



### NSLPP MEETING HELD ON 13/04/22

**Attachments:**

1. Planning Proposal
2. Urban Design Report

**ADDRESS/WARD:** 378-390 Pacific Highway, Crows Nest (W)

**PROPOSAL No:** 7/21

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

- amend the maximum building height from 16m to RL176 (24 storeys)
- establish a maximum floor space ratio control of 7.5:1
- amend the minimum non-residential floor space ratio control from 1.5:1 to 2:1.

**OWNER:** Futuro Capital Pty Ltd

**APPLICANT:** Urbis Pty Ltd on behalf of Futuro Capital

**AUTHOR:** Neal McCarry, Team Leader Policy

**DATE OF REPORT:** 28 March 2022

**DATE LODGED:** 7 September 2021

**DATE AMENDED:** 20 December 2021

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## EXECUTIVE SUMMARY

On 7 September 2021, Council received a Planning Proposal to amend the *North Sydney Local Environmental Plan 2013* (NSLEP 2013) as it relates to land at 378-390 Pacific Highway, Crows Nest. The site is located within the *St Leonards and Crows Nest 2036 Plan* released by the Department of Planning and Environment (DPE) on 29 August 2020. It is accompanied by a Section 9.1 Ministerial Direction which requires planning decisions be made consistent with the Plan, unless considered of minor significance.

The original Planning Proposal sought to:

- amend the maximum building height from 16m to RL180 (24 storeys)
- establish a maximum floor space ratio control of 8.6:1
- amend the minimum non-residential floor space ratio control from 1.5:1 to 2:1.

Following discussions with Council officers, a revised Planning Proposal was received on 20 December 2021, which included a reduction to the proposed Floor Space Ratio from 8.3:1 to 7.5:1, a reduction in height from RL180 to RL176, and a revised concept design showing a higher atrium/void between the podium and tower elements.

The indicative concept scheme accompanying the revised Planning Proposal seeks to provide a 24-storey mixed-use commercial and residential building incorporating a four-storey podium, amenities levels and 16 residential floors.

Having completed an assessment of the revised planning proposal against the 2036 Plan, strategic planning documents and relevant planning policies, it is not recommended that the proposal receive support to proceed to a Gateway Determination. While the height and FSR are compliant with the 2036 Plan, the proposal fails to adequately demonstrate that the site can accommodate a building at the height and density requested. In this sense, the proposal demonstrates strategic merit but not site-specific merit.

The design concept accompanying the proposal illustrates a building of excessive bulk and lack of transition to the western boundary in particular which is inconsistent with Precinct Objectives of the 2036 Plan requiring that suitable interface to sensitive places are achieved. The reference design is non-compliant with State Environmental Planning Policy 65, specifically the setbacks contained in the Apartment Design Guide. This is not considered to be a minor deviation from the 2036 Plan as outlined in the Ministerial Direction.

Council is cognisant of the difficult balance required in considering this proposal against the need to deliver timely transit-oriented development adjoining the new metro station and has attempted to negotiate a more suitable outcome with the proponent to no avail. If supported, the proposal would set a poor standard and a negative precedent for the renewal of built form in the Crows Nest Precinct. Refusal is therefore recommended.



## 1 DESCRIPTION OF PROPOSAL

Planning Proposal 7/21 seeks to amend the *North Sydney Local Environmental Plan 2013* (NSLEP 2013) as it relates to land located at 378-390 Pacific Highway, Crows Nest. In particular, the revised design received in December 2021 seeks the following amendments to NSLEP 2013:

- amend the maximum building height from 16m to RL176 (24 storeys)
- establish a maximum floor space ratio control of 7.5:1
- amend the minimum non-residential floor space ratio control from 1.5:1 to 2:1.

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

*“The Planning Proposal seeks to unlock the potential of the site as an amalgamated landholding, to deliver a high-quality mixed-use development opposite the future Crows Nest Metro Station, a location envisaged for density uplift by Council and DPIE. The future redevelopment will create enhanced commercial floor space and a mix of residential dwellings in a strategically valuable location.”*

The intended outcomes of the Planning Proposal as stated by the proponent are:

- *Realise the development potential of this significant site, as envisaged by the 2036 Plan.*
- *Facilitate the amalgamation of four land parcels into a single development opportunity that is capable of delivering an exceptional urban design outcome to mark this corner location.*
- *Encourage development activity in this identified key location, supporting the evolution of this Precinct and contributing to the rejuvenation of Crows Nest.*
- *Provide a compatible mix of land uses that contribute to the creation of a vibrant and active community, including the potential for residential, commercial, retail directly adjacent to the Crows Nest Metro Station.*
- *Integrate the site with the broader area through public domain improvements, streetscape activation and street tree planting. These public domain improvements will enhance the pedestrian permeability of the area and contribute to the key place and movement objectives of the 2036 Plan.*

The Planning Proposal is accompanied by an indicative concept scheme which accommodates a 24-storey mixed use building incorporating the following elements:

- 4 storey podium containing commercial office floor space (approx. 2,618m<sup>2</sup>).
- 4 amenities floors with one containing shared facilities.
- 16 storey residential tower above the podium (~87 apartments).
- Lift over-run/plant space above the residential floors.
- Basement floors containing ~132 car spaces.

## **2 PANEL REFERRAL**

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

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

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

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

## **3 BACKGROUND**

### ***3.1 Pre-lodgement discussion***

On 28 May 2021, a pre-lodgement meeting was held between Council officers and the project team. This initial preliminary assessment was largely driven by the *St Leonards and Crows Nest 2036 Plan* (the 2036 Plan) and the *Apartment Design Guide* (ADG). At the time, the proposal sought the following changes to NSLEP 2013:

- amend the maximum building height from 16m to RL180 (24 storeys)
- establish a maximum floor space ratio control of 11.27:1
- amend the minimum non-residential floor space ratio control from 1.5:1 to 2.27:1.

Council officers noted that proposed FSR of 11.27:1 would result in approximately 4,935 sqm additional GFA (or 50% variation to the maximum FSR control in the 2036 Plan) and indicated to the proponent that a variation of this magnitude would not be supported.

Concerns were also raised by Council staff in relation to compliance with setback requirements of the ADG, particularly regarding the northern and western tower setbacks and consequent potential site isolation issues, as well as imposing bulk, overshadowing and privacy impacts to adjoining low density residential areas.

### ***3.2 Lodged Planning Proposal***

On 7 September 2021, the Planning Proposal was formally lodged with Council seeking to:

- amend the maximum building height from 16m to RL180 (24 storeys)
- establish a maximum floor space ratio control of 8.6:1
- amend the minimum non-residential floor space ratio control from 1.5:1 to 2:1.

Following a meeting between Council officers and the proponent on 16 November 2021, a preliminary assessment was sent to the applicant indicating that Council is not willing to accept an FSR or height greater than that proposed in the 2036 Plan. Potential amalgamation with adjoining sites to the north and west were identified as the preferred approach to redevelopment, to enable a more cohesive and sympathetic outcome within the parameters of the 2036 Plan. Non-compliances with the ADG for both podium and tower setbacks were also identified and options discussed.

### 3.3 Revised Planning Proposal (subject of this report)

On 20 December 2021, Council received a revised Planning Proposal (refer to Attachment 1) which seeks to:

- amend the maximum building height from 16m to RL176 (24 storeys)
- establish a maximum floor space ratio control of 7.5:1
- amend the minimum non-residential floor space ratio control from 1.5:1 to 2:1.

The accompanying indicative concept design does not substantially change (refer Figures 1,2 and 3), with the exception of additional amenities levels which have the effect of reducing the FSR while retaining the overall building height. No change to the land assembly or setbacks are proposed. A numerical overview of the original and revised proposals is below:

	<b>Original Planning Proposal</b>	<b>Revised Planning Proposal</b>
<b>Height</b>	91.46m (24 storeys) <ul style="list-style-type: none"> <li>• 19 storey tower</li> <li>• 1 storey amenities</li> <li>• 4 storey podium</li> </ul>	86.86m (24 storeys) <ul style="list-style-type: none"> <li>• 16 storey tower</li> <li>• 4 storeys of amenities</li> <li>• 4 storey podium</li> </ul>
<b>Gross Floor Area (GFA)</b>	11,300.24m <sup>2</sup> <ul style="list-style-type: none"> <li>• 2,618m<sup>2</sup> non-residential</li> <li>• 8,682.24m<sup>2</sup> residential (indicative yield: 104 apartments)</li> </ul>	9,818 m <sup>2</sup> <ul style="list-style-type: none"> <li>• 2,618m<sup>2</sup> non-residential</li> <li>• 7,200 m<sup>2</sup> residential (indicative yield: 87 apartments)</li> </ul>
<b>Floor Space Ratio (FSR)</b>	8.6:1	7.5:1
<b>Non-Residential FSR</b>	2:1	2:1
<b>Whole of building setbacks</b>	Pacific Highway – 3m Hume Street – Nil	Unchanged
<b>Above podium setbacks</b>	Southern elevation (Hume Street) – 3m Northern elevation – 6m Eastern elevation (Pacific Highway) – 6m Western elevation – 6m	Unchanged



**Figure 1: Design concept elevation from Pacific Highway. Source: Woods Bagot.**



**Figure 2: Design concept elevation from Hume Street. Source: Woods Bagot.**



*Figure 3: Design concept elevation viewed from Nicholson Street (L), and looking south (R).  
Source: Woods Bagot.*

#### **4 CONSULTATION REQUIREMENTS**

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

#### **5 DETAIL**

##### **5.1 Applicant**

The Planning Proposal was lodged by Urbis Pty Ltd on behalf of Futuro Capital, the owners of the subject sites at 378-390 Pacific Highway, Crows Nest.

##### **5.2 Site Description**

The subject site comprises five (5) allotments of land. The legal property description and existing development is outlined in Table 1, and map and aerial views in Figures 4 and 5.

TABLE 1: Property Description		
Property Description	Legal Description	Existing development
378 Pacific Highway	Lot 1, DP 577047	Each lot contains 2 and 3 storey commercial and retail buildings.
382 Pacific Highway	Lot 5, DP 4320 and Lot 1, DP 573543	
388 Pacific Highway	Lot 4, DP 663560	
390 Pacific Highway	Lot 1, DP 177051	



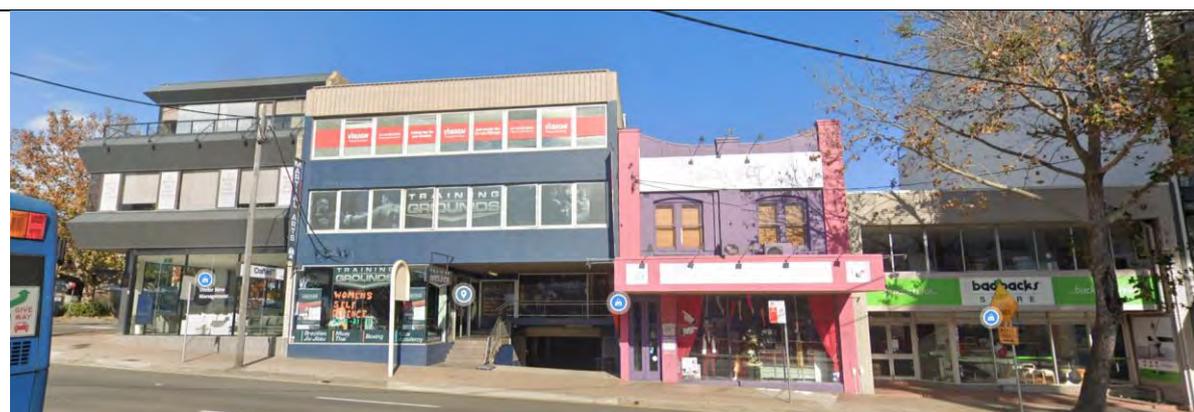
**FIGURE 4: Subject site**



**FIGURE 5: Aerial photo of subject site**

The subject site is 1,309m<sup>2</sup>, bound by Pacific Highway to the east, Hume Street to the south and abutting 398 Pacific Highway to the north and 29, 31, and 33 Nicholson Street to the west (refer Figures 6 and 7). The subject site is rectangular in shape with a frontage of approximately 37m to Pacific Highway, and 30m along Hume Street. The land falls gradually (approx. 0.5m) towards the north west and south west from a high point at the corner of Pacific Highway and Hume Street.

The site currently contains commercial and retail buildings which range from 2-3 storeys in height (refer Figures 8 and 9). Existing buildings were variously constructed within the last fifty years and gain vehicular access from Hume Street, with one accessing directly from Pacific Highway.



**FIGURE 6: Subject sites from Pacific Highway (378-390 Pacific Highway).**



**FIGURE 7: Subject site from Hume Street (378 Pacific Highway).**



**FIGURE 8: Western lots at No.s 29, 31 and 33 Nicholson Street with subject site in background taken from corner Hume and Nicolson Streets.**



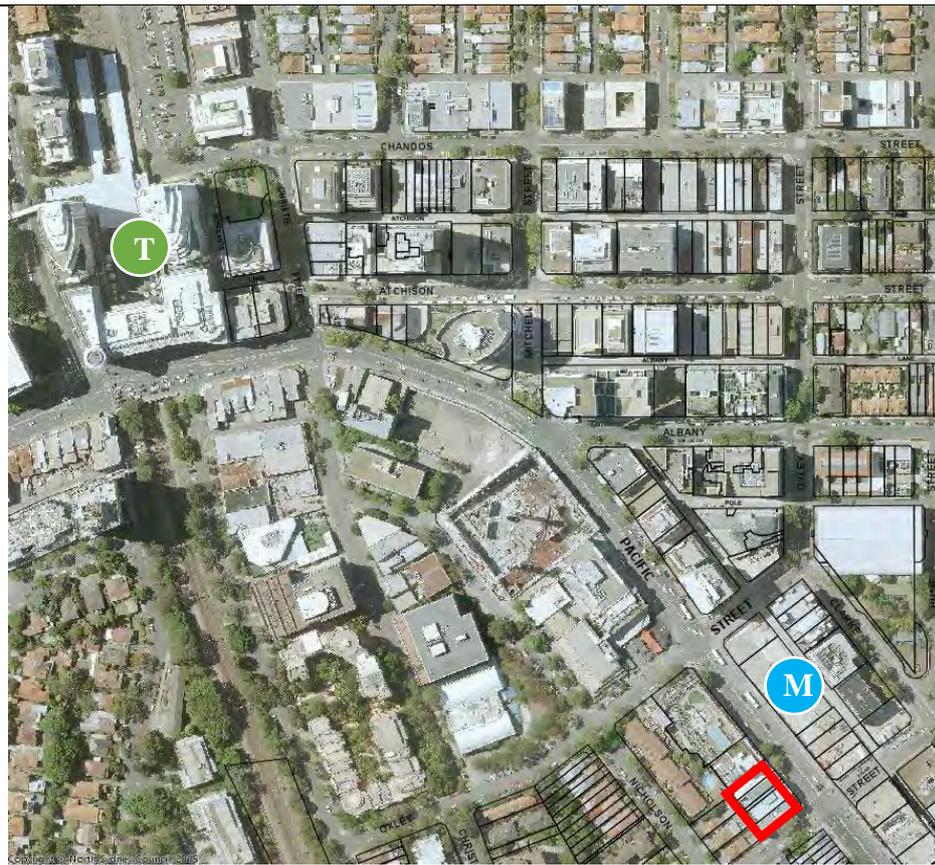
**FIGURE 9: Photograph taken from Hume Street showing existing interface with 33 Nicholson Street.**

### 5.3 Local Context

The subject site is centrally located within the St Leonards/Crows Nest Precinct. St Leonards is identified as a Strategic Centre under the Greater Sydney Regional Plan (*A Metropolis of Three Cities*) and North District Plan. The area is undergoing a significant transformation into a transit-oriented hub in response to the new Crows Nest Metro Station located immediately opposite the site.

St Leonards Railway Station is located approximately 400m walk to the north, which provides regular services to North Sydney and Sydney CBD, and north to Chatswood, Macquarie Park and Hornsby (refer Figure 10).

To the north of the subject site, at 398 Pacific Highway, is a recently completed six-storey shop top housing development with ground floor commercial and upper residential floors which is maintained in single ownership. To the west of the subject site are No.s 29, 31 and 33 Nicholson Street, containing single storey residential dwellings. On the southern side of Hume Street is a group of six two-storey heritage listed properties known as the “Higgins Buildings”.



**FIGURE 10:**  
**Contextual Relationships**

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

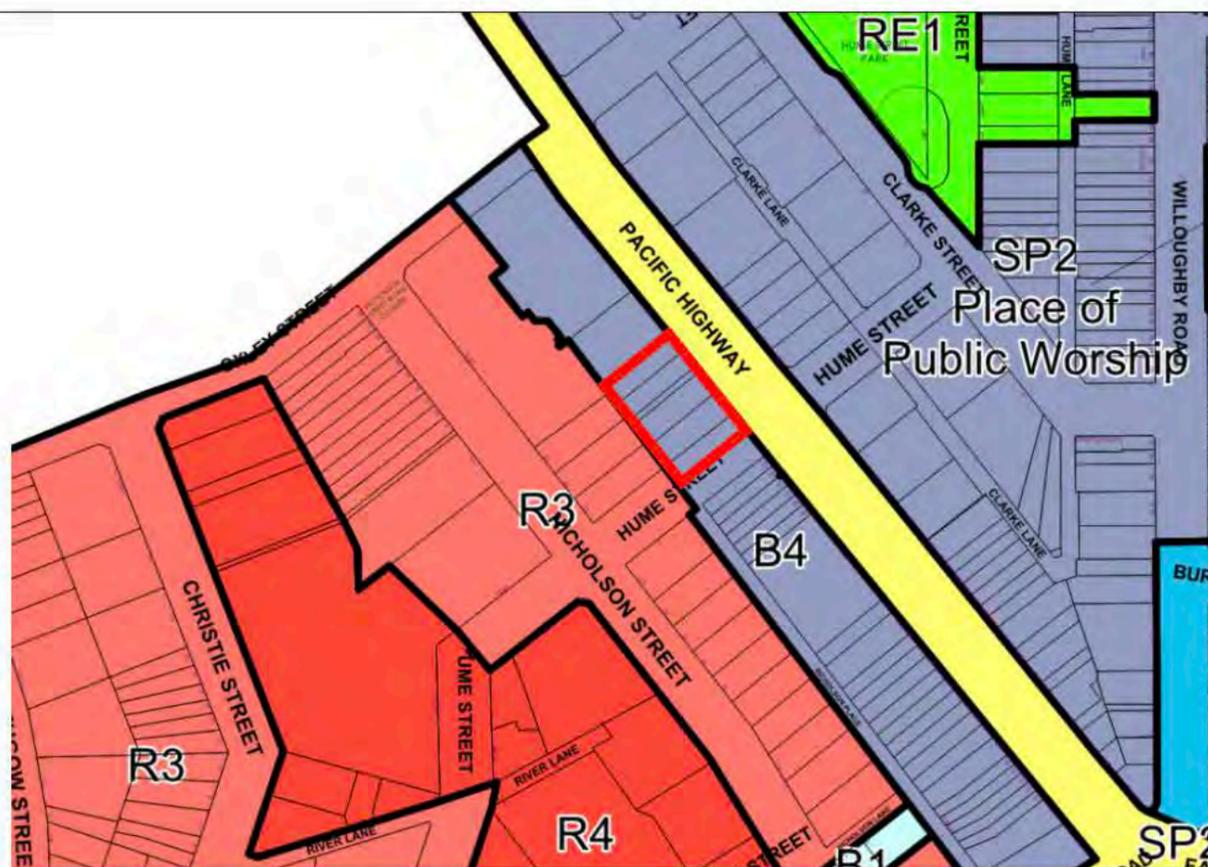
## 5.4 Current Planning Provisions

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

### 5.4.1 NSLEP 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 11);
- A maximum building height of 16m (refer to Figure 12);
- A minimum non-residential floor space ratio of 1.5:1 (refer to Figure 13).



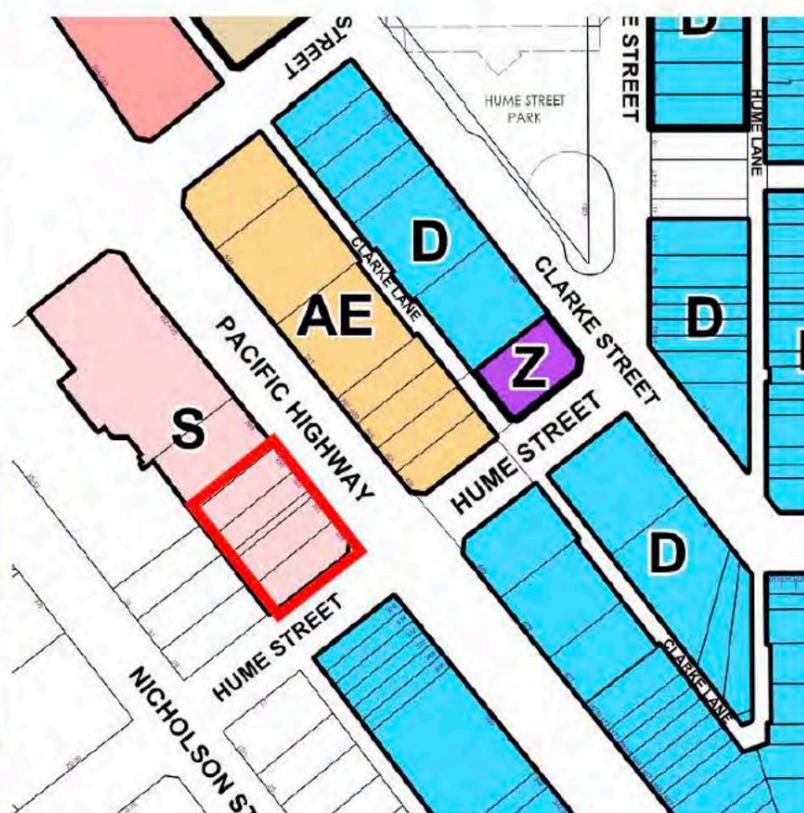
**FIGURE 11: NSLEP 2013 Zoning Map extract**

The subject site is zoned B4 – Mixed Use. The R3 zone abuts the site on the western boundary.



**FIGURE 12: NSLEP 2013 Height of Buildings Map extract**

The subject site has a maximum height of 16m. A height limit of 8.5m applies immediately to the west.



**FIGURE 13: NSLEP 2013 Non-residential Floor Space Ratio Map extract**

The subject site has a minimum non-residential floor space ratio of 1.5:1

#### 5.4.2 St Leonards and Crows Nest 2036 Plan

In July 2016, the Minister for Planning announced that DPE would undertake a strategic planning investigation into the Crows Nest, St Leonards and Artarmon industrial areas.

On 29 August 2020, DPIE released the finalised the 2036 Plan following an extensive public exhibition period (refer Figure 14). 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 be made consistent with the Plan (discussed further in the Assessment section of this report).

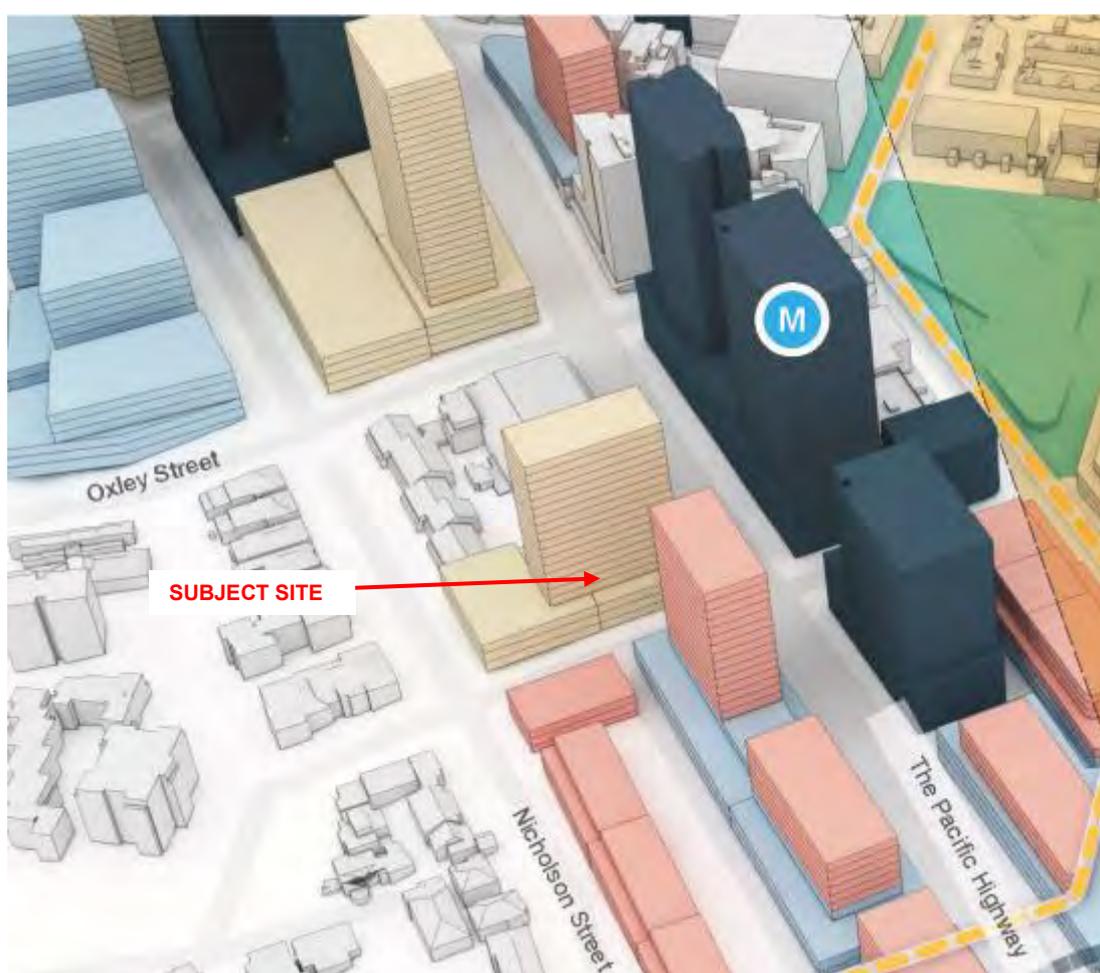


**FIGURE 14: St Leonards and Crows Nest Investigation Area (Planned Precinct)**

**Source: DPIE**

The 2036 Plan contains a Vision, Priorities, Objectives and Actions to realise the opportunity for urban renewal and growth within the precinct. The 2036 Plan also identifies indicative building heights, density (FSR), employment (non-residential FSR), land use, overshadowing and building setback provisions. The subject site is identified under the 2036 Plan as having potential for significant density uplift. It is important to note that there are significant differences between the draft and final versions of the 2036 Plan for this site. In the draft, a maximum height of 18 storeys and FSR of 6:1 was exhibited. This was subsequently increased to 24 storeys (a six storey difference) and an FSR of 7.5:1 in the final plan. It is unclear why these significant changes were made in the final version, and they were not subject of any further community consultation by DPE.

Another important change between draft and final versions of the 2036 Plan relates to the accompanying urban design report prepared by consulting firm SJB Urban. The report recommended a minimum 1,500m<sup>2</sup> site area to access the higher controls and encourage land assembly through site amalgamation. An extract from SJB's report models the subject site with a single tower form running east-west, incorporating the three adjoining lots immediately to the west to achieve a cohesive redevelopment outcome (refer Figure 15). This design approach appears to recognise the particularly difficult interface issues associated with such a dramatic difference in scale and height, especially without the benefit of a separating rear laneway. Further, the design approach appears to reinforce the benefits of amalgamation with the western adjoining properties. These recommended concepts and controls were not ultimately incorporated into the final published 2036 Plan.



