

### 10.3. Planning Proposal 9/22 and Voluntary Planning Agreement - 17-25 Falcon Street Crows Nest

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<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Planning Proposal &amp; Reference Scheme 04-10- 22 [<b>10.3.1</b> - 84 pages]</li> <li>2. Response to Council Comments 21- 08- 23 [<b>10.3.2</b> - 24 pages]</li> <li>3. Revised VPA Offer 21- 08- 23 [<b>10.3.3</b> - 1 page]</li> <li>4. Design Report (Amended) 19-01-24 [<b>10.3.4</b> - 14 pages]</li> <li>5. Supporting Letter 19-01-24 [<b>10.3.5</b> - 5 pages]</li> </ol>
<b>CSP LINK</b>	<ol style="list-style-type: none"> <li>1. Our Living Environment               <ol style="list-style-type: none"> <li>1.2 Environmentally sustainable community</li> </ol> </li> <li>2. Our Built Infrastructure               <ol style="list-style-type: none"> <li>2.1 Infrastructure and assets meet diverse community needs</li> <li>2.2 Vibrant public domains and villages</li> <li>2.3 Prioritise sustainable and active transport</li> </ol> </li> <li>3. Our Innovative City               <ol style="list-style-type: none"> <li>3.3 Distinctive sense of place and design excellence</li> </ol> </li> <li>4. Our Social Vitality               <ol style="list-style-type: none"> <li>4.1 North Sydney is connected, inclusive, healthy and safe</li> </ol> </li> <li>5. Our Civic Leadership               <ol style="list-style-type: none"> <li>5.1 Lead North Sydney's strategic direction</li> </ol> </li> </ol>

#### PURPOSE:

The purpose of this report is to present to Council the assessment report for Planning Proposal 9/22 at 17-25 Falcon Street Crows Nest (which seeks to amend the North Sydney Local Environmental Plan 2013) and the accompanying Voluntary Planning Agreement offer.

The matter was deferred by Council at its meeting of 11 December 2023 so that additional supporting documentation (provided by the applicant's representative at the meeting) could be considered.

#### EXECUTIVE SUMMARY:

- On 1 November 2022, Council received a Planning Proposal (Attachment 1) to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 17-25 Falcon Street Crows Nest.
- The site is located within the area covered by two planning studies, being the *St Leonards and Crows Nest 2036 Plan (2036 Plan)* adopted by the Department of Planning and

Environment (DPE) in August 2020, and Council's *Civic Precinct Planning Study (CPPS)*, endorsed in November 2020.

- The Planning Proposal seeks to amend NSLEP 2013 as follows:
  - increase the maximum building height control from 10m to 21m (six storeys); and
  - amend the height of buildings map to extend "Area 2" under clause 4.3A, to allow for an exceedance of the maximum mapped height limit (by up to three metres) for lift overruns and associated structures for access to communal rooftop space.
- The intent of the Planning Proposal is to facilitate the delivery of a six-storey mixed-use commercial/residential development. The accompanying indicative reference scheme includes 2,450m<sup>2</sup> residential floorspace (23 apartments), 1,062m<sup>2</sup> of commercial floorspace, and 45 car parking spaces across four basement levels.
- A detailed assessment of the Planning Proposal was undertaken and referred to the North Sydney Local Planning Panel (NSLPP) for its consideration on 31 May 2023.
- The NSLPP generally endorsed the recommendations of the Council Officer's assessment report and recommended the Planning Proposal be supported to proceed to a Gateway Determination subject to amendments, which included:
  - a recommended maximum building height of 22m and an additional allowance of 3m in height for rooftop structures;
  - the removal of subterranean commercial floorspace;
  - amendments to podium height and setbacks; and
  - a revised Voluntary Planning Agreement (VPA) offer.
- On 26 September 2023, the applicant submitted a revised built form concept (Attachment 2) and VPA offer (Attachment 3), addressing the recommendations of Council's initial assessment report and the NSLPP.
- The revised VPA offer proposes a monetary contribution of \$300,000 to Council towards identified public benefits, and is in addition to developer contributions applicable under the (section 7.11) North Sydney Local Infrastructure Contributions Plan.
- Council, at its meeting on 11 December 2023, considered a report into the planning proposal at 17-25 Falcon Street Crows Nest. At this meeting the applicant's representatives presented new information requesting additional height to that being recommended. In response to this Council resolved:
  - 1. THAT the matter be deferred to the next Council meeting to allow consideration of new material provided by the applicant.*
- On 19 January 2024, the applicant submitted amended design details (Attachment 4) and a supporting letter (Attachment 5) for Council's consideration.



- This report recommends that the Planning Proposal and revised VPA offer be supported, subject to the Planning Proposal being formally amended to incorporate the recommendations of Council's assessment report and the NSLPP, prior to being forwarded to the DPE with a request for a Gateway Determination.

**RECOMMENDATION:**

- 1. THAT** the Planning Proposal and accompanying reference scheme, forming Attachment 1 to this report, be amended to Council's satisfaction to incorporate the applicant's response to the recommendations of Council's assessment report and the North Sydney Local Planning Panel, forming attachment 2 of this report. Specifically, the Planning Proposal be amended to a maximum building height of 22m; a minimum non-residential FSR of 1:1; and to include an additional local provision allowing the maximum building height to be exceeded by no more than 3m for lift overrun and associated structures for access to communal rooftop space.
- 2. THAT** Council grant delegated authority to the General Manager to negotiate the detailed terms and provisions of the VPA consistent with the applicant's revised letter of offer (Attachment 3).
- 3. THAT** upon completion of Recommendation 1, the Planning Proposal be forwarded to the Department of Planning and Environment in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979 to seek a Gateway Determination.
- 4. THAT** upon receipt of a Gateway Determination, the associated draft Voluntary Planning Agreement be exhibited concurrently with the Planning Proposal.
- 5. THAT** the outcomes of any public exhibition be reported to Council.

## Background

### St Leonards And Crows Nest 2036 Plan (2036 Plan)

On 29 August 2020, the Department of Planning and Environment (DPE) released the finalised *St Leonards and Crows Nest 2036 Plan* (2036 Plan). The site-specific height and FSR controls identified in the 2036 Plan for the subject site are as follows:

- a building height of three storeys;
- a non-residential FSR of 0.5:1.

It is noted that the provisions under the 2036 Plan for the subject site do not vary from the current controls under the NSLEP 2013 which currently permits a maximum building height of 10 metres and a minimum non-residential floor space ratio (FSR) of 0.5:1.



FIGURE 1: St Leonards and Crows Nest Precinct (2036 Plan, p.2)

### Civic Precinct Planning Study (CPPS)

On 20 November 2020, Council adopted the *Civic Precinct Planning Study (CPPS)*. The CPPS focuses on the area directly north of North Sydney CBD to Crows Nest and includes the properties making up the subject site (17-25 Falcon Street). Refer to Figure 2 below.

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

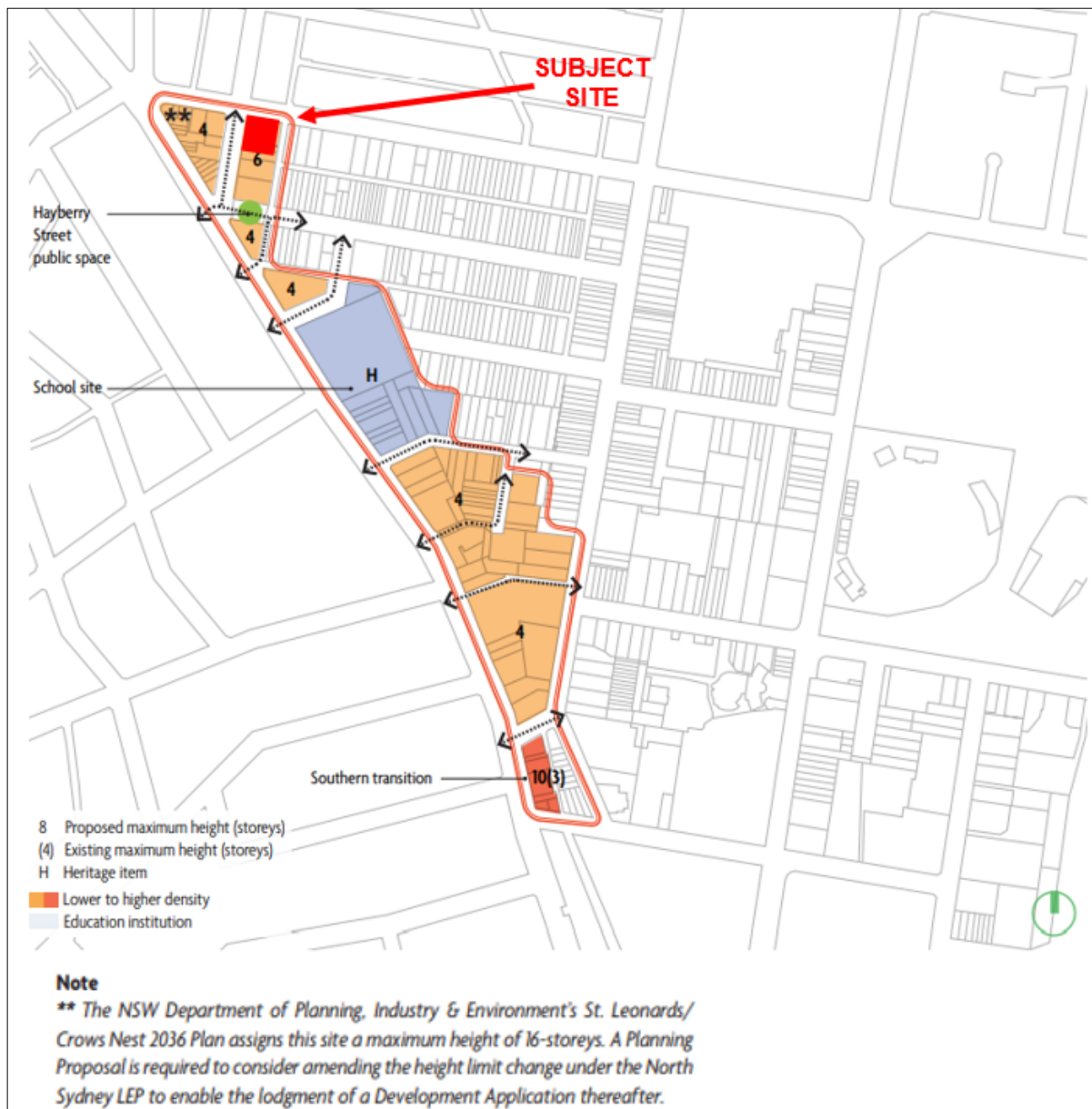


FIGURE 2: Implementation plan for Pacific Highway (CPPS, p.33)

A key action of the CPPS is to develop the stretch of Pacific Highway along the Civic precinct between North Sydney CBD and St Leonards into a medium-scale environment with increased amenity. The CPPS, as adopted, recommends the following height and FSR controls for the subject site:

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

The six-storey building height was recommended, in part, as a contextual response to a nearby development (27-57 Falcon Street Crows Nest) currently under construction.

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

## **Pre-lodgement meeting**

In December 2020, a pre-lodgement meeting was held between Council officers and the applicant. Council identified a number of matters that required further consideration including overshadowing, ADG compliance, setbacks, future development assumptions on neighbouring sites, location of commercial floorspace, on-site parking provision, and a VPA.

On 10 March 2021, a second pre-lodgement meeting was held where a revised concept design was discussed. Council again raised concerns with respect to height, overshadowing, ADG compliance, built form and setbacks, commercial floor space, and parking.

The subject Planning Proposal was lodged on 1 November 2022 by HDC Planning on behalf of the multiple property owners of the subject sites.

## **Council meeting – 11 December 2023**

Council at its meeting on 11 December 2023 considered a report on the subject planning proposal at 17-25 Falcon Street Crows Nest and following the presentation of additional material, Council resolved:

- 1. THAT the matter be deferred to the next Council meeting to allow consideration of new material provided by the applicant.*

A copy of the Council report can be found at:

<https://www.northsydney.nsw.gov.au/ecm/download/document-10875784>.

This report addresses the deferred matter.

## **Ministerial Direction**

On 26 November 2021, the Minister for Planning made the Environmental Planning and Assessment (Statement of Expectations) Order 2021. The Order established various expectations in relation to Council's development assessment, planning proposal and strategic planning roles and expected levels of performance. In particular, the Minister confirms his expectations that Councils should:

*... make a decision as to whether to support or not a proponent led planning proposal as soon as practical and no longer than 90 days.*

The Order includes an explanatory note which states:

*... If a Council is found to not be meeting these expectations, the Minister can take these matters into consideration as part of determining if it is appropriate to appoint a planning administrator or regional panel to exercise Council's functions.*

In the context of this order, Council staff have sought to finalise its assessment and reporting



of the proposal with minimal delay.

## 1. Report

### 1.1. Site Description

The subject site comprises four allotments located at 17, 19, 21, and 25 Falcon Street Crows Nest. It is legally described as Lot 1 in DP308866, Lot 1 in DP835321, Lot 2 in DP835321, and Lot 1 in DP300249.

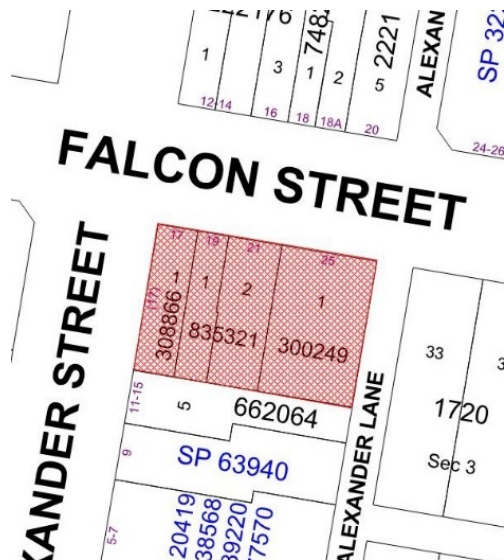


FIGURE 3: Subject site



FIGURE 4: Aerial photo of subject site

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

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

### 1.2. Planning Proposal (as lodged)

#### 1.2.1. Proposed Instrument Amendment

The Planning Proposal, as lodged by the applicant on 1 November 2022 (Attachment 1), seeks to amend the planning controls under NSLEP 2013 as they apply to the subject sites as follows:

- increase the maximum building height from **10m to 21m**; and
- amend the height of buildings map to extend “Area 2” under clause 4.3A.

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

The applicant did not put forward an amendment to the minimum non-residential floorspace ratio (FSR) control as part of the Planning Proposal. The applicant's reference scheme does, however, incorporate 1,062m<sup>2</sup> of non-residential floorspace (FSR of 1.19:1) as per Council's CPPS.

### 1.2.2. Indicative Reference Scheme

The Planning Proposal is accompanied by an indicative reference scheme to demonstrate what could be achieved if the proposed amendments were implemented.

The reference scheme includes a six-storey mixed-use development comprising 1,062m<sup>2</sup> of commercial floor space over three levels, 2,450m<sup>2</sup> of residential floorspace over five levels (23 apartments), and 45 car parking spaces across four basement levels.

<b>TABLE 1: Key design elements (Applicant's indicative reference scheme)</b>	
<b>Land uses</b>	Commercial office/retail, residential
<b>Indicative yield</b>	23 apartments
<b>Building Height</b>	26.8m for six storeys (inclusive rooftop structures) *
<b>Gross floor area (GFA)</b>	Residential – 2,450m <sup>2</sup> Commercial/Retail – 1,062m <sup>2</sup> Total – 3,512m <sup>2</sup>
<b>Floor space ratio (FSR)</b>	2.75:1
<b>Non-residential FSR</b>	1.19:1
<b>Built form</b>	Four-storey commercial/retail podium Roof top garden Two-storey residential tower
<b>Podium Setback</b>	Falcon Street (North): 0m Alexander Street (West): 0m Southern boundary: 0m Alexander Lane (west): 3m
<b>Above Podium (tower) Setbacks</b>	Falcon Street (North): 3m Alexander Street (West): 3m Southern boundary: 0-6m Alexander Lane (west): 3m but 6m to centreline of Alexander Lane
<b>Car Parking</b>	45 spaces

*\*Note – There is a discrepancy between the maximum building height sought under the applicant's Planning Proposal (21m + 3m allowance for rooftop structures) and indicative reference scheme (26.8m inclusive rooftop structures). This issue is addressed in section 2 of this report.*



FIGURE 5: Artist's impression of Applicant's indicative concept scheme (Drew Dickson Architects)

### 1.2.3. Voluntary Planning Agreement

The Planning Proposal is accompanied by an offer to enter into a Voluntary Planning Agreement (VPA) to provide Council with a monetary contribution towards identified public benefits. The applicant initially proposed a monetary contribution of \$156,500, using a contribution figure of \$80/m<sup>2</sup> of additional gross floor area (GFA). The applicant has since submitted a revised VPA offer proposing a monetary contribution of \$300,000 (refer to section 4.4 of this report).

## 2. Assessment

By Ministerial Direction, all Planning Proposals are required to be referred to the Local Planning Panel for advice prior to Council determining whether the planning proposal should be forwarded to the DPE for the purposes of seeking a Gateway Determination.

A detailed assessment of the proposal is provided within the Assessment Report considered by the NSLPP on 31 May 2023, a copy of which is available at:

<https://www.northsydney.nsw.gov.au/downloads/file/2475/pp01-17-25-falcon-street-crows-nest-pp922-31-may-2023>.

To ensure future development on the site is consistent with the intended outcomes of Council's *Civic Precinct Planning Study (CPPS)*, the report recommended that the Planning Proposal be amended to:

- include a provision to increase the minimum non-residential floor space ratio (FSR) control on the site from 0.5:1 to 1:1.

The report also recommended the applicant's accompanying reference scheme be amended to address the following matters:

- provide a three-storey podium scale;
- remove the subterranean commercial floorspace;
- amend the extent of building elements projecting above the requested height limit (21m) such that it complies with the proposed provision of Clause 4.3A – Area 2 to allow an exceedance of the height limit for the purposes of plant, lift and overrun for provision of access to rooftop facilities; and
- provide an increased upper-level setback to the southern property boundary for Levels 4-6 to 9m at the Alexander Lane side of the site.

Subject to these amendments, it was considered that the Planning Proposal had strategic and site-specific merit and that the Planning Proposal be supported to proceed to a Gateway Determination.

### **3. Local Planning Panel Recommendation**

The NSLPP considered the Planning Proposal at its meeting on 31 May 2023 and generally endorsed the recommendations of the Council Officer's assessment report. The Panel recommended that the Planning Proposal proceed to a Gateway Determination subject to amendments which require further information be submitted by the applicant.

The Panel recommended the following;

#### Building Height

*With respect to the height, and having regard to the topography of the site, the Panel recommends a maximum height of 22 metres. At street level it is important that the topography of the site is respected in the built form. The requirement for up to 3 metres additional height, including lift overrun, is only supported to the extent that all roof top elements over the maximum height are centralised and not visible from the public domain.*

#### Voluntary Planning Agreement

*In terms of strategic planning, the Panel considers that the uplift of the development potential for the site for increased height warrants a greater contribution to the community than the draft planning agreement suggests. In this regard, it is recommended that Council seek a Voluntary Planning Agreement that requires a minimum of 10% of the additional residential Gross Floor Area of the uplift to be dedicated in perpetuity as affordable housing. This would make a long-term contribution to the community and as such the Panel considers the suggested monetary contribution of \$156,500 could be set aside as the affordable housing component will provide a much greater benefit to the community long term.*



*The location of the subject site is one that warrants higher density given the public infrastructure investment, however at the same time, the opportunity for affordable housing in this location with the uplift is the appropriate outcome.*

#### Podium Height & Setbacks

*With respect to 'site specific merit' the concept plan currently presents as a building with excessive bulk without detailed consideration of urban design excellence for this corner site. In this regard further concept drawings are required to guide future development, and this includes a reduction in the height of the podium by one storey with a setback as per the tower element.*

#### Commercial Floorspace

*The Panel also concurs with the assessment report that the basement commercial area would have limited amenity and access, and is more suitable for storage, plant and equipment. Further consideration also needs to be given to the architectural presentation and the use of materials and finishes.*

The Panel also recommended that a site-specific DCP should be exhibited with the Planning Proposal that further considers appropriate guidelines to address all the above matters.

A copy of the NSLPP recommendation can be found at:

<https://www.northsydney.nsw.gov.au/downloads/file/2535/nslpp-planning-proposal-minutes-31-may-2023>.

## **4. Applicant's response to NSLPP Recommendation**

On 26 September 2023, the applicant submitted a response to the NSLPP's recommendations which included a revised indicative building concept and VPA offer. The applicant's VPA offer is supported by a Feasibility Analysis undertaken by HillPDA.

The applicant's response is outlined in the following subsections.

### **4.1. Building Height**

Council's detailed assessment report had raised concerns with the overall building height of 26.8m reflected within the applicant's reference scheme, which was considered excessive for a six-storey building as envisaged under the CPPS for the site and would result in a greater level of impact (overshadowing, visual) than necessary. In particular, a significant portion of the upper level exceeded the requested 21m maximum building height control, and the height and design of the proposed lift overrun/roof plant was considered excessive.

The applicant presented a revised building envelope in response to the NSLPP recommendation, as shown in Figure 6 below, which indicates a reduced overall building height of 24.7m inclusive of rooftop structures/facilities, with a predominant height of 21.9m for six storeys, which complies with the height recommendations of the NSLPP. The

reduction in the overall building height has been derived by stepping the built form to follow the sloping topography of the site, reducing the floor-to-floor height of the ground level, and reducing the height of rooftop facilities, which is supported.

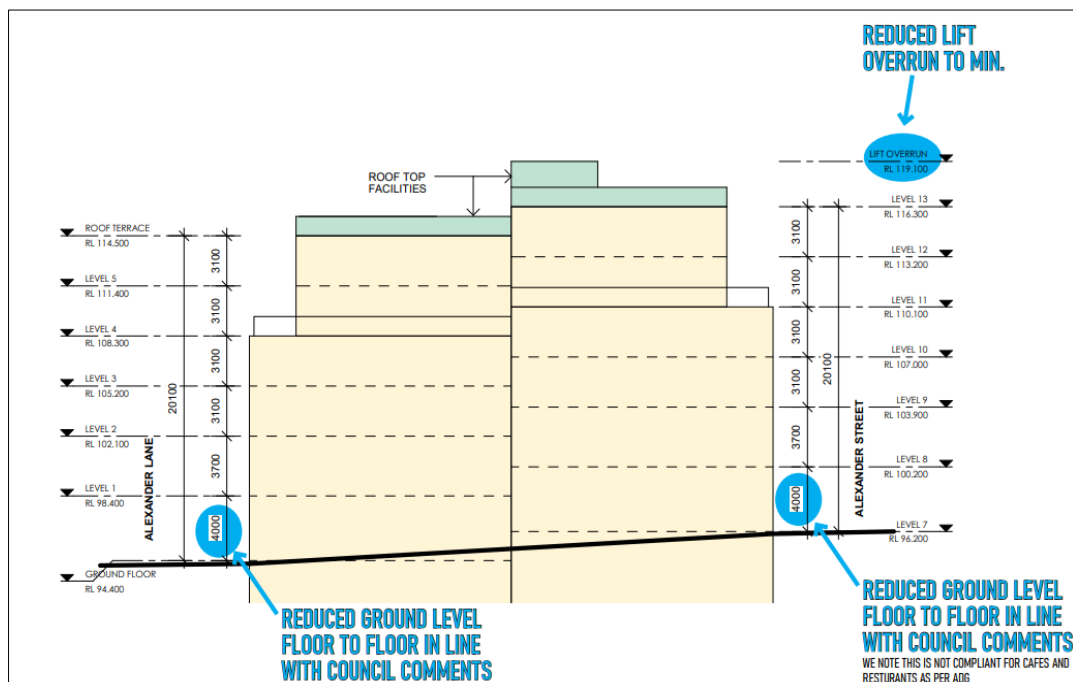


FIGURE 6: Revised Building Height (Applicant's response to NSLPP recommendations, p.4)

At Council's meeting on 11 December 2023, the applicant presented additional information requesting an increase in the maximum Height of Building control to 22.5 metres. Council resolved to defer the matter to allow Council's officers to review and consider the impacts of the increase in building height.

On 19 January 2024, the proponent submitted additional information in the form of an updated design report (Attachment 4) and a written justification (Attachment 5) for the 0.5m increase in building height. The reasons stated for increase in building height were:

- That the 22m height control was based on a preliminary envelope design.
- That the Officer's report had not fully considered the north-west to south-east cross fall on the site – which exceeds 4m.
- That detailed design progression based on the minimum permitted floor-floor height controls, and the Design and Building Practitioners Regulation 2021 (as amended 3 July 2023) showed that additional height would be required for a 6-storey development on the site. Notionally an additional 0.5m was requested to accommodate a future detailed DA design.
- That the additional height sought would only marginally affect a small number of properties on Hayberry Street. Which have otherwise unrestricted solar access and will easily maintain ADG compliant solar access.
- That no other aspect of the Planning Proposal would be changed.

Figure 7 below details the level of exceedance to the recommended 22m building height below:

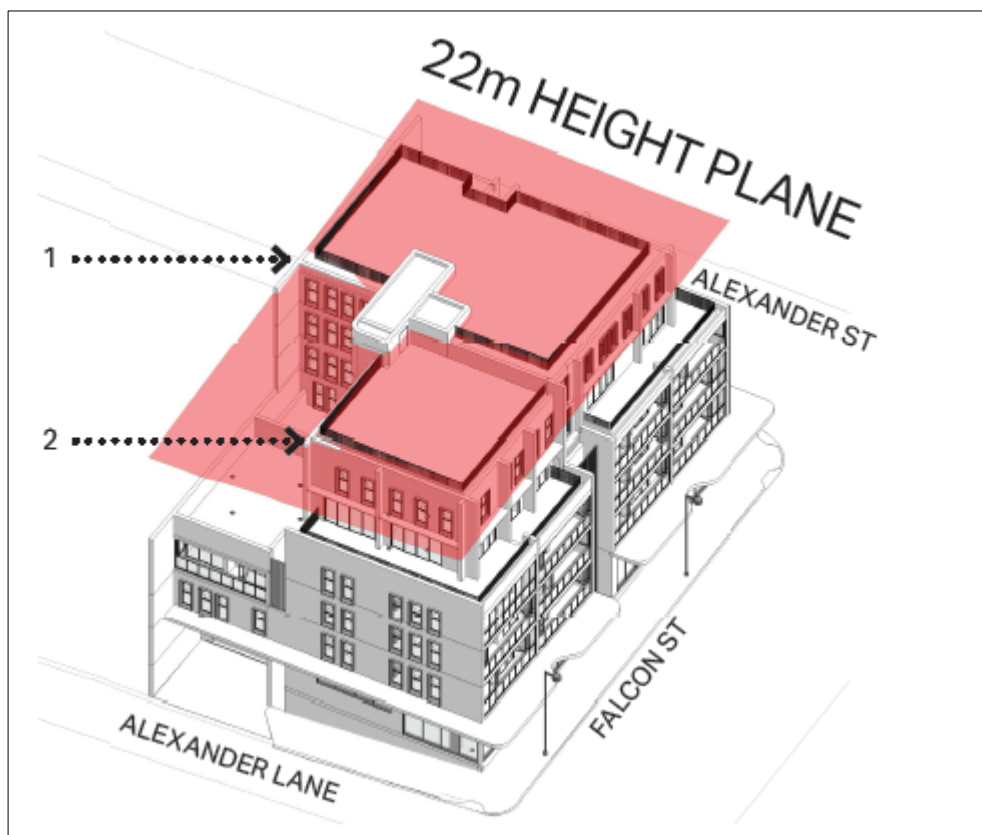


FIGURE 7: 22m Height Plane  
(Applicant's Request for Additional Building Height of 500mm dated 19 January 2024 p. 6)

In response to the additional information received, Council's assessment has found that a building of a height of 22.5 metres is greater than is warranted for a six-storey mixed-use building. Council, in its determination of building height, applies consistent built-form controls which consider minimum floor-to-floor heights as specified by the ADG and similar building typologies.

The NSLPP acknowledged the significant cross-fall across the site from north-west to south-east is a constraint in achieving a six-storey mixed-use building under 21 metres and as a consequence recommended a 22m building height. This is the same building height to a recent planning proposal (also for a six-storey mixed-use development on a sloping site) at 12-14 Waters Road Neutral Bay.

Figure 7 above indicates that the level of exceedance to the 22m building height is limited to two very small portions of the roof. It is not considered necessary to increase the Height of Building control by 0.5m to address a potential non-compliance of this degree. Whilst it is best practice to provide a proof of concept that can demonstrate compliance with the proposed built-form controls, non-compliances of this nature and magnitude can be addressed through existing mechanisms, specifically Clause 4.6 within the NSLEP 2013, at the detailed development application stage if required. Whilst a 0.5m increase to the

permissible height is relatively minor, it may give rise to unforeseen design changes which may increase impacts.

#### 4.2. Podium Height and Setbacks

Council's detailed assessment report had raised concerns with the scale of the proposed four-storey podium height to the site's three street frontages and setback along the southern boundary. Specifically, the oversized podium presentation to Alexander Lane which measured 17.1 metres and equivalent to five-storeys in height, resulting in an excessively bulky and over-scaled built form contrary to the future desired built form envisaged for the area under NSDCP 2013. Whilst the topographical constraints of the site were acknowledged, a reduction in the podium height of one storey was recommended. An increased setback of 9m at levels 4-6 along the southern boundary was also recommended to comply with ADG building separation requirements.

The applicant's revised building envelope, as detailed in Figure 8 below, incorporates reduced floor-to-floor heights; a stepped built form better responding to the topography of the site; an increased setback of nine metres above the podium to the southern boundary; and a reduction to the podium height along Alexander Lane (ranging from 12.6 – 15.2 metres in height).

Whilst the podium to Falcon Street remains 4-storeys, contrary to the three-storey podium requirements of NSDCP 2013, the applicant has attempted to justify this by emphasising the importance of urban continuity and referencing the adjacent approved development at 27-57 Falcon Street, which is currently under construction and of a similar scale and proportion. It is considered that the amended built form largely addresses the concerns raised and can be further refined at the future detailed Development Application stage.

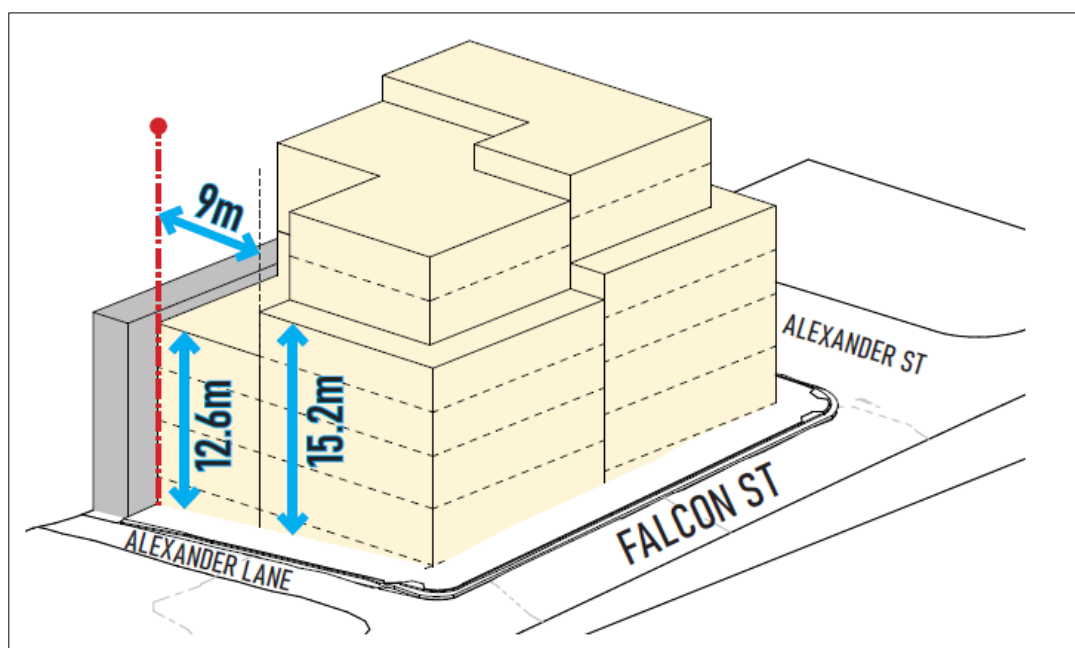


FIGURE 8: Revised building envelope (Applicant's response to NSLPP recommendations, p. 12)

### 4.3. Non-residential FSR

Consistent with the recommendations of Council’s assessment report and the NSLPP, the applicant’s revised built form details the removal of the subterranean commercial floorspace. As shown in Figures 8, 9, and 10, a minimum non-residential floor space ratio of 1:1 can still be achieved within the revised development footprint.



