

GYDE

Planning Proposal

The Five Ways Triangle, Crows Nest
Lands bound by the Pacific Highway, Falcon and Alexander
Streets, Crows Nest

submitted to North Sydney Council
on behalf of DEICORP

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EXECUTIVE SUMMARY

This planning proposal applies to a unique development site in Crows Nest referred to as the Fiveways Triangle. The site is unique in so much as it comprises an entire street block of 19 allotments bound by the Princes Highway, Falcon Street and Alexander Street that is located at the head of Willoughby Road and the Crows Nest Village. Developed in a coordinated and holistic fashion, it is able to provide a meaningful extension to the Village public domain, better connections to the key bus transit stop, valuable employment floorspace, and additional housing to support businesses in the Crows Nest Village and the public investment in the new Metro.

The planning proposal seeks to give effect to the St Leonards and Crows Nest 2036 Plan (2036 Plan) by proposing the following changes to the North Sydney Local Environmental Plan 2013 (NSLEP):

- Amend the Height of Buildings Map (Sheet HOB_001) to change the maximum height shown for the site from 16 metres to 62.5 metres (to facilitate a 16 storey mixed use development)
- Amend the Non-Residential FSR Map (Sheet LCL_001) to change the minimum provision of non-residential floor space from 0.5: to 2.5:1
- Amend the NSLEP 2013 FSR Map (Sheet FSR 01) to apply an FSR of 5.8:1 to the site.

The 2036 Plan establishes a Vision, Objectives, Actions and Urban Design Principles which are the basis for measuring consistency. The Vision, Objectives, Actions and Urban Design Principles are a mixture of qualitative and quantitative requirements.

The 2036 Plan also outlines changes to the existing planning controls which, as noted on page 63 of the 2036 Plan, are '*... indicative and demonstrate the planning and other interventions which would give effect to the changes described in earlier sections of this Plan. These potential built form parameters have been developed to achieve the key urban design principles envisaged by the Plan. Final planning controls will be developed as part of any future rezoning process*'. This planning proposal is consistent with the indicative built form parameters which include a 16 storey height limit. Minimum 2.5:1 non-residential floor space ratio (FSR) and 5.8:1 maximum FSR.

This planning proposal, and in particular the Urban Design Report and Place Design Framework demonstrate that the Vision, Objectives, Actions and Urban Design Principles, including the strict prescriptive requirements, are achieved. Consolidation of the currently disparate street block enables the creation of a greatly improved public domain.

This planning proposal is unequivocally consistent with the 2036 Plan and by extension the Greater Sydney Commission's North District Plan. Moreover, it will create a dynamic and vibrant extension to the Crows Nest Village while providing employment and housing opportunities in a place that is well served by existing and significant new infrastructure.

SECTION A – OVERVIEW

1. INTRODUCTION

This planning proposal has been prepared by Gyde on behalf of Deicorp Pty Ltd (the Applicant) and is submitted to North Sydney Council (Council) for assessment under Section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act). It has been prepared in accordance with the Department of Planning and Environment's Guideline, 'Local Environmental Plan Making Guideline' (December 2021).

The NSW planning system is strategically focused, with higher order plans setting strategic directions which are given effect through local plans. The purpose of this planning proposal is to give effect to the St Leonards Crows Nest Plan 2036 (the 2036 Plan). The 2036 Plan creates a vision for growth based upon the characteristics of the area, including access and proximity to centres and services, availability of infrastructure and investment in new infrastructure and local amenity.

This planning proposal is site specific and applies to land known as the Fiveways Triangle (the site). The site occupies an entire street block and is bound by the Pacific Highway, Falcon Street and Alexander Street. It contains a collection of small commercial buildings in which there has been limited investment in recent years, and which make minimal economic or visual contribution to Crows Nest. The redevelopment potential of individual sites is constrained by their size and the inability in most cases for vehicle access.

Background

The Applicant submitted a planning proposal in June 2020 (June Proposal), almost two years after the Draft St Leonards Crows Nest Plan (Draft Plan) was published. The Draft Plan identified the site as a "significant site" and did not assign a height or residential FSR control on the basis that it was one of a very small number of sites capable of accommodating a taller building and that appropriate controls would be developed through a rigorous design excellence process. The June planning proposal included a rigorous design excellence process and proposed a 36 storey tower on the site, which was consistent with the opinion of the NSW Government Architect's Office that the site was an important visual marker which could enhance the Crows Nest Village without detracting from any of its intrinsic qualities. In the final 2036 Plan, the significant sites provisions of the Draft Plan were removed, and indicative built form controls were identified for the site.

In September 2020, the Applicant met with Council officers and agreed to withdraw the June planning proposal so that it could be reconsidered in light of the 2036 Plan. Council provided written feedback to the Applicant following their initial assessment of the June planning proposal.

In December 2020, the Applicant submitted a revised planning proposal which sought to address Council's comments and responds to feedback received in subsequent pre-lodgement meetings with Council and the Department of Planning, Industry and Environment (Department). Council indicated in their letter of 27 February 2021 that it would not support the revised planning proposal proceeding to Gateway determination.

As a consequence, the Applicant submitted a rezoning review request on 11 March 2021 which was considered by the Sydney North Panel on 18 October 2021. The Panel decided that the revised planning proposal should not be submitted for a Gateway determination because the proposal did not demonstrate strategic merit. The Panel noted that the panel was not convinced that the proposed variations in terms of height and especially FSR were justified. However, the Panel noted that the site is a landmark site not only for the local community but also the wider community of Sydney, given its location on a thoroughfare.

This planning proposal was formally lodged with Council on 19 January 2022. The planning proposal was recommended for approval by the North Sydney Local Planning Panel and officers, however, Council resolved on 27 June 2022 not to support his planning proposal. The Applicant lodged a rezoning review request to the Department of Planning and Environment (DPE) on 30 June 2022.

This planning proposal was considered by the Sydney North Planning Panel on 4 October 2022 and it was determined that the *"planning proposal should be submitted for a Gateway determination because the proposal has demonstrated*

strategic and site specific merit’.

DPE issued a Gateway determination on 2 March 2023. In accordance with the Gateway conditions, the planning proposal has been updated and the site specific DCP has been removed following the commencement of the North Sydney DCP amendment on 6 January 2023 and the requirements of Gateway conditions 1(b) – (e).

The Site

The site contains nineteen allotments (sixteen parcels), which are owned by the Applicant. The amalgamation of the nineteen allotments has taken significant effort and enables a wholistic redevelopment to occur with a unified public domain. The amalgamated site provides a unique opportunity which is rarely possible given the challenges of site amalgamations.

The urban design rationale report prepared by Roberts Day aptly describes the present day Fiveways Triangle as a ‘lost space’ – a traffic island at best – contributing nothing to the evolution of the precinct as a better place. The planning proposal will facilitate the redevelopment of the Fiveways Triangle as a coherent whole and will remedies this situation.

The site is located within walking distance of the Mater hospital, North Sydney Girls High School and Cammeraygal High School, which are part of a health and education sub precinct. The sites’ location at the top of Falcon Street makes it a gateway between the health and education precinct and the Crows Nest village. Its redevelopment will create an extension of the Crows Nest village and an anchor for the Medical and Education sub precinct.

The site is located a mere 240 metres from the proposed Crows Nest Metro Station. The Sydney Metro City & Southwest is a \$12.5 billion investment by the NSW Government in city shaping infrastructure. The Metro is a rapid, high frequency transport service, that will connect people to jobs and services, improving Sydney’s liveability and support economic growth. The site is further connected to other parts of areas by bus services, with bus stops located on or opposite each of the site’s boundaries providing frequent connections to the north-south and east-west.

The Proposal

This planning proposal for the Fiveways Triangle is entirely consistent with the vision, objectives, actions, urban design principles and indicative built form controls of the final St Leonards Crows Nest 2036 Plan.

The planning proposal is accompanied by a concept building design which demonstrates the building envelope which would be achieved by the proposed planning controls. The concept building design was developed by Turner, with further critique and place making strategies and insights by Roberts Day. The detailed design will continue to be developed as further comment is provided by Council’s Design Review Panel and the community as part of the development application process.



Figure 1 - Proposed building envelope represented by the planning proposal. Source: Turner Architects

North Sydney LEP Amendments

This planning proposal seeks to amend the North Sydney Local Environmental Plan 2013 (NSLEP) as follows:

- Amend the Height of Buildings map to change the maximum height shown for the site from 16 metres to 62.5 metres (sufficient to accommodate a 16 storey mixed use building having regard to the site topography)
- Amend the Non-Residential Floor Space Ratio (FSR) map to change the minimum provision of non-residential floor space from 0.5: to 2.5:1
- Amend the NSLEP 2013 FSR Map (Sheet FSR 01) to apply a FSR of 5.8:1 to the site.

Summary

In summary, the benefits that the planning proposal will deliver are:

- Consolidation of a currently lost space and the creation of a vibrant new public domain that will complement and extend the Crows Nest Village
- The provision of approximately 129 apartments with a high standard of amenity that will contribute to the North Sydney LGA's long term housing needs creating greater housing diversity while relieving pressure on less suitable places.
- A quality arrival and departure point for users of the key bus stop serving the Crows Nest Village and surrounding locality.

Fiveways

- Significant commercial floor space that will serve the health and education precinct and provide walkable employment opportunities for the surrounding community. The floor space will accommodate 295 additional jobs and contribute \$39 million to the local economy annually.
- Realisation of the economic, social and place making opportunities created by the public investment in the Sydney Metro.
- Implementation of the strategic vision identified in the Greater Sydney Regional Plan, the North District Plan, and the St Leonards Crow Nest 2036 Plan.
- Facilitates the foreshadowed future closure of Falcon Street between Alexander and Pacific Highway by providing alternate vehicle and service access for shops on Falcon Street.

2. THE SITE AND LOCAL CONTEXT

2.1. Location and Description

The site is located in Crows Nest in the North Sydney Local Government Area (LGA), 5.7km north of the Sydney CBD (Figure 2). The site is within the 'North District' of the Greater Sydney Region as defined by the Greater Sydney Commission.



Figure 2: Context Map, site marked red (Source: Google Maps)

Crows Nest is an urban village of the lower north shore. Its residential, retail, and business uses activate its streets in the day and night, creating a vibrant place to live and work. Willoughby Rd is its central spine and its mix of low-rise character buildings, wide footpaths and food and beverage offerings, make it a destination for locals and those from surrounding areas.

The site is located at the southern end of the village. It is a prominent element of the Crows Nest village, occupying an entire street block and being located on the Five Ways intersection. The site is bound by the Pacific Highway, Falcon Street and Alexander Street (Figure 3)

Fiveways



Figure 3: Aerial image (Source: Google Maps)

The Five Ways is created by the intersection of the Pacific Highway, Falcon Street and Willoughby Rd. The alignment of the roads creates corner blocks of varying shapes, with the buildings upon them responding to their shape and addressing the intersection. The wide width of the intersection provides open views of the buildings from the various angles of approach. Willoughby Road ends at Falcon Street, with a pedestrian desire line extending between the point of termination and the subject site.



Figure 4: Five Ways intersection

The Five Ways is located at a crest in the ridgeline which extends through this section of the North Shore and is elevated above the surrounding land in each direction making it a visual focal point. The site generally falls in a south easterly direction from its north western corner down to its south eastern corner.

Fiveways

The site is an amalgamation of sixteen smaller sites (nineteen allotments) as illustrated in Figure 5 and described in Table 1. The site has an area of 3200.6m² and has the following street frontages:

- Falcon Street: 70m
- Alexander Street: 85m; and
- Pacific Highway 110m.

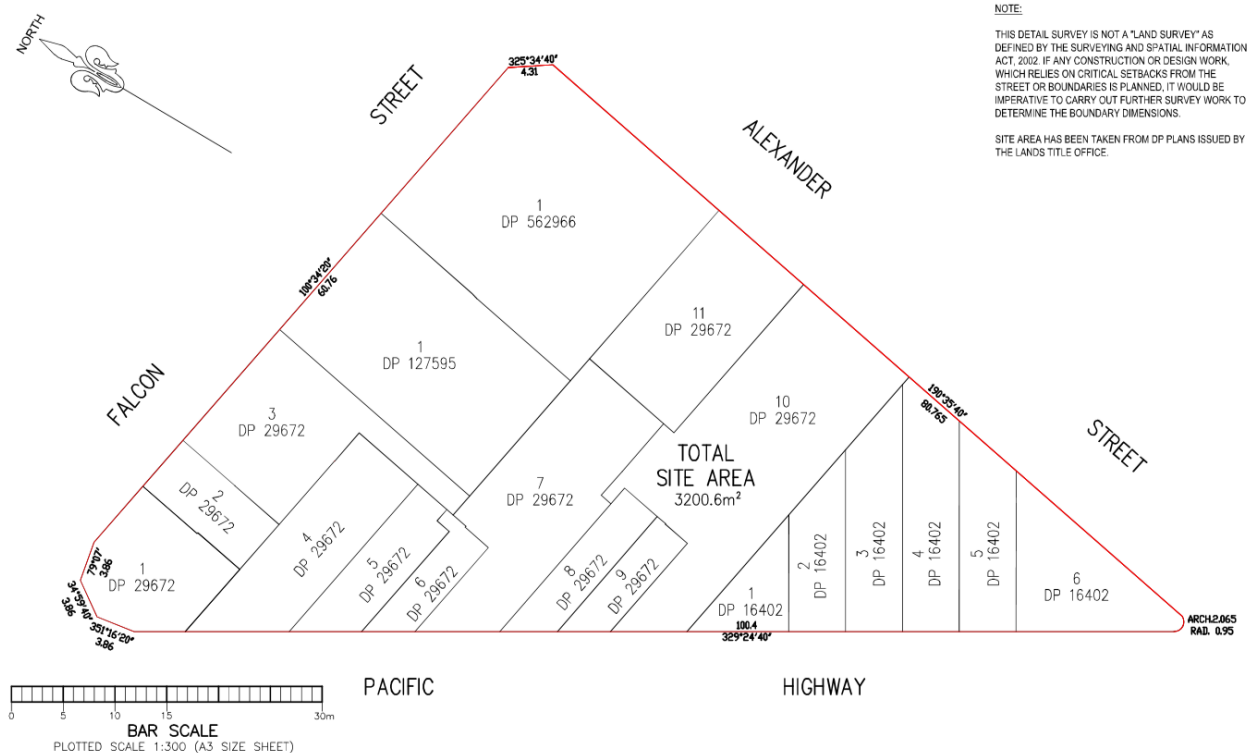


Figure 5: Site Survey (Source: Total Surveying Solutions)

Table 1: Allotment descriptions

Address	Lot	Deposited Plan	Ownership
3 Falcon Street	2	DP 29672	Owned by Applicant
7 Falcon Street	3	DP 29672	Owned by Applicant
9-11 Falcon Street	1	DP 127595	Owned by Applicant
15 Falcon Street	1	DP 562966	Owned by Applicant
8 Alexander Street	11	DP 29672	Owned by Applicant
391-393 Pacific Highway	6	DP 16402	Owned by Applicant
395 Pacific Highway	4 and 5	DP 16402	Owned by Applicant

Fiveways

399 Pacific Highway	3	DP 16402	Owned by Applicant
401 Pacific Highway	1 and 2	DP 16402	Owned by Applicant
407 Pacific Highway	10	DP 29672	Owned by Applicant
411 Pacific Highway	8 and 9	DP 29672	Owned by Applicant
413 Pacific Highway	7	DP 29672	Owned by Applicant
415 Pacific Highway	6	DP 29672	Owned by Applicant
417 Pacific Highway	5	DP 29672	Owned by Applicant
419 Pacific Highway	4	DP 29672	Owned by Applicant
423 Pacific Highway	1	DP 29672	Owned by Applicant

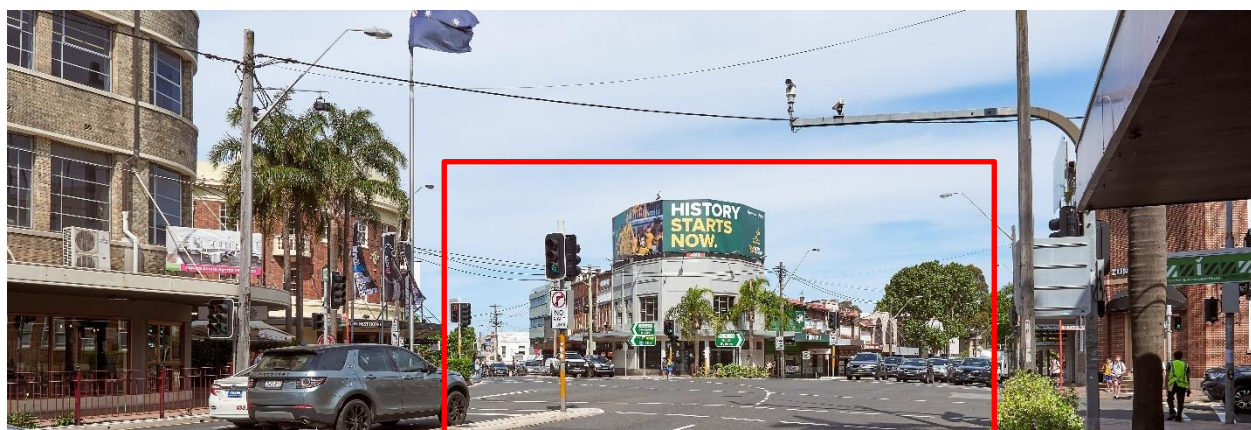


Figure 6: View from site from Fiveways intersection (Source: SkyMonkey)

The site contains a mix of 1-4 storey buildings. The buildings are generally constructed to their boundaries and do not have vehicular access. The Alexander Street frontage is an exception to this pattern, with the buildings having staggered alignments and multiple driveway crossings. The buildings are occupied by a range of uses including office, retail, education, mechanics and sex services. A number of the premises are vacant and have been for some time. It is estimated there is 4,600m² of gross floor area and 154 jobs contained upon the site.

A prominent feature of the site is the billboard advertising sign located on top of 423 Pacific Highway facing the Five Ways intersection. The sign is located above the parapet of the building and is visually intrusive. The buildings generally contain retail uses at ground floor and commercial premises on their first floor. There is also a car service centre located on the Alexander Street frontage.

2.2. Land ownership and future development

All the sixteen parcels which make up the site are all owned by the applicant which will facilitate the orderly development of the entire Five Ways triangle.

2.3. Metro tunnels

The Metro rail tunnels pass under the north eastern corner of the site and are contained within a below ground stratum. The Metro is a constraint to development but does prevent the undertaking of below ground works.



Figure 7: Metro tunnel easements affecting the site. (Source BG&E)

2.4. Site Photos



Figure 8: View of northern end of eastern frontage (Alexander

Fiveways

Street)



Figure 10: View of eastern end of northern frontage (Falcon St)

Figure 9: View of south end of eastern frontage (Alexander Street)



Figure 11: Existing development on subject site along Pacific Highway frontage (Source: City Plan)



Figure 12: View of northern end of western frontage (Pacific Highway)



Figure 13: View of southern end of western frontage (Pacific Highway)

2.5. Surrounding development

To the north of the site on the opposite side of Falcon St is the Crows Nest Hotel (Figure 14), which is a three storey building which is listed as a local heritage item under the NSLEP 2013. The Hotel adjoins Willoughby Lane at its eastern boundary. Located on the opposite side of the laneway is 6-8 Falcon Street, which contains a two small commercial building that is used as a restaurant. Further to the east is 10 Falcon St, which contains a three storey commercial building containing a supermarket, public car parking and other commercial uses. Its façade contains curve bands which bend around the façade and rise to define the corner. Coloured vertical panels fill the spaces between the curved bands.