**FIGURE 15: SJB Urban indicative conjoined massing model across the subject site and western neighbours (SJB Urban, p. 67).**

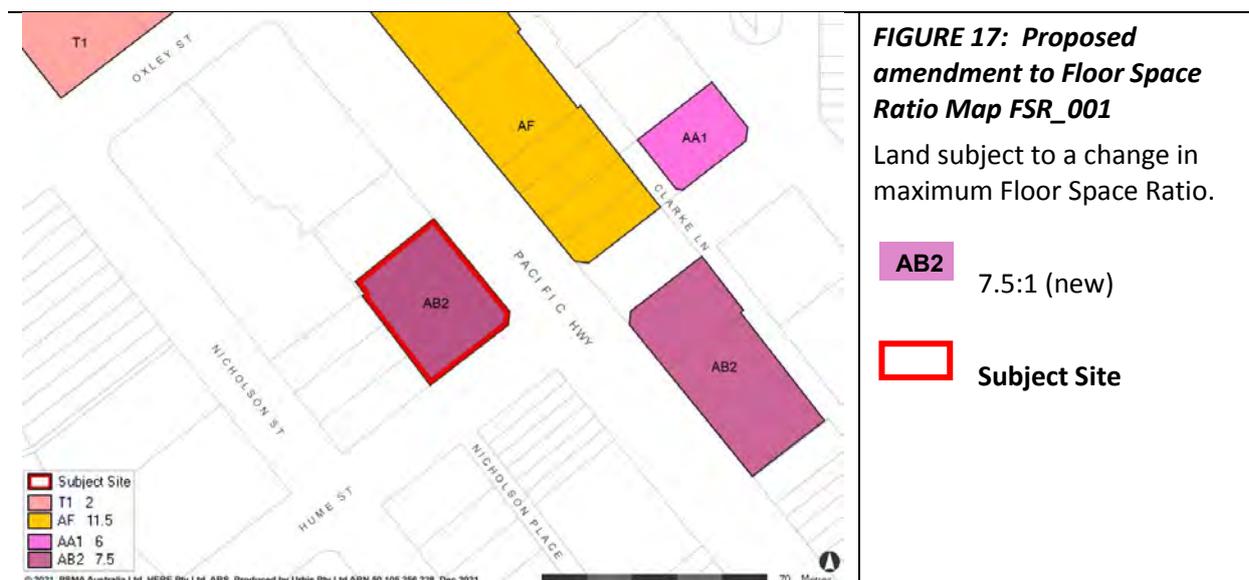
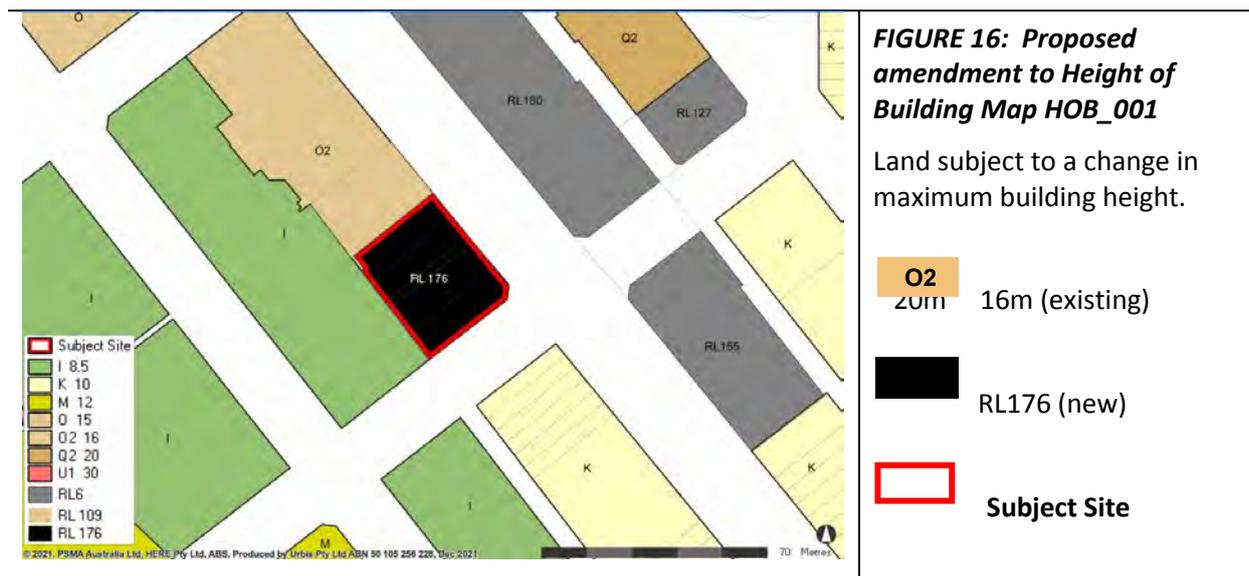
### 5.4.3 Mapping Amendments

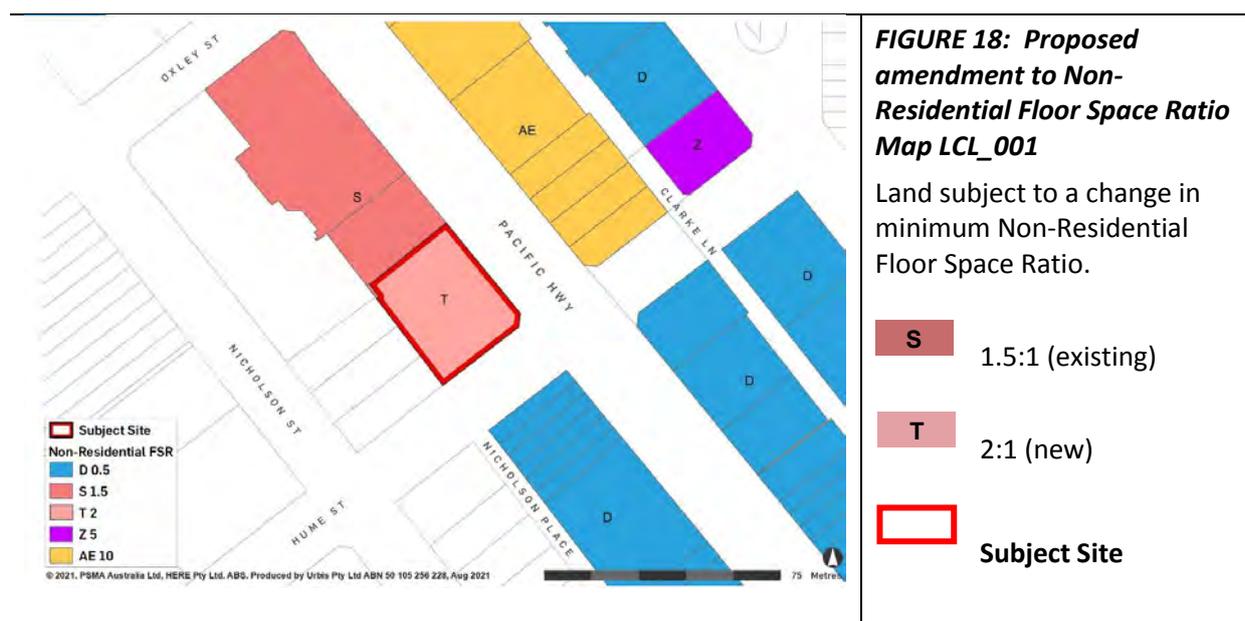
The proposal requires a number of mapping amendments which are described below:

- amend the *Height of Buildings Map* (ref: 5950\_COM\_HOB\_001\_010\_20200810) to NSLEP 2013 such that a maximum building height for 378-390 Pacific Highway, Crows Nest, is increased from 16m to RL175.4;

- amend the *Floor Space Ratio Map* (ref: 5950\_COM\_FSR\_001\_010\_20200810) to NSLEP 2013 such that a maximum FSR of 7.5:1 applies to 378-390 Pacific Highway, Crows Nest; and
- amend the *Non-residential Floor Space Ratio Map* (ref: 5950\_COM\_LCL\_001\_010\_20200810) to NSLEP 2013 such that a maximum non-residential FSR of 2:1 applies to 378-390 Pacific Highway, Crows Nest.

All of the proposed amendments to the relevant maps are illustrated below in Figures 16, 17 and 18.





## 6 POLICY AND STRATEGIC CONTEXT

### 6.1 Greater Sydney Regional Plan

In March 2018, the NSW Government released the *Greater Sydney Regional Plan: A Metropolis of Three Cities* (Regional Plan). The Regional Plan sets a 40-year vision (to 2056) and establishes a 20-year Plan to manage growth and change for Greater Sydney within an infrastructure and collaboration, liveability, productivity and sustainability framework.

The Regional Plan is guided by a vision of three cities where most people live within 30 minutes of their jobs, education and health facilities, services and local centres. The Regional Plan aims to provide an additional 725,000 new dwellings and 817,000 new jobs to accommodate Sydney's anticipated population growth of 1.7 million people by 2036. The Planning Proposal is generally consistent with the higher level strategic directions, objectives and strategies of the Regional Plan, as it will:

- increase residential accommodation near the heart of a *Strategic Centre* in proximity of high frequency public transport, jobs and services without adversely impacting upon the provision of active street frontages
- increase commercial floor space that will promote local employment in the locality.

### 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:

<b>Housing Target</b>	<b>North Sydney LGA</b>	<b>North District</b>
5 year (2016-2021)	+3,000 new dwellings	+25,950 new dwellings
20-year (2016-2036)	Council to prepare Local Housing Strategy (LHS)	+92,000 new dwellings

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

The Planning Proposal is considered to be generally consistent with the planning priorities of the North District Plan, as it will:

- provide approximately 87 new private residential dwellings within close proximity to jobs, services and high frequency public transport
- contribute towards the transit-orientated destination opposite the metro station with 2,618m<sup>2</sup> of commercial floorspace and ground floor retail uses.

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

As indicated in the above section 5.4.2, the 2036 Plan identifies indicative changes to planning controls as well as specific design provisions to the subject site. The 2036 Plan is implemented under *Ministerial Direction 1.13 – Implementation of St Leonards and Crows Nest 2036 Plan*, requiring any planning proposals to be consistent with the Plan. The Ministerial Direction states that proposals may be inconsistent if those inconsistencies are of minor significance and the proposal achieves the overall intent of the Plan and does not undermine the achievement of the Plan’s vision, objectives and actions.

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

The Planning Proposal is generally consistent with the vision of the 2036 Plan to deliver mixed use, transit-oriented development adjoining the new Crows Nest Metro Station. However, it fails to meet objectives relating to a suitable transition between high and low density development and is therefore not considered to satisfactorily meet the Plan’s related Priorities, Objectives and Actions. Detail regarding how the Planning Proposal responds to specific design principles contained in the 2036 Plan is discussed in further detail in the assessment section of this report.

## **6.4 North Sydney Local Strategic Planning Statement**

The North Sydney Local Strategic Planning Statement (LSPS) was adopted by Council on 24 March 2020. This document sets out Council's land use vision, planning principles, priorities and actions for the North Sydney LGA for the next 20 years. It outlines the desired future direction for housing, employment, transport, recreation, environment and infrastructure. The LSPS will guide the content of the NSLEP and Development Control Plan (DCP) and support Council's consideration and determination of any proposed changes to development standards under the LEP via Planning Proposals. At a high level, the Planning Proposal is generally consistent with the LSPS as it will:

- provide residential and commercial floorspace to deliver housing and jobs close to Crows Nest Metro Station
- creates greater housing diversity by potentially incorporating a mix of apartment sizes
- provide new commercial spaces that will increase the attractiveness and revitalisation of local business in the area.

## **6.5 North Sydney Local Housing Strategy**

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 by 2036 under the provisions of NSLEP 2013. The 2036 Plan supports the delivery of an additional 3,515 dwellings within St Leonards and Crows Nest.

The concept proposal indicates approximately 87 residential apartments are to be accommodated on the site. This equates to approximately 2.5% of the anticipated dwellings to be accommodated within the B4 mixed use zone in St Leonards.

## **7 ASSESSMENT**

### **7.1 Justification of Strategic Merit**

The Planning Proposal is deemed to have strategic merit as it broadly gives effect to the 2036 Plan prepared by State Government in response to the new Crows Nest Metro Station. Further, it responds to the objectives of the North District Plan and North Sydney LSPS as demonstrated in Section 6 of this report as it will:

- provide housing and employment in close proximity to public transport
- contribute to regionally identified jobs demand and targets
- deliver significant public domain improvements including refreshed street frontages and public domain
- contribute to the rejuvenation of Crows Nest by encouraging and supporting development activity.

## 7.2 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, FSR and non-residential FSR maps to permit additional height, FSR and non-residential FSR controls.

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

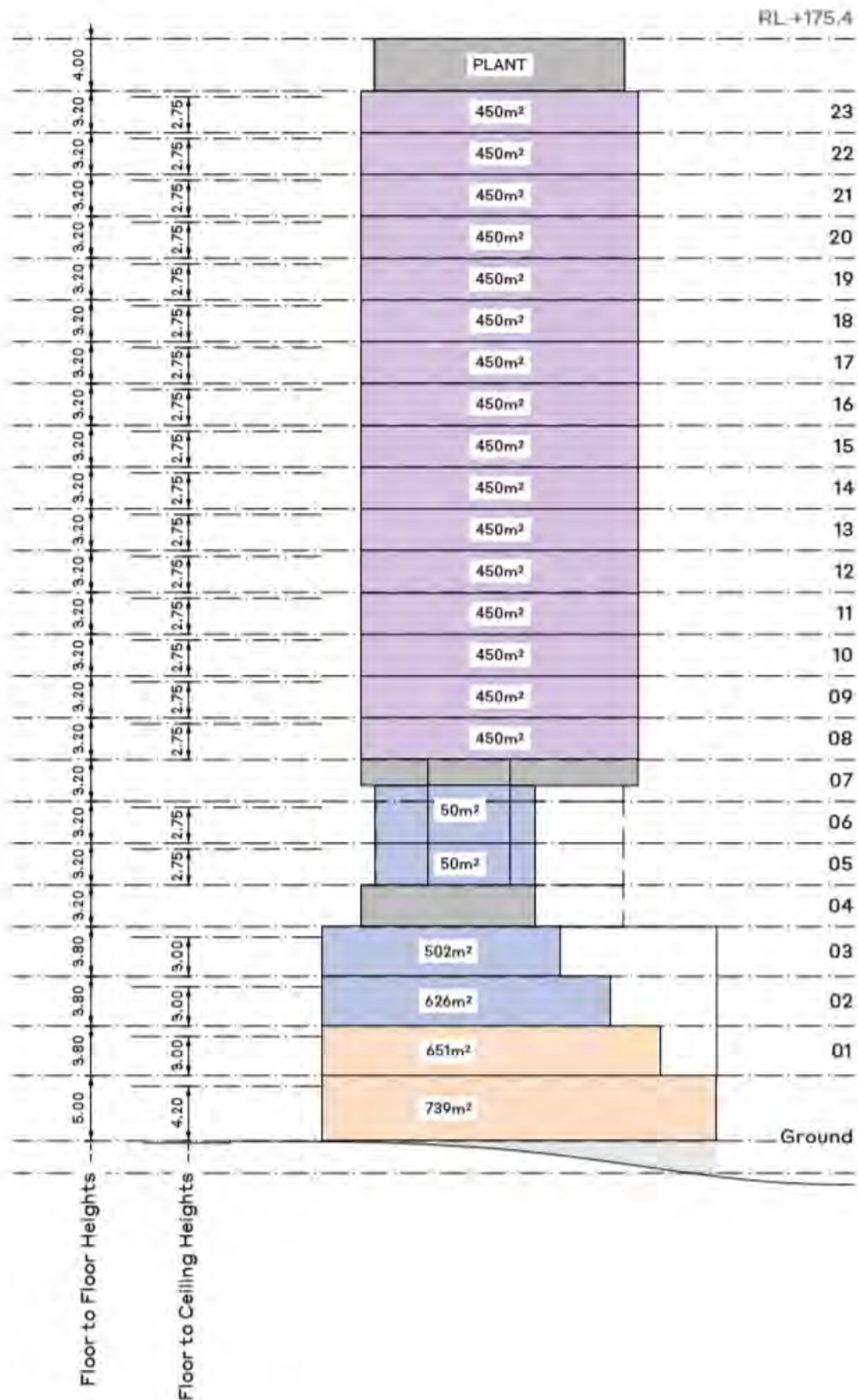
The Planning Proposal acknowledges that, without establishing a new building height control, the proposed Design Concept for the site cannot be achieved through the Development Application process. Further, the intent of the Planning Proposal cannot be achieved through the application of *clause 4.6 - 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, FSR and non-residential FSR maps to permit additional height and floorspace 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.

## 7.3 Proposed Building Height

There is a high degree of community sensitivity regarding the height of buildings in this precinct. Oversized towers can create unnecessary overshadowing of surrounding sites and prevent a suitable transition to lower height built forms. Following Council's request to rationalise the height of the building, the design concept has been revised to reduce the maximum height of 86.86m (RL175.4), down from the initial 91.46m, to accommodate the proposed 24 storey building, inclusive of plant and lift overrun (refer Figure 19). This is numerically consistent with the height (expressed in storeys) contained in the 2036 Plan.

Should the Planning Proposal proceed, any future development application should look to further rationalise the building height wherever possible to minimise overshadowing and amenity impacts to adjoining properties.



**FIGURE 19: Diagram of proposed Floor-to-floor heights including total building height of RL175.4m.**

**Source: Woods Bagot.**

#### 7.4 Proposed Floor Space Ratio (FSR)

No specific maximum FSR currently applies to the site under NSLEP 2013. The 2036 Plan identifies a potential maximum FSR of 7.5:1 for the subject site.

While initially lodged requesting 8.6:1 FSR, the revised Planning Proposal seeks to apply a reduced maximum FSR of 7.5:1 (resulting in 6,818m<sup>2</sup> of Gross Floor Area), consistent with the 2036 Plan. It should be noted that this reduction has been achieved by “hollowing out” three amenities levels of the building but retaining the height. An indicative rendering is contained in Figure 20.



*Figure 20: Indicative rendering of concept design showing three amenities levels.  
Source: Woods Bagot.*

#### 7.5 Proposed Non-Residential Floor Space Ratio (FSR)

Currently, a Non-Residential FSR of 1.5:1 applies to the subject site under NSLEP 2013. The proposed concept design seeks to accommodate 2,618m<sup>2</sup> of non-residential floor space which equates to a non-residential FSR of 2:1, consistent with the 2036 Plan.

#### 7.6 Building transition and setbacks

The 2036 Plan contains clear objectives and actions relating to building transitions and setback controls. The *North Sydney Development Control Plan 2013* (NSDCP 2013) also include setback requirements that provide public domain upgrade opportunities and an improved contextual response with development along Pacific Highway.

State Environmental Planning Policy 65, specifically the ADG, sets minimum requirements for site setbacks that ensure adequate privacy, sunlight and ventilation standards are achieved, while avoiding excessive overshadowing impacts. The Planning Proposal is accompanied by a detailed reference design that seeks to demonstrate how the proposed controls may be realised on the site. In highly built-up areas such as the emerging St Leonards and Crows Nest precincts, there is a need to ameliorate the impacts of multiple high-rise towers dominating the skyline along the length of the Pacific Highway, reducing the amenity of lower density residential areas nearby, as well as that of future tower residents. The following assessment takes this into account.

#### 7.6.1 Podium

A 3m setback is proposed along Pacific Highway and a zero setback along the Hume Street frontage, as per the design requirements of the 2036 Plan, with the exception of the south-eastern corner where the podium is setback 5m from the Pacific Highway to provide an activated corner and internal through-site link/laneway (further discussed in section 7.12.2 below). A 3m above podium setback is provided along Pacific Highway, consistent with NSDCP 2013.

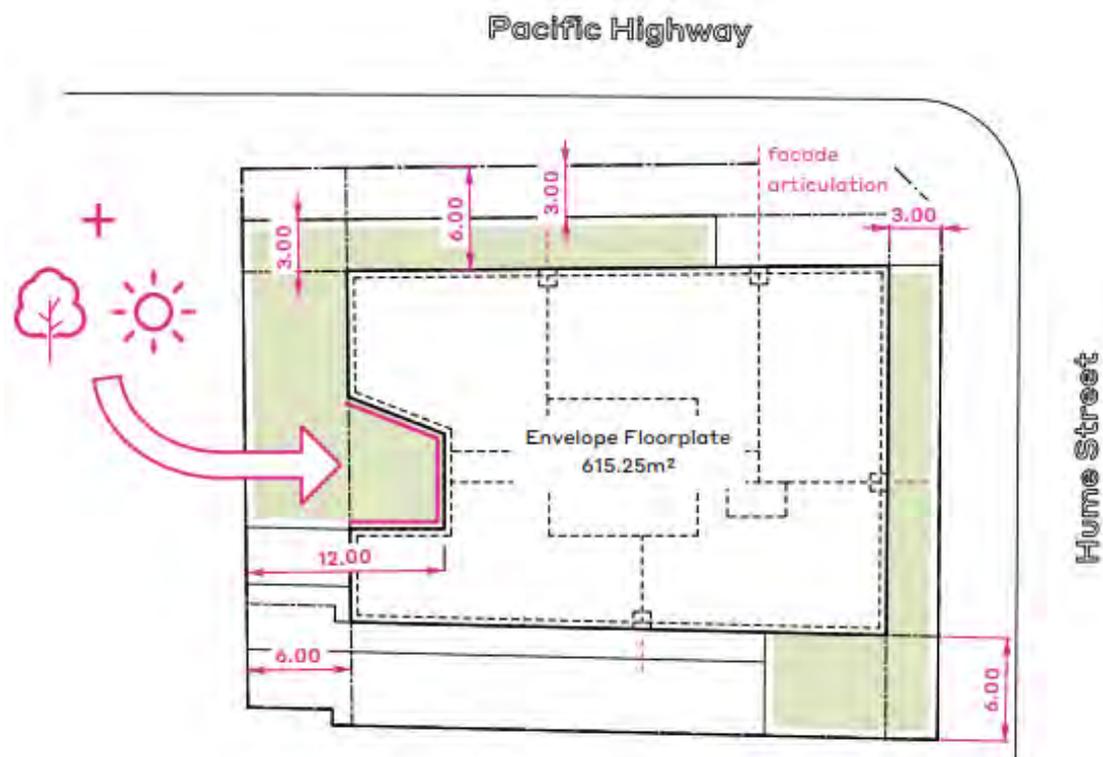
#### 7.6.2 Northern elevation

The 2036 Plan provides the potential for the subject site and the adjacent site to the north to redevelop to 24 storeys; therefore a suitable setback needs to be considered to allow for future tower separation along Pacific Highway. A 6m above podium setback is proposed along the northern and western elevations. The proponent has included a 12m “notch” in the design concept for habitable rooms, but otherwise is proposing non-habitable rooms facing north to enable a reduced (6m) setback (refer Figure 21).

The proposed setback to the north is substantially below minimum ADG requirements for tower separation (24m total). This encroaches into the setback of the northern site at 398 Pacific Highway, potentially preventing it from being redeveloped to accommodate a tower form that achieves a reasonable level of residential amenity and meets ADG requirements.

To address Council’s preliminary comments regarding a preference for site amalgamation, the proponent provided further information indicating that adjoining landowners to the north and western boundaries of the subject site had been approached in relation to potential acquisition but no viable commercial agreement could be reached between the parties.

In considering this design concept, the proponent has provided a series of potential alternative redevelopment scenarios for the neighbouring northern site. The concepts identify that individual site redevelopment is unlikely given its constrained size, but amalgamation with 402-420 Pacific Highway would enable a tower form that achieves ADG setback requirements. In this respect, the planning proposal cannot be said to create a site isolation issue for its northern neighbour as an alternative amalgamation option exists; however, it still represents “borrowing” of setbacks from the northern site and does not adequately future-proof the alternative possible planning scenarios for the adjoining site which also benefits from substantial uplift in the 2036 Plan.



**Figure 21: Proposed podium and tower setbacks (Woods Bagot 2021).**

### 7.6.3 Western elevation - podium

The podium has a stepped setback to the western boundary in the concept design, which incorporates commercial and retail uses. The proposed tower element partially overhangs the terracing below (refer Figure 19) as per the following:

- a 0m whole of building setback at Ground Level
- a mix of setbacks between 4.3 to 11.9m to the boundary from Level 1 to Level 4
- a 6m tower level setback (i.e. above podium)

The 2036 Plan does not specify side and rear setback controls for the site, and instead ADG provisions apply. The proposed setback of the podium along the western elevation contained in the design concept is non-compliant with ADG building separation/privacy requirements when interfacing with single storey residential development. Particular attention is drawn to section 2F: Building Separation of the ADG, which requires office windows and balconies to be considered as habitable spaces when measuring building separation requirements between commercial and residential uses.

Further, the NSDCP 2013 - Commercial & Mixed Use Development provisions contain specific setback controls to the side and rear which are:

*P6. buildings containing non-residential activities must be set back a minimum of 3m from the property boundary where the adjoining site has balconies or windows to main living areas of dwellings or serviced apartments located at the same level.*

*P7. a development proposed on land adjoining or adjacent to a residential or recreation zone must not exceed a building height plane commencing:*

*(a) at 3.5m above ground level (existing) and projected at an angle of 45 degrees internally to the site from all boundaries that directly adjoin land zoned R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, RE1 Public Recreation.*

Any future development application will need to assess the suitability of a tiered podium to avoid land use conflict caused by commercial activity abutting residential uses. Currently, the proponent has measured setbacks from presumed habitable spaces at No.s 29, 31 and 33 Nicholson Street, rather than the lot boundaries which is not typical and will require further refinement. Consideration also needs to be given to the future built form on the three western lots, which are ear-marked for four-storey redevelopment in the 2036 Plan.

#### 7.6.4 Western elevation – tower

The interface between the existing low density residential and the proposed development is dramatic, and ultimately this is difficult to entirely avoid considering the substantial difference in identified heights on the western boundary stipulated in the 2036 Plan. The 2036 Plan contains a Precinct Objective which states:

*“In transition areas between low and high-rise developments, new development should consider the prevailing scale and existing character in the design of their interfaces”* (p. 9). A related Action within the Plan states: *“New development should be sympathetic to existing buildings with appropriate setbacks and street wall height”* and *“Provide appropriate transitions in height to adjoining low scale residential areas”* (p. 33). A 6m setback is proposed between the 24-storey tower and single storey residential dwellings to the west, representing a very poor urban transition that does not satisfy these actions within the 2036 Plan.

A 6m setback is the minimum distance required for towers with non-habitable rooms above 9 storeys in the ADG. However, due to the change in land use zones between the subject site’s B4 Mixed Use zone and R3 Residential zone immediately west, an additional 3m setback is required on the western boundary. This means a minimum 9m setback is required to meet ADG requirements for towers with non-habitable rooms and increasing to 15m for habitable rooms. This additional setback increase would help to reduce overlooking and privacy impacts and improve solar access and amenity by providing a less overbearing transition between the existing and future built forms. Further, Council’s urban design assessment indicates that provision of a 9m setback would not prevent a 7.5:1 FSR from being achieved on the site.

This requirement for a 9m minimum western boundary setback was communicated to the Proponent in January 2022, with the following response received:

*“... the Proponent has acted in good faith and attempted to secure the land to the north and west of the site, prior to the lodgement of the Planning Proposal. This proved commercially unviable for the Proponent. Notwithstanding, the Proponent has secured a substantial land parcel, with the amalgamation of four lots. The site area is capable of accommodating the tall tower form, as envisaged by the 2036 Plan. It must also be noted that the Department removed the requirement for sites to amalgamate under the 2036 Plan and therefore, the Proponent has progressed a scheme that is fully compliant with the applicable controls governing this development site. The proposal does not hinder the ability for other sites to progress their own Planning Proposals in accordance with the 2036 Plan.”*

There is no doubt that, for an area undergoing so much change, amalgamation with the western adjoining allotments (which are all in one family ownership), represents the potential for a better and more holistic outcome by enabling a single design to deal with an array of built-form issues identified in this report.

