



### NSLPP MEETING HELD ON 31/05/2023

**Attachments:**

1. Planning Proposal
2. Reference design
3. Voluntary Planning Agreement - letter of offer

**ADDRESS/WARD:** 17-25 Falcon Street, Crows Nest

**PROPOSAL NO:** PP 9/22

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

- amend the maximum building height from 10m to 21m;
- amend the height of buildings map to extend "Area 2", clause 4.3A – to allow an exceedance of the height limit for the purposes of lift overruns and provision of access to roof top facilities.

**OWNER:** H & J Vakili, 21 Falcon Pty Ltd, 25 Falcon Pty Ltd

**APPLICANT:** HDC Planning (on behalf of 21 Falcon Pty Ltd )

**AUTHOR:** Neal McCarry – Acting Manager – Strategic Planning

**DATE OF REPORT:** 15 May 2023

**DATE LODGED:** 1 November 2022

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## EXECUTIVE SUMMARY

On 1 November 2022, the Planning Proposal was lodged seeking amendments to NSLEP 2013 as it relates to land at 17-25 Falcon Street, Crows Nest. The site is located within the area covered by the *St Leonards Crows Nest 2036 Plan (2036 Plan)*, adopted by the then Department of Planning, Industry and Environment (DPIE) on 29 August 2020. The site is also within the *Civic Precinct Planning Study (CPPS)* endorsed by Council 20 November 2020.

The Planning Proposal as submitted seeks amendment of NSLEP 2013 to:

- amend the maximum building height from 10m to 21m (6 storeys);
- amend the height of buildings map to extend “Area 2”, clause 4.3A to apply to the site - to allow an exceedance of the height limit for the purposes of plant, lift and overrun for provision of access to roof top facilities.

The Planning Proposal seeks to facilitate the delivery of a 6-storey mixed-use commercial and residential building with a 4-storey podium and 2 storey tower above. The indicative reference design scheme includes 23 residential apartments with a total 2,450<sup>2</sup> Gross Floor Area (GFA), 1,062m<sup>2</sup> non-residential GFA above basement parking.

Having completed an assessment of the Planning Proposal against the provisions of the *2036 Plan, Civic Precinct Planning Study (CPPS)* and relevant Regional, District and Local Plans, it is recommended that the Planning Proposal be supported to proceed to a Gateway Determination subject to the following amendments:

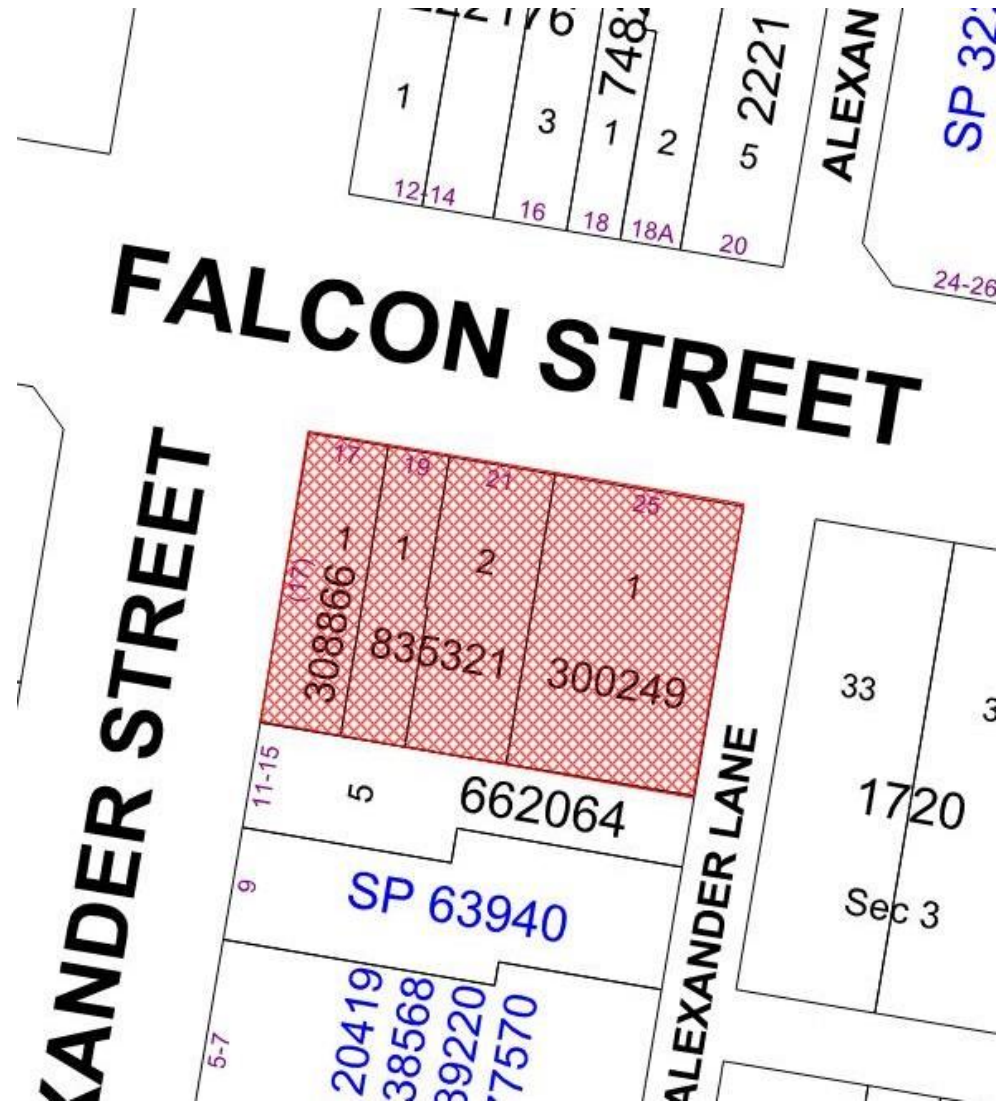
- Include a provision to increase the non-residential floorspace ratio control from 0.5:1 to 1:1 consistent with the Civic Precinct Planning Study.

Several elements of the accompanying reference design have been identified as requiring further amendment and refinement. These matters include podium height, sub-terranean commercial floorspace, building height and upper level setbacks and can be addressed through the provision of an amended reference design prior to any future public exhibition.

Subject to these amendments, it is considered that the planning proposal has strategic and site-specific merit.

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LOCATION MAP



## DESCRIPTION OF PROPOSAL

Planning Proposal 9/22 seeks to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 17-25 Falcon Street, Crows Nest as follows:

- amend the maximum building height from 10m to 21m (6 storeys);
- amend the height of buildings map to extend “Area 2”, clause 4.3A.

**Note** – the existing “Area 2” referred to applies to the nearby site at 27-57 Falcon Street and allows for an exceedance of the maximum mapped height limit (by up to 3m) for lift overruns and associated structures to allow for access to communal roof top space.

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

*“... To amend the Height of Buildings (HOB) development standard applied to Lot 1, DP308866 17 Falcon Street; Lot 1, DP835321, 19 Falcon Street; Lot 2, DP835321, 21 Falcon Street; and, Lot 1, DP300249, 25 Falcon Street (Subject site) to twenty-one (21) meters and extend “Area 2” Clause 4.3A “Exceptions to height of buildings” to the subject site to accommodate a shop top housing development.”*

The accompanying concept design includes a 6-storey mixed use development with 1,062 sqm of commercial floor space over 3 levels, 2,450 sqm of residential floorspace over 5 levels (23 apartments) and 45 car parking spaces accommodated within four basement levels.

## PANEL REFERRAL

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

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

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

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

## BACKGROUND

### 1.1 Pre-Lodgement Discussions

In December 2020, a pre-lodgement meeting was held between Council officers and the proponent’s project team. Council highlighted that the following matters required further consideration and review:



- overshadowing impacts to surrounding residential properties;
- Apartment Design Guideline (ADG) compliance;
- future development assumptions on neighbouring sites;
- proposed built form on the corner of Falcon and Alexander Street;
- proposed above podium setbacks;
- location of commercial floorspace;
- on-site parking; and
- Voluntary Planning Agreement (VPA).

On 10 March 2021, a second pre-lodgement meeting was held where a revised design was discussed.

Council again raised concerns about height, overshadowing, ADG compliance, built form and setbacks, commercial floor space, setbacks and parking.

### Planning Proposal

On 1 November 2022, the Planning Proposal was lodged seeking amendments to NSLEP 2013 as it relates to land at 17-25 Falcon Street, Crows Nest as follows:

- amend the maximum building height from 10m to 21m;
- amend the height of buildings map to extend “Area 2”, clause 4.3A. Note – the existing Area 2 referred to applies to the nearby site at 27-57 Falcon Street and allows for an exceedance of the maximum mapped height limit (by up to 3m) to allow lift overruns and associated structures to allow for access to communal roof top space.

<b>TABLE 1: Key design elements</b>	
<b>Land uses</b>	Commercial office / retail, residential apartments
<b>Indicative yield</b>	23 residential apartments
<b>Gross floor area (GFA)</b>	Residential – 2,450sqm Commercial/Retail – 1,062sqm Total – 3,512sqm
<b>Floor space ratio (FSR)</b>	2.75:1
<b>Non-residential FSR</b>	1.19:1
<b>Built form</b>	4-storey commercial/retail podium Roof top garden 2-storey residential tower
<b>Building heights</b>	A maximum building height of 21m (6 storeys)
<b>Podium Setback</b>	Falcon Street (North): 0m Alexander Street (West): 0m Southern boundary: 0m Alexander Lane (west): 3m
<b>Above Podium (tower) Setbacks</b>	Falcon Street (North): 3m Alexander Street (West): 3m Southern boundary: 0-6m Alexander Lane (west): 3m but 6m to centreline of Alexander Lane
<b>Car Parking</b>	45 spaces

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



**Figure 1: Artist's impression of proposed concept design accompanying the Planning Proposal.  
Source: Drew Dickson Architects.**



**Figure 2: Artist's impression of proposed concept design accompanying the Planning Proposal.  
Source: Drew Dickson Architects**

**CONSULTATION REQUIREMENTS**

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

**DETAIL**

**1. Applicant**

The Planning Proposal was lodged by HDC Planning representing multiple property owners of the subject site.

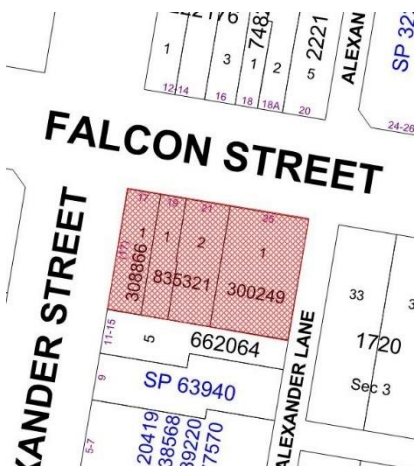
**2. Site Description**

The subject site comprises four allotments as follows:

TABLE 2: Property Description		
Property Description	Legal Description	Existing development
17 Falcon Street, Crows Nest	Lot 1, DP308866	2-storey commercial building
19 Falcon Street, Crows Nest	Lot 1, DP835321	2-storey commercial building
21 Falcon Street, Crows Nest	Lot 2, DP835321	2-storey commercial building
25 Falcon Street, Crows Nest	Lot 1, DP300249	3-storey commercial building

The combined site has a total area of 891.8m<sup>2</sup>, with a primary frontage to Pacific Highway of approx. 36.5m and a secondary frontage to both Alexander Street and Alexander Lane of approx. 24.6m. Vehicular access is proposed from Alexander Lane.

The land generally falls in a south-westerly direction. There is an approximate 2m fall from the north-eastern corner of the site towards the south-western corner of the site.



**FIGURE 2: Subject site**



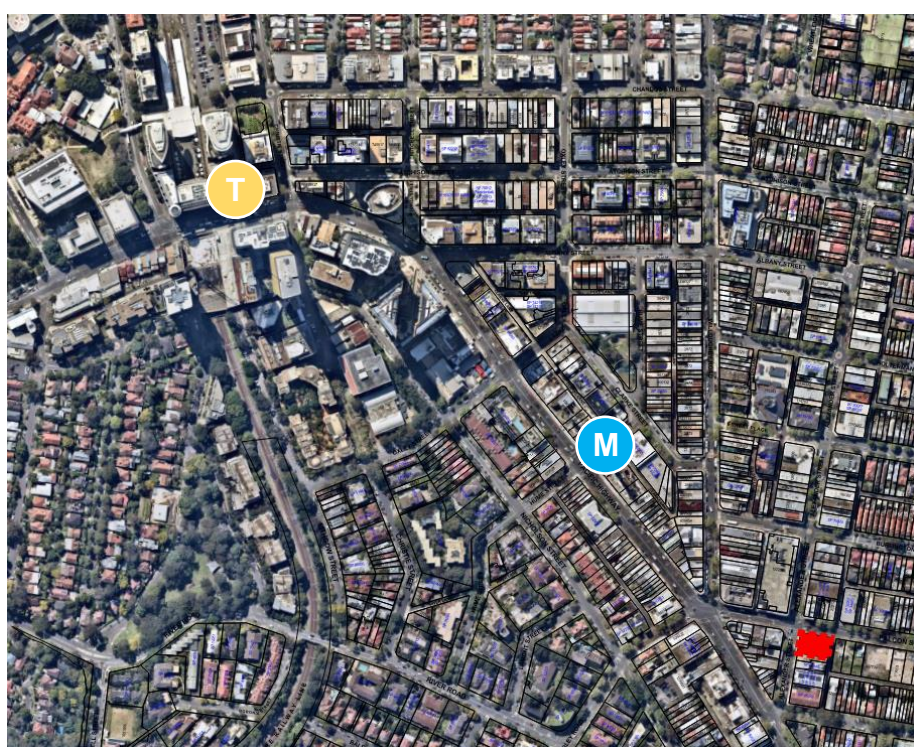
**FIGURE 3: Aerial photo of subject site**






### 3. Local Context

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

The future Crows Nest Metro Station is located nearby to the site (approx. 380m away) on Pacific Highway. Anticipated to open in 2024, Sydney Metro will provide high-frequency services to the regional network including Chatswood (4 minutes) and Barangaroo (8 minutes). St Leonards Railway Station is located approximately 800m to the north, which provides regular services to the south to North Sydney and Sydney CBD, and to the north to Chatswood, Macquarie Park and Hornsby.



**FIGURE 4:**  
**Contextual Relationships**

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

The site is adjoined by the following:

- **To the north** of the site (on the opposite side of Falcon Street) are five commercial/retail buildings (12-14, 16, 18, 18A and 20 Falcon Street)
- **To the east** of the site is Alexander Lane a six-metre-wide laneway and beyond is No’s 27-57 Falcon Street. These sites (under PP 6/19) were rezoned to R4 High Density Residential with a variable part 21m and Part 14.5 metres maximum building height control to enable the future construction of a largely residential development.
- **To the south** of the site are mixed use commercial/retail uses with shop top housing.
- **To the west** of the site is Alexander Street, a north-south road and beyond is the “Fiveways Triangle Site” site which (under PP 3/22) has recently received a Gateway Determination by the DPE for a 16-storey mixed used development.



**FIGURE 5: View of subject sites from corner of Falcon and Alexander Streets.**



**FIGURE 6: View of sites at 12-14, 16, 18, 18A and 20 Falcon Street**

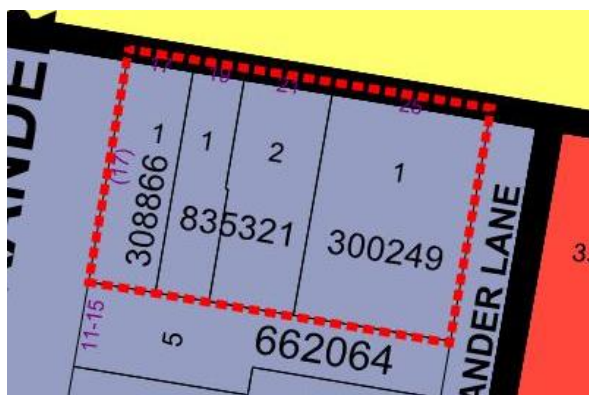
#### 4. Current Planning Provisions

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

##### 4.1 North Sydney LEP 2013

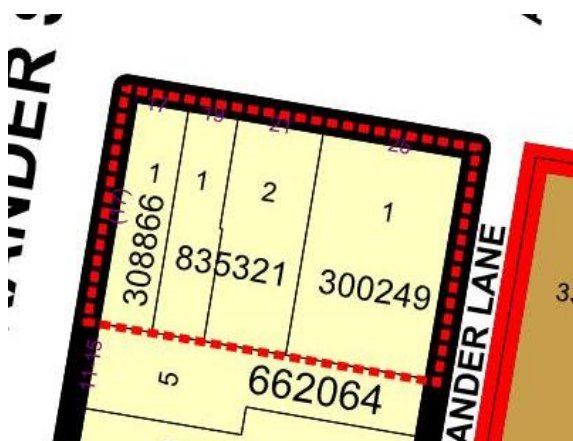
NSLEP 2013 was made on 2 August 2013 through its publication on the NSW legislation website and came into force on 13 September 2013. The principal planning provisions relating to the subject site are as follows:

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



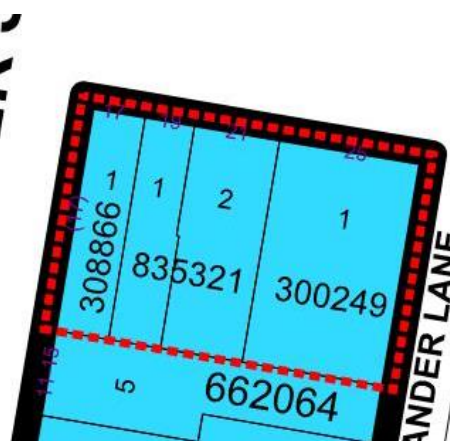
**FIGURE 7: NSLEP 2013 Zoning Map extract**

*The subject site is zoned B4 – Mixed Use*



**FIGURE 8: NSLEP 2013 Height of Buildings Map extract**

The subject site has a maximum height of 10m



**FIGURE 9: NSLEP 2013 Non-residential Floor Space Ratio (FSR) Map extract**

The subject site has a minimum non-residential FSR of 0.5:1.

#### 4.2 St Leonards And Crows Nest 2036 Plan

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

On 29 August 2020, the DPE released the finalised *St Leonards and Crows Nest 2036 Plan* (2036 Plan) following a public exhibition period. The 2036 Plan aims to deliver significant residential and employment growth within the precinct, principally as a result of the new Crows Nest Metro station opening in 2024. It is accompanied by a section 9.1 Ministerial Direction which requires planning decisions to be made consistent with the Plan (discussed further in section 8.2 of this report).





**FIGURE 11: St Leonards and Crows Nest Precinct (2036 Plan, p.2)**

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

- A building height of 3 storeys;
- A non-residential FSR of 0.5:1.

The height and FSR controls have remained the same for the subject site for both draft and final versions of the 2036 Plan. Additionally, it is noted that the provisions under the 2036 Plan do not vary from the current controls under the NSLEP 2013 which permits a maximum building height of 10 metres and a non-residential FSR of 0.5:1.

#### **4.3 Civic Precinct Planning Study (CPPS)**

On 20 November 2020, Council adopted the *Civic Precinct Planning Study (CPPS)*. The CPPS focuses on the area directly north of North Sydney CBD to Crows Nest and includes the properties making up the subject site (17-25 Falcon Street). – See Figure 12 below.

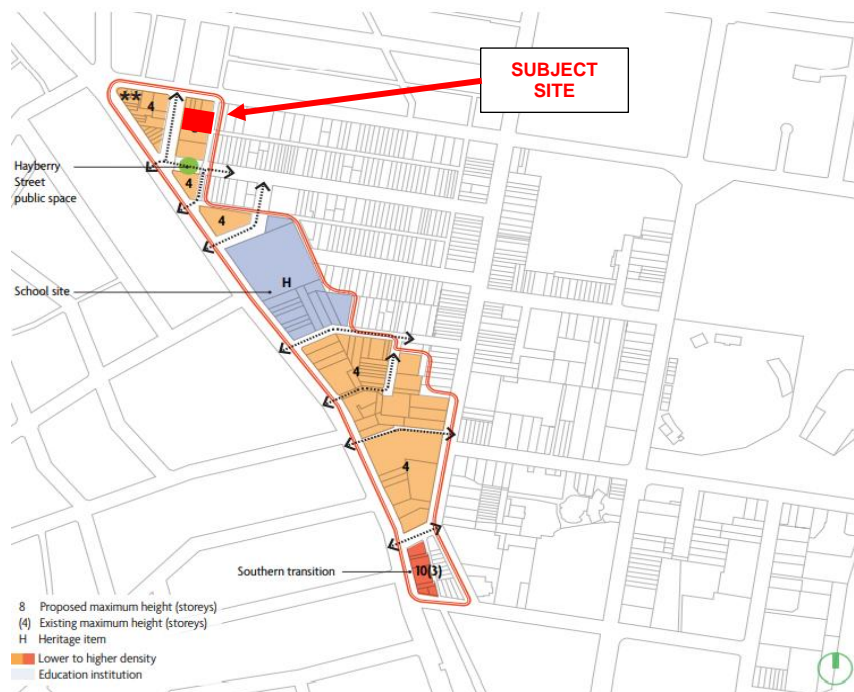
The CPPS was prepared by Council in response to the construction of the Victoria Cross Metro Station northern portal and aims to provide a holistic and long-term framework for guiding future development interest and pressure and improvements in the area.

A key action of the CPPS is to develop the stretch of Pacific Highway along the Civic precinct between North Sydney CBD and St Leonards into a medium-scale environment with increased amenity. An increase in height is proposed on the southernmost block of the stretch to provide for a better transition towards the North Sydney CBD (refer to Figures 20-21). To achieve this, the CPPS, as adopted, recommends the following height and provisions for these sites:

- a maximum building height of 6-storeys; and
- a minimum non-residential FSR of 1:1

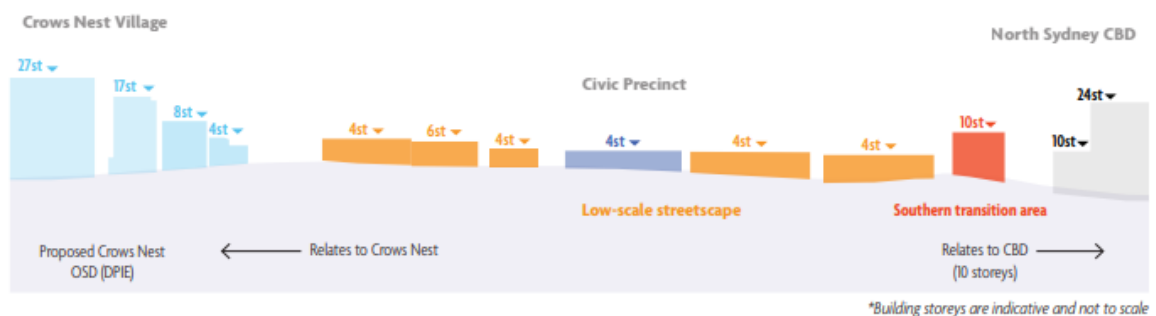
The 6-storey building height was also recommended, in part, as a contextual response to nearby development (specifically No 27-57 Falcon Street).

The CPPS also identifies additional public open space opportunities, including the upgrade to public open space at the western end of Hayberry Street, Crows Nest which is in the vicinity of the subject site.



**Note**  
 \*\* The NSW Department of Planning, Industry & Environment's St. Leonards/ Crows Nest 2036 Plan assigns this site a maximum height of 16-storeys. A Planning Proposal is required to consider amending the height limit change under the North Sydney LEP to enable the lodgment of a Development Application thereafter.

**FIGURE 12: Implementation plan for Pacific Highway (CPPS, p.33)**



**FIGURE 13: Building height transition along Pacific Highway (CPPS, p.32)**



#### 4.4 Mapping Amendments

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

- amend the Height of Buildings Map (ref: 5950\_COM\_HOB\_001\_010\_20180411) to NSLEP 2013 such that a maximum building height for 360 Pacific Highway, Crows Nest, is increased from 10m to 21m and amend the height of buildings map to extend “Area 2”, clause 4.3A.

The applicant’s Planning Proposal anticipates that the Maps would be amended similar to those depicted below in Figure 14.



**FIGURE 10: Proposed amendment to Height of Building Map HOB\_001**

Land subject to a change in maximum building height.

 Subject Site

**FIGURE 14: Proposed amendment to Height of Building Map HOB\_001**

**Note** – The applicant has not put forward an amendment to the non-residential floorspace ratio control as part of this Planning proposal. The reference scheme provided, does, however include the provision of non-residential floorspace (of 1:1) as per the CPPS.

#### 5. DRAFT VOLUNTARY PLANNING AGREEMENT (VPA)

A draft VPA offer (provided at Attachment 4) has been provided by the applicant which offers to provide:

- A monetary contribution of \$80/sqm of additional GFA.

The total value of the proposed offer is calculated to be in the order of \$156,500.

In consideration of Planning Proposals seeking uplifts in development controls, Council undertakes an evaluation of the value of the development extent available under the current planning controls incl the value of the development currently on site and those being sought. This information helps provide guidance as to how reasonable the offer is relative to the uplift being sought. It is noted, however, that Council cannot mandate a proponent offer and enter into a Voluntary Planning Agreement.

In this circumstance, the value of the proposed offer is calculated as representing a relatively modest percentage of the land value uplift between the current controls and the proposed controls. Having regard to Council not acting to unduly restrict the viability of re-development of the site, it is recommended that Council invite the applicant to re-consider the extent of their offer including whether any other opportunities may exist for delivery of public benefits, including potentially, affordable housing and for this to be further considered by Council prior to any formal exhibition of the Planning Proposal.

## 6. POLICY AND STRATEGIC CONTEXT

### 6.1 Greater Sydney Regional Plan

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

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

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

### 6.2 North District Plan

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

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

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

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

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

### **6.3 St Leonards Crows Nest 2036 Plan (2036 Plan)**

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

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

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

### **6.4 Civic Precinct Planning Study (CPPS)**

As indicated above, the Civic Precinct Planning Study (CPPS) identifies indicative changes to planning controls as well as specific design provisions applicable to the subject site along with vision, objectives, actions and more qualitative outcomes.

### **6.5 North Sydney Local Strategic Planning Statement (LSPS)**

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

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

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

Of particular relevance is under Local Planning Priority L1 Diverse Housing options that meet the needs of the North Sydney Community - Action L1.5 *Council will only support Planning Proposals that are consistent with Council’s endorsed planning studies, that have identified growth being delivered in locations that support the role of centres and have critical infrastructure and services in place to support the North Sydney community*. The Planning Proposal, subject to recommended amendments, is consistent with Council’s Civic Precinct Planning Study.

## **6.6 North Sydney Local Housing Strategy (LHS)**

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

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

## **7. ASSESSMENT**

### **7.1 Planning Proposal Structure**

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

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

### **7.2 Need for the Planning Proposal**

A key objective of the planning proposal is to implement the planning framework identified in the *2036 Plan and Civic Precinct Planning Study (CPPS)*. These Plans state that changes to a site's existing statutory planning controls will be required to allow development to occur in accordance with the Plan. It explains that it is the responsibility of each relevant Council to progress planning proposals and give effect to the provisions of the *2036 Plan* and any Council endorsed planning studies such as the *Civic Precinct Planning Study (CPPS)*.

### **7.3 Alternative Options**

The *Local Environmental Plan Making Guidelines (DPIE 2021)* requires Planning Proposals to consider if there are alternative options to achieving the intent of the proposal.

The Planning Proposal considers three alternate options, these include:

- Option 1: Do nothing (wait for Council to amend the statutory planning controls)
- Option 2: Lodge a Development Application under the current NSLEP controls
- Option 3: Amend the height of building map of the NSLEP 2013 to permit additional height

Council has not prepared amendments to the NSLEP 2013 which seeks to incorporate the planning controls contained in the 2036 Plan and Civic Precinct Planning Study (CPPS). Given this, the applicant has lodged a site-specific Planning Proposal.

The Planning Proposal acknowledges that, without establishing a new building height control, the proposed Design Concept for the site cannot be achieved through the Development Application process. Further, the intent of the Planning Proposal cannot be achieved through the application of *clause 4.6 - Exceptions to development standards* under NSLEP 2013 due to the extent of height increase sought.

As such, the proposed means of amending the Height of Building and non-residential FSR maps to permit additional height and development density on the site is considered the most appropriate means of achieving the intent of the Planning Proposal to give effect to the proposed changes outlined in the 2036 Plan.

#### **7.4 Assessment Criteria**

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

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

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

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

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

- *The natural environment on the site to which the proposal relates and other affected land;*
- *Existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates; and*

- *Services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

As discussed in Section 5 of the report, the prevailing relevant precinct plans applying to the subject site are the *2036 Plan* and Council's Civic Precinct Planning Study (CPPS). Council must therefore be satisfied that the provisions of the Planning Proposal will give effect to the intended general outcomes of the *2036 Plan* and more site specific aspects of the Civic Precinct Planning Study (CPPS).

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

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

## **7.5 Proposed Building Height**

The Planning Proposal seeks to amend the NSLEP 2013 to apply a maximum building height of 21m and to amend the height of buildings map to extend "Area 2", clause 4.3A to apply to the site. Note - the existing "Area 2" referred within the LEP applies to the nearby site at 27-57 Falcon Street and allows for an exceedance of the maximum mapped height limit (by up to 3m) to allow lift overruns and associated structures to allow for access to communal roof top space.

The intended amendment to the Height of Building to facilitate a 6 storey building is consistent with that allocated in the *Civic Precinct Planning Study* (CPPS) but not consistent with the *St Leonards and Crows Nest 2036 Plan* (refer Figure 15 further below).

