height. In an environment where a stark difference in height and density are foreshadowed, the careful management of these interfaces is important, and minimising height, whilst maintaining the intent of the 2036 Plan, becomes critical.

Podium

To ensure the podium reads as two-storeys from the street level to align with the adjoining heritage listed terraces, as required under the *2036 Plan*, it was recommended that the third podium level be setback 3m to align with the tower form. This would provide a more suitable and cohesive streetscape response to the site's context. The proponent agreed to this change and it is reflected in the amended scheme submitted to Council in March 2022.

Setbacks & ADG compliance

A tower setback of 6m is proposed from the rear (western) boundary, which is significantly below minimum ADG building separation requirements. The ADG requires a minimum 12 m setback (5-8 storeys) and 15 m setback (9+ storeys) be provided from the centreline of the laneway. The interface between lower density development and the proposed eighteen-storey development is dramatic. Considering the substantial difference in identified heights in the *2036 Plan*, this is difficult to avoid entirely, however, ADG compliant setbacks would reduce privacy and visual amenity impacts and improve solar access by providing a less overbearing transition and interface between the existing and future built forms.

Additionally, a tower setback of 9m is proposed from the southern boundary. The ADG requires a minimum 12m setback (9+ storeys) be provided.

Whilst strict adherence to SEPP 65 and ADG may be difficult to achieve in established high-density areas, the subject Planning Proposal represents one of the early proposals received for this precinct. Consistent application of the *2036 Plan* objectives and actions, and related design controls, is imperative to set a high standard for similar proposals in the vicinity and avoid establishing negative planning precedents for Crows Nest that undermine the future built form character and amenity of the precinct, particularly in these dramatic interface instances.

The ADG is the predominant urban design control applying across the metro area, and sufficient weight should be provided to ensure it is upheld and consistently applied wherever possible for fair and equitable planning decision-making across the precinct. Whilst identified setbacks within the ADG may be challenged at a Development Application stage, it is responsible planning practice to consistently apply these at the Planning Proposal stage.

Site Isolation

Council's built form testing indicates that with the provision of ADG compliant setbacks to the rear (west) and south would achieve an FSR of 4.5:1 on the planning proposal site. However, consolidation with the sites to north would provide a more appropriate option to achieve the height and FSR controls identified in the *2036 Plan*, ameliorate identified issues and achieve a cohesive redevelopment of the sites.

Importantly, the draft *2036 Plan* included a provision requiring a minimum 1,500 m² site area to achieve the height and FSR controls set out in the Plan for the subject site. This was to encourage site amalgamation to achieve a more cohesive redevelopment outcome and avoid the isolation of adjacent sites to the north, which had the same density and height uplift potential as the subject site (refer to Figure 1). Whilst the height and FSR controls remained the same between the draft and final Plans, the minimum site area control was not formally incorporated into the final *2036 Plan*. Notwithstanding, the concept urban design modelling prepared by SJB, which forms the basis of the final built form recommendations published in the *2036 Plan* provides a useful insight into the Plans built form assumptions.