Fiveways



Figure 14: Crow's Nest Hotel, located opposite the site on the northern side of Falcon Street



Figure 15: No. 10 Falcon St, Crows Nest. Located opposite subject site on northern side of Falcon St

To the east of the site on the opposite side of Alexander Street is a mix of commercial and mixed-use buildings ranging in height from 1 – 4 storeys. The buildings create a buffer between the site subject and the Holtermann Estate C Conservation area, the north-western boundary of which adjoins their rear.

Fiveways



Figure 16: Development on eastern side of Falcon St, opposite the subject site (Source: Google maps)

To the south and west of the site on the western side of the Pacific Highway are a mixture of commercial and mixed-use buildings that are up to six storeys in height. The buildings are varied in their age and form and materiality, creating a disjointed streetscape. Further south along Pacific Highway is a 17-storey building located at 210-220 Pacific Highway (Figure 17). To the south of the site are the Mater Hospital, North Sydney Girls and Cammeraygal High Schools, which form part of an emerging cluster health and education precinct.



Figure 17: Development at 210-220 Pacific Highway (Source: Google Maps)

2.6. Character

The Urban Design Report (Appendix A) includes an analysis of the character of the wider Crows Nest and St Leonards area. The study concludes that the area is made up of a series of distinct sub-villages, with Crows Nest village at their centre. The location of the sub precincts is shown in as shown in Figure 18 and the characteristic of each is described in below.

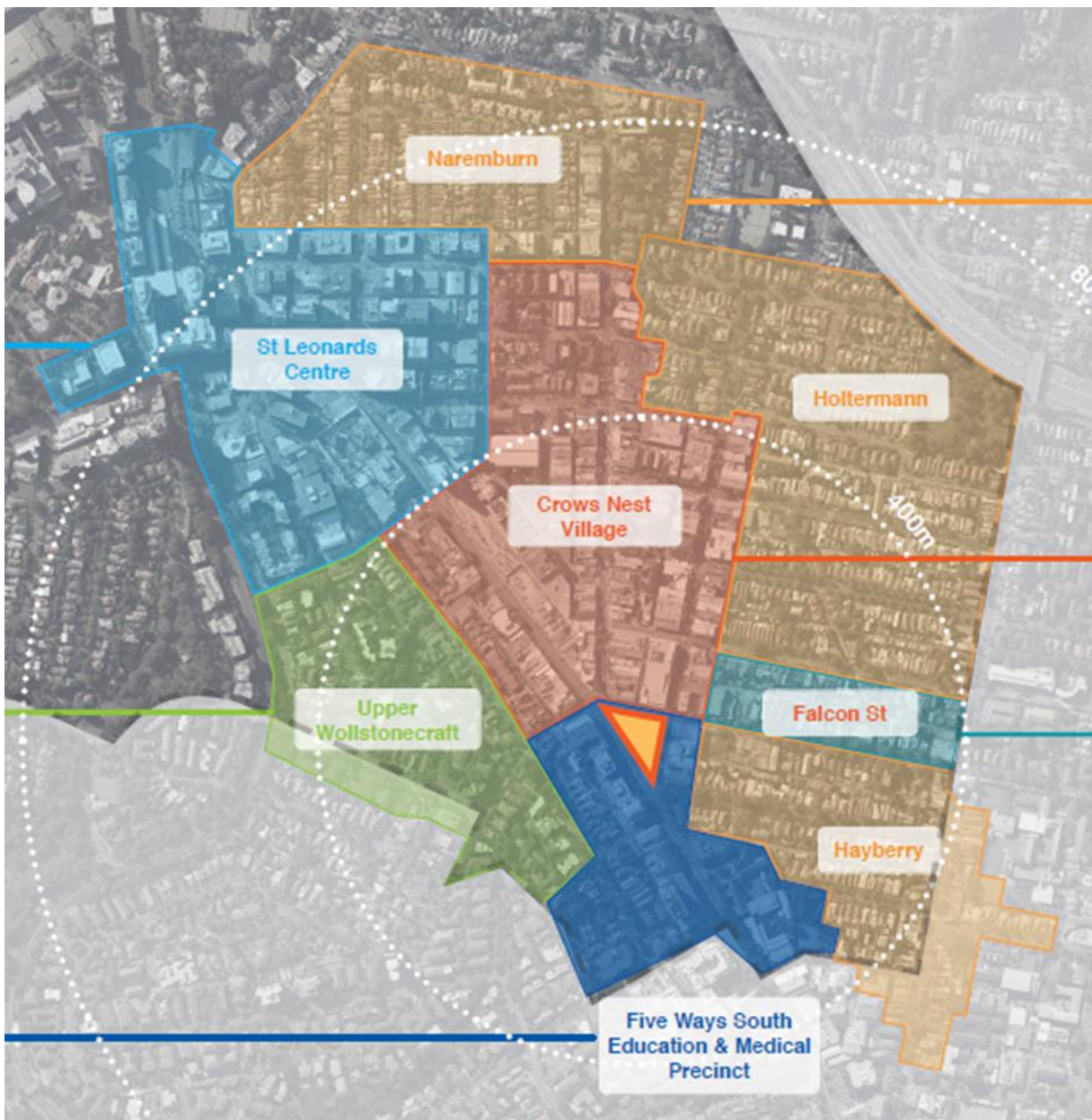


Figure 18: Local Context Analysis (Source: Turner - Urban Design Report)

Table 2: Characteristics of Sub Precincts of St Leonards and Crows Nest

Sub-Precinct	Characteristic
St Leonards Centre	An urban renewal centre, comprising high-quality mixed-use buildings and public domain with a thriving arts, culture and innovation hub.
Upper Wollstonecraft	A residential area offering a diverse mix of housing, including affordable housing within a landscaped setting.
Heritage Precinct (Nareburn, Holtermann and Hayberry)	Comprising low scale urban form influenced by the strongly defined grid pattern of wide streets and narrow rear lanes with mature street trees.
Crows Nest Village	A village atmosphere centered around the fine grain retail and restaurant strip of Willoughby Road. It has an emerging commercial and entertaining role, comprising a well-designed mix of commercial and mixed-use buildings which improve amenity and activity of the highway and surrounds.
Falcon Street	A residential strip with convenience retail and services on corner sites.
Fiveways South	A centre for health and education services, complementary medical activities, ancillary retail, visitor, care and aged accommodation.

2.7. Heritage

The site is located within close proximity to a number of heritage items (Figure 20), notably the buildings located on the other corners of the Five Way intersection, which are described in Table 3. In addition, the site is one block removed from the north eastern corner of the Holtermann Estate C conservation area and located to the south west of the Holtermann East B Conservation area as shown in Figure 19 with the site circled red.

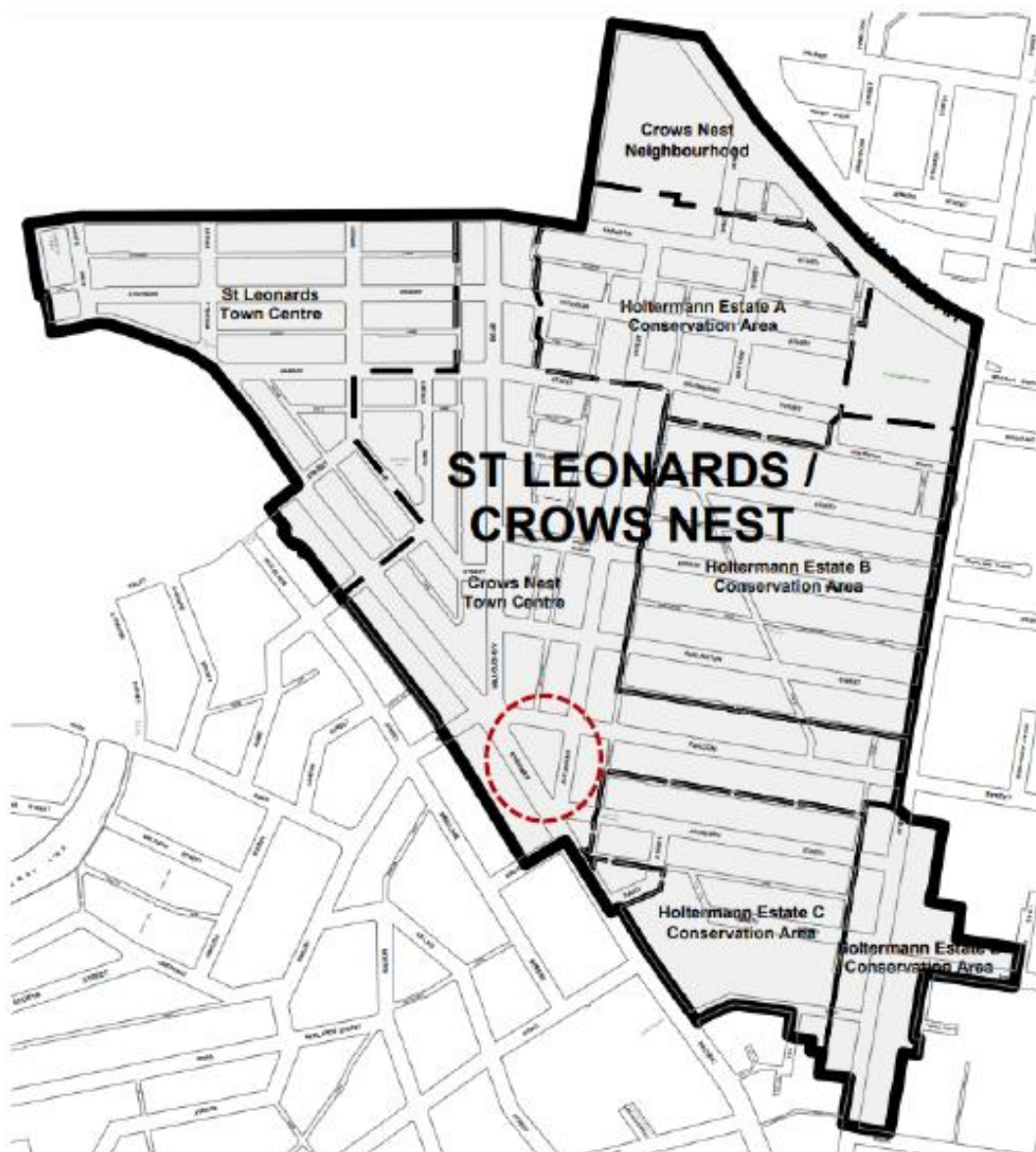


Figure 19: North Sydney DCP 2013, Part C Character Statements, site circled red.

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Table 3: Description of heritage items on Five Ways intersection

Property	Significance
306 Pacific Highway Item No: I0151	“The former Crows Nest Branch of the Bank of New South Wales is an excellent example of Inter-war Georgian revival architecture in a commercial building, with its significance enhanced by the prominent streetscape location as part of a five-way intersection dominated by buildings of a similar form, scale, materials and period.”
308 Pacific Highway Item No: I0152	“An example of a two-storey rendered masonry commercial building on a prominent corner site with plainly detailed elevations. An important streetscape item as a part of a major intersection with a cohesive group of interwar commercial buildings on each corner.”
429 Pacific Highway Item No:	“Dramatic and imposing commercial building on an important corner of a major intersection which is characterised by buildings of similar period and materials. A fine example of the Interwar Functionalist style and an early example of a large regional department store.”
1 - 3 Willoughby Rd Item No: I0181	“Interesting large urban Inter-War hotel on an important intersection which has buildings similar in materials, form, style and period on each corner.”

(Source: Urbis Heritage Impact Statement).



Figure 20: NSLEP 2013 Heritage Map (Source: NSW Legislation)

The Holtermann Estate C conservation area is characterised by modest, speculative cottages in the Victorian Georgian and Filigree, Victorian Italianate, Federation Queen Anne and Federation Bungalow styles. There are also some Inter-War Californian Bungalow and Art Deco styles and later infill development including the large campus of the Sydney Girls High School. Characteristic buildings in the Holtermann Estate C Conservation Area include detached, late Victorian, Federation and Edwardian semi-detached dwelling houses and gardens. There are intrusive off-street parking structures where rear lane access is not available. Other uncharacteristic elements include two storey additions constructed to the street, lot amalgamations and loss of original subdivision pattern, contemporary buildings with laneway frontages.

The Holtermann Estate B Conservation Area includes the central portion of the larger Holtermann Estate. The area is characterised by its low scale of single storey, hipped roof, detached and attached dwelling houses that include a mix of late 19th and early 20th century building styles, and restrained examples of Victorian Georgian and Filigree, Victorian Italianate, Federation Queen Anne and Federation Bungalow. There are also some Inter-War Californian Bungalow and Art Deco styles with some post war residential flat buildings and modern infill housing. Front gardens contribute to the landscaping of the streets. Gardens follow the natural fall of the land with steps to the street on the high side. There are high and low scale street trees and shrubs.

2.8. Access and Connectivity

Crows Nest is centrally located within the Eastern Harbour City and part of the eastern economic corridor. It is part of the St Leonards health and education precinct and located in near proximity to a number of other centres.

Crows Nest's connection to other centres is shown in the North Sydney Transport Network map (Figure 21). The site lies at the junction of existing (North shore rail line) and future (Metro) city shaping infrastructure, on east-west and north-south operating city service bus routes and in close proximity to future regional active transport routes.

The site is located 240 metres from Crows Nest Metro Station. The Sydney Metro City & Southwest is a \$12 billion investment by the NSW Government in city shaping infrastructure. The Metro is a rapid, high frequency transport service, that will connect people to jobs and services, improving the Sydney's liveability and support economic growth. The Sydney Metro City & Southwest line is scheduled to commence operation in 2024, with indicative timeframes for travel from Crows Nest of:

- 4 minutes to Chatswood Station
- 5 minutes to Barangaroo Station
- 7 minutes to Sydney Metro Martin Place Station.

Table 4: Proximity and access to key centres

Centre	Classification (North District Plan)	Connection to Crows Nest
North Sydney CBD	Metropolitan Centre	1km by road Heavy rail Bus
Sydney CBD	Metropolitan Centre	4km by road Heavy rail Bus
Chatswood CBD	Strategic Centre	5km by road Heavy rail Bus
Macquarie Park	Health and Education Precinct	10km by road Heavy rail

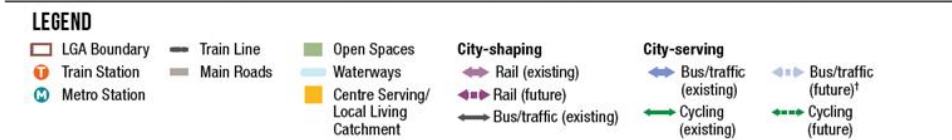
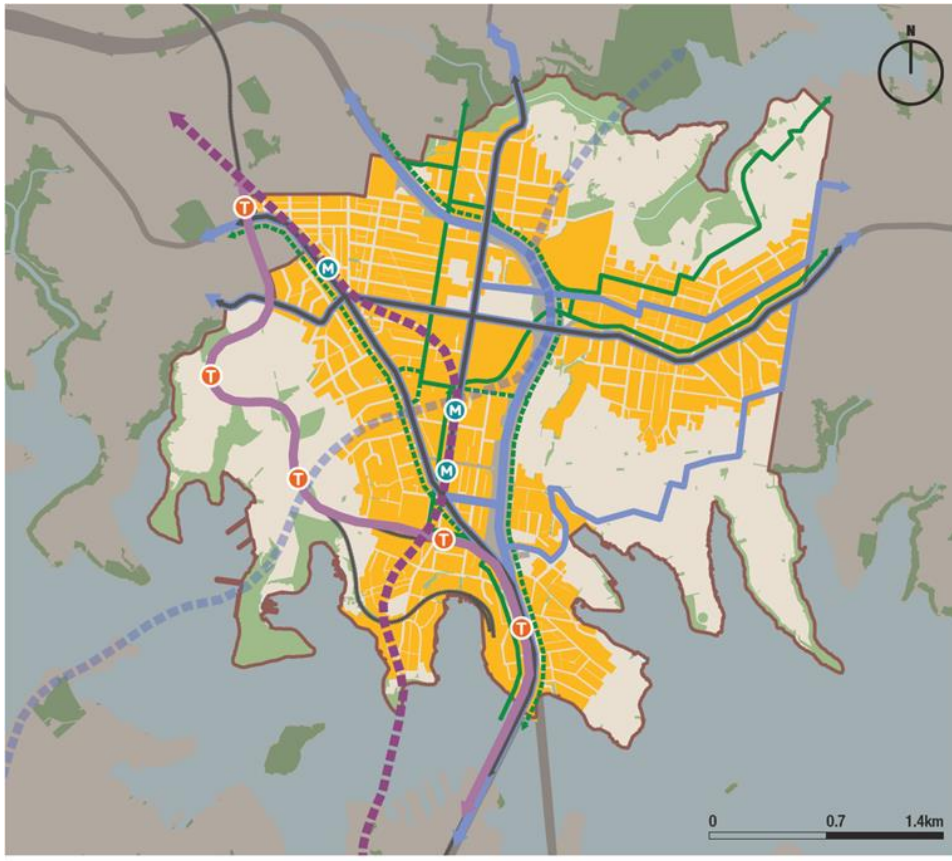


Figure 21: North Sydney Transport Network -- Site Marked blue circle (Source: North Sydney LSPS)

St Leonards train station is located 800m to the north of the site. St Leonards Station provides train services to Sydney and North Sydney CBDs, northern parts of Greater Sydney, Central Coast, Newcastle and western parts of Sydney such as Burwood.

There are a number of bus services which pass the site, with a bus stop located on or opposite each of the site's frontages. The bus stop on the Pacific Highway is serviced by twenty-five bus routes, and provides access to North Sydney, Sydney and Chatswood CDBs, Macquarie Park as well as the harbourside suburbs to the west. The bus services which travel along Falcon Street provide access to Lane Cove and the Northern Beaches. An overview of the available bus services is provided in Table 5 below.

Table 5: Bus Services available from the site

Bus Services	
Bus stop:	Pacific Highway after Falcon Street



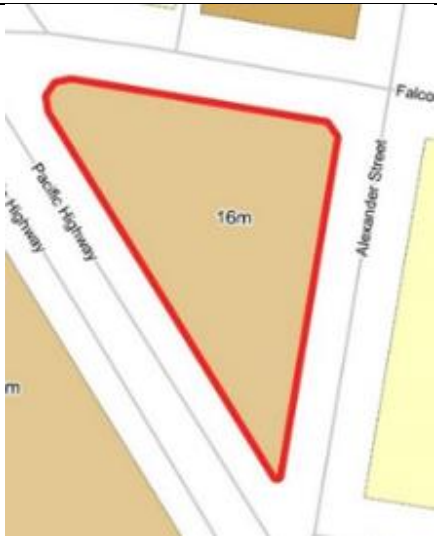
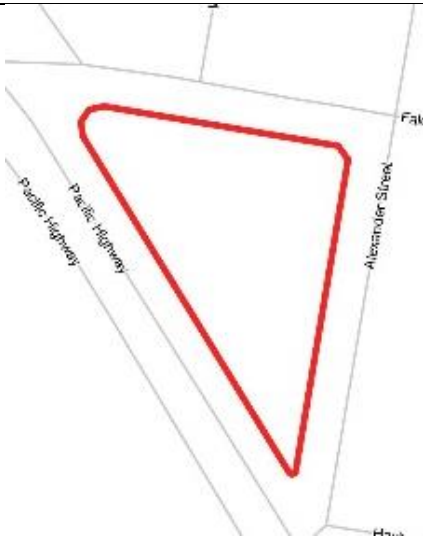
Fiveways

Number of bus routes serviced:	25
Key bus services:	200 (Chatswood to Bondi Junction), 261 (Lane Cove to City King Wharf via Longueville), 265 (Lane Cove to North Sydney via Greenwich), 286 (Denistone East to Milsons Point via St Leonards & North Sydney), 287 (Ryde to Milsons Point via St Leonards & North Sydney), 290 (Epping to City Erskine Street via Macquarie University & North Sydney), 291 (Epping to McMahons Pt), 320 (Gore Hill to Mascot), 622 (Dural to Milsons Point via Cherrybrook), 602X Bella Vista Station to North Sydney, 612X (Castle Hill to North Sydney), N90 (Hornsby to City Town Hall via Chatswood), N91 (Macquarie Park to Bondi Junction via City Town Hall)
Bus stop:	Alexander St before Hayberry St
Number of bus routes serviced:	4
Key bus services:	343 (Chatswood to Kingsford), 579N (Chatswood Station to Queenwood), 625W (Chatswood to Miller & Falcon Sts), 754W (Willoughby Girls High to Crows Nest)
Bus stop:	Falcon St near Alexander St
Number of bus routes serviced:	17
Key bus services:	143 (Chatswood to Manly via Balgowlah & St Leonards), 257 (Chatswood to Balmoral via Crows Nest), 599N (St Leonards Station to Spit Road opposite Military Rd), 648W (Fitzroy St, Milsons Point to Epping Station)

3. STATUTORY CONTEXT

3.1. Current Development Controls

The North Sydney Local Environmental Plan 2013 (NSLEP) applies the following planning controls to the site.