While the Proponent’s contended efforts in amalgamating four existing parcels is acknowledged, the poor amenity outcome to the western neighbours can be partially mitigated through provision of an additional 3m setback. It is also acknowledged that there is a 3m podium setback to Pacific Highway stipulated in the 2036 Plan which limits the location of the tower on the site, preventing it from being built closer to the highway and further away from the western boundary.

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

Ministerial Direction 1.13 giving effect to the 2036 Plan only provides for minor variations to be contemplated. In determining whether the non-compliant setbacks are “minor”, consideration must be given to the negative planning precedent that any variation to this standard may create for other Planning Proposals also facing stark and dramatic transitions between zones and built forms.

As one of the first Planning Proposals received for this precinct, consistent application of the 2036 Plan objectives and actions, and related design controls, is imperative to set a high standard for similar proposals in the vicinity. This will avoid establishing negative planning precedents for Crows Nest that may undermine the future built form character and amenity of the precinct. Council must give sufficient weight to the ADG as the predominant urban design control applying across the metro area, and ensure it is upheld and consistently applied wherever possible for fair and equitable planning decision-making across the LGA. As such, this is not considered to be a minor deviation from the 2036 Plan as outlined in the Ministerial Direction and cannot be supported.

## **7.7 Environmental Impacts**

The 2036 Plan sets the strategic direction and indicative controls for redevelopment of this precinct. As part of the area's transition towards transit-oriented higher densities, there are a series of accepted environmental impacts and consequences. Council must be satisfied that the potential amenity impacts arising from the Planning Proposal are consistent with the intent and design principles contained in the 2036 Plan.

## **7.8 Overshadowing**

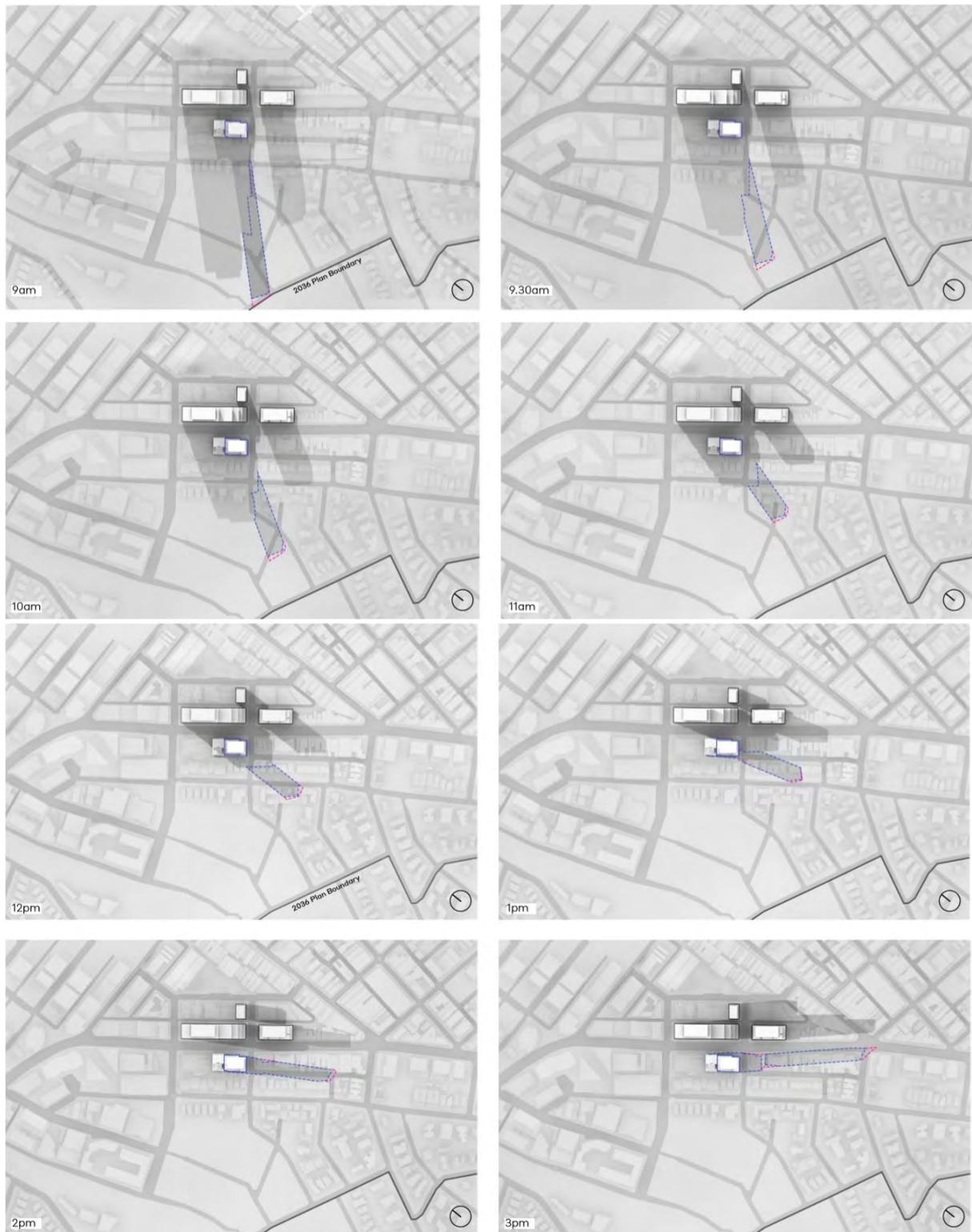
The 2036 Plan's solar access controls require that new development retain:

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

The proposed concept design has been accompanied by solar access and overshadowing diagrams prepared by Woods Bagot (refer Figure 22). 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 residential areas to the west of Nicholson Street have no direct impact by the proposed development, and the residential buildings fronting Nicholson Street would still retain at least 2 hours of solar access in the afternoon in mid-winter. The proposed development would not create additional overshadowing issues to Hume Street Park and Ernest Place in mid-winter. The additional shadows are mainly cast to the west and the south of the site.

When considering this Planning Proposal alongside the Crows Nest Over Station Development and 2036 Plan at full build-out, solar access impact is inevitable due to the uplift in the 2036 Plan, and there are significant cumulative overshadowing impacts to residential areas to the west including the eastern side of Nicholson Street. These impacts are considered to be somewhat mitigated as a result of the slenderness of the proposed tower form and its separation from other towers which ensures that any shadows cast are narrow and impacts on nearby properties are short-term. A reduction in the proposed height to RL176m will assist in reducing the overshadowing impacts.



**FIGURE 22: Shadow diagrams prepared by Woods Bagot showing current and new overshadowing between 9am – 3pm at the June 21 Winter Solstice, including impacts of Crows Nest Over-Station Development. The Pink line represents the original Planning Proposal and the blue line is the revised Planning Proposal.**

## 7.9 Visual impact

The visual impact of the building will be pronounced from several viewpoints (refer Figure 23). This will be particularly obvious from properties to the south-west of the site and also from surrounding residential streets. These visual impacts are largely a result of the primary controls identified in the 2036 Plan which provides for substantial heights running along Pacific Highway.

The Planning Proposal does not impact key views from other buildings and, at 24 storeys and on a ridgeline, the built form of the tower is more likely to become visible from other areas of North Sydney and surrounding suburbs. Further considerations of view loss would be addressed in greater detail in any future development application if the proposal were to proceed.



**Figure 23: Proposed built form showing stark contrast between tower element and single storey residential on western boundary (Woods Bagot 2021).**

## 7.10 Wind

The Planning Proposal is accompanied by a Pedestrian Wind Environment Statement undertaken by Windtech, which analyses wind effects expected as a result of the proposed development on pedestrians using the public domain.

The report notes that wind impacts are to be expected in some areas and the following mitigation measures should be considered:

- *“Awning or tree planting along Hume Street frontage.*
- *Localised planter boxes or screens around seating areas.*
- *Canopy or landscaping over laneway openings.*

- *Landscaping within the communal terrace and pool deck areas.*
- *Wind screening around the pool deck.*
- *End screens for corner balconies.”*

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

### **7.11 Acoustic amenity**

The Planning Proposal is accompanied by an acoustic report given the site’s location facing the busy Pacific Highway, and being within close proximity to the underground metro rail lines. The report takes into account current State Government guidance around noise and vibration, as well as requirements of the ADG. It focuses on ensuring the building design will enable a suitable level of internal residential amenity in terms of noise levels and ventilation.

The report concludes that noise mitigation is required for apartments on the entire façade along Pacific Highway, and eastern end of Hume Street, with specific design recommendations including:

- *“All balconies on the façade facing the Pacific Highway are to have a partially enclosed balcony with an acoustically absorptive soffit.*
- *On the Hume Street façade balconies on levels 5 to 15 are to have a partially enclosed balcony with an acoustically absorptive soffit.*
- *On the Hume Street façade balconies on levels 16 to 23 are to have a balcony with solid balustrade, and absorptive soffit.*
- *All other balconies do not require acoustic mitigation due to distance and shielding from the traffic noise on the Pacific Highway.”*

The report’s analysis is based on noise data obtained three years prior, and any Development Application would require updating for both noise and vibration. However, the report concludes that there is sufficient ability for the building design to mitigate noise impacts that would enable a Planning Proposal to progress.

### **7.12 Traffic and transport implications**

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

- a) improving access to housing, jobs and services by walking, cycling and public transport, and*
- b) increasing the choice of available transport and reducing dependence on cars, and*
- c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*

- d) *supporting the efficient and viable operation of public transport services, and*
- e) *providing for the efficient movement of freight.*

The increased density on the site supports the patronage of the metro station by co-locating increased residential density and job-generating commercial land uses within walking distance of public transport nodes. At Council’s request, the revised Planning Proposal has been accompanied by a draft Green Travel Plan prepared by Ason Group. Green Travel Plans are prepared to promote sustainable transport choices and reduce reliance on trips by private vehicle. Typically, a Green Travel Plan should provide: an empirical analysis of parking demand for the proposal; a Vision, Objectives and Targets for travel demand management for the site; identify actions and parties responsible for delivery to achieve identified Targets; and a commitment to ongoing review of the Green Travel Plan. Council’s Senior Transport Planner has identified a number of shortfalls which would need to be considered and addressed were any proposal to progress.

**7.12.1 Traffic generation and car parking**

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

The Planning Proposal allows for future vehicular access off Hume Street. The proposal contains noise-sensitive residential uses, and is accompanied by an acoustic report containing measures and recommendations to ameliorate potential traffic noise arising from Pacific Highway. The impact of the proposal on the operation of Pacific Highway is further discussed below.

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

<b>Development</b>	<b>DCP 2013 parking rate</b>	<b>Max. car parking spaces</b>
<b>Residential</b>		
33x studio and 1 bedroom	0.5	16.5
71x 2+ bedroom	1	71
<b>Subtotal</b>		<b>88</b>
<b>Commercial</b>		
Non-residential (2,618m <sup>2</sup> )	1 space / 60m <sup>2</sup>	43.5
<b>Subtotal</b>		<b>44</b>
<b>Total No. car spaces</b>		<b>132</b>

While the development proposes a total of 132 car parking bays which complies with Council’s DCP, the objectives detailed in NSDCP 2013 section 10.1.1 require that:

*“O4 existing levels of traffic generation are contained and reduced.  
 O6 parking is adequate and managed in a way that maintains pedestrian safety and the quality of the public domain whilst minimising traffic generation.  
 O7 parking is limited to minimise impacts on surrounding areas.”*

This is particularly important in an emerging transit-orientated precinct such as Crows Nest. The applicant must review their traffic impact assessment to address the comments relating to the a draft Green Travel Plan to demonstrate how the amount of parking proposed for the site, combined with the proposed actions in the Green Travel Plan, will result in no net increase in traffic as a result of the development.

Council officers acknowledge that current NSDCP 2013 controls for St Leonards Crows Nest are outdated and precede the announcement of the Metro lines and density envisaged in the 2036 Plan. Amendments to the DCP are recommended to adopt the St Leonards Precincts 2 and 3 rates across the 2036 Plan area. These rates applied to the site would reduce car parking spaces to 52, a reduction of 80 bays when compared with existing rates:

Development	DCP 2013 parking rate	Max. car parking spaces	St Leonards Precinct 2 & 3	Max car parking spaces
<b>Residential</b>				
33x studio and 1 bedroom	0.5	16.5	0.25	9
71x 2+ bedroom	1	71	0.5	36
<b>Subtotal</b>		<b>88</b>		<b>45</b>
<b>Commercial</b>				
Non-residential (2,618m <sup>2</sup> )	1 space / 60m <sup>2</sup>	43.5	1 space / 400m <sup>2</sup>	7
<b>Subtotal</b>		<b>44</b>		<b>7</b>
<b>Total No. car spaces</b>		<b>132</b>		<b>52</b>

Should the Planning Proposal proceed, it is recommended that a site-specific DCP Amendment be prepared applying the St Leonards Precinct 2 & 3 car parking rates to this development to reduce the car parking from 132 to 52 spaces. This responds to vastly improved public transport accessibility to the precinct, which will help to reduce car dependency and subsequent congestion, and influences more sustainable travel behaviour near the adjoining metro station.

Further, the traffic report has not addressed the loading and unloading facilities in detail. The applicant must demonstrate how the number/type of service vehicle trips required to service the site will be accommodated by proposed loading infrastructure as part of any future development assessment process.

#### 7.12.2 Laneway

The concept design includes a small through-site link or laneway to provide retail spaces, alfresco dining and building entry away from Pacific Highway and is presented as a form of community benefit.

While activation of the ground level is supported, an internally-oriented building may prevent or compromise proper activity on the street frontages. This approach is not consistent with Movement and Place principles which sees a slowing of traffic in designated neighbourhood centres when there is greater street activity, creating safer traffic environments.

Further, orientating the buildings to the street provides passive surveillance to residential entrances, important for safety and security. The proposal should look to improve the building's interface with the existing street network (i.e. Pacific Highway and Hume Street frontages). Such matters would require refinement as part of any future development application.

### **7.13 Aeronautical comments**

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

Despite not being located in close proximity to Sydney Airport, the subject site is affected by an Obstacle Limitation Surface (OLS) of RL156m AHD. The Planning Proposal seeks to introduce new maximum building height of RL175m, which exceeds the OLS by 19m. Activities associated with the construction of the concept proposal would further encroach above the OLS on a temporary basis.

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

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

## **8 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.

Five submissions have been received by Council at the time of preparing this report. This includes two sites abutting the subject site, being 29 Nicholson Street to the west and 398 Pacific Highway to the north. A submission has also been received from the Wollstonecraft Precinct Committee and two from local Wollstonecraft residents. Importantly, these submissions comment on the original lodged Planning Proposal, not the revised version subsequently received. All submissions objected to the Planning Proposal, though some commented on its strategic merit in the broader context of the new metro station coming online.

Key concerns relate to:

- Excessive building height for 24 storeys proposed
- Site isolation to the north, call for precinct-based planning to resolve
- Traffic increase and related noise and pollution, parking and vehicle maneuvering Loss of solar access
- Reduced visual amenity, overlooking and loss of privacy

The issues identified have been discussed throughout this report and have helped to inform Council's assessment and recommendation. Should the Planning Proposal progress to a Gateway Determination, further opportunity to comment will be provided on the revised proposal.

## **9 SUMMARY**

The Planning Proposal seeks to amend NSLEP 2013 to increase the maximum building height requirements and to incorporate new FSR and non-residential FSR requirements as it relates to the subject site.

While the height and FSR are consistent with the 2036 Plan, the Planning Proposal as lodged represents overdevelopment of a site too small to accommodate the anticipated scale and bulk of a 24-storey building, creating a stark built form transition that causes detrimental amenity impacts to neighbouring properties on the western boundary in particular which is inconsistent with objectives and actions of the 2036 Plan and does not represent a "minor" variation outlined in the Ministerial Direction.

Council is cognisant of the difficult balance required in considering this proposal against the need to deliver timely transit-oriented development adjoining the new metro station. In this sense, the proposal demonstrates strategic merit but not site-specific merit. Council has consistently advised its preferred approach to amalgamate this site with those to the north and/or west to smooth the transition, but this has not been taken up by the Proponent. Support for the proposal in its current form sets a negative precedent for similar proposals within the 2036 Plan and across the municipality where similar transitions are occurring, and represents a poor planning outcome.

Having completed an assessment of the revised planning proposal against the 2036 Plan, strategic planning documents and relevant planning policies, the proposal would set poor standard and a negative precedent for the renewal of built form in the Crows Nest Precinct. It is not recommended that the proposal receive support to proceed to a Gateway Determination.

## **10 RECOMMENDATION**

It is recommended that the Local Planning Panel refuse to support the progression of the Planning Proposal to DPE seeking a Gateway Determination as it is inconsistent with the *Ministerial Direction 7.11 - St Leonards and Crows Nest 2036 Plan* in that it has not demonstrated consistency with the objectives and actions ensuring that a suitable interface and transition to the western boundary can be achieved. The proposal as lodged represents a poor planning outcome and approval would set a negative and detrimental precedent for similar tower forms across the precinct.

**Neal McCarry**  
**TEAM LEADER POLICY**

**Marcelo Occhiuzzi**  
**MANAGER STRATEGIC PLANNING**

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# AMENDED PLANNING PROPOSAL

378- 390 Pacific Highway, Crows Nest

Prepared for  
**FUTURO NO.1 PTY LTD**  
16 December 2021



**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

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<b>Appendix D</b>	<b>Landscape Plans</b>
<b>Appendix E</b>	<b>Summary Compliance Assessment</b>
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# EXECUTIVE SUMMARY

## OVERVIEW

This Amended Planning Proposal has been prepared by Urbis Pty Ltd (**Urbis**) on behalf of Futuro No.1 Pty Ltd (**the Proponent**) to initiate an amendment of the *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* as it relates to land at 378- 390 Pacific Highway, Crows Nest (**the site**).

This Planning Proposal has been amended following ongoing discussions with North Sydney Council. The Planning Proposal and submitted urban design report have been amended and is now fully compliant with the St Leonards Crows Nest Plan 2036, including height in storeys (24 storeys), FSR (7.5:1), street setbacks and podium setbacks.

In accordance with the NSLEP 2013, the site is zoned B4 Mixed Use and has a maximum building height control of 16m and a minimum non-residential floor space control of 1.5:1. The site is not subject to a maximum floor space ratio and is not encumbered by any heritage items nor is it located within a heritage conservation area.

This Planning Proposal seeks to amend the NSLEP 2013, by way of the following:

- Amend the maximum building height to RL176;
- Establish a maximum floor space ratio control of 7.5:1; and
- Amend the minimum non-residential floor space ration control to 2:1.

The Planning Proposal seeks to unlock the potential of the site as a large amalgamated landholding, to deliver a high-quality mixed-use development opposite the Crows Nest Metro Station; a location envisioned for increased density under the St Leonards/ Crows Nest Plan 2036 (**the 2036 Plan**). The future redevelopment will create enhanced commercial floor space and a mix of residential dwellings in a strategically valuable location.

The Planning Proposal has been prepared in accordance with Section 3.33 of *the Environmental Planning and Assessment Act 1979 (EP&A Act)* and the Department of Planning, Industry and Environment (**DPIE**) guidelines *'Planning Proposals: A guide to preparing planning proposals'* dated December 2018.

## BACKGROUND AND PLANNING CONTEXT

In November 2015, the State government committed to a new metro railway station at Crows Nest, which is currently under construction and set to open in 2024. This triggered a state-led investigation into the land use opportunities in the St Leonards and Crows Nest area.

On 7 July 2016, DPIE formally commenced a “strategic planning investigation” into Crows Nest, St Leonards and Artarmon industrial area. On 1 June 2017, Crows Nest and St Leonards was declared a “Planned Precinct.” In August 2020, the 2036 Plan was endorsed by DPIE.

The SLCN Plan will facilitate the urban renewal of St Leonards and Crows Nest with an expanding employment centre and growing residential community, supported by significant investment in infrastructure.

This Planning Proposal has been prepared in accordance with the recommended planning controls provided for the site in the 2036 Plan, including height in storeys (24 storeys), floor space ratio (7.5:1), street wall height (4 storeys), non-residential FSR (minimum 2:1), ground floor setback (3m) and solar protection to residential areas outside the Plan boundary.

As per the St Leonards and Crows Nest Special Infrastructure Contribution (**SIC**) Plan, SIC levies will be paid at the Development Application (**DA**) stage to fund infrastructure upgrades to support the increased density.

## SITE CONTEXT

This Planning Proposal relates to land at 378-390 Pacific Highway, Crows Nest within the North Sydney Local Government Area (LGA). The site includes five lots, forming a total site area of 1,309m<sup>2</sup>, a substantial development parcel directly opposite the future Crows Nest Metro Station.

The site has a primary frontage to Pacific Highway of approximately 37m and a secondary frontage to Hume Street of approximately 30m, whereby vehicle access is currently obtained. The site currently comprises commercial and retail land uses which are built to the site boundaries to a height of 2-3 storeys.

## AMENDED INDICATIVE CONCEPT DESIGN

The amended concept design includes the redevelopment of the site including a 4 storey commercial podium which wraps around the Pacific Highway and Hume Street frontage, activating and celebrating the corner. An increased setback of 5m will be provided at the intersection for a 3m wide break in the commercial podium, creating a private laneway and allowing activation deep within the podium that is protected from the external elements. The rear of the podium will consist of a series of cascading landscaped terraces with a built form that suitably transitions to the western residential neighbours and provides for visual interest, reducing the perceived visual bulk that would otherwise be associated with a 4 storey building form.

Cantilevering the commercial podium is a tall slender residential tower form of 16 storeys, creating two clearly distinguishable building languages that express their internal land uses.

Set between the commercial podium and the residential tower is two storeys dedicated to residential amenities, supported by a potential 'wellness' commercial tenant, providing a combination of internal and external areas that exudes a high-quality architectural outcome.

The vision includes substantial landscaping within the tall vertical proportions of the podium to deliver a leafy green character that spills out onto the street and breaks down the building composition. The break in the two built forms has been designed to achieve a sense of spaciousness within this level. The level 6 void area will allow for significant tree planting and high levels of solar access.

## PLANNING OUTCOMES

Establishing new planning controls that enable mixed use redevelopment of the site has considerable planning merit, aligns with State and Local Government policy, would generate significant public benefit and fits in with the evolving character of Crows Nest town centre.

The Planning Proposal would achieve the following key planning outcomes and community benefits:

- **Delivers on the State Governments vision for the St Leonards and Crows Nest Precinct:** The proposal responds to the State Governments vision for Crows Nest, as reflected in the newly adopted 2036 Plan. It maximises the site opportunity for a range of uses, including retail, commercial and residential within a strategic centre that is well serviced by public transport. It will generate employment and housing opportunities within immediate proximity to major employment, retail, health and education facilities and excellent public transport connectivity to other major centres.
- **Amalgamation of a substantial development parcel to deliver a tower site:** The Planning Proposal includes a substantial development parcel of 1,309m<sup>2</sup>, unlocking the potential of the site to deliver a tower form as envisaged by the 2036 Plan. The built form approach demonstrates that the development parcel is capable of comfortably accommodating a tower floor plate (615m<sup>2</sup>) consistent with that envisaged for tall tower forms.
- **Contributes to the activation of an 18-hour economy:** The sites' location and the concept design presents a desirable opportunity for future food and beverage tenancies to occupy this space, contributing to the night time economy.
- **Increases active retail and commercial streetscape:** Generous glazed floor to ceiling heights, internal laneway ways and the dual street frontage positively contributes to the activation of this key corner, encourages pedestrian activity and strengthens the pedestrian linkages.
- **Enhances the public domain outcome and greening of the street:** The Planning Proposal delivers on the vision for public domain improvements to Pacific Highway and Hume Street with setbacks to accommodate expansive paved footpaths and street tree planting. The 5m setback at the intersection creates a pedestrian node which celebrates the corner.

- **Co-locates density to take advantage of public transport infrastructure:** The site is ideally located to deliver the density envisaged by the Plan, leveraging off the State Governments investment in Sydney Metro and contributing to the urban renewal of this key strategic centre.

It is demonstrated that there is clear strategic and site-specific merit in progressing the Planning Proposal and the intended outcomes. As per the ministerial direction relating to development within the 2036 Plan boundary, it is recommended that the Planning Proposal be considered by North Sydney Council and that Council resolve to forward it to DPIE for Gateway Determination in accordance with the EP&A Act.

# 1. INTRODUCTION

## 1.1. OVERVIEW

This Amended Planning Proposal has been prepared by Urbis Pty Ltd (**Urbis**) on behalf of Futuro No.1 Pty Ltd (**the Proponent**) to initiate an amendment of the *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* as it relates to land at 378- 390 Pacific Highway, Crows Nest (**the site**).

In accordance with the NSLEP 2013, the site is zoned B4 Mixed Use and has a maximum building height control of 16m and a minimum non-residential floor space ratio (**FSR**) control of 1.5:1. The site is not subject to a maximum FSR and is not encumbered by any heritage items nor is it located within a heritage conservation area.

The site does not contain any items of European, Indigenous or environmental heritage. A group of locally listed heritage buildings (the 'Higgins building') are located to the south of the site, on the southern side of Hume Street.

## 1.2. VISION AND OBJECTIVES

The Planning Proposal seeks to unlock the potential of the site as an amalgamated landholding, to deliver a high-quality mixed-use development opposite the future Crows Nest Metro Station, a location envisioned for density uplift by Council and DPIE. The future redevelopment will create enhanced commercial floor space and a mix of residential dwellings in a strategically valuable location.

The key objectives of the Planning Proposal are to:

- Realise the development potential of the site as envisaged by the 2036 Plan;
- Provide compatible mix of land uses that contribute to the creation of a vibrant and active community, including residential, commercial, retail to co-locate close to the Crows Nest Metro Station; and
- Integrate the site with the broader area through improvements to public domain spaces and streetscape activation.

## 1.3. PROPOSED AMENDMENTS TO NSLEP 2013

This Planning Proposal seeks to amend the NSLEP 2013, by way of the following:

- Amend the maximum building height to RL176.
- Establish a maximum floor space ratio control of 7.5:1.
- Amend the minimum non-residential floor space ratio control to 2:1.

The Planning Proposal retains the site's B4 Mixed Use zone.

## 1.4. REPORT STRUCTURE

The Planning Proposal has been prepared in accordance with Section 3.33(1) and (2) of the *Environmental Planning and Assessment Act 1979 (EP& Act)* and the Department of Planning, Industry and Environment guidelines '*Planning Proposals: A guide to preparing planning proposals*'.

The relevant sections of the report are listed below:

- **Section 2:** Detailed description of the site, the existing development and local and regional context.
- **Section 3:** Project background including pre-planning proposal advice from Council.
- **Section 4:** Current statutory planning framework relevant to the site, including the State and local planning controls and development contributions.
- **Section 5:** Key features of the indicative development concept plan associated with the requested Planning Proposal.
- **Section 6:** State and local strategic planning policies relevant to the site and the Planning Proposal.

- **Section 7:** comprehensive description and assessment of the requested Planning Proposal in accordance with the DPIE guidelines.
- **Section 8:** Conclusion.

## 1.5. SPECIALIST INPUTS

This Planning Proposal is accompanied by the following specialist reports, which provide an analysis of the site complexities and characteristics.

Table 1 Specialist Consultant Inputs

<b>Report</b>	<b>Consultant</b>	<b>Appendix</b>
Amended Concept Urban Design Report	Woods Bagot	<b>Appendix A</b>
Survey Plan	C.M.S Surveyors and Gary Edwards & Associates	<b>Appendix B</b>
Wind Environment Statement Report	Windtech Consultants	<b>Appendix C</b>
Landscape Plan	Urbis Landscape	<b>Appendix D</b>
North Sydney Summary Compliance Assessment	Urbis	<b>Appendix E</b>
Preliminary Site Investigation	Aargus	<b>Appendix F</b>
Transport Assessment	Ason Group	<b>Appendix G</b>
Acoustic Report	Stantec Australia	<b>Appendix H</b>
Services Infrastructure Report	Stantec Australia	<b>Appendix I</b>
LEP Mapping	Urbis	<b>Appendix J</b>
Draft Green Travel Plan	Ason Group	<b>Appendix K</b>

## 2. SITE CONTEXT

### 2.1. SITE DESCRIPTION

The site is located at 378- 390 Pacific Highway, Crows Nest and is within the North Sydney Local Government Area (LGA).

