

Planning Proposal

71-89 Chandos Street, St Leonards

TWT Global



'Gura Bulga'

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.

By using the green and blue colours to represent NSW, this painting unites the contrasting landscapes. The use of green symbolises tranquillity and health. The colour cyan, a greenish-blue, sparks feelings of calmness and reminds us of the importance of nature, while various shades of blue hues denote emotions of new beginnings and growth. The use of emerald green in this image speaks of place as a fluid moving topography of rhythmical connection, echoed by densely layered patterning and symbolic shapes which project the hypnotic vibrations of the earth, waterways and skies.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We acknowledge the Gadigal people, of the Eora Nation, the Traditional Custodians of the land where this document was prepared, and all peoples and nations from lands affected.

We pay our respects to their Elders past, present and emerging.

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1.0 Executive Summary

This report has been prepared by Ethos Urban on behalf of TWT Global (the proponent) in support of a Planning Proposal to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) in accordance with the recommendations of the St Leonards Crows Nest 2036 Plan (2036 Plan). This report follows the issue of the Gateway Determination for the proposal on 9 June 2023 and responds to the DPE conditions attached to that Gateway.

This report relates to 71-89 Chandos Street, St Leonards (the site). Specifically, this planning proposal seeks to:

- Increase the maximum building height to 12 storeys (43m);
- Implement an additional local provision with the intent of allowing the requested maximum building height control of 43m to be exceeded by no more than 2m for lift overrun and associated lift structures only for the purpose of providing inclusive access to the communal open space at the rooftop;
- Establish an overall maximum floor space ratio control for the site of 4:1; and
- Increase the minimum non-residential floor space ratio control to 1:1.

A concept design scheme has been prepared by Smart Design Studio to demonstrate the site's capacity to accommodate mixed use development that reflects the proposed amendments. The concept provides:

- A mixed use building of 12 storeys comprising approximately 64 residential apartments;
- Approximately 9,868m² of total gross floor area, incorporating:
 - Approximately 7,401m² residential floor area;
 - Approximately 2,467m² of non-residential floor area, including commercial and retail land uses.
- Through site link connecting Chandos Street and Atchison Lane.
- Basement parking and loading dock with vehicular access via Atchison Lane.
- Communal open space and landscaping at the Oxley Street Linear Park and ground level.

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), and 'A Guide to Preparing Planning Proposals' prepared by the NSW Department of Planning and Environment.

The Site

The site is located within the evolving St Leonards centre. It is in a well serviced area suitable for a greater intensity of development as identified in both State and Local Government strategic documents. The site is approximately 2,467m² in total and currently accommodates commercial premises at 71-89 Chandos Street. The site is:

- a short walk from the St Leonards Centre and Transport Interchanges (Railway, Metro and Bus);
- near district and metropolitan health care services;
- under 30 minutes travel on public transport to major existing and future employment centres in Sydney (Macquarie Park, Chatswood North Sydney, and the Sydney CBD); and
- Subject to the *North Sydney Local Environmental Plan 2013* which zones the site MU1 Mixed Use with a maximum building height of 20m and minimum non-residential FSR of 0.6:1.

Further, the site is not burdened by any environmental constraints that would prevent or restrict its development.

Strategic Justification

- Being located within the St Leonards Strategic Centre and near the St Leonards Transport Interchange, the proposal is situated on a strategic site that is well serviced with excellent transport connections, various employment opportunities and an abundance of social infrastructure and amenities, therefore making it an ideal site to redevelop into a mixed-use building with residential, commercial, and retail land-uses.
- The proposal is consistent with the aims and objectives of the St Leonards and Crows Nest 2036 Plan, which have been publicly exhibited and endorsed by the Department of Planning, Industry and Environment (DPIE). This plan continued the work of North Sydney Council in their strategic review of the Crows Nest St Leonards centre.

- The proposal will deliver significant public benefits including:
 - A new landscaped linear park along Oxley Street an activated public domain which will have a high level of amenity and solar access,
 - Through site link connecting Chandos Street and Atchison Lane, which will connect with the existing and future pedestrian link network,
 - 64 new dwellings thereby contributing to new homes within accessible places and with high amenity, and
 - 2,467m² new employment floorspace.
 - A Voluntary Planning Agreement letter of offer accompanies this proposal. It seeks to provide for the embellishment of the Oxley Street pedestrian areas (both public and private lands) as well as the through-site links put forward as part of this proposal.
- The analysis undertaken as part of this planning proposal demonstrates that future development will:
 - Maintain reasonable solar access, visual and acoustic privacy to the existing dwellings adjacent to the site.
 - Provide a high level of residential amenity for future occupants; and
 - Result in a built form consistent with that anticipated by the 2036 Plan.

Planning Process and Next Stages

It is requested that Council consider the proposed amendments to the *North Sydney Local Environmental Plan 2013* contained in this planning proposal and, if Council forms the view that there is strategic merit in proceeding with the recommended amendments, refer the proposal to the NSW Department of Planning, Industry and Environment's Gateway Determination Panel.

Following the issuing of a Gateway Determination, additional design and technical assessment can be prepared if required, in collaboration with North Sydney Council in order to support the final version of the planning proposal for public exhibition in order to obtain community and stakeholder input.

2.0 Introduction

This report has been prepared by Ethos Urban on behalf of TWT Global (the proponent) in support of a planning proposal to amend the North Sydney Local Environmental Plan 2013 (North Sydney LEP). This report relates to 71-89 Chandos Street, St Leonards (the site).

This planning proposal is informed by the concept design scheme prepared by Smart Design Studio, which demonstrates that the site's location and size for increased density without generating any unacceptable environmental impacts. Therefore, this planning proposal seeks to:

- Increase the maximum building height to 12 storeys (43m);
- Establish an overall maximum floor space ratio control for the site of 4:1;
- Increase the minimum non-residential floor space ratio control to 1:1; and
- Introduce a site-specific provision allowing the maximum height of buildings control to be exceeded by no more than 2m for portions of the building providing inclusive access to the communal open space at the rooftop (i.e. lift access and overrun).

This planning proposal will facilitate the provision of a mixed-use building comprising of approximately 64 residential dwellings in an appropriate location within walking distance of the St Leonards Centre and Transport Interchange.

This planning proposal describes the site, the proposed amendments to the North Sydney LEP and provides an environmental assessment. The report should be read in conjunction with reference to the Urban Design Report prepared by Smart Design Studio (**Appendix B**).

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and 'A Guide to Preparing Planning Proposals' prepared by the NSW Department of Planning and Environment. **Section 7** of this report sets out the strategic justification for the planning proposal and provides an assessment of the relevant strategic plans, state environmental planning policies, ministerial directions and the environmental, social and economic impacts of the proposed amendment. This report should be read in conjunction with the relevant expert consultation reports appended (See Table of Contents).

3.0 Background

3.1 TWT Village

The TWT Village refers to a number of buildings proposed by TWT Global, within which the subject site of this planning proposal is located. Whilst all these proposals are capable of standing alone and can be addressed, constructed and operated independent of each other, it is anticipated that these buildings will become an interconnecting village. This planning proposal relates to the northern site illustrated in **Figure 1** (red). It is noted that the original planning proposal also included the southern site however this has been excised in order to deal with interface issues with the recently endorsed Planning Proposal for 50-56 Atchison Street.



Figure 1 TWT Village
Source Smart Design Studio

3.2 St Leonards and Crows Nest 2036 Plan

The increased densities in the St Leonards precinct are consistent with the strategic planning framework of the Strategic Centre and the enhanced accessibility provided by the Sydney Metro heavy rail project. This \$11bn State Government investment will see a new rapid transit station built in Crows Nest, located within 400m of the site, providing automated, fast and frequent transport to the CBD (via a second Harbour crossing) as well as key employment destinations at North Sydney CBD and Macquarie Park.

The significance of St Leonards has been recognised by the NSW Department of Planning and Environment (the Department), who have undertaken investigations into the future land use of the precinct over several years. In August 2020, the Department finalised the St Leonards and Crows Nest 2036 Plan (2036 Plan), which sets out both a vision and a strategic framework to guide future development and infrastructure within the precinct. This Plan continued the work of North Sydney Council who commenced a strategic review of the precinct in November 2010.

The 2036 plan presents a vision for the high-rise future of St Leonards and Crows Nest. Leveraging government investment in the new metro station at Crows Nest, the 2036 Plan envisages an increase in density and commercial capacity, whilst ensuring open space and local centres are protected and enhanced.

The 2036 Plan recognises the site and has identified it for change. A comparison of the existing planning controls applicable to the site and those proposed as a result of the St Leonards and Crows Nest 2036 Plan is shown in **Table 1** below.

Table 1 Existing and proposed controls resulting from the St Leonards and Crows Nest 2036 Plan

Control	Existing	Proposed
Land Zoning	MU1 Mixed Use	MU1 Mixed Use
Building Height	20 Metres	43 metres (12 Storeys)*
Floor Space Ratio	No Control	4:1
Non-residential Floor Space Ratio	0.6:1	1:1
Street wall height	N/A	4 Storeys
Setbacks	N/A	5 metres to Oxley Street

*The planning proposal seeks an additional local provision with the intent of allowing the requested maximum building height control of 43m to be exceeded by no more than 2m for lift overrun and associated lift structures only for the purpose of providing inclusive access to the communal open space at the rooftop.

3.3 Amended Planning Proposal

A Planning Proposal for the site was submitted to North Sydney Council on 8 July 2021 to amend the site's planning controls under the North Sydney LEP. The proposal originally included both the northern and southern site (58-64 Atchison Street) as identified in **Figure 1**.

The proposal sought to amend the North Sydney LEP by increasing the height to 12 storeys for the northern site and 16 storeys for the southern site, establishing a floor space ratio of 4:1 for the northern site and 6:1 for the southern site, and increasing the non-residential floor space to 1:1 for both sites.

The proponent received a letter from North Sydney Council on 18 January 2022, requesting that the planning proposal either be withdrawn or amended. As such, this amended planning proposal has been prepared in response to Council's request and seeks a number of amendments, including the removal of the southern site from the scheme, and the relocation of massing to ensure a more cohesive design. The proposal will continue to seek approval for the amendments to the North Sydney LEP in line with the 2036 Plan.

The amended planning proposal will seek an improved urban outcome and exhibit design excellence.