 <p>The site is zoned B4 Mixed Use under the NSLEP.</p>	 <p>The NSLEP applies a minimum 0.5:1 non-residential FSR.</p>
 <p>The NSLEP applies a 16m height control to the site.</p>	 <p>The NSLEP does not apply a maximum FSR to the site.</p>

3.2. St Leonards and Crows Nest 2036 Plan

The NSW planning system is strategically focused, with higher order plans setting strategic directions which are given effect through local plans. The purpose of this planning proposal is to give effect to the 2036 Plan. The 2036 Plan creates a vision for growth based upon the characteristics of the area, including access and proximity to centres and services, availability of infrastructure and investment in new infrastructure and local amenity. Further analysis is provided at Section 0.

3.3. Development Approvals and Planning Proposals

There are currently four planning proposals being considering by the Department within the St Leonards and Crows Nest Planned Precinct. These are predominately located around the St Leonards Station and the new Crows Nest Metro Station location.

There are currently no significant development applications being considered by North Sydney Council in the vicinity of the site.

4. CONCEPT

4.1. Need for Redevelopment

The site occupies an entire street block which is bound by the Pacific Highway, Falcon St and Alexander Street. It contains a collection of one – four storey commercial buildings with small floorplates unsuitable to meet the demands of current commercial and retail users, resulting in many being vacant. There has been limited investment in the buildings in recent years and as such they minimal economic or visual contribution to Crows Nest.

The site is located in close proximity to the future Crows Sydney Metro station. The Metro line is a \$12.5 billion investment by the Government and will reshape the form and movement patterns of Greater Metropolitan Sydney in the future. It is important that the Metro is supported by appropriate new growth to maximise the public benefit and realise its value in connecting the city.

The Place Design Framework Report prepared by Roberts Day (Appendix B) identifies that the irregular triangular shape of the site and its island characteristics make it an important site for placing making in the evolution of the precinct as a better place.

The site contains nineteen allotments (sixteen parcels), which are all owned by the Applicant. The amalgamation of the allotments has taken significant time and enables wholistic redevelopment to occur. The amalgamated site provides a unique opportunity which is rarely possible given the challenges of site amalgamations.

4.2. Indicative Built Form

The 2036 Plan has identified the following indicative built form controls for the site which the 2036 Plan states (p.63) ‘... are indicative and demonstrate the planning and other interventions which would give effect to the changes described in earlier sections of this Plan. These potential built form parameters have been developed to achieve the key urban design principles envisaged by the Plan. Final planning controls will be developed as part of any future rezoning process’.

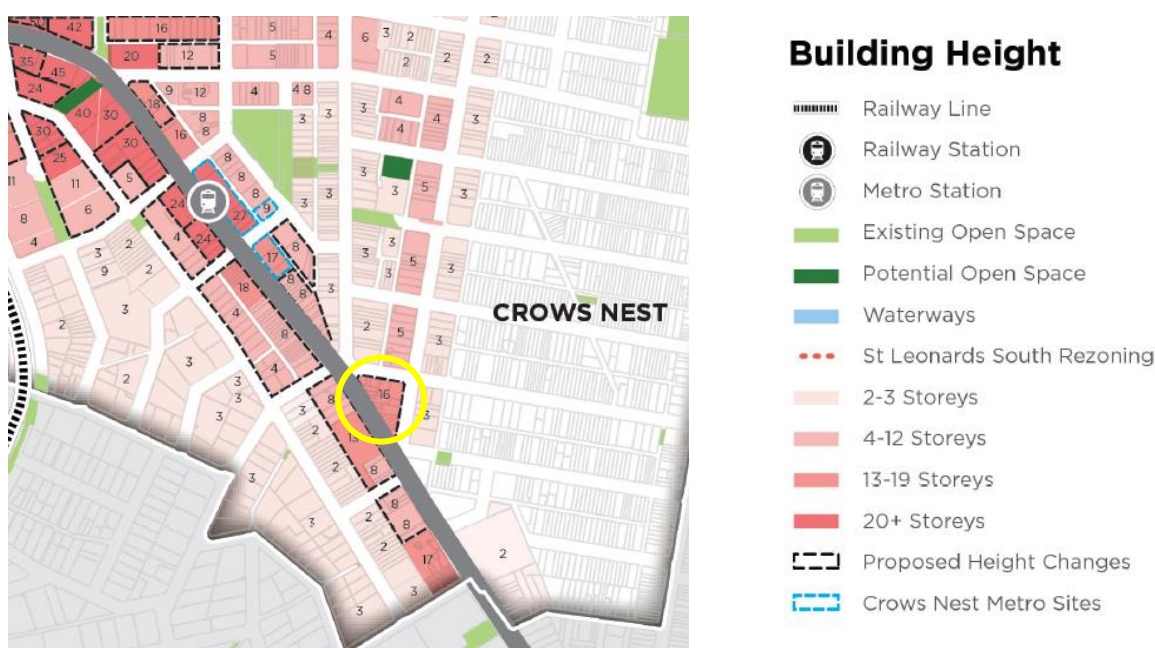


Figure 22: Indicative Building Height, site identified with yellow circle (Source: 2036 Plan)

Fiveways

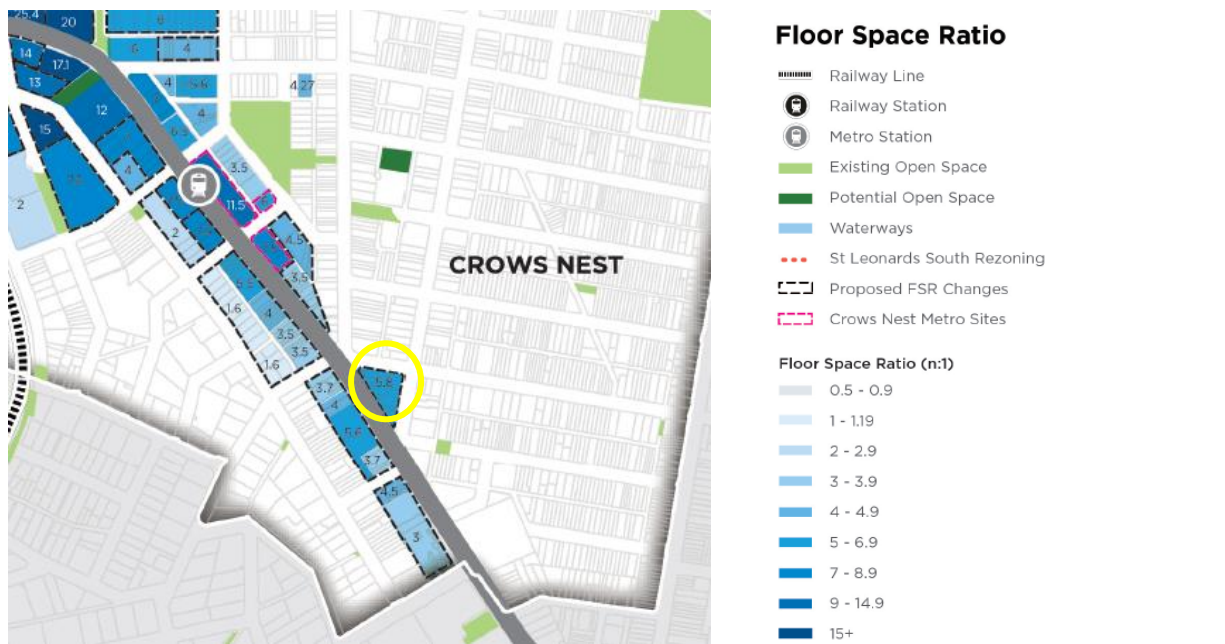


Figure 23: Indicative FSR, site identified within yellow circle (Source: 2036 Plan)

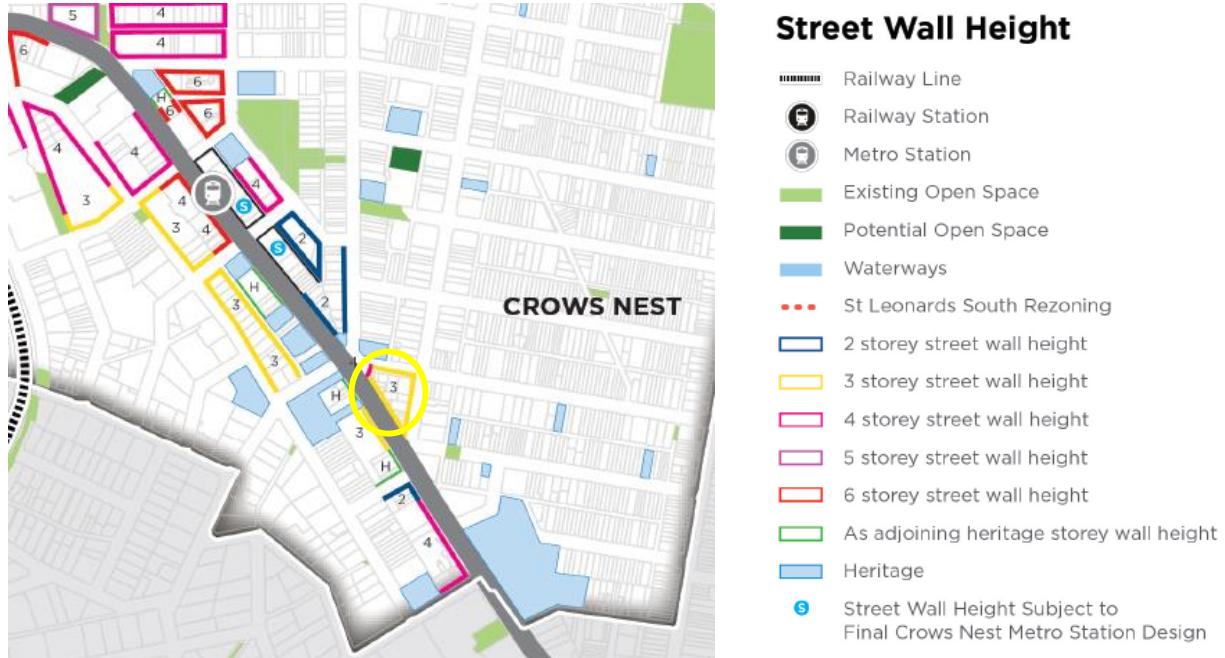


Figure 24: Indicative Street Wall Heights, site identified with yellow circle (Source: 2036 Plan)

Fiveways

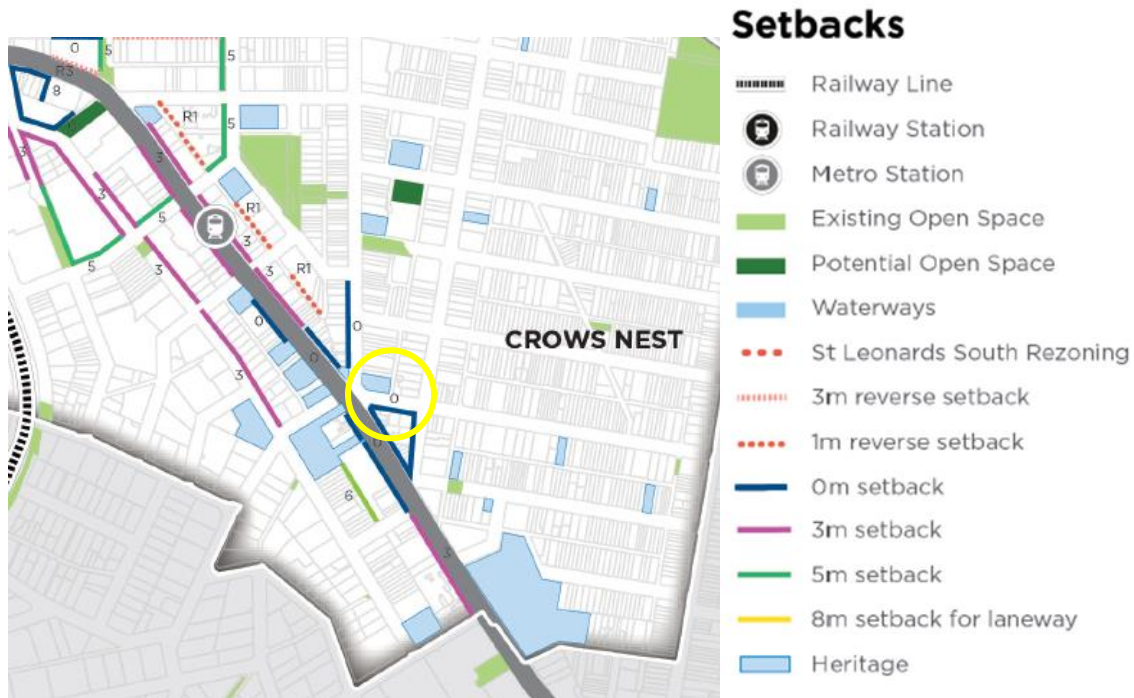


Figure 25: Indicative setbacks, site circled yellow (Source: 2036)

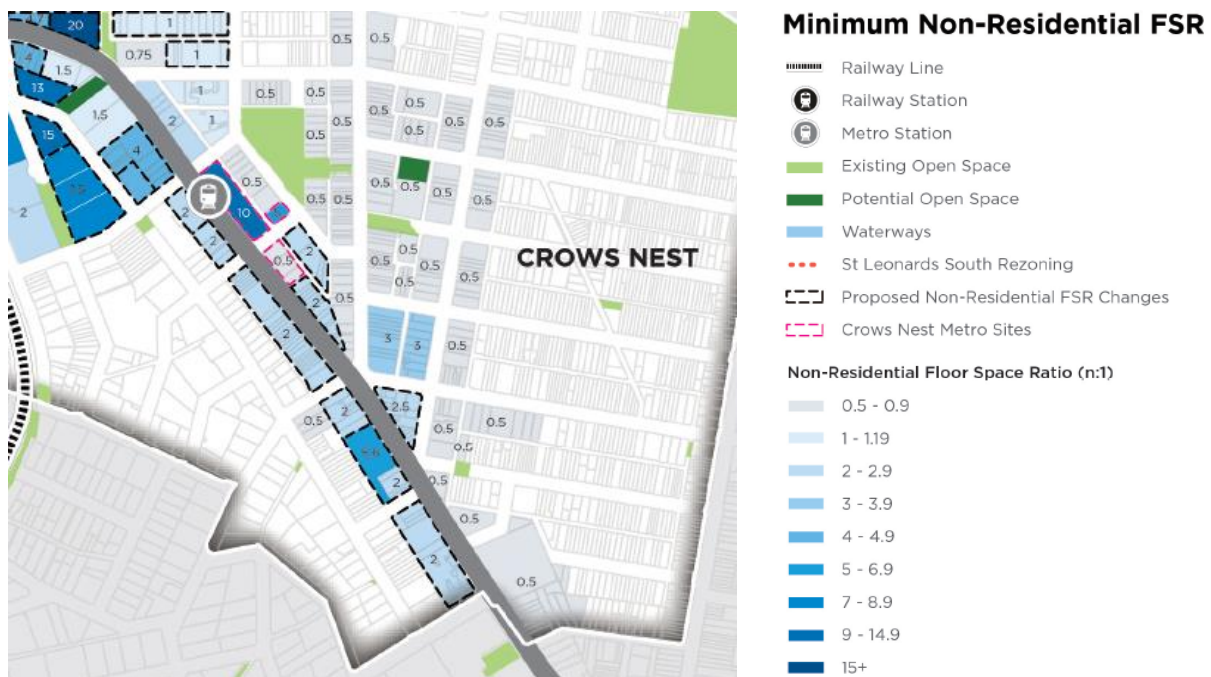


Figure 26: Indicative Non-residential FSR, site circled yellow (Source: 2036 Plan)

4.3. Proposed Statutory Amendments

This planning proposal seeks to make the following amendments to the North Sydney Local Environmental Plan 2013: -

- Increase the maximum building height for the site from 16 metres to 62.5 metres
- Increase the minimum required non-residential FSR from 0.5:1 to 2.5:1
- Introduce a maximum FSR for the site of 5.8:1.

4.4. Concept Design

The planning proposal is accompanied by an urban design study (Appendix A) by Turner Studio, with place design insights from Roberts Day (Appendix B). The study includes a concept building design to demonstrate the form which would be achieved within the proposed planning controls

The concept design was prepared following a comprehensive site analysis, and detailed consideration of the St Leonards and Crows Nest 2036 plan's vision, design criteria and area wide design principles. Key features of the concept design are described in Table 6.

Table 6: Development Statistics

Element	Proposed
Land uses	Commercial and retail Residential
Built form	Podium broken into a collection of buildings, creating internal laneways that reflect the fine grain nature of the Crows Nest village and make the block permeable.
Indicative yield	129 dwellings
Gross Floor Area (GFA) Total	18,566m ²
Residential FSR	3.3:1 (10,564m ²)
Non-Residential FSR	2.5:1 (8002m ²)
Building Height	3/4 storey podium 16 storey tower (62.5 metres)
Car parking	258 car spaces (including 12 allocated car share spaces) 303 bicycle spaces 11 motorcycle spaces

4.4.1. Built Form

The Place Making Report prepared by Roberts Day considers the sites place in the area and the significant transformational impacts its development can have. Key observations of its analysis are:

- The Five Ways forms the southern gateway to the precinct.
- Triangular sites (e.g., Sydney dental hospital and Flatiron Building, New York) have transformational qualities when developed. When undeveloped, they are perceived as lost space, a traffic island at best.

Fiveways

- The proposed podium is a mixed scale urban village reflecting the human scale and character of its neighbours.
- The successful juxtaposition of tall buildings against low rise neighbourhoods is a desirable quality in cities.

4.4.2. Public Domain

The ground floor plan provides a range of retail tenancies that will provide active frontages to Pacific Highway, Falcon Street and Alexander Street and internally through the development. Street level activation and contribution to the public domain at ground level is a fundamental component of the concept proposal. The concept proposal has been designed as a natural extension to the Crows Nest Village and to reinforce connections to the existing street grid and create new connections to enhance permeability for the neighbourhood.

The ground plane seeks to revitalise the Fiveways precinct which is currently less vibrant than the areas to the north of Falcon Street. Generous footpaths and through site links encourage access to the site across the street crossings and through to the retail areas to the south and east of the site.

The proposal will result in the upgrade of all public domain surrounding the site and together with the introduction of an active frontage along the site's boundaries, will achieve a high level of engagement and activation with pedestrians. An extract of the ground floor plan demonstrating the extent of activated building frontages is provided at Figure 27.

The concept design encourages tree planting along the street frontages and allows for increased setbacks at through site links and around the key bus stop to create a sense of place and enable activation of the public domain.



Figure 27: Ground Floor Plan (Source: Turner - Urban Design Report)

4.4.3. Employment space

A focus of the 2036 Plan is to create 1,440 additional jobs in connection with Mater Hospital and encourage the growth of health uses throughout the area, supported by non-residential floorspace requirements along the Pacific Highway corridor towards the hospital. In addition, the objectives of 9.1 Ministerial Direction 7.1 "Business and Industrial Zones" are to:

- encourage employment growth in suitable locations
- protect employment land in business and industrial zones; and
- support the viability of identified centres.