The site has a primary frontage to Pacific Highway of approximately 37m and a secondary frontage to Hume Street of approximately 30m, whereby vehicle access is currently obtained. The site currently site comprises commercial and retail land uses with a height of 2- 3 storeys which are built to the boundary.

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

Table 2 Site Description

Feature	Description
Street Address	378- 390 Pacific Highway, Crows Nest
Legal Description	<ul style="list-style-type: none"> <li>▪ 378 Pacific Highway – Lot 1 in Deposited Plan 577047</li> <li>▪ 382 Pacific Highway – Lot 5 in Deposited Plan 4320 and Lot 1, DP 573543</li> <li>▪ 388 Pacific Highway – Lot 4 in Deposited Plan 663560</li> <li>▪ 390 Pacific Highway – Lot 1 in Deposited Plan 177051.</li> </ul>
Site Area	1,309m <sup>2</sup>
Site Dimensions	<ul style="list-style-type: none"> <li>▪ 37.36m frontage to Pacific Highway</li> <li>▪ 4.27m corner splay to Pacific Highway and Hume Street</li> <li>▪ 30.55m frontage to Hume Street</li> <li>▪ 39.72m southern boundary</li> <li>▪ 31.29m western boundary.</li> </ul>
Easements and Restrictions	The site is not affected by easements or restrictions.
Site Topography	The site has a gradual slope of 400mm from south-east (RL91) to south-west (RL90.6) and south-west to north-west (RL88.9).
Vegetation	There is no vegetation on the site. There are three mature street trees along Hume Street frontage and one mature street tree along the Pacific Highway frontage.

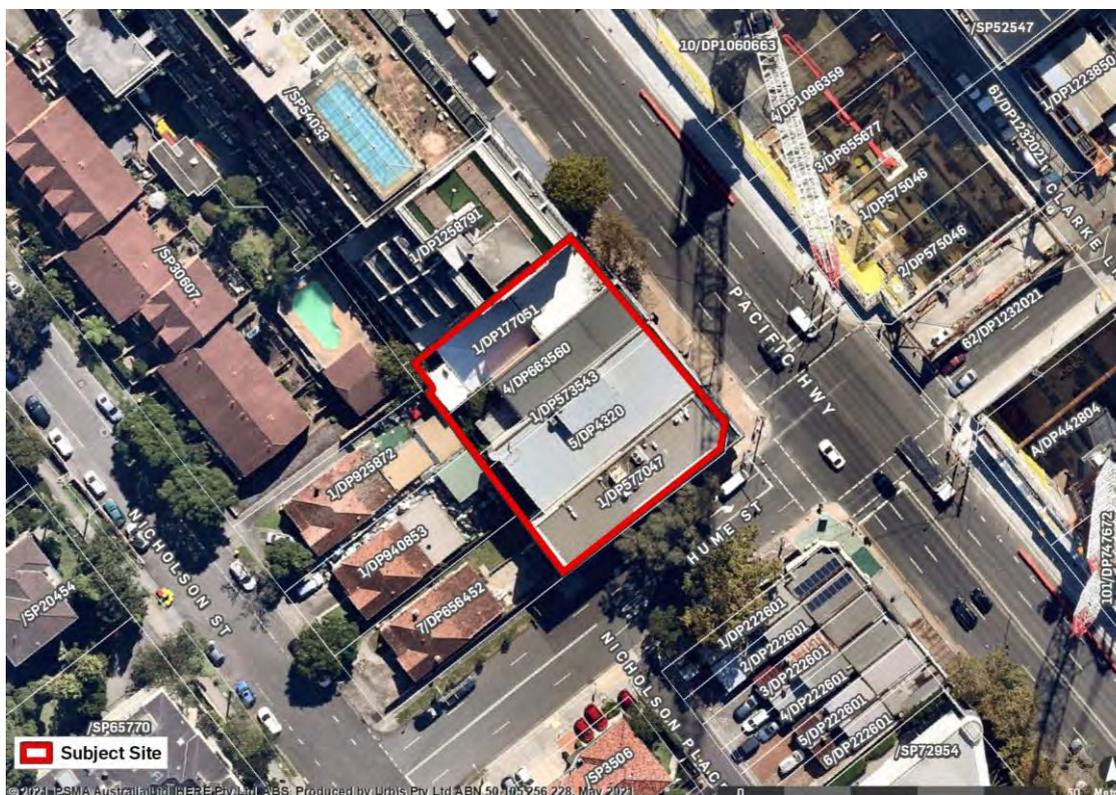
Refer to Survey Plan contained within **Appendix B** for site details. Aerial images of the site and site photos are provided below.

Figure 1: Location Plan



Source: Urbis

Figure 2: Aerial Photograph



Source: Urbis

## 2.2. EXISTING DEVELOPMENT

The site currently comprises commercial and retail land uses with a height of 2- 3 storeys which are built to the boundary.

Figure 3: Site Photos



Picture 1: Pacific Highway frontage



Picture 2: Southern aerial



Picture 3: Western area



Picture 4: Eastern aerial

Source: Woods Bagot

## 2.3. SURROUNDING DEVELOPMENT

The immediately surrounding development includes:

### North:

- The site adjoins 398 Pacific Highway to the north, a recently constructed 6 storey shop top housing development with ground floor commercial and upper-level residential apartments. The development is built to the boundary.
- Further north is the St Leonards Town Centre – a major commercial, retail and public transport centre.

### East:

- The site's primary frontage is to Pacific Highway. On the eastern side of the Pacific Highway is the Crows Nest Metro site, which is currently under construction.
- The DPIE granted consent for the concept building envelope for the Crows Nest Over Station Development (OSD) on 23 December 2020 (SSD 9579). The OSD includes three buildings of 21 storeys (Building A), 17 storeys (Building B) and 9 storeys (Building C).
- Building A is directly adjacent to the site and will be developed for commercial purposes. The southern portion of the building envelope steps down from RL175 to RL129.

### South:

- To the south of the site and on the southern side of Hume Street is a group of locally listed heritage buildings (Higgins Buildings). Under the 2036 Plan, this group of heritage buildings is mapped for heights of 18 storeys with an FSR of 5.5:1 and therefore has the potential to be redeveloped.

### West:

- The western/ rear boundary of the site interfaces with the R3 Medium Density Residential zone. These properties are currently developed with single dwelling houses with outbuildings in the south and multi-dwelling housing in the north. The dwellings have frontage to Nicholson Street. The corner of Nicholson and Hume Street has an RL of 89.5, being 1m lower than the rear of the site. Nicholson slopes towards the north, with an approximate 2m decline from 29 Nicholson Street to 33 Nicholson Street.
- Under the 2036 Plan, this block is mapped as having an overall height of 4 storeys, an FSR of 2:1, a 3 storey street wall height to Hume Street and Nicholson Street and a 3m front setback to Nicholson Street.



## 2.4. LOCALITY CONTEXT

The site and surrounding locality forms part of the St Leonards and Crows Nest Precinct. The 2036 Plan is a State Government endorsed strategic planning document that was finalised in August 2020. The 2036 Plan will facilitate the urban renewal of St Leonards and Crows Nest for an expanding employment centre and growing residential community in the suburbs of St Leonards, Greenwich, Naremburn, Wollstonecraft, Crows Nest, and Artarmon.

The precinct has been planned to provide:

- Crows Nest Metro Station over-station development for a significant number of new jobs, as well as housing and public domain upgrades.
- Funding for open space and infrastructure upgrades through a new State infrastructure levy.
- A variety of mixed-use sites, both for short-term and long-term development.

The surrounding locality is at the start of its urban renewal transformation and is set to undergo intensive urban transformation, with improved public domain outcomes, increased pedestrian linkages, infrastructure improvements and new tower forms.

Figure 4: Local Context



Source: Urbis



## 2.5. SURROUNDING ROAD, RAIL AND BUS NETWORK

The site is well connected to significant road and rail infrastructure, including the Pacific Highway, the Crows Nest Metro Station (opening 2024) and various bus routes, providing direct access to the Sydney CBD, Bondi Junction, Epping, Chatswood and Gladesville.

Sydney Metro is Australia's largest public transport project, delivering 31 metro stations between Rouse Hill in the north-west to Bankstown in the south-west. Construction for the Crows Nest Metro Station began in January 2021 with the service expected to be operational in 2024. Trains will depart every 4 minutes, connecting Crows Nest to Barangaroo in 5 minutes and Martin Place in 7 minutes.

Figure 5: Transport Network Map



Source: Urbis

## 3. BACKGROUND AND PRE-LODGEMENT DISCUSSION

### 3.1. PRE-PLANNING PROPOSAL ADVICE FROM COUNCIL

A Pre-Planning Proposal meeting with North Sydney Council was held on 28 May 2021. Woods Bagot presented their vision for the site and the design rationale. It was acknowledged by Council that the character area DCP controls that apply to the site did not envisage the SLCN 2036 Plan coming into effect and are therefore outdated.

A summary of the key issues and how the proposed concept design addresses those matters are provided in the table below.

Table 3 Pre-Planning Proposal Summary Response

Issue	North Sydney Council Comment	Response
<p><b>Floor Space Ratio</b></p>	<p>Council officers noted that proposed FSR of 11.27:1 results in 2pprox.. 4,935 sqm additional GFA (or 50% variation to the maximum FSR control in the SLCN 2036 Plan). Council officers advised that Council has been consistent in its application of the SLCN 2036 Plan across the precinct, and that a variation of this magnitude would not be supported.</p> <p>Ministerial Direction 7.11 requires planning proposals to be consistent with the SLCN 2036 Plan, (including maximum building height and FSR provisions). The Direction states that any inconsistency with the Plan's provisions must be demonstrated to be of minor significance whilst still its achieving vision, objectives and actions. The Sydney North Planning Panel recently considered a proposal for 20-22 Atchison St, St Leonards seeking a similar variation to FSR, wherein the Panel determined that the proposal was inconsistent with the SLCN 2036 Plan and was not supported.</p>	<p><b>Complies</b></p> <p>The amended Planning Proposal has a floor space ratio of 7.5:1 and complies with the SLCN 2036 Plan.</p>
<p><b>Eastern Setback</b></p>	<p>The proponent explained that the nil setback to the Pacific Highway is consistent with the provisions of North Sydney DCP 2013 and the existing streetscape, particularly the adjacent development to the north.</p> <p>Council officers clarified that a 3m whole of building setback to the Pacific Highway is required in accordance with the objective and setback requirements of the SLCN 2036 Plan.</p> <p>The 3m setback should continue below ground to allow for deep soil avenue planting as envisaged by the SLCN 2036 Plan. It was</p>	<p><b>Complies</b></p> <p>On review of the objectives and intended outcome of the 2036 Plan, it is agreed that a 3m setback to the Pacific Highway would allow for improvements to the public domain, pedestrian permeability and street tree planting. The concept envelope has been refined to include a 3m setback at the street level and the podium level, as envisaged.</p>

Issue	North Sydney Council Comment	Response
	noted that the 3m setback was being implemented along the Pacific Highway in both built development and endorsed Planning Proposals.	
<b>Northern Setback</b>	<p>Council officers raised concerns with the proposed 6m setback above the podium along the northern elevation. The SLCN 2036 Plan provides the potential for the adjacent site to the north to also redevelop to 24-storeys. The concept design must take into account the potential for two 24- storey towers and provide adequate building separation/acceptable interface between the two towers.</p> <p>The proposed setback to the north is substantially below minimum ADG setback/building separation requirements (24m) and unfairly “borrows” from the development potential of the site to the north to meet adequate building separation at a point in the future.</p>	<p><b>Complies</b></p> <p>The proposed 6m-12m setback to the north is fully compliant with the minimum building separation requirements under ADG.</p> <p>Woods Bagot have undertaken substantially testing of the potential future development scenarios for this urban block.</p> <p>This is discussed in <b>Section 7.3.1</b> and further detailed in the Amended Urban Design Report (<b>Appendix A</b>).</p>
<b>Western elevation</b>	<p>The proponents advised that the terracing of the podium along the western elevation considers the future potential redevelopment of the adjacent site to the west.</p> <p>However, concerns were raised by Council staff with respect to the proposed setback of the podium along the western elevation and compliance with ADG building separation/privacy requirements.</p> <p>Particular attention was drawn to section 2F of the ADG, which requires office windows and balconies to be considered as ‘habitable’ spaces when measuring building separation requirements between commercial and residential uses. It also requires increased setbacks at the boundary where there is a change in zone.</p> <p>Consideration must be given to the objectives and actions of the SLCN 2036 Plan as they relate to sites in transition areas between high and low-rise developments. Variations in height, FSR, solar access and setbacks should ensure the level of transition from high density development to low density</p>	<p><b>Generally compliant</b></p> <p>The built form controls pertaining to transitions and interfaces within the 2036 Plan specifically refers to height transitions to heritage conservation areas.</p> <p>The site does not adjoin a conservation area. It is acknowledged that the site does adjoin an R3 Medium Density Residential zone. Inherently there exists a challenge arising from the 2036 plan due to the interface of a 24 storey height control with a 4 storey height control.</p> <p>The overarching objective is to provide for a transition between zoning boundaries, as evident by clause 2.4.3 (P7) of the NS DCP.</p> <p>In accordance with the NS DCP building height plane, the concept design appropriately responds to the western residential neighbour by providing a terraced podium form</p>

Issue	North Sydney Council Comment	Response
	development is appropriate and minimises overshadowing.	<p>that is compliant with the 45 degree height plane. This urban design outcome and relationship to the western neighbours is consistent with the established built form response along this urban block.</p> <p>The uses at the lower level of the podium consist of back of house and car park ramping, being non-habitable uses and therefore will have no windows or openings.</p> <p>The amended Planning Proposal is fully compliant with the controls specified in the 2036 Plan.</p> <p>The proposed urban design response and adoption of the DCP height plan rather than the ADG separation controls, results in a superior outcome as it provides for a softening of the built form and reduces the appearance of the scale of the podium, comparable to a sheer 4 storey podium wall.</p> <p>This is further discussed in <b>Sections 7.3.1 and 7.3.5.</b></p>
<b>Through-site link</b>	<p>The proponents explained that their rationale for providing an increased setback at the south eastern corner of the site is to provide for an activated corner and internal laneway that reinforces the pedestrian crossing to Crows Nest Metro Station.</p> <p>Whilst activation of the ground level is supported, the proposal should, as a priority, improve the building's interface with the existing street network (i.e. Pacific Highway and Hume Street frontages). Activating the street internally should not be at the expense of activating the street.</p>	<p><b>Complies</b></p> <p>The indicative concept has been amended to include the 3m setback to Pacific Highway, whilst retaining the 5m setback at the Hume Street and Pacific Highway intersection and the 3m internal laneway.</p>
<b>Solar access/ overshadowing</b>	The proponent advised that the concept scheme is compliant with ADG solar access requirements. However, it is unclear whether the impacts arising from future potential development on adjacent sites, including the overshadowing impacts of Crows Nest Over	<p><b>Complies</b></p> <p>Solar access diagrams and overshadowing diagrams have been prepared by Woods Bagot and is included at <b>Appendix A.</b></p>

Issue	North Sydney Council Comment	Response
	<p>Station Development (OSD) have been considered, particularly on east facing apartments.</p> <p>On-site amenity should not be considered in isolation to adjoining future development. The objectives of the SLCN 2036 Plan require planning proposals to consider the cumulative impacts of new development on the current surrounding built form environment.</p> <p>A detailed solar analysis will be required to demonstrate compliance with the SLCN 2036 Plan's solar access controls, which require new development retain:</p> <ul style="list-style-type: none"> <li>▪ At least 2 hours solar access between 9am – 3pm to residential areas inside the precinct boundary; and</li> <li>▪ Solar access to residential areas outside the boundary the whole time between 9am – 3pm (i.e. no impact)</li> </ul>	<p>Solar access – the proposed envelope and indicative floor plate has been tested and confirmed that 70% of the apartments can obtain the required 2 hours solar access.</p> <p>Overshadowing – solar access to the immediately adjoining residential properties to the west is maintained between 1pm – 3pm.</p> <p>It is noted that in the morning hours, these properties would be overshadowed by the OSD. The proposed tower form sits within that approved shadow envelope and therefore does not result in any greater shadow impacts.</p> <p>Overshadowing by the building envelope does not extend beyond the Plan boundary.</p> <p>Solar access and overshadowing is further discussed in <b>Section 7.3.2</b></p>
<b>Wind</b>	<p>The proponent advised that a preliminary wind analysis had been undertaken and that an improved outcome could be achieved through the design of the building. The analysis should consider existing wind conditions as well as future potential wind impacts, including those arising from the proposed development itself.</p>	<p><b>Noted.</b></p> <p>A Preliminary Wind Analysis has been prepared by Windtech and is provided at <b>Appendix C</b>.</p> <p>Mitigation measures have been incorporated into the concept design.</p> <p>This is further discussed in <b>Section 7.3.9</b>.</p>
<b>General</b>	<p>Council has received numerous enquiries for sites within the St Leonards and Crows Nest Precinct seeking to challenge the height and density (FSR) controls of the SLCN 2036 Plan.</p> <p>Any proposal seeking significant variations to the maximum height and FSR controls has the potential to establish a precedent for significant non-compliances with the SLCN 2036 Plan.</p> <p>This has the potential to result in cumulative amenity impacts and a level of population growth and demand for infrastructure assets and services that cannot be provided under</p>	<p><b>Complies</b></p> <p>The amended Planning Proposal has a floor space ratio of 7.5:1 and complies with the SLCN 2036 Plan.</p>

<b>Issue</b>	<b>North Sydney Council Comment</b>	<b>Response</b>
	<p>established infrastructure delivery programs and funding mechanisms.</p> <p>The SLCN 2036 Plan and accompanying Special Infrastructure Contribution (SIC) scheme is based on an assumed level of growth within the precinct and any significant non-compliance with the SLCN 2036 Plan has the potential to undermine the integrity of this strategic planning framework.</p>	

## 3.2. DESIGN EVOLUTION & CONCEPT REFINEMENT

Since lodgement of the original Planning Proposal, the design has evolved, and the concept has been refined in response to the key issues raised by Council. The key issues relate to:

1. Floor space ratio
2. Building height
3. Building setbacks

Other matters for consideration were raised including site amalgamation, overshadowing and the proposed internal laneway.

The Proponent has been in discussions with adjoining landowners, however a commercial decision proved unviable. It is noted that the 2036 Plan does not require minimum site areas or amalgamation of specific land parcels to occur for development of towers to be progressed.

The Proponent has secured a substantial land holding and the amalgamation of these 4 land parcels and redevelopment of this site for a tall tower form is consistent with the objectives and intent of the 2036 Plan.

The building envelope as it stands is compliant with the overshadowing requirements of the 2036 Plan, in that it does not result in overshadowing beyond the Plan boundary and a complaint degree of solar access is retained for those properties to the west. Further detailed solar studies would be undertaken at the DA stage.

In regards to the internal laneway, the proposed urban design outcome demonstrates one way in which the site may be developed at the future DA stage. The internal planning of the podium can be further refined and finessed at the detailed DA stage, noting that any future DA will need to comply with the minimum non-residential FSR of 2:1, as per the proposed LEP amendments.

A detailed analysis of the key issues is provided below.

### 3.2.1. Floor Space Ratio

The original Planning Proposal, which was lodged in August 2021, included a building form with an FSR of 8.6:1, inclusive of a minimum non-residential FSR of 2:1.

Subsequent to the lodgement of the Planning Proposal, Council advised that they would not support any variation from the controls stipulated within the 2036 Plan.

This amended Planning Proposal and the submitted amended urban design report, have been refined to reduce the FSR from 8.6:1 to 7.5:1. The reduction in FSR has been achieved through the deletion of two residential levels at the lower level and a revised podium design response, including increasing the space between the tower and podium to allow for substantial tree planting, mechanical plant and the depth required to accommodate the pool. The development retains the 24 storey built form, which is compliant with the 2036 Plan.

### 3.2.2. Building height

The original Planning Proposal included a building form with a maximum height of RL180. This comprised a four storey commercial podium, a single amenities level, 19 levels of residential apartments and a 7.3m plant zone.

Council raised concerns over the height of building, the floor to floor heights of the residential levels and the height of the plant zone.

This amended Planning Proposal includes a 4m reduction in the building height from RL180 to RL176. It is noted that the floor to floor heights of the residential levels are proposed as 3.2m, exceeding the minimum requirements by 100mm. Whilst Council raised this as an issue, this does not represent a non-compliance and is a very minor addition, result in an overall increase in the height by approximately 2m. This is indiscernible within the overall building form and reflects best practice urban design outcome by allowing sufficient room to accommodate building services and the required minimum floor to ceiling heights of 2.7m.

It is acknowledged that the building envelope includes an 11m break between the commercial podium and tower however it is demonstrated that this provides for substantial benefits, including:

- Solar access to the residential amenities level
- Adequate soil depths to allow for substantial tree planting
- Greater separation between the tower and the lower density residential properties to the west
- Improved daylight to the west
- Filtered views through the building form, providing for visual interest

Whilst Council has raised concerns over the 24 storey building form and associated overshadowing, this amended Planning Proposal has been prepared in accordance with the height in storeys as nominated in the 2036 Plan. Any overshadowing arising from the building envelope had been contemplated at the time the Plan was prepared, which prohibits overshadowing beyond the Plan boundary.

This amended Planning Proposal does result in any overshadowing beyond the 2036 Plan boundary and the reduction in building height by 4m reduces the extent of overshadowing, below that contemplated by the 2036 Plan.

The proposed building height is therefore fully compliant with the objectives and provisions of the 2036 Plan.

### 3.2.3. Building setbacks

Council has raised concern over the proposed tower setbacks to the north and the proposed podium setback to the west.

#### Northern setback

Council, in their correspondence dated 16 November 2021, *stated that the northern setback may be inadequate in terms of "future proofing" adjacent development.* It is noted that the proposed setback is fully compliant with the building separation requirements under the ADG and any setback controls within the DCP and therefore Council can not require a more onerous setback to be applied.

The setback to the north varies from 6m at the eastern and western sides of the building envelope with a central 12m setback. Preliminary urban design studies confirm that solar access, daylight and ventilation can be obtain to these dual orientated apartments from either of their primary faces or through the openings within the 12m setback. The apartments can be designed with either high level windows or a black façade within the 6m zone which demonstrates that compliance with the ADG separation requirements is achieved.

The amended urban design analysis clearly demonstrates that the lot to the north would be unable to develop in its own right and amalgamation with the most northern lot would need to occur to enable any potential uplift.

Should amalgamation of the northern lots occur, the urban design report provides an analysis of likely future scenarios for this site which clearly illustrates that the placement of a tower form would most likely occur within the northern extent of the site due to overshadowing associated with the OSD.

#### Western setback

Building separation requirements as noted under Part 2F of the ADG is not a listed requirement under SEPP65 and therefore the setbacks noted in Council's DCP can prevail. The proposed application of the DCP setback control along the western boundary therefore represents a compliant scenario that is consistent with the approach applied to other sites within this urban block.

As outlined in the amended urban design report, the rear of the site that interfaces with the western neighbour is contemplated to be developed for site access, back of house and other "non-habitable" uses. Therefore this level will not generate any privacy impacts.

The podium setbacks provide for a separation distance of 12m at level 1, which continues to increase for levels 2 and 3, result in a greater setback at the upper levels than what would ordinarily be required by the ADG. The proposed terracing response is considered to result in a superior outcome and provides for an appropriate transition to the lower density residential land uses, therefore achieving the objective of the 2036 Plan.

The urban design report demonstrates how this interface could be developed with cascading plantings and privacy screens to avoid any direct, downward overlooking whilst also providing for improved visual outcomes than what would otherwise be capable of being achieved with a sheer 4 storey wall.

Figure 6: Design evolution



Source: Woods Bagot

# 4. STATUTORY CONTEXT

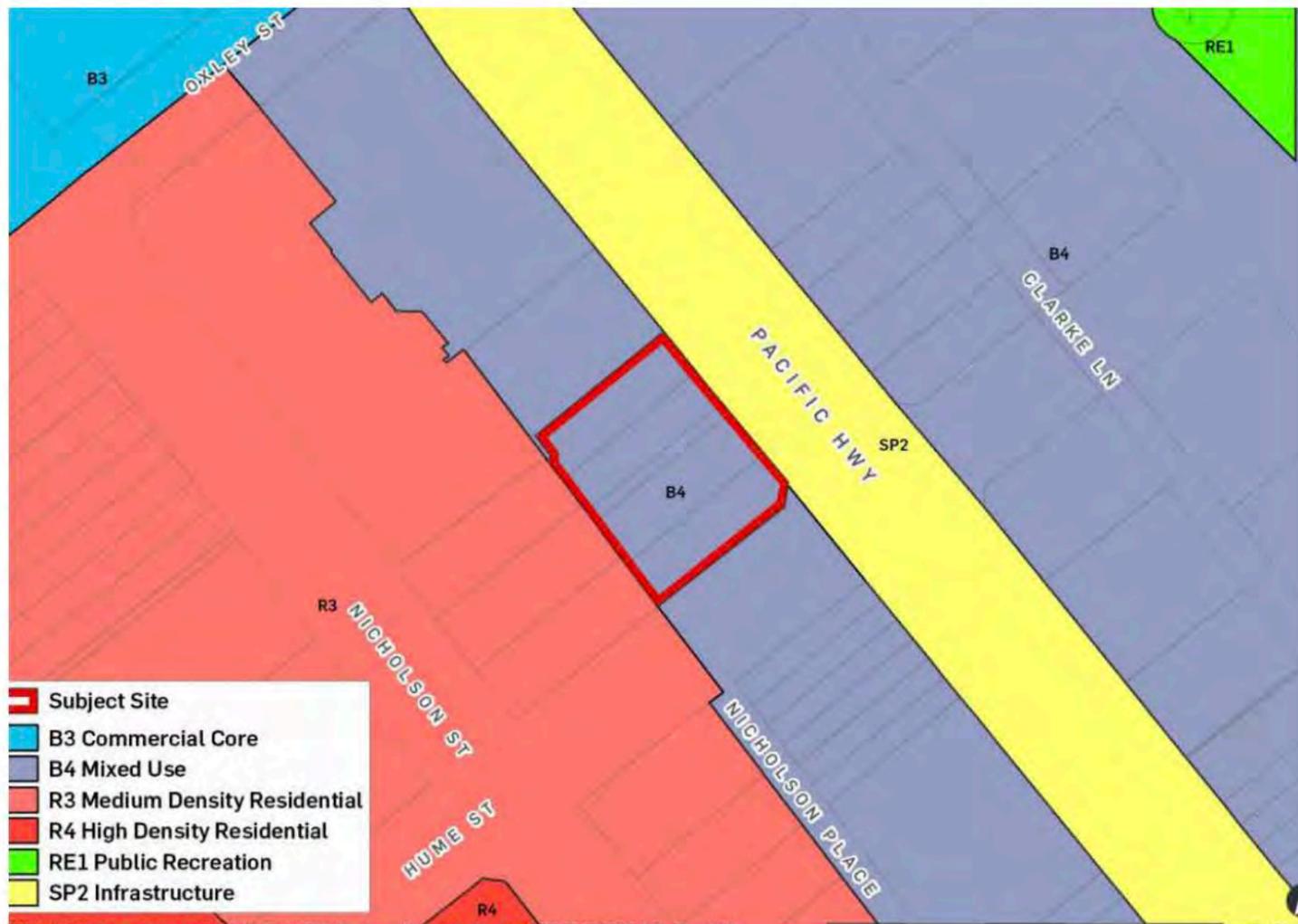
## 4.1. NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

The NSLEP 2013 is the principal Environmental Planning Instrument governing and guiding development within the North Sydney LGA. The NSLEP 2013 was gazetted on 13 September 2013.