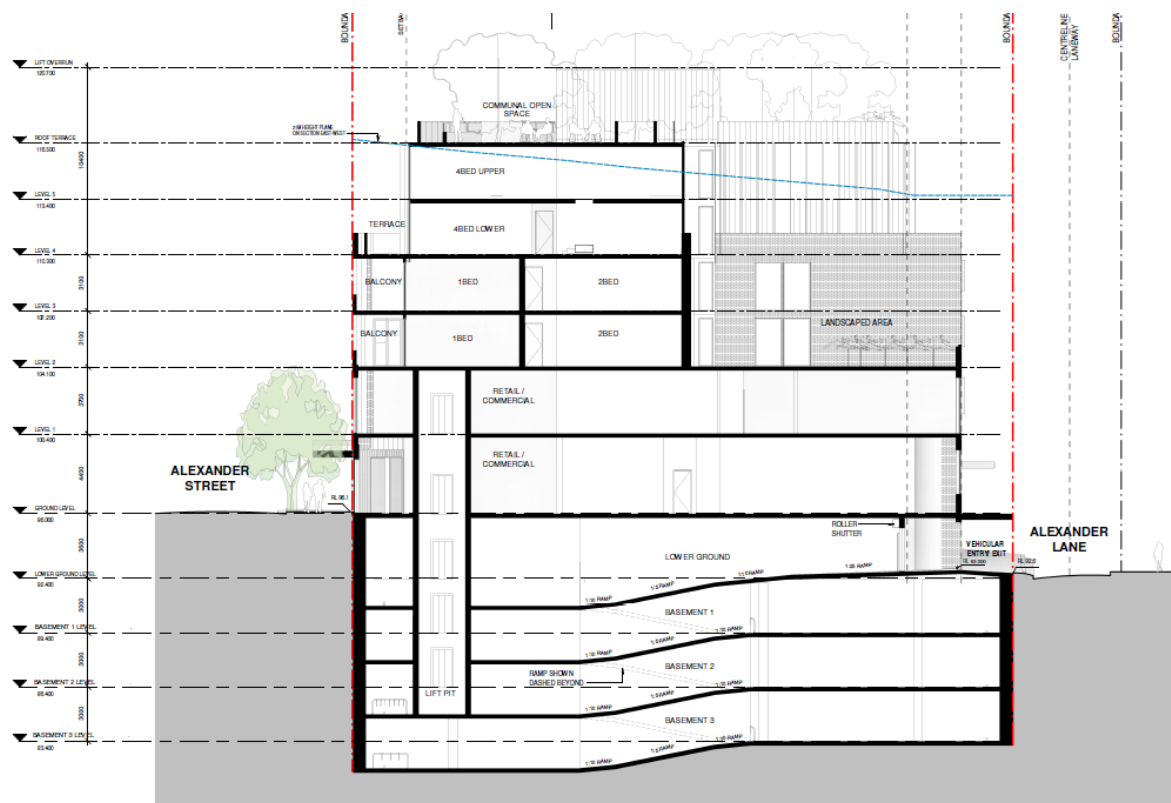
The proponent has provided the following justification for the proposed amendment:

*"The Concept Plan submitted with this proposal seeks to deliver a built form that is consistent with that suggested in the Civic Precinct Planning Study- November 2020. That is, a six (6) storey mixed use building, including roof top facilities and lift overrun will be delivered within the proposed height of buildings standard of 21 metres as shown in the figures below.*

*It should be noted that the subject site exhibits considerable cross fall and the proposed 21 metre height limit will enable the bulk of a six (6) storey building to be accommodated within this height limit. However, due to significant cross fall, a development application may need to include a supportable cl. 4.6 request for variation to permit a height exceedance for a portion of the uppermost floor."*



**Figure 14: Building Height Plane of indicative concept accompanying the Planning Proposal. (Drew Dickson Architects, September 2022).**



**Figure 14: Floor to ceiling heights of indicative concept accompanying the Planning Proposal. (Drew Dickson Architects, September 2022).**

It is acknowledged that the site has a cross fall and some flexibility is required to enable the provision of roof top access and a lift overrun/plant. However, the building height in the indicative scheme of 26.8 metres (inclusive of rooftop structures) is considered excessive for a six-storey building. As can be seen in the extract above, there is a significant portion of the upper level exceeding the proposed 21m (blue line) maximum building height. A 4.2m lift overrun/roof plant is also provided.

Whilst a 6-storey maximum building height has been identified under the CSPS, it should be noted that for the purposes of modelling number of storeys for the CPPS, Council calculates the number of storeys based on the Floor to Ceiling heights from the Apartment Design Guide plus 400mm per floor for structure and services. Notwithstanding, this indicative number of storeys, the appropriate building height is ultimately determined through a robust environmental assessment of the site and is not absolute entitlement for a future development.

In this regard, it is considered that there is scope to reconfigure the proposal, reduce the floor-to-floor heights of the ground floor and potentially step the slab to achieve compliance with the 21-metre maximum building height. The reference scheme also contains an element of retail/commercial space (154sqm) at sub-floor level accessed from Alexander Lane. If this element were removed from the scheme it may also provide for greater flexibility on reducing the overall maximum building height. It is noted that the removal of this would still allow for the provision of a minimum 1:1 non-residential floor space (equating to 891sqm) within the reference design (which currently proposes 1062sqm of non-residential space).

Given the significant change in ground levels across the site, an additional local provision allowing the maximum building height of 21m to be exceeded by no more than 3m for portions of the building providing access to the communal open space at the rooftop is recommended (i.e. lift overrun). These elements should be mostly set behind elements of the roof within the maximum building height control and should not result in any material impacts. An allowance of 3m for lift overruns and associated lift structures is consistent with the site-specific provisions applied to the recently approved Planning Proposals in North Sydney and the intent of Clause 4.3 A of the NSLEP 2013 as it relates to the immediately adjacent site to the east which also contains a six storey mixed use development that has subsequently received Development Consent.

#### **7.6 Proposed Floor Space Ratio (FSR)**

No specific maximum FSR currently apply to the site under NSLEP 2013. Additionally, no FSR controls are proposed under this Planning Proposal.

#### **7.7 Proposed Non-residential FSR**

The NSLEP 2013 allows a maximum non-residential FSR of 0.5:1 for the subject sites. The indicative concept design proposes a total of 1,062sqm of non-residential floor space resulting in a FSR of 1.19:1, which is over the minimum non-residential FSR of 1:1 identified under the Civic Precinct Planning Study (CPPS).



The Planning Proposal as submitted has not sought to apply a minimum non-residential FSR of 1:1. The indicative reference design provides a total 1,062 sqm of non-residential GFA within the Ground Floor and First Floor of the podium resulting in an FSR of approx. 1:1. A further 153 sqm of non-residential GFA is proposed in the lower ground floor level resulting in a total non-residential FSR of 1.19:1. Whilst a minimum of 1:1 of FSR is located on the ground and first floor levels which meets the requirements of the CPPS concerns are raised with the subterranean non-residential GFA as it is considered that this subterranean non-residential FSR contributes to the height and should be reconsidered.

It is therefore recommended that the Planning Proposal be amended to include a non-residential FSR provision of 1:1 on the site.

### **7.8 Building transition, podium and setbacks**

In considering the appropriateness of the planning controls being sought, careful consideration has been given to the likely built form that may result and issues arising. Council has consistently held (at Planning Proposal stage) that the indicative built form should be able to be comfortably accommodated within an envelope established by considerations such as the Apartment Design Guidelines, DCP or other pertinent site-specific matters. The following sections outline aspects of the reference design that require further refinement following assessment.

#### Podium Height

The indicative-built form includes a 4 storey podium height to its three street frontages and does not comply with Council's DCP. Due to the changes in topography, the proposed 4 storeys along Alexander Lane is 17.1m which is equivalent to 5 storeys in height and may result in an excessively bulky and over scaled built form. It is recommended that the proposal be amended to provide a 3 storey podium level along its street frontages consistent with the DCP and more appropriate in this context.

#### Above podium setbacks

The above podium setbacks (of 3m) to the Falcon, Alexander Street and Alexander Lane elements of the proposal are considered appropriate and responsive to ADG and site considerations.

Section 3F of the ADG requires a 6m boundary setback for up to 4-storeys and 9m from 5-8-storeys for habitable rooms. This allows for adequate building separation distances to achieve reasonable levels of external and internal visual privacy.

The proposal provides a consistent 6m above podium setback to the eastern portion of its southern boundary from levels 2 to 5. The proposed 6m setback to levels 2 and 3 complies with the ADG and is supported. However, the proposed 6m setback to levels 4 and 5 is recommended to be increased to 9m, as per the ADG, in order to allow appropriate levels of building occupant amenity noting that level 4 contains living areas along this elevation.

It is worth noting that the proposed scheme provides a nil setback (party wall) in the western portion of the southern boundary. This creates a continuous edge facing Alexander Street which is considered as an appropriate response to this street interface.

It is recommended that the above podium setback to levels 4 and 5 be increased to 9m to provide improved occupant amenity both within the proposed development site and any future development further on the adjacent site(s) to the south.

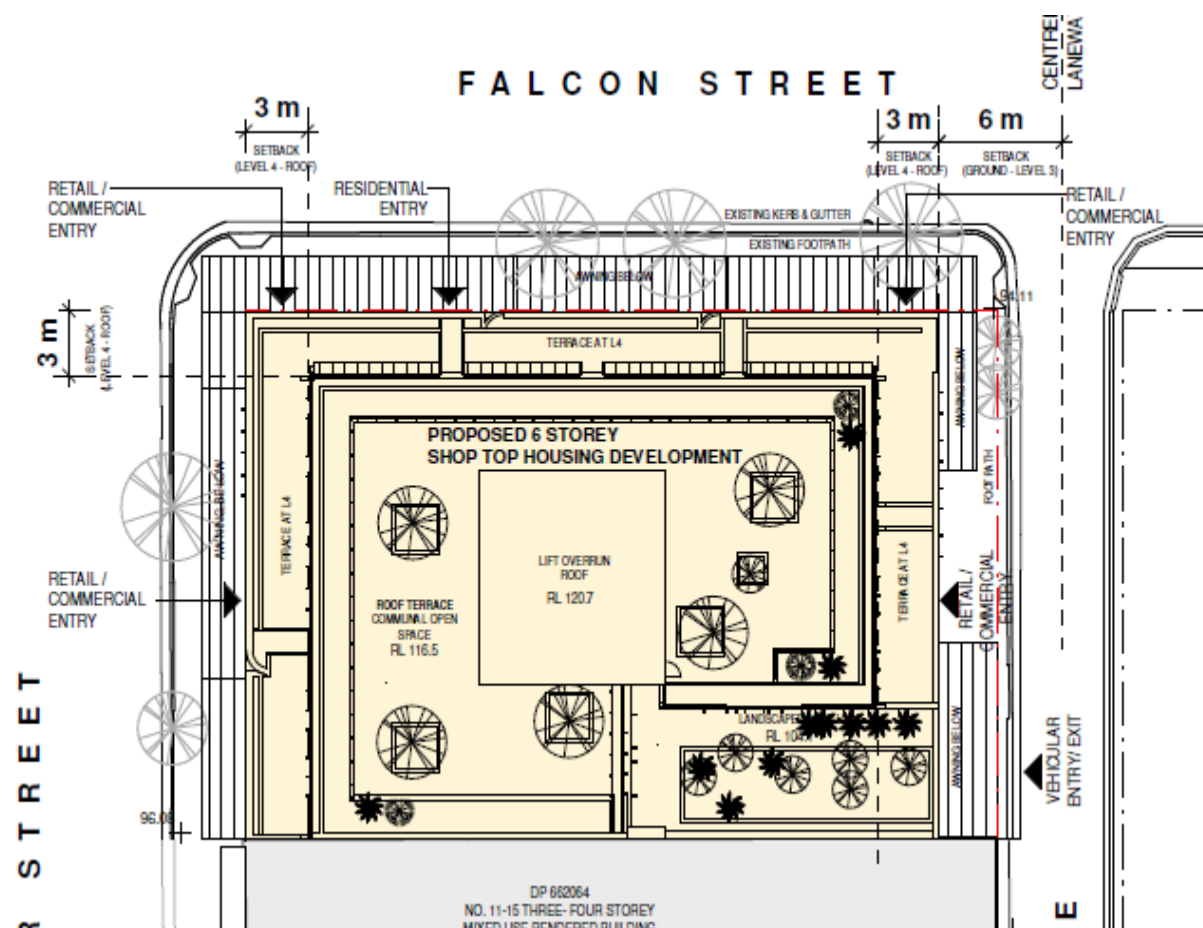


Figure 16: Setbacks to proposed tower. Source: Drew Dickson Architects

## 7.9 Environmental Impacts

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

### 7.9.1 Overshadowing

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

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

The proposed concept design has been accompanied by solar access and overshadowing diagrams prepared by Drew Dickson Architects (refer to Figure 17). Based on the overshadowing assessment provided, there is no overshadowing impact to the residential areas outside the St Leonards and Crows Nest boundary. Within the boundary, the proposed built form can still enable existing and proposed residential areas to the east, west and south to retain at least two hours of solar access between 9am-3pm in mid-winter.

In addition, the Urban Planning Report prepared by Drew Dickson Architects has undertaken a Sun Eye View shadow Assessment for the adjoining 'Holtermann Estate C' Heritage Conservation Area for the hours between 9:00 and 15:00 on 21 June (winter solstice). A result of this assessment has found that all residential properties within the HCA would receive at least 3 hours of sunlight to living rooms on the winter solstice.

The length of shadow (and extent of impact) would be further reduced by a reduction in building height as discussed under section 7.4 Building Height. A more detailed solar access assessment would be undertaken during a future development application submission.



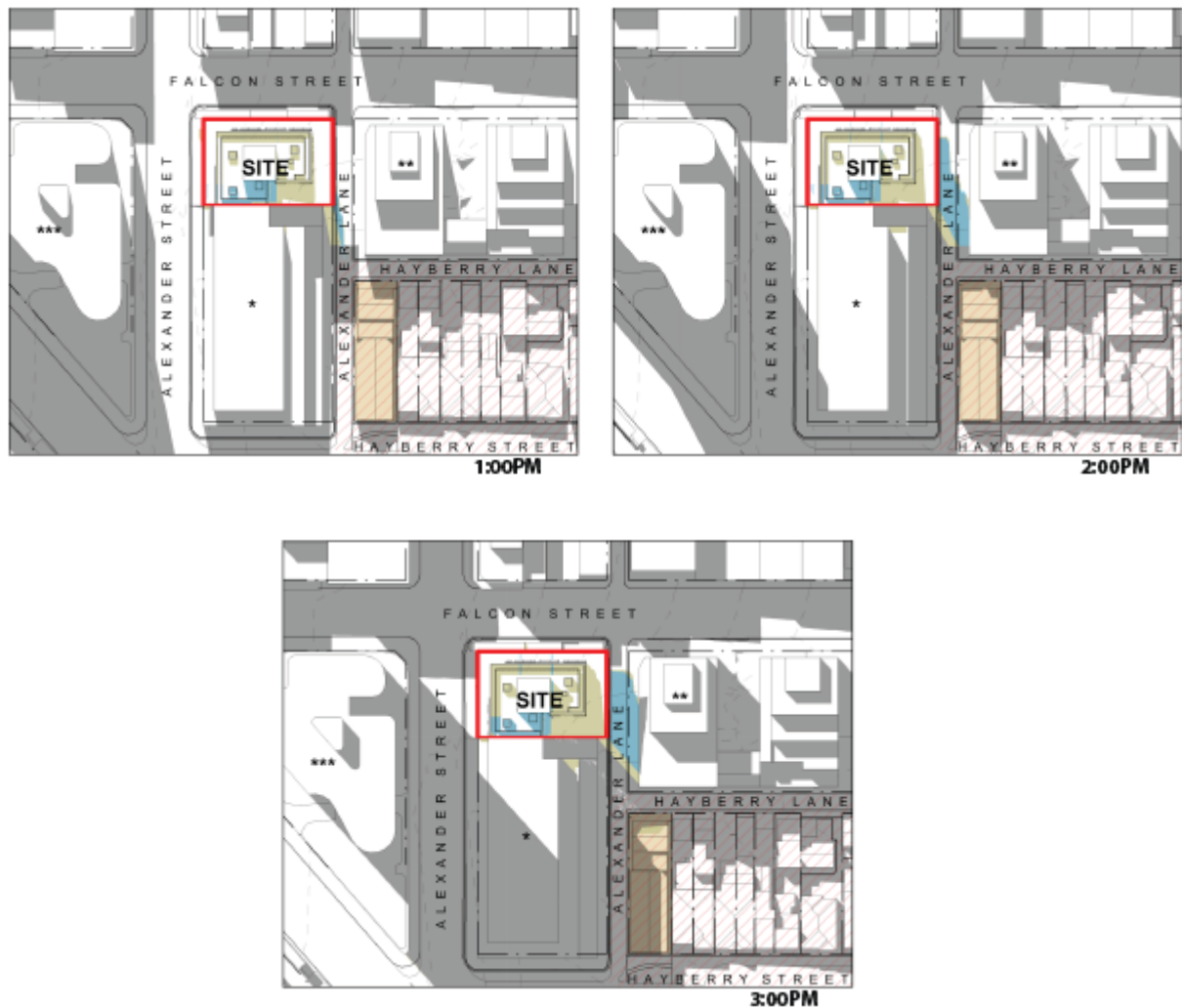


Figure 17 – Shadow diagrams – 9-3pm mid winter. (Source Drew Dickson Architects)

### 7.9.2 Visual impact

The potential construction of a six-storey mixed development on the site will be clearly visible from surrounding streets and areas of the public and private domain. Development, at a scale of 6 storeys is however contemplated by the Civic Precinct Planning Study (CPPS) and also relates to the recently approved Development application at No 27-57 Falcon Street which is also six storeys in height. The CPPS is the guiding document by which to facilitate and manage growth. Further design refinement and setbacks have been identified as necessary to allow the proposal to better relate to the surrounding context and reduce visual impact.

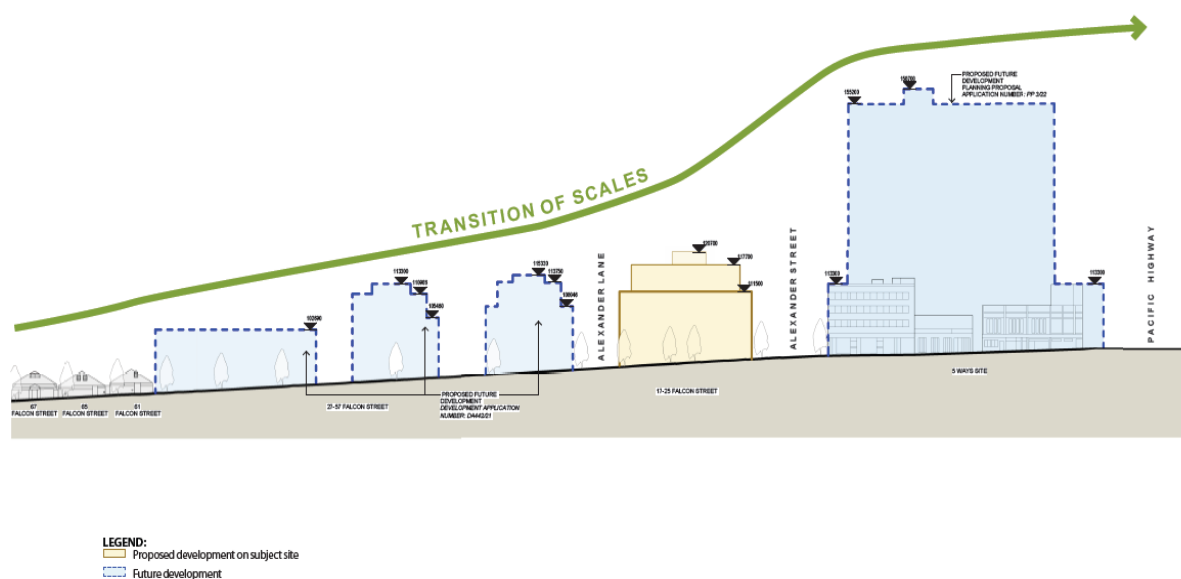


Figure 18 – Shadow diagrams – 9-3pm mid winter. (Source Nettleton tribe)

### 7.9.3 Heritage considerations

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

The site whilst not directly adjoining the ‘Holtermann Estate C’ Heritage Conservation Area is in the vicinity to this HCA and to Heritage Item I0144 Former Hall at Lot 8, Section 2, DP 1265 14 Hayberry Street, Crows Nest listed under Schedule 5 of the NSLEP 2013.

Hayberry Lane and the southern portions of Alexander Lane are an important element for the role they play in defining the northern edge of the ‘Holtermann Estate C’ Conservation area and providing an access link (both pedestrian and vehicular) to and from the Crows Nest Town Centre. These lanes provide a separation between (future) new built forms and the conservation area.

The Planning Proposal seeks to provide street paving and a service vehicle loading zone which is partially located on the subject property and Alexander Lane.

It is acknowledged that proposed streetscape improvements along Alexander Lane including the provision of a footpath and vegetation would act to reduce the apparent bulk of the proposal and would generally improve the streetscape character.

Notwithstanding, further details and opportunities to soften the interface between the site and Heritage Item I0144 should be explored to soften any impacts. Such details would need to be provided at a development application stage for and be assessed on merit.

Council is satisfied that this matter can be addressed in greater detail in any future development application and should not preclude the Planning Proposal progressing further.

#### **7.9.4 Wind**

As outlined in the 2036 Plan under the area wide design principles for 'place', new developments are expected to have consideration to wind impacts demonstrated through a wind assessment.

The applicant has not provided a formal wind assessment at this stage, but the Planning Proposal's Concept Plan illustrates that the intended built form will incorporate an awning which will mitigate wind impacts on the public domain. Further, the proposal at maximum 6 storeys in height is less likely to create adverse wind impacts than tall sheer tower forms.

Council is satisfied that this matter can be addressed in greater detail in any future development application and should not preclude the Planning Proposal progressing further.

#### **7.9.5 Traffic generation and car parking**

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

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

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

#### Car Parking

The applicant's concept scheme proposes access from Alexander Lane. A total 45 car spaces (23 residential and 22 commercial) are indicated over three basement levels, and this number is subject to change depending on apartment configuration. This was the maximum amount of car parking allowed under Council's parking provisions at the time of preparation of the Planning proposal (i.e. B4 Mixed Use Rates outside of St Leonards Precincts 2 & 3 under NSDCP 2013).

Type of Use	DCP 2013 Maximum Parking Rate (Nov 2022)	DCP Maximum Parking Provision (Nov 2022)	Proposed Parking Provision
Studio, 1 bedroom	0.5 space/dw	1	1
Studio, 1 bedroom (adaptable unit)	1	5	5
2 or more bedrooms	1 space/dw	1	16
Car share spaces	Per Part 10.2.2 Car Share Schemes of DCP	Per Part 10.2.2 Car Share Schemes of DCP	3
Visitor, Car wash bay (residential component)	4 or more dwellings development requires 1 car wash bay	1	1
Non- residential - Office/Retail	1 space /60m2 GFA	19	18
Motorcycle Parking	1 space / 10 car spaces	5	5
<b>Total</b>			<b>45</b>

A reduction in private vehicle use is preferred in this location to maximise the alternative transport modes available, reduce car dependency and limit further traffic congestion.

On 26 April 2023, following public exhibition, Council adopted *draft Amendment to NSDCP 2013 – Car Parking Rates*, which introduced new off-street parking requirements for development in areas served by excellent levels of public transport represented by the operation of Crows Nest and North Sydney Metro stations and existing bus and rail services. The new rates applied to the site would reduce residential parking from 22 to 20 spaces and commercial parking to from 18 to 3 resulting in the overall reduction of parking from 45 spaces to 23 spaces.

Development type	Draft DCP Max. parking rate	Max. car parking spaces
<b>Residential</b>		
2 x 1 bedroom	0.4 space/dw	1
5 x 1 bedroom (adaptable unit)	1 space/dw	5
13 x 2 bedroom	0.6 space/dw	8
3 x 3 bedroom	0.7 space/dw	3
Motorcycle parking	1 space/10 car spaces	3
<b>Commercial</b>		
Non-residential (1,062 sqm)	1 space/ 400 sqm non-residential GFA	3
<b>Total</b>		<b>23 car spaces 3 motorcycle spaces</b>

Appropriate car parking numbers and vehicular access will be determined during the future detailed Development Application stage.

### Traffic Generation

The Planning Proposal is accompanied by a Traffic and Parking Assessment. The net increase in traffic expected to be generated by the proposed development is 16 vehicle trips per hour in the AM peak and 15 vehicles per hour in the PM peak.

The proposal is not accompanied by a Green Travel Plan. Typically, a Green Travel Plan should provide: an empirical analysis of travel demand/ mode share for the proposed development; identify a Vision, Objectives, Targets for travel demand management; and identify what actions will be delivered to meet walking, cycling, public transport and ride sharing targets. A Green Travel Plan must be submitted with any future Development Application and must incorporate Council's latest parking rates as per the amended DCP which came into effect on 4 May 2023.

## **8. STRATEGIC MERIT ASSESSMENT**

### **Strategic Merit Summary**

The Planning proposal is considered to satisfy the following key aspects of Strategic Merit;

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

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

### **8.1 Regional and District Plan consistency**

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

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



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

## **8.2 St Leonards and Crows Nest 2036 Plan consistency**

The *St Leonards and Crows Nest 2036 Plan* (draft 2036 Plan) requires all future planning proposals and development applications within the St Leonards and Crows Nest investigation area to have regard to the 2036 Plan’s vision, area wide design principles, design criteria and planning controls.

The proposal’s performance against these criteria, including a justification for where the concept proposal seeks to implement an alternate solution to the criteria, is discussed below.

### ***Vision***

The Planning Proposal is considered to be generally consistent with the vision of the 2036 Plan insofar as it will:

- Assist in achieving a vibrant community by providing an active frontage, while avoiding any significant impact on built heritage;
- Provide uplift in an accessible place and improve provide lively and active streets and pedestrian amenity;
- Result in the creation of approximately 23 new dwellings incorporating a mix of household sizes which will help to bring vibrancy to the outer edge of the precinct.

### ***Design Principles***

The Planning Proposal is considered to be generally consistent with the area wide design principles of the 2036 Plan insofar as it will, after further design refinement be able to:

- Apply casual surveillance and universal access principles and contribute to the improvement of the walking network through the inclusion of active street level uses and pedestrian amenity,
- Provide an adequate transition from high rise down towards existing lower scale areas so as to not adversely impact on surrounding areas,
- Result in a sufficiently articulated design which will seek to avoid creating a large street wall along Falcon Street.

### ***Proposed Planning Controls***

Table 2 below displays the quantitative planning controls contained in the 2036 Plan relevant to the site and whether the Planning Proposal complies with each.

<b>TABLE 2: Compliance with <i>St Leonards and Crows Nest 2036 Plan</i></b>			
<b>Proposed Planning Control</b>	<b>Requirement</b>	<b>Concept Proposal</b>	<b>Comment</b>
<b><i>Building Height</i></b>	No change	Up to 6 storeys	Acceptable
<b><i>Non-residential FSR</i></b>	No change	1.19:1	Acceptable
<b><i>Street wall height</i></b>	No change	4 storeys	3 storeys recommended
<b><i>Street setbacks</i></b>	No change	Nil setback to Falcon Street and Alexander Street	Acceptable

While it is noted that the 2036 Plan indicates there be ‘no change’ to the planning controls on the site, a merit-assessment based on vision and design controls outlined within the draft Plan has been undertaken. It is considered in this instance that the proposed controls and indicative built form are not inconsistent with the vision and design of the Plan and will not result in significant adverse impacts to the surrounding community.

The 2036 Plan is accompanied by a section 9.1 Direction requiring future rezoning and development to be consistent with the final Plan. The Draft Plan states that, under this Direction, Planning Proposals may be inconsistent with the Plan if, in addition to achieving the vision, objectives, planning principles and actions identified in the Plan, the proposal clearly demonstrates that better outcomes and supporting infrastructure can be delivered. For reasons outlined in the report above, the Planning Proposal demonstrates that, on balance, better outcomes and supporting infrastructure can be delivered through the proposed uplift and public benefits proposed.

### **8.3 Civic Precinct Planning Study (CPPS) consistency**

The *Civic Precinct and Surrounds Planning Study* was adopted by Council on 30 November 2020 and applies to the subject site.

The proposal’s performance against these criteria, including a justification for where the concept proposal seeks to implement an alternate solution to the criteria, is discussed below.

#### ***Vision***

The Planning Proposal is considered to be generally consistent with the vision of the CPPS insofar as it will:

- Contribute to the modern, connected atmosphere of the precinct;
- Facilitate the generation of more journeys by walking.

#### ***Design Principles***

The Planning Proposal is considered to be generally consistent with the principles of the draft 2020 study insofar as it will:

- Act to define the edges of Crows Nest Village;
- Promote housing diversity and affordability.

### ***Design Concept***

The Planning Proposal is considered to be generally consistent with the area wide design concept of the adopted study insofar as it will, subject to further design refinement;

- Result in a mixed use development which acts to complement the transition between the centre of the precinct and the higher density node of Crows Nest centre.

### ***Proposed Planning Controls***

The site has been identified for uplift under the CSPA to a maximum building height of 6 storeys and a minimum non-residential FSR of 1:1.

Despite the concerns identified above under Parts 7.4 and 7.6 of this report. Subject to an amended proposal, the proposal is considered to generally reflect the vision and intent of the study and will result in a development that responds appropriately to the unique character of the Civic Precinct area.

## **8.4 Local Strategic Planning Statement (LSPS) consistency**

The Planning Proposal may be considered, in general terms, to be consistent with the LSPS to the extent that it will accommodate approximately 23 additional dwellings and within a highly accessible location. This equates to approximately 1.2% of the anticipated dwellings to be accommodated within the B4 mixed use zone in Crows Nest.

The progression of a Planning Proposal in this site is also consistent with Action L1.5 of Council's LSPS which states; *Council will only support Planning Proposals that are consistent with Council's endorsed planning studies, that have identified growth being delivered in locations that support the role of centres and have critical infrastructure and services in place to support the North Sydney community.*

## **8.5 State Environmental Planning Policy (SEPPs)**

The proposals consistency with applicable SEPPs is considered below:

### **SEPP No. 65 - Design Quality of Residential Apartment Development**

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

While the proposal states that it complies with key setbacks within the ADG, Council's has identified some differences in its application of the relevant setbacks and separation distances prescribed in the ADG. Given the site attributes and nature of the proposal absolute compliance with all minimum ADG numerical requirements may not be achievable in order to retain a viable and practical building envelope. A revised reference design however that responds to the matters raised in this report will provide a greater level of clarity to anticipated built form outcomes ahead of any future development application.

#### SEPP (Transport and Infrastructure) 2021

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

The reference design accompanying the Planning Proposal allows for future vehicular access off Alexander Lane and does not propose any access points from Falcon Street. However, the significant net increase in traffic generated by the proposal combined with future developments at the '5 Ways' and 27-57 Falcon Street will impact the overall efficiency and performance of the surrounding road network. It is noted that Alexander Lane is approved to be widened and converted to a two-way arrangement under approved DA 442/21. Notwithstanding, to reduce car dependency and impacts to the surrounding road network, it is recommended that were any Planning proposal to progress that a site-specific DCP Amendment be prepared that incorporates Council's endorsed car parking rates within the *draft Amendment to NSDCP 2013 – Car Parking Rates* to reduce car parking to 23 spaces.

#### **8.6 Section 9.1 Ministerial Directions**

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

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

- *Direction 5.1 – Integrating Land Use and Transport*

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

#### Direction 5.1 – Integrating Land Use and Transport

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

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

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

## **8. SITE-SPECIFIC MERIT ASSESSMENT**

### **8.1 Environmental Impacts**

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

As outlined in earlier sections of this report, the impacts arising from the Planning Proposal are not significantly different to those anticipated under the both the *St Leonards and Crows Nest 2036 Plan* and Council's *Civic Precinct Planning Study (CPPS)*. The overall height, bulk and scale of the proposal is consistent with the built form controls and urban design principles of the CPPS and does not undermine the achievement of the Plan's Objectives, Vision and Actions.

Whilst further refinement is required with respect to the proposal's SEPP No. 65 and ADG compliance, it is considered that the proposal has the ability to address these impacts and non-compliances. The proposal will be required to respond and adequately address these issues at the future detailed Development Application stage.

### **8.2 Social Impacts**

The proposal, if progressed would result in the creation of approximately 23 additional dwellings and maintenance of employment opportunities within the centre. This is a considerable increase in density on the subject site and is likely to place additional demand on existing services and facilities. Payment of applicable section 7.11 local infrastructure contributions will help alleviate potential impacts on existing local infrastructure.

The proposal also provides the opportunity to provide activated street frontages and help meet the objectives of the *Civic Precinct Planning Study (CPPS)* and the *St Leonards and Crows Nest 2036 Plan*.

### **8.3 Economic Impacts**

If the proposal proceeds it would result in opportunity to provide direct jobs on the site within an established commercial area as a result of the proposed commercial floorspace. Construction is estimated to generate additional jobs directly on-site with in direct benefits to businesses. Long term occupation of the site by future residents would also contribute to the local economy through retail and service expenditure.

### **8.4 Adequacy of Public Infrastructure**

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

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

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

## **9 SUBMISSIONS**

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

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

No submissions have been received at the time of reporting.

## **10 CONCLUSION**

The Planning Proposal as lodged seeks to amend NSLEP 2013 to:

- amend the maximum building height from 10m to 21m;
- amend the height of buildings map to extend "Area 2", clause 4.3A which allows for an exceedance of the maximum mapped height limit (by up to 3m) for lift overruns and associated structures to allow for access to communal roof top space.

The proposal is accompanied by an indicative reference scheme to demonstrate how the site could be developed to the requested height control. As indicated the reference scheme will need to undergo further refinement prior to public exhibition of the Planning Proposal.