FIGURE 9: Ground Floor Plan  
(Applicant’s response to Council recommendations, p. 16)

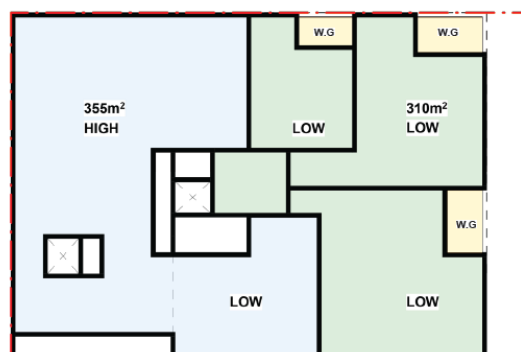


FIGURE 10: First Floor Plan  
(Applicant’s response to Council recommendations, p. 16)

**SITE AREA (m2)** **891.8**

LEVEL	COMMERCIAL/ RETAIL GFA (m2)
GROUND LEVEL	540
LEVEL 1	355
TOTAL m2	895
FSR:1	1.00

FIGURE 11: Non-residential Floor Space Ratio Calculations  
(Applicant’s response to Council recommendations, p. 16)

### 4.4. Revised VPA Offer

NSLPP in its recommendation noted that *the uplift of the development potential for the site for increased height warrants a greater contribution to the community than the draft planning agreement suggests. In this regard, it is recommended that Council seek a Voluntary Planning Agreement that requires a minimum of 10% of the additional residential Gross Floor Area of the uplift to be dedicated in perpetuity as affordable housing.*

Having regard to Council not acting to unduly restrict the viability of re-development of the site, Council invited the applicant to re-consider the extent of their offer including whether any other opportunities may exist for delivery of public benefits, including potentially, affordable housing and for this to be further considered by Council prior to any formal exhibition of the Planning Proposal.

In response, the applicant submitted a revised VPA offer to provide a \$300,000 monetary contribution to Council for identified public benefits. This represents an increase of \$143,500 from the original offer. The amended VPA offer does not seek to dedicate any dwellings for affordable housing.

The proposed VPA offer is supported by a Feasibility Analysis undertaken by HillPDA, which takes into consideration land purchase costs, anticipated costs of construction, and sales revenue based on comparable developments in the vicinity. The report concludes that the proposed development project is on the lower end of acceptable industry target levels for construction finance, and that the proposed monetary contribution of \$300,000 is the maximum contribution limit that could be considered for the project to remain marginally viable.

The proposed VPA offer is in addition to the applicable section 7.11 local infrastructure contributions and the State Government's new Housing and Productivity Contribution (estimated to be approximately \$743,646 combined), which will be levied with any future DA approval on the site. It should be noted that the State Government's former Special Infrastructure Contribution (SIC) did not apply to the subject site, and the introduction of the new Housing and Productivity Contribution which replaces the SIC, is a cost that was not anticipated at the time of lodgement.

Having regard to site circumstances and scale of development proposed, the revised offer is considered reasonable.

## **5. Submissions**

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

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

No submissions have been received at the time of reporting.

## **Options**

Council has the following options in relation to this matter:

1. Do nothing/not support the Planning Proposal and VPA offer.
2. Support the Planning Proposal and revised VPA offer, subject to the Planning Proposal and accompanying reference scheme being formally amended to incorporate the applicant's response to the recommendations of Council's assessment report and the

NSLPP, prior to being forwarded to the DPE with a request for a Gateway Determination. Specifically, the Planning Proposal be amended to a maximum building height of 22m; a minimum non-residential FSR of 1:1; and include an additional local provision allowing the maximum building height to be exceeded by no more than 3m for lift overrun and associated structures for access to communal rooftop space. (*Recommended option*).

These options are assessed in the table below.

Option	Finance/Resourcing	Risk/Opportunity	Consultation
1.	<p>Do nothing/not supporting the Planning Proposal and VPA offer will have negligible financial/resourcing implications for Council.</p> <p>If the Planning Proposal is progressed via an alternate pathway (Rezoning Review), additional staff time will be required to make representations.</p>	<p>The applicant can lodge a Rezoning Review with the State Government. There is a risk the Sydney North Planning Panel could support the progression of the Planning Proposal contrary to Council's decision.</p>	<p>No further consultation is required beyond this report.</p>
2.	<p>Supporting the Planning Proposal and revised VPA offer will have some financial/resourcing implications for Council.</p> <p>Whilst additional staff time will be required to manage the progression of the Planning Proposal (public exhibition/post-exhibition reporting) and negotiate and implement the detailed terms of the VPA, Council will receive a monetary contribution of \$300,000 towards identified public benefits in addition to applicable section 7.11 local infrastructure contributions.</p>	<p>The Planning Proposal and accompanying VPA would facilitate development outcomes consistent with Council's endorsed <i>Civic Precinct Planning Study</i> (CPPS).</p>	<p>If the Planning Proposal and accompanying VPA is supported, community engagement will be undertaken in accordance with Council's Community Engagement Protocol and the conditions of any Gateway Determination issued by the DPE.</p>

Option 2, is recommended for the following reasons:

- The applicant has submitted a revised built form that satisfactorily addresses the recommendations of Council's detailed assessment report and the recommendations of the NSLPP. It is therefore considered that the Planning Proposal demonstrates the required strategic and site-specific merit to warrant progression to a Gateway

Determination and that it would facilitate development outcomes on the site consistent with Council's endorsed Local Strategic Planning Statement and *Civic Precinct Planning Study*.

### **Consultation Requirements**

Should the Planning Proposal and VPA offer be supported, community engagement will be undertaken in accordance with Council's Community Engagement Protocol and the conditions of any Gateway Determination issued by the Department of Planning and Environment.

### **Financial/Resource Implications**

This report recommends the Planning Proposal be supported subject to being formally amended prior to being forwarded to the DPE with a request for a Gateway Determination and to accept the accompanying revised VPA offer, which proposes to provide a \$300,000 monetary contribution to Council towards community infrastructure.

The exhibition process can be resourced under existing budget lines and within existing staff resourcing.

### **Legislation**

The proposal's compliance with the relevant provisions of the Environmental Planning and Assessment Act, 1979 and accompanying Regulations (2021) have been addressed throughout this report.



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

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

---

**Prepared for:** 21 Falcon Pty Ltd

**4 October 2022**



17-25 Falcon Street, Crows Nest

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

**Haskew de Chalain**



Gilbert Blandin de Chalain MPA

**Partner**



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# 1 Foreword

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

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

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

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

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

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

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

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

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

17-25 Falcon Street, Crows Nest

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

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

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

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

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

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

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

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

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

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

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

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

17-25 Falcon Street, Crows Nest

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

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

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

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

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

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

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

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

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

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

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

17-25 Falcon Street, Crows Nest

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

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

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

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



17-25 Falcon Street, Crows Nest

## 2 Introduction

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

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

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

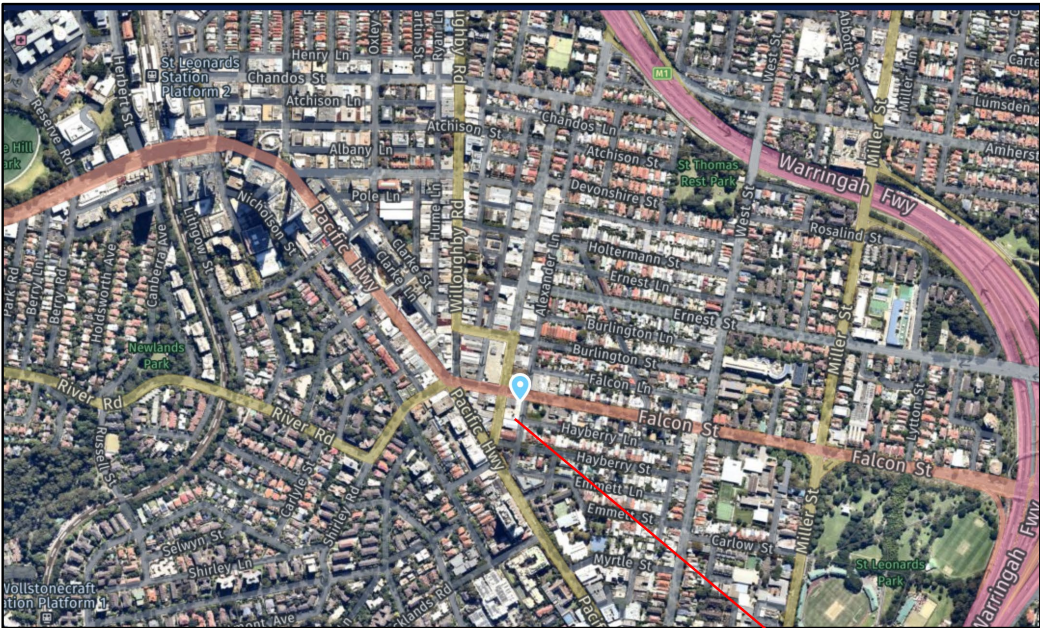


Figure 1: Site location

Subject site

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

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

17-25 Falcon Street, Crows Nest

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

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

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

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

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

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

17-25 Falcon Street, Crows Nest

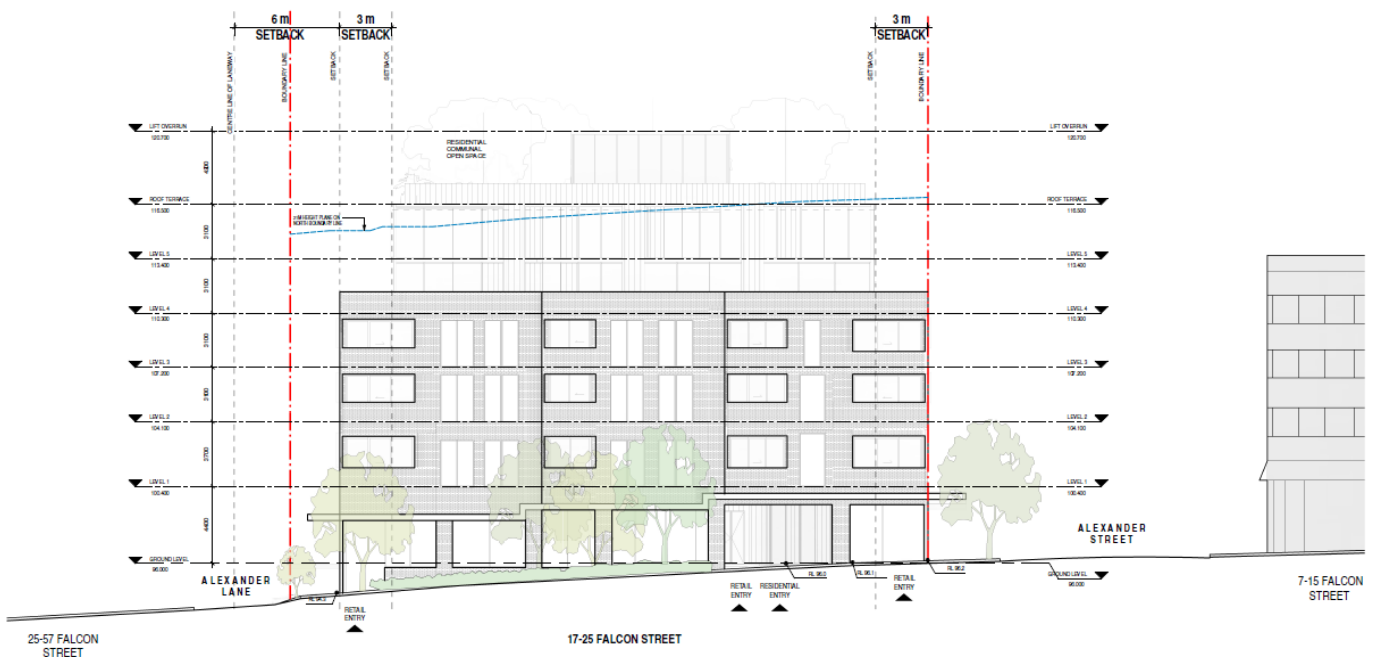
## 2.1 PROPOSED LEP AMENDMENT

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

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

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

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

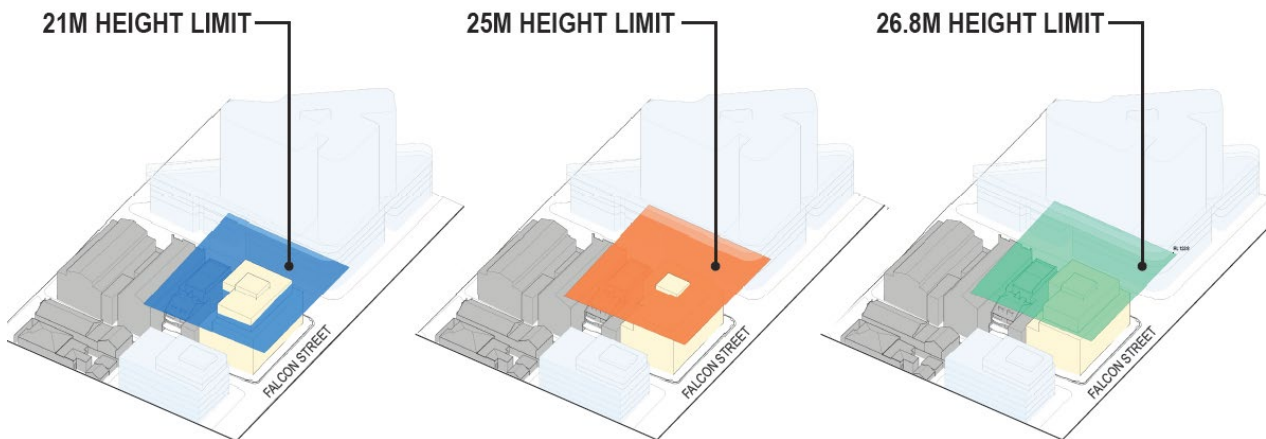


**Figure 2a:** Proposed building height – 21 metres (Falcon Street Elevation)

## 17-25 Falcon Street, Crows Nest



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



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

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

17-25 Falcon Street, Crows Nest

### 3 Site Details

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

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

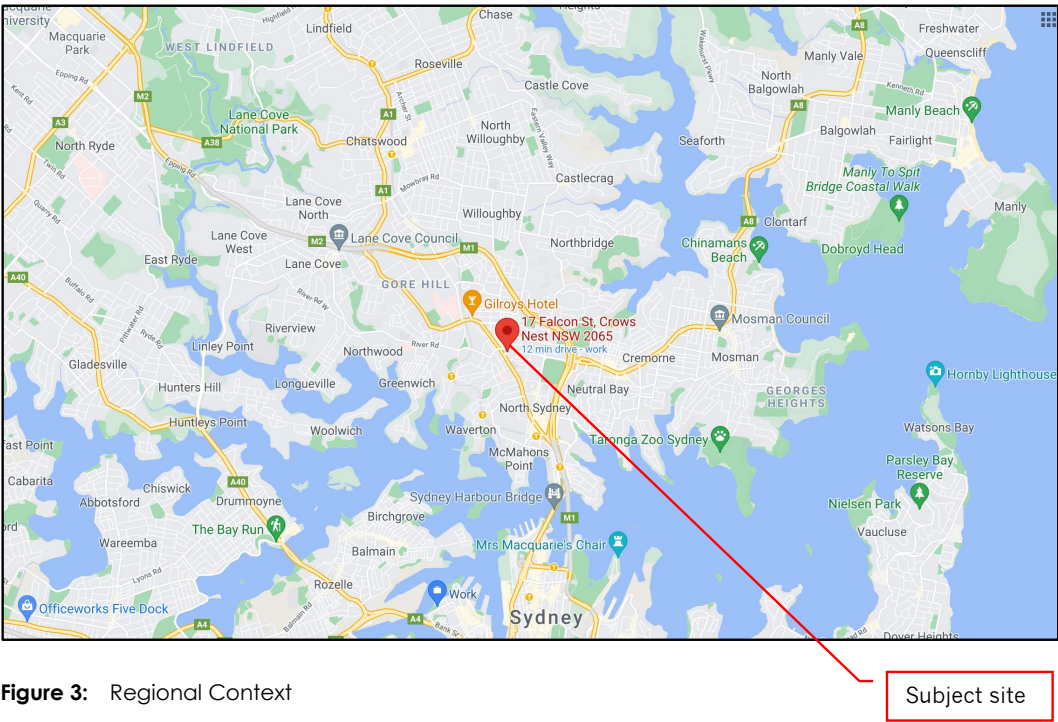


Figure 3: Regional Context



17-25 Falcon Street, Crows Nest

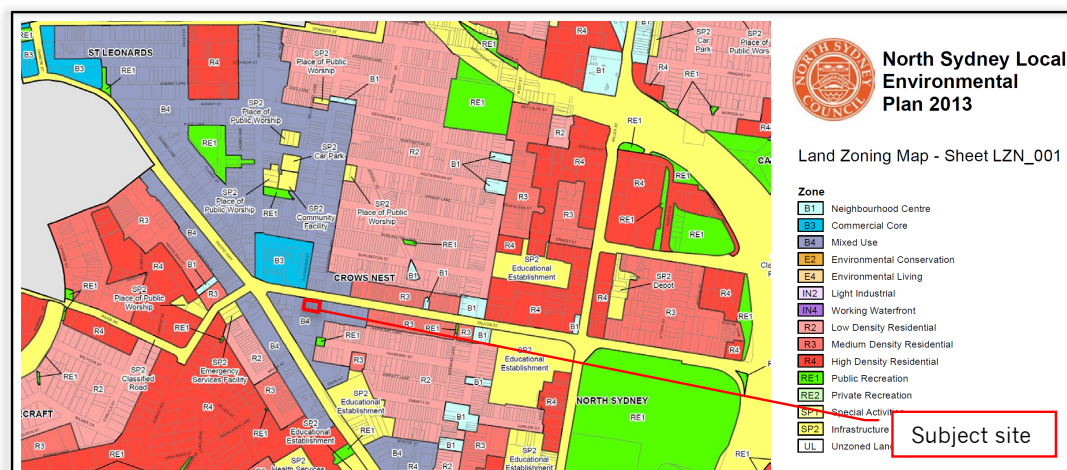


#### Figure 4: Neighbourhood Context



**Figure 5:** Subject site – Local Context

17-25 Falcon Street, Crows Nest



**Figure 6:** Current Zoning

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

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

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

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

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



17-25 Falcon Street, Crows Nest

### 3.1 OFFICIAL SITE DESCRIPTION

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

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

### 3.2 EXISTING DEVELOPMENT

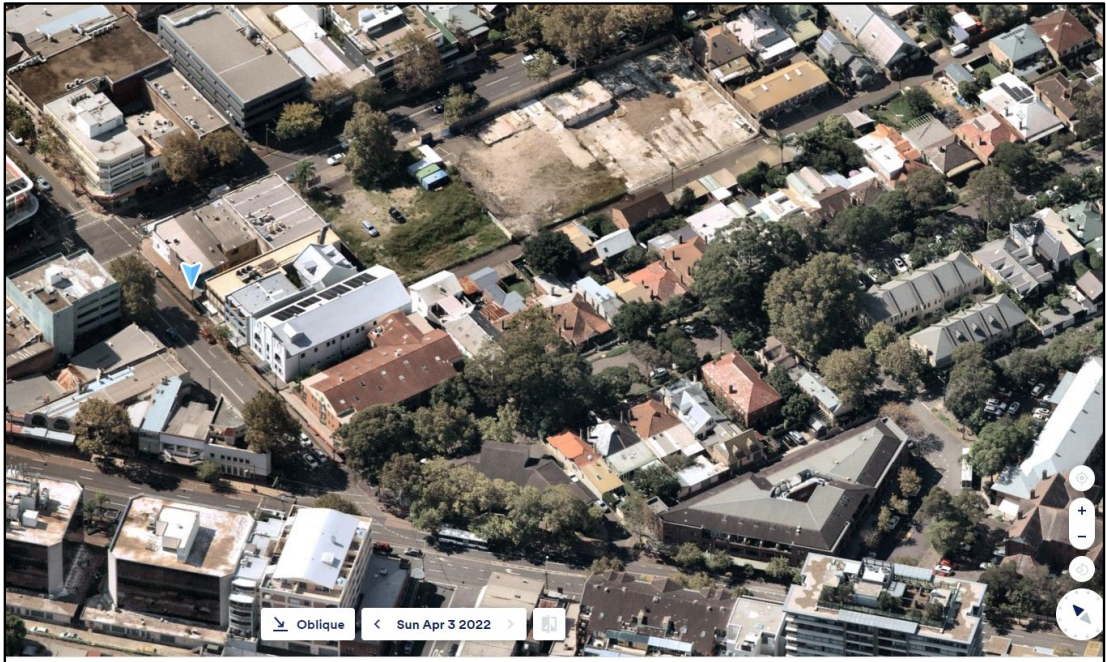
The land is developed for commercial purposes. The existing uses contribute little to street level activation or aesthetic. The subject site occupies a prominent corner in the urban block bounded by Falcon Street, Alexander Street and Alexander Lane. Reference should be made to images below and table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



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



17-25 Falcon Street, Crows Nest



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



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



17-25 Falcon Street, Crows Nest



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



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

17-25 Falcon Street, Crows Nest

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

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

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

17-25 Falcon Street, Crows Nest

# 4 Site Context

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

## 4.1 Site Context – Locational

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

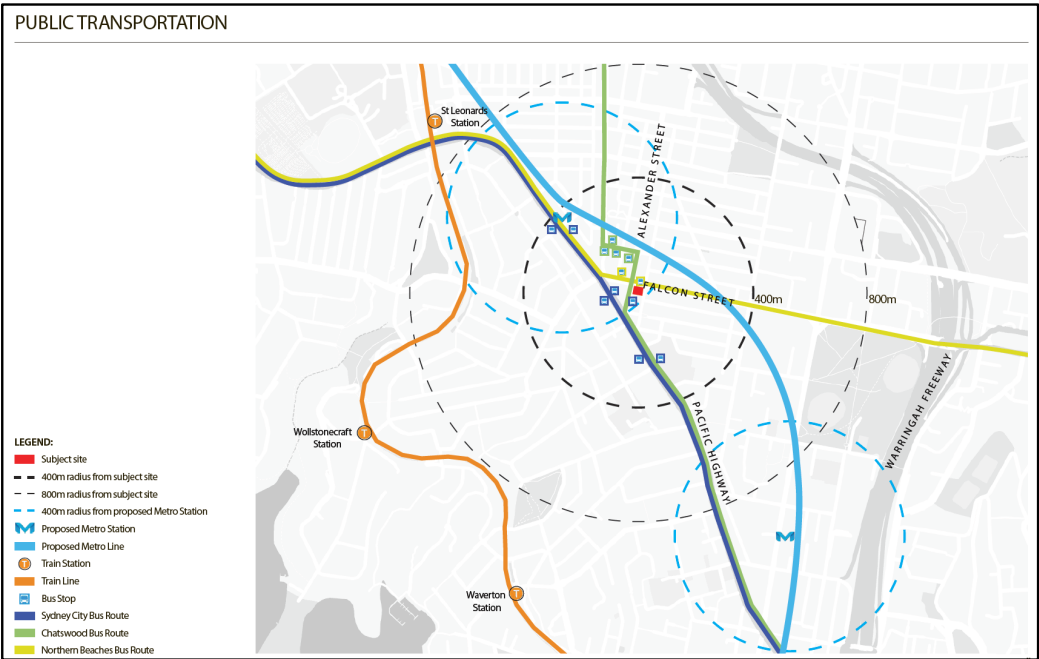


Figure 12: Public Transport



17-25 Falcon Street, Crows Nest

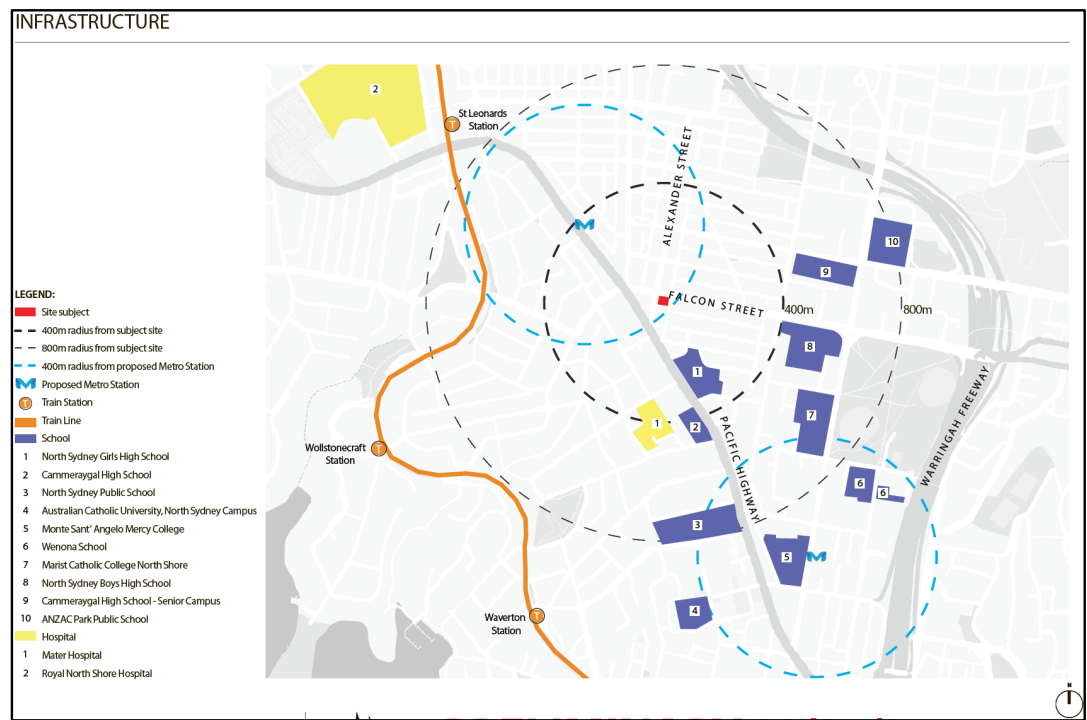


Figure 13: Infrastructure

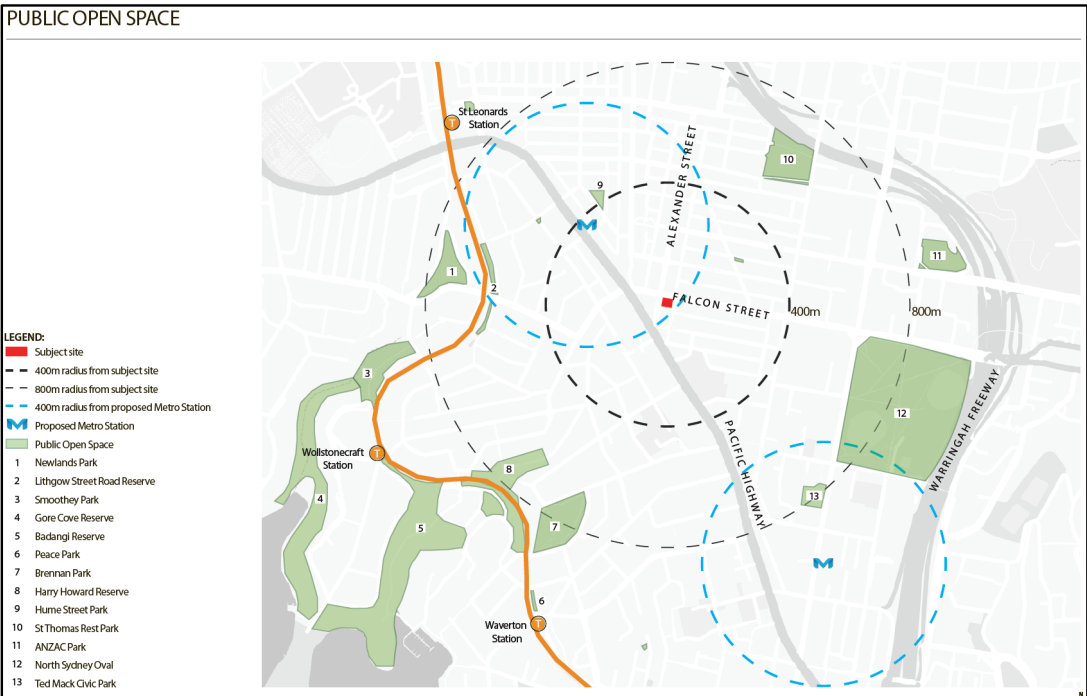


Figure 14: Public Open Space

17-25 Falcon Street, Crows Nest

## 4.2 Strategic Merit

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

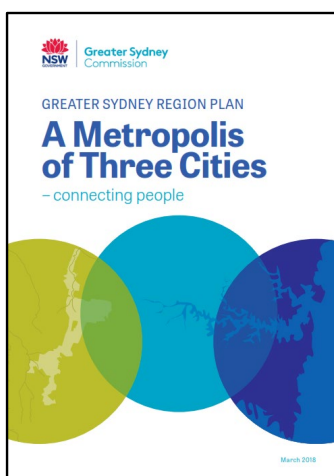
In summary, St. Leonards and Crows Nest are identified as priority urban renewal areas. Renewal will obviously be supported with significant investment in Metro Rail adding to excellent accessibility from rail and bus services. It is argued that this proposal will leverage off this significant investment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

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

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

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

### 4.2.1 A Metropolis of Three Cities



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

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

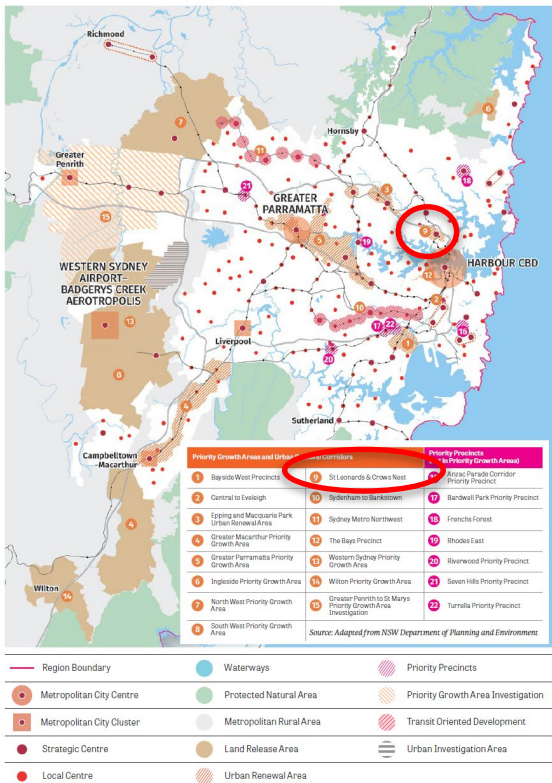
The vision of the plan says that it seeks to bring new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth.