3.4 Council Meeting – 12 December 2022

The Planning Proposal was considered by Council at its meeting dated 12 December 2022 whereby, the Council resolved the following:

- 1. THAT** the Planning Proposal be amended to Council's satisfaction addressing the recommendations outlined in the Council Officer's assessment report, specifically to show a maximum building height control of 43 metres, and an additional local provisions clause to be included allowing the maximum building height to be exceeded by no more than 2 metres for portions of the building providing inclusive access to the communal open space at the rooftop (i.e., lift overrun).
- 2. THAT** upon satisfactory negotiation of the contents and detailed terms of the draft VPA and completion of Recommendation 1, the Planning Proposal be forwarded to the Department of Planning and Environment, in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979 to seek a Gateway Determination.
- 3. THAT** upon receipt of a Gateway Determination, the associated draft VPA be exhibited concurrently with the subject Planning Proposal.
- 4. THAT** the outcomes of any public exhibition be reported to Council.

As such, the Planning Proposal has been amended in accordance with the recommendations of the NSLPP and Council, and therefore, will be forwarded to the Department of Planning and Environment for Gateway Determination.

3.5 Pre-lodgement Consultation

The proponent has consulted with North Sydney Council throughout the progression of the proposed development, with several informal pre-lodgement meetings held to discuss the concept scheme, submission requirements, approval pathway, and next steps.

4.0 The Site

4.1 Site Location and Context

The site is located at 71-89 Chandos Street, St Leonards within the North Sydney Local Government Area (LGA). The site is approximately 400m from both the St Leonards Railway Station and the new Crows Nest Metro Station. Its immediate context, being Crows Nest and St Leonards, is characterised by a mix of land uses including newly constructed commercial and residential buildings. The site is also in close proximity to the commercial centres of St Leonards, North Sydney, and Chatswood.

The site is part of the evolving Strategic Centre of St Leonards, which is subject to the St Leonards and Crows Nest Planning Precinct process led by the Department. This proposal seeks to expedite the planning controls identified in this proposal.

The site's locational context is shown at **Figure 2**.

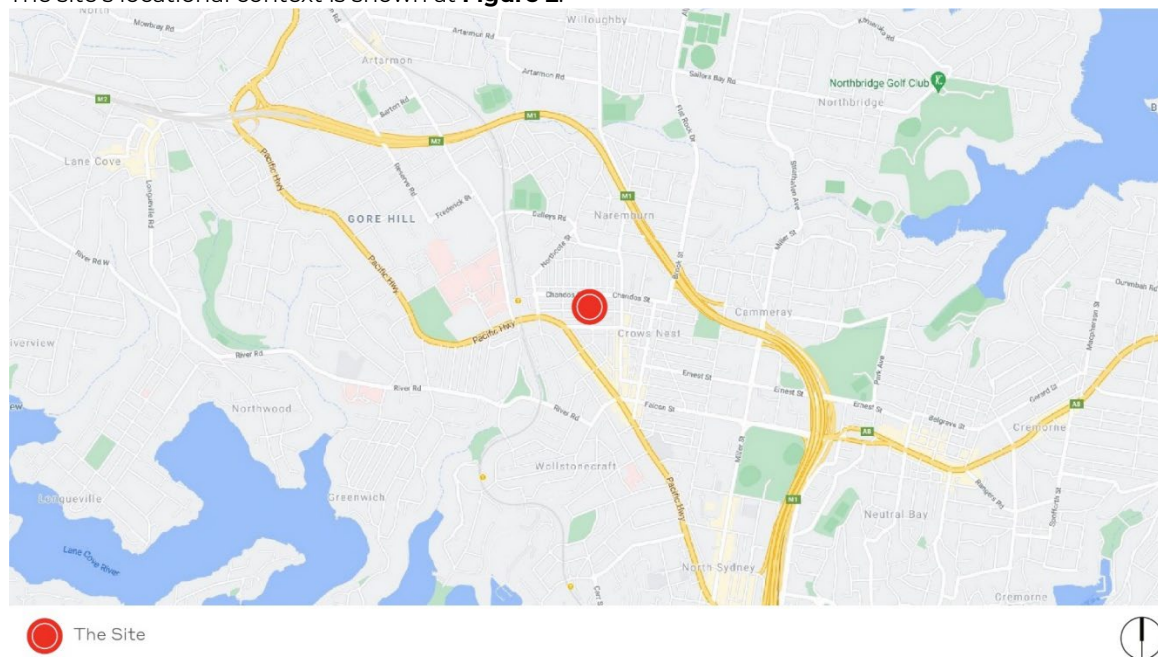


Figure 2 Site Location
Source: Google Maps / Ethos Urban

4.2 Site Description

The site comprises a total of 8 separate allotments. The consolidated site has a combined area of approximately 2,467m², forming a rectangular development parcel of land bounded Chandos Street to the north, Oxley Street to the east and Atchison Lane to the south. The various allotments and their legal descriptions are detailed in **Table 2**.

Table 2 Legal description of site

Address	Lot Number
71-73 Chandos Street	Lot 1, DP 900998
75 Chandos Street	Lot 1, DP 115581
79-81 Chandos Street	Lot 28, DP 455939
79-81 Chandos Street	Lot 29, DP 455939
83-85 Chandos Street	Lot B, DP 443166
83-85 Chandos Street	Lot A, DP 443166
87 Chandos Street	Lot 31-11 DP 2872
89 Chandos Street	Lot 32-11 DP 2872



 The Site

 NOT TO SCALE

Figure 3 *Aerial Map*
Source: Nearmap / Ethos Urban

4.3 Existing Development

The site is currently occupied by six buildings, all of which are two to three storeys in height. The existing development on site is shown in **Figure 4** to **Figure 6**.



Figure 4 *Existing development from the corner of Chandos Street and Oxley Street*
Source: Ethos Urban



Figure 5 Existing development along Chandos Street

Source: Ethos Urban

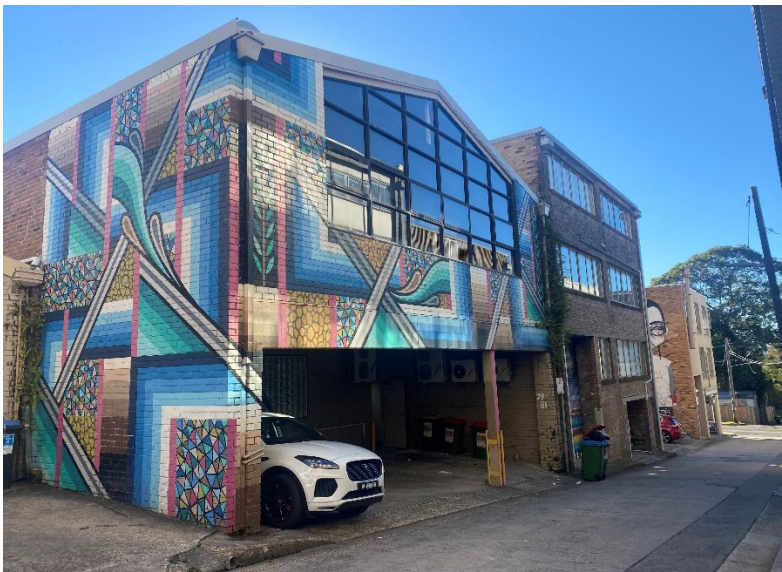


Figure 6 Vehicular access to the site from Atchison Lane

Source: Ethos Urban

Topography

The site generally has a flat surface with a slight slope of 5 metres from the western boundary to the eastern boundary dropping from 88m to 83m.

Contamination

A Preliminary Site Investigation (PSI) has been undertaken by EI Australia and is included at **Appendix G**. The PSI notes that possible contamination sources were identified including hazardous building products and materials, imported fill, and the storage of chemicals by former commercial occupants. The PSI concludes that the likelihood of widespread contamination is low to moderate. Further discussion is provided in **Appendix G** and a **Section 8.5** of this report.

Heritage

The site is not heritage listed nor is it located in a heritage conservation area.

Environmental hazards

The site is not identified as being bushfire or flood prone land. Nor does it contain any biodiversity of significance.

4.4 Surrounding Development

The surrounding context includes a range of building forms, which are predominately medium and high rise commercial and multi-storey mixed use residential buildings as shown in **Figure 7** to **Figure 10**.

- **North:** Immediately to the north of the site on the opposite side of Chandos Street and within the Willoughby LGA, is a recently constructed 6-storey mixed-use building (66-78 Chandos Street). The area is rapidly changing with several new developments currently underway due to the delivery of the new Sydney Metro stations in the area.
- **East:** To the east on the opposite side of Oxley Street, is a residential area (zoned R4 – High Density Residential) comprising a mix of dwelling houses, semi-detached dwellings and residential flat buildings up to 5 storeys in height. Further east is the suburb of Crows Nest, which is categorised by medium density-low density residential development. The Warringah Freeway is located beyond this, providing a connection to the Sydney CBD and eastern suburbs, and north towards Lane Cove and Macquarie Park.
- **South:** The following development is present to the south, on the opposite side of Atchison Lane at:
 - 50-56 Atchison St – A PP to amend NSLEP 2013 to facilitate a 16-storey mixed-use building was finalised in Feb 2022 (Amendment No. 33 to NSLEP 2013). A VPA is registered on title requiring the delivery of a pedestrian through-site link connecting Atchison Lane to Atchison St along its western boundary.
 - 40-48 Atchison St – a recently constructed 12-storey mixed use building ('The Arden')
 - 58-64 Atchison St – currently comprises commercial office buildings ranging 2-4 storeys in height. The site forms part of the broader TWT village and the 2036 Plan envisages a 16-storey mixed use development on this site.

The future Crows Nest Metro Station will be located 500m from the site on the corner of the Pacific Highway and Oxley Street. The metro line will provide a high frequency service linking the site from the north west through to south-west Sydney.

- **West:** To the west on the adjacent site at 55-69 Chandos St, is a 3-storey and 7-storey office building, which also forms part of the broader TWT village. There are currently two LEC approvals and one North Sydney Local Planning Panel Approval on these sites:
 - 67-69 Chandos St (DA30/2019) - Demolition of existing building and construction of a mixed-use development containing 18 residential apartments (approved by LEC).
 - 63-65 Chandos St (DA219/13) – Demolition of existing building and construction of a 12-13 storey mixed-use development containing 30 residential apartments (approved by NSLPP).
 - 55-61 Chandos St (DA32/2019) - Alterations and additions to existing commercial building resulting in an 11-level shop top housing development (approved by LEC).



Figure 7 Existing development north of the site along Chandos Street

Source: Ethos Urban



Figure 8 Existing development east of the site along Oxley Street

Source: Ethos Urban



Figure 9 Existing development south of the site at 58-64 Atchison Street
Source: Ethos Urban



Figure 10 Existing development west of the site at 55-69 Chandos Street
Source: Ethos Urban

4.5 Current Planning Controls

4.5.1 North Sydney Local Environmental Plan 2013

The NSLEP 2013 is the principle Environmental Planning Instrument that applies to the site. The existing planning controls that apply to the site are outlined in **Table 3** below.