### 4.1.1. Land Use Zone

In accordance with the NSLEP 2013 and as illustrated in Figure 7 below, the site is zoned B4 Mixed Use. Table 4 details the zone objectives and lane use permissibility.

Figure 7: Land Use Zoning Map



Source: Urbis

Table 4 B4 Mixed Use Zone Objectives and Permissibility

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

Objectives	Permissibility
Permitted without consent	Nil
Permitted with consent	<i>Amusement centres; Backpackers' accommodation; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Serviced apartments; Sex services premises; Shop top housing; Signage; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals</i>
Prohibited	Pond-based aquaculture; Any other development not specified in item 2 or 3

### 4.1.2. Building Height

Pursuant to Clause 4.3 of the NSLEP 2013 and as illustrated in Figure 8 below, the site is subject to a maximum building height control of 16m.

Figure 8: Height of Building Map



Source: Urbis

### 4.1.3. Floor Space Ratio

Pursuant to Clause 4.4 of the NSLEP 2013 and as illustrated in Figure 9 below, the site is not encumbered by an FSR control.

Figure 9: Floor Space Ratio Map



Source: Urbis

### 4.1.4. Non- Residential Floor Space Ratio

Pursuant to Clause 4.4A of the NSLEP 2013, and as illustrated in Figure 10 below, the site is subject to a minimum non-residential FSR of 1.5:1.

Figure 10: Non- Residential Floor Space Ratio Map



### 4.1.5. Heritage Conservation

In accordance with the NSLEP 2013, the site is not encumbered by any heritage affectations nor is it located within a heritage conservation area.

The site does not contain any items of European, Indigenous or environmental heritage. A group of locally listed heritage buildings (the 'Higgins building') are located to the south of the site, on the southern side of Hume Street. They are referred to as heritage items 166, 167, 168, 169, 170, 171.

Figure 11: Heritage Map



Source: Urbis

## 5. INDICATIVE CONCEPT

The intended outcome of this amended Planning Proposal is to amend the NSLEP 2013 to allow uplift on the site as follows:

- Establish a site-specific height control, with a maximum height of RL176;
- Establish a site-specific FSR control, with a maximum FSR of 7.5:1;
- Establish a site-specific minimum non-residential floor space ratio control, with a minimum FSR of 2:1.

This Planning Proposal has been prepared to give effect to the development controls and intended development outcome identified for the site within the 2036 Plan.

### 5.1. INDICATIVE CONCEPT SCHEME

An amended Urban Design Report, incorporating an indicative development concept scheme by Woods Bagot supporting the Planning Proposal is attached in **Appendix A**.

The indicative concept scheme demonstrates how the site could be redeveloped in alignment with the controls sought under the 2036 Plan, including building height in storey, residential FSR, non-residential FSR, street wall height and setback.

The proposal envisions a mixed-use development with basement car parking, retail tenancies at the ground level and commercial offices within the podium levels. Residential apartments are contained within the slender tower form above the podium form.

Key numerical details of the Indicative Concept Scheme are provided in the table below.

Table 5 Key Numeric Details

Element	Indicative Development Outcome
Land Use	Retail, commercial and residential.
Gross Floor Area	<ul style="list-style-type: none"> <li>▪ Commercial: 2,618m<sup>2</sup> (FSR 2:1)</li> <li>▪ Residential: 7,200m<sup>2</sup> (FSR 5.5:1)</li> <li>▪ Indicative yield: 87 apartments, comprising               <ul style="list-style-type: none"> <li>▪ 1 bed – 31%</li> <li>▪ 2 bed – 60%</li> <li>▪ 3 bed – 9%.</li> </ul> </li> </ul>
Floor Space Ratio	7.5:1 (inclusive of 2:1 non-residential floor space)
Building height	24 storeys RL176
Built Form	<ul style="list-style-type: none"> <li>▪ 4 storey commercial / retail podium</li> <li>▪ 4 levels of amenities/ plant room at the podium level</li> <li>▪ 16 storeys of residential apartments within the tower.</li> </ul>

Figure 12: Artist Impression from the eastern corner of Hume Street and Pacific Highway



Source: Woods Bagot

## 5.2. KEY DESIGN ELEMENTS

The submitted Urban Design Report prepared by Woods Bagot (**Appendix A**) include the following key urban design elements.

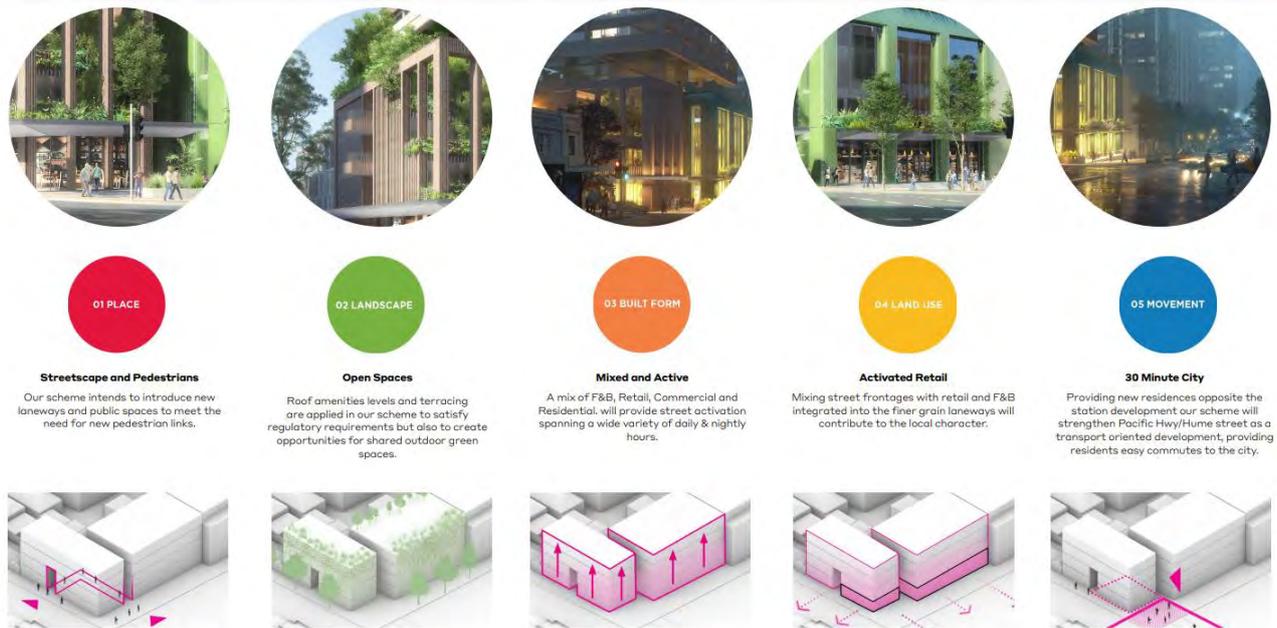
### 5.2.1. Design Principles

The key guiding principles that have informed the built form are discussed below.

- **Feet First:** Clear hierarchy of routes and laneways, where the pedestrian experiences is brought to the forefront.
- **Sense of Place:** Envelope arrangement and massing informed by environmental performance to reduce energy use from the outside.
- **Nature Abundant:** Maximising opportunities within the building for extensive climate appropriate planting and biophilic urban design response which benefits the local environment and well being of workers and residents on the site.
- **Enabling the 18 Hour City:** Active frontages and passive surveillance are provided along Pacific Highway and Hume Street frontages. The streets will be activated by a food and beverage anchor tenant on the corner and laneway eateries. Mixing street frontages with retail and food and beverage tenancies integrated into the finer grain laneways will contribute to the local character.

These guiding principles have informed the urban design response to the overarching planning objectives set out in the 2036 Plan, as illustrated below.

Figure 13: Key design principles informing the response to the 2036 Plan objectives

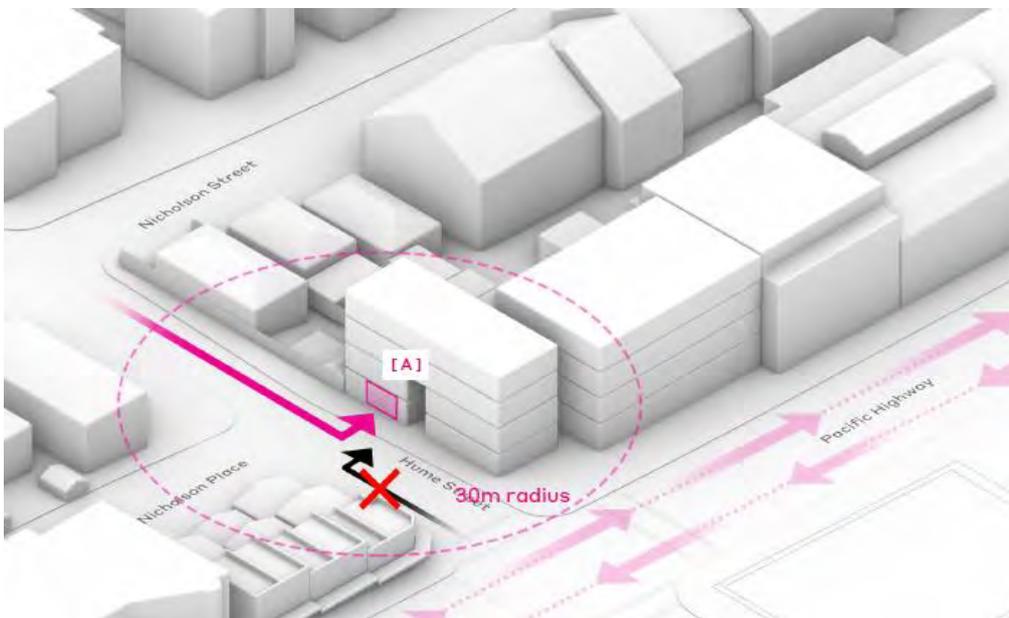


Source: Woods Bagot

### 5.2.2. Basement and Site Access

Vehicular access to the site will be retained off Hume Street. The basement will contain residential parking and access for deliveries and loading. The parking entrance is identified as 'A' in the site access plan below.

Figure 14: Site Access Plan



Source: Woods Bagot

### 5.2.3. Indicative podium design and layout

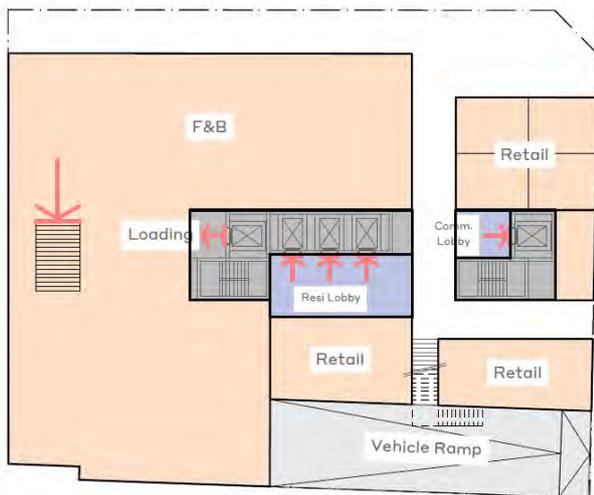
The four storey commercial podium is setback 3m from Pacific Highway and 0m to Hume Street. The ground floor features a retail anchor at the corner and food and beverage tenancies to activate the Pacific Highway frontage. Level 1 features a food and beverage tenancy with stair access to the ground floor.

Levels 1, 2 and 3 of the podium are proposed to be commercial office space. The commercial space will be flexible and have access to the landscape terrace. The commercial floorplate can accommodate a range of business types.

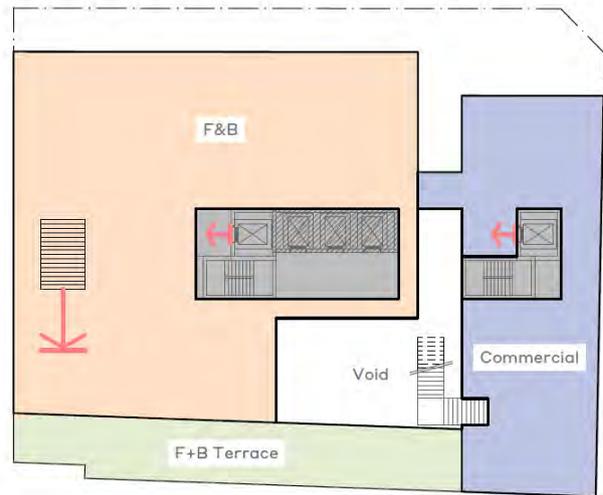
As illustrated below, the podium form is broken into two segments. This includes an anchor tenant that has a 5m eastern setback and is built to the western boundary for the full 4 storeys. The podium design reflects the intent of the 2036 Plan, which indicates a 4 storey podium on the site and a 3 storey podium on the western site, providing a transition of podium heights down Hume Street. It also allows for the site to have two prominent street addresses, which increases the ability of the site to activate the street.

The full podium response to Hume Street provides a level of visual and acoustic privacy to the rear terracing which is associated with the main podium form. These two separate elements will be interconnected at the upper levels.

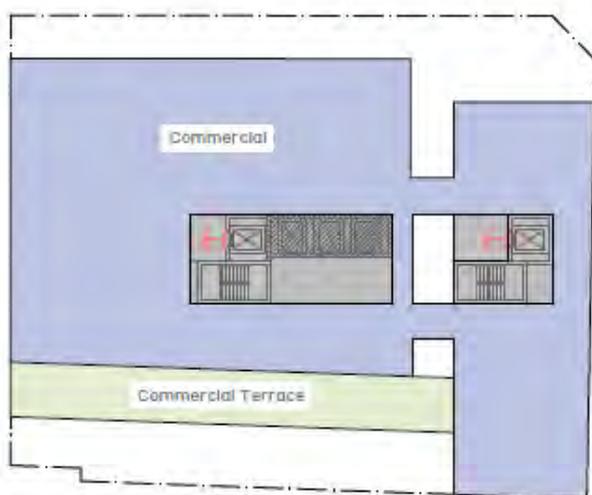
Figure 15: Podium design



Picture 5: Ground floor



Picture 6: Level 1



Picture 7: Level 2



Picture 8: Level 3

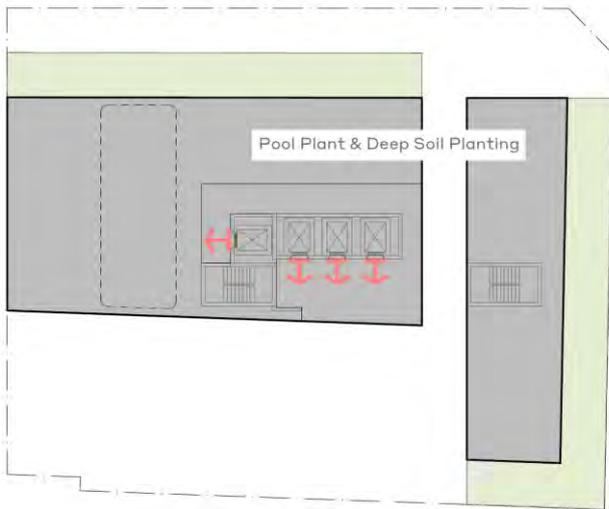
Source: Woods Bagot

### 5.2.4. Amenities Levels

The concept scheme includes three levels dedicated to providing a high quality communal open space setting for the residents and is complemented by a commercial “lifestyle” tenant providing future residents and workers with that added level of luxury. The amenities level also includes mechanical plant and the space required to support the pool as well as providing adequate depth to enable substantial tree planting.

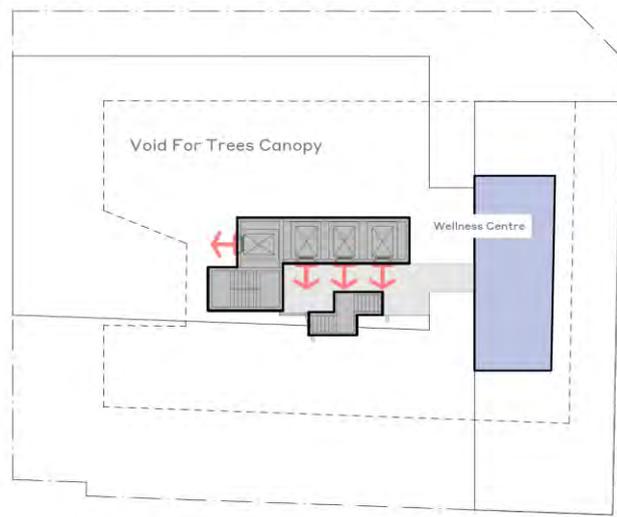
The amenities levels are demonstrated on the plans below.

Figure 16: Indicative Amenities Level Plan



Picture 9 Plant Level 4

Picture 10 Amenities Level 5



Picture 11 Amenities Level 6

Source: Woods Bagot

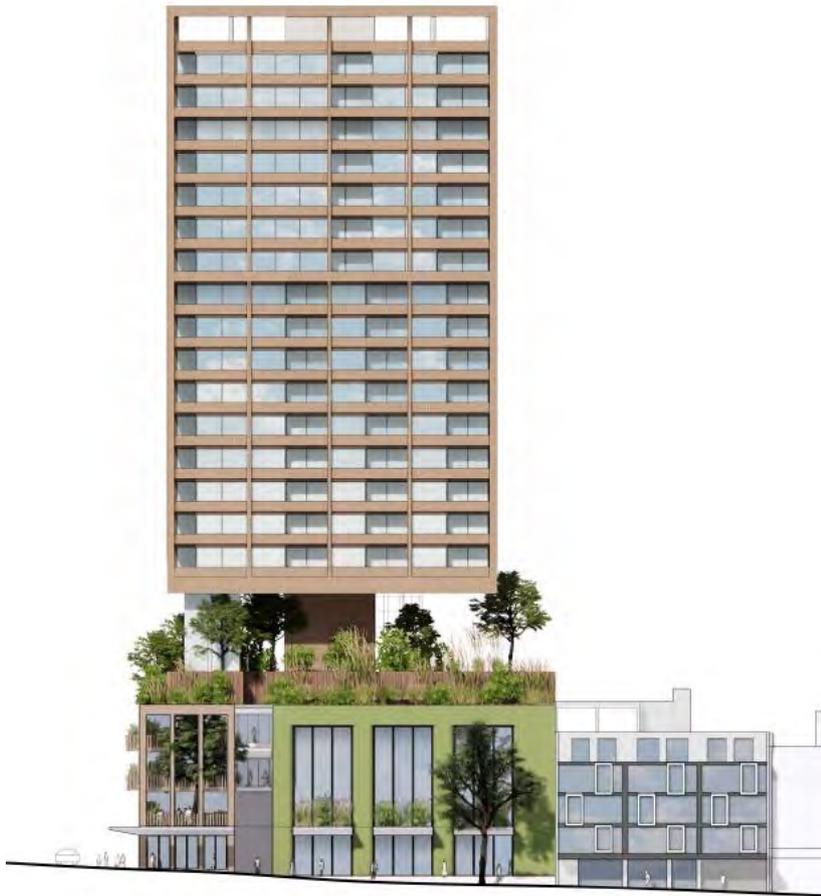
The cut-out within the northern tower façade allows for solar access to permeate the communal open space area, providing sunlight to the indicative pool area. The amenities levels are situated between the commercial podium and the cantilevered tower. The level 6 void area will increase solar amenity for terrace areas, open views from the street to the sky and allow for deep soil planting of trees to act as a buffer for visual, acoustic and wind protection, as demonstrated on the plan extract below.

Figure 17: Amenity Level Study



Source: Woods Bagot

Figure 18: Pacific Highway Elevation



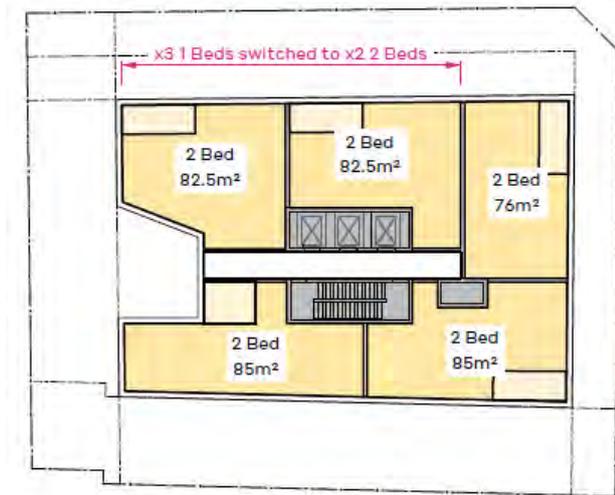
Source: Woods Bagot

### 5.2.5. Typical apartment layout

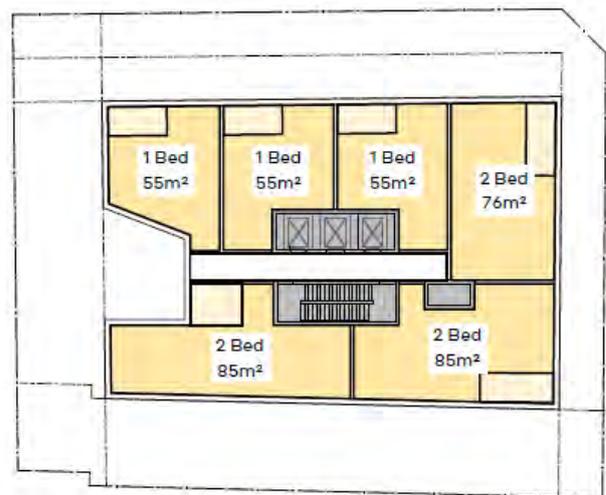
The residential tower above is stepped 3m back from the podium base. The building has been designed as two separate elements so that the tower 'floats above the commercial podium' on pillars. The floor plates and orientation of apartments have been designed to capture views, optimise solar access and respond to acoustic conditions on the Pacific Highway. Each apartment is provided with a balcony or landscaped terrace as private open space.

The indicative design for the tower floor plate has an approximate GFA of 450m<sup>2</sup> and is provided in Error! Reference source not found. below.

Figure 19: Typical Tower Level



Picture 12: Typical floor plate 1



Picture 13: Typical floor plate 2

Source: Woods Bagot

### 5.3. LANDSCAPING AND PUBLIC DOMAIN

A Landscape Design Report prepared by Urbis Landscape accompanies this Planning Proposal and is attached at **Appendix D**. The Landscape Design report illustrates a high-quality landscape outcome, achieving substantial landscaped terraces across multiple levels of the site that are available for both private and communal use for future residents of the building.

The Landscape and Public Domain vision is outlined in **Error! Reference source not found.** below.

Key features of the landscape design include:

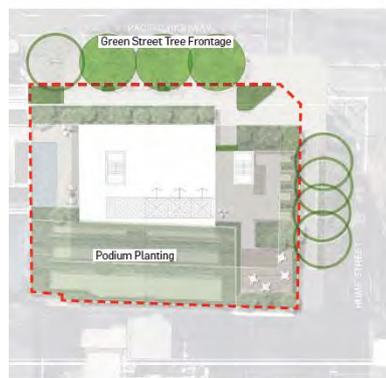
- Tree planting along the Pacific Highway.
- Planting along the public plaza on the corner of the Pacific Highway and Hume Street.
- Planting on the cascade terraces to the rear of the site on the south western boundary.
- Planter boxes on the amenities level.

Figure 20: Landscape and Public Domain Vision

**1. GREENING THE SITE**

**2. ACTIVATE THE SITE WITH A SERIES OF DESTINATION**

**3. A CONNECTED PUBLIC DOMAIN**



- Legend**
- Site boundary
  - Tree Canopy Expansion
  - Ground Floor Gateway Planting
  - Staggered Podium Planting
  - Bridge Balustrade Planting

- Legend**
- Site boundary
  - ➔ Building Entry
  - Plaza Gateway
  - Activated edge. Food and beverage offering
  - Laneway Destination

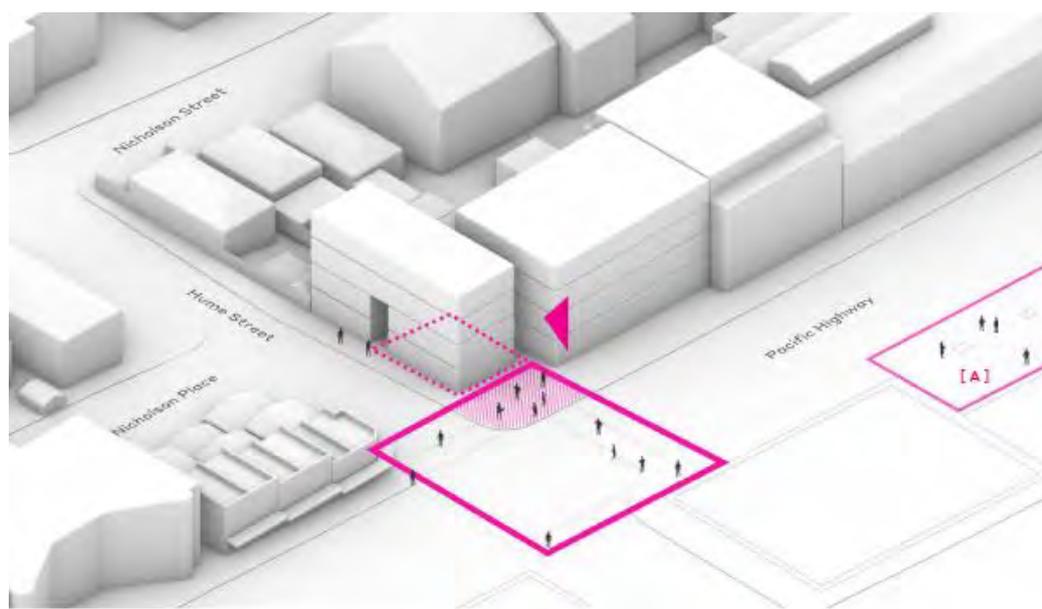
- Legend**
- Site boundary
  - ◆ Proposed Metro connection
  - ↕ Signalised crossing and connection points
  - Proposed laneway connection
  - Primary connections on site

Source: Urbis Landscape

The indicative concept realises the State Government’s vision to revitalise and rejuvenate the St Leonards and Crows Nest area. The podium has been designed skilfully designed to integrate with the public domain vision to create a destination.

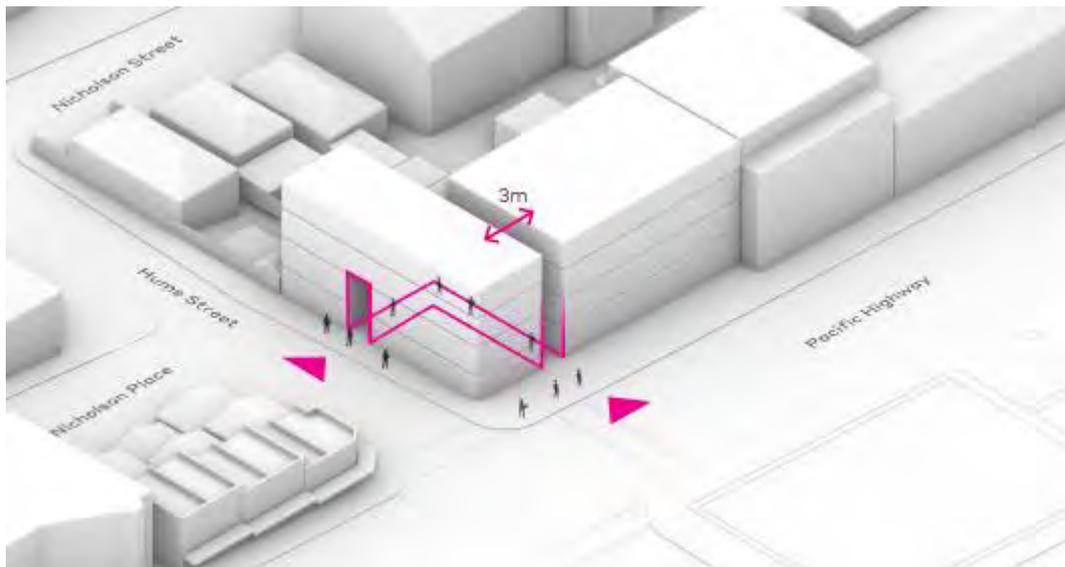
This includes the pedestrian focal point at the intersection which provides ample space to support the projected volume of pedestrians using this intersection, as well as a private internal laneway that allows customers to enjoy an outdoor seating whilst being protected from the elements, as shown in Figure 21 and Figure 22.