Further, the Planning Proposal document should be amended to increase the non-residential Floor Space Ratio from 0.5:1 to 1:1.

The Planning Proposal is generally supported, subject to the identified amendments as it:

- Generally complies with the relevant Local Environment Plan making provisions under the Environmental Planning & Assessment Act 1979;
- Generally complies with the Department of Planning, Industry and Environment's '*A Guide to Preparing Planning Proposals (August 2016)*';
- On balance, does not contradict the ability to achieve the objectives and actions of high level planning strategies;
- Is generally consistent with and promotes the desired future outcomes of the *Civic Precinct Planning Study (CPPS)* and the *St Leonards and Crows Nest 2036 Plan*; and
- The scale and bulk of any future development on the site is unlikely to result in any significant adverse impacts on the environment or wider community, or has the ability to be appropriately mitigated as part of the development application assessment process.

It is therefore recommended that Council, subject to identified amendments resolve to support the forwarding of the Planning Proposal to the DPIE, seeking a Gateway Determination under s.3.34 of the EP&A Act 1979 subject to satisfactory amendments to the proposal and outlined above in this report and the negotiation of a revised draft VPA.

The Planning Proposal and any draft VPA should then be exhibited concurrently, so as to allow the community a full appreciation of what is being proposed.

## **11 RECOMMENDATION**

For the reasons outlined in this report, it is recommended that the Local Planning Panel support the progression of the Planning Proposal subject to the following;

- The Planning Proposal being amended to include a provision to increase the minimum non-residential floorspace on the site from 0.5:1 to 1:1.
- The accompanying reference design being amended to;
  - Provide a three-storey podium scale
  - Remove the subterranean commercial floorspace.
  - Amend the extent of building elements projecting above the identified height limit such that it complies with the proposed provision of Clause 4.3A – Area 2 to allow an exceedance of the height limit for the purposes of plant, lift and overrun for provision of access to roof top facilities.
  - Provide an increased upper-level setback to the southern property boundary for Levels 4-6 to 9m at the Alexander Lane side of the site.
- The applicant be invited to consider revising the extent of their public benefits offering.

**MARCELO OCCHIUZZI**  
**DIRECTOR COMMUNITY, PLANNING AND**  
**ENVIRONMENT**

**NEAL MCCARRY**  
**ACTING MANAGER STRATEGIC PLANNING**

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## **Landowner request to initiate the preparation of a Planning Proposal to amend the North Sydney Local Environmental Plan 2013**

- Lot 1, DP308866, 17 Falcon Street;
- Lot 1, DP835321, 19 Falcon Street;
- Lot 2, DP835321, 21 Falcon Street;
- Lot 1, DP300249, 25 Falcon Street

**CROWS NEST.**

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**Prepared for:** 21 Falcon Pty Ltd

**4 October 2022**

17-25 Falcon Street, Crows Nest

This report was prepared and approved for release by Gilbert de Chalain.

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# 1 Foreword

This request to initiate a Planning Proposal has been prepared in response to North Sydney Council's request for further information as detailed in correspondence dated 15<sup>th</sup> July 2022. A number of matters requiring further detail were identified prior to the Council being able to formally accept the Planning Proposal. These matters are summarised below with commentary.

1. **Extent of Existing Development:** more detailed description of the existing development on the subject land was requested and in particular, Council sought confirmation of existing types of commercial uses and the number of type of residential dwellings located on the site. A breakdown of the gross floor area of each existing building was requested.

**Comment:** Further information is included at Section 3.2 of this report.

2. **Existing Statutory Planning Framework:** Whilst Council acknowledged that not all controls apply to this proposal, all relevant planning controls under NSLEP 2013 that apply to the subject site was requested to enable a contextual relationship is to be provided.

**Comment:** All relevant planning controls have been included at Chapter 5 of this report.

3. **Employment Zone Reforms:** Council advised that the Department of Planning, Industry and Environment has recently exhibited an Explanation of Intended Effect to amend all current business and industrial zones into a new employment zoning framework. In this regard, comment on proposed amendments was requested.

**Comment:** Comment on the implications of amended zoning framework is provided at Chapter 5 of this report.

4. **Building Height:** The intent of the PP is to change the height of building control to deliver a building up to six storeys in height. However, Council is concerned that the building height sought in the planning proposal would potentially enable of building of up to eight storeys in height to be accommodated on the site.

**Comment:** Section 2.1 of this report has been amended to reflect a proposed height of buildings that is generally accepted as accommodating a six (6) storey building.

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5. **Non-Residential Floor Space Ratio (FSR):** Clarification is sought if an amendment to the Non-Residential FSR is actually proposed.

**Comment:** This proposal does not seek to amend the minimum non-residential FSR. The reference to Non-residential floor space ratio within this planning proposal simply sought to demonstrate that the minimum Non-residential FSR would be exceeded if the concept development scheme submitted with the Planning Proposal was converted to a development application and built.

6. **Local Environment Plan Making Guidelines:** Chapter 7 refers to 2019 Planning Proposal Guidelines but should reference the 2021 Guidelines. While the Council acknowledges that the Guidelines are largely identical, Chapter 7 of the Proposal should be amended to reference the current Guidelines.

**Comment:** Chapter 7 of this proposal has been redrafted to reflect the 2021 NSW Department of Planning, Industry and Environment Planning Proposal Guidelines.

7. **Alternative options:** Further consideration to alternative means of achieving the desired outcome without a planning proposal to amend the Height of Buildings Development Standard.

**Comment:** Part 3 of Chapter 7 has been redrafted to include further consideration of alternative means.

8. **Ministerial Directions:** Further comment to be provided in relation to Directions 1.1-Regional Plans, 4.1-Flooding, 6.1-Residential Zones and 7.1-Business and Industrial Zones.

**Comment:** Additional comment has been provided at Section A to Part 3 of Chapter 5 of this proposal.

9. **Mapping:** Examples of mapping changes to be provided.

**Comment:** Figures demonstrating the proposed changes to mapping now provided at Part 4 of Chapter 7 of this proposal.

10. **Timelines:** The PP is to be revised to include a timeline which generally reflects the maximum timeframes as outlined in the Local Environmental Plan Making Guidelines.

**Comment:** Timeline has been expanded upon in Part 5 of Chapter 7 of this proposal.

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11. **Voluntary Planning Agreement (VPA):** No details have been provided as to what sort of public benefit may be provided to support the increased density sought on the subject site.

**Comment:** A separate letter of offer has been included in the documentation accompanying this application.

Furthermore, it should be noted that this request to initiate a Planning Proposal was prepared with the benefit of two (2) pre-planning proposal meetings with the officers of North Sydney Council. In December 2020, a concept plan for the subject site was submitted and feedback provided by the Council. On 28 January 2021, revised concept plans were submitted to Council for further feedback. Council's feedback is summarised and comment provided below:

- any amendment sought to building height controls will need to be expressed in metres;

**Comment:** This planning proposal seeks amendment to the height of buildings standard and is expressed in metres. A maximum building height of 21 metres is proposed.

- clearly distinguish the following shadow effects on the current surrounding built form environment:
  - The shadows cast by existing development surrounding the subject site;
  - The shadows cast by existing building(s) on the subject site; and
  - The shadows cast by the proposed indicative concept scheme.
- the shadow diagrams be provided at 1-hour increments between 9am-3pm.

**Comment:** Detailed shadow analysis is provided in accordance with Council's requirements.

- demonstrate that satisfactory on-site residential amenity can be achieved in accordance with ADG requirements (building separation/privacy, solar access, natural ventilation, apartment size/layout, private open space etc)
- to ..... comply with ADG requirements and provide a reasonable level of residential amenity on-site and to adjoining developments, a 3m whole of building setback and an additional 3m setback above the 4-storey podium should be applied to the eastern elevation (to Alexander Lane)

**Comment:** The architectural package submitted as part of this proposal demonstrates the ability to comply with the Apartment Design Guide and shows required building setbacks.

- any non-residential floorspace provided below the ground level should not be relied upon to meet the minimum non-residential FSR of 1:1

**Comment:** Non-residential floor space below ground level not relied upon to achieve minimum of 1.0:1 non-residential floor space requirement.

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- new development limit the amount of car parking, promote the provision of end of trip facilities to support active transport and also encourage the use and implementation of car share facilities

**Comment:** This proposal is supported by Traffic Impact Assessment and demonstrates the ability to comply the Council's Development Control Plan.

- consider submitting a letter of offer together with the lodgement of the Planning Proposal

**Comment:** The applicant is willing to enter into VPA negotiations and has submitted a letter of offer as part of this application.



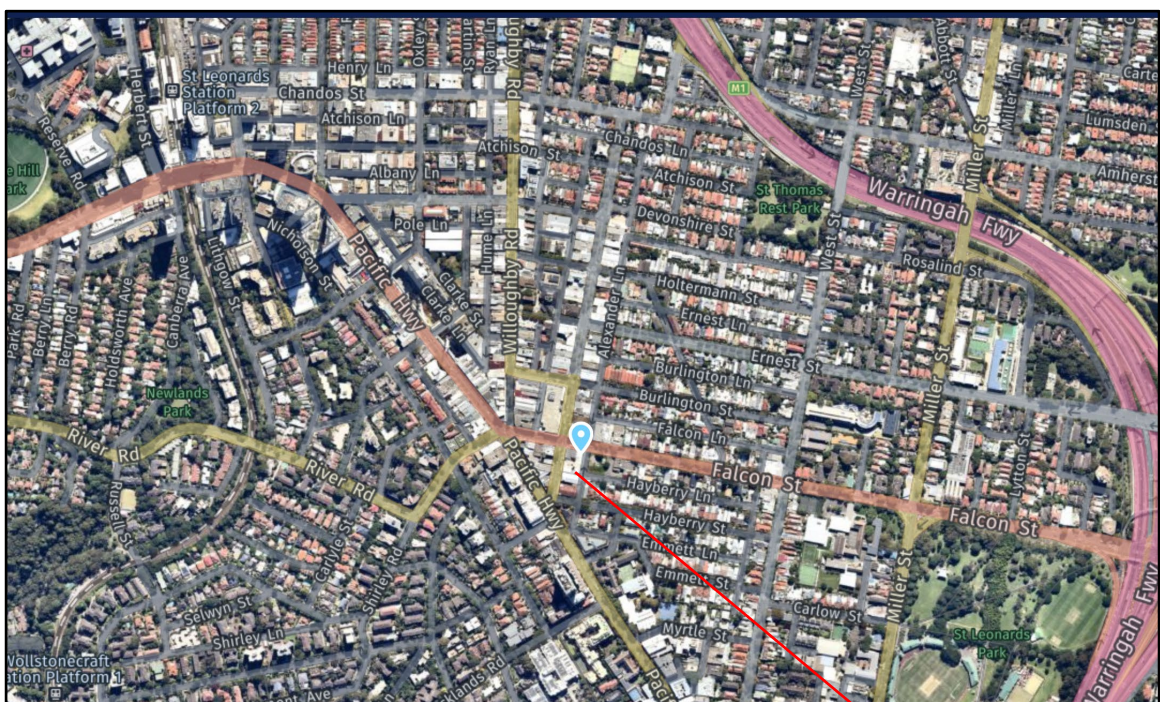
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## 2 Introduction

This report has been prepared to accompany the lodgement of a request to initiate the preparation of a Planning Proposal, which seeks to amend the Height of buildings development standard and map within the North Sydney Local Environmental Plan 2013 (NSLEP 2013).

This proposal considers four (4) parcels of land with frontage to Falcon Street to the North, Alexander Street to the West and Alexander Lane to the East.

The amalgamation of lots will provide a development site of 891.80sqm, located towards the southern edge of the Crows Nest town center. Falcon Street forms the major east-west road corridor, while Alexander Street provides a central north-south corridor towards the St. Leonards town centre. The St. Leonards rail and bus interchange is approximately 800 metres of the subject site and the proposed Metro Station approximately 400 metres from the subject site.



**Figure 1:** Site location

Subject site

The subject site is zoned B4 – Mixed use and is located within an extensive mixed use zone which supports a variety of land uses typically found within mixed use zones including, commercial, retail and residential land uses. R2 – Low density residential and R3 Medium density residential zoned land is found to the east of the subject site

As recognised by Council within their *Civic Precinct Planning Study- November 2020*, current Height of Building could be increased to permit development of the type and scale needed to

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support site redevelopment and capitalize on the excellent accessibility afforded to the locality, hence the reason for this Planning Proposal.

This Planning Proposal has been prepared in response to the detailed comments provided by Council during pre-planning proposal meetings and Council's recent request for further information as detailed in correspondence dated 15<sup>th</sup> July, 2022.

Detailed urban design analysis of the subject site and context has also been undertaken. The assessment of the subject site and context argues that the site is able to support the scale of development as would be permitted if the Local Environmental Plan was amended in line with this proposal.

It is further argued that transformation and renewal of the locality as envisaged by Council is unlikely under the existing development standards. The current local development standards do not encourage the acquisition and redevelopment of outdated and aged premises. The existing situation is undesirable and if it is to be redressed, then it is clear that amendment of the current planning regime is required.

The solution which is advanced by this Planning Proposal is to **maintain existing zonings** with amendment to the current height of buildings development standard. The increase in permitted height sought by this proposal would enable redevelopment of the subject site in line with the concept plan submitted as part of this proposal, noting that this proposal is entirely consistent with Council's vision for the locality as expressed in the *Civic Precinct Planning Study- November 2020*.

It is suggested that the amendment of development standards applicable to the subject site would bring significant benefits to the locality. For instance, the subject site has contributed moderate employment opportunity in the past and existing land uses are a less than ideal use of well-located and strategically significant land. Moreover, permitting development of the subject land as proposed would have the potential to bring about positive amenity improvements to the locality particularly experienced at street level.

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## 2.1 PROPOSED LEP AMENDMENT

This Planning Proposal has been prepared to initiate a change in development standards to support the redevelopment of the subject site for mixed use development in a highly accessible location. This Planning Proposal would seek to:

- amend the height of buildings (HOB) development standard and associated map to apply maximum building height of buildings to the subject site of 21 metres; and,
- amend the height of buildings map to extend “Area 2”, clause 4.3A. Exceptions to height of buildings provisions to the subject site.

The Concept Plan submitted with this proposal seeks to deliver a built form that is consistent with that suggested in the *Civic Precinct Planning Study- November 2020*. That is, a six (6) storey mixed use building, including roof top facilities and lift overrun will be delivered within the proposed height of buildings standard of 21 metres as shown in the figures below.

It should be noted that the subject site exhibits considerable cross fall and the proposed 21 metre height limit will enable the bulk of a six (6) storey building to be accommodated within this height limit. However, due to significant cross fall, a development application may need to include a supportable cl. 4.6 request for variation to permit a height exceedance for a portion of the uppermost floor.

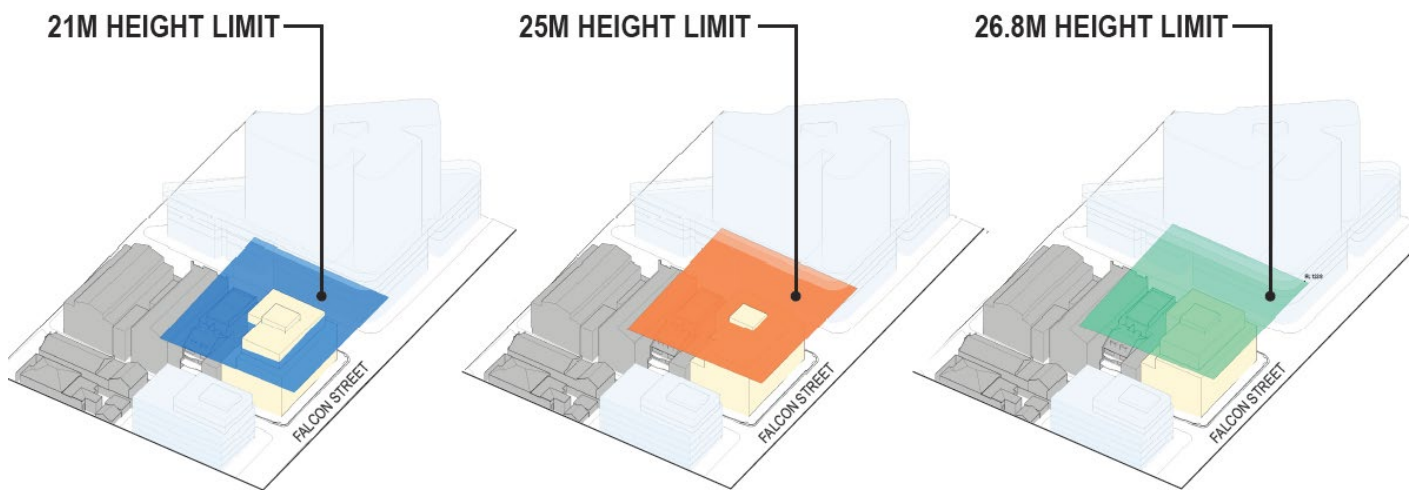


**Figure 2a:** Proposed building height – 21 metres (Falcon Street Elevation)

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**Figure 2b:** Proposed building height – 21 metres (Alexander Street Elevation)



**Figure 2c:** Height analysis. – note portions of the building exceeding 21 metres and 25 metres.

Following an assessment of the planning context and the relevant State and local planning policies, it can be concluded that there is planning merit for the preparation of a Planning Proposal. It is therefore recommended that this request to prepare a Planning Proposal be favorably considered by North Sydney Council and that Council resolve to forward a proposal to the NSW Department of Planning, Industry and Environment for Gateway determination in accordance with the Environmental Planning and Assessment Act, 1979 to prepare the necessary LEP amendment.

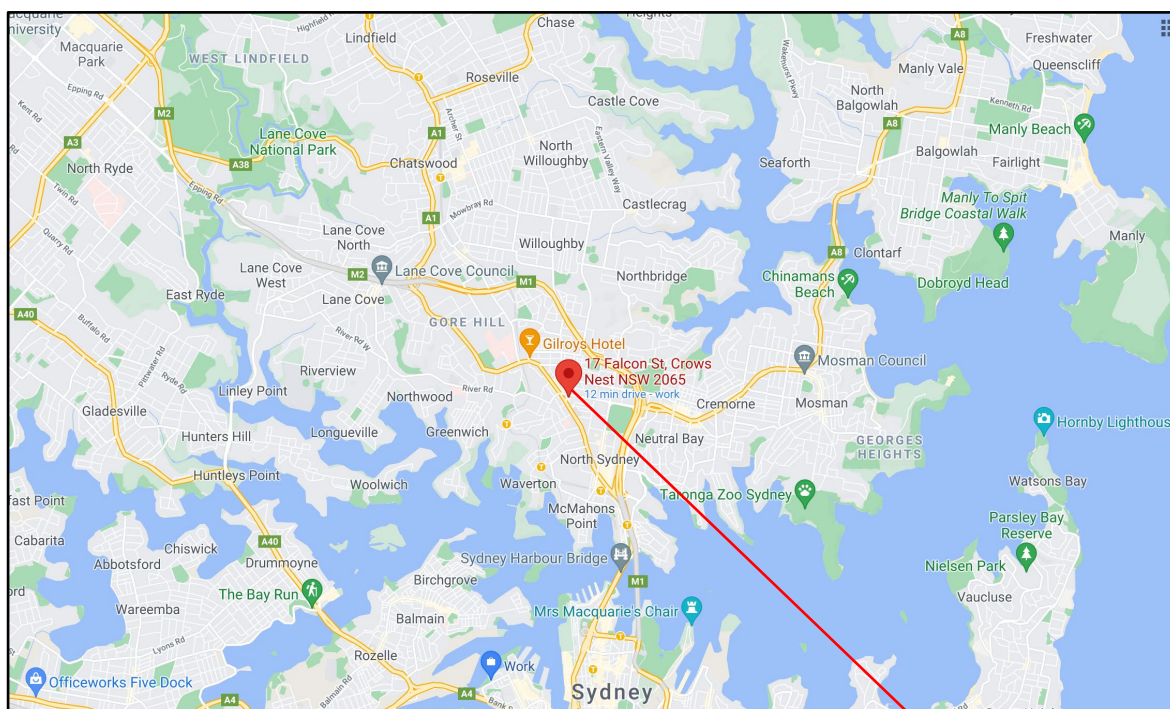


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### 3 Site Details

This application relates to four (4) parcels of land with frontage to Falcon Street to the North, Alexander Street to the West and Alexander Lane to the East. The amalgamation of lots will provide a development site of 891.80sqm.

The site's location is shown in the Regional context as Figure 3. An Aerial Photograph (Neighbourhood Context) and Aerial Photograph (Local Context) are provided as Figure 4 and Figure 5 respectively. An extract of the current zoning map is included as Figure 6.



**Figure 3:** Regional Context

Subject site



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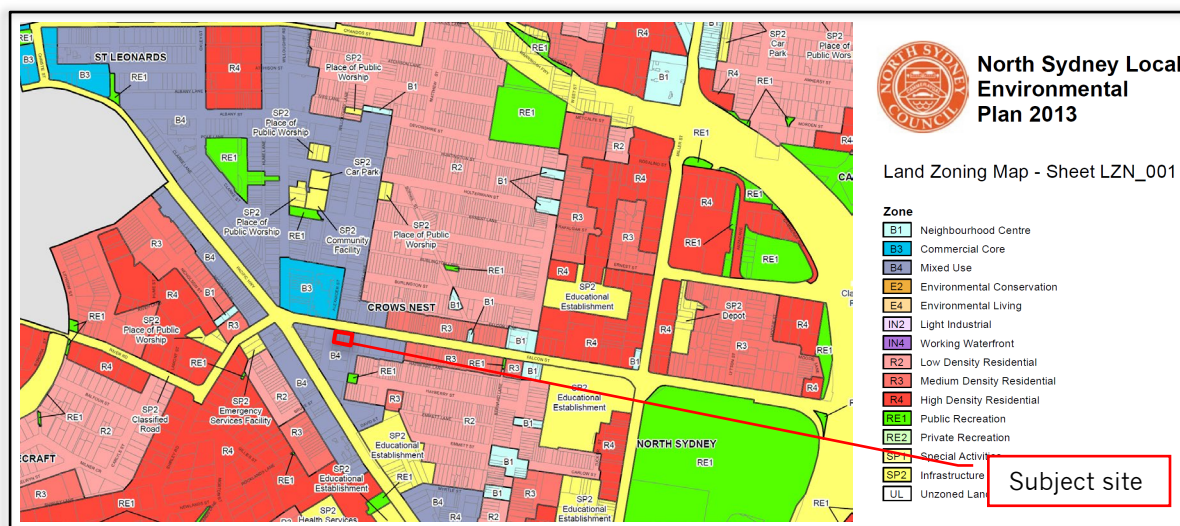
Figure 4: Neighbourhood Context



Figure 5: Subject site – Local Context



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**Figure 6:** Current Zoning

The subject site currently supports moderate commercial land uses and under current land use controls, is unlikely to attract redevelopment for more desirable uses of the land. In fact, it is argued that the more appropriate use of land has been restricted by previous development standards for a site that is located within a highly accessible location. The existing restriction on building height in a highly desirable and accessible location is being corrected by Council's *Civic Precinct Planning Study - November 2020* and this proposal.

The subject site is particularly attractive in terms of access, size and location for modern mixed use development and with amendment of the development standards within the NSLEP 2013, a broader range of contemporary employment generating land uses, supported by a reasonable and appropriate quantum of residential development may be encouraged.

The subject land is situated within walking distance of St Leonards Railway Station, Bus Interchange and future Metro Station, adjacent to significant areas of employment land. The Sydney CBD is easily accessible by rail, bus and future metro services.

It is argued that increased population in this locality can be easily accommodated and would be consistent with State Government policy as a location appropriate for jobs growth and housing.

This Planning Proposal provides a Concept Plan for the subject site which indicates a mix of land uses that are desirable and permitted within the land use zone.

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### 3.1 OFFICIAL SITE DESCRIPTION

The site comprises four (4) allotments officially described as:

- Lot 1, DP308866, 17 Falcon Street Crows Nest;
- Lot 1, DP835321, 19 Falcon Street Crows Nest;
- Lot 2, DP835321, 21 Falcon Street Crows Nest; and,
- Lot 1, DP300249, 25 Falcon Street Crows Nest.

### 3.2 EXISTING DEVELOPMENT

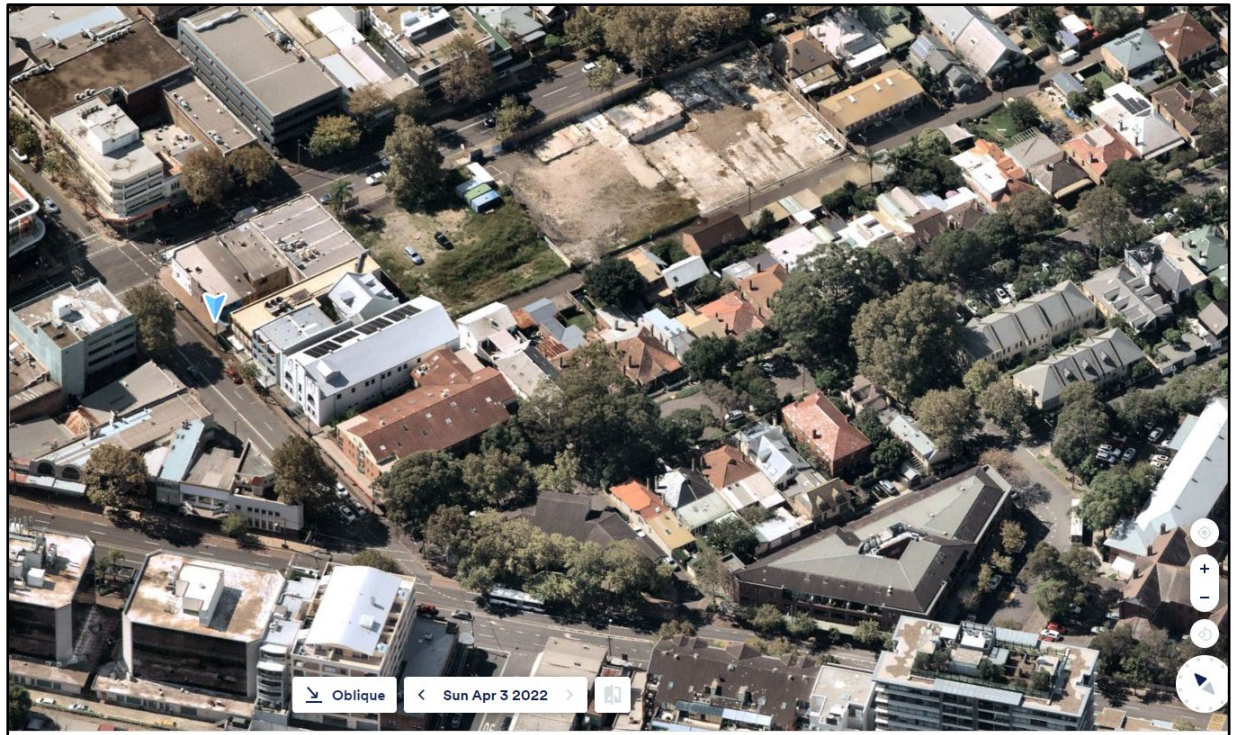
The land is developed for commercial purposes. The existing uses contribute little to street level activation or aesthetic. The subject site occupies a prominent corner in the urban block bounded by Falcon Street, Alexander Street and Alexander Lane. Reference should be made to images below and table 1 for an indication of existing development.



**Figure 7:** Existing development over the subject site



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**Figure 8:** Existing built form in the vicinity of the subject site (North Easterly view)



**Figure 9:** Existing built form in the vicinity of the subject site (North Westerly view)



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**Figure 10:** Existing built form in the vicinity of the subject site (South Easterly view)



**Figure 11:** Existing built form in the vicinity of the subject site (South Westerly view)

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Existing Floor areas 17 – 25 Falcon Street Crows Nest have been obtained from CoreLogic- RP Data and Commercial Real estate and provided as a summary table below.

Address	Total Floor Area m2 (Approx.)	Property Type	Information source
17A Falcon Street Crows Nest	215m2	Retail/Commercial	RP Data  Date accessed 21/07/22 and 19/09/22
19 Falcon Street Crows Nest	200m2	Retail/Commercial	
21 Falcon Street Crows Nest	205m2	Retail/Commercial	
25 Falcon Street Crows Nest	936m2	Retail/ Office Carpark	
<b>TOTAL</b>	<b>1556m2</b>		

**Table 1:** Existing Non-Residential floor areas



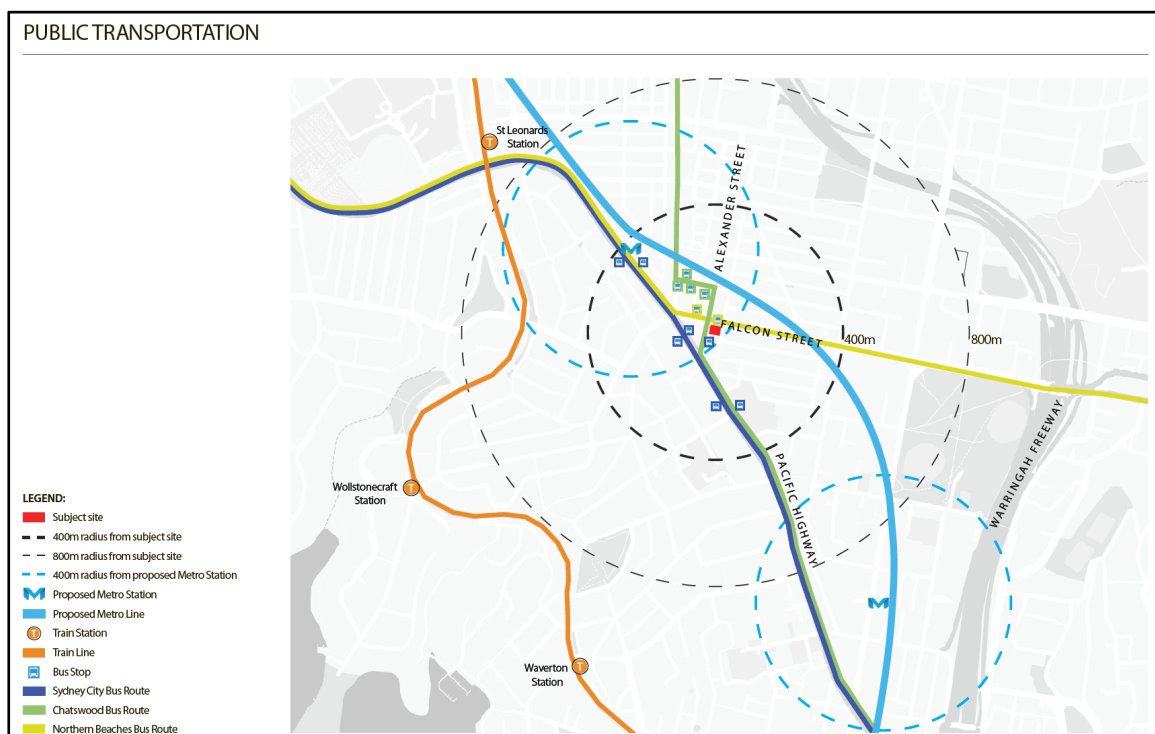
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## 4 Site Context

It is argued that the site context is a function of locational context (where the subject site is located within the metropolitan area) and planning context (how the site should be considered in light of recent planning strategies and plans). The consideration of the site context then leads to the establishment of the opportunities and constraints influencing future development potential. These matters are discussed below.

### 4.1 Site Context – Locational

As the figures below show, the subject site is located at the southern edge of the Crows Nest town centre with excellent public transport options and infrastructure available. The subject site is accessible by Rail, Bus and future metro services. Significant higher order shopping and professional services are in close proximity with the Sydney CBD being close by.