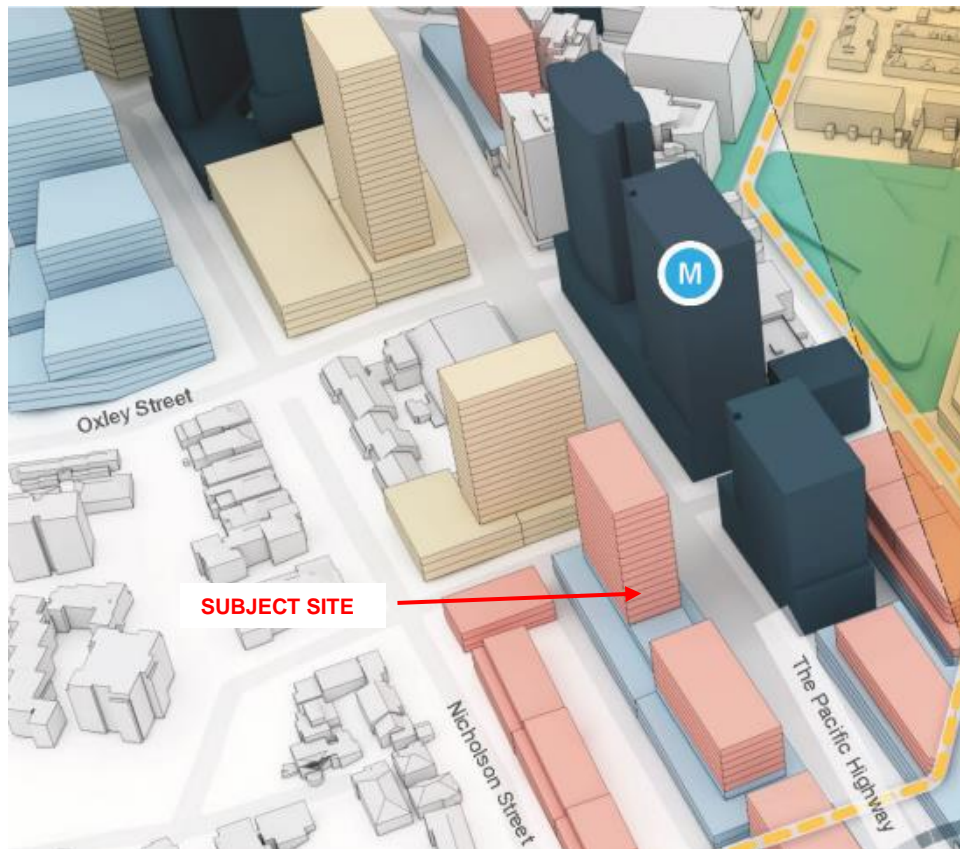


FIGURE 1: SJB Urban indicative conjoined massing model across the subject site and northern neighbours (SJB Urban Design Report, p. 67).

The applicant has submitted a conceptual site plan for the adjacent properties to the north to demonstrate how it could be developed under the provisions of the *2036 Plan* (refer to Figure 2). An examination of the resulting footprint indicates that a tower floorplate of only 220 sqm GFA per level is able to be achieved on the adjacent site to the north. In addition, the proposed tower floorplate does not comply with ADG minimum building separation requirements. This has led to the conclusion that the adjacent site could not be readily redeveloped in a manner anticipated by the *2036 Plan* were the Planning Proposal for 360 Pacific Highway were to progress on its own. The Planning Proposal will likely result in the isolation of the neighbouring sites to the north, which have the same density and height uplift potential under the *2036 Plan* as the subject site.

Car Parking and Traffic Generation

Considering a key part of the strategic justification for increased density is the site's proximity to the future Crows Nest Metro Station, a reduction in the proposed number of car parking spaces is recommended in line with the parking rates proposed under Council's draft amendment to NSDCP 2013, which is currently on exhibition until 13 December 2022.

The panel was in agreement with the issues raised in the Council Officer's assessment report and also expressed concern that the resulting built form was particularly challenging having regard to the adjacent and nearby heritage items by virtue of its scale (height) and above podium setback proposed to the west (3m).

The panel acknowledged that higher densities are appropriate having regard to the nearby public investment in infrastructure, however, questioned the suitability of the built form outcomes arising and the need for these to be more sensitively resolved through a more holistic approach to the implementation of the *St Leonards Crows Nest 2036 Plan*.

The panel's recommendations were as follows:

The Council Officer's Report is endorsed for the reasons in the report and the following comments.

The Panel considers that the heritage listed sites immediately to the north would become isolated and, in any event, the proposed development does not have adequate regard to the existence of the heritage items on these sites. The proposed 3 metre setback of the tower from the Pacific Highway is considered inadequate in relation to these heritage items and the heritage items in the streetscape to the south. A tower of this scale with limited setbacks would inevitably have adverse impacts on those nearby heritage items, contrary to the objectives of the 2036 Strategy, notwithstanding that the tower form numerically complies with the minimum setbacks within the Strategy. A more acceptable streetscape design would require a greater setback for the tower from the Pacific Highway boundary. The Panel also considers the built form has not adequately considered the streetscape, laneway and the lower scale of development to the west.

The Panel acknowledges that higher densities are appropriate having regard to the nearby public investment in infrastructure. Nevertheless, the Panel considers that in order to achieve the high-quality outcomes envisaged by the 2036 Strategy, further analysis of the site in its context is required.

The Panel's recommendation to the Council is that this Planning Proposal not proceed to Gateway

4. Applicant's submitted documentation for Rezoning Review

The Planning Proposal uploaded to the NSW Planning Portal on 6 September 2022 is generally identical to that submitted to Council for assessment. However, the applicant's letter of request for a Rezoning Review (prepared by Urbis and dated 31 August 2022), includes additional information that did not form part of the documentation submitted to Council for assessment.

In an attempt to address Council's concerns regarding site isolation, the applicant has submitted further conceptual plans for the adjacent sites to the north. The plans suggest a tower floorplate of 267 sqm GFA per level could be achieved for residential uses and 367 sqm GFA per floor for non-residential uses (hotel/student accommodation or commercial). However, the suggested tower floorplates rely on reduced setbacks to the south and west, which do not meet minimum ADG building separation requirements. The applicant's adjacent site strategy still fails to demonstrate how the resultant land to the north could be reasonably and realistically developed for residential or commercial uses.

5. PPA Role

The DPE's 'LEP Making Guideline' (September 2022) sets out the LEP making process including guidelines for the appointment of a Planning Proposal Authority (PPA). Council Officers are of the understanding that if the proposal is refused by Council, then the relevant Regional Planning Panel will act as the PPA should the proposal proceed to gateway determination.