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

17-25 Falcon Street, Crows Nest

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

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



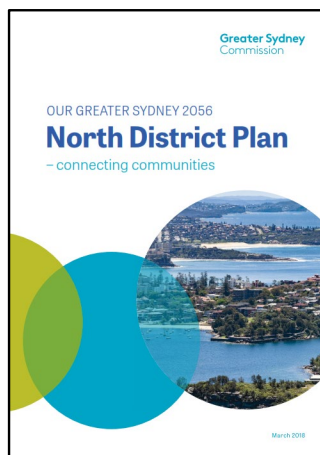
**Figure 15:** Extract from the Greater Sydney Region Plan – Crows Nest identified as a Urban Renewal area

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

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

17-25 Falcon Street, Crows Nest

#### 4.2.2 North District Plan



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

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

- *St Leonards/Crows Nest Planned Precinct*

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

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

The Plan says that:

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

This proposal would:

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

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



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

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



17-25 Falcon Street, Crows Nest

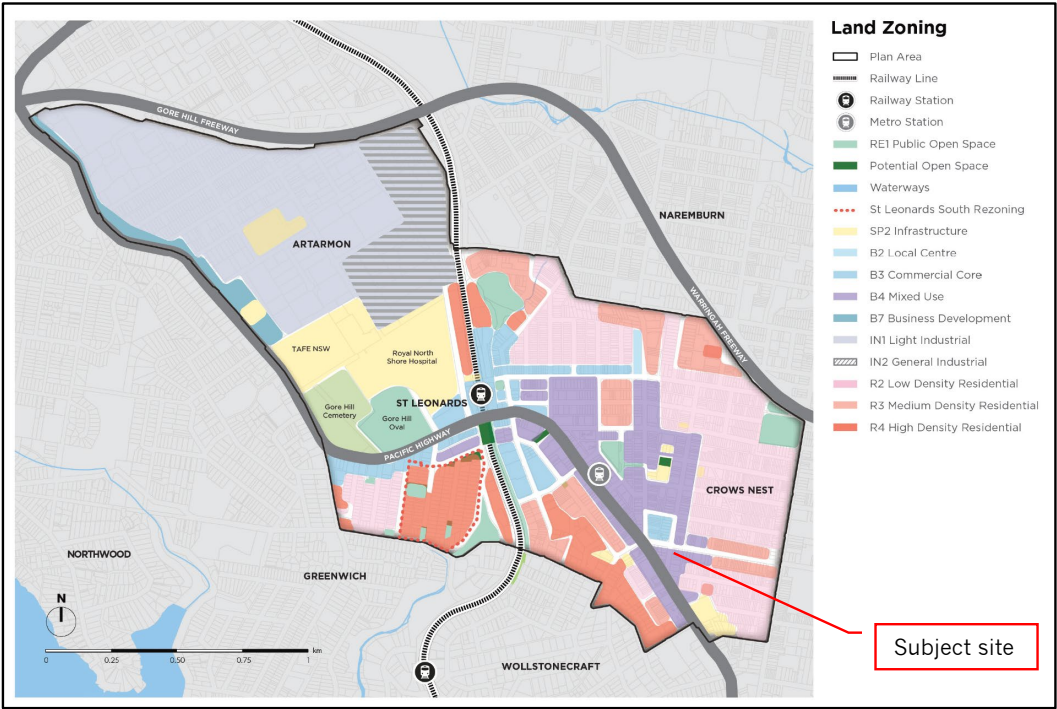
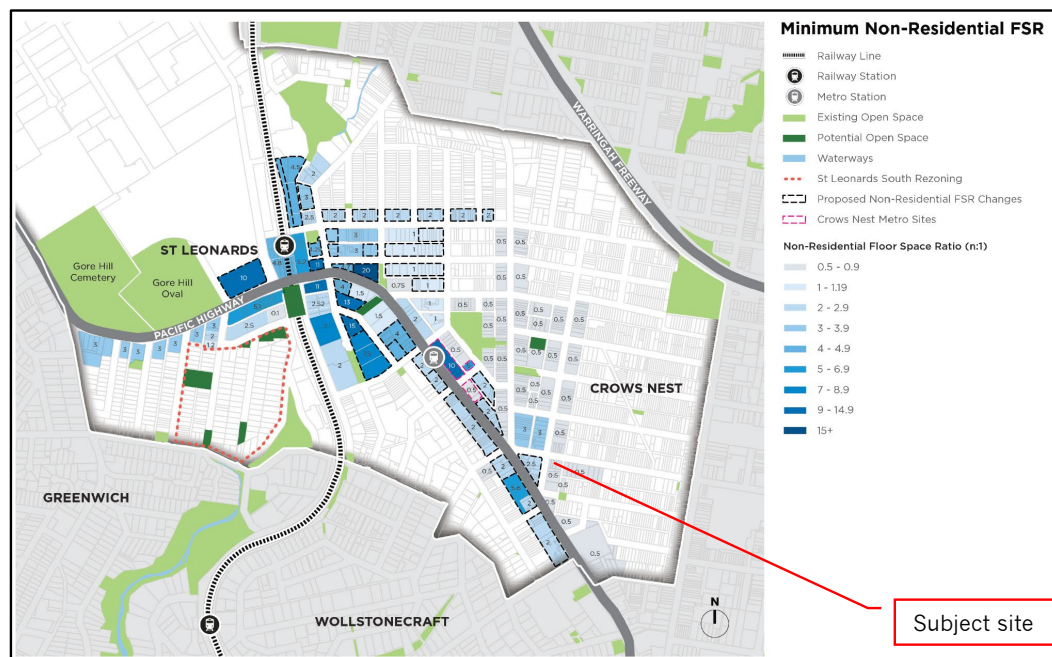


Figure 16: Recommended Land use – Mixed use.



Figure 17: Recommended Building Height – 3 storeys

17-25 Falcon Street, Crows Nest

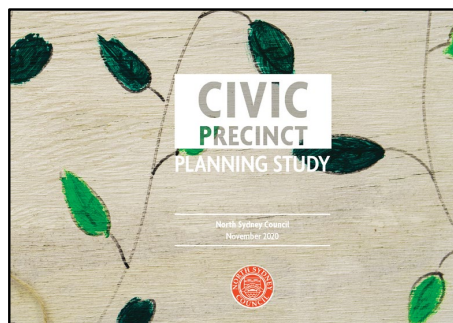


**Figure 18:** Recommended Minimum Non-Residential FSR – 0.5:1

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

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

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



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

The Civic Precinct Planning Study says that:

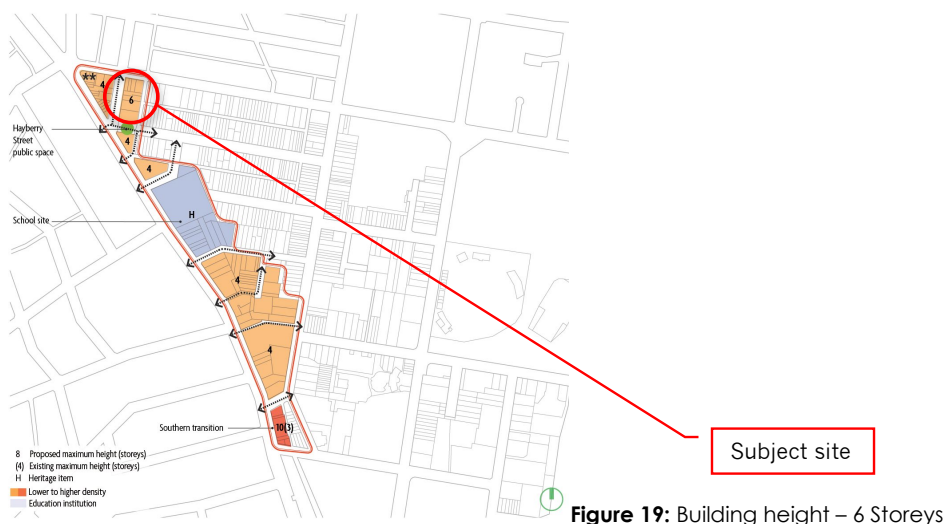
*The Civic Precinct Planning Study is to provide that holistic vision and guide any development*

17-25 Falcon Street, Crows Nest

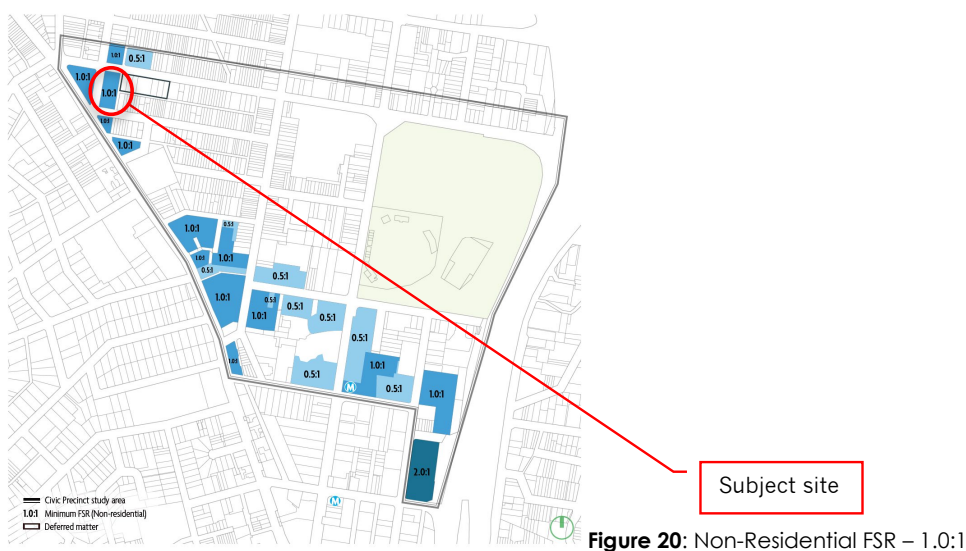
Of particular relevance to this proposal is:

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

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



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



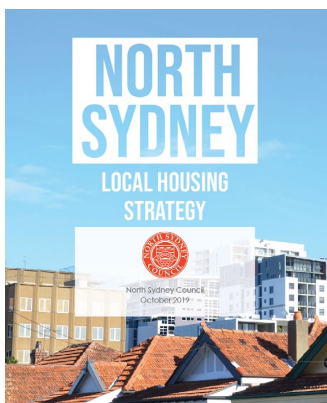


17-25 Falcon Street, Crows Nest

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



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

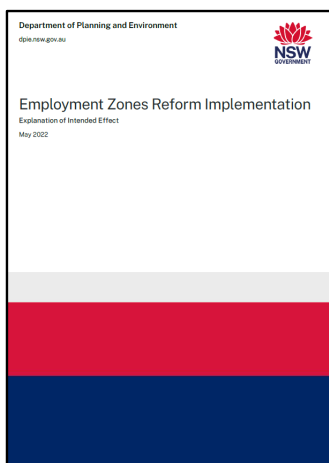


The Local Housing Strategy identifies the need for continued and carefully managed housing growth. The Strategy highlights the fact that:

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

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

#### 4.2.6 Employment zones reform



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

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

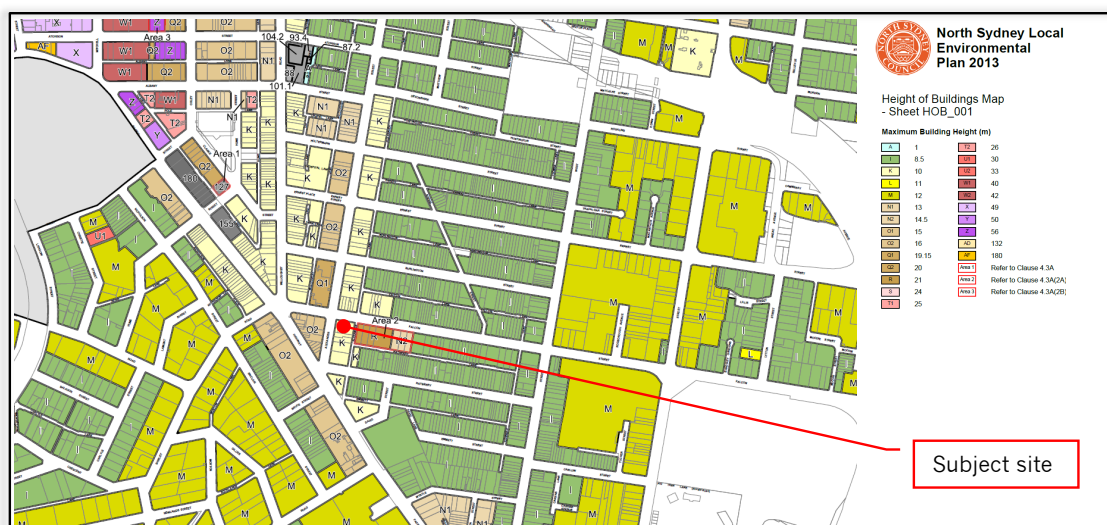
The subject site is currently zoned B4 Mixed use. Employment zone reform will result in the conversion of the B4 zone to MU1 Mixed use zone. The strategic intent, desired land uses and characteristics remain consistent with that of the existing B4 zone. This proposal remains permissible under the current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

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## 5 Existing Statutory Planning Framework

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

### 5.1 HEIGHT OF BUILDINGS



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

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

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

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

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

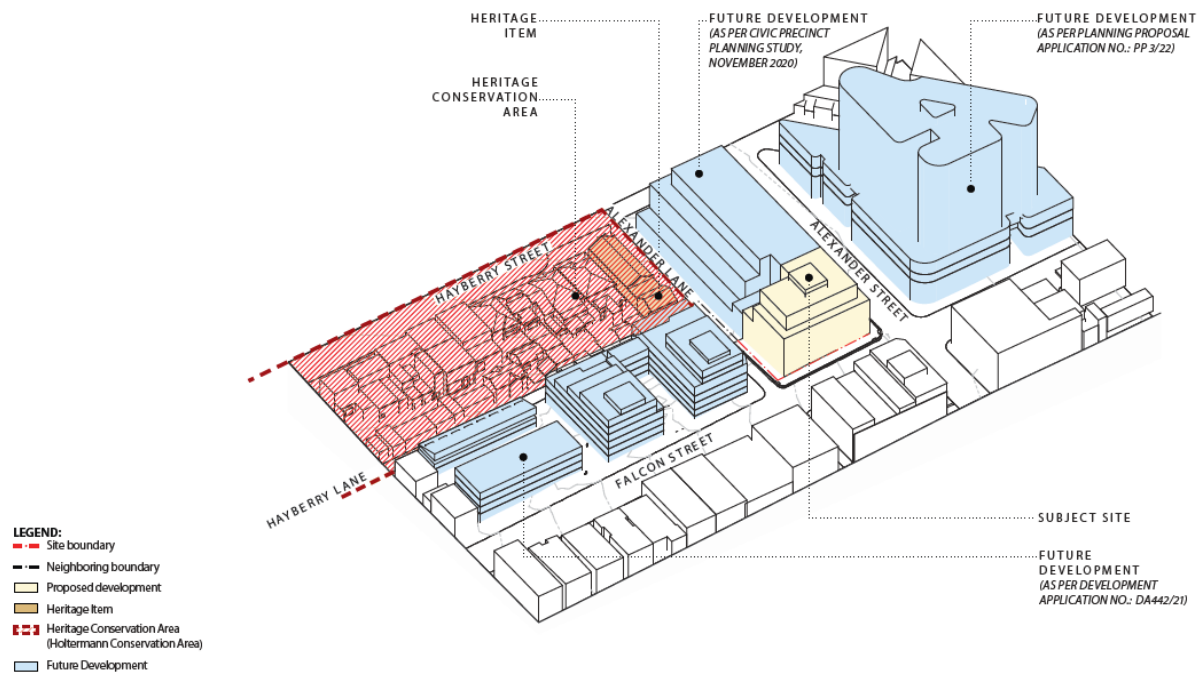


Figure 22: Future Built form

STREET ELEVATION - FALCON STREET

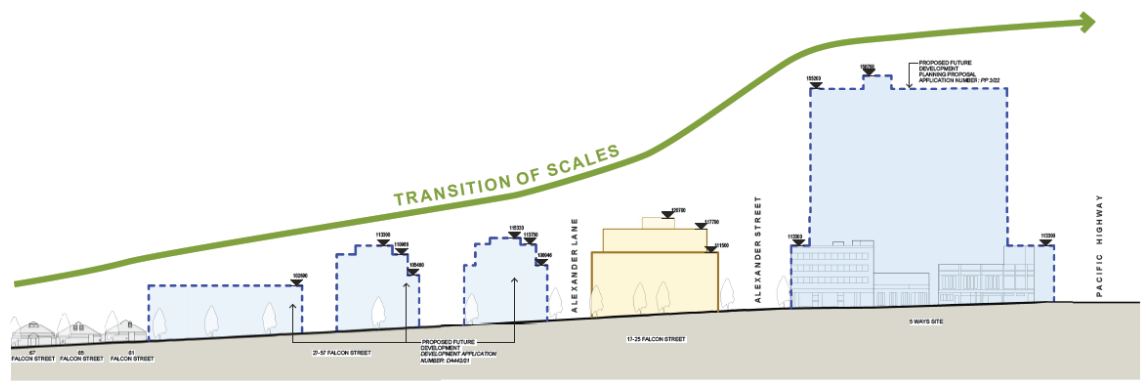
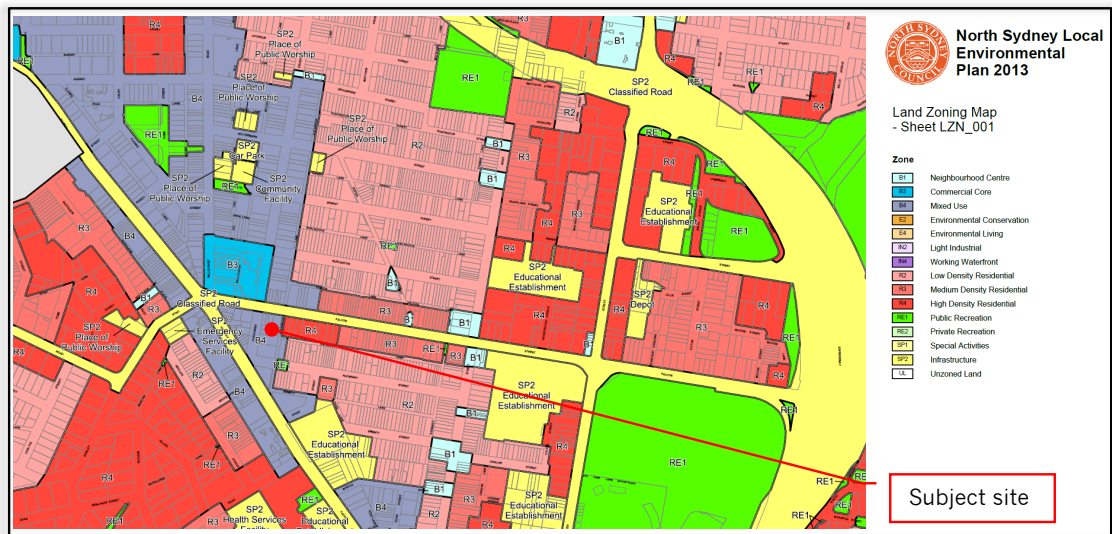


Figure 23: Transition of building heights

17-25 Falcon Street, Crows Nest

## 5.2 LAND USE ZONE



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

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

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

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

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

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

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



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### 5.3 MINIMUM NON-RESIDENTIAL FLOOR SPACE RATIO

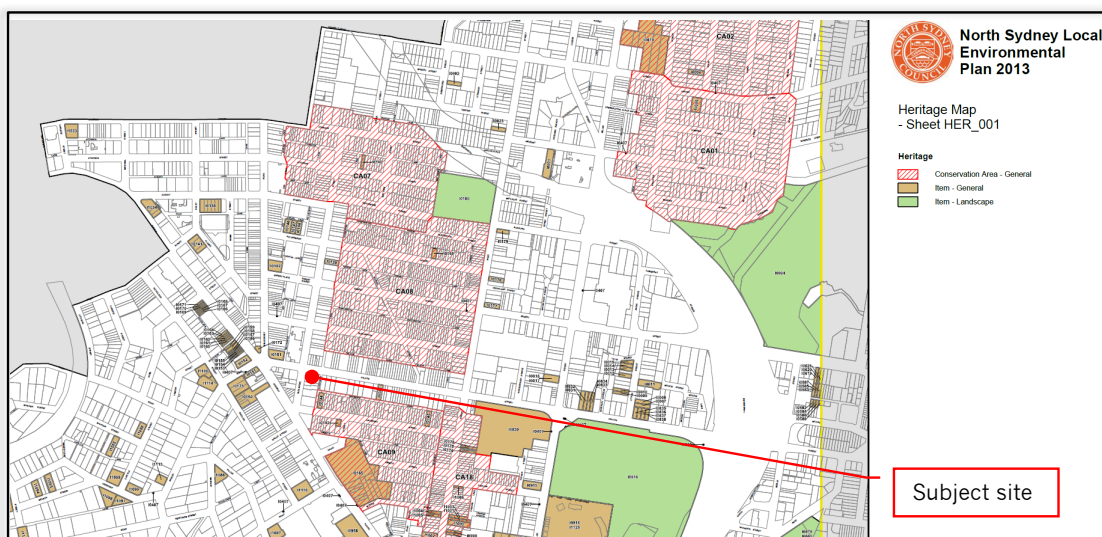


**Figure 24:** Minimum Non-Residential Floor Space Ratio – Subject site – Minimum Non-Residential FSR 0.5:1

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

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

### 5.4 HERITAGE CONSERVATION AREA



**Figure 25:** Heritage conservation area

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



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## 6 Proposed Development

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

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

### 6.1 CONCEPT DESIGN

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

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

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

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

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

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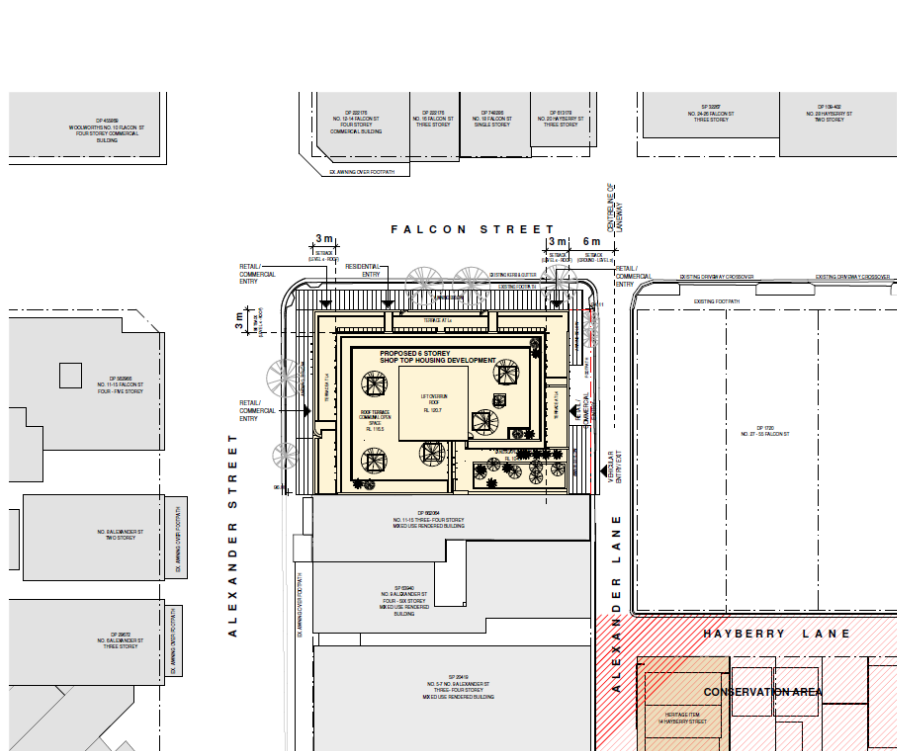


Figure 26: Site Plan

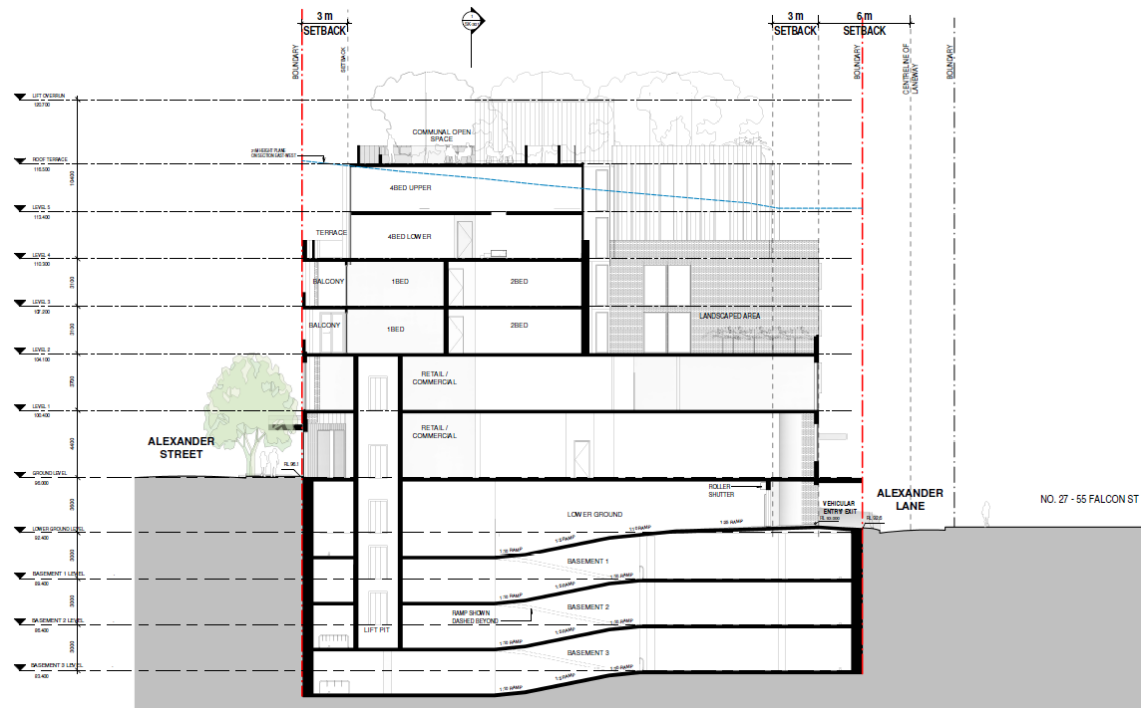


Figure 27: Section

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



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

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## 6.2 PUBLIC DOMAIN IMPROVEMENTS

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

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

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

## 6.3 TRAFFIC IMPACT

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

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

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

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

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

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

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

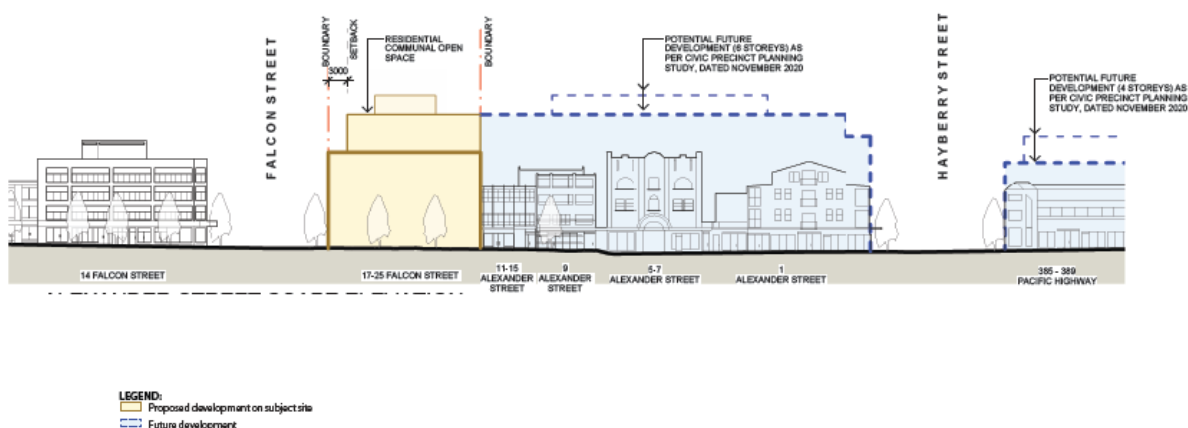
## DESIGN QUALITY PRINCIPLES

### Principle 1: Context and Neighbourhood Character

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

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

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



**Figure 30:** Alexander Streetscape

### Principle 2: Built Form and Scale

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

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

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

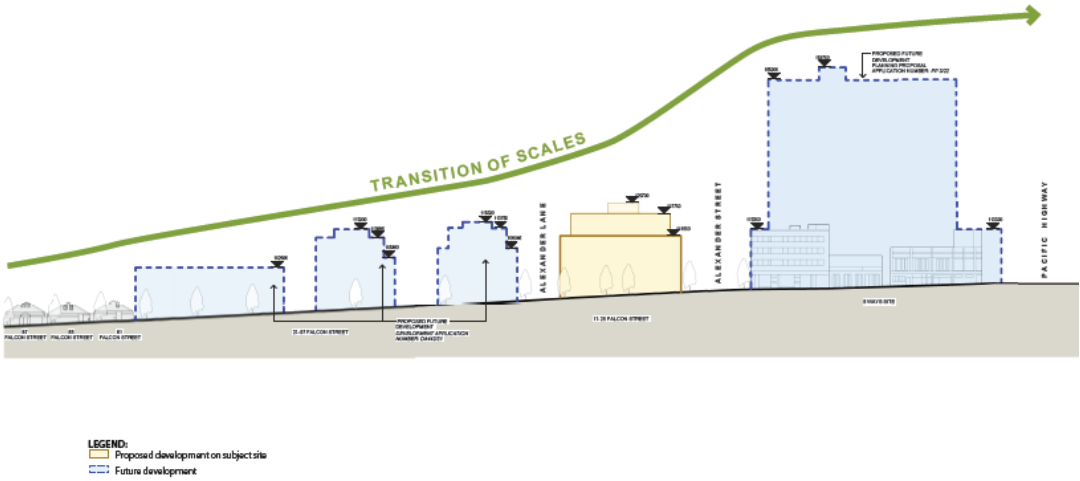


Figure 31: Falcon Street – built form transition

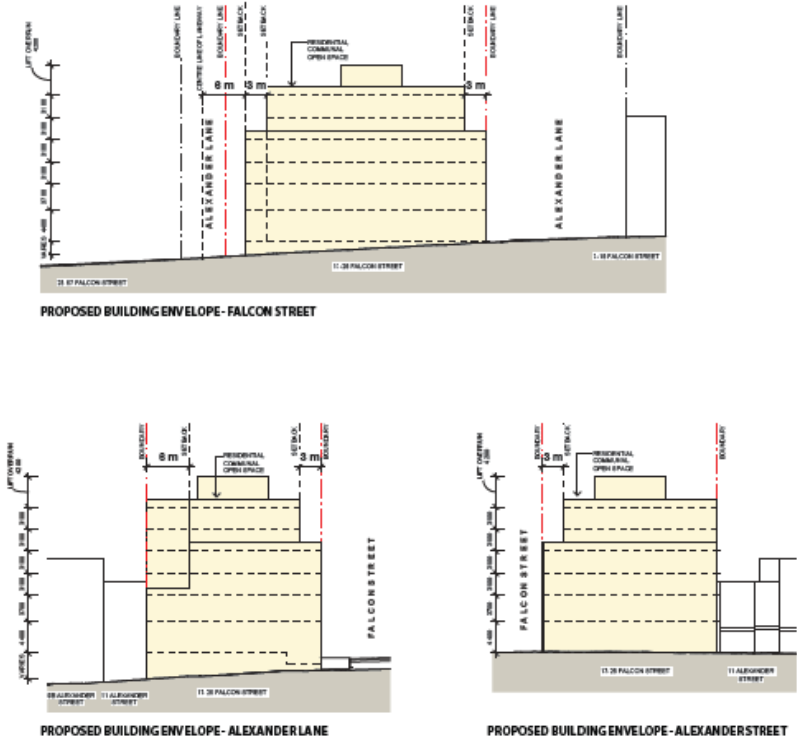


Figure 32: Proposed building envelope



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### Principle 3: Density

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

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

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

### Principle 4: Sustainability

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

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



**Figure 33:** Sustainability initiatives

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**Principle 5: Landscape**

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

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

**Principle 6: Amenity**

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

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

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

**Principle 7: Safety**

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

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

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



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

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

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

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

**Principle 9: Aesthetics**

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

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

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

**Apartment Design Guide**

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

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## 7 Planning Proposal

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

### PART 1 – Objectives and Intended Outcomes

#### Objective

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

#### Intended outcomes

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

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

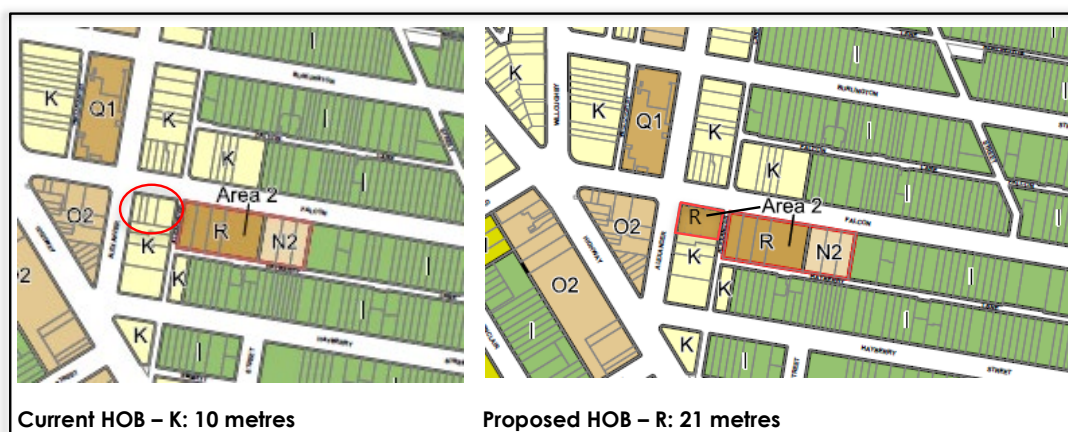
Concept designs for the proposed development accompany this report and discussed in Section 6 of this report.