Table 3 Existing controls under the North Sydney Local Environmental Plan 2013

Provision	Control
Land zoning	MU1 Mixed Use
Building height	20 metres
Floor space ratio	A maximum floor space ratio does not apply to the site.
Non-residential floor space	A minimum non-residential floor space ratio of 0.6:1 applies to the site.
Heritage	The site is not a local or state heritage item, nor is it sited within a heritage conservation area. There are no items of heritage significance in the vicinity of the site.

4.5.2 North Sydney Development Control 2013

The NSDCP 2013 builds upon and provides more detailed provisions than the NSLEP 2013. The NSDCP 2013 locates the site within the St Leonards Town Centre within the St Leonards / Crows Nest Planning Area. The St Leonards Town Centre is identified as a significant, sustainable and busy urban centre where:

- Creative industries, small to medium sized businesses, start-ups, galleries, entertainment and speciality retail are supported to enhance the economic function of North Sydney.
- a diverse range of living, employment, recreation and social opportunities are provided which serve both local and regional populations and contribute to the vibrancy of the centre
- residents, workers and visitors enjoy a high level of amenity and quality of the natural and built environment
- residents, workers and visitors can easily access the Area through excellent public transport links to the Sydney CBD, other suburban centres and many parts of the Sydney Region by rail and bus.

The NSDCP 2013 also identifies the DA site as part of the Oxley Street Masterplan, and that a comprehensive master planning process may be required. Due to the St Leonards Crows Nest 2036 Plan, this master planning process is no longer necessary.

It is noted that a site-specific DCP was initially lodged with the PP, however, it is no longer required as the suggested DCP controls are either consistent with the existing NSDCP 2013 controls or aligned with the controls relating to podium, setback, accessibility, and permeability that are recommended under the 2036 Plan and have been proposed under Council's Amendment to NSDCP 2013, which was adopted on 6 January 2023.

5.0 The Reference Design

This section of the report outlines the key features of the reference design prepared by Smart Design Studio to demonstrate an indicative built form that could be achieved under the proposed amendments to the NSLEP 2013.

This reference design has been informed by the St Leonards and Crows Nest 2036 Plan (2036 Plan) which was finalised by the Department of Planning, Industry and Environment in August 2020. This plan will facilitate the urban renewal of St Leonards and Crows Nest as an expanding employment centre and facilitate a growing residential community in the suburbs of St Leonards, Greenwich, Naremburn, Wollstonecraft, Crows Nest and Artarmon. The 2036 Plan is accompanied by a number of ancillary changes to controls, which will be the responsibility of the relevant Council to progress. This Planning Proposal seeks to expedite this process for the subject site and apply the controls of the 2036 Plan prior to the preparation and gazettal of the controls by North Sydney Council.

5.1 Reference Design Concept

The intended outcome of this planning proposal is to enable the development of the site to accommodate a mixed use buildings of 12 storeys in height, with commercial and retail uses on the ground floor and level 1, with residential uses above. A landscaped linear park, basement parking and through site link will also be provided on the site. The development design concept prepared by Smart Design Studio is attached at **Appendix A** and is summarised in **Table 4** below.

Table 4 Concept Design – Key Features

Element	Detail
Building Height	43 metres (12 storeys)
	<i>Note: The building height of the concept scheme submitted to Council for assessment in July 2022 was 46.72 metres for 12 storeys, however, as per Council's resolution from 12 December 2022, the Planning Proposal and accompanying concept design has been amended to a maximum building height of 43m with an additional allowance of 2m for lift overrun and associated lift structures.</i>
Gross Floor Area	Residential – approximately 7,401m ² Non-residential – approximately 2,467m ² Total – approximately 9,868m ²
Floor Space Ratio	4:1
Non-residential FSR	1:1
Setback	<p>Chandos Street:</p> <ul style="list-style-type: none"> Podium setback: 3m Above Podium setback: 3m <p>Oxley Street:</p> <ul style="list-style-type: none"> Podium setback: 5m Above Podium setback: 7m <p>Atchison Lane</p> <ul style="list-style-type: none"> Podium setback: 1.5m Above Podium setback: 4m
Uses	<ul style="list-style-type: none"> Non-residential uses at ground floor and level 1. Residential apartments from Level 2 to 12.
Dwellings	64
Vehicular Access	Access is via Atchison Lane
Through Site Link	Publicly accessible through site link connecting Chandos Street and Atchison Lane
Communal Open Space	26%

5.2 Built Form and Streetscape

The development comprises of a mixed-use building of 12 storeys.

The proposed buildings will include a four-storey podium, which will accommodate non-residential uses on the ground floor and level 1. The podium has been designed to activate and interact with the public domain and is setback 3m from Chandos Street, 5m from Oxley Street, and 1.5m from Atchison Lane on both sides. The above podium setbacks are as follows:

- Chandos Street: 3m
- Oxley Street: 7m
- Atchison Lane: 4m

Figure 11 below provides the setback diagram for the proposed development.

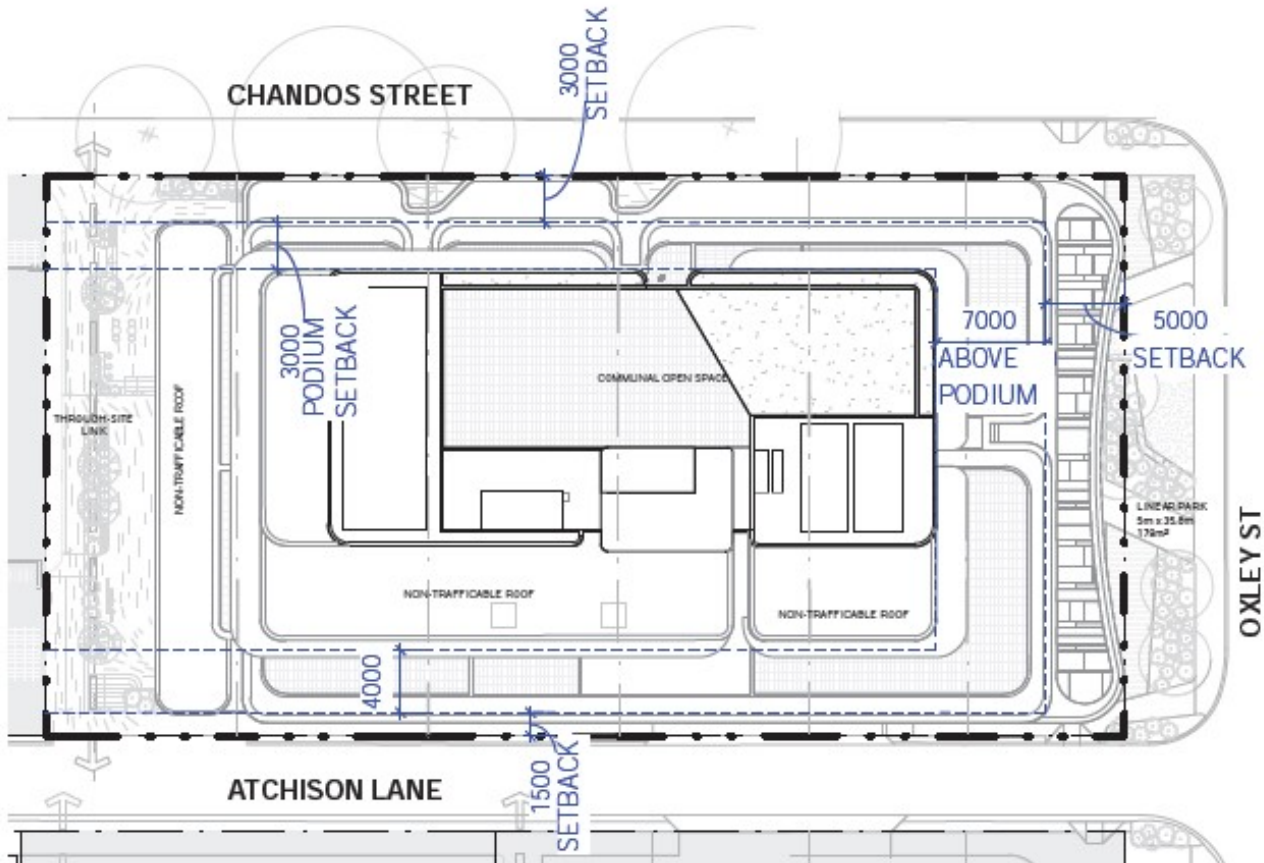


Figure 11 Proposed setback diagram

Source: Smart Design Studio

5.3 Site Access and Parking

Carparking for residents, visitors and employees will be located in a two-storey basement that is proposed to be connected to the adjacent development at 55-69 Chandos Street. All loading and servicing arrangements will be provided on the ground level. Access to the car park and loading dock is proposed via Atchison Lane.

5.4 Landscape

An indicative Landscape Concept Design has been prepared by Ground Ink Landscape Architects. The concept fulfils the vision to green the site and proposed communal areas on the ground floor and the Oxley Street Linear Park. Landscaped setbacks aim to soften the appearance of the built form and provide pleasant amenity for future residents and visitors.

Figure 12 below illustrates the overall landscape concept design of the development. Future detail is provided in the landscape plans at **Appendix C**.