**Figure 12:** Public Transport

17-25 Falcon Street, Crows Nest

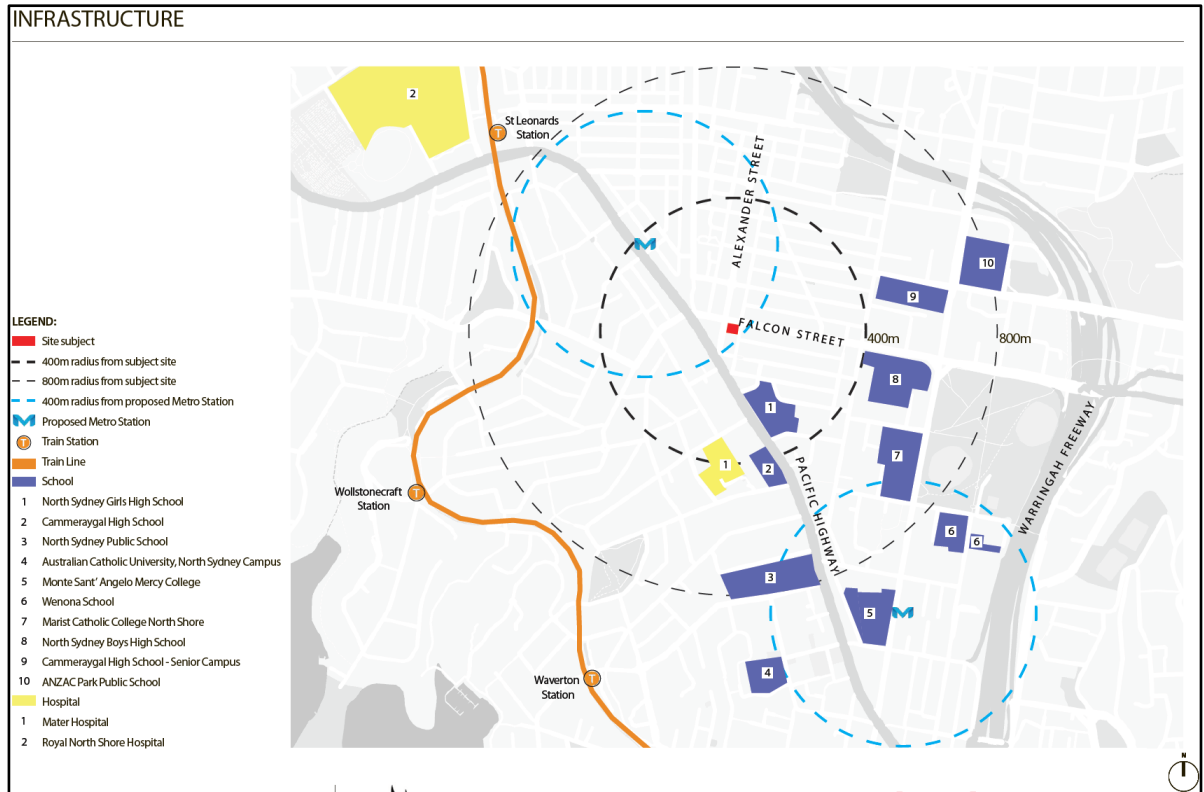


Figure 13: Infrastructure



Figure 14: Public Open Space

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## 4.2 Strategic Merit

The planning context for Crows Nest is established by a number of significant planning strategies recently completed by the NSW Government/Greater Sydney Commission and North Sydney Council. The strategies and plans provide a wide range of transformation plans and initiatives spanning higher level objectives to more specific actions supported by suggested planning controls and land use guidelines. All of which will influence land use and redevelopment decisions for the subject site and locality. The most relevant plans and strategies are listed and commentary on the relevance of the plan or strategy to the subject site provided below.

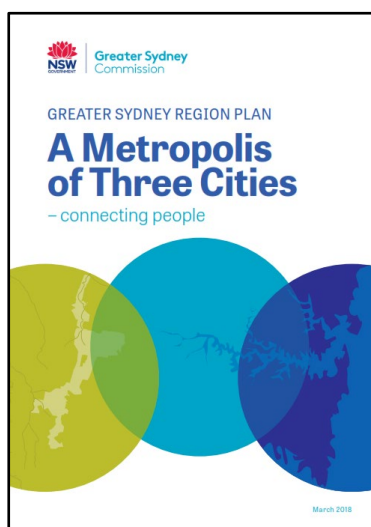
In summary, St. Leonards and Crows Nest are identified as priority urban renewal areas. Renewal will obviously be supported with significant investment in Metro Rail adding to excellent accessibility from rail and bus services. It is argued that this proposal will leverage off this significant investment and contribute to the urban renewal of Crows Nest. Furthermore, this proposal will also provide jobs within close proximity to housing and social infrastructure such as schools, community facilities, open space and public spaces, supporting the notion of a 30 minute city.

As the Government has predicted in numerous strategies, the significant investment in transport infrastructure should act as a catalyst for new development giving the community the potential for shorter commutes to major job centres.

The scale of investment in the metro rail, along with the existing rail and bus services means that Crows Nest could be transformed, provided there is support at the local level with an appropriate amendment to the local environmental plan to enable a viable redevelopment projects to be devised.

***This proposal is entirely consistent with government strategy and if supported, a prominent site within a urban renewal corridor, close to rail, metro rail, jobs, shopping and social infrastructure will be transformed to provide new mixed use development contributing to the urban renewal of the locality.***

### 4.2.1 A Metropolis of Three Cities



**Greater Sydney Region Plan – March 2018** (Greater Sydney Commission)

The Greater Sydney Region Plan, A Metropolis of Three Cities has at its foundation that most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

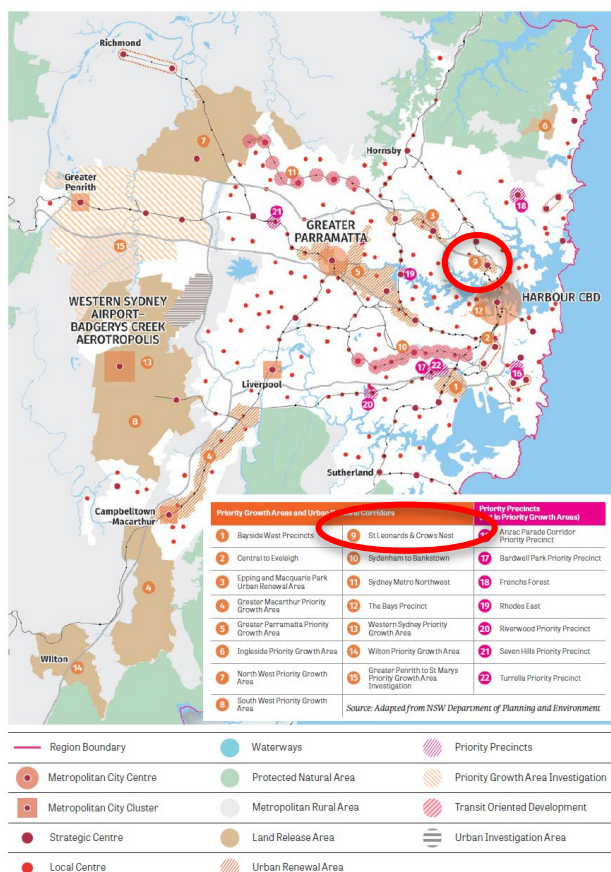
The vision of the plan says that it seeks to bring new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth.

The plan aims to provide residents with quick and easy access to jobs and essential services. The plan seeks to put workers closer to jobs, city-scale infrastructure and services, entertainment and cultural facilities. The plan says that:

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The NSW Government is also directly facilitating economic activity in the Eastern Economic Corridor through the work of the NSW Department of Planning and Environment, UrbanGrowth NSW Development Corporation and Landcom in the following initiatives:

- St Leonards and Crows Nest, where the NSW Department of Planning and Environment is working with Lane Cove, North Sydney and Willoughby City councils to undertake a strategic planning investigation of the St Leonards and Crows Nest Station Precinct



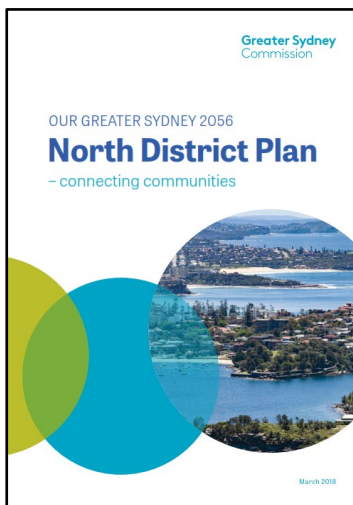
**Figure 15:** Extract from the Greater Sydney Region Plan – Crows Nest identified as a Urban Renewal area

It is argued that this proposal will support the provision of commercial development within a locality that is a defined strategic centre that is the beneficiary of significant Government investment, that is accessible to transport, jobs, housing and social infrastructure.

**The subject site will benefit from major infrastructure investment including Metro Rail, is accessible by existing rail, is within 30 minutes to housing and services, is within walking distance of centres, schools and health facilities.**

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#### 4.2.2 North District Plan



##### North District Plan – March 2018 (Greater Sydney Commission)

This District Plan has been prepared to give effect to A Metropolis of Three Cities, the Region Plan that applies to the five districts that make up the Greater Sydney Region. The North District Plan says that: *Additional capacity for housing supply is well progressed across much of the District. Current State-led initiatives include:*

- *St Leonards/Crows Nest Planned Precinct*

Road and rail investments such as the Sydney Metro Northwest, will provide faster access to the Sydney CBD to bolster business and jobs growth. The Plan also says that:

*the new Sydney Metro station proposed at Crows Nest, presents an opportunity for renewal and activation.*

The Plan says that:

*St Leonards-Crows Nest is a Planned Precinct with the NSW Department of Planning and Environment leading planning in this area, in collaboration with the Commission, North Sydney, Willoughby and Lane Cove councils, NSW Health, Transport for NSW, NSW Roads and Maritime Services, Department of Industry and TAFE NSW.*

This proposal would:

- Contribute to the renewal of Crows Nest with the provision of a new mixed use development within easy access to the proposed metro station;
- Maintain/marginally increase job opportunities within easy walking distance to future metro; and,
- Facilitate the provision of additional housing opportunities in an accessible and sought-after location.

#### 4.2.3 St Leonards and Crows Nest 2036 - NSW Department of Planning, Industry and Environment – August 2020



Of particular relevance to this proposal, the study reviewed the current planning framework (statutory and non-statutory) that directs the development of the locality. Relevant to the subject site, the Strategy recommends:

- Continued mixed use development;
- height of building at 3 storeys; and,
- minimum non-residential FSR of 0.5:1, with no change to Maximum FSR.



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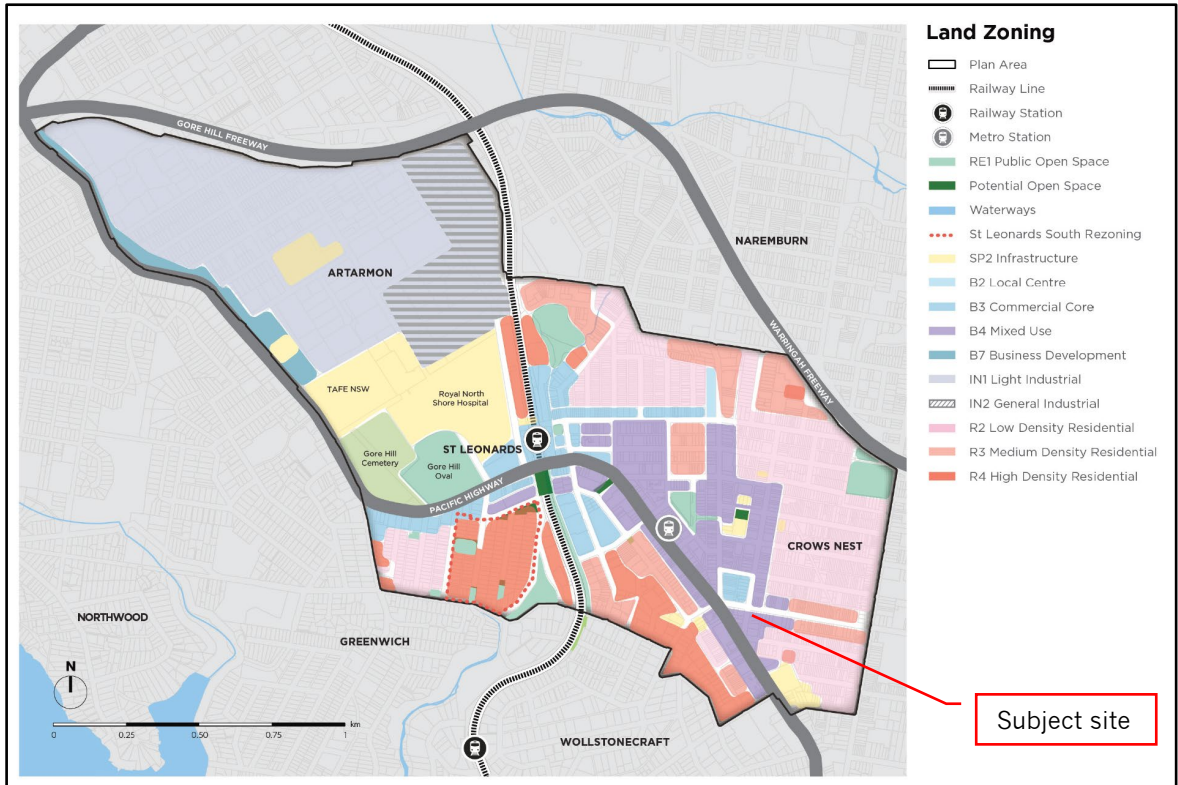


Figure 16: Recommended Land use – Mixed use.



Figure 17: Recommended Building Height – 3 storeys

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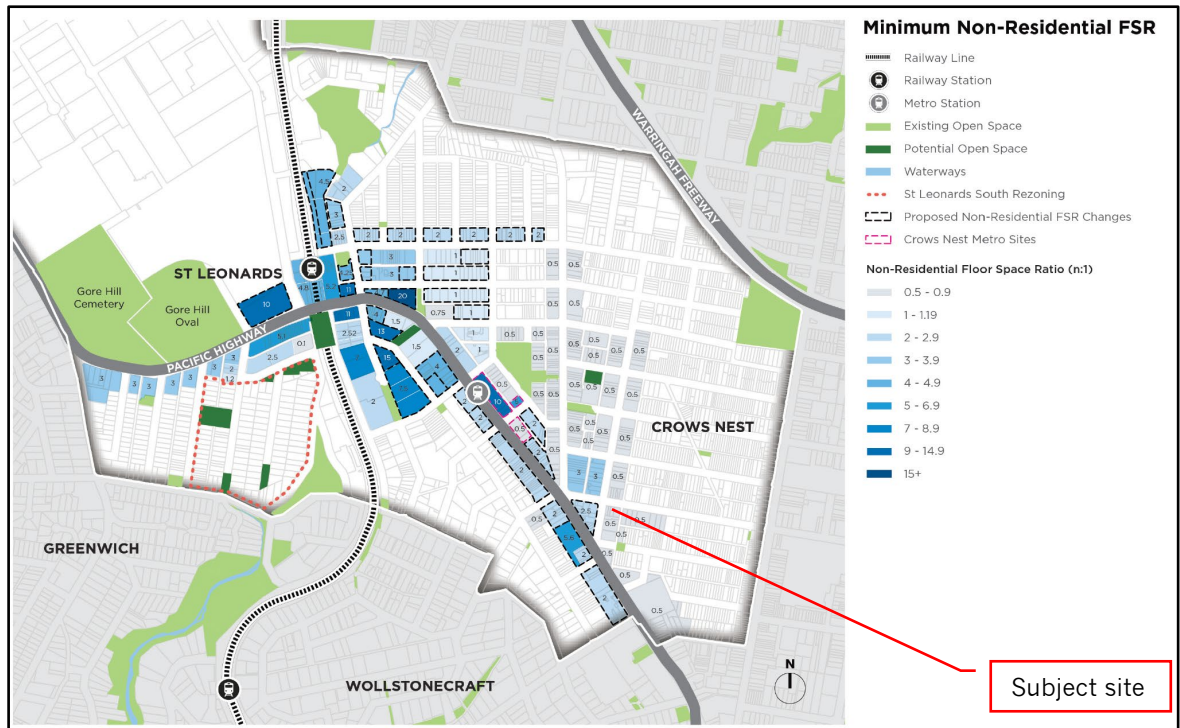
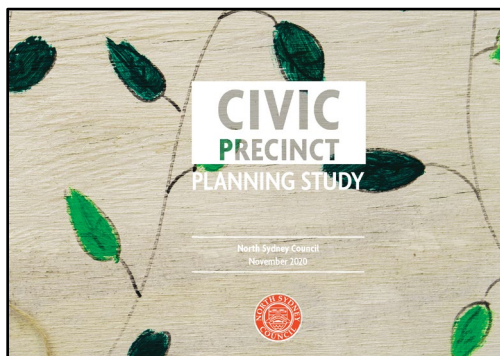


Figure 18: Recommended Minimum Non-Residential FSR – 0.5:1

This proposal is *inconsistent* with respect to building heights. That is, this strategy recommends a building height of 3 storeys, while this proposal seeks consent for 6 storeys. It is assumed that the recommended building height applied to the subject site under this plan is an attempt of safeguarding against unacceptable impact to adjoining lower density residential and heritage significant areas. However, it should be noted that careful consideration has been given to overshadowing in the preparation of the concept design that accompanies this proposal and in this regard, **reference should be made to the urban design report submitted for consideration as part of this application**. The analysis has considered the existing built form and proposed/likely development scenarios and seeks to demonstrate that the shadow impact of the proposed/likely development scenarios for the locality are not unacceptable within the urban context.

Further justification for inconsistency with recommended building height is offered within the following section of this report.

#### 4.2.4 Civic Precinct Planning Study – North Sydney Council – November 2020



This study represents North Sydney Council's effort to align the statutory planning framework with the objectives and targets of the Greater Sydney Commission's Regional Plan and North District Plan as required by the Department of Planning, Industry and Environment (DPIE). Essentially this study seeks to translate the higher order strategic planning into real and actionable development standards and controls. This study and its recommendations are considered particularly relevant to this proposal.

The Civic Precinct Planning Study says that:

*The Civic Precinct Planning Study is to provide that holistic vision and guide any development*



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Of particular relevance to this proposal is:

- Action 2: Develop the Pacific Highway frontage into a medium-scale environment with increased amenity; and,
- Action 3: Support small to medium sized business growth.

Action 2 is supplied with a map that identifies recommended building heights in storeys as reproduced below. It is noted that the subject site is assigned a maximum building height of 6 storeys, double the number of storeys recommended within the *St Leonards and Crows Nest 2036* strategy identified above. It is argued that the Council has had the opportunity to study the Crows Nest locality in significantly more detail and has recommended building heights that respond to economic realities while protecting local amenity. This proposal is consistent with the Council plan and proposes a building of 6 storeys.



Figure 19: Building height – 6 Storeys

Action 3 is also supplied with a map, however this map represents the desired *minimum* non-residential FSR as being 1.0:1 as shown below. This is also double that suggested within the *St Leonards and Crows Nest 2036* strategy identified above. This proposal is consistent with Council's plan and proposes a non-residential FSR of 1.19:1. However, it should be noted that that this Planning Proposal seeks no variation to the existing non-residential FSR of 0.5:1 as stated in the North Sydney LEP.



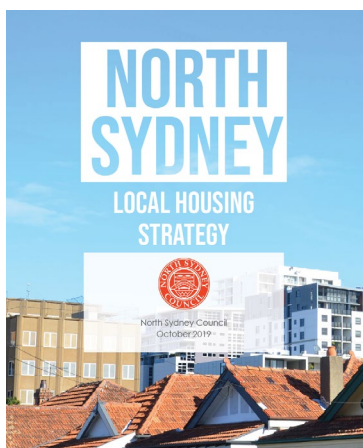
Figure 20: Non-Residential FSR – 1.0:1

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#### 4.2.5 North Sydney Local Strategic Planning Statement and North Sydney Local Housing Strategy



Providing overall strategic direction is Council's Local Strategic Planning Statement which makes interesting observations in relation to the continued role of Crows Nest as a contributor to employment opportunities and also contribution to housing diversity. This proposal is consistent with the objectives of the Local Strategic Planning Statement as it relates to Crows Nest.

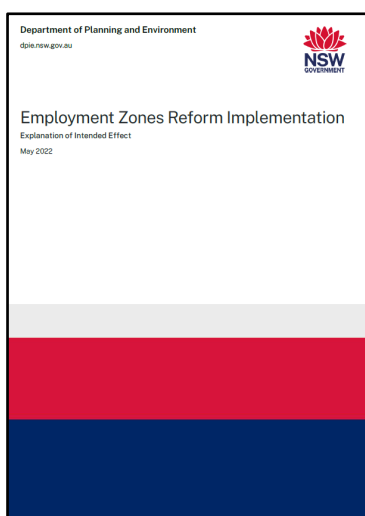


The Local Housing Strategy identifies the need for continued and carefully managed housing growth. The Strategy highlights the fact that:

*The new Metro Station opening at Crows Nest in 2024, will also provide opportunities to rejuvenate the St Leonards and Crows Nest area with additional jobs, open space, infrastructure and dwellings.*

The Local Housing Strategy provides a useful account of the numerous plans and strategies affecting the locality. Other than the identified inconsistency with future building heights stated in *Draft St Leonards and Crows Nest 2036*, this proposal is considered to be consistent with relevant strategic plans.

#### 4.2.6 Employment zones reform



Reforms of the employment zones was finalised in December 2021 which has resulted in the introduction of five (5) new employment zones and three (3) supporting zones. Implementation of the new zones will occur via amendments to individual Local Environmental Plans. The Department of Planning, Industry and Environment advises that the new employment zones will be in place within individual LEPs by 1 December 2022 when the existing Business and Industrial zones will be repealed.

This Proposal does not seek amendment to the existing land use zone. However, consideration should be given to the effect that employment zone reform may have on this proposal.

The subject site is currently zoned B4 Mixed use. Employment zone reform will result in the conversion of the B4 zone to MU1 Mixed use zone. The strategic intent, desired land uses and characteristics remain consistent with that of the existing B4 zone. This proposal remains permissible under the current land use zone and future land use zone.

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## 5 Existing Statutory Planning Framework

North Sydney Local Environmental Plan 2013 provides the local statutory planning framework for the subject site with the key provisions which will be amended as a result of this proposal are detailed below.

### 5.1 HEIGHT OF BUILDINGS



**Figure 21:** Current HOB standard – 10 metres

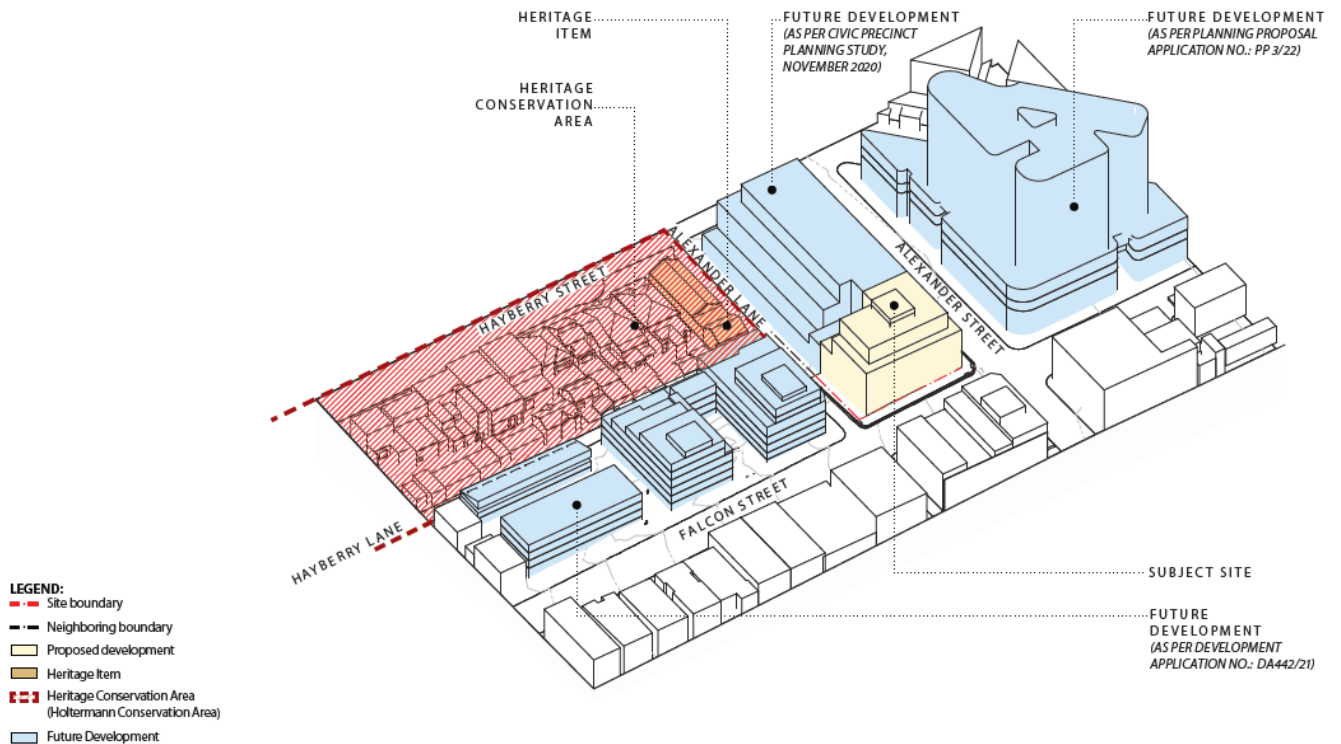
Clause 4.3 (Height of buildings) establishes a maximum building height of 10 metres for the site. The objectives of the clause are:

- (a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,
- (b) to promote the retention and, if appropriate, sharing of existing views,
- (c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,
- (d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,
- (e) to ensure compatibility between development, particularly at zone boundaries,
- (f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.

**This Proposal seeks an amendment in HOB standard to 21 metres and it is argued that the objectives of the clause will be satisfied, even with an increase in permitted height.**

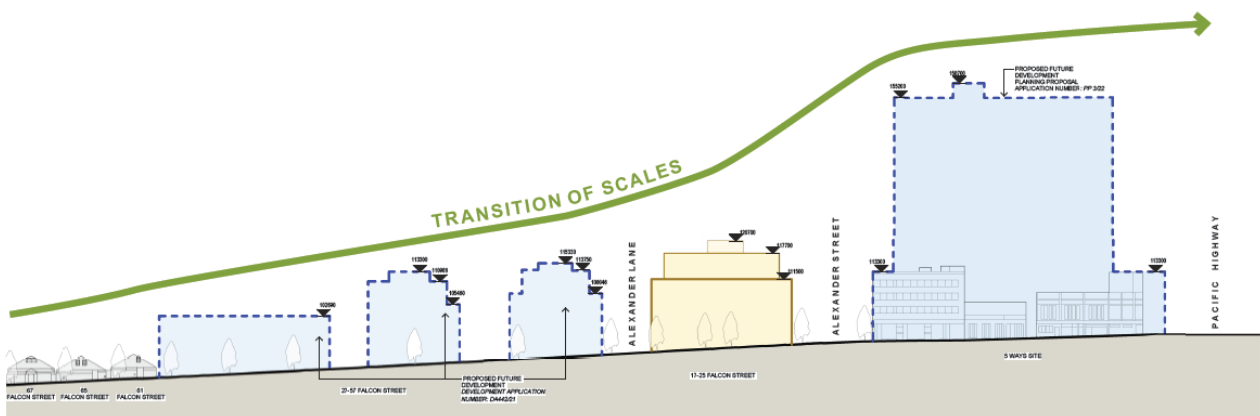
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Reference should be made to the figures below and the urban design report accompanying this proposal that demonstrates that the proposed building height is compatible with the future built form in the locality. That is, the land immediately to the east enjoys a HOB of 21 metres and land immediately to the west a HOB of 20 metres. Furthermore, the land to the east is identified as being in "Area 2" providing for an additional 3 metres above the permitted 21 metres for roof plant, lift overruns and roof top open space structures.



**Figure 22:** Future Built form

STREET ELEVATION - FALCON STREET

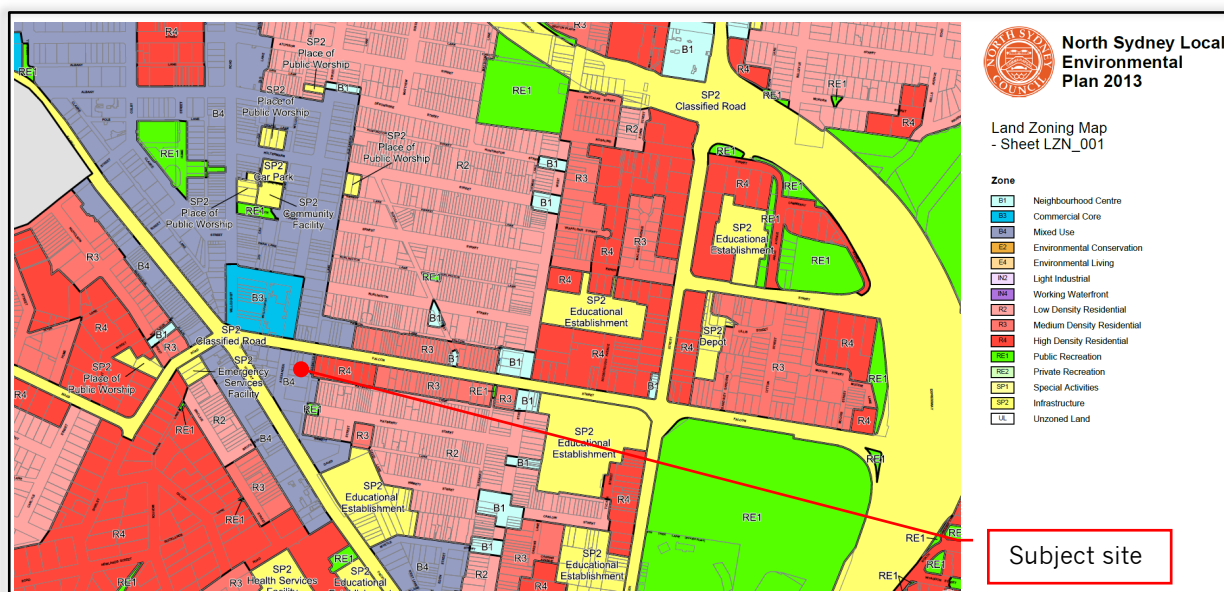


**Figure 23:** Transition of building heights



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## 5.2 LAND USE ZONE



**Figure 24:** Land use Zone – Subject site – B4 Mixed use

The subject site is located within a B4 mixed use zone. The zone objectives are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity.
- To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses concentrated on the lower levels and residential uses predominantly on the higher levels.

This proposal will result in a development that will enable the provision of land uses that satisfy the zone objectives. That is, this proposal, being a shop top housing development will enable a mixture of compatible land uses to be established that could include business, office, residential and retail uses.

Ensuring the inclusion of ground floor retail premises will contribute to street level activation. Furthermore, this proposal provides for generous non-residential land uses at the lower levels with residential at the higher levels.

This proposal would support the establishment of Commercial premises and Shop top housing which are permitted land uses in the B4 zone.