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## Part 2 – Explanation of Provisions

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

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



## Part 3 – Justification

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

### Section A – Need for the Planning Proposal

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

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

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

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

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

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

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

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

**Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?**

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

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

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

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

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

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

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

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

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

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

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

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



17-25 Falcon Street, Crows Nest

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

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

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

17-25 Falcon Street, Crows Nest

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

17-25 Falcon Street, Crows Nest

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



17-25 Falcon Street, Crows Nest

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

17-25 Falcon Street, Crows Nest

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

17-25 Falcon Street, Crows Nest

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

17-25 Falcon Street, Crows Nest

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

17-25 Falcon Street, Crows Nest

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



17-25 Falcon Street, Crows Nest

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

17-25 Falcon Street, Crows Nest

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

17-25 Falcon Street, Crows Nest

Ministerial Direction	Applicable to Planning Proposal?	Consistency of Proposal with Direction	Assessment
<b>Focus area 8: Resources and Energy</b>			
<p>8.1 Mining, Petroleum Production and Extractive Industries</p> <p>The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p>	No	N/A	This proposal is not located to limit extraction of significant resources.
<b>Focus area 9: Primary Production</b>			
<p>9.1 Rural Zones</p> <p>The objective of this direction is to protect the agricultural production value of rural land.</p>	Yes	N/A	This proposal does not relate to a rural zone or impact on agricultural value of rural land.
<p>9.2 Rural Lands</p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(a) protect the agricultural production value of rural land,</li> <li>(b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,</li> <li>(c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,</li> <li>(d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,</li> </ul>	No	N/A	This proposal does not relate to land identified by the SEPP

17-25 Falcon Street, Crows Nest

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

17-25 Falcon Street, Crows Nest

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

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

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

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

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

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

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

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

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

The Planning Proposal has demonstrated consistency with the relevant strategies.

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



17-25 Falcon Street, Crows Nest

## Section D – State and Commonwealth Interests

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

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

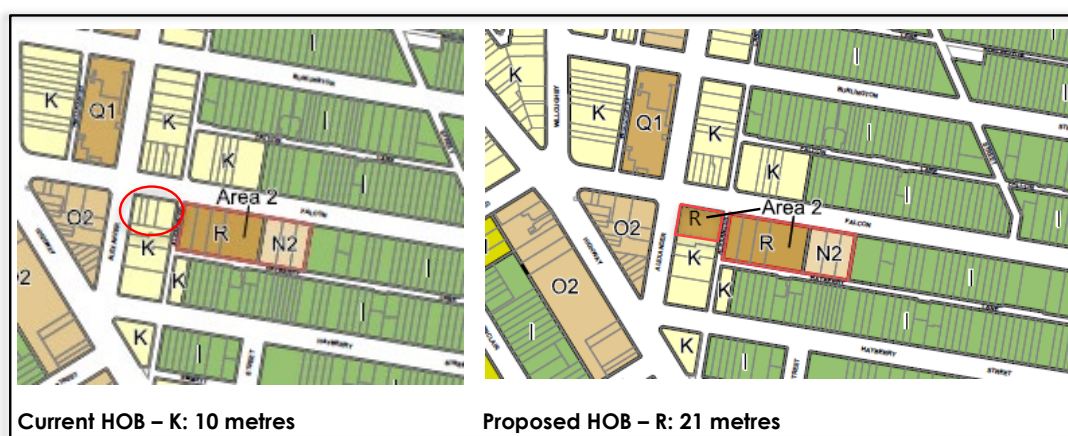
### **Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

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

## **Part 4 - Mapping**

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

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



## **Part 5 – Community Consultation**

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

17-25 Falcon Street, Crows Nest

Part 6 – Project Timeline

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

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

17-25 Falcon Street, Crows Nest

## 8 Conclusion

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

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

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

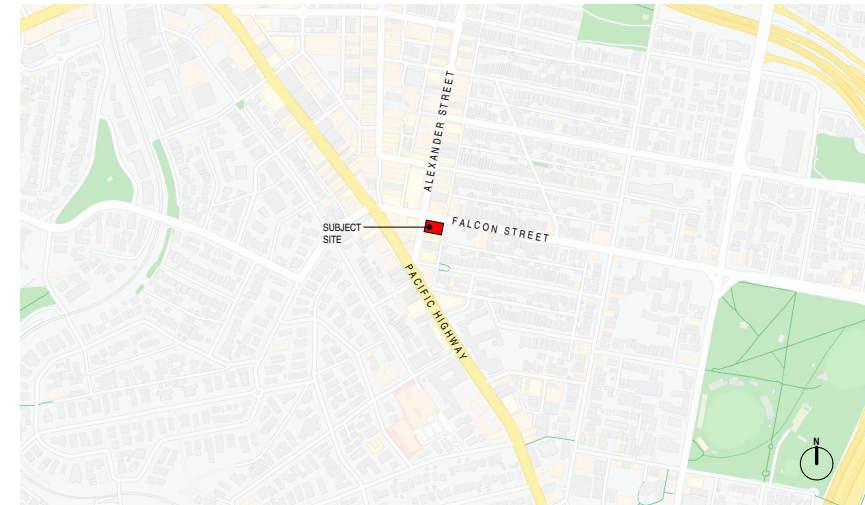
The amendment of development standards applicable to the subject site would bring significant benefits to the locality. Furthermore, permitting development of the subject land as proposed will have the potential to bring about significant urban renewal including positive amenity improvements. The proposal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

**17-25 FALCON STREET CROWS NEST NSW 2040****DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION  
OF A NEW SHOP TOP HOUSING DEVELOPMENT WITH BASEMENT PARKING****PLANNING PROPOSAL (PP)****DRAWING LIST**

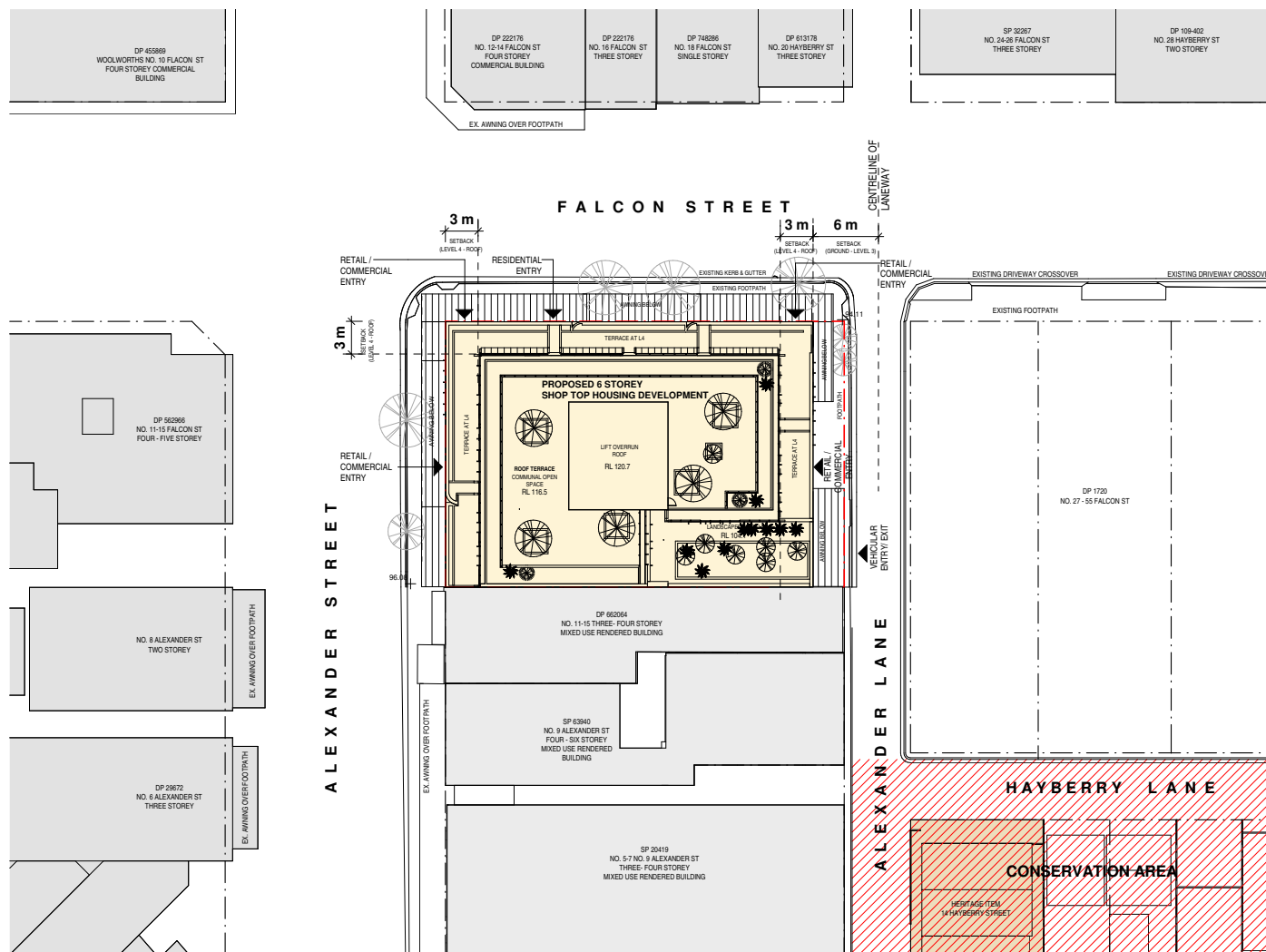
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SK-101	SITE PLAN	B
SK-102	BASEMENT 3 PLAN	B
SK-103	BASEMENT 2 PLAN	B
SK-104	BASEMENT 1 PLAN	B
SK-105	LOWER GROUND LEVEL	B
SK-106	GROUND FLOOR PLAN	B
SK-107	LEVEL 1 FLOOR PLAN	B
SK-108	LEVEL 2 FLOOR PLAN	B
SK-109	LEVEL 3 FLOOR PLAN	B
SK-110	LEVEL 4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



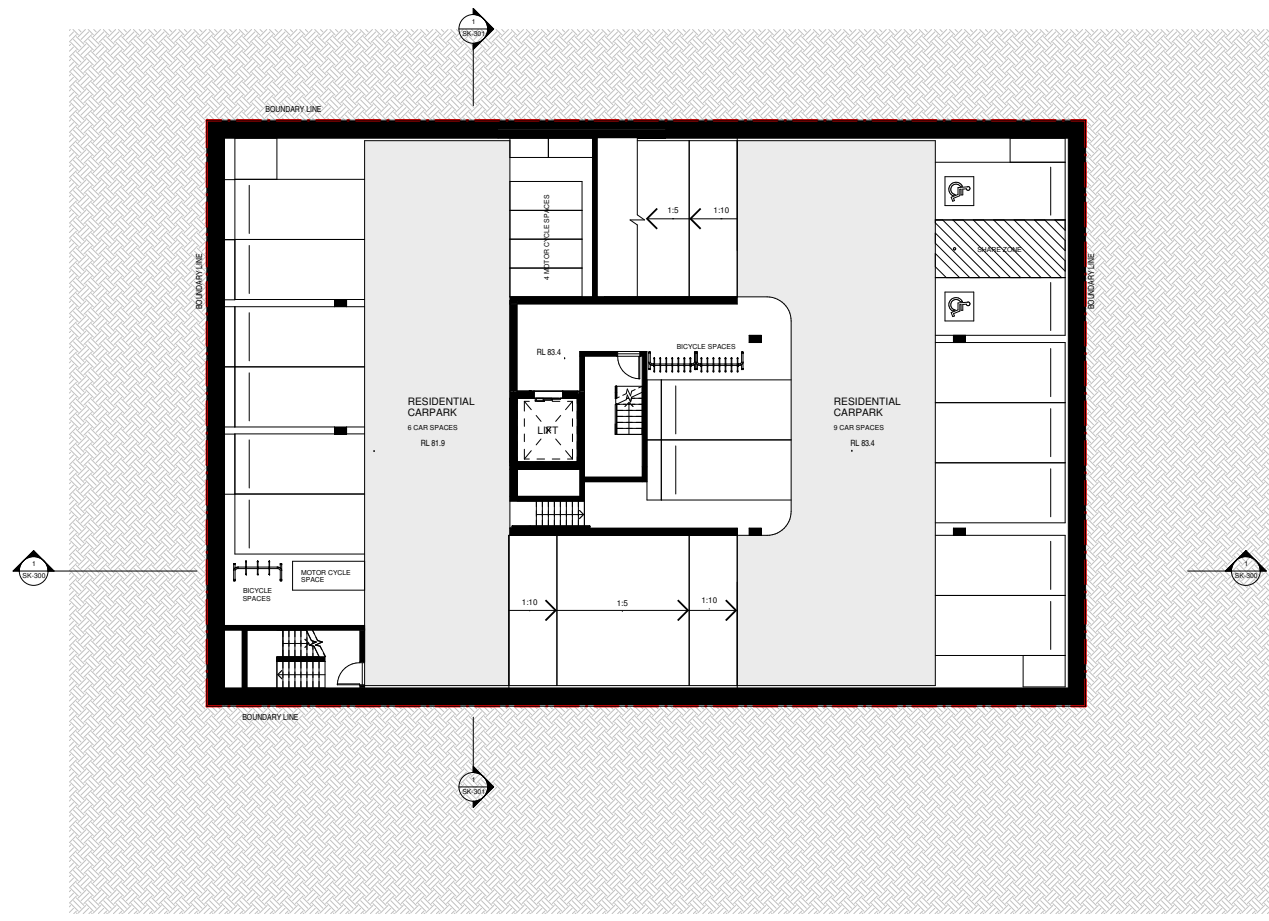
VIEW OF PROPOSED DEVELOPMENT FROM CORNER OF  
FALCON STREET AND ALEXANDER STREET

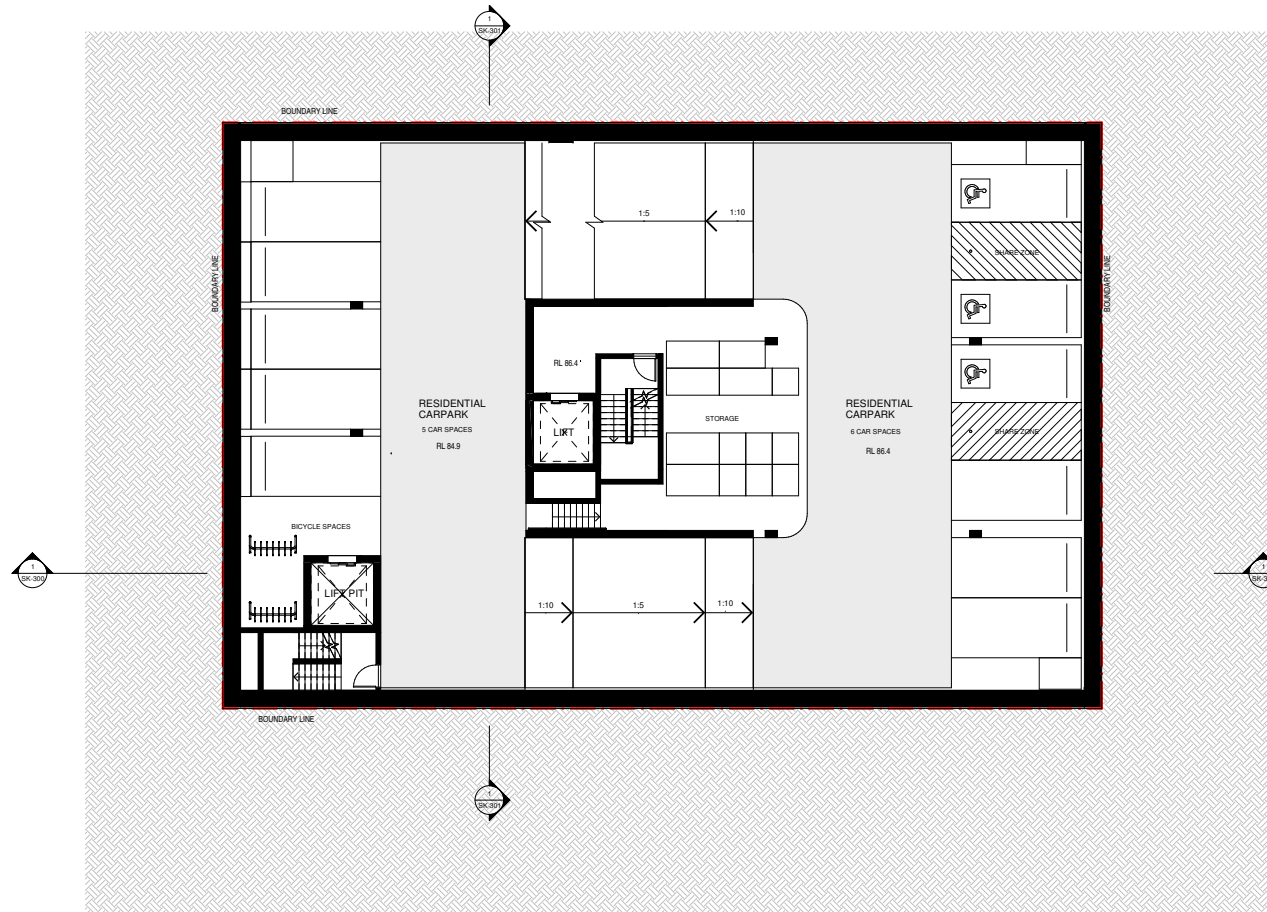


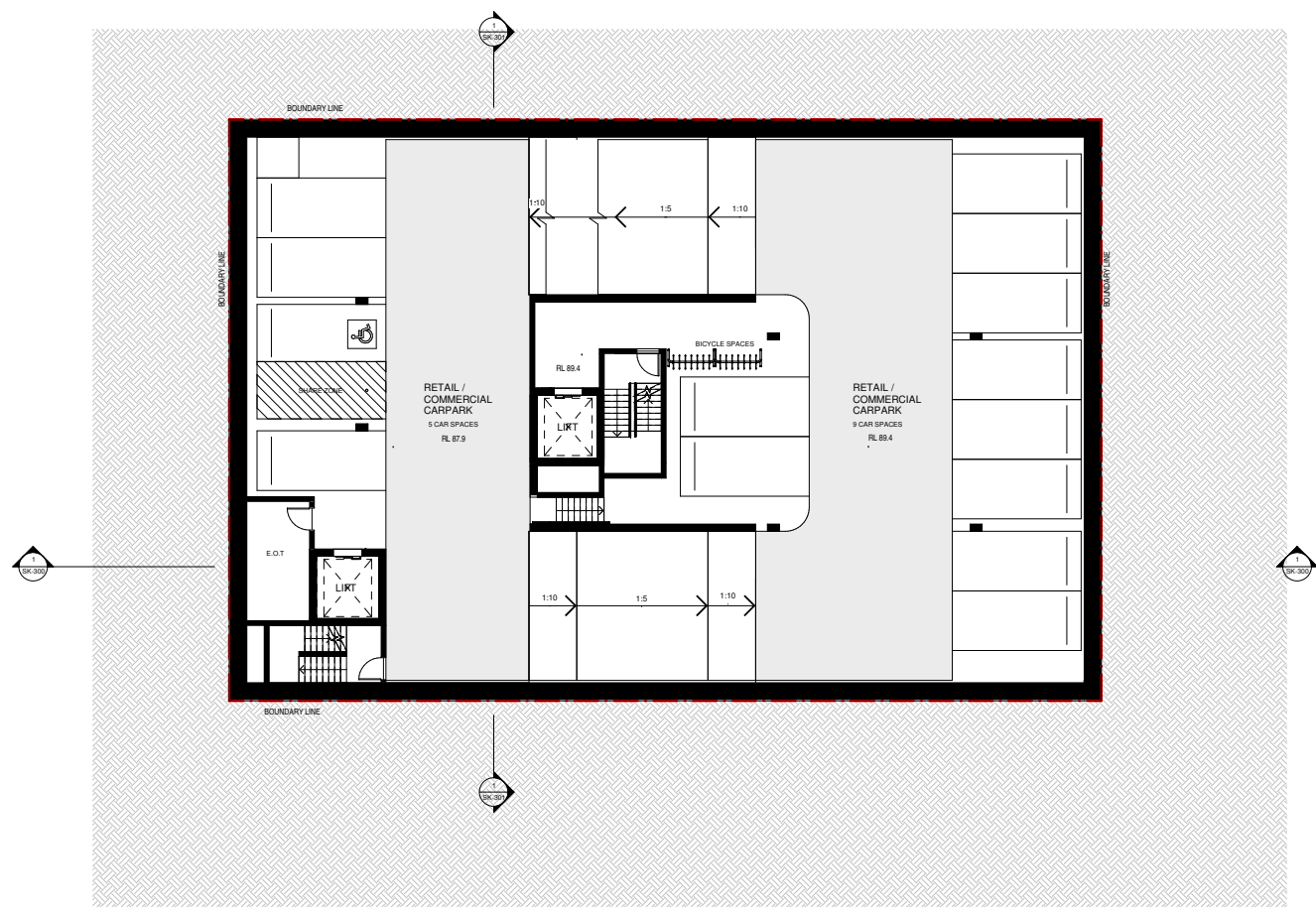
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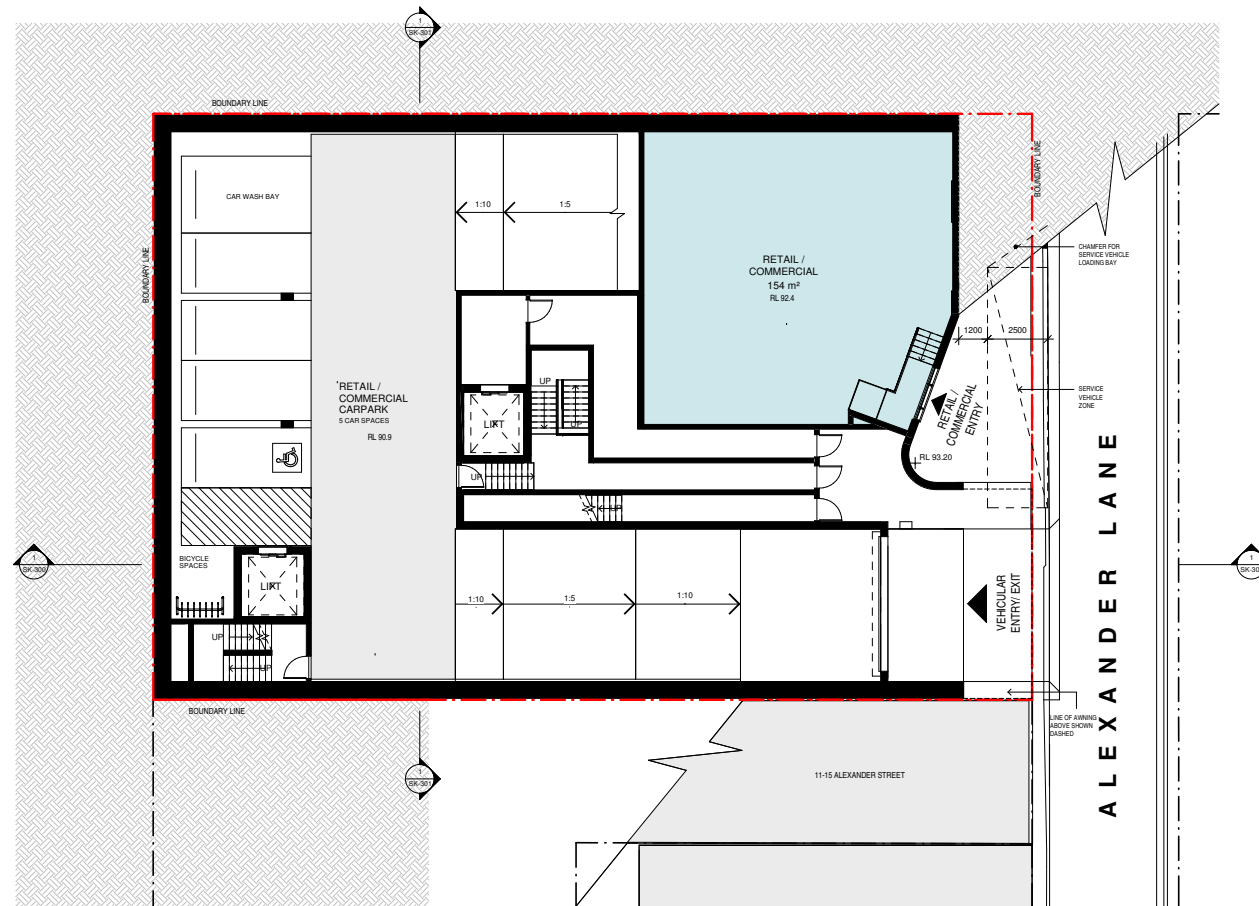












DREW DICKSON ARCHITECTS PTY LIMITED

ABN 12 168 892 153 Nominated Architect: Alex de Belin ARBN: 8330

G02, 83 ALEXANDER STREET, CROWS NEST, NSW 2005 AUSTRALIA



CLIENT:

21 FALCON

LEVEL 4, 1 MCLAREN STREET NORTH SYDNEY NSW 2060  
PO BOX 1850, NORTH SYDNEY NSW 2060

PROJECT:

17- 25 FALCON STREET CROWS NEST  
NEW SHOP TOP HOUSING

17-25 FALCON STREET CROWS NEST

DRAWING TITLE:

LOWER GROUND LEVEL

DWG NO.:

SK-105

SCALE

1 : 100 @ A1  
1 : 200 @ A3

DATE:

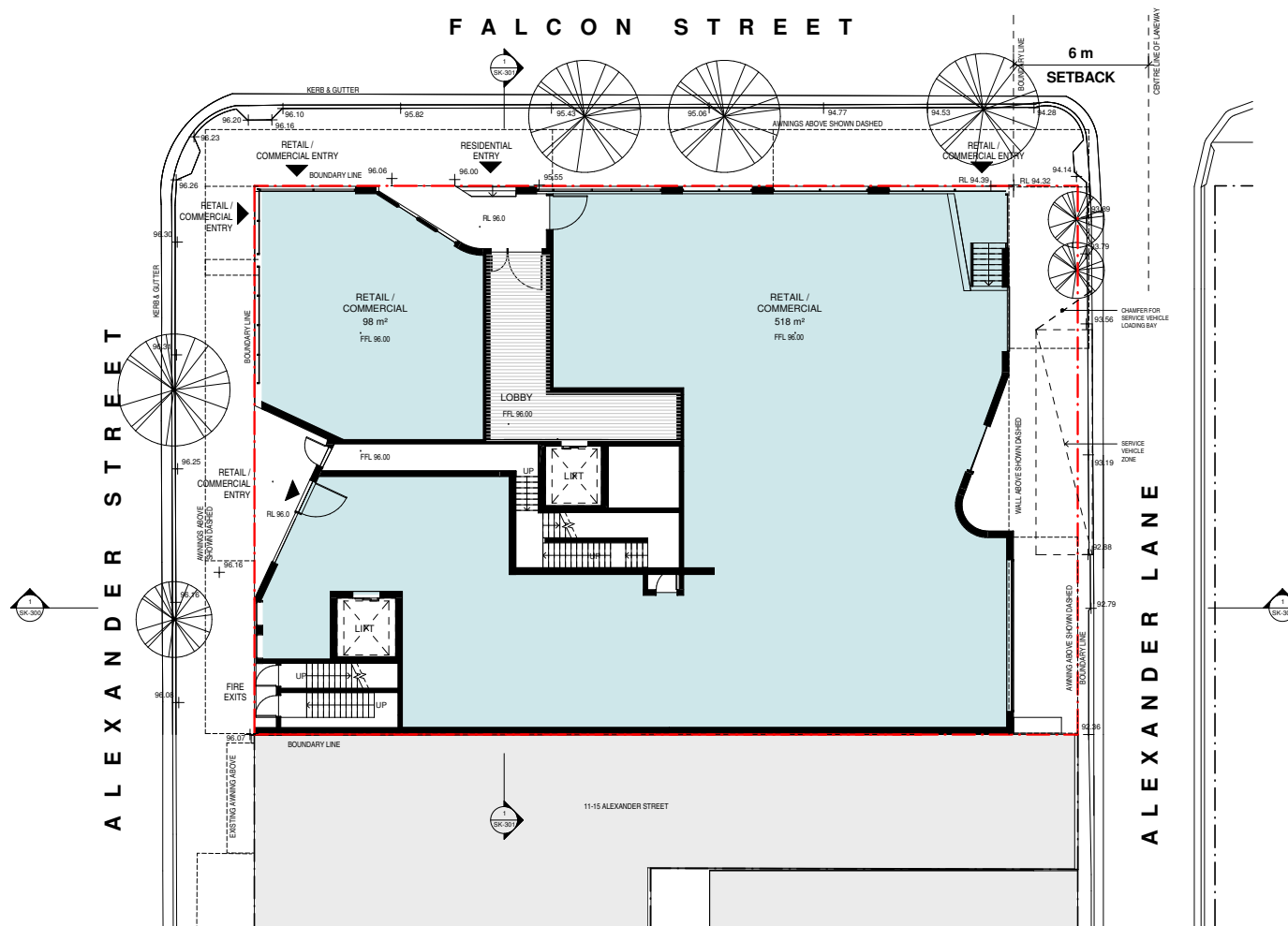
SEP 2022

PROJECT NO.:

19023

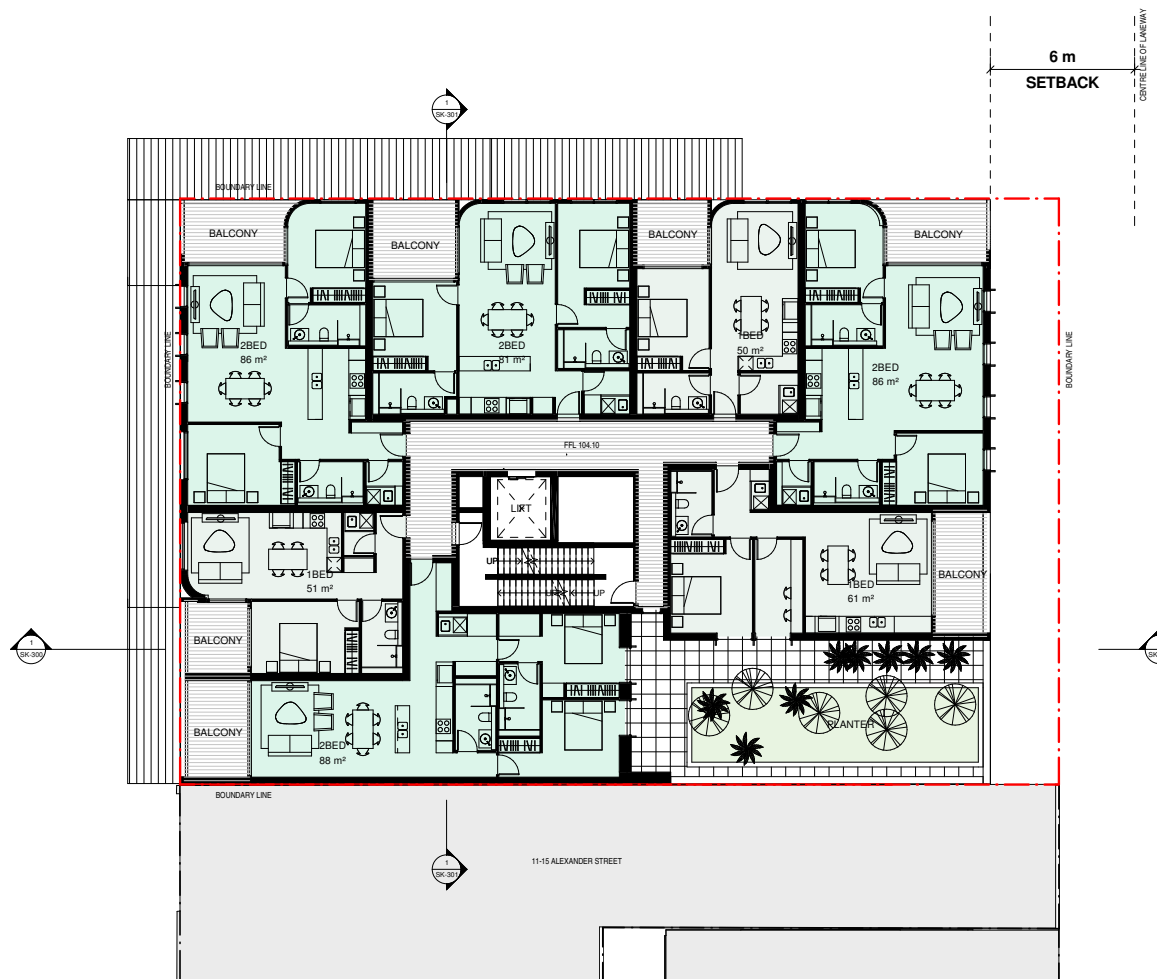
REVISION:

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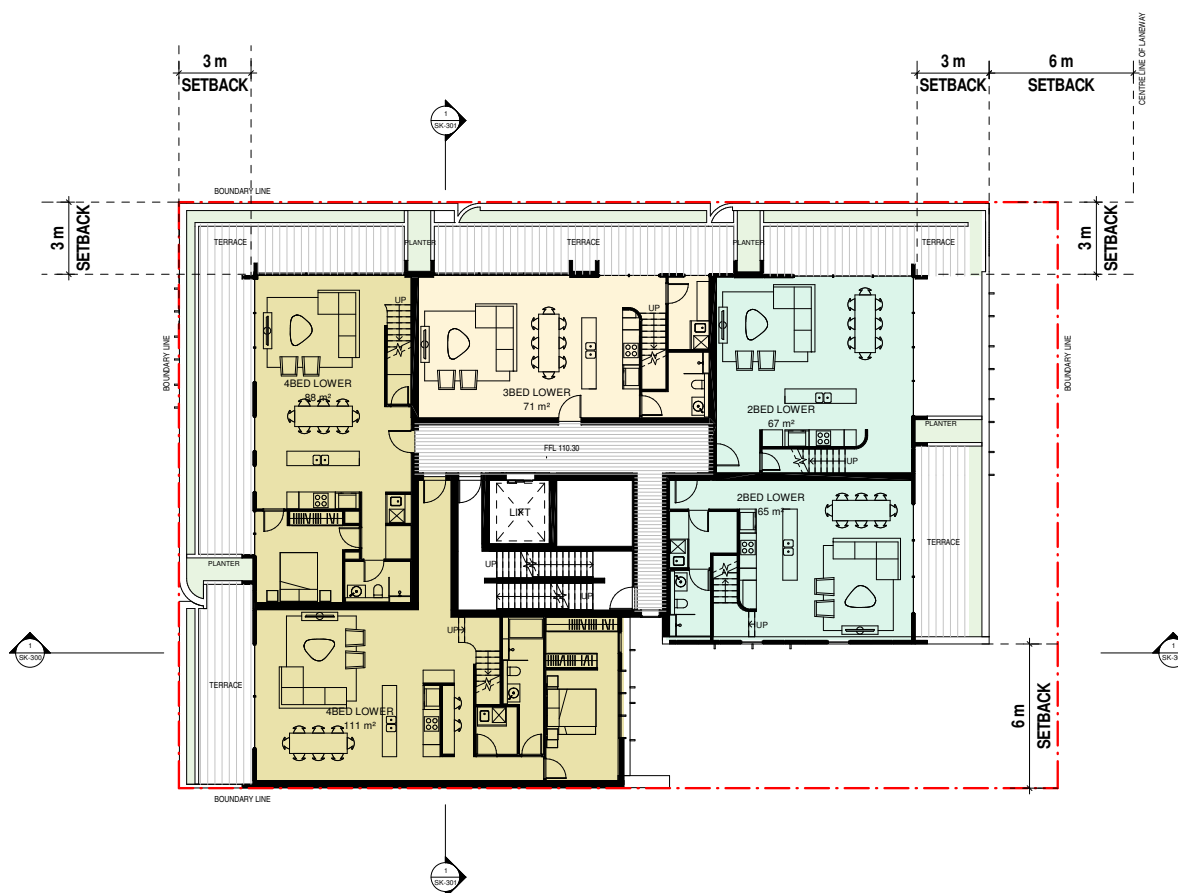




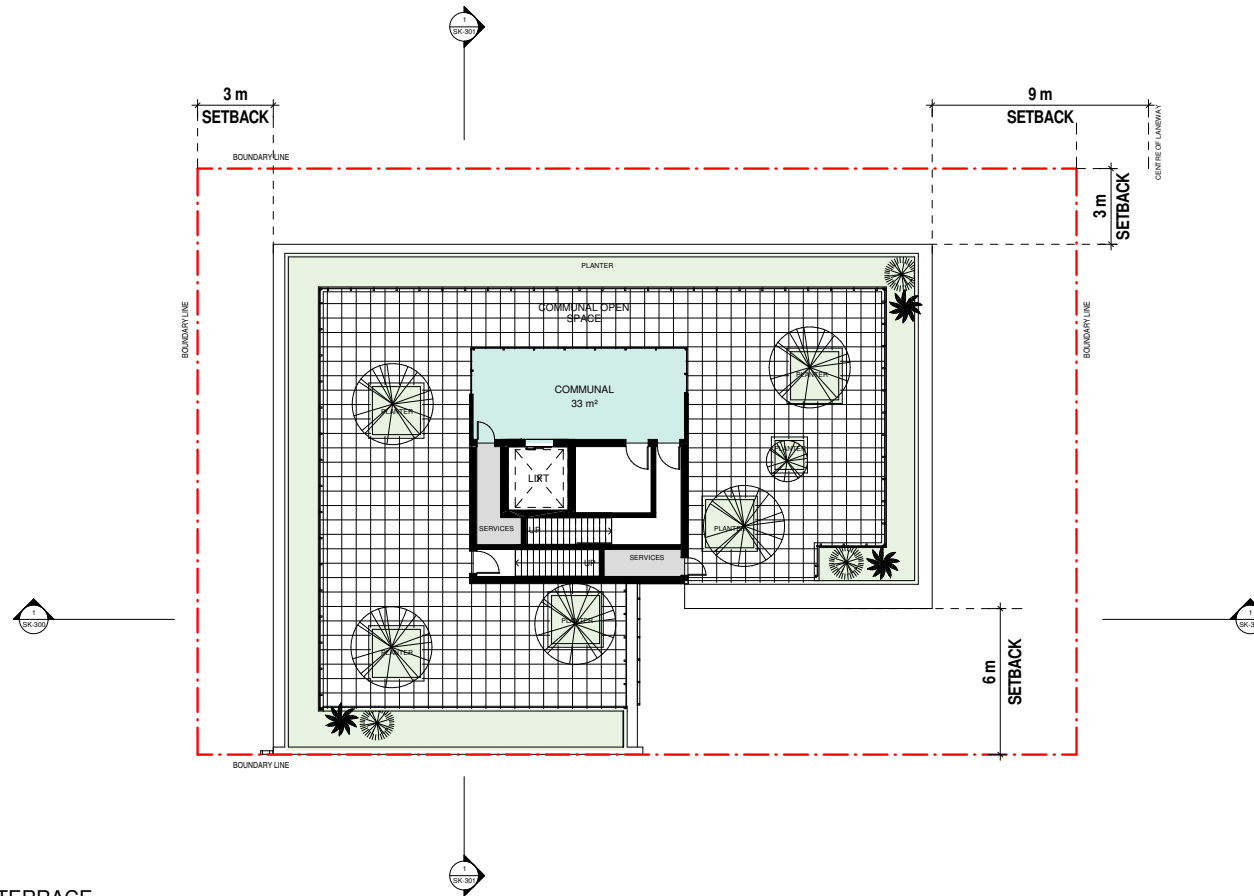




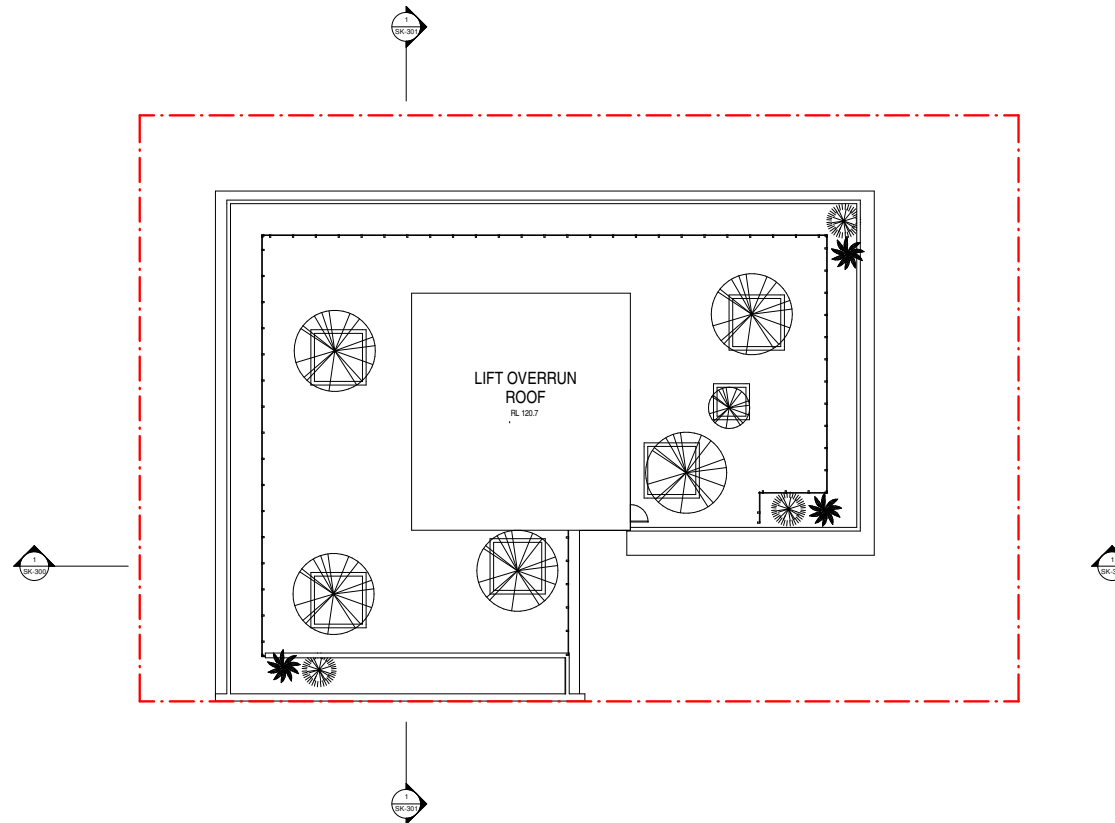








1 ROOF TERRACE  
1 : 100





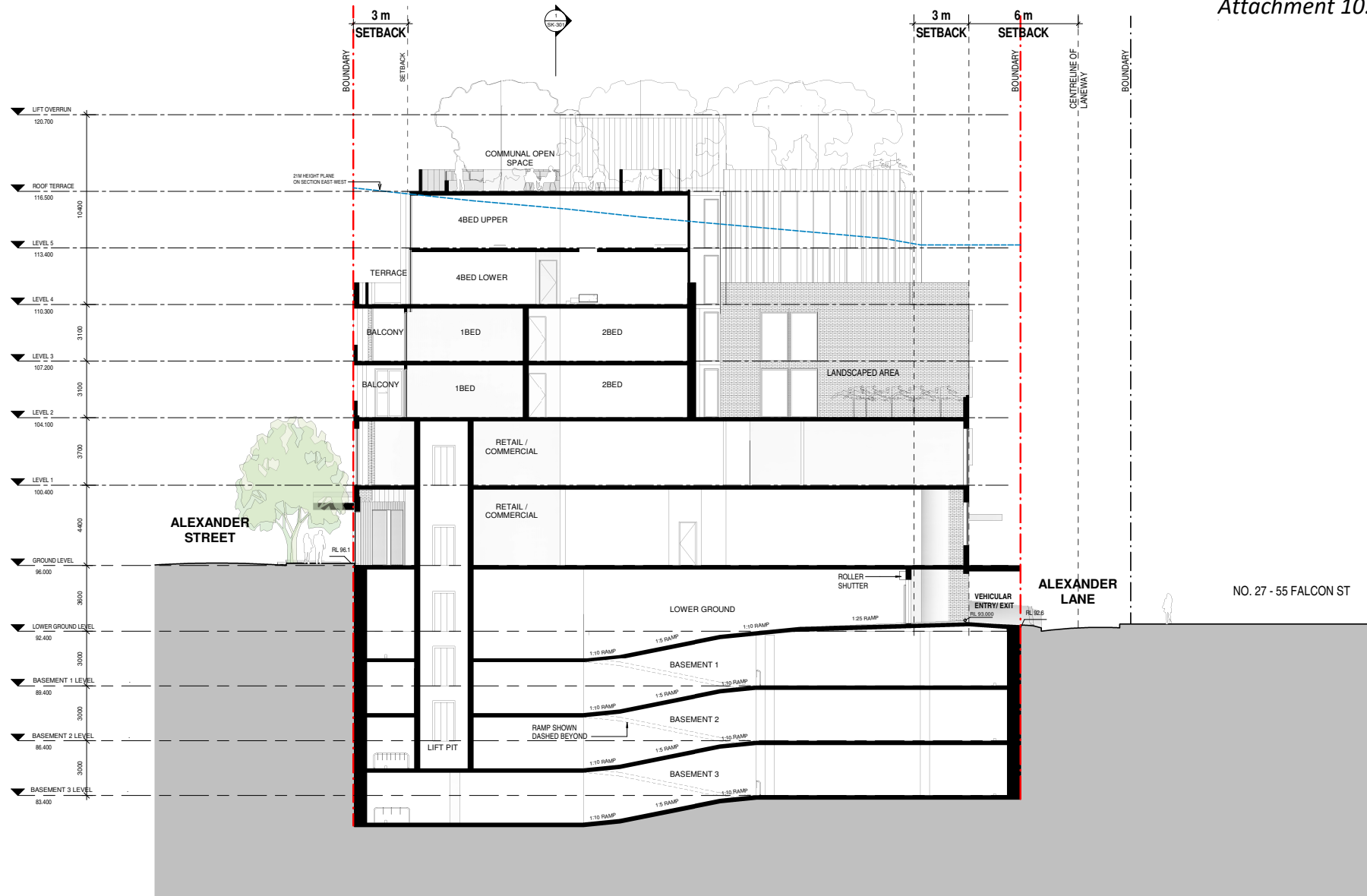


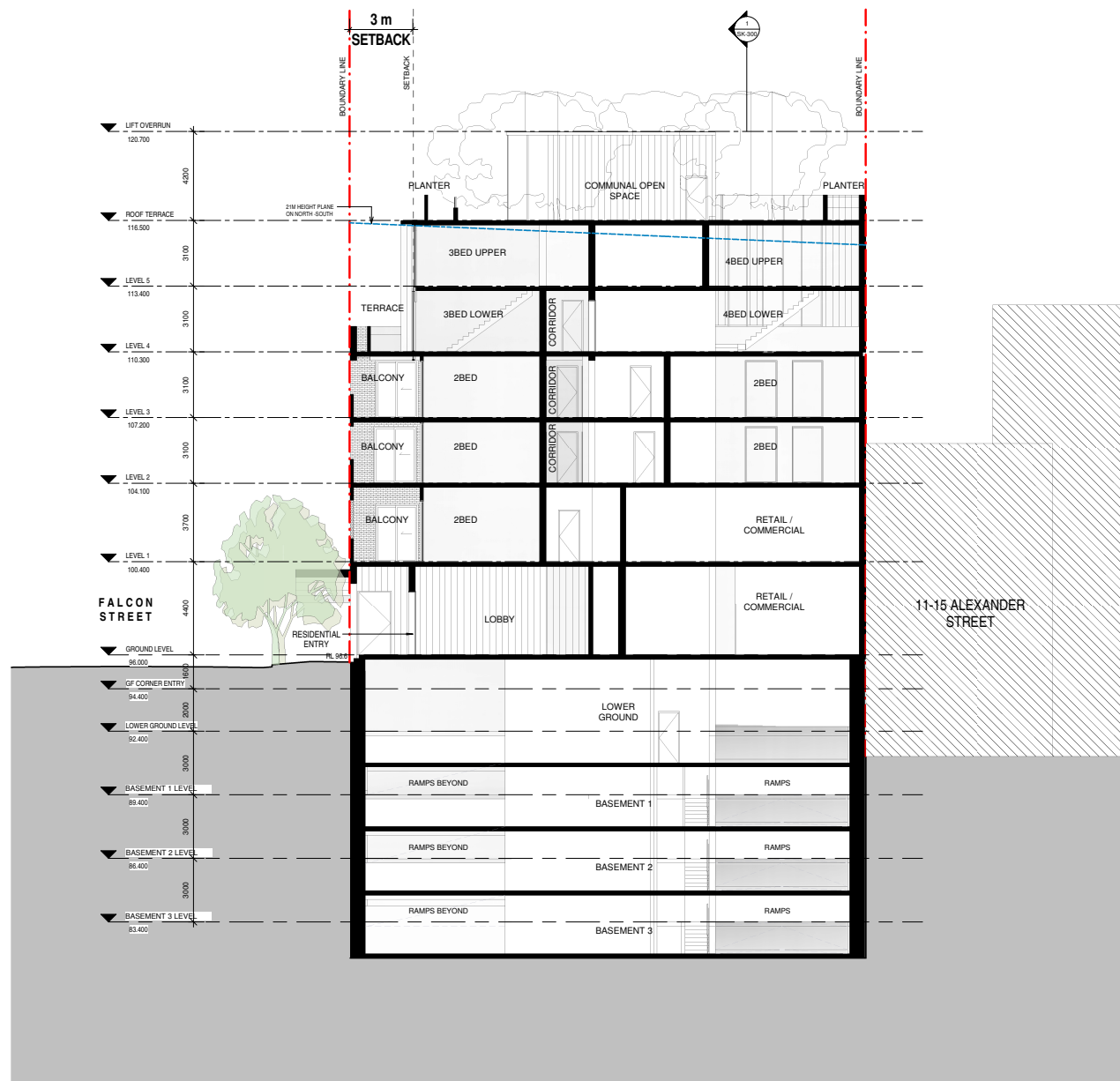


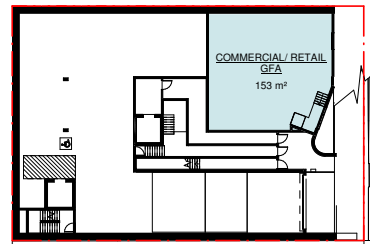
ALEXANDER LANE ELEVATION



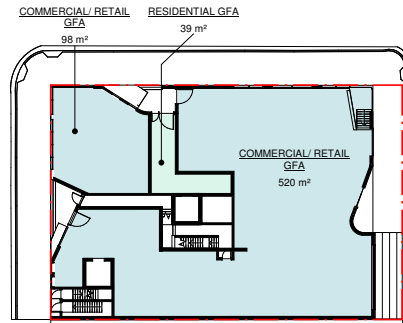
ALEXANDER STREET ELEVATION



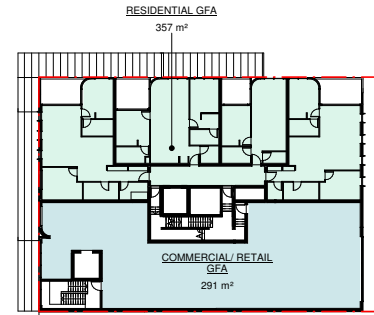




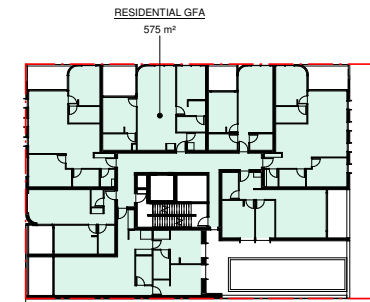
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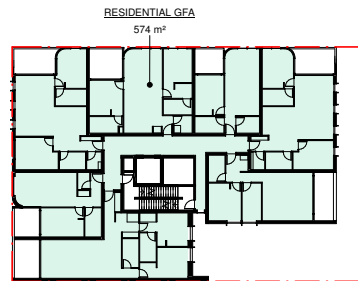
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1 : 250



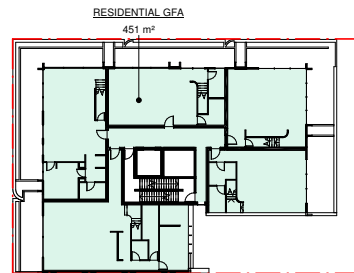
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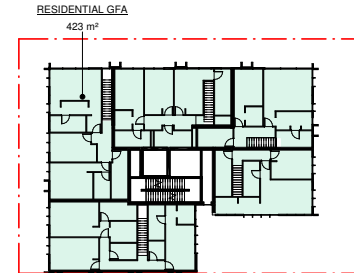
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1 : 250



05 LEVEL 3  
1 : 250



06 LEVEL 4  
1 : 250



07 LEVEL 5  
1 : 250

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





DREW DICKSON ARCHITECTS

## RESPONSE TO COUNCIL'S COMMENTS

17-25 FALCON STREET

CROWS NEST

**21082023**

# KEY TASKS

- REVIEW THE EXISTING FLOOR LEVELS INCLUDING THE GROUND FLOOR SET OUT POINT AND LIFT OVERRUN
- TEST A 22M HEIGHT PLANE + 3M LIFT OVERRUN HEIGHT PLANE
- EXPLORE PODIUM HEIGHTS AND NUMBER OF STOREYS
- REVIEW SETBACKS ABOVE PODIUM
- OMIT LOWER GROUND FLOOR RETAIL/ COMMERCIAL SPACE AND REVIEW BASEMENT LAYOUT
- TEST THE TOTAL GFA AND FSR