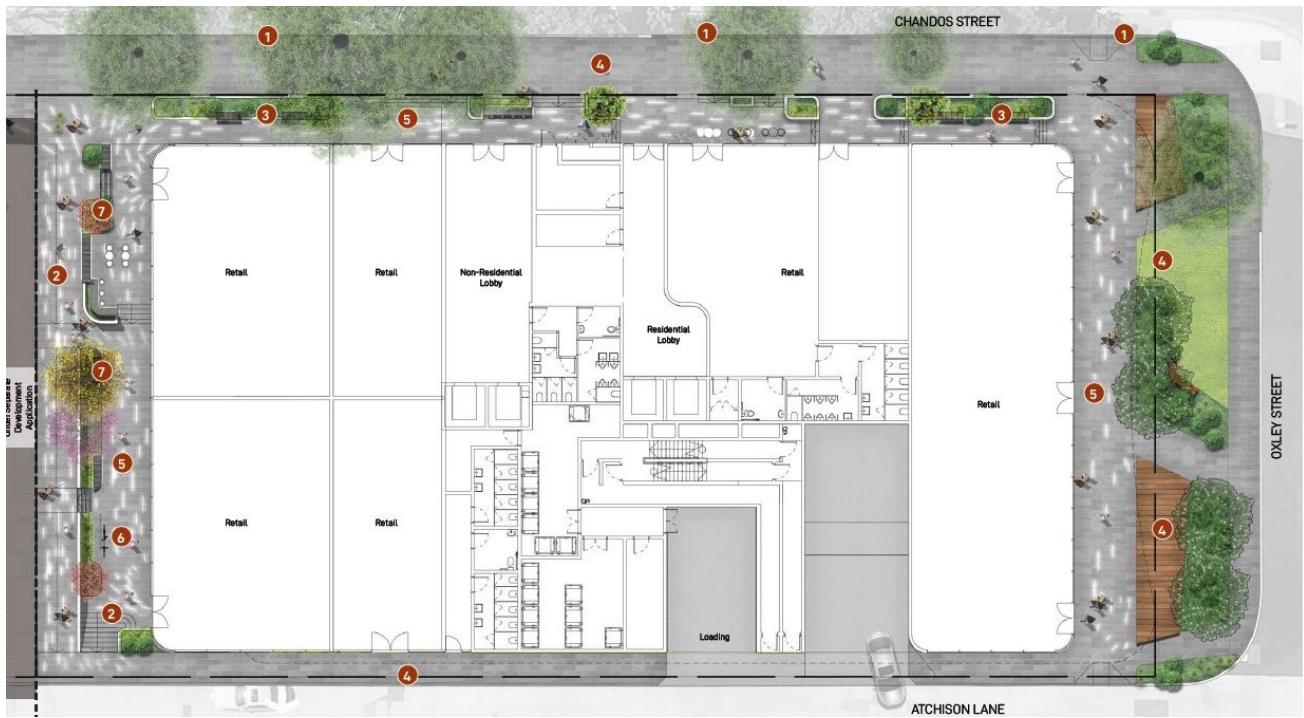


Figure 12 Overall Landscape Plan
Source: Ground Ink Landscape Architects

5.5 Public Benefit

A Letter of Intention to enter into a Public Benefit offer with Council was presented by TWT Global and is provided at **Appendix I**.

As such, a Draft Voluntary Planning Agreement (VPA) has been prepared for public exhibition, which specifically includes the right of way over the through site link, as well as the dedication and embellishment of the linear park along Oxley Street.

In addition to the public benefit offer, it is noted that the planning proposal is subject to the Section 7.11 local development contributions as well as the St Leonards and Crows Nest Special Infrastructure Contributions (SIC).

For further detail on the draft terms of the VPA, refer to **Appendix J**.

6.0 Planning Proposal

This Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act and the 'LEP Making Guidelines' prepared by the NSW Department of Planning and Environment, which requires the following matters to be addressed:

- objectives and intended outcomes of the amendment to the LEP;
- explanation of provisions;
- justification;
- maps;
- community consultation;
- project timeline.

The following Section outlines the objectives and intended outcomes and provides an explanation of provisions in order to achieve those outcomes, including relevant mapping. The justification and evaluation of impacts is set out in **Section 7** and **8.0** of this report.

6.1 Objectives and Intended Outcomes

The proposal seeks to deliver on the State Government's preferred outcome for St Leonards as a Strategic Centre with increased employment opportunities and mixed-use activities. The proposal intends to facilitate the delivery of a high-quality, mixed use redevelopment that will complement the evolution of the St Leonards Strategic Centre towards a high-density mixed-use character.

More specifically, the proposal will:

- Provide an integrated mixed-use building in an evolving mixed-use precinct;
- Create a viable commercial presence on the site, at a scale that will meet the future needs of permanent new jobs to support the medical and service-based future role of St Leonards; and
- Deliver new residential apartments to take advantage of this accessible location, proximity to services and existing and planned rail networks with direct connections to major employment destinations.

6.2 Explanation of Provisions

The North Sydney LEP 2013 sets out the local planning controls across the North Sydney LGA. The planning proposal seeks to amend the North Sydney LEP 2013 to facilitate the proposed mixed-use development outlined in this report.

The existing and proposed controls, as well as the recommended amendments are outlined below.

Existing and proposed LEP controls

The existing and proposed LEP controls are outlined in **Table 5**.

Table 5 Existing and Proposed LEP Controls

Control	Existing	Proposed
Land zoning	MU1 Mixed Use	MU1 Mixed Use
Building height	20 metres	43 metres (12 storeys)
Floor space ratio	No control	4:1
Non-residential floor space	0.6:1	1:1

In addition to the above, the Planning Proposal seeks to implement an additional local with the intent of allowing the requested maximum building height control of 43m to be exceeded by no more than 2m for liftoverrun and associated lift structures only for the purpose of providing inclusive access to the communal open space at the rooftop.

Specifically, the wording of the new provision will be as follows:

Clause 4.3 – Exceptions to height of buildings

(2C) Despite Clause 4.3, the height of a building on land at “Area 4” (71-89 Chandos Street, St Leonards) on the Height of Buildings Map may exceed the maximum height shown for the land on that Map if—

- (a) The height of building does not exceed 45 metres, and
- (b) The part of the building that exceeds the maximum height comprises lift overruns and associated structures necessary to provide lift access to communal rooftop space.

Refer to **Appendix O** for the drafting of the new provision.

6.3 Justification of strategic and site specific merit

The strategic and site specific merit is explored in detail in **Sections 7** and **8** below.

6.4 Mapping

In order to effect the above changes to the planning controls, amendments to the following maps of the North Sydney LEP 2013:

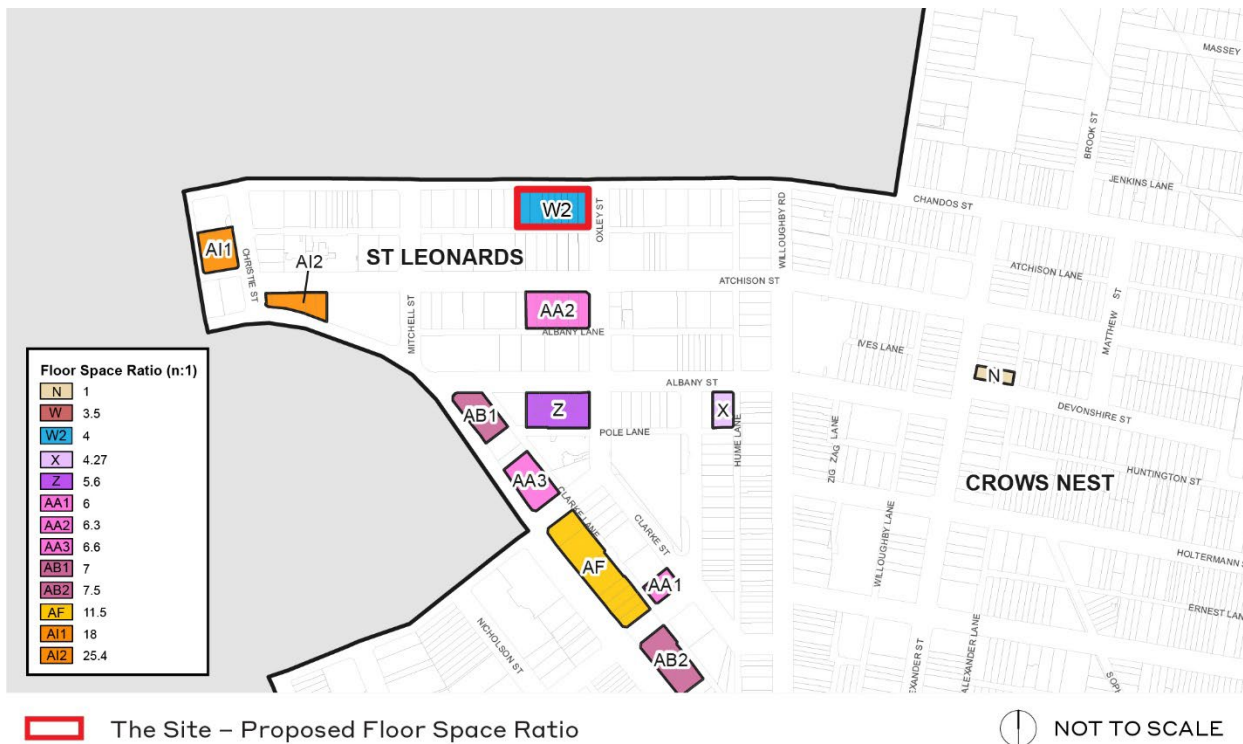
- Height of Buildings Map 001
- Floor Space Ratio Map 001
- Non-Residential Floor Space Map 001

The maps as proposed to be amended are included at **Appendix K**. Extracts of the maps are shown in **Figure 13** through **Figure 15**.



Figure 13 Amended Height of Building Map 001

Source: North Sydney Local Environmental Plan 2013 / Ethos Urban



The Site – Proposed Floor Space Ratio

⊕ NOT TO SCALE

Figure 14 Amended Floor Space Ratio Map 001
 Source: North Sydney Local Environmental Plan / Ethos Urban



The Site – Proposed Non-Residential Floor Space Ratio

⊕ NOT TO SCALE

Figure 15 Amended Non-Residential Floor Space Ratio Map 001
 Source: North Sydney Local Environmental Plan 2013 / Ethos Urban

6.5 Community Consultation

It is proposed that in accordance with 'LEP Making Guideline' that the planning proposal undergo a 28-day public exhibition period. It is noted that confirmation of the public exhibition period and requirements for the planning proposal will be given by the Minister as part of the LEP Gateway determination. Any future DA for the site would also be exhibited in accordance with the Council's notification requirements at which time the public and relevant authorities can make further comments on the redevelopment of the site.

6.6 Project Timeline

Error! Reference source not found. below outlines the indicative project timeline for the planning proposal, which is proportionate to the nature and scale of the planning proposal.

Table 6 *Project Timeline*

Milestone	Date
Submission of the Planning Proposal	March 2022
Planning proposal presented to Council	December 2022
Referral to Minister for Gateway Determination	May 2023
Gateway Determination Received	June 2023
Community Consultation	September 2023
Consideration of submissions	October-November 2023
Consideration of Planning Proposal by Council	December 2023
Submission to DPE to finalise LEP	December 2023
Drafting and making of LEP	February 2024

7.0 Strategic Merit

This section outlines the strategic planning framework within which the development outcomes for the land have been considered and provides commentary on how the proposal responds to each of these documents.

The DPE 'LEP Making Guide' sets out that a planning proposal needs to justify that it meets the Strategic Merit Test. The consistency of this planning proposal with the mandated assessment criteria is set out below.