The concept building includes 8,002m² of commercial and retail floor space. The site is located in an appropriate location to support the growth of the Mater Hospital precinct and floor space will be suitable for a range of uses and provide the opportunity to co-locate with existing medical and educational facilities in the site.

The Economic Impact Assessment prepared by Hill PDA (Appendix D) concludes that the planning proposal will create 295 new jobs above the base case and approximately 296 jobs directly on-site during construction.

4.5. Consultation with North Sydney Council

Following submission of the original June planning proposal, the Applicant has engaged with Council on a number of occasions to develop the planning proposal and address Council's comments.

Council provided feedback on the June planning proposal in its letter of the 29 September 2020. The contents and the Applicant's responses which are relevant to this proposal are summarised in the table below.

Table 7: Summary of Council Discussions

Council Comment	Applicant Response
Owners Consent	The site is now entirely controlled by the Applicant.
Not consistent with the North Sydney LSPS, in particular the Civic Precinct & Surrounds Planning Study	The Civic Precinct and Surrounds Planning Study was prepared in advance of the finalisation of the 2036 Plan. The study identified the site with an indicative 8 storey height, which Council resolved not to amend to accord with the finalised 2036 Plan, and it currently contradicts the outcomes of the strategic and precinct level 2036 Plan.
Contrary to the objectives of the regional and district plans, in particular: Does not promote strategic planning response to Planning Precinct Impact on significant of nearby heritage and conversation areas Does not minimise traffic generation Not required to meeting housing targets	The proposal is entirely consistent with the 2036 Plan, achieving the objectives, actions, urban design principles and indicative built form controls. The impact of the proposal on the nearby heritage items and heritage conservation areas has been considered in detail by the Heritage Impact Statement (Appendix E). The Heritage Impact Statement concludes that the proposal will have no material impact on the heritage items in the vicinity of the site. The physical separation of the site from the heritage context of the surrounds will remain unaffected by the proposed uplift. The car parking provision on site has been reduced and includes car share spaces and substantial bicycle parking

	<p>and is compliant with the North Sydney DCP car parking rates (as commenced 6 January 2023). The vehicular access to the site will be from Alexander Street to reduce the impact on Pacific Highway and Falcon Street. In addition, a draft Travel Plan has been prepared to encourage the ongoing management of traffic impacts of the development. The site is located in walking distance of two mass transit transport nodes and a high frequency bus stop is located on the site.</p>
<p>Inconsistent with Section 9.1 Direction 2.3 Heritage Conservation</p>	<p>A Heritage Impact Assessment (see Appendix E) has been prepared in support of the proposal which concludes that the interpretation of the existing streetscape character of the Holtermann B and Holtermann C Heritage Conservation Areas does not rely on the subject site. The proposed built form does not impede on the reading of dominant typologies of the conservation areas. The proposal does not propose any changes to the planning controls which currently conserve the heritage items and the heritage conservation areas within the vicinity of the site.</p>
<p>Undermines strategic planning works being undertaken by DPIE</p>	<p>The 2036 Plan has now been finalised and this proposal has been developed to be entirely consistent with the vision, objectives, actions, urban design principles and indicative built form controls of the 2036 Plan.</p>
<p>Does not demonstrate site specific merit, in particular due to:</p> <ul style="list-style-type: none"> • Insufficient information on potential increased overshadowing • Adverse impacts on heritage buildings and conservation areas • Inappropriate height, Civic Precinct Study identifies 8 storeys 	<p>Overshadowing analysis has been provided - see urban design report (Appendix A) and section 7.3.3 of this document.</p> <p>As noted above the Heritage Impact Statement (Appendix E) conclusion that the development does not impede the reading of the dominated typologies of the conservation areas. The Heritage Impact Statement consider the heritage items in the vicinity of the site and generally concludes that whilst the proposal will have some impact on the visual setting of some heritage items, this change is anticipated within the area and forms part of the future urban character of Crows Nest.</p> <p>The Civic Precinct Study is inconsistent with the 2036 Plan.</p>
<p>Provide plans and montages to demonstrate the impact of the height in its context with the surrounding Crows Nest Village</p>	<p>As visual analysis has been undertaken as part of the Urban Design Report (see Appendix A).</p>
<p>Provide details to assess against SEPP65 and associated ADG including indicative apartment sizes, building elevations etc. Relevant matters include potential non-compliance with communal open areas, solar access,</p>	<p>An assessment of the concept design has been undertaken against Part 2 of the Apartment Design Guide. Future detailed design development through the development approval process will ensure compliance with the detailed</p>

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apartment sizes and common circulation	requirements of the ADG.
Preliminary contamination study	See J.
Preliminary wind study	See Appendix K.
Consider incorporating any existing buildings into the design of the proposal to assist in retaining the character and in recognition of potential heritage values of the site	The Heritage Impact Statement (Appendix E) concludes that the existing buildings on the site have no heritage significance, thus their retention is not supported. .
Demonstrate how proposal addresses the objectives and key actions of the North Sydney CBD Transport Masterplan	The site is within close proximity to the Crows Nest Station and within a walkable distance to St Leonards which will ensure that growth provided by the development is complimented by transport infrastructure. The improvements to the public domain around the high frequency bus stop located on the site will also improve the safety and amenity for users. The close proximity of the development to a number of public transport option, the provision of significant bicycle parking on the site will encourage the use of sustainable transport methods and minimise the impact of traffic (see Traffic Impact Assessment – Appendix C).
Provide a draft Travel Plan	See Appendix Cii.
Address how the ground floor design is consistent with the 2036 Plan objectives	This is addressed in the Urban Design Report (Appendix A).
Revised and address cycle parking provision	The proposal includes 303 bicycle parking spaces in the draft Travel Plan (see Appendix C) includes measures to support and encourage the use of sustainable transport methods to the site.

In addition to the above written feedback, the Applicant has undertaken further discussions with Council as summarised below:

Table 8: Summary of pre-lodgement discussions with council

Date of Meeting/Telephone Meeting	Purpose of Meeting	Summary of meeting discussion
23 September 2020	Meet with Council to discuss previous planning proposal in light of recently finalised 2036 Plan	<ul style="list-style-type: none"> • Agreement that planning proposal would need to be significantly amended to ensure it was consistent with the 2036 Plan. • Agreement that previous planning proposal would be withdrawn, and a fresh planning proposal submitted. • Discussion regarding the relationship between the indicative built form controls. In particular that the indicative FSR control did not appear to match the indicative height control.
7 October 2020	Meet with Council to discuss ongoing development of proposal.	<ul style="list-style-type: none"> • Importance of active frontages, Council commented that the through site link could cause the development to "turn its back" on Falcon Street and Pacific Highway. • Separation between residential towers, a minimum of 10metres to ensure a sense of light and space • Residential tower setback to Pacific Highway and Falcon Street needs to be 3 metres • Wind impacts and downdraft need to be considered. • Indicative FSR controls outlined in the 2036 Plan • Extent of overshadowing and understanding of impact on education sites and surrounding residential areas • Civic Precinct and Surrounds Study • Site is should not diminish the 'knuckle' established at the St Leonards and Crows Nest stations. • Car parking provision on site. • Provides opportunity to extend Crows Nest.
28 October 2020	Public benefit requirements	<ul style="list-style-type: none"> • Except potentially for affordable housing, Council did not require additional capital assets given the existing facilities in the locality and other recent VPA offers. • The need for additional affordable housing has been flagged in the District Plan and other studies, however, a policy position has not been settled at this stage. • Otherwise, a cash contribution would enable existing capital assets to be upgraded and adapted for future needs.

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19 November 2021	Meet with Council to discuss Panel decision and pathway forward.	<ul style="list-style-type: none"> • NSC will not countenance any departure from the indicative-built form controls due to the precedent it would set. • SIC levy replaces usual requirement seek VPA.
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4.7 Consultation with Department of Planning, Industry and Environment

The applicant has met with the Department of Planning, Industry and Environment (the Department) on two occasions to discuss the redevelopment of the subject site.

Table 9: Summary of meetings between the Applicant and the Department

Date of Meeting	Purpose of Meeting	Summary of meeting discussions
28 November 2019	Meet DPIE strategic planning teams and discuss Fiveways site	<ul style="list-style-type: none"> • Status of and timing for finalisation of Crows Nest and St Leonards 2036 plan. Ability to make submission on plan before finalisation • The significant task in aggregating the numerous sites in the Fiveways triangle, and the significant opportunity it creates • Ideas on how to engage with Council, given unsuccessful efforts • Conceptual ideas for redevelopment of Fiveways site. Design excellence framework to be used in developing methodology. • Community infrastructure needs and public benefits.
27 February 2020	Present design concepts	<ul style="list-style-type: none"> • Site context. • Design approach – ‘bottom up’. • Podium and ground plane explorations – fine grain. • Potential public building with roof top. • Tower forms tested. • Resolved envelope and resultant development form.
20 October 2020	Presentation of revised design concept	<ul style="list-style-type: none"> • Proposed FSR. • Council's view of height of building. • Interpretation of the s9.1 Direction and its structure to allow flexibility. • DPIE wants to see growth outcomes from 2036 Plan. • Increased density needs to be context driven.

SECTION B – PLANNING PROPOSAL

5. OBJECTIVES AND THE INTENDED OUTCOMES

5.1. Objectives of the Planning Proposal

The objectives of the planning proposal are to:

- To implement the planning framework identified in the St Leonards and Crows Nest 2036 plan, thereby satisfying the objectives of Greater Sydney Region Plan and the North District Plan.
- To establish planning controls allowing renewal of the site and realisation of its significant potential to contribute to Crows Nest.
- To provide infrastructure that meets the needs of the existing and future community.
- To meet the forecast housing needs of the North Sydney Community
- To provide non-residential floor space that enables and supports the growth of Crows Nest and St Leonards as a medical and education precinct.

5.2. Intended development outcome

The following development outcomes are intended:

- Create a vibrant mixed-use community which will support the vitality of the Crows Nest Village Centre.
- Provide housing opportunities in a location with excellent access to transport, employment and social infrastructure.
- Respect the character and special qualities of Crows Nest.
- Facilitate a high quality urban and architectural design that exhibits design excellence and responds to the emerging and future character of the Precinct.
- Provide an opportunity to improve the presentation of the site to the public domain, and greatly enhance the streetscape in doing so.
- Integrate the subject site with the surrounding area through improvements to public spaces;
- Deliver significant public benefits including the dedication of key worker housing, high quality public domain and active street frontages;
- Maximise the use of public transport, walking and cycling for trips to, by integrating accessibility to services and public transport as well as the provision of on-site parking.
- Create land uses and facilities that attract people and create greater activity in the southern portion of Crows Nest.

6. EXPLANATION OF THE PROVISIONS

This planning proposal seeks the following modifications to the provisions of the NSLEP 2013:

- Amend the Height of Buildings Map (Sheet HOB_001) to change the maximum height shown for the site from 16 metres to 62.5 metres
- Amend the Non-Residential FSR Map (Sheet LCL_001) to change the minimum provision of non-residential floor space from 0.5: to 2.5:1
- Amend the NSLEP 2013 FSR Map (Sheet FSR 01) to apply an FSR of 5.8:1 to the site.

7. JUSTIFICATION

7.1. Need for a Planning Proposal

7.1.1. Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The subject site is within the St Leonards and Crows Nest urban renewal area as identified in the North District plan. The 2036 Plan applies to the site and the planning proposal will give effect to the 2036 Plan.

7.1.2. 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 of the 2036 Plan.

7.2. Considering Strategic and Statutory Planning Framework

An assessment under Section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act) has been undertaken. It has been prepared in accordance with the Department of Planning and Environment's Guideline, 'Local Environmental Plan Making Guideline' (December 2021) considering the following:

- Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?
- Will the Planning Proposal give effect to a Council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?
- Is the planning proposal consistent with any other applicable State and regional studies or strategies?
- Is the planning proposal consistent with applicable state environmental planning policies?
- Is the planning proposal consistent with the applicable Ministerial directions (s.9.1 directions)?

7.2.1. Greater Sydney Regional Plan and North District Plan

Yes. The planning proposal will give effect to the Greater Sydney Regional Plan - A Metropolis of Three Cities (Regional Plan), the North District Plan (District Plan) and the 2036 Plan.

The Regional Plan vision is that Greater Sydney will be a metropolis of three cities: the Western Parkland City, Central River City and Eastern Harbour City. It envisions that Greater Sydney's citizens will live within 30 minutes of employment, education and health facilities, services and great places. The creation of a 30-minute city will improve Greater Metropolitan Sydney's economic efficiency, liveability and environmental sustainability. Objectives of the plan including ensuring that infrastructure aligns with growth (Objective 2) and that Infrastructure use is optimised (Objective 4).

Greater Metropolitan Sydney is divided into five districts, with each having its own plan. The District plans are a guide to implementing the Regional Plan and provide the basis for future strategic planning at a local level. The site is located within the North district. A key feature of the North district is the eastern economic corridor, which contains a series of centres and accounts for one-third of Sydney's economic growth. An important factor in strengthening the corridor is growing and investing in health and education precincts, such as the St Leonards Health and Education precinct of which Crows Nest is a part. The District Plan identifies the need for more housing to be placed in the right location and linked to local infrastructure. Criteria for areas that may be suitable for urban renewal, include:

- Alignment with investment in regional and district infrastructure.
- Accessibility to jobs.

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- Catchment areas within walking distance (up to 10 minutes) of centres with rail, light rail or regional transport.

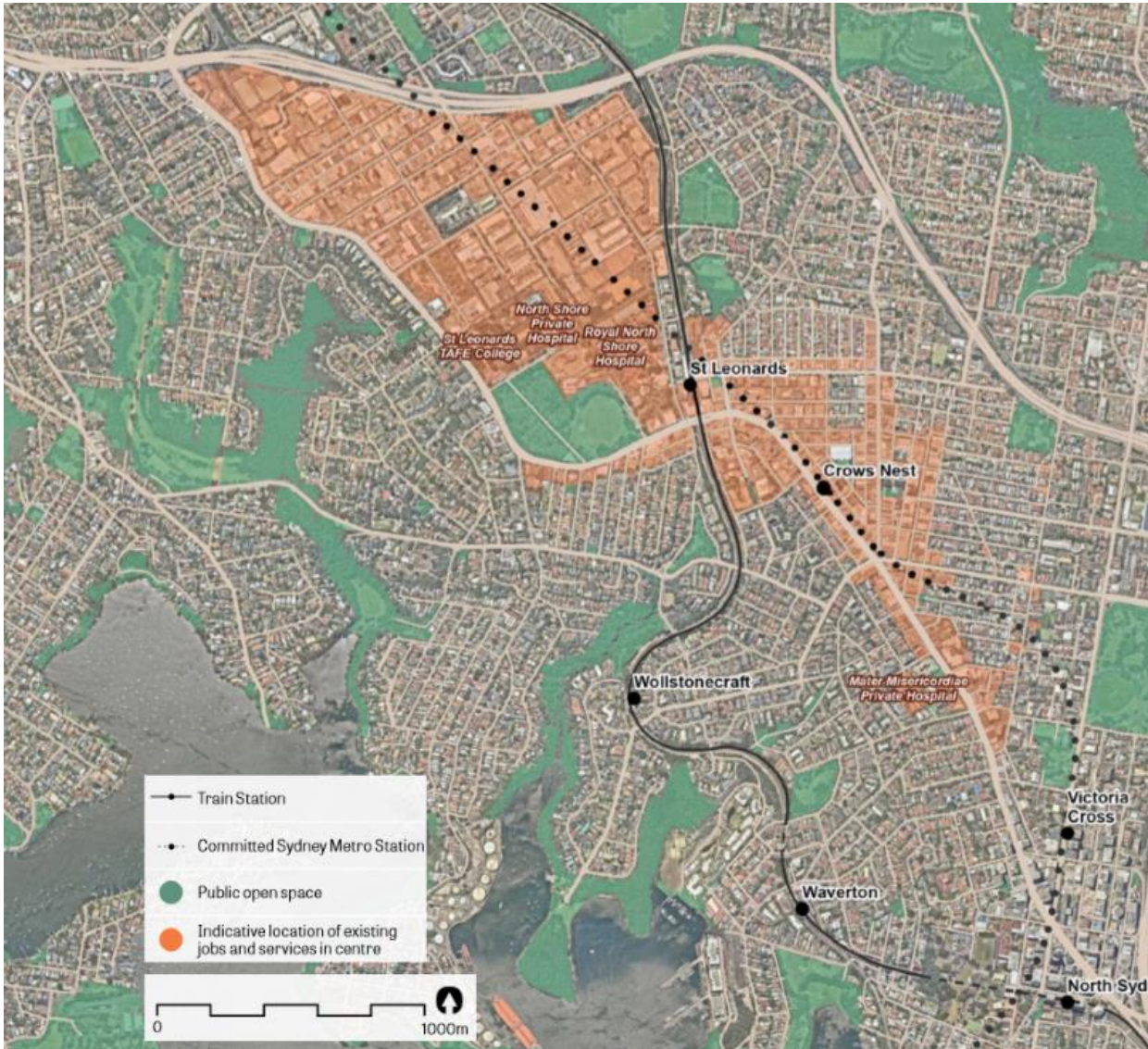


Figure 28: St Leonards and Crows Nest Precinct Public Open Space and existing jobs and services location from North District Plan (Source: North District Plan)

An analysis of the consistency of the planning proposal with the objectives of the Regional Plan and Planning Priorities in the District Plan are made in Table 10.