***This proposal does not seek amendment to the land use zone or land use permissibility.***

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### 5.3 MINIMUM NON-RESIDENTIAL FLOOR SPACE RATIO

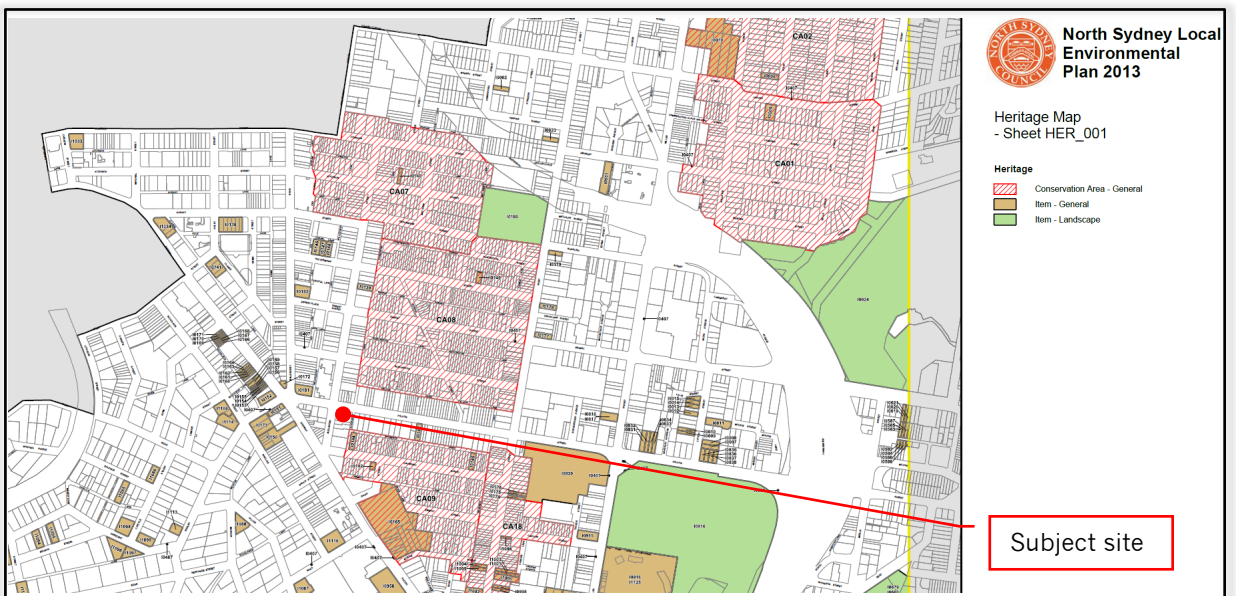


**Figure 24:** Minimum Non-Residential Floor Space Ratio – Subject site – Minimum Non-Residential FSR 0.5:1

This proposal will enable the development of the land that includes non-residential land uses with a FSR exceeding the minimum of 0.5:1. This proposal includes 1062 sqm of non-residential floorspace which equates to a FSR of 1.19:1, more than double of the minimum requirement.

***This proposal does not seek amendment to the minimum Non-Residential Floor Space Ratio.***

### 5.4 HERITAGE CONSERVATION AREA



**Figure 25:** Heritage conservation area

The subject site adjoins the heritage conservation area. As demonstrated in the urban design analysis submitted with this proposal, heritage value is not undermined by the proposed built form.



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## 6 Proposed Development

This planning proposal is required to enable the development of the subject site for a mixed use development at a building height of 6 storeys or 21 metres as detailed in this accompanying Architectural Plans and Urban Design Report.. This planning proposal does not seek to amend zoning or include additional permitted land uses. The uses envisaged are permitted land uses under the current land use regime. **A detailed concept plan and comprehensive urban design study are submitted with this proposal.**

This proposal has been devised to respond to the site opportunities and constraints. Furthermore, the design has been developed with regard to the *Civic Precinct Planning Study – North Sydney Council – November 2020*. The built form proposed is a response to the development controls suggested in the Strategy, guidance provided with the Apartment Design Guide and the North Sydney Development Control Plan.

### 6.1 CONCEPT DESIGN

The future redevelopment for the site centers about the creation of a high-quality mixed use development that includes the potential to integrate:

- commercial and/or retail land uses;
- residential apartments; and,
- basement car parking

As shown in the figures on the following pages, the concept includes:

- a building envelope that is appropriately set back;
- site amalgamation;
- the potential to contribute to high quality improvements to the public domain;
- a high-quality mixed use environment with excellent access to amenities and close proximity to public transport; and
- increased employment opportunities with the inclusion of new commercial and retail land uses.

**Reference should be made to the urban design and architectural package for full details of this development proposal.**

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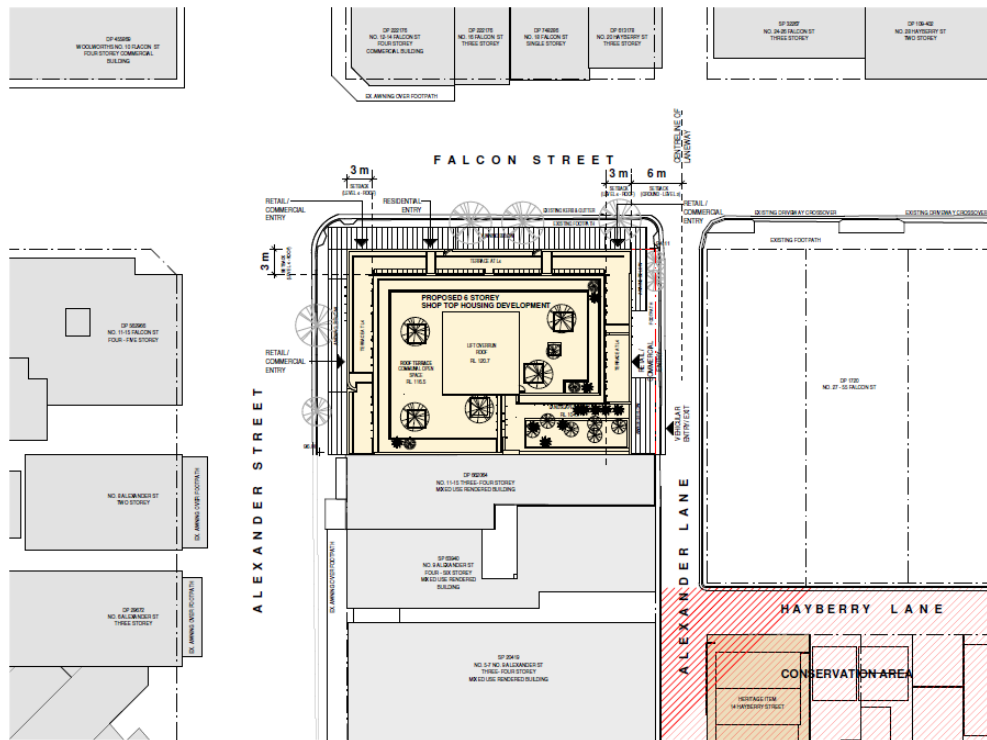


Figure 26: Site Plan

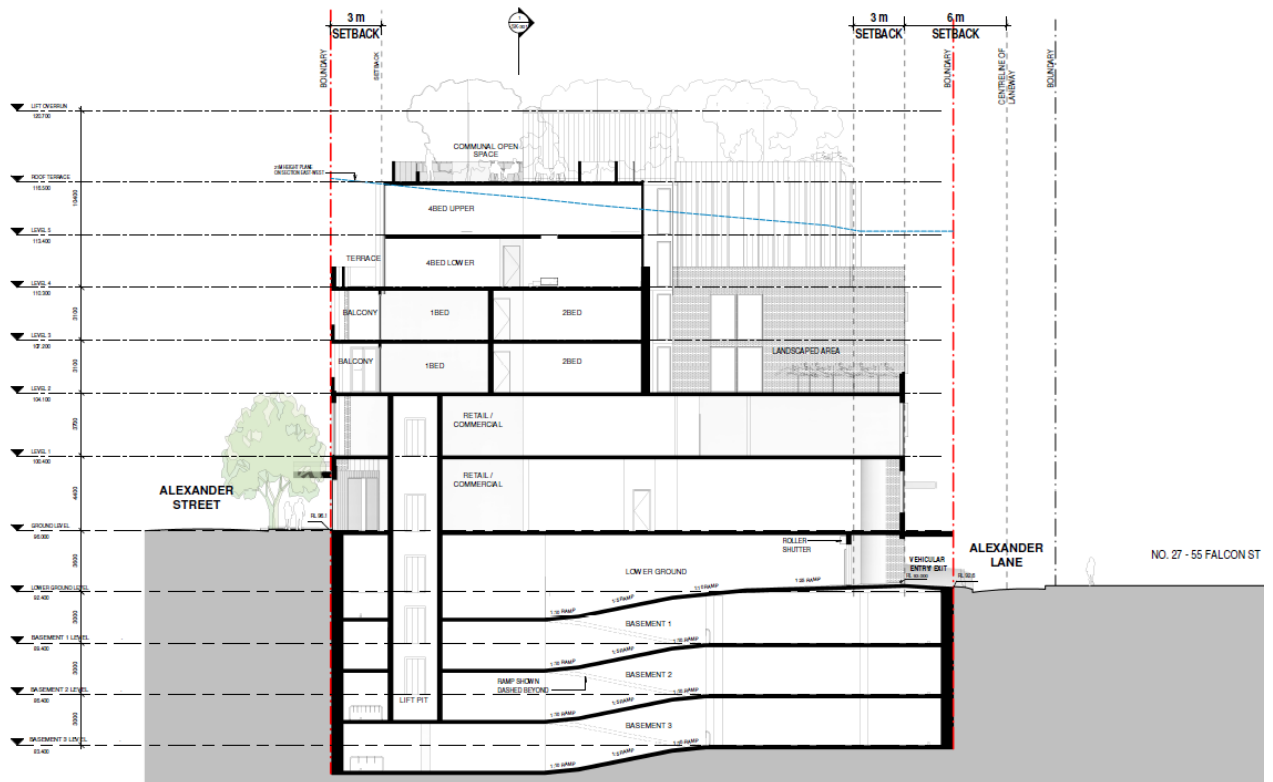


Figure 27: Section

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**Figure 28:** View towards the corner of Falcon Street and Alexander Street



**Figure 29:** View towards the corner of Falcon Street and Alexander Lane

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## 6.2 PUBLIC DOMAIN IMPROVEMENTS

Envisaged public domain works include the enhancement of the pedestrian areas activating the street frontages. Furthermore, this proposal could also contribute to other Council defined public benefits including a contribution to the enhancement of public open spaces associated with the new Metro Station precinct.

Notwithstanding the above, the Environmental Planning and Assessment Act, provides for a proponent to enter into a Voluntary Planning Agreement (VPA) where a change to an environmental planning instrument is sought. That is, the developer may pay a monetary contribution or provide a material public benefit to be used or applied towards a public purpose. In this regard, the proponent is willing to enter into more detailed discussions with Council for the preparation of a formal offer to Council to enter into a VPA. This process will be advanced at a later stage and will include consideration to a range of public benefits and the provision of a monetary contribution to Council for such benefits.

**Reference should be made to the preliminary letter of offer accompanying this application.**

## 6.3 TRAFFIC IMPACT

Traffic assessment has been conducted assuming that the concept was to be refined and submitted as a development application. The Traffic Report accompanies this planning proposal. The Traffic report concludes with:

*The envisaged residential apartment based mixed use scheme represents a suitable and appropriate development outcome for the site and this assessment has concluded that:*

- *the site will have ready access to bus/rail services and within close proximity to retail, entertainment and employment facilities*
- *there will not be any adverse traffic/safety implications*
- *an appropriate parking provision can be made which complies with Council's DCP criteria*
- *the envisaged vehicle access, internal circulation and servicing arrangements will be suitable and appropriate*

**Reference should be made to the Traffic and Parking Impact Assessment accompanying this proposal.**

## 6.4 STATE ENVIRONMENTAL PLANNING POLICY 65 – DESIGN QUALITY OF RESIDENTIAL FLAT BUILDING

While this proposal is not a development application and does not require an assessment against SEPP 65 and the Apartment Design Guide, consideration has been given to the SEPP and ADG to ensure that the proposed building envelope and development design is capable of meeting the SEPP and ADG requirements. In this regard, when a development application is made, the proposed development will be subject to the provisions of SEPP 65, which aims to improve the quality of residential flat design. Clause 28(2)(b) of SEPP 65 requires that an application be assessed against the 9 design quality principles. The proposal's compliance with the design quality principles have

17-25 Falcon Street, Crows Nest

been verified in the Design Verification Statement provided by the architect and accompanies this application. A summary of these matters are also addressed below.

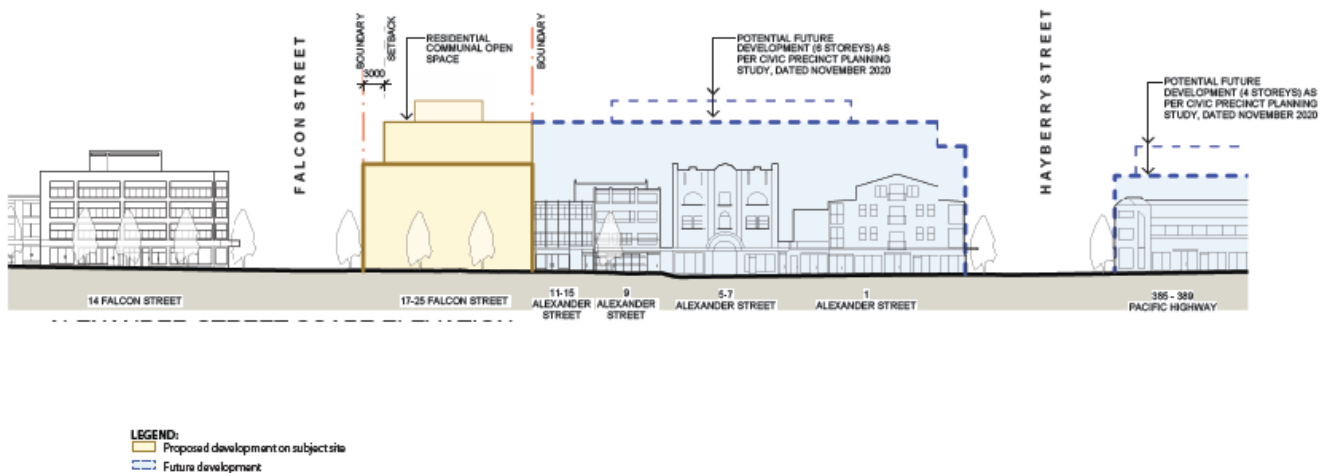
## DESIGN QUALITY PRINCIPLES

### Principle 1: Context and Neighbourhood Character

*Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.*

*Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.*

**Comment:** The proposed building is consistent with the future streetscape and density for the site. The site enjoys a zoning and suggested changes in development standards that will encourage a significant increase in building height. This proposal adopts these controls and appropriately considers the streetscape. This proposal is considered to be a positive and considerate design.



**Figure 30:** Alexander Streetscape

### Principle 2: Built Form and Scale

*Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.*

*Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.*



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**Comment:** The site is located in an area zoned to encourage high density mixed use development. The general locality is a mix of lower to medium density residential/mixed use and sites that are in need of redevelopment. The land surrounding the subject site is identified as a mixed use zone. Medium to high rise developments have been constructed in the locality and the subject development site is one of many underdeveloped sites in the locality. The proposed development has been designed to complement to the development found in the area and be consistent with the development controls and standards. The proposed development is appropriately separated from adjoining residential development.

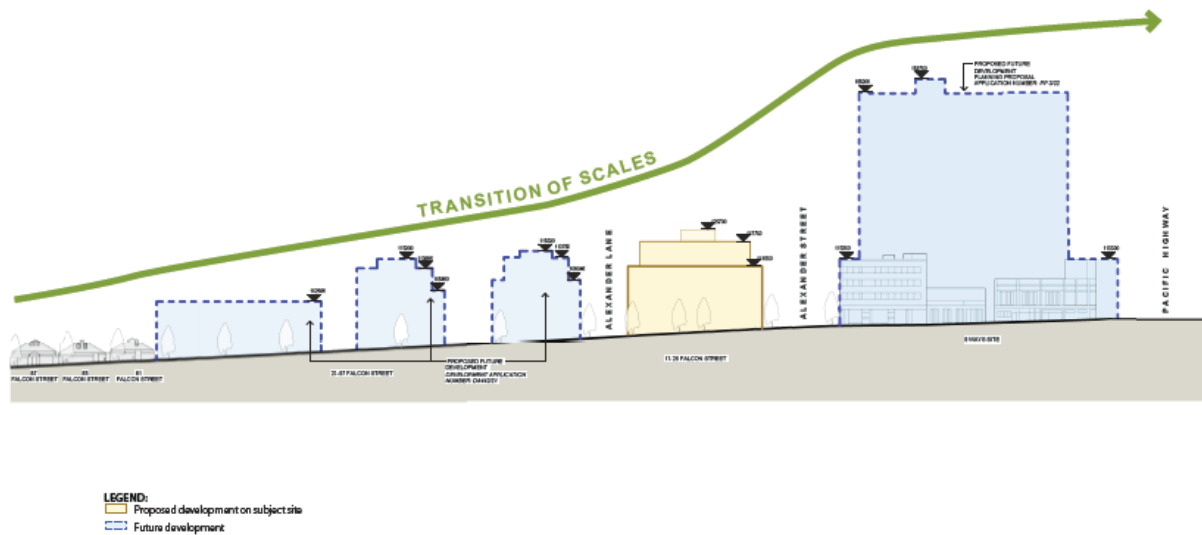


Figure 31: Falcon Street – built form transition

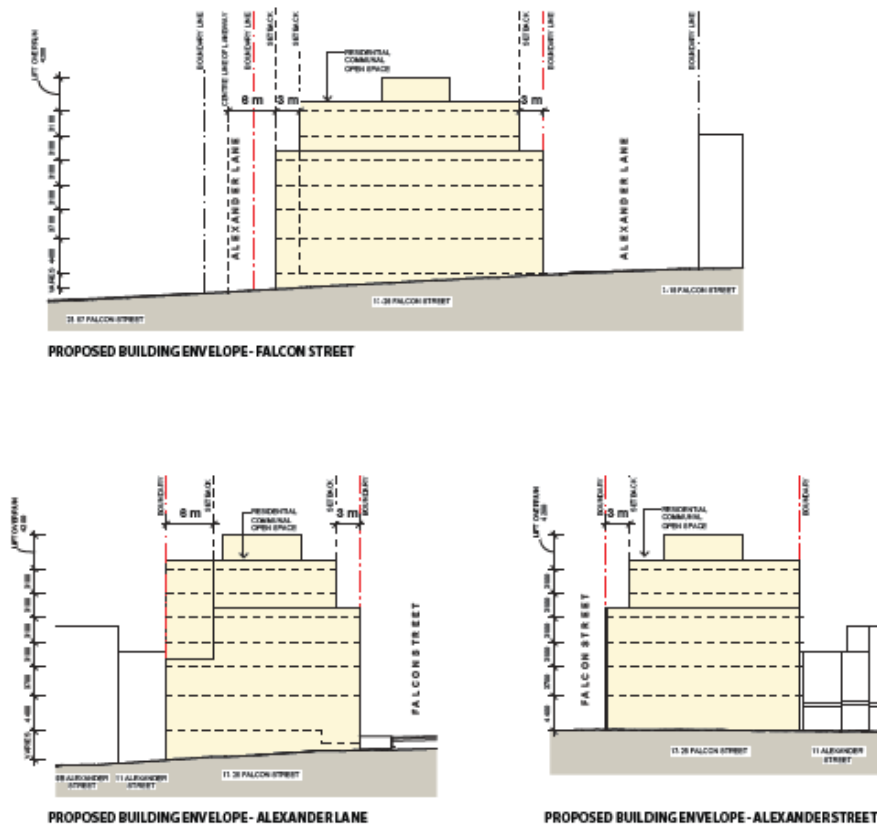


Figure 32: Proposed building envelope

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### Principle 3: Density

*Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.*

*Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.*

**Comment:** The building envelope is established by development controls (setbacks) and this proposal complies with the setbacks, providing a density which is appropriate for the locality. The services and facilities in the area will allow for access to jobs, public transport and community facilities.

### Principle 4: Sustainability

*Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and livability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.*

**Comment:** The proposed development has been designed to maximise sustainability with use of natural materials, natural cross ventilation and sunlight for amenity and passive thermal design for ventilation, heating and cooling. The apartments are able to gain a BASIX Certificate demonstrating an appropriate level of sustainability.



**Figure 33:** Sustainability initiatives

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### **Principle 5: Landscape**

*Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.*

**Comment:** A landscape plan has been provided with the application which demonstrates landscaping to soften the building and ensure amenity for residents and an attractive street frontage and relationship with the public domain.

### **Principle 6: Amenity**

*Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.*

*Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.*

**Comment:** The proposed development is compliant with the Apartment Design Guide with respect to amenity. The compliant apartment sizes, balcony sizes, storage space and the communal open space contribute to a livable and amenable environment for residents.

### **Principle 7: Safety**

*Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.*

*A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.*

**Comment:** The proposed development complies with this principle providing a safe and secure environment for residents and visitors to the site. The public domain areas around the site benefit from significant opportunities for casual surveillance.



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### **Principle 8: Housing Diversity and Social Interaction**

*Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.*

*Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.*

**Comment:** A mix of apartment sizes is provided in the form of 1, 2 and 3 bedroom apartments being included. The mix of housing types will allow for a greater level of diversity in households and should be reflected in the range of dwelling occupants in the development, all of which will aid in providing a broader housing choice for the local community.

### **Principle 9: Aesthetics**

*Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.*

*The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.*

**Comment:** The proposed development will be complementary to the future character and visual appearance of the streetscape. The proposal has been well designed and will be an asset to the streetscape with a mix of materials, colours and textures in the design of the building. Reference to the architectural plans, and in particular the elevations and landscape plan will identify the high quality visual appearance of the development.

### **Apartment Design Guide**

Pursuant to clause 28(2)(c) of SEPP 65 an application for consent to carry out residential flat development must also consider the Apartment Design Guide. In this regard an assessment against the Apartment Design Guide has been provided by the project architect, along with a design verification statement.

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# 7 Planning Proposal

This section of this report provides information to satisfy the Environmental Planning and Assessment Act 1979. Reference has been made to the *Department of Planning's Guide to preparing Planning Proposals (September 2022)*.

## PART 1 – Objectives and Intended Outcomes

### Objective

To amend the Height of Buildings (HOB) development standard applied to Lot 1, DP308866 17 Falcon Street; Lot 1, DP835321, 19 Falcon Street; Lot 2, DP835321, 21 Falcon Street; and, Lot 1, DP300249, 25 Falcon Street (Subject site) to twenty-one (21) meters and extend "Area 2" Clause 4.3A "Exceptions to height of buildings" to the subject site to accommodate a shop top housing development.

### Intended outcomes

The intended outcomes of the proposed amendment to the HOB development standard aim to facilitate development which:

- recognizes the strategic location of the subject site, particularly being located within an area identified for urban renewal and in walking distance of existing rail, bus interchange and future metro rail station;
- increases employment opportunities by increasing commercial and retail floor space within a mixed use development.
- provides additional housing opportunity in a highly accessible location with excellent levels of amenity;
- will contribute to further urban renewal.

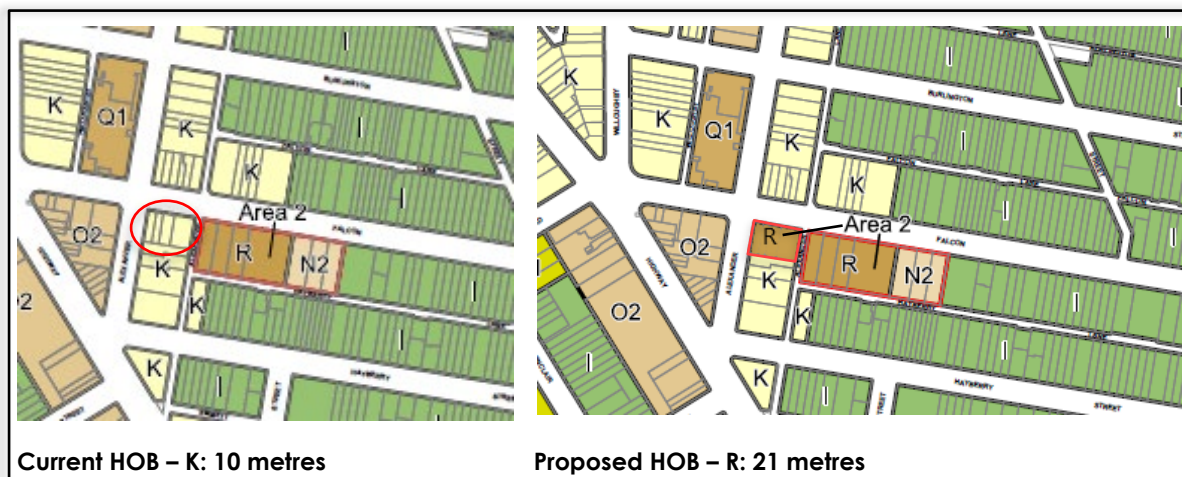
Concept designs for the proposed development accompany this report and discussed in Section 6 of this report.

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## Part 2 – Explanation of Provisions

This Planning Proposal will amend the North Sydney Local Environmental Plan 2013 as it applies to the subject site by:

- Amend the North Sydney LEP 2013 Height of Buildings Map from 10 m to a maximum building height of 21 m.
- Extension of "Area 2", Clause 4.3A "Exceptions to height of buildings" to the subject site.



## Part 3 – Justification

Justification for this proposal is outlined in accordance with the Department of Planning and Environment's Guide to preparing Planning Proposals.

### Section A – Need for the Planning Proposal

#### **Q1. Is this Planning Proposal a result of any Strategic Study or Report?**

The Planning Proposal is consistent with the plans and strategies as detailed in section 4 of this report. This Planning Proposal will contribute to the urban renewal of Crows Nest and facilitate the provision of additional commercial floor space and residential opportunities. The submitted architectural package, urban design report, and traffic assessment supports this proposal.

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

Yes. A planning proposal amending permitted height of buildings is the only means of achieving the objectives and intended outcomes. While a clause 4.6 request to vary the HOB development standard is available, a request to vary the development standard via clause 4.6 of the North Sydney LEP to permit a development proposal to exceed the permitted building height of ten (10) metres, by eleven (11) metres, equating to a variation of 110 per cent would most likely be considered outside of the scope and intent of clause 4.6.

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Furthermore, while the Civic Precinct Study has been adopted by the Council which recommends building heights of six storeys, a planning proposal to amend permitted building heights in the precinct has not yet been advanced by Council.

### **Section B – Relationship to strategic planning framework**

**Q3. 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)?**

The applicable strategies are discussed in section 4 of this report. This proposal is considered to have strategic merit as this proposal is consistent with the applicable strategies and represents development that is responding to a change in circumstance triggered by significant investment into a urban renewal area and where significant investment in improved transport infrastructure is to occur.

**Q4. 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?**

As discussed in section 4 of this report, this proposal is consistent with the:

- Civic Precinct Planning Study;
- North Sydney Local Strategic Planning Statement; and,
- North Sydney Local Housing Strategy.

**Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

This proposal is consistent with the St Leonards & Crows Nest Local Character Statement – August 2020 and Heritage Analysis - September 2018. These studies were prepared as part of the St Leonards and Crows Nest - Planning Package 2036 and it is argued that this proposal does not undermine the principles articulated in these plans and does not adversely impact on heritage conservation area adjacent to the subject site.

The Urban Design Report that informed St Leonards and Crows Nest Plan 2036 provides suggested building heights and non-residential floor space controls. This proposal is consistent with the suggested non-residential floor space control.

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**Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The following table provides a summary of applicable State Environmental Planning Policies

<b>SEPP</b>	<b>Comments</b>
State Environmental Planning Policy (Biodiversity and Conservation) 2021	This planning proposal does not impact on trees or other vegetation nor does this proposal cause impact to biodiversity values.
State Environmental Planning Policy (Sustainable Buildings) 2022	This planning proposal will enable the development of the subject site for mixed uses purposes, including residential dwellings in the form of Shop Top Housing. This residential component will be required to meet BASIX requirements and detail BASIX commitments within development applications.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	This Planning Proposal is not inconsistent with the SEPP.
State Environmental Planning Policy (Housing) 2021	This Planning Proposal will not give rise to inconsistencies with the SEPP.
State Environmental Planning Policy (Industry and Employment) 2021	This planning proposal will not give rise to inconsistencies with the SEPP. Signage, if proposed will be considered as part of following development applications.
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	The residential component of the proposed development facilitated by this planning proposal will be required to satisfy the Design Quality Principles detailed within SEPP 65. As demonstrated within this report and accompanying architectural package, this proposal is capable of compliance with SEPP 65.
State Environmental Planning Policy (Planning Systems) 2021	This Planning Proposal does not impact upon the application of the SEPP to future development.
State Environmental Planning Policy (Primary Production) 2021	This planning proposal will not give rise to inconsistencies with the SEPP.



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SEPP	Comments
State Environmental Planning Policy (Resilience and Hazards) 2021	The SEPP requires that contamination be considered in the assessment of Development proposals. Given the existing and long term commercial use of the subject site, it is not considered likely that the existing site has been contaminated to a level rendering the site not suitable for development as proposed. Nevertheless, appropriate investigation would be carried out at development application stage.
State Environmental Planning Policy (Resources and Energy) 2021	This planning proposal will not give rise to inconsistencies with the SEPP.
State Environmental Planning Policy (Transport and Infrastructure) 2021	This Planning Proposal will facilitate the increases in commercial floor space and residential development and any future Development Application subsequent to this proposed LEP amendment would most likely be referred to the TfNSW for comment. This proposal is supported by a comprehensive Traffic Impact Statement.

**Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?**

The applicable Ministerial Directions, issued on 3 June 2022, have been identified and comment provided below.

Ministerial Direction	Applicable to Planning Proposal?	Consistency of Proposal with Direction	Assessment
<b>Focus area 1: Planning Systems</b>			
1.1 Implementation of Regional Plans  The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	No	N/A	<p>This proposal is considered consistent with vision, land use strategy, goals, directions and actions contained in Greater Sydney Region Plan – A metropolis of three cities.</p> <p>This proposal will support the provision of commercial development within a locality that is a defined strategic centre that is the beneficiary of significant Government investment, that is accessible to transport, jobs, housing and social infrastructure.</p> <p>The subject site will benefit from major infrastructure investment including Metro Rail, is accessible by existing rail, is within 30 minutes to housing and services, is within walking distance of centres, schools and health facilities.</p> <p>This proposal is consistent with the North District Plan. That is, this proposal would:</p> <ul style="list-style-type: none"> <li>Contribute to the renewal of Crows Nest with the provision of a new mixed use development within easy access to the proposed metro station;</li> </ul>

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Ministerial Direction	Applicable to Planning Proposal?	Consistency of Proposal with Direction	Assessment
			<ul style="list-style-type: none"> <li>Maintain/marginally increase job opportunities within easy walking distance to future metro; and,</li> <li>Facilitate the provision of additional housing opportunities in an accessible and sought-after location.</li> </ul>
<p>1.2 Development of Aboriginal Land Council land</p> <p>The objective of this direction is to provide for the consideration of development delivery plans prepared under chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority.</p>	No	N/A	This proposal does not involve the development of Aboriginal Land Council land.
<p>1.3 Approval and Referral Requirements</p> <p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	Yes	Yes	The Proposal seeks to minimise the inclusion of provisions that would require the concurrence, consultation or referral of development applications to a Minister or public authority.
<p>1.4 Site Specific Provisions</p> <p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p>	Yes	Yes	The Planning Proposal does not propose site specific or development specific controls.
<p>1.5 Parramatta Road Corridor Urban Transformation Strategy</p> <p>The objectives of this direction are to:</p> <p>(a) facilitate development within the Parramatta Road Corridor that is consistent with the</p>	No	N/A	The subject site is not located within the Parramatta Road Corridor.