Table 7 LEP Making Guide Matters for Consideration

Considerations	Comment
Section A	
1. <i>Is the planning proposal a result of an endorsed LSPS, strategic study or report?</i>	Yes, the proposal is in direct response to the adoption of the Crows Nest St Leonards 2036 Plan. Refer to Section 7.3
2. <i>Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</i>	Yes. The planning proposal is the best means of achieving the intended outcome – the current height controls prohibit the redevelopment of the site in accordance with the 2036 Plan.
3. <i>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)?</i>	Yes. Refer Section 7.1 below.
4. <i>Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?</i>	Yes. The planning proposal will contribute to the achievement of the relevant North Sydney LSPS planning priorities. Refer to Section 7.4 .
5. <i>Is the planning proposal consistent with any other applicable State and regional studies or strategies?</i>	Yes. The planning proposal is in accordance with key strategic documents such as the Greater Sydney Region Plan and the North District Plan. Refer Sections 7.1 and 7.2 .
Section B	
6. <i>Is the planning proposal consistent with applicable SEPPs?</i>	Yes. Refer Section 9.0 .
7. <i>Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?</i>	Yes. Refer Section 9.1 .

7.1 Greater Sydney Region Plan

In March 2018, the Greater Sydney Commission released the *Greater Sydney Region Plan: A Metropolis of Three Cities* (the Plan). The Plan presents a strategy for accommodating Sydney's future population growth for the next 20 years and identifies St Leonards as an area suitable for further strategic urban renewal. The Plan sets out objectives that will guide Sydney's growth; the following discussion demonstrates how the planning proposal is consistent with the relevant strategic objectives.

Objective 10: Greater Housing Supply

The NSW Government forecasts that an additional 725,000 homes will be needed by 2036 to meet demand based on current population projections. This strong need is forecasted to continue, and by 2056 it is anticipated that significant further housing supply will be required to meet Greater Sydney's continued strong population growth.

To facilitate greater housing supply, the Plan sets housing targets for each District. The North District, which includes St Leonards, is required to deliver a minimum of 25,950 homes in the five years between 2016 and 2021. Beyond this, the Plan sets a 20-year strategic housing target of 92,000 homes for the North District.

The Plan states that developers play an important role in supporting housing outcomes:

'The development industry needs to continually provide new housing and translate the development capacity created by the planning system into approvals and supply'

As it will facilitate delivery of additional dwellings on a site that under current planning controls cannot feasibly deliver additional homes, the planning proposal promotes this objective.

Objective 11: Housing is more diverse and affordable

Greater Sydney has been measured as being one of the least affordable housing markets globally and is the least affordable Australian city. Factors that contribute to rental and purchasing affordability challenges include the limited availability of smaller dwellings to meet both the growing proportion of small households, as well as the growing distance between areas where housing is affordable and the location of employment and educational opportunities.

This planning proposal will deliver smaller homes in the form of apartments, in a Strategic Centre (St Leonards) that provides job opportunities and access via public transport to other major employment nodes, such as North Sydney and the Sydney CBD.

Objective 12: Great places that bring people together

The concept design developed by Smart Design Studio will facilitate a high-quality public domain and built form response to its context, including the ability to:

- Allow the reconnection of the urban fabric of the area, filling a significant gap in the current development pattern at the fringe of the St Leonards town centre; and
- Provide a contemporary urban response to Chandos Street and Oxley Street that will improve the pedestrian experience and will respond to the fine grain nature of the existing lower density dwellings to the north of the site.

Objective 12: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities

Under the Plan accommodating new homes needs to be linked to local infrastructure – both to optimise existing infrastructure and to maximise investment in new infrastructure.

In established parts of Greater Sydney such as St Leonards, urban renewal opportunities exist around regional transport and strategic centres, where links for walking and cycling promote a healthy lifestyle and contribute to liveability.

Being located in St Leonards, which is also identified as a Planned Precinct within walking distance of two rail stations benefiting major government investment, the proposal is consistent with this objective.

7.1.1 Summary

The planning proposal is consistent with the above objectives of the Greater Sydney Region Plan as it will deliver new homes adjacent to the St Leonards centre, a short walk from shops, services, high frequency bus stops and the future Crows Nest Metro Station. These attributes make the site a suitable location for higher density housing and new employment floorspace.

7.2 North District Plan

Consistent with the Regional Plan, overall, the District Plan promotes the following themes:

- Greater housing supply;
- More diverse and affordable housing;
- Better located and designed housing; and
- Jobs and employment in strategic centres.

This is reflected in Planning Priority N5:

'Providing housing supply, choice and affordability, with access to jobs, services and public transport'

Under the North District Plan, the North Sydney LGA is required to deliver a minimum of 3,000 homes in the five years between 2016 and 2021. The key opportunity to provide for additional homes through transit-focused renewal in accordance with the Region Plan is in St Leonards. This is reflected in the District Plan as it identifies St Leonards as a location for additional capacity for housing supply.

In terms of housing diversity and affordability, planning for housing needs to consider the type of dwellings required to respond to expected changes in both household size and age. The District Plan states that this requires more smaller homes, group homes, adaptable homes of universal design and aged care facilities.

New housing should also be provided in the right locations and of the right design, close to local infrastructure and contribute to safe and vibrant neighbourhoods.

Additionally, Planning Priority number 10 promotes this:

'Growing investment, business opportunities and jobs in strategic centres'

The proposal will provide jobs and employment opportunities through the provision of retail and commercial land uses as part of the development and is consistent with the planning actions outlined in the District Plan.

The proposal:

- Provides additional housing on a site that under current planning controls, cannot deliver housing or jobs in a location on the fringe of the St Leonards town centre;
- Provides a greater diversity of housing in the form of apartments;
- Is located within walking distance of the St Leonards Rail Station and the future Metro station benefiting from major government investment; and
- Is well designed and will contribute to the vitality of St Leonards.

On this basis, the proposal is consistent with the relevant planning priorities and actions of the District Plan.

The District Plan also contains specific actions for the St Leonards and Crows Nest precinct. Relevant actions are:

- Leverage the new Sydney Metro Station at Crows Nest to deliver additional employment capacity
- Grow jobs in the centre
- Reduce the impact of vehicle movements on pedestrian and cyclist accessibility
- Deliver new high-quality open space, upgrade public areas, and establish collaborative place-making initiatives

By providing varied accommodation and employment opportunities in close proximity to the new Crows Nest Metro Station and enhancing the public domain and landscape open space, the planning proposal meets the above District Plan actions for the St Leonards and Crows Nest precinct.

7.3 St Leonards and Crows Nest 2036 Plan

The 2036 Plan is a precinct plan that was released and finalised by the Department in August 2020. The plan will facilitate the urban renewal of St Leonards and Crows Nest for an expanding employment centre and growing residential community. A number of changes to the existing planning controls in certain areas are proposed to implement strategic direction of the Plan. The site is included in these changes.

This Planning Proposal implements the St Leonards Crows Nest 2036 Plan precisely.

The proposal's consistency with the vision, design priorities and objectives, and recommended changes outlined in the Plan is detailed below.

The planning proposal is consistent with the vision as it will:

- Provide a total of 1:1 non-residential floor space ratio to provide employment opportunities within St Leonards and contribute to the delivery of 16,500 additional jobs over the next 20 years.
- Improve pedestrian accessibility and movement by providing housing close to the St Leonards Rail Station and the future Metro Station.
- Increase vibrancy and life around, and within St Leonards by replacing ageing, poor quality commercial buildings with a contemporary mixed use development that will provide high-quality street frontages to Chandos Street and Oxley Street.
- Facilitate a built form outcome that will respect the existing character of the local area. Smart Design Studio have prepared a reference design that is conscious of, and responds to, the various types of surrounding development.
- Enhancing the public domain by providing high-quality landscaped open spaces that will ensure efficiency and sustainability.
- Facilitate the provision of approximately 64 new dwellings of various types and sizes that will be suitable for a range of the community including singles, couples and families at all stages of the life cycle.

Table 8 provides an assessment of the planning proposal against the relevant planning priorities and objectives of the 2036 Plan.

Table 8 Consistency with 2036 Plan

2036 Plan	Consistency of Planning Proposal
Planning Priorities	
N5: Providing housing supply, choice and affordability with access to jobs, services and public transport.	The planning proposal will provide a mixed-use development that will provide approximately 64 residential units. The units will have a variety of sizes, configurations and bedroom numbers and will be suitable for a range of residents, including singles, couples and families.
N12: Delivering integrated land use and transport planning and a 30-minute city.	The planning proposal will facilitate a 30-minute city as it proposes a high-quality mixed-use development that will locate residents and workers within a comfortable walking distance of significant public transport infrastructure located in close proximity to the site.
N10: Growing investment, business opportunities and jobs in strategic centres.	The planning proposal will provide a total of 1:1 non-residential floor space ratio, which will accommodate a range of retail and commercial premises at the ground level and level 1 of the development.
N19: Increasing urban tree canopy and delivering Green Grid Connections.	The planning proposal will enhance and improve the public domain by increasing tree canopy and coverage on the street frontages. Specifically, the proposal provides for the Oxley Street greenlink espoused by the Plan.
N20: Delivering high-quality open space.	The planning proposal provides high quality communal open space through the provision of a through site link and a linear park that are well designed and landscaped to deliver high quality open space.
Planning Objectives	
Ensure new development retains and enhances important heritage elements by using	The proposed development will not affect any existing heritage items or heritage conservation areas.

sympathetic building materials and preserving key viewing and visits.

Apply casual surveillance and universal access principles to new development to create a safe, inclusive and comfortable environment.

The future development of the site will incorporate active frontages along Chandos Street and Oxley Street that will provide casual surveillance and activation of the public domain as well as contribute to the creation of a safe environment in St Leonards and in the vicinity of the site.

New development should have consideration to wind impacts demonstrated through a wind assessment.

A Qualitative Wind Assessment has been prepared for this planning proposal. Refer to **Appendix F** and **Section 8.4** for further information.

Consider cumulative impacts of new developments on existing areas including overshadowing, wind impacts and view loss.

The proposal has been developed with careful consideration of the cumulative overshadowing, wind and view impacts on the surrounding area. These key issues are further discussed in **Section F** of this report.

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.

The proposal is located within a transition area and has been designed accordingly with appropriate built form and scale as per the requirements of the Plan.

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 development has been designed with appropriate setbacks and façade elements to achieve a human scale at street level. Further discussion is provided in **Section 8.1.1** of this report.

Ensure new development contributes to a range of dwelling types in the area to cater for all life cycles.

The proposed development will provide a range of dwelling types that will meet the housing market demand within the area. Indicatively, the future development could accommodate the following dwelling mix:

- Studio: 5 (8%)
- 1 Bedroom: 17 (27%)
- 2 Bedroom: 13 (20%)
- 3 Bedroom: 31 (31%)
- 4 Bedroom: 9 (9%)

The proposed development will provide adaptable dwellings to cater for all ages and life cycles.

Ensure new employment sites in the area cater to a range of business types and sizes.

The proposal will include provision for a minimum of 1:1 non-residential FSR that will be capable of accommodating a range of commercial and retail uses.

New development in mixed-use areas should contribute to the delivery of active streets by providing a range of uses at ground floor.