Table 10: Consideration for the Greater Sydney Regional Plan and North District Plan

Greater Sydney Plan	North District Plan	Response
<p>Objective 1 - Infrastructure supports the three cities</p> <p>Objective 2 - Infrastructure aligns with forecast growth (GIC)</p> <p>Objective 3 - Infrastructure adapts to meet future needs</p> <p>Objective 4 - Infrastructure is optimised</p>	<p>Planning Priority N1 - Planning for a city supported by infrastructure</p>	<p>This planning proposal will increase residential and employment floorspace in a location which is or will be well serviced by road and metro based public transport routes, including road, metro, bus and cycle routes. These provide access to the Sydney CBD, St Leonards strategic centre and other location along the Eastern Economic Corridor.</p> <p>This planning proposal will optimise use of existing infrastructure (e.g., heavy rail) and future infrastructure (Metro) by providing new housing and employment floor space in close proximity to it.</p>
<p>Objective 5 - Benefits of growth realised by collaboration of governments, community and business</p>	<p>Planning Priority N2 - Working through collaboration</p>	<p>This planning proposal will implement the vision and growth outcomes of 2036 Plan, which was collaboratively developed by government, the community, and business.</p> <p>The concept design for the site will continue to be developed with council and the community through the design excellence process.</p>
<p>Objective 6 - Services and infrastructure meet communities changing needs</p>	<p>Planning Priority N3 - Providing services and social infrastructure to meet people's changing needs</p>	<p>This planning proposal will facilitate housing within a location which has seen significant infrastructure investment through the new metro station. The ground floor retail and commercial space also offers the opportunity to provide new social infrastructure and service floorspace to the community.</p>
<p>Objective 7 - Communities are healthy, resilient and socially connected</p>	<p>Planning Priority N4 - Fostering healthy, creative, culturally rich and socially connected communities</p>	<p>This objective recognises streets and public places as key contributors to wellbeing by encouraging spontaneous social interaction and community cultural life when they are designed at a human scale for walkability. Active street life provides the greatest social opportunities when they are inclusive, intergenerational and multipurpose. This planning proposal provides the opportunity for active street life through active laneway retail at street level.</p> <p>The planning proposal will create framework to deliver a unique building, that activates the neighbourhood level and enhances connectivity from the site to the southern end of Willoughby Road.</p>
<p>Objective 10 - Greater housing</p>	<p>Planning Priority N5 -</p>	<p>This objective notes the importance of providing</p>

<p>supply</p> <p>Objective 11 - Housing is more diverse and affordable</p>	<p>Providing housing supply, choice and affordability, with access to jobs, services and public transport.</p>	<p>ongoing housing supply and a range of housing types in the right locations to create more liveable neighbourhoods and support Greater Sydney's growing population.</p> <p>This planning proposal will provide housing in a location that is in close proximity to existing and soon to be completed city shaping infrastructure and is readily accessible to the Sydney/North Sydney metropolitan centre and multiple strategic and regional centres and the jobs and services they offer.</p>
<p>Objective 12 - Great Places that bring people together</p> <p>Objective 13 - Environmental Heritage is identified, conserved and enhanced</p>	<p>Planning Priority N6 - Creating and renewing great places and local centres, and respecting the District's heritage</p>	<p>This planning proposal will facilitate the renewal of a rundown street block. The proposed articulated podium and the wide roads which surround the site will mitigate any impacts on adjacent heritage items.</p> <p>The site is located on the southern side of the Crows Nest village and will not overshadow any of the key spaces identified in the 2036 Plan. The proposed building envelope envisages a permeable development at ground/podium level to provide active laneways, walkways and connections to the Willoughby Road area and the Crows Nest centre from the southern part of the Planning Precinct.</p> <p>The proposal will create a visual marker for Crows Nest as envisaged by the 2036 Plan which seeks to reinforce the role of the Five Ways intersection as a gateway element in the precinct.</p>
<p>Objective 14 - A Metropolis of Three Cities - integrated land use and transport create walkable and 30 minutes cities</p>	<p>Planning Priority N12 - Delivering integrated land use and transport planning and a 30 minutes city</p>	<p>The subject site is 240 metres from the new Crows Nest Sydney Metro station and is also well serviced by bus routes. The subject site's location will offer its residents and users access to Crows Nest and wider Sydney using low carbon transport methods.</p> <p>The accessibility to public transport of the site will reduce private vehicle dependency and access to a walkable and 30-minute city.</p>
<p>Objective 21 - Internationally competitive health, education, research and innovation precincts</p>	<p>Planning Priority N9 - Growing and investing in health and education precincts</p>	<p>The subject site is an interface between the Education and Medical facilities in south Crows Nest and the Crows Nest village.</p> <p>The development of the subject site will provide non-residential floor space to accommodate complimentary uses and act as catalyst for investment south of Falcon Street.</p> <p>This planning proposal will bring forward non-residential floor space identified within the 2036 Plan. The space can be used by education and medical facilities and complimentary services, strengthening and supporting the role of the</p>

		precinct.
Objective 22 - Investment and business activity in centres	Planning Priority N10 - Growing investment, business opportunities and jobs in strategic centres	St Leonards has been identified as a strategic centre. This planning proposal will support the development, servicing and housing supply of the St Leonards centre in a planned and strategic manner. The redevelopment of the site will increase commercial floorspace within the precinct.
Objective 33 - A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	Planning Priority N21 - Reducing carbon emissions and managing energy, water and waste efficiently.	The objective seeks to mitigate climate change by reducing the emission of greenhouse gases to prevent more severe climate change and adapting to manage the impacts of climate change. This planning proposal seeks to facilitate greater use of public transport to combat the use of private vehicles and in doing so reduce greenhouse emissions which it will achieve simply due to its location The site is well located in proximity to road and metro based public transport, as well as local employment opportunities in the St Leonards strategic centre, to enable access to jobs and services without reliance on private motor vehicles for day to day movement.

7.2.2. St Leonards and Crows Nest Plan 2036 (2036 Plan)

The St Leonards and Crows Nest 2036 Plan (August 2020) was finalised by the NSW Department of Planning and Environment on 29 August 2020 to coordinate the planning for a precinct which encompasses land in three separate local government areas and includes a new Sydney Metro Station which was regarded to be the catalyst for rejuvenation of St Leonards and Crows Nest.

The Plan establishes a Vision, Area Wide Design Principles and Design Criteria for the precinct and makes recommendations for future land uses and built form controls as well as public infrastructure and urban improvements.

This planning proposal is consistent with the Vision, Design Criteria and Area Wide Design Principles in the Plan. This is demonstrated in the Urban Design Report (Appendix A).

The 2036 Plan is a comprehensive land use and infrastructure package for St Leonards and Crows Nest to guide future development and infrastructure decisions in the area to 2036 and was finalised on 29 August 2020. It is supported by a s9.1 Direction which together will guide changes to the area's land use controls.

The 2036 Plan leverages the existing public transport infrastructure and the future Crows Nest Metro Station to support the growing St Leonards and Crows Nest community with the provision of new infrastructure, open spaces, upgraded cycle lanes and planning for health and education. The plan will deliver 6,680 new homes, planning capacity for an extra 119,979 sqm employment floor space and 16,500 new jobs in health, education, professional services and the knowledge sector.

The 2036 Plan comprises a vision, objectives, actions and urban design principles for the St Leonards and Crows Nest precinct. It also identifies proposed indicative changes to the existing planning controls that have been developed to achieve the key urban design principles which enable site specific planning controls to be developed as part of any future

rezoning process’.

Table 11: Consistency with the objectives of St Leonards and Crows Nest 2036

Consistency with the objectives of the St Leonards and Crows Nest 2036 Plan		
Infrastructure and Collaboration		
Deliver key State and regional infrastructure to support long-term growth.	✓	<p>The site is within a short walking distance of the Crows Nest Metro Station, a substantial new infrastructure provision within the area.</p> <p>The concept design will provide commercial floorspace in commercially attractive and flexible floor plates not currently available in the precinct ranging in size from 200m² to 2,700m². The proposal will provide approximately 129 new homes particularly suited to the changing lifestyle needs of people living in the local area.</p> <p>Moreover, the planning proposal will support the new infrastructure, part of the economic justification for which was that housing and employment densities would be increased at the various transport nodes including Crows Nest.</p>
Coordinate the delivery of key infrastructure between NSW Government and councils.	✓	<p>The planning proposal seeks to implement the 2036 Plan the vision for which recognises that Crows Nest is ideally placed to grow with enhanced connectivity provided by the Crows Nest metro station. The timing of this planning proposal is key to ensuring that development is delivered alongside the provision of key infrastructure by the NSW Government.</p>
Enhance quality of life by providing infrastructure to support place outcomes	✓	<p>The carefully designed ground plane creates an extension to the Crows Nest Village providing a lattice work of new public places around viable retail, commercial and active spaces replacing a currently barren and hostile environment.</p>
Coordinate the delivery of infrastructure with growth to ensure infrastructure is available at the right time.	✓	<p>The revitalisation of the area is a direct response to the infrastructure update associated with the new Sydney Metro station which is located within 240m of the proposal. The area is also easily access via existing rail and bus services, one of which is position within the site. The new transport connections create capacity for additional density for retail, commercial, civic and high amenity residential uses.</p> <p>The redevelopment of the site will support the long term growth of the Crows Nest area and its delivery will be coordinated with the provision of additional infrastructure within the precinct.</p>
Liveability		
Ensure new development retains and enhances important heritage elements by using sympathetic building materials and preserving key views and vistas.	✓	<p>The proposed building envelope is consistent with the indicative built form controls provided in the 2036 Plan and responds appropriately to the heritage items which frame the Fiveways intersection as well as the closest heritage conservation areas. surrounding heritage conservation areas and nearby. Key views and vistas are maintained</p>

Consistency with the objectives of the St Leonards and Crows Nest 2036 Plan		
.		and there is ample scope within the building envelope to ensure that any future development application includes a detailed design responds appropriately in terms of materiality and fine grain detail.
Retain and enhance the village atmosphere in and around Crows Nest, particularly along Willoughby Road.	✓	<p>Connection and compatibility with the Crows Nest Village is a critical concern of the Fiveways proposal. A fine-grain podium, diverse retail, commercial uses, civic component directed at highly permeable and active ground plane, and civic component are essential elements of the proposal. These elements seek to connect into the village character of Crows Nest and provide a similar village experience. New laneways connection into the existing street-grid and suggest new connections to the residential areas to the east of the site.</p> <p>The location and form of the tower is consistent with the indicative built form controls provided in the 2036 Plan and will serve to create an appropriate visual marker at this gateway location.</p>
Apply casual surveillance and universal access principles to new development to create a safe, inclusive and comfortable environment.	✓	<p>An indicative built form design has been provided in support of the proposal which seeks to improve the environment of the Fiveways, not just for its future residents but at a pedestrian level. The ground floor plate will achieve active frontages to provide casual surveillance. The development application process will develop the design to ensure it promotes and is aligned with universal accesses principles.</p>
New development should have consideration to wind impacts demonstrated through a wind assessment.	✓	<p>A Pedestrian Wind Impact Assessment has been provided in support of this planning proposal at Appendix K. It is noted, however, that unlike St Leonards, the Five Ways is not an agglomeration of tall buildings which give rise to combined wind impacts.</p>
Consider cumulative impacts of new developments on existing areas, including overshadowing, wind impacts and view loss.	✓	<p>The proposed built form controls have been developed to consider the overshadowing, wind and view loss impacts of the surrounding area as shown in the supporting Urban Design Report (Appendix A) and Wind Study (Appendix K). The podium height, with a 4-storey element addressing the Fiveways intersection response to the scale and existing character of the interchange, with the 3-storey podium elements complimenting both the existing and future character of Pacific Highway, Falcon Street and Alexander Street. The upper residential tower is appropriately setback to allow the podium to provide a human scale at street level.</p>
Contain taller buildings between St Leonards Station and Crows Nest Metro Station.	✓	<p>The 2036 Plan identifies indicative building heights between St Leonards Station and the Crows Nest Stations ranging from 45 to 24 storeys, noting, however, that a height expectation of up to 50 storeys has already been set by recent approvals (p.37). The height then transitions <i>'along the Pacific Highway towards the Five Ways intersection, which acts a gateway element into the precinct'</i>. (p.36) While the planning proposal provides for a taller building on the Five Ways, it is by no means as tall as the buildings proposed between the two stations and is an appropriate scale to provide the gateway</p>

Consistency with the objectives of the St Leonards and Crows Nest 2036 Plan		
		element explicitly sought by the 2036 Plan.
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.	✓	As illustrated in the Urban Design Report at Appendix A, the analysis of the existing context of the area shows each street contains buildings of various heights, with heritage items already embedded into this highly varying context. The proposed podium heights closely match the surrounding building heights, ensuring at street levels the proposed built form is of contextually appropriate and consistent with the prevailing character.
New building design should provide high on-site amenity and consider street width and character by providing ground and upper level setbacks and awnings to achieve a human scale at street level.	✓	The proposed ground floor and podium enables through site links which connect with existing pedestrian movements. The indicative design adopts a strategy of fine grain and human scale, with further detail and materiality to be developed through the design development and development application process. The street setbacks are consistent with the 2036 indicative built form controls and provides for street tree planting and outdoor dining opportunities.
Ensure new development contributes to a range of dwelling types in the area to cater for all life cycles.	✓	The concept design proposed approximately 129 residential units of varying sizes, providing a range of dwelling types to cater for all life cycles.
Productivity		
Ensure new employment sites in the area cater to a range of business types and sizes.	✓	The proposal offers approximately 8002m ² of commercial and retail floorspace, providing the opportunity to support the Mater hospital education and medical precinct. By consolidating the Five Ways site it is possible to provide a range of large flexible floorplates that are suited to the widest possible range of business types and sizes.
New development in mixed-use areas should contribute to the delivery of active streets by providing a range of uses at ground floor.	✓	The proposal promotes active frontages along all street frontages and within through site links, contributing to the activation of existing streets and the creation of new 'places' in activated internal streets.
Sustainability		
Ensure no additional overshadowing of public open spaces and important places in accordance with solar access controls identified on page 38 of the Plan.	✓	The proposal complies with the solar access controls outlined in the 2036 Plan as shown in Section 7.3.3. The proposal encourages the provision of street trees and planting along the street frontages. Increased setbacks have been provided at entrances to the through site links and around bus stops, to improve the public domain. The concept design includes a variety of "greening" measures to support a sustainable and greening of the Crows Nest area.

Table 12: Consistency with the Actions of the St Leonards and Crows Nest 2026 Plan

Priority	Action	Comment
Place		
Infrastructure and collaboration	Investigate opportunities for improved connections to the health and education precinct.	The proposal includes approximately 8002m ² of commercial and retail floorspace which will support the creation of a corridor along the Pacific Highway to support the Education and Health precinct surrounding the Mater Hospital.
Liveability	Retain the current heritage status in existing planning controls.	The proposal does not include changes to the applicable housing controls for heritage items or heritage conservation areas within the vicinity of the site.
	Transition heights from new development to surrounding Heritage Conservation Areas.	The site is physically separated from the Holtermann Estate B and C heritage conservation areas. It adjoining block to east of the site provides a transition in height to the conservation area and as noted in the Heritage Impact Statement (Appendix E) the views to the heritage items within these areas are predominately at street level and as such any increased uplift above the existing façade heights is found to have minimal impact.
	New development should adopt the street wall height consistent with existing heritage shopfronts for new buildings in the same street.	The proposal adopts the indicative street wall heights outlined by the 2036 Plan which assimilate with the adjacent heritage items and the existing and future character of the Pacific Highway.
	Maintain current planning controls along Willoughby Road to retain its village feel and character.	The site is not located on Willoughby Road and located at its terminus. However, the concept design offers the opportunity to extend the village feel and character through the inclusion of through site links and improvements to the public domain.
	Improve the public domain by introducing 'green streets' along Oxley, Mitchell, and Chandos Streets to allow for setbacks with grass and canopy trees.	N/A. It is noted that the proposal includes the provision of street trees and planting along the Pacific Highway and Falcon Street. In addition, the concept design includes the "greening" of the development achieve the objective of "green streets" within the precinct.

Priority	Action	Comment
	New development should consider its place within country, including Aboriginal heritage by (at least) consulting with the Metropolitan Local Aboriginal Land Council.	The detailed development assessment process will include the consideration of its place within country and Aboriginal heritage.
Sustainability	Widen key streets (including Atchison Street) to support more active uses and allow for green elements e.g., planter boxes.	N/A. However, the concept design includes increased setbacks at the through site links and key bus stop to allow for street tree planning and active uses along the retail frontages.
Landscape		
Sustainability	Protect and enhance natural links through the area. Refer to final Green Plan.	The proposal includes two pedestrian walks connecting the three street frontages and providing enhanced visual permeability through the site. The proposal also includes an integrated approach to landscape, green view and canopy cover place metrics.
	Introduce landscaped street setbacks along Oxley, Mitchell, and Chandos Streets to allow for additional street trees.	N/A. However, the proposal does incorporate provision for street trees along Pacific Highway and Falcon Street, together with increased setbacks to enable placemaking.
	Maintain and expand tree canopy in St Leonards South to meet tree canopy target for the area identified at page 3. Investigate opportunities to expand Newlands Park and new public park in St Leonards South.	N/A. As noted above, the proposal provides the opportunity for street tree planting along the Pacific Highway and Falcon Street frontages.
Built form		
Infrastructure and collaboration	Deliver a transit-oriented development at the Crows Nest Metro Station sites.	N/A. The site is located 240 metres from the Crows Nest Metro station and provides the opportunity for further transit-orientated development in addition to the Crows Nest Metro Station sites.
Liveability	Apply design principles for solar amenity, configuration, and interface between areas of transition.	The proposal complies with the solar access controls in the 2036 Plan as shown in Section 7.3.3. The 3/4 storey podium provides an appropriate transition to surrounding areas, together with the existing and future character of the St Leonards and Crows Nest area outlined in the 2036 Plan vision.
	New development should be sympathetic to existing buildings with appropriate setbacks and street wall height (pages 69 and 70).	The proposal complies with the setback outlined by the 2036 Plan. The concept design provides a 3-storey street wall along

Priority	Action	Comment
		all three street frontages as outlined in the 2036 Plan. The 2036 Plan provides for a 4-storey element at the corner of the site at the Fiveways intersection. The concept design provides three storeys at the this point. The concept proposals proposed floor to floor levels and the topography of the site still ensures the proposal presents to Fiveways intersection, achieving the objective of a gateway element.
	Adopt reverse setbacks and active street frontages to improve the interface between new buildings and the public domain along Atchison Street and Clarke Lane.	N/A. Although the concept design encourages active frontage throughout the ground floor of the development to improve the interfaces with Pacific Highway and Falcon Street.
	Provide stepped setbacks for properties on the south side of Henry Lane to provide a sympathetic interface with Naremburn Heritage Conservation Area.	N/A
	Provide appropriate transitions in height to adjoining low scale residential areas.	The site has been identified for significant increases in built form by the 2036 Plan. The proposal is consistent with the indicative built form controls envisaged the 2036 Plan.
	Minimise overshadowing of key open spaces, public places and adjoining residential areas. Solar height planes should be adhered to as indicated within the Solar Access Map (page 38).	The proposal complies with the solar height planes indicated in the 2036 Plan Solar Access Map.
	Provide transitions in height from the lower scale development at Willoughby Road, Crows Nest, to tall buildings in the St Leonards Core.	The proposal provides a transition in height from the 30 - 40 storey developments within the St Leonards core. The proposal includes a medium sized tower located on an island site, providing appropriate transition from the core into the lower scale residential areas.
	Adopt objectives from the Government Architect NSW's Evaluating Good Design Policy in the drafting of new planning provisions.	The development of the concept design and built form controls proposed by this proposal have been developed through an iterative process, to ensure its contextual fit within the future character of Crows Nest, creating places that are inclusive, connected safe and liveable. The redevelopment of the site will improve the functionality and efficiency of the site, creating an inviting and attractive development on an underused, isolated site.

Priority	Action	Comment
Sustainability	Provide a landscaped front setback to Oxley Street between Clarke and Chandos Streets to encourage a sensitive interface to areas east of Oxley Street.	N/A
Land Use		
Infrastructure and collaboration	Investigate further opportunities to strengthen the health and education precinct including the identification of education pathways through TAFE and other institutions, physical connection to support collaboration and identify opportunities to share new and existing facilities.	The proposal includes the provision of approximately 8002m ² of commercial floorspace located on the Pacific Highway corridor, offering the opportunity to support the Mater Hospital precinct with complimentary business and commercial offering within a shared location.
	Commit SIC funding to provide infrastructure that caters for all age demographics including pedestrian and cycle links and parks.	N/A. For Council to address.
Liveability	Include opportunities through amendments to planning controls to encourage a range of dwelling typologies to cater for the diverse community in St Leonards and Crows Nest.	The proposal will enable the development of a range of dwelling sizes which will assist in providing a range of housing to support the growing St Leonards and Crows Nest community.
	Concentrate higher density housing along the Pacific Highway between the St Leonards Station and Crows Nest Metro Station and transition to lower density living options in the surrounding area.	The site is located within 240m of the Crows Nest Metro Station on the Pacific Highway and is an entirely appropriate location for the scale of density proposed by this proposal and consistent with the indicative built form controls envisaged by the 2036 Plan.
	Encourage a mixture of densities in St Leonards South.	N/A.
	Undertake investigations to identify an appropriate target for affordable housing in the area, consistent with each Council's affordable rental housing target schemes.	Any affordable housing provision will be in accordance with Council's policy requirements at the time of any development application.
	Explore build-to-rent opportunities within the precinct.	A BTR element is not currently envisaged as part of the concept design.
Productivity	Encourage a balance of commercial and residential uses within the St Leonards Core with a minimum non-residential floor space requirement for the B4 Mixed Use zone to meet North District Plan high jobs target.	N/A
	Permit mixed-use development on key sites to encourage the renewal of St Leonards through the delivery of new A-grade	N/A. However the proposal will provide for a range of commercial floorplates to provide quality and diverse layout options for future

Priority	Action	Comment
	commercial floor space (page 65).	tenants.
	Protect and manage the Artarmon Employment Area	N/A. This proposal will not impact the Artarmon Employment Area.
	Investigate new early childhood, schools and tertiary education facilities in the Precinct, supported via SIC funding.	The facilitation of the redevelopment of the site will enable Council to secure the associated SIC funding to support these investigations.
	Investigate introduction of Complying Development Provisions for cafes, restaurants and retail with extended trading hours	N/A. For Council to investigate.
	Ensure land is available at Royal North Shore Hospital for future expansion of health uses.	N/A
	Encourage the location of additional retail in the St Leonards Core and Crows Nest Village rather than the Artarmon Employment Area.	The proposal includes a retail offering with the Crows Nest Village which will activate the area and provide additional retail floorspace in an appropriate location.
Movement		
Infrastructure and collaboration	Provide clear, continuous and direct pedestrian and cycle routes to priority destinations such as St Leonards Station and surrounding commercial core, the future Crows Nest Sydney Metro Station, Royal North Shore Hospital and St Leonards TAFE.	The site is well located to connect into the number existing pedestrian and cycling links across the precinct. The public domain improvements at ground level will improve the permeability of the site. In addition, the draft Travel Plan (Appendix C) supports and encourages the use by residents and users of the site of these existing and future sustainable connections.
	Investigate footpath improvements: <ul style="list-style-type: none"> ▪ Enhance amenity and connectivity along Clarke Lane to support access to the Crows Nest Metro Station with a continuous shared path treatment and reverse setbacks at ground level. ▪ Widen the footpath along Sergeants Lane to support access to St Leonards Station and complement plans for active retail along Atchison Street. ▪ Provide shade and shelter for pedestrians with reverse setbacks along Atchison Street and tree lined 	N/A. However, it is noted that the proposal will provide significant public domain improvements to the footpaths surrounding the site and providing access to a key transit (bus) stop.