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Ministerial Direction	Applicable to Planning Proposal?	Consistency of Proposal with Direction	Assessment
<p>Parramatta Road Corridor Urban Transformation Strategy (November, 2016), the Parramatta Road Corridor Implementation Tool Kit, and the Parramatta Road Corridor Urban Transformation Implementation Update 2021, (b) provide a diversity of jobs and housing to meet the needs of a broad cross-section of the community, and (c) guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure.</p>			
<p>1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</p> <p>The objective of this direction is to ensure development within the North West Priority Growth Area is consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy (the Strategy).</p>	No	N/A	The subject site is not located within the North West Priority Growth Area.
<p>1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</p> <p>The objective of this direction is to ensure development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta Priority Growth Area Interim Land Use and</p>	No	N/A	The subject site is not located within the Greater Parramatta Priority Growth Area.

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Ministerial Direction	Applicable to Planning Proposal?	Consistency of Proposal with Direction	Assessment
Infrastructure Implementation Plan dated July 2017 (the Interim Plan)			
<p>1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</p> <p>The objective of this direction is to ensure development within the Wilton Priority Growth Area is consistent with the Wilton Interim Land Use and Infrastructure Implementation Plan and Background Analysis.</p>	No	N/A	The subject site is not located within the Wilton Priority Growth Area.
<p>1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor</p> <p>The objective of this direction is to ensure development within the precincts between Glenfield and Macarthur is consistent with the plans for these precincts.</p>	No	N/A	The subject site is not located within the Glenfield to Macarthur Urban Renewal Corridor.
<p>1.10 Implementation of the Western Sydney Aerotropolis Plan</p> <p>The objective of this direction is to ensure development within the Western Sydney Aerotropolis is consistent with the Western Sydney Aerotropolis Plan dated September 2020.</p>	No	N/A	The subject site is not located within the Western Sydney Aerotropolis.
<p>1.11 Implementation of Bayside West Precincts 2036 Plan</p> <p>The objective of this direction is to ensure development within the Bayside West Precincts (Arncliffe, Banksia and</p>	No	N/A	The subject site is not located within the Bayside West Precincts

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Ministerial Direction	Applicable to Planning Proposal?	Consistency of Proposal with Direction	Assessment
Cooks Cove) is consistent with the Bayside West Precincts 2036 Plan (the Plan).			
1.12 Implementation of Planning Principles for the Cooks Cove Precinct  The objective of this direction is to ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles.	No	N/A	The subject site is not located within the Cooks Cove Precincts
1.13 Implementation of St Leonards and Crows Nest 2036 Plan  The objective of this direction is to ensure development within the St Leonards and Crows Nest Precinct is consistent with the St Leonards and Crows Nest 2036 Plan (the Plan).	Yes	No	This planning proposal is consistent in relation to land use, but inconsistent with suggested building height. The Plan indicated a 3 storey height limit while this proposal seeks 6 storeys consistent with Council's plan.  It is argued that the planning proposal, while inconsistent with building height in storeys achieves the overall intent of the Plan and does not undermine the achievement of the Plan's vision, objectives and actions.
1.14 Implementation of Greater Macarthur 2040  The objective of this direction is to ensure that development within the Greater Macarthur Growth Area is consistent with Greater Macarthur 2040 dated November 2018.	No	N/A	The subject site is not located within the Greater Macarthur Growth Area
1.15 Implementation of the Pymont Peninsula Place Strategy  The objectives of this direction are to: (a) facilitate development within the Pymont Peninsula that is consistent with the Pymont Peninsula Place Strategy (Place Strategy) and the	No	N/A	The subject site is not located within the Pymont Peninsula



17-25 Falcon Street, Crows Nest

Ministerial Direction	Applicable to Planning Proposal?	Consistency of Proposal with Direction	Assessment
<p>Economic Development Strategy, (b) align the planning framework with the Eastern City District Plan Planning Priority E7 Growing a Stronger and More Competitive Harbour CBD and actively support the consistent delivery of objectives in the Eastern City District Plan and Greater Sydney Region Plan, and (c) guide growth and change balanced with character, heritage and infrastructure considerations (amongst others) across the Peninsula under the Place Strategy.</p>			
<p>1.16 North West Rail Link Corridor Strategy</p> <p>The objectives of this direction are to:</p> <p>(a) promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL), and</p> <p>(b) ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.</p>	No	N/A	The subject site is not located within the North West Rail Link Corridor and is not located within a LGA affected by this direction.
<p>1.17 Implementation of the Bays West Place Strategy</p> <p>The objectives of this direction are to:</p> <p>(a) facilitate development within the Bays West precinct that is consistent with the Bays West Place Strategy (Place Strategy) and the Urban Design</p>	No	N/A	The subject site is not located within the Bays West Precinct

17-25 Falcon Street, Crows Nest

Ministerial Direction	Applicable to Planning Proposal?	Consistency of Proposal with Direction	Assessment
<p>Framework (which includes the Sustainability Framework and Connecting with Country Framework), (c) actively support the consistent delivery of objectives in the Eastern City District Plan and Greater Sydney Region Plan, and (d) guide growth and change balanced with character, Indigenous and European heritage, working harbour and infrastructure considerations across the Bays West precinct under the Place Strategy.</p>			
<b>Focus area 2: Design and Place [This Focus Area was blank when the Directions were made]</b>			
<b>Focus area 3: Biodiversity and Conservation</b>			
<p>3.1 Conservation Zones</p> <p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p>	Yes	Yes	<p>This Proposal will not impact upon areas of environmental sensitivity. The subject site is not land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP</p>
<p>3.2 Heritage Conservation</p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	Yes	Yes	<p>The North Sydney LEP 2013 contains Standard Instrument LEP heritage clauses. The Proposal relates to a site that is not a heritage item or within a heritage conservation area.</p> <p>However, this proposal has given due consideration to adjoining heritage conservation area. Building design has been tested and the urban design report accompanying this proposal seeks to demonstrate that heritage conservation has been adequately considered.</p>
<p>3.3 Sydney Drinking Water Catchments</p> <p>The objective of this direction is to protect water quality in the Sydney drinking water catchment.</p>	No	N/A	<p>The subject site is not within a Local Government Area identified as being within a Drinking Water Catchment.</p>

17-25 Falcon Street, Crows Nest

Ministerial Direction	Applicable to Planning Proposal?	Consistency of Proposal with Direction	Assessment
<p>3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs</p> <p>The objective of this direction is to ensure that a balanced and consistent approach is taken when applying conservation zones and overlays to land on the NSW Far North Coast.</p>	No	N/A	The subject site is not within the Far North Coast
<p>3.5 Recreation Vehicle Areas</p> <p>The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</p>	Yes	Yes	This proposal does not result in the use of recreational vehicles on sensitive land.
<b>Focus area 4: Resilience and Hazards</b>			
<p>4.1 Flooding</p> <p>The objectives of this direction are to:</p> <p>(a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.</p>	Yes	Yes	Council's draft Floodplain Risk Management Plan does not identify the subject site as being flood liable.

17-25 Falcon Street, Crows Nest

<b>Ministerial Direction</b>	<b>Applicable to Planning Proposal?</b>	<b>Consistency of Proposal with Direction</b>	<b>Assessment</b>
<p>4.2 Coastal Management</p> <p>The objective of this direction is to protect and manage coastal areas of NSW.</p>	No	N/A	The subject site is not located within the coastal zone.
<p>4.3 Planning for Bushfire Protection</p> <p>The objectives of this direction are to:</p> <p>(a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>(b) encourage sound management of bush fire prone areas.</p>	No	N/A	The subject site is not bushfire prone land.
<p>4.4 Remediation of Contaminated Land</p> <p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p>	Yes	Yes	The subject site is not known to be contaminated land. Further assessment of land contamination will be considered at development application stage.
<p>4.5 Acid Sulfate Soils</p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p>	No	N/A	Not land that has the probability of containing acid sulfate soils

17-25 Falcon Street, Crows Nest

Ministerial Direction	Applicable to Planning Proposal?	Consistency of Proposal with Direction	Assessment
<p>4.6 Mine Subsidence and Unstable Land</p> <p>The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p>	No	N/A	Not land that is unstable or potentially subject to mine subsidence.
<b>Focus area 5: Transport and Infrastructure</b>			
<p>5.1 Integrating Land Use and Transport</p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p>	Yes	Yes	<p>This Planning Proposal will add commercial and residential floor space in close proximity to public transport</p> <p>This Proposal also encourages the choice of transport and reduces travel demand including the number of trips generated by development and the distances travelled, particularly by car whilst encouraging pedestrian access to nearby public transport.</p>



17-25 Falcon Street, Crows Nest

Ministerial Direction	Applicable to Planning Proposal?	Consistency of Proposal with Direction	Assessment
<p>5.2 Reserving Land for Public Purposes</p> <p>The objectives of this direction are to:            (a) facilitate the provision of public services and facilities by reserving land for public purposes, and            (b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>	Yes	N/A	This proposal does not impact upon, nor require reserving land for a public purpose
<p>5.3 Development Near Regulated Airports and Defence Airfields</p> <p>The objectives of this direction are to:            (a) ensure the effective and safe operation of regulated airports and defence airfields;            (b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and            (c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p>	Yes	Yes	This proposal will not impact on the operation of airports and is not located on land requiring specialised acoustic treatment due to the operation of an airport.
<p>5.4 Shooting Ranges</p> <p>The objectives are to:            (a) maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,            (b) reduce land use conflict arising between existing shooting ranges</p>	Yes	N/A	The subject site is not near a shooting range

17-25 Falcon Street, Crows Nest

Ministerial Direction	Applicable to Planning Proposal?	Consistency of Proposal with Direction	Assessment
and rezoning of adjacent land, (c) identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.			
<b>Focus area 6: Housing</b>			
6.1 Residential Zones The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	Yes	Yes	This proposal will make efficient use of existing infrastructure and services, use existing developed land so as to avoid the consumption of land for housing and associated urban development  The subject land is in close proximity to public transport and will provide for housing and employment.
6.2 Caravan Parks and Manufactured Home Estates	Yes	N/A	Direction does not impact on Caravan Parks and Manufactured Home Estates.
<b>Focus area 7: Industry and Employment</b>			
7.1 Business and Industrial Zones  The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified centres.	Yes	Yes	The subject site is located within a B4 Mixed use zone. This proposal does not seek alteration of land use zone. Furthermore, this proposal will facilitate the continued provision of employment generating opportunities with the inclusion of floor area for non-residential land uses.  This proposal will provide for non-residential floor space at FSR 1.19:1, significantly more than the minimum non-residential FSR of 0.5:1.

17-25 Falcon Street, Crows Nest

Ministerial Direction	Applicable to Planning Proposal?	Consistency of Proposal with Direction	Assessment
<p>7.2 Reduction in non-hosted short-term rental accommodation period</p> <p>The objectives of this direction are to:</p> <p>(a) mitigate significant impacts of short-term rental accommodation where non-hosted short-term rental accommodation period are to be reduced, and</p> <p>(b) ensure the impacts of short-term rental accommodation and views of the community are considered.</p>	No	N/A	This direction applies to Byron Shire Council.
<p>7.3 Commercial and Retail Development along the Pacific Highway, North Coast</p> <p>The objectives for managing commercial and retail development along the Pacific Highway are to:</p> <p>(a) protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route,</p> <p>(b) prevent inappropriate development fronting the highway,</p> <p>(c) protect public expenditure invested in the Pacific Highway,</p> <p>(d) protect and improve highway safety and highway efficiency,</p> <p>(e) provide for the food, vehicle service and rest needs of travellers on the highway, and</p> <p>(f) reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.</p>	No	N/A	Not development with frontage to the Pacific Highway, North Coast.

17-25 Falcon Street, Crows Nest

<b>Ministerial Direction</b>	<b>Applicable to Planning Proposal?</b>	<b>Consistency of Proposal with Direction</b>	<b>Assessment</b>
<b>Focus area 8: Resources and Energy</b>			
<p>8.1 Mining, Petroleum Production and Extractive Industries</p> <p>The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p>	No	N/A	This proposal is not located to limit extraction of significant resources.
<b>Focus area 9: Primary Production</b>			
<p>9.1 Rural Zones</p> <p>The objective of this direction is to protect the agricultural production value of rural land.</p>	Yes	N/A	This proposal does not relate to a rural zone or impact on agricultural value of rural land.
<p>9.2 Rural Lands</p> <p>The objectives of this direction are to:</p> <p>(a) protect the agricultural production value of rural land,</p> <p>(b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,</p> <p>(c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,</p> <p>(d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,</p>	No	N/A	This proposal does not relate to land identified by the SEPP

17-25 Falcon Street, Crows Nest

Ministerial Direction	Applicable to Planning Proposal?	Consistency of Proposal with Direction	Assessment
<p>(e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,</p> <p>(f) support the delivery of the actions outlined in the NSW Right to Farm Policy.</p>			
<p>9.3 Oyster Aquaculture</p> <p>The objectives of this direction are to:</p> <p>(a) ensure that 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and</p> <p>(b) protect 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</p>	No	N/A	Subject site is not located in a 'Priority Oyster Aquaculture Areas'
<p>9.4 Farmland of State and Regional Significance on the NSW Far North Coast</p> <p>The objectives of this direction are to:</p> <p>(a) ensure that the best agricultural land will be available for current and future generations to grow food and fibre,</p> <p>(b) provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and</p>	No	N/A	Not located in the NSW Far North Coast.



17-25 Falcon Street, Crows Nest

Ministerial Direction	Applicable to Planning Proposal?	Consistency of Proposal with Direction	Assessment
(c) reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.			

### Section C – Environmental, social and economic impact

**Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No, the subject land does not contain threatened or endangered ecological communities.

**Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The primary causes for potential impacts are visual / streetscape impacts arising from a proposal which will be transformative to the existing character. Other impacts relate to traffic and additional demand for public services and utilities. It is argued that the impacts are not unacceptable and can be appropriately managed.

Streetscape and character impacts are to be managed/mitigated through high standards of architectural design.

**Q10. Has the planning proposal adequately addressed any social and economic effects?**

The social and economic impacts of this proposal are positive as this proposal will facilitate additional supply and choice of housing and commercial floor space within a highly accessible location. The development as proposed will also act as a catalyst to the urban renewal of the outer portion of the Crows Nest Town Centre. This proposal will enable the development of a site with a high standard of amenity and deliver a high quality product which promotes healthy and sustainable living/work environment.

The Planning Proposal has demonstrated consistency with the relevant strategies.

Given the nature of development which will be facilitated by this Planning Proposal, it is likely that the proposal will have significant long term economic impacts. The construction phase of future redevelopment will result in considerable employment and economic benefit. Increases in commercial floor space will also be an economic benefit to the locality. There are no identified negative economic impacts.

17-25 Falcon Street, Crows Nest

## Section D – State and Commonwealth Interests

### **Q11. Is there adequate public infrastructure for the planning proposal?**

The subject site is located in an area which is well serviced by existing infrastructure as detailed within this proposal. The locality is provided with all necessary utilities and public transport services. It would be expected that liaison with utility providers will occur subsequent to Gateway Determination. It would be expected that any requirement to augment the capacity of existing services will be at the developer's expense.

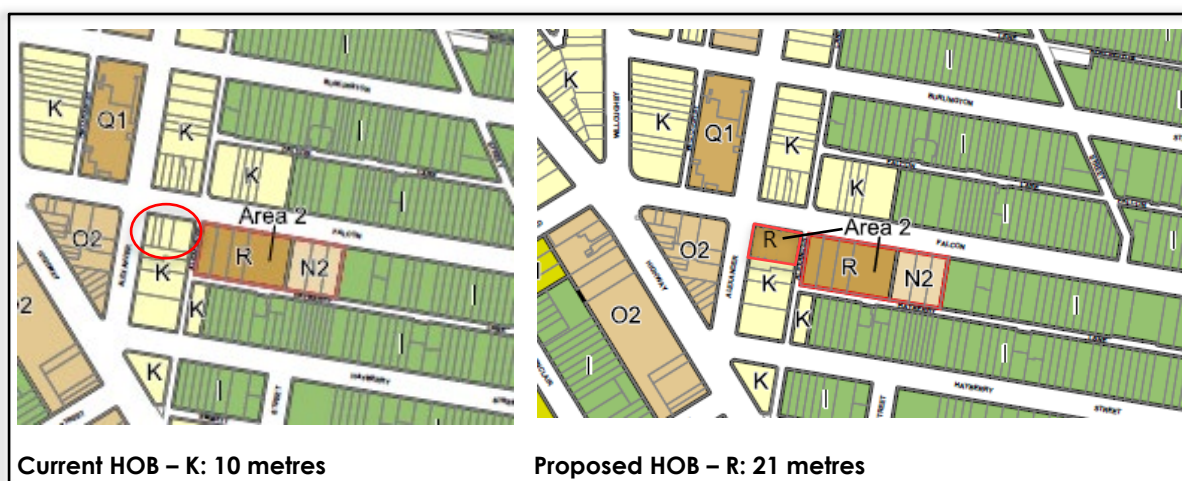
### **Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

Consultation with other public authorities or the wider community has not yet occurred. The Gateway determination will establish which authorities should be consulted.

## Part 4 - Mapping

This planning proposal will require amendments to the Height of Buildings Map as follows.

- Amend the North Sydney LEP 2013 Height of Buildings Map from 10 m to a maximum building height of 21 m.
- Extension of "Area 2", Clause 4.3A "Exceptions to height of buildings" to the subject site.



## Part 5 – Community Consultation

This is a matter for the Council to determine and then to be confirmed as part of the Gateway determination. The applicant is prepared to assist as appropriate.

17-25 Falcon Street, Crows Nest

## Part 6 – Project Timeline

This is a matter to be confirmed as part of the Gateway determination however, the following is offered as an indication of project time line.

<b>Stage</b>	<b>Timeframe and/or date</b>
Consideration by council	95 days
Gateway determination	25 days
Pre-exhibition	50 days
Public exhibition period and consideration of submissions	95 days
Finalisation	25 days
<b>Total:</b>	<b>290 days</b>

17-25 Falcon Street, Crows Nest

## 8 Conclusion

This Planning Proposal has been prepared to initiate an amendment to the height of building development standard applicable to the subject site, known as 17-25 Falcon Street, Crows Nest. Amendment as proposed will facilitate the delivery of a built form and land use consistent with the *Civic Precinct Planning Study – North Sydney Council – November 2020*.

This planning proposal will require amendments to the Height of Buildings Map to:

- amend the North Sydney LEP 2013 Height of Buildings Map from 10 m to a maximum building height of 21 m and,
- extend "Area 2", Clause 4.3A "Exceptions to height of buildings" to the subject site.

The amendment of development standards applicable to the subject site would bring significant benefits to the locality. Furthermore, permitting development of the subject land as proposed will have the potential to bring about significant urban renewal including positive amenity improvements. The proposal will also contribute to improved economic performance of the town centre of Crows Nest. As such, Council's support to progress a planning proposal is sought.



# 17-25 FALCON STREET CROWS NEST NSW 2040

## DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF A NEW SHOP TOP HOUSING DEVELOPMENT WITH BASEMENT PARKING

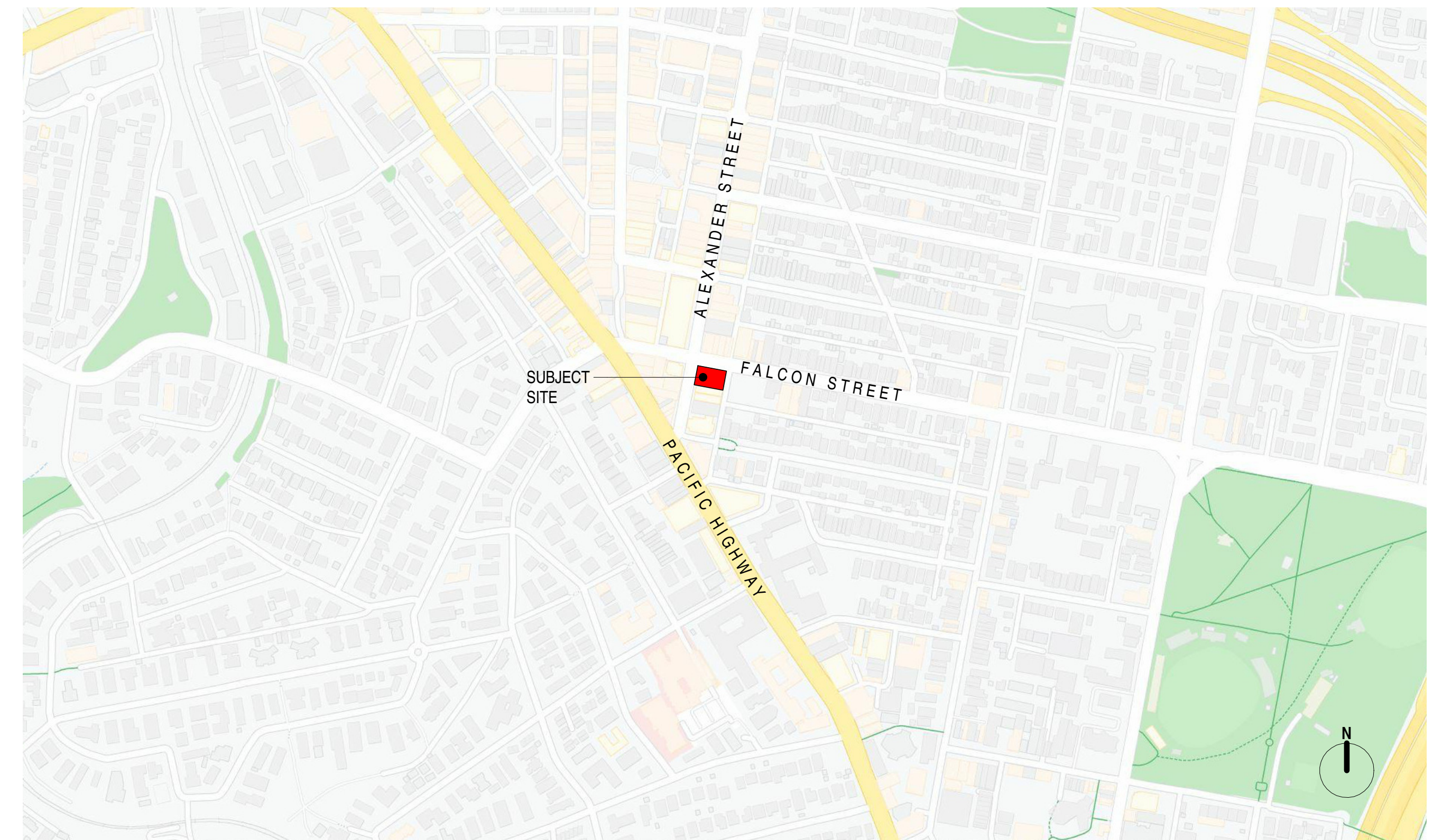
### PLANNING PROPOSAL (PP)

#### DRAWING LIST

DRAWING NUMBER	DRAWING NAME	REVISION
SK-000	COVER SHEET AND LOCATION PLAN	B
SK-101	SITE PLAN	B
SK-102	BASEMENT 3 PLAN	B
SK-103	BASEMENT 2 PLAN	B
SK-104	BASEMENT 1 PLAN	B
SK-105	LOWER GROUND LEVEL	B
SK-106	GROUND FLOOR PLAN	B
SK-107	LEVEL 1 FLOOR PLAN	B
SK-108	LEVEL 2 FLOOR PLAN	B
SK-109	LEVEL 3 FLOOR PLAN	B
SK-110	LEVEL 4 FLOOR PLAN	B
SK-111	LEVEL 5 FLOOR PLAN	B
SK-112	ROOF PLAN	B
SK-200	NORTH ELEVATION	B
SK-201	EAST ELEVATION	B
SK-202	WEST ELEVATION	B
SK-300	EAST WEST SECTION	B
SK-301	NORTH SOUTH SECTION	B
SK-500	DEVELOPMENT SUMMARY & GROSS FLOOR AREA	B

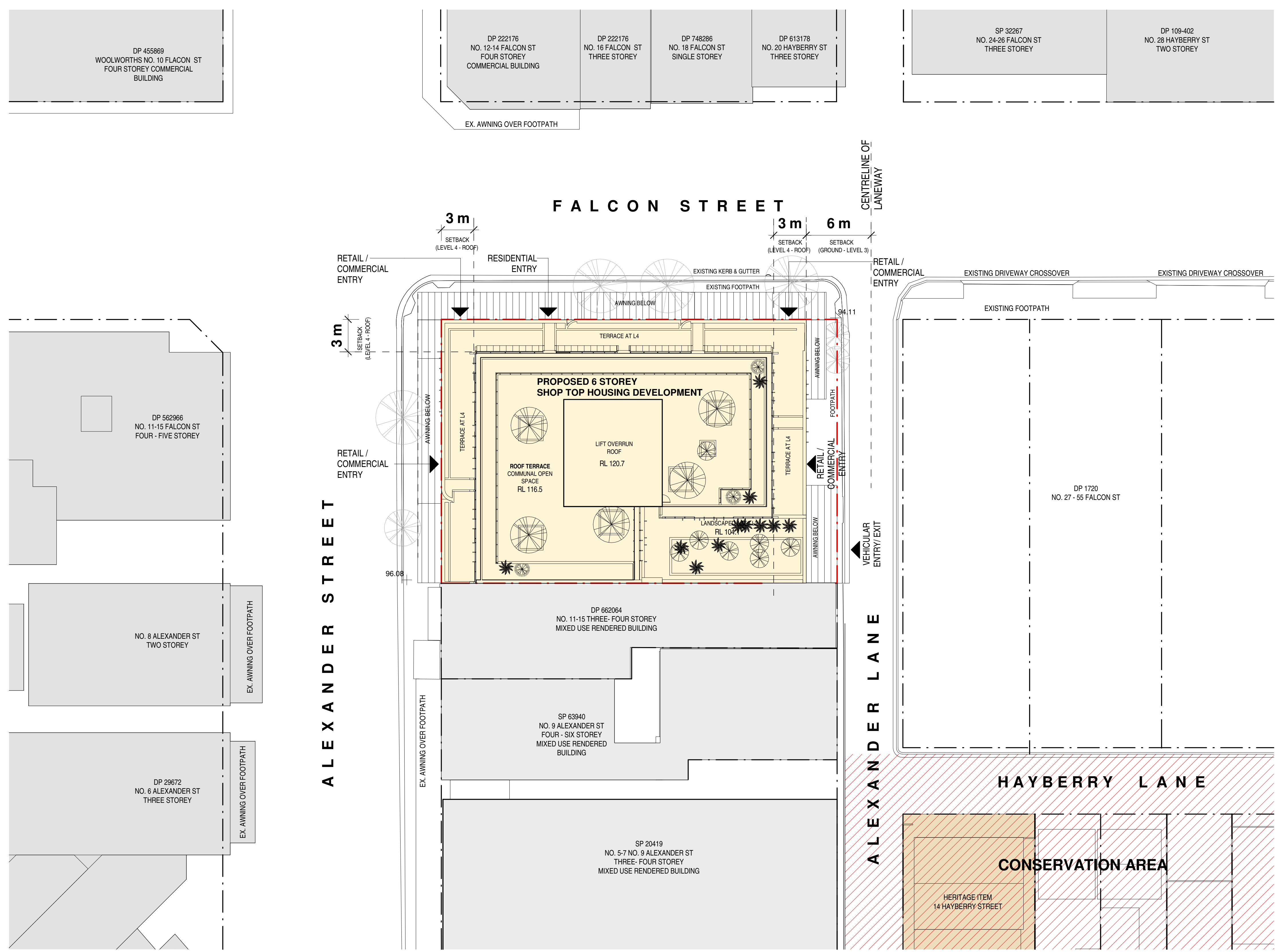
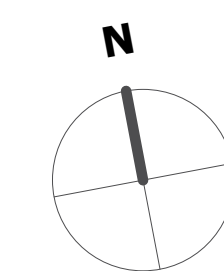


