



NORTH SYDNEY COUNCIL

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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.



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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