Indicatively, the proposal will activate street frontages along Chandos Street and Oxley Street by providing retail and commercial tenancies, and a residential and commercial lobby.

Ensure no additional overshadowing of public open spaces and important places in accordance with solar access controls identified in the plan.

The proposed development will not result in any “substantial additional overshadowing during specific hours” on any public open spaces or places of high value and significance. Further detail on the overshadowing to the Oxley Street Linear Park is provided below.

New development along Chandos, Oxley and Mitchell Streets should provide wider setbacks to enable the creation of greener streets.

The proposed development provides the required and appropriate setbacks that are well designed and landscaped to create greener streets.

New development adjoining the increased setbacks and landscaped areas should contribute to its landscape character. For example, by providing planter boxes, lighting, green walls, deep planting, landscaped setbacks and forecourts.

The concept landscape plans include high quality design elements including, planter boxes, water features, light features and seating.

Incorporate new street trees to realise the tree canopy targets identified in the plan and increase the overall tree coverage in the area.

The proposed development includes street tree planting, which will increase the tree canopy cover and promote greener streets within St Leonards.

2036 Plan	Consistency of Planning Proposal
Site Specific Recommendations	
Land Zoning MU1 Mixed Use	The proposal will provide a mixed-use development and seeks to maintain the existing MU1 Mixed Use zone.
Building Height 12	The proposed development is 12 storeys, which is equivalent to 43m in height and is therefore consistent with the recommended building height.
Floor Space Ratio 4:1	The site has an FSR of 4:1 consistent with the plan.
Minimum Non-Residential Floor Space Ratio 1:1	A non-residential FSR of 1:1 is proposed for the site.
Street Wall Height 4 storeys	The proposed development provides a four-storey podium.
Setbacks <ul style="list-style-type: none"> • Chandos Street: 3m • Oxley Street: 5m 	The proposed development achieves the recommended setbacks as illustrated in the concept plans provided at Appendix A .

Solar Access to Oxley Street Linear Park

The 2036 Plan places strong emphasis on retaining solar access to public open space and identifies solar access controls to ensure that *any new development within the area does not produce substantial additional overshadowing during specific hours in mid-winter*. The 2036 Plan requires Oxley Street must not be overshadowed between 11:30am and 2:30pm.

The concept design has been appropriately designed in accordance with the site-specific built form controls recommended under the 2036 Plan to minimise overshadowing impacts to the surrounding open space. Smart Design Studios have undertaken detailed overshadowing analysis at **Appendix B**, comprising of 15-minute incremental shadow diagrams, which illustrates that the proposed development will cast a shadow over the Oxley Street Linear Park from 12:45pm to 1:45pm however there is a net reduction of shadow that currently exists as a result of the existing built form (built to boundary). Figure 16 below shows the worst case scenario of 1pm which shows that the additional shadow is equivalent to the shadow reduced from that existing.



Figure 16 Solar Study

Based on the above assessment, this planning proposal is consistent with the vision, planning priorities and objectives and recommended changes identified in the 2036 Plan.

7.4 North Sydney Local Strategic Planning Statement

In March 2020, North Sydney Council adopted the North Sydney Local Strategic Planning Statement (LSPS), which sets out Council's land use vision, planning principles, priorities and actions for the next 20 years. The LSPS outlines Council's vision for St Leonards as a Strategic Centre. The following points demonstrate that the planning proposal is consistent with the Council's planning priorities and objectives outlined within the LSPS.

Priority L1 – Diverse housing options that meet the needs of the North Sydney Community

The planning proposal will provide a range of housing types and dwelling sizes in a location that Council have acknowledged is suitable for high density residential development.

Priority L3 – Create great places that recognised and preserve north Sydney's district local character and heritage

The planning proposal will facilitate a built form and land use outcome that responds to and respects surrounding heritage items and heritage conservation areas to the north of the site. The concept design proposes a 12 storey building, which will assist in the transition in height and scale of development within the area.

Priority P6 – Support walkable centres and a connected, vibrant and sustainable North Sydney

The site's proximity to significant public transport facilitates the realisation of Transit Oriented Development (TOD) on the site. The planning proposal will provide a high-quality mixed-use development that will locate residents and workers within comfortable walking distance to public transport infrastructure and therefore will enhance connectivity and support the 30-minute city.

Priority S2 – Provide a high quality, well connected and integrated urban greenspace system

The proposal will include high quality landscaping along the Chandos Street and Oxley Street frontages, the through site link, and the linear park. By increasing tree canopy coverage, the proposal will provide greener streets in North Sydney and support a healthy environment and community wellbeing.

7.5 North Sydney Local Housing Strategy

The North Sydney Local Housing Strategy (LHS) adopted in October 2019, identifies the housing targets within the area and how they will be delivered over the next 20 years. The LHS indicates that an additional 11,450 dwellings are required to be delivered by 2036 in order to meet the forecasted population of 91,650 people in North Sydney LGA.

Of the total 11,450 dwellings, the LHS estimates that 2,190 dwellings will be located within the St Leonards and Crows Nest Precinct as a result of the urban renewal proposed under the 2036 Plan. The planning proposal will provide an approximate 64 dwellings, and therefore, will contribute to the dwelling target envisaged under the LHS. This proposal implements the St Leonards Crows Nest Plan explicitly – which is also reflected in the North Sydney Housing Strategy.

The planning proposal is consistent with the objectives of the LHS, particularly Objective 3, which is to '*Inform **housing diversity** and affordability issues in North Sydney*'. While the planning proposal does not intend on providing any affordable housing, it is emphasised that the dwelling mix proposed maintains a diverse mix in unit sizes and typology to ensure that the demand identified in the LHS is met. In doing so, it also facilitates affordable choices for household types, particularly families who want to live in North Sydney but cannot afford to live in a house.

Overall, the planning proposal is consistent with the North Sydney LHS in that it contributes to the housing target identified for the area, while also ensuring housing diversity within a strategic centre that has been earmarked for uplift and redevelopment.

8.0 Site Specific Merit

Local Environmental Plan Making Guideline establishes assessment criteria for determining if planning proposals have site-specific merit:

b) Does the proposal have site-specific merit, having regard to the following?

- the natural environment (including known significant environmental values, resources or hazards); and*
- the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and*
- 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.*

The planning proposal has site-specific merit for the following reasons:

- There are no known environmental matters that would prevent the development of the site for higher density residential development.
- The planning proposal will facilitate a mixed use residential development whose form and scale will be compatible with the future mixed use residential land uses in the vicinity of the site.
- The site is located in an area where there is existing public infrastructure, transport, and community facilities, and is close to employment, leisure and other opportunities. The site is therefore provided with services and infrastructure which will cater for the future population of the site.

This section considers the key planning issues associated with the planning proposal as well as those associated with the future development.

8.1 Impacts on Neighbouring Dwellings

8.1.1 Privacy and Overlooking

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

- The podium has a 12m separation to the south between habitable rooms and balconies, and a 7m separation to the west between non-habitable rooms.
- From five to eight storeys, an 18m separation to the south has been applied between habitable rooms and balconies, and a 13.5m separation has been applied to the west between habitable and non-habitable rooms.
- From nine storeys and above, a 24m separation to the south has been applied between habitable rooms and balconies, and an 18m separation has been applied to the west between habitable and non-habitable rooms.

As such, adequate building separation and setbacks have been applied to minimise potential privacy and overlooking issues to surrounding sites. Further detail is provided in the Urban Design Report at **Appendix B**.

8.1.2 Overshadowing

The Urban Design Report (**Appendix B**) provides a shadow analysis to illustrate the impact of overshadowing on adjoining residential properties and the surrounding area. The proposed development has been designed to minimise the impacts of overshadowing on the surrounding area and the shadow analysis demonstrates that the concept design maintains good levels of solar access to the surrounding dwellings and public open space. The existing properties on the north and west of the site will receive good solar access throughout the entire day all year round. Properties to the east along Oxley Street will receive minor additional overshadowing in the afternoon during the equinox and mid-winter.

Overshadowing to the Oxley Street Linear Park is minor. Despite the additional overshadowing to the park between 1:15pm to 1:45pm, there is an overall net reduction of the shadow that currently exists as a result of the existing built form to the boundary. It should also be noted that a Development Application was approved in May 2011 by the Joint Regional Planning Panel with an FSR of 5:1, which would have had significant impacts on the streetscape. The proposed development offers a much better solar access outcome for Oxley Street than both the existing and approved development on site.

8.1.3 Visual Impact

The concept has been designed to comply with the built form controls and objectives outlined in the 2036 Plan. Future detailed development will be subject to a design excellence process which will ensure the outcome is visually compatible with the surrounding area and will not result in any unreasonable visual impacts.

8.1.4 Traffic and Parking

The planning proposal will accommodate all resident and retail/commercial parking in basements on site. There will be no impact on the existing availability of on-street parking in the surrounding area. Traffic generation will be minor with 17-19 vehicle movements during the peak periods (refer to **Appendix D**).

8.2 Residential Amenity

The indicative concept design has been designed to meet the requirements of the Apartment Design Guide (ADG) and will achieve good levels of residential amenity for the future residents. Notably, the indicative design demonstrates that the site can accommodate high density residential that will provide:

- Apartments consistent with the ADG minimum size requirements.
- Balconies consistent with the ADG minimum size requirements.
- A minimum of 2-hour solar access is provided to 81% of the indicative dwellings on the site between 9am to 3pm.
- Natural cross ventilation to 63% of the indicative apartments below level 9.
- Separation distances between neighbouring buildings in accordance with the minimum requirements of the ADG and will provide adequate privacy for residents.
- 640m² of communal open space (26% of the total site area). It is noted that the concept design prepared by Smart Design Studio is indicative for the purposes of understanding the opportunities on the site.

An ADG Compliance Table has been prepared by Smart Design Studio and is included as part of the Urban Design Report at **Appendix B**.

8.3 Transport and Access

Varga Traffic Planning have undertaken a Transport Impact Assessment for the planning proposal (**Appendix D**). The assessment considered the future development of the site as per the concept design scheme and as a complying development under the current controls. The key findings of the assessment are as follows:

- The potential increase in traffic from the planning proposal is an additional 19 vehicles in the AM peak hour and 17 vehicles in the PM peak hour.
- Vehicular access will be provided off Atchison Lane to minimise conflicts with pedestrians and general traffic along the surrounding road network.
- A loading dock and servicing bay will be provided as part of each building at ground level.
- The proposal is expected to be serviced by a variety of commercial vehicles up to and including Small Rigid Vehicles (SRV).
- The proposal will provide a total of 57 off-street car parking spaces, 106 bicycle parking spaces, and 3 motorcycle parking spaces which are consistent with the current North Sydney DCP parking rates.
- The future development's proximity to various public transport facilities, including St Leonards Transport Interchange and nearby bus stops is not expected to generate significant traffic impacts.