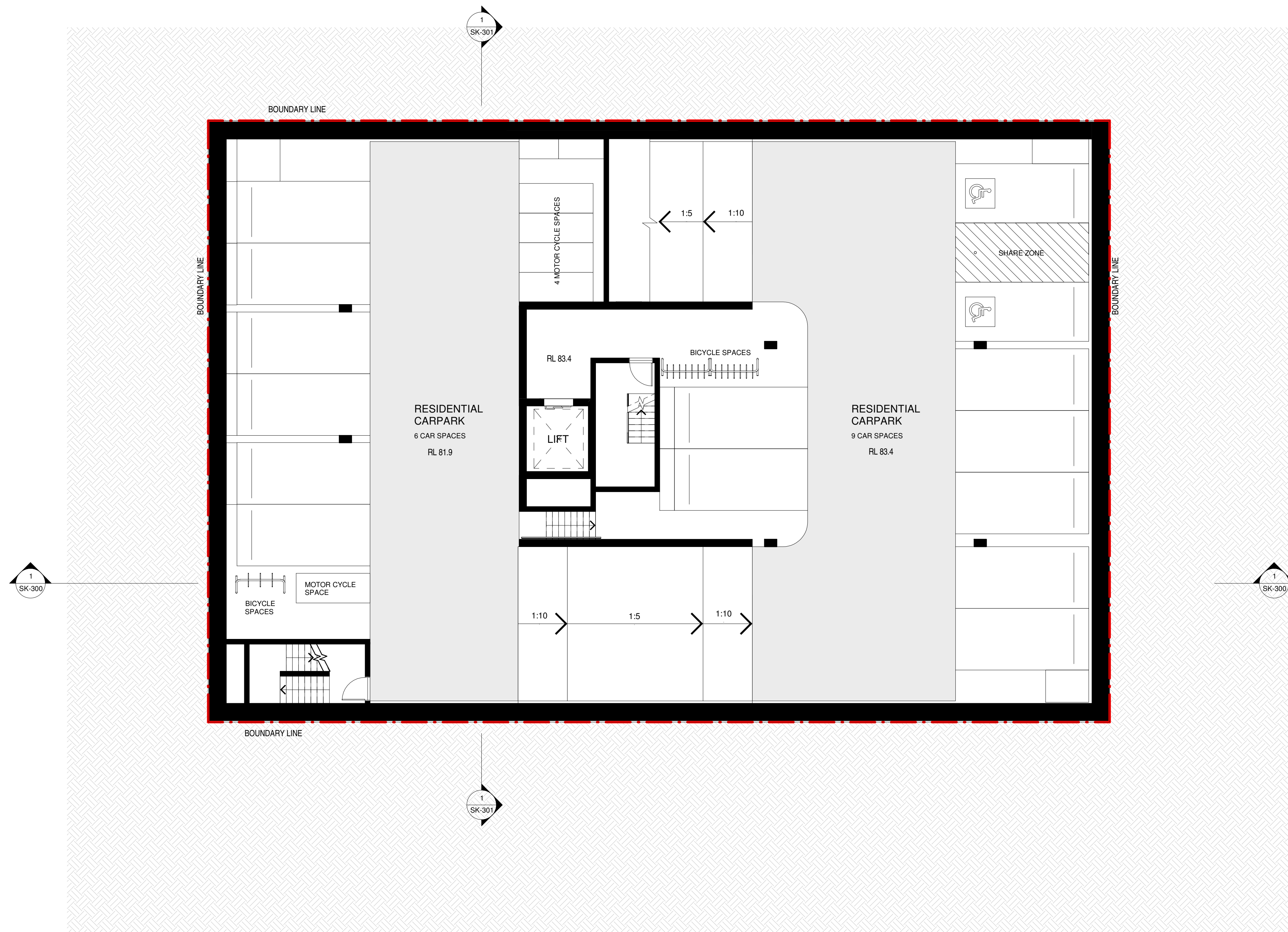
VIEW OF PROPOSED DEVELOPMENT FROM CORNER OF FALCON STREET AND ALEXANDER STREET



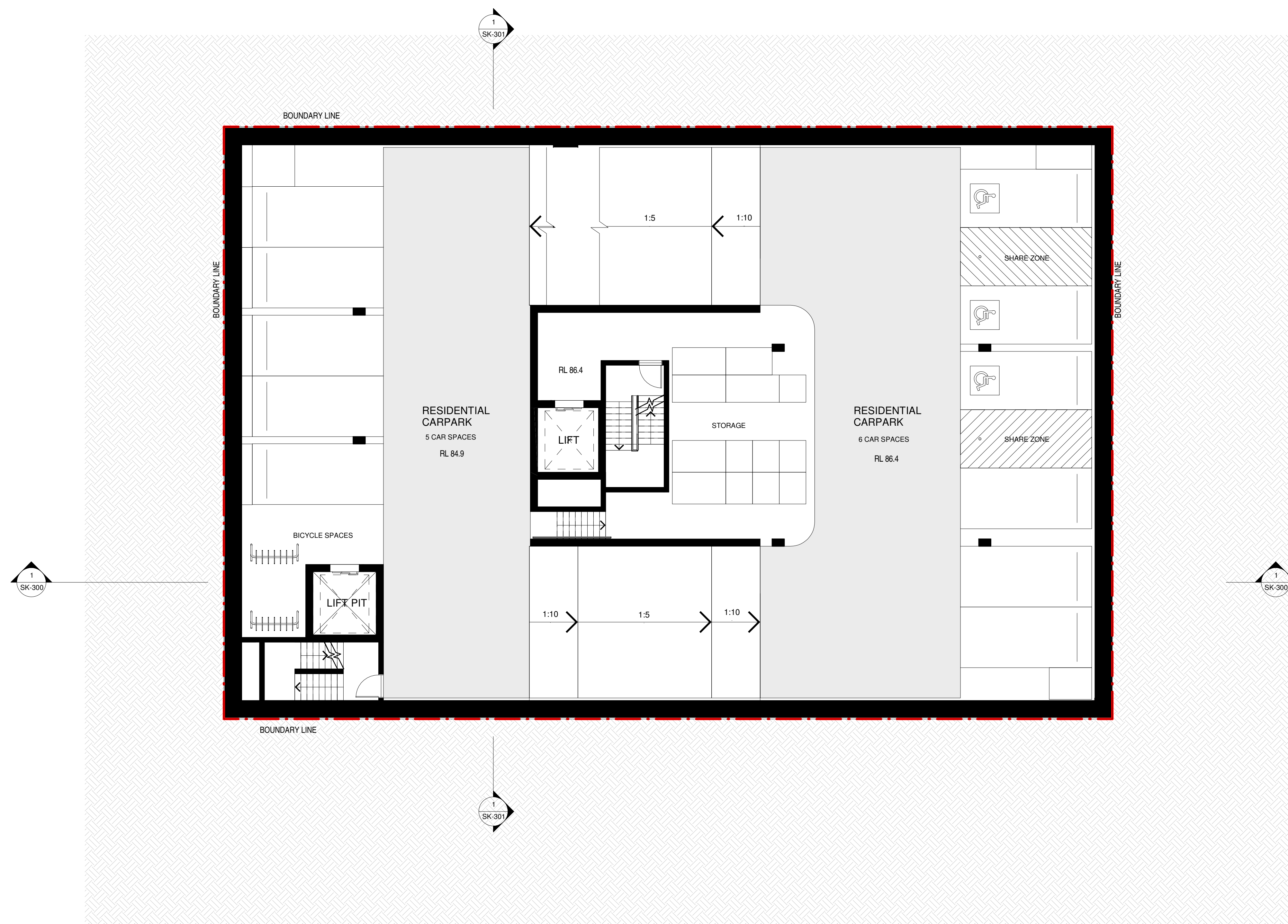
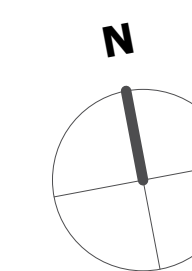
1 LOCATION PLAN  
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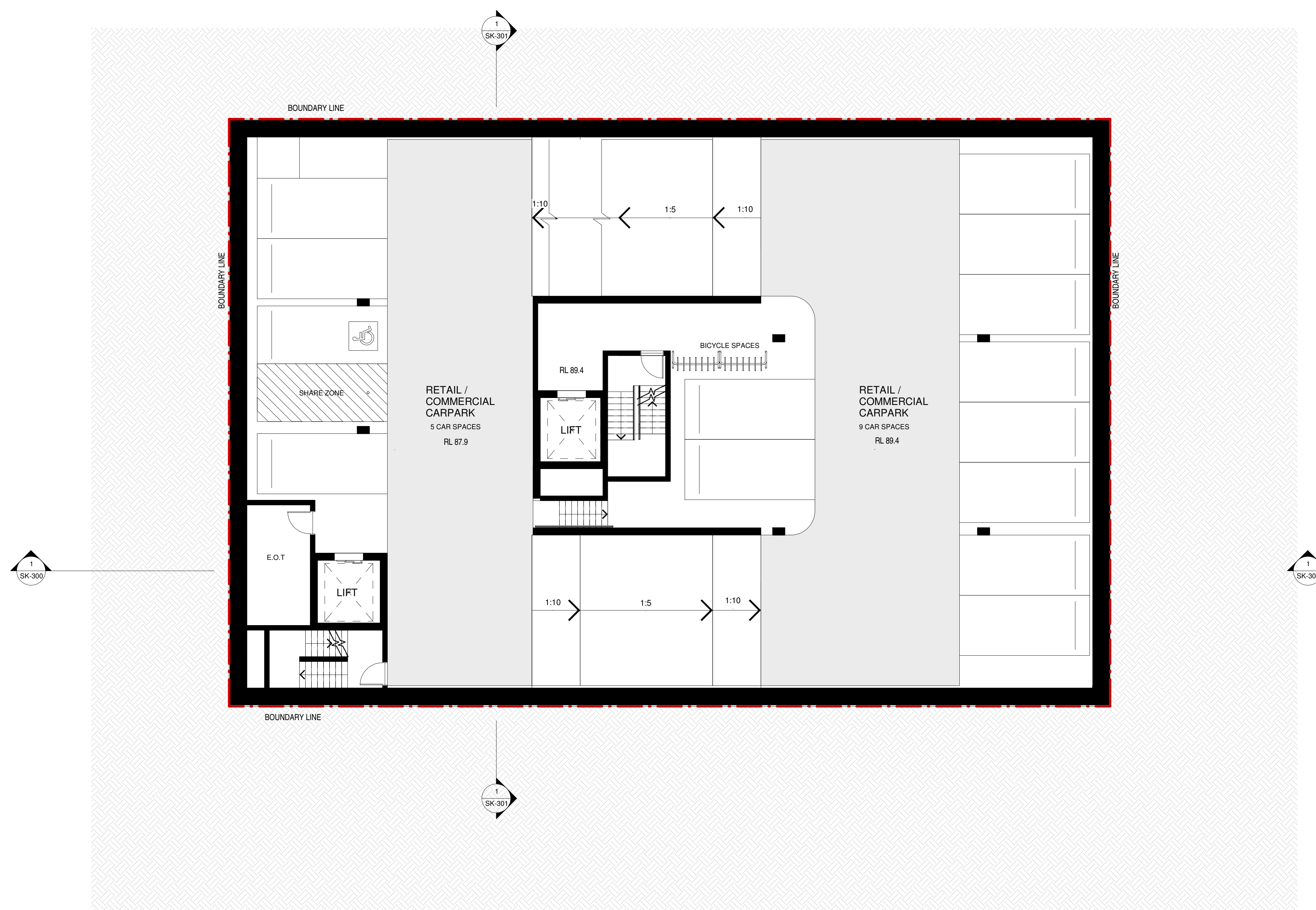
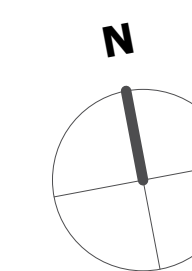




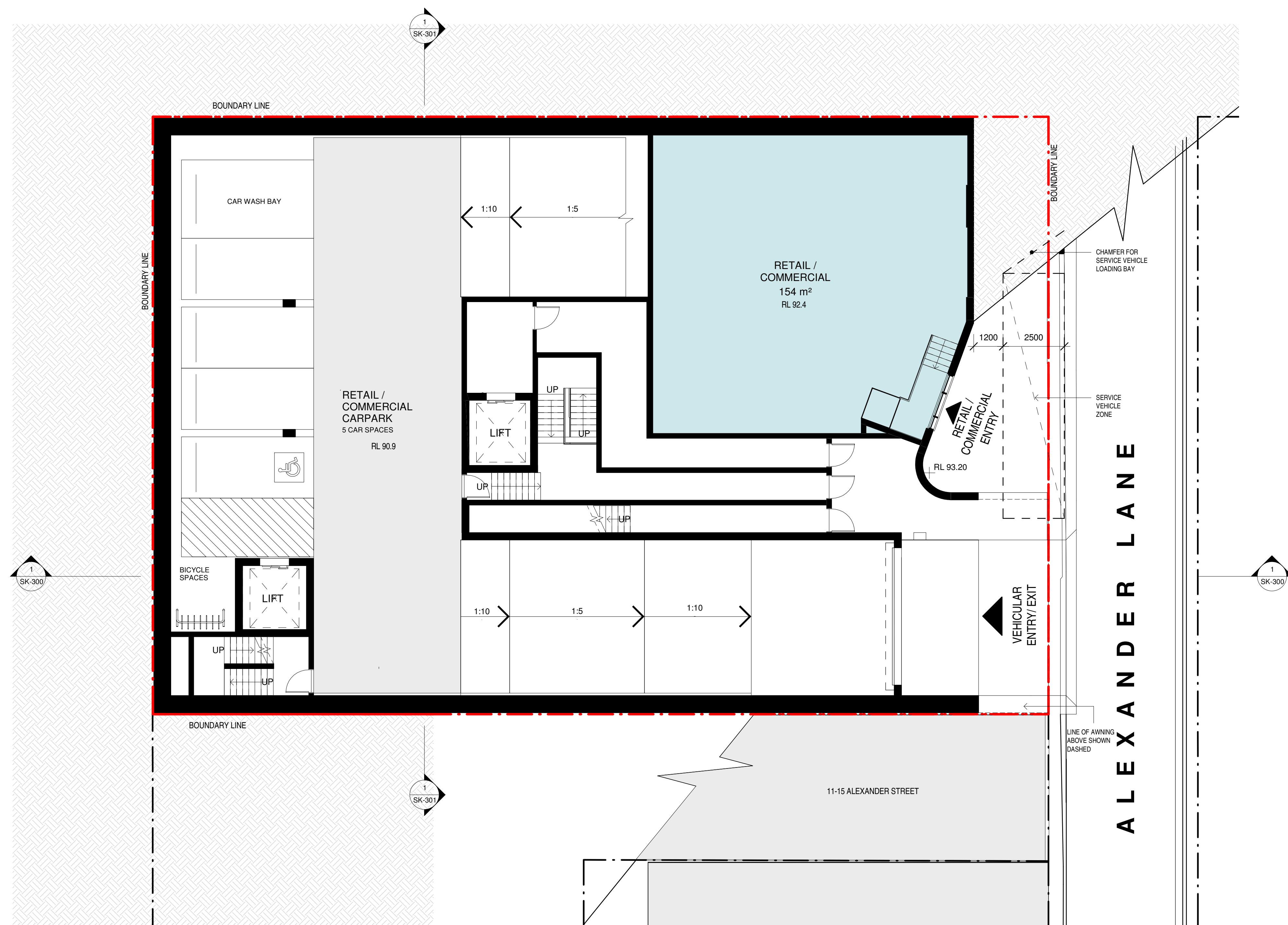
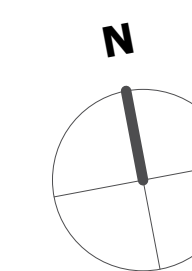


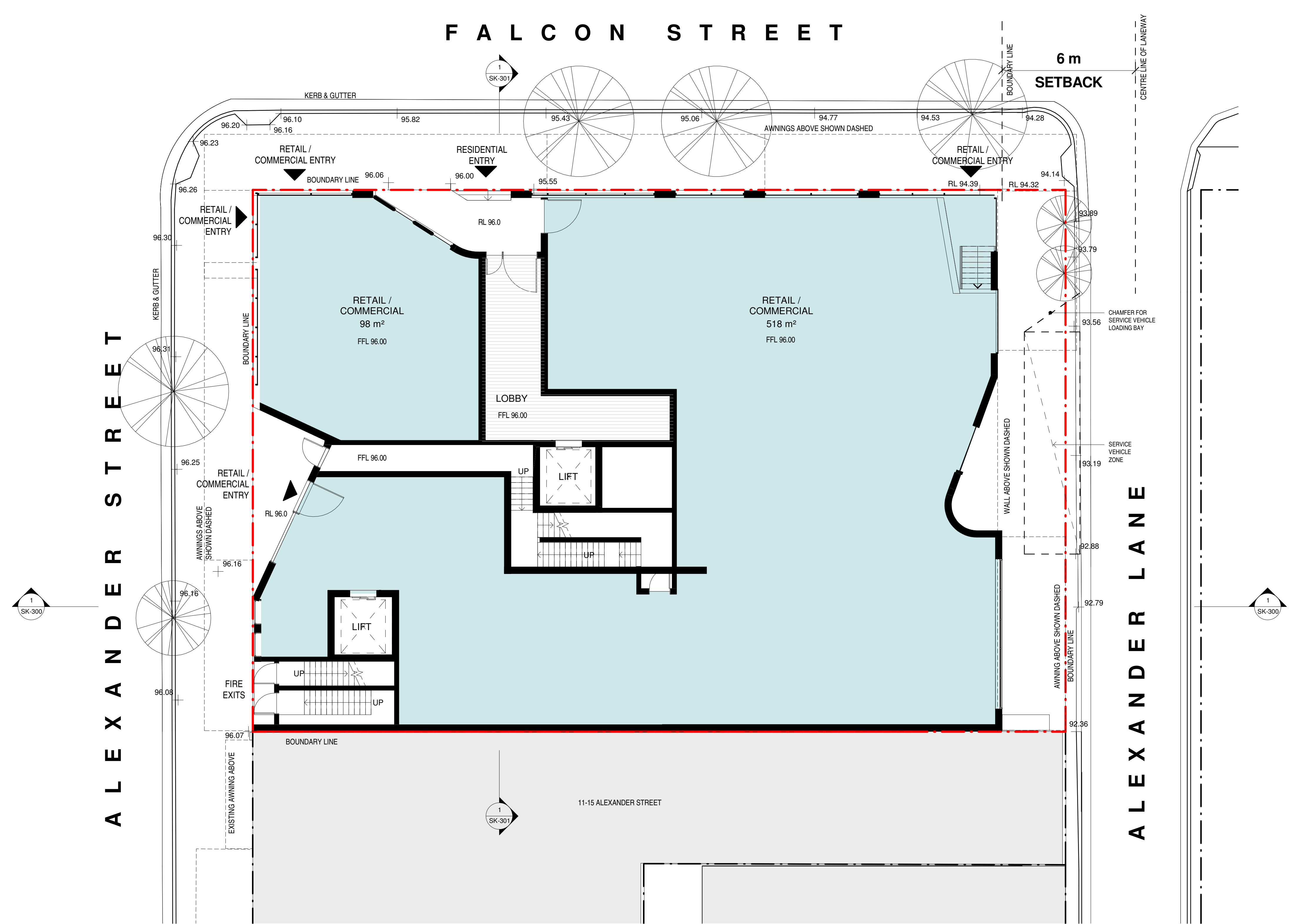
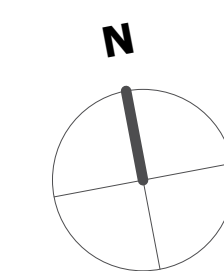




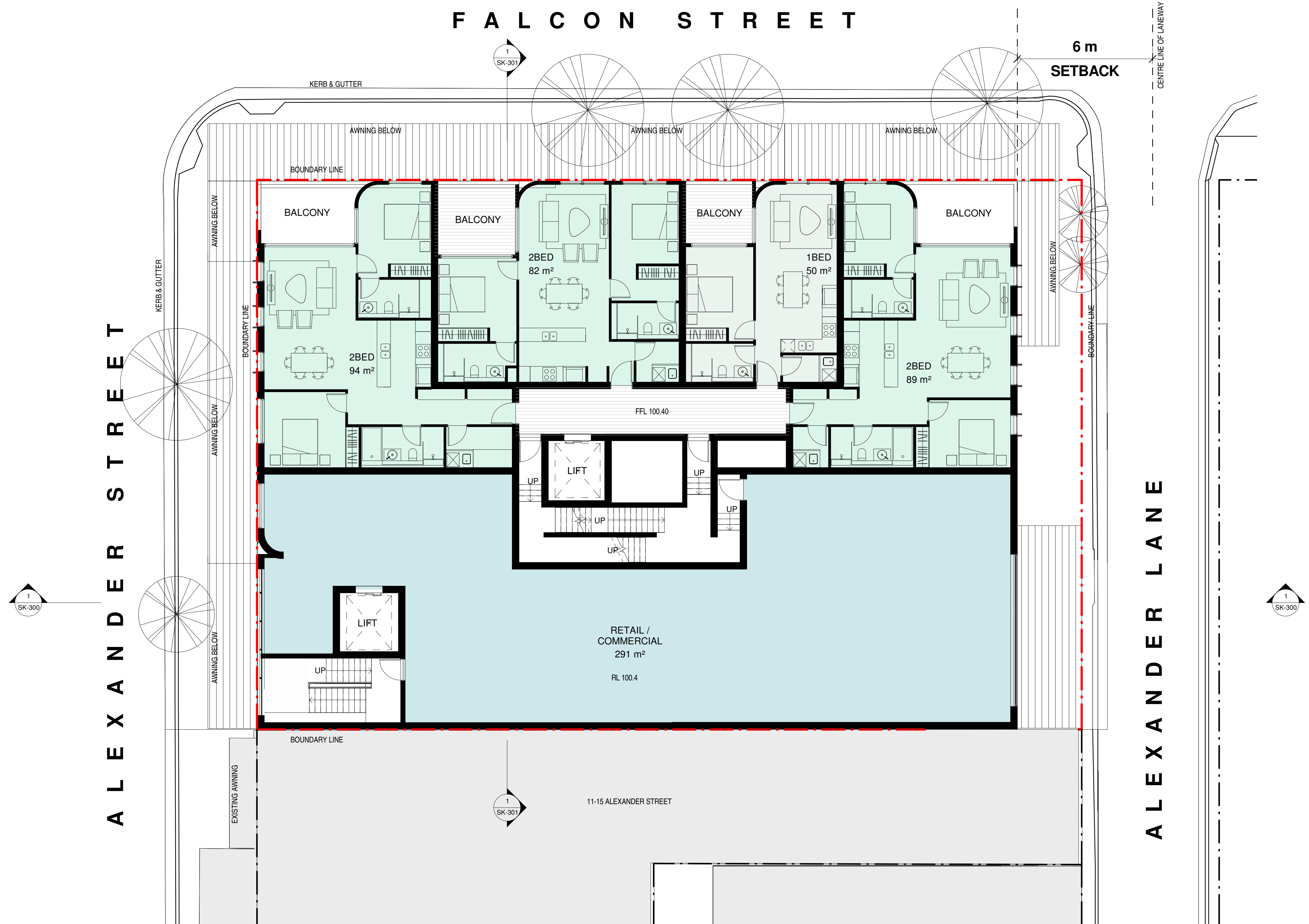
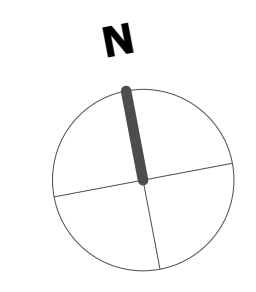


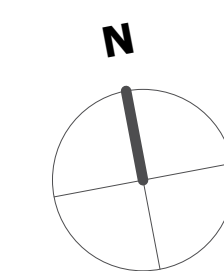


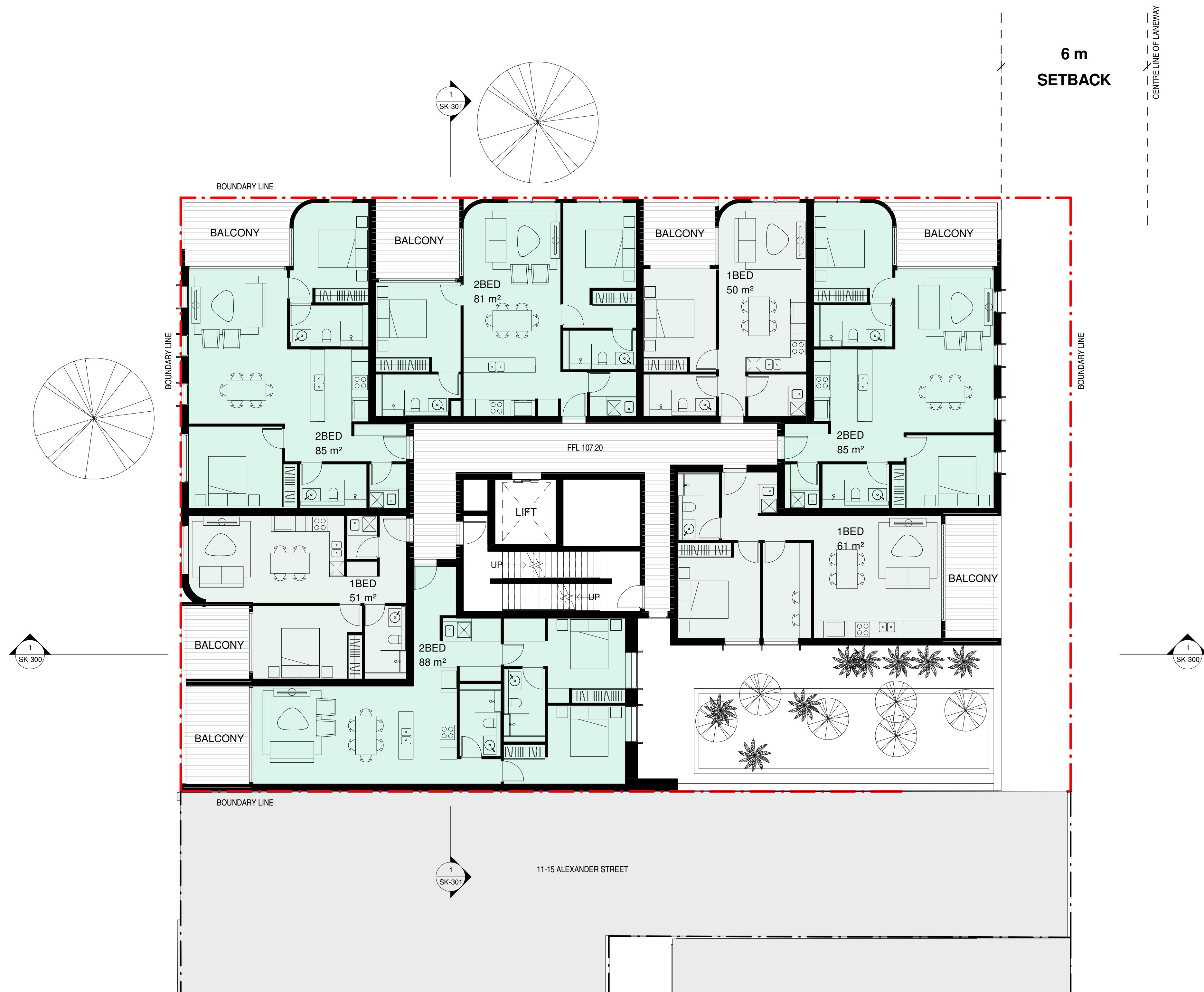
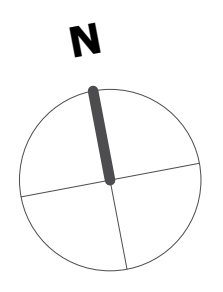




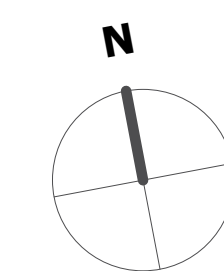


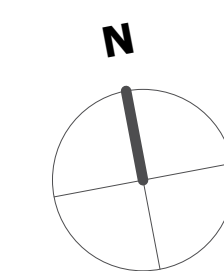




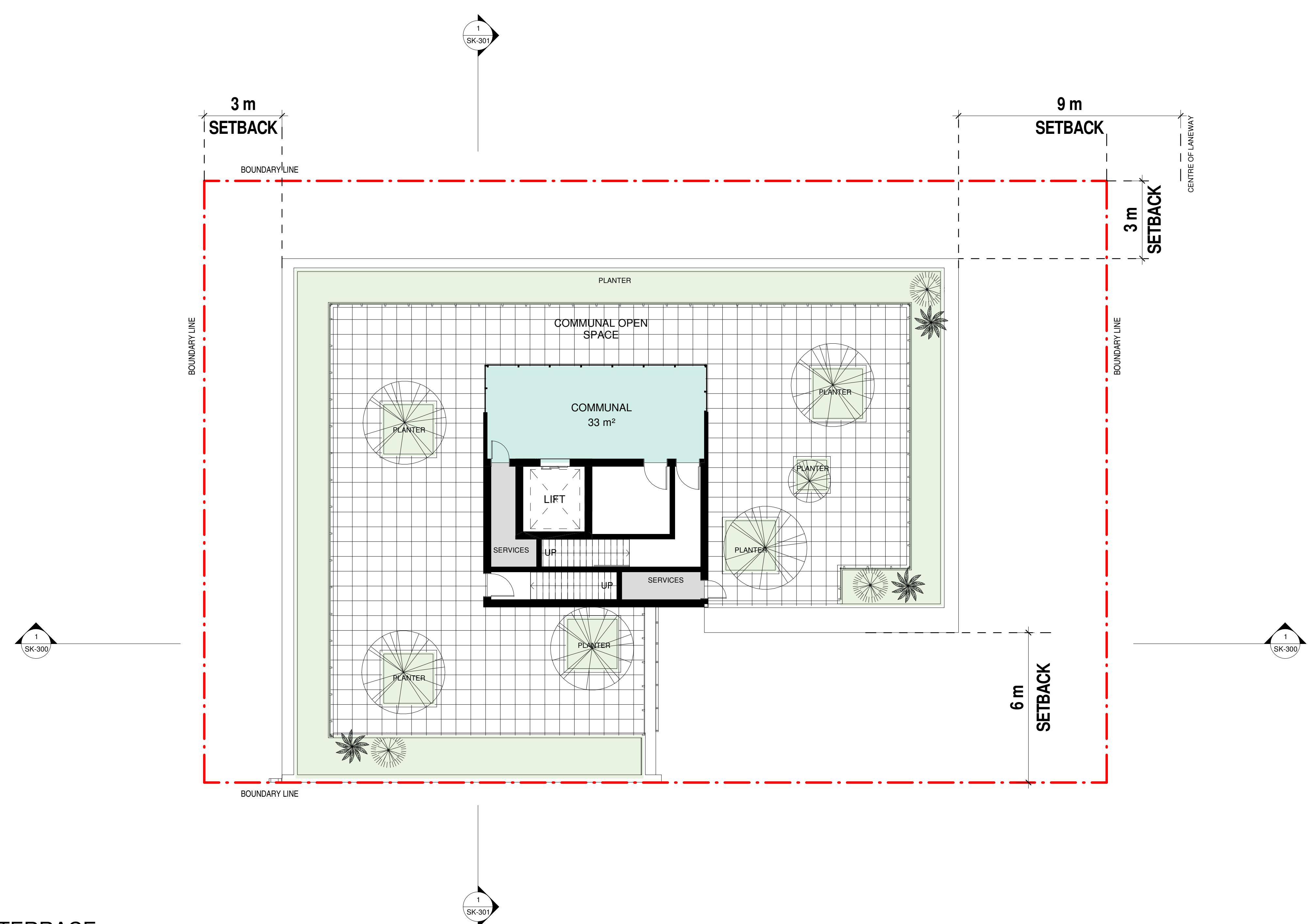
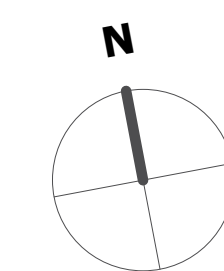






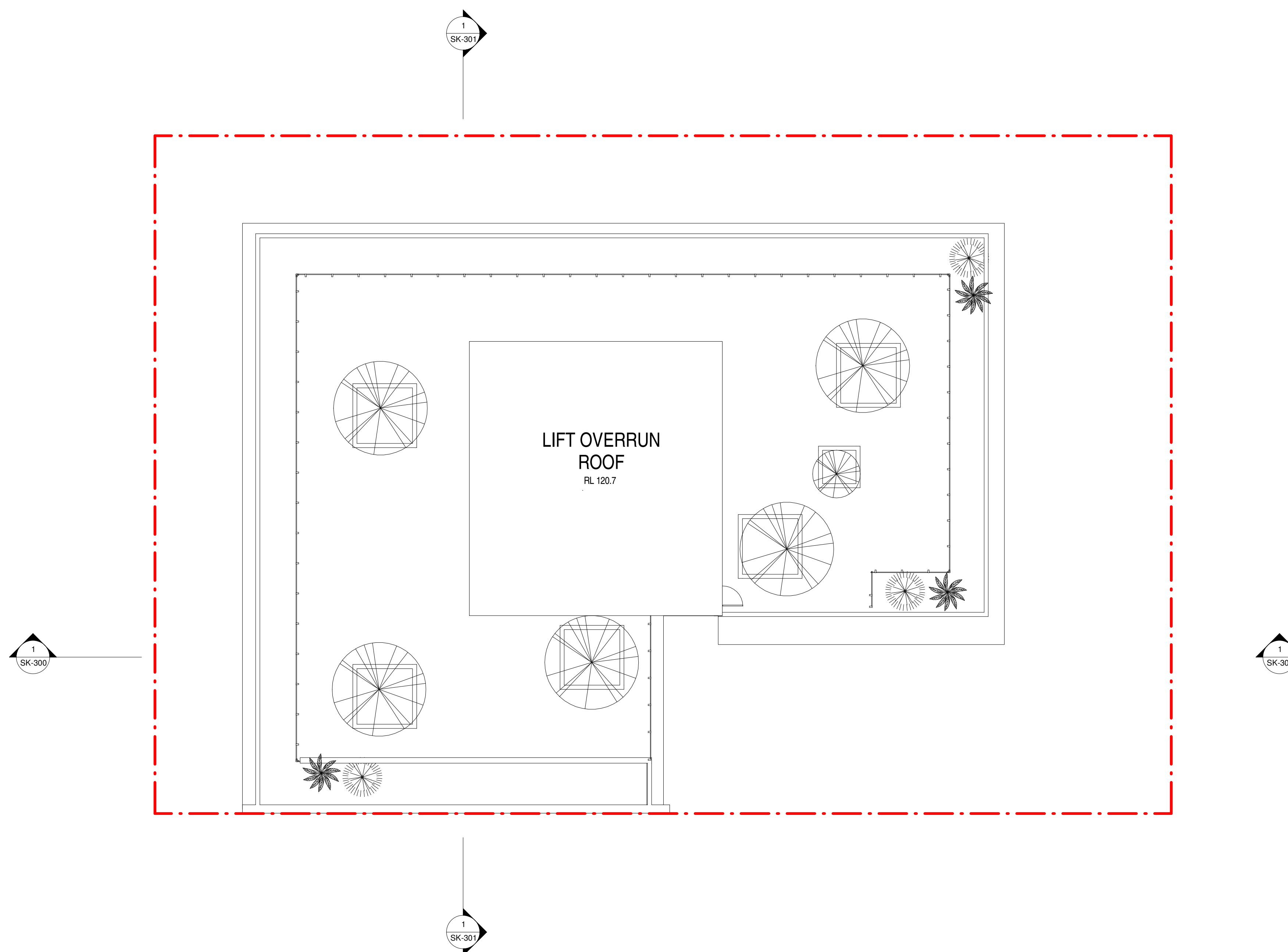
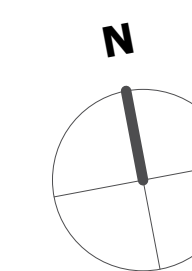