Priority	Action	Comment
	<p>green streets along Chandos, Oxley and Mitchell Streets.</p>	
	<p>Investigate cycle path improvements:</p> <ul style="list-style-type: none"> ▪ Prioritise delivery of cycle infrastructure identified by North Sydney Council and Bike North including dedicated cycle lanes on Henry Lane and Burlington Street. ▪ Bicycle crossing facilities should form part of upgrades to the signalised intersections along cycling routes including where they cross Pacific Highway and Oxley Street. ▪ Cycling infrastructure along the Pacific Highway is identified as a long-term consideration contingent upon a detailed assessment of the effects of major infrastructure investments as part of detailed traffic and transport modelling currently underway. 	<p>N/A. Although it is noted that the provision of ample bicycle parking within the development and the promotion of sustainable travel within the draft Travel Plan will support this action.</p>
	<p>Deliver a regional pedestrian and cycling link to connect the area and regional open space.</p>	<p>N/A. For Council to address, however SIC contributions from the redevelopment of the site may assist with delivery of this action.</p>
	<p>Improve pedestrian crossings:</p> <ul style="list-style-type: none"> ▪ Investigate providing an additional pedestrian crossing on the Pacific Highway at Portview Road, to be funded through the SIC. ▪ Investigate providing an additional pedestrian crossing at existing intersections on the Pacific Highway at Oxley Street to be funded through the SIC. ▪ Investigate delivery of the crossing at Oxley Street as part of Crows Nest Station integration works. ▪ Investigate access over the railway line at River Road to link Duntroon Avenue to Lithgow Street by widening the rail bridge on the northern side of River Road to allow pedestrians and cyclists to pass each other. 	<p>N/A. For Council to address, however SIC contributions from the redevelopment of the site may assist with delivery of this action.</p>

Priority	Action	Comment
	<ul style="list-style-type: none"> ▪ Review the crossing on the eastern side of River Road for lights or a signal. ▪ Investigate providing improved pedestrian crossings along key walking and cycling streets including but not limited to Chandos Street, Willoughby Road, Atchison Street, and Clarke Lane. ▪ Investigate a new pedestrian tunnel under the Pacific Highway connecting the new Crows Nest Metro Station and areas south of the Pacific Highway. 	
	<p>Undertake road network improvements:</p> <ul style="list-style-type: none"> ▪ Investigate the provision of dual lanes along Chandos Street from Willoughby Road to Mitchell Street, including a dual circulating lane for the westbound direction of the roundabout. This will require the removal of parking in the AM peak (consideration of retention during PM). ▪ Investigate signalisation of Oxley Street and Albany Street from its existing roundabout configuration and ban parking on Albany Road between the Pacific Highway and Willoughby Road. ▪ Short lane for the right-hand turn into RNSH on Herbert Street by removing 30m of parking (to allow for southbound through vehicles to go around right turning vehicles) ▪ Parking bans in the northbound direction on Greenwich Road between River Road and Pacific Highway in the PM peak. Consideration can be given to retain parking in the AM peak. ▪ Clearways along Pacific Highway between Albany and Falcon Street. 	<p>For Council to address, however SIC contributions from the redevelopment of the site may assist with delivery of this action.</p>
	<p>Provide a pedestrian and cyclist extension from the Herbert Street bridge to improve</p>	<p>For Council to address, however SIC contributions from the redevelopment of the</p>

Priority	Action	Comment
	east west connectivity.	site may assist with delivery of this action.
	Limit the amount of car parking provided for new developments.	<p>Car parking is proposed to be limited to the rates set out in the North Sydney DCP (as adopted and commenced on 6 January 2023). As noted in the Traffic Impact Assessment (Appendix C) the predominate employment location of residents in the North Sydney council area is the City of Sydney and North Sydney. Given, the number and accessibility of rapid mass transit modes (train, metro, bus) within close proximity of the site, residents will travel by public transport for most daily trips, in favour of private vehicles. Private vehicles will tend to be used to access destinations not adequately served by public transport, typically on weekends and outside of peak hours.</p> <p>Proximity to convenient public transport, as well as shops, services and amenities is a greater driver of transport mode shift than restrictions on car parking spaces. It is important, therefore, that opportunities to provide housing and employment floorspace on unique sites such as the Fiveways Triangle are realised.</p> <p>To maximise the transport mode shift that can be achieved from appropriate redevelopment of the Fiveways Triangle site, a Draft Travel Plan accompanies the planning proposal. The draft Travel Plan proposes initiatives and demonstrates how through a range of initiatives including but not limited to car share and the preparation and promotion of a green travel plan for businesses and residents the reduction of single occupancy car trips can be accelerated and maximised.</p>
	Subject to further investigations, provide funding of a right hand turn only movement from the Pacific Highway to Oxley Street for south bound traffic to reduce traffic in St Leonards Core created by the current limitation on this movement.	For Council to address, however SIC contributions from the redevelopment of the site may assist with delivery of this action.
Sustainability	Improve pedestrian and cyclist comfort with	N/A.

Priority	Action	Comment
	tree lined streets along Reserve Road, Westbourne, Herbert, and Frederick Streets.	
	Promote the provision of end of trip facilities to support cycling.	This will be considered as part of the detailed design phase and commercial tenant requirements.
	Encourage the use and implementation of car share facilities.	The proposal includes the provision of 12 car share spaces within the basements which will support and encourage the use of car share schemes both by residents and users of the commercial elements of the development.

7.2.3. North Sydney Local Strategic Planning Statement

The North Sydney Local Strategic Planning Statement (LSPS) was exhibited from 4 July - 15 August 2019 and endorsed by Council on 25 November 2019. The Greater Sydney Commission endorsed the LSPS on 20 March 2020. The LSPS will guide future land use planning and development within North Sydney in response to the priorities and actions identified in the Greater Sydney Region Plan and North District Plan.

The LSPS identifies the St Leonards and Crows Nest area as a key location within the LGA and central to the delivery of a number of the local planning priorities. The LSPS identifies the delivering of housing in the St Leonards/Crows Nest Planned Precinct as key to housing delivery within the North Sydney LGA.

Table 13: Consideration of North District Plan and North Sydney LSPS

Local Planning Priority	LSPS Action	Response
Infrastructure and Collaboration		
I2 - Collaborate with State Government Agencies and the community to deliver new housing, jobs, infrastructure and great places	I2.6 - Continue to seek opportunities to collaborate with Willoughby and Lane Cove Councils, the DPIE and other relevant State Government agencies to further refine and finalise the St Leonards and Crows Nest 2036 Plan, State Levy and Metro rezoning proposal to ensure the delivery of new housing, jobs, infrastructure and services within the Planning Precinct are well managed and development phased, drawing on place based studies and community consultation carried out by Council.	The 2036 Plan has been the result of numerous consultations between State Government Agencies, local government and the community, which developers and landowners form part of. The identification of the subject site as a 'significant site' enables further collaboration with State Government Agencies, local government and the community throughout the process of the facilitating and delivering the redevelopment of the subject site.
Liveability		
L1 - Diverse housing options that	L1.3 - Collaborate with the DOPIE to	This planning proposal offers Council

Local Planning Priority	LSPS Action	Response
meet the needs of the North Sydney community	refine and finalise the St Leonards and Crows Nest 2036 Plan and prepare a development phasing plan to achieve coordinated and well managed housing growth in the St Leonards / Crows Nest Planned Precinct, drawing on the outcomes of the NSLHS and adopted place-based studies.	the opportunity to facilitate delivery of development in a coordinated manner, aligned with the provision of transport infrastructure delivery. Council has the ability to capture public infrastructure and community benefit through SIC levies applicable to the redevelopment of the subject site
	L1.5 - Only support Planning Proposals that are consistent with Council's endorsed planning studies, that have identified growth being delivered in locations that support the role of centres and have critical infrastructure and services in place to support the North Sydney community.	The 2036 Plan envisages that planning proposals will be submitted for these significant sites which is the reason for this planning proposal. The 2036 Plan identifies indicative building form controls which the planning proposal is consistent with.
L2 - Provide a range of community facilities and services to support a healthy, creative, diverse and socially connected North Sydney community	L2.7 - Investigate opportunities for affordable and accessible long-term exhibition and creative spaces, including: Develop inclusive planning strategies which aim to generate cultural activity through the provision of creative private and public spaces; and Develop partnerships with external stakeholders and the business section regarding provision of creative spaces	This planning proposal proposes to offer community benefit through enhanced public domain, activation of the Fiveways site and retail/commercial floorspace. The planning proposal will facilitate the delivery of these services within the Southern part of the Planned Precinct.
L3 - Create great places that recognise and preserve North Sydney's distinct local character and heritage		This planning proposal provides the opportunity to develop the subject site into a gateway development to the Planned Precinct. It also facilitates the renewal of an underperforming part of Crows Nest and amalgamation of a key site to create a new and interesting element within the Planned Precinct.
Productivity		
P6 - Support walkable centres and a connected, vibrant and sustainable North Sydney	P6.1 - Implement the North Sydney Transport Strategy (2017) to deliver the community's vision for transport in North Sydney.	North Sydney's Transport Strategy vision is that transport will play a positive role in supporting a happy, healthy and prosperous North Sydney community. This planning

Local Planning Priority	LSPS Action	Response
		proposal will allow its residents and users access to a variety of public transport nodes and improve the connectivity through the site and local area.
Sustainability		
S3 - Reduce greenhouse gas emissions, energy, water and waste		This planning proposal provides the opportunity to deliver high amenity residential apartments which exceed cross ventilation and solar access requirements which will reduce energy consumption. The site will be serviced by public transport to enable residents' access to a walkable 30 minute city contributing to reducing greenhouse gases and reliance of private motor vehicles.

7.2.4. North Sydney Community Strategic Plan 2018-2028

The North Sydney Community Strategic Plan 2018-2028 (Community Strategic Plan) set out the future direction for the North Sydney LGA, identifying the community's main priorities and aspirations and detailing the strategies to implement them. The key directions and outcomes which relate to this planning proposal are summarised below:

Table 14 : Community Strategic Plan 2018-2028 Review and Commentary

Direction	Outcome	Comment
1. Our Living Environment	1.2 North Sydney is sustainable and resilient	The planning proposal will promote sustainable energy, water and waste practices throughout its design and on-going use to assist in the conservation of energy, water and natural resources.
	1.3 Quality Urban Spaces	This planning proposal proposes improved public domain area, street planting and activation of the street to enable place making as set out in the Place Making Report (Appendix [x]).
2. Our Built Environment	2.1 Infrastructure and assets meet community needs	The proposal includes the provision of improved public domain and connections in the new infrastructure provision in the area. The applicable SIC payments will provide the opportunity for further infrastructure provision.
	2.3 Sustainable transport is encouraged	This planning proposal will promote sustainable transport given its close proximity to the new Crows

Direction	Outcome	Comment
		Nest Metro Station, which will enable people to travel to work, services and home without reliance on the private motor vehicle. In addition, the site is located on a regular bus route with a bus stop located on the Pacific Highway boundary of the site, offering residents, employers and user of the site access to an alternative form of public transport to the new metro line.
3. Our Future Planning	3.1 Prosperous and Vibrant Economy	The proposed retail and commercial floorspace within the proposed development will offer a diverse mix of business size through laneway retail and larger floorplates within the podium level. The site is located within the Education and Medical precinct and provides the opportunity for innovative medical and education businesses to be closely located to the Mater Hospital site.
	3.3 North Sydney is smart and innovative	This planning proposal will increase available floorspace within the St Leonards and Crows Nest Planned Precinct to promote innovation and attract new businesses to the area to support the educational and medical innovation precinct.
	3.4 North Sydney is distinctive with a sense of place and quality design	The concept proposal has been designed as a natural extension to the Crows Nest Village and to reinforce connections to the existing street grid and create new connections to enhance permeability for the neighbourhood. Place approach has been the focus at the podium and ground plane which results in the design being conceived from ground up rather than top down. The concept design for the site will continue to be developed with council and the community through the design excellence process.
4. Our Social Vitality	4.1 North Sydney is connected, inclusive, healthy and safe.	As demonstrated by the place performance scores (Appendix [x]) the planning proposal will transform a currently barren and lost place into a healthy, loveable, equitable, inclusive and resilient place with an active and safe ground plane.

7.2.5. North Sydney Civic Precinct and Surrounds Planning Study

The North Sydney Civic Precinct and Surrounds Planning Study (Civic Precinct Study) was endorsed by North Sydney Council on 18 May 2020, publicly exhibited in June and July 2020 and finally adopted on 30 November 2020.

The study focuses on the area directly north of North Sydney CBD around the northern portal of the Victoria Cross Metro Station. The Fiveways Triangle Site is located at the periphery of the study area and at the furthest point from the northern portal to the Victoria Cross metro station (see Figure 29).

Fiveways

The aim of the Civic Precinct Planning Study was "to understand the impacts of new public transport infrastructure and transformations in surrounding areas and formalise an urban design framework for the future of the precinct." Perversely, however, the Study disregarded the Crows Nest Metro Station, only 240m from the Fiveways Triangle site, acknowledging only the northern portal of the Victoria Cross Station which is some 1km distant.

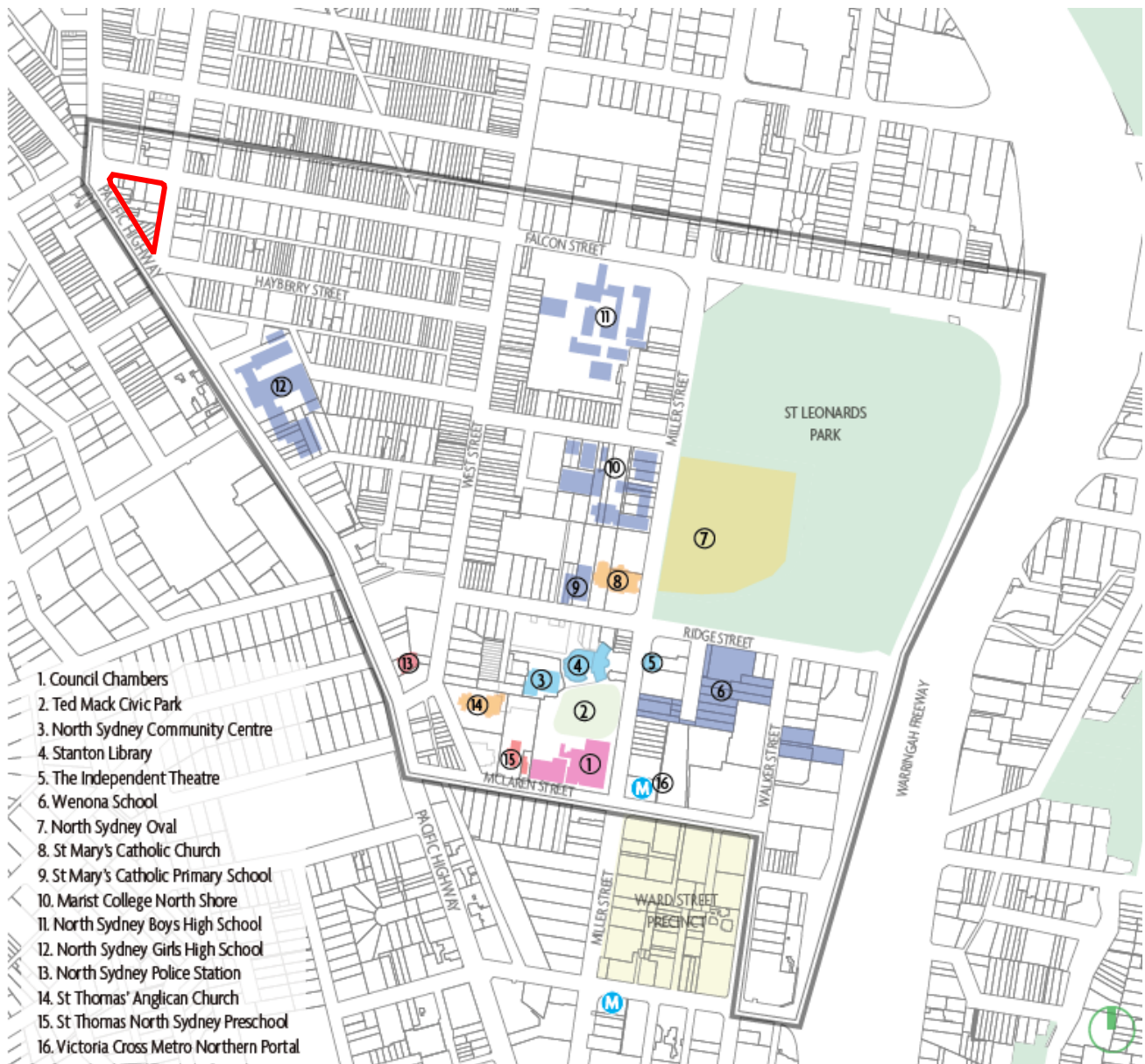


Figure 29 - Civic Precinct study area with Fiveways Triangle Site outlined in red. (Source: North Sydney Civic Precinct Study Area and Gyde)

The Study recommended that the height limit on the Fiveways Triangle site be increased from four storeys to eight storeys. As noted in a submission made by the proponent of this planning proposal and demonstrated in an accompanying economic feasibility analysis, the proposed eight storey height limit was insufficient to bring about the consolidated redevelopment of the Fiveways Triangle Site which was essential to realising the many public benefits of a wholistic redevelopment of the site.

Fiveways

When the Study was finally adopted by North Sydney Council on 30 November 2020, the Council resolved that the current maximum height controls under North Sydney LEP 2013 continue to apply to the “Fiveways Triangle” site, well aware that this was contrary to the 2036 Plan and Ministerial Direction 1.13.

7.2.6. State Environmental Planning Policies (SEPPs)

This planning proposal has been considered against the relevant SEPPs and is determined to be consistent with the relevant provisions as set out in Appendix H. A summary of the applicable SEPPs are set out below:

SEPP Title	Consistency
SEPP (Resilience and Hazards) 2021	Yes
SEPP 65. Design Quality of Residential Apartment Development	Yes
SEPP (Building Sustainability Index: BASIX) 2004	Yes
SEPP (Transport and Infrastructure) 2021	Yes
SEPP (Exempt and Complying Development Codes) 2008	Yes
SEPP (Housing) 2021	Yes

There are no deemed State Environmental Planning Policies (former Regional Environmental Plans (REPs)) applicable to the planning proposal.