On the basis of the above, the report concludes that the proposed development will not have any unacceptable traffic generation, parking or loading implications.

Varga Traffic Planning have also prepared a Green Travel Plan for the planning proposal to set site-specific actions and incentives to manage travel demands and embrace the principles of sustainable transport to encourage the greater use of transport modes that have a lower environmental impact. Refer to **Appendix D** for further discussion.

8.4 Wind Impacts

A Qualitative Wind Assessment Report has been prepared by SLR at **Appendix F** to assess the potential pedestrian wind conditions around the proposed development. The assessment is based on the local wind climate, the current proposed massing design of the proposed development, the existing surrounding buildings and wind tunnel testing of similar buildings.

The wind impact of the proposed development is described by examining the impact of prevailing wind conditions on all public access areas of interest within and external to the development. Based on the findings of the assessment, the report has outlined the following recommendations to mitigate the potential wind impacts of the proposed development:

- The winds along the surrounding footpaths should remain at similar levels providing appropriate landscaping is employed.
- Horizontal wind breaks are recommended over building entries and pedestrian pathways, to protect against potential downwash from the high level development.
- Vertical windbreaks are recommended to the upper level communal open spaces as a result of adverse upper level wind conditions.
- Vertical windbreaks are recommended to the residential private corner balconies on one aspect of the balcony to reduce the impact of corner accelerating winds.

The above recommendations can be adopted at the detailed design stage.

8.5 Contamination

A Preliminary Site Investigation was undertaken by EI Australia (**Appendix G**) to determine the potential risk for land contamination from past and current activities in accordance with the requirements of *State Environmental Planning Policy No. 55 – Remediation of Land*.

The report revealed a moderate likelihood for contamination to exist on the site as a result of the following:

- The historic use of the site for various commercial use, including the potential manufacturing of firefighting products, chemicals and the use of solvents;
- Weathering of exposed building materials that may contain hazardous substances or the importation of fill from an unknown origin; and
- Potentially impacted groundwater migrating to site, or from the site as a result of significant soil impacts that may be present.

A detailed (Stage 2) site investigation is recommended to be undertaken prior to demolition to character the site contamination conditions and establish whether remediation is required.

On the basis of the above, EI Australia conclude that the site can be made suitable for its proposed uses.

8.6 Geotechnical

A Geotechnical Investigation was undertaken by EI Australia to provide advice and recommendations to assist with the geotechnical aspects of the proposed development. The report found that the proposed development was capable of being accommodated on site with the following recommendations:

- At least three additional cored boreholes following demolition;
- Long term groundwater monitoring and seepage modelling;
- Dilapidation surveys;
- Design of working platforms for construction plant by an experience and qualified geotechnical engineer;
- Classification of all excavated material transported off site;
- Witnessing installation of support measures and proof-testing of anchors;
- Geotechnical inspections of all new footings/piles by an experienced geotechnical professional before concrete or steel are placed to verify their bearing capacity and the in-situ nature of the founding strata; and
- Ongoing monitoring of groundwater inflows into the bulk excavation.

The findings of the report are further discussed in **Appendix H**.

8.7 Economic Impacts

The planning proposal will deliver positive economic impacts to St Leonards through the delivery of non-residential floor space and increased population. This will provide additional opportunities for residents of St Leonards and surrounding areas to work closer to home, supporting the Sydney Region Plan's target to increase proximity between homes and job and the designated role of St Leonards as a strategic centre.

As stated in the Economic Job Statement prepared by Ethos Urban, the planning proposal will generate 180 operational jobs and 310 construction jobs as a result of the proposed redevelopment. Refer to **Appendix N** for further information of the economic benefits of the planning proposal.

8.8 Social Impacts

The fundamental strategic vision of the North District Plan is the creation of the '30-minute city' whereby residents live within 30 minutes travel of their place of work. The site is situated within St Leonards and is located within walking distance to both St Leonards Rail Station and the future Crows Nest Metro Station. The planning proposal will facilitate the provision of a range of housing types in a strategic location.

In addition to the above, the proposal includes the creation of a new linear park to Oxley Street (approximately 179m²) which is to be a landscaped open space that aligns and activated public domain space. This will contribute to the vibrancy and activity within the St Leonards centre and will help North Sydney deliver a centre with a high level of amenity for residents and workers.

9.0 State Legislation and Planning Policies

9.1 Environmental Planning and Assessment Act 1979

The EP&A Act and *Regulation 2000* (EPA Reg) set out amongst other things the:

- Requirement for rezoning land;
- Requirements regarding the preparation of a local environmental study as part of the rezoning process;
- Matters for consideration when determining a development application; and
- Approval permits and/or licenses required from other authorities under other legislation.

This planning proposal has been prepared in accordance with the requirements set out in Section 3.33 of the EP&A Act in that it explains the intended outcomes of the proposed instrument. It also provides justification and an environmental analysis of the proposal.

Section 9.1 Directions

Ministerial directions under Section 9.1 of the EP&A Act require councils to address a range of matters when seeking to rezone land. A summary assessment of the planning proposal against the Directions issued by the Minister under Section 9.1 of the EP&A Act is provided in **Table 9** below.

Table 9 Ministerial Directions

Direction	Consistency			Comment
	Yes	No	N/A	
1. Planning Systems				
1.1 Implementation of Regional Plans	✓			The planning proposal is consistent with the Greater Sydney Region Plan, as the proposal provides for additional dwellings and employment generating floor space in proximity to public transport and within a strategic centre.
1.2 Development of Aboriginal Land Council Lane	✓			The site is not subject to a Development Delivery Plan under Chapter 3 of the Planning Systems SEPP.
1.3 Approval and Referral Requirements	✓			This planning proposal is consistent with this Direction in that it does not introduce any provisions that require any additional concurrence, consultation or referral.
1.4 Site Specific Provisions	✓			<p>Given the significant change in ground levels across the site, an additional local provision (under <i>clause 4.3A – Exceptions to Height of Buildings</i>) is recommended with the intent of allowing the maximum building height control (43m) to be exceeded by no more than 2m for lift overrun and associated lift structures only. This is to ensure that any future development on the site is 12 storeys (with a predominant height of 43m), consistent with the 2036 Plan, and any lift overrun providing access to the communal open space at the rooftop is set behind elements of the roof within the maximum building height control and does not result in any material impacts.</p> <p>This site-specific provision is not uncommon and already exists within the North Sydney LEP. Additionally, the planning proposal will remain consistent with the aim and vision of the 2036 Plan in that it proposes a 12 storey building and is consistent with the recommended provisions as outlined in Section 7.3 of this report.</p>
1. Planning Systems – Place Based				
1.5 Parramatta Road Corridor Urban Transformation Strategy			✓	Not applicable.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure			✓	Not applicable.

Direction	Consistency			Comment
Implementation plan				
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan			✓	Not applicable.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan			✓	Not applicable.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor			✓	Not applicable.
1.10 Implementation of the Western Sydney Aerotropolis Plan			✓	Not applicable.
1.11 Implementation of Bayside West Precincts 2036 Plan			✓	Not applicable.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct			✓	Not applicable.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	✓			The planning proposal is consistent with the St Leonards and Crows Nest 2036 Plan as outlined in Section 7.3 of this report.
1.14 Implementation of Greater Macarthur 2040			✓	Not applicable.
1.15 Implementation of the Pyrmont Peninsula Place Strategy			✓	Not applicable.
1.16 North West Rail Link Corridor Strategy			✓	Not applicable.
1.17 Implementation of the Bays West Place Strategy			✓	Not applicable.
1.18 Implementation of the Macquarie Park Innovation Precinct			✓	Not applicable.
1.19 Implementation of the Westmead Place Strategy			✓	Not applicable.
1.20 Implementation of the Camellia-Rosehill Place Strategy			✓	Not applicable.
1.21 Implementation of South West Growth Area Structure Plan			✓	Not applicable.
1.22 Implementation of the Cherrybrook Station Place Strategy			✓	Not applicable.
3. Biodiversity and Conservation				
3.1 Conservation Zones			✓	Not applicable.
3.2 Heritage Conservation			✓	Not applicable.
3.3 Sydney Drinking Water Catchments			✓	Not applicable.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs			✓	Not applicable.

Direction	Consistency			Comment
3.5 Recreation Vehicle Areas			✓	Not applicable.
3.6 Strategic Conservation Planning			✓	Not applicable.
3.7 Public Bushland			✓	Not applicable.
3.8 Willandra Lakes Region			✓	Not applicable.
3.9 Sydney Harbour Foreshores and Waterways Area			✓	Not applicable.
3.10 Water Catchment Protection			✓	Not applicable.
4. Resilience and Hazards				
4.1 Flooding			✓	Not applicable.
4.2 Coastal Management			✓	Not applicable.
4.3 Planning for Bushfire Protection			✓	Not applicable.
4.4 Remediation of Contaminated Land	✓			<p>Chapter 4 of the SEPP relating to Remediation of Land is applicable to the proposed development.</p> <p>A Preliminary Site Investigation (PSI) has been undertaken by EI Australia (Appendix G) to determine the potential contamination on site.</p> <p>Based on the findings of the assessment, the report concludes that the site can be made suitable for its proposed use, subject to the implementation of recommendations outlined by EI Australia. With this, remediation is not required at this stage, however, contamination will be further addressed at the DA stage.</p>
4.5 Acid Sulfate Soils	✓			As detailed within the Preliminary Site Investigation at Appendix G , acid sulfate soils are not known or expected to occur on the site and there it is not mapped under the North Sydney LEP 2013. On this basis, no further investigation or management is necessary for the site in relation to acid sulfate soils.
4.6 Mine Subsidence and Unstable Land			✓	Not applicable.
5. Transport and Infrastructure				
5.1 Integrating Land Use and Transport	✓			<p>The planning proposal will increase the opportunities to provide new housing to support the use of public transport and improve access to jobs and services by walking, cycling and public transport. The planning proposal is consistent with the objectives of the Ministerial Directions as it will:</p> <ul style="list-style-type: none"> improve access between housing, jobs and services by walking, cycling and public transport; increase housing supply in an area well located to available alternative means of transport, and thereby reducing dependence on cars; reduce travel demand including the number of trips generated by development and the distances travelled, especially by car; and support the efficient and viable operation of the existing public transport services and road network.
5.2 Reserving Land for Public Purposes	✓			The proposal includes the right of way of a through site link and the embellishment of a linear park along Oxley Street to be offered to Council as a public benefit and will therefore increase the amount of open space within the St Leonards Centre.
5.3 Development Near Regulated Airports and Defence Airfields			✓	The planning proposal facilitates a development with a maximum height of 43m, plus an additional 2m to facilitate the lift overrun. At its highest point, the building will have a maximum height of RL130.32m, which will not penetrate the Obstacle Limitation Surface (OLS) of 156m