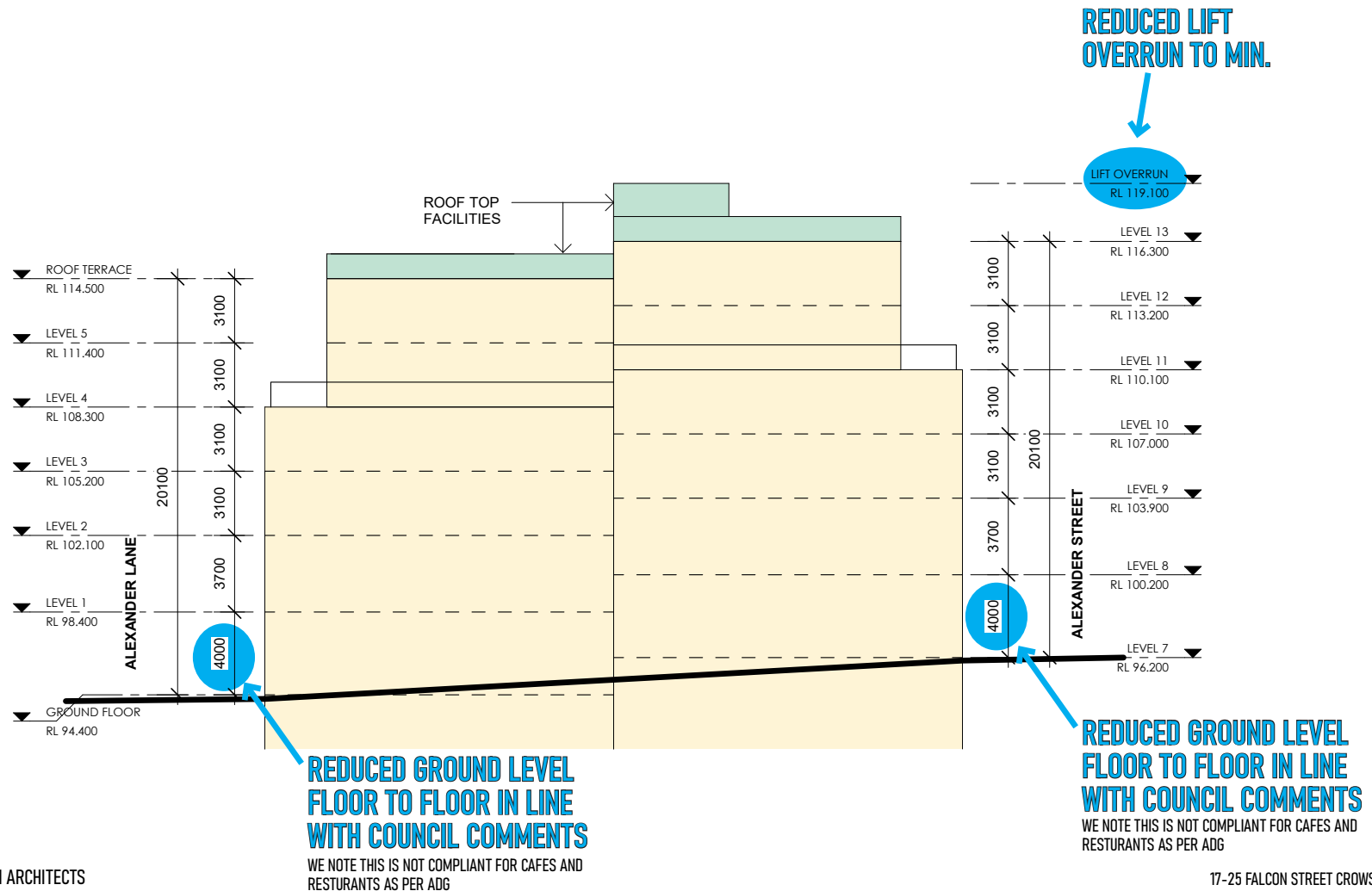
# REVIEW THE EXISTING FLOOR LEVELS

PREVIOUS



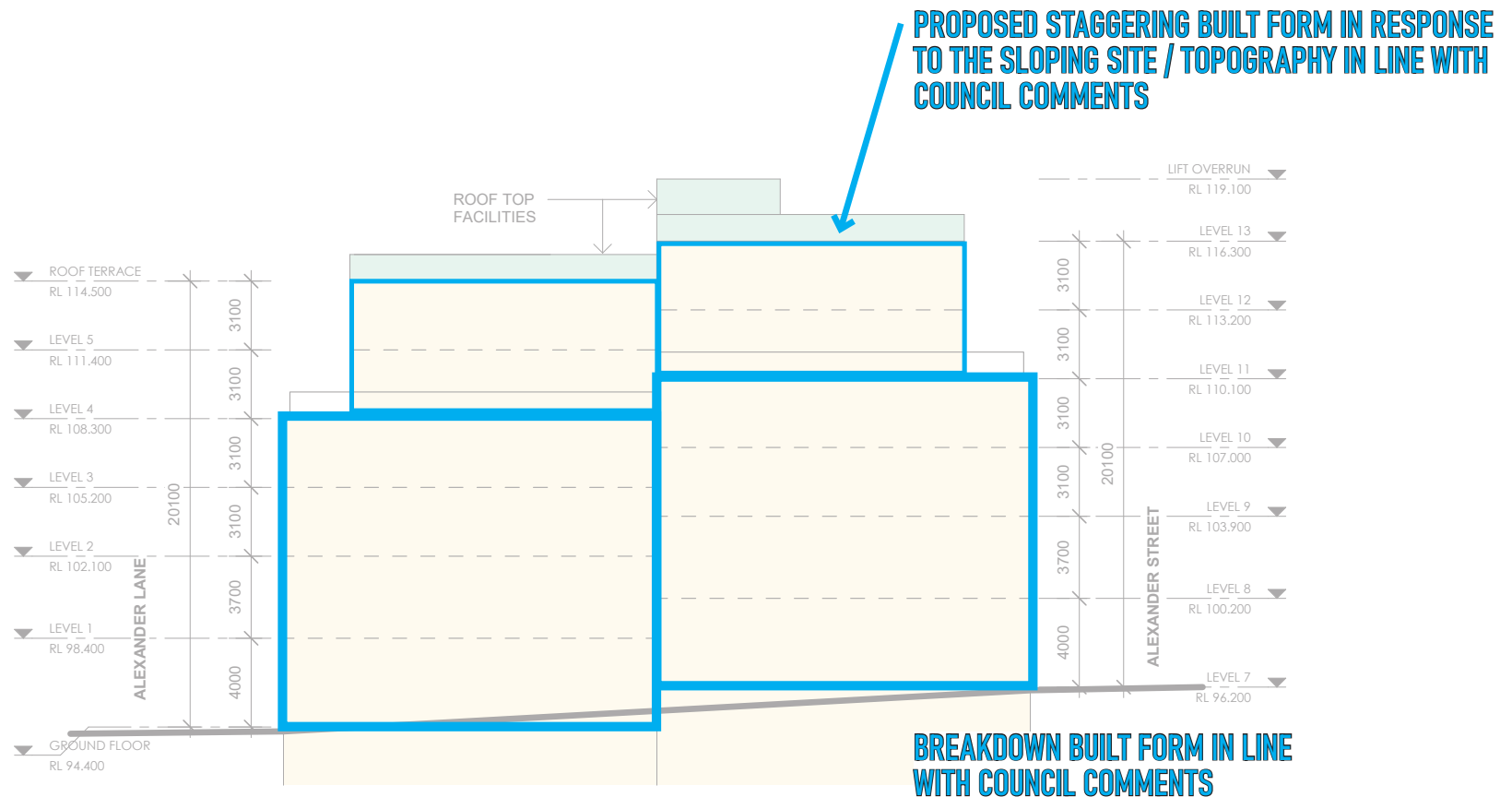
# REVIEW THE EXISTING FLOOR LEVELS

## POTENTIAL DESIGN SOLUTION



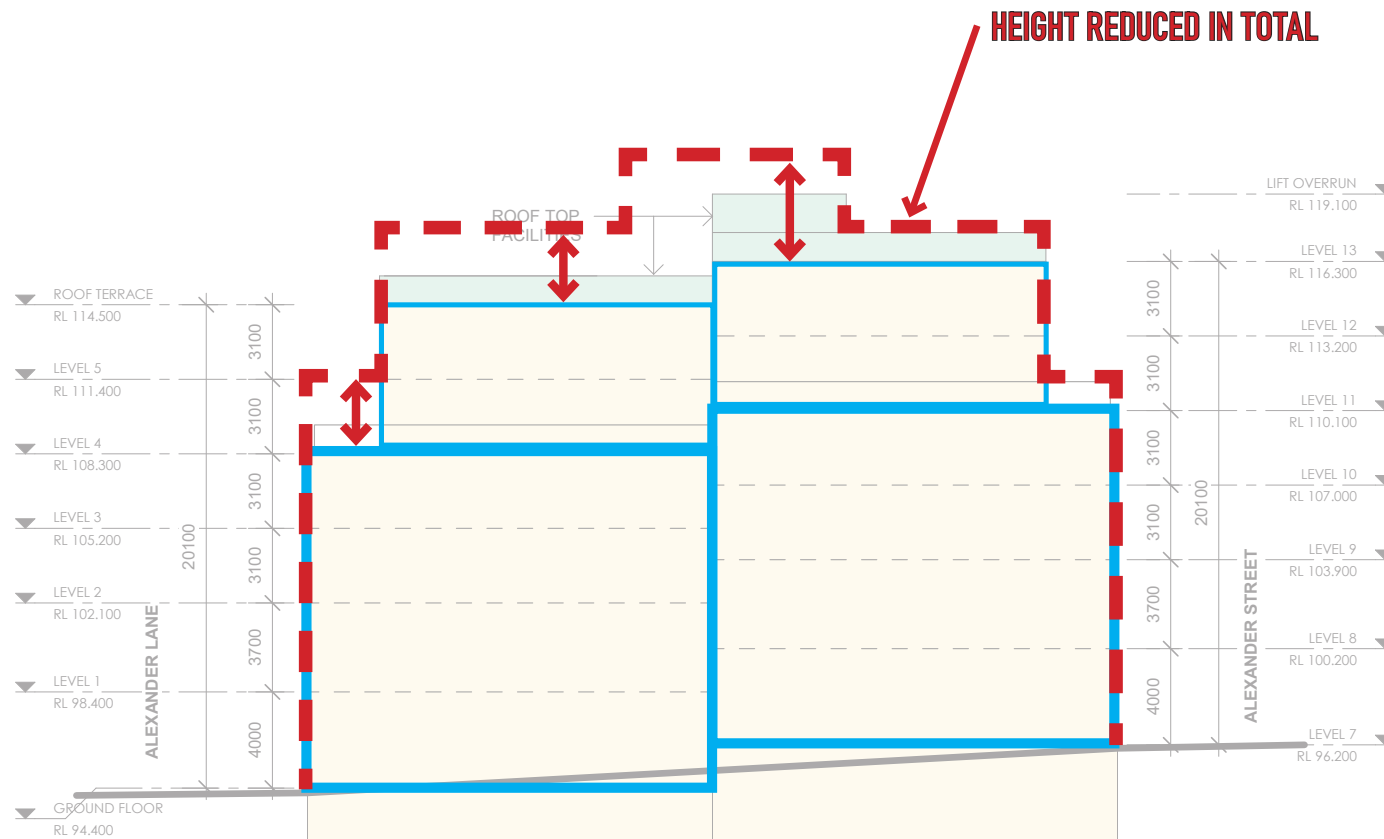
# REVIEW THE EXISTING FLOOR LEVELS

## POTENTIAL DESIGN SOLUTION



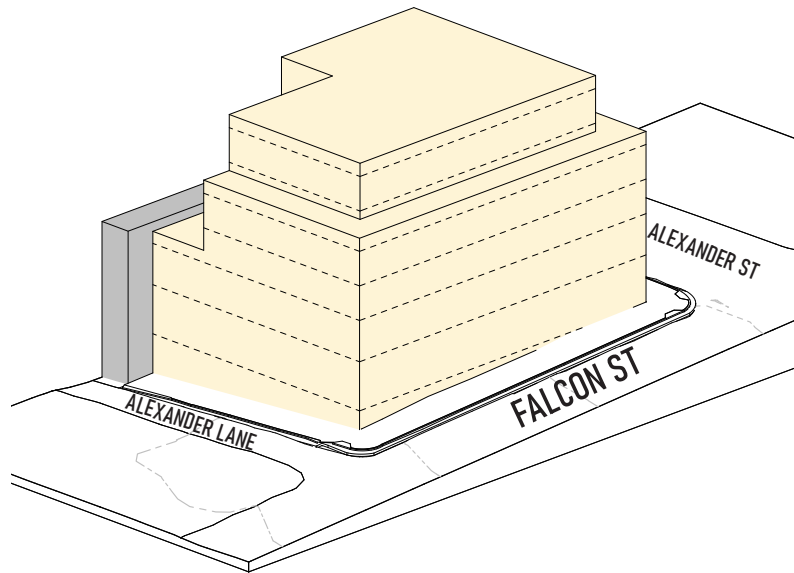
# REVIEW THE EXISTING FLOOR LEVELS

## POTENTIAL DESIGN SOLUTION

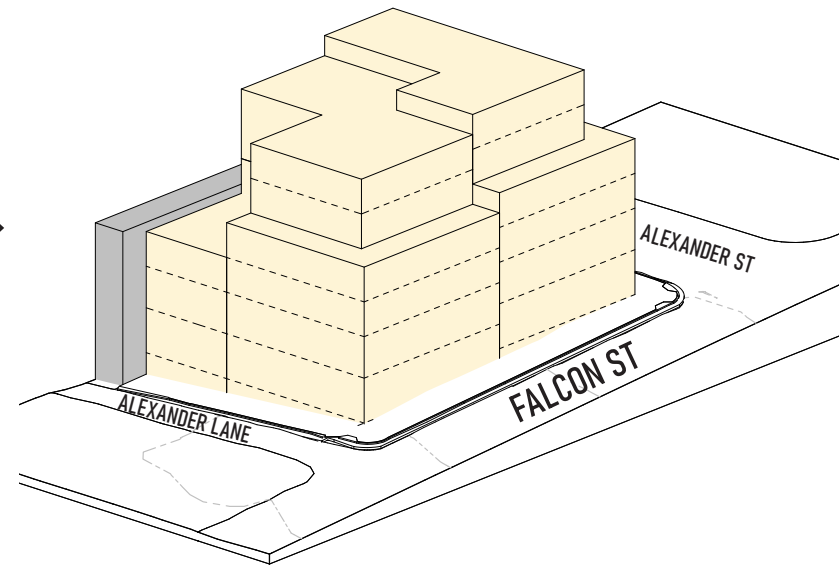


# TEST A 22M HEIGHT PLANE + 3M LIFT OVERRUN & ROOFTOP FACILITIES HEIGHT PLANE

PREVIOUS  
6 STOREY MASSING



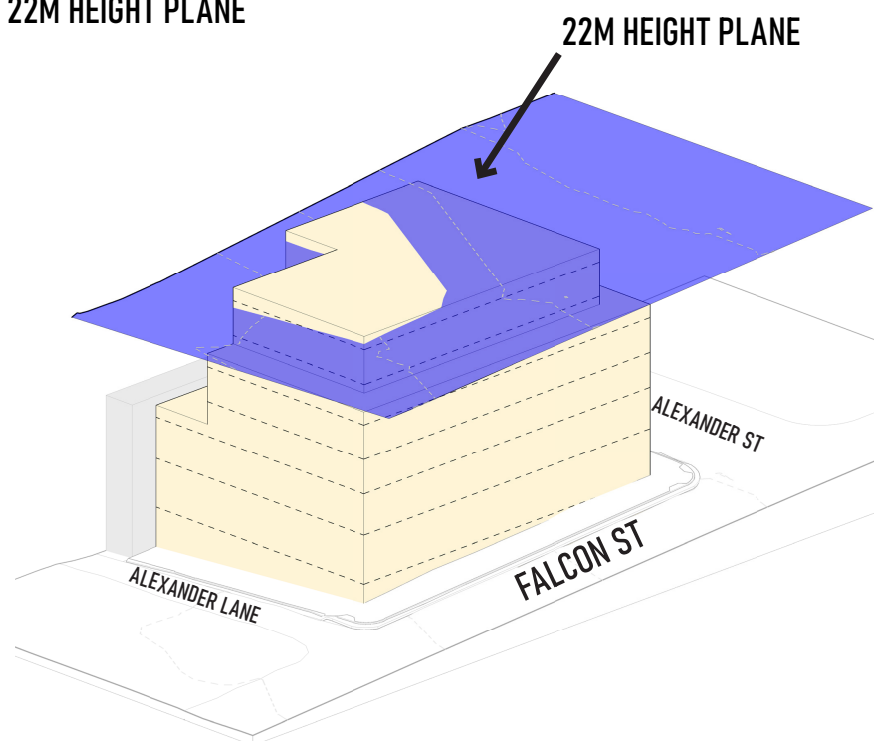
POTENTIAL DESIGN SOLUTION  
6 STOREY MASSING



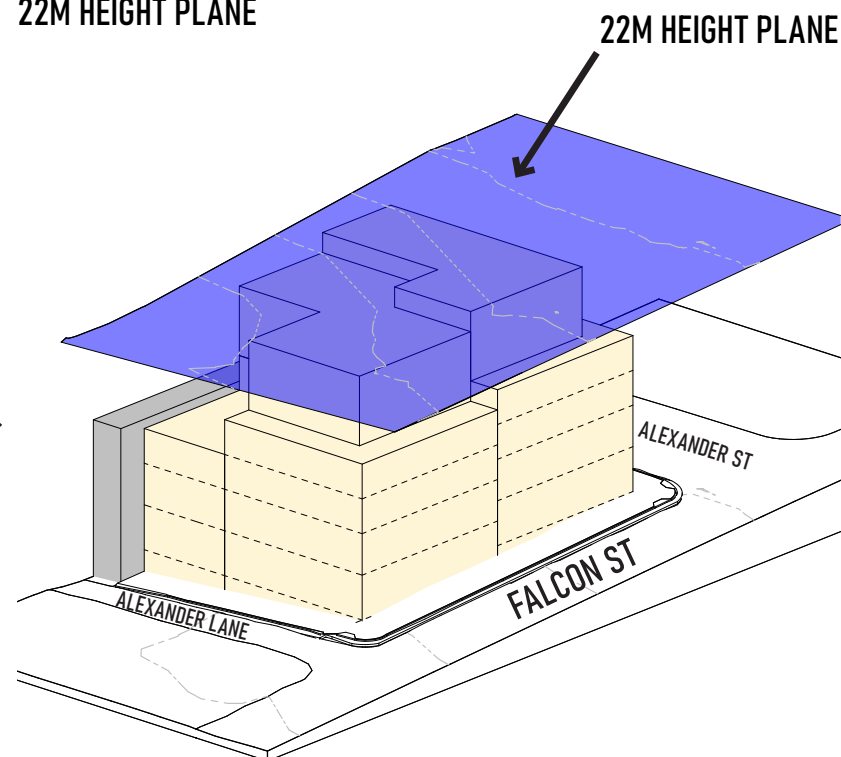


# TEST A 22M HEIGHT PLANE + 3M LIFT OVERRUN & ROOFTOP FACILITIES HEIGHT PLANE

PREVIOUS  
6 STOREY MASSING &  
22M HEIGHT PLANE

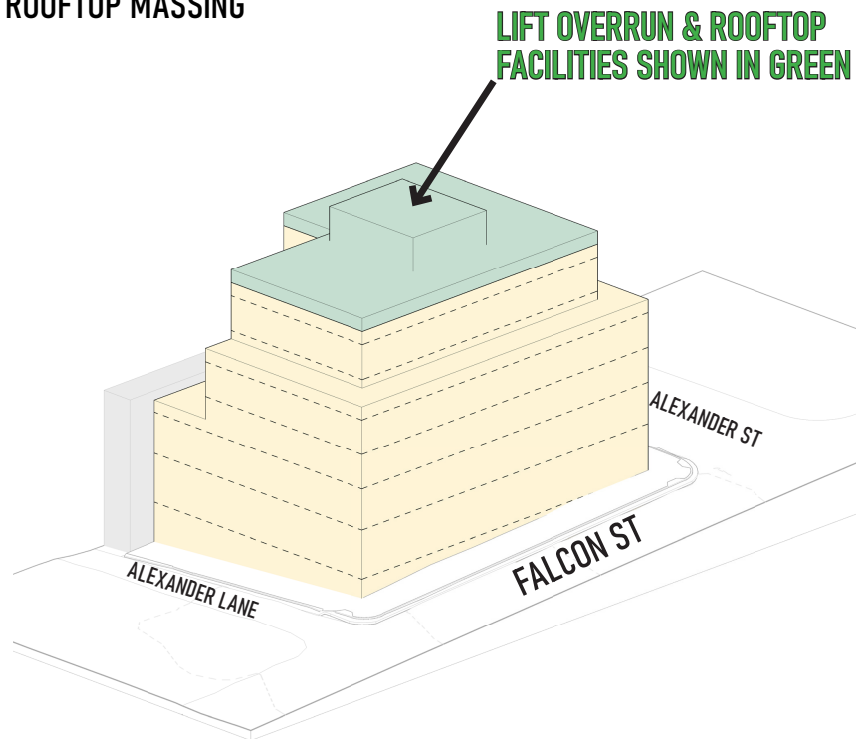


POTENTIAL DESIGN SOLUTION  
6 STOREY MASSING &  
22M HEIGHT PLANE

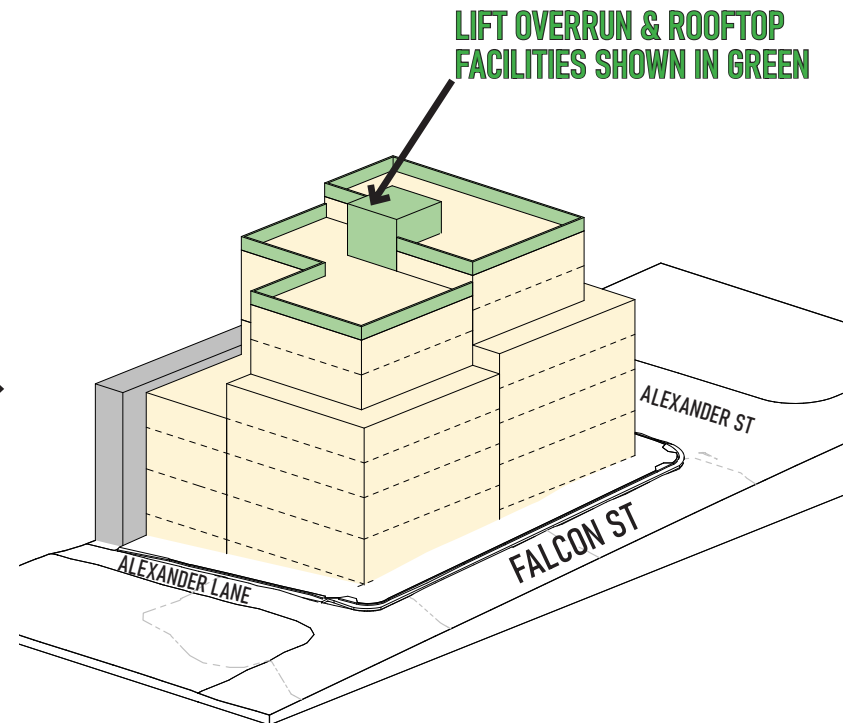


# TEST A 22M HEIGHT PLANE + 3M LIFT OVERRUN & ROOFTOP FACILITIES HEIGHT PLANE

PREVIOUS  
6 STOREY MASSING &  
ROOFTOP MASSING

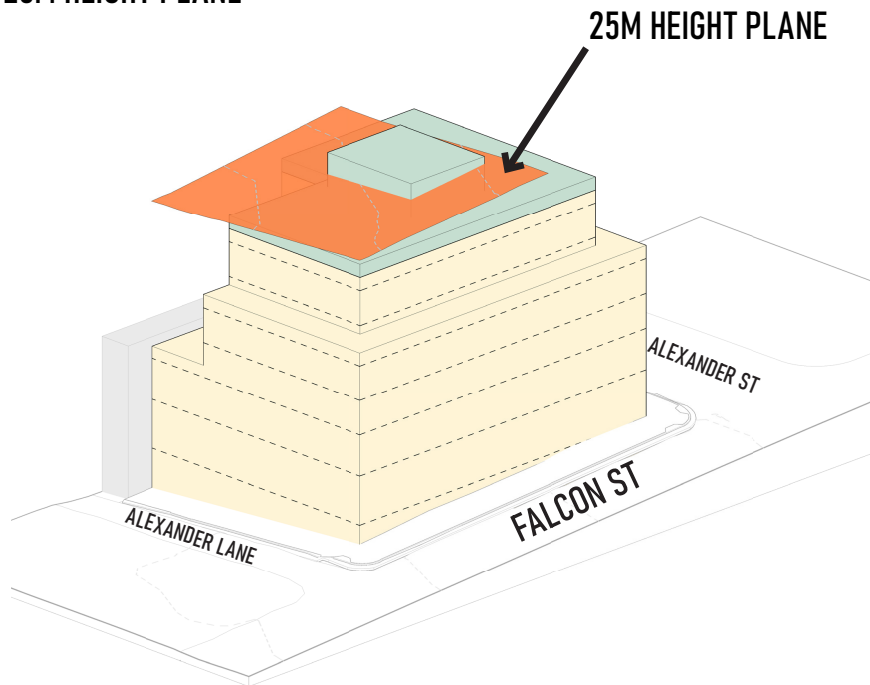


POTENTIAL DESIGN SOLUTION  
6 STOREY MASSING &  
ROOFTOP MASSING

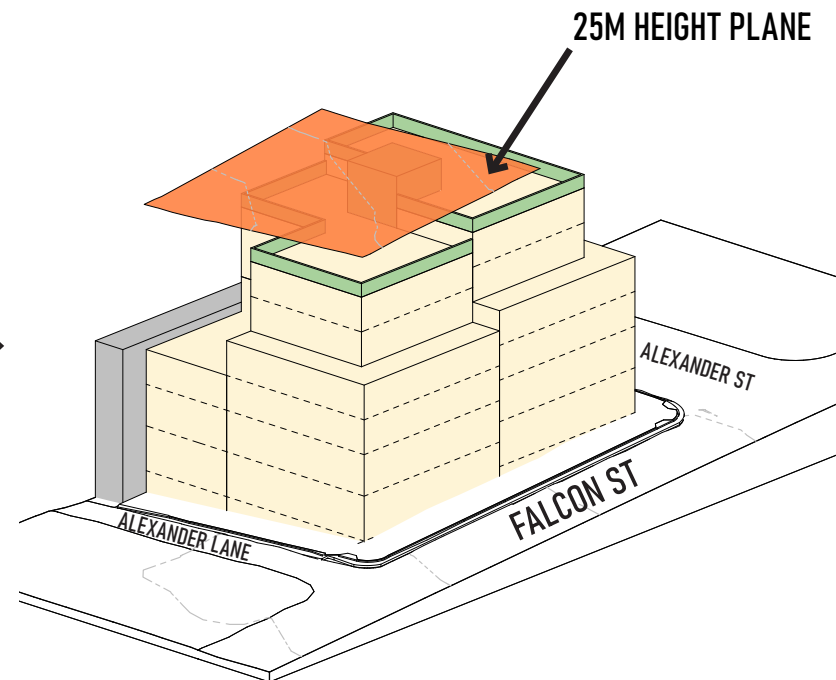


# TEST A 22M HEIGHT PLANE + 3M LIFT OVERRUN & ROOFTOP FACILITIES HEIGHT PLANE

PREVIOUS  
6 STOREY MASSING,  
ROOFTOP MASSING &  
25M HEIGHT PLANE



POTENTIAL DESIGN SOLUTION  
6 STOREY MASSING,  
ROOFTOP MASSING &  
25M HEIGHT PLANE



# EXPLORE PODIUM HEIGHTS AND NUMBER OF STOREYS & REVIEW SETBACKS ABOVE PODIUM

## COUNCIL COMMENTS:

**DUE TO THE CHANGES IN TOPOGRAPHY, THE PROPOSED 4 STOREYS ALONG ALEXANDER LANE IS 17.1M WHICH IS EQUIVALENT TO 5 STOREYS IN HEIGHT AND MAY RESULT IN AN EXCESSIVELY BULKY AND OVER SCALED BUILT FORM.**



## POTENTIAL DESIGN SOLUTION

IN RESPONSE TO THE COUNCIL'S COMMENTS REGARDING THE PROPOSED PODIUM ALONG ALEXANDER LANE, WE HAVE CAREFULLY CONSIDERED THEIR CONCERNS AND MADE THE FOLLOWING ADJUSTMENTS, IN LINE WITH THEIR SUGGESTIONS:

1. FLOOR-TO-FLOOR HEIGHTS HAVE BEEN REDUCED: BY DECREASING THE VERTICAL DISTANCE BETWEEN EACH FLOOR, WE HAVE EFFECTIVELY LOWERED THE OVERALL HEIGHT OF THE PODIUM.
2. PROPOSED STAGGERING BUILT FORM IN RESPONSE TO THE SLOPING SITE / TOPOGRAPHY: THIS TECHNIQUE INVOLVES CREATING STAGGERED LEVELS WITHIN THE PODIUM STRUCTURE, ALLOWING FOR A VISUALLY APPEALING AND GRADUAL TRANSITION IN HEIGHT. THE STEPPED SLABS CONTRIBUTE TO REDUCING THE MASS AND SCALE OF THE PODIUM.
3. INCREASED SETBACK TO THE SOUTHERN BOUNDARY: BY INCREASING THE DISTANCE BETWEEN THE PODIUM AND THE SOUTHERN BOUNDARY, WE HAVE CREATED ADDITIONAL SPACE THAT HELPS ALLEVIATE THE VISUAL IMPACT AND ENHANCE THE INTEGRATION OF THE BUILDING INTO THE SITE.
4. ALEXANDER LANE PODIUM HEIGHT MINIMISED: SPECIFICALLY ADDRESSING THE HEIGHT OF THE PODIUM ALONG ALEXANDER LANE, WE HAVE MADE SIGNIFICANT EFFORTS TO MINIMISE ITS IMPACT ON THE STREETScape. THIS ENSURES A MORE HARMONIOUS AND VISUALLY PLEASING INTEGRATION WITH THE SURROUNDING CONTEXT.

THROUGH A COMBINATION OF THE ADJUSTMENTS MENTIONED ABOVE, WE HAVE SUCCESSFULLY MINIMISED THE HEIGHT OF THE PODIUM OVERALL. THIS ENSURES THAT IT IS IN HARMONY WITH THE SURROUNDING ENVIRONMENT AND ADDRESSES THE COUNCIL'S CONCERNS.

WE FIRMLY BELIEVE THAT THE AFOREMENTIONED KEY CHANGES EFFECTIVELY ADDRESS THE CONCERNS RAISED BY THE COUNCIL, PARTICULARLY IN RELATION TO THE PODIUM'S HEIGHT, SPECIFICALLY ALONG THE EASTERN FACADE. FURTHERMORE, WE STRONGLY EMPHASISE THE IMPORTANCE OF URBAN CONTINUITY. CONSIDERING THE APPROVED NEIGHBOURING DEVELOPMENT PODIUM, WHICH IS DIRECTLY ADJACENT TO THE EAST IS OF A SIMILAR HEIGHT AND PROPORTION, IT IS APPROPRIATE THAT THE SUBJECT SITE RESPONDS TO ITS CLOSEST NEIGHBOURING DEVELOPMENT, GIVEN ITS PROXIMITY. WE BELIEVE THESE ARCHITECTURAL ADJUSTMENTS SATISFY COUNCIL'S COMMENTS IN RELATION TO THE PODIUM HEIGHT AND ALSO CONTRIBUTE TO CREATING A COHESIVE URBAN ENVIRONMENT.

# EXPLORE PODIUM HEIGHTS AND NUMBER OF STOREYS & REVIEW SETBACKS ABOVE PODIUM

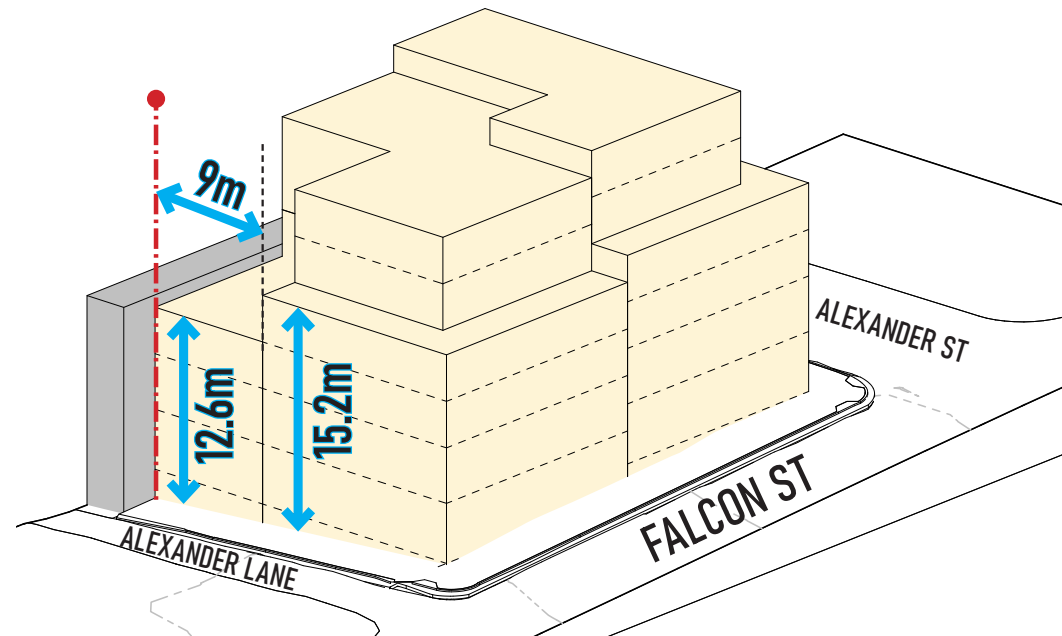
## COUNCIL COMMENTS:

**DUE TO THE CHANGES IN TOPOGRAPHY, THE PROPOSED 4 STOREYS ALONG ALEXANDER LANE IS 17.1M WHICH IS EQUIVALENT TO 5 STOREYS IN HEIGHT AND MAY RESULT IN AN EXCESSIVELY BULKY AND OVER SCALED BUILT FORM.**

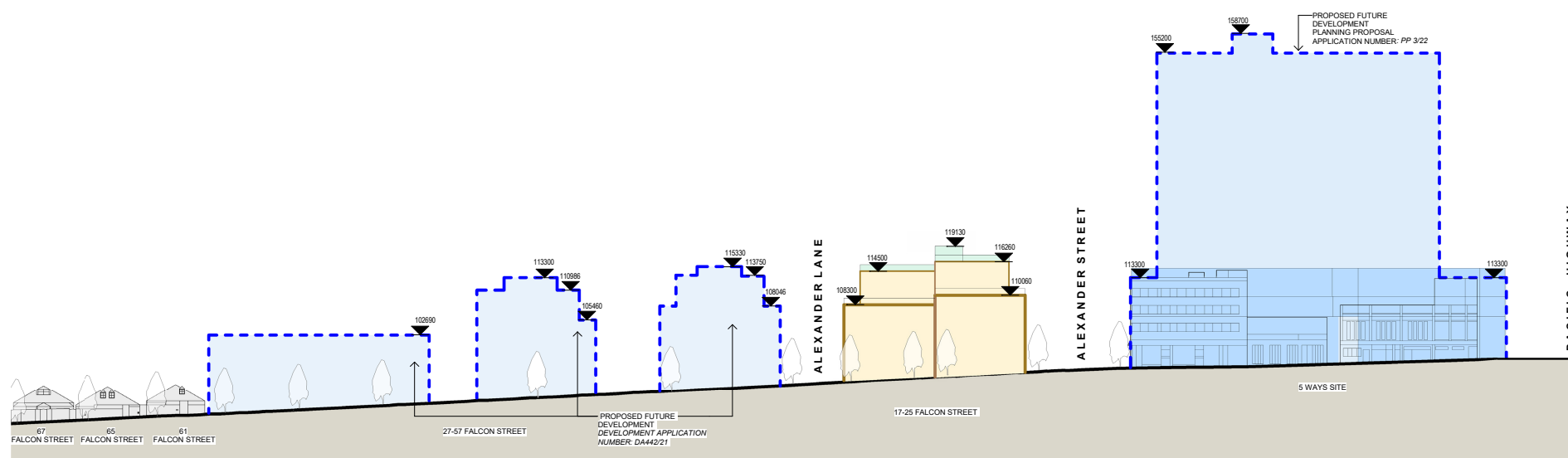


## POTENTIAL DESIGN SOLUTION

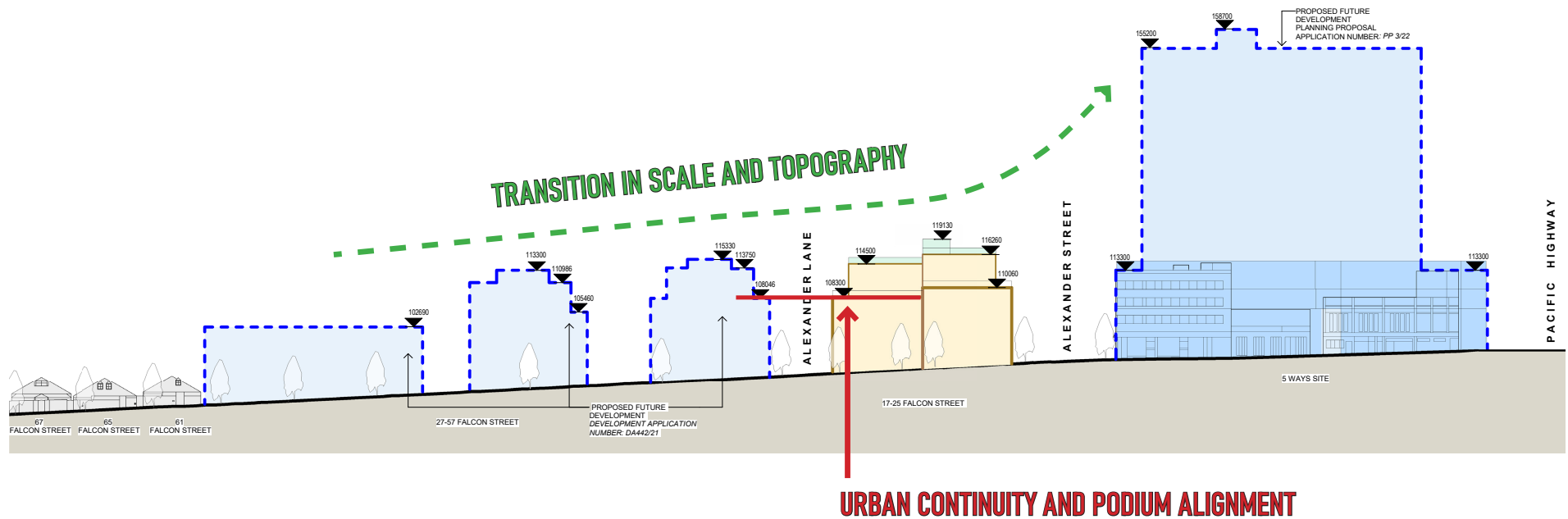
1. FLOOR-TO-FLOOR HEIGHTS HAVE BEEN REDUCED
2. PROPOSED STAGGERING BUILT FORM IN RESPONSE TO THE SLOPING SITE / TOPOGRAPHY
3. INCREASED SETBACK TO THE SOUTHERN BOUNDARY
4. ALEXANDER LANE PODIUM HEIGHT MINIMISED AND OVERALL PODIUM HEIGHTS MINIMISED