7.2.7. Ministerial directions (s.9.1 directions)

It is considered that the planning proposal is consistent with the relevant Directions issued under Section 117(2) of the Act by the Minister to Councils, as demonstrated in the assessment set out in Appendix G. A summary of the applicable Ministerial directions is set out below:

Direction Title	Consistency
1.1 Implementation of Regional Strategies	Yes
1.4 Site Specific Provisions	Yes
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Yes
3.2 Heritage Conservation	Yes
4.4 Remediation of Contaminated Land	Yes
5.1 Integrating land use and transport	Yes
6.1 Residential zones	Yes
7.1 Business and Industrial Zones	Yes

Fiveways

7.3. Environmental, Social and Economic Impact

7.3.1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats, will be adversely affected as a result of the proposal?

The site is located within an existing urban environment and does not apply to land that has been identified as containing critical habitat or threatened species, population or ecological communities or their habitats.

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

The planning proposal is supported by the studies/reports outlined in the Section below. The outcomes and conclusions of these studies/reports show that the proposal does not include any unreasonable or unmanaged environmental effects.

7.3.3. Overshadowing and Solar Access to Adjoining Properties

Retaining solar access to public open space, valued streetscapes, and residential areas is a key objective of the 2036 Plan. The proposed building envelope has been carefully designed to ensure compliance to the solar access objectives and principles outlined in the solar access map (Figure 30).

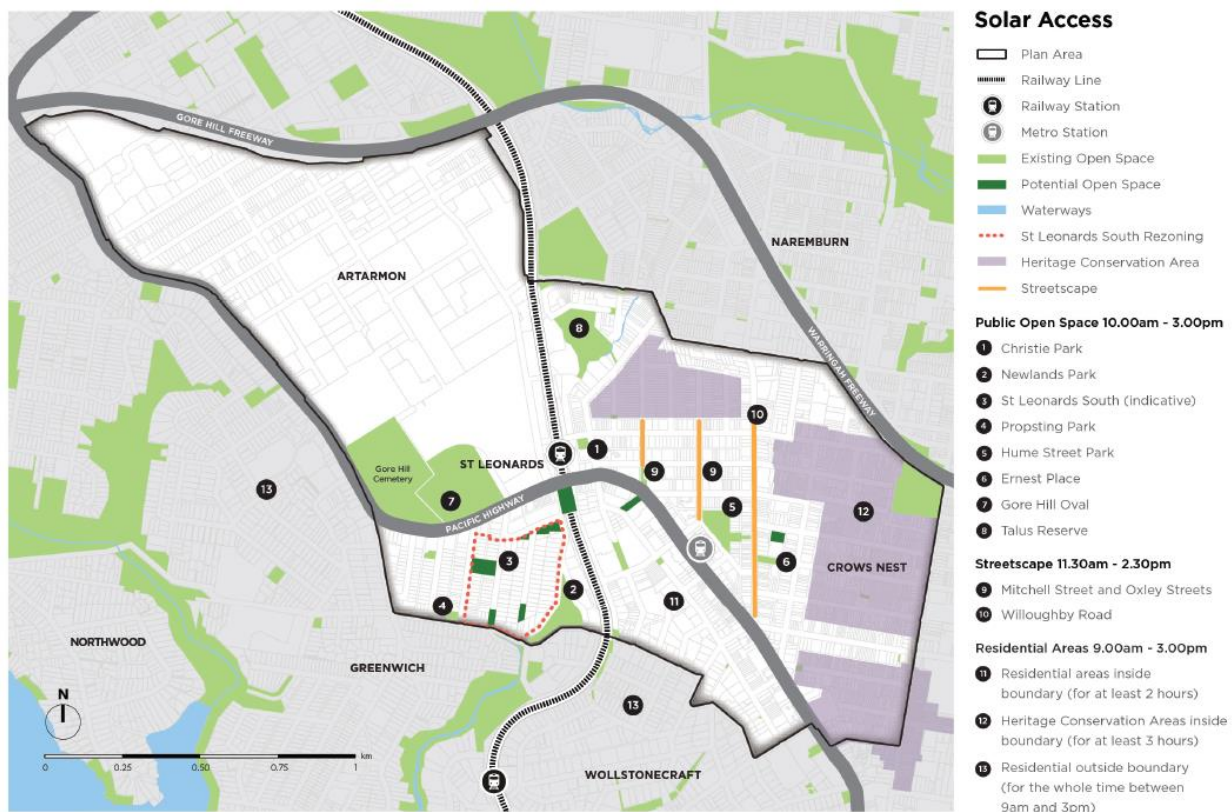


Figure 30: Solar Access Map (Source: 2036 Plan)

The concept design has been tested for potential overshadowing impacts against the five following principles arising from the 2036 Plan:

- No additional overshadowing of nominated public open space between 10am - 3pm (winter solstice)
- No additional overshadowing of nominated streetscapes between 11.30am - 2.30pm (winter solstice)
- Maintain solar access to residential areas inside boundary of plan area (for at least 2 hours)

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- Maintain solar access to residential areas outside boundary (for whole time between 9am - 3pm)
- Maintain solar access to Heritage Conservation Areas inside boundary (for at least 3 hours).

As shown in Figure 31 to Figure 35 below the proposal complies with the above five principles.



Figure 31: Shadow analysis - Impact on nominated public open spaces (Source: Turner - Urban design Report)



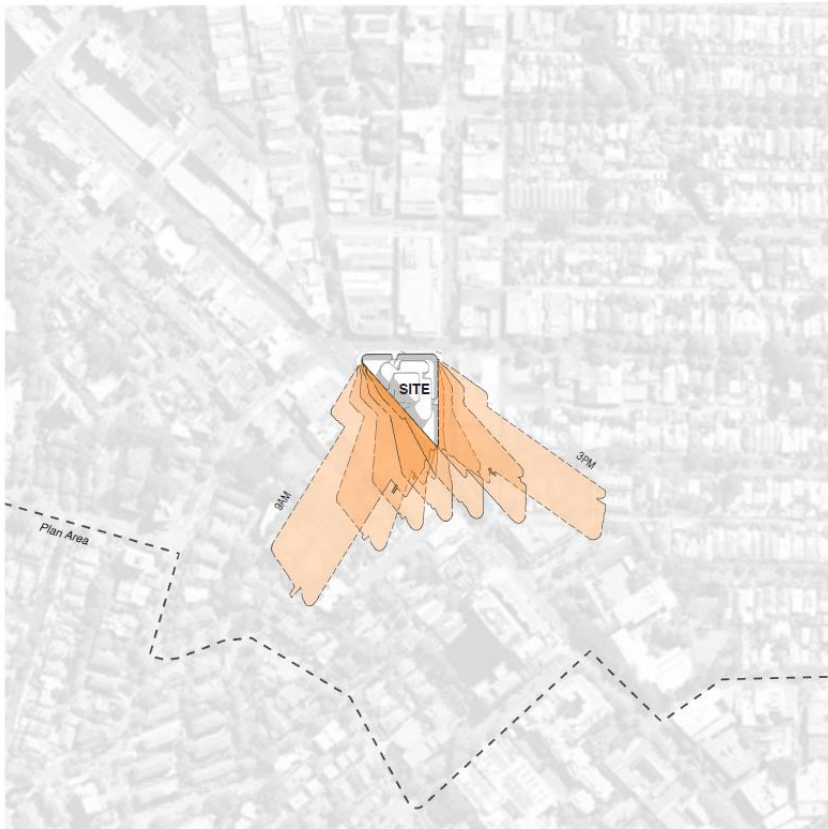
2

No additional overshadowing of nominated streetscapes between 11:30am - 2:30pm (Winter solstice)



Complies

Figure 32: Shadow Analysis - Nominated Streetscapes (Source: Turner - Urban Design Report)

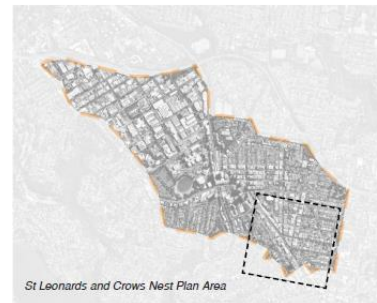


3

Maintain Solar Access to Residential Area outside boundary (for the whole time between 9am and 3pm)



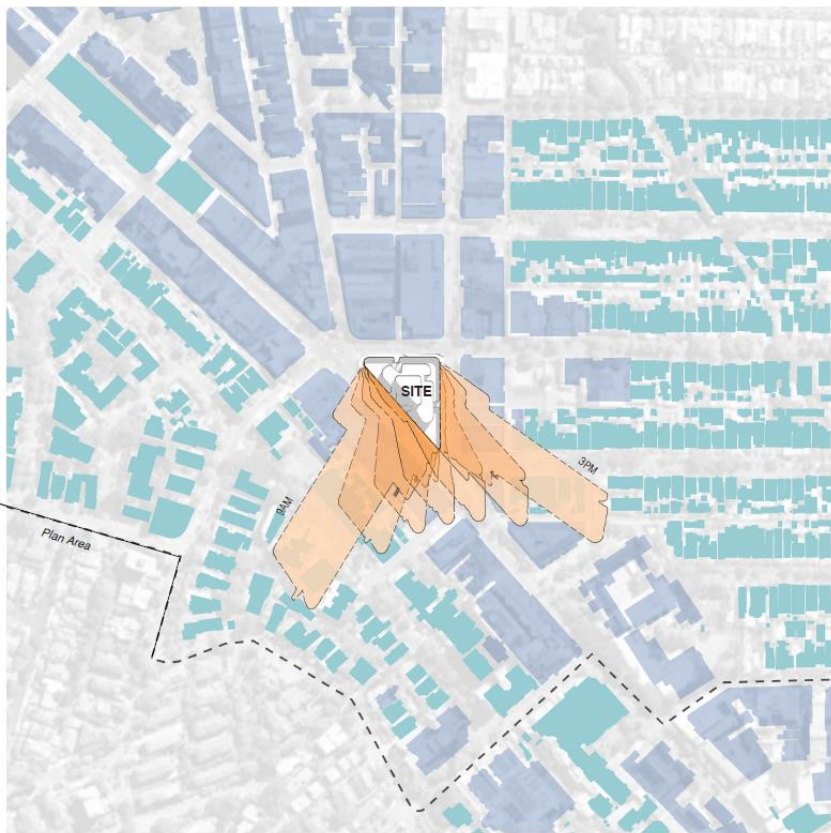
Complies



St Leonards and Crows Nest Plan Area

= 21st of June Shadow (9am-3pm)

Figure 33: Shadow Analysis - Solar Access to residential areas outside 2036 Plan area boundary (Source: Turner Urban Design Report)



4

Maintain Solar Access to Residential Areas inside the Plan Area boundary (for at least 2 hours)



Complies

- = 21st of June Shadow (9am-3pm)
- = Residential: Solar Amenity reduced Below 3hrs by Proposed Development
- = Residential: Solar Amenity NOT reduced Below 3hrs by Proposed Development
- = Commercial

Figure 34: Overshadowing analysis - Residential areas inside 2016 Plan area boundary (Source: Turner - Urban Design Report)



Figure 35: Overshadowing analysis - Heritage conservation areas (Source: Turner - Urban Design Report)

In addition, the proposal has considered the cumulative impact of overshadowing of both the proposal and the indicative built forms proposed under the 2036 Plan.

7.3.4. Visual Impacts

An analysis of the visual impacts of the concept proposal presented in the Urban Design Report (Appendix A) builds on the view analysis undertaken by the GANSW. A view analysis study for the proposal was prepared based on site photography from streets and the public domain around the site. The visual analysis imagery and analysis was prepared by Urbaine Architectural in accordance with the Land and Environment Court 'Use of photomontages' methodology.

The visual impact analysis demonstrates that the building would not be apparent from Willoughby Road and would have a very minimal visual impact from the nearby heritage conservation area. The building will be most prominent along the Pacific Highway and from secondary streets within the Crows Nest Village, however, it will not be incongruous with the scale of development in these localities and will create the gateway element intended by the 2036 Plan.

7.3.5. Heritage Impacts

A Heritage Impact Statement has been prepared by Urbis and is provided at Appendix E.

The consolidated subject site is not a listed heritage item, nor is it located within a heritage conservation area. However, the development of the concept design and resulting proposal has considered the site's relationship to surrounding heritage conservation areas to the east of the site, as well as heritage items located within the vicinity of the site.

The heritage listed buildings at the intersection of the Pacific Highway, Falcon Street, Shirley Road and Alexander Street form part of the early 20th century character of Crows Nest and, as a collection, contribute to the significance of the

historic development of the suburb.

The proposed building envelope on the site is sympathetic to the character of the heritage items in close proximity. This building envelope provides opportunities for unlimited approaches and creative designs in the Stage 2 detailed development. The proposed development for a building envelope on the site has taken cues from the early 20th century heritage items to ensure the site retains its significance.

Urbis have provided a list of design elements that should be considered to ensure the proposed development fits contextually with the heritage items in close proximity of the site and respond to the unique character of the Five Ways intersection and the subject site, but not be limited to the following:

- Ensuring the envelope of the proposed podium is deferential to the heritage items by using scale, articulation and materiality to respond to the heritage character of the context.
- Ensuring the podium is compatible with the height of the parapets of the heritage items that surround the Five-Ways intersection to respect the heritage character of the place.
- Consideration should be given to setting the tower well-back from the Five Ways intersection to provide rooftop activation overlooking the public domain.
- Provision of through site links that form part of the fine-grain character of the subject site-division pattern.
- Create elevations, particularly along Pacific Highway and Falcon Street, which take cues from the floor level arrangement of the heritage listed buildings in proximity.
- Height is not the most significant factor in any new development, but setbacks (as described above) are key to retaining the heritage significance of the Crows Nest Town Centre.
- The proposal could consider the provision of heritage interpretation for the heritage items surrounding the Five Ways Crows Nest site, by including history and photographs of its original use to enhance the significance of the site to the general public including users of the nearby Crows Nest Metro Station.
- Design the development with a series of different elements/components that relate to the connection with laneways in the local area and provide increased levels of street activation.
- Create a variety of building footprints joined together to form a building development.
- By adopting these design principles, the proposal will have a positive impact on the historic character of the Crows Nest Town Centre.

The Heritage Impact Statement concludes the following when considering the heritage items within the vicinity of the site and nearby heritage conservation areas:

- All buildings located on the subject site are identified as having no contribution to the streetscape character of Five Ways Crows Nest. The site is therefore appropriate for redevelopment from a heritage perspective.
- The proposed adjustment to development controls under this Planning Proposal is assessed to have no material impact on vicinity items. The site does not contain any listed heritage items and does not relate to an existing HCA. All listed heritage items in the vicinity of the site are to be retained, ensuring no change to the heritage context of Crows Nest, Five ways.
- The site is appropriately identified as an opportunity for increased density. From a heritage perspective, the physical separation as a result of the intersection would see the heritage context of Five Ways Crows Nest remain unaffected by the proposed uplift.
- Principal views to and from heritage items are predominantly at street level. As such, any increased uplift above existing façade heights of historic shopfronts is found to have minimal impact on the interpretation of their heritage significance.
- Identified vicinity items are principally interpreted at street level. The proposed uplift therefore has no relationship with single and double storey heritage items in the vicinity. It is assessed there would be no material impact on identified vicinity items.
- Interpretation of the existing streetscape character of the Holterman B and Holterman C Heritage Conservation Areas does not rely on the subject site. The proposed uplift does not impede on the reading of dominant typologies of the aforementioned HCAs. Detailed design of future development on the site will provide adequate opportunity to mitigate any identified impact.

7.3.6. Traffic and Parking Impacts

A Traffic and Parking Impact Assessment has been prepared by Barker Ryan Stewart and provides an assessment of the potential traffic generation of the proposed future development (refer Appendix C).

Existing Transport Context

The site is located close to several bus routes providing the services along the Pacific Highway, Falcon Street, Shirley Road and Alexander Street to a wide range of destinations including King Street Wharf, North Sydney, Chatswood, Lane Cove, McMahons Point, Bondi, Epping, Mascot, Gore Hill, Ryde, Riverview, Denistone east, Manly, Balmoral Beach, Spit Junction and Kingsford.

Bus stops are located within 100 metres of the site in the Pacific Highway, Falcon Street, Shirley Road and Alexander Street which provide frequent and rapid services to the CBD.

St Leonards Station is located 1km to the north-west along the Pacific Highway and the new Crows Nest Metro Station will be located on the eastern side of the Pacific Highway generally bounded by Oxley Street, Clark Lane and Hume Street. Station access will be via the corner of Clark Street and Hume Street and at the corner of Pacific Highway and Oxley Street. The closest station entrance will be approximately 240 metres from the site.

Sydney Metro will create connections between Sydney’s north-west, west and south-west regions to Sydney’s CBD and is scheduled for completion by 2024.

The site is therefore well-served by public transport offering a convenient alternative to the use of private vehicles for access to and from the site for commuting and access to services.

Pedestrian access to and from the site is facilitated by the existing network of pedestrian footways connecting the site to the nearby supermarket and a variety of cafes, restaurants and speciality shops located along both sides of Willoughby Road.

Traffic Generating Potential (Existing and Proposed)

The existing developments on the site consist of a mix of retail and commercial sites covering an area of approximately 3,200m². Table 15 shows the existing and proposed traffic generation based on the existing and proposed future uses on the site following the preparation of a supplemental report by JMT Consulting (November 2022).

Table 15: Existing and proposed traffic generation

	AM Peak Hour Trips	PM Peak Hour Trips
Existing retail use traffic generation rate	23	32
Existing commercial use traffic generation rate	32	24
Total existing generation rate	55	56
Total proposed generation rate	95	114
Net change from existing to proposed	+40	+58

The additional trips that are expected to be generated by the proposed development consist of both inbound and outbound trips:

- For residential developments it is generally assumed that in the AM peak 80% of trips will be outbound and 20% inbound with the reverse situation during the PM peak.
- For commercial developments the distribution of trips is assumed to be 80% inbound and 20% outbound in the

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AM peak with the reverse situation during the PM peak.

- For the retail developments and the distribution of trips is assumed to be 50% inbound and 50% outbound in the AM and PM peaks.

Intersection performance has been assessed using the SIDRA modelling software which uses the level of service (delay) model adopted by Transport for NSW to assess intersection performance. As detailed in the Traffic and Parking Impact Assessment, the existing intersections generally operate at high levels of service with acceptable average delays and will continue to do so with the additional traffic that will be generated by the proposed development.

In the future scenarios, the additional development traffic is expected to have only a minor impact on the delays experienced by motorists at the Pacific Highway / Alexander Street and the Falcon Street / Alexander Street intersections that will continue to operate at high levels of service.

The Pacific Highway / Falcon Street / Shirley Road intersection, however, is expected to operate at low levels of service (E and F) in the future scenarios due primarily to the background growth in traffic through this intersection. The development traffic will only marginally impact on the intersection performance, increasing average delays by only 10 seconds.

In summary, the traffic from the subject development will not have any significant impact on the efficiency of the surrounding road network and should not be responsible for any network improvements.

Car Parking

The concept design includes a three-level basement carpark, which has been designed having regard to the constraints imposed by the Sydney Metro tunnels. An assessment of the indicative proposed parking provisions against the requirements of the North Sydney Development Control Plan 2013 is made in the traffic and parking impact assessment report and as summary is provided in Table 16 below. The provision of car parking, bicycle and motorcycle parking will be developed and considered further as part of any development application process.