North Sydney Council resolved on 27 June 2022 not to support the planning proposal. Accordingly, if the Panel determines that the proposal should proceed to Gateway Determination, as per the DPE's '*LEP Making Guideline*' (September 2022) the Panel will assume the PPA role for this proposal.

Conclusion

For the reasons discussed in detail above, the Planning Proposal is not considered by to have strategic and site-specific merit and should not proceed to a Gateway Determination.

Should you have any queries, please direct them to Neal McCarry of Council's Strategic Planning department on 9936 8100.

Yours sincerely

MARCELO OCCHIUZZI

MANAGER - STRATEGIC PLANNING

This is a computer-generated letter – no signature required.



Planning Panel Secretariat
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Our Ref: PP9/21
DPE ref: PP-2021-7169
GZA (CIS)

Via email: amy.vandennieuwenhof@dpie.nsw.gov.au

9 June 2023

Dear Amy,

PP-2021-7169 - 360 Pacific Highway Crows Nest

Reference is made to the recently exhibited Planning Proposal at the above site seeking to amend the North Sydney LEP 2013. This submission is to be read in conjunction with Council's detailed assessment report presented to the North Sydney Local Planning Panel on 8 June 2022, and Council's submission to the rezoning review dated 20 October 2022. A copy of these documents are attached for your reference.

Planning Proposal

The Planning Proposal (PP9/21) was formally lodged with Council for assessment on 8 December 2021.

Various discussions were held with the proponent and project team throughout early 2022 to discuss Council's preliminary assessment feedback. During this meetings, Council highlighted interface and amenity issues resulting from the transition between high and low built form, and insufficient setbacks on the western boundary.

On 8 June 2022, Council presented a detailed assessment report to the North Sydney Local Planning Panel (NSLPP) for its consideration. The North Sydney Local Planning Panel concurred with the report and recommended the Planning Proposal not be supported to proceed to a Gateway Determination.

At its meeting on 27 June 2022, Council considered the detailed assessment report and NSLPP recommendation and resolved to refuse the Planning Proposal.

The applicant subsequently lodged a rezoning review with the State Government which determined to allow the Planning Proposal to proceed to Gateway Determination contrary to Council's endorsed position.

The Planning Proposal, as exhibited, seeks to increase the maximum building height from 10m to RL 163.8 (18 storeys), establish a maximum floor space ratio of 5.5:1; and increase the minimum non-residential floor space ratio from 0.5:1 to 2:1.



Strategic Merit

The primary intent of the St Leonards and Crows Nest 2036 Plan is to provide capacity for an additional 16,500 new jobs and 6,683 new homes within the precinct. The progression of the planning proposal will likely isolate the neighbouring sites to the north (366-376 Pacific Highway), which have the same height and density capacity, and diminish its potential to provide additional jobs and homes.

This is not considered to be a satisfactory strategic planning outcome as it undermines the ability to achieve the housing objectives of several high-level planning policies including the Greater Sydney Regional Plan and North District Plan, the North Sydney Local Strategic Planning Statement, the St Leonards and Crows Nest 2036 Plan and accompanying Ministerial Directions 1.1 and 1.13.

Height and overshadowing

The requested building height of RL163.8m (68.8m), as amended in the concept design report, is considered overly generous to accommodate an 18-storey mixed-use building on the site, resulting in inappropriate interface and transition outcomes. Based on the Apartment Design Guide (ADG) requirements, a maximum building height of RL160 (65m) is recommended.

In addition, the overshadowing impact arising is greater than is necessary since the proposed height and setbacks are greater than that required for an 18-storey building.

Setbacks and ADG compliance

The proposed rear (western) and southern boundary setbacks are less than identified in the ADG resulting in a poor interface between lower density development and the proposed 18-storey building. ADG compliant setbacks would reduce privacy and visual amenity impacts and improve solar access.

The subject Planning Proposal represents one of the early proposals received for this precinct. It is imperative to apply the ADG controls to set high standards and avoid establishing negative planning precedents for Crows Nest.

Car parking

The planning proposal was submitted before Council resolved to adopt an amendment to NSDCP 2013 to include new provisions relating to car parking rates within high accessibility areas. The planning proposal did not consider this amendment, however any future Development Application that may be lodged will need to respond to the NSDCP 2013.



**NORTH SYDNEY
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Conclusion

For the reasons detailed in Council's detailed assessment report (8 June 2022), summarised in Council's submission on 20 October 2022 and re- iterated in this letter, Council maintains its objection to the progression of this Planning proposal.

Your faithfully,

A handwritten signature in black ink, appearing to read "N. McCarry".

NEAL MCCARRY

ACTING MANAGER STRATEGIC PLANNING