# EXPLORE PODIUM HEIGHTS AND NUMBER OF STOREYS



# EXPLORE PODIUM HEIGHTS AND NUMBER OF STOREYS

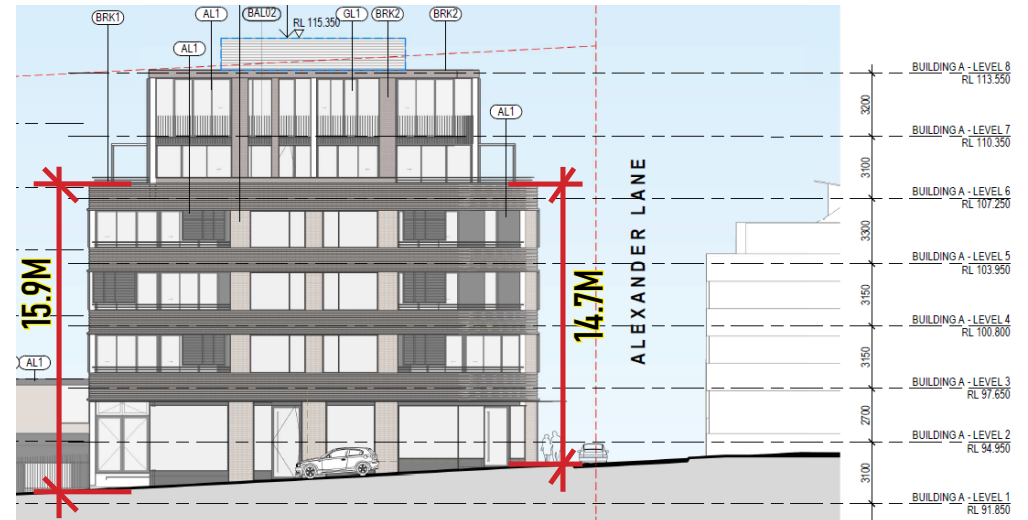




# EXPLORE PODIUM HEIGHTS AND NUMBER OF STOREYS



**NEIGHBOURING SITE TO THE EAST**  
(NOW UNDER CONSTRUCTION)



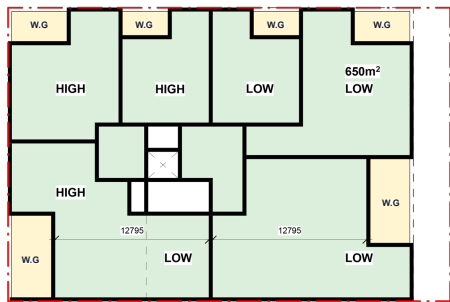
# INDICATIVE FLOOR PLANS



1 GROUND FLOOR  
1 : 200



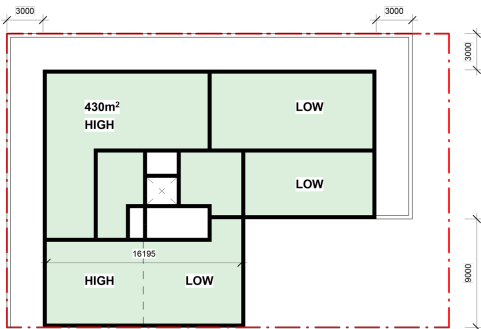
2 LEVEL 1  
1 : 200



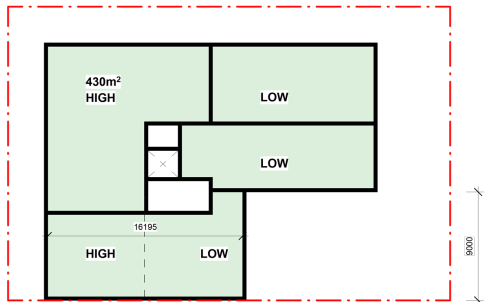
3 LEVEL 2  
1 : 200



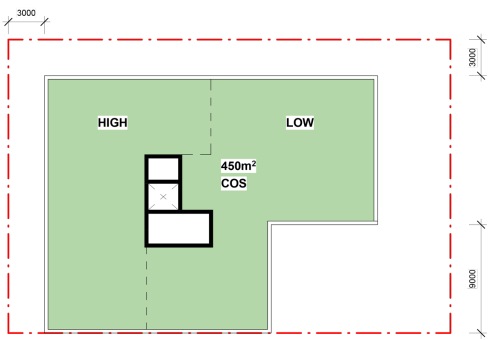
4 LEVEL 3  
1 : 200



5 LEVEL 4  
1 : 200



6 LEVEL 5  
1 : 200

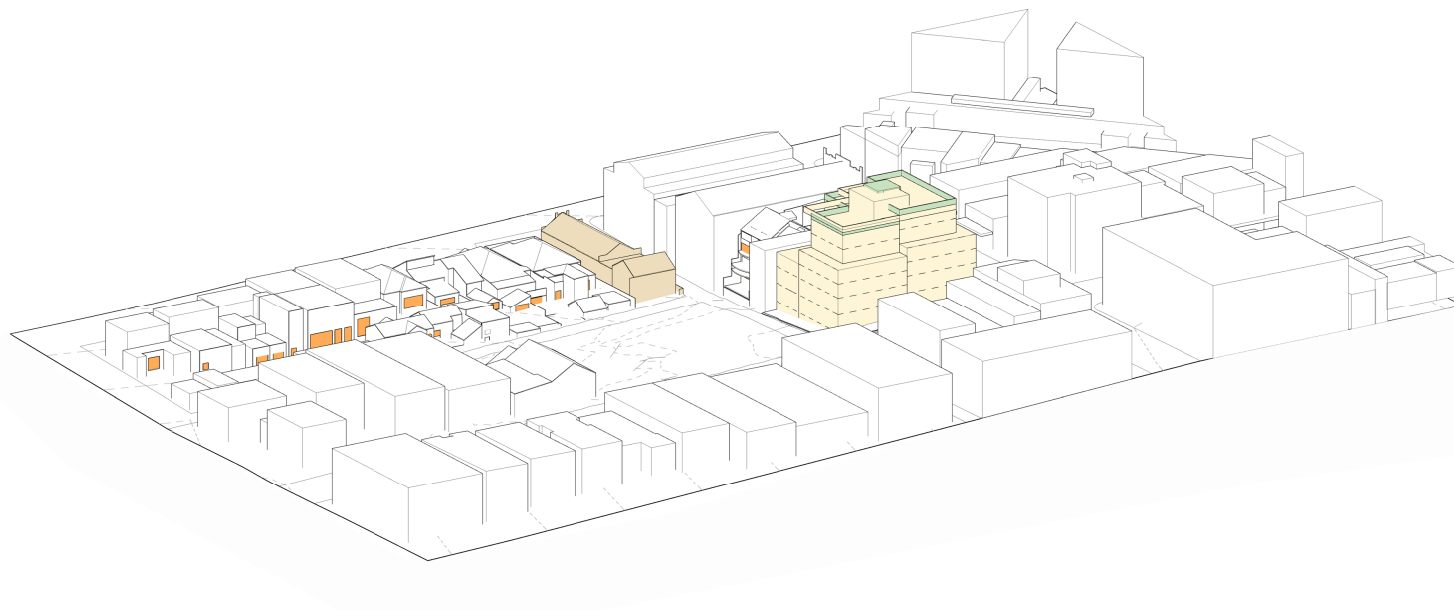


SITE AREA (m2) 891.8

LEVEL	COMMERCIAL/ RETAIL GFA (m2)
GROUND LEVEL	540
LEVEL 1	355
TOTAL m2	895
FSR:1	1.00

PLANS ARE INDICATIVE ONLY AND SUBJECT  
TO DESIGN DEVELOPMENT, UNIT LAYOUTS  
AND ADG COMPLIANCE REVIEW

# SUN EYE DIAGRAM - 9AM

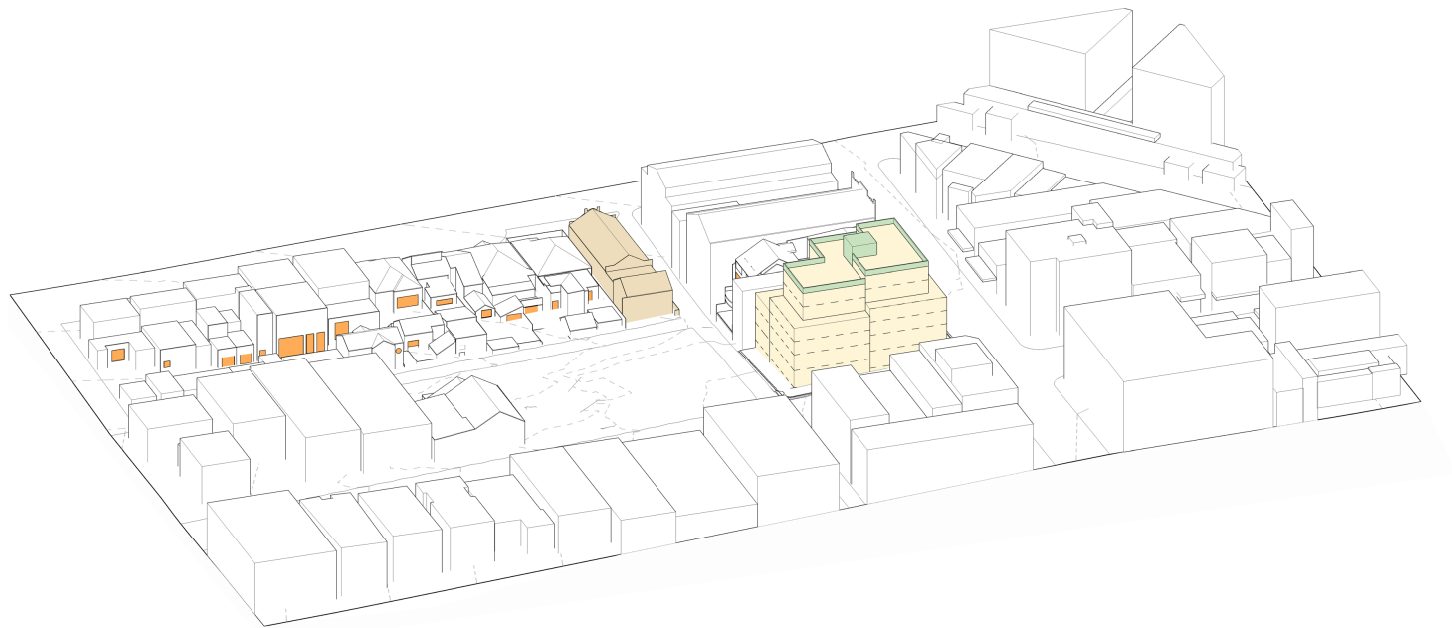


2 SOLAR ACCESS - 21/06/2021-9.00 (Proposed)

**LEGEND:**

- Proposed development
- Proposed development lift overrun and rooftop facilities
- Existing surrounding developments
- Heritage Item - Commercial Office
- Living Rooms - In neighboring dwellings with solar access

# SUN EYE DIAGRAM - 10AM



① SOLAR ACCESS - 21/06/2021-10.00 (Proposed)

- LEGEND:**
- Proposed development
  - Proposed development lift overrun and rooftop facilities
  - Existing surrounding developments
  - Heritage Item - Commercial Office
  - Living Rooms - In neighboring dwellings with solar access

# SUN EYE DIAGRAM - 11AM



① SOLAR ACCESS - 21/06/2021-11.00 (Proposed)

**LEGEND:**

- Proposed development
- Proposed development lift overrun and rooftop facilities
- Existing surrounding developments
- Heritage Item - Commercial Office
- Living Rooms - In neighboring dwellings with solar access

# SUN EYE DIAGRAM - 12PM

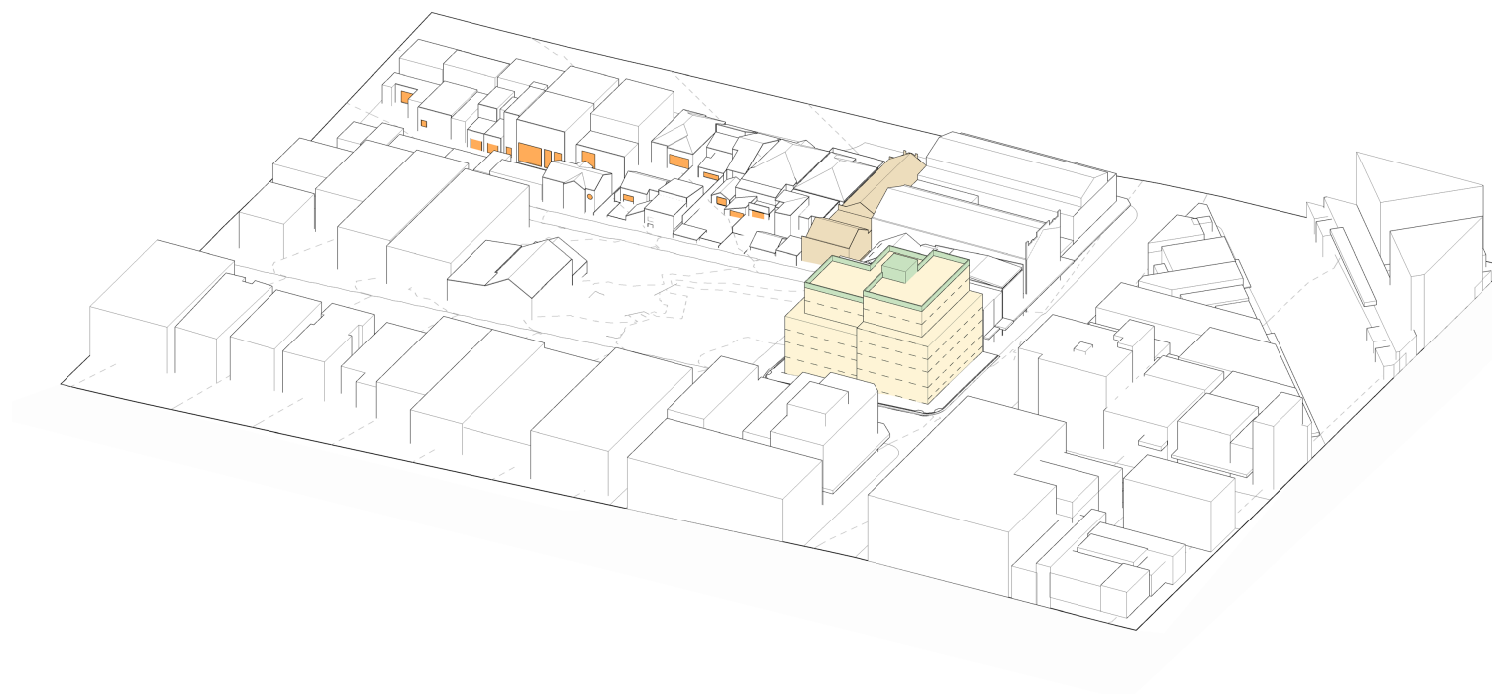


① SOLAR ACCESS - 21/06/2021-12.00 (Proposed)

**LEGEND:**

- Proposed development
- Proposed development lift overrun and rooftop facilities
- Existing surrounding developments
- Heritage Item - Commercial Office
- Living Rooms - In neighboring dwellings with solar access

# SUN EYE DIAGRAM - 1PM



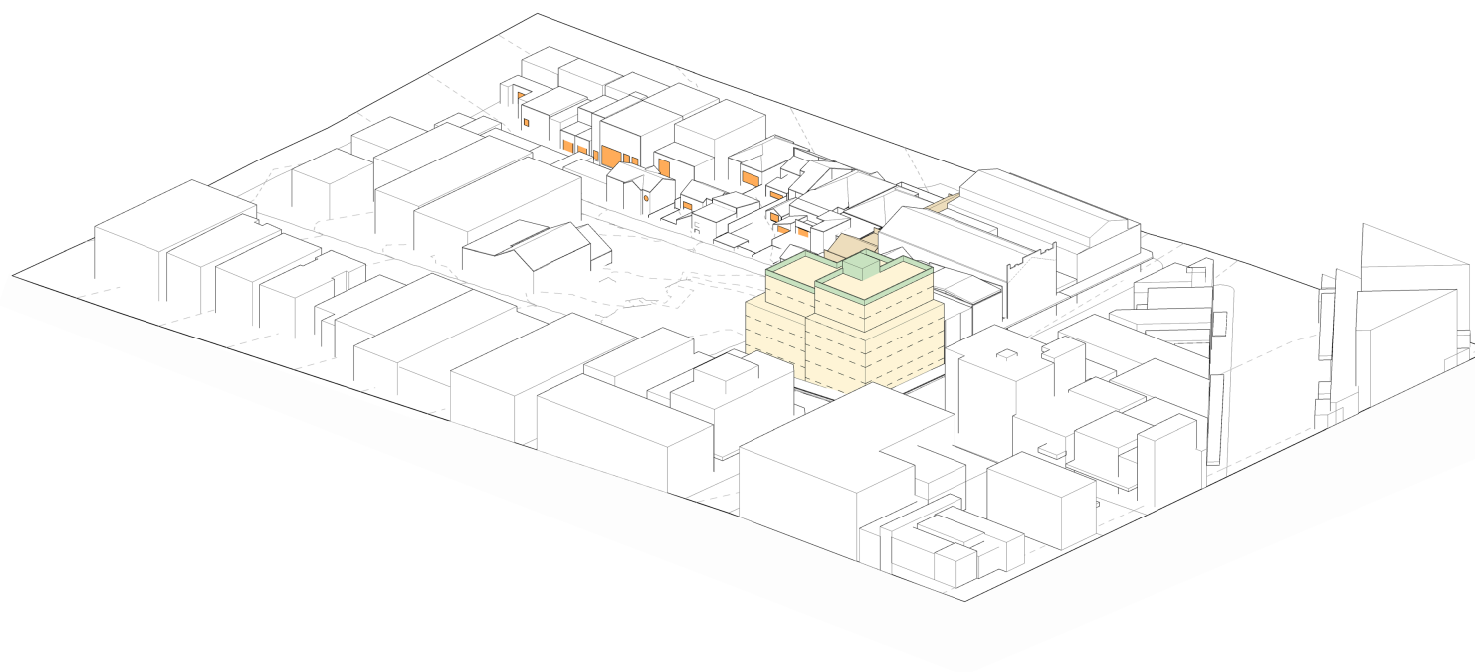
① SOLAR ACCESS - 21/06/2021-13.00 (Proposed)

**LEGEND:**

- Proposed development
- Proposed development lift overrun and rooftop facilities
- Existing surrounding developments
- Heritage Item - Commercial Office
- Living Rooms - In neighboring dwellings with solar access



# SUN EYE DIAGRAM - 2PM

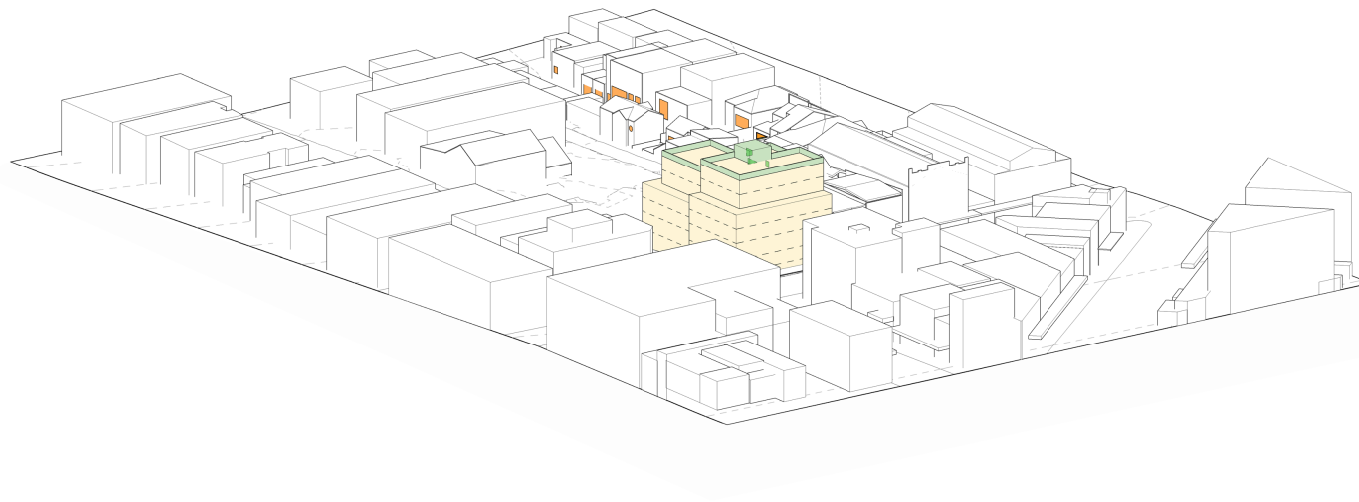


① SOLAR ACCESS - 21/06/2021-14.00 (Proposed)

**LEGEND:**

- Proposed development
- Proposed development lift overrun and rooftop facilities
- Existing surrounding developments
- Heritage Item - Commercial Office
- Living Rooms - In neighboring dwellings with solar access

# SUN EYE DIAGRAM - 3PM



1 SOLAR ACCESS - 21/06/2021-15.00 (Proposed)

**LEGEND:**

- Proposed development
- Proposed development lift overrun and rooftop facilities
- Existing surrounding developments
- Heritage Item - Commercial Office
- Living Rooms - In neighboring dwellings with solar access
- Proposal partially overshadows living rooms in neighboring conservation area



DREW DICKSON ARCHITECTS PTY LTD  
GROUND FLOOR, SUITE 2,  
83 ALEXANDER STREET, CROWS NEST  
NSW 2065 AUSTRALIA

ABN 12 168 892 153  
Nominated Architect: ALEX DE BELIN  
ARBN 8330

T +612 90613433  
[info@dda-australia.com](mailto:info@dda-australia.com)  
[www.dda-australia.com](http://www.dda-australia.com)

26th of September, 2023

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

Dear Sir,

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

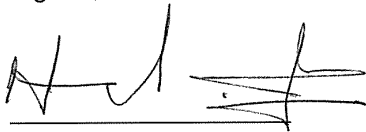
- Lot 1, DP308866, 17 Falcon street;
- Lot 1, DP835321 , 19 Falcon Street;
- Lot 2, DP835321 , 21 Falcon Street; and,
- Lot 1, DP300249, 25 Falcon Street, CROWS NEST.

I refer to the above proposal and to your Planning Officer recommendations that the applicant consider confirming their willingness to enter into a Voluntary Planning Agreement at the time of lodging a request to initiate a Planning Proposal in relation to the subject site. The subject site comprises four (4) parcels of land with frontage to Falcon Street to the North, Alexander Street to the West and Alexander Lane to the East. The Planning Proposal seeks to amend the Height of buildings development standard and map within the North Sydney Local Environmental Plan 2013 (NSLEP 2013). The proposed building height is consistent with Council 's *Civic Precinct Planning Study- November 2020*.

It is understood that when a planning proposal is submitted, Council encourages the developer and Council to negotiate a voluntary planning agreement (VPA) whereby the developer delivers public benefits in exchange for amendments to the planning controls. In this regard, **HOC Planning** has been instructed by the applicant to formally, by way of this correspondence, confirm willingness to commence VPA negotiations to establish an appropriate contribution to Council identified public benefits.

The applicant is offering a \$300,000 VPA contribution in line with a VPA feasibility report provided by Hill PDA and attached. We look forward to receiving Council's response.

Signed,

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

Hassan Vakili.

# REQUEST FOR ADDITIONAL BUILDING HEIGHT OF 500MM

PLANNING PROPOSAL  
PP9/22 - 17-25 FALCON  
STREET, CROWS NEST NSW  
2065

19/1/2024



---

Drew Dickson Architects Pty Ltd  
Ground Floor, Suite 2, 83 Alexander Street  
Crows Nest NSW 2065 Australia  
  
ABN 12 168 892 153  
Nominated Architect: ALEX DE BELIN . ARBN8330  
  
T +61 2 9061 3433  
  
info@dda-australia.com  
www.dda-australia.com

---

Title: Request for additional building height of 500mm  
Address: PP 9/22 17-25 Falcon Street, Crows Nest NSW 2065  
Revision: 01  
Issue Date: 18012024  
Project Number: 19023

Client: 21 FALCON

---

Consultants:  
Architect: Drew Dickson Architects  
Planning: Mecone

---

Disclaimer:  
The Scheme (drawings documents information and materials) contained within this brochure have been prepared by Drew Dickson Architects Pty Ltd solely for the purpose of providing information about potential schemes. The materials should not be considered to be error free or to include all relevant information. This document has been prepared in accordance with the agreement between Drew Dickson Architects and the Client. The document relies upon information provided at the time of the agreement. Any conclusions or recommendations only apply within the scope of the agreement and no greater reliance should be assumed or drawn by the client. This document has been prepared solely for use by the Client, and Drew Dickson Architects no responsibility for its use by other parties. Do not scale off drawings.



# INTRODUCTION

This Design Report has been prepared by Drew Dickson Architects on behalf of 21 FALCON for the mixed-use development located at 17-25 Falcon Street Crows Nest and forms part of the Planning Proposal Application submission. The purpose of this report is to present to Council the assessment report of Planning Proposal 9/22 at 17-25 Falcon Street Crows Nest, which seeks to increase building height of the built form of the Planning proposal. The Design Report should be read in conjunction with the document prepared by Mecone Group (Mecone) which is included in this amended submission.

Refer to Council Meeting - 11 December 2023 Agenda, The Planning Proposal 9/22 at 17-25 Falcon Street Crows Nest had been supported, which included a building height of 22m; a minimum non-residential FSR of 1:1; and to include an additional local provision allowing the maximum building height to be exceeded by no more than 3m for lift overrun and associated structures for access to communal rooftop space.

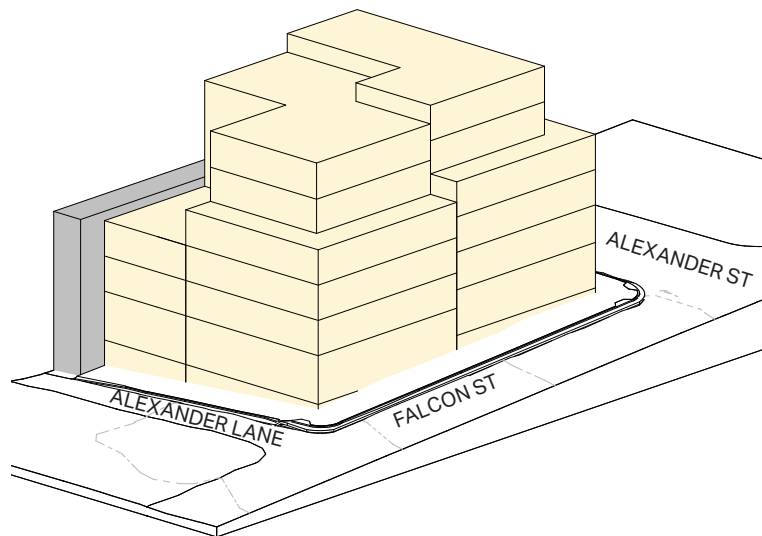
Proposed amendment seeks to increase height of built form from 22m to 22.5m and to include an additional 3m for lift overrun and associated structures for access to communal rooftop space, total height of the proposed development will be 25.5m. Proposed development requires additional building height of 500mm to achieve ceiling height/floor to floor height as ADG requirement and to comply with NCC requirements such as structural slab thickness, waterproofing, thermal insulation.



# BUILDING ENVELOPE

## BUILDING ENVELOPE - 22M

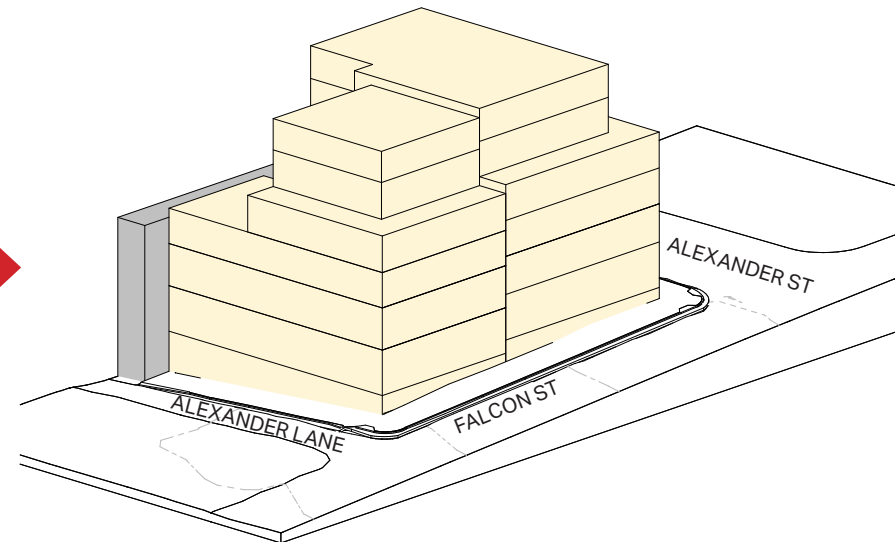
LIFT OVERRUN AND ASSOCIATED STRUCTURES FOR ACCESS TO COMMUNAL ROOFTOP SPACE ARE NOT SHOWN IN THE BUILDING MASSING DIAGRAM BELOW



The Planning Proposal 9/22 at 17-25 Falcon Street Crows Nest had been supported, which included a building height of 22m; a minimum non-residential FSR of 1:1; and to include an additional local provision allowing the maximum building height to be exceeded by no more than 3m for lift overrun and associated structures for access to communal rooftop space.

## PROPOSED BUILDING ENVELOPE - 22.5M

LIFT OVERRUN AND ASSOCIATED STRUCTURES FOR ACCESS TO COMMUNAL ROOFTOP SPACE ARE NOT SHOWN IN THE BUILDING MASSING DIAGRAM BELOW

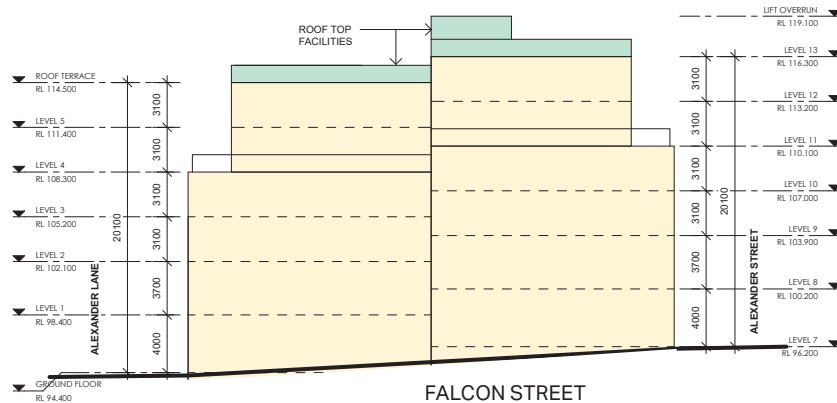


Proposed amendment seeks to increase height of built form from 22m to 22.5m and to include an additional 3m for lift overrun and associated structures for access to communal rooftop space, total height of the proposed development will be 25.5m. Proposed development requires additional building height of 500mm to achieve ceiling height/floor to floor height as ADG requirement and to comply with NCC requirements such as structural slab thickness, waterproofing, thermal insulation.

# FLOOR TO FLOOR HEIGHT

## BUILDING ENVELOPE - 22M

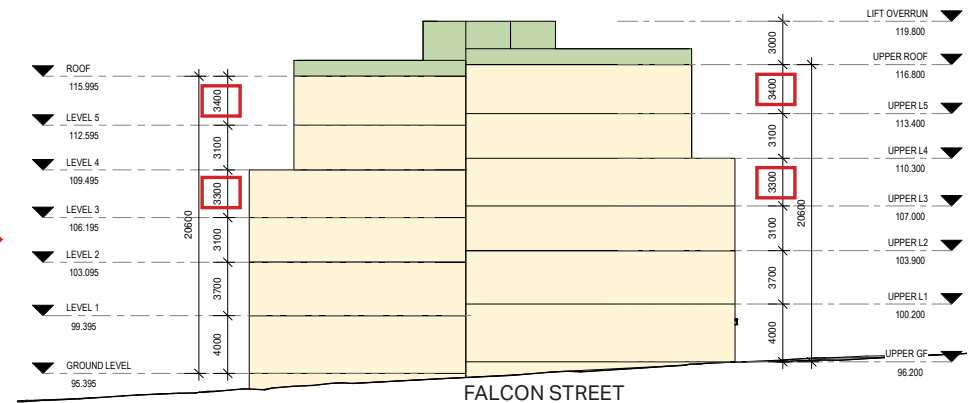
PLUS 3M FOR LIFT OVERRUN AND ASSOCIATED STRUCTURES FOR ACCESS TO COMMUNAL ROOFTOP SPACE



The Planning Proposal 9/22 at 17-25 Falcon Street Crows Nest had been supported, which included a building height of 22m; a minimum non-residential FSR of 1:1; and to include an additional local provision allowing the maximum building height to be exceeded by no more than 3m for lift overrun and associated structures for access to communal rooftop space.

## PROPOSED BUILDING ENVELOPE - 22.5M

PLUS 3M FOR LIFT OVERRUN AND ASSOCIATED STRUCTURES FOR ACCESS TO COMMUNAL ROOFTOP SPACE



Why does the Development require an additional building height of 500mm?

Increased Level 3 floor to floor height from 3100mm to 3300mm

- ADG suggests 3100mm floor to floor in order to achieve 2700mm ceiling height

- At Level 4 plan, building setbacks from Falcon Street, Alexander Street and Alexander Lane, Outdoor terraces are proposed at the setback zone

- Terraces will comprise of a 250mm structural slab to allow for cast in drainage, 100mm for waterproofing / thermal insulation and an allowance for the terrace floor finish

A total of **3300mm floor to floor of Level 3** would allow for this buildability whilst maintaining 2700mm ceiling heights in line with ADG objective 4C-1.

Increased Level 5 floor to floor height from 3100mm to 3400mm

- ADG suggests 3100mm floor to floor in order to achieve 2700mm ceiling height

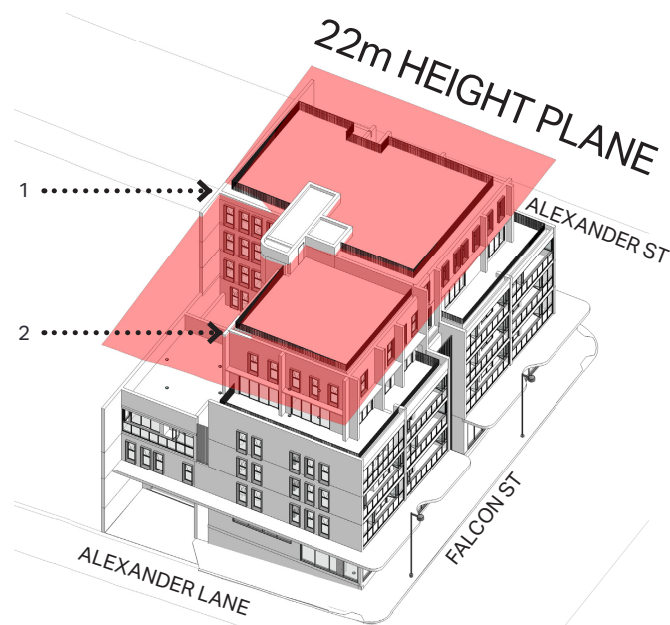
- Rooftop will comprise of an allowance of 350mm structural slab / parapet to allow for cast in drainage, 100mm for waterproofing / thermal insulation and an allowance for the terrace floor finish

A total of **3400mm floor to floor of Level 5** would allow for this buildability whilst maintaining 2700mm ceiling heights in line with ADG objective 4C-1.