Table 16: Concept car parking assessment

Land Use	North Sydney DCP 2013 (commenced 6 January 2023)	Proposed parking provision
Residential 16 x 1-bedroom units 79 x 2-bedroom units 18 x 3-bedroom units Total = 129 units Non-Residential 8,002m2 GFA	DCP Rates 0.5 space per 1-bed = 16 spaces 1 space per 2 bed = 79 spaces 1 space per 3 bed = 18 spaces Total: 113 residential spaces 1 space per 60m2 = 133 spaces Total spaces: 113 + 133 = 246 spaces	250 spaces comprising of: <ul style="list-style-type: none"> • 113 residential • 133 non-residential • 12 car share

A total of 303 secure bicycle parking for residents are proposed to be provided within the each of the basement carparks in separate bicycle storage areas. Bicycle racks will be provided in Basements 01 and 02 for the use of visitors to the various land uses within the site (residential, commercial and retail).

7.3.7. Structural Impacts

A structural engineering assessment (Appendix F) has been undertaken to determine the concept buildings engineering feasibility. The assessment had regard to the site conditions as identified in geotechnical modelling and determined that the basement (and tower above) can meet Sydney Metro's tunnel protection requirements and in engineering terms is feasible.

The engineering assessment recommends that further detail engineering modelling is undertaken, in collaboration Sydney

Metro, in the next phases of the project.

7.3.8. Pedestrian Wind Environment Statement

A Pedestrian Wind Environment Statement (Appendix K) has been undertaken to determine the wind impact of the concept buildings at a pedestrian level. The assessment concludes that site benefits from shielding provided by the site and neighbouring buildings. In addition, whilst there may be wind effects due to the interaction of the prevailing winds with the building morphology that could potentially impact the wind comfort and amenity of several of the outdoor trafficable areas, it is expected these can be ameliorated within consideration of recommended strategies.

The assessment recommends that wind tunnel testing is recommended to be undertaken as part of the detailed design phase which will provide a quantitative analysis of the wind conditions and determine the requirement for wind mitigation measures; including the optimisation of the size and extent of the treatments required to ensure suitable wind conditions are achieved at all outdoor pedestrian accessible locations within and around the development.

7.3.9. Has the planning proposal adequately addressed any social and economic effects?

An assessment of the economic impacts of the planning proposal has been undertaken by Hill PDA as detailed in the Economic Impact Assessment provided at Appendix D. An updated report

7.3.10. Social Impacts

Housing

Between 2016 and 2041 the number of households in the North Sydney LGA is projected to increase by 9,200, growing from 33,900 households in 2016 to 43,100 households in 2041. This will drive the demand for an additional 10,250 new dwellings over this period, or around 410 new dwellings each year. The largest population growth and new household formation is projected between 2016 and 2031, driving greater demand for new dwellings over this period (more like 600 annually) and less demand between 2031 and 2041.

Analysis has shown that lone person and couple only households in the North Sydney LGA are generally choosing to live in one and two bedroom apartments. Of all new households forming in the North Sydney LGA over the 20-year period between 2016 and 2036, around 4,100 (55%) are estimated to be lone person households. This will drive demand for more studio and one bedroom dwellings to meet the housing needs of this growing household type. It will also drive demand for community facilities to encourage people living alone to socialise, particularly older residents.

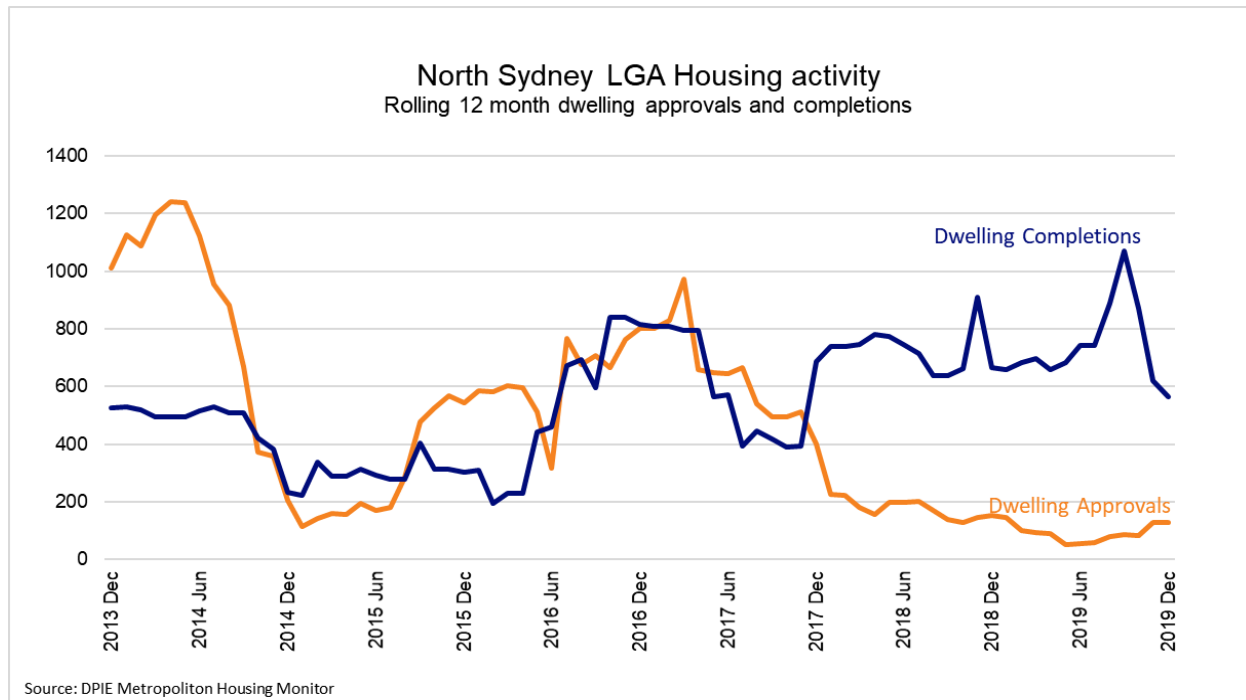
The North Sydney Local Housing Strategy (LHS) similarly confers this analysis and identifies there are gaps in the specific types of housing to meet the needs of the current and future community which include a shortfall of 7,800 one bedroom dwellings and studios to fill the need for smaller more affordable dwellings that suit lone person and couple households. The LHS also identifies there is a deficit of adaptable housing to meet the needs of an aging population and affordable housing (subsidised) to meet the needs of very low and low income workers and to retain key workers who live in the LGA.

The indicative concept plans which accompany this planning proposal incorporate approximately 129 apartments. The proposed residential development will help address the identified gaps in specific types of housing to meet the needs of the current and future community.

The proposal will play an important part in delivering housing. While it is acknowledged that North Sydney Council can meet its 10-year housing target to 2026, a decline in housing supply beyond that period may eventuate because of a slowing in housing activity in North Sydney.

Since 2016 the number of dwelling approvals in North Sydney LGA has steadily declined. Approvals have dropped by 85% from their peak in 2016 (920 approvals) to 140 approvals in 2019. As a result of the decline in approvals, the number of new homes completed has begun to decrease. In 2019, 563 new homes were completed, a drop of 16% when compared to the previous 5-year average of 674. Dwelling completions are expected to slow further reflecting the significant decline in dwelling approvals. This is likely to impact on future housing supply, potentially creating an

undersupply in the local housing market in the longer term if not corrected.



Community Facilities

The surrounding area currently offers a range of community facilities including the Crows Nest Centre, Stanton Library and childcare services and coworking spaces, however Council have noted that many of these facilities are at capacity. As the population grows there will be an increasing need to accommodate new community facilities within Crows Nest.

Open Space, Sports and Recreation Facilities

There is an acute need for additional open space within Crows Nest and this need will increase as the area densifies. Currently there is no open space within 200m of the site and limited open space within 400m of the site. Whilst there is not an opportunity to provide significant open space on the site, the proposal includes landscaped zones and vertical planting to improve the green index view and tree canopy within the Crows Nest area. There may also be an opportunity to contribute to funding for new open space nearby.

Improved Public Domain

The proposal demonstrates that it positively contributes to the quality of the public domain and provides direct social benefits. Reference should be made to the Place Design Framework at Appendix B.

Existing Uses

The site currently provides around 4,600sqm of GFA of mixed-use employment space which is provided over predominantly one to two storey buildings, however there are some buildings over this height with the tallest building around four storeys. Based on the average employment densities, the site accommodates approximately 154 jobs with wages generating in excess of \$7.6 million. The site is estimated to contribute \$11.7 million every year in terms of gross value added (GVA).

Construction Economic Benefits

The estimated direct construction cost of \$125 million would generate approximately \$379 million in construction generated economic activity and would generate 296 job years directly in construction. It is estimated that in total, the planning proposal would generate a total of 1,0904 job years directly and indirectly.

Employment Generation

Based on the estimated land use split (70% retail space attributed to food, restaurants and food services and 30% non-food general retail), the proposal has the potential to generate 441 jobs upon operation and full occupation. This represents an increase of around 290 jobs over the base case. Total wages from these jobs are estimated at \$31.7 million per annum, an increase of around \$24.1 million per annum over the base case. The proposed land uses would potentially contribute \$51.1 million every year in terms of GVA to the local economy, an increase of around \$39.4 million per annum over the base case.

Jobs closer to home

The planning proposal offers the opportunity to provide jobs closer to home which has many benefits, including a reduced need to travel to work on a daily basis. The reduction in the number of movements, particularly by private vehicles has environmental and social benefits.

Worker Retail Expenditure

Worker retail expenditure from the proposed development is expected to equate to an annual spend of around \$0.92 million per annum for the 441 non-resident workers on site, almost three times higher than the base case.

Resident Retail Expenditure and Floorspace Demand

The planning proposal would benefit St Leonards Strategic Centre and its existing retailers by increasing the resident population and hence retail expenditure. When combined with workers on the site, the planning proposal would provide sources for an increase in retail sales captured by Crows Nest and St Leonards retailers likely in the order of \$3.9 million per annum, an increase of around \$3.6 million per annum over the base case.

The resident population would also increase the demand for local retail services to be provided locally. It is estimated that the residents on-site would generate demand for retail floorspace in the order of around 480sqm. Given that St Leonards is a Strategic Centre the majority of this floorspace would likely be directed towards the centre, further increasing its vibrancy and viability.

Investment Stimulus

Where a significant property investment decision has been made, it is generally viewed as a strong positive commitment for the local area. Such an investment can, in turn, stimulate and attract further investment. The direct investment in the planning proposal would raise the profile of the Crows Nest and St Leonards Strategic Centre and support a wide range of economic multipliers which would, in turn, support investment in associated industries.

The provision of a mixed-use development on the subject site would increase the economic benefits of the scheme to surrounding businesses, services and increase the patronage of the public transport system, particularly the Sydney Metro line.

7.4. State and Commonwealth Interests

7.4.1. Is there adequate public infrastructure for the planning proposal?

Yes. The site is within an area that is currently well serviced by public infrastructure. The site is in close proximity to a range of essential health, education and emergency services. The site is located approximately 1 kilometre from one of Sydney's key health precincts anchored by the Royal North Shore Hospital and providing a range of supporting health and emergency services. This precinct has been subject to around \$1billion worth of public and private investment over the last decade, with upgrades ongoing to ensure that it is equipped to manage future demand. There are also 14 schools, one TAFE and one University Campus within 2 kilometres of the site. These schools offer primary and secondary education in both the public and private system.

The site's inner urban location means that it is already well serviced by necessary utilities and services including telecommunications, electricity, water, sewer and waste. Consultation with relevant authorities during public exhibition of the Planning Proposal will confirm the capacity of existing utilities to service the proposed development. Any potential upgrades to utilities required to respond to increased demand will be assessed as part of a future Development Application.

The site also has great access to public transport. It is located within 240 metres of the proposed Crows Nest Metro Station, which is expected to be operational by 2024. The proposed development will be within an easy walking distance to the new Metro Station, substantially reducing the reliance on private transport to travel to other centres within Sydney. There is also a high frequency bus route immediately adjacent to the site which services 15 different bus routes.

The proposed development will also financially contribute to future public infrastructure planned for the locality as part of the St Leonards Crows Nest Planned Precinct. A draft Special Infrastructure Contributions Plan has been prepared for the Planned Precinct to ensure that public infrastructure is aligned with growth. The proposed contribution rate is \$15,100 per dwelling and the funding will contribute to additional open space, pedestrian, cycling and vehicle infrastructure and two new schools. Specifically, substantial expansions are planned for the Hume Street Park which will provide additional public open space within 400m of the site.

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

As a Gateway Determination has yet to be issued by the Minister for Planning the appropriate State and Commonwealth public authorities have not yet been identified. The Gateway determination will identify the necessary consultation to be undertaken.

7.5. Summary of the Strategic and Site-Specific Merits of the Planning Proposal

Planning circular PS 16-004 describes the independent review process related to plan-making including the Strategic and Site-Specific matters which are considered by Planning Panels and the Independent Planning Commission. They provide a useful framework to summarise the matters discussed in the preceding sections.

7.5.1. Strategic Merits

The following table provides summary of the strategic merits of the planning proposal in accordance with Planning circular PS 16-004.

Table 17: Strategic Merit Test

Strategic Merit Test	Response
Give effect to the relevant district plan within the Greater Sydney region, or	As discussed in section 7.2 this planning proposal is consistent with the Greater Sydney Region Plan and the North District Plan. The proposal

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corridor, precinct plans applying to the site, including any draft regional, district or corridor precinct plans released for public comment;	will facilitate additional commercial floorspace, significant community benefits such as improved public domain and additional residential dwellings within the established St Leonards strategic centre and with good access to Crows Nest Metro Station.
Give effect to relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement	<p>The planning proposal is consistent with:</p> <ul style="list-style-type: none"> ▪ 2036 Plan <p>The proposal is entirely consistent with the vision, objectives, actions, urban design principles and indicative built form controls set out by the 2036 Plan. This proposal will facilitate the implementation of the 2036 Plan and positively contribute to growth within the Crows Nest area, securing additional non-residential floorspace, dwellings and public domain improvements.</p> <ul style="list-style-type: none"> ▪ North Sydney LSPS <p>As outlined in Section 7.2.3, the planning proposal is aligned with the North Sydney LSPS and seeks to implement and facilitate to achievement of a number of its objectives and actions.</p>
Respond to a change in circumstances, such as investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.	<p>The planning proposal responds to the increase in infrastructure provision within the St Leonards and Crows Nest Planning Precinct and delivery of the new Crows Nest Metro Station. The site is situated in close proximity to transport infrastructure links and within 240m of the new Crows Nest Metro Station. Facilitation of the redevelopment of the site in a timely manner will enable delivery alongside the metro station. This in turn will assist the Department in realising its investment in infrastructure within the Planned Precinct.</p>

Table 18: Site Specific Merit Test

Site specific Merit Test	Comment
The natural environment (including known significant values, resources or hazards),	There are no known site-specific environmental considerations identified in the planning proposal and supporting material that would preclude further consideration of the proposed urban renewal.
The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and	<p>The Fiveways site is located within the St Leonards and Crows Nest Planned Precinct. Within the Planned Precinct it is envisaged that developments should be achieving heights and densities commensurate with its accessibility to public transport (metro, train and buses). Existing building heights in Crows Nest and St Leonards are around 35 storeys. Several planning proposals and development approvals will exceed this, with towers up to 50 storeys.</p> <p>Subject to further urban design testing and overshadowing analysis within Precinct 4, it is envisaged that buildings within the vicinity of the site along the Pacific Highway will accommodate a significant increase in building height, with buildings extending from 13 to 35 storeys along Pacific Highway.</p> <p>The planning proposal has taken into consideration the surrounding context and its likely future context. The planning proposal reinforces</p>

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	<p>Fiveways as a place of importance and interest, appropriate with its role as the marker and entry point to the Crows Nest Village retail precinct.</p>
<p>The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.</p>	<p>A Traffic Impact Assessment has been prepared and is submitted with the planning proposal at Appendix C. There are no traffic matters identified on the site that would preclude further consideration of the proposed urban renewal.</p> <p>There is sufficient infrastructure (water, electricity, sewer, etc.) available to accommodate the proposed development.</p>

8. PART 4 – MAPPING

The proposal requires a straightforward mapping change to the NSLEP 2013 Non-Residential Floor Space Ratio map, height of building map and FSR map as shown in Appendix I.

9. PART 5 – COMMUNITY CONSULTATION

Division 2.6 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the Gateway Determination. It is anticipated that the planning proposal will be required to be publicly exhibited for 28 days in accordance with the requirements of the Department of Planning, Industry and Environment guidelines 'A guide to preparing local environmental plans'.

There has been considerable community consultation within the area as part of the Council's placemaking strategy, the Department's strategy for the Plan 2036 which included numerous community workshops. In addition, the community has been consulted at a high level as part of North Sydney's preparation of their LSPS, Local Housing Strategy and Civic Precinct and Surrounds Study. There has also been significant consultation as part of the investment in the area by Sydney Metro and delivery of a new metro station within the Planned Precinct.

It is anticipated that the community will be notified of the commencement of the exhibition period via a notice in a local newspaper and via a notice on Council's website. The written notice will:

- Give a brief description of the objectives or intended outcomes of the planning proposal;
- Indicate the land affected by the planning proposal;
- State where and when the planning proposal can be inspected;
- Give the name and address of the RPA for the receipt of any submissions; and
- Indicate the last date for submissions.

The Gateway Determination, planning proposal and specialist studies would be publicly exhibited by Council's offices and any other locations considered appropriate to provide interested parties with the opportunity to view the submitted documentation.

During the exhibition period, the following material will be made available for inspection:

- The planning proposal, in the form approved for community consultation by the Director General of Planning and Infrastructure;
- The Gateway determination; and
- Any studies relied upon by the planning proposal.

10. PART 6 – PROJECT TIMELINE

The timeframe for the completion of the planning proposal will depend on the complexity of the matters, the nature of any additional information that may be required and the need for agency and community consultation. The following detailed are indicative only and may be amended at Gateway.

Table 19: Indicative Timeline

Step	Indicative Timeframe
Lodgement of Planning Proposal	December 2021
Presentation to Design Review Panel	January 2022
Report to North Sydney Local Planning Panel	March 2022
Report to Council	May 2022
Gateway Referral	July 2022
Gateway Determination received	March 2023
Exhibition	April - May 2023
Consideration of Submissions	June 2023
Report to PPA	July 2023
Department Referral (for making of Plan)	August 2023
Notification of Determination	September 2023

11. CONCLUSION

This Planning Proposal is a proposal between North Sydney Council and Deicorp. It will enable the construction of a 16 storey mixed-use development comprising: -

- 3 levels and mezzanine of retail and commercial floor space; and
- 13 levels of residential floor space.

The Planning Proposal: -

- Is consistent with the objectives of the proposed B4 Mixed Use zoning pursuant to the current North Sydney Local Environmental Plan (LEP) 2013;
- Resolves the amalgamation of these sites to provide a single redevelopment with a tower building form and an articulated ground plane that improves pedestrian connectivity and creates an extension of the Crows Nest Village;
- Is a suitable development which is consistent with the existing and future built form and will not adversely impact on the locality;
- Establishes a proposed building height across the site which creates the opportunity for a Gateway building form for Crows Nest;
- Is consistent with the Metro Strategy and Sub-Regional Strategy objectives to locate increased residential density closer to public transport and access to mature road networks and existing urban centres;
- Is consistent with the Ministerial Directions; and
- Positively contributes net community benefits.

In summary there is no reasonable planning basis which would not support returning the zoning of the site to its previous mixed-use nature and allowing a building height which fosters a gateway opportunity on this site to support the improved urban form of this precinct.

Appendix A Urban Design Report

Appendix B Place Making Report

Appendix C

Traffic and Parking Impact Assessment and Draft Travel Plan

Appendix D

Economic Impact Assessment

Appendix E

Heritage Impact Statement

Appendix F

Structural Report and Letter of Support

Appendix G

Planning Proposals and S9.1 Ministerial Directions

Appendix H

State Environmental Planning Policies (SEPPS)

Appendix I LEP Map Amendments

Appendix J Preliminary Contamination Report

Appendix K Pedestrian Wind Environment Statement