Direction	Consistency			Comment
				AHD. Therefore, there is significant allowance for the height of a crane during construction, without breaching the OLS or resulting in an impact on the Sydney Airport. The future construction process will ensure all structures, including temporary structures will be kept well below this OLS limit of 156m.
5.4 Shooting Ranges			✓	Not Applicable.
6. Housing				
6.1 Residential Zones	✓			The planning proposal seeks to maintain the MUI Mixed Use zone on the site. It is noted that the current development on the site does not include any residential uses, however, the concept scheme seeks to delivery new dwellings on the site. Therefore, the proposal will make more efficient use of the surrounding transport infrastructure and will reduce the consumption of land for housing and associated urban development on the urban fringe.
6.1 Caravan Parks and Manufactured Home Estates			✓	Not applicable.
7. Industry and Employment				
7.1 Business and Industrial Zones	✓			This planning proposal will retain the existing MUI Mixed Use zone as part of the future development, and therefore is consistent with this direction at it will continue to permit all types of commercial premises with consent and proposes a minimum non-residential floor space ratio of 1:1.
7.2 Reduction in non-hosted short-term rental accommodation period			✓	Not applicable.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast			✓	Not applicable.
8. Resources and Energy				
8.1 Mining, Petroleum Protection and Extractive Industries			✓	Not applicable.
9. Primary Production				
9.1 Rural Zones			✓	Not applicable.
9.2 Rural Lands			✓	Not applicable.
9.3 Oyster Agriculture			✓	Not applicable.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast			✓	Not applicable.

9.2 State Environmental Planning Policies

An assessment of the planning proposal against relevant State Environmental Planning Policies (SEPPs) is set out in **Table 10** below.

Table 10 Consistency with State Environmental Planning Policies

SEPP	Consistency			Comment
	Yes	No	N/A	
State Environmental Planning Policy (Housing) 2021			✓	Not applicable. The proposed development does not incorporate affordable housing, seniors housing, boarding housing or build to rent.
State Environmental Planning Policy (Biodiversity and Conservation) 2021			✓	Not applicable.
State Environmental Planning Policy (Industry and Employment) 2021			✓	Not applicable. Chapter 3 of the SEPP relating to Advertising and Signage will need to be addressed as part of the detailed development application.
State Environmental Planning Policy (Planning Systems) 2021			✓	The future development of the site is likely to be deemed as 'regionally significant development' (meeting the relevant thresholds under Schedule 4A of the EP&A Act), with the Sydney North Planning Panel acting as the determining authority.
State Environmental Planning Policy (Primary Production) 2021			✓	Not applicable.
State Environmental Planning Policy (Resilience and Hazards) 2021	✓			<p>Chapter 4 of the SEPP relating to Remediation of Land is applicable to the proposed development.</p> <p>A Preliminary Site Investigation (PSI) has been undertaken by EI Australia (Appendix G) to determine the potential contamination on site.</p> <p>Based on the findings of the assessment, the report concludes that the site can be made suitable for its proposed use, subject to the implementation of recommendations outlined by EI Australia. With this, remediation is not required at this stage, however, contamination will be further addressed at the DA stage.</p>
State Environmental Planning Policy (Transport and Infrastructure) 2021			✓	Not applicable.
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021			✓	Not applicable. The site is not located within a state significant precinct.
SEPP (BASIX) 2004	✓			Detailed compliance with SEPP (BASIX) will be demonstrated in a future development application for the scheme facilitated under this planning proposal.

9.3 North Sydney Local Environmental Plan 2013

The North Sydney LEP is the key environmental planning instrument that applies to the site. **Table 11** to **Table 13** demonstrates that the planning proposal is consistent with the overall aims and relevant objectives of the North Sydney LEP.

Table 11 Consistency with aims of the North Sydney LEP

Aim	Proposal
<i>To promote development that is appropriate to its context and enhances the amenity of the North Sydney community and environment.</i>	The planning proposal will facilitate the renewal of a strategic site in a prominent location and is consistent with the future desired character of the St Leonards as set out in the 2036 plan.
<i>To ensure that new development is compatible with the desired future character of an area in terms of bulk, scale and appearances.</i>	The concept design demonstrates that the planning proposal will result in a development that is compatible with the surrounding development and the desired future character.
<i>To maintain a diversity of activities while protecting residential accommodation and local amenity.</i>	The planning proposal will facilitate a mix of residential accommodation and retail uses in close proximity of the St Leonards Centre and Transport Interchange without generating any unacceptable amenity impacts.
<i>To ensure the new development on the foreshore land does not adversely affect the visual qualities of that foreshore land when viewed from Sydney Harbour and its tributaries.</i>	Not Applicable.
<i>To ensure the new development does not adversely affect residential amenity in terms of visual and acoustic privacy, solar access and view sharing.</i>	The planning proposal has taken into consideration the residential amenity of the proposed development as well as those surrounding receivers. Residential amenity will continue to inform the design for the development on the site in the future. Refer to Section 8.1 for further discussion.
<i>To maintain and provide for an increase in dwelling stock, where appropriate.</i>	The planning proposal directly aligns with this aim by providing an increase in dwelling stock close to social and physical infrastructure, services and community facilities.
<i>To maintain a diversity of employment, services, cultural and recreational activities.</i>	The planning proposal will provide additional commercial retail and commercial floorspace thus contributing to the diversity of these types of activities within the centre.
<i>To ensure that non-residential development does not adversely affect the amenity of residential properties and public places, in terms of visual and acoustic privacy, solar access and view sharing.</i>	The non-residential floor space will not have an adverse impact on the surrounding area. Operational details will be assessed at the DA stage.
<i>To maintain waterfront activities and ensure that those activities do not adversely affect local amenity and environmental quality.</i>	Not applicable.
<i>To maintain and protect natural landscapes, topographic features and existing ground levels.</i>	The planning proposal maintains the existing ground levels of the site. There are no natural landscape features existing on the site.
<i>To minimise stormwater run-off and its adverse effects and improve the quality of local waterways.</i>	Stormwater details will be further analysed throughout future applications.
<i>To identify and protect the natural, archaeological and built heritage of North Sydney and ensure that development does not adversely affect its significance.</i>	There will be no impact to the natural, archaeological and built heritage of North Sydney as a result of this planning proposal. The existing buildings on the site are of no heritage significance.
<i>To provide for the growth of a permanent resident population and encourage the provision of a full range of housing, including affordable housing.</i>	The provision of various dwelling types in this Planning Proposal supports this aim. This will support the growth of a permanent residential population in the St Leonards Area.

Table 12 Consistency with the North Sydney LEP 2013 height objectives

Objective	Proposal
<i>To promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient.</i>	The concept design reflects the topography by stepping down in response to the natural gradient of the site.
<i>To promote the retention and, if appropriate, sharing of existing views.</i>	The planning proposal will not impact any notable existing views.
<i>To maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development.</i>	The planning proposal will maintain reasonable levels of solar access to the surrounding dwellings and public domain. Refer to solar analysis in the Urban Design Report (Appendix B) and further discussion at Section 8.1.2 .
<i>To maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings.</i>	The concept design has been prepared to mitigate opportunities for overlooking between the site and the neighbouring dwellings. Refer to Section 8.1.1 .
<i>To ensure compatibility between development, particularly zone boundaries.</i>	The concept design demonstrates how the planning proposal will facilitate a future built form that is compatible with the surrounding context.
<i>To encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.</i>	The scale and density of the planning proposal design has taken into consideration the character of the area and surrounding development. Due to the site's proximity to the St Leonards Centre and Transport Interchange, the proposed level of density is appropriate.

Table 13 Consistency with the North Sydney LEP 2013 floor space ratio objectives

Objective	Proposal
<i>To ensure the intensity of development is compatible with the desired future character and zone objectives for the land.</i>	The concept design demonstrates how the planning proposal will facilitate a future built form that is compatible with the desired future character of the surrounding area. The planning proposal will retain the existing MU1 Mixed Use zone and is compliant with the zone objectives.
<i>To limit the bulk and scale of the development.</i>	The proposed maximum FSR is 4:1 on the site. It is noted that there is no current control relating to FSR on the site and the proposed bulk and scale of the site is consistent with the surrounding development.

Summary

The North Sydney LEP 2013 is the principal planning instrument for the site. The assessment above demonstrates that the planning proposal and the concept design are consistent with the relevant aims and objectives of the North Sydney LEP 2013. In summary, the planning proposal will:

- Provide appropriate housing types to meet a range of lifestyles in close proximity to transport and services;
- Create new job opportunities within an accessible location;
- Provide a built form that is sensitive to the existing character of the surrounding residential areas and will not generate any unacceptable impacts on the amenity of the neighbouring dwellings; and
- Create new open space and activated public domain thereby contributing to the sense of place.

10.0 Conclusion

This planning proposal seeks an amendment to North Sydney LEP 2013 maximum building height, floor space ratio, and non-residential floor space development standards for the subject site.

This planning proposal is justified for the following reasons:

- The proposal is consistent with the objects of the EP&A Act, in that it promotes the orderly and economic use and development of land.
- Being located within the expanding St Leonards Centre and near the St Leonards Transport Interchange, the proposal is situated on a strategic site that is well serviced with excellent transport connections, various employment opportunities and an abundance of social infrastructure and amenities, therefore making it an ideal site to redevelop into a mixed-use building with residential, commercial, and retail land-uses.
- The proposal is consistent with the aims and objectives of the St Leonards and Crows Nest 2036 Plan and proposes the following amendments to the North Sydney LEP 2013 to give effect to that document:
 - Increase the building height control to 43m (12 storeys).
 - Increase the minimum non-residential FSR control to 1:1 on both sites; and
 - Establish an overall maximum Floor Space Ratio (FSR) control of 4:1.
 - Implementatin of an additional local provision allowing the requested maximum building height control of 43m to be exceeded by no more than 2m for liftoverrun and associated lift structures only for the purpose of providing inclusive access to the communal open space at the rooftop
- The proposal will deliver a through site link in the western part of the site at 71-89 Chandos Street, connecting Chandos Street to Atchison Lane, which will provide public benefit to the local community by increasing pedestrian and bicycle connectivity in the area.
- The Reference Design has demonstrated that a development of the density proposed in this application can be accommodated on the site without unacceptable environmental impacts on existing residents or the local road network.
- The planning proposal is consistent with the applicable SEPP's and Ministerial Directions.

In light of the above, we would have no hesitation in recommending that the planning proposal proceed through the Gateway to public exhibition.