Figure 21: Public Plaza



Source: Woods Bagot

Figure 22: Proposed laneway



Source: Woods Bagot

## 5.4. NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

*North Sydney Development Control Plan 2013 (the DCP)* provides the detailed development controls which apply to land across the North Sydney Local Government Area. Whilst there are controls that are relevant to the site, the DCP did not contemplate a high-density tower on the site. These controls are therefore somewhat outdated. Notwithstanding, an assessment of the amended Planning Proposal and indicative design concept against the relevant DCP controls is contained in **Appendix E**.

## 6. STRATEGIC CONTEXT

This section of the report identifies the relevant State and local strategic planning policies which are relevant to the site and the proposal. It outlines the key objectives, planning priorities and actions required to deliver the vision for the Greater Sydney Region, the North district, and the North Sydney LGA.

### 6.1. GREATER SYDNEY REGION PLAN: A METROPOLIS OF THREE CITIES

The Greater Sydney Region Plan (**the Region Plan**) provides the overarching strategic plan for growth and change in Sydney. It is a 20-year plan with a 40-year vision that seeks to transform Greater Sydney into a metropolis of three cities – the Western Parkland City, Central River City and Eastern Harbour City.

It identifies key challenges facing Sydney including increasing the population to eight million by 2056, 817,000 new jobs and a requirement of 725,000 new homes by 2036.

The Plan includes objectives and strategies for infrastructure and collaboration, liveability, productivity and sustainability. The Planning Proposal is consistent with the relevant objectives of Region Plan, as discussed in the following table.

Table 6 Consistency with the Greater Sydney Region Plan

Planning Priorities	Consistency
<b>Direction 1: A city supported by infrastructure</b>	
<p><i>Objective 2: Infrastructure aligns with forecast growth</i></p> <p><i>Objective 4: Infrastructure use is optimised</i></p>	<p>The proposed increase in density directly opposite (approximately 25m west) the Crows Nest Metro Station entrance, capitalises on the State Government's investment in transport infrastructure.</p> <p>Once complete, the Sydney Metro will provide a high frequency service connecting major employment hubs such as Macquarie Park, Chatswood and the North Sydney and Sydney CBDs.</p> <p>Delivering density in close proximity to public transport will help to drive better travel behaviour in future residents and workers, encouraging increased reliance on public transport.</p> <p>Redevelopment of the site, in accordance with the 2036 Plan and the payment of required SIC levies, provides necessary funding for the State Government to delivery new infrastructure to support the planned density within this Precinct.</p>
<b>Direction 2: A Collaborative City</b>	
<p><i>Objective 5: Benefits of growth realised by collaboration of governments, community and business.</i></p>	<p>The St Leonards and Crows Nest Precinct is identified as a 'Collaboration Area' and a Planned Precinct.</p> <p>The Planning Proposal will assist in the collaboration of government, community and business as follows:</p> <ul style="list-style-type: none"> <li>• Amalgamation of a large development parcel to unlock the full development potential of the site to accommodate a tall tower form.</li> <li>• Renewal of this site for a mixed-use development would assist government in contributing towards housing and employment targets for the Precinct and provides funding to support local infrastructure investment.</li> </ul>

Planning Priorities	Consistency
	<ul style="list-style-type: none"> <li>The Planning Proposal will positively contribute to the local community through adequate street setbacks, public domain upgrades, street tree planting, land uses that contribute to the 18 hour economy and a high quality built form outcome that positively contributes to the local and emerging character of the area.</li> <li>The Planning Proposal is consistent with the Design Criteria and the St Leonards and Crows Nest Local Character Statement.</li> </ul>
<b>Direction 4: Housing the City</b>	
<p><i>Objective 10: Greater housing supply</i></p> <p><i>Objective 11: Housing is more diverse and affordable</i></p>	<p>The GSRP provides housing targets for 2016- 2036 (Northern District), as per the following:</p> <ul style="list-style-type: none"> <li>0-5 year target (2016-2021): <b>25,950 additional homes</b>;</li> <li>20-year (2016-2036): <b>92,000 additional homes</b>.</li> </ul> <p>The GSC has confirmed, through their review and assurance of the NS LSPS, that Council is forecasted to supply 2,835 dwellings for the period 2022 to 2026. To meet the mandated dwelling targets, Council is required to increase this supply to 3,000 – 3,500 dwellings during this period.</p> <p>This amended Planning Proposal has the ability to deliver approximately 87 dwellings that would directly contribute to the dwelling supply needed to meet the dwelling targets for the district.</p> <p>The concentration of density within those areas identified in the Plan will enable the retention of existing low-density residential areas surrounding Crows Nest, preserving local character and heritage buildings and is best located to maximise the benefits associated with the Metro.</p>
<b>Direction 5: A city of great places</b>	
<p><i>Objective 12: Great places that bring people together</i></p>	<p>This amended Planning Proposal and the submitted Urban Design Report and Landscape Concept Report demonstrates how the sites' future redevelopment can positively contribute to and significantly enhance the public domain, to create a place for the people.</p> <p>This includes a 5m setback at the corner of Hume Street and Pacific Highway to celebrate the street corner and provide greater breathing space for pedestrians. Set within the built form is an internal laneway with connecting glass pedestrian corridors above, providing for internal activation that is protected from the Pacific Highway and associated acoustic and wind conditions.</p>

Planning Priorities	Consistency
	<p>The street frontage will be lined with street trees and set within the podium façade will be a series of trees and cascading planters to green the façade, which is reflective of the wider leafy green character of Crows Nest.</p> <p>The proposal also includes a podium level that is partially open to the elements, creating a place for people to gather and enjoy. The commercial podium has been designed to support a range of future usages, which will ensure activation throughout the day and evening – which will in turn create lively and space spaces for pedestrians.</p>
<b>Direction 6: A well-connected city</b>	
<p><i>Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</i></p>	<p>Crows Nest is defined in the GSRP as forming part of the ‘Eastern Economic Corridor.’</p> <p>The Planning Proposal positively contributes to this through the provision of increased commercial floor space on the site and improved floor plates to attract a range of tenants and safeguards employment floor space on the site.</p> <p>Residential land uses will also be delivered, within the cantilevered tower above the commercial podium. This will assist in providing jobs close to home and optimising a liveable and walkable city.</p> <p>The proximity of the site to existing and planned transport and the provision of a high-quality, dense development outcome on this site, directly aligns with the State Governments key objective of creating a 30-minute city.</p>
<b>Direction 7: Jobs and skills for the city</b>	
<p><i>Objective 22: Investment and business activity in centres</i></p>	<p>This Planning Proposal will deliver 2,618m<sup>2</sup> of commercial floor space and 7,200m<sup>2</sup> of residential floor space opposite the future Crows Nest Metro Station.</p> <p>The commercial floorplate has been designed to be flexible and to accommodate a wide range of uses that will activate the streetscape whilst providing opportunities for food and beverage offerings that meet the needs of the local residents and those in the tower above.</p>
<b>Direction 9: An efficient city</b>	
<p><i>Objective 33: a low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change</i></p>	<p>The Planning Proposal facilitates the promotion of walkable neighbourhoods and low carbon transport options due to its proximity to the future Crows Nest Metro Station.</p> <p>The site’s proximity to public transport would provide opportunities for residents to conveniently use public transport thereby reducing</p>

Planning Priorities	Consistency
	private vehicle trip movements and assisting the objective to create low-carbon cities.

## 6.2. OUR GREATER SYDNEY 2056: NORTH DISTRICT PLAN

The North District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to implement the objectives of the Greater Sydney Region Plan. The intent of the District Plan is to inform local strategic planning statements and local environmental plans, guiding the planning and support for growth and change across the district.

The North District Plan reflects the broader vision of Sydney as a three-city metropolitan, and contains the following key metrics:

- Housing target – The North District has a housing target of an additional 92,000 dwellings by 2036, with a total forecast dwelling count of 464,500.
- Job target – The St Leonards/ Crows Nest area has a job target of 54,000- 63,500 by 2036, representing a minimum target of 7,000 new jobs over 20 years.

A description of how this Planning Proposal directly aligns with the relevant priorities of the North District Plan, are set out in Table 7 below.

Table 7 Consistency with the North District Plan

Planning Priorities	Consistency
<p><b>N1. Planning for a city supported by infrastructure</b></p> <p><b>N12. Delivering integrated land use and transport planning and a 30-minute city</b></p>	<p>The Planning Proposal leverages off the new Crows Nest Metro, providing employment and housing in close proximity to established and planned infrastructure.</p> <p>The indicative travel time from Crows Nest Station will be 11 minutes to Central Station and 5 minutes to North Sydney, locating the site well within the desired 30 minute travel mode.</p> <p>The site is ideally located to adjacent to the Metro station, with the proposed mix of land uses support the growth of Crows Nest and activation of this revitalised Precinct.</p>
<p><b>N5. Providing housing supply, choice and affordability, with access to jobs and services</b></p> <p><b>N6. Creating and renewing great places and local centres and respecting the District's heritage</b></p>	<p>The Planning Proposal will facilitate the delivery of new dwellings with access to public transport and employment opportunities. The Proposal can assist North Sydney Council in meeting the mandated housing targets, which the GSC requiring Council to delivery 3,000 – 3,500 dwellings between the 2022 – 2026 period.</p> <p>Increased housing supply and the provision of an appropriate mix of 1, 2 and 3 bedroom apartments will provide greater housing choice and will assist in alleviating the housing pressure faced by the current under supply of available dwellings within accessible locations.</p> <p>The Planning Proposal fulfils the vision for the St Leonards / Crows Nest Precinct by creating a built form outcome that responds to the local character and overarching design principles that underpin the Plan.</p>

Planning Priorities	Consistency
	The vision includes public domain improvements that will significantly enhance this street corner, providing for increased pedestrian permeability, street tree planting and active retail uses that strengthen local connections and provide for enhanced walkability within the location area.
<p><i>N8 Eastern economic corridor is better connected and more competitive</i></p> <p><i>N10. Growing investment, business opportunities and jobs in strategic centres</i></p>	<p>This substantial development parcel is located in a prime position, directly adjacent to the new Crows Nest Metro.</p> <p>The Planning Proposal will enable a 4-storey commercial podium (2,618m<sup>2</sup> of commercial GFA) with desirable floor plates suited to a range of commercial and retail uses, providing an attractive offering for renewal and activation.</p> <p>The increased density on the site co-located to the new Metro means more people will have easy access to employment and with a rejuvenated urban environment, this will boost productivity.</p> <p>The Planning Proposal directly aligns with the State Government's vision for employment growth and urban renewal in this key strategic centre.</p>
<b>N19.</b> Increasing urban tree canopy cover and delivering Green Grid connections.	<p>As illustrated in the submitted Landscape Plan (<b>Appendix D</b>), redevelopment of the site will result in increased tree canopy, with new street trees along both the Pacific Highway and Hume Street frontages.</p> <p>The landscape design also includes the provision of raised planter boxes within the street setback.</p> <p>The rear terraced commercial podium also provides ample opportunity for increasing tree canopy within the site, with small trees and landscaped planter boxes proposed along the periphery of the building.</p>

### 6.3. ST LEONARDS CROWS NEST 2036 PLAN

The St Leonards and Crows Nest 2036 Plan will facilitate the urban renewal of St Leonards and Crows Nest for an expanding employment centre and growing residential community in the suburbs of St Leonards, Greenwich, Naremburn, Wollstonecraft, Crows Nest, and Artarmon.

The following table details how the Planning Proposal aligns with the 2036 Plan, by responding to the area wide vision and adopting the built form parameters for the site.

Table 8 Consistency with St Leonards Crows Nest 2036 Plan

Action	Planning Proposal Response	Compliance
<b>Area wide design principles and design criteria</b>		
<p><b>Place</b></p> <p><i>Site specific vision: introduce new</i></p>	<ul style="list-style-type: none"> <li>The indicative concept design envisages a podium that responds to this key corner and provides for an attractive public domain and the integration of new laneways and public spaces deep within the site. The floor plates have</li> </ul>	Yes

Action	Planning Proposal Response	Compliance
<i>laneways and public spaces</i>	<p>been designed to attract F&amp;B offerings that would contribute to the 18-hour economy.</p> <ul style="list-style-type: none"> <li>The proposed building envelope has been designed to fit within the solar access controls, with neighbouring residents maintaining 2 hours solar access and no overshadowing to public open spaces or beyond the Plan boundary.</li> </ul>	
<p><b>Landscape</b></p> <p><i>Site specific vision: Amenities and terracing have been designed to create shared outdoor green spaces</i></p>	<p>A Landscape Design Report prepared by Urbis Landscape accompanies this Planning Proposal and is attached at <b>Appendix D</b>.</p> <p>Future redevelopment of the site will incorporate street tree planting to Pacific Highway and Hume Street, as envisaged by the Plan and will improve pedestrian connectivity along the sites frontages There is also ample opportunity for greening within the site, including within the terraced levels of the commercial podium and within the amenities level.</p>	Yes
<p><b>Built Form</b></p> <p><i>Site specific vision: A mix of retail, commercial and residential uses will contribute to the 18-hour economy</i></p>	<p>The Plan includes the site within the high density area, located between St Leonards Station and Crows Nest Metro.</p> <p>The built form controls nominate a height of 24 storeys and an FSR of 7.5:1, inclusive of a non-residential FSR of 2:1. The Planning Proposal and built form outcome is largely compliant with the built form controls by way of the following:</p> <ul style="list-style-type: none"> <li>Relates to a large development parcel (1,309m<sup>2</sup> in area) that is highly suitable for a tall tower form of 24 storeys (RL176), as nominated in the Plan.</li> <li>Complies with the nominated FSR of 7.5:1.</li> <li>Complies with the nominated building setbacks (3m to Pacific Highway and 0m to Hume Street) and street wall heights (4 storeys)</li> <li>Whilst the site is not adjacent to a heritage conversation area, the western boundary adjoins land zoned R3 Medium Density with a mapped height of 4 storeys. The podium positively responds to this through the introduction of a landscaped terrace, that has been designed to comply with the 45 degree angled height plane, outlined in Council's DCP. This results in the western setback varying between 4.3m – 11.9m. The introduction of terracing to the rear podium results in a superior outcome comparative to a sheer 4 storey wall with a 4.5m - 7.5m setback. The proposed response reduces the perceived visual bulk impacts and aligning with the established built form to the north. The proposed treatment to the western boundary is consistent with the objective to transition heights adjacent to lower scale residential areas.</li> </ul>	Yes

Action	Planning Proposal Response	Compliance
	<ul style="list-style-type: none"> <li>Retains solar access to public open spaces and residential areas outside the Plan boundary. The proposed building envelope also retains the required 2 hours solar access to the western residential neighbours.</li> </ul>	
<b>Land Use</b>  <i>Site specific vision: Activated retail integrated into the finer grain laneways will contribute to the local character.</i>	<p>The overall 2036 Plan provides capacity for up to 6,683 new dwellings within the Precinct and 1,950 to 3,020 new jobs within Crows Nest.</p> <p>This Planning Proposal retains the sites B4 Mixed-Use zone while providing increased heights and density to achieve the State Governments vision by delivery approximately 87 new dwellings and 2,618m<sup>2</sup> of commercial floor space (at ground level and above), contributing to jobs within the Precinct. The creation of a pedestrian laneway link positively delivers on the 'fine grain retail character desired in the 2036 Plan vision.</p> <p>This amended Planning Proposal directly responds to the land use actions of the plan which seeks to concentrate higher density housing along Pacific Highway.</p> <p>Future residential development will contain a mix of dwelling typologies that responds to the market demands.</p>	Yes
<b>Movement</b>  <i>Site specific vision: The scheme will strengthen Pacific Highway / Hume Street as a TOD, providing residents with easy commute to the city.</i>	<p>Future redevelopment of the site will include the provision of an end of trip facility that encourages the use of active transport. Public domain improvement works will be undertaken that strengthen the pedestrian linkages, further enhancing active transport modes.</p> <p>The site's location directly adjacent to the Crows Nest Metro and the improved public domain works will be a catalysed for increased public transport patronage.</p>	Yes
<b>Implementing the Plan</b>		
<b>Land Zoning</b>		
Land Zoning	The Plan maps the site as B4 Mixed Use. The Planning Proposal retains the sites land use zoning.	Yes
<b>Building storey height</b>		
24 storeys	The indicative concept includes a 24 storey tower form that is located on the southern extent of the site. The Planning Proposal seeks to apply a maximum height of building control of RL176.	Yes
<b>Floor Space Ratio (FSR)</b>		

Action	Planning Proposal Response	Compliance
FSR: 7.5:1	This Planning Proposal has been amended to reduce the FSR from 8.6:1 to 7.5:1.  The amended Planning Proposal is now fully compliant with the maximum permissible FSR.	Yes
Minimum non-residential FSR: 2:1	Consistent with the Plan, the Planning Proposal seeks to apply a minimum non-residential FSR of 2:1.	Yes
<b>Street wall height</b>		
4 storey street wall height	Consistent with the Plan, the indicative concept includes a 4 storey street wall height to Pacific Highway and Hume Street.	Yes
<b>Setback</b>		
3m setback to Pacific Highway	Consistent with the Plan, the new tower site includes a 3m setback to the Pacific Highway. Existing setbacks to the recently constructed southern building will be retained.	Yes
<b>Section 9.1 Direction</b>		
Consistency with the Plan	The Planning Proposal directly aligns with vision for the site and achieves the objectives and actions of the Plan.	Yes

## 6.4. NORTH SYDNEY LOCAL STRATEGIC PLANNING STATEMENT

On 24 March 2020, Council adopted the North Sydney Local Strategic Planning Statement (LSPS), which is part of the DPIE mandated LEP review.

The LSPS sets out Council's land use vision, planning principles, priorities, and actions for the next 20 years. It outlines the desired future direction for housing, employment, transport, recreation, environment and infrastructure for North Sydney LGA.

The Planning Proposal can contribute to the visions and planning priorities outlined in the LSPS and this is demonstrated below.

Table 9 Consistency with North Sydney LSPS

Planning Priorities	Consistency
<b>Liveability</b>	
<i>L1: Diverse housing options that meet the needs of the North Sydney community</i>	The Planning Proposal will broaden the range of housing choices provided in the LGA by accommodating residential apartments with a mix of apartment types to appeal to a wide range of household types.
<i>L2: Provide a range of community facilities and services to support a healthy, creative, diverse and socially connected North Sydney community</i>	The public domain upgrades will contribute to a diverse and socially connected community. A mix of food and beverage, retail, commercial and residential uses will provide street activation spanning a wide variety of daily and evening hours.

Planning Priorities	Consistency
<b>Productivity</b>	
<i>P1 – Grow a stronger, more globally competitive North Sydney CBD</i>	<p>The future development of the site can provide for diversity in commercial floor plate. The future redevelopment of the site can contribute by providing new retail land uses on the ground floor which will activate the public domain.</p> <p>Accordingly, this Planning Proposal can respond to Council’s productivity objectives for St Leonards/ Crows Nest Precinct, by providing the opportunity to accommodate a growing and evolving economy, that supports skills growth and attracts investment.</p>
<i>P3: Enhance the commercial amenity and viability of North Sydney’s local centres.</i>	The Planning Proposal will provide space for commercial office and retail, and improve the amenity, services and appeal of the Crows Nest.
<i>P6: Support walkable centres and a connected, vibrant and sustainable North Sydney</i>	<p>The site is highly accessible to current and future public transport, which will optimise public transport usage and represent opportunities for land use density and diversity within a walkable distance to commercial, mixed-use and neighbourhood centres.</p> <p>The location of the site and the concept design would support Council’s 30-minute city vision and is a logical location for increased density from a transit-oriented development perspective.</p> <p>By concentrating employment and housing growth in proximity to the new Crows Nest Metro Station this will support the desired integrated land use and transport model and encourage walkable centres.</p>

## 6.5. NORTH SYDNEY LOCAL HOUSING STRATEGY

On 10 May 2021, DPIE approved the North Sydney Local Housing Strategy (**LHS**). DPIE, in approved the LHS, stated that the “*direction and strategic planning approaches endorsed in State-led precinct plans are to prevail in the event of any inconsistency with Council’s LHS.*”

In implementing the LHS, Council is to prepare an implementation plan that is to include and reflect the strategic planning work Council commits to undertaking to implement the St Leonards Crows Nest 2036 Plan.

This Planning Proposal has been prepared in direct response to the Plan and aligns with the visions, actions and objectives of the Plan.

Specifically, the State-led precinct plan has nominated sites for greater heights and densities which increases the capacity within the Plan boundary to accommodate 6,683 new dwellings. The Planning Proposal will delivery approximately 87 dwellings and 2,618m<sup>2</sup> of commercial GFA, contributing to the jobs growth target of 1,950-3,020 for Crows Nest.

In this regard, the Planning Proposal is consistent with the LHS, as it delivers housing and employment in an area identified for growth and on a key strategic site.

## 6.6. FUTURE TRANSPORT STRATEGY 2056

The *Future Transport Strategy 2056* outlines the vision for the Greater Sydney mass transit network, detailed Crows Nest within the 30 minute city. The Future Transport vision sets six state-wide outcomes to guide investment, policy and reform and service provision. They provide a framework for network planning and investment aimed at supporting transport infrastructure.

The site is well placed to gain from the future transport network, including the Crows Nest Metro (adjacent to the site) and the St Leonards train station (further north of the site), through both the frequency of transport services projected as well as upgraded infrastructure for all forms of mobility.

The opening of the Crows Nest Metro will be a catalyst for change, creating a new arrival and departure point and ultimately changing the way people move and will change the way people move around the area.

This Planning Proposal provides the opportunity to significantly enhance the quality of the public domain and create a key pedestrian focal point at, what is set to become, a key pedestrian node.

## 7. PLANNING PROPOSAL ASSESSMENT

The Planning Proposal request has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and the DPIE guidelines '*Planning Proposals: A guide to preparing planning proposals*' dated December 2018.

This section addresses each of the matters outlined in the guidelines, including:

- Objectives and intended outcomes;
- Explanation of provisions;
- Justification including need for proposal, relationship to strategic planning framework, environmental, social and economic impacts and State and Commonwealth interests;
- Draft LEP maps which articulate the proposed changes;
- Likely future community consultation; and
- The project timeline.

### 7.1. PART 1 - OBJECTIVES AND INTENDED OUTCOMES

The primary objective of the Planning Proposal is to amend the NSLEP 2013 building height and FSR controls to deliver a high density, mixed-use tower form, as envisaged by the 2036 Plan. No change to the current B4 Mixed Use zoning is proposed.

The proposed amendments to NSLEP 2013 have the following objectives of enabling future development:

- Realise the development potential of this significant site, as envisaged by the 2036 Plan;
- Facilitate the amalgamation of four land parcels into a single development opportunity that is capable of delivering an exceptional urban design outcome to mark this corner location;
- Encourage development activity in this identified key location, supporting the evolution of this Precinct and contributing to the rejuvenation of Crows Nest.
- Provide a compatible mix of land uses that contribute to the creation of a vibrant and active community, including the potential for residential, commercial, retail directly adjacent to the Crows Nest Metro Station; and
- Integrate the site with the broader area through public domain improvements, streetscape activation and street tree planting. These public domain improvements will enhance the pedestrian permeability of the area and contribute to the key place and movement objectives of the 2036 Plan.

### 7.2. PART 2 - EXPLANATION OF PROVISIONS

The proposed outcome of the Planning Proposal will be achieved by amending the NSLEP 2013, as follows:

- Amend the NSLEP 2013 Height of Buildings Map to provide an amended building height control of RL176 across the site.
- Amend the NSLEP 2013 Maximum Floor Space Ratio Map to provide a maximum floor space ratio control of 7.5:1 across the site.
- Amend the NSLEP 2013 Minimum Non-Residential Floor Space Ratio Map to provide a minimum non-residential floor space ratio control of 2:1 across the site.

The proposed mapping amendments are provided within **Section 7.4 Part 4 – Mapping** of this report.

## 7.3. PART 3 - JUSTIFICATION

### Section A – Need for the planning proposal

**Q1. *Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?***

**Yes** – the site is subject to the 2036 Plan adopted by DPIE. The plan specifies increased height and density uplift as well as specific built form controls. This Planning Proposal has been prepared to give effect to the intended development outcome identified for the site within the 2036 Plan. The 2036 Plan is accompanied by a Ministerial Direction that gives effect to the plan in the consideration of planning proposals and facilitates minor inconsistencies.

The Planning Proposal is also consistent with the North Sydney LSPS, (refer to Table 9).

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

**Yes.** This Planning Proposal is the best means of achieving the objectives and intended outcomes for the site as:

- The Implementation Strategy outlined in the 2036 Plan directs Proponents to prepare planning proposals. The SLCN 2036 Plan states *it will be the responsibility of each relevant Council to progress planning proposals through amendments to their respective local environmental plans to give effect to the built form recommendations in the Plan.* North Sydney Council has elected not to advance a precinct wide planning proposal, therefore, landowner led Planning Proposals are required to achieve the vision of the 2036 Plan.
- This Planning Proposal is consistent with the built form controls of the 2036 Plan and is consistent with the overarching strategic direction. It is therefore reasonable to progress the Planning Proposal in accordance with the Implementation Strategy.

Other statutory measures to give effect to the objectives and intended outcome of the Planning Proposal were considered however were not pursued as the best means to achieve the intended outcome. These include:

- Lodging a Development Application under the current NSLEP controls
- ‘Do nothing’ – wait for Council initiated Planning Proposal to amend NSLEP

#### **Development Application**

Lodging a Development Application was considered as the current B4 Mixed-Use zone permits the mix of land uses reflecting in the indicative concept scheme. However, the current LEP maximum building height control is 16m (approximately 5 storeys) and a minimum FSR of 1.5:1. These controls are now considered obsolete and not reflective of the local and State strategic planning direction for the site and thus would constitute an under-development of a strategically valuable site.

The strategic direction of the site is to accommodate a 24 storey tower. A Development Application could be submitted with a Clause 4.6 variation to the building height control, however this would be inconsistent with the Implementation Strategy of the 2036 Plan and would result in a significant departure from the current statutory control. In this instance, a Clause 4.6 would not be the most appropriate mechanism to achieve the intended outcome, as the magnitude of variation does not meet the intended application of clause 4.6.

Council has made it clear they do not wish to prepare a precinct wide planning proposal. It is therefore Council’s preference that proponents submit Planning Proposals to seek amendments to the LEP controls having regard to the 2036 Plan. The Planning Proposal is largely consistent with the built form controls of the final 2036 Plan and is consistent with the strategic direction and vision of the 2036 Plan, so there is no reason to delay development on the site.

Therefore, a site-specific Planning Proposal is the best means of achieving the objectives and intended outcomes.

## Section B – Relationship to strategic planning framework

**Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, of district plan or strategy (including any exhibited draft plans or strategies)?**

**Yes** – the Planning Proposal will give effect to the objectives and actions of the applicable regional and district planning policies and strategies as outlined in **Section 5** and as summarised in the following table.