**1** LEVEL 5  
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**1 ROOF TERRACE**  
1 : 100







### FALCON STREET ELEVATION



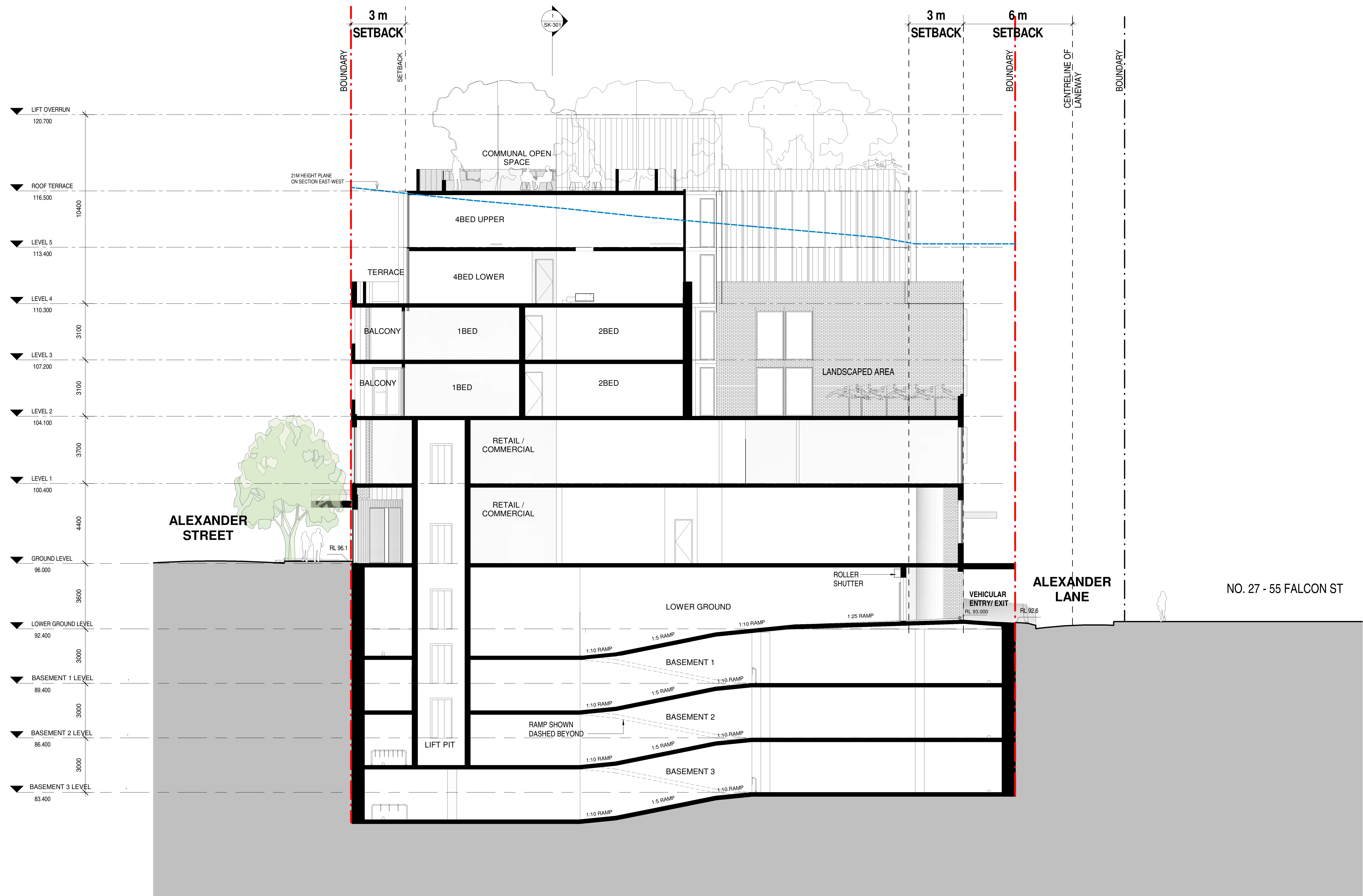


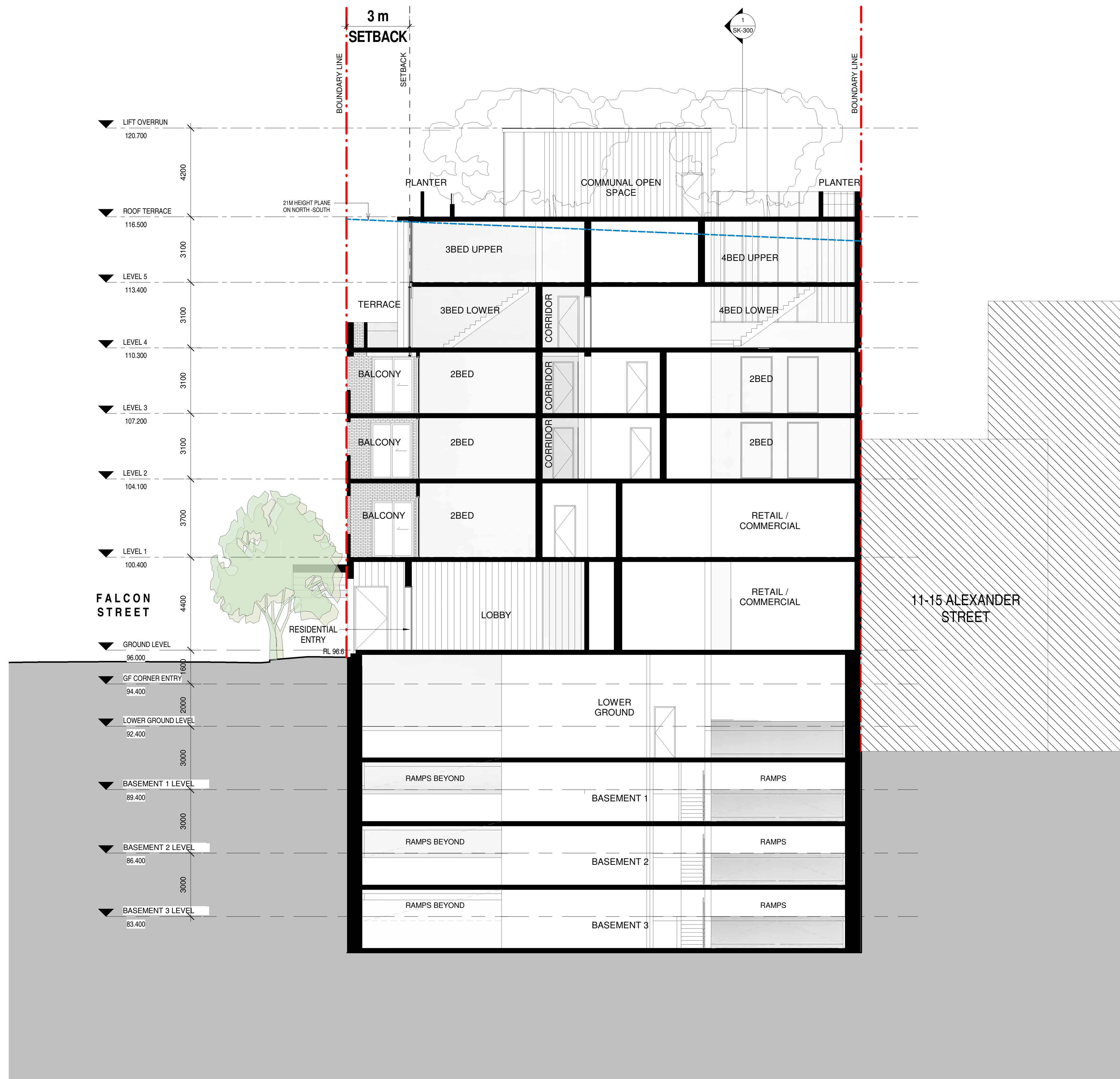
### ALEXANDER LANE ELEVATION



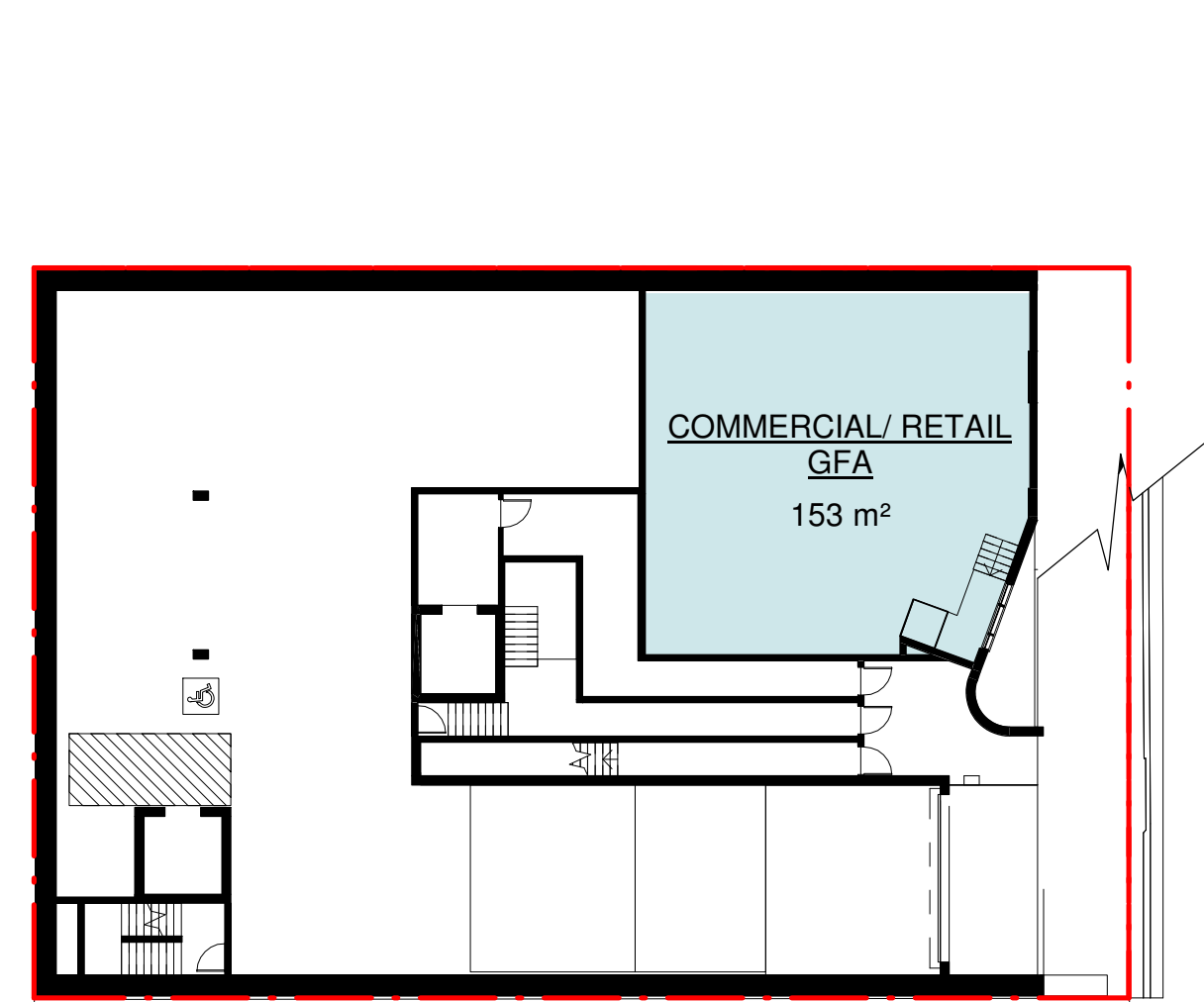
### ALEXANDER STREET ELEVATION



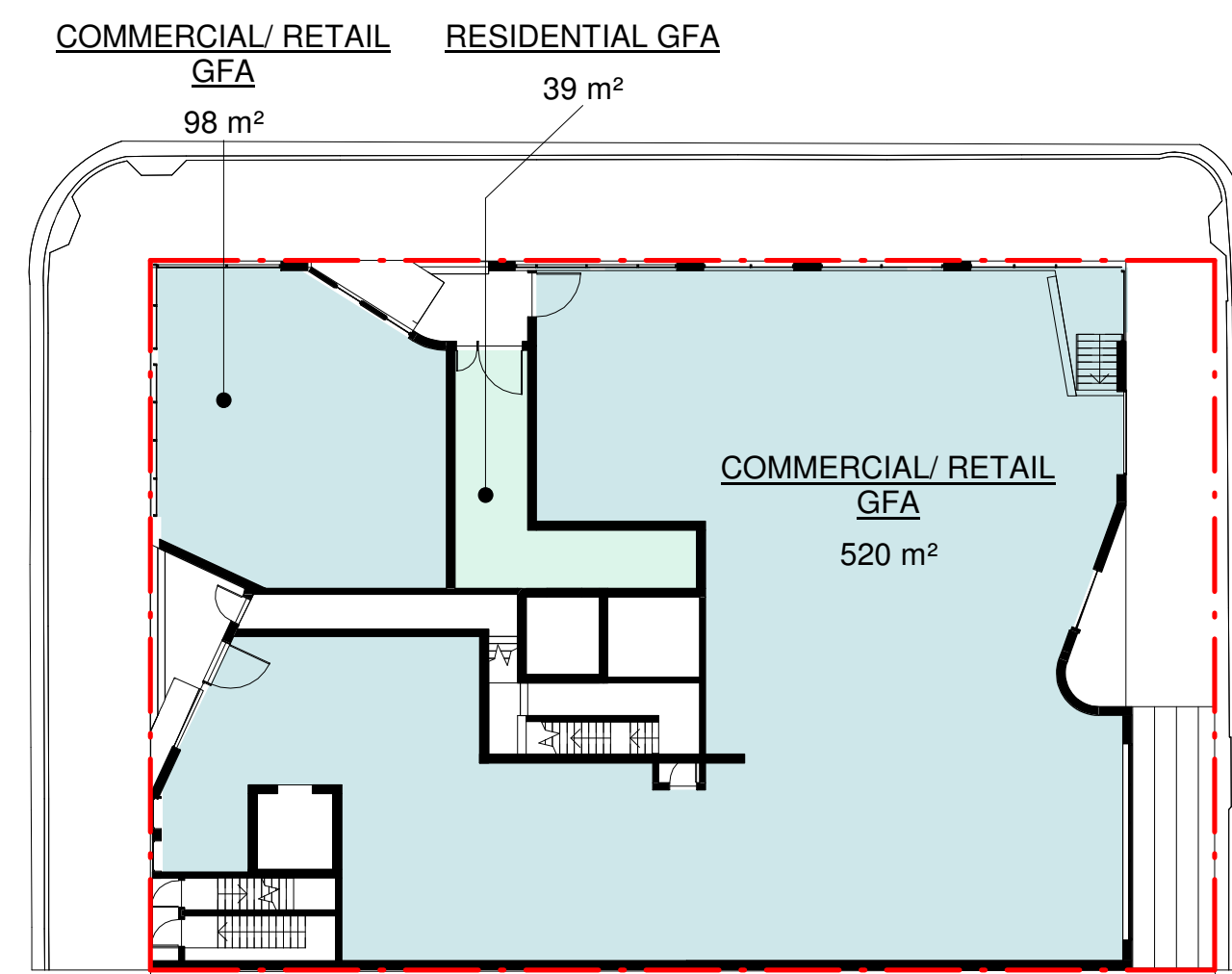




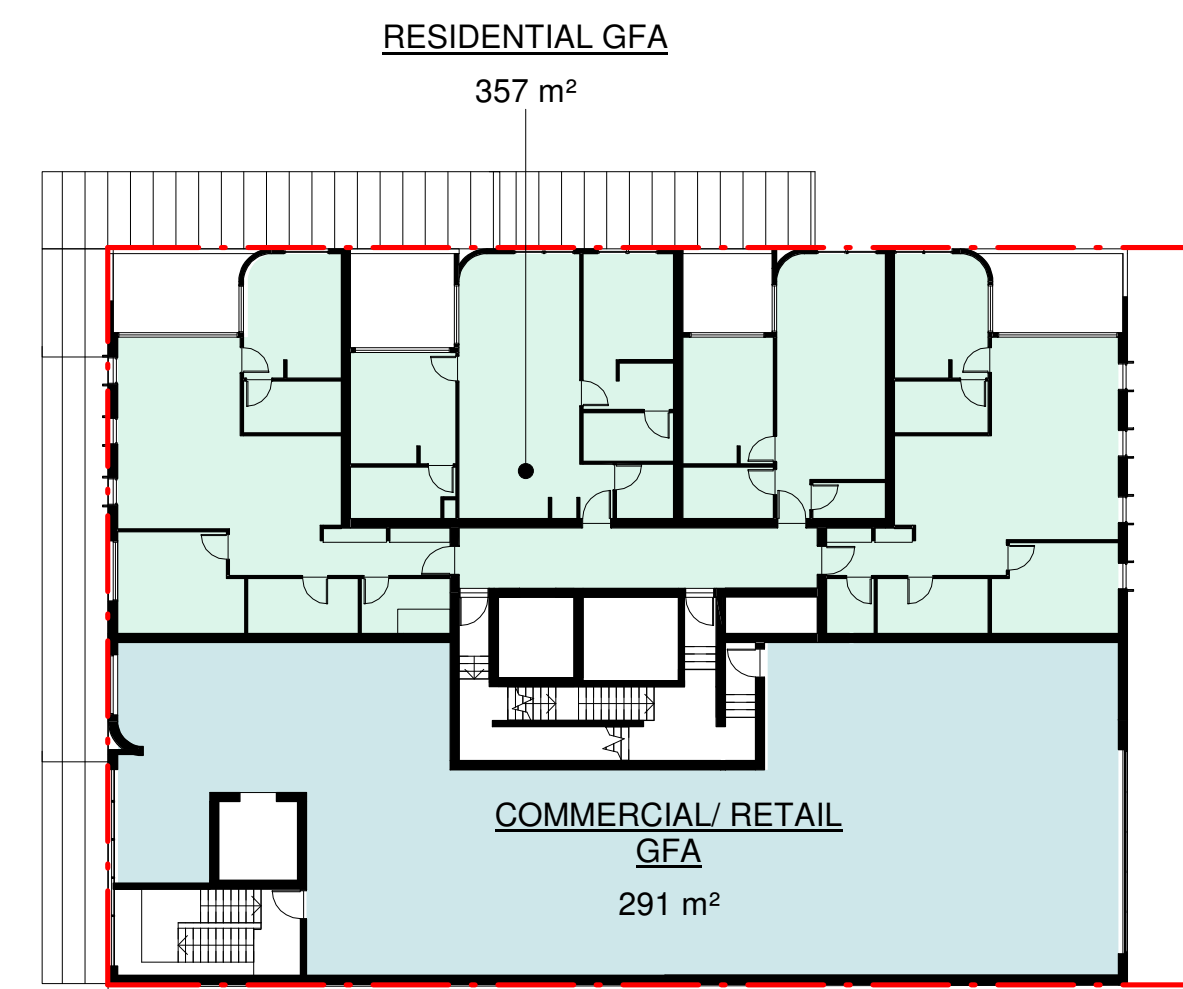




01 LOWER GROUND LEVEL  
1 : 250



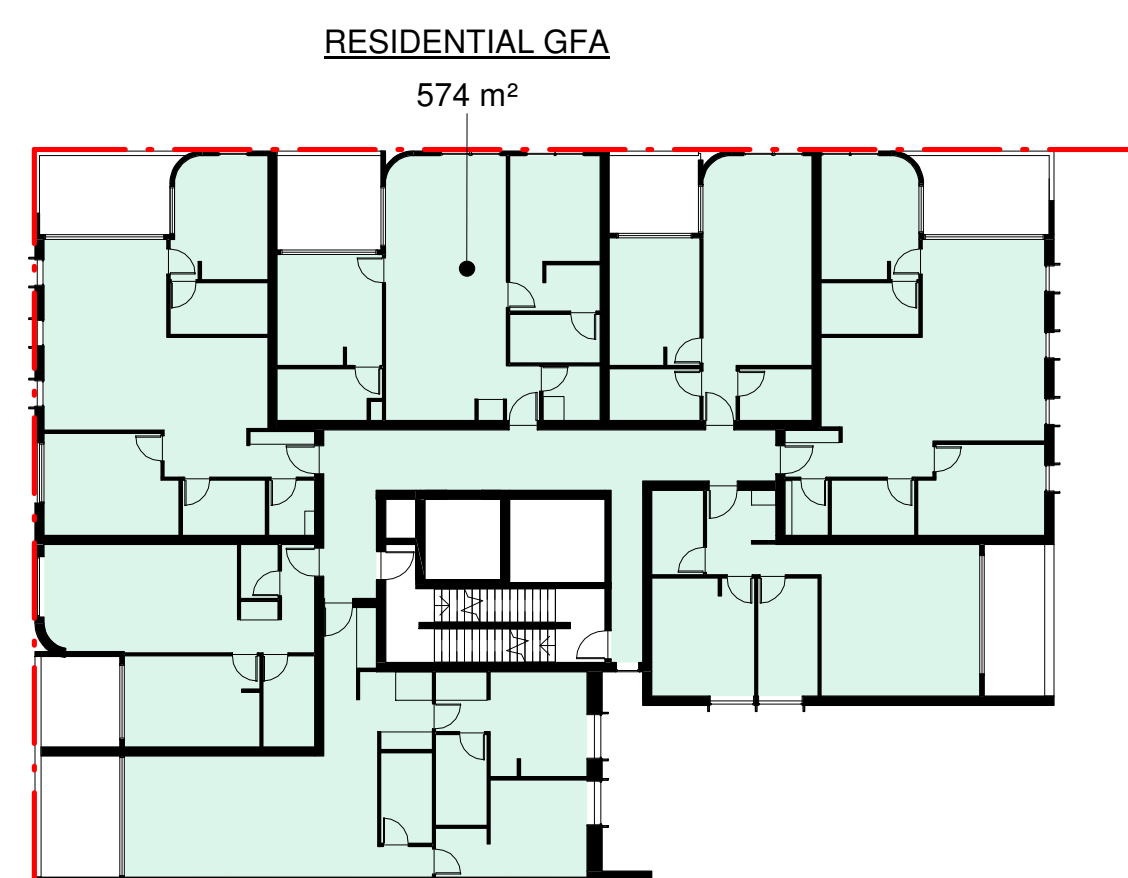
02 GROUND LEVEL  
1 : 250



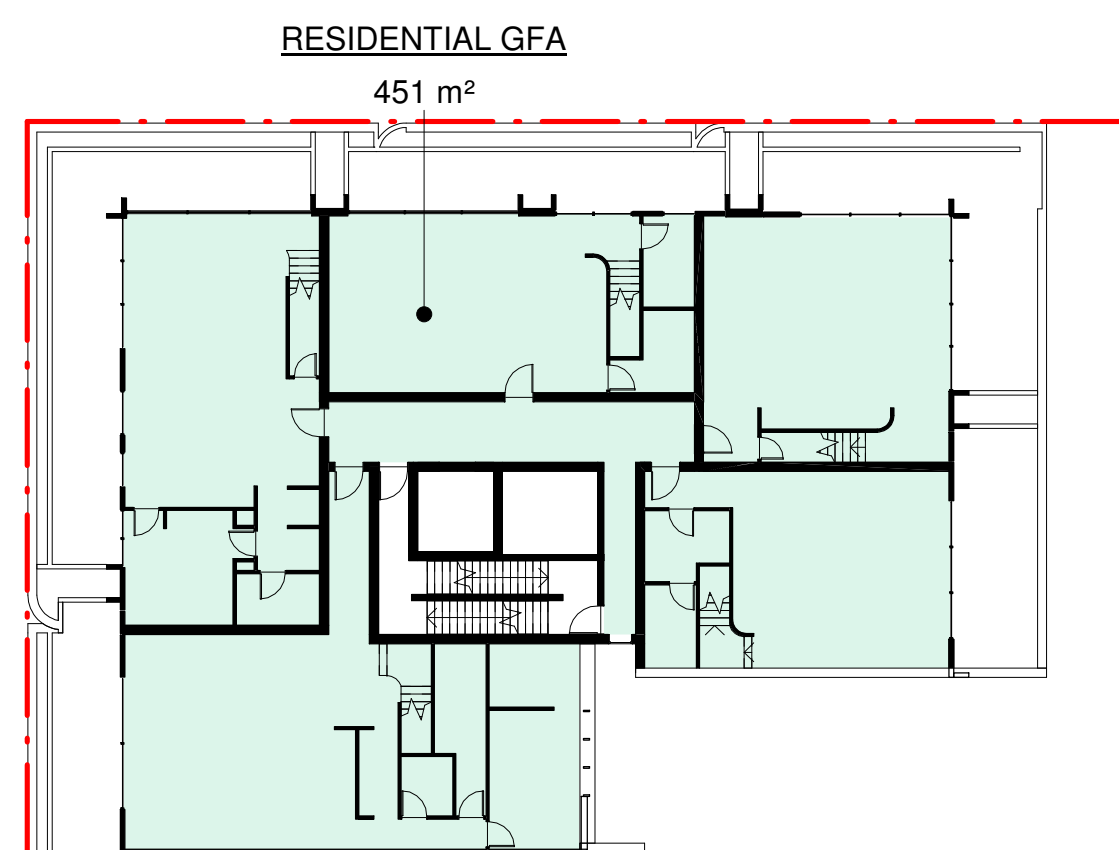
03 LEVEL 1  
1 : 250



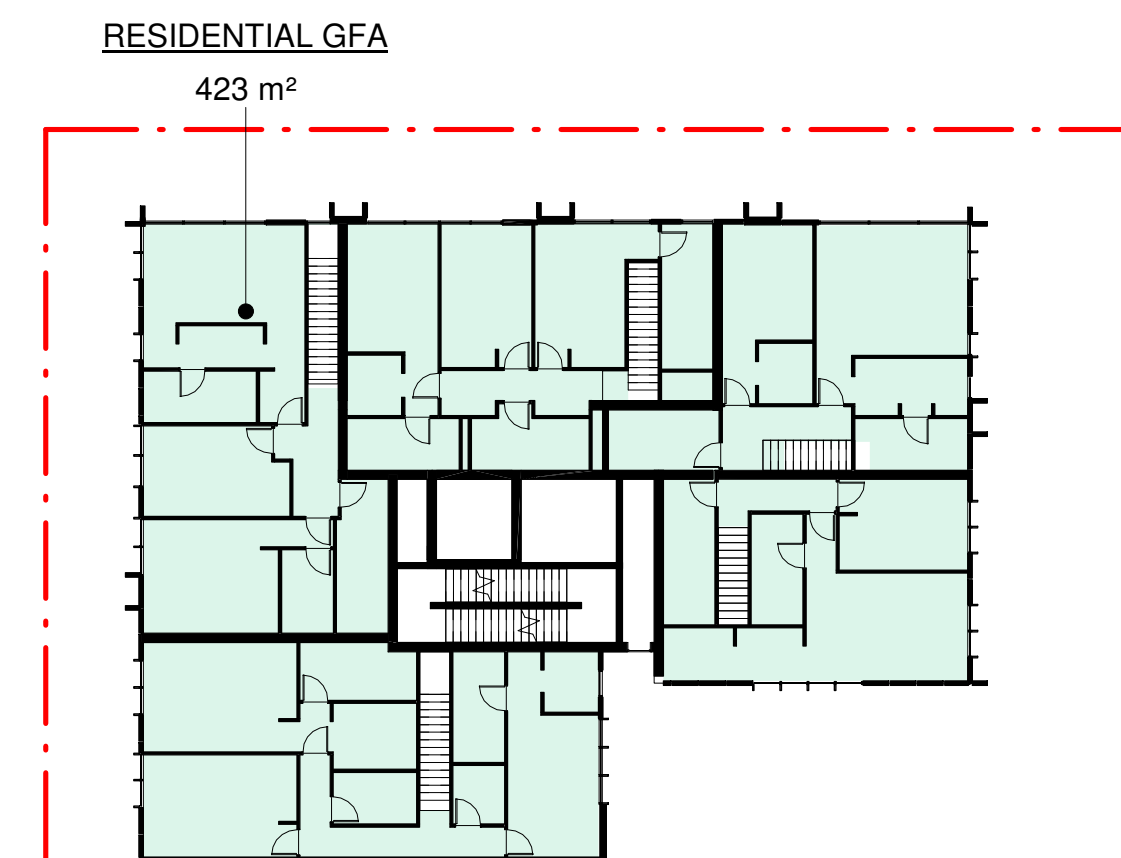
04 LEVEL 2  
1 : 250



05 LEVEL 3  
1 : 250



06 LEVEL 4  
1 : 250



07 LEVEL 5  
1 : 250

PROPOSED GROSS FLOOR AREA (GFA) SCHEDULE			
SITE AREA	891.80m <sup>2</sup>		
LEVEL	GFA COMMERCIAL/RETAIL m <sup>2</sup>	GFA RESIDENTIAL m <sup>2</sup>	GFA TOTAL m <sup>2</sup>
LOWER GROUND LEVEL	153	-	153
GROUND LEVEL	618	39	657
LEVEL 1	291	357	648
LEVEL 2	-	575	575
LEVEL 3	-	574	574
LEVEL 4	-	451	451
LEVEL 5	-	422	422
ROOF LEVEL	-	32	32
<b>TOTAL m<sup>2</sup></b>	<b>1,062</b>	<b>2,450</b>	<b>3,512</b>
<b>FSR X:1</b>	<b>1.19 : 1</b>	<b>2.75 : 1</b>	<b>3.94 : 1</b>

23<sup>rd</sup> of September, 2022

General Manager  
North Sydney Council  
PO Box 12  
North Sydney NSW 2059

Dear Sir,

**Initial offer to enter into a Voluntary Planning Agreement in associated with Landowner request to initiate the preparation of a Planning Proposal to amend the North Sydney Local Environmental Plan 2013 in relation to**

- Lot 1, DP308866, 17 Falcon Street;
- Lot 1, DP835321, 19 Falcon Street;
- Lot 2, DP835321, 21 Falcon Street; and,
- Lot 1, DP300249, 25 Falcon Street, CROWS NEST.

I refer to the above proposal and to your Planning Officer recommendations that the applicant consider confirming their willingness to enter into a Voluntary Planning Agreement at the time of lodging a request to initiate a Planning Proposal in relation to the subject site. The subject site comprises four (4) parcels of land with frontage to Falcon Street to the North, Alexander Street to the West and Alexander Lane to the East.

The Planning Proposal seeks to amend the Height of buildings development standard and map within the North Sydney Local Environmental Plan 2013 (NSLEP 2013). The proposed building height is consistent with Council's *Civic Precinct Planning Study- November 2020*. The site is identified in the figure below.



**Figure 1:** Subject site

It is understood that when a planning proposal is submitted, Council encourages the developer and Council to negotiate a voluntary planning agreement (VPA) whereby the developer delivers public

benefits in exchange for amendments to the planning controls. In this regard, **HDC Planning** has been instructed by the applicant to formally, by way of this correspondence, confirm willingness to commence VPA negotiations to establish an appropriate contribution to Council identified public benefits.

While an exact contribution figure has not been settled upon, we would suggest that the contribution be tied into the additional gross floor area achieved via the proposed amendment to the permitted height of buildings. In this regard, given an existing height of 10m and a site area coverage of 70% , we approximate the current FSR to be approximately 1.75:1. The additional height proposed will essentially increase the FSR to 3.94:1. This provides for an increase in the permitted GFA to approximately 1,956 sqm. Using a contribution figure of say \$80/sqm, would result in a VPA contribution of \$156,500.

If I can be of any further assistance, please feel free to contact me on telephone number 0478353711.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Reza Vakili', written over a horizontal line.

Reza Vakili.