# HEIGHT PLANE

## BUILDING ENVELOPE - 22M

PLUS 3M FOR LIFT OVERRUN AND ASSOCIATED STRUCTURES FOR ACCESS TO COMMUNAL ROOFTOP SPACE



Through design development the proposal has been refined to allow slightly higher floor to floors than the in order to meet ADG requirements. Because of this, two portions of the built form exceed the 22m height plane.

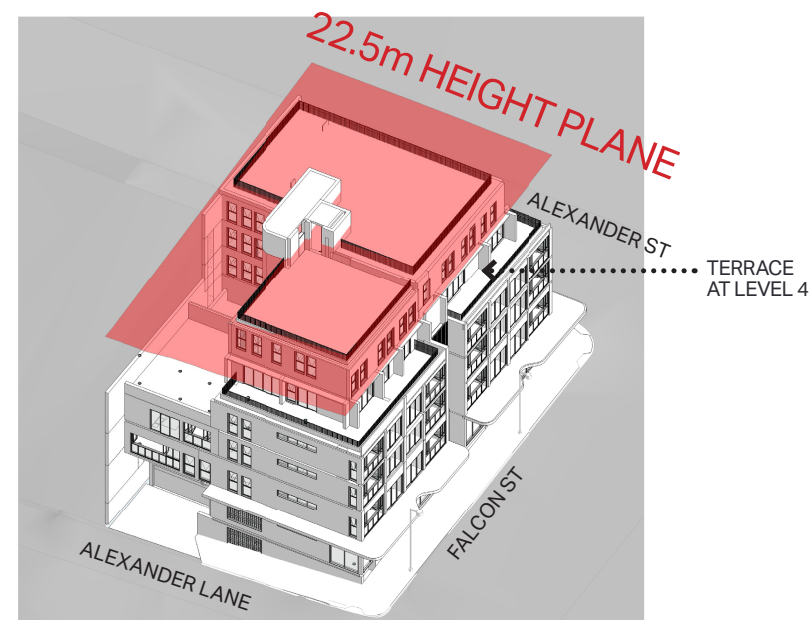
The first is the south eastern corner of the upper rooftop by 500mm (1)

The second is the south eastern corner of the lower rooftop by 400mm (2)

Therefore it is requested that an additional 500mm is included, i.e total height blanket is 22.5m. Refer to the diagram on the right of this page

## PROPOSED BUILDING ENVELOPE - 22.5M

PLUS 3M FOR LIFT OVERRUN AND ASSOCIATED STRUCTURES FOR ACCESS TO COMMUNAL ROOFTOP SPACE



Why does the Development require an additional building height of 500mm?

Increased Level 3 floor to floor height from 3100mm to 3300mm

- ADG suggests 3100mm floor to floor in order to achieve 2700mm ceiling height

- At Level 4 plan, building setbacks from Falcon Street, Alexander Street and Alexander Lane, Outdoor terraces are proposed at the setback zone

- Terraces will comprise of a 250mm structural slab to allow for cast in drainage, 100mm for waterproofing / thermal insulation and an allowance for the terrace floor finish

A total of **3300mm floor to floor of Level 3** would allow for this buildability whilst maintaining 2700mm ceiling heights in line with ADG objective 4C-1.

Increased Level 5 floor to floor height from 3100mm to 3400mm

- ADG suggests 3100mm floor to floor in order to achieve 2700mm ceiling height

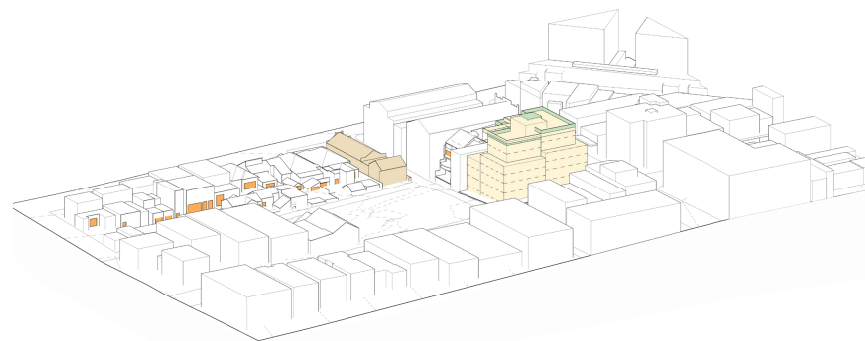
- Rooftop will comprise of an allowance of 350mm structural slab / parapet to allow for cast in drainage, 100mm for waterproofing / thermal insulation and an allowance for the terrace floor finish

A total of **3400mm floor to floor of Level 5** would allow for this buildability whilst maintaining 2700mm ceiling heights in line with ADG objective 4C-1.

# SUN EYE VIEW - WINTER SOLSTICE 9AM - 21ST OF JUN

## BUILDING ENVELOPE - 22M

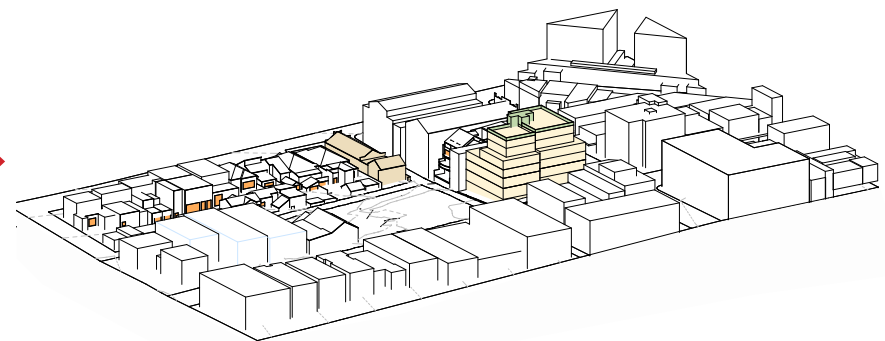
PLUS 3M FOR LIFT OVERRUN AND ASSOCIATED STRUCTURES FOR ACCESS TO  
COMMUNAL ROOFTOP SPACE



SUN EYE VIEW - WINTER SOLSTICE - 9AM

## PROPOSED BUILDING ENVELOPE - **22.5M**

PLUS 3M FOR LIFT OVERRUN AND ASSOCIATED STRUCTURES FOR ACCESS TO  
COMMUNAL ROOFTOP SPACE



SUN EYE VIEW - WINTER SOLSTICE - 9AM

Sun eye view diagram above demonstrates that proposed built form which includes 500mm additional building height does not unreasonably impact on premises in the vicinity of the subject site.

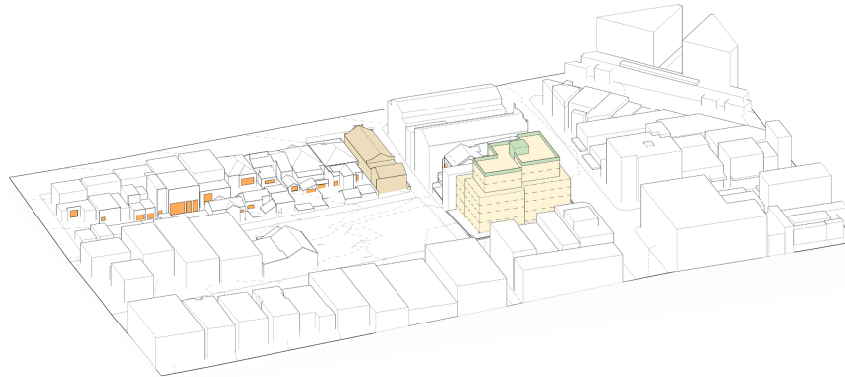
### LEGEND:

- Proposed development
- Proposed development lift overrun and rooftop facilities
- Existing surrounding developments
- Heritage Item - Commercial Office
- Living Rooms - In neighboring dwellings with solar access

# SUN EYE VIEW - WINTER SOLSTICE 10AM - 21ST OF JUN

## BUILDING ENVELOPE - 22M

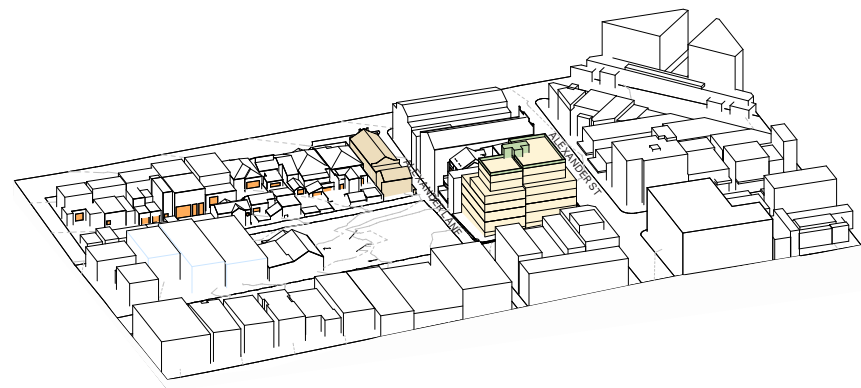
PLUS 3M FOR LIFT OVERRUN AND ASSOCIATED STRUCTURES FOR ACCESS TO  
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SUN EYE VIEW - WINTER SOLSTICE - 10AM

## PROPOSED BUILDING ENVELOPE - **22.5M**

PLUS 3M FOR LIFT OVERRUN AND ASSOCIATED STRUCTURES FOR ACCESS TO  
COMMUNAL ROOFTOP SPACE



SUN EYE VIEW - WINTER SOLSTICE - 10AM

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### LEGEND:

- Proposed development
- Proposed development lift overrun and rooftop facilities
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# SUN EYE VIEW - WINTER SOLSTICE 11AM - 21ST OF JUN

## BUILDING ENVELOPE - 22M

PLUS 3M FOR LIFT OVERRUN AND ASSOCIATED STRUCTURES FOR ACCESS TO COMMUNAL ROOFTOP SPACE



SUN EYE VIEW - WINTER SOLSTICE - 11AM

## PROPOSED BUILDING ENVELOPE - **22.5M**

PLUS 3M FOR LIFT OVERRUN AND ASSOCIATED STRUCTURES FOR ACCESS TO COMMUNAL ROOFTOP SPACE



SUN EYE VIEW - WINTER SOLSTICE - 11AM

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### LEGEND:

- Proposed development
- Proposed development lift overrun and rooftop facilities
- Existing surrounding developments
- Heritage Item - Commercial Office
- Living Rooms - In neighboring dwellings with solar access

# SUN EYE VIEW - WINTER SOLSTICE 12PM - 21ST OF JUN

## BUILDING ENVELOPE - 22M

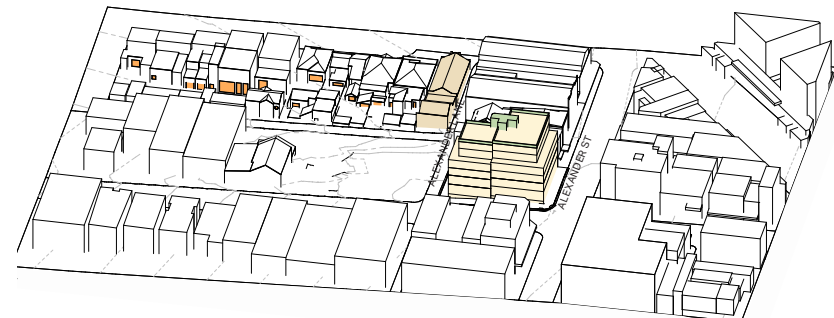
PLUS 3M FOR LIFT OVERRUN AND ASSOCIATED STRUCTURES FOR ACCESS TO COMMUNAL ROOFTOP SPACE



SUN EYE VIEW - WINTER SOLSTICE - 12PM

## PROPOSED BUILDING ENVELOPE - **22.5M**

PLUS 3M FOR LIFT OVERRUN AND ASSOCIATED STRUCTURES FOR ACCESS TO COMMUNAL ROOFTOP SPACE



SUN EYE VIEW - WINTER SOLSTICE - 12PM

Sun eye view diagram above demonstrates that proposed built form which includes 500mm additional building height does not unreasonably impact on premises in the vicinity of the subject site.

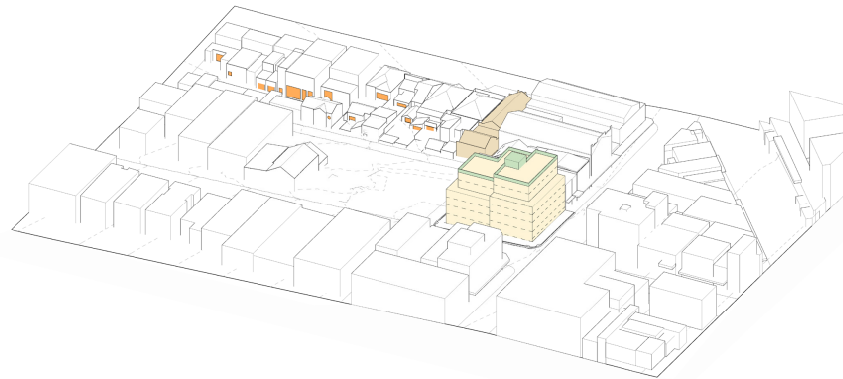
### LEGEND:

- Proposed development
- Proposed development lift overrun and rooftop facilities
- Existing surrounding developments
- Heritage Item - Commercial Office
- Living Rooms - In neighboring dwellings with solar access

# SUN EYE VIEW - WINTER SOLSTICE 1PM - 21ST OF JUN

## BUILDING ENVELOPE - 22M

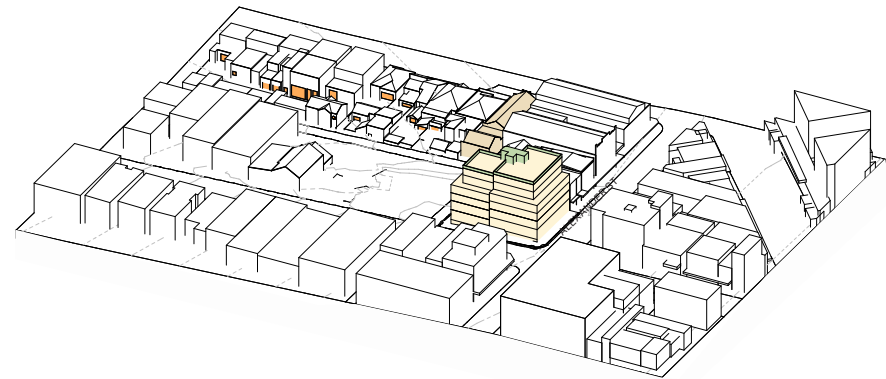
PLUS 3M FOR LIFT OVERRUN AND ASSOCIATED STRUCTURES FOR ACCESS TO COMMUNAL ROOFTOP SPACE



SUN EYE VIEW - WINTER SOLSTICE - 1PM

## PROPOSED BUILDING ENVELOPE - **22.5M**

PLUS 3M FOR LIFT OVERRUN AND ASSOCIATED STRUCTURES FOR ACCESS TO COMMUNAL ROOFTOP SPACE



SUN EYE VIEW - WINTER SOLSTICE - 1PM

Sun eye view diagram above demonstrates that proposed built form which includes 500mm additional building height does not unreasonably impact on premises in the vicinity of the subject site.

### LEGEND:

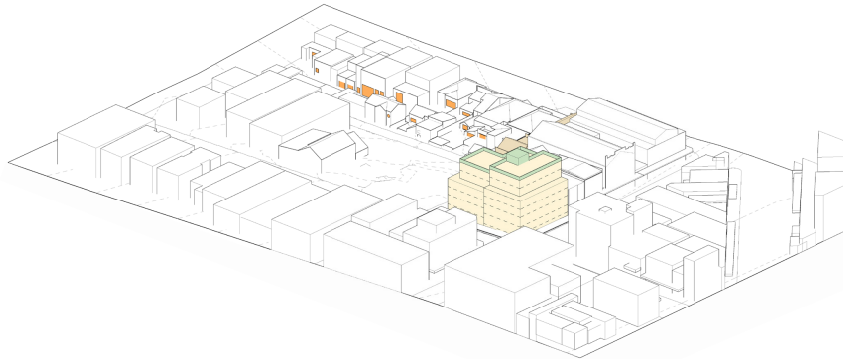
- Proposed development
- Proposed development lift overrun and rooftop facilities
- Existing surrounding developments
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- Living Rooms - In neighboring dwellings with solar access



# SUN EYE VIEW - WINTER SOLSTICE 2PM - 21ST OF JUN

## BUILDING ENVELOPE - 22M

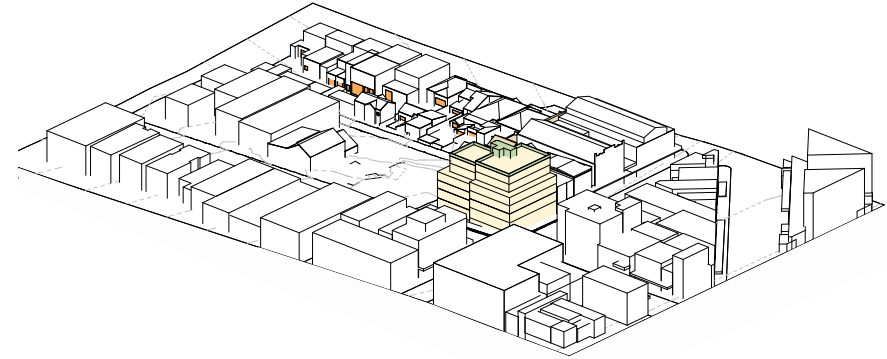
PLUS 3M FOR LIFT OVERRUN AND ASSOCIATED STRUCTURES FOR ACCESS TO COMMUNAL ROOFTOP SPACE



SUN EYE VIEW - WINTER SOLSTICE - 2PM

## PROPOSED BUILDING ENVELOPE - **22.5M**

PLUS 3M FOR LIFT OVERRUN AND ASSOCIATED STRUCTURES FOR ACCESS TO COMMUNAL ROOFTOP SPACE



SUN EYE VIEW - WINTER SOLSTICE - 2PM

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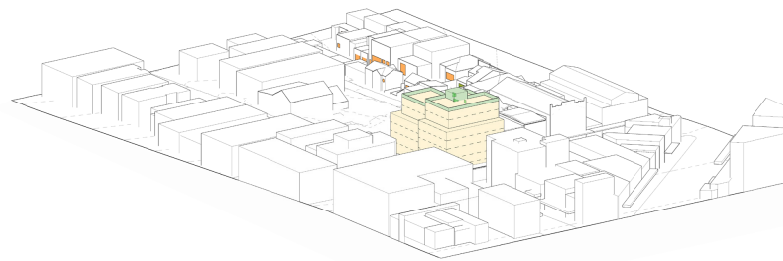
### LEGEND:

- Proposed development
- Proposed development lift overrun and rooftop facilities
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# SUN EYE VIEW - WINTER SOLSTICE 3PM - 21ST OF JUN

## BUILDING ENVELOPE - 22M

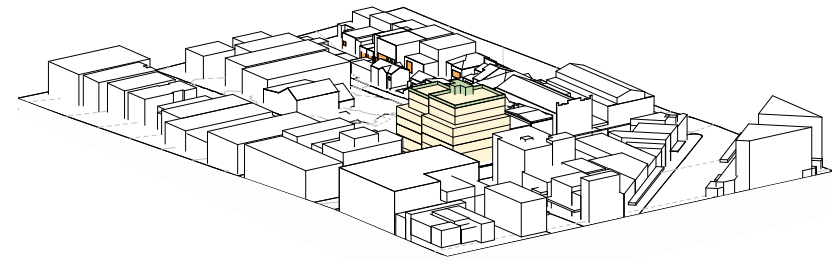
PLUS 3M FOR LIFT OVERRUN AND ASSOCIATED STRUCTURES FOR ACCESS TO COMMUNAL ROOFTOP SPACE



SUN EYE VIEW - WINTER SOLSTICE - 3PM

## PROPOSED BUILDING ENVELOPE - **22.5M**

PLUS 3M FOR LIFT OVERRUN AND ASSOCIATED STRUCTURES FOR ACCESS TO COMMUNAL ROOFTOP SPACE



SUN EYE VIEW - WINTER SOLSTICE - 3PM

Sun eye view diagram above demonstrates that proposed built form which includes 500mm additional building height does not unreasonably impact on premises in the vicinity of the subject site.

### LEGEND:

- Proposed development
- Proposed development lift overrun and rooftop facilities
- Existing surrounding developments
- Heritage Item - Commercial Office
- Living Rooms - In neighboring dwellings with solar access



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19 January 2024

Therese Manns, General Manager  
North Sydney Council  
200 Miller Street  
North Sydney, NSW 2060

**ATTN: Marcelo Occhiuzzi**

Dear Marcelo,

**Re: 17-25 Falcon Street, Crows Nest – Planning Proposal Amendment – PP/9/22**

This letter has been prepared by Mecone Group (**Mecone**) on behalf of 21 Falcon (The **proponent**). It provides an amended submission in relation to Planning Proposal 9/22 at 17-25 Falcon Street, Crowsnest (the **site**).

The purpose of this letter is to provide a high-level overview of the change to the height of building control which is being sought.

This letter should be read in connection with the following documents:

- **Appendix 1** – Response to Council's Comments by Drew Dickson Architects, dated 21/08/2023
- **Appendix 2** – Architectural Plans by Drew Dickson Architects, dated 18/01/2024
- **Appendix 3** – LPP Report Planning proposal 9/22

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## BACKGROUND

### Planning Proposal 9/22

Planning Proposal 9/22, was lodged by the applicant on 1 November 2022, and sought to amend the planning controls under the North Sydney Local Environmental Plan (NSLEP) 2013 as they apply to the subject site:

- increase the maximum building height from **10m to 21m** (6-storeys); and
- amend the height of buildings map to extend "Area 2" under clause 4.3A.

Note – "Area 2" allows for an exceedance of the maximum height of buildings control by up to 3m, to allow lift overruns and associated structures in connection with access to communal roof top space.

The intent of the Planning Proposal is to facilitate the delivery of a 6-storey mixed-use commercial/residential development in accordance with the aims of the *Civic Precinct Planning Study (CPPS)*, which recommends the following height and FSR controls for the subject site:

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

The applicant did not propose any amendment to the minimum non-residential floorspace ratio (FSR) control as part of the Planning Proposal. The applicant's reference scheme does however indicate 1,062m<sup>2</sup> of non-residential floorspace (FSR of 1.19:1) as per Council's CPPS.

On review, Council officers recommended a number of changes to the planning proposal, primarily seeking that the proponent:

- Review the existing floor levels including ground floor

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Level 12, 179 Elizabeth Street, Sydney NSW 2000



- Test a 22m height plane + 3m lift overrun
- Explore podium heights and number of storeys
- Omit lower ground floor retail/commercial space
- Test the total GFA and FSR.

A response to Council's comments (**Appendix 1**) was issued to Council on 21 August 2023. It should be noted that this was a preliminary pack for discussion, highlighting key amendments that could be made to the planning proposal. It was not supported by a detailed reference design.

#### **Local Planning Panel (LPP) Meeting 11/12/23**

Council officers recommended the Planning Proposal and revised VPA offer be supported, subject to the Planning Proposal being formally amended - to incorporate the applicant's full response to the recommendations of Council's assessment report and the NSLPP - prior to being forwarded to DPE with a request for a Gateway Determination.

At the LPP meeting, speakers from Mecone and Drew Dickson Architects made the following representations;

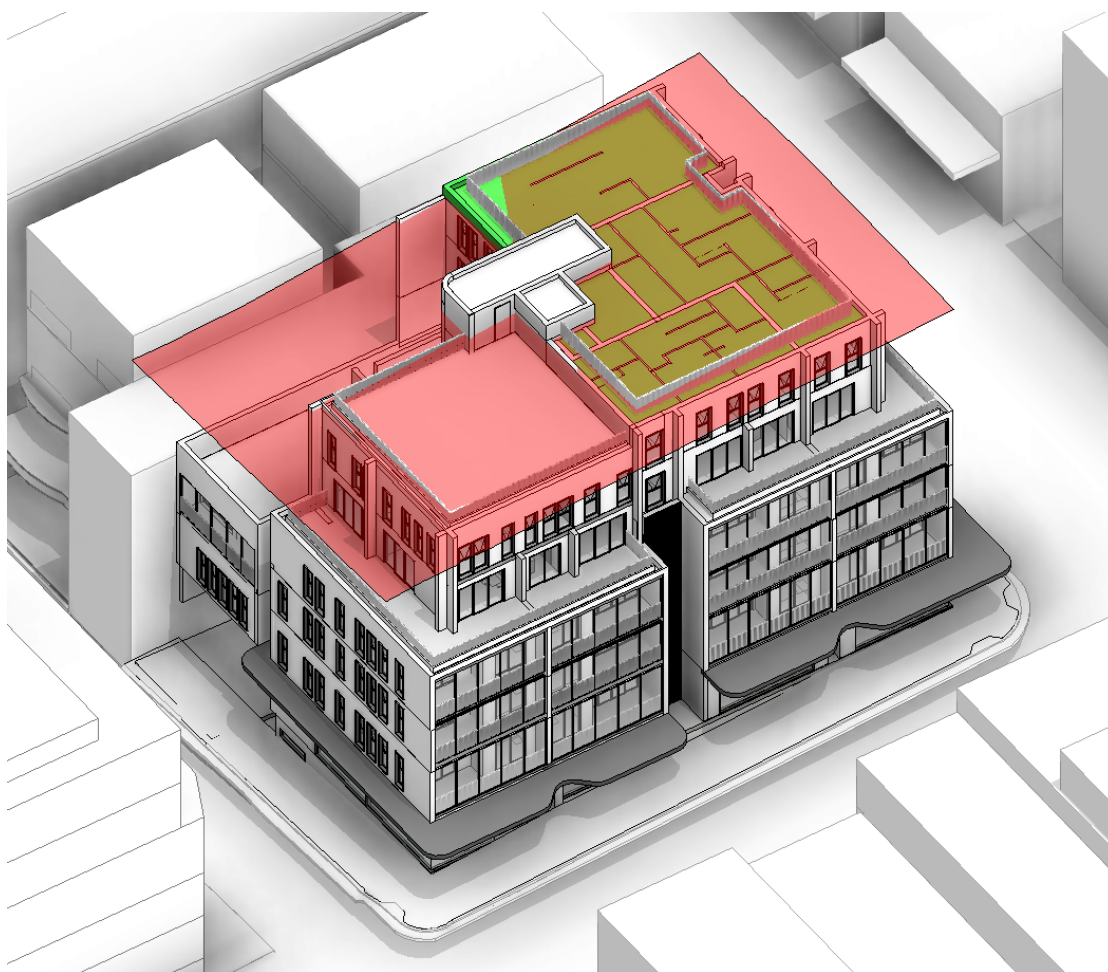
- That the 22m height control was based on a preliminary envelope design submitted by Drew Dickson Architects.
- That the Officers report had not fully considered the north-west to south-east cross fall on the site – which exceeds 4m.
- That detailed design progression based on the minimum permitted floor-floor height controls, and the *Design and Building Practitioners Regulation 2021* (as amended 3 July 2023) showed that additional height would be required for a 6-storey development on the site. Notionally an additional 0.5m was requested to accommodate a future detailed DA design.
- That the additional height sought would only marginally affect a small number of properties on Haybury Street. Which have otherwise unrestricted solar access and will easily maintain ADG compliant solar access.
- That no other aspect of the Planning Proposal would be changed.

**Figures 1 and 2** overpage were presented to Council.

LPP resolved to defer the matter so that Council officers could fully assess the degree of change sought to the height of buildings control. Note that minutes have not been formally released.



**Figure 1 Section through 22m HOB plane**  
Source: Drew Dickson Architects



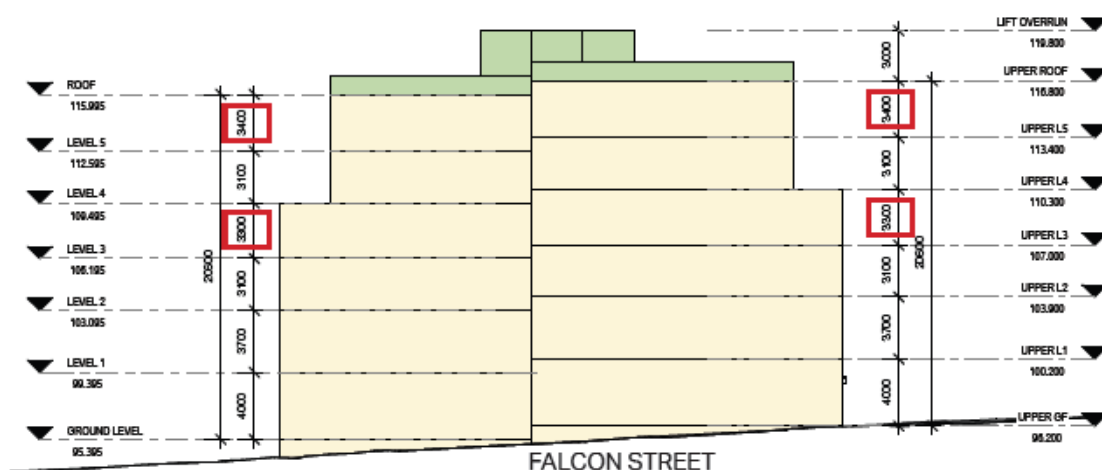
**Figure 2 Exceedance (green) of ADG compliant building with 22m HOB plane (red)**  
Source: Drew Dickson Architects



### Amendments to the Planning Proposal

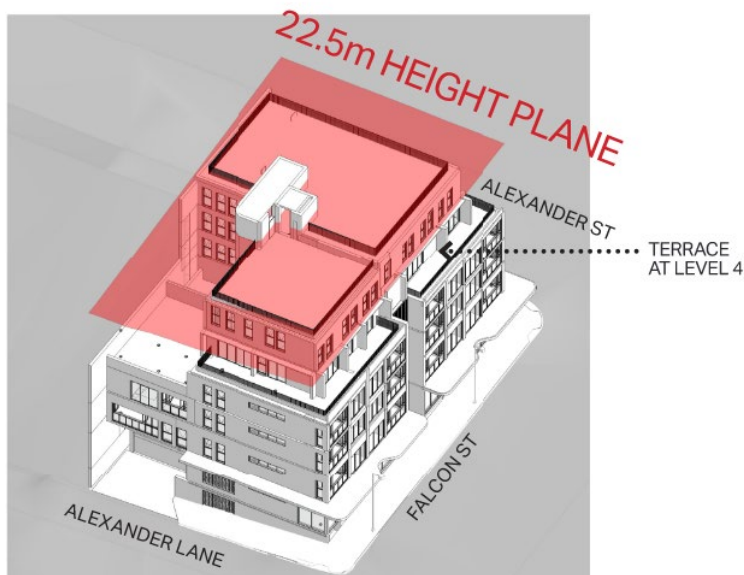
In accordance with the July 2023 amendment to the *Design and Building Practitioners Regulation 2021*, we now know that as a minimum, the floor to floor height of residential development is required to be increased from 3.1m to 3.3m on non-standard floors (ie where there is a terrace above). This is to accommodate structural slab thickness, waterproofing and thermal insulation.

This change results in an additional 0.2m of floor to floor height at level 3, and an additional 0.3m of floor to floor height at level 5, totaling 0.5m of additional building height for the building. Therefore a **Height of Building control of 22.5m** is proposed – see **Figure 3 & 4**.



**Figure 3 Proposed ADG compliant section with 22.5m building height**

Source: Drew Dickson Architects



**Figure 4 ADG compliant building within the 22.5m building height plane**

Source: Drew Dickson Architects



Providing less than 3.3m floor to floor height to levels 3 and 4 would result in an 'unbuildable' scheme, which wouldn't meet the relevant building standards, or a scheme which could only be built to 5-storeys. This would not be in accordance with the *Civic Precinct Planning Study (CPPS)* which seeks a 6-storey development on the site.

Sun-eye diagrams have been provided at **Appendix 2** which demonstrate that the additional 0.5m will have an imperceptible impact on solar access to neighbouring buildings. All neighbouring buildings will maintain compliant solar access.

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## CONCLUSION

We trust that the response provided in this letter and the supporting appendices can be supported and that the Planning Proposal can be reported favourably to North Sydney LPP.

Should you wish to discuss further, please contact the undersigned.

Yours sincerely,

Gemma Bassett  
**Associate**