Table 10 Relationship to Strategic Planning Framework

Strategic Plan	Consistency
<i>Greater Sydney Region Plan: A Metropolis of Three Cities</i>	<p>Refer to <b>Section 6.1</b>.</p> <p>Crows Nest and St Leonards is identified as one of 15 growth areas and urban renewal corridors. This Planning Proposal would directly contribute to the dwelling supply needed to meet the dwelling targets for the North district.</p> <p>This Planning Proposal seeks to provide 2,618m<sup>2</sup> of employment floor space and 7,200m<sup>2</sup> of residential floor space in Crows Nest.</p>
<i>Our Greater Sydney 2056: North District Plan</i>	<p>Refer to <b>Section 6.2</b>.</p> <p>The site is strategically located directly opposite the Crows Nest Metro Station, which is currently under construction. The Metro Station will change the way people move around the area, and this Planning Proposal will enable a development outcome that supports the growth of St Leonards/ Crows Nest.</p> <p>The Planning Proposal will deliver greater housing and employment opportunities at the door step of the Metro Station, connecting people to jobs and creating an active transport hub within St Leonards Strategic Centre.</p>
<i>St Leonards Crows Nest 2036 Plan</i>	<p>Refer to <b>Section 6.3</b>.</p> <p>This Planning Proposal has been prepared to give effect to the vision, objectives and actions of the 2036 Plan, as well the specific built form intent for the site. The intended outcome is a tower form that exhibits design excellence, activates the streetscape and creates a lush urban environment through the use of natural elements and landscape features throughout the podium form.</p>

## Assessment Criteria

The Planning Proposal addresses the Assessment Criteria within the DPIE guidelines as summarised below:

(a) *Does the proposal have strategic merit?*

**Yes** – the Planning Proposal is consistent with the objectives and actions of the following strategies, demonstrating the strategic merit of the site:

- Greater Sydney Region Plan (**Section 6.1**)
- North District Plan (**Section 6.2**)
- St Leonards Crows Nest 2036 Plan (**Section 6.3**)
- North Sydney Local Strategic Planning Statement (**Section 6.4**)

- North Sydney Local Housing Strategy (**Section 6.5**)
- Future Transport Strategy 2056 (**Section 6.6**)

(a) *Does the proposal have site-specific merit?*

**Yes** – the Planning Proposal has site-specific merit having regard to the following matters:

- Natural environment;
- Existing, approved and likely future uses; and
- Available and proposed services and infrastructure.

The site-specific merit of the Planning Proposal is discussed in **Section C – Environmental, social and economic impacts**.

**Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?**

**Yes** – the Planning Proposal is consistent with the endorsed North Sydney LSPS (**Section 6.4**) and the North Sydney LHS (**Section 6.5**).

**Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

**Yes** – the Planning Proposal is consistent with relevant SEPPs as identified and discussed in the following table.

Table 11 Consistency with SEPPs

<b>SEPP</b>	<b>Consistency</b>
SEPP 55 Remediation of Land	<p>SEPP55 provides the planning framework for the management of contaminated land in NSW.</p> <p>The site is currently zoned as B4 Mixed Use and is located in an urban environment. The present buildings have been established on the site since the late 1980's and the site conditions have remained largely unchanged.</p> <p>Clause 7 of SEPP55 states that a consent authority must not consent to development unless it has considered whether the land is contaminated and if required, it is satisfied that the land will be remediated before the land is used for that purpose.</p> <p>Whilst this Planning Proposal does not seek development consent for building works, a Preliminary Site Investigation (PSI) has been undertaken by Aargus and is provided at <b>Appendix F</b>.</p> <p>The PSI documents potential contaminants that may be present on site. These are considered to be of a low significance, including imported fill, pesticide use, former site activities, vehicle leaks and asbestos based building products.</p> <p>The PSI concludes that at the Development Application stage, and subject to a Detailed Site Investigation, the site can be made suitable for future redevelopment.</p>
SEPP 65 Design Quality of Residential Flat Buildings	<p>SEPP 65 provides a statutory framework to guide the design quality of residential flat developments. The indicative concept has been designed to facilitate future detailed building design in accordance</p>

SEPP	Consistency
	<p>with SEPP 65 and the accompanying Apartment Design Guide (ADG).</p> <p>Woods Bagot (<b>Appendix A</b>) have tested the performance of the building envelope and undertaken a preliminary assessment of the residential tower in relation to the matters prescribed under SEPP 65. This demonstrates that:</p> <ul style="list-style-type: none"> <li>▪ All residential apartments are capable of meeting the minimum room size and private open space requirements;</li> <li>▪ Minimum floor to ceiling heights of 2.7m will be provided, with floor to floor heights design at 3.2m;</li> <li>▪ At least 70% of apartments can achieve 2 hours solar access between 9am – 3pm on June 21<sup>st</sup>;</li> <li>▪ 60% of apartments are capable of being naturally cross ventilated;</li> <li>▪ A communal open space area that is 25% of the site area can be provided at the podium level which will receive adequate solar access; and</li> <li>▪ ADG compliant separation distances can be achieved on the site.</li> </ul> <p>Refer to <b>Section 7.3.5</b> for further discussion.</p> <p>Ultimately, a detailed assessment of SEPP65 compliance will be undertaken at the DA stage when the nuances of the detailed design have been developed.</p>
SEPP (Buildings Sustainability Index: BASIX) 2004	<p>The BASIX SEPP requires residential development to achieve mandated levels of energy and water efficiency.</p> <p>The indicative concept design has been designed with building massing and orientation to facilitate future BASIX compliance. This will be documented at the development application stage.</p>
SEPP (Infrastructure) 2007	<p>This SEPP provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process.</p> <p>The amended Planning Proposal is identified as traffic generating development in accordance with Schedule 3 of the iSEPP and will be referred to TfNSW at the DA stage.</p> <p>The application also triggers assessment against Clause 88B Development near proposed metro stations. This is discussed within Section 3.5 of the Transport Report provided at <b>Appendix G</b>.</p>

**Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

**Yes** – the Planning Proposal is consistent with relevant Ministerial directions under Section 9.1 of the EP&A Act as identified and summarised in the following table.

Table 12 Consistency with Section 9.1 Directions

<b>Direction</b>	<b>Consistency</b>
<b>1. Employment and Resources</b>	
1.1 Business and Industrial Zones	<p>The Planning Proposal does not seek to change the B4 Mixed Use zone and increases the statutory minimum non-residential FSR requirement under NSLEP 2013 from 1.5:1 to 2:1. Therefore, the Planning Proposal seeks to increase employment generating land uses and upgrade to provide for more contemporary commercial space, thus is consistent with this Direction.</p> <p>The intention of the Planning Proposal is to optimise a development outcome onsite, by amending the built form controls to provide additional retail/commercial uses collocated with residential use.</p> <p>The Planning Proposal facilitates the provision of both increased residential densities and commercial spaces within the identified commercial centre, supporting the viability of the centre and encouraging employment growth in the area.</p>
1.2 Rural Zones	Not applicable.
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable.
1.4 Oyster Aquaculture	Not applicable.
1.5 Rural Lands	Not applicable.
<b>2. Environment and Heritage</b>	
2.1 Environment Protection Zones	Not applicable.
2.2 Coastal Management	Not applicable.
2.3 Heritage Conservation	<p>The site has no identified or known items of European or Aboriginal significance, as such this provision is not applicable.</p> <p>The locally listed 'Higgins Buildings' are located to the south of the site. The design of the concept design has given consideration to the Higgins Buildings, as further discussed in <b>Section 7.3.9</b>.</p>
2.4 Recreation Vehicle Areas	Not applicable.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable.

Direction	Consistency
2.6 Remediation of contaminated land	<p>This Planning Proposal does not seek to change the B4 Mixed Use zoning applicable to the site. Notwithstanding, the Planning Proposal will enable the intensification of the site for commercial and residential purposes. Accordingly, a PSI has been prepared and is provided at <b>Appendix F</b>.</p> <p>As stated in Table 11 above, the site potentially contains low risk contamination associated with the existing buildings, which have been present on the site since the late 80's.</p> <p>As the site is fully developed, detailed investigations are unable to be carried out at this stage. A DSI will be undertaken at the DA stage to verify any potential contaminations and, if required a remediation action plan can be prepared.</p> <p>Upon undertaken these further studies, it is determined that the site can be made suitable for the proposed land uses.</p>
<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones  (1) The objectives of this direction are:	The Planning Proposal is consistent with the Direction as outlined below.
<i>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</i>	<p>The Planning Proposal is seeking to broaden the range of housing choices provided in the LGA through the delivery of residential floor space that is capable of being developed with a mix of apartment typologies and layouts.</p> <p>The site is suitably located to accommodate a high rise residential development, as it is located opposite the future Crows Nest Metro Station and meets residential amenity and locational criteria.</p>
<i>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</i>	A mixed use development in this location would make efficient use of existing services and infrastructure. A B4 Mixed Use zone creates the potential to provide housing and to help meet infill housing targets, which reduce the need for land release on the metropolitan fringe. It also focuses new housing development in an identified urban renewal area, which benefits from excellent (existing and future) public transport service and improves accessibility.
<i>(c) to minimise the impact of residential development on the environment and resource lands.</i>	<p>Optimising high density residential accommodation in a strategic centre will minimise impacts on the natural environment or resource lands as the precinct and sites are already developed.</p> <p>Future residential accommodation can be provided on the site without significantly impacting the land or neighbouring development.</p>

Direction	Consistency
3.2 Caravan Parks and Manufactured Home Estates	Not applicable.
3.3 Home Occupations	Not applicable.
<p>3.4 Integrating Land Use and Transport</p> <p><i>(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <p><i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i></p> <p><i>(b) increasing the choice of available transport and reducing dependence on cars, and</i></p> <p><i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></p> <p><i>(d) supporting the efficient and viable operation of public transport services, and</i></p> <p><i>(e) providing for the efficient movement of freight.</i></p>	<p>The Planning Proposal is consistent with the direction for the following reasons:</p> <ul style="list-style-type: none"> <li>▪ The site exhibits excellent access to public transport, being located opposite the future Crows Nest Metro Station and existing bus services.</li> <li>▪ The increased density on the site also supports the patronage of the future metro and accords with the key direction from the state government, which seeks to co-locate increased densities within the walker catchment of public transport nodes.</li> <li>▪ The provision of increased housing supply within a walkable neighbourhood reduces the need for car dependency.</li> <li>▪ The provision of residential accommodation adjacent to key employment and transport nodes encourages a walkable neighbourhood.</li> <li>▪ The proposal would provide a new mix of employment opportunities (retail and commercial) within the North Sydney LGA, within close proximity to existing services and infrastructure.</li> </ul>
3.5 Development Near Regulated Airports and Defence Airfields	<p>The site is not located in close proximity to Sydney Airport however it is affected by the obstacle limitation surface (<b>OLS</b>) of 156m AHD, and the proposal seeks to exceed this. Accordingly the provisions of clause (4) of this Direction apply.</p> <p>The PANS-OPS surface is at 340m AHD and the OLS Outer Horizontal Surface is at 156m AHD. The proposed maximum permanent structure has a height of RL176, which protrudes within the OLS surface by 20m however is below the PANS-OPS surface by 160m, being the critical height limit.</p> <p>It is noted that at a height of RL176, any future development will penetrate the OLS and there will be classified as a “controlled activity” and will require assessment and approval from aviation authorities. These will be matters for consideration at the DA stage.</p>

<b>Direction</b>	<b>Consistency</b>
3.6 Shooting Ranges	Not applicable.
3.7 Reduction in non-hosted short term rental accommodation period	Not applicable.
<b>4. Hazard and Risk</b>	
4.1 Acid Sulphate Soils	<p>The site is not mapped as being subject to potential acid sulphate soils.</p> <p>The PSI has reviewed relevant mapping data provided by the NSW Department of Land &amp; Water Conservation and this indicates that there “no known occurrence” of acid sulphate materials at the site and the presence of acid sulphate soils is unlikely.</p>
4.2 Mine Subsidence and Unstable Land	Not applicable.
4.3 Flood Prone Land	Not applicable.
4.4 Planning for Bushfire Protection	Not applicable.
<b>5. Regional Planning</b>	
5.1 Implementation of Regional Strategies	Revoked.
5.2 Sydney Drinking Water Catchments	Not applicable.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.
(5.5-5.8 – revoked)	Revoked.
5.9 North West Rail Link Corridor Strategy	Not applicable.
5.10 Implementation of Regional Plans	The Planning Proposal is consistent with this Direction, as discussed within Question 3.
5.11 Development of Aboriginal Land Council land	Not applicable.
<b>6. Local Plan Making</b>	
6.1 Approval and Referral Requirements	This is an administrative requirement for Council.

Direction	Consistency
6.2 Reserving Land for Public Purposes	This is an administrative requirement for Council.
6.3 Site Specific Provisions	The Planning Proposal has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with the NSLEP 2013.
<b>7. Metropolitan Planning</b>	
7.1 Implementation of A Plan for Growing Sydney	<p><i>A Plan for Growing Sydney</i> is now superseded.</p> <p>The Planning Proposal gives effect to the Greater Sydney Region Plan and the North District Plan in accordance with Direction 7.1.</p> <p>The Planning Proposal is consistent with the planning principles, directions and priorities contained in the Greater Sydney Region Plan. This is further discussed in <b>Section 6.1</b> of this report.</p>
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable.
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Not applicable.
7.9 Implementation of Bayside West Precincts 2036 Plan	Not applicable.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable.

Direction	Consistency
7.11 Implementation of St Leonards and Crows Nest 2036 Plan	<p><b>Section 6.3</b> details how this Planning Proposal aligns with the 2036 Plan.</p> <p>This amended Planning Proposal achieves the vision, objectives and actions of the Plan and is consistent with this Ministerial Direction. This is summarised as follows:</p> <ul style="list-style-type: none"> <li>- Complies with the nominated FSR of 7.5:1.</li> <li>- Complies with the nominated building setbacks (3m to Pacific Highway and 0m to Hume Street) and street wall heights (4 storeys)</li> <li>- Retains solar access to public open spaces and residential areas outside the Plan boundary. The proposed building envelope also retains the required 2 hours solar access to the western residential neighbours.</li> <li>- The active fine grain retail lane and pedestrian focal point introduces a new laneway and public space to the Precinct and creates a hub at this key intersection. Relates to a large development parcel (1,309m<sup>2</sup> in area) that is highly suitable for a tall tower form of 24 storeys (RL176), as nominated in the Plan.</li> </ul>
7.12 Implementation of Greater Macarthur 2040	Not applicable.
7.12 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable.

## Section C – Environmental, Social and Economic Impact

**Q7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

**No.** The site is fully developed for urban purposes and comprises little vegetation. As a result, there are no known critical habitats, threatened species or ecological communities located on the site and therefore the likelihood of any negative impacts will be negligible.

**Q8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

The site is free of major constraints. There are no likely environmental effects associated with the future development of the land that cannot be suitably mitigated through further design development.

Preliminary investigations have been undertaken as outlined below.

## 7.3.1. Built Form and Context

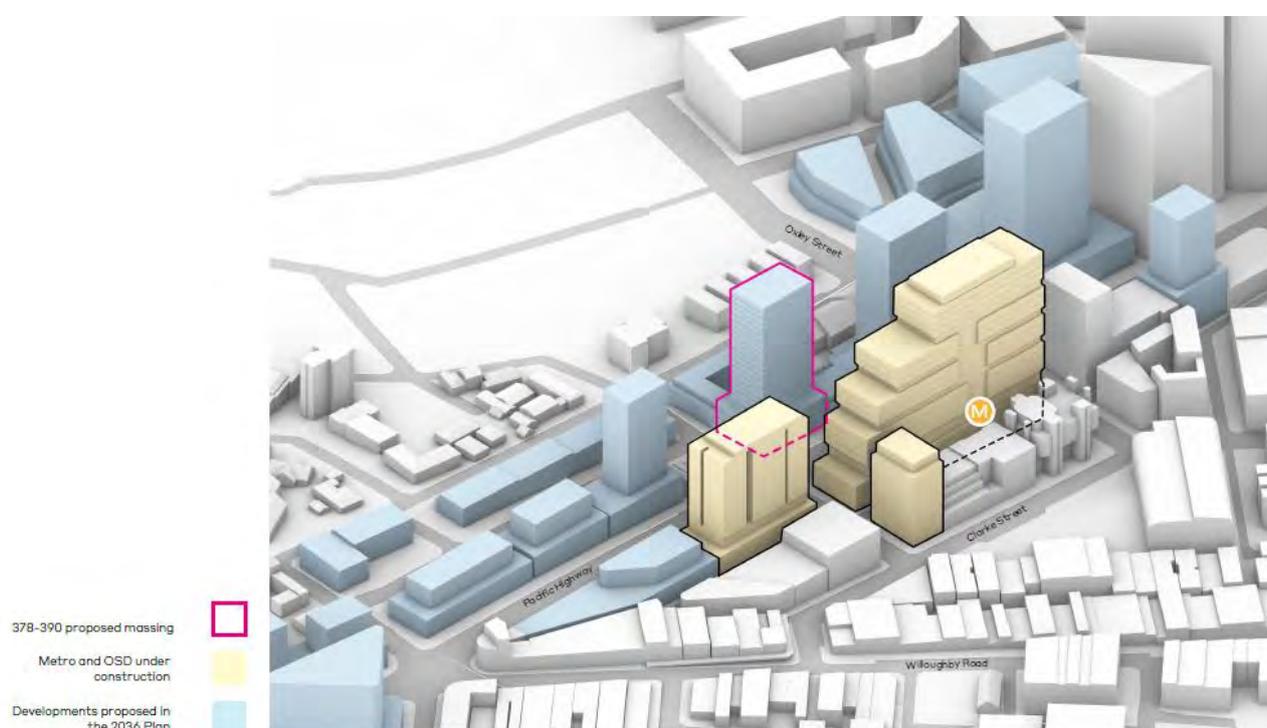
### Surrounding context

The skyline of Crowns Nest is beginning to transform, with the construction of Crow's Nest Metro underway and the recent approval of the OSD concept envelopes being key catalysis for the transformation. The finalisation of the 2036 Plan sets a vision for this strategic corridor. Building forms will soon emerge which reflect the State Government's objectives for the area.

The proposed concept envelope includes a slender tower form (615m<sup>2</sup> GBA floor plate) of 24 storeys, which will accentuate this key corner site, providing a southern marker to the Crow's Nest and St Leonards Precinct, as illustrated in Figure 23.

This key tower site is the first tall tower as viewed from the southern entrance to St Leonards centre, with the concept design demonstrating a high-quality architectural outcome that embodies the key characteristics for this Precinct. The tower is appropriately located on the site, providing a transition between the future 18 storey building envelope to the south and the 4 storey buildings to the west.

Figure 23: Emerging site context



Source: Woods Bagot

### The urban block – future development scenarios

Following the preliminary feedback from Council, an analysis was undertaken into the potential redevelopment options for this urban block and the most appropriate placement of tower forms.

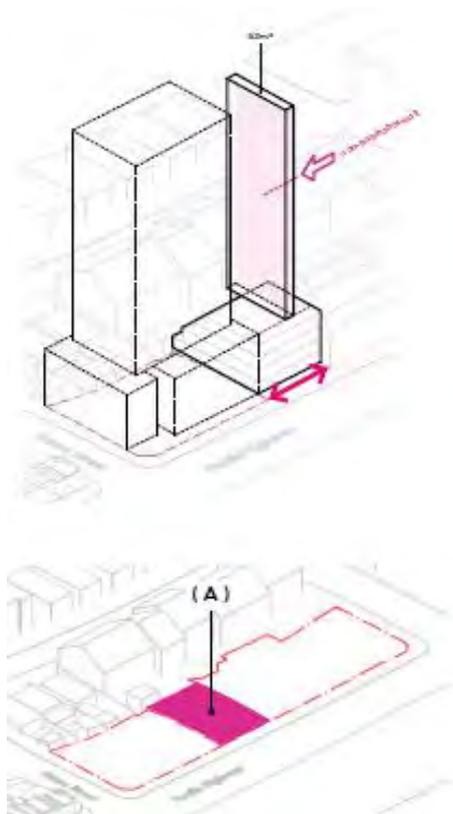
The tower envelope testing and study undertaken by Woods Bagot is contained in Chapter 3 of **Appendix A**. Excerpts are provided below, demonstrating that:

- If 398 Pacific Highway was to be redeveloped for a tall tower form, and the strict application of ADG compliant separation distances were applied, it would produce a floor plate of only 166m<sup>2</sup>. This results in an unrealistic 'pencil' tower form that is unviable and unprecedented and would not achieve the increased FSR available to the site.
- If 402- 420 Pacific Highway was to be redeveloped for a tall tower form, and the strict application of ADG compliant separation distances were applied, in combination with the FSR and height controls, this would produce a floor plate of 650m<sup>2</sup>, similar to that proposed on the site. The ideal location of the tower placement would be at the northern corner.

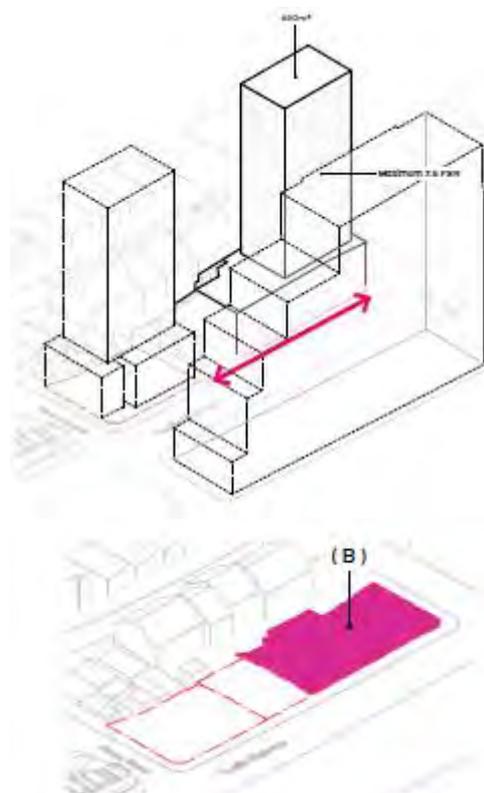
- If 398- 420 Pacific Highway was to be redeveloped as a whole development site, and two towers were developed, this would produce floor plates of 482m<sup>2</sup>. This presents as an unrealistic scenario due to the small floor plates and the degree of overshadowing caused by the Crows Nest OSD on this site.
- The most likely scenario would be a single tower form at the northern end of this block, which has a large floor plate and is able to maximise views, solar access, apartment orientation and building separation.

This is consistent with the findings of the SJB Urban Design Report which indicated that this urban block would be redeveloped with two tower forms, marking the southern and northern corners of the block.

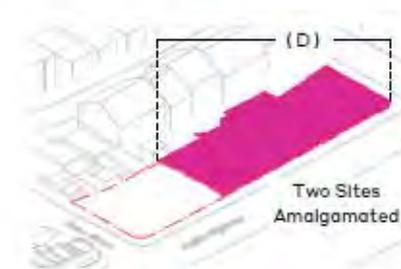
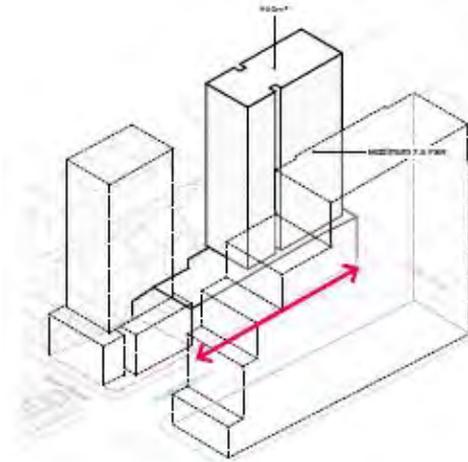
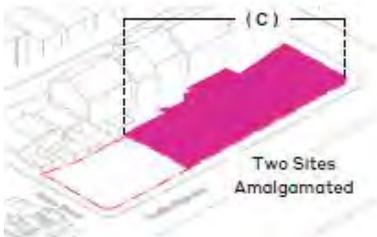
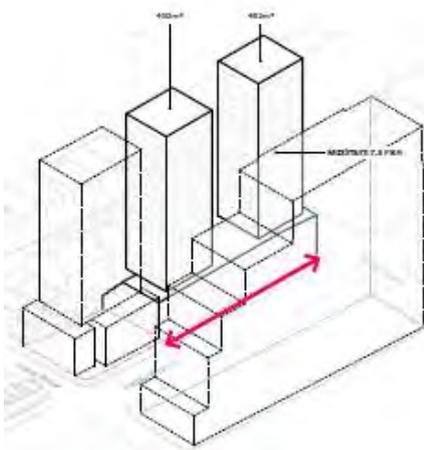
Figure 24: Possible redevelopment options for this urban block



Picture 14: 398 Pacific Highway



Picture 15: 402-420 Pacific Highway



Picture 16: 398 – 420 Pacific Highway – 2 towers

Picture 17: 398-420 Pacific Highway – single tower

Source: Woods Bagot

### Tower placement and design

As illustrated in the accompanying amended Urban Design Report (Appendix A), Woods Bagot have tested variable locations and orientation for the placement of the tower. The analysis confirms that it is most appropriate to align the tower on a north-south axis and adopt the podium setbacks nominated in the plan.

This results in a northern setback of 6m -12m which is fully compliant with the separation distance required on the site for non-habitable rooms, to achieve compliance with the ADG separation distances. Noting the above possible development scenarios, it is unlikely that a tower form would be redeveloped on the immediately adjoining lot and therefore this setback would still allow for adequate separation distances between the site and any future redevelopment scenario within the remaining block, avoiding tower crowding. The studies demonstrate that there is sufficient space within this urban block for 2 tower forms with separation distances greater than 24m.

The proposed tower envelope includes a central cut-out along the northern façade which allows for solar and ventilation to permeate through the façade, which is a skilful design response that will ensure a high level of amenity can be achieved. The design of this façade would be subject to detailed DA stage to ensure that it does not present as a blank wall.

As illustrated in Figure 25, the tower envelope has been designed to cantilever the commercial podium, providing breadth between the building forms which allows for natural light and ventilation to filter through the site and into the amenities level.

The tower envelope will provide a positive addition to the evolving Crows Nest skyline and is of a contextual appropriate height, bulk and scale, sitting comfortably adjacent to the OSD tower.

Figure 25: Indicative southern elevation illustrating the cantilevered tower and appropriate contextual scale



Source: Woods Bagot

## Podium design

The existing buildings within this urban block have a generally consistent podium datum of 4 storeys, with a nil setback to Pacific Highway. Adopting the design guidance of the 2036 Plan, the podium includes a 4 storey building envelope that wraps around Pacific Highway and the Hume Street frontages. This aligns with the existing context and future desired context of Hume Street.

In accordance with the Plan, a 3m setback to Pacific Highway has been provided, with an additional 5m corner setback at the intersection of Hume Street and Pacific Highway, creating a pedestrian focal point. This key design move allows for ample space within the public domain for the projected increased pedestrian activity whilst providing opportunities for tree canopy cover.

This increased setback is defined by a break in the podium form, with the transition in setbacks providing an appropriate urban design response both for the site, and to those existing buildings with a nil setback.

The podium break creates an internal laneway, providing the commercial / retail uses within the podium with greater internal / external activation whilst also being protected from the elements. Pedestrian linkages at the upper levels of the podium connected the two building forms.

The design of the podium facade is accentuated by vertical forms with cut outs, that allows for greenery to emerge through the façade, breaking up the mass of the building whilst contributing to the leafy green character of the area.

At the rear of the site, the podium provides for a stepped building form, with increased set backs provided at each level, on a 45 degree angle plane. This is consistent with the existing character and achieves compliance with the DCP control, where mixed use sites are adjacent to residential land. It also outperforms the separation distance requirements under the ADG at the upper levels.

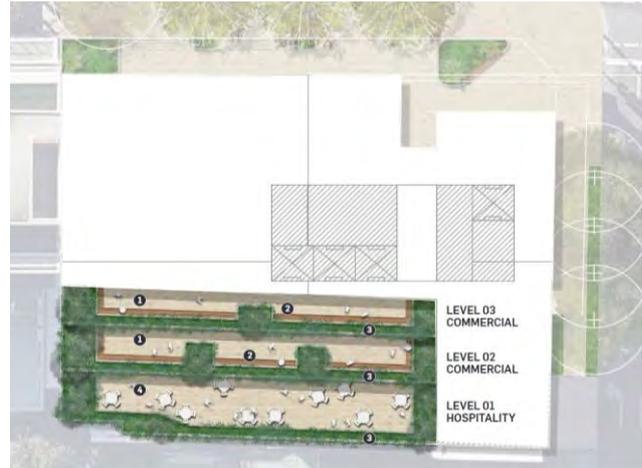
This podium response incorporates cascading landscaped planters to soften the visual outlook for the western neighbours as the building form steps back. This is considered a superior outcome opposed to an increased setback and a full 4 storey façade with a 4.5m – 7.5m setback, which would provide limited visual relief and be perceived as a bulky building form.

Figure 26: Podium design



Picture 18: As viewed from Hume St &amp; Pac Highway

Source: Woods Bagot



Picture 19: Western podium response

Source: Urbis

### 7.3.2. Overshadowing

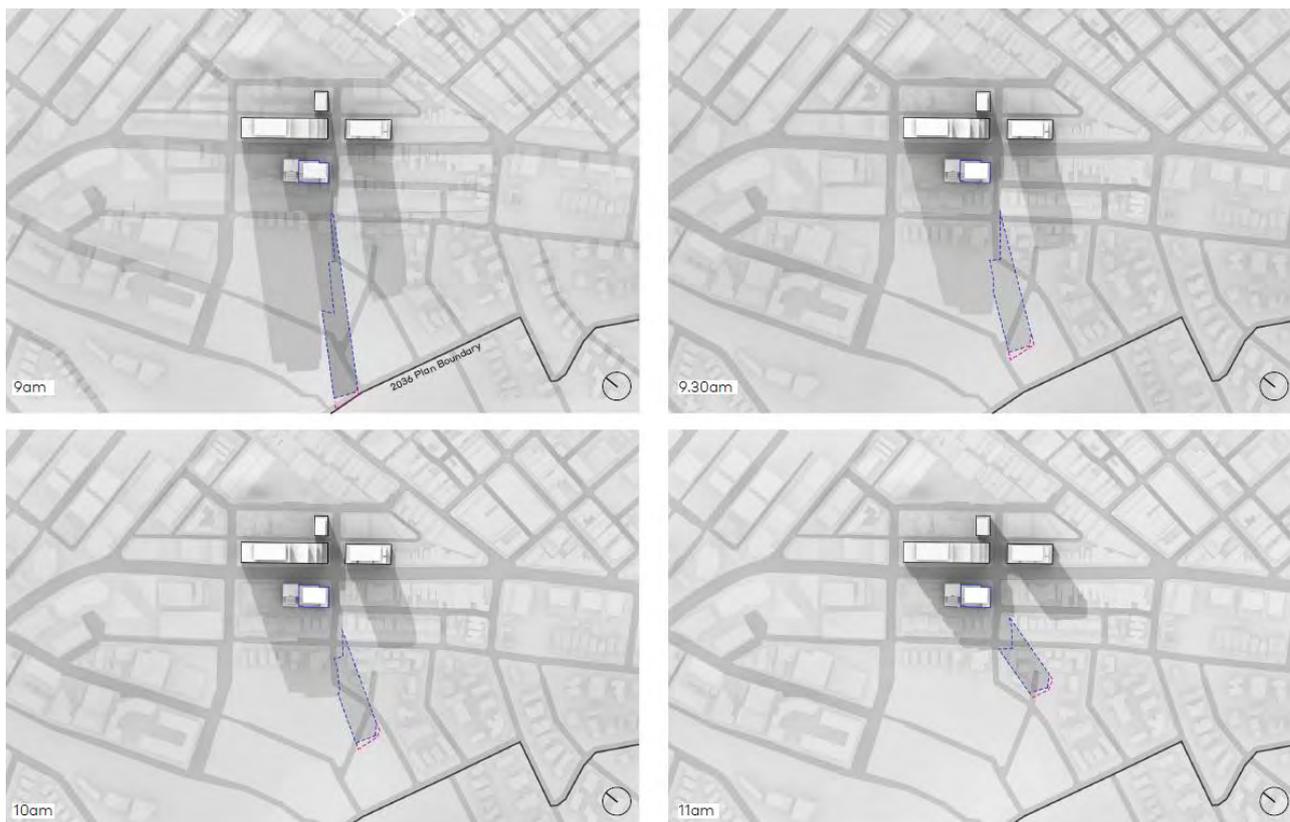
Retaining solar access to public open space and residential areas is a key objective of the 2036 Plan. An analysis of the cumulative impacts associated with the existing and approved overshadowing of building envelopes has been undertaken by Woods Bagot.

As the Planning Proposal seeks to deliver a tall, slender building, this will ultimately result in a thinner and faster moving shadow. This is evident in the overshadowing diagrams in Figure 27 below, which shows that any overshadowing would be limited to an approximate 2 hour window, meaning these properties would be able to retain a compliant degree of solar access. The overshadowing does not extend past the boundary of the 2036 Plan boundary.

Within the immediate context, the site is located directly west of the Crows Nest OSD. A Stage 1 building envelope has been approved by the DPIE. A review of that building envelope confirms that, without development on the subject site, this OSD envelope results in significant overshadowing to the residential land uses to the west of the site. A future building envelope on this site would not result in any additional overshadowing to those neighbours to the immediate west of the site. The properties directly south of the site, would also continue to receive an adequate degree of solar access across the day, noting that overshadowing from the site to the direct south would be limited to 1.5-2 hours in the afternoon.

There is no overshadowing of public open spaces as a result of the building envelope. Detailed solar and overshadowing studies will be undertaken at the DA stage.

Figure 27: Overshadowing diagrams



Picture 20: 9am – 11am on June 21st



Picture 21: 12pm – 3pm on June 21st

Source: Woods Bagot

In addition to retaining solar access to residential properties, the 2036 Plan states solar access must be retained residential areas outside the boundary of the Plan boundary. As demonstrated in the diagrams above, the shadow of the concept design will not extend beyond the boundary of the Plan.

### 7.3.3. Landscape

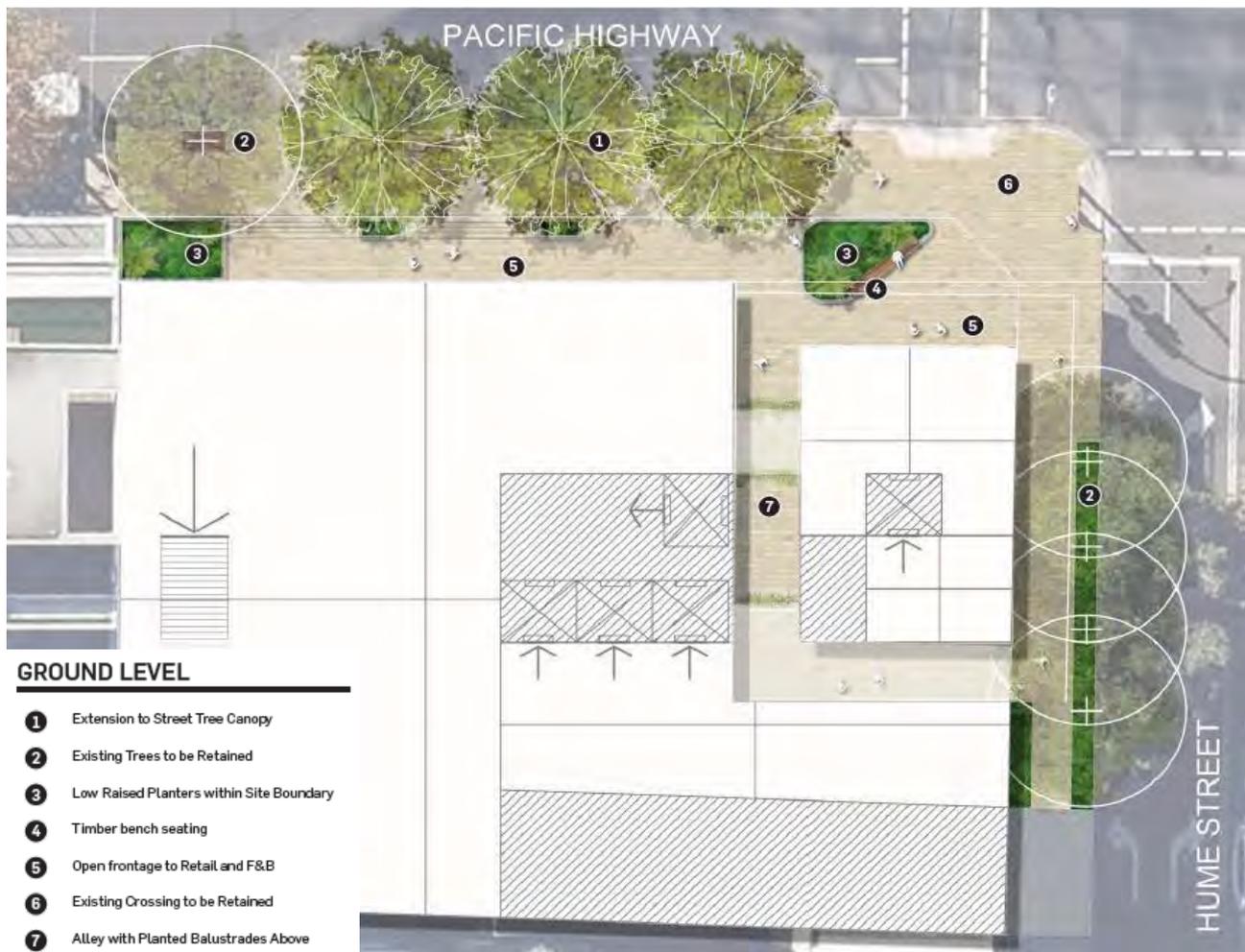
#### Public Domain

The 2036 Plan and associated Local Character Statement establishes a vision for the Crows Nest and surrounding streets to become active pedestrian and cycling areas, with increased permeability and connectivity and leafy green streets. As documented in the Concept Landscape Report prepared by Urbis (**Appendix D**), this is achieved through greater linkages, increased building setbacks to accommodate wider and safer pedestrian pathways, street tree planting and active building edges. The indicative public domain outcome delivers on this vision, through the following initiatives:

- The concept design incorporates a 3m setback to the Pacific Highway to allow for improvements to the public domain, pedestrian permeability and street tree planting.
- Landscaped planter beds with integrated timber bench seating.
- An anchor corner tenancy which will activate the Hume Street and Pacific Highway corner and provide a sense of arrival
- Retention of existing street trees and new canopy trees.

Any final public domain plan will be delivered in accordance with Council's public domain policy.

Figure 28: Public domain concept plan



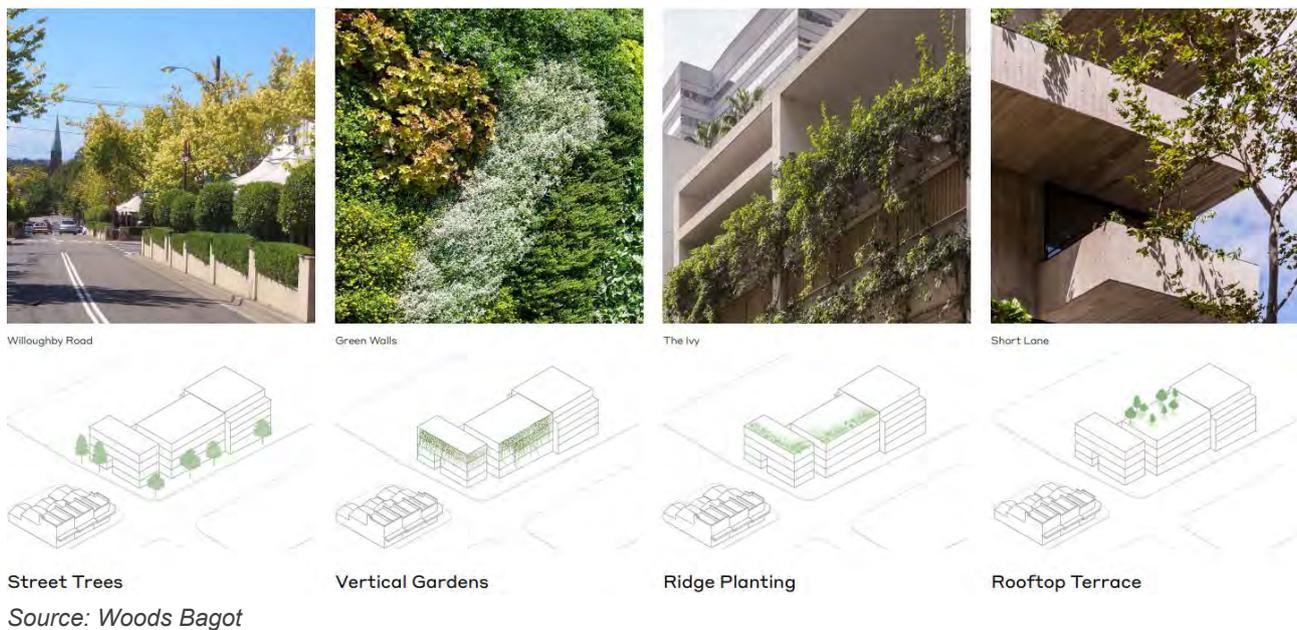
Source: Urbis

## Site Landscaping

The concept landscape plan and overall indicative concept focuses on biophilic design response which introduces green walls and a series of cascading planters within the internal laneway to create an intimate and intriguing space. This forges the built and natural environments, creating a human centred approach.

This design philosophy is carried out throughout the built form and is reflected in the cascading planters that are integrated into the stepped podium setback, landscaping that emerges through the podium façade and the ridge planting at the podium level. Not only will this serve as an important function for the users of the site but provides a positive and well considered response to the site's relationship with lower density residential land uses.

Figure 29: Concept site landscaping opportunities



### 7.3.4. Visual Impact

The character of the subject site and immediate visual context is transitioning from predominantly lower commercial buildings to taller mixed-use towers.

The visual effects of the concept design will be predominantly restricted to the closest locations and adjacent roads including Hume Street and the Pacific Highway. The upper part of the tower form will be visible from distant locations.

Visual impact can be appropriately managed through design with particular consideration being given to well-scaled and proportioned street edge and human scale design. Materials and finishes will be further developed to respond to those in the surrounding environment to reduce any perceived visual impacts.

### 7.3.5. Residential Amenity

A Concept Urban Design has been prepared by Woods Bagot (**Appendix A**) to test the performance of residential use on the subject site with regard to the requirements of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* and the accompanying Apartment Design Guide (ADG).

The preliminary analysis confirms that a future residential tower is capable of achieving compliance with Part 3 and Part 4 of the ADG, resulting in a compliant degree of amenity for future residents. Based on the indicative apartment layout, Woods Bagot concluded the following:

- **Solar access:** At least 70% of apartments will receive at least 2 hours of direct sunlight on June 21 between 9am and 3pm and a maximum of 15% of apartments receive no direct sunlight on June 21.

- **Natural ventilation:** At least 60% of apartments will be naturally cross ventilated in the first nine storeys of the building.
- **Minimum ceiling heights:** habitable rooms will have a minimum ceiling height of 2.7m and non-habitable rooms will have a minimum ceiling height of 2.4m. The building envelope allows for floor to floor heights of 3.2m.
- **Minimum apartment sizes:** Minimum apartment size's will be achieved. Final apartment layout will be subject to the detailed DA stage. The indicative floor plates show apartments achieving or exceeding the minimum requirements.
- **Minimum sizes of balconies:** The concept development is capable of complying with the ADG minimum sizes. Balcony locations have been designed to maximum solar and / or views.
- **Communal open space:** The concept includes an expansive communal open space deck at the podium level which is 25% of the site and is capable of achieving adequate solar access.
- **Common circulation:** The maximum number of apartments off a circulation core is 8. The northern cut-out allows for natural light to penetrate into the circulation space.
- **Storage:** Each apartment will have access to a private storage space via a combination of space within the apartment or secure storage cage within the basement levels.
- **Acoustic privacy:** Adequate separation is provided within the development and from the neighbouring buildings. Internal acoustic privacy will be subject to detailed design development. Preliminary acoustic advice has been considered and is discussed in **Section 7.3.7**.
- **Building separation:**
  - **North:** as discussed above, the northern boundary is designed as a non-habitable façade. The proposed 6m setback is fully compliant with the requirements of the ADG.
  - **West:** The western boundary adjoins the R3 Medium Density Residential zone. These properties are identified as being suitable for a 4 storey development. The building envelope and indicative podium design response departs from the strict numerical requirements of the ADG, which encourages an additional 3m separation, beyond the standard requirements. This would produce setbacks ranging from 4.5m (non-habitable – non-habitable) to 7.5m (habitable – habitable). The site has a width of 30m. The combination of the required front setback and the rear setback would produce a 19.5m wide floor plate. Taking into consideration site access, this results in a significantly constrained floor commercial floorplate. This is unrealistic in the context of this urban site.

The key objective of this control is to provide a suitable relationship and transition between sites of lower density. By adopting Council's DCP controls for such interfaces, a more appropriate urban design response is achieved. Rather than having a 6m – 9m setback with a sheer 4 storey wall, the podium elects a terraced style setback, as per the DCP. The prevalence of the DCP controls over the ADG is evident on the existing buildings to the north and is reflective of the outcomes and vision in the SJB Urban Design Report.

### 7.3.6. Traffic and Parking

Ason Group have prepared a Transport Assessment which accompanies the Planning Proposal at **Appendix G**. The assessment describes the existing local traffic context and assesses the impacts of the Planning Proposal on the existing road and public transport network.

#### Traffic Generation

Based on the planned future residential, retail and commercial uses, the proposal is expected to generate a total of 15 trips in the morning peak hour and 8 trips in the evening peak hour. These additional traffic movements have been assessed to have a negligible impact on the local road network.

Ason Group conducted an intersection performance assessment modelled in LinSig. The assessment concluded that the Pacific Highway and Hume Street is currently performing with sufficient operations which indicates spare capacity. Ason Group conclude that the Planning Proposal will have a negligible impact on the Pacific Highway and Hume Street intersection.

Given the proximity of the site to public transport corridors such as the future Crows Nest Metro Station and bus stops along the Pacific Highway, it is anticipated that many residents will utilise active and public transport to access employment, amenities and services, rather than drive.

A draft Green Travel Plan has been prepared and is attached at **Appendix K** which includes commitments for any future development application to encourage and promote active transport and increase public transport patronage.

### Parking

As the DCP parking requirements are maximum rates, the site is capable of accommodating a suitable degree of on-site parking reflective of its accessible location. Any proposed parking will not exceed the maximum spaces as stipulated in the North Sydney DCP 2013. The total number of parking spaces will be subject to DA consideration

### Access

Consolidated access to the site will be provided along Hume Street, retaining the site's existing access arrangements. All parking, servicing and loading will be accommodated within the basement levels to maximise employment-generating floor space at ground level.

## 7.3.7. Acoustic

Stantec Australia have prepared an Acoustics Report which accompanies the Planning Proposal at **Appendix H**. Stantec assessed the impact from the surrounding environment on the development and the impact of the development on its surroundings.

The site fronts the Pacific Highway, a major aerial road. The north-eastern façade fronting the Pacific Highway and some corner apartments of the adjacent facades will be most impacted by traffic noise. The predicted noise level inside apartments with a façade facing Pacific Highway is 58 dBA with no acoustic mitigation measures. Stantec conclude that incorporating a partially enclosed balcony with an acoustic absorptive soffit will provide a 10 dB reduction to the apartments.

Stantec recommend the following design solutions to mitigate noise impacts relating to traffic on the Pacific Highway:

- *All balconies on the façade facing pacific highway are to have a partially enclosed balcony with an acoustically absorptive soffit.*
- *On the Hume street façade balconies on levels 5 to 15 are to have a partially enclosed balcony with an acoustically absorptive soffit.*
- *On the Hume street façade balconies on levels 16 to 23 are to have a balcony with solid balustrade, and absorptive soffit.*

Potential noise generated on the site has been assessed and it is found that the future design and treatment of all building services associated with a mixed-use development can be acoustically treated to ensure all noise emissions from the future development can comply with the relevant criteria.

Overall, it is demonstrated that the site is suitable for the height and density of development proposed from an acoustic and vibration perspective and any future development can be designed to mitigate acoustic and vibration impacts.

Further detailed acoustic testing will be carried out at the DA stage when the internal apartment layout and design is further developed.

## 7.3.8. Wind

Windtech has prepared a Pedestrian Wind Environment Statement which accompanies the Planning Proposal at **Appendix C**. The report includes testing to determine the potential wind impacts and assess the pedestrian safety and amenity. An analysis of the wind effects has been conducted considering the predominant wind directions for the area, building morphology of surrounding development and the land topography.

Windtech conclude that the wind impacts identified on the site can be reduced through implementation of the following mitigation measures:

- *Awning and tree planting along the Hume Street frontage.*
- *Planter boxes and landscaping around seating areas and laneway openings.*
- *Wind screening around the rooftop areas.*
- *End screens for corner balconies.*

The indicative design concept has incorporated these measures. The wind testing will be further developed at the DA stage to ensure an adequately level of pedestrian and residential comfort is achieved.

### 7.3.9. Heritage

The site does not contain any heritage listed items under Schedule 5 of the *NSLEP 2013*, nor is it located within a heritage conservation area. A group of locally listed heritage buildings (the 'Higgins building') are located to the south of the site, on the southern side of Hume Street.

The Higgins Buildings have been identified for uplift under the 2036 Plan, having a maximum building height of 18 storeys and a FSR of 5.5:1. It is foreshadowed that this site is likely to be redeveloped. Notwithstanding, the design of the podium and the separate anchor building is considered to provide an appropriate response to the heritage item.

Any perceived interface issues with the Higgins Building would be subject to detailed design of the podium at the DA stage.

#### **Q9. *Has the planning proposal adequately addressed any social and economic effects?***

**Yes.** The Planning Proposal is considered to have a number of social and economic benefits. Through economic benefits, the public can benefit through job creation and additional commercial and retail services. The economic and social benefits are summarised as follows:

- **Creates indirect and direct construction jobs:** The site's redevelopment would result in full time construction jobs, with workers on the site also supporting local businesses.
- **Ensures ongoing employment:** The commercial and retail land uses will support additional employment generating floor space.
- **Facilitates renewal of a key site:** The Planning Proposal enables the renewal of an outdated and underdeveloped commercial building situated on a corner block opposite the future Crows Nest Metro Station.
- **Improved public domain and ground floor activation:** The inclusion of commercial and retail floor podium will activate the site, contributing to a sense of place and activity through the day and night.
- **Economic benefits associated with future residential density:** Increased residential density would contribute to increased retail turnover and the activation of a night time economy. Such density is required to realise the vision for an active economy and support the State government investment of the Sydney Metro.

### Section D – State and Commonwealth interests

#### **Q10. *Is there adequate public infrastructure for the planning proposal?***

**Yes.** Preliminary investigations indicate that:

- The Planning Proposal leverages from the future Crows Nest Metro station. As envisioned by the 2036 Plan, the future redevelopment of this key site has the potential to contribute to a transit orientated development and enhance walking and cycle connections between the stations.
- Preliminary traffic investigations confirm that there is sufficient capacity within the road network and the indicative yield is likely to have a negligible impact on the road network.
- The site is serviced by existing utility services and is located to allow incoming residents and workers to capitalise on the existing and planned infrastructure and services within the area.
- The preliminary services infrastructure report (**Appendix I**) confirms that there is sufficient capacity within the existing network to accommodate the proposed density.

- As per the DPIE implementation plan, a SIC will be paid at DA stage to fund district wide infrastructure upgrades to support new growth in the centre. This will be paid in accordance with the St Leonards and Crows Nest SIC Plan.

**Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?**

North Sydney Council has been consulted prior to the submission of this Planning Proposal, as discussed in Section 3. It is acknowledged that North Sydney Council will consult with relevant public authorities following the Gateway determination.

**7.4. PART 4 - MAPPING**

The Planning Proposal seeks to amend the following NSLEP 2013 Maps:

- Height of Buildings Map Sheet HOB\_001
- Maximum Floor Space Ratio Map FSR\_001
- Minimum Non-Residential Floor Space Ratio Map LCL\_001.

The proposed amendments to the LEP maps are provided in the figures below and contained in **Appendix J**.

Figure 30: Proposed LEP Mapping Amendments



Picture 22: Existing HOB Map

Picture 23: Proposed HOB Map



Picture 24: Existing FSR Map

Picture 25: Proposed FSR Map



Picture 26: Existing Min Non-Residential FSR Map



Picture 27: Proposed Min Non-Residential FSR Map

Source: Urbis

## 7.5. PART 5 - COMMUNITY CONSULTATION

Section 3.34 of the *Environmental Planning and Assessment Act 1979* requires the relevant planning authority to consult with the community in accordance with the gateway determination.

In accordance with the requirements of “*A Guide to Preparing Local Environmental Plans*,” it is expected that the Planning Proposal will be publicly exhibited for 28 days. As part of the Gateway Determination, consultation will be undertaken with any relevant agencies and stakeholders.

## 7.6. PART 6 - PROJECT TIMELINE

The following table sets out the anticipated project timeline in accordance with the DPIE guidelines. The key milestones and overall timeframe will be subject to further detailed discussions with Council and the DPIE.

Table 13 Anticipated Project Timeline

Process	Indicative Timeframe
Amended Planning Proposal submitted to North Sydney Council	December 2021
Consideration of Planning Proposal by North Sydney Council	January 2022 – June 2022
DPIE issue Gateway Determination	July 2022 – August 2022
Public exhibition and agency consultation	6 weeks
Post exhibition review of submissions	6 weeks
Submission to DPIE for finalisation	Q2 2023
Legal drafting of LEP	Q2 2023
Gazettal of LEP	9 months from issue of Gateway Determination

## 8. CONCLUSION

This Amended Planning Proposal seeks an amendment to the North Sydney Local Environmental Plan 2013 to establish planning controls that would enable high density mixed use development at 378- 390 Pacific Highway, Crows Nest.

This Planning Proposal has been prepared in response to the SLCN 2036 Plan endorsed in August 2020 by the NSW Department of Planning, Industry and Environment.

This Planning Proposal is largely consistent with the recommended planning controls in the 2036 Plan, including building height in storeys, street wall height, residential FSR, non-residential FSR, ground floor setbacks and solar protection.

The Planning Proposal sets out the justification for the proposed LEP amendment. It is supported by a Concept Design Report that includes site and context analysis, which informed the Planning Proposal and to demonstrate the proposal is suitable in its locality.

It is considered that the proposed amendments to NSLEP 2013 would result in a superior development outcome and generate significant economic and community benefit for the following reasons:

- **Local context:** The Planning Proposal is considered to have site-specific merit, as it facilitates future development that would achieve an appropriate built form and scale outcome for this amalgamated site opposite the future Crows Nest Metro Station.
- **Strategic context:** The Planning Proposal has strategic planning merit, as it would positively contribute to the achievement of State and Local Government strategic planning goals, including the 2036 Plan.
- **Community benefits:** The Planning Proposal has the potential to create a range of benefits for the community, including:
  - Enabling new housing to be accommodated within the site, which increases housing choice and diversity in close proximity to the Metro and St Leonards and Crows Nest area.
  - Providing new commercial office space and ground level food and beverage and retail shops. The activated ground floor will strengthen the Crows Nest character as a highly desirable place to live, work and socialise.
  - Direct economic benefits and the creation of additional employment, during the construction stage and ongoing operations.
- **Environmental impacts:** The Concept Design has been designed to minimise adverse environmental impacts such as privacy, wind and traffic on the locality. The Planning Proposal has assessed shadow impact to nearby residents and has demonstrated that the proposed density will not create an unreasonable amount of overshadowing on the public domain.

In summary, it is considered that the Planning Proposal would result in significant public benefits by proposing planning controls that are consistent with the SLCN 2036 Plan to facilitate the redevelopment of a key urban renewal site.

In considering the community and economic benefits of the Planning Proposal, it is respectfully requested that the Council resolve to forward this Planning Proposal to DPIE for LEP Gateway determination.

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